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Dear Neil

Planning consultation: Change of use of land from gypsy pony track/agricultural land to use for a Park and Ride car park for Bristol Airport with 3101 parking spaces plus arrival/departure area with construction of associated roads and surfaces and the erection of a reception centre

Location: Land adjacent Heathfield Park Bristol Road Hewish

Thank you for your consultation on the above dated 02 March 2021 which was received by Natural England on the same date

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the North Somerset and Mendip Bats Special Area of Conservation (SAC) and Puxton Moor Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitat Suitability Index calculation in line with the North Somerset and Mendip Bats SAC Technical Guidance SPD (the SPD);
- Otter and Water vole surveys **or** details of bridges crossing the rhynes and details of mitigation measures to protect aquatic species, including water vole and otter;
- Details of measures which will protect the site from fluvial flooding, leading to pollution of the on-site rhynes and the water in the SSSI;
- Detailed sensitive lighting strategy including lux modelling to demonstrate that light spill will not exceed acceptable levels on retained and created habitat.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

This 11.2ha site lies 120m north of Puxton Moor SSSI at its closest point.. The ditches and rhynes of the SSSI are designated for their important aquatic plant communities which support a diverse invertebrate fauna. The application site is crossed by rhynes which connect directly into the rhynes of the SSSI. The whole site lies within an area of Coastal and Floodplain Grazing Marsh, a habitat of Principal Importance under Section 41 of the NERC Act 2006.

Horseshoe bats from the North Somerset and Mendip Bats SAC are known to use the rhynes and ditches in the area for commuting and foraging. Rhynes and ditches provide a dark, vegetated linear feature for these bats to follow through the landscape. In addition, rhynes and ditches support a high level of invertebrate prey. The site lies within Band C of the North Somerset and Mendip the SPD but given its location between the two SSSIs, in an area of landscape that is intrinsically dark, and crossed by rhynes and ditches, it should be expected that Horseshoe bats would use the ditches and rhynes on site.

1. Bats

We note that bat surveys were undertaken. The bat surveys did not follow the guidance set out in the SPD (which recommends at least 50 days of static detector surveys and at least 10 transect surveys between April and October).

Three manned (transect) surveys were undertaken by a *single* surveyor, on three occasions: July 2020, August 2020 and September 2020. This is a large site to be covered by one surveyor and the walked transect was very long, meaning that very little time was spent by the surveyor on each part of the site. In addition, Horseshoe bats tend to emerge from their roosts later than other species. A survey which is looking for Horseshoe bat activity should last at least 3 hours, starting at sunset but the surveys undertaken only lasted for 2 hours.

In addition to the transect surveys, automated bat detectors (static detectors) were left on site on three occasions: July, August and September 2020. Two static detectors were left on site each time (one on the western boundary and one on the southern boundary). The SPD makes it clear that enough detectors should be used on a site so that each location on site is monitored throughout the survey period so that temporal comparisons can be made.

The data gathered by the bat surveys undertaken for the site gives a picture of bat activity on the site in the summer months only. As the surveys did not follow the recommended survey specification from the SPD, it is likely that Horseshoe bat activity was under-recorded.

Greater Horseshoe bat activity was recorded by the static detector placed on the southern boundary *in every survey period*. Greater Horseshoe bat activity was also recorded on the western boundary. Lesser Horseshoe bat activity was only recorded on the southern boundary.

We note that a Shadow HRA has been submitted. This describes the transect surveys as finding a “medium” level of bat activity for a low diversity of bat species. However, the static detectors recorded a “moderate” level of activity for a “high diversity of species, including both Horseshoe bat species.”

As data from the summer months only has been obtained, the precautionary principle dictates an assumption that Horseshoe bats use the suitable habitat on site *throughout the year*.

We note that the Ecological Impact Assessment includes a Biodiversity Impact Assessment (losses and gains). This concludes that the proposals, plus mitigation, result in a 51% loss of habitat units. This is balanced by a 278% gain in hedgerow units. However, it is not clear whether an temporal factor (for establishment of vegetation) has been included in the 278% gain. As the site supports both species of Horseshoe bat, we require submission of a Habitat Suitability Index Calculation in line with the SPD.

Whilst we welcome the mitigation which is proposed as set out in the Ecological Impact Assessment, we require further details of how habitat connectivity across the site for bats will be maintained. Three of the rhynes retained on site will be crossed by roads. Details are required of the mitigation measures which will ensure that these crossing points will not result in habitat fragmentation for light-sensitive horseshoe bats.

2. Otter and Water Vole

Otters are a European Protected Species. The water vole is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species. We note that the Ecological Impact Assessment (Ecological Surveys Limited, January 2021) concluded that the habitats on site have the potential to support Otter and Water Vole, however no specific surveys were undertaken. We note that the proposals include the retention of all rhynes on site plus a 9m strip either side and the establishment of a larger Ecology Zone, however, the construction works, particularly works to construct the bridges, have the potential to disturb and damage the habitats of both otters and water vole within the rhynes. Further details are required to demonstrate that the proposals will not damage or disturb habitats in this way.

3. Flood Risk

We note that the Environment Agency objects to this proposal on the basis that the site lies within fluvial flood zone 3b and is at risk of flooding from the 1 in 20 year flood event.

We note that the proposals include SUDS to slow surface water flow and treat the water, minimising the pollutants which enter the rhynes and replicating the existing greenfield runoff rate, despite the hard surfacing of the majority of the site. Whilst we welcome the inclusion of the SUDS proposals, we note that the Flood Risk Assessment does not address the potential for the site to be inundated by flooding from the surrounding watercourses. In this event, the flooded site would be drained by the rhynes and ditches which connect directly to the SSSI and therefore the risk of damage to the SSSI has not been addressed.

4. Sensitive Lighting Strategy

We note that a Lighting Strategy has been submitted. In order for any retained and newly created habitat to continue to be available to light-sensitive species, such as Horseshoe bats, otter and water vole, these areas must be kept extremely dark (below 0.5 lux – see the SPD). As this is a full application and the site is currently very dark, we would expect submission of a sensitive lighting strategy, including details of types and placement of luminaires, together with a plan modelling levels of light spill in order to *demonstrate* that light spill will not exceed acceptable levels on bat habitat.

5. Landscape and Visual Impact Assessment

The site lies in an area of low-lying landscape and therefore has the potential to be very visible. We note that hedgerow and tree planting is proposed as part of the mitigation measures for the site, especially along the 9m strips either side of the rhynes and along the eastern boundary. Any mitigation tree planting must be in line with the landscape type (Moors) and character (Kingston Seymour and Puxton Moors), which are notable for being wide, open and strikingly flat, and for being a pastoral landscape with cattle grazing.

Habitats Regulations Assessment

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment

stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.

We recommend you obtain the information set out above to help you undertake a Habitats Regulations Assessment.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

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

If you have any queries relating to the advice in this letter please contact me on 07867 900 281.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Alison Howell
Lead Advisor, Sustainable Development
Wessex Area Team

Annex A

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (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 in order to respect 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 & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. *Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.*

Protected Species

Natural England has produced [standing advice](#)¹ 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 SSSI 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 171 and 174 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 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 [here](#)². 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](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities 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 SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

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](#).