



Meridian Solar Farm

EN010169

Volume 6

Environmental Statement

6.3 ES Appendix 9-12: Bat
GLTA Survey Report
Technical Note 2025

APFP Regulation 5(2)(a)

Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009

March 2026

Contents

Executive Summary	1
1. Introduction	2
1.1. Background To Commission	2
1.2. Scope of Report	2
1.3. Site Context and Status	3
1.4. Development Proposals	3
1.5. Relevant Legislation and Planning Policy	4
2. Methodology	6
2.1. Desk Study	6
2.2. Ground Level Tree Assessment	6
2.3. Evaluation	7
2.4. Data Validity and Limitations	7
3. Results	9
3.1. Desk Study	9
4. Evaluation and Impacts	11
Appendix 1: Survey Map	13
Appendix 2: Photographs	15
Appendix 3: Survey Data	19
Appendix 4: Legislation	23

Executive Summary

Temple was commissioned in 2025 to carry out a Ground Level Tree Assessment (GLTA) for bats to inform the environmental impact assessment (EIA) for the proposed Meridian Solar Farm development and to identify any likely associated constraints. The proposals for the Site involve installation of solar panel arrays and connection to the National Grid, located within land to the south of Holbeach, Lincolnshire (henceforth referred to as 'the Site').

The main findings of the surveys are as follows:

- The GLTA identified 16 trees with suitability for roosting bats within the Site, including nine category PRF-I trees suitable for individual or very small numbers of bats and seven PRF-M trees suitable for use by a maternity colony. In addition, six trees have been confirmed as being of negligible suitability for roosting bats and a further 15 trees on the Site could not be fully assessed from the ground.
- Further surveys are required to determine whether roosts are present within trees on the Site; this report will therefore be updated once the remaining surveys have been carried out. The following surveys are recommended prior to the commencement of the works:
 - Aerial inspection of 27 trees on the Site as soon as possible.
 - Aerial inspection of seven trees on the Site during winter (December to February inclusive).
- This report has been written on the understanding that no trees surveyed will be directly impacted by the Scheme by removal. If this changes further recommendations will need to be given and further surveys outside the scope of this report may be necessary.

1. Introduction

1.1. Background To Commission

1.1.1. Temple was commissioned in 2025 to carry out a Ground Level Tree Assessment (GLTA) for bats to inform the Environmental Impact Assessment (EIA) for the proposed Meridian Solar Farm development and to identify any likely associated constraints. The Meridian Solar Farm Nationally Significant Infrastructure Project (NSIP) consists of the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) electricity generating facility with associated infrastructure including co-located battery storage which will be connected into the National Grid via an approximately 13km overhead Grid Connection Route, (henceforth referred to as the 'Scheme').

1.2. Scope of Report

1.2.1. This technical note details the results of the GLTA undertaken on 12/08/2025 and 13/08/2025 and provides an assessment of the suitability of trees on Site to contain roosting bats and the likely impacts of the Scheme on trees with roosting potential. Recommendations for any further surveys that may be needed to fully assess the status of bats and potential impacts, are provided and will be dependent on final development plans.

1.2.2. The assessment is based on the following sources of information:

- ES Appendix 9-2: Preliminary Ecological Appraisal report (Doc Ref. 6.3);
- A desk study for bat records within a 2km radius of the Site;
- A search for international wildlife sites relating to bats within a 20km radius;
- An assessment of the surrounding habitats for their likely value to bats; and
- An assessment of the roost potential of any trees that may be directly or indirectly impacted by the Scheme.

1.2.3. This report provides supporting information in the appendices with a georeferenced map of the GLTA results, showing trees categorised as PRF – I and PRF – M, which is presented in Appendix 1. Photographs are presented in Appendix 2, full details of the survey presented in Appendix 3, and relevant legislation is detailed in Appendix 4.

1.2.4. This assessment has been prepared with reference to best practice guidance ¹, the current guidance at the time of survey. The BSI Standards Publication

¹ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.

42020:2013 Biodiversity – Code of Practice for Biodiversity and Development², were also adhered to, in addition to, Reason & Wray³ and CIEEM⁴.

