



## Preliminary Roost Assessment

1 Mount Villas Upper Clatford, Andover, Hampshire SP11 7QQ

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Status	Issue	Name	Date
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## Industry Guidelines and Standards

This report has been written with due consideration to:

Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.

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

Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.

British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

## Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

## Executive Summary

Arbtech Consulting Limited was instructed by Jennifer Hammett to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at 1 Mount Villas Upper Clatford, Andover, Hampshire SP11 7QQ (hereafter referred to as “the site”). The survey was required to inform a planning application for a two-storey rear extension to the current dwelling (hereafter referred to as “the proposed development”).

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 5 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Roosting bats B1	<p>Building 1 has negligible value for roosting bats due to a lack of potential roost features.</p> <p>Though there is one soffit box feature, evidence suggests this space is currently occupied by nesting birds and has been this year. Condition within this soffit shows a level of dampness that would be unsuitable for roosting bats and does not allow access into internal loft spaces.</p> <p>There was no evidence of roosting bats using the internal spaces.</p>	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the extension to this building.	<p>In the unlikely event that a bat or evidence of bats is discovered during the development, all work must stop and a bat-licensed ecologist contacted for further advice.</p> <p>If requested, an ecologist can be called when the scaffold is in place to get further viewings of the roof tile condition before work takes place.</p> <p>Further BERS surveys would likely yield poor results due to a lack of clear viewing of the majority of the roof tiles therefore making the surveys disproportionate. Roof tiles are considered in good condition due to the construction of this roof and no features are expected in these areas.</p>
Foraging and commuting bats	The small garden on-site, as well as the adjacent field and hedgerow and mature tree boundary within 20m of the site, could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. Development will be on the existing patio and paved areas of the site.	None.
Nesting birds.	<p>The building shows evidence of nesting birds within the soffit box on the east elevation. The nesting material and location could suggest birds such as house sparrows, which the client has confirmed.</p> <p>This species often nests in groups, so it's likely multiple nests are within this soffit. No other features for supporting nesting birds were seen. .</p>	The proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by a qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

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## 1.0 Introduction and Context

### 1.1 Background

Arbtech Consulting Limited was instructed by Jennifer Hammett to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at 1 Mount Villas Upper Clatford, Andover, Hampshire SP11 7QQ (hereafter referred to as “the site”). The survey was required to inform a planning application for a two-storey rear extension to the current dwelling (hereafter referred to as “the proposed development”).

A plan showing the proposed development is provided in Appendix 1.

The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting. This has been undertaken with due consideration to the “Bat Surveys for Professional Ecologists —Good Practice Guidelines” publication (Collins, 2016). No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

### 1.2 Site Location and Landscape Context

The site is located at National Grid Reference SU35414363 and has an area of approximately less than 0.1ha comprising of a residential house and surrounding garden. It is surrounded by residential houses and gardens to the north and the east. To the south is a small collection of trees. To the west is agriculture fields, with a thick boundary of hedgerows and trees which is within 30m of the site. This hedgerow with trees network stretches into the wider landscape to the southwest for several Km. 200m to the east is the river Anton, with a wood-lined chalk river. This is all good bat habitat within proximity to the site. A site location plan is provided in Appendix 2.

### 1.3 Scope of the Report

This report provides a description of all features suitable for roosting, foraging and commuting 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 possible constraints to the proposed development as a result of 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.

To achieve this, the following steps have been taken:

- A desk study has been carried out.

- A field survey has been undertaken, including an inspection of built structures, to determine the presence or the suitability of any features which bats could use for roosting and to assess the suitability of the site’s bat foraging and commuting habitat.

- An outline of potential impacts on any confirmed or unidentified roosts has been provided, based on the proposed development.

- Recommendations for further surveys and mitigation have been made, along with advice on the requirements for a European Protected Species Licence (EPSL) application if appropriate.

Opportunities for the enhancement of the site for roosting, foraging and commuting bats have been set out.

