

**BAT SURVEY REPORT**

At

Hill Farm  
Elvington Road  
York  
YO19 5LD

For

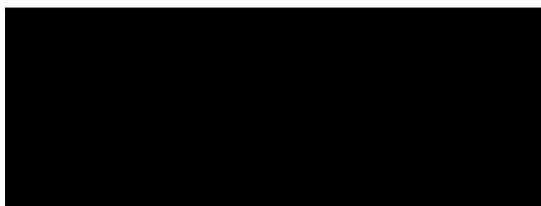
Mr J. Halley

Date: 3<sup>rd</sup> July 2023

Reference no: CE1311

**Curtis Ecology**

Nova Scotia Farm, The Valley, Rimswell, Withernsea, East Yorkshire HU19 2BZ



[www.curtisecology.co.uk](http://www.curtisecology.co.uk)

## DOCUMENT CONTROL

Client: Mr J. Halley

Project: Hill Farm, Elvington Lane, York, YO19 5LD

Title: Bat Survey Report

## REPORT CONTROL SHEET

Date of site risk assessment	17 <sup>th</sup> May 2023
Lead ecologist signature	
Date report issued	3 <sup>rd</sup> July 2023
Report approved by	Roger Curtis

## REPORT VERSION CONTROL

Version	Date	Author	Description
1.0	3 <sup>rd</sup> July 2023	Roger Curtis	Original Version

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## EXECUTIVE SUMMARY.

The client, Mr J. Halley instructed Curtis Ecology to undertake a Preliminary Roost Assessment and Nocturnal Surveys on a barn located within the curtilage of Hill Farm, Elvington Lane, York, YO19 5LD. The surveys are required to inform a proposed planning application which is to be lodged with the local planning authority, in this case York City Council, for the conversion of the barn, into a dwelling along with associated works. Both verbal and electronic briefings were given, with no Block or Location plans provided.

The Preliminary Roost Assessment was undertaken on the 1<sup>st</sup> December 2022 which is an appropriate time of the year for this type of survey.

As a result of the desktop study and observations made during the Preliminary Roost Assessment, the study building had been assessed as follows: -

Building and Reference	Graded Potential
Barn	Moderate

As a result of this assessment recommendations, were made for a further nocturnal survey to be undertaken during the bat activity survey season (May – mid September) to enable a full assessment to be made and to determine the level of mitigation which may be required.

Results from the nocturnal surveys undertaken on the 17<sup>th</sup> May 2023, 8<sup>th</sup> and 23<sup>rd</sup> June 2023 indicated the presence of, one day roost for three Common pipistrelle, within a gap on the top of a first floor boarded window located on the south west elevation of the study building.

The day roost will be destroyed as part of conversion phase to the barn, therefore a Bat Mitigation Licence, approved by Natural England will be required before any conversion works can be undertaken. This licence can only be applied for once planning approval has been obtained from the Local Planning Authority, in this case York City Council Planning Authority.

Results from the nocturnal surveys indicated that the study site and immediate surrounding habitat offers moderate foraging capacity and occasional commuting activity for only a small number of bats. There was no indication of a nursery roost, or a main commuting route of significance, used by a large number of bats.

**Informative:** - Regarding an application for a Bat Mitigation Licence. Natural England require dusk & dawn surveys to have been conducted within the current or most recent optimal survey season. If a Bat Mitigation Licence, has not been applied for within this time period, then top up dusk & dawn surveys will be required during the proceeding bat activity survey seasons until such an application is made.

## 1.0 INTRODUCTION.

The client, Mr J. Halley instructed Curtis Ecology to undertake a Preliminary Roost Assessment and Nocturnal Surveys on a barn located within the curtilage of Hill Farm, Elvington Lane, York, YO19 5LD. The surveys are required to inform a proposed planning application which is to be lodged with the local planning authority, in this case York City Council, for the conversion of the barn, into a dwelling along with associated works.

### 1.1 Site Description.

The study building is in a rural location, at grid reference SE6531 5144, which is approximately 1.2km east of York urbanisation. The site consists of the study building, a grass paddock and a short run of *Leylandii* hedgerow.

The immediate surrounding habitat is comprised of a mix of arable and grassland, neighbouring farm with recent barn conversions, a residential property, scattered trees and a small woodland to the east.



Figure 1. Aerial view of the study site location within the wider landscape

© Google Earth.

### 1.2 Proposed Works.

It is understood that the development proposal relates to the conversion of the barn, into a dwelling along with associated works.

### **1.3 Survey Objectives.**

The aim of the Preliminary Roost Assessment and Nocturnal Surveys are as follows: -

Perform a desk top study and data/record search for pre-existing records and data from third party repositories prior to the site survey.

Determine the potential for bats and to search for evidence of their occupancy and signs of usage using a number of survey methods.

Assess the survey results and evaluate any potential impact of the proposed work upon any bats which might be occupying any of the study buildings and immediate surrounding habitat.

To produce a report detailing findings, the likely approach to mitigation and any recommendations for the proposed work.

## 2.0 SURVEY METHODOLOGY.

### 2.1 Desk Study.

A desk study was undertaken with records being obtained from the following third-party repositories, the North & East Yorkshire Ecological Data Centre and North Yorkshire Bat Group and a review of the Multi-Agency Geographical Information of Conservation (MAGIC) and Google Earth. The search area is a 2km radius from the centre of the application site located at Grid reference SE6531 5144.

### 2.2 Buildings Assessment.

The buildings were subject to a visual daytime inspection for evidence of and potential for bat species. The survey methodology will be undertaken as recommended by the Bat Conservation Trust - Bat Surveys for Professional Ecologists: *Good Practice Guidelines (3rd Edition 2016)* and Natural England Standing Advice Sheet - *Bats (April 2012)*.

