Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	25/08/2023 02/10/2023
Application number:	PL/2023/06439
Proposal:	Ground floor and first floor extensions
Site address:	Merrow Cottage, 80, Monkton Deverill, Warminster, BA12 7EX
Case officer:	Angela Ellis

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.	Bats	Habs Regs	**25/08/2023** – Additional detail required on serotine roost and proposed mitigation.	**YES 02/10/2023** - Email from David Leach Ecology ltd to Angela Ellis, dated 12th September 2023. - Scheme. Drawing no: 2467/2B. - Phase 2 Bat Surveys. V3. September 2023. David Leach Ecology Ltd. - Preliminary Bat Roost Assessment. August 2022. Seasons Ecology.

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.

02/10/2023

Sufficient information has been provided to address the ecology comments submitted on 25th April 2023. I now have no objection subject to conditions. Please see recommended conditions below.

25/08/2023

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 is supported by a Phase 2 Bat Survey report by David Leach Ecology Ltd. The bat surveys confirmed the presence of a serotine maternity roost (up to 25 individuals recorded in a single night) and a common pipistrelle day roost (up to 4 individuals recorded in a single night).

The ecology report makes a series of recommendations in Section 5.5 and 5.6 for precautionary measures to be implemented as part of the development, to ensure that protected species are not adversely impacted by the works. These include avoidance measures and some provision of alternative features to ensure that wildlife continues to be accommodated within the development.

A European Protected Species (EPS) bat Mitigation Licence will need to be obtained for the lawful construction of this development. In carrying out its statutory function the LPA needs to be reasonably sure that the proposed development will not result in adverse impact to protected habitats and species and that the necessary licence is likely to be forthcoming from Natural England. This information is required prior to determination of the application.

Further Information Required

1. Bats

   Further information is required to address the following points:
   - Has the roof void been surveyed and if so, was this area accessible for bats?
   - Have efforts been made to retain the maternity roost in-situ given the indicated access points in relation to the areas impacted by the works?
   - The locations of roost access points have been provided, however details on the features used as the maternity roost have not. This information is required to demonstrate that the proposed mitigation measures are sufficient to compensate for the proposed loss of this roost.
   - The proposed integrated bat tube is located near to a window, ideally this should be as far away from artificial light sources as possible, and a different aspect (e.g., southeast) may be more suitable.

   The site plan/technical elevations drawings must be updated to show proposed mitigation and enhancement measures (including measures for birds).

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 above must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application.

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. The Bat Survey report also gives guidance on artificial light.

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 Bat Survey Report includes a recommendation to provide a house martin terrace as an enhancement for biodiversity, this is welcomed.

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. 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). This concluded that as the proposals constitute the extension of an existing dwelling that there is no mechanism for adverse effect and operational impacts would be de-minimis.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:

    - Scheme. Drawing no: 2467/2B.
    - Phase 2 Bat Surveys. V3. September 2023. David Leach Ecology Ltd.

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

2. Bat roosts and bat access points will be incorporated into the development in accordance with *Scheme (Drawing no: 2467/2B)* and *Phase 2 Bat Surveys (V3. September 2023. David Leach Ecology Ltd)* or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

    REASON: To mitigate for impacts to bats arising from the development.

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.

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

Merrow Cottage is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

Final sign off – all matters addressed:

Ecologist **Rachel Whyte**	Date **02/10/2023**