

Bat Survey and Assessment

Sladen Mill

Littleborough

May 2023

Prepared for: Mainly Mere

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



EXECUTIVE SUMMARY

- On 13th December 2021 a Preliminary Roost Assessment was undertaken at Sladen Mill, Littleborough. An additional survey was undertaken on 12th May 2023. The condition of the building is similar to that recorded in 2021 and is considered to have very low suitability for bats.
- In this instance, because a bat roost is very unlikely, precautionary measures of work are considered sufficient to reduce the risk of harm to bats to negligible during the demolition of the structure. A Method Statement and Toolbox Talk has been provided.
- Recommendations to enhance the site for bats and compensate for the loss of roost sites on the wider site (in buildings previously demolished) have been made.

Verity Webster

Ecology and Protected Species Consultancy

Chorley, Lancashire; www.ecologyconsultant.co.uk; tel: 07917 852 401; Email: info@ecologyconsultant.co.uk



1. Introduction

1.1 Application Site

- 1.1.1. This report details bat survey work at Sladen Mill, Halifax Road, Littleborough, OL15 0LB. National grid reference SD 9494 1738.
- 1.1.2. Mainly Mere commissioned Verity Webster Ltd to undertake the bat survey work to inform the planning application.

1.2 Background

- 1.2.1 An Extended Phase 1 Habitat Survey was undertaken by The Tyrer Partnership in March 2015 on behalf of Alderburgh Group. At this time there were several structures on the site. Bat emergence survey work was undertaken in May 2016 on two buildings, including one remaining on site (referred to as B2 in the report).
- 1.2.2 Bat survey work confirmed the presence of a common pipistrelle roost present in one building (referred to as B4 in the report). The recommendations in the Tyrer Partnership report include a requirement to obtain a bat European Protected Species Mitigation (EPSM) licence as part of the mitigation measures. There is no available evidence that an EPSM licence was applied for, nor whether or not any mitigation measures were complied with during the demolition of the buildings. For this reason, it is possible that an offence, the destruction of a bat roost, has been committed under the Conservation of Habitats and Species Regulations 2017 (as amended). It should be noted that the site was purchased by Mainly Mere following clearance of the site. It is the client's understanding (from third party comments) that demolition of the structures was undertaken due to escalating concerns over arson and vandalism.
- 1.2.3 A Preliminary Roost Assessment of the single remaining building was undertaken by Verity Webster Ltd in December 2021. At this time Verity Webster Ltd had had no sight of the Tyrer Partnership report.
- 1.2.4 The objectives of this report will be to provide an updated assessment the potential for bats within the remaining structure and to proposed suitable mitigation to account for this potential, and to compensate in part for the loss of a common pipistrelle roost present in 2015.

1.3 Objectives

- 1.3.1 The objectives of the Preliminary Roost Assessment are to determine:
- The suitability of the building on site to support a bat roost.
 - Whether bats are currently using the building, or have done in the past. Including an assessment of past reports of bat roosts on site.
 - The potential status of any roost present.
 - How bats might be using the site and the potential species present.
 - The potential impacts of the proposals on any potential roost present or on bats using the site.
 - The requirement for further survey work and/or mitigation.
 - How any impacts might be avoided, mitigated and/or compensated, including advice on European Protected Species Mitigation (EPSM) application if required.



- The potential for biodiversity net gain on site.

1.3.2 The format and content of this report follow that required by the European Protected Species Mitigation (EPSM) licence application where appropriate.

1.4 Proposals

1.4.1 The proposals comprise the demolition of the existing structure and the construction of 17 houses with associated landscape and access.

1.5 Ecologist

1.5.1 The Preliminary Roost Assessment was undertaken by Verity Webster. Verity is a licensed bat surveyor (Bat Survey Class Licence WML CL18 (Class 2) Registration number 2015-13858-CLS-CLS).

1.5.2 Verity has worked as an ecological consultant since 2007. 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. Site Location

- 2.0.1 The survey site is located in a rural location approximately 1km northeast of Littleborough Town and approximately 200m north of the Halifax Road (A58) which weaves east to west through the landscape.
 - 2.0.2 The wider countryside comprises grazed and arable land with small plots of woodland. Moorland extends east from approximately 1.3km to the east, which is part of the South Pennine Moors SSSI, SAC and the South Pennine Moors Phase 2 SPA.
 - 2.0.3 There are scattered waterbodies and waterways threading through the wider landscape. The Rochdale canal runs north to south approximately 300m to the west of the site at the closest point. The Red Brook runs south to north along the western boundary of the site.
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Statutory Site Designations

