# Hole Street Farm, Kingsdown Road, Lynsted, Kent

# Bat Survey and Mitigation Strategy

2nd July 2021 / Ref No 2020/05/12

Client: Mr D Anderson

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# 1 Introduction

Following a 'Preliminary Ecological Appraisal'[1] which identified the risk of bats being present in a barn to be converted at Hole Street Farm, Kingsdown Road, Lynsted ME9 0QX (assessed as having high suitability for roosting bats), KB Ecology Ltd was commissioned to undertake night-time bat surveys and provide a suitable mitigation strategy.

## 1.1 Survey Objectives

The purpose of the survey was to assess the likely impact of the scheme on bats, and to assist in demonstrating compliance with wildlife legislation and planning policy objectives.

The key objectives of this survey were to:

- Confirm the presence / likely absence of bats;
- Confirm the species and usage of the building, if present;
- Provide recommendations for necessary mitigation work.

## 1.2 Limitations

The findings of this report represent the professional opinion of a qualified ecologist and do not constitute professional legal advice. The client may wish to seek professional legal interpretation of the relevant wildlife legislation cited in this document.

# 2 Methodology

One internal inspection was undertaken during the hibernation season on 19th February 2021 by Katia Bresso CEnv MCIEEM, a qualified professional consultant ecologist with over 20 years of experience[2], licensed bat surveyor (Class Licence CL19, Level 3, Registration Number: 2016-27133-CLS-CLS) and Registered Consultant of the Bat Mitigation Class Licence (BMCL) (formerly Bat Low Impact Class Licence) WML-CL21 with Natural England (Registered Consultant Reference NumberRC056, since May 2015). An endoscope[3] was used to check all the mortice and tenon joints internally.

Three night-time bat surveys were undertaken in 2020-2021 with two surveyors (Katia Bresso, Megan Austin[4], Pete Austin, Liam Hoadley[5], Steve Stanley[6]), using Bat Box Duet/Batscanner/Peterson D240x, Anabat Express/Echo Meter Touch 2 Pro bat detectors. Nightscopes with infra-red light and a Pulsar Quantum thermal imaging scope were also used.

[1] Report by KB Ecology, dated 13th February 2020 / Ref No 2020/01/16

[2] Katia Bresso is a Suitably Qualified Ecologist with regards to Code for Sustainable Homes assessment and BREEAM

[3] Teslong 5.5mm Inspection NTS200 Digital Endoscope with 3.5 Inch full color LCD Screen

