



Report Type: Clearance of Environmental Conditions

Client Name: J R Pickstock Ltd

**Site Address: Swiss Cottage
Whitwell Lane
Racecourse Road
Oswestry
Shropshire
SY10 7PL**

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Questions arising from the survey report should be directed to the author of the report who will be pleased to clarify any technical issues raised.

Whilst the surveyors make every reasonable effort, Greenscape Environmental Ltd cannot guarantee that all protected species have been identified and survey results are definitive. Many species are cryptic and transitional in habit.

Reports are considered valid for one year for planning purposes, after which time further survey information may be required.

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1 Executive Summary

1.1 Purpose of the Report

This report is prepared on behalf of J R Pickstock Ltd as part of planning permission for the renovation and extension of Swiss Cottage. This document seeks to address conditions 5-8 inclusive of the planning permission 17/05429/FUL, granted in November 2019.

1.2 Background

The planning application is for the construction of a small extension to the rear of the dwelling with landscaping alterations and renovation of the existing cottage, parts of which are of heritage importance.

Bat surveys were conducted in May and July 2018 by Greenscape Environmental, and identified 82 lesser horseshoe bats to be entering a roost space within the building. The details of this report were submitted with planning in report number 1884 002R. A return visit was conducted in 2019 to assess for dormice in the nearby wooded area, and none were found.

1.3 Observations

The site was revisited on 30th November 2021 by Ben Jones to check for any alterations to the known status of the building. Significant degradation was discovered, and vandalism damage had increased. Weather ingress into the western end of the building has caused destabilisation of the upper floors making these unsafe for assessment.

