



Preliminary Roost Assessment Survey

61 Horton Road, Datchet, Berkshire, SL3 9HD

Amy Lawrence

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Executive summary

Arbtech Consulting Limited was commissioned by Amy Lawrence to undertake a Preliminary Roost Assessment (PRA) at 61 Horton Road, Datchet, Berkshire, SL3 9HD. The survey was completed on 3rd September 2021.

B1 has been assigned a negligible habitat value due to the lack of suitable roosting features for crevice-dwelling and void-dwelling bat species. Therefore, no further surveys are required.

Recommendations:

The installation of a minimum of one bat box on mature trees around the site boundaries will provide additional roosting habitat for bats. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance.

For any external lighting - Low impact lighting strategies will be adopted from the guidance outlined in the new Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication:http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting.

The lighting on the site will:

- Use narrow spectrum light sources to lower the range of species affected by lighting
- Use light sources that emit minimal ultra-violet light
- Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was commissioned by Amy Lawrence to undertake a Preliminary Roost Assessment (PRA) at 61 Horton Road, Datchet, Berkshire, SL3 9HD. The survey was completed on 3rd September 2021. The assessment is informed by the Bat Conservation Trust publication, *Bat Surveys for Professional Ecologists – Good Practice Guidelines* (Collins, 2016).

No previous reports have been produced for this site by Arbtech or any other consultancies.

1.2 Site Context

The site is located at National Grid Reference SU 99320 76908 and has an area of approximately 0.13ha. There are two buildings- the main dwelling and a garage, designated as B1 and B2 respectively within the site boundary which was surveyed as this will be affected by the proposed development.

1.3 Scope of the report

This report provides a description of all features suitable for roosting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on constraints to the proposals as a result of roosting bats, and summarises the requirements for any further surveys, to inform subsequent mitigation proposals, achieve Planning or other statutory consent, and to comply with wildlife legislation.

The aim of the assessment was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how they could use the site. To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken, including an external survey and internal inspection where possible.
- An outline of likely impacts on any known roosts has been provided, based on current development proposals.
- Recommendations for further survey and assessment have been made, along with advice on the requirements of a European protected species mitigation licence (EPSML) application if appropriate.

A survey plan is presented in Appendix 1, desk study results in Appendix 2 and a summary of relevant legislation is presented in Appendix 3.

1.4 Project Description

The development proposals are for the extension of the house (B1) to become a 1.5 storey dwelling and the demolition of the garage (B2). A planning application is being prepared for submission to the Royal Borough of Windsor and Maidenhead.

2.0 Methodology

2.1 Desk Study methodology

The desk study included a 2km radius review of statutory and non-statutory designated sites, Biodiversity Action Plan (BAP), Priority Habitats and granted EPSML records for bats held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

Existing bat records relating to the site and a surrounding 2km radius are required to conform to national guidelines. The data search is confidential information that is not suitable for public release and has been analysed and summarised for presentation in this report.

2.2 Site Survey methodology

The survey was undertaken by Beth Ellison-Perrett BSc (Hons) MSc, Consultant (Accredited Agent to Natural England Bat Licence Number: 2018-33540-CLS-CLS).

All features that will be impacted by the project proposals were assessed for their bat roosting and or commuting habitat. The surveyor systematically surveyed all features suitable for-bats and signs of bat activity.

For any surveyed buildings:

A non-intrusive visual appraisal from the ground using binoculars, inspecting the external features of the building(s) for potential access or egress points, and for signs of bat use. An internal inspection of the building was also made, including the living areas of derelict or abandoned buildings and the accessible roof spaces of all buildings, using an endoscope, torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

For any surveyed trees:

A visual inspection from ground level using binoculars and where accessible and safe to do so, an internal inspection of potential roosting features using an endoscope, torch and ladders.

2.3 Breeding birds and other incidental observations

The surveyor also made note of any other ecological constraints observed during the survey, notably the likelihood of presence or signs of breeding birds, and the suitability of the site for barn owls *Tyto alba*.

2.4 Suitability Assessment

All affected survey features on site were categorised according to the likelihood of bats being present, in line with best practice guidelines (Collins, 2016). The features that dictate the likelihood of roosting bats are summarised in Tables 1 and 2 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats

Likelihood of bats being present	Feature of building and its context
Higher	Buildings or structures with features of particular significance for roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data).
Lower	A small number of possible roost sites or features, used sporadically by more widespread species. Habitat suitable for foraging in close proximity, but isolated in the landscape. Or an isolated site not connected by prominent linear features. Few features suitable for roosting, minor foraging or commuting.

Table 2: Features of a tree that are correlated with use by bats

Likelihood of bats being present	Feature of tree and its context
Higher	A tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Lower	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting potential.

