BAT EMERGENCE/ACTIVITY SURVEY

SCEAUX GARDENS,

CAMBERWELL, LONDON

Commissioned by: **London Borough of Southwark**

Report Number: ASW/LBSW/019/21/2017
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ASW Ecology
Office/Mobile: 07710 150590
Regent's Place, 3rd Floor, 338 Euston Road, London NW1 3BT
E-mail: andrew@aswecology.co.uk Website: www.aswecology.co.uk

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EXECUTIVE SUMMARY

1. During this follow-up bat emergence/activity survey, common pipistrelles (*Pipistrellus pipistrellus*) were found in small numbers, both foraging and commuting within the greenspace at Sceaux Gardens.

2. No other bat species were found during this investigation, on any of the three bat survey visits.

3. No bat roost was found at Sceaux Gardens, within the trees or buildings during this bat survey.

4. Clearly, Sceaux Gardens is an important greenspace site for local bats, especially in such a predominantly urban part of London. Bats will rely on such greenspace for survival, particularly in such a fragmented natural environment.

5. Best practice guidelines must still be followed at all times during any potential development related works, in relation to both buildings and trees.

1. INTRODUCTION

- A Bat Emergence/Activity Survey was undertaken at Sceaux Gardens, Dalwood Street, Camberwell, London, SE5 7DJ, during April to June 2017, for the client: the London Borough of Southwark.

- This is a follow-up investigation to the Preliminary Ecological Assessment undertaken at the same site in late November 2016.

- The main method used for this bat emergence/activity survey, as well as the full results and the final recommendations can be found within this report.

- Both this bat survey and the report were undertaken and compiled by Mr Andrew S. Waller, Consultant Ecologist, ASW Ecology, with the kind help from an assistant.

- Mr Andrew S. Waller MSc BSc (Hons) MCIEEM - has been a Consultant Ecologist since 1997, and has very extensive experience/knowledge of protected wildlife species/issues including bats, for which he is fully licensed to survey throughout England by Natural England for consultancy purposes (Bat Class 2 Licence Registration Number: 2015-15703-CLS-CLS). He also has Natural England survey licences for great crested newts and barn owls. He has been studying bats for 23 years and is a Full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

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2. METHODOLOGY

2.1 Bat emergence/activity survey method

- During April to June 2017, a Bat Emergence/Activity Survey was undertaken at Sceaux Gardens.

- A total of three bat emergence/activity survey visits were undertaken here, since the trees and the occasional building had been identified previously as having bat roosting potential.

- Two experienced bat surveyors using Bat Box Duet bat detectors were present on each survey visit.

- The dusk based visits were undertaken in suitable weather conditions only, so there was the best chance of finding any possible emerging bats. The visit started before sunset and lasted for up to 2 hours after sunset.

- All results from this bat survey can be found in the next chapter of this report and a map showing all bat sightings is shown in Appendix 2.

2.2 Survey constraints

- Due to the timing of this bat survey, only the Spring 2017 period could be covered. This though is a standard constraint for any bat survey which can only investigate part of any year.

- The June to August period is important to bats since this is when maternity roosts are present and young bats will be born. Large roosts are sometimes present within structures, and can be very visible during bat emergence surveys. This survey was commissioned when such roosts will have started to form, so was timed at the key time of the year for bats.

- As always though, without taking into account any further active surveying or monitoring, this study can only provide a “snapshot” of the presence of bats at the site during the period of this study.

- Please also note that any bat survey report is valid for one year only, as stated in the BCT bat survey guidelines (BCT, 2016).

3. BAT SURVEY RESULTS

3.1 Bat emergence/activity survey – Sceaux Gardens

Bat survey - visit 1 – 28/4/2017
Sunset time: 8.18pm
Weather: dry, mild, calm & cloudy (8/8CC) Temp (sunset): 13°C
Windspeed (max): 0mph
Inverts present: small flies and mosquitoes

Bat Species	Time Noted	Location
Common Pipistrelle	8.46pm	In parkland edge
Common Pipistrelle	8.49pm	In parkland edge
Common Pipistrelle	8.54pm	2 along hedge line
Common Pipistrelle	8.57pm	Near Marie Curie block
Common Pipistrelle	9.01pm	Near path
Common Pipistrelle	9.04pm	In middle of parkland
Common Pipistrelle	9.25pm	Near path
Common Pipistrelle	9.35pm	In middle of parkland
Common Pipistrelle	9.52pm	Near hedge line

