

**Agenda for consultative meeting of the  
Strategic Planning Committee  
Tuesday, 12th July, 2022, 10.00 am**



**Members of Strategic Planning Committee**

Councillors P Arnott (Chair), O Davey (Vice-Chair),  
M Allen, J Bailey, K Blakey, S Chamberlain,  
P Hayward, M Howe, B Ingham, R Lawrence,  
D Ledger, A Moulding, G Pratt, E Rylance and  
P Skinner

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**Venue:** Online via the zoom app

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(or group number 01395 517546)

Issued: Friday, 1 July 2022

**Important - this meeting will be conducted online and recorded by Zoom only.  
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Until 31<sup>st</sup> October 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 8)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 East Devon Local Plan - Update on timetable for production (Pages 9 - 17)

8 Beer Quarry and Caves Special Area of Conservation (SAC) Guidance Document (Pages 18 - 55)

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 7 June 2022****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.45 am

**1 Public speaking**

Before the start of the meeting the Chair thanked the former Chair, Councillor Dan Ledger, on behalf of the Committee for doing a fantastic job for the past two years leading the Council through the difficult early stages of the new Local Plan.

There were no members of the public present at the meeting.

**2 Minutes of the previous meeting**

Members accepted the minutes of the consultative Strategic Planning Committee on 3 May 2022.

**3 Declarations of interest**

7. Community Infrastructure Levy Allocation for Dinan Way Extension, Exmouth. Councillor Olly Davey, Affects Non-registerable Interest, Exmouth Town Councillor, Exmouth Town Council is implicated in funding for the Dinan Way Extension and a resident of Exmouth.

8. Levelling Up and Regeneration Bill - Planning Implications. Councillor Dan Ledger, Affects Non-registerable Interest, Seaton Town Councillor, Seaton and Axe Valley are being put forward for a Levelling Up Bid.

9. Employment Land Review to year ending 31 March 2021. Councillor Dan Ledger, Affects Non-registerable Interest, A unit owned by his family is listed in the report.

**4 Matters of urgency**

There were no matters of urgency.

**5 Confidential/exempt item(s)**

There were no confidential/exempt items.

**6 Community Infrastructure Levy Allocation for Dinan Way Extension, Exmouth**

The Committee was asked to consider a request that the Community Infrastructure Levy allocation of £400k that had previously been withdrawn from the Dinan Way Extension project in Exmouth be reinstated. This was brought about by the Government's announcement of the new Levelling Up Fund 2 and Devon County Council's decision to pursue a revised bid for the extension.

## Discussion covered:

- Clarification was sought whether the developers for Goodmores Farm had contributed funding to Devon County Council for the school and the Dinan Way Extension. The Service Lead – Planning Strategy and Development Management advised he would provide a written response;
- Reassurance was sought that if the bid was unsuccessful the £400k would be returned to the pot. It was confirmed that in that eventuality the intention in the recommendation, if Members agreed, would be deallocate the money and return it to the main Community Infrastructure Levy Pot;
- It was questioned whether the match funding of £400k would be an adequate amount to successfully build the extension taking into account the increase in inflation. The Service Lead – Planning Strategy and Development Management confirmed the cost of the project had indeed increased and had been contacted by Devon County Council after the report was published to consider an opportunity to increase the funding which was open to the suggestion if Members agreed;
- Not in favour of increasing the amount of funding as money needs to be spent all over the district;
- There is a need to cross reference with the Devon Climate Emergency Strategy. Is it essential as it will move traffic congestion from Exmouth to Clyst St Mary and Junction 30 of the M5?
- Clarification was sought about whether Exmouth Town Council would still contribute as previously agreed. The Service Lead – Planning Strategy and Development Management could not give a definitive answer but confirmed Exmouth Town Council would be contributing. During the meeting the Service Lead – Planning Strategy and Development Management received an email from the Exmouth Town Council Clerk who clarified their original contribution was £158k but that their members would be discussing whether to increase this amount at their Full Council meeting next week;
- Would enable shorter journeys for the residents of Brixington with a suggestion that Stagecoach could also deliver a service along the route;
- It would enable redevelopment of the gateway to the town including the railway station;
- Improvements to some cycle routes;
- Not clear in the report about why there is a need for a new road especially as the council's ambition is to be a green council. In response the Committee were reminded that the current Local Plan adopted the Dinan Way Extension as an infrastructure project for Exmouth and was also on the Infrastructure Delivery Plan as a priority one project but could be reviewed through the new Local Plan to take into account the council's climate change emergency if Members wished;

**RECOMMENDATION:**

1. Confirmation that £400k of Community Infrastructure Levy money be made available as match funding to support a Levelling Up Fund 2 bid being made by Devon County Council for the Dinan Way Extension in Exmouth; and
2. In the event that Devon County Council's Levelling Up Fund 2 bid for the Dinan Way Extension in Exmouth is unsuccessful the £400k to be deallocated for this purpose and returned to the main Community Infrastructure Levy pot.

## 7 **Levelling Up and Regeneration Bill - Planning Implications**

The report presented to Committee summarised the key planning reforms in the new Levelling Up and Regeneration Bill that could potentially impact on EDDC and changes to the production of the new Local Plan and timetables if major changes were proposed.

These included:

- The potential risks to the planning system that could impact on the local plan production, including a plan led system and the importance of having an up-to-date Local Plan;
- The removal of the proposals for a zoning system and 'in-principle' consent for sites allocated for growth;
- Funding and delivery of infrastructure which would replace the Community Infrastructure Levy and the need for negotiation. Although this was welcomed it was difficult to understand how this would work;
- Creating beautiful places and improving environmental outcomes;
- Digital transformation and better use of digital technology to increase engagement in the planning system.

The Service Lead – Planning Strategy and Development Management reassured Members of the need to move ahead with the new Local Plan as these changes would not be as significant as previously presented in the Planning White Paper.

Members' comments included:

- Clarification sought on the outcome of the Environmental Outcome Reports. The Service Lead – Planning Strategy and Development Management advised it was unclear what extent this would differ from the Environmental Impact Assessment and Strategic Environmental Assessments already carried out or whether it was just a rebranding exercise;
- Support was expressed for the report;
- Support to give more weight to neighbourhood plans;
- Clarification sought on the outcome to remove the requirement of a five year land supply upon the adoption of the Local Plan. The Service Lead – Planning Strategy and Development Management advised that in his opinion this change was not that significant as the requirement was only to be removed for the first 5 years following adoption of a Local Plan. He advised that in order to be found sound a Local Plan would need to demonstrate that it delivered a 5 year land supply at least that period of time anyway.
- Reference was made to the delivery of high quality design and beautiful places and the need to make sure the correct design standards were in place in the Local Plan to build accessible homes suitable for the right stage of life and disability level. In response Members were advised that the Bill required a District Design Guide to be produced that would be revisited and produced taking into account good design and engagement through community consultation. The accessibility issues and adaptability issues have been addressed through the new Local Plan and will be further considered through evidence from the Local Needs Assessment. Members were reminded that they had all been invited to attend a workshop on Friday morning to update Members on the Local Housing Needs Assessment;
- Reference was made to 'enhance local democracy and engagement' and how this would work in terms of how the public would understand the rules on planning;
- Clarification sought about the pilot community land auction. The Service Lead – Planning Strategy and Development Management advised there would be some requirement but was unclear what this would be until he had sight of the regulations;

- Clarification sought on the land value tax and the suggestion that payment would be made at the end of the build out. What mechanism would be put in place to ensure completion is reached. What action could be taken? The Service Lead – Planning Strategy and Development Management acknowledged the concerns raised and emphasised that this issue was why CIL was originally introduced to ensure payment was made in the early stages of development to ensure money was available to deliver infrastructure in good time however this had not worked in the long term due to the lack of match funding. He stressed this issue could be made worse if developers were required to pay at the end;
- Clarification sought on who would bear the cost on enforcement action for planning applications. The Service Lead – Planning Strategy advised that his personal preference was to impose spot fines that would be equivalent to the cost of the planning application, however this was not part of the bill and so the cost would remain with the local authority;
- It was questioned whether there would be further consultation with Local Authorities as the Bill goes through Parliament.
- It was questioned whether the Government would look at improving energy efficiency on existing housing stock and whether there would be increased grants to accommodate this. It was advised Government was taking this forward through the Building Regulations to improve insulation levels and renewable energies in new builds and was happening through the Future Homes Standard through a phased approach.

Strategic Planning Committee Members noted the contents of the report.

## 8 **Employment Land Review to year ending 31 March 2021**

The Service Lead – Planning Strategy and Development Management presented a report that summarised the employment land review undertaken for 2020-21. The Council was required to undertake this monitoring exercise for the production of the new Local Plan and to ensure there was sufficient land availability in the district to support growth.

Members' attention was drawn to appendix 2 of the appended report that summarised the overview of employment land for that period which included:

- 3 ha of employment sites granted;
- 1.3 ha of permissions under construction;
- 1.91 ha of completions;

Also included were:

- 38 ha with extant planning permission;
- 63 ha allocated in the Local Plan but not being taken forward

The Service Lead – Planning Strategy and Development Management advised there was a need to understand the reasoning behind this and suggested this could be because of the cost of building the employment spaces and the income from selling or letting. This meant that in some areas employment spaces were barely worth what they cost to build. Members also noted there was also a need to allocated employment land as part of housing sites to subsidise the delivery of the employment sites.

Comments included:

- It was questioned what the impact on employment sites would be given the demand to work from home. In response it was advised the Economic

Development Needs Assessment report detailing guidance and evidence would be provided to Members in the next couple of months

- There was a need to take into consideration the B8 (storage and distribution) category as a lot of minor country roads are not suitable for HGVs. There is a need to monitor where these planning applications are being made and refuse them if the road is inadequate. In response the Service Lead – Planning Strategy and Development Management advised the council was bound to the Highway Authority's advice but they would usually advise us to restrict HGV movements to sites where the road network is unsuitable for such vehicles;
- There was a clear need to look at mixed use development sites to link employment and housing together.

Strategic Planning Committee Members acknowledged the report.

### **Attendance List**

#### **Councillors present:**

P Arnott (Chair)

O Davey (Vice-Chair)

M Allen

J Bailey

K Blakey

P Hayward

M Howe

B Ingham

R Lawrence

D Ledger

A Moulding

G Pratt

E Rylance

#### **Councillors also present (for some or all the meeting)**

M Chapman

P Faithfull

J Kemp

D Manley

M Rixson

J Rowland

E Wragg

#### **Officers in attendance:**

Ed Freeman, Service Lead Planning Strategy and Development Management

Shirley Shaw, Planning Barrister

Wendy Harris, Democratic Services Officer

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Debbie Meakin, Democratic Services Officer

#### **Councillor apologies:**

S Chamberlain

P Skinner

Chairman .....

Date: .....



Report to: Strategic Planning Committee

Date of Meeting 12 July 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## East Devon Local Plan – Update on timetable for production

### Report summary:

The report updates Committee on the proposed timetable for production of the local plan specifically noting that assessment of potential suitability of sites for allocations for development are proposed to come to committee in August and September 2022. Thereafter a draft plan seeking approval for public consultation will come to committee on 4 October 2022. On this basis public consultation would run for a suggested eight week period from mid-October to mid-December 2022.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Strategic Planning Committee note the contents of the report.
2. That Strategic Planning Committee recommend endorsement of the proposed timetables for bringing officer assessments of potential development sites to committee as set out in Section 4 of this report.
3. That Strategic Planning Committee make recommendations about how and when they would like to hear presentations from developers and site promoters in response to each of the questions raised in section 6 of the report.

### Reason for recommendation:

To ensure that committee is kept up to date with the proposed plan making timetable and that Members are able to determine how they will arrive at decisions in respect of the content of the consultation draft local plan, specifically in respect of sites that are to be identified as allocations for development in this plan.

Officer: Ed Freeman, Service Lead – Planning Strategy and Development Management, e-mail - [efreeman@eastdevon.gov.uk](mailto:efreeman@eastdevon.gov.uk), Tel: 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination

- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** see links in the body of the committee report.

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

## 1 Introduction

- 1.1 Members will recall receipt of a new Local Development Scheme (LDS) at this Committee on 5 April 2022 (the LDS being a project plan for future plan making proposals). The LDS was approved and can be viewed at: [lds-april-2022.pdf \(eastdevon.gov.uk\)](#). The LDS advises that consultation on a draft local plan will be held during Autumn 2022.
- 1.2 This report sets out details of proposed activities (and alternative options) over the next three months and it provides an update on the 'Housing Need and Site Assessment Update' report that was considered by this committee on 3 May 2022, see: [1. HousingNeedandSiteAssessmentsUpdateSPCReport.pdf \(eastdevon.gov.uk\)](#)
- 1.3 We are intending to bring detailed assessment work on potential development sites to committee starting in August (later than the original hoped for date of July) and alongside this we highlight options for committee to consider to provide scope for promoters of sites (agents and landowners) to also present to committee. This consideration of potential development sites and their suitability for allocation will lead onto a proposed consultation draft plan coming to committee on the 4 October 2022 with consultation proposed to start in mid-October.

