

*Greena Ecological Consultancy*

**ECOLOGICAL ASSESSMENT REPORT  
FOR PROPOSED BUILDING AT  
14 RUSHMOOR LANE  
BACKWELL  
NORTH SOMERSET**

14<sup>th</sup> May 2021

*Ecological Assessment of garage and garden at 14 Rushmoor Lane*

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## **Brief**

An ecological survey was requested for the proposed accommodation on the site of a garage and garden at 14 Rushmoor Lane Backwell.

Greena Ecological Consultancy was commissioned to assess the impact of the proposal on protected species of wildlife and on habitats of ecological value.

This ecological survey is intended to ascertain sufficient information to evaluate the situation adequately in preparation of the above-mentioned works. The information gathered will be necessary to comply with the UK wildlife legislation and European Regulations, which relate to planning regulations and with The Wildlife and Countryside Directives and Habitat Regulations.

Ecological consultation with the planning authority is required.

## **Summary**

- The survey site comprises a single garage and lawn beside it in a domestic garden.
- The land was surveyed by Geoff Billington of Greena Ecological Consultancy in May 2021. The survey was designed as a preliminary ecological assessment aiming to inform future need for detailed studies where necessary.
- The habitat in the garden was assessed to be of low ecological value being amenity grassland and a garage having negligible bat potential.
- No suitable features suitable for bat roosting were identified and no evidence of birds nesting (or roosting).
- The grassland, in its current state (heavily grazed to low sward), is unsuitable for commonly occurring reptile or amphibian species not providing shelter or foraging areas.
- No active badger setts were identified in the garden or obviously within 30 metres of the development boundary; badgers do not pose a constraint to the proposal.
- Presence of no other protected species of wildlife was confirmed and the proposed development is unlikely to affect any other protected species of wildlife or important wildlife habitats.
- No further survey requirements.



# 1. Introduction

## 1.1 Background

The survey site comprises a single garage and lawn beside it in a domestic garden.

Greena Ecological Consultancy was commissioned by the owner Dr Hugh Pratt. The survey aimed to provide sufficient information for the decision making as well as to satisfy requirements of Natural England and the Local Planning Authority regarding protected species on site and habitats of ecological value, allowing development of the design proposals with informed consideration of ecological requirements and potential impacts.

## 1.2 Legislation

### THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

The Habitat Regulations 2017 transpose EEC Council Directive 92/43 (The Habitats Directive) into the UK law. The regulations place duty upon the relevant authority of the UK government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the UK government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000.

The regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 4 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species in the UK. Schedule 4 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

### THE WILDLIFE AND COUNTRYSIDE ACT (WCA) 1981

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

### THE COUNTRYSIDE AND RIGHTS OF WAY (CROW) ACT 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments to have regard for biodiversity and provides increased powers for the protection and maintenance of SSSIs.

The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

### THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006



Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These species and habitats are a material consideration in the planning process.

#### THE HEDGEROW REGULATIONS 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

#### PLANNING POLICY

National Planning Policy Framework provides guidance to local authorities regarding the protection of biodiversity and geology through the planning system in England. Key principles relating to biodiversity include:

- Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources.
- Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

National planning policy is implemented through local and regional planning policies.

#### **NPPF policy 15: Conserving and enhancing the natural environment**

Planning policies contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, considering relevant information such as river basin management plans
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

To protect and enhance biodiversity and geodiversity, plans

- identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and





- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

When determining planning applications, local planning authorities apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

## SPECIES SPECIFIC LEGISLATION

### **1.2.1 Bats**

All UK bat species and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended) through inclusion in Schedule 5, under the Countryside and Rights of Way Act 2000, and under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. The Conservation Regulations designate bats as European Protected Species. In addition, they are protected by the Bern Convention and are given migratory species protection within the Bonn Conservation Agreement.

Taken together, the Acts and Regulations protecting bats make it an offence to:

- Deliberately kill, injure, capture or take bats
- Deliberately disturb bats. This particularly relates to disturbance that is likely to:
  - Impair their ability to survive, breed or reproduce, or to rear or nurture their young
  - Impair their ability to hibernate or (for migratory species) migrate
  - Affect significantly the local distribution or abundance of the species to which they belong
- Damage or destroy bat roosts
- Possess or transport a bat or part of a bat, unless acquired legally
- Sell, offer for sale or exchange bats or parts of bats.