1.3. Site Context and Status

1.3.1. The Site is approximately 1,616 ha in size and is centred on Ordnance Survey National Grid Reference TF 28970 13928. The Solar Development Area is approximately 1.7km north of Crowland and approximately 9km south-east of Spalding. The Site is typical of the wider Fenland landscape and features a mosaic of habitats, including large arable fields separated by a network of drainage ditches and Internal Drainage Board (IDB) main drains, native hedgerows, woodlands, lines of trees, mixed scrub, and modified grassland. The wider area is predominantly a typical Fenland landscape with open, low-lying arable agricultural land with individual field parcels separated by a vast network of ditches and (IDB) main drains. The Underground Inter-Array Connection is immediately to the west of the A16 carriageway, south of Cowbit, whilst the Overground Inter-Array Connection is adjacent to the village of Whaplode Drove.

1.4. Development Proposals

- 1.4.1. The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar PV electricity generating station with associated infrastructure, including co-located Battery Energy Storage System (BESS), Inter-Array Connections to link the land parcels that form the Solar Development Areas, and a predominantly overhead line Grid Connection Route (with one undergrounded section), which would run up to 13km north towards a point of connection (PoC) at the proposed Weston Marsh B National Grid substation, to the north of Weston. The Scheme will have an operational lifecycle of 40 years.
- 1.4.2. The Solar PV generating station, associated BESS, onsite substations and other associated infrastructure would be located within four land parcels (A, B, C and D) referred to collectively as the Solar Development Area.
- 1.4.3. The Inter-Array Areas are the areas within which connection cables (the 'Inter-Array Connections') would link the land parcels of the Solar Development Area. The configuration of the Inter-Array Connections (up to 132kV) would comprise underground cabling between Land Parcels A & B and an overhead line between Land Parcels C & D.

² British Standards Institution (BSI) (2013). Biodiversity. Code of practice for planning and development: 42020. BSI, London.

³ Reason, P.F. and Wray, S. (2025). UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.3 Chartered Institute of Ecology and Environmental Management, Ampfield.

⁴ CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal. Version 1.3. Chartered Institute of Ecology and Environmental Management, Winchester

- 1.4.4. The Grid Connection Route is the area between the Solar Development Area and the National Grid Weston Marsh Substation in which a 400kV overhead line (the 'Grid Connection Route') would be located. There is one section where the Grid Connection Route goes underground to avoid conflicts with existing overhead cabling.

1.5. Relevant Legislation and Planning Policy

- 1.5.1. The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 4:

- The Conservation of Habitats and Species Regulations 2017 (as amended) (commonly referred to as the Habitats Regulations);
- Wildlife and Countryside Act 1981 (as amended);
- Natural Environment and Rural Communities Act 2006; and
- The Environment Act 2021.

- 1.5.2. Offences under the above legislation include: the killing, injury or taking of bats, the disturbance of bats within (and, in some cases, away from) a roost; loss or damage of a roost; obstructing access to or from a roost; or modification of a roost. If development proposals are likely to result in an offence, then a mitigation licence must be obtained from Natural England prior to works, to provide a derogation from the relevant legislation.

- 1.5.3. The EIA has been undertaken with reference to the following National Policy Statements (NPSs), which are relevant to the Scheme:

- Overarching National Policy Statement for Energy (NPS EN-1)⁵;
- National Policy Statement for Renewable Energy (NPS EN-3)⁶;
- National Policy Statement for Electricity Networks Infrastructure (NPS EN-5)⁷.

- 1.5.4. The NPSs set out the Government's energy policy for the delivery of major energy infrastructure, along with the need for new infrastructure and guidance for determining applications for Development Consent Orders (DCOs). The NPSs provide specific guidance and criteria that applicants should cover when assessing the effects of their Scheme, and how the Secretary of State should consider these impacts and any mitigation measures applied.

⁵ DESNZ (2025). Overarching NPS for Energy (NPS EN-1). Available at: [Overarching National Policy Statement for Energy \(EN-1\) – December 2025](#) [Accessed 18 December 2025]

⁶ DESNZ (2025) NPS for Renewable Energy Infrastructure (NPS EN-3). Available at: [National Policy Statement for Renewable Energy Infrastructure \(EN-3\)](#) [Accessed 18 November 2025]

⁷ DESNZ (2025) NPS for Electricity Networks (NPS EN-5). Available at: [National Policy Statement for Electricity Networks Infrastructure \(EN-5\) – December 2025](#) [Accessed 18 December 2025]

