Old Bath Road, Charvil, Berkshire

Bat Emergence Survey 2025

Authored by: James Webster

Executive Summary

Rachel Hacking Ecology Limited was commissioned in 2025 by Partington Associates to carry out a bat emergence survey of land at Old Bath Road, Charvil, Berkshire, here after referred to as the 'site'. This report provides the details of a survey to determine the presence or likely absence of bats. This report follows on from a Preliminary Roost Assessment conducted by Rachel Richards in September 2024 and Extended Phase 1 Habitat survey and Ground-level Tree assessment by Rachel Hacking Ecology in February 2025.

Site Description

The site comprises Grove Service Station which consists of developed land including four buildings. To the south of the site is Loddon Nature Reserve, featuring several large water bodies and areas of wet woodland. To the east and west of the site are residential areas and to the north are areas of arable land with associated hedgerows.

The site is located at O.S. grid reference: SU 78155 76027 (see Figure 1).

Development Outline

The site will be the subject of a planning application for a change of use of the site to create a fuel oil storage and distribution facility, including installation of fuel oil storage tanks and parking spaces plus ancillary development which will require the demolition of the central garage and the two small outbuildings.

Results

Following one dusk Bat Emergence Survey the summary results are as follows:

- Three species of bats were recorded including: common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and Bechstein's bat *Myotis Bechsteinii*.
- No bats were observed emerging from the survey building.

Conclusions

In conclusion, following one dusk emergence survey, the target building at the Old Bath Road, Charvil, Berkshire are considered as not supporting a bat roost.

It is recommended that habitats be retained and protected on site during construction. Recommendations around suitable lighting and inclusion of artificial roosts has also been made.

Contents

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Report title	Bat Emergence Surveys 2025		
Version	Final		
File reference			
Author	James Webster MCIEEM		30/06/2025

1. Introduction

Rachel Hacking Ecology Limited was commissioned in 2025 by Partington Associates to carry out a bat emergence survey of land at Old Bath Road, Charvil, Berkshire, here after referred to as the 'site'. This report provides the details of a survey to determine the presence or likely absence of bats. This report follows on from a Preliminary Roost Assessment conducted by Rachel Hacking Ecology in February 2025[1].

This report will include the details of the bat emergence surveys.

1.1 Development outline

The site will be the subject of a planning application for a change of use of the site to create a fuel oil storage and distribution facility, including installation of fuel oil storage tanks and parking spaces plus ancillary development which will require the demolition of the central garage and the two small outbuildings.

1.2 Site Description

The site comprises Grove Service Station which consists of developed land including four buildings. To the south of the site is Loddon Nature Reserve, featuring several large water bodies and areas of wet woodland. To the east and west of the site are residential areas and to the north are areas of arable land with associated hedgerows.

The site is located at O.S. grid reference: SU 78155 76027 (see Figure 1).

1.3 Survey Objectives

The purpose of this report is to provide the evidence that an assessment has been made as to the potential for the buildings in question to support roosting bats in order to demonstrate compliance with wildlife legislation protecting bats and planning policy.

The key objectives of this survey are as follows:

- assess the presence or likely absence of roosting bats within buildings on site, identify key commuting and foraging routes for bats across the site.
- if roosting bats are found to be present on the site, give an indication of the population size of each species present.
- recommend further mitigation where assessed as necessary and suggest potential enhancements.

[1] **Old Bath Road, Charvil, Berkshire. RHE.4456. Ecological Impact Assessment 2025.Rachel Hacking Ecology. 17/02/2025.**

1.4 Limitations

It should be noted that this survey, whilst carried out in accordance with current best practice, identifies bat usage of the site, which may change throughout the year. Knowing this survey should be regarded however as a robust recognised method. It is possible that on occasion, despite best effort, bats may be found on site after works commence; if this is the case, advice should be sought immediately from a suitably qualified ecologist on the best course of action to take.

