From: [redacted]
To:
Cc:
Subject: RE: SPG: J1109 - mitigation for impact on bats
Date: 31 October 2023 15:38:03

Hi [redacted]

Thanks also for joining us yesterday and sending your proposed revised wording of the SPG today. As indicated yesterday we felt that the draft SPG for J1109 provided significant support for the need for detailed consideration on localised biodiversity of any development proposals and we welcomed that.

We're also pleased that your view, like ours, is to retain the essence of that in the text of the SPG (with some slight revisions which you've made in yellow) and which we are happy to support. I think the key for us is ensuring that applicants are aware that there is an expectation that sufficient ecological data will be required if there is to be a significant deviation from some of the mitigation measures cited in the brief.

In the meantime I've attached a copy of the representation you received below with some comments from us in RED. They combine the professional opinions of the staff on the call yesterday and can be used by you in preparing your response report to the consultation.

If you need any clarification please let me know and I can look to address the issues.

Just to re-iterate I'm certain that any application that seeks to somehow lessen or misrepresent the importance of the location and the adjacent roosts, including the GLEB maternity roost will likely be the subject of a response(s) from a number of ecological professionals and groups including the Jersey Grey Long-eared Project, who we have already spoken to when providing you with early comment in the drafting up of the Briefs.

Thanks

[redacted]

> The document uses the nearby Bat roost as a reason to support the notion of 1/3rd of the site to be open space together with installing an unfounded 20 meter buffer zone on two portions of the site rendering them useless in terms of providing any housing. The buffer zone suggested along northern boundary of the site was always anticipated, albeit is hugely excessive.
>
> The provision of open space as referred to in the draft Development Brief is a response to the need of the development to respond to a number of policy considerations relevant to the site and is not solely attributable to the nearby bat roost(s) -, although clearly from an ecological perspective it would be more welcome than seeing less of the site safeguarded for open space.
>
> Research undertaken and reported in the 'Bat Conservation 2021 edition; Global Evidence for the Effects of Intervention' clearly shows that even where development takes place on

a property where Bats are roosting, this rarely effects the roost numbers and in some cases, numbers of bats increased 'One before-and-after study in Ireland found similar numbers of long-eared bats roosting within an attic after existing access points were retained during renovations.

The Report referred to is lengthy document exploring a large number of issues. If we understand correctly the specific study cited refers to Brown Long-eared Bats (BLEB) and not Grey Long-eared Bats (GLEB), known to have the maternity roost adjacent to field J1109. Although both are Plecotus species, they have different behaviours and needs.

The study also refers to retained roost features of a renovated building, so in our view is not directly relevant to this case where the concerns focus on the commuting and foraging needs of the nearby maternity colony that could be impacted by the development of J1109. It's important in our view to preserve foraging and commuting areas close to the roosts to maximise foraging opportunity close to the roost and reduce maternal time away from the roost.

One replicated, before-and-after study in the UK found that four of nine bat roosts retained within developments were used as maternity colonies, in two cases by similar or greater numbers of bats after development had taken place' In the same report 'A replicated, before-and-after study in 2011–2015 of nine bat maternity roosts retained within building developments across Scotland…two of the roosts were used by greater or similar numbers of bats'. Other roosts were also shown to be lost. Again our understanding is that this is related to BLEB roost loyalty especially when the original access points remain. The increased use in the examples cited may be attributable to the improved thermal properties following replacement of the roofing felt and tiles which is not relevant in this case where we are focussing on the impact of development on foraging and commuting opportunities.

The SPG seems to be making some subjective suggestions that will impede and the ability for this project to deliver the family homes that are needed and were the purposes for the rezoning. The consideration of and subsequent rezoning of the land as a result of the IP debate was based on information that at the time didn't provide the ecological detail now contained in the draft Development Brief. (If we understand correctly J1109 wasn't originally part of the original proposed sites for Policy H5 but was adopted during the debate.)

