

Bat Survey Report: Preliminary Roost Assessment

The barn at Lower Falthwaite farm, Falthwaite Green Lane, Stainborough, Hood Green Barnsley, South Yorkshire, S75 3HN.

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17th September 2024

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Field Investigations and Data

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1 Executive summary

1.1 Purpose of report

1. This report presents the results of a Preliminary Roost Assessment (PRA) of the Barn at Lower Falthwaite Farm , hereafter referred to as Building 1.

2. The Preliminary Roost Assessment was undertaken on the 12th of September 2024, by Paul Liptrot MCIEEM, Principal Ecologist, Natural England Class 4 Bat licence number: CL20-2018-37087-CLS-CLS.

3. The survey was undertaken to inform a planning application to convert the building into a residential dwelling.

4. Please refer to Figure 1 for an overview of the building plan and to Appendix 7 for a location plan for the site.

5. The report includes an assessment of the potential ecological constraints of the proposed activities concerning roosting bats, along with advice on avoiding, minimising, or mitigating potential impacts. Recommendations for further surveys and ecological enhancement of the site are made where appropriate.

1.2 Key Issues and Recommendations

1.2.1 Bats

6. The PRA survey confirms that the building offers suitability for roosting bats. Further assessment is required to confirm the status of the building for roosting bats before the proposed conversion work is undertaken. Building 1 offers **High** suitability for bats in the summer and transitional periods (April to October). Building 1 also offers **Moderate** suitability for hibernating bats for selected species (see page 15 for further details). The following surveys are required to further inform the assessment for summer and transitional roosting bats.

    - Three nocturnal presence and absence surveys to be undertaken between May and September, with at least two of the visits undertaken in the core maternity period (May to August).

7. The mitigation detailed in Section 6.3.1 should be incorporated into the building's designs to negate the need for undertaking hibernation surveys and minimise the risk to hibernating bats.

1.2.2 Birds

8. The building and the surrounding habitats offer suitability for nesting birds.

9. Nesting swallows *Hirundo rustica* was observed during the building assessment, as were defunct nests and evidence from other undetermined species (likely wren and blackbirds).

10. Protection measures for nesting birds, as detailed in Section 6.4, will be required as part of the proposals.

11. Mitigation and compensation measures will also be required to compensate for the loss of these nesting sites. The full scope of this compensation should be informed by additional site visits (which can be undertaken alongside the bat surveys).

2 Introduction

12. This report was written by Paul Liptrot, BSc (Hons) MCIEEM. Paul has twelve years of experience carrying out ecological assessments. Paul holds a Natural England Class 4 bat licence, a Natural England Class 1 great crested newt (GCN) licence and a Natural England barn owl licence, and he is registered on Level 1 Annex A of the Earned Recognition Class Mitigation licence. He also has experience producing and implementing mitigation licences for bats and badgers.

13. Gordon Wilkinson commissioned the report on behalf of Mr J. Cowgill. This report presents the results of a Preliminary Roost Assessment (PRA) of the Barn at Lower Falthwaite Farm, from herein referred to as Building 1.

Site Address: Lower Falthwaite Farm, Falthwaite Green Lane, Stainborough, Hood Green, Barnsley, South Yorkshire, S75 3HN. **OS Grid Reference:** SE 30570 03534



Figure 2-1 Habitat within 1km

14. The PRA covered Building 1 only.

15. Please refer to Figure 2-1 above for satellite imagery of the land within 1 km of the site and Figure 7-1 in Section 7.

16. The site is located in Hood Green Barnsley, ~ 1 km west of Stainborough Castle and 1.7 km east of Silkstone Common. The surrounding habitat is primarily rural, comprising arable and pasture fields and broadleaved woodland around Hood Green, Stainborough and Silkstone Common.

2.1 Objectives

17. The objectives of this report are shown in Table 2-1.

Table 2-1. Objectives of the report

Objectives
To provide an ecological assessment of the site's suitability to support roosting bats and nesting birds.
To identify key ecological constraints to the proposed development/activities.
To inform master planning to allow significant ecological effects to be avoided or minimised wherever possible.
To allow any further ecological surveys required to inform an Ecological Impact Assessment to be identified and appropriately designed.
To allow likely mitigation or compensation measures to be developed.

3 Methods

3.1 Data consultation

18. Ecological and biological records for the site and surrounding area (up to two kilometres) were requested from the organisations included in Table 3-1.

Table 3-1 Organisations consulted for biological records.

Date	Organisation	Details of records requested
17/09/2024	South Yorkshire Bat Group	All bat records from a 2 km radius
17/09/2024	Multi-Agency Geographic Information for the Countryside (MAGIC)	All relevant habitat and species layers checked within 2 km of site centroid, including granted European Protected Species Licences

19. Information regarding designated wildlife sites within the local area was requested from the organisations within Table 3-2. Local Wildlife Sites (LWS) were not included in this consultation.

Table 3-2 Designated sites

Date	Organisation	Details of information requested
17/09/2024	Multi-Agency Geographic Information for the Countryside (MAGIC)	Local Nature Reserves, National Nature Reserves, Ancient Woodland, Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, Special Areas of Conservation, Special Protection Areas or Ramsar sites within a 2 km radius of the site.

20. In addition to the above, online mapping sources, including Google Maps, Google Earth Pro and Grid Reference Finder, were used to view both satellite imagery and online maps of the site and surrounding land.

21. No historical ecological reports for the site or area surrounding the site were reviewed as part of this assessment.

3.2 Field Survey

Table 3-3 Buildings

Building ID	Photo	Grid reference
B01	 Photo 1 Building 1	SE3057003534

3.2.1 Species and Species groups

Bats

22. A visual assessment of Building 1 was undertaken to search for potential roosting features (PRFs) and to assess the building's suitability for roosting bats. The visual assessment was carried out in line with the latest guidance [1],[2] using the following equipment:

- High powered torch
- Binoculars
- Endoscope
- Ladders

23. Building 1 was visually searched for potential roosting features such as small gaps in barge boards, soffits, and fascia boards, raised or missing ridge or roof tiles, and gaps in association with wall plates or gables. These types of features have the potential to be used as access and exit points for roosts.

