



RIBBLE VALLEY
BOROUGH COUNCIL

Council Offices, Church Walk, Clitheroe, Lancashire. BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

For office use only

Application No

320120400P

Date received

Fee paid £

Receipt No:

Householder Application for Planning Permission for works or extension to a dwelling. Town and Country Planning Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title: First name:
Last name:
Company (optional):
Unit: House number: House suffix:
House name:
Address 1:
Address 2:
Address 3:
Town:
County:
Country:
Postcode:

2. Agent Name and Address

Title: First name:
Last name:
Company (optional):
Unit: House number: House suffix:
House name:
Address 1:
Address 2:
Address 3:
Town:
County:
Country:
Postcode:

3. Description of Proposed Works

Please describe the proposed works:

DEMOLISH EX GARAGE, EXTEND EXISTING
BUNGALOW WITH NEW DORMER TO REAR.

3. Description of Proposed Works (continued)

Has the work already started? ☐ Yes ☒ No

If Yes, please state when the work was started (DD/MM/YYYY):

(date must be pre-application submission)

Has the work already been completed? ☐ Yes ☒ No

If Yes, please state when the work was completed (DD/MM/YYYY):

(date must be pre-application submission)

4. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

5. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway? ☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway? ☐ Yes ☒ No

Do the proposals require any diversions, extinguishments and/or creation of public rights of way? ☐ Yes ☒ No

If Yes to any questions, please show details on your plans or drawings and state the reference number(s) of the plan(s)/drawing(s):

6. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much possible: ☐

Officer name:

Reference:

Date (DD MM YYYY):
(must be pre-application submission)

Details of the pre-application advice received:

7. Trees and Hedges

Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development? ☐ Yes ☒ No

If Yes, please mark their position on a scaled plan and state the reference number of any plans or drawings:

Will any trees or hedges need to be removed or pruned in order to carry out your proposal? ☐ Yes ☒ No

If Yes, please show on your plans which trees by giving them numbers e.g. T1, T2 etc, state the reference number of the plan(s)/drawing(s) and indicate the scale.

8. Parking

Will the proposed works affect existing car parking arrangements? ☒ Yes ☐ No

If Yes, please describe:

DEMOLISH EX GARAGE, WIDEN
DRIVE TO ACCOMMODATE 2nd
CARS

9. Authority Employee / Member

With respect to the Authority, I am:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member
- Do any of these statements apply to you?
☐ Yes ☒ No

If Yes, please provide details of the name, relationship and role

Materials

320120400P

If applicable, please state what materials are to be used externally. Include type, colour and name for each material.

	Existing (where applicable)	Proposed	Not applicable	Don't Know
Walls	FACING BRICK & BOARDING TO DORMER	FACING BRICK & BOARDING TO DORMER	☐	☐
Roof	CONC TILES	CONC TILES	☐	☐
Windows	UPVC	UPVC	☐	☐
Doors	UPVC	: UPVC	☐	☐
Boundary treatments (e.g. fences, walls)			☒	☐
Vehicle access and hard-standing			☒	☐
Lighting			☒	☐
Others (please specify)			☒	☐

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☐ Yes

☒ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

11. Ownership Certificates

One Certificate A, B, C, or D, must be completed, together with the Agricultural Holdings Certificate with this application for

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

* [Redacted Signature]

[Redacted Signature]

19/04/12

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that I have/ the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.

Name of Owner	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

[Redacted Signature]

[Redacted Signature]

[Redacted Date]

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so.

The steps taken were:

[Redacted Box]

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

[Redacted Box]

[Redacted Box]

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

[Redacted Signature]

[Redacted Signature]

[Redacted Date]

certify/ The applicant certifies that:

Certificate A cannot be issued for this application

All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest in the land to run) of any part of the land to which this application relates, but I have/ the applicant has been unable to do so

The steps taken were:

--

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than the date of the application):

--	--

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

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12. Agricultural Land Declaration

AGRICULTURAL LAND DECLARATION

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of, an agricultural holding

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

☒		19/04/12
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(B) I have/ The applicant has given the requisite notice to every person other than myself/ the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

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13. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:



The original and 3 copies of a design and access statement if proposed works fall within a conservation area or World Heritage Site, or relate to a Listed Building:



The correct fee:



The original and 3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



The original and 3 copies of the completed, dated Ownership Certificate (A, B, C or D - as applicable):



The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:



The original and 3 copies of the completed, dated Article 12 Certificate (Agricultural Holdings):



14. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

*

19/04/12

(date cannot be pre-application)

15. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

16. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

17. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☐ Yes☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☐ Agent☒ Applicant☐ Other (if different from the above details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:

earthworks environmental design

320120400P

9 Poorsland Barn, Slaidburn, Clitheroe. Lancashire. BB7 3AE

01200 446859 M: 07709 225783 earthworksuk@yahoo.co.uk

Mr J Yerkess

3 Carleton Avenue
Simonstone
Lancashire
BB12 7JA

18 May 2012

Job ref: B 1160

Dear Mr Yerkess

Re: Daylight scoping survey (bats): 3 Carleton Avenue, Simonstone, BB12 7JA.

Introduction

You have requested a protected species survey (Bat Survey) as a condition of a planning application to Ribble Valley Borough Council (RVBC) for proposed building alterations.

The Local Planning Authority must take account of the impact of a development on protected species in accordance with PPS9. RVBC requires an appraisal of the likely impact of the proposed development on all bat species that are present or likely to be present at the property, in addition to any mitigation proposals and compensatory works that may be required.

A scoping survey and daylight inspection was undertaken on Friday 11 May between 10.45 and 11.45. The weather at the time of the inspection was cool, bright and dry (max. temp: 9.2°C; cloud cover: 95%; wind: light north-westerly; rain: nil) providing satisfactory conditions for carrying out this type of survey.

There is evidence of bat activity at the property and it is likely that a population of pipistrelle bats are roosting within the roof apex over the south-facing gable end. Although there are no signs of activity on the external brickwork or soffit, there is an accumulation of bat droppings inside the roof void.

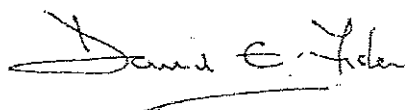
It is therefore recommended that at least one evening roost emergence survey (or dawn re-entry survey) is carried out during the optimal survey period (May to September) to determine whether bats are currently active and to assess more specific information regarding species and colony size.

Mitigation measures will be required to enable the development to proceed in such a way as to reduce the impact of the proposed works on protected species. This usually involves carrying out the building operations at a time of year when bats are least vulnerable to disturbance and in such a way that causes least risk of harm to a protected species.

The law requires that bats and their roosts are fully protected whether bats are present or not; the onus lies with the applicant to satisfy himself / herself that no offence will be committed if the development goes ahead, regardless of whether planning permission is granted.

Please note: I do not provide a copy of this report to the local planning authority, therefore it is your responsibility to forward the report to Ribble Valley Borough Council with the planning application.

Yours sincerely



David Fisher

PROTECTED SPECIES SURVEY (30 April 2012)

3 Carleton Avenue, Simonstone, BB12 7JA (SD 775 346)

David Fisher (NE licence No: 20113901) Earthworks Environmental Design (EED)

Survey methodology

The survey includes internal and external inspections of the property.

The survey methodology follows the recommended guidelines published by the Bat Conservation Trust - *Bat Surveys: Good Practice Guidelines, 2nd Edition, Hundt, L (2012)*, Natural England (*Survey Objectives, Methods and Standards as outlined in the Bat Mitigation Guidelines, 2004*) and Chapter 3 - Survey and Monitoring Methods, (*Bat Worker's Manual, JNCC, Mitchell-Jones AJ and McLeish, AP, 3rd Edition 2004*).

The scoping survey includes a desktop search of publicly available data on protected species within the district in addition to locally significant landscape features and designated nature conservation sites.

The aim of the scoping survey is to identify any bat species that are likely to be present at the site or may have been present in previous years; this type of survey is sometimes referred to as a 'presence / absence survey'.

The search was made using a high-powered lamp (Clu-lite CB2 1,000,000 candle power), close-focussing binoculars (Leica Trinovid), a digital camera (Kodak MD41) and 900mm endoscope (ProVision 300) to view all likely areas of the building for the presence of bats, ie. droppings, urine and grease staining, bat corpses, feeding remains such as discarded moth and butterfly wings and other insect fragments typically found in a feeding and perching area.

Non-invasive survey methods were used to assess the potential value of the site for European Protected Species (EPS) and to establish whether bats and other protected species have been active within any part of the property that will be affected by the proposed development.