2.5 Limitations

It should be noted that whilst every effort has been made to describe the features on site in the context of their suitability for roosting bats, this does not provide a complete characterisation of the site. This survey provides a preliminary view of the likelihood of bats being present. This is based on suitability of the habitats on site and in the local area, the ecology and biology of bats as currently understood, and the known distribution of bats as recovered during the desk study.

There were no specific limitations to the survey.

3.0 Results and Evaluation

3.1 Desk Study Results

A summary of desk study results is provided below, full details are presented in Appendix 3.

3.2 Designated sites

Details of any statutory and non-statutory designated sites within a 2km radius of the survey site, including their reasons for notification, are provided in Table 3 below.

Table 3: Designated sites within 2km radius of the site

Designated Site Name	Distance from Site (approx.)	Reasons for Notification from Natural England and/or BRD or LPA policy maps
Statutory Sites		
South-west London Waterbodies RAMSAR sites	1815m south	Comprises a number of reservoirs and former gravel pits in the Thames Valley adjacent to Heathrow Airport between Windsor and Hampton Court which support internationally important numbers of Gadwall <i>Anas strepera</i> and Shoveler <i>Anas clypeata</i> .
Wraysbury No. 1 Gravel Pit Site of Special Scientific Interest (SSSI)	1815m south	Wraysbury No 1 Gravel Pit is a 58.0-hectare (143-acre) biological Site of Special Scientific Interest in Wraysbury in Berkshire. It is part of Southwest London Waterbodies Ramsar site, and Special Protection Area. The lake has a surface area of 39.6 hectares (97.85 acres). The pit was excavated in the 1920s and 1930s with gravel being removed from the site. Over the years plants and wildlife have colonised the area and it is now mature. The site consists of a steep-sided lake and adjoining strips of scrubland and patches of trees. The SSSI is of major national importance for the gadwall, which visit it in winter, and is also made use of by other waterfowl such as the northern shoveler, the Smew, the tufted duck, the common pochard and the common goldeneye. It is also visited in winter by the great crested grebe, the great cormorant and the Eurasian coot. The terrestrial habitat supports many birds including the Eurasian treecreeper, the garden warbler, the great spotted woodpecker and the Eurasian hobby. There are a few areas of rough grassland supporting such species as lesser knapweed, wild carrot, meadow vetchling and common bird's-foot trefoil.
Non-statutory Sites		
London Area Greenbelt		The Metropolitan Green Belt is a statutory green belt around London, England. It comprises parts of Greater London and the six adjoining "home counties", parts of two of the three districts of the county of Bedfordshire and a small area in Copthorne, Sussex. As of 2017/18, Government statistics show the planning designation covered 513,860 hectares (1,269,800 acres) of land

3.3 Landscape

A review of the designated sites, aerial photographs (Figure 1), the magic.gov.uk database and OS maps has been undertaken. Collated together, the site's local bat habitat is described below: The site is located within the residential area of Datchet. The landscape is dominated by urban development, with arable fields within the wider area. The Queen Mother's reservoir is located 635m east which will provide abundant insect foraging for bats. There is no ancient woodland within 2km of the site, but deciduous woodland is located 480m to the south-east that could be an important local habitat for bats. Priority habitats within 2km of the site are listed in Table 4.

Table 4: Priority habitat inventory within 2km (Magic.gov.uk):

Habitat	Closest distance from site
Deciduous Woodland	~480m south-east
National Forest Inventory	~489m south-east
Woodpasture and Parkland	~801m west
Traditional Orchards	~1797m south-west
Coastal and floodplain grazing marsh	~1139m south



Figure 1: Aerial photo of site, showing landscape structure

3.4 Historical records

The Thames Valley Environmental Records Centre was not commissioned to provide bat records for within 2km of the site. This was primarily due to the relatively small scale of the proposed development. From local knowledge, species such as brown long-eared *Plecotus auritus*, noctule *Nyctalus noctula*, pipistrelle *Pipistrellus spp.* and serotine *Eptesicus serotinus* are reasonably widespread throughout the local area.

Table 5: Historical records* of bats within 2km of the site

Common name	Scientific binomial	Number of records	Number of roost records	Maternity roost records
The client has not authorised Arbtech to purchase BRD to incorporate into the evaluation.				

*Records from the past 10 years

A search of the magic.gov.uk database for granted European protected species mitigation licences (EPSMLs) within a 2km radius of the site has been completed. Displaced bats from licenced sites <2km away from the survey site will find alternative habitat either within the mitigation measures implemented as part of the licence or will relocate to other known roosts sites in close proximity to the licenced site. The EPSML records show that one bat roost has been destroyed within 2km involving common pipistrelle and soprano pipistrelle bats. Displaced bats from these roosts could find suitable roosting habitat on site.

