



Planning and Heritage Statement

Holm Garth, Richardson's Row, Newholm

1.0 Introduction

- 1.1 This Planning and Heritage Statement has been produced to illustrate considerations behind conversion of an existing structure adjoining Holm Garth, Richardson's Row, Newholm. On the basis that it may be considered a non-designated heritage asset, it aims to provide a background to the building and to explain how the proposals have been led by conservation principles, with the primary intention of preserving significance and safeguarding the building's contribution to the character of the village.
- 1.2 Holm Garth is the end property of a terrace at the northern extent of Newholm, which along with the adjoining structure subject to this application forms a defined end to the village. The house itself is a Victorian building of rock-faced sandstone (RCHME, 1987, 207), displaying late classical architectural traits exemplified by the ground floor canted bay windows. Adjoining immediately to the north is an ostensibly older house, more vernacular in character, faced with herring bone dressed sandstone. That in turn is adjoined by a modest row of brick cottages, reminiscent of the terraced cottages linked to ironstone mining found throughout the North York Moors.
- 1.3 The outbuilding adjoining Holm Garth is a hipped roof sandstone structure, whose front elevation is noticeably rock faced to match the house but whose side elevation shows rough diagonal "scutched" tooling, indicating pre mid-18th century origins (RCHME, 1987, 207). This is further evidenced by the 1853 OS

map showing a somewhat narrower building in the same location, along with a building a short distance to the north at a perpendicular angle which is likely to be the vernacular type house still seen in the middle of Richardson's Row.



Holme Garth with adjoining former Smithy. The red roof of the earlier vernacular house can be seen at the far left.

- 1.4 The chief characteristic of the outbuilding are the wide central doors with historic iron strap hinges and a masonry segmented arch with central keystone. This cart shed style opening is perfectly explained by an annotation on the 1892 OS map describing the building as a Smithy, meaning it was a key building within the village.

2.0 Planning History

- 2.1 Records indicate one former planning application relating to Holm Garth, dating from 2003:

Application number: 40370129

Proposal: construction of two dormer windows in front elevation, together with erection of a single storey rear extension and chimney stack

Application type: Application for Full Permission

Address: Home Garth (*sic*), Richardsons Row, Newholm

Decision date: 07/05/2003

Decision: Approved with Conditions

3.0 Planning Policy

- 3.1 It has been established via pre-application discussion (NYM\2021\ENQ\17945) that the proposed change of use is likely to accord with Policy EU4 of the North York Moors National Park Authority Local Plan, though it was intimated that external alterations would be a key consideration. This document therefore focuses on policies relating to physical alterations to demonstrate that the proposal is sympathetic to local built character.
- 3.2 Paragraph 189 of the National Planning Policy Framework which states that, in regard to descriptions of significance, "The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. ". As this proposal relates to the conversion of a historic but non listed building, the following assessment is suggested to fulfil the above requirement.
- 3.3 Whilst the building is not a designated heritage asset, it is still anticipated that Policy ENV11 of the North York Moors National Park Authority Local Plan are relevant due to the contribution the building makes to the character of the village:

"Policy ENV11 – Historic Settlements and Built Heritage

Development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features. Development proposals will only be permitted where they:

- 1. Conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting including key views, approaches*

and qualities of the immediate and wider environment that contribute to its value and significance;

2. Conserve or enhance the special character and appearance of settlements including buildings, open spaces, trees and other important features that contribute to visual, historical or architectural character;

3. Reinforce the distinctive qualities of settlements through the consideration of scale, height, massing, alignment; design detailing, materials and finishes;

4. Respect the integrity of the form of historic settlements including boundary and street patterns and spaces between buildings;

5. In the case of new uses, ensure the new use represents the optimum viable use of the asset which is compatible with its conservation;

6. In the case of adapting assets for climate change mitigation, the proposal is based on a proper understanding of the asset and its material properties and performance, and of the applicability and effectiveness of the proposal.

Development should not harm the heritage value of any assets affected. North York Moors National Park Authority Local Plan July 2020 When a proposal affecting a heritage asset is acceptable in principle, the Authority will seek the preservation of historic fabric in situ.

When retention of the feature is not justified or the form and appreciation of a heritage asset is compromised through the proposal, the applicant will be required to undertake an appropriate programme of historic building recording (HBR) and analysis secured through an approved Written Scheme of Investigation (WSI)."

4.0 Proposal and Assessment

4.1 Whilst not a designated heritage asset, to ensure a sensitive development the proposed external alterations have been primarily considered alongside Historic England's *Conservation Principles, Policies and Guidance* (2008) and *Adapting*

Traditional Farm Buildings (2017) to ensure that both the character of the outbuilding and the village are preserved.