Bat survey - visit 2 – 8/5/2017
Sunset time: 8.34pm
Weather: dry, mild, light wind & cloudy (6/8CC) Temp (sunset): 12°C
Windspeed (max): 6mph
Inverts present: small flies and moths

Bat Species	Time Noted	Location
Common Pipistrelle	8.59pm	Near Lakanal briefly
Common Pipistrelle	9.08pm	Near hedge line
Common Pipistrelle	9.18pm	Middle parkland
Common Pipistrelle	9.23pm	Near to path
Common Pipistrelle	9.29pm	Near Marie Curie block
Common Pipistrelle	9.41pm	Middle of parkland
Common Pipistrelle	9.50pm	Near hedge line
Common Pipistrelle	10.01pm	Near hedge line once

Bat survey - visit 3 – 12/6/2017
Sunset time: 9.17pm
Weather: dry, warm, light breeze & clear (0/8CC) Temp (sunset): 17°C
Windspeed (max): 5mph
Inverts present: small flies and moths

Bat Species	Time Noted	Location
Common Pipistrelle	9.33pm	In parkland, heading west
Common Pipistrelle	9.37pm	Within middle of parkland
Common Pipistrelle	9.38pm	Near hedge line
Common Pipistrelle	9.43pm	Near hedge line
Common Pipistrelle	9.45pm	2 foraging in parkland
Common Pipistrelle	9.47pm	As above
Common Pipistrelle	9.57pm	Near to Lakanal block
Common Pipistrelle	10.02pm	Middle of parkland
Common Pipistrelle	10.11pm	Middle of parkland
Common Pipistrelle	10.13pm	Near to Lakanal block
Common Pipistrelle	10.15pm	As above
Common Pipistrelle	10.45pm	Brief contact at site

4. CONCLUSIONS

4.1 Significance of the bat survey results

- During this follow-up bat emergence/activity survey, common pipistrelles were found in small numbers, foraging and commuting within the greenspace at Sceaux Gardens.

- No bat roost was found at Sceaux Gardens, within the trees or buildings during this bat survey.

- It is still possible though that bats may be roosting in small numbers within buildings nearby or even the large blocks of flats during the winter. Bats will hibernate in tower blocks and will use such buildings as autumn swarming sites.

- Clearly, Sceaux Gardens is an important greenspace site for local bats, especially in such a predominantly urban part of London. Bats will rely on such greenspace for survival, particularly in such a fragmented natural environment.

- As long as there is minimum impact on the mature trees at this greenspace and that best practice guidelines are followed at all times by contractors, then there should be no impact on bats from the potential works at this site.

4.2 Potential impacts of the proposed redevelopment works

In the absence of any mitigation measures or precautions, the following direct or indirect impacts from the proposed development related works at Sceaux Gardens on bats would now be predicted as:

- **DIRECT:** There were no bat roosts present in the surrounding buildings or trees at this site during this bat survey. Therefore, there is no risk of any bats being disturbed, injured or killed by the works, or any bat roosts to be damaged or lost. **Impact magnitude predicted: Nil**

- **INDIRECT:** Since no key bat foraging habitat or commuting routes are present at this site, without mitigation, there is a no risk of the loss of high quality bat related habitat or fragmentation of the local bat population due to the potential development works. **Impact magnitude predicted: Nil**

4.3 Summary of the legal protection of bats in the UK (Simplified summary only of the legislation – please see other texts for full details)

4.3.1 THE LEGAL PROTECTION OF BATS IN ENGLAND AND WALES

Introduction

All species of bats in England and Wales are protected by law. Their legal protection derives from two sources:

- the strict species protection provisions of the EU Habitats Directive as implemented in England and Wales by Part 3 of the Conservation of Habitats and Species Regulations 2010 (the **"2010 Regulations"**); and

- Part 1 of the Wildlife and Countryside Act 1981 (as amended).

