White Lodge, Pendleton
Clitheroe
BB7 1PT

Bats: Building Survey

Simply Ecology Limited

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For

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1.0 INTRODUCTION

1.1 Background Information

1.1.1 Simply Ecology Limited was commissioned by Stanton Andrews Architects in June 2015 to undertake protected species assessment of White Lodge, Pendleton, BB7 1PT (O/S Grid SD759397; hereafter referred to as the site). See Plan 1: The Site Location.

1.2 Aims

1.2.1 The aims of this survey were to gather up-to-date information on the presence of bats at the site. This involved:

- Identifying potential structures of the building that could be used by bats.
- Identifying if there was any evidence of bats around the building.
- Providing an assessment of the likely importance of the site for bats and their conservation.
- Advising the client in relation to the proposed development and any impacts upon bats in order to ensure legislative compliance.

1.2.2 To achieve this, a building inspection for bats at the site was undertaken on 16th June 2015. Additionally, three night time (2 x dusk and 1 dawn) surveys were carried out on 29th June, 14th July and 20th July 2015. This submission presents the results of the ecological surveys at the site.

1.3 Site Description and Proposed Works

1.3.1 The site is approximately 0.3 hectares in size and contains a detached rendered property, built in the 1950s, (see Plate 1). The two storey building is orientated roughly in a west to east aspect, with a pitched roof and two gable ends. Additionally, connected to the main building on the north eastern side there is a small pitched rooved garage, which also has an open garage attached. The roofing consists of slate tiles across all buildings except the open garage which also has plastic sheeting skylights.

1.3.2 There is a driveway leading to the road on the east of the property. Most of the land is covered with traditionally mown garden grassland or small shrub vegetation of relatively little value ecologically. However, the site is bordered by coniferous and broadleaved trees on the north, eastern and southern edges of the site.

1.3.3 A matrix of residential and small scale businesses and farms, the village of Pendleton exists to the south west of the site. The small town of Clitheroe exists approximately 1 mile north west of the site. The site is situated in the Ribble Valley countryside with the immediate and wider surrounding countryside consisting of open pasture farmland fields. These fields are bordered often with traditional hedgerows which are known habitat for bats to utilise for commuting and foraging purposes.

1.3.4 The surveys described in this report were commissioned to inform a future planning application by Stanton Andrews Architects. The proposed work consists of demolishing the existing residential property to construct a new build residential dwelling (see Plan 2: The Proposed Building Layout). The planning process requires up-to-date survey data in order to assess the ecological value of the site and the presence of any notable habitats or protected wildlife.

White Lodge, Pendleton

Plate 1: A view of the eastern aspect of the property.

2.0 SURVEY METHODOLOGY

2.1 External and Internal Building Survey

2.1.1 An inspection of all buildings on the site was specifically carried out to search for bats. The building survey was undertaken in accordance with the standard methods described in the 'Bat Worker's Manual' (JNCC 1999) and 'Bat Surveys – Good Practice Guidelines' (BCT 2012). In accordance with best practice, the survey comprised the following elements:

- An inspection of the exterior of the building to look for obvious signs of bat activity (such as droppings) and assessing the potential for entry/exit into the property.
- An internal inspection of all spaces to determine whether bats were present, to look for signs of activity (such as discarded prey items and droppings) and to assess potential suitability for bat species. Lighting was provided by a million candle power Cluson Clulite CB2.

2.2 Bat Activity Survey

2.2.1 One emergence (dusk) survey of the property was undertaken in accordance with the standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (Bat Conservation Trust 2012). In accordance with best practice, the survey comprised the following elements:

- Emergence Survey: One night time visit was undertaken at dusk to determine if bats were emerging from the property and to assess levels of bat activity.
- Re-entry Survey: One dawn visit was undertaken to determine if bats were entering the building and to assess levels of bat activity.
- During the surveys the surveyors were positioned to provide the best coverage of the building based upon the potential roost location. The surveyors would be expected to hear and also see any bats emerging from the building. Activity was detected using heterodyne and bat detectors.

2.3 Personnel

2.3.1 All surveys were carried out by Jason Reynolds MSc MCIEEM and Kevin Heywood BSc. Jason conducted his MSc thesis at the University of Aberdeen on the foraging preferences of the *Pipistrelle* and worked as an advisor during 1997-8 on the negotiations with the BCT over the NMBP. Jason has been undertaking bat surveys since 1995 and is a member of the Furness and Westmorland Bat Group. Jason runs his own ecological consultancy Simply Ecology and is an experienced botanist with a broad range of ecological and conservation knowledge gained over 15 years working as a Conservation Officer for both statutory and charitable conservation bodies, including English Nature, Cumbria Wildlife Trust and the Environment Agency. Jason holds protected species survey licences for white-clawed crayfish and great crested newt.

