

Bat Activity Report.

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Prepared for: Threadneedle Curtis Ltd
MAG 401 building, Pinfold Way

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Appendix 1 Legislation

1. Introduction

1.1 Site description, location and context

The site is located to the north of Wilmslow Old Rd in a semi urban environment and enclosed by existing commercial land uses. The habitat on site comprises of woodland habitats including areas of hard standing.

1.2 Proposed works

This report will inform the ongoing development for the site which aims to implement a planning proposal requiring the removal of a woodland section to the SE corner of the existing woodland habitat.

1.3 Purpose, aims and objectives of this report

The Preliminary Ecological Appraisal stated;

“The site may hold significance for commuting and foraging bat species and a short simple single visit transect activity survey can inform the planning application of this aspect”.

Therefore the purpose of this report is to establish the extent and nature of bat activity across the site. We shall aim to:

- Establish absence or presence (including species) on or adjacent to the site
- Estimate the assemblage of bat species using the site and the nature of that activity for example feeding, commuting, and / or roosting and / or socialising.
- Establish the importance of the habitat to bat use

The objective of the report is to be able to assess the impact of construction and any applicable mitigation or enhancement measures in relation to the extent and use of the habitat by bats.

2. Methods

2.1 Summary of survey methods

The survey is designed around the 2016 BCT Bat Surveys Good Practice Guidelines 3rd Edition Chapter 8 Bat Activity Surveys. This shall specifically include an assessment of habitat in accordance with Table 8.3 to ensure a reasonable survey effort in relation to habitat suitability has been achieved. A simple transect survey (using point stations due to woodland habitat) is considered suitable to advise the planning application if bats are present on the site and if so in what numbers. The site shall be split into point stations. Activity surveys start before sunset using a Duet and a single full spectrum Echo Meter Touch recorder that shall listen to all bat activity for the full survey period. The surveyor shall record bat activity including passes, species detected, behaviour for example feeding or commuting, flight direction both from and any relevant comments.

2.2 Pre Survey data search / existing report data.

Multi-Agency Geographic Information for the Countryside (MAGIC) website (<http://www.natureonthemap.naturalengland.org.uk/MagicMap.aspx>) has confirmed no statutory designations apply to the site and the site boundaries.

The site is located within SSSI Impact Zone for Cotteril Clough SSSI which is located 255m south of site. The development proposal does appear to conform to those development types that require the LPA to consult Natural England on the likely risks.

Whilst Rostherne Mere is in relatively proximity the site is located outside the catchment area of the Mere for nutrient neutrality (Rostherne Mere Ramsar Evidence Pack First published August 2022 Natural England Technical Information Note TIN203).

The site itself is in the Community forest non statutory designation.

Multi-Agency Geographic Information for the Countryside website data has confirmed the following habitats and species apply to the site and its immediate locality:

- There are section 41 habitats listed on the inventory on the site (woodland)
- There are numerous areas of listed woodland within the 1km which include the Cottrell Clough woodland and other areas adjacent.
- The site is within the National Habitat Network All Habitats Combined (England)

- Good quality semi-improved grassland (Non Priority) (England) and Purple Moor Grass and Rush Pasture (England) are located up to 450m south of site.
- The site area is covered by the countryside stewardship priority area for lapwing, curlew, snipe and Redshank species and the area forms part of the Bird Conservation Targeting Project for arable and farmland assemblages of bird species.
- There is no important Bird Areas, Seabird considerations, or water and wetland considerations in respect of avian species.
- The closest granted European Protected Species (EPS) license application by Natural England was for Great Crested Newt species approximately 400m west of site. Within 1km several GCN approved EPS licenses are present.

2.3 Surveyor information

Simon Brain (Managing Director) has attained a Post Graduate Certificate in Biological Recording and has attended FSC Field Courses for Land mammals, Songbird identification, Barn Owls (CIEEM) and Advanced Bird Survey Techniques (Level M). He has 9 years experience in bat and avian work. He has accumulated over 450 hours of bat contact time and holds an NE Class 2 license (70619:OTH:CSAB:2016). He has attended courses for trees and bats, bat survey techniques, bat handling, bat mitigation and attended three european workshops.

