77 Brookmans Avenue
Brookmans Park
Hertfordshire
AL97QG

Bat Assessment Report
Report Date: May 2018

Survey and Report by

Jones & Sons Environmental Sciences Ltd,
21-23 North Road, Hertford, Herts, SG14 1LN,
Tel: 01992 552407, E-mail: reception@jonesandsons.co.uk
www.jonesandsons.co.uk

Client: RAEEN Holdings Ltd.
24 Widecombe Way, London N2 0HL

Disclaimer and Copyright

This report has been prepared by Jones and Sons Environmental Sciences Ltd., Company Registration Number 5573246, on behalf of RAEEN Holdings Ltd. of 24 Widecombe Way, London N20HL in connection with the demolition of the house at 77 Brookmans Avenue, Brookmans Park Hertfordshire AL97QG to enable the erection of 8 flats. The report takes into account their particular instructions and requirements. It is not intended for and should not be relied on by any third party and no responsibility is undertaken to any third party.

Further, Jones and Sons Environmental Sciences Ltd accepts no duty or responsibility (including in negligence) to any party other than RAEEN Holdings Ltd. and disclaims all liability of any nature whatsoever to any such party in respect of this report.

Report quality management and constraints

This report has been compiled by the surveyors (personnel as stated within the report) and authorised by Dr Jennifer Jones MCIEEM of Jones and Sons Environmental Sciences Ltd. The report format follows standard guidance produced by the British Standards Institute (2013), Chartered Institute of Ecology and Environmental Management(2015) and Bat Conservation Trust (Collins 2016).

To achieve the study objectives the conclusions were based on the best information available at the time of the survey and within the limits prescribed by our client within the agreement contract.

It should generally be recognised that bat requirements change throughout the year. Roosts can be of a transient nature and bats may move from roost to roost. A single bat may use a large number and wide variety of roosts during a year. The survey therefore represents a 'snap shot' in time.

In the event of any significant delay in the implementation of the demolition (for example over 18 months) an updated survey may required to ensure there has been no change to the report's conclusions.

Contents

A Executive Summary

This 2018 report documents the results of a daytime bat survey at 77 Brookmans Avenue, Brookmans Park, Hertfordshire AL9 7QG. The property surveyed is situated at central Ordnance Survey Grid Reference TL 25021 04310.

There are proposals to demolish the residential dwelling to enable the construction of new flats. At the request of the client RAEEN Holdings Ltd., ecologists (holders of Natural England Bat Survey licences) from Jones and Sons Environmental Sciences Ltd undertook the daytime inspection on the 18th May 2018.

The survey and report follows the Bat Conservation Trust (BCT) Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, J. 2016).

Eight species of bats have been recorded within the surrounding area and the semi-natural habitats around the property are favourable for flying and foraging bats.

The survey concluded that 77 Brookmans Avenue is a bat roosting site due to the presence of bat droppings identified inside the loft. The location of the bat droppings would suggest that a small number of brown long-eared bats *Plecotus auritus* are roosting: below the hip and ridge of the loft.

Demolition has the potential to cause disturbance to roosting bats and will destroy a bat roosting site. Suitable mitigation proposals therefore must be put forward to the Local Planning Authority to ensure no bats are harmed during demolition and compensation is provided so that the bat populations are maintained at a favourable conservation status within the local area. Due to the fact that the Conservation of Habitats and Species Regulations 2017 protects all species of bat and their roosting sites, before demolition can commence, a European Protected Species (EPS) Mitigation Licence to derogate from this protection will need to be granted by Natural England.

Further bat surveys of the property will be required by the Local Panning Authority and Natural England (for any licence application) to establish the bat species, numbers and status of the bat roosting site. Natural England will require that dusk bat emergence surveys be undertaken as advised by the BCT (Collins 2016) Bat Survey Guidelines. It is recommended that at least two surveys (preferably three) be undertaken between May and August when bats are actively flying and it is possible to determine any presence of a maternity site.

A basic outline mitigation strategy is included within this report, as guidance but further surveys are needed to formulate the most appropriate mitigation strategy. Recommendations include: timing considerations according to the significance of the roosting site, working methods to avoid harm to bats and new replacement roosting sites appropriate to the importance of the bat population identified.