## 2 Status of and suggested format of the proposed draft local plan

- 2.1 The draft local plan is not intended to be the final plan, it is not the plan that the Council consider to be complete and ready for submission for examination by a Planning Inspector. It is suggested, however, that it should set out the Council's favoured direction of travel and overall preferred approach. It will be a plan that any individual or organisation can comment on and the feedback received can challenge or endorse the approach being taken

and as such help inform the drafting of the final plan. As timetables currently stand, as set out in the LDS, the plan that the Council consider will be the final version, the Publication plan, will be made available for public comment in Autumn 2023. After that the plan and comments received will be submitted for Examination by a Planning Inspector. At and through Examination it can be expected that the inspector will make changes to the plan.

- 2.2 With respect to current work Members will recall that a Working Draft Local Plan was received by Strategic Planning Committee 14 December 2021, see: [Agenda for Strategic Planning Committee on Tuesday, 14th December, 2021, 9.30 am - East Devon](#) and this was considered at this and subsequent meetings. This working draft local plan contained a series of suggested policy approaches to topic matters and alternative options to these approaches. Members debated these (with the exception of potential specific development site allocations) along with the alternatives. 'Straw-poll' votes considered the suggested policy approaches and alternatives to arrive at committee views on the favoured policy approaches for inclusion in the consultation draft local plan.
- 2.3 Officers have amended the working draft local plan to incorporate the 'straw-poll' voted favoured approaches of committee and over the coming weeks will refine plan wording overall. The intent is to translate suggested favoured approaches into more specific and in some cases detailed policy wording. It is stressed, however, that there is not the need at the draft plan consultation stage to have fully formed and exactly worded precise policies. Indeed to encourage engagement and feedback there can be a case for policies to not be complete and finalised, especially so if this results in them becoming technical in nature and as such less-accessible to the public and less likely to generate consultee feedback. In addition to the policy matters detailed in the working draft plan there are also a small number of additional matters that we may suggest the plan contains policies on and we will flag these up when the draft plan comes back to committee.
- 2.4 A draft plan does not need to follow any specific structure or format, for example there are no prescribed chapter headings or policy orderings that needs to be followed. In fact at this stage of plan making there are no specific requirements on what any consultation document should contain or how consultation should be undertaken. However, we would consider that the working draft plan had a logical flow and ordering to it and it is suggested that this is largely retained in the consultation draft plan with any adjustments being relatively minor. Perhaps for example we may consider that a small number of policies could be moved from one part of the plan to another.
- 2.5 The structure of the working draft plan and the draft plan we are now working on should be, we would suggest, along the same lines as the final plan that we would submit for Examination. Retaining this same type of format and structure should help ensure a symmetry in approach and help with testing and refinement of policy. However, this is not fixed and it is appreciated that Members may wish to express alternative views on draft plan structure and ordering.
- 2.6 In the working draft local plan we highlighted alternate approaches for policies. For the plan we consult on we would suggest that we look to cut down on some of the text and on alternative options and potentially cut down the actual alternatives themselves. This would not stop anyone making comment but it would, we hope, make for a more engaging and less lengthy plan that people are more likely to read and comment on. Precisely what

changes are made will, however, need some more detailed consideration. It should also be noted that we will need to undertake a task called Sustainability Appraisal for the plan and this task will require assessing plan policies and comparing these against reasonable alternative options. The Sustainability Appraisal report will be available for public comment and as such those with an interest in the policy choices and alternatives will be able to review a full suite of options.

### **3 Assessment of potential development sites**

- 3.1 Members will recall that in the working draft local plan there was a preliminary officer assessment of potential development sites that could feature as possible allocations of land in the plan. Committee did not debate the comparative merits of site allocation options though there will need to be decisions made on which areas of land should be allocated or favoured for allocation in the draft local plan. Or at least it is officer recommendation that we should highlight at least some, if not all sites, that we would favour as land allocations for development.
- 3.2 To assist with site making choices officers are undertaking a more rigorous and detailed site assessment exercise. Key aspects of this assessment are set out below.
- 3.3 **Compatibility with the emerging plan strategy** – the working draft plan has a strategic approach of directing development to what were established in the working draft plan as the Tier 1 to 4 settlements, essentially the towns and villages best supported by services and facilities. An initial sifting exercise has been undertaken, to select for further assessment, those sites that align with this strategic approach and which are physically well related to the settlements (i.e. abutting or very close). The strategic approach also provides for development close to Exeter and at a proposed second new town, though site assessment will be more bespoke for these allocations. Sites that have been sifted out are not appraised further and will not be proposed as land allocations.
- 3.4 **Accessibility to services and facilities** – not only will Tier 1 to 4 settlements need to have services and facilities any sites allocated in or at them should be within walking distance of such facilities. The working draft local plan introduced objectives around the ‘20 minute neighbourhood’ and to align with this there should be good accessible walking routes to services and facilities. We have taken 1,600 metres (around 1 mile) as the maximum distance that people may typically walk to access facilities and have used this as a benchmark to test potential site suitability for allocations. Of course shorter distances are better and are more likely to encourage walking or cycling trips and are less likely to encourage use of cars or other motorised forms of transport (notwithstanding the wider importance of public transport). It is also worth noting that bigger sites may not currently be close to facilities but could be of a scale to secure such facilities ‘on-site’ as part of any overall development.
- 3.5 **Prioritising brownfield land for development** – the Council has completed an Urban Capacity Study and this was reported to Strategic Planning Committee on 30 March 2021. This study considered both Greenfield and Brownfield development opportunities inside the current Built-up Area Boundaries of East Devon towns. The study identified potential to accommodate around 766 new homes on 60 sites within existing urban areas. A number of the sites identified are Brownfield land areas and the identified sites with development

potential are currently being further assessed through the ongoing SHLAA work. This more fine-grained detailed assessment may well refine and reduce the realistic capacity for development that such sites offer. Urban Brownfield sites will frequently be close to facilities and can often present positive opportunities for development, though this is not always the case and there can be costs and challenges associated with their reuse that may not be found with Greenfield development.

- 3.6 **Landscape considerations** – the potential impact of development on the landscape and the ability of the landscape to accommodate development will be a key consideration that will be tested for all sites that have passed through initial sifting. With East Devon having such a high quality landscape this aspect of work will be very important.
- 3.7 **Built heritage assessment** – suitability of sites for development is being assessed against built heritage considerations and the impacts, whether negative or potentially positive, are being considered. Built heritage will include the most important of buildings and features, to include listed buildings, Conservation Areas and Scheduled Ancient Monuments as well as more locally important non-designated features and the general historic fabric of any area in which a site is located or is near to.
- 3.8 **Nature conservation impacts** – sites are being assessed against the potential impacts that development could have on biodiversity and wildlife interests. As with other assessments this work will consider not just the most important statutory designated sites but will also include more local assets and features.
- 3.9 The assessment work at present is concentrating on suitability for housing development though with some commentary or consideration for other uses or mixed use development. The assessment of sites close to Exeter will mirror the approach taken above but with more of an onus, especially for any large scale development, on mixed use developments with services and facilities being included as part of any proposal. For the second new town the Council has employed consultants to assist with assessment work. This work is underway at the moment and early feedback will inform production of the proposed consultation draft plan.

#### **4 Considering possible site allocations for development**

- 4.1 The site assessment work will help build up a rigorous picture, but not the definitive final picture, of the sites that could feature as allocations in the draft local plan. The suggested approach, favoured by officers, is that committee will receive site assessments work, with initial recommendations on land allocations for development, in three tranches (see below). However, committee should also consider the approach to future committee meetings in the light of options around further presentations from landowners and developers as detailed in section 6 of this report.

- a) **The six main towns of East Devon (excluding Cranbrook) – Committee on 9 August 2022.** The recommendation is that site assessment reports will be presented to this committee for the Tier 1 and 2 towns of Axminster, Exmouth, Honiton, Ottery St Mary, Seaton and Sidmouth. In respect if this meeting we plan to have all assessments available for this committee meeting – however, should, there be a decision to hold extra meetings in August (see Section 6 of this report) we could stagger publications for separate towns depending on when meetings are held).

The Working draft local plan sets out that the new local plan should not plan for the further expansion of Cranbrook, beyond that allocated in the Cranbrook Plan, so site assessment for the further expansion of Cranbrook has not been undertaken as it would not comply with the proposed local plan strategy. We would highlight that we indicated at the 3 May 2022 committee meeting that we would aim to bring the town assessments to this July committee meeting. This, however, has not been possible due to pressure of work from the new call for sites and dealing with the new site submissions.

b) **The small towns and villages in Tiers 3 and 4 – Committee on 6 September 2022 2022.** The recommendation is that the sites in Tiers 3 and 4 will come to this committee meeting for consideration.

c) **The proposed new town and sites close to Exeter – committee on 4 October 2022.** The recommendation is that these sites will be reported on, or alongside in complementary paperwork, to the same committee that considers the proposed consultation draft local plan.

4.2 By taking the approach detailed above it means that member debate on site selection would be spread over a number of meetings, rather than be covered in a single meeting only – specifically the meeting on the 4 October when officer recommendation is assumed to be that the draft plan is made available for public consultation.

4.3 However, if committee are not satisfied with the approach suggested then there is scope for an alternative approach to be taken. One (further) alternative would be considering all sites at the same meeting. In practice this would be sites being assessed at either the 4 October 2022 for everything or for towns and villages at the 9 September 2022 meetings (that is and it inter-relates to possible scope for members want to organise additional committee meetings). Member should advise on any alternative approach to receiving information about potential development sites and allocation choices that they may favour. It should be noted, however, that site assessment work is time consuming and there are distinct limitations to the speed and dates at which officers can undertake work and prepare reports.

4.4 Under the approach recommended above we are working on the basis that another new town (in addition to Cranbrook) will be planned for and that there will be significant land allocations close to Exeter. Beyond this provision the strategic approach to development is to seek to concentrate most new building work at the main towns of East Devon and this is good reason to start with these towns first.

4.5 The assessment work and related committee papers, we would envisage, would give a steer on:

a) Those sites that perform well and as such are favoured allocations;

b) Those sites that perform badly and as such are not favoured as allocations;

c) Those sites that are not clear cut and may have some plus and some minus points to them as potential allocations for development and/or may require further work to fully understand if constraints can be overcome.

- 4.6 From assessment of the scope for development at the main towns of East Devon it will provide a guide to the scale of development that may be appropriate at villages and for the new town and allocations of land close to Exeter.
- 4.7 For the actual working draft local plan we would envisage that certain sites will be included as preferred choices for allocations (item a) above), and some sites being dismissed as potential allocations (item b) above). There may well, however be some sites in the consultation draft plan which are highlighted as possible choices but which require further work to determine if they should be carried forward as allocations in the Publication plan (item c) above). Of course at the draft stage of plan making nothing is finalised and consultation responses will be used to help inform and refine final site allocations choices, as well as policy wording for the final Publication plan.

## **5 The Housing and Employment Land Availability Assessment (HELAA) and recent call for sites**

- 5.1 Members will be aware that there is a Housing and Employment Land Availability Assessment (HELAA) underway and this work has been used to help inform the overall site assessment work. In particular the HELAA work has helped in the site sifting process, especially in respect of establishing where sites may not be developable on account of significant constraints such as flooding concerns or there being no apparent potential for gaining acceptable highway access.
- 5.2 The HELAA work has been complemented by a further call for sites and assessment work on this call for sites is ongoing. Initial assessment showed that there were around 150 sites submitted in the new call for sites, with, in a least one case, a submitted 'site' comprising of a number of separate land parcels. Committee may wish to note that this Council, as a landowner, has submitted a number of sites in the new call for sites, these include some existing Council car parks, depots and other areas of land/buildings.
- 5.3 From initial assessment it is clear that some of the submitted sites are resubmissions of sites that are already recorded through previous call for sites or they present variations on boundaries to previous submissions. There are, however, a significant number of sites that have not previously been submitted through the HELAA process, though in some cases they may have been reported on through Urban Capacity Study work, the Brownfield register and assessment of sites in the existing local plan that have not yet been developed or gained a planning permission. All these potential sources of supply will need to feed into the final HELAA report.
- 5.4 Submissions to the call for sites will need to be formally assessed by the technical HELAA panel and this is likely to undertaken in August or September 2022 and a final HELAA report will then come to committee after this. We will, however, seek where possible to provide information of new submission sites as part of the overall development site options assessment (though this will mean reporting or commenting on prior to HELAA panel consideration).

## **6 Further presentation to committee by land owners and agents**

- 6.1 At Strategic Planning Committee on the 3 May 2022 members agreed to further presentations from land agents and owners promoting land for development, noting that

initial site presentations in respect of some but not all submitted sites were heard earlier this year.

