



Bat Inspection & Emergence Survey Report

Oaklea

Jim & Mary Davis

June 2021

IES/2021/018/Version 2.0

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QUALITY ASSURANCE

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NON-TECHNICAL SUMMARY

Purpose

This report is designed to identify the likelihood of use of the site by bats, and to provide an assessment of the likely importance of the site for this group. It is designed to inform the development and identifies any further survey work required to allow the development to proceed.

Methodology

Bat emergence surveys were carried out in accordance with the methodology outlined in the Bat Conservation Trust's manual *Bat Surveys: Good Practice Guidelines (2016)*.

Key Issues

Oaklea is a roost for common and soprano pipistrelle bats, however the proposed works will not affect the roost. There is no requirement to obtain a licence from Natural England providing the recommendations in this report are followed.

Legal obligations

It is an offence to intentionally or recklessly damage, disturb or destroy a bat roost. Reasonable effort must be made in order to ensure an offence is not committed. The timing of the works to avoid the maternity season means a licence will not be required from Natural England.

Conclusions

The proposed development will not have a significant impact on the known bat roost, and can proceed without the need for a licence from Natural England.

1 INTRODUCTION

1.1 Background

1.1.1 IES Consulting were instructed by Jim and Mary Davis to undertake a bat inspection and emergence survey at Oaklea, Brockley Hall, Brockley, North Somerset, BS38 3AZ and centred on Grid Reference ST469668. A site location plan can be seen in **Figure 1**.

1.1.2 The aim of this survey was to determine the use of the site by bats, to determine the existence and location of any valuable areas for bats and to identify the presence or likely absence of bats on the site.

1.1.3 The purpose of this report is to:

- Identify the use of the site by bats;
- Inform masterplanning to allow significant ecological effects to be avoided/minimised wherever possible;
- Recommend general bat mitigation/compensation measures; and
- Assess the impact of the development on any bat population using the site.

1.1.4 This report was authored by Tilly Tilbrook, (MSc CECOL MCIEEM) who has over 19 years' experience of ecological surveying.

1.2 Report Context

1.2.1 This report is submitted in support of a planning application for an extension to the existing property.

1.3 Site Description

1.3.1 The site is currently a detached house set within a large, well maintained garden within the grounds of Brockley Hall. It is within 170m of a known greater horseshoe bats roost in Brockley Hall Stables, which is a SSSI and part of the North Somerset and Mendip Bats SAC.

1.4 Development Proposals

1.4.1 It is proposed to add a small, single storey extension to the southern part of the house.

1.5 Scope

1.5.1 Due to COVID 19, it was not possible to undertake an internal inspection of the building because it was in use as a residential dwelling. Consequently, an external inspection was undertaken, along with three dusk emergence surveys.

2 PLANNING POLICY, LEGISLATION AND GUIDANCE

2.1 Planning Policy

2.1.1 A review of planning policy was undertaken to inform this report, and this is summarised below. Full details of the planning policy relevant to the site can be found in **Appendix A**.

National Policy

- National Planning Policy Framework (February 2019) - this document is a material consideration in planning decisions, and states that planning policies and decisions should provide net gains for biodiversity.

Local Policy

- The North Somerset Core Strategy policy CS4 seeks to ensure that new development is designed to maximise benefits to biodiversity.
- The North Somerset and Mendip Bats SAC Supplementary Planning Document (adopted January 2018) covers guidance for development with respect to the bat populations which form the SAC.¹
- The North Somerset Local Plan (January 2017) - this document provides a policy framework for local planning decisions. Policy DM8 “Nature Conservation” covers ecological considerations with a policy aim “*To protect and enhance biodiversity, particularly on sites of recognised nature conservation interest. To protect trees, hedges and other landscape features of amenity value and to secure suitable replacements in instances where their loss is justified*”. The plan also includes DM19 for Green Infrastructure which aims “*To ensure new development contributes to the safeguarding, improvement and further provision of North Somerset’s green infrastructure and that the provision of multi-functional, inter-connected and adaptable green infrastructure is taken into account in the design and layout of new development proposals*”.

¹ It should be noted that the North Somerset and Mendip Bats SAC Guidance on Development Document was updated in March 2019 to Version 2.1. However because North Somerset Council have adopted the guidance as a Supplementary Planning Document, the original 2018 version is still in use by this LPA. Where the two documents provide conflicting information relevant to sites, this will be highlighted.

- The Biodiversity and Trees Supplementary Planning Document For Developments in North Somerset (December 2005) - this document provides additional guidance to assist developers in contributing to biodiversity gains through their proposals.

2.2 Legislation

2.2.1 The following legislation has been taken into account when preparing this report, and full details are given in **Appendix A**.