[1] Collins (ed) 2021 Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

[2] Reason, P.F. and Wray, S. (2023). UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1. Chartered Institute of Ecology and Environmental Management, Ampfield.

24. Evidence that bats actively use potential access points includes grease marks, the presence of bat droppings or urine staining, and a lack of cobwebs or other detritus. Indicators that potential access points are likely to be inactive include the presence of cobwebs and general detritus within the feature's access point or wet conditions.

25. It should be noted that the absence of evidence does not indicate the absence of a roost.

26. The interior and exterior of the building, including roof voids, were visually assessed for evidence of bat activity, where possible. The building was also classified by its overall suitability for summer roosting and hibernating bats.

27. Evidence of a roost is determined by the presence of a dead or live bat, concentrated piles or scattered droppings. Other evidence, such as food remains (insect wing fragments) and scratch marks and/or staining, may also indicate the presence of a roost.

28. When a roost is positively identified during a visual PRF Assessment, the building, structure, or tree within which the roost is located is classified within the category *Roost Present*.

29. All buildings, including the ones classified as *Roost Present,* are also classified for their suitability for roosting bats, such as having high, moderate, low, or negligible suitability. The classification is based on the number and quality of PRFs present and the building's position in relation to the surrounding habitat. Please refer to Table 3-4 for an outline of the suitability classification of both roosting and foraging and commuting habitats, Table 3-5 for the weather conditions during the visits and Table 3-6 for the surveyor qualifications.

30. If roosting bats are confirmed to be present, depending on the evidence recorded, the species and roost type may also be able to be confirmed or predicted.

31. The habitat within the site boundary and surrounding landscape was also assessed for its suitability to support foraging and commuting bats. The suitability of a site and buildings is dependent on both the connectivity of the site to other habitats of value and the quality of the habitats within and surrounding the site, as well as the suitability of the potential roosting features (PRFs) present.

Table 3-4 Suitability of roosting habitats and foraging and commuting habitats[3].

Suitability	Description Roosting habitats	Commuting and foraging habitats
None	No Habitat features on-site likely to be used by any roosting bat at any time of year (i.e., a complete absence of crevices/suitable shelter at all ground /underground levels.	No habitat features on-site likely to be used by any commuting or foraging bats at any time of year (i.e. no habitat that provides continuous lines of shade/protection for flight lines or generate/shelter insect populations available to foraging bats).
Negligible	Negligible habitat features on site which are likely to be used by roosting bats.	Negligible habitat features on site which are likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions[a] and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity or hibernation[b]). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential[c]	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other 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[b] and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths 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 obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions[b] and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	Continuous, high-quality habitat that is well connected to the wider landscape is likely to be used regularly by commuting bats, such as river valleys, streams, hedgerows, lines of trees, and woodland edges. 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. The site is close to and connected to known roosts.

a - Negligible is defined as 'so small or unimportant as to be not worth considering, insignificant'. This category may be used where there are places that a bat could roost or forage (due to one attribute), but it is unlikely that they actually would (due to another attribute).

b - For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

c - Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn, followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2016 and Jansen et al., 2022). Common pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020), and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.

[3] Collins (ed) 2023 Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition) amended. Page 44, Table 4.1, Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement. The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

Survey timing and weather conditions on all visits

Table 3-5 Weather conditions

Date	Survey/Visit type	Average temperature °C	Cloud cover %	Wind Speed Beaufort	Rain
12th September 2024	Preliminary Roost Assessment	18	0	0	Dry

Birds – Habitat suitability assessment

32. Suitable habitats on site (i.e. within Building 1) were checked for evidence of breeding, which includes noting defunct nests and the presence of suitable nesting habitats.

3.2.2 Surveyors

33. The details of the surveyors used during each site visit are detailed in Table 3-6

Table 3-6 Surveyor details

Date	Surveyor	Position and qualifications
12th September 2024	Paul Liptrot	Principal Ecologist, BSc (Hons) MCIEEM. Natural England Class 4 Bat licence number: CL20-2018-37087-CLS-CLS. 12 years' experience undertaking bat surveys

3.2.3 Limitations

34. A Preliminary Roost Assessment cannot visually assess all areas of a building that may be suitable for roosting bats. For example, areas such as on the top of wall plates and under roof tiles gables cannot be adequately assessed by visual assessment alone.

35. The findings of this report are valid for 18 months, after which the report should be reviewed to assess whether the survey should be updated. No constraints were such that they affected the overall conclusions and recommendations made in this report.

4 Results

36. In this Section, the results of the Desktop Study and Preliminary Roost Assessment are presented.

4.1 Designated Sites

4.1.1 Statutory designated sites

37. The survey site is not a statutorily designated site, and no statutorily designated sites were returned within 2 km.

4.1.2 Non-statutory designated sites

38. Twenty-three compartments of ancient semi-natural woodland are located within 2 km of the site, a total of 145 ha. The closest Ancient woodlands are Tom Royd Wood ~ 278 m to the west, Begger Wood 496 m to the south.

4.1.3 European licence applications

39. Two granted European Protected Species Mitigation Licences (EPSML) for bats were returned in the desk study. The mitigation licences returned were for common pipistrelle, Brown long-eared bat and Natterer's bat. The closest licence returned in the data consultation was for the common pipistrelle and brown long eared bat ~ 1km to the south south-west.

40. Please refer to section 8.1 for full details of the licences returned.

4.1.4 Bats

Data search SYBG

41. No records of roosting bats were returned for the survey site.

42. The data search returned 46 records of roosting bats within the last ten years from within 2 km of the survey site.

43. The closest record was for Sovereign Colliery in 2016, 0.85 km from the site, where 100 bat dropping were recorded in a recess next to a bricked-up kiln/tunnel.