- 4.2 Whilst previously used as a Smithy, for many years the building has been used as a general store and there appear to be no substantial remnants of its former use. However, due to the relatively open plan nature of the building, it is envisaged that internal alterations involving the erection of partition walls and installation of a staircase will largely be reversible meaning non-designated historic fabric should generally be preserved.
- 4.3 The most obvious changes will be to the exterior but these have been sensitively considered to ensure character is preserved. The existing historic double doors are suffering from substantial rot and are not appropriate for the proposed use. However, whilst the opening will be blocked up from the inside, the exterior will be faced with timber to match the appearance of the existing doors with a hidden personnel sized door in the centre. The existing strap hinges will also be preserved and will be re-attached for aesthetic purposes, although they will each need to be cut and shortened by approximately 80mm to allow sufficient space for the new hidden central door. A similar approach will be taken to a small eaves level opening on the side elevation and personnel door beneath, though replacement will be dependent on inspection to ascertain the state of repair.
- 4.4 Roof lights will be installed in the southern and western roof slopes to provide natural light for the upper floor. This is considered a more sensitive intervention than dormer windows as the roof lights will be relatively discrete when seen against the grey slate roof and will preserve the semi industrial/agricultural appearance of the building. A simple black flue is proposed to pierce the western roof slope, though the close proximity to the gable end of the adjoining house will provide a backdrop, meaning the flue will not be a stark visual intrusion into the sky.
- 4.5 Windows in the side elevation appear to be non-historic and of relatively poor quality timber and are proposed to be replaced with 1 over 1 style sliding sash. The openings in the brick rear elevation may be historic but are in a state of disrepair and show substantial rot. The proposal is to infill these openings and

insert proportionally correct openings at first floor level, again with 1 over 1 style sliding sash. The windows in the front elevation do appear to be historic and in relatively good condition, so if possible will be restored and retained.



Rear window with rot in lower glazing bars

- 4.6 In order to accommodate extra car parking, the easternmost post will be rebuilt to facilitate a wider entrance with an appropriate surfacing to be laid to reflect the rural character of the area. The type of gate has not been decided but it may be a similar metal gate to the present or a typically agricultural timber gate.
- 4.7 It is therefore posited that the proposals are sensitive to the character of the building, the village and the rural surroundings, fulfilling relevant criteria of Policy ENV 11 of the North York Moors National Park Authority Local Plan. Whilst some rotten historic fabric, chiefly the substantial front doors, are beyond repair, the replacements will have the same material integrity and aesthetics if not the exact function, thereby preserving the aesthetic significance of the building.

5.0 Conclusions

- 5.1 It has been demonstrated that the proposals will preserve the character of the former forge. A conservation led approach has informed proposals, with historic

fabric retained where practical and the aesthetic values attached to the structure preserved. The scheme also ensures the historic significance of the former forge as a key building within the village is preserved, meaning it will continue to contribute to the built character of Newholm.

6.0 References:

Historic England (2008) *Conservation Principles, Policies and Guidance*. English Heritage.

Historic England (2017) *Adapting Traditional Farm Buildings*. Historic England.

RCHME (1987) *Houses of the North York Moors*. RCHME.

Lion Heritage

31 October 2021

NYMNPA

13/12/2021



Environment & Ecology Ltd

Bat, Breeding Bird and Barn Owl Scoping Survey Holmgarth, Newholm

December 2021

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Site:

Holmgarth,
Richardsons Row,
Newholm,
Whitby,
YO21 3QS

Dates:

Scoping survey: 1st December 2021

Client:

Mr. Ian Peach

Client's agent:

Mr Bill Henderson
Spectrum Design,
12 Willow Close,
Saltburn-by-the-Sea,
TS12 1PB

Planning Authority:

North York Moors National Park Authority

Our ref:

2021 - 1265

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1 Summary

A bat, breeding bird and barn owl scoping survey was carried out on an outbuilding at Holmgarth, Newholm, to accompany a planning application for the conversion of the building into a holiday let.

The building offers low potential bat roost habitat. The design and materials used offer low suitability to roosting bats. There are masonry crevices in all the internal walls and external access includes some uplifted slate tiles, but generally the mortar and brickwork are well sealed.

No signs of bat use i.e., droppings or feeding remains were found inside the building. Due to the lack of evidence, it is unlikely the building is being used by void-dwelling species, therefore, there is no requirement for set aside loft space as mitigation.

No evidence was found to suggest breeding bird activity. There is, however, potential nesting habitat within the building which will be lost. No signs of barn owl habitat was observed.

As the building offers low potential bat roost habitat, at least one bat activity survey will be required to be carried out during the season May – September, to assess the full extent of potential bat use in the building.

