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Habitats Regulations Assessment

Canal Bridge 163, Whaddon Lane

February 2024

A report by

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Report details

Site name:	Canal Bridge 163
Site address:	Whaddon Lane, Hilperton, Trowbridge, BA14 6NR
Grid reference:	ST 87910 60756
Surveyor:	Colin Hicks BSc (Hons), MCIEEM (Natural England licence no: 2015-15857-CLS-CLS)
Report date:	13th February 2024
Report Author:	Colin Hicks BSc (Hons), MCIEEM
Report no:	WOR 4360

Declaration of compliance

BS 42020:2013

This study has been undertaken in accordance with British Standard 42020:2013 Biodiversity, Code of Practice for Planning and Development.

Code of Professional Conduct

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

Validity of survey data and report

The findings of this report are valid for 24 months from the date of surveys on which it is based. If work has not commenced within this period, updated surveys by a suitably qualified ecologist may be required.

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1. Introduction

1.1. Approach to the Habitats Regulations Assessments

A preliminary visual assessment for roosting bats was completed on this canal bridge February 2024 and included a biological records search for bats within 4km was provided by Warwickshire Biological Records Centre.

This report presents the ecological information obtained during the survey and the desk-study, assesses the significance of the effects of the proposed works on these features, and sets out proposed mitigation measures if required.

A Habitats Regulations Assessment (HRA) is required under EC Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (the 'Habitats Directive') (Article 6(3)) wherever a plan or project that is not directly connected to, or necessary to the management of a Natura 2000 site has the potential to have a significant effect on the qualifying species populations or habitats within the site.

From this, the relevant plan-making body shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the designated site concerned, unless in certain exceptional circumstances.

Guidance on undertaking assessment of plans or projects that may impact upon designated European sites recommends a staged approach to the assessment process:

- Screening - Identifying potentially relevant European sites and the likely impacts of a project upon the designated features of a European site, either alone or in combination with other plans and projects, and considering whether the impacts are likely to be significant.
- Appropriate Assessment - The consideration of the impacts on the integrity of the European site, either alone or in combination with other plans and projects, with regard to the site's structure and function and its conservation objectives. Where there are adverse impacts, an assessment of mitigation options is carried out to determine adverse effect on the integrity of the site. If these mitigation options cannot avoid adverse effects, then development consent can only be given if the following two tests can be passed.
- Test 1 - Assessment of Alternative Solutions - Examining alternative ways of achieving the objectives of the project, to establish whether there are solutions that would avoid or have a lesser effect on European sites.
- Test 2 - Imperative Reasons of Overriding Public Interest - This is the assessment where no alternative solution exists and where adverse impacts remain. It is the process to assess whether the development is necessary for IROPI and, if so, the identification of any necessary compensatory measures needed to maintain the overall coherence of the site or integrity of the European site network.

These four stages are referred to as a Habitats Regulations Assessment (HRA).

A ‘likely’ effect is one that cannot be ruled out on the basis of objective information, and it should be noted that the test is a ‘likelihood’ of effects rather than a ‘certainty’ of effects. Determining whether there will be a LSE does not imply that there will be such an effect, or even that an effect is more likely than not. The LSE test should be used to filter out effects that are clearly trivial or inconsequential.

To suggest LSE there must be a link between the proposal's effects and a European site’s qualifying features, and it must be reasonable to suggest that the effect is likely. Having established this, only where the effects are obviously trivial or inconsequential and this judgement can be clearly and easily justified, should no LSE be concluded.

The aim of the LSE test is therefore to determine whether the plan either alone, or in combination with other plans and projects and activities, is likely to result in a significant effect on a European site. Given the need for a high level of certainty to meet Habitats Regulations requirements, there is a presumption in favour of ‘screening issues in’ at this stage, following the precautionary approach. When considering the relevant screening methods to determine LSE, it is therefore understood that there needs to be a presumption in favour of including, rather than excluding, qualifying features and designated sites in the HRA process at this stage.