44. Multiple records for noctule bat, soprano pipistrelle bat and brown long-eared bat were returned for Stainborough Castle 1.1 km to the east. The records included four records of

a brown long-eared maternity roost from 2020 and 2024, two of a hibernation roost for noctule and brown long-eared bats from 2020, in addition to 2 records of day roosts at the property. Multiple records were also returned for bat boxes from within the grounds of Wentworth Castle Gardens. The bat box records included records of soprano pipistrelle and Pipistrellus species, with numbers ranging from 1 to 20 bats between 2020 and 2023.

Preliminary Roost Assessment - Building 1

Building Description

45. Building 1 is a single-storey duel-pitched barn covered with concrete pan tiles and bitumen felt. Internally, the building is mostly open to the rafters and split into five rooms separated by internal brick walls with sliding doors. The external walls are constructed of rough-cut stone with decorative ashlar stone corners, door and window surrounds and timber lintels.

Evidence of bats

46. No evidence of roosting bats was recorded during the internal-external visual assessment.

Access points and suitability

47. Suitable gaps and crevices (potential roosting features (PRFs)) were noted in association with the external stone walls and roof structure (F1, F6, F4 and F5). Gaps were noted along the wall plate (F2, F3, NB01), which could lead to the area between the bitumen felt and the tiles. Likewise, numerous gaps were noted throughout the stonework on the gables (F6) and on the western elevation.

48. Please refer to Figure 7-3 for a plan showing the locations of PRFs

Hibernation

49. The building does not contain *classic* features that would be considered to offer high hibernation suitability (i.e., underground sites, cellars, tunnels, etc.). However, the gaps in the thick stone walls leading to a rubble-filled cavity and the building construction style (open to rafters) will likely offer stable temperature and humidity levels for species which can overwinter in buildings (i.e. brown long-eared and pipistrelle species).

Habitat suitability – roosting habitat in the wider area

50. Aerial imagery indicates that the primary suitable roosting habitats in the immediate vicinity of the survey site are mature trees within hedgerows, nearby woodland, and in residential properties associated with the parishes of Stainborough, Thurgoland, and

Silkstone. The records received from SYBG indicate that multiple species of bats are present within 2 km of the survey site. The records also confirm that bats are using this area of Barnsley throughout the year, with records returned from the maternity and hibernation periods in addition to records from the transitional periods.

Suitability

51. The PRFs present and the construction style of the barn offer suitability for both crevices and void dwelling species. The site is located near habitats, which will offer high value for both foraging and commuting bats, and bats are known to roost nearby. As such, the building is considered to offer **High** suitability for roosting bats within the summer and transitional periods and **Moderate** suitability for hibernation.

4.1.5 Birds

52. Evidence of nesting swallows and wrens was observed in the internal area of the southern part of the barn (NB3 and NB4); a dead swallow, old hen eggs and the remains of a poultry bird were found on the store's upper floor (NB5). Bird droppings were recorded on the wall below a gap in the building's southeastern corner of the roof, and a defunct nest was noted in a stone cavity (NB2) on the west side of the barn.

53. Please refer to Figure 7-3 for a plan showing the locations of the evidence of nesting birds.

5 Interpretation and evaluation

5.1 Legal Implications

55. Please refer to Appendix 8.2 for more details on the legislative framework protecting bats and birds. A summary of the potential legal implications of the proposed works is set out below.

5.1.1 Bats

56. All bat roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended), the Environment Act and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

57. If the mitigation measures and recommended survey are not adhered to, it is possible an offence could be committed by carrying out the proposed work.

58. You are breaking the law if you do certain things, including:

- Deliberately capture, injure or kill bats.
- Damage or destroy a breeding or resting place.
- Obstruct access to their resting or sheltering places.
- Possess, sell, control or transport live or dead bats or parts of them.
- Intentionally or recklessly disturb a bat while it is in a structure or place of shelter or protection.

59. Either or both of the following could happen if you are found guilty of any offences:

- You could be sent to prison for up to 6 months.
- You could get an unlimited fine.

Potential Impacts

60. The proposed works will likely block or modify PRFs and access/exit points. The proposed works will likely result in permanent damage to a roost, if present. An insufficient number of surveys have been undertaken to adequately confirm the absence of roosting bats, in

line with industry best practice. Therefore, further survey is required to confirm the likely absence of roosting bats before any construction work is carried out.

5.1.2 Birds

61. In England and Wales, all wild birds, their young, nests, and their eggs are protected under the Wildlife & Countryside Act 1981.

62. It's an offence to:

- Damage or destroy the nest of any wild bird while it's in use or being built
- Destroy or remove any egg of any wild bird
- Remove, kill or injure any wild bird or their young

Potential Impacts

63. In the absence of mitigation, the proposed works have the potential to negatively impact wild birds and their nesting sites. Compensation for the loss of nesting resources will be required as part of the proposals to ensure no net loss is experienced as part of the proposed works.

6 Ecological constraints and opportunities, and recommendations for mitigation and further survey

6.1 Proposals

64. The plan for the site is to convert Building 1 into two residential dwellings. A paper copy of the proposed plans was provided by Gordon Wilkinson to inform the assessment. A digital copy of the plans is currently not available.

6.2 Designated sites

65. A data search for non-statutory sites was not considered necessary as the scope of the proposed works is small and confined to the red-line boundary.

66. The site is not within or connected to a statutorily designated site. As such, the designated sites offer no further constraint to the proposals.

6.3 Species and Species Groups

6.3.1 Bats

Further survey

67. Three nocturnal presence and likely absence surveys are required between May and September, with at least two visits undertaken in the core maternity period (May to August).