A roost is any structure or place used for shelter or protection. Bats need to have access to a number of roosts because they use different roosts depending on season, breeding status and prevailing weather conditions. For this reason roosts are protected whether or not bats are present at the time.

As bats are designated European Protected Species (EPS), development and building works that are likely to result in the disturbance of bats, damage to or destruction of their roosts, or require bats to be caught or translocated, usually require an EPS licence to be obtained from Natural England before any works begin. Obtaining a licence involves completing an Application Pack, including a Method Statement that details mitigation appropriate to maintaining the 'favourable conservation status' of the local bat population. Three conditions must be met before a licence can be granted:

- There is no satisfactory alternative
- The development will not be detrimental to the maintenance of local bat populations at a 'favourable conservation status' in their natural range
- The development must be for 'imperative reasons of overriding public interest including those of a social or economic nature' unless falling under other special categories such as prevention of the spread of disease.

An EPS licence is required for all development activities if there is a reasonable likelihood that an offence against Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) or Environmental Damage Regulation 2009 (as amended) will be committed.

The following offences could potentially be committed by carrying out the proposed development if any bat species are present during the proposed works:

- Capturing or killing – a wild animal of a European Protected Species (EPS) could be deliberately captured, injured or killed (Reg 41(1)(a))
- Disturbing EPS – a wild animal of an EPS could be deliberately disturbed including in particular a disturbance which is likely to impair its / their ability to survive or hibernate (Reg 41 (1)(b))
- Disturbing EPS whilst occupying a structure or place used for shelter or protection – includes intentional and reckless disturbance (s9 (4)(b)WCA)
- Damage of an EPS breeding site or resting place – (Reg 41 (1)(d)) – strict liability

The above stated **offences can be avoided** where works are to take place when bats are not present and bat roost will be maintained. If roost is going to be available to bats at the time they usually occupy the structure, a **continued ecological functionality of the site will be preserved**. Suitable mitigation measures must be put in place prior, during and post works to ensure that continued ecological functionality will be maintained. An EPS licence is not required if continued ecological functionality is preserved and roosting conditions for bat will remain unchanged or will improve as a result of the proposed works. An experienced ecologist must attend works potentially affecting roosting bats to ensure legality of works.

In case the above listed offences cannot be guaranteed to be avoided throughout the proposed development, an EPS licence must be sought.

A simpler and faster way of carrying out development with low ecological impact has been introduced by Natural England and is now fully accepted for sites with low numbers of more commonly occurring bat species. The development is then carried out in line with a method statement prepared for the works and under the supervision of the licensed ecologist. **Low ecological impact class development licence** only covers low numbers of "common" bats: i.e. Common pipistrelle (*Pipistrellus pipistrellus*), Soprano pipistrelle (*Pipistrellus pygmaeus*), Daubenton's bat (*Myotis daubentonii*), Brown long eared (*Plecotus auritus*), Natterer's bat (*Myotis nattereri*), Whiskered (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*), providing the site in question does not serve as a maternity or hibernation roost. Serotine bats (*Eptesicus serotinus*) and Lesser horseshoe bats

(*Rhinolophus hipposideros*) have recently been added to the low ecological impact class licence list of species for certain counties in England where these species are considered widespread.

### 1.2.2 Birds

In the UK, with the exception of 13 'pest species' of birds, which may be killed by authorised persons only, wild birds have general protection under the Wildlife and Countryside Act (1984). It is an offence to: kill, injure or take a wild bird; take, damage or destroy nests (in use or being built); and take or destroy eggs. Under Schedule I of the Act, some species (including the barn owl *Tyto alba*) are protected by special penalties at all times.

Birds receive additional protection under the European Communities Council Directives on the Conservation of Wild Birds. This directive relates to the conservation of all species of birds naturally occurring in the wild in European territory of the Member States, as well as their nests and habitats.

If any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence.

### 1.2.3 Badger

Badgers are protected in Britain by the Protection of Badger Act 1992 as well as the Wild Mammals (Protection) Act 1996. The purpose of the Badger Act is to protect the animals from deliberate cruelty and from the incidental effects of lawful activities which could cause harm. Under this legislation it is an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so
- Interfere with a sett by damaging or destroying it
- Obstruct access to, or any entrance of a badger sett
- Disturb a badger when it is occupying a sett

If any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence.

The following activities will generally require a licence from Natural England:

- Works undertaken using heavy machinery (generally tracked vehicles) within 30m of an active sett entrance
- Using lighter machinery (generally wheeled vehicles), particularly for any digging operation within 20m of an active sett entrance
- Light work such as hand digging or scrub clearance within 10m.

