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BAT PRESENCE / ABSENCE SURVEY

At

Slade Lane Neighbourhood Centre

642 Stockport Road
Longsight
Manchester
M13 0RZ

NGR: SJ 387008 395280

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A handwritten signature in black ink, appearing to read 'Toby Hart'.

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EXECUTIVE SUMMARY

Two bat presence / absence surveys were undertaken at Slade Lane Neighbourhood Centre, Longsight, Manchester by United Environmental Services (UES) Ltd in May 2022.

The objective of these surveys was to establish whether or not bats are using the building on site to roost, and if so to assess the type and importance of roosts in order to inform the planning process. The surveys were carried out to recognised guidelines, timings and weather conditions, with particular reference to Natural England and Bat Conservation Trust (BCT) publications. The development proposals involve the renovation of the existing roof and outer shell of the existing building.

The areas surrounding Slade Lane provide low-quality habitat for foraging and commuting bats. Pockets of greenspace are present within the cityscape including intensively managed amenity grassland playing fields and parkland containing areas of broadleaved woodland and scattered broadleaved trees. These habitats will provide a source of invertebrate prey on which bats can forage. Furthermore, the railway adjacent to the west of the site is lined with broadleaved trees that connect to surrounding parcels of higher-quality habitat; providing a suitable commuting corridor for bats. The high density of urban habitats provides a number of alternative roosting features, however, are isolated from the site to the north, west and south by a series of well-lit and busy main and access road networks that extend on all aspects.

A bat scoping survey previously undertaken by UES was conducted of the building on site in December 2021 (see report reference UES03593/01). During the scoping survey, the building on site was assessed as having moderate potential to support roosting bats. Several predominantly external potential roosting features (PRFs) are present such as gaps beneath the roof and ridge tiles, gaps in the brickwork and gaps at the eaves of the building. Although no field signs of bats were found during the internal or external inspections undertaken as part of the bat scoping survey, the number and quality of potential roosting features indicate that the building has moderate potential to support roosting bats. Therefore, as per bat conservation trust guidelines two further presence / absence surveys were recommended and undertaken on 5th May 2022 and 26th May 2022, to determine whether or not bats are using the building on site roosting purposes.

Common pipistrelle *Pipistrellus pipistrellus* was the only species of bat recorded during the presence / absence surveys. The level of bat activity was low during both surveys and activity was not concentrated around the building itself.

No bats were found to be roosting within the buildings on site. Therefore, no further surveys or mitigation work is required for the development to proceed, with regards to bats.

Due to the presence of breeding birds within the building on site, it is recommended that the initial renovation works take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If this is not possible, a breeding bird nest survey should be undertaken prior to the commencement of works by a suitably experienced ecologist, and an ecological clerk of works appointed if considered necessary. A pest control specialist should be contacted to discuss and arrange the control and removal of feral pigeons *Columba livia domestica* under general licence prior to the start of the development works.

During the emergence survey on 5th May 2022, three invasive plant species have were observed within the wider ownership boundary: montbretia *Crocasmia* X



crocosmiflora, variegated yellow archangel *Lamium galeobdolon subsp. argentatum* and Japanese knotweed *Reynoutria japonica*. These species are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). As a consequence, it is an offence to cause or allow any of these species to grow or spread in the wild. As such, if the areas containing these species are going to be disturbed as part of the development, they should be subject to measures to control and eradicate these plants.

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



1 INTRODUCTION

1.1 Author, surveyors and qualifications

This report is compiled and written by Noah Fulton, UES Graduate Ecologist. Other surveyors include:

- Tom Kenwright BSc MSc, UES Senior Ecologist. Tom is licensed by Natural England to survey all species of bats by observation using an artificial light under licence number 2021-53549-CLS-CLS (level 1).
- Daniel Smith BSc MScRes, UES Ecologist
- Jacob Miller BSc, 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 December 2021 to conduct site surveys which include the following activities:

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

1.3 Proposed development

The development proposals involve the renovation to the roof and outer shell of the building on site.

1.4 Structure of the report

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

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



2 METHODOLOGY

2.1 General

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

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

2.2 Building inspections

During a bat scoping survey undertaken by UES in December 2021, the building on site was searched both externally and internally for bat presence and features associated with bat activity as detailed in BCT guidance (Collins, 2016) (see report reference UES03593/01). An updated external inspection of the building was undertaken on 5th May 2022, immediately prior to the emergence survey. The inspection was undertaken by Tom Kenwright, Noah Fulton and Dan Smith. The building was found to be in a very similar condition as it was in 2021 and no evidence of roosting bats was observed.

