fauna forest ecology ltd

BAT SURVEY REPORT

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Tomfields Farm
Kingsley Moor

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1 INTRODUCTION

1.1 Fauna Forest Ecology Limited was instructed to carry out a Preliminary Roost Assessment (PRA) and subsequent nocturnal bat surveys at a barn within the grounds of Tomfields Farm in Kingsley Moor, Staffordshire. The site is located at grid reference SJ 9951 4686.

1.2 Development proposals are to convert the western aspect of a large rectangular barn into a residential dwelling. The eastern section will then be subdivided, to become an extension of the adjoining farmhouse known as Tomfields Farm. In due course, a planning application will be submitted to Staffordshire Moorlands District Council.

1.3 This report presents the findings of the desk and field-based studies carried out in 2019. The purpose of the surveys was to assess the barn for its suitability to support roosting bats and to ascertain evidence of any bat roosting. During the daytime assessment, the building was also surveyed for nesting birds. The field visit results provide information to determine the potential ecological impact the proposed development may have on roosting bats and nesting birds, and to inform the level of further survey effort and mitigation required to comply with relevant nature conservation policies and legislation.

1.4 In this report, a Summary of Legislation is presented in Appendix A, Maps are included in Appendix B, and site Images are shown in Appendix C.

1.5 The survey building is in a typical rural agricultural setting off Hollins Lane, approximately 11km east of Stoke and 4km north-west of Cheadle. The village of Kingsley is 1.3km east of the site. The building is a long rectangular solid brick structure with a timer-framed pitched roof that is clad with slate.

2 METHODOLOGY

Desk Study

2.1 A records search was undertaken using desktop resources including the Multi-Agency Geographic Information for the Countryside [1] (MAGIC) resource. MAGIC was used to search for records of designated sites, habitats and granted European Protected Species Licenses (EPSLs) within a 2km radius. Google Earth[2] was also used to study the nearby landscape.

Preliminary Bat Roost Assessment

2.2 Ecological consultant David Nixon (bat licence number 2015-18322-CLS-CLS) and ecologist Ian Myatt (bat licence number 2018-37098-CLS-CLS) carried out the daytime PRA on Friday 21st December 2018.

2.3 Survey effort was completed in line with official assessment guidelines[3] and largely followed that recommended by the Chartered Institute for Ecology and Environmental Management (CIEEM)[4] and

[1] Multi-Agency Geographical Information for the Countryside (MAGIC). Crown Copyright and database rights [2015]. Ordnance Survey 100022861. Available at: http://www.magic.gov.uk/

[2] https://www.google.co.uk/intl/en_uk/earth/

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

[4] CIEEM (2015) Guidelines for Ecological Report Writing. CIEEM, Winchester.

British Standard Code of Practice[5]. The assessment followed the standard methodology. The site was searched using visual encounter survey techniques. Potential bat movement corridors and movement barriers were assessed and noted. During the site visit where possible, all areas of the building were internally and externally examined for evidence of bats. The building survey included an internal and external assessment using a powerful torch and an endoscope.

2.4 The internal rooms were fully assessed using a powerful torch beam to scan the walls and flat surfaces for droppings and other signs of bat activity. Feeding remains such as moth and butterfly wing concentrations were also surveyed for. All holes and crevices considered by the surveyor as likely to be used as a bat roost were examined to ascertain presence or absence of bats.

2.5 Externally, visual ground inspections of all elevations were undertaken using binoculars. Photographs were taken to capture likely features of ecological value to bats and birds i.e. missing tiles, damaged or missing mortar, exposed gable ends, gaps within soffit board, rotten timber and other potential entry points. Other external aspects of the building were surveyed, including windows, window sills, external doors and the ground within close proximity of the structure was thoroughly inspected for bat droppings and feeding remains.

Table 1: Guidelines summary for assessing potential bat roost suitability

Suitability	Description of building, tree or structure
Negligible	Negligible habitat features on site likely to be used by roosting bats
Low	A structure or tree with one or more potential roost sites that could be used by individual bats opportunistically. However, potential roost sites not suitable for larger numbers or regular use (i.e. maternity or hibernation).
Moderate	A structure or tree with one or more potential roost sites that could be used by bats, but unlikely to support a roost of high conservation status.
High	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.
Confirmed roost	Evidence of bats or use by bats found.

