

Bat Survey Report: Presence / Absence Survey

68 Ringley Road

Whitefield, Manchester

September 2022

Prepared for: Debtal Architecture

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



EXECUTIVE SUMMARY

- On 8th May 2017 a Preliminary Roost Assessment was undertaken by Arbtech to determine the suitability of the building on site for bats. The building was considered to have moderate suitability for bats and two bat emergence / re-entry surveys were recommended to determine the presence / absence of bats.
- Two evening emergence surveys were undertaken by Verity Webster Ltd on 25th July 2017 and 09th August 2017 in accordance with the current survey good practice guidance.
- No bats were seen or heard emerging from the building.
- On 7th May 2021 an additional survey was undertaken to update the findings.
- No bats were seen or heard emerging from the building. Bat activity in the area was moderate, but none of the activity was associated with the building.
- A subsequent survey was undertaken on 9th September 2022 to update the findings. The building is in relatively good condition, as it was in 2017.
- No bats were recorded emerging from the structure, nor flying in close proximity to the structure.
- Given the lack of bat activity associated with the structure, 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 and extend the building will have no foreseen negative impact upon bats roosting in the area.
- Retention and enhancement of the vegetation along the northwest boundary is recommended as the feature is utilised by commuting bats.

Verity Webster

Ecology and Protected Species Consultancy



1 Introduction

1.1 Application Site

- 1.1.1. This report details bat survey work at 68 Ringley Road, Whitefield, Manchester, M45 7LN. National grid reference SD 794 054.
- 1.1.2. Debtal Architecture 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 Emergence Surveys are to determine:
- Whether bats are currently using the building to roost and if so, how.
 - The species and number of bats present.
 - The 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 for the site comprise the refurbishment and extension of the existing building with associated access, car parking and landscape.

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 15 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 68 Ringley Road is located in Whitefield, Manchester, M45 7LN. Ordnance Survey Grid Reference: SD 794 054.
- 2.1.2 The survey site lies in a residential area on the western outskirts of Whitefield between Middleton and Radcliffe.
- 2.1.3 The wider landscape (5km) is generally built up, but there are areas of open space within close proximity to the survey site.
- 2.1.4 Stand Golf Club lies immediately adjacent to the northwest of the site and Whitefield Golf Course lies approximately 350m to the east beyond the residential housing.
- 2.1.5 Open countryside commences approximately 200m to the west, composed of arable and pasture land with wooded valleys that connect the landscape to Clifton Country Park. Clifton Country Park follows the course of the River Irwell. The river weaves west and northeast such that it also lies 1.3km northwest to the site where it runs adjacent to the Manchester, Bury and Bolton Canal, which follows a similar route.
- 2.1.6 The M60 motorway lies approximately 800m to the south and divides the landscape from Prestwich Country Park, which also lies on the corridor of the River Irwell.

2.2 The Survey Site: Description

- 2.2.1 68 Ringley Road supports a single building, associated driveway and gardens.
- 2.2.2 The property is situated on the northeast side of the A667 Ringley Road in Whitefield. There are houses with gardens adjacent to the northeast and southwest along Ringley Road and to the southeast beyond Ringley Road. Stand Golf Club, supporting amenity and rough grassland and trees lies adjacent to the northwest.
- 2.2.3 The grounds within the property comprise hard standing (access and parking) to the southeast and amenity grassland with ornamental plants to the northwest. This is currently unmaintained.
- 2.2.4 The building is single storey and 'L-shaped', constructed of brick with a pitched, tiled roof. The roof overhangs the walls and is boarded with sarking. There is an underground garage.
- 2.2.5 The condition of the building has not altered significantly between 2017 and 2021.



