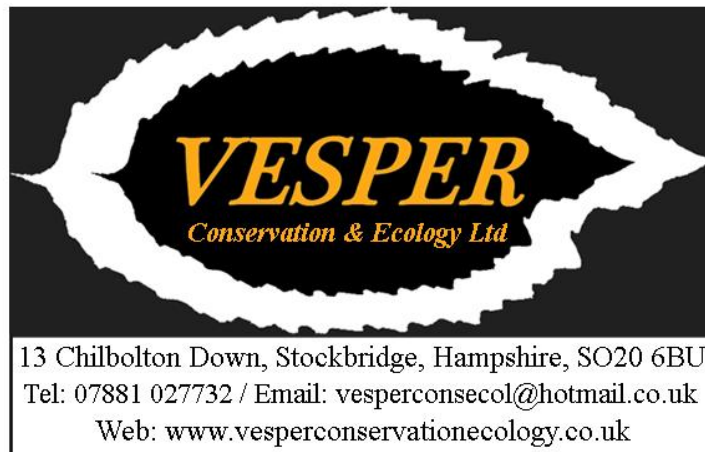




**1 Albert Close,
Royal Victoria Country Park,
Netley Abbey
SO315GZ**

Method Statement

05/03/2023

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Method Statement for Bats

This Method Statement for Bats has been prepared by Vesper Conservation & Ecology on behalf of the homeowners., summarising the findings of Phase 1 and Phase 2 bat surveys and inspection in preparation for non-licenced work at the property.

This document sets out all the necessary procedures, timings and avoidance measures to ensure there are no likely impacts on bats, thereby avoiding any potential breaches of protected species legislation under the terms of The Habitats and Species Regulations 2017 (as amended). The overall purpose of this Method Statement is to ensure that bats and their roosts are fully protected to ensure the continued favourable conservation status of bats at the site.

This method statement is designed to avoid any potential disturbance to bats. By following the reasonable avoidance measures set out within this document, the proposed maintenance and repair work can take place without the requirement for European Protected Species Licencing by Natural England, ensuring the continued ecological functionality of the site and avoiding breaches of legislation protecting bats.

Legislation Protecting Bats

All bats and their roost sites are fully protected under the terms of the Conservation of Habitats and Species Regulations 2017 (as amended). This makes it an offence to intentionally or recklessly disturb a bat in its roost, or deliberately disturb a group of bats. It is also an offence to damage or destroy a place used for breeding or resting, even if bats are not occupying the roost at the time. In addition, it is also an offence to intentionally or recklessly obstruct access to a bat roost.

Proposed Works on Site

As part of planned works to the internal park of the roof as per planning application number H/22/92180, interior and exterior works are planned at 1 Albert Close with a single-storey rear extensions, new veranda encircling all four elevations, loft conversion and a total of 20 no. roof lights.

Background

Vesper Conservation & Ecology was commissioned in May 2022 to undertake a Phase 1 inspection of the residential dwelling at 1 Albert Close ahead of possible re-development plans. The Phase 1 and preliminary roost inspection carried out by an experienced and licenced bat worker revealed a number of potential roost features at various locations around the building. A small number of bat droppings of various ages were identified within the loft void at the property. These were confirmed by DNA analysis to have originated from Soprano Pipistrelle bats. A suite of three emergence/re-entry surveys was subsequently carried out during July and August 2022, according to Bat Conservation Trust Best Practice Guidelines (Collins 2016).

Bat Survey Results

Emergence/Re-entry surveys identified at single roost access points around the building, principally confined to the south-eastern aspects. This roost is used by small numbers of Soprano pipistrelles. The roost entrance site is from lifted lead flashing on the chimney at the south-eastern end of the building.

Bat Roost Assessment

Roosts were assessed on the basis of bat numbers using each access point and appeared to indicate roosts at the building were likely to be day roosts used by small numbers or individual bats on a regular, long-term basis.

Given the roost types and locations within areas of the building subject to significant levels of insolation during the winter months, it is considered unlikely that bats would be present in these roost locations in the usual bat hibernation period running from the beginning of November to the end of March during typical weather conditions.

Avoidance Measures

The following measures are designed to ensure any likelihood of disturbance to bats by the proposed repair maintenance and works are avoided. All procedures are aimed to ensure the primary objective of safeguarding bats in the very unlikely event they are encountered during works at 1 Albert Close.

The measures will ensure that all maintenance personnel have a clear understanding of bats and the legislation protecting them and will provide workers with the necessary guidance mechanisms in the very unlikely event that bats are encountered during maintenance and repair operations.