Nocturnal Bat Surveys

2.6 Using two bat surveyors for each visit, three nocturnal surveys were carried out on the barn following recommendations from the PRA. The first dusk emergence survey was undertaken on 16th May 2019 by ecologists Ian Myatt and Martin Kessel (bat licence number 2018-33025-CLS-CLS). The second dusk survey was carried out on 2nd June 2019 by David Nixon and Ian Myatt. Finally, the dawn survey was completed on 18th June 2019 by ecologists Nathan Rimmer and Ian Myatt.

2.7 Surveyors took up separate positions surrounding the building for fifteen minutes prior to and for 1.5 hours after sunset for the dusk emergence surveys and for two hours prior to and for fifteen minutes after sunrise for the dawn re-entry survey. At any one time between surveyors, all areas of the roof and external area of the building deemed to hold risk of bat emergence were being observed. Visual observations of bat activity were noted, and bat species were identified using bat detectors. Information recorded included weather, timings, whether bats emerged from or entered the building, direction of travel and activity e.g. foraging or commuting. Equipment used during the nocturnal

[5] British Standards Institution (2013) BS 42020:2013. Biodiversity – Code of practice for planning and development. British Standards Institution, London.

surveys included 1 X Anabat Walkabout, 1 X Anabat Express, 2 X EM Touch 2 Pro devices coupled to Android and Apple tablets and 2 X Batbox Duets.

Remote Static Monitoring

2.8 One Anabat Express static bat detector was left recording in the centre of the loft void from 18th June 2018 until 13th July 2019, with a view to record bat calls in the void area. The device was set to record bat calls from sunset to sunrise each day.

Inspection for Birds

2.9 The PRA survey also included an inspection for evidence of common nesting birds. Inside the building, artificial light was used to search for birds, dead birds, dead chicks, nesting material and eggs.

Limitations

- Local biological record searches were recommended but not obtained.
- Bat droppings deposited in or around the exterior degrade quickly due to weather. The presence of bats or their roost must not be disregarded in the absence of droppings.
- For Health & Safety purposes ladders were not used to gain close views of the external roof structure. All external aspects of the building were assessed from ground level.
- Many bat species in the UK are crevice-dwelling bats and as such, are difficult to find during PRAs.
- Bat droppings collected during the PRA are yet to be sent for DNA analysis.

3 RESULTS

Desk Study

3.1 According to the MAGIC website, no internationally designated statutory sites exist within 10km of the site boundary and there are two nationally designated sites within 2km (Table 2).

Table 2: Designated sites

Site Name	Designation	Distance	Direction	Relevant Information
Churnet Valley	SSSI	1.8km	North-east	The Churnet Valley SSSI, lying to the north of Cheadle, includes the steep-sided main valley of the River Churnet and a number of tributary valleys. These valleys retain the largest remaining concentration of semi-natural ancient woodland in Staffordshire, intermixed with scrub, unimproved neutral and acid grassland and large areas of mire,

				marsh and carr. The area supports an outstanding assemblage of woodland birds.
Consall	LNR	1.1km	North	Variety of habitats, woodland and grassland. There are 3 different nature trails with increasing difficulty which highlight the flora and fauna found here.

SSSI = Site of Special Scientific Interest *LNR = Local Nature Reserve*

Habitats

3.2 On site, habitats largely comprise buildings, hard standing, native hedgerows and trees. Predominantly, habitats surrounding the site comprise grazed pasture fields that are bounded by mature hedgerows, connecting the site to the wider landscape. According to the MAGIC website, several blocks of deciduous woodland exist within 1km of the site. Habitats relevant to this report (within 2km of the site) are shown below in Table 3.

Table 3: Habitats within 2km of the site

Habitat	Distance	Direction	Notes
Traditional Orchards	1.7km	East	N/A
Ancient Woodland	0.5km	North-west	N/A
Good Quality Semi-improved Grassland	1.95km	North-east	N/A
Woodpasture & Parkland (BAP)	1.9km	North	N/A
Deciduous Woodland	0.1km	East	N/A
Lowland Dry Acid Grassland	1.3km	North-east	N/A
Lowland Fens	1.7km	North-east	N/A

