

SPAR and Surrounding Land at Burnley Road, Rawtenstall BB4 8EW

**ECOLOGICAL SURVEY AND ASSESSMENT
(Including a Licensed Bat Survey)**

October 2023

ERAP (Consultant Ecologists) Ltd Reference: 2023-158

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Document Control

Survey Type:	Surveyors ¹	Survey Date(s)
Phase 1 Habitat and Daylight bat survey	Brian Robinson	1 st September 2023
Dusk Emergence Survey Repetition 1	Aidan Pickering, Marie Pickering, Danielle Rowlands, Stuart Laverick and Brian Robinson	7 th September 2023
Dusk Emergence Survey Repetition 2	Aidan Pickering, Marie Pickering, Danielle Rowlands, Stuart Laverick and Brian Robinson	21 st September 2023
Reporting	Personnel	Date
Author	Brian Robinson B.Sc. (Hons) MCIEEM Senior Ecologist	3 rd October 2023
Signature(s)		
Checked	Rachel Brown B.Sc. (Hons)	6 th October 2023
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Bats		
Brian Robinson Natural England Class Survey Licence (bats, Level 2) Registration Number 2015-13161-CLS-CLS		

SUMMARY

Introduction and Scope

- i. This ecological survey and assessment presents the ecological, biodiversity and nature conservation status of the SPAR and surrounding land at Burney Road, Rawtenstall BB4 8EW. The assessment was requested in connection with proposals for the following:

'Demolition of part of a vacant MOT Garage (i.e. part the northern section of Building 1), building of a new gable wall and installation of a 2m high palisade fencing and gates and tarmac finish at the site'.

- ii. This report presents the results of a desktop study, data search, extended Phase 1 Habitat Survey, licensed daylight bat survey and bat activity surveys carried out in September 2023. The scope of survey undertaken is appropriate to identify potential ecological constraints, the remit of mitigation required and opportunities for biodiversity associated with the development proposals.
- iii. The approximately 0.39 hectares site is located in the town of Rawtenstall and comprises two buildings (Building 1, a SPAR retail outlet which adjoins a vacant MOT garage) and Building 2, a canopy roof typical of petrol station forecourts) and hard standing with locally frequent colonising ruderal herbs. The site is located adjacent to Limy Water at its northern boundary and broadleaved woodland at its eastern boundary.

Results of Survey and Assessment

- iv. The proposals will have no adverse direct or indirect effect on statutory or non-statutory designated sites for nature conservation.
- v. Only common and widespread plant species were found. None of the habitats present are representative of semi-natural habitat. No Priority Habitats are present.
- vi. None of the habitats are assessed to hold any importance in a geographical context. Limy Water and the broadleaved woodland adjacent to the eastern site boundary are assessed to be of 'Local' importance as they will act as wildlife links and contribute to the diversity of habitats in the local area. Neither habitat will be directly impacted by the proposals, and measures for the protection of both habitats during the construction phase of the proposed development are presented at **Section 5.2**. Recommendations relating to the enhancement of habitats within the site for biodiversity as part of any landscape proposals for the site are presented at **Section 5.6**.
- vii. Indian Balsam, an invasive species listed on Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended) was detected within the site. It is an offence to cause the spread of this species in the wild. Guidance on the control and management of these species is described at **Section 5.3**.
- viii. A day roost of common pipistrelle (Roost 1) was detected at Building 1 during the daylight inspection of the site. Two dusk emergence surveys were completed at the building and no further roosts were detected.
- ix. The demolition works to a section of Building 1 have the potential to disturb Roost 1; bats and their roosts are protected under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. Works at / near to Roost 1 must only be carried out under a relevant Natural England European Protected Species Mitigation licence.
- x. It is considered that, although the proposals are unlikely to directly impact upon the roost itself; any future usage of the building will create conditions unsuitable for use by roosting bats (either by removal of the timber boarding at the window or by internal lighting creating unsuitable conditions). It is therefore considered appropriate to remove the roost as part of the proposals and create a compensatory roost at a more appropriate location within the site. These works may only be completed under a suitable European Protected Species Mitigation (EPSM) Licence.

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- xi. **Section 9.0** of this report presents a bat mitigation strategy to demonstrate how the proposals can be achieved whilst protecting roosting bats and ensuring there is no net loss of roost opportunity at the site in the long-term.
 - xii. The buildings are suitable for use by nesting birds; all wild birds are protected under the *Wildlife and Countryside Act 1981* (as amended) while they are nesting. Measures for the protection of nesting birds during the demolition of the buildings are presented at **Section 5.5**.
 - xiii. No other protected species have been detected.

Recommendations

- xiv. The recommendations and mandatory actions in **Section 5.0** and **9.0** outline all the mandatory measures and additional actions to be applied to ensure compliance with wildlife legislation, the National Planning Policy Framework (NPPF) and best practice.
- xv. The proposals will secure an opportunity to implement beneficial measures such as habitat creation that will safeguard habitats for wildlife such as birds and bats, with the aim of providing a net gain in biodiversity in accordance with the principles of the NPPF.

Conclusion

- xvi. It is concluded that the proposals are feasible and acceptable in accordance with ecological considerations and relevant planning policy. The proposals at the site will provide an opportunity to secure ecological enhancement for wildlife associated with suburban and urban areas.

1.0 INTRODUCTION

1.1 Background and Rationale

1.1.1 ERAP (Consultant Ecologists) Ltd was commissioned by James Hall & Co (Properties) Ltd. to carry out an ecological assessment of the SPAR and surrounding Land at Burnley Road, Rawtenstall BB4 8EW (hereafter referred to as the 'site'). The Ordnance Survey (OS) grid reference at the centre of the 0.39 hectares site is SD 81120 23459. An aerial image of the site and its surrounding habitats is appended at **Figure 1** (source image: ESRI World Imagery).

1.1.2 The assessment was requested in connection with a planning application for the following:

'Demolition of part of a vacant MOT Garage (i.e. part the northern section of Building 1), building of a new gable wall and installation of a 2m high palisade fencing and gates and tarmac finish at the site'.

1.1.3 The approximate location of the section of building to be demolished is presented at **Figure 2**.

1.2 Scope of Works

1.2.1 The scope of ecological works undertaken in September 2023 comprised:

- a. A desktop study and data search for known ecological information at the site and the local area;
- b. An Extended Phase 1 Habitat Survey and assessment, and assessment of the habitats present at the using the UK Habitats Classification;
- c. Assessment of the ecological value of the habitats within the site with the use of the National Vegetation Classification (NVC) and the Ratcliffe criteria, as presented in *A Nature Conservation Review* (Ratcliffe, 1977);
- d. Survey and assessment of all habitats for relevant statutorily protected species¹ and other wildlife including badger (*Meles meles*), water vole (*Arvicola amphibius*), otter (*Lutra lutra*), bird species and reptiles;
- e. A licensed daylight bat survey of the buildings (note that no trees are present within the site);
- f. The identification of any potential ecological constraints on the proposals and the specification of the scope of mitigation and ecological enhancement required in accordance with wildlife legislation, planning policy guidance and other relevant guidance; and
- g. The identification of any further surveys or precautionary actions that may be required to inform the progression of the site through the planning process or prior to the commencement of any construction activities.

¹ In accordance with *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact on the Planning System* (Ministry of Housing, Communities & Local Government, 2005) developers should not be required to undertake surveys for protected species unless there is reasonable likelihood of the species being present and affected by the development. In this instance (for example) there are no ponds within an unobstructed 500 metre radius of the site; there has been no requirement to consider great crested newt (*Triturus cristatus*) as part of this assessment.

2.0 METHOD OF SURVEY

2.1 Desktop Study and Data Search

- 2.1.1 The following sources of information and ecological records were consulted:
- MAGiC Maps: A web-based interactive map which brings together geographic information on key environmental schemes and designations, including details of statutory nature conservation sites;
 - Lancashire Environment Record Network (LERN);
 - Environment Agency Main River Map* (Environment Agency, 2023);
 - Lancashire Biodiversity Action Plan (BAP); and
 - 2022-099c 97 to 101 Burnley Road, Rawtenstall BB4 8EW: Ecological Survey and Assessment* (ERAP (Consultant Ecologists) Ltd, 2023).

2.2 Vegetation and Habitats

- 2.2.1 An Extended Phase 1 Habitat Survey of the site was carried out by Brian Robinson on 1st September 2023. The weather was dry and sunny with a light air (Beaufort scale 1) and an air temperature of 14°C.
- 2.2.2 A habitat and vegetation map was produced for the site and the immediate surrounding area at a scale of 1:750 and is appended at **Figure 2**. The mapping is based on the Joint Nature Conservation Committee Phase 1 Habitat Survey methodology (JNCC, 2010) with minor adjustments to illustrate and examine the habitats with greater precision.
- 2.2.3 On site habitat mapping was assisted via use of GPS technology and QField on-site mapping software, using *ESRI World Imagery* as a base plans.
- 2.2.4 The plant species within the site boundary were determined with estimates of the distribution, ground cover, abundance and constancy of individual species. The estimation of abundance was based on the DAFOR system, where D = Dominant, A = Abundant, F = Frequent, O = Occasional and R = Rare, this being a widely used and accepted system employed by ecological surveyors. The terms L = Locally and V = Very were additionally used to describe the plant species distributions with greater precision.
- 2.2.5 Stands of vegetation and habitats were described and evaluated using the National Vegetation Classification (NVC). The NVC provides a systematic and comprehensive analysis of British vegetation and is a reliable framework for nature conservation and land-use planning.
- 2.2.6 Habitats within the site were assessed in accordance with the UK Habitats Classification / UKHab (Butcher, et al., 2020). The UKHab has been designed to function at two scales of minimum mappable unit (MMU): fine scale (25m² or 5 metres length) and large scale (400m² or 20 metres length). It has been considered for the purposes of this survey that the fine scale of 25m² or 5 metres length MMU is appropriate.
- 2.2.7 Searches were made for uncommon, rare and statutorily protected plant species, those species listed as protected in the *Wildlife and Countryside Act 1981* (as amended) and species which are indicators of important and uncommon plant communities. Plant nomenclature follows *New Flora of the British Isles 3rd Edition* (Stace, 2010).
- 2.2.8 Searches were carried out for the presence of invasive species, including those listed on Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended), including Japanese Knotweed (*Fallopia japonica*), Indian Balsam (*Impatiens glandulifera*) and Giant Hogweed (*Heracleum mantegazzianum*).

