



Addison Planning Consultants Ltd

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Date: 3rd June 2024
Our Ref: APC00208

Ms L Gibson
Planning Officer (Northern Area)
North York Moors National Park Authority
The Old Vicarage,
Bondgate,
Helmsley,
York,
North Yorkshire,
YO62 5BP



Dear Lucy,

RE: PLANNING APPLICATION TO DISCHARGE CONDITION NO3 (BAT SURVEY) OF PLANNING PERMISSION NYM/2023/0523 (AS AMENDED BY NYM/2024/0205) FOR THE DEMOLITION OF EXISTING SINGLE STOREY EXTENSIONS AND ERECTION OF NEW EXTENSIONS TO EXISTING DWELLING

LOCATION: THE LILACS, SCAR LANE, WEST BARNBY, WHITBY, YO21 3SD.

PLANNING PORTAL REFERENCE: PP-13120927

An application to Discharge Condition no 3 of the above referenced Planning Permission has today been submitted via the Planning Portal.

Condition 3 states:

“No work shall commence to clear the site in preparation for the development hereby permitted until the results of a Bat Emergence survey, including any appropriate mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The details shall establish the certainty of the likely impacts of the development and outline the appropriate mitigation. The mitigation methods shall not be carried out otherwise than in accordance with the details so approved”.

Accordingly, a Bat, Breeding Bird and Barn Owl Survey has been undertaken (by MAB Environment and Ecology Ltd). This concludes that the proposed works will not impact roosting bats and that there is no ecological impediment to the works proceeding.

Mitigation of the loss of potential habitat is proposed in the form of new bat and bird boxes. The approved Elevation Drawings (as set out in Condition 2) already set out the location of proposed integrated bat and bird boxes.

The Application comprises the following information:



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Armoury House, 45a Otley Street,
Skipton, North Yorkshire, BD23 1EL
Registered Company Number: 08945769
VAT Registration: 186373672

L1a - APC Ltr to NYMNP 03-06-2024

L1b – Con 3 Discharge App Form 03-06-2024

L2 - Bat, Breeding Bird, and Barn Owl Survey 31-05-2024

I trust you'll find the application in order and look forward to confirmation of validation in due course.

Kind Regards

JAY EVERETT
MANAGING DIRECTOR
ADDISON PLANNING CONSULTANTS LTD

NYMNP

04/06/2024



Bat, Breeding Bird and Barn Owl Survey

The Lilacs, West Barnby

May 2024

MAB Environment & Ecology Ltd
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Tel. 01845 574125
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www.mab-ecology.co.uk

Registered in the UK, No.6504129

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Author	Rachel Boulton BSc (Hons)	
Status	Date	Checked by:
Final	20/10/2023	Giles Manners CEnv MCIEEM
Revision 1 – Added emergence survey results	30/05/2024	Ione Bateau MCIEEM

Site:

The Lilacs
Scar Lane
West Barnby
Whitby
YO21 3SD

Dates:

Scoping Survey: 17/10/2023
Emergence survey: 28/05/2024

Client:

Mr Matthew Greenwood

Client's agent:

Jay Everett
Addison Planning Consultants Ltd

Planning Authority:

North York Moors National Park Authority

Our ref:

2023 - 1634

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1 Summary

A bat, breeding bird and barn owl survey was conducted at The Lilacs, West Barnby, Whitby to accompany a planning application for the demolition of some aspects of the complex, as well as the addition of new extensions to the property.

Visual inspection of this site found low potential bat roosting habitat across buildings 1, 1a, 2-4a. This was identified through lifted clay pantiles, gaps in the fascia, masonry crevices and lifted ridge tiles. No evidence of bats was identified onsite. Building 1b was found to have negligible potential bat roosting habitat.

An emergence survey conducted in the optimal season identified no bat roosts in any of the surveyed buildings. Works to buildings 1, 1a, 2-4a will not impact roosting bats. Mitigation for the loss of potential roost habitat will be provided through the installation of a suitable bat box on-site.

