Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Jenna Buss
Date:	10/04/2024
Application number:	PL/2023/10016
Proposal:	Demolition of existing barn and erection of dwelling, reuse of existing stone, landscaping and ecology enhancements, field shelter and associated works.
Site address:	Variety Barn, Hindon Lane, Tisbury, Wiltshire, SP3 6QQv
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	Bat Roosting Features	Habitat Regs CP50 NPPF	Bat mitigation Lighting Proposals	
1	HRA - Hampshire River Avon Special Area of Conservation (SAC) Catchment	Habitat Regs	A phosphorous nutrient calculation and strategy which confirms how measures have been adopted to avoid and mitigate phosphorus burdens.	

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.

The following submitted documentation was reviewed to inform this response:

- Preliminary Roost Assessment. September 2018. Kingfisher Ecology;
- Phase 2 Bat Survey Report. September 2019. Kingfisher Ecology;
- Bat Report. November 2023. Dryad Habitats and Ecology Ltd
- Proposed North Elevation 23/798/P113 Rev A. November 2023. Rba Architects
- Proposed Field Shelter Drawings 23/798/P200 Rev A. January 2023. Rba Architects
- Proposed Site Block Plan 23/798/P002. January 2023. Rba Architects
- Planning Statement. November 2023. RTPI

Protected Species

The ecological assessment submitted in support of this application identified use of the existing building by soprano pipistrelle and lesser horseshoe bats. The site falls within the Chilmark Quarries Special Area of Conservation (SAC) and a number of bat species were identified during the activity surveys foraging and commuting through the site which included Annex II bat species associated with the SAC.

We note the proposals to include bat roosting mitigation within the new Field Shelter to include a bat loft measuring 4x3x0.8m with a hopper style access point on the eastern gable which will include the use of a baffle to reduce ingress of weather and prevent access to other species.

We are aware that use of the building by lesser horseshoe bats was confirmed through evidence of droppings rather than evidence from the activity surveys and is considered to be used as a night roost. Although roosting requirements for this species varies, it is understood that loft voids lower than 1.5m are unlikely to be successful, especially when the existing roosting opportunities are of a much larger volume as is the case here. The size of the proposed loft void should be increased in order to provide similar roosting opportunities to those that will be lost. Moreover, studies have shown that greater horseshoe bats can have a negative impact upon lesser horseshoe bats when the roost is shared. As the evidence suggests use by lesser horseshoe, we would advise that the access point should be reduced to 2,500cm^2 to provide mitigation for the lesser horseshoe roosting opportunities.

From the surveys undertaken, the site appears to be an important foraging and commuting route for a number of bat species including Annex II bats for which the Chilmark Quarries SAC is designated. It is therefore important that dark wildlife corridors are retained and that foraging and commuting routes remain unlit. 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.

No lighting information has been submitted in support of the application to date, a detailed lighting strategy must therefore be provided in order to assess impacts upon bats fully. The lighting strategy should include;

- Details of the design, number and location of any external lighting, including any lighting proposed for the Field Shelter;

- A lux plan including all internal and external lighting. The lux plan should demonstrate that all boundaries remain unlit with a maximum of 0.5 lux.

We note from the information submitted that windows and a glazed link are proposed along the northern elevation of the new building in close proximity to a key flight line. Whilst we note the proposal to include astronomical timers and UV film to reduce light transmission to the rooflights, this is not enforceable and therefore not an acceptable mitigation measure to reduce light spill and will not address light spill from the glazed link and additional windows. Additional information is therefore required to address the impacts of lighting on bats.

Evidence of nesting by barn owl was identified within the existing building. We welcome the proposals to include a barn owl box within the Field Shelter building separate from the bat roosting provision. Owls can predate bats and the presence of owls in close proximity could deter bats from using the roost. It is advised that the owl box is situated away from the bat roost within the curtilage. No additional protected/notable species were identified on site.

Habitat Regulations Assessment (HRA)
The application site is located within the statutorily designated Chilmark Quarries Special Area of Conservation (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 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. The information requested above will be required to enable an AA to be carried out.

HRA - Hampshire River Avon Special Area of Conservation (SAC) Catchment
We note the information submitted in support of the application within the Planning Statement and with regards to application PL/2023/08703. The table included within section 4.6 of the Planning Statement is welcomed. However, we require additional information to support the information provided in section G. Properties exist within close proximity to the proposal site and therefore information to determine there will be no in combination effects and that the application is at least 200m from any other discharge to ground is required in order to support this proposal.

If this is not possible to determine we would advise the following information below is adhered to in relation to the River Avon.

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 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.

The government released an update to the National Planning Policy Framework on 19 December 2023 along with a range of other guidance and policy documents. This included a statement from the Minister of State, Lee Rowley MP, on 20 December relating to nutrient neutrality. The council is obliged to consider all this new information before making decisions on planning applications.
A report was approved by Cabinet on 6 February and discussions are on-going in this respect which will continue over the next couple of weeks with the exact details of the strategy to be published soon on our website. The council's mitigation strategy will be split into sub-catchments with any available nutrient credits initially being assigned to applications on a priority basis.

The Council led mitigation scheme will only be available for applications that comply with saved housing site allocation policies (Appendix D, Wiltshire Core Strategy) and / or Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy (excluding Core Policy 37 (Military Establishments)), Wiltshire Housing Site Allocation Plan (2020), made Neighbourhood Plans, Core Policy 44 (rural Exception sites), Core Policy 46, Core Policy 47 and Core Policy 48 and where no other significant planning matters are outstanding.

The applicant is welcome to apply for the Council-led scheme once this is available and all other significant planning matters are resolved. However, at this time, it is not possible to confirm if the council's mitigation credits are available or will be available for any specific application.

Therefore, we advise applicants to investigate site specific, on or off-site mitigation and discuss the mitigation strategy with Natural England at the earliest opportunity. **A completed nutrient budget will be required in order for either option to be progressed.**

A positive conclusion to the Habitats Regulations Assessment will require certainty that the development proposals will not have an adverse effect on the integrity of the European site. Currently the application does not include accurate details to mitigate the impacts of these increases in phosphorus and consequently, without such detailed proposals, it cannot be concluded that there would be no adverse effect on the integrity of the River Avon SAC as a result of the proposed development.

BNG

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

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.

Final sign off – all matters addressed:

Ecologist Jenna Buss	Date