B Introduction

A daytime bat survey was undertaken at 77 Brookmans Avenue, Brookmans Park, Hertfordshire AL9 7QG. The property surveyed is situated at central Ordnance Survey Grid Reference TL 25021 04310.

Jones and Sons Environmental Sciences Ltd undertook the survey on the 18th May 2018 at the request of RAEEN Holdings Ltd.

There are proposals to demolish the property to enable the construction of eight flats. Given that the house may provide bat roosting habitat (bats are species protected under the Conservation of Habitats and Species Regulations 2017), a bat survey is required to provide information to the owner and Local Planning Authority on any impact the proposals may have on the bats within the local area.

The presence of protected species is a material consideration in the planning process (National Planning Policy Framework), and therefore any adverse impact identified on bats will need mitigation proposals to be put forward to the Local Planning Authority to ensure that the species populations are maintained at a favourable conservation status.

The main objectives of the survey on the 18th May 2018 were to:

- Undertake a daytime survey of the building to search for any signs of bat use and assess any use/potential use of the building by roosting bats;

- Determine any potential impact of the development on the bat populations within the local area;

- If any potential impact is identified provide recommendations to ensure that bat populations are maintained at a favourable status within the local area and the building works comply with the legislation protecting bats.

The report includes: the qualifications and experience of the surveyors, methodology used, background research of the area, results of the daytime inspection and includes an evaluation of the findings with recommendations. The relevant legislation and plans are included within the Appendix.

C Methodology

Surveyors and Experience

Two ecologists from Jones and Sons Environmental Sciences Ltd (Mr Roger Jones and Mr Adam Jones) undertook the daytime inspection on the 18th May 2018 with a third ecologist (Dr Jennifer Jones) completing the report. The ecologists include:

- Mr Roger Jones who has a Bsc Hons in Zoology, considerable experience of bats and bat surveys and has held a Natural England Bat Survey Licence for 14 years. He is also Director of Jones and Sons Ltd.
- Mr Adam Jones BSc MMedSci who is an affiliate member of CIEEM and has held a bat survey licence for 12 years.
- Dr Jennifer Jones BSc PhD who is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) holds Natural England Bat Survey Licences, has held numerous standard EPS Mitigation Licences for several species of bat and has held a bat survey licence for 27 years. For 10 years Dr Jones worked as a county ecologist advising Local Planning Authorities on protected species.

Background Research

To develop an understanding of the ecological context of the site, research was undertaken of the area prior to the visit. This included: habitat interpretation using aerial photographs and gathering information from the government MAGIC (Multi-Agency Geographic Information for the Countryside) web site. The dataset held by the County Recorder for amphibian, reptiles and mammals (including bats) was also available.

Field Survey Methods

The surveys followed the Good Practice Guidelines published by the Bat Conservation (Collins, J. 2016).

A walk over of the site was undertaken to provide a broad-brush habitat survey of the area to assess the potential of the habitats to support a range of insects suitable for foraging bats and to identify features on the site that could be important as flyways for bats. Photographs were taken of the buildings and habitats to aid visual interpretation.

Bats may roost in a variety of situations including within roof voids, behind wooden boarding, behind hanging tiles, within gaps between bricks, within wooden beams or under roof tiles. The building was inspected for any bats or signs of bat use facilitated by the use of binoculars and powerful torches (using red filters where appropriate). Bat signs searched for included bat droppings on walls and the detailed inspection of timbers. Where suitable gaps were located (enabling bat access) the holes were examined in detail for any signs of oil staining from the bats fur, urine streaks or accumulation of droppings. The floor area of the loft was systematically searched for any bat droppings or insect wings. All bats are insectivorous and parts of bitten insects such as moth wings are frequently found below where a bat has been feeding.

In addition to searching for bat signs, the building was examined externally and internally, to assess the potential of the building to provide roosting sites for bats. Suitability criteria for the building include the following features: construction details, stability of the temperature regime, protection from the elements, light levels, cobwebs, level of disturbance, potential/confirmed roosting locations and potential/confirmed bat access points. Places searched for potential bat access points and roosting opportunities included through gaps through the roof, under tiles, holes in the wall, gaps under the ridge and in any gaps present in timber joints.

