

Bat Roost Assessment

At:

77 Dunstall Avenue,
Burgess Hill,
West Sussex,
RH15 8PJ

For:

Kevin Mansell

Private and Confidential

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Association of Geotechnical &
Geoenvironmental Specialists



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Environmental
Consultancy Ltd

Executive Summary

JW Biodiversity Management has been commissioned to carry out a bat roost assessment of a of a residential property in Burgess Hill Sussex. This report will provide an assessment on the current condition of the buildings on site and their potential to support roosting bats.

Site Description

The site consists of a rectangular shaped property that was used as a workshop and storage area at the time of the survey with several small structures present. The entire area had rubble and type 1 across it. Several ruderal species had grown through and there was a small area of ruderal dominated grassland to the centre-west. This is accessed by a narrow driveway to the east of the site.

An existing house was located to the south of the site with associated areas of hardstanding and garden vegetation. An area of shrubs and tall trees is located to the far north of the site.

The site is located in a residential area being bordered by other residential properties. Though located in an urban area there are several green spaces in the local area including a recreation ground approximately 100m to the west of the site.

The site is located within in the Mid Sussex Local Planning Authority (LPA) and the Low Weald National Character Area (NCA). The site is located at; TQ 30635 20022.

Results

Following a detailed inspection by an experienced ecologist the following assessments were made.

Building	Potential to Support Bat Roost	Comments
All buildings	Negligible	All the buildings and structures were considered as not being likely to support a bat roost as no suitable roosting features were identified and no evidence of bats found.

Recommendations

The following recommendations have been made:

- Cautious working methodology
- Sensitive lighting
- Pollution control during construction
- Habitat enhancement

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1. Introduction

JW Biodiversity Management has been commissioned to carry out a bat roost assessment of a residential property in Burgess Hill Sussex. This report will provide an assessment on the current condition of the buildings on site and their potential to support roosting bats.

1.1 Development outline

JW Biodiversity Management Ltd understands that the proposal seeks planning permission for the construction of a detached house and garage in the northern part of the site.

1.2 Site Description

The site consists of a rectangular shaped property that was used as a workshop and storage area at the time of the survey with several small structures present. The entire area had rubble and type 1 across it. Several ruderal species had grown through and there was a small area of ruderal dominated grassland to the centre-west. This is accessed by a narrow driveway to the east of the site.

An existing house was located to the south of the site with associated areas of hardstanding and garden vegetation. An area of shrubs and tall trees is located to the far north of the site.

The site is located in a residential area being bordered by other residential properties. Though located in an urban area there are several green spaces in the local area including a recreation ground approximately 100m to the west of the site.

The site is located within in the Mid Sussex Local Planning Authority (LPA) and the Low Weald National Character Area (NCA). The site is located at; TQ 30635 20022.

1.3 Limitations

The contents of this report are based on a single site visit. Field survey results are valid for a limited duration, and no investigation can provide a complete description and characterisation of a site. The composition of habitats and species can change depending on environmental variables and the mobility of species, so the results of a study become less reliable over time. It is likely that survey data will need to be no more than 18 months old to be relevant.

1.4 Relevant Legislation and Planning Policies

All bat species are protected under the Conservation of Habitats and Species Regulations 2019 (Amendment) (EU Exit), which make is an offence to:

- Deliberately kill, injure or capture a bat;
- Deliberately disturb bats;
- Damage or destroy a breeding site or resting place of a bat.

The Wildlife & Countryside Act 1981 (as amended) contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb any bat while occupying a structure or place which it uses for that purpose.

Biodiversity is a material consideration, and Local Planning Authorities have a requirement to consider biodiversity and protected species when determining planning applications. Section 15 of the National Planning Policy Framework (July 2021) gives specific reference to minimising the impacts of development on biodiversity. Local and Neighbourhood plans also provide guidance towards protecting and enhancing biodiversity, including priority habitats and notable species.

