Ecological Assessments

Environmental Statements (Biodiversity)

Species Surveys

Phase I Habitat Survey

National Vegetation Classification

Planning Guidance

Habitat Regulation Assessment

Protected Species Licensing

42020 CEMP: Biodiversity

BREEAM LE01 - 05

Bats and BNG Report

Dalton Grange, West Yorkshire HD5 9PT

the ecology Practice

Consultant Report on behalf of syngenta

Cover Photo: The property at Dalton Grange

REPORT STATUS

Issue/revision	DRAFT	FINAL I	FINAL II
Project Location	**Dalton Grange**		
Project No.	**238-01**		
Subject	**Bats and Biodiversity Net Gain**		
Report Ref.	28301-BR_A	28301-BR_A	28301-BR_A
Date	12/10/2023	01/12/2023	23/10/2024
Prepared by	MM	MM	PR
Signature			
Reviewed by	AA/CLIENT	AA/CLIENT	VM/CLIENT
Signature			

CONTENTS

FIGURES

No table of figures entries found.

TABLES

1 INTRODUCTION

1.1 SCOPE OF REPORT

1.1.1 This report provides the results of ecology surveys undertaken at Dalton Grange (the Site) on Bradley Mills Road, West Yorkshire, HD5 9PT. The surveys and report were commissioned by Syngenta.

1.1.2 In 2023, an external preliminary roost assessment (PRA), bat emergence (presence/absence) and Ground Level Tree Assessment (GLTA) surveys were undertaken at the Site.

1.1.3 Updated bat emergence (presence/absence) surveys and a BNG assessment of the site were carried out in 2024.

1.2 SITE DESCRIPTION

Location

1.2.1 The Site is comprised of a large disused building, associated outbuildings and woodland habitat immediately surrounding the property. Dalton Grange is situated at grid reference SE 16030 17969. A location plan and site boundary are shown in Figure 1.

Proposals

1.2.2 At present proposals are not fully identified. They may include some maintenance works to the building. Initially works will include constructing a palisade security fence around the Site. Refer to Figure 2.

1.3 REGULATORY FRAMEWORK

Legislation

1.3.1 This report has been prepared taking relevant statutory instruments into account; including domestic legislation such as Acts of Parliament, and Regulations to comply with European Directives. This is described in full in Appendix 5, and in summary as follows:

- The Environment Act 2021
- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Wildlife and Countryside Act 1981 (as amended)
- Protection of Badgers Act 1992
- Countryside and Rights of Way (CRoW) Act 2000
- Natural Environment and Rural Communities (NERC) Act 2006
- ODPM Circular 06/2005 Biodiversity and Geological conservation (withdrawn March 2014, but report remains compliant)

Priority Species

1.3.2 As well as species and habitats formerly protected through statute, this assessment will consider 'Habitats and Species of Principal Importance', otherwise referred to as Priority Habitats and Species if present. In accordance with obligations set out in Section 40 of the NERC Act 2006, the planning authority refers to these habitats and species as material considerations, which are defined in a List through Section 41 of the Act.

National Planning Policy Framework (NPPF)

1.3.3 National policy for nature conservation is determined through the NPPF 2012[1] (updated 2023) and with respect to wildlife supersedes Planning Policy Statement 9 (PPS 9). The tools for species protection are still fully present since NPPF policy does not alter statutory legal requirements.

Habitats and biodiversity

1.3.4 These are provided for in paras 185 – 188. In particular:

- Protection and enhancement of biodiversity (para 185)
- Local Planning Authority principles (para 186)
- Site protection (para 187)

[1] **Ministry of Housing, Communities & Local Government 2012** National Planning Policy Framework (updated December 2023 edition). London. ISBN 978-1-5286-1033-9

Biodiversity Net Gain

1.3.5 In England, BNG is mandatory from 12 February 2024 (developer of small sites from 2 April 2024) under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

1.3.6 Within Part 6: Nature and Biodiversity of the Environment Act 2021, section 98, entitled "Biodiversity gain as condition of planning permission" states that "Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England". Schedule 14 contains the requirement for Biodiversity Net Gain (BNG), as detailed below.

Biodiversity gain objective

1.3.7 Part 1 of Schedule 14 states "The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage".

1.3.8 In England, developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. DEFRA has produced a Metric tool to measure the biodiversity losses and gains that result from development projects, updated in 2024 to The Statutory Biodiversity Metric (Natural England 2024[2]).

UK Biodiversity Policy

1.3.9 There is a 'Biodiversity Duty' for local authorities set out in the NERC Act 2006 Sections 40 and 41, guiding national policy for priority habitats and species (i.e., the S41 List), and importantly linking these to both the National Biodiversity Action Plan for the UK and local Biodiversity Action Plans (BAPs).

1.3.10 The UK BAP describes the UK's biological resources and commits a detailed plan for the protection of these resources. Although not statutorily binding, nonetheless it provides policy direction at a national, regional and local scale.

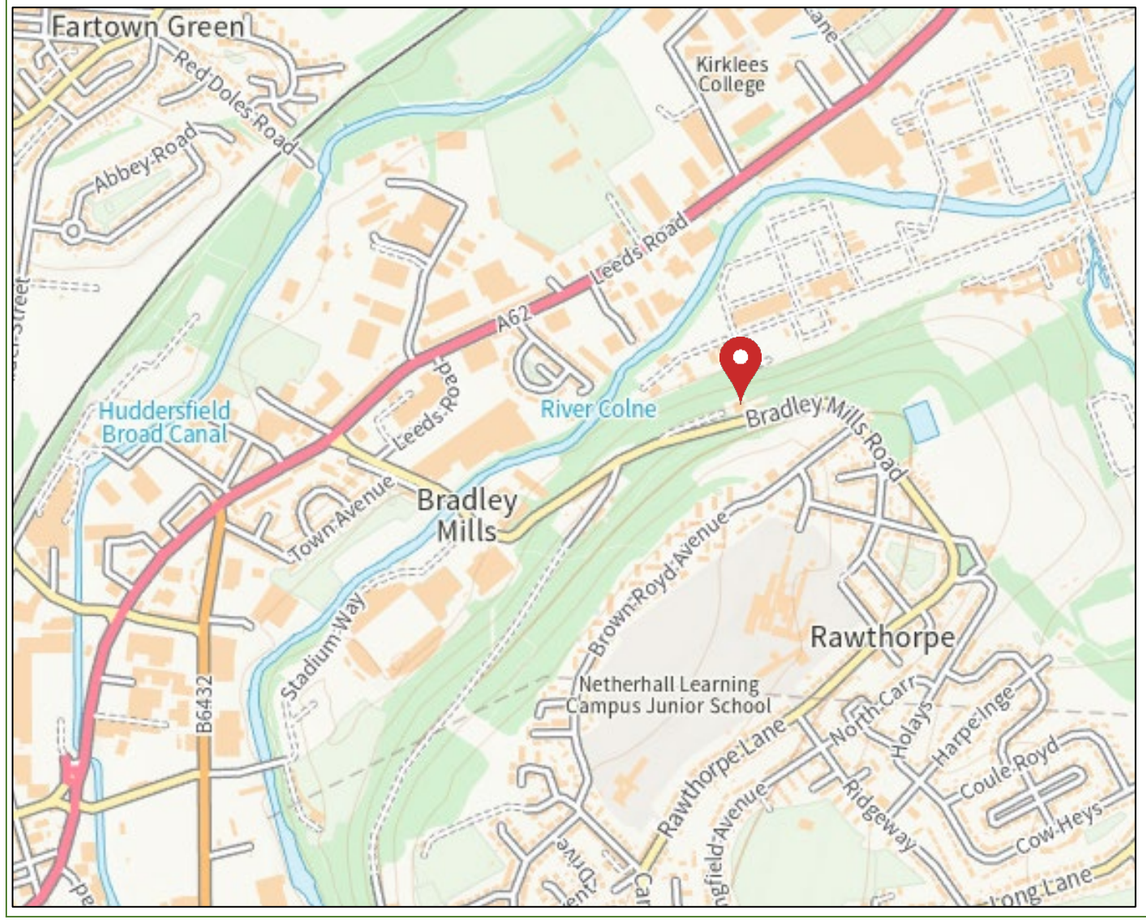
[2] **Natural England 2024**. The Statutory Biodiversity Metric: Auditing and accounting for biodiversity – User Guide. Natural England Joint Publication JP039. ISBN: 978-1-7393362-1-9. First published February 2024.

It currently has 391 Species Action Plans, 45 Habitat Action Plans and 162 Local Biodiversity Action Plans with targeted actions. This list, a result of the most comprehensive analysis ever undertaken in the UK, contains 1149 species and 65 habitats that have been listed as priorities for conservation action.

Bat Legislation

1.3.11 All species of bat, and their roosts (whether occupied or not), are fully protected in the UK by the Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended). In summary legislation states that you are committing an offence if you:

- Intentionally or recklessly kill, injure, or take a bat.
- Damage or destroy a bat roost.
- Obstruct access to any place of shelter, breeding, or place of rest.
- Disturb a bat occupying a structure or place.
- Possess or control (live or dead bats, or any of their parts); and
- Sell, barter, or exchange these species, or parts of.



