



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:

320120668P

Date received

Fee paid £

Receipt No:

Application for conservation area consent for demolition in a conservation area Planning (Listed Buildings and Conservation Areas) 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 the Proposal

Please describe the proposed works:

DEMOLITION OF EXISTING WORKSHOP, STORE AND GARAGE AND
CONSTRUCTION OF TWO STOREY THREE BED DETACHED HOUSE AND
TWO BED DETACHED BUNGALOW

3. Description of the Proposal (continued)

Has the work already started?

☐ Yes

☒ No

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

(date must be pre-application submission)

Has the work been completed?

☐ Yes

☒ No

If Yes, please state the date 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:

54

House suffix:

House name:

Address 1:

WHALLEY RD

Address 2:

Address 3:

Town:

SABDEN

County:

LANCS

Postcode (optional):

BB7 9D2

Description of location or a grid reference (must be completed if postcode is not known):

Easting:

Northing:

Description:

5. Related Proposals

Are there any current applications, previous proposals or demolitions for the site?

☒ Yes

☐ No

If Yes please describe and include the planning application reference number(s), if known:

Description	Reference number
PLANNING APPLICATION	UNKNOWN

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 as possible: ☐

Officer name:

LESLEY LUND

Reference:

ON ORIGINAL APPLICATION.

Date (DD/MM/YYYY):

(must be pre-application submission)

Details of pre-application advice received?

7. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?

☒ Yes

☐ No

If Yes, please provide details:

SPOKE TO NEIGHBOUR AND SHOWED THE DRAWINGS

8. Authority Employee / Member

With respect to the Authority, I am:

Do any of these statements apply to you?

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

☐ Yes

☒ No

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

9. Explanation for Proposed Demolition Work

Why is it necessary to demolish all or part of the building(s) and/or structure(s)?

THE GARAGE, WORKSHOP AND STORE ARE IN PLACE OF THE PROPOSED DEVELOPMENT. SECONDLY I AM RETIRING THUS THE BUILDINGS WILL BE REDUNDANT

10. Certificates

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Certificate under Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

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: PP

Or signed - Agent:

Date DD/MM/YYYY):

26/7/12

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Certificate under Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

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

Certificate under Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

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):

10. Certificates (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Certificate under Regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

I 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 with at least 7 years left 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 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

26/07/12

11. 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 other plans and drawings or information necessary to describe the subject of the application:

☐

The original and 3 copies of a plan which identifies the land to which the application relates and 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):

☐

12. 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):

26/7/12

(date cannot be pre-application)

13. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

14. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

15. 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*)