The ecologists were not able to identify the Myotis calls recorded to species level during sound analysis. UK bats of the Myotis genus Myotis spp. and of the Plecotus genus *Plecotus* spp. can be difficult and sometimes impossible to differentiate from sound recordings alone. The sound analysis review utilising the BTO pipeline did identify to species level and for the purpose of reporting the Myotis bat recorded is assumed to be Bechstein's bat *M. Bechsteinii* in accordance with the BTO pipeline results. Given the challenges associated with differentiating between Myotis species it is possible that the Myotis bats recorded could have been mis-identified to species level by the BTO pipeline. This is despite using rigorous sound analysis methods.

In order to minimise the likelihood of adverse effects on protected animal species over time, it is accepted good practice for ecological surveys to be repeated should works be deferred for over 12 months from the date of initial survey. It is the duty of the landowner, developer and operations managers to act responsibly and to comply with current environmental legislation if protected species are suspected or found prior to, or during works.

1.5 Legal Status of Bats

All eighteen of the UK's bat species are protected under section 9 of the Wildlife and Countryside Act (WCA) 1981 (as amended). The WCA states that 'a person is guilty of an offence if intentionally or recklessly they disturb [a bat] while it is occupying a structure or place which it uses for shelter or protection; or he obstructs access to any structure or place which [a bat] uses for shelter'.

Under the Conservation of Habitats and Species Regulations 2017, it is an offence if;

- A person deliberately captures, injures or kills any wild animal of a European Protected Species;
- Deliberately disturbs wild animals of any such species;
- Damages or destroys a breeding site or resting place of such an animal.
- A detailed list of UK wildlife legislation is provided in the appendix

Figure 1: Map showing the location of the site. Basemap source Open Street Maps.

2. Methods

The surveys described below has taken due regard of the Bat Conservation Trust Bat Survey Good Practice Guidelines (2023[2]) and Bat Workers Manual (Mitchell-Jones & McLeish, 2004[3]).

2.1 Preliminary Bat Roost Assessment

Buildings are known to provide suitable roosting opportunities for a number of bat species[4]. Consultant Rachel Richards BSc. (Hons) undertook a Preliminary Roost Assessment (PRA) in September 2024[5]. Following Bat Conservation Trust guidelines, the PRA included a visual inspection (including the use of binoculars, endoscope and torches where required) of the exterior and interior of each building for evidence of bat use (e.g. droppings, scratch marks, staining and sightings). Factors considered whilst undertaking the PRA comprised internal conditions, the presence of features suitable for use by roosting bats, proximity to foraging habitats or cover and potential for disturbance. Notes were made relating to relevant characteristics of features providing potential access points and roosting opportunities for bats.

Rachel Hacking Ecology visited the site on the 13th February 2025. This was to carry out an Extended Phase 1 Habitat survey and a Ground-level tree assessment of mature trees on site for their potential to support roosting bats. The surveys informed an Ecological Impact Assessment issued in February 2025[6].

The methodology for assessing bat roost potential on buildings and trees followed that recommended by the Bat Conservation Trust.

[2] Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).
[3] Mitchell-Jones, A.J, & McLeish, A.P. Ed., (2004), 3rd Edition Bat Workers' Manual, Joint Nature Conservation Committee, Peterborough
[4] Bats and Buildings. Bats and the Build Environment Series. Bat Conservation Trust. January 2012.
[5]Rachel Richards BSc. (Hons) 2024. Preliminary Roost Assessment. Grove Service Station, Old Bath Road, Charvil, Twyford RG10 9QJ P
[6]Rachel Hacking Ecology (2025). *Old Bath Road, Charvil, Berkshire*. Ecological Impact Assessment

2.2 Emergence Surveys

Following the initial roost assessment, it was decided that one dusk emergence survey would be conducted of the building on site.

The survey was carried out at a suitable time of year and in suitable weather conditions in line with BCT guidelines. The emergence survey was undertaken by experienced bat surveyors, overseen by Edward Clark. Edward has more than 14 years' professional and voluntary experience surveying for bats and has extensive experience in site assessment including ground-based and aerial tree surveys and cave and bridge inspections. Edward is registered to use a Level 2 Class licence (2018-33670CLS-CLS) and has been named on site-specific bat mitigation licences.