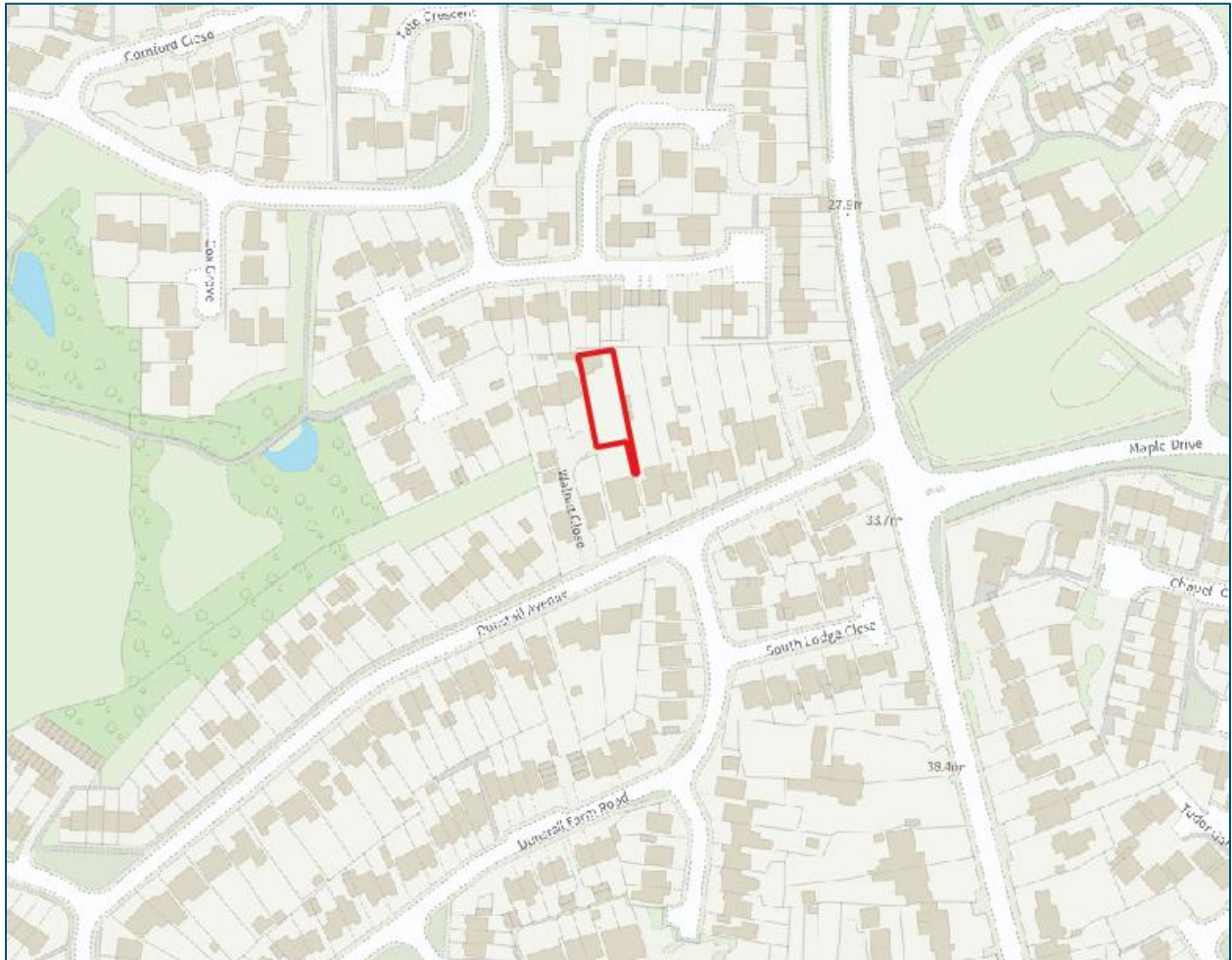


Figure 1: Approximate boundary of the site.

2. Methods

2.1 Site Visit

JW Biodiversity Management Ltd undertook a site visit on the 5th of June 2026. This was to carry out an inspection to search for and identify potential feeding perches, roosting opportunities and signs of bat use externally. The methodology for assessing bat roost potential followed that recommended by the Bat Conservation Trust¹. The site visit was undertaken by an experienced ecologist.

