Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	13/03/2024
Application number:	PL/2023/10643
Proposal:	Erection of stables, hay store and tack room. Use of land for equestrian purposes and installation of photo-voltaic array to serve dwelling.
Site address:	Land Opposite Rowden Farm, Rowden Lane, Bradford on Avon, Wilts
Case officer:	Jonathan Maidman

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 Smart Ecology. 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 ecological survey found that the habitats within the site are of generally low importance for conservation, although the boundary trees and hedgerows do contribute to primary connectivity within the wider landscape area for a range of wildlife species including bats, other small mammals and nesting birds.

The ecology report makes a series of recommendations in Section 6.2 for precautionary measures to be implemented as part of the development, to ensure that protected species are not adversely impacted by the works.

Section 6.3 of the report sets out proposed ecological enhancements which comprise infill hedgerow planting and provision of one bird box and one bat box. These enhancements are welcomed and would be in accordance with Core Policy 50 and GS1 of the Bradford on Avon Neighbourhood Plan.

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.

Habitat Regulations Assessment (HRA)

The application site is located within a consultation zone for bats associated with the Bath & Bradford on Avon Special Area of Conservation (SAC) and therefore has potential to result in significant adverse impact on the special features of that site.

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). The development is small in scale and nature. No woody vegetation is due to be removed to facilitate the proposals. The stables have been located away from the hedgerows and orientated so as not to face the closest hedgerow. The location and specification of proposed external lighting has been provided, lighting is only proposed for the southwestern aspect, away from the hedgerow. The stables will provide a physical barrier to light spill, which is overall expected to be minimal given the proposals. Artificial lighting is highly unlikely to significantly affect the suitability of habitat on the site for bats and functionality of the landscape for bats is expected to be maintained. The test of likely significance therefore concluded that there is no mechanism for adverse effect and operational impacts would be de-minimis. **The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.**

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:
    - Preliminary Ecological Appraisal Report. Ref: 2023-068 V1. 05/12/2023. Smart Ecology.
    - Proposed Site Plan. Drawing no: 04 Rev F. March 2024. Land, Development & Planning Consultants Ltd.
    - Proposed Plans (Stables). Drawing no: 05 Rev B. March 2024. Land, Development & Planning Consultants Ltd.
    - Proposed Elevations (Stables). Drawing no 06 Rev D. March 2024. Land, Development & Planning Consultants Ltd.

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

2. Lighting will be installed in accordance with Proposed Plans (Stables) Drawing no: 05B and Proposed Elevations (Stables) Drawing no: 06D. No additional 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.

3. Infill hedgerow planting and features for bats and birds will be incorporated into the development in strict accordance with:
    - Preliminary Ecological Appraisal Report. Ref: 2023-068 V1. 05/12/2023. Smart Ecology.
    - Proposed Site Plan. Drawing no: 04 Rev F. March 2024. Land, Development & Planning Consultants Ltd.

    The installation of features for bats and birds will be supervised by a professional ecologist and features will continue to be available for the target species for the lifetime of the development.

    REASON: To provide enhancement for biodiversity.

Note to case officer – please include a condition which secures the protection of boundary trees and hedgerows.

INFORMATIVES:

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.

Final sign off – all matters addressed:

Ecologist **Rachel Whyte**	Date **13/03/2024**