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**BAT TREE ASSESSMENT AND PRESENCE / ABSENCE
SURVEY**

At

**38 Pen Y Bryn
Wrexham
LL13 7HY**

NGR: SJ 33249 49955

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EXECUTIVE SUMMARY

A bat scoping survey was conducted of the warehouse and bakery outbuilding at 38 Pen Y Bryn, Wrexham on 3rd May 2022. A ground level-tree assessment was also undertaken of three trees on site that are due to be removed as part of the development proposals. During the scoping survey, the quality of roosting habitats within the building on site was assessed as having moderate potential to support roosting bats. Two further presence / absence surveys were therefore undertaken at 38 Pen Y Bryn, Wrexham by United Environmental Services (UES) Ltd in June 2022.

The objective of this survey was to establish whether or not bats are using the building on site to roost, and if so to assess the type and importance of roosts in order to inform the planning process. The surveys were carried out to recognised guidelines, timings and weather conditions, with particular reference to Natural England and Bat Conservation Trust (BCT) publications. The development proposals include the demolition of the existing outbuilding that is presently used as a bakery and warehouse facility and addition of two extensions to the north-west facing aspect of the supermarket. Three trees will be removed to accommodate the works.

The areas surrounding 38 Pen Y Bryn provide low quality habitat for foraging and commuting bats. Areas of greenspace are limited to interlinked and intensively managed amenity grassland gardens containing scattered broadleaved trees, and recreational ground and playing fields surrounded by lines of broadleaved trees that will provide some invertebrates on which bats can forage. Residential and commercial buildings are located on all aspects of the site providing a number of alternative roosting features. However, connectivity in the nearby and wider area is poor and the site is separated from higher quality habitat by a network of busy and well-lit main and access roads.

As per bat conservation trust guidelines, two further presence / absence surveys were recommended and undertaken on 10th June 2022 and 29th June 2022 to determine whether bats are roosting within the building, and if so the number and species using the building on site. An updated building inspection was also undertaken immediately prior to the emergence survey on 29th June 2022, and no new evidence of bats was observed within the building. The building presents a number of external potential roosting features for bats, such as crevices beneath lifted metal fascia, gaps in the breezeblock, cavities where the mortar is missing, gaps between the redbrick wall and breezeblock and lifted facias. However, no field signs, such as droppings, were found during the external and internal building inspections.

The three trees scheduled for removal were subjected to a ground-level assessment of bat roosting potential on 3rd May 2022. All potential roosting features (PRFs) that could be assessed from the ground level were closely inspected for bat presence and features associated with bat activity, as detailed in Bat Conservation Trust (BCT) guidance (Collins, 2016). Trees T1 and T2 were assessed as having negligible potential to support roosting bats, whilst T3 was assessed as having low potential to support roosting bats due to the presence of inward-facing rot on a lower branch.

One species of bat was recorded during the surveys: common pipistrelle *Pipistrellus pipistrellus*. No activity was recorded during the re-entry survey and very low levels of activity were recorded the emergence survey with a single common pipistrelle observed in transit over site partway through the survey.

No bats were found to be roosting within the building on site. Furthermore, Tree T1 and T2 have been assessed as having negligible potential to support roosting bats.



Therefore, no further survey or mitigation work is required for the development to proceed, with regards to bats and these trees/ structures.

T3 has been assessed as having low potential to support roosting bats. Consequently, soft-felling techniques are to be used if these trees are to be removed. This will entail cutting the tree in sections and lowering any section containing potential roosting features to the ground. Once lowered to the ground, the potential roosting features should be left facing upwards overnight, before being removed from the site at a minimum of 24 hours later. Alternatively, the potential roosting features associated with these trees can be inspected by a suitably experienced and licenced ecologist immediately prior to the felling of the tree to confirm that no roosting bats are present.

A selection of bat and bird boxes should also be incorporated into the development to enhance the available potential roosting habitats for bats on site.

