

Technical Briefing Note

Project: 34-38 Southampton Street, Reading, RG1 2QL

Preliminary Bat Roost Assessment Report

April 2018

1 Introduction

1.1 Background & Understanding

- 1.1.1 Aspect Ecology was commissioned by Macniven Quays Ltd on behalf of Vogue Assets Ltd in April 2018 to undertake a preliminary bat roost assessment with regard to land at 34-38 Southampton Street, Reading, RG1 2QL, centred at grid reference SU 7159 7292.
- 1.1.2 It is understood that the site is proposed for redevelopment for residential use and that a planning application has been submitted to the Council, who has requested that a preliminary bat roost assessment of the existing buildings be undertaken.

1.2 Bat Ecology

- 1.2.1 There are at least 17 breeding bat species in Britain. Many of them are considered threatened due to a variety of factors including habitat loss and disturbance/damage to roosts. Of these species, a number regularly use buildings as roost sites.
- 1.2.2 Bats are highly mobile flying mammals, which, in Britain, feed entirely on insects. They are able to fly and feed in the dark by using a system of echolocation that gives them a 'sound picture' of their surroundings.
- 1.2.3 In winter when prey is scarce, British bats hibernate in humid parts of buildings, caves or hollow trees where temperatures are typically stable. They may wake occasionally but only become fully active again in the spring.
- 1.2.4 Female bats gather together in maternity roosts in summer to give birth and rear their single offspring. Like other mammals, bats have fur and give birth to live young. Infant bats suckle on their mother's milk for several weeks until they can fly and hunt insects for themselves. Bats are long-lived mammals and some British species are known to live to over twenty-five years of age.

1.3 Legislation

- 1.3.1 All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 5364/1 for detailed provisions). If demolition works are likely to result in an offence a licence may need to be obtained from Natural England, which would be subject to appropriate measures to

safeguard bats. A number of bat species are also considered S41 Priority Species under the Natural Environment and Rural Communities (NERC) Act 2006.

1.4 Purpose of the Report

- 1.4.1 This report documents the methods and findings of the internal and external building inspections carried out within the site, in order to establish the potential for the on-site building to support roosting bats, and subsequently provides an appraisal of the likely ecological effects of the proposed demolition works. Appropriate recommendations and mitigation measures are also set out in order to ensure that any bats are fully safeguarded under the proposals.

2 Methodology

2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings, South Buckinghamshire Bat Group (BSBBG) were contacted, with bat data requested on the basis of a search radius of 2km.

2.2 Building Inspection Surveys^{1,2}

- 2.2.1 The on-site building was subject to specific internal and external inspection surveys by Aspect Ecology in April 2018 using ladders, torches and binoculars where necessary. The surveys were carried out by suitably qualified ecologists under the direction of the holder of Class Licence 2015-14046-CLS-CLS.

- 2.2.2 During the inspection survey, particular attention was given to any potential roost features or access points, such as gaps in brickwork, lifted lead flashing, lifted or damaged 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.

2.3 Survey Constraints /Limitations

- 2.3.1 Two rooms and the basement of building B1b were not subject to a full internal inspection survey, due to access constraints. In addition, the structural instability and dilapidated nature of building B1b, evidence of rough sleepers, presence of human waste and hypodermic needles raised concerns over surveyor health and safety, such that further access into affected rooms was not considered to be appropriate. However, a comprehensive external survey was undertaken and the remaining interior of building B1b was inspected where possible, including the loft void. Given the nature of building B1b and level of survey effort that was able to be successfully completed, it is considered that this level of survey work is sufficient to allow for a robust assessment of the suitability of the building to support roosting bats.
- 2.3.2 Accordingly, this approach is considered to take into account and address the limitations experienced during the survey work and enables an appropriate safeguarding and mitigation strategy to be developed.

¹ Based on: English Nature (2004) 'Bat Mitigation Guidelines'

² Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

3 Survey Results and Evaluation

3.1 Background Records

- 3.1.1 No specific records of bats from within or adjacent to the site were returned from the desktop study. Information received from the BSBBG returned records of Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Daubenton's Bat *Myotis daubentonii*, Nathusius' Pipistrelle *Pipistrellus nathusii*, Noctule *Nyctalus noctula*, Serotine *Eptesicus serotinus*, Brown Long-eared Bat *Plecotus auritus* and a number of bat records not identified to species level, within 2km of the site. The closest record is for an injured Common Pipistrelle, recorded in 2017, located within 200m of the site boundary.

