Appropriate Assessment of Effects on a European Site

This is a record of the appropriate assessment of Wiltshire Council required by Regulation 61 of the Habitats Regulations 2017 (as amended). The project has been assessed as likely to have significant effects upon one or more European protected sites and is not directly connected to or required for the management of such sites. This assessment is made in accordance with the relevant guidance documents (ref. *HRA Handbook*, David Tyldesley Associates).

PART A: INFORMATION REVIEWED	
Information about the plan or project	PL/2023/07831 - Bremeridge Farm, Fairwood Road, Dilton Marsh, Westbury, BA13 4ED <u>Demolition of existing agricultural buildings and erection of 4 single storey dwellings with associated parking and landscaping (as an alternative to Class Q approval PL/2022/07278 to change the use of the existing agricultural buildings to 5 dwellings with associated development).</u> The application site is located within a core roost buffer for greater horseshoe associated with the Bath & Bradford-on-Avon Bat SAC. The site occurs to the north of Dilton Marsh. The area is predominantly rural in nature with arable fields to the west and south, and a parcel of woodland to the east. North of the site is a collection of dwellings. The application is supported by: • Ecological Impact Assessment Report V1.0. August 2023. Providence Ecological. • Bat Roosting Provision. Rev B. Drawing 1807/070. April 2023. A building on site was found to support a greater horseshoe night roost, lesser horseshoe transitional and night roost, and a common pipistrelle day roost. Surveys also identified the use of the site by foraging and commuting bats. In light of the judgement in Case C 323/17 CJEU “people over wind” the Council has determined that the application should be subject to an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
Designated Site	Bath and Bradford on Avon Bats Special Area of Conservation (SAC)
List of interest features	Qualifying Features: 1. Bechstein’s bat *Myotis bechsteinii* 2. Greater horseshoe bat *Rhinolophus ferrumequinum* 3. Lesser horseshoe bat *Rhinolophus hipposideros* The conservation objectives for the site are to: *“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;* • *The extent and distribution of the habitats of qualifying species;* • *The structure and function of the habitats of qualifying species;*

	• *The supporting processes on which the habitats of qualifying species rely* • *The populations of qualifying species; and* • *The distribution of qualifying species within the site."* Publication Date: 27th November 2018 – version 3. This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations in 2017.
Information about the designated site	Most SSSI units underpinning the SAC are either favourable or unfavourable recovering. SSSIs comprise disused stone mines which are of key importance as a hibernation and swarming site for three bat species (greater horseshoe, lesser horseshoe and Bechstein's) because of the combination of temperature and humidity conditions, suitable access, lack of pollution and infilling, and lack of disturbance. The SAC is designated for the hibernating populations of three species of bat: lesser horseshoe, greater horseshoe and Bechstein's bat, and as a whole, the SAC as a whole supports 15% of the UK population of Greater Horseshoe bats. While the SAC mines are designated for hibernating bats, both lesser and greater horseshoe bats are known to emerge from their hibernation sites during the winter months about once every two weeks for water / food, therefore condition of habitat, including quality of foraging in the immediate vicinity of SSSI sites is considered to be very important (Park, Jones & Ransome 2000)[1] for population numbers. Successful breeding, hibernation, swarming and dispersal are all critical in sustaining the bat populations for all component SSSI sites; these rely on an interconnected landscape for ease of movement, and linked sites for mixing of gene pools. Features of significance within the wider landscape are watercourses, woodland, grazed pasture, parkland, hay meadows, hedgerows, linear trees, scrub and individual feature trees.

PART B: IMPACT PREDICTION ALONE	
Likely Significant Impact(s)	**Predicted Effect of Impact(s)**
Temporary / permanent loss of foraging and roosting habitat and flight corridors	No impacts predicted to foraging habitat or flight corridors. No loss of linear habitat features. The proposals are largely confined to the footprints of existing building and hardstanding. Unmitigated the development will result in the loss of a greater horseshoe night roost. The permanent loss of roosting habitat is predicted.
Risk of collision and bat fatality	N/A
Does retained core bat habitat connect to the wider habitat network?	Yes. No impacts to boundary vegetation or linear habitat features are anticipated and thus there will be no negative impact on the connectivity of the wider habitat network.

[1] PARK K.J., JONES G. & RANSOME R.D. 2000. *Torpor, arousal and activity of hibernating Greater Horseshoe Bats*

