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*Former Royal Mail Buildings, Blackpool*

# Preliminary Roost Assessment (Bats)

Compiled by Ecology Services Ltd.

on behalf of

Ashall Projects Limited

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## 1.0 Introduction

- 1.1 Ecology Services Limited was commissioned by Ashall Projects Limited in May 2021 to undertake a Preliminary Roost Assessment (PRA) of structures/buildings at the former Royal Mail buildings at Abingdon Street and Edwards Street, Blackpool, FY1 1BA hereinafter referred to as 'the site'. The centre of the site is located by National Grid Reference (NGR) 330879, 436354. The location and boundary of the site is shown on Figure 1.

### **Site Description**

- 1.2 The site is located in the centre of the town of Blackpool. In brief the site contains the three surveyed buildings, adjacent boundary walls and a central courtyard area composing of hard engineered ground, mainly concrete.

### **Proposals**

- 1.3 The proposed development activities at the site are not known at this time.

### **Survey Objectives**

- 1.4 The aim of the preliminary roost assessment was to:
- Undertake a visual inspection of the site to establish baseline conditions;
  - Complete an assessment to ascertain if potential or evidence of use existed for bat species; and
  - Determine if there are requirements for further and/or more detailed surveys.
- 1.5 The purpose of this report is to state the survey methodology, present the results of the survey, evaluate the findings, assess the impacts of the proposals and make recommendations concerning the protection of bat species that may be present at this site. Where possible the report will aim to provide sufficient information to allow a local authority to assess fully the potential impacts of the proposed development on roosting bats.

## 2.0 Planning Policy and Legislation

- 2.1 This section provides a brief overview of planning policy and legislation relevant to bats in the UK. Further information is provided in Appendix 1.

### **Planning Policy**

- 2.2 The National Planning Policy Framework (NPPF, 2019) places a clear responsibility on Local Planning Authorities (LPAs) to contribute to conserving and enhancing the natural and local environment. LPAs should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species (e.g., Species of Principal importance, Local Biodiversity Action Plan species); and identify and pursue opportunities for securing measurable net gains for biodiversity. In accordance with the NPPF, local planning policy and guidance, development proposals should seek to maintain and enhance opportunities for bats at the site.
- 2.3 Protected species within the UK, such as bats, are a 'material consideration' in the determination of a planning application. Therefore, an LPA is unlikely to determine an application until all relevant information relating to protected species or habitats is submitted to fully inform the application. Relevant information includes adequate surveys and, where required, mitigation strategies, which will need to be submitted to inform a planning application.

2.4 The local planning authority (LPA) has a duty to ensure that protected and priority species (e.g., Species of Principal Importance, Biodiversity Action Plan species) are fully considered in a planning decision. Therefore, up to date survey information and, where required, mitigation strategies adequate to assess the impacts of the proposals and to demonstrate that opportunities for species using the site can be maintained, must be provided in support of a planning application.

### **Legislation**

2.5 All bats and their roosts receive strict protection under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats & Species Regulations 2017 (as amended)<sup>1</sup>. In brief, this legislation makes it an offence to: kill, injure or capture a bat; to destroy, damage or obstruct access to a bat roost; or to disturb a bat occupying a roost. A Local Authority is a 'competent authority' within the context of Regulation 7 of the Conservation of Habitats & Species Regulations 2017 (as amended) when dealing with planning applications where a European Protected Species (EPS) (all bat species) may be affected. Therefore, planning decisions should only be made when European Protected Species and their habitats are fully taken into account.,

2.6 Where proposed works are likely to contravene the legislation protecting bats, a Natural England licence must be applied for, and approved, before works can proceed.

2.7 Section 40 of the Natural Environmental and Rural Communities (NERC) Act 2006 places a statutory duty on public authorities, in exercising their functions, to conserve biodiversity in England. Species of Principal Importance for the conservation of biodiversity in England, identified by the Secretary of State in consultation with Natural England, are listed Section 41 of the NERC Act. The Local Planning Authority and government bodies (e.g., Natural England) will expect the overall design of the development to have regard for the conservation of these species. Seven bat species are listed as 'Species of Principal Importance' under Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006:

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

## **3.0 Methodology**

### **Desktop Study**

3.1 Ecological data and records searches were undertaken by contacting the sources listed in Table 1, overleaf.

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<sup>1</sup> The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 continue the same provision for European protected species, licensing requirements and protected areas after Brexit.