2.3 Animal Life

Badger

- 2.3.1 The survey area for badger covered the site (as annotated on **Figure 2**) and extended to accessible land within a radius of 50 metres from the site boundary. Private gardens / land were excluded from the survey.
- 2.3.2 The survey was conducted in accordance with guidance presented within *Badgers and Development* (Natural England, 2007) and *Badgers: advice for making planning decisions* (Natural England, 2022).
- 2.3.3 The following signs of badger activity were searched for:
- a. Setts entrances, e.g. entrances that are normally 25 to 35cm in diameter and shaped like a 'D' on its side;
 - b. Large spoil heaps outside sett entrances;
 - c. Bedding outside sett entrances;
 - d. Badger footprints;
 - e. Badger paths;
 - f. Latrines;
 - g. Badger hairs on fences or bushes;
 - h. Scratching posts; and
 - i. Signs of digging for food.
- 2.3.4 Habitats within and surrounding the site were assessed in terms of their suitability for use by foraging and sheltering badger in accordance with their known habitat preferences as detailed in current guidance and *Badger* (Roper, 2010).

Bat Species

Daylight Survey

Survey Personnel

- 2.3.5 The site was assessed for its suitability to support roosting bats by Brian Robinson, Natural England Class Survey Licence WML CL18 (Bat Survey Level 2), Registration Number 2015-13161-CLS-CLS.
- 2.3.6 The surveyor's qualifications and experience meet the criteria as defined in the *Technical Guidance Series Competencies for Species Survey: Bats* (CIEEM, 2013).

Buildings

- 2.3.7 The surveys were carried out in accordance with standard methodology including the *Bat Mitigation Guidelines* (Mitchell-Jones, 2004), the *Bat Workers' Manual 3rd Edition* (Mitchell-Jones & Mcleish, 2004) and *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)* (Collins, J. (ed), 2016).
- 2.3.8 An inspection of the external surfaces, walls and roofs of the buildings was carried out to find potential bat roosting habitat or accesses into internal areas where roosts may be present. Searches for evidence of bat presence in the form of droppings, urine stains, feeding signs, grease marks and other evidence were also carried out.
- 2.3.9 The internal survey involved an examination of the accessible internal areas (including roof voids) to find roosting bats or evidence of past use of the buildings by bats such as droppings and prey remains.
- 2.3.10 A list of equipment used is detailed at **Table 2.1**.

Table 2.1: Survey Equipment used during Daylight Bat Survey

Ladders
LED Lenser P14 torch
Canon Ixus digital camera
8x20 binoculars
Ridgid Micro Inspection Camera Borescope CA-100

- 2.3.11 The suitability of both buildings has been assessed in accordance with Table 4.1 of *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*, (Collins, J. (ed), 2016), taking into account any presence of gaps suitable for access by bats, features suitable for use by roosting bats within the building (including crevice dwelling species and species which can roost in the open in roof voids), and the suitability of the surrounding habitats for use by foraging and commuting bats.
- 2.3.12 A second internal daylight inspection was completed at the northern section of Building 1 immediately prior to the second dusk emergence survey on 21st September 2023. The survey was completed by Brian Robinson and was to determine if bats were still present at Roost 1, and if any additional roosts were located between the timber boarding and glass windows of the building.

Habitat Assessment for Commuting / Foraging Bats

- 2.3.13 Habitats within and adjacent to the site were assessed for their value and suitability for commuting and foraging bats in accordance with Table 4.1 of *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*, (Collins, J. (ed), 2016). Reference has been made to the categories and descriptions / examples, presented at **Table 2.2**.

Table 2.2: Consideration of Suitability of Foraging and Commuting Habitat for Bats

Suitability	Commuting Habitat	Foraging Habitat
Negligible	Negligible habitat features on site likely to be used by commuting bats.	Negligible habitat features on site likely to be used by foraging bats.
Low	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated i.e. not very well connected to the surrounding landscape by other habitat.	Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree or patch of scrub.
Moderate	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 gardens.	Habitat that is linked to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	Continuous, high-quality habitat that is well connected to the wider landscape and is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. Habitats close to and connected to known roosts.	High-quality habitat that is well-connected to the wider landscape and is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Habitats close to and connected to known roosts.

Presence / Absence Surveys: Dusk Emergence Surveys

- 2.3.14 Two dusk emergence surveys, supplemented by night vision aids (NVAs), were conducted at Building 1 to characterise the identified roost (Roost 1) and to determine the presence of any further roosts at Building 1. Both surveys were completed in September 2023, and were conducted under suitable conditions.
- 2.3.15 The dusk emergence surveys commenced at least 15 minutes before sunset, and continued for at least 1.5 hours after sunset.
- 2.3.16 Surveyors, experienced in conducting bat surveys, were positioned at suitable locations to maximise the coverage of the areas of the building which supported features suitable for use by roosting bats. It was not

considered necessary to cover areas of the building which were identified to have negligible suitability for use by roosting bats by the daylight inspection (i.e. the frontage of the SPAR retail outlet).

- 2.3.17 Any bat emergence or re-entry activity was recorded, with brief notes relating to bat activity at each survey position collated at the end of the survey.
- 2.3.18 Heterodyne detectors were used to determine any bat detected to species or group (*Myotis* species, for example, often cannot be reliably identified to species from their echolocation calls). Recording bat detector units² were also used to record and analyse echolocation calls after the survey using Anabat Insight bat call analysis software.
- 2.3.19 Night vision aids (NVA)³, supplemented with additional infra-red lighting (comprising Nightfox XB5 torches and infra-red floodlights) were used at the surveyor positions described in **Table 2.3** and shown on **Figure 2**. Footage was subsequently reviewed using VLC Media Player to determine any emergence / re-entry at the building.
- 2.3.20 In accordance with *Interim Guidance Note: Use of night vision aids for bat emergence surveys and further comment on dawn surveys* (Bat Conservation Trust, May 2022):

'The 4th edition of the survey guidelines will therefore transition away from the standard use of dawn surveys, particularly as a method for presence/absence surveys, in favour of dusk surveys supported by NVAs.'
- 2.3.21 NVAs were used at each survey position for each of the surveys completed. It has therefore been considered that no dawn re-entry survey (as could have been required in accordance with *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)* (Collins, J. (ed), 2016)) is necessary to inform the survey results.
- 2.3.22 Photographs showing each survey position from the darkest point of the surveys are appended at **Photos 21 to 26**.

Table 2.3: Dusk Emergence Survey Dates, Weather Conditions and Surveyors

Date	7 th September 2023	21 st September 2023
Sunset time:	19:46	19:11
Start & end time	19:20 until 21:20	18:50 until 20:50
Weather	23°C and dry with a light air (Beaufort scale 1)	12°C and dry with a light air (Beaufort scale 1)
Survey Position	Surveyor, Detector and NVA	Surveyor, Detector and NVA
1	Aidan Pickering, Anabat Scout and Canon XA20	Aidan Pickering, Anabat Scout and Canon XA20
2	Marie Pickering, Anabat Scout and Canon XA20	Marie Pickering, Anabat Scout and Canon XA20
3	Danielle Rowlands, Anabat Express, Batbox Duet and Panasonic VX870K	Danielle Rowlands, Anabat Scout and Panasonic VX870K
4	Stuart Laverick, Anabat Scout and Nightfox Red	Stuart Laverick, Anabat Scout and Nightfox Red
5	Brian Robinson, Anabat Scout and Sony A7	Brian Robinson, Anabat Scout and Sony A7

Bird Species

- 2.3.23 Bird species observed and heard during the survey were recorded.

² i.e. Anabat Express and Anabat Scout.

³ Canon XA20 and Panasonic VX870K camcorders, Nightfox Red infra-red binoculars and a full-spectrum converted Sony A7 camera).

2.3.24 Habitats throughout the site and in the immediate surrounding area were assessed for their value to roosting, feeding and nesting birds, as indicated by the amount of shelter, feeding value, woody vegetation structure and species diversity of tree and shrub species in the site.

Reptile Species

2.3.25 The site and its surroundings were assessed in terms of their suitability for use by reptile species using the important characteristics for reptiles outlined in the draft document ‘*Reptile Mitigation Guidelines*’ (Natural England, 2011), and the *Reptile Habitat Management Handbook* (Edgar, et al., 2010). These habitat characteristics are outlined at **Table 2.4**.

Table 2.4: Important Habitat Characteristics for Reptiles

1. Location (in relation to species range)	7. Connectivity to nearby good quality habitat
2. Vegetation Structure	8. Prey abundance
3. Insolation	9. Refuge opportunity
4. Aspect	10. Hibernation habitat potential
5. Topography	11. Disturbance regime
6. Surface geology	12. Egg-laying site potential

Water Vole and Otter

2.3.26 The site lies adjacent to a section of Limy Water, which is culverted under the site. The section of Limy Water located adjacent to the northern site boundary was assessed from the site, however could not be directly accessed to search for water vole or otter as the section is inaccessible from the site.

2.3.27 This is considered further at **Section 2.4**.

Other Wildlife

2.3.28 Evidence of other wildlife (including Priority Species) observed whilst on site (but for which specific surveys were not made) was recorded and has been included in this report where it is considered of relevance to the planning application. Habitats have been assessed for their suitability for Priority Species identified in the data search results where this is considered relevant to the application.

2.4 Survey and Reporting Limitations

2.4.1 The Phase 1 Habitat and Vegetation survey was completed at a suitable time of year and under suitable conditions.

2.4.2 The bat surveys were completed late in the season. Building 1 is not however considered suitable for use by a maternity roost of bats; the surveys were completed at a favourable time of year to detect the transitional and day roosts which the building provides suitable habitat for. A day roost was detected at the building by the surveys completed and it is considered that a reliable assessment of building’s use by roosting bats has been possible.

2.4.3 Building 2 (the canopy roof of the petrol station forecourt) is considered to be of negligible suitability for use by roosting bats; the survey at Building 2 has therefore not been limited by the survey being completed late in the season.