Table 6: Granted EPSMLs (bats) within 2km of the site

Case reference of granted application	Approx. distance from site	Bat Species Effected	Licence Start Date:	Licence End Date:	Impacts allowed by licence
EPSM2012-4133	1660m north-west	C-PIP; S-PIP	25/10/2012	31/12/2014	Destruction of a resting place

3.5 Field Survey Results

Two buildings on site were surveyed, designated as B1 and B2 and illustrated in the map in Appendix 1. The weather conditions recorded at the time of the survey are shown in Table 7.

Table 7: Weather conditions during the survey

Date: 03/09/2021	
Temperature	19°C
Humidity	62%
Cloud Cover	60%
Wind	0.8mph
Rain	None

3.6 Site Feature descriptions and photos

B1 Exterior

B1 –eastern elevation (pictured opposite).

B1 is a detached single-storey brick-built building with a complicated roof structure clad in concrete roof tiles. The roof tiles are in very good condition with no raised tiles under which bats could roost.

The doors and windows are UPVC and appear in excellent condition with no suitable bat roosting sites.

The brickwork around the building is painted and appears in excellent condition with no gaps or cracks in which crevice-dwelling bats could roost.



B1 – southern and western elevations (pictured opposite).

There are timber soffits and bargeboards around the building which are generally in good condition. There is one chimney located on the roof of the building. The brickwork on the chimneys is in good condition. There is lead flashing around the bases of the chimney which is flat and without gaps.

There are flat roof sections located on the western elevation of the building. The flat roofs are bitumen felt lined and are in very good condition with no gaps in which bats could roost.



B1 – northern elevation (pictured opposite).

The conservatory located on the northern elevation is in good condition with no obvious gaps, with the brickwork connecting it to the house is flush with no missing bricks.

There are solar panels on the flat roof with gaps underneath, but these are unsuitable for bats as they are completely open with no roosting features.



B1 Interior

B1 – loft space (pictured opposite).

There is one loft space within the main roof void of B1. The roof structure is built from modern timber beams including the ridge beam. The roof is lined with bitumen felt which is in very good condition with no gaps or tears. The floor of the loft space is lined with mineral wool insulation and there are timber boards in places. There are cobwebs around the ridge beam and roof to floor cobwebs which could indicate a lack of internal flying activity from void dwelling bats, such as brown long-eared bats.

No daylight enters the loft space which indicates that it is well sealed. There is evidence of mouse activity including mouse droppings.



B1 – loft space (pictured opposite).

There are stored items in the loft space. The stored items made it easier to search for evidence of bat activity because when present, bat droppings can accumulate on top of the stored items. However, no droppings were observed.



B1 Evidence of bats

There was no evidence of bat activity located internally in B1. There was no evidence of bat use (e.g., bat droppings) found on external features. However, this kind of evidence is easily weathered away on the exterior of buildings and is rarely visible.

B1 Breeding birds and other incidental observations

There was no evidence of nesting birds located internally or externally on the survey building.

B2 Exterior

B2 – northern and eastern elevations (pictured opposite).

B2 is a single-storey concrete-built detached outbuilding with a pitched roof clad in single asbestos sheeting. The building is used as a garage.

The roofing is in good condition with no gaps or cracks within the sheeting.

The windows and doors are timber framed and are in good condition with no gaps around them in which bats could roost.

There is a metal garage door located on the eastern elevation of the building. The garage door is in relatively poor condition and bats could use the gaps to enter the building.

The gable end is in good condition with no obvious gaps.



B2 – southern elevation (pictured opposite).

This elevation is in good condition with no obvious fractures in the siding. There are gaps between the walls and roof, however, all gaps are filled with ivy so bats cannot access internally.



B2 Interior

B2 – interior, western gable end (pictured opposite).

The roof is built from single sheets of asbestos and is not lined. Daylight enters through the many windows around the whole building. The metal bars are heavily cobwebbed as well as roof to floor cobwebs which could indicate a lack of internal flying activity from void dwelling bats.



B2 – interior, loft space (pictured opposite).

There are stored items in the loft space. The stored items made it easier to search for evidence of bat activity because when present, bat droppings can accumulate on top of the stored items. However, no bat droppings were observed.

B2 Evidence of bats

There was no evidence of bat activity located internally in B2. There was no evidence of bat use (e.g., bat droppings) found on external features. However, this kind of evidence is easily weathered away on the exterior of buildings and is rarely visible.

B2 Breeding birds and other incidental observations

There was no evidence of nesting birds located internally or externally on the survey building.