All the buildings were inspected from the ground using a powerful torch and binoculars. The visual inspection focussed on searching for feeding remains and bat droppings on external walls. Crevices and other potential roost sites were investigated for smear/grease marks, lack of cobwebs, urine staining. The internal inspection looked for evidence of bats such as droppings, feeding remains, staining or bats themselves as well as potential roosting location within the roof space.

2.2 Desktop Study

In conjunction with the site visit Magic.gov.uk was also reviewed for additional relevant protected species and habitat information.

¹ Collins, J. (ed) (2023). Bat Surveys for professional Ecologists; Good Practice Guidelines (4th edn). The Bat Conservation Trust, London.

3. Results

3.1 Desktop Search

3.1.1 Local bat Records

The Magic map shows granted European Protected Species (EPS) licences involving bats within the local landscape. The closest granted protected species license, relating to bats, is located within approximately 365m to the north of the site. This licence related to Long-eared Bat Brown (*Plecotus auritus*) and soprano pipistrelle (*Pipistrellus pygmaeus*).

Another licence, relating to common pipistrelle (*Pipistrellus pipistrellus*), is located within 800m to the east of the site. A licence relating to soprano pipistrelle is located within 900m to the northwest of the site.

This data would indicate that bats are present in the local area and within proximity of the site and have previously been recorded on the site.

3.1.2 Statutory Protected Areas

The Bedelands Farm Local Nature Reserve is located approximately 1 km to the northwest of the site (figure 2).

3.1.3 Priority Habitats

A search of habitats on the Priority Habitat Inventory (HPI) within proximity of the site was undertaken using the Magic map (figure 2). An area of priority deciduous woodland is located approximately 270m to the north of the site. This extends across a golf course and includes an area of ancient woodland. Ancient and priority woodland is located within the LNR to the northwest of the site.

