

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 – Ruth Testa MCIEEM**

Date: 25/01/2024

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 <input checked="" type="checkbox"/> Dates: 14 th December 2023	No <input type="checkbox"/>
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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"/>
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2b. Proposal has other ecological impacts which the LPA needs to consider (inc. potential impacts from internal or external lighting)	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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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"/>
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<p>2d. If YES (an offence IS likely) Does the roost meet any of the following criteria*:</p> <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 affects: <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. <p>*note that these criteria are used by Natural England for the Low Impact Bat Class Licence CL21</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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<p>2e. If NO (an offence is NOT likely) Does the roost meet any of the following criteria:</p> <ul style="list-style-type: none"> • maternity or hibernation roost <ul style="list-style-type: none"> • 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"/>
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2f. Does the proposal potentially impact on barn owls?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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3. Expertise

Are you, the ecological consultant, registered under either the Level 1 or the Level 2 Bat Survey Class Licence? If 'Yes', please enter your licence number below	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Level 1 Class Licence: 2023-11531-CL17-BAT

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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Kilmington Primary School, Kilmington, Devon

Ecological Impact Assessment

A report on behalf of

Devon County Council

Type of document (Version)	-
Revisions	
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Site Details

Site name	Kilmington Primary School
Site location	Kilmington, Devon
Central OS grid reference	SY 2735 9794
Client	Devon County Council
Report title	Ecological Impact Assessment



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1 INTRODUCTION

This document has been produced by Ruth Testa MSc MCIEEM of Lakeway Ecological Consultancy Ltd. It presents an Ecological Impact Assessment for Kilminster Primary School, Kilminster, Devon (central OS grid reference: SY 2735 9794). The works were commissioned by Devon County Council.

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

1.1 Context

Proposals include the replacement of an existing classroom with a new classroom. Plans are shown on the accompanying drawings issued by South West Norse.

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.
- 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 and survey work was carried out by Senior Ecologist Ruth Testa. Ruth has 15 years professional experience of ecology and wildlife conservation in both the voluntary and private sectors. Ruth is a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) and is bound by



their professional Code of Conduct. 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).

This report has been peer reviewed by Principal Ecologist Chris Turner MCIEEM. Chris has been an ecological consultant for 12 years and has a specialism in bat mitigation and conservation. 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.

2 SITE DESCRIPTION

2.1 General

The Site comprises a single storey pre-fabricated classroom building, set within the grounds of Kilmington Primary School. The School is located on the eastern edge of the village of Kilmington in East Devon, approx. 2km from Axminster, with open farmland and semi-natural habitats adjacent to the grounds. 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

The building comprises a timber clad pre-fabricated classroom built off a blockwork base, under a pitched felt roof (Photograph 1). A boiler flue is present on the eastern roof elevation.

The interior comprises two rooms – an entrance hallway with toilet cubicles and a large open classroom (Photograph 2). It was not possible to access the loft void, due to the location of the loft hatch (above a toilet), and the construction of the classroom ceiling which would not support weight.



3 METHODS

3.1 Desk Study

The following sources were searched on 14th 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 structure was assessed for its potential to support roosting bats on the 14th December 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 structure was 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 accessible 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

3.3 Nesting Bird Survey/ Other Protected or Notable Species

The structure was 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.

It was not possible to access the loft void due to the lack of stable surface upon which to walk, but with no potential ingress for bats (or nesting birds), from the exterior, this is not considered to be a significant constraint.



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 west of the Site a licence was granted in 2015 to allow destruction of roosting places of brown long-eared *Plecotus auritus*, serotine *Eptesicus serotinus* and soprano pipistrelle *Pipistrellus pygmaeus* bats.

Additionally, the school secretary informed the surveyor of an incident a number of years prior, when a bat carer was sought in order to rescue a number of juvenile bats from another classroom (stone walls under slate roof) within the school complex.

The search of magic returned one record from 2014 relating to great crested newt *Triturus cristatus* presence, 440m south of the Site.

The River Axe Special Area of Conservation (SAC) and the associated River Axe Site of Special Scientific Interest lies approx. 800m east of the site at its closest point. This is designated for its; water course in a mixed catchment geology of sandstones and limestones which gives rise to calcareous waters where *Ranunculion penicillatus* ssp. *pseudofluitans* dominates, giving way to *R. fluitans* further downstream. Short-leaved water-starwort *Callitriche truncata* is an unusual addition to the *Ranunculus* community and gives additional interest. This is of **international** importance for nature conservation.

