

From: [REDACTED]
To: TRANSPORTINFRASTRUCTURE@dft.gov.uk; [REDACTED]
Cc: [REDACTED]
Subject: FAO Joe Staffer & Rachel Dominey Ref TR10038 A47 Easton to N Tuddenham Dualling, Norfolk NSIP Update re Bat LONI
Date: 12 July 2022 10:05:20
Attachments: [Picture \(Device Independent Bitmap\) 1.ipq](#)
[2021-53647 FCS Decision \(Not Satisfied\).PDF](#)

Hi Rachel and Joe

Please see an update, and attachment, regarding the bat LONI that I received today from a colleague in our wildlife licensing team:

“Just to confirm, this is a Further Information Request, which is the current outcome of the LONI request for bats on this scheme, given the draft licence materials we have provided. This is part of the standard practice for us under these circumstances. Basically, we’re not able to say we see no impediment to a licence being granted yet, given the current draft application. I’ve included the formal pdf of reasoning that we provide in this instance, which is also available in the TRIM folder

My understanding is that the client is aware of this, and is due to resubmit their Bat LONI request in time- we haven’t had these materials in yet.”

If you have any questions please call.

Regards

Louise Oliver

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[REDACTED]
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Please send any consultations to consultations@naturalengland.org.uk

During the current coronavirus situation, Natural England staff are working remotely and from some offices to provide our services and support our customers and stakeholders. Although some offices and our Mail Hub are now open, please continue to send any documents by email or contact us by phone to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England’s regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Wash hands. Cover face. Make space. Fresh Air.



We are here to secure a healthy natural environment for people to enjoy, where

wildlife is protected and England's traditional landscapes are safeguarded for future generations.

We now offer free and chargeable advice to land owners and managers planning works on Sites of Special Scientific Interest through [REDACTED]

To help developers consider the environment Natural England offers two chargeable services:

- [REDACTED], which can provide advice on planning/licensing proposals;
- the [REDACTED] for European Protected Species mitigation licence applications.

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EUROPEAN PROTECTED SPECIES

LICENSING CONSULTATION DECISION ON THE FAVOURABLE CONSERVATION STATUS (FCS) TEST

BAT SPECIES

NATURAL
ENGLAND

Applicant and company / organisation:	Highways England		
Ecologist and consultancy:	There is no named ecologist for this application		
Site name:	A47 North Tuddenham to Easton		
Case reference number:	2021-53647-EPS-NSIP1-1		
Grid reference of site:	-		
Species and numbers requested in application:	Bats various/ unknown		
Date application received by Adviser:	28/09/2021	Natural England's response deadline:	22/12/2021
Date re-submission received by Adviser:	-	Natural England's response deadline:	-
Date modification received by Adviser:	-	Natural England's response deadline:	-

The Conservation of Habitats and Species Regulations 2017

The appropriate authority shall not grant a licence under Regulation 55(9)(b) unless they are satisfied that actions 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 should be noted that the comments provided on this form do not provide an exhaustive list of concerns that need to be addressed. The onus is on the applicant/ecologist to provide all details required for a full assessment. The method statement should be carefully checked to ensure that it follows the recommendations provided in the Bat Mitigation Guidelines (2004). Deviations from the recommendations should be fully explained within the method statement. **Please ensure the relevant section(s) of the method statement, with accompanying documents, are re-submitted as requested.***

Please see the following webpages for further advice:

<https://www.gov.uk/government/collections/bat-licences>

<https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence>

<https://www.gov.uk/government/publications/wildlife-licences-european-protected-species-newsletters>

1. Experience

Is the experience written in the application form and/or attached written references adequate for the proposed work? Please see the Guide to ecologist experience:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/bat-mitigation-guidance_tcm6-10534.pdf and [Guidance on getting references](#)

Yes No Not assessed

- Experience will usually be taken as adequate if the consultant ecologist has held or been named on a licence in the past three years for the same species and in relation to a project of a similar scale, methodology and mitigation.
- A licence to carry out survey work is not considered to be a similar licence.
- A new consultant ecologist must provide a description of their experience and include two references.
- At least one of the written references must be from a person who has held or been named on a licence in the past three years for the same species and in relation to a project of a similar scale, methodology and mitigation. Details of this licence must be provided.

