Manor House, Howgill Lane, Rimington, Clitheroe, BB7 4EF

Bats: Building Inspection and Activity 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 JWPC Ltd in March 2017 to undertake bat surveys of Manor House, Howgill Lane, Rimington, Clitheroe, BB7 4EF (O/S Grid SD825460) hereafter referred to as the site (see Plan 1).

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 27th March 2017 and subsequent activity surveys throughout the summer of 2017. 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 located in the hamlet of Howgill in rural Lanacashire 6 miles to the northwest of Clitheroe. The target building comprises a two storey structure attached to an inhabited dwelling (see Plate 1). The landscape surrounding the property is dominated by open farmland.

1.3.2 The surveys described in this report were commissioned to inform a future planning application by JWPC Ltd on behalf of Gillian Taylor. The proposed work consists of conversion of a barn into residential dwelling space. 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.

Plan 1: The site location.

Plate 1: General views of the south facing aspect and eastern gables of the barn at Manor Cottage.

2.0 SURVEY METHODOLOGY

2.1 External Building Survey

2.1.1 An inspection of the building 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 2004) and 'Bat Surveys – Good Practice Guidelines' (BCT 2016). 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 Night Time Activity Surveys

2.2.1 One emergence (dusk) and one re-entry (dawn) survey were undertaken by two surveyors in accordance with the standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (Bat Conservation Trust 2016). In accordance with best practice, the surveys comprised the following elements:

- Emergence Survey: One night-time visit was undertaken to determine if bats were emerging from the building and to assess levels of bat activity.
- Entry Survey: An additional dawn survey was carried out in order to observe any bats returning to roosts within the building.
- During all surveys the surveyors were positioned to provide the best coverage of the building to observe any potential roost location. The surveyors would be expected to hear and also see any bats emerging from the building. Activity was detected using Wildlife Acoustics EM Touch full spectrum bat detectors.

2.3 Personnel

2.3.1. All surveys were carried out by Kevin Heywood and Samantha Gray

2.3.2 Kevin Heywood BSc (Hons) is an Ecologist with Simply Ecology. He graduated from Lancaster University with a 1st Class degree and is 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.

2.3.3 Samantha Gray BA (Hons) is a Business Ecologist working for Simply Ecology Limited. Since graduating with a Geography degree from Lancaster University in 2015, Samantha has gained 2 years' of experience in ecology. During this period she has completed an internship with Simply Ecology, where she developed her

skills in botany, bat surveys and data analysis and also subsequently worked at RSPB Leighton Moss, carrying out habitat management and species monitoring work. In 2016 Samantha became a full-time employee with Simply Ecology as an Ecologist and Office Manager.

2.3.4 Report verification was undertaken by Jason Reynolds MSc MCIEEM. 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 bats, white-clawed crayfish and great crested newt.

2.4 Timing and Constraints

2.4.1 The building survey was undertaken on 27th March 2017. 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 and interior of the building was generally unrestricted. There was no access to the valley between the two pitched rooves or to the boxed-in section of loft space above the previously converted office space. **Overall it was considered that there were some constraints to conduct a comprehensive building inspection survey but these were negligible and could be mitigated for with night time activity surveys.**

2.4.3 The night-time activity surveys of the property were carried out on the 18th May and the 12th July 2017. The survey timing was during the optimal summer time survey period and it was considered that weather conditions were ideal to survey for bats (see Table 1).

Survey Date	*Temperature at start of survey*	*Sunset/ Sunrise*	*Weather*
18th May 2017	10 ºC	21.15	Light breeze (3 mph E), 80% thin cloud, dry conditions.
12th July 2017	10 ºC	04:51	Light breeze (6 mph NE), 10% thin cloud and dry

Table 1: Weather conditions during the night time bat activity surveys.

3.0 SURVEY RESULTS

3.1 External Inspection

3.1.1 The building was a semi-detached stone barn with stone tiles, wooden doors and a mix of wooden and metal window and door frames. The attached house was inhabited although the barn was currently uninhabited and being used as storage space. The survey began by checking the exterior of the building, which was in a reasonable state of repair.

3.1.2 A systematic search of the roof was carried out with the aid of binoculars. The roof was of overlapping stone tiles; no slipped or missing tiles were visible, although there were numerous gaps under lifted tiles (see Plate 2).

Plate 2. *The stone tiled roof was intact but with numerous gaps under tiles.*

3.1.3 Missing mortar on the gable end verges (see Plate 3), gaps along the wall tops (see Plate 4) and absent pointing across the barn (see Plate 5) all provided numerous potential roost access for bats. Holes from historical architectural features were also present (see Plate 6) offering further potential roost access points.

