

Checklist - Devon Householder / Building Applications with only bat roost / bird nesting issues (please note that the Devon Wildlife Trigger Table must also be filled in a submitted)

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: **Lakeway Ecological Consultancy Ltd – Chris Turner MCIEEM**

Date: 20/12/2023

1. Impact assessment / survey effort

Have all required impact assessments / surveys 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:

24/11/2023

2. Ecological impacts

2a. Proposal impacts on bats / birds and mitigation measures are specified.

Yes (conditions needed)

No (no conditions needed)

2b. Proposal has other ecological impacts which the LPA needs to consider (inc. potential impacts from internal or external lighting)

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)

Does the roost meet any of the following criteria*:

- Three or fewer roosts are impacted by the proposals, and
- The proposal will have a low or temporary impact, and
- The proposal only affects:
 - 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

No

*note that these criteria are used by Natural England for the Low Impact Bat Class Licence CL21

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

If 'Yes', please enter your licence number below

Level 2 Class Licence: 2015-12878-CLS-CLS

Bat Low Impact: WML-CL21 RC150 Annex B, C, D

Barn Owl Class Licence CL29/00578

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

Oakdale, Stoodleigh, Devon

Ecological Impact Assessment

A report on behalf of

Mr & Mrs Harris

| | |
|-----------------------------|--------------------------------------|
| Type of document (Version) | - |
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Site Details

| | |
|----------------------------------|------------------------------|
| Site name | Oakdale |
| Site location | Stoodleigh, Devon |
| Central OS grid reference | SS 9132 1852 |
| Client | Mr & Mrs Harris |
| Report title | Ecological Impact Assessment |



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1 INTRODUCTION

This document has been produced by Chris Turner BSc MCIEEM of Lakeway Ecological Consultancy Ltd. It presents an Ecological Impact Assessment for Oakdale, Stoodleigh, Devon (central OS grid reference: SS 9132 1852). The works were commissioned by Mr & Mrs Harris.

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

1.1 Context

Proposals include the demolition of the existing house and detached garage, and replacement with a new dwelling and detached garage. Plans are shown on the accompanying drawings issued by KÖST architects Ltd.

1.2 Aims and Objectives

1.2.1 Field Survey Aims

The survey information contained within this report aims to:

- Establish whether the works will impact protected species, primarily bats and nesting birds.
- Characterise any bat roosts present.
- Identify and provide context for any other protected species which may be impacted by the proposals.

1.2.2 Report Objectives

The objectives of this report are to:

- Provide the client with sufficient information to fully inform them of their obligations.
- Present an assessment of the likely (significant) effects of the proposed development on ecological features.
- Allow the Local Planning Authority (LPA) to ascertain whether the proposal accords with relevant planning policy and legislation; and,
- Allow the LPA to write planning conditions (where necessary) to secure mitigation, compensation and enhancement measures.

Recommendations have been detailed following the biodiversity mitigation hierarchy in accordance with NPPF paragraph 175 (a) which states:

"If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

This report sets out additional measures which provide enhancements on the Site with the aim of providing a net-gain for biodiversity, in line with National and Local planning policy.

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



1.3 Personnel

All written work was carried out by Principal Ecologist Chris Turner. Chris has been an ecological consultant for 11 years and has a specialism in bat mitigation and conservation. Chris is a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) and is bound by their professional Code of Conduct. Chris is registered to use a Level 2 class licence to survey for bats since 2013 (Natural England ref: 2015-12878-CLS-CLS), is a registered consultant on Natural England's Bat Mitigation Class Licence (WML-CL21 – ref: RC150) and is a registered consultant on Natural England's Bat Earned Recognition Pilot Scheme WML-CL47 – AL2 Ref: BER0046.

All survey work was carried out by Senior Ecologist Ruth Testa, who has also peer reviewed this report. Ruth has 15 years professional experience of ecology and wildlife conservation in both the voluntary and private sectors. She has extensive experience of carrying out quantitative and qualitative ecological surveys, and both writing and peer reviewing ecological reports. Ruth is registered to use a Level 1 class licence to survey for bats (2023-11531-CL17-BAT).