Conservation of Habitats and Species Regulations 2010 ("2010 Regulations")

The 2010 Regulations came into force on 1 April 2010. They replace the previously applicable regulations (Conservation (Natural Habitats, &c) Regulations 1994) in relation to England and Wales. The 2010 Regulations are the principal means by which the EU Habitats Directive is transposed in England and Wales.

The Regulations contain a number of Parts but Part 3 sets out the protection to be afforded to "European Protected Species" ("EPS"), which includes all species of British bats. The list also includes other species which are rare on a European scale, such as great crested newts, otters and dormice.

Under Part 3 of the 2010 Regulations both bats themselves and their "breeding sites and resting places" (most commonly their roosts) are protected.

Part 3 provides that it is a criminal offence to do the following (note that this is not an exhaustive list of all offences but rather a list of offences which will be of most relevance to developers):

a. to damage or destroy a breeding site or resting place of a bat (Reg 41(1)(d));

b. to deliberately capture, injure or kill any bat (Reg 41(1)(a));

c. to deliberately disturb bats [note, wherever they are occurring] (Reg 41(1)(b)), in particular:

    i. any disturbance of bats which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young (Reg 41(2)(a)(i)); or

    ii. any disturbance of bats which is likely to impair their ability to hibernate or migrate (Reg 41(2)(a)(ii)); or

    iii. any disturbance of bats which is likely to affect significantly the local distribution or abundance of the species to which they belong (Reg 41(2)(b));

d. to have in one's possession or to control or to transport or to sell or exchange or offer to sell or exchange any live or dead bat or part of a bat which has been taken from the wild; or any part of, or anything derived from, a bat or any part of a bat (Reg 41(3) and (4)); and

e. to attempt any of the above (Reg 116(1)).

The maximum penalty that can be imposed for the above offences is (as at May 2010) a fine of up to £5,000, and/or up to six months imprisonment. The offences can be committed by individuals or by bodies corporate. Where a body corporate has committed the offence, the directors or officers of the company may also be prosecuted if the offence has been committed with their consent or connivance, or is attributable to their neglect (Reg 124).

Wildlife and Countryside Act 1981 ("WCA 1981")

The WCA 1981 protects a wide range of animals, plants and habitats in the UK. All British bat species are afforded protection under Part 1 of the WCA 1981, in addition to the protection they have under the 2010 Regulations.

As regards England and Wales the following offences apply to protect bats under the W&CA 1981:

a. to intentionally or recklessly disturb any bat while it is occupying a structure of place which it uses for shelter or protection (s9(4)(b) WCA 1981);

b. to intentionally or recklessly obstruct access to any structure or place which any bat uses for shelter or protection (s9(4)© WCA 1981);

c. attempting either of the above (s18(1) WCA 1981).

The maximum penalty that can be imposed for the above offences is (as at May 2010) a fine of up to £5,000, and/or up to six months imprisonment. The offences can be committed by individuals or by bodies corporate. Where a body corporate has committed the offence, the directors or officers of that company may also be prosecuted if the offence has been committed with their consent or connivance or is attributable to their neglect (s69(1) WCA 1981).

5. RECOMMENDATIONS

5.1 Best practice guidance – bats and building development

- As a standard precaution only as per any development related site, the future demolition/building contractors should be fully aware of the legal protection of bats and what to do if an unexpected bat is found or suspected at the site during all works.

- This is especially relevant during any possible soft stripping works on the existing building, where external features such as roof tiles, ridge tiles, lead flashing, guttering boards, fascias and soffits may be removed by hand.

- Bats and their evidence such as droppings can unexpectedly be present under such features and be completely hidden until accidentally uncovered.

- If any new bat evidence such as crumbly droppings composed of insect remains or an actual bat is seen, during soft stripping or all other building related works, then such work must stop and a licensed bat consultant contacted immediately for advice.

- Usually, late summer/early autumn e.g. late August/September/October or early spring e.g. April/May, are ideally the best times to work on such structures, as this avoids both the main bat breeding season and the winter hibernation period.

- **But since no bat evidence and no bat roost potential has been found at the existing structures or trees at the survey site, there are no bat related constraints in regards to when any possible building or demolition works can begin.**

5.2 Best practice guidelines – bats and tree related works

- During any potential tree related felling and management works at this site in the future, great care is needed as per usual in regards to bats.

- Best practice guidelines will always need to be followed at all times without exception, so to comply with current bat related legislation.

