

INTERNAL MEMORANDUM

FROM: NATURAL ENVIRONMENT SERVICE AREA

Reference Number: 23/P/0664/OUT

Application: Outline planning application for the development of up to 190no. homes (including 50% affordable homes), 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, open space and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, scale, layout, appearance and landscaping) reserved for subsequent approval.

Location: Land To North Of Rectory Farm Chescombe Road Yatton

Date of comments: 26/07/2023

Formal comments from Thomas Bell, Natural Environment Officer – Ecology regarding the above application.

On ecology grounds, this application should be recorded as:

Holding objection – subject to further information

Summary of supporting evidence and results:

A Ecological Impact Assessment (dated March 2023) of the application site was carried by Clarkson and Woods.

Designated sites:

North Somerset and Mendip Bats – Special Area of Conservation (SAC)

With reference to the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (2018), the application site lies within Band B of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC which is designated for its horseshoe bat features, and is also within Band B of the lesser horseshoe bat density banding.

Sites of Special Scientific Interest (SSSI)

To the west of the Site is the strawberry line and ditches associated with the Biddle Street Site of Special Scientific Interest. While the scheme is designed so that recreational space buffers the designated site and the new residential areas the site links to the strawberry line with new pathways. I am concerned that the proposal will result in permanent additional recreational pressures to the designated site.

Species potentially impacted:

Amphibians

Three ponds within 250m radius were assessed for great crested newt potential comprising of eDNA surveying. All three ponds returned negative results. The ditches throughout the site were not considered to be suitable for breeding great crested newt. It is considered great crested newts are likely to be absent within the Site.

Badgers

While no sett was identified on site, there is suitable foraging and commuting habitat on site. A known sett is present in a garden to the south some 90m from the red line boundary under a garden shed identified during surveys of the land to the south of the proposals.

Bats

Trees assessed with low potential for roosting bats included: A mature oak in Field 8 The mature oak present along D8. The mature ash present to the north of D8 and Two oaks present in H13 and H14 as indicated by the ecology report.

No buildings on site were assessed as having bat roost potential, the report notes purpose built lesser horseshoe bat night roost structure as part of the Titan ladders development on the eastern boundary of the site, on two occasions the interior was checked for droppings and feeding remains, no signs of bats such as droppings were recorded although no emergence surveys were undertaken specifically for this structure. The report suggests that the eastern boundary of the site will be buffered between 4-9m, submitted drawings numbered edp7842_d008b and YW-034 REVC suggest this boundary to be maintained as a dark corridor for commuting bats. However, figure 16 of the ecology report 'dark corridor plan' shows this area to be in excess of the necessary 0.5lux light levels for maintaining a suitable dark corridor. Section 3.7.17 of the ecology report states "*To ensure its continued functionality an unlit habitat corridor of 3-6m will be provided to allow bats to access this feature is proposed although modelling of the ditch crossings to provide a fly under linkage indicates this unused feature is likely to be unavailable to horseshoe bats. To address this a night roost structure will be created adjacent to the linear woodland habitat along the eastern boundary of the Site to provide an alternative night roosting opportunity for lesser and greater horseshoe bats. The exact location of this feature is yet to be determined.*" Efforts should be made to maintain connectivity to the existing feature as it was installed under a separate and un-linked scheme.

Bat activity surveys have identified both lesser and greater horseshoe bats recorded on every static detector in every month of survey effort demonstrating consistent use of the site by horseshoe bats. There is likely a maternity roost nearby due to the activity detected in June and July. The site is considered to be of high importance for horseshoe bats connected with the SAC.

An off-site mitigation location just to the west of the site and the strawberry line (blue line boundary) is proposed for enhancements to offset outstanding bat habitat requirements for the development. It appears this offsite location is the same off-site mitigation site as was put forward for offsetting impacts associated with planning application 21/P/0236/OUT. North Somerset Council will need to be confident that a legal agreement for this single offsite bat habitat mitigation area can include both applications.

However, it is also important that the Habitat Evaluation Procedure (HEP) calculations as required in accordance with the NSC bat Supplementary Planning Document (SPD) adequately reflect no net loss of bat habitat taking into account the offsite location's existing value to horseshoes bats and offset the habitat value requirements for applications 21/P/0236/OUT and 23/P/0664/OUT so that no net loss is achieved. It might be required that the offsite location requires dividing with a physical feature such as hedgerow planting to allocate one section of the offsite location to application 21/P/0236/OUT and the other for 23/P/0664/OUT. I would welcome further discussions with the case officer on this matter regarding legal agreements. Although additional offsite land may be required if no net loss cannot be achieved on either of the schemes individually.

It is noted that the bat activity surveys on the offsite location have only included the northern field, ideally the entire area should have been surveyed. Results indicate that greater horseshoe bats are currently using the offsite mitigation land for foraging, the current grazing use of the site suggests the location may be difficult to meaningfully enhance the site for horseshoe bats. Although, the proposed off-site location does not accord with the recommendations in SPD section 4.6 in relation to its placement of a designated Site of Special Scientific Interest as a designated rhyne intersects the northern and southern field parcels.

