Preliminary Roost Assessment

51 Shepherds Lane, Caversham RG4 7JJ

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation, and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary, and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Gemma Bibby to undertake a Preliminary Roost Assessment (PRA) at 51 Shepherds Lane, Caversham RG4 7JJ (hereafter referred to as “the site”). The survey was required to inform a planning application for the demolition of the existing building and erection of a replacement two storey dwelling within the same footprint and removal of one conifer tree (hereafter referred to as “the proposed development”).

The building on site has negligible habitat value for roosting bats and presents no opportunities for nesting birds, as such, no further surveys or mitigation are recommended. Garden trees, shrubs and the boundary hedgerow could be used by local bat populations for foraging and commuting as well as nesting birds, only one young conifer tree is to be removed as a result of the proposed development and does not provide any roosting opportunities for bats. Any removal or pruning of garden vegetation should be undertaken outside the period 1st March to 31st August. No lighting is proposed; however, a low impact lighting strategy will be required if the inclusion of external lighting is confirmed within the site plans. Please note that further information along with opportunities for enhancement are set out in Table 6 to comply with current wildlife legislation and planning policy.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Gemma Bibby to undertake a Preliminary Roost Assessment (PRA) at 51 Shepherds Lane, Caversham RG4 7JJ (hereafter referred to as "the site"). The survey was required to inform a planning application for the demolition of the existing building and erection of a replacement two storey dwelling within the same footprint and removal of one conifer tree (hereafter referred to as "the proposed development"). A plan showing the proposed development is provided in Appendix 1.

The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging, or commuting. This has been undertaken with due consideration to the "Bat Surveys for Professional Ecologists —Good Practice Guidelines" publication (Collins, 2016).

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author's knowledge, by any other consultancy.

1.2 Site Context

The site is located at National Grid Reference SU 69827654 and has an area of approximately 0.1ha comprising one main building designated as B1. B1 was surveyed as it will be affected by the proposed development. The site is situated on the northeast side of Caversham, a suburb of Reading in Berkshire. The surrounding landscape comprises residential infrastructure including buildings, roads, parkland, and scattered trees to the south with large arable fields, parkland, woodlands, tree lines and hedgerows to the north. The River Thames is located ~1,500m south and Caversham lakes is ~3,700m southeast of the site.

A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken, including an external survey and internal inspection of built structures and a ground level assessment of trees where possible, to determine the presence or the suitability of any features which bats could use for roosting and to assess the suitability of the site's bat foraging and commuting habitat.

- An outline of potential impacts on any confirmed or unidentified roosts has been provided, based on the proposed development.
- Recommendations for further surveys and mitigation have been made, along with advice on the requirements for a European Protected Species Licence (EPSL) application if appropriate.
- Opportunities for the enhancement of the site for roosting, foraging and commuting bats have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a 2km radius review of statutory designated sites with bat qualifying interests and granted EPSL records for bats held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

2.2 Field Survey

The survey was undertaken by Georgia Chapman (Accredited Agent, Natural England bat licence number: 2019-41480-CLS-CLS) on 5th May 2022.

The PRA focussed on one built structures and a tree which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space

For any surveyed trees:

A visual inspection was undertaken from ground level using binoculars and, where accessible and safe to do so, an internal inspection of any features which bats could use for roosting was completed using an endoscope, torch, and ladders.

2.3 Breeding Birds and Other Incidental Observations

The surveyor also made note of any other ecological constraints observed during the survey, notably the likelihood of presence or signs of breeding birds, and the suitability of the site for barn owls *Tyto alba*.

2.4 Suitability Assessment

Built structures and trees were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 for buildings and Table 2 for trees below. Roost suitability is classified as high, moderate, low, and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats.

Classification	***Feature of building and its context***
Moderate to high	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g., mines, caves, tunnels, icehouses, and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g., broadleaved woodland, tree-lined watercourses, and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g., river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A small number of possible roost sites or features, used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities, or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but isolated in the landscape. Or an isolated site not connected by prominent linear features. Few features suitable for roosting, minor foraging or commuting.
Negligible	Unsuitable for use by bats.