2.2.1 External inspection

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

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

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

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



2.3 Emergence and re-entry surveys

Potential roost access points were identified during the building inspections. These points were covered by a surveyor during the dusk emergence and dawn re-entry periods.

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

2.3.1 Equipment

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

2.3.2 Weather conditions

Table 1 - Weather conditions and survey timings

DATE	SURVEY TYPE	TIMINGS	SUNSET / SUNRISE	TEMP.	WIND	RAIN	CLOUD COVER
05/05/22	Emergence	20:31 – 22:16	20:46	14°C	Still	None	10%
26/05/22	Re-entry	03:23 – 05:08	04:53	11°C	Still	None	90%

2.4 Survey limitations

Both surveys were undertaken at an appropriate time of year and under appropriate weather conditions. There are considered to be no limitations to the survey.



3 RESULTS

3.1 Habitat assessment

Slade Lane Neighbourhood Centre is located in Longsight, South Manchester. The habitats on-site include a single detached building with an associated driveway and paths. A large semi-improved grassland garden is present, containing numerous mature trees and scrub.

The immediate surrounding area (500m) comprises a mixture of densely populated residential properties, schools and commercial buildings, divided by a network of well-lit and busy main and access roads. A railway line lined with mature broadleaved trees is present 10m to the east of the site. Such habitats generally have a low suitability for bats, however, there are numerous pockets of greenspace included within the cityscape such as playing fields, and Crowcroft Park located approximately 150m south-east. These parcels of greenspace contain small broadleaved woodland habitats and manicured amenity grassland. The trees and scrub habitats within these areas will provide an abundance of invertebrates on which bats can forage, alongside commuting and roosting opportunities for bats in the local area. Additionally, UES was informed by the applicant prior to the conduction of the initial bat scoping survey in December 2021, of two confirmed bat roosts within 250m of the building, however, no further information of these roosts is available.

In the wider surrounding area (2km), the habitats are similar in composition; the dense residential and urban areas of south-east Manchester surround the site, with the local regions of Fallowfield, Gorton, Levenshulme, Longsight and Rusholme, all located within 2km. patches of greenspace remain within this urban region, with the addition of allotments to the previously highlighted amenities. Birchfields Park and Nutsford Vale Park are both located within 1km, while Platt Fields Park and Gore Brook Valley are located within 1.8km of the site. Gore Brook flows from east to west of the site, through the parks mentioned previously. The riverbanks of Gore Brook are surrounded by scrub, woodland and managed grasslands, which will provide moderate foraging, commuting and roosting habitat for bats in the local area. Highfield Country Park local nature reserve (LNR) is located 1.8km south-east of the site, which is designated for the mixture of broadleaved and coniferous woodlands that surround Fallowfield Brook. Additionally, 'The Not So Secret Lake' and surrounding scrub habitat is located 1.7km south-east. These habitats will provide higher quality foraging, commuting and roosting opportunities for bats, with connectivity to the site provided by the tree lines lying along roads, train tracks and paths.



3.2 Building inspections

3.2.1 External inspection

The proposed development site is a two-story detached Victorian building, used as a community centre. The building is currently in dilapidated condition and has been vacant for eighteen months, at the time of writing this report.

The building is constructed from bonded red brick, featuring a pitched roof, with the ridge running north-east to south-west, cross with two dual pitched roofs and gable ends at the north-western aspect (see Appendix 1 – Site plan). The rooves are clad with slate ridge, and roof tiles throughout. Several gaps suitable for use by roosting bats are present between the ridge tiles on the south-western and south-eastern aspects, where mortar is missing, and from where some of the tiles have separated from one another (see Appendix 3 – Photograph 1). A radio antenna erected in place of a finial at the north-western gable end has been adjoined to the end tiles with lead flashing which has raised from the tiles, creating a potential roosting feature (PRF) for roosting bats (see Photograph 1). Additionally, the roof tiles are in poor condition throughout as several loose tiles are present on all aspects, with numerous PRFs available between the roof tiles. Two brick-built chimneys are located at the apex of the south-western and north-eastern gable ends. The brickwork of the north-eastern chimney is in good condition and is tightly sealed to the tiles with lead flashing. However, the south-western chimney has several gaps present between the brickwork and a section of lead flashing is missing, revealing further gaps in the bricks (see Photograph 2). A third chimney of the same construction in good condition is located at the northern gable end of the south-western aspect.

