

Preliminary Roost Assessment

Coach House
217 Sunderland Road
South Tyneside
Tim McCann

FE-080-001-400-R-01-V1

September 2020

FALCO Ecology
ecological consultancy

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1 Executive Summary

Introduction

FALCO Ecology Ltd. was commissioned by Tim McCann to undertake a Preliminary Roost Assessment on the Coach House at the rear of 217 Sunderland Road in South Shields.

The purpose of this report is to provide a pre-development record of the suitability of the surveyed building to support roosting bats and any evidence of bat roosts. Evidence of breeding birds within/on the surveyed building is also included within this report.

Methodology

Data Search

Various web sources were used to gain information regarding bat distribution, abundance and previous granted European Protected Species Mitigation Licenses. Priority habitats that support foraging and roosting bats were also searched for.

Field Survey

A Preliminary Roost Assessment on the surveyed building followed the Bat Conservation Trust survey guidance and was conducted by a Natural England licensed bat surveyor – Adrian George.

Limitations included access into the roof void which was viewed from the loft hatch. This was due to health and safety as the roof void was very shallow; however, no potential access points were identified and therefore it is considered that bats are extremely unlikely to gain access into the roof void.

Results

Data Search

The surveyed building does not lie within a statutory designated site or within a priority habitat. A total of nine statutory designated sites were within 2km of the surveyed building; however, none were designated for their bat features.

Field Survey

No roosting bats or evidence of roosting bats were recorded within or on the surveyed building during the survey. The roof void had numerous hanging cobwebs and the only potential roost feature on the surveyed building was a gap above the window which was inspected with an endoscope and filled with cob webs, thus indicating that roosting bats are very unlikely to use the surveyed building. No other potential access points were recorded on the exterior of the surveyed building during the survey.

Assessment

Evaluation

Bats

It is considered that the surveyed building had a negligible/low suitability to support roosting bats and had negligible potential to support hibernating bats.

Breeding Birds

No active bird nests were recorded within or on the surveyed building during the surveys.

Impact

Bats

No bat roosts were identified within the surveyed building. It is considered that the proposed works will have a negligible impact on roosting and foraging European Protected Species.

Breeding Birds

The proposed works will have a negligible impact on breeding birds.

Required Actions

Client Responsibility

It is the responsibility of the Client to inform the Principal Contractor of the potential of roosting bats above the window of the west aspect of the surveyed building. It is recommended that the Principal Contractor be provided a copy of this report prior to the start of the proposed works.

Recommendations

Biodiversity Net Gain Recommendations

In order to fulfil the latest National Planning Policy Framework which includes biodiversity net gain into proposed developments, it is recommended that a free hanging bat box be installed in the apex of the west aspect of the surveyed building.

2 Introduction

2.1 Background

2.1.1 FALCO Ecology Ltd. was commissioned by Tim McCann (hereon referred to as the "Client") to undertake a Preliminary Roost Assessment (hereon referred to as the "survey") at the Coach House at the rear of 217 Sunderland Road (hereon referred to as the "surveyed building").

2.1.2 The purpose of this report is to provide a pre-development record of the suitability of the surveyed building to support roosting bats and any evidence of bat roosts. The suitability of the surrounding habitats to support foraging bats is included within this report. Evidence of breeding birds within/on the surveyed building is also included within this report.

2.2 Surveyed Building Description and Location

2.2.1 The surveyed building was a semi-detached former Coach House which had been previously converted into a garage and storage room on the ground floor and an office on the first floor. The surveyed building has a semi-vaulted roof with a small roof void in the apex.

2.2.2 The address of the surveyed building was 217 Sunderland Road, South Shields, Tyne & Wear, NE34 6AQ. The central Ordnance Survey grid reference for the surveyed building was NZ 37762 64799 and was ~25m above sea level. The location of the surveyed building is shown in Figure 1 (page 5).

2.2.3 The surrounding habitats of the surveyed building was dominated by residential properties, some which contained mature trees. There was an adjacent school and associated playing fields and a cemetery to the north. The surrounding area of the surveyed building and a 1km buffer are shown in Figure 2 (page 5).

2.2.4 The surveyed building was within the administrative area of South Tyneside Council.

2.3 Development Proposals

2.3.1 It is proposed to add a single-storey extension on to the south aspect of the surveyed building. The roofline of the extension will be a flat roof which will be >1m below the eaves of the surveyed building. Furthermore, the existing roof will not have significant alterations with only the three Velux windows being extended to be nearer the eaves. The architectural drawings of the proposed development are shown in Appendix 1.

2.3.2 The proposed development has the potential to disturb roosting bats or destroy bat roost locations if present within the surveyed building.

