

Preliminary Ecological Assessment for Bats and Breeding Birds

Applands, Plymtree, Devon



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Code of Professional Conduct

The information contained within this report is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

BS 42020:2013

This survey has been undertaken in accordance with British Standard 42020:2013 Biodiversity, Code of practice for planning and development.

Validity of survey data and report

The findings of this report are valid for 12 months from the date of survey.

If a European Protected Species Licence application (if required) has not been made within this period, updated surveys will be required to support a licence application.

Report author	Kari Bettoney BSc (Hons) ACIEEM
Checked by	Ceridwyn Adkins BSc (Hons) MCIEEM
Client	Alyse Spicer
Site address	Applands, Plymtree, Devon, EX15 2JY
OS grid reference	ST052031
Survey dates	Preliminary visual assessment: 14 th July 2022
Surveyors	Kari Bettoney Bat Licence: Class 1 and 2 Dormouse Licence: Class 1 Registered Consultant: Bat Mitigation Class Licence (BMCL)
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Checklist - Devon Householder / Building Applications with only bat roost / bird nesting issues

To speed up assessment by the LPA, this form should be completed by the Ecological Consultant and submitted at the beginning of the Ecology Report.

Ecological consultant: Kari Bettoney

Date: Survey – 14th July 2022

1. Impact assessment / survey effort

Has the impact assessment / survey been done within the last 12 months and does it meet national guidance requirements? If there have been any deviations from national guidance, please select No in the right-hand column.	Yes	No
	Dates: Preliminary survey: 14 th July 2022	

2. Ecological impacts

2a. Proposal impacts on bats / birds and mitigation measures are specified.		Yes (conditions needed) TBA – further surveys needed No (no conditions needed)
2b. Proposal has other ecological impacts which the LPA needs to consider.	No	Yes
2c. Is the proposal likely to result in an offence under the Conservation of Habitats and Species Regulations?		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.: • Three or fewer roosts are impacted by the proposals, and • The proposal will have a low or temporary impact, and The proposal only effects: • 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	Yes	No

roosts for low numbers of lesser horseshoe.

2e. If NO (an offence is NOT likely)

Does the roost meet any of the following criteria:

- maternity or hibernation roost
- greater horseshoe bat roost
- grey long-eared bat roost
- more than three species of bat found in small numbers

No (none are met)

Yes (one or more are met)

2f. Does the proposal potentially impact on barn owls?

No

Yes

3. Expertise

Are you, the ecological consultant, registered under either the Level 1 or the Level 2 Bat Survey Class Licence?

Yes

No

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

No

Executive Summary

A preliminary visual assessment survey of buildings at Applands, Plymtree, Devon, EX15 2JY at grid reference ST052031 was undertaken on 14th July 2022 to assess the site for the presence of protected species, and to make recommendations for further survey work as appropriate.

Bats

The results of the preliminary visual assessment indicate that the building at Applands has evidence of use by roosting bats. The buildings are a confirmed roost due to the presence of bat droppings within the loft void.

Bat emergence surveys are required before a full assessment of the impact of this development on any bats roosting in Applands can be made.

The surveys should consist of at least three emergence/re-entry surveys of Applands. The surveys should use at least three surveyors, and should be undertaken to fully assess the buildings for the presence of roosting bats. The surveys should be carried out during the bat's active period (May-September) and must be carried out at least 14 days apart, with at least one survey during the period June-August inclusive. Further surveys may be required for licensing purposes if a derogation licence is required and is not applied for before May 2023.

Breeding birds

No evidence of nesting birds was observed within the building at time of survey. The buildings have potential to be used by crevice nesting species. Additional checks will be undertaken prior to the bat emergence surveys and a full assessment will be made once the results of the additional surveys are known.

A full assessment Ecological Impact Assessment report will be provided once the results of all the further surveys are known.

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1. Introduction

A preliminary visual assessment survey of Applands, Plymtree, Devon, EX15 2JY at grid reference ST052031 was undertaken on 14th July 2022 to assess the site for the presence of protected species, and to make recommendations for further survey work as appropriate.