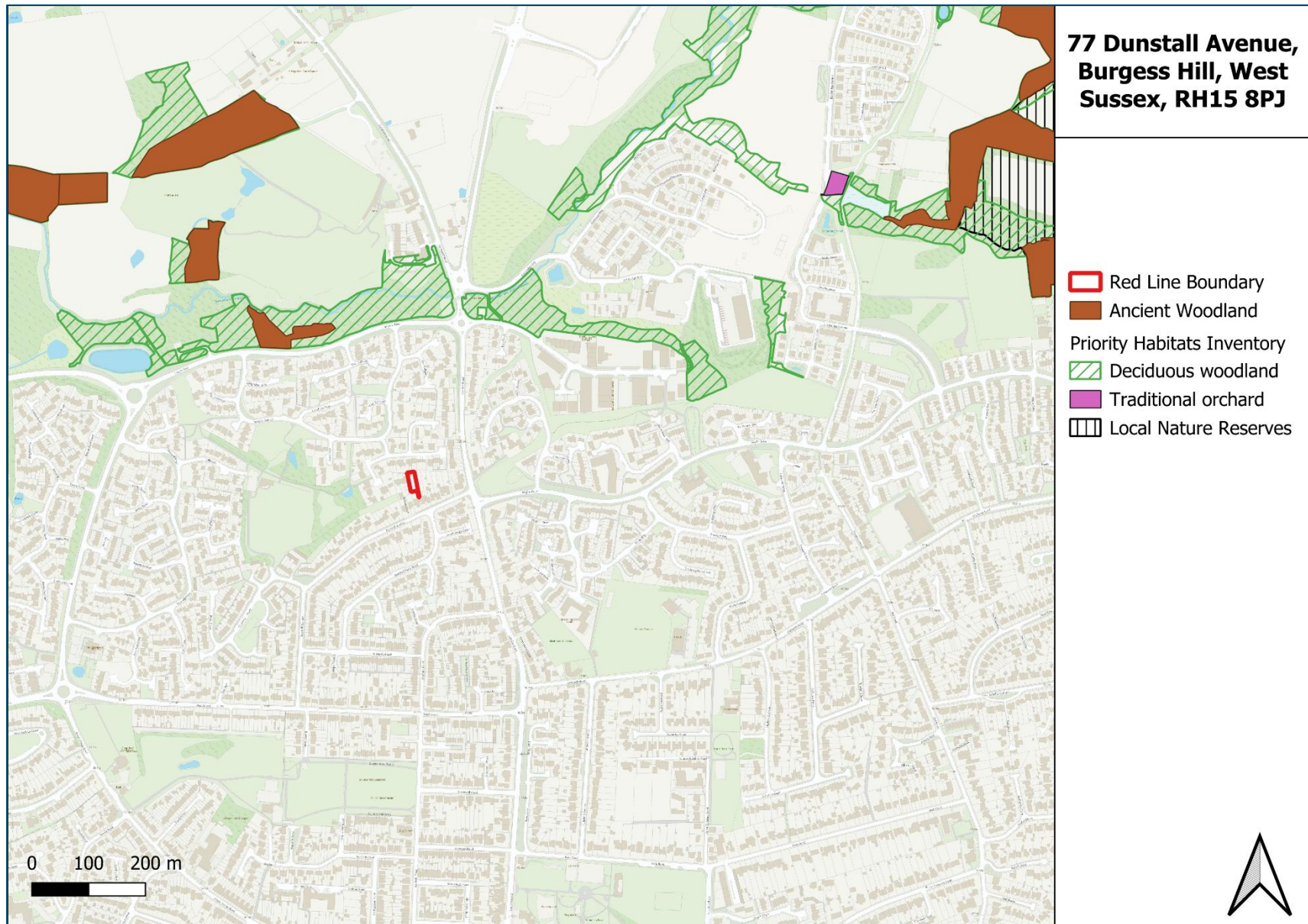


Figure 2: Protected areas and priority habitats in the local area.

3.2 Bat Commuting and Foraging Habitat

All bat species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways². Bats use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another³.

The site has suboptimal habitats for foraging bats, consisting mainly of built habitats with some areas of ruderal habitats. Figure 3 below shows the layout of the site. However, a line of trees along the north boundary (within neighbouring properties) is likely to act as a commuting route to more suitable habitats in the wider area. Therefore, it is possible bats are seen on site.



Photo 1: Showing trees to the north of the site.

