Date: 02 May 2024
Our ref: 472832
Your ref: PL/2023/10581

Steven Vellance
Case Officer
Wiltshire Council

BY EMAIL ONLY

Customer Services
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Dear Mr Vellance,

Planning consultation: Installation of eight floodlights and building of two dugouts for managers and coaches.
Location: Trowbridge Town Football Club, Axe and Cleaver Lane, Trowbridge, BA14 0SA

Thank you for your consultation on the above dated 13 April 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) – No objection subject to mitigation
The application site lies within an area known to support bats that form part of the populations for which the Bath and Bradford-on-Avon Bats SAC is notified and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have[1]. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing potential impacts.

On the basis of information provided, Natural England's advice is that this proposed development will require mitigation measures intended to avoid or reduce the likely harmful effects on a European site which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (following the People Over Wind ruling by the Court of Justice of the European Union). For this reason, the proposed mitigation measures need to be formally checked and confirmed by your Authority, as the competent authority, via an Appropriate Assessment.

Habitats Regulations Assessment – Appropriate Assessment
Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance

[1] Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.
The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/

with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Bath and Bradford on Avon Bat SAC. In order to satisfy Natural England that the proposed scheme would not lead to adverse effects to designated sites, the below advice is provided.

Lighting Assessment
We welcome the amended lighting modelling which has been run at a Maintenance Factor of 1.0. This represents the predicted light spill on day one when the lights are functioning at their brightest and have not become dirty or less efficient. The lux contour plans show that lux levels along the boundary hedgerows from the floodlights will achieve the requirement as per the Trowbridge Bat Mitigation Strategy (TBMS) to maintain complete darkness. This will ensure the functionality of these hedgerows as commuting corridors for the local bat population.

We support the condition by your Authority's ecology team that a post development lighting survey must be submitted to demonstrate compliance with the submitted lighting plans. Remedial measures should be agreed with your Authority's ecology team should post development light levels be in excess of the lighting modelling.

Additional Mitigation
We advise the applicant to enhance the boundary hedgerows with in fill planting and to widen hedgerows where possible to provide additional commuting and foraging habitat for bats. Any planting regime should be accompanied by a suitable management plan to be agreed with your Authority's ecology team.

Providing that post development lighting surveys demonstrate that light spill on core bat habitat maintains 'complete darkness' in line with the TBMS and habitat enhancement measures are agreed, the proposed period by which the floodlights are operational of August 14th – April 30th is acceptable.

Further general advice on consideration of protected species and other natural environment issues is provided below at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me directly.

Yours faithfully,

Kyle Conroy
Planning Lead Adviser
Wessex Area Team

Annex A – Additional advice

Natural England offers the following additional advice:

Protected Species

Natural England has produced standing advice[2] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. It is required that major development (defined in the NPPF glossary) be required by law to deliver a biodiversity gain of at least 10% from February 2024 and this requirement has been extended to smaller scale development from April 2024. For nationally significant infrastructure projects (NSIPs) it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found here. Further general information on biodiversity net gain can be found here.

The Government's Biodiversity Metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of the Biodiversity Metric and is designed for use where certain criteria are met.

We advise you to follow the mitigation hierarchy as set out in paragraph 186 of the NPPF and firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include Incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife. Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version.

[2] https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

Biodiversity duty
Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.