



Preliminary Roost Assessment

187 Yorkshire Street, Rochdale, OL12 0DS

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Muhammad Farooq to undertake a Preliminary Roost Assessment (PRA) at 187 Yorkshire Street, Rochdale, OL12 0DS (hereafter referred to as “the site”). The survey was required to inform a planning application for the proposed change of use of B1 (on-site building) from offices (E) to two retail units (E) on the ground floor with shopfronts, and two self-contained flats (C3 Dwelling houses) on the first floor, and one self-contained flat on the ground floor along Regent Street (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Roosting bats (B1)	B1 has moderate value for roosting bats, based on the features present.	The proposed development will result in the conversion of this building and may include repairs/works to the roof structure and supporting walls. This could result in damage/modification of any bat roosts present and could cause disturbance, death, or injury to bats.	Two bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost in the building. Both of the surveys should be completed during the optimal survey period mid-May to August inclusive. Further details can be found in Table 6 of this report.
Foraging and commuting bats	Nearby urban greenspaces could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development may include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which is detailed in Table 6 of this report.
Nesting birds (B1)	The building could be used by nesting birds (likely more common species such as house sparrow based on the built-up location of the site).	The proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works to the roof/eaves should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Muhammad Farooq to undertake a Preliminary Roost Assessment (PRA) at 187 Yorkshire Street, Rochdale, OL12 0DS (hereafter referred to as “the site”). The survey was required to inform a planning application for the proposed change of use of B1 (on-site building) from offices (E) to two retail units (E) on the ground floor with shopfronts, and two self-contained flats (C3 Dwelling houses) on the first floor, and one self-contained flat on ground floor along Regent Street (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting. This has been undertaken with due consideration to the “Bat Surveys for Professional Ecologists —Good Practice Guidelines” publication (Collins, 2023). No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SD 90201 13927 and has an area of approximately 0.03ha comprising hardstanding and one on-site building (B1). It is surrounded by built-up areas with the Hey Brook to the east of the site and the River Roch to the south/southeast of the site. The site lies within Rochdale, northeast of the town centre. There are scattered pockets of urban greenspaces in the nearby vicinity of the site. The wider landscape comprises more rural areas to the north, northeast, and southeast of the site, with the Peak District National Park to the southeast of the site. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation. To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken, including an inspection of built structures, to determine the presence or the suitability of any features which bats could use for roosting and to assess the suitability of the site’s bat foraging and commuting habitat.
- An outline of potential impacts on any confirmed or unidentified roosts has been provided, based on the proposed development.
- Recommendations for further surveys and mitigation have been made, along with advice on the requirements for a European Protected Species Licence (EPSL) application if appropriate.
- Opportunities for the enhancement of the site for roosting, foraging and commuting bats have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a 2km radius review of statutory designated sites with bat qualifying interests and granted EPSL records for bats held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

2.2 Field Survey

The survey was undertaken by Jessica Sibley BSc (Hons) MSc (Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT) on 24/10/2023.

The PRA focussed on one built structure which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

2.3 Breeding Birds and Other Incidental Observations

The surveyor also made note of any other ecological constraints observed during the survey, notably the likelihood of presence or signs of breeding birds, and the suitability of the site for barn owls.

2.4 Suitability Assessment

Built structures were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats

Classification	Feature of building and its context
High	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts. Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities, or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
Negligible	Unsuitable for use by bats.

2.5 Limitations

It should be noted that whilst every effort has been made to describe the features on site in the context of their suitability for roosting bats, this does not provide a complete characterisation of the site. This survey provides a preliminary view of the likelihood of bats being present. This is based on suitability of the habitats on site and in the local area, the ecology and biology of bats as currently understood, and the known distribution of bats as recovered during the desk study. Bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time.

No Biological Records Data (BRD) was available at the time of writing this report and this should be obtained, and the report updated to enable a robust ecological impact assessment to be completed.