The overall suitability of the building for roosting bats followed Table 4.1 on page 35 of the BCT Good Practice Guidelines (2016). This takes account of the suitability of the roosting habitats and the value of the site's commuting and foraging habitats for bats. The analysis is applied using the professional judgement of the experienced bat ecologist. The building's suitability for roosting bats is divided into:

- Confirmed bat roost.
- High roosting suitability - a building with one or more suitable potential roosts sites that are obviously suitable for use by roosting bats with the potential to be used by large numbers of bats.
- Moderate roosting suitability -a building with suitable potential roost sites that could be used by bats but are unlikely to support a roost of high conservation significance.
- Low roosting suitability -a building with one or more potential roost sites that could be used by individual bats opportunistically but are unlikely to be used on a regular basis or be suitable for a maternity site i.e. the presence of bats cannot be discounted.
- Negligible roosting suitability- while presence cannot be completely discounted, negligible/limited number of features likely to be used by roosting bats and any bat presence is considered unlikely.

The weather conditions on the date of the survey were recorded as having a temperature of 16 ^{o}C, with no rain and no wind (Beaufort Scale 0). The weather conditions were suitable for the inspection.

Constraints/Limitations

Assessments of a building's potential for roosting bats can be undertaken at any time of the year. There were no major constraints to the daytime survey since full access to the building exterior and interior (including loft) was available.

It should generally be recognised that bat requirements change throughout the year. Roosts can be of a transient nature and bats may move from roost to roost. A single bat may use a large number and wide variety of roosts during a year. The survey therefore represents a 'snap shot' in time.

D Survey Findings

Location and habitats

77 Brookmans Avenue is a detached two-storey house located within the suburban area of Brookmans Park to the north of Potters Bar. The survey site is situated at Ordnance Survey Grid Reference TL 25021 04310.

The location is shown in plan 1 and the surrounding habitats are illustrated within the aerial photograph (plan 2) in the Appendix.

Photograph 1-2: Brookmans Avenue


Residential dwellings surround the house with Brookmans Park Golf Course bordering the property to the north. The habitats within the golf course include trees and sanding water favourable for foraging bats. Nearby woodlands (within 1 km) include: Peplins Wood to the northwest, George Wood to the east and Gobions Wood (including a lake and ponds) to the south. Semi-natural habitats with mature trees and water are capable of supporting high concentrations of flying insects of benefit to a variety of bat species.

Photograph 3-4: trees around rear garden


The habitats within the garden of the survey site include: hardstanding (driveway) a mown lawn of amenity grassland, managed flowerbeds, bordering shrubs and bordering hedgerows with tall trees. The trees around the property provide potential bat flight connectivity to the favourable habitats within the golf course and also to the nearby woodlands in the area.

The research found the presence of eight species of bat within a 1km radius of the survey site. Species recorded in the surrounding area include: common pipistrelle bat *Pipistrellus pipistrellus,* soprano pipistrelle bat *Pipistrellus pygmaeus,* Nathusius pipistrelle *Pipistrellus nathusii,* brown long-eared bat *Plecotus auritus,* Natterer's bat *Myotis nattereri,* Daubenton's bat *Myotis daubentonii,* noctule bat *Nyctalus noctula* and serotine bat *Eptesicus serotinus.* This is a high diversity of bat species.

Due to the presence of bats in the surrounding area and suitable habitat connectivity from the site to the wider highly favourable habitats it is considered likely that bats fly across the survey site.

Building assessment

The two-storey residential house has brick walls supporting a pitched hipped roof clad with tiles. The main hipped roof extends east to west with hipped roofs also extending to the north (rear) and south (front). There is a rear single storey extension.

Photograph 5: Front (south) elevation

Photograph 6: Rear (north) elevation

The inspection of the roof found it to be in relatively good condition with tiles tightly fitted together. No obvious bat entrance/exit points were observed during the exterior inspection although a few slight gaps were identified under the tiles that potentially could provide bat access.

Internally there is a timber-framed loft with a height from the floor to the ridge of 2.6 metres.

