

Proposed new policies for European Protected Species licensing

Public Consultation

February 2016

Summary of this consultation:

Natural England undertakes its licensing work under agreement with Defra. We are proposing four new policies for European Protected Species (EPS) licensing. They aim to achieve better outcomes for EPS and reduce costs, delays and uncertainty for developers. Our proposals shift the focus away from protecting animals on development sites and towards improving populations in the wider local area; offer flexibility in the location of compensatory habitat provision; allow EPS access to temporary habitats such as mineral workings and brownfield sites; and allow reduced survey effort in appropriate circumstances.

In this consultation we present the new policies, discuss the circumstances in which they could be used, and provide hypothetical example cases. We are seeking your views on whether you think they could benefit EPS, and whether they could help to reduce delays, costs and uncertainty for developers. We would also like to hear about any real case studies where you think the policies could have an impact. All of the policies have been designed in particular to benefit great crested newt but we wish to explore whether they could also benefit other EPS.

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1. Consultees

This consultation has been sent to representatives of local government, town planners, ecologists, developers, utility companies, the transport industry and environmental NGOs. A list of these organisations is given in Annex 2. All recipients of our EPS newsletter have also been invited to respond. The consultation is not restricted to those we have contacted directly and we would value hearing from anyone interested in this subject.

The consultation aims to give all parties the opportunity to comment on the proposed changes and to make us aware of particular circumstances that may need further consideration. We will consider all information before working with Defra to finalise the policies.

2. How to respond

The consultation is open for six weeks from 25 February – 7 April. Enquiries about the consultation should be sent to wildlife.consultation@naturalengland.org.uk. Please respond using the online survey: <http://www.smartsurvey.co.uk/s/eps-consultation/>

3. Background

One of the main aims of the Habitats Directive¹ is to maintain or restore EPS to 'Favourable Conservation Status' (FCS). The law takes a strict approach to protection by making it an offence to capture, kill, injure or disturb these species, to destroy or take their eggs, or to damage or destroy their breeding sites or resting places. Natural England can issue licences to allow development activities that will harm EPS in circumstances where: the development is needed for imperative reasons of overriding public interest; there is no satisfactory alternative; and the action authorised will not be detrimental to the maintenance of the populations of the species concerned at FCS in their natural range.

Where development will affect EPS and offences are unavoidable, it is standard practice to propose a programme of mitigation and compensation measures to reduce or off-set that harm, to ensure that the activities are not detrimental to the conservation status of the local population. The present approach typically requires the developer to exclude EPS from land that will be developed, and may require them to be relocated to compensatory habitat that has been created or improved. In some cases the financial cost of excluding and relocating EPS is much greater than the investment in the provision of compensatory habitat, even though the latter may present greater opportunity for benefits to the local population in the long term. In this consultation the first policy we propose offers the opportunity to reduce investment in exclusion and relocation and increase investment in habitat compensation.

If EPS are to be relocated, they are typically moved short distances to compensatory habitats that have been created or improved either within the boundary of the development site or adjacent to it. This is a low risk strategy for maintaining the conservation status of the local population. However, in some cases it can be beneficial to relocate species further from the development site, into areas of high quality habitat that are large and well connected. In this consultation the second policy we propose provides for circumstances in which it is appropriate to licence 'off-site' as opposed to 'on-site' compensation.

¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. The Habitats Directive is given effect in domestic law by the Conservation of Habitats and Species Regulations 2010. Specific protections for EPS are also set out in domestic law in the Wildlife and Countryside Act 1981. Defences and licensing are available for those offences in some circumstances.

Some EPS can thrive in 'man-made' habitats such as brownfield sites and mineral workings. Currently developers often take steps to exclude EPS from such habitats, fearful that their presence will cause delays and other issues when the land is developed a later date. In this consultation the third policy we propose allows EPS temporary use of such habitats, provided that steps are taken to ensure their local conservation status is maintained over the life of the project and after it has been completed.

Surveys are essential to the operation of the licensing system. They identify which species may be affected by development, assess the level of harm that may be caused, and identify ways in which harm can be avoided or offset. Thorough and detailed surveys, carried out to a high standard by skilled ecologists form the cornerstone of our decisions on whether to licence development that will harm EPS, and if so, how this harm can be reduced or offset. However, we encounter cases where surveying effort for licensing decisions is disproportionate to the level of harm that will be caused. In this consultation the fourth policy outlines the circumstances in which it is appropriate to allow a reduced level of survey effort for licensing decisions, on the condition that the mitigation and compensation proposed provides confidence that the impacts will be fully addressed.

