Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	08/11/2023
Application number:	PL/2023/07369
Proposal:	Conversion of outbuilding to 2 bedroom dwelling and associated works
Site address:	188 St Ediths Marsh, Bromham, Chippenham, SN15 2DJ
Case officer:	Steve Tapscott

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	Habitat Regulations Assessment (HRA) – Bath & Bradford on Avon Bats Special Area of Conservation (SAC)	WCA, Hab Regs	**08/11/2023 –** Clarification on the proposed mitigation measures and approval of the Appropriate Assessment by Natural England	**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 (Protected Species Survey & Mitigation Strategy, Date: 24th July by Malford Environmental Consulting) submitted to this application is welcomed. The report details a sufficient survey effort to determine the ecological baseline of the site. Further information is required to detail the suitable mitigation measures to favourably conclude the Appropriate Assessment and ensure the continued functionality of the area for biodiversity.

1. **Habitat Regulations Assessment (HRA) – Bath & Bradford on Avon Bats Special Area of Conservation (SAC)**

The application site is located within a consultation zone for bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and therefore has potential to result in significant adverse impact on the special features of that site. The development is within a recently establish consultation zone for lesser horseshoe bats (LHS). Since the development proposes the destruction of a LHS night roost 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 and the conclusion agreed with Natural England prior to the application being determined.

Clarification is required on:

- Why “breather membrane” is included in the proposed bat shed walls.

  This material can cause bats to become permanently snagged/entangled and should be avoided in any structure intended to support bats. Even if the membrane is initially contained the shiplap boarding might eventually become warped and provide a contact point between bats and the membrane. The drawing “Proposed Design” and bat report need to be updated to ensure the mitigation bat shed will be made from suitable materials for bat roosts.

- Why the entrance to the bat shed is facing west towards an existing property.

  Unless evidence is provided to confirm otherwise the existing adjacent property might create artificial light spill onto the western elevation of the mitigation shed and deter bats from using this structure. We request the entrance faces north unless the ecologist provides reasoning to suggest this is not appropriate.

- If any external lighting will be included as part of the proposed development.

  The details of existing and proposed new lighting need to be submitted if an external light fixture or fitting is proposed. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. If required, the plans should show the type of light appliance, the height and position of fitting.

  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.

Once the above information is provided the AA can be completed and submitted to Natural England for review.

The existing structure is used as a bat roost. 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.

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. **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.

2. **Compliance with submitted documents**

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

- Drawing: Proposed Design, Number: P1_1944-Plan 2.dwg, Date: [TBC], Rev: [TBC] by PKA Architects Ltd
- Section 5 of the report: Protected Species Survey & Mitigation Strategy, Date: [TBC} by Malford Environmental Consulting

or as otherwise specified in a relevant European Protected Species Licence superseding this permission.

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

3. **New bat roosts**

Bat roosts and bat access points will be incorporated into the development in accordance with

- Drawing: Proposed Design, Number: P1_1944-Plan 2.dwg, Date: [TBC], Rev: [TBC] by PKA Architects 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.

Final sign off – all matters addressed:

Ecologist	Date