2.4 Field Surveys

2.4.1 Activity survey

Survey transects using point stations were undertaken on the 25th August 2022 using the positions indicated on the bat activity plan numbered A-G.

3. Results

3.1 Field Surveys. Results. Sunset 20.02

Point A 19.45-20.00. No activity recorded or seen

Point B 20.00-20.15. No activity recorded or seen

Point C 20.15-20.30. No activity recorded or seen

Point D 20.30-20.45 No activity recorded or seen

Point E 20.45-21.00. Single feint C pip recorded not seen

Point F 21.15-21.30. Several C pip (upto 2 animals) foraging around Oak on southern boundary

Point G 21.30-21.45. Single animal recorded foraging on woodland edge

Point A 21.45-22.00. No activity recorded or seen

Point B 22.00-22.15. No activity recorded or seen

Point C 22.15-22.30. No activity recorded or seen

Point D 22.30-22.45 No activity recorded or seen

Point E 22.45-23.00. Several C pip recorded not seen

Point F 23.00-23.15. Several C pip foraging around southern boundary

Point G 23.15-23.30 No activity recorded

3.2 Survey summary

Activity survey summary

One species of bat (Common Pipistrelle) were recorded. Up to 3 animals were recorded as mainly foraging off site but occasionally on site using handheld detectors and visually confirmed using point station surveying.

3.3 Constraints to the Surveys

There were no weather related constraints due to the warm conditions at survey time.

4. Assessment

4.1 Constraints on survey information or equipment

It was considered that no constraints were applicable. All bats were detectable with the equipment used.

4.2 Potential impacts of development

Bat foraging activity has been demonstrated on site by one separate species and the amount of activity is slight, there is an absence of activity in the woodland itself. The presence of several animals confirms a local bat population is present and uses the woodland edge as foraging grounds provided by site.

The main areas of bat activity are located along the southern boundary and as such the development proposals are highly unlikely to have any impact on this area and it shall be maintained in a suitably lit condition to allow continued functionality.

5. Conclusions, recommendations, and enhancement

5.1 Conclusions

Bat presence on site has been established by this activity survey and species have been confirmed from the manual bat transect surveys.

Levels of bat use have been established and numbers of animals and activity have demonstrated that the importance of the site to bat species is slight to the local population.

Recommendations

The importance of the site to the local bat population has been established and enhancements for the bat population that is present are recommended.

5.2 Enhancement measures

The site is being used for commuting and feeding by the local bat population and the study areas are of significance to that population. Under the National Planning Policy Framework 2012 and the NERC Act 2006 there is a requirement to improve existing environment through enhancement. The site shall be subject to a bat specific planting plan aimed at maintaining the ecological connection between site and the wider landscape. The woodland management plan through interventions such as the creation of standing deadwood shall increase the biodiversity opportunities for bats.

5.3 Mitigation licenses

There are no requirements for mitigation licensing as there is no requirement for anyone to carry out activity prohibited under wildlife legislation.

6. Summary

- 6.1 Bats were found to be commuting and feeding on the site which was attributed to common bat species. The numbers of bats recorded confirms the habitat is used foraging and commuting by the local bat population and suggests the importance of the site to bat species is slight.

As such the favourable conservation status of the bat species present on the site remain unaffected by development plans. Enhancement plans can be suited to bat species using the site by introducing appropriate measures within the woodland for roosting and improving foraging opportunities. This will facilitate the improvement of the foraging areas on the site and its immediate environment and maintain the areas of biological connection to the wider environment. The provision of artificial roosting within suitably lit conditions into the development could lead to an improvement in site conditions for bat species.

