

Ascerta

Landscape, Arboricultural & Ecological Solutions
for the Built Environment

Bat Nocturnal Surveys

Minden Close, Burnage

Ref: P.1800.23

Date: August 2023

(See revision dates below)

Rev	Date	Details

Ascerta

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Reference	P.1800.23
Site	Minden Close, Burnage
Client	Southway Housing Trust
Date	August 2023
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QA Review & Approval	Ciaran Power – Operations Manager

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EXECUTIVE SUMMARY

Following a Preliminary Bat Roost Assessment, Ascerta has been instructed by South way Housing Trust to carry out a nocturnal bat surveys at building B1 at Minden Close, Burnage (hereafter referred to as **the site**).

Based on the results of the Preliminary Bat Roost Assessment carried out on 27th January 2023, building B1 within the site were assessed to provide **moderate** bat roost potential. The shipping containers within the site were assessed to provide **negligible** bat roost potential.

Low levels of bat activity were recorded during the nocturnal bat surveys carried out on 24th July 2023 and 10th August 2023. No bats were recorded emerging or re-entering the building with low common pipistrelle, soprano pipistrelle and noctule foraging and commuting activity recorded. The majority of foraging activity was recorded within offsite gardens to the east of the building. Bats were also recorded commuting over the building to offsite habitats to the north and south.

Following the nocturnal emergence and re-entry surveys at building B1, it was confirmed that bats are not using the building as a roost at the time of the surveys. It is considered that there will be no adverse impact on bats provided the recommendations below are followed:

- If works have not begun by February 2025, a further daytime assessment and/or nocturnal survey may be required to assess how bats are using the site;
- Building works should not be undertaken during the bird breeding season (between 1st March and 31st August) or a nesting bird check will be required by a suitably experienced ecologist;
- Street lighting and lighting to be kept to a minimum to meet the Bat Conservation Trust lighting guidelines, so as not to cause a detrimental effect to light sensitive species; and
- Habitat enhancement with the installation of a mixture of bird nest features and bat box attached to new buildings with the number of boxes to be determined upon finalised formal plans.

1.0 Introduction

Ascerta has been instructed by Southway Housing Trust to carry out nocturnal bat surveys, at building B1 at Minden Close, Burnage (hereafter referred to as the site). The site OS grid reference is SJ 854 915 and the What3Words reference is owner.riches.rainy. The extent of the site is displayed in photograph 1.1 below.



Photograph 1.1; Site Extent – Google Maps accessed 2023.

Site Description

The site comprises a hardstanding concrete yard with four shipping containers and a building (B1) on the eastern site boundary. Strands of tall ruderal and short perennial vegetation have encroached the hardstanding and an offsite tree partially overhangs the western site boundary. The site is enclosed by a brick wall is bordered by residential dwellings on all site boundaries.

The site lies within Burnage, approximately five miles south of Manchester City Centre. The site is bordered by residential dwellings on all site boundaries. The surrounding land use is predominately residential dwellings with pockets of amenity space, including Fog Lane Park, within the wider landscape. The trainline that runs between Burnage and Gatley lies approximately 200m east.

Client Proposals

Our client seeks planning consent to redevelop the site for two residential dwellings, associated access road and area of parking.

Previous Preliminary Bat Roost Assessment/ Preliminary Ecological Appraisal

The site was visited on 27th January by Lizzie Atkinson when a Preliminary Ecological Appraisal and Bat Roost Assessment was carried out, which includes an assessment of the potential for protected species to be using the site or surroundings, was carried out in accordance with the *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit* (JNCC, 2010). The report was prepared following methods detailed in the CIEEM '*Guidelines for Ecological Impact Assessment in the UK and Ireland*' (2018) and '*Guidelines for Ecological Report Writing*' (2017).

During this assessment, it was found that building B1 had **moderate** potential to support roosting bats.

Nesting Birds

During the course of the survey(s), evidence of and/or observations of nesting birds within the site may be identified. Any information regarding nesting birds on site will be mapped and discussed further within the report, including recommendations for further actions, where applicable, in order to satisfy current wildlife legislation and to achieve our client's objectives.

Survey Report

This report was prepared following methods detailed in the CIEEM '*Guidelines for Ecological Impact Assessment in the UK and Ireland*' (2018) and '*Guidelines for Ecological Report Writing*' (2017).

This report presents the results of the bat survey's undertaken following the guidelines set out by the Bat Conservation Trust (Collins 3rd Edition 2016) and Interim Guidance Note, May 2022.

The report includes recommendations for further actions where applicable in order to satisfy current wildlife legislation and to achieve our client's objectives. Relevant legislation is detailed within Appendix 4.

2.0 Objectives

Our client's objectives are to ascertain the potential ecological constraints and opportunities of the site to the inform the proposed development of residential dwellings.

Our objectives are as follows:

- Carry out nocturnal bat surveys of building B1 within the site;
- Provide recommendations for mitigation measures where current legislation requires;
- Provide recommendations that seek to enhance the ecological value of the site; and
- Provide recommendations to assist our clients in achieving their objectives whilst satisfying current wildlife legislation.

3.0 Survey Methods

The following bat surveys will be undertaken following the guidelines set out by the Bat Conservation Trust (Collins 3rd Edition 2016) and Interim Guidance Note, May 2022.

3.1 Desk Study

The local biological records centre Greater Manchester Ecology Unit (GMEU) has been consulted for records of bats within 2km of the site in January 2023. A review of the designated sites and habitats within 2km of the site was undertaken using the Multi-Agency Geographic Information for the Countryside (MAGIC) and the Natural England websites. The full results are given in *P.1800.23A Ascerta preliminary Ecological Appraisal, Minden Close, Rev A*. Only findings relating to bats are detailed in this report.

Any European Protected Species Licence (EPSL) applications within 2km of the site will also be searched for and detailed in Section 4.1.

3.2 Bat Emergence/Re-entry Survey Methods

During Bat Emergence and Re-entry surveys, surveyors will be strategically positioned around the building (locations marked on drawings P.1800.23.02 and P.1800.23.03 in Appendix 1), focussing on areas where potential access points had been identified during the Preliminary Bat Roost Assessment to observe any bats leaving or entering a roost. These will be recorded, and any emergences/re-entries will be identified on drawings in Appendix 1. Surveyors will also record any general bat activity whilst on the site during the survey.

