



National  
Trust

NYMNP

27/02/2024

## COMBINED DESIGN & ACCESS STATEMENT AND HERITAGE STATEMENT

### To support an application for Planning Permission and Listed Building Consent for the re-roofing of Low Staindale Cottage, Dalby, Pickering YO18 7LR

## 1. Introduction

### 1.1 Overview

This statement accompanies the Listed Building Consent Application and Planning Application to the North York Moors National Park Authority for re-roofing and air source heat pump at Low Staindale, Dalby, Pickering YO18 7LR. It should be read alongside:

- Location plan.
- Existing and proposed elevation plans 41698-41-05-E
- Existing and proposed roof plans 41698-41-04-P.
- Proposed site plan.
- Bat Survey

In accordance with national validation requirements, the purpose of this statement is to outline the design principles and concepts that have been applied to the proposed works.

## 2. Proposed Development

### 2.1 Background

The National Trust is one of the country's largest conservation organisations, with a responsibility for managing and protecting some of the most beautiful, historically important, and environmentally sensitive places in England, Wales, and Northern Ireland.

Low Staindale is a Grade II listed building located in the Parish of Lockton, North Yorkshire. It is owned by the National Trust and leased out. It forms part of the Trust's let estate and is rented out, with the rental income supporting the trust's wider activities on the North York Moors. It is an attractive cottage set within a small curtilage in a valley of wood-pasture.

The property is visible from a nearby footpath and also from the popular Dalby Forest Drive.

The main cottage is a building with three distinct periods of developments. The two-storey central section of the property is probably the original house, and the left hand and right-hand additions are later extensions and adaption. This is evidenced by the internal walls to the central section, which would have formerly been external stone walls and are thought to be built straight off the earth. There are three brick-built chimneys, one to each side of the central

section and one on the left-hand extension gable. The walls are local sandstone rubble with lime mortar. All rainwater goods are cast iron. The windows are timber single glazed vertical and horizontal sliding sashes, although there are secondary glazing units installed behind. The current roof consists of red clay pantiles.

The current building likely dates from the mid eighteenth century although there is evidence that parts of it are older than this, and it is likely that there has been a farmstead on this site for several centuries. It is also clear that a number of later additions (and a few demolitions) were made as farming practices and preferences changed.

Eventually the property ceased to function as a farmhouse and the land around it was farmed by others (today it is stewarded by the tenants of Low Pasture). Come the twentieth century it was used as a Youth Hostel and stood vacant for a time after this moved to another property nearby. It was then refurbished and used as National Trust warden's accommodation until the early 2010's, after which it has been used as a private rental.

The property needs some routine long-term maintenance which we plan to do in the coming years, some of which likely requires Listed Building Consent. In particular the roof coverings are in poor condition with mortar missing from the bonnet ridge and delamination of the Clay Pan tiles.

The list entry can be viewed online here: [LOW STAINDALE, Lockton - 1149567 | Historic England](#)

## 2.2 Location



## **2.3 The proposal**

Because of the extent of the works required, the Trust are seeking Listed Building Consent (Reference PP – 12605696) to recover the roof. Works to include:

- Removal of Bonnet Ridge and set aside for re-use.
- Stripping of all Pan Tiles and set aside for re-use (as many tiles as possible will be re-used however those suffering from delamination or other faults will be replaced with new tiles of an equal specification).
- Removal of existing timber battens.
- Installation of new breathable membrane (Type1 Felt).
- Installation of new treated timber battens.
- Recovering of roof with existing Pan Tiles (or replacement tiles if necessary)
- Re-bed of Bonnet Ridge and pointed in hot-mixed lime mortar.
- Replacement of ancillary leadwork on a like-for-like basis as necessary.

Work may be undertaken in phases.

## **3. Planning and Related Policy Framework**

### **3.1 National Policy**

#### National Planning Policy Framework (NPPF)

The NPPF which was last updated in September 2023 states that there are three overarching objectives for the planning system. These are interdependent and need to be pursued in mutually supportive ways, an economic objective, a social objective, and an environmental objective. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

Section 16 of the NPPF relates to conserving and enhancing the historic environment.