4.0 Conclusions, Impacts and Recommendations

4.1 Informative guidelines

Bats are protected under the Wildlife and Countryside Act and Conservation Regulations (see Appendix 4 for a summary of legislation protecting bats in the UK). Legislation protects all wild birds whilst they are breeding, and prohibits the killing, injuring or taking of any wild bird or their nests and eggs. Certain species of bird, including the barn owl, are subject to special provisions; it is an offence to disturb any bird or their young during the breeding season.

There are three possible outcomes of this survey, each with specific recommendations. These are outlined below:

Confirmed bat roost

Best practice survey guidelines (Collins, 2016) recommend additional surveys for confirmed roosts. Three further surveys are required to characterise the bat roost present including species, roost type and access points to inform a European protected species mitigation licence (EPSML) application with Natural England. Surveys must be completed during the active bat season (May – September). At least two of the surveys should be completed during the optimal survey period mid-May to August, and at least one of the surveys should be a dawn re-entry survey (Collins, J. 2016).

Low, moderate or high likelihood of a bat roost present

Best practice survey guidelines (Collins, 2016) recommend additional surveys for features assessed as having low to high suitability for roosting bats. One, two or three further surveys are required to confirm presence or likely absence of a bat roost, based on a low, medium or high roost likelihood evaluation. Surveys must be completed during the active bat season (May – September). If more than one survey is recommended, at least one of them should be completed during the optimal survey period mid-May to August, and at least one of the surveys should be a dawn re-entry survey (Collins, 2016). If two or one further survey is recommended these surveys must be completed during the optimal survey period (mid-May to August). For low and moderate roost likelihood evaluation the survey effort recommended at this stage is iterative and if bats roosts are confirmed in the building, a further survey will be required to provide sufficient information to inform an EPSML application to Natural England.

Negligible likelihood of a bat roost present

Buildings assessed as comprising negligible suitability for roosting bats do not normally require further surveys. However, if bats are found during any stage of the development, work should stop immediately and Arbtech should be contacted for further advice.

4.2 Evaluation

Taking the desk-based assessment and site survey results into account, the following value for roosting bats has been placed on each site survey feature.