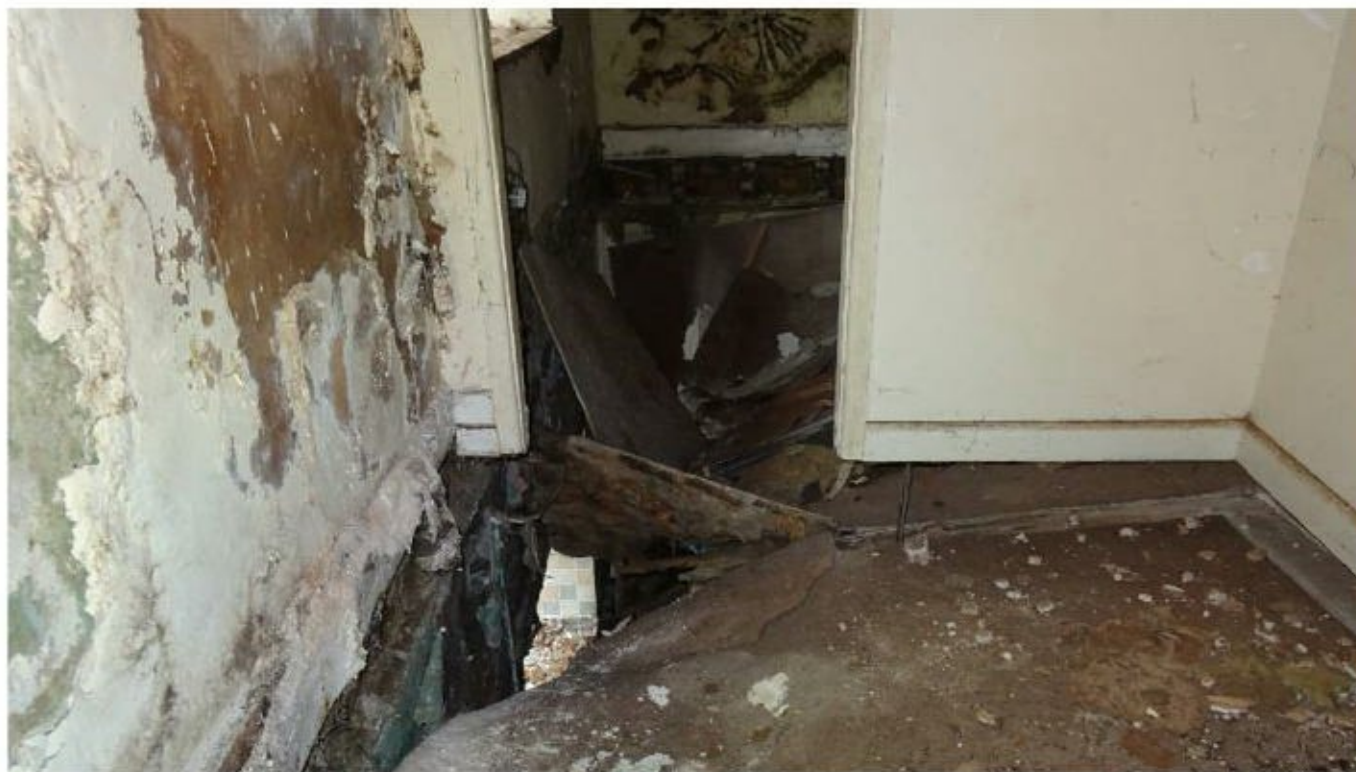


Figure 1.1. Unsafe upper floor



Locations where bat droppings have previously been recorded were checked again, and a high number of droppings was found beneath a small hatch leading to the loft space on the eastern end.



Figure 1.2. Loft hatch



Figure 1.3. Droppings beneath hatch



Figure 1.4. External view



2 Conditions

2.1 Condition 4

Condition 4 states:

4. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g. hibernacula, integrated bat and bird boxes];*
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);*
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;*
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);*
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;*
- f) Implementation timetables.*

The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

The approved plans show grading and landscaping of the land to the southwest of the building to form a gradual slope. Presently this land is made up of grasses, ruderal vegetation and successional growth due to lack of management.



Figure 2.1. Grasses to southwest of building

The landscaping of this area will include wildflower seeding once suitably graded. This will encourage a good mixture of valuable flora to develop, adding to the visual amenity of the slope but also providing ecological benefit. Typical wildflower seed mixes should be used such as Wynnstay's wildflower meadow mix, comprising 80% grasses and 20% flowers.

The wildflower area must be managed appropriately to allow the flowers to develop. Within the first year after planting, the sward must be mechanically cut every 2 months to a height of 50-100mm and all trimmings removed. The removal of clippings has a two-fold benefit, firstly it prevents the grasses dominating and overshadowing the flowers which are slower growing. Secondly, it keeps nutrient levels relatively low in the first year to avoid weed takeover. After the first year, when all flowers will have sufficiently set and



developed, the sward must be mechanically mown twice a year, once in March and then again in October. This will be conducted only in appropriate weather conditions.

It should be noted that in the first season the display of flowers may not be as expected. This is not problematic, as root development is more important in the first year.



Figure 2.2. Wildflower area



As the site is already surrounded by significant vegetation and pockets of woodland, there is no reasonable location to plant new trees or any notable length of hedgerow. The site plans do show the removal of an oak tree near the existing site access to the north, which is to be replaced by native trees. Replacement trees to be used should be from the list below. These should also be native species, locally sourced where possible. The number to be planted is unknown, but will fill the space created by the oak with standard spacing of no less than 1.5m. These will be planted between October and March when the ground is not frozen or saturated.

Table 2.1. Trees proposed for enhancement

Common Name	Latin Name	Size	Spacing
Lime	<i>Tilia cordata</i>	1-2m tall	1.5m apart
Rowan	<i>Sorbus aucuparia</i>	1-2m tall	1.5m apart
Silver Birch	<i>Betula pendula</i>	1-2m tall	1.5m apart