Dusk emergence survey commenced 19 minutes before sunset and continue until 1 hour and 30 minutes after sunset.

Dawn re-entry survey commence 2 hours before sunrise and continue 15 minutes after sunrise.

During the survey, the following details will be noted:

- Weather and temperature;
- Time bat detected / seen and if they emerged from or entered the building;
- Frequency at which the bat was detected;
- Location of bats and if they were foraging and commuting;
- Direction of flight; and
- Number and species of bats present.

3.3 Surveyor and Equipment Information

Table 3.1: Survey equipment used by the surveyors during bat emergence and re-entry surveys on 24th July 2023 and 10th August 2023.

Date	Surveyors	Equipment
24 th July 2023	Liz Kenyon	Echo Meter Touch (EMT) connected to Ipad mini and Sony AX53 4K, with two Nightfox XC5 infrared torches.
	Fran Stallman, Harriet Cox and Niall Doherty	Peersonic RPA3 detectors
10 th August 2023	Lizzie Atkinson	EMT connected to Samsung A12 mobile phone and Sony AX53 4K, with two Nightfox XC5 infrared torches.
	Dave Massey, Jade Brooks	Peersonic RPA3 detectors

3.4 Data Collection and Analysis

During bat emergence/ re-entry surveys, surveyors will also collect bat call data on their respective equipment (see Section 3.5).

Temperature, wind speed/direction and cloud cover were recorded at the beginning and end of the survey, along with any significant weather changes during the survey (e.g. heavy showers).

3.5 Limitations

The surveys were undertaken during the appropriate time of year and within suitable weather conditions.

The absence of biological data records does not necessarily mean the absence of species. This has been taken into account within the conclusions of the report.

4.0 Survey Results

4.1 Desk Study

Two hundred and ninety-seven records for bats within 2km of the site. Thirty-eight of those records were for bat roosts. Bat species include common pipistrelle, soprano pipistrelle, daubenton's, noctule bat, myotis sp, whiskered bat, unknown pipstrelle species and unknown bat species.

Two European Protected Species Licence (EPSL) applications within 2km of the site since 2017 were identified using Magic Maps and are detailed below (distance and direction from site):

- 2020-50519-EPS-MIT for the destruction of a breeding site and resting place of brown long-eared bat and common pipistrelle. License start date: 01/02/2021, end date: 31/12/2031; and
- 2018-38076-EPS-MIT for the destruction of a resting place for common pipistrelle. License start date: 01/12/2018, end date: 30/09/2019.

4.2 Survey Conditions

Weather Conditions

During each survey, surveyors recorded weather conditions. The table below shows the weather conditions for each survey undertaken on 24th July 2023 and 10th August 2023.

Table 4.1: Weather conditions

Survey date	Temp (°c)	Cloud Cover (°/8)	Wind (Beaufort Scale)	Precipitation
24 th July 2023 (start of survey)	15	1/8	F0	Dry
24 th July 2023 (end of survey)	13	1/8	F0	Dry
10 th August 2023 (start of survey)	16	0/8	F0	Dry
10 th August 2023 (end of survey)	16	0/8	F0	Dry

Survey Timings

The following table shows bat survey timings for all surveys undertaken on 24th July 2023 and 10th August 2023.

Table 4.2: Survey timings

Survey Date	Dusk/Dawn Time	Survey Start Time	Survey End Time
24 th July 2023	21:19	21:00	22:49
10 th August 2023	05:38	03:38	05:53

4.3 Bat Emergence/re-entry surveys

Bat emergence/re-entry surveys were undertaken on 24th July 2023 and 10th August 2023 at B1. Detailed bat emergence/re-entry survey data can be found in Appendix 2. Table 4.3 below details the key findings for the bat emergence/ re-entry surveys.

Table 4.3: Key findings regarding emergence and re-entry surveys.

Survey Date	Species	Emergence/re-entry	Location and Surveyor
24 th July 2023	<i>Soprano pipistrelle</i> (<i>Pipistrellus pygmaeus</i>)	Commuting	Activity commenced at surveyor ND, located to the southwest of B1 at 22:01 (42 minutes after sunset) with a heard but not seen bat.
	<i>Soprano pipistrelle</i> (<i>Pipistrellus pygmaeus</i>)	Commuting	A second bat was recorded at 22:10, flying from the southeast to the north over the site.
	<i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>)	Foraging	A foraging bat was recorded at 22:20 to the south of the building.
	<i>Noctule</i> (<i>Nyctalus noctula</i>)	Pass	Activity ceased at the surveyor location at 22:24 with a heard but not seen bat.
	<i>Soprano pipistrelle</i> (<i>Pipistrellus pygmaeus</i>)	Commuting	Activity commenced at surveyor location LK, located to the northeastern elevation at 22:02 (43 minutes after sunset), the bat was recorded to fly north-west to northeast, adjacent to the northern site boundary.
	<i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>)	Foraging	Two heard but not seen bats were recorded at 22:11 and 22:51.
	<i>Noctule</i> (<i>Nyctalus noctula</i>)	Commuting	Activity ceased at surveyor location LK at 22:25 with a commuting bat that was heard but not seen. Surveyor LK was also equipped with Sony AX53 4K, with a Nightfox XC5 camera with two infrared torches.
	<i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>)	Commuting	Activity commenced at surveyor location FS, located to the east of B1 at 22:03(43 minutes after sunset). The bat was recorded to fly west to east over the site. A second bat was recorded to fly south to north over B1 and a third north-east to southwest over the building.

