



Preliminary Roost Assessment Survey

13 The Ridings, Emmer Green, Reading, RG4 8XL

Mr & Mrs Sampson

Status	Issue	Name	Date
Draft	1	Josephine McCarthy, Ecological Consultant (Natural England bat licence number: 2019-41480-CLS-CLS).	22/10/2021
Reviewed	1.1	Chris Formaggia (BSc Joint Hons) CBiol CEnv MCIEEM MRBS VR, Head of Ecology	22/10/2021
Final	2	Josephine McCarthy, Ecological Consultant (Natural England bat licence number: 2019-41480-CLS-CLS).	22/10/2021

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Executive summary

Arbtech Consulting Limited was commissioned by Mr & Mrs Sampson to carry out a Preliminary Roost Assessment, (PRA) at 13 The Ridings, Emmer Green, Reading, RG4 8XL. The survey was completed on 22nd October 2021. The aim of the assessment was to search for bats/field signs of bats and to consider the value and suitability of the structures for roosting bats. 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.

Project description

The development proposals are for a 'Proposed double storey side extension and single storey rear extension.' A planning application has been submitted to Reading Borough Council. [211435].

Summary of Recommendations - This is work you will need to commission (if any) to obtain planning permission and comply with legislation.

Ref	Survey assessment conclusions (with justification)	Recommendations
B1 Bats	This building has a negligible likelihood of supporting roosting bats. There is no evidence of bats within the roof-space and the building provides no potential roosting features for bats. Therefore, further surveys are not recommended for this development.	No further surveys. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licenced ecologist contacted for further advice. New lighting schemes for the developed site should follow guidance from the Bat Conservation Trust. (See, recommendations, (p.12).
B1 Birds	The building provides negligible habitat for breeding birds. The building has no access points for birds to enter and there is negligible opportunity for birds to gain purchase to the exterior of the building for nesting.	If, in the unlikely event, that birds are found to be nesting in B1 during the nesting bird period 1st March to 31st August, a close inspection of B1 will be undertaken immediately prior to commencement. All active nests will need to be retained in situ with a protective buffer until the young have fledged.

For full justification of these recommendations, please go straight to section [4.0 Conclusions, Impacts and Recommendations](#). Otherwise, the full report starts below.

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1.0 Introduction and Context

1.1 Background

The assessment is informed by the Bat Conservation Trust publication, *Bat Surveys for Professional Ecologists – Good Practice Guidelines* (Collins, J. (Ed) 2016). No previous reports have been produced by Arbtech.

1.2 Site Context

The site is located at National Grid Reference SU 7199 7751 and has an area of approximately 0.1ha. There is one dwelling within the survey boundary, designated B1 in this report.

1.3 Scope of the report

This report provides a description of all features suitable for roosting 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 constraints to the proposals as a result of roosting 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.

The aim of the assessment was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how they could use the site. 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 where possible.
- An outline of likely impacts on any known roosts has been provided, based on current development proposals.
- Recommendations for further survey and assessment have been made, along with advice on the requirements of a European protected species mitigation Licence (EPSML) application if appropriate.

The site location is shown in Appendix 1, site plans and proposed plan in Appendix 2, (where provided) and desk study results in Appendix 3. Relevant legislation is presented in Appendix 4.

1.4 Project Description

The development proposals are for a 'Proposed double storey side extension and single storey rear extension.' A planning application has been submitted to Reading Borough Council. [211435].

2.0 Methodology

2.1 Desk Study methodology

The desk study included a 2km radius review of statutory and non-statutory designated sites, Biodiversity Action Plan (BAP) Priority Habitats and granted EPSML records for bats held on Magic database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

Existing bat records relating to the site and a surrounding 2km radius are required to conform to national guidelines. The data search is confidential information that is not suitable for public release and has been analysed and summarised for presentation in this report.

2.2 Site Survey methodology

The survey was undertaken by Josephine McCarthy [Natural England bat licence number: 2019-41480-CLS-CLS].

All features that will be impacted by the project proposals were assessed for their bat roosting and/or commuting habitat. The surveyor systematically surveyed all features suitable for-bats and signs of bat activity.