The timber barge board that adjoins the chimney to the south-western gable end has lifted, presenting gaps between the barge board and brickwork, possibly leading to the wall plate. At the north-western aspect, the barge boards are particularly degraded. The barge board at this aspect is partially missing, exposing gaps underneath the end roof tiles (see Photograph 3). The eaves along the north-western aspect are exposed at the gable ends and clad with timber fascia and box soffits along the facade. Gaps are present where the fascia and barge boards are missing or separated at the northern corner of the building, providing bats with potential access to the wall plate (see Photograph 4). Bird droppings are visible on the brickwork directly below this feature indicating that it is used by birds. An additional gap to the wall plate is present under the eaves of the north-eastern gable end (see Photograph 5). The timber box soffits between the gable ends are severely rotten and grant access into the soffit, which creates a PRF suitable for bats. Each of these features was inspected with high-powered torches and binoculars and no evidence of bats, such as droppings, was found.

The brickwork of the Slade Land Neighbourhood Centre is generally in poor condition, as there are several instances where damaged brickwork presents PRFs for bats (see Photograph 6). Missing mortar between bricks at the south-western aspect has created gaps, but it was not possible to determine whether these gaps were superficial or suitable for bats (see Photograph 7). Damaged brickwork with multiple examples of sunken and protruding bricks are present at the north-western and north-eastern aspects (see Photograph 8).

A mix of brick and stone lintels house windows in timber frames that vary in condition. The brick lintels at the south-eastern aspect are in good condition throughout and present no PRFs for bats (see Photograph 9). However, the second-storey stone lintels located on the north-western aspect have gaps between the stone lintel and ornamental features, with additional gaps where the lintel meets the window frame. The timber window frames at the north-western and south-eastern aspects are rotten with gaps present between the frames and brickwork.



All windows located on the eastern aspect of the building lack lintels and had timber frames in excellent condition. The south-eastern and north-western aspects both have two large windows in timber frames, one of these windows at the north-western aspect has been converted into a doorway with a timber door. All of these features are in good condition and present no PRFs suitable for bats. An additional doorway is located at the north-western aspect encased in a stone archway, with a wooden door, frame and lunette all in good condition with no PRFs (see Photograph 10). A single timber window and doorway are located on the first floor of the eastern aspect in excellent condition.

Two flat roof extensions, two-storeys high and constructed from brick, are also present on the north-eastern and south-eastern aspects of the building. The extension to the south-eastern aspect has a bitumen roof felt which has lifted from the black barge boards on all aspects (see Photograph 11). The space between the roof felt provides a gap that is suitable for use by bats in the active season due to the warm temperatures feature would likely provide. Two uPVC windows are located on the south-eastern aspect of the extension, while a timber door and frame feature on the south-western aspect. All of these features are tightly sealed to the brickwork, which is in good condition presenting no PRFs for bats.

Visibility of the extension on the north-eastern aspect was limited as the north-eastern aspect was only accessible via a locked gate. However, the northern and southern aspects of the extension were visible and sufficient information to determine the building's suitability for bats was collected during the scoping survey. The roof is lined with bitumen felt, adjoined to the brickwork of the main building with lead flashing that has lifted at the northern aspect (see Photograph 12). Deteriorating barge boards line the roof; no PRFs suitable for use by roosting bats were recorded here, however the areas under the eaves could not be inspected. Windows with timber frames in good condition are present at the northern and southern aspects.

No bat droppings or other field signs of bats were found during the external building inspections. The building was found to be in a similar condition during the updated external inspection undertaken on the 5th May 2022.



3.2.2 Internal Inspection

The building has two separate loft voids, which have been labelled Sections 1 and 2 for the purposes of this report (see Appendix 1 – Site plan).

Section 1 has a floor to ceiling height of approximately 1.9m. Partial brick walls divide the loft space into multiple open sections (see Photograph 13). There is no membrane roof lining in Section 1 and the mortar between the roof tiles is in poor condition. Access into the loft is possible through the gaps beneath the roof tiles in multiple areas of the roof. All sections were fully inspected and no evidence of use by bats was found.