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



1 INTRODUCTION

1.1 Author, surveyors and qualifications

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

- Mark Halliwell MBIol, UES Ecologist. Mark is licensed by Natural England to survey all species of bats by observation using an artificial light under licence number 2020-45183-CLS-CLS (level 1).
- Tom Kenwright BSc MSc, UES Senior Ecologist. Tom is licensed by Natural England to survey all species of bats by observation using an artificial light under licence number 2021-53549-CLS-CLS (level 1).
- Jacob Miller BSc, UES Graduate Ecologist

All surveyors have the knowledge, skills and experience identified within CIEEM's "Competencies for Species Survey: Bats" (2013), or were under the supervision of a surveyor with the required competencies.

1.2 Survey objectives

UES was commissioned in May 2022 to conduct site surveys which include the following activities:

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

1.3 Proposed development

The proposed plans involve the demolition of the existing warehouse and bakery outbuilding and addition of two extensions, extending from the north-western aspect of the supermarket. Three of the trees present on site will also be removed to accommodate the works.

1.4 Structure of the report

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

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



2 METHODOLOGY

2.1 General

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

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

2.2 Building inspections

The building on site was searched both externally and internally for bat presence and features associated with bat activity, as detailed in BCT guidance (Collins, 2016).

2.2.1 External inspection

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

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

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

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

2.2.2 Internal inspection

The internal inspections covered all of the accessible rooms and roof spaces within the building.

Bats regularly utilise specific areas within roof spaces, which were searched for any field signs of bats using high-powered torches and an endoscope, where considered necessary by the licenced ecologist. The following features were searched, where present:



- Roof beams and junctions
- Gaps under felt
- Dividing walls
- Chimney breasts
- Gaps in brickwork and mortar
- Cracks / holes in woodwork
- Floor or other surfaces on which droppings could accumulate

2.3 Ground-level tree assessment

A ground-level assessment was carried out of three trees on site on 3rd May 2022 by Tom Kenwright and Noah Fulton, using binoculars and a high-powered torch. Trees were inspected on all aspects and assessed for their potential to contain roosting bats, based on the number and quality of suitable roosting features present, as detailed in BS8596:2015 Surveying for Bats in Trees and Woodland and BCT guidelines (Collins, 2016).

Potential roosting features, as described in Bat Roosts in Trees (Bat Tree Habitat Key, 2018) are listed in Table 1 below.

Table 1 – Types of PRFs found in trees

DISEASE & DECAY FEATURES	DAMAGE FEATURES	ASSOCIATION FEATURES	OTHER FEATURES
Woodpecker holes	Lightning strikes	Fluting	Bat boxes
Squirrel holes	Hazard beams	Ivy	Bird boxes
Knot holes	Subsidence cracks		
Pruning cuts	Shearing cracks		
Tear-outs	Transverse snaps		
Wounds	Welds		
Cankers	Lifting bark		
Compression forks	Dessication fissures		
Butt rots	Frost cracks		

Based on the quality of features present, trees were given a rating of negligible, low, moderate or high suitability for roosting bats.

Where accessible, PRFs at ground level were inspected with an endoscope by the licensed ecologist, in order to identify any roosting bats or field signs of bats and to inspect the internal conditions of the PRF. Field signs of bats include:

- Scratches, staining or droppings around entry points or within a cavity
- Presence of bat-fly cases
- Odour
- Smoothing of surfaces around cavity
- Audible chattering / squeaking at dusk or in warm weather (during the active season)



2.4 Emergence and re-entry surveys

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

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

2.4.1 Equipment

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

A Canon XA11 Professional Video Camera was used in conjunction with an infra-red LED illuminator during the presence / absence surveys. Footage of the survey is recorded and reviewed post-survey. During the survey, the camera was positioned to focus on previously identified PRFs and potential roosting locations. This allowed for greater confidence that any bats using the building would be identified, even when ambient light levels prohibited surveyors from observing bats.