The eave spaces in B1 were not fully accessible as they were not boarded, and a safe route could not be determined. The eave spaces were viewed from safe boarded areas. Therefore, some roost features or evidence of bats (if present) may have been missed.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

No statutory designated sites with bat qualifying interests were identified within 2km of the site. However designated sites with suitable bat habitat within a 2km radius of the site are listed in Table 2.

Table 2: Statutory designated sites with suitable bat habitat within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Rochdale Canal SSSI (Site of Special Scientific Interest)	~1.7km southeast	The Rochdale Canal contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of the nationally scarce SAC species floating waterplantain <i>Luronium natans</i> . The site also supports a diverse assemblage of aquatic flora, notably its assemblage of pondweeds, <i>Potamogeton spp</i> ; the nine species of which found in the canal represent a balanced community which reflects the quality of water.
Rochdale Canal SAC (Special Area of Conservation)	~1.7km southeast	Annex I habitats that are a primary reason for selection of this site: - Not Applicable Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: - Not Applicable Annex II species that are a primary reason for selection of this site: 1831 Floating water-plantain <i>Luronium natans</i>. Rochdale Canal supports a significant population of floating water-plantain <i>Luronium natans</i> in a botanically diverse water plant community which also holds a wide range of pondweeds <i>Potamogeton spp</i>. The canal has predominantly mesotrophic water. This population of <i>Luronium</i> is representative of the formerly more widespread canal populations of north-west England. Annex II species present as a qualifying feature, but not a primary reason for site selection: - Not Applicable

3.2 Historical Records

A search of the magic.gov.uk database for granted EPSLs within a 2km radius of the site has been completed. Displaced bats from licensed sites <2km away from the survey site will find alternative habitat either within the mitigation measures implemented as part of the licence or will relocate to other known roosts sites in close proximity to the licensed site. EPSL records for bats are summarised in Table 3.

Table 3: Granted EPSLs for bats within 2km of the site

EPSL reference	Bat species affected	Impacts allowed by licence
2015-8047-EPS-MIT	Common pipistrelle, Daubenton's, Soprano pipistrelle	Destruction of a resting place
EPSM2009-709 2016-19740-EPS-MIT-1	Common pipistrelle	Destruction of a resting place
EPSM2011-2750	Common pipistrelle, Soprano pipistrelle	Destruction of a resting place

3.3 Field Survey Results

The weather conditions recorded at the time of the survey are shown in Table 4. The results of the field survey are detailed in Table 5 and illustrated in Appendix 3.

Table 4: Weather conditions during the survey

Date:	01/11/2023
Temperature	12°C
Humidity	94%
Cloud Cover	45%
Wind	11mph
Rain	None

Table 5: PRA Results

Feature	Description	Photographs
Bat foraging and commuting habitat	There are some scattered urban greenspaces in the nearby vicinity of the site, and the Hey Brook lies east of the site in the nearby vicinity, which are likely of high value to local foraging and commuting bat populations. The immediate vicinity of the site is built-up areas and hardstanding, of low value for local foraging and commuting bat populations.	
B1 - overview	B1 is a brick-built and rendered (western, northern and eastern elevations) U-shaped building with a pitched hipped and gabled roof clad in slate roof tiles (Figures 1 and 2). B1 has one chimney. B1 has wooden fascias and barge boards. The windows around B1 are UPVC framed, and the doors are wooden framed. B1 has no extensions, however, B1 is 'U' shaped and adjoins to a neighbouring building east of B1.	 Figure 1. Facing the southern and western elevations of B1.

		 Figure 2. Facing the northern and eastern elevations of B1.
B1 – southern elevation	On the southern elevation of B1 (Figure 3), some raised tiles are visible (Figures 4 and 5), which may support crevice-dwelling species of bats (e.g., pipistrelles). There is also a slight gap associated with one of the ridge tiles (Figure 4). The supporting wall on the southern elevation is intact, with mortar and brickwork intact (Figure 6). The fascias also look to be tightly fitted around B1 and on the southern elevation (Figure 7). From what can be seen of the chimney, it looks to be intact with flat lead flashing around the base (Figure 8). No further suitable features/features of note were identified associated with this elevation.	 Figure 3. Facing the southern elevation of B1.