## 2.0 Methodology

### 2.1 Desk Study

The desk study included a 2km radius review of statutory designated sites with bat qualifying interests and granted EPSL 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.

### 2.2 Field Survey

The survey was undertaken by Annabel Sharpe Graduate Ecologist, license number 2023-11145-CL17-BAT on 26/10/2023

The PRA focussed on 1 built structures which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

#### For any surveyed buildings

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a 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

### 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

Built structures were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 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

Classification	Feature of building and its context
Moderate to high	Buildings or structures with features of particular significance for larger numbers of 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). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A small number of possible roost sites or features, used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. 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.
Negligible	Unsuitable for use by bats.

## 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. Bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

There was a northern segment of the loft space that was inaccessible as the access point was only three removed bricks. Viewing of this loft space was done from this viewing area. This would mean that evidence could be missed.

Viewing of the external roof of B1 was limited in the northern half, due to height of the building and the narrow walkway space between the buildings. There were no other positions to view this. Conditions of the roof were judged based on the viewable roof as well as the roof condition of neighbouring properties which are built of the same age, material and design.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.



### 3.0 Results and Evaluation

#### 3.1 Designated Sites

No statutory designated sites with bat-qualifying interests were identified within 2km of the site, or statutory sites listed in general.

#### 3.2 Historical Records

A search of the magic.gov.uk database for granted EPSLs within a 2km radius of the site has been completed. Displaced bats from licensed 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 licensed site. EPSL records for bats are summarised in Table 2.

Table 2: Granted EPSLs for bats within 2km of the site

EPSL reference	Distance from the site.	Bat species affected	Impacts allowed by licence
2017-27575-EPS-BAT	630m northwest	Common pipistrelle	Destruction of a resting place
EPSM2013-6201	1.08km southeast	Common pipistrelle and soprano pipistrelle, serotine, brown long-eared and natterers	Destruction of a resting place
2014-4952-EPS-MIT	1.53km southeast	Soprano pipistrelle	Destruction of a breeding site and resting place
EPSM2009-530	1.59km north	Common pipistrelle, brown long-eared bat	Destruction of a breeding site and a resting place
EPSM 2012-5306	1.61km northeast	Common pipistrelle and brown long-eared	Destruction of a resting place
ESPM2009-453	1.72km northeast	Brown long-eared and grey long-eared bat, soprano and common pipistrelle	Destruction of a breeding site and resting place
2017-29907-EPS-MIT	1.82km west	Common pipistrelle	Destruction of a resting place
2016-22639-EPS-MIT	1.83km south	Common pipistrelle	Destruction of a resting place.


#### 3.3 Field Survey Results

The weather conditions recorded at the time of the survey are shown in Table 3. The results of the field survey are detailed in Table 4 and illustrated in Appendix 3.

