



RIBBLE VALLEY  
BOROUGH COUNCIL

Council Offices, Church Walk, Clitheroe, Lancashire. BB7 2RA Tel: 01200 425111 [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

For office use only  
Application No: 320120652 P  
Date received: 20/07/2012  
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](http://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:

EXTEND EXISTING FRONT DORMER,  
NEW DORMER TO REAR

RE-SUBMISSION OF APPLICATION 3/2012/0275

### 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:

### 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

# 5. Materials

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

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	Existing (where applicable)	Proposed	Not applicable	Don't Know
Walls	BRICK , RENDER, BOARDING TO DORMER	BOARDING TO [REDACTED] DORMERS	<input type="checkbox"/>	<input type="checkbox"/>
Roof	CONCRETE TILES	CONCRETE TILES	<input type="checkbox"/>	<input type="checkbox"/>
Windows	UPVC	UPVC	<input type="checkbox"/>	<input type="checkbox"/>
Doors			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Boundary treatments (e.g. fences, walls)			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle access and hard-standing		BLOCK PAVING	<input type="checkbox"/>	<input type="checkbox"/>
Lighting			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Others (please specify)			<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 form

## 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):





20/07/2012

## 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):







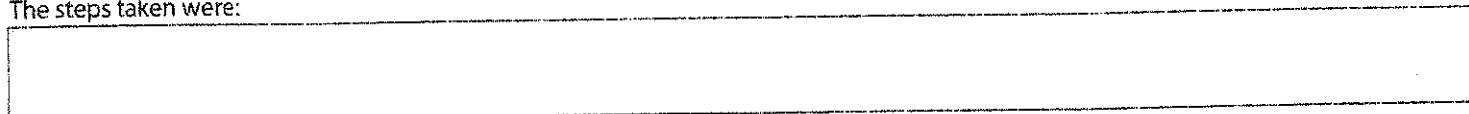
## CERTIFICATE OF OWNERSHIP - CERTIFICATE C

### 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

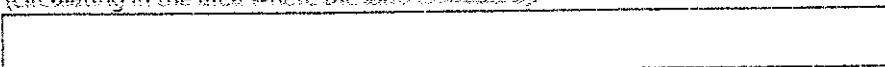
The steps taken were:

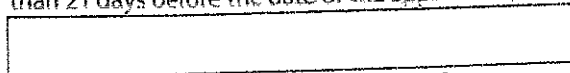


Name of Owner	Address	Date Notice Served

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):






Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):







# 11. Ownership Certificates (continued)

## CERTIFICATE OF OWNERSHIP - CERTIFICATE D

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

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) 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 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

## 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):

(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 the owner of 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):

## 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:

N/A

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):

X [Redacted Signature]

[Redacted Signature]

20/07/2012

(date cannot be pre-application)

#### 15. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:
[Redacted]	[Redacted]	[Redacted]
Country code:	Mobile number (optional):	
[Redacted]	[Redacted]	
Country code:	Fax number (optional):	
[Redacted]	[Redacted]	

Email address (optional):

[Redacted Email Address]

#### 16. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:
[Redacted]	[Redacted]	[Redacted]
Country code:	Mobile number (optional):	
[Redacted]	[Redacted]	
Country code:	Fax number (optional):	
[Redacted]	[Redacted]	

Email address (optional):

[Redacted Email Address]

#### 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 details)

If Other has been selected, please provide:

Contact name:

[Redacted Contact Name]

Telephone number:

[Redacted Telephone Number]

Email address:

[Redacted Email Address]

# earthworks environmental design

9 Poorsland Barn, Slaidburn, Clitheroe, Lancashire. BB7 3AE  
01200 446859 M: 07709 225783 [earthworksuk@yahoo.co.uk](mailto:earthworksuk@yahoo.co.uk)

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## Sam McLoughlin

Email: [sam@edge5.co.uk](mailto:sam@edge5.co.uk)

320120652 P

19 April 2012

Job ref: B 1129

Dear Mr McLoughlin

Re: Daylight scoping survey (bats): 14 Moorfield, Whalley, Clitheroe, Lancashire, BB7 9SA

### Introduction

You have requested a protected species survey as a condition of a planning application to Ribble Valley Borough Council (RVBC) for a proposed building alterations requiring removal of the house roof and lifting the original roof line to provide additional first floor accommodation.

The property is shown in figures 1 to 6 of this report.

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 scheme on protected species in addition to any precautionary mitigation measures that may be required.

A scoping survey and daylight inspection was undertaken on Wednesday 4 April between 08.30 and 09.15. The weather at the time of the inspection was cool, dry and bright (max. temp: 4.5°C; cloud cover: 90%; wind: blustery north-west; rain: nil) providing satisfactory conditions for carrying out a daylight scoping survey.

There is no evidence of roosting bats at this property and it is unlikely that bats have ever been present within any part of the building. The structure is well-maintained and all areas were found to be secure.

There is only a low / negligible risk of disturbing a protected species during the proposed development.