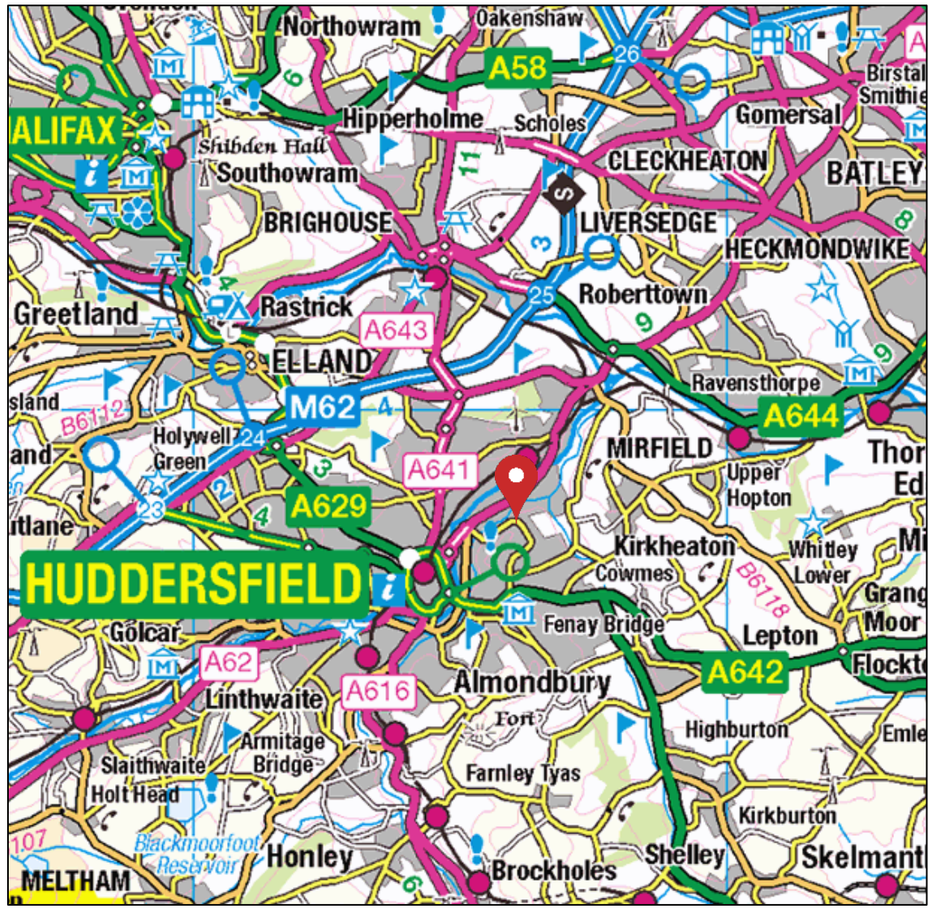


Figure 1
Location

Site Location

Application Site boundary

N

Do not scale

Client
syngenta

Project title	Project ID
Dalton Grange	283-01

Subject
Bat Report

Drawing number
28301-01BR_A

Drawing date	09/10/23	Version	A
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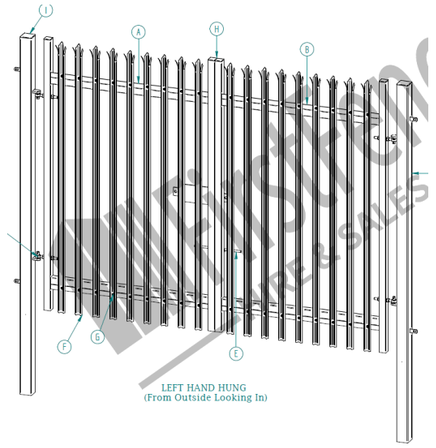
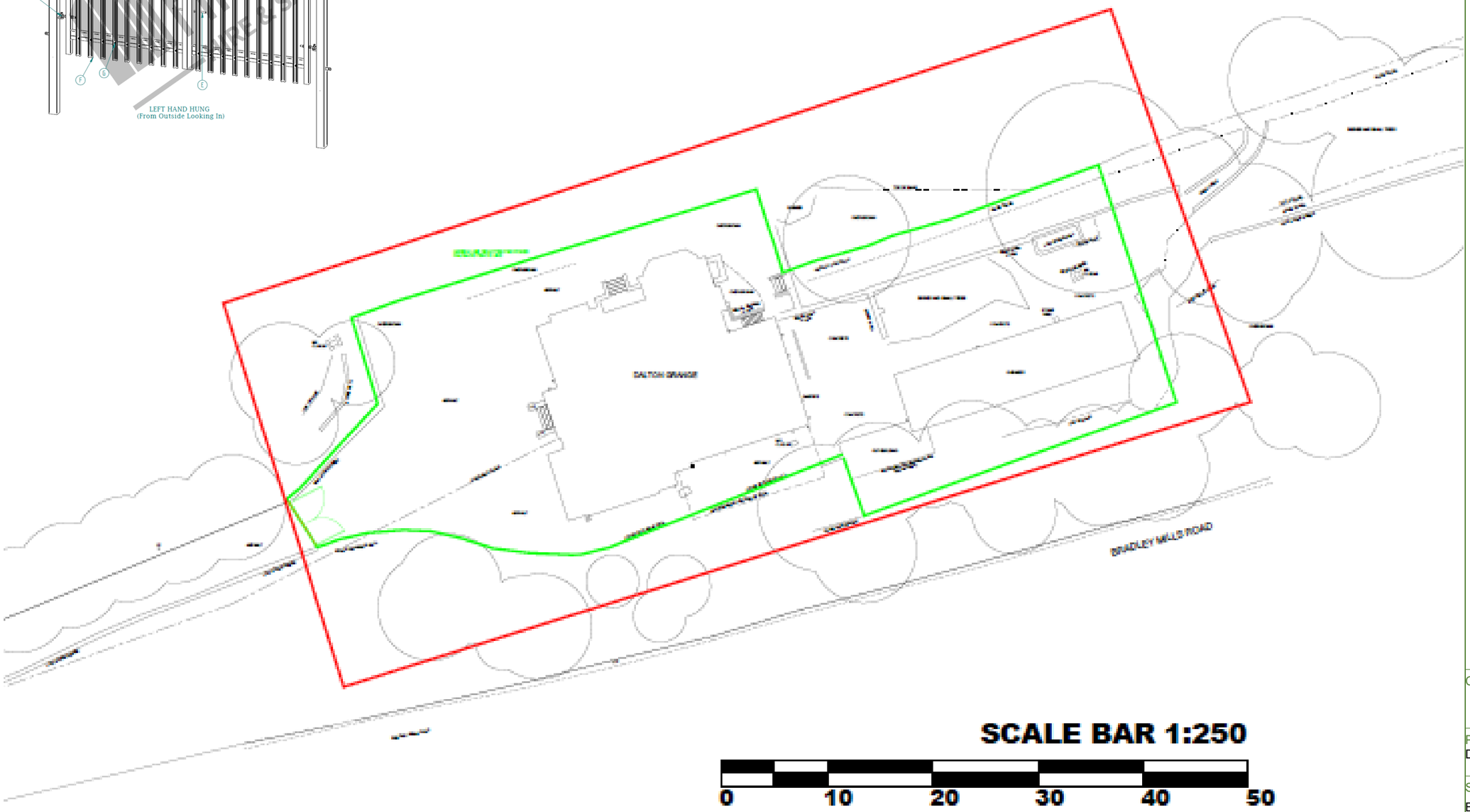
Figure 2
Proposed Fence





SCALE BAR 1:250

0 10 20 30 40 50

Application Site boundary

Proposed fence line

N

Do not scale

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Project title Dalton Grange	Project ID 283-01

Subject
Bat Report

Drawing number
28301-05BR_A

Drawing date Drawn by	18/10/24 PR	Version	A

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2 METHODOLOGY

2.1 2023 SURVEYS

Preliminary Roost Assessment

2.1.1 A Preliminary Roost Assessment (PRA) survey was conducted on 16th August 2023. The survey comprised of an external inspection of the building (B1) in accordance with Collins (2016)[3]. The survey focused on grading the structure for its suitability to support roosting bats and searching for any current or historical evidence of roosting bats.

Ground Level Tree Assessment

2.1.2 A Ground Level Tree Assessment (GLTA) was undertaken on 20th September 2023 by Mark Morgan BSc MCIEEM in accordance with Collins (2016)[3], assessing the potential trees to provide opportunity for roosting bats.

Bat Presence/Absence surveys

2.1.3 The PRA graded the structure as 'high' and thus a total of three bat presence/absence (or emergence) surveys were undertaken during optimal conditions between August-September 2023. Surveys included between three-five surveyors to cover all potential roost features/aspects identified by the PRA survey. Surveyors were equipped with full spectrum detectors (Echometer Touch 2 Pro). In addition, Night Vision Aids (NVA) / cameras were used to assist in the survey. Equipment used included 'Nightfox Whisker' digital night vision aids.

2.1.4 A description of bat behaviour was noted during the field survey, where necessary, along with the species, number of individuals, the flight route, and the time of the observation. Where required, sonograms were subsequently analysed to confirm species identified and NVA footage was analysed.