	<i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>) <i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>) <i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>)	Foraging Commuting Foraging	A heard but not seen foraging bat was recorded at 22:12. Activity commenced at 22:03 (44 minutes after sunset) at surveyor HC, located to the north of B1. The bat was recorded flying from north to south over the building. A single bat was recorded foraging to the northern elevation of the building at 22:12 Activity ceased at the surveyor location with a heard but not seen bat at 22:12. A very low level of commuting and foraging activity was recorded by common pipistrelle, soprano pipistrelle and noctule bats during the survey and no emergences were recorded from the building by the surveyors or the Sony AX53 4K camera.
10 th August 2023	Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>) <i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>) <i>Common pipistrelle</i> (<i>Pipistrellus pipistrellus</i>) Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>)	Commuting Commuting Foraging Commuting	Activity commenced at surveyor DM, located to the south-west of B1 with a commuting soprano pipistrelle that was heard not seen at 03:47 (1 hour and 51 minutes prior to sunrise). A second commuting bat was recorded at 04:13. DM recorded five commuting bats throughout the survey, the majority were heard not seen. A single bat was observed commuting south-west over the building. DM recorded common pipistrelle foraging activity between 04:48 and 05:05 by up five bats at one time. At surveyor JB, located north of B1, activity commenced at 03:50 (1 hour and 48 minutes prior to sunrise) with a commuting soprano pipistrelle that was heard not seen. Two heard not seen soprano pipistrelle commuting bats were recorded at surveyor location.

	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Foraging	Surveyor JB recorded common pipistrelle foraging activity throughout the survey with constant activity between 04:54 and 05:07. Bats were recorded foraging to the north of B1.
	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Commuting	At surveyor LA, located to the east of B1, activity commenced at 04:16 (1 hour and 22 minutes prior to sunrise) with a commuting bat that was heard not seen.
	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Pass	Surveyor LA recorded two brief common pipistrelle passes that were heard not seen at 04:25 and 04:40.
	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Foraging	Common pipistrelle foraging activity recorded at surveyor LA by up to four bats with constant activity between 04:51 and 05:08 when activity ceased. A low level of commuting and foraging activity was recorded by common pipistrelle and soprano pipistrelle bats during the survey and no re-entries were recorded at the building by the surveyors or the Sony AX53 4K camera.

4.4 Evidence/observations of nesting bird species

During the survey, evidence/observation of nesting birds was not identified.

5.0 Evaluation and Recommendations

Based on the results of the Preliminary Bat Roost Assessment carried out on 27th January 2023, building B1 within the site were assessed to provide **moderate** bat roost potential. The shipping containers within the site were assessed to provide **negligible** bat roost potential.

Low levels of bat activity were recorded during the nocturnal bat surveys carried out on 24th July 2023 and 10th August 2023. No bats were recorded emerging or re-entering the building with low common pipistrelle, soprano pipistrelle and noctule foraging and commuting activity recorded. The majority of foraging activity was recorded within offsite gardens to the east of the building. Bats were also recorded commuting over the building to offsite habitats to the north and south. Following the nocturnal emergence and re-entry surveys at building B1, it was confirmed that bats are not being used as a roost at the time of the surveys.

As such, works to building B1 within the site can proceed without being detrimental to maintenance of the local bat population at a favourable conservation status (i.e. the proposals meet the third test of the 'three test assessment' as outlined in the Habitats Regulations). Features on the building still have a potential for supporting bat roosts and bats are known to move roosts often. If works have not occurred by have not begun by August 2023, a further daytime assessment or nocturnal survey may be required to confirm bats are not using the buildings to roost.

6.0 Enhancements

In order to meet requirements for biodiversity protection and enhancement outlined within the NPPF, it is recommended that ecological enhancements are included. These could include:

1. Provision of one bird box (25mm and 32mm entrance hole box, house sparrow terrace, swift box), attached to or integrated within new buildings on site;
2. Provision of one bat box (e.g. Vivara bat bricks or '*bird brick houses*' bat boxes) integrated within new buildings; and
3. Suitable landscaping incorporating species that provide a food or shelter resource to wildlife to include hawthorn, hazel, holly, blackthorn, field maple, dog rose and honeysuckle as hedgerow species and oak, alder, field maple, silver birch, crab apple, rowan and bird cherry as tree species together with implementing a relaxed mowing regime and establishing wildflowers in these areas.

7.0 Conclusions

Building B1 was subject to two nocturnal bat surveys following the Preliminary bat roost assessment of the building which classified the building as having **moderate** bat roost potential. Low bat activity was recorded during the bat surveys and no bats were seen to emerge or re-enter the building. Therefore, it is considered that bats are not using the building as a roost at the time of the surveys.

The building provides opportunities for nesting birds.

The following recommendations have been made to avoid impact on bats and birds during the works:

- If works have not begun by February 2025, a further daytime assessment and/or nocturnal survey may be required to assess how bats are using the site;
- Building works should not be undertaken during the bird breeding season (between 1st March and 31st August) or a nesting bird check will be required by a suitably experienced ecologist;
- Street lighting and lighting to be kept to a minimum to meet the Bat Conservation Trust lighting guidelines, so as not to cause a detrimental effect to light sensitive species; and
- Habitat enhancement with the installation of a mixture of bird nest features and bat box attached to new buildings with the number of boxes to be determined upon finalised formal plans.

It is considered that there would be very limited impact on the local ecology as a result of the proposals, provided the recommendations detailed within section 5.0 above are followed.

8.0 References

Bat Conservation Trust (2018) *Bats and lighting in the UK- bats and the built environment series 08/18*
Bat Conservation Trust, London.

CIEEM (2017) *Guidelines on Ecological Report Writing*. Chartered Institute of Ecology and Environmental Management, Winchester

CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2021) *Bat Mitigation Guidelines: A guide to impact assessment, mitigation and compensation for developments affecting bats. Beta version*.

Collins, J. (Ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn) and Interim Guidance Note, May 2022. The Bat Conservation Trust, London.

