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Wildlife Trust

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For the attention of James Norton

Your Ref: DMPA/2021/0406

Our ref: DWTSOU819

10th November 2021

Dear James,

Proposal: The erection of replacement farmhouse with garage and new access

Location: Grasscroft, Osleston Lane, Dalbury Lees, Ashbourne, DE6 5BN

Application: DMPA/2021/0406

Thank you for consulting the Derbyshire Wildlife Trust with regard to the above planning application. I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which South Derbyshire District Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

The application which involves the demolition of the existing farmhouse, the conversion of two barns and formation of a new access is supported by the following ecological information;

- Preliminary Ecological Appraisal (Absolute Ecology, May 2021)
- Activity Survey for Bats (Absolute Ecology, June 2021)

A site survey completed in March 2021 assessed three of the buildings onsite as having moderate potential to support roosting bats.

In accordance with current best practice guidance, an appropriate number of bat activity surveys were subsequently completed during the optimal survey period. The surveys confirmed the presence of roosting bats in all three buildings comprising of two species;

- B1 – common pipistrelle day roost (peak count of one bat)
- B2 – common pipistrelle day roost (peak count of two bats)
- B3 – brown long-eared maternity roost (peak count of eight bats) and common pipistrelle day roost (peak count of two bats)

The report rightly states that a Natural England licence is required to enable the development to proceed without committing an offence.

On the basis of the submitted information we advise that the proposed development will affect bats through disturbance of a European Protected Species and the destruction of a breeding and resting place. All species of bats are European Protected Species and a licence is required in order to carry out any works that involve disturbance to the animals or destruction of their breeding or resting place.

Details of appropriate bat mitigation measures are provided in the Activity Survey for Bats report produced by Absolute Ecology dated June 2021.

We therefore recommend that the following is secured by a condition attached to any permission;

“The development shall be carried out in accordance with the bat mitigation measures detailed in Activity Survey for Bats report produced by Absolute Ecology dated June 2021 unless varied by a European Protected Species licence subsequently issued by Natural England, a copy of which shall be submitted to the Local planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details.”

As the works will need to be undertaken under a Natural England licence to derogate from the offence of destruction of a bat roost, we advise the Council that in reaching a decision the Council should demonstrate how the three tests set out at Regulation 55 of the Conservation of

Habitats and Species Regulations 2017 have been considered, and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

- (i) *The action will be undertaken for the purpose 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 (Regulation 55(2)(e))*
- (ii) *That there is no satisfactory alternative (Regulation 55(9)(a))*
- (iii) *That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b))*

While we are unable to advise on the first two “non-ecology” tests, we would advise that on the basis of the proposed bat mitigation and compensation measures detailed in the Activity Survey for Bats report produced by Absolute Ecology dated June 2021 it is likely that the favourable conservation status of the local bat population will be maintained and, as such, test (iii) will be met.

The buildings are considered to have potential to support nesting birds. We therefore advise that a condition should be attached to any permission in relation to the timing of works to avoid the bird breeding season and the provision of appropriate mitigation and compensation.

On the basis of the submitted information we advise there should be no other protected species issues, including great crested newts and badger, arising with the application.

It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

Yours sincerely,

Trevor Taylor

Trevor Taylor BSc Hons ACIEEM
Biodiversity Planning Officer