

# Bat Emergence Survey Report

Delaware Farm  
Hever Road  
Edenbridge  
Kent  
TN8 7LD

11<sup>th</sup> September 2020

PJC ref: 4388E/20

This report has been prepared by

PJC Consultancy Ltd

on behalf of

Willow Town & Country Planning

Version	Author	Checked by	Approved by	Date	Type
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## CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	4
1.1	Instruction .....	4
1.2	Documents And Information Provided .....	4
1.3	Survey Objectives.....	4
1.4	Scope Of This Report.....	4
1.5	Proposal .....	4
1.6	Site Description.....	4
1.7	Legislation And Planning Policy.....	5
<b>2</b>	<b>METHODOLOGY</b> .....	7
2.1	Bat Emergence Survey .....	7
2.2	Limitations.....	7
<b>3</b>	<b>RESULTS</b> .....	8
3.1	Bat Emergence Survey .....	8
<b>4</b>	<b>DISCUSSION AND RECOMMENDATIONS</b> .....	9
4.1	Bats .....	9
4.2	Ecological Enhancements .....	9
<b>5</b>	<b>REFERENCES</b> .....	12
<b>6</b>	<b>APPENDICES</b> .....	13
	Appendix I: Legislation and Planning Policy .....	13

## 1 INTRODUCTION

### 1.1 INSTRUCTION

1.1.1 PJC Consultancy Ltd were commissioned by Willow Town & Country Planning to undertake a bat emergence survey of an existing building previously identified as having low suitability to support roosting bats within a parcel of land at Delaware Farm, Hever Road, Edenbridge, Kent, TN8 7LD (hereafter referred to as the 'Site').

### 1.2 DOCUMENTS AND INFORMATION PROVIDED

1.2.1 PJC Consultancy Ltd was provided with the following documents relating to the Site:

- Preliminary Ecological Appraisal (PJC Consultancy, 2020).

### 1.3 SURVEY OBJECTIVES

1.3.1 The aim of the bat emergence survey is to identify potential ecological constraints and opportunities in respect of potential roosting bats associated with the proposed development. The objectives of the bat dusk emergence survey is to:

- Ascertain presence or likely absence of bat roosts within building B1;
- If present, determine which species are present and the size and nature of the roost, and
- Evaluate the value of building B1 for bats and provide recommendations for further survey, mitigation, compensation and enhancement measures and licensing requirements to satisfy safely legal and planning policy requirements where appropriate.

### 1.4 SCOPE OF THIS REPORT

1.4.1 The bat emergence survey is only concerned with building B1.

### 1.5 PROPOSAL

1.5.1 The current proposal is for the conversion of the existing agricultural building into a residential dwelling. Semi-natural habitat will be cleared for landscaping and converted into an amenity area.

### 1.6 SITE DESCRIPTION

1.6.1 The Site, approximately 0.1ha in size, is located 1.5km south-east of the village of Edenbridge (OS central grid reference: TQ 45959 45637). The Site itself is located within a rural setting, and in close proximity to the River Eden approximately 200m north of the Site. In addition, the Site is adjacent to agricultural land on its southern and eastern aspects, parcels of deciduous woodland to the north, and further agricultural buildings on the west. The Site itself is comprised of a range of habitat types including buildings and hardstanding, dense scrub, tall ruderal, neutral semi-improved grassland, scattered trees, and a hedgerow with trees.

1.6.2 The location of the Site within its environs can be seen in Figure 1 below.



Figure 1: Site Location Plan (Google Earth Pro, 2020).

## 1.7 LEGISLATION AND PLANNING POLICY

1.7.1 Bats and their roosts are protected under European (Conservation of Habitats and Species Regulations 2019 (amendment) (EU Exit)) and national (Wildlife and Countryside Act 1981 (as amended)) legislation. This means that it is an offence to:

- Deliberately capture, injure or kill a wild bat;
- Deliberately disturb wild bats; ‘*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.* and

- Damage or destroy a breeding site or resting place used by this species.

1.7.2 Certain species of bats including the brown long-eared bat *Plecotus auritus* and soprano pipistrelle *Pipistrellus pygmaeus* are also listed as a Species of Principal Importance (SPI) under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. This means public bodies, including local planning authorities have a duty to have regard for SPI when carrying out their functions, including determining planning applications.

1.7.3 Due to the high level of protection afforded to bats and their habitat, a European Protected Species License (EPSL) must be sought from Natural England before any works directly or indirectly affecting a confirmed bat roost can proceed. Licencing is subject to three tests, as defined under the Habitats Regulations 2019; the planning authority must also apply these before granting permission for activities affecting bats. For permission to be granted the following criteria must be satisfied:

- The proposal is necessary *‘to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’*;
- *‘There is no satisfactory alternative’*; and
- The proposals *‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’*.