6.2 Noting that the officer recommendation is that assessment of sites at the six main East Devon towns (excluding Cranbrook) are to be considered at Committee on 9 August 2022 it would seem a sensible option to also provide the opportunity for prospective agents and developers to be given the opportunity to make presentations to committee (should committee still want this), in respect of sites at the towns in August. In practical terms it would appear sensible for Committee to receive officer assessment of sites first and thereafter to hear from agents and landowners, this does, however, raise a series of matters on which a Committee steer and instruction is sought. Matters are set out below:

- a) **Does committee want to extend the invitation to make presentations to all agents and land owners that are promoting land for development at the towns?** For the previous round of presentations we did not proactively advertise the fact that presentations could be made, rather we responded to those that raised the issue of making presentations by offering the opportunity. This approach did, however, come in for some criticism as did the fact that we did not extend the invitation to present to all parties expressing an interest, we in effect 'weeded-out' some sites where initial officer assessment suggested that they looked like poor choices for allocation for development.
- b) **Do committee wish to hear presentations at the same committee meeting at which officer site assessments are heard?** If time (and logistics) were no object then there could be merit in hearing presentations at the same committee that officer site assessments are received. However, unless we place very definite limits on who can present and/or for how long (noting commentary around the matter above) then it seems highly unlikely that assessment of all sites by officers and all presentations by agent/landowner could be heard in a single session.
- c) **Are committee happy to have town based presentations at extra committee meetings in August?** Bearing in mind the potential responses to the questions above (specifically if all parties promoting land are invited to present) there could be a lot of presentations to hear and this may necessitate extra committee meetings, perhaps an extra 2 or 3 in August (or maybe into September). Committee will need to give a clear instruction on the acceptability of extra meetings. If this option is not acceptable a variation could be to receive presentations at a later date, there is an option, for example, to hear presentations after consultation on the draft plan has concluded, say in early 2023. Member's views, and if relevant any decision on receiving presentations after the close of consultation (or possibly as some other variant), would be welcomed.
- d) **Would committee wish to have a series of meetings where they consider officer assessment on one or two towns only and then agents/landowners presentation for sites at those towns at the same meeting?** Under this variant there could be say three meetings in total (the scheduled and two extra), each considering two towns (for example one town in the morning and one in the afternoon) at which officer assessment are received and at which landowners/agents may wish to make presentations and could comment on the officer assessment. An

approach of extra meetings would, obviously, need to be seen in the context of the text in Section 4 of this report and references to a single meeting only having been scheduled in August to consider all sites at the towns.

- 6.3 If members have the appetite for a number of meetings and wished to be inclusive in terms of providing opportunities for many or all agents/landowners to present then option d) might be appropriate. However, it does place considerable time demands on committee (and officers) in the middle of the holiday season/month of August and agents and landowners may challenge on grounds of their own availability.
- 6.4 Depending on the approach that may be taken for towns the committee may also want to consider any implications for assessment at villages (Tier 1 to 4 settlements) and also in respect of possible allocations close to Exeter and any further new town site presentations. Overall time demands with extra meetings could readily spill over into September as well.

## **7 Conclusions**

- 7.1 There are some key decisions to be made to allow for draft local plan consultation in late 2022. Of critical importance are:
- I. the timetabling for members to receive officer assessment of potential development sites and associated recommendations for allocation for development (or not);
  - II. any presentation on sites by agents or landowners; and perhaps most importantly
  - III. how and when members wish to reach conclusions on which sites to show as preferred allocations for development in the draft Local Plan.
- 7.2 If members wish to consider sites in considerable detail before agreeing to a draft plan (noting that through and after consultation a plan can change based on feedback received) they could hold a series of meetings through the coming weeks to receive and consider officer assessment and also to hear from all or any agents or landowners. To achieve this would, however, place significant demands on time and could necessitate a whole series of extra committee meetings to receive presentations and consider evidence.

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### **Financial implications:**

There are no specific financial implications on which to comment.

### **Legal implications:**

There are no legal implications other than as set out in this report.

Report to: Strategic Planning Committee

Date of Meeting 12/07/2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Beer Quarry and Caves Special Area of Conservation (SAC) Guidance Document

### Report summary:

A guidance document has been created by Natural England, East Devon AONB and Devon County Council (alongside other expert parties) which details how Habitats Regulations Assessments (HRA) should be carried out in regard to Beer Quarry and Caves Special Area of Conservation (BQCSAC). The document provides guidance to applicants and Development Management team as to when proposals within the vicinity of BQCSAC are likely to require HRA, and when proposals can be screened from the HRA process. The document also provides information on what sort of mitigation would be required within the HRA, to ensure no adverse effect on the integrity of the site. Similar documents have existed for more than 10 years in Somerset and the South Hams.

The document is already being used by Natural England to inform their responses to HRA. Natural England are a consultee of all HRAs which reach the Appropriate Assessment stage. The guidance represents a change from ad-hoc decision making, which can take a lot of officer time and be inconsistent, to a standardised, systematic and publically accessible approach to HRA decision making. Having a pre-agreed and publically available guidance document which confirms how EDDC and Natural England will consider HRA requirements will decrease disagreements between parties (Natural England, EDDC, DCC and applicants) through increased transparency. This will increase the accuracy and efficiency of decision making at all stages, which will save officer time.

In summary, this guidance document would allow EDDC to efficiently and properly carry out our HRA duties in a strategic and transparent manner.

The guidance document is attached (Appendix 1).

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

Members recommend that-

The Beer Quarry and Caves Special Area of Conservation Bat Consultation Zones Guidance be endorsed and used to inform decision making within planning proposals and Habitat Regulations Assessments, and that the guidance be published on the Council's Website

### Reason for recommendation:

To streamline and standardise HRA decision making between relevant parties.

To increase transparency of decision making.

To provide a tool for applicants to use, to ensure good quality HRA submissions and decrease HRA decision conflicts (i.e., whether or not a HRA is required).

To increase efficiency of HRA decision making, reducing officer time.

To protect and conserve one of East Devon's most valuable Internationally Designated Sites for Nature Conservation and fulfil our biodiversity duties.

Officer: Rory Chanter, District Ecologist – [rchanter@eastdevon.gov.uk](mailto:rchanter@eastdevon.gov.uk)

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; minor to moderate benefit with regard to climate change, as mitigation measures would need to secure long-term foraging and commuting habitat (providing and protecting areas of high value woodland, hedgerow and permanent pasture from future development pressures), which would create and protect these important carbon stores.

**Links to background information** N/A

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

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**Report in full**

**Background and importance**

1. Beer Quarry and Caves Special Area of Conservation (SAC) is an internationally important site for nature conservation, designated for its qualifying features, which are significant populations of hibernating greater horseshoe (*Rhinolophus ferrumequinum*), lesser horseshoe (*Rhinolophus hipposideros*) and Bechstein's (*Myotis bechsteinii*) bats.
2. Greater horseshoe bats are one of Britain's rarest bats and are on the European Red List (Near Threatened), and are confined to South West England and South Wales. Populations are localised and fragmented. The current UK population estimate is ~12,900 individuals.
3. Lesser Horseshoe bats are a widespread but rare species in Europe. In Britain historical declines mean that they are now restricted to Wales, the West Midlands, and South West of England. The current UK population thought to be ~50,400 individuals.

4. Bechstein's bat is one of the rarest bats in Western Europe and one of the UK's rarest mammals. The UK population is ~21,800 and east Devon is towards the western edge of its range.
5. EDDC recognise the international ecological value of this site, and are committed to ensuring the ongoing maintenance of the favourable conservation status of the species at this site. The designated area of the SAC is relatively small and comprises the areas immediately surrounding the quarry and caves. However, EDDC and Natural England recognise that the bat populations present are dependent upon a much wider area outside the SAC boundary which provides essential foraging habitat and commuting routes, and supports other critical roosts for these species, such as breeding and hibernation roosts.

### **EDDC duties**

6. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are designated under the Conservation of Habitats and Species Regulations 2017 (as amended), which are commonly referred to as "The Habitats Regulations". These sites are internationally important for nature conservation, and are collectively known as "European sites". European sites are afforded the highest level of protection of any ecologically designated sites in the UK, and are considered to be our most valuable nature conservation sites.
7. EDDC is a Competent Authority under the Habitats Regulations, and therefore has a duty to carry out Habitats Regulation Assessment (HRA) in order to test if a proposed plan or project could significantly harm the qualifying features of a European Site. This applies to the granting of any permissions by EDDC. Failure to adequately carry out HRA puts EDDC in breach of The Habitats Regulations.
8. HRA typically consists of two stages:
  - **Screening** - An assessment of whether there is a likely significant effect (LSE) on the qualifying features of a European site in absence of mitigation measures. If it does not, then the appropriate assessment stage does not need to be completed.
  - **Appropriate Assessment** – An assessment of whether LSEs can be mitigated, with full mitigation, avoidance and compensation details.
9. All details necessary in order for EDDC to carry out a HRA must be provided by the proposer.
10. The evidence burden for HRA is high. EDDC must be confident, beyond reasonable scientific doubt, that the screening opinion is accurate, and that any information used to support Appropriate Assessments (including suitability of mitigation/avoidance/compensation/enhancement measures) is fully complete, scientifically robust, and secured in perpetuity.

### **Natural England's role and support**

11. Natural England is a Statutory Nature Conservation Body (SNCB), and must be consulted for any proposals which reach the Appropriate Assessment stage of HRA. This means that they should approve the Appropriate Assessment in order for EDDC to grant permission. Natural England can be contacted by EDDC for advice at any stage during HRA.
12. In light of this, it is imperative to efficient and accurate decision making that the proposer, EDDC and Natural England have standard guidance on how HRA will be applied within areas relevant to the functioning of the Beer Quarry and Cave SAC.
13. The use of this document is approved by Natural England. Natural England already use this document to assess HRA requirements in East Devon when assessing applications.

### **The purpose of the document and the benefit to EDDC**

14. The document is based on the latest scientific data available, with input from East Devon AONB, East Devon District Council, national and local bat experts, academics, and Natural England. The guidance follows a similar format to other Bat SAC HRA guidance in the southwest of England, such as the South Hams SAC and the North Somerset and Mendips Bat SAC. The Beer Quarry and Caves SAC Guidance is not a novel approach, as a near identical approach has been applied for over 12 years in the South Hams with success.
15. The guidance represents a change from ad-hoc decision making, which can take a lot of officer time and be inconsistent, to a standardised, systematic and publically accessible approach to HRA decision making. Having a pre-agreed and publically available guidance document which confirms how EDDC and Natural England will consider HRA requirements will decrease disagreements between parties (Natural England, EDDC, DCC and the proposer) through increased transparency. This will increase the accuracy and efficiency of decision making at all stages, which will save officer time.
16. In summary, this guidance document would allow EDDC to efficiently and properly carry out our HRA duties in a strategic and transparent manner.

### **How it works**

17. Consultation Zones have been developed to help clarify where and when impacts, on Roosts, Foraging Habitat and Commuting Routes may have a likely significant effect on the SAC's bat populations (Section 2). These consist of:
  - Key Roosts
  - Other Roosts
  - Sustenance Zones
  - Landscape Connectivity Zones
  - Pinch Points
  - Existing/Approved Mitigation Measures
18. These areas and features are shown in the guidance, and will be uploaded to publically available GIS systems (Devon Environment Viewer) as well as EDDC and Natural England systems.
19. A flow chart is provided within the guidance document, in order to aid HRA decision making (section 3), in relation to whether or not a proposal site is within one of the consultation zones.
20. If an appropriate assessment is required, then the guidance provides information for applicants on what measures are likely to be required in order to properly mitigate against the likely significant effect, in order to ensure no impact on the integrity of the SAC (section 4).
21. Mitigation, avoidance, compensation and enhancement details are required in full at the Appropriate Assessment stage (if required). These will need to be sufficient (beyond reasonable scientific doubt, taking into account the precautionary principle) and secured in perpetuity. These measures will be enacted through legal agreements, such as Section 106 or Conservation Covenants.

### **Updates in the future**

22. The guidance will be revised as and when new information emerges, such as when:
  - New key roosts are discovered
  - New scientific data suggests changes to consultation zones

- Legislation changes
- Natural England process changes

### **Interaction with Council Priorities and Strategy**

23. It is considered that the mitigation measures required within HRA (retention of dark habitat corridors and habitats for foraging bats on proposal sites and in surrounding areas) will result in “Better homes and communities for all”, by enhancing the quality of proposed developments by increasing the volume of public green space and natural habitats, which can be of multiple benefits (community engagement, health and wellbeing, local interest groups, other wildlife interest etc.).
24. It is considered that the guidance document will contribute towards a “Greener East Devon” by protecting one of our most valuable biodiversity resources, and creating and protecting valuable bat foraging and commuting habitats in the area, which are of benefit to numerous species groups, as well as creating and providing carbon sequestration resources such as permanent pasture, woodland and hedgerows.
25. The document would be referred to in the new local plan, within the emerging HRA section of the local plan, alongside our other strategies for European Sites in East Devon.
26. There is potential to accept developer contributions where mitigation delivery is difficult or impossible to achieve for the applicant. EDDC could create a fund in order to enhance or create bat foraging and commuting habitats within the consultation zone, which could then be managed by EDDC and achieve multiple benefits (public access, carbon storage, biodiversity net gain etc.). This is not being proposed here, but is a potential future possibility if it appears that this is a beneficial strategy to adopt.

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### **Financial implications:**

There are no financial implications at this stage. Should the decision be made to accept contributions these should be taken, recorded and segregated through the current Section 106 process and system.

### **Legal implications:**

There are no legal implications other than as set out in the report.

# Beer Quarry & Caves Special Area of Conservation (SAC)



## Habitats Regulations Assessment Guidance

June 2022



## ACKNOWLEDGEMENTS

This document was prepared by Sarah Jennings (County Ecologist, Devon County Council) and Pete Youngman (East Devon AONB) with an expert steering group which includes East Devon District Council, Natural England, Bat Conservation Trust and the East Devon AONB Partnership. The document is endorsed by all organisations on the Steering Group.