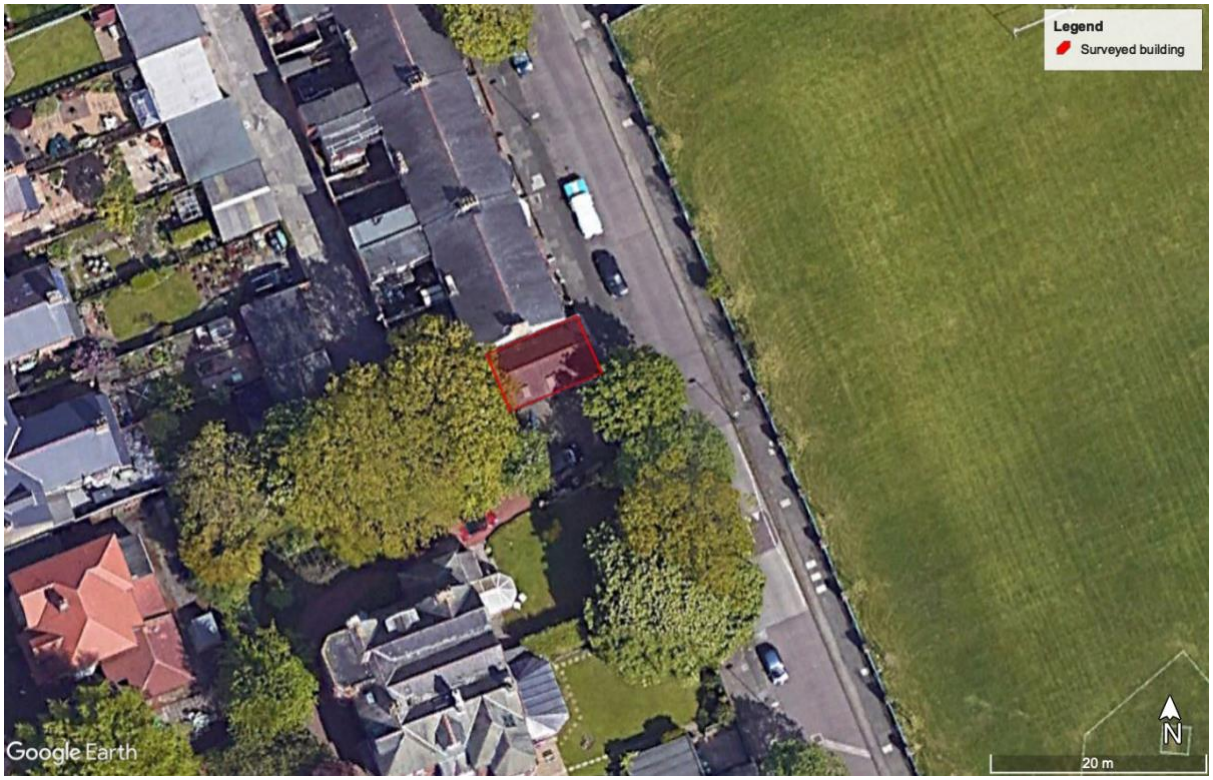


Figure 1: Surveyed building.

© Google Earth. Imagery Date: 21/04/2018.



Figure 2: Surrounding habitats.

© Google Earth. Imagery Date: 21/04/2018.

2.4 Survey and Reporting Objectives

2.4.1 The surveys comprised of a preliminary roost assessment and bat activity surveys. These were undertaken by FALCO Ecology and included the following objectives:

- Establish if the surveyed building is used by roosting bats;
- Record evidence of use by bats;
- Record locations of Potential Access Points ('PAPs');
- Record locations of Potential Roost Features ('PRFs');
- Provide recommendations for further bat surveys where required;
- Obligations for the Client to consider if confirmed bat roost(s) are located; and
- Observations of old and active bird nests within/on the surveyed building was also recorded.

2.5 Legislation

2.5.1 UK Legislation (specifically related to England) relating to bats are fully documented in Appendix 3; however, in summary all bats and their roosts are protected under UK legislation. This legislation makes it an offense to deliberately disturb, damage or destroy a bat roost. An unlimited fine and/or six months imprisonment may be given per offense.

2.5.2 Active bird nests (nests under construction, nest with eggs or young) are fully protected from deliberate and reckless destruction under the Wildlife & Countryside Act 1981 (as amended). Furthermore, Schedule 1 species, such as barn owl (*Tyto alba*), are protected from deliberate or reckless disturbance at the nest site or of dependant young.

3 Methodology

3.1 Desktop Study

Data Search

3.1.1 A data search from following web recourses was used:

- The Government's Multi-Agency Geographic Information for the Countryside or 'MAGIC' website, which provides details of;
    - Statutory sites designated for their ecological interest;
    - Priority habitats including deciduous woodland that are likely to support roosting and foraging bats; and
    - local European Protected Species Mitigation (EPSM) Licenses that had been granted;
- Google Earth Pro was utilised to assess the habitats surrounding the surveyed building for their suitability to support foraging, commuting and roosting bats;
- North East England Nature Partnership; and
- Durham Bat Group website[1].

