



Bat Hibernation Survey

Spurr House

For

Watson Construction Ltd

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April 2025

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Figure 1: Site Location

Figure 2: Static Detector Locations

1. Summary and Main Recommendations

1.1 Summary

- 1.1.1 Watson Construction Ltd. is proposing the demolition of Spurr House, a former care home, on an approximately 0.68 ha site, to build affordable housing. The site is located near Bury, Greater Manchester and is shown on Figure 1.
- 1.1.2 Thomson Environmental Consultants (Thomson) was commissioned on October 31st 2024, to undertake bat hibernation surveys of Spurr House as recommended in the Preliminary Roost Assessment (PRA) and Ground Level Tree Assessment (GLTA) report (Thomson, 2024).
- 1.1.3 Static detectors were placed throughout the building (see Figure 2) and left between November and March. Once a month, surveyors would retrieve the static detectors to replace the batteries and swap SD cards to analyse the data. In addition, once in December and once in January an internal inspection was conducted to look for any roosting bats or roosting bat signs such as droppings or feeding remains.
- 1.1.4 The hibernation survey found no roosting bats or signs of roosting bats and no recordings were made of any bat activity by the static detectors.

1.2 Main Recommendations

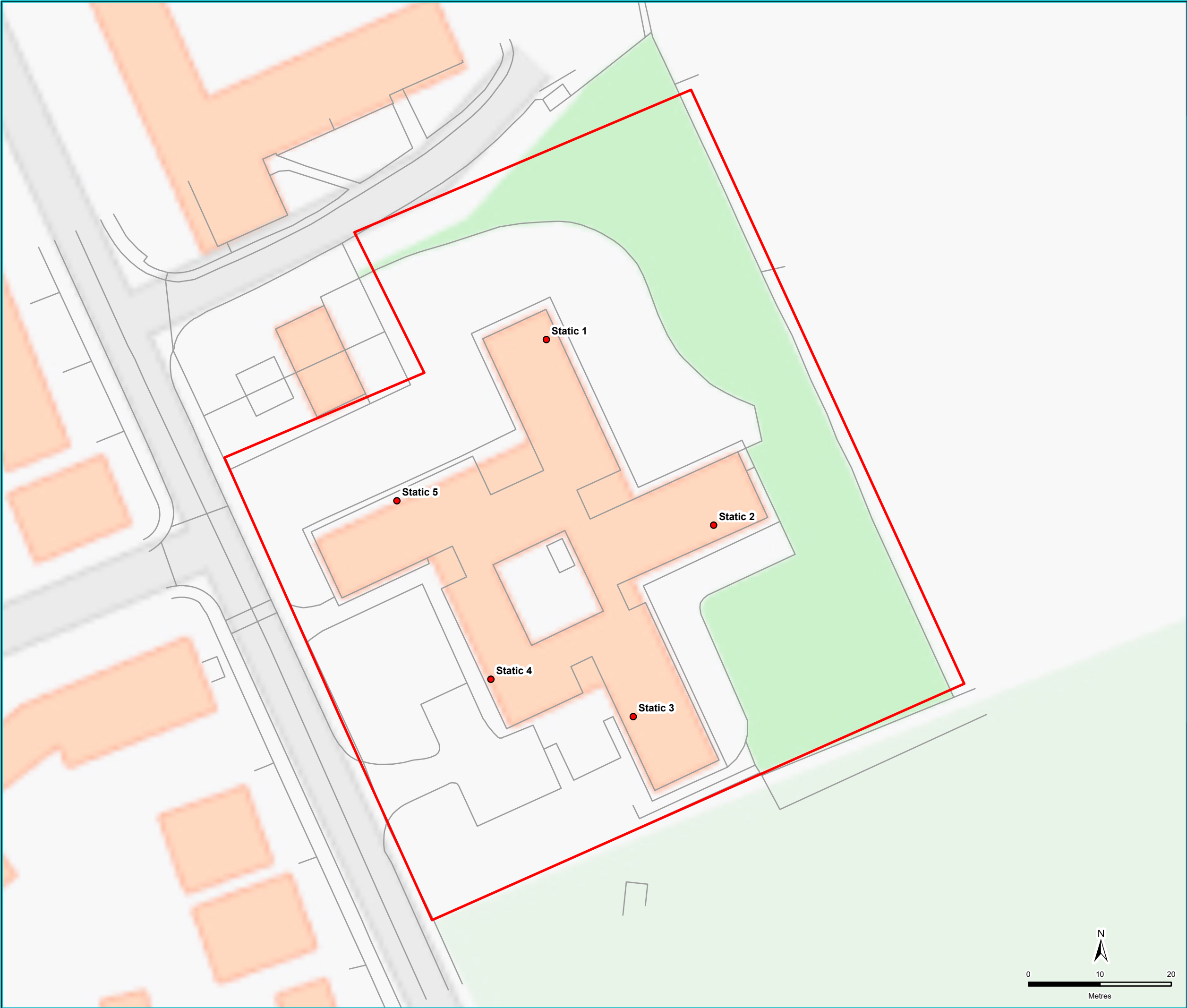
- 1.2.1 Emergence and re-entry surveys were carried out in 2022 and no bats were found to be roosting in the building. Therefore, it is unlikely that the works will affect any roosting bats, therefore the building can be demolished without the risk of killing or injuring any bats or disturbing, damaging or destroying a roosting site.
- 1.2.2 If works are delayed until after May 2025, the previous 2022 emergence surveys will be out of date and three new emergence surveys should be carried out between May and September, to be conducted under the guidelines set out by Bat Conservation Trust Survey Guidelines (BCT, 2023). The hibernation surveys are valid for 2 years.
- 1.2.3 Commuting and foraging bats use the habitats surrounding the building so best practice measures should be followed at all times during the construction phase, in relation to keeping noise, dust and light pollution to a minimum.
- 1.2.4 It is recommended that an Ecological Enhancement Plan report is completed for the development. This report should include how lighting impacts can be reduced during the functional phase of the development, and detail required enhancements, such as bat boxes.

