

Bat Survey Report

Park Gate Farm

Hambledon Road, Hapton

September 2018

Prepared for: Mr Owen

Report prepared by: Verity Webster BSc (Hons) MSc CEcol CMIEEM



EXECUTIVE SUMMARY

- On 31st July 2018 a Preliminary Roost Assessment was undertaken at Park Gate Farm, Hapton.
- The Barn was considered to have moderate - high suitability for bats. Bat emergence surveys were recommended to determine the presence or absence of bat roosts.
- Two evening emergence survey were undertaken, on 20th August 2018 and 12th September 2018, in accordance with the current survey good practice guidance.
- No bats were seen or heard emerging from the building.
- Given the lack of bat activity associated with the barn and the absence of evidence (droppings) indicating no use of the interior of the building, it is considered unlikely that a significant roost (such as a maternity roost) is present within the barn.
- However, as the surveys were undertaken later in the bat survey season, an additional survey in late May, June or July is recommended to ensure that the results are representative of the summer months. Given the numerous features present within the exterior and interior of the building, the possibility of the building being utilised from time to time by small numbers of itinerant bats cannot be entirely ruled out.
- It is considered that the proposed development provides adequate opportunity to mitigate for crevice-roosting bats should a roost be found present.

Verity Webster

Ecology and Protected Species Consultancy



1 Introduction

1.1 Application Site

- 1.1.1. This report details bat survey work at Park Gate Farm, Hambledon Road, Hapton, BB11 5QW. National grid reference SD 7930 5364
- 1.1.2. Mr Owen commissioned Verity Webster Ltd to undertake the bat survey work to inform the planning application.

1.2 Objectives

- 1.2.1 The objectives of the Preliminary Roost Assessment and Emergence Surveys are to determine:
- Whether bats are currently using the building to roost and if so, how.
 - The species and number of bats present.
 - The status of any roost present.
 - How bats might be using the rest of the site (garden).
 - The potential impacts of the proposals on any roost present or on bats using the site.
 - How any impacts might be avoided, mitigated and / or ameliorated, including advice on European Protected Species Mitigation (EPSM) application if required.

1.3 Proposals

- 1.3.1 The proposals for the site comprise the structural repair of the barn, including repair of the walls and roof, and conversion of the building into additional living accommodation.

1.4 Ecologist

- 1.0.1 The Bat Emergence Survey work was lead and undertaken by Verity Webster. Verity is a licensed bat surveyor (Bat Survey Class Licence WML CL18 (Class 2) Registration number: 2015-13858-CLS-CLS).
- 1.4.1 Verity has worked as an ecological consultant for over 10 years. She has undertaken preliminary bat assessments and further bat emergence / activity surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes / method statements when necessary.



2 The Survey Site

2.1 Site Location

- 2.1.1 Park Gate Farm is located off Hambledon Road in a rural location approximately 150m south of the main hamlet of Hapton, 100m south of Accrington Road.
- 2.1.2 The site is surrounded by open countryside to the east, west and south, comprising grassland, scattered woodland and moorland. Hapton Park and Hameldon Common lie to the south. The M65 runs east to west though the landscape approximately 1.1km to the north.
- 2.1.3 There are scattered waterbodies within the surrounding landscape, including a mill pond approximately 600m to the northwest and two large reservoirs approximately 700m to the north.

