

Bat Survey: Preliminary Roost Assessment and Presence/Absence Survey

Tonge Bowling Club

Middleton, Greater Manchester

August 2024

Prepared for: Lubek Developments Ltd.

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



EXECUTIVE SUMMARY

- On 24th July 2024 a Preliminary Roost Assessment was undertaken on buildings at Tonge Bowling Club, Middleton.
- The house and club building were assessed to determine its potential for roosting bats. The house was considered to have negligible suitability for bats whilst the club building is considered to have low suitability for bats.
- A single evening emergence survey undertaken on 9th August 2024 confirmed the likely absence of a bat roost in the club building.
- The proposals are considered unlikely to have any impact upon bats or their roosts. Reasonable avoidance measures are proposed as a precaution to reduce the risk of harm to bats to negligible.
- Recommendations have been made to enhance the site for bats.

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 Tonge Bowling Club, Kenyon Lane, Middleton, Manchester, M24 2DQ. National grid reference SD87980588.
- 1.1.2. Lubek Developments Ltd. 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.
 - Whether bats 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 requirement for further survey work and/or mitigation.
- 1.2.2 The objectives of the Presence/Absence Surveys are to determine:
- Whether bats are currently using the building to roost and if so, how.
 - The species and number of bats present.
 - The status of any roost present.
 - How bats might be using the rest of the site (garden).
 - The potential impacts of the proposals on any roost present or on bats using the site.
 - How any impacts might be avoided, mitigated and / or ameliorated, including advice on European Protected Species Mitigation (EPSM) application if required.
 - The potential for biodiversity net gain on site.
- 1.2.3 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 conversion of the barn for residential use.

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 in the built-up residential area of east Middleton. Houses with gardens surround the site and Middleton Technology school lies approximately 50m to the south. There are scattered areas of open space within close proximity, including playing fields and church yard to the 100m and 500m to the southwest respectively.
- 2.0.2 Wince Brook winds west to southeast approximately 490m to the southwest and the River Irk runs weaves west to east approximately 400m to the north. There are reservoirs approximately 670m to the north and large waterbodies 500m to the northeast and 720m to the northeast. The waterways provide good habitat links through the built-up landscape and will act as habitat corridors for the movement of bats. The waterways and waterbodies also provide valuable water sources. Linear green space also follows the watercourses, providing good potential foraging habitat.
- 2.0.3 A railway line, running north to south approximately 730m to the east, supporting vegetative embankments will also provide this habitat corridor function.
- 2.0.4 Overall, the site is in a location with moderate suitability for bats. The housing provides many potential roost opportunities whilst the open green space and water sources provide good potential foraging habitat.