## 2 METHODOLOGY

### 2.1 BAT EMERGENCE SURVEY

- 2.1.1 The bat emergence survey was undertaken in accordance with good practice guidance (Collins, 2016). During the survey, surveyors Nicolle Stevens (Natural England class 1 bat licence holder and three years survey experience) and Alexandra Kate (one year's survey experience) watched and listened for bats emerging from roost. Surveyor locations were utilised to fully cover the potential roosting features on building B1.
- 2.1.2 As building B1 was previously identified as having low suitability to support roosting bats (during the PEA undertaken by PJC Consultancy in 2020), one separate survey visit, comprising a single dusk emergence survey, was undertaken.
- 2.1.3 The dusk emergence survey began at least 15 minutes before sunset and continued for up to 90 minutes after sunset. The details of the survey visit are presented in Table 1 below.
- 2.1.4 The surveyors used Echo Meter Touch (EMT) and Elekon Batlogger M bat detectors connected to electronic tablets to listen to and record echolocation calls of bats observed. During the survey, surveyors mapped the flight-lines used by any bats observed and noted any features used by the bats to egress building B1.

**Table 1: Bat emergence survey visit details.**

Date	Sunset/ Sunrise Time	Start Time	End Time	Temp (°C) start- finish	Cloud Cover (%) start- finish	Wind Speed (B'fort Scale) start- finish	Precip. start- finish
24/08/2020	20:02	19:50	21:32	18 – 16	80 – 100	B2 – B0	None – Light

### 2.2 LIMITATIONS

- 2.2.1 Due to the transient nature of bats and the fact that the habitats present on site and their management are likely to change over time, the findings of the bat emergence survey are only considered valid for a period of up to one year.
- 2.2.2 This document has been prepared for the stated proposal (1.5.1) and should not be relied upon or used for any other project without an additional check being carried out by the author as to its suitability in relation to any updated proposals. PJC Consultancy accepts no responsibility or liability for the consequence of this document being used for a purpose other than the purposes for which it was commissioned. PJC Consultancy accepts no responsibility or liability for this document to any party other than the person by whom it was commissioned.

### 3 RESULTS

#### 3.1 BAT EMERGENCE SURVEY

3.1.1 No bats were observed emerging the building during the emergence survey.

3.1.2 Individual common pipistrelles *Pipistrellus pipistrellus* were the only bat species recorded within the Site during the survey. Activity was considered low, with occasional commuting calls between 20:30 and 21:16. Passes were generally recorded from a distance and were predominantly heard but not seen.

## 4 DISCUSSION AND RECOMMENDATIONS

### 4.1 BATS

4.1.1 No bats were seen to emerge from building B1 during the further survey and as such, the building is considered to be likely absent of roosting bats. Therefore, building B1 can be converted without constraint to any known legal or planning policy pertaining to bats.

4.1.2 In the unlikely event that a bat is discovered during the conversion works, all works shall cease, and advice sought from a suitably licensed ecologist.

4.1.3 Overall, activity across the Site was low and was dominated by individual common pipistrelles notably utilising the linear features either within the Site or within close proximity, such as hedgerow with trees and stream along the western boundary. However, these features are not considered to function as an important corridor for bats given the network of connected woodland located approximately 200m north, and agricultural land located immediately east of the Site and within the wider landscape that are considered to provide plentiful foraging and commuting opportunities for bats.

4.1.4 On this basis, the proposed development is considered unlikely to result in the loss or degradation of bat foraging and commuting habitat or sever important commuting routes and obstruct access between potential bat roosts and important foraging habitats. However, as a precaution, it is recommended that the mitigation measures in relation to lighting described below, be implemented during the construction and operational phase of the proposed development.

4.1.5 The lighting scheme associated with the construction works should be developed in accordance with 'Bats and Lighting in the UK' (BCT, 2016). This should aim to:

- Maintain a dark corridor along all Site boundaries;
- Use minimum light levels necessary. For example, there should be times throughout the evening (when bats are most active) when all lights are unlit to avoid affecting bat activity. Lighting can also be installed using a timer or movement sensor to avoid long periods of an area being lit at night;
- Use hoods, louvres or other similar design features to avoid light spill onto retained and any newly created suitable bat foraging and commuting habitat;
- Use narrow spectrum light sources where possible (BCT, 2016) to lower the range of species affected by lighting, specifically avoiding use of mercury or halide lamps, using instead low or high-pressure sodium lamps; and
- If security lighting is required then this should be installed using a timer or movement sensor to avoid long periods of the area being lit at night.