2.4.2 Weather conditions

Table 2 - Weather conditions and survey timings

DATE	SURVEY TYPE	TIMINGS	SUNSET / SUNRISE	TEMP.	WIND	RAIN	CLOUD COVER
10/06/22	Re-entry	3:40 – 4:47	4:47	15°C	Still	Dry	75%
29/06/22	Emergence	21:27 – 23:12	21:42	14°C	Still	Light drizzle	50%

2.5 Survey limitations

Light rain was recorded throughout the emergence survey conducted on 29th June 2022. Bats were still recorded being active during the survey. Therefore, this is not considered to have significantly affected the results.



3 RESULTS

3.1 Habitat assessment

38 Pen Y Bryn the market town of Wrexham, Wrexham County Borough. The habitats on site include a connected warehouse and bakery outbuilding, to the north and west of which are three scattered broadleaved trees, an area of hardstanding and a supermarket.

The immediate surrounding area (500m) comprises residential and commercial buildings on all aspects adjacent to the site containing interlinked, manicured amenity lawned gardens that will provide some invertebrates on which bats can forage. To the east of the site runs the well-lit and busy A5152 main road, connecting to a network of access road that bisect the site on all aspects from areas of higher quality habitats in the local area. Reducing the suitability of the immediate area for foraging and commuting bats. Bellevue Park is located approximately 30m north-west of the site containing lines of and clusters of broadleaved trees that provide higher quality habitat for bats. However, is isolated from the site by residential buildings and areas of hardstanding. The playing fields of Victoria CP school 190m south-west and St Giles School 150m west contain similar habitats. Central Wrexham is located 330m north-east containing minimal suitable habitat for bats. Erddig Allotment is located approximately 440m and is surrounded by lines of broadleaved trees that extend into the wider landscape.

In the wider surrounding area (2km) the habitats are similar in composition to the north-west, north and east where the urban and suburban areas of Wrexham extend, providing limited foraging, commuting and roosting opportunities for bats. The abundance of main and access roads that encase the site provide limited opportunities for commuting bats to access the wider landscape to the east, south-east and south where habitats improve in quality. A railway line is located approximately 540m at its closest point to the site, running from south-west to north-west. This railway line is flanked by broadleaved trees that connect to areas of high quality habitat to the south including; Wrexham Cemetery located 520m south-west containing numerous mature trees, Erddig Parkland, national trust park located 750m south-west, through which runs the River Clywedog. This river itself acts as another excellent commuting corridor and connects to Coed-yglyn Wood 1.1km south, Lewis Wood 1.2km south-east, Bryn-y-cabanau Wood 1.8km south-east and big wood located 1.4km south-west. The woodland connects to numerous arable and pasture fields containing field boundary hedgerow networks that extend out into the wider landscape.

In summary, the immediate surrounding area provides low quality habitat for foraging and commuting bats, with higher quality habitats located within the wider area.

3.2 Building inspections

3.2.1 External inspection

A connected warehouse and bakery outbuilding is present on site at 38 Pen Y Bryn (see Photograph 1). The bakery connected to the north-east of the warehouse has a pitched roof structure with north-west and south-east facing gables. Both pitches of the roof are constructed from corrugated metal sheeting with a number of cavities below the ridges (see Photograph 2). The sheets themselves are in good condition with no observed gaps suitable for use by roosting bats. The metal facias are present at both gables and have lifted away from the rendered breezeblock wall on the north-east aspect (see Photograph 3). Numerous gaps were identified at the eaves of the north-eastern aspect of the bakery beneath the corrugated metal sheeting (see Photograph 4). The external walls of the bakery are