- **The Conservation of Habitats and Species Regulations 2017** - this provides protection for European Protected Species and European Protected Sites.
- **The Natural Environment and Rural Communities Act 2006** - this extends the duties of public bodies in relation to biodiversity. It establishes the Section 41 species and habitats of principal importance for the purpose of conserving biodiversity, which need to be taken into account by a public body when performing any of its functions.
- **The Countryside and Rights of Way Act 2000** - this act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity. It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981 and creates a new offence of reckless disturbance.
- **The Wildlife and Countryside Act 1981** - this act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

2.3 Guidance

2.3.1 This report has been prepared in accordance with the following guidelines:

- CIEEM Guidelines on Ecological Report Writing.
- Bat Conservation Trust Bat Surveys for Professional Ecologists - Good Practice Guidelines
- Biodiversity Net Gain - Good Practice Principles for Development.

- Biodiversity Net Gain - Good Practice Principles for Development Part A: A practical guide & Part B: Case Studies.
- BS42020:2013 Biodiversity - Code of Practice for Planning and Development.

3 METHODOLOGY

3.1 Overview

3.1.1 The surveys were carried out on the site following the methodology outlined in the Bat Conservation Trust's manual *Bat Surveys: Good Practice Guidelines (2016)*. Weather conditions were recorded using an Extech Mini Thermoanemometer to determine wind speed and temperature. **Appendix B** gives any notes and limitations to the survey work.

3.1.2 Surveys were conducted during May and August, which includes the optimal period for detecting maternity roosts.

3.1.3 The entire site was included in the survey, and the desk study included a wider area as described in 3.2 below.

3.2 Desk Study

3.2.1 The purpose of the desk study is to review information available in the public domain. The NBN Atlas provides some species records on a creative commons licence which allows for them to be used for commercial purposes. The site and an area of 1km surrounding the site was searched for records of bats.

3.2.2 Data was obtained from the following sources on 10th June 2021:

- NBN Atlas.
- MAGIC database.

3.3 Internal and External Inspection

3.3.1 The field survey was carried out on 5th May 2021. Internal and external inspections can be carried out year round.² The extent of the survey area and results of the survey can be seen on **Figure 2**.

3.3.2 An external inspection of the building was undertaken using a ladder, torches and close focusing binoculars to inspect the roof, eaves and any ledges on the buildings. Where appropriate, a video endoscope, and a FLIR PTM166 thermal imaging scope were also used.

3.3.3 Evidence of bat activity and the potential for the building to support a bat roost was searched for during the inspection survey. Any suitable roosting, foraging and commuting habitat was also recorded during the survey.

3.3.4 Evidence of bat activity is usually detected by the following signs:

- bat droppings (these will accumulate under an established roost);

² Table 2.2, page 18, BCT Bat Surveys for Professional Ecologists Good Practice Guidelines 3rd Edition 2016.

- insect wings (from feeding);
- oil (from fur) and urine stains;
- scratch marks;
- holes, apertures and other opportunities for bats to roost; and
- actual sightings (including corpses).
- The preliminary roost inspection was carried out by Vilas Anthwal (MCIEEM) who has held a Natural England bat survey license since 2007 (CLS03099), and has over 17 years' experience of ecological surveying, including bat survey work, and Tilly Tilbrook (MSc CEcol MCIEEM).

3.4 Emergence Survey

3.4.1 The field surveys were carried out on 5th May, 12th August and 26th August 2021. The extent of the survey area and location of surveyors can be seen on Figure 3. All the checks were made in suitable weather conditions and accurately reflected the use of the site by bats.

3.4.2 Surveyors used Anabat Scout full spectrum bat detectors and Echometer Touch 2 Pro full spectrum bat detectors,. Where necessary, any calls were analysed using Anabat Insight in the office.

3.4.3 Dusk emergence surveys started approximately 15 minutes before sunset, and were continued until 2 hours after sunset, or until it was too dark to accurately see whether or not bats were emerging. Dawn re-entry surveys started approximately 1.5 hours before dawn and continued until sunrise.

3.4.4 Any bats emerging or entering the buildings were recorded, including the time of emergence/entry, species (if identified) and direction of flight. All passes made by bats were also recorded, with 10 seconds of continuous echolocation being recorded as one pass (so 13 seconds would be 2 passes), and again with the species of bat and the flight direction also being noted on the survey form.

3.4.5 The field survey was carried out by:

- Tilly Tilbrook (MSc CEcol MCIEEM) who has over 19 years' experience of ecological surveying, including bat survey work.
- Vilas Anthwal (MCIEEM) who has held a Natural England bat survey license since 2007 (CLS03099), and has over 17 years' experience of ecological surveying, including bat survey work.
- Emma Heath (GradCIEEM) who has over 6 years' experience of ecological surveying, including bat survey work.

- Lee Mantle (MCIEEM) who has over 17 years' experience of ecological surveying, including bat survey work.

