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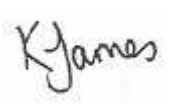
# BAT PRESENCE / ABSENCE SURVEY

## At

## 2 Seymour Road
Cheetham Hill Road
Manchester
M8 5BG

## NGR: SD 83769 02038

| | |
|---|---|
| Prepared for: | Glide Construction Ltd |
| Written by: | Toby Leverett, UES Trainee Ecologist |
| Approved by: | Kathryn James, UES Senior Project Manager |



| | |
|---|---|
| Date: | 21st June 2024 |
| UES reference: | UES04421/01 |

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# EXECUTIVE SUMMARY

A preliminary roost assessment of 2 Seymour Road was carried out by E3P on 12th October 2023 as part of an ecological walkover associated with the proposed development of the site. Building 1 was assessed as having moderate potential to support roosting bats, whereas Buildings 2 and 3 were assessed as having negligible potential to support roosting bats.

As per Bat Conservation Trust (BCT) survey guidelines a further bat presence / absence survey, comprising two emergence surveys, were undertaken by United Environmental Services (UES) Ltd in May 2024. The objective of these surveys was to establish whether or not bats are using the building onsite to roost, and if so, to assess the type and importance of the roost(s) in order to inform the planning process. The surveys were carried out to recognised guidelines, timings and weather conditions, with particular reference to Natural England and BCT publications. The proposed development includes demolition of the buildings onsite in order to construct a community hall with associated parking.

2 Seymour Road is situated within an urban area with limited foraging and commuting opportunities for bats. Higher quality habitats are present in the wider surrounding area; however, connectivity between these habitats and site is restricted by well-lit roads, with commuting corridors limited to residential gardens.

Building 1 has a low number of potential roosting features (PRFs) which could be used by bats; however, no bats or field signs of bats were recorded during the building inspections.

Low levels of common pipistrelle *Pipistrellus pipistrellus* activity were recorded during the presence / absence survey, and a common pipistrelle day roost used by a single bat was recorded in the building during the second emergence survey.

**Due to the presence of roosting bats within Building 1, the development will need to be registered under Natural England's Bat Mitigation Class Licence (BMCL) system prior to the works taking place. This can only be applied for once planning permission has been granted. Natural England aim to process applications within 10 working days of receipt. The works will also have to comply with the method statement included in section 4.3 of this report.**

This report should be read in conjunction with appendices 1 to 7, 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 Toby Leverett BSc MSc, UES Trainee Ecologist. Other surveyors include:

- Mark Halliwell MBiol, UES Senior Ecologist. Mark is licensed by Natural England to survey all species of bats by observation using an artificial light under licence number 2023-11661-CL18-BAT (level 2).
- Heather Tewnion BSc, UES Field Ecologist.
- Josh Howard BSc, UES Graduate Field Ecologist.
- Ben Cowell MEng, UES Trainee Ecologist.
- Nathaniel Foley MSci, UES Graduate Ecologist.

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 April 2024 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 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 proposed development includes demolition of the buildings onsite in order to construct a community hall with associated parking.

## 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 7, 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 inspection

The building on site was subject to an external and internal inspection as part of a bat scoping survey undertaken by UES on 3rd March 2024. The building was inspected by Mark Halliwell, Ben Cowell and Nathaniel Foley.

The building was searched for bat presence and features associated with bat activity, as detailed in BCT guidance (Collins, 2023).

### 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
- Lead flashing
- Eaves
- Boxed soffits
- Fascia and bargeboards
- Window sills and panes
- Walls
- Gaps under felt
- Cracks / holes in woodwork or behind cladding
- Gaps in brickwork and mortar
- Air bricks
- Grills
- Vents

### 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 surveys

Potential roost access points were identified during the building inspection. These points were covered by surveyors and cameras during the dusk emergence period.

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.

An Anabat Walkabout bat detector was used during the survey. This allowed the observer to hear bat echolocation calls and see the sonograms in real time, aiding identification. All registrations were automatically recorded onto a memory card and time/date stamped. The device can record and display both zero crossing and full spectrum bat echolocation calls and has a built-in GPS and mapping system.

