Beacon Fell View Holiday Park, Longridge, PR3 2TF

Bats: Building Inspection and Activity Surveys

Simply Ecology Limited

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For:

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1	09/12/2024	PW	JR	First Issue
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1.0 INTRODUCTION

1.1 Background Information

1.1.1 In October 2024, Simply Ecology Limited was commissioned by Graham Anthony Associates to undertake an inspection for evidence of bats at Beacon Fell View Holiday Park, 110 Higher Road, Longridge, PR3 2TF (OS grid reference SD616381). See Plan 1 and Plan 2 for Site location, Plan 3 for the existing Site Plan.

1.2 Aims

1.2.1 The aims of this ecological assessment were to:

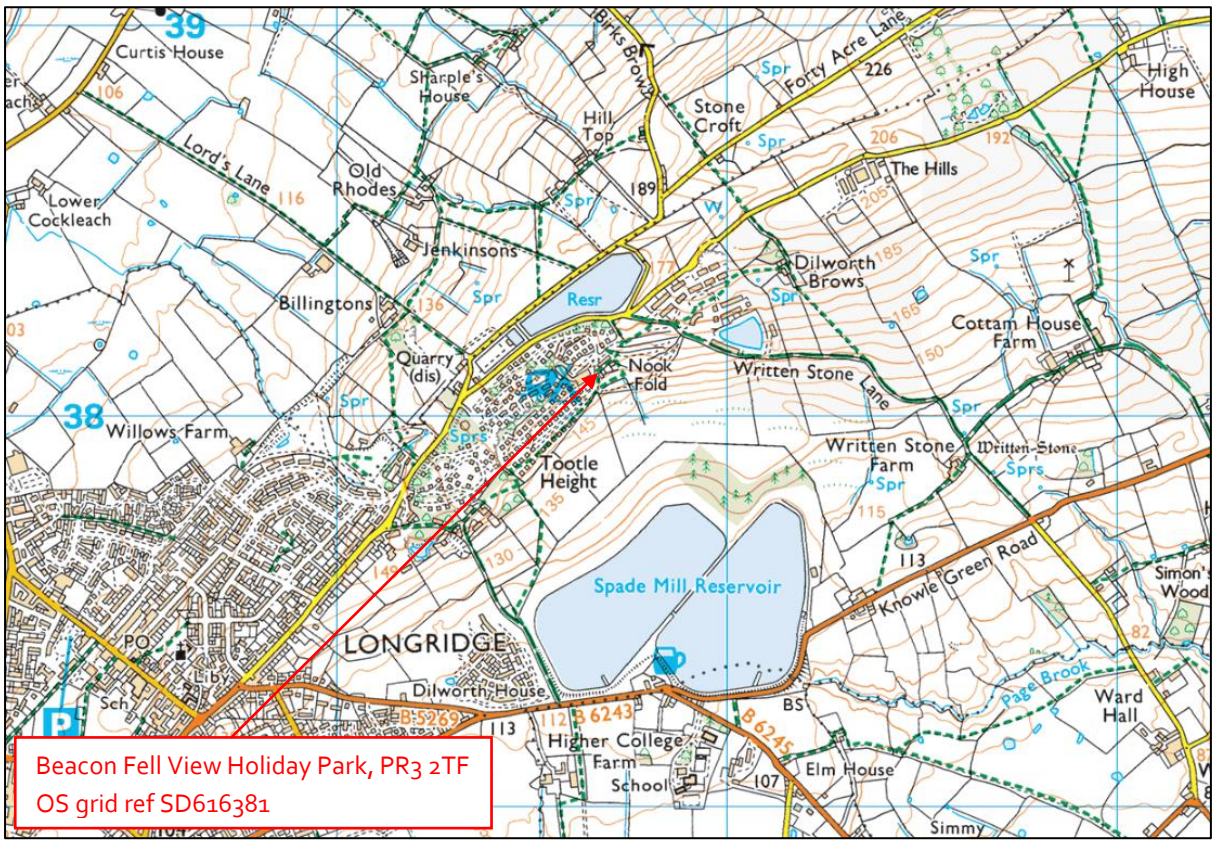
- Identifying potential structures of the buildings that could be used by bats.
- Identifying if there was any evidence of bats around the buildings.
- Providing an assessment of the likely importance of the site for bats and their conservation.
- To confirm the presence or absence of protected species, with a particular emphasis upon bats, within the proposed development site.
- To enable the client to comply with legislation afforded to protected sites and species.

1.2.2 To achieve this, an inspection for bats in the building and any protected species on the site was undertaken on 8th November 2024. This submission presents the results of the surveys at the site.