For any surveyed buildings:

A non-intrusive visual appraisal from the ground using binoculars, inspecting the external features of the building(s) for potential access/egress points, and for signs of bat use. An internal inspection of the building was also made, including the living areas of derelict or abandoned buildings and the accessible roof spaces of all buildings, using an endoscope, 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 from ground level using binoculars and where accessible and safe to do so, an internal inspection of potential roosting features 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

All affected survey features on site were categorised according to the likelihood of bats being present, in line with best practice guidelines (Collins, J. (ed) 2016). The features that dictate the likelihood of roosting bats are summarised in Tables 1 and 2 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

Likelihood of bats being present	Feature of building and its context
Higher	Buildings/structures with features of particular significance for 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).
Lower	A small number of possible roost sites/features, used sporadically by more widespread species. 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.

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

Likelihood of bats being present	Feature of tree and its context
Higher	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.
Lower	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.

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.

Limitations: There were no specific limitations to the survey.

3.0 Results and Evaluation

3.1 Desk Study Results

For ease of reading, relevant findings from the desk study are incorporated into **Conclusions, Impacts & Recommendations (4.0)**. Full results are available in Appendix 3.

3.2 Field Survey Results

The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date: 22/10/2021	
Temperature	13.6 °C
Humidity	78%
Cloud Cover	75%
Wind	11.8mph
Rain	None

3.3 Site Feature descriptions and photos follow

B1 is a detached, brick-built dwelling with a cross-gable roof clad in concrete tiles, (photo 1). The roof tiles are entirely intact with no missing, loose or raised examples present and no gaps in the tiles which bats could exploit for roosting. (photo 2). The soffits and fascia boards are tight-fitting to the building on all elevations with no linear gaps between the soffits and the brickwork, and no points of access for bats to the interior. The building was extended to the rear in recent years to include a cross-gable roof which is well-mortared at the verges with no gaps which bats could utilise, (Photo's 4 & 5). The brickwork on all elevations appears in good condition with no holes or cavities of bat value identified. There is an absence of suitable habitat for crevice dwelling species of bat on the exterior of the building.



Photo 1: south-eastern elevation of B1.



Photo 2: South-eastern elevation of B1.



Photo 3: North-western elevation of B1.



Photo 4: north-western elevation of B1.



Photo 5: North-western elevation of B1.



Photo 6: North-western elevation of B1.

B1- Interior

The roof-void is formed of rough-sawn timbers and is lined with bitumen. (photo 7). The roof lining appears in excellent condition throughout the roof-space with one torn section noted. The tiles behind the torn section of liner are gapless. The ducting inside the loft fits securely to the vents which connects to the roof tiles on the exterior leaving no gaps around their join for bat access to the roof-space. The void floor is insulated to the eaves and is fully boarded. The insulation was lifted selectively to check for bat access points. The roof timbers were inspected for evidence of bats and the floor and the flat surfaces of the stored items inside the loft were inspected for evidence of bat use e.g. bat droppings. The gable walls are bricked to the apex with no bat access points identified. No evidence (recent or historical) of void-dwelling species of bat was seen and no points of entry to the roof-space for bats were identified during the survey.



Photo 7: internal – looking west.



Photo 8: Internal – looking west.



Photo 9: Internal – showing ducting which connects to the roof tile vents with no gaps.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative guidelines

Bats are protected under the Wildlife and Countryside Act and Conservation Regulations (see Appendix 4 for a summary of legislation protecting bats in the UK). 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.

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) recommends 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 a European protected species mitigation licence (EPSML) application with 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 one of the surveys should be a dawn re-entry survey (Collins, J. 2016).

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/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 of the surveys should be a dawn re-entry survey (Collins, J. 2016). 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 EPSML application to Natural England.