Paragraphs 199 – 208 of the NPPF relate to considering potential impacts of a proposed development on heritage assets. A Heritage Impact Assessment has been completed and is included within this statement (see below). The Heritage Statement concludes that it is the view of the National Trust that the proposals are appropriate to this setting, proportionate and overall will have a neutral impact on the heritage values of the site. Its overall significance will remain unaltered.

Therefore, the National Trust maintains that the proposal is consistent with the organisation's published Conservation Principles.

The National Trust therefore feels confident that it is an appropriate proposal to make for the site.

### **3.2 Local Policy**

The site lies within the North York Moors National Park and therefore planning matters are governed by the adopted policies of the National Park Authority.

#### North York Moors Local Plan (July 2020)

The North York Moors Local Plan sets out the spatial vision for the North York Moors National Park to 2035 with the spatial policies required to deliver the strategy. Policies of greatest relevance are summarised as follows:

#### **Strategic Policy C – Quality and Design of Development**

It is considered that the works are in accordance with this policy, which seeks to ensure that the property remains a viable residential property on a more sustainable footing. The proposal incorporates good quality construction materials which reflect and complement the architectural character and form of the original building and local vernacular.

#### **Strategic Policy I – The Historic Environment**

Strategic Policy I advises that development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area, including:

- 1) Features that contribute to the wider historic landscape character of the NYMNP (...)
- 2) Archaeological sites and monuments (...)
- 3) The vernacular building styles, materials and the form and layout of the historic built environment including Conservation Areas, Listed Buildings and regionally or locally important non-designated structure and buildings.

*Harm to an element which contributes to the significance of a designated heritage assets (...) will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits of the proposal. Substantial harm will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that outweigh the harm or there are other exception circumstances.*

In accordance with this policy, a Heritage Statement is detailed below which allows an informed assessment of the impact of the proposed development on the significance of the heritage assets.

#### **Policy ENV9 – Historic Landscape Assets**

In accordance policy ENV9, development affecting historic landscape assets of the North York Moors will be required to conserve and, where appropriate, enhance its landscape quality and character by taking into consideration the elements which contribute to its significance and, where relevant, the public's experience of it.

As set out above, this is fully considered within the below HSIA.

#### **Policy ENV11 – Historic Settlements and Built Heritage**

Policy ENV11 advises that 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, material, and construction.

The proposal is consistent with the objectives of national and local planning policy.

The North York Moors National Park Authority Core Strategy and Development Policies was adopted in November 2008. Relevant or potentially relevant policies include:

**Core Policy G (Landscape, Design and Historic Assets)** – It is considered that the works are in accordance with this policy.

## 4. Assessment

### 4.1 Ecology

A bat, breeding bird and barn owl scoping survey was undertaken on the 31 May 2023 and is included with the application. The report identified no evidence that there were bats, barn owls or breeding birds present at Low Staindale although, even so it recommended that external works were only undertaken at certain times of year and that pre-works crevice inspections were undertaken before certain external works were completed. These recommendations will be adhered to. However, the roofing works are in close proximity to PBRH under lifted roof tiles on other aspects, there is a known roost (anecdotal evidence and past records) in the main building so there will be Emergence Surveys carried out in June 2024 followed by an application of a bat licence for the roofing works. Once these surveys have been carried out and we have the report this will be sent through as part of this application (LBC). Also, there will be toolbox talks carried out by the ecologist with the contractor before any work commences on site.

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 several 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 of a building. The following guidelines are provided 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 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 out 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 suitably qualified bat ecologist should be contacted.

## **4.2 Heritage Impact**

Low Staindale is undoubtedly a significant heritage asset. This significance arises from its physical form, construction and features, and manifests as a number of charming original and possibly re-used features throughout the property.

The property also has high landscape significance. It is a pretty cottage set within a sensitive and well-liked landscape. It is also a good example of an 18<sup>th</sup> century farmstead with typical evolutionary additions – this is especially clear because the property had dropped out of agricultural use by the 20<sup>th</sup> century and therefore doesn't have the typical larger portal-framed buildings that are often seen on active farms.

