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BY EMAIL ONLY: [REDACTED]

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Dear Emma

Planning consultation: Construction of a 3.3km single carriageway road from the A371 Summer Lane to A368 Towerhead Road with Environmental Statement for the Banwell Bypass land to North and East of Banwell inc Mitigation Highway land in Sandford, Windscombe and Churchill.

Thank you for your consultation on the above dated 27 July 2022 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.

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

Pre-application engagement

Natural England welcomes the early engagement that the applicant has facilitated and the emphasis that has been placed on assessing potential effects on the internationally important horseshoe bat population that the Banwell area supports. We also welcome the intention to understand how horseshoe bats are using the landscape and to involve a range of experts in pursuing that aim. Much important evidence has been gathered but we are concerned that this has not been fully reflected in the strategy for mitigation of effects on the SAC, and most of our detailed comments below relate to that point.

Habitats Sites – North Somerset and Mendip Bats Special Area of Conservation

The Scheme is adjacent to Banwell Ochre Caves SSSI (part of the North Somerset and Mendip Bats SAC) where it re-joins the A368 at its Eastern end. At the western end of the Scheme, the proposed route is within 500m of Banwell Bone Caves SSSI (also part of the North Somerset and Mendip Bats SAC). The area is considered by the submitted ES to be of International/European importance for bats.

The land crossed by the Scheme is described as, "*improved grassland ... managed for grazing (particularly cattle) and silage production.*" Cattle-grazed pasture is described by the North

Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD (the SPD) as the most important factor for supporting Greater Horseshoe bat populations. It is clear that the landscape around Banwell is both an important foraging resource and currently very permeable to all bat species and particularly Horseshoe bats from the SAC.

We note the bat survey work which has been undertaken to date to inform the design of the Scheme. The UWE report (ES Appendix 8.G1) identifies both Greater and Lesser Horseshoe activity along the entire length of the Scheme (Figure 4.6) and notes that extremely high (all species) bat activity occurred to the North of the site on Moor Road and to the north-east of the site along Eastmead Lane.

A Radio Tracking study of Greater and Lesser Horseshoe bats was undertaken by Greena Ecological Consultancy (Es Appendix 8.G2). The report finds that, *“the main (95%) activity of all Horseshoe bats in Banwell area (in mid-late summer) was concentrated over an area 3.7km wide (east/west) by 4.5km north/south with most activity occurring approximately in an area to 1km north of Banwell to 1.5km south of the village.”*

There is no suggestion of Greater Horseshoe bats breeding in the Banwell area although at least two Lesser Horseshoe maternity roosts were found.

The Greena Ecology report includes a map showing the Majority of Sensitive Horseshoe Flight Areas around the bypass route (**Image 38**) and notes that “special attention needs to be considered in these areas to ensure flight routes are preserved”. This map highlights, in particular:

- areas around Wolverhill Road and the junction with the Scheme;
- areas along Riverside and Moor road and the junction between Riverside and the Scheme;
- a significant area running North-South along Eastmead Lane and turning east to where the Scheme runs parallel to the Towerhead solar farm.

The Greena Ecology Report recommends further survey work, “to improve knowledge about critical areas” and further recommends that “all discerned flight corridors should be preserved and maintained.”

We note that the ES acknowledges that further surveys (Bat crossing point) are required and will be carried out in 2022 “to inform detailed design and construction”. Mitigation for a scheme of this scale in a sensitive location should be evidence-led and in the absence of information that will help underpin the strategy for bat mitigation, a precautionary approach is required that reflects uncertainties. In our view the mitigation strategy for the Scheme does not adequately acknowledge or reflect the significant areas for Horseshoe bats which have been identified as sensitive (Image 38), their interaction with the Scheme and habitat creation which can continue and extend those areas into the wider landscape, avoiding the Scheme itself. In addition, the mitigation strategy should acknowledge the fact that survey information is missing, aiming to be more precautionary in light of the fact that the area is significant for Horseshoe bats from the SAC.

We have reviewed the Environmental Masterplan (Sheets 1 -6), and whilst we acknowledge that the Scheme aims to create substantial areas of habitat that supports horseshoe bats around the Scheme footprint, there is in our view a question mark over whether all of the bat mitigation should be along the route corridor. Certainly much of the mitigation should be focused on crossing points, habitat connectivity, and foraging opportunities within the road corridor but our view is that additional, targeted, bat habitat creation with a strategic focus is required in order to maintain a permeable landscape with many options for bats to commute and forage north-south and east-west, both close to Banwell and north, beyond the Scheme. This point has been discussed through the pre-application stage and we appreciate that the plans submitted include some additional hedgerow enhancements on north-south (or road intersecting) linear features. That said, this is limited in nature and we do not consider that it fully addresses the need for the mitigation strategy to be rebalanced away from a sole focus on the road corridor.