3.4.6 The weather conditions for the survey are given in Table 1 below:

Table 1: Survey Weather Conditions

Date	05 th May 2021	12 th August 2021	26 th August 2021
Temp start (°C)	9	16	18
Temp end (°C)	7	15	15
% Cloud cover start	50	10	0
% Cloud cover end	50	0	0
Wind average start (Beaufort scale)	0	1	0
Wind average end (Beaufort scale)	0	2	0
Precipitation	Nil	Nil	Nil
Sunrise/Sunset time	20:39	20:45	20:10

3.5 Limitations and Deviation from Guidance

3.5.1 It should be noted that the dusk survey was ended earlier than the 2 hours recommended by the BCT guidelines due to the extremely low levels of bat activity being recorded. Since two further surveys are required, and given that no features suitable for use by roosting horseshoe bats were noted during the external inspection, this is not considered to be a limitation.

3.5.2 No internal inspection of the building was possible due to restrictions imposed by COVID 19, which meant risk assessments precluding entering the house. However, to mitigate for this, three dusk emergence surveys were carried out on the property.

3.5.3 No data search from BRERC was undertaken because of the small size of the site and the relatively low impact of the proposed development. Additionally, the lead surveyors have worked and volunteered in the area for many years, so have a good working knowledge of the bat species found in the vicinity of the site, including undertaking a suite of bat surveys on the adjacent land to the south in 2019 (transects and static detectors).

4 RESULTS

4.1 Desk Study

4.1.1 The data available on the meta-databases varies, and should not be considered to be an exhaustive list of species. The absence of data is not evidence of the absence of a particular species or habitat. Both the NBN and MAGIC were accessed on 10th June 2021.

4.1.2 The desk study noted that the PEA and internal/external inspection visit both assessed the site as being suitable to support bats. In addition, Table 2 below gives details of any bat species recorded within 1km of the site in the last ten years.

Table 2: Summary of records of bat species

Latin Name	Common Name	European Legal Protection	UK Legal Protection	National Priority Species
<i>Rhinolophus ferrumequinum</i>	Greater Horseshoe Bat	Y	Y	Y

4.1.3 A search of the Magic database demonstrated that there is one SSSI/SAC designated for bats approximately 170m north east of the site (Brockley Hall Stables), designated for greater horseshoe bats. There is also one current European protected species licence within 1km of the site, for brown long eared and lesser horseshoe bats, approximately 800m north east of the site.

4.2 External Building Inspection

4.2.1 This section should be read in conjunction with **Figure 2**, which shows the layout of the site and the results of the field survey.

Internal and External Building Inspection

4.2.2 The site is comprised of a detached residential house. It is a mix of single and two storeys, and is rendered with some areas of wood cladding (Plates 1-7). The roof is pitched with clay tiles, dry fix ridge tiles and textured UPVC soffits. The building is in good repair, with only minimal potential access points for bats, none of which would be suitable for horseshoe bats since fly-in access is not available. There are gaps under the flashing and a small number of gaps under tiles or where tiles are missing (see Plates 8-1 and Figure 2). The wood cladding is all tight and does not appear to provide any roosting opportunities. There is a small gap at the southern end where there is an overhang of the existing single storey portion of the building.



Plate 1: Eastern elevation looking north



Plate 2: Eastern elevation



Plate 3: Southern elevation



Plate 4: Southern end of western elevation



Plate 5: Western elevation



Plate 6: Northern end of western elevation



Plate 7: Northern elevation



Plate 8: Access point under tiles



Plate 9: Access point under tile

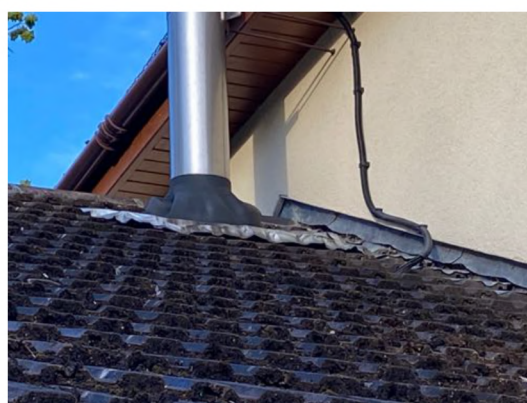


Plate 10: Access points under flashing

Assessment of Suitability

4.2.3 No evidence of bats using the building was found at the time of the inspection. The building is considered to be of moderate suitability to support roosting bats, in accordance with the BCT guidelines.³ There are several access points which could provide roosting opportunities for bats, and the surrounding habitats are well linked to the wider countryside. Additionally there is an SAC designated for bats less than 200m away.

4.2.4 It is considered unlikely that the building would support a large roost since there was no evidence of bats found such as dropping on external elevations.

4.2.5 The inspection was carried out immediately prior to the first emergence survey. Four surveyors were used on the first survey, but the results of the inspection and first survey, coupled with the proposed plans for the building, meant that it was decided that two surveyors would be sufficient for the final two surveys. This is not considered to be a limitation of the survey work.

³ Table 4.1, page 35, BCT Bat Surveys for Professional Ecologists Good Practice Guidelines 3rd Edition 2016.