Nightfox Whisker Night Vision Binoculars were used in conjunction with Nightfox XB5 940nm Low Glow Infrared LED Flashlights to monitor part of the building during the surveys. The Binoculars were positioned alongside surveyors to cover potential roost access points and recorded video footage to be reviewed post-survey. Surveyors can use the binoculars during the survey as a night-vision aid.

Canon XA11 Professional Video Camera was used in conjunction with an infra-red LED illuminator to monitor part of the building during the surveys. The camera was positioned to cover potential roost access points. Footage of the survey was recorded and reviewed post-survey.

### 2.3.2 Weather conditions

*Table 1 - Weather conditions and survey timings*

| DATE | SURVEY TYPE | TIMINGS | SUNSET | TEMP. | WIND | RAIN | CLOUD COVER |
|---|---|---|---|---|---|---|---|
| 03/05/24 | Emergence | 20:28 – 22:13 | 20:43 | 12°C | Light breeze | Moderate rain | 100% |
| 30/05/24 | Emergence | 21:11 – 22:56 | 21:26 | 18°C | Light breeze | Dry | 50% |

## 2.4 Survey limitations

There were moderate levels of rain during the emergence survey on 3rd May 2024. Although no bat activity was recorded this is not considered to have significantly affected the survey results given that only low levels of activity was recorded from common pipistrelles on 30th May 2024. Given the urban location of the site the findings of the second survey are considered to be representative of bat activity levels onsite. Further surveys are not considered necessary as they are unlikely to tell us more than we already know; that the site supports low numbers of foraging, commuting and roosting common pipistrelle bats. In addition, Building 1 was assessed as having moderate potential on a precautionary basis only due to the lack of internal access.

The night vision aid was omitted from the northern aspect of the building during both emergence surveys due to health and safety concerns.

Building 1 was not fully accessible internally due to high amounts of debris on both floors, and structural instability of the second floor.

# 3 RESULTS

## 3.1 Habitat assessment

2 Seymour Road is situated in a suburban area to the north of Manchester. The site comprises of three industrial buildings and associated hardstanding. The habitat on site provides poor quality foraging and commuting opportunities for bats, due to the lack of green space.

The immediate surrounding area is comprised of commercial buildings and residential housing with small gardens that are intersected with well-lit roads. Areas of greenspace within 500m of site are limited.

In the wider surrounding area, the habitats are similar in composition; the landscape is composed of large residential areas intersected with well-lit roads. Blocks of parkland are present approximately 500m from site, such as Broughton Park and Crumpsall Park, which will support significant invertebrate populations and provide dark corridors for commuting and foraging bats. Higher quality habitat is present further afield (>1.5km), such as Heaton Park to the north and Kersal Wetlands and the River Irwell to the southwest.

In summary, the habitats on site have low potential to support foraging and commuting bats. The surrounding area provides low quality foraging and commuting opportunities for bats due to high levels of light and noise pollution and a lack of greenspaces. Higher quality habitats are present in the wider surrounding area, however a lack of commuting routes means that there is poor connectivity between these areas and site.

## 3.2 Building inspections

### 3.2.1 External and internal inspection

The buildings onsite have been numbered 1 – 3 for the purposes of this report (see Appendix 2 – Aerial photographs). Buildings 2 and 3 have been assessed as having negligible potential to support roosting bats by E3P and as such are not discussed further in this report.

Building 1 is a L-shaped disused two-storey garage and spare parts store, with a corrugated asbestos pitched roof, the main portion of which runs north to south. The wing, on the north-west end of the building, has a shallow lean-to roof constructed from corrugated asbestos. The building itself is constructed from brick with a rendered finish on the northern aspect and on the whole of the wing. There is a timber frame extension connected to both the main building and the western wing. This extension has a flat roof with bitumen felt covering. The degraded external brickwork of the main building has gaps which could act as PRFs for bats.