[3] **Collins, J. (ed.) (2016)** Bat Surveys for Professional Ecologists: Good Practice Guidelines. 3rd Edition. The Bat Conservation Trust, London. ISBN 13978-1-872745-96-1.

2.2 2024 SURVEYS

Bat Presence/Absence Surveys

2.2.1 Updated night-time bat activity (presence/absence) surveys were undertaken in 2024 following the most recent best practice guidelines[4]. Surveys included between three-five surveyors to cover all potential roost features/aspects identified by the PRA survey. Surveyors were equipped with full spectrum detectors (Echometer Touch 2 Pro) and Nightfox Whisker digital night vision aids.

2.2.2 A description of bat behaviour was noted during the field survey, where necessary, along with the species, number of individuals, the flight route, and the time of the observation. Where required, sonograms were subsequently analysed to confirm species identified and NVA footage was analysed.

Ground Level Tree Assessment

2.2.3 A Ground Level Tree Assessment was undertaken on 10th October 2024 by Phil Roskell MSc. (Bat License No: 2024-12223-CL17-BAT) in accordance with Collins (2023)[4].

UK Habitat Classification

2.2.4 UK Habitat Classification A site visit was carried out on 10th October 2024 by Phil Roskell MSc., an experienced Ecologist.

2.2.5 The survey and assessment involved:

- The collection of existing data and scoping of likely habitats present;
- Mapping of Primary Habitats and recording of Secondary Codes while in the field, in accordance with UK Habs descriptions;
- The creation of a UK Habs map using QGIS;
- Review and Quality Assurance of output.

2.2.6 Dominant plant species were noted (including aliens), as were any uncommon species or species indicative of habitat types, but not all species would have

[4] Colins, J. (ed) 2023 Bat Surveys for Professional Ecologists. Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

been visible and there was no attempt to compile exhaustive species lists. The survey included at least 30m from the boundary where possible to ensure badgers will not be affected.

2.2.7 During this field survey, attention was paid to habitats and features that may provide opportunities for protected species to be present at other times of year and thus inform the recommendations for further survey where appropriate.

2.3 PERSONNEL

Table 1: Personnel

Name	Contribution	Qualifications
Philip Roskell	Lead Surveyor	BSc., MSc., Licence No: 2024-12223-CL17-BAT
Vix Moughal	Emergence Surveys Review.	BSc., MSc., MIEnvSc
Lilly Vujakovic	Emergence Surveys	BSc., MSc., QCIEEM
Charlotte Drinkall	Emergence Surveys	BSc. (pending)
Steven Cresswell	Emergence Surveys	BSc.
Mark Morgan Vix Moughal Joe Clements	2023 Surveys	MSc., MCIEEM BSc., MSc., MIEnvSc BSc., MSc.

2.4 CONSTRAINTS

2.4.1 An internal assessment of the building was prohibited due to the compromised internal structure of the building. Nonetheless, a full external assessment was undertaken and there were no constraints to the bat emergence surveys.

3 RESULTS

3.1 2023 SURVEYS

Preliminary Roost Assessment

B1 (Main house)

3.1.1 An internal inspection of the property could not be undertaken due to structural concerns and the risk to health and safety (as per email comms. from client dated 09/09/2023). A full external inspection of the building was undertaken, incorporating both a ground-level assessment and an aerial inspection (use of a drone). This approach allowed for the identification of potential roost features (PRFs) or access points across all buildings.

3.1.2 The building (B1) is a large, Victorian-era constructed property built with stone and brick. It has multiple pitched roofs with east-west and north-south aspects containing clay ridge tiles and slate roofing tiles. In a number of locations where timber frames are present (e.g. dormer windows and section to the east of the tower), leadwork is present. The roof contains a number of blocked chimney stacks, ornamental stone-works and a tower to the western end.

3.1.3 The roofs contain a series of Velux-style windows and dormer windows indicating that loft spaces are either not present or are very limited in extent. Timber boarding beneath parts of the exposed roof is evident creating potential internal PRFs beneath the roof.

3.1.4 Generally, the stone-work of the building frontages is in excellent condition throughout with very limited potential to bats. Smashed windows across the building offer some ingress/egress opportunity, however. A section of dense ivy is present on the north-eastern aspect of the building which may obscure a PRF and/or acts as a PRF itself.

3.1.5 The roof is in a poor state with large areas of missing/slipped tiles and damaged timbers. Potential ingress/egress for bats is present across the roof, although it is likely that these areas of damage provide much water ingress and weather exposure that much of the area is unsuitable for roosting bats.

Nonetheless, crevice opportunity is abundant, the roof providing ridge and roof tile gaps, raised lead, and gaps beneath timbers.

3.1.6 The result of the PRA deemed B1 to be of 'high' bat roost potential. For 'high' potential structures, Collins, 2016[3], requires a minimum of three surveys (for a confident negative results).

B2 (Garage)

3.1.7 B2 is a single-storey garage constructed of stone, with a flat roof and located to the eastern of B1. A thorough internal and external inspection was undertaken.

3.1.8 No external features were observed that may provide opportunity to bats. Internally, the exposed roof does not offer roosting opportunity. No evidence of bat use was observed inside the building.

3.1.9 B2 offers 'negligible' opportunity to bats. No further survey work with relation to bats is necessary.

Ground Level Tree Assessment

3.1.10 Two groups of trees (G1 and G2, refer to Figure 3) located to the north and the south of the existing driveway provide 'low' bat roosting potential due to their size and age, however no features were observed from the ground. The trees are dominated by common lime.

3.1.11 A single tree to the north of B1 at grid reference SE 6034 7979 was recorded as have 'low' bat roost potential due to the dense coverage of ivy (T1, refer to Figure 3).

Emergence Surveys

3.1.12 All survey parameters are detailed within Table 2. Surveyor/infrared camera locations are provided in Figure 4 and important bat activity areas, including roost/emergence locations, are provided in Figure 5.

3.1.13 For the first two surveys of B1, a total of three surveyors were located on the northern, eastern, and western aspects covering those areas with PRFs as

identified during the PRA assessment. For the third survey of B1, a total of five surveyors were located to cover all cardinal points of the building. Additional IR cameras were used to support surveyors.

B1: Emergence Survey #1 - 16/08/23

3.1.14 Consistent foraging and commuting behaviour from a small number of bats, were recorded during the survey with bats flying from east to west using the established treelines to the south, and less so to the north, of the property.

3.1.15 A total of three species were recorded during the survey; common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*P. pygmaeus*), and noctule (*Nyctalus noctula*).

3.1.16 Bats were also observed circling the tower to the western extent of the building, displaying likely social behaviours.

3.1.17 At 20.45, a single common pipistrelle likely emerged from the eastern side of the tower (R1), flying westward. The bat showed characteristic behaviour as they do when emerging from a roost location with a dip or curved flight path as it flew westwards.

3.1.18 No other bats were observed to emerge during the survey.

B1: Emergence Survey #2 - 30/08/23

3.1.19 Although less frequent compared to the first survey, there was still moderate, yet sporadic bat activity observed and recorded by surveyors between during the survey, with a small number of foraging and commuting bats flying from east to west along the treelines surrounding the property.

3.1.20 In addition to pipistrelles, brown long-eared bat (*Plecotus auritus*) was recorded to the east and the west using the Site.

3.1.21 No bat emergence was observed from the building during the survey.

B1: Emergence Survey #3 20/09/23

3.1.22 The first bat observation was a single emerging pipistrelle (making no sound) from R2 at 19:30.

3.1.23 A noctule was heard but not seen at 19:41.

3.1.24 Common and soprano pipistrelle activity was fairly consistent along the southern treeline between 20:05 and 20:31, and occasional activity to the western extent of B1, with a small number of bats were being recorded.

