

Bat Preliminary Roost Assessment and Breeding Bird Assessment

74 Sheepfoot Lane

Prestwich, Manchester

March 2026

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

Prepared for: Shahdoth Ali Shah



EXECUTIVE SUMMARY

- On 6th February 2026 a Preliminary Roost Assessment and Breeding Bird Assessment was undertaken 74 Sheepfoot Lane, Prestwich, Manchester.

Bats

- The house is considered to have low suitability for bats given the potential roost features in the roof structure and the large loft void. The proposals to refurbish the structure may have an impact upon bats or their roosts.
- Further survey work in the spring/summer months is recommended to determine the presence or absence of a bat roost in the house. This survey work must be undertaken between May – August when bats are active.

Birds

- No evidence of birds nesting within the house and shed was found during the survey. However, there is suitability for nesting birds in the roof structures, in particular for small, passerine birds, and for this reason avoidance mitigation to avoid harm to nesting birds is proposed.

Verity Webster

Ecology and Protected Species Consultancy



1. Introduction

1.1 Application Site

- 1.1.1. This report details a bat Preliminary Roost Assessment and Bird Assessment at 74 Sheepfoot Lane, Prestwich, Manchester, M25 0DT. National grid reference: SD83700361.
- 1.1.2. Shahdoth Ali Shah 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 Assessment 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.
 - The potential to achieve Biodiversity Net Gain.
- 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 refurbishment and extension of the house and demolition of the shed.

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 residential area of Prestwich, Manchester. Sheepfoot Lane runs along the northern boundary. Middleton Road runs southwest to northeast approximately 40m to the east.
- 2.0.2 The site is located in close proximity to extensive areas of open space. Heaton Park, supporting grassland, woodland and standing water lies opposite the site beyond Sheepfoot Lane. Blackley Forest Local Nature Reserve lies approximately 150m to the east. The River Irk weaves north to south through Blackley forest, approximately 230m to the east at the closest point.
- 2.0.3 The locality is considered to have high suitability for bats.

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





Figure 2: Aerial image showing the proposed development site and immediate surroundings





3. The Survey Site

- 3.0.1 74 Sheepfoot Lane comprises a detached two-storey house and a single-storey shed. There is a small area of amenity grassland.

The House

- 3.0.2 The house is a roughly square, two-storey brick structure with a large, pitched, corrugated tiled roof. The gables are on the north and south elevation. There are UPVC soffits. The roof is lined with bitumen felt. The loft is large, approximately 3m to the apex. The windows and doors are UPVC.
- 3.0.3 Works are currently taking place at the property on the northeast elevation.

The Shed

- 3.0.4 The shed is a rectangular, single-storey brick structure with corrugated tiles line beneath with bitumen. It is understood that the shed has since been demolished.



The west elevation of the house



The west and north 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 building 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 building 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 Breeding Bird Assessment

- 5.3.1 An assessment of the suitability of the structures 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.



6. Survey Limitations

- 6.0.1 The survey was undertaken in daylight in early-February. At this time of year bats are likely to be in a winter hibernation sites and birds are not yet breeding. The house and garage are not considered suitable for winter hibernation. For winter hibernation bats require a constant temperature in a humid environment. Due to recent weather, evidence of bats on the exterior of a building are unlikely to be present, having likely been washed away, but evidence of the use of the interior of the building by bats, either in the current or previous seasons is likely to be present where signs (such as droppings and feeding remains) are protected from the elements.
- 6.0.2 The biological records data was not obtained to inform this assessment. At this stage the inspection is considered sufficient to inform the requirement for further survey work.



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 residential landscape provides potential roost opportunities whilst the nearby greenspace, including parkland, waterbodies and the River Irk provides good potential foraging habitat. The river and tree lines also provide good potential habitat corridors facilitating the movement of bats through the landscape.
- 7.1.3 The bats most likely to be present are the widespread common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively), which are adapted to the urban landscape. Species that favour open space, such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) may also occur, as they can travel large distances to open countryside, but are unlikely to roost in urban buildings. Woodland is relatively abundant given the urban location and species associated with this habitat such as Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) may be present.

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



<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 6th February 2026.

The House

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

7.2.3 Externally the brick walls are well-sealed with no evident crevices or cracks. There is, however, a small gap beneath the soffit on the north elevation. This may provide potential roost opportunities for crevice-roosting bats such as pipistrelle bat species.

7.2.4 The roof structure appears sealed, but recent repairs have taken place. When in the loft space, there is light visible coming through the eaves, suggesting potential access.

7.2.5 The loft is large, with sufficient space to support bats such as brown long-eared bat, which favour internal voids in which to roost and like to fly internally prior to leaving a roost.

7.2.6 No bats and no evidence of bats (droppings or feeding remains) was found during the internal inspection. However, it was not safe to fully access the space, so it is possible that some evidence may have been missed.

7.2.7 The lack of evidence suggests a roost of species such as brown long-eared bat is unlikely. However, the possibility of crevice-roosting bats cannot be ruled out.