Nocturnal presence and likely absence surveys

68. Dusk emergence surveys must be undertaken between May and September. The surveys must be conducted a minimum of three weeks apart. It is recommended that a minimum of 4 surveyors cover all aspects of Building 1 during the surveys. Surveyors should be equipped with full-spectrum recording detectors and additional non-recording handheld detectors as a backup in case of equipment failure. Surveyors should be positioned to give a clear view of all potential bat access features being surveyed (where possible) and should be equipped with night vision equipment (infrared cameras with supplementary infrared lights or thermal imaging cameras).

69. During nocturnal bat surveys, the main objective is to record any bats entering or leaving the surveyed property/structure/tree and the location of any entry/exit points. In addition,

surveyors record any other bat activity detectable from their survey position. Where possible, the time of recording, species, the number of bats, type of activity, and flight path of observed bats are recorded. Bats entering or leaving a building/structure or tree are considered evidence of bat roost presence within that entity.

70. Emergence surveys commence 15 minutes before sunset and continue until a minimum of 1.5 hours after sunset. All surveys should be undertaken in weather conducive to bat activity, i.e., little or no rain, low wind and temperatures above or around 10°C.

Hibernating bats

71. The building is considered to offer **Moderate** suitability for hibernating bats. However, due to the location of the features, it is considered possible to mitigate the potential risk and avoid carrying out additional hibernation surveys by implementing timing constraints and retaining PRFs as part of the works.

72. The features which are suitable for hibernating bats (external gaps in the stonework on the northern gable and west aspect) should be retained as part of the proposals. Likewise, the work should be timed to avoid the hibernation period (mid-November to mid-March) to prevent any potential disturbance to hibernating bats. If this is not possible, further surveys would be required to adequately determine the building status for hibernating bats.

73. In addition to the above mitigation, enhancements that are suitable for hibernating bats, such as a wall-integrated feature, should also be installed as part of the proposals on the west elevation or upper northern gable (away from the PRFs).

European Protected Species Mitigation Licence (EPSML)

If bats are confirmed to be present within the structure, an EPSML will likely be required to undertake the proposed works legally. The type of EPSML (Earned Recognition Class licence, Low Impact Mitigation Class Licence (CL21) or standard application) and the amount of mitigation required as part of the licence application will be determined by the results of the recommended nocturnal surveys. Once the presence of roosting bats is confirmed within a structure, the type and status of the roost must be determined, and the three degradations test (set out below) must be met to gain an EPSML.

Test 1 – the statutory purpose 'need' test[4]. It is necessary to demonstrate that the licence is needed for one of the listed statutory purposes derived from Article 16. Such purposes include the preserving of public health or public safety or "other imperative reasons of overriding public interest (IROPI), including those of a social or economic nature[5] and beneficial consequences of primary importance for the environment."

Test 2 – no satisfactory alternative (NSA) test. To obtain a bat licence under the Habitat Regulations, it is also necessary to demonstrate that there is no satisfactory alternative, i.e. that there is no feasible way of delivering the 'need' (i.e. the statutory purpose above), which has a better outcome for bats.

Test 3 – the Favourable Conservation Status (FCS) test[6]. The third test considers whether the action authorised under the licence (i.e. the action that would otherwise be unlawful) will be detrimental to the maintenance of the population of the species concerned at an FCS in their natural range. FCS is described as a situation where a habitat type or species is doing sufficiently well in terms of quality and quantity and has good prospects of continuing to do so in future. The fact that a habitat or species is not threatened (i.e. not faced by any direct extinction risk) does not necessarily mean that it has favourable conservation status. It must clearly be demonstrated that the mitigation hierarchy has been followed to gain a licence, that all reasonable steps have been taken to minimise/ mitigate the impact, and that any remaining damage will be adequately compensated. If it cannot be demonstrated that FCS will be maintained, then a licence cannot be issued. It is important to note that the test applies to 'protected species' and not 'specimens of the protected species.

6.3.2 Birds

Further survey

74. Further details on the type and number of nesting birds using the building should be collected as part of the recommended bat surveys.

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[6] An article explaining FCS can be found here: https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12200. Natural England have published their approach and principles for defining FCS here: http://publications.naturalengland.org.uk/category/5415044475256832

Proposed protection measures

75. The proposed works should be planned to be undertaken outside the main nesting period (the main nesting period is March to August).

76. The site offers value to local bird populations, providing nesting opportunities for swallows, wrens, and blackbirds at a minimum.

77. As Building 1 is known to be used by nesting birds, the proposed works, without suitable avoidance or mitigation, could result in the destruction or disturbance of active bird nests, which could result in individual birds and/or chicks being injured or killed.

78. Under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for development does not provide a defence against prosecution under this Act.

79. It is recommended that the works be undertaken outside the main bird nesting period, which runs from March to August inclusive. Some bird species, such as pigeons, can nest throughout the entire year, and some bird species, like blackbirds, can have multiple broods, which can extend the nesting period. Likewise, if the weather is favourable, some species can start nesting in late winter. Therefore, before the proposed works start on site, a visual assessment by construction staff or a designated biodiversity champion must be undertaken if the works are undertaken outside the main nesting period.

80. Should works need to be carried out within the main nesting period, a suitable method statement for the protection of nesting birds will need to be put in place, which will include:

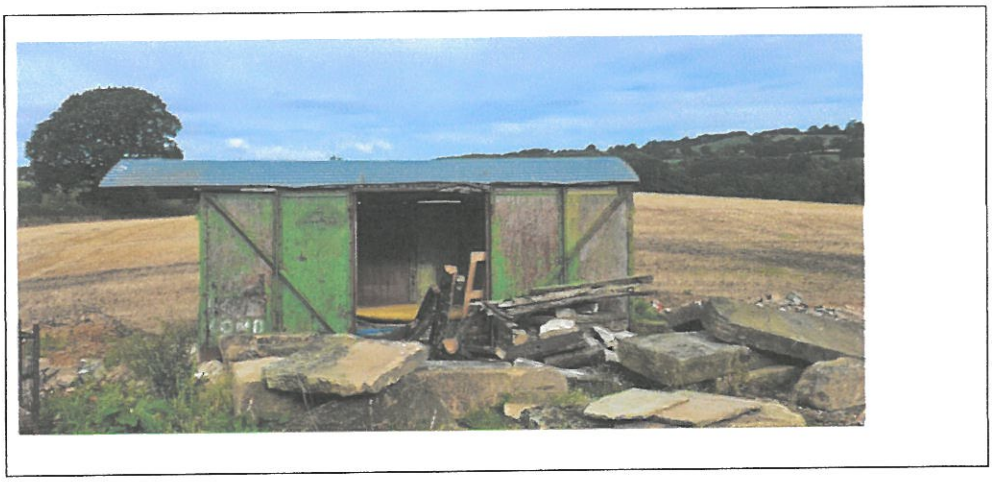
- A pre-works inspection of suitable nesting features and nests within the site buildings and habitats and the immediate work area to be undertaken by a Suitably Qualified Ecologist (SQE). If active nests are found, work cannot commence until all chicks have fledged.
- If, at any point during the works, nesting birds are found, works will be suspended, and advice will be sought from an SQE.

Compensation and Enhancement

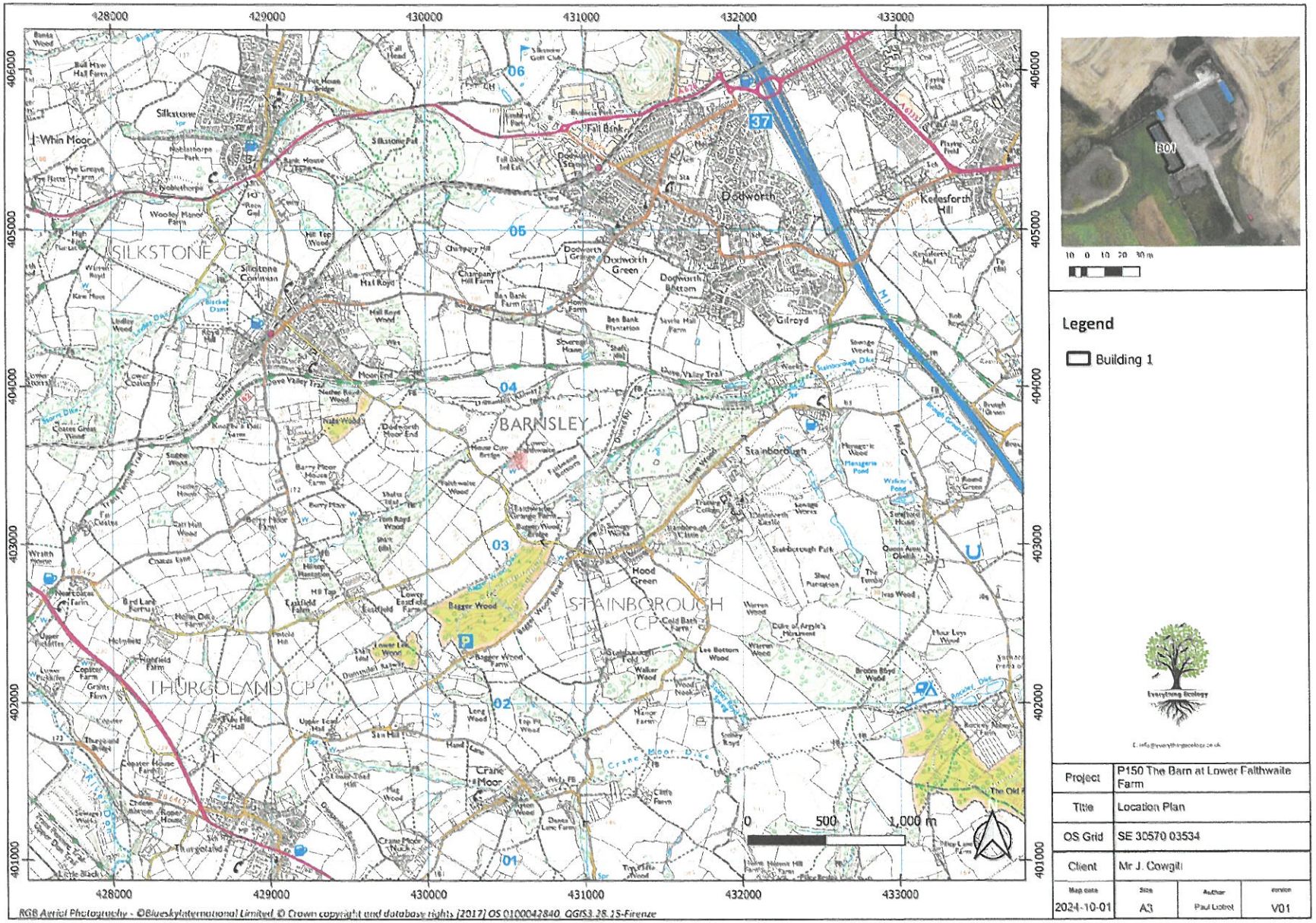
81. Compensatory nesting bird features will be required to offset the impact of the proposals. The full details and how they will be incorporated into the designs should be further informed by the recommended surveys.

82. Compensation for swallows, blackbirds and wrens is currently considered to be required.

83. Mr J Cowgill has already established further nesting opportunities for swallows within 30 m of the barn by providing access to a portable storage unit (see photo below). It is recommended that this provision be maintained and enhanced to provide permanent provisions for the swallows as part of the scheme.