All of the policies we propose in this consultation aim to provide greater long-term benefits to EPS. They also aim to save time and money and reduce uncertainty for developers. They are high level policies which allow room for detail to be worked up at a case specific level. The increased flexibility they offer invites developers to innovate, so that they can find solutions that benefit EPS in a manner which also fits their business needs. The policies will not be appropriate in all circumstances, and as such their use will be applied on a case by case basis, with the conventional approach remaining available. Compliance with the proposed policies does not remove the need to apply for a licence. Each licensing application will be considered on its own merits and a licence can only be granted when the three licensing tests are met.

All of the policies we propose were designed to benefit the great crested newt (GCN), and the fourth policy was also designed to benefit bats. In this consultation we discuss in detail how the policies should be applied to benefit these species, and we illustrate this with example cases. We wish to explore whether there are circumstances in which the policies may benefit other EPS, and we seek views on this.

Natural England is committed to engaging with developers earlier in the planning process through its Discretionary Advice and Pre-Submission Screening Services. We would encourage developers and others who wish to explore application of the proposed policies in particular cases to consider using these services.

Natural England will over the coming year review its monitoring work to ensure that it enables the most effective assessment of EPS licensing, including the use of these proposed policies.

4. The new proposed policies

Proposed Licensing Policy 1: Greater flexibility when excluding and relocating EPS from development sites

This policy offers the opportunity to reduce investment in excluding and relocating EPS from development sites and increase investment in the provision of compensatory habitat. It was designed to benefit GCN in particular but we wish to explore whether there are circumstances in which it may benefit other EPS.

Currently NE works on the basis that all reasonable measures should be used to exclude EPS from habitats that will be lost during development, and if appropriate, to relocate them into compensatory habitat. However, it may not always be necessary to relocate the on-site population from a development site if it would not contribute to the long term prospects of the local population. In these cases it may be appropriate to reduce or remove the requirements for exclusion and relocation, especially if this allows more investment in other mechanisms which deliver benefits for the local population, such as the creation of more or better quality compensatory habitat.

This shifts the focus of licensing away from protecting animals present on development sites and towards opportunities to create better quality habitats which could improve the long-term prospects of the local population in the wider area. Developers are likely to benefit from a reduction in the considerable delays that exclusion, capture and relocation activities can cause, especially where there are seasonality constraints.

The established standards for excluding and relocating EPS can be regarded as a 'least harm' approach. It is recognised that the proposed policy is likely to increase mortality of EPS on development sites as there may be less or no exclusion, capture or relocation prior to construction works. This is therefore a step away from the conventional least harm approach. However, this would only be acceptable where the proposals subject to licensing would deliver additional benefit to the local population, so that any risks to the conservation status which may arise from individuals being killed or injured on the development site can be addressed by further improving habitat to contribute towards the longer term prospects of the local population. This would enable the FCS derogation test to be satisfied.

This policy was designed to benefit GCN in particular, which is a species that is capable of recovering from losses to individual animals. Activities associated with excluding and relocating GCN typically involves a programme of constructing exclusion fencing, capturing animals using pitfall traps, and in some cases searching for any that remain by hand. It can be expensive and time-consuming to attempt to capture the on-site population through these methods. By contrast, habitat that can be used by GCN can be relatively cost-effective to create or improve, and if it is of sufficient quality and in the right place, they can be anticipated to colonise it. We encounter cases where a better outcome for the local GCN population might have been achieved by less investment in exclusion and relocation, and more investment in compensatory habitat.

We wish to explore whether there are circumstances in which this policy may benefit other EPS. We are conscious that there will be some EPS where the loss of individuals would be highly likely to affect their conservation status, and the wording of this policy ensures that it cannot be used in these circumstances.

Compensatory habitat provided through this policy should be protected through local planning policy, or more formally, for example through a Section 106 agreement with the Local Authority. If this has not been secured at the planning stage, Natural England could enter into an agreement with Natural England under the NERC Act². Other options, including conservation covenants, may be available in the future. Monitoring should be carried out in accordance with the conditions in the licence. To make the best use of this policy, applicants should, wherever possible, provide survey information on the conservation status of the local population beyond the development site.