**Table 1: Ecological Desktop Study Sources**

Source of information	Information supplied
Lancashire Local Biodiversity Action Plan (LBAP)	Identification of LBAP species known to occur in the region.
Natural Environment and Rural Communities (NERC) Act 2006	Review of Species of Principal Importance known to occur in the region.
Multi Agency Geographical Information for the Countryside (MAGIC) website	Statutory protected sites designated for their bat interest within 5km of the site. Records of bat roosts relating to Natural England EPS licences within 2km of the site.

### ***Preliminary Roost Assessment Survey***

- 3.2 The preliminary roost assessment for buildings followed the below methodology, which is based on the methods set out in the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines' (2016). Each building was categorised according to its level of suitability and any evidence of roosting bats found during the inspection (see Appendix 2).
- 3.3 An interior and exterior inspection of the buildings was undertaken to search for any potential roosting features and evidence of roosting bats. Signs surveyed for included droppings, dead bats, feeding remains (beetle, moth and butterfly remains), urine staining and grease marks around crevices and down walls, and any noises such as scratching and audible bat calls. An Explorer Premium 8803AL (9mm) endoscope and a ladder were available to check accessible features, where required. A Clulite Long Ranger LED Pistol Light (1200 lumens) and close focusing binoculars were used to better assess any features of interest not accessible. High resolution photographs were taken for later review.
- 3.4 During the survey the surrounding area was assessed in relation to suitable habitat that may be of value to bats.

### **Buildings**

- 3.5 Preliminary roost assessments of buildings can be undertaken at any of the year and can provide conclusive results, which can save expense and time for a planning applicant. The optimum time to investigate the presence of bats is usually during their active season when signs of presence can be more easily located, although this is dependent on the type of roost being inspected.

### **Personnel**

- 3.6 The PRA inspection survey was undertaken by Senior Consultant Ecologist Mrs. S. O'Neill BA (Hons), who holds a Bat Class Licence Level 2 (Registration number 2015-13768-CLS-CLS).

### **Timing**

- 3.7 The PRA inspection survey was conducted on the 26<sup>th</sup> of May 2021.
- 3.8 The daytime survey was conducted at a time when bats will be active. Feeding will occur on most nights and roost sites, in particular suitable maternity roosts for females, are being sought. Evidence of bat occupation is likely to be detected, should they be present at the site.

### Weather Conditions

- 3.9 Weather conditions during the survey were reasonable, with no appreciable rain or wind affecting survey.

### **Roost Status**

- 3.10 If evidence of a bat roost is recorded during the surveys, the status of the roost is evaluated based on its function. This requires sufficient survey effort to determine the species and numbers of roosting bats present, the time of year that the roost is used and characteristics of the roost itself. The Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines' details types of bat roosts which may be defined in several ways, as below:

- Day roost – where individual bats or small groups of males, rest or shelter in the day.
- Night roost – where bats rest or shelter in the night but are rarely found during the day.
- Feeding roost – where individual or few bat/s rest or feed during the night.
- Transitional/occasional roost – used for short periods of time by few or occasionally small groups of bats on waking or prior to the hibernation period.
- Swarming site – large numbers of males and females gather during late summer to autumn.
- Mating sites – where mating takes place from late summer and through winter.
- Maternity roost – where females give birth and raise their young.
- Hibernation roost - where bats may be found during winter. To have a constant cool temperature with high humidity.
- Satellite roost – an alternative roost used by individual to small numbers of breeding females over the breeding season. Usually close to main nursery colony.

- 3.11 Roost selection is often closely correlated with presence of suitable foraging habitat within a reasonable commuting distance from the roost. Different roost sites are used throughout the active season which is most dependent upon roost microclimate and abundance of invertebrate prey nearby. Weather conditions can also affect the ability of bats to successfully forage. All British bats are insectivorous.

### **Limitations**

- 3.12 Access into some areas was not gained, these include; the northern ground floor of Building 1, full access to the 5<sup>th</sup> storey of Building 1 due to the presence of nesting gulls on the flat roof section of the 4<sup>th</sup> storey. Due to the removal of the central staircase in Building 3 no internal access to the northern section of this building was gained and no access was observed or gained to the small central roof void of this building. External views of the western roof of Building 3 and the roof of Building 1 were not possible due to the height of the buildings.
- 3.13 Overall, there are limitations to the survey undertaken and these have been taken into consideration when conclusions, impacts and recommendations have been made.