Photograph 7-8: Loft structure

Photograph 9: hip

The tall loft is assessed as being favourable for void dwelling bats such as brown long-eared bats and supports dark warm internal conditions with a timber ridge providing a suitable surface for roosting bats. The roof tiles are lined internally by bitumastic felt and it was observed that sections of felt had been cut enabling potential bat access to the loft from the roof tiles.

Photograph 10: Potential bat access through felt Photograph 11: crevices in felt

The crevices between the tiles and felt lining are suitable for roosting bats and bat species such as pipistrelle bats typically roost within these crevices. Similarly areas of hanging felt and wrapped round felt inside the loft provide suitable roosting crevices for bats. It was concluded that roosting opportunities are present inside the loft: below the ridge, at the hip joints, within the folds of the felt lining and between the tiles and felt lining.

Photograph 11: Bat dropping on timber

During the internal inspection of the loft bat droppings were identified on the loft timbers, storage items and floor. A scatter of long-eared bat droppings were identified on the loft floor below the ridge with small clusters (< 10 droppings) below the hip joints. No accumulation of bat droppings suggesting the presence of a nursery colony were observed.

Photograph 12-13: bat droppings

The bat signs identified during the daytime inspection confirmed that the building is highly likely to support a current brown long-eared bat roosting site.

E Evaluation and Recommendations

Summary

The habitats within the area are assessed as being of high quality for foraging bats with moderately good flight connectivity from the survey site to the wider area. Eight species of bat have been recorded within a 1km radius of the survey site and it is considered highly likely that bats are flying across the survey site.

The survey on the 18th May 2018 concluded that 77 Brookmans Avenue is a bat roosting site due to the presence of long-eared bat droppings identified inside the loft. The location of the bat droppings would suggest that bats are roosting: below the hip and ridge of the loft. Potential bat roosting sites are also present between the tiles and roofing felt and between the folds of the felt inside the loft. No significant accumulations of bat droppings were observed to suggest any past presence of a nursery colony

Impact

With the current information available, demolition has the potential to cause disturbance to roosting bats and will destroy a bat roosting site. Suitable mitigation proposals therefore must be put forward to the Local Planning Authority to ensure no bats are harmed during demolition and compensation is provided to ensure that the bat populations are maintained at a favourable conservation status within the local area. A suggested outline mitigation strategy is given in the section below.

Further Survey Required

The level of compensation is dependant on the significance of the bat roosting site and therefore sufficient dusk emergence surveys (or dawn re-entry surveys) need to be undertaken to clarify the bat species roosting in the building, numbers of bats and roosting significance of the building, including any presence of a maternity site.

Roosts can be surveyed between May to September but at least two surveys need to be undertaken between May and August to identify any possible presence of a maternity site. Any deviation from this guidance would require justification. Due to the fact that bats may move between different roosting sites during the summer, it is best practice to undertake surveys spread out through the survey season (spaced out at least two weeks apart).

Need for an EPS Bat Mitigation Licence

The Conservation of Habitats and Species Regulations 2017 protects all species of bat and their roosting sites, therefore before demolition can commence, a European Protected Species (EPS) Mitigation Licence to derogate from this protection will need to be granted by Natural England. The licence application can only be submitted following the granting of planning permission.

Licences usually require three emergence surveys to have been undertaken within the active season (May to September) prior to the application. Further details of the legislation and licences are in the appendix of this report. Although three surveys are required for a licence, in the event of a long time interval between planning permission and the proposed works, the Local Authority may accept less than three surveys for the report for planning.

Outline Mitigation Strategy

In the event that further surveys confirm the current presence of roosting bats at 77 Brookmans Avenue, working methods (mitigation) will be required to avoid any harm to bats and compensation bat roosting sites will also be required to ensure no net loss of roosting sites and ensure that the conservation status of the bat populations are maintained at a favourable status within the local area.

A suggested outline mitigation strategy is given below but further nocturnal survey will be required to put in place the most appropriate mitigation strategy.