The lighting plan submitted does not include details of internal or external lighting with the properties, I am concerned that additional lighting would reduce the amount of available habitat that is stated would be available to horseshoe bats.

The reports discussion of HEP and BNG calculations put forward are unclear and confusing in relation to additionality. I would recommend that the HEP calculations for the site are undertaken first including all the habitats that will be lost and or impacted by the development to achieve no net loss of bat habitat. BNG calculations are then to be undertaken in addition following the no net loss of bat habitat, i.e. there should not be stacking or double counting of the habitats. A plan showing the HEP habitats for bats on and off site pre and post development would be beneficial and the submission of the full HEP and BNG spreadsheets would be appreciated.

There are presently no details regarding how the bat mitigation site will be managed in perpetuity to maintain no loss of the offset bat habitat.

Birds

A breeding bird scoping survey recorded a good assemblage of garden and farmland birds predominantly associated with the hedgerows. A wintering bird survey was not considered necessary in this instance due to the low quality of the habitats present for species such as overwintering waders.

Dormice

No specific survey for dormice has been undertaken due to the low likelihood of impacts to this species. The western and northern hedgerows connect into the Strawberry Line which connects to the wider landscape which indirectly links the site with known populations of dormice.

Reptiles

A low population of grass snake and slow-worm present on the eastern boundary.

Otter

An otter spraint was recorded on the corner of ditches D29/D30 on the bankside north of the culverted section which provides access between Fields 9 and 1 as stated within the ecology report. This indicates otters use the internal ditches of the Site.

Recommendations:

Designated sites:

North Somerset and Mendip Bats – Special Area of Conservation (SAC)

All functionally-linked habitat for horseshoe bat populations is protected under the Conservation of Habitats and Species Regulations 2017 (as amended). The LPA has a legal duty to complete a Habitats Regulations Assessment under Regulation 63 if there is any risk of significant negative impacts on functionally-linked habitat. In accordance with the North Somerset Bat SPD, sufficient replacement horseshoe bat habitat should be provided for loss of any flightlines or foraging habitat.

Due to the potential impacts of the proposals on the North Somerset and Mendip Bats Special Area of Conservation a Habitats Regulations Assessment is required prior to any permission being granted.

Further information is required to meet nature conservation obligations and to meet requirements of UK law and national and local planning policy in relation to this application. Insufficient information has been provided with the application for the impacts on SAC populations to be fully assessed beyond reasonable scientific doubt (as required by the Waddenzee judgement). It is the applicant's duty to submit this information. If conclusions cannot be fully evidenced, the HRA would be incomplete or would have to assume negative impacts following the precautionary principle where there is uncertainty, the application should then be refused on these grounds in accordance with UK law.

The following information is required to demonstrate compliance with UK law and national and local planning policy in relation to this application:

- Details of bat activity survey results compliant with the NSC bat Supplementary Planning Document (SPD) which demonstrate, with evidence-based analysis, the current value/importance and use of the site for horseshoe bats (and other species). – Bat activity surveys are absent on the southern parcel of the proposed mitigation site.
- A robust approach to mitigation including the location(s) clearly marked and detailed for any on or off-site mitigation required that would be accessible to horseshoe bats (as per comments on bats above) with the provision of ecological mitigation measures should be counted outside of residential gardens.
- Details of any lighting proposals to demonstrate that there will not be significant impacts or displacement from habitats suitable for horseshoe bat populations linked to the North Somerset and Mendip Bats SAC. – the Lighting Strategy, should include a lux contour plan to demonstrate light spill below 0.5 lux for retained/created horseshoe bat habitat and include internal and external lighting of properties.
- Revision of Habitat Evaluation Procedure (HEP) calculations considering the points raised above about additionality and lighting.
- Revision of the DEFRA BNG metric considering the points raised above about additionality.

- Further information on the off-site replacement habitat site in particular how the site will be secured and managed into perpetuity.

It will need to be demonstrated that the light levels can feasibly meet acceptable levels before determination for the HRA to be completed. If these levels cannot be achieved, the design will need to be amended which is a material consideration in the scheme. An outline strategy for external and internal lighting should also be provided.

Without mitigation, the proposals could have a likely significant effect on Annex II species of the North Somerset and Mendip Bats Special Area of Conservation (SAC). **The provision of a shadow HRA (Appropriate Assessment) would be welcomed.**

Notwithstanding the above requirements, comments below are provisional subject to receiving the further information and the approval of a completed HRA or adopted shadow HRA

Protected species mitigation strategies, along with precautionary working measures and enhancement measures for wildlife as detailed in the ecology report must all be secured by condition. The implementation of mitigation measures during construction and operation can be secured by condition for a CEMP. The implementation of compensation and enhancement measures including on-going management and monitoring, can be secured by condition for a LEMP. These documents will need to be agreed in writing with the LPA to ascertain details of all the protection measures and protected species strategies.

Recommended wording for conditions will be supplied following receipt of the further information and remain provisional subject to the approval of a completed HRA or adopted shadow HRA.