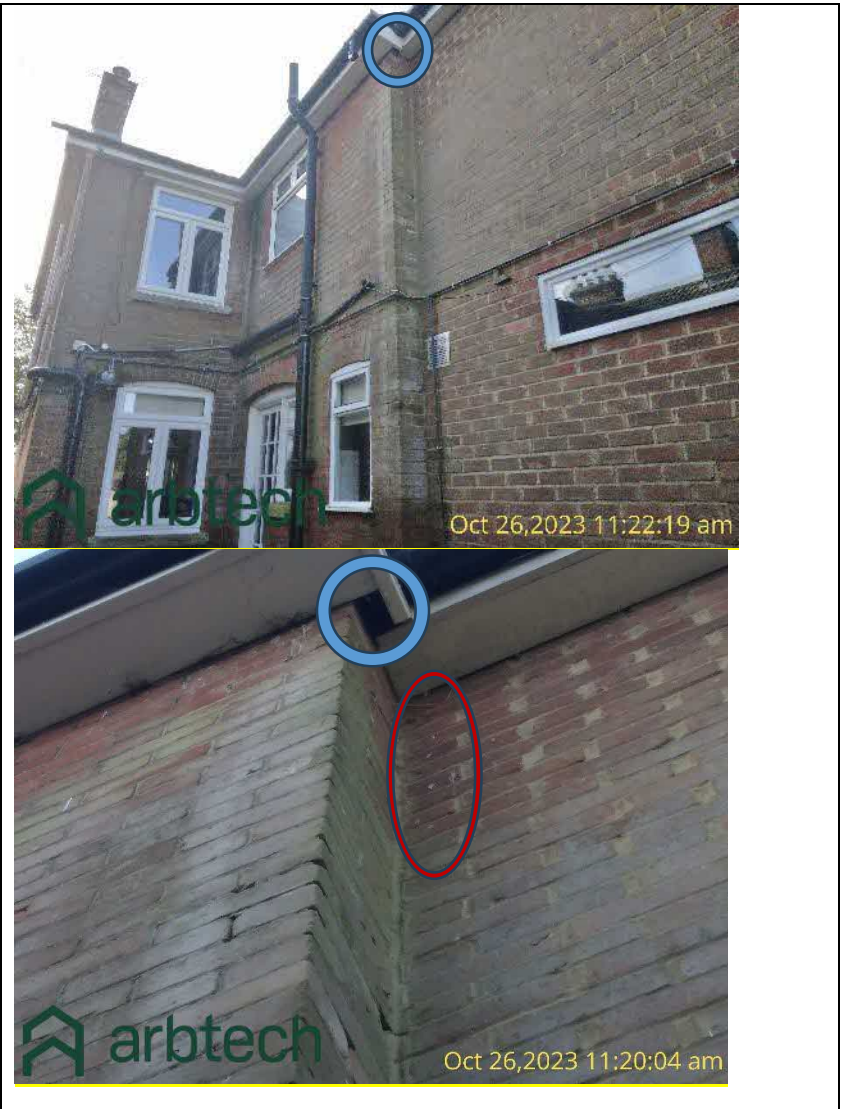
Table 3: Weather conditions during the survey


Date:	26/10/2023
Temperature	16°C
Humidity	91%
Cloud Cover	20%
Wind	1mph
Rain	None

Table 4: PRA Results

Feature	Description	Photographs
Bat foraging and commuting habitat	<p>The site has a very small rear garden, however, this site faces onto open fields, which has a large boundary of hedgerows and mature trees within 20m west of the site. This has connectivity to the wider countryside, with a good hedgerow network around surrounding fields. There is the River Anton, with a woodland bank 200m to the east.</p> <p>Habitat is of good quality to bats directly beside the site, with good connectivity.</p>	
B1 – overview and south elevation.	<p>B2 is a semi-detached residential house. It is a two-storey structure constructed of red bricks.</p> <p>It is one of four matching residential houses, with all adjacent houses built of the same material.</p> <p>It is an L-shaped building, with two gable end walls.</p> <p>The roof is a pitched roof, with interlocking cement tiles. There are two red-brick chimneys.</p> <p>The windows and doors are PVC and the soffit area is wooden and PVC.</p> <p>This photograph is of the southern elevation of B1.</p> <p>There were no roosting features observed at this elevation. The tiles, flashing and soffit provided no roosting features, nor on the lower bay window’s roof.</p> <p>There was no dropping evidence found at the base of walls, around doors and windowsills, or seen on the wall under the eaves.</p> <p>However, it was noted at the time of the year, and with recent weather conditions, dropping evidence could have been washed away.</p>	 <p>The photograph shows the southern elevation of a two-story red brick semi-detached house. It features a bay window on the ground floor, a front door, and a window on the first floor. A small table and chairs are placed in the front garden. The image includes a watermark for 'arbtch' and a timestamp 'Oct 26, 2023 11:42:14 am'.</p>