[4] 10 years' experience in bat surveys

[5] 3 years' experience in bat surveys

[6] 10 years' experience in bat surveys

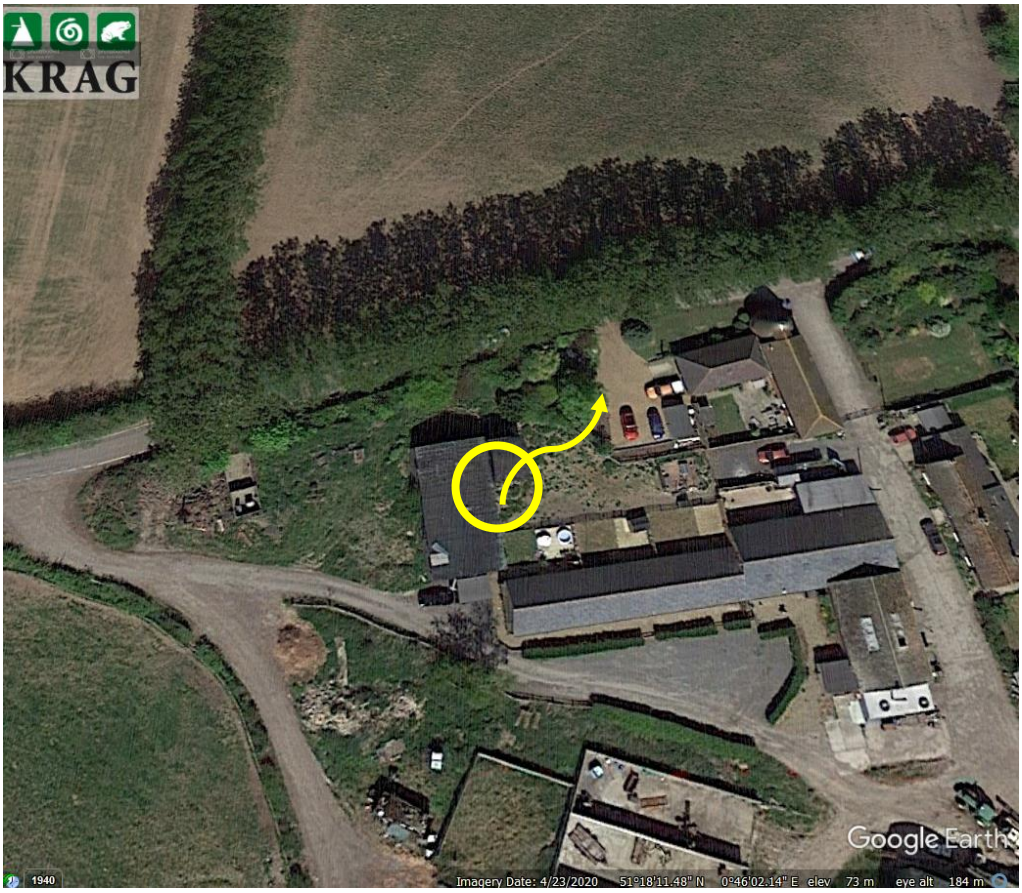
# 3 Results

No bats were found during the February 2021 internal inspection.

No bats were seen emerging from the building during the September 2020 survey.

Two common pipistrelle bats emerged from the barn through the east doorway during the early May 2021 emergence survey.

One common pipistrelle bat emerged from the barn through the east doorway during the late May 2021 emergence survey.




# 4 Legislation

All species of bat are afforded full legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). They are also listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and are therefore an EPS). Some species of bats (noctule, soprano pipistrelle, brown long-eared bat, barbastelle) are also listed as species of principal conservation importance [7].

Bats rarely use the same roosting place all year round as they need different conditions for breeding and hibernating. But bats are creatures of habit and tend to return to the same sites

[7] Please note that this legal information is a summary and intended for general guidance only. The original legal documents should be consulted for definitive information.

at the same time year after year. For this reason, roosts are legally protected even if bats don't seem to be living there at certain times of year.

The legislation makes it a criminal offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb[8] a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat;
- Intentionally or recklessly obstruct access to a bat roost.

For more information, Natural England have produced a Standing Advice Species Sheet available at https://www.gov.uk/bats-protection-surveys-and-licences

# 5 Impact and Mitigation Strategy

The building is not used as a maternity roost but is used as a day roost by a small number of common pipistrelle bats, a common species. Thus:

1. the roost should be regarded as being of low conservation significance as referred in the 'Bat Mitigation Guidelines' (English Nature, 2004).

2. the following mitigation strategy should be followed to ensure the local bat population stays at a favourable conservation status and include the mitigation/compensation requirements suggested in the 'Bat Mitigation Guidelines' (English Nature, 2004):

*'Flexibility over provision of bat boxes,*
*access to new buildings etc.*
*No conditions about timing or monitoring'.*

Thus it is recommended that:

- One wooden bat box be installed onto an adjacent tree prior to conversion;
- Two 'Build-in Wood Stone Bat Boxes' (or similar) to be integrated in the fabric of the building to provide long-term roosting habitat (as high as possible but not directly above windows to avoid droppings)[9].

Although hibernating bats were not found during the February check, it is still recommended to avoid starting the conversion works in the hibernation season (which extends November to March included).

Once a licence is in place, a soft strip of the building shall be done as such:

1. Briefing to contractors – A toolbox talk will be delivered to contractors in advance of works commencing on site. This will include information on relevant legislation relating to bats, and contractor's responsibilities. It will also include confirmed bat

[8] Disturbance, as defined by the Conservation of Habitats and Species Regulations 2010, includes in particular any action which impairs the ability of animals to survive, breed, rear their young, hibernate or migrate (where relevant); or which affects significantly the local distribution or abundance of the species.

[9] Generally, mitigation for loss of brown long-eared bat roost entails a bat loft. However, in this case, as there are no droppings in the barns, it is expected that the individual bat is actually roosting in a crevice-type roost and thus bat boxes will provide adequate mitigation in this instance.

roosts proposed for retention during works and the protection measures to be enforced.

2. Pre-works Survey – if the works take place more than two years after the initial bat surveys, a re-survey will be undertaken in advance of works commencing on site. This will assess the status of the roosts and record any evidence of roosting bats. If evidence of roosting bats is significantly different to previously recorded on site, then Natural England will be informed and the method statements amended prior to works commencing.
3. Supervision by a licensed bat handler – Any works affecting suitable roosting opportunities will be undertaken under the supervision of a licensed bat handler. Soft techniques will be employed , with dismantling carried out by hand in a vertical rather than horizontal sliding motion checking for roosting bats, under the supervision of a licensed bat handler.
4. If any bats are found during the dismantling works, they will be captured by hand, by the licenced bat worker, checked for injury and released at the site in the evening on the same day (depending on weather conditions, should weather conditions be bad, the bat would be kept in captivity by the licence holder for as little time as possible, until suitable weather conditions) or transferred to a suitable bat box which will be plugged for a short period of time to allow the bat to become acclimatised to the box.
5. The licenced bat worker will decide how long to supervise the works or whether to stay 'on-call' once the works have started. If a bat is discovered at other unsupervised times, work will cease immediately and the licensed ecologist will be called for advice. This advice will include leaving the bat to disperse of its own accord, or wait for the licensed ecologist to appear and move the bat. Builders and contractors are explicitly forbidden from handling bats.

