

Bat Preliminary Roost Assessment and Bird Survey

Brimrod Mill

Norman Road, Rochdale

December 2023

Prepared for: 1.618 Architects

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



EXECUTIVE SUMMARY

- On 27th November 2023 a Preliminary Roost Assessment survey for bats and a bird survey was undertaken on land at Brimrod Mill, Norman Road, Rochdale.

Bats

- The structures on site have no or negligible suitability for bats. Similarly, trees adjacent to the site have negligible suitability for bats. Precautionary methods of work are proposed during demolition of the exposed walls and during works to trees.

Birds

- There is suitability for nesting birds in the exposed walls and on trees adjacent to site. Avoidance mitigation to avoid harm to nesting birds is proposed.

Enhancement

- The proposals provide the opportunity to retain and enhance the ecological functionality of the site for bats and birds and recommendations for this have been made.

Verity Webster

Ecology and Protected Species Consultancy



1. Introduction

1.1 Application Site

- 1.1.1. This report details a bat preliminary roost assessment survey and nesting bird assessment survey undertaken on land at Brimrod Mill, Norman Road, Rochdale, OL11 4HJ. National grid reference SD88751282.
- 1.1.2. 1.618 Architects 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 are to determine:
- The suitability of the buildings on site to support a bat roost or nesting birds
 - Whether bats or birds are currently using the buildings, or have done in the past.
 - 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 potential impacts of the proposals on any bird species using the site.
 - The requirement for further survey work and/or mitigation.
 - How any impacts might be avoided, mitigated and/or ameliorated, including advice on European Protected Species Mitigation (EPSM) application if required.
- 1.2.2 The format and content of this report follow that required by the European Protected Species Mitigation (EPSM) licence application where appropriate.

1.3 Proposals

- 1.3.1 The proposals comprise the demolition of existing structures and construction of four industrial units with access.

1.4 Ecologist

- 1.4.1 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).
- 1.4.2 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 to the southeast of Rochdale town centre, approximately 530m west of A58 Manchester Road. The site is part of a wider complex of industrial sites, but is also close to open space. The Mandale Park, an area of grassland and broadleaved woodland lies adjacent to the south of the site. The River Roch weaves east to west approximately 85m to the northeast of the site at the closest point. The vegetated river corridor provides connectivity to open green space to the southwest, which becomes extensive beyond Roch Valley Way (B6452), approximately 650 to the southwest, encompassing Marland Gold Course and Springfield Park. Beyond an area of residential housing and Bury Road, around 340m to the north there is additional open space encompassing playing fields, allotments, Rochdale Cemetery and Danehurst Park.
- 2.0.2 Overall, the site is in a very good location for bats. The variety of habitat provides excellent potential foraging and roosting habitat. The linear features including the River Roch and tree lines provide good potential commuting corridors, facilitating the movement of bats through the landscape.