2 SITE DESCRIPTION

2.1 General

The Site comprises a detached bungalow set on the edge of the rural village of Stoodleigh in Mid-Devon. A detached garage is also present, and the Site gardens are partially wooded, forming part of a wider broad-leaved woodland to the north. A location plan is provided as **Diagram 1** below. Photographs are included in the text.

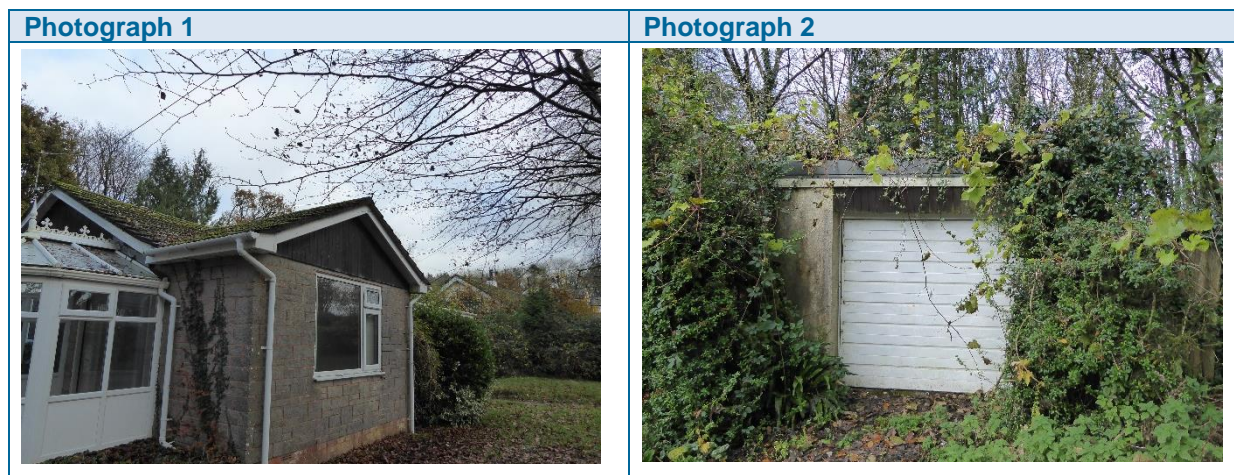


Diagram 1: Site Location (© Bing Maps)



2.2 Building Description

A detached block built bungalow, under a pitched roof covered with interlocking cement tiles. Gable ends occur to the east and west, and to the south where a single storey extension protrudes. A flat-roofed extension occurs to the north, and a conservatory to the west (Photograph 1). A detached, flat-roofed garage is present to the west of the bungalow (Photograph 2).



3 METHODS

3.1 Desk Study

The following sources were searched on 5th December 2023 to provide geographical context and to assess whether the proposals have the potential to impact other protected species or sites:

- The Government's mapping website MAGIC (<https://magic.defra.gov.uk/>) was used to search for internationally designated sites within 10km, and for European Protected Species licences issued by Natural England in the surrounding area since 2008, over a 2km radius.
- MAGIC was also searched for priority habitats and statutory sites designated for nature conservation within 2km.
- The Devon Environment Viewer (<http://map.devon.gov.uk/DCCViewer>) was used to search for priority habitats and statutory sites designated for nature conservation within 2km.
- Aerial photography (<https://wtp2.appspot.com/wheresthepath.htm>) was reviewed to assess connectivity between the Site and areas in the local landscape which may be of importance for protected species (wildlife corridors).

3.2 Field Survey

3.2.1 Preliminary Roost Assessment

The structures were assessed for their potential to support roosting bats on the 24th November 2023. The survey was carried out by Senior Ecologist Ruth Testa MSc MCIEEM. Ruth is registered to use a Level 1 class licence to survey for bats (Natural England ref: 2023-11531-CL17-BAT.)

The structures were assessed externally for signs of bats and points where bats could gain access. Close focusing binoculars and high-powered torch were used where appropriate. A search was made for features which could provide suitable roosting spaces for bats, such as gaps beneath roof coverings, gaps around



windows and door frames. Any direct signs (such as droppings stuck to walls) as well as features of potential value to bats were noted on hand drawn maps.

