

Nick Feltham
 North Kesteven District Council
 Planning Department
 District Council Offices
 Kesteven Street
 Sleaford
 Lincs
 NG34 7EF

1st November 2021

Our Reference 60468641 211426OUT Villa Farm

Dear Nick

21/1426/OUT Villa Farm: Review of Ecological Constraints and Opportunities

Decision Checklist:	
Has an ecology report been submitted?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the proposal within or close to any designations?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Request Clarification <input type="checkbox"/>
Is there potential for protected or notable habitats & species?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Uncertain <input type="checkbox"/>
All relevant surveys completed using appropriate methods?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Request Clarification <input type="checkbox"/>
Evidence of protected or notable habitats & species found?	Habitats <input checked="" type="checkbox"/> Species <input checked="" type="checkbox"/> Uncertain/No <input type="checkbox"/>
Will relevant habitats and/or species be impacted?	Habitats <input type="checkbox"/> Species <input checked="" type="checkbox"/> EPS <input checked="" type="checkbox"/> Uncertain/No <input type="checkbox"/>
Are mitigation measures adequate to avoid offences?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Uncertain <input type="checkbox"/>
Is development consistent with objectives for No Net Loss?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Uncertain <input type="checkbox"/>
Have proposals for ecological enhancement been made?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Can planning permission be granted subject to appropriate conditions and obligations?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Holding Objection <input type="checkbox"/>

I have reviewed the information provided and I can identify no ecological grounds for objection, subject to implementation of the mitigation identified as necessary within the Preliminary Ecological Appraisal (PEA) and Bat Survey Report.

I am satisfied that an appropriate suite of ecological surveys and investigations has been completed. The main ecological constraints identified are:

- The presence of up to three common pipistrelle bat roosts of relatively low nature conservation importance (each used by individual to small number of bats).
- Potential for the ongoing presence of a brown long-eared bat hibernation roost of relatively low nature conservation importance (supporting individual to small number of bats).
- The likely presence during the breeding season of nesting birds throughout the site in association with vegetation and buildings.
- Potential presence of hedgehog, a priority species for nature conservation in England.
- Presence of woodland and hedgerow habitats – these are indicated to be retained based on the plans provided.

I agree that great crested newt can be scoped out given the relative distance of the site from suitable breeding ponds.

Bat Roosts

Given the presence of bat roosts, development cannot proceed without first obtaining a European Protected Species (EPS) licence from Natural England. This process will also require agreement of mitigation measures, and therefore it is not a matter for the planning system to secure this mitigation. However, there does need to be sufficient understanding of what mitigation would be provided and its suitability.

Before giving planning permission, the district planning authority is required to consider if the necessary licence is likely to be granted by Natural England. Therefore, there is a need to consider, confirm and document the case in relation to the following three licensing tests:

- the activity is for a certain purpose, for example it's in the public interest to build a new residential development;
- there is no satisfactory alternative that will cause less harm to the bats; and
- the development does not harm the long-term conservation status of bats.

If the answer to all three licensing tests is yes, then Natural England would be likely to grant the required licence and it would therefore be acceptable to give planning permission.

I cannot provide advice on the first two tests as they relate to the case for the proposed development and its design and construction specification. However, you should note that the applicant will also need to compile answers to the tests for their licence application. So, the applicant should be able to provide further information in relation to the first two tests.

The proposed mitigation is an important consideration in relation to the last test, as suitable mitigation will help to avoid harm to the conservation status of bats. Given the relatively low importance of the roosts found previously, which relate to individual or very small numbers of bats only, I am satisfied that enough information has been provided on the mitigation approach (provision of replacement bat roosts) in support of application of the third test. The proposed mitigation seems appropriate, feasible and securable. With application of this mitigation, there is not likely to be an adverse effect on the conservation status of the bat species concerned.

Other Required Mitigation and Biodiversity Enhancement

I support the wider mitigation advised as necessary by the applicant's ecologist.

Of specific relevance to maintenance of the value of the site for bats is the need to secure a sensitive external lighting scheme. Not only because of the bat roosts found on site, but also because the site is within a landscape of importance to the nationally rare barbastelle bat, a priority species. Barbastelle is a light sensitive species, so external lighting could adversely affect access to foraging habitats for the species. I recommend that a reserved matter or condition be applied to permit prior agreement of the external lighting design. A light contour (isolux) plan should be provided by the applicant in support of this.

Update surveys and watching brief by an ecologist are identified as necessary to safeguard nesting birds, hedgehog and badger. The former could be protected through timing works to avoid the nesting season (April to August inclusive) however this would not be sufficient to address all the named species, and conflicts could also arise later in terms of specific timings for bats. In the interests of simplicity, I recommend that a condition be set to require that all vegetation clearance and building demolition works be undertaken under watching brief by an ecologist. This is likely to be consistent with requirements for bats under the necessary EPS licence. So potentially the watching brief could address all relevant protected species at the same time.

I agree with the recommendation that enhancement for nesting birds should be provided in the form of nesting features integral to the structure of the new dwellings. I also support the recommendation that additional enhancement be secured for roosting bats, in addition to the mandatory compensation for roost loss that would form part of the EPS licence mitigation package. If it is assumed that like for like roost compensation is all that is required for the latter, then an additional two integral bat roost features (one per dwelling) are likely to represent proportionate enhancement. While the details of the roost compensation are a matter for licensing, I think that it would still be reasonable to require a

combined plan showing the locations of all the proposed bat roost compensation and enhancement features. This will avoid potential for confusion later when the approved schemes are implemented.

In relation to the bird and bat features a planning condition could be set and worded as follows: *No development shall commence other than site clearance and the laying of foundations until a biodiversity enhancement scheme (with implementation timetable and linked to a suitable scale plan also showing the proposed locations of compensatory bat roosts to be secured under licence) for the provision of a minimum of 1 permanent bat roosting and 1 permanent house sparrow hotel nesting feature per dwelling has been submitted to and approved in writing by the District Planning Authority. The required bird and bat features shall be appropriately sited and shall be integral to the structure of the new dwellings. The applicant shall submit appropriate evidence to the District Planning Authority to confirm compliance with the approved biodiversity enhancement scheme within 1 month of the completion of those works.*

Yours sincerely

David Broughton BSc MSc MPhil CEnv MCIEEM
Associate Ecologist
AECOM Limited