

From: Richard

Sent: 30 October 2025 11:02

To: 'Richardson, Joe' <Joe.Richardson@wiltshire.gov.uk>

Cc: 'Walker, David' ; 'fiona walker' ; 'Clewer, Richard'

<Richard.Clewer@wiltshire.gov.uk>; 'Parish Clerk CBPC'

<parishclerkcoombebissett@gmail.com>; 'John & Jan Jarvis'

Subject: RE: PL/2025/06872 (PL/2024/09412): The Old Vicarage, Coombe Bissett, SP5 4LR - Replacement House and Bat Survey Regularity

Dear Joe

Here is my second email, as promised, having taken soundings from our client and ecologists.

Your email to me yesterday (below) says of the bat and reptile question:

“... we (the LPA) cannot determine that the development will not result in significant adverse effects on protected habitats or species identified within the site. This application does not therefore meet the legal requirements of The Conservation and Habitats Regulations 2017 (as amended).”

If I have understood your words correctly, it seems likely that you are suggesting that because there are no detailed update surveys for reptiles and bats lasting a dozen or so weeks, from 2025, that you have to - **have to** – because it is **mandatory** - refuse planning permission, under the C&H Regs 2017, in other words, the SAPC cannot grant planning permission at the scheduled meeting set for 13/11/25.

Our position has always been that ‘it’ is not mandatory, but discretionary.

And, indeed, in May 2025, Wiltshire Council was – officially – same ecologist - happy to use discretionary judgment and recommend the of grant planning permission, on ecology grounds, only (PL/2024/09412).

Just to be clear, that means the same ecologist stated a few months ago ... the development (PL/2024/09412) will not result in significant adverse effects on protected habitats or species identified within the site.

This is hugely important!

We are able to – sorry to use the phrase – “double-down” on our position, as even a brief check of the – apparent law on this question – via CHATGPT – indicates the very strong likelihood that:

“There is no clause in the Conservation of Habitats and Species Regulations 2017 that says “bat surveys must be done every 12–18 months.” (see enc PDF p1/5)

Wiltshire’s planning guidance does not lay down a fixed statutory rule that bat surveys are “valid for 12–18 months.”

(p4/5)

Chatgpt’s view on your Council, is encouraging and indicates sensible, proportionate, flexibility is usually applied, not a mandatory block ...

- From a Wiltshire planning case comment / officer ecology note (example of practice in cases): Wiltshire officers will sometimes state it is “unreasonable to require the applicant to submit a bat survey” where disproportionate, and they refer to consulting ecologists and Natural England where required — demonstrating **Wiltshire uses proportionate, case-by-case judgement rather than a rigid age rule.** (development.wiltshire.gov.uk)

(p4/5 – Emphasis added in **RED** by Benchmark)

- In practice, **Wiltshire documents point to BCT/CIEEM/Natural England guidance**, and those professional documents are where the 12–18 month **rule of thumb** appears. (wiltshire.gov.uk)

(p5/5)

As before, please upload the enclosed PDF and all this email ‘chain’ to the online Planning Register.

Yours sincerely

Richard Greenwood BA(Hons) BPl MRTPI

Director