

# INTERNAL MEMORANDUM

**FROM: NATURAL ENVIRONMENT SERVICE AREA**

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**Reference Number:** Pre-application comments

**Application: Banwell Bypass**

**Location: North of Banwell**

**Date of comments: 17<sup>th</sup> October 2022**

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**Formal comments from Samuel Olney, Natural Environment Officer – Ecology regarding the above application.**

**In summary, on ecology grounds, this application should:  
Require additional measures/surveys prior to determination.**

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**Review of:**

- ES Chapter 8 Biodiversity including;
  - Appendix 8.A
  - Appendix 8.B
  - Appendix 8.C
  - Appendix 8.F
  - Appendix 8.G1
  - Appendix 8.G2
  - Appendix 8.G3
  - Appendix 8.H
  - Appendix 8.I
  - Appendix 8.J
  - Appendix 8.M
  - Appendix 8.N
- Natural England Comments, dated September 2022
- ARUP Natural England Response, dated October 2022
- ARUP Bat Survey - Crossing Point and Transect Technical Note, dated October 2022
- ARUP Crossing Point Survey - Aug Sept 2022 Summary Results, dated October 2022

**Comments:**

- **Designated sites - North Somerset and Mendip Bats Special Area of Conservation**

This site is of relevance to the North Somerset and Mendip Bats Special Area of Conservation (SAC) due to its importance for both lesser and greater horseshoe bats. The site lies within Bands B and C of the mapped Density Bands for horseshoe bats described in the North Somerset and Mendip Bats SAC SPD (2018).

Currently it is NSC's view that there is insufficient information to complete an assessment of the impacts on the SAC arising from the proposed scheme. In order to form a view on the impacts of the proposed scheme and whether the mitigation is sufficient NSC require:

- Information relating to current land use within the scheme boundary and adjacent to the scheme.
- Information relating to proposed land use once the scheme is operational within the scheme boundary and adjacent to the scheme.
- Assessment of cumulative impacts from other development/infrastructure projects arising from the proposed scheme.

- Details of proposed culverts to include mean water levels, and references to evidence showing that sizes of proposed culverts are sufficient to mitigate loss of key bat flight lines (crossing points).

This information will then feed into a Habitats Regulations Assessment (HRA). Natural England must be consulted over the HRA and NSC is obliged to take their view into account.

At this stage, based on evidence provided to date as set out above, NSC consider the mitigation suggested would likely be inadequate to sufficiently reduce and mitigate for the negative impacts arising from the proposed scheme upon the North Somerset and Mendip Bat SAC.

There is, in addition, uncertainty arising from the gaps in the baseline dataset including those set out above, and those discussed in meetings and detailed within ARUP Natural England Response (particularly the sections describing ongoing bat survey work). This information must be provided in advance of determination of the planning application.

- **Designated Sites Other**

Land within the Zone of Influence (Zol) for the scheme is potentially functionally linked to other designated sites including Mendip Limestone Grasslands SAC, Mells Valley SAC, Severn Estuary SAC/SPA/Ramsar, Chew Valley Lake SPA and Somerset Levels and Moors SPA/Ramsar and Bath and Bradford Upon Avon Bats SAC (Ref. ES Chapter 8 – Biodiversity). This must be considered when assessing the potential impacts of the proposed scheme, including feeding into an HRA.

Potential impacts on all SSSI features within the Zol must be screened for and where appropriate considered, including those different to the features of international importance that are considered within an HRA.

- **Designated sites – Local Wildlife Sites**

The baseline and potential impacts on local wildlife sites are adequately addressed within the ES Chapter 8.

- **Protected species - bats**

- **Roosting bats**

Further information on roosting bats in trees (GLTA and aerial assessments) and impacts of the scheme on these must be provided in advance of the determination of planning – this information forms part of the environmental baseline for the scheme (This data is referenced in ARUP Natural England Response, dated October 2022).

- **Foraging bats**

Impacts on foraging bats (including those other than SAC species) must be described. The additional work for SAC species listed under ‘Designated sites - North Somerset and Mendip Bats Special Area of Conservation’ above will also enable the collection of data relevant for the assessment of impacts on non-SAC species.

- **Protected species – birds**

The baseline and potential impacts on birds are adequately addressed within the ES Chapter 8. The potential exception to this is barn owl; additional information was requested in June 2022 and would help to inform the baseline for the scheme.

- **Protected species – dormouse**

The baseline evidence on dormouse for the scheme is sufficient. However, the proposed mitigation involves culverts. Evidence that dormice will use unvegetated culverts as crossing points is required in order to support this proposal for mitigation.

- **Protected species – reptiles**

The baseline and potential impacts on reptiles are adequately addressed within the ES Chapter 8.

- **Protected species – badger**

An update to the information on Badger, and an ongoing adaptive plan for gathering and responding to new information is required, including in light of a new main sett found in 2022 close to the scheme (raised during June 2022 meeting).

- **Protected species – great crested newt**

The precautionary approach with regards to applying for District Level Licensing for Great Crested Newt is both proportionate and welcome, due to the desk study confirming the regular presence of species in the wider landscape.

- **Protected species – otter**

Appendix 8.K must be provided that details surveys and findings. Based on the summary information included within Chapter 8, the level of assessment and mitigation proposed is sufficient.

- **Other protected and notable species**

The following notable species have been confirmed as present on site. A precautionary approach should be included in the Construction Environmental Method Statement (see below) as well as enhancements secured as part of biodiversity gains and best practice:

- hedgehog
- other amphibians such as common frog and common toad
- fish, including eel *Anguilla anguilla* present on site. (Note also potential relevance of fish to the Severn Estuary SAC listed above).

Reference is made to Appendix 8.O in relation to invertebrate information. This information must be supplied in order for the biodiversity baseline and proposed mitigation to be assessed.

- **Habitats**

Appendices 8.D, 8.E, 8.F, 8.P, 8.Q must be provided in order for the baseline to be described and potential impacts evaluated. These comprise detailed data on Phase 1 survey results, hedgerow, NVC detailed botanical communities and Biodiversity Net Gain.

- **Biodiversity Net Gain**

Reference is included to Appendix 8.P for BNG information. This document must be provided. The report and calculations must follow all the principles and rules for Biodiversity Net Gain as set out in CIEEM best practice. This includes that the mitigation hierarchy must be followed before application of BNG, and that additionality must be demonstrated.

This means that the report must make clear the land that is proposed as mitigation (for example, as part of a HEP calculation in relation to the Bat SAC) and the land that is proposed for BNG. These areas cannot overlap. The current table within chapter 8 appears to include features that are being proposed for mitigation; these areas cannot be included within BNG calculations.

As discussed during the June 2022 meeting NSC will expect 10% BNG.

Please note that any evaluation of Biodiversity Net Gain must be accompanied by full details including condition assessments, and a long-term management plan that describes how the gains will be secured for the necessary 30 years. Defra BNG Metric 3.1 must be used (unless superseded before submission, in which case, please use the most up to date version).

**Reason:** In accordance with the NPPF and North Somerset Policies DM8, CS1, CS4 relating to biodiversity and protected sites and species, and Habitats and Species of Principle Importance. To comply with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Protection of Badgers Act 1992.