1.3 Site Description and Proposed Works

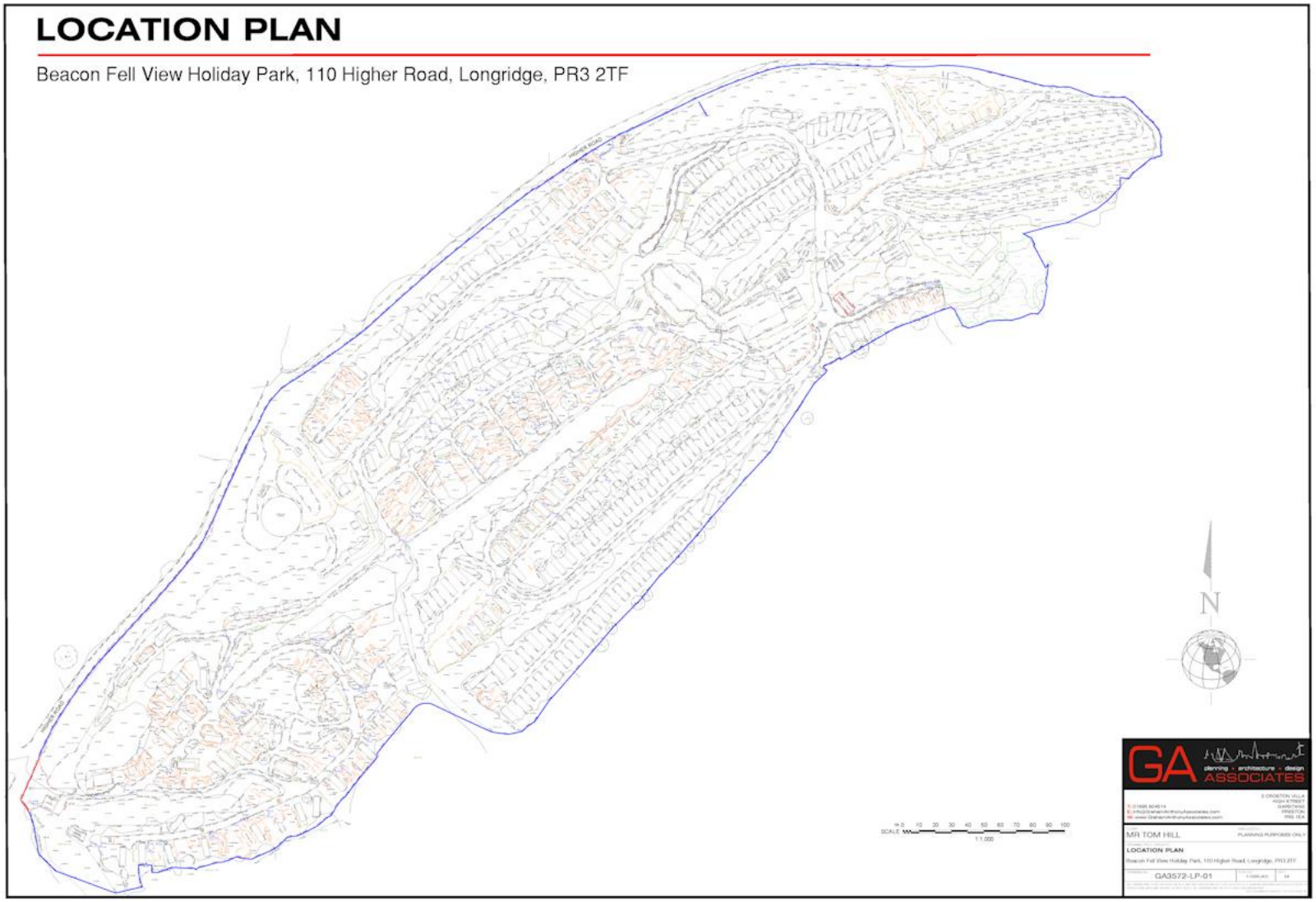
1.3.1 The Site is located on the eastern limits of Longridge, ~7km from Preston. The survey site was a detached stone-built workshop partially timber clad with a pitched roof of profiled sheets (see Plate 1). The surrounding area is urban, developed land to the west and agricultural land to the east, with pasture and arable fields lined by low hedges that offer linear commuting and foraging habitats. There were limited foraging opportunities with small and isolated parcels of woodland beyond the holiday park and Dilworth Upper reservoir lies to the north with the Spade Hill reservoirs to the south.

1.3.2 The surveys described in this report were commissioned to inform a planning application to convert the existing workshop to a holiday let (see Plan 4).

