

Bat Survey Report:
Presence / Absence Survey
Knowsley House, Ainsworth Nursing Home
Knowsley Road, Ainsworth, Bolton

September 2020

Prepared for: Mr Moore

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



EXECUTIVE SUMMARY

- A Preliminary Roost Assessment and an Evening Emergence Survey for bats were undertaken in early-September 2020 at Knowsley House, Ainsworth Nursing Home, Ainsworth, Bolton.
- During the inspection, no evidence of bats was found within the building, or externally. The building was considered to have low -moderate suitability for bats.
- During the evening emergence survey, no bats were seen or heard emerging from, or entering the building.
- The survey work is considered sufficient to give confidence in a negative result (likely absence of a roost within the building).
- The proposals to refurbish the building are considered very unlikely to have any negative impact upon bats in the locality.
- However, there is a risk that individual itinerant bats will roost within the potential roost features within the roof structure of the house upon occasion. For this reason, precautionary methods of work during removal of the roof materials as a part of the demolition is recommended.
- Recommendations have been made to enhance the site for biodiversity.



1 Introduction

1.1 Application Site

- 1.1.1. This report details bat survey work at Knowsley House, Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bolton, BL2 5PT. National grid reference SD 7646 1090.
- 1.1.2. Mr Moore 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 updated Preliminary Roost Assessment and additional Presence / Absence Survey were to determine:
- The suitability of the buildings on site to support a bat roost.
 - Whether bats are currently using the buildings, or have done in the past.
 - The potential status of any roost present.
 - How bats might be using the rest of the site (garden).
 - The potential impacts of the proposals on any roost present or on bats using the site.
 - How any impacts might be avoided, mitigated and / or ameliorated, including advice on European Protected Species Mitigation (EPSM) application if required.

1.3 Proposals

- 1.3.1 The proposals comprise the conversion and extension of the loft void.

1.4 Ecologist

- 1.4.1 The Bat Emergence Survey work was lead and 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 for over 13 years. 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 The Survey Site

2.1 Site Location

- 2.1.1 The survey site is located in a rural location, approximately 500m north of Ainsworth, a village situated between Bury to the northeast and Bolton to the southwest.
- 2.1.2 Ainsworth Nursing Home is surrounding by open countryside, comprising grazed grassland and arable land divided by tree lines and hedgerows. There are small, scattered plots of woodland, but no substantial areas of woodland. There are small brooks and waterbodies in the vicinity, including three



large reservoirs approximately 300m to the north, 400m to the northwest and 700m to the east.

- 2.1.3 Overall the site is considered to be in a location with high suitability for bats.

2.2 The Survey Site: Description

- 2.2.1 Knowsley House is situated in the centre of the larger Ainsworth Nursing Home plot. Ainsworth Nursing Home encompasses numerous buildings set within hard standing, with access roads, areas of well-maintained amenity grassland and wooded boundaries.

The Building

- 2.2.2 Knowsley House is a two-storey brick structure with a pitched, hipped, slate roof. There is a single-storey extension to the rear (north), supporting a pitched, hipped, slate roof and a conservatory on the west elevation. The windows are of mixed construction; some wooden and some UPVC.
- 2.2.3 There is a large loft void that was accessible at the time of survey. The void is 2m to the apex. The tiles are unlined.