3.1.25 At 20:26 a myotis bat was heard but not seen to the east of B1 within the woodland habitat.

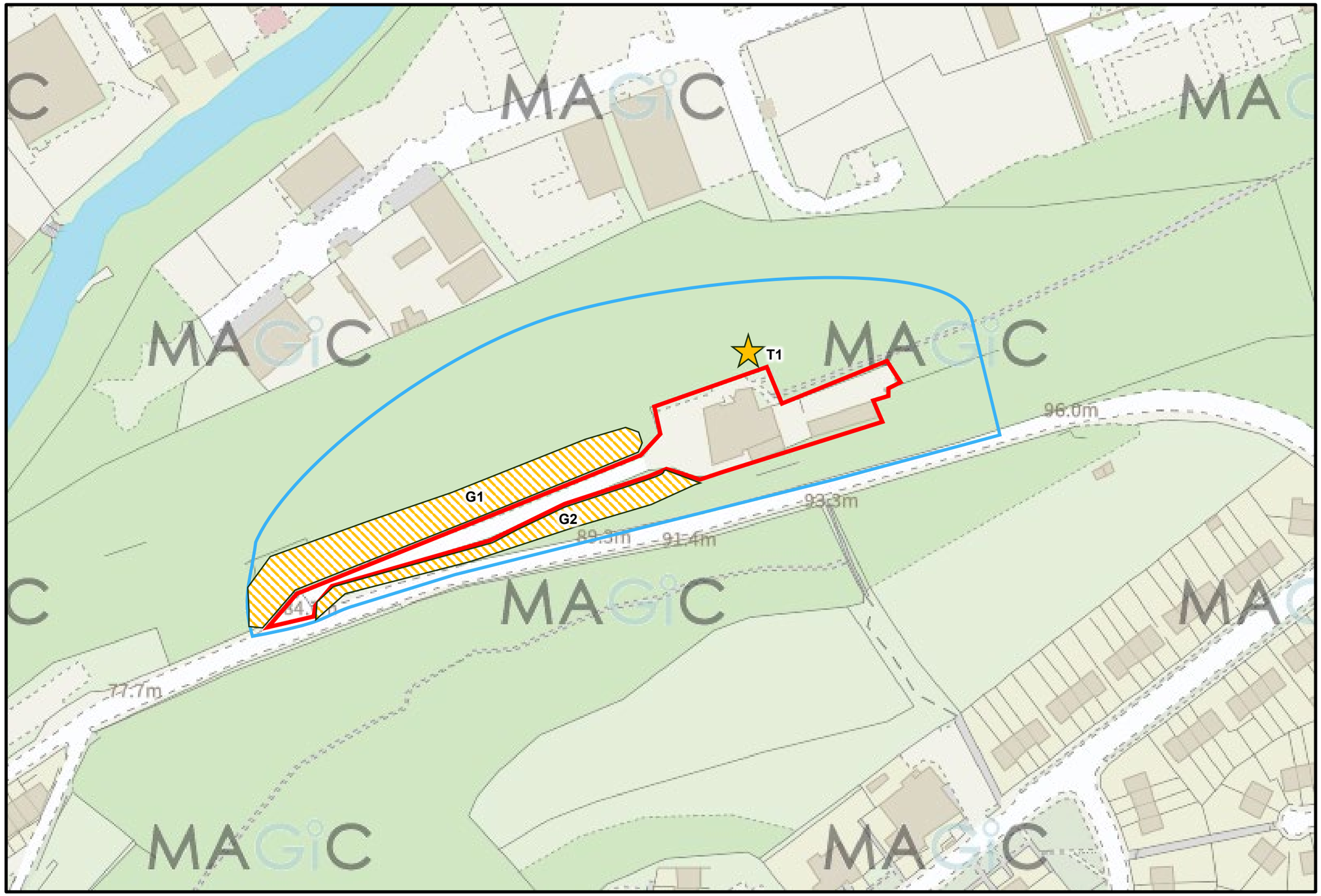
3.1.26 The final bat observation was made at 20:46 foraging to the east of the Site. No other bat emergences were observed during the survey.

3.1.27 Tawny owl calling was frequent to the north and east of the building within the woodland.

Table 2: Survey Parameters

Building No.	Parameter	Survey 1	Survey 2	Survey 3
B1	Survey Date	16/08/23	30/08/23	20/09/23
	Temperature at sunset	19˚c	17˚c	14˚c
	Temperature at end	16˚c	13˚c	13˚c
	Weather	Clear, dry	Clear, dry	Clear, dry
	Cloud cover	0%	0%	20%
	Wind (Beaufort)	0	0	0
	Sunset	20:35	20:02	19:11
	Survey Start	20:13	19:45	18:55
	Survey End	22:10	21:40	20:45

Figure 3
GLTA



Site boundary

Survey boundary

Ivy covered tree (low potential)

Group of low potential trees

N

Do not scale

Client: syngenta

Project title	Project ID
Dalton Grange	283-01

Subject: Bat Report

Drawing number: **28301-04BR_A**

Drawing date	12/10/23	Version	A
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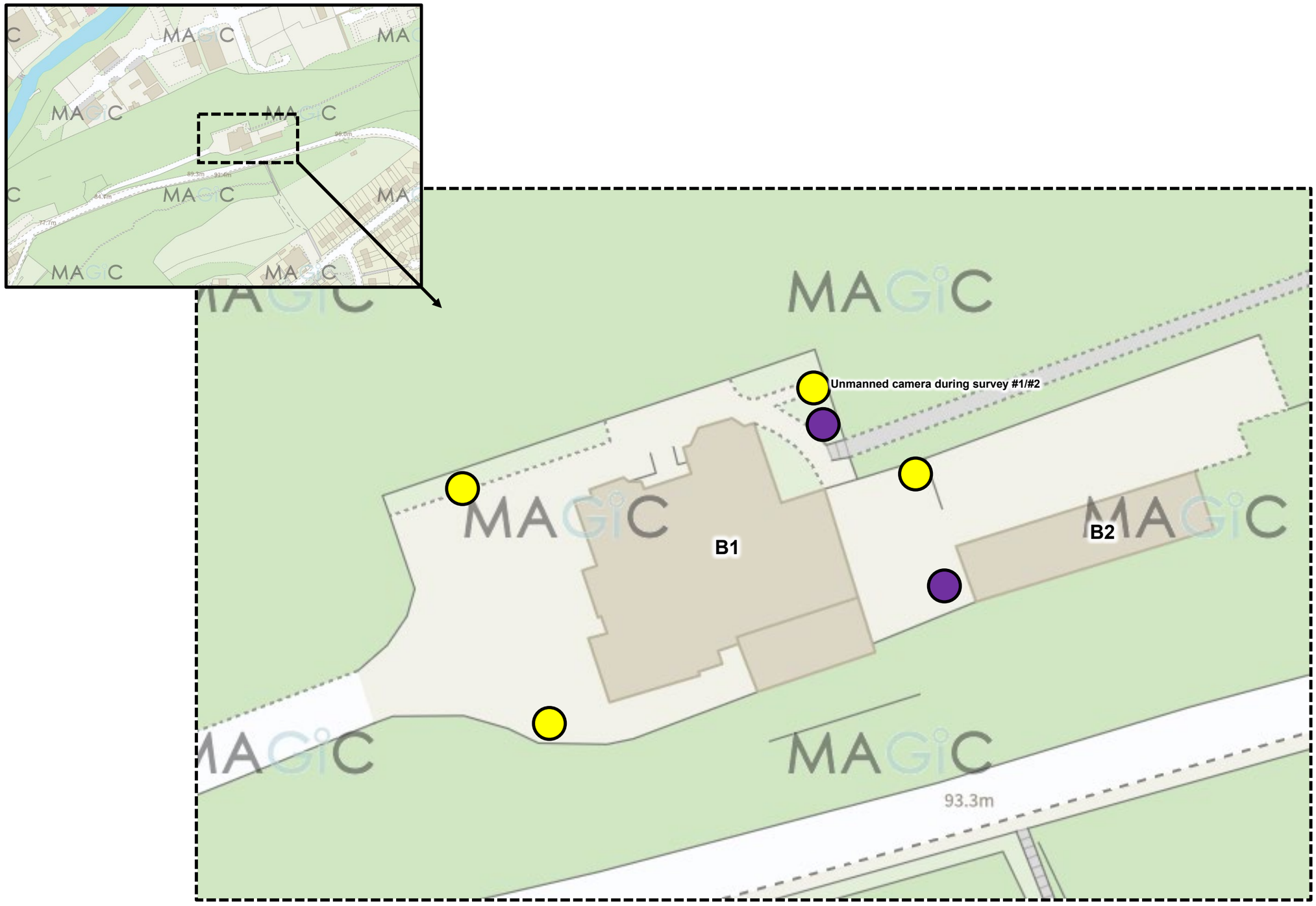

