Elton Ecology

Ridgeway House, Ridgeway Lane, Belper, Derbyshire, DE56 2JT

Preliminary Bat Roost Assessment Report

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1. Summary

Table 1: Summary

Report Purpose	With reference to the development proposals and the applicable planning policy & legislation, the scope of the present report is to: • Identify potential ecological constraints relating to bats and nesting birds. • Outline mitigation measures likely to be required in accordance with the mitigation hierarchy. • Identify any additional surveys that may be required to inform the above. • Outline any opportunities to deliver ecological enhancement via the project.
Methodology	A desk study was carried out including a study of the UK Government MAGIC[1] website for designated sites of nature conservation, granted European Protected Species applications for bats, and the site in the context of habitat connectivity to the surrounding landscape. Field survey was carried out as follows; • The field survey included a Preliminary Roost Assessment (PRA) & Nesting Bird Survey. • The survey was led by a suitably experienced ecologist holding/accredited on a Natural England survey licence for bats and with reference to best practice guidelines (Collins, 2023).
Key Notes and Conclusions	*Bats* The PRA survey assessed the building B1a as having low bat roosting suitability. With reference to best practice survey guidelines (Collins, 2023), one emergence survey should be carried out on the building, to establish the presence/ likely absence of roosting bats. With reference to the guidelines, the emergence survey should be carried out during the May-August bat activity season. The PRA survey assessed the building B1b as having low bat roosting suitability. With reference to best practice survey guidelines (Collins, 2023), one emergence survey should be carried out on the building, to establish the presence/ likely absence of roosting bats. With reference to the guidelines, the emergence survey should be carried out during the May-August bat activity season. *Nesting Birds* Potential feeding remains were observed within building B1a. However, no evidence of nesting birds was recorded during the survey. Despite this, the building, offers suitability for nesting birds and their presence cannot be fully discounted. No evidence of barn owl was recorded during the survey. *Enhancements* Biodiversity enhancements will be recommended following the further surveys.

[1] Multi-agency Geographic Information for the Countryside: www.magic.gov.uk.

2. Introduction

Background

2.1. Elton Ecology Ltd was commissioned by Bob Dunn to conduct a Preliminary Roost Assessment (PRA) & Nesting Bird Survey of building(s) at Ridgeway House, Ridgeway Lane, Belper, Derbyshire, DE56 2JT.

Relevant Documents

2.2. Relevant documents used to inform the assessment include:

- Site Location Plan (Received via email, 5th February 2026).
- Existing Floor Layouts, Elevations & SBP (Drawing No. JG/BD/2025/197/01) (Paul Gaughan Building Consultants, October 2025).
- Proposed Floor Layouts, Elevations & SBP (Drawing No. JG/BD/2025/197/02) (Paul Gaughan Building Consultants, October 2025).
- Areas of building subject to current application (Received via email, 10th February 2026).

Site Description

2.3. The site comprises a residential dwelling, detached garage, shed and a series of interconnected outbuildings with associated hard and soft landscaping. The site is located at Ridgeway House, Ridgeway Lane, Belper, Derbyshire, DE56 2JT (Figure 1: Site Location Plan) (central OS grid reference: SK 36308 51458).

Surrounding Landscape

2.4. The surrounding landscape is primarily rural (Figure 2: Surrounding Landscape Plan).

2.5. The site and surrounding landscape offered high suitability for commuting and foraging bats.

2.6. Suitable bat commuting and foraging habitat in the wider landscape include woodland blocks, watercourses linked to further suitable habitat in the surrounding landscape via treelines and hedgerows. The treelined Downmeadow Brook is located adjacent to the site's northeast boundary.

2.7. Factors which may limit bat commuting and foraging within the local landscape include artificial lighting, areas of hardstanding, and disturbance associated with the residential area of Ridgeway.

Development Proposals

2.8. The development proposals relate to the new barn only and include the conversion of the garage into accommodation and the erection of a pitch roof in place of the flat roof currently present on the workshop.

Report Purpose and Scope

2.9. With reference to the Development Proposals, the scope of the present report is to:

- Identify potential ecological constraints relating to bats and nesting birds.