Potential Timing Constraints

Bats will need to be excluded prior to demolition, to minimize any adverse impact on bats and it is preferable for any bat exclusion to be timed to avoid bats most vulnerable seasons in the summer and winter. The daytime inspection suggested that the presence of a maternity site is unlikely but, in the event of the further surveys identifying a maternity site, demolition must avoid the summer breeding season and building works requiring bat exclusion must be timed for the autumn or the spring.

Winter is a period when few insects (bat prey) are around and bats go into torpor/hibernation to save energy and cannot easily fly away from danger. Although species such as brown long-eared bats will frequently move to other roosting sites during the winter months, occasionally a few individuals remain in their roosting site all year round.. It is therefore preferable for any bat exclusion to avoid the peak hibernation period between December and February. Bat exclusion should be when night temperatures are over 6^{o}C when insects are flying.

Tool Box Talk

Before works impacting on bat roost areas, the building contractors/roofers must be made aware of: the presence of bats, the protection afforded them and the methods of working required to avoid harm to bats as will be stated in the Method Statement approved by Natural England.

It is usual for the bat ecologist named on the licence or their accredited agent to give a bat induction training session (tool box talk) to the building contractors prior to the works.

Destructive Search by soft demolition

Prior to demolition, the roof (ridge and roof tiles) will be dismantled (destructive search by soft demolition) under the direct supervision of the named ecologist on the licence or their accredited agent (watching brief). The draughts and increased natural illumination caused by roof stripping will encourage the natural dispersal of bats during the night and discourage bats from returning to roost.

In the event of a bat being found during the soft demolition, where possible the licensed bat ecologist or accredited agent will carefully remove the bat by hand. The condition of the bats will be checked. If their weight and condition is favourable, they will be relocated to the replacement bat roosting site (bat box) erected prior to building works. To ensure that bats are not left without a roosting site prior to bat exclusion it will be necessary to erect a bat box within the close proximity of the roosting site.

Should any bats captured be found to be in a torpid condition or very underweight and their survival is therefore thought to be at risk (due to inability to fly and therefore feed), they will be taken into captivity by the licensed bat ecologist (also with experience of bat care) and fed on mealworms for a few days to ensure they are capable of flight on release (as directed by the Bat Workers Manual, s.7.3, pp.64-66; 3rd ed, 2004).

Compensation Bat Roost Provision

The level of compensation (new bat roost provision) is usually proportionate to the status of the bat roosting site but the provision of a range of replacement bat roosting facilities will ensure no net loss of bat roosting sites and, with any additional boxes provided, will increase roosting opportunities to encourage the enhancement of the local bat populations

Guidance for proportionate mitigation is given in the Bat Mitigation Guidelines (Mitchell-Jones, A. 2004). The current assessment suggests that if a bat roost is identified it is more likely to be a roosting site of relatively low significance rather than a maternity site.

According to the Bat Mitigation Guidelines, a roost of low significance such as a day roosting site used by small numbers of the more common species of bat requires: "*Provision of new roost facilities where possible. Need not be exactly like-for-like, but should be suitable, based on species requirements Minimal timing constraints or monitoring requirements*".

A bat maternity roosting site used by the more common species would be classified as a roost of medium significance and would require: "*Timing constraints. More-or-less like for like roost replacement. Bats not to be left without a roost and must be given time to find the replacement. Monitoring for at least 2 years* ".

For a roost of low significance, the erection of bat boxes on nearby mature trees or building is recommended as compensation for the loss of roosting sites with the number of boxes provided proportionate to the status of the roosting site. Even if additional boxes were provided in excess to those required as compensation, the additional roosting opportunities would be an enhancement measure of biodiversity benefit. The Local Planning Authority may require the developer to provide enhancement measures for roosting bats.

Woodcrete bat boxes (such as Schwegler) are thought to have the highest rate of occupancy although research is ongoing. Woodcrete bat boxes are made of wood sawdust, concrete and clay and are generally preferable to timber boxes since they are: relatively maintenance free, longer lasting and maintain a stable temperature favoured by bats.

Bat boxes, appropriate for the species roosting in the building, will need to be erected. For example, the Schwegler Type 1FF or type 3FF flat crevice bat box are suitable for pipistrelle bats and the Schwegler Type 2FN is suitable for brown long-eared bats. These bat boxes are illustrated in the appendix.

