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BAT PRESENCE / ABSENCE SURVEY

At

Victoria Mill

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A handwritten signature in black ink, appearing to read 'Toby Hart', is positioned below the 'Approved by:' line.

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EXECUTIVE SUMMARY

A suite of bat surveys have previously been undertaken by United Environmental Services (UES) Ltd at Victoria Mill, Manchester between August 2016 and September 2017. This included bat scoping, presence / absence, and hibernation surveys. Due to delays and changes to the scope of the development, UES were commissioned to undertake a site inspection in January 2021 in order to review the updated development proposals (see report reference UES01844/07). Previous survey data from 2016 and 2017 found that the basement of the building is used by hibernating common pipistrelle *Pipistrellus pipistrellus*, and two common pipistrelle day roosts were located on the exterior walls of the building. This report relates to a bat presence / absence survey undertaken in June 2021 in order to update the previous results and determine the impact of the current proposals.

The objective of this survey was to establish whether or not bats are using the building on site to roost, and if so to assess the type and importance of roosts in order to inform the planning process. The surveys were carried out to recognised guidelines, timings and weather conditions where possible, with particular reference to Natural England and Bat Conservation Trust (BCT) publications. The updated development proposals include the internal renovation of apartments on all floors above the basement, although localised works to the basement will involve maintenance works to the drainage system of the building, and the installation of a smoke vent. The installation of the smoke vent will involve removing a section of brick ceiling / flooring at each upper level including the roof.

Victoria Mill is situated in an area which provides moderate quality foraging and commuting habitat for bats. The immediate area is primarily composed of urban habitats such as hardstanding car parks, play areas, and scattered scrub and tall ruderal vegetation, although Rochdale Canal is situated immediately to the south of the development boundary. This provides good commuting and foraging opportunities for bats in the nearby area.

The quality of roosting habitat within the building is typically of low suitability for bats due to the urban nature of the surrounding area. However, numerous external potential roosting features (PRFs) are present including; gaps in the brickwork, gaps around the window frames and gaps between the roof coping stones. These PRFs may provide roosting opportunities for low numbers of common bat species, given the urban context of the site. Previous survey data has confirmed the basement supports low numbers of hibernating common pipistrelle, whilst two day roosts are located on the exterior of the building. Roost 1 is located beneath a gap under the top floor window on the southern aspect of the building, and Roost 2 is situated beneath a gap under the first storey window lintel on the south-west facing wall. Roost 1 was used by a maximum of five common pipistrelle whilst Roost 2 was used by a single common pipistrelle.

No bat activity was recorded during the survey, although reasonably fresh droppings present in the basement, which coincide with previously recorded roost sites, suggest that the basement is still used by low numbers of hibernating common pipistrelle bats.

No bats were found to be roosting within the building on site, and the current proposals will not impact any previously identified roosts. Therefore, there is no requirement for a European Protected Species (EPS) mitigation licence from Natural England (NE). However, since confirmed roosts are present on site mitigation measures are included within this report, including timing restrictions to avoid the bat hibernation period (November to mid-March inclusive), which will further minimise the risk of impacts on bats during the works. The method statement is included in section 4.2.1 of this report.



Due to the historic evidence of breeding birds, works on site will also need to be mindful of breeding bird legislation, as detailed in section 4.2.2 of this report.

This report should be read in conjunction with appendices 1 to 5, which provide visual representations of the survey results and statutory and planning context.

1 INTRODUCTION

1.1 Author, surveyors and qualifications

This report is compiled and written by Mark Halliwell MBiol, UES Graduate Ecologist. Mark is licensed by Natural England to survey all species of bats by observation using an artificial light under licence number 2020-45183-CLS-CLS (level 1). Other surveyors include:

- Toby Hart BSc MCIEEM PIEMA, UES Managing Director. Toby is licensed by Natural England to disturb, take and handle all species of bats under licence numbers 2015-15898-CLS-CLS (level 3) and 2015-15899-CLS-CLS (level 4). Toby is also a registered consultant of the bat low impact class licence (RC090).
- Amanda Beck, UES Assistant Ecologist. Amanda is licensed by Natural England to survey all species of bats by observation using an artificial light under licence number 2018-38295-CLS-CLS (level 1).
- James Stubbs, UES Sub-contractor.

All surveyors have the knowledge, skills and experience identified within CIEEM's "Competencies for Species Survey: Bats" (2013), or were under the supervision of a surveyor with the required competencies.