An emergence survey was undertaken on the evening of 03/06/2025 in accordance with good practice guidelines from 15 minutes before sunset until 90 minutes afterwards in favourable weather conditions. In line with the recently published Bat Conservation Trust (BCT) Interim Guidance Note extra surveyor/survey positions were created through the use of unmanned (Canon) infra-red camera systems with infra-red torches/illuminator rigs. In addition, Canon infra-red camera systems with infra-red torches/illuminator rigs were deployed as night vison aids (NVAs) to the human surveyors.

2.2.1 Equipment Used

Species calls were identified, and species were verified by flight patterns in the field. The bat surveys utilise market leading thermal imaging videography equipment (Guide Thermal TK612 cameras) and/or market leading infra-red video cameras (Canon XA or Canon XF series cameras) with infra-red lighting rigs. Each unmanned camera has a full spectrum acoustic bat detector attached to it for the purpose of identifying bat echolocation calls/frequencies which occur at the same time that bat activity is captured on video.

Video footage was reviewed as soon as possible after the survey by the Ecologists survey team using VLC media player.

For simple sites a second review of BES video footage is conducted using MotionMeerkat, an Artificial Intelligence (AI) program which identifies motion events within video footage. For more complicated bat activity video recordings, multiple video reviews conducted by up to three ecologists will take place.

Surveyors, acoustic bat detectors and camera rigs are positioned around the outside of the survey building(s) or tree(s) ensuring as many aspects as possible are directly observed and that bats entering or exiting roosting features are recorded on video. The surveyors and camera rig positions for the survey are shown in Figure 2 below.

3. Results

3.1 Preliminary Roost Assessment

The Preliminary Roost Assessment carried out in September 2024[5] concluded that B1 offered low suitability for roosting bats and B2 and B3 offered negligible suitability for roosting bats. Therefore, one bat emergence survey was undertaken.

The Ground-level Tree Assessment undertaken in February 2025 by RHE yielded a total of three trees offering PRFs. These will not be impacted by the works. Hence, further surveys on trees were not considered necessary.

3.2 Bat Emergence Survey Results

3.2.1 Weather Conditions

The table below sets out the weather parameters encountered during the surveys.

Date	Start time	End time	Sunset/ Sunrise Time	Temp (°C)	Wind (Beaufort)	Rain
03/06/2025	20:58	22:43	21:13	15- 13	1	0

Table 1: Weather conditions during surveys.

3.2.2 Survey Results

Location of survey positions are shown in figure 2.

Traditional survey results forms are filled-out by each surveyor prior to the survey start time but only notable occurrences are recorded on the traditional results forms for the purpose of assisting the video review team. Surveyors are encouraged not to record general activity on these forms to ensure that they are distracted as little as possible from watching Potential Roosting Features (PRF) for emerging bats. Notes on general activity such as location, appearance, and foraging and commuting activity are recorded in the summary section by the surveyors at the end of each survey. The taking of 'voice notes' on the Batlogger M2 detectors is encouraged to record memorable bat activity as a direct replacement of writing details into traditional survey forms to allow eyes to remain fixed on PRF.

Bat calls are automatically recorded by the ultrasonic bat detectors to determine which species of bats are active in and around the survey site and to confirm which species of bat (if any) emerged from roosting spaces.

Post-operative sound analysis is carried out using BatExplorer software and this analysis is itself reviewed by sending the sound recordings to the BTO Acoutsic Pipeline automated acoustic processing service. A screenshot of the bat recordings taken from the BatExplorer programme is provided in the

appendix in addition to the traditional survey forms and a screenshot of the BTO Acoustic Pipeline results.

Where bats have been identified during a survey, the UK Bat Mitigation Guidelines (CIEEM 2023) assessment criteria and BCT Good Practice Guidelines as well as professional judgement have been used to assign a level of importance to the bat roosts identified and assess the importance of bat assemblages and commuting and foraging habitats in order to:

- predict the level of impact on bats; and
- determine suitable and proportionate avoidance, mitigation and enhancement measures.