The distinctive red roof is an important physical and visual aspect of the property and is very typical of the local area. By re-covering it we will ensure that the property remains wind and water-tight for many years to come, thereby preserving the building and its heritage significance (as well as providing a comfortable and safe home for our tenant). We also preserve and retain the colour and aesthetic. The work is therefore considered to have a positive impact on the heritage value of the property.

Inevitably, as part of the process we will remove some original fabric which has failed (or is likely to fail in the foreseeable future). This will have a slightly detrimental impact on the heritage value of the building due to the removal of older fabric and the aesthetic impact that bright new materials will have on the property. The preservation of the building from having a water-tight roof structure is considered to outweigh any negative, and in any case the new materials will weather over time.

On balance then, our proposals are likely to have a neutral, if slightly positive, impact on the heritage value of Low Staindale.

## **5. Conclusion**

The proposal seeks listed building consent and planning permission for the re-roofing of Low Staindale, Dalby, Pickering YO18 7LR. It has been demonstrated that the proposal is consistent with national and local planning policy and is an appropriate proposal for the renovation of the building.

Accordingly, it is requested that listed building consent and planning permission is granted.

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## **Bat, Breeding Bird and Barn Owl Scoping Survey**

### **Low Staindale**

June 2023

MAB Environment & Ecology Ltd

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**Site:**

Low Staindale  
Forest Drive  
Dalby Forest  
YO18 7NU

**Dates:**

Scoping survey: 31/05/2023

**Client:**

National Trust

**Planning Authority:**

North York Moors

**Our ref:**

2023-1562

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## 1 Summary

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A bat, breeding bird and barn owl scoping survey has been undertaken at Low Staindale to accompany repointing works to the building.

Visual inspection of the site in May 2023 identified negligible potential bat roost habitat (PBRH) in the area of proposed works: the gable end and roof stack were sealed offering limited shallow crevices suboptimal for roosting. As a result, no further survey effort for bats is recommended for the repointing works to the gable end/chimney stack.

However, the works are in close proximity to surrounding PBRH under lifted roof tiles on other aspects, and there is a known roost (anecdotal evidence and past records) in the main building. Therefore, works should be undertaken using hand tools to minimise noise/vibration disturbance, stopping should any bats be found.

There is no evidence to suggest the works will impact breeding birds or barn owl.

As an ecological enhancement to the site, swift boxes could be installed on the building.

## 2 Introduction

MAB Environment and Ecology Ltd was commissioned by the National Trust to undertake a bat, breeding bird and barn owl scoping survey at Low Staindale to accompany repointing works to the west gable end and chimney stack.

The site is located on the edge of Dalby Forrest (grid reference: SE87019040), shown on Figure 1 below.

The report was written by Alice Brown 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.

### 3 Methodology

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#### 3.1 Desktop Study

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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

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3.2.1 The site was surveyed by Jordan Brandrick who is an Assistant Ecologist for MAB. She is a Qualifying member of CIEEM and holds a BSc (Hons) in Biosciences from the University of Durham.

3.2.2 The interior and exterior of the building was inspected during the day using a halogen torch (500,000 candle power). 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 Trees within the site and areas of vegetation were also assessed for value to bats and their importance as foraging and commuting habitat.

3.2.5 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	Bat roost potential.	Roosting habitats	Commuting and foraging habitats
	Confirmed	Signs of roosting bats present (e.g. entry / exit points, accumulated bat droppings, visible bats).	
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.	<p>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.</p> <p>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.</p> <p>Site is close to and connected to known roosts.</p>
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).	<p>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.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</p>
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)	<p>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.</p> <p>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.</p>
Green	Very low risk	All potential bat roost habitat <i>comprehensively</i> inspected and found to be clear of past or present bat usage.	
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.

**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

The survey was not constrained.

## 5 Site Description

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The site consists of a stone-built building with additional extensions; one of which is for the proposed works. The building is fully described in section 6.2 Visual Inspection.

## 6 Results

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### 6.1 Desktop Study

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The surrounding landscape offers high quality foraging habitat for bats. Dalby forest will provide a range of foraging and roosting habitats, along with water courses which run through it. See Figure 2 below for an aerial view of the surrounding landscape.

