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 Conservation of Habitats and Species 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	Planning application: PL/2023/10233 Address: Hawthorn Works and Former SQ2 Factory Building, Spring Park, Westwells Road, Corsham, SN13 9RD Proposal: Erection of a new data centre and plant, vehicle access, parking and highway works, enclosures, landscaping, drainage and attenuation features and other associated works and infrastructure. Spring Park benefits from outline planning permission (07/03214/OUT, as updated) for the development of a new business and technology park which was first granted in 2008. There have been a number of previous phases (P1, P2, P3, and P4 and P5) at Spring Park under a series of reserved matters permissions and new full permissions. The proposed application seeks to modify the design of two previously approved data centre applications on the wider site's eastern edge. The previously consented applications are 19/11352/FUL being the northern section and PL/2022/01975 being the southern section. The application site lies within the core sustenance zones for the three qualifying bat species associated with the Bath and Bradford-on-Avon Special Area for Conservation (SAC). The closest Site of Special Scientific Interest (SSSI) component is Box Mines (approx. 600m). An artificial bat cave was constructed in the western part of the Ark Spring Park site in 2011, to compensate for the loss of a roost in a section of disused mine. Monitoring surveys of the bat cave completed between 2012 and 2018 revealed that it was used as a day and night roost by at least 5 bat species: lesser horseshoe, greater horseshoe bat, Daubenton's bat, whiskered bat and Natterer's bat. Lesser horseshoe bat also used the cave as a hibernation roost in winter. There are also a number of records for horseshoe species in the area held by the Wiltshire & Swindon Biological Records Centre (WSBRC) and confirmed Bechstein's bat records from surveys completed to support a neighbouring application. This application is supported by the Ecology reports: - Ecological Impact Assessment, No: 15116_R10c_AM, Rev: C, Date: 5th September 2023 by Tyler Grange - Shadow Habitats Regulations Assessment, No: 15116_R012_TLR, Date: 5th September 2023 by Tyler Grange Habitats within the application site comprised mainly buildings/hard standing, modified grassland, immature broadleaved woodland, individual trees and introduced scrub. The two buildings to be demolished were classed as having

	a negligible (eastern building) and low potential (western building – B2) to support roosting bats respectively. An emergence survey on the low potential building did not record any emerging/re-entering bats and incidental passes included common pipistrelle, *Myotis sp* and a unidentified *Nyctalus sp*.. Previous bat surveys for application PL/2022/01975 recorded commuting/foraging species; common and soprano pipistrelle, serotine, Myotis sp. and noctule. No horseshoe bats were recorded, but there are records of horseshoe bats recorded during previous surveys along the ecological corridor (Rowan Lane) which runs along the southern boundary, and where light levels must be maintained at 0 lux. As a result, there is the potential for likely significant effects on qualifying bats as a result: • Noise/vibration disturbance from machinery/vehicles and additional people during demolition/construction. • Disturbance as a result of lighting during demolition/construction and operation. In light of the judgement in Case C 323/17 CJEU "people over wind" (12 April 2018) the Council has determined that the application should be subject to an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
Natura 2000 site(s)	Bath and Bradford on Avon Bats Special Area of Conservation (SAC)
List of European Site 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 2017.
Information about the site	Most SSSI units underpinning the SAC were either favourable or unfavourable recovering during the last condition assessment. The disused stone mines are of key importance as a roost and hibernation site because of the combination of temperature and humidity conditions, suitable access, lack of pollution and infilling, and lack of disturbance. Also of importance are habitats with opportunities for foraging and flight corridors connecting the mines with foraging and roosting opportunities elsewhere. The

	persistence of bat populations at the SAC relies upon good connectivity to significant roosts in the wider landscape (i.e. maternity/transitory roosts).
Other relevant plans or projects	• Corsham Neighbourhood Plan • Corsham Batscape Strategy • Wiltshire Core Strategy • Bath and Northeast Somerset Core Strategy • Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020) • 15/00712/WCM Bradford Road, Corsham • 16/03721/REM Land north of Bath Road, Corsham • 18/02346/FUL Timber Yard, Real World Studios, Mill Lane Box • 18/09884/OUT Land south of Westwells Road, Westwells, Neston, Corsham • 19/02829/VAR. Royal Arthur Park, Corsham • 19/07339/REM Former MOD Rudloe No.2 Westwells Road, Corsham • 19/05832/FUL Leafy Lane Woodland, Rudloe, Corsham • 19/11352/FUL Spring Park, Westwells Road, Corsham • PL/2021/06707 Spring Park, Westwells, Hawthorn Corsham • PL/2022/01057 Spring Park, Westwells Road, Corsham • PL/2022/01975 Spring Park, Westwells Road, Corsham