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

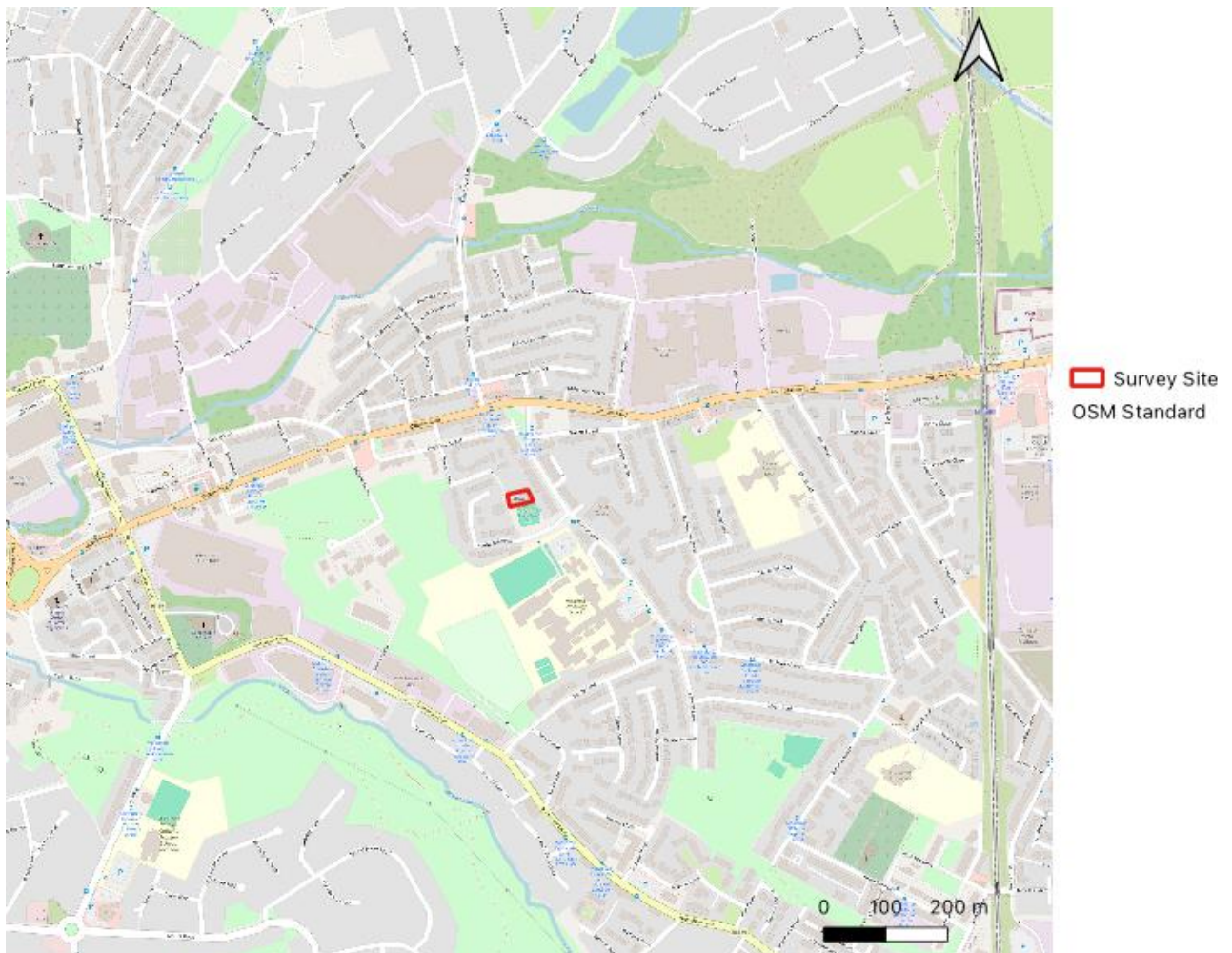




Figure 2: Aerial image showing the proposed development site and immediate surroundings





3. The Survey Site

- 3.0.1 Tonge Bowling Club is located in the centre of a built-up residential area. The buildings, the house and the bowling club are oriented east to west, with the house to the east. The former bowling green lies to the south. A new residential development lies to the north.

The House

- 3.0.2 The house is attached to the west elevation of the larger bowling club. It is a two-storey structure with basement, constructed of brick and rendered with a pitched, hipped, tiled roof. The windows and doors are UPVC. Internally the structure has been stripped. The tiles are unlined.

The Bowling Club

- 3.0.3 The bowling club is a single-storey structure constructed like a hall, with a pitched, tiled roof that is boarded internally. Dormer-like vents are present on the south elevation. The roof overhangs to the south to create an awning. There is a single-storey flat-roof extension on the east elevation and on the north elevation. Both extensions have flat, felt roofs. The windows and doors are wooden.



The south elevation of the bowling club



The south elevation of the house



Figure 3: The House and the Bowling Club





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 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.

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 180 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- a) ***protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....***
- d) ***minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"***.

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites;*

allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a

strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of

natural capital at a catchment or landscape scale across local authority boundaries."

Para 185 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.”*

Para 186 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”*

- 4.2.3 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 (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 building 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 building 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 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.
- 5.2.7 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.

5.0 Bat Emergence, Re-entry Surveys and Assessment of Activity

- 5.0.1 Following the Preliminary Roost Assessment (PRA) undertaken July 2024, the bowling club was considered to have low suitability for bats, given the presence of crevices under roof tiles and gaps under ridge tiles.
- 5.0.2 Given the findings of the PRA, single evening emergence survey is considered sufficient to provide information about the presence or absence of a bat roost in the barn.



- 5.0.3 The bat evening emergence survey was undertaken 9th August 2024. The emergence survey was undertaken from 15 minutes before sunset to 1.5 hours after sunset. Two surveyors were positioned to observe all elevations of the house. Nightfox Whisker Night Vision Binoculars and Nightfox Swift 2 Pro Night Vision Goggles were also used to determine emergence of bats from the house.
- 5.0.4 Batbox Duet detectors and Echo Meter Touch detectors were used by the surveyors so that any calls heard that could not be identified were recorded for later analysis.
- 5.0.5 The time, activity (emergence, foraging, commuting) and species of bats (where possible) were recorded when observed. Notes were made of the activity of bats elsewhere on site as well as around the building. The number of bat passes were recorded to provide an indication of bat activity level within the site.