Table 8: Evaluation of the buildings on site

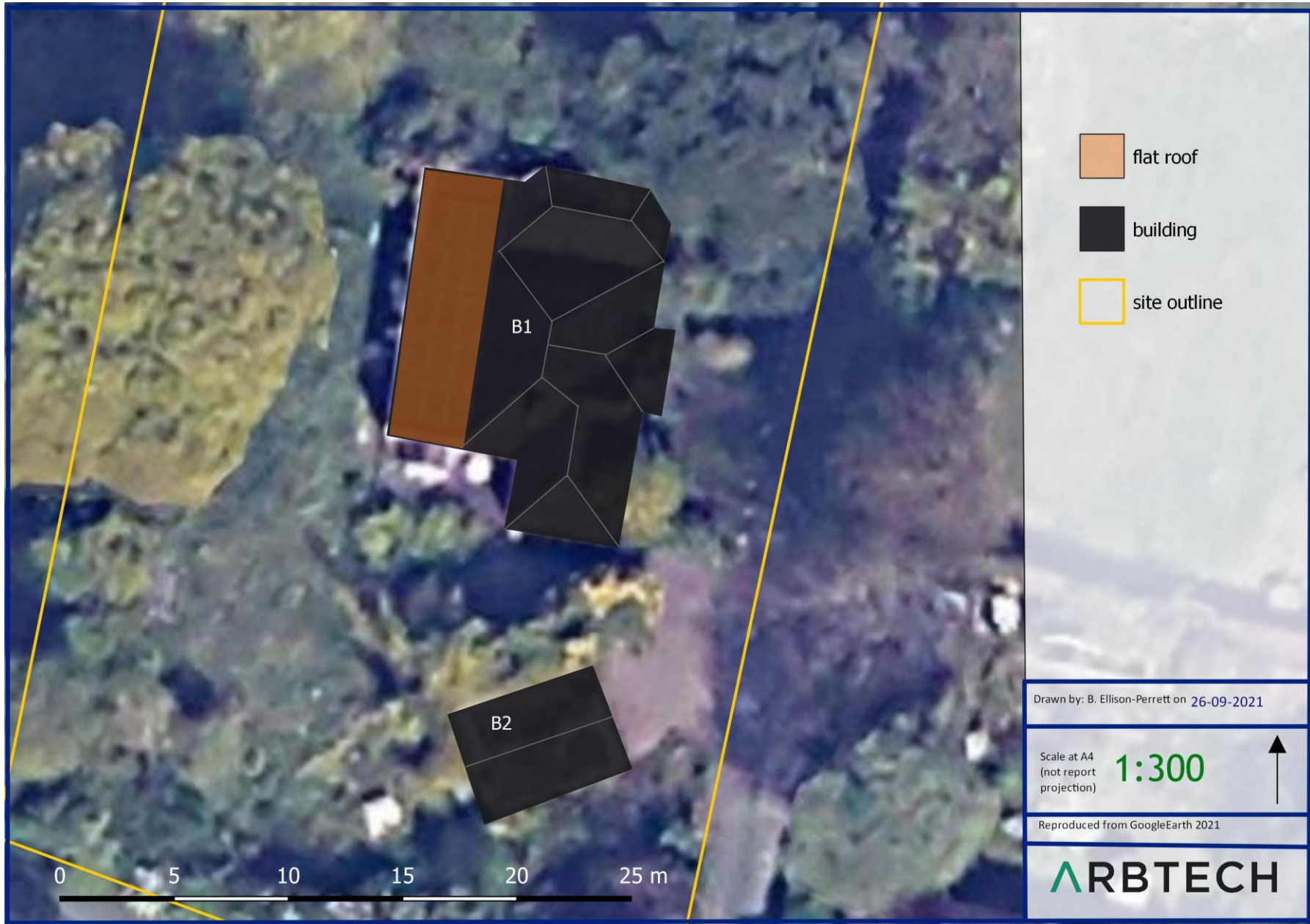
Ref	Survey assessment conclusions (with justification)	Foreseen impacts	Recommendations	Enhancements
B1 Bats	<p>The roof tiles are in very good condition with no obvious gaps. Internally, there were no gaps or tears in the felt lining within the loft.</p> <p>The building has negligible habitat value for roosting bats.</p>	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on bats as a result of the proposed works.	<p>No further surveys required. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licenced ecologist contacted for further advice.</p> <p>For any external lighting - Low impact lighting strategies will be adopted from the guidance outlined in the new Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication:http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting. The lighting on the site will:</p> <ul style="list-style-type: none"> • Use narrow spectrum light sources to lower the range of species affected by lighting • Use light sources that emit minimal ultra-violet light • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature 	<p>The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)</p> <p>The installation of a minimum of one bat box on mature trees around the site boundaries will provide additional roosting habitat for bats</p> <p>Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance.</p>
B1 Birds	The site provides negligible habitat for barn owls or breeding birds.	Any works that affects the vegetation on site could have an impact on nesting birds.	None.	<p>Install two Schwegler bird boxes on retained trees on site e.g., Schwegler No 17 swift nest box</p> <p>Schwegler 1SP Sparrow Terrace</p> <p>Schwegler 1B nest boxes</p> <p>Schwegler 2H Robin Boxes</p> <p>Schwegler 1B and Schwegler 2H nest boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole.</p>
B2 Bats	<p>The roof is single lined sheeting which is in relatively good condition.</p> <p>Internally, is</p>	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to	<p>No further surveys required.</p> <p>In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licenced ecologist contacted for further advice.</p> <p>For any external lighting - Low impact lighting strategies will be adopted from the guidance outlined in the new Bats and Lighting Publication produced by the Institution of</p>	As above.

	heavily cobwebbed and heavily illuminated. The building has negligible habitat value for roosting bats.	be any impacts on bats as a result of the proposed works.	Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication: http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting . The lighting on the site will: <ul style="list-style-type: none"> • Use narrow spectrum light sources to lower the range of species affected by lighting • Use light sources that emit minimal ultra-violet light • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature 	
B2 Birds	The site provides negligible habitat for barn owls or breeding birds.	Any works that affects the vegetation on site could have an impact on nesting birds.	None.	As above

5.0 Bibliography

- British Trust for Ornithology (2016) www.bto.org/about-birds/nbw/putting-up-a-nest-box
- Collins, J. (2016). Bat Surveys for Professional Ecologists —Good Practice Guidelines, 3rd edition, Bat Conservation Trust, London.
- Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected?
- Google Earth (2021) accessed on 10/09/2021.
- MAGIC database (2021) <http://www.magic.gov.uk/MagicMap.aspx> accessed on 10/09/2021.
- Mitchell-Jones, A.J. (2004). Bat Mitigation Guidelines. English Nature, Peterborough.
- National Planning Policy Framework (2021) [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92526/NPPF_2021.pdf)