We acknowledge the input of

Carol Williams	Bat Conservation Trust
Sarah Butcher	Devon Bat Group
Adrian Bayley	Devon Bat Conservation and Research Group
Sarah Jennings	Devon County Council
Pete Youngman	East Devon AONB Partnership
Alison Slade	Natural England
Richard Green	Richard Green Ecology LTD
Fiona Mathews	University of Sussex

Front page photo credit: David F Wills

Every effort has been made to avoid technical terms and acronyms in this document. However, some terms and acronyms have had to be included due to the technical nature of this document and to reduce its length. Technical terms are highlighted in *orange text* when first used and defined, along with any acronyms, in the Glossary.

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# 1 Introduction

## 1.1 Beer Quarry & Caves SAC

The **Beer Quarry & Caves Special Area of Conservation (SAC)** was designated as an SAC in 2005 for its important population of hibernating greater horseshoe bats (*Rhinolophus ferrumequinum*), lesser horseshoe bats (*Rhinolophus hipposideros*) and Bechstein’s bats (*Myotis bechsteinii*). The aim of the designation is to help ensure the **favourable conservation status** of these species. SACs, sometimes referred to as **European Sites**, form part of a network of designated sites across Europe. Information on the SAC and Natural England’s targets for the site relating to the Conservation Objectives can be found in Natural England’s SAC Supplementary Advice document [1].

**Greater horseshoe bats (GHBs)** are one of Britain’s rarest bats and are on the European Red List (Near Threatened). Confined to South West England and South Wales [2]. Populations are localised and fragmented. The current population estimate is ~12,900 individuals [3].

**Lesser Horseshoe bats (LHBs)** are a widespread but rare species in Europe. In Britain historical declines mean that they are now restricted to Wales, the West Midlands, and South West of England. The current population thought to be 50,400 individuals [3].

**Bechstein’s bat** is one of the rarest bats in western Europe and one of the UK’s rarest mammals. The UK population is ~21,800 [3] and east Devon is towards the western edge of its range.

Information on the numbers of bats in Beer Quarry & Caves SAC (BQ&C) is given in Table 1 below.

**Table 1 – Overview of the bats found in Beer Quarry and Caves**

Between 2011 and 2020 an annual hibernation count of the Show caves only has been undertaken by the Beer Caves Manager in January. Clinton Devon Estates as landowners commissioned a full survey of all accessible caves in the SAC in 2021. Data can be found on the Beer Quarry Caves website, <http://www.beerquarrycaves.co.uk/bats/>. However, monitoring visits can only provide an indication of abundance on the date of the visit. The overall number of bats using the SAC is likely to be greater than that recorded due to movement of bats and the difficulty with monitoring bats in a complex mine.

Species	Overview of bats found in BQ&C	Annual winter counts in show caves *Years when whole complex surveyed.		NE SAC target (based on mean annual peak hibernation count 2010-2015)
Greater Horseshoe Bat	Mostly found in a small proportion of the cave network, often in large clusters hanging from electrical cables and wires. Outside of the hibernation period the caves are used as a night roost [4]. These counts are a single snapshot of bat numbers, numbers are known to vary upon the severity of the winter, stage in the hibernation period and any potential disturbance. The overall trend however would appear to be an increase in greaters using the caves to hibernate in January.	2009*	121	Maintain the abundance above 146 individuals whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent.
		2010*	139	
		2011	118	
		2012	140	
		2013	156	
		2014	163	
		2015	181	
		2016	207	
		2017	200	
		2018	239	
		2019	246	
		2020	264	

		2021*	340	
Lesser Horseshoe Bat	As for GHBs the caves are used as a night roost outside the hibernation season [4] Numbers of Lesser horseshoe bats hibernating in the caves fluctuate quite widely.	2009*	178	As above but for 107 bats
		2010*	156	
		2011	127	
		2012	68	
		2013	86	
		2014	79	
		2015	150	
		2016	101	
		2017	92	
		2018	99	
		2019	78	
		2020	47	
		2021*	160	
Bechstein's Bat	A very rare species for Devon resulting in few records of hibernating bats. An important swarming site during the autumn. The function of swarming sites is likely to be linked with mating activity and so they are extremely important for the conservation of the species [2]. The population at the caves is currently being studied by the Devon Bat Conservation and Research Group.			Maintain the presence of hibernating Bechstein's bat at the site, whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent.

## 1.2 The purpose of this document

UK legislation requires **Local Planning Authorities** (LPAs), and other **competent authorities**, to assess **plans or projects** which may have a likely significant effect on a European Site, alone or in-combination with other plans or projects. Such plans or projects can only proceed if the competent authority is convinced, they will not have an **adverse effect on the integrity** of a European Site, other than in exceptional circumstances. These requirements are known as **Habitats Regulations Assessment** (HRA) requirements [5-8].

This document is aimed at those preparing and validating **planning applications** which may impact on the BQ&C SAC population of bats. It provides advice on which applications may have a likely significant effect on the SAC bat population. The area covered by this guidance is shown in Figure 1. It also provides advice on the information that applicants may need to submit with a planning application for the LPA to undertake an HRA. This guidance can also be used to inform other plans and projects such as Local Plans and Neighbourhood Plans.

This guidance is relevant to: East Devon District Council and Devon County Council as the local planning authorities for the area. Contact details are given in Appendix 1. By providing clarity on HRA requirements, the guidance aims to reduce costs and unnecessary delays to both applicants and LPAs.

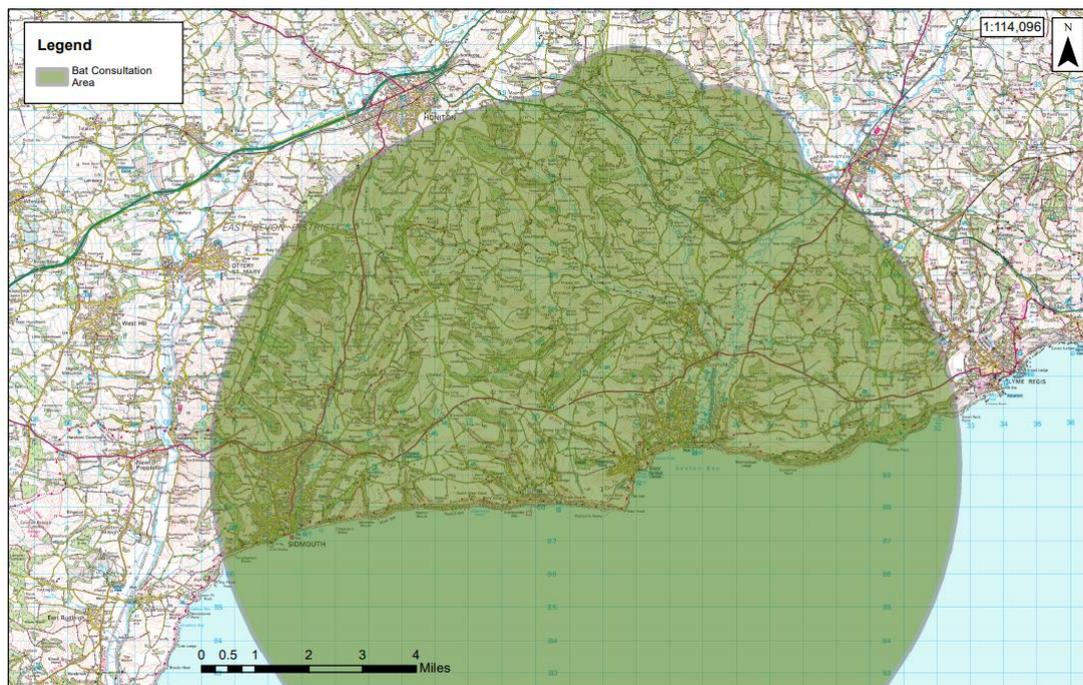
This document aims to be consistent with the approach taken to the South Hams SAC Greater Horseshoe Bat Guidance. See <https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>

Links to, or summaries of, best practice information on technical issues such as lighting will be added to the DCC website (see link above). Note however, that this HRA guidance is a stand-alone resource which is not reliant on this information.

This guidance specifically advises on HRA requirements relating to the SAC bat population. However, it is important to remember that all bats along with their breeding sites and resting places, are protected through separate legislation. The presence of any protected species is a **material consideration** when an LPA is considering a proposal that, if carried out, would be likely to result in harm to the species or its habitat [5,8]

and a licence may be required from Natural England.

**Figure 1: Extent of Beer Quarry and Caves SAC Bat Consultation Area**



## **Bat Consultation Area**

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### **1.3 What are the HRA requirements for Local Planning Authorities and Applicants?**

#### **a. Local Planning Authorities**

Simply, HRA requirements for LPAs include **HRA screening** followed, if necessary, by an **Appropriate Assessment**. For more information please see Defra guidance <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

**Stage 1 – HRA Screening:** An assessment of whether the proposal will, on its own or in-combination with other plans or projects, have a likely significant effect on the SAC before avoidance or reduction measures have been taken into account.

The flow chart in Section 3 should be used to identify whether an application may have a likely significant effect on the BQ&C SAC. If so, the LPA will need to use information provided by the applicant to undertake **HRA screening**. Where screening cannot rule out a likely significant effect then Appropriate Assessment must be carried out.

**Stage 2 – Appropriate Assessment:** An assessment of whether the proposal will adversely affect the integrity of the European Site taking into account avoidance and/or reduction measures. The **Precautionary Principle** applies, so that to be certain, the LPA should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

The LPA must secure any required avoidance and **mitigation** measures e.g. through conditions attached to the planning permission, or a legal obligation agreed with the applicant.

Note: For the purposes of this document the term *detailed HRA* refers to both detailed HRA screening (where, using the Flow Chart in Section 3, likely significant effect cannot be immediately screened out) and, when required, Appropriate Assessment.

**b. Applicants**

It is the applicant's responsibility to provide sufficient information to enable the LPA to undertake HRA requirements. To ensure that sufficient information is provided and therefore to reduce delays applicants are encouraged to fill in the shadow HRA form – see:

<https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>

**Information provided in this document**

To help LPAs and applicants meet these requirements, this document includes:

**Section 2**

Background information on the SAC Consultation Area.

**Section 3**

A flow chart to help clarify when an application may have a likely significant effect on a European Site and therefore when HRA is required.

**Section 4**

Guidance on the information required from the applicant.

## 2 The Beer Quarry & Caves SAC Consultation Zones

The designated area of the SAC is relatively small and comprises the areas immediately surrounding the quarry and caves. However, the bat populations are dependent upon a much wider area outside the SAC boundary which provides **Foraging Habitat** and **Commuting Routes** and supports other critical **Roosts**.

**Foraging habitat** – Areas of habitat where bats feed.

**Commuting routes** – The routes bats use to move through the landscape, often linear landscape features.

**Roosts** – Structures used by bats throughout the year for hibernating, raising young bats (maternity roosts), feeding, mating, and resting.

The Beer Quarry & Caves SAC **Consultation Zones** have been developed to help clarify where and when impacts, on Roosts, Foraging Habitat and Commuting Routes may have a likely significant effect on the SAC's bat populations. The Consultation Zones are shown on Figures 2 – 4 below and consist of the features listed in the box below. All features other than 'other roosts' are shown on the Devon County Council Environment Viewer at: <http://map.devon.gov.uk/DCCViewer> (

**Key Roosts** – Roosts which are considered integral to the SAC population. Impacts on these roosts, alone, could potentially have a likely significant effect on the SAC bat population.

**Other Roosts** – Other roosts likely to be used by the SAC bat population. These roosts are generally used by small numbers of bats and in most cases it is cumulative impacts on these roosts and the habitat that surrounds them (any foraging habitat and commuting routes) which could have a significant effect on the SAC bat population. Due to the number of other roosts, and the fact that many will not have been recorded, they are not identified in this Guidance. Please contact DBRC / Devon Bat Group for existing records.

**Sustenance Zones** – A defined area around Key Roosts (distance will vary between species) which includes critical Foraging and Commuting Habitat.

**Landscape Connectivity Zones** – The area that includes a complex network of Commuting Routes likely to be used by the SAC population of bats. Provides connectivity between Key Roosts and Other Roosts (including those currently unrecorded). Helps to provide connectivity to more distant roosts and therefore maintain genetic diversity and ensure resilience.

**Pinch Points** – Known, or potential, commuting routes which are restricted *e.g.* due to urban encroachment or proximity to the sea / estuaries. Further restriction of *Pinch Points* could severely impact on the movement of bats and may therefore have a likely significant effect on the SAC bat population.

**Existing / Approved Mitigation Features** – Can include roosts, commuting routes and foraging habitat which have been (or will be) created, enhanced or protected to meet HRA bat requirements for approved development. Impacts on these features may have a likely significant effect on the BQ&C SAC bat population.

## 2.1 Greater horseshoe bat consultation zones

### General information on GHBs [9-23]

**Roosts** – GHBs can live in excess of 30 years and remain faithful to their roosts for generations. Large numbers of bats can be found in **hibernation roosts** and **maternity roosts**.