**No offence will be committed if no parts of the sett will be damaged during works and if badgers are not occupying the sett at the time of works.**

## HABITATS SPECIFIC LEGISLATION

### Special Areas of Conservation

The legal requirements relating to the designation, protection and management of SACs in England are set out in the Conservation of Habitats and Species Regulations 2017. All terrestrial SACs in England are also Sites of Special Scientific Interest (SSSIs). The additional SAC designation is recognition that some or all the wildlife habitats and species within a SSSI are particularly valued in a European context and require additional protection.



The Habitats Regulations require that any plans, projects or activities which are proposed and require a permission of some kind and may significantly affect a SAC must be subject to special scrutiny and first require a detailed 'appropriate assessment'. The decision-making authority may only permit or undertake the proposals if the assessment concludes that there would no adverse effect on the integrity of the SAC. Where it cannot reach this conclusion, the project can then only proceed in particular circumstances. This process allows those proposals which clearly will not impact upon the special European wildlife interest of a SAC to proceed. Natural England can provide advice to authorities on how proposed activities can avoid adverse impacts on a SAC.

Under the Habitats Regulations planning authorities must also require that any permitted development normally carried out under a general planning permission, but which may affect a SAC requires further approval before being undertaken.

As the statutory nature conservation body in England, Natural England is duty bound to ensure that SACs are protected and managed favourably for conservation in line with the requirements of the Habitats Directive. Our experience is that it is usually possible to find mutually acceptable solutions where sustainable land use and wildlife can flourish.

#### Sites of Regional and Local Nature Conservation Interest

Development that would cause damage to local nature conservation or geological interests, will not be permitted unless the importance of the development outweighs the value of the substantive interests affected. Where development is to proceed, measures will be required to minimise and offset the impact of the development on the nature conservation interest.

#### Species Protection

Development which would directly or indirectly have an adverse effect on nationally or internationally protected species of flora or fauna, or species or habitats listed in national, regional or local biodiversity action plans, will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures.

## **2. Aims and Objectives**

The aim of the survey and supporting desk study was to satisfy the requirements of the National Planning Policy Framework (NPPF) paragraphs 170 - 177, as well as to be in line with Local Plan and Core Strategy and to identify ecological features within or near the site that could potentially pose a constraint to the proposed development and opportunities for incorporating biodiversity enhancements into the development proposals.

The following ecological features were relevant to the survey carried out by Greena Ecological Consultancy:

- Proximity of statutory and non-statutory designed wildlife sites
- Proximity of England Biodiversity Priority (EBP) or local Biodiversity Action Plan (BAP) habitats and networks of these habitats
- Legally protected wildlife species
- EBP or local BAP species
- All other species of wildlife potentially affected by the proposed development

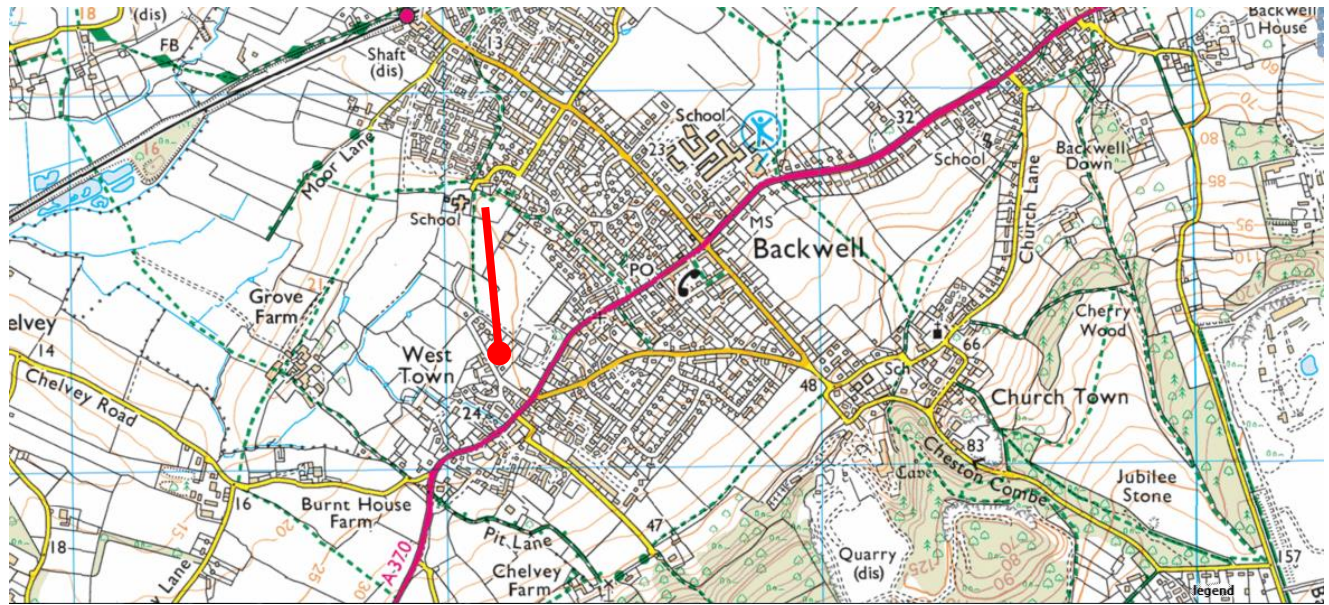
This report has been produced with reference to current guidelines for preliminary ecological appraisal (CIEEM, 2018).

