

Bat Survey: Preliminary Roost Assessment

Greenside Farm

Burnley Road, Hapton

September 2022

Prepared for: Mr Howard

Report prepared by: Verity Webster BSc (Hons) MSc CEcol CMIEEM



EXECUTIVE SUMMARY

§ On 18th August 2022 a Preliminary Roost Assessment was undertaken at Greenside Farm, Burnley Road, Hapton.

Bats

§ The Barn and Shipping container are considered to have negligible suitability for bats, whilst the Lean-to and Outbuilding are considered to have very low-negligible suitability for bats.

§ The proposals are considered unlikely to have any impact upon bats and further survey work is not considered necessary. Precautionary measures of work are proposed for the Lean-to and Outbuilding.

§ The proposals provide the opportunity to enhance the site for bats and recommendations for this have been made.

Himalayan Balsam

§ Himalayan balsam, and invasive plant species, is present on site. Recommendations have been made to manage the species on site to prevent the spread of the plant and eliminate it over time.

Verity Webster

Ecology and Protected Species Consultancy



1. Introduction

1.1 Application Site

- 1.1.1. This report details bat survey work at Greenside Farm, Burnley Road, Hapton, BB11 5QT. National grid reference SD 76813048.
- 1.1.2. Mr Howard commissioned Verity Webster Ltd to undertake the bat survey work to inform the planning application.

1.2 Objectives

- 1.2.1 The objectives of the Preliminary Roost Assessment are to determine:

- The suitability of the buildings on site to support a bat roost.
- Whether bats are currently using the buildings, or have done in the past.
- The potential status of any roost present.
- How bats might be using the site and the potential species present.
- The potential impacts of the proposals on any potential roost present or on bats using the site.
- The requirement for further survey work and/or mitigation.
- How any impacts might be avoided, mitigated and/or ameliorated, including advice on European Protected Species Mitigation (EPSM) application if required.
- The potential for biodiversity net gain on site.

- 1.2.2 The format and content of this report follow that required by the European Protected Species Mitigation (EPSM) licence application where appropriate.

1.3 Proposals

- 1.3.1 The proposals comprise the demolition of the buildings and replacement with a new dwelling.

1.4 Ecologist

- 1.4.1 The Preliminary Roost Assessment was undertaken by Verity Webster. Verity is a licensed bat surveyor (Bat Survey Class Licence WML CL18 (Class 2) Registration number: 2015-13858-CLS-CLS).
- 1.4.2 Verity has worked as an ecological consultant since 2007. She has undertaken preliminary bat assessments and further bat emergence/activity surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes/method statements when necessary.



2. Site Location

- 2.0.1 The survey site is located in a rural location approximately 2km northeast of the outskirts of Accrington, 2km southwest of Burnley and approximately 500m southwest of the village of Hapton, Burnley.
- 2.0.2 The A679 Burnley Road runs southwest to northeast approximately 50m to the south of the survey site, whilst the A56 runs south to north approximately 250m to the west.
- 2.0.3 To the north of the site and beyond Burnley Road to the south there is open countryside comprising a matrix of pasture and arable land with small plots of woodland and scattered water bodies. There are numerous streams and brooks. The site is in a location that is good for bats, although the A56 is likely to provide a leaky barrier to their movement east to west.

Figure 1: Ordnance survey map showing the location of the proposed development site.





Figure 2: Aerial image showing the proposed development site and immediate surroundings





3. The Survey Site

3.0.1 The survey site comprises an agricultural barn, lean-to, an outbuilding and a shipping container set within hard standing with surrounding modified (improved) grassland. The buildings lie to the north of the farm house and annexe.

3.0.2 The buildings are all oriented southwest to northeast. The barn and outbuilding lie adjacent to each other with the lean-to in between, whilst the shipping container lies a short distance to the northwest.

The Barn

3.0.3 The barn is constructed of breeze block with a pitched, single-skin asbestos roof supported by metal beams. There are skylights in the roof which result in the interior being well-lit by natural light.

The lean-to

3.0.4 This structure joins the barn and outbuilding. It is constructed of breeze block with a flat, metal sheet roof, boarded beneath, which has collapsed inwards. The structure is open to the southwest.

The Outbuilding.