Timings

All scheduled works must be undertaken outside of the bat hibernation season which runs between November and March inclusive. This method statement **must only be used after April 30th 2023**.

Based on survey results, it is considered very unlikely bats would be present in those areas of the building likely to be impacted by the proposed work at the time works are carried out. All affected areas are considered unlikely to support hibernating bats during normal winter conditions.

All areas identified as sensitive in Phase 2 surveys (See **Appendix 2**), including all known roost access points will be avoided. No direct disturbance or alteration to these areas will be carried out, thus ensuring all summer day roosting sites are unaffected and remain protected and retained following the proposed works.

A copy of this Method Statement should be available to Site Managers and Contractors in advance of any works being carried out. The existence of a Method Statement helps establish a defence against prosecution for intentional, reckless or deliberate acts disturbing bats or damaging to known roost sites under the terms of the Habitats and Species Regulations 2017 (as amended).

Toolbox Talk

The on-site ecologist will deliver a toolbox talk to contractors responsible for the proposed internal work at 1 Albert Close. This briefing must cover simple bat ecology, the legal protection afforded to bats and what to do in the unlikely event bats are encountered during works on site.

Prior Inspection of Areas Affected by Works

As an additional precaution, prior to the start of works, all areas likely to be directly impacted by works such as the loft void will be inspected by a licenced bat ecologist in order to further confirm the presence or absence of bats and to direct any further works accordingly.

In the event any direct or indirect signs of bats are observed, all works to this area of the building will cease immediately to avoid contravention of legislative protection afforded to bats.

Works to Internal Areas

- Works to alter the internal layout of the roof should be undertaken as quietly as is possible, the new stud wall framing should stand off the gable wall by a minimum of 30mm, this cavity can not be filled with any insulation. Insulation on the stud work should be of the expanded foam type boards so that bats will not entangle themselves in the fibres.
- No woven breather membranes are to be used in area where bats may come in to contact with them

Works to External Areas

- No works are to be undertaken around the chimney access points that would cause a disturbance to bats, and or block the flight path to and from the building.
- Any scaffolding necessary to access the roof to create the new roof lights needed should be restricted to these areas of the building and not enclosed by tarpaulin sheeting and they should not block or cause a disturbance to the bat access area..

On-going Advice

Vesper Conservation & Ecology will remain on-call throughout the duration of works on site to provide additional advice and support in the unlikely event bats are encountered.

Long-term, Post Works Impacts

There will be no fragmentation or isolation as a result of the proposed works. There will be no alteration to habitat features or roost access points as a result of works.

With the avoidance measures stipulated in the Method Statement, impacts on bat species locally will be negligible. There should be no long-term impacts on bat species locally.

Appendix 1: Legislation and Planning Policy

LEGAL PROTECTION

Legislation Afforded to Habitats

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare **Local Nature Reserves (LNRs)** under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education, and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as **Local Wildlife Sites (LWS)** and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

National and European Legislation Afforded to Species

The Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive: In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests':

- the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;
- there is no satisfactory alternative; and
- the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure, or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett¹ or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses, or has under his control, a live badger

¹ A badger sett is defined in the legislation as "*any structure or place which displays signs indicating current use by a badger*".

This includes seasonally used setts. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf

Effects on development works

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agency's to define what would constitute a licensable activity². It is not possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests, and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure, or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage, or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer, or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- In Scotland only, intentionally, or recklessly obstruct or prevent any wild bird from using its nest

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as "Schedule 1" birds. This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional, or reckless disturbance whilst lekking
- In Scotland only, intentional, or reckless harassment

Effects on development works

Works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is

² For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. www.naturalengland.org.uk/Images/badgers-dev-guidance_tcm6-4057.pdf, Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf, Scottish Natural Heritage (2002) Badgers & Development. www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp and Countryside Council for Wales (undated) Badgers: A Guide for Developers. www.ccw.gov.uk.

to undertake work outside the main bird nesting season which typically runs from March to August³. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Herpetofauna (Amphibians and reptiles)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring, or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - to impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - to impair their ability to hibernate or migrate
 - to significantly affect the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and 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.

Other native species of herpetofauna are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to intentionally or recklessly kill or injure these species.

Effects on development works

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable 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 licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

³ It should be noted that this is considered the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard, and slow worm, thus avoiding contravention of the WCA.

