

Seaton West Walk Public Toilets, Seaton, Devon

Ecological Impact Assessment (Bats and Birds)

November 2023

A report on behalf of East Devon District Council

Ref: 2178-EcIA-TS

Site Details

Site Name	Seaton West Walk Public Toilets
Site Location	Seaton, Devon
Central OS Grid Reference	SY 24373 89859
Client	East Devon District Council

Quality Assurance

Report Title	Ecological Impact Assessment (Bats and Birds)
Report Reference	2178-EcIA-TS
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Approved By	N/A

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Executive Summary

This report presents the results of an Ecological Impact Assessment (Bats and Birds) at Seaton West Walk Public Toilets, Seaton, Devon (central OS grid reference: SY 24373 89859) in relation to a detailed planning application for the construction of a new toilet block within the footprint of the existing toilet block. Full demolition of the existing toilet block is proposed with the exception of the retaining wall behind.



A building assessment was undertaken in November 2023 to assess the ecological implications of the development.

The Site is approximately 0.03 hectares (ha) and comprised a public toilet block and outside showers surrounded by hard-standing to the north, east and south and tall ruderal vegetation to the west. The public toilets had a single potential roosting feature identified on the southwestern hipped ridge. However, the extremely exposed coastal location facing into the prevailing wind and lack of connectivity to the main roof void means it is considered that this feature will be not utilised by bats. The hardstanding is devoid of vegetation and therefore is of negligible ecological importance. It is considered extremely unlikely the narrow band of ruderal vegetation at the west of the Site supports notable species due to the high footfall along the adjacent esplanade and traffic along the road above, and fragmentation from other habitats.

Taking into account the exposed conditions and very limited roosting potential, the building assessment found that the public toilets had negligible potential for bats and did not support nesting birds.

Consultation with Natural England concerning a possible European Protected Species (EPS) Licence (Bats) **will not be** required before commencement of works.

The following mitigation and compensation measures will be undertaken to minimise impacts on important ecological features:

-  Overnight lighting will be at a level that does not exceed the current lighting on Site.
-  Any holes or trenches are to be capped overnight to prevent animals from getting trapped.

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: Teresa Sullivan

Date: 22/11/2023

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 <input checked="" type="checkbox"/> Dates: 06/11/2023	No <input type="checkbox"/>
2. Ecological impacts		
2a. Proposal impacts on bats / birds and mitigation measures are specified.	Yes (conditions needed) <input type="checkbox"/> No (no conditions needed) <input checked="" type="checkbox"/>	
2b. Proposal has other ecological impacts which the LPA needs to consider.	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
2c. Is the proposal likely to result in an offence under the Conservation of Habitats and Species Regulations?	Yes (go to 2.d) <input type="checkbox"/> No (go to 2.e) <input checked="" type="checkbox"/>	
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. 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 (none are met) <input checked="" type="checkbox"/>	Yes (one or more are met) <input type="checkbox"/>
2f. Does the proposal potentially impact on barn owls?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
3. Expertise		
Are you, the ecological consultant, registered under either the Level 1 or the Level 2 Bat Survey Class Licence?	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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1 INTRODUCTION

This report presents the results of an Ecological Impact Assessment (Bats and Birds) at Seaton West Walk Public Toilets, Seaton, Devon (central OS grid reference: SY 24373 89859) in relation to a proposed planning application for the development of a new toilet block and associated demolition of the existing block. The surveys were commissioned by East Devon District Council.

The area within the application boundary is hereafter referred to as the 'Site'.

This report details the results of a building inspection for bats and birds and aims to:

- 👉 Identify any existing bat roosts within the building or any potential features which may provide roosting opportunities for bats and identify any evidence of nesting birds;
- 👉 Ascertain whether the proposals will affect protected species, specifically bats and nesting birds;
- 👉 Provide recommendations for further survey, licensing and mitigation as applicable, in accordance with relevant planning policy, legislation and other published guidance.

Relevant wildlife legislation is provided in **Appendix 1**.

The **Checklist for 'Devon Householder / Building Applications with only bat roost / bird nesting issues'** has been provided at the front of this report.

2 METHODS

2.1 Desk Study

An internet search was undertaken to identify statutory sites designated for nature conservation value within a 2km radius of the Site boundary and for National Site Network sites within 10km, using the Government's mapping website MAGIC (www.magic.gov.uk). Devon Environment Viewer was assessed for SAC Consultation Zones. A search was also made of MAGIC for European Protected Species (EPS) licenses for bats issued by Natural England in the surrounding area since 2008.

