

Date: 15 February 2022  
Our ref: 383259  
Your ref: TR010044



Menaka Sahai  
The Planning Inspectorate

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Menaka

**TR010044 A428 Black Cat to Caxton Gibbet Road Improvement scheme – Rule 17 Letter Request for Further Information.  
User Code: 20028237**

Thank you for notifying Natural England of the publication of the Examining Authority's Rule 17 Letter, requesting further information, in your email of 7 February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Our responses to questions directed to Natural England are provided below.

**1. Habitats Regulations Assessment**

- i. Natural England's view on the Applicant's Report to Inform Appropriate Assessment [REP8-016] is: "The report confirms that the barbastelle bats that were observed/heard along the A428 route are not attributed to the SAC barbastelle population. This is not to say that none of the SAC barbastelles use the A428 scheme area as all survey data sets used were relatively small samples" [REP9-056, Page 6, 1]. In light of the possibility that some SAC bats may use the area and so may be affected by the Proposed Development, Applicant, provide an assessment of any in-combination effects of the Proposed Development with other plans and projects that are planned, approved or underway in the area.***
- ii. Natural England and Applicant, consider whether any mitigation measures for the SAC population of Barbastelle bats are needed for the AA, and incorporate any further SAC mitigation measures and monitoring measures into the Environmental Master Plan and First Iteration Environmental Management Plan (EMP).***

To clarify, Natural England is satisfied that the Applicant's SAC barbastelle bat trapping and tagging data adequately demonstrates that SAC barbastelles are not interacting with the area of the Proposed Scheme. This is supported by other survey data referenced in the HRA.

It would not be possible to prove that the barbastelle SAC population never use the area of the Proposed Scheme without trapping and tagging the whole population. Aside from the logistics and

confidence of being able to capture and tag all the SAC barbastelle population, the requirements of the Conservation of Habitats and Species Regulations (2017) must be rigorously applied to the licensing of this intrusive method of bat survey. This is to ensure that the favourable conservation status (FCS) of the species is maintained. Additionally, the welfare of the bats is a key consideration when activities such as trapping and tagging are carried out; anyone undertaking such activities must comply with the requirements of the Animal Welfare Act 2006. The licensed ecologist must make a judgement on site regarding which bats are to be tagged, taking account of their health before attaching any tags. Bats need to be of a sufficient weight and trapping conditions suitable. The risk of capturing the same bats must also be assessed as this can increase stress to that animal.

Whilst the HRA data sets are based on relatively small samples, in the context of the size of the SAC barbastelle population and bearing in mind the above points, Natural England is satisfied that the sample size and survey data obtained is sufficient to demonstrate, beyond reasonable scientific doubt, that SAC barbastelles are not interacting with the Proposed Scheme. We are therefore in agreement with the conclusion of the HRA that the Proposed Scheme alone, and in combination with other projects and plans, will not adversely affect the integrity of the SAC. On this basis Natural England is satisfied that no further mitigation measures are required for SAC barbastelle bats.

I hope our comments are helpful.

Natural England  
15 February 2022

For further information please contact:  
Janet Nuttall  
Sustainable Development Adviser  
Tel: 020 802 65894 Email: [janet.nuttall@naturalengland.org.uk](mailto:janet.nuttall@naturalengland.org.uk)