

Bat Survey: Preliminary Roost Assessment and Bird Survey

131 Radcliffe New Road

Whitefield, Manchester

December 2024

Prepared for: YS Building Services Ltd.

Report prepared by: Verity Webster BSc (Hons) MSc CEcol CMIEEM



EXECUTIVE SUMMARY

- On 29th November 2024 a Preliminary Roost Assessment and Bird Survey was undertaken at 131 Radcliffe Road, Whitefield.

Bats

- The house on site has low suitability for bats, but will not be directly impacted by the proposals.
- The proposals are considered very unlikely to have any impact upon bats or their roosts. No further survey work is considered necessary. Avoidance measures with regard to lighting are recommended.

Birds

- No evidence of use of the existing house and hedgerow by nesting birds was found. However, the hedgerow has potential to support nesting birds such as swallow in the spring and summer months. Mitigation to avoid harm to nesting birds is proposed.
- The proposals provide the opportunity to enhance the site for bats and nesting birds and recommendations for this have been made.

Verity Webster

Ecology and Protected Species Consultancy

Chorley, Lancashire; www.ecologyconsultant.co.uk; tel: 07917 852 401; Email: info@ecologyconsultant.co.uk



1. Introduction

1.1 Application Site

- 1.1.1. This report details bat survey work on a building at 131 Radcliffe New Road, Whitefield, Manchester, M45 7RP. Ordnance Survey grid reference (centre of site): SJ 6209 5577.
- 1.1.2. YS Building Services Ltd commissioned Verity Webster Ltd to undertake the bat survey work to inform the planning application.

1.2 Objectives

- 1.2.1 The objectives of the Preliminary Roost Assessment and Bird Survey are to determine:
- The suitability of the buildings on site to support a bat roost or nesting birds
 - Whether bats or birds are currently using the buildings, or have done in the past.
 - The potential status of any roost present.
 - How bats might be using the site and the potential species present.
 - The potential impacts of the proposals on any potential roost present or on bats using the site.
 - The potential impacts of the proposals on any bird species using the site.
 - The requirement for further survey work and/or mitigation.
 - How any impacts might be avoided, mitigated and/or ameliorated, including advice on European Protected Species Mitigation (EPSM) application if required.
- 1.2.2 The format and content of this report follow that required by the European Protected Species Mitigation (EPSM) licence application where appropriate.

1.3 Proposals

- 1.3.1 The proposals comprise the construction of a dwelling with associated car parking.

1.4 Ecologist

- 1.4.1 The Preliminary Roost Assessment was undertaken by Verity Webster. Verity is a licensed bat surveyor (Bat Survey Class Licence WML CL18 (Class 2) Registration number: 2015-13858-CLS-CLS).
- 1.4.2 Verity has worked as an ecological consultant since 2007. She has undertaken preliminary bat assessments and further bat emergence/activity surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes/method statements when necessary.



2. Site Location

- 2.0.1 The survey site is located in a built-up residential area of Whitefield, Manchester, approximately 600m west of Bury New Road which runs north to south.
- 2.0.2 Residential houses and gardens surround the site, although open green space lies within close proximity. Woodland with waterbodies lies approximately 75m to the north, beyond which weaves the River Irwell southwest to northeast through the landscape. Open space extends north from the river encompassing grassland, scrub and trees. A golf course, supporting grassland, trees and waterbodies lies approximately 300m to the south. Open space along the River Irwell is retained in patches through the landscape and Outwood Country Park, which is part of this, lies approximately 1.3km to the west.
- 2.0.3 Linear features, such as the River Irwell, and also a railway line which lies approximately 85m the south of the site, provide habitat corridors for mobile species such as bats and birds, facilitating their movement through the landscape. See Figures 1 and 2.

Figure 1: Ordnance survey map showing the location of the survey site.





Figure 2: Aerial image showing the survey site and wider area





3. The Survey Site

- 3.0.1 The survey site comprises a house and vegetated garden surrounded by a non-native leylandii hedgerow.