Negligible likelihood of a bat roost present

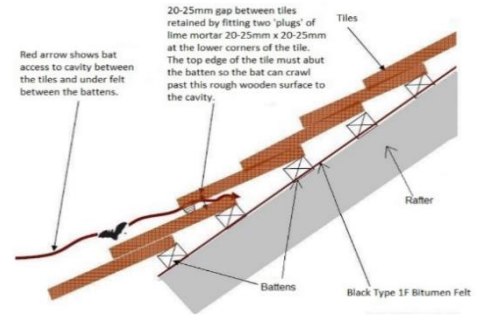
Buildings assessed as comprising negligible suitability for roosting bats do not normally require further surveys. However, if bats are found during any stage of the development, work should stop immediately, and a suitably qualified ecologist should be contacted for further advice.

4.2 Evaluation

Taking the desk-based assessment and site survey results into account, the following value for roosting bats has been placed on each site survey feature.

Table 4: Evaluation of buildings on site

Ref	Survey assessment conclusions (with justification)	Foreseen impacts	Recommendations	Enhancements The Local Planning Authority has a duty to ask for enhancements under the NPPF (July 2021)
B1	In line with Good Practice Guidelines (Collins, J. (Ed) 2016, the building is assessed to have a 'negligible' habitat value for supporting roosting bats due to a lack of any significant habitat for bats and a lack of evidence of bats found, in or around the building. A search of the Magic.gov.uk database shows that six EPS licences have been previously issued for confirmed bat roosts in buildings within 2km of the site. Three of these records occur within 1km. The nearest record occurs <400m south-east of the site for a non-breeding roost for soprano pipistrelle species of bat, dated 2017-2018. A second record for three species of bat is located approx. 600m south-east dated 2012-2014. Species identified within the licence include daubentons's bat, natterers and brown long-eared species of bat. Day roosts for these species and for common pipistrelles species occur again within 2km. At least five common species of bat are known to use local development for roosting and for breeding. The site is well connected to high-quality habitat for foraging and commuting bats. Open grasslands of low management are adjacent to the rear and are contiguous with woodlands and small waterbodies, all of which bats could use regularly for foraging and commuting. Although there is no suitable habitat within the building for these species, bats could	No direct impacts on bats are foreseen as a result of the extension works and no suitable bat habitat will be lost to the development. Therefore, no further surveys are recommended for this site. Research shows that new development and its associated artificial lighting can impact on bat foraging and commuting routes. Proximate bats could be impacted by any significant changes to the current lighting scheme if not mitigated for.	The development works can proceed without risk of breach of legislation in terms of disturbance to bats. In the highly unlikely event that bats are found during any stage of the development, work should stop immediately, and a suitably qualified ecologist should be contacted for advice. Lighting: To avoid increased levels of light pollution across the site, any new lighting scheme should follow guidance from the Bat Conservation Trust. Low impact lighting strategies will be adopted from the guidance outlined in the new Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication: http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting.	To enhance the value of the site for bats and to secure onsite gains for biodiversity, it is recommended that habitat enhancements are included as part of the development: Integrated bat boxes, including bat bricks and bat access tiles, can be incorporated into the new walls or roof during construction to provide additional bat roosting habitat on site. Examples of integrated boxes can be found here: Integrated Bat Boxes NHBS Practical Conservation Equipment Integrated / Built-In Bat Boxes (wildcare.co.uk) Install: 1 x Integrated Eco Bat Box (or suitable alternative). Or 1 x 1FE Schwegler Bat Access Panel, (or suitable alternative). Or Habitat Bat Box - Custom Brick Facing. Bat boxes should be positioned 3-5m above ground level facing in a south/south-westerly direction with a