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

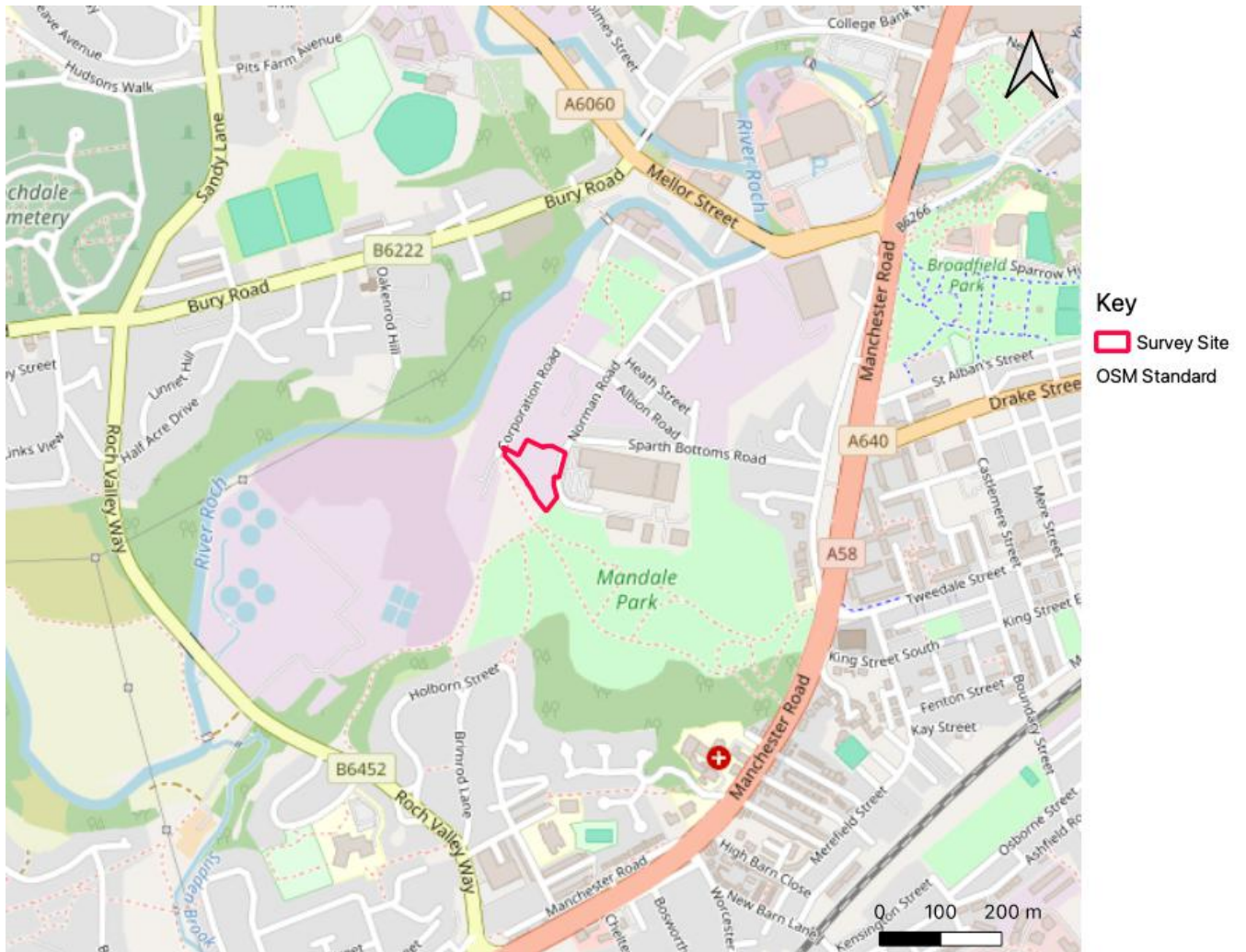
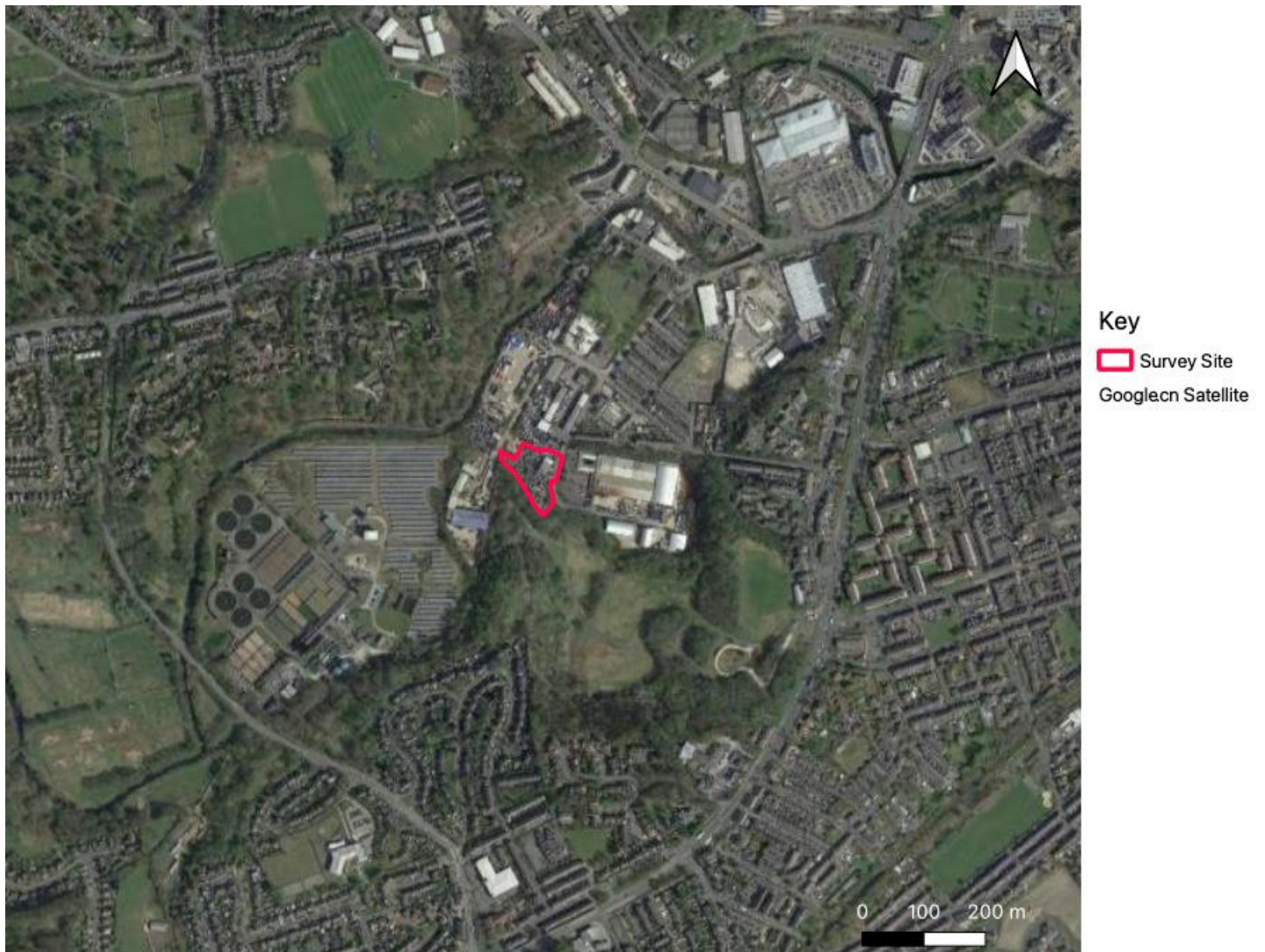




