



Preliminary Roost Assessment

14 Shenton Lane, Dadlington, CV13 6JD

Ryan Morgan

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Draft	1	Georgia Knight BSc (Hons), Graduate Ecologist	04/04/2024
Reviewed	1.1	Matt Edwards BSc (Hons) TechArborA Senior Consultant	11/04/2024
Final	2	Georgia Knight BSc (Hons), Graduate Ecologist	11/04/2024

Arbtech Consultant's Contact Details:

Georgia Knight
Graduate Ecologist
Tel: 07842430257 Email: georgiaknight@arbtech.co.uk
<https://arbtech.co.uk>

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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.

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 Ryan Morgan to undertake a Preliminary Roost Assessment (PRA) at 14 Shenton Lane, Dadlington, CV13 6JD (hereafter referred to as “the site”). The survey was required to inform a planning application for ‘two-storey rear extension, a detached double garage, basement, installation of new dormers and porch to the front with alterations to the external elevations’ (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Roosting bats (B1)	B1 has moderate value for roosting bats due to the external features present to support small numbers of crevice dwelling bats, such as missing mortar, slipped and raised tiles and gaps under the ridge tiles, as well as good foraging and commuting habitat in the wider landscape. Furthermore, a search of the magic.gov.uk database for granted EPSLs within a 2km radius of the site identified the destruction of roosts for crevice dwelling species. Displaced bats from licensed sites <2km away from the survey site will find alternative habitat, either within the mitigation measures implemented as part of the licence or will relocate to other known roost sites in close proximity to the licensed site.	The proposed development will result in the extension to this building. This could result in the damage, modification and destruction of any bat roosts present in the existing roof structure and could cause disturbance, death or injury to bats.	Two bat emergence surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost in the building. Both of the surveys should be completed during the optimal survey period mid-May to August inclusive. Infra-red cameras should be used as an aid. Surveys should be a minimum of three weeks apart. Four surveyors are required to provide full coverage of the building. If bat roosts are confirmed in the building one additional survey may be required to characterise the roost and to inform an EPSL application to Natural England. The EPSL application requires that 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.
Foraging and commuting bats	The vegetated garden and scattered trees to the rear of B1 could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of small areas of hardstanding and lawn and in the rear vegetated garden but given the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the measures detailed in Table 6 below.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Ryan Morgan to undertake a Preliminary Roost Assessment (PRA) at 14 Shenton Lane, Dadlington, CV13 6JD (hereafter referred to as “the site”). The survey was required to inform a planning application for ‘two-storey rear extension, a detached double garage, basement, installation of new dormers and porch to the front with alterations to the external elevations’ (hereafter referred to as “the proposed development”). A 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, 2023). 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 Location and Landscape Context

The site is located at National Grid Reference SP 40167 98214 and has an area of approximately 0.1ha comprising one residential dwelling with attached garage, area of hardstanding used as a driveway and associated vegetated garden with introduced shrubs. It is surrounded by residential dwellings directly to the north and south with scattered trees along the boundaries, and the small village of Dadlington with arable fields and a small number of trees to the east. The wider landscape comprises arable fields, small areas of woodland to the west and the Ashby de la Zouch Canal approximately 150m to the north and west. 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 inspection of built structures, 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 Georgia Knight BSc (Hons), Graduate Ecologist (Accredited Agent on Licence: 2022-10404-CL18-BAT) on 21st March 2024. 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.

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.

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 below. 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

Assigned bat roosting potential	Description/rationale
Confirmed roost	Evidence of roosting bats within the building.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/ stable hibernation site.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, condition and surrounding habitat but unlikely to support a roost of high conservation status, such as maternity and hibernation.

Low	A building with one or more potential roost sites that could be used by individual bats opportunistically at any time of year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/ stable hibernation site but could be used by individual hibernating bats).
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
None	No habitat features likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/ suitable shelter at all ground. Underground levels.

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.

Bat records are required to facilitate a full assessment. To date, Arbtech has not been commissioned to obtain the data. Bat records can be acquired at a later date and will be necessary for any subsequent license application to Natural England. This will be determined following the results of the further surveys recommended in this report.

The northeastern extension of the loft space in B1 was not fully accessible as it was boarded off from the rest of the loft space and was viewed from a gap in the lining of the main loft space. The northern end of the main loft space was not boarded so not fully accessible. Therefore, some roost features or evidence of bats (if present) may have been missed. These areas are shown in Appendix 3 and 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 Designated Sites

Details of any statutory designated sites with bat qualifying interests within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below.

Table 2: Statutory designated sites with bat qualifying interests within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Kendall's Meadow Site of Special Scientific Interest SSSI	~590m to the west	A traditionally managed hay meadow with a diversity and richness of plant life unmatched in the southwest of the County, an area otherwise sparse in interest. It is probably the best representative of this grassland community type in the central English Midlands. This could provide suitable foraging habitat for bats.

3.2 Historical Records

A search of the magic.gov.uk database for granted EPSLs within a 2km radius of the site has been completed. Displaced bats from licensed sites <2km away from the survey site will find alternative habitat either within the mitigation measures implemented as part of the licence or will relocate to other known roosts sites in close proximity to the licensed site. EPSL records for bats are summarised in Table 3.

Table 3: Granted EPSLs for bats within 2km of the site

EPSL reference	Bat species affected	Impacts allowed by licence
EPSM2011-3911	Common pipistrelle and brown long-eared bat	Destruction of a resting place
EPSM2013-6503	Common pipistrelle and brown long eared bat	Destruction of a resting place

3.3 Field Survey Results

The weather conditions recorded at the time of the survey are shown in Table 4. The results of the field survey are detailed in Table 5 and illustrated in Appendix 3.

Table 4: Weather conditions during the survey

Date:	21/03/2024
Temperature	12°C
Humidity	82%
Cloud Cover	60%
Wind	8mph
Rain	None

Table 5: PRA Results

Feature	Description	Photographs
Bat foraging and commuting habitat Figure 1 – vegetated garden to rear of B1	There is limited foraging and commuting habitat on site in the form of a vegetated garden that comprises of a regularly maintained lawn with scattered shrubs. Along the boundaries of the site there are scattered trees belonging to the neighbouring properties that could provide foraging opportunities for bats. The wider landscape comprises the Ashby de la Zouche canal and arable fields with their associated hedgerows, these linear features could be used by commuting bats to commute to the site.	
B1 – overview Figure 2 – northeastern elevation	B1 is a detached, L-shaped two-storey residential dwelling with a pitched roof clad in concrete tiles. There is a catslide roof over the garage as well as one large gable ended dormer and two dormer windows on the southwestern elevation. B1 has exposed brickwork around the building and two brick chimneys at the northern and southern ends of the roof that appear to be in excellent condition. There is no cellar or basement underneath the building.	

B1 – northeastern elevation Figure 3	There is no mortar missing in the brickwork or along the verge of the roof of the gable end that bats could use to roost. There is one small crack in the mortar at the top apex of the roof, circled opposite, that crevice dwelling bats could utilise. There are no other features on the gable end that bats could use. There are two raised tiles under the chimney at the northern end of the roof, shown in figure 5 below, that could provide access into the building, as well as a raised tile at the top of the roof valley. Both these features are highlighted in figure 4 below. The uPVC windows and doors are well sealed around the frames, with no cracks or gaps to which bats could roost. The uPVC soffit looks to be in good condition and sits flush to the brickwork, with no gaps or damage that bats could use to roost. There is artificial lighting present on this elevation.	
Figure 4 and 5		

B1 – northwestern elevation Figure 6	The roof tiles are intact, with no slipped, raised, or missing tiles present on this elevation. There is no mortar missing under the ridge tiles, with no gaps to which bats could roost and the brickwork appears to be in excellent condition, with no gaps, cracks or missing mortar that crevice dwelling bats could utilise. The soffit is well sealed and flush to the wall, with no means of ingress for bats.	
B1 – southeastern elevation Figure 7	The brickwork across the southeastern elevation looks to be in excellent condition, with no areas of damage or cracks that bats could use to roost. The windows and uPVC soffit are well sealed with no gaps for bats to utilise. The lead flashing around the chimney lays flat to the roof, however there is one gap under the flashing where the verge of the roof meets the brickwork (shown below in figure 8), that could provide opportunities for bats to roost. There is also a gap underneath the flashing at the top of the roof valley. It is unclear how deep this gap goes but it could provide access into the subspace of the roof structure that crevice dwelling bats could use. There is a slipped tile (shown in figure 9) that could also provide access for roosting bats. This is the only slipped tile on this elevation and the rest of the roof and ridge tiles are all intact with no gaps underneath to which bats could roost.	

Figure 8 and 9		
B1 – southwestern elevation Figure 10	There are several gaps between the roof tiles at the southern end of the roof, as shown in figure 12 below. These gaps could allow crevice dwelling bats access into the roof structure. There are two gaps underneath the ridgeline where mortar is missing that could allow crevice dwelling bats to roost. The two smaller dormer windows look to be in good condition, with no gaps around the window frames or in the soffit that bats could use. The brickwork of this front elevation appears to be in good condition and then uPVC soffit and windows and door, including the garage door, and tight fitting to their frames, with no means of ingress for bats.	

Figure 11 and 12

B1 –
southwestern
dormer
window

Figure 13

There are gaps under the ridge tiles of the larger dormer window, shown opposite, where mortar is missing. These gaps could provide suitable opportunities for crevice dwelling bats to roost underneath. The rest of the tiles on the dormer lay flat with no means of ingress. The mortar is intact on the roof verge of the front of the dormer, with no gaps or cracks to which bats could roost. The brickwork looks to be in good condition and the window is well sealed, with no gaps around the frame.



B1 – northwestern gable end Figure 14	The northwestern gable end brickwork appears to be in good condition, with no missing mortar and no gaps around the windows or where the flue comes through the wall that bats could use to roost. The mortar along the roof verge in intact apart from gap which is detailed below.	 A photograph showing the exterior of a two-story brick house. The focus is on the northwestern gable end. The brickwork is a mix of red and light-colored bricks. There are several windows with white frames. A black downspout runs vertically down the side of the house. In the foreground, there are two black bins and a paved area.
Figure 15	Figure 15 opposite shows the gap at the apex of the roof where mortar is missing along the roof verge. This could allow roosting bats to access the internal roof structure to roost.	 A close-up photograph of the roof apex of the house. The image shows the brickwork and the roof tiles. A red circle highlights a gap in the mortar at the apex, which is the point where the roof tiles meet. A grey downspout is visible on the right side of the image.

B1 – interior Figure 16	There are two loft spaces within the interior of B1. The main loft space runs over the central area of the building, with the second loft space over the L-shaped part of the house, where an extension has previously been built on. The approximate dimensions of the main loft space are: 8.3m (L) x 2.5m (W) x 1.5m (H). The internal temperature was 16° with a relative humidity of 60%. The main loft space is partially boarded with a wool insulation on the floor and is used for storage. The northernmost area of the loft is not boarded and so could not be fully investigated. The roof structure is formed of modern wooden beams with a central ridge beam and there is a bitumen lining that looks to be in poor condition, with several tears present although no daylight could be seen coming through the roof structure. There are brick walls at the end of the loft with a chimney present at the northern end. No bat evidence was found within this loft space. There are a small number of mice droppings present.	
Figure 17 and 18		

Figure 19	The smaller loft space could not be accessed and was viewed through a gap in the roof lining (figure 18). Figure 19 opposite shows this loft space, which is constructed of modern timber beams, a central ridge beam and is lined with bitumen felt. There is no insulation on the floor, no daylight can be seen entering the space and there are unbroken cobwebs seen going from the ceiling to the floor.	
B1 – suitability assessment, breeding birds and other incidental observations	B1 is considered to have moderate value for roosting bats due to the good foraging and commuting habitat around the site, the inaccessible loft spaces meaning that some evidence of bats could have been missed and the external features present that could allow bats to roost such as the raised tiles around the chimney, slipped tiles and missing mortar under the ridge tiles and on the roof verge. No evidence of bats or nesting birds was found internally or externally within B1.	

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 6 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 ‘two-storey rear extension, a detached double garage, basement, installation of new dormers and porch to the front with alterations to the external elevations’.

Table 6: Evaluation of the site for bats and any other ecological constraints

Building	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Roosting bats (B1)	B1 has moderate value for roosting bats due to the external features present to support small numbers of crevice dwelling bats, such as missing mortar, slipped and raised tiles and gaps under the ridge tiles, as well as good foraging and commuting habitat in the wider landscape. Furthermore, a search of the magic.gov.uk database for granted EPSLs within a 2km radius of the site identified the destruction of roosts for crevice dwelling species. Displaced bats from licensed sites <2km away from the survey site will find alternative habitat, either within the mitigation measures implemented as part of the licence or will relocate to other known roost sites in close proximity to the licensed site.	The proposed development will result in the extension to this building. This could result in the damage, modification and destruction of any bat roosts present in the existing roof structure and could cause disturbance, death or injury to bats.	Two bat emergence surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost in the building. Both of the surveys should be completed during the optimal survey period mid-May to August inclusive. Infra-red cameras should be used as an aid. Surveys should be a minimum of three weeks apart. Four surveyors are required to provide full coverage of the building. If bat roosts are confirmed in the building one additional survey may be required to characterise the roost and to inform an EPSL application to Natural England. The EPSL application requires that 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.

¹ The Local Planning Authority has a duty to ask for enhancements under the NPPF (2024).

Foraging and commuting bats	The vegetated garden and scattered trees to the rear of B1 could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of small areas of hardstanding and lawn and in the rear vegetated garden but given the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Light spill on to the rear vegetated garden and trees should be avoided. • 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	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • Planting of native tree, shrub and hedgerows to increase foraging opportunities.
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			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.	
Nesting birds (B1)	B1 offers no opportunities for nesting birds.	None.	None.	The installation of a minimum of two bird boxes on mature trees around the site boundaries or on retained buildings will provide additional nesting habitat for birds e.g. Schwegler 1SP Sparrow Terrace (buildings) Woodstone Nest Box (buildings or trees) Or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole.

5.0 Bibliography

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Appendix 1: Proposed Development Plan





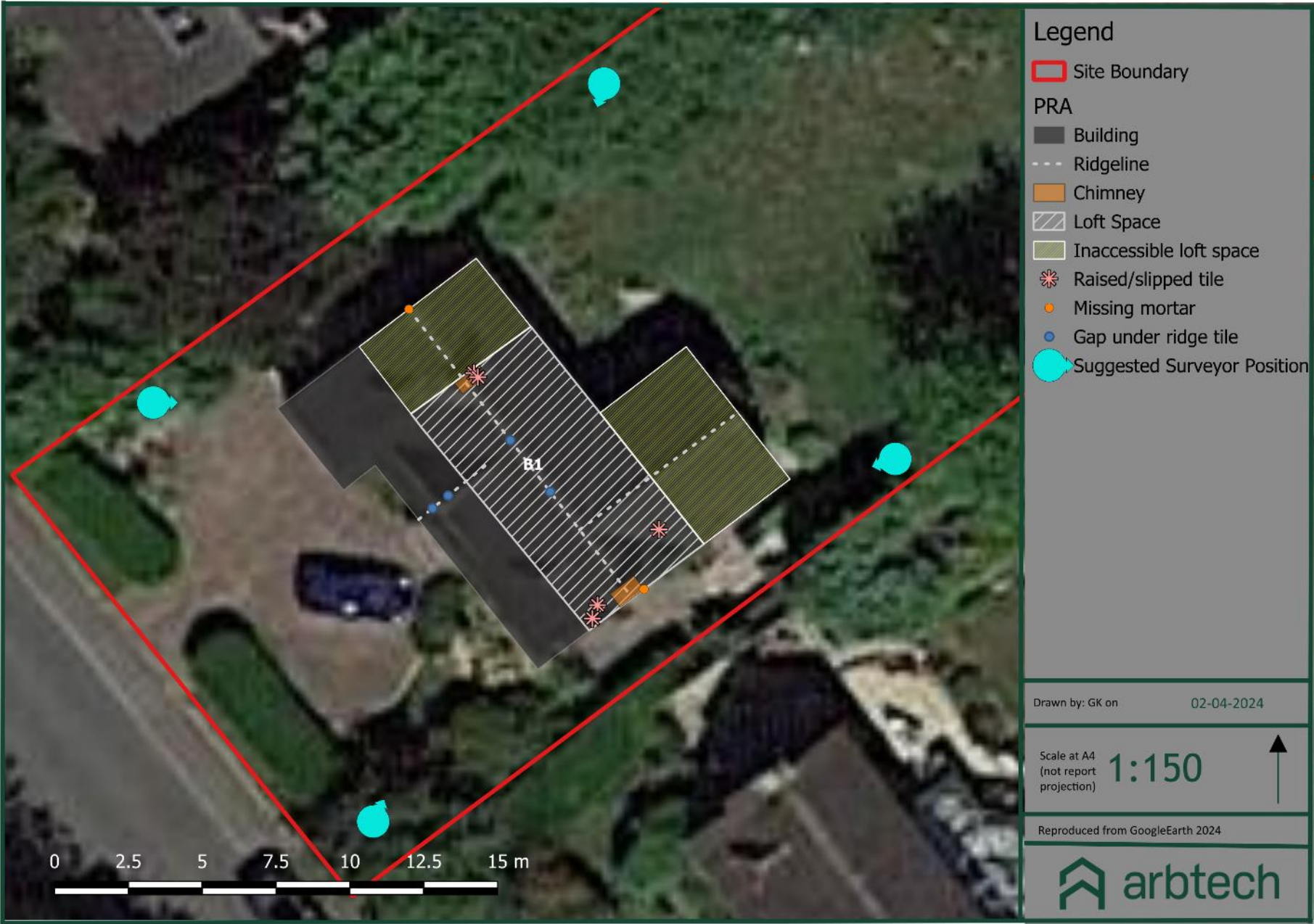
Appendix 2: Site Location Plan



Appendix 3a: PRA Plan



Appendix 3b: Proposed BERS 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

National Planning Policy Framework 2024

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.