Sidmouth to West Bay SAC lies 8.75km away from the Site at its closest point. This is designated for its vegetated sea cliffs, *Tilio-Acerion* forest of slopes, screes and ravines. Vegetation is varied across the SAC, with some open areas of sea cliffs with landslips. These landslips have created and shaped the mosaic of *Tilio-Acerion*, sycamore *Acer pseudoplatanus* woodland, mixed scrub, grassland and pioneer communities, creating sites rich in invertebrates. This is of **international** importance for nature conservation.

The Site lies within a great crested newt consultation zone. This is of **county** importance.

No Habitats of Principal Importance (HPI under the NERC Act 2006) are present within the development boundary.

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

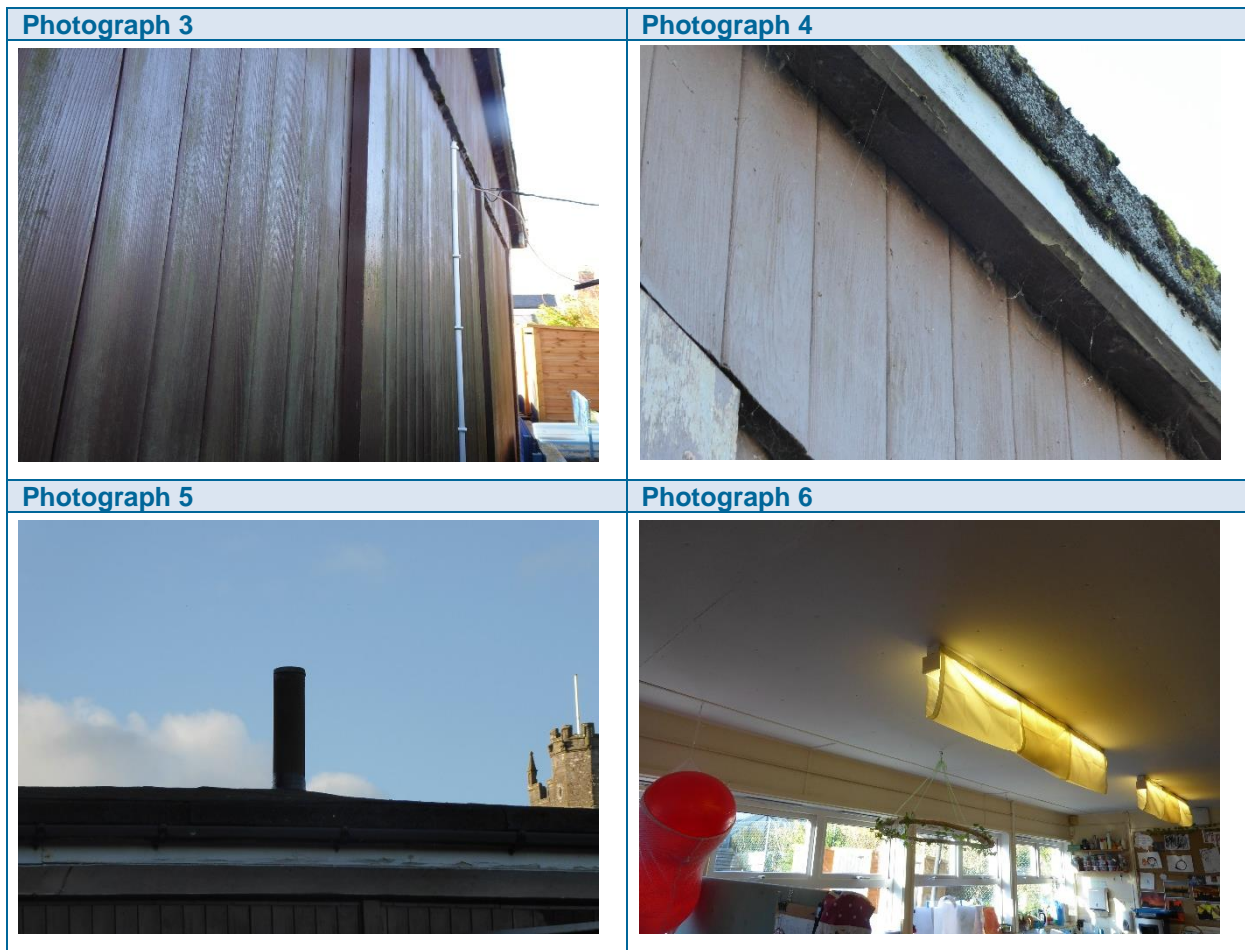
The habitats within the curtilage of the Site and where potential impacts are predicted are of **negligible** conservation importance, comprising hardstanding.