- Outline mitigation measures likely to be required in accordance with the mitigation hierarchy.
- Identify any additional surveys that may be required to inform the above.
- Outline any opportunities to deliver ecological enhancement via the project.

Planning Policy and Legislation

2.10. A summary of biodiversity planning policies and wildlife legislation relevant to the site is provided in Appendix 1: Planning Policy and Legislation Summary. The relevant planning policy and legislation includes:

- National Planning Policy Framework 2024.
- Government Circular ODPM 06/05 Biodiversity and Geological Conservation.
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- The Wildlife and Countryside Act 1981 (as amended).
- Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and species of principal importance.
- The Wild Mammals (Protection) Act 1996 (as amended).

3. Methodology

Personnel

3.1. The Preliminary Roost Assessment (PRA) and Nesting Bird Survey was carried out by Consultant Ecologist CJM[2] BSc (Hons), MSc, accredited agent on Natural England Bat Licence Reference Number: 2018-33647-CLS-CLS. CJM is experienced in undertaking ecology surveys, GIS mapping and report writing.

3.2. The PRA and Nesting Bird Survey was assisted by Assistant Ecologist HIT BA (Hons), MSc. HIT is a Qualifying member of CIEEM and is experienced in assisting and undertaking ecology surveys, GIS mapping and report writing.

3.3. The present report was prepared by Assistant Ecologist HIT BA (Hons), MSc. See above for relevant training and competencies.

3.4. Quality assurance for the present report was carried out by Senior Ecologist PMH BSc (Hons) MSc ACIEEM. PMH holds a Natural England Level 1 Bat Licence (CL17) (reference number: 2025-84657-CL17-BAT). PMH has attended formal training in bat ecology and surveying. PMH is an Associate member of CIEEM and is experienced in assisting and undertaking ecology surveys, GIS mapping, and report writing.

Desk Study

3.5. The sources of information and study areas of the desk study data are provided in Table 2.

Table 2: Desk study sources and areas

Feature		Study Area	Data Source	Date of Search
Designated sites of nature conservation relating to bats	International (e.g. Special Area of Conservation, Special Protection Area, and Ramsar)	10 km radius of the site boundary	UK Government MAGIC[3] website	10/02/2026
	National (e.g. Site of Special Scientific Interest (SSSI), SSSI Impact Risk Zones (SSSI IRZ)), Local Nature Reserves, National Nature Reserves			
The site in the context of habitat connectivity to the surrounding landscape		2 km radius of the site boundary	Satellite and OS map data	

Field Survey

Preliminary Roost Assessment

3.6. The PRA was carried out on the 5th February 2026 with reference to best practice guidelines (Collins, 2023). Weather conditions were appropriate for field survey with temperatures of 4°C, intermittent rain, and good visibility.

3.7. The survey involved a Natural England bat licenced surveyor/accredited agent making a detailed external and internal inspection of the building(s) on-site, with the objective to assess the suitability of the structure for roosting bats. The surveyor compiled information on potential

[2] Full personnel names available upon request.
[3] Multi-agency Geographic Information for the Countryside: www.magic.gov.uk.

bat entry/exit points, roosting features, and any evidence of bats found (such as actual bat sightings, droppings, urine staining and fur-oil staining). The nomenclature used for bat species lists broadly follows that of Dietz and Kiefer, (2018).

3.8. The PRA was aided as required by binoculars and a high-powered torch to view features on the building and/ or search accessible cracks and crevices for the presence of bats where required.

3.9. The suitability of the building(s) for roosting bats was categorised with reference to best practice industry guidelines (Collins, 2023) (Table 3: Guidelines for Assessing the Potential Bat Roosting Suitability of Structures and Trees) as either negligible, low, moderate, or high. Suitability grading of buildings requires consideration of the potential roosting features on the building within the context of the suitability of the surrounding landscape to support commuting and foraging bats.