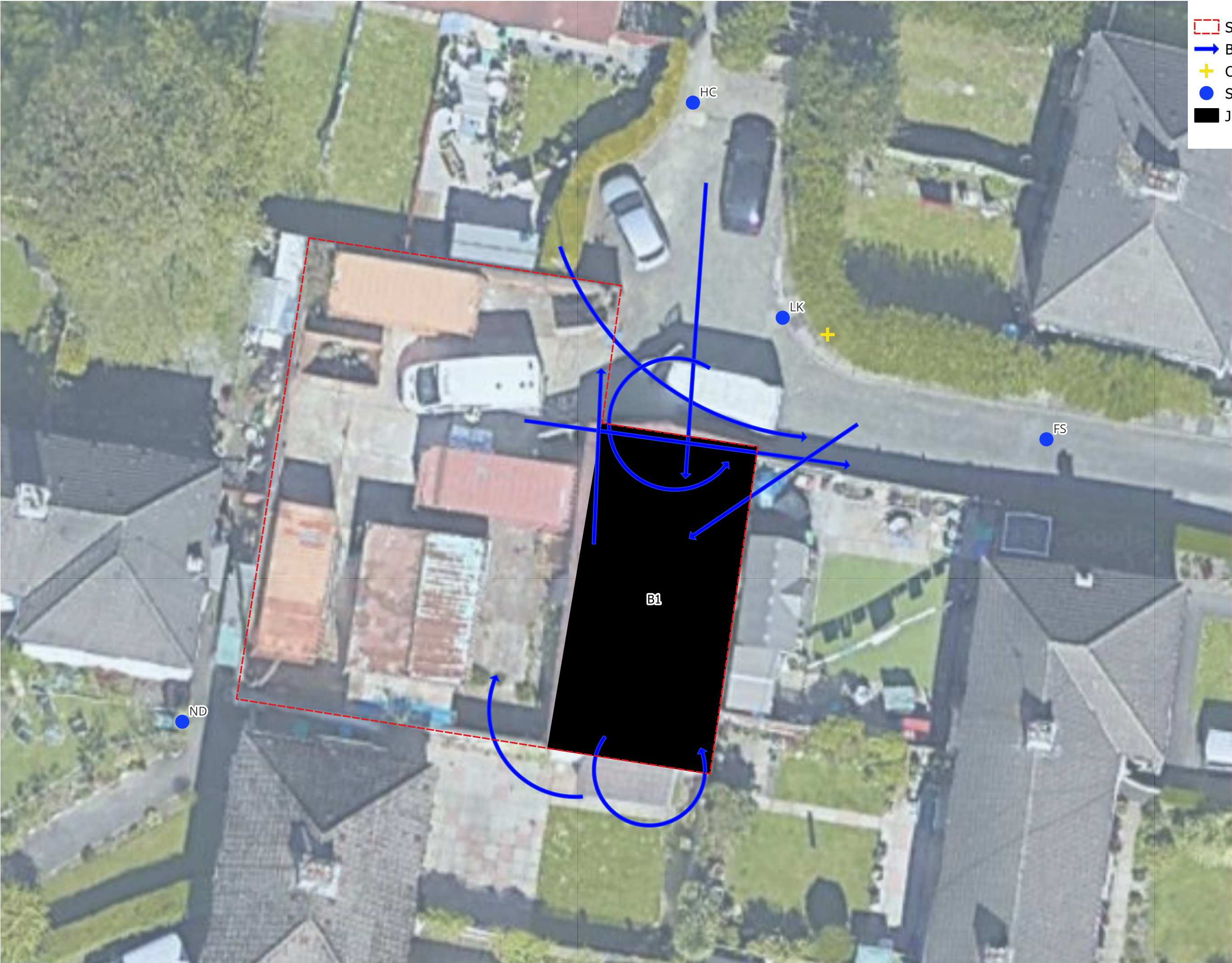
Joint Nature Conservation Committee (JNCC). *The UK Biodiversity Action Plan (UK BAP)* [online] Available at: www.jncc.defra.gov.uk/page-5155

Maddock, A. (2008). UK biodiversity action plan; priority habitat descriptions. *UK Biodiversity Action Plan*, 94pp.

Ministry of Housing, Communities and Local Governments (2021). *National Planning Policy Framework (NPPF)*. [online] Available at: [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92526/nppf-2021.pdf)

Multi Agency Geographic Information for the Countryside (MAGIC) [online] Available at: [MAGIC \(defra.gov.uk\)](https://magic.defra.gov.uk/)

Appendix 1



- Site boundary
- Bat flight lines 24.07.23
- Camera location 24.07.23
- Surveyor locations 24.07.23
- J3.6 - Buildings

DO NOT SCALE.
ALL COORDINATES RELATED TO LOCAL GRID.
LOCATED TO NG BY BEST FIT TO DETAIL.
EXTRACTED FROM OS DIGITAL DATA.

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Southway Housing Trust

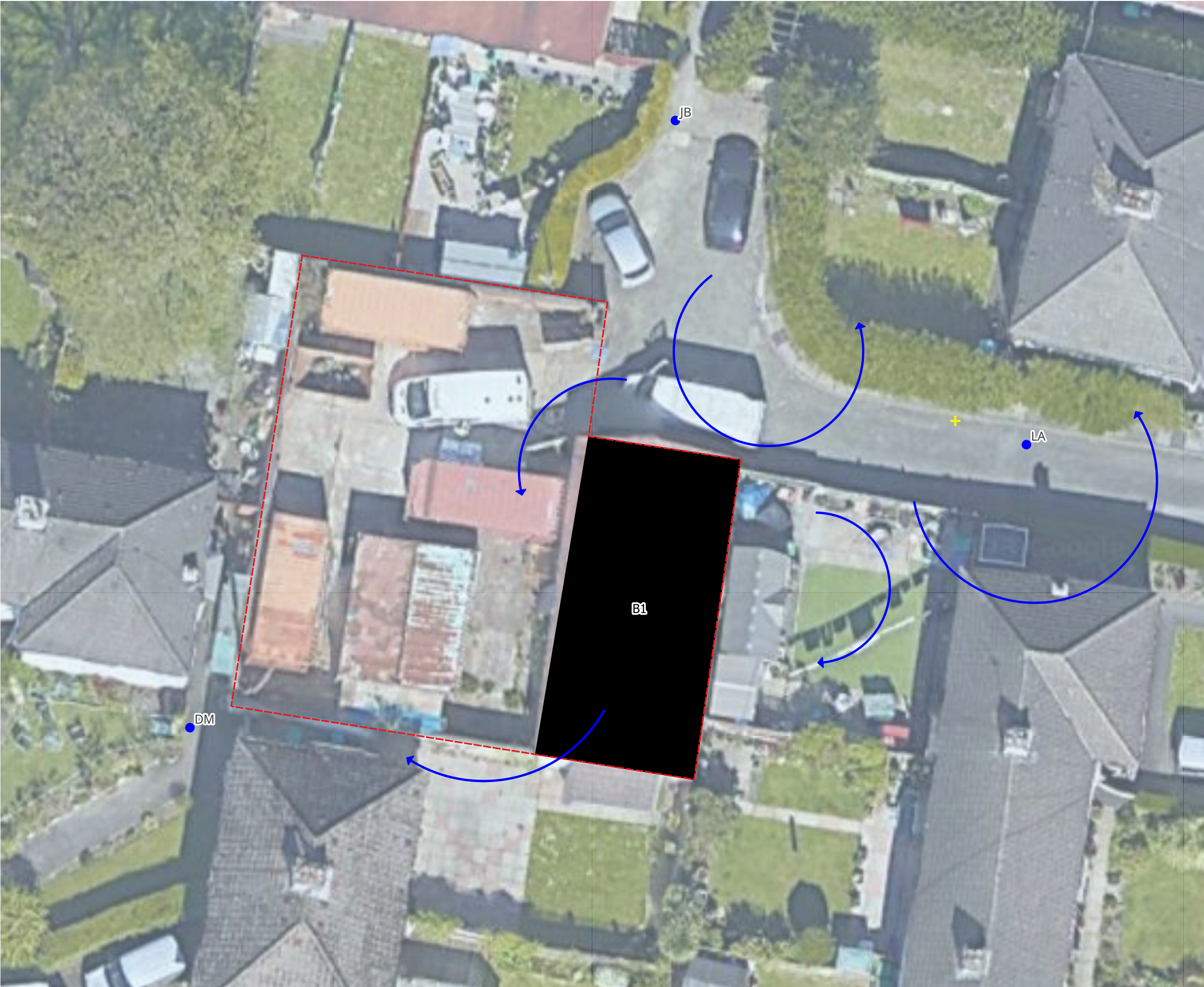
PROJECT:

Minden Close, Burnage

DRAWING TITLE:

Bat Emergence Survey

SCALE: NTS@A3	DRAWN BK	DRAWING No: P.1800.23.02
DATE: 08/08/2023	CHKD BY: CP	REV: -



- Site boundary
- Bat flight lines 10.08.23
- Camera location 10.08.23
- Surveyor locations 10.08.23
- J3.6 - Buildings

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CLIENT:
Southway Housing Trust

PROJECT:
Minden Close, Burnage

DRAWING TITLE:
Bat Re-Entry Survey

SCALE: NTS@A3	DRAWN BY: LA	DRAWING No: P.1800.23.03
DATE: 10/08/2023	CHKD BY: CP	REV: -

Appendix 2

Lead Surveyor Bat Survey Form

Ascerta

Site name/number: Minden Close

Name: L2 Keyn

Date: 24/7/23

Weather:

Building/tree reference:

B1

Detector: DMT + iPad mini

Start

End

Surveyor names:

LK, FS, ND, HC

Dawn Dusk

Wind:

FD

FD

Temperature:

15

13

Precipitation:

None

None

Cloud cover:

1/8

1/8

Check list:

All lead surveyor details filled in ☒

North arrow marked on map ☒

Drawing/map named & dated ☒

Surveyor positions marked on drawing ☒

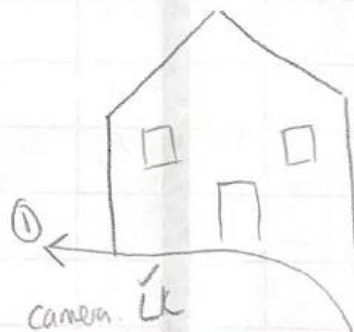
Sunset/sunrise time: 2117

Survey start time: 2100

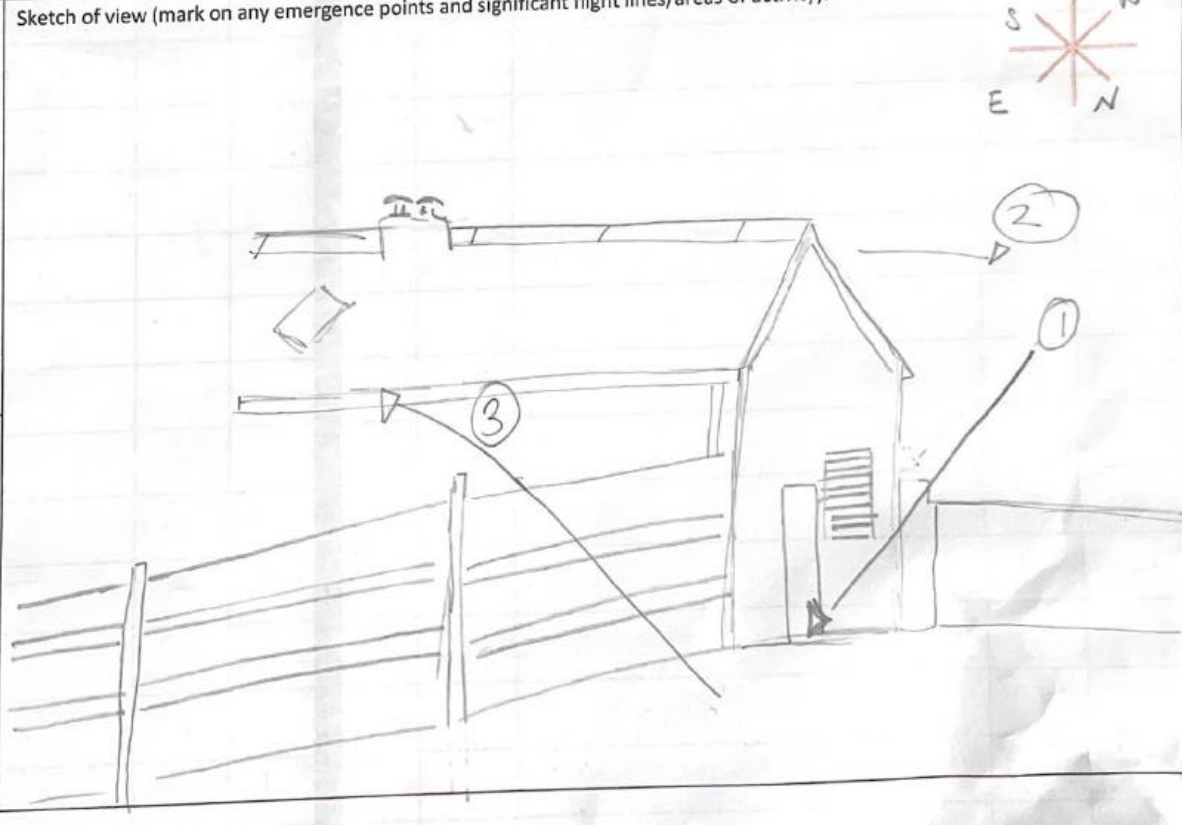
Survey end time: 2249

Notes/ site information (limitations, access issues, lighting etc.)