PART B: IMPACT PREDICTION	
Likely Significant Impact(s)	**Predicted Effect of Impact(s)**
Temporary / permanent loss of roosting habitat, foraging habitat and flight corridors	There will be no temporary and permanent loss of vegetation, however the vegetation is considered unlikely to be of high importance to Annex II bats.
Risk of collision and bat fatality	No risk considered likely.
Disturbance to bat flight/foraging activity from light spill	The ecological corridor (Rowan Lane) runs south of the application site known to be used by horseshoe bats. As such there is potential for disturbance to flight/foraging activity during demolition/construction and operation.
Disturbance to bat flight/foraging activity from noise or human presence – construction and operational phases	Potential for people and noise (vehicles/machinery) disturbance during works in close proximity to foraging/commuting boundary vegetation south of the application site during demolition/construction and operation.
PART C: IMPACT PREDICTION IN-COMBINATION	
Impact	**Predicted Effect of Impact**
Temporary / permanent loss of foraging and roosting habitat and flight	No. There will be no temporary or permanent loss of vegetation being used by Annex II bats.

corridors	
Risk of collision and bat fatality	Unlikely
Disturbance to bat flight/foraging/ roosting activity from light spill	Demolition/construction and operational light spill on adjacent foraging/commuting areas has the potential to cause disturbance to commuting/foraging bats, especially south of the application site, and the likelihood will increase in-combination with adjacent schemes.
Disturbance to bat flight/foraging activity from noise or human presence – construction and operational phases	Potential for people and noise (vehicles/machinery) disturbance during works in close proximity to boundary vegetation during demolition and construction, and likelihood will increase in combination with the other schemes.
PART D: CONSERVATION OBJECTIVES	
All of the risks below have been assessed in relation to habitat lying outside the SAC which is functionally related to the SAC either as roosting, foraging or commuting habitat.	
Does the project or plan have the potential to:	
Cause delays in progress towards achieving the conservation objectives of the site?	N/A. Most SSSI units underpinning the SAC were either favourable or unfavourable recovering during the last condition assessment.
Interrupt progress towards achieving the conservation objectives of the site?	As above.
Disrupt those factors that help to maintain the favourable condition of the site?	As described above in parts B & C the effects of increased lighting during demolition/construction/operation and people and noise (machinery/vehicles) disturbance during demolition/construction in the bat consultation zone could lead to adverse effects on maternity roosts, other roosts and on habitat that the bats rely on for foraging and commuting, all of which lie outside the SAC boundary, but which are functionally linked to it.
Interfere with the balance, distribution and density of key species that are the indicators of favourable condition of the site?	As above. Development could interfere with habitats lying outside the SAC that are functionally linked to it.
Change the dynamics of the relationships that define the structure and/or function of the site?	It is believed the relationship between maternity and hibernation sites is currently stable. This could be disrupted if habitat between roosts and other sensitive features becomes less favourable for bats through light disturbance (demolition/construction/operation) and noise and people disturbance (demolition/construction).

Reduce the area of key habitats?	No. There will be no net loss of foraging/commuting habitat for SAC bat species.
Reduce the population of key species?	Light disturbance during demolition/construction and operation and people and noise (vehicles/machinery) disturbance during demolition and construction may reduce commuting/foraging SAC bat species, in the absence of mitigation. It is possible that the current application in-combination with other historical and potential pending applications would trigger loss of integrity.
Result in disturbance that could affect population size or density, or the balance between key species?	As above, light disturbance during demolition/construction and operation and people and noise disturbance during demolition and construction could affect population size or density, or the balance between key species, in the absence of mitigation, and this would increase with the in-combination effects from other applications occurring at the same time.
Result in the loss or reduction of key features?	No net loss of foraging/commuting habitat or roosts.
PART D: MITIGATION	
Conditions and informatives	The following appropriate mitigation will be secured via planning condition to ensure no adverse effect on the SAC integrity as follows: There will be no night-time working which will ensure there are no additional vehicles/people/machinery outside daylight hours, and this will also ensure there is no construction lighting. A lighting strategy has been submitted with the application to provide details and locations of proposed operational lighting. While the overall lux levels illustrate it is possible to keep light levels to the 0 lux along the ecological corridor, this will be secured via planning condition which will require further information on locations and specifications of lights. A soft landscaping plan to ensure any lost vegetation is suitably replaced and the area is enhanced for bats. Drawing: *Landscape Planting Plan, No: 19792-WAT-ELS-XX-DR-L-743000, Rev: P05, Date: 01.11.12 by Waterman* confirms a suitable strategy is likely to be forthcoming and can be conditioned.
PART E: CONCLUSION	
Is the project likely to affect site integrity?	
a) Alone?	No
b) In combination with other plans or projects?	No
Recommendation:	
Application can be positively determined with no likely negative impact to the SAC site, subject to suitable mitigation measures being secured by condition and implemented.	
Name of officer(s) making the assessment **Date:**	Max Hemmings Ecologist, Natural & Historic Environment Team, Wiltshire Council 02/04/2024

Natural England Comments	
Name of Natural England officer Date:	