	forage and commute in close proximity with some regularity.		The lighting on the site will: ▪ 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 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	clear flight path to and from the entrance. Bat boxes should also be positioned away from any artificial light sources. Any new roof tiles can be laid in such a way as to leave gaps between the tiles which bats could use for roosting on the exterior of the building. Existing roof tiles can be adapted by creating 20-25mm gaps below occasional tiles. The gaps can be created using mortar at the corners to lift the tile, as pictured below.   The garden area can be enhanced to support bat (and bird) foraging. This could include the incorporation of wildlife friendly planting, e.g. Supply feeding areas. A range of wild flowering plants and berry producing shrubs, would provide a food source for birds and small animals. These plants will also
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			are on. All lighting on the developed site will make use of the most up to date technology available.	provide nectar for a range of species such as butterflies and bumblebees and will attract insects for bats to feed on. Areas of new planting should follow Bat Conservation Trust advice: https://cdn.bats.org.uk/pdf/Resources/Encouraging_Bats.pdf?mtime=20181101151549&focal=none
B1 Birds	The building provides negligible habitat for breeding birds. The soffits and eaves are well maintained and there are few opportunities for nesting birds to gain purchase to the building for nesting or sheltering.	Birds are very unlikely to be nesting within this building and as such, there are not anticipated to be any impacts on birds as a result of the proposed works.	In the unlikely event, that birds are found to be nesting in B1 during the nesting bird period 1 st March to 31 st August, a close inspection of B1 will need to be undertaken immediately prior to commencement of work. All active nests will need to be retained in situ with a protective buffer until the young have fledged.	Install woodcrete bird boxes on B1, once renovated e.g. ○ 1x 25mm bird box ○ 2x 32mm bird box ○ Swallow nest cups ○ Swift bricks ○ Sparrow terraces Nest 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 where nothing will obscure the entrance hole. Swift bricks and sparrow terraces should be positioned at the eaves of the new building and can be incorporated into the fabric of the building during construction.

5.0 Bibliography

- British Trust for Ornithology (2016) www.bto.org/about-birds/nnbw/putting-up-a-nest-box
- Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists —Good Practice Guidelines, 3rd edition, Bat Conservation Trust, London.
- Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected?
- Google Earth (2019) accessed 2021.
- Magic database (2019) <http://www.magic.gov.uk/MagicMap.aspx> accessed 2021.
- Mitchell-Jones, A.J. (2004). Bat Mitigation Guidelines. English Nature, Peterborough.

Appendix 1: Site Location



NOTES		ORIGINAL A3	
NOTE: Site boundary information taken from OS Data and does not necessarily indicate legal title deed information.			
CLIENT NAME Mr & Mrs Sampson		CONSULTANT FRYER/PLANNING RESIDENTIAL DESIGN STUDIO	
COUNTRY United Kingdom		▲ Fryer Planning Ltd, 32 Downside Way, Basingstoke, RG24 8HU T: 01256 883013 M: 07935 947897 E: info@fryerplanning.co.uk W: www.fryerplanning.co.uk Company Registration Number: 11953874	
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PROJECT 13 The Ridings, Emmer Green, Reading RG4 8XL		DRAWING Site Location Plan	
SCALE 1:1250 @ A3 A3	PAPER SIZE A3 A3	DATE 15.08.21	DRAWN LFF
CONSULTANT PROJECT No 957	DRAWING No 099	CHECKED LFF	STATUS REV PL -