Crevice habitat lost during the conversion of the building will be mitigated for by the installation of an external bat box. To mitigate for loss of bird habitat, a single bird box will also be installed; this will also maintain biodiversity net gain.

2 Introduction

MAB Environment and Ecology Ltd. was commissioned by Spectrum Design to undertake a bat, breeding bird and barn owl scoping survey on an outbuilding at Holmgarth to accompany a planning application for the conversion of the building into a holiday let. Development plans are appended.

The site is located approximately 3km east of Whitby (Central grid reference: NZ86771061). The location of the site is shown on Figure 1 below, and the surveyed building is shown in Figure 2.

The report was written by Nina Herbert BSc (Hons) of MAB Environment and Ecology Ltd.

The report's primary objective is to provide an impact assessment for the development on bats, define any necessary mitigation proposals, and to assess the requirement for a Protected Species Licence. A secondary objective is to assess potential impact on breeding birds.

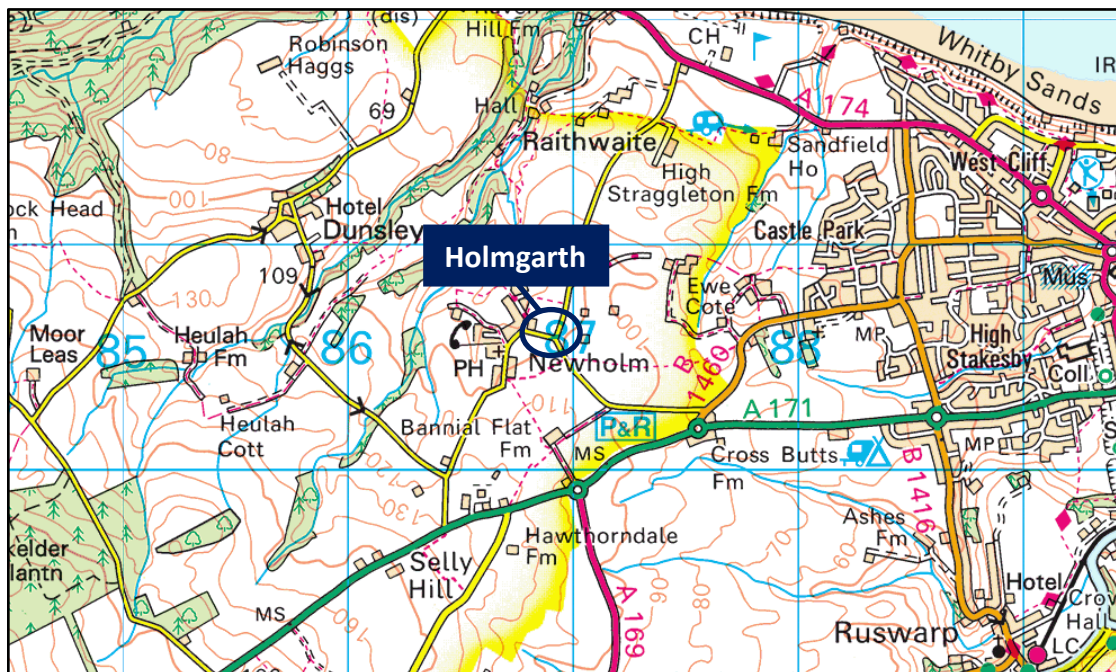


Figure 1: Site location.



Figure 2: Surveyed building.

3 Methodology

3.1 Desktop Study

3.1.1 Bat roost records for a 2km radius around the site were commissioned from the North Yorkshire Bat Group (NYBG).

3.1.2 Aerial imagery from Google Earth and 'MAGIC' government website were used to assess the location of the site and the surrounding habitat for value to bats. This includes proximity of the site to good bat foraging habitat such as woodland and water bodies and if the site is linked to such habitats by linear features like hedgerows, woodland edges or rivers which bats use to commute around the environment.

3.2 Field Survey

3.2.1 The site was surveyed by Nina Herbert BSc (Hons) who has a Physical Geography degree and is employed by MAB as an assistant ecologist. She has been carrying out surveys since 2020. The surveys were carried out in accordance with the Bat Conservation Trust, Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).

3.2.2 The interior and exterior of the building was inspected during the day using halogen torches (500,000 candle power) and binoculars. All normal signs of bat use were looked for, including bats, bat droppings, feeding waste, entry and exit holes, grease marks, dead bats, and the sounds/smells of bat roosts.

3.2.3 All signs of breeding bird activity and barn owl (*Tyto alba*) activity were looked for. Signs looked for included white droppings, often vertical down walls or beams; active nests and nesting materials; (birds flying into and out of barns: generally, summer only); bird feathers, particularly swift (*Apus apus*), swallow (*Hirundo rustica*) and house martin (*Delichon urbica*), bird corpses, feeding waste (including pellets), and the sound/smell of birds.