The House

- 3.0.2 The house comprise a dormer bungalow constructed of brick and rendered. The building has a pitched roof with dormer windows. The roof overhangs the walls and is sealed with a UPVC soffit. There are hanging slates on the dormer windows at the rear (north elevation). The windows and doors are UPVC.
- 3.0.3 There is no loft space as the upper roof void has been converted.

Shed

- 3.0.4 There is a small rectangular shed to the rear (northeast) of the house. This is constructed of brick and rendered with a pitched, slate roof and wooden fascia.

Trees

- 3.0.5 The trees that comprise the leylandii hedgerow and the small, ornamental trees on site have no suitability for bats as they lack the stature and potential features such as flaking bark, rot holes and split limbs that may be suitable.



The front (south elevation) of the house



The front (south elevation) of the house



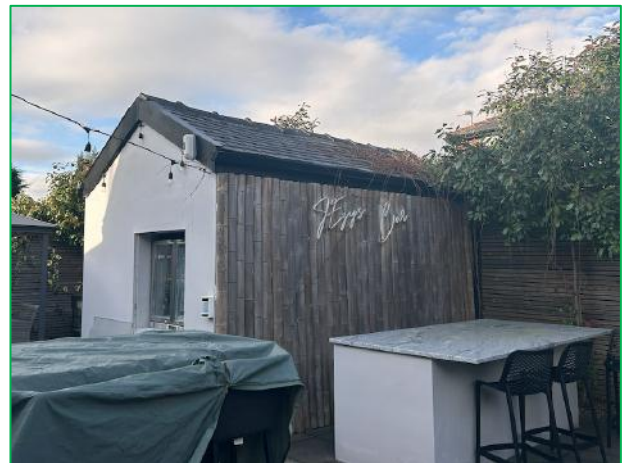
The rear (north elevation) of the house



The rear (north elevation) of the house



The west elevation of the shed



The east elevation of the shed



4. Legislation

Full details of relevant legislation and planning policy can be found in Appendix A.

4.1 UK and EU Legislation

Bats

4.1.1 Key legislation regarding the protection of bats:

- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act (CROW), 2000
- The Natural Environment and Rural Communities Act (NERC, 2006)
- Conservation of Habitats and Species Regulations 2017 (as amended)

4.1.2 Under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2018, it is a criminal offence to:

- Deliberately capture, injure or kill a bat
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat
- Intentionally or recklessly obstruct access to a bat roost.

Nesting Birds

4.1.3 The Wildlife and Countryside Act 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

4.1.4 The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:

- kill, injure, or take any wild bird,
- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006), or
- take or destroy an egg of any wild bird.

Schedule 1 Birds

4.1.5 In addition to the above, special penalties are available for offences related to birds listed on Schedule 1. Barn owl is included on this schedule.

4.1.6 It is an offence to disturb any Schedule 1 bird at the nest, or to disturb their dependent young.



4.2 Planning Policy and Legislation

- 4.2.1 Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.
- 4.2.2 The National Planning Policy Framework (NPPF, 2021) encourages Local Planning Authorities to conserve and enhance biodiversity.

Chapter 15, Para 180 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".*

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 185 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- a) "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity."*

Para 186 states that *"when determining planning applications, local authorities should apply the following principles:*

- a) if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused"*

- 4.2.3 The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.



5. Survey Methodology

- 5.0.1 The Preliminary Roost Assessment was undertaken in accordance with currently accepted guidance: Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edn). The Bat Conservation Trust, London.

5.1 Desk Study

- 5.1.1 Data sources used to establish background information about bats and their likely presence in the locality:
- Magic Map, Natural England (2016)
 - Bing Maps (2017)
- 5.1.2 Satellite mapping, Ordnance survey, road map, habitat and designated site data from Magic Map (Natural England, 2014) was used to assess the value of the surrounding habitat for bats in the area at a landscape scale (5km), including any potentially important habitat corridors (linear habitat features), feeding grounds or potential roost opportunities, such as large expanses of woodland. The features and habitats immediately surrounding the site (local area) were also assessed at a finer scale as these influence the likely presence of bats within the survey site.