A systematic search was made of all internal areas for the presence of bats, potential roosting sites and evidence such as bat droppings, carcasses and feeding remains (insect fragments).

In line with best practice guidance (Collins, 2023), the structure was prescribed a category based on its potential to support roosting bats as detailed in **Table 1**.

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

| Potential Suitability | Description |
|-----------------------|--|
| None | No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels). |
| Negligible | No obvious habitat features on site likely to be used by roosting bats; however, a small element 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 at any time of year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/ or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats |
| Moderate | A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat 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 potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have potential to support high conservation status roosts e.g. maternity or classic cool/ stable hibernation sites. |
| Roost | Bats and/or evidence of bats found |

3.2.2 DNA Analysis of Bat Droppings

As evidence of a night roost was found within the garage, a sample of bat droppings was recovered during the Preliminary Roost Assessment to determine the species using the building. This sample was sent to Ecotype Genetics <https://ecotypegenetics.co.uk/bat-species-identification/>. The analysis follows a standardised procedure for DNA extraction, PCR amplification of bat DNA using universal markers that amplify DNA from all bat species.

One sample of bat droppings was retrieved for analysis, results are shown in Appendix 2.

3.3 Nesting Bird Survey/ Other Protected or Notable Species

The structures were inspected for evidence of and potential for nesting birds.

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.

4 LIMITATIONS

Care has been taken to ensure that balanced advice is provided on the information available and collected during the study periods, 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.

All areas of the Site were accessible to survey and whilst no evening emergence surveys, or remote monitoring have been undertaken, the evidence gathered during the survey period is considered sufficient to provide a robust assessment of impacts.

5 RESULTS

5.1 Desk Study

The search of <https://magic.defra.gov.uk/> returned one record of EPS (Bats) licences granted within 2km of the Site since 2008.

- 1km east of the Site a licence was granted in 2017 to allow damage to a site used by breeding whiskered *Myotis mystacinus* bats.

The closest component part of the Culm Grasslands Special Area of Conservation (SAC) lies approx. 5.3km from the site. This is designated for its *Molina* grasslands on calcareous, peatey or clayey-silt laden soils, and for its ability to support populations of marsh fritillary *Euphydryas aurinia* butterflies. The SAC is of **international** importance for nature conservation.

Exmoor & Quantock Oakwoods SAC lies 9.5km from the Site. Exmoor & Quantock Oakwoods SAC is designated for its old sessile oak woods with *Ilex* and *Blechnum* in the British Isles, which occur in conjunction with heath. It is also designated for the Annex II Barbastelle *Barbastella barbastellus* bat. A maternity colony of this species utilises a range of tree roosts in this area. The SAC is of **international** importance for nature conservation.

No nationally designated sites lie within 2km.

The Site does not lie within any consultation zones for protected species and no Habitats of Principal Importance (HPI under the NERC Act 2006) are present within the development boundary, however the wider property boundary consists of a HPI deciduous woodland.

Owing to the small scale of the proposals, and limited impacts, it is considered that consultation with the Local Biological Records Centre would add little value to the assessment.

5.2 Field Survey

The habitats within the curtilage of the Site and where potential impacts are predicted are of **negligible** conservation importance, comprising hardstanding and amenity grassland. There is some vegetation around the garage including brambles, ivy and cotoneaster which will be removed. These are of negligible conservation importance.

5.2.1 Preliminary Roost Assessment

Summary

The garage is currently being used as a night roost by a low number of bats as evidenced by the presence of droppings and feeding remains. There is only one access point present (a missing window on the northern elevation. There was no potential for bats to be present under the flat roof, behind soffits and fascias, or to be day roosting within the building which is relatively light, draughty and lacks crevices (with no gaps larger than 5mm) which bats could tuck away inside.



The bungalow was sealed tight around the exterior and lacked access points for bats. However, there was evidence of a historical roost within the loft space (c.10 degraded droppings). Given the location it is considered that access had previously been around a roof tile, but these are all now heavily covered with moss, preventing access and the roosting site is considered no longer available to bats.