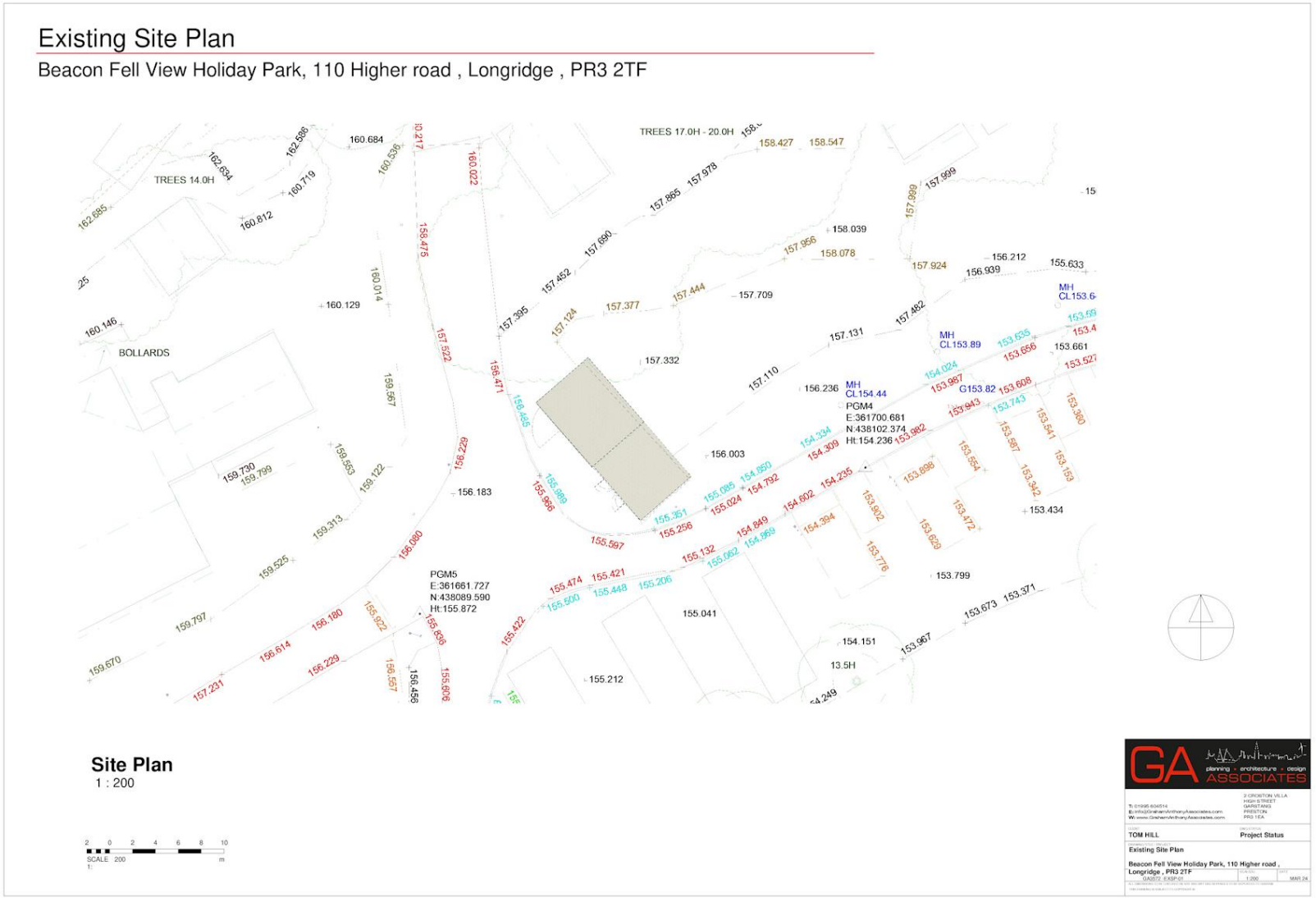


Plan 1: Site Location.