Figure 4
Surveyor Locations

B1 Surveyor / Infrared camera location

Additional surveyor location for survey #3

N

Do not scale

Client: syngenta

Project title	Project ID
Dalton Grange	283-01

Subject: Bat Report

Drawing number: **28301-02BR_A**

Drawing date	12/10/23	Version	A
Drawn by	MM		

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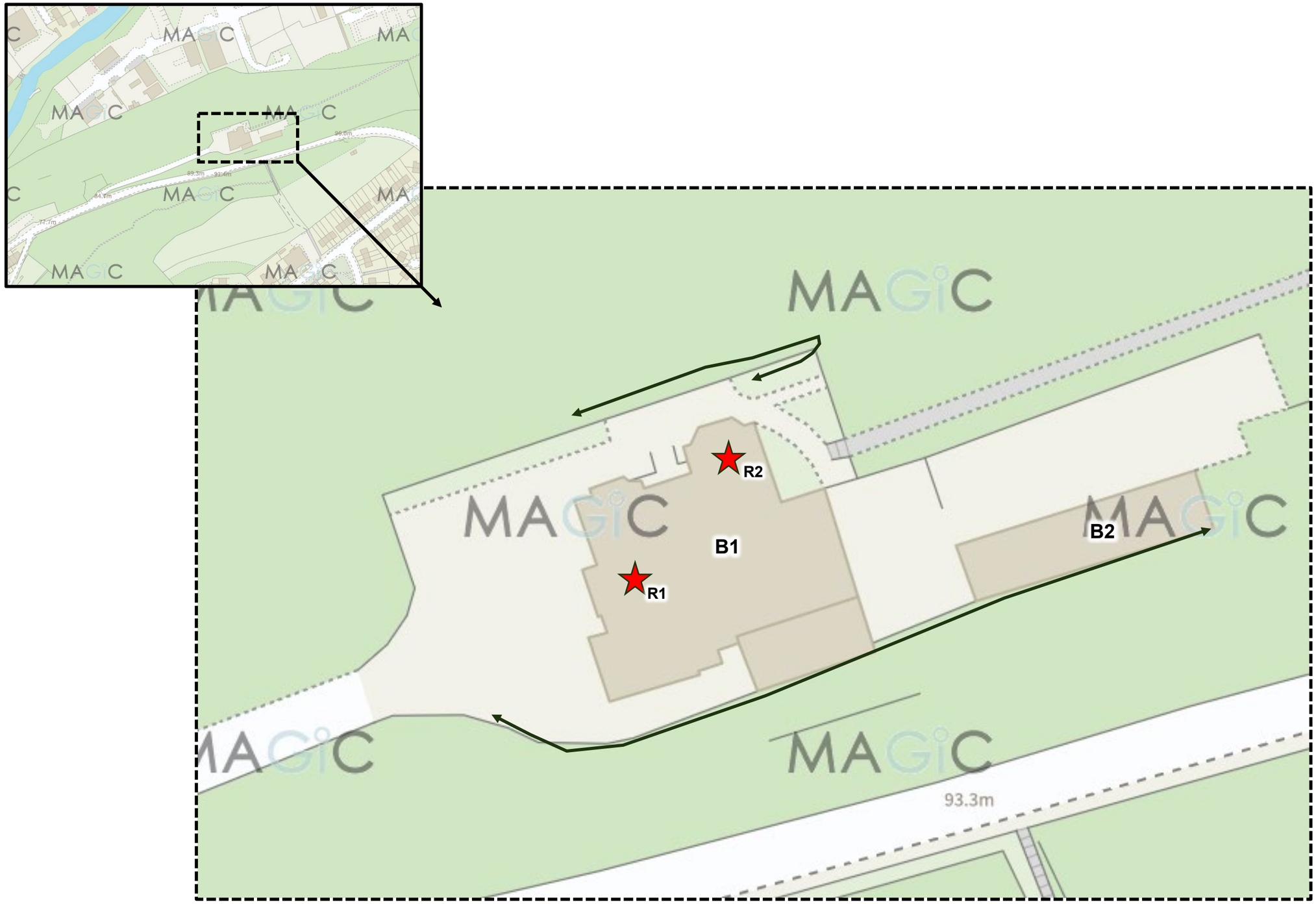

Figure 5
Bat Activity Map

Frequently used bat route

Roost location / emergence point

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Do not scale

Client: syngenta

Project title	Project ID
Dalton Grange	283-01

Subject: Bat Report

Drawing number: **28301-03BR_A**

Drawing date	12/10/23	Version	A
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3.2 2023 SITE PHOTOGRAPHS

Photograph 1. The western aspect of B1, a large building constructed with stone

Photograph 2. The northern and western aspects of B1 with broken windows

Photograph 3. The eastern aspect of B1 with good condition stone-work and broken windows

Photograph 4. Dense ivy coverage on the eastern aspect of B1

Photograph 5. Southern aspect of B1 with driveway under the property

Photograph 6. The north-western aspect of B1 with gaps in the roof and a dormer window providing potential for roosting bats

Photograph 7. B1, western aspect, damaged roof, and broken window.

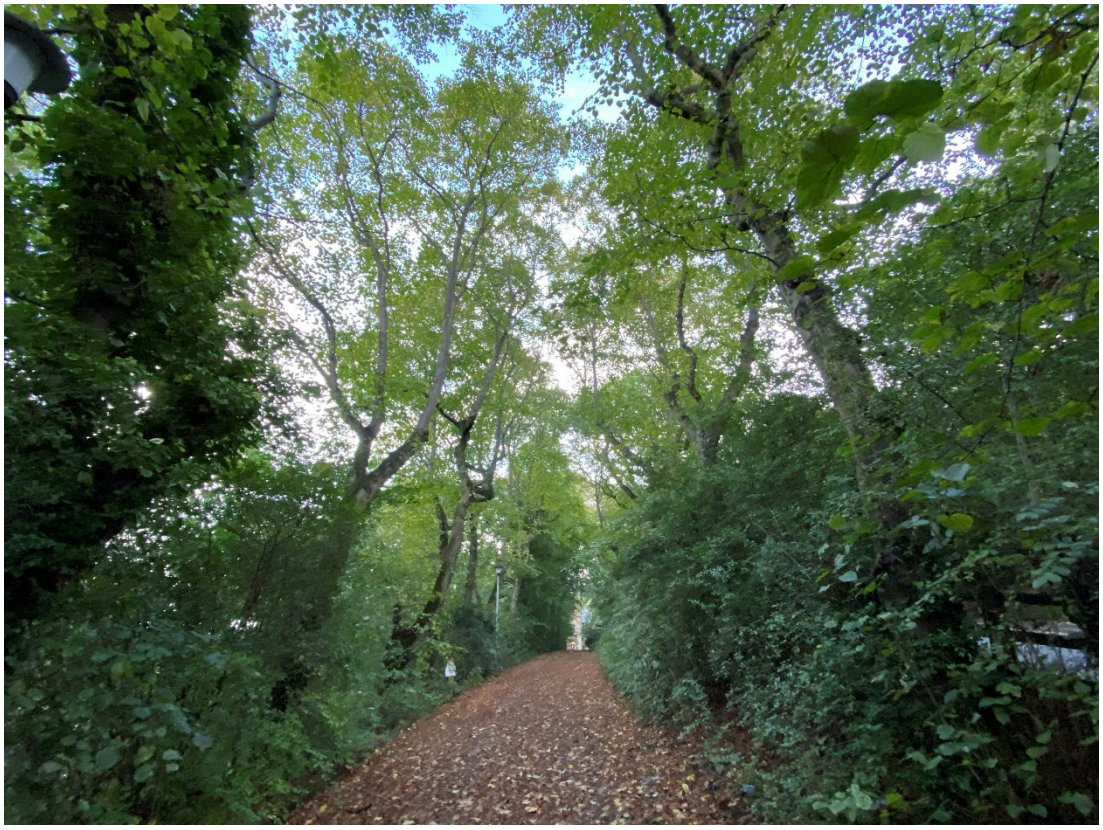
Photograph 8. Northern aspect of the tower and roof gaps.

Photograph 9. The eastern aspect of the tower of B1. Likely emergence location for a bat during emergence survey #1 (R1).

Photograph 10. Likely emergence location within ridge tile gap during emergence survey #3 (R2)

Photograph 11. Site entrance providing well-established bat foraging/commuting routes

Photograph 12. Low potential tree to the northeast of B1 (T1)



Photograph 13. G1 (left) and G2 (right) offering low potential to bats.

Photograph 14. B2, negligible to bats

Photograph 15. Internal space of B2, providing negligible opportunity to bats.

3.3 2024 SURVEYS

Emergence Surveys

B1 Emergence Survey #1 - 28/08/24

3.3.1 Consistent foraging and flightlines of up to 3x individual common pipistrelles were recorded at the Site. The first bat was recorded at 20:12 and activity quietened off after 20:44.

3.3.2 Bats were using the main driveway and front aspect of the building for foraging loops. Very little activity was recorded on the eastern rear aspect of the building.

3.3.3 At 20:24 a noctule was recorded commuting overhead.

3.3.4 No other species were recorded during surveys. No bats were seen emerging from the building.

B1 Emergence Survey #2 – 24/09/24

3.3.5 Similar levels of activity were recorded as the first survey.

3.3.6 Common pipistrelles were recorded foraging and social calling around the site. Activity was predominantly along the drive and front entrance with occasional passes along the norther aspect of the building. Very little activity was recorded to the eastern rear of the building.

3.3.7 At 20:01 a possible myotis (*Myotis*) pass was recorded.

3.3.8 No bats emerged from the building.

B1 Emergence Survey #3 – 10/10/24

3.3.9 The first bat recorded was a noctule commuting overhead. After this, common pipistrelles were recorded foraging around the north and west aspect of the building and over the trees to the north of the Site. Up to 2x individuals were seen at any one time.

3.3.10 At 19:00 daubentons myotis (*Myotis daubentonii*) was recorded. Daubentons bat was recorded foraging along the west and north aspects with frequent

flights along the main driveway. Activity was fairly frequent until the end of the survey.

3.3.11 No bats were seen to emerge from the building.

Table 3: Survey Parameters

Building No.	Parameter	Survey 1	Survey 2	Survey 3
B1	Survey Date	28/08/24	24/09/24	10/10/24
	Temperature at sunset	18°C	12°C	7°C
	Temperature at end	17°C	12°C	5°C
	Weather	Warm, dry.	Clear, dry.	Dry, clear.
	Cloud cover	30%		0%
	Wind (Beaufort)	1	0	1
	Sunset	20:05	18:59	18:21
	Survey Start	19:50	18:45	18:15
	Survey End	21:35	20:30	19:48

UK Habitat Classification

3.3.12 The habitat immediately surrounding B1 is woodland, which is relatively extensive within the local area. The River Colne within 200m to the north/northwest of the property, and an additional waterbody within 300m to the east. These habitats provide suitable conditions for the presence of bats within the local area and are considered to be of 'high' value.