## **4.0 Results and Evaluation**

### **Desktop Study**

#### National Status

- 4.1 There are 18 species of bat that are native to the United Kingdom. The latest Review of the Conservation Status of British Mammals (2018) has shown that where change could be assessed with reasonable confidence there have been increases in the geographical range and population status of two species of UK bat (greater and lesser horseshoe bat) and decrease in the geographical range of one species (grey long-eared bat).
- 4.2 Increases in population were also identified in the following species: Bechstein's, Daubenton's, Natterers, serotine and brown long-eared although it is noted that the reliability of the results is poor.
- 4.3 Population data was not available for; Alcaethoe, whiskered, Brandt's, Leisler's, noctule, Barbastelle and Nathusius pipistrelle.
- 4.4 Population estimates were given for common and soprano pipistrelle however could not be reliably compared to the results from Harris et al. (1995) as the two species had not been identified as separate species at the time of the survey. Pipistrellus spp. remain the commonest species of bat in the UK despite their decline.
- 4.5 Serotine and barbastelle are considered vulnerable and Leisler's and Nathusius' pipistrelle, near threatened in Britain and England in the Red List for Britain's Terrestrial Mammals (Mathews and Harrower, 2020).

#### Regional Status

- 4.6 The north west of England appears to be a stronghold for Whiskered and Brandt's, both of which are reasonably rare in southern England.

#### Local Status

- 4.7 The Lancashire Local Biodiversity Action Plan (LBAP) lists eight bat species recognised as being resident in Lancashire (refer to Appendix 4) in a combined species action plan.

#### Designated Sites

- 4.8 There are no statutory or non-statutory protected sites designated on the basis of their interest for bats that are located within the vicinity of the site and which could be adversely affected by the proposed development of the site.

#### Records Data Search

- 4.9 No records of European Protected Species mitigation licences for bats were found within 2km of the site. The nearest record was located 7.4km to the east of the site pertaining to a common pipistrelle breeding roost between 2017 and 2026.

### ***Preliminary Roost Assessment***

#### Habitat Assessment

- 4.10 The site is located in an urban area within the centre of the town of Blackpool. Three buildings are present on site, all of which are disused and in various condition. Evidence of previously removed buildings adjoining the existing structures was present. Adjacent buildings and walls create the site boundary and a central courtyard area is present, the ground of which is composed of hard engineering, mainly concrete and rubble areas.
- 4.11 Immediate habitats surrounding the site boundary are of a built-up urban setting including retail businesses and commercial properties. St. Johns Church is located c.40m to the south of the site next to an open paved square area with three individual trees. The coast and Irish Sea are located c. 380m to the west of the site. Blackpool North train station is located

c.365m to the north of the site, although it is over 1km before habitats become less urban and suitable foraging habitats start to occur and over 2.5km before open fields and more diverse suitable habitats are present.

- 4.12 In the wider survey area Westminster Primary Academy is c.1.2km to the north containing scattered trees and grassland and further recreation grounds nearby. Stanley Park containing pockets of woodland areas, scattered trees, playing fields and recreation grounds, a large boating lake and smaller waterbodies, golf courses and zoo is located to the east c.1.35km at the nearest point. To the north east c.1.45km are Layton Cemetery and Layton playing fields within Kingscote Park. Whilst these areas contain good foraging habitat and roosting opportunities for bat species links to the site itself are limited.
- 4.13 Overall, habitats within the immediate surrounds of the surveyed buildings are considered of low value for foraging and commuting bats. Limited linkages to further more suitable habitats within the wider survey area are present but the site is isolated from suitable foraging and commuting habitats.

Buildings/ Structures

- 4.14 A description of the buildings/ structures can be found in the Table 2 below and overleaf. Photos of buildings/structure with annotations showing locations of potential roosting features are provided in Appendix 5.

**Table 2: Description of Buildings/ Structures.**

<b>Building 1</b>
<p><b>Description:</b></p> <p>A 4 and 5-storey building located to the east of the site and fronts Edward Street. The building has a flat roof construction with decorative parapet walls on the 4<sup>th</sup> floor to the façade visible on Edward Street. The ground floor façade to Edward Street is of stone construction with remaining upper 3 floors being of brick. The upper 5<sup>th</sup> floor located to the north east is composed of a metal frame structure with formed metal sheeting and metal framed windows, which are boarded over to the western elevation. Metal framed windows are present with the majority of the lower two floors being boarded over. Stone sills are present with a mix of brick and stone lintels and are of various styles on different floors. The majority of this elevation was covered in net. The building to the central courtyard area is less notable with rendered brick walls, metal framed windows, some of which are boarded. Wooden fascia boards are present at the 5<sup>th</sup> storey and evidence was observed from where previous ground floor structures have been attached to the building. A ground floor void was observed to the north west elevation with two areas of open access. The void is c.1m in height and appeared allow access under the entire ground floor. The building is roughly c-shaped and to the south-west corner is a two-storey attached section with a flat bitumastic covered roof. Vehicular access is present to the centre of the building on the ground floor allowing access into the courtyard area which can be secured by metal roller doors at the Edward Street entrance. Louvre doors were present in the vehicle entrance way, one of which was boarded up from the inside. A disused extractor fan vent was also observed and internal netting was missing in some areas.</p> <p>Internally there is roof flat and no loft or void areas were observed. Where accessed the internal structure is mainly open plan with large open spaces/disused offices spaces present. Numerous pigeons and pigeon carcasses were observed to be present within all of the accessed internal areas except the southern ground floor area.</p>
<p><b>Roost potential signs:</b></p> <p>The eastern and southern elevations of the building are well maintained with no obvious potential roosting features being observed. Along the western elevation, a small number of gaps are present within the brickwork where features are missing such as extractor fan covers, the holes of which lead directly into the building, at brick, and window locations where glass is broken or missing. Gaps in brickwork are present where joists have been removed from previously attached buildings leading</p>