Some bird nesting habitat was identified on site, such as underneath lifted clay pantiles. Works should avoid the bird breeding season, or a pre-work nest check conducted; replacement habitat should be fitted in the form of bird boxes.

2 Introduction

MAB Environment and Ecology Ltd was commissioned by Addison Planning Consultants Ltd, on behalf of Mr Matthew Greenwood, to undertake a bat, breeding bird and barn owl scoping survey on a complex of buildings at The Lilacs, West Barnby to accompany a planning application for the demolition of some aspects, as well as the addition of new extensions to the property.

The site is located on Scar Lane, West Barnby, Whitby (Central grid reference: NZ81951281). The location of the site is shown on Figure 1 below, and the application site boundary is shown in Figure 2.

The report was written by Rachel Boulton 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.

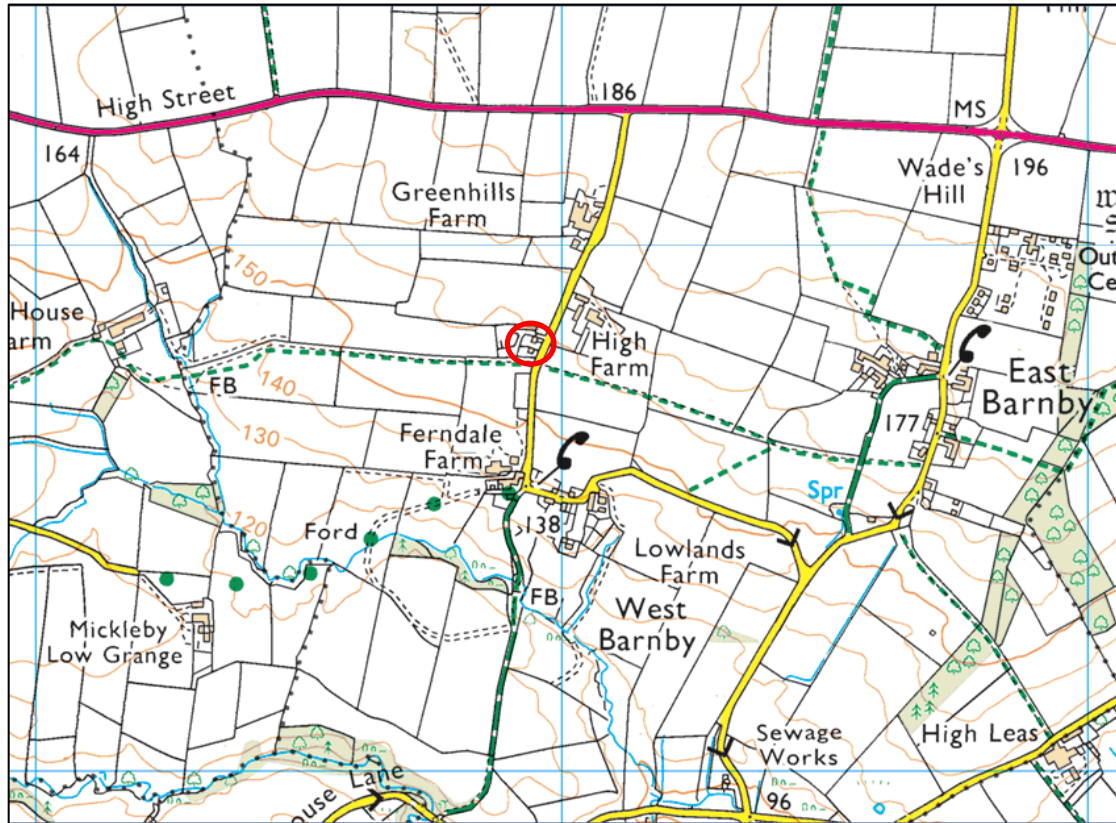


Figure 1: Site location. Streetmaps.

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 Alice Brown who is a Consultant Ecologist for MAB. She is a qualifying member of CIEEM and has a BSc (Hons) in Ecology and Conservation. She has worked for MAB since the beginning of 2022 and holds a Class Survey Licence CL17 (Bat Survey Level 1) registration number 2023-11025-CL17-BAT.

