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BAT SCOPING SURVEY & BAT GROUND LEVEL TREE ASSESSMENT

At

1 Browning Road
Deighton
Huddersfield
HD2 1HU

NGR: SE 15729 19131

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A handwritten signature in black ink, appearing to be 'AG', enclosed within a faint, circular, dotted-line border.

Date:	24 th November 2023
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EXECUTIVE SUMMARY

This report is written by Ben Cowell MEng, trainee ecologist at United Environmental Services Ltd (UES). It provides an assessment of the potential impacts on bats as a result of the building and tree works associated with the proposed development at 1 Browning Road, Huddersfield.

A bat scoping survey and ground level tree assessment was undertaken on 7th November 2023. The objective of these surveys was to establish the suitability of the buildings and trees on site to support roosting bats, based on a site-specific survey and habitat assessment. The buildings were searched externally and internally (where accessible) for bat presence and features associated with bat activity, as detailed in Bat Conservation Trust (BCT) guidance (2023).

1 Browning Road is situated in an area that provides moderate foraging habitat for bats. The areas of woodland and grassland nearby will support a range of invertebrates which will act as a food source for bats locally. Further afield, the habitats improve in quality, with a wider range of habitat types such as ponds, river, and woodland. These habitats will provide superior roosting, commuting and foraging opportunities than those found on site and in the immediate surrounding area.

No evidence or field signs of roosting bats were observed during the building inspections. The quality of roosting habitats within the buildings on site is variable:

- **Building 1** is assessed as offering **moderate** potential to support roosting bats. However, the development proposals for this building are for replacing the windows only; all windows and doors were found to offer no PRFs for bats, and it is considered highly unlikely that any bat would be disturbed by any window replacement works. As such, no specific mitigation measures will be required provided works are limited to the windows and doors only. If the proposals are altered to include work to the roof or brickwork, further surveys will be required to determine whether bats are using these features to roost.
- **Building 2** is assessed as offering no potential to support roosting bats. As such, no specific mitigation is required for this building.
- **Building 3** is assessed as offering low potential to support roosting bats. As such, a bat presence / absence survey is required in order to determine whether bats are roosting within the building, and if so, determine the species and numbers of bats present. As per BCT survey guidelines, this survey should comprise a single survey visit, undertaken by an appropriately licenced ecologist during the peak bat survey season, May to August inclusive.

All three **trees** on site were assessed as having '**no**' potential to support roosting bats due to lack of PRFs. No evidence of roosting bats was observed during the ground level tree inspections. As such, no further mitigation is required, with regard to bats, in relation to the trees on site.

Due to the potential presence of nesting birds on site, the demolition and arboricultural works should be mindful of legislation that protects breeding birds: all demolition / vegetation clearance works should be undertaken outside of the nesting bird season and should be avoided from March to August inclusive. Alternatively, if the works need to be undertaken during this period, a nesting bird check can be undertaken by a suitably qualified ecologist immediately prior to the start of the works.



The report should be read in conjunction with appendices 1 to 5, which give visual representations of the survey results.



1 INTRODUCTION

1.1 Author, surveyors and qualifications

This report is compiled and written by Ben Cowell Meng, UES Trainee Ecologist. Other surveyors include:

- Daniel Smith BSc MScRes, UES Ecologist. Daniel is licensed by Natural England to survey all species of bats by observation using an artificial light under licence number 2022-10366-CLS-BAT (level 1). He is listed as an accredited agent on the bat survey licence of Toby Hart. As such, he has been deemed competent to undertake licensable activities such as using a torch and endoscope to survey for bats.

All surveyors have the knowledge, skills and experience identified within CIEEM's "Competencies for Species Survey: Bats" (2013), or were under the supervision of a surveyor with the required competencies.

1.2 Survey objectives

UES was commissioned in October 2023 to conduct site surveys which include the following activities:

- Conduct internal and external building inspections to look for field signs of bats
- Conduct ground level tree inspections to look for field signs of bats
- Assess the suitability of the buildings and trees for use by roosting bats
- Recommend further surveys, mitigation and compensation, where appropriate

1.3 Proposed development

The proposed development is for the change of use of Building 1 to residential, which will involve the replacement of windows on Building 1 and the demolition of Building 2 and 3; this will likely require tree felling works in order to facilitate demolition works.