into cavities within the brickwork and at the boarding covering window and door apertures. On the 5<sup>th</sup> storey gaps were observed at the wooden boarding but this appeared to be attached to a metal structure which would reduce potential for roosting bats. Open access was available at some windows and at the ground floor void. Opportunity for roosting internally within the building was negligible. Gaps were noted at the louvre door and extractor fan at the vehicle entrance way, which would lead into internal areas not accessed during the survey. There was debris on the ground and inside the building showing the area had not been cleaned prior to arrival. No droppings or any other presence of roosting bats was identified which suggested present or historic use.

The building is considered to have **low** potential for roosting bats.

## **Building 2**

### ***Description:***

A single storey building of a brick construction with a hipped roof and two raised ventilation roof lanterns composed of wooden frames, timber cladding and small flat roof sections with roofing felt in areas. The roof is mainly covered with slate roof tiles and ridge tiles are present although both are missing in areas, particularly on the eastern elevation where battens and roofing material can be seen. Metal framed sky lights are present on all roof elevations although glass panes are missing from most frames. The building adjoins Building 3 on its western elevation and the boundary wall to the south.

Internally the metal frame roof structure can be seen and evidence of wooden lattes were present which were covered in plaster board in most areas. Remains of a small mezzanine office/ viewing room was present on the northern wall and the building has been subject to previous demolition works with the eastern and parts of the northern walls currently comprising of a wooden and metal frame covered with wooden sheeting which prevents access into the building. The internal walls are covered in walls tiles with evidence of paint layers covering these in areas. The building is very open and light internally and potential roosting features are limited. Overall, the building appears to be in a generally poor state of repair with evidence of water damage to the southernmost corner.

### ***Roost potential signs:***

Open access into the building could be easily gained by bat species, although internal roosting provision is limited. Potential roosting features are present under missing and slipped roof tiles, at the ridge tiles where mortar and tiles are missing and where gaps are present at the brickwork, mainly located on the northern elevation. There was debris on the ground and inside the building showing the area had not been cleaned prior to arrival. No droppings or any other evidence of the presence of bats was identified which suggested present or historic use.

The building is considered to have **low to moderate** potential for roosting bats.

## **Building 3**

### ***Description:***

Built in 1910 the building is listed along with the 8 phone boxes located on the western elevation. A three-storey building that fronts Abingdon Street the west and adjoins Building 2 at its south eastern most corner. The roof is of a hipped construction with slate tile covering and ridge tiles present. A flat roofed stairwell is present on the eastern elevation. The building façade to Abingdon Street is composed of stone with decorative entranceways, stone lintels and sills and an ornate parapet which is balustraded to the central section of the building. Sash windows are present and most of the window panes are intact, and the central windows are boarded with wooden sheeting. To the eastern courtyard elevation, the building is of a brick construction with varying window styles the majority of which are boarded with missing glass panes. An internal staircase has been removed which has left this section of the building open to the elements although this is covered with netting. A roof extension was present on the eastern roof and wooden fascia boards were also observed at this elevation. Two roof lights were present behind the balustrade parapet wall and evidence of the removal of lead was present at the ridge tiles.

Internally the building is a mix of offices and the old main post office reception area, with bicycle storage and tunnels present on the lower basement floor. A roof void is present to the central section

of the roof but no point of access for this area was noted. Pigeons were observed on the ground floor only with further Internal access into the building being limited.

**Roost potential signs:**

There are gaps on the central roofline where lead has been removed and ridge tiles are missing. Slipped and missing roof tiles were also noted as well as at boarded windows and limited windows where glass was missing but windows are not boarded on the intact staircase. Limited gaps in brick work are present where adjacent built structures and central staircase has been removed although the main removed staircase is covered with netting, which may reduce usage. Internal access to the main post office reception area on the ground floor could be gained by bat species although limited roosting potential exists internally and access to other areas was restricted. There was debris on the ground and inside the building showing the area had not been cleaned prior to arrival. No droppings or any other evidence of the presence of bats was identified which suggested present or historic use. Access into a roof void was not gained.