		 Figure 4. Southern elevation – raised tiles.  Figure 5. Southern elevation – raised tiles.
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Figure 6. Southern elevation – supporting wall intact.



Figure 7. Southern elevation – fascias tightly fitted.

		 Figure 8. Southern elevation – lead flashing around chimney base intact.
B1 – western elevation	On the western elevation (Figure 9), the rendering across the supporting wall looks to be intact and without large cracks/crevices suitable for crevice-dwelling species of bat (Figure 10). The ground-level windowsills around B1 were searched for evidence of bats (i.e., droppings), and none was found (Figure 11). However, external evidence can be weathered away. There is a small section of missing rendering associated with one of the ground-level windows (Figure 12). However, the crack associated with this missing section of rendering is too small to support roosting bats (i.e., <0.5cm). There are a few more raised tiles associated with the roof on this elevation (Figure 13). No further suitable features/features of note were identified associated with this elevation.	 Figure 9. Facing the western elevation of B1.



Figure 10. Western elevation – rendering intact.



Figure 11. Western elevation – windowsills.



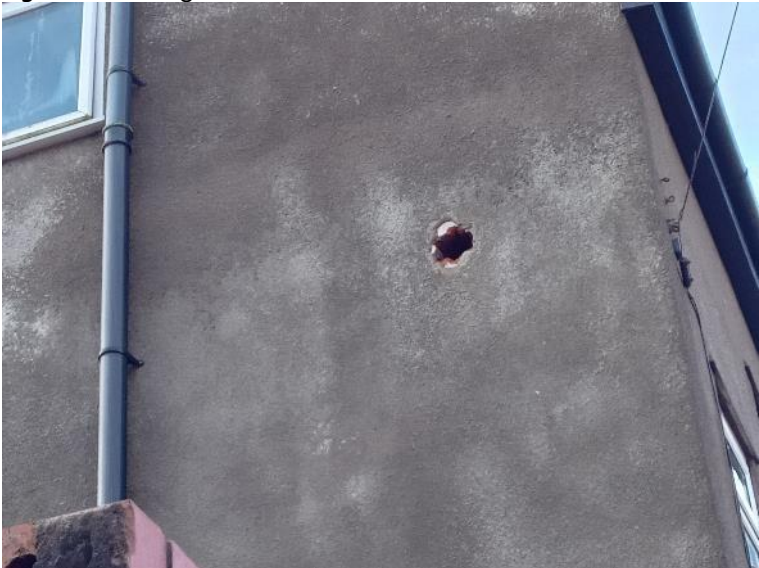
Figure 12. Western elevation – missing section of rendering.



Figure 13. Western elevation – raised tiles.

B1 – northern elevation	On the northern elevation (Figure 14), a line of raised tiles in associated with the roof structure (Figure 15), which may support crevice-dwelling species of bat. There are also two holes associated with the supporting walls, (Figures 16 and 17), which may lead to a possible cavity wall and support crevice or void-dwelling species of bat. No further suitable features/features of note were identified associated with this elevation.	 Figure 14. Facing the northern elevation of B1.  Figure 15. Northern elevation – raised tiles.
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		 Figure 16. Northern elevation – hole in wall.  Figure 17. Northern elevation – hole in wall.
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B1 – eastern elevation	On the eastern elevation (Figure 18), there is another hole in the supporting wall which may support roosting bat ingress into a possible cavity wall (Figure 19). There is also a section of missing barge board along the roof verge of this elevation, which may create opportunities for crevice-dwelling species of bat associated with the roof verge tiles (Figure 20). The ‘U’ shaped section of the building along this elevation was also inspected (Figure 21). The ground level windows here, were blocked with breezeblock, and looked to be tightly sealed (Figure 22). However, there are some lifted tiles again associated with the ‘U’ roof structure on this elevation (Figure 23). No further suitable features/features of note were identified associated with this elevation.	 Figure 18. Facing the eastern elevation of B1.  Figure 19. Eastern elevation – hole in wall.
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Figure 20. Eastern elevation – missing barge board.