2.4.4 No direct access has been possible to Limy Water, which is located adjacent to the northern site boundary and is also culverted under the site. It is considered however that a reasonable assessment of the likely impacts of the proposals to the watercourse and protected species associated with water courses (such as water vole and otter) has been possible despite these access constraints.

2.4.5 All measurements within this report are approximate only, and have been either measured (using QField) or estimated whilst on site or calculated using mapping software (QGIS) or internet-based mapping services such as MAGIC Maps and Google Earth.

2.5 Evaluation Methods

- 2.5.1 The habitats, vegetation and animal life were evaluated with reference to standard nature conservation criteria as described in *A Nature Conservation Review* (Ratcliffe, 1977) and *Guidelines for the Selection of Biological SSSIs* (Bainbridge, et al., 2013). These are size (extent), diversity, naturalness, rarity, fragility, typicality, recorded history, position in an ecological or geographical unit, potential value and intrinsic appeal.
- 2.5.2 Habitats have been assessed to determine whether they meet those described in *UK Biodiversity Action Plan: Priority Habitat Descriptions* (Maddock, A (ed), 2008); these lists are used to help draw up the statutory lists of Priority Habitats, as required under Section 41 of the *Natural Environment and Rural Communities (NERC) Act 2006*. Where suitable, the ecological value of the habitats present has been assessed using the terms outlined in *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* (CIEEM, 2018).
- 2.5.3 Government advice on wildlife, as set out in the *National Planning Policy Framework* (Ministry of Housing, Communities and Local Government, 2021) and associated government circulars has been taken into consideration. Legislation relating to protected species, such as those listed under Schedules 1, 5, 6 and 8 of the *Wildlife and Countryside Act 1981* (as amended) and *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*, is referenced where applicable, and any impacts to protected species are evaluated in accordance with current guidance.
- 2.5.4 The presence of any Priority Species, as listed under Section 41 of the *Natural Environment and Rural Communities (NERC) Act 2006* is noted, and habitats are assessed in terms of their suitability and value for these species. The presence of habitats and / or species listed by the Lancashire BAP Provisional Long List has been taken into account in the evaluation of the site.

3.0 SURVEY RESULTS

3.1 Desktop Study and Data Search

Statutory Designated Sites for Nature Conservation and SSSI Impact Risk Zones

- 3.1.1 The site is not and does not form part of any statutory designated site for nature conservation.
- 3.1.2 The site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone for the following statutory designated sites for nature conservation:
- Lower Red Lees Pasture SSSI, located 5.91 kilometres to the south-west of the site and designated for its herb-rich unimproved neutral to slightly acidic pasture typical of south-east Lancashire; and
 - The overlapping South Pennine Moors SSSI and South Pennine Moors Special Area of Conservation (SAC), located 10.04 kilometres to the south-west of the site and designated for their mosaic of upland and upland-fringe habitats which support a range of protected species and a diversity of upland breeding birds.
- 3.1.3 The SSSI Impact Risk Zone requires the Local Planning Authority to consult with Natural England on likely risks from the following development categories (Ordnance Survey, 2023):
- Airports, helipads and other aviation proposals.
 - Livestock and poultry units with a floorspace greater than 500m², slurry lagoons and digestate stores greater than 750m² and manure stores greater than 3500 tonnes.
- 3.1.4 The proposals do not meet either of the development categories which would require further consultation with Natural England on likely risks from the proposed development to the statutory designated sites for nature conservation present in the wider area.

Non-statutory Designated Sites for Nature Conservation

- 3.1.5 The site is not and does not form part of any non-statutory designated site for nature conservation, called 'Biological Heritage Sites', or 'BHS' in Lancashire.
- 3.1.6 BHS within 2 kilometres of the site are summarised at **Table 3.1**.

Table 3.1: BHS Within 2 Kilometres of the Site

BHS Name	Distance and Direction from the Site	Reasons for Designation
Crawshaw Hall Wood	0.67 kilometres to the north	An extensive area of plantation woodland and associated habitats over steep ground below Cribden Moor at Reeds Holme
Laund Banks	0.76 kilometres to the north-west	A series of fields over sloping land to the east of Cribden Hill at Reeds Holme. The fields hold species rich neutral grassland, acid grassland and scattered scrub.
Cribden Moor	1.33 kilometres to the north-west	An extensive area of blanket bog situated on Cribden Hill to the north east of Haslingden.
Brown Edge Fields	1.66 kilometres to the north-west	Two sloping fields on the western flank of Cribden Moor. The vegetation on the lower slope comprises neutral herb-rich grassland; acid grassland dominates much of the mid-slope but gives way to heath vegetation on the upper slope and towards the north. Acid grassland and heath also occur in the central gully separating the two fields.

Main River Designation

- 3.1.7 Limy Water, an open section of which is adjacent to the site and which is culverted under the site, is designated as a Main River in accordance with the Main River Map (Environment Agency, 2023)

Priority Habitats Inventory

- 3.1.8 The Priority Habitats Inventory⁴ was checked via MAGiC Maps. An area at the north-eastern corner of the site is defined as Lowland Mixed Deciduous Woodland Priority Habitat (however it is noted that this area currently supports hard standing) and a further area identified as Lowland Mixed Deciduous Woodland is located adjacent to the site's eastern boundary.
- 3.1.9 No further Priority Habitats are identified at the site by the inventory.

Protected and Notable Species

- 3.1.10 LERN hold no records of protected and notable species for the site.
- 3.1.11 Records of protected and notable species for a 2 kilometres radius of the site centre are summarised at **Table 3.2** below.

⁴ A spatial dataset that describes the geographic extent and location of Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance.

Table 3.2: Records of Protected Species Within a 2 Kilometre Radius of the Site

Taxon Group	Species Name and Designations ¹ and Notes
Amphibian	Smooth newt (<i>Lissotriton vulgaris</i>): WCAs5 (sale only). 2 records, both from 2010. The closest record is 1455 metres to the south-west.
	Common frog (<i>Rana temporaria</i>): WCAs5 & LBAP. 5 records, dated between 2010 and 2017. The closest record is 315 metres to the south, and from 2017.
Birds – WCAs1 Species	Kingfisher (<i>Alcedo atthis</i>): WCAs1. 1 record from 1999. An accurate estimation of distance of the record to the site cannot be made due to the locational data being less than a six figure grid reference
	Goshawk (<i>Accipiter gentilis</i>): WCAs1 & LBAP. 1 record from 1998. An accurate estimation of distance of the record to the site cannot be made due to the locational data being less than a six figure grid reference
Birds – Priority and LBAP Species	<p>PS & LBAP: Lapwing (<i>Vanellus vanellus</i>), skylark (<i>Alauda arvensis</i>), reed bunting (<i>Emberiza schoeniclus</i>), curlew (<i>Numenius arquata</i>), house sparrow (<i>Passer domesticus</i>), spotted flycatcher (<i>Muscicapa striata</i>), grasshopper warbler (<i>Locustella naevia</i>), dunnock (<i>Prunella modularis</i>), bullfinch (<i>Pyrrhula pyrrhula</i>), grey partridge (<i>Perdix perdix</i>), wood warbler (<i>Phylloscopus sibilatrix</i>), song thrush (<i>Turdus philomelos</i>) and starling (<i>Sturnus vulgaris</i>).</p> <p>PS Only: Linnet (<i>Linaria cannabina</i>) and twite (<i>Linaria flavirostris</i>).</p> <p>LBAP Only: Meadow pipit (<i>Anthus pratensis</i>), swift (<i>Apus apus</i>), grey heron (<i>Ardea cinerea</i>), snipe (<i>Gallinago gallinago</i>), kestrel (<i>Falco tinnunculus</i>), willow warbler (<i>Phylloscopus trochilus</i>), redshank (<i>Tringa totanus</i>) and whinchat (<i>Saxicola rubetra</i>).</p>
Bony Fish	Brown/sea trout (<i>Salmo trutta</i>): PS & LBAP. 24 records, dated between 1992 and 2014. The closest record is 390 metres to the north, and from 2002.
	Brown trout (<i>Salmo trutta</i> subsp. <i>fario</i>): LBAP. 12 records, dated between 1992 and 1996. The closest record is 580 metres to the north, and from 1995.
	Bullhead (<i>Cottus gobio</i>): LBAP. 27 records, dated between 1992 and 2014. The closest record is 390 metres to the north, and from 2002.
Clubmosses	Fir Clubmoss (<i>Huperzia selago</i>): LBAP. 1 record from 2018, located 1270 metres to the north-west.
Conifers	Juniper (<i>Juniperus communis</i>): PS & LBAP. 2 records, dated 2004 and 2012. The closest record is 405 metres to the east, and from 2012.
Flowering Plants	<p>PS & LBAP: Purple Ramping-fumitory (<i>Fumaria purpurea</i>).</p> <p>PS Only: Thorow-wax (<i>Bupleurum rotundifolium</i>) and Darnel (<i>Lolium temulentum</i>).</p> <p>LBAP Only: Mountain Everlasting (<i>Antennaria dioica</i>), Lily-of-the-valley (<i>Convallaria majalis</i>), Autumn Gentian (<i>Gentianella amarella</i>), Dropwort (<i>Filipendula vulgaris</i>) and Globeflower (<i>Trollius europaeus</i>).</p>
Insects – Butterflies	Small blue (<i>Cupido minimus</i>): WCAs5 & PS. 1 record from 2019, located 1840 metres to the south-east.
	Small heath (<i>Coenonympha pamphilus</i>): PS & LBAP. 1 record from 2019, located 1475 metres to the south-east.
Insects - Moths	<p>PS Only: Dusky brocade (<i>Apamea remissa</i>), autumnal rustic (<i>Eugnorisma glareosa</i>), small phoenix (<i>Ecliptopera silaceata</i>), small square-spot (<i>Diarsia rubi</i>), rosy rustic (<i>Hydraecia micacea</i>), ghost moth (<i>Hepialus humuli</i>) and cinnabar (<i>Tyria jacobaeae</i>).</p> <p>LBAP Only: Chimney sweeper (<i>Odezia atrata</i>).</p>
Reptiles	Slow-worm (<i>Anguis fragilis</i>): WCAs5, PS & LBAP. 1 record from 1982, located 935 metres to the west.
Terrestrial Mammals	Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>): EPS, WCAs5, PS & LBAP. 1 record from 2019, located 1145 metres to the north.
	European otter (<i>Lutra lutra</i>): EPS, WCAs5, PS & LBAP. 1 record from 2019, located 920 metres to the south.
	Bats (Order <i>Chiroptera</i>): EPS, WCAs5 & LBAP. 6 records, dated between 2006 and 2015. The closest record is 1130 metres to the south-west, and from 2006.