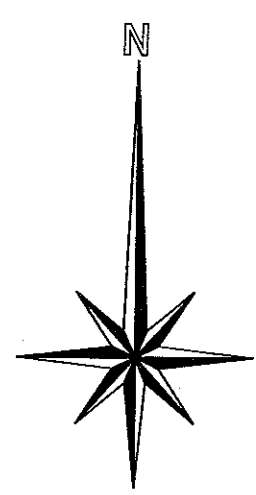
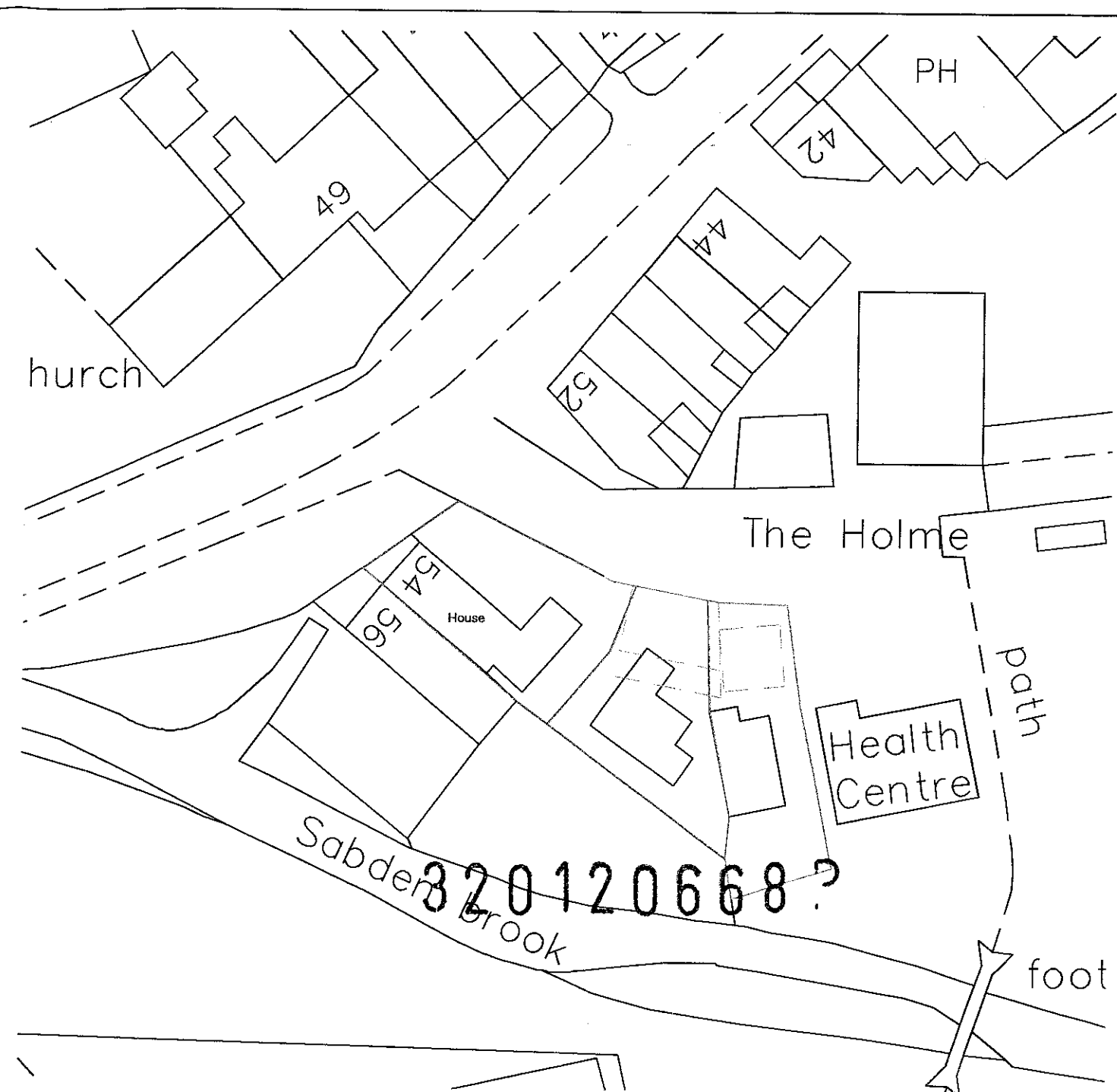
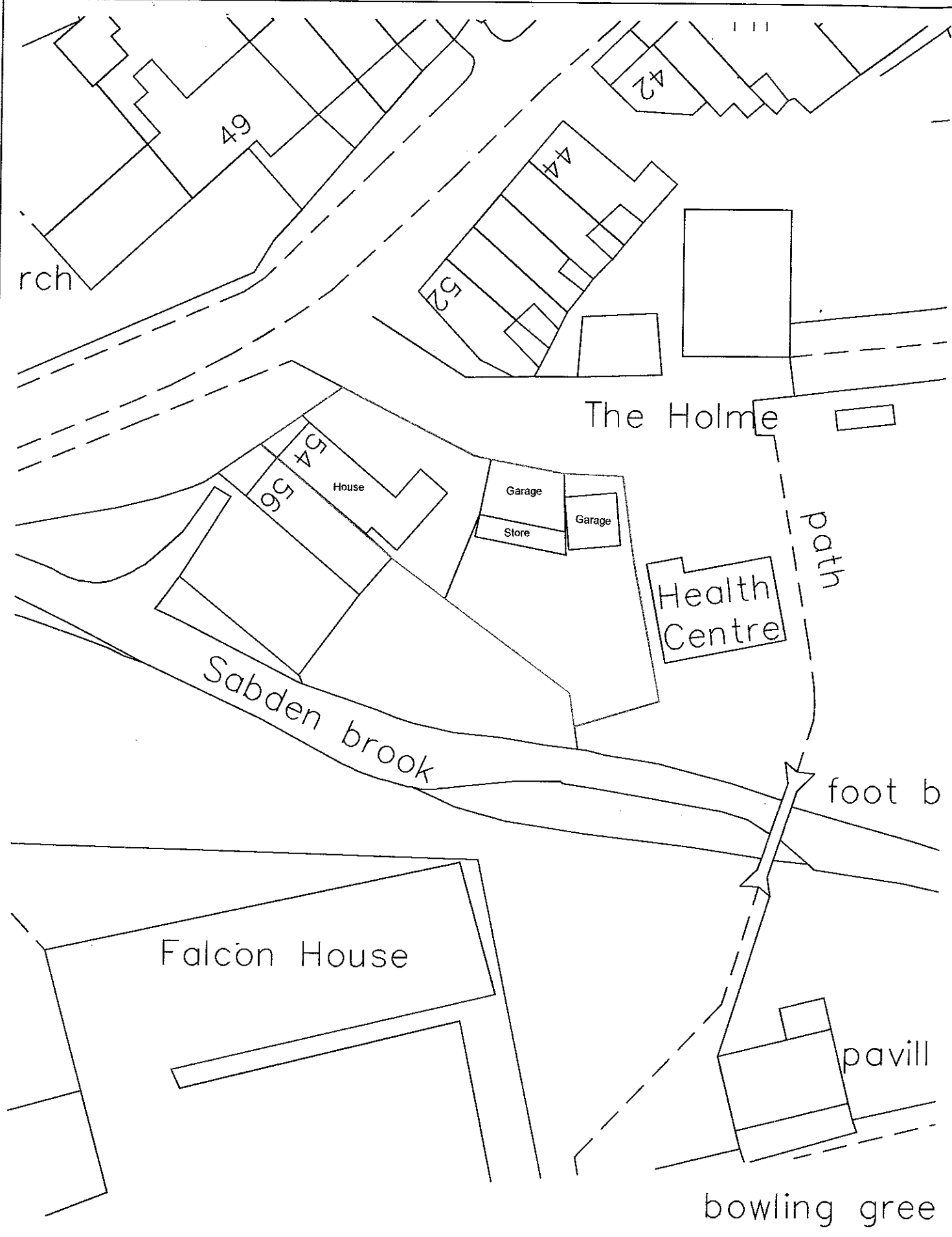
☐ Agent☒ Applicant☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:



2012. All rights reserved. Licence number 1000204

Project		
Planning Application: 54 Whalley Road, Sabden, BB7 9DZ		
Description		
Existing and Proposed Site Plans		
Client		
Mr J Robinson		
Scale	Date	Drawn
1:500	July 12 REV 02	
Drawing Number		

PDF created with pdfElement trial version (www.pdf-element.com)

Design and Access Statement in support of a planning application for the erection of 2 dwellings on land at the rear of 54 Whalley Road, Sabden.

Location

The application site is located at the rear of 54 Whalley Road adjacent to Sabden Medical Centre, The Holme, Sabden. The land is currently used as a garden, an outhouse and a garage which the applicant all owns and from which he operates a coach hire business.

The site is within the village settlement and is within easy walking distance of the local shops, post office, church, medical centre, park and facilities

It is located within Sabden Conservation Area and Sabden village itself, is located within the Forest of Bowland Area of Outstanding Natural Beauty.

Immediately adjacent to the site and to the east is Sabden Medical centre, to the west is 54 Whalley Road, to the south of the site it is partially bordered by Sabden Brook and the garden of 56 Whalley Road and to the North is 52 Whalley Road and a property known as The Holme. The boundary of the site to the South is bordered by conifer hedging and to the east is a small wall separating the site from the medical centre. The garage borders the North of the site onto the access road to the medical centre and recreation ground. The applicant also owns part of this access road.

Whalley Road is the main traffic route out of the village of Sabden towards Whalley and the main A59 towards Blackburn and Preston. This road carries a bus route and there are bus stops in both directions within easy walking distance of the site.

The surrounding houses are mainly two storeys and are built out of a variety of materials. The terraced properties are mainly natural stone fronted with blue slate roofs. The garage to the rear of 54 Whalley Road is finished with smooth render along with a two storey extension to the rear of 54 Whalley Road. The medical centre is mainly single storey with rooms and Velux roof lights within the roofspace and is constructed out of stone to the front elevation and render to the rear and gables with a slated roof.

There is parking adjacent to 54 Whalley Road for several vehicles and along the access road within the applicant's ownership for use in conjunction with his business and private use

Proposal

This is a full application to demolish the garages and outbuildings and change the use from commercial to residential and seek approval for the erection of two detached dwellings, one being two storey, one being single storey, both with vehicle

access from the existing access road and with gardens and off road parking for two vehicles.