<p>B1 – northern elevation</p>	<p>This photograph is of the north elevation of B1. The building narrows at this elevation as part of the L shape. There were no roosting features observed at this elevation suitable for supporting roosting bats and no dropping evidence was seen around the walls, windows or doors.</p>	
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<p>B1 – eastern elevation</p>	<p>These photographs are of the eastern elevation where the proposed extension will take place. There was a noted space where the two soffit boxes meet, as circled in the photographs. This could be seen from shining torches this does not lead to the soffit to the north, but does lead to the soffit to the south.</p> <p>While this has the suitability to be used as a bat access point, evidence suggests that there are bird nests situated just inside this entrance hole.</p> <p>There was nesting material seen sticking out from inside this hole and the soffit adjacent, as well as bird droppings seen up the wall leading to this hole. (red circle)</p> <p>There were pieces of dried grass seen stuck in cobwebs leading up to this space as well as on the floor underneath. The location and nesting material suggest these are birds such as house sparrows, which also likely indicates multiple nests within this soffit, due to the group nesting behaviour of this species. The client has confirmed this was used this year by nesting birds.</p> <p>This would provide a barrier for bats attempting to access this soffit. There is evidence further down in this soffit area that there is a lot of dampness, as this is seen dripping down the walls and creating moss and algae growth from under the soffit box and where there is a missing drainpipe. The dampness of this soffit area further down would be unsuitable for supporting roosting bats.</p> <p>Viewing of the roof tiles condition at this elevation was very limited, due to the narrow walkway and no place to stand further back.</p> <p>What can be seen of the tiles, the interlocking tiles had no spacing or lifting suitable for roosting bats. The lack of viewable roof areas is noted on the map in Appendix 3.</p> <p>Despite the lack of suitable viewing, from the condition of the roof areas seen, as well as the condition of the adjacent buildings which were constructed in the same period and of the same material, it can be suggested that the roof condition is the same throughout.</p> <p>No other features were observed at this elevation and no roosting evidence was seen.</p>	 <p>The top photograph shows the eastern elevation of a brick building. A blue circle highlights a small gap where two soffit boxes meet. The bottom photograph shows a close-up of the roof tiles and soffit area. A blue circle highlights a gap, and a red oval highlights a dark spot on the wall. Both photos include the 'arbtech' logo and a timestamp.</p>
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<p>B1 – interior</p>	<p>These photographs show the interior space of B1. The loft space is boarded throughout, with exposed loose wool insulation in areas such as the eaves and under the water tanks.</p> <p>The lining is a non-breathable material. There were no rips or tears in the lining, or any peeling back of the lining that would allow access into this space, there were open spaces at the eaves material</p> <p>There was no natural light seen, ingress of dampness, or breeze seen or felt to indicate there is a potential access point within this space.</p> <p>This space measured 4.5m wide, 2.2m high and 10m at its longest length. Humidity at the time of the survey was 77% and temperatures 18.7°C.</p> <p>A thorough search was conducted and there was no evidence of roosting bats found within this space, such as droppings at the gable walls, under the ridge and rafters, or on top of the water tanks and items.</p> <p>There was no evidence of historical roosting under the wool roll lining.</p> <p>There is an adjacent loft space to the north, only a viewing of this space can be done through a space the size of two bricks (circled in blue)</p> <p>The loft space has a far reduced height of less than 1m and appears newer in condition, suggesting this was an additional extension to the original building.</p> <p>There were no droppings seen on top of the insulation in this space from this hole, nor light, breeze or dampness seen to suggest an access point. The condition of the lining in this space was in good condition, with no rips or tears seen.</p> <p>A full exploration of this space could not be conducted, but the overall small size of this space would be less suitable for supporting roosting bats.</p> <p>The location of this inaccessible loft area is noted on the survey map in Appendix 3.</p>	 <p>The top photograph shows a wide view of the loft interior. The ceiling consists of wooden rafters with insulation between them. A small opening in the lining is circled in blue. The floor is covered with insulation. The bottom photograph shows a closer view of the loft structure, featuring wooden framing and rolls of red and white insulation. A small opening is visible in the lining.</p>
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B1 – suitability assessment	<p>B1 has negligible value for roosting bats, though there is one feature seen within the soffit, there is evidence that this is currently occupied by nesting birds, and conditions further into this soffit are unsuitable for roosting bats. There are no access points identified from this soffit to allow roosting bats to get inside the loft area. There was no roosting evidence inside the loft area to indicate usage by roosting bats.</p> <p>Though the viewing of external tiles was limited, condition assessment was made based on the tile condition of viewable roof areas. This was combined with a lack of evidence internally that there is a lifted tile space to allow access.</p>
B1 - breeding birds and other incidental observations	<p>The soffit hole on the east elevation has evidence that nesting birds have been using this space. The space location and nesting material seen on the walls and base of the floor suggest this is being used by a bird such as a house sparrow.</p> <p>Due to the nesting behaviour of house sparrow, this soffit may contain several nests, as these species often nests in colony groups.</p> <p>There was a lack of other features around this building that could support other nesting birds</p>