- 1.5.5. The National Planning Policy Framework (NPPF)⁸ (Ministry of Housing, Communities and Local Government, 2024) (and The Environment Act 2021) requires local authorities to avoid and minimise impacts on biodiversity and to provide net gains in biodiversity when taking planning decisions. In addition, in England, under Section 40 of the Natural Environment and Rural Communities Act 2006, all public bodies are required to have regard to biodiversity conservation when carrying out their functions. The **ES Chapter 9: Ecology and Biodiversity** (Doc Ref. 6.1⁹) includes text on the NPPF (and other national policy).
- 1.5.6. Other planning policies at the local level of relevance to this development include the South-East Lincolnshire Local Plan 2011 - 2036 and the Lincolnshire Biodiversity Action Plan.
- 1.5.7. Other planning policies at the local level of relevance to this development include the South-East Lincolnshire Local Plan 2011 - 2036 and the Lincolnshire Biodiversity Action Plan.

⁸ Ministry of Housing, Communities and Local Government (2024). [online] Available at: National Planning Policy Framework

⁹ Doc Ref 6.1

2. Methodology

2.1. Desk Study

- 2.1.1. A desk study was conducted to obtain data relating to bats within a 20km radius of the Site as made available by Greater Lincolnshire Nature Partnership, the local Biological Records Centre.
- 2.1.2. Additional contextual information was compiled from publicly available data sources:
 - MAGIC (<http://www.magic.gov.uk>) – the Government's on-line mapping service. Information was sought regarding: the presence of ancient semi-natural woodland (ASNW), statutory designated nature conservation sites and extant or historic mitigation licences for bats; and
 - Ordnance Survey mapping and publicly available aerial photography to determine any features such as: running and standing water, woodland, tree lines, hedgerows, railway corridors and the surrounding landscape uses.

2.2. Ground Level Tree Assessment

Personnel

- 2.2.1. The GLTA surveys were undertaken on 12/08/2025 and 13/08/2025 by an Ecologist with 12 years' experience and a Level 1 class licence for bats (2017-32197-CLS-CLS). Equipment used during the GLTA included close-focusing binoculars for detailed inspection of the higher-level Potential Roost Features (PRF) and a high-powered torch to illuminate PRF.
- 2.2.2. The survey of trees at the Site was carried out from the ground only and was undertaken in line with best practice guidance published by the Bat Conservation Trust (Collins, 2023), and as detailed in British Standard 42020:2013 Biodiversity – Code of Practice for Biodiversity and Development¹.

Assessment Criteria

- 2.2.3. Trees were inspected for any suitable features that could provide access points for bats, including but not limited to: loose, flaking or folded bark; cracks and fissures in limbs; woodpecker holes; or any downward-facing crevices or holes in the limbs or trunks. They were also inspected for any signs indicating possible use by bats, such as tiny scratches, rub marks and staining around access points, bat droppings in around or below access points. Where necessary, a bright torch was used to illuminate the potential roost features.
- 2.2.4. The objectives of the ground-based assessment were to:
 - identify any arboreal features suitable to support roosting bats;
 - assess the potential importance of the trees to provide roosting locations for bats; and

- determine potential impacts that the proposals may have on bats or their roosts.

2.2.5. Features were categorised as shown below and as detailed in the bat survey guidelines (Collins, 2023):

- PRF – I – feature only suitable for individual or very small numbers of bats, either due to lack of size or suitable surrounding habitats.
- PRF – M – feature suitable for multiple bats and may therefore be used by a maternity colony.
- Further Assessment Required (FAR) – feature cannot be assigned as PRF – I or PRF – M from ground level and will require further survey.
- Negligible – feature has little to no suitability to support roosting bats.

2.2.6. A standard recording form was completed for each tree that had the potential to be impacted by the proposals. This included recording the details listed above as well as the species and orientation of any features, and a photograph of each tree or tree group.

2.3. Evaluation

2.3.1. Where sufficient baseline data are available, the ecological importance of the Site has been evaluated broadly following the Bat Mitigation Guidelines (Reason & Wray, 2025) which ranks the nature conservation importance of a site according to a geographic scale of reference: international, national, regional (eastern England), metropolitan, county (Lincolnshire), vice-county or other local authority-wide area; and of importance at the zone of influence of the Site only. In evaluating the nature conservation importance of the Site, the following factors were considered: nature conservation designations; species/habitat rarity; naturalness; fragility and connectivity to other habitats. Where no importance has been assigned, this is due to insufficient information.

2.4. Data Validity and Limitations

2.4.1. It is important to note that even where data are held, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest; the area may be simply under-recorded.