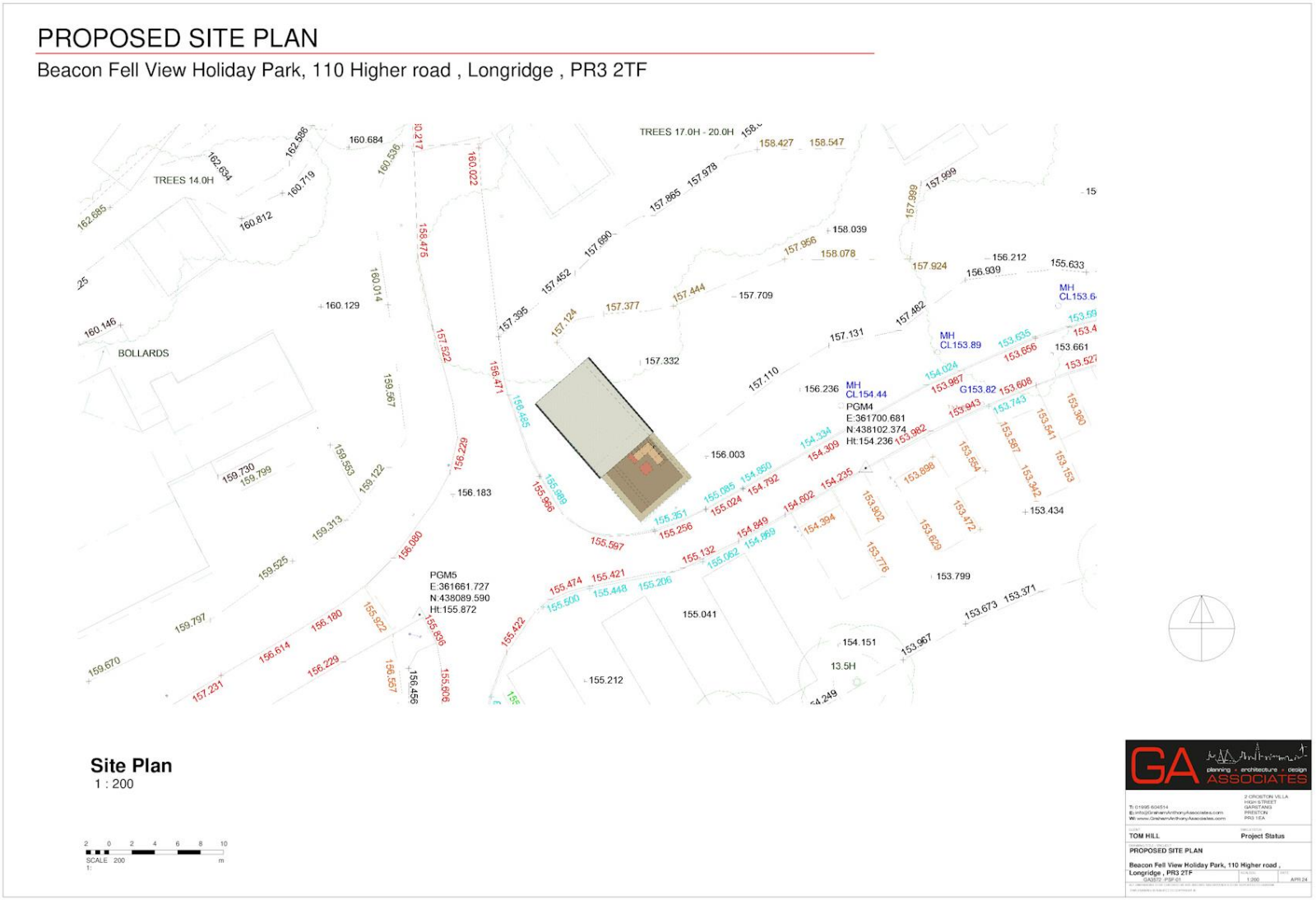
Plate 1: General view of the existing workshop.



Plan 2: Site Location Plan.



Plan 3: Existing Site Plan.



Plan 4: Proposed Site Plan.

2.0 SURVEY METHODOLOGY

2.1 Bat Building Inspection

2.1.1 An inspection of the 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 2004) and 'Bat Surveys – Good Practice Guidelines' (BCT 2023). 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. Lighting was provided by a Shadowhawk 20,000 lumen LED torch and Black Diamond Men 325 lumen headlamp. Any cracks or inaccessible areas were inspected using a ProVision PV-636 endoscope and/or a DJI Mini 3 camera drone.
- An internal inspection of voids was also undertaken 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 20,000 lumen LED torch and a 325 lumen headlamp.

2.1.2 The following signs were searched for, as these would indicate bat presence:

- Staining around a hole, caused by natural oils in the bats' fur.
- Stains beneath a hole, caused by bat urine.
- Scratch marks around a hole, caused by bat claws.
- Bat droppings beneath a hole.
- Audible squeaking from within a hole, especially on hot days or at dusk.
- Insects (especially flies) around a hole.

2.1.3 An assessment of the surrounding habitat quality for bats was carried out by walking the area on foot and later from reference to OS maps aerial images (Bing Maps). These searches were used to identify important land use and habitat features known to be favoured by bats.

2.1.1 Where there was evidence bat presence found (e.g., droppings found below a cavity, bats heard inside a feature or observed flying to or from a feature) or actual bat presence, the feature was categorised as a **confirmed** roost.

2.1.2 Unless a bat roost was confirmed, once surveyed each structure was categorised into one of four categories, namely high, moderate, low or negligible suitability according to its **potential** to support roosting bats. These categories are determined in line with Bat Conservation Trust guidelines for assessing habitat and feature suitability (see Table 1)

2.1.3 Subsequent advice/action would depend on the findings of the building surveys. If potential was found, then subsequent bat activity surveys would be required in accordance with standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (Bat Conservation Trust 2023).

Bat Activity Survey

2.1.4 One night time 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 2023). In accordance with best practice, the survey 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 activity. Activity during the time around and post sunset was observed visually and using Wildlife Acoustics EM Touch with iPads for recording. This equipment not only records the bats but also uses automatic ID software to identify those bats detected.
- During the surveys, the observers stood at appropriate locations, which were judged to provide the best coverage of the building. From this location, the observers would be expected to hear and also see any bats emerging from the building where roosts were anticipated or likely.
- Surveys were carried out using night vision aids (NVAs) to support the visual observations and to record emerging bats. These were Canon XA10HD camcorder in infrared mode, Nightfox Red HD Infrared (IR) night vision goggles and a Sony handycam with zero lux nightshot) in combination with IR illumination to enhance observations.