As no evidence of or potential for bats was recorded no impacts are predicted it was not considered necessary to consult with the local biological records centre in this case.

2.2 Bat Survey

2.2.1 Building Assessment

The building was assessed for its potential to support roosting bats. A detailed inspection was undertaken on 06 November 2023 by Teresa Sullivan BSc (Hons) ACIEEM Bat Class 1 2022-10964-CL17-BAT in accordance with current best practice methodology (Collins 2023).

This involved an external and internal inspection using close focusing-binoculars and high-powered torches where appropriate. A search was made for features which could provide suitable roosting spaces for bats, including gaps beneath tiles and flashing, gaps around windows, doorframes and pipework and possible access under eaves, soffits and barge/ fascia boards. A systematic search was made of all accessible loft spaces for the presence of bats and evidence such as bat droppings.

Buildings were then prescribed a category based on their potential to support roosting bats as detailed in **Table 1**. Building locations are shown in **Figure 1**.

Table 1: Bat Roost Potential (as detailed in Collins, 2023)

Suitability	Description of bat roosting potential
None	No habitat features on site likely to be used by roosting bats at any time of year (i.e. a complete absence of shelter at all ground/underground levels)
Negligible	No obvious features on site likely to be used by roosting bats; however, a small level of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
Low	A structure with one or more potential roost sites that could be used opportunistically by one or more individual bats at any time of year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate condition and/or suitable surrounding habitat to be used on a regular basis by large numbers of bats.
Moderate	A structure with one or more areas suitable for roosting due to their size, shelter, protection, conditions and surrounding habitat that could be attractive to bats but unlikely to support a roost of high conservation status
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support roosts of high conservation status e.g.. a maternity or classic/cool hibernation sites
Roost	Bats and/or evidence of bats found

2.3 Nesting Bird Survey

All buildings were inspected for evidence of and potential for nesting birds. This included a search for evidence of the schedule 1 species barn owl including pellets, droppings, splashing (whitewashing) and feathers.

2.4 Other Protected/ Notable Species

During the survey work described above, the Site and immediate surroundings were assessed for the presence of and potential for other protected, notable or invasive species which could be impacted by proposals.

2.5 Survey Limitations

Care has been taken to ensure that balanced advice is provided on the information available and collected during the study period (s), and within the resources available for the project. However, the possibility of important ecological features being missed due to survey timings, absence during surveys or the year of survey cannot be ruled out. In addition, the lack of evidence or records of protected species on Site does not preclude their presence from Site.

3 RESULTS

3.1 Desk Study

3.1.1 Designated Sites

The desk study revealed four statutory sites of international importance within 10km of the Site. These are Sidmouth to West Bay Special Area of Conservation (SAC) located approximately 0.9km west and 1.2km east of the Site respectively, Beer Quarry and Caves SAC located approximately 2.7km west, The River Axe SAC approximately 3.1km north-east and Lyme Bay and Torbay SAC (marine components) approximately 60m south of the Site.

In addition to the aforementioned sites, five statutory sites of national importance are located within 2km of the Site as summarised in Table 2 below.

Table 2. Designated Sites Records within 2km of Site boundary

Site Name	Approximate Proximity to Site	Description
Axe Estuary Marine Conservation Zone (MCZ)	800m west	Coastal saltmarshes, estuarine habitat and saline reedbeds support a wide variety of species including the critically endangered European eel
The Sidmouth to Beer Coast SSSI	800m south-west	Geological interest
Seaton Marshes Local Nature Reserve (LNR)	1km north-east	Freshwater grazing marsh and associated birdlife
Axmouth to Lyme Regis Undercliffs National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI)	1.4km east	Geological and ecological interest (including calcareous grassland, vegetated sea cliffs, coastal scrub and woodland habitats)

The Site is within the Impact Risk Zone (IRZ) of Sidmouth to Beer Coast SSSI and Axmouth to Lyme Regis Undercliffs SSSI, though the proposed development does not appear to fall into the categories of planning applications likely to have an effect on these sites.

The desk study revealed no County Wildlife Sites within 2km of the Site.

3.1.2 Consultation Zones

The Site lies within the Beer Quarry and Caves SAC consultation zone associated with the populations of greater horseshoe, lesser horseshoe and Bechstein's bats. The whole of the town of Seaton including the Site lies within key sustenance and landscape connectivity zones for the aforementioned bat species.

3.1.3 European Protected Species (EPS) Licences

The desk study identified that one EPS licence was granted within 2km of the Site. This was in relation to a common pipistrelle and lesser horseshoe bat roost located approximately 1.7 km west of the Site.