Consultation Data

3.1.2 Consultation data is not included as part of this report. Given the local habitats it is considered that a wide range of bat species listed in paragraph 4.1.3 were present in the local area, during the time of the surveys.

3.2 Preliminary Roost Assessment

3.2.1 The exterior of the surveyed building was surveyed from ground level using high powered binoculars (Swarovski EL 10x42) to locate any PAPs. The interior inspection of the surveyed building included an inspection of the rooms and the roof void, although the later only from the loft hatch. The surveyed building was is use by the occupant of the adjacent main house as a storage facility.

3.2.2 A Ledlenser MT-6 torch and a Ridgid CA-300 endoscope was used to inspect accessible crevices that were deemed as potentially PAPs or PRFs. An Apple iPad Mini 2 with an Echo Meter Touch 1 was used to record any calling bats during the survey. Photos taken during the survey of the surveyed building are shown in Appendix 2.

3.2.3 The survey followed the guidance for assessing buildings as set out within the Bat Conservation Trust Guidelines (Collins 2016) and shown in Table 1. The survey was undertaken by Adrian George on the 19th September 2020 in suitable weather conditions.

[1] Durham Bat Group covers the South Tyneside Council administrative area.

Table 1: Guidelines for assessing potential roost features.

Suitability	Description
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individuals bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitats to be used on a regular basis or by large numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously used by large numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Confirmed	A bat or bats observed within the building/tree.

3.2.4 All UK bats have been found to be roosting in buildings; however, some bats prefer buildings more than others. Furthermore, many species prefer unique aspects of a roost feature within a building. Bats that utilise buildings for roosting can be separated into four categories and are described in Table 2 (BCT 2015).

Table 2: Roost features in buildings that various bats prefer.

Roost Type	Species
Crevice dwelling bats (These are often hidden from view)	Common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), Nathusius' pipistrelle (*Pipistrellus nathusii*), Brandt's bat (*Myotis brandtii*) and whiskered bat (*Myotis mystacinus*)
Roof-void dwelling bats (maybe seen on roof timbers)	Serotine (*Eptesicus serotinus*), Leisler's bat (*Nyctalus leisleri*), Daubenton's bat (*Myotis Daubentonii*)
Bats that need flight space in certain types of roost	Natterer's bat (*Myotis nattereri*) and brown long-eared bat (*Plecotus auritus*)
Bats that need flight space and flying access into the roost	Greater Horseshoe (*Rhinolophus ferrumequinum*) and Lesser Horseshoe (*Rhinolophus hipposideros*)

3.3 Breeding Bird Assessment

3.3.1 An inspection of the surveyed building to identify any nest material from former bird nests was undertaken during the survey. Nets material varies depending upon individual species, for example a house sparrow (*Passer domesticus*) may use small twigs, grasses and leaves; however, a house martin (*Delichon urbicum*) construct a

nest using mud. Furthermore, some species are crevice nesters (house sparrow) whilst other are open nesting on external walls (house martin).

3.4 Surveyor's Experience

Adrian George

3.4.1 Adrian is an experienced ecologist who has undertaken bat surveys on a range of developments including residential properties, small to large scale wind farms, solar farms, power lines and water pipelines. Bat surveys have been undertaken throughout England, Wales and Scotland. Adrian holds a Class 2 Natural England (CL18 2017-32910-CLS-CLS) and a Scottish Natural Heritage bat licence. Adrian is a full member of the Chartered Institute of Ecology & Environmental Management (CIEEM) and a member of the Northumberland Bat Group.

3.5 Limitations

3.5.1 The roof void was shallow as the first floor formed the majority of the roof void. A small loft hatch provided access into the roof void. The roof void was only surveyed from the loft hatch due to health and safety reasons. Whilst the void within the semi-vaulted roof (internal wall and roof) could not be fully inspected, no PAPs were recorded and thus it is considered that roosting bats could not gain access to this area of the roof.

3.5.2 It is considered that these limitations did not affect the overall outcome of this report.

3.5.3 The data collected and the assessment within this report remains valid for 12 months. After this period a site visit would be required to assess if the environmental conditions had changed since the baseline surveys were collected. Further breeding bird surveys maybe required if environmental conditions had changed.

4 Results

4.1 Desktop Study

Data Search

Statutory Designated Sites

4.1.1 The surveyed building was not situated within a statutory designated site. A total of nine statutory designated sites were present within 2km of the surveyed building which included:

- Harton Down Hill Site of Special Scientific Interest (SSSI) ~1.3km northeast and designated for lowland calcareous grassland;
- Harton Down Hill Local Nature Reserve (LNR) ~1.3km northeast and designated for lowland calcareous grassland;
- Marsden Old Quarry LNR ~1.3km east southeast and primarily designated for unimproved calcareous and neutral grassland.;
- Cleadon Hill SSSI ~1.7km south southeast and designated for magnesium limestone grassland communities;
- Cleadon Hill LNR ~1.7km south southeast and designated for magnesium limestone grassland communities;
- Durham Coast SSSI ~1.95km east and designated for breeding and wintering birds;
- Durham Coast Special Area of Conservation ~1.95km east and designated for habitats;
- Northumbria Coast Special Protected Area ~1.98km east and designated for breeding and wintering birds; and
- Northumbria Coast Ramsar site ~1.98km east and designated for breeding and wintering birds.