1.4 Structure of the report

This report sets out the methodology, results, and recommendations in relation to a specific bat survey. Recommendations are in line with statutory legislation and planning policy objectives.

The report should be read in conjunction with appendices 1 to 5, which give visual representations of the survey results.



2 METHODOLOGY

2.1 General

All surveys were carried out to recognised guidelines, timings and weather conditions, with particular reference to Natural England and BCT publications (see references for further information).

The habitats on site and in the surrounding area were assessed during a walkover survey and by studying aerial photographs, in order to gauge their suitability to support roosting, foraging and commuting bats.

2.2 Building survey

The buildings on site were searched both externally and internally for bat presence and features associated with bat activity, as detailed in BCT guidance (Collins, 2023). This was conducted on 7th November 2023 by Daniel Smith and Ben Cowell.

2.2.1 External inspection

The external inspection was carried out from ground level using binoculars, and also using ladders and an endoscope to investigate suitable gaps. The objective of the survey was to find and record any signs of bat use, for example:

- Bat droppings
- Feeding remains
- Grease staining / urine marks
- Corpses or skeletons

The bat signs listed above are visible from the outside of a building. The following areas were searched, where present:

- | | |
|---------------------------|---|
| • Roof and ridge tiles | • Gaps under felt |
| • Lead flashing | • Cracks / holes in woodwork or behind cladding |
| • Eaves | • Gaps in brickwork and mortar |
| • Boxed soffits | • Air bricks |
| • Fascia and barge boards | • Grills |
| • Window sills and panes | • Vents |
| • Walls | |

2.2.2 Internal inspection

The internal inspections covered all of the accessible rooms and roof spaces within the buildings.

Bats regularly utilise specific areas within roof spaces, which were searched for any field signs of bats using high-powered torches and an endoscope, where considered necessary by the licenced ecologist. The following features were searched, where present:



- Roof beams and junctions
- Gaps under felt
- Dividing walls
- Chimney breasts
- Gaps in brickwork and mortar
- Cracks / holes in woodwork
- Floor or other surfaces on which droppings could accumulate

2.3 Ground-level tree assessment

All trees likely to be impacted by the proposed development were subjected to a ground-level assessment for bat roosting potential on 7th November 2023. This survey was undertaken by Daniel Smith and Ben Cowell, using binoculars and a high-powered torch. Trees were inspected on all aspects and assessed for their potential to support roosting bats, based on the number and quality of suitable roosting features present, as detailed in BS8596:2015 Surveying for Bats in Trees and Woodland and BCT guidelines (Collins, 2023).

Potential roosting features, as described in Bat Roosts in Trees (Bat Tree Habitat Key, 2018) are listed in Table 1 below.

Table 1 – Types of PRFs found in trees

DISEASE & DECAY FEATURES	DAMAGE FEATURES	ASSOCIATION FEATURES	OTHER FEATURES
Woodpecker holes	Lightning strikes	Fluting	Bat boxes
Squirrel holes	Hazard beams	Ivy	Bird boxes
Knot holes	Subsidence cracks		
Pruning cuts	Shearing cracks		
Tear-outs	Transverse snaps		
Wounds	Welds		
Cankers	Lifting bark		
Compression forks	Desiccation fissures		
Butt rots	Frost cracks		

Based on the quality of features present, trees were given a rating, using the following hierarchy:

- **NONE:** Contains no PRFs and it's highly unlikely there will be any.
- **FAR:** Further assessment required to establish if PRFs are present.
- **PRF:** A tree with at least one PRF present.

Where accessible, PRFs at ground level were inspected with an endoscope by the licensed ecologist, in order to identify any roosting bats or field signs of bats and to inspect the internal conditions of the PRF. Field signs of bats include:

- Scratches, staining or droppings around entry points or within a cavity
- Presence of bat-fly cases
- Odour
- Smoothing of surfaces around cavity



- Audible chattering / squeaking at dusk or in warm weather (during the active season)

2.4 Survey limitations

The survey was carried out in early November, at a time when bats are spending increasing amounts of time in torpor within hibernation sites. For this reason, exposed droppings from summer roosts may not be evident as they are likely to have decomposed or have been washed away.