Client	Watson Construction Ltd		Drawing Ref	WAT005-001/406451/1	
Figure Number	1		Scale at A4	1:50,000	
Figure Title	Site Location		Drawn	Checked	
			SC	AS	
			Date	Date	
			05/11/2024	05/11/2024	



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- Legend
- Static Detectors
 - Site Boundary

Map Centre Grid Reference: 382106E 407002N

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1:500

Drawn ET	Checked AS
Date 09/04/2025	Date 09/04/2025

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Figure Number
2

Figure Title
Static Detector Locations

2. Introduction

2.1 Development Background

2.1.1 Watson Construction Ltd. is proposing the demolition of Spurr House, a large former care home, on an approximately 0.68 ha site, to build affordable housing. The development will also require the clearance of some of the grassland, scrub and woodland on site, including the felling of trees. The development will include the creation of two blocks of housing containing 38 one bedroom, and 29 two bedroom apartments, a road, car parking spaces and landscaping. The site is located on Pole Lane in Bury, Greater Manchester, BL9 8PX (central Grid Reference: SD 82103 06996) and is shown on Figure 1.

2.1.2 The proposals described above are hereafter collectively referred to as 'the development'.

2.1.3 The area impacted by the works is hereafter referred to as 'the site'. The site is in a residential area, with a motorway to the east of the site and areas of arable land, grassland and woodland in the wider area.