2.2 The Survey Site: Description

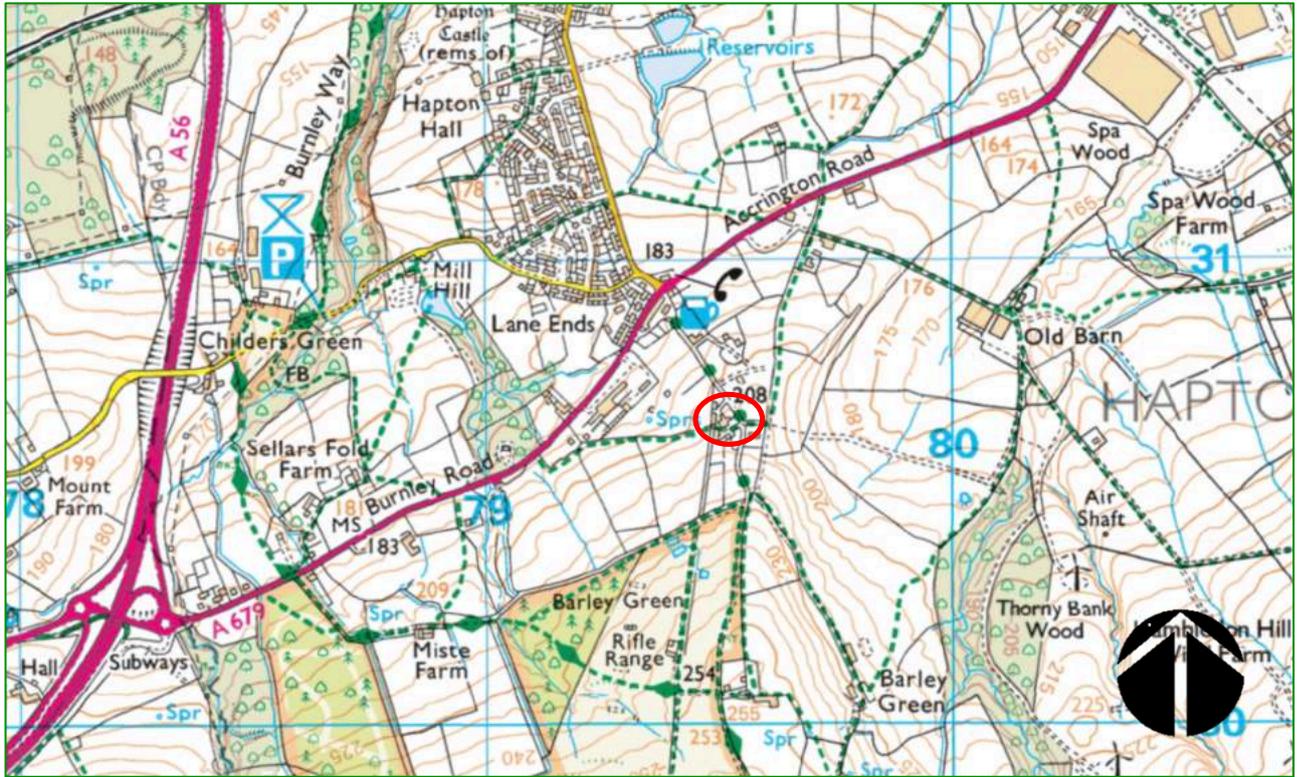
- 2.2.1 The barn at Park Gate Farm comprises a single stone barn with a slate roof. There is a static caravan adjacent to the east. To the south and southwest there are large detached residential houses with gardens. The farmhouse of Park Gate Farm lies to the northwest of the barn.
- 2.2.2 Immediately adjacent to the north of the barn there is grazed pasture, whilst to the south and east there is hard standing.
- 2.2.3 There is little vegetation surrounding the barn aside from the mesotrophic grassland grazed by sheep.
- 2.2.4 An invasive plant species, Himalayan balsam (*Impatiens grandulifera*) is growing in a small patch to the south of the barn, which should be appropriately managed to prevent spread.

The Barn

- 2.2.5 The barn is a two-storey stone building with a pitched, heavy-slate roof. The barn is rectangular and orientated southeast to northwest. There is a single-storey extension on the northeast elevation, and another on the southwest elevation, both of which are constructed of brick with a flat corrugated metal roofs.
- 2.2.6 The single-storey extensions are each divided into two interior stables.
- 2.2.7 The barn is divided into two sections; a small stable area to the northwest, above which is the hay loft, and a large room to the southeast, which is open to the eaves and hay loft.



Figure 1: Ordnance survey map showing the location of the proposed development site.