Internal field signs should still be evident at this time of year, as should droppings in sheltered locations.



3 RESULTS

3.1 Habitat assessment

1 Browning Road is located within the suburban district of Deighton, Huddersfield. The habitats within the curtilage of the site include a large area of hardstanding to the front (southeast) of Building 1, and an overgrown garden to the rear, surrounding Buildings 2-3: The garden features areas of abandoned grassland (featuring rank grasses and tall ruderal species), bramble scrub and scattered trees. The front elevation of Building 1 is on the corner of Browning Road and Riddings Road and is subject to some levels of disturbance from streetlights and traffic noise.

The immediate surrounding area consists of residential and commercial buildings. There are several areas of green space including residential gardens, public walkways through open grassland, and wooded areas including a large woodland to the south. These habitats will provide foraging and commuting opportunities for bats in the local area.

The wider surrounding area (within 2km) contains similar suburban areas within Huddersfield, however there are more green areas. These include Dalton Bank Nature Reserve approximately 1.5km to the east, many wooded areas between housing estates and sports playing fields. Approximately 920m to the east there are some ponds, and Huddersfield Broad Canal is approximately 380m to the southeast. The habitats within the nature reserve are of a higher quality for foraging, commuting and roosting bats, and include the River Colne, grassland and woodland.

3.2 Building survey

There are three buildings on site, which were fully inspected during the survey. They have been numbered for the purposes of this report (see Appendix 1 – Site plan). The main building (Building 1) is separated into four units which were previously used for commercial purposes, but are currently all unoccupied. The outbuildings (Buildings 2 and 3) are also both disused.

3.2.1 External inspection

Building 1 (see Appendix 3 – Photographs, Photographs 1-6) has Yorkshire stone walls with a pebble dash render on the northwestern aspect. It has a hipped roof with clay roof tiles. There are numerous missing roof tiles (Photograph 7), mostly on the eastern end of the northwestern and southeastern aspects. There is gap under lead flashing on the eastern chimney breast (Photograph 8) and gaps in the soffit boxes (Photograph 9). On the northwestern corner of the building there is a gap between the Yorkshire stone and the render (Photograph 11). The above features either offer PRFs for bats or provide access into the building, where PRFs may be present. The building features a variety of timber and uPVC windows and doors (which are due to be replaced by the development proposals); these were all thoroughly inspected for PRFs, and found to be in good condition and tightly sealed.

Building 2 (Photographs 26-27) is a flat roofed brick building with a pebble dash render, which is in excellent conditions, providing no PRFs for bats. All the windows have been blocked up with breezeblocks and are tightly sealed. There is a roller shutter door on the south-western aspect, which is tightly sealed, providing no opportunities for roosting bats. The eaves on all aspects are tightly sealed, and the flat roof is in excellent condition, providing no PRFs for bats.



Building 3 (Photographs 29-31) is a brick building with pebbledash render and a slate tiled pitched roof. There are raised tiles on the southwestern aspect (Photograph 34), and gaps under the ridge tiles are present (Photograph 33). There is an opening into the box soffit (Photograph 36), and a gap between the box soffit and wall (Photograph 35). There are gaps in the eaves on the northwestern and northeastern aspects, but they are heavily cluttered by vegetation (Photographs 31, 37), limiting their suitability for use by bats. There is a grate on the southeastern aspect (Photograph 38) with a gap in the brickwork underneath. A former blackbird *Turdus merula* nest was identified on the windowsill of the south-eastern aspect (Photograph 32).

No bat droppings or other field signs of bats were found during the external building inspections.

3.2.2 Internal inspection

Building 1 has four loft spaces separated by brick partition walls, which feature numerous gaps in the mortar; offering PRFs for crevice dwelling bat species (Photograph 15). The wall plate of the partition walls is accessible for bats in a number of locations; this was inspected using torches or endoscopes and no evidence of bats was observed. All the loft spaces have a timber queen post structure and bitumen felt lined roof, which is mostly in good condition.