constructed from rendered breezeblock on the south-east facing aspect that contains numerous gaps where the mortar is missing (see Photograph 5). The doorway located on the south-east facing aspect is well sealed with no access points that could be used by bats. The north-east facing aspect is constructed from redbrick with an outer layer of breezeblock. Numerous crevices were observed between the breezeblock and redbrick which are generally in poor condition and support multiple crevices between the two layers (see Photograph 6). The timber fascias present on the north-west aspects were observed to lift away from the rendered wall beneath (see Photograph 7). The rendered wall itself contains two grills that provide potential access points into the internal structure. A large gap between the unrendered breezeblock and outer rebrick wall was observed on the lower half of the north-western aspect of the building providing a suitable PRF for use by bats (see Photograph 8). The redbrick is in poor condition with missing bricks and mortar (see Photograph 9). Numerous cavities and gaps in the breezeblocks were observed at the junctions between the bakery and warehouse on the north-west aspect (see Photographs 10 and 11).

The warehouse outbuilding extends to the south-west of the bakery (see Photograph 1). The building has a lean-to structure that slopes downward to the north-west. Gaps were identified below the ridge sheet between the corrugated metal panels (see Photograph 12). The warehouse is constructed from corrugated metal sheeting in its entirety containing a limited number of PRFs and potential access points for use by roosting bats. The metal doorways present on the south-eastern aspect are well-sealed with no suitable access points. The foundations of the building are constructed from breezeblock that is in good condition with no gaps or missing mortar. The eaves of the building have been sealed with expanding foam on numerous aspects limiting the number of suitable crevices.

The south-west aspect of the supermarket 'Chata Polska' is constructed from corrugated metal sheeting and is similar in composition to the warehouse outbuilding that is broadly unsuitable for use by roosting bats; containing no PRFs or access points (see Photograph 13). The aspect of the building due to be impacted by the proposed development works is considered to have negligible potential to support roosting bats.

No bat droppings or other field signs were found during the external building inspection.

3.2.2 Internal inspection

A loft void is present within the bakery (see Appendix 1 – Site Plan). The loft has a floor to ceiling height of approximately 1m, width of approximately 5m and length of approximately 8m. The internal roof structure comprises corrugated metal sheeting with a central steel girder and numerous support girders containing no suitable roosting features for use by bats. The internal gables are constructed from breezeblock that is in good condition with no gaps.

No loft void is present within the warehouse outbuilding that is open from floor to ceiling. The internal structure comprises corrugated metal sheeting on all aspects with numerous steel girder rafters and timber purlins that contain numerous undulated gaps beneath from the corrugated metal sheeting and are not suitable for use by bats. All of the cavities present have been sealed with expanding foam, rendering the building unsuitable in its entirety to support roosting bats.

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



3.3 Tree assessments

T1 is a mature hawthorn *Crataegus monogyna* located to the south-west of the warehouse outbuilding (see Photograph 14). It is approximately 5m in height with a diameter at breast height (DBH) of 1.5-2m. The tree contains no potential roosting features (PRFs) and is considered to have negligible potential to support roosting bats.

T2 is a mature goat willow *Salix caprea* located beyond the south-west corner of the warehouse outbuilding (see Photograph 15). It is approximately 8m in height with a DBH of 1.5-2m. The tree contains no PRFs and is considered to have negligible potential to support roosting bats.

T3 is a mature goat willow located on the north-west facing aspect of the warehouse outbuilding (see Photograph 16). It is approximately 8m in height with a DBH of 2m. The tree contains a single PRF comprising inward rot from a branch on the north-west facing aspect. The tree is considered to have low potential to support roosting bats.

3.4 Activity summary

Table 3 – Bat activity summary

DATE	SURVEY TYPE	SPECIES	NOTES
10/06/22	Re-entry	N/A	No bats were recorded during the return to roost survey.
29/06/22	Emergence	Common pipistrelle	A single common pipistrelle was observed commuting from north to south over the site.



