

Council Planning Consultation Response

ECOLOGY

Officer name:	Patrick Olshansky
Date:	26/08/2026
Application No:	PL/2026/04317
Proposal:	Outline planning application for two detached dwellings with garages (all matters reserved)
Site Address:	Land at Fairwood Road, Penleigh, Dilton Marsh, Westbury, BA13 4EA
Case Officer:	Andrew Thomas

Recommendations:

☐	No Comment
☐	Support
☐	No objection
☐	Condition (no objection subject to conditions)
☒	Objection - further information required
☐	Objection in principle
☐	HRA.

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date submitted)
	Insufficient protected species survey data and impact assessments have been submitted.	WCA, CHSR	Amended Preliminary Ecological Appraisal report or additional reports including: - Bat activity report and assessment. - GCN survey report and assessment.	No
	As this is an outline application an ecological parameters plan is requested.	TWBMS, CHSR, WCA	Ecological parameters plan including the criteria below.	No

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 your consultation on the above application. I have reviewed the submitted documents against OS maps, aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species.

Information considered:

COMMENTS:

Habitats Regulation Assessment (HRA)

Salisbury Plain SPA - 6400m Buffer

This application lies within the 6.4km zone of influence 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.

A strategic Appropriate Assessment (AA) has been prepared pertaining to development within the 6.4km zone of influence that could result in a likely significant effect on the SPA because of an increase in recreational / visitor pressure. The AA reached a conclusion of no adverse effects on the integrity of the SPA or its qualifying features provided that the council's mitigation strategy continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

In January 2026 Natural England (NE) confirmed that the strategic AA for Salisbury Plain SPA continues to be supported by NE until end of December 2026.

GHS 4km Core Roost Buffer

The application site is located within within a consultation zone for bats associated with the Bath & Bradford on Avon Bats 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 Conservation of Habitats and Species Regulations 2017 (as amended) 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.

TWBMS Adopted 2025

The application site is located within the yellow medium risk zone of the Trowbridge & Westbury Bat Mitigation Strategy (TWBMS). The application must therefore be considered under the Habitats Regulations. The yellow medium risk zone represents the areas where habitat has been shown to be of importance, or is highly likely to be of importance for bats associated with the Bath and Bradford-on-Avon Bat SAC, and in particular the yellow zone takes into consideration the foraging areas and flightlines of horseshoe species and Bechstein's bats and is anticipated to be able to accept a degree of development pressure provided applications are designed in accordance with the principles in the TBMS. Impacts will arise on individual sites and in combination with other sites because of loss and/degradation of habitat of importance to the qualifying bats.

All greenfield site residential apps within this zone are subject to S106 contributions as follows:

Each residential unit contributes £1,000 per dwelling (index linked from 2018) to be paid before commencement towards habitat mitigation as detailed the TWBMS.

All non-residential developments contribute £30,000 per hectare to be paid before commencement towards habitat mitigation detailed in Appendix 1 of the TWBMS.

The total financial contribution to mitigate the burden would be £2,000 plus legal and admin fees of 5% (£100).

Developer contributions must be secured through a Section 111, Section 106 or Unilateral Undertaking at the time of permission with contributions secured prior to commencement. The applicant should be directed to the Guidance Note for Completing Agreements Under S111 of the Local Government Act 1972. Where the applicant elects to use the S111 process the fee must be paid and S111 signed by both the applicant and the council on the granting of planning permission.

Protected Species

Bats

The PEA identifies the onsite grassland as low-suitability foraging habitat for bats and this assessment is supported by the habitat descriptions provided. Equivalent or higher-value foraging habitats occur immediately adjacent to the site, meaning that the loss or degradation of onsite grassland is unlikely to significantly impact local bat populations. However, construction and operational disturbance to adjacent habitats must be avoided and appropriately mitigated.

The PEA also assesses the boundary hedgerows as having low to moderate suitability for commuting bats. The immature eastern hedgerow offers low foraging value, while the more mature, species-rich southern hedgerow provides moderate value. On this basis, the PEA concludes that the hedgerows are potentially of Local Importance to bats. However, in this case assessment of habitat potential is deemed insufficient to determine potential impacts on bats.

A brown long-eared bat roost is recorded within the existing property immediately north of the site. Pre-application ecological advice (ENQ/2025/01855) confirmed that any planning application should be supported by a suitable level of bat survey to determine whether bats use this building for roosting or foraging, and how they may be affected by the proposed development. This has not yet been determined.

The site also lies within the Greater Horseshoe bat consultation zone for the Bath and Bradford-on-Avon Bats SAC and within the Yellow Medium Risk Zone of the Trowbridge & Westbury Bat Mitigation Strategy (TWBMS). In these zones, adjacent and onsite habitats are known, or highly likely, to be important to SAC-associated bats. Several records of Annex II species (including greater horseshoes) occur within 200–300m of the site, and there is potential connectivity to the greater horseshoe bat core roost at Westbury Leigh (1.1 km south) via landscape-scale corridors formed by the rail line between Dilton Marsh and Penleigh (c. 60 m east) and the Biss Brook corridor (c. 200 m east). On this basis, there is potential that Annex II species utilise the site or its boundary habitats.