Figure 21. Eastern elevation - 'U' shaped section of B1.

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Figure 22. Eastern elevation – ground-level windows filled.



Figure 23. Eastern elevation – raised tiles.

B1 – interior	Internally of B1, there are two accessible/visible eaves spaces (Figure 24 and 25). Timber beams support the roof structure of B1 and there is plastic roof lining within the voids (Figure 26), which looks to be mostly tight and intact. No droppings were found within the eave spaces, however, there was no boarding in place so the spaces could not be thoroughly searched, and evidence may have been missed. There are also some internal crevices associated with the brickwork (Figure 27), which may support small number of crevice-dwelling species of bats. Approximate internal dimensions (eave space 1 and 2): 4m long x 2m wide x 2m high (floor to highest point). Internal conditions: temperature 11.4°C, humidity 64.8%.	 Figure 24. Interior – eaves space 1.  Figure 25. Interior – eaves space 2.
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		 Figure 26. Interior – eaves space 1 – lining.  Figure 27. Interior – eaves space 1 – internal crevices.
B1 – suitability assessment	B1 has moderate value for roosting bats. There are a number of raised tiles associated with the roof structure of B1, which may support crevice-dwelling species of bat. There are also holes associated with some of the supporting walls which may support void or crevice-dwelling species of bat ingress into the possible cavity walls. No	

	evidence of bats was found during the survey, but evidence may have been missed as the eaves could not be thoroughly searched as they were not boarded, and as external evidence can be weathered away. The features identified may suit moderate numbers of bats. However, bats roosting within B1 are more likely to be urban tolerant species (e.g., pipistrelles), based on the built-up location of the site. There are some locally high value habitats in the nearby vicinity of the site, such as urban greenspaces and the Hey Brook.
B1 - breeding birds and other incidental observations	No birds' nests were identified around/within B1 during the survey, however, some of the roof structure was not visible from ground level. Bird activity (i.e., perching) was noted associated with the chimney of B1.

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the value of the site for bats and also details any other ecological constraints identified such as nesting birds in relation to the proposed development which will comprise the proposed change of use of B1 (on-site building) from offices (E) to two retail units (E) on the ground floor with shopfronts, and two self-contained flats (C3 Dwelling houses) on the first floor, and one self-contained flat on the ground floor along Regent Street.

Table 6: Evaluation of the site for bats and any other ecological constraints

Building	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Roosting bats (B1)	B1 has moderate value for roosting bats, based on the features present.	The proposed development will result in the conversion of this building and may include repairs/works to the roof structure and supporting walls. This could result in damage/modification of any bat roosts present and could cause disturbance, death, or injury to bats.	Two bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost in the building. Both of the surveys should be completed during the optimal survey period mid-May to August inclusive. Infra-red cameras should be used as an aid. Surveys should be a minimum of three weeks apart. Four surveyors are required to provide full coverage of the building. If bat roosts are confirmed in the building one additional survey may be required to characterise the roost and to inform an EPSL application to Natural England. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.	To be confirmed upon completion of the surveys.
Foraging and commuting bats	Nearby urban greenspaces could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development may include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Light spill on to any nearby trees/shrubs should be avoided. • Use narrow spectrum light sources to lower the range of species affected by lighting.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • Planting of native tree, shrub and hedgerows to