3.2.2 The site was surveyed by Rachel Boulton who is an Assistant Ecologist for MAB. She holds a BSc (Hons) in Biology from the University of Stirling.

3.2.3 The interior and exterior of the buildings were inspected during the day using halogen torches (500,000 candle power), binoculars and ladders. 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.

3.2.4 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.

3.2.5 Other trees within the site and areas of vegetation were also assessed for value to bats and their importance as foraging and commuting habitat.

The buildings were assessed for their 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.

3.2.6 A dusk emergence survey was carried out in May 2024 using five surveyors with ultrasound detectors (Elekon M2 Batloggers, Petterson D240x, Batbox IID). The D240x detector was set to 10x expansion with manual triggering with an Edirol R09 WAV solid state recording device for the time expansion channel, with heterodyne output through the other channel. The emergence surveys also used two Sony AX100 Nightshot Camcorder combined with 12v 50W external infra-red floodlighting.

3.2.7 Surveyors used were:

- Alice Brown (AB) is a Consultant Ecologist for MAB. She is a qualifying member of CIEEM and has a BSc (Hons) in Ecology and Conservation. She holds a Class Survey Licence CL17 (Bat Survey Level 1) registration number 2023-11025-CL17-BAT.
- Rachel Boulton (RB) is an Assistant Ecologist for MAB. She holds a BSc (Hons) in Biology from the University of Stirling. She holds a Class Survey Licence CL17 (Bat Survey Level 1) registration number 2024-11996-CL17-BAT.
- Sam Newton (SN) is a seasonal bat surveyor, who has carried out bat surveys for MAB since 2017.
- Isabel Murphy (IM) is a seasonal ecologist for MAB.
- Antonia Deveraux (AD) is a seasonal surveyor for MAB.

4 Constraints

No constraints.

5 Site Description

The site is located in West Barnby, Whitby and consists of 7 structures, labelled as 1-4b, an original farmhouse with several extensions extending to the south and west. Further details can be found in section 6.2 Visual Inspection.



Photo 1: Main house



Photo 2: Extension

6 Results

6.1 Desktop Study

The area surrounding this site is mainly composed of arable farmland, with small pockets of woodland, strip woodland, and fields lined with hedgerows. Several waterways are in the area, including Scar hill Beck which lies 450m to the south which connects to the larger Barnby Beck to the southeast. Larger woodlands can also be found; 1.5km to the southeast is Mulgrave Woods, which Barnby Beck runs through as well as Quarry wood 1.1km to the east of the site. This area therefore provides good foraging and commuting opportunities for bats, with tree lined waterways and woodlands.