6. Survey Limitations

- 6.0.1 The Preliminary Roost Assessment was undertaken in late July, whilst the evening emergence survey was undertaken in early August, both at time of year when bats are likely to be accommodating summer roost sites. If bats were using the internal space over the summer months, signs, such as droppings or feeding remains, would be expected as the internal areas are protected from the weather. External evidence may also be present if bats are regularly using the buildings.
- 6.0.2 Records data from the local records centre was not obtained to inform this assessment. In this case, the survey visit, desk study and evening survey work are considered sufficient to inform appropriate recommendations for 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 considered to be moderate for bats. Refer to Figure 2.
- 7.1.2 Although the area is largely built-up, the buildings provide numerous potential roost opportunities whilst the nearby countryside and the waterways provide good potential foraging habitat. The linear waterways and railway also provide habitat corridors, which will facilitate the movement of bats through the landscape.
- 7.1.3 The landscape will support a variety of bat species including the widespread common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively). Species that favour open space, such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) also expected. Species associated with woodland habitat, such as Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are likely to be present, but are unlikely to be abundant as woodland is limited within the vicinity of the site (2km).

The Conservation Status of Bats in the Area

- 7.1.4 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>	<i>Likely to be common in the area. There are records of this species in the area (10km).</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Soprano pipistrelle</i>	<i>Likely to be present due to the presence of riparian habitat.</i>	<i>Widespread. Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Nathusius's pipistrelle</i>	<i>Likely to be rare in the area.</i>	<i>Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.</i>	<i>Rare across the northwest. A migratory species.</i>
<i>Brown long-eared bat</i>	<i>Likely to be in the area. There is a recent record of this species within 10km of the site.</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest.</i>
<i>Natterer's bat</i>	<i>Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.</i>	<i>Scattered distribution in Greater Manchester.</i>	<i>Widespread and scattered across the Northwest.</i>



<i>Noctule</i>	<i>Present</i>	<i>Widespread and frequently recorded.</i>	<i>Common and widespread. Frequently 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 Preliminary Roost Assessment

7.2.1 The building inspection and bat roost assessment was undertaken in daylight on 24th July 2024.

The House

7.2.2 **The house is considered to have negligible suitability for bats.**

7.2.3 Externally and internally the walls of the house are in good condition, with no cervices or gaps that may provide potential roost opportunities for bats. The majority of the roof tiles are also well fitted.

7.2.4 Internally, the tiles are unlined and no evidence of bats was found. If bats were regularly utilising gaps beneath tiles, droppings would be expected on the floor of the building.

7.2.5 No evidence of bats was found internally or externally.



The south and west elevation of the house



The internal roof structure of the house



The Bowling Club

- 7.2.6 **The bowling club is considered to have low suitability for bats.**
- 7.2.7 Externally and internally the walls of the bowling club are in good condition, with no cervices or gaps that may provide potential roost opportunities for bats. There are, however, numerous lifted and slipped tiles on the roof, and gaps under the ridge tiles. These gaps provide opportunities for crevice-roosting bats, such as common pipistrelles, to roost.
- 7.2.8 The flat-roofed extensions are well-sealed and there are no visible opportunities for crevice-roosting bats.
- 7.2.9 Internally, the space within the main body of the building is large enough to provide an opportunity for bats to fly, for example, some species such as brown long-eared bats favour flight space in which to 'light sample' prior to leaving a roost. However, the internal space is well-sealed and no evidence of bats was found.
- 7.2.10 Due to the possibility of a roost within the external fabric of the roof, further survey work was recommended following the inspection. This was undertaken on 9th August 24.



Showing slipped and missing tiles on the south elevation of the building



Showing raised ridge tiles on the south elevation of the building



The south and east elevation of the building



The roof overhang on the south elevation



The interior roof structure of the bowling club



8. Findings: Presence / Absence Surveys and Activity Assessment (Bats)

8.1 Survey 1: Evening Emergence on 9th August 2024

Surveyors: Verity Webster Bsc MSc CEcol MCIEEM (bat licence Class 2) and Alex Mullan (single seasons' bat survey experience)

Weather: 18.7 - 14.7°C, 30-0 % cloud cover, humidity 51-65%. Wind 10mph southwest

Sunset: 20:49

Time on site: 20:30– 22:25

Findings

- 8.1.1 A single bat species was recorded during the survey; common pipistrelle (*Pipistrellus pipistrellus*).
- 8.1.2 The first bat, a bat commuting west to east to the south of the club house, was recorded at 21:14, 25 minutes after sunset. This suggests that the bat emerged from a roost within close proximity to the site. A second bat was recorded at 21:25 foraging over the green to the south of the bowling club. From 21:28 two common pipistrelles were recorded foraging over the green and surrounding vegetation. Foraging activity over the green by 2-4 bats was consistent over the course of the survey.
- 8.1.3 Activity to the north of the building was much lower, with only four sporadic passes at 21:40, 21:43, 21:45 and 22:20.
- 8.1.4 No bats were recorded emerging from the barn or recorded flying within close proximity to the barn.