3.0.5 The outbuilding is constructed of single-skin wooden cladding with wooden beams and a pitched, corrugated metal roof which is boarded beneath. There are windows on both southeast and northwest elevations. The structure is open to the southwest.

The Shipping Container

3.0.6 The container is rectangular and composed of metal sheeting and boarded with wooden panels internally. The container is open to the southwest. There are skylights in the roof allowing in natural light.

Vegetation

3.0.7 The grassland surrounding the structures comprises Yorkshire fog (*Holcus lanatus*), false oat grass (*Arrhenatherum elatius*), common nettle (*Urtica dioica*), ribwort plantain (*Plantago lanceolata*), field horsetail (*Equisetum arvense*), creeping thistle (*Cirsium arvense*),



The southeast and southwest elevation of the barn



The southwest elevation of the lean-to and the outbuilding



The southwest and northwest elevation of the outbuilding



rosebay willowherb (*Chamaenerion angustifolium*), herb Robert (*Geranium robertianum*), black medick (*Medicago lupulina*) and red campion (*Silene dioica*).

- 3.0.8 Himalayan balsam (*Impatiens grandiflora*) is present and conspicuous. This species is an invasive plant and consideration must be given to the management and control of the species on site to prevent the spread of the plant and ideally eliminate it. Recommendations for this have been made.



The southwest elevation of the shipping container



4. Legislation

Full details of relevant legislation and planning policy can be found in Appendix A.

4.1 UK and EU Legislation

4.1.1 Key legislation regarding the protection of bats:

Wildlife and Countryside Act 1981 (as amended)
 The Countryside and Rights of Way Act (CROW), 2000
 The Natural Environment and Rural Communities Act (NERC, 2006)
 Conservation of Habitats and Species Regulations 2017 (as amended)

4.1.2 Under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2018, it is a criminal offence to:

Deliberately capture, injure or kill a bat
 Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
 Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
 Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat
 Intentionally or recklessly obstruct access to a bat roost.

4.2 Planning Policy and Legislation

4.2.1 Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.

4.2.2 The National Planning Policy Framework (NPPF, 2021) encourages Local Planning Authorities to conserve and enhance biodiversity.

Chapter 15, Para 174 of NPPF states: "The planning system should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

4.2.3 Para 179 states: "Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

4.2.4 Para 180 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:



- a) “Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
 - b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity.”
- 4.2.5 Para 175 states that “when determining planning applications, local authorities should apply the following principles:
- a) if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused”
- 4.2.6 The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.



5. Survey Methodology

- 5.0.1 The Preliminary Roost Assessment was undertaken in accordance with currently accepted guidance: Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edn). The Bat Conservation Trust, London.

5.1 Desk Study

- 5.1.1 Data sources used to establish background information about bats and their likely presence in the locality:
Magic Map, Natural England (2016)
Bing Maps (2017)
- 5.1.2 Satellite mapping, Ordnance survey, road map, habitat and designated site data from Magic Map (Natural England, 2014) was used to assess the value of the surrounding habitat for bats in the area at a landscape scale (5km), including any potentially important habitat corridors (linear habitat features), feeding grounds or potential roost opportunities, such as large expanses of woodland. The features and habitats immediately surrounding the site (local area) were also assessed at a finer scale as these influence the likely presence of bats within the survey site.

5.2 Preliminary Roost Assessment

- 5.2.1 An internal and external inspection of the structures on site was undertaken during daylight to determine the suitability for bats and establish, if possible, whether bats are using the building or have been in the past.
- 5.2.2 All accessible parts of the structure were inspected to look for bats and signs of the presence of bats, including:
Droppings.
Feeding remains including moth and butterfly wings.
Staining from urine or oils near crevices or holes or on timber (such as roof beams), walls, chimney breasts etc.
Scratch marks on walls and timber.
Squeaking or chattering calls.
- 5.2.3 The systematic search inside the building included inspection of beams, floors, surfaces of stored materials, loose roof insulation or felt covering, junctions between roof timbers and timbers and the walls, and crevices within brickwork. Potential access into the building was also inspected by searching for holes in insulation and any light penetration into the interior from the outside.
- 5.2.4 The assessment outside the building included inspection of all walls, windows, window sills, fascias, soffits, eaves and tiles, including a search for any crevices under tiles, under lifted lead flashing or lifted roofing felt, missing mortar, gaps in the ridge or gable end of the roofs, crevices in brickwork or under flaking paintwork or render, gaps in cladding or hanging tiles and any other potential bat roost opportunities.
- 5.2.5 Equipment: During the survey, a strong torch with directional beam was used to inspect the buildings.