4 EVALUATION AND RECOMMENDATIONS

4.1 Evaluation of results

The areas surrounding 38 Pen Y Bryn provide low quality habitat for bats. The outbuilding is surrounded on all aspects by residential, commercial properties and the extended urban areas of Wrexham, alongside a network of main and access roads that bisect the site from areas of higher quality habitat within the surrounding landscape. Areas of greenspace are limited to parkland and playing fields containing scattered, clustered and lines of broadleaved trees alongside residential gardens that will support some invertebrate communities on which bats can forage. There are areas of higher quality habitats located further afield to the east, south-east and south including a tree lined railways that provides an optimal commuting corridor, watercourses, woodland, arable and pasture fields with field boundary hedgerow networks. These habitats will provide superior roosting, commuting and foraging opportunities. However, they are generally situated more than 1km from the site and separated by suburban areas and well-lit, busy roads.

The connected warehouse and bakery outbuilding at 38 Pen Y Bryn was assessed as having moderate potential to support roosting bats during the initial scoping survey conducted in May 2022, due to the presence of predominantly external PRFs, such as gaps beneath the metal fascia, cavities where the mortar is missing on multiple aspects, a large gap between the redbrick and breezeblock walls, cavities in the redbrick and lifted facias. No field signs of bats, such as droppings were found during the building inspections. An updated external inspection of the building was conducted immediately prior to the emergence survey. The building was found to be in a similar condition as it was during the bat scoping survey. No evidence of roosting bats was observed.

As part of the ground-level tree assessment, Trees T1 and T2 are considered to provide negligible potential to support roosting bats, whilst T3 is considered to provide low potential to support roosting bats.

One species of bat was recorded during the bat presence / absence surveys: common pipistrelle. Activity was generally very low, with only a single common pipistrelle identified in transit from north to south across the site across both surveys.

No bats were found to be using the building to roost during either the emergence or return to roost surveys or building inspections.

4.2 Mitigation and enhancement measures

4.2.1 Bats

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

Trees T1 and T2 have been assessed as having negligible potential to support roosting bats and as such the felling of these trees will have no direct impact on bats or bat roosts. They can be felled without restriction, with regards to bats.

T3 has been assessed as having low potential to support roosting bats. In accordance with BCT guidelines, no further survey work is required for trees that have been assessed as



having low potential (or negligible potential) to support roosting bats. However, as a precautionary measure, it is recommended that if trees with low potential are to be felled, they should be subject to soft-felling techniques to minimise any incidental risk of harm to bats. Soft-felling techniques involve cutting the tree in sections and lowering any section containing potential roosting features to the ground. Once lowered to the ground, the potential roosting features should be left facing upwards overnight, before being removed from the site at a minimum of 24 hours later. Alternatively, the features associated with these trees could also be inspected by a suitably experienced and licenced ecologist immediately prior to the felling of the tree to confirm that no roosting bats are present.

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

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

Bat boxes are best positioned at a height of between three and six metres and should ideally be sited in open, sunny positions (such as a southerly orientation), which are undisturbed by external lighting. Once bats have inhabited a bat box, they may only be disturbed by licensed bat workers.



5 CONCLUSION

38 Pen Y Bryn is situated in an area that provides low quality foraging, commuting and roosting opportunities for bats. Further afield, the habitats improve in quality with a wider range of habitat types to the east, south-east and south, such as treelined railways, watercourses, broadleaved woodland, arable and pasture fields with field boundary hedgerow networks that extend to the wider landscape. However, these habitats are isolated from the site by residential, commercial buildings and a network of main and access roads.

The building on site was previously assessed as having moderate potential due to the number of external PRFs. No bats were found to be roosting within the building during the emergence or return to roost surveys.

T1 and T2 were previously assessed as having negligible potential to support roosting bats. Therefore, no further survey works, or mitigation measures are required for the felling to proceed.

T3 was assessed as having low potential to support roosting bats. Consequently, soft-felling techniques are to be used to remove this tree as detailed in section 4.2.1 above. Alternatively, all potential roosting features will be subject to a thorough assessment of the identified features using an endoscope, including aerial tree inspections if necessary, which will be conducted by a licenced ecologist immediately prior to the felling of the trees.

