

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Jenna Buss
Date:	09/09/2024
Application number:	PL/2024/05527
Proposal:	Redevelopment of site to deliver extension to existing Spring Park data centre campus consisting of (a) free standing data centre building (b) energy, power, and water infrastructure (c) site access and internal roads (d) site security arrangements (e) diverted Public Rights of Ways (f) hard and soft, green and blue, landscaping and (g) other ancillary and auxiliary forms of development
Site address:	Land South of Westwells Road, Westwells Road, Neston, SN13 9GB
Case officer:	Adam Madge

Recommendations:

☐	No Comment
☐	Support
☐	No objection
☐	Condition (no objection subject to conditions)
☒	Objection - further information required
☐	Objection in principle
☒	HRA completed/required

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	No net loss of local biodiversity resource (bat commuting habitat)	NPPF, CP50	Evidence demonstrating functionality of the site for commuting bats will be maintained. A plan with dark corridors along key bat habitat/ corridors clearly identified.	

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.

Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The following submitted documentation was reviewed to inform this response:

- Ecological Impact Assessment. June 2024. Tyler Grange;
- External Lighting Report. April 2024. JCA
- Statutory Biodiversity Metric. June 2024. Tyler Grange

- Proposed Site Plan HAL-SPP6-SW-XX-DR-A-000007. May 2024. Hale Architecture
- Proposed Masterplan HAL-SPP6-SW-XX-DR-A-000006. May 2024. Hale Architecture
- Detailed Soft Landscaping Plan. April 2024. EDP
- Shadow Habitat Regulations Assessment. June 2024. Tyler Grange

Protected Species/Habitats

An Ecological Impact Assessment has been submitted in support of the application. The site to be developed comprises largely of tall ruderal vegetation and existing hardstanding, however the adjacent habitats consist largely of semi-natural broadleaved woodland, neutral grassland and scrub. A slope shaft also occurs on the site and appears to support a bat roost.

Surveys undertaken at the site found evidence of a range of notable and protected species including roosting, foraging and commuting bats, breeding birds and reptiles. No evidence of dormice were identified on site.

The site boundaries appear to be important features for bats commuting across the landscape with evidence of Annex II species use. The transect and static monitoring surveys however, did not include the central site or southern section of the site and so bat use in these areas is unknown. A slope shaft is present on site. Previous surveys identified use of the slope shaft by lesser horseshoe, greater horseshoe and myotis bats. Due to the location of the site within the Bath and Bradford on Avon Bat Special Area of Conservation, it is considered that the bats roosting within the slope shaft are SAC bats. No surveys of the slope shaft to determine the current use of the site were undertaken during the most recent round of surveys. However, it would appear that the slope shaft will remain in-situ post development but little to no information has been included within the Ecological Impact Assessment.

We welcome the proposals to largely retain the woodland habitat on site together with the neutral grassland and scrub habitat to the south. Although it would appear that the slope shaft bat roost will be retained and no works are proposed in the area, should proposals alter we would advise that **a European Protected Species (EPS) bat Mitigation Licence may need to be obtained for the lawful construction of this development.** It may be beneficial to seek advice from NE prior to undertaking any works to the existing roost sites.

No evidence of additional protected species were identified on site, however, we welcome the proposals to create new habitats on site and provide biodiversity enhancements such as bird boxes and hedgehog hibernacula.

Bath and Bradford on Avon Bat Special Area of Conservation (SAC) Greater and Lesser Horseshoe bat and Bechstein bat Buffer Zone

The application site sits within the buffer zone of the Bath and Bradford on Avon Bat SAC for Greater horseshoe bats Bechstein bats and Lesser Horseshoe bats and is within a direct mitigation route for Drews Pond Wood as outlined within the Corsham Batscape Strategy.

The proposal therefore has potential to result in significant adverse impact on the special features of that site. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects. Insufficient information has so far been submitted to enable the AA to be undertaken, which must be completed and the conclusion agreed with Natural England prior to the application being determined.

Greater and Lesser Horseshoe bats were recorded along the northern, eastern and western boundaries of the site as well as being recorded roosting within the slope shaft on site. It is therefore assumed the Annex II bats recorded on site are part of the SAC. Bechstein bats cannot

be ruled out on site and may have been recorded and grouped within the myotis records. There are therefore likely significant effects on SAC Bats through impacts to foraging and commuting routes as well as roosting sites.

Corsham Batscape Strategy states that*Although the habitat along the direct migration route shown on the phase 2 maps may appear poor, bats are still likely to be using the most direct route between key sites. As such, there needs to be an emphasis on avoiding lighting impacts and a reduction in habitat connectivity and also enhancing restoring habitat connecting along the direct migration routes wherever possible.*

The application site is partially within the Drews Pond Wood Direct Mitigation Route, with Annex II species recorded utilising the boundary features. The strategy states that development can proceed in these areas where adequate mitigation can be put in place to ensure the retention of the functionality of the habitat. Currently, insufficient information has been submitted to enable us to assess the adequacy of the mitigation proposed.

An External Lighting Report was submitted in support of the application. We note the proposals to reduce lighting impacts by dimming using sensors and hoods/shields. The external lighting layout plan (9123-JCA-ST-XX-D-E-63001) provides an indication of the proposed lighting, however it is unclear if the proposed 50% dimming has been used for this map or if the lighting is at full capacity. It would appear that the dimming function can be manually altered, if this is the case the lux levels should be shown at 100% capacity, worst case scenario. Although few windows are proposed, the internal lighting together with the existing lighting on site (street lighting and adjacent site lighting) should also be included. This will provide a baseline and proposed lighting plan in order to demonstrate that the existing foraging and commuting routes for bats can be retained. Consideration of the existing roost should also be included within the report. Lux lines should clearly demonstrate that this area (in close proximity to the fence line) will remain dark post development. Although we welcome the proposals, there is currently insufficient information with regards to the proposed lighting strategy to enable an assessment of the impacts on bats.

Biodiversity Net Gain

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming.

A completed statutory metric calculation (June 2024. Tyler Grange) confirming the pre- and predicted post- intervention biodiversity value of the site has been submitted. Information in the completed on-site baseline habitat tabs is accepted as accurate based on the information submitted.

The Biodiversity Gain Plan condition will require the submission of a Biodiversity Gain Plan demonstrating how the biodiversity objective (10% biodiversity net gain) will be met. The development can only legally commence once the Biodiversity Gain Plan condition has been discharged.

In order for the council to fulfil its BNG monitoring responsibilities. A BNG monitoring contribution will be required and secured via a separate legal agreement.

The current metric demonstrates a loss of on-site area habitats. The proposal would result in a loss of -12.76% of area habitat. The intention will be to seek off site biodiversity gains of 8.14 habitat units through an off-site provider for the scheme to achieve a 10% net gain.

Details of the off-site area have not yet been provided. The off-site BNG being proposed will need to be registered as a gain site and will therefore require a separate legal agreement. This legal agreement could be sought prior to determination (via 106 planning obligation) or at a later date in accordance with Government guidance.

Final sign off – all matters addressed:

Ecologist Jenna Buss	Date
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