2.3.2 Kevin is an Ecology graduate from Lancaster University and an active member of the North Lancashire Bat Group. He has over 3 years' experience with bats. This has ranged from an accumulation of field skills, experience handling bats, surveying for the Bat Conservation Trust and bat roost visitor licence training. During his time at Lancaster he completed a dissertation project looking at the effects of LED light on foraging Daubenton's bat (*Myotis daubentonii*) behaviour.

2.4 Timing and Constraints

2.4.1 The building survey was undertaken on 16th June 2015. This is during the summer and is an ideal time to record bat activity as bats are active at this time. The timing of the building inspection to search for signs of bats posed no constraints as building inspections can be undertaken at any time of year. An assessment of the building's potential to support bats can therefore be made according to evidence found, building condition, location and the experience of the surveyor.

2.4.2 Visibility of the exterior of each building was excellent, with access on all sides and with no trees or vegetation to limit the inspection. **Overall, it was not considered that there were not any constraints which would have affected the detection of bat potential within the buildings.**

2.4.3 The night-time activity surveys of the property were carried out on 29th June, 14th July and 20th July 2015. This survey timing is during the optimal survey period and the weather conditions were considered ideal to observe and record any bat activity at the site (see Table 1).

Table 1: Weather conditions during the bat survey

Survey Date	Temperature at start of survey	Sunset/ Sunrise	Weather
29th June 2015	17 °C	21:47	Warm, dry and still with 80% cloud. Ideal conditions for observing bats emerging.
14th July 2015	13 °C	21:35	Still, mild and dry with 0% cloud. Conditions were fine for viewing typical bat behaviour.`
20th July 2015	12 °C	05:04	Still and mild with 100% cloud. Occasional drizzles of light rain. Rain was not heavy enough to significantly reduce chances of seeing bats.

2.5.4 Given all of the above factors, it was not considered that there were any constraints which would have affected the detection of bats emerging from the property. **Overall, a robust assessment of the building's potential to support bats and determination of presence can therefore be made according to evidence found.**

3.0 SURVEY RESULTS

3.1 External Inspection

3.1.1 The building for the most part was in good state of repair. Whilst the rendering was slightly cracked in places, there were no suitable gaps or crevices suitable for bats to gain access (see Plate 2). There was no noticeable degradation of the bricks or pointing at all. All UPVC windows and doors were tightly fitted and completely sealed (see Plate 3).

3.1.2 A thorough check of all ledges, and walls around the building was completed, as well as the ground near to the building. No signs such as staining, prey remains or droppings were found anywhere around the outside of the building (see Plate 4). The verges at each gable end were sealed with no potential for bat access. Similarly, there was no potential for bat access in the majority of the eaves of the building (see Plate 5). However, at each corner of the building there was a small set of cornice stones in the eaves. The cornice stones on the south west corner had a gap due to missing mortar of suitable dimensions to allow bats access (see Plate 6). Additionally, there were gaps between the soffit and the stones potentially offering access to internal spaces (see Plate 7). Also of interest were nesting house martins (*Delichon urbica*) within the eaves of the property on either side (see Plate 8).

3.1.3 The roofing slates were in a relatively good state of repair; although there were some that had slipped/cracked revealing gaps that were suitable to provide access for bats (see Plates 9 and 10). Additionally, the slates on the protruding bay window at the rear of the property (west) showed signs of potential for access (see Plate 11). A thorough inspection of all other aspects of the roof was carried out. However, no potential for bat access was found in the ridge, the lead flashing or around the chimney.

3.1.4 Whilst on site the surveyors assessed the quality of the vegetation within the gardens around the building. The vegetative composition was dominated with common grasses and herbs as would be seen in regularly mown amenity grassland, including species such as Yorkshire fog (*Holcus lanatus*), perennial ryegrass (*Lolium perenne*), common sorrel (*Rumex acetosa*) and creeping buttercup (*Ranunculus repens*). Additionally there were small areas of garden shrubs such as heather (*Calluna vulgaris*). As a result, it was determined that any small loss of this habitat type would be of minimal ecological detriment to local wildlife and floral populations.

3.1.5 To conclude, as illustrated in Plates 1-11, the exterior of the building provided some potential opportunities for bats to gain entry for roosting. The key areas of interest in this regard include gaps and crevices around the stones in the corner eaves of the building and access between tiles on the roof. The site was found to be important for nesting house martins (*Delichon urbica*) and suitable recommendations will be provided. Despite a lack of direct signs of bat activity, **it is recommended that dusk and dawn surveys be carried out, in order to ascertain if the building provides shelter for roosting bats, as recommended by the Good Practice Guidelines (Bat Conservation Trust, 2012).**

Plate 2: The rendering and structural integrity of the building was sufficient to provide no potential for bats to gain access.

Plate 3: All windows and doors were fully sealed.

Plate 4: No staining, droppings or any other signs of bat activity were found

Plate 5: The eaves were completely sealed up with no potential for bat access.

Plate 6: There was a gap in the mortar of the stones at the corner eaves of the property.