Natural England requires that any bat boxes provided as compensation and included in the licence conditions remain in place for a minimum period of five years. This is to allow bats time to find the new roosting sites and use them. It should be noted that any bat box that is used by bats is legally protected under the legislation

Dependant on the status of the bat roosting site, additional compensation measures may require, for example, the incorporation of woodcrete bat boxes in the wall of any new building or a dedicated tall loft suitable for brown long-eared bats. For a single brown long-eared bat, bat boxes suitable for brown long-eared bats will provide compensation, but for a brown long-eared bat roosting site of higher significance, such as a maternity site, a bat loft will need to be incorporated

Monitoring

At each stage of the development, sign off visits will need to be made by the bat ecologist to confirm the requirements of the planning permission and EPS licence method statement have been met.

Each stage to be signed off is likely to include:

- Stage 1 – Erection of at least one external bat box as an alternative roosting site for any displaced bats.

- Stage 2: Tool box talk and dismantling of bat roosting sites under the supervision of the licensed bat ecologist (watching brief).

- Stage 3 – Post construction licence compliance check of any new roost provision.

- Stage 4- Potential further monitoring dependant on the status of the roosting site. A roosting site of low significance requires no/minimal monitoring but a maternity site of higher significance requires further monitoring (including at least one evening emergence survey and preferably two).

The outline mitigation strategy proposed will ensure that any development at 77 Brookmans Avenue will not be detrimental to the bat populations within the local area and comply with the legislation protecting bats.

F References

British Standards Institution (2013) BS42020 Biodiversity-A code of practice for planning and development

Carter J and Morton J (2016) Innovation in Regulation: How Natural England is Thinking Differently to Deliver for Protected Species. *In Practice- Bulletin of the Chartered Institute of Ecology and Environmental Management* Issue93 pp46-50

.

Chartered Institute of Ecology and Environmental Management (2015) Guidelines for ecology report writing.

Collins, J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edn). The Bat Conservation Trust, London.

Department for Communities & Local Government (March 2012) National Planning Policy Framework.

HMSO (1981) The Wildlife and Countryside Act 1981. The Stationary Office Ltd, Norwich.

HMSO (2017) The Conservation of Habitats and Species Regulations 2017. The Stationary Office Ltd, Norwich.

HMSO (2006) The Natural Environment & Rural Communities Act

Mitchell-Jones, A.J. & A.P. McLeish (2004) The bat workers' manual. JNCC.

Mitchell-Jones, A.J. (2004) Bat Mitigation Guidelines. Published by English Nature

Multi-Agency Geographic Information for the Countryside (MAGIC) (Interactive Map. Available from: http://www.magic.gov.uk

G Appendix

Legislation and Policy Relevant to Bats

All bats and their roost sites are protected by the Wildlife and Countryside Act 1981 (as amended) and through inclusion in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Amendments to the legislation means that legal protection for a European Protected Species 'EPS' falls mostly under the Habitats and Species Regulations (2017).

In England the legislation makes it illegal to:

- Deliberately capture, injure or kill a bat;
- Deliberately disturb a bat which is likely to impair their ability to survive, breed, rear young or hibernate or significantly affect their local distribution or abundance,
- Incidentally or deliberately damage or destroy a breeding site or resting place of a bat.
- Possess, control, transport, sell, exchange or offer for sale or exchange, any live or dead bat or any part of a bat.

Resting places used by bats are known as bat roosts. Because bats tend to reuse the same roosts, the roost is protected whether or not bats are present at the time. Deliberately is interpreted as someone who, although not intending for example to harm a bat, performs the relevant action being sufficiently aware of the possible presence of bats. The Wildlife and Countryside Act additionally makes it an offence to:

- Intentionally or recklessly disturb a bat at a roost
- Intentionally or recklessly obstruct access to a roost.

Building works that would contravene the protection afforded to bats under the Conservation of Habitats and Species Regulations 2017 require an EPS Licence prior to the commencement of works. Natural England, under powers conferred by the Secretary of State, has authority to issue licences but only for certain purposes.