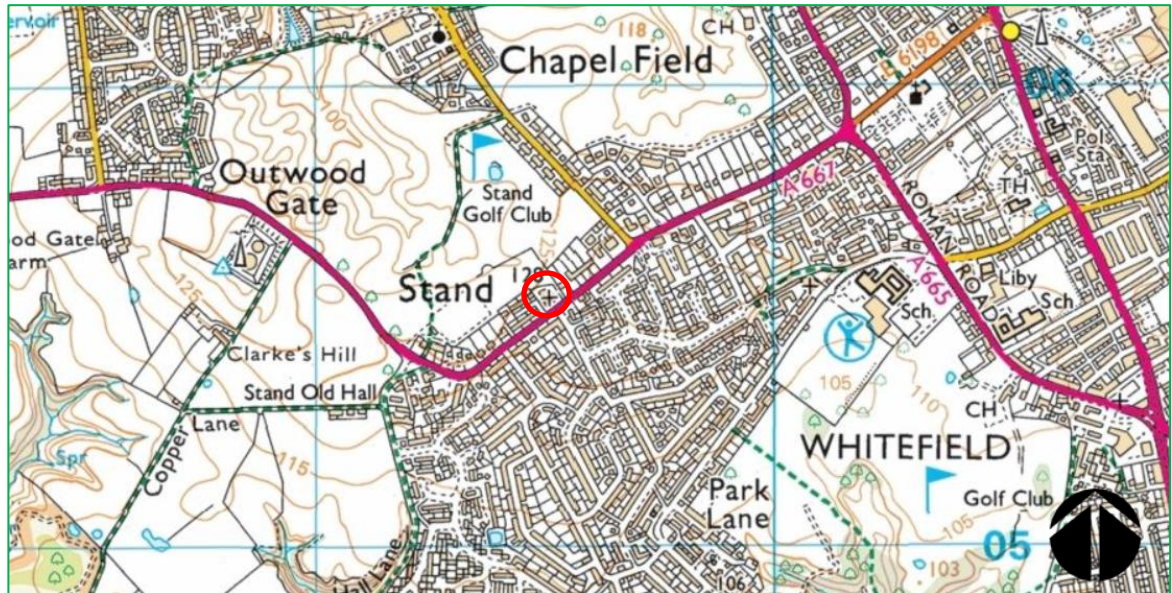
The northwest elevation of the building



The southeast elevation of the building



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

150m

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, 2017 (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 Bat Emergence 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 Map (2017)

4.1.1 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 The Preliminary Roost Assessment was undertaken by Arbtech in May 2017. Refer to the report: *Bat Survey – Preliminary Roost Assessment, 68 Ringley Road, Whitefield, Manchester, M45 7LN. Issue 2 Arbtech. July 2017* for methodology and the results of the survey.

4.2.2 As part of a Preliminary Roost Assessment, the buildings on site are characterised as having ‘negligible’, ‘low’, ‘medium’ or ‘high’ suitability for bats. It may also be possible to confirm presence of a roost.

4.2.3 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 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 habitat, such as a waterway, marshland or woodland, this also increases 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 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 by Arbtech the structure on site was considered to have **moderate suitability for bats**.
- 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 In order to determine the presence or absence of a bat roost, further survey work for bats was undertaken.
- 4.3.4 In 2017, two evening emergence surveys were considered sufficient to give confidence in a negative result (absence of a roost). Evening surveys were chosen over dawn surveys as they provide greater reliability in detecting a roost. The bat emergence surveys were undertaken from 15 minutes before sunset to 1.5 hours after sunset.



- 4.3.5 In 2021, a single evening emergence survey was undertaken to update the findings. This was undertaken on 7th May 2021.
- 4.3.6 Subsequent to these surveys, due to the fact that a significant period of time has lapsed, a single evening survey was undertaken on 9th September 2022. This survey, in combination with an assessment of the building and the results of surveys previously undertaken, was considered sufficient to determine any change in the use of the structure by bats.
- 4.3.7 During the evening emergence surveys two surveyors were positioned around the building such that the elevations were easily observed. The skyline was such that it was clear to see bats against the sky if they were to emerge.
- 4.3.8 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.
- 4.3.9 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 In 2017 the survey work was undertaken in late-July and early-August. This is the optimal time to undertake survey work within the bat survey period. At this time of year bats would be expected within their summer roosts.
- 5.0.2 In 2021 the survey work was undertaken in early-May, at a time when bats would be present in summer roosts and transitory roost sites.
- 5.0.3 In 2022 the evening survey was undertaken in early September, at a time of year when bats are active, but may be in a transitional period between summer and autumn roost sites. A survey at this time of year is considered to be adequate for this site due to the establishment, over the previous years of no roost presence, and also provides data in late summer, which has not yet been gathered.
- 5.0.4 Past 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: Desk Study

6.1 Potential for bats in the area

Site location in relation to bats

- 6.1.1 At a landscape level, the area surrounding the survey site is considered to be very good for bats. Refer to Figure 2.
- 6.1.2 The landscape within the immediate vicinity of the site comprises a good mix of habitats, including open grassland, scattered trees and water bodies. The habitat will support a variety of bat species, including widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively) and species that favour open landscape in which to forage, such as Leisler's (*Nyctalus leisleri*). Daubenton's bat (*Myotis daubentonii*) forages over open water and would also be expected. The woodland within the landscape, though not extensive, will be favoured by bats such as brown long-eared bat (*Plecotus auritus*) and Natterer's bat (*Myotis natterii*).