Section 2 is separated from Section 1 by a brick and timber wall. This section lined with timber sarking boards; a skylight is present between the sarking boards with no glass present, granting access for feral pigeons and other birds (see Photograph 14). The roof has a traditional rafter and purlin construction, with dense cobwebs and droppings covering the rafters. The brick gable ends of the building, are in poor condition; there are gaps in the mortar where light ingress is visible at the north-east, north-west and south-west aspects. Light also enters the loft void via large gaps in the eaves and roof at the gable ends void (see Photograph 15). The presence of feral pigeons and high levels of exposure to natural light within the loft void reduces the suitability for roosting bats, however, the size of the void and numerous access points create an ample number of opportunities for roosting bats. Blanket insulation is used on the loft cavity floor, which will stabilize the temperature within the loft void, and which is suitable for bats (see Photograph 16).

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

3.3 Activity summary

Table 2 – Bat activity summary

DATE	SURVEY TYPE	SPECIES	NOTES
05/05/22	Emergence	Common pipistrelle	Common pipistrelles were recorded intermittently throughout the survey, foraging over the area of trees and grassland over site and commuting north-south over site.
26/05/22	Re-entry	Common pipistrelle	Common pipistrelles were recorded very infrequently at the start of the survey commuting from north to south over the site.



4 EVALUATION AND RECOMMENDATIONS

4.1 Evaluation of results

The areas surrounding Slade Lane provide low-quality habitat for bats, due to the high density of urban habitats present locally. Pockets of green space are present within the local areas that will provide foraging and commuting opportunities for bats, including amenity grassland gardens, playing fields and recreational parks with patches of broadleaved woodland, however, are mostly isolated from the site by dense urbanised areas. The high density of residential and commercial buildings within the local area will provide an abundance of alternative roosting opportunities for bats. The tree-lined railway which runs immediately adjacent to the eastern boundary of the site, will provide connectivity for bats to areas of higher quality habitat. Connectivity in the local area besides the railway is poor due to the extensive well-lit road networks that extend on all aspects that emit high levels of noise and light pollution.

A bat scoping survey was previously conducted of the building on site in December 2021 (see report reference UES03593/01), which assessed the building as having moderate potential to support roosting bats. No field signs of bats, such as droppings, were found during the building inspections.

Following the bat scoping survey the building on site was subject to two further presence / absence surveys conducted on the 5th May 2022 and 26th May 2022. An updated external building inspection was undertaken on the 5th May 2022 and the building was found to be in a similar condition as it was during the bat scoping survey in December 2021. No evidence of roosting bats was observed.

Common pipistrelle was the only species of bat recorded during the bat presence / absence surveys: Activity was observed to be low during both surveys, with more activity observed during the emergence survey conducted on 5th May 2022. Common pipistrelles were observed briefly foraging and commuting across the site. A single pass was observed during the return to roost survey conducted on 26th May 2022.

No bats were found to be using the building to roost during the initial bat scoping survey or the bat presence / absence surveys.



4.2 Mitigation and compensation measures

4.2.1 Bats

As no bats were found to be using the buildings or structures on site to roost, no further mitigation or compensation measures are required with regards to bats.

The development presents an opportunity to enhance the roosting opportunities on site that are available to bats. It is recommended that bat boxes are incorporated into the new buildings or fixed to retained trees on site. Recommended bat boxes include:

- Schwegler 1FF bat box - can be affixed to trees or buildings
- Schwegler 2F bat box - can be affixed to trees
- Schwegler 2FR bat tubes – designed to be integrated into the external walls of buildings

Bat boxes are best positioned at a height of between three and six metres and should ideally be sited in open, sunny positions (on a south-facing aspect), which are undisturbed by external lighting.

Once bats have inhabited a bat box, they may only be disturbed by licenced bat workers.

4.2.2 Birds

Due to the potential presence of breeding birds in the buildings on site, it is recommended that the initial site clearance (including vegetation) and demolition works take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If this is not possible, a breeding bird nest survey should be undertaken prior to the commencement of works by a suitably experienced ecologist and an ecological clerk of works appointed if considered necessary. A pest control specialist should be contacted to discuss and arrange the control and removal of feral pigeons under general licence prior to the start of the development works.

4.2.3 Invasive species

A number of invasive species were recorded within the site boundary including montbretia located on the southern and western site boundaries, variegated yellow archangel located on the southern site boundary and Japanese knotweed located on the western and eastern site boundaries (see Appendix 1 – Site Plan). All of these species are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). As a consequence, it is an offence to cause or allow any of these species to grow or spread in the wild, including as a result of development works. As such, if these areas are going to be disturbed as part of the development, they should be subject to control and eradication measures to ensure that they do not spread across of offsite as a result of the development works.