Plate 3. *The roof verges presented numerous possibilities for bats to gain access to potential roosting locations*

Plate 4. *The wall tops were exposed and offered roost potential and access to the internal spaces.*

Plate 5. *Other potential roost features included missing pointing.*

Plate 6. *A number of architectural features offered further roost potential.*

3.1.4 The window frames were well sealed (see Plate 7). The door frames were less well sealed, particularly the double wooden doors on south face of the barn (see Plate 8) that offered access to potential internal roosts. Easy access to the internal spaces of the northern barn was also offered via an open archway (see Plate 9).

Plate 7. *The window frames were well sealed and held no roost potential.*

Plate 8. *There were suitable gaps around the double door on the southern barn that provided potential access to the interior of the building.*

Plate 9. *Permanent access to the internal spaces of the northern barn was available via the open archway on the east gable.*

3.1.5 External walls and the ground and flat surfaces around the barn were thoroughly and systematically searched for droppings and other signs of bats (e.g. prey remains, staining etc). The stone walls provided an ideal substrate for droppings to adhere to and evidence of bats entering or exiting the roost would have been readily detectable.

3.1.6 Overall, it was concluded that the barn had a number of features that had bat roost potential. To this end, and to ensure a thorough search was undertaken, the interior of the buildings were also inspected.

3.2 Internal Inspection

3.2.1 The southern barn was divided in two levels; the ground floor was currently in use as storage space and the first floor was empty (see Plate 10). The first floor was accessible via a permanent opening (see Plate 11). The northern barn, an earlier extension, was similarly divided across two levels; the ground level was currently in use as storage space whilst the upper level was in use as an office (see Plate 12).

a.  b. 

Plate 10. *Southern barn internal spaces* a. *Ground floor* b. *First floor.*

Plate 11. *The ground floor and first floor spaces of the southern barn were continuous spaces.*

3.2.2 The open arched entrance to northern barn, combined with a window between the two ground floors (see Plate 12) and the opening to the first floor, provided an easy access route between all the internal spaces.

3.2.3 The walls were variously plastered or pointed stone, block and brick work and plaster board (see Plates 10 and 12), open to membrane lined ceiling on the upper level (see Plate 14).

3.2.4 All flat surfaces within both levels (including crossbeams, wall tops, purlins and rafters and underneath key features like the ridge beams etc) were checked for signs of bats. Several bat droppings, as well as possible prey remains, were identified on the ground floor of the northern barn.

Plate 12. *Northern barn internal spaces* a. *Ground floor* b. *First floor.*

Plate 13. *A window between two ground floor spaces provided a permanent access route.*

Plate 14. *The roof of the southern barn was lined with a membrane which had a number of holes which provided access to potential roosts.*

3.2.5 The internal walls, which would readily collect evidence of activity, were thoroughly and systematically searched, and two bat droppings were identified on the west wall of the ground floor but no further signs of bat activity could be found.

3.2.6 The window frames, across the two floors were examined and found to be intact with no potential roost features. Split lintels above the were examined and no signs of bat activity could be found.

3.2.7 A number of bird nests were identified within the building in a wall recess and on purlins and other roof structures. This included swallow (*Hirundo rustica*) nests and an active pigeon (*Columba livia*) or collared dove (*Streptopelia decaocto*) nest.

3.2.8 **In summary, some evidence of bat activity was found inside the buildings. In addition, the external inspection identified a number of potential roost features. Therefore, it was determined that two bat activity surveys were required to establish current bat usage.**

3.3 Bat Activity Surveys

3.3.1 An emergence survey was carried out between 21:15 – 22:44, 18th May 2017. No bats were definitively seen exiting from the barn, although a single common pipistrelle (*Pipistrellus pipistrellus*) emerged from the archway on the northern barn at 21.36. Bat activity was recorded around the barn from 21.25, with multiple recordings of common and soprano pipistrelles (*Pipistrellus pygmaeus*) foraging around, and commuting past, the barn either as singletons and occasionally as pairs. From 22.15 individual common (and occasional soprano) pipistrelles were identified flying close to the eaves of the barn but not entering. During the survey, single passes of Brandt's (*Myotis brandtii*) and Dubenton's (*Myotis daubentonii*) bats were also recorded. **In summary, activity levels were moderately low during this survey. One bat was seen to have emerged from out of the barn and individual bats were seen flying very close to the eaves of the barn.**

3.3.2 On the 12th May, a dawn bat survey took place, commencing at 03:00 and finishing at sunrise at 04:51. Activity levels were limited during this survey, and lower than during the dusk survey. From 4 o'clock, whiskered bats (*Myotis mystacinus*) were identified but were seen entering a roost in a neighbouring house. Soprano pipistrelle were also identified, but they too were roosting in a neighbouring house. **In summary, there was limited bat activity during the dawn bat survey but no bats were seen re-entering the target building.**

3.4 Site Status and Protected Species Risk Assessment

3.4.1 During the building inspection survey several bat droppings were found inside the barn. In addition, clear access points to potential roost features were present that led the surveyor to conclude the building had roosting potential. Subsequent night-time activity surveys showed that levels of bat activity were low but a roost for a single common pipistrelle was confirmed in the barn.