1.2 Survey objectives

UES was commissioned in June 2021 to conduct site surveys which include the following activities:

- Conduct internal and external building inspections to look for field signs of bats
- Confirm bat presence or likely absence by conducting emergence and re-entry surveys of the building
- Assess the type and importance of the roost(s), if present
- Recommend appropriate mitigation and compensation, if applicable

1.3 Proposed development

The updated development proposals include the renovation of apartments on all floors above the basement, although localised works to the basement will involve maintenance works to the drainage system of the building, and the installation of a smoke vent. The installation of the smoke vent will involve removing a section of brick ceiling / flooring at each upper level including the roof.

1.4 Structure of the report

This report sets out the methodology, results, and recommendations in relation to a specific bat survey. Recommendations are in line with statutory legislation and planning policy objectives.



The report should be read in conjunction with appendices 1 to 5, which give visual representations of the survey results.



2 METHODOLOGY

2.1 General

All surveys were carried out to recognised guidelines, timings and weather conditions, with particular reference to Natural England and BCT publications (see references for further information).

The habitats on site and in the surrounding area were assessed during a walkover survey and through studying aerial photographs, in order to gauge their suitability to support roosting, foraging and commuting bats.

2.2 Building inspections

The building on site was searched both externally and internally for bat presence and features associated with bat activity, as detailed in BCT guidance (Collins, 2016). This occurred immediately prior to the emergence survey conducted on 23rd June 2021 by Toby Hart, Mark Halliwell, Amanda Beck and James Stubbs.

2.2.1 External inspection

The external inspection of the building was carried out from ground level using binoculars, and also using ladders and an endoscope to investigate suitable gaps. The objective of the survey was to find and record any signs of bat use, for example:

- Bat droppings
- Feeding remains
- Grease staining / urine marks
- Corpses or skeletons

The bat signs listed above are visible from the outside of a building. The following areas were searched, where present:

- | | |
|---------------------------|---|
| • Roof and ridge tiles | • Gaps under felt |
| • Lead flashing | • Cracks / holes in woodwork or behind cladding |
| • Eaves | • Gaps in brickwork and mortar |
| • Boxed soffits | • Air bricks |
| • Fascia and barge boards | • Grills |
| • Window sills and panes | • Vents |
| • Walls | |

2.2.2 Internal inspection

The internal inspection covered all of the accessible rooms and roof spaces within the building.

Bats regularly utilise specific areas within roof spaces, which were searched for any field signs of bats using high-powered torches and an endoscope, where considered necessary by the licenced ecologist. The following features were searched, where present:



- Roof beams and junctions
- Gaps under felt
- Dividing walls
- Chimney breasts
- Gaps in brickwork and mortar
- Cracks / holes in woodwork
- Floor or other surfaces on which droppings could accumulate

2.3 Emergence survey

Potential roost access points were identified during the building inspection. These points were covered by a surveyor during the dusk emergence period.

The building was assessed as containing low potential to support roosting bats. Therefore, only a single survey visit is required.

Bat echolocation, flight and habitat characteristics were recorded where possible, in order to determine the species. The level and type of bat activity was also recorded to establish how bats are using the site.

2.3.1 Equipment

BATLOGGER M bat detectors and recorders were used during the survey. This device records bat echolocation calls across the full spectrum, with a sensitivity range of 10 – 150 kHz. The integrated heterodyne live monitoring also allows the observer to hear the echolocation calls in real time, with automatic tuning. The recordings are individually time/date, GPS and temperature stamped, and are of high enough quality to produce time expansion quality sonograms.

2.3.2 Weather conditions

Table 1 - Weather conditions and survey timings

DATE	SURVEY TYPE	TIMINGS	SUNSET / SUNRISE	TEMP.	WIND	RAIN	CLOUD COVER
23/06/21	Emergence	21:27 – 23:12	21:42	17°C	Still	Dry	80%

2.4 Survey limitations

The entirety of the roof was not visible from ground level, although surveyors were positioned on alternate sides of the building and within the basement in order to determine whether any bats flew out of or over the building. As such, there are considered to be no significant limitations associated with this survey.



3 RESULTS

3.1 Habitat assessment

Victoria Mill is located in the Miles Platting, inner city district of Manchester. The district is part of the East Manchester Regeneration Scheme and the surrounding area has undergone extensive development in recent years.

The immediate surrounding area includes hard-standing carparks (see Appendix 3–Photographs, Photo 1) to the north-east and north-west, a children’s play area to the south-west, scrub and tall ruderal vegetation within the courtyard to the south, and Rochdale Canal directly to the south (Photo 2). Surrounding habitats are predominantly urban comprising residential housing estates, commercial buildings and scattered areas of amenity grassland including recreational parks. The site district is bounded by the A62 (north), A6010 (south) and Rochdale Canal (south). There are higher quality habitats within 2km of the Mill. Philips Park is located 1.3km to the east comprising River Medlock, allotments, scattered trees and a cemetery. Clayton Vale LNR extends on from Philips Park to the east comprising the River Medlock, ponds, woodlands and meadows.