3.2.4 The building was assessed for its degree of potential to support roosting bats. This includes assessing the building design, materials, and condition. See Table 1 for more information.

Colour code	Suitability.	Roosting habitats	Commuting and foraging habitats
Grey	Negligible risk	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Yellow	Low risk	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. Unlikely to be suitable for maternity or hibernation).	Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or unvegetated stream, but isolated, i.e. Not very well connected to the surrounding landscape by other habitat. Suitable but isolated habitat that could only be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Amber	Moderate risk	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only-the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commuting such as a line of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
Red	High risk	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

Table 1: Guidelines for assessing the suitability of proposed development sites for bats. Adapted from BCT Bat surveys for Professional Ecologists, Good Practice Guidelines 2016.

4 Constraints

Bat activity survey methodology was not available at the time of the scoping assessment.

5 Site Description

The surveyed building is a stone and brick-built building with a plywood-lined, slate tile roof. A full description of the building can be found in section 6.2.



Photo 1: South-east aspect of the building.



Photo 2: South-west aspect aspect of the building.

6 Results

6.1 Desktop Study

The site is situated in an area of high-quality bat foraging habitat. The immediate surroundings are agricultural, but further out, woodpasture and parkland dominate. There are large areas of deciduous and broadleaved woodland close to the site, which provide good foraging habitat. Raithwaite plantation, consisting of ancient, replanted woodland is situated 2.8km north-west of site, near Mulgrave Woods. Ancient woodland is particularly good foraging habitat for bats as insect abundance is high. Approximately 450m east of the site, Newholm Beck and Warn Beck merge. These provide good foraging habitat for bats due to established riparian vegetation nearby.

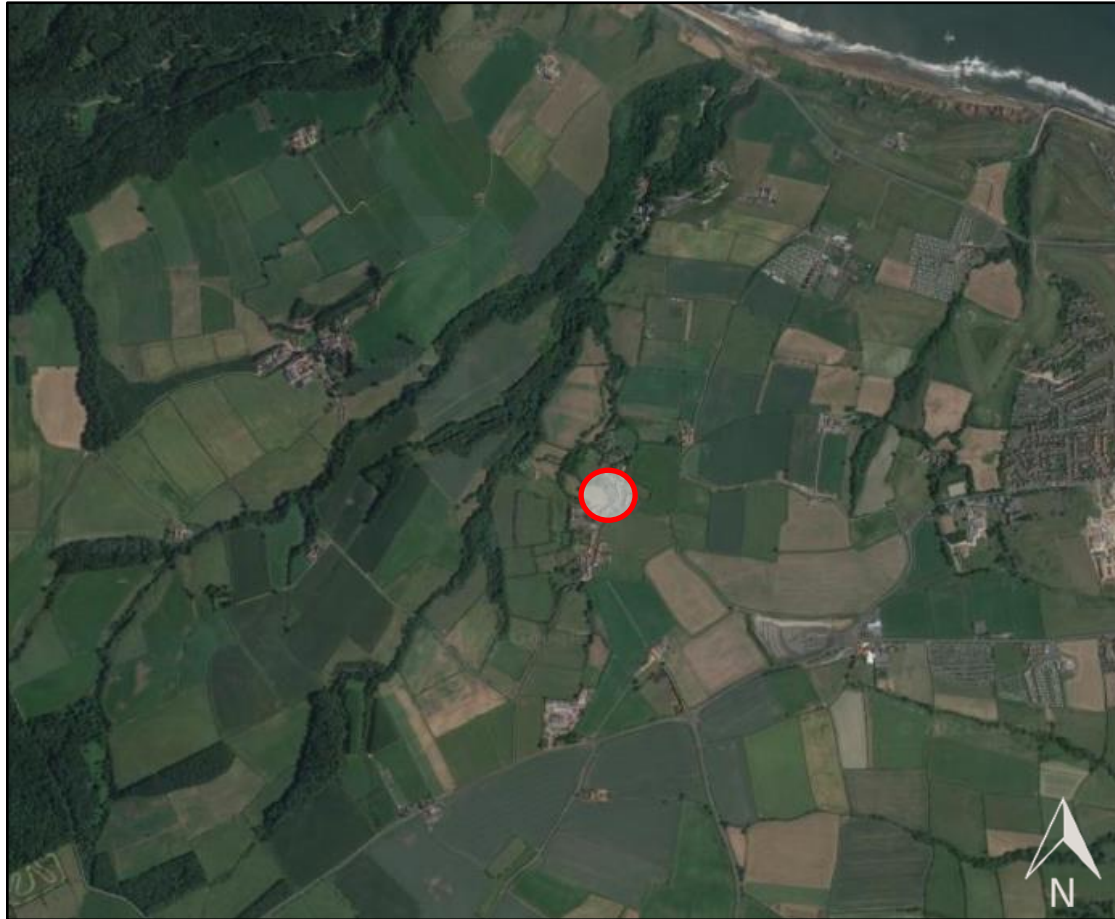


Figure 3. Aerial view of the surrounding landscape.