4.3 Emergence Survey

4.3.1 This section should be read in conjunction with **Figure 2**, which shows the extent of the survey area and the results of the field survey

5th May 2021

4.3.2 The survey started at 20:24 and ended at 22:10 once it was too dark to see any bats emerging.

4.3.3 The surveyor in Position A was also equipped with a FLIR PTM166 thermal imaging camera which was directed at the gaps under the tiles at the bottom of the roofline (Plates 11 & 12). Footage was filmed during the entirety of the survey, then reviewed for any evidence of bats emerging. This location was chosen as the most likely emergence point based on the result of the external inspection.

4.3.4 They recorded their first bat at 21:08, when a silent bat was seen to fly overhead traveling north west towards the surveyor at Position C. Three greater horseshoe passes were recorded at 21:09, 21:17 and 22:05, but these bats were not seen. No bats were seen to emerge, and the thermal camera footage also did not show any bats emerging.



Plate 11: Access points at edge of roofline



Plate 12: Still image from thermal scope showing field of view

4.3.5 The surveyor at Position B recorded greater horseshoe passes at a similar time to those recorded by the surveyor at Position A. No bats were seen to emerge from the building.

4.3.6 The surveyor at Position C did not see or hear any bats for the duration of the survey.

4.3.7 The surveyor at Position D recorded a single faint lesser horseshoe pass at 21:10, followed by two more at 21:17. No bats were seen, and no bats emerged from the building.

12th August 2021

4.3.8 The survey started at 20:30 and ended at 22:15.

4.3.9 The surveyor at Position A recorded their first bat at 20:44, a noctule which was heard but not seen. At 20:54 a bat was seen to emerge from adjacent to the chimney, and fly towards the surveyor at Position B, though it was not heard on the detector. There were then regular passes by greater horseshoe, common pipistrelle, soprano pipistrelle and noctules throughout the survey.

4.3.10 The surveyor at Position B recorded their first bat at 20:50 when a common pipistrelle was noted flying high in the trees to the south west of the house. At 20:54, a common pipistrelle was seen to emerge from adjacent to the chimney under the lead flashing (Point 1 on **Figure 2**). This was the same bat as seen by the surveyor at Position A. Four further common pipistrelles were seen to emerge from the same point at 20:56, 20:57, 20:59 and 21:01. There was continuous foraging by common pipistrelles throughout the survey, with occasional passes by serotine and noctule.

26th August 2021

4.3.11 The survey started at 19:55 and ended at 21:40.

4.3.12 The surveyor at Position A recorded their first bat at 20:09 when a soprano pipistrelle flew south. There were then occasional passes by noctule and serotine, and continuous foraging by common pipistrelles throughout the survey. Between 20:39 and the end of the survey, regular passes by greater horseshoe were noted.

4.3.13 The surveyor at Position B noted their first bat at 20:00 when a serotine was observed commuting in a south westerly direction. At 20:27 a soprano pipistrelle emerged from Point 1 (**Figure 2**), and at 20:28 a common pipistrelle emerged from Point 2 (**Figure 2**). Common and soprano pipistrelles were foraging continuously throughout the survey, and there were regular passes by greater horseshoe and serotine from 20:42 until the end of the survey.

Summary

4.3.14 Activity levels were extremely low throughout the first survey, though bats were clearly active. During the second and third surveys activity levels were much higher, and very typical of this area. During the second survey, 5 common pipistrelles emerged from Point 1, and during the third survey 1 soprano pipistrelle emerged from Point 1 and 1 common pipistrelle from Point 2. These are all associated with the lead flashing on the chimney. No bats were seen to emerge from the single storey extension which will be affected by the proposed works.

5 EVALUATION AND RECOMMENDATIONS

5.1 Evaluation

5.1.1 The site is well located close to good foraging habitat and within 200m of an SAC designated for greater horseshoe bats.

5.1.2 The main house is a confirmed roost for common and soprano pipistrelles. Because the bats all emerged from a single point during the second survey, it is likely to be a small maternity roost for a small number (5) of common pipistrelles, and a day roost for a single soprano pipistrelle.

5.1.3 Bats and their roosts are protected against several potential offences including disturbance, obstruction to a roost, damage or destruction of a roost as well as killing or injuring bats themselves. Any future proposals where such offences may take place may qualify for a derogation licence to allow otherwise illegal operations.

5.1.4 Other bat activity found in the vicinity of the house can be considered typical of the local area.

5.1.5 The proposed works will be an extension to the existing single storey element of the south eastern end of the property. This will not impact on the existing bat roost, which will not be directly affected by the works.

Ecological Impact Assessment

5.1.6 The proposed works will not directly impact the bats or the known roost. All the proposed works will take place to the south eastern end of the south eastern elevation, and there are no other works proposed to the other elevations of the building. Whilst the proposed extension will tie into the roof of the single storey element of the existing building, no bats were seen to emerge from this area, and there will be no impacts on the existing roost.

