Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Jenna Buss
Date:	15/11/23
Application number:	PL/2023/07932
Proposal:	Demolition of existing and erection of replacement dwelling
Site address:	Culleys Cottage, Maiden Bradley, Warminster, BA12 7HP
Case officer:	David Millinship

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:

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 following submitted documentation was reviewed to inform this response:

- Preliminary Ecological Appraisal and Bat Survey. September 2023. David Leach Ecology Ltd;
- Proposed Roof/Block Plan. June 2023. Llewellyn Harker Lowe Architects and;
- Proposed Elevations. April 2023. Llewellyn Harker Lowe Architects.

Protected Species

The Bat Survey Report (David Leach 2023) submitted in support of the application identified a number of bat roosts within the building, including: serotine, common pipistrelle and brown long eared bat roosts. From the surveys undertaken, the roosts appeared to be non-breeding roosts of each species. Bats and their roosts are afforded stringent protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and as such are a material consideration within the planning consultation process. All roosts will be impacted by the proposals. However, mitigation has been detailed and included on technical drawings within Appendix 5 of the ecology report to ensure the roosting provision is retained in perpetuity.

A European Protected Species (EPS) bat Mitigation Licence will need to be obtained for the lawful construction of this development.

No evidence of other protected species were identified on site.

BNG

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 174 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. Natural England has now prepared version 4.0 of the Biodiversity Metric that includes a small site metric Beta version. 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 garden appears to support mature hedgerows which are functionally linked to the wider habitat. No landscape information has currently been submitted to support the application. Additional information is required to ensure the retention of the habitat on site. This should be included within a LEMP and detail how the soft landscaping will be retained in perpetuity to ensure bat foraging and commuting routes will be retained.

The ecology report details additional biodiversity enhancements within Appendix 6 and 7 which include the provision of bird and bat boxes which are welcomed.

Artificial Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. Details of the proposed external lighting have yet to be provided, however, 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.

A lighting plan will be required to ensure the bat access points retained are not directly lit and that flight lines remain dark to allow for foraging and commuting. This information can be secured through condition.

Hampshire River Avon Catchment

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. 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 2019 (as amended). This concluded that as the proposals are for a replacement dwelling, 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:
    - Preliminary Ecological Appraisal and Bat Survey. September 2023. David Leach Ecology Ltd

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

2. Replacement bat roosts will be incorporated into the development in accordance with*: Appendix 5, 6 and 7 of ecology report '*Preliminary Ecological Appraisal and Bat Survey. September 2023. David Leach Ecology Ltd' . 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 external lighting shall be installed on site until additional plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage overlaid on aerial images have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

   REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site

4. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include details of;
   a. Soft landscaping to be retained, ensuring the retention of existing wildlife corridors;

   REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

INFORMATIVES:

Bats
Bat roosts have been confirmed on and near the site. 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**.

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.

Protected Species General
The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) 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 in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Final sign off – all matters addressed:

Ecologist	Date
Jenna Buss	15/11/2023