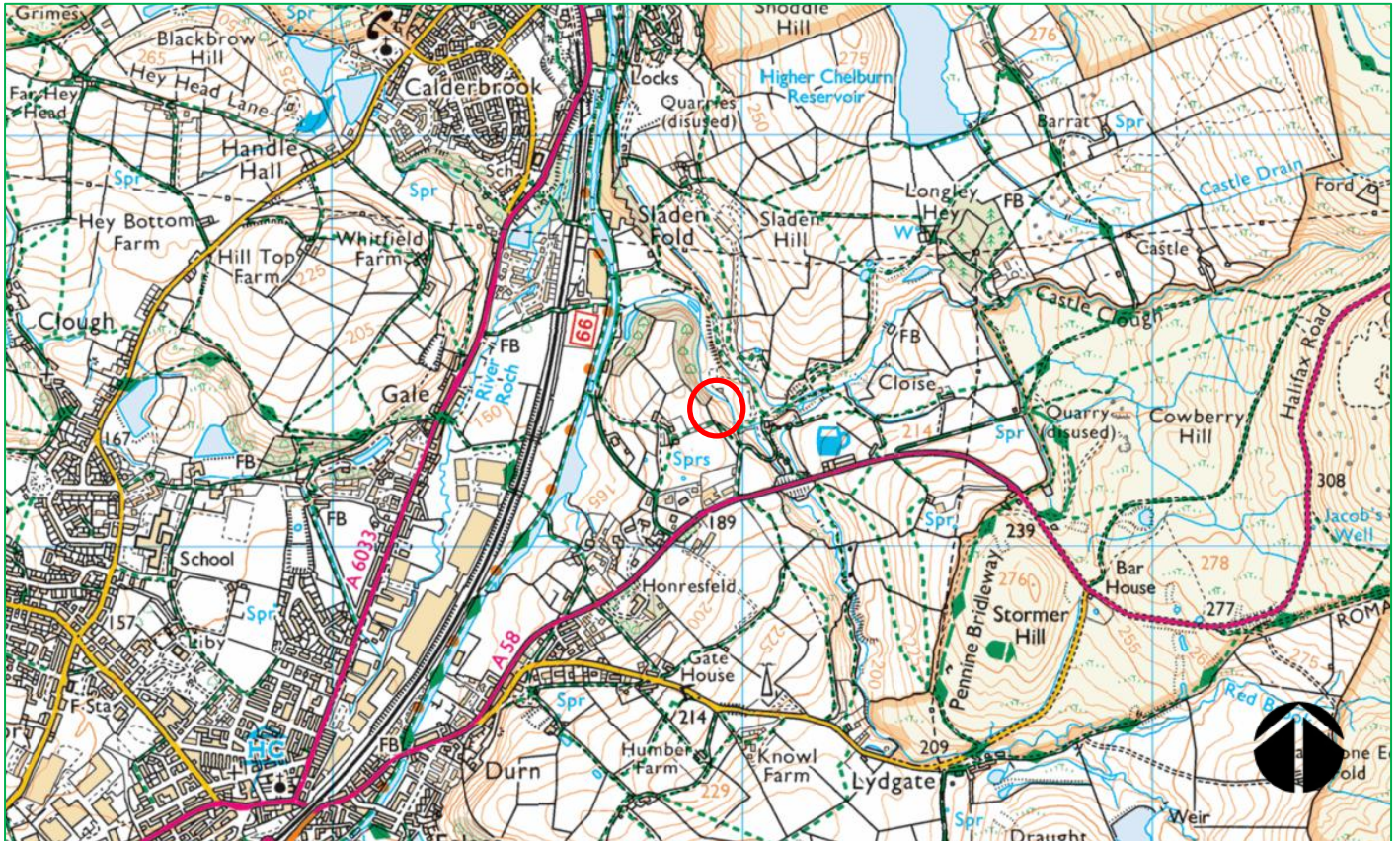
Site of Special Scientific Interest (SSSI) A Site of Special Scientific Interest (SSSI) is the land notified as an SSSI under the Wildlife and Countryside Act (1981), as amended. SSSI are designated for wildlife and natural features (including geological features) in England. They support characteristic, rare and endangered species, habitats and natural features.

Special Area of Conservation (SAC). Special Areas of Conservation are areas of land designated under the EU's Habitat Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. The sites are designated on the basis of the presence of Annex I and II habitats or species of conservation interest.

Special Protection Area (SPA). A Special Protection area is land classified under Directive 79/409 on the Conservation of Wild Birds. They are classified for rare and vulnerable birds (as listed on Annex 1 of the Directive) and for regularly occurring migratory species.