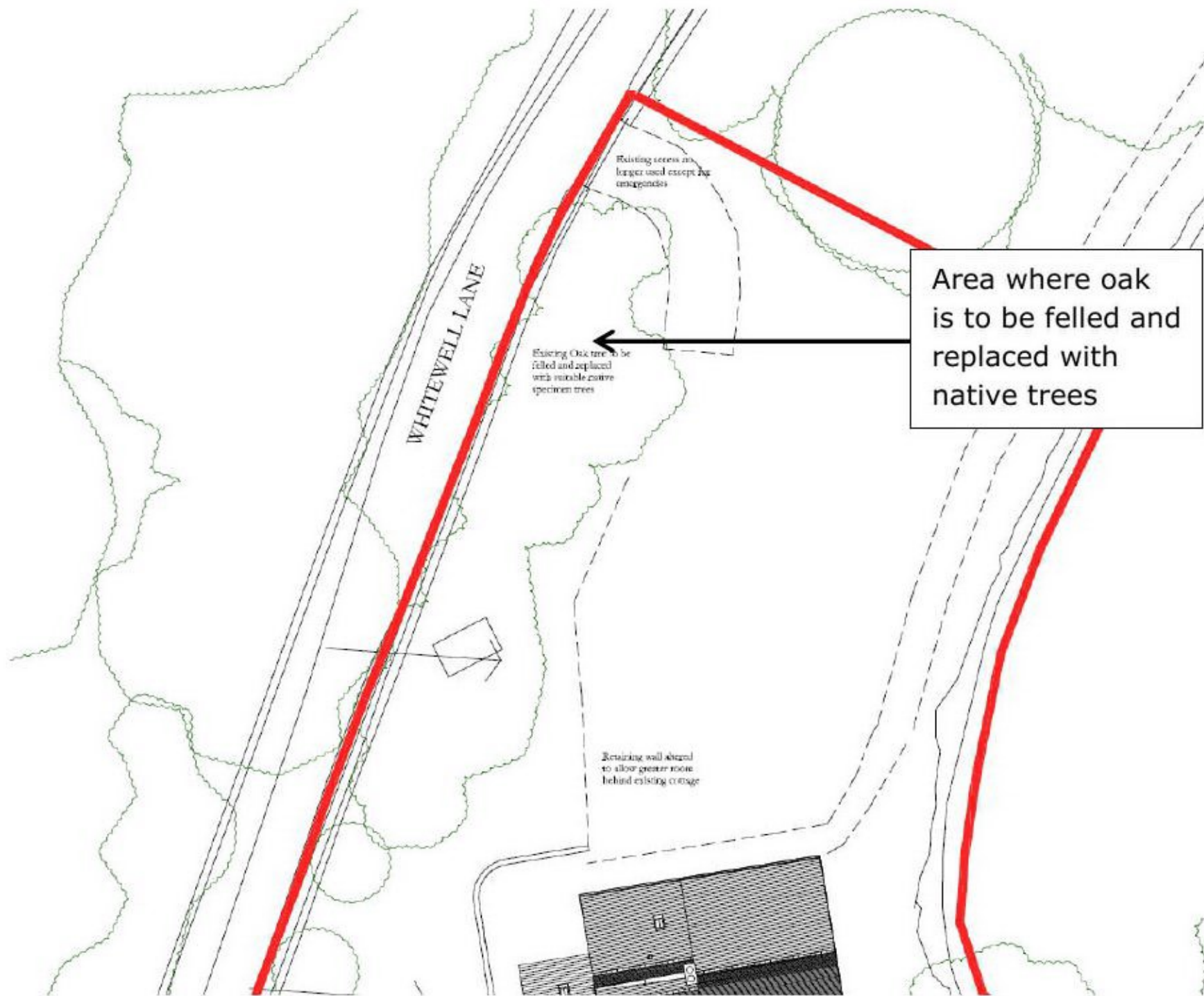


Figure 2.3. Tree planting

Some selective tree felling is required to create the new access to the south of the house. These will be felled outside of bird nesting season, and in such a way as to avoid damage of other nearby trees where possible.

The majority of trees are to be retained. These will be protected by ensuring the root protection zones are free from ground-works, and the site plans show that these zones are well-clear of any disruptive digging.



2.2 Condition 5

Condition 5 states:

5. No development shall take place (including demolition, ground works and vegetation clearance) until a lighting plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and*
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK.

Reason: To minimise disturbance to bats, which are European Protected Species.

During bat activity surveys in 2018, the 82 lesser horseshoe bats were seen to group in the bushes to the north of the site, before flying toward the building to roost. The vegetation along the boundary is clearly of importance to local bat colonies and will therefore be protected with a lighting scheme both during and post-development.

1. All newly proposed external lighting will be directed away from any vegetated boundary features to retain dark corridors for commuting bats.
2. There will be no direct illumination of any enhancement features erected for bats, or access features built into the converted building.
3. External lighting will be erected at eaves height, and will therefore not illuminate bat roost entry points which are proposed for roof-height
4. All domestic lighting will be below 10 lux, orientated towards the ground and controlled by PIR (Passive Infra-red), set on a short timer.