Personnel

The survey was carried out by David Fisher (EED) - an experienced ecological consultant with more than 25 years experience of bat ecology and field survey work and a Natural England licence holder since 1989; current NE licence No: 20113901, (Conservation, Science and Education).

Constraints

The scoping survey aims to determine whether bats are likely to be present at the property and is normally unable to confirm species and colony size without undertaking additional surveys at dusk or dawn. Occasionally DNA sampling is also required to identify species.

Crevise-roosting bats such as the pipistrelles, some myotis species and brown long-eared bats are able to remain unseen within cavity walls or beneath roofing materials, wall claddings, weather boarding and fascia soffits despite careful visual inspection techniques.

Evidence of bat roosting activity such as bat droppings on external walls and surfaces is frequently removed by the action of wind and rain; lack of such evidence is therefore evaluated with caution.

The survey methodology is designed to determine the likely presence of bats within the building and does not necessarily prove absence. Proving absence may require very significant survey effort and resources.

National Biodiversity Network (NBN Gateway) database records, whilst indicative of the bat species that are likely to occur within a 10km square, do not confirm presence or absence of a species or habitat.

Absence of records does not imply that a particular bat species is not present within the recording area.

Desktop study (SD73 and SD74)

The desktop study has reviewed publically available data on bats and other protected species within the area.

A local data search was carried out to identify bat records within a radius of 2.5km of the site.

Reference to the National Biodiversity Network (NBN) database, including a search of county bat records has identified the following species present within the 10km recording squares SD73 and SD74:

Whiskered bat	(<i>M. mystacinus</i>)
Brandt's bat	(<i>M. brandtii</i>)
Daubenton's bat	(<i>M. daubentonii</i>)
Natterer's bat	(<i>M. nattereri</i>)
Brown long-eared bat	(<i>Plecotus auritus</i>)
Common pipistrelle	(<i>Pipistrellus pipistrellus</i>)
Soprano pipistrelle	(<i>P. pygmaeus</i>)
Noctule bat	(<i>Nyctalus noctula</i>)

The two bat species most frequently found within residential properties in this area are common pipistrelle and soprano pipistrelle. Both species are attracted to warm buildings with south-facing elevations. Contrary to popular belief, roosting bats are most frequently found in properties built during the past 40 - 50 years, both pipistrelle species preferentially seek out buildings with warm cavity walls and roofs lined with an under felt.

Pre-existing information (location of property: NGR: SD 775 346).

Previous bat surveys have not been undertaken at this site.

There are no records of roosting bats at the property or at neighbouring properties

There are no records of significant bat roosts (ie maternity sites) within 250m of the property.

Description of the property

The property is modern detached bungalow with dormer roof extensions to front and rear (built circa late 1970's) with brick and block cavity wall construction with duo-pitched roof and an enclosed roof void (figure 5). The tiled roof is lined with a bitumastic roofing felt and the void insulation with glass fibre material located between the ceiling joists.

The dormer windows to the front and rear roofs are clad with tongue and groove timber and both dormers have a flat bitumen roof construction. There is also a single storey garage on the south elevation (figure 3) with a flat bitumastic roof.

The roof void is dry, dark and reasonably well-ventilated; a significant accumulation of bat droppings was found directly below the apex of the inner block work wall (figures 8 and 9). A small gap above the block work is located close to the apex as shown in figure 8; this appears to be the source of the droppings.

Externally the property is generally well-maintained and all roof areas including ridge tiles, verge tiles, verges and lead work flashings are largely secure. All windows and doors are double glazed sealed units and the original timber fascias have been replaced with pvc. There is a very small gap at the apex of both gable ends; these appear to be only access points available to bats.

Proposed development

It is understood the scheme includes a two storey side extension to replace the existing single storey garage (located by broken red line in figure 3) in addition to extending the rear dormer bedroom windows on the rear pitch (in the area located in figure 4).

[Drawings provided by Chris Astin, 17 Newby Close, Burnley, BB11 4QU].