Taxon Group	Species Name and Designations ¹ and Notes
	Daubenton's bat (<i>Myotis daubentonii</i>): EPS, WCAs5 & LBAP. 6 records, dated between 2013 and 2015. The closest record is 1710 metres to the south-east, and from 2013.
	Pipistrelle species (<i>Pipistrellus</i> sp.): EPS, WCAs5 & LBAP. 9 records, dated between 1986 and 2020. The closest record is 405 metres to the east, and from 1986.
	Common pipistrelle (<i>Pipistrellus pipistrellus</i>): EPS & WCAs5. 7 records, dated between 2006 and 2019. The closest record is 1145 metres to the north, and from 2019.
	Nathusius' pipistrelle (<i>Pipistrellus nathusii</i>): EPS & WCAs5. 1 record from 2019, located 1145 metres to the north.
	West European hedgehog (<i>Erinaceus europaeus</i>): PS & LBAP. 7 records, dated between 2016 and 2020. The closest record is 300 metres to the north-west, and from 2016.
	Eurasian badger (<i>Meles meles</i>): PBA. 2 records, dated 1997 and 2018. The closest record is over 1 kilometre from the site. and from 1997.
¹Key to Designation Codes: EPS = European Protected Species under <i>The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</i> WCAs1 = Species receives full protection under Schedule 1 of the <i>Wildlife and Countryside Act 1981</i> (as amended). WCAs5 = Species receives full protection under Schedule 5 of the <i>Wildlife and Countryside Act 1981</i> (as amended). PBA = Protection of Badger Act 1992. PS = Priority Species listed under Section 41 of the NERC Act 2006. LBAP = Species listed on the Lancashire Biodiversity Action Plan Provisional Long List.	

- 3.1.12 The presence of these protected and notable species within the wider area has been taken into account throughout this report.

2022-099c 97 to 101 Burnley Road, Rawtenstall BB4 8EW: Ecological Survey and Assessment (ERAP (Consultant Ecologists) Ltd, 2023)

- 3.1.13 The above ecology report details the presence of a day roost of common pipistrelle at 97 Burnley Road (i.e the southernmost building of the row of terraced houses adjacent to the western site boundary. A maximum count of 1 common pipistrelle was noted at the building by the surveys detailed in the above report.
- 3.1.14 As presented in the above report the buildings are scheduled for demolition as part of a separate planning application; compensatory roosting provision is proposed for these works at a retained section of Building 1 (at the building's eastern elevation). Care has been taken to ensure that the compensatory roost to be provided as part of that application will not be affected by the proposed works to Building 1.

3.2 Vegetation and Habitats

On-site Habitats

- 3.2.1 A Phase 1 Habitat Survey map is appended at **Figure 2** and can be referred to for all habitat descriptions. Photographs are appended at **Section 8.2**.
- 3.2.2 The approximately 0.39 hectares site is located in the town of Rawtenstall and comprises two buildings (Building 1, a SPAR retail outlet which adjoins a disused workshop and Building 2, a canopy roof typical of petrol station forecourts) and hard standing with locally frequent colonising ruderal herbs.
- 3.2.3 The northern site boundary is defined by fencing, beyond which lies Limy Water and its associated banks. The eastern site boundary is defined by fencing, beyond which lies an area of woodland. The southern site boundary is defined by fencing and a wall, beyond which lie residential gardens and housing. The western site boundary is defined for the majority of its length by Burnley Road, beyond which lies terraced housing. A row of three terraced houses is present at the north-western corner of the site; these houses define the remainder of the western site boundary.
- 3.2.4 No vegetation is associated with either of the two buildings, which are described in detail in relation to their suitability for use by roosting bats at **Section 3.3**.

- 3.2.5 Refer to **Photos 1 and 2**. The concrete, asphalt and compacted stone hard standing within the site is largely devoid of vegetation, however area of colonising ruderal herbs are present at the eastern and northern site boundaries.
- 3.2.6 The vegetation is characterised by very locally frequent Sycamore (*Acer pseudoplatanus*), Great Willowherb (*Epilobium hirsutum*), Smooth Sow-thistle (*Sonchus oleraceus*), Herb-Robert (*Geranium robertianum*), American Willowherb (*Epilobium ciliatum*), Common Valerian (*Valeriana officinalis*), Creeping Bent (*Agrostis stolonifera*), Goat Willow (*Salix caprea*) and Common Ragwort (*Senecio jacobaea*) with rare Rough Meadow-grass (*Poa trivialis*), Silver Birch (*Betula pendula*), Osier (*Salix viminalis*), Groundsel (*Senecio vulgaris*) and Butterfly-bush (*Buddleja davidii*).
- 3.2.7 The vegetation is not indicative of any NVC community. The habitats within the site are described by the UKHab as u1b5 buildings and u1b6 hard standing with the secondary code 16 tall herb.

Off-site Habitats: Limy Water

- 3.2.8 Refer to **Photos 3 and 4**. The off-site Limy Water is located adjacent to the northern site boundary and is culverted under the site. The open section of river adjacent to the site is approximately 10 metres wide, and supports a shallow, westerly flow of water. The river bed is composed of stones and cobbles, and the banks are canalised with stone walls at both sides, which are vertical and approximately 10 metres in height.
- 3.2.9 Very locally frequent Butterbur (*Petasites hybridus*), Indian Balsam (*Impatiens glandulifera*), Sycamore and Bramble (*Rubus fruticosus* agg.) were noted at the banksides. Shrubs of Ash (*Fraxinus excelsior*), Sycamore and Crack-willow (*Salix fragilis*) are present at the top of the southern bank between the river and the site.

Invasive Plant Species

- 3.2.10 Indian Balsam was detected within the site (at its eastern boundary), within the woodland to the east of the site, and also at the banks of Limy Water to the immediate north of the site. This species is listed on Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended); it is an offence to spread or cause its spread in the wild. The presence of Indian Balsam at the site is considered further at **Section 4.3**.

3.3 Animal Life

Badger

- 3.3.1 No badger or signs of badger were detected within the site or within the access 50 metres around the site. The presence of badger is reasonably discounted.

Bat Species

Daylight Survey: Buildings

Building 1

- 3.3.2 Refer to **Photos 5 to 17**. Building 1 comprises an occupied SPAR retail outlet which adjoins a disused workshop at its northern end. Both sections of the building support a single-pitched roof composed of corrugated metal sheeting at the northern section and of bitumastic roofing felt at the southern section.
- 3.3.3 The southern section (i.e. the occupied SPAR retail outlet) is rendered at its western elevation and supports timber soffits and fascias. The northern section (the unoccupied workshop) supports timber boarding over its windows and timber and metal cladding at its western elevation.
- 3.3.4 Gaps suitable for access by bats are present behind the timber fascias at the southern section of the building, behind the timber boarding at the windows at the northern section of the building, and at a vertical crack in the brickwork at the northern elevation of the building.

- 3.3.5 Internally the southern, occupied section of the building supports a suspended ceiling. The northern section of the building is open to the roof which is unlined and supported on metal trusses. No voids are present within the building.
- 3.3.6 Two common pipistrelle bats were detected behind a section of timber boarding at a ground-floor window at the western elevation of the building (refer to **Photos 13 to 15** and **Figure 2**); the building is a confirmed day roost of common pipistrelle bats.
- 3.3.7 No further bats or signs of bats were detected at the building. It is considered that the southern end of the western elevation of the building is of 'negligible' suitability for use by roosting bats due to it being well sealed throughout and being well lit as part of the operational SPAR retail outlet. The southern, eastern and northern elevations, and the northern portion of the western elevation, all support gaps suitable for access by crevice dwelling species and features suitable for use by crevice dwelling bats. It is not considered that the building supports features suitable for use by a maternity roost of bats however, and the building is unlikely to provide the stable thermal conditions preferred by bats during the hibernation period.
- 3.3.8 Although it is confirmed as a day roost of common pipistrelle, the building is assessed to be of only 'low' suitability for use by roosting bats. The building may be used as a day roost (i.e. a roost where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer) but is not reasonably likely to be used by larger numbers of bats.
- 3.3.9 No bats were present at Roost during the second internal inspection completed on 21st September 2023, and no additional roosts were found. This indicates that Roost 1 is used on an occasional basis only.
- 3.3.10 The presence of Roost 1 at the building is consider further at **Section 4.4**.

Building 2

- 3.3.11 Refer to **Photo 18**. Building 2 is a detached open-sided and single-storey canopy roof typical petrol station forecourts which is constructed from metal and plastic sheet cladding. The building supports no features suitable for access by bats, and is considered to be of 'negligible' suitability for use by roosting bats.

Habitat Assessment for Commuting and Foraging Bats

- 3.3.12 The buildings and hard standing within the site are of negligible suitability for use by foraging and commuting bats. The site is artificially lit and does not support vegetation which would provide cover, edge habitat or a diversity or abundance of invertebrate prey.
- 3.3.13 The site is located adjacent to Limy Water at its northern elevation (refer to **Photos 3** and **4**) and an area of broad-leaved woodland at its eastern elevation (refer to **Photo 19**). The habitats to the immediate north and east of the site are considered to be of 'moderate' suitability for use by foraging and commuting bats; the habitats are of good quality but are not extensive. The habitats to the west and south of the site are considered to be of 'low' suitability for use by foraging and commuting bats; these habitats are composed of buildings, hard standing and small gardens.

Roost Characterisation and Present / Absence Surveys: Dusk Emergence Surveys

7th September 2023

- 3.3.14 No bat emergence was detected at Building 1.
- 3.3.15 Common pipistrelle were detected between 19:59 and 21:11, with the first recording 13 minutes after sunset. Myotis species were detected between 20:26 and 21:05, with the first recording 41 minutes after sunset. No other species were recorded.
- 3.3.16 Raw data are appended at **Table 8.1**.