Bungalow

The bungalow is rendered block under a pitched inter-locking cement tile roof, which is heavily covered in moss (Photograph 3). There were no areas of raised tiles, or missing cement. Plastic soffits and fascias were present throughout and are tight to the render and roof (Photograph 4). A gable end protrudes from the southern elevation (Photograph 1) and a flat roofed extension from the rear (northern) elevation (Photograph 4). Timber cladding (Photograph 5) to the three gable ends was tight to the render, with no crevices over 5mm wide for bats to exploit. No areas of potential access occurred in roof valleys, where gables met the main roof, with leadwork intact and no gap between lead and the underside of roof tiles. A flue is present on the northern elevation, and the flashing around the base was tight to the roof tiles.

The interior of the loft was cold and damp, with evidence of a leak from the water tank. The loft space is part boarded and insulated with fibre-glass insulation. Machine cut timbers are visible (Photograph 6), along with bitumen roof felt which was degraded in places. Mouse droppings were present throughout the loft space. Ten very degraded bat droppings were found suspended within a cobweb on the eastern side of an internal partition wall (Photograph 7). The amount and age of droppings (very pale and begun to lose form) indicates a past roosting site for one-two bats. Due to the location of the roost it is considered that access was previously under a roof tile where the roof has slumped slightly (circled red on Photograph 3), which has now become clogged with moss, blocking access. A thorough inspection of this area yielded no potential access points for bats and the remainder of the building presented no visible access points.

Garage

A single storey flat roofed garage occurs to the west of the bungalow. This is partially obscured by vegetation (ivy and brambles). Windows occur to the northern and southern elevations, and the northern window is missing glass (Photograph 8). An up and over door is present on the eastern elevation. Externally fascias are tight to the rendered blockwork, and windows and doors are well sealed (other than the missing glazing).

Internally the garage was relatively light and draughty. Machine cut timbers support the timber roof deck, which is obscured by plastic sheeting (Photograph 9), lacking any crevices (greater than 5mm) for day roosting bats. Conditions were considered too light and exposed to support day roosting void dwelling bats such as horseshoe or pipistrelle bats. Two patches of bat droppings were present, one of c.10 droppings to the left of the door in the southern corner (Photograph 10), and a larger patch of c.40-50 in the northern corner, where small moth wing fragments and crane fly *Tipula sp.* fragments were also present (Photograph 11). Lesser horseshoe bats will often bring larger prey items to a perch inside a building in order to process them. The only fly-in access into the garage was through the missing glazing to the northern elevation.



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



| Photograph 9 | Photograph 10 |
|--|--|
|  |  |
| Photograph 11 | |
|  | |

5.2.2 DNA Analysis

The sample of bat droppings confirmed the presence of lesser horseshoe bat *Rhinolophus hipposideros* (**Appendix 2**).

5.2.3 Nesting Bird Survey

No birds' nests were noted in or on either building. However, the vegetation encroaching on the garage provided shelter for nesting birds. The wider garden is suitable for a wide range of garden and woodland bird species.

5.3 Other Protected/ Notable Species

The presence of badger, dormice, reptiles or other protected species is considered extremely unlikely owing to the limited extent of the proposals and the nature of the habitats present. Other protected species are not considered further.

6 FURTHER SURVEY WORK

It is considered that the survey effort reported above is sufficient to provide an assessment of the likely significant effects of the development proposals on ecological features and to inform the mitigation strategy detailed below. No further ecological survey work is considered necessary in order to determine the current planning application and the results are considered valid for one year.



If there are 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.

7 DEVIATION FROM BEST PRACTICE GUIDANCE

The presence of a bat roost in the garage has been confirmed by the daytime inspection carried out in November 2023, with no bats found roosting, two roosting points identified by small patches of bat droppings and feeding remains and a single access point located adjacent to the roosting area. DNA analysis has confirmed the species of bat using the roost (lesser horseshoe), and due to the type of building and the conditions provided it is considered that the roost is used for night roosting only.

Delaying the progress of planning to undertake further survey work during May – August 2024 is considered disproportionate for this site as the roosting site, roost type (night/feeding), species and access points have been confirmed by the survey carried out to date.

The presence or otherwise of protected species has therefore been determined, and in the absence of mitigation an offence is likely to be caused under current legislation and an EPS derogation licence will be required prior to commencement of works impacting the bat roost.