5.1.7 No bats were seen to emerge from the south eastern elevation of the building. The works will not have any direct impact on the bat roosts. Noise and increased human activity are the main indirect impacts which may affect the roosts, however no demolition is proposed, so the overall effect of this will be limited. This will be a short-term temporary disturbance, which is classified as low impact for both night roosts and non-maternity roosts and for maternity roosts outside of the breeding season⁴. In terms of ecological impact assessments, it is not a significant impact and therefore is not considered further at this point.

5.2 Recommendations

5.2.1 No further survey work is required on the building.

5.2.2 The works should be timed to avoid the main maternity season for common pipistrelle bats which runs from mid-May to mid-August. This will ensure there is no

⁴ Bat Mitigation Guidelines, page 37, Table 6.1

impact on the population status of common pipistrelles in the area, and will result in a long term impact which is not significant for bats.

5.2.3 This will not require a licence from Natural England, since no roosts will be affected by the works. The works are considered to be suitably distant from the roost, and the level of disturbance will be low enough that this is not considered to need licencing.

5.3 Opportunities for Enhancement

5.3.1 In order to fulfil the requirements of the National Planning Policy Framework, all developments must show biodiversity gain. The following recommendations aim to ensure that this policy requirement is met:

- It is recommended that a single bat box and a single bird box are placed on suitable trees within the garden.

6 CONCLUSIONS

6.1.1 The desk study and survey work have identified the site as being a confirmed roost for common and soprano pipistrelle bats.

6.1.2 Recommendations have been made to ensure that the development does not affect any protected species during either the construction or the operational phase, and further survey work has been recommended under certain circumstances to ensure that no effects on protected species occur.

6.1.3 A licence from Natural England is not required for the works, however timing constraints have been identified to ensure that the disturbance generated by the building works does not affect the bat roost.

6.1.4 The baseline conditions described in this report are true for the time at which the survey was undertaken. If no works are undertaken within the next year then an update survey may need to be undertaken to ensure the baseline conditions described are accurate.

IES Consulting Ltd 2021

7 REFERENCES

Guidance Documents - General

BS 42020:2013 *Biodiversity - Code of Practice for Planning and Development*. British Standards Institution.

CIEEM, CIRIA, IEAM (2016) *Biodiversity Net Gain: Good Practice Principles for Development*.

CIEEM (2017) *Guidelines on Ecological Report Writing*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIRIA (2019) *Biodiversity Net Gain. Good Practice Principles for Development A Practical Guide*.

Guidance Documents - Habitats and Species

Bat Conservation Trust (2018) *Guidance Note 08/18 Bats and Artificial Lighting in the UK*.

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

English Nature (2004) *Bat Mitigation Guidelines*.

JNCC (2004) *Bat Workers' Manual*

Legislation and Policy

HMSO The Conservation of Habitats and Species Regulations 2017

HMSO The Countryside and Rights of Way Act 2000

HMSO The Natural Environment and Rural Communities Act 2006

HMSO The Wildlife and Countryside Act 1981.

MHCLG (2019) National Planning Policy Framework.