2.1.4 Planning permission for the development has not yet been submitted, but will be sought from Bury Council.

2.2 Ecology Background

2.2.1 A Preliminary Ecological Appraisal (PEA), Preliminary Roost Assessment (PRA) and Ground Level Tree Assessment (GLTA) were carried out for Gardiner and Theobald LLP by Thomson Environmental Consultants in September 2022 (Thomson, 2022a) for a different development proposal, which planned to convert Spurr House to a School. The surveys and report identified and assessed two buildings and two trees within the site with bat roost potential. B1 (the care home and main building on site), T1 and T2 were found to have moderate potential and B2 (a garage which has since been demolished) was found to have low potential. Two dusk and one dawn survey were completed on B1 (totalling two surveys of all roost features on the building), one dawn survey was completed on B2, and one dusk and one dawn survey for both T1 and T2 was completed, with no roosting bats found during the surveys (Thomson, 2022b). Overall, bat activity levels during the dusk and dawn surveys was found to be low on the site.

2.2.2 Watson Construction Ltd were advised by Suzanne Waymont (Senior Ecologist at Greater Manchester Ecology Unit) in August 2024, that an updated bat roost assessment of the building would be required, to ensure no significant condition changes had occurred.

2.2.3 An updated PRA and GLTA was carried out in September 2024. The update found no new PRFs on B1, but the loft area was found to be fully open and accessible from inside the building. As the loft cavity in B1 is now accessible by bats, and it is considered that the building would likely hold a steady temperature over winter, there is potential for it to be used as a hibernation and / or maternity roost. Therefore, the potential for B1 to support roosting bats was upgraded from moderate to high and a hibernation survey was recommended. The updated PRA found

that B2 had been demolished since the previous surveys, and therefore is no longer considered for roosting bats (Thomson 2024).

2.3 The Brief and Objectives

2.3.1 Watson Construction Ltd commissioned Thomson Environmental Consultants on October 31st 2024, to undertake a hibernation survey of Spurr House. The brief was to:

- Complete an internal inspection of the building which has been identified with the potential to support hibernating bats. The survey method will be based on Bat conservation Trust Guidelines (4th edition) (Collins, J (ed), 2023). A search of inside the building will be undertaken, searching for hibernating bats or evidence of bats, such as bat droppings. Surveys will be undertaken from November to March with a minimum of two visits one mid-December and one in mid-January to search for hibernating bats and one visit per month to collect and retrieve bat statistic detectors and analyse recordings.
- Complete a report supported by appropriate digitalised mapping that details the methods used to undertake the surveys. The reports will include consideration of any relevant legislation and planning policies, with recommendations for necessary compliance measures. It will also include recommendations for any mitigation or licensing that may be required to support the planning application.

2.4 Limitations

2.4.1 This report is based on the development boundary and layout shown on the site plan (drawing number B1045-02-P4). Subsequent changes to either may result in a requirement to reassess the potential impacts of the development, and the requirements for avoidance, mitigation and enhancement.

2.4.2 The internal building temperature in February and March were not taken. This is not a significant limitation as no bats were found to be hibernating.

2.5 Surveyors

2.5.1 The survey was carried out between November 2024 to March 2025 by Senior Ecological Consultant Callum Salter BSc (Hons), BCT Level 2 Surveyor, and Assistant Ecologist Raece Ali BSc (Hons) ACIEEM. Callum was accredit to use a torch to survey for hibernating bats under Level 2 Survey Class bat licence holder (2023-11510-CL18-BAT) Laura Meer BSc (Hons) MCIEEM.

3. Methodology

3.1 Desk Study

3.1.1 A study area was defined as an area that encompassed the site and all land within 2km of the perimeter of the site. Records of designated sites and important species were then sought for the study area.

3.1.2 Sources of information were as follows:

- The Multi-Agency Geographical Information for the Countryside (MAGIC)
- Greater Manchester Local Records Centre (GMLRC)

3.1.3 To ensure records are relevant for this site, records that are older than 10 years were excluded from the desk study.

3.1.4 Requests for information were to the Biological Record Centre sent on 10/08/2022 with responses received by 19/08/2022.

3.2 Survey Area and Data Collection

3.2.1 A survey area was defined as the only building on site within the red line boundary.

3.2.2 Static detectors were placed strategically around the building, so that any bats within the building should be picked up by the detectors (location of detectors is shown in Figure 2).