Granted European Protected Species Licenses within 2km

3.3 According to the online MAGIC database, no EPSLs for bats have been granted within a 2km radius of the site.

Preliminary Bat Roost Assessment Results

3.4 The survey barn is a large rectangular typical agricultural farm building that adjoins a two-storey farmhouse which is linked internally by a timber door. The barn itself is approximately thirty metres long and eight metres wide. It is a solid brick-built structure supporting a timber-framed pitched roof that is underlined with bitumen felt and clad with slate. The ground floor is subdivided into three rooms, each of which can be accessed from the southern elevation via individual timber doors. The western element contains a large garage-door type entrance that is used to park motor vehicles. The first floor is accessible via a gap in the floorboards that is absent of a loft hatch. No permanent staircase is present, therefore ladders must be used to gain entry to the void. Inside the loft there are subdividing brick walls, however access throughout is possible via open doorway systems, none of

which contain doors. There is no cavity wall in the building. Attached to the western gable wall is a small brick-built storage shelter with a mono-pitched corrugated roof.

3.5 The survey barn is suitable for use by both void-dwelling and crevice-dwelling bats. Access into the roof could easily be achieved by bats via several features, including gaps created by slipped, raised and damaged slate. Small crevices were also noted beneath the ridge capping and furthermore, there are gaps in the walls where bricks have been removed to feed cables inside the building and do allow for ventilation. In recent years the bitumen has been replaced at eaves level and expandable foam has been used to bridge gaps between the roof and brickwork. At ground floor level, bats could gain access between damaged floorboards, above and below external doors and potentially through areas of failed mortar in the brickwork.

3.6 Discarded moth wings were found beneath a door lintel in the loft void and also under a timber beam. Additionally, small numbers of bat droppings of various ages and sizes were discovered throughout the loft. Some droppings were typical of those deposited by the brown long-eared bat *Plecotus auritus*. No evidence of bats was discovered in the small brick shelter adjoining the western side aspect gable wall. Given the dilapidated state of this structure and the numerous gaps leading into it via the roof, brickwork and door, access by bats would be easily achievable.

3.7 No bats were seen during the PRA.

Table 4: Weather conditions during PRA

Date	Start	Finish	Temp °C	Wind	Cloud	Rain	Notes
21/12/2018	09:00	10:30	8	Calm	100 %	Dry	Recent light rain

Nocturnal Survey Results

Dusk Survey - 16th May 2019

3.8 Activity by bats was relatively low throughout the survey, with fifteen detections noted in total. Two bat species were recorded, consisting foraging and commuting common pipistrelle *Pipistrellus pipistrellus* and a *Myotis* that was briefly heard later in the evening. At 21:30, one common pipistrelle emerged from beneath a roof slate on the north-facing pitch near the eastern aspect of the barn's survey boundary.

Dusk Survey - 2nd June 2019

3.9 During the survey, activity was sporadic, yielding a total of nine detections, none of which were emerging or re-entering bats. Species identified included brown long-eared, common pipistrelle and noctule *Nyctalus noctula*.

Dawn Survey – 18th June 2019

3.10 Eighteen bat detections were documented during the dawn survey comprising at least three species, most of which was commuting activity by common pipistrelle. Other species detected included brown long-eared and two *Myotis* bats that re-entered a ridge tile near the west gable wall at 03:46.

Table 5: Weather conditions during nocturnal surveys

Date	Start	Finish	Sunset/Sunrise	Temp °C	Wind	Cloud	Rain
16/05/2019	20:45	22:35	21:01	13	Calm	65%	0
02/06/2019	21:10	23:00	21:25	13	Calm	40%	0
18/06/2019	03:10	04:56	04:41	11	Calm	90%	0

Table 6: Summery of nocturnal survey results

Date	Time	Species	Activity/Notes
16/05/2019	21:18	Common pipistrelle	Commuting over barn adjacent to road
	21:20	Common pipistrelle	Foraging audio call
	21:22	Common pipistrelle	Foraging over front garden area
	21:22	Common pipistrelle	Commuting along northern elevation
	21:26	Common pipistrelle	Commuting overhead
	21:30	Common pipistrelle	Bat emerged from tile on north-facing pitch near far eastern aspect
	21:41	Common pipistrelle	2 X bats foraging near sycamore tree at front
	21:50	Common pipistrelle	Commuting along Hollins Lane in easterly direction
	21:55	Common pipistrelle	Commuting audio call
	21:56	Common pipistrelle	Commuting audio call
	21:58	Common pipistrelle	Commuting audio call
	22:05	Common pipistrelle	Commuting audio call
	22:18	Common pipistrelle	Commuting audio call
	22:19	Common pipistrelle	Commuting audio call
	22:24	*Myotis* species	Commuting audio call
02/06/2019	21:05	Brown long-eared	Visual observation - commuting over survey barn in south-easterly direction
	201:05	Brown long-eared	Flew from north-westerly direction over barn towards A52
	22:08	Common pipistrelle	Commuting in easterly direction