The visual survey involves assessment for: -

- An assessment of holes/crevices in the building structure.

- Slipped, lifted and or badly fitted tiles

- The presence of roofing felt or any form of internal roof lining.

- Signs of droppings on walls, windowsills, floors, roof spaces and below any suitable roosting features.

- Wing fragments of butterflies and moths on the floor/walls below beams and other internal structure.

- Scratch marks on beams, potential entrance and exits holes and any other internal structures.

- Dead bats

- Oil staining – the bat fur may leave an oily residue on surfaces.

- Tracks in any dust

- Odour – certain bat species can have a distinctive odour, species such as soprano pipistrelle and noctule can have a pungent odour from urine and oily fur.

- Suitable foraging and or commuting habitat within close proximity to the study site, which would include woodland, shelter belts, hedgerows, ponds, watercourses and domestic gardens connected to one another.

## **2.3 Nocturnal Surveys.**

Nocturnal bat surveys will be undertaken as recommended by the Bat Conservation Trust - Bat Surveys for Professional Ecologists: *Good Practice Guidelines 3<sup>rd</sup> Edition 2016* and English Nature *Bat Mitigation Guidelines (2004)*. The surveys are comprised of one dusk emergence survey and one dawn/ re-entry survey to assess any bat activity associated with the buildings and surrounding habitat of the site.

The dusk/emergence survey will commence approximately fifteen minutes before sunset and cease approximately one and a half to two hours after sunset.

The dawn/ return survey will commence approximately one and a half to two hours before sunrise and finished approximately fifteen minutes after sunrise.

Bats seen or heard during the nocturnal surveys will be recorded, noting the time of observation, estimated number of bats, direction of flight and type of activity. These observations will be presented in the form of an observation table and activity plan for each respective survey.

## **2.4 Survey Equipment.**

The following equipment when required was used during the building survey assessments:

- Clulite CB2 one million candle power torch
- Close focusing binoculars.
- Dart Ridged See-Snake Endoscope.
- Petzl Tikka Plus 2 head torch.
- 3.6 m telescopic ladders
- FinePix S5600 digital camera
- Thermohygrometer

The following equipment when required was used during the dusk/emergence and dawn/ return bat activity surveys: -

- Echo Meter Touch Pro 2 Full Spectrum Bat Detectors
- Thermohygrometer
- Petzl Tikka Plus 2 head torches



## 2.5 Weather Conditions.

Table 1 - Weather conditions at the time of the Preliminary Roost Assessment

Survey date	1 <sup>st</sup> December 2022
Wind speed	Calm
Cloud cover	100%
Rainfall	None
Temperature	6°C
Humidity	91%

Table 2 - Weather conditions at the time of the nocturnal surveys

	Survey 1	Survey 2	Survey 3
Survey date	17 <sup>th</sup> May 2023	8 <sup>th</sup> June 2023	23 <sup>rd</sup> June 2023
Sunset / sunrise times	21:03hrs	04:35hrs	21:40hrs
Survey time	20:40hrs – 22:45hrs	02:50hrs – 04:50hrs	21:20hrs – 23:20hrs
Wind speed	5 mph southwest	Calm	5mph west
Cloud cover	100%	100%	90%
Rainfall	None	None	None
Temperature	14°C	12°C	19°C
Humidity	69%	80%	73%

## **2.6 Survey Personnel.**

### **2.6.1 Daytime Building Assessment.**

The buildings assessment was undertaken in suitable weather conditions and at an appropriate time of year on the 1<sup>st</sup> December 2022 by the following personnel:

Roger Curtis FdSc who has 12 years survey experience and holds the follow Natural England licences; - Bats – WML-CL18 class licence 2015-12148-CLS-CLS

Roger is also a committee member of the East Yorkshire Bat Group and County Bat Recorder.

### **2.6.2 Nocturnal Surveys**

The Nocturnal surveys were undertaken by the following personnel:

The buildings assessment was undertaken in suitable weather conditions and at an appropriate time of year on the 1<sup>st</sup> December 2022 by the following personnel:

Roger Curtis FdSc who has 12 years survey experience and holds the follow Natural England licences; - Bats – WML-CL18 class licence 2015-12148-CLS-CLS

Roger is also a committee member of the East Yorkshire Bat Group and County Bat Recorder.

Charlie Foxton who has undertaken numerous dusk & dawn surveys, as well as assisting with building assessments. Charlie is currently working towards a Natural England Level 2 class bat licence.

## 3.0 SURVEY RESULTS.

### 3.1 Desk Top Study.

#### 3.1.1 Figure 2. Pre-existing Site Designations



Our Ref: E06921  
Your Ref: CE1274  
On behalf of: Curtis Ecology  
Date: 24/11/2022  
Search area: 2km from SE653514

### NEYEDC Site Data Search

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#### Internationally Designated Sites

The following internationally designated site boundaries were searched:

- Ramsar sites published May 2017, revised October 2020
- Special Areas of Conservation published July 2017, revised May 2021
- Special Protection Areas published January 2019, revised June 2021

There are no internationally designated sites in or partly within the search area.

#### Nationally Designated Sites

The following nationally designated site boundaries were searched:

- Areas of Outstanding Natural Beauty published January 2017, revised August 2020
- National Nature Reserves published April 2017, revised June 2021
- National Parks published August 2016, revised February 2019
- Sites of Special Scientific Interest published January 2019, revised June 2021

There are no nationally designated sites in or partly within the search area.

#### Locally Designated Sites

The following locally designated site boundaries were searched:

**Local Nature Reserves** published April 2017, revised June 2021

There are no Local Nature Reserves in or partly within the search area.

#### City of York SINC (Site of Importance for Nature Conservation)

Version: York SINC v1.2, May 2021

The following York SINC are in or partly within the search area, and are shown on the accompanying map.