3.3 Hibernation Surveys

3.3.1 The bat hibernation surveys were undertaken in accordance with the methodology for winter hibernation surveys according to Bat Conservation Trust Good Practice Guidelines (Collins ed., 2023). The bat hibernation season runs from November to March (inclusive).

3.3.2 Areas potentially suitable as 'classic' hibernation sites (underground, cellars, tunnels and caves) are assumed to have high hibernation potential.

3.3.3 Areas potentially suitable as 'non-classic' hibernation sites, such as most buildings and bridges, can be assessed as having either moderate or high hibernation roost potential. The hibernation roost potential will depend on the connectivity and quality of surrounding habitats, and if the structure already contains a known roost outside of the winter period.

3.3.4 Potential and confirmed 'classic' and 'non-classic' hibernation roosts in buildings are inherently difficult to survey. Therefore, where significant limitations are identified or areas are not accessible to survey, it can be assumed that roosting bats are present, particularly if they are known to use the structure for roosting outside the winter period, with appropriate avoidance, mitigation and compensation measures applied as necessary.

- 3.3.5** If there are suitable potential roost features (PRFs) in trees for wintering/hibernating bats, it can be assumed these PRFs are used by wintering/hibernating bats if roosting is confirmed at other times of year. However, further survey visits during winter may be recommended if roosting outside the winter period has not been confirmed. Suitable winter PRFs will need to be accounted for in mitigation and compensation measures and impacts to them during the winter/hibernation period should be avoided.

Static Monitoring Devices

- 3.3.6** Five Song Meter Mini Wildlife Audio Recorder, full spectrum static monitoring devices, were deployed to record any bat activity within the potential hibernaculum, (locations of static monitoring devices is shown in Figure 2). Each device was deployed for a minimum of 14 consecutive nights on five occasions, once within each month from November to March for full hibernation season.
- 3.3.7** During each deployment month, data were retrieved, batteries replaced, and the devices were checked to ensure they were functioning correctly. Any sound files were analysed using Kaleidoscope to determine if any recordings were that of an echolocating bat, and if so identification was made at least to genus level, and to species level where possible.
- 3.3.8** The ambient humidity of the loft void was recorded during the deployment periods using a Tinytronics temperature and humidity sensor. Table 3.1 show the humidity throughout the survey period.

Table 3.1: Survey dates and temperatures recorded during the hibernation surveys.

Dates of Survey	Humidity (%)	
	Maximum	Minimum
November		
December	70%	
January	61%	
February		
March	49%	43%

- 3.3.9** The average temperature within the loft void was recorded by the Tinytronics temperature and humidity sensor. Temperature results are shown in Table 3.2.

Table 3.2: Survey dates and temperatures recorded during the hibernation surveys.

Dates of Survey	Temperature (°C)	
	Maximum	Minimum
November	7.1	7.9
December		
January	3.2	3.2
February		
March		

Internal Inspections

- 3.3.10** During the deployment and collection of the static monitoring devices in December and January, an internal inspection for bats was conducted within the building by Callum Salter and Raece Ali under Laura Meer's level 2 bat licence (Bat license: 2023-11510-CL18-BAT). Internal inspections for bats were carried out with the aid of a torch to search for hibernating bats in suitable PRFs e.g. brickwork, wall cavities and beams within the loft space. An endoscope was not required as no small gaps could be seen from the ground that could not be searched by a torch. Evidence of bats, including feeding remains, bat droppings and remains of bats were also searched for during the inspection.

4. Results

4.1 Desk Study

4.1.1 Seven designated sites were identified within 2km of the site, the closest being Parr Brook SBI located 0.5km from the site, however, none of these were designated due to their bat populations.

4.1.2 Twenty-two bat records were returned in the desk study within 2km of the site. Species include common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and unidentified pipistrelle species. The closest record was of a common pipistrelle located 600m west of the site, the bat was found grounded.