5 CONCLUSION

Slade Lane is situated in an area that provides low-quality foraging and commuting opportunities for bats. Further afield, there are pockets of higher quality habitat including recreational ground, parkland containing patches of broadleaved woodland. The railway line immediately adjacent to the east of the site is lined with broadleaved trees, providing a suitable corridor to surrounding greenspace. The majority of greenspace is isolated from the site by the urban cityscape containing an abundance of residential and commercial properties that are surrounded by an extensive network of main and access roads, with a lack of suitably dark commuting corridors.

The building on site was previously assessed as having moderate potential to support roosting bats due to the number of external PRFs. No evidence of roosting bats was observed during the bat scoping survey and no bats were found to be roosting within the building during the presence / absence survey.

As no bats were found to be using the building on site to roost, no further mitigation or compensation measures are required with regards to bats. However, the development presents an opportunity to enhance the roosting habitat available to bats on site through the provision of bat boxes.

Due to the potential presence of nesting birds in the buildings, works on site will need to be mindful of breeding bird legislation, as detailed in section 4.2.2. A pest control specialist should be contacted to discuss and arrange the control and removal of feral pigeons under general licence prior to the start of the development works.

Due to the presence of three Schedule 9 invasive plant species within the site boundary, works on site will need to be mindful of invasive species legislation, as detailed in section 4.2.3.



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

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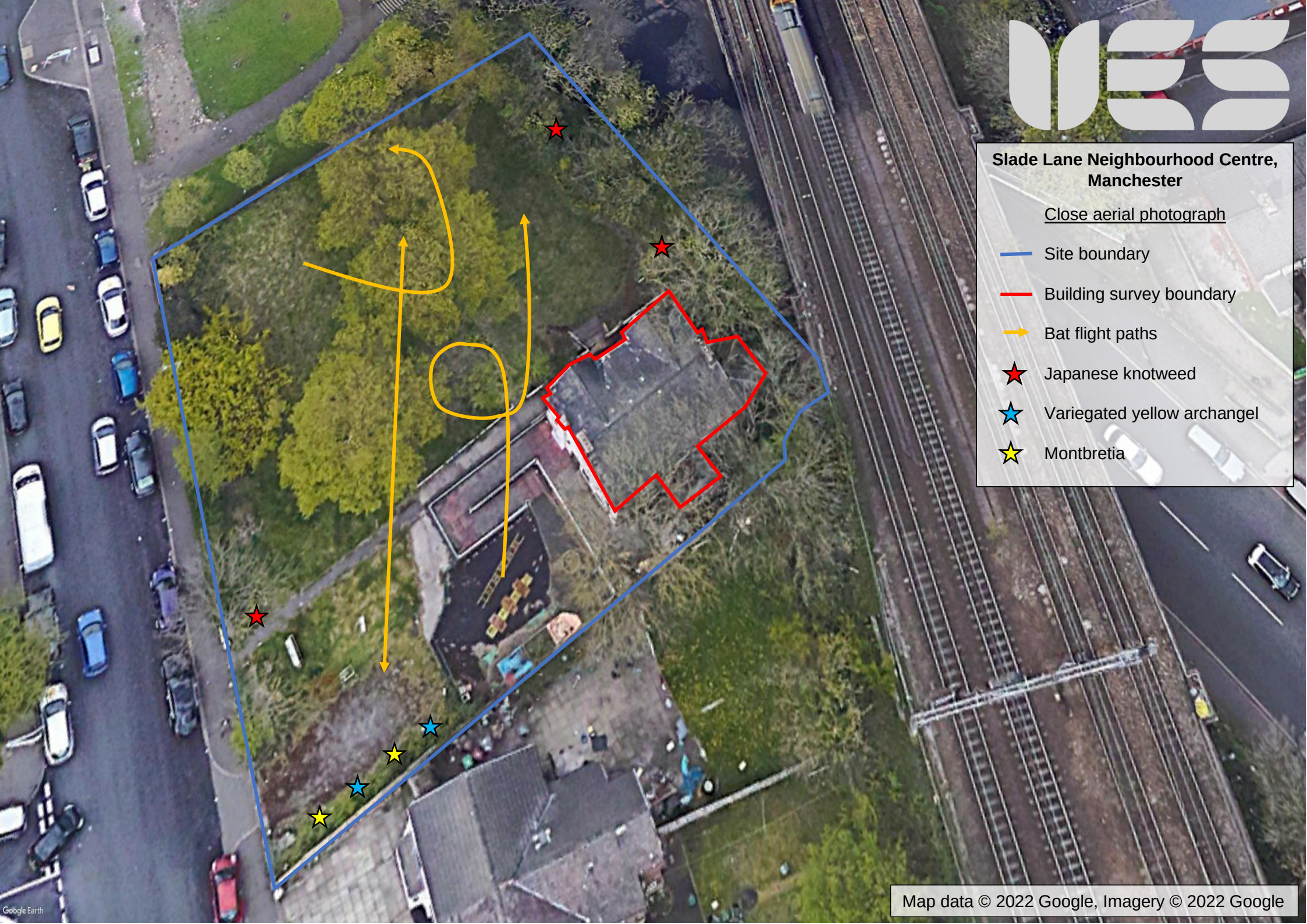
APPENDICES