The criteria that need to be satisfied prior to the granting of both planning permission for the development and a Natural England Licence are:

1 That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of social or economic nature and beneficial consequences of primary importance for the environment" (Regulation 53(2)(e)).

In this situation it would need to be demonstrated that there were imperative reasons of overriding public interest for the development including those of social or economic nature and beneficial consequences of primary importance for the environment.

2 That there is no satisfactory alternative (Regulation 53(9)(a)) to the 'do nothing' option.

3 That the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range (Regulation 53(9) (b)).

A clearly documented mitigation strategy is required to satisfy this regulation.

Following on from a recent court cases, local authorities must consider all planning applications where European Protected Species are likely to be affected and an EPS licence is required. Regulation 9(3) of the of the Conservation of Habitats and Species Regulations (2017) states that LPAs must have regard to European Protected Species when granting planning permission. The ruling refers to the three tests given above

To fully inform any future licence application, Natural England will require that nocturnal bat surveys be undertaken as advised by the BCT (Collins 2016) Bat Survey Guidelines. Licences usually require three emergence surveys to have been undertaken within the active season (May to September) prior to the licence application including a check within 3 months in the event that the application is submitted after 3 months from the last survey. Recent surveys are necessary to determine current roost status and numbers of bats that potentially could be affected.

Although three surveys are usually required for a licence application, Natural England recognises the need for flexibility when the impacts on an EPS can be predicted with sufficient certainty. Therefore in some circumstances, Natural England may accept a lower survey effort from the standard but only when the impacts of the development can be predicted with confidence by an experienced bat ecologist and the mitigation strategy proposed will be sufficient to ensure that the development will not have a detrimental affect on the favourable conservation status of the local bat population (Carter J and Morton J 2016).

Appropriate mitigation measures will be required to avoid harm to bats and, in the event of roosting sites being damaged/lost, compensation roosting sites provided to ensure that the bat populations are maintained at a favourable conservation status within the local area.

In instances where Local Authority planning approval is required, full planning permission must be in place (including the clearance of any conditions relating to bats) before submitting a licence application.

In addition to providing documentation to satisfy the above three tests, Natural England will require a detailed timetable of the proposed works including the month when the start of the works is proposed.

According to the significance of the roosting site either a standard EPS mitigation licence needs to be applied for, or in the event of the site fulfilling the criteria of a low significance roost, a Bat Low Impact licence could be applied for

Standard licences require detailed documentation including: application form, justification for the development (documentation to satisfy above tests 1 and 2, a method statement detailing the surveys, mitigation proposed and compensation roosting sites, scaled plans and detailed timetable of the proposed works. The Works Schedule will need to give the timings for all categories of work including: the month when the start of the works is proposed, any bat mitigation to be implemented prior to the start, the main construction period and any post development monitoring. For a standard mitigation licence, Natural England will require at least 30 working days (in practice often more) to assess the application.

In the event of the site meeting the criteria for a Class Licence:WML-CL21(Bat Low Impact). A Registered Ecological Consultant can submit applications to Natural England for registration of the site. Applications can only be made by a Registered Consultant but has the advantage of a shorter timescale for processing the licence. Dr Jennifer Jones of Jones and Sons Environmental Sciences Ltd is a Registered Ecological Consultant able to undertake this service.

When the mitigation section of the Licence Application is approved by Natural England it becomes a condition of the licence and is a legal document. Any breach of the mitigation documented constitutes a possible offence and a person found guilty of non-compliance with any condition of a licence is liable on conviction to imprisonment or to a fine or both.

Policy

The National Planning Policy Framework (NPPF) published in March 2012 has a presumption in favour of sustainable development that in an environmental context means developments should contribute to protecting and enhancing our natural, built and historic environment.