Site Name	Site Ref	Grid Reference	Status
Murton Meadow	SE65-11YK	SE648529	Candidate SINC
Osbalwick Crossing, Murton Way	SE65-18YK	SE642524	Candidate SINC
Osbalwick Meadow	SE65-10YK	SE637520	Candidate SINC

## Locally Designated Sites

The following locally designated site boundaries were searched:

### Local Nature Reserves

published April 2017, revised June 2021

There are no Local Nature Reserves in or partly within the search area.

### City of York SINC (Site of Importance for Nature Conservation)

Version: York SINC v1.2, May 2021

The following York SINC are in or partly within the search area, and are shown on the accompanying map.

Site Name	Site Ref	Grid Reference	Status
Murton Meadow	SE65-11YK	SE648529	Candidate SINC
Osbalwick Crossing, Murton Way	SE65-18YK	SE642524	Candidate SINC
Osbalwick Meadow	SE65-10YK	SE637520	Candidate SINC

### Yorkshire Wildlife Trust Reserves

published January 2019

There are no Yorkshire Wildlife Trust Reserves in or partly within the search area.

## Priority Habitats

The following site-based habitat boundaries were searched:

### Ancient Woodland Inventory

published July 2013, revised January 2020

The following areas of ancient woodland are in or partly within the search area and are shown on the accompanying map

Habitat type	Location description
Plantation on Ancient Woodland Site	Small area of woodland at SE660501.

### Priority Habitat Inventory

published August 2017

The following areas of priority habitat are in or partly within the search area and are shown on the accompanying map

Habitat type	Location description
Deciduous woodland	Approx. 7 small polygons scattered throughout the search area.

The relevant 2km Designation & Habitat maps are illustrated in Appendices 1 & 2 of this report.

### 3.1.2 Bat Records.

Bat records were obtained from North & East Yorkshire Ecological Data Centre (NEYEDC) with reference to the North Yorkshire Bat Group.

There was a total of 38 historical bat records returned from the third-party repositories. The nearest historical roost records are approximately 40m to the south of the site, for three Common pipistrelle *Pipistrellus pipistrellus* day roosts and two Brown Long eared *Plecotus auritus* day roosts, all records from 2016.

### 3.2 Daytime Building Survey.

The study building is two storey barn with a slate roof covering, which is attached on its south gable to neighbouring buildings.

Plate 1. Looking at the southwest elevation of the barn.



The solid brick walls have superficial decay in several places to all elevations, along with several deep holes noted, predominantly along the eaves level. Repointing works have been undertaken in the past to several areas on both the north gable and west elevation. At ground floor level on the west elevation are three sets of double timber doors and a single pedestrian door. The pedestrian doors in good condition with no gaps between the timber frame and surrounding brickwork, whereas gaps were present between the double door frames and adjacent brickwork. On the first-floor level of the same elevation are two timber hatches and a single timber door, all of which were in reasonable condition with occasional gaps between the frames and surrounding brickwork noted. Missing mortar was noted between the bottom of the stone cill of the door and the top of the timber lintel above the double doors below.

To the east elevation on the ground floor is a door opening and a single timber framed window which is boarded internally and was a good fit to the surrounding brickwork. At first floor level in the same elevation is a timber frame door hatch and a window opening with no frame. Holes in the brickwork at the top of the window opening were noted, along with a rot hole at the bottom of the timber framed hatch.



Internally on the ground floor the walls were in good condition with no obvious deep holes or gaps noted. At the northern end is a separate small room again the walls in this area were in good condition.

The internal walls on the first floor were generally in reasonable condition with only the occasional deep hole noted in the brickwork, as well as around the first-floor door in the east elevation, and in several locations under the timber pan.

Scattered mixed age butterfly wings, circa 12, were found on the floor of the first-floor level and circa, 18 butterfly wings on the ground floor level. Although after a thorough search, no bat droppings were noted on either floor levels, which at this stage could indicated predation of overwintering butterflies by the resident spider population.

The roof structure is a series of timber trusses with timber purlins, rafters and a central ridge board. The majority of the roof structure internally was under drawn with hardboard, with no roofing felt noted. Externally the roof is covered with slate, with lifted, slipped and occasional missing slates noted to both roof aspects, and predominantly at the northern end of the barn. There were several holes noted in the ridge line bedding mortar to both elevations.

From the observations made at this stage, the study building has been assessed as having Moderate potential for bat habitation.

Plate 2. The northeast elevation of the barn.



Plate 3. The northwest gable of the barn.



Plate 4. The interior of the ground floor.





Plate 5. Interior of the first-floor level.



Plate 6. Example of the damaged brickwork at the top of the window opening in the northeast elevation.



Plate 7. Example of butterfly wings on the first-floor level



Plate 8. Example of butterfly wings found on the ground floor level.