Rochdale Canal is linked to the canal network within the Greater Manchester area including Ashton Canal. The bankside vegetation of the canal provides suitable foraging and commuting habitats for bats locally. The surrounding linear features such as canals and railway tracks provide good connectivity from the site to other areas of foraging habitats.

In summary, Victoria Mill is situated in an area which provides moderate habitat for bats. The courtyard vegetation provides limited opportunities for foraging bats but the canal provides good connectivity to higher quality habitats further afield. Due to the urban location there is a high level of disturbance through lighting and noise, which may deter some bat species from roosting in the area.

3.2 Building inspections

3.2.1 External inspection

Victoria Mill is a grade II listed building. The former textile mill was built in 1869 during the Industrial Revolution. It halted operation in 1960s and became derelict until it was restored in the 1990s. The Mill is now a combination of apartments and NHS offices. The proposed development is for the construction of a smoke vent and internal renovation works to the apartments. The exterior of the building will not be changed, and works to the basement and roof will be extremely localised.

The Mill is a six storey, brick building with a large central chimney and an extensive basement underground. The Mill has a flat roof which is capped with coping stones, and there are numerous gaps between the coping stones on all aspects. The chimney has a brick construction with glass windows around the bottom section. There are a number of gaps in the brickwork, and between the brickwork and window frames on all aspects of the building (Photo 4 and 5).

A small courtyard is situated to the rear (south) of the Mill (Photo 6). The courtyard can only be accessed from the basement level. Several of the basement doors and windows within the courtyard are in poor condition and provide open access into the basement. Scrub and tall ruderal vegetation has encroached the courtyard area.



There is a motor room building for the lift shaft situated on the Mill roof (Photo 3). The building has a corrugated steel wall with cement roof and ridge tiles. There are wooden bargeboards under the eaves with gaps occurring at the corners.

No bat field signs were found during the external building inspection.

3.2.2 Internal inspection

There is no loft space associated with the building, although there is a basement which extends beneath the entirety of the building that appears unused except for occasional maintenance works (Photo 7). There are several access points into the basement through broken and missing doors / windows. Internally, the basement has brick arched ceilings supported by steel I-beams, and there are several rooms throughout the basement that are separated by breezeblock walls. Numerous gaps are present at the tops of these walls which enable access between rooms.

The basement has previously been subject to hibernation surveys between 2016 and 2017 which concluded the area was used by low numbers of common pipistrelle bats (see report UES01844/03 for additional details). An updated site inspection occurred in January 2021 which did not identify any hibernating bats, although approximately seventy bat droppings were found within five locations throughout the basement (Photo 9). The location of the bat droppings largely coincided with the previously identified locations during the initial hibernation surveys. The droppings were of various ages, ranging from relatively fresh to historic droppings, which suggests the basement of the building is still used in a hibernation capacity by low numbers of common pipistrelle. Several herald moths *Scoliopteryx libatrix* were also identified in the basement in January 2021 (Photo 8). These moths are indicators that the basement contains suitable conditions for hibernating bats.

Evidence of a historic wren's *Troglodytes troglodytes* nest is also located on top of a breezeblock wall in the basement (Photo 10).

Approximately 70 common pipistrelle droppings of mixed ages are spread across five main locations within the basement.

3.3 Activity summary

Table 2 – Bat activity summary

DATE	SURVEY TYPE	SPECIES	NOTES
23/06/21	Emergence	N/A	No bats were recorded or observed at any point during the survey.

4 EVALUATION AND RECOMMENDATIONS

4.1 Evaluation of results

Habitats in the immediate surrounding area provide limited quality habitat for foraging and commuting bats, although the site is linked to superior habitats in the wider area. The surrounding habitat is predominantly urban and comprises commercial buildings, hard-standing and busy well-lit roads. The Rochdale Canal and vegetation directly south of the Mill provides moderate connectivity from the building to surrounding higher quality habitats within 2km, including Clayton Vale local nature reserve to the east.

The quality of roosting habitat within the building is of low suitability for bats due to a number of small shallow cracks in brickwork associated with windows or lintels. Two historic day roosts used by low numbers of common pipistrelle have previously been identified in small crevices between the brickwork and window lintels in 2017. Roost 1 (Photo 4) was used by a maximum of five common pipistrelle on a single occasion and is located above a window on the top floor of the south-east facing wall of the courtyard. Roost 2 (Photo 5) was used by a maximum of a single common pipistrelle and is located beneath a window lintel on the south-western elevation of the building (for more information see report UES02187/01). However, no bats were recorded roosting in these locations during the current survey, and the roost locations will remain unaltered and unaffected by the current proposals, which will involve very localised works.