	A new native hedgerow is proposed along the northwestern boundary which would enhance the local bat habitat network.
Disturbance to bat flight/foraging/roosting activity from light spill	None predicted. It is understood that there is existing floodlighting on the site which is to be removed to facilitate the proposals. Any changes to lighting as a result of the change of use of the site to residential is therefore considered de-minimis. Furthermore, the dwellings are single storey, do not have rooflights and are not located immediately adjacent to hedgerows/woodland or the proposed bat house and light spill onto these features is therefore not anticipated.
Disturbance to bat flight/foraging/roosting activity from noise or human presence – construction and operational phases	Minor temporary impacts during construction in the absence of mitigation. No impacts during operation predicted. The site currently contains agricultural buildings, located beside a small collection of dwellings. It is therefore anticipated that the site is already subject to a certain level of human disturbance and any operational impacts would be de-minimis.
PART C: IMPACT PREDICTION IN-COMBINATION	
In combination with other plans or projects?	
All planning applications are subject to ongoing work to ensure no loss of foraging or commuting habitats for bats using the SAC hibernation sites and associated roosts, particularly by ensuring existing vegetation is left unlit as far as possible, maintaining existing vegetation along key potential flight lines and including additional planting to provide new commuting and foraging habitat for the future where necessary. Surveys and mitigation are carried out in accordance with the Council's HRA Guidance, which is regularly updated in light of new information and available to download on the council website. The Council's HRA Guidance includes buffer areas around the hibernation sites designated as part of the SAC and other key roost sites, which forms a consultation zone, highlighting where the Council Ecologist should be consulted on planning applications. This consultation zone is also broken down into buffer areas by SAC species. Other plans and applications that have been considered: • Wiltshire Core Strategy (Adopted January 2015). There are no active planning applications for the land within or adjacent to this application.	
PART D: CONSEQUENCES FOR CONSERVATION OBJECTIVES	
Does the project or plan have the potential to:	
Cause delays in progress towards achieving the conservation objectives of the site?	No. While two of the SSSI units are unfavourable recovering this is based on assessing the suitability of the woodland management within the SAC boundaries for bats. This application does not affect the SAC woodlands. The closest SSSI (Winsley Mines) which supports lesser horseshoe bats, is in favourable condition. This application is minor with the potential to impact a greater horseshoe night roost in the absence of mitigation. No removal of vegetation is anticipated and any changes to artificial lighting levels on the site are expected to be de-minimis. The proposals are not expected to impact on the functionality of the wider landscape for greater horseshoe bats.
Interrupt progress towards achieving the conservation objectives of the site?	No, see above.

Disrupt those factors that help to maintain the favourable condition of the site?	No, see above.
Interfere with the balance, distribution and density of key species that are the indicators of favourable condition of the site?	In the absence of mitigation, the loss of a night roost may impact the structure and function of the site/local area for greater horseshoe therefore affecting their population status and/or distribution.
Change the dynamics of the relationships that define the structure and/or function of the site?	No, see above.
Reduce diversity of the site?	None predicted.
Result in disturbance that could affect population size or density, or the balance between key species?	None predicted.

PART E: MITIGATION FOR APPLICATION PL/2023/07831

Bat Roost Mitigation

The proposals include the provision of a standalone Bat Roost Structure (Bat Roosting Provision, Drawing no. 1807/070) which will provide a compensatory roost site for bats, including greater horseshoe. The structure is anticipated to represent an enhancement for bats on the site and includes transitional and hibernation roosting opportunities for horseshoe bats. The ecology report and any plans which show the Bat Roost Structure will be secured via condition, should permission be granted.

The ecology report includes recommendations to be carried out during construction to limit the impact of construction activities on roosting bats. This includes timing of the works, restrictions on artificial lighting during construction and measures to be followed during demolition of areas known to support roosting bats. The completion of the construction of the Bat Roost Structure prior to demolition will be secured via condition.

Conditions

The following conditions will be secured to any permission given:

1. The development will be carried out in strict accordance with the following documents:
    - Bat Roosting Provision. Drawing no. 1807/070. Orme
    - Ecological Impact Assessment Report. August 2023. Providence Ecological.
    - Proposed Site Plan. Drawing no. 1807/003. March 2023. Orme.

    REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

2. No external light fixture or fitting will be installed within the application site unless

details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

3. The Bat Roost Structure will be incorporated into the development in accordance with Bat Roosting Provision (Drawing no 1807/070) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The construction of the structure will be completed prior to the commencement of any works, including vegetation removal and demolition. The construction of the Bat Roost Structure will be supervised by a professional ecologist and this condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the Local Planning Authority. The Bat Roost Structure will continue to be available for bats and other target species for the lifetime of the development.

   REASON: To mitigate for impacts to bats arising from the development.

4. Prior to the commencement of any works, including vegetation removal and demolition, the Bat Roosting Provision (Drawing no. 1807/070) plan should be updated to include the locations, types and numbers of nesting features for birds to compensate for the loss of nesting habitat and provide an enhancement for nesting birds on the site. These features will continue to be available for the target species for the lifetime of the development.

   REASON: To provide mitigation/enhancement for biodiversity.

5. Prior to the commencement of any works, including vegetation removal and demolition, full details of a Wildlife Protection and Enhancement Scheme must be submitted to and approved in writing by the local planning authority. These details shall include:

   (i) A site plan showing:
   - The identification of the proposed northwestern hedgerow as a bat corridor.
   - Species composition and extent of proposed hedgerow and scrub planting.
   - Details of any physical improvements and/or planting regimes for the pond.

   (ii) The site plan should be supported by a management plan which provides detail on how proposed and retained habitats will be managed for biodiversity. The report must include management of the bat corridor and any monitoring and maintenance required for the Bat Roost Structure/nesting bird features.

   The management plan shall be implemented in full and for the lifetime of the development in accordance with the approved details.

   REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of biodiversity for the lifetime of the scheme.

   Note to case officer: If sufficient detail is provided to address recommended conditions 4 and 5 prior to determination then these conditions need not be applied,

providing the submitted documents can be appropriately secured. Some of the proposed enhancements currently appear to be outside of the ownership boundary and may need extra steps to secure.	
PART F: CONCLUSION	
Is the project likely to affect site integrity?	
a) Alone?	NO
b) In combination with other plans or projects?	NO
Recommendation:	
The appropriate assessment concludes no adverse effects on the SAC site. The application can therefore be positively determined, subject to suitable mitigation measures being secured by condition and implemented.	
Name of officer(s) making the assessment **Date:**	Rachel Whyte 10/11/2023
Natural England Comments	
Name of Natural England officer **Date:**	