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BAT PRESENCE/ABSENCE SURVEYS OF:

THE HUMP ST AGNES ISLES OF SCILLY TR22 0PL

Client: Mandy & Adrian Pearce

Our reference: BS16-2019PAS

Report date: 11th July 2019

Author: Darren Hart BSc (Hons)

Report peer reviewed: Darren Mason;

Report signed off: Sarah Mason;

REPORT ISSUED IN ELECTRONIC FORMAT ONLY



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Contents

Non-Technical Summary	4
1.0 Introduction	5
1.1 Background.....	5
1.2 Survey Objectives	5
1.3 Surveyor details.....	5
2.0 Methodology	6
2.1 Bat Dusk emergence survey	6
2.2 Equipment.....	6
2.3 Survey Limitations	6
3.0 Results	7
3.1 Weather conditions, temperatures and timings.....	7
3.2 Dusk emergence and dawn re-entry roost survey results	8
4. Evaluation of Results	9
5. Recommendations and Mitigation	10
5.1 Further survey requirements	10
5.2 EPS Licence requirement	10
5.3 Mitigation – Further Action	10
6. Bibliography	14
APPENDIX A – BAT CONTACTS SURVEY TABLE	15
APPENDIX B – LEGISLATION AND LICENSING	16
a) Legislation.....	16
b) Licensing	16
c) Licence timescales:.....	18
d) Scale of work involved:.....	19
EPS Process	20
APPENDIX C – SUPPLIERS	21
APPENDIX D – BAT FRIENDLY PLANTING	22

Non-Technical Summary

- On the 3rd June 2019, The Isles of Scilly Wildlife Trust (IoSWT) conducted a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) of The Hump, Higher Town, St Agnes, Isles of Scilly, TR22 0PL (BS16-2019), for which there is a proposal to replace the existing main roof and the roof of the bathroom extension with a double roman pantile clay tiled roof. A subsequent dusk emergence survey (PAS) was carried out on the 11th July 2019 to support the findings of the PRA. This report outlines the findings of the presence/absence survey and provides advice based upon all the surveys' conclusions.
- Both the PEA/PRA and PAS reports should be considered together to provide a comprehensive assessment of nature conservation issues at the site.
- During the PRA an external/ internal inspection of the building was undertaken. Those external areas which were accessible were evaluated for roost potential and evidence of bats. A survey constraint was that we were unable to inspect the entire loft space due to safety reasons.
- The characteristics of the building suggested a 'low' roost potential. The presence of some suitable roosting features and the proximity to suitable bat habitat (as outlined in the PEA) necessitated a PAS in order to assess impacts of the proposed development with respect to roosting bats.
- The dusk emergence survey found no evidence of roosting bats within the proposed development site, with the main activity around the proposed development considered to be low, consisting of commuting and foraging behaviour.
- The recommendations in the PEA and PRA along with this report, suggest **no further surveys and no requirement to obtain an EPS license**. This report recommends that there are no constraints to the planning proposal if the following are adhered to; avoidance and mitigation measures during demolition and construction phase and enhancement in the form of provision of new potential roost sites.

1.0 Introduction

1.1 Background

The Isles of Scilly Wildlife Trust (IoSWT) was commissioned by Mandy and Adrian Pearce to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) of the Hump, St Agnes, Isles of Scilly, TR22 0PL. No plans of the proposed development were available at the time of the survey.

This Bat Presence/Absence survey report builds upon the information gathered from the PEA and PRA carried out on the 3rd June 2019.

1.2 Survey Objectives

The objectives of this Presence and Absence Survey (PAS) report, is to provide further ecological information to support the planning proposal by:

- Ascertaining if roosting bats are present at the application site
- To identify the location of these bat roosts (including exit/entry points)
- Subjecting this information (and the information from the PEA and PRA) to evaluation and impact assessment
- To provide advice on the potential for contravention of legislation/policy
- To provide recommendations on any further actions needed (i.e. further surveys, licensing, mitigation or enhancement)

1.3 Surveyor details

The survey was undertaken by Darren Mason BSc and Darren Hart BSc of the Isles of Scilly Wildlife Trust. Both staff members have undertaken professional Bat Licence Training to permit them to undertake professional surveys. They are both currently gathering sufficient 'working hours' to achieve a Natural England Class Level 1 licence.