During the licencing process, there is a requirement to demonstrate that the application meets the 'Three Tests' under the Conservation of Habitats and Species Regulations 2017 (as amended). If met, these tests provide for derogations via the licensing process which allow what would under normal circumstances be illegal acts to take place legally. When considering planning applications local authorities also have a duty to consider whether it is likely that these tests can be met and therefore the likelihood of the EPS licence being granted by Natural England.

The three tests are as follows:

1. Regulation 53(2) (e) states: a licence can be granted for the purposes of “preserving 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 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
3. Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

It is considered that the impacts can be adequately predicted, and therefore proportionate mitigation can be secured, to ensure that local bat populations are maintained at a Favourable Conservation Status, sufficient for the Local Planning Authority to be able to discharge their duties relating to the third test. The decision regarding the other two tests fall outside the scope of this report.

The EPS derogation licence may be applied for using Licence Policy 4 (LP4), which relates to other sources of information used to assess impacts to protected species. LP4 may be used where the following apply;

- costs or delays associated with carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring.
- ecological impacts of development can be predicted with sufficient certainty.
- mitigation or compensation will ensure that the licensed activity does not detrimentally affect the conservation status of local population of any EPS.



8 IMPACT ASSESSMENT AND MITIGATION

8.1 Designated Sites

No impacts are predicted to designated sites owing to the small scale of the proposals and the distance of the Site from any designated sites.

8.2 Bats

An historical roost was found in the loft void of the bungalow, but a thick covering of moss has presumably obscured the access point, with no other potential access points for bats being noted on the remainder of the building. **No further survey or EPS licence is required prior to commencement of works to the bungalow.** In the extremely unlikely event that a bat is discovered or suspected during demolition of the bungalow, all work must cease and the ecologist must be contacted for advice.

An occasionally used night/feeding roost for an individual or low number of lesser horseshoe bats (estimated maximum two individuals) is present within the garage, accessing the roosting locations within through the missing window. The roost is considered to be of **Site** importance.

There was no evidence to suggest a roost of higher conservation significance, with limited bat droppings being found in the garage and the roosting site being clearly visible, located by bat droppings beneath. No droppings or additional evidence of bats was found elsewhere. With the flat roof and fascias being in sound condition, there were no other roosting features available to bats on or within the building.

Demolition of the garage will result in the destruction of the bat roost in the absence of mitigation. This would be an offence under current legislation and impacts would be major adverse at the **Site** level. These impacts cannot be avoided or mitigated and therefore, **a licence will be required from Natural England to derogate from an offence being caused** by the works.

The bat roost found is of low conservation significance (Reason et al., 2023 and **Appendix 3**) and therefore, the Site can be registered under the Natural England's Bat Earned Recognition Pilot/ Beta Scheme (BER) WML-CL47. Earned Recognition works on the basis of assessing and accrediting a consultant's competence in undertaking survey work and designing effective mitigation so that, by using an accredited consultant, developers can experience a more streamlined licensing process for their scheme or project. Ecological consultants successfully accredited under the competency testing process of ER are now able to submit Site Registrations and take advantage of the benefits of their Earned Recognition status. This includes a streamlined Site Registration ('licence application') service as well as significantly increased autonomy to undertake licensable bat mitigation works compared to the traditional bat mitigation licensing system. The ER licence reduces the assessment time to 15 working days. Lakeway Ecology are able to register sites under this scheme.

The licence would be applied for under reasons of Overriding Public Interest (IROPI) (And using LP4) and is used to allow activities which would otherwise be an offence under current legislation. Further details are provided in **Appendix 4**.

As the roost is of low conservation significance, upon planning permission being granted and successful registration of the Site, works may proceed at any time of year. A stipulation of the licence is that an updated walkover is undertaken less than three months prior to commencement of works.

Once the Site is registered and prior to commencement of works, the ecologist will conduct a toolbox talk and works will commence under supervision of the ecologist. As a precaution, the garage will be checked for bats and in the unlikely event that a bat is present, it will be allowed to disperse of its own free will, after dark, before the window is boarded up.



Compensation for the loss of the roost will take the form of a single-storey bat room on the north-west elevation of the garage. Access will be provided through a 400mm by 300mm letterbox opening, providing direct fly-in access to the roost. The roost will measure 4m by 3m with an apex height of 3.6m. Location and dimensions are shown on the accompanying planning drawings.