The basement of the building continues to provide suitable conditions for hibernating common pipistrelle, and therefore the creation of the smoke vent may impact hibernating bats without mitigation.

4.2 Mitigation and compensation measures

4.2.1 Bats

The two previously identified day roosts, Roost 1 and 2, will not be impacted by the current proposals and the exterior of the building (including gaps between window lintels and brickwork) will be left unaltered. Should this change and these roosts be impacted by future proposals, then the requirement for a protected species licence provided by Natural England will need to be reviewed with the aid of the project ecologist. This may require additional survey work in order to inform any protected species licence applications.

Localised construction works involved in creating a smoke vent within the basement may disturb hibernating bats through percussive action if conducted without mitigation. As such, no works will occur within the basement during the period in which bats may be hibernating (November to mid-March inclusive). Since the creation of the smoke vent will not affect the overall condition or layout of the basement and will not directly affect areas of the basement associated with accumulations of bat droppings (i.e. hibernation roosts or access points to hibernation roosts), there is considered to be no requirement for a European Protected Species (EPS) mitigation licence. No other construction activities will occur in the basement, and as such, the entirety of the basement will remain accessible and suitable for hibernating bats into the long-term future.

However, in order to safeguard bats, the below precautionary method statement must be adhered to during the proposed construction works within the basement:



- Due to the potential for the construction works to disturb hibernating bats through percussive action, no works are to occur within the basement during the period in which bats may be hibernating (November to mid-March inclusive).
- The project ecologist will deliver a toolbox talk to the contractors responsible for the construction works, prior to commencement of the proposed localised construction activities. The talk will cover bat ecology, bats and the law, and what to do if bats or field signs of bats are found during the works.
- Immediately prior to the start of the works, the areas that will be worked on will be inspected by a licensed bat ecologist. The ecologist will use an endoscope and torch where necessary to examine the working area in order to identify any roosting bats or evidence of recent use.
- In the event that a bat or suspected bat roost is discovered during the works, the works will stop immediately, and the requirement for an EPS mitigation licence will be reviewed with the aid of the project ecologist. If a licence is required, then works will not continue until a EPS mitigation licence has been granted from NE.
- In the extremely unlikely event that a bat roost is uncovered and compromised by the maintenance works, the works will stop immediately and, if the bat(s) is unharmed, the bat(s) will be captured by hand by the onsite ecologist and transported to a suitable internal hibernation box, such as Schwegler 2FE wall-mounted bat shelter. If the bat(s) is harmed or emaciated, it will be taken to the nearest animal hospital or bat carer if deemed necessary by the onsite ecologist.
- The potential access points into the basement will not be affected by the proposed works and will remain in their current condition, thereby providing continued access into the basement.

UES will remain on call throughout the development in case any further advice is needed or bats are encountered. UES can be contacted directly on 01565 757788.

As the condition of both the basement and the two day roost locations will remain unaltered by the development proposals, there is considered to be no requirement to provide any compensation measures. However, consideration should be given to the identified roosting locations such that no lighting is directed towards these areas. See Appendix 4 – External lighting guidance, for further information.

4.2.2 Birds

Due to the historic evidence of breeding birds in the building, it is recommended that the initial demolition works take place immediately after a breeding bird nest survey has been conducted by a suitable experienced ecologist in order to confirm the presence or absence of active nests.



5 CONCLUSION

In summary, Victoria Mill is situated in an area which provides moderate quality foraging and commuting habitat for bats, particularly to the south-east of the building towards Rochdale Canal.

Victoria Mill contains two previously confirmed day roosts used by low numbers of common pipistrelle, and also supports hibernating common pipistrelle within the basement of the building. Other PRFs are considered to provide low suitability for roosting bats due to the urban context of the site, and the shallow depth of the features.

No evidence of bats was found during the external building inspection and no bats were recorded roosting or flying within the building during the presence / absence survey. However, the basement of the building continues to provide suitable conditions for hibernating bats.

As the current proposals involve extremely localised construction works in an area of the basement that will not impact previously identified hibernation roosts or access points, there is considered to be no requirement for a European Protected Species (EPS) mitigation licence. However, the works should proceed under the precautionary method statement included in section 4.2.1 of this report. This includes conducting any works that may disturb hibernating bats (e.g. use of hand or power tools) outside of the hibernation period (November to mid-March inclusive), amongst other mitigation measures.

Due to the evidence of historic nesting bird activity in the building, works on site will need to be mindful of breeding bird legislation, as detailed in section 4.2.2.



6 REFERENCES

Chartered Institute of Ecology and Environmental Management (2013). *Competencies for Species Survey: Bats*.

Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines*. (3rd ed.) The Bat Conservation Trust, London.