Should landscaping be proposed, it should include species known to benefit bats (as per the document 'Encouraging Bats' by the Bat Conservation Trust[10]), such as planting of hawthorn, hazel, honeysuckle, hornbeam, jasmine, rowan, silver birch, buddleia, common alder, dog rose, elder, English oak, gorse, guelder rose.

Besides, as lighting can be detrimental to roosting, foraging and commuting bats11, the recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting'[12], should be considered, when designing any lighting scheme for the proposed development.

# 6 Need for application for a EPSM licence or for registration of the site under a Bat Low Impact Class Licence

As the proposed works would result in the loss of a bat roost, the works should only be undertaken once a licence is in place for the project, which can be done in two ways:

A. A European Protected Species Mitigation licence (or EPSM licence) could be sought from Natural England to permit the proposed works. An application would need to be prepared and submitted to Natural England for determination, once full planning

[10] http://www.bats.org.uk/publications_detail.php/231/encouraging_bats

[11] http://www.bats.org.uk/pages/bats_and_lighting.html and http://www.batsandlighting.co.uk/index.html for more information

[12] https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/

permission has been granted. A decision on the application would be made by Natural England within 30 days of receipt (although it has taken Natural England considerably more time in the last two years). The licence application would need to include full details of the proposed ecological mitigation / compensation and a program for these works.

B. Alternatively, a Registered Consultant of the bat 'low impact' licence (CL21)[13] could register the site under their licence to undertake the works; i.e.:
   - To disturb and capture up to 3 'common or widespread' bat species (which are those listed in each annex);
   - To damage or destroy up to 3 'low conservation status roosts' (these are: feeding, day, night and transitional roosts);
   - If the project has a low or temporary impact on bats or their roosts.
   - If the works would last a maximum of six months.

In both cases, the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species.

For development activities, this licence is obtained after planning permission has been obtained. The three tests are that:

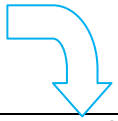
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

More information is present in:
https://www.gov.uk/government/collections/bat-licences
http://publications.naturalengland.org.uk/publication/113030?category=8004

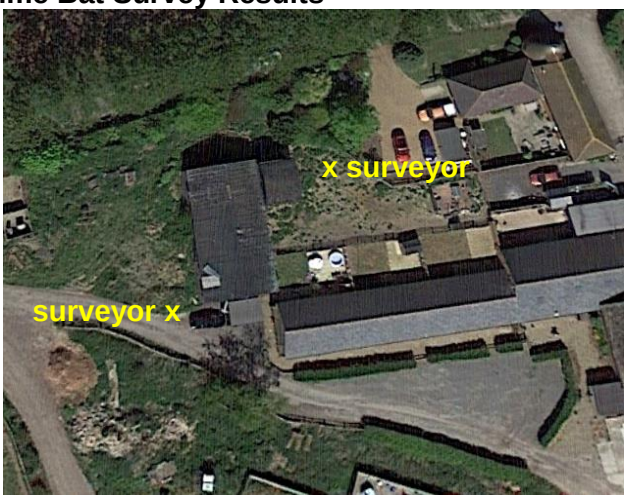
Please note that the bat surveys used for licence application need to have been conducted within the current AND/OR most recent optimal season.

[13] https://www.gov.uk/government/publications/bats-licence-to-interfere-with-bat-roosts-cl21

**Proposed Timeline:**

| | | |
|---|---|---|
| Installation of bat boxes on trees |  EPS licence granted | |
| | Dismantling of bat roosting features under watching brief by licensed ecologist **April-October** |  |
| | | Conversion starting with insertion of integrated bat boxes |

## Appendix A – Night-time Bat Survey Results




| | | | |
|---|---|---|---|
| **Site Name and Building Number** | Hole Street Farm, Kingsdown Road, Lynsted ME9 0QX | **Surveyor Name / Equipment** | Megan Austin/Batbox Duet and Anabat Express D1 |
| **Weather Conditions** | 0% cloud, no wind | **Date** | 22/09/2020 |
| **Start Time** | 05:10 | **Finish Time** | 06:44 |
| **Air Temperature (°C) at Start of Survey** | | **Air Temperature (°C) at End of Survey** | |
| **Sunset** | | **Sunrise** | 06:44 |

surveyor circling barn and going in and out as needed

| Time | Species* | Activity** | Comments |
|---|---|---|---|
| 05:25 | 45pip | F | 3 passes, NS |
| 05:30 | 2x 45pip | F | foraging around building and vegetation |
| 05:38-40 | 45pip | F | along tree line |
| 05:48 | 45pip | C | 2 passes, with socia calls |
| 05:54-06:05 | 45pip | F | back and forth along East elevation and over 'yard' |