2.0 Methodology

2.1 Bat Dusk emergence survey

The objective of the dusk emergence survey was to detect active bat use of the site and identify any exit locations being used around the building. Survey effort was concentrated on areas of the site where suitable features or bat field signs were noted from the PRA. The survey involved;

- Starting the survey 15 minutes before sunset and continuing for approximately 1.5-2hours after¹;
- Identification of bat species primarily through the use of ultrasound characteristics. To aid identification flight and habitat characteristics were also noted (where possible) in order to determine the species;
- Identifying exit locations of bats by standing at different vantage points around the building that offered visual contact with any potential exit point previously recorded. Surveyors stood no more than 50m apart, or away from the building (see Fig 1 for location of surveyors).

2.2 Equipment

The following equipment was used for the dusk emergence survey at the site:

- Anabat Express (Frequency Division) static bat recorder
- Elekon Batscanner Stereo Heterodyne
- Batbox III D Heterodyne

Sound recordings were analysed using Analook W 4.3x software to confirm surveyors' identification of species.

2.3 Survey Limitations

Surveys carried out during a specific season can only provide information on bat presence at that particular time, as bats are highly mobile in nature and may only use buildings at certain times of the year that favour a particular part of their roosting, maternity and hibernating requirements.

3.0 Results

3.1 Weather conditions, temperatures and timings

Survey Information:	Start and End Times:	Conditions (Start):	Conditions (End):
Dusk emergence: 11/7/19	Start: 21:12 Sunset: 21:32 End: 22:43	Temp: 18.5°C Humidity: 90% Wind speed: 8 mph Cloud cover: 100% Rain: None	Temp: 17.5°C Humidity: 95% Wind speed: 7mph Cloud cover: 100% Rain: None
	Surveyors		
	1. Darren Hart 2. Darren Mason	Notes: Lux 2 @ 22.03	

Table 1. Site conditions for Dusk emergence survey



Figure 1. Location of surveyors during the dusk emergence survey

3.2 Dusk emergence and dawn re-entry roost survey results

Species confirmed onsite during the dusk emergence survey were Common pipistrelle (*Pipistrellus pipistrellus*) and 3 un-identified Pipistrelle (*Pipistrelle sp.*). Activity was deemed low with 24 bat contacts heard on the bat heterodyne bat detectors but no visual confirmation within the site boundary, recorded at the location of both surveyor 1 and surveyor 2 (see Appendix A for recorded bat contacts). The first bat contact came at 27 minutes after sunset (surveyor 1), recorded on the heterodyne. It has been shown that *pipistrellus sp.* typically emerge 30 minutes after sunset to avoid predation^{2,3}. The proximity of the first contact to around this time after sunset may indicate that a roost(s) of this species is nearby. Both commuting and foraging activity were recorded by both surveyors intermittently throughout the survey period. In total 24 bat contacts were recorded, with the last at 22:31 (see Appendix A for all contacts recorded). During the survey period no bats were seen to emerge from or return to the proposed development.

The analysis of the Anabat static bat recorder suggests that all the bats recorded during the survey period were Common pipistrelle (*Pipistrellus pipistrellus*).