3.2 Building Inspection Survey Results

- 3.2.1 The site comprises a two-storey residential building, which adjoins a public house (The Red Lion), hereafter referred to as building **B1a** and **B1b** respectively (see Plan 5364/PRA1), located in an urban context within central Reading. The site lies adjacent to Southampton Street on its eastern aspect, which was recorded to be a busy road with a large amount of traffic. Two street lights are located at the front of the building which illuminate the eastern aspect. To the rear of the building lies a small garden which has become overgrown with scrub. No trees are present within the site.

Building B1a

Description

- 3.2.2 Building **B1a** is a two-storey, unoccupied semi-detached residential building of brick construction with rendering on the majority of the external façade. Building **B1a** supports a multi-pitched, clay tile roof with a gable end and associated lean-to structure at the rear of the building which supports a slate tile roof. A brick retaining wall is present to the south of the building, which forms part of the external wall of the building and associated lean-to. The exposed external walls are of a construction considered unlikely to support a cavity, and were recorded to be in an apparent good state of repair with occasional small cracks and crevices. Potential access features for bats include lifted, damaged or missing roof and ridge tiles, lifted or missing lead flashing and crevices around damaged window sills.
- 3.2.3 Internal inspections of building **B1a** confirmed that the loft had been converted into a windowless bedroom, with a small inaccessible loft void (<30cm high) likely to be present at the apex to facilitate wiring to the spotlights. The remainder of the building appeared to be in a relatively good state of repair, with any broken window panes covered by tightly fitting security boarding, leaving the remainder of the windows uncovered which results in high levels of ambient light inside.

Evaluation

- 3.2.4 A number of potential opportunities for roosting bats were recorded to be present across the building, primarily external features such as roof tiles, ridge tiles, lifted or missing lead flashing, crevices around damaged window sills and cracks and crevices in the external brickwork. Such features could potentially be used by individual bats opportunistically, however the building is unlikely to be suitable for maternity of hibernation roosts and no evidence of bats was recorded. The building is subject to high levels of ambient light, draughts and street lighting, in addition to being situated in an urban context (notwithstanding the presence of suitable foraging habitat such as the churchyard and River Kennet in the wider area) next to a busy road. On this basis, and given the context of the site within the surrounding landscape, building **B1a** is considered to be of negligible to low

suitability for roosting bats and no evidence of roosting bats was recorded during the survey work undertaken. Accordingly, no further survey work e.g. dusk emergence / dawn re-entry, is considered necessary.

Building B1b

Description

- 3.2.5 Building **B1b** is an unoccupied, semi-detached public house of brick construction with rendering on most of the external façade. **B1b** supports multiple storeys and is three storeys at its highest, excluding a basement which was inaccessible at the time of survey. A single storey extension is present at the rear of the building which appears to be a disused kitchen associated with the former use of the building as a public house. Building **B1b** supports a range of roof types including a pitched slate tile roof at its northernmost aspect with associated loft void, a pitched clay tile roof where it adjoins building **B1a** and a flat, bitumen clad roof on the single storey extension at the rear of the building which is unlikely to support a loft void. A dormer window with clay hanging tiles is present on the westerly aspect of the clay tiled roof, indicating that the loft in this aspect of the building may have been converted. However, due to the access constraints as set out at section 2.3, it was not possible to confirm if this was the case. The exposed external walls on the main building did not appear to be of a construction type likely to support a cavity, and a number of cracks and crevices were present. The kitchen extension at the rear of the building is of a construction type likely to support a cavity and missing brickwork was recorded on its southern wall. Other potential access features for bats include lifted, damaged or missing roof and ridge tiles, lifted or missing lead flashing, lifted bitumen felt, crevices around damaged window sills, broken windows and gaps behind soffit boxes and weather boarding.
- 3.2.6 Internal inspections of building **B1b** confirmed that a small loft void is present at the northernmost aspect, which was missing a loft hatch at the time of survey. The loft is approximately 3m wide, 6m long and 1m high at its apex and of wooden rafter and waterproof membrane construction. The interior of the loft void was recorded to be relatively light and draughty due to the absence of a loft hatch, a crack in the brickwork at the gable end and a small circular hole through the roof membrane. No insulation was present and the interior was relatively cluttered with a small number of cobwebs. The remainder of the building was light and draughty due to a number of broken windows and skylights.
- 3.2.7 Two rooms, including the possible loft conversion and the basement were unable to be surveyed internally due to access constraints as set out at 2.3.