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



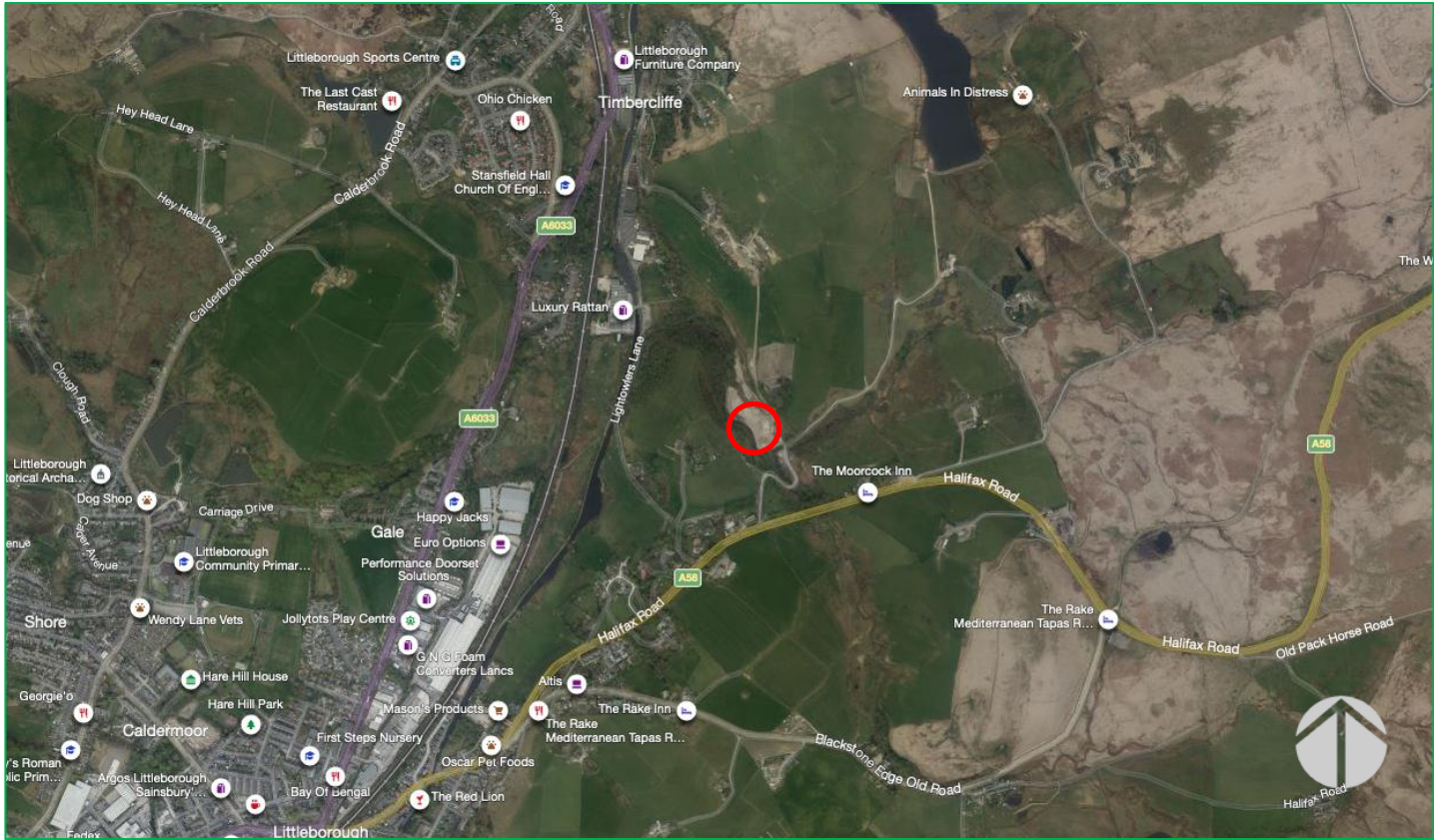
Ordnance survey 1:25000

Key

 Survey site



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



From BING Maps

250m

Key

 Survey site



3. The Survey Site

- 3.0.1 The survey site is a single structure set within wider grounds of previously disturbed land (see Figure 3).

The Structure

- 3.0.2 The structure is situated on the eastern edge of the Red Brook. It is a single-storey brick building, triangular in shape. The main body of the building has a pitched roof, the southern half of which is constructed of slate and boarded beneath and the northern half of which is constructed from corrugated plastic. The walls are single-skin. There is a roller door on the east elevation.
- 3.0.3 Internally the main body of the building is open to the eaves. There are large cracks in the corners of the structure between the walls and along the eaves. Some of the boarding beneath the slate roof has fallen away.
- 3.0.4 There is a single-storey extension on the southern elevation which has a flat, felted roof, which is lined beneath. This stores an old electricity sub-station.