Site History

There are no records on the Council website for any planning applications for the site. However the applicant received 'permission' from the Local Authority in 1989 to use the garage as a base for a coach hire business reference 3/1989/0244. This stated that the use of the business could only continue under the operation of the applicant and could not be transferred to another party.

Pre Application advice

Pre application advice was received from Claire Booth, Assistant Planning Officer at Ribble Valley Borough Council ref no RV/2010/ENQ/00487 dated 18th November 2010.

Justification

The present use of the site is for parking two small coaches along with associated repairs to vehicles within the garage facility. The business is owned and operated by the applicant who owns and resides at the adjoining property 54 Whalley Road. The business is run on a part time basis by the applicant and also employs his son as a part time driver.

The owner now wishes to retire from the business and has sought to sell his house, garage and business but with the condition attached relating to the business as this is not possible.

He has considered alternative uses for the garage but it is unattractive on its own due to no self contained mains water, electric, sanitary facilities, drainage etc. The design, height and structure of the building is probably only suitable for garaging and is not considered suitable for offices, retail, workshop, studio use etc unless it was demolished and rebuilt.

It is felt that the proposal will benefit the local neighbourhood with an improvement in design of the new dwellings over the existing garage. It will open up and improve the access to the medical centre. In addition the new buildings are located further away from the properties opposite than the present garage, creating more light into their principal rooms on the front elevation.

Design

The use of the site will change from a coach hire base / associated garaging and garden area 54 Whalley Road into residential.

The proposal comprises of the erection of a detached house and the erection of a detached bungalow.

320120668 P

~~3201205001~~

The house will comprise of living accommodation on the ground floor and three bedrooms and bathroom on the first floor.

The bungalow will comprise of two bedrooms, bathroom, kitchen and a combined lounge and dining room.

The layout of the house has been designed with the kitchen at the front and the lounge to the rear. The view from the lounge will overlook the stream and avoids overlooking any properties across the access road. On the first floor two of the bedrooms are positioned at the rear again to avoid overlooking any properties across the access road. The main front elevation is in line with the medical centre and is in excess of 20m away from the properties across the access road. It has also been positioned so it is not directly overlooking the properties across the access road or overlooking the rear garden area to 56 Whalley Road.

The bungalow has been designed as single storey to reduce any loss of light to the rears of 54 and 56 Whalley Road. Again the main principal rooms (lounge and bedroom 1) are located at the rear to avoid overlooking any properties across the access road. Apart from the bathroom window (which will be obscured glass) there will be no windows overlooking the rears of 54 and 56 Whalley Road. There is also a large hedge between the rear of the proposed bungalow and the garden to the rear of 56 Whalley Road, which again will avoid any overlooking the garden of 56 Whalley Road from the proposed bungalow.

The two dwellings will be set back from the access road further than the present garage thus creating a more visual open aspect from Whalley Road to the Medical Centre.

The different designs of the 2 properties also achieve a mix of housing in accordance with planning policy (paragraph 69 PPS3).

Scale

The ground falls away from the access road across the site towards the brook and the rear garden boundary towards 56 Whalley Road. The elevation drawing showing the existing garage and adjoining properties shows that the proposed finished floor levels of both new properties will be below the level of the garage floor level. The outline elevation of the medical centre is also shown on the drawings. The difference in levels and the positioning of the new properties will ensure that the development fits comfortably within the street scene.

Appearance

The materials chosen for the 2 new properties are coursed natural stone to the principal elevations with rendered finish to the remaining elevations with stone plinths and quoins. The roofs are of natural slate with dark brown fascias and

320120668 P

~~320120393 P~~

gutters. The external doors and windows are brown upvc. These materials are similar to most of the adjoining properties.

Ecological

The proposal is to demolish the existing garage and build the properties within the curtilage of the garage and present garden of 54 Whalley Road.

An ecological report is attached to the planning application.

Access

Pedestrian and vehicular access to both properties will be via the access road leading to the Health Centre. Both properties will have level access to the front doors.

Parking

Both properties will have two off road parking spaces within the curtilage of the properties. The area adjacent to 54 Whalley Road (currently used to park the applicant's coaches) will remain in ownership of no 54 and used to provide three off road car parking spaces for this property. It is anticipated the proposal will ease parking congestion in the area as the current business parks a number of vehicles on the access road.