3.4.2 **In the context of these results, it was the professional ecologist's judgement that the barn conversion will result in the loss of a small common pipistrelle day roost. This would result in the development having a low impact on this common and widespread species.**

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Bats

4.1.1 In March 2017 Simply Ecology Ltd was commissioned by JWPC Ltd in March 2017 to undertake a bat building and activity assessment of the barn at Manor House, Howgill Lane, Rimington, Clitheroe. This information was to be used to support an application to convert the barn to residential dwelling.

4.1.2. The scoping survey revealed that the barn had numerous possible bat access points, leading into potential roost features: on the tops of walls, in the verges on the gable ends, between/underneath slates and ridge tiles and within the building itself around the roof structure. In addition, bat droppings and prey remains were identified inside the building. Following on from these findings, night time bat surveys were carried out. Relativity little activity was recorded on site; however, on the emergence survey a single common pipistrelle was believed to have exited the archway on the western gable end of the barn.

4.1.3 It is anticipated that the proposed works will result in the loss of the existing roost and potential result in harm to protected bat species. Therefore, a key recommendation prior to works commencing is as follows:

- **It is concluded that a Natural England licence will be necessary in this instance as there will be a small impact upon a known bat roost in the barn. Appropriate working methods and mitigation will be necessary and these are detailed in section 5: Mitigation and Compensation below).** It is ESSENTIAL that the client understands the obligations placed upon them to only carry out these works AFTER planning permission has been granted and WORKING JOINTLY WITH THE APPOINTED ECOLOGIST once the necessary Natural England licence has been granted. **Reason:** This will deliver compliance with: Section 9 (1 & 4) of The Wildlife & Countryside Act 1981 (as amended), Part 3 (41; 1 & 2) of The Conservation of Habitats and Species Regulations 2010 (as amended) and Section 11 (109 & 118) of the National Planning Policy Framework.

4.2 Breeding Birds

4.2.1 One active nest and several disused bird nests were found inside the barn. These indicate that nesting has occurred at some time in the past.

- It is recommended that work on the barn should be undertaken outside the bird nesting season. If this is not possible, the Appointed Ecologist must be present to inspect the nesting sites for active nesting prior to any works commencing. **Reason**: To 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.

5.0 BAT MITIGATION AND COMPENSATION

5.0.1 The bat 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.

5.0.2 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.

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

The development proposals involve the conversion of the barn. This would result in the loss of a small common pipistrelle bat roost. Therefore, mitigation measures will be required to address associated impacts. *Mitigation and compensation strategies are laid out below to enable the planning application to be determined without having a detrimental impact upon bats.*

5.1 *In-situ* retention of roosts

5.1.1 Whilst the building is not being demolished, it is anticipated that the conversion works will result in the loss of the existing roost. It is therefore concluded that no retention of the roost is possible (see section 5.6 Compensation/New roost provision).

5.2 Impacts on existing roosts

5.2.1 Without mitigation, the refurbishment is likely to result in loss of the roost for an individual pipistrelle bat, therefore resulting in infringement. If the roost is not to be retained this would have a detrimental impact on small numbers of a common protected bat species.

5.3 Mitigation - Planned timing of works

5.3.1 Given that it would be unwise to entirely rule out some hibernation roosting potential in the barn, work on the roof should only be undertaken during the summer and should avoid the winter time (November to February inclusive).

5.4 Mitigation – Exclusion

5.4.1 Due to the very low level of bat activity at the site and limited use of the barn as a roost, no exclusion process is considered necessary at this roost. As the barn has multiple potential roost access points, it would, in any case, be impractical/ineffectual to attempt to exclude bats entirely from the working area. Instead a soft-strip will take place.