Plate 7: Between the stones and the soffit it may be possible for bats to gain access.

Plate 8: House Martins were visibly utilising the eaves for nesting.

Plate 9: Missing tiles on the eastern aspect of the pitched roof.

Plate 10: Cracked tiles also provided access for bats to gain access.

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Plate 11: The bay window at the rear also had gaps in the slate tiles.

3.2 Internal Inspection

3.2.1 The underside of the roof of the garages was clear of any signs of bat activity. Additionally thorough search of the floor and the walls of these areas was conducted. None of the usual signs such as scratch marks, droppings or staining were found anywhere in the garage, nor the outer open garage (see Plate 12). It is worth noting however, that there was a wren (*Troglodytes troglodytes*) nest with fledging chicks situated in the open garage at the far north east of the property.

3.2.2 Upon searching the main loft space of the building it was clear that there had been historic and relatively recent bat activity present. The floor of the area had scattered droppings dispersed (see Plate 13), as well as small areas of concentrated droppings (see Plate 14). These droppings were of various ages, some clearly relatively old, whilst some appeared to be relatively recent. There were also droppings located on the walls within the roof void (see Plate 15). Despite this clear evidence of activity, the ridge beam and rafters were for the most part covered in old spider webs (indicating bats had not recently rested on the wooden structures), and the were no visible signs of scratch marks to be seen (see Plate 16).

3.2.3 With regards to signs of visible access, there were voids behind the sagging bitumen felt large enough for bats to be utilising (see Plate 17). There were also gaps in the brickwork, as well as crevices between the brickwork and the overlying felt (see Plates 18 and 19).

3.2.4 **To summarise, there were signs of bat activity inside the loft space of the building, in the form of old and recent droppings, dispersed throughout. Additionally after a thorough search, possible entry points included: gaps in the brickwork, between the brickwork and the felt, and from behind the felt itself.**

Plate 12: No signs of bat activity were found anywhere in the garages.

Plate 13: Scattered droppings were dispersed around the entire loft space.

Plate 14: In the centre of the loft space there was an accumulation of bat droppings.

Plate 15: Droppings were found to be present on the brick work within the roof void.

Plate 16: The presence of old spider webs across the wooden framework indicated little use for recent roosting bats.

Plate 17: There were voids behind the bitumen felt that may provide resting places/access to bats.

Plate 18: Gaps in the brickwork were large enough for bats to acquire access to the loft void.

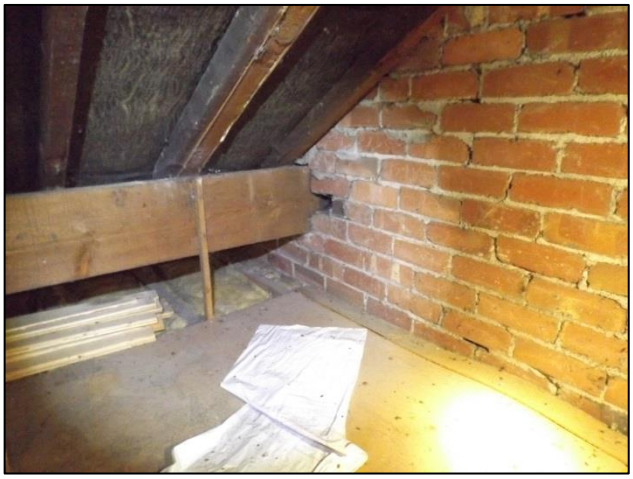


Plate 19: There were spaces between the brickwork and the felt large enough to allow access.

3.3 Bat Emergence Survey

3.3.1 During emergence surveys there were small amounts of bat activity recorded around the site. Both surveys began at 21:30. On the 29th June there were occasional single passes of both common and soprano pipistrelles. The first bat pass occurred at 21:56 (soprano pipistrelle). After this point there were 4 common pipistrelle passes and 2 soprano pipistrelle passes. Most activity occurred at the front of the property (around the trees on the Eastern site border). **Two common pipistrelle bats were seen to emerge from the property.** The first emerged from the second ridge tile on the Northern end of the property out of the Western side (see Plate 20). The second emergence was from the cornice stones at the front of the property on the South East corner at 22:22 (see Plate 21). Both bats flew towards the front of property (East) into the tree line to commute off site. The survey ended at 23:37.

3.3.2 On the 14th July there were similar amounts of activity following the same trends. **Once again, there were two single common pipistrelle emergences from the same locations as the previous survey**. The survey ended at 23:10.