Landscaping

The gardens of the new properties will mainly be laid to lawn. Parking areas will be laid in black tar macadam. The front of both properties will have a small stone wall approximately 600mm high to match the wall between the health centre and the existing rear garden of 54 Whalley Road. A paved patio area will be laid outside both patio doors.

The existing parking area to the side of 54 Whalley Road will be reduced as there will be no need to park any coaches. This area will be utilised for two car parking spaces and the remaining area incorporated into a garden all for the use of 54 Whalley Road.

Refuse

Adequate space within the curtilage of both properties to the rear and side is available for domestic refuse both general waste and recycling.

June 2012

6723
CC

320120668P

earthworks environmental design

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

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

Mr John Robinson

54 Whalley Road
Sabden
Clitheroe
Lancashire
BB7 9DZ

23 JUL 2012	
FOR THE	
ENTION OF	

320120593P

19 July 2012

Job ref: B 1195

Dear Mr Robinson

Re: Daylight scoping survey (bats): Garage / workshop at 54 Whalley Road, Sabden, Lancashire, BB7 9DZ

Introduction

You have requested a protected species survey as a condition of a planning application to Ribble Valley Borough Council (RVBC) for a proposed development requiring demolition of an existing garage / workshop and lean-to buildings as shown in figures 1 to 7 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 development on all bat species that are present or likely to be present at the property, in addition to any mitigation, compensation or enhancement proposals that may be required.

A scoping survey and daylight inspection was undertaken on Tuesday 17 July between 16.15 and 17.00.

The weather at the time of the inspection was mild, overcast and wet (max. temp: 15.0°C; cloud cover: 100%; wind: light south-westerly; rain: prolonged heavy showers).

There is no evidence of bat activity within any of the buildings that are likely to be affected by the proposed works; it is therefore unlikely that protected species will be disturbed during the course of the development.

Survey methodology

The survey includes internal and external inspections of the building.

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 aim of the scoping exercise is to consider 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.

The daylight scoping survey includes a local record search of publicly available data for protected species, in addition to information on locally significant landscape features and designated conservation sites.

Non-invasive survey methods were used to assess the use of the property by bats.

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 and urine spots, bat corpses, roost staining or evidence of feeding remains such as discarded moth and butterfly wings and other insects fragments typically found in a perching and feeding area.

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.

Natural England licence No: 20113901 (August 2011), Conservation, Science and Education.

Constraints

Small crevice-roosting bats such as pipistrelle species, some myotis bats and occasionally brown long-eared bats are able to remain unseen within very confined spaces such as cavity walls, block work walls, beneath roofing materials, wall claddings, lead work flashings, fascia boards and soffits despite careful 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.

Evening emergence / dawn re-entry surveys have not been carried out at this property.

Desktop study (SD 63)

A local data search was carried to identify any relevant records of bat activity within 1km of the site. The following bat species are known to be present within the wider district:

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

*National Biodiversity Network (NBN) datasets, (terrestrial mammals) shown in blue

Pre-existing information (site location - NGR: SD 778 374)

None available at this property (East Lancashire Bat Group / EED)

Previous protected species surveys have not been carried out at the property.

There is no known history of bats at this property; the owner is unaware of bats inside any of the buildings.

Description of the property

The buildings are shown in figures 1 to 7 below:

- (1) Workshop / garage (figure 1) – the garage has a block work wall construction with a duo-pitched rafter-with-purlin roof; the slate roof is lined with a bitumen felt (figure 5) The building was built in the early 1980's and is well-maintained and very secure. All wall surfaces, verges, ridge tiles and timber fascia boards are well-sealed and secure. The building is in daily use as a vehicle workshop.
- (2) At the rear of the workshop is a single storey garage with a steel frame and concrete panel construction (figure 3) with a hallow mono-pitch corrugated cement fibre roof (figure 4). The building has good natural light and is dry, cool and well-ventilated; the garage is used for storage only.
- (3) Single storey lean-to structures attached to the workshop (figures 6 and 7) have three separate sections / sun-rooms; each has a rendered block work wall construction with mono-pitch slate roofs at either end. The central section has a clear laminate section roof. Each room is dry, cool and very well-sealed and is currently used only for light storage and occasional access and summer use.