6.2 Records Data

The Conservation Status of Bats in the Area

- 7.1.1 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 Lancashire..	Widespread and scattered across the Northwest.
<i>Noctule</i>	Present	Widespread and frequently recorded.	Common and widespread. Frequently



			<i>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 Findings: Structural Assessment and Presence / Absence Surveys

7.1 2017 Surveys

- 7.1.1 The 2017 surveys were undertaken on 15th June and 25th July.
- 7.1.2 During these surveys a single species of bat was recorded within the survey site: common pipistrelle. Bat activity within the site was low-moderate.
- 7.1.3 There was a general pattern of bats entering the site from the northeast and travelling southwest along the vegetation line to the rear (northwest) of the property. This is evidently a commuting route utilised by small numbers of pipistrelle bats regularly. The gardens adjacent to this line of vegetation provide good foraging opportunities.
- 7.1.4 Bats were first recorded 19 and 20 minutes after sunset, which suggests the bats were commuting to the site to forage from a nearby roost located to the northeast.
- 7.1.5 The survey site itself does not provide an important foraging area.
- 7.1.6 No bats were recorded emerging from the building and no bat evidence of bat activity (droppings, feeding remains) were found within the building or on external features during the Preliminary Roost Assessment, nor externally when the building was inspected prior to the emergence surveys.
- 7.1.7 The survey work was considered sufficient to give confidence in a negative result (likely absence of a roost within the building).

7.2 2021 Survey

- 7.2.1 The 2021 survey was undertaken early in the survey season on 7th May 2021. A single bat species was recorded on site; common pipistrelle.
- 7.2.2 Bat activity on site was moderate to the northeast (rear of the building), where bats were regularly recorded foraging along the vegetation line and in neighbouring gardens.
- 7.2.3 The activity at the southeast (front) of the property was lower, with bats recorded occasionally commuting northeast along Ringley Road and from southeast to northwest over the road.
- 7.2.4 No bats were observed emerging from the building and the survey work was considered sufficient to give confidence in a negative result (likely absence of a roost within the building).



7.3 2022 Survey

Building Inspection

- 7.3.1 The building was vacant at the time of survey. Externally, the structure is still in good condition with little evidence of deterioration. The roof structure is intact with potential access for bats at the eaves, as indicated in 2017. The walls and boarded overhang do not provide any potential roost features.
- 7.3.2 The building has not altered in condition since 2017. No evidence of bats (including droppings and feeding remains) was found during the external inspection.

Evening Emergence Survey on 9th September 2022

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

Weather: 16.1-13.5°C, 50% cloud cover across the survey period, dry, humidity 72%, wind north 8mph.