- 5.2.6 As a result of the preliminary roost assessment, the structure on site was characterised as having 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm the presence of a roost.
- 5.2.7 Buildings or structures typically characterised as having:
- § Negligible suitability for bats will lack features with any potential to support roosting bats. Modern or newly-built well-sealed structures may fall into this category. Structures that are metal clad with metal internal beams might have negligible potential if there are no favourable roosting spaces. Structures may also be unfavourable due to the level of disrepair, being subject to poor weather conditions.
 - § Low suitability for bats will have sub-optimal roost features with limited potential for roosting bats. Features may be used by single bats opportunistically, but do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis by large numbers of bats.
 - § Medium suitability for bats may have few features with potential for bats, that provide enough space, shelter, protection and other suitable conditions, or several features with limited potential for bats. It may also be that a potentially suitable structure is situated in an area with habitat that has an only low potential for foraging and commuting bats.
 - § High suitability for bats will support at least one or more features that provide opportunities for roosting bats such that they might be used regularly, for longer periods by larger numbers of bats. These may be external features, such as lifted weatherboard or crevices in brick or stonework, or internal, such as large loft spaces with potential access. Barns, with open doorways and windows with wooden rafters and beams, may fall into this category. If a structure is close to good habitats, such as a waterway, marshland or woodland, this also increases the potential for roosting bats.
 - § Confirmed roost presence when it is evident as a result of signs from inspection, such as droppings, or sight of bats, that a roost exists within the building. It is not always possible to ascertain the presence or absence of a roost even if some signs, such as droppings or feeding remains are found.

6. Survey Limitations

- 6.0.1 The survey was undertaken in daylight in mid-August. At this time of year bats are likely to be accommodating summer roost sites.
- 6.0.2 Evidence of bats on the exterior of a building is likely to be present, although it may be washed away by the weather. However, evidence of use of the interior of a building by bats is likely to be present where signs (such as droppings and feeding remains) are protected from the elements.
- 6.0.3 Data from the local biological records centre of known bat roosts and bats recorded in the area was not obtained to inform this assessment. The inspection alone is considered sufficient to inform any necessary requirements for further survey work and/or mitigation.



7. Findings: Preliminary Roost Assessment

7.1 Suitability of the Locality for Bats

- 7.1.1 At a landscape level, the area surrounding the survey site is very good for bats. Refer to Figure 2.
- 7.1.2 Open countryside lies immediately north, east and south of the site. The habitat, including grassland, waterbodies, brooks and plots of woodland will support a variety of bat species such as the widespread common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively). Species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) are also expected. Woodland is scattered in small patches and so species that favour wooded habitat, such as Natterer's bat (*Myotis natterri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are less likely to be abundant in the area.
- 7.1.3 Linear features including tree lines, field boundaries and brooks are likely to act as habitat corridors facilitating the movement of bats through the landscape.

The Conservation Status of Bats in the Area

- 7.1.4 The conservation status of bats in the area is shown in Table 1.

Table 1: The Conservation Status of Bats in the area at a Local, County and Regional Level

Species	Local	County	Regional
Common pipistrelle	Likely to be common in the area. There are records of this species in the area (10km).	Common and widespread Frequently recorded.	Common and widespread Frequently recorded across the Northwest
Soprano pipistrelle	Likely to be present due to the presence of riparian habitat.	Widespread. Frequently recorded.	Common and widespread Frequently recorded across the Northwest
Nathusius's pipistrelle	Likely to be rare in the area.	Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.	Rare across the northwest. A migratory species.
Brown long-eared bat	Likely to be in the area. There is a recent record of this species within 10km of the site.	Common and widespread Frequently recorded.	Common and widespread Frequently recorded across the Northwest.
Natterer's bat	Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.	Scattered distribution in Greater Manchester.	Widespread and scattered across the Northwest.
Noctule	Present	Widespread and frequently recorded.	Common and widespread. Frequently