### Survey methodology

The survey includes both internal and external inspections of the house and garage.

The survey methodology follows the recommended monitoring guidelines published by the Bat Conservation Trust (*BCT – Bat Surveys, Good Practice Guidelines, 2007*), Natural England (*Survey Objectives, Methods and Standards as outlined in the Bat Mitigation Guidelines, 2004*) and Survey and Monitoring Methods, (*Bat Worker's Manual, JNCC, 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 exercise is to identify any bat species that are likely to be present at the site in addition to establishing numbers of individuals, roost type and times when bats are most active.

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*).

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). The surveyor was assisted by a trainee (non-licensed bat worker).

## Constraints

The timing of the survey is outwith the optimal survey period for monitoring maternity roost activity, roost emergence or dawn swarming

Crevice-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 and fascia soffits despite careful visual inspection

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

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.

## Data search (SD 73 and SD 74)

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

Reference to the National Biological Network (NBN) database, including a search of county bat records has identified the following species that are likely to be present within the 10km recording squares:

Whiskered bat	( <i>M. mystacinus</i> ) <sup>1</sup>
Brandt's bat	( <i>M. brandtii</i> ) <sup>1</sup>
Daubenton's bat	( <i>M. daubentonii</i> )*
Natterer's bat	( <i>M. nattereri</i> ) <sup>1</sup>
Brown long-eared bat	( <i>Plecotus auritus</i> ) <sup>1</sup>
Common pipistrelle	( <i>Pipistrellus pipistrellus</i> )*
Soprano pipistrelle	( <i>P. pygmaeus</i> ) <sup>1</sup>
Noctule bat	( <i>Nyctalus noctula</i> ) <sup>1</sup>

## Pre-existing information (location of property: NGR: SD 726369)

There are no records of roosting bats at the property; additional records<sup>1</sup> within 2.5km of this location include:

- |                       |  |
|-----------------------|--|
| (1) Whalley Abbey     | (SD 731362) - soprano pipistrelle maternity roost. 25.08.10 / 07.08.11 |
| (2) Whalley village   | (SD 729358) - common and soprano pipistrelle.                          |
| (3) Whalley, Oakhill  | (SD 736368) - common pipistrelle maternity roost.                      |
| (4) Whalley village   | (SD 735365) - pipistrelle sp. maternity roost. 13.07.07                |
| (5) Whalley village   | (SD 733361) - pipistrelle sp. maternity roost 11.08.06                 |
| (6) Calderstones Park | (SD 725369) - whiskered bat casualty 16.08.03                          |
| (7) River Calder      | (SD 731362) - daubenton's bats in flight 26.09.08                      |
| (8) Billington        | (SD 729358) - pipistrelle sp. maternity roost 16.06.09                 |
| (9) Billington        | (SD 725357) - grounded pipistrelle sp. 29.04.10                        |

\*NBN data

<sup>1</sup>EED data

## Description of the property

The property is a detached dormer bungalow with loft conversion providing first floor accommodation. The building has traditional brick cavity wall construction with timber rafter and purlin duo-pitch roof. The external walls are mostly cement rendered and all windows and doors are PVC double glazed units. There is a single storey attached garage to the east side of the property; the garage has a mono-pitch roof with standard rafter and purlin construction (figure 6).

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The main roof is tiled and lined with a bitumastic under felt and the remaining eaves voids are partly boarded and insulated with a glass fibre material over the ceiling joists and stud work walls (figures 4 and 5). The existing voids (rear pitch only) are clean, dry, dark, well-ventilated and secure; there is no evidence of any access by mammals or birds within these areas, although wasps have previously nested in one of the voids and a single queen bumble bee was also present during the inspection

The garage has a brick construction and the roof lined with bitumastic under felt; the garage receives natural light from a single glazed window in the door and a side window. The building is well-sealed and secure and there is no evidence of bat droppings or other indicative signs of access by bats

Externally the property is very well-maintained and all roof areas, including ridge tiles, verge tiles, verges and lead work flashings appear secure. All fascias and soffits (PVC at front / timber at rear) are well-sealed and there are no opportunities for bats to gain roosting access. The front dormer windows have flat bitumen roofs and are clad with hanging tiles; both dormers appear to be very secure.



Figure 1: front elevation



Figure 2: side elevation



Figure 3: rear elevation



Figure 4: eaves void 1



Figure 5: eaves void 2



Figure 6: interior garage

**Proposed development**

It is understood the scheme requires the removal of the existing roof and lifting of the roof line to accommodate an additional first floor; the garage will be unaffected by the development.

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**Location of the property** (NGR: SD 726369: elevation: 60m)

The property is located within a well-established residential area to the north of Whalley and A59 bypass; the site is within 250m of Calderstones Hospital. Although the house is surrounded by other properties of similar age, design and construction, there is open countryside approximately 100m east and north-east of the site.