2.4.2. Some trees were unable to be fully assessed for potential roost features. One side of tree T10 was inaccessible due to the presence of livestock, while other trees had features that could not be thoroughly inspected from the ground due to restricted visibility. These trees have been classified as FAR (Further Assessment Required) to ensure appropriate precaution is applied. Climbing/aerial surveys will be undertaken to enable detailed inspection of potential roost features. If constraints cannot be resolved and significant limitations remain, an alternative method of assessing impact or a precautionary approach to works will be necessary.

- 2.4.3. This report provides a preliminary view of the likelihood of roosting bats occurring on the Site. It should not be taken as providing a full and definitive survey. In accordance with best practice guidance (Collins, 2023), bat surveys are an iterative process. Aims and objectives of a survey are revisited throughout a project due to each stage of surveying informing the next.
- 2.4.4. Four figure grid references are provided for the data search records which are accurate only to the 1km square and as such, precise locations cannot be established, except that they are outside the Site boundary.
- 2.4.5. Notwithstanding the above limitations, it is considered that this report accurately reflects the roost potential of the trees assessed on the Site at the time of survey.
- 2.4.6. Data from bat surveys should be considered to be valid, for the basis of the application, for a period of 12-18 months, unless there are any significant changes to the buildings or other habitats within the site¹⁰. Data used to support a mitigation licence application to Natural England must be from the most recent survey season; depending on the timing of the application, this may mean from the same or previous year.

¹⁰ CIEEM (2019) Advice Note on the Lifespan of Ecological Reports and Surveys. April 2019.

3. Results

3.1. Desk Study

- 3.1.1. The desk study is presented in full in the PEA report¹¹. Below is a summary of the pertinent data relating to bats.
- 3.1.2. The data search returned 470 records of bats from within the past ten years from at least six species. Of these, 430 records were foraging/commuting bats within the search area of which 170 were identified to species level. These included Daubenton's bat *Myotis daubentonii*, noctule *Nyctalus noctula*, Nathusius' pipistrelle *Pipistrellus nathusii*, common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, Whiskered *Myotis mystacinus*/Brandts *Myotis brandtii*, and brown long-eared bat *Plecotus auritus*. The most recent record was from 2020 of pipistrelle bats near Holbeach Drove.
- 3.1.3. The remaining 40 records were of bat roosts with four species identified: Daubenton's bat, common pipistrelle, soprano pipistrelle, and brown long-eared bat. The other records had not been identified down to species level. The most recent roost record was from a brown long-eared bat near Gedney Hill in 2021.
- 3.1.4. There are no current or historic mitigation licences for bats and no designated sites relating to bats in their citations within 2km of the Site boundary.
- 3.1.5. As a result of the extension of the Order Limits at the northern end of the Grid Connection Route, the survey area is not the same as the Order Limits as land access could not be obtained for this report's submission deadline. However, a national grid survey report was reviewed, and its findings informed this report. Post submission, the new areas at the northern end of the Grid Connection Route will be surveyed to confirm the conditions are the same.
- 3.1.6. A review of the national grid survey in 2025 showed that there are no new trees with bat constraints.

Significant Landscape Features

- 3.1.7. The Site is typical of the wider Fenland landscape and features a mosaic of habitats, including large arable fields which, at the time of the surveys, were in various states of arable production, separated by a network of drainage ditches and IDB main drains, native hedgerows, woodlands, lines of trees, mixed scrub, and modified grassland. These habitats provide suitable foraging and commuting areas for various bat species and are linked by ditches to additional foraging grounds on all sides.

¹¹ Temple (2024) Meridian Solar Farm, Lincolnshire: Preliminary Ecological Appraisal (PEA). Unpublished report for Flagship Group

- 3.1.8. There are 19 parcels of deciduous woodland, and two traditional orchards within 2km of the Site (Natural England, 2022), 14 Coastal and Floodplain Grazing Marsh (CFPGM) parcels and four deciduous woodland parcels which are Habitats of Principal Importance (HPI) are adjacent to the Site boundary. These contain optimal habitats for bats and the records indicate that at least six bat species use the wider area. Such habitats are likely to provide important foraging and commuting resources for bats locally and are connected to the Site via a network of ditches, hedgerows and lines of trees.