Appendix 1 – Site plan

Slade Lane Neighbourhood Centre, Manchester

Close aerial photograph

- Site boundary
- Building survey boundary
- Bat flight paths
- ★ Japanese knotweed
- ★ Variegated yellow archangel
- ★ Montbretia





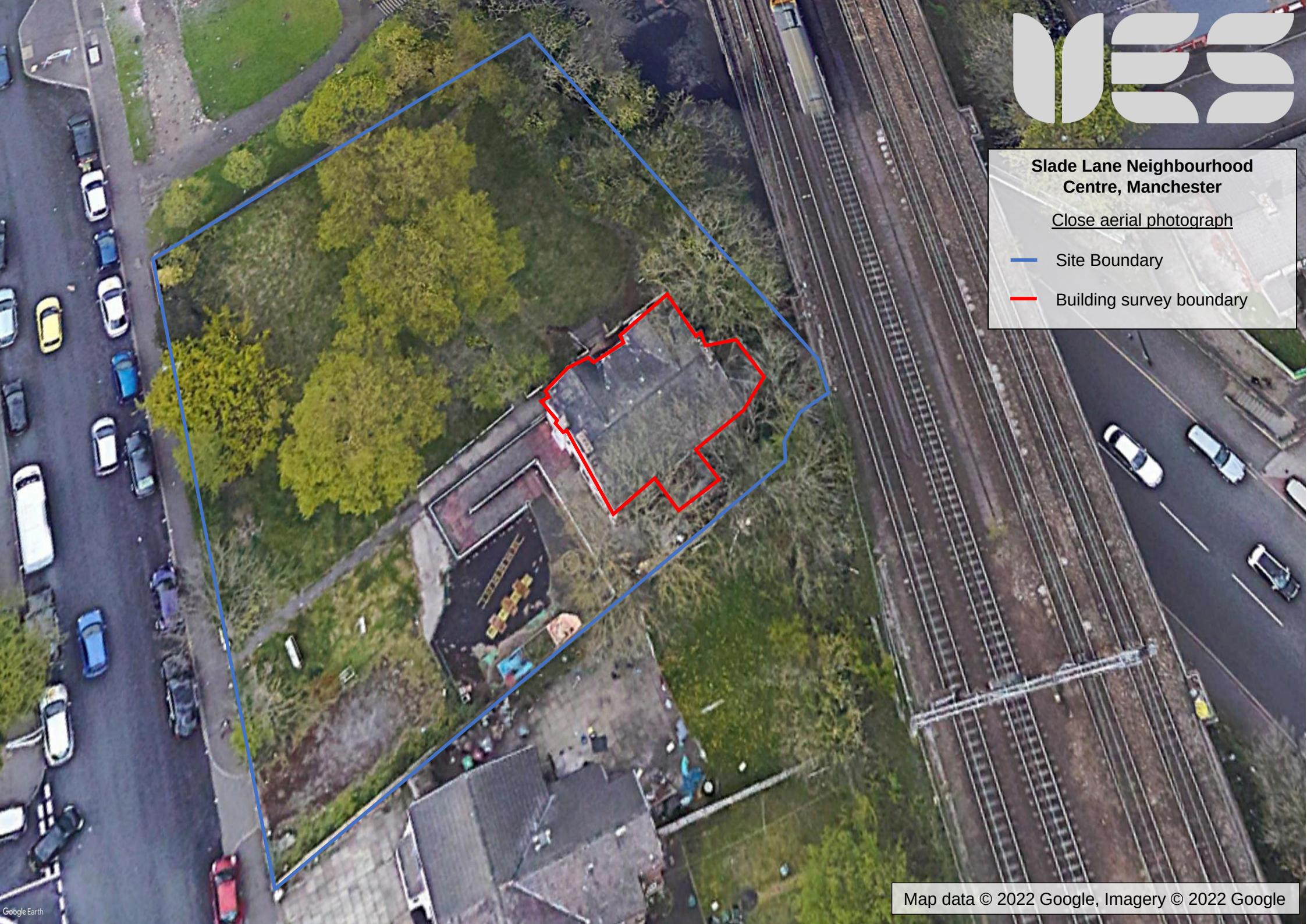
Appendix 2 – Aerial photographs



**Slade Lane Neighbourhood
Centre, Manchester**

Close aerial photograph

-  Site Boundary
-  Building survey boundary





**Slade Lane Neighbourhood
Centre, Manchester**

Wide aerial photograph



Site location





Appendix 3 – Photographs



Photograph 1 – The building's south-western aspect, with raised lead flashing and barge boards, loose roof tiles, gaps present under the ridge tiles and the box soffit.



Photograph 2 – South-western aspect with established vegetation on the brick chimney, missing lead flashing, and gaps between bricks and the barge board.



Photograph 3 – North-western aspect, where the barge board is partially missing from the gable end, with gaps present between the eaves, brickwork and lintels.



Photograph 4 – Northern aspect where access to the wall plate is granted by gaps in the fascia and barge board.



Photograph 5 – Gable-end at the north-western aspect with large gaps present under the eaves and where bricks are damaged.



Photograph 6 – North-eastern aspect where barge boards have lifted from the brickwork.



Photograph 7 – South-eastern aspect with lifted lead flashing and missing mortar between bricks.



Photograph 8 – Damaged bricks and numerous gaps between the lintels, brickwork and rotten window frames.