The ES concludes that the residual impacts associated with operational phase of the Scheme are considered to be Slight Adverse and not significant at the international level. For the reasons

specified, we are not able to accept the ES conclusions in this regard. We do not consider that the proposed mitigation is led by the evidence gathered for the Scheme. We do not consider that the mitigation for potential impacts on the bat SAC is sufficiently precautionary as submitted. Whilst we welcome the level of discussion we have had as the Scheme has been developed, we have also consistently emphasised the need for bat crossing point surveys in our earliest pre-application discussions and have always made the case for mitigation to be landscape-scale and evidence-led in such a sensitive area.

Comments on Chapter 8 ES (Biodiversity)

In support of the above comments, we highlight, in particular, paragraph 8.7.69 of the ES which states that the UWE surveys showed that bats use the site for commuting and activity, especially along the river Banwell, and likely use the agricultural land that provides good insect biomass such as fields with cattle and the rhyme network. However, the ES goes on to state (paragraph 8.8.21) that, “evidence of the use of the study area by bats in the active season is to forage and predominantly commute to the east of the Scheme.” This statement is not borne out by the evidence presented in the UWE report or the Greena Ecology Radio Tracking Study. In fact, the UWE report highlights the importance of Moor Road and Eastmead Lane as areas of extremely high activity. Image 38 shows sensitive Horseshoe flight areas across the Scheme length and to the north and south of the Scheme, identifying the potential for severance of significant flight routes by the Scheme.

Habitats Regulations Assessment

We note that information has been provided by the applicant to support a Habitats Regulations Assessment (HRA) of the potential impacts that the Scheme will have on the North Somerset and Mendips Bats Special Area of Conservation.

However, we consider that there is currently insufficient information for you to undertake a HRA of the Scheme.

We advise you to obtain the following information:

- We note that a Habitat Evaluation Procedure (HEP) calculation has been provided with reference to the SPD. We note that Density Bands 2 *and* 3 from the SPD have been used in relation to existing habitat. Our advice is that, as Horseshoe bats have been confirmed commuting and foraging across the whole area of the Scheme and given the proximity to the SAC, paragraph A5.30 of the SPD should be followed. Our view is that Density Band 2 is appropriate for the whole area of the Scheme and therefore the multiplier for the majority of habitat units will need to be changed (increased);
- The HEP calculation provided generates a figure for the area of replacement habitat which is *required*. However, the corresponding figure for replacement habitat to be *provided* is not shown. In calculating replacement habitat, the HEP must ensure that habitat included is available to the Horseshoe bat population affected ie suitable and unlit. This may mean that habitat which is provided directly adjacent to the Scheme may not be suitable as foraging habitat due to a number of factors. For example, the negative impacts of road noise on foraging frequency (an impact which is referenced by the information provided to support a HRA), plus the effect of severance from the Scheme itself. In addition, we advise that habitat around the Wolvershill road junction, and the intersection of the Southern Link with Castle Hill may not be able to be included within the replacement habitat calculation due to light spill in these areas.
- In relation to the issue of cumulative impacts arising from future housing development in the Banwell area, we note that the information provided for the HRA concludes that, “*it is not .. within the scope of this assessment to consider other impacts of such future proposals where there is no clear confirmation of location and layout or EIA.*” Our view is that, since conclusions can be drawn about the location and amount of future development from the detail which is contained in the emerging Local Plan, *this* Scheme must be mindful of that development and demonstrate that mitigation accounts for it in the form of strategic wildlife corridors.

Air Quality - No objection

Natural England notes that the Air Quality assessment provided with the consultation has screened the proposal to check for the likelihood of significant effects from aerial emissions on the above named European sites.

The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape, the Mendip Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership and afford weight to their views. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals-outside the designated area but impacting on its natural beauty.

Please note that we reserve the right to make further comments when we are consulted on the HRA for the Scheme.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site.

Should the applicant wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we would welcome this and recommend that they use our [Discretionary Advice Service](#). Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk quoting our reference 402787.

Yours sincerely

Alison Howell
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Wessex Area Team