Ground Level Tree Assessment

- 3.1.9. Overall, 37 individual trees were assessed for bat roosting suitability. Nine trees were categorised as having suitability for individual or very small numbers of roosting bats (PRF-I), seven were categorised as having suitability for multiple roosting bats (PRF-M) based on the features identified and six contained no features suitable for roosting bats. The remaining 15 trees were identified as further assessment required (FAR) as it was not possible to fully assess these trees or potential features from the ground.
- 3.1.10. The seven trees classified as PRF-M should have climbing/aerial inspections undertaken preconstruction, and then again in winter (December to February ideally) to check for the presence of hibernating bats. The 15 trees classified as FAR should undergo a single climbing inspection preconstruction to determine their suitability for bats and the next steps for these trees.
- 3.1.11. A table of the trees assessed for bat roosting suitability along with features associated with each tree or group/line of trees considered to offer bat roost potential are provided along with detailed survey data of all trees in Appendix 3. Photographs showing examples of some of the trees and features present are provided in Appendix 2.

4. Evaluation and Impacts

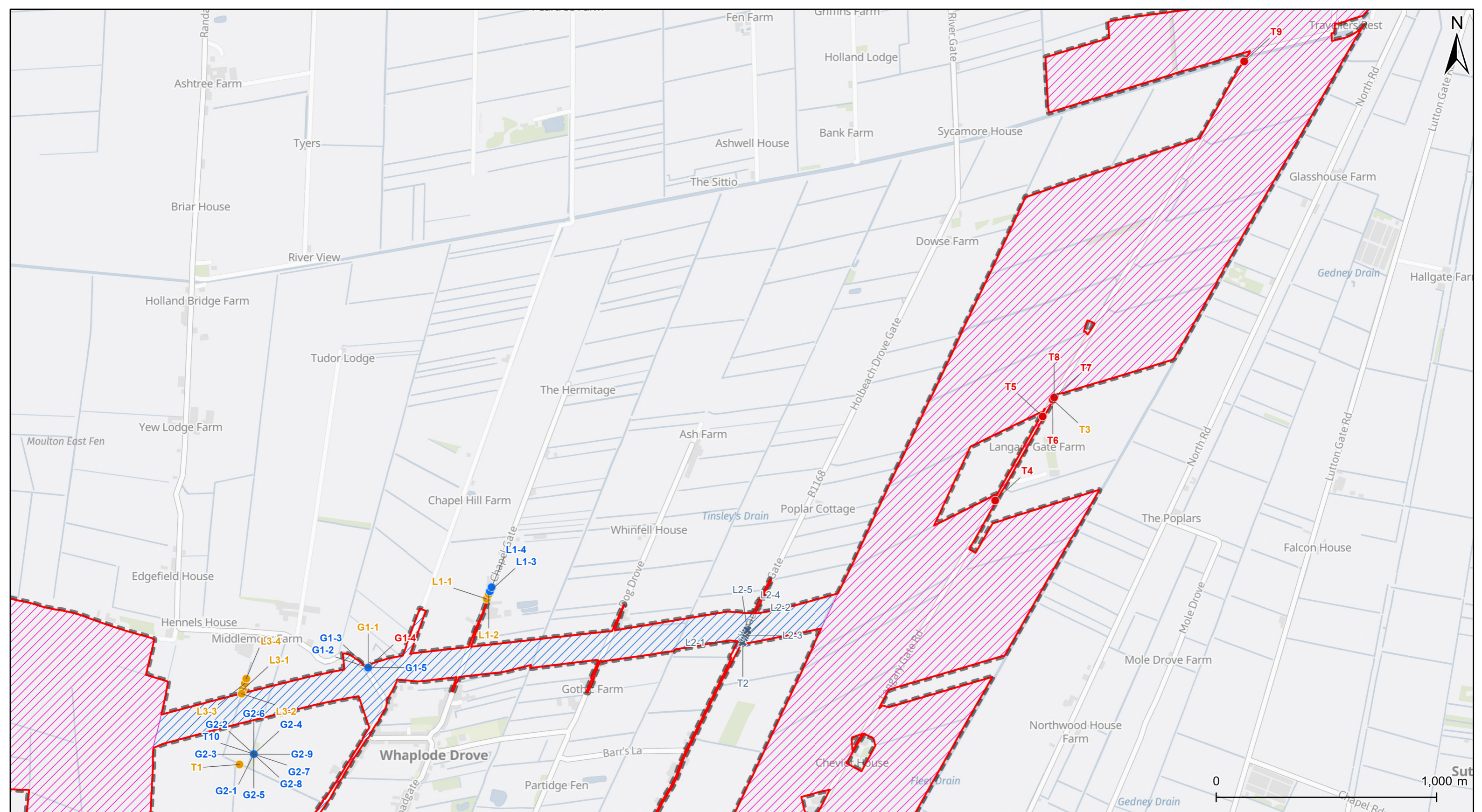
- 4.1.1. As discussed in Temple Bat Activity Survey Report¹² the Site is considered to be of high suitability for foraging and commuting bats with a network of woodlands, hedgerows, tree lines, ditches and watercourses. These habitats provide suitable foraging and commuting areas for various bat species and are linked by ditches to additional foraging grounds in the wider landscape on all sides. At least 11 species of bat including common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, brown long-eared bat, Daubenton's bat, Natterer's bat, whiskered bat, noctule, serotine, Leisler's bat and barbastelle bat have been recorded utilising the site for commuting and foraging to date, which suggests the bat assemblage at the Site is likely to be of National level importance³.
- 4.1.2. The 2025 ground level tree assessment has identified 16 trees as having suitability for roosting bats and 15 trees that require further assessment to enable a full assessment of impacts. Under current plans it is understood that no trees which have suitability for roosting bats are to be directly impacted by the Scheme.
- 4.1.3. Given the likely timescales for completing the Scheme, the suitability of individual trees for roosting bats may change over time. There is potential for trees to develop features of increased value to roosting bats and/or for trees with features currently present to be lost, for example through storm damage or vandalism. In addition, many species that use trees for roost sites exhibit roost-switching behaviours, perhaps only using a given tree for a few days before moving to another in the locality. The above factors should be considered within the delivery programme with update and pre-works surveys undertaken as required.
- 4.1.4. Much of the boundary vegetation and key habitats for bats present on Site such as woodlands, trees and hedgerows will be retained in the Scheme. Vegetation clearance will only take place where necessary to facilitate access or install cable routes.
- 4.1.5. If development plans change and any trees with bat roosting suitability are to be directly impacted by the Scheme then further surveys will be necessary to assess