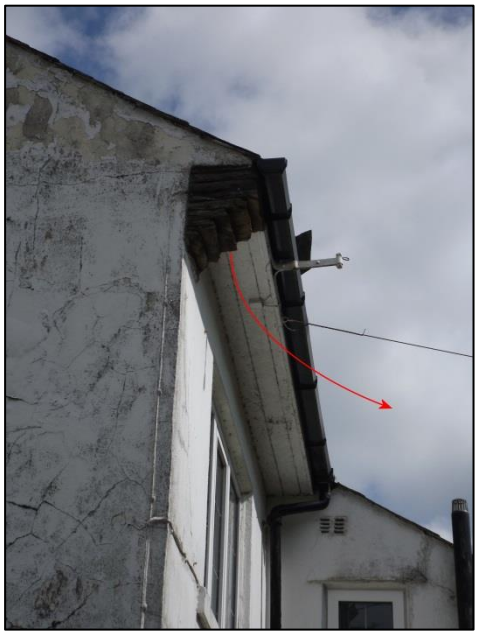


Plate 20: The exit from the cornice stones on the South East corner (emergence flight line represented by the red arrow).

Plate 21: The exit from the 2nd ridge tile near the weather vane on the North end of the roof (emergence flight line represented by the red arrow).

3.4 Bat Entry Survey

3.4.1 Entry surveys provide a good opportunity to see bats flying prior to entry. This enables the surveyor to confirm precisely the access points that bats are utilising around the building. During the dawn survey on 20th July there were similar levels of activity around the site. Five bats were seen or heard in total. Once again, this consisted of common and soprano pipistrelle bats and for the most part they were either commuting or briefly foraging around the trees at the front of the property. **One soprano pipistrelle was seen entering the below the ridge tile** (4:27 am) in the same place as previous surveys. Additionally, **one common pipistrelle was seen entering the cornice stones** at the South Eastern corner of the building (4:34 am). The survey ended at 5:15 am.

3.4.2 Visibility was excellent on all surveys due to clear weather conditions and a lack of any physical obstructions to sight such as overgrown vegetation or trees.

3.4 Site Status and Protected Species Risk Assessment

3.4.1 Due to ideal conditions and comprehensive surveys with 3 experienced surveyors covering all aspects of the building, it is possible to determine that there were 2 roost entry points on the building: one on the South Eastern corner in the eaves within the cornice stones and the other below the ridge tile second to the far Northern end of the building (see Plates 20 and 21). Small numbers (3 individuals recorded) of bats are utilising these roosts. Therefore it is possible to conclude that these roosts are utilised by individual male bats and there is no maternity colony present.

3.4.2 With respect to Natural England and Bat Conservation Trust guidelines, a loss of bat roosts will occur as a result of the development proposals for this site. Taking into account all factors, the ecologist's expert judgement is that this site acts as a roost for a small population of bats, and is of low importance for bat populations in the local area.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.0.1 The evidence confirms that two bat roosts used by common and widespread bats are present in the house at White Lodge, Pendleton. The species detected were common and soprano pipistrelles, and the low numbers of bats encountered suggests that these may well be roosts used by male bats.

4.0.2 In addition to a loss of 2 bat roosts, demolition of the existing building will result in the loss of 2 house martin nest sites.

5.0 MITIGATION

5.1 Bats

5.1.1 The proposed development at the site will result in the loss of 2 existing bat roosts. Therefore mitigation measures will be required to address this impact. *It is recommended that the implementation of the mitigation strategy detailed below should enable the planning application to be determined without having a detrimental impact upon bats.*

5.1.2 The mitigation strategy for this site has been designed to meet the test of there being no adverse effect on the favourable conservation status of the bat population affected by the proposed work. National Planning Policy and legislation requires that mitigation addresses the impacts picked up by the site assessment, as follows:-

- Quantitative characteristics: There should be no net loss of roost sites, and in fact where significant impacts are predicted there will be an expectation that compensation will provide an enhanced resource compared with that to be lost. The reasoning behind this concept is that the acceptability of newly created roosts by bats is not predictable.
- Qualitative characteristics: the plans should aim to replace like with like. As an extreme example, it would be unacceptable to replace maternity roosts with hibernation sites.
- Functional characteristics: compensation should aim to ensure that the affected bat population can function as before. This may require attention to the environment around the roost.

5.1.3 As it is an offence to destroy or disturb a bat roost it is advised that this work must take place under the terms of a derogation licence issued by Natural England and the mitigation measures to provide alternative roosting sites to replace those destroyed and MUST be implemented to ensure legal compliance.

5.1.4 The mitigation measures recommended to the client are as follows:

5.2 In-situ retention of roosts

5.2.1 All roosts within the building will be lost during demolition as the land is due to be re-developed for a new build residential property. No roost will be retained *in-situ*.