Sketch plan view:



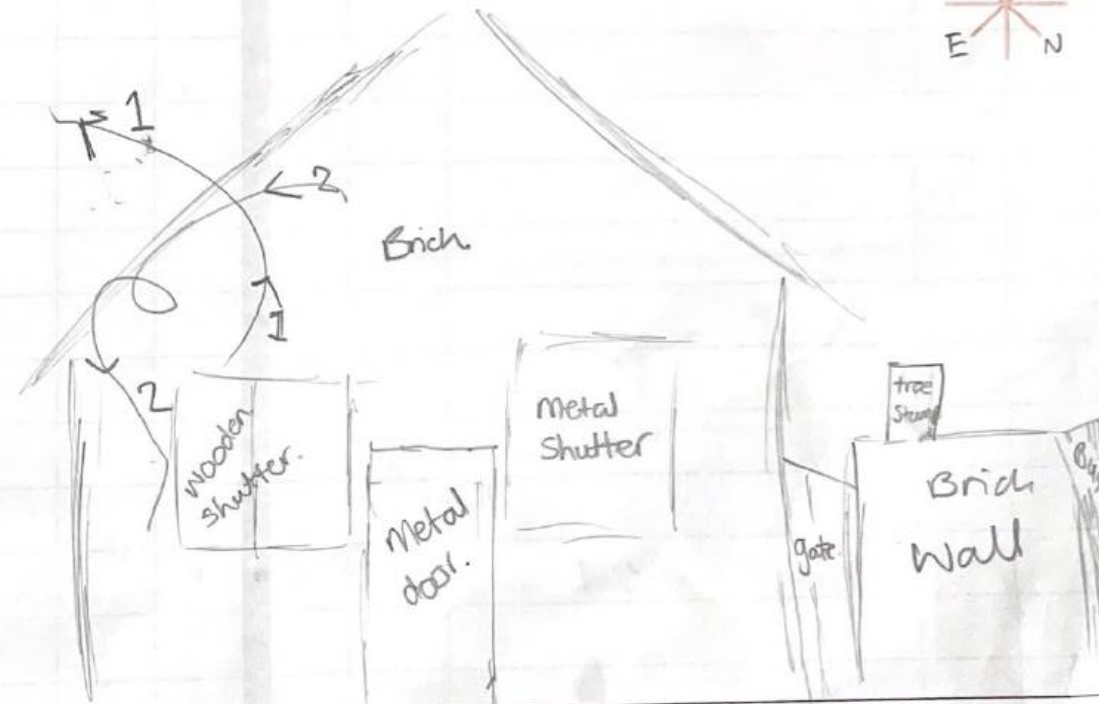
Bat Survey Form (Non-Lead Surveyor)

Site name/number: Minden Close Burnage	Surveyor name: Fran Stallman Survey leader? Yes/No ☒ No	Date: 24 / 4 / 23 Detector type: A8	Surrounding habitat: Residential near to main RD.
Surveyors checklist: ☒ Completed all information at top of form ☒ Drawn viewpoint/marked any emergence ☒ Added north arrow to compass ☒ Photo of viewpoint taken at start of survey ☒ Recorded observations and completed summary	Sketch of view (mark on any emergence points and significant flight lines/areas of activity): 		
Summary: Emergence/Re-entry (Circle): Yes ☒ No (if yes state number and species) Overall activity levels: ☒ Very low ☐ Low ☐ Medium ☐ High ☐ Constant Social calling (Circle): Yes ☐ No ☒			

[illegible]

Bat Survey Form (Non-Lead Surveyor)

Ascerta

Site name/number: <i>Minden close.</i>	Surveyor name: <i>Harriet Cox.</i> Survey leader? Yes/No ☒ No	Date: <i>24/07</i> Detector type: <i>Pearsonic A7</i>	Surrounding habitat: <i>houses, garden, Road.</i>
Surveyors checklist: - Completed all information at top of form ☒ - Drawn viewpoint/marked any emergence ☒ - Added north arrow to compass ☒ - Photo of viewpoint taken at start of survey ☒ - Recorded observations and completed summary ☒	Sketch of view (mark on any emergence points and significant flight lines/areas of activity): 		
Summary: Emergence/Re-entry (Circle): Yes No (If yes state number and species) Overall activity levels: - Very low - Low - Medium - High - Constant Social calling (Circle): Yes No			

[illegible]

Bat Survey Form (Non-Lead Surveyor)

Ascerta

Site name/number:

Minden Close

Surveyor name:

Niall Doherty

Survey leader? Yes/No

Date:

24/07/23

Detector type:

AG

Surrounding habitat:

Residential, hedges

Surveyors checklist:

Completed all information at top of form ✓

Drawn viewpoint/marked any emergence ✓

Added north arrow to compass ✓

Photo of viewpoint taken at start of survey

Recorded observations and completed summary ✓

Summary:

