Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrows (Senior Ecologist)
Date:	26/09/2024, 07/11/2024 (comments in red)
Application number:	PL/2023/11127
Proposal:	Conversion of ancillary domestic building into holiday let and the erection of bat roost building
Site address:	Land and Building at Meadow Farm, East Chisenbury, Pewsey, SN9 6AQ
Case officer:	Lucy Minting

Recommendations:

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

An AA has been completed and to Natural England. The application must not be approved until NE have endorsed the AA.

Matters Considered:

- Ecological Impact Assessment for Bats, Nesting Birds, White-clawed Crayfish and The River Avon SAC. Barn at Meadow Farm, East Chisenbury. (Abbas Ecology, October 2023).
- Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). Meadow Farm, East Chisenbury. Document Ref: 364157-NNAMS (Enviren, 23 July 2022).
- Proposed Conversion of Barn Site Plans. (O2i design consultants 18/11/2022).
- Response to county ecologist from Abbas Ecology embedded in email.
- Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). Meadow Farm, East Chisenbury. Document Ref: 364157-NNAMS (Enviren, 11/10/2022).

Bats

The building inspection, eDNA surveys and automated bat surveys confirm common pipistrelle bats, brown long-eared *bat* and Natterer's bats use the barn. The barn is reported to provide a number of potential roosting features including: over lapping wooden planked walls, clay tiled roof and lead flashing, crevices in wooden frame work and mortise holes. The latter features are typical common pipistrelle bat, brown long-eared bat and Natterer's bat roosting features because they provide dark sheltered crevices even in naturally lit spaces. The report does not state that these features were inspected using ladders, torches or endoscope to confirm the absence of roosting bats as would normally be expected.

Contrary to the statement in the report the automated detectors recorded bats within the barn well within recognised emergence and re-entry times for these species, which are often late emergers, increasing the likelihood that bats are using the barn as a day roost. The quiet echolocation of brown long-eared bats means they can easily be missed by detectors increasing the likelihood that their presence in the barn could have been missed.

Given the high number of bat roosting features that are present and evidence confirming bats using the barn the number of bat surveys carried out is not adequate. Further to this the location of possible bat access or egress points have not been provided therefor it is not possible to determine if they were visible to the surveyors during the emergence/ re-entry surveys. Positioning of a surveyor inside of the barn will have enabled bat activity to be observed.

The surveys and eDNA analysis confirm bats are present in the barn however contrary to the submitted report the methodology is not adequate to confirm the status of the bat roosts (presence/ absence of day roosts or numbers of bats). The development will result in the loss of roosting function within the barn. **Further survey is required to confidently determine the status of bat roosts within the barn.** As the status of the bat roost hasn't been confirmed it is not possible to determine if the replacement roost would provide adequate mitigation. Further to this it is unclear why the mitigation is based on a lesser horseshoe bat night roost rather than the species concerned.

The development will result in the loss of roosting function within the Building at Meadow Farm. 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 mitigation measures to ensure that bats are not adversely affected as a result of the proposed development must be submitted as part of the proposal, and shown on development drawings, where bats are present, or likely to be present.

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

The additional information (the attached note from Simon Rayburn at Abbas Ecology) provides adequate justification of his original assessment of the bat roost. The further bat surveys are no longer required.

Habitat Regulations Assessment
River Avon Special Area of Conservation (SAC): Hampshire 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 (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 submitted Nutrient Neutrality Assessment and Mitigation Strategy Report is welcomed. The replacement of an existing Septic Tank (ST) serving Meadow Farm with a suitable, high functioning Package Treatment Plant (PTP) GRAF One2Clean which shall utilise the existing connection into the stream fed by the River Avon to the east is recommended as mitigation for increased nutrient burdens.

In order to confirm this mitigation is acceptable the following information is required:
- **A drawing showing the location of the existing ST and proposed replacement PTP.**
- **The nutrient calculation submitted in excel format.**

Requested amendments to the nutrient calculations detailed in an email from the council ecologist on 26 September 2024 have not been addressed in full. The Development Proposal (dwelling/units) in the Nutrient_From_Wastewater Tab for the development budget has not been amended to 2 to reflect that the PTP will be servicing 2 dwellings. In the interest of moving the

application forward I have amended the calculation according. Please ensure the amended version is saved on the Councils system.

- The resulting development budget is 0.05 (kg TP/y) REF: River Avon Calculator Development CouncilEdits 25102024).
- The budget for the existing house is 1.54 (kg TP/y) REF: River Avon Calculator Development (Proposed PTP).

The Post mitigation budgets given in the amended Nutrient Neutrality Assessment and Mitigation Strategy are incorrect however the overall nutrient load generated is still -1.49 (kg TP/y) and therefore will result in a reduction of nutrient load into the catchment of the River Avon SAC.

The location of the PTP is shown in Appendix C of the superseded Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). Meadow Farm, East Chisenbury. Document Ref: 364157-NNAMS (Enviren, 23 July 2022) Drainage Layout. REF: 363147-11-1 (Enviren, 29/05/2024)

Salisbury Plain Special Protected Area (SPA)
This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE.

That Appropriate Assessment reached a conclusion of no adverse effects on site integrity for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

Biodiversity Net Gain (BNG)
From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application as:

- this is a minor development and the application for planning permission was made before 2 April 2024.

CONDITIONS:
The following, or similarly worded, conditions are recommended:

Compliance with submitted documents
The development will be carried out in strict accordance with the following documents:

- Appendix C of the superseded Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). Meadow Farm, East Chisenbury. Document Ref: 364157-NNAMS (Enviren, 23 July 2022) Drainage Layout. REF: 363147-11-1 (Enviren, 29/05/2024).
- Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). Meadow Farm, East Chisenbury. Document Ref: 364157-NNAMS (Enviren, 11/10/2022).
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REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

Replacement PTP

The existing septic tank within the redline shall be removed and a proposed package treatment plant and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the associated new dwelling is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

Reason: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future package treatment plant is of an equivalent or improved standard.

INFORMATIVE: Non-mains Drainage:

A non-mains sewerage system is proposed. The area in which the development is located is within close proximity to the River Avon and may experience flooding and ground water conditions of concern. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality"Any installation of a Package Treatment Plant needs to meet approval of Environment Agency's requirements under their permitting role.

Water Efficiency Condition

The overnight development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

A water efficiency calculation will be needed to discharge this condition. For guidance on how to do this and what is required, please refer to the following document: *'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency'*, Appendix A (p36-44). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

Informative for bats where development site has some potential for low numbers of common species

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 2017 (as amended) 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.

Final sign off – all matters addressed:

Ecologist Elizabeth Burrows	Date 07/11/2024