¹ The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

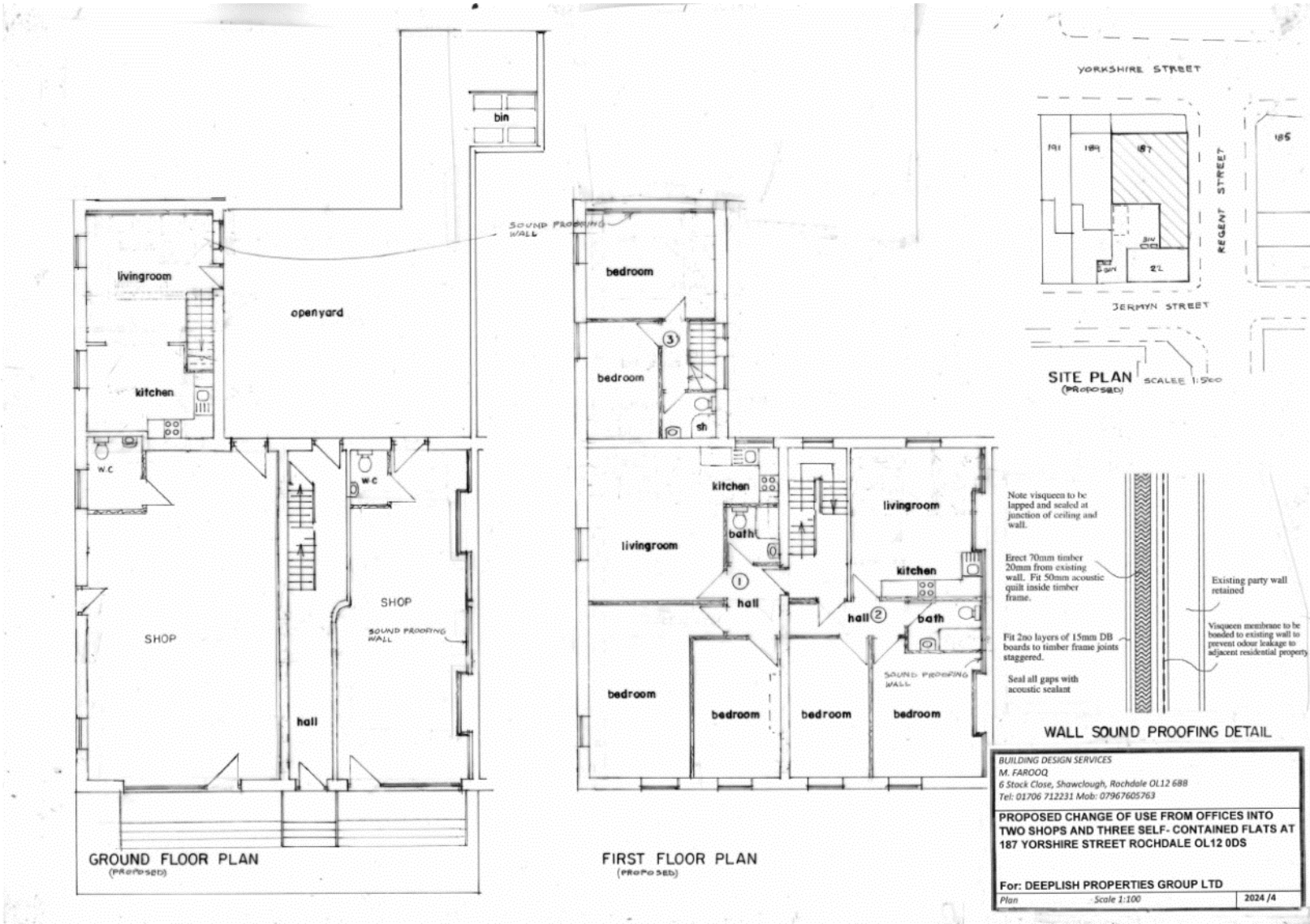
	nearby roosts outside of the site.		• Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	increase foraging opportunities.
Nesting birds (B1)	The building could be used by nesting birds (likely more common species such as house sparrow based on the built-up location of the site).	The proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works to the roof/eaves should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of a minimum of two bird boxes on B1 will provide additional nesting habitat for birds e.g. • Vivara Pro WoodStone Swift Nest Box • House Sparrow Terrace FSC Nest Box