Figure 1: front / side elevation



Figure 2: garage and S gable wall



Figure 3: front elevation



Figure 4: rear elevation

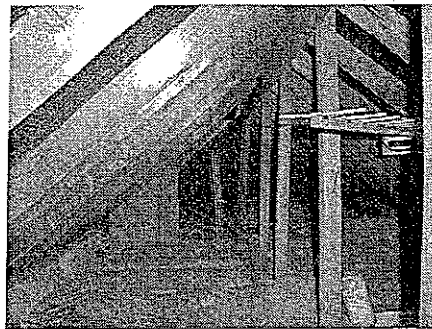


Figure 5: roof void

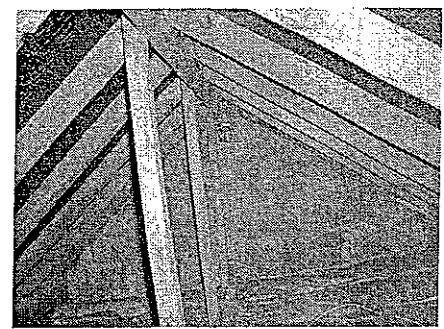


Figure 6: roof void

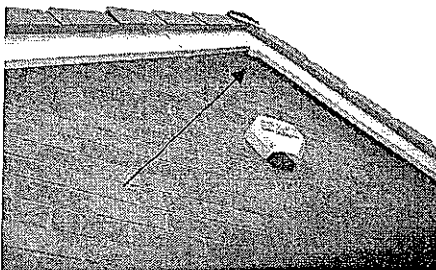


Figure 7: south gable apex

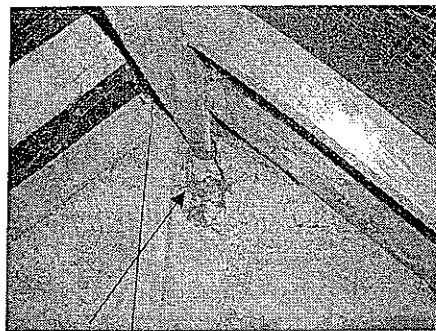


Figure 8: roof void – bat droppings

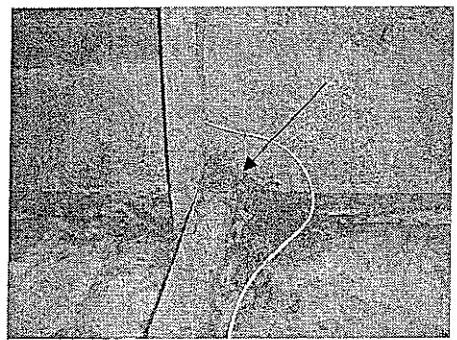


Figure 9: bat droppings below apex wall

Location of the property (NGR: SD 775 346: elevation: approximately 110m;

The property is located within a well-established residential area and is adjacent to other properties of similar age, design and construction. Although the house is located within a built zone on the east edge of Simonstone, the site is adjacent to open countryside with nearby meadows and mature field boundaries with many large broadleaved trees in the vicinity.

The location of the house is sub-optimal in terms of feeding, foraging and commuting habitat for bats, however, high-value feeding and foraging habitat is available within 50m of the site providing good connectivity to woodlands and small wooded water courses on the Huntroyde Estate and at Lower Trapp Farm within 500m of the property.

There are no designated nature conservation sites immediately adjacent to the property – ie. Sites of Special Scientific Interest (SSSI), Biological Heritage Sites (BHS), National Nature Reserves (NNR's), Local Nature Reserves (LNR's) or Regionally Important Geological and Geo-morphological Sites (RIGS).

Survey results

All parts of the property were inspected for evidence of bat droppings, discarded insect prey and other indicative signs of roosting, perching or feeding by bats. An accumulation of bat droppings was located below the apex of the S gable wall within the roof void (located by arrows in figures 8 and 9). Whilst most of the droppings have accumulated over previous years, there are sufficient fresh droppings to indicate present activity.

A small number of droppings were also located scattered widely within the void indicating occasional flight inside the void; the main concentration of roosting activity appears to be within a confined area of the apex roof above the cavity wall and at the extreme S end of the ridge.

The main access point appears to be via a small gap above the top brick on the south gable wall (figure 7); the gap is just visible below the box soffit; a corresponding gap on the N gable wall may also be used for access and a single fresh dropping was present just below the apex (figure 1).

Although bats were not seen or heard during the scoping survey, it is likely that some bats are currently active; recent cool weather in April and early May has suppressed some roost activity within the district and some roosts are less active than they would normally be at this time of year.

Evaluation of results (interpretation)

There is evidence of bat activity at this property; pipistrlle bats are likely to be seasonally active at the site between late April / early May and mid - August / early September. The volume of bat faeces is indicative of a nursery colony although this has not been confirmed. Assuming common pipistrelles are present, it is reasonable to estimate a roost count somewhere between 50 and 100 bats although numbers can vary significantly throughout the season.