4.1.2 No statutory designated sites were designated for their bat communities.

Priority Habitats

4.1.3 The closest priority habitat of deciduous woodland was ~740m north of the surveyed building; however, several other small deciduous woodlands were present within the 2km search area.

EPSM Licenses

4.1.4 A single granted EPSM Licence for bats was returned within 2km of the surveyed building (MAGIC 2020). This included the destruction of a resting place for common pipistrelle (~1.7km south).

Local & Regional Status of Species

4.1.5 There were 17 bat species recorded in the UK, of which 11 had been recorded in County Durham. Only eight bat species had been recorded breeding within the county. Their abundance within the county is stated on the Durham Bat Group website (Durham Bat Group 2015) and was as follows:

- Brandt's bat – rare;

- Whiskered bat – reasonably widespread but localised;
- Natterer's bat – rare;
- Daubenton's bat – very widespread;
- Noctule – widespread;
- Leisler's – rare with three records;
- Serotine – very rare, two unconfirmed reports;
- Brown long-eared bat – reasonably widespread but localised;
- Common pipistrelle – common and widespread;
- Soprano pipistrelle – common; and
- Nathusius pipistrelle – rare with no maternity roosts known.

4.1.6 All the above species, with the exception of Leisler's and Serotine, are listed as a Durham Priority Species (NEENP 2019).

4.2 Preliminary Roost Assessment

External Inspection

4.2.1 The surveyed building had a gable roof type with slate tiles and clay ridge tiles. The edges of the roof were mortared and sealed tight. Three Velux windows were present within the southern aspect of the roof and no obvious gaps around the Velux windows were recorded during the survey. The surveyed building was constructed with red masonry bricks which formed a solid wall, based on the brick pattern.

4.2.2 The doors and windows were wooden framed and were sealed with the exception of the window on the west aspect which had a gap along the top. This PRF was endoscoped during the survey and no evidence of roosting bats was recorded. Furthermore, the gap was filled with cobwebs which indicates that roosting bats do not use the PRF on a regular basis.

Internal Inspection

4.2.3 No bats or evidence of roosting bats, such as droppings, staining or claw marks, were recorded within the surveyed building.

4.2.4 The inspection of the small semi-vaulted roof void showed that there were many hanging cobwebs and no roof underlay was present. A sarking board was present on either side of the ridge beam. No visible external light was recorded from within the loft void.

4.3 Breeding Bird Assessment

4.3.1 No breeding birds were recorded using the surveyed building during the surveys.

5 Assessment

5.1 Evaluation

Bats

5.1.1 No bats or evidence of roosting bats were recorded during the survey. Overall the surveyed building was in very good condition, with the exception of a gap above the window on the west aspect. This gap was inspected, and no evidence of roosting bats were recorded, and the potential roost feature was full of cobwebs and therefore very unlikely to be used by roosting bats. Furthermore, it is predicted that this feature will not be removed or destroyed as part of the proposed development.

5.1.2 It is considered that the surveyed building has **negligible/low** suitability to support roosting bats and **negligible** suitability for hibernating bats.

Breeding Birds

5.1.3 No active bird nests were recorded within or on the surveyed building during the surveys; however, an historic nest was recorded. It is plausible that house sparrow are the main species that are likely to nest within the surveyed building and this year's young may have fledged before the surveys were undertaken. The roof void and wall tops have the potential to support breeding birds.

5.2 Impact

Bats

5.2.1 No bat roosts were identified within the surveyed building; therefore, the likelihood of a roosting bat using the PRF above the window during the construction phase is very unlikely. Furthermore, as this feature will remain in situ, it is considered that the proposed works will have a **negligible** impact on roosting and foraging European Protected Species.

Breeding Birds

5.2.2 The impact of the proposed development will result in a **negligible** impact on breeding birds.

6 Required Actions – Mitigation Measures

6.1 Client Responsibility

6.1.1 It is the responsibility of the Client to inform the Principal Contractor of the potential of roosting bats above the window of the west aspect of the surveyed building. It is recommended that the Principal Contractor be provided a copy of this report prior to the start of the proposed works.

7 Recommendations

7.1 Biodiversity Net Gain Recommendations

7.1.1 In order to fulfil the latest National Planning Policy Framework which includes biodiversity net gain into proposed developments, it is recommended that a free hanging bat box be installed in the apex on the east aspect of the surveyed building. An example of a free hanging bat box is shown in Figure 3, below and is shown on a new build residential property in Figure 4, page 14.



Figure 3: Example of integrated and free hanging bat box[2].