### 3.3 Nocturnal Surveys

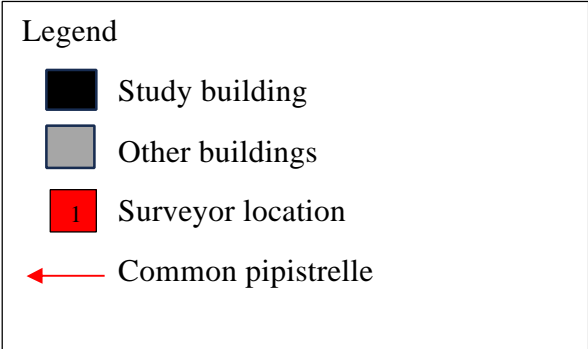
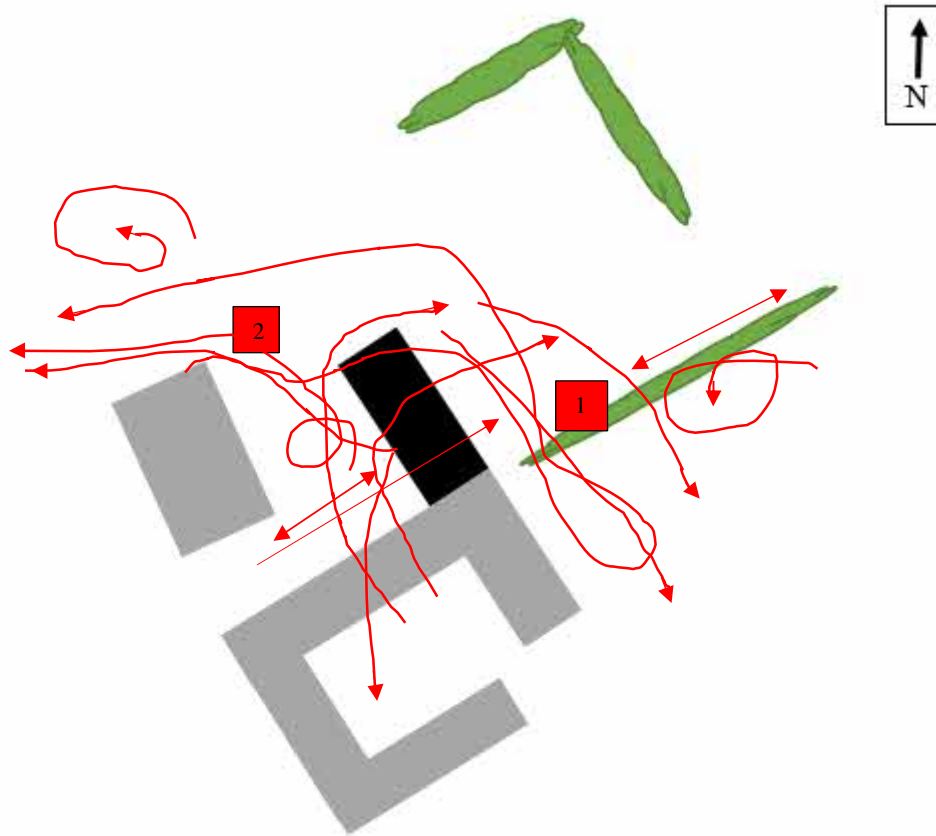
Survey data results are presented below along with the relevant survey activity plan.

#### *Dusk/Emergence Activity Survey for 17<sup>th</sup> May 2023.*

Table 3. Results of the dusk emergence bat survey

LOCATION	TIME	OBSERVATION MADE
	20:40	Survey Start
2	21:21	Three Common pipistrelle emerged from a bat box on the farmhouse went east over the corner of the barn
1	21:21	One Common pipistrelle came over corner of barn did one loop then went back west
2	21:22	One Common pipistrelle commuting from the east to west
2	21:28	One Common pipistrelle emerged from the top of the first-floor window on southwest elevation of barn bat commuted west
2	21:29	One Common pipistrelle briefly foraging in the yard area west of barn
2	21:33	One Common pipistrelle foraging in the yard west of barn then went west
2	21:35	One Common pipistrelle emerged from top of first floor window on southwest elevation of the barn then went south over neighbouring buildings
2	21:41	One Common pipistrelle commuting came from south then went east past northwest gable of barn
2	21:43	One Common pipistrelle foraging over neighbouring garden to northwest
1	21:43	One Common pipistrelle came from west then turned southeast over hedge
2	21:44	One Common pipistrelle commuting came from southwest then over barn
1	21:45 – 21:46	One Common pipistrelle came over barn roof then started foraging up and down hedgerow
2	21:47	One Common pipistrelle came from south over neighbouring buildings then turned east over barn
1	21:47	One Common pipistrelle came from over barn went south
1	21:50	One Common pipistrelle briefly foraging up and down hedge
1	22:08 – 22:11	One Common pipistrelle foraging over hedge and neighbouring land
2	22:17	One Common pipistrelle commuting direction not ascertained
1	22:22	One Common pipistrelle commuting direction not ascertained
	22:45	Survey End

Dusk Survey Activity Plan from the 17<sup>th</sup> May 2023.