5.3 Modification of existing roosts

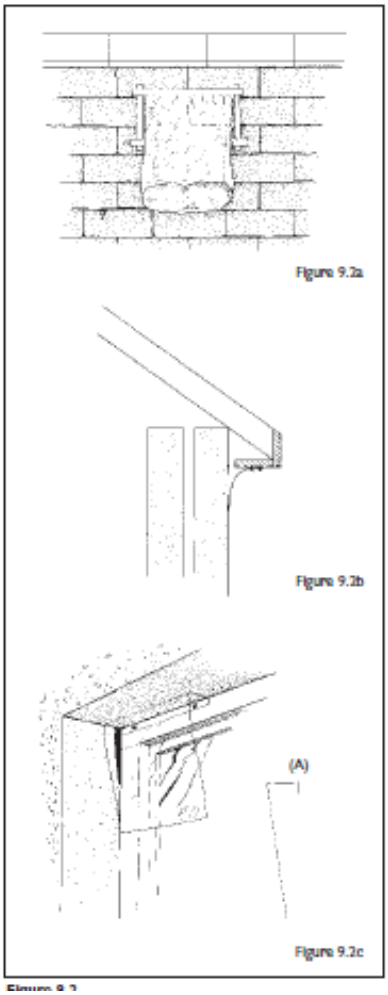
5.3.1 The roosts within the building will be lost during development. Therefore no roost will be modified or subsequently retained *in-situ*.

5.4 Direct Capture/Movement of bats

5.4.1 No capture or direct disturbance of bats will occur at this site. Instead the careful planning and timing of the works will ensure that direct impacts upon bats will be avoided.

5.5 Indirect Impact Mitigation – Exclusion and Demolition

- A tool-box talk will be delivered to the contractors by the ecologist for this project, so any queries can be fully answered prior to the commencement of work on areas where bats are and could be roosting.
- No capture of bats is likely to be necessary at this site. Good information on the presence of roosting bats and activity patterns was gathered during the night time surveys. We consider it possible to exclude bats entirely from the working area due to the clear locations where the bat roosts were observed and the simple nature of the roost entrances.
- The building was deemed to not have hibernaculum potential. As a result, work can occur during the winter period without there being a risk to disturb hibernating/torpid bats. However, in the unlikely event of a torpid bat being discovered, it will be taken into care temporarily and fed until such time as environmental conditions permit is release at dusk at the site where the new roost will be available.
- Before works commence, 2 bat boxes will be fixed to the mature trees located immediately North and/or East of the building (see Plate 22). The bat boxes will face East and South and be more than 4m above ground. These boxes will remain on site permanently.
- The licensed ecology personnel will undertake a programme of excluding bats from the building. No more than 2 individual bats were seen emerging/entering the roost on a given night.
- Exclusion will consist of using a small and light weight one-way plastic bag type exclusion device, pinned over the roost entrance as detailed in the Bat Workers Manual Page 89 (see right).
- The exclusion apparatus will be left in situ for a minimum of 7 nights of suitable weather conditions (night temperatures above 6 degrees Celsius). Following this period a repeat emergence survey and endoscopic examination will confirm the absence of bats.
- Since bats will have been effectively excluded, it is anticipated that by this stage any bats present will have been able to move to the newly installed bat boxes or to roosts off-site. Therefore, with this effective strategy in place, coupled with the very low chance of bats hibernating on site, **demolition can effectively take place at any time of the year without having a detrimental impact on local bat populations.**



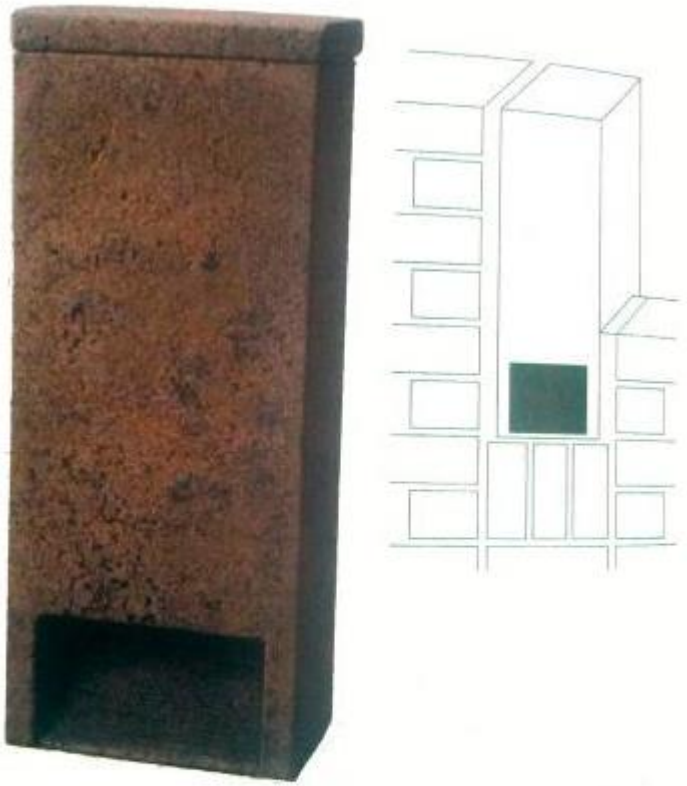
- Once the bats have been excluded, the demolition will commence immediately in the presence of a licensed bat surveyor. The licensed bat handler or suitably experienced person (Accredited Agent) will remain on site as the roof is stripped and for the duration of the period that the roosting area is exposed. In the unlikely event that bats are found during work, which must then continue in order to weather proof the building, then bats will be removed by hand by the licensed bat handler or suitably experience person (Accredited Agent) and kept in a suitably secure dark box until they can be relocated by hand into the newly installed roosts.
- If bats are found elsewhere during the course of the remaining works, all work will stop and the ecological consultant for this project Jason Reynolds Tel: 07754 538437 will be informed prior to work re-commencing. Bats may be removed from high risk areas by hand, kept in a secure cardboard box with coverings in a quiet area of the site then released at night at the site on warm
- The site is in relatively proximity to a well-known bat carer, Gail Armstrong, 1 Bottoms Lane, Silverdale, Carnforth, Lancashire. Gail has several bats in her care at any one time and regularly deals with sick and injured bats. Any bats found which are sick and or injured and it is judged that they need external care will be assessed on site and if necessary taken to Gail Armstrong for treatment. The risk of sick or injured bats being found at the site is however considered to be negligible.