6.1.2 Bat Group Records

A full record search of North Yorkshire Bat Group (NYBG) revealed no roost records relating directly to the site. Many of the records comprise Raithwaite Estate and were recorded in 2016 and 2020. A record of note includes a common pipistrelle maternity roost, consisting of ~45 individuals, approximately 1.2km from the surveyed building. Full records can be found in appendix 3.

Grid ref	Site	Species	Quantity	Date	Status	Comment
NZ86691158	Raithwaite Estate, Whitby	Daubenton's Bat	Present	Aug-20	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	45	18-Aug-16	Summer Roost	
NZ871120	Raithwaite Estate, Whitby	Serotine	Present	22-Sep-16	Not recorded	Confirmed by sonogram

Table 2: NYBG records.

6.2 Visual Inspection



Figure 4: Visual inspection results.

Building ref.	Description	Features with potential bat roost habitat (PBRH).
Building 1 – Low potential risk of supporting bats	<p>Two-storey stone and brick-built building with a plywood-lined, slate tile roof. Has a thin central ridge board with some gaps near the purlins and trusses (Photos 10 & 11). Several masonry crevices and gaps in brickwork along all four internal walls, some are heavily cobwebbed. Gaps exist near the gable wall tops and above door lintel. No signs of bat use found i.e. droppings.</p> <p>There are also external gaps above and below the windows and doors on the southern aspect of the building (Photos 17 & 18).</p> <p>No evidence was found to suggest breeding birds or barn owl were utilising the building – there is, however, potential nesting habitat available.</p>	<p>Low PBRH in masonry crevices and gaps along wall tops. Some areas are generally heavily cobwebbed, but many crevices observed in brick and stonework.</p> <p>Some gaps above and below door and window lintel.</p> <p>Crevices between central ridge board.</p>

Site Photographs



Photo 3: North-facing wall and roof.



Photo 4: South-facing roof.



Photo 5: Ground floor interior.



Photo 6: Ground floor boarded ceiling with timber frames.



Photo 7: Gap above the internal door.



Photo 8: Wall top gap.



Photo 9: Inside first floor room.



Photo 10: Internal ridge.



Photo 11: Gaps along internal ridge beam.



Photo 12: Masonry crevices on eastern gable wall.



Photo 13: Large gap in stonework.



Photo 14: More internal crevices.



Photo 15: Cobwebbed gaps.



Photo 16: Perspex window.



Photo 17: Large masonry crevice on southern outer wall.



Photo 18: Large gap below outer window.

7 Discussion and Analysis

The inspection revealed low potential bat roost habitat; the design and materials used offer low suitability for roosting bats.

No signs of bat use i.e., droppings were found on the floor or walls inside the surveyed building. Due to the lack of evidence, it is unlikely the building is being used by void-dwelling species such as brown long-eared bats. No set aside loft space will therefore be required as mitigation. There are, however, masonry crevices in all the internal walls, some of which are quite deep. External bat access exists at the ridge and underneath occasional uplifted slate roof tiles, but generally the brick and stonework is well-sealed and pointed.

Due to crevice habitat available, at least one bat activity survey will be required during the survey season (May – September) to assess the full extent of potential bat presence/absence in the building. Mitigation in the form of one Schwegler 1FF or equivalent long lasting bat box will be installed on the building. If bats are identified in the activity survey, this level of mitigation would be appropriate.

No evidence of breeding bird activity was observed. The building does, however, offer suitable potential nesting habitat for birds.

There was no evidence to suggest the building is being utilised by barn owl.

8 Impact Assessment

The building offers low suitability for roosting bats. A bat activity survey is required to assess the full extent of bat use in the building. Table 3 indicates potential impacts on bats by proposed development works.

There is unlikely to be any impact on nesting breeding birds or barn owl.

Impact on bats	Impact on roosting habitats	Impact on commuting and foraging habitats
Physical disturbance Noise disturbance through, for example increased human presence or use of noise generating equipment. Injury/mortality (e.g. in roost during destruction or through collision with road/rail traffic)	Modification of access point to roost either physically or through, for example lighting or removal of vegetation. Modification of roost either physically, for example by roof removal, or through, for example, changed temperature, humidity, ventilation or lighting regime. Loss of roost.	Modification of commuting or foraging habitats either physically or through disturbance, e.g. light spill/noise. Severance of commuting routes (fragmentation) Loss of foraging habitats.

