Please see the consultation response from the Biodiversity Team:

**S.20/2686/FUL Middle Lypiatt House, Middle Lypiatt**

Comments relate to the following documents:

Ecological Assessment, Ethos Environmental Planning, dated December 2020

**Recommendations:**

Acceptable subject to the following condition:

* All works shall be carried out in full accordance with the recommendations contained in the Ecological Assessment, Ethos Environmental Planning, dated December 2020 already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To protect and enhance the site for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

**Comments:**

Building B1 was confirmed to be a day roost for single common pipistrelle bats, with a max count of one bat within two roosting locations. The proposal includes the creation of an extension to the north-east of B1 which will result in the potential destruction of both roosts. Therefore, a bat license from Natural England will be required for works to commence lawfully. In order for a license to be agreed a suitable mitigation scheme is required to ensure that suitable compensatory roosts are available post development.

A license can only be agreed if the development proposal is able to meet three tests:

*1.      the consented operation must be for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’; (Regulation 53(2)(e))*

*2.      there must be ‘no satisfactory alternative’ (Regulation 53(9)(a)); and*

*3.      the action authorised ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’ (Regulation 53(9)(b)).*

Suitable bat mitigation has been proposed, a tool-box talk will be given to all contractors on site prior to the commencement of works, in addition, a pre-works checks will be carried out by a licensed bat worker. A controlled soft-strip of roofing materials will be supervised by the licensed bat worker and any evidence of bats will be removed by hand. If a bat is found, works will stop and the ecologist will move it to a safe place for release in the evening. To compensate for the potential loss of the roosts, crevice dwelling bat boxes will be installed. The proposals are considered likely to provide adequate compensatory measures that will successfully maintain the population of species concerned at a favourable conservation status in their natural range and as such would meet Reg 53(9)(b) of the Habitats Regulations.

I am satisfied that this derogation test can be met by this application so long as the actions conditioned are implemented in full.

Regulation 55(2)(e) which states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

Regulation 55(9)(a) which states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

Case law indicates that the process of consideration of the 3 derogation tests should be clearly documented by the LPA. It is my view that if the case officer feels that the application accords with Local Planning Policy all 3 derogation tests have been adequately assessed in accordance with Natural England guidance.

In addition to the proposed bat mitigation, the report has included suitable mitigation and compensation features for nesting birds, mammals and reptiles and suitable enhancement features such as the orchard planting and re-filling of the pond therefore, the above compliance condition has been recommended.