Appendix One – Legislation

All bat species in the UK are fully protected under The Conservation (Natural Habitats, &c.) Regulations 2010 (as amended) through their inclusion on Schedule 2 of the Act. Regulation 41 prohibits:

Deliberate killing, injuring or taking (capture) of bats

Deliberate disturbance of bats in such a way as to:

impair their the ability to survive, breed, or rear or nurture their young; or

affect significantly the local distribution or abundance of bat species; or impair their ability to hibernate or migrate

Damage or destruction of a bat breeding site or resting place i.e. roost

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

All bat species in the UK are also protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, it is an offence to:

- Intentionally or recklessly disturb any bat while it is occupying a structure or place which it uses for shelter or protection
- Intentionally or recklessly obstruct the access to any place of shelter or protection used by bat(s)
- Sell, offer or expose for sale, possess or transport a bat(s) for the purpose of sale.

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will need to be applied for to allow derogation from the relevant legislation i.e. for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young, hibernate, migrate). In certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost.

Conservation (Natural Habitats) Regulations 2010

The species protection provision of the EC Habitats Directive 1992, as implemented by the Conservation of Habitats and Species Regulations 2010, comprises three “derogation tests” which must be applied by the Local Planning Authority when deciding whether to grant planning permission for a development that could harm a European Protective Species. The three tests are that:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and,
- Favourable Conservation Status (FCS) of the species must be maintained.

It is the responsibility of the applicant to submit sufficient information to address these tests when applying for planning permission. For development activities, an EPSM Licence application can only be obtained after planning permission has been granted. However, the

granting of planning permission does not guarantee that a licence will be issued by the relevant countryside agency.

National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) (2012) sets out the Government's national policies on different aspects of planning in England. Section 10 paragraphs 109 to 125 details planning policies on the conservation and enhancement of the natural environment. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

In summary:

The planning system should contribute to and enhance the natural and local environment by: *'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'* (NPPF Section 10, para 109)

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (Section 10, para 118).
- Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted (Section 10, para 118).
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (Section 10, para 118).
- Opportunities to incorporate biodiversity in and around developments should be encouraged (Section 10, para 118).
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss (Section 10, para 118)
- Potential Special Protection Areas and possible Special Areas of Conservation, listed or proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on European sites, should be given the same protection as European sites (Section 10, para 118).
- The presumption in favour of sustainable development (para 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined (Section 10, para 119)
- Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (Section 10, para 125).

Local planning authorities must take account of the conservation of protected species when determining planning applications. The presence of protected species is a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. This requirement has important implications for bat surveys as it means that, where there is reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered' (BCR 2012). In order for the Local Planning Authority to adequately assess a development proposal against National and Local Planning Policy, full comprehensive ecological surveys need to be carried out and suitable mitigation strategies compiled prior to the submission of any planning application. This information will be reviewed by the Local Planning Authority in consultation with the relevant countryside agency and other conservation bodies.

Any developer should, in the first instance, consult the relevant Local Plans to assess the suitability of their proposal (refer to NPPF Section 10 paras 113 to 117).