FIGURE 1: SITE LOCATION

Figure 1: Site Boundary



Key

 Site Boundary

0 250 500 m



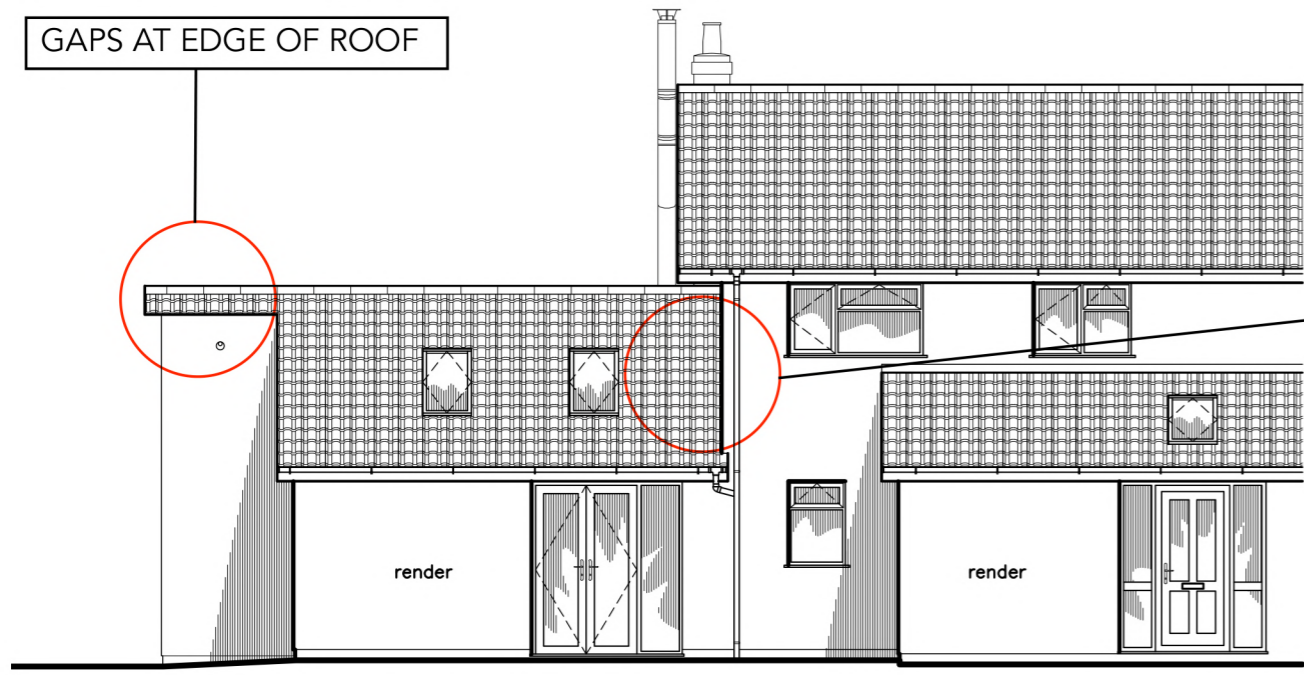
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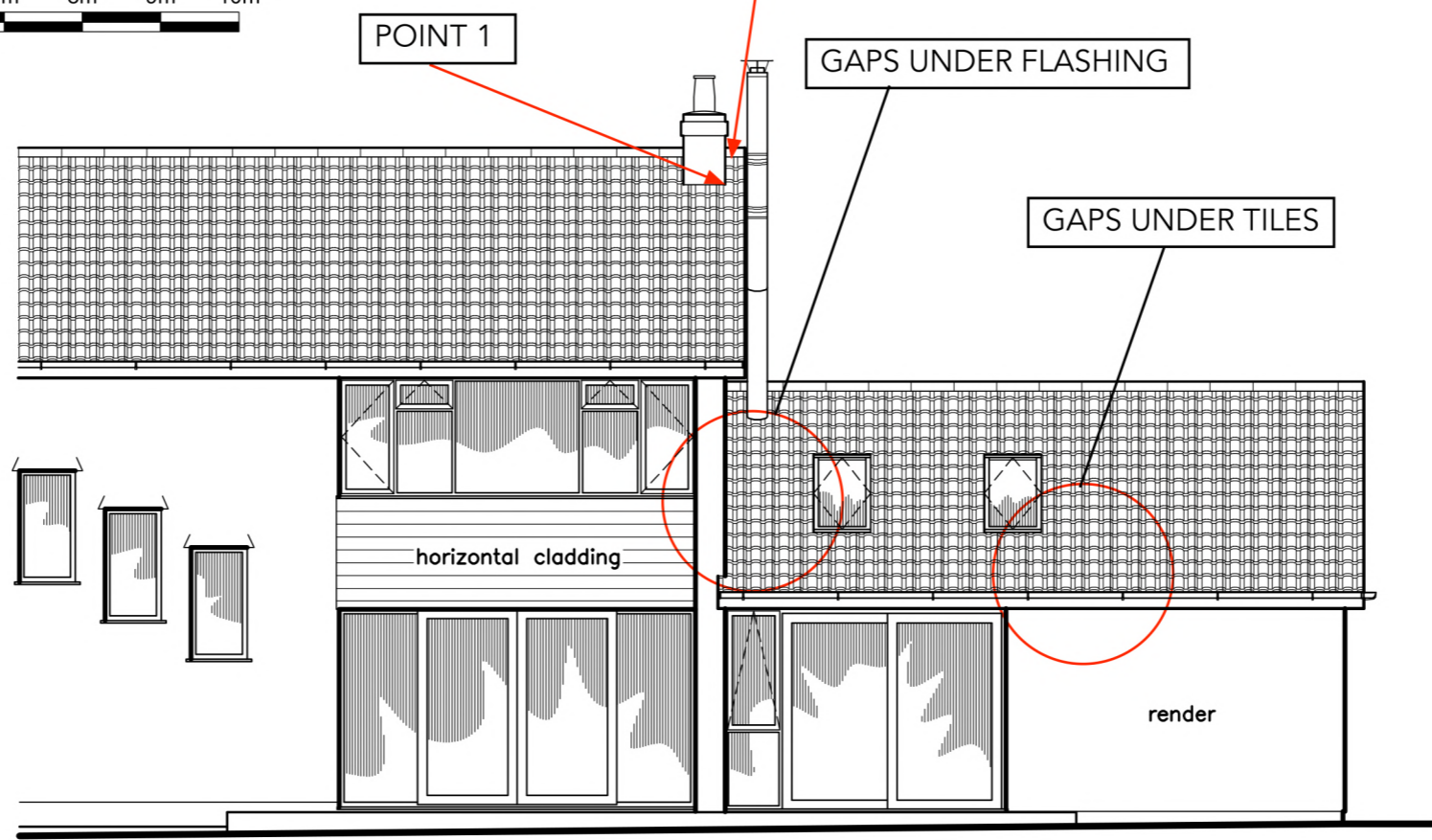
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FIGURE 2: EXTERNAL INSPECTION