21st September 2023

- 3.3.17 No bat emergence was detected at Building 1.
- 3.3.18 Common pipistrelle were detected between 19:25 and 20:50, with the first recording 15 minutes after sunset. No other species were recorded.
- 3.3.19 Raw data are appended at **Table 8.2**.

Summary of Results

- 3.3.20 A summary of the survey results presented above is provided at **Table 3.3**. The results are evaluated at **Section 4.4**.

Table 3.3: Summary of Bat Survey Results

Building Reference	Suitability for Use by Roosting Bats	Results of Activity Surveys
Building 1	Confirmed Roost	Roost 1: Two common pipistrelle detected at Roost 1. Day roost confirmed. No additional roosts are present at the building. The presence of Roost 1 is considered further at Section 4.4 .
Building 2	Negligible	The building is unsuitable for use by roosting bats; there is no requirement for further survey and / or precautionary actions with respect to roosting bats.

Bird Species

- 3.3.21 Birds detected in the site in September 2023 are listed at **Table 3.4**.

Table 3.4: Bird species Detected on 1st September 2023

Scientific Name	Common Name	BOCC Status ¹
<i>Columba palumbus</i>	Wood pigeon	Amber
<i>Corvus corone corone</i>	Carrion crow	Green
<i>Passer domesticus</i>	House sparrow	Red
¹ BOCC: Birds of Conservation Concern (Stanbury, et al., 2021). Priority Species are presented in bold .		

- 3.3.22 Building 1 supports features suitable for use by nesting passerine (i.e. perching) bird species, including those detected within the site during the survey. This is considered further at **Section 4.4**.

Reptiles

- 3.3.23 The regularly disturbed and heavily managed habitats within the site provide poor quality habitat for sheltering, basking and hibernating reptiles. There are no piles of garden waste or other suitable debris for use by sheltering or hibernating reptiles, and the site supports no favourable habitat for basking reptiles. The species-poor habitats within the site are reasonably unlikely to support a large population or a variety of invertebrate prey.
- 3.3.24 The site is not adjacent or linked to any areas of favourable habitat for reptile species, and there are no recent records of reptile for the site or the wider area. The presence of reptiles within the site is reasonably discounted.

Water Vole and Otter

- 3.3.25 Limy Water could not be directly accessed however it is considered that the flowing channel with no aquatic or marginal vegetation and with canalised banks provides habitat of poor suitability for use by foraging and sheltering water vole. The water is suitable for use by foraging otter.

3.3.26 The suitability of Limy Water is considered in relation to the proposed development at the site below.

4.0 EVALUATION AND ASSESSMENT

4.1 Introduction and Description of Proposals

4.1.1 The following development is proposed at the site:

'Demolition of part of a vacant MOT Garage (i.e. part the northern section of Building 1), building of a new gable wall and installation of a 2m high palisade fencing and gates and tarmac finish at the site'.

4.1.2 **Section 4.2** provides an assessment of any impacts of the proposed development on the designated sites for nature conservation present in the wider area. The ecological value of habitats within the site are evaluated at **Section 4.3**, and protected and notable species are considered at **Section 4.4**.

4.2 Designated Sites for Nature Conservation

4.2.1 It is considered that the site is sufficiently small and distant from all designated sites for nature conservation that the proposed development will have no impact upon them.

4.3 Vegetation and Habitats

4.3.1 Only common and widespread plant species were found. None of the habitats present are representative of semi-natural habitat. No Priority Habitats are present. The area classified as 'Lowland Mixed Deciduous Woodland' on the Priority Habitats inventory supports hard standing and is not representative of this habitat.

4.3.2 None of the habitats are assessed to hold any importance in a geographical context⁵. Limy Water and the broadleaved woodland adjacent to the eastern site boundary are assessed to be of 'Local' importance as they will act as wildlife links and contribute to the diversity of habitats in the local area. Neither habitat will be directly impacted by the proposals, however both have the potential to be damaged by inappropriate working practices during the construction phase of the proposed development. Measures for the protection of both habitats during the construction phase of the proposed development are presented at **Section 5.2**.

4.3.3 Recommendations relating to the enhancement of habitats within the site for biodiversity as part of any landscape proposals for the site are presented at **Section 5.6**.

4.3.4 The presence of Indian Balsam, an invasive species listed under Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended), has been detected within the site. It is considered that the proposals present an opportunity for the control of this species as part of the proposed development. Further guidance is presented at **Section 5.3** of this report.

⁵ Using the terms presented at Section 4.7 of *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* (CIEEM, 2018), i.e. International and European, National, Regional, Local Authority-wide area, River Basin District, Estuarine system / Coastal cell or Local. The term 'site' value is additionally used to highlight ecological features considered to be of importance in the context of the wider site habitats, but which are of negligible value in the context of the local area.

4.4 Protected Species and Other Wildlife

Bats

Roosting Bats

Assessment of Impacts

- 4.4.1 One common pipistrelle day roost⁶ has been confirmed at Building 1 (Roost 1). The presence of roosting bats is reasonably discounted at the southern portion of Building 1 (i.e. the occupied retail outlet) and at Building 2.
- 4.4.2 No sign of a roost of higher conservation significance (such as a maternity roost⁷) has been detected. The building is not considered to be suitable for use by hibernating bats due to their construction type and the absence of a stable thermal regime provided by the building.
- 4.4.3 The proposals will not directly impact Roost 1, as they will demolish a section of Building 1 located to the north and approximately 10 metres from the roost. Importantly the roost is not linked internally to the area to be demolished. Any future usage of the building will however create conditions unsuitable for use by roosting bats (either by removal of the timber boarding at the window or by internal lighting creating unsuitable conditions). It is therefore considered appropriate to remove the roost as part of the proposals and create a compensatory roost at a more appropriate location within the site.

Requirement for an Appropriate EPSM Licence

- 4.4.4 Due to the rationale presented above it is considered that the proposals present an opportunity to secure the long-term suitability of the building for roosting bats; the current location of the roost is such that its suitability will be impacted if the building is reopened, and it is not considered realistic to retain the timber boarding in the long-term at the window.
- 4.4.5 Bats and their roosts are protected under the *Wildlife and Countryside Act 1981* (as amended) and *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019* hereafter referred to as 'the Regulations'. Any development proposals which could impact upon bats and their roosts must only be conducted under a suitable European Protected Species Mitigation (EPSM) licence, granted by Natural England.
- 4.4.6 An EPSM licence application may only be applied for once planning permission has been granted.
- 4.4.7 It is considered that sufficient evidence has been gained at the site to characterise the roost present in terms of the species (i.e. common pipistrelle) and roost type (day roost). No further surveys are required to inform the planning application and to design an appropriate mitigation strategy (a suitable mitigation strategy is appended at **Section 9.0**).
- 4.4.8 Based on the assessment it is suggested that the site meets the criteria and qualifies to be registered under the Natural England Bat Mitigation Class Licence: Low Impact (BMCL), as it supports no more than three roosting positions, common pipistrelle is named as a species for which this licensing approach is appropriate, and the roost is not a maternity roost nor a hibernation site⁸.
- 4.4.9 A Method Statement for the proposed works demonstrating the proposed approach for the protection of bats during works and all necessary measures for mitigation and compensation for roosting bats to be adopted at the site is presented at **Section 9.0**. Natural England assess all EPSM Licence Applications

⁶ Day roost: a roost where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.

⁷ Maternity roost: where female bats give birth and raise their young to independence. Hibernation roost: Where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.

⁸ Victoria Burrows and Brian Robinson of ERAP (Consultant Ecologists) Ltd are Registered Consultants (RC) under the BMCL licence (registration numbers RC038 and RC160 respectively).

(including the BMCL applications) using the ‘three tests’⁹; an assessment of the proposals in accordance with the ‘three tests’ is also provided below.

Assessment of the Proposals under the ‘Three Tests’

- 4.4.10 In determining whether or not to grant a licence Natural England must apply the requirements of Regulation 55 of the Regulations and, in particular, the three tests set out in sub-paragraphs (2)(e), (9)(a) and (9)(b):

Test 1: *Demonstration that the proposals for which a licence is sought are for the purposes of ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’ [Regulation 55(2)(e)]*

Test 2: *Consideration of ‘There is no satisfactory alternative’ including the implications of the ‘do-nothing’ option [Regulation 55(9)(a)]*

Test 3: *That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range [Regulation 55 (9)(b)]*

- 4.4.11 Implementation of the actions detailed at **Section 9.0** are appropriate and proportionate and will ensure the proposals and site satisfy the ‘favourable conservation’ test of *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*.
- 4.4.12 It is considered that the proposals are of overriding public interest as they will remove an area of unused building and create a better site layout for its current needs. There are no proposals to retain the building in its current condition; if left the building will continue to degrade in the absence of any development. The roost is therefore not secured in the long term in the absence of development.
- 4.4.13 It is therefore considered that, provided the measures outlined at **Section 9.0** of this report are adhered to during the proposed works to Building 1, the ‘three tests’ can be met at the site in accordance with the proposed development.

Consideration of Foraging and Commuting Bats

- 4.4.14 It is considered that the proposals have the potential to ensure habitats within the wider area (i.e. Limy Water and the woodland to the east of the site) remain favourable for use by foraging and commuting bats by ensuring that a suitable lighting strategy is applied as part of the proposals, which avoids unnecessary artificial lighting in these areas.
- 4.4.15 Suitable measures to include within the site proposals to ensure habitats remain suitable for use by foraging and commuting bats and enhancements for roosting bats to include within the site design are presented at **Section 5.3**.

