

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 23 October 2019

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	18/05623/OUT	Radco Supermarket, Radstock

Clarification of Listed Building Matters

To clarify, the Radco supermarket building is not listed. A former Rectory once occupied the site; it is understood that it was demolished in the 1980s. The Rectory was Grade II listed and comprised a circa 1800 remodelling of an earlier building. No record can be traced of the demolition of this building being authorised.

The Grade II listed Rectory is still recorded as extant on Historic England records. This anomaly will need to be corrected but as stated in the main report this can be undertaken as a separate process to the current planning application.

Clarification of Ecology/HRA matters

Habitats Regulations Assessment of the proposal: Screening Stage

The proposed development lies immediately adjacent to land providing suitable habitat and conditions for use by greater and lesser horseshoe bats.

The submitted bat surveys identify and confirm use of this habitat by bats for commuting, including horseshoe bats.

The horseshoe bats recorded using the adjacent habitat are considered to be associated with the locally occurring European designated "Bat SACs" (Special Areas of Conservation), including the Bath & Bradford on Avon Bats SAC, North Somerset & Mendip Bats SAC and Mells Valley SAC.

The habitat adjacent to the site is considered to provide supporting habitat to the bat SACs.

The proposal is therefore considered to be capable of impacting on bats of the SAC, and supporting habitat to the SAC. A number of factors may be involved in these potential impacts as discussed below – see previous advice.

Maintaining the habitat and suitable conditions for its use by the bats, and ensuring appropriate lighting design within the development and avoidance of impacts of lighting or light spill onto the habitat, have been identified as the key areas requiring consideration.

Screening conclusion:

The risk of a “likely significant effect” on the SAC (including bats of the SAC and supporting habitat to the SAC) cannot be screened out at this stage therefore an Appropriate Assessment of this proposal is required.

Appropriate Assessment

The key areas requiring consideration are the long term protection and maintenance of the adjacent habitat and maintaining suitable conditions for its use by SAC bats, avoidance of direct impacts on bat activity and use of the habitats, and avoidance of impacts of lighting onto adjacent habitat.

In considering whether planning application will adversely affect the integrity of a SAC, the competent authority must have regard also to any conditions to which the proposal will be subject that will contribute to mitigation of potential impacts.

- o The planning application includes a proposed Landscape and Ecological Management Plan (LEMP), the heads of terms for which, including ecological objectives for long term maintenance and enhancement of the bat habitat, have been submitted. Full details and implementation of the LEMP are to be secured by legal agreement. This approach removes the risk of harmful impacts to the habitat used by bats.

- o A lighting report has been submitted with predicted light spill modelling demonstrating that the scheme is capable of achieving sensitive lighting design, sufficiently to avoid increased light spill levels onto the adjacent habitat and to keep light levels low within areas of habitat. Final details of lighting layout and design, and mitigation, light containment, and lighting controls, and implementation of the approved lighting scheme and controls over any future new changes to external lighting can be secured by condition. This will remove the risk of harm to the adjacent habitats arising from changes to light levels.

CONCLUSION

It is considered that all potential impacts on the bat SACs, bats and supporting habitats to the SACs that have been identified can be addressed by condition and legal agreement as described above.

Subject to the LEMP and Lighting scheme being secured by S106 and condition, it is concluded that the proposal will not adversely affect the integrity of the “bat” SACs, or bats associated with the SACs, or supporting habitat to the SACs.

Consultations

- Natural England has been consulted on this Appropriate Assessment and their views have been taken into account.
- It was not considered necessary to obtain the opinion of the general public regarding the Appropriate Assessment, in this in this case.

References: Details of the Conservation Objectives and supplementary information for each SAC have been referred to in undertaking the Habitats Regulations Assessment copies of which can be obtained from <http://publications.naturalengland.org.uk/category/5374002071601152>

The ecologist has suggested revised conditions relating to lighting, the LEMP and a construction management plan. These matters are considered adequately covered however by the conditions/heads of terms set out in the main report.