Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Jenna Buss
Date:	18/12/2023
Application number:	PL/2023/10090
Proposal:	Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3) and Associated Operational Development
Site address:	WOODWARD FARM, DOG TRAP LANE, MINETY, MALMESBURY, SN16 9PW
Case officer:	Callan Powers

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	WCA Habitat Regs	PEA of site including potential to support roosting bats and birds.	
2	BNG	NPPF, CP50	Biodiversity Net Gain Assessment in accordance with published guidance.	

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.

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.

1. Ecological Impact Assessment

We note the proposals for the change of use of the existing agricultural building to a dwellinghouse at Woodward Farm. However, no information relating to ecology has been submitted in support of the application.

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. 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. Sufficient and appropriate surveys in line with current guidelines should be provided as well as, where appropriate, detail of mitigation measures to ensure that protected species are not adversely affected as a result of the proposed development. These measures should also be included on technical drawings.

The current proposal conflicts with Core Policy 50 (para 6.45) of the adopted Wiltshire Core Strategy 2015 and Paragraphs 174 (a & d) and 180 (a) of the National Planning Policy Framework July 2021, because information in relation to protected species is not included in the proposal.

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 LPAs ecology team prior to determination of the application.

2. BNG

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and 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 which will come into force in early 2024.

Evidence of no net loss of biodiversity has not been submitted and measures to deliver net gain not proposed. The issue of no net loss must be addressed prior to determination of this application.

3. North Meadow SAC

The proposal sits within the North Meadows SAC 9.4km Recreational Buffer. North Meadow and Clattinger Farm SAC is notified as an exceptional example of lowland meadow with a very high proportion of the surviving UK population of snake's head fritillary. Natural England has advised that in view of existing visitor levels, any additional residential dwelling, or overnight accommodation within a 9.4km zone is likely to lead to a loss of site integrity and therefore must be subject to an appropriate assessment.

At the time of writing a mitigation strategy has been agreed by the Councillors however the details have yet to be published on Wiltshire's website and the standard wording response and process have yet to be confirmed.

The mitigation strategy will be the same as published on the Cotswold District Council's website: https://www.cotswold.gov.uk/media/hmvfdoos/north-meadow-sac-mitigation-strategy-final-2023.pdf

Since the proposed development is for one unit within the Outer Zone (4.2km-9.4km) a financial contribution of £323 is required (see Table 3 on page 20 of the strategy).

The unit payment will need to be secured by a legal agreement such as, but not limited to, a Unilateral Undertaking, Section 111 or 106. There will be a legal fee charge to cover the

processing of this agreement. Cotswolds council have advised this legal fee to be £125. The fee for the Wilshire council's legal team has yet to be agreed although it is anticipated to be in this region.

To ensure compliance with the Habitat Regulations the applicant must enter into a legal agreement to pay the required mitigation (and legal fee) which ensures the Appropriate Assessment can be favourably concluded.

Further Information Required:

As stated above, the information provided is insufficient to be able to determine impacts upon ecology fully. We therefore require additional information to include a preliminary ecological appraisal and where appropriate, additional protected species surveys and an impact assessment for the site should be submitted.

In addition, an assessment of biodiversity net gain must be submitted in support of the application.

Final sign off – all matters addressed:

Ecologist	Date