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- Deliberate disturbance of bat species in such a way as:
 - to impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - to impair their ability to hibernate or migrate
 - to significantly affect the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works

Works which are liable to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, crush, drown, drag, or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- Selling, offering, or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof

In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:

- Deliberately pick, collect, cut, uproot, or destroy a wild Schedule 5 species
- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.
- Impacts of legislation on development works

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species include Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*.

Impacts of legislation on development works

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site however it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration, and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

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

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

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

Section 41 of the Act (Section 42 in Wales) 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.

Appendix 2: Phase 2 bat activity areas

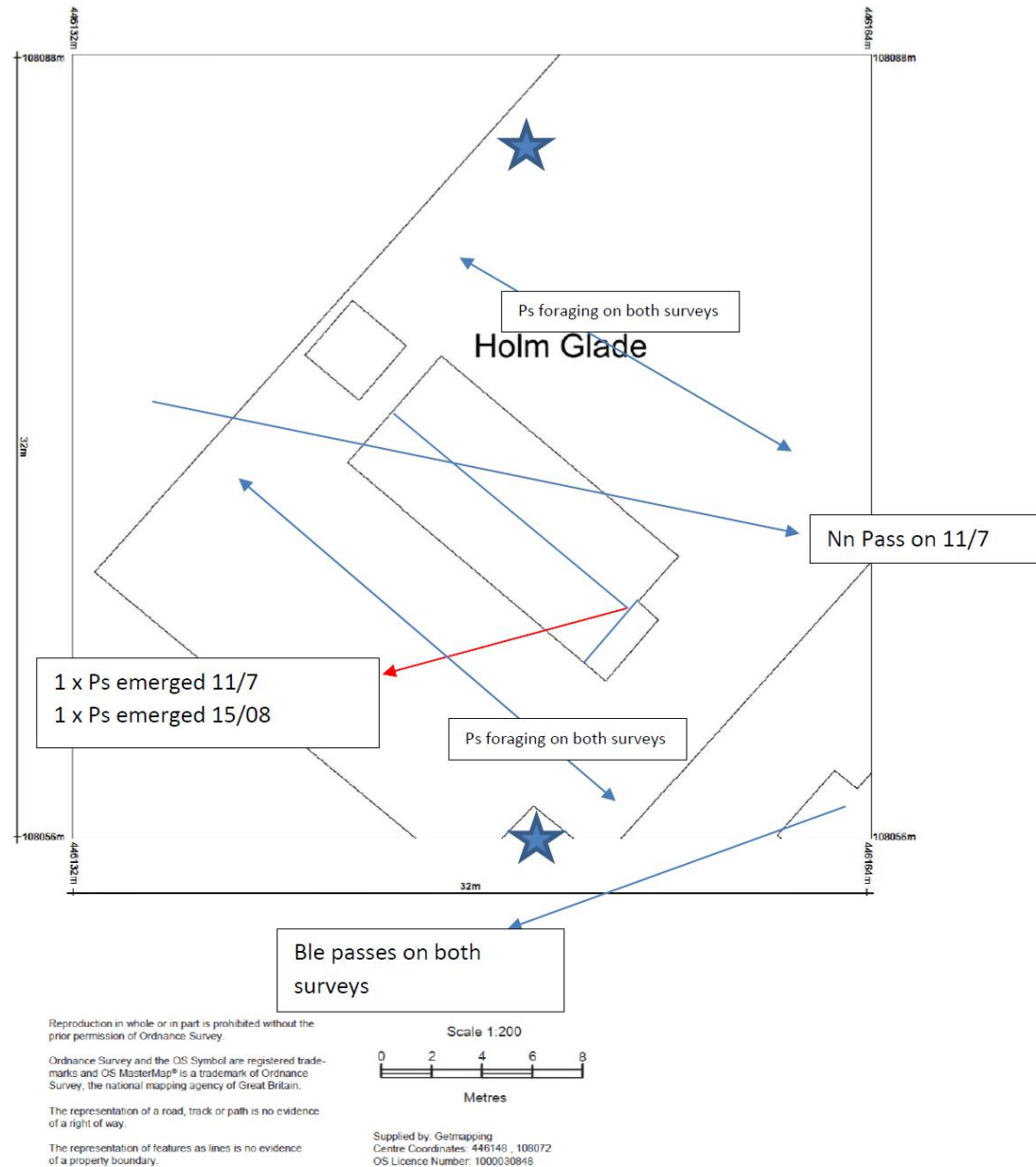


Figure 2: Dusk survey results 11/07/2022 & 15/08/2022



Surveyor position

Showing the areas where bats were seen emerging.