Appendix 1: Survey Plan

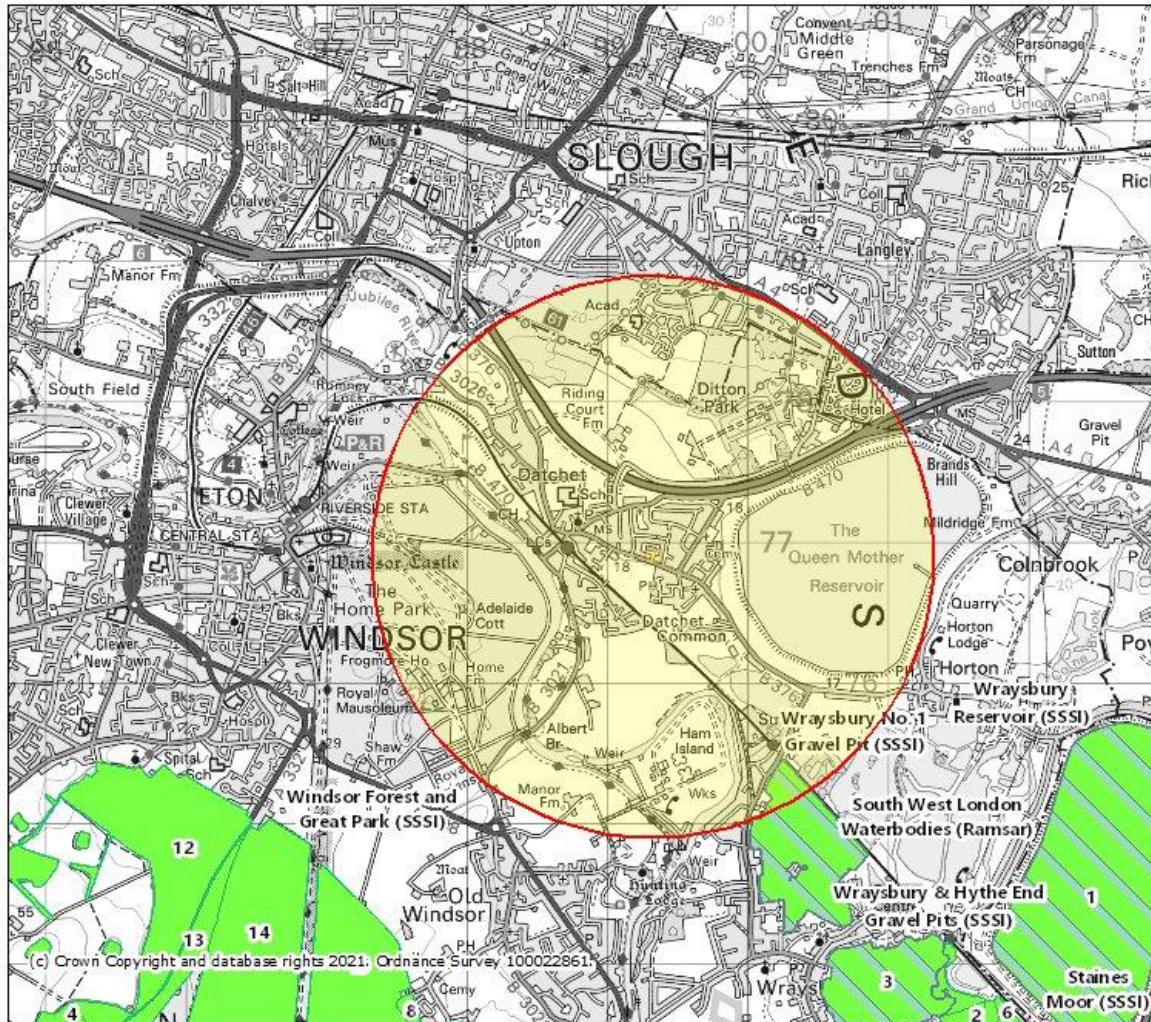


Appendix 2: Desk Study Information

Full historical records can be provided on request.