U1b developed land/sealed surface (82 derelict land), u1b5 buildings

3.3.13 The main site consists of developed land/sealed surface with emergent species such as butterfly bush, broad-leaved plantain and herb Robert encroaching onto the site.

U1f Sparsely vegetated urban land (82 derelict land)

3.3.14 To the rear of the property young birch, horse chestnut and plum trees have self-seeded. Along with butterfly bush and frequent bramble.

W1f lowland mixed deciduous woodland

3.3.15 A large semi-natural woodland of native species surrounds the site. Species include Ash, willow, oak, elm, holly and hazel. With sycamore trees frequent. The ground flora mainly consists of debris and deadwood with occasional bramble, nettles and rhododendron.

Other

3.3.16 No signs of any other protected or notable species were identified on the site or within 30m surrounding the site.

3.3.17 The surrounding woodland consisted of semi-mature and mature trees, numerous of which had knotholes offering suitable roosting potential. However, these were located away from the site and no impact upon these trees is predicted. A standalone tree on the north boundary of the site has a large down facing knothole which offers a suitable potential roost feature (see TN1).

Table 4: Target note

Target Note	Description
TN1	Ivy covered tree offers low roosting suitability.
TN2	A standalone tree on the northern boundary of the site has a downwards facing knot hole at approx. 3m height. This knothole offers a suitable PRF. See photo 21.

3.4 HABITAT CONFORMITY TO OTHER CATEGORIES

International Qualifying Features

3.4.1 N/A

Priority Habitats

3.4.2 The surrounding deciduous woodland is classified as a priority habitat.

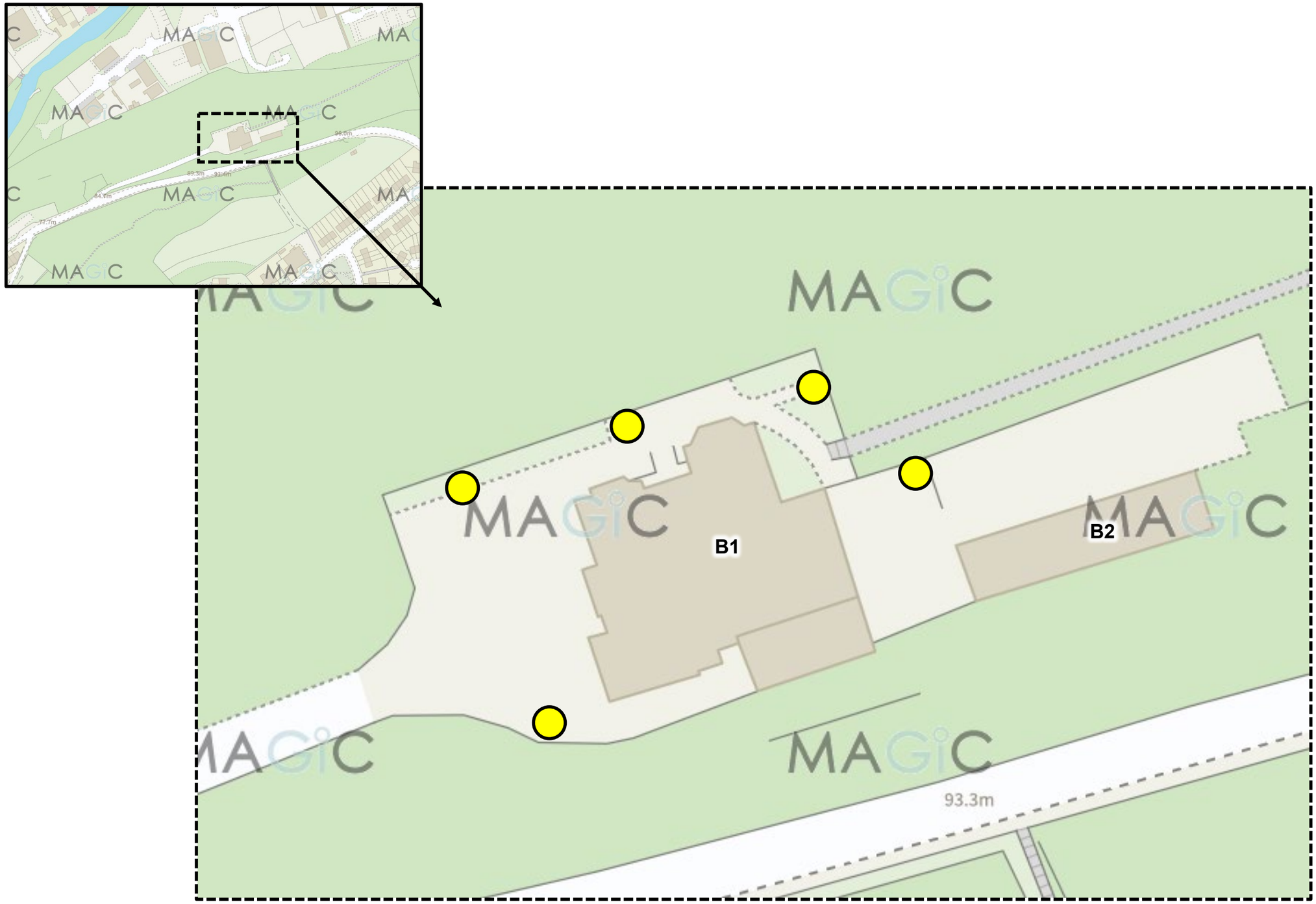


Figure 6
Surveyor Locations 2024

B1 Surveyor / Infrared camera location

N

Do not scale

Client: syngenta

Project title	Project ID
Dalton Grange	283-01

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Drawing date	18/10/24	Version	A
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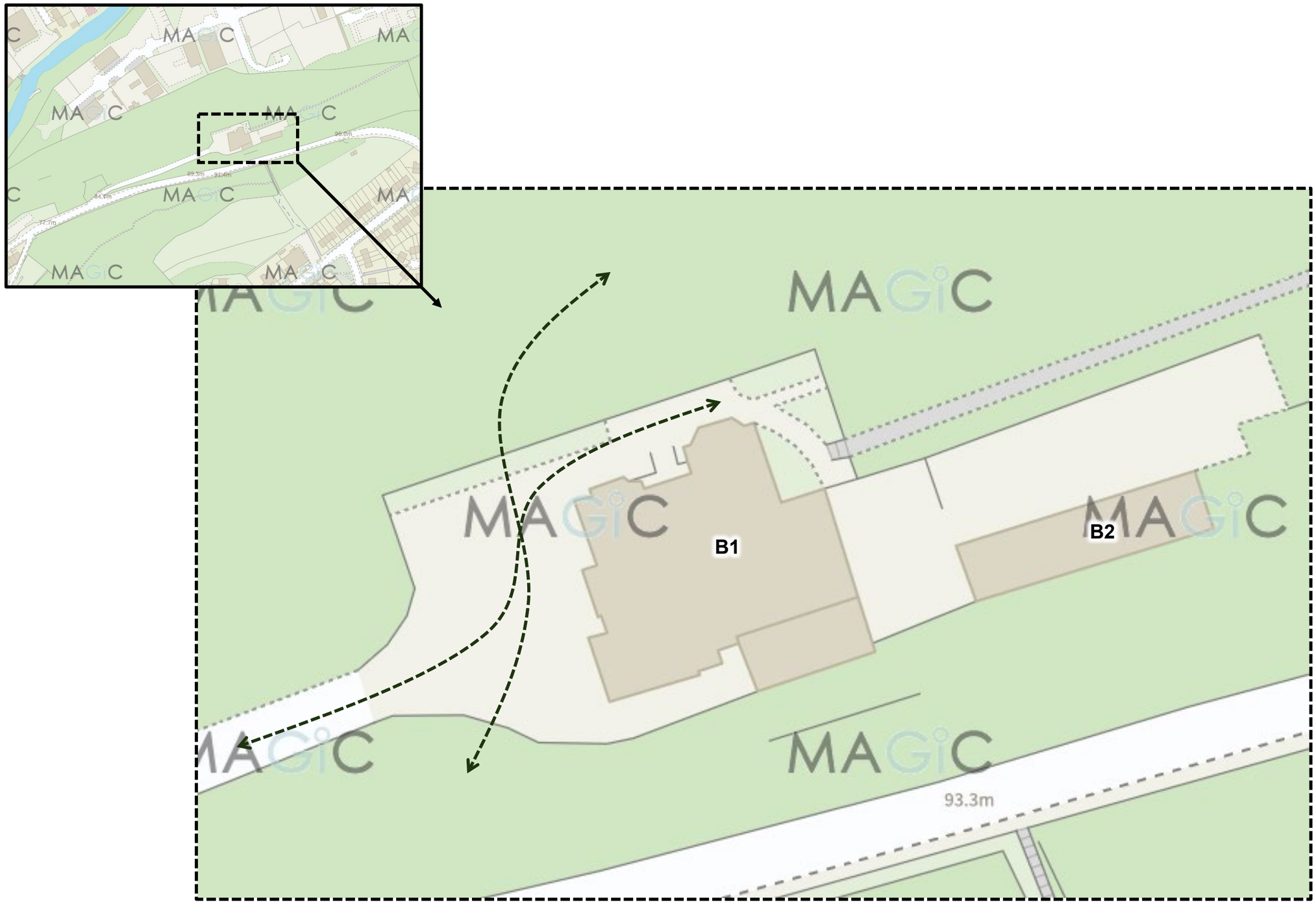
Figure 7
Bat Activity Map