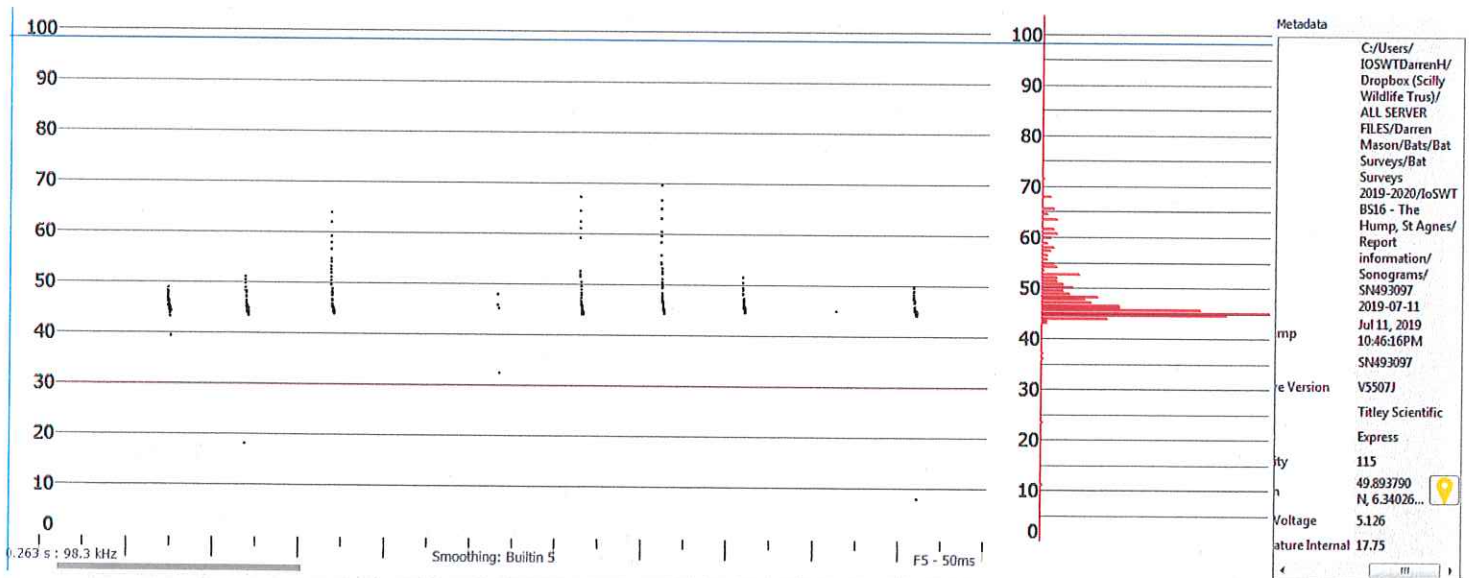


Figure 2. Sonogram of Common pipistrelle (*Pipistrellus pipistrellus*) – 11/07/2019 at 22:46

4. Evaluation of Results

To identify which ecological features are important and which could potentially be affected by the proposed project, an evaluation of their importance for example; in a geographical context, degree of scarcity or level of protected status needs to be undertaken⁴. The table below outlines those features identified as important, the nature conservation legislation relevant to those features and an assessment of the level of impact from the proposed development on those features.

Ecological Feature	Relevant Legislation	Evaluation (of importance)	Mitigation Hierarchy	Impact Level
Habitats:				
Building (roost sites)	CHSR, W&CA	Local	A, M, E	Low
Impacts: Demolition: – None predicted as long as Reasonable Avoidance Measures (RAM) are followed (see section 5) Construction: – None. Positive impact may result through enhancement by creating/incorporating new roosts in the building ⁵ Operational impact: - None predicted, however please note a summary of criminal offences with respect to bats and their roosts. This can be found at: http://www.bats.org.uk/pages/bats_and_the_law.html				
Species:				
Bats	CHSR, W&CA	International	A, M, E	Low
Impacts: Demolition – None predicted as long as Reasonable Avoidance Measures (RAM) are followed (see section 5) Construction/post-construction – None. Positive impact may result through enhancement by increased roost availability ⁵ Operational impact: - None predicted, however please note a summary of criminal offences with respect to bats and roosts. This can be found at: http://www.bats.org.uk/pages/bats_and_the_law.html				
Key to Legislation and Mitigation Hierarchy				
CHSR – Conservation of Habitats and Species Regulations 2017 ⁶ - http://www.legislation.gov.uk/uksi/2017/1012/made W&CA – Wildlife & Countryside Act 1981 (as amended) ⁷ - http://www.legislation.gov.uk/ukpga/1981/69/contents A – Avoid, M – Mitigate, C – Compensate, E - Enhancement				

5. Recommendations and Mitigation

The recommendations in this section are provided as information only and specialist legal advice may be required. If works are delayed for more than one year, then re-assessment may be required.