The weather was dry, no cloud 0/8 oktas, with a light breeze and a temperature of 31°C.

1.1. Proposed works

It is understood that it is proposed to add two extensions to the bungalow with a full removal and replacement of the tiles and felt. The roof shape will be remodelled to create a flat section involving removal of the ridge beam.

1.2. Survey aims

The purpose of this assessment is to ascertain which species are likely to be present within the site, and to make recommendations for further survey work needed to inform avoidance, mitigation and compensation measures to protect these species during and after works.

The additional surveys will also determine if a European Protected Species (EPS) licence will be required to allow the proposed development to proceed lawfully.

This report documents the results of the preliminary visual assessment at the site and provides recommendations for further surveys.

1.3. Building description

The main house comprises a brick and block part-rendered bungalow constructed during the 1960s. It has a complicated roof structure comprising wooden trusses, with concrete tiles that are underlined with bitumen felt with reinforced polythene membrane in places. The bungalow has cavity walls that are insulated.

The house has one chimney, with associated lead flashing and gaps underneath which could be used by roosting bats or as access to the loft interior.

The garage is constructed of block with a single pitched roof constructed from corrugated fibre cement sheets laid to timber bearers.

1.4. Site description

The building is situated in a rural location within the village of Plymtree, near Cullompton in mid Devon.

The building is immediately surrounded by gravel and concrete paths, cultivated beds and amenity grassland lawned areas.

The boundaries comprise a mix of native and non-native shrubs and trees. The site is well connected to the wider landscape via a series of traditional Devon hedges and wooded stream corridors. The site is well-linked to areas of high-quality bat habitat, via quiet lanes, traditional

Devon hedge banks and watercourses. Overall, the site and surroundings provide an excellent landscape for commuting and foraging bats.

The immediate surrounding of the site is currently unlit by municipal lighting. Some domestic exterior lighting is present.

1.5. Surveyor

The survey was completed by Kari Bettoney, an Associate Member of the Chartered Institute of Ecology and Environmental Management (ACIEEM), an ecologist with seven years of professional experience and qualified as having the required Competency for Species Survey as outlined by the Chartered Institute of Ecology and Environmental Management.

<https://cieem.net/resource/competency-framework/>

Kari Bettoney holds a Level 2 Class Licence in relation to bats which permits the surveying of bats using artificial light, endoscopes, hand, and static hand nets.

Kari holds a Level 1 dormouse licence which permits surveying and handling of hazel dormouse.



Figure 2 Landscape view of the building surveyed ©Google Earth/CNES 2022



Figure 3 Location of the buildings surveyed (red) ©Google Earth 2022

2. Methods

2.1. Bat roost assessment

A preliminary visual assessment was undertaken to check for field signs of bats such as droppings, urine staining, rubbing, feeding remains or other evidence that would indicate the building is used by bats. Any bat droppings seen were identified by colour, texture, and size, and a sample was collected for DNA testing, which may be required for certain species. An assessment of the potential for roosting within any accessible voids or cavities within the building was undertaken, and any possible access points that have potential to be used by bats were identified.

During the preliminary assessment, a visual assessment was conducted of any buildings, structures or trees likely to contain suitable roosting locations for bats.

The preliminary visual assessment survey was completed at an optimal time for the inspection of buildings and structures for bat roosts. Areas searched did not appear to have been cleaned/swept prior to survey.

This survey has been prepared in accordance with the Bat Conservation Trust's "Bat Surveys Good Practice Guidelines" (Collins, 2016).

2.2. Breeding birds

A visual assessment of habitats suitable for breeding birds was undertaken. A search of the interior and exterior of the buildings was carried out to locate evidence of any recent or historic breeding bird species. A visual inspection of other habitats on site suitable for use by nesting birds was undertaken. Any signs of current or historic breeding birds were recorded.

2.3. Assessment of protected habitats and species

A visual assessment was made to assess the suitability of habitats present to support other protected species or habitats that will be impacted by the proposed development. A search for field signs of species likely to be found within the habitats present was made and any evidence was target noted.

2.4. Survey constraints

No survey constraints were identified.