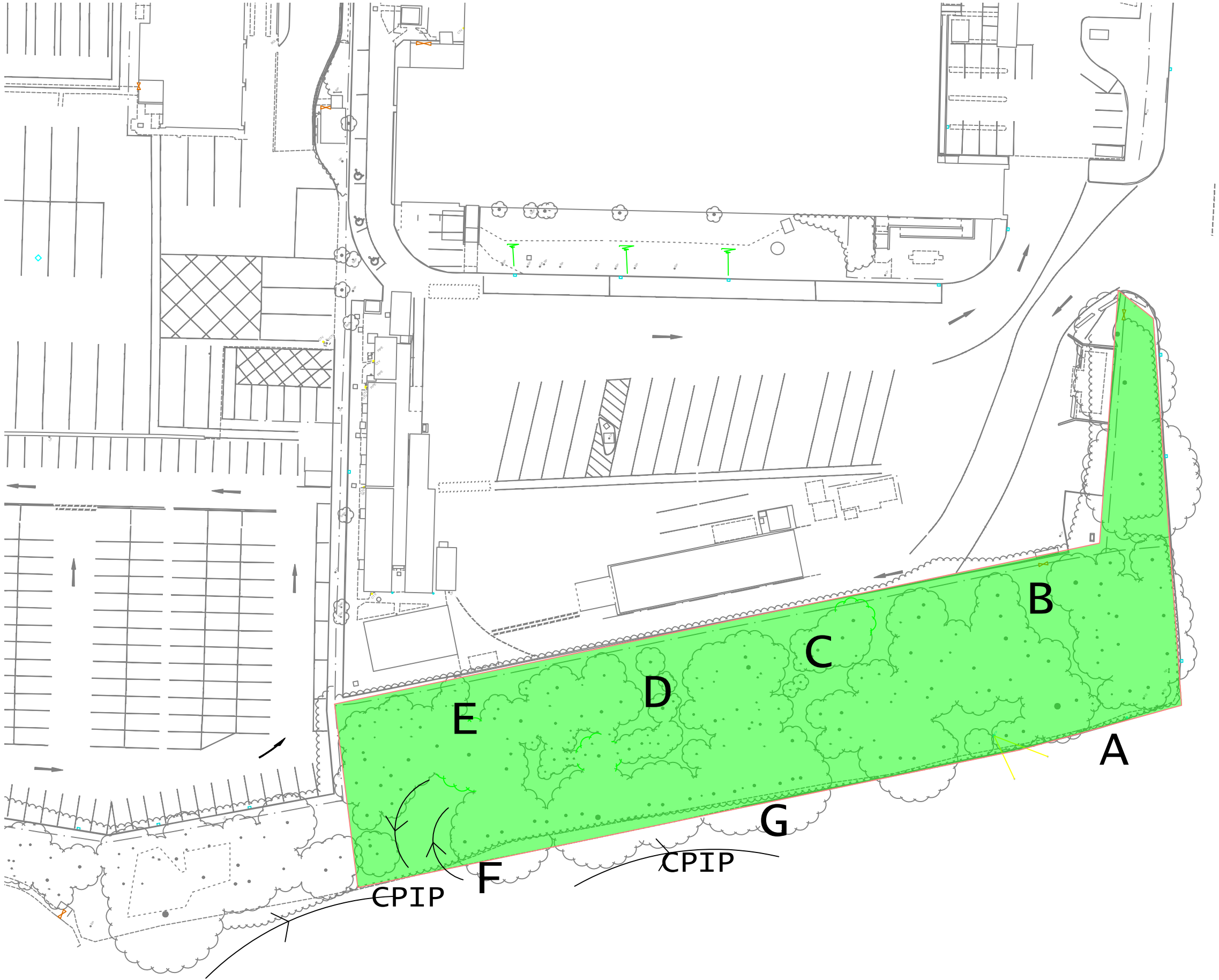
Natural Environment and Rural Communities Act 2006 (NERC)

Part 3, Section 40 of the NERC Act 2006 states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', otherwise known as the Biodiversity Duty. Under Section 41 of the Act, the Secretary of State must publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. This list is based on those species listed in the UK Biodiversity Action Plan (BAP) as priority species. The S41 list replaces the list published under Section 74 of the Countryside and Rights of Way (CROW) Act 2000.

Biodiversity Action Plan

Biodiversity Action Plans (BAPs) set out actions for the conservation and enhancement of biological diversity at national, regional and local level. They consist of both Habitat Action Plans (HAPs) and Species Action Plans (SAPs) and species and habitats listed within these are defined as being of Principal Importance for the Conservation of Biodiversity under Section 41 of the NERC Act 2006. Local authorities must consider these species and habitats when determining planning applications.

Appendix Two – Bat Activity Plan



ACTIVITY SURVEY MAP

KEY

A.1.1.1 Semi Natural woodland

A Point station

CPIP Flight path and species

Client:		
Threadneedle Curtis		
Project:		
MAG 401		
Detail:		
Activity Survey Map		
Drawn By:	Date:	Scale:
SB	26.08.2022	NTS
Drg No:		Revision:
TR-01		V1