[2] Pictures sourced from www.nhbs.com and https://www.greenwoodsecohabitats.co.uk/shop



Figure 4: Free hanging bat box located within the apex of a new build residential property.

8 Bats and their Roost Locations

8.1.1 Whilst there will be minimal roofing works as part of the proposed development, the Velux windows will be replaced and enlarged. Therefore, this section provides photographs to assist with the identification of any potential bats and/or roosts during the works.

8.1.2 UK bats are relatively small, and the body of the common pipistrelle is only the size of a human thumb. Figure 5 shows the size of a closely related nathusius pipistrelle in the hand during a monitoring program under licence from Natural England.

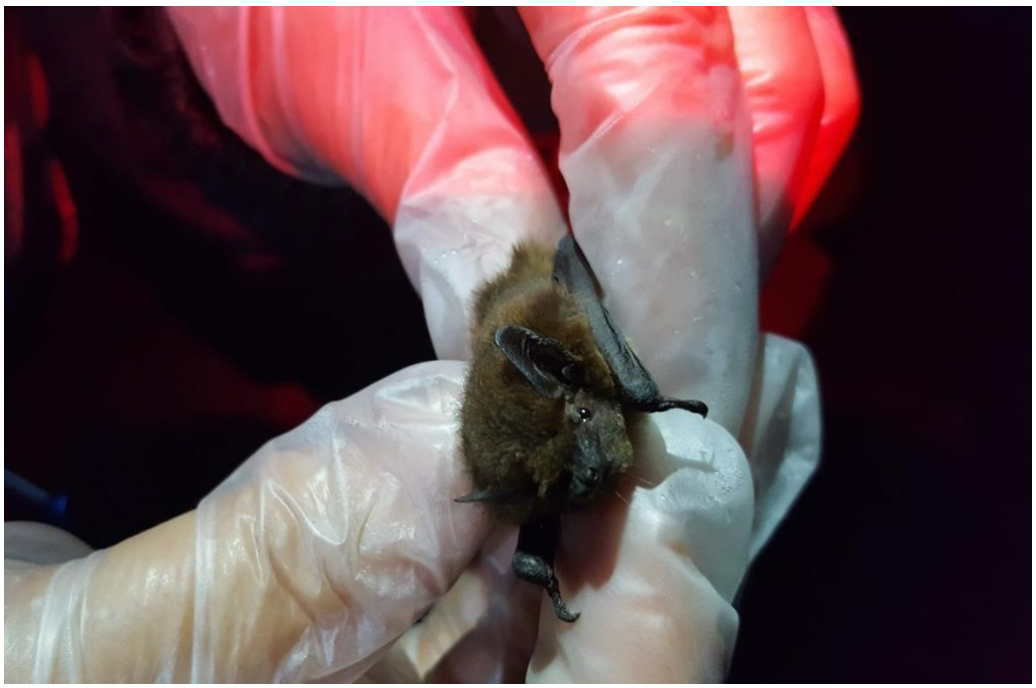


Figure 5: Nathusius pipistrelle in the hand.

8.1.3 Figure 6 and Figure 7 (page 16) show examples of bat droppings which indicates the presence of a bat roost location. Bat droppings, which will crumble to dust when rubbed between fingers, can be easily identified from mouse droppings, which are hard and generally do not crumble easily. Bat droppings are generally 1.5-2mm wide by 7-9mm long.

8.1.4 If a roosting bat or evidence of a bat roost is found during the construction phase of the proposed development then works WILL stop immediately and a professional advice gained from the Bat Conservation Trust or a licenced Bat Ecologist, such as at FALCO Ecology.



Figure 6: Example of bat droppings between slates (removed) and roof underlay, next to a roof valley.



Figure 7: Example of bat droppings in eaves.

9 References

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The Bat Conservation Trust. 2015. Bats in Buildings. [Online]. [Accessed 14 July 2020]. Available from https://cdn.bats.org.uk/pdf/Bats_and_Buildings.pdf?mtime=20181101151310

Appendix 1 – Architectural Drawings

A1

As Existing



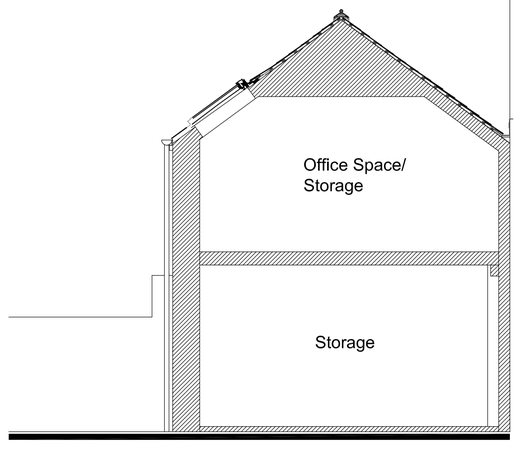
1. Front Elevation



2. Side Elevation



3. Side Elevation



Section

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The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts. The Contractor is to comply in all respects with current Building Legislation, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. whether or not specifically stated on this drawing. This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing is not intended to show details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or fluid ground, contaminates on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only & should be further investigated by a suitable expert.

Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

Notes: Attention is drawn to the following remaining significant hazards;

Notes:

Revisions: Date: Amendment: Name: Checked:

For guidance only. Do not scale off this drawing

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1:50 - 0 1m 2m 3m 4m 5m
1:5 - 0 100mm 200mm 300mm 400mm 500mm

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Client: **Mr T. McCann**

Project: Proposed Coach House Conversion:
217 sunderland Road,
South Shields,
NE34 6AQ.

Title: Existing General Arrangement Elevations

Status: APPROVAL Checked:

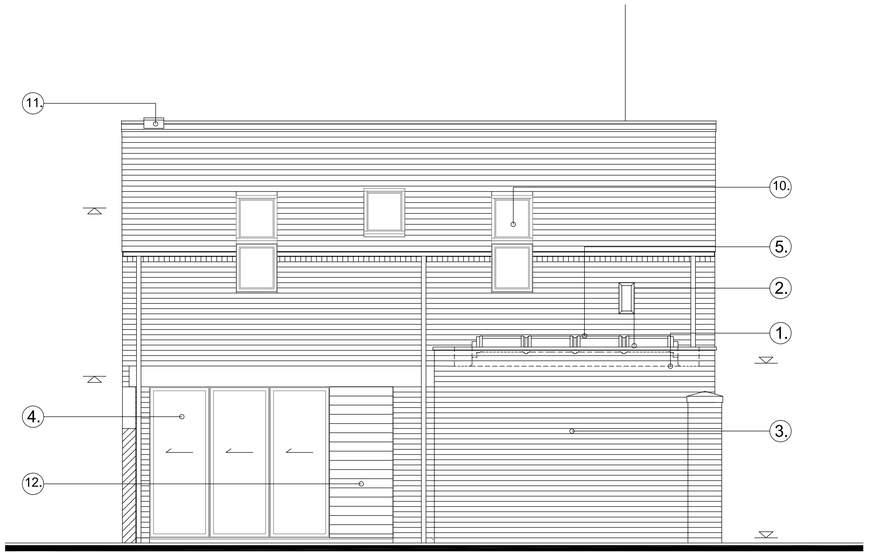
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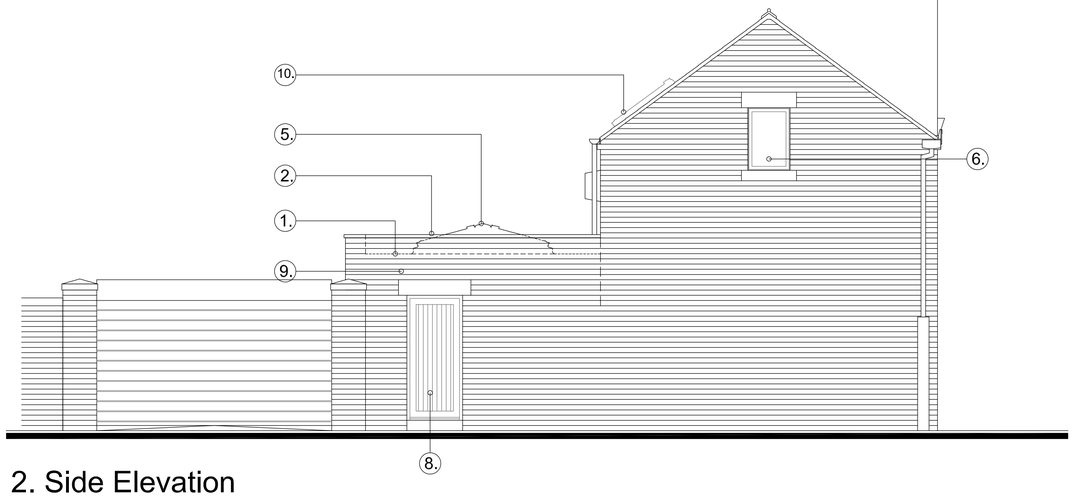
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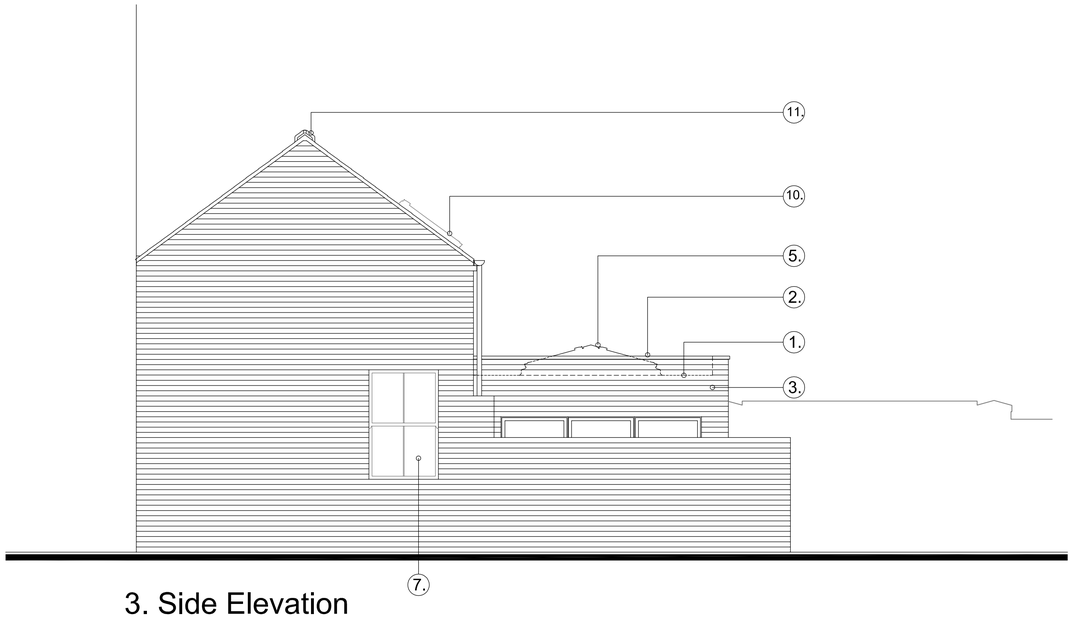
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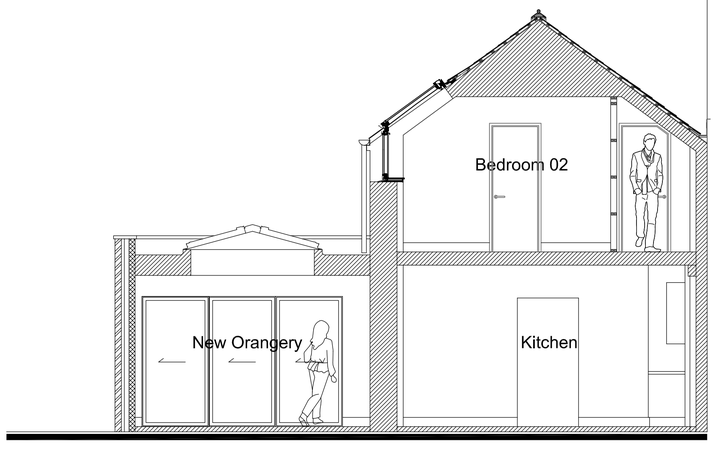
1. Front Elevation