Appendix 2: Site Plans – Existing

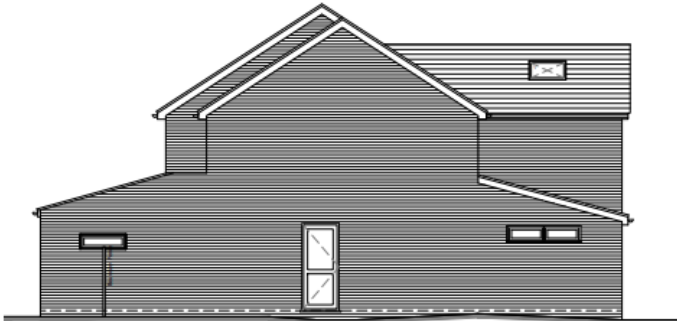


NOTES		ORIGINAL A3		0m 1 2 3 4 5 6 7 8 9 10m		1:100		FRYER PLANNING LTD ACCEPT NO RESPONSIBILITY FOR ANY COST, LOSS, CLAIM, HOWEVER ARISING FROM THESE DRAWINGS, SPECIFICATIONS AND RELATED DOCUMENTS UNLESS THERE IS FULL COMPLIANCE WITH THE CLIENT AND ANY AUTHORIZED USER (APPROVED BUILDING OF THE FOLLOWING:		PROJECT 13 The Ridings, Emmer Green, Reading RG4 8XL	
CLIENT NAME Mr & Mrs Sampson		CONSULTANT FRYER/PLANNING RESIDENTIAL DESIGN STUDIO		1. ALL DIMENSIONS, DIMENSIONS AND LEVELS ARE FOR GUIDANCE ONLY AND MUST BE CHECKED ON SITE BEFORE CONSTRUCTION AND ANY DISCREPANCIES ARE TO BE REPORTED TO THE PLANNER / DESIGNER.		DRAWING Existing Elevations		2. FOR CONSTRUCTION PURPOSES, USE GIVEN DIMENSIONS ONLY AND DO NOT SCALE.		SCALE 1:100 @ A3	
COUNTRY United Kingdom		A: Fryer Planning Ltd, 32 Dovecot Way, Basingstoke, RG24 8HL T: 01256 882013 M: 07935 947097		3. FOR THE PURPOSES OF CONSTRUCTION, ALL DIMENSIONS MUST BE CHECKED PRIOR TO CONSTRUCTION.		DATE 02.07.21		4. SURVEY INFORMATION HAS BEEN TAKEN USING LASER MEASUREMENT AND MAY BE OPEN TO MINOR TOLERANCES.		DRAWN LFF	
DISCIPLINE CODE A		DISCIPLINE DESCRIPTION Design		5. ALL SETTING OUT INFORMATION MUST BE CHECKED PRIOR TO CONSTRUCTION BY THE APPROPRIATE BUILDER TO ENSURE SITE ACCURACY.		CHECKED LFF		6. UNDERGROUND DRAINAGE SCHEME IS BASED ON LIMITED ON-SITE SURVEY INFORMATION AND FRYER PLANNING WILL NOT BE HELD RESPONSIBLE FOR ANY DESIGN OR CONSTRUCTION COMPLICATIONS RESULTING IN INCORRECT INFORMATION.		CONSULTANT PROJECT No 957	
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Site Plans – Proposed



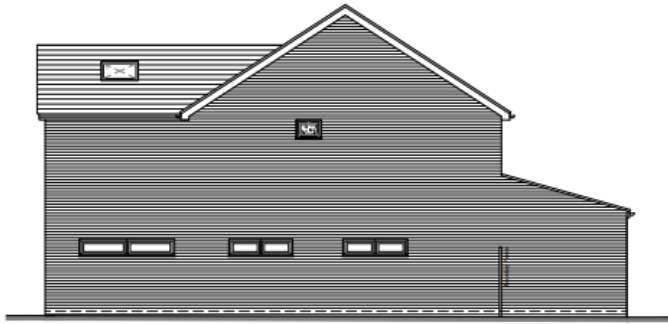
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

NOTES

ORIGINAL A3

0m 1 2 3 4 5 6 7 8 9 10m

1:100

CLIENT NAME
Mr & Mrs Sampson
COUNTRY
United Kingdom
DISCIPLINE CODE
A
DISCIPLINE DESCRIPTION
Design

CONSULTANT
FRYER/PLANNING
RESIDENTIAL DESIGN STUDIO
1 Fryer Planning Ltd, 22 Downside Way, Reading, RG24 8HL, UK. Tel: 01235 883012 M: 07932 947897
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PROJECT
13 The Ridings, Emmer Green, Reading RG4 8XL

