

Eaton Court, 104-112 Oxford Road,
Reading

Bat Survey and Assessment

March 2021

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Executive Summary

- i) **Introduction.** Aspect Ecology was commissioned by Cannon Capital Developments Ltd in August 2019 to undertake a bat survey and assessment in respect of buildings at Eaton Court, 104-112 Oxford Road, Reading, Berkshire to inform a planning application.
- ii) **Proposals.** The proposals are for the demolition of the existing buildings and construction of three new apartment blocks with associated access, vehicle parking and soft landscaping.
- iii) **Survey.** The on-site buildings were subject to a preliminary bat roost assessment involving internal and external inspection surveys in accordance with best practice guidelines in 2019. Specific dusk emergence survey work was subsequently conducted in 2019 of the main building to determine the presence/absence and status of any bat roosts present.
- iv) **Ecological Designations.** The site is not subject to any statutory or non-statutory ecological designations. The nearest ecological designation is Lousehill Copse Local Nature Reserve and Local Wildlife Site located approximately 2.3km west of the site, which is not designated for bat interest. None of the other statutory or non-statutory ecological designations within the surrounding area are designated on the basis of bats. No ecological designations will be adversely affected by the proposed development.
- v) **Results.** Survey work undertaken in 2019, which included external and internal inspection surveys and dusk emergence surveys, recorded a day roost for a low number of Common Pipistrelle in association with the main building.
- vi) **Mitigation.** A Natural England mitigation licence will be required to facilitate the demolition of the main building. The Natural England licence application will be informed by an update inspection survey of all buildings within the site and update dusk emergence/dawn re-entry survey work, as appropriate. Mitigation measures will be detailed in full within the licence application and will likely involve a soft strip of any features suitable for roosting bats under an ecological watching brief, provision of pole mounted bat boxes prior to the commencement of building demolition works, and the installation of bat boxes on new buildings.
- vii) **Summary.** Based on the evidence obtained from detailed bat survey work, and with the implementation of the recommendations set out herein, it is considered that roosting bats will be fully safeguarded under the proposals and that the conservation status of the local bat populations will be unaffected.

1 Introduction

Background & Proposals

- 1.1 Aspect Ecology was commissioned by Cannon Capital Developments Ltd in August 2019 to undertake a bat survey and assessment of the buildings at Eaton Court, 104-112 Oxford Road, Reading, Berkshire (see Plan 5710/BSA1), centred at grid reference SU 70898 73416.

- 1.2 This Bat Survey and Assessment report has been prepared to support an application for full planning permission for the:

"Demolition and residential-led mixed use redevelopment to provide three buildings comprising residential units (Use Class C3), one ground floor unit comprising flexible commercial floorspace (Use Class E & F2) and one ground floor unit comprising flexible commercial and residential floorspace (Use Class E, F2 & C3), along with car parking, cycle parking, servicing bay and associated landscaping, amenity space, plant and refuse areas, and access arrangements".

- 1.3 The proposed development will comprise 131 residential dwellings (Use Class C3) and 532 sq.m. (GIA) of flexible commercial and residential floorspace (Use Class E, F2 & C3) located on the Oxford Road frontage. The proposals constitute three buildings which will rise between four to seven storeys. A total of 42 car parking spaces will be provided within an undercroft car park on the site.

Site Overview

- 1.4 The site is situated in an urban context within the centre of the town of Reading. A pub and car park bound the site to the north, beyond which lies Chatham Street and employment development. To the east the site is bound by Eaton Place, beyond which lies shops and the A329, and to the south the site is bound partially by the Royal Meteorological Society offices and partially by the Oxford Road, beyond which lies residential development. An active construction site bounds the site to the west, beyond which lies the Church of the Holy Trinity and further residential development.

Purpose of the Report

- 1.5 This report documents the methods and findings of the bat survey work undertaken of the on-site buildings, in order to determine the importance of the buildings for any local bat populations. Where required, appropriate mitigation/precautionary measures are proposed to safeguard any bat interest.

2 Methodology

Desktop Study

- 2.1 In order to compile background information on the site and surrounding land, and inform the assessment to determine the potential for the buildings to support roosting bats, Thames Valley Environmental Records Centre (TVERC) was contacted, with data requested based upon a 2km search radius from the site.
- 2.2 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database, which utilises data provided by Natural England, with an extended search radius of 25km.