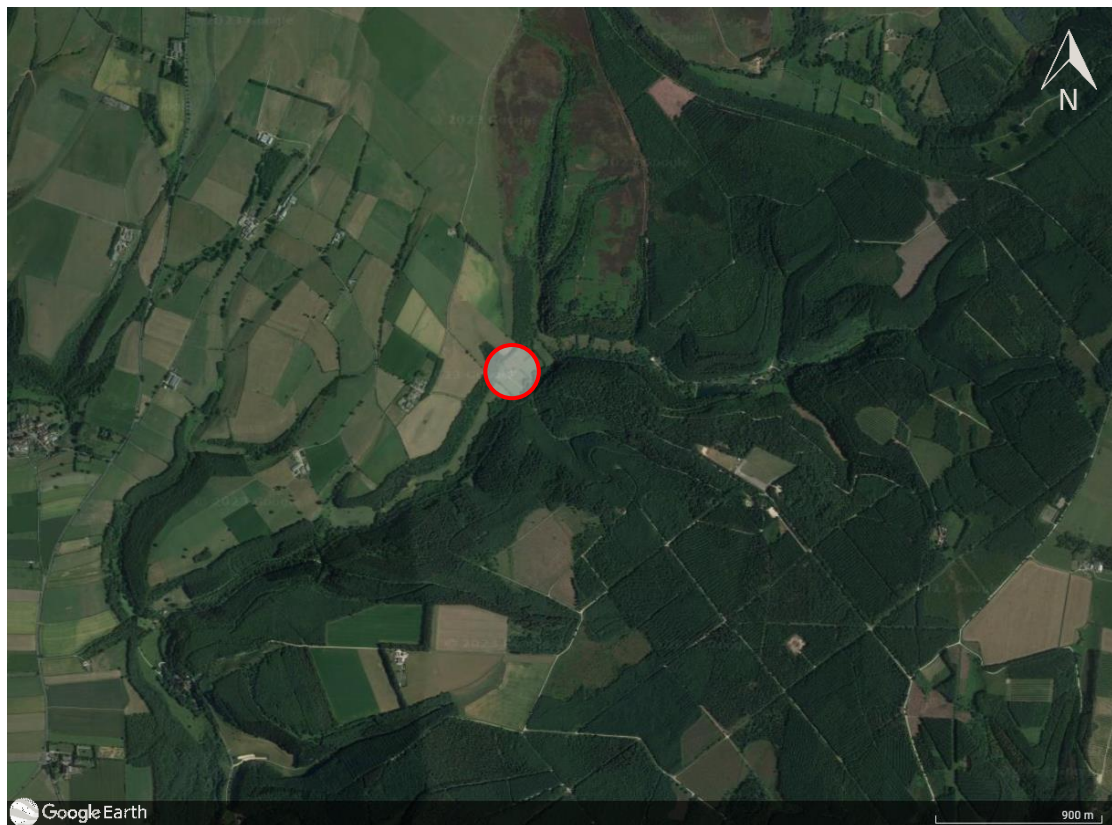


Figure 2. Aerial view of the surrounding landscape. Google Earth 2018.