² <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/foraging-habitats>

³ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/commuting-habitats>

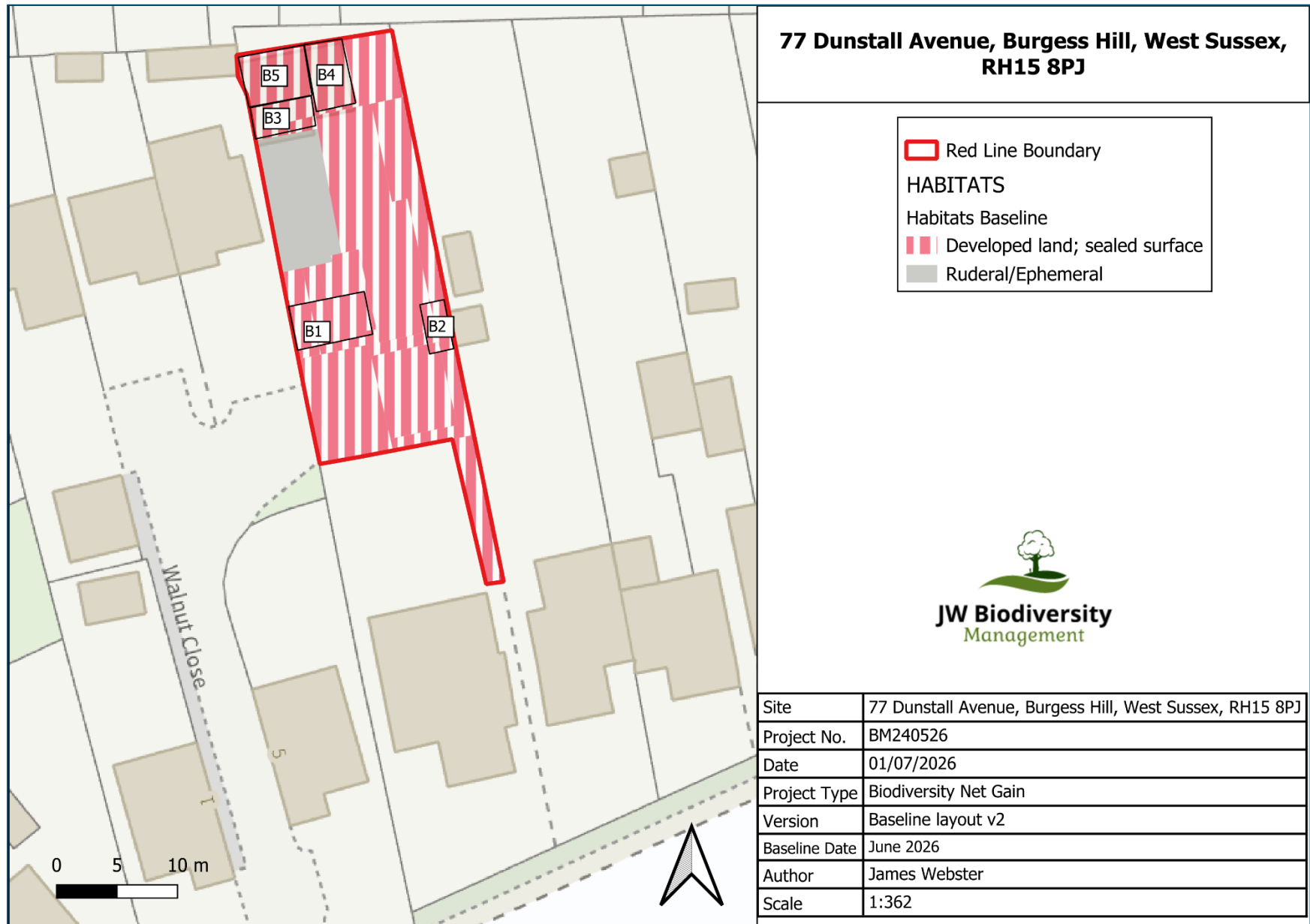


Figure 3: Current habitat layout.

3.3 Building Inspection

Buildings are known to provide suitable roosting opportunities for a number of bat species⁴. An external inspection of the buildings on site was carried out to assess their potential to support bat roosts, following Bat conservation trust guidelines⁵. An internal inspection was undertaken where possible inspecting all roof voids and potential roosting locations with a high-powered torch looking for signs of bats in the form of staining, droppings, feeding remains and the bats themselves.

An internal inspection was carried out to look for evidence of roosting bats within in the internal loft space. The site contained 5 buildings or structures, the location of which is shown on figure 3.

3.3.1 B1

This was a tarp structure constructed of a scaffold pole framework with tarpaulins stretched over. This was used as a work area.

This was not technically a building and did not contain any features likely to support bat roosts.



Photo 2: Showing B1.

⁴ Bats and Buildings. Bats and the Build Environment Series. Bat Conservation Trust. January 2012.

⁵ Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).

3.3.2 B2

This was a low-level wooden structure used as a wood store. This was single skin with an open section to the front. The building did not contain any features likely to support a bat roost or evidence of bats.



Photo 3: Showing B2.

3.3.3 B3

This was a shed with the walls made of large pallets covered with a painted board finish and a metal corrugated roof, with a felt lining the roof. The eastern elevation seemed to remain permanently open.

The building did not contain any suitable roosting features or evidence of bats.



Photo 4: Showing B3.

3.3.4 B4

This was a single skin wood and metal canopy structure. There were no full walls to this structure and therefore this was open at all times. The roof was flat with corrugated metal sheeting.

No evidence of bats was seen and no potential roosting features identified.



Photo 5: Showing B4.

3.3.5 B5

A wood clad shed that had been insulated. The roof was pitched with concrete fitted roof tiles. Internally there appeared to be a small roof cavity, although this had also been insulated.