¹² Temple (2025) *Meridian Solar Farm, Lincolnshire: Bat Activity Survey Report*. Unpublished report for Meridian Solar Farm Ltd.

the trees, any impact the development may have on them and any mitigation that may be necessary.

- 4.1.6. All bat survey data and the findings from the multiple reports should be considered collectively to ensure a thorough and comprehensive assessment of the Site for bats.

Appendix 1: Survey Map



Project Title			
Meridian Solar Farm			
Map Title			
Environmental Statement Figure 1: Bat Ground Level Tree Assessment (GLTA) Results			
Scale @ A3	Version	Drawn	Reviewed
1:16,000	1.0	JM	JET

Legend


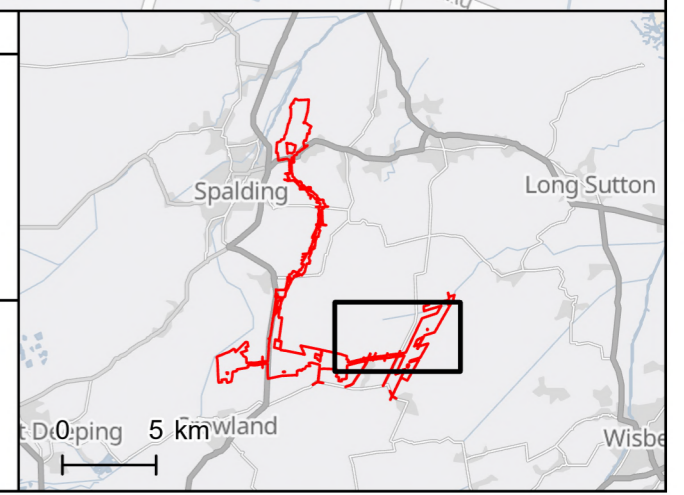
- Order Limits
- Solar Development Areas
- Inter-Array Connections
- Survey Area

Roost Classification

- Further Assessment Required (FAR)
- Potential Roost Feature - Multiple (PRF-M)
- Potential Roost Feature - Individual (PRF-I)
- ✕ Negligible

Date: 20/03/2026

Copyright
Contains OS data © Crown copyright and database right 2026.
Contains data from OS Zoomstack.
Reproduced from Ordnance Survey digital map data © Crown copyright 2025.
All rights reserved. Licence number AC0000808122.