Figure 2.4. Example external down light design



2.3 Condition 6

Condition 6 states:

6. Prior to commencement of work, a Bat Mitigation Method Statement must be provided to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with the approved details.

Reason: To minimise disturbance to bats, which are European Protected Species.

In addition to the crevice dwelling bat enhancements included for condition 8 (see section 0 of this document), suitable mitigation is required for the lesser horseshoe bat roost identified in 2018.

Updated surveys have not been conducted since these surveys, and so until proven otherwise these data will be considered accurate, and mitigation will be designed to address the populations as identified in 2018.

The lesser horseshoe bats would not use the crevice-dwelling boxes erected on nearby trees, and will instead require a loft space with fly-in access. Work to repair the roof and prepare the loft space would disturb the existing roost space, and potentially block off the access point identified in the natural woodwork forming the veranda roof on the north side of the building. This would therefore need to be done under licence from Natural England, which will require approval before any works in known roost areas begins.

This licence will outline best working practices, including stipulating that work around the roost area will be done when maternity bats are least likely to be present, so between October and the end of March.

Table 2.2. Timing of works as recommended by the Bat Mitigation Guidelines (2004)

Bat usage of site	Optimum period for carrying out works (some variation between species)
Maternity	1 st October – 1 st May
Summer (not a proven maternity site)	1 st September – 1 st May
Hibernation	1 st May – 1 st October
Mating/swarming	1 st November – 1 st August

EPSL Working Method Statement

1. Renovation work will need to follow a rigid method statement. It will need to be conducted under a European Protected Species Licence (EPSL)
2. A suitably licensed ecologist will be employed as an Ecological Clerk of Works (ECoW) to oversee works in areas sensitive to bats and provide expert advice.
 - a. Bats have only been discovered using the eastern half of the building, so this method statement will focus on the reroofing and renovation of this area.
3. The licence can only be applied for when full planning permission has been granted and all relevant wildlife conditions discharged.
4. A toolbox talk will be provided by the ECoW. The developer and the contractors will be made aware that there is a possibility that bats may be found during works, and will be advised to work in a way to ensure bats are not harmed during work in areas



sensitive to bats; particularly around the wooden lattice veranda and roof over the eastern half of the building. They will be provided with a simple emergency procedure to follow if bats are found at any stage of the work on site. It will be ensured that the method statement is retained on site at all times.

5. A pre-commencement check will be conducted by the ECoW using a strong torch and borescope where appropriate/possible.
6. The work around the bat roost area will occur when bats are least likely to be present, from October to March
7. The lofts will only be accessed when necessary.
8. The ECoW will be present on site when work is being conducted in the area of the bat roost.
9. If a bat is found when the ECoW is not present, work will stop immediately and the ECoW contacted for advice.
10. Lesser horseshoe bats will only be disturbed by the ECoW, and other bat species will only be handled by the ECoW. If the bats are in immediate danger they may be moved to a well-ventilated lidded box with a small container (i.e. a plastic bottle lid) with water in it. The container must be kept in a quiet and safe place.
11. Care should be taken to avoid rousing bats whilst transferring to a suitable location, such as a suitable roost box or alternative roost space that provides a safe, quiet environment with a stable cool temperature and relatively high humidity.
12. If the bat is underweight or injured it will be cared for by an experienced bat carer until such time that it is strong enough to be released into a suitable alternative replacement roost on site.
13. The bat compensation will be created following the instructions in the EPS method statement and the client will agree that any bat box erected must stay in place for a minimum of five years post-development.
14. The reroofing will include bat access into the existing bat loft area. Bat access into other areas of the building is not currently possible and will continue to be blocked throughout the development.

Loft Access Design

It is not acceptable to destroy or modify a roost without due consideration. It is understood that the existing void in the eastern roof – where the lesser horseshoe bats are likely to be roosting, will be retained as a bat loft, with appropriate fly-in access for lesser horseshoes incorporated into the roof repairs. The fly-in accesses will involve lead-lined 400x200mm openings in the roof. These will follow the pitch of the roof to allow bat access whilst keeping rain out.