Table 2: Features of a tree that are correlated with use by bats.

Classification	***Feature of tree and its context***
Moderate to high	A tree 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, and surrounding habitat. Trees with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting potential to be used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities, or upwards orientation with exposure to inclement weather or predators.
Negligible	Unsuitable for use by bats.

2.5 Limitations

It should be noted that whilst every effort has been made to describe the features on site in the context of their suitability for roosting bats, this does not provide a complete characterisation of the site. This survey provides a preliminary view of the likelihood of bats being present. This is based on suitability of the habitats on site and in the local area, the ecology and biology of bats as currently understood, and the known distribution of bats as recovered during the desk study. Bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time.

There were no specific limitations to the survey.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

These limitations have been considered during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Desk Study Results

A summary of desk study results is provided below.

3.2 Designated Sites

Details of any statutory designated sites with bat qualifying interests within a 2km radius of the site, including their reasons for notification, are provided in Table 3 below.

Table 3: Statutory designated sites with bat qualifying interests within 2km radius of the site.

Designated site name	***Distance from site (approx.)***	***Reasons for notification from Natural England***
Chilterns AONB	100m west	The Chilterns contain an important diversity of habitats ranging from chalk grassland and to the country's most extensive areas of beech woodland, with the finest stretches protected under EU legislation as Special Areas of Conservation. The landscape contains many prehistoric traces including the great dyke of Grim's Ditch and the ancient Ridgeway and Icknield Way. This habitat is of high importance to local roosting, foraging and commuting bats.

3.3 Landscape

A review of aerial photographs (Google Earth) the magic.gov.uk database and OS maps has been undertaken. Collated together, the value of the landscape for bats is described below:

The site is situated in a semi-rural area of Berkshire on the outskirts of Caversham, a suburb in Reading. The surrounding landscape comprises mostly of residential infrastructure including buildings, roads, and parkland to the south with scattered trees, tree lines and hedgerows in the area. The area to the north comprises large arable fields, parkland, woodlands, tree lines and hedgerows which could be used by local bats for roosting, foraging, and commuting. One area of ancient woodland is located ~670m northwest that could be an important local habitat for bats. Scattered irrigation ditches as well as the River Thames ~1,500m south will provide abundant insect foraging for bats.

3.4 Historical Records

A search of the magic.gov.uk database for granted EPSLs within a 2km radius of the site has been completed. Displaced bats from licensed sites <2km away from the survey site will find alternative habitat either within the mitigation measures implemented as part of the licence or will relocate to other known roosts sites in close proximity to the licensed site. EPSL records for bats are summarised in Table 4.

Table 4: Granted EPSLs for bats within 2km of the site.

EPSL reference	***Approx. distance from site***	***Bat species affected***	***Licence start date:***	***Licence end date:***	***Impacts allowed by licence***
2015-18560-EPS-MIT	~440m southwest	Brown long-eared bat and soprano pipistrelle	25/01/2016	31/01/2021	Destruction of a resting place.
2014-3600-EPS-MIT	~650m southwest	Common pipistrelle	29/09/2014	01/10/2019	Damage of a resting place. Destruction of a resting place.
2017-29064-EPS-MIT	~1,100m south	Soprano pipistrelle	01/09/2017	01/09/2027	Destruction of a breeding site.
2014-2980-EPS-MIT	~1,160m southeast	Common pipistrelle and soprano pipistrelle	12/09/2014	01/10/2015	Destruction of a resting place.
2015-13539-EPS-MIT	~1,300m south	Common pipistrelle	02/09/2015	01/09/2016	Destruction of a resting place.
2015-14137-EPS-MIT	~1,260m southwest	Common pipistrelle and soprano pipistrelle	16/09/2015	15/09/2020	Destruction of a resting place.
2016-27061-EPS-MIT	~1,690m southeast	Brown long-eared bat and common pipistrelle	03/01/2017	03/01/2017	Destruction of a resting place.
2018-35917-EPS-MIT	~1,345m east	Common pipistrelle	27/06/2018	30/11/2018	Destruction of a resting place.
EPSM2013-6025	~1,785m east	Brown long-eared bat	26/07/2013	31/12/2013	Destruction of a resting place.
EPSM2012-4292	~1,451m northeast	Common pipistrelle, soprano pipistrelle, and brown long-eared bat	18/04/2012	31/10/2014	Destruction of a resting place.
2017-28760-EPS-MIT	~1,300m north	Brown long-eared bat and common pipistrelle	09/05/2017	02/05/2022	Damage of a resting place.