The south elevation of the structure



The north elevation of the structure



Figure 3: The survey structure within the wider site.



From BING Maps

10m

Key



The Survey Structure



The wider site (not surveyed)



4. Legislation

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

4.1 UK and EU Legislation

4.1.1 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)

4.1.2 Under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, 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.

4.2 Planning Policy and Legislation

4.2.1 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.

4.2.2 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:*

*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"**.*

4.2.3 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."*

4.2.4 Para 180 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.”**

4.2.5 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”**

4.2.6 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.



5. Survey Methodology

- 5.0.1 The Preliminary Roost Assessment was undertaken in accordance with currently accepted guidance: Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edn). The Bat Conservation Trust, London.

5.1 Desk Study

- 5.1.1 Data sources used to establish background information about bats and their likely presence in the locality:
- Magic Map, Natural England (2016)
 - Bing Maps (2017)
- 5.1.2 Satellite mapping, Ordnance survey, road map, habitat and designated site data from Magic Map (Natural England, 2014) was used to assess the value of the surrounding habitat for bats in the area at a landscape scale (5km), including any potentially important habitat corridors (linear habitat features), feeding grounds or potential roost opportunities, such as large expanses of woodland. The features and habitats immediately surrounding the site (local area) were also assessed at a finer scale as these influence the likely presence of bats within the survey site.

5.2 Preliminary Roost Assessment

- 5.2.1 An internal and external inspection of the structure was undertaken during daylight to determine the suitability for bats and establish, if possible, whether bats are using the building or have been in the past.
- 5.2.2 All accessible parts of the structure were inspected to look for bats and signs of the presence of bats, including:
- Droppings.
 - Feeding remains including moth and butterfly wings.
 - Staining from urine or oils near crevices or holes or on timber (such as roof beams), walls, chimney breasts etc.
 - Scratch marks on walls and timber.
 - Squeaking or chattering calls.
- 5.2.3 The systematic search inside the building included inspection of beams, floors, surfaces of stored materials, loose roof insulation or felt covering, junctions between roof timbers and timbers and the walls, and crevices within brickwork. Potential access into the building was also inspected by searching for holes in insulation and any light penetration into the interior from the outside.
- 5.2.4 The assessment outside the building included inspection of all walls, windows, window sills, fascias, soffits, eaves and tiles, including a search for any crevices under tiles, under lifted lead flashing or lifted roofing felt, missing mortar, gaps in the ridge or gable end of the roofs, crevices in brickwork or under flaking paintwork or render, gaps in cladding or hanging tiles and any other potential bat roost opportunities.
- 5.2.5 Equipment: During the survey, a strong torch with directional beam was used to inspect the buildings.



- 5.2.6 As a result of the preliminary roost assessment, the structure on site was characterised as having 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm the presence of a roost.
- 5.2.7 Buildings or structures typically characterised as having:
- **Negligible** suitability for bats will lack features with any potential to support roosting bats. Modern or newly-built well-sealed structures may fall into this category. Structures that are metal clad with metal internal beams might have negligible potential if there are no favourable roosting spaces. Structures may also be unfavourable due to the level of disrepair, being subject to poor weather conditions.
 - **Low** suitability for bats will have sub-optimal roost features with limited potential for roosting bats. Features may be used by single bats opportunistically, but do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis by large numbers of bats.
 - **Medium** suitability for bats may have few features with potential for bats, that provide enough space, shelter, protection and other suitable conditions, or several features with limited potential for bats. It may also be that a potentially suitable structure is situated in an area with habitat that has an only low potential for foraging and commuting bats.
 - **High** suitability for bats will support at least one or more features that provide opportunities for roosting bats such that they might be used regularly, for longer periods by larger numbers of bats. These may be external features, such as lifted weatherboard or crevices in brick or stonework, or internal, such as large loft spaces with potential access. Barns, with open doorways and windows with wooden rafters and beams, may fall into this category. If a structure is close to good habitats, such as a waterway, marshland or woodland, this also increases the potential for roosting bats.
 - **Confirmed** roost presence when it is evident as a result of signs from inspection, such as droppings, or sight of bats, that a roost exists within the building. It is not always possible to ascertain the presence or absence of a roost even if some signs, such as droppings or feeding remains are found.

6. Survey Limitations

- 6.0.1 The survey was undertaken in daylight in early December 2021 and early May 2023. Although bats would be hibernating in December and are unlikely to be present within the structure, which owing to the exposed conditions, is considered unsuitable for hibernation, bats are active and likely to be in summer roost sites in May.
- 6.0.2 In May, evidence of bats may be present on the exterior of a building and evidence of use of the interior of a building by bats is likely to be present, where signs (such as droppings and feeding remains) are protected from the elements.
- 6.0.3 Data from the local biological records centre of known bat roosts and bats recorded in the area was not obtained to inform this assessment. The inspection alone is considered sufficient to inform any necessary requirements for further survey work and/or mitigation.