Field Survey

Visual Inspection Surveys¹

- 2.3 The buildings within the site were subject to a specific internal and external inspection survey on the 8th August 2019, using ladders, torches and binoculars where necessary.
- 2.4 During the external inspection, particular attention was given to any potential roost features or access points, such as broken or lifted roof tiles, lifted lead flashing, soffit boxes, weatherboarding, hanging tiles, etc. and for any external signs of use by bats such as accumulations of bat droppings or staining. Binoculars were used to inspect any inaccessible areas more closely where appropriate.
- 2.5 During the internal inspection, evidence for the presence of bats was searched for with particular attention paid to any loft voids and relevant potential roost features and locations, such as ridge boards, rafters, purlins, gable walls, and mortise joints. Specific searches were made for bat droppings that can indicate present or past use and extent of use, whilst other signs that can indicate the possible presence of bats were also searched for, e.g. presence of stained areas, feeding remains, corpses, etc.
- 2.6 Suitability for roosting bats was rated based on relevant guidance as either:
- Negligible;
 - Low;
 - Moderate; or
 - High.

Dusk Emergence Surveys

- 2.7 Dusk emergence surveys were conducted of the main building (B1) on the 28th of August, 24th of September and 25th of September 2019, to identify any use of the building by roosting bats.
- 2.8 Surveyors employed Bat Box Duet hand-held electronic detectors and Echo Meter Touch, Echo Meter EM3 or Anabat Scout recording equipment to aid identification of any bats observed. At dusk, surveyors were in position 15 minutes prior to sunset, remaining in place for 1.5 - 2 hours. An infrared (IR) camera set-up, comprising a 1080p

¹ Surveys based on: English Nature (2004) 'Bat Mitigation Guidelines' and Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

IR sensitive camera and two Evolve T38 IR lights, was deployed at the corner between the northern and western wings of building B1 (see Plan 5710/BSA2 for camera location). An IR camera was utilised to aid in the identification of precise roosting locations and confirm the number of any emerging bats recorded. This survey method aims to identify any roosting bats emerging from or returning to potential roost sites.

- 2.9 Dusk emergence survey work was carried out during suitable weather conditions, as set out in Table 2.1 below.

Table 2.1. Dusk survey details. BF0 = calm, BF12 = hurricane force.

Date	Start & end times & time of sunset	Structure reference / location	Equipment used	Weather
28th August 2019	Start time: 19:43 End time: 21:28 Sunset: 19:58 (BST)	B1	Bat Box Duet, Echo Meter Touch, Echo Meter EM3 or Anabat Scout and IR Camera	Dry, 100% cloud cover, BF2, 20°C
Comments: The survey was undertaken by 6 surveyors under direction of licence holder 2019-38859-CLS-CLS				
24th September 2019	Start time: 18:44 End time: 20:59 Sunset: 18:59 (BST)	B1	Bat Box Duet, Echo Meter Touch or Echo Meter EM3 and IR Camera	Rain from 19:55, 90% cloud cover, BF3, 17°C
Comments: The survey was undertaken by 4 surveyors under direction of licence holder 2019-38859-CLS-CLS				
25th September 2019	Start time: 18:41 End time: 20:56 Sunset: 18:56 (BST)	B1	Bat Box Duet, Echo Meter Touch and IR Camera	Dry, 95% cloud cover, BF2, 17°C
Comments: The survey was undertaken by 4 surveyors under direction of licence holder 2019-38859-CLS-CLS				

Analysis of Bat Survey Recordings

- 2.10 All bat calls were analysed using Analook W v3.7 to verify the species recorded during the survey work.

Survey Constraints/Limitations

- 2.11 There were no significant constraints or limitations to the survey work undertaken at the site. Whilst there was heavy rain during much of the dusk survey on the 24th September 2019 a Common Pipistrelle emerged prior to the rain beginning and the survey was repeated on the 25th September 2019 during which the weather conditions were favourable. Overall, it is therefore considered that a satisfactory assessment of building B1's potential to support roosting bats and subsequent characterisation of the roost has been carried out.
- 2.12 Internal access into the electrical plant room (building B2) was not possible at the time of survey due to health and safety concerns and access was not granted into the garages (building B3). A full external inspection survey of both buildings B2 and B3 was conducted and it is considered that a satisfactory assessment of building B2 and B3's potential to support roosting bats has been carried out.

