Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name: Emma Fisher

Date: 03/04/2018

Application No:	18/00534/FUL
Proposal:	Demolition of Redundant AgriculturalBuilding and its Replacement with a New Building for B8 Storage Use
Site Address:	Former Agricultural Barn, Keevil, Trowbridge, Wiltshire, BA14 6NQ
Case Officer:	Verity Giles-Franklin

Recommendations:

	No Comment
	Support
	Support subject to conditions (please set out below)
X	Holding objection (for reasons set out below)
	No objections

Matters Considered:

Having reviewed the details of the application and the accompanying *Phase 1 Bat Survey* report (Malford Environmental Consulting, 9th January 2018), hereafter referred to as 'the ecology report', though I raise no ecological objection to the principle of the development proposals, I must maintain a holding objection to the application at present. This is on the basis that the Council has not been provided with sufficient ecological baseline information together with a comprehensive final mitigation plan required to inform the determination of the planning application. I have provided further details in this regard in the following paragraphs

Firstly, it is pertinent to highlight that Section 1 of the ecology report states: *'Under the NERC Act the local planning authority should not determine a planning application if there are any surveys outstanding for European protected species.'* This becomes relevant later on in my response.

The ecology report presents the method, results and analysis of what is referred to within the report as a Phase 1 bat roost inspection. The inspection was undertaken in November 2017 and identified the following: *'Within the barn two small accumulations of bat droppings were found on the floor within the southern part of the barn, being located under the timber boards stacked across the roof trusses. In total there were approximately 40 droppings of relatively recent origin. Based on visual diagnostics, the droppings are identified as being from lesser horseshoe (Rhinolophus hipposideros). However, there were no live bats, no dead bats and no feeding remains. Furthermore, most of the ridge board is webbed.'*

The ecology report goes in to stipulate: *'It is concluded that the barn is a known roost (Category 5) for lesser horseshoe bat. Given the physical structure of the barn, the internal environmental conditions, the number of droppings found, and the lack of other bat signs (i.e. no live bats and no feeding remains) it is considered highly likely that the barn interior is being used as an occasional summer night roost for an individual bat. Based on the findings combined with previous experience/knowledge it is also very likely*

that the bat is only using the barn towards the end of the season (i.e. early autumn), which is typical behaviour of this species. A preliminary assessment of the roost type and status is provided in Sections 4.1.2 and 4.1.3…Further Phase 2 bat survey and assessment is required to confirm or update the status of this roost (see Section 5).'

This constitutes a sound assessment and it is clearly acknowledged within the report that it comprises a **preliminary** assessment and that **Phase 2 bat survey** is required. I concur with this conclusion and deem a roost characterisation survey in line with the good practice survey guidelines (Collins, (ed), 2016) to be necessary in order to provide comprehensive baseline data and to facilitate confirmation of the type and status of the identified roost.

Section 4.1.2 of ecology report states: *'The barn interior is a confirmed roost for lesser horseshoe bat, with evidence from the Phase 1 survey indicating an occasional summer night roost…The physical structure of the barn, the sub-optimal internal environmental conditions and the absence of large accumulations/numbers of droppings within the barn indicates that the building does not support a breeding (maternity/mating) or winter hibernation roost…Based on the findings from the Phase 1 survey the significance of the bat roost has been classified in accordance with the site assessment recommended in in industry-standard bat survey and mitigation guidelines. The roost is currently classed as an occasional 'summer night roost' for 'very small numbers of rarer species (still widespread in Wiltshire) (not a maternity/mating or hibernation site)', and therefore this roost is considered to be of low conservation significance and an ecological resource for bats that is important in a Local (Site) context.'*

The report goes on to assess the potential impacts of the proposed works and specifies that the works *'will result in the loss of a roost/place of rest, and could also result in the injury/death/disturbance to bats if undertaken without appropriate safeguards'* and that it is *'predicated to have a 'low' adverse impact.'* I am in agreement with this assessment. Importantly, the ecology report then states that *'additional survey is required to confirm the status of the roost (see Section 5.1). As such the final mitigation strategy to protect bats can only be determined after the follow-on survey has been completed, although preliminary mitigation concepts are set out in Section 6.1.*' Again, I concur with this statement and draw your attention to the first point I raised within this response and our statutory responsibilities, and therefore would like to query why the application has been submitted without the required Phase 2 bat survey data and associated final mitigation strategy and prior to the undertaking of the required Phase 2 surveys.

The provision of the necessary supporting ecological information, comprising in this instance an appropriate level of ecological baseline data along with a finalised mitigation strategy, to the LPA is required prior to the determination of the planning application to enable a suitably informed and robust response to the application in accordance with the NPPF, NERC Act 2006 and Wiltshire Core Strategy (Adopted January 2015). This is particularly pertinent given that the building to be demolished has been confirmed as a roost site for a rare Annex II species of bat and as such it is important that a roost characterisation survey is undertaken at the appropriate time of year in order to provide robust baseline data for the site and to inform the preparation of a final mitigation strategy. The ecology report itself makes it very clear that the assessment and mitigation proposed is preliminary and that further survey will be necessary.

Taking this all into consideration, at present the Council has not been provided with sufficient information to determine the application or to form a judgement, as is its duty, regarding whether Natural England would be likely to grant a European Protected Species Mitigation Licence (EPSML) to permit the works and a legal derogation from the Habitats Regulations 2017. As such, I would suggest that the applicant be advised to commission a suitably qualified and experienced ecological consultant to conduct the Phase 2 bat survey, and to prepare the survey report and final mitigation strategy which can subsequently by submitted to the Council for review.

However, I have some queries regarding the Phase 2 bat survey method proposed in Section 5.1 of the ecology report which I like the applicant/their ecological consultant to address/clarify. Firstly, it is

proposed that three daytime inspections are undertaken during May and June, whereas I would of expected the surveys to have carried on until September, or at least August in line with the good practice survey guidelines (Collins, (ed.), 2016) and in order to provide the best chance of identifying bats later in the season. This is particularly relevant given that the report actually states the following: *'Based on the findings combined with previous experience/knowledge it is also very likely that the bat is only using the barn towards the end of the season (i.e. early autumn), which is typical behaviour of this species.'* Therefore, surely conducting survey beyond June will be necessary in order to confirm the status of the roost?

Furthermore, the proposed survey method in Section 5.1 of the ecology report precludes emergence/re-entry survey even though it is stated in Section 7.2.1 of the good practice survey guidelines that: *'Roost characterisation surveys include emergence/re-entry surveys.'*

Moreover, the ecology report does not provide a rationale to justify the proposed method and deviation from the good practice survey guidelines, and to explain why survey beyond June is not considered necessary despite the ecology report specifying that the building is likely to be used later in the season than June. It is therefore possible that bats won't be detected if all the survey effort is concentrated between May and June. If the applicant and their ecological consultant deem that the proposed approach is appropriate and that surveys later in the year will not be required I request that a robust rationale for the deviation from standards is provided to the local planning authority for consideration.

A further point I deem it necessary to highlight is that the *Planning Supporting Statement* omits any reference to ecology and fails to consider ecology as a material consideration in the planning process or to identify relevant planning policy. This is despite a number of other policies being referenced, and the fact that the commissioned ecological consultant identified that the building to be demolished at the application site comprises a roost site/place of rest for a rare Annex II bat species thereby necessitating the acquisition of a EPSML to permit the proposed works.

Subsequent to the issues within this response having being addressed by the applicant, I will be able to provide a final response to the application.