



Preliminary Ground-Level Bat Roost Assessment of Trees

**Land Adjacent 2 Hangmans Lane,
Hinckley, Leicestershire, LE10 1SU**

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Control Sheet

General Report Information	
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1 Introduction

1.1 Background to activity/development

This report has been prepared by Dr Jon Russ at the request of Mr Malcolm Evans. Planning consent is being sought from Hinckley and Bosworth Borough Council to erect one new dwelling with associated access and landscaping on an area of land adjacent to 2 Hangmans Lane, Hinckley, Leicestershire, LE10 1SU (Planning Ref: 24/00285/FUL). The local planning authority has requested that a preliminary roost assessment of the trees at the site is carried out to inform the planning process.

1.2 Site description

The site proposed for development (GR: SP430954), is an area of land to the west of No 2 Hangmans Lane in the located in Hinckley in Leicestershire (Figure 1). The site is surrounded by dwellings and gardens with an area of amenity grassland to the north. Around 300m to the north is open farmland comprising arable cropland and pasture bordered by a network of hedgerows and treelines. There are some areas of woodland around 1.5km to the east: Sheepy Wood, Burbage Wood and Aston Firs. Battling Brook is located 110m to the west and there are several ponds within 1km of the site, the nearest being 190m to the south-east. The woodland, brook, ponds hedgerows and treelines represent good habitat for bats.

1.3 Proposed works

Planning consent and listed building consent are being sought from Hinckley and Bosworth Borough Council to erect one new dwelling with associated access and landscaping on an area of land adjacent to 2 Hangmans Lane, Hinckley, Leicestershire, LE10 1SU (Planning Ref: 24/00285/FUL). This will include the felling of several trees present within the site.

1.4 Planning and legislative context

The information below is intended only as guidance to the legislation relating to these species. The Acts themselves should be referred to for the correct legal wording.

Bats – Legislative context

All bats are included in Schedule 2 of The Conservation of Habitats and Species Regulations 2017, which implements the requirements of the Habitats Directive in England, Scotland and Wales and in Schedule 2 of the Conservation (Natural Habitats, &c.) Regulations (Northern Ireland) 1995 (as amended) which implement the requirements of the Habitats Directive in Northern Ireland. Bats and their breeding sites or resting places are protected under Regulation 39. An amendment to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 came into force in Northern Ireland on 21st August 2007 (Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007).

It is an offence for anyone without a license to:

- Intentionally or recklessly/deliberately injure, take or kill a bat;
- To possess a bat (unless obtained legally) whether alive or dead;

- Intentionally or recklessly/deliberately damage, destroy or obstruct access to any place that bats use for shelter or protection whether bats are present or not;
- Intentionally or recklessly/deliberately disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- deliberately disturb bats in such a way as to be likely significantly to affect—
 - (i) the ability of any significant group of bats to survive, breed, or rear or nurture their young; or
 - (ii) the local distribution or abundance of that species;

Prosecution could result in imprisonment, fines of £5,000 per animal affected and confiscation of vehicles and equipment used.

Recent amendments to the Habitat Regulations in 2007 have removed many of the defences. This includes the commonly relied upon 'incidental result defence', which previously covered acts that were the incidental result of an otherwise lawful activity and which could not reasonably have been avoided. As the incidental result of a lawful operation defence has been removed from legislation (Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007) operators are now open to this strict liability offence, whether the damage occurs by accident or not. An offence will only be committed if the deliberate disturbance is likely to significantly affect a significant group of animals of that species' ability to survive, breed, or rear or nurture its young or is likely to significantly affect the local distribution or abundance of that species. Deliberate disturbance of a protected animal (species on Schedule 5 which includes EPS) in its place of shelter or protection will continue to be an offence under the Wildlife and Countryside Act 1981. However, the incidental result of a lawful operation defence will be available for that offence where the disturbance could not have been reasonably avoided.

In England, Scotland and Wales all bat species are protected under the Wildlife and Countryside Act 1981 (WCA) (as amended) through inclusion in Schedule 5. The existing offences under the Wildlife and Countryside Act (1981) as amended which cover obstruction of places used for shelter or protection, disturbance and sale still apply to European protected species.