### 3. Site description

#### 3.1 Surrounding Area

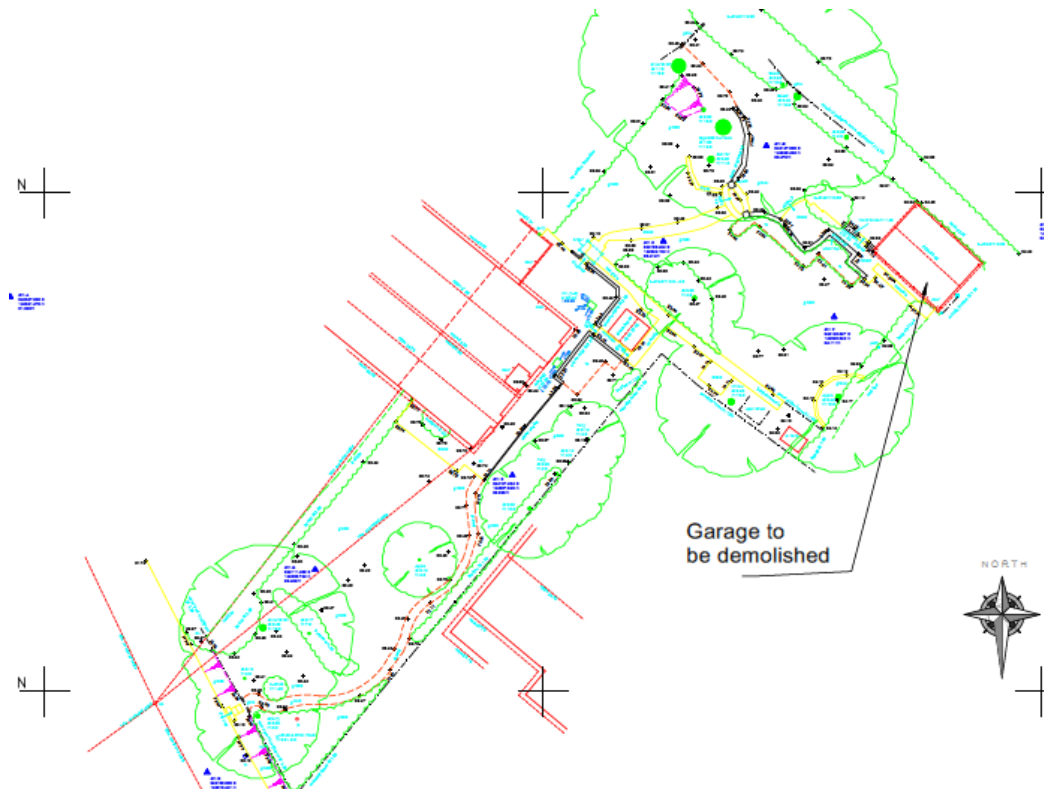
The survey site is located within Backwell village. Figure 1 shows the location of the property; Figure 2 the existing site; Figure 3 the proposed plan and Figures 4 - 6 show photos of the site.

