



Protected Species Survey

Providence, Witheridge

Client: Mr J Burrows

Date: June 2022



Version	Date	Prepared by	Checked and approved by
1.0	30/06/2022	Jenna Kingston	William Dommett MSc MCIEEM

Survey date(s): 15/06/2022, 30/06/2022

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BS 42020:2013 Biodiversity - Code of practice for planning and development states, '*ecological information should be sufficiently up to date (e.g., not normally more than two/three years old, or as stipulated in good practice guidance)*'.

Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edt.) states, '*Ideally, (bat) survey data should be from the last survey season before a planning or licence application is submitted, although often data older than this can have considerable value*'.

Therefore, this report may not be considered valid more than three years after survey was undertaken, and advice should be taken on validity after one year.

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Executive summary

It is proposed to demolish an existing store building and build an annex and garage, and extend the eastern elevation of the house, at Providence, Witheridge, Tivereton, EX16 8AN, NGR SS807139.

A protected species survey, consisting of a daytime visual inspection for bats and nesting birds was undertaken on 15 June 2022 by Richard Green Ecology Ltd. A bat emergence survey of the house was undertaken in June 2022.

No evidence of bat use was found during the preliminary survey or during the bat emergence survey. The house was initially considered of low suitability to support roosting bats. In accordance with bat survey guidelines (Collins, 2016), one bat emergence survey of the house was undertaken to give confidence in a negative assessment of bat use. The store was considered unlikely to be used by bats.

As it is considered unlikely that bats would be affected by the proposals, a European protected species licence (EPSL) from Natural England will not be required.

As the presence of bats can never be ruled out, the removal of the roofs should proceed with caution. Should a bat be found, works should stop immediately, and the ecologist called for advice.

It is recommended that an integrated bat tube, e.g., Cambrian Conservation BT10 (or similar) be installed into the west gable of the new extension to provide ecological enhancement for bats. Any bat tube should be installed near the apex of the roof.

It is also recommended that a Schwegler 1SP sparrow terrace (or similar) be installed on the east elevation of the house to provide nesting opportunities for birds. Any bird nesting provision should be installed at least 4 m above ground and not above any windows or doorways.

Wildlife Checklist

1. Impact assessment / survey effort	
Has the impact assessment / survey been done within the last 12 months <u>and</u> does it meet national guidance requirements? If there have been any deviations from national guidance, please select No in the right-hand column.	Yes
2. Ecological impacts	
2a. Proposal impacts on bats / birds and mitigation measures are specified.	No
2b. Proposal has other ecological impacts which the LPA needs to consider.	No
2c. Is the proposal likely to result in an offence under the Conservation of Habitats and Species Regulations?	No Yes (go to 2.d) / No (go to 2.e)
2d. If YES (an offence IS likely) Could the works be undertaken, under a Low Impact Class Licence i.e.: <ul style="list-style-type: none"> • Three or fewer roosts are impacted by the proposals, and • The proposal will have a low or temporary impact, and • The proposal only effects: <ul style="list-style-type: none"> - Low conservation status roosts for low numbers of: common pipistrelle, soprano pipistrelle, brown long-eared, whiskered, Brandt's, Daubenton's Natterer's and/or - Feeding, day, night and/or transitional roosts for low numbers of serotine and/or - Day and/or transitional roosts for low numbers of lesser horseshoe. 	N/A
2e. If NO (an offence is NOT likely) Does the roost meet any of the following criteria: <ul style="list-style-type: none"> • Maternity or hibernation roost • Greater horseshoe bat roost • Grey long-eared bat roost • More than three species of bat found in small numbers 	No
2f. Does the proposal potentially impact on barn owls?	No
3. Expertise	
Are you, the ecological consultant, registered under either the Level 1 or the Level 2 Bat Survey Class Licence?	Yes William Dommett, holds Natural England scientific licences to disturb bats [2015-15554-CLS-CLS].

Are you a member of CIEEM or a Registered Consultant under Annex B of the Low Impact Class Licence for bats (or under Annex C or D for a serotine or lesser horseshoe roost where relevant)?

Yes
William Dommatt, is a full member of CIEEM.