5.1 Further survey requirements

In the professional opinion of the author there are **no further surveys required**. The justification for this is; BCT guidance suggests that for buildings with a low roost potential a single dusk emergence, or a single dawn re-entry survey should be carried out to provide sufficient evidence to support the PRA that bat roosts are likely absent¹. The surveys carried out to date meet this guidance, are proportionate to the scale of the development and that the information provided is sufficient to inform the planning decision.

5.2 EPS Licence requirement

For any development that is likely to commit an offence (or offences) in respect to a European Protected Species (EPS) i.e. bat, or their habitat, a licence will be required. In this instance based on sufficient survey work **no licence is required**. If, in the unlikely event a bat were found during the demolition phase of the project, Reasonable Avoidance Measures (RAM) must be followed and will determine any further action, such as licensing if necessary.

5.3 Mitigation – Further Action

As there is a low risk that bats may roost within the building, prior to demolition, precautions should be taken to reduce the probability of committing an offence. By undertaking Reasonable Avoidance Measures (RAM), if affected RAM should include:

Avoidance/Mitigation – Bats

- i. If demolition works are planned these should avoid the main breeding and mating season of Common pipistrelle bats, with demolition recommended to take place between the 1st September and 1st May inclusive.
- ii. Ensure all workers on site (including sub-contractors) are made familiar with bat legislation and agree to work in accordance with and fully follow best practice measures.
- iii. Carry out prior to demolition careful checks of any cracks/crevices and cavities in or on the building. Signs of usage include; bat droppings, dis-colouration or polishing of access points where bats rub against them, urine stains and a lack of cobwebs, particularly if other crevices around them have plenty.

- iv. Individual bats may be found in/under; cladding, between timber boards, between corrugated sheeting, in soffit boxes, behind lead flashing and sometimes just clinging to timber beams around joins as well as others areas. When any of these are removed, please do so carefully, lifting outwardly, and checking for bats continually. If in doubt, consult a licensed bat worker.
- v. In the unlikely event that a bat is found please see below:

1. At no point should a worker handle a bat. Untrained handling may cause undue stress and injury to the bat, and if bitten may expose the worker to rabies-related European Bat Lyssavirus
2. Where possible replace any covering without damaging the bat, then halt works and contact **Natural England** (Tel: 0845 601 4523), or the **Bat Conservation Trust Helpline** (0845 1300 228), or **IoSWT** (01720 422153) for advice.
3. Any bats that go to ground should be covered with a box and left alone until a licensed bat worker arrives to assess the condition of the bat
4. If the bat attempts to fly at any point allow it to do so. Preventing natural behavior will cause unnecessary stress and may cause injury. Attempt to see where bat goes. If the bat returns to the building, halt works and report the escaped bat to the local bat worker

- vi. Try to minimise any dust generated from demolition works from entering off-site buildings and gardens.

Enhancement – Bats

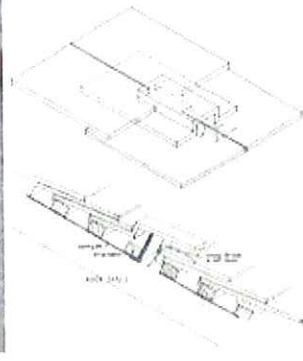
The Isles of Scilly have the most southern population of Common Pipistrelle (*Pipistrellus pipistrellus*) bats in the United Kingdom. Any loss of roosting, commuting or foraging sites could have a detrimental effect on this species distribution as a whole and cause a net loss in biodiversity on the islands.