	22:12	Common pipistrelle	Commuting audio call
	22:20	Common pipistrelle	Commuting audio call
	22:21	Common pipistrelle	Commuting audio call
	22:37	Common pipistrelle	Commuting audio call
	22:42	Common pipistrelle	Commuting audio call
	22:47	Noctule	Commuting audio call
18/07/2019	03:16	*Myotis* species	Commuting audio call
	03:20	Common pipistrelle	Foraging over site
	03:24	Common pipistrelle	Commuting audio call
	03:28	*Myotis* species	Commuting in westerly direction over site
	03:29	Common pipistrelle	Commuting in northerly direction
	03:31	Common pipistrelle	Commuting audio call
	03:31	*Myotis* species	Foraging audio call
	03:33	*Myotis* species	Commuting in westerly direction, then along Hollins Lane
	03:35	*Myotis* species	Commuting along Hollins Lane in easterly direction
	03:38	Common pipistrelle	Commuting audio call
	03:38	*Myotis* species	Commuting over site in southerly direction
	03:40	*Myotis* species	Flew past gable wall in southerly direction
	03:45	Common pipistrelle	Commuting audio call
	03:46	*Myotis* species	2 X bats enter beneath ridge tile (second tile from apex/gable wall)
	03:47	Brown long-eared	Flew alongside survey barn in easterly direction, the towards Hollins Lane
	03:49	Common pipistrelle	Foraging near gable end wall
	03:54	Common pipistrelle	Foraging over set near main farmhouse
	03:59	Common pipistrelle	Foraging over front yard area

Remote Static Monitoring Results

3.11 No bat calls were recorded during the period of remote static monitoring from 18th June to 13th July 2019.

Bird Inspection Results

3.12 Evidence of bird nesting was discovered in the building. The barn represents suitable nesting habitat for a number of bird species, including the barn swallow *Hirundo rustica*.

4 INTERPRETATION & RECOMMENDATIONS

Bats

4.1 Surveys were commissioned to inform the level of impact proposed works to the building may have on roosting bats.

4.2 Habitats surrounding the site include large grazing fields, mature hedgerows and trees, all of which represent excellent commuting, foraging and roosting opportunity for bats. Of note is also the nearby Churnet Valley SSSI, an area of continuous woodland known to support good numbers of bats. Other local woodland blocks are also suitable for bats, such as Duke's Plantation, a 1.67ha block of broad-leaved woodland, located approximately 247m south-east of Tomfields Farm.

4.3 Externally, Potential Roosting Features (PRFs) include slipped, damaged, raised and missing roof slates and gaps beneath the ridge tiles. Copious suitable access gaps exist at eaves level and in the brickwork below the guttering, holes large enough for bats to fly through have been created as a means of ventilation to the barn. Internally, the timber roof structure (namely the ridge board) is suitable for use by void-dwelling bats, and a number of features such as mortice holes and small crevices in the brickwork near the eaves, provide value to crevice-dwelling species.

4.4 Evidence of discarded moth wings and bat droppings found beneath internal door passages in the loft during the PRA indicates the presence of perch-feeding species, probably brown long-eared bats. Small numbers of droppings, varying in both age and size, suggest more than one bat species has exploited the loft area. Following the PRA, the building was classified as a confirmed bat roost and three nocturnal bat surveys were recommended.

4.5 All nocturnal surveys were carried out in accordance with current best practice guidelines during the survey season. Activity in the vicinity of the survey barn consisted mostly of common pipistrelles with the occasional brown long-eared, *Myotis* species and commuting noctule. While it is likely brown long-eared occasionally night-roost in the survey building, no evidence of emergence or re-entry by this species was observed. Over the course of the surveys, one common pipistrelle roost was identified on the north-facing roof pitch, with evidence of a single emerging bat observed on 16th May 2019 at 21:30 by Martin Kessel. Further to this, two *Myotis* species were observed entering beneath the second ridge tile from the gable wall at dawn, on 18th June 2019 at 03:46. These bats were observed by Nathan Rimmer. Video footage of the *Myotis* re-entry was captured using an iPhone video. Taking into consideration habitats surrounding the site which mostly consist of grazed pasture and hedgerow linear associated with typical farmland, coupled with sonogram analysis, it is considered that the *Myotis* species are likely whiskered bats *Myotis mystacinus.* However, to strengthen this data, it is recommended that bat droppings collected during the PRA are sent for DNA analysis to identify species that have been present within the loft void.

