Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	09/10/2023
Application number:	PL/2023/05330
Proposal:	Renovation and Extension of the existing chalet bungalow. New timber framed outbuilding to provide artist studio space.
Site address:	Trematon, Ashley, Box, Corsham, SN13 8AQ
Case officer:	Steve Tapscott

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 Impact Assessment (EcIA)	Hab Regs, WCA, CP50, NPPF	**22/08/2023** An Ecological Impact Assessment is required	**YES** Preliminary Ecological Assessment (PEA), Version CIC v1.1, Date: 25th September 2023 by Ellendale Environmental **03/10/2023** Preliminary Ecological Assessment (PEA), Version CIC v1.2, Date: 6th October 2023 by Ellendale Environmental **09/10/2023**

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 <u>all</u> 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.

In the absence of an ecology assessment submitted to this application it is not possible to determine the possible likely impacts to biodiversity. The proposed works have the potential to disturb and destroy bat roosts and increase the artificial light spill in a consultation zone for bats. Therefore, an Ecological Impact Assessment is required to review these impacts and any other impacts associated with the proposed development.

The EcIA should be completed by as suitably qualified ecologist using best practice guidelines and include but not be limited to:

- A bat roost assessment within the Zone of Influence.
- A review of the existing and proposed new artificial lighting including any internal light spill on to habitats that are likely used by bats for commuting and foraging. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The artificial lighting assessment should also consider the following document:https://www.cotswoldsaonb.org.uk/our-landscape/position-statements-2/cotswolds-dark-skies-artificial-light-position-statement/
- Confirmation if any vegetation will be impacted any the suitable mitigation measures if impacts are anticipated.

The proposed development is within a consultation zone for the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). Therefore, in the absence of survey information to confirm otherwise it is assumed the vegetation around the buildings are used by the Annex II bats associated with the SAC.

If potential impacts to the Bath & Bradford on Avon Bat SAC are not confirmed to be avoided or de-minimis from the proposed development, then Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA).

03/10/2023 The submission of the PEA is welcome. This report addresses the first information request but does not satisfactorily answer the other points which are repeated below for clarification.

- A review of the existing and proposed new artificial lighting including any internal light spill on to habitats that are likely used by bats for commuting and foraging. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The artificial lighting assessment should also consider the following document:https://www.cotswoldsaonb.org.uk/our-landscape/position-statements-2/cotswolds-dark-skies-artificial-light-position-statement/

- Confirmation if any vegetation will be impacted any the suitable mitigation measures if impacts are anticipated.

The enhancement measures in Section 4.3 of the report are welcome, however, it is not possible to condition the implementation of recommendations. The report needs to clarify what will be implemented as part of this application to ensure no net loss of biodiversity and ideally a net gain.

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.

Habitat Regulations Assessment (HRA) - Bath & Bradford on Avon Bats Special Area of Conservation (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 (Amendment) (EU Exit) Regulations 2019. This concluded that given the scale and nature of the development any temporary construction impacts and operational impacts would be de-minimus. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

CONDITIONS:

1. **Compliance with submitted documents**

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

Sections 4.2 and 4.3: Preliminary Ecological Assessment (PEA), Version CIC v1.2, Date: 6th October 2023 by Ellendale Environmental

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

INFORMATIVES:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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.

Final sign off – all matters addressed:

Ecologist **Max Hemmings**	Date **09/10/2023**