No evidence of roosting bats was seen. The building was not considered likely to support a bat roost.

4. Discussion

4.1 Bat Roost Evaluation

The table below summarises the guidelines for assessing the potential suitability of structures. This table is taken from the Bat Conservation Trust good practice guidelines 2023⁶.

Potential suitability	Description	
	Roosting habitats in structures	Potential flight-paths and foraging habitats
None	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines, or generate/shelter insect populations available to foraging bats).
Negligible ^a	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ^b and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats ^c).	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ^b and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ^b and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

^a Negligible is defined as 'so small or unimportant as to be not worth considering, insignificant'. This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute).

^b For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

^c Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten *et al.*, 2016 and Jansen *et al.*, 2022). Common pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.

Table 1: Summary of Bat roost suitability Guidelines (BCT).

The table below describes the potential of each of the assessed building to support a bat roost.

Building	Potential to Support Bat Roost	Comments
All buildings	Negligible	All the buildings and structures were considered as not being likely to support a bat roost as no suitable roosting features were identified and no evidence of bats found.

Table 2: Potential of each building to support a bat roost.

⁶ Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).

5. Conclusions & Recommendations

Following a thorough assessment of the buildings by competent and qualified Ecologist the buildings on site are considered as not having a potential to support bat roosts.

5.1 Potential Impacts

5.1.1 Effects on Designated Sites

The site is not located within proximity of a protected area, therefore direct impacts are not considered likely. The pollution control measures set out below will help mitigated any potential residual impacts.

5.1.2 Effects on Priority Habitats

Priority habitats are located close to the site; these are unlikely to be directly impacted by the proposed development. To reduce indirect impact the pollution control measures will be followed.

5.1.3 Effects on Habitats on Site

The proposed development will largely impact existing buildings and areas of hardstanding as well as ruderal habitats.

5.1.4 Potential Impacts to Bats

The proposed development is unlikely to impact bat roosts or bat foraging/ commuting habitats. There is a potential for impacts to bat habitat located adjacent to the site.

5.3 Mitigation Strategy

5.3.1 Mitigation Hierarchy

The mitigation hierarchy, as described within the National Planning Policy Framework (NPPF, 2021), was followed in designing this Mitigation Strategy. As such, impacts to bats are, in the first instance, avoided; then, adequately mitigated for; or, as a last resort, they are proportionally compensated.

The following actions are recommended to reduce potential impacts to bat roosts and bat habitats.

The mitigation strategy will be updated following the bat emergence surveys.

5.3.2 Bat Emergence Surveys

The buildings were not considered as having a potential to support a bat roost. Therefore bat emergence surveys are not recommended at this stage.

5.3.3 Cautious Methodology and timings

It should be noted that bat absence is very difficult to prove definitively due to their mobility and size, and single or small numbers of bats are able to roost in extremely small spaces, such as in gaps between panels. The development work should be undertaken with care; hand removal/soft strip of all roof coverings and other features suitable for use by bats including tiles, cladding and soffit boards.

If during development works a bat (or an accumulation of bat droppings) is discovered at any time, work is to temporarily cease whilst an experienced bat ecologist is contacted for guidance and assistance. This can be any licensed bat worker, or the Bat Conservation Trust (BCT) helpline (0845 1300228).

5.3.4 Lighting Considerations

To protect other potential roost or bat foraging/ commuting habitat in the area, it will be important to;

- Using Low-pressure sodium lamps instead of high- pressure sodium or mercury lamps;
- Maintaining the brightness as low as possible;
- Directing the lighting to where it is needed to avoid light spillage; and,
- Minimising upward lighting to avoid light pollution.
- Avoid illuminating the wider habitats on site, particularly any mature trees or hedgerows and the pond, at dusk or nighttime- Guidelines provided by the Bat Conservation trust and ILP should be followed⁷

⁷ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

5.3.5 Pollution Control

All proposed work will proceed with appropriate pollution control measures in place to reduce the potential risk of dust and noise disturbance during construction. This will help protect the potential roosts from disturbance as well as the wider landscape.