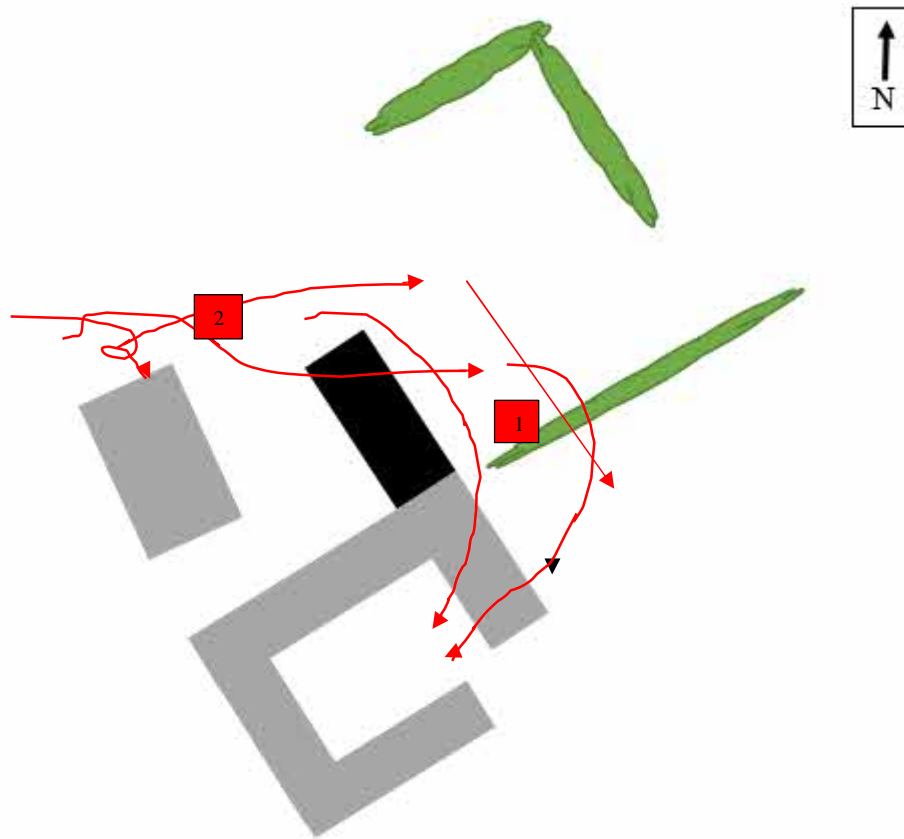


***Dawn/Return Activity Survey for 8<sup>th</sup> June 2023.***





Table 4. Results of the dusk emergence bat survey

LOCATION	TIME	OBSERVATION MADE
	02:50	Survey Start
2	03:09	One Common pipistrelle commuting form west over barn roof
1	03:10	One Common pipistrelle commuting came of barn roof then went southwest over neighbouring buildings
2	03:23	One Common pipistrelle commuting west to east
1	03:23	One Common pipistrelle commuting came from west then went southeast over hedge
1	03:26	One Noctule commuting bat unseen
1	03:47	One Common pipistrelle commuting bat unseen
1	03:50	One Common pipistrelle came from northwest went in an arc over neighbouring buildings to southwest
2	03:57	One Common pipistrelle came from west started circling went into bat box on farmhouse
2	04:03	One Common pipistrelle came from west went into bat box on farmhouse
1 & 2	04:06	One Noctule commuting northeast to south
	04:50	Survey End

Dawn Survey Activity Plan from the 8<sup>th</sup> June 2023.



Legend

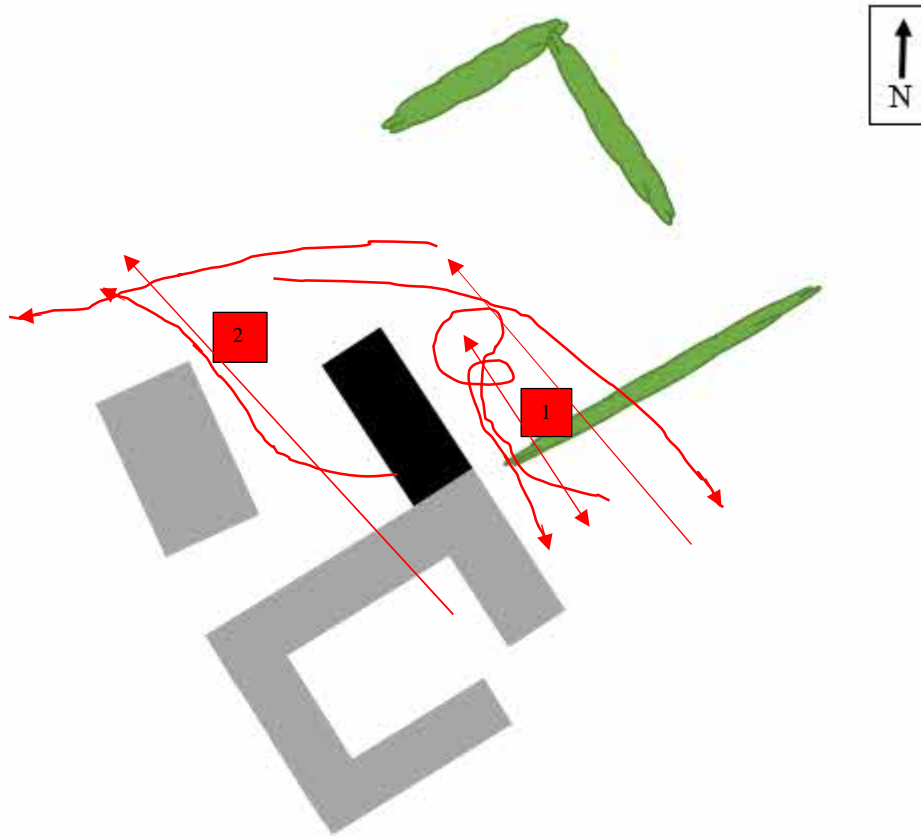
-  Study building
-  Other buildings
-  Surveyor location
-  Common pipistrelle

***Dusk/ Emergence Activity Survey for 23<sup>rd</sup> June 2023.***

Table 5. Results of the dusk emergence bat survey

LOCATION	TIME	OBSERVATION MADE
	21:20	Survey Start
2	22:15	One Common pipistrelle emerged from the top of the first-floor window on southwest elevation of barn bat commuted northwest
2	22:17	One Common pipistrelle commuting came over neighbouring buildings then went northwest
1	22:20	One Common pipistrelle came from south over hedge did a couple of loops then went back again
1	22:23	One Common pipistrelle commuting from south then went northwest
2	22:23	One Common pipistrelle came from southeast went west
2	22:29	One Common pipistrelle came from the west, went around gable corner
1	22:30	One Common pipistrelle came for northwest past gable then went south
1	22:44 – 22:46	One Common pipistrelle foraging back and forth over hedge
1	22:57	One Common pipistrelle commuting bat unseen direction not ascertained
1&2	23:06	One Noctule commuting bat unseen direction not ascertained
	23:20	Survey End

Dusk Survey Activity Plan from the 23<sup>rd</sup> June 2023.





## **4.0 ASSESMENT OF SURVEY RESULTS.**

### **4.1 Constraints on Survey Information.**

There were no constraints during the Preliminary Roost Assessment or Nocturnal Surveys.

