

Date: 15 May 2024  
Our ref: 450002  
Your ref: 77576



Natural England  
Sterling House  
Exeter  
EX1 1UZ

Dear Andrew Sierakowski,

**White Cross FLOW demonstrator application – Natural England’s further advice on Greater Horseshoe Bats (GHB) and Great Crested Newts (GCN)**

Following the monthly meeting on Monday 25<sup>th</sup> March with the Applicant, Neale Hall on behalf of NDC requested further formal statutory advice from Natural England on the requirement for

- a) bat data for the months of September and October; and
- b) additional Great Crested Newt (GCN) data,

Please accept this letter as Natural England’s formal statutory advice, which is provided from an ecological perspective only, and in recognition that as the Competent Authority you will need to balance this in the round taking into account risk and issues outside of Natural England’s remit.

**Overarching comment**

While the focus of this response is on providing advice on data provision for Greater Horseshoe Bats and Great Crested Newts, we wish to highlight there remains a considerable number of other outstanding ecological matters.

It is disappointing that as a demonstrator project the Applicant hasn’t taken the initiative in demonstrating good practice in regard to data collection, consideration of novel options to minimise impacts, and explore opportunities to enhance biodiversity.

**a) Greater Horseshoe Bats**

For context and as advised to the developer during pre- application discussions, CIEEMs best practice guidance states that appropriate bat surveys should be undertaken between April and October (inclusively) for any given year, preferably longer where there is a risk of significant impacts. Therefore, within our application response (Annex B - 5.5) we advised that submitted bat data for the months of July and August 2023 only were insufficient for us to advise on the scale and significance of the impacts from the proposed White Cross demonstrator site on the nationally rare Greater Horseshoe Bat population. Equally we are

unable to determine if mitigation measures can be sufficiently implemented to obtain a protected species licence.

Subsequently, we have been led to believe, that further data for September and October 2023 had been collected. On this understanding, we advised NDC and the Applicant on 5 February 2024, that this data should be combined with the application data and data to be collected in April and May this year, to inform an updated assessment. We also understand that the updated assessment would be submitted as an application addendum in June 2024.

However, we now understand that September and October data is not available, therefore NDC are seeking further formal statutory advice from NE.

In responding, NE firstly wishes to clarify that standing/best practice advice for undertaking bat surveys as set out above is a minimum requirement for all plans/projects and our pre-application position remains unchanged that a full survey season is required. Where possible and where legislation allows, we will always endeavour to be as pragmatic as possible in providing our nature conservation advice, but we must still ensure the protection of protected species. Hence, our previous concession allowing the required bat surveys to be split over two seasons for this project.

However, in the absence of September and October survey data and given the location of the project activities within close proximity to a roost site for a nationally rare species, NE must defer back to standard best practice for advice on sustainable development.

Having thoroughly considered the potential impacts from the proposed White Cross project, we advise that due to the significant ecological risk posed by the project on the South West GHB population, surveys following best practice guidance should be undertaken between April and October 2024 (inclusive), to inform any application addendum. Additionally, due to the large distances travelled by this species, we advise that all areas along the working corridor should be surveyed, not just at Staunton Road. Without this level of data, it is highly probable that we will continue to be unable to advise yourselves on the sufficiency of any mitigation measures.

It may also be of benefit to the project to determine potential hibernation locations as GHB are particularly sensitive to disturbance during this time and further mitigation measures may be required should works be proposed to be undertaken during the hibernation period.

#### **b) Great Crested Newts**

Whilst we recognise that eDNA is a survey technique that is adopted for GCN, we do highlight that other projects have had difficulty gaining a protected species licence (Letter Of No Impediment) reliant solely on eDNA, rather than combined/additional use of conventional survey methods due to issues including: reliability of data (such as false positives), presentation of presence/absence, period of time between surveys and proposed start of development and seasonal timings of surveys.

Therefore, we advise that a traditional mitigation licensing approach would usually require population size class assessment survey methods to be used. This involves pond surveys being undertaken between mid- March and June, with an increased focused mid-April – mid-May. The reason being, this gives the most accurate data on GCN populations in and around the development area (red line boundary plus 250m). Allowing developers and their ecologists to establish the impacts of the development and inform the proposed mitigation and/or compensation.

However, NE is conscious of the timing of our advice, and therefore the onus is on the Applicant and their ecologists to have commenced additional surveys to address the concerns we raised in regard to their application and to inform the proposed addendum.

But, if for whatever reason, the GCN data remains insufficient, then we provide the following advice to NDC:

- 1) A reduced survey such as absence/presence surveys or eDNA may be accepted in some circumstances. Usually for lower impact developments which are small scale and/or short term. In such cases, it must be accompanied with a robust justification as to why the reduced survey effort is appropriate. It is the ecologist's responsibility using their experience and knowledge to choose what is required to enable an accurate determination of the development's impacts. However, in choosing to use a reduced survey effort, the ecologist must be mindful that it may be grounds for a delayed or unsuccessful application, if it's determined a full and accurate assessment of the development's impacts can't be made.
- 2) Alternatively, where a population size class assessment would be required to provide a full picture of the impacts, but it is not possible or proportionate to conduct this assessment, Licensing Policy 4 (LP4) may be employed. LP4 allows for alternative sources of evidence to reduce standard survey requirements. Further information on the licensing policies and their requirements can be found at.

[European protected species policies for mitigation licences](#)

- 3) District Level Licensing (DLL) may be an option which only requires the use of eDNA. Further information on DLL is available at.

[How to join the great crested newt district level licensing scheme](#)

[Great crested newts: district level licensing schemes for developers and ecologists](#)

We look forwards to working with yourselves and the Applicant to address these issues.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,  
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