Plate 22: Alternative roosting sites will be provided for the bats prior to any works going ahead. Red lines indicate the location of mature trees, within which there should be 2 bat boxes placed.

5.6 Indirect Impact Mitigation: New Roost Provision.

5.6.1 Since it will not be possible to retain the roost within the site a key element of compensation at the site will be the provision of new bat roosting opportunities at the site.

- **In the long-term, purpose-built new roosting provision for bats will have to be created to offset the predicted losses.** Permanent new roost opportunities will be built on the site. These will be 2 x Schwegler 1FR bat tubes built into the new property to be built on site (see Plate 23). The 1FR tubes reproduce the key feature of the roost which will be lost by providing a summer-time crevice dwelling bat roost.



Bat Tube 1FR

Roosting space with wooden roosting panel at rear

475 mm (h) x 200 mm (w) x 125 mm (d)

Plate 23: Two bat tubes will provide new roosting at the site.

- For the short-term the demolition will result in a period when no roosting could be maintained at the site prior to the new build being complete. To ensure continuity of roosting provision, 2 wooden traditional bat boxes are required (see Plate 24). These will be fitted at 5m above ground in the mature trees around the North and Eastern borders of the site. This location is good as it is within 20m of the existing roost (see Plate 22).

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Plate 24: The tree mounted bat roost to be installed prior to any redevelopment works.

- **The new tree mounted roosts will be completed and ready for use by bats prior to and re-development works commencing.** This will ensure that alternative roosting is available at the site prior to roost destruction.
- **As the new houses are built, the 2 x Schwegler 1FR roost boxes will be constructed directly building: one on the south and one on the east elevation (see Plate 25).** This will ensure that the roosts have good thermal properties and they must be on the south and east facing aspects. The 1FR tubes will also be installed beneath the eaves. This arrangement will provide a roosting space suitable for crevice dwelling bats. The new gable wall will be rough/textured, so that bats can alight before entering the roost. The roost will also be well away from any potential disturbance.

Plate 25: Locations of the new Schwegler 1FR bat boxes (red) to be built into the structure of the new building.

5.6.2 **In order to cover any residual risk that bats could be present, the following precautionary actions are advised:**

- The contractors should be observant during the work for bats. Bats are opportunistic and may make use of gaps opened up during the work.
- In the event that any bats are found during the remainder of the works, the client (and any sub-contractor) is reminded of their protected legal status. All works must cease immediately until advice on how to proceed has been sought from the Appointed Ecologist.
- If it is absolutely necessary to remove a bat to avoid it being harmed, gloves should be worn. It should be carefully caught in a cardboard box and kept in the dark in a quiet place until it can be released at dusk near to where it was found, or moved to an undisturbed part of the building, with outside access, and placed in a location safe from predators. THIS MUST ONLY BE DONE FOR WELFARE CIRCUMSTANCES. The legal protection afforded to bats does not make this an admissible way to destroy a bat roost. The Appointed Ecologist will advise on steps necessary to ensure legal compliance and working under license if a bat roost is found.

5.7 Post Development Site Safeguard

5.7.1 The purposed wall roosts shall not be altered or destroyed without the appropriate statutory mechanisms being followed.

5.7.2 The site will remain in the management control of the current owners who will be responsible for site management.

5.8 Population monitoring

5.8.1 Due to the small number of bats and the limited impact predicted, in line with Natural England Guidelines, no monitoring is planned.

5.9 Mechanism for ensuring delivery

5.9.1 On the basis of survey information, specialist knowledge of the species concerned and understanding of the planning and legal system, we consider that there is no requirement for the use of a mechanism to ensure delivery of the recommendations of this report other than that which is already required by statute under a Natural England licence.

