

EUROPEAN PROTECTED SPECIES

LICENSING CONSULTATION DECISION ON THE FAVOURABLE CONSERVATION STATUS (FCS) TEST

BAT SPECIES



Applicant and company / organisation:	Colin & Robert Barlow		
Ecologist and consultancy:	Kylee Wilding, Tyrer Ecological Consultants Ltd		
Site name:	Roecrofts Farm, Ulmes Walton Lane, Ulmes Walton, Leyland, Preston, Lancashire, PR26 8LT		
Case reference number:	2021-54440-EPS-MIT		
Grid reference of site:	SD509189		
Species and numbers requested in application:	Common Pipistrelle x 2		
Date application received by Adviser:	28/09/2021	Natural England's response deadline:	11/10/2021
Date re-submission received by Adviser:	-	Natural England's response deadline:	-
Date modification received by Adviser:	-	Natural England's response deadline:	-

The Conservation of Habitats and Species Regulations 2017

The appropriate authority shall not grant a licence under Regulation 55(9)(b) unless they are satisfied that actions authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

*It should be noted that the comments provided on this form do not provide an exhaustive list of concerns that need to be addressed. The onus is on the applicant/ecologist to provide all details required for a full assessment. The method statement should be carefully checked to ensure that it follows the recommendations provided in the Bat Mitigation Guidelines (2004). Deviations from the recommendations should be fully explained within the method statement. **Please ensure the relevant section(s) of the method statement, with accompanying documents, are re-submitted as requested.***

Please see the following webpages for further advice:

<https://www.gov.uk/government/collections/bat-licences>

<https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence>

<https://www.gov.uk/government/publications/wildlife-licences-european-protected-species-newsletters>

1. Experience

Is the experience written in the application form and/or attached written references adequate for the proposed work? Please see the Guide to ecologist experience:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/bat-mitigation-guidance_tcm6-10534.pdf and [Guidance on getting references](#)

Yes No Not assessed

If 'NO' please address the following:

N/A

2. Survey

Has an adequate and appropriate survey of the site been carried out in relation to the proposed objectives?

Yes No Not assessed

If 'NO' please address the following:

Natural England is reliant on adequate surveys being undertaken as we need to be confident that the licence is appropriate to the species and roost types present, to comply with legislation, as a licence cannot be issued in retrospect or on a precautionary basis. Surveys should be up to date and have been conducted within the current or most recent optimal season. The survey effort is not satisfactory to establish the full bat roost status of the building/site.

Considering the below points, further justification and/or survey information is needed to provide confidence that the site only supports the species and roosts characterised within the Method Statement and that these have not changed since the 2020 surveys.

Insufficient survey information for roost characterisation

B7 is described as having a range of potential roost features, and the photos provided show a range of features suitable for bats in B7 and other buildings on site.

- All of the nocturnal surveys on B7 were conducted in 2020 in late August and September, and the visual inspection was in mid-August 2020. While it is acknowledged that B7 was classed as having moderate bat roost potential, we note that the photographs of B7 appear to show several features that could be suitable for maternity roosts (e.g. accessible wall plates) and further justification or survey effort would be required in a resubmission to provide increased certainty that a maternity roost was absent i.e. that maternity roosts had not dispersed by the time of the surveys. This is particularly relevant as there were access constraints due to health and safety concerns during the earliest survey (the visual inspection on 12th August 2020) and therefore the absence of bat droppings cannot be relied upon as being indicative of the absence of roosts.
- We understand that nocturnal surveys were also completed upon the other buildings on site. Please provide the survey details (Section C5b) and survey results (Section C6) within the re-submission. Whilst we are aware that these were omitted as bat roosts were only found in B1 (which is not subject to works), we require that all of the survey information relevant to a project is provided in order to ensure that all impacts of the development upon bats are understood, especially as the licence in this case is specific to the site/red line boundary and not an individual structure. When considering the survey effort upon these buildings, please also note our comment above with regards survey timings and access limitations and provide further survey effort/justification as appropriate so that we can have confidence in a negative result.
- The September survey conditions were suboptimal, with the weather described as being wet/muggy. Poor weather conditions may impact on bat emergence times and may have posed a further limitation to the survey effort. The nocturnal survey on 24/08/2020 ended only 22 minutes after sunset, while the sunset time has not been provided for the survey on 07/09/2020. The BCT Good Practice Guidelines recommend surveys should extend until 1.5-2 hours after sunset, with consideration of late-emerging species (Table 7.2, p51). This poses a potential limitation in combination with the less favourable weather conditions and the survey timings as outlined above. Please justify how you can be confident that this survey can be relied upon to accurately reflect the bat roost status of the buildings at the time of the survey.
- Please also justify why you did not consider it necessary to undertake top-up surveys in the most recent active season (2021), especially given the limitations of the 2020 surveys discussed above, and how you can be confident that the bat roost status of the buildings hasn't changed since the 2020 assessment. If you cannot justify this in the absence of up to date surveys then Natural England would expect the re-submission to be supported by more recent survey information.