As the results of this survey have shown that there is a likelihood of a roost nearby and that commuting, foraging and social behaviour is taking place in and around the Hump Boat there is an opportunity for this proposed development to provide additional roosting habitat and an opportunity to strengthen the population of this locally important species.

Each local planning authority in England and Wales has a statutory obligation under Part 3 Section 40 of the Natural Environment & Rural Communities Act 2006⁸ (NERC 2006) to have due regard for biodiversity when carrying out their functions and must pursue sustainable development and a net gain in biodiversity

set out under the guidelines in the National Planning Policy Framework 2018⁹. At the time no proposed plans were available to ascertain the extent of the proposed works, therefore the following works are recommended to provide a guide on how the development could be enhanced for bats.

- i. All new roofing felt laid to be traditional Type 2 bitumen felt, as modern breathable membranes have been shown to kill bats¹⁰.
- ii. Roosting provision that could be provided as long term replacement for the loss of roosts for crevice dwelling species. This could be in the form of 2 in-line clay roof access tiles, one for each aspect (north and south) (see Figures 3. for an example and Appendix C for supplier details). These can be tailored for your roof material and style.
- iii. Alternatively, if the above are not possible then the erection of free-standing bat boxes developed for crevice-dwelling species (see figure 4. for example and Appendix C for supplier details). Erect these on the gable ends of the cottage.
- iv. Encourage a 'bat friendly' planting scheme to enhance the stone wall habitat surrounding the development to encourage foraging bats (See Appendix D for ideas).



Figures 3. Example of an in-line roof tile (tailored to your roof material style and its placement within the roof)

<http://www.habibat.co.uk/category/bat-access-tiles/habibat-access-tile-clay>



Figure 4. free-standing bat box example

https://www.nhbs.com/browse/search?q=bat%20boxes&hPP=30&idx=titles&p=0&is_v=1&qtview=158636

6. Bibliography

1. Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition). The Bat Conservation Trust
2. Rydell, J. et al. (1996). Timing of Foraging Flights of Three Species of Bats in Relation to Insect Activity and Predation Risk. *Oikos*. Vol 76. No.2. p243-252
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4. CIEEM. (2016). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal* (2nd edition). Chartered Institute of Ecology and Environmental Management, Winchester.
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9. Ministry of Housing, Communities & Local Government. (2018). *National Planning Policy Framework*. OGL
10. Waring, S.D. et al. (2013). *Double jeopardy: the potential for problems when bats interact with breathable roofing membranes in the United Kingdom*. *Architecture and the Environment* 1 (1). P1-13. Sckinow Publishing.

APPENDIX A – BAT CONTACTS SURVEY TABLE

11/07/19 – Dusk Emergence		
Date:		
Survey Type:	Surveyor 1	Surveyor 2
Location:	South and East of property	North and East of property
Exit/Entry point:	None recorded	None recorded
Time(s):	21:59, 21:59, 22:03, 22:05, 22:06, 22:09, 22:10, 22:14, 22:22, 22:31	22:00, 22:05, 22:06, 22:07, 22:07, 22:09, 22:09, 22:10, 22:11, 22:14, 22:14, 22:23, 22:23, 22:31
Species of bat:	Common pipistrelle	Common pipistrelle
Roost present:	None recorded	None recorded

APPENDIX B – LEGISLATION AND LICENSING

a) Legislation

All species of bats receive special protection under UK law making it a criminal offence under Schedule 5 section 9 (4) (b) and (c) of the Wildlife and Countryside Act 1981 (as amended) to *"intentionally or recklessly disturb a bat at a roost"* or *"intentionally or recklessly obstruct access to a roost"* and under Regulations 43 (1) and (2) of the Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations) to *"deliberately disturb a bat in a way that would affect its ability to survive, breed or rear young or, affect the local distribution or abundance of the species; or to "damage or destroy a roost"* without first having obtained the relevant licence for derogation from The Habitat Regulations from the Statutory Nature Conservation Organisation (the SNCO – Natural England in England).