Birds

- 4.4.16 The buildings support suitable habitats for use by nesting birds; all wild birds are protected whilst they are nesting under the *Wildlife and Countryside Act 1981* (as amended). Suitable measures for the protection

⁹ In determining whether or not to grant a licence Natural England must apply the requirements of Regulation 55 of the Regulations and, in particular, the three tests set out in sub-paragraphs (2)(e), (9)(a) and (9)(b):

- (1) Regulation 55(2)(e) states: *a licence can be granted for the purposes of ‘preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’, hereafter referred to as the ‘Overriding Public Importance Test’;*
- (2) Regulation 55(9)(a) states: *‘the relevant licensing body must not grant a licence under this regulation unless it is satisfied that there is no satisfactory alternative’, hereafter referred to as the ‘No Satisfactory Alternative Test’;* and
- (3) Regulation 55(9)(b) states: *‘the relevant licensing body must not grant a licence under this regulation unless it is satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.’, hereafter referred to as the ‘Favourable Conservation Status’ test.*

of birds are presented at **Section 5.5** of this report, with further measures to provide enhancements for nesting birds as part of the proposed development.

Otter

- 4.4.17 The proposals will have no direct impact upon Limy Water. It is considered that provided the proposals to protect Limy Water during the construction phase (as presented at **Section 5.2**) and the measures to ensure a suitable artificial lighting regime is installed at the site, avoiding light spill onto Limy Water (as recommended at **Section 5.4**), then impacts to otter (if present) can be avoided as a consequence of the proposed development.

5.0 RECOMMENDATIONS AND ECOLOGICAL ENHANCEMENT

5.1 Introduction

- 5.1.1 These recommendations aim to ensure that the development is implemented in accordance with relevant wildlife legislation, Natural England guidance, the principles of the National Planning Policy Framework (NPPF), local planning policy and best practice.

- 5.1.2 In accordance with Chapter 15, paragraph 180(d) of the NPPF:

'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'.

- 5.1.3 Where possible, opportunities to enhance the ecological interest and habitat connectivity and seek biodiversity gain through appropriate landscape planting and habitat creation have been identified.

- 5.1.4 All recommendations are appropriate to the geographical area, the habitats in the wider area, the wildlife present in the local area (and likely to use the site post-construction) and take into consideration the end use of the site as a retail outlet.

5.2 Protection of Existing Vegetation and Recommendations in Relation to Site Layout

Protection of Off-site Woodland

- 5.2.1 During the construction phase, temporary protective demarcation fencing will be used to protect the off-site woodland adjacent to the eastern site boundary. The fencing must extend outside the canopy of the retained trees and must remain in position until all areas have been developed to ensure protection is provided throughout the construction phase.

- 5.2.2 The fencing will be in accordance with BS5837:2012 *Trees in Relation to Design, Demolition and Construction: Recommendations* (BSI, 2012).

Protection of Limy Water

- 5.2.3 In the absence of updated guidance, the following Pollution Prevention Guidelines (PPG) will be adhered to at any works near Limy Water:

- a. PPG1: Basic good environmental practices (Environment Agency, 2013);
- b. PPG5: Works in, near or over watercourses (Environment Agency, 2014);
- c. PPG6: Construction and demolition sites (Environment Agency, 2012); and
- d. PPG7: Operating refuelling sites (Environment Agency, 2011).

5.3 Invasive Plant Species

- 5.3.1 It is an offence under the *Wildlife and Countryside Act 1981* (as amended) to cause the spread of Indian Balsam in the wild. It is recommended that a specialist contractor is employed for the control of Indian Balsam at the site, and that this is completed under a suitable Invasive Species Management Plan.

5.4 Bats

Survey Validity

- 5.4.1 If works have not commenced by the start of the next bat activity survey season (i.e. May 2024) it is recommended that an updated activity survey is completed at Building 1 to ensure the survey results presented in this report remain accurate and a Natural England EPSM licence application is based on data from the most recent bat survey season.

Lighting

- 5.4.2 Paragraph 185(c) in Chapter 15 (conserving and enhancing the natural environment) of the NPPF states that development should:

'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

- 5.4.3 The lighting scheme (if needed) to be implemented at the site must involve the use of appropriate products and screening, where necessary, to ensure no excessive artificial lighting shines over the Limy Water and the woodland to the east of the site, as lighting overspill may deter use by wildlife such as foraging bats.

- 5.4.4 The lighting scheme will be designed with reference to current guidance, namely:

- a. *Guidance Note 08/23: Bats and Artificial Lighting at Night* (Institution of Lighting Professionals & Bat Conservation Trust, 2023); and
- b. *Bats and lighting: Overview of current evidence and mitigation guidance* (Stone, 2014).

Method Statement for the Protection of Bats

- 5.4.5 A Method Statement for the protection of bats during the demolition of the northern section of Building 1 is presented at **Section 9.0**.

5.5 Birds

Protection

- 5.5.1 All wild birds are protected under the *Wildlife and Countryside Act 1981* (as amended) while they are breeding. It is advised that any works such as vegetation clearance that will affect habitats suitable for use by nesting birds are scheduled to commence outside the bird nesting season. Commencement of works in the nesting season must be informed by a pre-works nesting bird survey, carried out by a suitably experienced ecologist. The bird breeding season typically extends between March to August inclusive.

- 5.5.2 If breeding birds are detected the ecologist will issue guidance in relation to the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.

Enhancing Habitats for Nesting Birds

- 5.5.3 House sparrows are associated with suburban areas. Monitoring suggests a severe decline in the UK house sparrow population, estimated as halving in rural areas, and dropping by 60% in towns and cities since the mid-1970's (RSPB, 2018).

- 5.5.4 The installation of one house sparrow terrace nest box is recommended at a retained section of Building 1. The box will not be positioned over windows or doorways where droppings may become a nuisance. RSPB advice states that boxes should ideally be sited facing north to east, to avoid exposure to direct sunlight, which may cause overheating of chicks in the nest.
- 5.5.5 Such bird boxes are available from the NHBS (www.nhbs.com) or Wild Care (www.wildcare.co.uk). ERAP (Consultant Ecologists) Ltd will advise on the siting of bird boxes.
- 5.5.6 An example of a suitable house sparrow bird box is given below at **Insert 1**:



Insert 1: Schwegler 1SP House Sparrow Nesting Terrace

5.6 Landscape Planting

- 5.6.1 It is recommended that, if landscape planting is proposed at the scheme, it is composed from native species and species known to be of value for the attraction of wildlife.
- 5.6.2 It is recommended that trees which support blossom and fruit which will attract insects are incorporated into the landscape planting. Suitable species are presented at **Table 5.1**.

Table 5.1: Suitable Native Species for Tree and Shrub Planting

Scientific Name	Common Name	Scientific Name	Common Name
<i>Acer campestre</i>	Field Maple	<i>Prunus spinosa</i>	Blackthorn
<i>Corylus avellana</i>	Hazel	<i>Rosa arvensis</i>	Field Rose
<i>Crataegus monogyna</i>	Hawthorn	<i>Rosa canina</i>	Dog-rose
<i>Ilex aquifolium</i>	Holly	<i>Sambucus nigra</i>	Elder
<i>Malus sylvestris</i>	Crab Apple	<i>Sorbus aucuparia</i>	Rowan
<i>Prunus avium</i>	Wild Cherry	<i>Ulmus glabra</i>	Wych Elm
<i>Prunus padus</i>	Bird Cherry	<i>Viburnum opulus</i>	Guelder Rose

- 5.6.3 The understorey and ground cover planting design should be prepared to optimise the attraction of invertebrates such as feeding bumblebees and butterflies. Where possible the use of native species should be maximised but where necessary non-native species known to be attractive to invertebrates should be used.
- 5.6.4 Planting schemes that include flowering species such as *Viburnum*, *Ceanothus*, *Hebe*, *Lavandula*, *Lonicera*, *Potentilla*, *Rosmarinus* and *Vinca* can maximise opportunities for feeding invertebrates and for the attraction of foraging bats and birds.
- 5.6.5 For further plants suitable for the attraction of pollinators please refer to the *Perfect for Pollinators Plant List* (Royal Horticultural Society, 2012). It is recommended that the selection of plant species at the site ensures that a variety of flowering species are available throughout the year.

6.0 CONCLUSION

- 6.1 This ecological assessment has demonstrated that the proposed development at the site is feasible and acceptable in accordance with ecological considerations and the National Planning Policy Framework.
- 6.2 It is possible to implement reasonable actions for the protection and long-term conservation of fauna such as roosting bats, nesting birds and commuting / foraging bats associated with the site.
- 6.3 Development at the site will provide an opportunity to secure ecological enhancement for fauna typically associated with suburban / urban areas such as breeding birds and roosting bats.

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8.0 APPENDIX 1: TABLES, PHOTOGRAPHS AND FIGURES

8.1 Raw Data from Bat Activity Surveys

Table 8.1: Dusk Emergence Survey 1, 7th September 2023, Sunset Time 19:46, Start Time 19:20

Survey Position 1: Aidan Pickering

Time	Species	Notes
20:03 until 21:11	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the east and north of the building
20:26 and 21:05	Myotis species	No emergence detected. Occasional foraging activity detected to the east and north of the building
The Anabat Scout made the following recordings: 32 recordings of common pipistrelle between 20:03 and 21:11 4 recordings of Myotis species between 20:26 and 21:05		

Survey Position 2: Marie Pickering

Time	Species	Notes
19:59 until 21:06	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the east and south of the building
21:00 and 21:05	Myotis species	No emergence detected. Two call sequences detected during the survey.
The Anabat Scout made the following recordings: 13 recordings of common pipistrelle between 19:59 and 21:06 2 recordings of Myotis species between 21:00 and 21:05		

Survey Position 3: Danielle Rowlands

Time	Species	Notes
20:26 until 21:06	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the east and south of the building
21:00 and 21:03	Myotis species	No emergence detected. Two call sequences detected during the survey.
The Anabat Express made the following recordings: 10 recordings of common pipistrelle between 20:26 and 21:06 2 recordings of Myotis species between 21:00 and 21:03		

Survey Position 4: Stuart Laverick

Time	Species	Notes
20:10 and 20:55	Common pipistrelle	No emergence detected. Two call sequences detected during the survey.
The Anabat Scout made the following recordings: 2 recordings of common pipistrelle between 20:10 and 20:55		

Survey Position 5: Brian Robinson

Time	Species	Notes
20:55	Common pipistrelle	No emergence detected. Single call sequence detected during the survey.
The Anabat Scout made the following recordings: 1 recording of common pipistrelle at 20:55.		