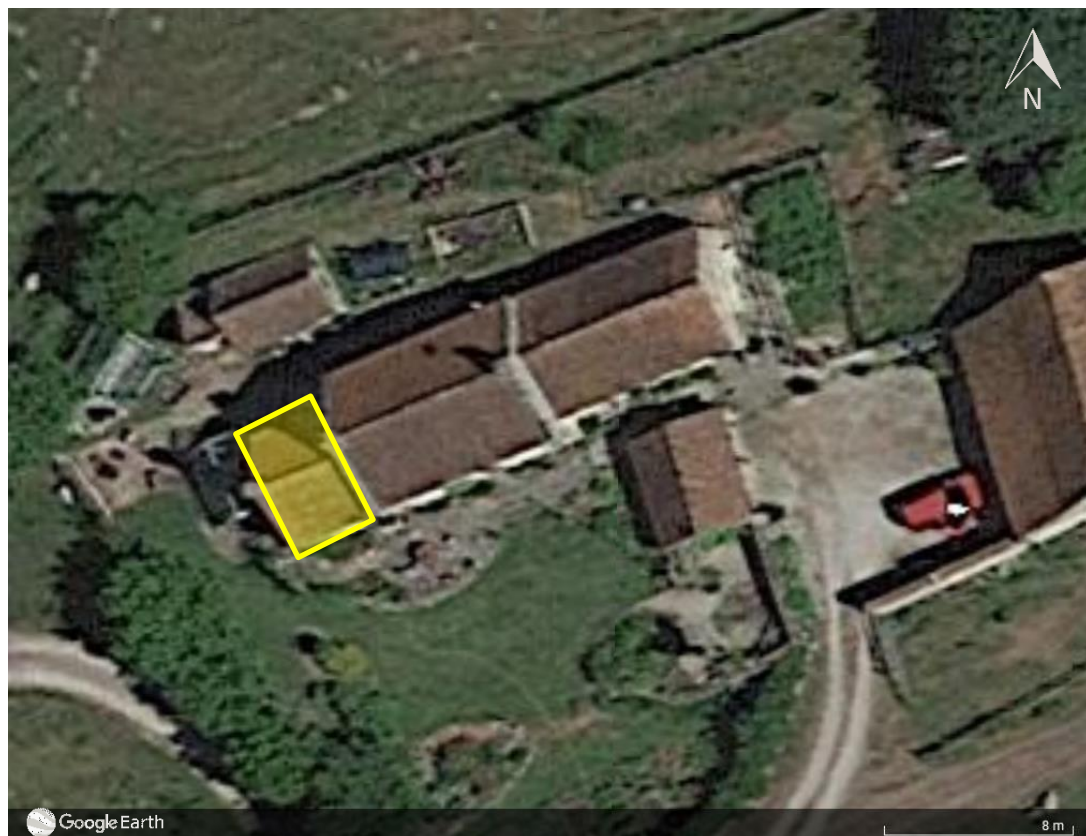
### 6.1.2 Bat Group Records

Many records were returned from a 2km radius of the site from the NYBG record search (28 in total), including 3 which directly relate to the site of Natterer’s, common pipistrelle and unknown species. These date from 1988, 1987 and 2015. See Table 2 below for results from the NYBG record search.

**Table 2. Results from the NYBG record search**

Species	Site	Gridref	Present	Date	Status	Comment
Myotis bat sp.	High Staindale Bungalow	SE8842790430	1	28-Jul-20	Not recorded	
Myotis bat sp.	High Staindale Bungalow	SE8842790430	1	10-Aug-20	Not recorded	
Soprano Pipistrelle	High Staindale Bungalow	SE8842790430	1	28-Jul-20	Not recorded	
Common Pipistrelle	High Staindale Bungalow	SE8842790430	3	28-Jul-20	Summer Roost	Others in flight
Common Pipistrelle	High Staindale Bungalow	SE8842790430	3	10-Aug-20	Day Roost	
Noctule Bat	High Staindale Bungalow	SE8842790430	Present	28-Jul-20	Not recorded	
Myotis bat sp.	High Staindale House	SE8847990490	135	20-Jul-18	Maternity Roost	Count includes Common Pipistrelles
Common Pipistrelle	High Staindale House	SE8847990490	135	20-Jul-18	Maternity Roost	Total includes some Myotis sp.
Common Pipistrelle	High Staindale House	SE8847990490	57	30-Jul-18	Maternity Roost	
Common Pipistrelle	High Staindale House	SE8847990490	20	28-Jul-20	Summer Roost	
Noctule Bat	High Staindale House	SE8847990490	Present	20-Jul-18	Not recorded	
Noctule Bat	High Staindale House	SE8847990490	Present	30-Jul-18	Not recorded	
Nathusius's Pipistrelle	High Staindale House	SE8847990490	3	20-Jul-18	Not recorded	
Natterer's Bat	Low Staindale Cottage, Dalby Forest	SE86999040	Present	1988	Not recorded	
Unknown	Low Staindale Cottage, Dalby Forest, Dalby, Pickering	SE870904	Present	24-Aug-87	Not recorded	
Common Pipistrelle	Low Staindale Cottage, Dalby Forest, Dalby, Pickering	SE870904	Present	23-Feb-15	Summer Roost	Droppings & dead juv. under flashing, W. roof
Pipistrelle species	Low Staindale	SE8690	Present	17-Apr-88	Summer Roost	
Common Pipistrelle	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Soprano Pipistrelle	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Myotis bat sp.	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Noctule Bat	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Natterer's Bat	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Brandt's Bat	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	Probable. 7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Daubenton's Bat	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	Probable. 7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Brown Long-eared Bat	Newclose Rigg pit	SE8685489357	Present	09-Sep-21	Not recorded	7 nights recording (09/09 to 17/09). Not thought bats were associated with pit.
Common Pipistrelle	High Staindale House	SE8847990490	21	26-Aug-22	Maternity Roost	
Natterer's Bat	High Staindale House	SE8847990490	5	26-Aug-22	Roost	
Common Pipistrelle	High Staindale Bungalow	SE8842790430	3	26-Aug-22	Roost	