Figure 2.5. Fly-in access external view



Figure 2.6. Fly-in access internal view (arrow shows proposed flight line)

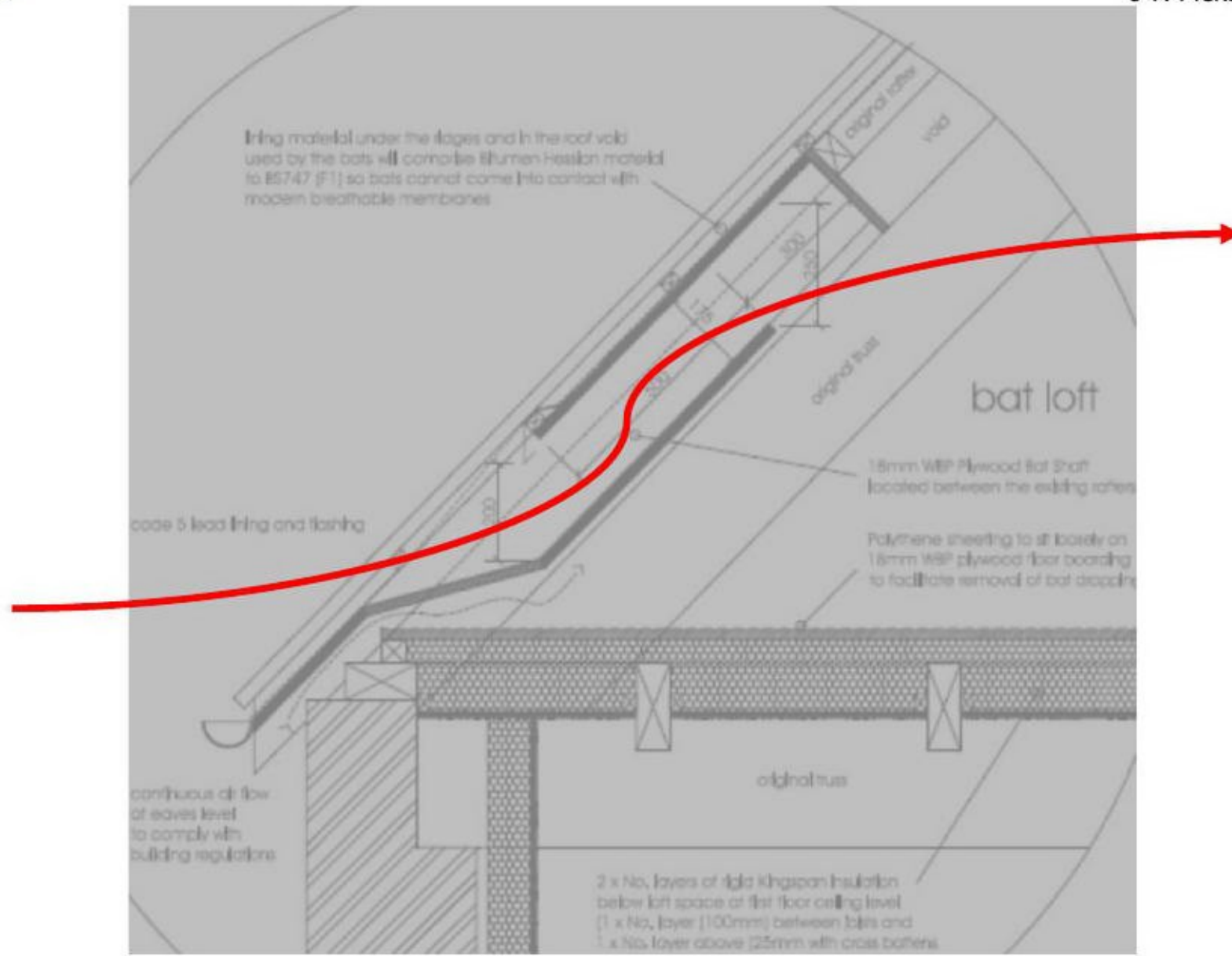


Figure 2.7. Fly-in access cross section view (from another development - design explanation purposes only)



The plans show the loft over the eastern room, with a void totalling 114m³.