			recorded in the Northwest.
Whiskered bat	Present but likely rare	Present	Widespread.
Brandt's bat	Rare / absent	Present	Widespread.
Alcathoe's bat	Unknown	Unknown	Widespread. Likely under-recorded.
Daubenton's	Presence is likely due to the riparian habitat present.	Widespread, frequently recorded near water.	Widespread
Serotine	Rare / absent	Unknown	Restricted to south and southwest Britain, rarely recorded in the northwest.
Leislars	Rare	Unknown	Rare, but widespread in Britain. Present in the northwest.
Barbastelle	Unlikely to be present in the area. This species is a woodland-specialist and there is a lack of this habitat present.	Unknown	Present south of a line from North Wales to the Wash.

7.2 Preliminary Roost Assessment

7.2.1 The building inspection and bat roost assessment was undertaken in daylight on 18th August 2022.

The Barn

7.2.2 The Barn is considered to have negligible suitability for bats.

7.2.3 Externally the walls and roof are in good condition. There are a small number of crevices in the breeze blocks, but these are very narrow; too narrow to consider supporting bats. The roof is single-skin and resting against metal beams, providing no suitable roosting sites for bats. Internally the structure is well-lit, which is unfavourable to bats also. No evidence of bats (droppings or staining) was found internally or externally during the inspection.



The interior of the Barn

The Lean-to

7.2.4 The Lean-to is considered to have very low- negligible suitability for bats.

7.2.5 Internally the walls are well-sealed and in good condition. Externally, there are a crevices between the metal sheet roof and the wooden lining and the beams, but the metal sheeting is likely to fluctuate widely in temperature and this would be unfavourable to crevice-roosting bats.



- 7.2.6 The roof has caved in and lets in water, which is also unfavourable.
- 7.2.7 No evidence of bats was found internally or externally during the inspection suggesting that bats do not regularly enter the structure. The likelihood of bats is considered to be very low – negligible, but given the condition of the structure and the presence of crevices, precautionary measures are proposed during removal of the materials in case of the unlikely event that itinerant bats are found.

The Outbuilding

- 7.2.8 The Outbuilding is considered to have very low - negligible suitability for bats.
- 7.2.9 The walls are composed of single-skin wood panelling and provide no suitable features for bats in which to roost. The interior is also well-lit, which would be unfavourable to bats such as brown long-eared bats, which favour a void in which to fly when emerging from rest.
- 7.2.10 The only potential roost site is between the metal sheeting and the wooden lining. However, the metal sheeting would fluctuate widely in temperature, significantly reducing the favourability of this crevice space for bats.
- 7.2.11 No evidence of bats was found externally or internally. Overall, the likelihood of a roost within the outbuilding is considered to be very low – negligible. Precautionary measures are proposed during removal of the roof structure, however, to reduce to negligible any risk of harm to itinerant bats.

The Shipping container

- 7.2.12 The Shipping container is considered to have negligible suitability for bats.
- 7.2.13 Externally and internally there are no visible features that might be utilised by roosting bats. The interior is also well-lit, which is unfavourable for bats.



The interior of the Lean-to



The interior of the outbuilding



The interior of the shipping container



8. Appraisal

- 8.0.1 The Preliminary Roost Assessment at Greenside Farm was undertaken to determine the suitability of the Barn, Lean-to, Outbuilding and Shipping container for roosting bats and to determine the likely impact of the proposed works on bats.
- 8.0.2 No bats or signs of the presence of bats were found during the external and internal inspection of the structures.
- 8.0.3 The proposals are very unlikely to have any negative impact upon bats or bat roosts in the locality, however precautionary mitigation during works to the Lean-to and Outbuilding is recommended during works to reduce any potential impact to itinerant bats to negligible
- 8.0.4 The proposals provide the opportunity to enhance the site for bats and recommendations for this have been made.
- 8.0.5 Himalayan balsam was found present on site and recommendations for control and management of this invasive plant species have been made.

9. Recommendations

Mitigation

- 9.0.1 As a precaution, to minimise the risk of harm to bat during works to the Outbuilding and the Lean-to, the following is recommended:
 - Roof materials on the outbuilding are removed by hand with care whilst checking for bats and signs of bats (droppings).
 - If bats are found or if there is any concern, an ecologist must be contacted for advice.
- 9.0.2 Overall, if the recommendations are followed, the proposed development is considered very unlikely to be of significance to bats in the locality and no further survey is necessary.