Table 3: Impacts on bats that can arise from proposed activities (from BCT survey guidelines 2016).

9 Mitigation & Compensation

9.1 Mitigation Summary

The loss of crevice habitat will be mitigated for by the installation of a single, professional bat box which is to be affixed to the building in a location agreed by the ecologist. Loss of breeding bird habitat will be mitigated for by an all-purpose bird box or swift box.

9.2 Method Statement

Bats

9.2.1 Replacement crevice roosting habitat will be provided on site through the incorporation of a professional long-lasting crevice bat box on site, in a suitable location to be agreed by the ecologist. External bat boxes should be Schwegler Type 1FF wall bat roosts which can be affixed to external walls and/or Type 2F general purpose bat boxes affixed to retained trees on site.

9.2.2 At least one bat emergence survey, in line with current Bat Conservation Trust Good Practice Guidelines will be carried at the appropriate time of year (May-September) and in suitable weather conditions. Bat survey results will be forwarded to the LPA.

9.2.3 If any roosting bats or evidence of roosting is found to be present, further advice will be sought regarding the need to apply for a Natural England licence. If a licence is needed, no work shall take place until this has been obtained.

Breeding birds

9.2.4 To mitigate for loss of potential nesting habitat available, a single bird box should be affixed to the building.

10 Information concerning bat protection and the planning system

10.1 Relevant Legislation

All bat species are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended), the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Under the WCA it is an offence for any person to intentionally kill, injure or take any wild bat; to intentionally disturb any wild bat while it is occupying a structure or place that it uses for shelter or protection; to intentionally damage, destroy or obstruct access to any place that a wild bat uses for shelter or protection; to be in possession or control of any live or dead wild bat, or any part of, or anything derived from a wild bat; or to sell, offer or expose for sale, or possess or transport for the purpose of sale, any live or dead wild bat, or any part of, or anything derived from a wild bat.

Under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, it is an offence to (a) deliberately capture, injure or kills any wild animal of a European protected species (EPS), (b) deliberately disturb wild animals of any such species, (c) deliberately take or destroy the eggs of such an animal, or (d) damages or destroys a breeding site or resting place of such an animal. Deliberate disturbance of

animals of a European protected species (EPS) includes in particular any disturbance which is likely to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young; or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

Prosecution could result in imprisonment, fines of £5,000 per animal affected and confiscation of vehicles and equipment used. In order to minimise the risk of breaking the law it is essential to work with care to avoid harming bats, to be aware of the procedures to be followed if bats are found during works, and to commission surveys and expert advice as required to minimise the risk of reckless harm to bats.

10.2 Licences

Where it is proposed to carry out works which will damage/destroy a bat roost or disturb bats to a significant degree, an EPS licence must first be obtained from the Natural England (even if no bats are expected to be present when the work is carried out). The application for a license normally requires a full knowledge of the use of a site by bats, including species, numbers, and timings. Gathering this information usually involves surveying throughout the bat active season. The licence may require ongoing monitoring of the site following completion of the works.

Licences can only be issued if Natural England are satisfied that there is no satisfactory alternative to the development and that the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

10.3 Planning and Wildlife

National planning guidance for ecological issues is set out in the updated February 2019 National Planning Policy Framework (NPPF). The requirements are consistent with those specified in the July 2018 NPPF; which advocate biodiversity net gain and improvement where possible, as evidenced below.

Paragraph 174 refers to the requirement of plans to “protect and enhance biodiversity and geodiversity” In order to do this, “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 biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; 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.”

In paragraph 175 the NPPF indicates that “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 reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

The accompanying ODPM/Defra Circular 06/2005 remains pertinent; circular 06/2005 is prescriptive in how planning officers should deal with protected species, see paragraphs 98 and 99:

The presence of a protected species is a material consideration when considering a proposal that, if carried out, would be likely to result in harm to the species or its habitat (see ODPM/Defra Circular, para 98)

LPAs should consider attaching planning conditions/entering into planning obligations to enable protection of species. They should also advise developers that

they must comply with any statutory species protection issues affecting the site (ODPM/Defra Circular, para 98)

The presence and extent to which protected species will be affected must be established before planning permission is granted. If not, a decision will have been made without all the facts (ODPM/Defra Circular, para 99)

Any measures necessary to protect the species should be conditioned/planning obligations used, before the permission is granted. Conditions can also be placed on a permission in order to prevent development proceeding without a Habitats Regulations Licence (ODPM/Defra Circular, para 99).

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

Further to NPPF and OPDM Circular 06/2005, Section 40 of the Natural Environment and Rural Communities Act (2006) states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

11 References

BS42020. Biodiversity - Code of Practice for planning and development. British Standards Institution 2013.