- It is recommended that a precautionary approach be taken when undertaking any tree works, as good practice on site.

- Tree contractors undertaking work on the trees should undertake a climbing inspection where needed and look for bats and their field signs such as black streaks below a hole, crack or split in the tree; droppings in the entrance of any hole or crack; urine stains; smooth edged entrance holes with dark fur staining as well as actual scratch marks on entrance holes.

- The tree contractors should avoid cutting through any identified cavities in a trunk section or in a tree branch, and instead cut well above and below the cavity.

- Wherever possible, branches and trunk sections with any cavities or splits, as well as dense ivy covered trees should be lowered carefully to the ground, so to avoid injuring or killing any hidden bats. These trees should then be left for 24 hours and most certainly overnight, so any potentially hidden bats can leave.

- This is very important where very dense ivy is present as it is possible to hide the occasional bat, so it is vital that ivy is either stripped by hand by the tree contractors before felling to ensure no hidden bats are present, or soft felling as above.

- Bark plates on any parts of the trees to be reduced or felled, especially large sized plates, should be removed by hand where this is possible. This will allow the inspection for any bats hiding behind these plates.

- This is especially important in regards to some rare bat species in the UK which do show a preference for roosting behind large bark plates.

- **If there is ever any future evidence that there are tree based bat roosts in any of the trees to be felled at this site, then a Bats European Protected Species (EPS) Mitigation Licence in respect to "development" will be required to avoid triggering various offences. So if bats or bat evidence are found during any tree check by tree surgeons, then work should stop immediately on that tree, and a licensed bat consultant urgently sought.**

6. REFERENCES

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

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(7) Treweek, J. (1999) Ecological Impact Assessment. Blackwell Science Ltd, UK.

APPENDIX 1

Photographs A-C

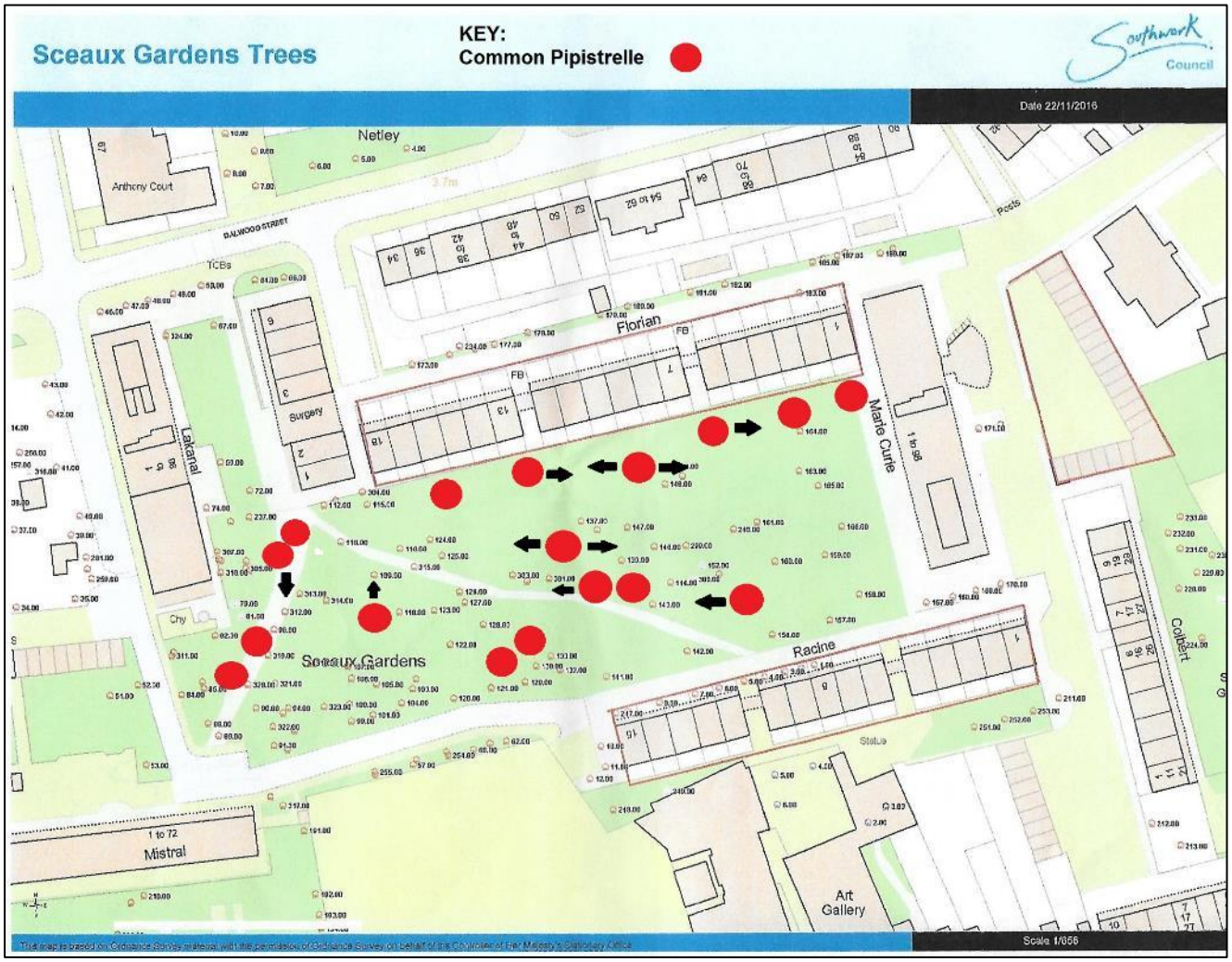
Photograph A
No bats emerged from any roost at the buildings around Sceaux Gardens during this bat survey

