

Hi Nick,

Thank you for sending over the bat Preliminary Roost Assessment (PRA) report for this application (25/00926/FUL) and for the queries regarding further surveys and BNG. I have the below comments:

Bats

Regarding your email below, I can't see that the PRA report states that any areas were not accessed during the survey, it sounds as though the full site was surveyed. In terms of no evidence of bats, I think the ecologist means that there was no direct evidence such as bat sightings or droppings, however the building overall is considered to have 'low' suitability due to some gaps/entry points found.

As per the report, bats are a material consideration in the planning process, and I've added some wording below to explain this:

All bat species, their breeding sites and resting places are fully protected by law under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981 (as amended). Bats are a European protected species and their presence or otherwise is therefore a material consideration when a planning application is determined (Para 98 of the Government Circular ODPM, 16th August 2005).

The Defra Circular 01/2005 gives guidance to local authorities on how these issues should be considered and it states the below:

98. *The **presence of a protected species is a material consideration** when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature (now Natural England) before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned. **For European protected species (i.e. those species protected under the Habitats Regulations) further strict provisions apply**, as explained below, to which planning authorities must have regard.*

99. *It is essential that the **presence or otherwise** of protected species, and **the extent that they may be affected** by the proposed development, is established **before the planning permission is granted**, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore **only be left to coverage under planning conditions in exceptional circumstances**, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a **reasonable likelihood of the species being present and affected by the development**. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In*

appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence.

Additionally, Natural England's Standing Advice states that developers must have '*submitted enough information for you to fully consider the effect on protected species and their habitats*', which has not been provided to GMEU in this case.

Based on the above, the additional bat emergence survey must be undertaken prior to determination as opposed to being conditioned. The survey must be carried out between May and August.

Biodiversity Net Gain (BNG)

As per your email below, the updated plans appear to show that a few small trees will be removed to facilitate the development. This would mean that the de minimis exemption (less than 25m² of habitat loss) could not be used as any tree loss (even a small tree >7.5cm dbh) has an estimated area habitat of 41m² (associated with the root protection zone and canopy), therefore if one small tree is removed onsite, the de minimis exemption cannot be claimed.

Either all of the trees must be retained, and the works are to be restricted to hardstanding only (or less than 25m² of grassland/other habitat removed), or a full BNG assessment must be undertaken and the mandatory minimum 10% net gain must be achieved either on-site or off-site. A BNG statutory metric and accompanying report (with baseline/post-development maps) would be required.

Summary

In summary, insufficient information has been provided for this application to be determined. A bat emergence survey is required between May-August and a BNG assessment (metric and report) is required given the tree removal proposed and it must be demonstrated how the proposal meets a minimum 10% net gain (onsite or offsite).

Kind regards,

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