If 'NO' please address the following:

Guidance for Adviser (please delete before finalising form):

The application form should indicate the named bat ecologist responsible for the work who has held mitigation licences for the species concerned within the past 3 years

2. Survey

Has an adequate and appropriate survey of the site been carried out in relation to the proposed objectives?

Yes No Not assessed

An adequate survey will include:

- *Scaled maps of the:*
 - i) *survey area (Landranger, Pathfinder or similar);*
 - ii) *location of the bat roosts, commuting/foraging routes/areas, location of mitigation/compensation roosts (appropriate scale);*
- *Adjoining sites if part of a phased or multi-plot development;*
- *A summary of the survey results cross-referenced to areas on the map(s) and more comprehensive survey results in an annex;*
- *Dates and weather conditions when the surveys were carried out;*
- *The survey methods and equipment used;*
- *Surveyors names, licence numbers and experience of who undertook the work;*
- *Results of the survey must be clearly presented (preferably in table form). Please use photographs to aid clarity;*
- *The population must be considered in context of the local or regional population of bat species present, therefore consultation with the local Biological Records Centre, Bat Group and/or National Biodiversity Network must be demonstrated.*

If 'NO' please address the following:

In the method statement you have stated that, 'Several buildings and trees have not received the appropriate number of dusk/dawn surveys as required in accordance with Collins (2016) and will be subject to survey in 2021 prior to construction.' Please can you provide the additional survey data from this year's surveys. Natural England is unable to issue a LONI for licences which may impact unidentified species of unknown conservation status.

Please can you also address the following points from the previous further information request:

- The report should include, heat maps and clearly identify areas considered to be of importance for bat commuting, foraging and roosting. Where appropriate, maps should be species specific.
- It is not clear whether there have been any hibernation survey/checks of the woodland habitat.
- Bat activity – It is not clear if Bat activity is to be impacted by the development, this is due to the surveys supplied in the report are not clearly showing when they were undertaken on site. Please provide details of bat flight lines.
- Given the habitats on site and the proximity to the river, it can be expected that there are invertebrates available at the site throughout the winter period. The site may therefore be of importance to winter foraging bats, yet the document does not detail whether survey work has been undertaken; or justify why such survey work has not been completed.
- Bat activity – it would aid understanding of the site if a map of bat activity was provided (e.g. a heat map). For rarer species, it would be beneficial to have separate maps for these to help identify critical areas for these species.
- NE is concerned that the failure of the equipment led to surveys being curtailed on several occasions. When further surveys are carried out as proposed NE will expect that this does not reoccur.

3. Impacts

Are the impacts of the development on the population(s) properly described?

Yes No Not assessed

Impacts of the development on the bat species concerned should be described as if taking place in the absence of mitigation:

- *Short term impacts on bats and roosts;*
- *Long term impacts on bats and roosts;*
- *Long term impacts on habitats and features;*
- *Scale of impacts;*
- *Post development impacts;*
- *For phased or multi-plot developments impacts for all phases should be detailed in a master plan provided as a separate document, please refer to and follow [WML-G11](#). Each individual method statement should only contain details of the impacts from that development proposal.*

If 'NO' please address the following:

Due to incomplete survey data important bat roosts may be impacted that have not yet been identified.

4. Methodology

Is the proposed methodology of the work programme suitable to meet the stated objectives in the application form?

Yes No Not assessed

Suitable methodology will include:

- *A clear description of non-standard capture and exclusion methods and techniques;*
- *A detailed timetable of the proposed works pertaining to all licensable activities and mitigation/compensation of bat roosts. **This should be realistic and updated for any re-submission.***

If 'NO' please address the following:

Construction Lighting -The specifications are currently open to very wide interpretation and would not be enforceable; nor do they provide confidence that lighting will not adversely affect key bat habitat throughout the construction phase. A plan may help to convey this information

5. Mitigation

Is the mitigation proposed adequate with respect to the roosts/habitat which will be lost? Post-development habitat management and maintenance should be considered.