Table 3: Guidelines for Assessing the Potential Bat Roosting Suitability of Structures and Habitats (Adapted from Collins, (2023))

Suitability	Description of Roosting Habitats in Structures	Potential Flightpaths and Foraging Habitats
None	No habitat features likely to be used by any roosting bats at any time of the year (ie a complete absence of crevices/suitable shelter at all levels)	No habitat features likely to be used by any commuting or foraging bats at any time of the year. A lack of landscape habitat features.
Negligible	A structure with no obvious features likely to be used by roosting bat, however some uncertainty remains due to the occasional use of apparently small and unsuitable features by bats.	Habitat with no obvious features for use by commuting or foraging bats, however some uncertainty remains due to occasional non-standard bat behaviour.
Low	A structure with one or more potential roost sites which could be used by individual bats opportunistically at any time of the year, which does not provide enough space, shelter, protection, or appropriate conditions (i.e. temperature, humidity, height above ground level, light levels, disturbance) or suitable surrounding habitat to be used on a regular basis by larger numbers of bats.	Habitat that could be used by small numbers of commuting bats such as a hedgerow with gaps or unvegetated stream, but isolated (i.e. not very well connected to the surrounding landscape by habitat). Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but is unlikely to support a roost of high conservation status (such as a maternity colony).	Continuous habitat connected to the wider landscape that could be used by commuting bats such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland, or water.
High	A structure with one or more potential roost sites that are 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. Potential to support high conservation status roosts such as maternity or hibernation roosts.	Continuous high-quality habitat that is well connected to the wider landscape likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees, and woodland edge. Continuous 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. Sites which are close to and connected to known roosts.

Nesting Birds

3.10. An assessment of the building to support nesting birds was made, and the site was searched where accessible for active or historical bird nests. Any sightings of bird nesting behaviour associated with the building was also noted.

Limitations

3.11. It must be noted that survey effort has been made to provide detailed descriptions of the site within the context of potential usage by protected species, however a fully comprehensive assessment and prediction of natural factors cannot be made. The protected species assessment provides a professional view of the likelihood of such species being present and cannot be taken as a definitive presence or absence of the same. Systematic presence/ likely absence surveys for such species, which typically require multiple survey visits, have not been undertaken but are recommended in the present report if considered proportionate to the potential ecological impacts of the development proposals.

3.12. A full search of crevices and cavities on buildings typically cannot be made without specialist access equipment and in most cases intrusive works, and therefore accessible areas only have been searched for evidence of protected species and a negative result of evidence does not conclusively equate to absence of such species which may occupy inaccessible crevices on the building. However, provided any recommended nocturnal emergence/ re-entry bat survey(s) are undertaken, this is not considered a significant limitation to assessing the presence/ likely absence of roosting bats at the site.

3.13. Third party desk study data is not exhaustive, and an absence or a negative result of a species does not indicate the absence of protected species from the site/ search area.

3.14. All dimensions, locations and distances provided are approximate.

4. Results

Desk Study - Statutory Designated Sites

4.1. The site does not form part of an international or national designated site for nature conservation designated due to bat interest.

4.2. A summary of designated sites designated due to bat interest identified via the desk study is presented in Table 4 below.

Table 4: Summary of designated sites.

Site name	Designation	Description/ Main Reasons for Designation	Distance & Direction from Site
Via Gellia Woodlands	SSSI	Series of disused mines and caverns which support at least 4 species of bat for winter hibernation including, brown long-eared bat *Plecotus auritus*, Daubenton's bat *Myotis daubentoniid,* whiskered bat and Natterer's bat *Myotis nattereri.*	9.4km northwest.
Masson Hill	SSSI	Hill contains naturally formed cave passages and mine galleries which are used by several bat species for roosting and hibernating, included locally uncommon whiskered bat *Myotis mystacinus.*	9.9km northwest.

4.3. The site lies within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ), requiring the Local Planning Authority to consult with Natural England on any risks which may affect the SSSI sites as a result of certain development types. However, the current development type is not listed in the SSSI IRZ citation as requiring consultation.

Desk Study - Historic Bat Data

4.4. Records of previously granted Natural England Bat Mitigation Licences were recorded within a 2km radius of the site, summarised in Table 5.

Table 5: Summary of Granted EPS Licence Applications within a 2km radius of the site.