The roof of the neighbouring church was developed into housing as well as adding units of accommodation to the rear of the property, all with external lighting and the Bat roost remains insitu and used by the Colony. To substantiate our position we have engaged Nurture Ecology who are in the process of undertaking bat activity surveys (transect and static surveys) of the site, spanning a 12 month period. (pipistrelle and long-eared species) emerging from the adjacent Sion Church roost confirming the previous, much more intrusive and destructive building work (in the building which contains the roost) has not affected the roost. We cannot comment on whether there will be sufficient survey data to accompany any forthcoming development application and the need for it to satisfy the requirements of the Policies in the NE Chapter of the BIP and best practice guidelines. To this point we have not seen any of the data referred to `but we would suggest that there should also be sufficient data to establish how the bats in this locality are using the landscape and its features. At this stage it may be helpful for the applicant to get an additional external / independent opinion on survey extent (with knowledge of Jersey and experience of tracking GLEB's to observe foraging and commuting behaviours, in the context of development projects).

It is our intention to create a significant, densely planted dark corridor for bats along the northern boundary that would splay off at the rear of the church where the bats head north into darkness as they do not fly over the houses already built at the back of the church. The western boundary will be subject to dense planting. It is not feasible or proportionate to create a 20m buffer along the western boundary in addition to the north, as opportunities for commuting and foraging bats exist along the other site of this

boundary within adjacent field J1109A, which has not been re-zoned for development and provides dark habitat for foraging long-eared bats (and other species). The above will be included within the IEA we have procured. As indicated we have not seen any of the ecological data and reports referred to in this submission so we aren't in a position to comment in that regard. As suggested it is likely that Field J1109A currently provides opportunities for bats emerging from nearby roosts as well as those using the wider landscape, although at this stage it's not clear what the impact of the development of Field J1109 will have on the neighbouring field and hence the need for a greater understanding of the landscape use of bats in this locality and beyond.

We would seriously question any suggestion that a 20m buffer to the North and west boundary be necessary, given our own understanding resulting from on-site research.

A 10 meter buffer to the North significant, densely planted dark corridor including low level / mitigated lighting is a professionally recognised balanced solution.

The western boundary would simply need significant and dense planting with surrounding areas and field providing more than enough foraging opportunities.

The summary presented by the applicant of the proposed mitigation treatments is based on information we have not yet seen. As referred to earlier the SPG and NE Policies require that sufficient data is provided to ensure the policies of the Island Plan and the Wildlife (Jersey) Law 2021 can be met and that the resulting mitigation strategies are appropriate.

CONCLUSION In bullet points for ease;

1. Open space at 1/3rd is neither desired or practical, we would suggest 15%. This is backed by the Parish Constable and wider community.

Without full knowledge of the foraging behaviour of the maternity colony or similar case studies it is very difficult to know what impact the development will have on this colony and the overall population of GLEB in Jersey (which is a significant proportion of the known population in the British Isles).

2. Buffer zones are excessive and based on no factual research. These need consideration and the eastern buffer zone should be removed. This will deem the site undeliverable by any entity. Its certainly true that there is limited research data available on GLEB in Jersey, a situation that is in part being being addressed through various research initiatives, many of which fall under the umbrella of the Jersey GLEB Project. With this in mind it's therefore imperative that there is sufficient data available with respect to this species and the impacts of proposed development of this site prior to commencement and that a precautionary approach should be adopted until such time as that situation changes.

6. Work with us, not against us to use the live data we have on the Bat roost and other ecological assessments that we have already undertaken. – We are happy to work with any applicant and their agents from the very first stages of any proposals, to achieve the best and most appropriate outcomes for biodiversity. To date we have not been invited to view data or reports or engage in any pre-application discussions with the applicant in relation to this site.

On one final point it is also not clear at this stage what is being done to mitigate for the risk of increased predation of young bats that creating additional housing so close to such an important roost will bring. It might be considered that there are limited options in this regard other than reducing the size of the proposed development and maximising the remaining field and buffer area.

From: [redacted]@gov.je>

Sent: Tuesday, October 31, 2023 10:24 AM
To: [redacted]@gov.je>; [redacted]@gov.je>
Subject: RE: SPG: J1109 - mitigation for impact on bats

Hello both

Thanks for responding so promptly to my request for advice yesterday: I'm grateful to you and your colleagues for meeting to discuss the issue.

I have drafted some words, to highlight potential change to the brief for J1109, as discussed, which maintains the original position of the draft brief, but allows for some flexibility in light of evidence, which will need to be provided at the planning application stage.

a. Biodiversity Most significantly, the site is immediately adjacent to a **maternity roost of the Grey long-eared bat** at the former Sion Methodist church site. This is one of a small number of these roosts in the island and Grey long-eared bats are considered rare. There is also a **Pipistrelle bat roost** located at this site. Grey long-eared bats, along with all bat species in Jersey, are fully protected under the Wildlife (Jersey) Law 2021. This includes their breeding and resting sites whether in use or not. This, therefore, makes the Grey long-eared bat maternity roost adjacent to J1109 a highly significant ecological feature.