This roost will not be impacted by the proposals.

3.1.4 Priority Habitat

Priority habitat in the form of Maritime Cliffs and Slopes lie in a narrow band of vegetation immediately to the east, north and west of the Site (0m to the north, east and west).

3.2 Bat Survey

3.2.1 Site Description and Building Inspection Results



The Site comprises a public toilet block and external showers with hardstanding to the south of the building in the form of an esplanade. The Site is set in an exposed coastal location at the southern extent of the town Seaton, with street lighting and frequent traffic along the road immediately to the north and frequent pedestrian access along the streetlit esplanade to the south. There is limited connectivity for light-sensitive bats within the local landscape.

No evidence of bats was recorded within the survey area. The toilet block had negligible-low potential to support roosting bats with the presence of a potential roosting feature associated with the southwestern hipped ridge where mortar was missing. However, due to the highly exposed coastal nature of this potential roosting feature facing into the prevailing south-westerly wind, and lack of connectivity into the main roof void, it is considered that this feature is not likely to be utilised by bats. Furthermore, a thorough search of

the building revealed no bats or evidence of bats. The Site itself provides no foraging potential for bats whilst the highly exposed coastal vegetation immediately to the west of the Site combined with streetlighting from the esplanade and road provided less favourable foraging potential with limited commuting routes to and from the building.

A summary of the building description and roosting potential is provided in **Table 3**.

Table 3: Building Inspection Results

Description	Bat evidence/ access points/ potential features	Photograph	Category (based on Collins 2023)
<p>The toilet block is constructed of rendered blockwork with a concrete tile double-pitched hipped roof. Skylights are present on the southern elevation of the roof. Individual toilet cubicles are present along the southern and eastern elevations of the building with tight-fitting doors (one boarded up due to storm damage at the time of the survey). There is a storage room at the western end of the building with a service corridor running behind the toilet cubicles. An outside shower area is present at the far eastern extent of the building beyond the toilets.</p> <p>Internally, there is one large, uncluttered roof void lined with breathable membrane. Dense cobwebs were noted throughout.</p> <p>A retaining wall was built into the slope immediately to the north of the toilet block.</p>	<p>Exterior –A small gap along the hipped ridge is present at the southwest corner of the building caused by missing mortar. However, due to the exposed coastal location and prevailing south-westerly winds, it has negligible bat roosting potential. Windows and doors are tight-fitting and all panes intact.</p> <p>Interior – No evidence of bats was found. No gaps were identified that would allow bats to enter therefore bat presence is considered unlikely. The roof void was brightly lit due to the presence of skylights along the length of the front (southern elevation) of the roof. Lighting and frequent human activity within the building is likely to further deter bats from roosting within the building.</p>	 <p>Southern elevation of the toilet block</p>  <p>Western elevation of the toilet block</p>	<p>Negligible</p>

			
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Interior of the roof void

3.3 Nesting Bird Survey

There was no evidence of nesting birds. The toilet block is in constant use throughout the day and therefore is considered unsuitable for nesting. There was no access to the roof void for bird species.

The ruderal vegetation immediately to the west of the toilet block provides unsuitable nesting habitat for bird species due to the high footfall along the adjacent esplanade and lack of bushes/trees.

3.4 Other Protected/ Notable Species

Hard-standing in the form of the retaining wall, esplanade and paving was present immediately to the north, south and east of the toilet block respectively. To the west of the building, salt-tolerant vegetation was present along a steep slope forming a vegetated bank. Species within the site boundary included frequent red valerian as well as tree mallow, buck's-horn plantain, sea beet, cock's-foot and fescue.

4 FURTHER SURVEY WORK

No further ecological survey work is considered necessary for this application and the results are considered valid for two years (unless local planning authority policy dictates otherwise); however any changes to the proposals or if any significant amount of time has passed since the date of this report, a re-appraisal may be required.

5 EVALUATION AND MITIGATION RECOMMENDATIONS

5.1 Designated Sites

Due to the small scale of the development and the similarity of the proposals to the existing development, there are no predicted impacts to any statutory or non-statutory designated sites.

The entirety of the Site and its surrounds lie within key sustenance and landscape connectivity zones associated with the Beer Quarry and Caves SAC consultation zone, designated for its lesser horseshoe, greater horseshoe and Bechstein's bats. As the site is comprised of hard-standing and a building surrounded by street lighting along the road and esplanade it is considered unlikely that these light-adverse species would be present, whilst the building is not suitable for roosting for these species. The proposals do not result in the loss or disturbance of foraging habitat and therefore no adverse impacts on the consultation zone are foreseen as long as lighting levels during the demolition and construction phase and during operation do not exceed current levels.