Ministry of Housing Communities and Local Government (2021). National Planning Policy Framework (NPPF).

Mitchell-Jones, A.J. (2004). *Bat Mitigation Guidelines*. English Nature.

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APPENDICES

Appendix 1 – Site plan

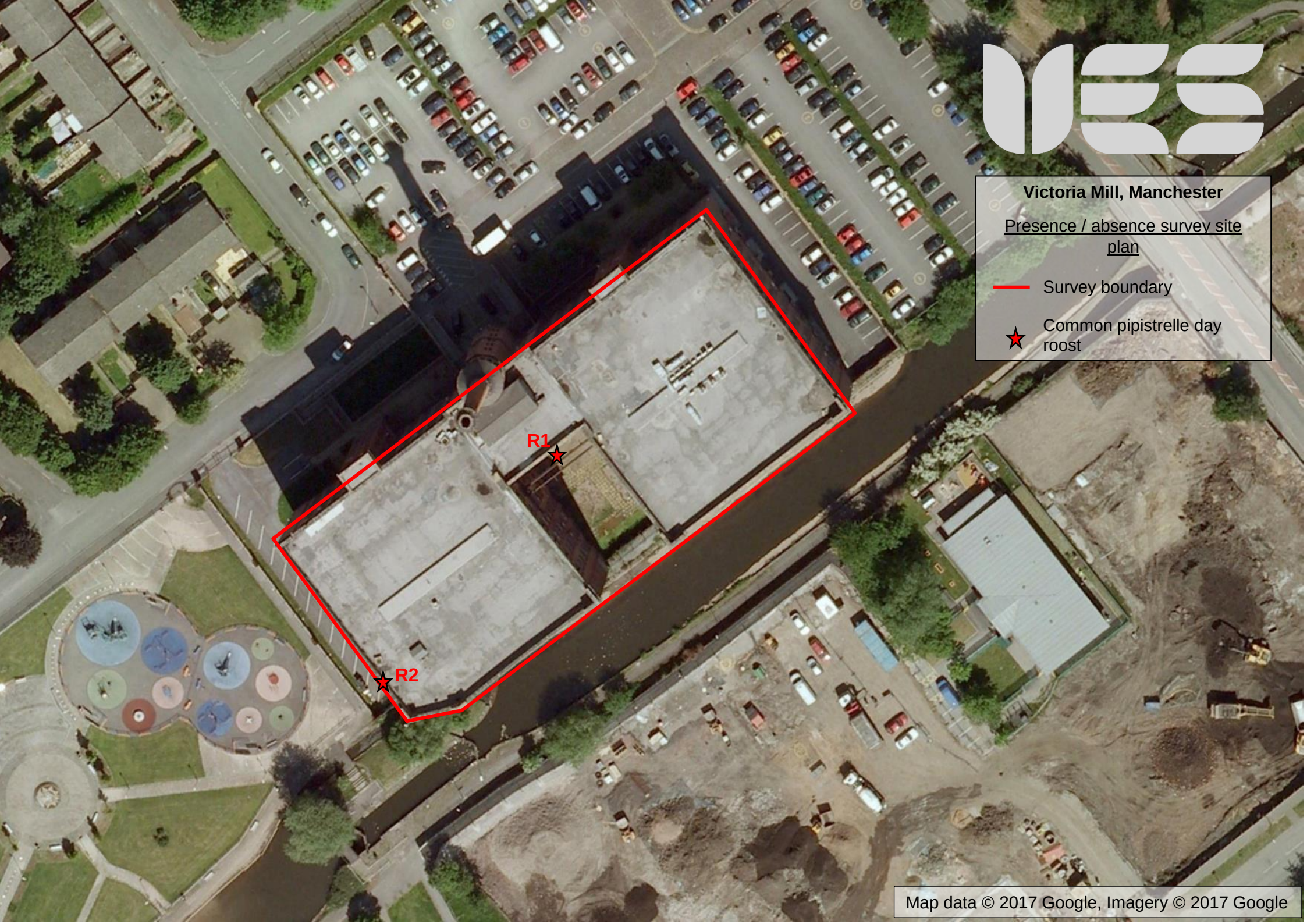


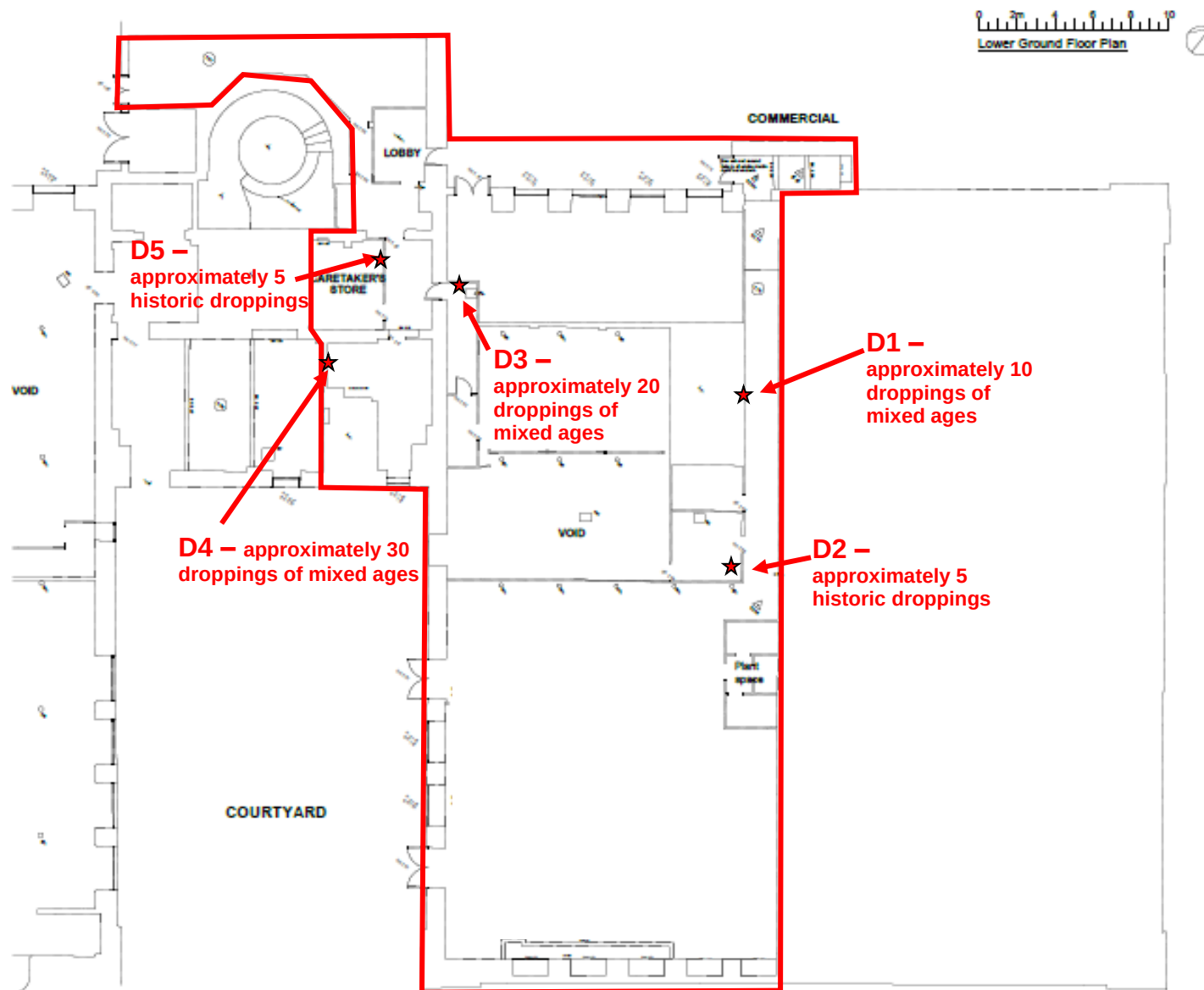
Victoria Mill, Manchester