4.1.3 There were no records of bat species returned in the desk study within 1km of the site within the last ten years.

4.1.4 A search on MAGIC in 2025 for European Protected Species (EPS) licences granted for bats within 2km of the site returned no results.

4.2 Hibernation survey

4.2.1 Five static detectors were placed within the old care home building, and were checked once a month, until March 31st ensuring detectors were working, battery replaced, and SD card replaced for the following month. The SD card retrieved was then analysed for any bat recordings. On March 31st the static detectors were collected.

4.2.2 During these 5 months no recordings of bats were made by any of the five static bat detectors. The results of the hibernation survey are found below in Table 4.1 below.

Table 4.1: Hibernation Survey Results

Survey Visit and Date	Internal Temperature (Celsius)	Bat Recordings	Evidence of Bats
Visit 1: 27/11/2024	7	None	None
Visit 2: 11/12/2024	7	None	None
Visit 3: 08/01/2025	3	None	None
Visit 4: 11/02/2025	Unknown	None	None
Visit 5: 31/03/2025	Unknown	None	None

4.3 Internal inspection

- 4.3.1 An internal inspection was carried out during December and January looking for any hibernating bats or any signs of bats such as droppings or feeding remains. During the inspection, there were no bat droppings, feeding remains or other signs of bats within the building.

5. Legal and Planning Policy Considerations

5.1.1 All UK bat species are protected by the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations make it an offence, with very few exceptions, to:

- Deliberately capture, injure or kill a bat;
- Deliberately disturb a bat in such a way as to be likely:
 - i. to impair its ability to survive, to breed or reproduce, or to rear or nurture its young; or
 - ii. to impair its ability to hibernate or migrate; or
 - iii. to affect significantly the local distribution or abundance of the species to which they belong.
- Damage or destroy a breeding site or resting place of a bat; or
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead bat, or any part of, or anything derived from a bat.

5.1.2 In addition to the protection given to bats under the Conservation of Habitats and Species Regulations 2017 (as amended) already described, bats receive additional protection under the Wildlife and Countryside Act 1981 (as amended), which adds the following offences (with certain exceptions):

- Disturbance while it is occupying a structure or place which it uses for shelter or protection; or
- Obstructing access to any structure or place used for shelter or protection.

5.1.3 A roost is any structure or place used by bats for shelter or protection. As bats tend to re-use the same roosts year after year, the roost is protected whether or not bats are present at the time

5.1.4 The works have the potential to disturb bats whilst roosting.

5.2 Planning Policy

5.2.1 Seven species of bats have been adopted as Species of Principal Importance for the Conservation of Biodiversity in England (see Appendix 1). Under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, the Secretary of State must publish a list of species which in the Secretary of State's opinion are species of principal importance for the purpose of conserving biodiversity. Planning authorities are required to have particular regard to these species, and treat them as a material consideration in the planning process. Most protected species are also listed as species of principal importance. Species of principal importance are often referred to as 'priority species'.

5.2.2 Consideration of species of conservation concern during development projects is a requirement of the NERC Act 2006 which states that any *"public authority must, in exercising its functions, have regard ... to the purpose of conserving biodiversity"* and *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*

- 5.2.3** Policy EN6/3 of the Bury Unitary Development Plan (1997) states that '*the effect of land use changes on existing features of ecological or wildlife value will be taken into account when assessing development proposals*', and that '*the Council will seek to negotiate with developers, where appropriate, to mitigate the potential effects of development on features of ecological value*'.
- 5.2.4** Also, the Bury Council Biodiversity Strategy (2024) states that from 2024 '*The Council will expect relevant proposed developments to incorporate nesting or roosting opportunities for birds and bats*'.
- 5.2.5** To comply with legislation and planning policy, the avoidance, mitigation and compensation measures outlined in Section 6 in relation to bats should be adopted as part of the development proposal.

6. Recommendations

6.1 Background

6.1.1 The legal protection afforded to bats is summarised in Section 5 and Appendix 1. Killing or injury of bats would be an offence, as well as damage or destruction of a roosting site. Disturbance of roosting bats is also an offence.