The building is considered to have **low to moderate** potential for roosting bats.

- 4.15 Taking into account the number of potential roost features contained within the three buildings, further bat activity surveys are recommended.

**Summary and Evaluation**

- 4.16 The preliminary roost assessment found Building 1 to contain **low** potential to support roosting bats and Buildings 2 and 3, to contain **low to moderate** bat roost potential when considering the presence of potential roosting features, as noted within Table 2.
- 4.17 Habitats within the immediate surrounds are considered to be of low value for foraging and commuting bats although more suitable habitat is present within the wider surrounds there are limited direct links from the site to these areas.
- 4.18 No evidence of past or present use of the buildings by roosting bats was identified.

## 5.0 Impacts and Recommendations

### **Buildings Roost Suitability**

- 5.1 The results of the survey at the Former Royal Mail Buildings site have found the buildings on site to contain varying levels of potential to support roosting bats. Therefore, there may be implications with regard to bats and the proposed development and further presence/absence surveys are/were required to establish if bats are using these buildings.

### **Further Survey Requirements**

- 5.2 The Bat Surveys for Professional Ecologists: Good Practice Guidelines produced by the Bat Conservation Trust (2016), recommends timings and a minimum number of visits for presence/absence surveys to give confidence in a negative result for structures. These are determined by the level of suitability assigned to each individual building/structure or tree as set out below (see Appendix 4 for the full table):

- For buildings with **high** roost suitability; three separate survey visits are required to determine the presence or absence of bats. One dusk emergence and one separate dawn re-entry survey will be required with the third survey comprising of either a dusk emergence or a dawn re-entry survey. Surveys should be undertaken between May to September, with at least two surveys to be undertaken between May and August. Surveys should be spaced at least two weeks apart, preferably more.

- For buildings with **moderate** roost suitability; two separate survey visits are required to determine the presence or absence of bats. One dusk emergence and one separate dawn re-entry survey will be required. Surveys should be undertaken between May to September, with at least one survey to be undertaken between May and August. Surveys should be spaced at least two weeks apart, preferably more.
- For buildings only with **low** roost suitability; one dusk or one dawn re-entry survey is recommended. The survey should be undertaken between May to August.

- 5.3 If bats are discovered emerging from any of the buildings during the surveys, then the survey schedule should be reviewed and if required appropriately adjusted to ensure that sufficient information can be collected. A minimum of three presence/ absence surveys will be required to apply for a Natural England Licence.
- 5.4 Surveys should be an iterative process with each previous survey informing the subsequent one. The number of survey visits could therefore be adjusted (up or down), if necessary, depending upon site-specific circumstances.
- 5.5 Presence/ absence surveys are required to gather specific information over the active bat season. Several visits are required as bats, particularly pipistrelle, often have more than one roost and do not necessarily occupy a single roost over the entire active season. The survey visits will need to be spaced out over the active season.
- 5.6 If the works require planning approval, the Local Planning Authority will require the results of the presence/ absence surveys in support of any Planning Application, in line with current Planning Policy for both a presence or absent result.
- 5.7 If a bat roost/s is/are located during the survey work then an outline mitigation scheme will also be required to support a planning application to ensure that there is no detrimental effect upon roosting bats. Furthermore, work at the site could be delayed until such time that a Natural England Licence is applied for and granted to legally permit work to commence which would affect bats or their roost.
- 5.8 A Natural England licence can only be applied for once planning permission is gained, if planning permission is required. Natural England, the licensing authority, will require the species, numbers and use of a roost to be ascertained before granting a licence and there may be delays in obtaining a Licence and time constraints as to when mitigation can be undertaken.
- 5.9 As bats are mobile creatures and can form new roosts at any time if works are not started within one year of this report, then it may be necessary to repeat certain surveys.

#### ***Safeguards and Enhancement Measures***

- 5.10 If at any time a bat/s or evidence of bat/s is/are suspected or found, all works must cease immediately and advice should be sought from either Natural England or the acting consultant. If a bat roost is found then the works would be delayed until such a time adequate survey data is obtained that is sufficient to support a Natural England licence that will derogate from legal protection afforded to roosting bats.