Presence / absence survey site
plan

— Survey boundary

★ Common pipistrelle day
roost





**Victoria Mill,
Manchester**

Hibernation survey map

- ★ Common pipistrelle droppings
- Survey boundary



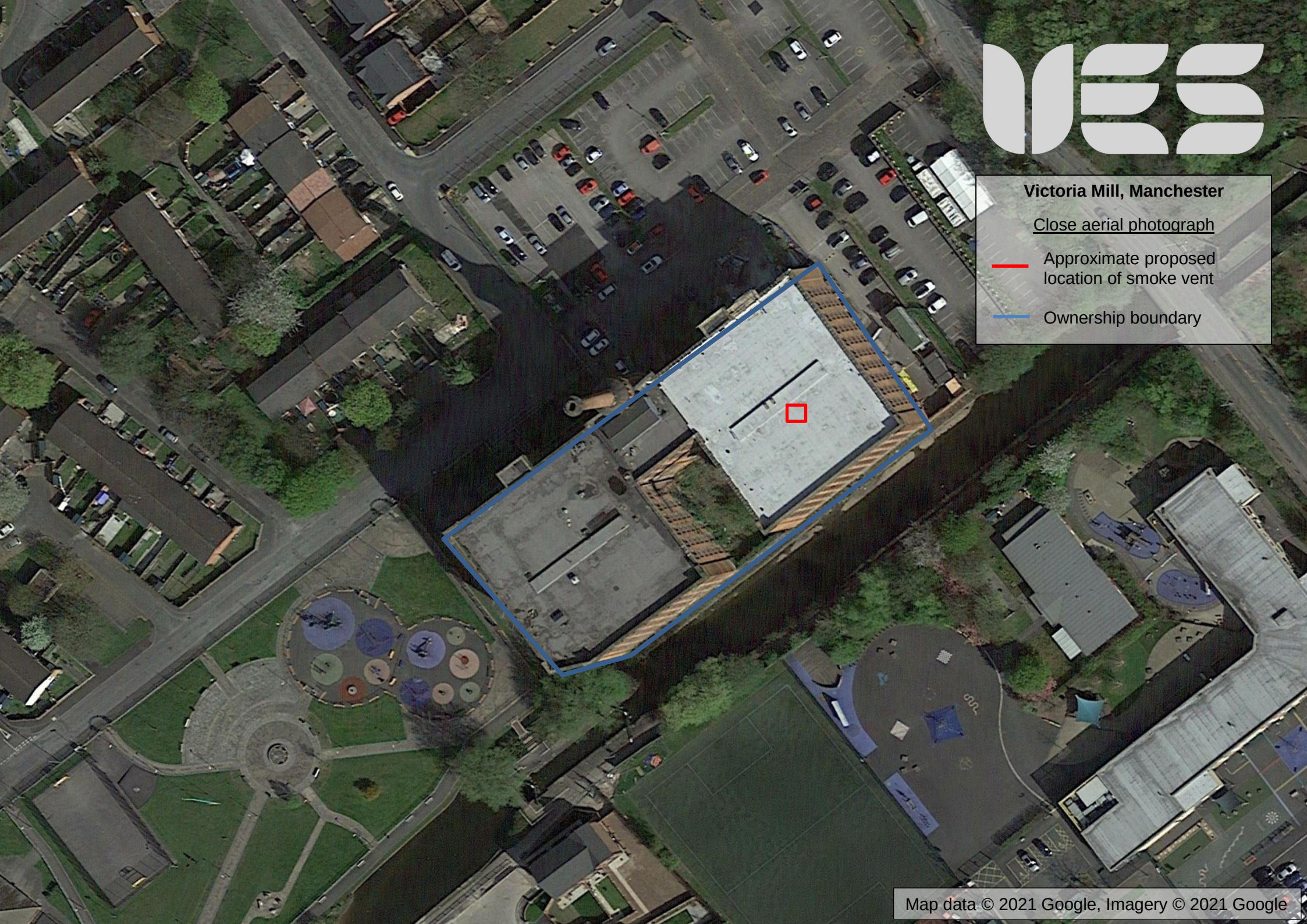
Appendix 2 – Aerial photographs



Victoria Mill, Manchester

Close aerial photograph

-  Approximate proposed location of smoke vent
-  Ownership boundary





Victoria Mill, Manchester

Wide aerial photograph



Site location





Appendix 3 – Photographs



Photo 1. Front (north-western) aspect of Victoria Mill.



Photo 2. Rear (south-eastern) aspect of Victoria Mill with Rochdale canal also visible.



Photo 3. Motor building associated with lift shaft on top of the roof of Victoria Mill.