7. Findings: Preliminary Roost Assessment

7.1 Suitability of the Locality for Bats

- 7.1.1 At a landscape level, the area surrounding the survey site is very good for bats. Refer to Figure 2.
- 7.1.2 The habitat, including grassland, woodland, waterbodies and waterways will support a variety of bat species such as the widespread common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively). Species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) are also expected. Similarly, given the presence of woodland, species that favour wooded habitat, such as Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are less likely to be present in the area.

The Conservation Status of Bats in the Area

- 7.1.3 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 Greater Manchester.	Widespread and scattered across the Northwest.
<i>Noctule</i>	Present	Widespread and frequently recorded.	Common and widespread. Frequently recorded in the Northwest.
<i>Whiskered bat</i>	Present but likely rare	Present	Widespread.



<i>Brandt's bat</i>	<i>Rare / absent</i>	<i>Present</i>	<i>Widespread.</i>
<i>Alcathoe's bat</i>	<i>Unknown</i>	<i>Unknown</i>	<i>Widespread. Likely under-recorded.</i>
<i>Daubenton's</i>	<i>Presence is likely due to the riparian habitat present.</i>	<i>Widespread, frequently recorded near water.</i>	<i>Widespread</i>
<i>Serotine</i>	<i>Rare / absent</i>	<i>Unknown</i>	<i>Restricted to south and southwest Britain, rarely recorded in the northwest.</i>
<i>Leislars</i>	<i>Rare</i>	<i>Unknown</i>	<i>Rare, but widespread in Britain. Present in the northwest.</i>
<i>Barbastelle</i>	<i>Unlikely to be present in the area. This species is a woodland-specialist and there is a lack of this habitat present.</i>	<i>Unknown</i>	<i>Present south of a line from North Wales to the Wash.</i>

7.2 Preliminary Roost Assessment

- 7.2.1 The structure inspection and bat roost assessment was undertaken in daylight on 13th December 2021 and on 12th May 2023.

The Structure

- 7.2.2 **The structure is considered to have very low suitability for bats.**
- 7.2.3 The walls of the structure are single-skin, but there are crevices between the walls where they meet at each corner. The crevices on the wall on the western corner are shallow and filled with mortar; too shallow to support roosting bats. Crevices on the northeast corner are large and would allow bats to access the building. There are no crevices in the southernmost corner or the electrical unit. The remaining brickwork is solid and filled.
- 7.2.4 Externally there are some gaps under raised slates on the south elevation and gaps under shifted ridge tiles, a couple of which are missing.
- 7.2.5 Internally the space in the main body of the building is well-lit owing to the transparent plastic on the northern side of the roof and the crevices in the walls and eaves. The wooden beams are exposed.
- 7.2.6 A small portion of the of the boarding under the slate roof on the southern side has fallen away due to damp ingress.
- 7.2.7 The ingress of natural light reduces the likelihood the space would be used by bats that favour roosts in open voids, so they can fly prior to leaving a roost, such as brown long-eared bats or Natterer's bat.
- 7.2.8 No evidence of bats (droppings/staining) was found externally or internally in December 2021 or May 2023. If bats were regularly or sporadically using the interior space for foraging or roosting, droppings and/or feeding remains would be expected on the floor or walls; none were found.



- 7.2.9 Similarly, if bats were regularly roosting under the slates on the south side of the roof, droppings would likely have fallen through in places onto the interior floor, or down the edge of the wall where there is a gap between the boarding and the wall.
- 7.2.10 The smaller southern extension to the building, with a flat roof, contains no visible potential roost features internally or externally.
- 7.2.11 Overall, the likelihood of a roost within the structure, given the lack of evidence, is considered to be very low. However, the proximity of the structure to the waterway and the woodland increases the likelihood that small potential roost features, such as gaps under the slates might be used by itinerant bats, the presence of which cannot be ruled out.
- 7.2.12 In this case, reasonable avoidance measures, with works undertaken in the presence of a licenced ecologist are recommended to reduce to negligible the risk of harm to itinerant bats during works.



The wester corner of the structure



Crevices are wide and shallow



The interior of the structure



Slates on the southern side of the roof



8. Appraisal

Previous Survey Work

- 8.0.1 The dusk and dawn surveys undertaken in May 2016 by Tyrer Partnership confirmed the likely absence of a roost within the building. The building is likely to have deteriorated since 2016.