Frequently used bat route

N

Do not scale

Client
syngenta

Project title	Project ID
Dalton Grange	283-01

Subject
Bat Report

Drawing number
28301-07BR_A

Drawing date	18/10/24	Version	A
Drawn by	PR		

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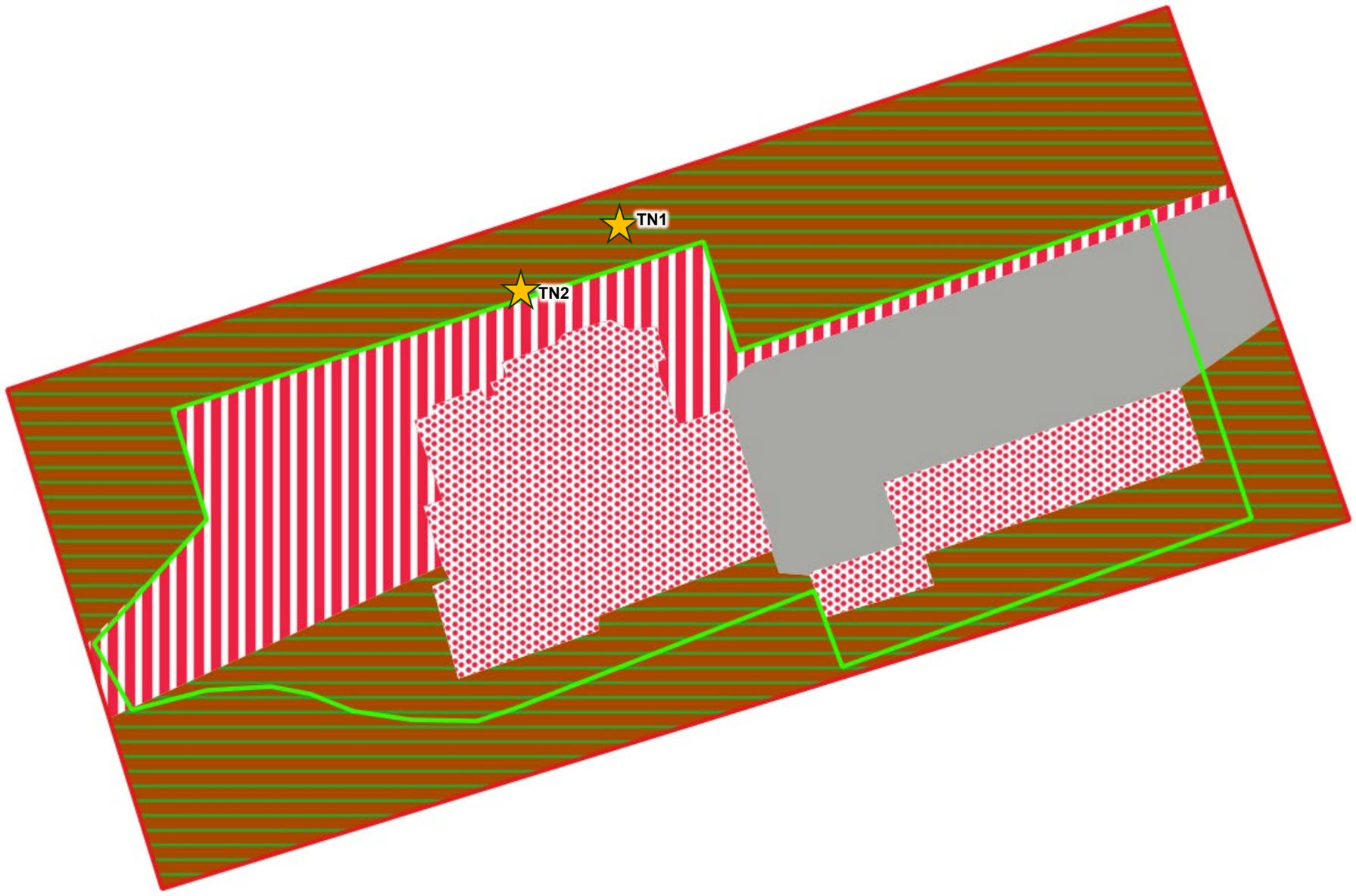
Figure 8
UKHabs Map



- Application Site
- Proposed Fence Line
- W1f lowland mixed deciduous woodland
- u1b5 building
- u1b developed land, sealed surface
- Tree with PRFs

N

Do not scale

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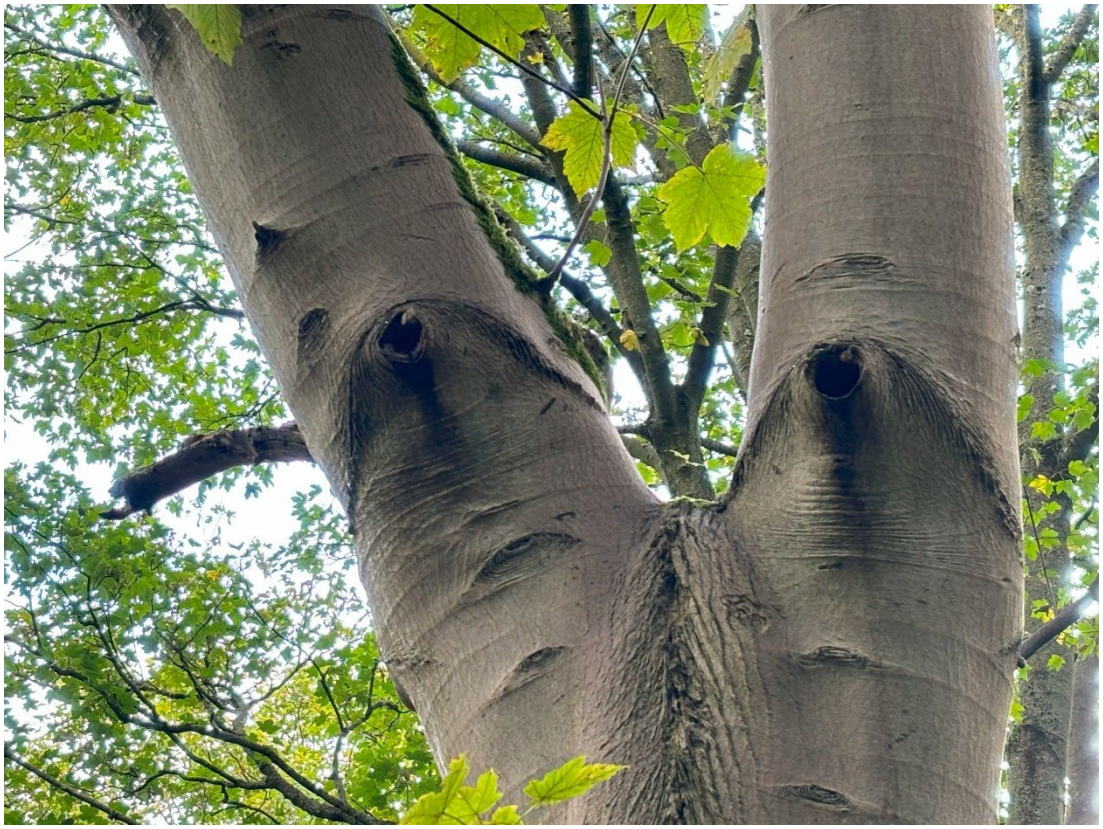
3.5 2024 SITE PHOTOS

Photograph 16. The main driveway leading to the Site.

Photograph 17. The Site was being encroached upon by woody species.

Photograph 18. Offsite woodland consisted of mature & semi-mature broadleaved species.



Photograph 19. Knotholes were apparent within some of the trees offering PRFs.

Photograph 20. Self-seeded trees and scrub was encroaching onto the Site.

Photograph 21. Tree with knothole providing PRF on site boundary (TN1).

Table 5: Species list

Common name	Latin name
Horse chestnut	*Aesculus hippocastanum*
Sycamore	*Acer pseudoplatanus*
Ash	*Fraxinus excelsior*
Willow	*Salix sp.*
Oak	*Quercus robur*
Elm	*Ulmus procera*
Holly	*Ilex aquifolium*
Hazel	*Corylus avellana*
Birch	*Betula pendula*
Bramble	*Rubus fruticosus*
Rhododendron	*Rhododendron arboreum*
Common nettle	*Urtica dioica*
Butterfly bush	*Buddleia*
Herb Robert	*Geranium robertianum*
Broad-leaved plantain	*Plantago major*

4 CONCLUSIONS

4.1 SUMMARY

Bats

4.1.1 Bats and their roosts are fully protected under the WCA (1981) (as amended).

4.1.2 A PRA assessment in August 2023 graded the building (B1) as being of 'high' potential to roosting bats and B2 as negligible. B1 has some ingress/egress opportunity within the broken windows on the building frontages and numerous opportunities for crevice dwelling bats across the pitched roofs. Structures with 'high' suitability require a minimum of three surveys between May – September, two of those to be undertaken between May – August.