Bats and nesting birds can be found roosting in numerous discreet locations within structures, and their field signs may not always be visible during a preliminary visual assessment.

It is therefore possible that some field signs of other bats or breeding birds may have been inadvertently missed.

2.5. Biological records data search

A data search was not carried out due to the small nature of the proposed development and the high number of bat species known to be present within the county of Devon. All bat species will be considered within the assessment. It was considered that a further data search would not provide any meaningful information.

2.6. Desk study

A desk study was carried out using the Defra Magic Map to search for statutory and non-statutory designated sites, and European Protected Species Licences within 2 kilometres of the site.

3. Results

3.1. Desk study

The site is located within the following conservation priority areas. There are six European Protected Species Licences within 2 kilometres of the site.

Designation type	Name	Notes	
SSSI impact risk zone	Killerton SSSI	Not for householder developments	
European Protected Species Licences within 2 kilometres			
Case Reference	Species*	Breeding Roost?	Distance from site (kilometres)
2015-8709-EPS-MIT	C-PIP, S-PIP	N	2
2015-6738-EPS-MIT	C-PIP	N	0.8
2014-304-EPS-MIT	BLE, C-PIP	N	2
2015-8709-EPS-MIT-1 2015-8709-EPS-MIT-2	C-PIP, S-PIP	N	1
2019-39453-EPS-MIT	BLE	N	1.3
*C-PIP Common pipistrelle, S-PIP Soprano pipistrelle, BLE Brown long eared.			

3.2. Preliminary bat roost assessment

Bungalow

Potential bat access points were identified via missing cement in the chimney, gaps around the ridge tiles and gaps under flashing around the chimney. Bat droppings indicative of long eared bats was found on the loft insulation and around the chimney breast. A dropping was found stuck to an exterior wall.

Habitats adjacent to the buildings include strong linear features (hedgerows) which are highly likely to be used by foraging and commuting bats, but as the development boundary is small and there is an abundance of habitat in the wider area.

Garage

No evidence of bats was observed within the garage, which lacks suitable roosting crevices and is light and draughty.

3.3. Site photographs



Bat dropping found on loft floor



Gap around roof timber and gap in membrane



Dropping on exterior wall



Gaps under tiles suitable for use by bats



Gap under chimney flashing



Gap under ridge tiles

3.4. Breeding birds

Bungalow

No breeding birds were observed using the building during the survey. There is potential for use by crevice-nesting bird species at various points around the roof structure including northern gable verge and eastern loft window. The applicant states that the bird boxes on the bungalow are used by nesting sparrows *Passer domesticus*. Further checks will take place prior to bat emergence surveys.

Garage

No breeding birds were observed using the building during the survey and there are no suitable crevices that birds might use. It has low potential to be used by birds such as robins *Erithacus rubecula*, however no field signs of nesting birds were observed.

3.5. Reptiles

The paved area to the west of the bungalow has potential to support reptiles such a common lizard *Zootoca vivipara*, slow worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix helvetica*.

3.6. Invasive species

No invasive species were recorded during the survey.

3.7. Lighting

The surroundings of the building are generally unlit, with some domestic lighting on the exterior of the property.

4. Assessment

4.1. Assessment of potential impact on bats

The proposal has the potential to impact any roosting bats directly, by killing and injuring individuals during works and by blocking access to a bat roost, and damaging or destroying a bat roost. Any of these would be an offence under the legislation.

A full assessment of the potential impact on bats cannot be made until further bat emergence/re-entry surveys have been undertaken and the roost has been characterised, and access points identified.

Once the results of these surveys are known, a full impact assessment and recommendations for avoidance, mitigation, compensation and enhancements for any negative impact on bats will be made.

4.2. Assessment of potential impact on birds

No evidence of nesting birds was observed within the buildings during the survey. Suitable bird nesting habitat exists within the wider site. The applicant states that the bird boxes on the bungalow are used by nesting sparrows.

Further checks for nesting birds will be undertaken prior to bat emergence surveys.

A full assessment on the impact of nesting birds will be made once the results of the further surveys are known.