5.10 Breeding Birds

5.10.1 It is recommended that any building demolition or associated tree felling takes place outside of the bird-nesting season (which is generally accepted as being between March and August inclusively) to ensure that no disturbance to nesting birds is likely. If this is not possible, a suitably qualified ecologist must be present to ensure that the nests present are no longer in use. **Reason**: As with the bats, this will ensure that no offences are committed under The Wildlife and Countryside Act 1981 (as amended). The bird-nesting season is generally regarded to extend between March and August inclusive.

5.10.2 To mitigate for loss of house martin nesting sites it is recommended that at least 4 house martin nesting bowls should be incorporated under the eaves around new building. These should be located away from windows and at a height no less than 3m above the ground (see Plates 25). House martin nests/bowls can be obtained from a number of sources including http://www.nhbs.com/title/view/173580. **Reason**: This will enable the continued use of the site by house martins and will result in no overall negative effect upon biodiversity at the site. This will ensure compliance with the Local Authorities duty under The Natural Environment and Rural Communities Act 2006.

Plate 25: At least four house martin bowls should be situated around the building to compensate for the loss of existing nests.

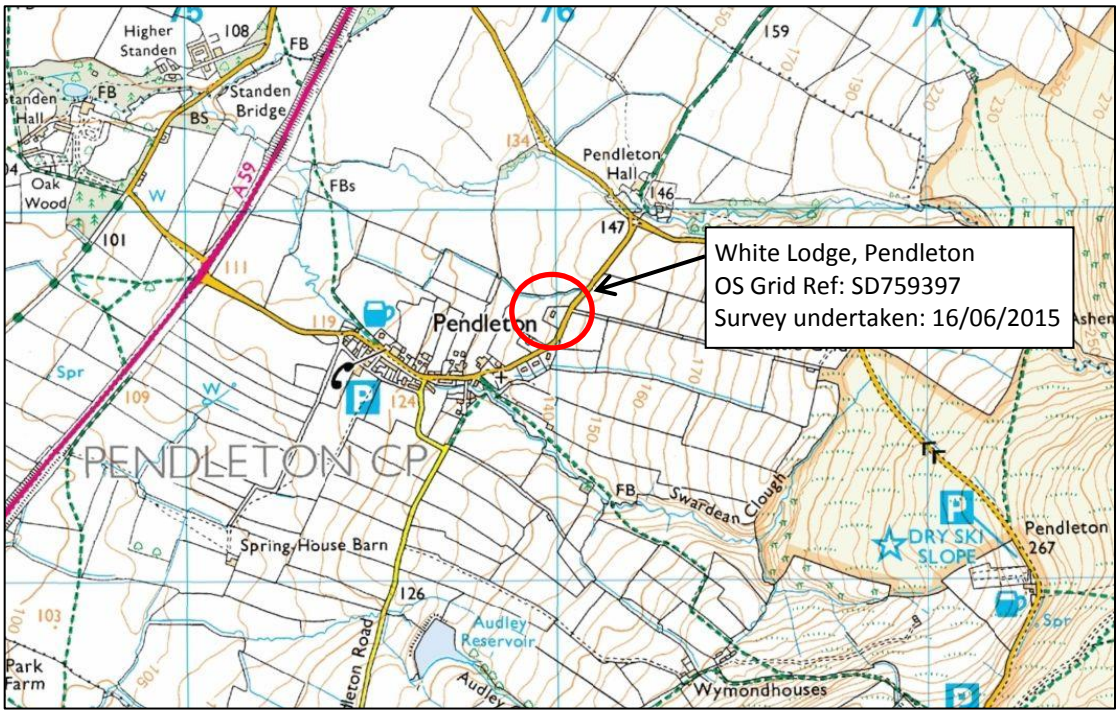
6.0 REFERENCES

BAT CONSERVATION TRUST (2012). *Bat Surveys – Good Practice Guidelines*. Bat Conservation Trust, London.