Principles of Ecological Evaluation

- 2.13 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)². In evaluating ecological features and resources the following key factors are taken into account:
- 2.14 Geographic Frame of Reference. The value of an ecological feature or resource is determined within a defined geographical context using the following frame of reference:
- International;
 - National;
 - Regional;
 - County (or Metropolitan);
 - District (or Unitary Authority, City or Borough);
 - Local (or Parish);
 - At the Site level only.
- 2.15 Biodiversity Value: Species. The assessment of the value of a species is based on factors including distribution, status, historical trends, population size and rarity. With respect to rarity, this can apply across the geographic frame of reference and particular regard is given to populations where the UK holds a large or significant proportion of the international population of a species.
- 2.16 Regard should also be given to species listed as priorities for conservation in accordance with Section 41 of the NERC Act 2006, so called 'Species of Principal Importance' or 'Priority Species'. Certain species may also be listed within regional or local BAPs, albeit as with habitats the listing of a particular species under a BAP does not in itself imply any specific level of importance.
- 2.17 Secondary or Supporting Value. Some habitats or features that are of no intrinsic biodiversity value may nonetheless perform an ecological function, e.g. as a buffer. In addition, certain features of the landscape which by virtue of their linear or continuous nature (e.g. rivers) or their function as 'stepping stones' (e.g. small woods) may be of value for the migration, dispersal and genetic exchange of wild species.

National Policy Approach to Biodiversity in the Planning System

- 2.18 The National Planning Policy Framework (NPPF)³ describes the Government's national policies on 'conserving and enhancing the natural environment' (Chapter 15). NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' and ODPM Circular 06/2005⁴.

² CIEEM (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

³ Ministry of Housing, Communities & Local Government (2019) 'National Planning Policy Framework'

⁴ ODPM (2006) 'Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice'

- 2.19 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss⁵, as set out at Paragraph 170, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

- 2.20 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 175:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

- 2.21 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2013⁶, which involves the following step-wise process:

- **Avoidance** – avoiding adverse effects through good design;
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- **Enhancement** – planning decisions often present the opportunity to deliver

⁵ DEFRA (2011) 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'

⁶ British Standards Institution (2013) 'Biodiversity – Code of practice for planning and development', BS 42020:2013

benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

- 2.22** The 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 (BS 42020:2013, section 5.5).

3 Survey Results and Evaluation

Desktop Study

Ecological Designations

- 3.1 The site is not subject to any statutory or non-statutory ecological designations. A number of statutory ecological designations are present in the surrounding area, the nearest of which is Lousehill Copse Local Nature Reserve (LNR) located approximately 2.3km west of the site, which is designated for its semi-natural woodland and open meadow habitats. The next nearest statutory designation is McIlroy Park LNR located approximately 2.9km west of the site, which is designated for its grassland and semi-natural woodland habitats.
- 3.2 Natural England has developed Impact Risk Zones (IRZs) as an initial tool to assess the risk of developments adversely affecting SSSIs, taking into account the type and scale of developments. The site is located within multiple SSSI IRZs, however these do not apply to residential development, therefore are not applicable to the proposed development works and no adverse effects on SSSIs are anticipated.
- 3.3 Hartslock Wood Special Area of Conservation (SAC) is located approximately 9.9km north-west of the site, which is designated for its Yew *Taxus baccata* woodland and semi-natural dry grassland and scrub facies located on calcareous substrate. Thames Basin Heaths Special Protection Area (SPA) is located approximately 10.9km south of the site at its closest point, which is designated for its important breeding populations of Dartford Warbler *Sylvia undata*, Nightjar *Caprimulgus europaeus* and Woodlark *Lullula arborea*. The net gain in dwellings at the site is unlikely to result in any significant adverse effects on the SAC or SPA, given that both designations are well removed from the site.
- 3.4 A number of non-statutory designations are present in the surrounding area. The nearest non-statutory designation is the Cow Lane Depot Local Wildlife Site (LWS) located approximately 0.5km north-west of the site. This LWS comprises a mosaic of habitats providing a wildlife corridor in an urban landscape.
- 3.5 None of the surrounding ecological designations are designated due to bat interest. All ecological designations in the local area are well separated from the site and, considering the nature and scale of the proposals, no adverse effects on any ecological designations are anticipated as a result of the proposals.