Figure 2: Aerial image showing the proposed development site and immediate surroundings





3. The Survey Site

3.0.1 The survey site comprises a breakers yard. The ground is hard standing with walls across the centre of the site, the remains of older structures. There are seven shipping containers, a mobile unit (Structure B) and a large industrial unit (Structure A). There are numerous vehicles and parts throughout the site. There are trees along the southeast and southwest boundary including young alder (*Alnus glutinosa*), birch (*Betula pendula*) and willow (*Salix* spp.). A birch and elder (*Sambucus nigra*) overhang on the northwest boundary.

3.0.2 The woodland to the south and southwest is dominated by alder with willow frequent and birch occasional. Young oak (*Quercus* sp.), hazel (*Corylus avellana*), cherry (*Prunus* sp.) and elder are rare in the stand. The ground flora is sparse with common nettle (*Urtica dioica*), creeping buttercup (*Ranunculus repens*) and occasional Yorkshire fog (*Holcus lanatus*). Dead wood is present, See Figure 3.



Woodland adjacent to the southwest

Structure A

3.0.3 Structure A is a large industrial unit constructed of corrugated metal with a metal frame. The roof is flat. The space is open to the eaves and is used as a workshop and to store materials. There are large doors to the east.

Structure B

3.0.4 Structure B is a temporary building used as offices. It is constructed of metal frame and boarding. The roof is flat.

Structure C

3.0.5 This is a breeze block structure with a flat corrugated metal roof. There are wooden fascias around the eaves.

Shipping containers

3.0.6 The shipping containers are all of similar construction; constructed of single-skin metal and well-sealed. Only one is open and internally has little structure.

The walls

3.0.7 The walls are in various states of decomposition, composed of brick with some breeze block. Some sections have an exposed cavity.



The east elevation of Structure A



The east and north elevation of Structure B



The east elevation of Structure C



Exposed walls



Exposed walls



Trees along the southwest boundary

Figure 3: The Survey Site and Structures



4. Legislation

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

4.1 UK and EU Legislation

Bats

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 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.

Nesting Birds

4.1.3 The Wildlife and Countryside Act 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

4.1.4 The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:

- kill, injure, or take any wild bird,
- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006), or
- take or destroy an egg of any wild bird.

Schedule 1 Birds

4.1.5 In addition to the above, special penalties are available for offences related to birds listed on Schedule 1. Barn owl is included on this schedule.

4.1.6 It is an offence to disturb any Schedule 1 bird at the nest, or to disturb their dependent young.



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.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th 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 (2023)
 - Bing Maps (2023)
 - Biological records data from Greater Manchester Ecology Unit (GMEU) (2023)
- 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.
- 5.1.3 Records data from GMEU includes records of protected species and habitats of conservation interest within 1km of the survey site.