3.5 Field Survey Results

The PRA focussed on one built structure and one tree which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat. The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 5.

Table 5: Weather conditions during the survey

Date: 05/05/2022	
Temperature	13°C
Humidity	75%
Cloud Cover	60%
Wind	1mph
Rain	None

There is a single storey building (B1) present on site constructed of rendered brick with a cross hipped roof clad in concrete mix tiles. The mortar along the ridge tiles is in good condition, there are no areas of missing mortar, and no raised ridge tiles which bats could use to access or roost. The roof tiles are in excellent condition with no raised, missing, or slipped examples in which bats could use to gain access into the loft void or roost under. There are two chimneys located on the roof, on the southwest elevation and on the ridge of the northwest elevation of B1. The brickwork on both chimneys is well pointed and the lead flashing is tight fitting with no raised areas under which crevice dwelling bats could roost. The windows, doors, soffits, and fascia boards are all uPVC and in excellent condition, there are no gaps between the soffit box and brickwork and no damage to the soffits or fascia boards and therefore no access or opportunities for roosting bats. The rendered walls are in good condition with no gaps or cracks for bats to roost, no bat droppings were found externally on the property. There is a single loft void within B1 constructed of modern timber beams, the underside of the roof is lined with bitumen felt which is in excellent condition with no gaps or tears providing access into the building. The floor is lined with mineral wool insulation and is partially boarded allowing for most of the space to be inspected, no evidence of bat activity including feeding remains or droppings was found internally in the building. No daylight nor access points could be seen, including at the eaves, indicating the building is well sealed. Overall, the building is in excellent condition with no features noted that bats could use for roosting or to gain access into the interior of the building. There is a glass and uPVC conservatory present on the northeast elevation, there are no roosting opportunities for bats. The garden is mostly amenity grassland and ornamental trees and shrubs with an area of hardstanding southwest of B1. There is a young conifer tree southwest of B1 which along with the site boundary hedgerow could be used by local bats for foraging and commuting, no suitable roost features were identified. It is likely bats will forage and commute regularly in the area.

Photograph 1: Northwest elevation of B1.

Photograph 2: Porchway uPVC ceiling on the northwest elevation.

Photograph 3: Northeast elevation of B1.

Photograph 4: Roof tiles on the northeast elevation.

Photograph 5: Southeast elevation of B1.

Photograph 6: Close up of the roof tiles on the southeast elevation.

Photograph 7: Southwest roof elevation of B1**.**

Photograph 8: Southeast roof elevation on the southwest side of B1.

Photograph 9: Southwestern-most roof elevation**.**

Photograph 10: uPVC soffits.

Photograph 11: Southeast elevation of roof void.

Photograph 12: Northwest elevation of B1 within the roof void.

Photograph 13: Eaves on the southwest elevation.

Photograph 14: Ridge beam, rafters, and bitumen felt lining.

Photograph 15: Garden vegetation including young conifer trees southeast of B1.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Bats

Bats are protected under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 (amended by the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019).