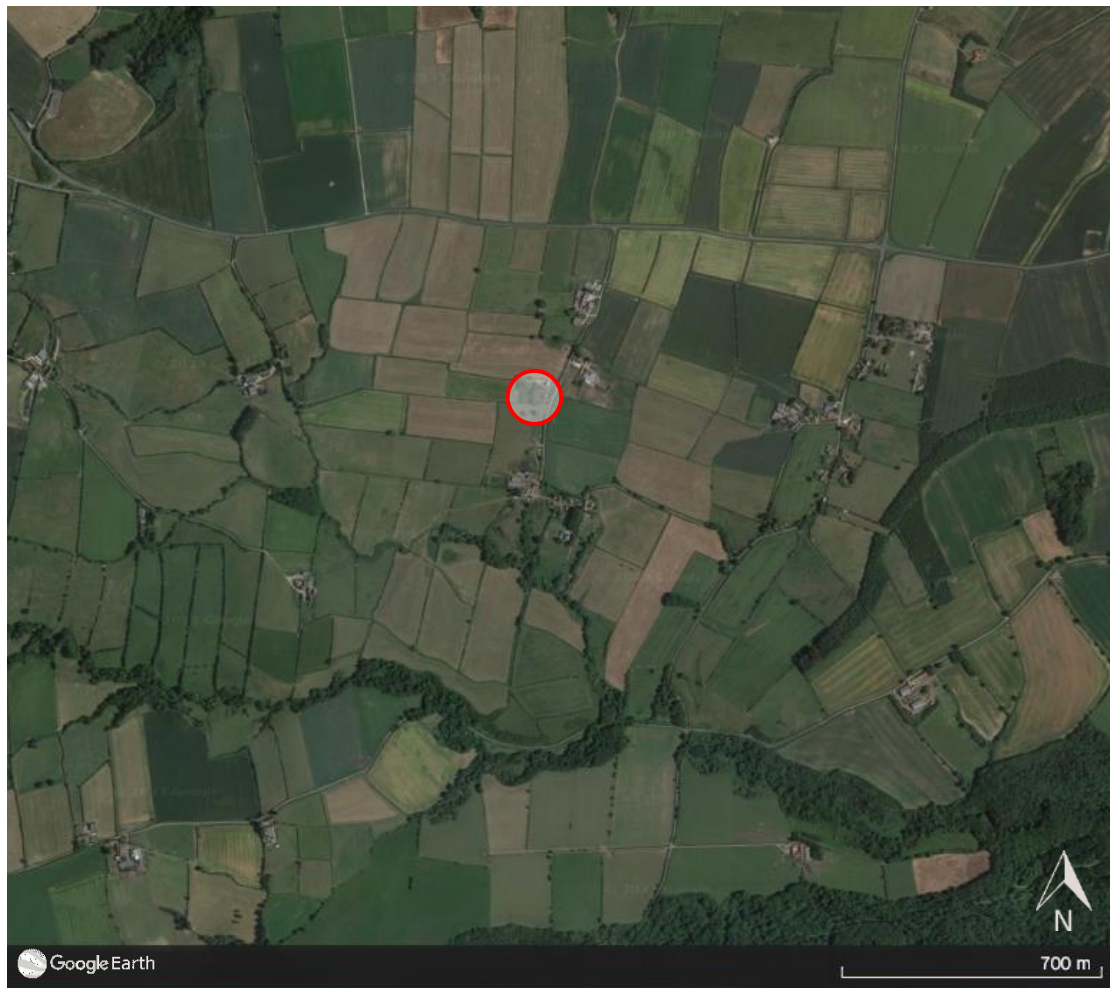


Figure 3. Aerial view of the surrounding landscape. Google Earth 2023.









6.1.2 Bat Group Records








A 2km bat record search was conducted using the North Yorkshire Bat Group records. These returned 11 records within the surrounding area, none of which are for the site itself. A summer roost within West Barnby itself, of a pipistrelle species, was identified in 2007. Further summer roosts were identified also with brown long-eared bats and common pipistrelle summer roosts found in 2010 in Mickleby, 1.6km to the west. A further common pipistrelle bat summer roost was identified in East Barnby, 700m east, in 2009. A record was found from 2018 in Lythe, 2km east, citing three day-roosts consisting of soprano pipistrelle, common pipistrelle, and Natterer's bats. Several records of foraging and commuting bats were identified in the area also, included noctule bats, common pipistrelle and myotis species bats. The full records can be seen in Appendix 3.










6.2 Visual Inspection











Figure 4. Visual Inspection Results. Google Earth 2023.

Building ref	Description & photos	PBRH features
<p>Building 1: Low risk of supporting roosting bats</p>	<p>Traditional 2-storey farmhouse, with stone walls and a bitumen lined, clay pantile roof. Abundance of gaps between roof tiles, gaps between tiles and liner. Gaps along wall tops under the fascia on the east elevation. Gaps within the fascia on the north elevation gable end. Loft void is small, and low height with exposed timber trusses, heavily cobwebbed. No evidence of roosting bats (droppings/feeding remains) identified. No evidence of nesting birds.</p>  <p>Photo 3: Building 1 - west aspect.</p>  <p>Photo 4: Gable end gaps.</p>  <p>Photo 5: Gable end gaps.</p>  <p>Photo 6: Fascia crevices.</p>  <p>Photo 7: Internal roof structure.</p>  <p>Photo 6: Internal roof structure.</p>  <p>Photo 7: Gaps in fascia on the north aspect.</p>  <p>Photo 8: Gaps in fascia on the north aspect.</p>	<p>Gaps between clay pantiles and liner</p> <p>Wall top gaps under fascia.</p>