2. Side Elevation



3. Side Elevation



Section

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The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts. The Contractor is to comply in all respects with current Building Legislation, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. whether or not specifically stated on this drawing. This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing is not intended to show details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or fluid ground, contaminates on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only & should be further investigated by a suitable expert.

Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

Notes: Attention is drawn to the following remaining significant hazards;

Notes:

Schedule of Materials -

1. Proprietary single ply flat roof system (behind parapet wall).
2. New Artstone/pc concrete capping to parapet walls.
3. Facing brickwork to match existing.
4. New aluminium sliding patio doors.
5. VELUX 'Atrium' rooflights to form lantern light.
6. New aluminium window into existing bricked up opening.
7. Existing sash window replaced with double glazed aluminium version to match.
8. New composite entry/exit door.
9. Existing boundary wall built up to form orangery.
10. New VELUX combination rooflights with fixed vertical portion.
11. Ridge flue vent for new log burning stove.
12. Insulated timber clad panel.

-

Revisions: Date: Amendment: Name: Checked:

For guidance only. Do not scale off this drawing

1:20 - 0 200mm 400mm 600mm 800mm 1000 1200 1400 1600 1800 2000
1:100- 0 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m
1:50 - 0 1m 2m 3m 4m 5m
1:5 - 0 100mm 200mm 300mm 400mm 500mm

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Client: **Mr T. McCann**

Project: Proposed Coach House Conversion:
217 sunderland Road,
South Shields,
NE34 6AQ.

Title: Proposed General Arrangement Elevations

Status: APPROVAL Checked:

Drawn: GH Date: 29.06.20 Scale: 1:50 @ A1

Drawing Ref: -

Job No: ***44.22*** Drg No: ***202*** Rev: -

Appendix 2 – Surveyed Building Photos

Ref.	Description	Photo
1	South aspect	
2	East aspect	
3	North aspect	

Ref.	Description	Photo
4	West aspect	
5	Window on west aspect PAP – gap between the window frame and lintel. Endoscoped and no evidence of roosting bats and feature full of cobwebs.	
6	Roof void	

Ref.	Description	Photo
7	Roof – internal view	
8	Garage	
9	First floor	

Appendix 3 – Environmental Legislation & Convention Relating to Bats

Introduction

The UK has ratified a number of Conventions and implemented legislation pertaining to the protection of bats, either independently or as member state of the European Union. These are defined and summarised below.