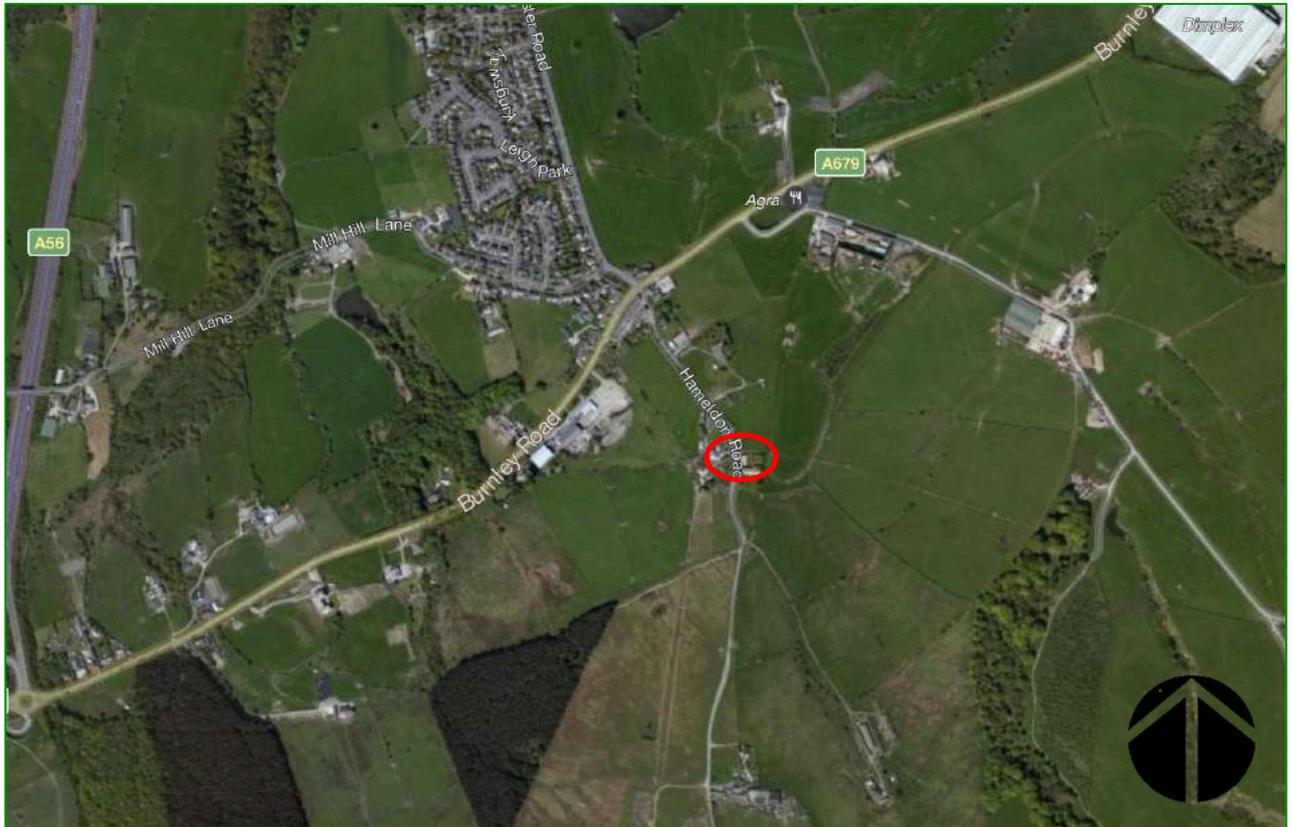
Ordnance survey 1:25000

Key

 Survey site



Figure 2: Aerial image showing the proposed development site and immediate surroundings



From Bing Maps

150m

Key

 Survey site



3 Legislation

Full details of relevant legislation and planning policy can be found in Appendix A.

3.1 UK and EU Legislation

3.1.1 Key legislation regarding the protection of bats:

- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act (CROW), 2000
- The Natural Environment and Rural Communities Act (NERC, 2006)
- Conservation of Habitats and Species Regulations (2017)

3.1.2 Under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, it is a criminal offence to:

- Deliberately capture, injure or kill a bat
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat
- Intentionally or recklessly obstruct access to a bat roost.

3.2 Planning Policy and Legislation

3.2.1 Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.

3.2.2 The National Planning Policy Framework (NPPF) encourages Local Planning Authorities to conserve and enhance biodiversity.

3.2.3 Chapter 11, Para 109 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible..."*

3.2.4 Paragraph 118 states: *"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*

3.2.5 The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.



4 Survey Methodology

- 4.0.1 The Bat Surveys were undertaken in accordance with current accepted guidance: Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edn). The Bat Conservation Trust, London.

4.1 Desk Study

- 4.1.1 Data sources used to establish background information about bats and their likely presence in the locality:
- Biological Records Data from Lancashire Environment Record Network (LERN)
 - Magic Map, Natural England (2016)
 - Bing Map (2018)
- 4.1.2 Data from LERN include records data for all bat roosts and bats recorded within 5km of the survey site.
- 4.1.3 Satellite mapping, Ordnance survey, road map, habitat and designated site data from Magic Map (Natural England, 2014) was used to assess the value of the surrounding habitat for bats in the area at a landscape scale (5km), including any potentially important habitat corridors (linear habitat features), feeding grounds or potential roost opportunities, such as large expanses of woodland. The features and habitats immediately surrounding the site (local area) were also assessed at a finer scale as these influence the likely presence of bats within the survey site.