Table 1: Categorisation of habitat suitability, derived from BCT Good Practice Guidelines (BCT 2023).

Potential Suitability	Description	
	Roosting habitats in structures	**Commuting and foraging habitats**
None	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels)	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines, or generate/shelter insect populations available to foraging bats
Negligible	No obvious habitat features on site likely to be used by roosting bats although an element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used by commuting or foraging bats although an element of uncertainty remains for bats with non-standard behaviour.
Low	A structure or a tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only limited potential (aligns with BS8596: 2015 Surveying for bats in trees and woodland (BSI, 2015).	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated i.e. not very well connected to the surrounding habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection conditions (e.g. temperature, humidity, height above ground level, light levels, levels of disturbance) and surrounding habitat but unlikely to support a roost of high conservation status – the assessments in this table are made irrespective of species conservation status, which is established once presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by a larger number of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat	Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree- lined watercourse and grazed parkland

2.2 Personnel

2.2.1 All surveys were undertaken by Philip Wright MSc CIEEM. Philip is an Ecologist with Simply Ecology Limited; he obtained his first degree in Biology from the University of Bath and an MSc in Ecology and Conservation from Lancaster University. He is a member of the North Lancashire Bat Group and is in his seventh season of surveying. His wider experience includes conducting botanical surveying and habitat management work with the RSPB and with the Wildlife Trust for Lancashire, Manchester and North Merseyside.

2.2.2 The activity survey was by Philip Wright and Kevin Heywood with field assistance from Dr Richard Bryan.

2.2.3 Kevin Heywood BSc (Hons) ACIEEM graduated with a first-class honours degree in Ecology from Lancaster University in 2015. He has worked as an ecologist since that time in a variety of consultant roles, including as an Ecologist at Simply Ecology and latterly as a freelance contractor. During this time, he has developed numerous field skills and carried out a wide range of botanical and protected species surveys. His expertise predominantly lies with habitat mapping and undertaking protected species surveys including: bats, great crested newts, badgers, otters and reptiles. Kevin holds a protected species licence for all British bats.

2.2.4 Report verification was undertaken by: Jason Reynolds MSc MCIEEM. Jason started Simply Ecology Limited in 2007. Jason is an experienced ecologist who has been continuously employed in the field of nature conservation since 1995 (30 years' experience) and has a wealth of experience in both the statutory nature conservation agencies and private consultancy. During his career has worked in Conservation Officer roles for the Joint Nature Conservation Committee, English Nature, Environment Agency, Cumbria Wildlife Trust and Durham Wildlife Trust prior to setting up Simply Ecology ecological consultancy in 2007, where he is the Lead Ecologist. He has an MSc from The University of Aberdeen and his thesis investigated the relationship between habitat type and complexity and the foraging behaviour of Pipistrelle bats. Jason holds protected species survey licences for all British bats, white-clawed crayfish and great crested newts.

2.3 Timing and Constraints

2.3.1 The building survey was undertaken on 8th November 2024. 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 a building's potential to support bats can therefore be made according to evidence found, building condition, location and the experience of the surveyor.

2.3.2 The night-time activity survey was carried on 5th May 2025. The survey was undertaken during the recommended survey period for bats and the weather conditions were considered excellent to

observe and record any activity of these species at the site (see Table 2). There were no significant obstructions to vision anywhere around the barn and it was possible to get excellent sight-lines of all aspects of the building.

Table 2: Weather conditions during the bat surveys.

Survey date	Temp at the start/end of survey	Sunset	Start and finish times	Weather
05/05/25	9°/8° C	20:49	20:35 - 21:10	0% cloud cover, still and dry.

3.0 PROTECTED SPECIES SURVEY RESULTS

3.1 Bats: Building Inspection Results

3.1.1 The target building was a detached workshop constructed from dressed stone partially timber clad with pitched roofs of profiled roofing sheets. The footprint of the building was approximately 40m² (see Plate 2).

Plate 2: General view of the workshop from the west.

External Inspection

3.1.2 The pitched roofs of workshop were found to have profiled metal sheets with no gaps or roosting potential (see Plate 3). The capping at the edges of the sheets were found to be open and rather exposed and offered negligible roosting potential (see Plate 4).

3.1.3 In the eaves there were gaps below the edges of the roof pitches that lead to the wall tops and to the internal void (see Plate 9 and Plate 10).

3.1.4 The stone walls and the timber cladding were generally intact although there were many areas of perished and missing mortar. This has resulted in gaps in the stonework (see Plate 12). There were so many that an endoscope search was impossible/meaningless. Overall, it was clear that the walls were a potential roost feature.

3.1.5 Whilst the smaller doors on the west face of the building were well sealed, the windows were unglazed and the large sliding door had large gaps and these offered further access to the internal spaces (see Plate 14). The doors have split lintels that offered roosting potential (see Plate 15).