In accordance with Regulation 61 information submitted with a planning application will be used by the Local Planning Authority to determine whether the proposal is likely to have a significant effect on the SAC.

This report therefore provides an assessment of LSE to enable the competent authority to undertake an HRA screening of the potential for the development to impact qualifying features of Bath and Bradford-on-Avon Bat SAC.

2. Identification of Natura 2000 sites and characterisation

2.1. The proposed development site

The canal bridge is located along the Kennet and Avon Canal to the north east of Trowbridge in Wiltshire.

The bridge is within a yellow medium risk zone of the Trowbridge Bat Mitigation Strategy.

2.2. Bath and Bradford-on-Avon Bat SAC

Bath and Bradford-on-Avon Bat SAC has been selected for the following:

Annex II species that are a primary reason for selection of this site

Greater horseshoe bat *Rhinolophus ferrumequinum*

This site in southern England includes the hibernation sites associated with 15% of the UK greater horseshoe bat *Rhinolophus ferrumequinum* population and is selected on the basis of the importance of this exceptionally large overwintering population.

Bechstein's bat *Myotis bechsteinii*

Small numbers of Bechstein's bats *Myotis bechsteinii* have been recorded hibernating in abandoned mines in this area, though maternity sites remain unknown.

Annex II species present as a qualifying feature, but not a primary reason for site selection.

Lesser horseshoe bat *Rhinolophus hipposideros*

The Conservation Objectives for the SAC are:

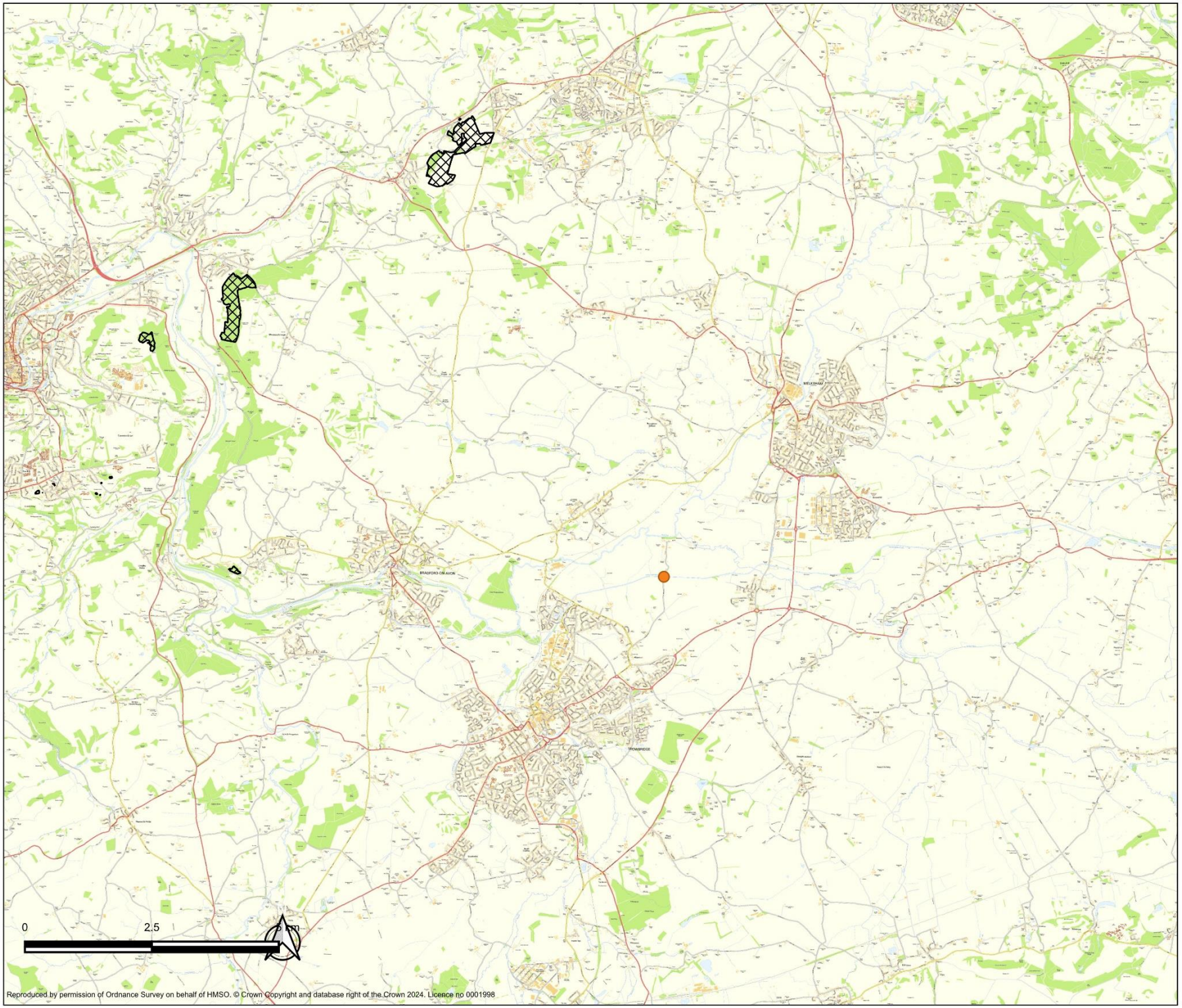
Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- 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.