Table 8.2: Dusk Emergence Survey 2, 21st September 2023, Sunset Time 19:11, Start Time 18:50

Survey Position 1: Aidan Pickering

Time	Species	Notes
19:25 until 20:50	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the east and north of the building
The Anabat Scout made the following recordings: 59 recordings of common pipistrelle between 19:25 and 20:50		

Survey Position 2: Marie Pickering

Time	Species	Notes
19:39 until 20:17	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the east and south of the building
The Anabat Scout made the following recordings: 17 recordings of common pipistrelle between 19:39 and 20:17		

Survey Position 3: Danielle Rowlands

Time	Species	Notes
19:33 until 20:38	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the east and south of the building
The Anabat Scout made the following recordings: 53 recordings of common pipistrelle between 19:33 and 20:38		

Survey Position 4: Stuart Laverick

Time	Species	Notes
19:25 until 20:10	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the north and west of the building
The Anabat Scout made the following recordings: 31 recordings of common pipistrelle between 19:25 and 20:10		

Survey Position 5: Brian Robinson

Time	Species	Notes
19:25 until 20:10	Common pipistrelle	No emergence detected. Occasional foraging activity detected to the north and west of the building
The Anabat Scout made the following recordings: 31 recordings of common pipistrelle between 19:25 and 20:10		

8.2 Photographs

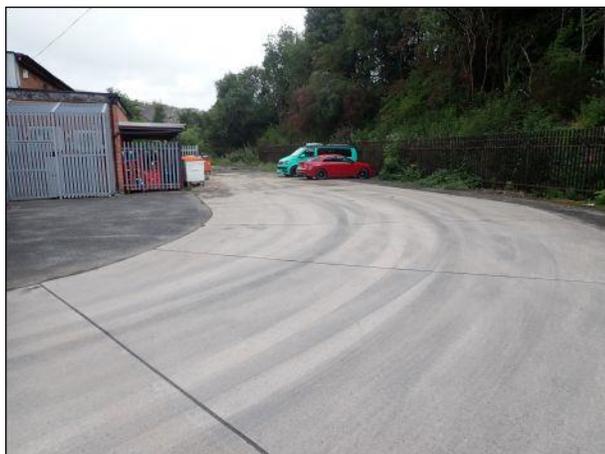


Photo 1: Hard standing at the southern end of the site



Photo 2: Hard standing at the northern end of the site, to the east of Building 1

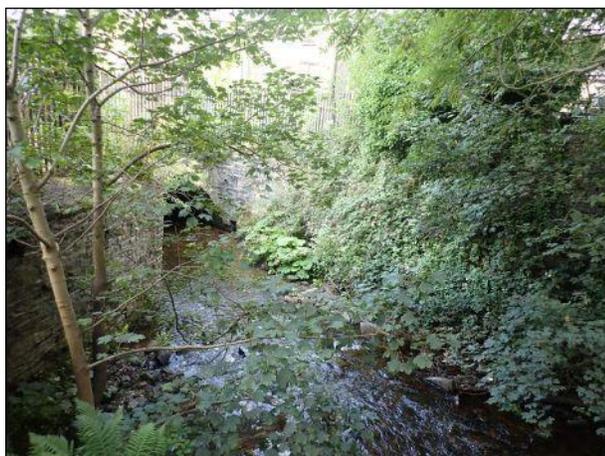


Photo 3: Limy Water, adjacent to the northern site boundary



Photo 4: Limy Water, adjacent to the northern site boundary



Photo 5: Building 1, northern elevation (the former workshop)



Photo 6: Building 1, western elevation, northern end (the former workshop)



Photo 7: Building 1, western elevation, southern end (SPAR retail outlet)



Photo 8: Building 1, southern elevation (SPAR retail outlet)



Photo 9: Building 1, eastern elevation, southern end (SPAR retail outlet)



Photo 10: Building 1, eastern elevation, central section (SPAR retail outlet)



Photo 11: Building 1, eastern elevation, northern end and northern elevation (former workshop)



Photo 12: Building 1, internal area (northern end, former workshop)



Photo 13: Two common pipistrelle bats located between timber boarding and window pane at the ground floor western elevation of the building (Roost 1)



Photo 14: Showing the location (the orange arrow) of Roost 1 from the exterior of Building 1



Photo 15: Showing the location (the orange arrow) of Roost 1 from the exterior of Building 1



Photo 16: Interior of Building 1, southern end (occupied SPAR retail outlet)



Photo 17: Interior of Building 1, southern end (occupied SPAR retail outlet)



Photo 18: Building 2



Photo 19: Interior of Building 1, southern end (occupied SPAR retail outlet)



Photo 20: Building 2

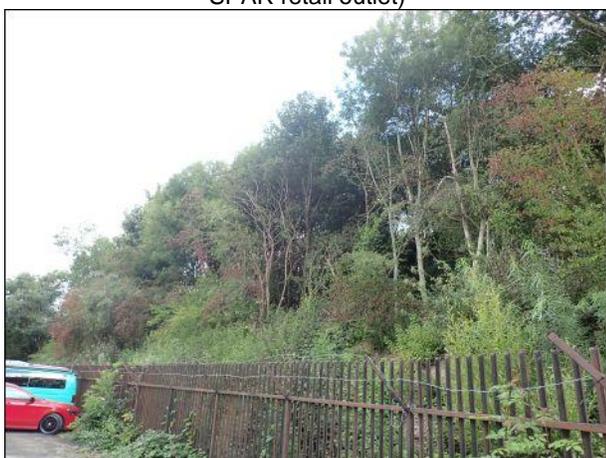


Photo 21: Woodland adjacent to the eastern site boundary



Photo 22: Survey Position 1

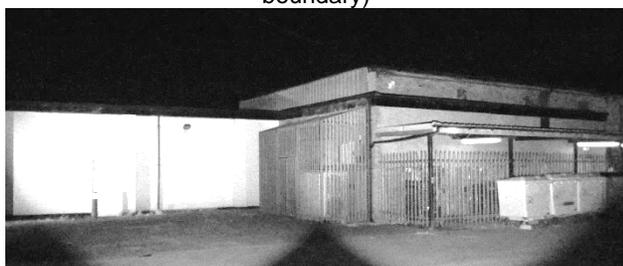


Photo 23: Survey Position 2



Photo 24: Survey Position 3



Photo 25: Survey Position 4



Photo 26: Survey Position 5

8.3 Figures

Figure 1: Aerial Image of the Site and its Surroundings

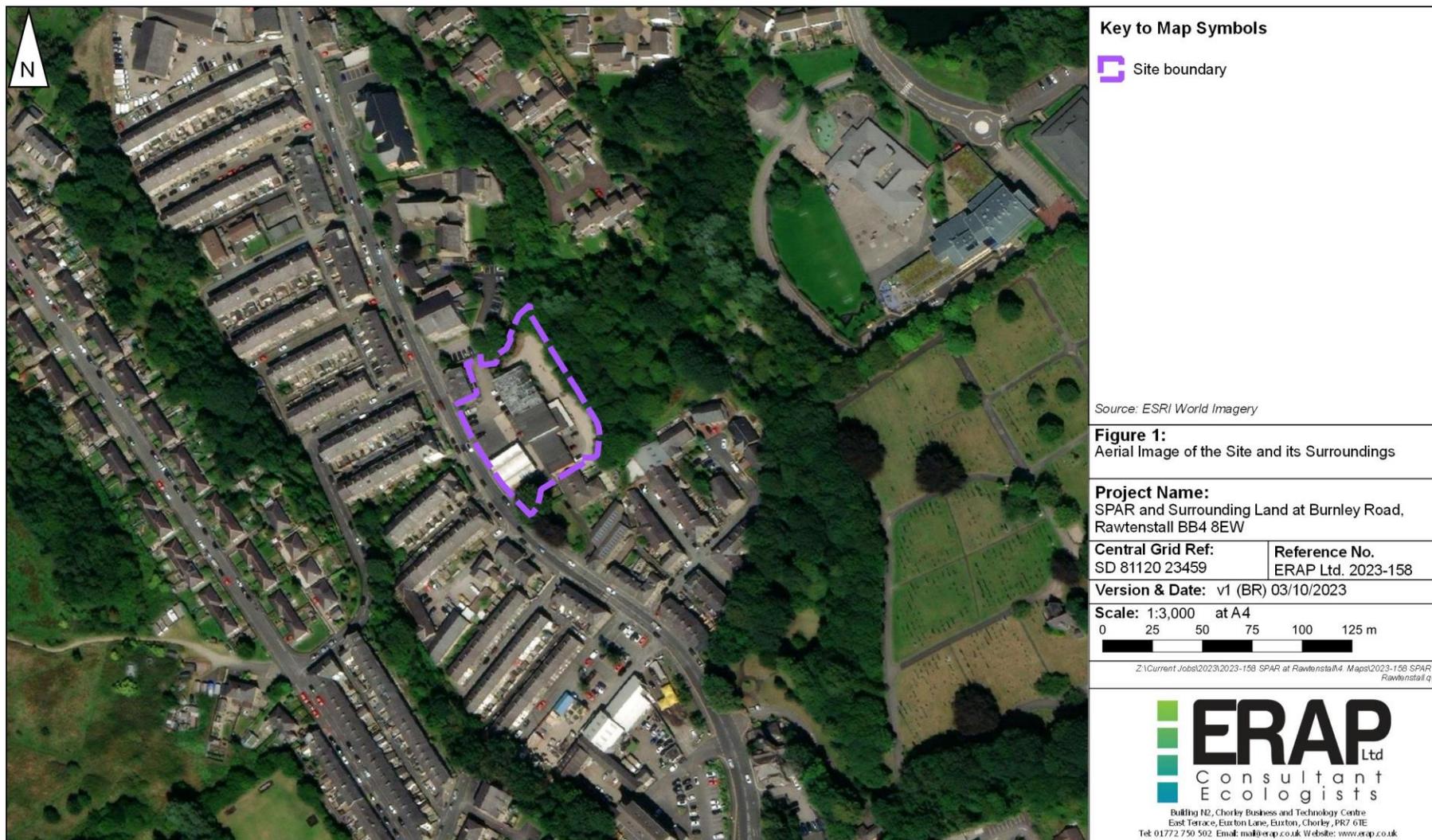
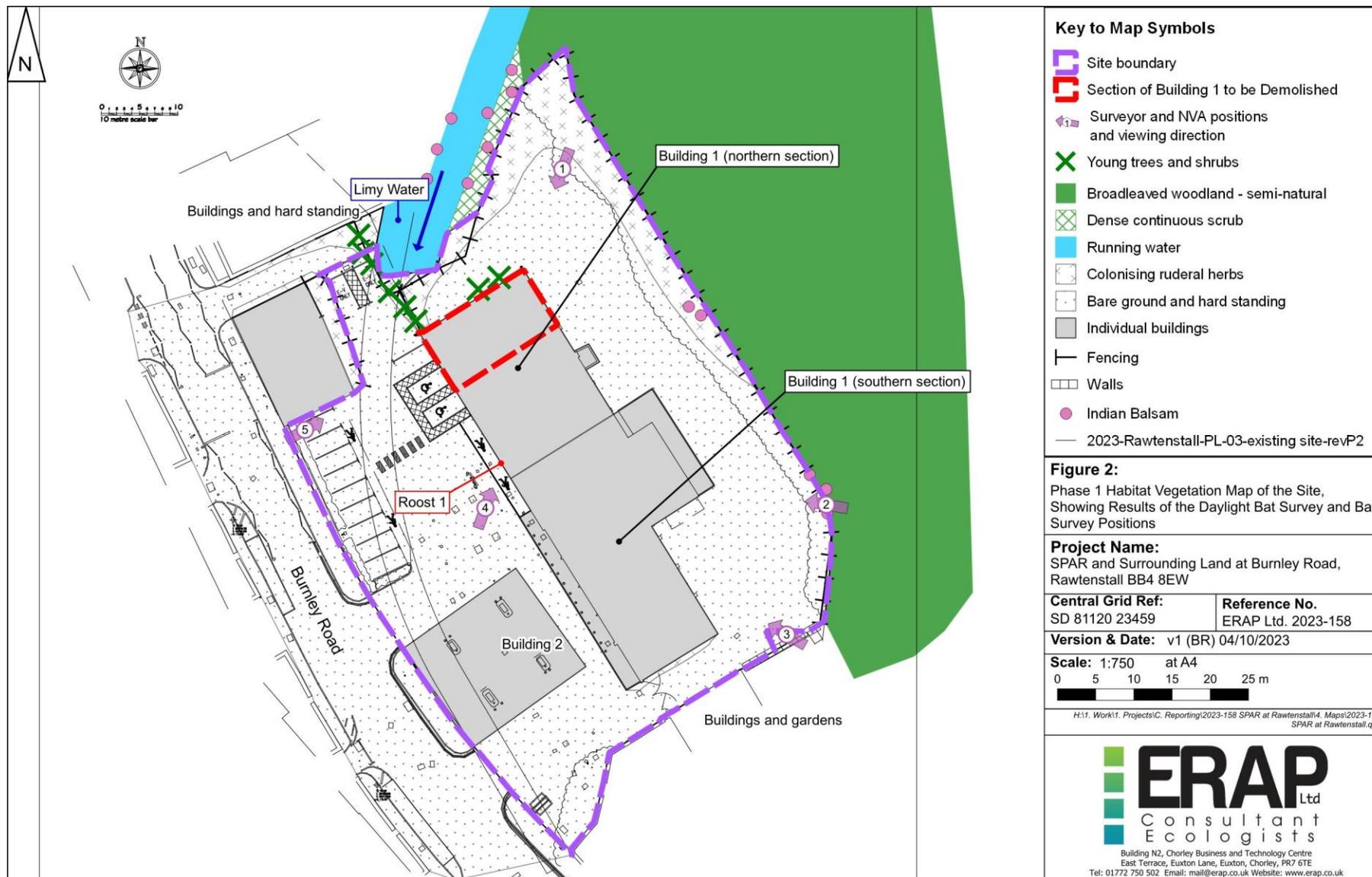