7.2.8 **Further survey work for bats in the summer months is recommended to determine the presence or absence of a roost.**



The Shed

- 7.2.9 The shed was considered to have low-negligible suitability for bats.
- 7.2.10 Externally the brick walls are well-sealed. However, there are a small number of crevices in the roof structure where tiles are uplifting. The gaps between the tiles and the lining provide potential roost opportunities.
- 7.2.11 No evidence of bats was found internally. It is understood that the shed has been demolished since the survey was undertaken.



Showing a small gap under the soffit of the house on the north elevation.



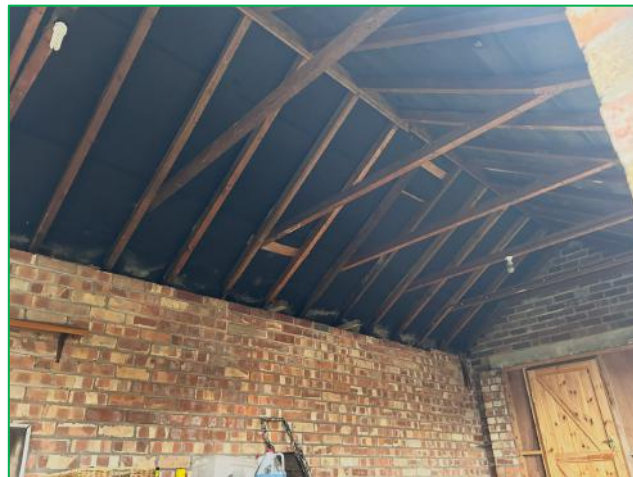
Showing the large loft void in the house



Showing crevices under the tiles on the south elevation of the house



Showing damage to the shed roof providing potential access for bats between the tiles and the lining



Showing the internal shed space



8. Findings: Bird Assessment

- 8.0.1 There was no evidence of use of the house or shed by birds including owls.
- 8.0.2 However, due to the presence of crevices in the roof structure of the shed and a potential gap beneath the eaves of the house, it is possible that small passerine birds may nest in external features in the spring or summer months. Avoidance mitigation is recommended to prevent potential harm and disturbance to nesting birds.

9. Appraisal

Bats

- 9.0.1 The Preliminary Roost Assessment of 74 Sheepfoot Lane was undertaken to determine the suitability of the buildings for roosting bats and to determine the likely impact of the proposed works on bats.
- 9.0.2 The house is considered to have low suitability for bats due to the potential roost features within the roof structures and also the close proximity of surrounding, highly suitable habitat. Further survey work is necessary to determine the presence or absence of a bat roost.

Breeding Birds

- 9.0.3 The house has potential to support small nesting birds in the spring and summer months. For this reason, avoidance mitigation is recommended as a precaution.
- 9.0.4 The proposals provide the opportunity to maintain enhance the functionality site for nesting birds and recommendations for this have been made.



10. Recommendations

10.1. Bats - Further survey work

10.1.1. The house is considered to have low suitability to support roosting bats. In order to determine the presence or absence of a roost, it is necessary to undertake further survey work. It is recommended that:

- A single evening emergence survey is undertaken between May – August, at least one must be undertaken in June or July.

10.1.2. The survey work will inform any necessary mitigation.

10.1.3. If a bat roost is confirmed present, it will be necessary to undertake two additional surveys and also necessary to apply for and attain a European Protected Species Mitigation (EPSM) licence prior to the start of works.

10.1.4. An EPSM licence (issued by Natural England) would detail the necessary mitigation and procedures of work required to ensure that no bats are harmed during the works and that the conservation status of the species is retained following the works.

10.2. Breeding Birds

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

- Initial works to the cottage roof and walls 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 and to inform any necessary mitigation.

10.3. Enhancement

10.0.2 The proposals provide the opportunity to retain existing opportunities and enhance the site for bats and birds:

- Installation of bird boxes on the refurbished, extended building will increase the opportunities for birds such as sparrow, a species declining in Manchester. It is recommended that at least 4 boxes are installed.
- Installation of bat boxes will compensate for the loss of potential roost features and enhance the site for bats long-term. However, proposed enhancement and/or mitigation for bats cannot be confirmed until the bat survey work is completed.
- The following boxes can be used, but alternatives are available at NHBS.com



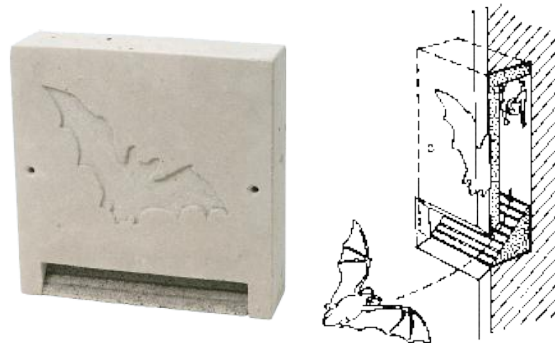
Vivara Pro WoodStone House Sparrow Nest Box



Vivara Pro Seville WoodStone Nest Box with both 32mm holes and 28mm holes, allowing for use by different species.

1FE Schwegler bat access panel

This box is durable and does not require cleaning.



Ibstock Enclosed Bat Box 'C'

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





11. References

- BING maps (Accessed 2026) <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 2026) <https://www.google.co.uk/maps>
- MAGIC Map (Accessed 2026) <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.
- Intentionally 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.