A suitable level of bat survey to determine bat use of the site and the importance of onsite habitats has not been undertaken. The application must therefore be supported by appropriate bat survey effort and a proportionate impact assessment, with mitigation proposals provided to address any predicted impacts.

GCN

The PEA found two great, crested newt (GCN) records between 1.5–1.6 km from the site and identifies six ponds between 80 - 470 m from the site. The report advises that the ponds are effectively separated from the site by housing and gardens is not supported by aerial imagery, which shows intervening and surrounding gardens, grassland, woodland and hedgerows that could provide ecological connectivity between the nearest ponds (within 250m) and the site.

No habitat assessments or species surveys of the ponds have been provided to confirm GCN absence, and no risk assessment of offence (for example, a rapid risk assessment) has been submitted to demonstrate that development would not result in an offence under the Habitats Regulations.

Further assessment is therefore required to establish whether GCN are present within the local pond network, whether the site forms part of a dispersal network, and whether the proposed works could give rise to an offence.

Wiltshire operates the Natural England GCN District Level Licensing Scheme, and the applicant may wish to apply for certification under this scheme. The consultant ecologist can advise on the merits of the scheme in relation to any application made at this site. Please see the Wiltshire Council website for further information on this issue: [Biodiversity and development - Wiltshire Council](#).

Compliance with CP50 (no net loss etc)

Core Policy 50 of the Wiltshire Core Strategy requires development to demonstrate no net loss of biodiversity and to seek opportunities for biodiversity enhancement. The NPPF similarly expects applications to deliver measurable net gains.

The proposal is likely to result in the loss of a small area of modified grassland and a short section of hedgerow to facilitate access. The PEA identifies the grassland as low-suitability habitat and given the small extent of loss and the presence of higher-value habitats surrounding the site, impacts from grassland removal are expected to be negligible.

To address the loss of grassland and hedgerow, the development should incorporate mitigation and enhancement planting along the site boundaries to maintain and strengthen biodiversity resources and ecological connectivity, in accordance with Core Policy 50 and the NPPF's net-gain expectations.

Light spill must be avoided, and a suitable lighting scheme will be secured by condition. Additional boundary planting will also help to screen operational lighting and reduce potential disturbance to wildlife.

Biodiversity enhancements including built in bat roosts, bird boxes, reptile hibernacula, bee bricks and gaps in fencing are proposed in section 6.6 of the PEA. These should be secured by condition.

Ecological Parameters Plan

An Ecological Parameters Plan (EPP) is required to ensure required ecological features are integrated into the development in compliance with the TWBMS. The EPP must clearly identify those areas of the site which are unconstrained, those areas where sensitive design or restrictions may be required, and any areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity and any areas to be used as compensatory habitat in line with the submitted ecology documents, including the Biodiversity Net Gain Calculator spreadsheet. The EPP will become an 'approved document' of any outline permission granted and any reserved matters application must be in compliance with the plan.

The EPP must include:

- Boundary planting along all site boundaries to partly compensate for the loss of hedgerow and to mitigate the loss/degradation of any existing habitat connectivity for bats. Planting of boundary vegetation may also enhance the site for commuting bats. Boundary planting will help screen any external and internal light spill coming from development. A dense structure such as hedgerow or hedgerow with trees is recommended.
- Dark corridor to be maintained along the boundary vegetation. Illumination at boundary vegetation must not exceed current levels.
- Retained bat commuting routes from any bat roosts identified on or adjacent to site.
- Tree root protection areas buffer.

Neighbourhood Plan

The site lies within the Dilton Marsh Neighbourhood Area, but the proposed development is outside the Dilton Marsh settlement boundary. It is not clear whether the proposal meets any of the policy exemptions that would allow development in this location. Pre-application advice also noted that the site falls outside the limits of Core Policy 1 (Settlement Strategy) and Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy, and it is therefore uncertain whether the development could be supported under any exceptional circumstances. This matter is for the relevant planning consultee to determine.

The proposal may affect a native hedgerow on the eastern site boundary. This feature is a priority habitat under Policy DM05 of the Dilton Marsh Neighbourhood Plan. If any loss is proposed, Policy DM05 also

requires the development to deliver 10% biodiversity net gain, in line with statutory BNG requirements, and this will need to be demonstrated through the application.

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 the application is for self and Custom Build Development, meaning development which:

- consists of no more than 9 dwellings;
- is carried out on a site which has an area no larger than 0.5 hectares; and
- consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

The self-build and custom build exemption no longer applies for new planning applications made on or after 6 August 2026. The current application was submitted in July of 2026.

Note to case officer: you should be satisfied that the proposals meet the above criteria and act accordingly. Further information will be required from the applicant prior to determination in the event the application is considered to be subject to mandatory biodiversity net gain.

IN SUMMARY:

Insufficient information has been submitted. 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 LPA's ecology team prior to determination of the application. I therefore maintain a holding objection until all the issues listed above have been suitably addressed.

DRAFT CONDITIONS (TBD):

Sign off by WC Ecologist will only be given once ALL outstanding information has been submitted and agreed sufficient.

Ecologist	Date