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

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Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). The Bat Conservation Trust, London.

Institute of Lighting Professionals ILP <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting>

Mitchell-Jones, A.J. & McLeish, A.P. (2004). *Bat Workers Manual*. JNCC

Mitchell-Jones, A.J. (2004). *Bat Mitigation Guidelines*. English Nature.

National Planning Policy Framework 2019:

<https://www.gov.uk/government/collections/revised-national-planning-policy-framework#revised-national-planning-policy-framework>

NYBG 2013 *Minimum Standards for Bat Surveys in North Yorkshire*
Flow diagram for small applications needing bat surveys between October and April

Richardson, P. (2000). *Distribution atlas of bats in Britain and Ireland 1980-1999*. The Bat Conservation Trust.

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Stebbing, R.E., Yalden, D.W., & Herman, J.S. (2007). *Which bat is it? A guide to bat identification in Great Britain and Ireland*. The Mammal Society

Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

<https://www.legislation.gov.uk/ukxi/2019/579/regulation/1/made>

UKBAP 1995. *UK Biodiversity Action Plan*. <http://www.ukbap.org.uk/>

Appendix 1: Glossary of bat roost terms

Bat Roost Definitions:

Day roost: a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.

Night roost: a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.

Feeding roost: a place where individual bats or a few individuals rest or feed during the night but are rarely present by day.

Transitional/occasional roost: used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.

Swarming site: where large numbers of males and females gather during late summer to autumn. Appear to be important mating sites.

Mating sites: where mating takes place from later summer and can continue through winter.

Maternity roost: where female bats give birth and raise their young to independence.

Hibernation roost: where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.

Satellite roost: an alternative roost found in close proximity to the main nursery colony used by a few individual breeding females to small groups of breeding females throughout the breeding season.

Appendix 2: Standard good working practices in relation to bats

Bats are small, mobile animals. Individual bats can fit into gaps 14-20mm wide. They can roost in a number of places including crevices between stonework, under roof and ridge tiles, in cavity walls, behind barge boards, in soffits and fascias and around window frames. Builders should always be aware of the potential for bats to be present in almost any small gap accessible from the outside in a building. The following guidelines are provided in order to reduce the risk of harm to individual bats.

- Roofs to be replaced, or which are parts of a building to be demolished, should be dismantled carefully by hand. Ridge tiles, roof tiles and coping stones should always be lifted upwards and not slid off as this may squash/crush bats.
- Re-pointing of crevices should be done between April and October when bats are active. Crevices should be fully inspected for bats using a torch prior to re-pointing.
- Any existing mortar to be raked should be done so by hand (not with a mechanical device).
- Look out for bats during construction works. Bats are opportunistic and may use gaps overnight that have been created during works carried out in the daytime.
- If any bats are found works should stop and the Bat Conservation Trust (0845 1300 228) or a suitably qualified bat ecologist should be contacted.

If it is necessary to pick a bat up always use gloves. It should be carefully caught in a cardboard box and kept in a quiet, dark place. The Bat Conservation Trust or a suitably qualified bat ecologist should be contacted.

Appendix 3: NYBG bat roost records

Grid ref	Site	Species	Quantity	Date	Status	Comment
NZ869086	13 Carr Hill Lane, Briggswath, Whitby	Unknown	1	16-Aug-02	Not recorded	Possible Roost
NZ873088	Cherry Tree House, 5 Ridge Lane, Briggswath	Unknown	1	15-Sep-08	Not recorded	Bat(s) inside building
NZ857112	Fairfax Farm, Dunsley	Common Pipistrelle	1	28-Aug-18	Day Roost	
NZ857112	Fairfax Farm, Dunsley	Myotis bat sp.	1	28-Aug-18	Day Roost	
NZ863124	Meadowfields, Sandsend	Unknown	Present	Jul-08	Not recorded	
NZ86691158	Raithwaite Estate	Daubenton's Bat	Present	Sep-20	Not recorded	
NZ86691158	Raithwaite Estate	Daubenton's Bat	2	May-20	Not recorded	
NZ86691158	Raithwaite Estate	Daubenton's Bat	Present	Jun-20	Not recorded	
NZ86691158	Raithwaite Estate	Daubenton's Bat	Present	Aug-20	Not recorded	
NZ86691158	Raithwaite Estate	Daubenton's Bat	Present	07-Oct-20	Not recorded	
NZ871120	Raithwaite Estate	Daubenton's Bat	Present	22-Sep-16	Not recorded	
NZ871120	Raithwaite Estate	Daubenton's Bat	Present	29-Jun-16	Not recorded	
NZ871120	Raithwaite Estate	Daubenton's Bat	Present	14-Jul-16	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Soprano Pipistrelle	1	Jul-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Soprano Pipistrelle	1	Aug-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Brown Long-eared Bat	Present	Sep-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Brown Long-eared Bat	Present	Aug-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Soprano Pipistrelle	Present	Sep-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Pipistrelle species	Present	May-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Brown Long-eared Bat	Present	Jun-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Brown Long-eared Bat	2	May-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Common Pipistrelle	2	07-Oct-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Common Pipistrelle	3	Aug-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Natterer's Bat	Present	Sep-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Pipistrelle species	Present	Jun-20	Not recorded	

