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EA/280224/HS/8280

Dear Amelia,

Thank you for the response received in relation to Land to the North of Rectory Farm, Yatton; planning ref: 23/P/0664/OUT. I was pleased to see that you have had the chance to review the report and Shadow HRA and wanted to provide clarifications on some of the points raised.

I have sought to respond to your comments relating to horseshoe bats; the provision of off-site compensation and its interplay with the scheme to the south; artificial lighting; the survey of additional offsite land.

I have reproduced the comments you provided below (*italics*) for clarity and numbered these to reference my subsequent comments.

### **1. Off-site Mitigation**

*The Shadow HRA has stated that the offsite mitigation areas for 23/P/0664/OUT and 21/P/0236/OUT / 23/P/0238/RM are entirely discrete. Further clarification is requested on this matter as there appears to be an overlap between the offsite mitigation area shown in the Shadow HRA for 23/P/0664/OUT and the offsite mitigation area shown in the information submitted for 21/P/0236/OUT / 23/P/0238/RM.*

*The Shadow HRA has stated that bat surveys have been undertaken in 2023 of this area, the results of these surveys should be provided. If surveys show a high level of greater horseshoe activity a review may be needed of the mitigation strategy.*

*Principles of habitat creation for the offsite mitigation area have been included in the Shadow HRA. These are accepted. In summary the offsite mitigation area will be managed as grazed species rich grassland with shelter belts. Due to the importance of grazing in this area, it is essential that grazing can be secured on the offsite mitigation land. It must be demonstrated that it is feasible for this land to be grazed. Currently it does not appear that the applicant has been able to find an organisation to graze the land as Clarkson & Woods letter (9th September 2023) states that they are currently looking into a range of options for future management of the area.*

*Due to the vulnerability of the SSSI ditches to shading, shelter belts must be set back from the ditches. The Shadow HRA states that the area of the field which will be used to provide mitigation for the loss of*

foraging habitat will be set 10m back from all SSSI ditches. This buffer must be secured in any permission given.

## **2. Onsite habitat creation**

We are generally supportive of the on-site habitat creation and enhancement proposals. Concentrating the development to the east of the site to provide a wide ecological buffer to the Strawberry Line is welcomed. There are a number of areas where changes are requested:

- Whilst the woodland belt to the west of the site would provide foraging habitat for horseshoe bats, this could increase shading of the SSSI ditches on this boundary. Woodland planting should be set back from the SSSI ditch with a gradient created from more open habitat/woodland edge adjacent to the Strawberry Line moving to woodland further to the east.
- We are concerned about the proposed use of Field 1 for allotments. A high level of lesser horseshoe activity was recorded in this area of the site likely due to its location adjacent to the Strawberry Line and the structure of trees and hedgerows on field boundaries. Due to the high level of lesser horseshoe activity recorded in this area, this area would be better retained as foraging habitat for horseshoe bats and the allotments located in a different area of the site. We would welcome the creation of an orchard with long sward grassland throughout the entirety of this field. Whilst new hedgerows will be created in the wider application site, these will not provide the same degree of enclosure of fields as the existing trees and hedgerows do in Field 1.
- The proposed access point to the allotments would create a gap in the existing hedgerow which would reduce the suitability of the commuting habitat in this area for horseshoe bats. The existing lane is currently overgrown, providing vehicular access may result in trimming back vegetation in the area further reducing the suitability of the area for horseshoe bats. If vehicular access is required to this area, it should be explored whether this can be made from the east, extending from the proposed roads within the developed area.

## **3. HEP**

The precautionary approach taken to baseline habitats in the HEP through using the highest scoring management code for existing grassland management is welcome. There are a number of areas where revisions or clarifications are required on the HEP calculations:

- In the existing habitat calculation, the management code LM2 (uncut hedge) should be used for H1 as this hedge is between 2 – 3m tall which meets the definition in the SPD of an uncut hedge.
- Similarly, a management code of LM3 (overgrown hedge) should be used for H13 in the existing habitat calculation as the height of the hedgerow (6m) meets the SPD definition of an overgrown hedge.
- In the replacement habitat calculations, a management code of DIS is used for D22. Clarification is requested on what this refers to.

