Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	26/01/2024
Application number:	PL/2023/10008
Proposal:	Proposed Replacement Building, New Toilets and Offices, Revised Plant Protection Canopies and Site Rationalisation
Site address:	The Lakeside Garden Centre, Crockerton By-Pass, Crockerton, Warminster, BA12 8AP
Case officer:	Gen Collins

Recommendations:

	No comment
	Support
	No objection
X	Condition (no objection subject to conditions)
	Objection - further information required
	Objection in principle
	HRA completed

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.

Ecological survey of the site was carried out by Darwin Ecology at a suitable time of year and following industry guidelines. I consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development. I am satisfied that there is sufficient information to be able to make a judgement as to whether protected habitats and/or species are likely to be adversely impacted by the proposed development and that no further survey is required in relation to the current application.

The buildings to be impacted by the proposals have negligible potential for bats. Although not relevant to this application, one building has low potential for roosting bats and advice should be sought from a professional ecologist should works to this building be required in future. **The development should be carried out in strict accordance with Section 6 of the Ecological Impact Assessment which includes precautionary working methods for nesting birds and amphibians.**

The proposals are sited on the existing building footprint and hard standing, with negligible loss of habitat. Section 7 of the Ecological Impact Assessment sets out recommendations to enhance the site for biodiversity, this includes 2 x external bat boxes, an integrated bird box, two deadwood habitat piles and a wildlife beneficial landscaping scheme. The Design and Access Statement sets out an intent to include the bat boxes, bird box and invertebrate features within the proposals, this is welcomed. In order to secure these features, they should be shown on the Site Layout Plan: as proposed and Proposed Elevations plans. Overall, I am satisfied that the proposals would be in accordance with Core Policy 50.

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.

It is noted that the Design and Access Statement mentions that directional only lighting will be used, and this will be restricted to trading times, this is welcomed. It is not clear on the submitted plans where lighting is to be installed or the type of luminaires proposed. A condition has been recommended to secure this detail. Appropriate luminaire specifications for bats can be found in Section 4.29 of Guidance note GN08/23 "Bats and artificial lighting at night".

Habitat Regulations Assessment (HRA)

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 2017 (as amended). This concluded that as the proposals do not include overnight accommodation 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:
    - Design and Access Statement. 9th November 2023. Plum Architects.
    - Ecological Impact Assessment. October 2023. Darwin Ecology Ltd.

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

2. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

    REASON: In the interests of conserving biodiversity.

3. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of features for bats, birds and invertebrates shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

    REASON: To provide enhancement for biodiversity.

INFORMATIVES:

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.

Final sign off – all matters addressed:

Ecologist **Rachel Whyte**	Date **26/01/2024**