7 Figures



Legend

Building 1

Project	P150 The Barn at Lower Falthwaite Farm
Title	Location Plan
OS Grid	SE 30570 03534
Client	Mr J. Cowgill

Map date	Size	Author	version
2024-10-01	A3	Paul Lobel	V01

Figure 7-1 Location Plan



Figure 7-2 Survey Area Plan



Figure 7-3 Results - PRFs and nesting birds

MAGIC

Magic Map

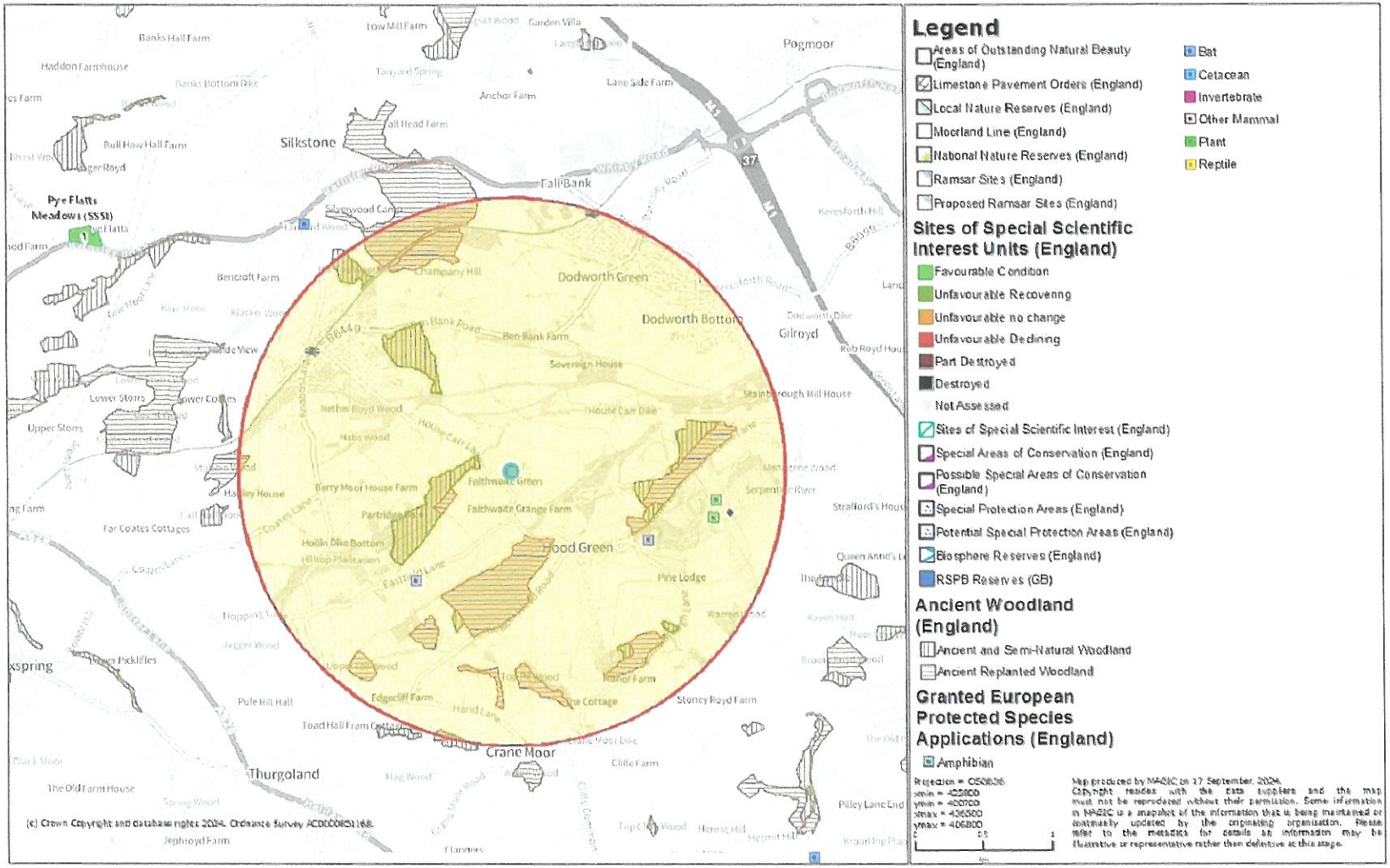


Figure 7-4 Designated Sites

8 Appendices

8.1 Desktop Study

Table 8-1 Granted EPSML within 2 km of the survey site.

Case reference of granted application	Species on the licence	Licence Start Date	Licence End Date	Does licence impact on a breeding site	Does licence allow damage of breeding site	Does licence allow damage of a resting place	Does licence allow destruction of breeding site	Does licence allow destruction of a resting place	Distance and bearing from Site (km)
EPSM2011-3421	Great Crested Newt	14/09/2011	30/06/2014	N			N	Y	1.5 (SE)
EPSM2009-712	Great Crested Newt	08/05/2009	01/06/2009	Y			Y	N	1.5 (SE)
2020-46413-EPS-MIT	BLE C-PIP	14/05/2020	31/12/2026	N	N	N	N	Y	1.0 (SSW)
2020-50110-EPS-MIT	BLE NATT	30/11/2020	23/11/2025	Y	Y	Y	N	N	1.2 (SE)

C-PIP = Common pipistrelle, BLE = Brown long eared bat, S-pip = soprano pipistrelle NATT = Natterer's bat. All of the records stated, "Does licence impact on a hibernation site = Unknown, NERC agreement reference = unknown."