1 Introduction

1.1 Introduction

It is proposed to demolish an existing store building and build an annex and garage, and extend the eastern elevation of the house, at Providence, Witheridge, Tivereton, EX16 8AN, NGR SS807139.

A protected species survey, consisting of a daytime visual inspection for bats and nesting birds was undertaken on 15 June 2022 by Richard Green Ecology Ltd. A bat emergence survey of the building was undertaken in June 2022.

This report includes the findings of the surveys and makes recommendations for ecological mitigation and enhancement, in accordance with national and local planning policy and BS 42020:2013 Biodiversity - Code of practice for planning and development.

1.2 Planning considerations

1.2.1 National Planning Policy Framework (NPPF), July 2021

The National Planning Policy Framework outlines the Government's commitment to protect and enhance sites of biodiversity value, and minimise impacts on and provide net gains for biodiversity, including the principle of refusing planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

1.2.2 Mid Devon Local Plan 2013-2033

The Mid Devon Local Plan 2013-2033 (adopted in July 2020) contains the following relevant policies:

Policy S1 Sustainable development priorities

The following strategic priorities outline what will need to be achieved to deliver the Vision and address the key issues that have been identified in Mid Devon. All development will be expected to support the creation of sustainable communities by:

l) Minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites

Policy S9 Environment

Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change through:

f) The protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and

undesigned sites, development will support opportunities for protecting and enhancing species populations and linking habitats. If significant harm resulting from development cannot be avoided impacts should be adequately mitigated. Compensation measures will only be considered where appropriate as a last resort.

2 Methods

2.1 Desk study

2.1.1 Sites of importance for nature conservation

A search for sites designated for nature conservation and any notable habitats was undertaken on the DEFRA Magic website (<http://magic.defra.gov.uk>). This resource includes statutory designated sites (e.g. Sites of Special Scientific Interest, SSSIs) and Biodiversity Action Plan (BAP) habitats. As impacts outside of the site are limited, only sites within 500 m of the site are noted.

2.1.2 Protected species

Given the small extent and limited effects of the proposal, it is considered that any protected species outside the site would be unaffected. As a detailed survey has been undertaken and any protected species present or potentially present on the site would have been identified, it was not considered necessary to obtain any species records from a local records centre.

2.2 Field survey

2.2.1 Bat and bird survey - visual inspection

The survey involved a thorough visual inspection of the house and store building for any signs of protected species. A search for characteristic signs of bats was made, such as droppings, feeding remains, staining, and any bats present. A search was also made for any signs of bird nesting activity.

Equipment used and at hand included: Nikon 10x close-focusing binoculars, Lightway BMFL1265 720 lumen torch, Lightway 160 lumen torch, Ridgid Micro CA-300 inspection camera and a 3.8 m extendable ladder.

The survey was undertaken by William Dommatt on 15 June 2022, during the daytime. The weather was dry, with cloud and light wind. The temperature was approximately 18°C.

2.2.2 Bat emergence survey

The dusk survey was undertaken from 15 minutes before sunset and continued until it was too dark to see any bats emerging. One surveyor was used to provide adequate coverage of the building supported by an infrared camera. The survey was undertaken in suitable weather conditions.

Refer to Annex B for survey dates, details of weather conditions, equipment used, surveyors and surveyor locations.

2.2.3 *Personnel*

William Dommett holds Natural England scientific licences to bats [2015-15554-CLS- and barn owls [CL29/00117]. He is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

Other surveyors are experienced in undertaking bat emergence surveys.

2.2.4 *Survey limitations*

There is a cavity wall, accessible by a louver on the west gable of the house, which could not be inspected from the loft space.

3 Survey Results

3.1 *Desk study*

The site is not within any statutory designated sites of nature conservation importance and there are no statutory designated sites of nature conservation importance within 500 m of the site.

3.2 *Field survey*

3.2.1 *Habitats*

The site was located in Witheridge, off the B3137. It consisted of a house with an external store building, surrounded by a garden with a driveway, lawn, and shrubs. The site is bordered on the northern and western edge by a hedge bank.

The wider landscape consisted largely of residential dwellings and agricultural fields.