Hibernation potential

Building B7 has been classified as having moderate hibernation potential, while the other buildings on site have not been classified. The bat report and photographs show that the buildings contain a number of cavity/crevice features e.g. B7 is described as having '*a large volume and variety of crevice-type bat roost potential was observed internally with large cracks in the walls, gaps at the various roof verges present and at wall plate and notable ad-hoc areas around support beams and roof level.*'

While avoiding the hibernation period as proposed would prevent hibernating bats from being disturbed there may be additional impacts to consider with the potential loss of hibernation roosts (if present).

Further hibernation survey information is therefore needed to establish the hibernation roost status of the buildings on site. For B7 and the other buildings on site please provide either:

1. Hibernation survey information - Details of the potential roosting features (including location, access points, elevation and materials), a comment on their level of potential (low, medium or high) and the results of hibernation inspection and/or remote monitoring surveys.
2. Justification as to why hibernation surveys are not considered necessary.

Licensing Policy 4

In our email correspondence Licensing Policy 4 (LP4) was referenced as possible alternative to completing additional surveys and the resulting costs and delays. There may be occasions where Natural England will accept lower levels of survey effort than normal but only where this does not introduce uncertainty in whether a licence would meet the legal tests; based on the information provided we do not have this at present.

3. Impacts

Are the impacts of the development on the population(s) properly described?

Yes No Not assessed

If 'NO' please address the following:

The impacts cannot be fully assessed as without adequate survey information we are unclear which species and roost types/numbers of roosts are present. However, a provisional review of the information provided has identified the following comments:

- Please ensure that Figure D shows the location of each roost, the roost type and the specific impact to each roost e.g. destruction (as provided by email on 07/10/2021).

4. Methodology

Is the proposed methodology of the work programme suitable to meet the stated objectives in the application form?

Yes No Not assessed

If 'NO' please address the following:

The methodology cannot be fully assessed as without adequate survey information we are unclear of the impacts of the proposed works and thus the methodology to mitigate appropriately cannot be determined. However, a provisional review of the information provided has identified the following comments:

- As per the declaration at Section E3 of the Method Statement breathable roofing membrane must not be installed into a roof used by bats. This applies to the whole roof and not just the

areas accessible to bats. Please ensure it is clear in a resubmission that this will not be used within the roof of any building used by bats.

- You have requested 'Disturbance by illumination (intentional by torch)' and 'Disturbance by noise or vibration'. This specifically refers to the use of these activities as exclusion methods (as opposed to incidental disturbance during standard capture/exclusion activities) or where the disturbance is a stand-alone action and would be considered an offence under the Habitat Regulations (Regulation 43 (2)(a)(b)). Incidental disturbance of bats by illumination or noise/vibration when undertaking other licensable activities would be covered by the licence. Please either justify why this method is required or remove the request to use this method from the re-submission.

5. Mitigation

Is the mitigation proposed adequate with respect to the roosts/habitat which will be lost? Post-development habitat management and maintenance should be considered.

Yes No Not assessed

If 'NO' please address the following:

The mitigation cannot be fully assessed as without adequate survey information we are unclear of the impacts of the proposed works and thus the compensation required to mitigate appropriately cannot be determined. However, a provisional review of the information provided has identified the following comments:

- As above the use of breathable roofing membrane is prohibited in roofs used by bats. Please amend the resubmitted Figure E3 accordingly, ensuring it is clear this will not be used within the roof of any building used by bats.

6. Additional Comments and Advice

*This application has been assessed against one or more of the five key areas of **Experience, Survey, Impacts, Methodology and Mitigation/Compensation**. We have also shown we are satisfied on **Ownership**. We have identified an area that needs to be addressed as indicated. There may be other areas in your application that also need to be addressed, but we have not assessed them at this stage, these areas are marked as 'not assessed'. Any of the five areas marked 'Yes' have been assessed and we are content with the information provided for that area.*

To enable us to progress your application, you should address the issues we have identified. We advise you to check the other areas of your application to ensure the required standards will be met when we re-assess it. Failure to achieve this may result in another 'Further Information Request'.

To reduce the likelihood that we may need to issue another 'Further Information Request' you may wish to benefit from our Pre-submission screening service.

Through accessing our service customers will receive:

- Advice on all the issues that need to be addressed in the licence application on a charged basis.
- Agreed timescales for responding to their needs.

If you wish to access our Pre-submission screening services, the first step is to fill out a simple [Request Form](#) and email it to pssenquiries@naturalengland.org.uk indicating whether you wish us to provide advice on the information you have already submitted, or whether you wish us to provide advice on revised information. We will register your interest and assign a local Natural England adviser to deal with your request. More information can be found [here](#) on our gov.uk webpage.

Please note that our advice is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course.

7. Conclusion in respect of Regulation 55(9)(b)

Satisfied
Not satisfied

Assessed by Adviser: Claire Baker

Date: 13/10/2021