



Preliminary Roost Assessment

1 Peewit Hill, Bursledon, Southampton, SO31 8BL

Mr S Beazley

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Industry Guidelines and Standards

This report has been written with due consideration to:

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

Proportionality

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

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

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

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Mr S Beazley to undertake a Preliminary Roost Assessment (PRA) at 1 Peewit Hill, Bursledon, Southampton, SO31 8BL (hereafter referred to as “the site”). The survey was required to inform a planning application for “extension of liveable second storey space with enlargement of rear dormer & hipped to gable alteration” (hereafter referred to as “the proposed development”).

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 3 of this report.

Feature	Survey conclusions (with justification)	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>
B1 – Roosting Bats	B1 has high habitat value for roosting bats, based on a number of potential roosting features (loose tiles, gaps in brickwork, gaps under soffit) that could be exploited by roosting crevice-dwelling bats, including maternity roosts of pipistrelle bats. The building is not expected to offer hibernation value for bats due to a lack of suitable features for hibernating bats to exploit. Six EPSLs have been issued within 2km for the disturbance or destruction of bat roosts involving common pipistrelle, soprano pipistrelle and brown long-eared bats.	Three bat emergence and re-entry surveys are required during the active bat season (May – September) to confirm presence or likely absence of a bat roost in the building. At least two of the surveys should be completed during the optimal survey period mid-May to August inclusive. One of these surveys must be a dawn re-entry survey. Three surveyors are required to provide full coverage of the building. Surveys are likely to be required before planning permission can be granted. If bat roosts are confirmed in the building an EPSL application to Natural England will be required. The EPSL application requires that all surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.
B1 – Commuting & Foraging Bats	The deciduous woodland surrounding the site will offer excellent habitat value for commuting and foraging bats. A pond is present in the woodland to the north, which will increase the foraging value of the local area for local bat populations.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order 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 are on. All lighting on the developed site will make use of the most up to date technology available.
B1 – Nesting Birds	Nesting material was present in the gutters of the building.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.
Other ecological constraints	The site is within the Impact Risk Zone for Upper Hamble Estuary and Woods Site of Special Scientific Interest (SSSI).	The Local Planning Authority (LPA) may be required to consult with Natural England regarding potential impacts to the SSSI.

Contents

1.0 Introduction and Context.....	7
1.1 Background	7
1.2 Site Context	7
1.3 Scope of the Report	7
2.0 Methodology	8
2.1 Desk Study	8
2.2 Field Survey	8
2.3 Breeding Birds and Other Incidental Observations.....	8
2.4 Suitability Assessment.....	8
2.5 Limitations	9
3.0 Results and Evaluation.....	10
3.1 Desk Study Results.....	10
3.2 Field Survey Results	10
4.0 Conclusions, Impacts and Recommendations.....	13
4.1 Informative Guidelines.....	13
4.2 Evaluation	14
5.0 Bibliography	17
Appendix 1: Proposed Development Plan	18
Appendix 2: Site Location Plan	19
Appendix 3: Bat Survey Plan	20
Appendix 4: Legislation and Planning Policy Related to Bats	21

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Mr S Beazley to undertake a Preliminary Roost Assessment (PRA) at 1 Peewit Hill, Bursledon, Southampton, SO31 8BL (hereafter referred to as “the site”). The survey was required to inform a planning application for “extension of liveable second storey space with enlargement of rear dormer & hipped to gable alteration” (hereafter referred to as “the proposed development”).

plan showing the proposed development is provided in Appendix 1.

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

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

1.2 Site Context

The site is located at National Grid Reference SU 48083 11300 and has an area of approximately 0.1ha comprising a semi-detached house and garden. It is located on a residential street, with woodland to the south and the M27 motorway running ~300m east of the site.

A site location plan is provided in Appendix 2.

1.3 Scope of the Report

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

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken, including an external survey and internal inspection of built structures where possible, to determine the presence or the suitability of any features which bats could use for roosting and to assess the suitability of the site's bat foraging and commuting habitat.
- An outline of potential impacts on any confirmed or unidentified roosts has been provided, based on the proposed development.
- Recommendations for further surveys and mitigation have been made, along with advice on the requirements for a European Protected Species Licence (EPSL) application if appropriate.