Appendix 2: Photographs

Photograph 1

Example of PRF-I on Tree G1-1. Knot hole on a mature sycamore. No further survey necessary, providing works commence within 12 months of survey.



Photograph 2

Example of tree (G1-2) classified as FAR. This rot hole needs further inspection before suitability classification can be given. Tree climbing survey recommended as soon as possible.



Photograph 3

Example of a white willow tree (T9) classified as PRF-M. Tree climbing survey recommended now and again in winter.



Photograph 4

Example of an ash tree with no roost features present (L2-2). No further surveys required, providing works commence within 12 months of survey.



Photograph 5

Example of a weeping willow (G1-4) classified as PRF-M due to multiple features present. Image shows cavities and loose bark which are both potential features. Tree climbing survey recommended now and again in winter.



Photograph 6

A willow tree (T3) classified as PRF-I due to the presence of broken limbs and loose bark. No further surveys required, providing works commence within 12 months of survey.



Appendix 3: Survey Data

Table 3.1: Summary of individual trees surveyed

Tree or group number	Tree species	Easting	Northing	Feature type	Roost suitability of tree	Further surveys needed
T1	Sycamore	531120	313330	Knot hole	PRF-I	None
T2	Ash	533402	313884	N/A	None	None
T3	Willow	534808	314984	Broken limbs and loose bark	PRF-M	Aerial inspection now and again in winter
T4	Black poplar	534547	314527	Cracks, splits, broken limbs, woodpecker hole, tear out and hazard beam	PRF-M	Aerial inspection now and again in winter
T5	Black poplar	534762	314908	Woodpecker holes and broken limb	PRF-M	Aerial inspection now and again in winter
T6	White willow	534808	314984	Woodpecker holes	PRF-M	Aerial inspection now and again in winter
T7	White willow	534814	314994	Woodpecker holes, rot holes and frost crack	PRF-M	Aerial inspection now and again in winter
T8	Black poplar	534814	314994	Cavities in trunk	PRF-M	Aerial inspection now and again in winter
T9	White willow	535677	316518	Knot holes, woodpecker holes and a crack	PRF-M	Aerial inspection now and again in winter
T10	Sycamore	531185	313377	Knot hole	FAR	Aerial inspection now

Table 3.2: Summary of lines of trees surveyed

Tree group number	Tree species	Easting	Northing	Feature type	Roost suitability of tree	Further surveys needed
Line 1						
L1-1	Lime	532248	314080	Structure of tree forming PRFs	PRF-I	None
L1-2	Lime	532248	314080	Flaking bark	PRF-I	None
L1-3	Poplar	532248	314080	Woodpecker holes	FAR	Aerial inspection now
L1-4	Poplar	532248	314080	Woodpecker holes	FAR	Aerial inspection now
Line 2						
L2-1	Ash	533402	313884	N/A	None	None
L2-2	Ash	533402	313884	N/A	None	None
L2-3	Ash	533402	313884	N/A	None	None
L2-4	Ash	533402	313884	N/A	None	None
L2-5	Ash	533402	313884	N/A	None	None
Line 3						
L3-1	Lombardy poplar	531132	313675	Trunk cavity	PRF-I	None
L3-2	Lombardy poplar	531132	313675	Trunk cavity	PRF-I	None
L3-3	Lombardy poplar	531132	313675	Trunk cavity	PRF-I	None
L3-4	Ash	531132	313675	Knot hole	PRF-I	None

Table 3.3: Summary of groups of trees surveyed

Tree or group number	Tree species	Easting	Northing	Feature type	Roost suitability of tree	Further surveys needed
Group 1						
G1-1	Sycamore	531703	313769	Knot holes	PRF-I	None
G1-2	Sycamore	531703	313769	Knot/rot hole	FAR	Aerial inspection now
G1-3	Sycamore	531703	313769	Dense ivy cover	FAR	Aerial inspection now
G1-4	Weeping willow	531703	313769	Knot holes, cracks/cavities, woodpecker holes and loose bark	PRF-M	Aerial inspection now and again in winter
G1-5	Weeping willow	531703	313769	Woodpecker holes, knot holes and loose bark	FAR	Aerial inspection now
Group 2						
G2-1	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-2	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-3	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-4	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-5	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-6	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-7	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-8	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now
G2-9	Unknown	531185	313377	Dense ivy cover	FAR	Aerial inspection now

Appendix 4: Legislation

Important Notice: This section contains details of legislation applicable in England and Wales only (i.e. not including Scotland, the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to represent the current (at the time of writing) situation with respect to the UK's position outside of the EU and to ensure accuracy throughout, this section should not be relied upon as a definitive statement of the law.