**Figure 1 Location of the property**

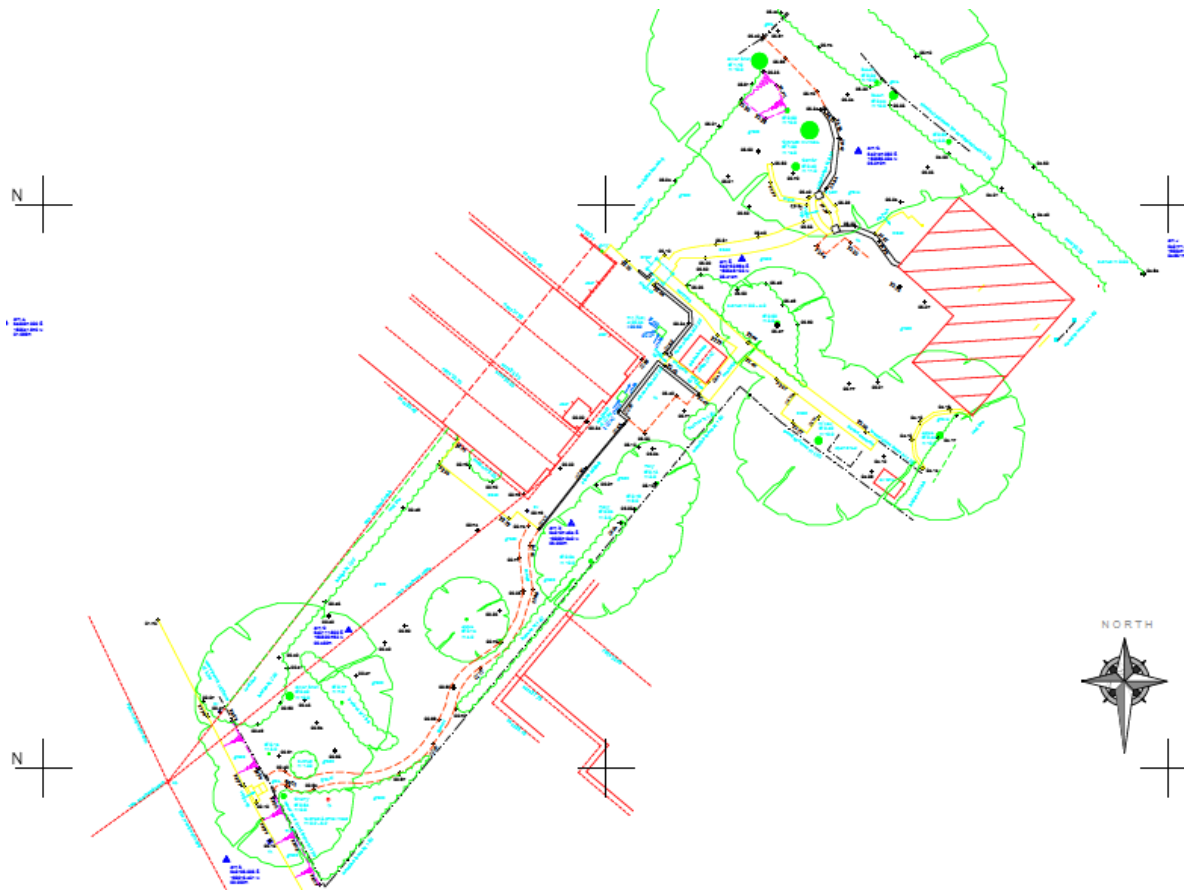


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**Figure 2 Existing site plan**



**Figure 3 Proposed site plan**



**Figure 4 Garage**



With native hedge to the left.



**Figure 5 Garage interior**



No concealed crevices.

**Figure 6 Lawn next to the garage where proposed building footprint would be**



### 3.2 Habitat description

The wider immediate local surroundings comprise houses, gardens, access tracks, playing fields and grazed fields nearby to the rear.

## **Boundary hedgerow**

There is a dis-continuous native hedgerow immediately to the rear (north of the garage) this will remain unaffected and a cypress boundary hedge in the garden.

## **4. Methods**

Surveyor Geoff Billington (Greena Ecological Consultancy, holders of class 3 & 4 Natural England bat licenses, Geoff Billington is a full member of CIEEM.

He undertook a daytime inspection of the building on 4<sup>th</sup> May 2021, the survey comprised a detailed internal and external inspection with the aid of a high-powered torch from ground level, of the garage and garden.

The proposals will only affect the garage a section lawn immediately to the south of it including removal of an odd bush (no trees) and minor trimming of a fruit tree (having no cavities suitable for wildlife).

No overall desktop search has been carried out for bat records because already 14 bat species have been recorded by Greena including the more common four annex II species, so these are taken to be the species occurring in the area.

