# INTERNAL MEMORANDUM

**FROM: NATURAL ENVIRONMENT SERVICE AREA**

---

**Date Consultation Request Sent**:
**Development Management Case Officer**: Andrew Stephenson

---

**Reference Number**: 21.P.2049.OUT

**Application: Development of up to 62 dwellings (30% affordable housing), alongside a new access, landscape and other associated works.**

**Location: Front Street, Churchill**

---

**Formal comments from Sarah Forsyth, Temporary Natural Environment Officer – Ecology regarding the above application (09/02/2022).**

| | |
|---|---|
| **No objection** | |
| **No objection, subject to conditions** | |
| **Further information required** | √<br>**Habitats**<br>• Hedgerow assessment (Hedgerow Regs)<br><br>**Bats**<br>• Robustness of bat habitat mitigation buffers to north and east<br>• In-combination assessment of sHRA – insufficient consideration to potential landscape scale in-combination effects<br>• Copy of Lux plan (listed as provided in Appendix 9, Annex 15 – but cannot locate it)<br>• Copy of HEP spreadsheet (listed as provided in Appendix 9, Annex 14, but cannot locate it)<br><br>**Great Crested Newts**<br>• Presence confirmed in pond to west of site, further assessment to justify presence/absence / GCN RAMs mitigation strategy likely required<br>• Consideration of district licensing recommended<br><br>**Delivery of Biodiversity Net Gain**<br>• Completion of BNG metric 3.0, & demonstration that net gain (on or off site) is provided without additionality |
| **Objection** | |

**Review of:** Ecological Assessment report 8766.EcoAss2021 VF1 and sketch layout P11 13/01/22.

Summary of outline review:

| Pre App comments (20/P/0531/PR1) and email consultation 2020 (EA part 4) | Ecological Assessment Comments | Additional comments |
|---|---|---|
| Site has potential to support Annex II species of Bat SAC. Surveys must be carried out in accordance with Bat SAC SPD guidance.<br><br>Significant lesser horseshoe breeding roost to east of Churchill. Proximity of important hibernation site on hills above Sandford and Banwell – request for additional autumn static surveys for this area, covering October and November.<br><br>Time on site indicated that individuals originate from the maternity roost on the A368 (they emerge and cross the main road) at Old Court Barn, about 2km to the east of Churchill. | Full suite of surveys completed 2020 - 2021, including additional autumn static surveys.<br><br>Lacking some detail on methodology of bat surveys – activity, statics and trees. (e.g., how long past sunset the transect surveys were carried out; what level of further surveys of trees with bat potential was undertaken, if any?)<br><br>Static survey data – not consistent in location, difficult to directly compare seasonal changes in activity on the linear features. | Whilst some areas of the results are unclear, both GHS and LHS are confirmed using the site, with the north and east boundary hedgerows confirmed to be the key commuting and foraging features.<br><br>The replacement bat habitat mitigation has been calculated in accordance with the SPD metric, and in consultation with Larry Burrows. The mitigation measures and habitat enhancements for bats is welcomed.<br><br>There is concern over the layout and size of bat corridor buffers along the identified north and east key commuting features. There are a few potential pinch points.<br>Whilst there is likely to be conflicting reasoning, from an ecological perspective and more specifically for horseshoe bats, it would be preferable locate a portion of the wetland habitat towards the periphery(ies) to help secure a more robust as well as wider corridor for horseshoe bats. |
| Completion of shadow HRA with HEP calculations and mitigation. Zone B for lesser horseshoe bats.<br><br>Uncontrolled long term lighting spill from proposed gardens and street lighting issues of concern. | Contained in Part 4 of EA. | Without sight of the lux plan, unable to advise if lighting mitigation is acceptable.<br><br>Para 6.45 – key commuting features and wider landscape links should be reviewed and assessed for potential in-combination effects.<br><br>Concern over bat corridors as commented above. |
| Recommendation to enter bat data into Ecobat to give an assessment of low to high importance in comparison with other LHB sites. | Not carried out. | Desirable to inform sHRA. |
| The scale of indicative development with resultant loss of green field land is such that there is a potential for significant loss of and impact on biodiversity. | **There is no assessment of BNG using the Defra metric.** | Development to deliver net gain. See comments below. |
| | There is no assessment of hedgerows (priority habitat) in accordance with Hedgerow | LPA has duty to consider impacts to priority habitats under the NERC Act. |