Current Survey Work

- 8.0.2 The Preliminary Roost Assessments in December 2021 and May 2023 at Sladen Mill, Littleborough were undertaken to determine the suitability of the structure for roosting bats and to determine the likely impact of the proposed works on bats.
- 8.0.3 Although the structure does contain potential roost features (under the slates of the roof), no bats or signs of the presence of bats were found during the external and internal inspection of the building.
- 8.0.4 Evidence would be expected if bats were regularly using the space. Given the lack of evidence and the small area of the roof with potential for bats (approximately 15m²) the likelihood a roost is considered to be very low.
- 8.0.5 However, reasonable avoidance measures are recommended during works to the roof of the structure to reduce any potential impact to itinerant bats to negligible.
- 8.0.6 The proposals provide the opportunity to enhance the site for bats and given the loss of a roost following demolition of buildings previously present, recommendations for compensation and enhancement have been made.



9. Recommendations

Reasonable Avoidance Measures

- 9.0.1 As a precaution, to minimise the risk of harm to bat, during works to the roof of the structure, the following is recommended:
- The works to the roof of the structure must take place in the presence of a suitably licenced ecologist under the Method Statement in Appendix C.
 - A Toolbox Talk on bats is delivered to site operatives prior to the start of works by the licenced ecologist. The Toolbox Talk must detail what to look for, how to remove materials safely and what to do if a bat is found. See Toolbox Talk Appendix D.
 - Slates on the main body of the house are removed by hand with care whilst checking for bats and signs of bats (droppings).
- 9.0.2 Overall, if the recommendations are followed the proposed development is considered very unlikely to be of significance to bats in the locality.

Compensation and Enhancement for Bats

- 9.0.3 The proposals provide the opportunity to compensate in part for the loss of the common pipistrelle roost previously recorded on site and enhance the site for bats.
- 9.0.4 The Tyrer Partnership report (May 2015) made recommendations for bats largely relating to an EPSM licence for a roost which is no longer present on site (see section 1.2). This document is considered outdated and the recommendations now insufficient. Below are recommendations and measures proposed for the purpose of compensating, in part, for the loss of the common pipistrelle roost recorded in 2016, measures to avoid the impacts of lighting for foraging and commuting bats on site and measures for enhancement of the site for foraging and roosting bats.

Compensation

- 9.0.5 In order to compensate in part for the loss of a bat roost and to re-create opportunities on site for roosting bats, especially for common pipistrelle bats, the following is recommended:
- **Eighteen crevice-roost sites for roosting bats are integrated into new buildings.** These should take the form of two or three crevice roosts in each of 6-9 of the houses. See Appendix B.
 - Crevice roost sites under slates, between slates and the Bitumen lining are highly favourable to common pipistrelle bats. These should be installed on the south elevation of the pitched roofs of buildings closest to the waterway.

Please note that it is imperative that Bitumen 1F roofing felt (not breathable roofing membrane) is used beneath these spaces as bats get caught in the fibre of breathable roofing membrane.

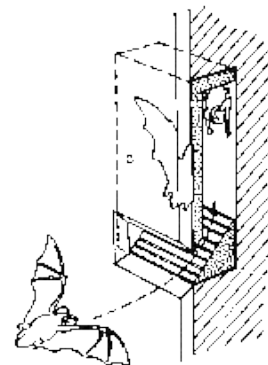


- In addition to the above, 10 Ibstock Enclosed Bat Box 'C' or a similar design bat boxes are attached externally to the building, or integrated into the stonework. Examples are provided below. There are many alternatives at NHBS.com. Exact boxes must be agreed by an ecologist.

Bat Boxes

1FE Schwegler bat access panel

This box is durable and does not require cleaning.



Ibstock Enclosed Bat Box 'C'

This box is durable and does not require cleaning.



Beaumaris Woodstone Bat Box

This box is durable and does not require cleaning.

All bat boxes are available from NHBS Ltd



Lighting Mitigation

9.0.6 Bats are likely to forage and commute along the site boundaries spring, summer and autumn.

9.0.7 In order to minimise the impact of lighting on commuting and foraging bats, the following is recommended:

- Lighting during the construction and operational phase will be directed to avoid boundary vegetation, minimise light spill into the sky, and any positioned bat boxes on houses.
- It is imperative that no light spill above 5 lux occur within 5m of the stream or along vegetated boundaries of the site.
- If outside lighting is required during the operational phase, it must be High or Low Pressure Sodium or LED. These forms of lighting have a lower UV output, which reduces the attraction of insects. Baffles must be used to avoid spillage of light into the sky and into areas toward the site boundaries. Lights must also be on a timer to minimise light pollution.

Enhancement

Habitat for Wildlife including birds and bats

9.0.8 The Tyrer Partnership report (2015) indicates that the site at this time supported buildings, which covered the majority of the site, scattered scrub and a small number of broad-leaved trees.