This roost was first identified in 2017 and the impact of development at the Methodist Church and recent extreme weather events, including the hot summer of 2022, may have adversely affected the number of bats using this roost. It is acknowledged that further longer-term extensive survey work is required to better characterise the roost and its local and island significance.

An ecological impact assessment (EcIA) should be prepared. To mitigate the potential impact of development at field J1109. There is a need to ensure that provision is made for the establishment of **buffers and corridors** to provide access to and from the roost for the bats. This should take the form of deep planted boundary buffers – ideally to a minimum depth of 20 m - along the northern and western parts of the site; in addition to the maintenance and enhancement of the existing hedge lines. Any variation to this level of mitigation will need to be considered and justified in relation to the provision of supporting information related to bat movement and the use of the site and surrounding areas.

Lighting can have a significant impact on the ecology of bats and there is a need to ensure that the impact of any lighting upon the sensitivity of the roost and its environs, as a result of development at this site, is mitigated.

The provision of habitat enhancement measures, such as planting and corridors, require protection and management into the future, and their retention and maintenance will be required to be the subject of a **planning obligation agreement**.

b. Landscaping and open space In landscape terms, the western and southern edges of the site are the most sensitive. Obtrusive housing development hard on the western edge of the site has the potential to adversely affect the character of the adjacent enclosed valley; and also to be visible in long views from the west. To manage this potential impact, the **western hedgerow boundary of the site should be retained and strengthened**.

The existing treeline on the southern boundary should be retained and strengthened. The **southern western boundary should also be strengthened**, where the existing hedgerow is lacking in mature tree cover.

As stated below (at 3f) whilst the eastern boundary will require some re-alignment, the **existing low-granite wall should be salvaged and re-instated to form the new site boundary**. Similarly proposals

should seek to retain and strengthen the eastern boundary, as far as possible, with appropriate root protection measures in place to minimise the disruption caused to this boundary by the requirements for site access (see below at 3 f.) for those remaining trees. Any loss of existing hedgerow should be replaced, having regard to the need to secure adequate visibility.

Similarly, the existing low-granite wall should be retained as far as possible. The section of wall required to be realigned should be formed, as far as possible, of salvaged material from the original wall.

An ecological impact assessment (EcIA) should be prepared, as part of which, existing trees and hedging on the site should be identified and assessed with the aim to retain, supplement and improve the edge condition. This should be complemented by a **landscaping plan** for the existing hedges and trees, proposed new buffers and corridors to support biodiversity and improve the quality of the new place using well planned landscape layouts for public open space, play space and include rain gardens or other blue water attenuation proposals.

In accordance with the Minister for the Environment's supplementary planning guidance for residential space standards, provision should be made for at least 10% of the site as shared open space, which should amount to approximately 0.12 hectares of the site area. In rezoning this site for the development of affordable homes, however, there was a clear and explicit recognition that its development should contribute to the provision of green open space of benefit to the wider community of Sion Village (see P.36-2021 Amd (91)), and a greater level of open space provision should be made.

This should be provided in an area of the site where it is easily accessible to the wider community (such as the north-east part of the site). The potential for it to be located and designed in a way that minimises its impact upon wildlife and makes it more wildlife-friendly will enhance the prospect that it can be integrated into the wildlife buffer and corridor.

Separate provision also needs to be made for children's play space. This can, however, be provided in a variety of forms, and could be incorporated into other spaces provided on the site, such as the buffers and corridors, or feature as part of the larger public open space.

Given the requirement to mitigate the impact of the development of J1109 upon the ecological sensitivity of adjacent bat roosts; the setting of the listed building immediately to the north; and the enclosed valley to the west, it is considered that **up to one third of the site (0.4 ha) should be provided as some form of open space**.

This should be focused along the northern and western edges of the site, to mitigate impacts, as described, whilst also providing utility to the residents of the site and the wider settlement. Any variation to this level of mitigation will need to be considered and justified in relation to the provision of supporting information related to bat movement and the use of the site and surrounding areas.