Lists of threatened, endangered and extinct species are also provided, together with a summary explanation of each.

Bern Convention (1982)

The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and was ratified in 1982. Its aims are to protect wild plants and animals and their habitats listed in Appendices 1 and 2 of the Convention and regulate the exploitation of species listed in Appendix 3. The regulation imposes legal obligations on participating countries to protect more than 1000 animals.

To meet its obligations imposed by the Convention, the European Community adopted the EC Birds Directive (1979) and the EC Habitats Directive (1992 – see below). Since the Lisbon Treaty, in force since 1st December 2009, European legislation has been adopted by the European Union.

The UK Post-2010 Biodiversity Framework

The UK Post-2010 Biodiversity Framework was published in July 2012 and supersedes the Biodiversity Action Plan which lists and prioritises habitats and species and sets national targets to be achieved. The UK Post-2010 Biodiversity Framework includes all the species formally listed under the old UKBAP. The Environmental Departments of all four governments in the UK work together through the Four Countries Biodiversity Group.

The former UKBAP identified 391 'Priority' Species Action Plans (SAPs) and 162 Local Biodiversity Action Plans. Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level) and are usually drawn up by a consortium of local Government organisations and conservation charities.

UKBAP Bat priority species include Barbastrelle Bat, Bechstein's Bat, Soprano Pipistrelle, Noctule, Brown Long-eared Bat, Greater Horseshoe Bat and Lesser Horseshoe Bat.

Bonn Convention

The Convention on the Conservation of Migratory Species of Wild Animals or 'Bonn Convention' was adopted in Bonn, Germany in 1979 and came into force in 1985. Participating states agree to work together to preserve migratory species and their habitats by providing strict protection to species listed in Appendix I of the Convention. It also establishes agreements for the conservation and management of migratory species listed in Appendix II.

In the UK, the requirements of the convention are implemented via the Wildlife & Countryside Act 1981 (as amended), Wildlife (Northern Ireland) Order 1985, Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 and the Countryside and Rights of Way Act 2000 (CRoW)

The UK has currently ratified four legally binding Agreements under the Convention, one of which is the Agreement on the Conservation of Populations of European Bats (EUROBATS).

National Planning Policy Framework (2018)

Following the publication of the first revision of the National Planning Policy Framework (NPPF) in March 2012, Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation (2005) has been withdrawn. However, ODPM 06/2005: Biodiversity and Geological

Conservation – Statutory Obligations and their impact within the Planning System (the guidance document that accompanied PPS9) has not been withdrawn and, where more detailed guidance is required than is given within the NPPF, local planning authorities will continue to rely on ODPM 06/2005. The NPPF has been revised and was published in July 2018 and an update with clarifications was released in February 2019

The purpose of the NPPF is to contribute to the achievement of sustainable development which includes an environmental objectives - *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

This guidance requires local planning authorities (planning policies and planning decisions) to take account of the conservation of protected species when determining planning applications and makes the presence of a protected species a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Furthermore, the NPPF 2018 includes the requirement for developments to *improve biodiversity* including ecological *net gain*. In the case of European Protected Species such as bats, planning policy emphasises that strict statutory provisions apply (including the Conservation of Habitats and Species (Amendment) Regulations 2012), to which a planning authority must have due regard.

Where developments requiring planning permission are likely to impact upon protected species it is necessary that protected species surveys are undertaken and submitted to meet the requirements of paragraph 98 of ODPM Circular 06/2005 which states that:

'*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat*.'

Species of Principal Importance in England

Section 41 (S41) of this Act requires the Secretary of State to publish a list (in consultation with Natural England) of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as public bodies including local and regional authorities, in implementing their duty under Section 40 of the Natural Environment and rural Communities (NERC) Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal (e.g. planning) functions.

The S41 list includes Barbastrelle Bat, Bechstein's Bat, Soprano Pipistrelle, Noctule, Brown Long-eared Bat, Greater Horseshoe Bat and Lesser Horseshoe Bat.

The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 came into force on 30th November 2017. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I or II of the Habitats Directive respectively) to the European Commission. These sites, if ratified by the European Commission, are then

designated as Special Protection Areas (SPAs) within six years. The 2012 amendments include that public bodies help preserve, maintain and re-establish habitats for wild birds.

The Regulations also make it an offence to deliberately capture, kill, disturb or trade in the animals listed in Schedule 2, which include all horseshoe bats *Rhinolophidae sp.* and all common bats *Vespertilionidae sp.*

Wildlife and Countryside Act 1981 (as amended)

This is the principal mechanism for the legislative protection of wildlife in the UK. This legislation is the chief means by which the 'Bern Convention' and the Birds Directive are implemented in the UK. Since it was first introduced, the Act has been amended several times.

The WCA makes it an 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);
- intentionally or recklessly obstruct access to a bat roost; and
- possess or advertise/exchange/sell a bat (alive or dead) or any part of a bat.