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



6 REFERENCES

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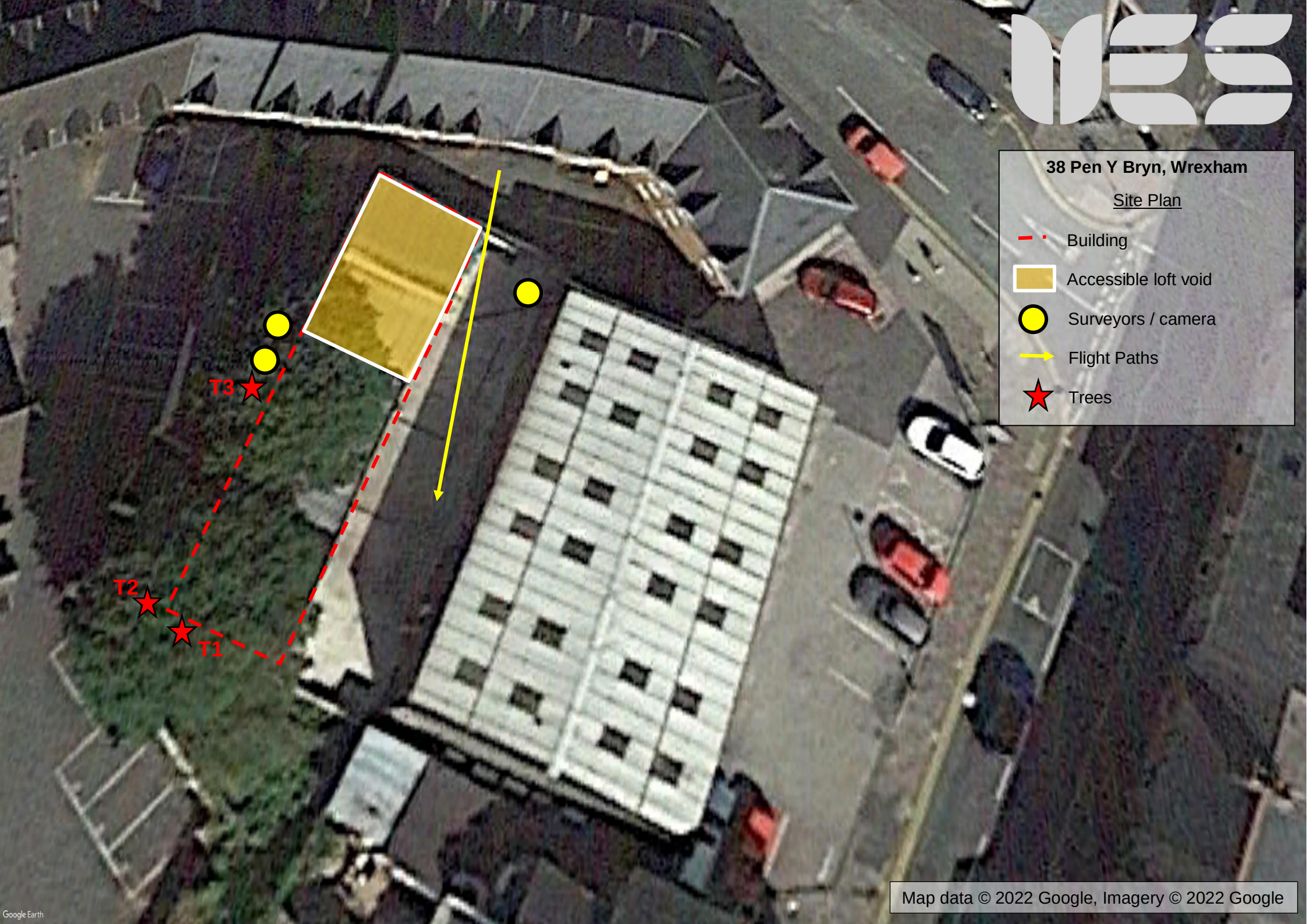
APPENDICES