4.6 Our interpretation of the results is that the survey building supports low numbers of day-roosting common pipistrelle and whiskered bats that utilise the roof, and furthermore, the building is occasionally used for use by perch-feeding brown long-eared bats. The absence of bat call recordings during the remote static monitoring period between 18th June to 13th July 2019 suggests infrequent use of the void by bats and with the exception of bat-related evidence found beneath door passages, other droppings may have been deposited by non-roosting bats. It is noteworthy that the possibility of hibernation should not be discounted, particularly beneath roof slate and ridge tiles.

4.7 In the absence of appropriate mitigation and compensation, bats may be disturbed, injured or killed during the proposed works and any roosts would be destroyed, which may lead to a criminal offence being committed. Upon receipt of planning permission, a licence should be applied for and granted by Natural England ahead of any works commencing. In support of the licence, a Method Statement should be designed with a view to give clarity of necessary mitigation and compensation, and to ensure the safeguard of bats throughout the operation. The Method Statement can also be used to discharge any relevant planning conditions. Provided that the licence is applied for before May 2019, the site will qualify for registration under the Bat mitigation Class Licence (BMCL). Post-May 2019, surveys would either need to be repeated, or a full European protected Species Licence (EPSL) would need to be applied for.

Nesting Birds

4.8 Evidence of nesting material indicates that breeding birds utilise the building. Impacts to nesting birds can be avoided by timing works outside the bird nesting season, which generally runs from late February until September. If works are carried out during the nesting season, best practice would be for a suitably qualified ecologist to inspect the site for nesting birds in good time of works commencing.

Planning and biodiversity

4.9 Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies. The creation of a Biodiversity Enhancement Plan by a suitably qualified ecologist would ensure the future delivery of net gain as set out in the most recent NPPF.

APPENDIX A: LEGISLATION SUMMARY

Bats

In England and Wales, bats and their roosts are protected under the Conservation of Species and Habitats Regulations 2010 (as amended), and the Wildlife & Countryside Act 1981 (as amended). Taken together, this legislation makes it an offence to:

- Deliberately capture (or take), injure or kill a bat
- Intentionally or recklessly disturb a group of bats where the disturbance is likely to significantly affect the ability of the animals to survive, breed, or nurture their young or likely to significantly affect the local distribution or abundance of the species whether in a roost or not
- Damage or destroy the breeding or resting place of a bat
- Possess a bat (alive or dead) or any part of a bat
- Intentionally or recklessly obstruct access to a bat roost
- Sell (or offer for sale) or exchange bats (alive or dead) or parts of bats

A roost is defined as being 'any structure or place that is used for shelter or protection', and since bats regularly move roost site throughout the year, a roost retains such designation whether or not bats are present at the time.

Birds

All common wild birds are protected under The Wildlife and Countryside Act 1981 (and as amended). Under this legislation it is an offence to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while it is in use or being built
- Take or destroy the egg of any wild bird
- Certain rare breeding birds are listed on Schedule 1 of The Wildlife and Countryside Act 1981 (and as amended). Under this legislation they are afforded the same protection as common wild birds and are also protected against disturbance whilst building a nest or on or near a nest containing eggs/unfledged young.

National Planning Policy Framework 2019

The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2019) states: Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) 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);

b) 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;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework[6]; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

and the Broads[7]. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development[8] other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and Biodiversity

To protect and enhance biodiversity and geodiversity, plans should:

[6] Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

7 English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

8 For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

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[9]; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation[10]; 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.

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[11] 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 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[12]; and

9 Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.
10 Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

[11] For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

[12] Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

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.

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 project will not adversely affect the integrity of the habitats site.

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017. These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include - The Countryside and Rights of Way Act 2000; Natural Environment and Rural Communities Act 2006; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF).

There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife. Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and Rhododendron ponticum) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity. There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonable avoided, or actions within the living areas of a dwelling house.

Licensing

Certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example, scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g. bat surveys.