- **Loft space 1** (Photographs 13-16): A tear in the bitumen felt roof lining is present adjacent to a gap in the roof tiles externally (Photograph 16); this may provide access to the loft space for bats. Rat droppings were found (Photograph 14) on the mineral wool insulation, however no evidence of bats was observed within the loft void.
- **Loft Space 2:** Butterfly wings were present on the mineral wool insulation (Photograph 19). Since no evidence of bats was found elsewhere in the building, and considering that butterflies are diurnal rather than nocturnal, it is considered unlikely that these are bat feeding remains; it is more likely to be attributable to bird or rodent feeding remains. No other PRFs were identified within the loft void.
- **Loft Space 3:** Two tears in the bitumen felt roof lining are present (Photograph 21), which may provide loft access for bats. The insulation is loose fill and this loft space most notably more humid than other loft spaces, with mold present on wooden beams (Photograph 22). No other PRFs were identified within the loft void.
- **Loft Space 4:** A tear in the bitumen felt roof lining is also present in this void (Photograph 25). A hole in the chimney breast is present, providing access into the chimney (Photograph 24); no evidence of bats was found associated with this feature. There is no insulation present in this loft space.

Building 2 has no internal roof voids or loft spaces (Photograph 28). The interior of the buildings is tightly sealed at the doors and windows; there is no potential for bats top access the interior of the building.

Building 3 features a small loft void (Loft void 5). The roof is damaged in parts (Photographs 39, 41); although this may provide access to the loft for bats, it also facilitates light and weather ingress, thus reducing the suitability of the void for use by roosting bats. The loft features no roof lining and is heavily cobwebbed throughout (Photographs 40-41).

No bat field signs were found during the internal building inspections.



3.3 Tree assessments

All trees that are shown to have the potential to be impacted by the proposed development were assessed from ground level for any PRFs which could support roosting bats.

T1 is a mature goat willow *Salix caprea*. located between Buildings 2 and 3 (Photographs 42-44). It is approximately 9m high and is multi-stemmed, comprising 10 stems with an average diameter at breast height (DBH) of 0.3m. The tree contains no PRFs; there is a single callus roll present on the south-easter aspect (Photograph 44), however this could be fully viewed from ground level and is tightly sealed. The tree has been assessed as 'None'; no potential to support roosting bats.

T2 is a semi-mature sycamore *Acer pseudoplatanus* located between Buildings 2 and 3 (Photographs 42, 43, 45). It is approximately 8m high with a DBH of 0.3m. No PRFs were observed on this tree. The tree has been assessed as 'None'; no potential to support roosting bats.

T3 is a semi-mature sycamore located northwest of Building 3 (Photograph 46). It is approximately 9m high with a DBH of 0.5m No PRFs were observed on this tree. The tree has been assessed as 'None'; no potential to support roosting bats.

No evidence or field signs of roosting bats were observed during the inspections. Full details of the survey results are provided at Appendix 4 – Tree Survey Results.



4 EVALUATION AND RECOMMENDATIONS

4.1 Evaluation of results

4.1.1 Qualitative assessment of foraging habitats

In summary, 1 Browning Road is situated in an area that provides moderate foraging habitat for bats. The nearby areas of woodland will provide a source of invertebrate prey. Further afield, the habitats improve in quality, with a wider range of habitat types such as ponds, rivers and woodland, all of which will provide foraging opportunities and dark commuting corridors.

4.1.2 Qualitative assessment of roosting habitats

There are a high number of buildings in the local area surrounding the 1 Browning Road, which will provide alternative roosting opportunities for bats.

No evidence or field signs of roosting bats were observed during the inspections. The quality of roosting habitats within the buildings on site is variable:

- **Building 1** is assessed as offering '**moderate**' potential to support roosting bats, with a number of internal and external PRFs including gaps between stonework and render, missing mortar in brickwork and missing roof tiles.
- **Building 2** is assessed as offering '**no**' potential to support roosting bats, with no PRFs present and access internally.
- **Building 3** is assessed as offering '**low**' potential to support roosting bats with some low quality external PRFs, including gaps around the eaves and under ridge tiles. Vegetation clutter and damp conditions reduces the likelihood of these features being used on a regular basis by roosting bats.

The trees assessed on site comprise willow and sycamore. All trees that were assessed are considered to have 'No' potential to support bats, due to a lack of PRFs.

4.2 Mitigation and compensation measures

4.2.1 Bats

No evidence of roosting bats was found at 1 Browning Road during the scoping survey and ground level tree assessment. However, there are a number of PRFs present on Buildings 1 and 3 which are suitable for use by roosting bats.