There were no constraints on the third-party data searches.

### **4.2 Constraints on Equipment Used.**

There were no constraints on the equipment used during the Building Assessment or Nocturnal Survey.

### **4.3 Potential Impacts of Development.**

#### **4.3.1 Designated Sites**

There are no International or nationally Designated Sites found within the 2km search area.

There are Local Nature Reserves found within the 2 km search area.

There are three Non-Statutory sites within the 2km search area, the nearest of which is Osbaldwick Crossing Murton Road, a Site of Importance for Nature Conservation, which is located approximately 1.35km to the north west of the study building.

Given the nature of the development proposal and its location, it is not anticipated that any short- or long-term negative impacts would be likely to occur upon any of the Non – statutory sites found within the 2km search radius.

#### **4.3.2 Roosts**

There was a total of 38 historical bat records returned from the third-party repositories. The nearest historical roost records are approximately 40m to the south of the site, for three Common pipistrelle *Pipistrellus pipistrellus* day roosts and two Brown Long eared *Plecotus auritus* day roosts, all records from 2016.

During the daytime Preliminary Roost Assessment undertaken on the 1<sup>st</sup> December 2022, scattered mixed age butterfly wings, circa 12, were found on the floor of the first-floor level and circa, 18 butterfly wings on the ground floor level. Although after a thorough search at this time, no bat droppings were noted on either floor levels, which at that stage could indicated predation of overwintering butterflies by the resident spider population.

Just prior to the dusk survey of the 17<sup>th</sup> May 2023 the interior of the study building was searched again for any new evidence of additional butterfly/moth wings and any bat droppings, the result of which was none were found. During the preceding dusk and dawn bat activity survey periods, no *Myotis* sp or Brown Long eared bats were recorded /observed, therefore as there was a lack on bat droppings within the study buildings it was concluded that the butterfly wings were in fact the result of predation of overwintering butterflies by the resident spider population.

However, during the Preliminary Roost Assessment of the 1<sup>st</sup> December there were several features within the study building that could provide bat roosting opportunities and as a result of this the study building was assessed as having Moderate potential for bat habitation.

During the dusk emergence survey of the 17<sup>th</sup> May 2023 two Common pipistrelle were seen to emerge from a gap at the top of the first floor boarded window on the south west elevation of the study building at 21:28hrs and 21:35hrs respectively.

During the dusk emergence survey of the 23<sup>rd</sup> June 2023, one Common pipistrelle was seen to emerge from a gap at the top of the first floor boarded window on the south west elevation of the study building at 22:15hrs.

Although not forming part of the proposed planning application to which this report relates, the farmhouse to the west of the study building, has two bat boxes on the northwest gable. During the dusk survey of the 17<sup>th</sup> May 2023, three Common pipistrelle emerged from the eastern most bat box at 21:21hrs. During the dawn re-entry survey of the 8<sup>th</sup> June two Common pipistrelle re-entered the same bat box at 03:57hrs & 04:03hrs respectively.

Plate 9. Roost 1 located in a gap at the top of the first-floor boarded window on the southwest elevation of the study building.



### 4.3.3 Habitats.

The habitat composition within the application site at the time of the field survey, is considered to represent Low – Medium Ecological Value. The study site is not located within or in close proximity to any Priority Habitats.

### 4.3.4 Foraging and Commuting

Foraging activity both within and around the study site was moderate, with recordings/observations of foraging activity, predominately by single Common pipistrelle *Pipistrellus pipistrellus*, during all nocturnal survey periods.

Commuting activity was randomly spread over the site with no indication of a main commuting route for a large number of bats recorded.

From the observation made during the nocturnal survey period it is apparent that the study site and the immediate surrounding habitat only supports a small number of individual bats of a common species, possibly only one or two individuals.

Therefore, from the nocturnal survey findings as discussed above it can be anticipated that it would be highly unlikely for any adverse short- or long-term impacts, upon either the foraging or commuting activity of the local bat population, if the proposed development were to proceed.

### 4.3.5 Nesting Birds

No historical nests sites were observed during the daytime survey or nocturnal survey periods.

## **5.0 LEGISLATION.**

### **5.1 Bats.**

All species of UK bats are statutorily protected under the Conservation of Habitats and Species Regulations 2017 (as amended), and through Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981. This combined legislation makes it an offence to:

Deliberately kill, injure or capture bats.

Deliberately disturb bats in such a way as to significantly effect:

- a. the ability of that species to survive, breed, rear or nurture their young
- b. the local distribution on the species

Intentionally or recklessly disturb or obstruct access to the resting place of bats.

Damage or destroy breeding sites and resting places of bats even if bats are not occupying the roost at the time.

Possess, transport, sell, barter or exchange any part of, or derived from a bat whether dead or alive.

### **5.2 Nesting birds**

All wild birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), it is an offence to:-

Deliberately kill, injure or take any wild bird.

Take, damage or destroy the nest of any wild bird whilst in use or being built.

Take or destroy an egg or eggs of any such wild bird.

The breeding bird season runs from 1st March to 31st August.

## 6.0 PLANNING POLICY.

### The National Planning Policy Framework (2021):

179. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>61</sup>; 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.

180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

181. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation.
- b) listed or proposed Ramsar sites ; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plan or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site

### **ODMP Circular 06/2005 Biodiversity and Geological Conservation**

The presence of a protected species is a ‘material consideration’ when a local planning authority is considering a development proposal. (*Paragraph 98 Circular 06/2005*), when a planning authority is considering a development proposal and as such where impacts upon a protected species are likely to occur from a proposed development, surveys must be undertaken and provided to support a planning application.