				• Swallow Nest Bowl Or a similar alternative brand. General purpose bird boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.
Other ecological constraints	None identified.	N/A	N/A	N/A

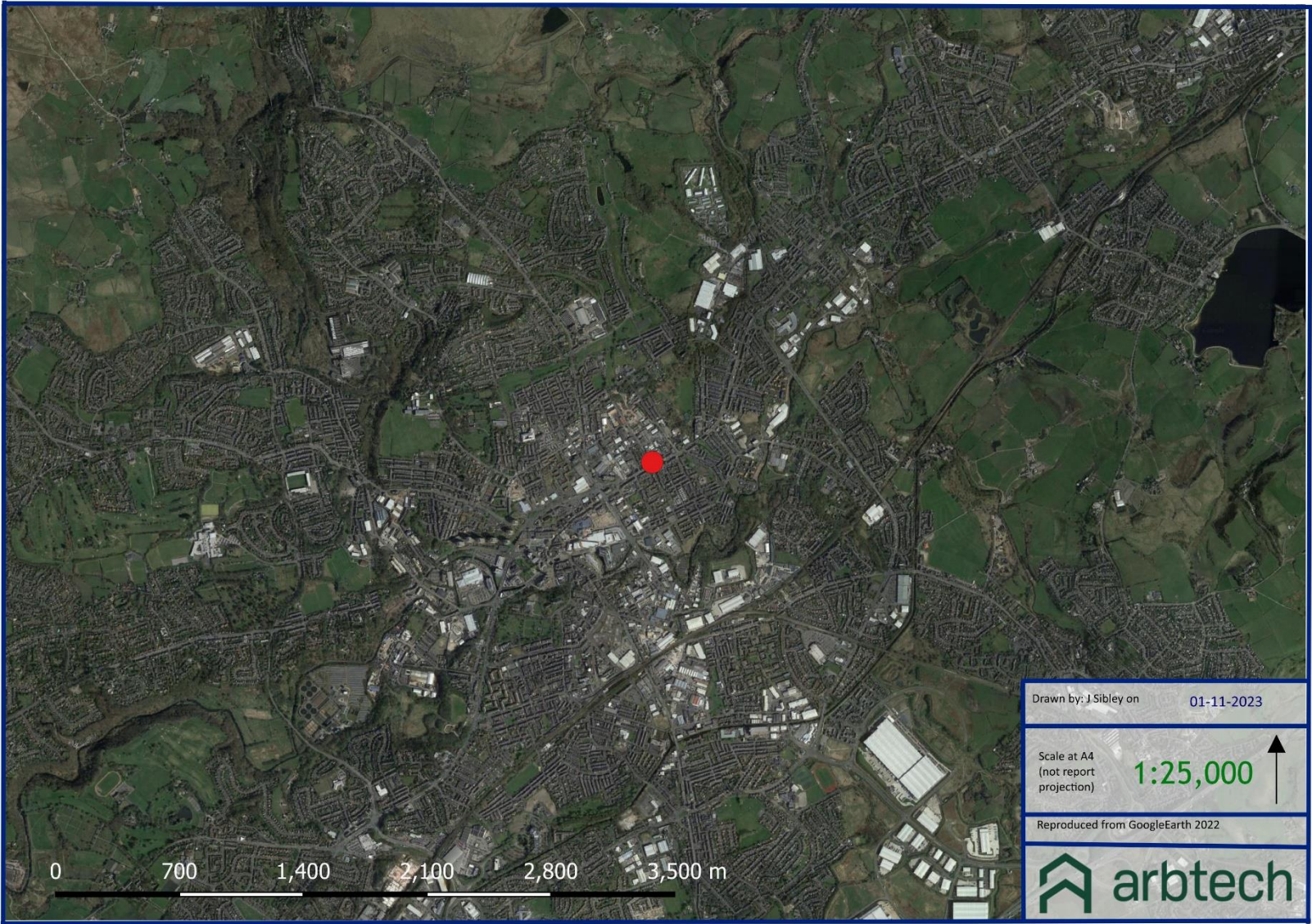
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Appendix 1: Proposed Development Plan