DRAWING
Proposed Elevations

SCALE
1:100 @ A3

DATE
25.07.21

DRAWN
LFF

CHECKED
LFF

CONSULTANT PROJECT No
957

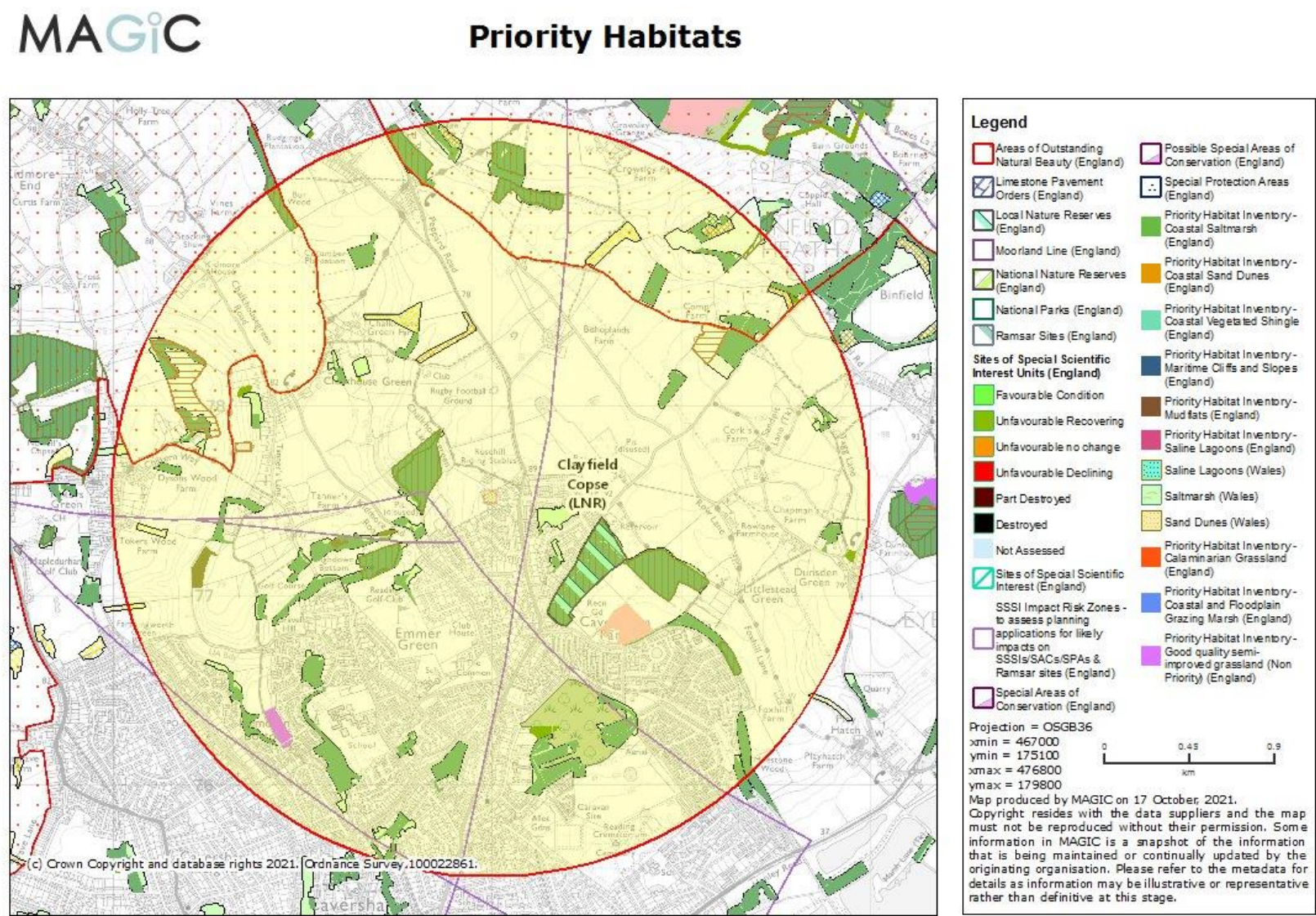
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STATUS
PL