**GHB maternity roosts are generally in large warm roof spaces and are generally therefore found in large old houses, churches, and barns.**

**Hibernating roosts are usually found in caves and disused mines but occasionally GHBs will hibernate in buildings with stable, cool temperatures and high humidity e.g. unheated cellars and ice houses.**

Other roosts are also used by bats in smaller numbers throughout the year again generally found in buildings and caves (GHBs do not roost in trees). **Transitional roosts** are used by individuals moving between maternity and hibernation roosts and may link different colonies facilitating gene flow. Transition roosts may also be used in the autumn as mating roosts. Failing to protect these roosts could limit population size and distribution [9]. Horseshoe bats use **day roosts** and **night roosts** [11,12,15,16,20,21,25]. These are important in a number of ways: they reduce intra-specific competition as they enable individuals to diverge and forage further afield, occasionally remaining in these roosts during the day to conserve energy levels (especially during bad weather) rather than return to the maternity roost the same night. For females, as pregnancy progresses, these roosts become more important, and their value cannot be overestimated as they enable heavily pregnant females to forage in areas that would otherwise be denied [25]. The loss of these roosts can result in increased competition for suitable foraging sites close to the maternity roost and this may reduce the productivity of the colony. If the number of adults in the maternity roost increases to the point at which the surrounding habitat is close to its capacity, then it may be more beneficial and energetically advantageous for some of the colony to remain permanently in these satellite roosts [25] and establish a new maternity colony. **Mating roosts** are vital for the conservation of the species.

**Foraging habitat** – Greater horseshoe bats feed in different habitats during the year as availability of their prey changes. Examples of **foraging habitats include dark cattle grazed pastures, meadows, the edges of broadleaved woodland, stream corridors, wetlands, tree lines, tall and thick hedges, scrub, orchards and parklands** - any places where prey is found (moths, dung beetles, cockchafer beetles and dung flies, crane flies, parasitic wasps and caddis flies) [12,13]. Adult greater horseshoe bats using maternity roosts largely forage within 4km of the roost while juveniles hunt mainly within 1km of the roost and are highly dependent on dung beetles associated with grazed pasture [12-19].

It is thought likely that, due to weather conditions and the weaker physical condition of bats during the winter, they are likely to forage closer to hibernation roosts. In 2013/4 a survey of eight GHB roosts in the SW found that activity periods were short (2-4 hours) and that there was very little activity even at a 2km distance (Mathews pers comm<sup>1</sup>).

**Commuting routes** – Greater horseshoe bats fly close to the ground (up to ~2m) and close to linear landscape features such as **dark hedges, woodland edge and vegetated watercourses** which they use for navigation they avoid areas lit by artificial light. GHBs may use different Commuting Routes at different times of the year [11] and tend to forage and move at the same time, rather than making direct flights to a foraging area as some other species, such as barbastelle.

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<sup>1</sup> Each roost was surveyed for 7 days (November and December and then late March or April) with 40-50 detectors deployed in a 2km radius.

## What we know about the Beer GHB population

Radio tracking of GHBs was carried out in 2009 and 2010 as part of the *Looking Out for Bats* project. This work identified additional roosts and foraging areas [23]. Further study of bat movements in the landscape around Beer Quarry Caves has been carried out by E Fitzgerald 2020. Mist netting and subsequent ringing of GHBs at the SAC have allowed the identification of individual bats associated with the SAC to be identified in other known roosts e.g Gittisham (Mathews pers comm).

## HRA Consultation Zone - Roosts, foraging and commuting habitat considered integral to the SAC

**Key Roosts:** Billington and Rawlinson [21] recommend that connectivity within 10km of key GHB roosts should be protected. This is therefore taken as the distance within which any Key Roosts are most likely to occur (the area of search). All GHB roosts mapped by DBRC and known to local experts (including the Devon Bat Group), within 10km of BQ&C, the only known large maternity roost has been identified and discussed with the Steering Group of bat experts. The Key Roosts identified are listed in the Table below.

**Proposals effecting Key Roosts may have a significant effect on the BQ&C GHB population and therefore require HRA.** If any new Key Roosts are identified by the Steering Group, they will be added to this Guidance.

Parishes with Key Roosts*meets criteria but not designated	Roost type	Latest Count	Distance from SAC
Beer Quarry and Caves SSSI/SAC	Hibernation	340 in January 2021	0
*Branscombe	Large maternity roost (the only known GHB maternity roost in the area of search).	248 in August 2019 (223 adults + 25 young)	1km

**4km Sustenance Zone** has been mapped around the Key maternity roost in Branscombe to protect critical Foraging Habitat and Commuting Routes around this roost

**A 2km Sustenance Zone** has been mapped around BQ&C to protect critical Foraging Habitat and Commuting Routes used by bats from this roost during the winter. See Figure 2. See p.11 for justification for 2km.

As both these roosts are near the sea an area equivalent to 4km has been mapped (= 5024 ha) following the principle established at other coastal SACs e.g. Berry Head.

**Proposals impacting Foraging Habitat and Commuting Routes in the Sustenance Zones require HRA as they may have a significant effect on the SAC GHB population – see the flow chart in Section 3.**

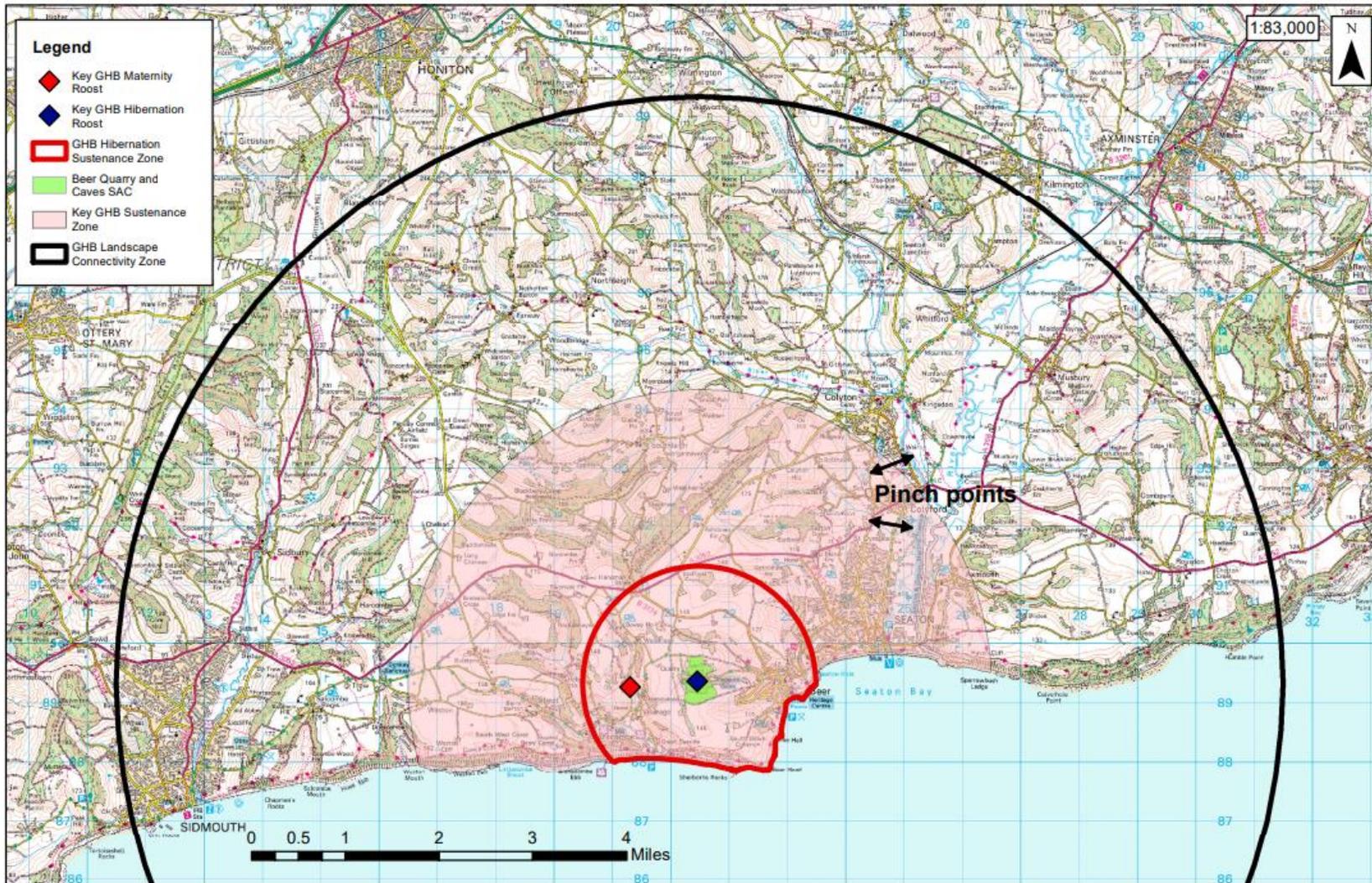
A **10km Landscape Connectivity Zone** has been mapped around BQ&C SAC to protect connectivity between the Key Roosts and other roosts in the area and to help connect the SAC to other populations to maintain genetic diversity and resilience [21]. Evidence from records held by Devon Biodiversity Records Centre and research conducted by the University of Sussex [19] indicates that GHBs commuting through the Landscape Connectivity Zone will be dispersed and found in low numbers compared to within the Sustenance Zones where most activity takes place.

It is considered that, in the LCZ, **only proposals which could severely restrict the movement of bats**

**at a landscape scale (impacting on landscape scale permeability) may have a likely significant effect on the SAC GHB population and require HRA – see the flow chart in Section 3.** However, there may be exceptions, see Flow Chart Note c in Section 3.

**Pinch points**– Pinch point has been identified in the landscape between Seaton and Colyford and Colyford and Colyton. Further urban growth in this area could significantly impact on the movement of LHBs and potentially have a likely significant effect on the SAC population. Dark flight lines need to be maintained through these Pinch Points to ensure uninhibited movement into their LCZ and between other key roosts in the region. GHBs that have been ringed at BQ& C have been found at a roost at Charmouth (Vincent Wildlife Trust Pers Comms 2011)

Figure 2



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## Bat Consultation Zones - Greater Horseshoe Bats

## 2.2 Lesser horseshoe bat consultation zones [24-28]

### General information on LHBs

**Roosts** – LHB maternity roosts are usually found in the roofs of larger rural houses and stable blocks offering a range of roof spaces and frequently using a nearby cellar, cave, or tunnel where the bats can go torpid in cooler weather. The colony may shift between attics, cellars, and chimneys throughout the summer, depending on the weather. **LHBs hibernate in caves, mines, tunnels, and cellars.** They appear to select places with similar temperatures to those sought by greater horseshoe bats, preferring temperatures between 8 and 11°C and high humidity LHBs also need other roosts (e.g., transition, mating, day and night roosts) throughout the year as for GHBs – see above.

**Foraging habitat** – LHBs largely feed in **broadleaved woodlands, wet woodland, wooded sheltered river valleys, parkland and semi or unimproved wet pasture bounded by hedges** [26-28].

In wooded habitats, lesser horseshoe bats feed within or below the tree canopy, taking small flying insects (midges, gnats, crane flies and moths). In summer most foraging activity takes place within 2.5km of the day roost and within 1.2km of the hibernation roosts in winter.

**Commuting routes** – LHBs actively avoid open areas and artificially illuminated areas. **They use dark tree lines, woodland edges over-grown hedges and vegetated banks of streams** to move between roosts and foraging areas [27].

### What we know about the Beer Q&C LHB's

Radio tracking carried out at a large LHB roost near Cotleigh by M Zeale in 2014 from Bristol University records bats foraging up to 2.5km away from the maternity roost. This is the closest LHB roost to the SAC population that has been studied and it confirms the relevance of Bontadina [28] in an east Devon context. Roost visits by members of the Devon Bat Group and Devon Bat Research and Conservation Society have provided additional roost locations and roost numbers.

### HRA Consultation Zone - Roosts, foraging and commuting habitat considered integral to the SAC

**Key Roosts:** Summer and winter roosts are thought to be generally no more than 5-10km apart [29]. Billington & Rawlinson recommend that connectivity within 10km of key LHB roosts should be protected [21]. All LHB roosts mapped by DBRC and known to local experts (including the Devon Bat Group), within 10km of BQ&C, have been identified and discussed with the Steering Group of bat experts. This showed that there are at least eight large maternity roosts within 10km of BQ&C as well as a large maternity roost (meeting SSSI criteria) 11.2km away. Survey information for these roosts shows that they seem to support ~700 bats (however, this is a very approximate figure as counts may include juveniles as well as adults, and, as LHB colonies can move around, some of the bats may be counted twice). NE's target for the SAC with respect to LHBs is to maintain abundance above 107 individuals (see p.4). We unfortunately do not know which of the local maternity roosts are used by the LHBs from BQ&C SAC. We have to assume that, whilst the SAC bats may use a number of maternity roosts in the area, the majority of SAC bats are likely to use the nearest maternity roosts. The 3 nearest maternity roosts are within ~5km of BQ&C and support ~130 bats (again this is approximate as there may be double counting) and which are considered to be Key Roosts in the context of the SAC population. There is also a hibernation roost in Beer which, due to its size and proximity to the SAC, is also considered to be a Key Roost. The number of bats in the Key hibernation roosts seems to roughly match that in the Key maternity roosts. **Proposals affecting Key Roosts may have a significant effect on the BQ&C GHB population and therefore require HRA.**

Parishes with Key Roosts	Roost type	Most recent counts	Distance from SAC (km)
Branscombe	Maternity*	30+	2.0
Colyford	Maternity	20-30	4.2
Colyford	Maternity*	70+	5.2
Beer Quarry and Caves SSSI / SAC	Hibernation and summer night roost	160	0
Beer	Hibernation	30	1.6