The north elevation



The south elevation

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



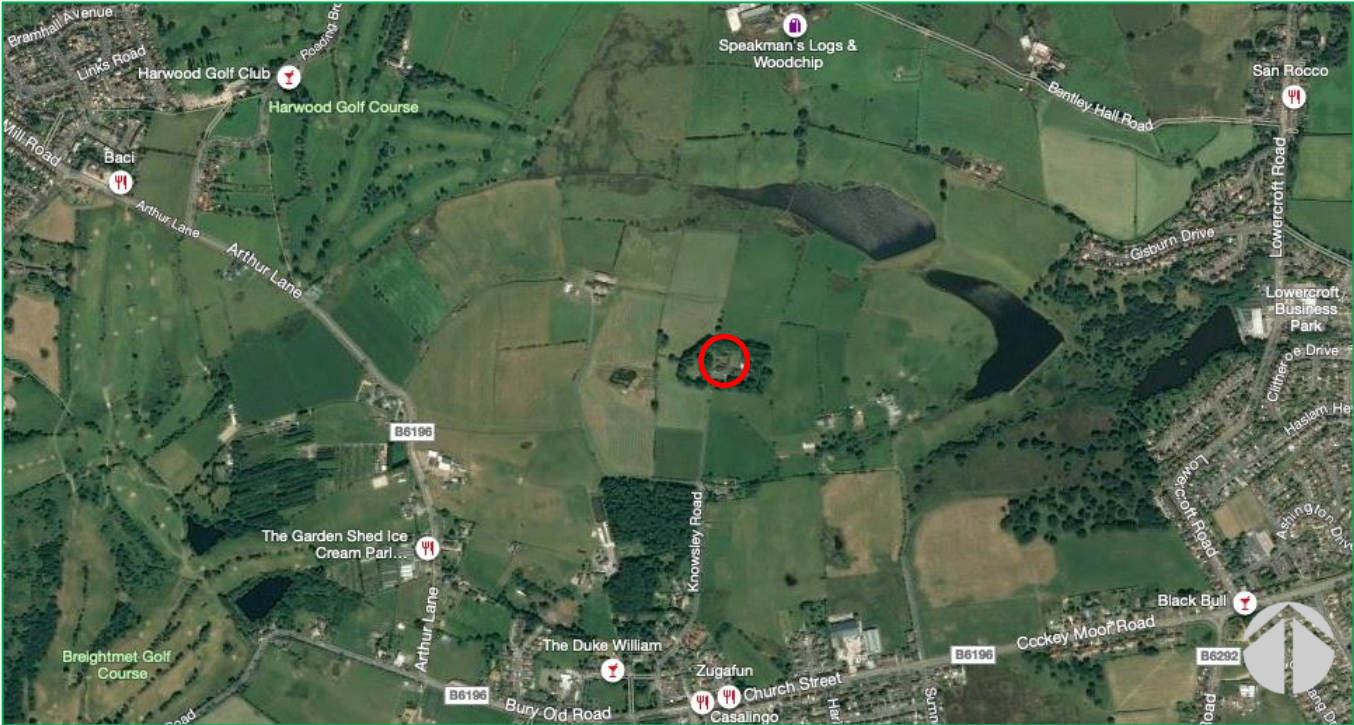
Ordnance survey 1:25000

Key

 Survey site



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



From BING Maps

250m

Key

 Survey site



3 Legislation

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

3.1 UK and EU Legislation

3.1.1 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 and Planning (Various Amendments) (England and Wales) Regulations, 2018 (The Habitats Regs).

3.1.2 Under the Wildlife and Countryside Act, 1981 and Habitats Regs, 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.

3.2 Planning Policy and Legislation

3.2.1 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.

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

Chapter 15, Para 170 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 171 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 174 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.”

3.1.1 Para 175 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”

3.1.2 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.

4 Survey Methodology

4.0.1 The Preliminary Roost Assessment and Bat Presence / Absence Surveys were undertaken in accordance with current accepted guidance: Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edn). The Bat Conservation Trust, London.

4.1 Desk Study

4.1.1 Data sources used to establish background information about bats and their likely presence in the locality:

- Magic Map, Natural England (2016)
- Bing Maps (2017)

4.1.2 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.

4.2 Preliminary Roost Assessment

4.2.1 An internal and external inspection of the building was undertaken during daylight on 9th September 2020 to determine the suitability for bats and establish, if possible, whether bats are using the building or have been in the past.