Himalayan Balsam

- 9.0.3 Himalayan balsam is present on site.
- 9.0.4 In order to ensure the prevention of accidental spread of these species, the following is recommended:

The Himalayan balsam is removed by hand by pulling up the individual plants, or cutting the plants prior to their setting seed. This species sets seed following flowering in July.

Himalayan balsam spreads by seed (each plant releases approximately 3000 seeds). Although the plant grows annually, some of the seeds from previous years will lay dormant in the soil.



Himalayan balsam on site

For this reason, all soil within approximately 10m must either be treated as contaminated waste or retained on site.

Any soil removed from site must be treated as contaminated waste.

All machinery and operatives working on site must use bio-control to prevent the spread of the seeds of this species; they must wash down machinery and boots/clothing with water on site, prior to leaving site.

If the plant is managed on-site (by pulling up or cutting prior to flowering) for the next 2-3 years, this should eradicate it.

Use of chemical control should be avoided to prevent harm to the environment.

Operatives on site should be informed of the presence of this species and the Toolbox Talk (Appendix C) delivered to all persons working on site.

Enhancement

- 9.0.5 The proposals provide the opportunity to enhance the site for bats.
- 9.0.6 It is recommended that:

At least two crevice-roost sites for roosting bats are integrated into the newly converted structure.

These could be in the form of bat roost slates, to allow bats to enter a space in the roof, between the slates and the lining. See Appendix B. However, it is imperative that bitumen roofing felt (not breathable roofing membrane) is used beneath these spaces as bats get caught in the fibre of breathable roofing membrane.

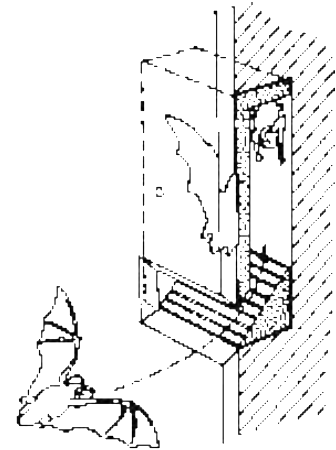
Alternatively, bat boxes could be attached externally to the building, or integrated into the stonework – see the examples below. There are many alternatives at NHBS.com.



Bat Boxes

1FE Schwegler bat access panel

This box is durable and does not require cleaning.



Ibstock Enclosed Bat Box 'C'

This box is durable and does not require cleaning.

Beaumaris Woodstone Bat Box

This box is durable and does not require cleaning.

All bat boxes are available from NHBS Ltd





10. References

- § BING maps (2016) <http://www.bing.com/mapspreview>
- § Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1
- § Google maps (Accessed 2019) <https://www.google.co.uk/maps>
- § MAGIC Map (Accessed 2019) <http://www.magic.gov.uk/MagicMap.aspx>. DEFRA.



APPENDIX A: Wildlife Legislation and Planning Policy

UK AND EU LEGISLATION

10.1. KEY LEGISLATION

10.1.1. Key legislation regarding the protection of bats:

- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act (CROW), 2000
- The Natural Environment and Rural Communities Act (NERC, 2006)
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations (2018)

10.2. WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

10.2.1. The Wildlife and Countryside Act 1981 is UK legislation.

10.2.2. Bats are listed on Schedule 5 of the Wildlife and Countryside Act (WCA) 1981. Under Section 9 of this legislation it is an offence to:

- Kill, injure or take a bat.
- Possess, a live or dead bat.
- Intentionally or recklessly damage or destroy any structure of place which any bat uses as shelter or protection.
- Intentionally or recklessly disturb a bat whilst it is occupying a structure or place which it uses for shelter or protection.
- Intentionally or recklessly obstruct access to any structure or place which a bat uses as shelter or protection.
- Sell, offer or expose for sale any live or dead bat.