4.2 Preliminary Roost Assessment

- 4.2.1 An internal and external inspection of the barn on site was undertaken during daylight to determine the potential for bats and establish, if possible, whether bats are using the building or have been using the building in the past.
- 4.2.2 All accessible parts of the buildings were inspected, including the loft voids, to look for bats and signs of the presence of bats, including:
- Droppings.
 - Feeding remains including moth and butterfly wings.
 - Staining from urine or oils near crevices or holes or on timber (such as roof beams), walls, chimney breasts etc.
 - Scratch marks on walls and timber.
 - Squeaking or chattering calls.
- 4.2.3 The systematic search inside the building included inspection of beams, floors, surfaces of stored materials, loose roof insulation or felt covering, junctions between roof timbers and timbers and the walls, crevices within brickwork. Potential access into the building was also inspected by searching for holes in insulation and any light penetration into the interior from the outside.
- 4.2.4 The assessment outside the building included inspection of all walls, windows, window sills, fascias, soffits, eaves and tiles, including a search for any crevices under tiles, under lifted lead flashing or lifted roofing felt, missing mortar, gaps in the ridge or gable end of the roofs, crevices in brickwork or under flaking paintwork or render, gaps in cladding or hanging tiles and any other potential bat roost opportunities.
- 4.2.5 Equipment: During the survey close-focussing binoculars and a strong torch with directional beam was used to inspect the building.



- 4.2.6 As a result of the preliminary roost assessment, the buildings on site were characterised as having 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm presence of a roost.
- 4.2.7 Buildings or structures typically characterised as having:
- **Negligible** suitability for bats will lack features with any potential to support roosting bats. Modern or newly-built well-sealed structures may fall into this category. Structures that are metal clad with metal internal beams might have negligible potential if there are no favourable roosting spaces. Structures may also be unfavourable due to the level of disrepair, being subject to poor weather conditions.
 - **Low** suitability for bats will have sub-optimal roost features with limited potential for roosting bats. Features may be used by single bats opportunistically, but do not provide enough space, shelter, protection, appropriate conditions and / or suitable surrounding habitat to be used on a regular basis by large numbers of bats.
 - **Medium** suitability for bats may have few features with potential for bats, that provide enough space, shelter, protection and other suitable conditions, or several features with limited potential for bats. It may also be that a potentially suitable structure is situated in an area with habitat that has only low potential for foraging and commuting bats.
 - **High** suitability for bats will support at least one or more features that provide opportunities for roosting bats such that they might be used regularly, for longer periods by larger numbers of bats. These may be external features, such as lifted weatherboard or crevices in brick or stonework, or internal, such as large loft spaces with potential access. Barns, with open doorways and windows with wooden rafters and beams may fall into this category. If a structure is close to good habitat, such as a waterway, marshland or woodland, this also increases potential for roosting bats.
 - **Confirmed** roost presence when it is evident as a result of signs from inspection, such as droppings, or sight of bats, that a roost exists within the building. It is not always possible to ascertain presence or absence of a roost even if some signs, such as droppings or feeding remains are found.

4.3 Bat Emergence / Re-entry Surveys and Assessment of Activity

- 4.3.1 Following the Preliminary Roost Assessment the barn was considered to have moderate - high suitability for bats.
- 4.3.2 Given the time of year (late summer), two surveys were recommended to assess the level of bat activity. An additional survey is recommended for late-May, June or July 2019 to ensure the results are robust and reflective of bat use of the building in the summer months.



- 4.3.3 Table 7.1 of Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd Edn). The Bat Conservation Trust, London:

Table 7.3 Recommended minimum number of survey visits for presence/absence survey to give confidence in a negative result for structures.

Low roost suitability	Moderate roost suitability	High roost suitability
One survey visit. One dusk emergence or dawn re-entry survey.	Two separate survey visits. One dusk emergence and a separate dawn re-entry survey.	Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn.

- 4.3.4 Two evening emergence surveys were undertaken. The bat emergence surveys were undertaken from 15 minutes before sunset to 1.5 hours after sunset.
- 4.3.5 During the evening emergence survey two surveyors were positioned around the building such that the elevations were easily observed. The skyline was such that it was clear to see bats against the sky if they were to emerge.
- 4.3.6 Batbox Duet detectors and Echo Meter Touch detectors were used so that any calls heard that could not be identified were recorded for later analysis.
- 4.3.7 The time, activity (emergence, foraging, commuting) and species of bats (where possible) were recorded when observed. Notes were made of the activity of bats elsewhere on site as well as around the building. The number of bat passes were recorded to provide an indication of bat activity level within the site.

5 Survey Limitations

- 5.1.1 The survey work was undertaken in late August and September. In August some roosts, such as maternity roosts, which are significant roosts, may have already dispersed. For this reason the emergence survey work would only reliably detect summer roosts of itinerant bats or small numbers of bats that are currently present or roosts of bats in the transitional period (Autumn). However, evidence obtained from interior and exterior assessment would assist with determining the likelihood of a roost also.