In England and Wales, the WCA was amended by the Countryside and Rights of Way Act 2000 (CRoW), which adds an extra offence ('or recklessly' to S9(4)(a) and (b)), makes species offences arrestable, increases the time limits for some prosecutions and increases penalties.

Exemptions can be granted from the protection afforded to bats under the Habitat Regulations, by means of a EPS (European Protected Species) Habitats Regulations licence obtained from Natural England.

A 'EPS Habitats Regulations Licence' could be required for:

- Demolition of a building known to be used by bats prior to development of a site
- Conversion of barns or other buildings known to be used by bats
- Removal of trees known to be used by bats as well as tree pruning
- Significant alterations to roof voids known to be used by bats
- Road building or widening
- Bridge strengthening

There are three tests, which must be satisfied, before a licence can be issued to permit otherwise prohibited acts;

- Regulation 53(2)(e), for the purpose of 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; or
- Regulation 53(2)(f) for the purpose of preventing the spread of disease; or
- Regulation 53(2)(g) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other forms of property or to fisheries; subject to Natural England being satisfied that the application additionally meets:
 - Regulation 53(9)(a) that there is no satisfactory alternative; and
 - Regulation 53(9)(b) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

A European Protected Species License is required before the commencement of any development that might impact on bats or their roosts.

Planning policy and Biodiversity Action Plan context

The National Planning Policy Framework (NPPF) is guidance for local planning authorities on the content of their Local Plans but is also a material consideration in determining planning applications. The NPPF has replaced much of the existing planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. However, the government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9 remains valid.

The Natural Environment and Rural Communities (NERC) Act 2006, in particular Section 40, places a duty on public bodies to have regard to the conservation of biodiversity. This duty is guided by the habitats and species lists in Section 41 of the Act, within which seven bat species are included: barbastelle (*Barbastella barbastellus*), Bechstein's (*Myotis bechsteinii*), noctule (*Nyctalus noctula*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared (*Plecotus auritus*), greater horseshoe (*Rhinolophus ferrumequinum*) and lesser horseshoe (*Rhinolophus hipposideros*) bats. These seven species are also listed as Priority Species within the UK Biodiversity Action Plan (UKBAP), (the UK Government's response to the Convention on Biological Diversity).

1.5 Objectives

The bat survey was commissioned to assess:

- what species of bat are present at the site;
- what types of bat activity are occurring within the site;
- whether or not bats are roosting within the site; what population levels (size and importance) are present at the site;
- and to make recommendations on any further action that may be required to provide sufficient information for the local planning authority to support a planning application

2 Methods

2.1 Pre-survey data search

As the scale of the proposed development is small a pre-survey data search of biological records was not carried out. A search using the MagicGov and Nature on the Map (Natural England) websites was performed to identify sites of nature conservation. In addition, a search of the planning portal was carried out.

2.2 Surveyor information

The survey was carried out by Dr Jon Russ CEnv, MIEEM. Jon is a terrestrial and behavioural ecologist with a specialist interest in bats. As Director of Ridgeway Ecology Ltd and through his academic research and work with the Bat Conservation Trust he has managed, designed and carried out large- and small-scale bat surveys and bat monitoring programmes in the UK and the tropics. He has extensive experience with the United Kingdom and European Union legislation regarding bats and has been a fully licensed bat worker for over 20 years, holding bat conservation, education and scientific licences for radio-tracking, mist-netting, ringing, harp-trapping, ultrasonic playback and DNA sampling. His publication record includes a large number of articles in scientific journals as well as other publications including the widely used book, “The Bats of Britain and Ireland: Echolocation, Sound Analysis, and Species Identification”, “Review of ASSI designation for bats in Northern Ireland”, “The Northern Ireland Bat Action Plans” which he coordinated and delivered, “British Bat Calls: A Guide to Species Identification” and the recently published “Bat Calls of Britain & Europe”. In addition, Jon has a great deal of experience in avoidance, mitigation and compensation measures relating to bats and development. Licences include Natural England Class 3 (CL19 - 2015-11383-CLS-CLS) & Class 4 (CL20 - 2015-11384-CLS-CLS), Bat Mitigation Class Licence (CL21 - RC011), HS2 Bat Low Impact Class Licence for Trees (CL40 - B40RC016), HS2 Bat Low Impact Class Licence for Buildings (CL39 - B39RC016), Bat Earned Recognition (Ref: cBER0254).