9.0.9 At present, the site supports disturbed ground with ruderal vegetation and modified grassland.

9.0.10 A Biodiversity Enhancement Survey and Report has been produced by JCA Limited (Ref 16/06/21; Ref 17283a/FS). This document details site habitat enhancement including creation of flowering grassland areas, planting of trees, planting of shrubs and hedgerows, and the control and eradication of invasive plant species (Japanese knotweed). Consideration has also been given to provision of invertebrate boxes, installation of a 'hedgehog highway' and a 5-year monitoring scheme. If these measures are followed it is considered that the site will be significantly enhanced for wildlife including bats.



10. References

- BING maps (2023) <http://www.bing.com/mapspreview>
- 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 2023) <https://www.google.co.uk/maps>
- MAGIC Map (Accessed 2023) <http://www.magic.gov.uk/MagicMap.aspx>. DEFRA.



• APPENDIX A: Wildlife Legislation and Planning Policy

UK AND EU LEGISLATION

10.1. KEY LEGISLATION

10.1.1. 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)

10.2. WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

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

10.2.2. 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.

10.3. COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

10.3.1. 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.

10.4. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

10.4.1. 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.

10.4.2. 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.

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



10.4.4. 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.

10.4.5. 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.

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

10.5.1. 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"

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

Planning Authorities: A Duty to Conserve Biodiversity

10.6.1. 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.

10.6.2. 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

10.6.3. 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".

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



PLANNING POLICY

10.7. NATIONAL PLANNING POLICY FRAMEWORK

10.7.1. 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.

10.7.2. 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"**.*

10.7.3. 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."*

10.7.4. 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."***

10.7.5. 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”***

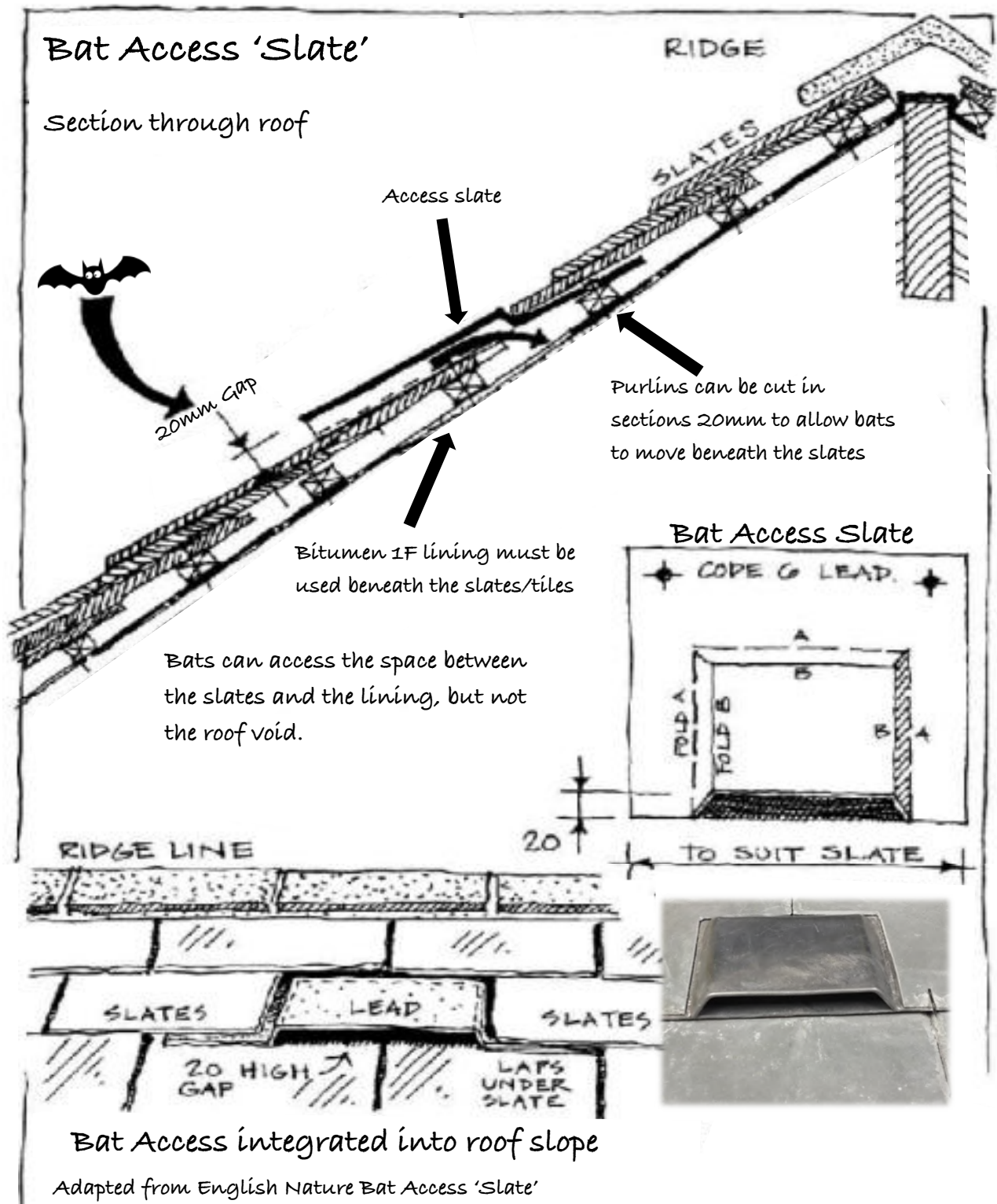
10.7.6. The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.