6 Findings: Desk Study

6.1 Potential for bats in the area

Site location in relation to bats

- 6.1.1 At a landscape level, the area surrounding the survey site is considered to be very good for bats. Refer to Figure 2.
- 6.1.2 The landscape within the immediate vicinity of the site comprises a good mix of habitats, including open grassland, scattered trees and water bodies. The habitat will support a variety of bat species, including widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively) and species that favour open landscape in which to forage, such as Leisler's (*Nyctalus leisleri*). Daubenton's bat (*Myotis daubentonii*), which favours open water would



also be expected. However, due to the lack of substantial areas of woodland in the vicinity, bats such as brown long-eared bat (*Plecotus auritus*) and Natterer's bat (*Myotis natterii*) that favour woodland are not expected to be present at any great density.

Data Search

6.1.3 The data from LERN include records of seven bat species within 5km of the survey site:

- Brandt's bat (*Myotis brandtii*)
- Daubenton's bat (*Myotis daubentonii*)
- Natterer's bat (*Myotis natterii*)
- Noctule (*Nactylus noctula*)
- Brown long-eared bat (*Plecotus auritus*)
- Soprano pipistrelle (*Pipistrellus pygmaeus*)
- Common pipistrelle (*Pipistrellus pipistrellus*)

6.1.4 All of the records are from locations over 2km away. Ten of the records are of roosts or possible bat roosts, all of which are over 4km away from the survey site.

6.2 Records Data

The Conservation Status of Bats in the Area

7.1.1 The conservation status of bats in the area is shown in Table 1.

Table 1: *The Conservation Status of Bats in the area at a Local, County and Regional Level*

Species	Local	County	Regional
<i>Common pipistrelle</i>	<i>Likely to be common in the area. There are records of this species in the area (10km).</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Soprano pipistrelle</i>	<i>Likely to be present due to the presence of riparian habitat.</i>	<i>Widespread. Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Nathusius's pipistrelle</i>	<i>Likely to be rare in the area.</i>	<i>Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.</i>	<i>Rare across the northwest. A migratory species.</i>
<i>Brown long-eared bat</i>	<i>Likely to be in the area. There is a recent record of this species within 10km of the site.</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest.</i>
<i>Natterer's bat</i>	<i>Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.</i>	<i>Scattered distribution in Lancashire..</i>	<i>Widespread and scattered across the Northwest.</i>
<i>Noctule</i>	<i>Present</i>	<i>Widespread and frequently recorded.</i>	<i>Common and widespread. Frequently</i>



			recorded in the Northwest.
<i>Whiskered bat</i>	<i>Present but likely rare</i>	<i>Present</i>	<i>Widespread.</i>
<i>Brandt's bat</i>	<i>Rare / absent</i>	<i>Present</i>	<i>Widespread.</i>
<i>Alcathoe's bat</i>	<i>Unknown</i>	<i>Unknown</i>	<i>Widespread. Likely under-recorded.</i>
<i>Daubenton's</i>	<i>Presence is likely due to the riparian habitat present.</i>	<i>Widespread, frequently recorded near water.</i>	<i>Widespread</i>
<i>Serotine</i>	<i>Rare / absent</i>	<i>Unknown</i>	<i>Restricted to south and southwest Britain, rarely recorded in the northwest.</i>
<i>Leislars</i>	<i>Rare</i>	<i>Unknown</i>	<i>Rare, but widespread in Britain. Present in the northwest.</i>
<i>Barbastelle</i>	<i>Unlikely to be present in the area. This species is a woodland-specialist and there is a lack of this habitat present.</i>	<i>Unknown</i>	<i>Present south of a line from North Wales to the Wash.</i>

7 Findings: Preliminary Roost Assessment

7.1 Preliminary Roost Assessment

7.1.1 Following the Preliminary Roost Assessment, the main body of the barn was considered to have moderate-high suitability for bats. This is due to the numerous holes and crevices present in the interior and exterior of the stone walls and within the roof structure.

7.1.2 Bats such as Natterer's bat (*Myotis nattereri*) and brown long-eared bat (*Plecotus auritus*) may accommodate features in the walls and roof. These two species particularly favour

roosts in voids (such as open barns) so they can fly to warm up prior to leaving to forage. However, the likelihood of these species within the vicinity of the site is relatively low given the lack of any substantial areas of woodland.

7.1.3 There are also numerous potential roost features in the roof structure, between slates and stone tiles and the rafters, and between slates and roofing felt. Such potential roost features may be used by crevice-dwelling bat species such as pipistrelle (*Pipistrellus*) species.

7.1.4 No evidence of the presence of bats was found during the external or internal inspection.



The north elevation of the barn



The southwest elevation of the barn



- 7.1.5 Further survey work to determine the presence or absence of bat roosts within the building was recommended and was undertaken in August and September 2018.