4.1.3 Three bat emergence surveys were undertaken between August - September 2023 for buildings B1 in suitable conditions.

4.1.4 A total of two pipistrelle bat emergences were observed during the surveys, with a peak number of one bat emergence in any given survey. R1 and R2 are considered to be 'day roosts'. Refer to Figure 5.

4.1.5 Updated bat emergence surveys were completed between August – October 2024 in suitable weather conditions. No bats were seen emerging from the building.

4.1.6 The habitat surrounding the property is graded as 'high' suitability to bats.

4.1.7 Currently, proposals to impact the building are not fully known.

Recommendations

4.1.8 It is recommended that any future works are discussed in full with an ecologist to determine if works may impact bats and to understand the levels of mitigation required, including the potential need for a bat derogation licence from Natural England. Where significant roof works are required, a derogation licence is likely needed prior to the commencement of works.

4.1.9 Certain works may be undertaken without the need for a bat licence but under Reasonable Avoidance Measures with restrictions on the timing of works, such works may include the boarding up of windows or temporarily covering roof holes for weather-proofing, providing that an ecologist is made fully aware of the proposals and where it can be proven that bats will remain unimpacted. Any such works may require the on-site presence of an ECW to ensure works remain lawful.

4.1.10 Any planning application should use survey data on bats no greater than the previous survey season. Should works to B1 not progress within 1 year then an update survey is recommended to at least assess if conditions have significantly changed at the Site.

4.1.11 Should trees TN1 or TN2 require removal then these will require further surveys in the form of a tree climbing aerial inspection.

Biodiversity Net Gain

4.1.12 At the time of writing this report, the proposals include attaching security cameras to the building and installing a palisade fence around the site for security. As such, no impact upon the surrounding habitat is predicted.

4.1.13 The palisade fence will be installed through areas of the woodland. If no trees are being removed to allow for installation of the fence, then the works will not be impacting upon any habitats and BNG is therefore not required at this stage. However, if any tree felling/scrub removal is required to allow for installation of the fence, then enhancements and compensation will be necessary. This will need to be agreed with an ecologist and approved by the LPA prior to works commencing.

5 LEGISLATION

The Environment Act 2021

5.1.1 The Act deals with targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency. Nature and Biodiversity is dealt with directly in Part 6, which is aimed at:

- Strengthened biodiversity duty
- Biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity
- Local Nature Recovery Strategies to support a Nature Recovery Network
- Duty upon Local Authorities to consult on street tree felling
- Strengthen woodland protection enforcement measures
- Conservation Covenants
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature
- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation
- Requires regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system

Conservation of Habitats and Species Regulations 2017 (as amended)

5.1.2 These Regulations consolidate the Conservation (Natural Habitats, &c.) Regulations 1994 and amend the 2010 Regulations, and together they transpose the European Habitats Directive into domestic law. The Regulations provide for the designation and protection of 'European sites' (referred to in this assessment as international sites), the protection of 'European protected species', and the adaptation of planning and other controls for the protection of such.

5.1.3 Under the Regulations, UK competent authorities have a general duty to have regard to the EC Habitats and Birds Directives. They require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Under Regulation 63, where any proposed plan or project is likely to have an effect on a Natural 2000 site or qualifying feature for a site, then the competent authority (normally the local planning authority) will carry out an Appropriate Assessment of those effects, referred to as a Habitats Regulations Assessment (HRA).

Species

5.1.4 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority, including the planning authority, is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild populations of the species concerned: these three elements form the basis of the three derogations 'tests' to be applied to satisfy European legislation.

Wildlife and Countryside Act 1981

5.1.5 The principle statutory instrument that governs nature conservation in England is the Wildlife and Countryside Act 1981 as amended (WCA 1981).

5.1.6 The WCA 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Birds Directive in Great Britain. It is complimented by the Wildlife and Countryside (Service of Notices) Act 1985, which relates to notices served under the 1981 Act, and the Habitats Regulations 2017 (as amended), which implement the Habitats Directive.

5.1.7 Containing four Parts and seventeen Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way.

5.1.8 Amendments to the Act have been made and there is a statutory quinquennial review of Schedules 5 and 8 (protected wild animals and plant respectively), undertaken by the country agencies and co-ordinated by the Joint Nature Conservation Committee. There have been 6 reviews with the 7th commenced in 2021.

Protection of Badgers Act 1992

5.1.9 There are very few Acts of Parliament that are dedicated to one species with conservation as part of the aim. This Act supplements the WCA 1981 by affording protection to badgers against disturbance and their setts against unlawful damage and destruction. It provides a licensing system to allow works to proceed in a sensitive manner.

Countryside and Rights of Way (CRoW) Act 2000

5.1.10 The CRoW Act 2000 places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the 1992 Rio Convention on Biological Diversity. The Act makes various amendments to the WCA 1981 including increasing SSSI protection, management and policing.

5.1.11 DEFRA published the first 'list' in 2002 under Section 74 of the CRoW Act 2000, which was identical with the UK BAP list at the time, now superseded by the Natural Environment and Rural Communities Act 2006 Section 41 list (see below).

Natural Environment and Rural Communities (NERC) Act 2006

5.1.12 The NERC Act 2006 makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species.

5.1.13 Section 40 of the Act lays a duty on authorities to have regard to the purpose of conserving biodiversity in compliance with the UN Biodiversity Convention in 1992. This is otherwise known as the 'Biodiversity Duty' and refers in particular to those Habitats & Species of Principle Importance listed in Section 41 of the Act. Guidance for local authorities on implementing the Biodiversity Duty is provided in DEFRA (2007).

Section 41 List

5.1.14 For the purposes of conserving biodiversity, habitats and species of principle importance are listed through the provisions set out in Section 41 of this Act (replacing Section 74 of the CRoW Act 2000), referred to in this chapter as the Section 41 List. DEFRA 2007 references the UK and local Biodiversity Action Plans (BAPs) (see below) as the source of data for the Section 41 List. This assessment uses the List, as updated by the UK BAP, as a key guide for identification of ecological features to be affected by proposals, and to guide and weigh recommendations and mitigation.

5.1.15 The Section 41 List has been further refined by DEFRA 2007, where seven sectors have been selected where public bodies and other stakeholders can make a significant contribution to biodiversity conservation, through their Biodiversity Duty. Habitats and species relevant to each sector have been identified to help non-conservation professionals consider where the List might apply to them. Of these seven, two are relevant to this assessment i.e. Land Use Planning and Regional & Local Government. The List was last updated in 2010 and referenced here as Natural England 2010.

ODPM Circular 06/2005 Biodiversity and Geological conservation (withdrawn but report remains compliant)

5.1.16 This Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. With the onset of the National Planning Policy Framework in March 2012, this remains as the principal source of statutory interpretation of the legislation listed above.

5.1.17 The Circular is presented in four Parts, of which the first three are relevant here. The Circular requires updating since the publication of the National

Planning Policy Framework in March 2012 replaced Planning Policy Statements (see below), but should be applied as follows:

Part I: Internationally Designated Sites

- This Part provides guidance on implementation of the Conservation of Species and Habitat Regulations 2010 (updating the Habitat Regulation 1994), in compliance with the Habitats Directive. The principal is maintenance of the Natura 2000 suite of sites. Helpful definition of derogation from the Habitats Directive and the 'three tests' is provided.
- The principal of compensation is included, although this will be subject to strict testing under the 'three tests' system and is unlikely to be effective at an international level.

Part II: Nationally Designated Sites

- This Part focusses on Sites of Special Scientific Interest (SSSI) and provides guidance on interpretation of the Wildlife and Countryside Act 1981 (as amended, inc. the CROW Act 2000).

Part III: Conservation of habitats and species outside designated areas

- Part III pulls together statutory instruments and the route through which their protection is linked to Biodiversity Action Plans in the UK, both nationally and locally.

5.1.18 Section 84 of this Circular states that the habitats and species listed in the S41 List are capable of being a material consideration.

5.1.19 Section 85 refers to the CRoW 2000 Act, Section 74, which has been superseded by the S41 List and requires updating. The importance of the S41 List in principle is set out here.

5.1.20 Section 95 identifies forthcoming DEFRA advice on Local Wildlife Sites. DEFRA 2006 subsequently defines local wildlife sites and their management, linking local wildlife sites to the Conservation of Habitats and Species Regulations 2010 (Regulation 39[3]) where they are referred to as 'Stepping Stones'. This is a key link for local wildlife site protection via the Natural Environment White Paper , and Lawton 2010 , and subsequently informing the England Biodiversity Strategy for 2020 , all of which provide policy guidelines for protection of stepping stones integral to ecological networks, the latter as

referred to most recently in the National Planning Policy Framework 2012 (see earlier).

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