Petition to the European Commission regarding breach of the Habitats Directive by Bath & North East Somerset Council, 2008.

Appendix C: Favourable Conservation Status

The applicants have addressed the matter of 'conservation status', which they state "relates to the viability, rarity and condition of habitats and species", and is designed to ensure that it can be applied to sites, habitats and species within any defined geographical area. The valuations in the ES are based upon effect on the resource or feature, the value of which has been determined according to varying geographical levels. For some species it is the bats that are described as having a certain value (local or district value), for others it is their presence (local value), and for others it is the site itself (local or county value). In the case of Brown Long-eared bats, the value assigned (to the species, in this case) is attributed to its status as a Local BAP Priority Species and the relative rarity of roosts in "the area" (presumably, this refers to the Bristol Regional Environmental area, within which the bat is rare). For other species it is unclear how much influence the UK status has had in the decision regarding value, if any. The applicants do not appear to have considered the matter of favourable conservation status in a national context. The effects are determined in accordance with the geographical values chosen, not with reference to national population issues.

According to the Avon Wildlife Trust website, Greater and Lesser Horseshoe bats are not only very rare, but have declined drastically in numbers in recent years. It is my understanding most bat species (and of a significant proportion of SACs and SSSIs supporting them) are failing to meet this status. It is clear that in the UK. not enough is being done to protect these 'protected species'. I would suggest that any detrimental effect works against achieving Favourable Conservation Status. Brown long-eared bats are rare in the Bristol Regional Environmental Records area, within which the site sits.

The matter of impact upon bats is discussed in Appendix B *the impact of the development on bats.* The appendix argues that:

- lighting in the Kilmersdon Brook corridor (Victoria Hall to the site exit) will be detrimental to the light sensitive species;
- there will be a loss of connectivity with the alternative route to the Kilmersdon Brook corridor for light-sensitive species from the roosts in Victoria Hall and northern portion of the Kilmersdon Brook corridor, preventing access to the off-site compensation site on the Radstock to Shoscombe arm of NCN 24 (towards Bath and Bradford-on-Avon Bats SAC) and to the off-site compensation route to Frome (towards Mells Valley SAC);
- loss of forage resources, loss of connectivity through the site and the localised effect of additional lighting in the vicinity of Victoria Hall will cause deterioration to the maternity roost of Brown Long-eared bat in Victoria Hall (adjacent to the site)
- there could be a negative effect on the conservation status of species of bat in the Bristol Regional Records Centre area and the more local area through loss of forage and roosts, adverse effects on the viability of a maternity roost and adverse effects on genetic exchange with other populations.

If it were considered that the connectivity of the route between the SACs is maintained, there would still be the matter of the loss of the use of two roosts within that connecting corridor, as access to one by light-sensitive species would be severed by the development and the other lost to the development. There is no reason to believe that the Brunel shed roost (to be lost and not replaced) is not being used as a day roost for greater horseshoe bats and others, which could be significant in the context of migrating and commuting bats. There is no evidence to show that the impact of development on the proposed alternative route will be sufficiently low to allow it to function adequately for bats traveling between the two off-site compensation areas which, with the site itself, form part of the link between two SACs. There has been no attention paid to the effect on bats in the local greater horseshoe roots at Camerton and Ammerdown. Negative impacts upon bats from these roosts could affect the conservation status of this species in the local area. The JNCC reports that only 53% of bat features reported are in favourable condition and that two-thirds of the sites notified for hibernating bat populations are reported as favourable. It notes that for greater and lesser horseshoe bats the corresponding figures are 47% and 53% respectively.

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