It is highly likely that local bat populations forage and commute around the Site and especially along the woodland edge. Inappropriate lighting risks causing a barrier to foraging bats. Additional lighting, if required, must be carefully placed to avoid illuminating Site boundaries and the compensatory roost entrance. Best practice guidance detailed in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT, ILP, 2023) should be followed when siting lights both on and within buildings. Furthermore, security lighting will point downwards and be set on motion sensor with short duration (30s or less). This will ensure that no light barriers are introduced to foraging and commuting bats.

8.3 Nesting Birds

It will be necessary to remove the vegetation on the exterior of the garage. As there is the potential for nesting birds to be present within the vegetation, works must be timed to avoid the bird breeding season (**March – August**) inclusive. Alternatively, if this cannot be achieved, a check for active birds' nests must be undertaken immediately prior to commencement of works. Any active nests and access points will need to be retained and buffered until all chicks have fledged.

9 ENHANCEMENTS

In order to enhance the new dwelling for nesting birds, it is recommended that a sparrow terrace is installed under the eaves on the eastern elevation of the house. Additionally, two in-built crevice-type bat boxes should be installed at the apex of the eastern gable end of the new building. Boxes should not be sited directly above windows or doors, where droppings may cause a nuisance. Suitable boxes are available from websites such as www.nhbs.com. If any new landscaping is proposed, plants should be selected from the RHS Plants for Pollinators list¹.

10 CONCLUSIONS AND RECOMMENDATIONS

The survey effort carried out to date is considered sufficient to characterise the bat roosts found within the building on Site and to provide an assessment of the impacts of the proposals on local bat populations. **An EPS (Bats) licence will be needed prior to commencement of works to demolish the garage.**

Commencing works under licence, coupled with supervision of works at key points will ensure that local bat populations are maintained at a Favourable Conservation Status in their natural range.

Enhancement measures have been recommended with the aim of providing a net biodiversity gain, contributing to the aims of National Planning Policy Framework and local policy.

¹ <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>



11 REFERENCES

Bat Conservation Trust/ Institute of Lighting Professional (2023) *Guidance Note 08/23 - Bats and Artificial Lighting at Night*. Bats and the Built Environment Series.

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 and Coastal* version 1.2. 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.

DEFRA (2011) *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*.

Reason, P.F. and Wray, S. (2023). *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats*. Chartered Institute of Ecology and Environmental Management, Ampfield.



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 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.

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 2019 (EU Exit);
- 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 account of the legislative protection afforded to specific habitats and species.



Appendix 2 – DNA Analysis



Results

Sample ID: EG-1285-1

Sample information:

Sample type: Faecal

Species group: Bats

Suspected species:

Site Location: SS 913185

Comments: Oakdale

Laboratory information:

DNA Extraction Code: EG-2023-1782

Identification method: qPCR

Analysis Procedure Notes:

All UK bat species tested for - only a single species detected in this sample.

Laboratory Comments:

None

Species Identified:

Species 1: Rhinolophus hipposideros (Lesser horseshoe bat)

qPCR Ct Value: 24



Appendix 3 – Relative Importance of Bat Roosts

The conservation importance of bat roosts depends upon the rarity of the species found, the roost type and geography. The table below is reproduced from the 2023 Bat Mitigation Guidelines (Reason et al, 2023) and highlighted boxes indicate the importance of the bat roosts found on Site.

Species and roost type found on Site.

