



School Lane, Pirbright,  
Woking, Surrey GU24 0JN  
01483 795449

[surreywildlifetrust.org](http://surreywildlifetrust.org)

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Our Ref: 009449/18502/CB

By email only:

[lara.davison@waverley.gov.uk](mailto:lara.davison@waverley.gov.uk)

[planconsult@waverley.gov.uk](mailto:planconsult@waverley.gov.uk)

Dear Ms Davison,

**Planning ref: WA/2019/1344**

**Proposals: Change of Use from storage (Use Class B8) to mixed use Business (Use Class B1) and Financial and Professional services (Use Class A2) and alterations to elevations**

**Location: Stone Barn Bramley village Hall, all Road, Bramley, GU5 0AX**

Thank you for requesting our observations on the above planning application. Our advice is restricted to biodiversity/nature conservation/ecological issues, and does not prejudice further representation the Trust may make as a non-statutory organisation on related or other issues.

Having reviewed the application documents and studied relevant records, comments and recommendations are set out below.

#### Protected species- Bats

All species of bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. All bats are therefore European Protected species.

Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, even if the bat is not present at the time of roost removal. In its role as a local planning authority, the Council should also be aware of its legal duty under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 which states that "*a competent authority*

*must, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.*

The Natural Environment and Rural Communities (NERC) Act (2006) (Section 40) states, “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Section 40(3) also states that, “conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat”.

Government Circular: Biodiversity and Geological Conservation –Statutory obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005) states “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.”

Furthermore, in its role as a local planning authority, the Council should be aware of its legal duty under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 (as amended) which states that “a competent authority must, in exercising any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”. Also, under Regulation 55 of the above Regulations, the Council must apply the following three tests when deciding whether to grant planning permission where a European Protected Species (bats) may be harmed, in line with The Conservation of Habitats and Species Regulations 2017 (as amended):

- the activity must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative;
- favourable conservation status of the species must be maintained.

A *Preliminary Roost Assessment*, December 2018 was undertaken at the application site, which assessed the application building as being a confirmed summer Bat roost as Bat droppings were present. The assessment also set out that further emergence/re-entry surveys would be required to confirm the species, type of roost and number of Bats. The *Bat Survey Report*, July 2019 has been undertaken by a suitably qualified professional and appears appropriate in scope and method. Three surveys were undertaken and based on the observations during these surveys and it has been concluded that the building is being used as a summer roost by Brown Long Eared Bats.

**In accordance with the discussion and recommendations included in the Bat Emergence Survey Report, we would advise the Council, that should they be minded to grant planning permission, the applicant should be required to:**

- **Obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect Bats commencing and to;**

- **Undertake all the actions which will be detailed in the Method Statement based on the mitigation actions presented within the Recommendations section of the above-referenced report, which must support an EPS licence application.**

This will help ensure that the proposed development is in compliance with the statutory provisions of the above referenced legislation.

### Sensitive Lighting

As nocturnal animals, bats are sensitive to any increase in artificial lighting of their roosting and foraging places and commuting routes.

Paragraph 180 of the National Planning Policy Framework states that planning policies and decisions should *“limit the impact of light pollution from artificial light on ... dark landscapes and nature conservation”*.

Bats are highly mobile and there is suitable foraging habitat and possible roosting features adjacent to the site. The applicant should ensure that the proposed development will result in no net increase in external artificial lighting. In order to comply with above referenced legislation, any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trusts’ document entitled *“Bats and Lighting in the UK – Bats and The Built Environment Series”*.

### Biodiversity Enhancements

The National Planning Policy Framework (NPPF) makes it clear (para 170) that *“Planning policies and decisions should contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*.

Paragraph 175 also requires that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”*.

This development offers opportunities to restore or enhance biodiversity and such measures will assist the Local Authority in meeting the above obligation and also help offset any localised harm to biodiversity caused by the development process. The development should incorporate the following.

- Providing bird and bat boxes erected on or integral within the new building as detailed above.
- Using native species when planting new trees and shrubs, preferably of local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife

I hope these comments are helpful in assisting your consideration of the planning proposals. Please do not hesitate to contact the Trust with regard to any other matter relating to this application or if you require any clarifications.

Yours sincerely,

**Cheryl Brunton**

**Conservation Officer (Planning)**

[cheryl.brunton@surreywt.org.uk](mailto:cheryl.brunton@surreywt.org.uk)