A search for past records in this actual site was conducted.

A search for nearest designated sites was conducted.

A search for the nearest bat licence that has been issued on MAGIC site.

### **4.1 Bats**

The building was surveyed using the following methodology:

- a) Signs of residency by bat species. This consisted of a slow methodical search for roosting bats and their signs. Droppings on walls, windowsills and in roof space can be used to identify species and scratch marks and staining at roosts and exit holes shows the presence of bats. Similarly the presence of spider webs at a potential roost entry can often indicate an absence of bats.
- b) An assessment of the potential of a building to provide a roost either in the summer (maternity) or winter (hibernation).
- c) Inspection within the house attic.

The overall habitat was assessed as a high potential for foraging and feeding of bats.

The interior and exterior of the building were inspected with the aid of a high-powered torch to locate potential roosting sites, discover possible points of egress for bats and detect bats or any signs of bats such as droppings, wear marks, staining and feeding remains.

### **4.2 Birds**

The exterior and interior of the buildings were inspected during the day time visit in May 2021 for bird species, and to locate signs of use such as nests and/or droppings.





### 4.3 Other Protected Species

The building and lawn were inspected/ assessed for the signs of presence/ potential for other European Protected Species and species protected under the Habitat Directives.

Visual inspection was utilised as a method of search for other protected species.

## 5. Survey Constraints

The entire building could be accessed.

No bat activity surveys have been carried out but these are not deemed necessary due to the negligible bat potential and extent of visibility in the garage.

The dwelling house was not investigated as it is not affected by this proposal and far enough (30m) to not be affected even if bats were resident in it.

## 6. Results

No known ecological surveys have been undertaken at 14 Rushmoor Lane prior to this first visit conducted by Greena Ecological Consultancy in May 2021.

### 6.1 Desk Study for bats and protected sites

The results of desk top study for bats are based on local information obtained by Greena Ecological Consultancy between 1999 & 2020 of 14 bat species.

**Table 1 Bat species recorded in the local area**

Bat species recorded in the area	Rhinolophus hipposideros
	Rhinolophus ferrumequinum
	Plecotus auritus
	Common pipistrelle
	Soprano pipistrelle
	Nathusius pipistrelle
	Myotis daubentonii
	Myotis bechsteinii
	Myotis mystacinus
	Myotis brandtii
	Myotis bechsteinii
	Eptesicus serotinus
	Barbastella barbastellus
	Nyctalus noctula

No known bat records at this site are known.

**Nearest protected site from MAGIC database**

Site	Distance
Brockley Hall SSSI	1.5km to the southwest

Features:

Greater horseshoe bats.

The development would not affect the SSSI or its features.

The site lies within North Somerset bat consultation zone A because of its proximity to known Horseshoe bat roosts and within a foraging zone established by this author and others.

As this proposal has no potential impact to bats no further consideration is required for bats.

The closest bat licence issued was for a site 680m to SSE for destruction of a resting place (non-breeding roost) of Lesser Horseshoe bats in 2015.

### **6.2 Building survey for bats**

No signs of bats were found in the garage and with its single skin construction with lack of any concealed crevices mean it has negligible bat roost potential.

No holes horseshoe bats could fly in through.

### **6.3 Birds**

No evidence of birds nesting so they are probably not using the site but small passerine birds can be encountered in buildings (mostly March-July).

### **6.4 Badgers**

No evidence of badger setts in the garden.

### **6.5 Reptiles and Amphibians**

The highly maintained lawn (amenity grassland) has no potential to house reptiles and amphibians.

### **6.6 Other protected species**

No evidence or potential of any other protected species was found in the building or target area of garden.

## 7. Discussion and Recommendations

### BATS

#### ROOSTS

The lack of suitability of this building and no other potential roosts mean there is no bat roost potential.

#### FORAGING/FLIGHT ROUTES

Lying within Bat Consultation zone A the lighting design (internal and external) should ensure there is no light spill out into the wider surroundings, ideally no exterior lighting or if any must be low level downlighters only and none on the north side.

The lighting emission from any rear (northeast facing) windows should be restricted by lighting design and/or glass design to not illuminate the adjacent hedgerow.

A plan of lighting details should be included in the submission to the planning authority.

### BIRDS

No evidence or requirements, but if any found nesting leave undisturbed until fledged.

### BADGERS

No evidence of badger setts around the building no requirements.

### OTHER PROTECTED SPECIES

No other species are likely to use this building or lawn area of the garden.

## 8. References

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