There are three possible outcomes of this survey, each with specific recommendations. These are outlined below:

Confirmed bat roost

Best practice survey guidelines (Collins, 2016) recommend additional surveys for confirmed roosts. Three further surveys are required to characterise the bat roost present including species, roost type and access points to inform an EPSL application to Natural England. Surveys must be completed during the active bat season (May – September). At least two of the surveys should be completed during the optimal survey period mid-May to August, and at least on the surveys should be a dawn re-entry survey.

Low, moderate, or high likelihood of a bat roost present

Best practice survey guidelines (Collins, 2016) recommend additional surveys for features assessed as having low to high suitability for roosting bats. One, two or three further surveys are required to confirm presence or likely absence of a bat roost, based on a low, medium, or high roost likelihood evaluation. Surveys must be completed during the active bat season (May – September). If more than one survey is recommended, at least one of them should be completed during the optimal survey period mid-May to August, and at least one the surveys should be a dawn re-entry survey. If two or one further survey is recommended these surveys must be completed during the optimal survey period (mid-May to August). For low and moderate roost likelihood evaluation the survey effort recommended at this stage is iterative and if bats roosts are confirmed in the building, a further survey will be required to provide sufficient information to inform an EPSL application to Natural England.

Negligible likelihood of a bat roost present

Buildings assessed as comprising negligible suitability for roosting bats do not normally require further surveys. However, if bats are found during any stage of the development, work should stop immediately, and a suitably qualified ecologist should be contacted for further advice.

Birds

Legislation protects all wild birds whilst they are breeding, and prohibits the killing, injuring, or taking of any wild bird or their nests and eggs. Certain species of bird, including the barn owl, are subject to special provisions; it is an offence to disturb any bird or their young during the breeding season.

4.2 Evaluation

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the value of the site for bats and details any other ecological constraints identified such as nesting birds in relation to the proposed development which will comprise the demolition of the existing building and erection of a replacement two storey dwelling within the same footprint and removal of one conifer tree.

Table 6: Evaluation of the site for bats and any other ecological constraints

Feature	***Survey conclusions (with justification)***	***Foreseen impacts***	***Recommendations*** *Measures required to adhere to guidance, legislation and planning policies.*	***Biodiversity Enhancements*** *The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).*
Roosting bats (B1) and trees	B1 and the young conifer tree southwest of the building both have negligible habitat value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within this building or tree and as such, there are not anticipated to be any impacts on bats in this location as a result of the demolition of this building and erection of a new two storey dwelling and removal of one conifer tree.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	The installation of a minimum of two bat boxes on mature trees around the site boundaries or on retained buildings will provide additional roosting habitat for bats e.g. 2F Schwegler Bat Box (trees) 1FF Schwegler Bat Box (trees) 2FN Schwegler Bat Box (trees) Beaumaris Bat Box (buildings) Vivara Pro Woodstone Bat Box (buildings) Or a similar alternative brand. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. Alternatively, bat boxes could be incorporated into new buildings on the site e.g. Habibat Bat Box Schwegler 1FR Bat Tubes Bat tubes should be inserted into the fabric of the building during construction, positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance and facing landscapes areas, away from artificial light.

Foraging and commuting bats	Garden trees, shrubs and the boundary hedgerow could be used by local bat populations for foraging and commuting.	The proposed development will result in the loss of small areas of hard standing and one young conifer tree but given the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. Any proposed external lighting could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be required if the inclusion of external lighting is confirmed within the site plans. This should be adopted for the site during and post-development, which will include the following measures: • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers, and shields. Lights will also be directional to ensure that light is directed to the intended areas only. External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • The creation of a wildlife pond. • Planting of native tree, shrub, and hedgerows to increase foraging opportunities.

			triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
Nesting birds (B1) and trees	The building offers no opportunities for nesting birds. Birds could nest within the young conifer trees, shrubs, or boundary vegetation.	The proposed demolition of B1 will not result in the destruction or the disturbance and subsequent abandonment of active bird nests as the building does not contain any suitable bird nesting sites. However, the proposed removal of the conifer tree could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	The removal or pruning of any vegetation should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by a qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of a minimum of two bird boxes on mature trees around the site boundaries or on retained buildings will provide additional nesting habitat for birds e.g. Schwegler No 17 Swift Nest Box (buildings) Schwegler 1SP Sparrow Terrace (buildings) Schwegler 1B Nest Boxes (trees) Schwegler 2H Robin Boxes (trees) Woodstone Nest Box (buildings or trees) Or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain, and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.
Other ecological constraints	None identified.	N/A	N/A	N/A

