

ANNEX: SPECIAL CONDITIONS TO INDIVIDUAL BAT MITIGATION LICENCE



IMPORTANT: These special conditions are in addition to the standard licence conditions of this licence.

Where there are several options you are required to do those that are indicated by ☒.

Natural England Reference:

2020-44895-EPS-MIT

Summary table of permitted damage/destruction of resting places

Licensable activity	Permitted species	Maximum number of roosts (if applicable to activity)
Damage of resting place	-	-
	-	-
	-	-
	-	-
Destruction of resting place	Common Pipistrelle	One
	Soprano Pipistrelle	Two
	Brown Long Eared	One
	Daubentons	One

General:

- Persons acting under this licence must abide by the most up to date iterations of the relevant species guidance. In this context the relevant species guidance includes:
 - The advice in the *"Bat Mitigation Guidelines"* (see 'Licence Note' c),
 - "Bat Workers Manual"* (see 'Licence Note' c), and
 - "The Bat Survey - Good Practice Guidelines"* (see 'Licence Note' c).
- Figures: ☒ D **10.01.2020**; ☒ E3 **10.01.2020**; ☒ E4 **10.01.2020**; ☐ Other, as specified, -, must be complied with (see end of Annex for list of Figures).
- The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensable works understand by way of a 'tool box talk' that bats are present; the legislation relating to bats; measures that will be used to protect them; good working practices; licensable activities and what to do should bats be found. This

information must be provided before any licensable works commence on site. A written record that this has been undertaken, and that it covers the above points, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.

Impacts:

4. Disturbance of bats and damage and/or destruction of bat habitats will be limited to those areas and structures shown in Figure D.
5. Species, type and location of features and roost/s to be disturbed / damaged / destroyed under this licence. (See Definitions of roost type in condition 28):

Roost type or feature	Permitted?	Species and locations of roost / feature details and action.
Day	☐ N/A; ☒ Yes	Destruction of One Common Pipistrelle bat day roost located at Side of dormer window and western elevation of roof pitch. Destruction of one Daubentons' bat day roost located at Eastern roof pitch and western roof pitch and the Destruction of one Brown long eared bat day roost located at Western elevation of roof pitch of 201 Henley Road. Destruction of one Soprano Pipistrelle bat day roost located at Main loft void towards the southern gable end of 199 Henley Road. Destruction of one Soprano Pipistrelle bat day roost located Beneath roof tile of 203 Henley Road
Night	☒ N/A; ☐ Yes	
Feeding perch	☒ N/A; ☐ Yes	
Transitional / occasional	☒ N/A; ☐ Yes	

Methodology:

6. All relevant animal welfare legislation must be complied with at all times.
7. Where capture and/or handling of bats are necessary, only the Named Ecologist or an Accredited Agent or an Assistant directly supervised by the Named Ecologist or Accredited Agent may do so.
8. All works must be undertaken using best practice methodology to ensure minimal risk to bats. Mitigation must be in line with the requirements set out in the most up to date edition of the '*Bat Mitigation Guidelines*'. Persons acting under this licence must abide by the advice on excluding bats, handling bats and working in bat roosts in the most up to date edition of the '*Bat Mitigation Guidelines*' and '*Bat Workers Manual*'. In addition to this:
 - a. The use of endoscopes, artificial light from torches, destructive search by soft demolition (see Definitions), temporary obstruction of roost access, temporary or permanent exclusion methods (including installation) and use of static hand held nets must only be undertaken or directly supervised by the Named Ecologist, or an Accredited Agent.
 - b. Where capture and/or handling of bats are necessary, only the Named Ecologist, Accredited Agent, or an Assistant directly supervised by the Named Ecologist may do so. Capture/handling/exclusion of bats must only be undertaken in conditions suitable for bats to be active.
 - c. Where bats are discovered and taken under this licence they must either be relocated to an alternative roost (see Definitions) suitable for the species, or where bats are held this must be done safely and bats released on site at dusk in, or adjacent to, suitable foraging/ commuting habitat in safe areas within or directly adjacent to the pre-works habitat. Where a bat is unexpectedly discovered in adverse weather conditions, condition 16 must be followed.