The following policy is proposed:

² Natural Environment and Rural Communities Act 2006

Defra considers that compensation for EPS impacts can be delivered without the need to relocate or exclude populations, where: exclusion or relocation measures are not necessary to maintain the conservation status of the local population; the NPPF avoid-mitigate-compensate hierarchy is followed; and compensation provides additional benefits to the local population.

The following example case illustrates where this policy could be appropriate.

Example of Proposed Policy 1

Scenario:

An extension to a suburban housing estate on the edge of a town is proposed, which contributes towards the housing need identified in the Local Plan. The development site includes a 1.5 ha area of improved grassland. This is poor quality habitat for GCN, but the site is within 100 m of a breeding pond, and it is suspected that newts use the terrestrial habitats on site.

Beyond the development site is an area of much better habitat consisting of a mosaic of rough grassland, scrub and ponds. This land is owned and managed by the local council. It lies within the greenbelt and is protected in the Local Plan. It is also well connected to other semi-natural habitat beyond the town.

Conventional approach:

A typical conventional solution would involve capturing and excluding newts using the development site and relocating them into a receptor site adjacent to the development site (which would be specifically improved to compensate for the lost terrestrial habitat) or to an area of created GCN habitat retained within the development site with links to the off-site breeding pond and wider population.

New approach:

The developer's original survey indicates that a medium sized meta-population of GCN are present in the ponds on the neighbouring council land. It is estimated that less than a quarter of the suitable foraging habitat available to these GCN is on the development site and the rest of the habitat is unlikely to be significant for hibernating GCN.

The developer is concerned about the delay which would arise from the need to exclude, capture and translocate GCN and proposes to provide greater enhancement to the surrounding habitat over that required to compensate for the loss of habitat on the development site in order to address the risks arising from not capturing, excluding and relocating newts found on site. This would include the removal of scrub around existing ponds on the council's land which have recently become shaded, the creation of more ponds and measures to improve the terrestrial habitat including the creation of artificial hibernacula and tree planting. Once these improvement works have been undertaken, the local council would continue to manage the aquatic and terrestrial habitats. The GCN already on council land would be expected to grow in number and fully utilise the improved habitat in time.

Outcome:

Whilst the conventional approach would minimise the risk of killing and injuring and ensure that the local conservation status is maintained, the new approach, without capture, exclusion and relocation, would provide greater benefit to the GCN population, as it would improve the extent and quality of habitat occupied by GCN. Natural England licences the new approach. The terms of the licence make lawful specified operations which would be expected to cause mortality of some GCN on the development site.

Question 1: Do you think that this policy could benefit GCN?

Question 2: Do you think this policy could benefit other EPS?

Question 3: Do you think that this policy could reduce costs, delays and uncertainty for developers?

Question 4: Do you have examples of where this policy could have been helpful?

Proposed Licensing Policy 2: Greater flexibility in the location of newly created habitats that compensate for habitats that will be lost

This policy offers flexibility in the location of compensatory habitat provision.

EPS are usually relocated to habitats that are within the boundary of the development site or on land which is adjacent and connected to it ('on-site'). This policy offers the opportunity to provide compensatory habitat that is further away and disconnected from the development ('off-site') where there would be additional benefit to the local EPS population.

On-site compensation is a low risk strategy for maintaining the local population in many cases. Currently NE works on the presumption that it will not licence off-site compensatory solutions if on-site compensation is reasonably practicable. In some cases this may mean that an off-site solution which could potentially have greater benefits for the local population is not considered by applicants because there is an acceptable on-site option.

Within (or adjacent to) some development sites, there is often little land available to a developer that can be converted into habitats which are of good quality for EPS, and it can be difficult to retain connections to other habitats in the local area. Locating compensatory habitat further away from the development site may offer better opportunities to create habitats that are bigger, better and more joined up. It would also enable developers to use a greater proportion of their development sites for commercial purposes.

Since increasing the distance between the impact and compensation site could increase the risk that development will have an adverse effect on local distribution, an applicant seeking to rely on this PLP would need to demonstrate how their proposed solution would benefit the FCS of the local population, so as to outweigh the risk associated with the extra distance.

This policy will be used principally in cases affecting GCN. At present compensatory habitat for GCN is usually created on land within the development site or on land which is adjacent and connected to it. In certain circumstances we do licence compensatory land that is up to 2km from the development site, but only if there are no significant barriers to dispersal and no alternative closer areas. This policy would allow land to be used which is further away and disconnected from the development site, if this would be more beneficial to the local population.