Appendix 2: Site Location Plan



Appendix 3a: PRA Plan



Appendix 3b: Proposed BERS Plan



Appendix 4: Legislation and Planning Policy Related to Bats

LEGAL PROTECTION

All species of bat are fully protected under *The Conservation of Habitats and Species Regulations 2017* (as amended) through their inclusion on Schedule 2.

Regulation 43: Protection of certain wild animals - offences

(1) A person is guilty of an offence if they:

- (a) Deliberately captures, injures or kills any wild animal of a European protected species,
- (b) Deliberately disturbs wild animals of any such species,
- (c) Deliberately takes or destroys the eggs of such an animal, or
- (d) Damages or destroys a breeding site or resting place of such an animal,

(2) For the purposes of paragraph (1) (b), disturbance of animals includes in particular any disturbance which is likely —

- (a) To impair their ability:
 - (i) To survive, to breed or reproduce, or to rear or nurture their young; or
 - (ii) In the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- (b) To affect significantly the local distribution or abundance of the species to which they belong.

Bats are also protected under the *Wildlife and Countryside Act 1981* (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale

NATIONAL PLANNING POLICY

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY

Rochdale Adopted Core Strategy (October 2016)

The Rochdale Adopted Core Strategy can be viewed here: <https://www.rochdale.gov.uk/local-planning-policy/core-strategy-local-plan/2>

The following planning policies have implications in relation to biodiversity and the proposed development:

- **G7: Increasing the value of biodiversity and geodiversity** - We will ensure that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection. Opportunities for enhancing biodiversity and geodiversity, creating new sites and features of interest and improving opportunities for public enjoyment will be supported. No development should result in a net loss of biodiversity or geodiversity interest in the borough and overall development in the borough should result in a net gain. Particular priorities for biodiversity and geodiversity are:

- **Protected Species:** Development proposals which would affect a species protected by law or its habitat will not be permitted unless it can be demonstrated that:
 - a) there is no adverse impact on the species concerned;
 - b) damage to habitats is minimal and alternative habitat provision is effective in maintaining those species.

Opportunities to protect, enhance and create features of biodiversity or geodiversity interest should be informed by the detail of any formal designation of a site or area and supporting plans and guidance such as Local Biodiversity Action Plans, Green Infrastructure Strategies and Action Plans and the Council's Biodiversity and Development SPD. We will expect development proposals and improvements to:

- a) Protect and include existing biodiversity (including established biodiversity interest on brownfield land) within new developments, public realm and open spaces and meet the requirements of the Biodiversity and Development SPD, Greater Manchester and Local Biodiversity Action Plans;
- b) Protect and enhance existing features such as peatland, ponds, wetlands, reservoirs, mill lodges, trees, hedges, wooded areas, meadows, flora and fauna;

- c) Take opportunities to promote biodiversity and create new habitats through new development using landscaping and building and construction features wherever possible (e.g. ponds, species of vegetation, green roofs and walls, bat boxes, roof space, appropriate nest boxes and landscaping);
- d) Enhance strategic wildlife corridors and the most natural areas and ensure that habitats and corridors are not fragmented by development;
- e) Improve access where appropriate to new or existing biodiversity interest for public enjoyment; and
- f) Protect important geology and take opportunities to increase interest and accessibility.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by Natural England will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored. The legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost (Garland & Markham, 2008).

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law.

Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below);
- That there is no satisfactory alternative;
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

1. include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. scientific and educational purposes;
3. ringing or marking; and,
4. conserving wild animals.

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.