5.2 Preliminary Roost Assessment

- 5.2.1 An internal and external inspection of the structures was undertaken during daylight to determine the suitability for bats and establish, if possible, whether bats are using the building or have been in the past.
- 5.2.2 All accessible parts of the structures were inspected to look for bats and signs of the presence of bats, including:
- Droppings.
 - Feeding remains including moth and butterfly wings.
 - Staining from urine or oils near crevices or holes or on timber (such as roof beams), walls, chimney breasts etc.
 - Scratch marks on walls and timber.
 - Squeaking or chattering calls.
- 5.2.3 The systematic search inside the buildings included inspection of beams, floors, surfaces of stored materials, loose roof insulation or felt covering, junctions between roof timbers and timbers and the walls, and crevices within brickwork. Potential access into the building was also inspected by searching for holes in insulation and any light penetration into the interior from the outside.
- 5.2.4 The assessment outside the buildings included inspection of all walls, windows, window sills, fascias, soffits, eaves and tiles, including a search for any crevices under tiles, under lifted lead flashing or lifted roofing felt, missing mortar, gaps in the ridge or gable end of the roofs, crevices in brickwork or under flaking paintwork or render, gaps in cladding or hanging tiles and any other potential bat roost opportunities.
- 5.2.5 Equipment: During the survey, a strong torch with directional beam was used to inspect the buildings.



- 5.2.6 As a result of the external preliminary roost assessment, the structures on site was characterised as having 'none', 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm the presence of a roost.
- 5.2.7 Buildings or structures typically characterised as having suitability at the following levels:
- **None:** No habitat features on site likely to be used by any roosting bats at any time of year.
 - **Negligible suitability:** No obvious habitat features likely to be used by roosting bats. Modern or newly-built well-sealed structures may fall into this category. Structures that are metal clad with metal internal beams might have negligible potential if there are no favourable roosting spaces. Structures may also be unfavourable due to the level of disrepair, being subject to poor weather conditions.
 - **Low suitability:** Structures will have sub-optimal roost features with limited potential for roosting bats. Features may be used by single bats opportunistically, but do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis by large numbers of bats.
 - **Medium suitability:** Structures may have a few features with potential for bats, that provide enough space, shelter, protection and other suitable conditions, or several features with limited potential for bats. It may also be that a potentially suitable structure is situated in an area with habitat that has an only low potential for foraging and commuting bats.
 - **High suitability:** Structures support at least one or more features that provide opportunities for roosting bats such that they might be used regularly, for longer periods by larger numbers of bats. These may be external features, such as lifted weatherboard or crevices in brick or stonework, or internal, such as large loft spaces with potential access. Barns, with open doorways and windows with wooden rafters and beams, may fall into this category. If a structure is close to good habitats, such as a waterway, marshland or woodland, this also increases the potential for roosting bats.
 - **Confirmed roost presence:** It is evident as a result of signs from inspection, such as droppings, or sight of bats, that a roost exists within the building. It is not always possible to ascertain the presence or absence of a roost even if some signs, such as droppings or feeding remains are found.

5.3 Nesting Bird Assessment

- 5.3.1 An assessment of the suitability of the structure and vegetation to support nesting birds and to determine the presence/absence of nesting birds, including old bird nests was undertaken during the site visit.
- 5.3.2 Holes and crevices suitable for hole-nesting species were noted and inspected where possible. The structure and the surroundings were searched for evidence of nesting including nest material, feathers and old fragments of eggshells.
- 5.3.3 Observation of the structure was also undertaken to determine any evident nesting activity, including gathering of nest materials or regular visiting to crevices, holes or structures.



6. Survey Limitations

- 6.0.1 The survey was undertaken in daylight in late-November. At this time of year bats are likely to be occupying winter roost site. The house is considered unfavourable for winter hibernation, for which bats require a constant temperature in a humid environment, but, if features are present, would be more suited to a summer roost site. Evidence of bats on the exterior of a building may be present if it is used regularly in the transitional period. Evidence of the use of the interior of a building by bats in the current or previous season is, however, much more likely to be present where signs (such as droppings and feeding remains) are protected from the elements.
- 6.0.2 Biological records data from the local records centre was not obtained. In this instance, the daytime survey and inspection is considered sufficient to determine the suitability for bats and to inform appropriate and proportionate recommendations around an assessment of potential impact.