5.3.6 Habitat Protection and Enhancement

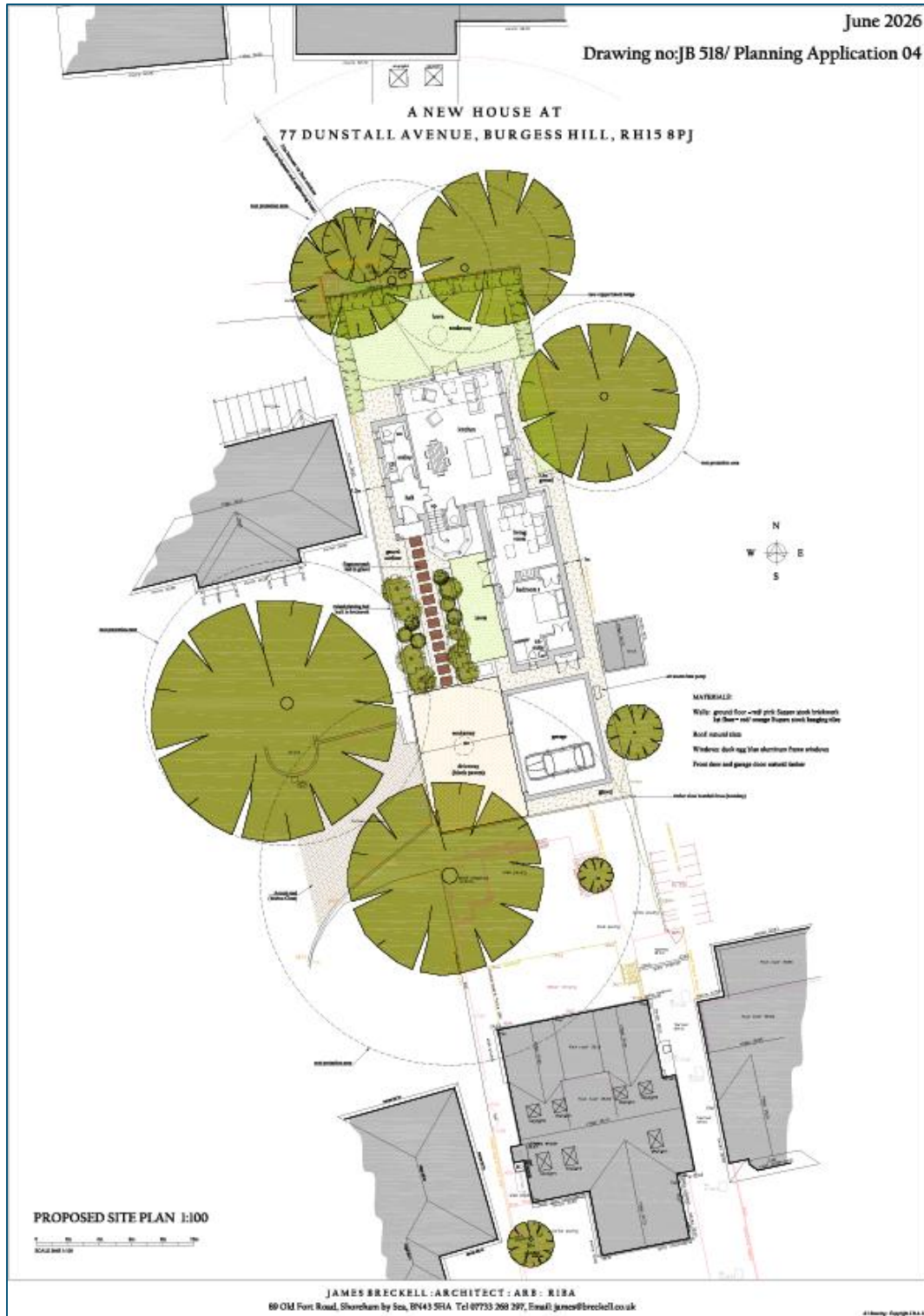
To enhance the local bat population and provide roosting opportunities within the site artificial roost sites could be incorporated into the development. Bat boxes could be incorporated into the fabric of the building; the Ibstock Enclosed Bat Box (B and C) ⁸ can be easily incorporated into the exterior of a building. The Schwegler 2F is a good general-purpose box that can be hung on trees or buildings.