2.3 Field surveys

The bat survey was undertaken in accordance with current best practice guidelines, which include: UK Bat Mitigation Guidelines (Reason & Wray 2023); The Bat Workers Manual (Mitchell-Jones & McLeish, 2004); and Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins 2023).

2.3.1 Habitat survey

A survey of the habitats that may be used by roosting bats was carried out.

2.3.2 Bat roost survey

On the 1st May 2024, the trees were surveyed for potential roost features. The survey utilised a ladder, a high-powered torch, binoculars and an endoscope (Ridgid CA-300 with 6mm and 9mm camera heads). The inspection involved looking for cracks and crevices, loose bark, holes (including rot holes and woodpecker holes) and splits

2.3.3 Bat activity survey(s)

n/a

3 Results

3.1 Pre-survey data search

3.1.1 Designated sites

There are no designated sites within 1km of the site.

3.1.2 Protected species

See 2.1.

3.2 Field Surveys

3.2.1 Habitat description

The site comprises an area of bare earth with a large weeping willow, an ash and a group of crack willows (Figure 2).

3.2.2 Bat roost survey

Tree and tree group numbering is taken from the Arboricultural Survey & Report by RJ Tree Services Ltd dated May 2016 (Reference: HangmansLane_Hinckley/01). Some of the trees/groups have been removed (T1 and G1).

Tree T2 (Figure 2; Photographs 1 and 2)

Large weeping willow.

There is a small area of exfoliating bark on a branch on the eastern side of the tree (Photograph 3). However, the cavity underneath is considered to be too shallow to be used by bats (est. 20mm).

Tree T3 (Figure 2; Photograph 4)

Young ash.

Contains no potential roosting features.

Tree Group G2 (Figure 2; Photographs 5 and 6)

Group of large crack willows.

There is some exfoliating bark on the tree at the southern end of the tree group but this is considered to be too shallow to be used by bats (Photograph 7).

Near the western edge of the group is a tree with a hazard beam branch split (Photograph 8). The split goes all the way through the tree and given how recent it appears to have been created and how exposed the internal cavity is it is considered unlikely to be used by bats.

In a tree at the north-east corner of the group is a longitudinal sheer crack (Photograph 9). The opening is almost certainly too small to afford bats access. An endoscopic inspection revealed a very narrow cavity containing slugs (Photograph 10).

There is a branch drop in a tree near the centre of the group (Photograph 11). However, there were no cavities that could be used by bats (Photograph 12).

3.2.3 Bat activity survey(s)

n/a

3.2.4 Interpretation and evaluation of survey results

Although a few of the surveyed trees contained cracks, branch drops and exfoliating bark it is considered unlikely that any of these will be used by bats as they are all generally unsuitable as bat roosts, although given time some of them may develop into suitable potential roosting features.

4 Assessment

4.1 Constraints

None.

4.2 Potential impacts of the development

Planning consent and listed building consent are being sought from Hinckley and Bosworth Borough Council to erect one new dwelling with associated access and landscaping (Planning Ref: 24/00285/FUL). This will include the felling of several trees present within the site. As none of the trees contain any features that could potentially be used by roosting bats this work is considered unlikely to have an impact on this group of species.

5 Recommendations and mitigation

Bats

None of the surveyed trees within the area of land adjacent to 2 Hangmans Lane, Hinckley contains features that are likely to be used by bats (see 3.2.2 and 3.2.4). As such, no further survey work is considered necessary.

Planning consent and listed building consent are being sought from Hinckley and Bosworth Borough Council to erect one new dwelling with associated access and landscaping on the site (Planning Ref: 24/00285/FUL). This will include the felling of the trees. As none of the trees contain any features that could potentially be used by roosting bats this work is considered unlikely to have an impact on this group of species. However, the following must be adhered to.

- All work must be carried out carefully with the expectation that bats may be found. If bats are observed within the trees at any time work must cease immediately and Natural England or the ecologist for this project must be contacted for advice.