<p>Building 1a: Low risk of supporting roosting bats</p>	<p>Single-storey cinder block and traditional stone, clay pantile roofed extension which is bitumen lined. Masonry is in good condition, however there are several lifted clay pantiles as well as gaps under the lead flashing. No evidence of roosting bats (droppings/feeding remains) identified. No evidence of nesting birds.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Photo 9: Building 1a - west aspect.</p> </div> <div style="text-align: center;">  <p>Photo 10: Building 1a - north aspect.</p> </div> <div style="text-align: center;">  <p>Photo 11: Internal roof structure.</p> </div> <div style="text-align: center;">  <p>Photo 12: Internal roof structure.</p> </div> </div>	<p>Gaps between tiles and liner.</p>
<p>Building 1b: Negligible risk of supporting roosting bats.</p>	<p>Single-storey traditional stone, half clay pantile roofed extension. As half of the roof is glass, this would be suboptimal for roosting due to the fluctuating temperatures. There is a lot of vegetation growing within and on the exterior of this structure, with a heavy layer of moss on the tiled portion of the roof and is damp. Heavily cobwebbed throughout. No evidence of roosting bats (droppings/feeding remains) identified. No evidence of nesting birds.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Photo 8: Building 1b.</p> </div> <div style="text-align: center;">  <p>Photo 9: Building 1b – north elevation.</p> </div> <div style="text-align: center;">  <p>Photo 10: Internal roof structure.</p> </div> <div style="text-align: center;">  <p>Photo 11: Internal roof structure.</p> </div> </div>	<p>No PBRH</p>

<p>Building 2: Low risk of supporting roosting bats</p>	<p>Two -storey original stone built, clay pantile roofed farmhouse with a converted loft area. The loft is lined with wood. On the exterior, there are many areas of potential bat roost habitat (PBRH), including crevices within the chimney, within the masonry above the windows as well as several lifted clat pantiles. No evidence of bats was identified. No evidence of breeding birds was identified.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Photo 12: Building 2.</p> </div> <div style="text-align: center;">  <p>Photo 13: Building 2.</p> </div> <div style="text-align: center;">  <p>Photo 14: Crevise in chimney.</p> </div> <div style="text-align: center;">  <p>Photo 14: Masonry crevice.</p> </div> </div> <div style="text-align: center; margin-top: 20px;">  <p>Photo 15: Internal roof structure.</p> </div>	<p>Lifted clay pantiles.</p> <p>Masonry crevices near wall tops.</p>
<p>Building 3: Low risk of supporting roosting bats.</p>	<p>Traditional stone built extension to the south of the original farmhouse (2) with an adjoining conservatory. Lifted clay pantiles provide access into the roof structure as well as wall top gaps. Internally there is no loft space as the room has been converted, the ceiling is well-sealed with boards. No evidence of bats was found. Some evidence of breeding bird nests was identified underneath clay pantiles on the east elevation.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Photo 16: Building 3.</p> </div> <div style="text-align: center;">  <p>Photo 17: Masonry Crevice.</p> </div> <div style="text-align: center;">  <p>Photo 18: Building 3 – East elevation.</p> </div> <div style="text-align: center;">  <p>Photo 19: Lifted tiles, nesting evidence within.</p> </div> </div>	<p>Gaps between clay pantiles, wall tops gaps and masonry crevices.</p>