7. Findings: Preliminary Roost Assessment

7.1 Suitability of the Locality for Bats

- 7.1.1 At a landscape level, the area surrounding the survey site considered to be very good for bats. Refer to Figure 2.
- 7.1.2 The surrounding open landscape supporting a matrix of habitats will support a variety of bat species.
- 7.1.3 The widespread common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively) are likely to be present including species that favour open space, such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*). Daubenton's bat (*Myotis daubentoni*) are likely to be present along the River Irwell and associated with waterbodies. Species that favour woodland, such as brown long-eared bat (*Plecotus auritus*), Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are less likely to be present as this habitat is not prevalent.

The Conservation Status of Bats in the Area

- 7.1.4 The conservation status of bats in the area is shown in Table 1.

Table 1: The Conservation Status of Bats in the area at a Local, County and Regional Level

Species	Local	County	Regional
<i>Common pipistrelle</i>	<i>Likely to be common in the area. There are records of this species in the area (10km).</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Soprano pipistrelle</i>	<i>Likely to be present due to the presence of riparian habitat.</i>	<i>Widespread. Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Nathusius's pipistrelle</i>	<i>Likely to be rare in the area.</i>	<i>Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.</i>	<i>Rare across the northwest. A migratory species.</i>
<i>Brown long-eared bat</i>	<i>Likely to be in the area. There is a recent record of this species within 10km of the site.</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest.</i>
<i>Natterer's bat</i>	<i>Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.</i>	<i>Scattered distribution in the county.</i>	<i>Widespread and scattered across the Northwest.</i>



<i>Noctule</i>	<i>Present</i>	<i>Widespread and frequently recorded.</i>	<i>Common and widespread. Frequently recorded in the Northwest.</i>
<i>Whiskered bat</i>	<i>Present but likely rare</i>	<i>Present</i>	<i>Widespread.</i>
<i>Brandt's bat</i>	<i>Rare / absent</i>	<i>Present</i>	<i>Widespread.</i>
<i>Alcathoe's bat</i>	<i>Unknown</i>	<i>Unknown</i>	<i>Widespread. Likely under-recorded.</i>
<i>Daubenton's</i>	<i>Presence is likely due to the riparian habitat present.</i>	<i>Widespread, frequently recorded near water.</i>	<i>Widespread</i>
<i>Serotine</i>	<i>Rare / absent</i>	<i>Unknown</i>	<i>Restricted to south and southwest Britain, rarely recorded in the northwest.</i>
<i>Leislars</i>	<i>Rare</i>	<i>Unknown</i>	<i>Rare, but widespread in Britain. Present in the northwest.</i>
<i>Barbastelle</i>	<i>Unlikely to be present in the area. This species is a woodland-specialist and there is a lack of this habitat present.</i>	<i>Unknown</i>	<i>Present south of a line from North Wales to the Wash.</i>

7.2 Preliminary Roost Assessment

7.2.1 The building inspection and bat roost assessment was undertaken in daylight on 29th November 2024.

The House

7.2.2 **The house is considered to have low suitability for bats.**

7.2.3 Externally and internally the walls of the building are in good condition and do not provide any potential roost features. There are a few crevices beneath hanging tiles on the dormer windows on the rear (north) of the building. These have potential to provide roost space for crevice-roosting bats such as pipistrelle species. However, the majority of the roof structure is well-sealed and there are no gaps or crevices in the soffit.

7.2.4 No evidence of bats was found externally, however it is possible that droppings may have been washed away by the weather.

The Shed

7.2.5 **The shed is considered to have no suitability for bats.**

7.2.6 The shed roof appears to be well-sealed with no cracks or gaps that may provide potential roost space for bats. Similarly, the walls and fascia are well sealed.