3.1.6 No evidence of bat activity could be seem on the walls or flat surfaces around the workshop, but the survey was carried out late in the year and the workshop is in an exposed position, so the effects of weather could well product a false negative if this was relied upon alone when determining the overall suitability for bats (see Plate 16).

Plate 3: The pitched roofs of profiled sheets were intact and offered no roosting potential.

Plate 4: The profiled roof pitches had gaps beneath end and edge capping but these offered no roosting opportunities.

Plate 5: The lower pitch was intact with no roosting potential although gaps were noted beneath the sheet ends.

Plate 6: The apron along the lower roof was intact and offered no roosting potential.

Plate 7: The dry verge capping was intact although there were significant gaps below the verges.

Plate 8: The gaps below the verges opened to the wall tops and offered potential access to internal voids.

Plate 9: The gaps in the verges lead to the internal void and offered bats potential access to the wall interior.

Plate 10: Below the roof edges the gap was wide and had no roosting potential but offered potential access inside the building.

Plate 11: There were gaps behind the timber cladding and roosting potential could not be ruled out as cladding can have high suitability for bats.

Plate 12: The stonework and mortar was in poor condition, with many crevices and gaps.

Plate 13: There were many suitable gaps in the stone rubble walls that offered roosting potential.

Plate 14: The doors of the workshop were well sealed but open window apertures that offered unrestricted internal access.

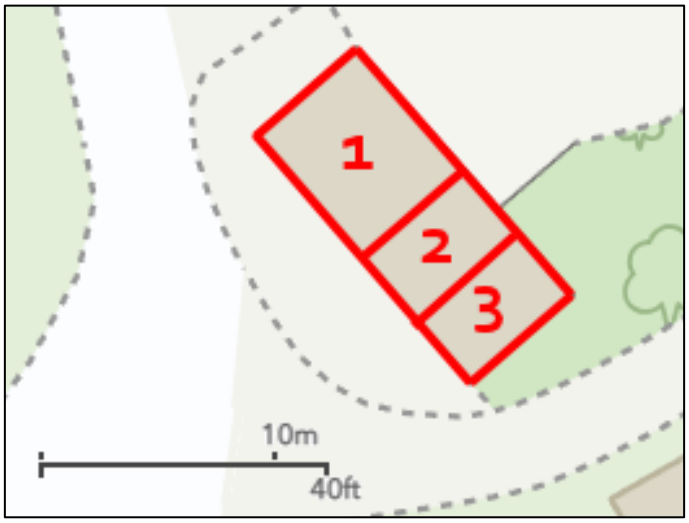
Plate 15: Split lintels above the smaller storage room doors had a narrow crevice in them, so roosting could not be ruled out.

Plate 16: There was no evidence of bat activity on the walls or flat surfaces around the workshop although as this time of year, finding any droppings becomes unreliable.

Internal Inspection

3.1.7 The building was subdivided to separate voids (see Plan 5) open from floor to roof with no loft voids. The building had no enclosed loft spaces; this was a key finding in relation to the building inspection. This meant that one of the typical areas used by bats for roosting was absent from these structures and the absence of a loft space tends to lower the potential for bat roosting quite noticeably.

3.1.8 Although the workshop three separate spaces, gaps along wall tops meant that they were ostensibly a single space (see Plate 17). The gaps in the rubble walls were large and, in the opinion of the ecologist, did not offer crevices that would have been suitable for bat roosting.



Plan 5: The workshop was subdivided into discrete spaces.

3.1.9 The internal spaces were all open to the roofing sheets and the support structures (see Plate 18) – these did not have any roosting potential (see Plate 18 to Plate 21).

3.1.10 The gaps under the roof edges observed during the external inspection clearly offered potential access to the internal spaces (see Plate 22). The high level windows offered further potential access to the internal spaces (see Plate 23).

3.1.11 The walls were intact with no gaps, crevices or cracks that would offer any roosting potential (see Plate 24).

3.1.12 Finally, a thorough search of all flat and vertical surfaces was completed in order to look for evidence of bat activity, such as droppings or prey remains but no evidence was present (see Plate 25 and Plate 26).

Plate 17: Gaps between the roof and the wall tops allowed for potential access from one space to another but these were 'gappy' and open voids not considered suitable for crevice dwelling bats.

Plate 18: The largest of internal voids (Void 1) was open to the roofing sheets and support structures.

Plate 19: The roof of void 1 had no potential roost features.

Plate 20: The roof of the central storage area (void 2) was also open to the roof and the supporting timbers.

Plate 21: The roof of the remaining internal space (void 3) was intact with no PRFs and no evidence of bat activity.

Plate 22: The gaps under the roofing sheets offered unrestricted potential access to the internal space.

Plate 23: The high level windows allowed further unrestricted potential access to the internal spaces.

Plate 24: The internal walls were intact and had no roosting potential.

Plate 25. There was no evidence of bat activity on the internal walls.