Sunset: 19:40

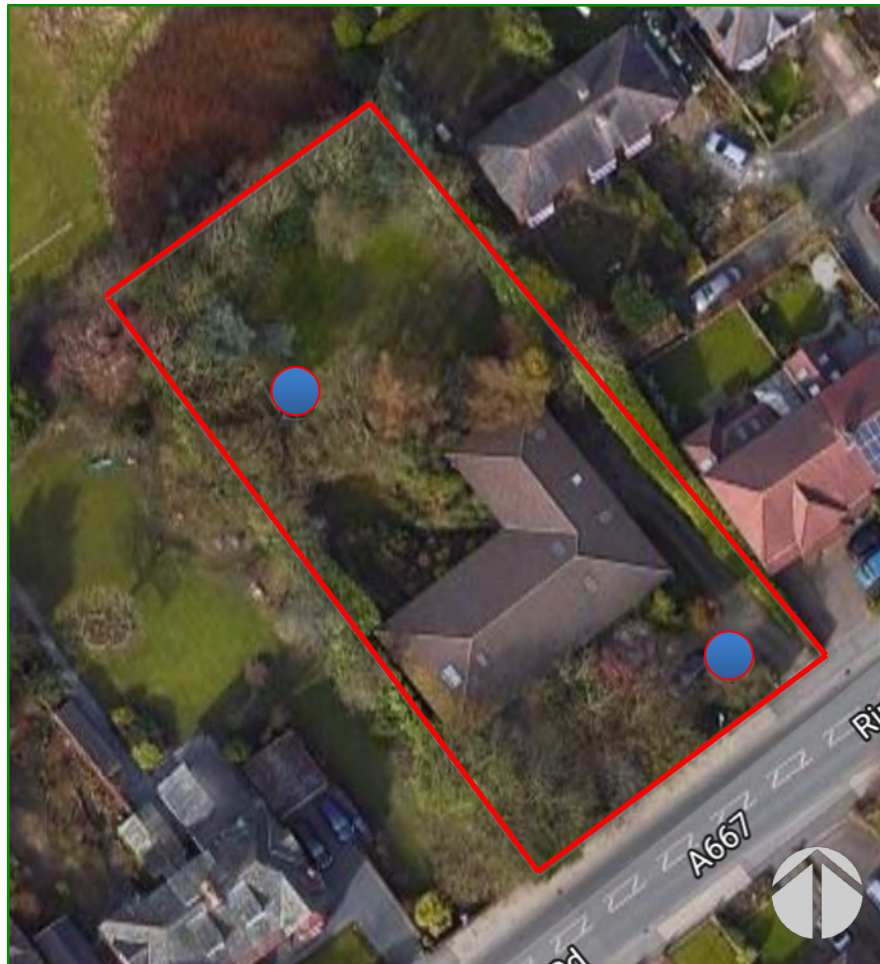
Time on site: 19:15 – 21:15

Findings

- 7.3.3 One species of bat was recorded on site: common pipistrelle (*Pipistrellus pipistrellus*).
- 7.3.4 No bats were seen emerging from the building.
- 7.3.5 The first bat was recorded at 20:08, 28 minutes after sunset. This suggests that the bat emerged from a roost within close proximity to the survey site.
- 7.3.6 Bat activity within site during the survey was low, but the pattern of activity was similar to that recorded in 2022, with bats foraging occasionally along the line of vegetation to the rear of the building and only sporadic passes to the north.



Figure 3: The positions of surveyors during emergence surveys



KEY

 Surveyor positions



8 Appraisal and Impact Assessment

8.1 Appraisal

- 8.1.1 A single species of bat was recorded within the survey site: common pipistrelle. Bat activity within the site was low-moderate.
- 8.1.2 The majority of the bat activity during the 2021 survey was recorded along the vegetation line to the northwest (rear) of the property. This finding is consistent with the original 2017 survey and the recent 2022 survey and suggests that the vegetation line is a commuting route pipistrelle bats regularly.
- 8.1.3 However, the survey site itself does not appear to provide an important foraging area.
- 8.1.4 No bats were recorded emerging from the building in 2017, 2021 or 2022 and no bat evidence of bat activity (droppings, feeding remains) were found during the external inspection.
- 8.1.5 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 indicates the likely absence of a bat roost within the building at 68 Ringley Road, Whitefield. The proposals to refurbish and extend the building will have no foreseen negative impact upon bats roosting in the area.
- 8.2.2 The proposals for clearance of the grounds construction of the flats are unlikely to have a significant negative impact upon bats foraging and commuting in the area. However, as the line of vegetation on the northwest boundary acts as a commuting corridor, recommendations are made to retain and improve this feature.



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 and extend the building are very unlikely to have a negative impact upon individual bats or bat populations in the locality.

Retention of the corridor for commuting bats

- 9.0.2 As the line of vegetation along the northwest boundary of the site acts as a corridor for commuting bats, the following recommendations are made to retain this feature:
- *The boundary vegetation is retained where possible. Recommendations are given below for possible enhancements.*
 - *Lighting* during the construction and operational phase will be directed to avoid the vegetative boundaries of the site, but in particular the northwest boundary.
 - Baffles will be used to avoid spillage of light into the sky and into areas toward the vegetative boundaries of the site.
 - Lighting installed will be High or Low Pressure Sodium or LED. These forms of lighting have a lower UV output, which reduces the attraction of insects.

Enhancement of the site for bats and other wildlife

- 10.0.1 In order to enhance the site for bats and other wildlife, the following recommendations are made:
- Ornamental planting is provided within soft landscape proposals that include a variety of native shrubs that provide cover for birds, produce berries and are attractive to native invertebrates. It would be of particular benefit to reinforce the northwest boundary with planting. Examples of species that are often used in hedgerows include hawthorn (*Crataegus monogyna*), guelder rose (*Viburnum opulus*), holly (*Ilex aquifolium*) and privet (*Ligustrum vulgare*) with smaller, climbing species such as dog rose (*Rosa canina*) and honeysuckle (*Lonicera periclymenum*).



10 References

- BCT (2014) Artificial lighting and wildlife. Recommendations to help minimise the impact of lighting. Bat Conservation Trust.
- 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 2022) <https://www.google.co.uk/maps>
- MAGIC Map (Accessed 2022) <http://www.magic.gov.uk/MagicMap.aspx>. DEFRA.
- Stone, E, L. (2013) Bats and Lighting. Overview of current evidence and mitigation. Bats and lighting research project, University of Bristol.



• 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 Regulations 2017 (as amended)

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 REGULATIONS 2017 (AS AMENDED)

1.4.1. 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.

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

1.7. NATIONAL PLANNING POLICY FRAMEWORK

1.7.1. 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.

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

Chapter 15, Para 174 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"**.*

1.7.3. Para 179 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."*

1.7.4. Para 180 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."***

1.7.5. 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"***

1.7.6. 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.



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

- 1.8.1. 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.