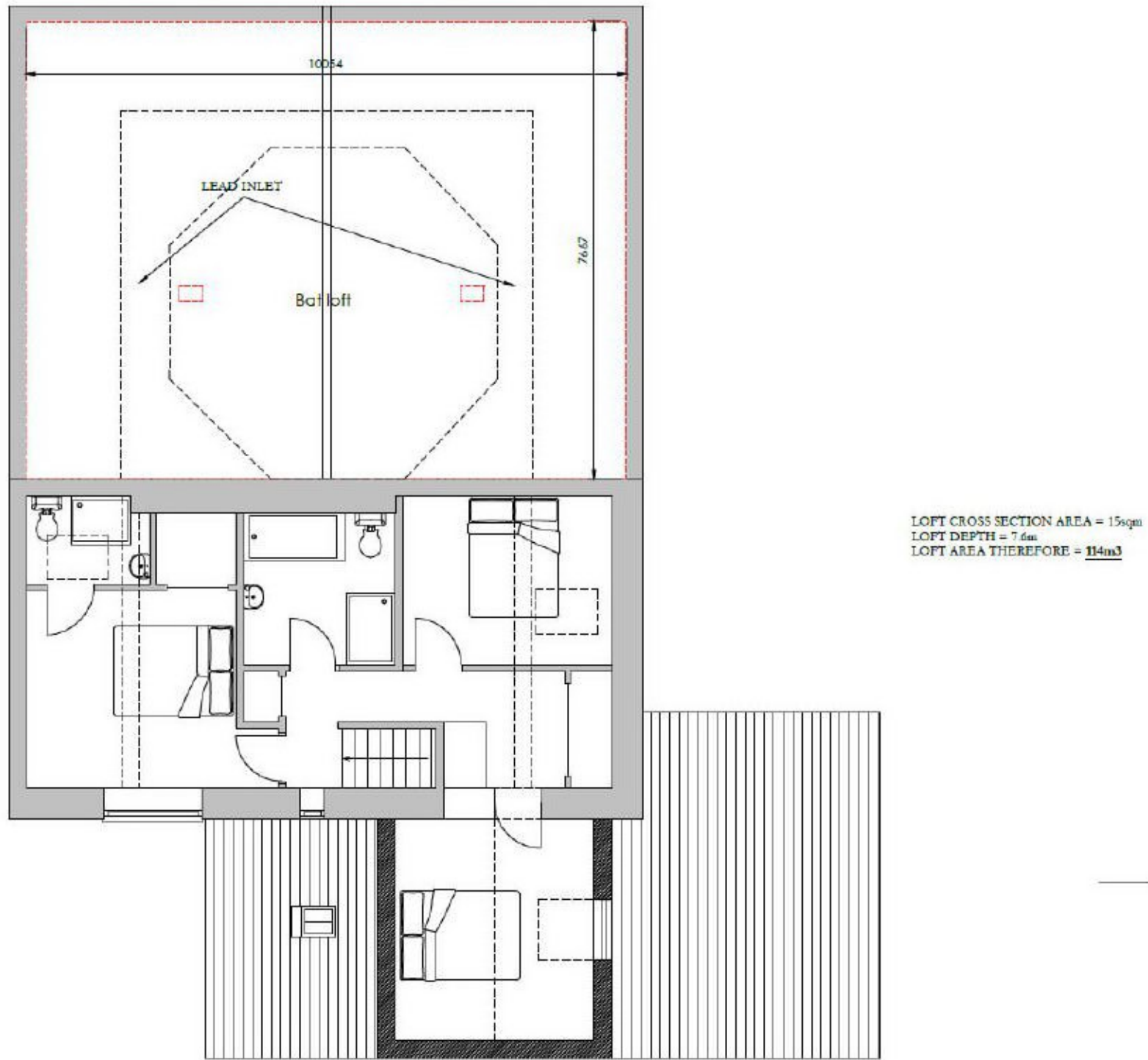


Figure 2.8. Loft location and size

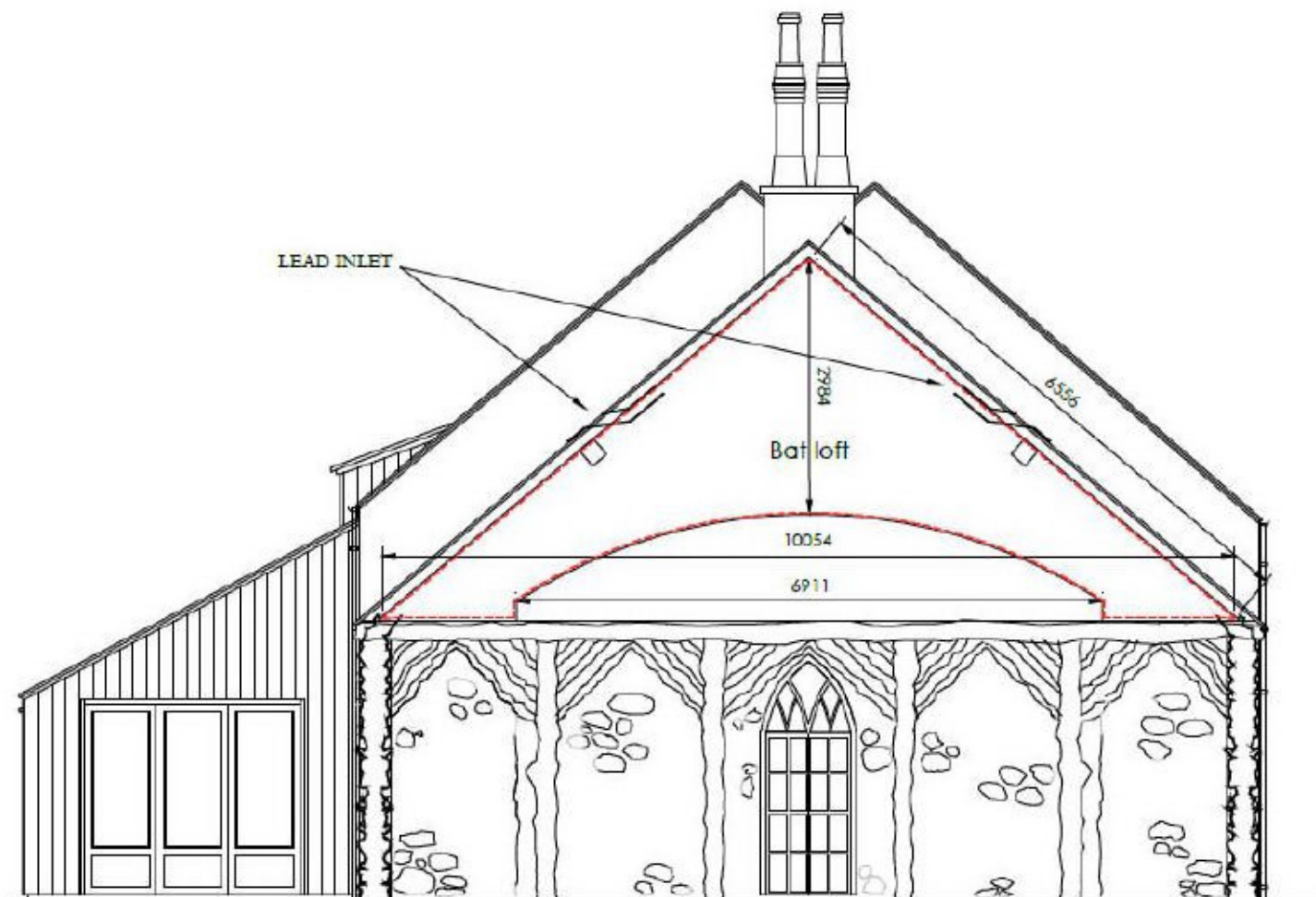


Figure 2.9. Loft cross-section



2.4 Condition 7

Condition 7 states:

7. A minimum of three artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), and/or small birds (32mm hole, standard design) shall be erected on the site prior to occupation of the building. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

Sparrow Terraces should be erected under the eaves of a building at a minimum height of 3m, in a westerly, northerly or easterly aspect.

32mm hole Schwegler 1b and Schwegler 3S nest boxes should be installed at a minimum height of 3m in a westerly, northerly or easterly aspect.