The location is sub-optimal in terms of feeding, foraging and commuting habitat for bats and there are no extensive broadleaved woodlands or plantations adjacent to the property. The nearest broadleaved woodland

is close to Calderstones hospital approx. 250m west of the property. Similarly there are no adjacent areas of standing open water, large river channels or water courses within 500m; the River Calder is 0.75km west of the site

There are no designated nature conservation sites 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, resting perching or feeding by bats; none was found.

The property is very well-maintained and all external features appear to be secure and there are no obvious access points into the roof areas or adjoining garage.

The location of the property provides sub-optimal feeding and foraging habitat and the site is not adjacent to any high value habitat that is likely to attract regular or significant bat roost activity.

There are no records of bat activity at this particular location.

### Evaluation of results (interpretation)

There is no evidence of bat activity at this property; the potential for supporting roosting bats is currently low

It is highly unlikely that breeding bats have been present at this site; there are no field signs to indicate the site is used as day roost, night roost, transitional roost, mating roost, nursery site or place of hibernation

There is a low / negligible risk of disturbing roosting bats during the proposed works

The scale of impact of the development on local bat populations is likely to be negligible<sup>1</sup>.

The conservation significance of the property is currently low<sup>2</sup>

There are no existing records of bat activity at the property

Further survey work (emergence and activity surveys) is not required<sup>3</sup>

It is recommended the proposed works proceed with reasonable caution and vigilance for the 'unexpected' presence of solitary roosting bats. (refer to the mitigation – general guidance notes, Appendix B).

<sup>1</sup> The scale of main impacts at site level on bat populations – Table 6.1. p37 - (BMG, 2004)

<sup>2</sup> Guidelines for proportionate Mitigation, (Bat Mitigation Guidelines, 2004)

<sup>3</sup> Flow chart depicting the process for deciding what level of survey is necessary, (BCT, Bat Surveys, 2007, p24)

### Conclusion and recommendations

The proposed building alterations and modifications to roof areas are **unlikely to cause disturbance to bats** or result in the loss of a bat roost or cause injury or death of a European Protected Species – (Bats) or result in any significant impact on a local bat population.

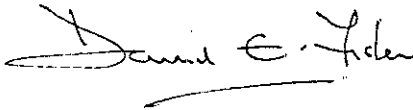
The scale of impact of the development at site level on local bat populations is likely to be negligible or low.

Further survey effort during the optimal survey period (May to August) is not recommended.

Mitigation guidance notes are included (Appendix B); in the unlikely situation that any bats are disturbed, contact the Bat Conservation Trust immediately for further advice.

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

## APPENDIX A

### Information / data sources

The following sources were consulted 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 - 2011)
13. Multi-Agency Geographical Information Centre ([www.magic.gov.uk](http://www.magic.gov.uk))
14. Natural England - Nature on the map ([www.natureonthemap.org.uk](http://www.natureonthemap.org.uk))

## Appendix B

### Mitigation considerations (general guidance notes)

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. Timing constraints	None

2. Removal of roofing materials	<p>Although it is unlikely that roosting bats will be exposed during the proposed building alterations, you should be aware that solitary bats are occasionally found roosting beneath roofing materials, most frequently under slates, roofing felt, fascias, roof claddings, verge tiles and ridge tiles and lead work flashing.</p> <p>Bats may be found at any time of year, although most individuals are found during the spring, summer and autumn between late April and late September.</p>
3 Accidental exposure of bats	<p>In the unlikely event of bats being exposed or vulnerable to harm, all work in that area must stop immediately. Cover the exposed bats to reduce further risk of harm and seek further advice by calling the Bat Conservation Trust (BCT) helpline on 0845 1300 228.</p> <p>Stop work immediately if bats are exposed or likely to be disturbed.</p> <p>All contractors should be aware of their responsibilities to protected species. If accumulations of droppings are found during the removal of the roofing materials or rubble infill walling, stop work and seek advice before continuing work in this area.</p>
4. Avoid handling bats	Contractors should avoid handling bats but where there is no alternative, use gloves or a small container to move them to a dark and quiet area, preferably without causing them to fly in daylight
5 Legal protection	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
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
7 Post-development monitoring	Not required
8 Additional survey effort	Evening roost emergence / dawn re-entry surveys are <u>not</u> recommended at this property

## 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*

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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 consent<sup>1</sup>.

*"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."*<sup>2</sup>

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)

<sup>1</sup> Bat Mitigation Guidelines A J Mitchell Jones Joint Nature Conservation Committee, (2004) ISBN 1 86107 558 8

<sup>2</sup> Planning Policy Statement (PPS9) (2005) , Biodiversity and Geological Conservation. ODPM

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### **Protected species (Bats) and the planning process<sup>1</sup>**

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)

<sup>1</sup> 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, 5<sup>th</sup> Floor, Quadrant house, 250 Kennington Lane, London, SE11 5RD, 0845 1300 228

Clarification of the legal duty of Local planning Authorities' to European Protected species: High Court Judgment June 2009: (Wooley v Cheshire east Borough Council) - Bat Conservation Trust

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

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

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