### **Other: Breeding Birds**

- 5.11 The site also contains suitable breeding bird habitat and evidence of nesting herring gulls was observed on the roof of Building 1.
- 5.12 The Wildlife and Countryside Act (WCA) 1981 (as amended) states that all wild birds are protected at all times against killing or injury. Under the WCA, it is an offence to kill, injure or take any wild bird, to take damage or destroy the nest of any wild bird, or to take or destroy the egg of any wild bird. It is good practice to carry out any works outside of the breeding bird season that might affect nests and result in an offence being committed. The breeding bird season is generally considered to be between March to August inclusive.
- 5.13 If suitable breeding bird habitat is affected during the breeding bird season, then an assessment by an Ecologist for breeding birds should be undertaken prior to works. If breeding birds are found, it is likely that works will have to be delayed until breeding has ceased.
- 5.14 It is good practice to remove all affected breeding bird habitat during the winter months prior to works starting to prevent delays.

## **6.0 Conclusion**

- 6.1 To conclude, this report details the findings of the PRA survey that has been undertaken at this site.
- 6.2 The completed survey has been undertaken by suitably experienced surveyor at the appropriate time of year and in line with current guidance.
- 6.3 No evidence of roosting bats was recorded at the site however potential roosting features are present that would be suitable to support small numbers of individual roosting bats. Habitats within the immediate vicinity are considered to be of low value and although there are suitable habitats within the wider survey area, but corridors that link these areas to the site are limited.
- 6.4 Further presence/ absence surveys are therefore required at the site to provide a more detailed and robust data set on which to further inform the use of the site by bat species.

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## Appendix 1: Planning Policy and Legislation

*Disclaimer: Appendix 1 is a guide to legislation and procedure relating to biodiversity in England. It is general guidance and it does not give specific advice in relation to any site, species or project. It represents Ecology Services Ltd interpretation of legislation and procedure as at June 2021. Readers should note that legislation and procedure changes continually and is interpreted on a case-specific basis. Nothing in Appendix 1 should be construed as an offer of advice or legal opinion.*

### Planning Context

#### National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF, 2019) places a clear responsibility on Local Planning Authorities (LPA) to contribute to conserving and enhancing the natural and local environment. LPAs should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species (e.g. Species of Principal importance, Biodiversity Action Plan species); and identify and pursue opportunities for securing measurable net gains for biodiversity. The Office of the Deputy Prime Minister (ODPM) Circular 06/2005 provides administrative guidance on the application of the law in relation to planning and nature conservation.

A Local Planning Authority (LPA) has a duty to ensure that protected species and habitats within the UK are a 'material consideration' in the determination of a planning application. Therefore, an LPA is unlikely to determine an application until all relevant information relating to protected species or habitats is submitted to fully inform the application. Relevant information includes adequate surveys and, where required, mitigation strategies, which will need to be submitted in support of a planning application.

### Statutory Protection Afforded UK Bats

The Conservation of Habitats & Species Regulations 2017 (as amended), also known as the Habitats Regulations, lists all UK bat species on Schedule 2 which places an obligation to implement strict protection for these species. This legislation makes it an offence to:

- deliberately kill, injure or capture a wild bat;
- deliberately disturb\* a bat;
- damage or destroy a breeding site or resting place of a bat.

\*Disturbance, as defined by the Conservation of Habitats & Species Regulations 2017 (as amended), is that which is likely to:

- impair their ability –
  - to survive, to breed or reproduce, or to rear or nurture their young; or
  - in the case of animals of a hibernating or migratory species, to hibernate or migrate.
- affect significantly the local distribution or abundance of the species to which they belong.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 continue the same provision for European protected species, licensing requirements and protected areas after Brexit.

All UK bats and their roosts are afforded further protection through their inclusion on Schedule 5 of the Wildlife & Countryside Act 1981 (as amended), which makes it an offence to:

- intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection;

- intentionally or recklessly obstruct access to a structure or place which a bat uses for shelter or protection.

Regulation 12 the Conservation of Habitats and Species Regulations 2017 (as amended) requires the appropriate authority in England and Wales to designate as Special Areas of Conservation such sites as the authority considers to be of national importance which contribute significantly to the maintenance, or restoration at favourable conservation status in the natural range of the species listed in Annex II of the EC Habitats Directive. Four bat species (greater horseshoe, lesser horseshoe, Bechstein's and barbastelle) are listed under Annex II.

When dealing with planning applications where a European Protected Species (EPS) (all UK bats) may be affected, a Local Authority is a 'competent authority' within the meaning of regulation 7 of the Conservation of Habitats & Species Regulations 2017 (as amended). The local authority must therefore exercise their functions under the provisions made within the 2017 Regulations (as amended), and planning decisions should only be made when European Protected Species and their habitats are fully taken into account.