5.2 Priority Habitat ('Habitats of Principal Importance')

Maritime cliffs and slopes, listed as a habitat of principal importance (as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act), was present in a narrow band of steeply sloping vegetation immediately to the west of the toilet block (0m to the west). The field survey found that hardstanding was present immediately to the north and east of the Site, contrary to the desk study findings that a narrow band of coastal vegetation was also present here.

The proposals will result in the placement of the new toilet block within the footprint of the existing one and esplanade (hard-standing) immediately to the south of the existing block (Figure 2). To avoid damage to the surrounding priority habitat, care must be taken that materials are not stored on the vegetated slopes to the west of the toilet block and that entry and exit routes for the demolition and construction works avoid the surrounding vegetation. Care will be taken to ensure dust deposition does not occur on this habitat.

5.3 Bats

No evidence of bats was recorded within the toilet block and surrounds. The toilet block offered extremely limited roosting potential with a single potential bat roosting feature associated with the southwestern hipped ridge. However, this feature is considered unsuitable for bats due to the extremely exposed coastal location facing into the prevailing wind, and lack of connection to the roof void. No other potential bat roosting features or bat access points were identified during the survey. Conditions within the roof void are considered unsuitable for roosting due to the high levels of lighting.

Consultation with Natural England concerning a European Protected Species (EPS) Licence for bats **will not be** required before commencement of works.

It is highly unlikely that bats will be discovered during works, however, prior to commencement, contractors should be made aware of the procedure to follow in the unlikely event that a bat is discovered or suspected during works as outlined in **Appendix 2**.

Lighting during demolition, construction and operation has the potential to prevent/ reduce bat numbers commuting and foraging within the Site during the active bat season, and as such avoiding the use of construction lighting that would exceed the current light levels on the site and designing lighting to avoid illumination of boundaries should be undertaken.

5.4 Nesting Birds and Other Protected/Notable Species

There was no evidence of birds or their nests found within the building.

Once the toilet block has been closed to the public to prepare for demolition, contractors and staff should ensure that doors and windows on the building remain closed so that birds do not enter the building and attempt to nest and/or become trapped.

Significant adverse impacts on other notable species (such as reptiles or hedgehog) are not anticipated given the small size of the Site, frequent public access and exposed coastal location. However, to avoid entrapment any fauna that may be traversing the construction Site at night, any excavations must be covered overnight or a means of escape such as a ramp provided.

6 CONCLUSIONS

In summary the Site was considered to be of low ecological interest, with no adverse impacts to roosting bats predicted.

Careful timing of works has been incorporated into the design to eliminate impacts to nesting birds.

Provided the avoidance, timing of works and mitigation measures are carried out, the proposal is considered unlikely to have significant adverse effects on ecological features.

7 REFERENCES

BSI (2013) BS42020: 2013 Biodiversity. Code of practice for planning and development. British Standards Institution, London, UK.

CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

Collins, J. (ed.) (2023) Bat Survey for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.



Legend:

 Site Boundary

 Public Toilets



Map data ©2015 Google, 2023

Figure 1:
Location Plan

Project:
Seaton West Walk Public Toilets

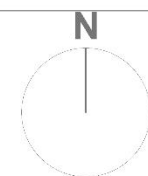
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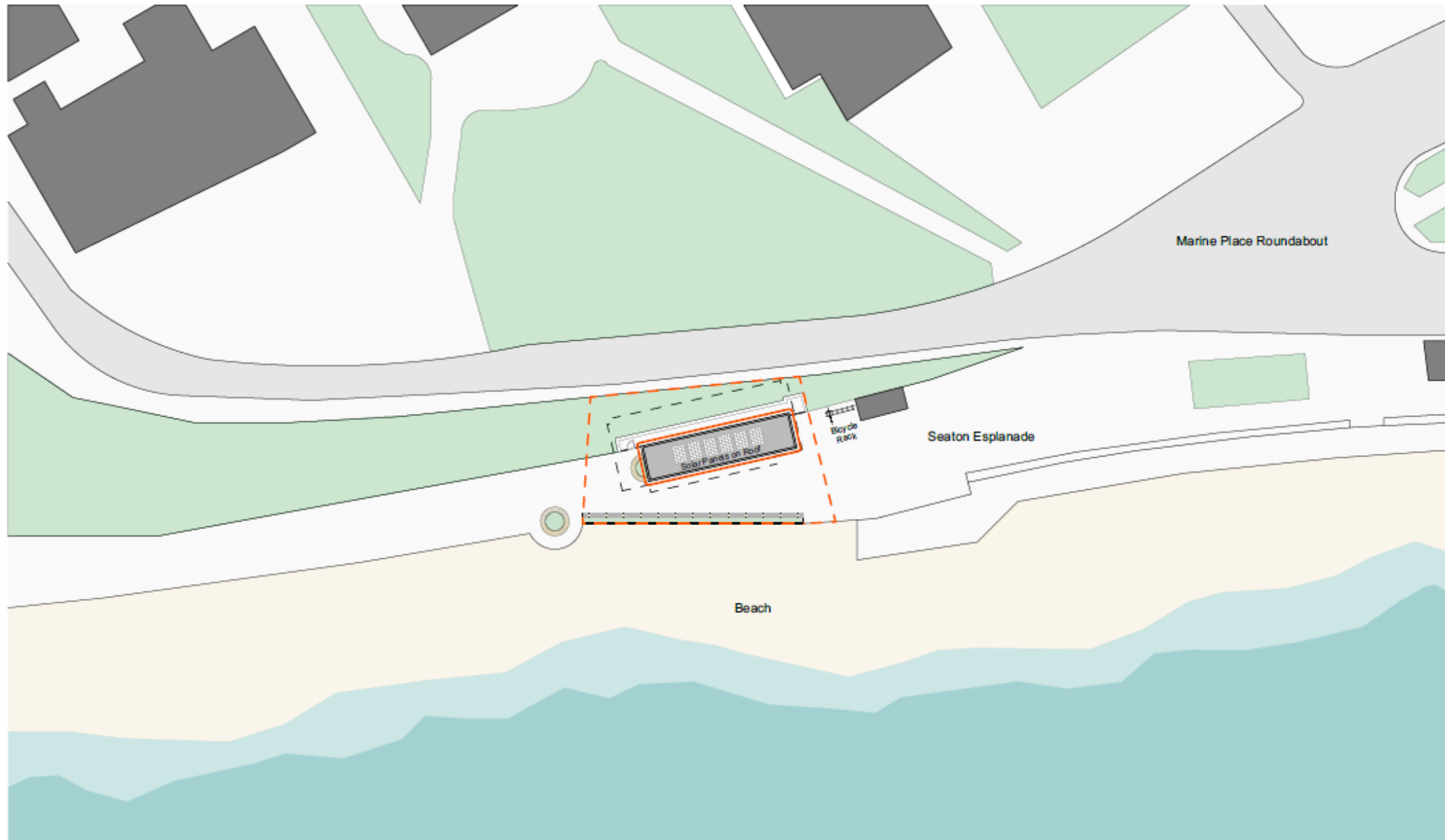
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13/11/2023

Drawn:
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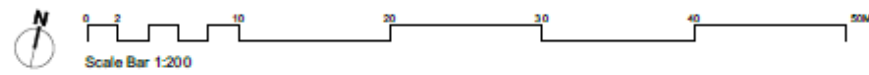
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2178-EclA-F1

Revision:
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SITE PLAN



- Public Toilets ———
- Site Boundary - - - - -
- Existing Building Boundary - - - - -

		Date: 14/04/2024 Project: Seaton West - Public Toilets Drawing: Proposed Site Plan
Client: East Devon District Council Project Manager: [Name] Designer: [Name]		Drawing No: 230363-1002-P06 Scale: 1:200 Date: 14/04/2024 Status: PRELIMINARY
<small> This drawing is the property of Kendall Kingscott. It is not to be used for any other project without the written consent of Kendall Kingscott. The client is responsible for ensuring that the information provided is accurate and complete. Kendall Kingscott is not responsible for any errors or omissions in this drawing. </small>		

Appendix 1 – Protected Species Legislation

Bats

All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone to:

- 👉 Deliberately capture, kill or injure a bat;
- 👉 Intentionally or recklessly to disturb a bat or group of bats in a roost;
- 👉 Damage or destroy any place used by bats for shelter, (whether they are present or not);
- 👉 Intentionally or recklessly obstruct access to a bat roost;
- 👉 Possess, or offer a bat (dead or alive) or part of a bat for sale or exchange.