4.2.2 All accessible parts of the building 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.



- 4.2.3 The systematic search inside the building where access was possible 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.
- 4.2.4 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.
- 4.2.5 Equipment: During the survey, a strong torch with directional beam was used to inspect the buildings.
- 4.2.6 As a result of the preliminary roost assessment, the structure on site was characterised as having 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm the presence of a roost.
- 4.2.7 Buildings or structures typically characterised as having:
- **Negligible** suitability for bats will lack features with any potential to support 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 for bats 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 for bats may have 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 for bats will 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 when 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.



4.3 Bat Emergence / Re-entry Surveys and Assessment of Activity

- 4.3.1 Following the Preliminary Roost Assessment and taking into consideration indirect evidence of the absence of a significant roost (such as a maternity roost) as a result of previous survey adjacent to the site in June 2020, a single evening emergence survey in June was considered sufficient to give confidence in a negative result (absence of a roost).
- 4.3.2 Table 7.1 of Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edn). The Bat Conservation Trust, London:

Table 7.3 Recommended minimum number of survey visits for presence/absence survey to give confidence in a negative result for structures.

Low roost suitability	Moderate roost suitability	High roost suitability
One survey visit. One dusk emergence or dawn re-entry survey.	Two separate survey visits. One dusk emergence and a separate dawn re-entry survey.	Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn.

- 4.3.3 The bat emergence survey was undertaken from 20 minutes before sunset to 1.5 hours after sunset.
- 4.3.4 During the surveys three surveyors were positioned on site such that the elevations of the building were easily observed. The skyline was such that it was clear to see bats against the sky if they were to emerge.
- 4.3.5 Batbox Duet detectors and Echo Meter Touch detectors were used so that any calls heard that could not be identified were recorded for later analysis.
- 4.3.6 The time, activity (emergence, foraging, commuting) and species of bats (where possible) were recorded when observed. Notes were made of the activity of bats elsewhere on site as well as around the building. The number of bat passes were recorded to provide an indication of bat activity level within the site.

5 Survey Limitations

- 5.0.1 The survey work was undertaken in early-September. This is an acceptable time to undertake survey work within the bat survey period. At this time of year bats would be expected within their summer roosts, but may also be in a process of transition to autumn roosts following the summer period. The survey undertaken and data obtained are considered sufficient to make an adequate, reliable assessment of the likely presence / absence of a bat roost within the structure.
- 5.0.2 Records data from the local records centre was not obtained in order to inform this assessment. In this case, it is considered unnecessary to obtain the data, as the inspection and survey work is adequate to inform any necessary mitigation recommendations.



6 Findings: Preliminary Roost Assessment

6.1 Suitability of the Locality for Bats

- 6.1.1 At a landscape level, the area surrounding the survey site is very good for bats. Refer to Figure 2.
- 6.1.2 Open landscape surrounds the survey site. The good mix of habitat, including grassland, woodland and waterbodies will support a variety of bat species including widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively). Species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) would also be expected. Waterbodies and waterways will provide ideal habitat for daubenton's bat (*Myotis daubentonii*). Species that favour wooded habitat, such as Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are less likely to be present as there is no substantial areas of woodland in the area (5km).
- 6.1.3 The linear features (hedgerow, tree lines and waterways) provide good habitat links that are likely utilised by commuting bats and will facilitate the movement of bats through the landscape.

The Conservation Status of Bats in the Area

- 6.1.4 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 Lancashire.</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>