Table 8-2 Ancient woodlands with 2 km

Wood Name	Theme Name	Theme ID	Area (Ha)
Unnamed Woodland	Ancient & Semi-Natural Woodland	1411806	1.574588
Unnamed Woodland	Ancient Replanted Woodland	1411807	0.671587
Unnamed Woodland	Ancient Replanted Woodland	1411813	1.768661

BAGGER WOOD	Ancient & Semi-Natural Woodland	1103436	0.785266
BAGGER WOOD	Ancient Replanted Woodland	1103436	26.53405
HALL ROYD WOOD	Ancient & Semi-Natural Woodland	1103270	9.763645
HILL TOP WOOD	Ancient & Semi-Natural Woodland	1103265	4.062024
LOWER LEE WOOD	Ancient Replanted Woodland	1103268	2.941449
LOWE WOOD	Ancient & Semi-Natural Woodland	1103444	1.062218
LOWE WOOD	Ancient & Semi-Natural Woodland	1103444	1.337725
LOWE WOOD	Ancient & Semi-Natural Woodland	1103444	4.551697
LOWE WOOD	Ancient Replanted Woodland	1103444	1.202287
LOWE WOOD	Ancient Replanted Woodland	1103444	9.987682
SILKSTONE FALL SOUTH	Ancient Replanted Woodland	1103272	8.770998
SILKSTONE FALL SOUTH	Ancient Replanted Woodland	1103272	36.82728
SPRING WOOD	Ancient Replanted Woodland	1103439	3.948868
STUBBIN WOOD	Ancient Replanted Woodland	1103263	4.668711
TOM ROYD WOOD	Ancient & Semi-Natural Woodland	1103269	13.67121
TOM ROYD WOOD	Ancient Replanted Woodland	1103269	1.237533
UPPER LEE WOOD	Ancient Replanted Woodland	1103266	2.766128
WALKER WOOD	Ancient & Semi-Natural Woodland	1103441	0.792697
WALKER WOOD	Ancient & Semi-Natural Woodland	1103441	0.553558
WALKER WOOD	Ancient Replanted Woodland	1103441	5.403543

85. The data searches returned a negative result from within 2 km of the survey site for Table 8-3

Table 8-3 Data search negative results

Feature searched	Result
Great Crested Newt Pond Surveys 2017 - 2019	No Features found
Areas of Outstanding Natural Beauty (England)	No Features found
Limestone Pavement Orders (England)	No Features found
Local Nature Reserves (England) - points	No Features found

Local Nature Reserves (England)	No Features found
Moorland Line (England)	No Features found
National Nature Reserves (England) - points	No Features found
National Nature Reserves (England)	No Features found
Ramsar Sites (England) - points	No Features found
Ramsar Sites (England)	No Features found
Proposed Ramsar Sites (England) - points	No Features found
Proposed Ramsar Sites (England)	No Features found
Sites of Special Scientific Interest Units (England) - points	No Features found
Sites of Special Scientific Interest Units (England)	No Features found
Sites of Special Scientific Interest (England) - points	No Features found
Sites of Special Scientific Interest (England)	No Features found
Special Areas of Conservation (England) - points	No Features found
Special Areas of Conservation (England)	No Features found
Possible Special Areas of Conservation (England) - points	No Features found
Possible Special Areas of Conservation (England)	No Features found
Special Protection Areas (England) - points	No Features found
Special Protection Areas (England)	No Features found
Potential Special Protection Areas (England) - points	No Features found
Potential Special Protection Areas (England)	No Features found
Biosphere Reserves (England) - points	No Features found
Biosphere Reserves (England)	No Features found
RSPB Reserves (GB) - points	No Features found
RSPB Reserves (GB)	No Features found

8.2 Legislative Framework

8.2.1 Bats

86. A summary of the legislation associated with the protection of bats in England is detailed below. Please refer to the original online documentation for further details.

International

Habitats Directive (92/43/ EEC)

87. The Habitats Directive (92/43/EEC) sets the standard for nature conservation across the EU and enables its 27 Member States to work together within the same strong legislative framework in order to protect the most vulnerable species and habitat types across their entire natural range within the EU. Measures must be taken by Member States to maintain and restore, at favourable conservation status, natural habitats and species of wild fauna and flora of community interest. It is implemented within England and Wales through the Conservation of Habitats and Species Regulations 2017 (as amended; hereafter referred to as 'the Habitats Regulations'), which identifies (amongst other measures) European Protected Species (EPS) relevant to the UK. See the National Legislation section for a brief summary of post-Brexit changes to the Habitats Regulations.

National Legislation

The Environment Act 2021

88. The Environment Act 2021 legislates the enhancement of the environment in the UK by introducing measures and targets for improving (amongst other measures) and/or preventing species decline. This Act introduces a new legally binding target of increasing British species abundance by 2030. The Act also sets out the framework for Biodiversity Net Gain.

89. The Environment Act 2021 makes changes to the NERC Act, which updates the general duty to conserve biodiversity by adding a duty to not only conserve but also enhance biodiversity. Conservation of Habitats and Species Regulations 2017 (as amended)

90. The Habitats Directive is transposed into domestic law in England and Wales by means of the Conservation of Habitats and Species Regulations 2017 (as amended). They remain in force through the 'Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019', see below). The Regulations provide for the designation and protection of 'European Sites' in

England (now the 'national site network'), the protection of 'European Protected Species' (as listed on its Schedules 1 and 2, which currently mirror the relevant Habitats Directive annexes), and the adaptation of planning and other controls for the protection of the national site network.

91. In terms of the protection of EPS, all species of British bats are protected under regulation 43, making it illegal to:

- - Deliberately capture, injure, or kill any such animal;
- - Deliberately disturb wild animals of any such species; and/or
- - Damage or destroy a breeding site or resting place of such an animal.

92. Under the Habitats Regulations, disturbance of protected animals includes, in particular, any disturbance which is likely to:

- (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate;
- (ii) significantly affect the local distribution or abundance of the species in question.

93. Due to the high level of protection afforded to bats and their habitat, mitigation is governed by a strict licensing procedure administered by Natural England. Licensing is subject to three tests, as defined under the Habitats Regulations, which must be applied before permission is granted for activities affecting bats. For permission to be granted, the following criteria must be satisfied:

94. - The proposal is necessary for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;'

95. - 'There is no satisfactory alternative;' and

96. - The proposals will not be detrimental to the maintenance of the population concerned at a favourable conservation status in their natural range.