Showing gaps under lifted slates on the rear of the building



Showing gaps under lifted slates on the rear of the building



8. Findings: Bird Survey

- 8.0.1 No evidence of old nests were found in the externally around the house, shed or in the hedgerow.
- 8.0.2 The leylandii hedgerow, providing dense cover is, however, likely to support nesting birds in the spring and summer months.
- 8.0.3 Precautions are recommended to avoid harm to nesting birds during works.

9. Appraisal

Bats

- 9.0.1 The Preliminary Roost Assessment of the house and shed at 131 Radcliffe New Road was undertaken to determine the suitability of the structures for roosting bats and to determine the likely impact of the proposed works on bats.
- 9.0.2 No bats or signs of the presence of bats were found during the inspection of the buildings. The shed is considered to have no suitability for bats. The house is considered to have low suitability for bats given the presence of potential crevice roost sites under hanging slates. However, the proposals will not directly impact the structure and for this reason, no further survey work is considered necessary.
- 9.0.3 Avoidance measures with regard to lighting are recommended to avoid any indirect impact upon roosting and foraging bats in the area.
- 9.0.4 The proposals provide the opportunity to enhance the site for bats.

Nesting Birds

- 9.0.1 No evidence of use of the buildings or hedgerow by nesting birds was found during the survey.
- 9.0.2 The hedgerow has potential to support nesting birds in the spring and summer months and for this reason avoidance mitigation is recommended to avoid any negative impact to nesting birds during works.
- 9.0.3 The proposals provide the opportunity to maintain enhance the functionality site for nesting birds.



10. Recommendations

Nesting Birds: Avoidance Mitigation

10.0.1 To avoid harm to nesting birds, the following must be undertaken:

- Initial works to the construct the new dwelling should be undertaken outside the bird nesting season (nesting season March – September inclusive).
- If this is not possible a survey by a suitably experienced ecologist must be undertaken prior to the start of works to determine the presence or absence of nesting birds in the vegetation on site and to inform any necessary mitigation.

Enhancement: Bats and Birds

9.0.1 The proposals provide the opportunity to enhance the site for bats and nesting birds.

9.0.2 It is recommended that:

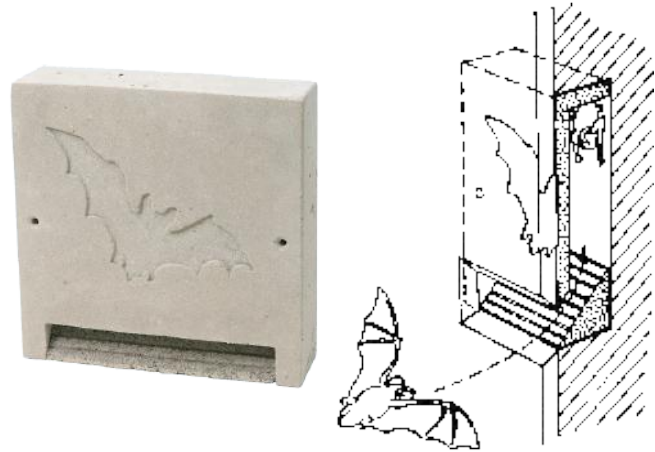
- At least two crevice-roost sites for roosting bats are integrated into, or attached externally to the newly constructed dwelling. See the examples below.
- Alternative bat access slates can be installed into the roof (See Appendix B).
- At least 2 house sparrow nest boxes are integrated into the new dwelling. These will be of benefit as house sparrow declining species, and houses near dense vegetation provide an ideal opportunity to improve nesting opportunities.



Bat and Bird Boxes

1FE Schwegler bat access panel

This box is durable and does not require cleaning.



Beaumaris Woodstone Bat Box

This box is durable and does not require cleaning.

All bat boxes are available from NHBS Ltd



Estella House Sparrow Nest box



11. References

- BING maps (Accessed 2024) <http://www.bing.com/mapspreview>
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edn). The Bat Conservation Trust, London.
- Google maps (Accessed 2024) <https://www.google.co.uk/maps>
- MAGIC Map (Accessed 2024) <http://www.magic.gov.uk/MagicMap.aspx>. DEFRA.