Designated Statutory Sites



Legend

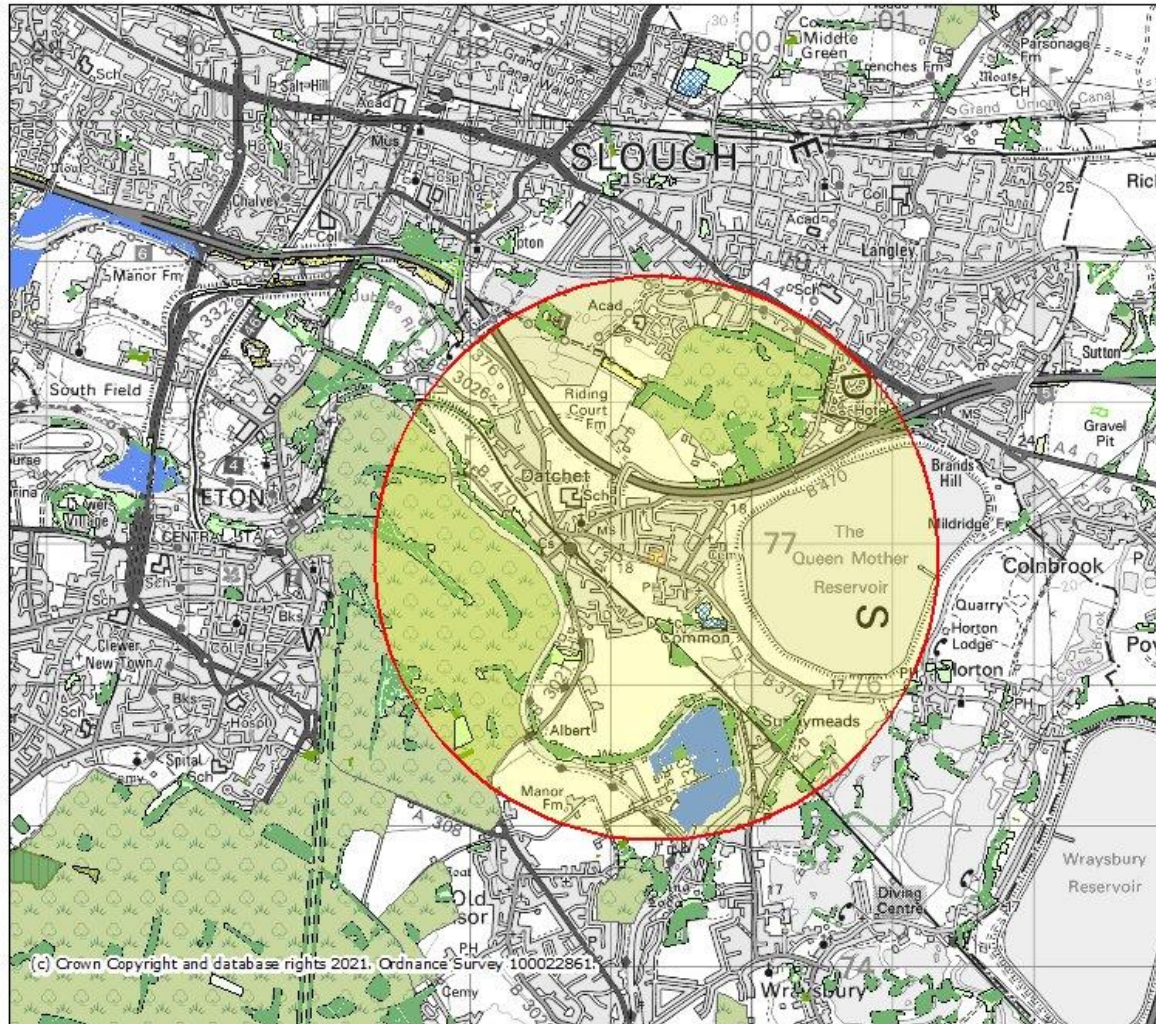
- Ramsar Sites (England)
- Sites of Special Scientific Interest (England)**
 - Favourable Condition
 - Unfavourable Recovering
 - Unfavourable no change
 - Unfavourable Declining
 - Part Destroyed
 - Destroyed
 - Not Assessed
- Sites of Special Scientific Interest (England)