Species	Start / End Date	Roost Types Impacted	Distance & Direction from Site
Common pipistrelle *Pipistrellus pipistrellus*, brown long-eared bat	2013/2015	Destruction of a non-breeding resting place.	0.9km northwest.
Common pipistrelle, brown long-eared bat	2020/2020	Damage to a non-breeding resting place.	1km northwest.
Noctule *Nyctalus noctula*	2020/2025	Damage to a breeding place.	1km northwest.
Brown long-eared bat, common pipistrelle	2015/2020	Damage and destruction of a non-breeding resting place.	1km southeast.
Brown long-eared bat, common pipistrelle	2016/2021	Damage and destruction of a non-breeding resting place.	1km southeast.
Brown long-eared bat, common pipistrelle, Daubenton's bat, soprano pipistrelle *Pipistrellus pygmaeus*	2020/2025	Damage and destruction of a non-breeding resting place.	1.7km northwest.
Brown long-eared bat, common pipistrelle, Daubenton's bat, soprano pipistrelle	2020/2025	Damage and destruction of a non-breeding resting place.	1.7km northwest.
Common pipistrelle	2016/2021	Destruction of a non-breeding resting place.	1.75km northwest.

Field Survey

Preliminary Roost Assessment (PRA)

4.5. For the purpose of this report, the buildings on site have been referenced buildings B1a, B1b, B2, B3 and B4 as shown on Figure 1: Site Location Plan.

4.6. The results of the PRA are presented in Table 6 overleaf.

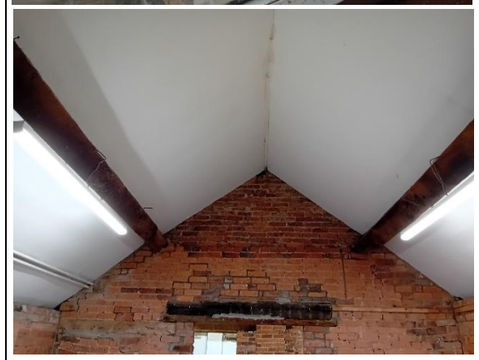
Table 6: PRA Results

Building Ref	Building Description	Potential Bat Access Points & Potential Roosting Locations	Evidence of Bats Recorded	Suitability Grading	Photographs
B1a	Building B1a related to two-storey garage and attached workshop which formed part of a larger section of connected outbuildings on site and was approximately 14m in length, 7.5m in width and 4m in height to the roof pitch. Externally, the two-storey garage comprised stone-built walls with a pitched roof of clay tiles whilst the attached single storey workshop comprised majority breeze block-built walls with a single stone-built wall on the southwest elevation and a flat corrugated composite panel roof. A garage door was present on the southwest facing elevation of the two-storey garage and dense ivy cover was present on the northeast facing stone wall of the two-storey garage and the northeast facing breeze block wall of the single storey workshop. The roof structures for both, however, were not significantly covered. Finally, a timber-built pergola was present overhanging the southwest elevation of the single-storey workshop. Internally, the majority of the loft void of the two-storey garage was converted, however, sections of loft void at the eaves were present and accessed through the converted section. The converted loft void was well sealed with timber-built plank walls whilst the loft void sections at the eaves comprised timber beams, rafters and purlins with internal lining and scattered panels of insulation also present. The flat roof workshop section was open to the roof pitch and comprised wooden beams and the composite roof panels which formed the external roof structure with no lining present. Skylights present within the converted loft void allowed light to ingress but were not present within sections of loft void at the eaves preventing any significant light spill into the eaves loft void sections.	Potential bat access points included under lifted tiles throughout the two-storey garage section. Potential roosting locations included between the panels of insulation and the lining within the section of loft void at the eaves, at beam convergence points and within gaps, approximately 10cm, where the walls meet the roof structure internally.	No evidence observed.	Low	     

Building Ref	Building Description	Potential Bat Access Points & Potential Roosting Locations	Evidence of Bats Recorded	Suitability Grading	Photographs
					

