

**From:** Mandy Elford

**Sent:** Thursday, December 14, 2023 10:53 AM

**To:** Clapworthy, Dean <D.Clapworthy@bury.gov.uk>

**Subject:** FW: Planning application no 70136 - 21 Church Street East, Radcliffe, Manchester, M26 2PG

Dean

Thank you for consulting the Ecology Unit on the above planning application and accompanying Preliminary Bat Roost Assessment Report (ROAVR Group, 24/11/2023). The proposals are for the Change of Use of ground floor to 7 bedroom HMO (Sui Generis); single storey rear extension; Alterations to include new windows and doors. Our comments are as follows.

### **Bats**

The Survey was carried out by an Arboricultural Technician and field Ecological Consultant who we are told has two years' experience undertaking bat survey work under the supervision of a licenced Ecologist. It would be useful to have the name and licence number of the ecologist in order to verify this.

The bat survey was undertaken on 15<sup>th</sup> November 2023 and comprised an internal and external inspection of the building. No bats or signs of bats were observed during the inspection. However, the property is located in good bat foraging and commuting habitat and potential bat roosting features were identified on the building. Recommendations have been made for further survey effort in the form of a nocturnal dusk emergence survey, at an appropriate time of year when bats are active (May-September) and in appropriate weather conditions. The results of this survey will determine if further survey effort is necessary.

As you may be aware, all species of bat and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications. If the development is likely to disturb a potential bat roost then a bat survey should be carried out **before** the application is determined. If bats are found on site under the Habitats Directive and the Conservation of Habitats and Species Regulations 2010, which enacts the Directive into the UK, a licence is required from the Natural England to derogate the terms of this legislation. Before a licence can be granted three tests must be satisfied. These are:

- i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- ii) That there is "no satisfactory alternative";
- iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by the Conservation of Habitats and Species Regulations 2010, to have regard to the Habitats Directive when exercising their function. Defra Circular 01/2005 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site. The application should therefore not be determined until a bat survey is submitted. Such a survey should be undertaken by a licensed bat specialist and at an appropriate time of year. If bats are found then appropriate mitigation would need to be proposed and the other two tests considered by the Local Authority.

We would therefore recommend that the application be **refused** or **deferred** due to lack of information on a European Protected Species.

Other ecological considerations which can be addressed by **condition** are set out below.

#### **Birds**

The building together with the scrub on site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). We would therefore recommend that all building works and scrub clearance should not be undertaken in the main bird breeding season (March-August inclusive), unless nesting birds have found to be absent, by a suitably qualified person.

Should you have any queries relating to the above comments, please do not hesitate to contact me.

Kind regards

Mandy

**Mandy Elford BSc (Hons) MCIEEM**  
**Senior Ecologist**  
**Programme Manager – GCN District Level Licensing**

Want to know more about District Level Licensing?: [District Level Licensing for great crested newts – our story - YouTube](#)

**Greater Manchester Ecology Unit**  
**Tameside MBC, Dukinfield Town Hall**  
**King Street, Dukinfield,**  
**Tameside SK16 4LA**