Bat Records

- 3.6 A table of local bat records was acquired from the Thames Valley Environmental Records Centre (TVERC). Records of Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Noctule *Nyctalus noctula*, Daubenton's Bat *Myotis daubentonii*, Serotine *Eptesicus serotinus* and Brown Long-eared Bat *Plecotus auritus* were returned from the desktop study within 2km of the site, none of which were noted to originate from within the site itself. The closest specific record returned from TVERC is a filed record of Common Pipistrelle located within the same 1kmx1km OS grid square as the site, albeit more specific information was not available that would allow the precise location of this record to be determined in relation to the site.

Field Surveys

Visual Inspection Survey Results

- 3.7 Building B1.** The building is L-shaped, constructed of red brick and at the time of survey was in use as an office block. Large metal framed windows are present on all elevations with extensive glazing on the eastern and western elevations of the building. Metal soffit boxes extend around the eaves of the building on all elevations, save for the gable ends, which all appear to be well sealed. Weep holes are present in the brickwork on all elevations, the majority of which were covered by cobwebs at the time of survey. The northern wing of the building is three storeys in height and has a flat concrete roof supporting several plant rooms and air conditioning units which are constructed of corrugated metal and red brick. No evidence of bat occupation was recorded in association with any of the plant rooms on the roof. The flat section of the roof has been covered with fabric netting in order to deter roosting birds. The netting has occasional tears which have created some large holes. Lead flashing is present along the top of the brickwork which was noted to be slightly lifted in places.
- 3.8** The western wing of the building is two storeys in height and has a pitched roof which is partially clad with corrugated metal sheeting on the northern face and tiles on the southern face. Several of the roof tiles on the southern elevation were noted to be partially lifted around a metal chimney. A glass atrium is present in the south-eastern corner of the building with a lead flashing surround which is slightly lifted in places. A single cracked tile was also noted to be present above the glass atrium.
- 3.9** No loft voids are present internally within the building. The building is well-sealed with potential internal access points limited to gaps in the ventilation panels leading to the two plant rooms located on the first and second floor of the building respectively. The plant rooms are well lit internally due to the presence of windows and internal lighting fixtures and are subject to regular disturbance. No evidence of bat occupation was recorded internally within the building.
- 3.10** There are a small number of external features including lifted roof tiles, gaps beneath the metal soffits and lifted lead flashing which afford some minor potential opportunities for crevice dwelling bat species, however the value of building B1 to roosting bats is decreased by: the absence of potential commuting features providing green corridors to facilitate the movement of bats from/towards the building, the absence of suitable foraging habitat in the immediate vicinity of the building, the absence of any loft voids or roof spaces, and the presence of external lighting and resultant high illumination levels at night. Overall, the building is considered to afford low suitability to roosting bats in line with the Bat Conservation Trust's latest good practice guidelines⁷. No evidence of bat occupation, e.g. droppings, staining, feeding remains, etc., was recorded in association with the building during the inspection survey.
- 3.11 Building B2.** The building is a single storey plant room constructed of red brick. The roof is flat and lined with bitumen felt and is supported internally by wooden ceiling joists. There are three wooden doors present on the eastern elevation which have narrow wooden slats within them providing potential internal access. No evidence of bat occupation, e.g. droppings, staining, feeding remains, etc., was recorded in

⁷ Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

association with the building during the inspection survey. Building B2 is cluttered and subject to regular disturbance, and is considered to afford negligible suitability to support roosting bats.

- 3.12 Building B3.** A row of garages is integrated within the ground floor of the existing car park which all have metal up and over doors to the frontage. The garages are currently used for storage. Aside from small gaps between the garage doors and the dividing brick walls the building is well sealed. No evidence of bat occupation, e.g. droppings, staining, feeding remains, etc., was recorded in association with the building during the inspection survey. Building B3 is cluttered, subject to regular disturbance and has poor insulating properties, therefore it is considered to afford negligible (if any) suitability to support roosting bats.

Dusk Emergence Survey Results

- 3.13** Due to the low suitability exhibited by building B1 it was subject to further survey effort in the form of a dusk emergence survey in August 2019. During the August 2019 dusk emergence survey a single Common Pipistrelle was recorded emerging from beneath the eaves of the building on the western elevation, therefore further survey work was undertaken in September 2019 in order to characterise the type of roost present. Full results of the dusk emergence surveys are presented in Table 3.1 below.