				
<p>Building 4: Low risk of supporting roosting bats.</p>	<p>Single-storey extension, stone built with clay pantiles and a clear plastic roof on the west elevation. Partially lined in a breathable underlay. Some vegetation has grown internally providing potential nesting habitat for birds. Lifted clay pantiles and wall top gaps were identified mostly to the eastern elevation, as well as some gaps along the ridge where mortar has come away providing access. Plastic roof offers negligible roosting features. No evidence of bats was found. No evidence of breeding birds was identified.</p>			<p>Gaps between clay pantiles, along the ridge, and wall tops, mainly on the east elevation.</p>
<p>Building 4a: Low risk of supporting roosting bats.</p>				
	<p>Photo 23: Building 4 – West elevation.</p>	<p>Photo 24: East elevation.</p>	<p>Photo 25: Interior.</p>	<p>Photo 26: Internal roof structure.</p>
	<p>Single-storey extension, stone built with wooden panelling, lined clay pantile roof. Some lifted tiles and crevices underneath boards providing some potential roosting habitat for bats. No evidence of bats was identified. No evidence of breeding birds was identified.</p>			<p>Gaps between clay pantiles and liner, crevices under boards.</p>
				
	<p>Photo 27: Building 4b.</p>	<p>Photo 28: Internal roof structure.</p>	<p>Photo 29: Crevices identified.</p>	

6.3 Emergence Survey

Date: 28/05/2024

Start time: 21:05 **End time:** 22:52 **Sunset:** 21:22












	Temp (°C)	Wind (BF)	Humidity (%rh)	Rain	Cloud cover (%)
Start	15	0.2	60	Light	90
Finish	14	0.2	73	Light	90

Surveyors: Alice Brown (AB), Rachel Boulton (RB), Sam Newton (SN), Isabel Murphy (IM), Antonia Deveraux (AD)

Equipment used: 3x Elekon M2 Batloggers, 1x Petterson D240x time expansion ultrasound detector with Ediol R09 recorder, 1x Batbox IID, 2x Sony AX100 Nightshot Camcorder combined with 12v 50W external infra-red floodlighting

Summary: No bat roosts were identified within any of the buildings. Bat foraging and commuting activity around the site was moderately high.

Observations:

Surveyor	Building ref	Time	Species	Count	Activity	Annotation
RB		21.28 – 21.29	Noctule	1	Commuting	
RB		21.41 – 21.44	Natterer	1	Foraging in trees	
IM		21.41	Common pipistrelle	2	Foraging	
SN		21.42	Common pipistrelle	2	Foraging	
AD		21.44	Common pipistrelle	1	Foraging	
IM		21.43 – 21.50	Myotis	1	Foraging	
RB		21.45 – 21.47	Noctule	1	Foraging/commuting	
AB		21.45	Commo pipistrelle	1	Foraging around garden	
RB		21.47 – 21.51	Common pipistrelle	1	Foraging/commuting	
RB		21.47 – 21.51	Natterer	1	Foraging/commuting	
RB		21.50 – 22.05	Common pipistrelle	1	Foraging/commuting	


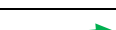
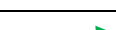
AB		22.02 – 22.15	Myotis	1	Foraging	
RB		22.03	Myotis	1	Foraging/commuting	
AD		22.06	Myotis	1	Foraging	
RB		22.07 – 22.12	Noctule	1	Foraging/commuting	
RB		22.08	Whiskered/Brandts	1	Foraging/commuting	
IM		22.08	Common pipistrelle	1	Commuting	
IM		22.10	Noctule	1	Foraging	
SN		22.10 – 22.15	Brown long eared	1	Silently foraging	
RB		22.23	Common pipistrelle	1	Not seen	
IM		22.26		1	Silently commuting	
IM		22.30	Myotis	1	Not seen	
RB		22.32	Soprano pipistrelle	1	Not seen	
RB		22.34	Common pipistrelle	1	Not seen	
IM		22.34 – 22.42	Myotis	1	Foraging	
AD		22.39	Myotis	1	Commuting	
RB		22.40	Brown long eared	1	Foraging	
RB		22.42	Common pipistrelle	1	Foraging	



Figure 5 – Surveyor locations and bat activity recorded during survey.

7 Discussion and Analysis

The surrounding area has optimal foraging and commuting habitat for bats such as pockets of woodland and several local waterways which are surrounded by woodland also. The immediate surroundings are that of arable farmlands. Several bat records were returned following a 2km bat record search completed through the North Yorkshire Bat Group. No records were returned for the site itself, but several were within the locality.