existing front elevation 1:100



existing rear elevation 1:100

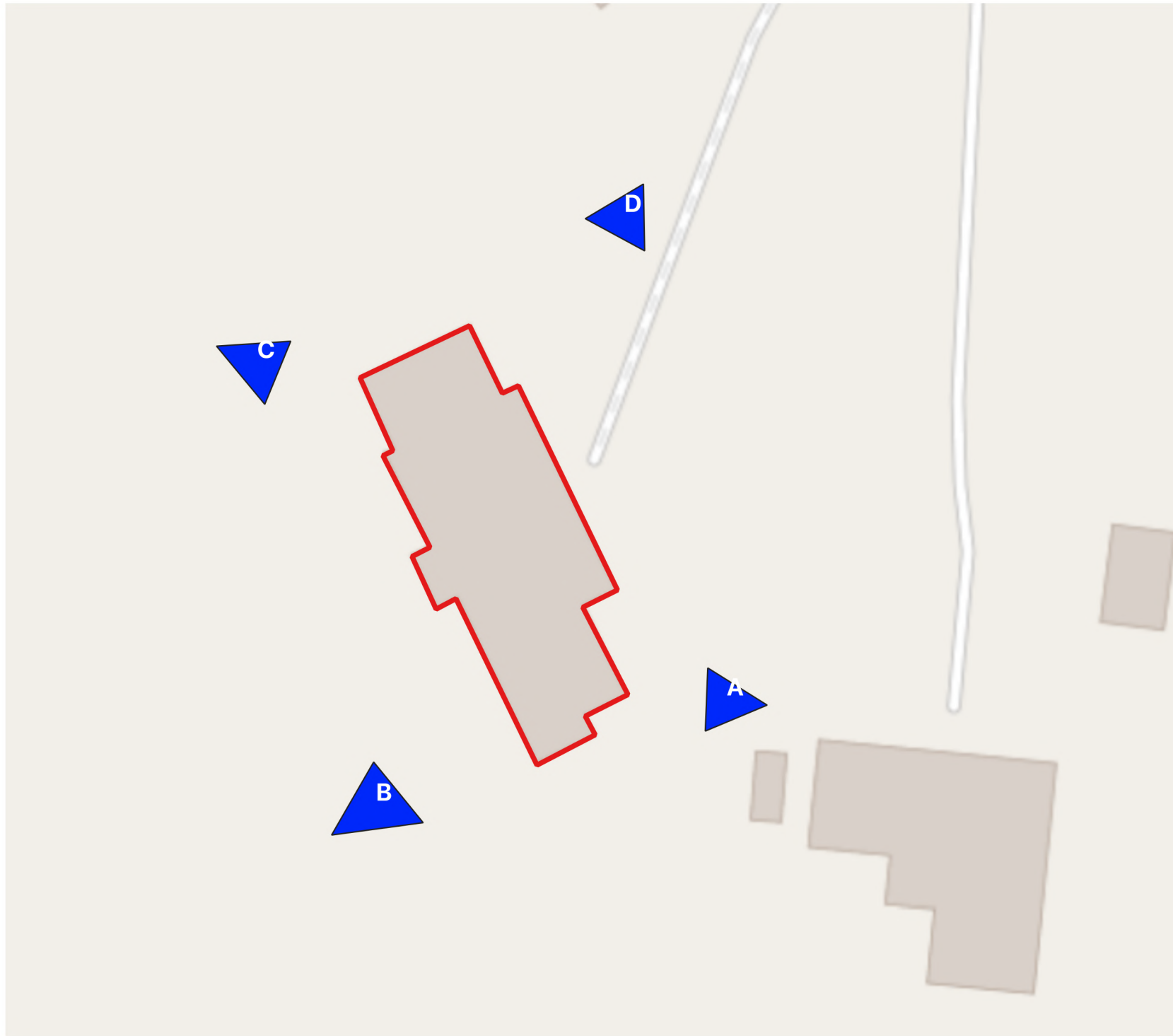
Figure 2: External Inspection & Emergence Points


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FIGURE 3: EMERGENCE SURVEY

Figure 3: Field Survey



Key

-  Site Boundary
-  Surveyor Locations

0 7.5 15 m



N



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APPENDIX A: POLICY AND LEGISLATION

POLICY

National Policy

National Planning Policy Framework (February 2019) - this document is a material consideration in planning decisions, and states that planning policies and decisions should provide net gains for biodiversity. The overarching environmental objective is to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 170 d) states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Local Policy

The following policies are applicable to the site:

North Somerset Core Strategy Policy CS4: Nature Conservation

North Somerset contains outstanding wildlife habitats and species. These include limestone grasslands, traditional orchards, wetlands, rhynes, commons, hedgerows, ancient woodlands and the Severn Estuary. Key species include rare horseshoe bats, otters, wildfowl and wading birds, slow-worms and water voles.