The survey results are summarised as follows.

- Three species of bats were recorded including: common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and Bechstein's bat *Myotis Bechsteinii.*
- No bats were observed emerging from the survey building.

The Bechstein's bat was recorded on the Batlogger M2 (position B) located southeast of the site and was not recorded on any other detectors on the site.

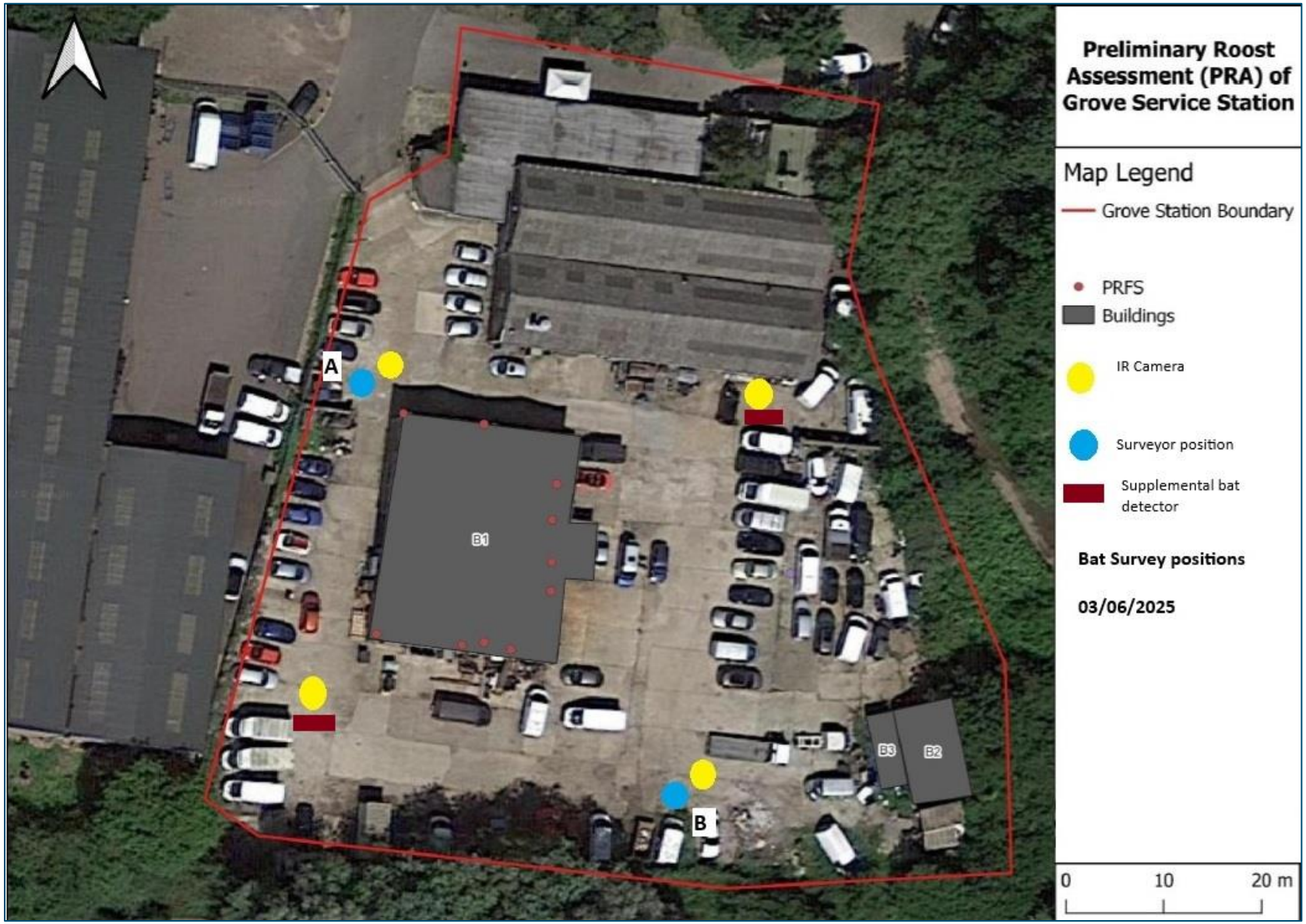


Figure 2: Survey positions.