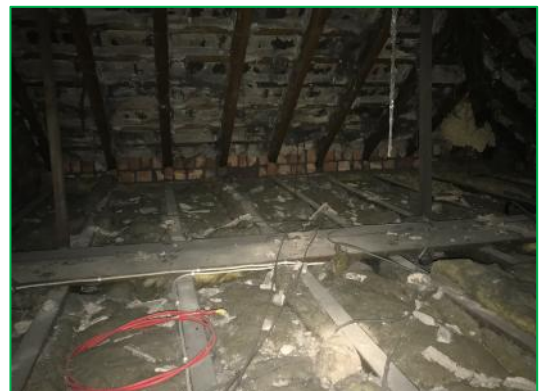
<i>Brandt's bat</i>	<i>Rare / absent</i>	<i>Present</i>	<i>Widespread.</i>
<i>Alcathoe's bat</i>	<i>Unknown</i>	<i>Unknown</i>	<i>Widespread. Likely under-recorded.</i>
<i>Daubenton's</i>	<i>Presence is likely due to the riparian habitat present.</i>	<i>Widespread, frequently recorded near water.</i>	<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 9th September 2020.
- 7.2.2 **The house is considered to have low-moderate suitability for bats.**
- 7.2.3 Externally there are numerous features within the roof structure that might provide suitable roosting space for crevice-dwelling bats, such as pipistrelle bat species.
- 7.2.4 There are gaps beneath slates on all elevations, but particularly the southern elevation, where slates have slipped. There are also crevices beneath ridge tiles where the mortar has fallen away or the ridge tiles are missing. Gaps are also evident at the top of window frames on the southern elevation.
- 7.2.5 Internally, the loft void is of a size and space with high suitability for bats, such as brown long-eared bat, which favour a void in which to fly prior to leaving a roost. Upon inspection, however, no evidence of use of the loft by bats was found.
- 7.2.6 Given that the slate roof is unlined, were bats regularly roosting within the roof structure or within the loft, evidence of this (droppings) would be expected; none were found.



The loft void





Showing crevices under lifted and slipped slates and under slipped ridge tiles

7 Findings: Presence / Absence Surveys and Activity Assessment

7.1 Previous Survey at Ainsworth Nursing Home

- 7.1.1 Previous survey work for bats has been undertaken at The Bungalow, Ainsworth Nursing Home on 4th June 2020. The bungalow is situated approximately 15m to the south of Knowlsey House. Although survey effort was concentrated on the bungalow, indirect information about the use of the site by bats, including the adjacent Knowsley house was obtained and is used to inform the findings of this assessment.
- 7.1.2 The findings of the bat survey at The Bungalow on 4th July showed that bat activity on site was high. A single species of bat was recorded on site; common pipistrelle (*Pipistrellus pipistrellus*). Bats entered the site from the northwest and were foraging along and within the tree-lined boundary to the east.
- 7.1.3 During this survey there was no indirect evidence of a bat roost within Knowsley House. If a significant roost, such as a maternity roost were present in Knowsley House, bat activity would be expected that would be indicative of this. No such activity was recorded.



7.2 Knowsley House Survey 1: Evening Emergence Survey on 9th September 2020

Surveyors: Verity Webster Bsc MSc CEcol MCIEEM (bat licence Class 2), James Callan (three years bat survey experience) and Derren Bailey (two years bat survey experience).

Weather: 9°C at 19:39. 0% cloud. Dry. Wind 7mph west.

Sunset: 19:39

Time on site: 19:20 – 21:00

Findings

- 7.2.1 A single species of bat was recorded on site; Common pipistrelle (*Pipistrellus pipistrellus*).
- 7.2.2 The first bat was recorded at 20:03, entering the survey area from the west. This bat was followed shortly by another common pipistrelle entering from the north. These bats commenced foraging in the tree line to the west of the building and continued to forage along that side of the site for the period of the survey.
- 7.2.3 Common pipistrelles were also recorded sporadically commuting through the site from north to south.
- 7.2.4 **No bats were recorded emerging from the house.** No bats were recorded in close association with the house, although they were foraging within the vicinity.

8 Appraisal and Impact Assessment

8.1 Appraisal

- 8.1.1 Although the roof structure of the Knowsley House contains a small number of features that might provide suitable roosting space for bats, no evidence of use of the building by bats was found during the daytime inspection or the evening emergence survey undertaken in September 2020.
- 8.1.2 The survey work is considered sufficient to give confidence in a negative result (likely absence of a roost within the building).