| | | Roost category: note this table relates to VALUATION and does not mean that all such sites are 'places of shelter' as referenced in the W9CA or Habitats Regulations. Inclusion in this table does not indicate that a licence <u>would</u> be required; this would be driven by roost status, any impacts and the likelihood of an offence. | | | | | |
|--|--|--|--|--|---|---|--|
| Conservation status/ distribution | Feeding perches; night-roosts; Individual or very small occasional/ transitional/ opportunistic roosts | Non-breeding day roosts (small numbers of species) | Mating sites (excluding individual trees and larger swarming sites); small numbers of hibernating bats | Larger transitional roosts | Hibernation sites ^d | Autumn swarming sites [largely, vesper species which hibernate underground | Maternity sites ^e |
| Widespread all geographies | Site | Site | Site | Site/Local | District/County [Larger hibernation sites rare in the UK] | District/County [Very large pipistrelle swarming sites as yet unknown in the UK ⁹¹ , but see Section 6.7 | Unlikely to exceed District importance unless colonies are atypically large; importance increased for assemblages. |
| Widespread in many geographies, but not as abundant in all | Site | Site | Site, dependent on local distribution [For <i>Myotis</i> , see swarming site column] | District | District/County importance dependent on size ^b and number of species | County/Regional importance dependent on size ^b ; importance increased for larger sites that serve larger numbers/species | Unlikely to exceed County importance unless colonies are atypically large; importance increased for assemblages. |
| Lesser horseshoe night roost, individual bats of rarer species | Rarer or restricted distribution | Site (very well-used night roosts may be of District importance for some species) | Site/Local/District, dependent on local distribution | Site/Local/District, dependent on local distribution | District | District/County importance dependent on size ^b and local distribution; increased value for assemblages. | County/Regional importance on size ^b and local distribution; increased value for assemblages. |
| Rarest Annex II species and very rare | Site (very well-used night roosts may be of District importance for some species) | Site/Local/District, dependent on local distribution | Site/Local/District, dependent on local distribution | District | County/Regional importance on size ^b and local distribution; increased value for assemblages | County/Regional importance on size ^b and local distribution; increased value for assemblages. | County/Regional importance on size ^b and local distribution; increased value for assemblages. |



Appendix 4 – Bat Licensing Information

During the licencing process there is a requirement to demonstrate that the application meets the ‘Three Tests’ under the Conservation of Habitats and Species Regulations 2017 (as amended). If met, these tests provide for derogations via the licensing process which allow what would under normal circumstances be illegal acts to take place legally. When considering planning applications local authorities also have a duty to consider whether it is likely that these tests can be met and therefore the likelihood of the EPS licence being granted by Natural England.

The three tests are as follows:



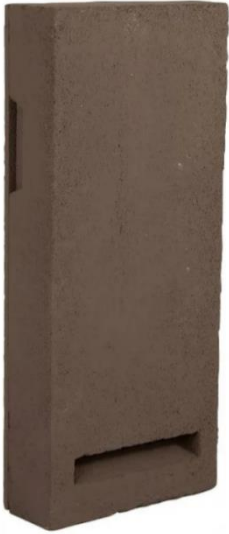
4. Regulation 53(2) (e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
5. Regulation 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
6. Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

The three tests will be met in this case as follows:

- The licence would be applied for under ‘other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’. The building is not fit for purpose.
- It is considered that there is no satisfactory alternative to the works as there is no alternative site within the applicant’s ownership to build new accommodation and the applicants need more space.
- The project will not be detrimental to the population of bats in their natural range, because proportionate mitigation measures will be put in place to allow bats to continue to roost on Site, secured by EPS licence.



Appendix 3 – Examples of Suitable Enhancement Features

| Type (examples – other manufacturers may have slightly different designs) | Location and description |
|--|---|
| <p>House Sparrow terrace</p>  <p>Open nest box</p>  | <p>Installed as high as possible above ground (ideally at least 6m), ensuring that there is unobstructed access for birds entering and leaving.</p> <p>Boxes should be sited under the shelter of eaves or overhanging roofs.</p> <p>Entrance out of direct sun, preferably north or east-facing.</p> |
| <p>Vivarapro Woodstone bat box</p>  | <p>Installed as high as possible, directly beneath the eaves, away from exterior lighting and windows.</p> <p>Boxes can be built into masonry, or installed behind cladding, with only the access slot exposed.</p> <p>Bat boxes should ideally face a range of directions to allow bats to select their environmental conditions depending upon the time of year/ amount of thermal gain from the sun.</p> |



Beaumaris woodstone bat box



If it is not possible to build in bat boxes, a suitable alternative is to surface mount a box.

Installed as high as possible, directly beneath the eaves, away from exterior lighting and windows.

Bat boxes should ideally face a range of directions to allow bats to select their environmental conditions depending upon the time of year/ amount of thermal gain from the sun.