Images: Garage / workshop and out-buildings at 54 Whalley Road Sabden (17 July 2012)

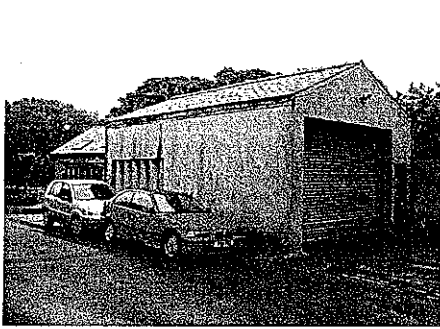


Figure 1:

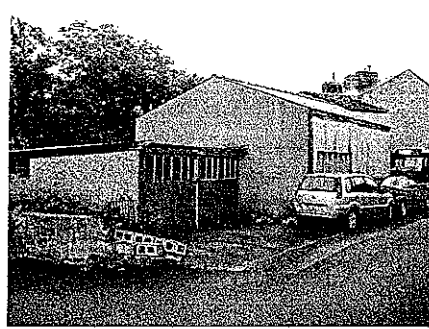


Figure 2:

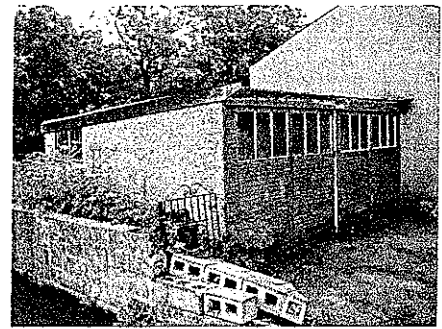


Figure 3:



Figure 4:



Figure 5:



Figure 6:



Figure 7:

Location of the property (NGR: SD 778 374; elevation: approximately 135 metres).

The buildings are within the boundary of the property at 54 Whalley Road, close to the centre of Sabden. The workshop is adjacent to an access road leading to other properties and is close to the Medical Centre next door. The site has an urban location and is surrounded by well-established residential properties and a new housing (under construction) on the former mill site.

There are no areas of significant woodland or open water adjacent to the buildings although several mature trees and shrubby ground is located on the property boundary.

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).

Proposed development

It is understood the proposal is to build a detached bungalow and detached house on the site requiring demolition of the existing buildings as shown in figures 1 to 7 above.

Survey results

All parts of the property (including roof void) were carefully searched for evidence of bat droppings and other indicative signs of roosting by bats; none was found.

All internal and external features were inspected; there is no evidence of bat roosting, perching or feeding.

Evaluation of results (interpretation)

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

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

There is currently 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 / low¹.

The conservation significance of the property is currently low².

There are no existing records of bat activity at this property.

Further survey work (emergence and activity surveys) is not recommended.³

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

² Guidelines for proportionate Mitigation, (Bat Mitigation Guidelines, 2004).

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

Recommendations

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).

Further survey work at the site (ie. evening emergence or dawn re-entry and swarming surveys) is not recommended.

A mitigation / development licence is not required.

Conclusion

The proposed building demolition is **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.

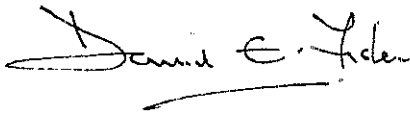
The scale of impact of the development at site level on local bat populations is likely to be negligible or low.

Mitigation guidance notes are included (Appendix A); in the unlikely situation that any bats are disturbed, contact the surveyor (David Fisher - EED) or call the Bat Conservation Trust for further advice.

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 has been 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

APPENDIX A

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 (Natural England, 2004) define mitigation as "measures to protect the bat population from damaging activities and reduce or remove the impact of development".

ACTION	METHOD / NOTES
1. Further survey effort	No required
2. Timing constraints	Not required
3. Licence requirement	Not required (based on the survey findings).
4. Method statement	Not required
5. Removal of roofing materials	Although it is very unlikely that any roosting bats will be exposed during renovation or repair of the roof, project managers and site contractors should be aware that solitary bats are occasionally found roosting beneath all types of roofing material, most frequently under slates, roofing felt, fascia boards, roof claddings, verge tiles and ridge tiles
6. Accidental exposure of bats	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. Stop work immediately if bats are exposed or likely to be disturbed.
7. 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
8. 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. If you are unable to contact BCT; please call David fisher (EED) on 01200 446859 (office) or 07709 225783 (mobile) for immediate advice
9. Post-development monitoring	Not required

Information / references:

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)

APPENDIX B

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

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

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