Paragraph 99 Circular 06/2005 states;

*‘It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted’.*

Where there is a reasonable likelihood of protected species being present and affected by a development the surveys should be completed and any necessary measure put in place, through conditions and / or planning obligations, before the permission is granted.

### **The Natural Environment and Rural Communities Act 2006 (NERC)**

The Natural Environment and Rural Communities Act 2006 (NERC) also lists the Bat as a species of principal importance under Section 41 and Section 40 requires every public body in the exercising of its functions (in relation to Section 41 species) to ‘have regard, so far as is consistent with the proper exercise of those functions, to the propose of conserving biodiversity’; therefore making the Bat a material consideration in the planning process and requiring a detailed survey before planning permission can be granted.

## 7.0 RECOMMENDATIONS.

The identified day roost, for 3 Common pipistrelle *Pipistrellus pipistrellus* will be disturbed and destroyed as part of the conversion work to study building. Therefore, a Bat Mitigation Licence will have to be obtained and approved by Natural England before any conversion works on the study building can be undertaken. This licence can only be applied for once approval for the proposed development has been granted by the local planning authority in this case York City Council.

The Bat Mitigation Strategy within Section 7.1 of this report should be implemented prior to demolition works of the study building is undertaken.

Mitigation is required to avoid or limit the impact of the proposed conversion works of the study buildings, on both roosting and foraging bats. Any mitigation is designed to meet the needs of the bat species present within the roost, in this case one-day roost for three Common pipistrelle *Pipistrellus pipistrellus* bats. Therefore, as the day roost that is present at the time of the nocturnal surveys within the study building are of a common bat species, which is found widespread throughout Yorkshire, then replacement roosts can be incorporated into the new buildings to provide compensation. The loss of the existing day roosts is unlikely have a significant impact on this one common bat species at a local, regional, or national level.

Compensation should ensure that the Favourable Conservation Status and Continued Ecological Functionality of the identified bat population within the buildings is not adversely affected by the development proposals.

The licence application is comprised of the following sections.

1. Application Form
2. Method Statement
3. Figures
4. Work Schedule

### 7.1 Mitigation Strategy for Bats

1. The contractors should be given a toolbox talk by a suitably qualified bat worker, prior to work commencing. A copy of this report containing the mitigation strategy should be on site at all times for the contractors to use as a reference.
2. The potential for hibernating bats within the study building is considered to be of Low potential.
3. The day roost used by three Common pipistrelle, is located in a gap over the top of the first floor window on the south west elevation of the study building, will require sealing prior to the conversion works on the study building being undertaken.

Therefore, at this juncture it is proposed that one-way excluder devices are fitted over the existing entrance/exit points and left in place for a minimum of five consecutive nights in suitable weather condition for bat activity, and not during the hibernation period (November to March), as bat activity will be minimal due to low temperatures. Any other suitable roosting points found will be inspected by a SQE and if deemed necessary the same/similar exclusion method will be undertaken. All exclusion work will be either undertaken or supervised by a SQE at all times.

4. Upon completion of the exclusion period the roost location and any other holes deemed to be potential roost locations within the study building, will to be inspected by a licenced bat worker using an endoscope and torch and if declared free from bats will be either re-pointing/temporary filling immediately, and will be supervised by a licenced bat worker at all times.
5. The preferred time for the exclusions, will be either April/early May or September /October, when bats are less likely to be using the study building as a day roost.
6. External lighting can have an adverse effect on bat foraging activity. Therefore, any new lighting should be fitted with a downward facing hood at an angle of less than 70 degrees to reduce light spillage. Light sources should also be fitted with a ultra-violet filter or the use of high or low pressure sodium lamps should be considered. All external lamps on the new residential unit should be fitted with a time adjustable motion sensor to reduce the period any lighting is on for.
7. 1 x Istock Enclosed Bat Box 'B' boxes or build in equivalent are to be installed in the new building during the construction phase. These bat boxes can be obtained from NHBS [www.nhbs.com](http://www.nhbs.com) or any other suitable wildlife habitat supplier.
8. 1 x Vivara Pro Low Profile Woodstone bat box or woodcrete equivalent, is to be installed in a suitable position found with the application site, prior to any Conversion/demolition works been undertaken. Advice on positioning to be agreed with ourselves. These bat boxes can be obtained from NHBS [www.nhbs.com](http://www.nhbs.com) or any other reputable wildlife habitat supplier.
9. The 1 x Vivaro Pro Low Profile Woodstone bat boxes or equivalents will then be retained post development to provide additional roosting features within the site.
10. During work to be carried out, in the unlikely event that bats are encountered by an unlicensed person then they **MUST** withdraw immediately, and work must stop and a licensed bat ecologist/worker called in to enable further investigation and before any work recommences.
11. During the final soft landscaping scheme consideration should be given to the planting of nectar rich flora, which will increase the insect and moth numbers and promote the foraging area available to the local bat population. A list of suitable plants can be provided by ourselves or from the Bat Conservation Trust [www.bats.org](http://www.bats.org)



## **7.2 Consideration of the ‘Three Tests’ (The Conservation of Habitats and Species Regulations 2017)**

In the light of the judgement in recent high court cases, namely *Woolley v Cheshire East Borough Council* and *Millennium Estates* 5 June 2009 consideration should be given to the application of the ‘Three Tests’ of the Conservation of Habitats and Species Regulations 2017 (as amended) to the proposed development at the proposed site in order to ensure that the development proposals comply with the Conservation of Habitats and Species Regulations 2017 (as amended) and should help to clarify the role and responsibilities of the Local Planning Authorities (LPA) in respect of European Protected Species (EPS) when they are consideration development consent applications.