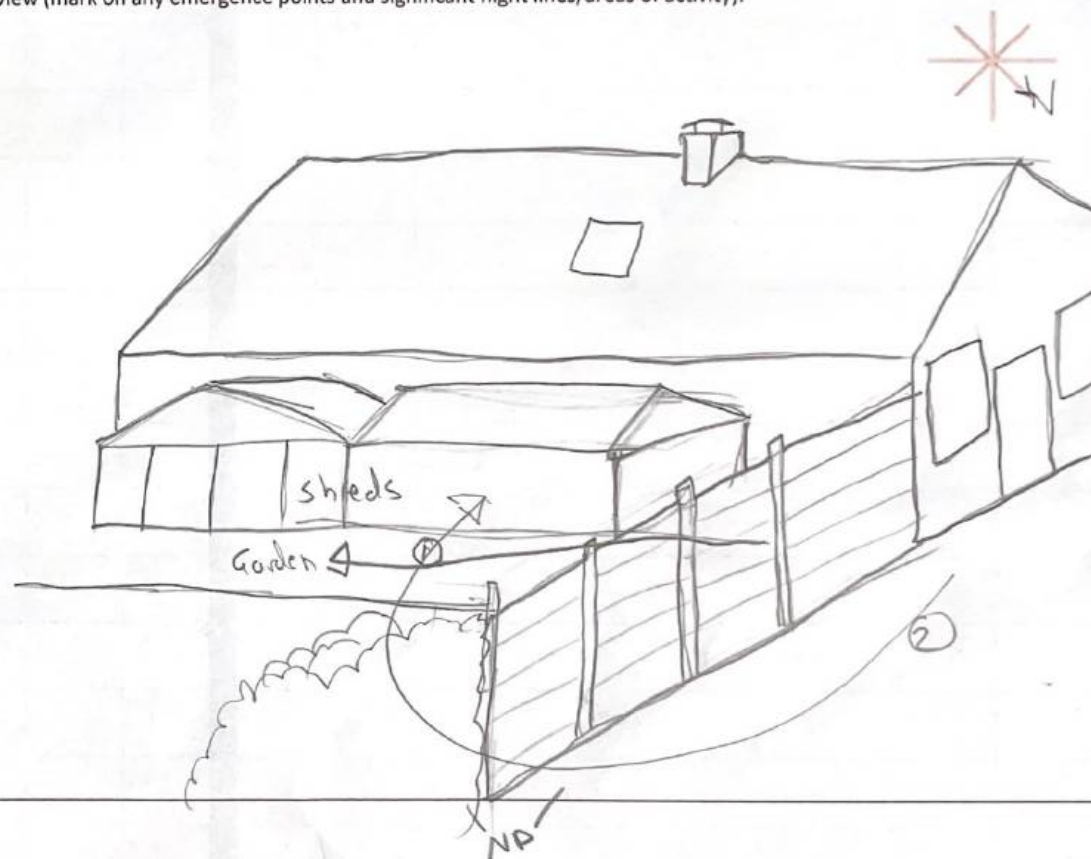
Emergence/Re-entry (Circle): Yes
No (If yes state number and species)

Overall activity levels:

Very low ✓
Low
Medium
High
Constant

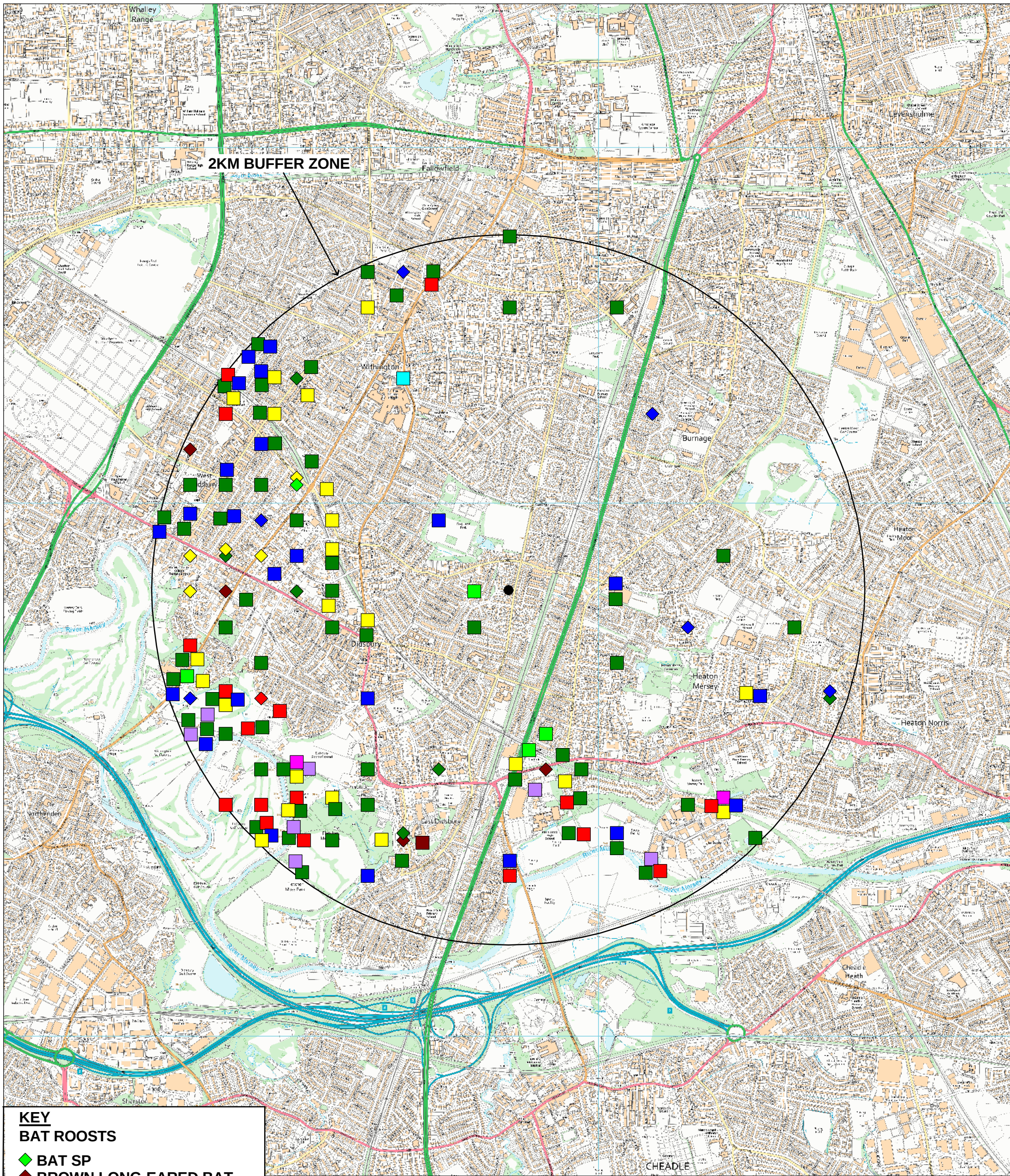
Social calling (Circle): Yes No

Sketch of view (mark on any emergence points and significant flight lines/areas of activity):