Evaluation

- 3.2.8 A number of potential opportunities for roosting bats were recorded to be present across the building, primarily external features such as lifted, damaged or missing roof and ridge tiles, lifted or missing lead flashing, lifted bitumen felt, crevices around damaged window sills, broken windows and gaps behind soffit boxes and weather boarding. As with building **B1a**, these features could potentially be used by individual bats opportunistically, however the building is unlikely to be suitable for maternity of hibernation roosts (the basement is inaccessible to bats) and no evidence of bats was recorded. The building is subject to high levels of ambient light, draughts and street lighting, in addition to being situated in an urban context next to a busy road, as noted previously. On this basis, and given the context of the site within the surrounding landscape, building **B1b** is considered to be of negligible to low suitability for roosting bats and no evidence of roosting bats was recorded during the survey work undertaken. Accordingly, no further survey work e.g. dusk emergence / dawn re-entry, is considered necessary.

4 Mitigation

4.1 Based on the ecological features identified within / adjacent to the site, it is proposed that the following precautionary safeguarding and mitigation measures (**MM1 - 3**) are implemented.

4.2 Precautionary Measures

Bats

4.2.1 Building **B1a** and **B1b** are considered to offer negligible to low bat roosting potential, with no evidence of bats recorded during the survey work undertaken.

4.2.2 Nonetheless, bats are dynamic animals and as such, it remains possible that individual bats could choose to utilise the building in the future. Natural England guidance in respect of European Protected Species such as bats advises that, even where proposals are reasonably unlikely to result in any offence, such that licensing is not required, reasonable precautions should be taken to minimise the risk to protected species in the unlikely event that they should be found during the course of the activity.

4.2.3 Accordingly, it is recommended that the following precautionary measures are implemented;

4.2.4 **MM1 - Update Survey.** Should any considerable time (e.g. >2 years) elapse between the survey work detailed above and any demolition works, a further building inspection survey should be undertaken prior to the commencement of works to confirm the continued likely absence of bats.

4.2.5 **MM2 - Precautionary Approach to Demolition Works.** Building **B1a** and **B1b** offer limited opportunities for roosting bats. However, as described above, bats are highly mobile and can colonise suitable features at any time. Therefore, it is recommended that a precautionary approach to demolition works be adopted to minimise the risk of harm to bats, which would involve:

- A toolbox talk should be given to all relevant contractors by a suitably qualified ecologist to brief them on the potential presence of bats and a site wide watching brief maintained to enhance awareness of bats;
- Removal of any features with potential to support or conceal roosting bats, e.g. ridge tiles, roof tiles, hanging tiles, lifted lead flashing etc. in the building should be undertaken using a precautionary approach (i.e. by hand or using hand tools) with care during favourable weather conditions (e.g. not during heavy rain, high winds or unseasonably low temperatures); and
- Should any bats be encountered, works would need to stop and Aspect Ecology contacted so that suitable mitigation can be agreed prior to works re-commencing. This may potentially involve discussion with Natural England and acquisition of a development licence for works to resume.

Nesting Birds

4.2.6 **MM3 - Timing of Works.** To avoid a potential offence under the Wildlife & Countryside Act 1981 (as amended), no clearance of suitable vegetation at the rear of the building should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified should then be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged.

- 4.2.7 These checking surveys would need to be carried out no more than three days in advance of vegetation clearance works.

5 Conclusions

- 5.1 Aspect Ecology has carried out a preliminary roost assessment for bats at 34-38 Southampton Street, Reading, to inform demolition works.
- 5.2 No evidence of roosting bats was recorded, and the onsite building has been assessed as providing negligible to low suitability to support roosting bats, with no evidence of bats having been recorded. However, precautionary measures have been set out which are intended to fully safeguard bats, should they colonise the site in the future.
- 5.3 Subject to the implementation of these measures, it is considered unlikely that the proposals will result in harm to bats.

Enclosed:

Plan 5364/PRA1 – Building Location
Photographs
Appendix 5364/1 – Legislation Summary

Plan 5364/PRA1:

Building Location



Key:



Building Outline

aspect ecology

Aspect Ecology Limited - West Court - Hardwick Business Park
Noral Way - Banbury - Oxfordshire - OX16 2AF
01295 276066 - info@aspect-ecology.com - www.aspect-ecology.com

34-38 Southampton Street,
Reading, RG1 2QL

Building Location

5364/PRA1

April 2018

PROJECT

TITLE

DRAWING
NO.

- REV.

DATE



Photographs

B1a



B1b



Appendix 5364/1:

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.** 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.