## **4. Lighting**

We welcome that a maintenance factor of 1 has been included in the modelling to present a worstcase scenario. Larger copies of the horizontal modelling are requested to enable detailed assessment of the areas that will be accessible to horseshoe bats. Modelling of light spill has been provided for multiple lighting strategies for the site, an assessment of the areas accessible to horseshoe bats, and therefore which areas can be included in the HEP, must be based on the worst performing scenario (ie. Where the light spill extends greatest into horseshoe bat habitat). This is to ensure that no matter which strategy is chosen, there will be certainty in the quantity of habitat that will be provided for horseshoe bats. Vertical

planes have been included for inferred bat flight paths in areas of habitat in close proximity to the proposed housing. In all scenarios modelled for these areas, planes B and E fail (ie. the light spill from the proposed development will prevent horseshoe bats accessing these areas). These areas will not be accessible to horseshoe bats and therefore should not be included in the HEP.

The light spill modelling does not appear to include all external lighting. The Ecological Impact Assessment (Clarkson & Woods, March 2023) refers to PIR security lighting on the dwellings but this does not appear to have been included in the modelling. The Shadow HRA states that access lighting for the plots which are in close proximity to the mitigation areas will be specified as part of a reserved matters application suggesting that further lighting will be needed for the site which is not included in the modelling. The modelling of external light spill must include all external lighting proposed on site. A plan of the luminaires used in the modelling should be provided which details the model and location of each luminaire. Due to the sensitive location of the site, all external lighting should have an Upwards Light Ratio of 0%, a colour temperature of 2700 Kelvin or lower, and a peak wavelength higher than 550nm in line with ILP/BCT guidance.

Modelling of light spill from internal lighting is required due to the proximity to the proposed dwellings to the HEP habitat, without modelling of light spill it cannot be demonstrated that the proposed development would not result in light spill onto the HEP habitat. Modelling of light spill from internal lighting is therefore required where buildings could result in light spill onto HEP habitat. The modelling should include the combined effects of internal and external light spill.

#### **5. Night Roost location**

The location of the replacement night roost should be provided, this should be in proximity to the Strawberry Line in an area with limited public access.

#### **6. Water Quality and Biddle Street Yatton SSSI**

The SSSI has recently been downgraded to unfavourable condition due to the high level of phosphorus within the ditches. We welcome the comprehensive SuDS strategy proposed, including the use of permanently wet SuDS which will help to reduce phosphorus content in surface water.

Full details of SuDS can be secured by condition, however we would welcome if the applicant commits to a SuDS design which minimises phosphorus input from surface water runoff entering the surrounding environment. Ciria have produced guidance on Using SuDS to reduce phosphorus in surface water runoff.

#### **7. Air quality – Dust**

Appendix E of the Air Quality Assessment (Hydrock, March 2023) includes mitigation measures for construction dust. These measures are welcomed and must be secured in a CEMP.

#### **8. CEMP and LEMP**

A CEMP must be secured by condition which includes measures to prevent construction lighting impacting habitat used by horseshoe bats and includes the use of best practice measures to prevent pollution of SSSI ditches.

A LEMP must be secured by condition. Mitigation habitats for horseshoe bats must be managed and maintained in perpetuity.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all,

your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Amelia Earley

### 1. Off-site mitigation

I have provided a figure with the area shown as compensation habitat associated with Land at Rectory Farm 21/P/0236/OUT marked along with the remaining 2.9ha which is earmarked for compensation habitat associated with the Land North of Rectory Farm proposals (23/P/0664/OUT). This is provided in a revised Shadow HRA (Figure 9) and reproduced below. This includes eight meter offset from the bank tops of all ditches which is not included in the total land area counted towards the HEP totals.