Although breeding bats may be active at the site, pipistrelle species typically roost within several neighbouring properties and frequently use various sites depending on weather and other factors such as the presence of predators or the occurrence of parasites within a population.

There is no evidence of bats being present within any other part of the building and it is unlikely that bats will be present during the hibernation period (November to March).

Further survey effort is recommended to determine colony size, species and roost type. Additional evening emergence count / dawn counts will determine the mitigation measures that will be required to remove or reduce the impact of the development.

In cases where timing restraints are used to avoid disturbance during the breeding season; roofing works are normally carried out during the spring and autumn periods when bats are least vulnerable to disturbance. However, where a roost is likely to be destroyed or where significant disturbance to roosting bats will result, a Defra licence (EPS Mitigation Licence) would be required to allow the work to proceed within the law.

Conclusion and recommendations

Roosting bats are likely to be present at this property between May and September. Further survey work is recommended to determine the following information prior to any development. The survey should aim to establish: (1) species; (2) numbers; (3) type of roost (4) access points (5) main flight lines over the property.

The survey should be carried out by a suitable qualified person during the optimal survey period; at least one evening emergence and / or one dawn re-entry / swarming survey should be undertaken in relatively mild and calm conditions during June or July. The survey report should outline appropriate mitigation and compensation measures to ensure *'there are no adverse effects on the favourable conservation status of a bat population'*.

Interim mitigation notes are included in this report (Appendix B).

APPENDIX A

Information / data sources

The following sources were referenced during the preparation of this report:

1. National Biodiversity Network (NBN) database, (terrestrial mammals - chiroptera)
2. Bat Conservation Trust (BCT)
3. Department for Environment Food and Rural Affairs (Defra)
4. Joint Nature Conservation Committee (JNCC)
5. North Lancashire Bat Group
6. East Lancashire Bat Group
7. Lancashire and Cheshire Fauna Society
8. Lancashire Wildlife Trust
9. Lancashire Biodiversity Partnership
10. Ribble Valley Borough Council
11. Biological Heritage Sites Partnership (LCC, NE and LWT)
12. EED dataset (Lancashire bat records 2000 - 2012)
13. Multi-Agency Geographical Information Centre (www.magic.gov.uk)
14. Natural England - Nature on the map (www.natureonthemap.org.uk)

Reference publications

Bat surveys, Good Practice guidelines, 2nd Edition, Hundt, L, BCT, (2012)

Bat mitigation Guidelines, Mitchell-Jones, AJ, English Nature, (January 2004)

Protection of overground roosts for bats, Publication No. 4, Marnell, F & Presetnik, P. Eurobats, (2010)

Bats of Britain, Europe and N. Africa, Dietz, C, Helversen, O and Nill, D, A & C Black, (2010)

Other useful sources

European Protected Species, Guidance for Developers and Ecologists, Wildlife Management and Licensing, Natural England. (January 2012).

Conservation (Natural Habitats &c.) Regulations 1994 (as amended), The Conservation of Habitats and Species Regulations 2010, Natural England

EPS Mitigation Licensing, WML-G12 - Natural England (2012)

Interim mitigation recommendations (MAY 2012)

Mitigation refers to the practices adopted to reduce or remove the risk of disturbance, injury or death of a protected species or damage to a roost. The Bat Mitigation Guidelines define mitigation as "measures to protect the bat population from damaging activities and reduce or remove the impact of development".