The biodiversity of North Somerset will be maintained and enhanced by:

- 1) seeking to meet local and national Biodiversity Action Plan targets taking account of climate change and the need for habitats and species to adapt to it;
 - 2) seeking to ensure that new development is designed to maximise benefits to biodiversity, incorporating, safeguarding and enhancing natural habitats and features and adding to them where possible, particularly networks of habitats. A net loss of biodiversity interest should be avoided, and a net gain achieved where possible;
 - 3) seeking to protect, connect and enhance important habitats, particularly designated sites, ancient woodlands and veteran trees;
 - 4) promoting the enhancement of existing and provision of new green infrastructure of value to wildlife;
 - 5) promoting native tree planting and well targeted woodland creation, and encouraging retention of trees, with a view to enhancing biodiversity.
- The North Somerset Local Plan (January 2017) - this document provides a policy framework for local planning decisions. Policy DM8 “Nature Conservation” covers ecological considerations with a policy aim “*To protect and enhance biodiversity, particularly on sites of recognised nature conservation interest. To protect trees, hedges and other landscape features of amenity value and to secure suitable*

replacements in instances where their loss is justified". The plan also includes DM19 for Green Infrastructure which aims *"To ensure new development contributes to the safeguarding, improvement and further provision of North Somerset's green infrastructure and that the provision of multi-functional, inter-connected and adaptable green infrastructure is taken into account in the design and layout of new development proposals"*.

- The Biodiversity and Trees Supplementary Planning Document For Developments in North Somerset (December 2005) - this document provides additional guidance to assist developers in contributing to biodiversity gains through their proposals.
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (January, 2018) - this is a guidance document which provides advice to developers, ecological consultants and planners as to considering the potential impacts of proposed developments on the North Somerset and Mendip Bats SAC.

LEGISLATION

General

The Conservation of Habitats and Species Regulations 2017

This transposes the EU Habitats Directive into UK law, and provides protection for European Protected Species and European Protected Sites.

All bat species are covered under Schedule 2 (animals) of this legislation, and are known as European Protected Species.

You need a mitigation licence if your work will have impacts on European protected species that would otherwise be illegal, such as:

- capturing, killing, disturbing or injuring them (on purpose or by not taking enough care)
- damaging or destroying their breeding or resting places (even accidentally)
- obstructing access to their resting or sheltering places (on purpose or by not taking enough care)

The Natural Environment and Rural Communities Act 2006

This act established Natural England, and extended the duties of public bodies in relation to biodiversity by amending the CROW Act 2000 and the Wildlife and Countryside Act 1981. It established the Section 41 species and habitats of principal importance for the purpose of conserving biodiversity, which need to be taken into account by a public body when performing any of its functions. There are currently 7 bat species of principle importance:

- Barbastelle
- Soprano pipistrelle
- Lesser horseshoe
- Bechstein's
- Brown long-eared
- Noctule
- Greater horseshoe

The Countryside and Rights of Way Act 2000

This act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation steps should be taken or promoted (those these lists have been superseded by the S41 lists of the NERC Act 2006), in accordance with the Convention on Biological Diversity. It amends the SSSI provisions of the Wildlife and Countryside Act 1981 by providing increased power for their protection and management. It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981, including changing the maximum penalty to a term of imprisonment rather than a fine, and creates a new offence of reckless disturbance. This means that if a person takes an unacceptable risk, or fails to notice an obvious risk, they will be liable.

The Wildlife and Countryside Act 1981

This act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

Under Schedule 5 of the Act, all species of bat (*Chiroptera* spp.) and their place of rest or shelter more generally known as 'roosts' are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Conservation of Habitats and Species Regulations 2017. This makes it illegal to kill, injure, capture or disturb bats or obstruct access to, damage or destroy bat roosts. Under the law, a roost in any structure or place used for rest or shelter is protected. As bats tend to reuse roosts, the roost is fully protected whether the bats are present or not.

APPENDIX B: NOTES AND LIMITATIONS

IES Consulting staff and their sub-consultants have endeavoured to identify the presence of protected species wherever possible on site, where this falls within the agreed scope of works.

Up to date standard methodologies have been used, which are accepted by Natural England (previously English Nature) and other statutory conservation bodies. No responsibility will be accepted where these methodologies fail to identify all species on site. IES cannot take responsibility where Government, national bodies or industry subsequently modify standards.

The results of the survey and assessment work undertaken by IES Consulting were representative at the time of surveying.

IES Consulting have advised on the optimum survey season for a particular habitat/species prior to undertaking the survey work. However, IES Consulting cannot accept responsibility for the accuracy of surveys undertaken outside this period.

IES Consulting cannot accept responsibility for data collected from third parties.

APPENDIX C: MAGIC DATA