The survey of the second field of the off-site compensation area is complete and will be submitted in the Land North of Rectory Farm Off-Site Land (2023 surveys) report along with an updated Shadow HRA to provide clarity on the points raised. Use of the two fields by greater and lesser horseshoe bats was similar to the level of use found in the previous area of compensation land subject to activity surveys and the results gathered in the northern field in 2022. Foraging by both species of horseshoe bats was recorded,

although overall passes from horseshoe bats were lower than during the 2022 surveys undertaken on the northern field.

The previous version of the Shadow HRA set out that a range of options were being looked into for the future management of the offsite mitigation land. It is now proposed that the offsite mitigation land be managed through a cutting regime, which was one of the earlier identified options. The restoration management of the compensation land will be managed by cutting and the collection of arisings. Open areas of grassland will be cut rolled mechanically leaving arisings for a day to drop seed. The arisings would then be collected bailed and removed from the site. Those areas of grassland which are enclosed within scrub would be managed using hand tools with arisings also collected and taken off site. It is considered the application of an ecologically sensitive cutting regime can be used to enhance the foraging potential of the grassland for both greater and lesser horseshoe bats.

Shading of the ditches is a key concern in the management of the compensation land. Any woody vegetation to be planted to provide shelter will be set well back from the ditches. As shown in Figure 9 provided in the updated Shadow HRA and reproduced above, the compensation area claimed as part of the HEP calculations is set back eight meters from the ditches. This buffer has reduced from the ten-meters initially proposed however it is considered that eight meters is a sufficient to protect the ditches from any habitat creation and management impacts. It is substantially more than required under the BNG methodology for avoiding riparian zone encroachment of ditches<sup>1</sup>. Ongoing management of the buffer habitat is proposed to ensure the ditches remain unshaded. The buffer will continue to provide additional foraging habitat for horseshoe bats (although this land would not count towards the total compensation habitat included in the HEP calculations).

## **2. On-site foraging habitat**

Given the location of the hedgerow which is already in place to the east and north of the ditches alongside the strawberry line it is not considered the woodland would introduce significant additional shading. The open side of the ditch is to the strawberry line and this is maintained by North Somerset Council. The planting of woodland at the location shown in the landscape plan will make the maintenance of the hedgerow difficult from within the site. As such consideration should be given to offsetting the woodland to provide a maintenance strip of around 5 meters for management. The exact location of this feature could be amended in a reserved matters application.

In terms of the current proposals in Field 1 considering the requirements to incorporate features such as allotments into the site this area is considered most appropriate and consistent with the general ecological design strategy. The objective was to create a large interconnected area of foraging habitat such as been achieved in Fields 3, 4 and 6 and locating the orchard on the fringes of Field 1 was considered preferable to fragmenting this area. We acknowledge that orchards have a higher foraging value to horseshoe bats and on this basis we have reduced the extent of allotment and provided orchards in proportion of the field. This is consistent with the mitigation hierarchy approach of minimising the adverse ecological impacts where these cannot be fully avoided.

Biddle Street which is currently proposed for access into the allotments is used by agricultural machinery to service the fields to the west of the strawberry line. It is not considered that widening of the access would be required to formalise a rough track to the allotments. The creation of a field gate sized entrance into the field will require minor removal of hedgerow and creating a bridging structure across the ditch but can be provided whilst avoiding impacts to mature trees. Providing the track and allotments remain

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<sup>1</sup> Table 11 of the Biodiversity Net Gain User Guide link:  
[https://assets.publishing.service.gov.uk/media/65c60e0514b83c000ca715f3/The\\_Statutory\\_Biodiversity\\_Metric\\_-\\_User\\_Guide\\_.pdf](https://assets.publishing.service.gov.uk/media/65c60e0514b83c000ca715f3/The_Statutory_Biodiversity_Metric_-_User_Guide_.pdf)



unlit it is unlikely to have an impact on commuting bats due to the parallel hedgerow which is in place at this location. Access to this area via the road network within the site would likely require removal of small sections of H4 which is a better-quality hedgerow.