8.2 Assessment of Impacts

- 8.2.1 The survey work undertaken in September 2020, and with indirect information as a result of survey adjacent to the site in June 2020, indicates the likely absence of a bat roost within Knowsley House, Ainsworth Nursing Home, Ainsworth.
- 8.2.2 The proposals to convert the building will have no foreseen negative impact upon individual bats or bat roosts.
- 8.2.3 However, due to the high level of bat activity in the area, precautionary methods of work are proposed to compensate for the small risk that itinerant bats may utilise the potential roost features from time to time.
- 8.2.4 Similarly, due to the high level of bat activity, recommendations to minimise the impact of lighting on commuting and foraging bats is recommended.



9 Conclusion and Recommendations

- 9.0.1 The survey work undertaken indicates the absence of a bat roost within the building and it is considered therefore that the proposals to refurbish the building are unlikely to have a negative impact upon individual bats, their roosts, or on bat populations in the locality.
- 9.0.2 However, due to the fact that there are potential roost features within the structure, there is a risk that single, itinerant bats may roost on site from time to time. For this reason, precautionary methods of work are recommended during the removal of the roof structure as part of the conversion works. It is recommended that:
- Workers on site must be informed of the risk of bats within the roof structure of the building.
 - Ridge tiles and slates should be removed by hand, with care, and turned and checked for the presence of bats prior to being discarded.
 - If a bat is found during the works, all works must stop in the vicinity and an ecologist be contacted for advice.
- 9.0.3 Due to the high level of bat activity within the Ainsworth Nursing Home complex, the following is recommended with regard to lighting, to avoid unnecessary impacts to foraging and commuting bats:
- Lighting during the construction and operational phase will be directed to avoid the woodland belt to the west.
 - Exterior lighting installed on buildings during the operational phase will be High or Low Pressure Sodium or LED. These forms of lighting have a lower UV output, which reduces the attraction of insects.
 - Baffles will be used to avoid spillage of light into the sky and into areas toward the southern boundary.
- 9.0.4 The proposed development provides the opportunity to enhance the site for biodiversity. Some recommendations for this are detailed below:

- It would be beneficial if bat boxes were installed on trees in the locality. The Kent Bat Box could be made by hand and has been proven very effective in Lancashire. See Appendix B. Alternatively, bat boxes can be purchased from NHBS.com.
- The wider site is likely to support numerous birds in the summer months and provision of bird boxes will improve nesting opportunities. The Schwegler Brick Nest Boxes provide nest sites for a variety of passerine birds. Alternatively, there are numerous options available at NHBS.com



It is acknowledged that Knowsley House is only part of the wider complex. Therefore, provision of bat and bird boxes within the wider Ainsworth Nursing Home site should not fall to the responsibility of one property owner. To ensure proportionate enhancement, it is recommended that a single bird and bat box is provided. These could be installed on the ash tree to the southeast of the bungalow, or on the exterior walls of the building.

Schwegler 1MR Bird Nest Box



10 References

- Bing Maps (Accessed 2020) <https://www.bing.com/maps/>
- Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1
- Google maps (Accessed 2020) <https://www.google.co.uk/maps>
- MAGIC Map (Accessed 2020) <http://www.magic.gov.uk/MagicMap.aspx>. DEFRA.



APPENDIX A: Wildlife Legislation and Planning Policy

UK AND EU LEGISLATION

1.1. KEY LEGISLATION

1.1.1. 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 and Planning (Various Amendments) (England and Wales) Regulations (2018)

1.2. WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

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

1.2.2. 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.

1.3. COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

1.3.1. 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.

1.4. CONSERVATION OF HABITATS AND SPECIES AND PLANNING REGULATIONS 2018

1.4.1. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales.

1.4.2. 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.

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

1.4.4. 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.

1.4.5. 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.

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

1.5.1. 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"

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

Planning Authorities: A Duty to Conserve Biodiversity

1.6.1. 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.