Cedarwood Sparrow Terrace



Schwegler 3S Starling Box



Schwegler 1b Bird Box

Figure 2.10. Bird box requirement



2.5 Condition 8

Condition 8 states:

8. A minimum of three external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to occupation of the building. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

Three external woodcrete bat boxes suitable for day roosting crevice dwelling bats will be erected on nearby trees. Boxes such as Schwegler 1FF, Beaumaris Bat Box Midi or equivalent will be erected at a height of 3-4m and maintained for at least five years.



Figure 2.11. Example woodcrete bat box: Schwegler 1FF & Beaumaris Bat Box Midi



3 Legislation

Bats

All bat species are protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine or to both.

Seven bat species are on the UK Biodiversity Action Plan and are listed as Species of Principal Importance under the provisions of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

To allow a development that might result in an offence, a derogation licence can be sought via the implementation of a European Protected Species Licence. This is provided by Natural England.

Work can be conducted under a derogation licence from Natural England providing suitable compensation and mitigation is provided and the "three tests" can be met. These are:

Regulation 55(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety" or other imperative reason 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) States: the appropriate authority (Natural England) shall not grant a licence unless they are satisfied "that there is no satisfactory alternative"

Regulation 55(9)(b) states that the appropriate authority shall not grant a licence unless they are satisfied "that the action licensed will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in its natural range."

The method statement in the EPS licence is a legally binding document which outlines the species, context of the colony, method of mitigating and compensating and ongoing habitat management for ensuring favourable conservation status.



Birds

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), birds, their nests and young are all protected from damage, particularly during the breeding season. The Act allows for fines or prison sentences for every bird, egg or nest destroyed. It makes it an offence to:

- Intentionally kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird whilst it is in use or being built.
- Take damage or destroy the egg of any wild bird.
- To have in one's possession or control any wild bird, dead or alive or egg or any part of a wild bird or egg.

Some bird species are included in the UK and local BAPS and are recognised as species of principal importance for nature conservation in accordance with section 41 of the NERC Act 2006. Such species and their habitats receive protection through the provisions of the NPPF.



Table 3.1. Timing of Works

Action	Timing	Comments
Pre-Development Activity		
Creation of standalone bat/bird features	Any time	Boxes will be erected in nearby trees at any time to provide an enhancement
Mid-Development Activity		
Pre-works inspection by Ecologist	January/February 2022	Internal inspection by Named Ecologist or Accredited Agent to check for free-hanging bats, provide toolbox talk and assist with initial demolition works
Destructive search by soft demolition of existing roof	January/February 2022	Ecologist on site when roof is removed when bats are least likely to be present
Ongoing monitoring	Monthly after development start until December 2022 (development end)	Ongoing monitoring by ECoW to check adherence with the method statement and to provide ongoing support where needed
During Development		
Creation of roost access features	February/March 2022	When roof is replaced, new access will be installed and bat loft will be sealed from the rest of the building
Construction period start-end dates	January 2022-December 2022	



Appendix A – Surveyor Details

Table A.1. Details of surveyors' experience and licences held

Name	Membership of associations/ experience	Licenses
Ben Jones BSc(hons) MSc	Lead Consultant Ben has a degree in Marine and Freshwater biology and a Master's degree in "Managing the Environment". He has 6 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales. <u>England:</u> Bats - 2017-29112-CLS-CLS GCN - 2016-25209-CLS-CLS <u>Wales:</u> Bats – S088669-2 GCN – S087992-1
Logan Maggs BSc(hons)	Lead Consultant Logan has a degree in Conservation and Land Management. He has over 10 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales. <u>England:</u> Bats - 2016-24901-CLS-CLS GCN - 2017-29218-CLS-CLS <u>Wales:</u> Bats – S086874/1 Newts - 79665:OTH:SA:2018
Peta Marshall BSc(hons)MA	Principal Consultant MCIEEM PIEMA Peta has a degree in Applied Biology and has been working in commercial environmental assessment for over 10 years. She has 10+ years' experience surveying for protected species. As a member of the CIEEM she is bound by professional conduct.	Holder of survey licenses for bats and newts in England and Wales. Registered Consultant for Mitigation Class Licence for Bats <u>England:</u> Bats - 2015-12200-CLS-CLS BMCL - RC084 GCN - 2015-18939-CLS-CLS Dormice - 2017-29225-CLS-CLS <u>Wales:</u> Bats – S087133-1 GCN – S087606-1



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