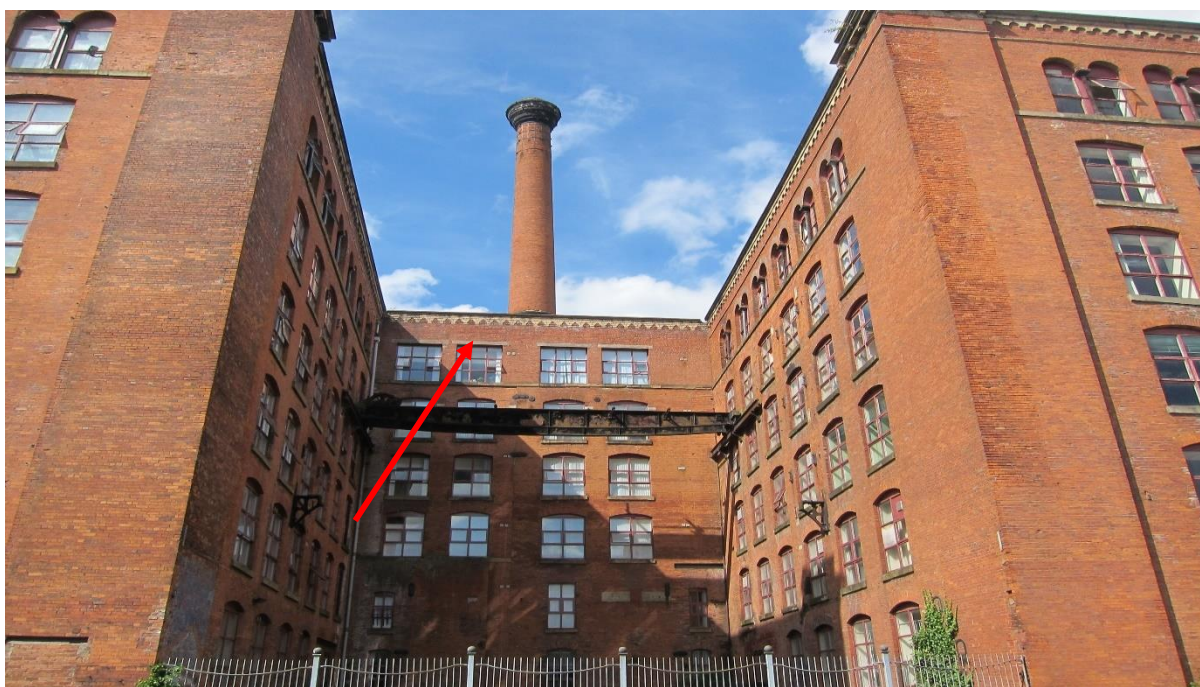


Photo 4. Location of Roost 1, on the south-eastern aspect of the building, between the window and lintel on the top floor.



Photo 5. Location of Roost 2 on the south-western aspect of Victoria Mill, beneath a window lintel.



Photo 6. Scrub and ruderal vegetation within the courtyard to the south-east of the building.



Photo 7. Looking south-west towards the courtyard from the largest room of the basement.



Photo 8. Herald moth identified within the basement in January 2021.



Photo 9. Scattered droppings present at the top of a breezeblock wall, consistent with the location of droppings during the hibernation surveys in 2016/2017.



Photo 10. Historic wren's nest located within the basement of the building.



Appendix 4 – External lighting guidance

Lighting scheme in relation to bats

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
- Variable
- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.
- Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

- Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.
- Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.
- If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas. Light should not leak upwards to illuminate first floor and higher levels.
- Lamps of greater than 2000 lumens (150 W) must not be used.
- Movement or similar sensors must be used. They must be carefully installed and aimed, to reduce the amount of time a light is on each night.
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible. Light must not be directed at or close to bat roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit.
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.



Appendix 5 – Statutory and planning context

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Bats

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Amendment (EU exit) Regulations 2019 (known as the “Habitats Regulations”). The Wildlife and Countryside Act is the domestic implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture a bat
- Deliberately, intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection
- Deliberately, intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if the bat is not present at the time)
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead bat, any part of a bat or anything derived from a bat

Under UK law, a bat roost is *any structure or place which any wild [bat] ... uses for shelter or protection*. As bats often reuse the same roosts, legal opinion is that a roost is protected whether or not the bats are present at the time of the activity taking place.

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

If an activity is likely to result in any of the above offences, a licence can be applied for to derogate from the protection afforded. These licences must provide appropriate mitigation and are issued by Natural England.

A Natural England mitigation licence application requires a Mitigation Method Statement and, in many cases, a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

The National Planning Policy Framework 2021 (NPPF) provides guidance on the interpretation of the law in relation to the natural environment and development.

The Natural Environment and Rural Communities (NERC) Act 2006 lists the following bat species as species of principle importance under Section 41:

- Barbastelle *Barbastella barbastellus*
- Bechstein's bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Brown long-eared bat *Plecotus auritus*
- Greater horseshoe *Rhinolophus ferrumequinum*
- Lesser horseshoe *Rhinolophus hipposideros*

Section 40 requires every public body in the exercising of its functions ‘have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’ (all biodiversity and not just section 41 species and habitats); therefore making these bats a material consideration in the planning process and requiring a detailed ecological bat survey before planning permission can be granted.

Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

In addition to the protection afforded to all wild birds, more vulnerable species listed on Schedule 1 of the Act receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

The NERC Act offers further protection to the nests of some species that regularly re-use their nests, even when the nests are not in use.

The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status of 244 UK bird species. "Birds of Conservation Concern 4: the Red List for Birds" is the most recent publication summarising their findings. Three lists, Red, Amber and Green, have been produced based on the most up-to-date evidence available and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity, localised distribution and international importance. These lists are a valuable resource when considering conservation priorities.

Planning policy

National Planning Guidance is issued in the form of the National Planning Policy Framework 2021 (NPPF). The most relevant section is 15: Conserving and enhancing the natural environment.

Key relevant principles stated in 15: Conserving and enhancing the natural environment are;

- 174.** Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 179.** To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶²; and
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity
- 180.** When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.