We wish to explore whether this policy may also benefit other EPS. In particular, there may be some circumstances where this policy could be beneficial to some species of bat, typically those with more 'generalist' roost and habitat requirements. We expect that it could only be applied in well surveyed locations where we have a good understanding of how those species use the area. Under the current approach, where development causes the loss of bat roosts, compensatory roosts are usually created within the footprint of the development site or very close by. Techniques include incorporating artificial roosts into new or refurbished buildings, attaching bat-boxes to structures, and (to compensate for more important roost loss) purpose built 'bat houses'. These techniques aim to replace roosts on a like-for-like basis, thus maintaining the same level of roost availability in the same location. This approach is important as bats are long-lived species with regular annual use of specific roosts, and some species (e.g. horseshoe bats) are very loyal to long used roost sites. However, this approach provides little opportunity to use licensing strategically in a way which has the potential to improve the local area for bats. If compensation were to take place in locations a little further from the development site (but still within the core sustenance zone of the affected species) there may be the opportunity to provide a greater number or diversity

of roosts, in locations where the bats are more likely to thrive. There may also be greater scope to complement roost compensation with improvements in other limiting factors on bat populations, such as the quality and connectivity of foraging and commuting habitat, or making lighting regimes more sensitive. This additional compensation provision could offset the risks associated with providing compensation at a greater distance from the development site.

Compensatory habitat provided through this policy should be protected through local planning policy, or more formally, through a Section 106 agreement with the Local Authority. If that has not been secured at the planning stage, Natural England could enter into an agreement with the applicant under the NERC Act. Other options, including conservation covenants, may be available in the future. Monitoring should be carried out in accordance with the conditions in the licence.

The following policy is proposed:

If the licensing tests are met and the NPPF avoid-mitigate-compensate hierarchy is followed, off-site compensation measures may be preferred to on-site compensation measures, where there are good reasons for maximising development on the site of EPS impacts, and where an off-site solution provides additional benefit to the local population than an on-site solution. The licensing tests must be satisfied.

The following example case illustrates where this policy could be appropriate.

Example of Proposed Policy 2

Scenario:

A 5 ha site has been allocated for commercial development in the Local Plan. Two new industrial warehouses and a new access road are proposed for this location which is bounded on two sides by a major road and watercourse. There is a clear need for this type of development in the local area and the proposals will provide opportunities for local employment.

There are two isolated ponds in the north-east of the site and a recent population size class estimate identified a medium population (maximum count of 25 GCN). The ponds have been deteriorating in quality over the last few years, are vulnerable to flooding from the adjacent watercourse and one of the ponds now contains fish. Terrestrial habitats on site include a mixture of scrub, semi-improved grassland and hard-standing.

Conventional approach:

The objective would be to retain the GCN on a portion of the site improving the quality of this habitat to support a medium population. The developer would be expected to commit part of the allocated land to protect GCN

New approach:

The developer proposes an alternative to this approach, which is to create a new GCN population to replace the one on the development site. This will be provided on a 5 ha site which lies approximately 3 km to the south-west and is owned by the developer. The compensation site is disconnected from the donor population, but is linked by suitable habitat to other GCN ponds in the local area. The habitat currently consists of improved grassland situated within a network of farmland and hedgerows. There is a single pond on site which is unmanaged and regularly dries out. Comprehensive GCN surveys have indicated the presence of a small population (maximum count of 1 GCN). The site will be enhanced by planting woodland, scrub and wildflower grassland seeding. Four new ponds will be created for GCN and the existing pond will be deepened and over-shading reduced. GCN will be translocated to the compensatory habitat during a comprehensive programme of pre-works capture. The site will be transferred to a local conservation group who agree to maintain it, in the long term, in exchange for the gift of the site to the local community.

Outcome:

On-site compensation would rely on a smaller area of habitat which would remain vulnerable to post-development impacts and flooding. There would be greater risks to the long-term viability of the population if this option was utilised.

The off-site solution provides additional benefit to the local population of GCN and balances the risks associated with compensating further from the development. New off-site habitats will be created and safeguarded for the long-term, this will strengthen the local network and the adjacent off-site populations will be less vulnerable to extinction. The developer is able to utilise the whole of the development site for commercial development.

Question 5: Do you think that this policy could benefit GCN?