**2.5km Sustenance Zones** have been mapped around Key Maternity Roosts [28]

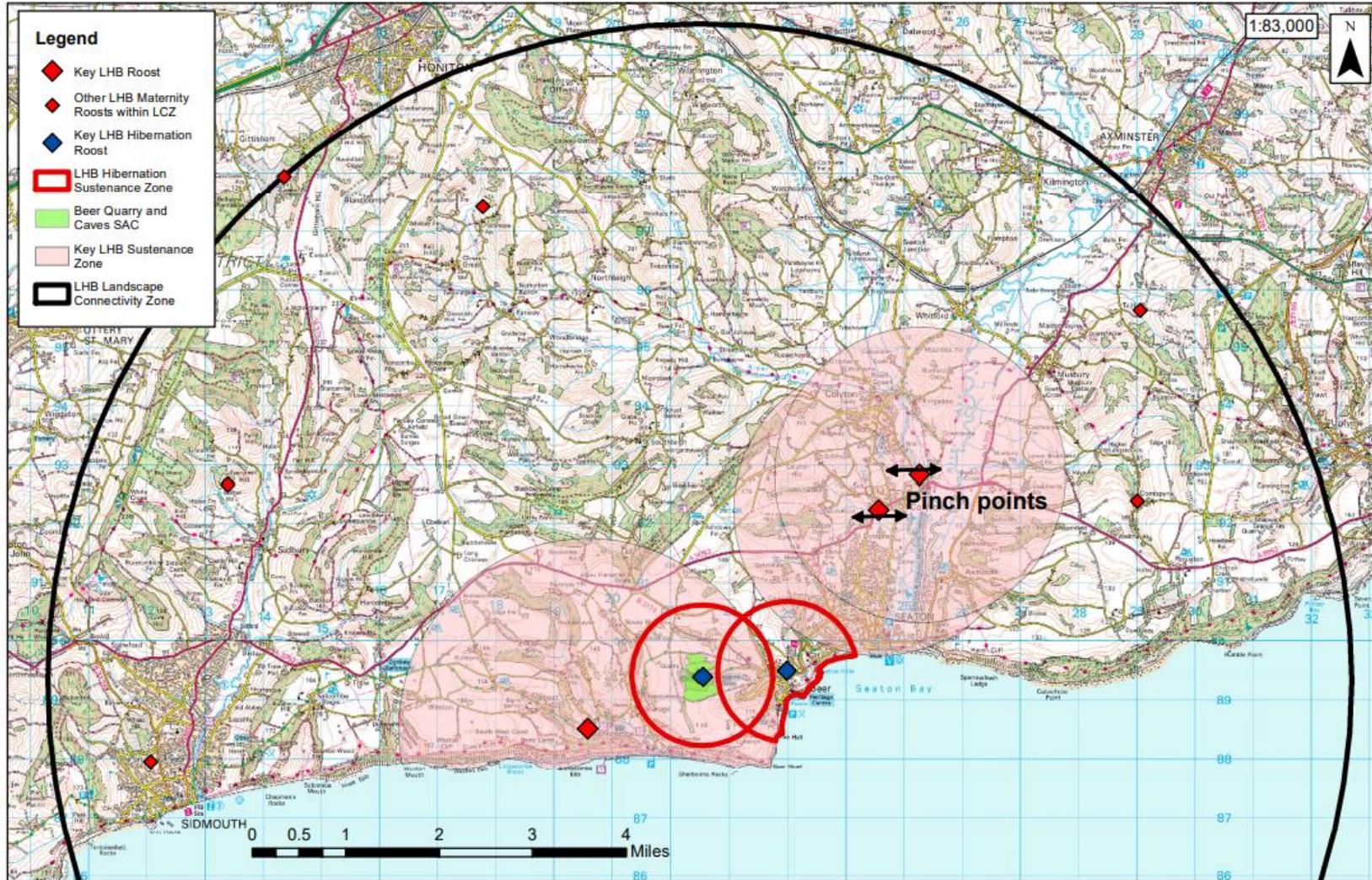
**1.2km Sustenance Zones** have been mapped around Key Hibernation Roosts (or equivalent area for roosts on the coast) [26]. See Figure 3.

**Proposals impacting Foraging Habitat and Commuting Routes in the Sustenance Zones may have a significant effect on the SAC LHB population and therefore require HRA – see the flow chart in Section 3.**

A **11.2km Landscape Connectivity Zone** has been mapped around BQ&C SAC to protect connectivity between the Key Roosts and other roosts in the area and to help connect the SAC to other populations to maintain genetic diversity and resilience [21]. As for GHBs, this is based on guidance produced by Billington and Rawlinson [21] but then extended to 11.2km to include the large maternity roost (over 200 LHBs) that meets SSSI criteria. See Figure 3 below. As for GHBs it is considered that LHBs commuting through the Landscape Connectivity Zone will largely be dispersed and found in relatively low numbers, other than within the foraging area of maternity roosts found in this landscape. **Only proposals which could severely restrict the movement of bats at a landscape scale (impacting on landscape scale permeability) are considered to potentially have a likely significant effect on the SAC LHB population and require HRA – see the flow chart in Section 3.** However, there may be exceptions, see Flow Chart Note c in Section 3.

**Pinch points** – A pinch point has been identified in the landscape between Seaton and Colyford and Colyford and Colyton. Further urban growth in this area could significantly impact on the movement of LHBs and potentially have a likely significant effect on the SAC population. Dark flight lines need to be maintained through these Pinch Points to ensure uninhibited movement into their LCZ and between other key roosts.

Figure 3



**Bat Consultation Zones - Lesser Horseshoe Bats**

## 2.3 Bechstein's bat consultation zones. [30-32]

### General information about Bechstein's bats

**Roosts** – Summer roosts are found in cracks, crevices, and old woodpecker holes in mature trees. Maternity colonies use multiple roosts throughout the season, frequently splitting into subgroups [30] and switching roost sites regularly. Winter records are rare, but they are known to hibernate in hollow trees and underground e.g. caves.

**Foraging habitat** – Bechstein's bat forages in closed canopy broad-leaved woodland, in copses, along large hedgerows, in wooded riparian corridors and meadows. Their diet is rich in moths and woodland associated flies. Lacewings, beetles, centipedes, earwigs and harvestmen are also taken. The bats tend to feed up to a maximum of 1 – 2.5km from the roost or usually closer [31,32].

**Commuting routes** – Bechstein's generally commute along linear landscape features such as woodland edge and hedges.

### What we know about the Beer Q&C Bechstein's bats.

Female Bechstein's from BQ&C have been radiotracked over a number of years (2006-2019) to a single ash tree in a small copse in Wilmington which is assumed to be a maternity roost and /or one of a number of trees used as a maternity roost. Females tend to be very sedentary during the maternity season whilst male bats are more likely to move around the landscape. However, males have been radiotracked to other trees where they spent a significant amount of time. See the Table below. Further survey is needed. A summary of the Bechstein's surveys done around Beer will be set out in a separate paper to this guidance.

The East Devon AONB has sponsored the Devon Bat Conservation and Research Group to continue to monitor Bechstein's to further enhance our understanding of how they use the landscape and to identify any further roosts. The Blackdown Hills AONB has been installing bat boxes for Bechstein's bats in suitable woodland to improve the roosting options for these bats and potentially enhance their breeding success.

### HRA Consultation Zone - Roosts, foraging and commuting habitat considered integral to the SAC.

**Key Roosts:** Bechstein's from BQ&C have been radiotracked to a maximum of 10.25km from the SAC roost. Given the rarity of Bechstein's, and that little is known of their local roost sites, the Steering Group consider that all known roosts within a 10.25km zone of BQ&C are Key Roosts and integral to the SAC population.

Parishes with Key Roosts – see Fig 3	Type of roost	Latest count	Distance from the SAC (km)
Beer Quarry and Caves	Hibernation	Jan 2021 count recorded just 1 Bechstein's.	0
Wilmington	Possible maternity roost.	Used by multiple females since 2009	10.25
Beer	Day roost used by male bats	Individual bats	0.9
Northleigh tree 1	Day roost used by male bats	Individual bats	5.7
Northleigh tree 2	Day roost used by male bats	Individual bats	6.4

Northleigh tree 3	Day roost used by male bats	Individual bats	7.1
Shute tree 1	Day roost used by male bats	Individual bats	9.2
Shute tree 2	Day roost used by male bats	Individual bats	9.5
Shute tree 3	Day roost used by male bats	Individual bats	9.7

**2.5km Sustenance Zones** have been mapped around all Key Roosts. The bats tend to feed up to a maximum of 1 – 2.5km from the roost or usually closer [31,32]. The maximum distance has been used due to the rarity of the bats and our lack of knowledge given the difficulties in surveying for them<sup>2</sup>. Given these issues the Steering Group agreed that a precautionary principle should be taken, and Sustenance Zones mapped around all known Bechstein’s roosts in order to protect all potential Bechstein’s habitat, including any unmapped roosts.

**Proposals impacting on any potential Bechstein’s habitat in the Sustenance Zones may have a significant effect on the SAC and therefore require HRA.** See Figure 4 below and Section 3.2

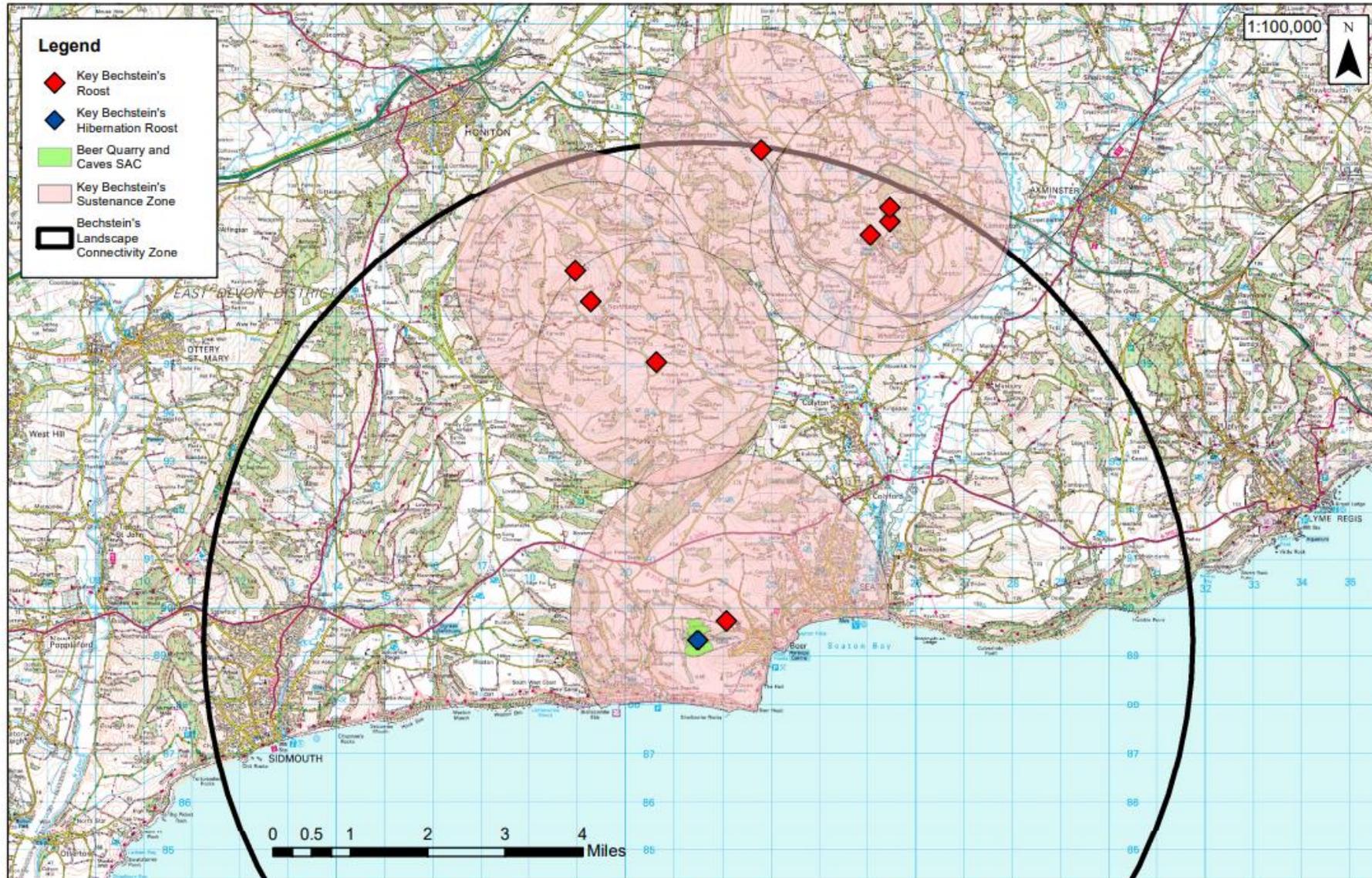
**A 10.25km Landscape Connectivity Zone** has been mapped around BQ&C to protect connectivity between the Key Roosts. 10.25km is based on the furthest distance that a Bechstein’s bat has been radiotracked from the quarry.

**Proposals impacting on Bechstein’s Commuting Routes within this zone may have a significant effect on the SAC Bechstein’s population.** See Figure 4 below and Section 3.2.

**Pinch points** – No pinch points have been identified to date.

<sup>2</sup> BCT’s CSZ for Bechstein’s is 3km. However, BCT states (BCT, 2016) that 3km is very precautionary: ‘*The weighted average mean-maximum foraging radius for M. bechsteinii rounds to 1km, however an increased CSZ size of 3km has been selected for this species due to its rarity and specialised habitat requirements*’. In the Devon situation the Sustenance Zones are being placed around trees used by individual bats, the Steering Group felt that it would be unreasonable to go beyond the 2.5km referenced.