6.1.2 As the previous emergence surveys in 2022 found no bats to be roosting within the building, no evidence of roosting bats was found during the internal inspections and no bats were recorded on the static detectors during the hibernation survey, it is unlikely that roosting bats are to be affected by the works and therefore the building can be demolished before May 2025.

6.2 Further Survey

6.2.1 If works are to be delayed until after May 2025, the previous 2022 emergence surveys (Thomson, 2022b) will be out of date and three new emergence surveys should be carried out under the guidelines set out by BCT, before any demolition works.

6.3 Avoidance and Mitigation

6.3.1 If, during the construction phase, works at night are necessary, any lighting used to facilitate the works should be implemented using a sensitive lighting regime. This should include the focus of lighting to be on the works area only and directed away from suitable habitat for commuting and foraging bats, including trees, and woodland. Any light spill in the surrounding trees and habitats should be minimised to prevent disturbance to any foraging or commuting bats that may be present, and ideally night work should be avoided. Additionally, noise pollution should be kept to a minimum, and machines turned off when not in use.

6.3.2 Bat boxes must be added to the site to mitigate the loss of roost features from the building.

6.4 Opportunities for Enhancement

6.4.1 It is recommended an Ecological Enhancement Plan report is completed for the development. This report should include how lighting impacts can be reduced during the functional phase of the development, and detail required enhancements, such as bat boxes.

7. References

Bat Conservation Trust and Institute of Lighting Professionals (2023) Guidance Note 08/23: Bats and artificial lighting in the UK. ILP, Rugby

BTHK (2018) Bat Roosts in Trees A Guide to Identification and Assessment for Tree-Care and Ecology Professionals. Pelagic Publishing, Exeter. ISBN 978-1-78427-161-9

Bury Council (2024) Bury Biodiversity Strategy, Bury, England.

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Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

Thomson (2022a) Spurr House PEA and PRA. Gardiner and Theobald LLP. Ref: GAR001-001-001/001/001.

Thomson (2022b) Spurr House Bat Surveys: Dusk Emergence and Dawn Re-entry. Gardiner and Theobald LLP. Ref: GAR001-001-002/001/001.

Thomson (2024) Spurr House PEA and PRA. Watson Construction Ltd. Ref: WAT005-001-002/001/001.

Appendix 1

Introduction

A summary of the biology of British bats and the legislation and policy that protects them is provided below.

Biology

There are 18 British species of bats, belonging to two families; the horseshoe bats (*Rhinolophidae*) and vesper bats (*Vespertilionidae*). Of the 18 species, two species are horseshoe bats and belong to the genus *Rhinolophus*, the remaining 16 species are vesper bats and are sub-divided between six genera; *Myotis*, *Eptesicus*, *Nyctalus*, *Pipistrellus*, *Plecotus* and *Barbastella*. Whilst there are many differences in the biology of the different species, all share certain characteristics, and these are described below.

Roosting

Bat species utilise roost sites of varying character; some preferring tree roosts whilst others are thought to be almost entirely dependent on built structures. Most bats will have a number of available roosting sites within their range, which they move between throughout the year. They are generally faithful to their roosts and a colony of bats may use the same roost site(s) year after year.

Bats hibernate during the winter and will often gather to hibernate communally, remaining in the same hibernation roost from November to February/March. Hibernation roost sites typically have a constant low temperature and high humidity levels. Sites include caves, mines, thick-walled buildings and hollow trees. With the arrival of spring, the ambient temperature and day length increase and bats begin to leave their hibernation roosts, either moving immediately to summer roost sites or occasionally, to a transitional roost.

By June, breeding females will begin to congregate in maternity roost sites where they will give birth to and nurture their young. Male bats are also occasionally found roosting in maternity roosts but during this period they mostly roost alone. Maternity roost sites include hollowed out trees, buildings and bridges. Male bats may use similar sites but also cracks and crevices in trees, under loose tiles or even amongst dense ivy growth during the summer period. Similar sites may be used by bats for brief periods during the night when they are resting or feeding on recently caught prey. In autumn, male bats establish mating roosts and are visited by females. A variety of roost sites may be used until the bats return to their hibernation roosts.