Opportunities to add additional trees to the site could also be investigated to add additional commuting and foraging habitats on site.

⁸ <https://www.ibstockbrick.co.uk/kevington/eco-products/>

6 Appendix

6.1 Appendix 1: Proposed layout



6.2 Appendix 2: Legislation

Protected species have protection under national legislation such as the Wildlife and Countryside Act 1981 and European legislation such as the Habitats Directive.

Please note the following:

- (1) If there is no record of a particular protected species, this does not signify that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

WILDLIFE PROTECTION LEGISLATION IN ENGLAND

Legislation that protects wildlife in England exists at the European and national level.

European Law

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants,

this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures

National Law

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.

Protection of Badgers Act the Protection of the Badgers Act prohibits the killing, injuring or taking of badgers and damage or interference with a badger sett, unless licensed to do so by a statutory authority.

International and European Obligations

In the UK, species receiving protection under international legislation and agreements are protected through the Wildlife and Countryside Act, so are not shown separately in the BMERC notable species lists. For reference, the relevant categories are shown below.

Bern Convention on the Conservation of European Wildlife and Natural Habitats the Bern Convention aims to ensure the conservation of wild flora and fauna species and their habitats.

- Appendix 1 (strictly protected flora) - Plants for which contracting parties will prohibit deliberate picking, collecting, cutting or uprooting.
- Appendix 2 (strictly protected fauna) - Animals for which contracting parties will prohibit deliberate capture, possession, killing, damage to or destruction of breeding or resting sites, disturbance or destruction or taking of eggs. Appendix 3 (protected fauna) - Animals for which contracting parties will include closed seasons and regulate their sale, keeping for sale, and transport for sale or offering for sale of live and dead wild animals. (Not included in Notable Species List).

Bonn Convention on Migratory Species the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range.

- Appendix 1 (migratory species threatened with extinction) - Species for which contracting parties will strictly protect and endeavour to conserve or restore the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.
- Appendix 2 (migratory species that need or would benefit from international co-operation) - Species for which contracting parties will be encouraged to conclude global or regional agreements for the conservation and management of individual species or, more often, of a group of species. (Not included in Notable Species List).

The EC Council Directive on the Conservation of Wild Birds the Birds Directive provides a framework for the conservation and management of all wild birds in Europe. As well as designating important sites for birds as Special Protection Areas, birds are generally protected from deliberate killing or capture and destruction of or damage to their nests or eggs, and deliberate disturbance. Allowances are made for game birds.

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

Biodiversity, or biological diversity, is the whole variety of life on Earth. The Convention on Biological Diversity (CBD) came about as a result of the 1992 Earth Summit. As one of 168 countries to sign up to the CBD, the UK was required to develop a national strategy for the conservation of biodiversity; the UK Biodiversity Action Plan (UKBAP) was born.

The UKBAP is the result of contributions involving a wide range of people and organisations, enabling the identification of species and habitats that are listed as priorities for conservation action. A 2007 review of the UKBAP has resulted in 1149 species and 65 habitats being listed as conservation priorities. For more information see www.ukbap.org.uk.

In addition to the national priorities and targets, action is also being taken at local level. The Essex Biodiversity Project is responsible for implementing the Essex Biodiversity Action Plan, which has 28 priority species and 15 priority habitats currently listed. For more information see www.essexbiodiversity.org.uk.

The UK BAP

(From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

The S41 list will be 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 Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions. In particular:

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Habitats of Principal Importance Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

Species of Principal Importance There are 943 species of principal importance included on the S41 list. These are the species founding England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

Relationship with the UK Biodiversity List of Species and Habitats the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

Relationship with the biodiversity duty under Section 40 of the NERC Act There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity. Importantly:

- (a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.
- (b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from: <http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>