The development proposals are for the demolition of Buildings 2 and 3, and the replacement of windows on Building 1.

- **Building 1** is assessed as offering **moderate** potential to support roosting bats. However, the development proposals for this building are for replacing the windows only; all windows and doors were found to offer no PRFs for bats, and it is considered highly unlikely that any bat would be disturbed by window replacement works. As such, no specific mitigation measures will be required provided works are limited to the windows and doors only. If the proposals are altered to include work to the roof or brickwork, further surveys will be required to determine whether bats are using these features to roost.



- **Building 2** is assessed as offering no potential to support roosting bats. As such, no specific mitigation is required for this building.
- **Building 3** is assessed as offering low potential to support roosting bats. As such, a bat presence / absence survey is required in order to determine whether bats are roosting within the building, and if so, determine the species and numbers of bats present. As per BCT survey guidelines, this survey should comprise a single survey visit, undertaken by an appropriately licenced ecologist during the peak bat survey season, May to August inclusive.

In accordance with BCT guidelines, no further survey work is required for the trees on site, since they have been assessed as having no potential to support roosting bats.

4.2.2 Birds

Due to the potential presence of nesting birds on site, the demolition and arboricultural works should be mindful of legislation that protects breeding birds: all demolition / vegetation clearance works should be undertaken outside of the nesting bird season and should be avoided from March to August inclusive. Alternatively, if the works need to be undertaken during this period, a nesting bird check can be undertaken by a suitably qualified ecologist immediately prior to the start of the works.



5 CONCLUSION

1 Browning Road is situated in an area that provides moderate foraging habitat for bats. Further afield, the habitats improve in quality, with a wider range of habitat types such as ponds, river and woodland.

No evidence of roosting bats was found at 1 Browning Road during the scoping survey and ground level tree assessment.

No specific mitigation measures are required for the proposed works to Buildings 1 and 2, though if the proposals change to include works to the roof or brickwork of Building 1, further surveys would be required.

Building 3 is assessed as offering low potential to support roosting bats. As such, a bat presence / absence survey is required in order to determine whether bats are roosting within the building, as detailed in section 4.2.1.

No further survey work is required for the trees on site, since they have been assessed as having no potential to support roosting bats.

Demolition and arboricultural works should also be mindful of the legislation that protects breeding birds and mitigation should be implemented where necessary, as detailed in section 4.2.2.



6 REFERENCES

Chartered Institute of Ecology and Environmental Management (2013). *Competencies for Species Survey: Bats*.

Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edition). The Bat Conservation Trust, London

Department for Communities and Local Government (2021). *National Planning Policy Framework*.