#### Licensing of Works Affecting Roosting Bats

Where a bat roost is likely to be affected by development then a licence to derogate from the legal protection would be required. Licence applications are processed and issued by Natural England and can only be applied for once planning permission (if required) has been granted.

Natural England may grant a licence for the purposes specified in paragraph 55 of the Regulations. The purposes are:

- 55(2)(e) preserving public health or safety or other imperative reason of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment.
- 55(2)(f) preventing the spread of disease.

Natural England must not grant a licence under paragraph 55 unless it is satisfied that:

- 55(9)(a) there is no satisfactory alternative; and
- 55(9)(b) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable status in their natural range.

In December 2016, Natural England introduced four policies for European Protected Species licensing. The policies seek to achieve better outcomes for EPS and reduce unnecessary costs, delays and uncertainty that were inherent in the current system. In brief, the four policies are:

- **Policy 1** - Greater flexibility when excluding and relocating European Protected Species (EPS) from development sites;
- **Policy 2** - Greater flexibility in the location of newly created habitats that compensate for habitats that will be lost;
- **Policy 3** - Allowing EPS to have access to temporary habitats that will be developed at a later date; and
- **Policy 4** - Appropriate and relevant surveys where the impacts of development can be confidently predicted.

**Policy 1** allows compensation for EPS impacts to be delivered without the need to relocate or exclude populations where: exclusion or relocation measures are not necessary to maintain the conservation status of the local population; the avoid-mitigate-compensate hierarchy is followed; and

compensation provides greater benefits to the local population than would exclusion and/or relocation.

**Policy 2** allows for the provision of off-site compensation measures where the licensing tests are met, the avoid-mitigate-compensate hierarchy is followed, there are good reasons for maximising development on the site of EPS impacts and where an off-site solution provides greater benefit to the local population than an on-site solution.

**Policy 3** relates to developments, such as mineral extraction, which temporarily create habitat which is likely to attract EPS and enables works to proceed without the exclusion of EPS where the conservation status of the local population would not be detrimentally affected. On completion of development such sites must contribute to the conservation status of the local population as much as or more than the land use which preceded development. The measures to achieve this should be set out in a management plan and secured by a legal agreement.

Under **Policy 4** Natural England may accept a lower than standard survey effort where: the costs or delays associated with carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring; the ecological impacts of development can be predicted with sufficient certainty; and mitigation or compensation will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of any EPS.

#### Natural Environmental and Rural Communities (NERC) Act 2006

Section 40 of the Natural Environmental and Rural Communities (NERC) Act 2006 places a statutory duty on public authorities, in exercising their functions, to conserve biodiversity in England. Species of Principal Importance for the conservation of biodiversity in England, as identified by the Secretary of State in consultation with Natural England, are listed Section 41 of the NERC Act. The Local Planning Authority and government bodies (e.g. Natural England) will expect the overall design of the development to have regard for the conservation of these species. Section 41 of the NERC Act lists seven bat species as Species of Principal Importance (refer to Section 2).

## Appendix 2: Guidelines for Assessing Habitat Suitability for Bats

**Table 4.1.** Guidelines for assessing the potential suitability of proposed development sites for bats based on the presence of habitat features within the landscape, to be applied using professional judgement (Taken from the Bat Conservation Trust Bat Surveys for Professional Ecologists: Good Practice Guidelines, 2016).

Suitability	Description	
	Roosting habitats	Commuting & foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	<p>A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions<sup>1</sup> and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation<sup>2</sup>).</p> <p>A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting potential<sup>3</sup>.</p>	<p>Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or un-vegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitats.</p> <p>Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) of a patch of scrub.</p>
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions <sup>1</sup> and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	<p>Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back to gardens.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland and water.</p>
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions <sup>1</sup> and surrounding habitat.	<p>Continuous, high quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge.</p> <p>High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broad-leaved woodland, tree-lined watercourses and grazed parkland.</p> <p>Site is close to and connected to known roosts.</p>
<p><sup>1</sup>For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.</p> <p><sup>2</sup>Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten <i>et al.</i>, 2015). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in large buildings in highly urbanised environments.</p> <p><sup>3</sup>This system of categorisation aligns with BS8596:2015 Surveying for bats in trees and woodland (BSI, 2015).</p>		

## Appendix 3: Population Statuses of Bat Species in Lancashire

### National Status

There are 18 species of bat that are native to the United Kingdom.