4. Discussion

4.1 Roost Characterisation

No evidence of roosting bats was identified.

4.2 Potential Impacts

No impacts to roosting bats are anticipated.

5. Mitigation & Recommendations

5.1 Mitigation

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 and the installation of compensatory roosting features must be undertaken under the direct supervision of a licensed ecologist.

If a bat or evidence of bat is seen during construction all works will stop in that area and the project ecologist contacted immediately.

5.2.1 Additional Roost Provision

Though bat roosts are unlikely to be directly impacted it is recommended that bat boxes be included in the fabric of the remaining existing buildings and within retained trees on site. The Ibstock Enclosed Bat Box[7] is an example of a bat box that can be incorporated into the building (see left). If it is not practical to incorporate the bat box into the fabric of the building, then an alternative is the Beaumaris Woodstone Bat Box be used (see picture right).

At least one bat box will be included in each new building.

See bat conservation trust guidelines around positioning bat boxes[8]. In summary, locate boxes:

- Where bats are known to feed and navigate (close to hedges and tree lines);
- Ideally at least 3m- 4m above the ground (where safe installation is possible);
- Away from artificial light sources (to protect them from predation); and
- Sheltered from strong winds and exposed to the sun for part of the day (usually south, south-east or south-west).

[7] https://www.ibstockbrick.co.uk/wp-content/uploads/2022/03/37069-Ibstock-EcoHabitats-eBook-v14-Download.pdf#page=6
[8] http://www.bats.org.uk/pages/bat_boxes.html

Each of the remaining existing buildings will have a bat box added to the southern aspect of the building.

6. Conclusions

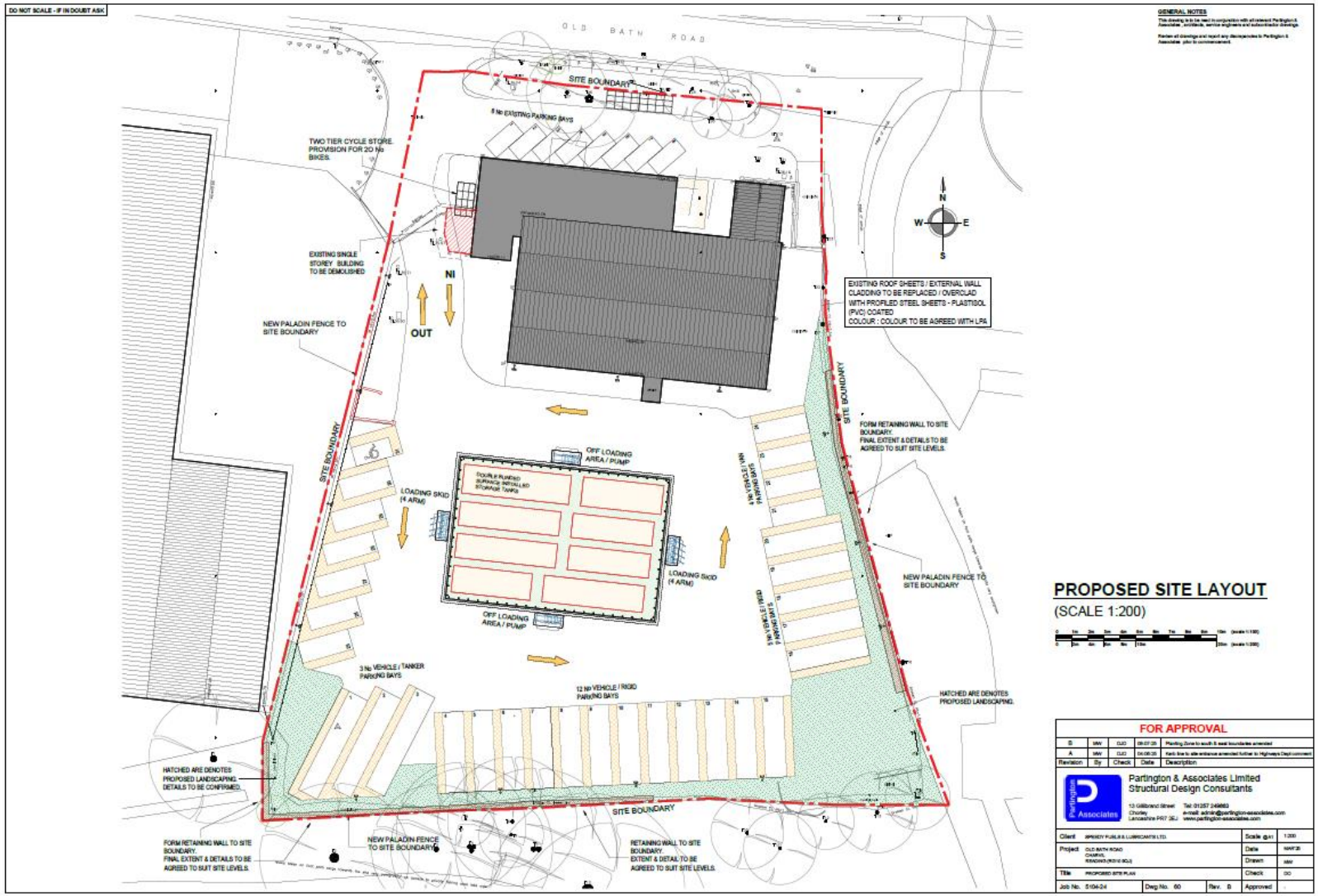
No evidence of roosting bats was identified and no further surveys are required.