5.2.1 Preliminary Roost Assessment

The building presented no potential for roosting bats in line with Collins 2023.

The exterior of the building comprised timber cladding which was tight with no gaps more than 5mm wide that bats could utilise (Photograph 3). The roof covering was tight to the timber fascias, with soffits tight to the timber cladding (Photograph 4). uPVC windows and doors were tight fitting with no potential access points. The boiler flue was well sealed around the base, and provided no access into the loft void (Photograph 5).

The interior of the building was light and airy and in constant use as a classroom (Photograph 6).



5.2.2 Nesting Bird Survey

There was no evidence of nesting birds on or within the building, and it lacked suitable opportunities for birds to exploit.

5.3 Other Protected/ Notable Species

Whilst the Site lies within a great crested newt consultation zone, and there are records of this species within 500m of the Site, it is highly unlikely that they will be present. The school grounds comprise hardstanding playgrounds, and the building to be replaced is entirely surrounded by concrete, making it inhospitable to this species, with no suitable shelter, foraging or breeding habitat within the area to be impacted by proposals.

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 IMPACT ASSESSMENT AND MITIGATION

7.1 Designated Sites

There will be no direct impacts to the Axe River SAC which is c. 800m from the Site. However, due to the sensitivity of the habitats within the SAC, airborne dust particles and pollution may occur during enabling and construction in the absence of mitigation. Best practice construction methods will be employed, to avoid pollution from entering the air such that no adverse effects are predicted.

There are serious issues with phosphates entering the Axe River catchment, which are undermining the conservation objectives of the SAC. Types of development which potentially contribute to an increase in phosphates, and thus a degradation of the qualifying features of the SAC have to show nutrient neutrality prior to approval. Examples of applications which may have adverse effects on the SAC include¹:

- New residential units (but not annexes) – including holiday and tourist accommodation, gypsy sites/pitches, agricultural workers dwelling
- Commercial development – where overnight accommodation is provided
- Agricultural development – additional barns, slurry stores etc, where it is likely to lead to an increase in herd size
- Prior Notification of agricultural development where, as a result of the development, the herd size may increase. Also prior notifications for change of use to dwellings
- Anaerobic Digesters

The replacement of a classroom, essentially like-for-like, does not fall within one of the categories above, and as it is a replacement for an existing building, there will be no net-increase in phosphate discharge, such that no adverse effects are predicted.

7.2 Bats

It is considered that no bat roosts are present within the building and no adverse effects are predicted. A licence from Natural England **will not** be required prior to commencement of works.

In the extremely unlikely event that a bat is discovered or suspected, work must pause and the procedure outlined in **Appendix 2** must be followed.

It is highly likely that local bat populations forage and commute around the Site and especially along the eastern boundary with the neighbouring field. Inappropriate lighting risks causing a barrier to foraging bats. Additional lighting, if required, must be carefully placed to avoid illuminating Site boundaries and the stone classroom to the west which has previously had bats within (pers. com.). 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

¹ <https://eastdevon.gov.uk/planning/phosphates-on-the-river-axe/>



motion sensor with short duration (30s or less). This will ensure that no light barriers are introduced to foraging and commuting bats.

8 ENHANCEMENTS

In order to enhance the new building for nesting birds, it is recommended that two sparrow terraces are placed on the northern gable end. Additionally, two in-built crevice-type bat boxes should be installed, close to the apex of the southern 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 and examples are provided in **Appendix 3**.

9 CONCLUSIONS AND RECOMMENDATIONS

The survey data reported above is considered sufficient to assess the potential impacts from proposed works and steps have been recommended taking the mitigation hierarchy into account. The Site is considered to be of low ecological interest with no impacts predicted on roosting bats or nesting birds. No EPS licence or additional mitigation is required for roosting bats but minimising additional lighting will ensure that no barriers are introduced to foraging / commuting bats.

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.



10 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*.



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.


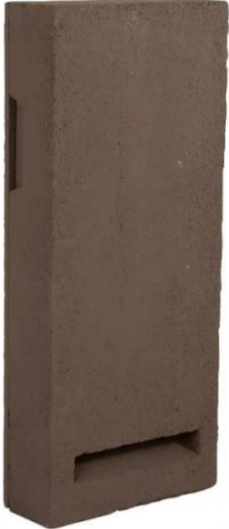
Where relevant, this report takes account of the legislative protection afforded to specific habitats and species.



Appendix 2 – 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 Lakeway Ecology on 01837 218 016;
- Lakeway Ecology 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 must be immediately sought.

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>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>