It would be useful to get [redacted] view on the evidence cited, as this will provide usual background on the maintenance of the position.

Thanks

Regards

[redacted]

t: +44 (0)1534 [redacted] m [redacted]

From: [redacted]
Sent: Thursday, October 26, 2023 11:33 AM
To: [redacted]gov.je>; [redacted]gov.je>
Subject: RE: SPG: J1109 - mitigation for impact on bats

Also had this comment too about the provision of 'bat corridors':

> If still considered necessary then the provision of environmental gains on other land (i.e. strips within lower grade agricultural fields) would be preferable so as to maximise the re-zoned field's unit density, reducing the need to re-zone other land in the future.

It is not clear whether the adjacent land (to the west i.e. J1109A) is within the control of the landowner of J1109, but would be interested in your view if this would provide appropriate mitigation, and enable the provision of a reduced buffer strip along the western edge of J1109 itself?

Thanks

Regards

[redacted]

t: +44 (0)1534 [redacted] m [redacted]

From: [redacted]
Sent: Wednesday, October 25, 2023 10:40 PM
To: [redacted]@gov.je>; [redacted]@gov.je>
Subject: RE: SPG: J1109 - mitigation for impact on bats

Thanks [redacted] that would be really helpful (especially if you were able to do that for Tuesda me!). It's much appreciated.

Happy to discuss if that easier/quicker.

Regards

[redacted]

t: +44 (0)1534 [redacted] | m [redacted]

From: [redacted]@gov.je>

Sent: Wednesday, October 25, 2023 6:33 PM
To: [redacted]@gov.je>;[redacted]@gov.je>
Subject: RE: SPG: J1109 - mitigation for impact on bats

Hello [redacted]

Thank you for this. [redacted] is on leave until Monday, but we will aim to put together a response to return to you early next week.

Regards

[redacted]

From: [redacted]gov.je>
Sent: Wednesday, October 25, 2023 6:07 PM
To: [redacted]gov.je>;[redacted]gov.je>
Subject: SPG: J1109 - mitigation for impact on bats
Importance: High

[redacted]

We have received some commentary from representations in relation to the development of J1109, specifically in relation to the mitigation required relative to the proximity of a Grey long-eared bat roost.

The representation, set out below:

- questions the validity of the requirement to provide buffers along the northern and western boundaries, and the requirement to provide up to one third of the site as open space; and
- suggest reduced forms of mitigation.

> The document uses the nearby Bat roost as a reason to support the notion of 1/3rd of the site to be open space together with installing an unfounded 20 meter buffer zone on two portions of the site rendering them useless in terms of providing any housing. The buffer zone suggested along northern boundary of the site was always anticipated, albeit is hugely excessive.
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> Research undertaken and reported in the 'Bat Conservation 2021 edition; Global Evidence for the Effects of Intervention' clearly shows that even where development takes place on a property where Bats are roosting, this rarely effects the roost numbers and in some cases, numbers of bats increased 'One before-and-after study in Ireland found similar numbers of long-eared bats roosting within an attic after existing access points were retained during renovations. One replicated, before-and-after study in the UK found that four of nine bat roosts retained within developments were used as maternity colonies, in two cases by similar or greater numbers of bats after development had taken place' In the same report 'A replicated, before-and-after study in 2011–2015 of nine bat maternity

roosts retained within building developments across Scotland…two of the roosts were used by greater or similar numbers of bats'.

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CONCLUSION In bullet points for ease;

1. Open space at 1/3rd is neither desired or practical, we would suggest 15%. This is backed by the Parish Constable and wider community.

2. Buffer zones are excessive and based on no factual research. These need consideration and the eastern buffer zone should be removed. This will deem the site undeliverable by any entity.

6. Work with us, not against us to use the live data we have on the Bat roost and other ecological assessments that we have already undertaken.

I would be grateful if you might provide a considered response to the issues raised; and specifically provide:

- your view about the evidence cited and the suggestion that development doesn't impact bat numbers/roost;
- any evidenced justification for the levels of mitigation originally sought in the draft brief
- your view about the proposed reduced level of mitigation proposed.

I'm afraid that there is some urgency around this, and I would be grateful if you

might respond as soon as you are able.

If it's helpful to discuss, pls let me know.

Thanks

Regards

[redacted]

t: +44 (0)1534[redacted] | m[redacted]