Buildings 1, 1a, 2, 3, 4 and 4a were determined to have low risk of supporting roosting bats. Potential bat roosting habitat (PBRH) was identified in the form of lifted roof tiles, wall top gaps, masonry crevices and gaps in the fascia. The loft void in Building 1 was accessed; this was a small space which was heavily cobwebbed with no evidence of bats identified. There were no other loft voids within the building complex due to conversion to rooms.

Building 1b was determined to have negligible risk of supporting roosting bats based on its construction; the glass roof and vegetation throughout provide sub-optimal conditions for roosting bats.

A summer emergence survey of all buildings identified no roosting bats. Bat foraging and commuting activity around the site was moderately high throughout the survey. No evidence has been found during the visual inspection or emergence survey to suggest the proposed works will impact bats, however, works to the buildings with identified risk of roosting bats will result in the loss of a low level of PBRH.

Some evidence of bird presence was identified in Buildings 3 and 4. Potential nesting habitat is located under lifted pantiles across the buildings, such as for house sparrows or swifts. Therefore, four bird boxes should be installed. No evidence of barn owl was found.

8 Impact Assessment

Bats

No impact on bat roosts, however works undertaken on the buildings will result in the loss of potential roost habitat.

Birds

There will be a reduction in available bird nesting habitat due to the proposed works. There is no evidence to suggest the works will impact barn owls.

9 Mitigation & Compensation

Bats

9.1.1 Replacement crevice roosting habitat will be provided on site through the incorporation of 1 integral bat bricks into the new build and/or the installation of a professional long-lasting crevice bat box on site, in a suitable location to be agreed by the ecologist.

9.1.2 Works to building roofs and masonry should follow good working practices (Appendix 2).

Breeding birds

9.1.3 Works should avoid bird nesting season (1st March - 31st August); if not possible, a pre-works check of the site should be undertaken before work commences to check for the presence of nesting birds. If any active nests are found, then work to those areas should be delayed until after any chicks have fully fledged.

9.1.4 A total of four bird nest boxes should be installed on site. These should ideally be integral boxes within the new buildings and should specifically include at least one sparrow terrace box and one swift box. Example options include: Schwegler sparrow terrace 1SP or brick sparrow box; Vivara Pro Seville WoodStone Nest Boxes; Swift boxes, e.g. ibstock swift box.

10 Recommended Ecological Enhancement

To enhance this site, additional bird nest boxes could be installed to increase the range of box types for different species.

11 Information concerning bat protection and the planning system

11.1 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.

11.2 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.

11.3 Planning and Wildlife

National planning guidance for ecological issues is set out in the updated September 2023 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 179 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 180 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

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

Species	Site	Gridref	Present	Date	Status	Comment
Common Pipistrelle	Chapel at Mickleby	NZ801129	Present	26-Aug-10	Summer Roost	Eaves
Brown Long-eared Bat	Chapel at Mickleby	NZ801129	Present	26-Aug-10	Summer Roost	Emerged from eaves
Pipistrelle species	Ferndale Farm, Scar Lane, West Barnby	NZ820125	Present	19-Jul-07	Summer Roost	
Common Pipistrelle	High Farm, East Barnby	NZ827127	1	20-May-09	Summer Roost	
Soprano Pipistrelle	High Leas Farm, Lythe	NZ829120	2	09-Aug-18	Day Roost	
Common Pipistrelle	High Leas Farm, Lythe	NZ829120	7	09-Aug-18	Day Roost	
Natterer's Bat	High Leas Farm, Lythe	NZ829120	1	09-Aug-18	Day Roost	
Unknown	NZ8227412763	NZ8227412763	Present	23-Aug-11	Summer Roost	
Common Pipistrelle	Broom House Bridge	NZ817119	Present	28-Aug-22	In Flight	
Noctule Bat	Broom House Bridge	NZ817119	Present	28-Aug-22	In Flight	
Myotis bat sp.	Broom House Bridge	NZ817119	Present	28-Aug-22	In Flight	Probably Natterer's