

Date: 19 November 2024
Our ref: 480908
Your ref: PL/2024/05527



Adam Madge
Case Officer
Wiltshire Council

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BY EMAIL ONLY

Dear Mr. Madge,

Planning consultation: 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

Location: Land South of Westwells Road, Westwells Road, Neston, SN13 9GB

Thank you for your consultation on the above dated 26 June 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 & Bradford on Avon Bat SAC – Objection further information required

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'). The site is located approximately 950m from Box Mine SSSI, which is a key site of the Bath & Bradford-on-Avon Bats SAC, and within the 1.5km buffer area of Bechstein's bats, the 2km buffer area of Lesser Horseshoe bats and the 4km buffer area of Greater Horseshoe bats.

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 have¹. 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

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/>

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.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process. The following advice is provided to support the conclusions drawn and to assist your authority to undertake an Appropriate Assessment:

Bat Activity

The submitted Ecological Impact Assessment has demonstrated that 15 bat species have been recorded within 1km of the site in the last ten years and at least 11 species of bat regularly use the site, based on the bat activity surveys. This is a significant number of bat species and many of these species use the site during the summer months suggesting either local maternity roosts or mating roosts. All four Annex II bat species were recorded within the site, with *Myotis* species, likely including Bechstein's bat, regularly recorded and Lesser Horseshoe bats recorded in higher numbers in the Autumn. The list of species also includes species considered threatened within the UK (serotine and Nathusius' pipistrelle). Not only are there a high number of bat species present, the static surveys recorded thousands of calls, suggesting there may also be high number of individuals present.

We note that a slope shaft bat roost is located nearby, but that due to access restrictions this feature was not included in the survey work submitted alongside the planning application. There are several air shafts and similar features in the vicinity of the site due to historical mining activity and the EcIA does not specify the location of the slope shaft, other than mentioning that it is to the west of the site. We request further information on the location of the slope shaft bat roost to better understand the roosts proximity to proposed development and potential impacts on the roost.

Based on the submitted information Natural England considers the proposed development site of high value for bats, in particular for providing commuting corridors. The site is also considered to provide valuable foraging opportunities for the local bat population, within the wooded areas and also the hardstanding areas which have been shown to provide an abundance and diversity of invertebrates. Further consideration is therefore required on how the scheme might secure enhanced bat foraging opportunities in the locality.

Open Mosaic Priority Habitat

The proposed development areas are mapped as Open Mosaic Priority Habitat with the previously developed land benefitting from being undisturbed and the low level of management allowing plant species to flower and set seed. This is reflected in the invertebrate survey undertaken by James McGill in 2023. Whilst Natural England welcomes that the invertebrate survey has been completed by a suitably qualified party, we note the assessment is based on a single day's survey and therefore will not have fully assessed the site's invertebrate assemblage. Despite this the surveyor identified the presence of 250 invertebrate species, including seven with conservation status, and observed a high vascular plant diversity. We are concerned that the submitted ecological assessment of the site has not considered its status as Open Mosaic Priority Habitat.

Natural England therefore requires further clarification on the status of the habitats on site and clarification as to whether the surveyor considers the site meets the priority habitat criteria. In addition, detailed recommendations should be provided for the mitigation and compensation of the habitats that would be lost to the scheme. This should include measures for enhancing the open mosaic habitats in retained areas.

Lighting Strategy

Natural England welcomes the provision of a lux contour plan to demonstrate post development

light spill. This plan shows that light spill from the proposed scheme on to the adjacent woodland will be limited to acceptable levels. As the proposals include dimming, any lighting plan should demonstrate lux levels at 100% operational capacity. While Natural England welcomes the consideration of the impacts of lighting at this stage, we would advise that any lighting strategy keeps lighting at core bat habitats to a minimum. The lighting strategy for the scheme should consider the construction and operational phases and be agreed by your Authority prior to the commencement of the scheme.

Due to the sensitivity of this location, we would welcome a condition to ensure that no construction lighting is installed.

We are concerned that the external lighting will be able to be manually operated rather than solely automated depending on dusk and dawn times throughout the year. Your authority should be satisfied that the lighting strategy ensures that light levels at core bat habitat are kept to a minimum, and that this can be appropriately secured by any permission.

Requirement for Landscape and Ecological Management Plan (LEMP)

The scheme should provide for the retention and enhancement of habitats the details of which will be set out in a LEMP. Natural England supports the need for the LEMP which should be agreed by your Authority prior to commencement of the scheme.

Requirement for Construction Environmental Management Plan (CEMP)

A CEMP for the scheme to avoid and mitigate effects on ecological features should be agreed by your Authority's prior to commencement of the scheme.

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 [Protected species and development: advice for local planning authorities \(gov.uk\)](#) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

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. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](#) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 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 to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](#) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' 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. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](#) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority 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. We refer you to the [Brownfield Hub - Buglife](#) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](#) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](#) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement was extended to smaller scale development in Spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](#). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) Planning Practice Guidance.

The statutory 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. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](#) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](#) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to 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.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on [Sites of Special Scientific Interest: managing your land](#). 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. [The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) 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 statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](#) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](#) for further information.

Wider Landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - Landscape Institute for further guidance.