NZ86691158	Raithwaite estate, Sandsend	Pipistrelle species	Present	Aug-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Pipistrelle species	Present	Sep-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Pipistrelle species	Present	07-Oct-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Common Pipistrelle	5	May-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Common Pipistrelle	2	Jun-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Common Pipistrelle	3	Jul-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Common Pipistrelle	3	Sep-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Natterer's Bat	Present	07-Oct-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Leisler's Bat / Lesser Noctule Bat	Present	Aug-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Noctule Bat	1	Jul-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Noctule Bat	1	07-Oct-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Leisler's Bat / Lesser Noctule Bat	Present	Jun-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Natterer's Bat	1	May-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Leisler's Bat / Lesser Noctule Bat	1	Jul-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Noctule Bat	2	May-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Noctule Bat	Present	Jun-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Noctule Bat	1	Sep-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Natterer's Bat	Present	Aug-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Myotis bat sp.	1	07-Oct-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Soprano Pipistrelle	Present	Jun-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Soprano Pipistrelle	1	May-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Noctule Bat	2	Aug-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Natterer's Bat	Present	Jun-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Myotis bat sp.	1	Sep-20	Not recorded	
NZ86691158	Raithwaite estate, Sandsend	Natterer's Bat	Present	Jul-20	Not recorded	
NZ8668111434	Raithwaite Estate, Whitby	Common Pipistrelle	6	29-Sep-16	Summer Roost	
NZ8668111434	Raithwaite Estate, Whitby	Noctule Bat	Present	29-Sep-16	Not recorded	

NZ8668111434	Raithwaite Estate, Whitby	Myotis bat sp.	Present	29-Sep-16	Not recorded	
NZ8703512003	Raithwaite Estate, Whitby	Myotis bat sp.	Present	23-Sep-16	Not recorded	
NZ8703512003	Raithwaite Estate, Whitby	Common Pipistrelle	2	23-Sep-16	Summer Roost	
NZ871120	Raithwaite Estate, Whitby	Noctule Bat	Present	01-Sep-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Noctule Bat	Present	02-Aug-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	22	01-Sep-16	Summer Roost	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	45	18-Aug-16	Summer Roost	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	5	16-Sep-16	Summer Roost	
NZ871120	Raithwaite Estate, Whitby	Brown Long-eared Bat	Present	14-Jul-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Brown Long-eared Bat	Present	22-Sep-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Noctule Bat	Present	29-Jun-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Noctule Bat	Present	14-Jul-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	40	11-Aug-16	Summer Roost	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	Present	14-Oct-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Myotis bat sp.	Present	02-Aug-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Myotis bat sp.	Present	14-Oct-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Myotis bat sp.	Present	01-Sep-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	Present	29-Jun-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	Present	14-Jul-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Serotine	Present	22-Sep-16	Not recorded	Confirmed by sonogram
NZ871120	Raithwaite Estate, Whitby	Common Pipistrelle	Present	22-Sep-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Noctule Bat	Present	22-Sep-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Noctule Bat	Present	18-Aug-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Noctule Bat	Present	11-Aug-16	Not recorded	
NZ871120	Raithwaite Estate, Whitby	Brown Long-eared Bat	Present	14-Oct-16	Not recorded	
NZ8715112014	Raithwaite Estate, Whitby	Common Pipistrelle	20	02-Aug-16	Summer Roost	
NZ868101	The Granary, Bannial Flat Farm	Common Pipistrelle	2	12-Jun-12	Summer Roost	Stone wall crevices
NZ858109	The Old Smithy, Dunsley	Noctule Bat	1	21-Sep-07	Not recorded	

NZ858109	The Old Smithy, Dunsley	Myotis bat sp.	1	21-Sep-07	Feeding	
NZ858109	The Old Smithy, Dunsley	Common Pipistrelle	1	21-Sep-07	Feeding	
NZ863089	Toft House, Aislaby	Unknown	Present	12-May- 05	Summer Roost	
NZ8811	Whitby	Pipistrelle species	Present	05-Jul-85	Summer Roost	

Appendix 4: Site plans