On the western aspect there are several gaps between the wall plate and the roofing (see Appendix 3 – Photograph 1), which could provide access opportunities for bats. A further gap is present on the rendering above the window on the western aspect of the extension (see Photograph 3). The southern aspect of the extension had two features which could provide access for bats; broken windows and a cavity between the wall plate and the roof (see Photograph 4). On the southern gable end damaged brickwork below the bitumen roof lining could act as a PRF (Photograph 2).

There were some cracks in the rendering on the northern aspect, especially around the windows and shutter doors, however these features are superficial. Missing roof caps on the northern end could provide ingress and egress opportunities for bats (see Photograph 3).

**No bat droppings or other field signs of bats were found during the external building inspection.**

### 3.2.2 Internal inspection

The floor of Building 1 is constructed from concrete which was inundated with a significant level of standing water at time of survey. The shop floor space is populated with rows of shelving units, there is a degraded central staircase leading to a second floor that was utilised for storage.

The second level does not contain a loft void, and the ceiling and walls are not insulated. The flooring of the second level is clad with cork board which is of a degraded state with vegetation growing in some areas. The internal space is cluttered with shelving units, boxes of stock and general debris. The roofing sheets are supported by metal purlins and support beams. The roofing is of dual metal corrugated sheeting and translucent plastic corrugated sheeting which functions as a skylight. Significant sections of the western area have a low level of light ingress where the skylights are not present (Photograph 8).

Missing sheeting within the skylights on the eastern pitch of the roof provides an access opportunity for bats (Photograph 7). Ingress and egress opportunities for bats are present within the ridge of the roof, however like the previous feature, are unlikely to be suitable for roosting (Photograph 6). These features are large enough to allow access by birds.

The extension portion of the building was also cluttered with debris to the point where access was impossible.

**No bat droppings or other field signs of bats were found during the internal building inspection.**

## 3.3 Roost summary

*Table 2 – Survey results*

| DATE | SURVEY TYPE | SPECIES | NO. OF BATS | ROOST LOCATION | ACCESS POINT | TIMINGS |
|---|---|---|---|---|---|---|
| 03/05/24 | Emergence | N/A | N/A | N/A | N/A | N/A |
| 30/05/24 | Emergence | Common pipistrelle | 1 | Roost 1 - western aspect of Building 1 however the exact location could not be determined. | Cavity above the fire door on the western aspect of Building 1. | 21:58 |

## 3.4 Activity summary

*Table 3 – Bat activity summary*

| DATE | SURVEY TYPE | SPECIES | NOTES |
|---|---|---|---|
| 03/05/24 | Emergence | N/A | No bat activity. |
| 30/05/24 | Emergence | Common pipistrelle | Low levels of common pipistrelle activity recorded between 21:57 and 22:50. Activity included commuting from the north of the site down towards the south. A single common pipistrelle was recorded emerging from Building 1 at 21:58. The bat emerged from a crevice above the fire door on western aspect of Building 1. |

# 4 EVALUATION AND RECOMMENDATIONS

## 4.1 Evaluation of results

In summary, 2 Seymour Road is situated within an urban area with limited foraging and commuting opportunities for bats. Higher quality habitats are present in the wider surrounding area; however, connectivity between these habitats and site is restricted by well-lit roads, with commuting corridors limited to residential gardens.

Building 1 has a low number of PRFS including gaps within the render, above the wall plate, and missing skylights. Internal features include gaps within the ceiling skylights and roof caps. No bats or field signs of bats were recorded during the building inspections. Building 1 was assessed as having moderate potential to support roosting bats on a precautionary basis due access restrictions during the building inspections.

Low levels of common pipistrelle activity were recorded during the presence / absence survey. A single common pipistrelle was recorded roosing in the building during the second emergence survey, which has been characterised in section 4.2 of this report.

## 4.2 Roost assessment

**Roost 1** – a single common pipistrelle bat was observed emerging from a gap above the fire door on the western aspect of Building 1. This is considered to be a day roost used by a single bat on an occasional basis. The bat present is likely to be a male, non-breeding female or juvenile. The building is unlikely to be used as a maternity roost.