Aerial photograph showing site and surrounding landscape



Close-up aerial photograph of the site and buildings surveyed



3.2.2 Buildings

(a) House



The house was constructed from rendered brick and block. The west part of the house had an asbestos tile roof with Celotex insulation between the rafters. The east part of the house had a man-made slate tile roof lined with a plastic geotextile membrane. There was also a flat-roofed extension adjoining the west part of the house and conservatory adjoining the north elevation.

Roof tiles, verges, fascias and soffits were tightly fitting, with no obvious access points for bats. There were small gaps underneath the lead flashing of the valleys on the south-east and south-west elevations of the house. There was a louver on the west gable of the house offering potential access for bats into a cavity wall.

(b) Store



The store was constructed from timber and block with plastic horizontal cladding. The roof was covered in man-made slate tiles lined with bituminous type 1F felt.

The verges, ridges and tiles and bargeboard were tightly fitting and there were limited potential access points for bats into the building. There was a small gap under the east end ridge tile.

3.3 *Protected species*

3.3.1 *Bats*

(a) Visual inspection

No bats or evidence of bat use was found. However, there were some potential access points and inaccessible potential roosting locations in a cavity wall of the western gable end of the house.

Given the limited areas where bats could potentially roost unseen, the limited potential access locations and that no evidence of bat use was found, the house was initially considered to have low suitability to support roosting bats, i.e., may be used infrequently by a small number of bats but unlikely to support a roost of high conservation significance.

The small gap above the store was inspected with an endoscope and no evidence of bat used was found. The store was considered unlikely to be used by bats.

(b) Emergence surveys

No bats were seen to emerge from the house.

Refer to Annex B for detailed survey results.

3.3.2 *Nesting birds*

No signs of nesting birds were found in or on the house or store.

4 **Assessment, recommendations and mitigation**

4.1 **Bats**

4.1.1 *Overview of legislation protecting bats*

British bat species are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This makes it an offence to kill or injure bats or damage or destroy a place of shelter or protection (see Annex C for more details).

4.1.2 *Impacts and recommendations*

No evidence of bat use was found during the preliminary survey or during the bat emergence survey. The house was initially considered of low suitability to support roosting bats. In accordance with bat survey guidelines (Collins, 2016), one bat emergence survey of the house was undertaken to give confidence in a negative assessment of bat use. The store was considered unlikely to be used by bats.

As it is considered unlikely that bats would be affected by the proposals, a European protected species licence (EPSL) from Natural England will not be required.

As the presence of bats can never be ruled out, the removal of the roofs should proceed with caution. Should a bat be found, works should stop immediately, and the ecologist called for advice.

4.1.3 *Ecological enhancement*

It is recommended that an integrated bat tube, e.g., Cambrian Conservation BT10 (or similar) be installed into the west gable of the new extension to provide an ecological enhancement for bats. Any bat tube should be installed near the apex of the roof.

4.2 **Nesting birds**

4.2.1 *Overview of legislation regarding birds*

The Wildlife and Countryside Act 1981 (as amended) states that it is illegal to take, damage or destroy the nests of wild birds whilst being built or in use. However, it is not an offence to carry out work in areas that they use, outside of the nesting period (see Annex B for more details).

4.2.2 *Impacts*

The works would have no impact on nesting birds.

4.2.3 *Ecological enhancement*

It is recommended that a Schwegler 1SP sparrow terrace (or similar) be installed on the east elevation of the house to provide nesting opportunities for birds. Any bird

nesting provision should be installed at least 4 m above ground and not above any windows of doorways.

5 Conclusion

The proposals are considered unlikely to impact roosting bats or nesting birds. With the proposed enhancement measures recommended; the proposal is considered provide a minor ecological gain.

6 References and bibliography

Bat Conservation Trust and Institute of Lighting Professionals (2018). Guidance Note 08/18 Bats and artificial lighting in the UK.

Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edt.). The Bat Conservation Trust, London.

GOV.UK (2020). Bats: surveys and mitigation for development projects;
<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>

Mitchell-Jones, A.J. (2004). Bat Mitigation Guidelines. English Nature.

