# Wiltshire Council Planning Consultation Response

## ECOLOGY

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| **Officer name:** | Jenna Buss |
| **Date:** | 26/06/2024 |
| **Application number:** | PL/2023/10206 |
| **Proposal:** | Proposed conversion of existing function room and associated toilets (within former stables and grooms quarters) into 2 No. additional letting bedrooms. |
| **Site address:** | Howards House Hotel, Teffont Evias, Salisbury, SP3 5RJ |
| **Case officer:** | Hayley Clark |

**Recommendations:**

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| | 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) |
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| 1 | Hampshire River Avon | NPPF, CP50, Habitat Regulations | Nitrogen Budget Mitigation strategy | |

**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.**

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:

- Proposed Ground Floor and Loft Layout Plans 3875-74 Rev C. November 2022. Dolman
- Existing Elevations and Section 3875-72 Rev B. Nov 2022. Dolman;
- Existing Ground Floor and Loft Layout Plans 3875-71-Rev B. Nov 2022. Dolman;
- Proposed Elevations and Section 3875-75 Rev C. Nov 2022. Dolman

**Protected Habitats/Species**

We note the proposal to provide for two additional letting bedrooms within the former grooms quarters and stables. The building has previously been converted and is currently used as a function room and toilet facilities. The proposals appear to be restricted to internal modifications of the current living accommodation and the outer fabric of the building will be retained. There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

**Chilmark Quarries Bats Special Area of Conservation (SAC)**
The application site is located within a consultation zone for bats associated with the Chilmark Quarries Bats 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. This concluded that given the existing nature of the development and the scale and nature of the proposals, there is no mechanism for adverse effect.

**Hampshire River Avon Special Area of Conservation (SAC) Catchment**
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 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.

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.

If the development qualifies 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.

Should developers wish to apply for the council led mitigation scheme, please request a 'Hampshire Avon Credit Screening Approval' certificate from the Case Officer and apply via the link of the 'Phosphorus and nitrogen mitigation' pages on the council's website Development Applications in the Hampshire Avon Catchment (ArcGIS Survey123)

**Biodiversity**
This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory therefore BNG *per se* is not obligatory. However, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 186 d).

We note no measures have been included to date and would advise that measures to enhance biodiversity are included.

**Final sign off – all matters addressed:**

| Ecologist<br>Jenna Buss | Date |
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