ACTION:	METHOD:
1. Avoid any disturbance to roost	The proposed building operations must avoid any disturbance to the bat roost. Bats are most vulnerable to disturbance in MAY, JUNE and JULY. NB. All known bat roosts are protected by the law whether bats are present or not; access to the roost must be maintained; it is against the law to exclude bats without a licence.
2. Licence requirement	Exclusion of bats or significant disturbance to a bat roost requires a licence from Defra. An EPS MITIGATION LICENCE is unlikely to be required in cases where the proposed works can avoid significant disturbance to a bat roost. Natural England recommends that all possible alternatives have been considered before deciding to apply for a licence. If disturbance to bat roost or colony cannot be avoided by the proposed development then a licence will be required to allow the work to proceed within the law. GUIDANCE NOTES FOR DEVELOPERS AND HOUSEHOLDERS can be found on Natural England's website under Wildlife and Licensing – European Protected Species.
3. Further survey effort required	At least one evening emergence survey and / or one dawn re-entry / swarming survey is required to establish the following information: (a) SPECIES OF BATS (b) NUMBERS OF BATS (c) TYPE OF ROOST (d) ACCESS POINTS (e) FLIGHT LINES The survey must be carried out by a qualified person during the optimal survey period when bats are most likely to be present (1 May – 30 September). The survey should follow current BCT guidance (Bat Surveys – Best Practice Guidelines – 2nd Edition, Hundt, L. (2012)
4. Avoid disturbance to roof apex	Avoid any disturbance within 1.5m of the roof apex on the S. gable wall above the garage Do not block any access points or erect scaffolding, sheeting or lighting that may affect clear access to the roost entrance until further survey work has been carried out
5. Legal protection	The onus lies with the developer satisfy himself that no offence will be committed if the development goes ahead, regardless of whether planning permission is granted. Site contractors and project managers should be fully aware of the legal protection afforded all species of bat in the UK and procedures should be in place to mitigate for the potential impact on bats - see notes on 'Bats and the Law' in this report. A copy of this report should be available to your architect or planning consultant
6. Further advice	If you require further advice on bats during the proposed building operations or if you find an injured or resting bat, call BCT immediately; they will normally contact a qualified bat worker in the local area who will visit the site and provide further advice free of charge.

APPENDIX C

Wildlife legislation – Bats and the law

All bat species in the UK receive full protection under the Wildlife and Countryside Act 1981 (amended by the Environment Protection Act 1990). The Countryside and Rights of Way Act 2000 amends the Wildlife and Countryside Act to also make it an offence to intentionally or recklessly damage, destroy or obstruct a place that bats use for shelter or protection. All species of bats are listed on Schedule 5 of the 1981 Act, which makes it an offence to:

- *intentionally kill, injure or take any wild bat.*
- *intentionally or recklessly damage, destroy or obstruct access to any place that a wild bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.*
- *intentionally or recklessly disturb any wild bat while it is occupying a structure or place which it uses for shelter or protection.*

The protected status afforded to bats means planning authorities may require extra information (in the form of surveys, impact assessments and mitigation proposals) before determining planning applications for sites used by bats. Planning authorities may refuse planning permission solely on grounds of the predicted impact on protected species such as bats. Recent case law has underlined the importance of obtaining survey information prior to the determination of planning consent¹.

*"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by a development proposal, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*²

All British bat species are included in Schedule 2 of the Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007, (also known as Habitats Regulations) which defines 'European Protected Species' (EPS).

¹ Bat Mitigation Guidelines, AJ Mitchell Jones, Joint Nature Conservation Committee, (2004) ISBN 1 86107 558 8

² Planning Policy Statement (PPS9) (2005) , Biodiversity and Geological Conservation. ODPM

Protected species (Bats) and the planning process¹

For development proposals requiring planning permission, the presence of bats, and therefore the need for a bat survey, is an important 'material planning consideration'. Adequate surveys are therefore required to establish the presence or absence of bats, to enable a prediction of the likely impact of the proposed development on them and their breeding sites or resting places and, if necessary, to design mitigation and compensation. Similarly, adequate survey information must accompany an application for a Habitats Regulations licence (also known as a Mitigation Licence) required to ensure that a proposed development is able to proceed lawfully.

The term 'development' [used in these guidelines] includes all activities requiring consent under relevant planning legislation and / or demolition operations requiring building control approval under the Building Act 1984.

Natural England (Formerly English Nature) states that development in relation to bats *"covers a wide range of operations that have the potential to impact negatively on bats and bat populations. Typical examples would be the construction, modification, restoration or conversion of buildings and structures, as well as infrastructure, landfill or mineral extraction projects and demolition operations"*.*

*(Tony Mitchell-Jones, 2004)

¹ 2 2 3 - Planning for development, p10, Bat Surveys, Good Practice Guidelines, BCT (2007)

Other references:

Bats, development and planning in England, (Specialist support series) - Bat Conservation Trust, 5th Floor, Quadrant house, 250 Kennington Lane, London, SE11 5RD, 0845 1300 228

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Defra Circular 01/2005 (to accompany PPS 9) - Department for Environment, Food and Rural Affairs. www.defra.gov.uk

Natural England, Cheshire to Lancashire Team, Electra Way, Crewe, Cheshire, CW1 6GJ Tel: 01270 754227