Conservation of Habitats and Species Regulations 2017

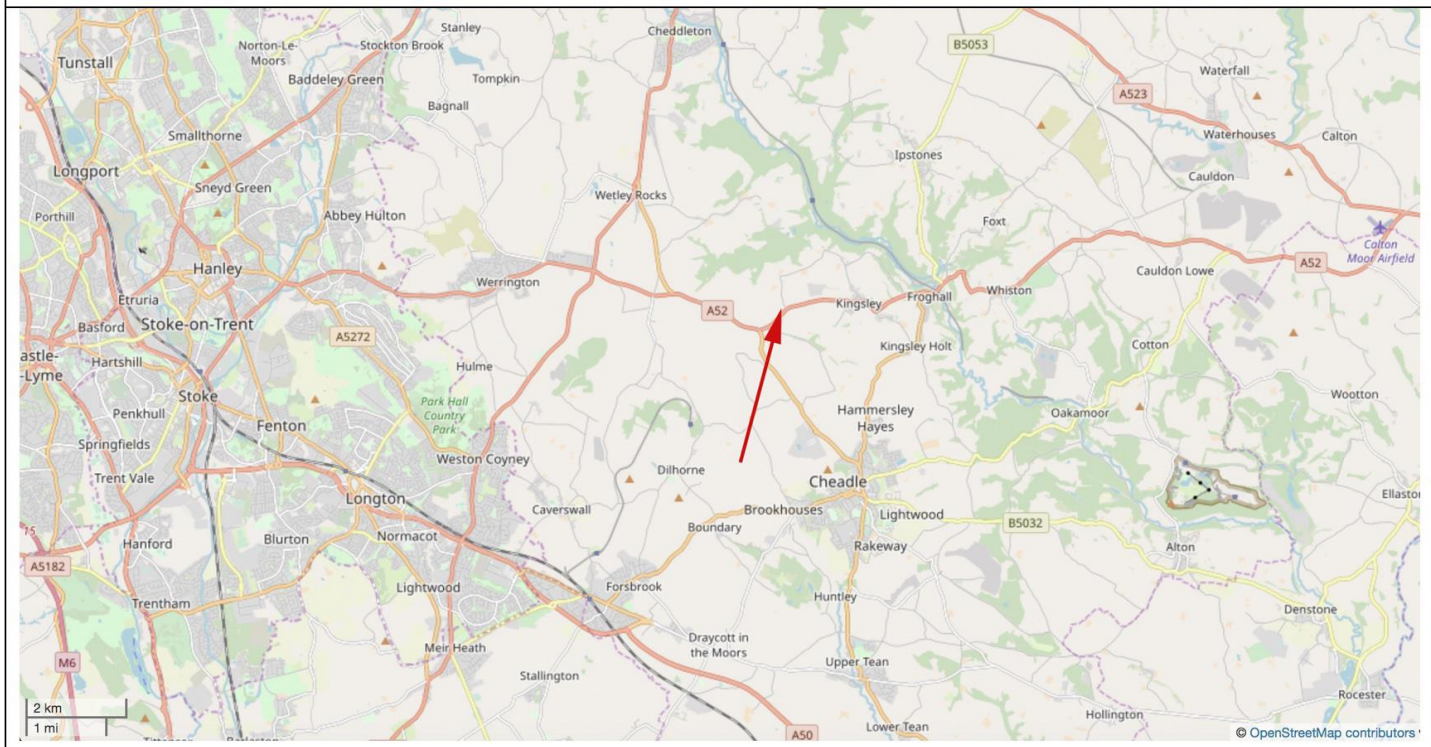
The Conservation of Habitats and Species Regulations 2017 (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994. These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- designation and protection of domestic and European Sites - e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e. when determining a planning application. There is no defence that an act was the incidental and unavoidable result of a lawful activity.

It is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required. Species

APPENDIX B: MAPS



Key

Site Location

Tomfields Farm, ST10 2EN

fauna forest ecology ltd

Fauna Forest Ecology Limited
20 Linacre Way, Park Hall, Stoke-on-Trent, Staffordshire, ST3 5SY