8 Findings: Presence / Absence Surveys and Activity Assessment

8.1 Survey 1: Evening Emergence on 20th August 2018

Surveyors: Verity Webster Bsc MSc CEng MCIIEEM (bat licence Class 2) and James Callan (two years bat survey experience).

Weather: 20°C at sunset. 100% cloud cover, dry, humidity 70%, light breeze (wind 7mph)

Sunset: 20:28

Time on site: 20:00 – 22:00

Findings

- 8.1.1 Two species of bat were recorded on site: common pipistrelle (*Pipistrellus pipistrellus*) and a *Myotis* species.
- 8.1.2 The first bat (a common pipistrelle) was recorded at 20:48, 20 minutes after sunset. The bat flew from the northwest into the site and did not emerge from the buildings.
- 8.1.3 There were frequent passes by common pipistrelles during the first hour after sunset as bats commuted over the site and down the lane to the east.
- 8.1.4 The first *Myotis* pass was recorded at 21:02. This bat was commuting across the fields and was not associated with the barn.
- 8.1.5 Common pipistrelle bats were occasionally recorded commuting along the hedgerow and down the road to the east of the site.
- 8.1.6 A search for evidence of bats inside the barn was undertaken prior to the start of the survey. No evidence of bats (droppings, staining or feeding remains) was found.

8.2 Survey 2: Evening Emergence on 12th September 2018

Surveyors: Verity Webster Bsc MSc CEng MCIIEEM (bat licence Class 2) and James Callan (two years bat survey experience).

Weather: 14°C at sunset. 0% cloud cover, dry, humidity 85%, light breeze (wind 4mph)

Sunset: 19:34

Time on site: 19:10 – 21:00

Findings

- 8.2.1 One species of bat was recorded on site: common pipistrelle (*Pipistrellus pipistrellus*).
- 8.2.2 No bats were seen emerging from the building.
- 8.2.3 Bat activity within site during the survey was moderate as common pipistrelle bats in the area were



foraging in the driveway and briefly in the paddock to the north of the site.

- 8.2.4 The first bat was recorded at 20:05, 29 minutes after sunset. This bat and three subsequent bats (within 15 minutes) flew across the site from the northwest.
- 8.2.5 Common pipistrelle bats were occasionally recorded commuting along the hedgerow and down the road to the east of the site.
- 8.2.6 A search for evidence of bats inside the barn was undertaken prior to the start of the survey. No evidence of bats (droppings, staining or feeding remains) was found.

Figure 3: The positions of surveyors during emergence surveys



From Bing Maps

KEY

-  Surveyor Positions
-  Survey building



9 Appraisal and Impact Assessment

9.1 Appraisal

- 9.1.1 Two species of bat were recorded within the survey site: common pipistrelle and a *Myotis* species. Bat activity within the site was generally low.
- 9.1.2 There was a general pattern of a small number of bats initially entering the site from the northwest, which suggests the bats were commuting through the site from a roost located in the northwest.
- 9.1.3 During the initial survey no bats were recorded foraging, but foraging was recorded on the second survey. The site is evidentially not an important foraging site. The road to the east and the adjacent hedgerows do act as a corridor for commuting bats.
- 9.1.4 No bats were recorded emerging from the building and no bat evidence of bat activity (droppings, feeding remains) was found within the building or on external features.
- 9.1.5 The survey work is considered sufficient to give confidence in a negative result (likely absence) of a significant roost within the building, such as a maternity roost, for if such a roost was present, evidence would be expected.
- 9.1.6 However, the possibility that the building is utilised by small numbers of bats or itinerant bats throughout the summer months cannot be ruled out.



10 Conclusion and Recommendations

10.0.1 The survey work undertaken suggests the absence of a significant bat roost within the building. However, the survey work was undertaken late in the survey season and to ensure that the results are robust and consistent through the summer season, it is recommended that:

- **An additional survey is undertaken in late May, June or July 2019.**

10.0.2 The likelihood of a significant roost is low – negligible, and as such, if a bat roost is confirmed, it is likely to be that of a small number of crevice roosting bats, or that of single bats.

10.0.3 If a bat roost is discovered following the additional survey work, it will be necessary to obtain a European Protected Species Mitigation (EPSM) license for bats prior to the start of works on site. The license would incorporate details of the method of works and mitigation necessary to ensure the retention of the conservation status of the species on site.

10.0.4 The proposed conversion of the building into a dwelling provides the opportunity to mitigate for the presence of bats, should it be required.

