

15th June 2021

Our Ref: RL/SRS/JJ/210259

Chris Smith
Project Manager
Chroma Consulting UK Ltd
3rd Floor, One St Peter's Square
Manchester
M2 3AE



Park Lea, 60 Park Road, Buxton, Derbyshire SK17 6SN

T: +44 (0)1298 27086 F: +44 (0)1298 23776

www.pennyanderson.com

Email: csmith@chromaconsulting.co.uk

Dear Chris

FOUNTAIN ST, MANCHESTER – BAT ACTIVITY SURVEY

Penny Anderson Associates Ltd (PAA) was commissioned to undertake a bat activity survey of a building at Fountain Street, Manchester. This followed good practice following a previous bat building inspection carried out by PAA which assessed the structure to have low potential to support roosting bats.

This report details the methods and results of the bat activity and roost inspection surveys and makes any further recommendations, as necessary.

Legislative Context

Bat populations have undergone significant declines across the UK over the last few decades, due to loss of roosts and loss of habitat. Many species of bats are now critically endangered. Bats and their roosts are, therefore, protected under a range of legislation and included within various planning policy and guidance. All UK bat species and their roosts are protected, whether bats are resident or not, due to the seasonal nature of roost use.

A summary of the legislation relating to bats and their roosts is provided with this letter (Appendix 1).

Methodology

A dusk emergence survey was undertaken of the building on 10th June 2021 by Consultant Ecologist Phoebe Gray (PG) and Assistant Ecologists Izzy Tomkinson (IT) and Sarah Lea (SL). The survey method followed current guidance based on Collins (2016¹). Surveyors were appropriately qualified for this type of survey under the CIEEM competencies framework (CIEEM 2013²).

During the dusk emergence survey, the surveyors were positioned at vantage points in view of potential roost features as identified in the preliminary roost inspection and recorded any bat activity heard or seen. Each surveyor used a Batbox Duet bat detector to aid detection of bat activity in the field, and an Anabat SD1 unit to record echolocation calls and enable sonogram analysis for confirmation of species identification.

The dusk survey commenced 20 minutes prior to sunset, and continued for approximately 1h 30m after sunset, taking into account the typical emergence times for the species considered most likely to be present at the location, i.e. pipistrelle species (*Pipistrellus* sp.).

Results

Dusk Emergence Survey

Table 1 presents a summary of the evening bat emergence survey. Conditions were suitable for bat emergence, being warm and dry with a light breeze.

Bat activity during the survey was low, with a single species (common pipistrelle, *Pipistrellus pipistrellus*) detected in the general area, with no more than two individuals seen or recorded at the same time by the three surveyors. No bats were observed to directly interact with or emerge from the structure.

¹ Collins, J. (ed.), 2016. *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn.). The Bat Conservation Trust.

² CIEEM, 2013. *Competencies for Species Surveys: Bats*. Chartered Institute of Ecology and Environmental Management.

Table 1 Summary of Bat Emergence Survey Results

Species	First Recorded	Notes
Common pipistrelle (CP)	21:55	CP was first heard but not seen (HNS) 18 minutes after sunset by PG on the rooftop of the structure. CP was first seen shortly later by PG at 21:58 foraging to the north of off-site. PG then heard foraging activity by one or two CP individuals for the duration of the survey, largely HNS. The surveyors on the east/south-east side of the structure (Fountain Street) at ground level first detected CP at 22:23 with a brief pass coming from the direction of the building to the north (off-site) and flying over the structure. This occurred again at 22:30. No other sightings or recordings of bats were made by IT or SL for the rest of the survey.
Start time: 21:15		Sunset: 21:37
		End time: 22:48
Surveyors: PG (on roof, north/west side of structure), IT (south-east, ground level), SL (east, ground level).		
Conditions: Dry with light wind. Cloud cover 100% throughout the survey.		
Temperature: 21°C decreasing to 20°C. Humidity: 70% increasing to 75%.		

Conclusions and Recommendations

Based on the findings of the survey, bat activity on and within in the immediate vicinity of the site is low, likely restricted to commuting and occasional foraging by a small number of common pipistrelle bats. No bats were detected to emerge from the structure within the site boundary.

No further recommendations are made in respect of roosting bats at this time. In the unlikely event that bats are found during future works to the structure, works should stop immediately and advice be sought from a professional bat ecologist.

If works have not begun on site within twelve months of the date of this survey, then the site should be re-assessed for bats to ensure that any decisions or actions taken at that time are based on up-to-date survey data.

Biodiversity Enhancement Opportunities

The site is currently of limited ecological value and development presents an opportunity to increase biodiversity. Potential enhancement measures that could be considered, if the design allows, are the inclusion of integrated or external bat roost features such as bat slates, tiles and bricks or bat boxes to increase opportunities for roosting bats, coupled with a suitable lighting strategy to avoid unnecessary lighting of any new roost features.

I hope this report provides a useful summary of the results of our survey and that our recommendations are clear. If you have any queries, or further queries arise during your planning application process, please do not hesitate to contact me.

Yours sincerely
For and on Behalf of
PENNY ANDERSON ASSOCIATES LTD



Rob Lamb
Consultant Ecologist

rob.lamb@pennyanderson.com

Encl. Appendix 1 Summary of the Legislation Relating to Bats

SUMMARY OF THE LEGISLATION RELATING TO BATS

All wild species of bat are protected under the Wildlife and Countryside Act (WCA) 1981, which has also been amended by later legislation, including the Countryside and Rights of Way (CROW) Act 2000 and the Conservation of Habitats and Species Regulations 2017 (amended), and this legislation is applicable to England and Wales. Bats are listed on Schedule 5 of the WCA and are therefore subject to some the provisions of Section 9 which, with the amendments, make it an offence to:

- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection (S9:4b).
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by a bat (S9:4c).

There are additional offences in relation to buying and selling (S9:5) any live or dead animal of this species or anything derived from them.

Bat species are also listed under Annexes IIa and IVa of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).

The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb wild animals of any such species, in such a way as –
 - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal.

Under these Regulations it is an offence to damage or destroy a breeding site or resting place whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead bat or part of such an animal.

In addition, seven native British bat species, including the soprano pipistrelle (*Pipistrellus pygmaeus*) and the brown long-eared bat (*Plecotus auritus*), that are frequently found in buildings, are listed as a 'Priority Species' under the under the 2011 biodiversity strategy for England, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*, under the 2012 UK Post-2010 UK Biodiversity Framework. These Priority Species are also referred to as 'species of principal importance' for the conservation of biodiversity in England and Wales within Section 74 of the CROW Act 2000, and Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006.

In addition, the National Planning Policy Framework (NPPF 2019) has an overall focus on sustainable development, and states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks. Furthermore, the NPPF also states that any planning proposals for which significant negative impacts on biodiversity cannot be avoided, mitigated or compensated for should be refused. Reference is made to Circular 06/2005 *Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System* in respect of statutory obligations for biodiversity and geodiversity conservation.

The commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

Please note: the above text provides a brief summary of the legislation in relation to bats in England and Wales and the original Acts, Regulations and any amendments should be referred to for the precise wording.