4.3. Reptiles

The areas of habitat to be removed to the north of the building have suitability for use by common reptiles including grass snake, adder, common lizard and slow worm. The area is suitable for both summer use and as hibernaculum. Without mitigation, clearing the habitat at the wrong time of year could result in killing or injuring reptiles.

This impact can be minimised by following a precautionary method statement to prevent killing or injury to protected reptiles (see Section 5.3)

4.4. Invasive species

No impact as no invasive species were recorded.

4.5. Lighting

The impact assessment of the development on light-averse bats will be made following further survey work.

5. Mitigation

5.1. Bats

The house is a confirmed bat roost. Bat droppings indicative of long eared *Plecotus* spp., were seen within the loft void of the main house indicating the building is used by roosting bats.

Further surveys are required before a full assessment of the impact of this proposed development on protected species can be made.

The surveys should consist of three emergence/re-entry surveys of Applands. The surveys should use at least three surveyors, and should be undertaken to fully assess the buildings for the presence of roosting bats. The surveys should be carried out during the bat's active period (May-September) and must be carried out at least 14 days apart, with at least one survey during the period June-August inclusive.

The survey results will be used to categorise the roost, identify all access points and roost locations, and determine which species are present, in order to undertake a full assessment of the possible impacts of the proposed development on bats.

A full assessment will be undertaken, and any mitigation, compensation and enhancements for bats will be designed once the results of the further surveys are known.

A derogation licence (bat licence) from Natural England will be required if the surveys show that bats are using the building.

5.2. Breeding birds - buildings

No evidence of nesting birds was recorded within the building structure during the survey. The applicant states that the bird boxes on the bungalow are used by nesting sparrows.

A full assessment will be undertaken, and any mitigation, compensation and enhancements for birds will be designed once the results of the further surveys are known.

5.3. Reptiles

Removal of the paving slabs and vegetation to the north of the bungalow must be carried out under the following Precautionary Method Statement. A copy of the Method Statement must be kept on site and communicated to all operatives.

Removal of the paving slabs on the west of the building must be carried out during the reptiles' active season (April-September) and when temperatures are above 10 degrees Celsius.

Slabs should be lifted carefully, checking the underside for any reptiles such as common lizard, slow worm or grass snake.

If any reptiles are found, then they must be allowed to move off towards suitable cover before works continue. If they have not moved after 30 minutes then the ecologist should be contacted on 07762 051481.

5.4. Invasive species

No mitigation is required.

5.5. Lighting

Lighting recommendations relating to bats will be made once the results of the recommended surveys are known.

5.6. Post-development monitoring

Requirements for post-development monitoring (if required) will be made once the results of the recommended surveys are known.

6. Legislation

Protected Species Legislation

Bats

Bats and their breeding or resting places (roosts) are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2019 (as amended). The law applies regardless of whether or not the bats are present at the time.

Under these laws it is an offence to:

- capture, kill, disturb or injure bats (on purpose or by not taking enough care);
- damage or destroy a breeding or resting place (even accidentally);
- obstruct access to their resting or sheltering places (on purpose or by not taking enough care); or
- possess, sell, control or transport live or dead bats, or parts of them.

Seven species of bat are listed as being of principal importance, in the Secretary of State's opinion, for the purposes of conserving biodiversity. Under Section 41 (England) of the Natural Environment and Rural Communities Act (2006) there is a need for these species to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity.

These seven bat species are barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, greater horseshoe and lesser horseshoe, and these are the subjects of National and Local Biodiversity Action Plans.

Works that can affect bats

Advice must always be sought from a licensed ecologist or the Bat Conservation Trust or Natural England before carrying out any of the following works where a bat roost is present, to prevent potentially committing an offence:

- renovating, converting or demolishing a building
- cutting down or removing branches from a mature tree
- repairing or replacing a roof
- repointing brickwork
- insulating or converting a loft
- installing lighting in a roost, or outside if it lights up the entrance to the roost
- removing commuting habitats such as hedgerows, watercourses or woodland
- changing or removing their foraging areas
- using insecticide
- treating timber

Nesting birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) from being killed, injured or captured, whilst their nests and eggs are protected from being damaged, destroyed or taken. Birds which are listed under Schedule 1 of the Act are given additional protection against disturbance.