The development of the site provides an opportunity to improve the roosting opportunities for bats within the area. Bats could be encouraged to roost within the site by:

- Installing a bat box at the top of the south-east or south-west walls of the proposed dwelling located away from windows and other light sources (e.g. Photographs 13 and 14).

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7 Figures

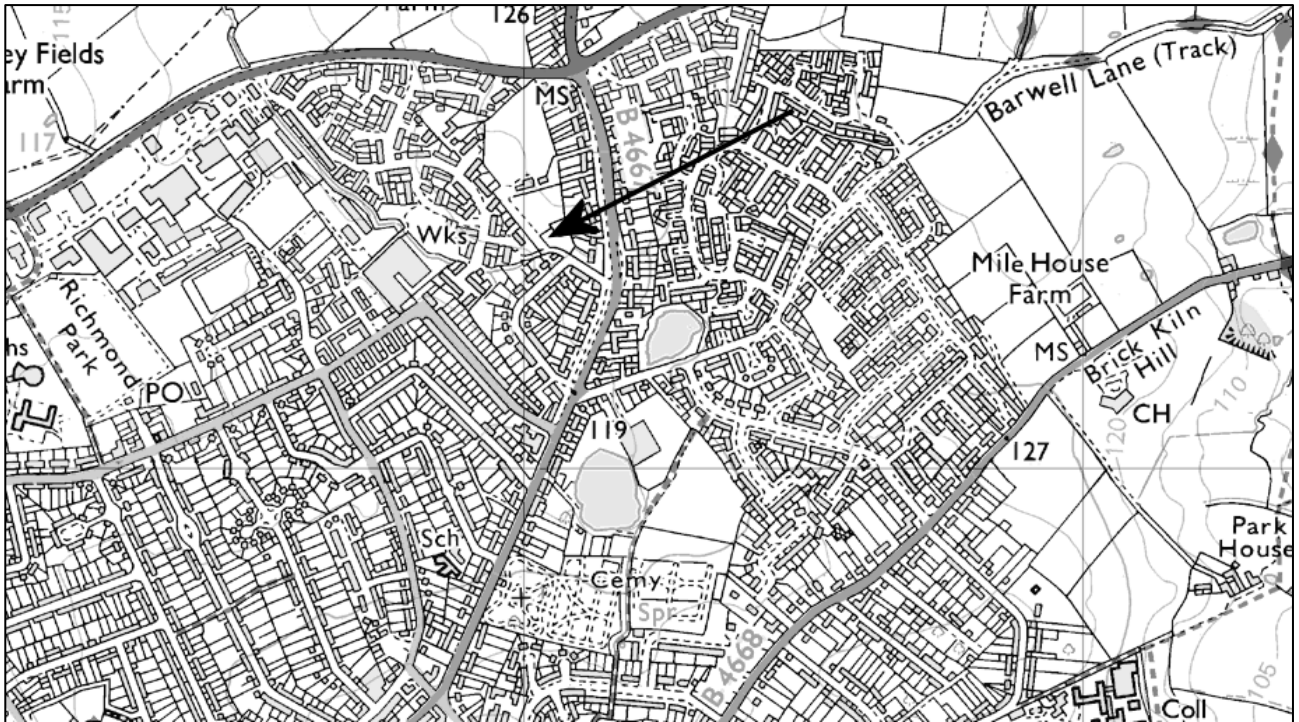


Figure 1. Location of the site (arrowed). 1:25000

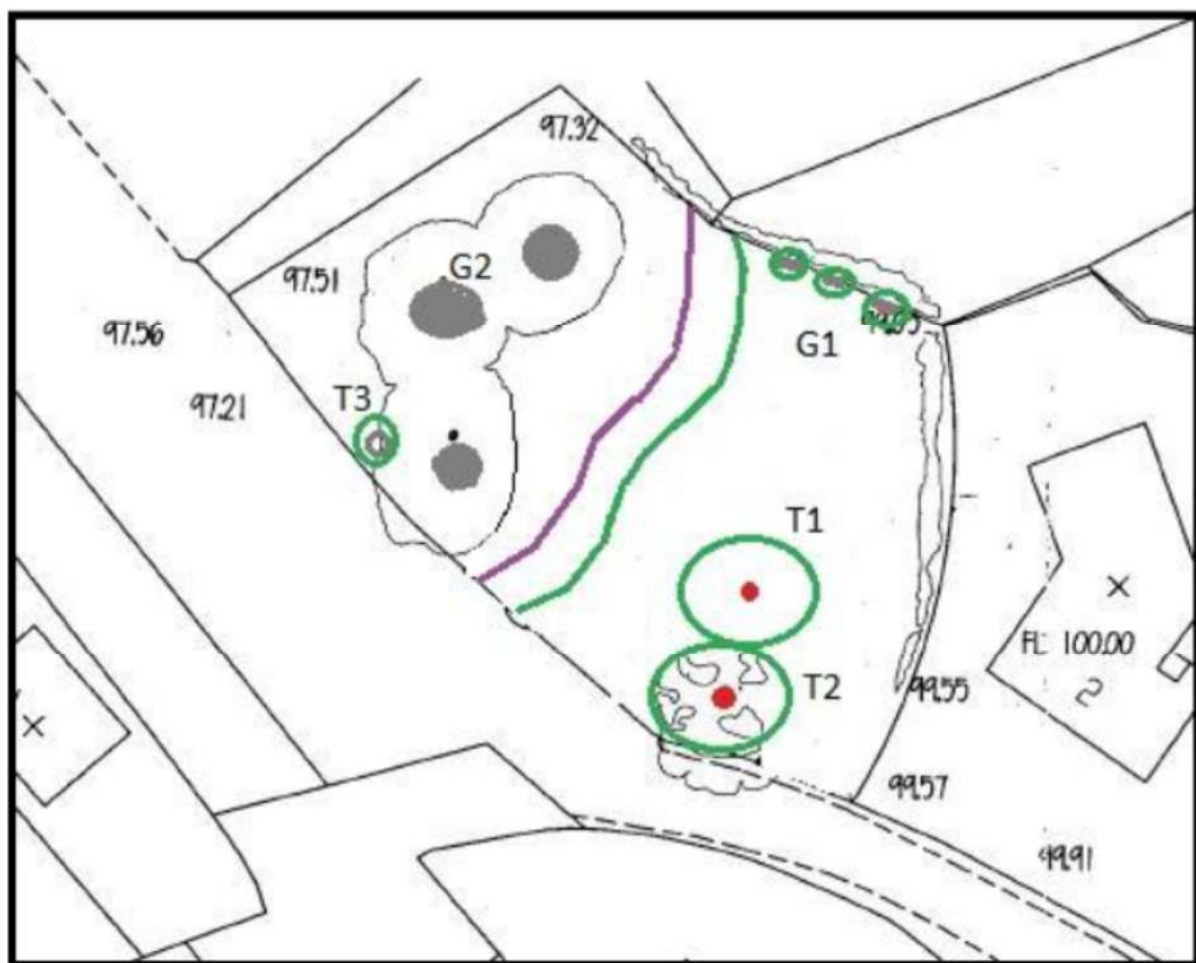


Figure 2. Location of the trees/tree groups (from the Arboricultural Survey & Report by RJ Tree Services Ltd dated May 2016, Reference: HangmansLane_Hinckley/01).

8 Photographs



Photograph 1. Tree T2 – north side



Photograph 2. Tree T2 – south side



Photograph 3. Exfoliating bark on Tree T2



Photograph 4. Tree T3 – north side



Photograph 5. The tree at the southern end of tree group G2



Photograph 6. The main tree group G2



Photograph 7. Exfoliating bark on the tree at the southern end of tree group G2



Photograph 8. Hazard split in one of tree group G2



Photograph 9. Sheer crack in one of the trees in tree group G2



Photograph 10. Endoscopic view of the sheer crack in one of the trees in tree group G2



Photograph 11. Branch drop in one of the trees in tree group G2



Photograph 12. Close-up of branch drop in one of the trees in tree group G2



Photograph 13. Greenwood's EcoHabitats single cavity bat box



Photograph 14. PRO UK Build-in WoodStone Bat Box

END OF REPORT



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