Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	23/08/2023
Application number:	PL/2023/06369
Proposal:	Alterations to existing domestic ancillary buildings to the east of Kinwardstone Farm as described and shown within the supporting letter and drawings 214. PL01 - PL04.
Site address:	Kinwardstone Farm, Grafton Road, Burbage, Marlborough, SN8 3BU
Case officer:	Jane Sanger

Recommendations:

	No comment
	Support
	No objection
x	Condition (no objection subject to conditions)
	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)

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.

Ecological survey of the site was carried out by Stark Ecology Ltd at a suitable time of year and following industry guidelines. I consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development. I am satisfied that there is sufficient information to be able to make a judgement as to whether protected habitats and/or species are likely to be adversely impacted by the proposed development and that no further survey is required in relation to the current application.

The ecological survey found the stables to have moderate potential for roosting bats, though no bat roosts were confirmed during the initial visit or subsequent nocturnal bat surveys. The stables have suitability for nesting birds and there is suitable habitat in the wider area for badgers, brown hare and hedgehog. The ecology report makes a series of recommendations on Pages 17 and

18 for precautionary measures to be implemented as part of the development, to ensure that protected species are not adversely impacted by the works.

Habitat Regulations Assessment (HRA)

This development falls within 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. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non-sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended). This was endorsed by Natural England on 7 January 2021. The Planning Statement (Hoard, Ridge & Morris, July 2023) states that the development will be used as ancillary domestic accommodation to the house, therefore this application falls within the scope of the mitigation strategy and generic appropriate assessment and I conclude it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC. If the application is granted permission the use of the ancillary accommodation to be residential use of the main dwelling must be secured by an appropriately worded planning condition.

The strategic mitigation is being delivered by the council on behalf of developers, providing that burdens are avoided and mitigated on site as far as practicable, such as the use of sustainable urban drainage systems (SuDS). For this application the above criteria have been met.

Artificial Lighting

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 GN08-23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Biodiversity No Net Loss/Enhancement

The ecology report has not provided recommendations to mitigate for the loss of bird nesting habitat or to provide an enhancement for biodiversity on the site. 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. Details of ecological enhancements such as roosting bat features, bird boxes and habitat piles/hibernacula to be provided as mitigation/enhancement are required. Integrated features are preferable and can include integrated bird/bat boxes, bee bricks, or features such as access tiles for roosting bats. Details must be shown on a site plan/technical elevations drawing and should include location, number, type (include make/model, if appropriate) and positioning (height, aspect, surrounding habitat, as applicable). 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. This information can be provided prior to determination or secured via condition.

Biodiversity enhancements will continue to be available for the target species for the lifetime of the development.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:
    - Preliminary Ecological Appraisal Report and Bat Survey Report. July 2023. Stark Ecology Ltd

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

2. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Kinwardstone Farmhouse and it shall remain within the same planning unit as the main dwelling.

    REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, nutrients associated with the River Avon Special Area of Conservation and planning policies pertaining to the area, would not permit a wholly separate dwelling.

3. The overnight development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

    REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

4. 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/technical elevations drawing. The approved details shall be implemented before occupation of the final works.

    REASON: To provide enhancement for biodiversity.

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 **Rachel Whyte, Ecologist**	Date **23/08/2023**