Plate 26: There was no evidence of bat activity on the flat surfaces in the workshop.

3.1.13 **In summary,** the target building was a workshop that was in use. The building was assessed for signs of bat activity and potential roost features. The exterior of the building has stone walls with many small gaps and cracks in the mortar. Internally and the roof were constructed of materials that had negligible suitability for bats. There was no evidence of bat activity from the interior of the workshop.

3.1.14 Due to the large number of crevices in the stone walls, but the overall rather poor setting the building was considered to have "**Low Potential Suitability**" for roosting bats (in accordance with BCT Good Practice Guidelines, 2023).

3.2 Bats: Activity Survey Results

3.2.1 A dusk bat activity survey of the site was conducted on the 5th May 2025. The survey began at 20:35. Two bat species were identified during the survey - soprano pipistrelle (*Pipistrellus pygmaeus*) and noctule (*Nyctalus noctula*). Exceedingly low levels of activity were recorded with occasional commuting passes recorded and no more than 1x bat was heard/seen flying at the site at any time.

3.2.2 A noctule was recorded at 21:27 and at 21:50 but the bat was not seen.

3.2.3 At 21:32 and 21:52 a soprano pipistrelle was recorded but not seen.

3.2.4 No further recordings of bat activity were made and no bats were seen to emerge from the building.

3.2.5 It was noted that the ambient light levels were high and this may partially explain the low levels of activity recorded (see Plate 27).

3.2.6 **In summary,** very low levels of activity were observed and no bats were seen to emerge from the target building.

Plate 27: Ambient light levels were very high throughout the survey and the target building was brightly illuminated.

3.3 Breeding Birds.

3.3.1 There were a number of gaps in the stone rubble walls that were suitable for nesting birds and evidence of past nesting attempts were identified in the deep-set crevices (see Plate 28).

Plate 28: There was evidence of bird nesting in the external stone walls of the workshop.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Overview

4.1.1 In October 2024, Simply Ecology Limited was commissioned by Graham Anthony Associates to undertake an inspection for evidence of bats at Beacon Fell View Holiday Park, 110 Higher Road, Longridge, PR3 2TF. It is understood that the development will involve conversion of the existing workshop to create a holiday let.

4.2 Bats

4.2.1 A bat scoping survey of the existing workshop was undertaken. It is understood that the work will involve conversion of the building. The exterior building was in fair condition only.

4.2.2 The building had some areas with very little or no potential for bats – these were the corrugated roof and the interior as these offered no real suitability for roosting. However, the exterior walls were constructed of stone and had loose rubble in-fill. There were many PRFs identified in the stonework and easy potential access to the internal space. Evidence of nesting birds was found, and bats could access even smaller spaces for roosting. The proposed re-development could have the potential to affect any roost of protected bat species.

4.2.3 In accordance with BCT Guidelines, a follow-up night-time activity survey was conducted in May 2025. Despite completing the night-time survey during optimal timing and conditions, bat activity at the site was very low and infrequent. Only very low levels of activity were recorded, but no bats emerged from the target building and it was concluded that no roosting was taking place.

- *It is advised that* all works can go ahead and that no Ecological Clerk of Works or Natural England Licence is necessary at this site. This is based upon site-specific surveys and is backed up by the lack of evidence of previous or current bat roosting. It is concluded that the proposed works will impact on local bat populations. **Reason**: This advice is in accordance with the Bat Conservation Trust guidelines and will deliver legal compliance. All UK bat species are protected by The Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

4.3 Breeding Birds

4.3.1 Although the site is highly unlikely to support a notable assemblage of birds in a local context due to its limited extent and nature of the habitats present, it is clear that the building is used by breeding birds. In view of the protection afforded to all breeding birds, their nests and eggs, development works should proceed as follows:

- *It is recommended* that all conversion works should be carried out outside of the bird breeding season (March to August inclusive**).** Where this is not possible**,** a suitably qualified ecologist should carry out a check to confirm the absence of nesting birds immediately prior to clearance works commencing. If a bird nest in current use is discovered**,** then an appropriate buffer zone around the nest should be created where clearance works can only continue after the nest is vacated. **Reason:** 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.

- *It is recommended* that**,** to mitigate for the loss of potential nesting sites **3x traditional nest boxes** (see Figure 1) with 28-32mm entry holes should be located in trees to the rear of the building**,** these must be located at a height at least 3m above the ground and north facing. <u>This should be implemented by way of a Local Authority Planning Condition.</u> **Reason**: This will enable the continued use of the site by nesting birds 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**,** as reflected in Section 11 (179 & 180) of the National Planning Policy Framework (2021) and the Local Plan.

Figure 1: Example of 32mm nest box (NHBS).

5.0 REFERENCES

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JOINT NATURE CONSERVATION COMMITTEE Mitchell-Jones, A.J. & McLeish, A.P. [Eds.] (2004) The Bat Workers Manual (3rd edition). Joint Nature Conservancy Council, Peterborough.