The environmental conditions (humidity, temperature etc.) and roosting features within the buildings are of poor suitability to support hibernating bats. It is considered unlikely that bats are using the building for hibernation purposes.

## 4.3 Mitigation and compensation measures

Due to the presence of roosting bats within Building 1, the development will need to be registered under Natural England's BMCL system prior to the works taking place. This can only be applied for once planning permission has been granted. Furthermore, a site can only be registered under the BMCL system provided the works only affect up to three 'common or widespread' bat species (as listed under each annex of the licence) and up to three 'low conservation status roosts' (feeding, day, night and transitional roosts). Moreover, it is a requirement of the licence that activity surveys have been conducted within the current and / or most recent optimal season and that a walk over survey / check must have been undertaken within the three months prior to submission of the site registration form to ensure conditions on the site have not changed. Natural England aim to process applications within 10 working days of receipt.

A full European protected species (EPS) mitigation licence is not considered necessary, due to the low number and common species of bats which will be affected by the development.

The measures below outline the mitigation and compensation measures required in order to safeguard protected species throughout the duration of development. They form a method statement which the contractors undertaking works on site must adhere to:

- The low numbers and common species of bats likely to be affected, as well as the proposed soft demolition techniques, negate the need for timing restrictions in relation to this development.

- When planning external lighting, consideration is to be given to the commuting and dispersal routes used by bats. External lighting is to be directed away from any vegetation and the proposed bat box location. See Appendix 6 – External lighting guidance for further information.

- The project ecologist will deliver a toolbox talk to the contractors responsible for the destructive works, prior to commencement. 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.

- Prior to the destructive works, a Schwegler 2F (general purpose) bat box (or similar as agreed by the licenced ecologist if the specified model isn't available) will be fitted to a mature tree / building within the immediate vicinity of the site and within the developers ownership boundary, as specified by the onsite ecologist, and will be left *in situ* after the works have been completed on site. The bat box should be located on a southerly aspect, where it will receive the maximum amount of sunlight. It should be sited at a height of between three and six metres and away from any potential disturbance (including external lighting). Once bats have inhabited a bat box it may only be disturbed by a licensed bat ecologist

- If works cannot be carried out in the winter months (November to March inclusive), a pre-commencement emergence / re-entry survey is to be undertaken immediately prior to the destructive works. The survey will monitor the current activity on site and occupied roosting locations to direct works accordingly.

- If the site has not been registered within three months of the most recent survey visit, a walkover survey / check is required prior to the submission of the site registration form to ensure that the conditions of the site have not changed since the most recent survey.

- Prior to the start of works, the known roosting areas will be inspected by the registered consultant / ecologist. The ecologist will use an endoscope where necessary to examine inside the roost access point, in order to further confirm the presence or absence of bats and direct works accordingly.

- The known roost and other sensitive areas of the building are to be removed by hand, under the direct supervision of a licensed bat ecologist. In the event that a bat is discovered during the works, the bat will be captured by hand by the onsite ecologist and transported to the aforementioned pre-installed bat box. If the bat is harmed or emaciated, it will be taken to the nearest animal hospital or bat carer if deemed necessary by the onsite ecologist.

- 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.

# 5 CONCLUSION

2 Seymour Road is situated within an urban area with limited foraging and commuting opportunities for bats. Higher quality habitats are present in the wider surrounding area; however, connectivity between these habitats and site is restricted by well-lit roads, with commuting corridors limited to residential gardens.

Building 1 has a low number of PRFs which could be used by bats; however, no bats or field signs of bats were recorded during the building inspections.

Low levels of common pipistrelle activity were recorded during the presence / absence survey, and a common pipistrelle day roost used by a single bat was recorded in the building during the second emergence survey.

Due to the presence of roosting bats within the building, the development will need to be registered under Natural England's BMCL system prior to the works taking place. This can only be applied for once planning permission has been granted.