Legislation Afforded to Species

The objective of the EC Habitats Directive¹³ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by **The Conservation of Habitats and Species Regulations 2017 (as amended)** and **The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)**.

Various amendments to the 2017 Regulations in England and Wales have been made through the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. These changes came into effect on the 1 January 2021 following the UK's departure from the EU and the end of the Transition Period. The changes are largely limited to 'operability changes' that will ensure the Regulations can continue to have the same working effect as before.

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CROW) Act (2000).

As well as delivering long-term targets to reduce waste and improve resource efficiency and improve air and water quality targets, the Environment Act 2021 aims to halt the decline of nature by 2030 and mandates Biodiversity Net Gain for developments in England, providing a mechanism for implementing Government's ambitions for

¹³ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

'improving the natural environment' previously set out in publications including the 25 Year Environment Plan (25YEP) which was replaced by the Environmental Improvement Plan (also referred to as the EIP23) in January 2023. The Act implements the ambitions for an improved natural environment, by setting out statutory or legal requirements which mandate action, under the oversight of the newly formed Office for Environmental Protection (OEP), a public body intended to hold government and public authorities to account, although the government will be able to issue guidance to the OEP on how it enforces policies and legislation.

The Act also amends the Wildlife and Countryside Act 1981 (as amended) to introduce an additional purpose for granting a protected species licence in relation to development which is 'for reasons of overriding public interest'.

Some of the key biodiversity elements in the Act that have a bearing on species protection in the UK include:

- A strengthened biodiversity duty on Local Planning Authorities;
- Biodiversity net gain to ensure developments, including Nationally Significant Infrastructure Projects (NSIP), deliver at least 10% increase in biodiversity;
- Local Nature Recovery Strategies to support a Nature Recovery Network;
- Duty upon Local Authorities to consult on street tree felling;
- Strengthen woodland protection enforcement measures;
- Conservation Covenants;
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;
- Introduces the power for the Habitats Regulations to be amended or 'refocused' to 'to deliver creative public policy thinking that delivers results'.

Other legislative Acts affording protection to wildlife and their habitats include:

- Salmon and Freshwater Fisheries Act 1975
- Deer Act 1991
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996
- Countryside and Rights of Way (CRoW) Act 2000

- Natural Environment & Rural Communities (NERC) Act 2006
- The Eels (England and Wales) Regulations 2009
- Environment (Wales) Act 2016

Species and species groups that are protected or otherwise regulated under the aforementioned legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds, dormouse, invasive species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which includes smooth snake, sand lizard, great crested newt, natterjack toad, all bat species, otter, dormouse and some plant, invertebrate and fish species, are given below. **These should be read in conjunction with the relevant species sections that follow.**

- In the Habitats Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.
- The Conservation of Habitats and Species Regulations 2017 (as amended) does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered where relevant.
- In order to obtain a mitigation licence for species protected under the Conservation of Habitats and Species Regulations 2017 (as amended), the application must demonstrate that it meets all of the following three 'tests': i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- As a result of changes brought in by the Environment Act 2021, a mitigation licence can now be obtained to kill, take, disturb, damage/destroy/obstruct access to any place of shelter animals protected under Schedules 5 and 6 of the Wildlife and Countryside Act 1981 (excluding birds and European protected species) and to take, pick, uproot or destroy any plants protected under Schedule 8 of the same Act (excluding European protected species) for

the purpose of overriding public interest (which may include some development purposes). In general, planning consent (if relevant) is required prior to applying for the licence.

Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 43 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats);
- Deliberate disturbance of bat species as:
 - a) to impair their ability:
 - i) to survive, breed, or reproduce, or to rear or nurture young; or
 - ii) to hibernate or migrate.
 - b) to affect significantly the local distribution or abundance of the species.
- Damage or destruction of a breeding site or resting place; and
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended) in respect to sub-sections 9 (4) (b) and (c) and 9 (5) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance while in their place of shelter (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

How is the legislation pertaining to bats liable to affect development works?

The appropriate licence issued by the relevant countryside agency (e.g. Natural England, Natural Resources Wales) will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to derogate from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be

regarded as being afforded protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost¹⁴.

¹⁴ Garland and Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