2.3. Proposed works

It is proposed that a temporary overbridge will be installed, and this is detailed in Temporary abutment design: Drawing no 31378-3-BB-WLB-TAD-DRW-01-001 and Temporary ramp design 31378-4-BBH-WLB-TRD-DRW-01-001.

No demolition or repairs are proposed, and the collapsing wing walls will be supported by dumpy bags filled with suitable ballast.



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Legend

Bath and Bradford on Avon Bats SAC

Canal Bridge 163

Title: Map 1. Bath and Bradford-on-Avon Bat SAC

Project: Canal Bridge 163, Whaddon Lane

Checked by: CDH Version: 01
Date: 13.02.2024

3. Identification of likely impacts and screening

The proposed development is not connected with, or necessary to, the management of the international site.

3.1. Bath and Bradford-on-Avon Bat SAC

Annex II species

Bath and Bradford-on-Avon Bat SAC has been selected for the Annex II species lesser horseshoe bat and greater horseshoe bat, and Bechstein's bat.

Possible impacts on Annex II species within Bath and Bradford-on-Avon Bat SAC from an unmitigated development such as this relate to effects on supporting habitats and processes of the SAC, including:

- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species.

Annex II species use of the assessment site

The canal bridge does not provide suitable roosting habitat for lesser horseshoe bat and greater horseshoe bat, whilst Bechstein's bats generally roost in large trees in the summer, although they can use caves and buildings in the winter.

The assessment site is of negligible value for roosting lesser horseshoe, greater horseshoe bats and Bechstein's bats.

Supporting habitats of the assessment site

The area of assessment site affected by works comprises built features of the bridge. In addition, there is potential for light spill over two consecutive nights during installation, and removal of the overbridge.

Degradation of adjacent habitats due to light spill during these night works are unlikely to adversely impact bats associated with this SAC due to the small extent of habitat impacted and the temporary nature. Any impact, were it to occur, would be short term, minor, averse.

Consequently, LSE on the bat assemblage of this SAC cannot be ruled out at this stage of the HRA process.

4. Statement to inform an Appropriate Assessment

4.1. Introduction

An appropriate assessment is required by Regulation 63 of the Habitats Regulations 2017 implementing Article 6(3) of the Habitats Directive (92/43/EEC) in the event that it is considered a plan or project, not connected with the management of that site, is likely to have a 'significant effect' on any European (Natura) site, i.e. Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites.