- Opportunities for the enhancement of the site for roosting, foraging and commuting bats have been set out.

2.0 Methodology

2.1 Desk Study

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

2.2 Field Survey

The survey was undertaken by Nicole Gullan (Accredited Agent on Natural England Bat Licence Number: 2018-33540-CLS-CLS) on 23rd August 2022.

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

For any surveyed buildings:

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

2.3 Breeding Birds and Other Incidental Observations

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

2.4 Suitability Assessment

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

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

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

2.5 Limitations

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

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

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

3.0 Results and Evaluation

3.1 Desk Study Results

The desk study has been carried out using the methodology detailed in Section 2.1 and any relevant findings are incorporated into the evaluation table in section 4.2 for ease of reading.

3.2 Field Survey Results

The PRA focussed on one built structure which will be affected by the proposed development. The results of the field survey are illustrated in Appendix 3.

Table 2: Weather conditions during the survey

Date: 023/08/2022	
Temperature	23°C
Humidity	77%
Cloud Cover	30%
Wind	1mph
Rain	None

B1 is a semi-detached, two-storey brick-built residential property with a hipped roof clad in clay roof tiles. Approximately 40% of the roof tiles appear to be raised, loose, or missing, particularly around the skylights, vents, shed dormer and chimney stacks, with missing mortar under some ridge tiles; these gaps will provide habitat value for crevice-dwelling bats. Around the shed dormer to the east, large gaps are present, providing habitat value for crevice-dwellers. Both chimney stacks appear intact, with no potential access points for bats identified, though gaps in the brickwork on the eastern elevation may be exploited by crevice-dwellers. Old nesting material was present in the eastern and southern gutters of the building, possibly indicating past activity by nesting birds. Two small sub-roofs also have tiles in poor condition with many gaps

Internal works have started on the ground and top floors of B1. On the ground floor, the timber boards of the roof structure have been exposed. A window is open on the northern elevation, allowing access into the interior for bats or birds. There are gaps above the window on the north-west corner that could provide possible access points into B1. Upstairs, the southern extent has been fully converted into habitable space, with cupboards present to the south and east that appear intact, with no gaps that bats or birds could exploit. The northern extent is accessible from a doorway and remains as a loft space, with plastic lining under the roof tiles that, although torn in places, seems intact. No light shines through from the eaves or elsewhere, indicating a lack of suitable access points for bats and birds.

No bat or bird evidence was found internally.



B1 – eastern elevation



B1 – eastern elevation



B1 – northern and western elevations



B1 – western elevation



B1 – ground floor



B1 – open window on ground floor



B1 – well-sealed internal cupboards at southern extent



B1 – loft space at northern extent

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

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

Bats

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

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

Confirmed bat roost

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

Low, moderate or high likelihood of a bat roost present

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

Negligible likelihood of a bat roost present

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

Birds

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

4.2 Evaluation

Taking the desk study and field survey results into account, Table 3 presents an evaluation of the value of the site for bats and also details any other ecological constraints identified such as nesting birds in relation to the proposed development which will comprise “extension of liveable second storey space with enlargement of rear dormer & hipped to gable alteration”.