1.6.2. 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

1.6.3. 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*".

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

PLANNING POLICY

2.1 NATIONAL PLANNING POLICY FRAMEWORK

2.1.1 In March 2012 the Government introduced the National Planning Policy Framework (NPPF). This was revised in 2018.



Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 15, Para 170 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 171 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 174 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 175 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"***
- c) **Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.** The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- d) **Development result in the loss of deterioration of irreplaceable habitats (such as ancient woodland or ancient or veteran trees) should be refused,** unless there are wholly exceptional reasons and a suitable compensatory strategy exists; and*
- e) **Development whos primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.***



Para 177 states “*the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.*”

2.2 ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

- 2.2.1 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: Kent Bat Box

The Kent bat box

Simple to construct, self-cleaning and low maintenance.

The only critical measurement is the width of the crevices—these should be no larger than suggested. Other measurements are approximate.

Materials and construction

Box to be made from untreated rough-sawn timbers

Timber should be c.20mm thick

The box should be rainproof and draught-free

Crevices can be between 15 and 25 mm wide

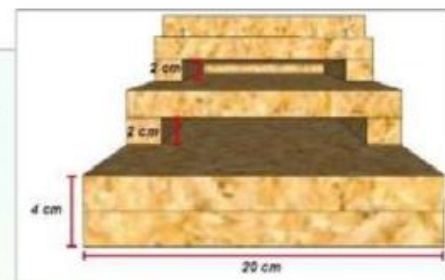
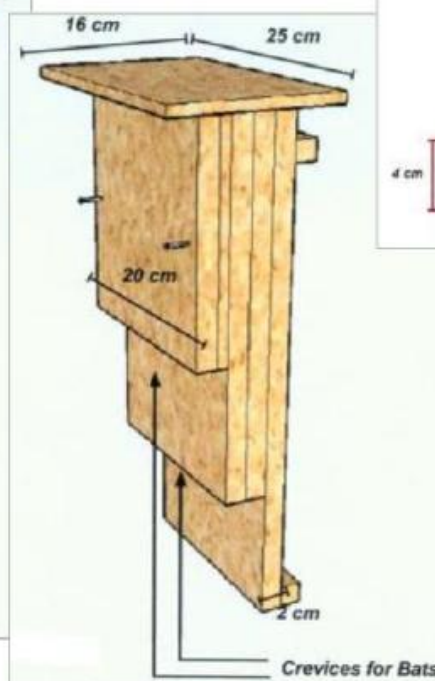
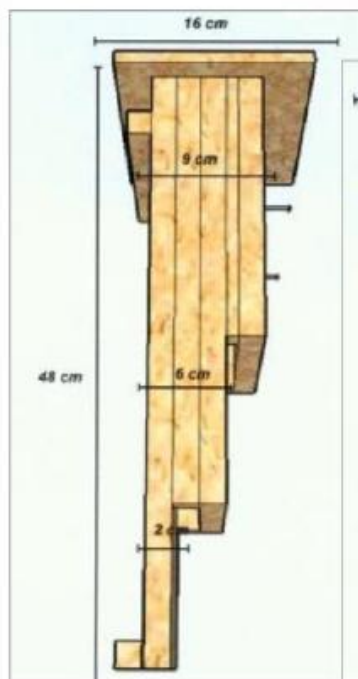
Fixing may be by use of brackets, durable bands or wires

Location

Boxes are best fixed as high as possible in a sheltered wind-free position, exposed to the sun for part of the day.

They can be fitted to walls, other flat surfaces or trees

A clear flight line to the entrance is important



This design has been developed by Kent Bat Group

We'd like to know how successful it is. Please send any comments or records of bats seen using it to: records@kentbatgroup.org.uk

With thanks to Glen Sharman for help in producing the prototype and Lloyd Bore for providing plans.

Kent Bat Group

www.kentbatgroup.org.uk

Reg Charity No. 1079767