[illegible]

Appendix 3



KEY

BAT ROOSTS

- ◆ BAT SP
- ◆ BROWN LONG-EARED BAT
- ◆ COMMON PIPISTRELLE
- ◆ NOCTULE BAT
- ◆ PIPISTRELLE SP
- ◆ SOPRANO PIPISTRELLE

BATS OTHER SIGNS

- BAT SP
- BROWN LONG-EARED BAT
- COMMON PIPISTRELLE
- DAUBENTON'S BAT
- MYOTIS SP
- NOCTULE BAT
- PIPISTRELLE SP
- SOPRANO PIPISTRELLE
- WHISKERED BAT

GREATER MANCHESTER ECOLOGY UNIT
ECOLOGICAL SEARCH - SJ 8549 9151
MINDEN CLOSE - MAP 4

SCALE 1:20,000

BAT DATA COURTESY OF SOUTH LANCS BAT GROUP

THE MAP IS BASED UPON ORDNANCE SURVEY MATERIAL WITH
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Date Produced: 27/01/2023

Appendix 4

Appendix 4: Relevant Legislation

European Legislation

The following Directives have been adopted by the European Union and provide protection for fauna and flora species of European importance and the habitats which support them:

- Directive 2009/147/EC on the Conservation of Wild Birds (Birds Directive);
- Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

UK Legislation

The Habitats Directive has been transposed into national legislation through the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (The Habitats Regulations). This provides for the designation and protection of 'European Sites' (SPAs, SACs and Ramsar Sites, including proposed or potential European Sites) and the protection of 'European Protected Species'.

The key UK legislation relating to nature conservation is the Wildlife and Countryside Act 1981 (as amended) (W&C Act). This Act is supplemented, *inter alia*, by provision in the Countryside and Rights of Way (CROW) Act 2000, and the Natural Environment and Rural Communities Act 2006 (NERC Act). Additional species and habitat specific UK legislation includes the Protection of Badgers Act 1992 and the Hedgerow Regulations 1997.

The Environment Act sets out how the UK will maintain environmental standards following leaving of the EU. The Bill builds on the vision of the 25 Year Environment Plan, with the ambition from the government to leave the environment in a better state than it was when inherited.

The Defra Biodiversity Metric is being implemented to work alongside the Environment Act. This tool calculates potential biodiversity impacts as a result of development and identifies mitigation and compensation requirements to ensure no net loss of biodiversity. In addition, it identifies measures that can be implemented in order to meet Biodiversity gain as a result of development. Defra released a beta version of the biodiversity metric in July 2019 with the latest update being released in March 2023. This metric is likely to be the default metric used by councils.

The National Planning Policy Framework (NPPF) 2021 has been published to provide further planning guidance. Wildlife, biodiversity and ecological networks are referred to in Section 15 '*Conserving and enhancing the natural environment*'. The NPPF states that the planning system should contribute to and enhance the natural and local environment by: recognising the wider benefits of ecosystem services, minimising impacts on biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Further guidance is provided within Government Circular 06/05: *Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System*.

Species and Habitats of Principal Importance

Species and Habitats of Principal Importance are listed under section 41 of the NERC Act and are a material consideration in planning decisions. Planners require relevant, up to date information from ecological surveys in order to assess the effects of a proposed development on biodiversity as Councils have a statutory obligation under section 40 of the NERC Act to consider biodiversity conservation in the determination of planning applications.

Background information about the lists of priority habitats and species (Species and Habitats of Principal Importance) can be found within the UK Biodiversity Action Plan (UK BAP). Although this has been succeeded by the 'UK Post-2010 Biodiversity Framework', many of UK BAP tools are still relevant. BAPs identify habitats and species of nature conservation priority on a UK (UK BAP) and Local (LBAP) scale. Most BAP priority habitats and species have Habitat Action Plans (HAP) and Species Action Plans (SAP) and there are also "grouped action plans" for groups of related species with similar conservation requirements. The LBAP relating to this Site is the Greater Manchester Biodiversity Action Plan.

Bats

In England, all bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife & Countryside Act 1981 (as amended). Several species of bat are also highlighted as Priority Species under the UK Biodiversity Action Plan and within the Local BAP.

Under the current legislation as summarised on pages 8 and 9 of the Bat Surveys for Professional Ecologists Good Practice Guidelines – 3rd Edition (2016) it is a criminal offence to:

“To kill, capture, injure or take a wild bat;

- To damage or destroy a place used by a bat for breeding or resting. All offences of this nature are identified within the Habitats Regulations. This offence is unique in that it can be committed accidentally. No element of intentional, reckless or deliberate action needs to be evidenced;*
- To disturb bats anywhere (roosts, flight lines or foraging areas) if levels of disturbance can be shown to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate or to affect significantly local distribution or abundance;*
- To intentionally or recklessly disturb a bat, whilst it is occupying a place of shelter or protection;*
- To intentionally or recklessly obstruct access to any place used by a bat for shelter or protection; and*
- To be in possession or control of a bat alive or dead (or any part of a bat or anything derived from a bat, although bat droppings are generally considered to be acceptable), or to transport a bat, to sell or exchange a bat or to offer to sell or exchange a bat taken from the wild.”*

Breeding Birds

Breeding Birds are protected under the Wildlife and Countryside Act which make it an offence to:

- intentionally kill, injure or take any wild bird or take, damage or destroy the nest of any wild bird whilst it is in use or being built;*
- intentionally take or destroy the egg of any wild bird;*
- have in one's possession or control any wild bird, dead or alive, or any part of a wild bird (including eggs), which has been taken in contravention of the Act or the Protection of Birds Act 1954;*
- intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.*

Local Policy

The site lies within Manchester and is covered by Manchester's Local Development Framework Core Strategy Development Plan Document (adopted 11 July 2012) and extant policies within the Unitary Development Plan. The policy of relevance is EN 15 within the Core Strategy document.