- d. ☒ Endoscopes and hand held nets are only to be used to assist with the locating and capture of bats.
- e. ☒ Temporary and permanent exclusion must be carried out using techniques specified in the most up to date edition of the '*Bat Workers Manual*'. If one-way exclusion devices are to be used, each device must remain in position for a period of at least 5 consecutive days/ nights throughout a spell of suitable weather conditions, or will remain longer until these conditions prevail.
- f. ☒ Prior to destructive works, an inspection using torches and/or an endoscope must be performed internally to search for the presence of bats. If any licensed vesper bat species is found and is accessible, each will be captured by gloved hand or hand-held net, given a health check and then each placed carefully inside a draw-string, calico cloth holding bag or similar for transport. If any licensed horseshoe bat species is found, the capture methods outlined in (h) will only be used after it has been shown that overnight dispersal or exclusion are no longer practicable methods.
- g. ☒ Following inspection and exclusion operations, the removal of any feature with bat roost potential, will be only performed by hand in suitable weather conditions and under direct ecological supervision. Where applicable, materials will be removed carefully away and not rolled or sprung to avoid potential harm to bats. The undersides of materials will be checked by the Named Ecologist or Accredited Agent for bats that may be clung to them before removal.
- h. ☒ For sites where the presence of horseshoe species has been confirmed, the following exclusion method will be used: prior to work commencing, the Named Ecologist or Accredited Agent will conduct a thorough internal inspection for the presence of horseshoe bats. Only after the void is shown to be unoccupied will the destructive search commence, or all apertures into that void be closed and sealed (windows, doors, etc) by use of boarding, sealed tarpaulin or similar.

If a horseshoe bat is encountered, it will be left undisturbed during daylight. After all bats have dispersed overnight, the void will be sealed as described above. If all bats have not emerged, the Named Ecologist will either use torchlight and non-tactile human presence to disturb the bat to encourage it to emerge and disperse, during night only, or through use of a hand held net. Only after all bats have emerged from the building or void will it be sealed.

- i. ☐ Other: -

- 9. A written record must be kept of capture and exclusion efforts undertaken, including weather conditions (including over-night minimum temperature and rainfall), numbers and species of bats captured/taken and duration of exclusion process.
- 10. For sites with potential to support hibernating bats, the timing of damage and or destruction activities must avoid the hibernation period of November to February inclusive.
- 11. Provision must be made for prompt assistance to deal with any injured bat. Any injured or dead bats must be reported to Natural England on licence return form WML-LR-BATANN.
- 12. Mechanical demolition (see Definition in condition 29) of the structure must only take place after the structure has been declared free of bats by the Named Ecologist or their Accredited Agent.
- 13. Where bat access points/entrance into roosts are to be retained or reinstated this must be in accordance with Figure E3.
- 14. All bat boxes being provided as an alternative roost (see Definition in condition 28) must be installed prior to the start of damage and/or destruction activities.
- 15. Lighting restrictions under this licence include:

☐ N/A;

☒ A lighting plan will be designed to ensure that the retained trees with features suitable for roosting bats (including the confirmed roost in a tree in the south of the site) will not be subject to increased lighting levels during and post-construction. The lighting plan will also ensure the retained hedgerows and other boundary vegetation are not subject to increased light levels and can therefore continue to be used by commuting and foraging bats.

16. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
- Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.
 - Do not expose the bat or cause it to fly out of the roost on its own accord.
 - The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
 - Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.
 - The Named Ecologist must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incidence must also be reported on the licence return form WLM-LR-BATANN.
 - Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

Compensation and mitigation:

17. Compensation & mitigation measures:

☐ N/A;

☒ As shown on Figure E3 must be provided.

18. Should it be necessary to use any wood timber treatments, only treatments on the approved list of 'Bat roost and Timber products' may be used (see Licence Note f). Guidance on their use in the Bat Workers Manual, Chapter 10 must be followed (see Licence Note c).
19. Should this licence require the use of roof membranes, Bitumen type 1F felt with a hessian matrix must be used.
20. The installation of compensation features, such as roost structures and/or access points, must be completed within the first year following the completion of the development.

Post-development site maintenance and habitat management requirements:

21. Any bat boxes or compensation roost structure/s provided under this licence (shown on Figure E3) which do not / does not show signs of bats must be retained for a minimum of 5 years beyond the date of completion of the development. (Note: any structure which is used by bats is legally protected under the legislation).

Post-development monitoring and reporting requirements

22. Monitoring must be undertaken in the time periods and years as specified:

☒ N/A, or

☐ A single presence / absence survey between May – September (inclusive) is to be undertaken within the licence period. This must not take place in the first year following completion of development and the installation of compensation features unless otherwise agreed with Natural England, or

☐

An assessment of bat habitat provided under this licence must also be made at this time. Should survey and habitat assessment indicate compensation provided is failing, measures must be taken to remedy this as soon as practically possible. Details of such actions must be included within the licence report.

23. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:
- ☒ Report of action following the completion of the development and the installation of compensation features (if applicable).
 - ☒ Report of Action within 14 days (two weeks) after the expiry of the licence (which includes any 'nil' reports).

Definitions used in this annex:

24. The “**Licensee**” named on the licence is responsible for ensuring that all activities carried out on site in relation to the licence comply with the terms and conditions of the licence. All persons authorised to act under the licence must comply with the licence and its conditions (see Regulation 60(1) of the 2017 Regulations). This means that those persons authorised by the Licensee also have a responsibility for ensuring that the licence is understood and complied with.
25. The “**Named Ecologist**” is a professional ecological consultant who has satisfied Natural England that they have the relevant skills, knowledge and experience of the species concerned and is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The ‘Named Ecologist’ has a responsibility for ensuring that the licence is complied with. They are responsible for advising the licensee on the suitability and competence of any Accredited Agents or Assistants employed on site to undertake the required duties and may include the direct supervision of Assistants where appropriate.
26. An “**Accredited Agent**” is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Named Ecologist. Any Accredited Agent must be appointed by the Licensee and be in possession of a letter signed by the Licensee confirming their appointment. Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request.
27. An “**Assistant**” is a person assisting a Named Ecologist or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either the Named Ecologist or an Accredited Agent.
28. For the purpose of this licence the following roost types are defined as:
- a. **Day roost:** a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.
 - b. **Night roost:** a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.
 - c. **Feeding perch:** a place where individual bats or a few individuals feed during the night but are rarely present by day.
 - d. **Transitional / occasional roost:** used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.
 - e. An ‘**alternative roost**’ shall include: a purposely installed bat box; an existing roost which will not be impacted by the works; or other new/enhanced roosting opportunities. Any alternative roost must be suitable for the species, within or close to the existing roost and free from additional disturbance or development pressure.
29. For the purpose of this licence the following licensed methods are defined as:
- a. **Destructive search by soft demolition:** the taking apart of a bat structure in a controlled and careful manner by hand, or in some instances with the assistance of hand-held tools and machinery, under direct

ecological supervision. Only the Named Ecologist, Accredited Agent or a directly supervised Assistant may take any bats found.

- b. **Mechanical demolition:** destruction of a structure that previously supported a bat roost using mechanical means after the structure has been declared free of bats by the Named Ecologist or Accredited Agent. Mechanical demolition usually is preceded by a soft demolition exercise or completion of an exclusion process.

Licence notes

- a) The following mitigation or compensation is being provided as part of a planning permission or other consent but is not required by Natural England to be provided as part of this licence: -. It is the licensee's responsibility to ensure that they comply with planning permissions and other consents as necessary.
- b) This licence does not confer any right of entry upon land.
- c) The "[Bat Mitigation Guidelines](#)", The "[Bat Workers Manual](#)" and "[The Bat Survey - Good Practice Guidelines](#)" - you are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version.
- d) If the start of licensable activities are delayed by 12 months then additional surveys must be carried out, unless otherwise agreed with Natural England, to confirm that the licence still covers the necessary species and impacts.
- e) Post development monitoring [report form](#) should be used for reporting purposes and sent to the above address at the each report interval.
- f) Bat roost and Timber products (TIN 092) can be found [here](#).
- g) A licence is not required for the short-term keeping of injured bats that were obtained legally for the purpose of tending them in order to release them when no longer disabled. However, if the bats are to be kept for longer than 6 months then the carer should apply for a licence to possess bats. This can be done using the possession licence application form WML-A37 (found at:

<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-l licence-to-possess-them>.

Issued by and on behalf of
Natural England on

Date

24/02/2020

Figure references:

Those marked with an '**' are mandatory and are included as part of each annexed bat licence, and those marked '***' are applicable to specific licences only. Special Condition 2 details which Figures form part of this particular licence and its conditions and they must be complied with. Figures are not sent back out to the Licensee or Named Ecologist when the licence is granted as dated and referenced copies are already held by those persons.

D* – Impacts: disturbance of bats, habitat damage and/or destruction.

E2** – Non-standard capture and exclusion apparatus.

E3** – Specification for mitigation / compensation.

E4** – Management, maintenance and monitoring map, showing habitats and structures covered by the licence.

Natural England Ref:

WLM / **ERROR!**
REFERENCE SOURCE NOT
FOUND. / ERROR!
REFERENCE SOURCE NOT
FOUND.

Protection of Badgers Act 1992