Question 6: Do you think that this policy could benefit other EPS?

Question 7: Do you think that this policy could reduce costs, delays and uncertainty for developers?

Question 8: Do you have examples of where this policy could have been helpful?

Proposed Licensing Policy 3: allowing EPS to have access to temporary habitats that will be developed at a later date

This policy is intended to apply to land that has previously been developed (i.e. brownfield land), land which is awaiting development, and to land that is subject to ongoing but intermittent or phased development such as mineral working. It may be applied to land that has existing use by EPS or is likely to be colonised by EPS. It was designed to benefit GCN but we wish to explore whether it could benefit other EPS, including other amphibians, reptiles and dormice which can also thrive in these habitat types.

Currently landowners and developers may seek to prevent EPS using such land. They can do this (under licence) by excluding EPS from the land (e.g. by erecting fencing) or by removing habitats to make the land as unsuitable as possible for the EPS.

This policy will allow temporary habitats to be used by EPS for a period of time without attracting the need for full compensation/mitigation measures when the land is subsequently developed. It will allow EPS to colonise land where the impact of development is likely to be low and is outweighed by the benefit of making temporary habitat available.

The policy requires a site baseline for the protected species habitat to be agreed at the outset and then guaranteed at the end of it. Where this policy is applied we would expect there to be an agreement on how the EPS would be managed during the period that the temporary habitat is available, during the period that development is ongoing, and when development is complete.

It is envisaged that these obligations will be secured through a Section 106 agreement with the local authority or a NERC Act agreement with Natural England. Other options, including conservation covenants, may be available in the future. Monitoring should be carried out in accordance with the conditions in the licence.

The following policy is proposed:

Where development (such as mineral extraction) will temporarily create habitat which is likely to attract EPS, Defra favours proposals which enable works to proceed without the exclusion of EPS, where the conservation status of the local population would not be detrimentally affected. On completion of development such sites would be expected to contribute to the conservation status of the local population as much as or more than the land use which

preceded development. The measures to achieve this should be secured by a legal agreement.

The following example case illustrates where this policy could be appropriate.

Example of Proposed Policy 3

Scenario:

A mineral company plans to extend a gravel pit into an area of adjoining arable farmland. The farmland contains no breeding ponds and is currently of low value as terrestrial habitat for GCN, but is within 200 metres of two known breeding ponds. These ponds lie outside the area of mineral working. Advice is sought through Natural England's discretionary advice service.

Conventional approach:

Typically, a mineral company would install permanent amphibian fencing to prevent GCN colonising the new area of mineral extraction. This would require maintenance over the life of the working and if GCN managed to access the area then potentially the company would need to capture and remove them before actively working colonised areas.

New approach:

As an alternative to fencing the quarry extension to exclude GCN, a conservation plan is developed with the aim of increasing the area of terrestrial and breeding habitat that is available to GCN during and following mineral working. This includes new permanent habitat that is created specifically for GCN in an area of the existing quarry that is due to be restored and temporary habitat within the new working.

A quarry management plan sets out how temporary habitats will be managed so as to reduce mortality of GCN and to reduce the risk that the working method will deplete the population of the existing ponds. The plan includes monitoring of the habitats within the working area and the existing ponds that lie outside the quarry.

Outcome:

A bespoke licence enables damage and destruction of temporary habitats and incidental losses of GCN as a result of the quarry working.

GCN are able to colonise the newly created habitat in the quarry and the mineral company avoids the need to install and maintain extensive GCN fencing over the working life of the quarry. Overall, and in the long-term, local conservation status of GCN is maintained and improved because they can exploit the temporary habitat and the restored site will provide more suitable habitat than there was at the outset.

Question 9: Do you think that this policy could benefit GCN?

Question 10: Do you think that this policy could benefit other EPS?

Question 11: Do you think that this policy could reduce costs, delays and uncertainty for developers?

Question 12: Do you have examples of where this policy could have been helpful?

Proposed licensing policy 4: appropriate and relevant surveys where the impacts of development can be confidently predicted

This policy offers the opportunity to reduce investment in surveying. It will only be available in circumstances where the impacts of development on EPS can be predicted confidently.

Adequate information for impact assessment is fundamental to the effective operation of EPS licensing. However there are circumstances in which surveying EPS can be difficult, expensive and time-consuming, especially for species which use different habitats throughout the year. There are sometimes also practical difficulties in carrying out surveys, including health and safety concerns.