Photograph B
Common pipistrelles were noted both foraging and commuting around the parkland area within Sceaux Gardens during this bat survey. But no tree roosts were detected on any of the visits

Photograph C
Even though no bat roosts were found during this bat survey, there is still a little potential for roosts to be present at other times of the year. Which is the case with many buildings and also trees, as bats are very mobile and can be very seasonal with their usage in regards to roost sites

APPENDIX 2

Map A – Location of bat sightings at Sceaux Gardens, Dalwood Street, Camberwell, London SE5 7DJ – April to June 2017



APPENDIX 3

Selected sonograms for the third bat survey visit at Sceaux Gardens, Camberwell, London SE5 7DJ – 12/6/2017

Figure 1 – Bat sonogram of a Common

Pipistrelle foraging within the parkland – with a strong contact

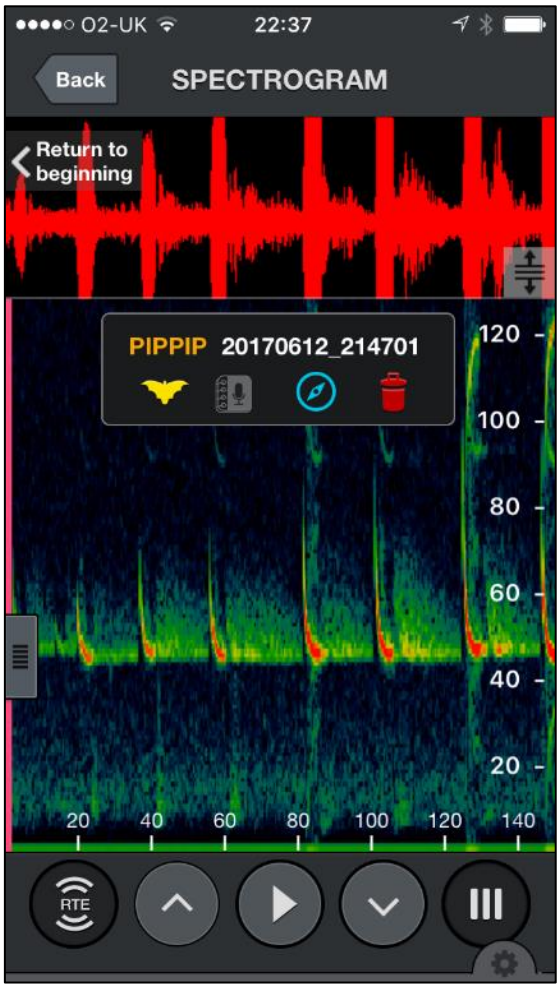


Figure 2 – Bat sonogram of a Common

Pipistrelle flying within the parkland – with a partial contact