Foraging

All British bat species feed on invertebrates, with flies, beetles, moths and other insects making up much of their diet. Areas with an abundance of insect prey, such as woodlands, scrub, wetlands, river corridors and flower rich grasslands are therefore favoured foraging sites for bats. Habitats such as intensively farmed arable land, and amenity grassland support a much lower invertebrate abundance and are therefore less favoured foraging habitats for bats.

Commuting

Bats favour roost sites in close proximity to suitable foraging habitat, however, given variation in prey availability, land-use change, and competition with other bats, for at least part of the year bats must commute between their roosts and foraging habitat.

Commuting routes tend to follow linear features in the landscape such as hedgerows, woodland edges, rivers and other watercourses, particularly when crossing areas of less favourable habitat. The distance that bats commute between roost sites and foraging areas is dependent on local geography and also the species of bat. Some species will travel up to 18km, though shorter distances are more typical.

Site Designation

All bat roosts in the UK receive protection under the following legislation:

- Conservation of Habitats and Species Regulations 2017 as amended (which replaces the Conservation (Habitats &c) Regulations 1994 as amended)
- Wildlife and Countryside Act 1981, as amended;
- The Countryside and Rights of Way Act 2000 (which amends the Wildlife and Countryside Act); and
- Natural Environment and Rural Communities Act 2006 (which amends the Wildlife and Countryside Act).

This is described in more detail under 'Species Protection' below. In addition, the most important sites for certain bat species in the UK receive further statutory protection through designation of Special Areas of Conservation (SACs) and/or Sites of Special Scientific Interest (SSSIs).

Four UK bat species, the greater and lesser horseshoe, barbastelle and Bechstein's bats, are included on Annex II of the European Community Directive of the Conservation of Natural Habitats and of Wild Fauna and Flora, referred to as the Habitats Directive. The Habitats Directive was transposed into UK law by the Conservation of Habitats and Species Regulations 2017 as amended. The Habitat Regulations, amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, now form stand-alone legislation for England and Wales, independent of the Directive. This legislation requires that areas are designated as Special Areas of Conservation (SACs) to protect populations of these 4 bat species. These sites form part of the National site network and are considered to be of international importance for the bat populations they support.

Sites designated under the Wildlife and Countryside Act 1981 (WCA) are known as Sites of Special Scientific Interest (SSSIs). SSSIs received further protection under the Countryside and Rights of Way Act 2000 (CRoW) and the Natural Environment and Rural Communities (NERC) Act 2006.

Some SSSIs are designated for the population(s) of bats that they support. The criteria for selecting SSSIs on the basis of their bat populations are provided in Guidelines for the Selection of Biological SSSIs (NCC, 1989):

- Greater horseshoe bat - all main breeding roosts and all winter roosts with 50 or more adult bats;
- Lesser horseshoe bat - all main breeding roosts containing 100 or more adult bats and all winter roosts containing 50 or more bats;
- Barbastelle, Bechstein's and grey long-eared bats - any traditional breeding roosts;

- Natterer's, Daubenton's, whiskered, Brandt's, serotine, noctule and Leisler's bats - only exceptionally large breeding roosts or those with a long history of use; and
- Mixed Roost sites - all hibernacula containing four or more species and more than 50 individuals or three species and 100 or more individuals or two species and 150 or more individuals, though these criteria may be lower in some parts of the UK.

Sites that qualify as SSSIs for the bat populations they support are considered to be of at least national importance.

Sites designated for nature conservation at the county level may also include bat populations as part of the site qualifying criteria, although the criteria used may vary from county to county. Such sites are protected through the planning system and there is generally a presumption against development that affects such sites in local authority development plans.