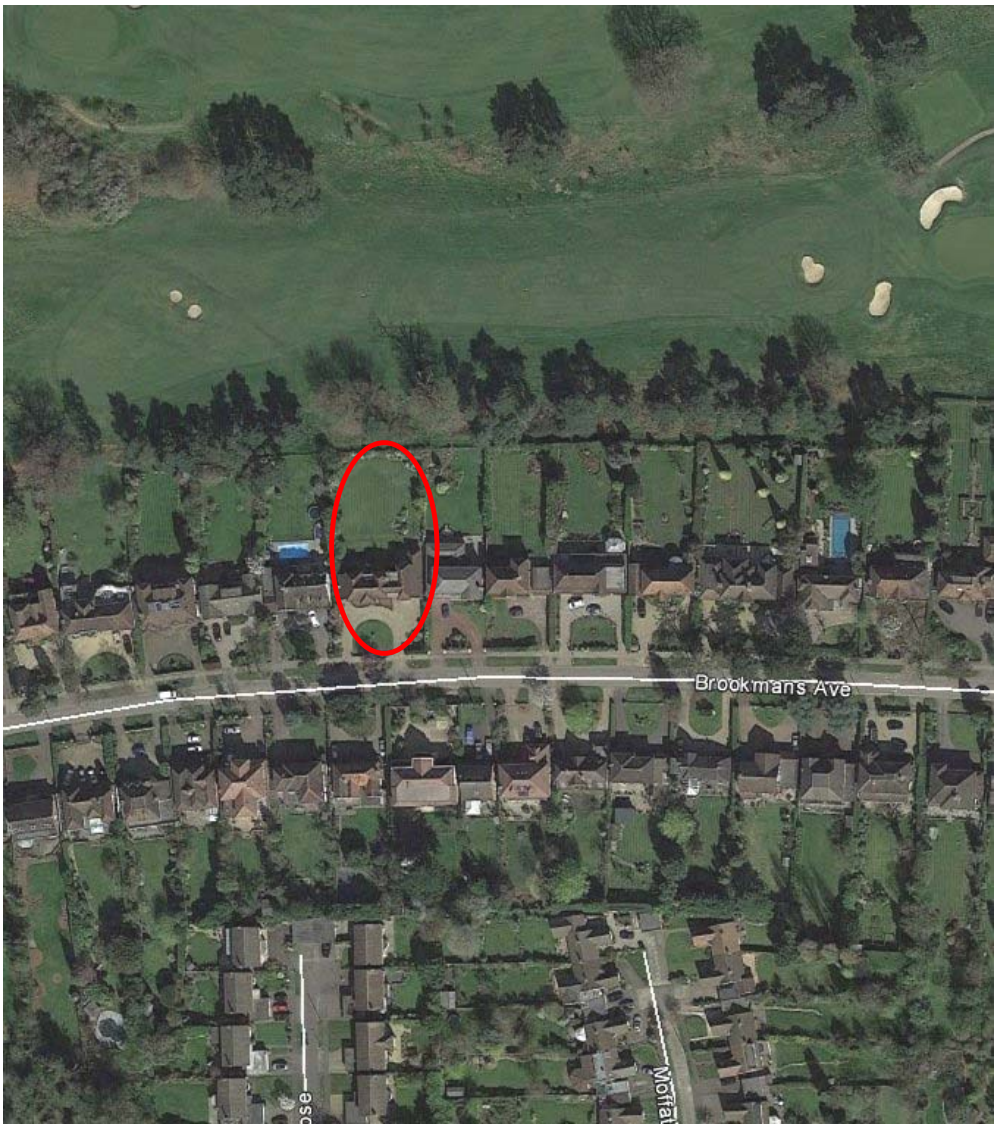
When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

In addition, the Natural Environment and Rural Communities Act (NERC) 2006 places a duty on all public bodies to promote and enhance biodiversity in all its functions. Section 40 of the Act states “Every public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of these functions, to the purpose of conserving biodiversity”. Special attention is paid to species included on the Government’s list of species of principal importance that includes bat species.

Plans

Plan 1: Site Location

Plan 2: aerial photographs of survey buildings and surrounding habitats.



Bat Box Specifications

Schwegler Type 3FF deep flat bat box
Spacious enough to be used by a nursery colony of pipistrelle bats

Height 430mm
Width 270mm
Depth 200mm
Weight 9.5kg

Type 1FF

Height 430mm
Width 279mm
Depth 140mm
Weight 9.5kg

Schwegler Type 2FN

Type 2FN- round domed roofed box with front and rear entrance and increased height that allows bats to form clusters,