



ECOLOGY SURVEYS

Preliminary Ecological Appraisal

Proposed Extension 14 Mitchell Hill

Date: October 2023

Ref: PEA-376

For Mr Witherden

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1 INTRODUCTION

It is proposed to create a single storey extension at 14 Mitchell Hill, Truro, Cornwall, TR1 1HY.

The proposed work will require the demolition of a small lean-to area.

A visual bat and nesting bird survey was carried out to inform a planning application. Bats and nesting birds are legally protected (see Appendix 1).

2 SURVEY METHODOLOGY

The survey area was defined as the lower lean too roof of the property as indicated in Figure 1. An assessment of the suitability of the survey area and surrounding habitats to support bats and nesting birds was made.

A detailed search of the interior and exterior of the property was carried out in all areas thought suitable for bats and nesting birds. Any accessible cracks and crevices were investigated where necessary.

The survey involved looking for bats and nesting birds and for evidence of their use, including droppings, pellets, staining, liming, feathers and feeding remains.



Figure 1

3 SURVEY RESULTS

The property, 14 Mitchell Hill, Truro, is located in a residential area in the town of Truro, Cornwall. The wider surrounding landscape is dominated by mixed agriculture with traditional hedges, pockets of woodland.

The property is a rendered, brick or stone built, mid terrace house (Figure 1). The small lean too roof is covered with slate tiles that are all present and tightly fitted. The leadwork is also tightly fitted. The plastic fascia boards and soffits are in good condition and tightly fitted with no gaps. The render is in good condition with no cracks or gaps.

The nature of the vaulted ceiling means there is no roof void and less opportunity for wildlife.

4 RECOMMENDATIONS

No evidence of bats was found and it is considered unlikely that any evidence was overlooked as all areas could be surveyed. The building affected by the proposal has negligible habitat features that are likely to be used by roosting bats. No further surveys for bats are required.

In the unlikely event that bats are discovered during the works, they must not be handled, works must stop immediately and seek advice from England (Tel 0300 060 3900).

No evidence of nesting birds nests was found and it is considered unlikely that any evidence was overlooked. However, if the works are to be carried out during bird nesting season a thorough search for nesting birds should be carried out before works commence. Particular care should be taken in areas where evidence of nests may be concealed. If active nests are observed, then works should be delayed until dependant young have fledged.

The nests and eggs of all wild birds are protected against taking, damage or destruction under the Wildlife and Countryside Act 1981.

As ecological features can change over time it is recommended that this report is valid until the 4th October 2024.

5 ADDITIONAL RECOMMENDATIONS

As wildlife habitat should be enhanced and provided where possible, if the owners would like to provide for wildlife in their new development, then they could include an integral bee brick, sparrow terrace and/or one bat block.

The bee brick should be installed on a south-facing wall 1-2m above ground level. Bee bricks contain multiple cavities for bees to lay their eggs and are integral to a building.

The bat tube/box and sparrow terrace can be installed flush with the wall surface and sited near the roof in a dark location and away from light spill e.g., window locations. With the Bat Block, 10% of all sales go to the Bat Conservation Trust via their roost scheme.

6 REFERENCES

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7 Appendix 1 Summary of relevant legislation, policies and case law

Bats

All British bats are European protected species and are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Together, this legislation makes it illegal to:

- Intentionally kill, injure or capture a bat.
- Intentionally or recklessly disturb a bat.
- Intentionally or recklessly damage, destroy or obstruct access to a place of shelter or breeding (for example, bat roosts), and this applies regardless of whether the species is actually present at the time (for example, a bat roost used in the winter for hibernation is protected throughout the year, even during the summer when it is not occupied).
- Possess or transport a bat or any part of a bat, unless acquired legally.
- Sell, barter or exchange bats, or parts of a bat.
- Intentionally handle a wild bat or disturb a bat whilst using a place of shelter/ breeding unless licensed to do so by the statutory conservation agency (Natural England).

Barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, greater horseshoe and lesser horseshoe bats are priority species for conservation on the UK BAP and protected under the NERC Act 2006. Barbastelle, pipistrelle, greater and lesser horseshoe bats are county priority BAP species (CBI,2004).

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Case Law

There are several case laws in Britain relating to the duty of developers and planning authorities with respect to wildlife, resulting in several key principles summarised in the table below:

Morge v Hampshire County Council (2011)

'Disturbance' under the Conservation Regulations 2010 applies to an activity likely to impact negatively on the local population of a European Protected Species.

R v Cheshire East Council
'The Woolley Case' (2009)

Regarding European Protected Species, Local Authorities must apply the 'three tests' under the Conservation Regulations 2010 when deciding on planning applications: that there is no satisfactory alternative, there is an appropriate reason for the development, and that the development will not affect the favourable conservation status of protected species present.

APP/P9502/A/08/2070105
(Appeal decision, Brecon, 2008)

Para 18: Local Planning Authorities cannot condition provision of a mitigation scheme; detailed mitigation must be provided prior to determination.

APP/C0820/A/07/2046271
(Appeal decision, Padstow, 2007)

Para 18: Full survey information must be provided prior to determination; not just for protected species, but also for BAP species (in this case corn buntings).

R v London Borough Council
Bromley (2006)

Para 30: Environmental Impact Assessment required at outline planning stage.

R v Cornwall County Council
'The Cornwall Case' (2001)

Surveys for protected species cannot be conditioned; must be undertaken prior to determination.

Barn owls and other nesting birds

The nests and eggs of all wild birds are protected against taking, damage and destruction under the Wildlife and Countryside Act 1981. Barn owls are given greater protection against disturbance while breeding under Schedule 1 of the Act.

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) sets out national planning policy that is committed to minimising impacts on biodiversity and providing net gains in biodiversity where possible. Under NPPF, local planning authorities have an obligation to promote the preservation, restoration and recreation of Priority habitats, ecological networks and the protection and recovery of Priority species as identified under the Natural Environment and Rural Communities Act (2006). Section 118 of the NPPF also requires enhancements for biodiversity. The NPPF also recognises the wider benefits of ecosystem services.