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APPENDICES

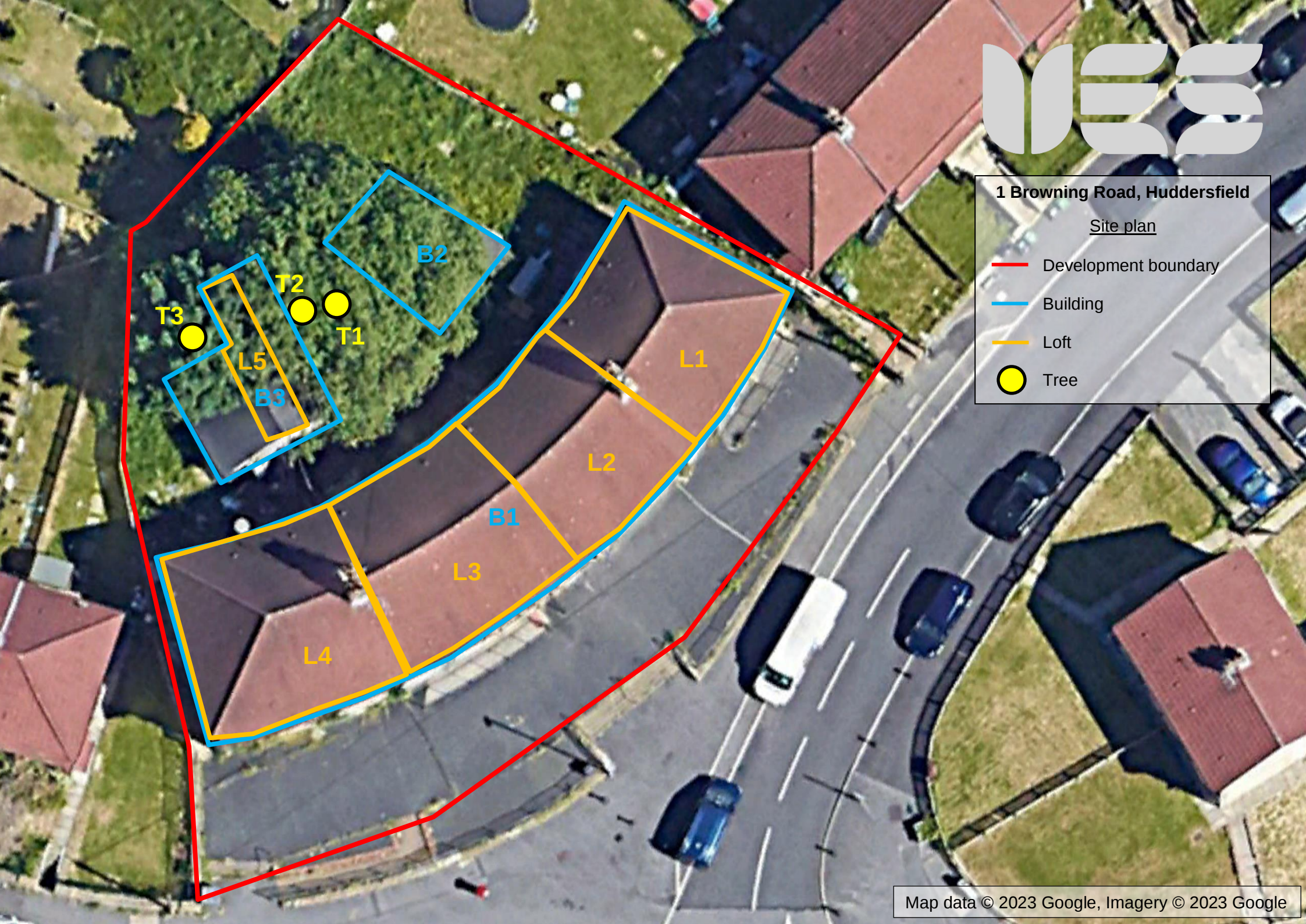
Appendix 1 – Site Plan



1 Browning Road, Huddersfield

Site plan

- Development boundary
- Building
- Loft
- Tree





Appendix 2 – Aerial photographs



1 Browning Road, Huddersfield

Close aerial photograph

— Development boundary



1 Browning Road, Huddersfield

Wide aerial photograph



Site location



Appendix 3 – Photographs



Photograph 1 – External view of southwestern aspect of Building 1.



Photograph 2 - External view of southeastern aspect of Building 1.



Photograph 3 - External view of northwestern aspect of Building 1.



Photograph 4 - External view of easternmost end of northwestern aspect of Building 1.



Photograph 5 - External view of westernmost end of northwestern aspect of Building 1.



Photograph 6 - External view of northeastern aspect of Building 1.



Photograph 7 – Example of missing roof tiles on Building 1.



Photograph 8 – Raised flashing where chimney meets roof on Building 1.



Photograph 9 – Example of gap in soffit box on Building 1.



Photograph 10 – External view of window on Building 1.



Photograph 11 – Gap between stone and render at northwestern corner of Building 1.



Photograph 12 – Internal view of window in Building 1.



Photograph 13 – Gable end of Loft Space 1 in Building 1.



Photograph 14 – Rat droppings found in Loft Space 1 in Building 1.



Photograph 15 – Example of gaps in mortar joints of brickwork found in loft spaces of Building 1.



Photograph 16 – Light ingress from tear in bitumen felt in Loft Space 1 of Building 1.



Photograph 17 – Dividing wall in Loft Space 2 in Building 1.



Photograph 18 – Bitumen felt in roof of Loft Space 2 in Building 1.



Photograph 19 – Butterfly wings found in Loft Space 2 in Building 1.



Photograph 20 – Loft Space 3 in Building 1.