The purpose of this statement is to provide the competent authority with the required information to carry out the appropriate assessment. This will ensure that protection of the integrity of European sites is a part of the planning process at a regional and local level. Permission can only be granted if it can be ascertained that the plan or project will not affect the integrity of the European site.

As detailed in screening, a single European site is taken forwards for Appropriate Assessment to determine:

- What are the implications of the effects of the proposal on the site's conservation objectives and will it delay or interrupt progress towards achievement of any of the objectives?

- Can it be ascertained that the proposal will not adversely affect the integrity of the site beyond reasonable scientific doubt?

At this stage in the HRA process mitigation against adverse effect can be taken into account.

4.2. Assessment against conservation objectives

Only the objectives of interest features with LSE are considered here.

Bath and Bradford-on-Avon Bat SAC

The conservation objectives of the Bath and Bradford-on-Avon Bat SAC are:

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.

<u>Use of the assessment site by interest features of this SAC</u>

The interest feature of this SAC considered for LSE here is Greater Horseshoe, Lesser Horseshoe and Bechstein's bats which rely on the structure and function of habitats outside the SAC.

Construction phase impacts

The primary pathway of effect would be through disturbance to commuting and foraging bats as a result of temporary light spill onto linear features along the canal margins.

Construction phase mitigation

To minimise impacts to commuting and foraging bats the following will be adopted during installation and removal of the overbridge if completed in the bat active season of April to October:

- Lighting will be directed into the site away from the canal surface and bordering vegetation.
- Lighting will be limited to that which is required to complete the works.
- Whilst stationary, vehicles will not be left running with lights on, unless needed for safe works.

Operational phase impacts

No operational phase impacts are predicted.

Mitigation will ensure there is negligible potential for an adverse effect on this receptor during the operational phase.

5. In-Combination effects

There is a requirement within the HRA process to consider the in-combination effect of other plans or projects with the site under assessment.

In-combination impacts are those additional changes caused by a proposed development in conjunction with similar developments, or as the combined effect of several developments taken together.

An assessment of the in-combination impact arising from the proposed development at this site requires that relevant information relating to the individual impact of adjacent developments is available.

Ideally adjacent developments should include existing developments, either under construction or operational, approved developments and proposals awaiting determination with sufficient data available within the public domain.
In-combination impacts arising from two or more developments may be:

- Additive - effects are summed
- Antagonistic – the cumulative impacts are less than their summed values
- Synergistic – the cumulative impact is greater than the summed impact.

As impacts are minor and temporary, affecting only a very small area of habitat, in-combination effects are assessed with the solar farm for which this crossing is needed. This report itself took large scale projects into account in its cumulative effect analysis.

PL/2021/03061 - Agricultural fields west of Whaddon Farm, Whaddon Lane, Hilperton , Trowbridge , BA14 6NR
Construction and operation of a renewable energy scheme comprising ground mounted solar photovoltaic (pv) arrays together with ancillary battery storage and other associated infrastructure including inverters, external switchgear, dno substation, customer substation, security cameras, perimeter fencing, access tracks and landscaping.

Bat activity surveys were completed and a report to inform an HRA appropriate assessment provided (dated 25.10.21).

This report concluded:

> *"despite the presence of horseshoe and Bechstein's bats commuting and foraging within the site, the mitigation measures proposed can be reasonably expected to avoid and mitigate potential impacts upon horseshoe and Bechstein's bats and, in turn, the SAC, to acceptable levels. In particular, protective buffer provisions and new landscaping proposals will combine to ensure the key boundary features are retained and remain suitable for continued usage.*
>
> *It is therefore anticipated that the development would be unlikely to result in significant effects upon the Bath and Bradford-on-Avon Bats SAC."*

In-combination adverse effects upon the SAC arising from this development, can be discounted.

Likely significant effect when considering the project 'in combination' with similar developments upon Bath and Bradford-on-Avon Bat SAC can be screened out.