The word 'roost' is not used in the legislation, but is used here for simplicity. The actual wording in law is 'any structure or place which any wild animal...uses for shelter or protection' or 'breeding site or resting place'. Because bats tend to re-use the same roosts after periods of vacancy, legal opinion is that the roost is protected whether or not the bats are present at the time.

Penalties on conviction of a bat-related crime - the maximum fine is £5,000 per incident or per bat, up to six months in prison, and forfeiture of items used to commit the offence, e.g. vehicles, plant, machinery.

b) Licensing

In order to obtain such a licence (as set out above) the SNCO must apply the requirements of the Regulations and, in particular, the three tests set out in sub-paragraphs 55(2)(e), (9)(a) and (9)(b). These are as follows:

(1) Regulation 55 (2)(e) states that a licence can be granted for the purposes 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"*.

(2) Regulation 55 (9)(a) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied *"that there is no satisfactory alternative"*.

(3) Regulation 55 (9)(b) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied " *that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*"

The licence would permit an otherwise unlawful activity to take place, and it requires of the licensee measures to ensure that negative impacts are prevented, reduced or offset, and that the favourable conservation status of the bats is maintained. **Once a licence is granted, failure to comply with its contents, including its attached Method Statement is a Criminal Offence with fines of a maximum of £5,000 per infringement.** A licensed bat consultant must be appointed to assist in the preparation and the delivery of the mitigation proposals that ensure the species protection requirements (Favourable Conservation Status 'FCS' test) can be met.

Additional information on the tests is available from the Natural England website.

<http://publications.naturalengland.org.uk/publication/4727870517673984?category=12002>

The ecologist is responsible for providing evidence to meet Test 3. The evidence to satisfy tests 2 and 3 is submitted on a part of the license application called the Reasoned Statement. The Reasoned Statement must be filled in by the client or their agent. Applicants often approach planning consultants, architects or similar for advice regarding completion of the Reasoned Statement.

- **Permissions**

The development must have **full permission** before the licence application will be registered including any ecology-related conditions or reserved matters that can be discharged before the date of application.

- **Further bat surveys**

If a full active bat season is going to pass between the granting of planning permission and the licence application period, Natural England will require **update survey(s)** (March-Aug) prior to application submission. The number of surveys required will vary by site depending on the size and complexity of the site as well as the species and roost types present.

- **Land ownership**

If mitigation, compensation or monitoring is anticipated to be on land not owned by the applicant, then written consent from the landowner will be required by Natural England. Responsibility for management and maintenance must also be agreed.

- **Commitments**

Applications should not give any commitments to undertake licensed works (or actions relating to the licence) that cannot be delivered.

- **Multi-phased projects**

If a plan is phased, Natural England will require a Master Plan with all mitigation and timetables included on it.

c) Licence timescales:

- **Licensing decision**

The licence application pack can take anywhere from **2 to 3 weeks** to produce and Natural England allow themselves **30 working days** from the date of receipt to respond to applications, a window which can be extended if further information is requested by themselves. It is important that clients, developers, contractors, agents, etc. keep this in mind when designing work timetables. Occasionally, further information will be requested by NE, which can result in additional delays; therefore application as soon as possible is advised.

- **Timing of works**

In most cases, the works most likely to affect bats (bat exclusion work, soft strip, re-roofing, ecologist-advised timber treatment, etc.) will normally be timed to avoid the hibernation and maternity periods. Thus, these works tend to be timed for either the **September-October period** or the **March-April period**. This means licence application is normally completed 3 months prior to these periods, and cannot be submitted any earlier.