Photograph 9 – South-eastern aspect with rotten timber window frames housed by brick lintels and lifted bitumen roof felt of the southern brick extension.



Photograph 10 – North-western aspect of Slade Lane Neighbourhood Centre twin gable ends, with damaged barge boards, several large windows and arched doorway.



Photograph 11 – The south-eastern extension displaying the bitumen roof felt that has lifted from the flat roof, with the bonded red brick structure and timber window frame.



Photograph 12 – North-eastern flat-roofed extension with damaged fascia's, lifted lead flashing, timber window frame in good condition, and gaps in brickwork.



Photograph 13 – Open brick sectioned section located within section 1 of the loft void, with timber purlin rafters and bitumen lining.



Photograph 14 – North-western gable end in section 2, with timber rafters lined with sarking boards, skylight lacking windowpane, and light entering through brick wall in poor condition.



Photograph 15 – Section 1 with traditional purlin timber rafters, lined with bitumen roof felt, dense cobwebs, brick gable ends in poor condition, and guano covered insulation.



Photograph 16 – Live and deceased Pigeon offspring in section 1 of the loft void.



Photograph 17 – Montbretia and variegated yellow archangel observed within the southern section of the site.



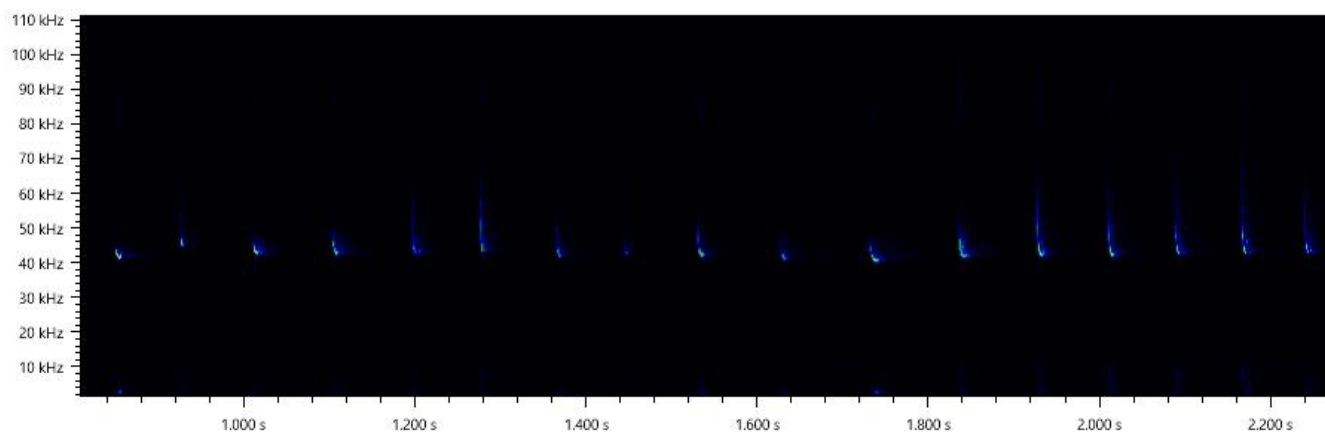
Photograph 18 – Japanese knotweed observed within the western section of the site.