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

97. The amendment was made as a result of the United Kingdom's exit from the European Union (hereafter referred to as the '2019 Habitats Regulations'). Many of the changes to the

Habitats Regulations arising from the 2019 Habitats Regulations relate to transferring powers from the European Commission to the appropriate authorities in England and Wales. The process for Habitats Regulations Assessment and the duties of Competent Authorities as defined in the Habitats Regulations remain largely unchanged. In addition, the 2019 Habitats Regulations brought about the following (non-exclusive list):

98. - The creation of the National Site Network, which comprises protected sites designated under the 2017 Habitats Regulations;

99. - The establishment of management requirements for the National Site Network; and

100. - Amendments to the Imperative Reasons of Overriding Public Interest (IROPI) test to replace the European Commission's former role.

Wildlife and Countryside Act 1981 (As Amended)

101. The Wildlife and Countryside Act 1981 (as amended; hereafter referred to as the 'WCA') is the principal mechanism for the legislative protection of wildlife

102. in Great Britain. This legislation is the means by which the Bern Convention and (partially) the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Habitats Directive are implemented in the UK. The WCA includes provisions, amongst others, for the identification and designation of protected species.

103. These animals receive partial protection under the WCA, which makes it illegal (subject to certain exceptions) to:

104. - intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection;

105. - intentionally or recklessly obstruct access to any structure or place which any such animal uses for shelter or protection;

106. - sell, offer, or expose for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from such an animal; or

107. - publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things

The Natural Environment and Rural Communities (NERC) Act 2006

108. The Natural Environment and Rural Communities Act (NERC Act) provides that any public body or statutory undertaker in England must have regard to the purpose of conservation of biological diversity in the exercise of their functions. The intention is to help ensure that biodiversity becomes an integral consideration in the development of policies and plans.

109. The Environment Act 2021 makes changes to the NERC Act, which updates the general duty to conserve biodiversity by adding a duty to conserve and enhance biodiversity. Public authorities are also expected to produce reports on the action they have taken under this duty when designated by the Secretary of State.

National Planning Policy Framework

110. The National Planning Policy Framework 2023 (hereafter referred to as the 'NPPF') sets out the Government's planning policies for England, and it contains relevant policies specific to biodiversity and nature conservation (most notably section 15 from paragraph 180).

111. Moreover, it sets out provisions for biodiversity, including protected species, for which local planning authorities (LPAs) must have regard.

112. - Typically refusing development on land within or outside a Site of Special Scientific Interest that is likely to have an adverse effect on it (either individually or in combination with other developments). 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 SSSI and

113. - Typically refusing development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons (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), and a suitable compensation strategy exists.

114. Planning Practice Guidance (PPG) has been published alongside the NPPF and is regularly updated to provide guidance on the implementation of the planning policies. It is also a matter of government policy that Ramsar Sites are considered in the HRA process as well as European Sites, with this set out in paragraph 181 of the National Planning Policy Framework.

115. The NPPF relates to conserving and enhancing the natural environment and requires local authorities in England to take measures to:

- Protect and enhance sites of biodiversity;
- recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services;
- maintain the character of the undeveloped coast;
- minimise impacts and provide net gains for biodiversity;
- prevent 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; and remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

8.2.2 Birds

116. A summary of the legislation associated with the protection of British birds is detailed below. Please refer to the original online documentation for further details.

International

117. The United Kingdom participates in several international agreements and conventions aimed at protecting wild birds. Here are some key frameworks:

EU Birds Directive (Directive 2009/147/EC)

118. This directive provides a comprehensive scheme for the protection of all wild bird species naturally occurring in the European Union. It includes measures for the conservation of habitats, the establishment of Special Protection Areas (SPAs), and restrictions on hunting and trade.

Bern Convention (Convention on the Conservation of European Wildlife and Natural Habitats)

119. The Bern Convention aims to ensure the conservation of wild flora and fauna and their natural habitats. It includes provisions for the protection of endangered and vulnerable species, including birds, and promotes cooperation between countries.

Convention on Migratory Species (CMS or Bonn Convention)

120. The CMS is an international treaty that aims to conserve migratory species across their range. It includes specific agreements for the protection of migratory birds, such as the African-Eurasian Migratory Waterbird Agreement (AEWA)

Ramsar Convention on Wetlands

121. This convention focuses on the conservation and wise use of wetlands, which are crucial habitats for many bird species. The UK has designated numerous Ramsar sites to protect these important areas

BirdLife International

122. BirdLife International is a global partnership of conservation organisations that work together to protect birds and their habitats. The RSPB (Royal Society for the Protection of Birds) is the UK partner of BirdLife International, contributing to global bird conservation efforts23.

123. These international frameworks complement the UK's domestic legislation, such as the Wildlife and Countryside Act 1981, to provide robust protection for wild birds and their habitats

National

Wildlife and Countryside Act 1981 (WCA)

The main provisions for the protection of wild birds under the WCA are:

General Protection:

- **Killing, Injuring, or Taking**: It is illegal to intentionally kill, injure, or take any wild bird
- **Nests and Eggs:** It is an offence to intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built. Similarly, taking or destroying the eggs of any wild bird is prohibited12.

Special Protection

- Schedule 1 Birds: Certain species listed under Schedule 1 receive additional protection. It is illegal to disturb these birds while they are nesting or to disturb their dependent young12.

Prohibited Methods

- Traps and Poisons: Using traps, poisons, or other methods to kill, injure, or take wild birds is prohibited

Sale and Possession

- Sale of Birds and Eggs: It is illegal to sell, offer for sale, possess, or transport for sale any live or dead wild birds or their eggs, except under specific conditions or licences
- Possession: Possessing wild birds (dead or alive) and their eggs is generally prohibited unless legally obtained

Licensing

- Licences: Certain activities that might otherwise be offences can be carried out under a licence issued by Natural England. This includes activities like scientific research, conservation work, or dealing with birds that pose a threat to public health or safety.

Penalties

- Penalties: Violations of these protections can result in severe penalties, including unlimited fines and up to six months in prison

End of the Report