5.2 Preliminary Roost Assessment

- 5.2.1 As part of the daytime bat walkover a preliminary Roost Assessment, that is an internal and external inspection of the structures on site was undertaken during daylight to determine the suitability for bats and establish, if possible, whether bats are using the structures or have been in the past. This work was undertaken following the latest good practice guidance (Collins, 2023).
- 5.2.2 The structures 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 As a result of the external preliminary roost assessment, the structures on site was characterised as having 'none', 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm the presence of a roost.



5.2.4 Buildings or structures typically characterised as having suitability at the following levels:

- **None:** No habitat features on site likely to be used by any roosting bats at any time of year.
- **Negligible suitability:** No obvious habitat features likely to be used by 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:** Structures 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:** Structures may have a 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:** Structures 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:** 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.

Ground Level Tree Assessment

- 5.2.5 As part of the daytime bat walkover a ground level assessment of the trees to record Potential Roost Features (PRFs) was undertaken if the trees have been identified as likely to be impacted by the proposals. This work was undertaken following the latest good practice guidance (Collins, 2023).
- 5.2.6 On 27th November 2023 trees likely to be impacted within the site and around the site boundary were inspected to determine the presence of Potential Roost Features (PRFs) for bats.
- 5.2.7 Potential Roost Features (PRFs) include features created as a result of disease and decay, damage or association:

Damage PRFs:

- Branch scars and rips
- Lightning strikes
- Subsidence



- Cracks
- Shearing cracks
- Horizontal cracks and splits such as hazard beams
- Welds
- Desiccation
- Fissures
- Frost cracks
- Flaking or partially-detached bark

Disease and Decay PRFs

- Rot holes, including butt-rot
- Woodpecker holes
- Cankers with cavities
- Knot holes
- Squirrel holes
- Wounds
- Compression forks

Association PRFs

- Holes between double-leaders
- Fluting
- Dense ivy

Other:

- Bird, bat or dormouse boxes.

Suitability of trees for bats

5.2.8 Trees were assessed as having low, moderate or high suitability for bats as follows:

- **None:** Lack any Potential Roost Features (PRFs) in tree or highly unlikely to be any. Precautionary methods of work may be required prior to felling / tree works.
- **FAR (Further Assessment Required):** Further assessment required to establish if PRFs are present in the tree.
- **PRF (Potential Roost Feature):** A tree with at least one PRF present.

Initial categorisation of Potential Roost Features

5.2.9 Potential Roost Features may be categorised as follows, although, on the basis of a ground level tree assessment, this may be an estimate only:

- **PRF-I:** PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.
- **PRF-M:** PRF is suitable for multiple bats and may therefore be used by a maternity colony.



Potential Roost Feature Survey

5.2.10 If considered subject to direct or indirect impact by the proposals, PRFs present, further survey work may be necessary to inspect the PRFs with the use of an endoscope (Ridgid SeeSnake Inspection Camera CA-150). The inspection would assess the following factors:

- Presence of bats
- Presence of droppings or odour
- The dust / debris present
- Whether the interior is smooth or rough, damp, wet etc.
- Presence of association species (woodlice and dusky slug)

5.2.11 As a result of the inspection, the PRFs are categorised as to whether or not the features were likely to be, or are confirmed bat roosts or not.

5.2.12 Further survey is recommended depending upon the findings.

Categorisation of Potential Roost Features

5.2.13 Potential Roost Features were assessed as follows:

- **Unsuitable** – feature is not suitable for roosting bats.
- **Unlikely to be a roost** – features does not provide factors often favoured by bats. Very unlikely to be a roost. Precautionary method of work during felling may be required
- **Possible roost** – Conditions of the PRF suggest that it may be suitable, but there are no signs to confirm this. Further survey work may be required to determine whether the site is a roost. Precautionary method of work during felling will be necessary, including a pre-check of any features for bats and signs of bats
- **Confirmed roost** – Condition of the PRF or signs present confirm or strongly suggest the feature is a roost. Further survey work will be necessary. It would be a requirement to obtain an European Protected Species Mitigation (EPSM) licence from Natural England prior to works being undertaken. Appropriate mitigation will be necessary.

5.3 Nesting Bird Assessment

5.3.1 An assessment of the suitability of the house to support nesting birds and to determine the presence/absence of nesting birds, including old bird nests was undertaken during the site visit.