Building Ref	Building Description	Potential Bat Access Points & Potential Roosting Locations	Evidence of Bats Recorded	Suitability Grading	Photographs
B1b	Building B1b related to a two-storey and connected single storey section of outbuilding which was directly connected to building B1a and formed the remainder of the larger section of connected outbuildings on site. Building B1b was approximately 23m in length, 11m in width and 4m in height to the roof pitch. Externally, both the two-storey and single storey sections comprised stone-built walls with pitched rooves of clay tiles. Windows were present throughout with an entrance doorway on the southwest elevation. Internally, the two-storey section of building B1b was open to the roof pitch and comprised timber-built king trusses and rafters with no lining present. The single storey section was also open to the roof pitch and comprised timber-built rafters lined with boarding.	Potential bat access points included under lifted tiles throughout with the eaves throughout and lead flashing present where the two-storey and single storey sections meet well sealed. Potential roosting locations included at beam convergence points and within gaps in exposed stonework internally within the two-storey section and gaps within the internal wall at the ridge of single storey section.	No evidence observed.	Low	     

Building Ref	Building Description	Potential Bat Access Points & Potential Roosting Locations	Evidence of Bats Recorded	Suitability Grading	Photographs
					     

Building Ref	Building Description	Potential Bat Access Points & Potential Roosting Locations	Evidence of Bats Recorded	Suitability Grading	Photographs
					     

Building Ref	Building Description	Potential Bat Access Points & Potential Roosting Locations	Evidence of Bats Recorded	Suitability Grading	Photographs
					 
B2	Building B2 related to the residential dwelling located in the southeast of the survey site. Under the current development proposals, building B2 will not be impacted and, therefore, no PRA was carried out for building B2.				
B3	Building B3 related to the detached garage located in the northwest of the survey site. Under the current development proposals, building B3 will not be impacted and, therefore, no PRA was carried out for building B3.				
B4	Building B4 related to a summer house located in the northeast of the survey site, building B4 will not be impacted and, therefore, no PRA was carried out for building B4.				

Nesting Birds

4.7. Evidence of potential feeding remains were observed on the ground floor of the two-storey garage section and the single storey workshop of building B1a as seen in Table 7 below.

4.8. No evidence of barn owl was recorded during the survey.

Table 7: Nesting Bird Survey Results

Building Ref	**Summary of Evidence**	**Photo**
B1a	Potential feeding remains in the form of three small tortoiseshell *Aglais urticae* butterfly wings were observed on the ground floor of the two-storey garage section of building B1a and one small tortoiseshell wing was observed within the single storey workshop section of building B1a. In the absence of any evidence of bats, such as bat droppings, it is assumed the feeding remains are attributed to birds.	 

5. Discussion & Recommendations

5.1. The ecological constraints and recommendations for avoidance, mitigation, or further survey (where required) are provided in Table 8 overleaf.