#### 4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 5 presents an evaluation of the value of the site for bats and also details any other ecological constraints identified such as nesting birds in relation to the proposed development which will comprise a two-storey rear extension to the current dwelling

Table 5: Evaluation of the site for bats and any other ecological constraints

Building	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities <sup>1</sup>
Roosting bats B1	<p>Building 1 has negligible value for roosting bats due to a lack of potential roost features.</p> <p>Though there is one soffit box feature, evidence suggests this space is currently occupied by nesting birds and has been this year. Condition within this soffit shows a level of dampness that would be unsuitable for roosting bats and does not allow access into internal loft spaces.</p> <p>There was no evidence seen of roosting bats using the internal spaces.</p>	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the extension to this building.	<p>In the unlikely event that a bat or evidence of bats is discovered during the development, all work must stop and a bat-licensed ecologist contacted for further advice.</p> <p>If requested, an ecologist can be called when the scaffold is in place to get further viewings of the roof tile condition.</p> <p>Further BERS surveys would likely yield poor results due to a lack of clear viewing of the majority of the roof tiles therefore making the surveys disproportionate.</p> <p>Roof tiles are considered in good condition due to the construction of this roof and no features are expected in these areas.</p>	<p>The installation of 1 bat box at the site will provide additional roosting habitat for bats.</p> <p>The bat boxes will be installed on the walls of the new extension. Or this can be installed on a mounted pole in the corner of the garden.</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, away from artificial light.</p> <p>The bat boxes will be a specification suitable for general purposes such as a woodstone low profile box or a similar alternative brand.</p>
Foraging and commuting bats	The small garden on-site, as well as the adjacent field and hedgerow and mature tree boundary within 20m of the site,	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. Development will be on the existing patio and paved areas of the site.	None.	None.

<sup>1</sup> The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	<p>could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.</p>			
<p>Nesting birds B1</p>	<p>The building shows evidence of nesting birds within the soffit box on the east elevation. The nesting material and location could suggest birds such as house sparrows, which the client has confirmed.</p> <p>This species often nests in groups, so it's likely multiple nests are within this soffit. No other features for supporting nesting birds were seen.</p>	<p>The proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.</p>	<p>Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.</p>	<p>The installation of a minimum of two bird boxes on mature trees around the site boundaries or on retained buildings will provide additional nesting habitat for birds e.g.                  Schwegler No 17 Swift Nest Box (buildings)                  Schwegler 1SP Sparrow Terrace (buildings)                  Or a similar alternative brand.                  Tree 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.                  Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.</p> <p>Sparrows will also use swift boxes as a nesting place and so this kind of box will support multiple species.</p>



				This will also replace the sparrow nesting area that will be lost.
Other ecological constraints	None identified.	N/A	N/A	N/A