Photograph 21 – Tear in bitumen felt in Loft Space 3 in Building 1.



Photograph 22 – Mold on wooden beams in Loft Space 3 in Building 1.



Photograph 23 – Loft Space 4 in Building 1.



Photograph 24 – Hole into chimney in Loft Space 4 in Building 1.



Photograph 25 – Tear in Bitumen felt in Loft Space 4 in Building 1.



Photograph 26 – External view of southwestern aspect of Building 2.



Photograph 27 - External view of northern aspect of Building 2.



Photograph 28 – Internal view of Building 2.



Photograph 29 - External view of southeastern aspect of Building 3.



Photograph 30 - External view of southwest aspect of Building 3.



Photograph 31 - External view of northwestern aspect of Building 3.



Photograph 32 – Blackbird nest on window sill on southeastern aspect of Building 3.



Photograph 33 – Gap under ridge tile on roof of Building 3.



Photograph 34 – Raised roof tiles on roof of Building 3.



Photograph 35 – Gap between soffit box and wall on Building 3.



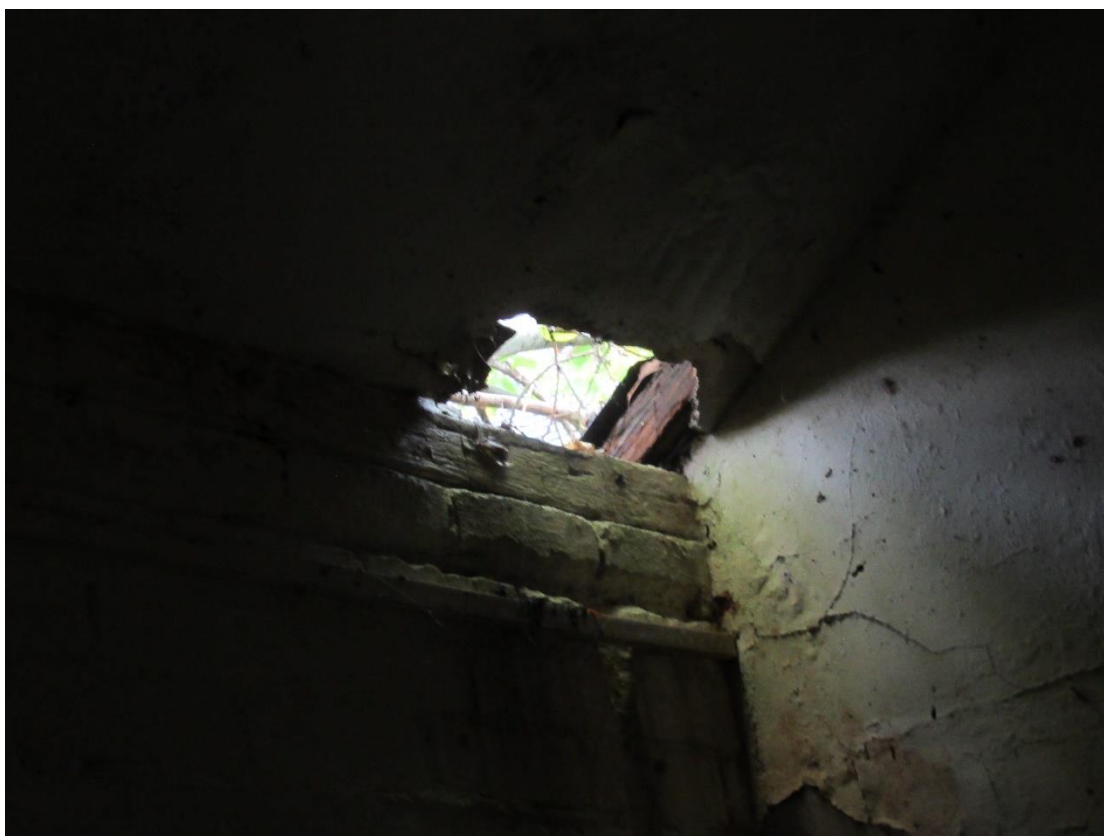
Photograph 36 – Opening into soffit box at gable end of Building 3.



Photograph 37 – Damaged soffit box and roof from tree growth on Building 3.



Photograph 38 – gap under grate on wall of Building 3.