Figure 4:

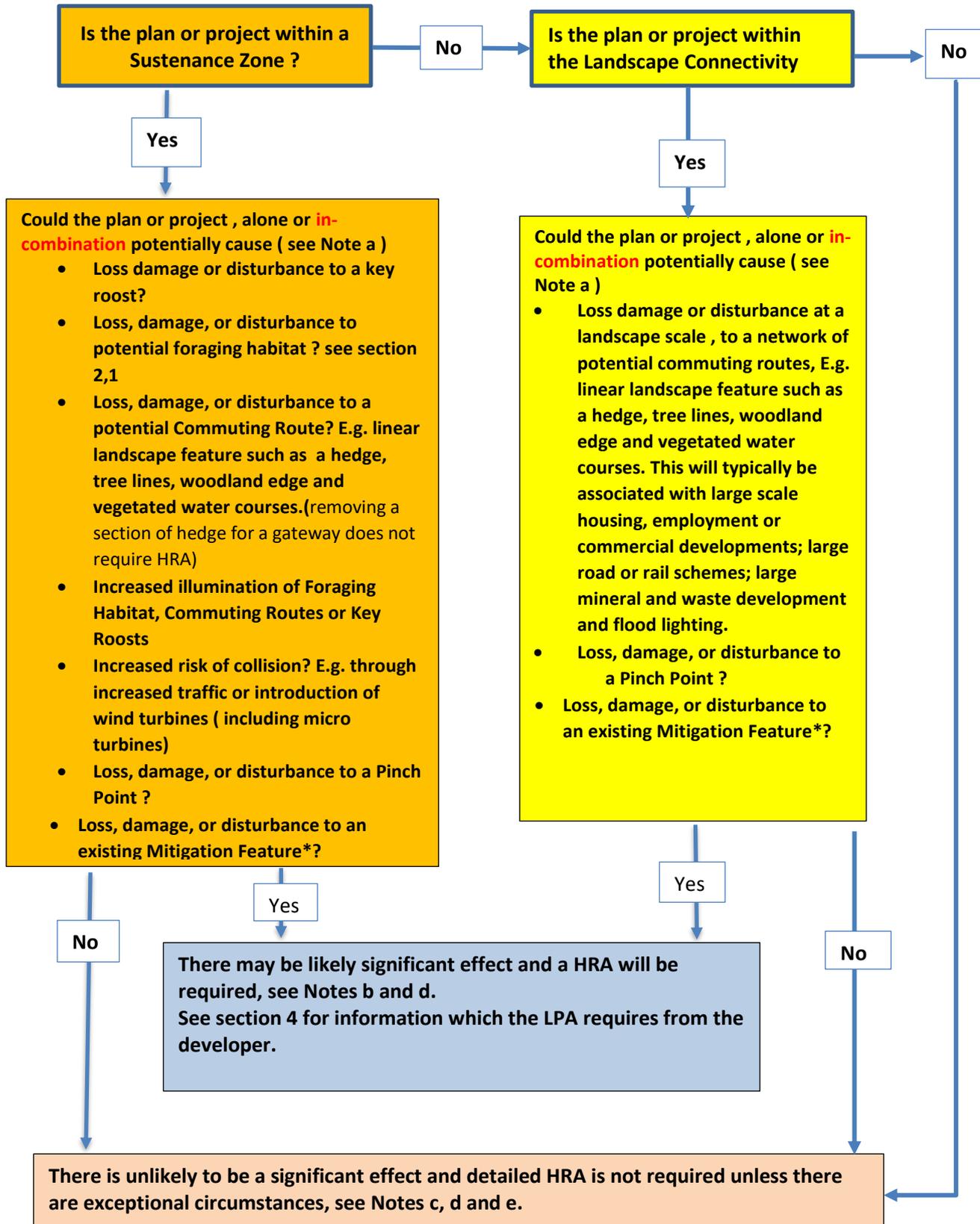


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## Bat Consultation Zones - Bechstein's Bats

### 3 When could a proposal have a likely significant effect on the Beer Quarry & Caves SAC? i.e. when is HRA required?

As early as possible in planning of a development (pre-application stage) the LPA and applicant should discuss the proposal and, using existing knowledge, follow the Flow Chart and associated Notes below to clarify whether there may be a likely significant effect on the SAC.



\*Feature is mapped on DCC environment viewer at <http://map.devon.gov.uk/dccviewer/> Note however that there may be a time delay in adding Mitigation Features and it is the responsibility of the applicants to ensure that they are aware of any relevant mitigation features not yet shown on the Viewer.

## Flow Chart Notes:

(a) If there is any degree of uncertainty regarding how to answer questions in the flow chart *e.g.* whether there is loss, damage or disturbance to a potential Foraging Habitat or Commuting Route, an ecologist should be consulted. Examples of how a proposal could potentially adversely affect bat habitats include:

### Foraging Habitat

Building on pasture, wetland, or converting to improved grassland or arable

Felling woodland.

Altering drainage of wetland areas.

Indirect impacts that could lead to deterioration of the feature

Increased illumination of Foraging Habitat through internal, external and vehicular lighting sources.

### Commuting Routes

Removal of a hedgerow / tree line.

Increased illumination of sections of hedgerow/tree lines, including from internal, external and vehicular lighting sources.

Building in close vicinity to a hedgerow / tree line.

Having an indirect impact *e.g.* a change in management to hedgerows bordering residential gardens.

Obstructions.

Increased risk of collision or habitat fragmentation *e.g.* new roads.

(b) It may be possible for the LPA to screen out *likely significant effects* relatively quickly in the process where it is considered that, due to factors such as location, site characteristics, size/type of the application, the proposal will clearly not have a likely significant effect on the SAC.

(c) HRA may be required in circumstances not listed on the flow chart if, following survey, the LPA or Natural England consider that the development could have a likely significant effect on the SAC. This could include the discovery of a new Critical Roost or the in-combination impacts of small projects in the Landscape Connectivity Zone.

Note: The applicant and LPA must ensure that other wildlife impacts (including impacts on bats as *European Protected Species*) are identified and mitigated appropriately through the planning process. See the Devon County Council website and Natural England standing advice for more information - <https://new.devon.gov.uk/wildlife-and-geology-planning-guidance> and <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>

## 4 Information required for detailed HRA

### 4.1 LPA Planning stages

#### Pre-application Stage

The applicant should commission a suitably qualified ecological consultant (with experience of identifying impacts and mitigation requirements for GHB/LHB/Bechstein's) to provide the LPA with the following:

- Bat survey results and analysis, when required, see Section 4.2 below.
- Impact Assessment.
- Avoidance, mitigation measures and monitoring details, see 4.3 below.

LPA's cannot recommend consultants but can provide a list of ecological consultants known to them. See: <https://new.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>

The information provided should be up to date and follow current published guidance<sup>3</sup>. Departures from published guidance need to be fully justified in writing and agreed with the LPA.

It is advised, particularly for large or complex applications, that applicants seek pre-application advice on HRA requirements, survey and potential avoidance/mitigation measures from the LPA as well as from Natural England's Discretionary Advice Service. If insufficient information is submitted the LPA may be unable to validate the application or may need to request further information or new mitigation measures which could affect design/layout. These scenarios may lead to delays and increased cost.

Applicants and LPAs should use Natural England's Conservation Objectives and related Supplementary Advice for the BQ&C SAC when developing and assessing an application which may affect the SAC [2].

### **Submission of a Planning Application**

The applicant must submit all the information required for the LPA to produce an HRA. If insufficient information is supplied, the LPA may not be able to validate the application. **To help ensure that all information has been provided it is strongly recommended that the applicant fills in the shadow Devon HRA template found at** <https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>

### **Determining a Planning Application**

The LPA will use the information provided to undertake an HRA and, when required, consult Natural England. Note that the LPA must consult Natural England on all Appropriate Assessments. If insufficient information has been supplied the LPA may have to request further information. This can lead to a delay in determining the application.

The LPA will secure any mitigation measures required to ensure the project will not adversely affect the integrity of the SAC via conditions and/or legal obligations agreed with the developer.

If the LPA is unable to conclude that the application will have no adverse effect on the integrity of BQ&C SAC, the application will be refused (except for in exceptional circumstances) [3].

**Outline applications** are subject to HRA requirements. It is acknowledged that not all design and layout details will be known. However, where detailed HRA is required appropriate survey must be undertaken and any required avoidance/mitigation measures and principles, such as dark corridors, secured (via condition or legal agreement) in order to provide the LPA with the confidence required that there will be no adverse effect on the SAC bat population. These secured measures and principles must then be followed when developing details at reserved matters stage.

## **4.2 Survey Requirements**

### **Greater and Lesser Horseshoes**

Current national guidance [24] should be followed as well as any local guidance. Exact survey requirements will need to reflect the sensitivity of the site and the nature, location and scale of the proposals plus the difficulty of detecting horseshoe bats. Early dialogue with the LPA and Natural England is therefore encouraged.

There is currently no national guidance available to inform winter bat activity surveys in the Sustainment Zones around

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<sup>3</sup> Including guidance from the Chartered Institute for Ecologists and Environmental Managers CIEEM) <https://www.cieem.net/> and the **British Standard for Biodiversity** (BS 42020:2013).

hibernation roosts. Some foraging will occur during hibernation but at reduced rates to other times of year. If impacts occur in hibernation SZs the ecological consultant should discuss and agree any winter survey requirements with the LPA and Natural England.

Surveys and assessment of the results should be informed by any relevant bat data within the vicinity of the development from Devon Biodiversity Records Centre and the Devon Bat Group (see contact details in Appendix 1) and relevant projects where data are available. The assessment should provide an overview of how bats are thought to use the landscape in and around the application site. New bat data should be shared with the Devon Biodiversity Records Centre in accordance with good practice guidelines.

Bat activity survey that is more than 2/3 years old will generally be considered out of date as per the British Standard for Biodiversity BS 42020. However, in some circumstances it may be possible for the LPA and Natural England to agree to mitigation requirements without the need for a survey / full survey. Note that HRA will still be required. Circumstances may include:

- A minor development proposal where there is certainty (as evidenced by a competent ecological consultant) that impacts on bat habitat can be avoided or are negligible.
- A situation in which survey (or further survey) would not contribute further to the identification of impacts and avoidance/mitigation requirements.
- A situation in which the LPA and Natural England agree that there is sufficient existing survey information for the site (see British Standard for Biodiversity BS2020 for more information).

## **Bechstein's**

Bechstein's are very difficult to survey using standard monitoring techniques. They rarely leave the cover of roosting sites until after dark, tending to forage high up in the canopy, where their low intensity echolocation calls make them difficult to detect using standard ultrasonic detectors [33]. Any echolocation calls that are recorded are difficult to identify accurately to species, as call structure for many of the *Myotis* species overlaps [34]. Additionally, Bechstein's bat are difficult to trap with harp traps and mist nets making capture for identification in the hand very challenging. these techniques only allow a very small area to be surveyed [24, 35].

**Given these limitations it is advised that Bechstein's surveys should not be undertaken to identify impacts.** An impact assessment should be undertaken using the assumption that Bechstein's bats are using any suitable habitat within the identified Sustainance Zones. Note that this does not negate the need for bat activity surveys, which may still be required for identification of impacts on other bat species.

**Trees:** Separately to HRA any planning proposals which impact on mature trees (including individual trees) require an assessment to identify any impacts on bat roosts (which have statutory protection). This assessment, and any detailed survey required, will help to identify trees which have potential Bechstein's roosting features (cracks, holes etc) and therefore trees which have no roosting features. The survey *may* identify Bechstein's presence but a negative result does not mean that a tree with roosting features isn't used by bats. If a tree has the potential for roosting Bechstein's the consultant should produce an impact assessment assuming presence and identify avoidance and mitigation measures.

In some cases it may be possible to agree a worst case scenario and put mitigation in place which will ensure no adverse effect on the integrity of the SAC. In some cases specialist survey may be required and the methodology should be agreed with the LPA and NE.

### 4.3 Avoidance, Mitigation and Monitoring Principles

The development should be designed (using the 'mitigation hierarchy'<sup>4</sup> as the standard approach) to avoid impacts through:

- Avoiding loss, damage or disturbance to bat roosts, Foraging Habitats and Commuting Routes and maintaining connectivity to offsite habitats.
- Where appropriate, creating sufficiently wide and dark buffers along or around habitats to protect them from impacts.
- Designing any lighting schemes to prevent impacts on known or potential bat habitat, in accordance with BCT/ILP guidance note 08/18<sup>5</sup>
- Designing the scheme to avoid future impacts *e.g.*, *permanent* physical solutions such as bunds to reduce impacts from the future introduction of householder lighting, safety lighting or householder hedge management.

Bechstein's: **Given the rarity of Bechstein's every effort should be made to avoid habitat loss and impacts.** If an impact on likely Bechstein's habitat is considered to be in the public interest this should be discussed with the LPA and NE as early as possible. Avoidance and mitigation measures should take into account factors such as extent of loss and availability of other suitable habitat in the area *e.g.*, if an individual tree is being felled which is identified as potentially supporting Bechstein's (due to cracks etc) then this *may* be acceptable if there are other suitable roosting trees nearby and it is agreed that the loss of the tree will not have an adverse effect on the integrity of the SAC population.