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National Planning Policy Framework 2023:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182577/NPPF_Sept_23.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 2017:

https://www.legislation.gov.uk/uksi/2017/1012/pdfs/uksi_20171012_en.pdf

Wildlife and Countryside Act 1981:

http://www.legislation.gov.uk/ukpga/1981/69/contents

ANNEX A: STATUTORY AND PLANNING CONTEXT

A.0.1 The client is advised that many species of British wildlife are legally protected. The following section provides a brief overview of the protection afforded to species commonly encountered during development. The Recommendations at the end of this report will advise as necessary, but it is also useful for the client to have an understanding of the legal protection as this helps to ensure that the law is complied with.

A.1 Badgers

A.1.1 Badgers are protected under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) (WCA), and the Protection of Badgers Act 1992. It is illegal to:

- Kill, injure, take, possess or cruelly ill-treat a badger or to attempt to do so;
- Interfere with a badger sett by damaging or destroying it;
- Obstruct access to or any entrance of a badger sett;
- Disturb a badger when it is occupying a sett

A.1.2 A badger sett is "any structure or place that displays signs indicating current use by a badger". Natural England, the Government's statutory nature conservation body, classifies a sett as active if it has been occupied within the last 12 months.

A.1.3 Operations that might cause disturbance of an active sett entrance can be carried out under licence from Natural England. If any badgers are found during the course of the survey, this will be highlighted in this report.

A.2 Birds

A.2.1 All wild birds are protected against killing or injury under The WCA 1981 (as amended). This protection extends to bird's nests during the breeding season, which makes it an offence to damage or destroy nests or eggs. Birds that are listed on Schedule 1 of the Act receive additional protection against intentional or reckless disturbance during the breeding season. This makes it an offence to disturb these species at or near to their nesting site.

A.3 European Protected Species (includes bats, otter, hazel dormouse, great crested newts, and others)

A.3.1 The client is advised that all bats and great crested newts are European Protected Species (EPS). These EPS are protected under European legislation that is implemented in England via The Conservation of Habitats and Species Regulations 2017 (Regulation 43). A full list of EPS is provided in Schedule 2 of the Regulations. In addition, these EPS also receive the protection of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9 (4)(b & c) and (5).

A.3.2 If both national and international legislation are taken together, the legislative protection afforded to these species makes it an offence to:

- Intentionally/ deliberately kill, disturb, injure or capture them.
- Intentionally or recklessly damage, destroy or obstruct access to any breeding site or resting place.

- Possess or control any live or dead specimen or anything derived from a European Protected Species.

A.3.3 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 (2017) and only allow what is permitted within the terms and conditions of the licence. If any EPS are found during the course of the survey, this will be highlighted in this report.

A.4 Protected Mammals and Reptiles (includes water vole, red squirrel, reptiles and others)

A.4.1 All native reptiles and a variety of British mammals also receive protection under The WCA 1981 (as amended). Schedule 5 of The WCA lists animals that are protected. The degree of protection varies. Water voles and red squirrel are examples of species with full protection. The Act makes it an offence to intentionally kill, injure, take, possess, or trade in any wild animal listed in Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places.

A.4.2 All native reptiles in the UK are protected. The commoner species such as grass snake, common lizard, slow worm and adder are protected only from unlawful killing and injuring. In practice this may require a reptile protection scheme before implementing a planning permission but no specific licence is required. Sand lizard and smooth snake listed as EPS (see A3.3 above).

A.4.4 If any protected species are found during the course of the survey, this will be highlighted in this report.

A.5 Non-native invasive species

A.5.1 A number of non-native plant species growing wild in the UK are listed on Schedule 9 of the WCA due to their invasive nature and the detrimental impact they can have on native habitats and wildlife. This legislation makes it an offence to plant or otherwise cause to grow in the wild any plant species which is included in Part II of Schedule 9.

A.5.2 This legislation should be considered during site clearance works which could lead to the spread of Schedule 9 listed plant species from the site if plant material is not properly handled and disposed of. Development proposals should also consider the removal of invasive species from areas of site that would otherwise remain unaffected by works in order to avoid the risk of these invasive plants spreading from the site in the future and enhance habitats within the site. This would in turn free up space for wildlife friendly planting, prioritising use of native species within planting schemes where appropriate.

A.6 Planning Considerations

A.6.1 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 licence 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 2017. 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;

- For 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;
- For 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.6.2 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.6.3 The Natural Environment and 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.6.4 The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies. Section 41 (S41) of this Act (the 'England Biodiversity List') also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. This list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40(1) of the Act.

A.6.5 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. 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.

UK Biodiversity Action Plan (UK BAP)

A.6.6 The UK BAP, which was first published in 1994, was the UK government response to the 1992 Convention on Biological Diversity. It sets priorities for nationally important 'priority species' and 'priority habitats'. Each species and habitat action plan has costed actions and targets, and is used to inform the compilation of national lists such as the Section 41 List described above.