5.3.2 Holes and crevices suitable for hole-nesting species were noted and inspected where possible. The structure and the surroundings were searched for evidence of nesting including nest material, feathers and old fragments of egg shells.



6. Survey Limitations

- 6.0.1 The survey was undertaken in daylight in November. At this time of year bats are likely to be in hibernation or in transitional roost sites between summer and hibernation roosts. Evidence of bats on the exterior of a building is unlikely to be present since evidence is likely to be washed away by the weather. Evidence of use of the interior of a building by bats either currently or over the previous seasons is likely to be present as signs (such as droppings and feeding remains) are likely more protected from the elements.
- 6.0.2 The survey was undertaken at a time when birds would not be nesting so observation of nesting activity was not possible. However, evidence of past use may be evident.



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 good for bats. Refer to Figure 2.

7.1.2 Open green space comprising a matrix of habitat types lies in close proximity to the site, with broadleaved woodland and grassland adjacent. The habitat 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. Woodland is extensive across the wider landscape, so 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. The River Roch will support commuting and foraging bats and the close proximity increases the likelihood of bats within the immediate vicinity. Daubenton's bat (*Myotis daubentonii*) forage primarily over water and are likely to be found in association with the River Roch.

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



			<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>

7.2 Desk Study

- 7.2.1 The records data from GMLRC show that four bat species have been recorded within 1km of the survey site; common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), Daubenton's bat (*Myotis daubentonii*) and whiskered bat (*Myotis mystacinus*). There are records of 12 roosts within 1km, but none within 500m of the survey site. The high number of roosts present is likely a reflection of the good quality of the habitat and also of recorder effort in the area.



7.3 Preliminary Roost Assessment

- 7.3.1 The ground level tree assessment and preliminary roost assessment of structures on site was undertaken in daylight on 27th November 2023.

Ground level tree assessment

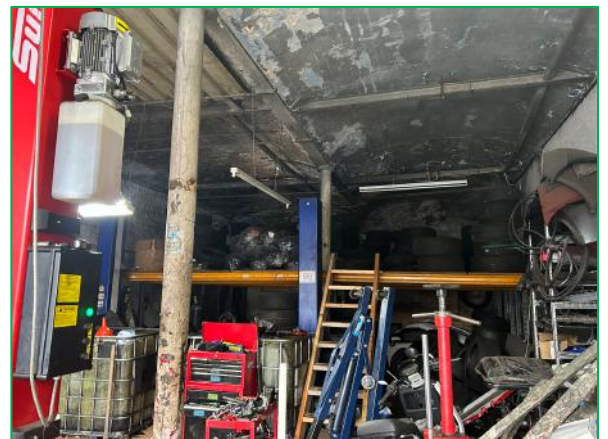
- 7.3.2 None of the trees close to the site and hanging over the boundaries have suitability for roosting bats, mainly because they lack features such as rot holes, split limbs and flaking bark that might provide potential roost features. This is mainly because the trees are relatively young. There is a single sycamore on the southwest boundary with damage that appears to be fire damage. The damage that runs up the stem does not create potential roost features that might be utilised by bats, however. No further survey in relation to bats and trees is recommended. Precautionary measures of work are proposed.



Sycamore with fire damage

Structure A

- 7.3.3 **Structure A is considered to have no suitability for bats.**
- 7.3.4 There are no visible potential roosting opportunities within the external fabric of the building. The metal sheeting is all well-fitted. Internally the space is also well-sealed with no visible crevices that may be utilised by bats. Additionally, the metal sheeting is likely to fluctuate widely in temperatures, which is not a factor favoured by roosting bats. No evidence of bats was found internally or externally.



Internal space in Structure A

Structure B

- 7.3.5 **Structure B is considered to have no suitability for bats.**
- 7.3.6 This temporary building is constructed of sheeting which is generally well-sealed aside from a small gap mid-way down the wall where the roof material overlaps; this gap is too small to be used by bats.
- 7.3.7 Internally the space is well-sealed. No evidence of bats was found internally or externally during the survey.



Structure C

7.3.8 **Structure C is considered to have no suitability for bats.**

7.3.9 This small structure is well-sealed with no crevices or gaps externally or internally. No evidence of bats was found internally or externally during the survey.

Shipping containers

7.3.10 **The shipping containers are considered to have no suitability for bats.**

7.3.11 The containers, constructed of metal have no crevices or gaps within the walls or roof that might provide potential roost features for bats. The single open container has no potential roost features internally and is used for storage, with very limited potential flight space. It is highly unlikely this structure would be used by foraging bats.