Table 3.1. Dusk emergence survey results.

Building	Date	Sunset	Emergence/Re-entry	Summary of other activity
B1	28th August 2019	19:58	Single Common Pipistrelle emergence from beneath the eaves on western elevation at 20:10	Occasional passes by Common Pipistrelle
	24th September 2019	18:59	Single Common Pipistrelle emergence from beneath the eaves on western elevation at 19:08	Occasional passes by Common Pipistrelle
	25th September 2019	18:56	Possible Common Pipistrelle emergence associated with roof above glass atrium on southern elevation at 20:41	Occasional passes by Common Pipistrelle

Evaluation

- 3.14 Roosting.** Based on the evidence recorded during the survey work undertaken at the site, building B1 is considered to support a day roost for a low number of Common Pipistrelle. Common Pipistrelle day roosts are considered to be of low conservation significance in accordance with the Bat Mitigation guidelines⁸. Due the presence of roosting bats the demolition of building B1 will need to be undertaken under a Natural England mitigation licence and with the implementation of appropriate safeguarding measures, as set out at Chapter 4 below. Subject to their implementation it is considered that roosting bats will be fully safeguarded under the proposals.

- 3.15** Given the time which has elapsed since the original survey work was undertaken in August and September 2019, an update inspection of all buildings within the site and

⁸ English Nature (2004) 'Bat Mitigation Guidelines'

update dusk/dawn survey work will need to be completed, as necessary, prior to the application for a mitigation licence from Natural England. The update survey work will be completed in addition to any pre-commencement survey work advised at Chapter 4 below.

- 3.16 Foraging/Commuting.** The buildings are predominately surrounded by concrete and tarmac hardstanding in the form of car parking and roads which provide negligible foraging opportunities for bats. There are four semi-mature to mature trees and small areas of amenity planting located to the north of the building, and a line of semi-mature Cherry *Prunus* sp. trees extending along the eastern boundary of the site, which provide very limited foraging opportunities for bats. The tree line is well separated from any off-site green corridors and does not provide any connectivity with any green open space in the wider local area, therefore the tree line provides negligible commuting opportunities for bats. Overall, the site is considered to be of extremely limited value to foraging and commuting bats. Far superior foraging and commuting habitat is afforded off-site by parkland, pockets of woodland and river valleys in the wider local area. As such, the loss of existing vegetation is not expected to impact local bat populations and will be mitigated through new landscape planting

4 Mitigation Measures

4.1 Building B1 – A Common Pipistrelle day roost has been recorded in association with the building during the dusk survey work, therefore the following mitigation measures will be implemented under the proposals:

- **Pre-works Survey** – Should the demolition of the building commence during the active bat season (May – September inclusive), a pre-demolition dawn re-entry survey will be undertaken immediately prior to the commencement of works. This will identify the locations of any roosting bats at the time of works commencing therefore allowing for a strategic soft strip demolition to proceed, ensuring the area(s) where roosting bats have been identified are conducted first.
- **Soft Strip Demolition** - Removal of the roof tiles and other structures with potential to support or conceal roosting bats, in particular the soffit boxes and lead flashing will be undertaken by hand, or with the careful use of hand tools, during favourable weather conditions (e.g. not during heavy rain, high winds or unseasonable low temperatures) under a Natural England mitigation licence and an ecological watching brief.
- **Replacement Roosting Opportunities** - New roosting opportunities will be required to compensate for the loss of the bat roost. Details of the roosting opportunities to be provided would be set out in detail within the Natural England licence application, but would likely include the incorporation of bat boxes within the new build. Furthermore, a bat box would also be erected on a suitable retained tree, or a pole mounted bat box will be installed within the site, prior to the commencement of demolition works. This will allow for any bats encountered during the demolition works to be safely relocated to a new roosting site.