## 5.0 Bibliography

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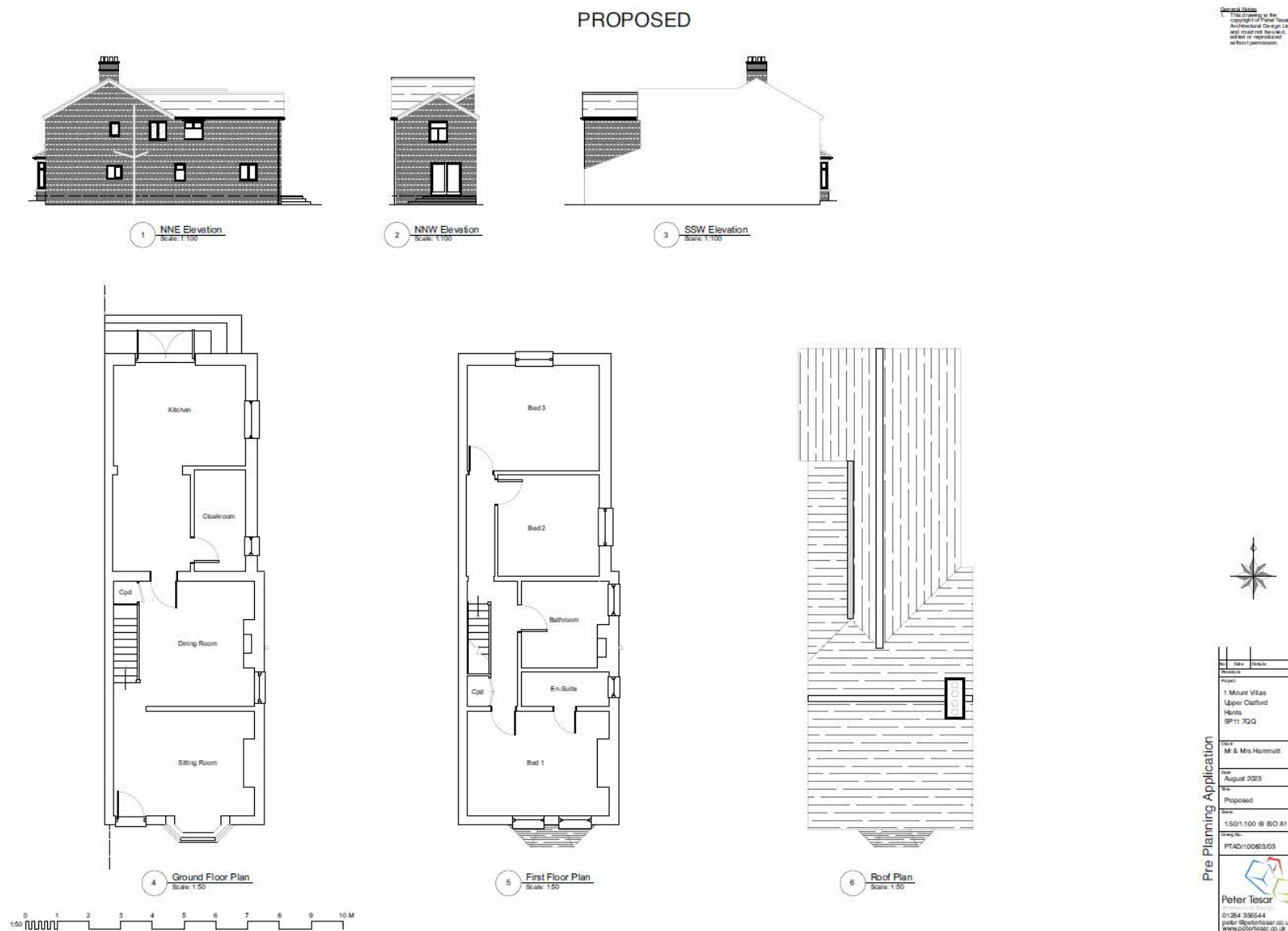