The proposed development is unlikely to result in any impacts to roosting bats.

Recommendations for appropriate enhancements are provided.

7. Appendices

7.1 Appendix 1: Proposed Development Layout



7.2 Appendix 2: Bat Survey Data

Surveyor recording forms and corresponding raw data

BAT SURVEY FORM 2025		Surveyor name	A
Site Name- visit no.	Old Bath Road	Date	03/06/2025
Start Time	20:58	Finish Time	22:43
Sunset Time	21:13	Detector number/colour	Pink
Position Relative to Structure	NW	Weather Conditions pre sunset	Cloud 100%, light breeze
Air Temperature Start	15	Air Temperature End	13
Brief summary (fill out at end of survey)	No activity to the north of the building. SW detector had low levels of foraging		
*Shorthand: Common Pipistrelle = P45; Soprano Pipistrelle = P55 Brown/Grey long eared = LE; All Myotis = myo followed by single letter; Greater Horseshoe - GHS; Greater Noctule = Noc; Leislers Noctule = Leis; Serotine = se			
**Shorthand - 'NS' = not seen; 'SNH' = seen not heard; 'E' = emergence; 'R' = return; 'F' = foraging; 'C' = commuting.			

Time	Species*	Activity**	Notes including flight direction (if seen)

BAT SURVEY FORM 2025		Surveyor name	B
Site Name- visit no.	Old Bath Road	Date	03/06/2025
Start Time	20:58	Finish Time	22:43
Sunset Time	21:13	Detector number/colour	gold + purple camera
Position Relative to Structure	south east corner	Weather Conditions pre sunset	cloud 100% wind2
Air Temperature Start	15'c	Air Temperature End	13'c
Brief summary (fill out at end of survey)	P55 activity detected from about 22:00 onwards, nothing seen. There are many trees and a large lake behind this position. Also an owl was heard calling, from that direction, at about 21:50		