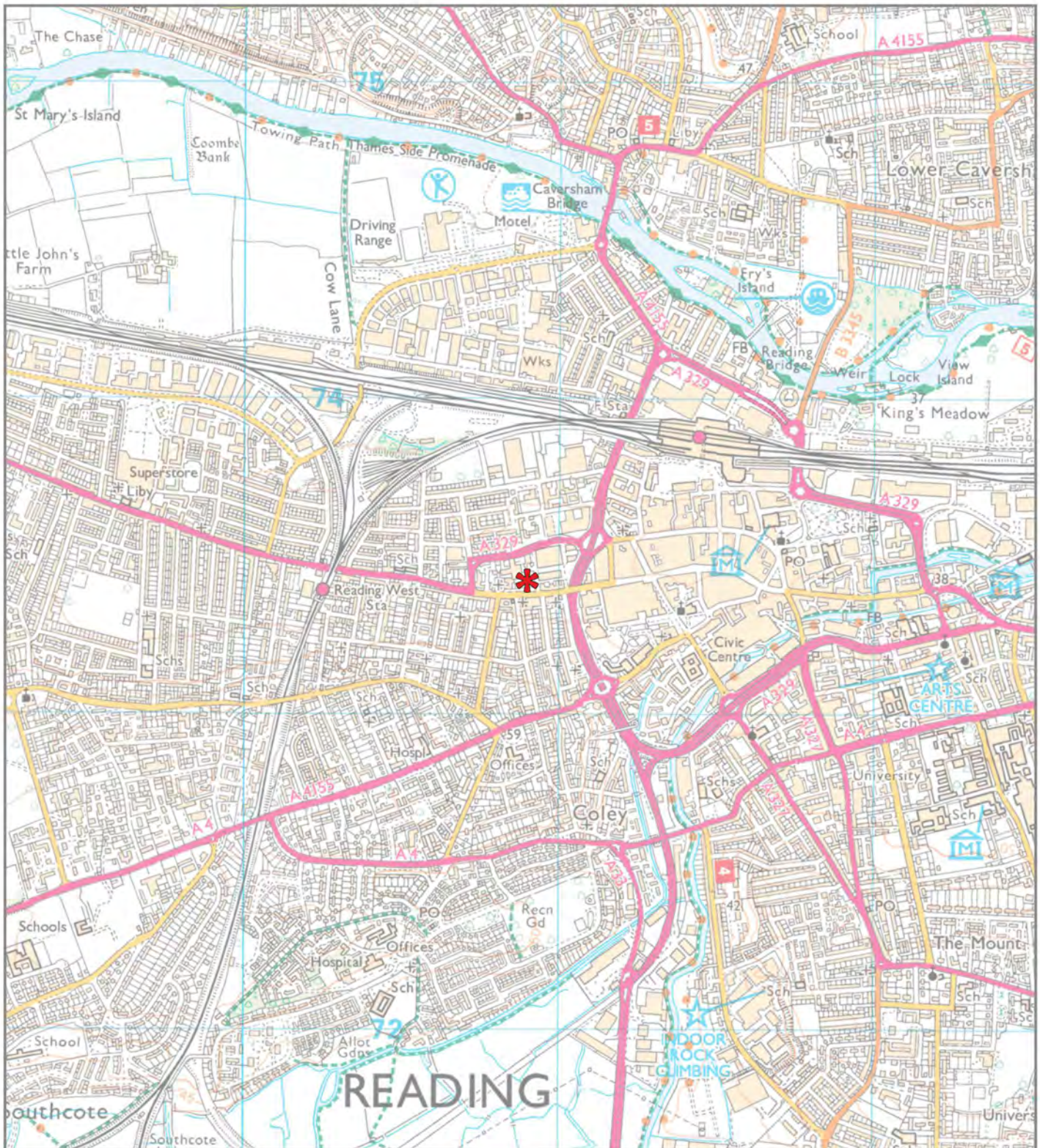
4.2 Buildings B2 and B3 - Internal access was not possible at the time of the visual inspection survey to the buildings, and whilst it is considered that both buildings are of negligible suitability to support roosting bats a precautionary internal inspection survey of the buildings will be undertaken prior to commencement of demolition works. Should any evidence of bats or any bats themselves be recorded within either building during the pre-demolition inspection survey, works on the building would cease and an appropriate mitigation strategy devised.