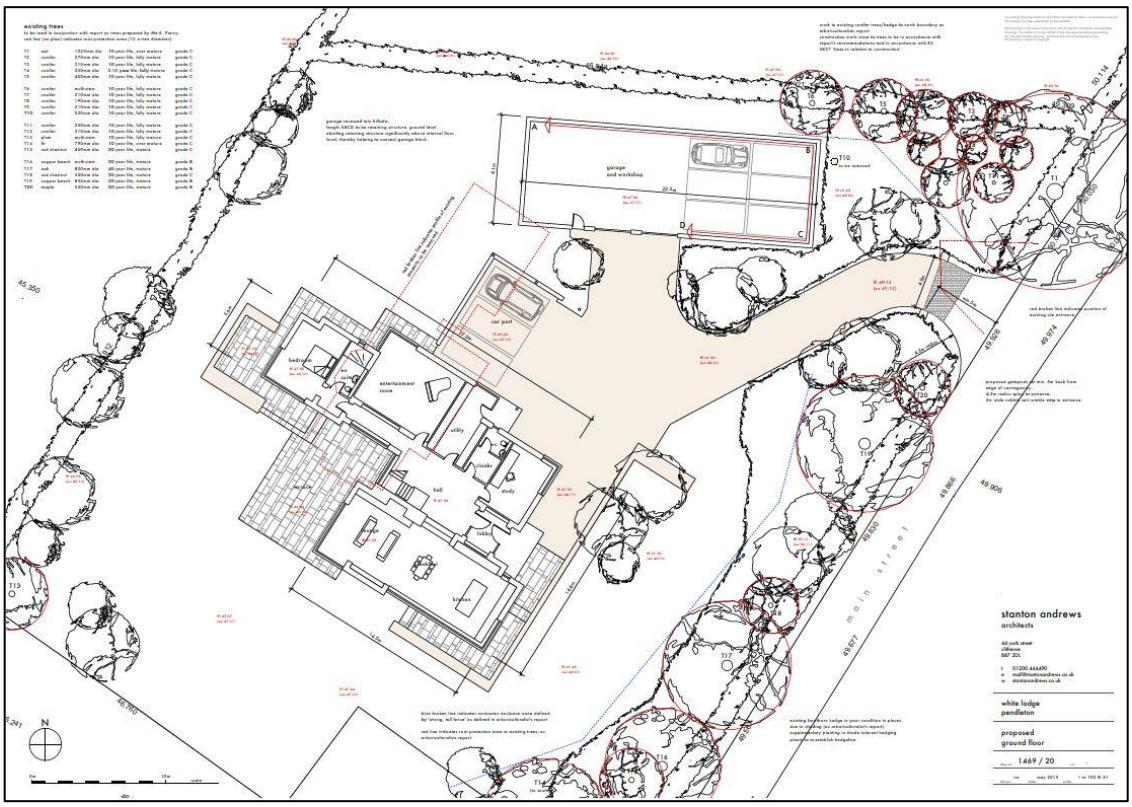
Department for Communities and Local Government (2012) National Planning Policy Framework. HMSO. London.

PLANS

Plan 1: The Site Location.



Plan 2: The Proposed Building Layout.



ANNEX A: STATUTORY AND PLANNING CONTEXT

A.1 Bats

A.1.1 Bats and all places they use for shelter are afforded full protection by *The Wildlife and Countryside Act 1981* (as amended) (Section 9, Schedule 5). In addition to the above protection, bats are also protected under European legislation, which is implemented in England via The Conservation of Habitats and Species Regulations 2010.

A.1.2 If both national and international legislation are taken together, the legislative protection afforded to the species makes it an offence to:

- Intentionally/deliberately kill, disturb, injure or capture a bat.
- Intentionally or recklessly damage, destroy or obstruct access to any breeding site or resting place of a bat.
- Possess or control any live or dead specimen or anything derived from a bat.

A.1.3 If an activity is likely to result in any of the above offences, derogation from the legal protection can be issued in the form of a European Protected Species licence issued by Natural England. Licences for development purposes are issued under the Conservation of Habitats and Species Regulations 2010 and only allow what is permitted within the terms and conditions of the licence.

A.1.4 In addition to licensing, for activities requiring planning permission, the presence of bats is a material consideration, which must be fully considered when granting planning permission.

A.1.5 Where a development is proposed that may affect a protected species, alternative sites should be considered before granting planning permission. The planning authority may require mitigation or compensatory proposals in order for an activity to be granted planning permission.

A.2 Birds

A.2.1 The Wildlife & Countryside Act 1981 (as amended) protects all nesting wild birds in Britain. It is an offence to intentionally:

- Kill, injure, capture or take a wild bird;
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- Take or destroy an egg of any wild bird.

A.2.2 There are specific penalties for committing the above offences to Schedule 1 birds. These are rarer or more vulnerable species which includes the barn owl. It is an offence to intentionally:

- Disturb a barn owl while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturb dependent young of such a bird.

A.3 Planning

A.3.1 When considering each planning application, the presence of protected species, such as those listed above, is a material consideration which must be fully considered by the Local Authority when granting planning permission. If a license

from Natural England is required, then prior to issuing any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Therefore, in reaching the planning decision the local planning authority will need to have regard to the requirements of the Conservation of Habitats and Species Regulations 2010. The three licensing tests given in the Regulations must be considered. In summary, these are that:

1. The development is required for the purpose of:
    - preserving public health or public safety,
    - other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
    - preventing serious damage to property.
2. There is no satisfactory alternative.
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.

A.3.2 All necessary information would need to be provided to the planning authority as part of the planning application in order to address the above tests.

A.3.3 The Natural Environment and Rural Communities Act (NERC Act) 2006 extended the biodiversity duty set out in the Countryside and Rights of Way (CRoW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. The Duty is set out in Section 40 of the Act, and states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"

A.2.4 The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies. Also, Local Authorities must follow the National Planning Policy Framework (NPPF) which provides guidance on the interpretation of the law in relation to wildlife issues and development.

A.2.5 For each development proposal considered by the Local Planning Authority the NPPF states that the authority must aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.