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

10.8.1. 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.



• Appendix B – Bat Access Slate





- **Appendix C – Method Statement**

Method Statement

Sladen Mill, Littleborough

Works to demolish the structure present on site should be undertaken with care, to minimise potential disturbance or harm to individual bats or destruction of bat roosts.

The following procedures should be followed:

- **Site workers are briefed prior to the start of works with the use of a tool box talk to ensure they understand the risks associated with working with buildings that may contain bat roosts.**
- **Works to remove roof materials and structural materials must undertaken with care; roof slates, sheeting, boarding and beams must be removed by hand and checked for the presence of bats.**
- **All works must be undertaken in the presence of a licenced batworker.**
- **If a bat or bats are found, all works must stop. Bats found will be taken into care by the licenced ecologist, or released on site. Prior to the re-start of works a European Protected Species Mitigation (EPSM) licence will be sought from Natural England.**

- Appendix D – Toolbox Talk

Verity Webster



Toolbox Talk: BATS

About Bats – their ecology

There are 18 species of bats found in the UK. All these species are insectivorous, meaning they eat insects. A single common pipistrelle bat can eat over 3000 midges a night. All our UK bats forage at night and use echolocation to find their food and move through the landscape.

Examples are:

Common Pipistrelle



Brown long-eared bat



Whiskered bat





Bats live in roosts. They can roost in trees, buildings and caves. They like different types of roost in the summer and winter. Bats are generally active between April to September. In the winter all bats go into a form of hibernation to torpor, but will hunt on warmer nights. They hibernate, generally from late-November to February / March.

Why do we need to do this?

All UK bat species are protected under the Wildlife and Countryside Act 1981, which is UK law, and are also protected under the Habitats Regulations 2017, which is European law.

They are protected because they have undergone considerable decline in the last century across Europe.

The reason they are declining is because of:

- Destruction of roost sites (trees and buildings)
- Loss of habitat (woodland, and good quality grassland)
- Chemical pollution of land, which results in loss of insects.
- Habitat fragmentation (or creation of barriers, like roads)

To counter these factors, there is a need to conserve and enhance bat populations.

Under the legislation it is an offence to disturb or harm a bat, or to damage or destroy a roost.

At Sladen Grove we are minimising the risk of harm to bats in the unlikely case that they are present in the building. The mitigation is most likely to impact common pipistrelle bats.

Verity Webster

What signs can we look for?

Bat droppings



Bat droppings look like a lot like mouse droppings, but crumble to touch. They are made up of the exoskeletons of insects. Mouse droppings are very hard and will not crumble.

Look for bats



Look for bats – They are very small and can easily be over-looked. They may be roosting beneath tiles, behind loose plaster or wall-paper and between boarding or sarking and beams. They roost in crevices, so even small cracks and holes may provide a suitable roost.

Pipistrelle bats are as small as your thumb:



A Nathusius' pipistrelle

How to undertake the work to minimise the risk of harm?

The aim is to minimise the risk of harm to individual bats.

Time of year

We are undertaking this work at a time of year when bats are active, so are less likely to be harmed.

Location of the bat roost

The likelihood of finding bats is highest in the roof structure of the building, beneath slates and roof materials, but bats could also be elsewhere in the walls/brickwork.



Process of works

The easiest way to minimise harm is to have all operatives aware of the species and to ensure any works to remove the external and internal fabric of the roof is undertaken by hand with care.

Each tile or slate, any sarking and roofing felt, when removed should be checked on the underside for bats prior to being discarded.

What do I do if I find a bat or another animal?

Leave it alone. Do not touch the bat unless you need to in order to protect it. If you do need to touch it, used gloved hands and move it into a safe place.

Immediately call the ecologist:

Verity Webster: 07917 852401.