With respect to European Protected Species, recent guidance from Natural England clearly states ‘where it is likely that one of the prohibitions (under The Conservation of Habitat and Species Regulations 2017 (as amended) – ‘The Regulations’ will be offered the LPA will be required to consider the likelihood of an EPS licence being granted by Natural England and in doing so, the ‘Three Tests’

*“Imperative Reasons of Overriding Public Interest including those of a Social or Economic nature”*

It is understood that the proposal is for the conversion of the barn into a dwelling. The proposed development would help with the requirements for suitable additional housing stock within the local area. Further benefits to the local economy would be gained through the use of local builders and tradesmen.

*“No Satisfactory Alternative”*

Without the proposed conversions, the study buildings would fall into a greater state of disrepair and obsolescence. The age and layout of the current building does not lend itself to modern day requirements. Any soft landscaping would enhance the barn conversion. Therefore, there is no satisfactory alternative to the proposed conversion works.

*“The Authorised Action will not be Detrimental to the Maintenance of the Population of the Species Concerned at a Favourable Conservation Status in their Natural Range”*

The proposals set out within Section 7.0 of this report has outlined that an offence under The Regulations with regard to bats in the development footprint would be reasonably unlikely and the loss of the existing roost would not be considered detrimental to the Favourable Conservation Status of the local bat population.

## **7.3 Nesting Birds.**

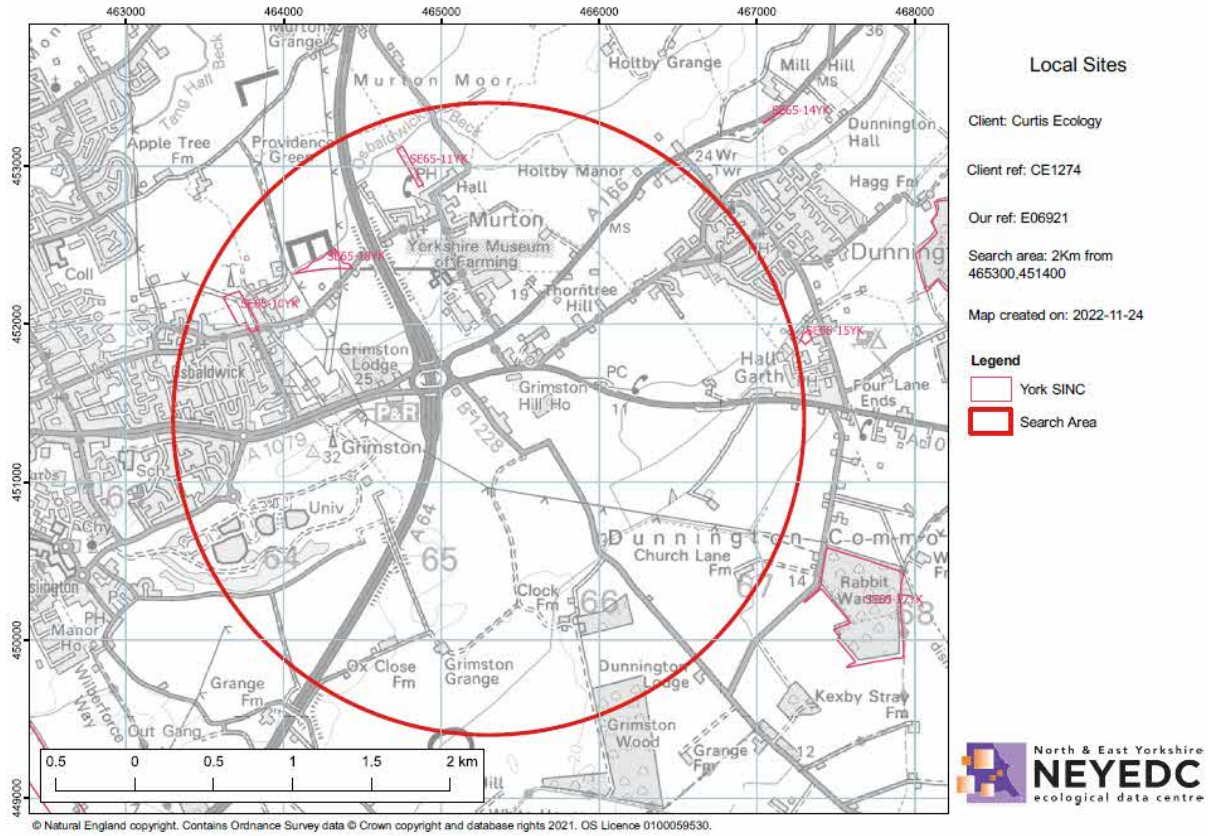
No further survey or mitigation work required.

## 8.0 REFERENCES AND BIBLIOGRAPHY

- Bat Conservation Trust – Species data sheet (2012)
- Bat Conservation Trust – Places that Bats May Use in Buildings - <https://www.bats.org.uk/our-work/buildings-planning-and-development/industry-advice/construction-industry>
- Collins, J. (ed) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). The Bat Conservation Trust, London
- Countryside and Rights of Way Act 2000 – HMSO
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- English Nature (2002). *Bats in roofs: a guide for surveyors*. English Nature, Peterborough, UK
- Google Earth - [https://www.google.co.uk/intl/en\\_uk/earth/](https://www.google.co.uk/intl/en_uk/earth/)
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- Michell-Jones, A.J. (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough, UK
- National Planning Policy Framework 2021 Department of Communities and Local Government
- Natural England Standing Advice Sheet: *Bats* (April 2012)
- Natural England Standing Advice – Planning and Development
- North & East Yorkshire Ecological Data Centre
- North Yorkshire Bat Group
- ODMP Circular 06/2005 Biodiversity and Geological Conservation
- Wildlife and Countryside Act 1981 -HMSO

# 9.0 APPENDICES

## 9.1 Appendix 1. Locally Designated Sites Map 2km.



## 9.2 Appendix 2. Priority Habitats Map 2km.