# 6 REFERENCES

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

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

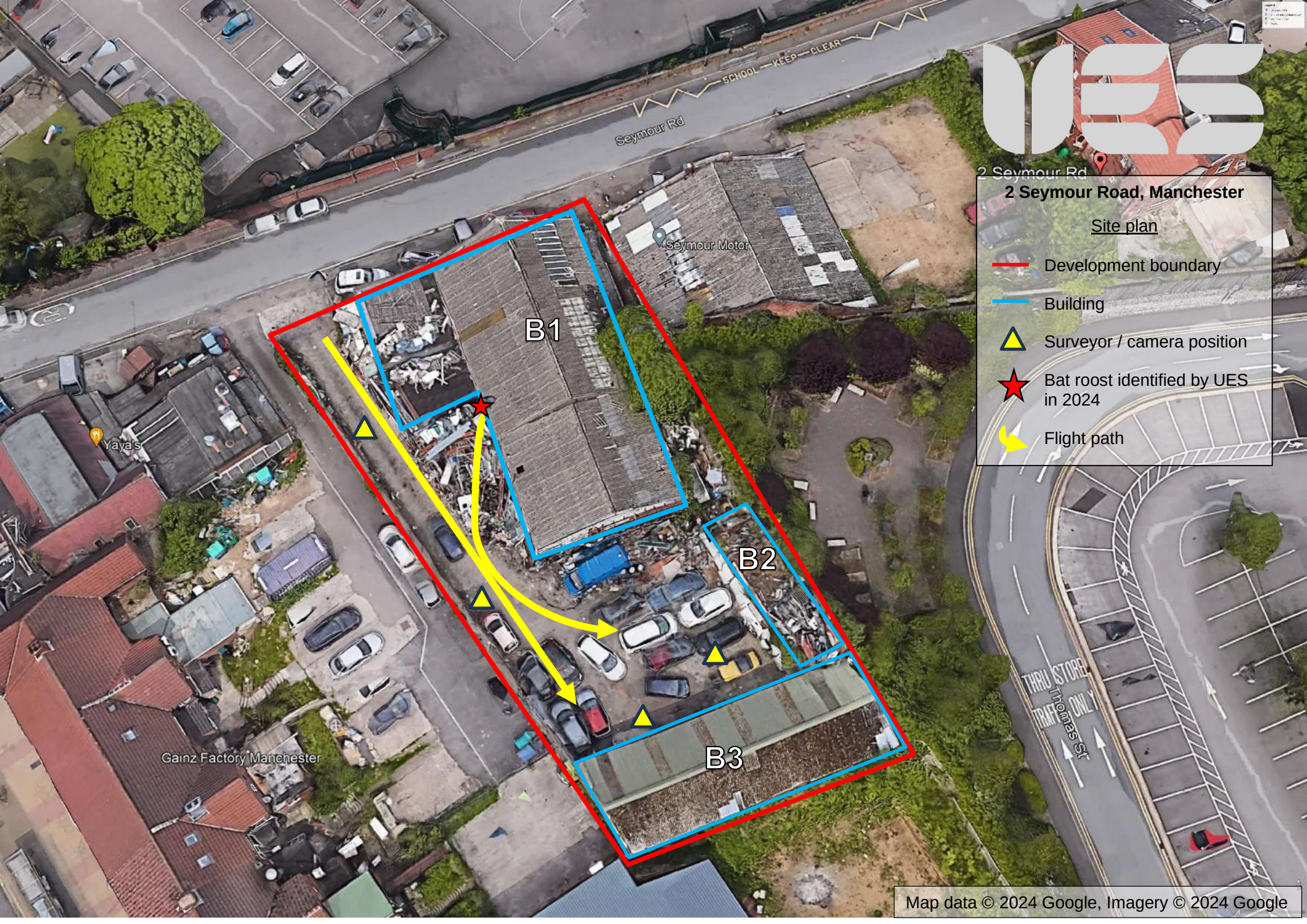
Collins, J. (ed.) (2023). *Bat Surveys for Professional Ecologists: Good Practice Guidelines.* (4th ed.) The Bat Conservation Trust, London.