5 Conclusions

- 5.1 Aspect Ecology was commissioned by Cannon Capital Developments Ltd in August 2019 to undertake a bat survey and assessment in respect of the building at Eaton Court, 104-112 Oxford Road, Reading, Berkshire.
- 5.2 There are no statutory or non-statutory designations of ecological interest on-site, and no statutory ecological designations in the local area have been designated on the basis of bat interest. No adverse effects on any ecological designations are anticipated from the proposed development.
- 5.3 The on-site buildings were subject to an external and internal inspection survey on the 8th August 2019. The main office building was subsequently subject to dusk emergence survey work in August and September 2019, in accordance with the latest best practice guidelines.
- 5.4 During the dusk emergence survey work the main building was recorded to support a day roost for a low number of Common Pipistrelle, therefore the demolition of the main building will need to be conducted under a Natural England mitigation licence and ecological supervision to ensure any roosting bats which are present at the time of works are fully safeguarded. Replacement roosting opportunities will also be provided under the proposals.
- 5.5 An update building inspection survey and dusk/dawn survey work will be undertaken prior to the completion of the Natural England licence application, to determine any changes to the condition of the on-site buildings and status of any roosts.
- 5.6 Based on the evidence obtained from detailed bat survey work undertaken at the site, and with the implementation of the recommendations/mitigation measures set out within this report, it is considered that roosting bats will be fully safeguarded and the favourable conservation status of the local bat populations would be maintained.

Plan 5710/BSA1:

Site Location



Key:



Site Location

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Eaton Court, 104-112 Oxford Road,
Reading

Site Location

PROJECT

TITLE

5710/BSA1

DRAWING
NO.

- REV.

October 2019 DATE



Plan 5710/BSA2:

Bat Survey Results



Key:

- | | | | |
|--|--------------------|---|-----------------------------|
|  | Site Boundary |  | Trees |
|  | Building |  | Indicative Roost Location |
|  | Surveyor Location |  | Flight Path - Dusk 28/08/19 |
|  | IR Camera Location |  | Flight Path - Dusk 25/09/19 |

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Eaton Court, 104-112 Oxford Road,
Reading
Bat Survey Results



PROJECT
TITLE
5710/BSA2
DRAWING NO.
REV.
October 2019
DATE

Photographs:

Photograph 1 : Glass Atrium at the Southern Elevation of the Building B1



Photograph 2 : Northern and Western Elevations of the Building B1



Photograph 3 : Eastern Elevation of Building B1



Photograph 4 : Plant Rooms on Roof of Northern Wing of Building B1



Photograph 5 : Building B1 - Lifted Lead Flashing and Tiles on Southern Elevation of Roof



Photograph 6 : Building B1 - Gap at Eaves beneath Metal Soffit Box



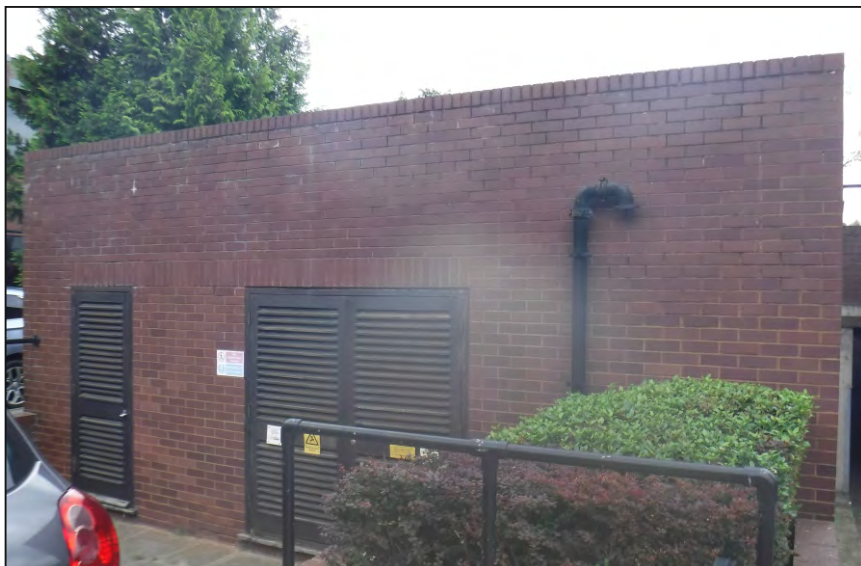
Photograph 7 : Building B1 - Lifted Lead Flashing and Cracked Tile above Glass Atrium



Photograph 8 : Building B1 - Location of Common Pipistrelle Emergence on the 28/08/19 and 24/09/19 indicated by red circle



Photograph 9 : Building B2



Photograph 10 : Building B3



Appendix 5710/BSA1:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CROW) Act for England and Wales 2000.** The CROW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017 (as amended).** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

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