### 6.2 Visual Inspection



**Figure 3. Surveyed building.**



Building ref	Photographs			Description and notes on breeding birds	Potential bat roost habitat (PBRH)
<p><b>Low potential risk of supporting bats</b></p>	 <p>Photo 1. South aspect</p>	 <p>Photo 2. North and west aspects</p>	 <p>Photo 3. West aspect</p>	<p>Single storey side extension. Stone built with clay pantile roof. No loft void.</p> <p>Some gaps under lifted pantiles on south aspect. North aspect looks in good condition.</p> <p>On gable end, masonry is well-sealed overall, as is the chimney stack. Few surface crevices.</p> <p>No evidence of bats. No evidence of breeding birds.</p>	<p>Lifted roof pantiles on south aspect.</p>

## 7 Discussion and Analysis

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The surrounding area provides high quality foraging opportunities for bats. Many bat records were returned from within 2km, including 3 for the site itself. There is also a known roost (anecdotal evidence from tenant) of pipistrelle bats in the main house.

No PBRH was identified during the visual assessment in the area of works. The west gable end and chimney stack is generally well-sealed, offering few crevices which appear to be at surface level.

The area of works is located near to some low risk PBRH identified under lifted roof pantiles on the south aspect. While these works will not directly be affected by the proposed works, they may be subject to some disturbance. To mitigate this impact, works will be undertaken using hand tools only and not machinery, taking care during works and stopping should any evidence of bats be found. These areas will also not be obstructed during works.

No further survey effort is recommended for bats for the proposed works.

Some bird nests were identified on the wider property, but none in the area of works. No evidence of barn owl was found.

## 8 Impact Assessment

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### *Bats*

No evidence to suggest loss of roosting habitat. Works undertaken on the building, may cause potential disturbance. Table 3 shows the impacts proposed works could have on any potential bats on the site.

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

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

### *Breeding birds*

There is no evidence to suggest the works will impact breeding birds or barn owls.

## 9 Mitigation & Compensation

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### 9.1 Method Statement

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#### *Bats*

9.1.1 No further survey effort is recommended for bats for the repointing works to the gable end and chimney stack.

9.1.2 Repointing works will be undertaken using hand tools and not machinery.

Works should be undertaken with care, following good working practices (Appendix 2) and be mindful of bats. The areas of PBRH (roof on south aspect) will also not be obstructed during works. Should any bats be found, works should stop, and a suitably qualified ecologist contacted.

## **10 Recommended Ecological Enhancement**

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It is recommended at least one swift box is installed on-site. Examples include swift bricks, ibstock swift box, Schwegler No. 16 or 1MF (bat and swift).

## 11 Information concerning bat protection and the planning system

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### 11.1 Relevant Legislation

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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.

## 11.2 Licences

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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.

## 11.3 Planning and Wildlife

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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’.



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## Appendix 1: Glossary of bat roost terms

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### *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**

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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.