10.3. COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

10.3.1. Schedule 12 of the Countryside and Rights of Way (CROW) Act 2000, amended by the Wildlife and Countryside Act 1981 by removing the need to prove intent to damage a roost / harm (etc) a bat or other species listed on Schedule 1 by adding the words 'or recklessly' after 'intentionally' into the wording in Section 9 of the WCA 1981. The CROW act also strengthened the penalties for offences to bats and other species listed on Schedule 5.

10.4. CONSERVATION OF HABITATS AND SPECIES and PLANNING REGULATIONS 2017

10.4.1. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales.

10.4.2. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. The regulations came into force on 30 October 1994.

10.4.3. The Regulations provide for the designation and protection of European Sites and European Protected Species, including bats.



10.4.4. Under the Regulations, competent authorities (ie any government department or public body) have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive.

10.4.5. With regard to European Protected Species (including bats), the Regulations make it an offence to:

- Deliberately capture;
- Kill;
- Disturb or;
- Trade in animals listed in Schedule 2, which include all UK bat species.

10.5. European Protected Species (EPS) Licenses and the Three Tests

10.5.1. These actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserve public health and safety). For such a licence to be granted the appropriate authority would have to be satisfied that an application has met the three tests, which are:

- 1)- The licence may be granted "to preserve public health or public safety or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences or primary importance for the environment"
- 2)- There must be "no satisfactory alternative"
- 3)- The proposal "will not be detrimental to the maintenance of the species at a favourable conservation status in its natural range"

10.6. NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006 (PLANNING SYSTEM)

Planning Authorities: A Duty to Conserve Biodiversity

10.6.1. Under this legislation, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site *before* they make a decision on the planning permission.

10.6.2. Part 2, Section 40 confers on the planning authorities a duty to conserve biodiversity and states:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of biodiversity"

Species of Principal Importance

10.6.3. Part 3, Section 41 requires the Secretary of State to "*publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of **principle importance** for the purpose of conserving biodiversity*".

10.6.4. This requirement leads to production of a list of species and habitats of Principal Importance. This list includes all UK bats.

PLANNING POLICY



10.7. NATIONAL PLANNING POLICY FRAMEWORK

10.7.1. Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.

10.7.2. The National Planning Policy Framework (NPPF, 2021) encourages Local Planning Authorities to conserve and enhance biodiversity.

Chapter 15, Para 174 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

b) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...

e) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

10.7.3. Para 179 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

10.7.4. Para 180 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

c) "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

d) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity."

10.7.5. Para 175 states that *"when determining planning applications, local authorities should apply the following principles:*

b) if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused"