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

Mitchell-Jones, A.J. & McLeish, A.P. (2004). *The Bat Workers Manual.* (3rd ed.) JNCC

# APPENDICES

## Appendix 1 – Site plan


SCHOOL KEEP CLEAR
Seymour Rd
2 Seymour Rd
Seymour Motor
B1
B2
B3
Yaya's
Gainz Factory Manchester
THRU STORE
TRAFFIC ONLY
Thomas St
2 Seymour Road, Manchester
Site plan
Development boundary
Building
Surveyor / camera position
Bat roost identified by UES in 2024
Flight path
Map data © 2024 Google, Imagery © 2024 Google

## Appendix 2 – Aerial photographs


SCHOOL KEEP CLEAR
Seymour Rd
2 Seymour Rd
Seymour Motor
B1
B2
B3
Yaya's
Gainz Factory Manchester
THRU STORE TRAFFIC ONLY
Thomas St
2 Seymour Road, Manchester
Close aerial photograph
Development boundary
Building
Map data © 2024 Google, Imagery © 2024 Google


2 Seymour Road, Manchester
Wide aerial photograph
Site location
Map data © 2024 Google, Imagery © 2024 Google

## Appendix 3 – Photographs



Photograph 1 – Gaps on western aspect of building between wall plate and roof



Photograph 2 – Gap on southern aspect below bitumen lining



Photograph 3 – Gap above window panel on extension, missing roof caps on corrugated roof