10.0.5 Precautionary methods of work will be required irrespective of whether a bat roost is confirmed in later survey work because the possibility of single bats within the structure cannot be ruled out. This precautionary method of work will encompass the following:

- *Works to remove the slates and timbers, and works to remove the wall (where required) are undertaken with care, by hand.*
- *During such works, slates and timbers must be checked for the presence of bats and for signs of bats (droppings).*
- *If bats or signs of bats are found during works, works must stop and an ecologist contacted for advice.*

10.0.6 Given that the bat activity on site was moderate, it is recommended that enhancement is undertaken following works to allow provision of bat roost sites for crevice roosting bats (such as common pipistrelles) in the area.

10.0.7 It is recommended that:

- *3 bat roost boxes are installed on trees or buildings within the site.*
- *The Kent Bat Box, as shown in Appendix B, is simple to construct by hand and does not require any maintenance. This box is ideal for pipistrelle bats in which to roost in the summer months.*



11 References

- Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1
- Google maps (Accessed 2018) <https://www.google.co.uk/maps>
- MAGIC Map (Accessed 2018) <http://www.magic.gov.uk/MagicMap.aspx>. DEFRA.



APPENDIX A: Wildlife Legislation and Planning Policy

UK AND EU LEGISLATION

1.1. KEY LEGISLATION

1.1.1. Key legislation regarding the protection of bats:

- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act (CROW), 2000
- The Natural Environment and Rural Communities Act (NERC, 2006)
- Conservation of Habitats and Species Regulations (2010)

1.2. WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

1.2.1. The Wildlife and Countryside Act 1981 is UK legislation.

1.2.2. Bats are listed on Schedule 5 of the Wildlife and Countryside Act (WCA) 1981. Under Section 9 of this legislation it is an offence to:

- Kill, injure or take a bat.
- Possess, a live or dead bat.
- Intentionally or recklessly damage or destroy any structure or place which any bat uses as shelter or protection.
- Intentionally or recklessly disturb a bat whilst it is occupying a structure or place which it uses for shelter or protection.
- Intentionally or recklessly obstruct access to any structure or place which a bat uses as shelter or protection.
- Sell, offer or expose for sale any live or dead bat.

1.3. COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

1.3.1. Schedule 12 of the Countryside and Rights of Way (CROW) Act 2000, amended by the Wildlife and Countryside Act 1981 by removing the need to prove intent to damage a roost / harm (etc) a bat or other species listed on Schedule 1 by adding the words 'or recklessly' after 'intentionally' into the wording in Section 9 of the WCA 1981. The CROW act also strengthened the penalties for offences to bats and other species listed on Schedule 5.

1.4. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

1.4.1. The Conservation of Habitats and Species Regulations 2017 consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales.

1.4.2. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. The regulations came into force on 30 October 1994.

1.4.3. The Regulations provide for the designation and protection of European Sites and European Protected Species, including bats.

1.4.4. Under the Regulations, competent authorities (ie any government department or public body) have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive.



1.4.5. With regard to European Protected Species (including bats), the Regulations make it an offence to:

- Deliberately capture;
- Kill;
- Disturb or;
- Trade in animals listed in Schedule 2, which include all UK bat species.

1.5. European Protected Species (EPS) Licenses and the Three Tests

1.5.1. These actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserve public health and safety). For such a licence to be granted the appropriate authority would have to be satisfied that an application has met the three tests, which are:

- 1)- The licence may be granted "to preserve public health or public safety or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences or primary importance for the environment"
- 2)- There must be "no satisfactory alternative"
- 3)- The proposal "will not be detrimental to the maintenance of the species at a favourable conservation status in its natural range"

1.6. NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006 (PLANNING SYSTEM)

Planning Authorities: A Duty to Conserve Biodiversity

1.6.1. Under this legislation, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site *before* they make a decision on the planning permission.

1.6.2. Part 2, Section 40 confers on the planning authorities a duty to conserve biodiversity and states:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of biodiversity"

Species of Principal Importance

1.6.3. Part 3, Section 41 requires the Secretary of State to "*publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of **principle importance** for the purpose of conserving biodiversity*".

1.6.4. This requirement leads to production of a list of species and habitats of Principal Importance. This list includes all UK bats.

PLANNING POLICY

1.7. NATIONAL PLANNING POLICY FRAMEWORK

1.7.1. In March 2012 the Government introduced the National Planning Policy Framework (NPPF).

Chapter 11: Conserving and Enhancing the Natural Environment



1.7.2.Chapter 11: Conserving and Enhancing the Natural Environment replaces PPS 9: Biodiversity and Geological Conservation.

1.7.3.Chapter 11, Para 109 of NPPF states: “The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible...including establishing coherent ecological networks that are more resilient to current and future pressures”.