Figure 2: Phase 1 Habitat and Vegetation Map, Showing Results of the Daylight Bat Survey and Bat Survey Positions



9.0 APPENDIX 2: METHOD STATEMENT FOR THE PROTECTION OF BATS

9.1 Requirement for a Licence

- 9.1.1 All British bat species and their roosts are protected under the *Wildlife and Countryside Act 1981* (as amended) and *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*.
- 9.1.2 A timber panel boarding a ground-floor window at the western elevation of Building 1 supports a common pipistrelle day roost (Roost 1) and, once approved, the proposed works must only be carried out under an appropriate Natural England licence granted under Regulation 55 of *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. The licence permits the destruction of a bat roost which would otherwise be an offence.
- 9.1.3 Based on the assessment it is suggested that the site meets the criteria and qualifies to be registered under the Natural England Bat Mitigation Class Licence: Low Impact (BMCL). Victoria Burrows and Brian Robinson of ERAP (Consultant Ecologists) Ltd are both Registered Consultants (RC) under the BMCL licence (registration numbers RC038 and RC160 respectively).
- 9.1.4 In accordance with current Natural England guidance, the current data are valid and an application can be made to register the site under the BMCL. Note that a site visit by the Registered Consultant must be carried out within 3 months of the date of registration of the licence application.

9.2 Mitigation Strategy

Works to be Carried Out Prior to Demolition

Toolbox Talk

- 9.2.1 Once Natural England has confirmed that the site has been registered, prior to the commencement of works in the vicinity of the roost, the Registered Consultant will inform contractors of the following:
- That bats and one bat roost are present;
 - The wildlife legislation and protection afforded to bats and their roosts;
 - The measures that will be used to protect bats;
 - The presence of the licence and method statement and the need to abide by the content (i.e. measures that will be used to protect bats);
 - Good working practices (i.e. timber boarding to be carefully removed and inspected during their removal);
 - Outline of the licensable activities;
 - The protocol to be followed if a bat is discovered when the licensed bat worker is not on site; and
 - An outline of the proposals and timescales.

Removal of the Roost

- 9.2.2 It is proposed that prior to the commencement of works the timber boarding at the window is carefully removed and replaced with new boarding which does not allow for access by roosting bats.

Creation of New Roost Opportunities

- 9.2.3 As the habitats around the site will not be significantly altered by the proposals (or any pending proposals in the immediate future) it is likely that bats will continue to use the site in the future. In accordance with

good practice and the requirements of the BMCL it is recommended that one bat box is installed at a nearby location within the ownership of the client prior to construction.

9.2.4 The suitable location will comprise the eastern elevation of a retained section of Building 1.

9.2.5 A suitable bat box specification is presented at **Insert 9.1**, below.



Insert 9.1: Greenwood's Ecohabitats Single Crevice Box

9.2.6 Bat boxes are available from Greenwood's Ecohabitats¹⁰. Other designs of box are also suitable, and are available from NHBS, Ibstock¹¹ and Habitat¹².

9.2.7 A suitable location for the box will be provided by ERAP (Consultant Ecologists) Ltd once the proposals for the site have been finalised.

9.2.8 This scale of compensation is proportionate and appropriate and in accordance with Annex A and B of the BMCL.

Actions to be Applied During the Demolition Period

Pre-work Inspection and Destructive Search

9.2.9 The Registered Consultant will carry out an examination of the roost area and determine the presence of any bats prior to the commencement of works.

9.2.10 The Registered Consultant will then instruct and supervise the careful removal, by hand, of the roof slates at the known roost location and any other features determined to have opportunities suitable for use by roosting bats.

9.2.11 If a single common pipistrelle bat is present (or a low number of bats are present) then the Registered Consultant will carefully collect the bat(s), using a hand-held static net or by direct handling, place the bat in an appropriate container and either release the bat at the site later the same day or place the bat in the bat box, as detailed below. Instruction will then be provided to proceed carefully with the removal of the remainder of the relevant parts of the roof under the supervision of the Registered Consultant, as appropriate.

9.2.12 If bat(s) are found unexpectedly in cold or adverse weather conditions then the protocol in Appendix II of the BMCL will be followed.

¹⁰ <http://www.greenwoodsecohabitats.co.uk/>

¹¹ <https://www.ibstock.com/kevington/eco-products/>

¹² <http://www.habibat.co.uk/>

- 9.2.13 If any other species of bat is present or a large number of bats are present it is essential under the terms and conditions of the BMCL that the Registered Consultant contacts Natural England immediately for advice.

Timing

- 9.2.14 Based on the results of the surveys and the types of roost present there is no timing restriction on the commencement of works.

Discovery of a Bat

- 9.2.15 If bats are discovered during the works when the licensed bat worker / Registered Consultant is not present, all workers must withdraw from the area and the bat worker must be contacted for guidance (Victoria Burrows or Brian Robinson at ERAP (Consultant Ecologists) Ltd on 01772 750502). Victoria and Brian have the appropriate experience and vaccinations to handle bats.

Mechanism for Ensuring Implementation / Success

- 9.2.16 If the licensed bat surveyor / Registered Consultant has any concerns regarding the quality of workmanship or there is non-compliance with the terms and conditions of the BMCL and the mitigation strategy and / or guidance provided by the licensed bat worker then this will result in additional site visits to make inspections.
- 9.2.17 It is always the intention to ensure all parties are aware of the importance of the Natural England licence and compliance with the mitigation strategy and this is achieved through good communication. However in extreme / significant cases of non-compliance the licensed bat surveyor will report the issue to Natural England and further action may be taken.

Post-development Site Safeguard and Habitat / Site Management and Maintenance

- 9.2.18 All site estate and maintenance staff will be made aware of the presence of the bat box, the protection afforded to bats and their roosts and the need to contact a licensed bat surveyor if any future maintenance works will directly affect or disturb the bat box.

Population Monitoring

- 9.2.19 As stated on Figure 4 in the *Bat Mitigation Guidelines (2004)* the post-development monitoring requirements for a summer roost of a common species¹³ are minimal.
- 9.2.20 Under the BMCL there is no requirement for any post-development monitoring of the population of bats at the site. ERAP (Consultant Ecologists) Ltd will endeavour to position the box so that inspections for evidence of use by bats can be carried out by an appropriately licensed person, as needed.

¹³ Common pipistrelle bats are listed as 'common and widespread' in the National Bat Monitoring Programme publications prepared by the Bat Conservation Trust