Mitchell-Jones, A.J. & McLeish, A.P. (2004). Bat Workers' Manual – Third Edition. Joint Nature Conservation Committee.

7 Appendices

A Photographs

Plate 1 –South-west elevation of the house



Plate 2 – The louver on the western elevation of the house



Plate 3 – Lead flashing on the valley of the south-western elevation of the house, small gap between lead flashing and soffit



Plate 4 –North-east elevation of the house.



Plate 5 – Inside the south-west loft void



Plate 6 – Inside the west loft void



Plate 7 – Inside the east loft void



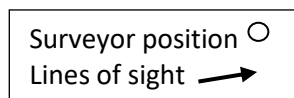
Plate 6- East elevation of the storage building



B Emergence survey results

Date	Start time, end time and time of sunset	Structure reference	Equipment used	Weather
29/06/2022	21:17h – 23:00h Sunset: 21:32h	Providence	PeerSonic Bat Recorder Sony Nightshot HDR-CX550 and Nightfox XC5 IR850	Cloud cover: 7/8 – 0/8 oktas Temp: 14°C - 11°C Wind start: Calm Wind end: Light Precipitation start: Dry Precipitation end: Occasional showers
Surveyors (including Class Licence registration number if applicable) Jenna Kingston				
Results: No bats were seen to emerge from the house.				

Emergence surveyor positions and lines of sight



C Legislation

This is a summary of relevant legislation, however it is recommended that proper legal advice be sought as necessary.

C.1 *Bats*

All bat species and their roosts are protected in the UK under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which implement the EC Directive 92/43/EEC, also known as the Habitats Regulations.

They are also protected under the Wildlife and Countryside Act 1981 (as amended), through inclusion in Schedule 5, and under the Countryside and Rights of Way Act 2000.

Taken together, these acts and regulations make it illegal to:

- intentionally or deliberately kill, injure or capture bats;
- deliberately or recklessly disturb bats *;
- damage, destroy or obstruct access to places of shelter, breeding sites or resting places used by bats;
- have in one's possession or control, any live or dead bat; and
- sell, barter or exchange bats, or parts of bats.

*Under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is illegal to deliberately disturb bats. In particular, any disturbance which is likely (a) to impair their ability to survive, to breed or reproduce, to rear or nurture their young, or to hibernate or migrate, or (b) to affect significantly the local distribution or abundance of the species to which they belong.

*Under the Wildlife and Countryside Act 1981 (as amended) (Section 9(4)(b)) it is illegal to intentionally or recklessly disturb bats whilst in a place of shelter, although there is a defence under Sections 10(2), 10(3)(c) and 10(5) that allows this otherwise prohibited act. In summary, there is a defence if the disturbance was an incidental result of a lawful operation and could not have reasonably been avoided. The defence applies provided that the appropriate Statutory Nature Conservation Organisation (Natural England) has been notified and allowed a reasonable time to advise on whether the proposed action should be carried out and, if so, the method to be used.

Developments that compromise the protection afforded to bats under the provisions of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 will almost invariably require a licence to do so lawfully from Natural England. Three tests must be satisfied before Natural England can issue a licence to permit otherwise prohibited acts:

1. Regulation 55(2)(e) states that licences may be granted to “preserve 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.”
2. Regulation 55(9)(a) states that a licence may not be granted unless “there is no satisfactory alternative”.
3. Regulation 55(9)(b) states that a licence cannot be issued unless the action proposed “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

C.2 Nesting birds

All birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 (as amended) and it is thus an offence, with certain exceptions, intentionally to:

- Kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird while it is in use or being built.
- Take or destroy the egg of any wild bird.
- Have in one's possession or control any wild bird (dead or alive) or any part of a wild bird which has been taken in contravention of the Act or the Protection of Birds Act 1954.
- Have in one's possession or control any egg or part of an egg which has been taken in contravention to the Act. This includes items taken or killed before the passing of the Act.
- Have in one's possession or control any bird of a species occurring on Schedule 4 of the Act unless registered (and in some cases ringed) in accordance with the Secretary of State's regulations.
- Disturb any wild bird listed on Schedule 1, which includes the barn owl, while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.