Projection = OSGB36
 xmin = 489600
 ymin = 172600
 xmax = 508100
 ymax = 181800

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MAGiC

Habitat



Legend

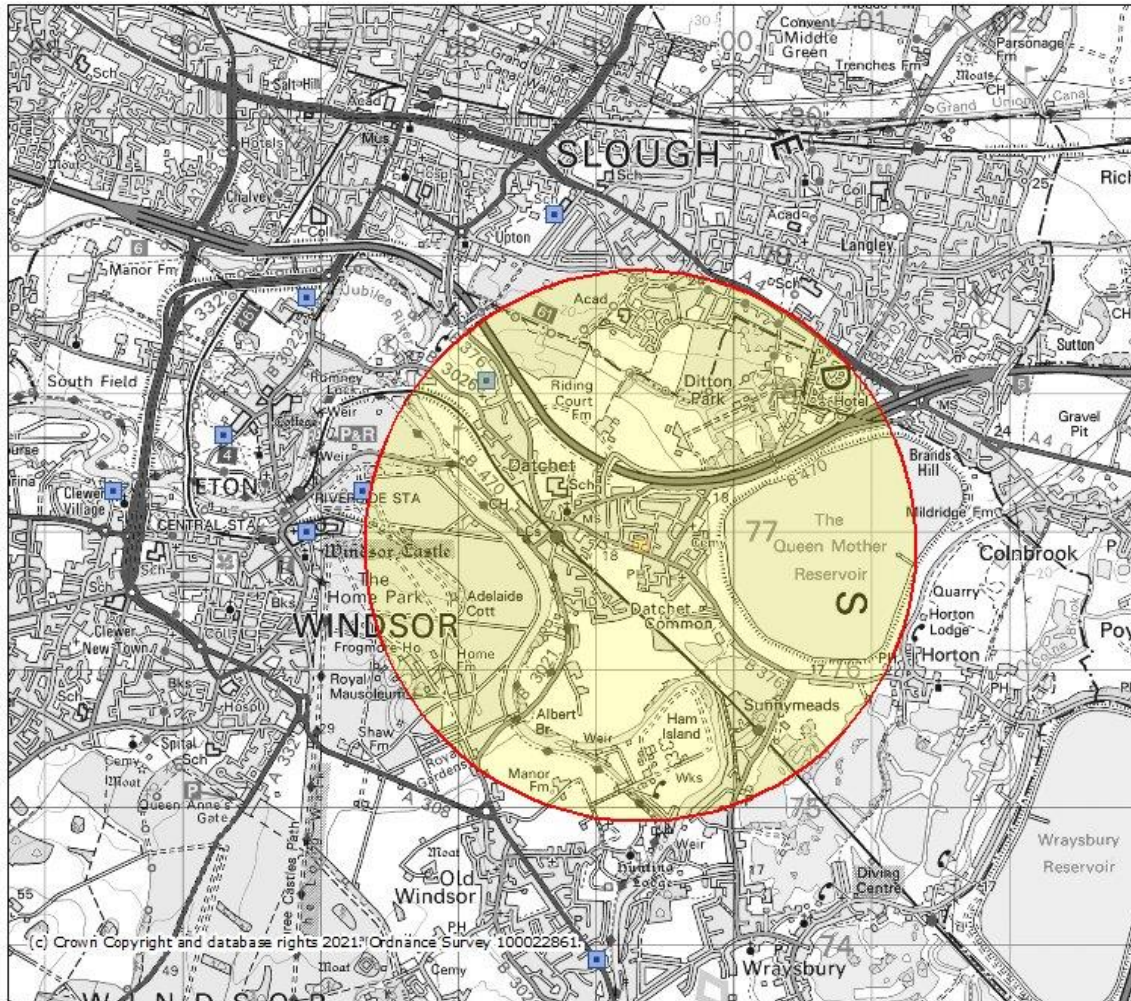
Priority Habitats Inventory - Coastal and Floodplain Grazing Marsh (England)	Coppice with standards
Ancient Woodland (England)	Failed
Ancient and Semi-Natural Woodland	Felled
Ancient Replanted Woodland	Ground prep
Priority Habitats Inventory - Deciduous Woodland (England)	Low density
Forestry Commission Legal Boundary (England)	Mixed mainly broadleaved
National Forest Inventory (GB)	Mixed mainly conifer
Assumed woodland	Shrub
Broadleaved	Uncertain
Cloud \ shadow	Windthrow
Conifer	Young trees
Coppice	Priority Habitats Inventory - Traditional Orchards (England)
	Woodpasture and Parkland BAP Priority Habitat (England)

Projection = OSGB36
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MAGiC

EPSLs



Legend

Granted European Protected Species Applications (England)

- Amphibian
- Bat
- Cetacean
- Invertebrate
- Other Mammal
- Plant
- Reptile

Projection = OSGB36
 xmin = 489600
 ymin = 172600
 xmax = 508100
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Appendix 3: Legislation and Planning Policy related to bats

LEGAL PROTECTION

New legislation (2020)

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 came into force when Britain left the European Union on 31st January 2020. It covered amendments relevant to this survey to:

Wildlife and Countryside Act 1981: England and Wales (x1 amendment)

Conservation of Habitats and Species Regulations 2017 (x29 amendments)

All species of bat are fully protected under ***The Conservation of Habitats and Species Regulations 2017*** (amended by the ***Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019*** which continue the same provision for European protected species, licensing requirements and protected sites after the UK leaves the EU) through their inclusion on Schedule 2.

Regulation 43: Protection of certain wild animals - offences

(1) A person is guilty of an offence if they:

- (a) Deliberately captures, injures or kills any wild animal of a European protected species,
- (b) Deliberately disturbs wild animals of any such species,
- (c) Deliberately takes or destroys the eggs of such an animal, or
- (d) Damages or destroys a breeding site or resting place of such an animal,

(2) For the purposes of paragraph (1) (b), 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.

Bats are also protected under the ***Wildlife and Countryside Act 1981 (as amended)*** through their inclusion on ***Schedule 5***. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale

NATIONAL PLANNING POLICY (ENGLAND)**National Planning Policy Framework 2021**

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, 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 requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist 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. A developer must show that their protection has been adequately addressed within a development proposal.

Effect on development works:

A European protected species mitigation (EPSM) Licence issued by Natural England will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored. The legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost (Garland & Markham, 2008).

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law.

Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below);
- That there is no satisfactory alternative;
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

1. ***include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;***
2. scientific and educational purposes,
3. ringing or marking
4. conserving wild animals

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.