Showing the roof of the north and west elevation of the bowling club using the night vision aid.



Showing the roof of the south elevation of the bowling club using the night vision aid.

Figure 4: Showing the survey site and the location of the surveyors and night vision aids





9. Appraisal and Assessment of Impact

- 9.0.1 During the inspection of the house and bowling club buildings in July 2024 no evidence of bats was found, suggesting a lack of use. The house was considered to have negligible suitability for bats, whilst the bowling club was considered to have low suitability.
- 9.0.2 During the evening survey of the bowling club building undertaken in early August, no bats were recorded emerging from the structure, although activity over the green to the south was moderate and consistent.
- 9.0.3 The survey work undertaken indicates the likely absence of a bat roost within the bowling club and house.
- 9.0.4 However, due to the moderate level of bat activity in the area, the risk that small numbers of itinerant bats may use the potential roost features within the bowling club building cannot be entirely ruled out.
- 9.0.5 Reasonable Avoidance Measures are proposed during works to demolish the structure in order to minimise the risk of harm to itinerant bats in the unlikely event that they will utilise the potential roost features available.
- 9.0.6 The proposals provide the opportunity to retain the ecological functionality of the site for bats and to enhance the site for bats and birds, and recommendations for this have been made.



10. Summary and Mitigation

- 10.0.1 Survey work on the buildings at Tonge Bowling has confirmed the likely absence of a bat roost.
- 10.0.2 The proposals to demolish the structures are unlikely to impact bats or their roosts in the locality.
- 10.0.3 However, given the moderate level of bat activity recorded, the risk of itinerant bats utilising the potential roost features present cannot be entirely ruled out. Therefore, Reasonable Avoidance Measures are proposed during works.
- 10.0.4 The proposals provide the opportunity to retain the ecological functionality of the site for bats and to enhance opportunities for roosting bats.

10.1 Reasonable Avoidance Measures

Mitigation During Works

- A toolbox talk on bats in buildings is provided to site workers prior to the start of demolition works to the building. The toolbox talk will detail the potential for bats, the legislation covering bats, where they might be found, health and safety around bats, and how to minimise harm.
- Works to the roof of the bowling club are undertaken with care, with roof tiles and materials removed by hand and checked for the presence of bats prior to being discarded. If any bats are discovered during works, an ecologist must be contacted for advice.

10.2 Maintenance of existing functionality and enhancement

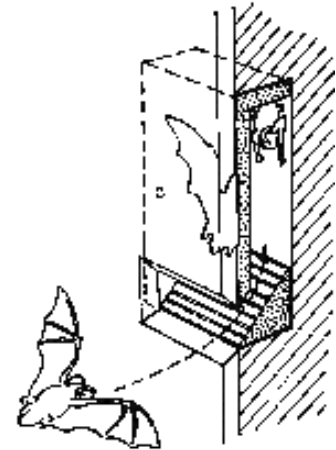
- 10.2.1 To maintain and enhance the functionality of the site for bats and improve roosting opportunities, provision of bat roost boxes is recommended.
- 10.2.2 It is proposed that:
 - Four crevice-roost sites for roosting bats are integrated into newly constructed dwellings in the area.
 - These could be in the form of bat roost slates, to allow bats to enter a space in the roof, between the slates and the lining. See Appendix C. However, 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 some breathable roofing membranes.
 - Alternatively, bat boxes could be attached externally to the building, or integrated into the stonework – see the examples below. There are many alternatives at NHBS.com.



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



11. References

- BCT (2003) BATS AND LIGHTING IN THE UK Bats and the Built Environment Series. Version 3. Bat Conservation Trust.
- BING maps (Accessed 2024) <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 2024) <https://www.google.co.uk/maps>
- MAGIC Map (Accessed 2024) <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

- 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 180 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"**.*

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 185 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."***

Para 186 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'***

10.7.3 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

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