Planning Policy

The National Planning Policy Framework (NPPF) 2023, gives further direction with respect to biodiversity conservation and land use change / development. The NPPF encourages local planning authorities to identify, conserve and restore, ecological networks, which should benefit bats, and it also states that planning permission should be refused if significant harm to biodiversity cannot be avoided, mitigated or compensated. In addition, the Government Circular 06/05, which relates to biodiversity conservation, states that all protected species, such as bats, are a material consideration for the planning authority when considering proposed developments.

Species Protection

Legislation

All bat species are protected by the Conservation of Habitats and Species Regulations 2017 as amended. The Regulations make it an offence, with very few exceptions, to:

- Deliberately capture, injure or kill a bat;
- Deliberately disturb a bat in such a way as to be likely:
 - iv. to impair its ability to survive, to breed or reproduce, or to rear or nurture its young; or
 - v. to impair its ability to hibernate or migrate; or
 - vi. to affect significantly the local distribution or abundance of the species to which they belong.
- Damage or destroy a breeding site or resting place of a bat; or
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead bat, or any part of, or anything derived from a bat.

In addition to the protection given to bats under the Conservation of Habitats and Species Regulations 2017 as amended already described, bats are also partially protected in England under the Wildlife and Countryside Act 1981 (as amended), which adds the following offences (with certain exceptions):

- Disturbance while it is occupying a structure or place which it uses for shelter or protection; or

- Obstructing access to any structure or place used for shelter or protection.

A roost is any structure or place used by bats for shelter or protection. As bats tend to re-use the same roosts year after year, the roost is protected whether bats are present or not, at the time.

In this context of the legislation, 'damage' would include such operations as treatment of wood with toxic preservatives or use of rodenticides near roosting bats while 'disturbance' includes any work in or affecting a bat roost.

If proposed actions, such as redevelopment of an existing building may lead to an offence under the above legislation, appropriate mitigation which seeks to avoid these impacts should be devised and implemented under licence from Natural England to allow the activity to proceed legally.

In addition to the above legislation, all bats are protected under the Bonn Convention, within which the Agreement on the Conservation of Bats in Europe (1991) or EUROBAT, establishes a mechanism for international collaboration to conserve bats and their habitats, including foraging habitats. All European bat species are covered under Appendix II of the Conservation of Migratory Species of Wild Animals (CMS).

The Hedgerow Regulations 1997 provide for the conservation of 'important' hedgerows and their constituent trees. The presence of a protected species such as bats is included in the assessment of whether a hedgerow is considered 'important' and applications to remove such hedgerows must be made to the planning authority.

UK Post-2010 Biodiversity Framework and Species of Principal Importance

Published by the Joint Nature Conservation Committee (JNCC) and the Department for Environment, Food and Rural Affairs (Defra) in July 2012, the UK Post-2010 Biodiversity Framework identifies UK-scale activities and priority works that are required to deliver the EU Biodiversity Strategy. Following a process of devolution, the framework is underpinned by country level strategies which are now largely responsible for continuing the work carried out under the former UK Biodiversity Action Plans (UK BAP). JNCC guidance dictates that UK BAP background information on priority species and habitats still remains relevant and it now forms the basis of country specific priority lists, which for England, are specified under Section 41 of the Natural Environment and Rural Communities Act 2006 (the NERC Act). Targets for England's biodiversity strategy 'Biodiversity 2020': A strategy for England's wildlife and ecosystem services, are informed by this list.

Seven species of bats (Barbastelle, Bechstein's, greater and lesser horseshoe, brown long-eared, noctule and soprano pipistrelle) have been adopted as Species of Principal Importance for the Conservation of Biodiversity in England. This places a duty on all government departments to have regard for the conservation of these species and on the Secretary of State to further, or promote others to further, the conservation of these species. Furthermore, the NPPF states that local planning authorities should promote the protection and recovery of priority species populations linked to national and local targets, which presumably means those listed under the Section 41 of the NERC Act, the former UK BAP and on Local or Regional priorities species lists.

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