Yes No Not assessed

Adequate mitigation will include details of:

- *Roost mitigation/compensation, including location, orientation, size, materials, access, climatic factors, roost enhancements;*
- *Roost destruction, supervision and precautions to ensure bats are not harmed/killed;*
- *Surrounding habitat in relation to flight corridors and specific bat features such as habitats, hedges and water features, their proposed destruction, modification or creation;*
- *Post-development roost maintenance and bat habitat management, including remedial action when necessary;*
- *Post-development population monitoring as appropriate;*
- *Details of any mechanism in place for ensuring delivery (e.g. section 106 agreement, other legally binding agreement);*
- *It will also include scaled drawings plans and/or maps, and photographs, as appropriate.*

If 'NO' please address the following:

- *Welcome the proposed habitat creation and enhancement measures although cannot provide comment on details. It would be beneficial to have a plan providing an overview of these measures.*

This section also needs to assess the residual impact of any strategic value the site holds e.g. as a wildlife corridor.

- Provide a much more detailed assessment of the mitigation and compensation measures being put forward and the residual impact on bats. Currently measures are proposed with no real analysis of the worth of such measure.
- Provision of roosting features - The provision of bat boxes throughout the site is welcomed however very little detail (e.g. type, location, number etc.) is provided on these so it is difficult to comment further.

Given the size of the proposed development, bat compensation measures could certainly be bolder in attempting to improve the suitability of the site for use by roosting bats. For example the provision of bespoke, dedicated, bat barns

- Operational lighting - That the lighting design will be in line with the latest best practice is welcomed. Given the stage of the proposals it would be beneficial to define overarching objectives for the lighting strategy (e.g. maintain X number of flight routes / feeding areas as dark corridors), together with a lighting strategy plan (i.e. to show dark corridors and feeding areas). Lux contour plans for the development would be welcomed; particularly for areas adjoining key bat habitat.
- Off-site compensation - Given the potential impacts resulting from the development proposals, this will likely be of critical importance. It is recommended that, at least, broad principles for the compensation strategy are defined. Compensation measures will need to ensure that they are appropriately placed within the landscape to maximise their compensation value and ensure no adverse effect on bat populations arises as a result of the development proposals.
- Monitoring – Please include proposed monitoring in your draft application.

6. Additional Comments and Advice

*This application has been assessed against one or more of the five key areas of **Experience, Survey, Impacts, Methodology and Mitigation/Compensation**. We have also shown whether we are satisfied on **Ownership**. We have identified an area that needs to be addressed as indicated. There may be other areas in your application that also need to be addressed, but we have not assessed them at this stage, these areas are marked as 'not assessed'. Any of the five areas marked 'Yes' have been assessed and we are content with the information provided for that area.*

To enable us to progress your application, you should address the issues we have identified. We advise you to check the other areas of your application to ensure the required standards will be met when we re-assess it. Failure to achieve this may result in another 'Further Information Request'.

To reduce the likelihood that we may need to issue another 'Further Information Request' you may wish to benefit from our Pre-submission screening service.

Through accessing our service customers will receive:

- Advice on all the issues that need to be addressed in the licence application on a charged basis.
- Agreed timescales for responding to their needs.

If you wish to access our Pre-submission screening services, the first step is to fill out a simple [Request Form](#) and email it to pssenquiries@naturalengland.org.uk indicating whether you wish us to provide advice on the information you have already submitted, or whether you wish us to

provide advice on revised information. We will register your interest and assign a local Natural England adviser to deal with your request. More information can be found [here](#) on our gov.uk webpage.

Please note that our advice is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course.

7. Conclusion in respect of Regulation 55(9)(b)

Satisfied
Not satisfied

Assessed by Wildlife Adviser: Ali Brown

Date: 06/12/2021

The below is only to be completed once a satisfied decision has been reached on the FCS test and if the case has been through the Pre-submission Screening Service

Team Leader Counter Signature:

Date:
