

**35 Carbone Hill: Outline Bat Mitigation Strategy  
April 2018**

**'NETHERWOOD'**

**35 CARBONE HILL  
NORTHAW, HERTFORDSHIRE**

**OUTLINE BAT MITIGATION STRATEGY**



**2018**

**CLIVE HERBERT**

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# Outline Bat Mitigation Strategy

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### 1. INTRODUCTION

#### 1.1 Instructions

Amphibian, Reptile & Mammal Conservation Limited were contracted by Mr. Oktay Yilmaz on 9th April 2018 to produce an Outline Bat Mitigation Strategy for the proposed development of the detached property of 'Netherwood', 35 Carbone Hill, Northaw, Hertfordshire EN6 4PN, situated at approximately National Grid Reference TL 2944 0390.

This Strategy is required to support an extant planning application (Reference: 6/2018/0457/HOUSE) for the "erection of a first floor rear extension, roof alterations and 2no. rear Juliet balconies following demolition of a conservatory and outbuildings. Change of external materials, replacement windows and installation of new front access and exit gates".

This Outline Bat Mitigation Strategy is based on the assumption that a roost of Brown Long-eared Bats (*Plecotus auritus*) only is present in the property.

#### 1.2 Background

A Preliminary Bat Roost Assessment (PRA) was conducted according to the current 'best practice' standards as published in the 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (Bat Conservation Trust, 2016) and the Standing Advice to Local Planning Authorities (Natural England, 2012).

There was full access to all parts of the proposed development footprint and standard 10 x 40 binoculars together with an endoscope were available, where appropriate, to inspect the exterior and interior of the building.

The PRA was completed on 8th November 2017. The internal inspection of the loft void located numerous Brown Long-eared Bat droppings throughout the main area of the roof space: Droppings were not concentrated in any particular section of the loft void which is suggestive of pre-emergence internal flight within the roof space.

No bats were directly observed and there was no external evidence of their presence, although this may have been lost to the autumn weather.

Follow-up dusk emergence and dawn re-entry bat surveys were recommended in the PRA report to be undertaken during suitable weather conditions during the bats' active season from May to August 2018.

It was recommended that an Outline Bat Mitigation Strategy was drafted to support the extant planning application.

Full details of the property, together with internal and external photographs, are given in the original PRA report and this Strategy should be read in conjunction with that report in order to obtain a complete understanding of the site.

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### **1.3 Constraints**

This Outline Bat Mitigation Strategy has been prepared using information only from the PRA visit in November 2017 and in advance of results from the recommended dusk emergence and dawn re-entry surveys.

The Strategy will, therefore, require full reassessment and further development once those results become available.

The objective of this Strategy is to inform the planning process in an outline format. It is not intended to form the final Method Statement and Mitigation Strategy that may be required in order to support a European Protected Species Licence (EPSL) application to destroy, damage or disturb a bat roost through the proposed development activity.

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## **2. OUTLINE MITIGATION STRATEGY**

### **2.1 Further survey requirements**

As recommended in the Preliminary Roost Assessment (Herbert, 2017), a full series of dusk emergence and dawn re-entry surveys are required to be undertaken in order to establish whether bats are using those areas / features identified during the daytime PRA survey. These surveys are also needed to confirm the full range of any species present and to determine the status / use of any roost present (maternity, mating roost etc).

These surveys should follow all the nationally published guidance and 'best practice' standards (BCT, 2016).

A total of three surveys are required for any property identified as being of 'High Potential' for roosting bats. Each of these visits must be a minimum of a fortnight apart in order to comply with national 'best practice' guidance.

These surveys should be undertaken between May and September during the main active season for bats. A total of two experienced field surveyors, equipped with two-way radios and time expansion detectors, will be required to be situated at diagonally opposite corners of the property in order to ensure full coverage of the building.

Any emergence or re-entry surveys must only be carried out in suitable weather conditions for bat activity and should cover the period from 15 minutes before sunset to 120 minutes after sunset (dusk emergence) and from 120 minutes before sunrise to 15 minutes after sunrise (dawn re-entry) in view of the known presence of late-emerging Brown Long-eared Bats.

### **2.2 Mitigation**

A Detailed Method Statement and Mitigation Strategy will be required if bats are recorded roosting at the property during the dusk emergence / dawn re-entry surveys in order to support any application for an EPSL 'development' licence.

Assuming that the presence of a Brown Long-eared Bat roost is confirmed, however, an EPSL 'development' licence will be required before any works involving the roof of the property is undertaken, specifically:

- Demolition of existing pitched roof
- Partial demolition of existing crown roof
- Demolition of chimneys
- Any other works that may cause disturbance to the remaining parts of the existing pitched roofs.

Any future application form for a 'development' licence will need to be completed by a Suitably Qualified Ecologist (SQE) and will need to address the reasons for the application.

These will be based on sufficient survey effort to establish numbers and species of bat and how the building is being used by the bats; for example, the periods when the building is being used by bats (see section 2.1 above).

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Within this is the need to address the questions making up the three 'derogation tests':

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

In respect of question 1, the licence is necessary in order that the roof of the building may be broken into and replaced as part of the construction works to the existing dwelling.

In respect of question 2, there is no alternative means of achieving the desired works for the property.

In respect of question 3, maintaining 'favourable conservation status' is not an issue if only one or two bats are involved. It will be different if it is a large roost (i.e. 'worst case scenario') and this would also impact on the level of compensation and mitigation required.

Assuming that a roost is identified, the post-construction roof space must be available as a future roost site. This will require ensuring that:

- suitable points of ingress into the roof remain available, and
- that there is sufficient internal void space (e.g. the loft void is not partitioned by fire barriers etc) for bat flight to be undertaken prior to dusk emergence.

Any temporary replacement roost site (if required) should be in place before the above damage or disturbance or temporary loss of the existing roost occurs, or at least in place and ready for the return of the bats by the spring.

Timing of the works is also an issue; damage or disturbance to the roof should only be undertaken under the supervision of a SQE and ideally only take place when the roost is not in use, assuming that it is not occupied year-round, or if not possible then the works would need to be scheduled to avoid both the highly vulnerable maternity roost (mid-May to early August inclusive) period and the winter hibernation (December to February inclusive) period.

If a roost is confirmed then it will be necessary to ensure that only roofing felt is used in any new roof sections provided as opposed to Breathable Roof Membrane (BRM) as the latter has been proven to cause entanglement of bats in its fibres.

It will also be necessary to review the location of any proposed external lighting to ensure that the re-modelled exterior of the building is not well-lit to deter bats from utilising a roost(s) site, especially at the point(s) of ingress / egress.

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If no bats are observed emerging from the property during the dusk emergence / dawn re-entry surveys, then destruction, damage or disturbance of the roof may proceed by adopting the 'precautionary principle'. Namely, a SQE, holding a Class 2 bat survey licence that will enable them to handle an unexpected bat(s), should be present during any works to the roof in case a bat(s) is found that needs to be retained and released after dusk.

Irrespective of whether bats are recorded roosting in the property, biodiversity gain can be achieved by incorporating suitable bat access points within the new roof areas. Details of suitable access points and boxes can best be proposed and agreed once the final survey results are available.

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### **3. LEGISLATION**

#### **3.1 Bats**

The Wildlife & Countryside Act is the primary legislation by which biodiversity is protected within the UK. Protected fauna and flora are listed under Schedules 1, 5 and 8 of the Act. These include all species of bats which are listed on Schedule 5 and are afforded protection subject to the provisions of Section 9.

A person will be guilty of an offence if they:

- (1) intentionally kill, injure or take any wild animal included in Schedule 5,
- (2) have in their possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal,
- (4) intentionally or recklessly -
  - (a) damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;
  - (b) disturb any such animal while it is occupying a structure or place which it uses for shelter or protection; or
  - (c) obstruct access to any structure or place which any such animal uses for shelter or protection.
- (5) Subject to the provisions of this Part,
  - (a) sell, offer or expose for sale, or have in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
  - (b) publish or cause to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things,
- (6) In any proceedings for an offence under subsection (1), (2) or (5)(a) relating to an act which is mentioned in subsection (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

The Conservation of Habitats and Species Regulations (2010) transposes the Habitats Directive (Council Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora into UK domestic law.

It provides protection for sites and species that are assessed to be of conservation importance across Europe. Under this legislation it is an offence to deliberately capture, kill or injure any species listed in Schedule 2 or to damage or destroy their breeding sites or places of shelter.



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It is also an offence to deliberately disturb these species in such a way that it is likely to significantly impact on their local distribution or abundance or affect their ability to survive, breed and rear or nurture their young.

Where applicable, all of the above legislation applies to all life stages of a species.

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**4. REFERENCES**

- BCT                    2016. *Bat Surveys for Professional Ecologists – Good Practice Guidelines*. 3rd edition, Bat Conservation Trust, London.
- Herbert, C.            2017. *Preliminary Bat Roost Assessment*.  
Amphibian, Reptile & Mammal Conservation Ltd., East Barnet.
- Natural England    2012. *Standing Advice to Local Planning Authorities*.  
Natural England, Peterborough.