Table 8: Ecological Constraints and Opportunities

	Relevant Legislation	Potential Ecological Impact	Further Survey Required	Potential Avoidance, Mitigation and/or Compensation Measures
Bats	Bats are protected as a European Protected Species under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and are protected under domestic legislation via the Wildlife and Countryside Act 1981 (as amended). The term 'European Protected Species' (EPS) is used to describe species listed on Schedule 2 of The Conservation of Habitats and Species Regulations, which make guilty of an offence a person who: • "Deliberately captures, injures or kills any wild animal of a European protected species; • Deliberately disturbs wild animals of any such species; • Deliberately takes or destroys the eggs of such an animal, or; • Damages or destroys a breeding site or resting place of such an animal […]" A person guilty of an offence under Regulation 43 is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both. As a protected species, bats are a material consideration for planning applications with reference to the National Planning Policy Framework (NPPF, 2024) and the British Standard BS 42020:2013 Biodiversity Code of practice for planning and development. The BS 42020:2013 clause 9.2.4 details that: *"The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances[…]."*	The development proposals relate to the new barn only and include the conversion of the garage into accommodation and the erection of a pitch roof in place of the flat roof currently present on the workshop. Building B1a (the new barn) will be directly impacted by the current development proposals, which may result in harm or disturbance caused to any bats or bat roosts which may be present on site. Building B1a was assessed as having low suitability for roosting bats, with reference to best practice survey guidelines (Collins, 2023), further surveys are required to assess the likely presence/absence of roosting bats. See adjacent column. Under the current development proposals Building B1b will not be directly impacted. However, bats and their roosts are legally protected against disturbance and as Building B1b is directly connected to building B1a, the current development proposals have the potential to disturb roosting bats within building B1b (via noise and vibrations) should they be present. Building B1b was assessed as having low suitability for roosting bats, with reference to best practice survey guidelines (Collins, 2023), further surveys are required to assess the likely presence/absence of roosting bats. See adjacent column.	The PRA survey assessed the building B1a as having low bat roosting suitability. With reference to best practice survey guidelines (Collins, 2023), one emergence survey should be carried out on the building, to establish the presence/ likely absence of roosting bats. With reference to the guidelines, the emergence survey should be carried out during the May-August bat activity season. The PRA survey assessed the building B1b as having low bat roosting suitability. With reference to best practice survey guidelines (Collins, 2023), one emergence survey should be carried out on the building, to establish the presence/ likely absence of roosting bats. With reference to the guidelines, the emergence survey should be carried out during the May-August bat activity season.	The impacts from external artificial lighting at the site on adjacent habitats should be avoided. Where lighting is required, this should be sympathetic to wildlife through the design of lighting observing the principles set out in guidelines from the Bat Conservation Trust (BCT) & Institution of Lighting Professionals (BCT & ILP, 2023). In the unlikely event that a bat is encountered during works, works should cease immediately, and the advice of a suitably experienced ecologist sought.
Nesting Birds (Including Barn Owls)	Nesting birds are afforded legal protection under the Wildlife and Countryside Act 1981 (as amended), whereby all wild nesting birds are protected under the Act, making it an offence to:	Potential feeding remains were observed within building B1a. However, no evidence of nesting birds was recorded during the survey. Despite this, the building, offers suitability for nesting birds and their presence cannot be fully discounted.	Works affecting nesting bird habitat at the site should avoid the nesting bird season of March to August (inclusive), and September in mild years. Where this is not possible, the habitat to be subject to works should be surveyed for nesting birds immediately prior to removal by a suitably experienced ecologist. If nesting birds are recorded, a suitable buffer zone should be defined by the	In the unlikely event that nesting birds are present at the time of works, works should cease immediately, and the advice of a suitably qualified ecologist sought.

	Relevant Legislation	Potential Ecological Impact	Further Survey Required	Potential Avoidance, Mitigation and/or Compensation Measures
	• Intentionally kill, injure or take any wild bird; and • Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.		ecologist and implemented until the ecologist confirms the chicks have fledged. If species identification is possible, this can be used to inform the typical egg incubation and fledging period, giving an indication of an appropriate time for re-survey to confirm fledging.	

6. Conclusions and Biodiversity Enhancements

6.1. The PRA survey assessed the building B1a as having low bat roosting suitability. With reference to best practice survey guidelines (Collins, 2023), one emergence survey should be carried out on the building, to establish the presence/ likely absence of roosting bats. With reference to the guidelines, the emergence survey should be carried out during the May-August bat activity season.

6.2. The PRA survey assessed the building B1b as having low bat roosting suitability. With reference to best practice survey guidelines (Collins, 2023), one emergence survey should be carried out on the building, to establish the presence/ likely absence of roosting bats. With reference to the guidelines, the emergence survey should be carried out during the May-August bat activity season.

6.3. Appropriate methods of site enhancement include:

- Biodiversity enhancement opportunities will be recommended following the further surveys.

7. References

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8. Figures

Figure 1: Site Location & Building Plan (Overleaf)

Figure 2: Surrounding Landscape Plan (Overleaf)



Legend

- Site Boundary
- Building with Reference Number

Project:
Ridgeway House, Ridgeway Lane, Belper Derbyshire, DE56 2JT

Drawing:
Figure 1: Site Location & Building Plan

Date: 12-02-2026
Version: FINAL
Author: HIT
Job No: P2984

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Legend

- 2km Buffer
- Site Location

Project:

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Drawing:

Figure 2: Surrounding Landscape Plan

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Appendix 1: Planning Policy & Legislation Summary

This appendix serves as a summary of relevant policy and legislation. It is not intended to supersede the policy or legislation documents to which it refers, and the relevant full documents should always be consulted prior to decision making.

