Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	18/08/2023
Application number:	PL/2023/05410
Proposal:	Demolition of existing barns and erection of 3 no. dwellings, with associated parking, turning, landscaping, private amenity space and access (Resubmission of PL/2022/06061)
Site address:	Land at Roundway Farm, Folly Road, Roundway, Devizes, Wilts, SN10 2HZ
Case officer:	Jonathan James

Recommendations:

	No comment
	Support
	No objection
	Condition (no objection subject to conditions)
x	Objection - further information required
	Objection in principle
	HRA completed

Further Information Required:

	Issue	Policy/Legislative Compliance	Date Information Requested & Further Information Required	Satisfactorily Addressed (Document & Date)
1.	Great crested newt	WCA 1981, Hab. Regs.	**18/08/2023** – Confirmation on the potential for the site to support great crested newt.	
2.	Bats	WCA 1981, Hab. Regs.	**18/08/2023** – Confirmation on the potential for trees on site to support roosting bats.	
3.	Habitat Regulations Assessment	Hab. Regs.	**18/08/2023** – Details of underground services, including Sewage Treatment Works.	
4.	Biodiversity No Net Loss/ Enhancement	CP 50, NPPF 2021	**18/08/2023** – Site Plan to be updated to show new native species-rich hedgerow.	

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.
Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The application is supported by a Preliminary Ecological Appraisal by Chalkhill Environmental Consultants. The ecological survey found that the habitats and buildings within the site are of generally low importance for conservation, although the boundary trees and hedges do contribute to primary connectivity within the wider landscape area for a range of wildlife species including bats, other small mammals and nesting birds. The ecology report makes a series of recommendations in Section 8 for precautionary measures to be implemented as part of the development, to ensure that protected species are not adversely impacted by the works.

The ecology report states that there is a pond approximately 150 m from the site but has made no reference to the dew pond located 17 m from the site. If the dew pond supports great crested newts then it is conceivable that this species would use habitats on site, even transitionally, given the proximity of the site to the pond. Three trees are proposed for removal, an assessment of the suitability of trees on the site for roosting bats has not been provided.

Habitat Regulations Assessment: Hampshire Avon Catchment

This development falls at the edge of the catchment of the River Avon Special Area of Conservation (SAC) and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Further information is required to enable an assessment of the potential impacts of the development on the River Avon SAC.

Biodiversity No Net Loss/Enhancement

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 174 d). At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

The Site Plan (Drawing no: 230128-02, May 2023) shows the retention of the majority of site boundary vegetation, this is welcomed due to the likely importance of these features to the local faunal assemblage. It is important that understorey and transitional habitat associated with the boundaries is retained and protected during demolition and construction.

The Tree Survey and Tree Constraints Plan (Report ref: 23.1265, June 2023) notes that a willow tree (T6) has been selected for removal as it is ‘too imposing’ on the proposed dwelling. The tree report recommends a cycle of pollarding in order to retain the tree in-situ, the retention of this tree is encouraged. Two other trees have been selected for felling as they are in poor condition.

Whilst site boundary vegetation is largely retained the development will result in the loss of the majority of all other habitats on site. To compensate for the loss of habitat on the site a commitment to plant the proposed new hedgerow with at least five native species of local provenance is requested prior to determination. Further details of landscaping can be secured via condition. All species proposed for planting should be native and of local provenance. Where the use of non-native species is unavoidable species should be chosen which are of known value to wildlife and do not become invasive in the wild.

Section 9 of the ecology report contains recommendations to enhance the site for fauna including three integrated bat boxes (one on each building) and three integrated swift boxes (clustered on one building). Integral features must seek to benefit a target species/s or group/s and demonstrate viability in terms of position on building, location and clustering in accordance with relevant guidance and recommendations in the ecology report.

Artificial Lighting

The Planning, Design & Access Statement (Issue 1, 4th July 2023) states that no external lighting is proposed, this is welcomed as the habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Further Information Required

1. Great Crested Newt
   Confirmation is required on whether the site has potential to support great crested newt given the proximity of a pond to the site. The response should be supported by sufficient evidence.

2. Bats
   Confirmation is required on whether trees on the site, specifically those to be felled, have suitability for roosting bats. The response should be supported by sufficient evidence.

3. Habitats Regulations Assessment
   Confirmation is required on the sewerage connection and which Sewage Treatment Works the development will discharge into. If any additional habitat is to be lost to facilitate connection to the sewer or any other underground service, this should be disclosed.

4. Biodiversity No Net Loss/Enhancement
   Site Plan to be updated to show the proposed hedgerow as a native species-rich hedgerow.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:
   - Site plan, Drawing no: 230128-02, May 2023, Fowler Architecture & Planning.

   REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

2. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. These details should be clearly shown on a site plan. The approved details shall be implemented before occupation of the final works.

   REASON: To provide enhancement for biodiversity.

3. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

4. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
    a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection e.g., exclusion fencing.
    b) Working methods to protect trees during demolition and construction.
    c) Working method statements for protected/priority species, such as nesting birds and reptiles.
    d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
    e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

    Development shall be carried out in strict accordance with the approved CEMP.

    REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

INFORMATIVES:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Bats

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Final sign off – all matters addressed:

Ecologist	Date