10.7.6. The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.

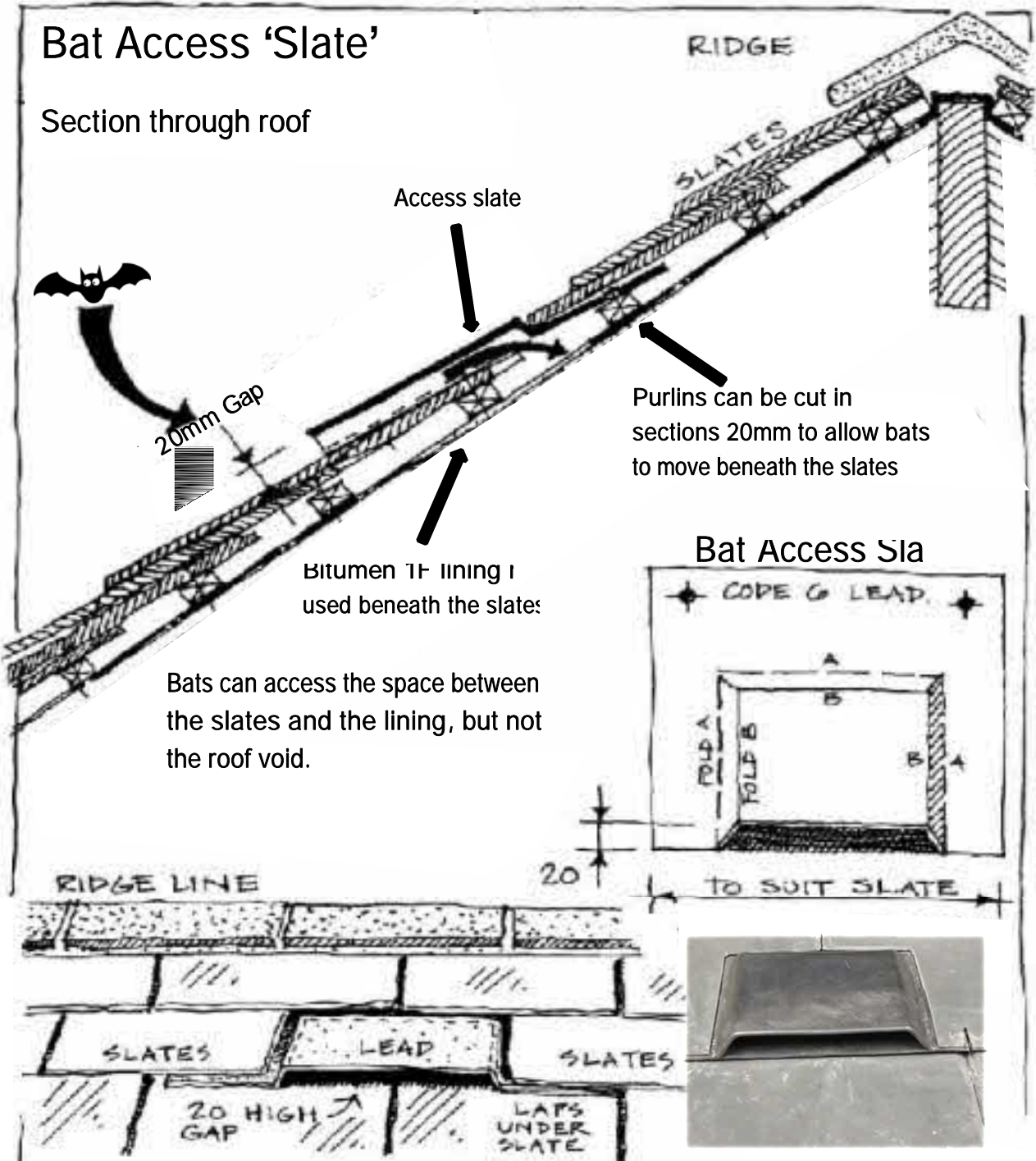


10.8. ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

10.8.1. This document, to be read in conjunction with NPPF provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It makes it clear that it is the intention of the government that local authorities and developers consider protected species at the earliest possible stage in the planning process. Any planning application that is likely to affect protected species should come with details of the surveys which have been undertaken and should include, if necessary, recommendations for mitigation. Applications which do not include sufficient data should be rejected.



Appendix B – Bat Access Slate



Bat Access integrated into roof

Adapted from English Nature Bat Acc
Detail 1B



Appendix C

Himalayan Balsam Toolbox Talk

Himalayan balsam is listed on the Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) making it an offence to spread it, or to cause it to grow in the wild.



About (Ecology)

Himalayan balsam (*Impatiens grandiflora*) is non-native plant now regularly seen along watercourses across the UK. It often forms continuous stands along streams and rivers. Due to its rapid growth, it shades out most of our native species, resulting in damage to natural habitats.

Himalayan balsam is pretty, and produces big, pink-purple flowers. Each plant produces about 2,500 seeds, which fall to the ground.

The soil within at least 7m of a stand of this plant is likely to contain seeds.

Where you might find it

Widespread throughout the UK, this plant is most commonly found along waterways (streams and rivers) and in damp areas, such as wet woodlands, marshes and mires.



Identification

Individual plants reach 2m in height, have translucent fleshy stems, pink-purple slipper-shaped flowers and large oval pointed leaves with obvious teeth around their edges. The midrib of the leaves can be tinged with red, which can help with identification early in the growing season.



Showing the pink flowers and seed pods of Himalayan balsam

The plant produces seed pods in late-summer that explode when touched, releasing 100s of seeds.



Showing the leaves of Himalayan balsam





Biosecurity

If working in an area supporting Himalayan balsam, you should either avoid disturbing it and create a 7m buffer around the stand, or employ appropriate methods of treatment and biosecurity to prevent spread off site. This will include washing down equipment, machinery and clothing prior to leaving the site in case the seeds are transferred.

Any soil that may be contaminated by Himalayan balsam seeds must be treated as contaminated waste.