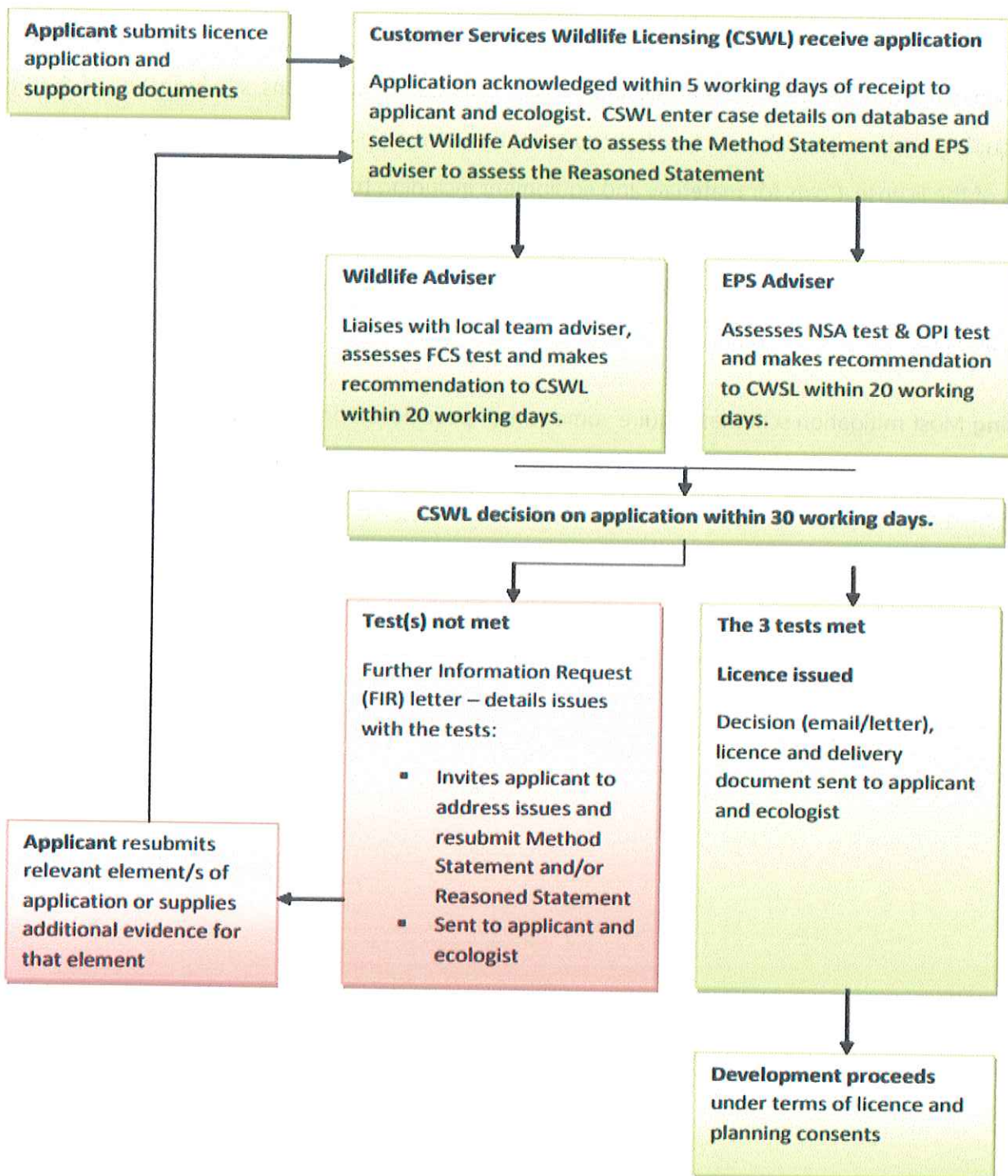
- **Other Timing**

All timescales are weather-dependent (e.g. 5 days post-exclusion period extended due to inclement weather) and also may be impacted by other aspects of the project not related to ecology. In some situations license periods can be extended, but this involves more work and is not guaranteed as they must ensure that Test 3 is still met.

d) Scale of work involved:

- **Mitigation** Production and submission of the license application pack as well as the completion of the licensed works themselves are time intensive and involve inspections, exclusions, site induction and other works requiring onsite supervision such as bat roost creation, soft strip and other necessary checks under the terms of the license. Costs for materials and equipment including bat boxes, exclusion materials, lifts/scaffolding to carry out soft strips, roost construction materials, etc. needs to be considered. Costs can vary considerably by project, but the applicant should ensure provision for all aspects of the licensed works is well-budgeted.
- **Monitoring** Most mitigation schemes require some sort of post-development monitoring, the type and extent of which would be confirmed in the license method statement. A contract with the ecologist for all survey, mitigation and post-development monitoring surveys needs to be agreed for this at the application stage.