### **3. HEP**

The comments in relation to the HEP are welcomed and have been amended in line with your observations in the amended HEP calculations contained in the updated Shadow HRA. The change in hedgerow structure applied to H1 and H13 had a very minor impact on the baseline and post development HEP calculations. The error in relation to the coding of D22 was corrected resulting in a minor uplift in HEP score for this element. Additional changes were made to the HEP calculations to account for potential lighting impacts which have reduced the areas of habitat available which are described below.

### **4. Lighting**

The exclusion of habitat from the HEP calculations have been undertaken on the basis of the worst-case scenario of the horizontal plane calculations from the street lighting specified and security lighting. Select vertical planes were modelled to test the feasibility of culvert crossing points which if functional would have allowed horseshoe bat to access another area of grassland along with ditches and hedgerows to the east of the access road. As illustrated by vertical planes A-E in the initial lighting assessment, these potential crossing points are illuminated to above 0.5 lux in the area ahead of the culvert entrances. As a consequence, all habitat to the east of the access road and any habitat illuminated alongside the culvert were excluded from the habitat included in the HEP calculations. This includes a fringe of habitat to the culverts which was illustrated as being illuminated above 0.5lux in the worst-case vertical plane calculations. It should be noted the vertical planes illustrated the corridors where they are situated away from the culvert entrances were unlit from the proposed street lighting.

Internal light spill assessment is unfeasible at the outline stage due to the need to model the internal dimensions of each dwelling which are currently unspecified. It is agreed that modelling of internal lighting from dwellings which face onto proposed mitigation land should be undertaken to ensure the full quantum of mitigation habitat required can be delivered without impacts from internal lighting. However, in the absence of being able to progress an internal lighting assessment a 10m buffer from each house facing directly onto the habitat has been applied to ensure that light can dissipate adequately and negate the need to undertake further internal light calculations at this stage. Including the exclusion of the habitats within 10m of the dwellings the proposals remain compliant with the habitat provision for both species of horseshoe bat. Adjustments have been made to the HEP calculations from those presented in the previous sHRA to exclude an additional 800m<sup>2</sup> of grassland and 428m<sup>2</sup> of SuDs habitat as a result of a 10m buffer from each building immediately adjacent mitigation habitat being applied along with exclusions from security and street lighting which are displayed in the updated Shadow HRA.

### **5. Night Roost location**

The proposed location for the night roost structure have been discussed and the locations marked by blue circles on the figure below are likely to be the most appropriate. The first to the south would be within a area planted with orchards alongside the proposed allotments. This field would be fenced and as such subject to very low levels of public disturbance. Alternatively, a night roost could be provided in the woodland in a reasonably inaccessible location alongside the ditch. It should be noted that the relocation of the current night roost to an unlit location alongside the strawberry line is a significant enhancement in terms of roost suitability and accessibility from the location of the existing unused night roost structure situated alongside the titan ladders development.



#### **6. Water Quality and Biddle Street Yatton SSSI**

The general proposals will seek to reduce nutrient runoff into the ditch network through cessation of fertilisation of the land. The current design will provide a wet SuDs system to provide a range of ecological benefits for a range of protected species. Specific measures to reduce phosphates will be incorporated where possible but the scheme cannot commit fully to the Ciria guidance at this stage due to the potential for design changes which may impact the feasibility of the current layout.

#### **7 & 8. Air quality – Dust, CEMP and LEMP**

Agreed a CEMP and LEMP should be secured via condition to cover these points.

I trust this contains the further information you require. If you have any further queries please get in touch.

Best wishes,

A handwritten signature in black ink that reads "H. Sturgess".

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