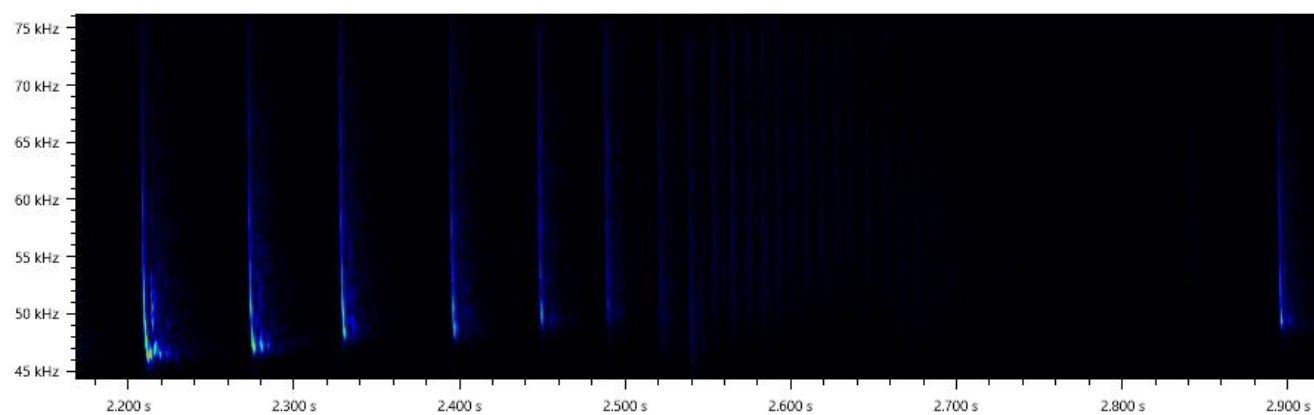
Photograph 19 – Japanese knotweed observed within the eastern section of the site.



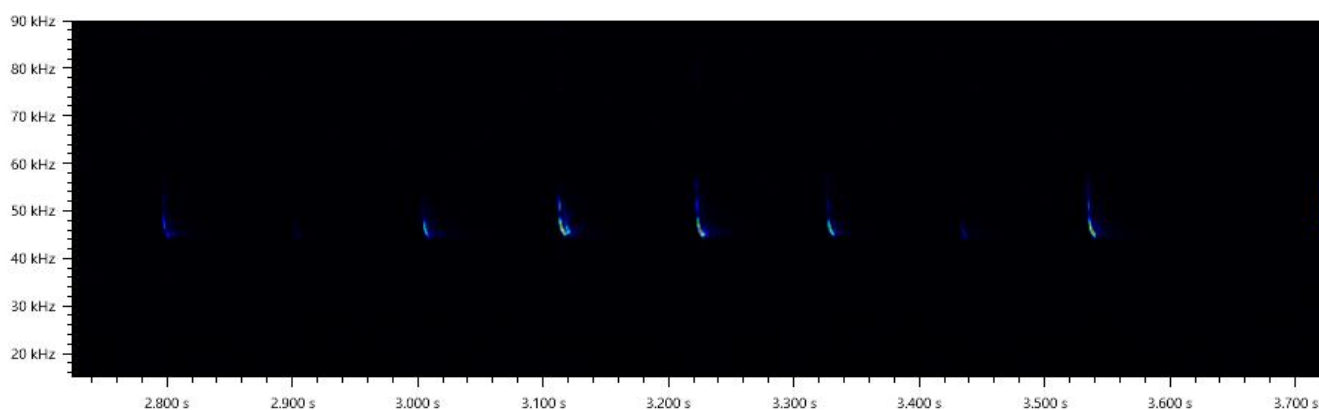
Appendix 4 – Results



Sonogram 1 – Common pipistrelle recorded commuting over site at 21:14 on 5th May 2022.



Sonogram 2 – Common pipistrelle recorded foraging over site at 21:30 on 5th May 2022.



Sonogram 3 – Common pipistrelle recorded commuting over site at 04:09 on 26th May 2022.



Appendix 5 – Statutory and planning context

Ecological assessments

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

Bats

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

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

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

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

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

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

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

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

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

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

Birds

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

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

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

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

Planning policy

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

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

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

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