Wiltshire Council

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Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	**21/11/2023**
Application number:	PL/2023/07895
Proposal:	Demolition of existing barns and erection of new four bed residential home and detached car port/garden store.
Site address:	Poles Farm, Swallowcliffe, Salisbury, Wilts, SP3 5NX
Case officer:	Joe Richardson

Recommendations:

	No Comment
	Support
	No objection
	Condition (no objection subject to conditions)
X	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, NPPF, CP50	**21/11/2023** An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following habitats and protected/ notable species: - Bats - Habitat - Badger - Reptiles / Amphibians - Breeding birds - Invertebrates - Invasive non-native species - Hazel dormice	**NO**
2	Habitat Regulations Assessment (HRA): Chilmark Quarries Bat Special Area of Conservation (SAC)	Hab Regs	**21/11/2023** Confirmation on the importance of the site for Annex II bats and a suitable mitigation strategy to ensure this area remains functional for these species. An AA might be required with the conclusion agreed with Natural England prior to the application being determined.	**NO**

3	HRA: Hampshire River Avon SAC Catchment	Hab Regs	**21/11/2023** Nutrient calculations and mitigation strategy.	**NO**

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.

The ecology report (Ecological Assessment, Poles Farm, Swallowcliffe, Report Number: 0463b, Issue Number: 02, Date: 19th May 2023 by: Peach Ecology) submitted to this application is welcomed.

The report confirms the presence of:

- Breeding birds (swallow, pigeon)
- A night roost for common pipistrelle within the main barn.

The site is in a great crested newt (GCN) amber risk zone however this species was scoped out of the assessment due to an eDNA survey on the adjacent pond returned negative results for GCN.

Bat roosts have been confirmed in the structures on the site. Under the Conservation of Habitat Regulations, 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 Natural England licence will be required before any work is undertaken to implement this planning permission.

The adjacent application PL/2023/07876 confirmed the below bat roosts which is pertinent for this application since the area is functionally linked:

- Day roosts for individual common pipistrelle (max count 2) and soprano pipistrelle (max count 1) in the main farmhouse/eastern fuel store.
- A likely serotine maternity roost in the main farmhouse attic although no roosting serotine bats were recorded during the emergence surveys.
- A likely night bat roost (species unknown) in the southern barn/milking shed A.
- A flight corridor for greater horseshoe (GHS) in the courtyard and road.

Further information is needed to clarify the survey effort and consequentiality the impacts to protected/notable species and habitats.

1. **Ecological Impact Assessment (EcIA)**

<u>Bats</u>

Clarification supported by evidence is required on the below:

- The hibernation roost suitability (if any) of the structures on the site.

- The locations and orientation of the surveyors for the emergence survey. Information on the field of view of each surveyor and their respective infra-red cameras would also be welcomed if available.

- The roost suitability of the trees to be impacted.

Reasoning is required on why bat activity surveys were not completed to assess the impact caused from the proposed habitat loss on the northern side of the site. The impact to habitat is discussed further below.

The proposed mitigation measures need to be included in the proposed building elevation drawings.

The site is located in the Chilmark Quarries Special Area of Conservation (SAC) bat consultation zone which is discussed further below in Section 2. However, the information requests listed in this section will also be relevant to inform the test of likely significance of impacts to the SAC.

Habitat

Further information is required to inform the impact assessment for the habitat on the north side of the proposed development. This habitat has been identified as a wildlife corridor by Swallowcliffe Parish Council (comment C-1383203) and has high suitability for numerous protected species.

Clarification supported by evidence is required on the below:

- How much of the area within the red/blueline boundary was surveyed. The images suggests a significant portion of this area was inaccessible due to dense scrub.

- Was the ecology assessment based on the landscape drawings:

    - New House Proposed Site Plan, No: NH14, Revision: E, Date: 20.01.2023 by Western Design Architects
    - New House Proposed Floor Plans, No: NH15, Revision: C, Date: 20.01.2023 by Western Design Architects

- Drawing NH14 shows a line to indicate the buffer zone of dense vegetation. Clarification is required if the dense vegetation will be retained. The tree planting in this area will need to be reviewed if this habitat will be retained.

- If the dense vegetation habitat is proposed to be removed, confirmation supported by evidence is required to confirm this area's importance for the below protected species:

    - Badger
    - Reptiles
    - Amphibians
    - Breeding birds
    - Invertebrates
    - Hazel dormice
    - Bats

    Mitigation will be required for the loss of habitat in addition to any mitigation (if required) for the above protected species.

Records of Japanese knotweed have been returned in this area, confirmation is required if the site hosts this species or other invasive non-native species.

2. **Habitat Regulations Assessment (HRA) - Chilmark Quarries Special Area of Conservation (SAC)**

The application site is within a consultation zone for bats (greater horseshoe and barbastelle) associated with the Chilmark Quarries (SAC) and therefore has potential to result in significant adverse impact on the special features of that site.

Appropriate Assessment (AA) under Section 63 of the Habitats Regulations might be required by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

Insufficient information has so far been submitted to determine if an AA needs to be undertaken. If an AA is required, this must be completed and the conclusion agreed with Natural England prior to the application being determined.

Clarification supported by evidence is required if the development will result in an increase in artificial light pollution on habitats used by Annex II bats. This should include the light spill caused from internal lighting.

Clarification on the impact to the habitat on the north side of the proposed development as discussed in Section 1 of this response.

3. **Habitat Regulations Assessment (HRA): Hampshire River Avon SAC 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. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects. Insufficient information has so far been submitted to enable the AA to be undertaken, which must be completed prior to the application being determined.

A nutrient calculation and mitigation strategy is required to confirm how phosphorus burdens have been avoided and mitigated. Information on calculating the phosphorus budget can be found here: https://www.wiltshire.gov.uk/planning-bio-phosphorous-nitrogen-mitigation

Due to the location of the brook, the ground water levels on site, the flood risk and proximity to other properties discharging to ground the threshold for insignificant effects is considered unlikely to be achieved for this application. An alternative strategy, which seemingly could be applicable to the applicant, involves upgrading any existing septic tanks within their ownership. If the applicant wishes to discuss the suitable mitigation further, we advise them to email ecologyconsultations@wiltshire.gov.uk and reference the planning application number and copy in the case officer.

Informative if a non-mains sewerage system is proposed. The area in which the development is located may experience flooding and ground water conditions of concern. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance “Water supply, wastewater and water quality”. Any installation of a Package Treatment Plant needs to meet approval of Environment Agency’s requirements under their permitting role

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.

DRAFT CONDITIONS: to be finalised when all information detailed above has been submitted and approved.

1. **Compliance with submitted documents**

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

- [updated building elevation drawings]

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

2. **Biodiversity Mitigation and Enhancement Measures**

The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with:

- [updated building elevation drawings]

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these 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 measures will continue to be available for wildlife for the lifetime of the development.

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

3. **Construction Environment Management Plan (CEMP)**

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b) Working method statements for protected/priority species and habitats, such as the brook, nesting birds, amphibians, reptiles and bats.
c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for bats; this should comprise the pre-construction/construction related elements of strategies only.

d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

4. Lighting

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 and the condition of Cranborne Chase AONB.

5. Water efficiency in River Avon Catchment

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.

6. PTP Condition

The proposed package treatment plant (PTP) and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

Reason: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future PTP is of an equivalent or improved standard.

Final sign off – all matters addressed:

Ecologist	Date