5.0 Bibliography

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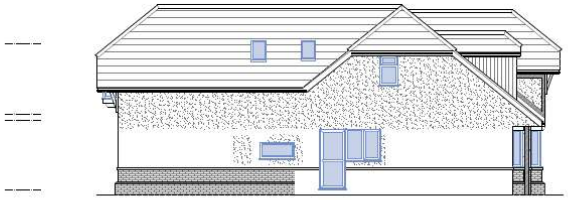
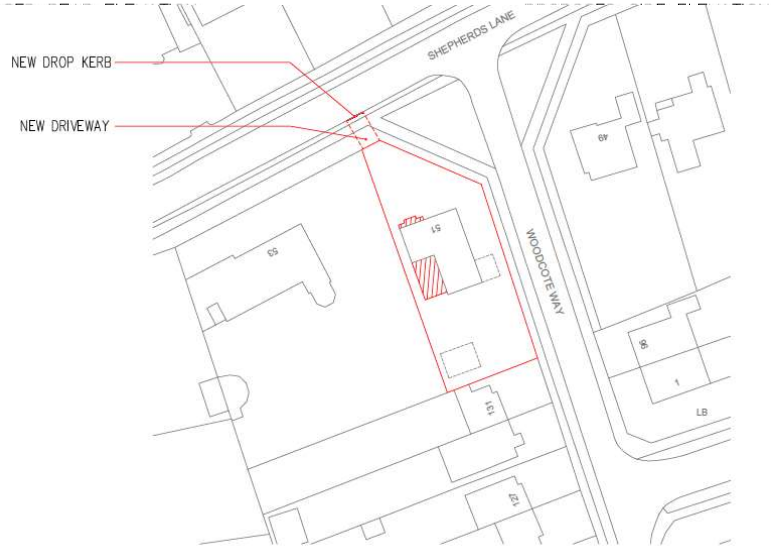
Appendix 1: Proposed Development Plan

PROPOSED FRONT ELEVATION

PROPOSED SIDE ELEVATION





Appendix 2: Site Location Plan

Appendix 3: Bat Survey Plan

Appendix 4: Legislation and Planning Policy Related to Bats

LEGAL PROTECTION

All species of bat are fully protected under ***The Conservation of Habitats and Species Regulations 2017*** (as amended) through their inclusion on Schedule 2.

Regulation 43: Protection of certain wild animals - offences

(1) A person is guilty of an offence if they:

(a) Deliberately captures, injures, or kills any wild animal of a European protected species,

(b) Deliberately disturbs wild animals of any such species,

(c) Deliberately takes or destroys the eggs of such an animal, or

(d) Damages or destroys a breeding site or resting place of such an animal,

(2) For the purposes of paragraph (1) (b), disturbance of animals includes any disturbance which is likely—

(a) To impair their ability:

(i) To survive, to breed or reproduce, or to rear or nurture their young; or

(ii) In the case of animals of a hibernating or migratory species, to hibernate or migrate; or

(b) To significantly affect the local distribution or abundance of the species to which they belong.

Bats are also protected under the ***Wildlife and Countryside Act 1981*** (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering, or exposing for sale, possession or transporting for purpose of sale

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration, and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by Natural England will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g., survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored. The legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost (Garland & Markham, 2008).

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law. Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below).
- That there is no satisfactory alternative.
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

1. include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. scientific and educational purposes.
3. ringing or marking.

4. conserving wild animals.

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision.
- Policy 2; provides greater flexibility in the location of compensatory habitat.
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat.
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.