### 4.2 ECOLOGICAL ENHANCEMENTS

4.2.1 Under Section 40 of the NERC Act 2006 there is a duty to have regard to biodiversity conservation. In addition, the National Planning Policy Framework (NPPF, 2019) and the Sevenoaks Core Strategy Development Plan (2015–2035) encourages ecological enhancement to be integrated into development projects in order to achieve an overall net–

gain in biodiversity. Consideration should therefore also be given to the following ecological enhancements in respect of bats:

- Inclusion of nectar-rich plant species in soft landscaping areas that are attractive to night-flying insects to enhance foraging opportunities for bats;
- Creation of additional linear habitat (tree-lines and hedgerows) along the Site boundaries to provide additional commuting opportunities for bats, and
- Installation of bat boxes (i.e. Schwegler 2FN or similar) on to suitable retained trees to increase the roosting opportunities for bats within the Site. Any artificial roosting features should be placed between 3 and 6m above ground and preferably positioned facing a southerly or southeasterly direction.

4.2.2 All enhancement measures recommended within the PEA (2020) remain valid.

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## 6 APPENDICES

### APPENDIX I: LEGISLATION AND PLANNING POLICY

#### Legislation

##### The Conservation of Habitats and Species Regulations 2019

The Conservation of Habitats and Species Regulations 2019 (Amendment) (EU Exit) (which consolidate and update the Conservation of Habitats and Species Regulations 2017) is the UK transposition of the European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, or the 'Habitats Directive'. The directive provides protection of key habitats and species of European importance. Those key habitats and species are listed in Annexes II and IV of the directive.

Those species protected under the regulations and most likely encountered during development include:

- All bat species within the UK
- Hazel dormouse *Muscardinus avellanarius*
- Great crested newt *Triturus cristatus*
- Common otter *Lutra Lutra*

##### The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation for the protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/FFC) are implemented in Great Britain. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants respectively. The Countryside and Rights of Way (CRoW) Act 2000 makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site

Those species protected under the act and most likely encountered during development include:

- All bat species within the UK
- All nesting birds
- Hazel dormouse
- Great crested newt
- Common otter
- Water vole *Arvicola amphibius*
- All native reptile species
- White-clawed crayfish *Austropotamobius pallipes*

##### The Natural Environment and Rural Communities Act (NERC) 2006

Section 40 of the Act 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 provides a list of habitats and species, which are of 'principal

importance for the conservation of biodiversity.’ This list aids 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.

### Species and Habitat Specific Legislation

#### Bats

All native UK bat species are fully protected by UK law under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) and Schedule 6 of the Wildlife and Countryside Act (1981, as amended), and under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is illegal to deliberately capture, injure or kill a bat or to intentionally or recklessly disturb bats. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH). Works or mitigation activities involving interference with bats or bat shelters must be carried out by a licensed bat worker.

#### Biodiversity Policies

##### National Planning Policy Framework (NPPF) 2019

Published in 2019 the NPPF sets out the Government's planning policies for England and how these are expected to be applied by local authorities. It replaces all the Planning Policy Statements and Guidance (PPSs and PPGs). The NPPF emphasises the need for sustainable development, whilst specifying the need for protection of designated sites and priority habitats and priority species (as listed in section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Paragraph 170 of The National Planning Policy Framework (NPPF) states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water

quality, taking into account relevant information such as river basin management plans; and

- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Paragraph 174 states that “to protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>56</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>57</sup>; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

Furthermore, paragraph 175 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 176 states:

“The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites<sup>59</sup>; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Paragraph 177 states:

“The presumption in favour of sustainable development does not apply where development

requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.”

The UK Biodiversity Framework (2011–2020).

The UK Biodiversity Framework is an important framework that is owned, governed and implemented by the four UK countries, assisted by Defra and JNCC in their UK co-ordination capacities. Although differing in details and approach, the four UK countries have published strategies which promote the same principles and address the same global targets: joining-up our approach to biodiversity across sectors; and identifying, valuing and protecting our ‘Natural Capital’ to protect national well-being now and in the future. This new framework has been developed to enhance the recovery of priority habitats and species in England (published under section 41 of the NERC Act 2006), thereby contributing to the delivery of the England Biodiversity Strategy. The framework has been developed and endorsed by the England Biodiversity Group and wider partnership. It is the starting point for a more integrated approach to biodiversity conservation in England, building on the strengths of the former UK Biodiversity Action Plan (BAP) process and improving those areas where insufficient progress was being made.

Sevenoaks District Council: Core Strategy (2011)

The Sevenoaks District Council Core Strategy sets out the relevant policies for the control of development in regards to the natural environment and biodiversity.

Policy SP 11: Biodiversity

The biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

Sites designated for biodiversity value will be protected with the highest level of protection given to nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and sites of local importance for biodiversity. Designated sites will be managed with the primary objective of promoting biodiversity whilst also providing for appropriate levels of public access.

Opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement, extension and management of sites and through the maintenance and, where possible, enhancement of a green infrastructure network to improve connectivity between habitats.