5.5 Mitigation – Soft Stripping and Conversion Works

5.5.1 Once the alternatrive semi-permanent roosts are in place (see 5.6.1), a soft strip of the roof and works in the eaves MUST take place **in the presence of the licensed bat surveyor**. The licensed bat surveyor (or Accredited Agent) will remain on site as the works takes place and for the duration of the period that the roosting area is exposed. In the unlikely event that bats are found during work, then bats will be removed by hand by the licensed bat surveyor (or Accredited Agent) and kept in a suitably secure box until they can be relocated by hand into the newly installed roosts.

5.5.2 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 the site on a warm night.

5.5.3 Any injured/sick bats that need treatment for will be delivered 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.

5.5.4 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 could be roosting.

5.6 Compensation/New roost provision – a strategy for the short and long term

5.6.1 Given that a small day roost may be lost, it is essential that compensation should be provided to ensure no short or long term negative impacts occur. New semi-permanent and permanent roosts should be introduced to the site to ensure the site continues to have ongoing value for roosting bats. This will comprise the following:

- Prior to any works commencing on site, a new semi-permanent roost should be introduced on site. This will ensure that alternative roosting is available at the site prior to roost disturbance and reduce any low impacts during the period of time that the works are taking place. This should be in the form of 1 bat box (e.g. see Plate 22), to be placed in a mature tree nearby. This should be placed high (ideally 4m above ground if possible) and facing either south or south west.
- The new permanent roost must be in place prior to the new building being occupied.
- Wherever possible, the permanent roost should be returned to a state that closely resembles that prior to the development initiation. Pipistrelles are crevice dwelling bats and as such the new roosting provision should suit their needs. This can come in a variety of forms, such as: crevices underneath lifted slates or ridge tiles; gaps underneath soffits, fascias or barge boards; gaps that allow access to the tops or within walls; purpose installed designed bat boxes (such as Schwegler 2FR bat boxes).
- In this particular case, we suggest incorporating features into the new roof of the converted barn. We recommend that a total of 2 ridge tiles are to be lifted to allow access to internal crevices (as per spec in Plate 23). These measures should provide abundant suitable compensation and enhancement measures for the loss of roosting space as a consequence of the development.

Plate 22: *A tree mounted bat box should be installed prior to any redevelopment works.*

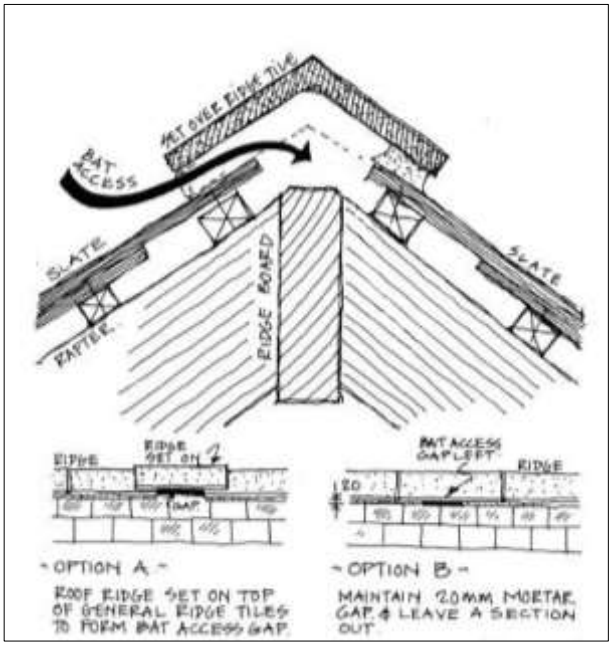

Plate 23: *Gaps will be left to enable bat access under 2x ridge tiles. This can be achieved through one of two options (A or B). Access into the new roost spaces will be provided on one side only. The side of access should vary between each raised ridge tile to give a variety of options for bats.*

5.7 A notice for contractors

5.7.1 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.

5.8 Post development site maintenance and management

5.8.1 Any bat roost locations provided shall not be altered or destroyed without the appropriate statutory mechanisms being followed. Maintenance will not be required as the purpose-built compensation measures stated above are designed for the long term.

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

5.9 Population monitoring

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

5.10 Mechanism for ensuring site safeguard of mitigation/compensation and post-development management and monitoring works

5.10.1 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.

6.0 REFERENCES

BAT CONSERVATION TRUST (2016). *Bat Surveys – Good Practice Guidelines*. Bat Conservation Trust, London.

Department for Communities and Local Government (2012) *National Planning Policy Framework.* HMSO. London. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Natural Environment and Rural Communities Act 2006: http://www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1

The Conservation of Habitats and Species Regulations 2010: http://www.legislation.gov.uk/uksi/2010/490/contents/made

Wildlife and Countryside Act 1981: http://www.legislation.gov.uk/ukpga/1981/69/contents

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.3.4 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.3.5 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.