National Planning Policy Framework 2024

Biodiversity is a material consideration under the National Planning Policy Framework (2023). Relevant text to biodiversity from the NPPF is described below.

In Section 2 of the NPPF 'Achieving sustainable development', paragraph 8(c), the NPPF sets an environmental objective:

"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

In Section 15 'Conserving and enhancing the natural environment', the NPPF states that:

"187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; […]

minimising impacts on and providing net gains for biodiversity, including
by establishing coherent ecological networks that are more resilient to current and future pressures. […]"

The NPPF, in paragraph 192 sets out that to protect and enhance biodiversity, plans should:

"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 biodiversity65; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

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 determining planning applications, the NPPF paragraph 193 sets guidance that local planning authorities should apply the following principles:

"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;

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 […];

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

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."

Paragraph 194 states that the following sites should be given the same protection as habitats sites:

"potential Special Protection Areas and possible Special Areas of Conservation;

listed or proposed Ramsar sites; and

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."

Paragraph 195 states that "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 plans or projects), unless an appropriate assessment has concluded that the plan or projects will not adversely affect the integrity of the habitats site."

Paragraph 198 states that planning policies and decisions should ensure new development is appropriate to its location and take into account likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

"Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development […]; […] and

limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

Government Circular ODPM 06/05 Biodiversity and Geological Conservation

The government circular provides administrative guidance on the application of statutory obligation and legislation relating to planning and nature conservation in England. It complements the National Planning Policy Framework. The document includes guidance on designated sites (international and national), habitats, and protected species.

Relating to protected species and the requirement for their consideration in planning applications, the government circular, in paragraph 98 details that:

"The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature [now Natural England] before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned."

Paragraph 99, relating to the requirement and timing of protected species survey and mitigation, the government circular states that:

"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 the planning permission is granted, otherwise all relevant material considerations may not have been addressed in 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. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a [Natural England] licence."

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

The term 'European Protected Species' (EPS) is used to describe species listed on Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended). Regarding these species, Regulation 43 make guilty of an offence a person who:

- "Deliberately captures, injures or kills any wild animal of a European protected species;
- Deliberately disturbs wild animals of any such species;
- Deliberately takes or destroys the eggs of such an animal, or;
- Damages or destroys a breeding site or resting place of such an animal […]"

Regulation 43 defines that the disturbance of animals includes any disturbance which is likely to:

- Impair their ability:
    - to survive, to breed or reproduce, or to rear or nurture their young; or
    - 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.

A person guilty of an offence under Regulation 43 is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

Wildlife and Countryside Act 1981 (As Amended)

The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) lists species on Schedule 5 for which the Act make it an offence to:

- Intentionally kill, injure or take;
- Recklessly or intentionally damage or destroy, or obstruct access to any structure or place which any wild animal included uses for shelter or protection;

- Recklessly or intentionally disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.

Some species receive partial protection under the Act, which limits their protection under the Act to intentional killing or injury.

All wild nesting birds are protected under the Act, making it an offence to:

- Intentionally kill, injure or take any wild bird; and
- Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.

Some bird species are afforded special protection via their inclusion in Schedule 1 of the Act, which makes an offence to intentionally or recklessly disturb any schedule 1 bird building a nest or which is in, on or near a nest containing eggs or young; or to disturb dependent young of such a bird, or whilst such a bird 'leks' (i.e. congregates for community courtship behaviour).

Schedule 9 of the Act makes it an offence to cause any plant listed to grown in the wild, unless all reasonable steps were taken to prevent an offence and due diligence was exercised.

The Act sets out provisions to protect Sites of Special Scientific Interest (SSSI).

Natural Environment and Rural Communities Act 2006

Section 40 of the Act places a legal duty on public authorities (including planning authorities) to have regard to biodiversity conservation in their normal functions (including planning applications).

Under Section 41 of the Act, lists of Habitats of Principal Importance (HPI) and Species of Principal Importance (SPI), of principal importance for the purpose of conserving biodiversity, are produced which serve to guide public authorities in carrying out their functions with consideration for biodiversity conservation.

Wild Mammals (Protection) Act 1996 (as amended)

The Act protects wild mammals against certain cruel acts, including intentional crushing, downing or asphyxiation.