EPS Process



EPS application procedure flowchart (updated December 2011). Taken from WML-G12-EPS Mitigation Licensing – How to get a licence
Version December 2013

APPENDIX C – SUPPLIERS

1. Natural History Book Service
1-6 The Stables
Ford Road
Totnes
Devon
TQ9 5LE
Tel: 01803 865913
Email: customer.services@nhbs.com
Website: <https://www.nhbs.com/>

2. Habibat
Tel: 01642 724626
Email: <http://www.habibat.co.uk/contact>
Website: www.habibat.co.uk

3. Dreadnought Tiles
Dreadnought Works
Brierley Hilly
West Midlands
DY5 4TH
Tel: 01384 77405
Email: sales@dreadnought-tiles.co.uk
Website: www.dreadnought-tiles.co.uk

4. Wildlife & Countryside Services
Covert Cottage
Pentre Lane
Rhuddlan
North Wales
LL18 6LA
Tel: 0333 9000927
Email: support@wildlifeservices.co.uk
Website: www.wildlifeservices.co.uk

5. Wildcare
Eastgate House
Moreton Road
Longborough
Gloucestershire
GL56 0QJ
Tel: 01451 833181
Email: sales@wildcare.co.uk
Website: www.wildcare.co.uk

APPENDIX D – BAT FRIENDLY PLANTING

List of species taken from the Bat Conservation Trust Leaflet: "*Encouraging Bats. A Guide for Bat Friendly Gardening and Living*" (BCT 2015)¹⁰

*Plants marked * are hybrids or exotics that may be useful in the garden*

Flowers for Borders	Flowering period
*Aubretia	Spring to early summer
Bluebell	Spring
*Candytuft	Summer to autumn
*Cherry pie	Summer to autumn
Corncockle	Summer to autumn
Corn marigold	Summer to autumn
Corn poppy	Summer to autumn
*Echinacea	Summer to autumn
*Evening primrose	Summer to autumn
Field poppies	Summer
*Honesty	Spring
*Ice plant 'Pink lady'	Early autumn
Knapweed	Summer to autumn
Mallow	Summer to autumn
*Mexican aster	Summer to autumn
*Michaelmas daisy	Summer to autumn
*Night-scented stock	Summer
Ox-eye daisy	Summer
*Phacelia	Summer to autumn
*Poached egg plant	Summer
Primrose	spring
*Red valerian	Summer to autumn
Scabious	Summer
St John's wort	Spring
*Sweet William	Summer
*Tobacco plant	Summer
*Verbena	Summer to autumn
*Wallflowers	Spring to early summer
Wood forget-me-not	Spring
Yarrow	Early summer
Herbs	Flowering period
Angelica	Summer
Bergamot	Summer to early autumn
Borage	Spring to early autumn
Coriander	Summer
Fennel	Summer to early autumn
Feverfew	Summer to early autumn
English marigold	Summer
Hyssop	Summer to early autumn
Lavenders	Summer
Lemon balm	Summer

Herbs	Flowering period
Marjoram	Summer
Rosemary	Spring
Sweet Cicely	Spring to early summer
Thyme	Summer
Trees, shrubs and climbers	Type
*Bramble	climber
Buddleia	shrub
Common Alder	tree (suitable for coppicing)
Dog rose	climber
Elder	tree (small)
Gorse	shrub
Hawthorn	tree (suitable for coppicing)
Hazel	shrub (suitable for coppicing)
Honeysuckle (native)	climber
Hornbeam	tree
*Jasmine (night-scented)	climber
Grey Willow	tree (suitable for coppicing)
Rowan	tree
Silver birch	tree
Ivy	climber