Where it is not possible to avoid all impacts the applicant should put forward measures to reduce impacts (mitigation) and ensure no adverse effect on the integrity of the SAC. Required measures may include:

- Creating or enhancing new dark corridors through the development site to maintain a connected network of Commuting Routes for bats. Creating or enhancing new Foraging Habitat in suitable locations within the same Sustenance Zone.
- Maintaining Commuting Routes across road and transport routes by creating safe bat crossings following best practice. This could include, for example, culverts, underpasses and green bridges.
- Imposing controls or restrictions on relevant operations, *e.g.* lighting.
- Creating or enhancing a roost.
- Contributing to any BQ&C SAC strategic bat fund which combines funding to deliver permanent high-quality bat habitat and roosts in priority locations to increase population resilience. The LPAs will provide further advice where this is relevant.
- There must be sufficient certainty that mitigation measures will be effective in ensuring no adverse effect on the integrity of the SAC and that they can be delivered. This certainty must be beyond reasonable scientific

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<sup>4</sup> See Guidelines for Ecological Impact Assessment in the UK and Ireland (September 2018) Chartered Institute for Ecologists and Environmental managers (CIEEM) <https://www.cieem.net/> and the British Standard for Biodiversity (BS 42020:2013).

<sup>5</sup> See Bats and Artificial Lighting in the UK (2018). Bat Conservation Trust and Institute of Lighting Professionals Guidance note 08/18.

doubt. For example:

- Measures must be in place and functioning before impacts occur.
- All financial and legal details relating to the delivery of mitigation requirements must be clear.
- Measures should be secured and implemented to reflect the duration of the impacts. Where impacts are permanent and irreversible measures will need to be secured *in-perpetuity*.
- All mitigation should follow current best practice.
- Mitigation measures must be considered in the context of the wider area *e.g.* Commuting Routes through a development site must connect to routes outside the site and off-site impacts such as lighting must be mitigated.

Monitoring (which ensures that mitigation has been carried out as agreed and is effective) and appropriate follow up measures must be agreed with the LPA and implemented by the developer. Any required remedial measures must be completed to a timetable agreed with the LPA.

Note: Whilst not required for HRA both the developer and LPA should seek enhancements for all bat species in line with any national and local net gain policy and guidance.

## 5 Reviewing this Guidance.

This guidance will be reviewed and updated by the Steering Group as required. This may be as a result of national policy or legislative changes or the discovery of a new Critical Roost.

An up-to-date version of the guidance will be available on the [DCC website](#).

If significant revisions are made to the document, the Steering Group will advise consultants listed on the [DCC website](#) and ensure that these amendments are set out in a table included as an Appendix to the Guidance.

## 6. Glossary.

Adverse effect on integrity	Where the competent authority is unable to confirm that the plan or project, without taking into account measures to avoid or reduce harmful effects (mitigation), will not have a likely significant effect on the SAC then the LPA will ask for further information in order to undertake an <b>Appropriate Assessment</b> and ensure that the plan or project will not have an adverse effect on the integrity of the site. The integrity of a European site can be defined as, ‘the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.’ [5]. In practical terms this means the habitats necessary to maintain a healthy and viable population of greater horseshoe bats.
Appropriate Assessment	Stage 2 of HRA requirements where a likely significant effect, alone or in combination, cannot be ruled out. An assessment of whether the proposal will adversely affect the integrity of the European Site taking into account avoidance and/or reduction measures. The <b>Precautionary Principle</b> applies, so to be certain, the LPA should be convinced that no reasonable scientific doubt remains as to the absence of such effects.
British Standard for Biodiversity	BS42020: 2013 Biodiversity – <i>Code of practice for planning and development</i> – is the first British Standard on biodiversity planning. Consistent with the European Biodiversity Strategy and UN Aichi targets. The British Standard offers a coherent methodology for biodiversity planning.
Commuting Routes	Linear features used as flight lines e.g. hedgerows, tree lines, woodland edge and vegetated watercourses.
Competent Authority	For the purpose of the <b>Habitats Regulations</b> , a Competent Authority includes any Minister of the Crown, government department, statutory undertaker, public body of any description or person holding a public office. For planning applications, the Competent Authority would typically be the relevant Local Planning Authority.
Consultation Area	The combined area of the <b>Sustenance Zones</b> and <b>Landscape Connectivity Zone</b> (Figure 1). Based on current evidence the Steering Group considers that applications outside the consultation zone will not have a likely significant effect on Beer Quarry and Caves SAC.
Echolocation	The sonar-like system used by bats to detect and locate objects by emitting usually high-pitched sounds that reflect off the object and return to the animal’s sensory receptors, either their ears or in the case of horseshoe bats, their nose ‘leaves’.
European sites (sites protected under European legislation)	Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU Habitats Directive (EEC/92/43). Also referred to as Natura 2000 sites.

European Protected Species	Species of plants and animals (other than birds) protected by law through the European Union and listed in Annexes II and IV of the European Habitats Directive.
Existing Mitigation Features (greater horseshoe bats)	Roosts, Commuting or Foraging Habitat created, enhanced, or protected to meet Habitats Regulations requirements for approved projects.
Favourable Conservation Status	Article 1 (i) of the Habitats Directive defines conservation status for species as <i>“the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of the its populations within the territory referred to in Article 2’ and continues ‘the conservation status may be considered ‘favourable’ when: (a) its natural range and areas it covers within that range are stable or increasing; and (b) the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and (c) there is and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis’.</i>
Foraging Habitat	Feeding areas for bats.
Habitats Directive	Beer Quarry and Caves SAC has been designated under the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (“the Habitats Directive”) as part of a European network of strictly protected sites important conservation sites that will make a significant contribution to conserving habitats and species listed in Annex I and Annex II of the Directive. These habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).
Habitats Regulations	Various obligations of the Habitats Directive are transposed into domestic legislation by the Conservation of Habitats and Species Regulations 2017 (SI No. 2017/1012) (“The Habitats Regulations”). The Habitats Directives continues to have a direct effect in the UK and prevail in the event of a conflict between their provision and those of the Habitats Regulations. Decisions of the Court of the European Court of Justice are directly binding on UK competent authorities.
Habitats Regulations Assessment (HRA)	The assessment, required by the Habitats Directive and Habitats Regulations, carried out by the competent authority to assess the effects of projects or proposals on European protected sites. Stage 1 includes screening for likely significant effects. Stage 2 (Appropriate Assessment) assesses whether it is possible to avoid an adverse effect on site integrity.

HRA screening	An assessment of whether the proposal will, on its own or in- combination with other plans or projects, have a likely significant effect on the SAC's population of greater horseshoe bats before avoidance or reduction measures have been taken into account. The flow chart in section 3 should be used to identify whether an application may have a likely significant effect on the South Hams SAC greater horseshoe bat population. Where it is clear that there is no likelihood of significant effect there is no need for detailed screening. However, where there may be a likely significant effect the LPA will need to use information provided by the applicant to undertake a detailed HRA screening. Where screening cannot rule out a likely significant effect then <i>Appropriate Assessment</i> must be carried out.
Hibernation roost	Roosts where bats hibernate during the winter.
In-combination effects	Effects that occur from a plan or project, in combination with other plans or projects to protect sites from cumulative effects of more than one project when the effects of project acting on the site alone would not be likely to be significant. The key purpose is to ensure no significant cumulative adverse effects on a site. Projects generally include [6]: Projects started but not finished <ul style="list-style-type: none"> <li>• Projects with consent but not started</li> <li>• Applications lodged and not determined</li> <li>• Refusals subject to appeal</li> <li>• Known projects not needing consent</li> <li>• Proposals in adopted plans</li> <li>• Firm proposals in published final draft plans</li> <li>• Firm proposals in final draft plans.</li> </ul>
In-perpetuity	For the purposes of HRA, mitigation must cover the duration of impacts. Where impacts are permanent and irreversible mitigation should be delivered 'in-perpetuity'. Legal counsel may need to be sought in some cases when a defined time frame is required under The Perpetuities and Accumulations Act 2009.
Integrity Test	In the context of the Habitats Regulations, the 'integrity' of a site is defined in England and Wales as <i>'the coherence of its ecological structure and function across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which the site is (or will be) designated'</i> . A site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realized, the capacity for self-repair and self-renewal under dynamic conditions is maintained, and a minimum of external management support is required. The integrity test must be considered on a case-by-case basis, taking account of the potential effects of the particular plan or project on the particular site and its qualifying features. [6]
Key Roosts	Roosts which are considered integral to the SAC population. Impacts on these roosts, alone, could potentially have a likely significant effect on the SAC bat population.
Landscape Connectivity Zone	The area that includes a complex network of Commuting Routes likely to be used by the SAC population of bats.

Likely significant effects	Effects, considered in HRA screening, which would undermine the SAC's Conservation Objectives. If, on the basis of information provided, a likely significant effect cannot be ruled out then Stage 2 of the HRA (an <b>Appropriate Assessment</b> ) must be undertaken by the competent authority. In HRA terms, 'likely' is not a certainty or a probability but a possibility or a risk of a significant effect [6].
LPA – Local Planning Authority	The Local Planning Authority is the Authority responsible for plan- making and development management functions.
Material consideration	A material consideration is a matter that should be taken into account in deciding a planning application or in an appeal against a planning decision.
Maternity roost	The roost where, during summer, female bats gather to have and raise their pups. Some males may also be present in maternity roosts. Types of structures used for maternity roosts vary hugely between species.
Mitigation	Measures to avoid and reduce significant adverse effects on the integrity of SACs.
Other roosts	Not identified as Key Roosts. These roosts are generally used by small numbers of bats and in most cases, it is cumulative impacts on these roosts and the habitat that surrounds them (any foraging habitat and commuting routes) which could have a significant effect on the SAC bat population. Due to the number of smaller roosts, and the fact that many will not have been recorded, they are not identified in this Guidance. Please contact DBRC / Devon Bat Group for existing records.
Permitted development	Permitted development rights are a national grant of planning permission which allows certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity. Rules relating to permitted development are set out in the General Permitted Development Order.
Pinch Point	Known or potential commuting routes which are significantly restricted <i>e.g.</i> , due to urban encroachment or proximity to the sea / estuaries. Further restriction to a Pinch Point could significantly impact on the movement of greater horseshoes and potentially have a likely significant effect on the SAC.

Plans or projects	<p>Plans or projects in the context of HRA are defined as [6]</p> <p>A plan is:</p> <ul style="list-style-type: none"> <li>• any new document (or modification alteration or revocation) whatever form or title it may have</li> <li>• a detailed proposal for doing, planning, regulating, or achieving something OR</li> <li>• an intention/decision about what is going to be done</li> <li>• excluding statements of general aspiration or political will or general intentions.</li> </ul> <p>A project is capable of being:</p> <p>Anything that requires any form of new or renewed, or periodically renewable, authorisation or any variation, modification or revocation of an authorisation.</p>
Planning applications	As well as planning applications this term includes prior approval notices and non-material amendments.
Precautionary Principle	HRA incorporates the 'precautionary principle' as established in case law. It is not for the competent authority to show that there would be harm to the European site's integrity before refusing authorization, but for it to establish that there would be no harm to site integrity before granting authorisation [6].
Roosts	A bat's breeding site or resting place. UK bats do not construct roosts but use structures that are already available.
SAC – Beer Quarry and Caves	Beer Quarry and Caves Special Area of Conservation. Designated as a SAC in 2005 for its important population of hibernating greater horseshoe bats, lesser horseshoe bats and Bechstein's bats. The aim of the designation is to help ensure the <i>favourable conservation status</i> of these species.
Site of Special Scientific Interest (SSSI)	An area or site that is designated by Natural England under the Wildlife and Countryside Act 1981 for its nationally important biodiversity.
Sustenance Zone	The area around Key Roosts which includes critical Foraging and Commuting Habitat.

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Bath and Bradford on Avon Bats SAC – Guidance on Development – V 1.2 – April 2019

North Somerset and Mendip Hills SAC – Guidance on Development – V 2.1 – March 2019  
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South Hams Special Area of Conservation (SAC) (2019) Habitats Regulations Assessment Guidance, Greater Horseshoe Bats  
[Wildlife and geology planning guidance - Environment \(devon.gov.uk\)](http://www.devon.gov.uk/wildlife-and-geology-planning-guidance-environment)

## **Appendix 1. Contact details for Planning Authorities**

### **East Devon District Council**

#### **Eastern Team**

Email: [planningeast@eastdevon.gov.uk](mailto:planningeast@eastdevon.gov.uk)  
Tel: 01395 571597

Covering Planning issues in the following parishes

All Saints, Axminster, Axmouth, Beer, Branscombe, Chardstock, Colyton, Combyne Rousdon, Cotleigh, Dalwood, Farway, Hawkchurch, Honiton, Kilmington, Luppitt, Membury, Monkton, Musbury, Northleigh, Offwell, Seaton, Shute, Southleigh, Stockland, Uplyme, Uppottery, Widworthy, Yarcombe.

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Covering planning applications in the following parishes:

Awliscombe, Bicton, Broadhembury, Budleigh Salterton, Buckerell, Colaton Raleigh, Combe Raleigh, Dunkeswell, East Budleigh, Feniton, Gittisham, Newton Poppleford & Harpford, Payhembury, Otterton, Ottery St. Mary, Sheldon, Sidmouth.