Photograph 39 – Internal view of hole in roof of Building 3.



Photograph 40 – Heavily cobwebbed Loft Space 5 in Building 3.



Photograph 41 – Light ingress seen within Loft Space 5 in Building 3.



Photograph 42 – View of Tree 1 and 2 from north: willow tree and sycamore between Buildings 2 and 3.



Photograph 43 – View of Tree 1 and 2 from southeast: multi-stemmed willow tree in front and sycamore behind.



Photograph 44 – Callus seen in Tree 1.



Photograph 45 – Main stem of Tree 2: sycamore tree.



Photograph 46 – View of Tree 3 from southwest: sycamore tree north of Building 3.



Appendix 4 – Tree Survey Results

Appendix 4 - Survey results

Site: 1 Browning Road, Huddersfield Job no: UES04239 Date: 07/11/2023 Surveyors: Daniel Smith and Ben Cowell

Table 1 – Summary of trees surveyed

Tree ref / GPS	Species	Age	Height (m) / DBH	Description of PRF(s) & position in tree	BCT Cat. None / FAR / PRF	Surrounding habitat context	All aspects of tree seen? Y/N	Climbable (only if qualified)	Photo no.	Notes from inspection of PRF(s)
T1 SE 15726 19144	Goat willow.	Mature / Alive	9 / 0.5	Callus on SW aspect at 4m.	N	Between Building 2 and 3 at centre of site	Y	Y	42, 43, 44	Fully visible from ground. Tightly sealed. No potential for use by bats.
T2 SE 15725 19144	Sycamore	Semi-mature / Alive	8 / 0.3	None	N	Between Building 2 and 3 at centre of site	Y	Y	42, 43, 45	N/A
T3 SE 15720 19146	Sycamore	Semi-mature / Alive	9 / 0.5	None	N	North of Building 3 near northwestern site boundary	Y	Y	46	N/A



Appendix 5 – Statutory and planning context

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Bats

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Amendment (EU exit) Regulations 2019 (known as the “Habitats Regulations”). The Wildlife and Countryside Act is the domestic implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture a bat
- Deliberately, intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection
- Deliberately, intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if the bat is not present at the time)
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead bat, any part of a bat or anything derived from a bat

Under UK law, a bat roost is *any structure or place which any wild [bat] ... uses for shelter or protection*. As bats often reuse the same roosts, legal opinion is that a roost is protected whether or not the bats are present at the time of the activity taking place.

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

If an activity is likely to result in any of the above offences, a licence can be applied for to derogate from the protection afforded. These licences must provide appropriate mitigation and are issued by Natural England.

A Natural England mitigation licence application requires a Mitigation Method Statement and, in many cases, a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

The National Planning Policy Framework 2021 (NPPF) provides guidance on the interpretation of the law in relation to the natural environment and development.

The Natural Environment and Rural Communities (NERC) Act 2006 lists the following bat species as species of principle importance under Section 41:

- Barbastelle *Barbastella barbastellus*
- Bechstein’s bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Brown long-eared bat *Plecotus auritus*
- Greater horseshoe *Rhinolophus ferrumequinum*
- Lesser horseshoe *Rhinolophus hipposideros*

Section 40 requires every public body in the exercising of its functions ‘have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’ (all biodiversity and not just section 41 species and habitats); therefore making these bats a material consideration in the planning process and requiring a detailed ecological bat survey before planning permission can be granted.

Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

In addition to the protection afforded to all wild birds, more vulnerable species listed on Schedule 1 of the Act receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

The NERC Act offers further protection to the nests of some species that regularly re-use their nests, even when the nests are not in use.

The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status of 244 UK bird species. "Birds of Conservation Concern 4: the Red List for Birds" is the most recent publication summarising their findings. Three lists, Red, Amber and Green, have been produced based on the most up-to-date evidence available and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity, localised distribution and international importance. These lists are a valuable resource when considering conservation priorities.

Planning policy

National Planning Guidance is issued in the form of the National Planning Policy Framework 2021 (NPPF). The most relevant section is 15: Conserving and enhancing the natural environment.

Key relevant principles stated in 15: Conserving and enhancing the natural environment are;

- 174.** Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 179.** To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶²; and
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity
- 180.** When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.