REV
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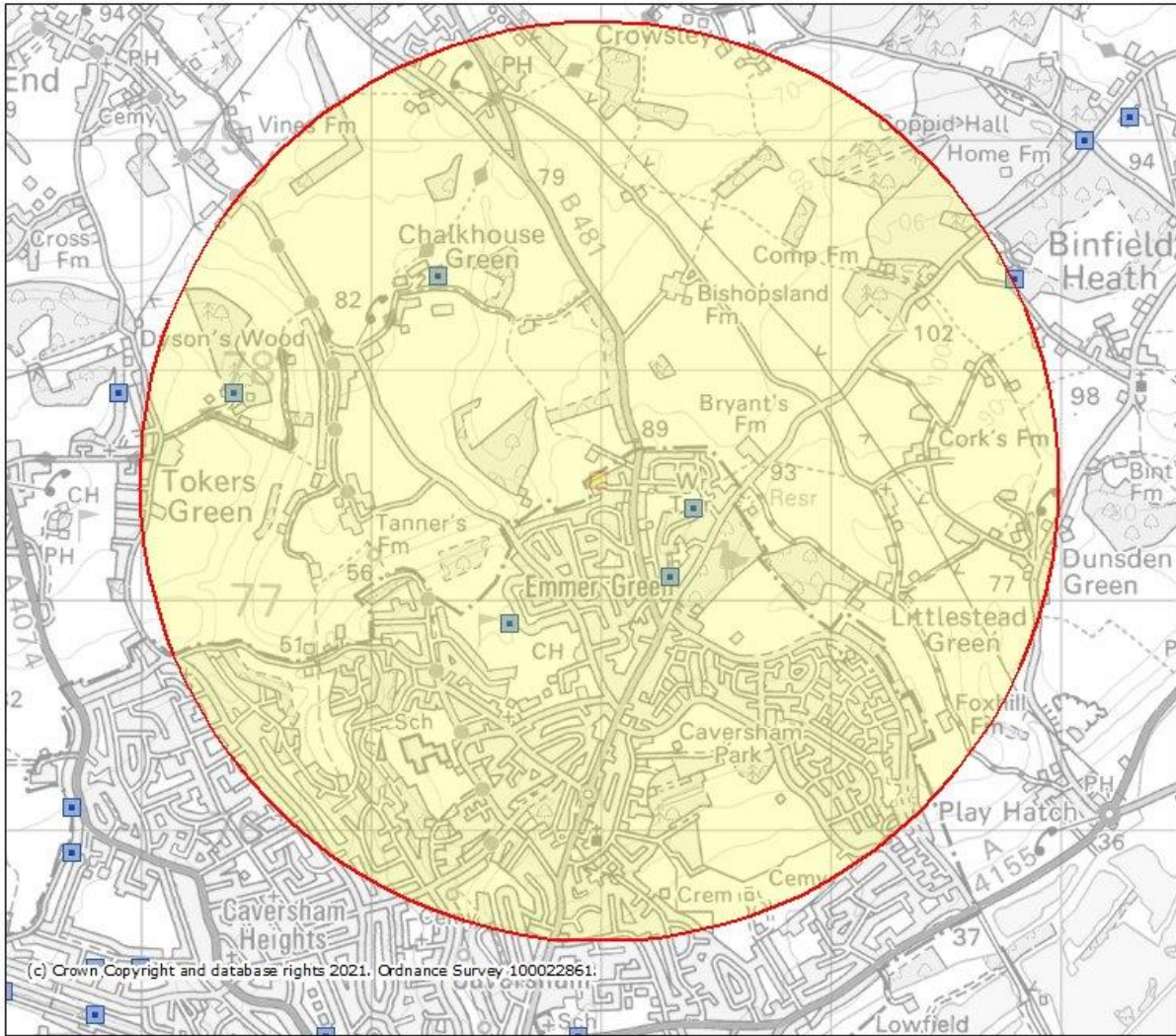
FOR PLANNING APPROVAL
FOR CONSTRUCTION

Appendix 3: Desk Study Information



MAGiC

EPSL's



Legend

Granted European Protected Species Applications (England)

- Amphibian
- Bat
- Cetacean
- Invertebrate
- Other Mammal
- Plant
- Reptile

Projection = OSGB36
xmin = 466800
ymin = 174900
xmax = 477100
ymax = 179800
Map produced by MAGIC on 17 October, 2021.
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Appendix 4: Legislation and Planning Policy related to bats

LEGAL PROTECTION

New legislation (2020)

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 came into force when Britain left the European Union on 31st January 2020. It covered amendments relevant to this survey to:

Wildlife and Countryside Act 1981: England and Wales (x1 amendment)

Conservation of Habitats and Species Regulations 2017 (x29 amendments)

All species of bat are fully protected under *The Conservation of Habitats and Species Regulations 2017* 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 in particular 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 affect significantly 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 UK Biodiversity Action Plan priority species) 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; opportunities to incorporate biodiversity in and around developments are encouraged; 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 on development works:

A European protected species mitigation (EPSM) Licence 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.