Appendix 1 – Site plan

38 Pen Y Bryn, Wrexham

Site Plan

- - Building
- Accessible loft void
- Surveyors / camera
- Flight Paths
- ★ Trees





Appendix 2 – Aerial photographs



38 Pen Y Bryn, Wrexham

Close aerial photograph

-  Development boundary
-  Dividing wall

Bakery

Warehouse



38 Pen Y Bryn Wrexham

Wide aerial photograph



Site location





Appendix 3 – Photographs



Photograph 1 – South-eastern aspect of the bakery and warehouse.



Photograph 2 – Gaps below the ridge line.



Photograph 3 – Lifted metal facias.



Photograph 4 – Gaps at the eaves on the north-eastern aspect.



Photograph 5 – Gaps between the breezeblocks of the bakery.



Photograph 6 – Crevices between the breezeblock and redbrick on the north-eastern aspect.



Photograph 7 – Lifted timber fascia.



Photograph 8 – Gap between unrendered breezeblock and redbrick.



Photograph 9 – Poor condition redbrick.



Photograph 10 – Gaps in the breezeblock mortar.



Photograph 11 – Crevices at the junctions between the bakery and warehouse.



Photograph 12 – Gaps beneath the ridgeline.



Photograph 13 – North-western aspect of the supermarket 'Chata Polska'.



Photograph 14 – T1 hawthorn with negligible bat roosting potential.



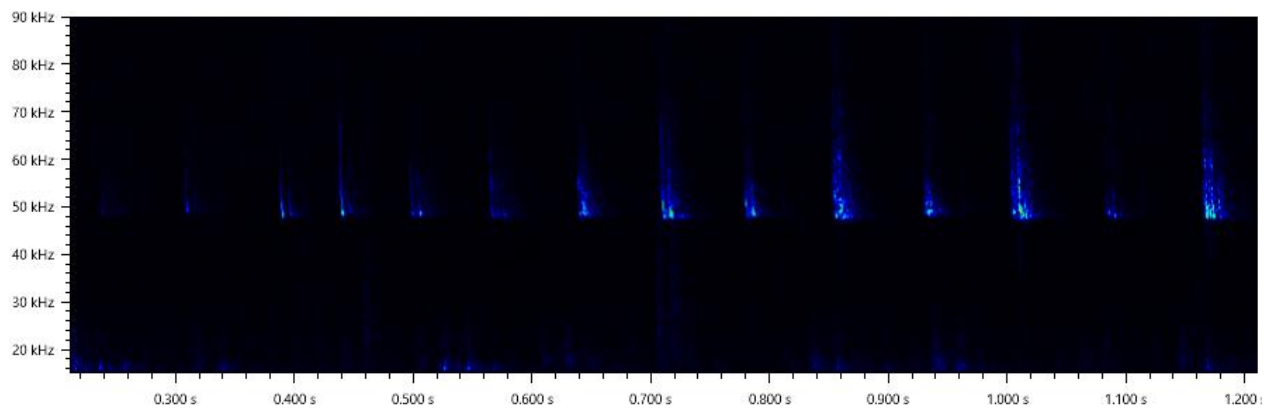
Photograph 15 – T2 goat willow with negligible bat roosting potential.



Photograph 16 – T3 goat willow with low bat roosting potential.



Appendix 4 – Results



Sonogram 1 – Common pipistrelle recorded commuting over site at 22:21 on 29th June 2022.



Appendix 5 – Statutory and planning context

Ecological assessments

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

Bats

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (known as the “Habitats Regulations”). The Wildlife and Countryside Act is the domestic implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

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

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

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

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

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

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

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

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

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

Planning policy

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

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

- 174.** Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 179.** To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶²; and
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity
- 180.** When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.