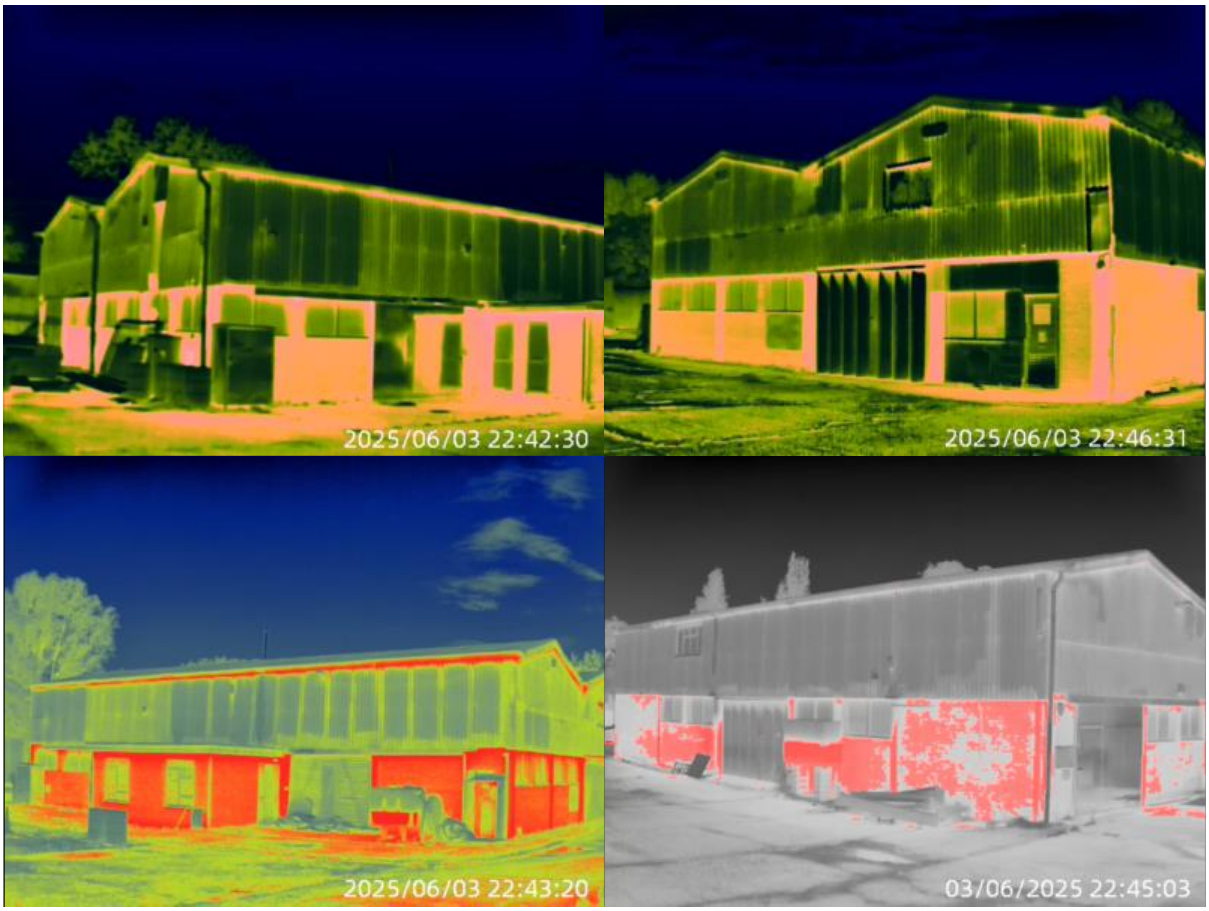
*Shorthand: Common Pipistrelle = P45; Soprano Pipistrelle = P55 Brown/Grey long eared = LE; All Myotis = myo followed by single letter; Greater Horseshoe - GHS; Greater Noctule = Noc; Leislers Noctule = Leis; Serotine = se

**Shorthand - 'NS' = not seen; 'SNH' = seen not heard; 'E' = emergence; 'R' = return; 'F' = foraging; 'C' = commuting.

Time	Species *	Activity**	Notes including flight direction (if seen)
~22:00 on	p55	ns	

P45 and Myotis sp. confirmed as present during sound analysis

Thermal Imaging Videography screenshots



7.3 Appendix 3: 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 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