• APPENDIX A: Wildlife Legislation and Planning Policy

UK AND EU LEGISLATION

11.1. KEY LEGISLATION

11.1.1. Key legislation regarding the protection of bats:

- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act (CROW), 2000
- The Natural Environment and Rural Communities Act (NERC, 2006)
- Conservation of Habitats and Species Regulations 2017 (as amended)

11.2. WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

11.2.1. The Wildlife and Countryside Act 1981 is UK legislation.

11.2.2. Bats are listed on Schedule 5 of the Wildlife and Countryside Act (WCA) 1981. Under Section 9 of this legislation it is an offence to:

- Kill, injure or take a bat.
- Possess, a live or dead bat.
- Intentionally or recklessly damage or destroy any structure or place which any bat uses as shelter or protection.
- Intentionally or recklessly disturb a bat whilst it is occupying a structure or place which it uses for shelter or protection.
- Internationally or recklessly obstruct access to any structure or place which a bat uses as shelter or protection.
- Sell, offer or expose for sale any live or dead bat.

11.3. COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

11.3.1. Schedule 12 of the Countryside and Rights of Way (CROW) Act 2000, amended by the Wildlife and Countryside Act 1981 by removing the need to prove intent to damage a roost / harm (etc) a bat or other species listed on Schedule 1 by adding the words 'or recklessly' after 'intentionally' into the wording in Section 9 of the WCA 1981. The CROW act also strengthened the penalties for offences to bats and other species listed on Schedule 5.

11.4. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

11.4.1. The Conservation of Habitats and Species Regulations 2017 (as amended) consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales.

11.4.2. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. The regulations came into force on 30 October 1994.

11.4.3. The Regulations provide for the designation and protection of European Sites and European Protected Species, including bats.

11.4.4. Under the Regulations, competent authorities (ie any government department or public body)



have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive.

11.4.5. With regard to European Protected Species (including bats), the Regulations make it an offence to:

- Deliberately capture;
- Kill;
- Disturb or;
- Trade in animals listed in Schedule 2, which include all UK bat species.

11.5. European Protected Species (EPS) Licenses and the Three Tests

11.5.1. These actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserve public health and safety). For such a licence to be granted the appropriate authority would have to be satisfied that an application has met the three tests, which are:

- 1)- The licence may be granted "to preserve public health or public safety or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences or primary importance for the environment"
- 2)- There must be "no satisfactory alternative"
- 3)- The proposal "will not be detrimental to the maintenance of the species at a favourable conservation status in its natural range"

11.6. NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006 (PLANNING SYSTEM)

Planning Authorities: A Duty to Conserve Biodiversity

11.6.1. Under this legislation, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site *before* they make a decision on the planning permission.

11.6.2. Part 2, Section 40 confers on the planning authorities a duty to conserve biodiversity and 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 biodiversity"

Species of Principal Importance

11.6.3. Part 3, Section 41 requires the Secretary of State to "*publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of **principle importance** for the purpose of conserving biodiversity*".

11.6.4. This requirement leads to production of a list of species and habitats of Principal Importance. This list includes all UK bats.



PLANNING POLICY

11.7. NATIONAL PLANNING POLICY FRAMEWORK

10.7.1 Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.

10.7.2 The National Planning Policy Framework (NPPF, 2021) encourages Local Planning Authorities to conserve and enhance biodiversity.

Chapter 15, Para 180 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- b) **protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....***
- e) **minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".***

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 185 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- c) **"Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and***
- d) **Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity."***

Para 186 states that *"when determining planning applications, local authorities should apply the following principles:*



- b) *if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused'***

10.7.3 The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.

11.8. ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

10.8.1 This document, to be read in conjunction with NPPF provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It makes it clear that it is the intention of the government that local authorities and developers consider protected species at the earliest possible stage in the planning process. Any planning application that is likely to affect protected species should come with details of the surveys which have been undertaken and should include, if necessary, recommendations for mitigation. Applications which do not include sufficient data should be rejected.



• Appendix B – Bat Access Slate

