Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	16/08/2023 29/09/2023
Application number:	PL/2023/03008
Proposal:	Conversion of existing garage outbuilding to ancillary accommodation and associated works.
Site address:	Cuffs Cottage, East Hatch, Tisbury, Wiltshire, SP3 6PJ
Case officer:	Jonathan Maidman

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)
1.	Ecological assessment	CP 50, WCA 1981, NPPF 2021, Hab. Regs.	**16/08/2023** - Assessment of the potential impacts of the development on bats and nesting birds	**YES 29/09/2023** - Letter from Lowans Ecology & Associates. Dated 3rd September 2023.
2.	Biodiversity No Net Loss/Enhancement	CP 50, NPPF 2021	**16/08/2023** - Proposals to demonstrate no net loss of functional habitat	**YES 29/09/2023** - Letter from Lowans Ecology & Associates. Dated 3rd September 2023.

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.

29/09/2023

Further information has been provided by Lowans Ecology & Associates to address the request for further information dated 16/08/2023. I am satisfied that sufficient information has been provided to remove the holding objection.

Chilmark Quarries SAC

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). The development is small in scale and nature and any increase in artificial lighting is expected to be minimal. Furthermore, the Letter from Lowans Ecology & Associates (Dated 3rd September 2023) confirms that there will be no removal of vegetation to facilitate the development. The test of likely significance therefore concluded that there is no mechanism for adverse effect and operational impacts would be de-minimis. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

Biodiversity No Net Loss

The letter from Lowans Ecology & Associates (Dated 3rd September 2023) includes recommendations to enhance the site for biodiversity comprising 1 x integrated bat tube or bat brick and two swift boxes. Whilst the letter shows indicative placement of these features, the Proposed Plans document has not been updated to include the enhancements. Ecological enhancements must be shown on an enforceable plan, this information can be secured via condition.

16/08/2023

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 us supported by a Preliminary Roost Appraisal and Barn Owl Survey report by Lowans Ecology & Associates (June 2023). The report concluded that the barn has negligible suitability for a bat roost. No evidence of barn owl was found in the barn, however boundary walls provide habitat for nesting birds.

The site is within the consultation zone for Chilmark Quarries Special Area of Conservation (SAC) and in the absence of survey data which demonstrates otherwise it is assumed that bat species associated with the SAC will occur on site. Due to the sensitive nature of the area, it is not considered appropriate to discount the need for requesting records from the local records centre as even though the barn may not support roosting bats, site boundary habitats are likely to support foraging and commuting bats and this must be taken into account when gathering survey data and assessing the impacts of the development. Light spill from internal windows of the proposed ancillary accommodation is anticipated to result in an increase in ambient light levels on the site and potentially on boundary vegetation which could be used by bats. The Preliminary Roost Appraisal and Barn Owl Survey report does not provide an assessment of the potential impacts of the development on bats associated with the SAC.

The works to the barn have the potential to impact on boundary vegetation and the extent of vegetation removal required has not been provided. The removal of boundary vegetation could impact on bats using these features to commute through the landscape and could result in the loss of bird nesting habitat. An assessment of these impacts has not been provided and recommendations have not been made to provide mitigation and enhancement measures.

Habitat Regulations Assessment (HRA)

Chilmark Quarries SAC

The application site is located within a consultation zone for bats associated with the Chilmark Quarries SAC and therefore has potential to result in significant adverse impact on the special

features of that site. Insufficient information has so far been submitted to enable the HRA to be undertaken. In the first instance the ecologist must provide an assessment of the potential impacts of the development on special features of the SAC and the requirement (if any) for mitigation measures.

River Avon SAC

This development falls within the catchment of the River Avon 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. It was confirmed via email on 14th August 2023 that the proposed ancillary accommodation will not be used as overnight tourist accommodation, 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. <u>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.</u>

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.

<u>Biodiversity No Net Loss/Enhancement</u>

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.

Whilst a Biodiversity Net Gain (BNG) calculation will not be requested here, the Council requires the proposal to demonstrate no net loss of functional habitat.

The inclusion of bird nesting and bat roosting opportunities is encouraged in accordance with Core Policy 50. These features should be integrated into the proposed development if possible e.g. bird nesting brick or bat access tiles/ridge tiles, with locations guided by a professional ecologist. Details of ecological enhancements should be shown on a site plan/elevations drawing and should include location, number, type (include make/model, if appropriate) and positioning (height, aspect, surrounding habitat, as applicable).

Further Information Required

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined below must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application.

1. Assessment of the potential impacts of the development on bats (including SAC bats) and nesting birds which could occur on site. Mitigation measures to be provided as necessary.
2. Proposals to demonstrate no net loss of functional habitat. The provision of biodiversity enhancements is encouraged.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:
    - Letter from Lowans Ecology & Associates. Dated 3rd September 2023.
    - Preliminary Roost Appraisal and Barn Owl Survey. Version 1. Lowans Ecology & Associates. 30th June 2023.

    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 features for bats and birds shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

    REASON: To provide enhancement for biodiversity.

3. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

    REASON: To avoid illumination of habitat used by bats.

4. The ancillary accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Cuffs Cottage 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.

INFORMATIVES:

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.

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.

Final sign off – all matters addressed:

Ecologist	Date
Rachel Whyte	**29/09/2023**