Document No: FFELTD-00359-DN-IM-06012019-MAP

Figure 1: Site location map

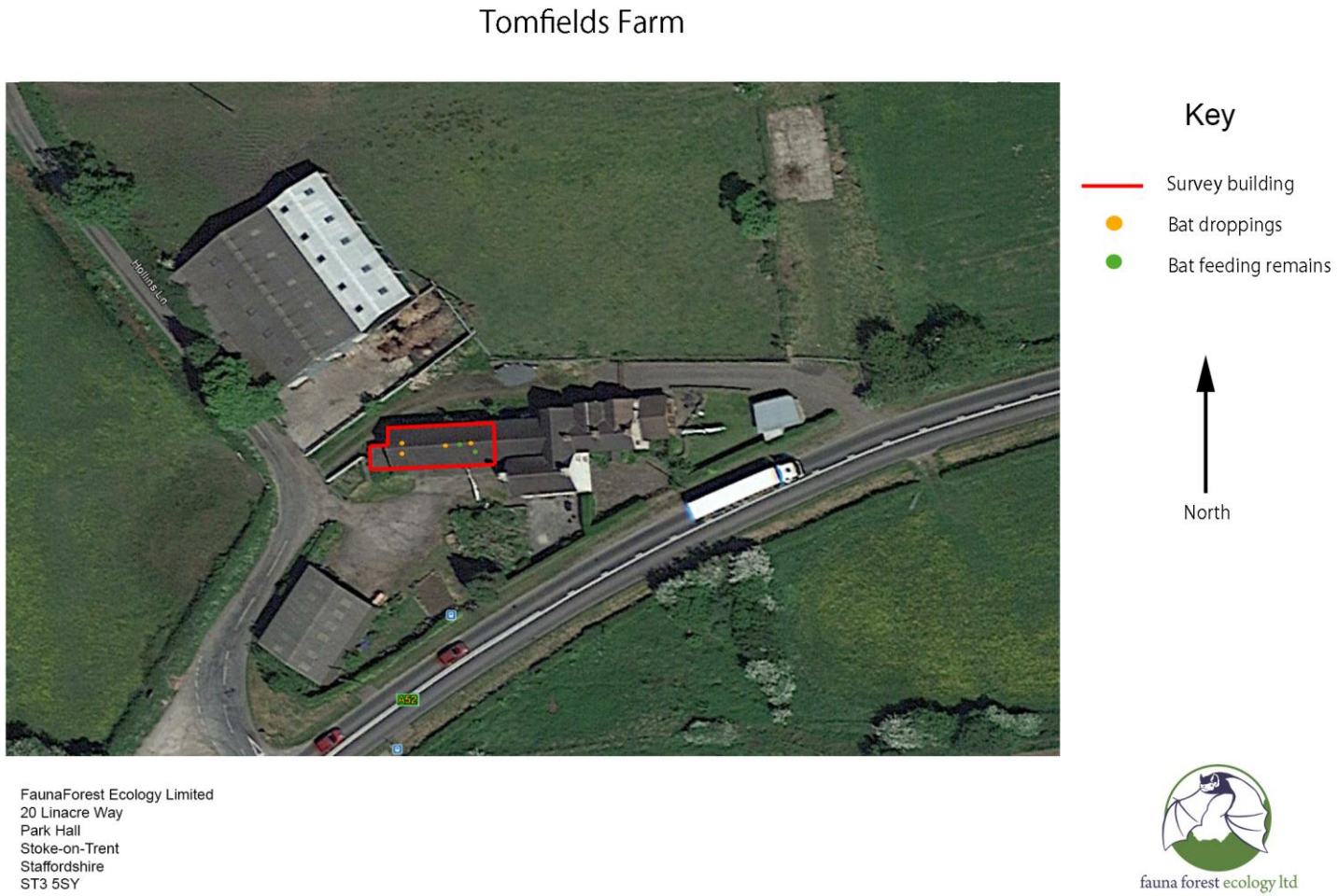


Figure 2: Map showing bat droppings & feeding remains

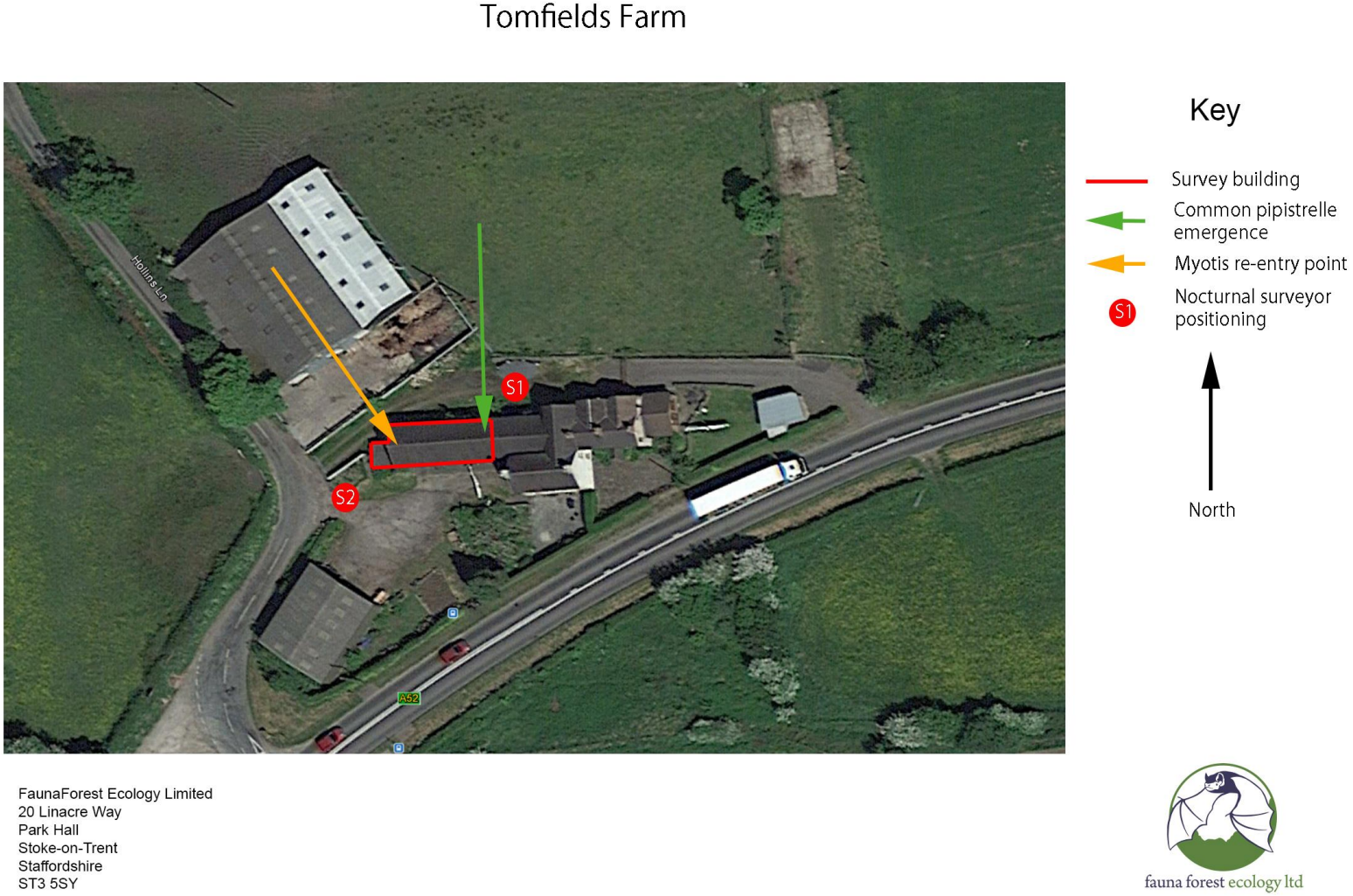


Figure 3: Map showing bat emergence & re-entry points and surveyor positioning

APPENDIX C: SITE IMAGES



Photo 1: Red line highlights building B1



Photo 2: Red line highlights north facing aspect of building B1

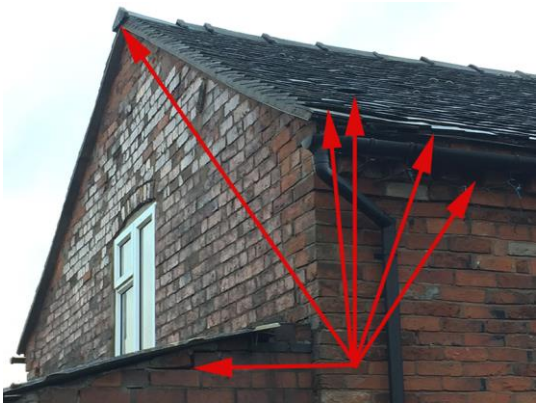


Photo 3: Red arrows point to potential bat roosting features on front south facing side aspect



Photo 4: View of south facing side aspect



Photo 5: Timber roof structure inside loft void



Photo 6: Red arrows point to discarded moth wings, green arrows point to bat droppings