7.3.12 No evidence of bats was found internally or externally during the survey.

The walls

7.3.13 **The shipping containers are considered to have negligible suitability for bats.**

7.3.14 Some of the walls contain large gaps with sighting into the cavity possible, but these gaps are large and considered unsuitable for roosting bats given that they are exposed to the weather, including the rain.

7.3.15 In general, the walls are considered very unlikely to support roosting bats and no evidence of bats was found during the inspection.

7.3.16 **Overall, given the absence or negligible suitability of structures on site for bats, no further survey work is considered necessary. Precautionary measures of work are proposed for any works to trees and to the walls.**



The exposed walls



Cavities in the walls exposed to rain



8. Findings: Bird Survey

- 8.0.1 There was no evidence of use of the any of the structures or walls by nesting birds.
- 8.0.2 However, crevices in the exposed walls have potential to support small passerine birds in the spring and summer months. The trees and shrubs around the site boundary may also support nesting birds in the spring and summer.
- 8.0.3 Avoidance mitigation is recommended to prevent harm and disturbance to birds in the nesting season (March – September).

9. Appraisal

Bats

- 9.0.1 The Preliminary Roost Assessment of the structures on site indicates that the majority of structures have no suitability for bats, but that the walls have negligible suitability. Avoidance mitigation during works to the walls will reduce any potential impact to negligible.
- 9.0.2 Trees adjacent to the site boundary also have negligible suitability for bats. Given that the tree assessment was undertaken from the ground, there is a risk that small crevices, especially damage potential roost features, may have been missed and for this reason, avoidance mitigation is proposed during any works to trees.

Nesting Birds

- 9.0.3 The exposed walls on site and trees and shrubs around the site boundary have potential to support nesting birds in the spring and summer months. For this reason, avoidance mitigation is recommended as a precaution.
- 9.0.4 The proposals provide the opportunity to maintain enhance the functionality site for nesting birds and recommendations for this have been made.



10. Recommendations

10.1. Bats

10.1.1. Although it is unlikely that bats are present in the exposed walls on site, the following is recommended as a precaution:

- The exposed walls are removed with care whilst checking for bats. It would be prudent to check holes and cracks with a torch prior to dismantling the walls section by section.

10.1.2. With regard to trees, the following is recommended as a precaution:

- Works to trees are undertaken with care whilst checking for holes or cracks in limbs or trunks. Limbs or trunks containing holes should be lowered to the ground with care and left overnight prior to discard.

10.2. Nesting Birds

10.0.1 To avoid harm to nesting birds, the following must be undertaken:

- Initial works to the walls and any trees should be undertaken outside the bird nesting season (nesting season March – September inclusive).
- If this is not possible a survey by a suitably experienced ecologist must be undertaken prior to the start of works to determine the presence or absence of nesting birds and to inform any necessary mitigation.

10.3. Enhancement

10.0.2 The proposals provide the opportunity to retain existing opportunities and enhance the site for nesting birds:

- Installation of bird and bat boxes on the newly constructed buildings will increase the opportunities for these species' groups.
- It is proposed that at least four bird and four bat boxes are installed on the sides of buildings closest to the woodland.
- The following boxes can be used, but alternatives are available at NHBS.com



*Vivara Pro WoodStone
House Sparrow Nest Box*



*Vivara Pro Seville
WoodStone Nest Box with
both 32mm holes and
28mm holes, allowing for
use by different species.*



*Beaumaris Woodstone
Bat Box*



*1FRE Schwegler Bat
Access Panel*



11. References

- BING maps (2023) <http://www.bing.com/mapspreview>
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6
- 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

11.1. KEY LEGISLATION

11.1.1. 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)

11.2. WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

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

11.2.2. 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.

11.3. COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

11.3.1. 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.

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

11.4.1. 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.

11.4.2. 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.

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



11.4.4. 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.

11.4.5. 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.

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

11.5.1. 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"

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

Planning Authorities: A Duty to Conserve Biodiversity

11.6.1. 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.

11.6.2. 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

11.6.3. 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*".

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



PLANNING POLICY

11.7. NATIONAL PLANNING POLICY FRAMEWORK

11.7.1. 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.

11.7.2. 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"**.*

11.7.3. 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."*

11.7.4. 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."***

11.7.5. 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"***

11.7.6. 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.

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

- 11.8.1. 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.