Licences to permit illegal activities relating to bats and their roost sites can be issued for specific purposes. These are sometimes called 'derogation licences' or 'European Protected Species EPS' licences. These are issued by the relevant Statutory Nature Conservation Organisation (SNCO) under the Habitats Regulations e.g. Natural England (NE) in England.

Breeding Birds

All wild bird species, their eggs and nests are protected by law. The Wildlife & Countryside Act 1981 (as amended) makes it an offence to:

- 👉 Intentionally kill, injure or take wild birds;
- 👉 Intentionally take, damage or destroy a wild bird's nest while it's being used or built;
- 👉 Intentionally take or destroy a wild bird's egg;
- 👉 Possess, control or transport live or dead wild birds, or parts of them, or their eggs;
- 👉 Sell wild birds or put them on display for sale; and
- 👉 Use prohibited methods to kill or take wild birds.

In addition, birds listed on Schedule 1 of the Act have extra legal protection which protects them from disturbance while they're nesting, building a nest, in or near a nest that contains their young and protects their dependent young from disturbance.

The Natural Environment and Rural Communities (NERC) Act 2006

The NERC Act places a duty upon public bodies, in exercising its functions, to have regard to the purpose of conserving biodiversity and consider enhancement of biodiversity within all of their actions. In addition, this Act places a duty on the Secretary of State, under Section 41, to publish a list of habitats and species of principal importance for the purpose of conserving biodiversity.

Habitat and Species Legislation

Species and habitats receive legal protection in the UK under various legislation, including:

- 👉 The Wildlife and Countryside Act (WCA) 1981 (as amended);
- 👉 The Conservation of Habitats and Species Regulation 2017 (as amended) (also known as the Habitat Regulations, it implements the EU Habitats Directive in England and Wales);
- 👉 The Countryside Rights of Way (CRoW) Act 2000;
- 👉 The Hedgerows Regulations 1997;
- 👉 The Protection of Badgers Act 1992; and
- 👉 The Natural Environment and Rural Communities (NERC) Act 2006.

Where relevant, this report takes into account the legislative protection afforded to specific habitats and species.

Appendix 2 – Procedure to Follow if Bats are Discovered During Works

- 👉 If at any point during the works bats are discovered, contractors should stop work immediately and telephone GE Consulting on 01647 253 652;
- 👉 GE Consulting will either provide a licensed bat worker to the site or provide a member of staff who will liaise directly with Natural England. Actions will then be taken following advice given by Natural England. This may include removal of bats, but only where direct written or verbal permission is gained from Natural England;
- 👉 Only when Natural England is satisfied that the risk to bats is ceased will works recommence.
- 👉 Should it transpire that the operation being carried out is of more risk to bats than was originally thought, then it is likely that works will only be able to proceed under a development licence from Natural England;
- 👉 If a bat is found under a tile or any other aperture, works will stop immediately (as above). If the bat does not voluntarily fly out, then the aperture will be carefully covered over to protect the bat(s) from the elements, leaving a small gap for the bat to escape voluntarily. Further advice will then be sought from Natural England (as above). Any covering should be free from grease or other contaminants, and should not be fibreglass-based materials;
- 👉 Avoid handling bats. Bats should not be handled with bare hands. If a decision is made to handle a bat (e.g. for good reason in the case of an injured bat or a bat in 'harm's way') then gloves must be worn to avoid being bitten. Any injured bats could be placed in a secure ventilated box (e.g. cardboard box) by the contractor for the bat's protection whilst awaiting the arrival of the bat worker;
- 👉 If during the course of works anyone is bitten by a bat then the area of the bite should be washed immediately with soap and water and medical advice sought.

Appendix 3 – Species Mentioned In Text

Fauna

Common name	Scientific name
Badger	<i>Meles meles</i>
Barn owl	<i>Tyto alba</i>
Bechstein's bat	<i>Myotis bechsteinii</i>
Common pipistrelle bat	<i>Pipistrellus pipistrellus</i>
European eel	<i>Anguilla anguilla</i>
European hedgehog	<i>Erinaceus europaeus</i>
Greater horseshoe bat	<i>Rhinolophus ferrumequinum</i>
Lesser horseshoe bat	<i>Rhinolophus hipposideros</i>

Flora

Common name	Scientific name
Buck's-horn Plantain	<i>Plantago coronopus</i>
Cock's-foot	<i>Dactylis glomerata</i>
Fescue	<i>Festuca</i> sp.
Red Valerian	<i>Centranthus ruber</i>
Sea Beet	<i>Beta vulgaris</i> subsp. <i>maritima</i>
Tree Mallow	<i>Malva arborea</i>