**'S' = seen; 'NS' = not seen

| | |
|---|---|
| common pip | 45 pip |
| soprano pip | 55 pip |
| brown-long eared | BLE |
| Myostis sp | Myo |
| Noctule | Noc |
| Serotine | Ser |
| Leisler's | Lei |
| Daubenton's | Dau |
| Nathusius' pip | Nat |

| Site Name and Building Number | Hole Street Farm, Kingsdown Road, Lynsrea | Surveyor Name / Equipment | Liam Hoadley/Echo Meter Touch 2 Pro |
|---|---|---|---|
| Weather Conditions | cloud - 20%, wind - 4, rain - No | Date | 04.05.2021 |
| Start Time | 20:10 | Finish Time | 21:55 |
| Air Temperature (°C) at Start of Survey | 10 | Air Temperature (°C) at End of Survey | 9 |
| Sunset | 20:25 | Sunrise | N/A |

position around building: North East side

| Time | Species* | Activity** | Comments |
|---|---|---|---|
| 20:27 | 45 PIP | E | Flew out NE side of barn through doorway, then flew NE |
| 20:30 | 45 PIP | E | Flew out NE side of barn through doorway, then flew N |
| 20:43 | 45 PIP | R | Flew into NE side of barn through doorway, from N corner |
| 20:53 | 45 PIP | F | Foraging along NE side of barn for 2 mins then flew N |
| 20:58 | 45 PIP | F | Foraging along NE side of barn for 1 min then flew N |
| 21:01 | 45 PIP | F | Foraging along NE side of barn for 2 mins then flew N |
| 21:05 | 45 PIP | F | Foraging along NE side of barn for few seconds then flew N |
| 21:17 | 45 PIP | C | NS, 1 quick pass |

| Site Name and Building Numbe | Hole Street Farm, Lynsted | Surveyor Name / Equipment | Steve Stanley / EM Touch 2 Pro with iPad |
|---|---|---|---|
| Weather Conditions | Cloud: 20% Wind: 4 Rain: 0 | Date | 4th May 2021 |
| Start Time | 20:05 | Finish Time | 21:55 |
| Air Temperature (°C) at Start of Survey | 10 | Air Temperature (°C) at End of Survey | 9 |
| Sunset | 20:25 | Sunrise | |

south west side

| Time | Species | Activity* | Comments |
|---|---|---|---|
| 20:56 | 45 Pip | F | Very brief F NW side of barn. From east, then immediately back east. |

| Site Name and Building Number | Barn at Hole Street Farm, Lynsted | Surveyor Name / Equipment | Megan Austin/Batbox Duet and Anabat Express D1 |
|---|---|---|---|
| Weather Conditions | 80% cloud, light wind | Date | 25.05.2021 |
| Start Time | 20:41 | Finish Time | 22:30 |
| Air Temperature (°C) at Start of Survey | 13 | Air Temperature (°C) at End of Survey | 10 |
| Sunset | 20:56 | Sunrise | |

South west of building

| Time | Species* | Activity** | Comments |
|---|---|---|---|
| 21:17 | 45pip | C | v. faint |
| 21:27 | 45pip | C | to the south |
| 21:31-35 | 45pip | F | faint intermittent foraging |
| 21:41 | 45pip | C | 1 pass, east to west |
| 21:51 | 45pip | C | to the north, 3 passes |
| 22:00 | | | Checked in barn with infrared, no bats |
| 22:06 | 45pip | F | 4 passes |
| 22:08 | 45pip | F | 2 passes |
| 22:30 | | | Checked in barn with infared, no bats |

| Site Name and Building Number | Barn at Hole Street Farm, Lynsted | Surveyor Name / Equipment | Pete Austin/Elekon Batscanner and Anabat Express D2 |
|---|---|---|---|
| Weather Conditions | 80% cloud, light wind | Date | 25.05.2021 |
| Start Time | 20:41 | Finish Time | 22:30 |
| Air Temperature (°C) at Start of Survey | 13 | Air Temperature (°C) at End of Survey | 10 |
| Sunset | 20:56 | Sunrise | |

North East of building

| Time | Species* | Activity** | Comments |
|---|---|---|---|
| 21:20 | 45pip | E | From doors |
| 21:25-21:57 | 45pip | F | Intermittent foraging to the east |