Table 3: Evaluation of the site for bats and any other ecological constraints

Feature	Survey conclusions (with justification)	Foreseen impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>	Biodiversity Enhancements <i>The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)</i>
B1 – Roosting Bats	B1 has high habitat value for roosting bats, based on a number of potential roosting features (loose tiles, gaps in brickwork, gaps under soffit) that could be exploited by roosting crevice-dwelling bats, including maternity roosts of pipistrelle bats. The building is not expected to offer hibernation value for bats due to a lack of suitable features for hibernating bats to exploit. Six EPSLs have been issued within 2km for the disturbance or destruction of bat roosts involving common pipistrelle, soprano pipistrelle and brown long-eared bats.	The proposed extension and renovation of B1 could destroy any bat roosts present under the soffit or under loose tiles in the northern, eastern or western elevations of the building. Bats present at the time of the works could be injured or killed. Any bat roosts to the south of the proposed development area may be disturbed by the proposed development, or access points to roosts may be blocked.	Three bat emergence and re-entry surveys are required during the active bat season (May – September) to confirm presence or likely absence of a bat roost in the building. At least two of the surveys should be completed during the optimal survey period mid-May to August inclusive. One of these surveys must be a dawn re-entry survey. Three surveyors are required to provide full coverage of the building. Surveys are likely to be required before planning permission can be granted. If bat roosts are confirmed in the building an EPSL application to Natural England will be required. The EPSL application requires that all surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.	To be confirmed upon completion of the surveys.
B1 – Commuting & Foraging Bats	The deciduous woodland surrounding the site will offer excellent habitat value for commuting and foraging bats.	New artificial lighting could disturb commuting and foraging bats.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures:	To be confirmed upon completion of the bat

	A pond is present in the woodland to the north, which will increase the foraging value of the local area for local bat populations.		• 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 in order 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 are on. All lighting on the developed site will make use of the most up to date technology available.	emergence/re-entry surveys.
B1 – Nesting Birds	Nesting material was present in the gutters of the building.	The proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by qualified ecologist, prior	The installation of swift bricks on the new extension would provide additional nesting value for

			to the commencement of work. All active nests will need to be retained until the young have fledged.	local bird populations. Swift bricks should be placed as high as possible, close together, facing north-east or north-west and away from windows, with a clear flight path to and from the entrance.
Other ecological constraints	The site is within the Impact Risk Zone for Upper Hamble Estuary and Woods Site of Special Scientific Interest (SSSI).	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the proximity of the site to the SSSI and the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction.	The Local Planning Authority (LPA) may be required to consult with Natural England regarding potential impacts to the SSSI.	N/A.

5.0 Bibliography

- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Collins, J. (2016). Bat Surveys for Professional Ecologists —Good Practice Guidelines, 3rd edition, Bat Conservation Trust, London.
- Garland, L. & Markham, S. (2008) Is Important Bat Foraging and Commuting Habitat Legally Protected? <http://biodiversitybydesign.co.uk/cmsAdmin/uploads/protection-for-bat-habitat-sep-2007.pdf>
- Google Earth. Accessed in 2022.
- Institution of Lighting Professionals (2018). 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.
- Magic Database. <http://www.magic.gov.uk/MagicMap.aspx> Accessed in 2022.
- Mitchell-Jones, A.J. (2004). Bat Mitigation Guidelines. English Nature, Peterborough.
- National Planning Policy Framework (2021) <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Natural England Designated Sites View. <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> Accessed in 2022.
- Wray, S., Wells, D., Long, E., Mitchell-Jones, T (2010) Valuing Bats in Ecological Impact Assessment. IEEM In-Practice. Number 70 (December 2010). Pp. 23-25.

Appendix 1: Proposed Development Plan



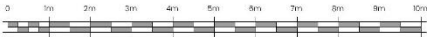
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



ARCHITECTURE & DEVELOPMENT
WEBSITE: www.A2AD.co.uk
EMAIL: info@A2AD.co.uk
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Farnham PO16 5SJ

CLIENT:
Imperial Build and Design Ltd

PROJECT:
1 Peewit Hill, Bursledon
Southampton
SO31 8BL

DISCIPLINE:
Proposed Elevations

STATUS:
Planning

To view more the proposed design that is shown in this drawing, please refer to the project information sheet. The drawing is for the use of the client only and is not to be used for any other purpose without the written consent of the client.

DATE: 06/06/2022

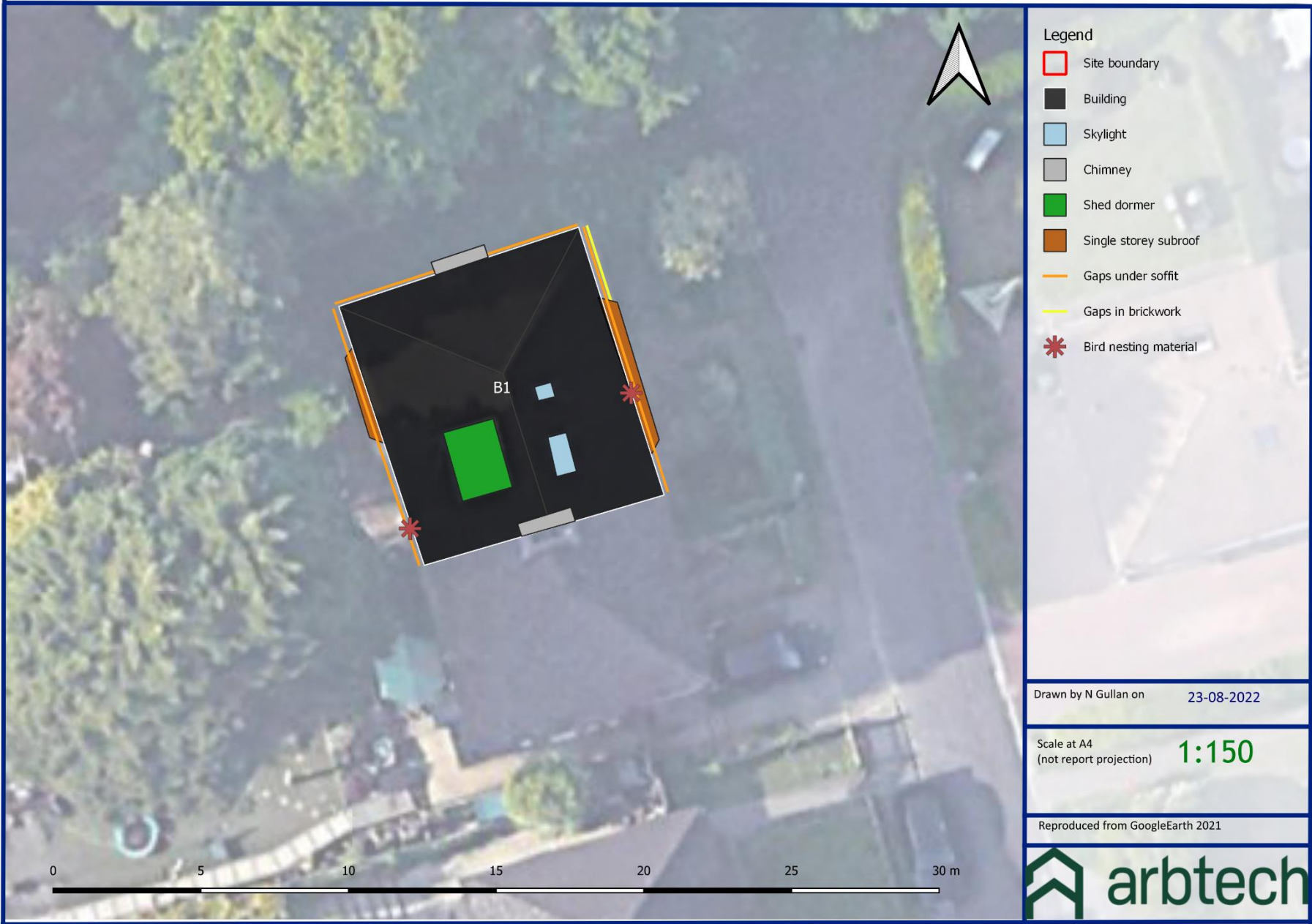
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Appendix 2: Site Location Plan



Appendix 3: Bat Survey Plan



Appendix 4: Legislation and Planning Policy Related to Bats

LEGAL PROTECTION

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

Regulation 43: Protection of certain wild animals - offences

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

- (a) Deliberately captures, injures or kills any wild animal of a European protected species,
- (b) Deliberately disturbs wild animals of any such species,
- (c) Deliberately takes or destroys the eggs of such an animal, or
- (d) Damages or destroys a breeding site or resting place of such an animal,

(2) For the purposes of paragraph (1) (b), disturbance of animals includes 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 species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

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

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

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law.

Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

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

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

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

4. conserving wild animals.

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

EUROPEAN PROTECTED SPECIES POLICIES

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

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

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