Photograph 4 – Western aspect of Building 1, southern aspect of extension



Photograph 5 – Example of debris, which was abundant throughout the building



Photograph 6 - Internal view of missing roof caps

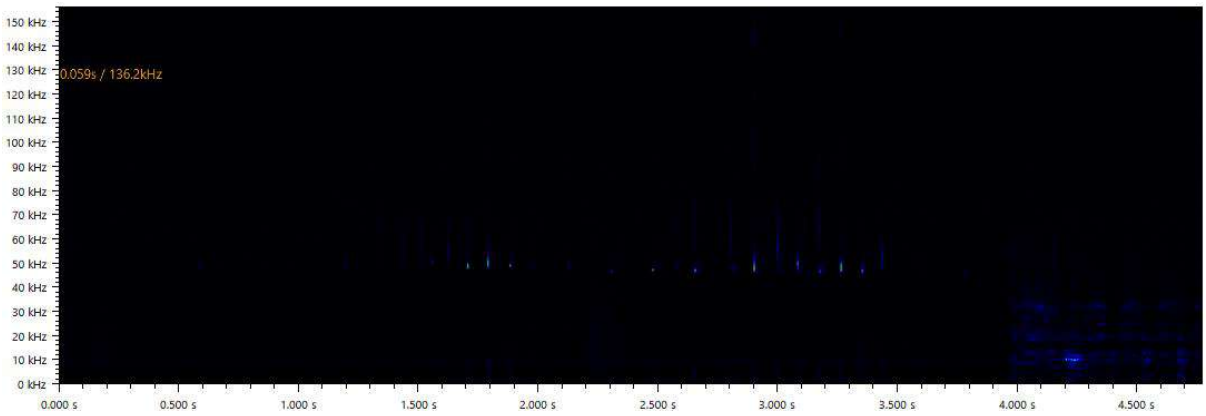


Photograph 7 – Missing panel in skylights

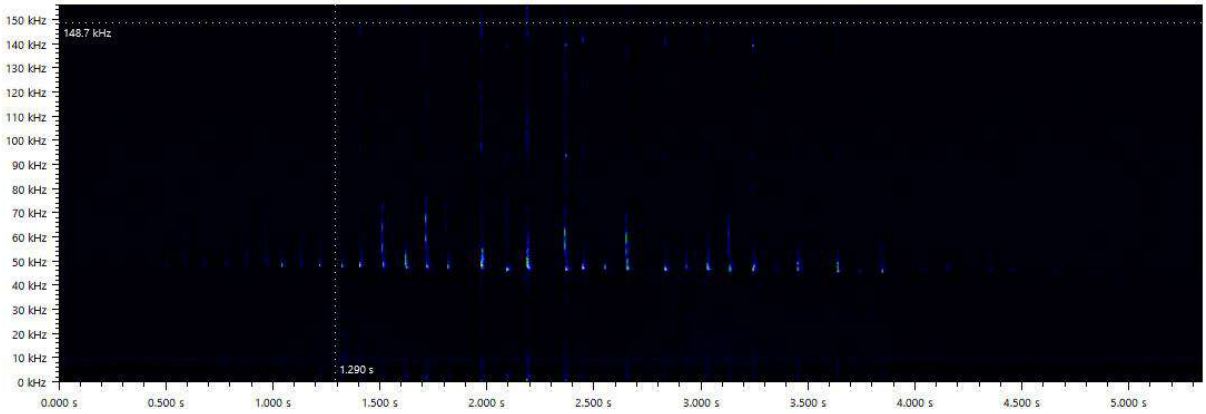


Photograph 8 – Western section of second level with little natural light ingress

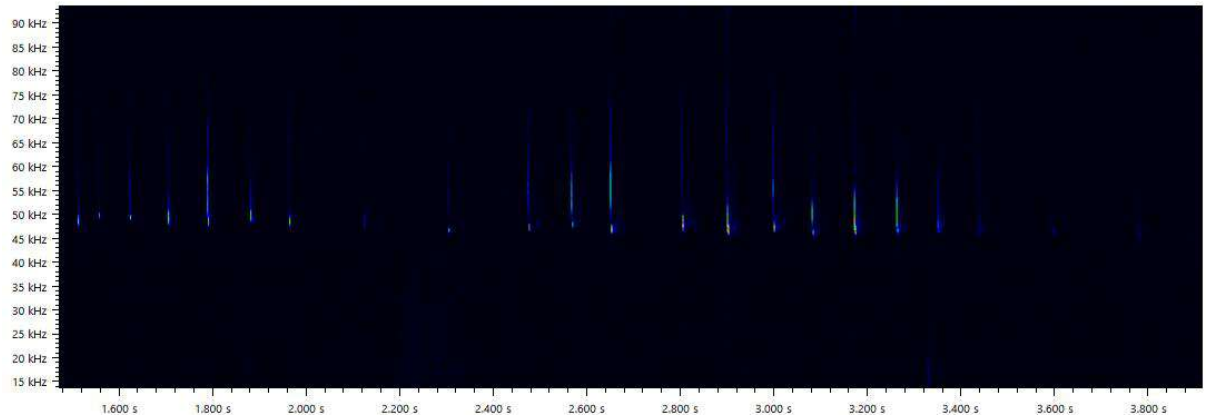
# Appendix 4 – Results




Sonogram 1. The first bat of the survey, a common pipistrelle recorded at 21:57 on 30th May 2024.




Sonogram 2. The last bat of the survey, a common pipistrelle recorded at 22:50 on 30th May 2024.




Sonogram 3. A common pipistrelle recorded emerging from Roost 1 at 21:58 on 30th May 2024.

## Appendix 5 – Camera viewpoints



Photograph 1 – Infrared imagery during the darkest point of the survey, showing the southern aspect of the Building 1 on 03/05/24



Photograph 2 – Infrared imagery during the darkest point of the survey, showing the western aspect of Building 1 on 03/05/24



Photograph 3 – Infrared imagery during the darkest point of the survey, showing the northern end of the western aspect on 30/05/24.



Photograph 4 – Infrared imagery during the darkest point of the survey, showing Building 2 on 30/05/24.

## Appendix 6 – 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.

*Taken from the Bat Conservation Trust*

## Appendix 7 – 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 Regulations 2017 (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.

## 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 biodiversity[61]; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation[62]; 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.