Hazel Dormouse

Hazel dormice are protected under national and international legislation, the most recent of which is the Conservation (Natural Habitats &c.) Regulations 1994 implement EC Directive 92/43/EEC, known as The Habitats Directive. It's an offence to deliberately kill, capture, or disturb a hazel dormouse. It's also illegal to damage or destroy its breeding site or resting place

Reptiles

It is illegal to kill or injure protected reptiles when carrying out works related to development (Wildlife and Countryside Act 1981).

Invasive plant and animal species

The Wildlife and Countryside Act, 1981

Section 14 prohibits the introduction into the wild of any animal of a kind which is not ordinarily resident in, and is not a regular visitor to, Great Britain in a wild state, or any species of animal or plant listed in Schedule 9 to the Act.

Planning legislation

The legislative framework for the protection of habitats and wildlife within the UK in relation to development is provided through Acts of Parliament, Regulations and guidance.

The main Acts of Parliament relating to wildlife are:

The Conservation of Habitats and Species Regulations 2017' as enacted by 'The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019'

The Conservation of Habitats and Species Regulations 2017 provides safeguards for European Protected Sites and Species (as listed in the Habitats Directive). This has recently been amended by the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 which continue the same provision for European protected species, licensing requirements, and protected areas after Brexit.

Wildlife and Countryside (W&C) Act 1981 (as amended).

Countryside and Rights of Way (CRoW) Act 2000.

Natural Environment and Rural Communities (NERC) Act 2006.

Protection of Badgers Act 1992.

Hedgerow Regulations 1997.

NERC Act and Countryside and Rights of Way (CRoW) Act 2000

Bats are also a European Protected Species and legally protected under the Conservation of Habitats and Species Regulations 2017, the W&C Act 1981 and the CRoW Act 2000. This legislation makes it an offence to kill, injure, capture or disturb bats and obstruct access to or damage their place of shelter. Bats are also included on S41 of the NERC Act 2006

Planning policy

Sites, habitats and species of nature conservation value can be material considerations in any planning decision and have policies at national, regional and local levels designed to safeguard their conservation status. Policies related to ecology and nature conservation are set out in the National Planning Policy Framework (Ministry for Housing, Communities and Local Government, 2019) and the Plymouth and South West Devon Joint Local Plan 2014 - 2034.

These policy documents aim to maintain and enhance biodiversity through the full considerations of important sites, habitats and species in planning decisions. Adverse impacts on such features are to be avoided, or appropriate mitigation and compensation must be implemented to reduce the scale of the impacts. In addition, development proposals should, wherever possible, incorporate opportunities to enhance biodiversity as part of good design

National Planning Policy Framework

In an effort to simplify national planning policy in England, the National Planning Policy Framework (NPPF) was published in March 2012. It provides guidance to local planning authorities on their local plans. Chapter 11 deals with the natural environment, including biodiversity, and replaces Planning Policy Statement 9 (PPS9). The NPPF makes clear that the planning system should help minimise the impacts that development can have on biodiversity and provide net gains in biodiversity where possible. Paragraph 118 sets out how planning authorities should deal with biodiversity when considering planning applications. One element of this is the application of the 'mitigation hierarchy' (see Section 5). This puts avoiding significant harm to biodiversity or mitigating such harm ahead of compensation, which is a last resort.

7. References

(Collins, J. (ed.) (2016)) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). The Bat Survey Trust, London. ISBN-13 978-1-872745-96-1

BCT, (2016), National Bat Monitoring Programme Annual Report. [Accessed 4th July 2022] from the Bat Conservation Trust website at:

http://www.bats.org.uk/pages/nbmp_annual_report.html

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Legislation.gov.uk. n.d. Wildlife and Countryside Act 1981. [online] Available at: <<http://www.legislation.gov.uk/ukpga/1981/69/section/28P>> [Accessed 4th July 2022]

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