The latest Review of the Conservation Status of British Mammals (2018) has shown that where change could be assessed with reasonable confidence there have been increases in the geographical range and population status of two species of UK bat (greater and lesser horseshoe bat) and decrease in the geographical range of one species (grey long-eared bat). Increases in population were also identified in the following species: Bechstein's, Daubenton's, Natterers, Serotine and brown long-eared although it is noted that the reliability of the results is poor. Population data was not available for; Alcatheo, whiskered, Brandt's, Leisler's, noctule, Barbastelle and Nathusius pipistrelle.

Population estimates were given for common and soprano pipistrelle however they could not be reliably compared to the results from Harris et al. (1995) as the two species had not been identified as separate species at the time of that survey. *Pipistrellus* spp. remain the commonest species of bat in the UK despite their decline.

The State of Bats 2017 report produced by the Bat Conservation Trust used results from multiple survey types (hibernation, roost, waterway and field) of the National Bat Monitoring Programme (NBMP) to compile population trends between 1999, 2001 or 2002 to 2016. The report identified statistically significant (95% accuracy) population increase in Great Britain in the following species; greater horseshoe (hibernation and roost surveys), lesser horseshoe (hibernation and roost surveys), Daubenton's (hibernation surveys), Natterers (hibernation surveys), common pipistrelle (field surveys), soprano pipistrelle (field surveys). Significant decreases in population in Great Britain were identified in common pipistrelle (roost surveys), soprano pipistrelle (roost surveys) and brown long-eared (roost surveys).

These trends reflect relatively recent changes to bat populations since the 1990s. It is generally considered that prior to this there were significant historical declines in bat populations dating back to at least the start of the 20th century, although evidence is fragmented and few data were collected in a systematic way.

Serotine and barbastelle are considered vulnerable and Leisler's and Nathusius' pipistrelle, near threatened in Britain and England in the Red List for Britain's Terrestrial Mammals (Mathews and Harrower, 2020).

### Local Status

There are eight bat species listed as being resident in Lancashire; these are as follows:

- Brown long-eared (*Plecotus auritus*)
- Whiskered (*Myotis mystacinus*)
- Brandt's (*Myotis brandtii*)
- Daubenton's (*Myotis daubentonii*)
- Noctule (*Nyctalus noctula*)
- Common pipistrelle (*Pipistrellus pipistrellus*)
- Soprano pipistrelle (*Pipistrellus pygmaeus*)
- Natterer's (*Myotis nattereri*)

Nathusius pipistrelle (*Pipistrellus nathusii*) has also been recorded in the county more recently. Although there are no known roosts in Lancashire, they have been trapped and ringed at Pennington Flash, Wigan. Lesser horseshoe (*Rhinolophus hipposideros*) is historically known to be present in Lancashire, however, the most recent record is from East Lancashire in 2009.

Populations of bats in many parts of Lancashire are comparable in size and importance to some of the best areas in the country. Estimates have not been made for Lancashire from the national population estimates as they are of poor reliability and it is not felt that the estimates would be useful or statistically valid (White (Ed.) *et. al.*, 2017).

The valleys of the Lune, Wyre, Hodder, Ribble and their tributaries support substantial populations of pipistrelle and Daubenton's. Many colonies of the latter species roost in bridges over the rivers.

There are also good numbers of most of the other bat species listed as being present in this area.

Clusters of brown long-eared colonies are strongly skewed towards the west of the county and populations are known in the Silverdale area, Fylde and West Lancashire, and whiskered and Brandt's are probably more common in the north of the county than in southern Lancashire.

Ponds in the Fylde, mill lodges and reservoirs in eastern Lancashire and other areas provide concentrated feeding areas for many bats.

Swarming activity has been identified in two locations in Lancashire; Blackburn with Darwen and close to the Yorkshire border in Ingleton. It is known that bats will travel from Lancashire to swarming sites in Yorkshire.

**Appendix 4:**  
Site Photographs



**P1:** South-eastern elevations of Building 1.



**P2:** North-western elevations of Building 1



**P3:** South-western elevations of Building 1.



**P4:** Typical internal structure of Building 1 (3<sup>rd</sup> Storey)



**P5:** Internal view 5<sup>th</sup> storey of Building 1 (not accessed).



**P6:** Northern and eastern elevations of Buildings 2 & 3



P7: Roof structure of Building 2.



P8: Northern elevation of Building 2.



P9: Internal view of Building 2 (North-east direction).



P10: Internal view of Building 2 (Westerly direction).



P11: Western & northern elevations of Building 3.



P12: Eastern and northern elevations of Building 3.



**P13:** Internal upper floor of Building 3, enclosed roof void. **P14:** Internal office space in Building 3.



**P15:** Open staircase at Building 3 on Eastern elevation. **P16:** Basement tunnel under pavement at Building 3.