| | | |
|---|---|---|
| | Regulations.<br><br>No consideration of Section 41 species.<br><br>No background data requested from local records centre. | Habitat on site not fully assessed for potential presence of NERC species, for example including hedgehog.<br><br>Designated sites in local area? Not detailed in ecological report. Potential impacts to local sites? (desk study map noted – could not find any assessment of potential impacts or reasoning why all, with the exception of Bat SAC scoped out?)<br><br>Agreed – translocation exercise for reptiles could be reasonably avoided. Detailed Reptile mitigation strategy with sensitive timing and precautionary working required to be secured by CEMP. |
| | Presence of GCN breeding pond confirmed within 250m of the site – pond 3.<br>HSI – excellent suitability<br>eDNA – presence<br>Pond surveys – GCN male and female confirmed present. Max count of 8. | Suitable terrestrial habitat on site with good connectivity to the off-site pond. Church Lane is not considered to be a significant barrier.<br><br>Hedgerows on site (suitable terrestrial habitat for GCN, foraging and dispersal, rest, hibernation).<br><br>Additional enhancements for species on site could include hibernacula for reptiles and amphibians.<br><br>Bird and bat box provisions welcomed. Consideration to integrated species provisions should be given in line with local policy. |

**Additional commentary to summary table:**

**GCN**

It is acknowledged that GNC are more likely present within 100m of their breeding pond, however there is suitable, connective, habitat around the peripheries of the site. Use of Natural England's rapid risk assessment tool can help review the risks and mitigation strategy. Further consideration of potential presence of GCN on site, and assessment of potential impacts should be provided. Sections of hedgerow are being impacted. As a minimum, it is considered that there should be a precautionary working mitigation strategy for vegetation clearance, with use of reasonable avoidance measures for GCN. If on further review and assessment, impacts cannot be avoided, district level licencing for the works should be considered.

**Shadow HRA**

All functionally-linked habitat for the internationally-important horseshoe bat populations is protected under the Conservation of Habitats and Species Regulations 2017 (as amended). The LPA has a legal duty to complete a Habitats Regulations Assessment if there is any risk of significant negative impacts on functionally-linked habitat. Insufficient information has been provided with the application for the risk to SAC populations to be assessed. Further information must be provided by a suitably qualified ecologist in relation to the following:

- Lux plan (it is noted that it should be appended to the sHRA, this looks to be a scanning error as it is listed on the contents page of the sHRA)

- HEP metric ((it is noted that it should be appended to the sHRA, this looks to be a scanning error as it is listed on the contents page of the sHRA)
- Assessment of in-combination effects with other development / pending developments.

Whilst a proposed development is likely to have mitigated effects for the development in isolation, this does not preclude that there cannot be any effects in-combination. Particular attention should be given to functional habitat between the site and the LHS maternity roost to the east and the hibernation sites around Sandford and Banwell. For example potential compounding fragmentation of key linear features, infill of green corridors at landscape scale, reduction connective habitats. These effects may be associated with temporary and/or permanent impacts.

The corridors require further review together with the lighting plan. As expressed in summary table above, there is some concern over robustness of the northern and eastern bat corridors.

**Habitats of Principal Importance**
All native hedgerow qualifies as Habitats of Principal Importance (HPI) under Section 41 of the NERC Act 2006. As assessment of impacts on these habitats needs to be provided to meet the LPA's duty in relation to the NERC Act 2006, NPPF and North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. The ecological assessment does not provide details on whether any hedgerows qualify as important under the hedgerow regulations. The mitigation hierarchy must be followed with these habitats retained and protected in the first instance, or mitigation / compensation provided with justification as a last resort.

**No Net Loss/Net Gain of Biodiversity**
All applications should achieve no net loss and net gain of biodiversity in accordance with the NPPF (e.g. paragraphs 170, 174 and 175), North Somerset Policies CS4 and DM8 and emerging UK Government policy. This is also consistent with the objectives of the recent NSC Ecological Emergency declaration.

Use of the Defra 3.0 metric should be applied. It should be noted that species mitigation habitat needs to be achieved first before net gain can be secured. Whilst the HEP habitat units on site can be used to contribute to the BNG calculation by use of allocated HEP units towards /up to no net loss; any gain over neutrality should be delivered without additionality – i.e. through separate habitat areas to those used to mitigate and compensate for protected species impacts (see Defra consultation comments extract below)[1].

- mitigation and compensation measures for protected species may be counted towards a biodiversity net gain calculation but should not make up all of a development's biodiversity net gain. At least 10% of the gain should be delivered through separate activities which are not required to mitigate and compensate for protected species impacts. This principle will also apply to mitigation measures proposed to address off-site impacts on protected sites (for example, Suitable Alternative Natural Greenspaces, habitat creation to reduce nutrient pollution, or a line of trees to prevent light pollution into a protected site)

The applicant's ecologist should ensure that the required replacement bat habitat calculated from the HEP metric is only used in the BNG assessment to deliver towards no net loss. That there is no

A management plan will be required (can be secured by condition if issues are resolved and consent is granted) to demonstrate that habitats will appropriately managed for biodiversity net gain (on or/and offsite for a minimum of 30 years) and how the bat replacement habitat will be managed for Annex II bats for the duration of the development.

[1] Consultation on Biodiversity Net Gain Regulations and Implementation, Defra January 2022 – additionality pg72 -