We encounter some cases where the range of foreseeable impacts can be predicted with some certainty, in the absence of the normal level of survey information. In some of these cases the cost of collecting the additional information can sometimes be disproportionate to the additional certainty that it would offer.

In these restricted circumstances it may be preferable to invest in mitigation or compensation that might eventually turn out to be unnecessary, rather than undertake more survey work which can cause them more delays. In some cases the additional compensation provided may serve to improve the conservation status of the local population.

We propose to adjust survey requirements where the following circumstances apply:

- Where there is a genuine need for development to proceed to a particular timescale
- standard survey requirements are not necessary to inform the mitigation and compensation that is required to maintain the conservation status of the local population
- the cost of carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring
- there is confidence that the mitigation and compensation offered would maintain (or preferably enhance) the conservation status of the local EPS population
- the developer agrees to implement that level of mitigation or compensation irrespective of what is subsequently found unless Natural England agrees that there is a high degree of certainty that the level of mitigation or compensation can be safely reduced

It is envisaged that these obligations will be secured through a Section 106 agreement with the Local Authority or a NERC Act agreement with Natural England. Monitoring should be carried out in accordance with the conditions in the licence.

We encounter the scenarios described above predominantly in casework involving GCN and bats. We will therefore apply this policy principally to these species, but we wish to explore whether there are circumstances where it could apply to other EPS.

The following policy is proposed:

Natural England as the licensing authority is entitled to rely on a reduced surveying effort in setting licence conditions where: there is a lack of survey information to remove uncertainty as to the level or type of impact; it is necessary to enable development to proceed to a particular timescale for which there is a demonstrated need; the ecological impacts of development can be predicted with sufficient certainty; and the mitigation or compensation will ensure that development does not damage the conservation status of the local population of any EPS concerned.

The following example case illustrate where this policy could be appropriate.

Example of Proposed Policy 4

Scenario:

A domestic dwelling is being extended and re-roofed in order to provide a space for a growing family. A planning requirement for a bat survey was not communicated to the owner until after the end of the active season which meant that only limited surveying was possible, at a sub-optimal period. A bat survey was carried out in October and found evidence of bats. A small number of bat droppings were found in the roof void, in the gable end and internal wall. DNA analysis confirmed brown long-eared bat and common pipistrelle bat. There were no signs of significant usage or use by any other bat species. A further survey and assessment of the building during December did not find any additional or fresh droppings and no bats were present. The ecologist concluded that the building is likely to support day roosts for male brown long-eared bats and common pipistrelle bats. It is not likely to be suitable for brown long-eared hibernation use, but the possibility of hibernation roosts for pipistrelle bats deep in wall cavities could not be ruled out.

There is a clear need for the works – the house requires re-roofing in any event and the extension will enable the family to remain within the area in a suitably-sized family home, within the catchment area of the local schools the children currently attend.

Conventional approach:

To resolve the residual uncertainty about bat use of the house further surveying would normally be undertaken during the optimum survey period to confirm the status of the roosts, to understand the actual impacts and to enable appropriate and proportionate mitigation and compensation to be designed. The construction works would need to be delayed to allow this, which would mean that the family will need to continue living in cramped accommodation.

New approach:

The owner is worried about delaying works until the next breeding season to carry out further survey work, as this would considerably delay the completion of the house and the family being able to move in. Instead the owner wishes to obtain a licence, based on the available survey information to date and to mitigate and compensate based on a precautionary interpretation of the evidence, which is that there might be maternity roosts of brown long-eared bats and common pipistrelle bats, and that there are hibernation roosts for common pipistrelle bats in the cavity walls.

Compensation will include appropriate measures for these two species of bat and the roost types that a precautionary assessment suggests may be present. The works will be timed for the early spring to avoid both the hibernation and breeding periods. The compensation offered in this case should be suitable for the species and roost types which may be present, so the risk of permitting harm without suitable compensation is judged by Natural England to be low.

Outcome:

A licence is granted, with conditions requiring mitigation, compensation and monitoring that we are confident will be appropriate and sufficient for the bat species likely to use this house as a roost.

Question 13: Do you think that this policy could benefit GCN and bats?

Question 14: Do you think that this policy could benefit other EPS?

Question 15: Do you think that this policy could reduce costs, delays and uncertainty for developers?

Question 16: Do you have examples of where this policy could have been helpful?