1.7.4.Para 114 states: “Local Planning authorities should set out a strategic approach in their local plans, planning positively for the creating, protection, enhancement and management of networks of biodiversity and green infrastructure”.

1.7.5.Para 117 gives guidance about how impacts on biodiversity and geodiversity should be minimised at a landscape scale by identifying and mapping components of local ecological networks and connecting them, and promotes the preservation, restoration and re-creation of priority habitats and ecological networks in relation to priority species populations, and specifies suitable indicators should be identified for the purposes of monitoring.

1.7.6.Para 118 states: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- **if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;**
- **proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Sites of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.** Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broad impacts on the national network of Sites of Special Scientific Interest;
- **Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;**
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;
 - and the following wildlife sites should be given the same protection as European sites:
 - Potential Special Protection Areas and possible Special Areas of Conservation
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

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1.7.7.This document, to be read in conjunction with NPPF provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It makes



it clear that it is the intention of the government that local authorities and developers consider protected species at the earliest possible stage in the planning process. Any planning application that is likely to affect protected species should come with details of the surveys which have been undertaken and should include, if necessary, recommendations for mitigation. Applications which do not include sufficient data should be rejected.



APPENDIX B: Kent Bat Box

The Kent bat box

Simple to construct, self-cleaning and low maintenance.

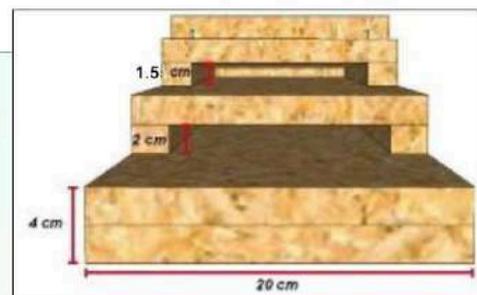
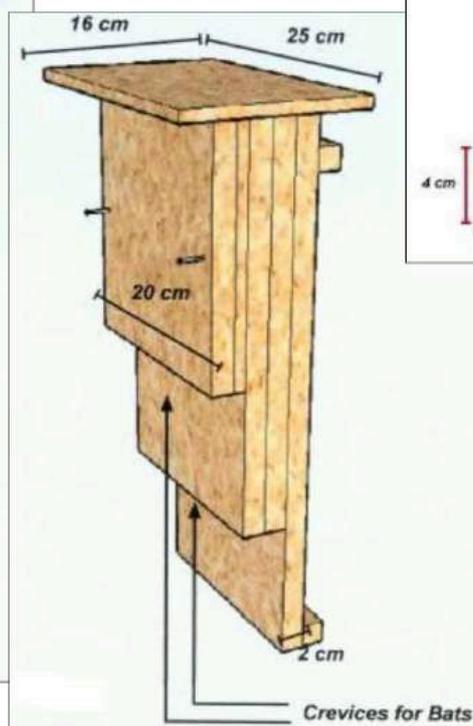
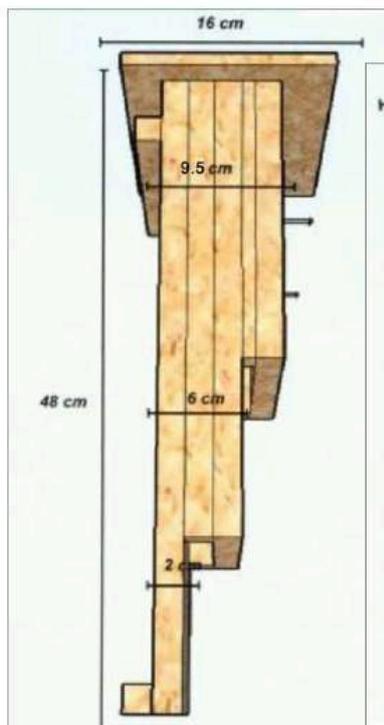
The only critical measurement is the width of the crevices—these should be no larger than suggested. Other measurements are approximate.

Materials and construction

Box to be made from untreated rough-sawn timbers
 Timber should be c.20mm thick
 The box should be rainproof and draught-free
 Crevices can be between 15 and 25 mm wide
 Fixing may be by use of brackets, durable bands or wires

Location

Boxes are best fixed as high as possible in a sheltered wind-free position, exposed to the sun for part of the day.
 They can be fitted to walls, other flat surfaces or trees
 A clear flight line to the entrance is important



This design has been developed by Kent Bat Group

We'd like to know how successful it is. Please send any comments or records of bats seen using it to: records@kentbatgroup.org.uk

With thanks to Glen Sharman for help in producing the prototype and Lloyd Bore for providing plans.

Kent Bat Group

www.kentbatgroup.org.uk

Reg Charity No. 1079767