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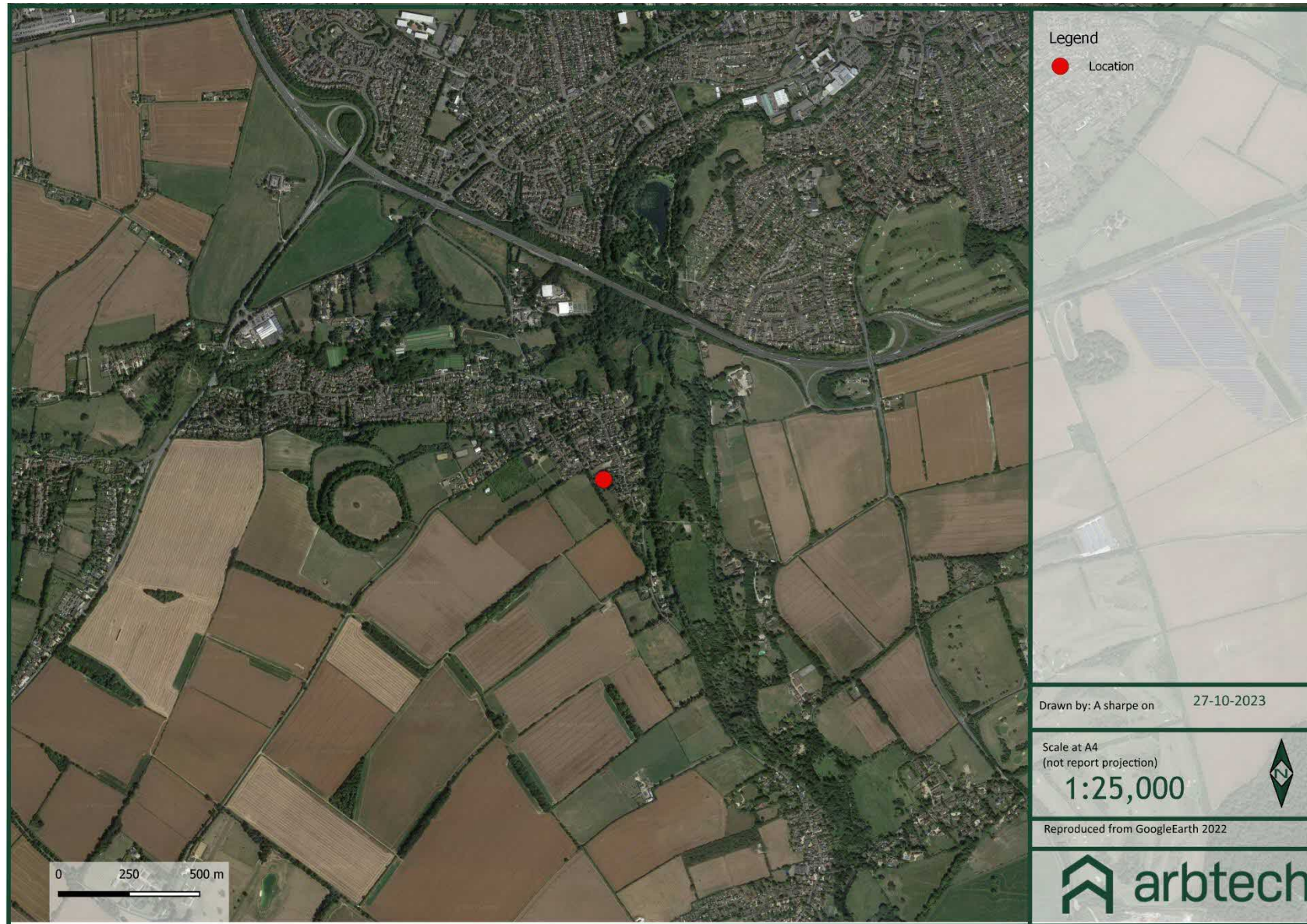
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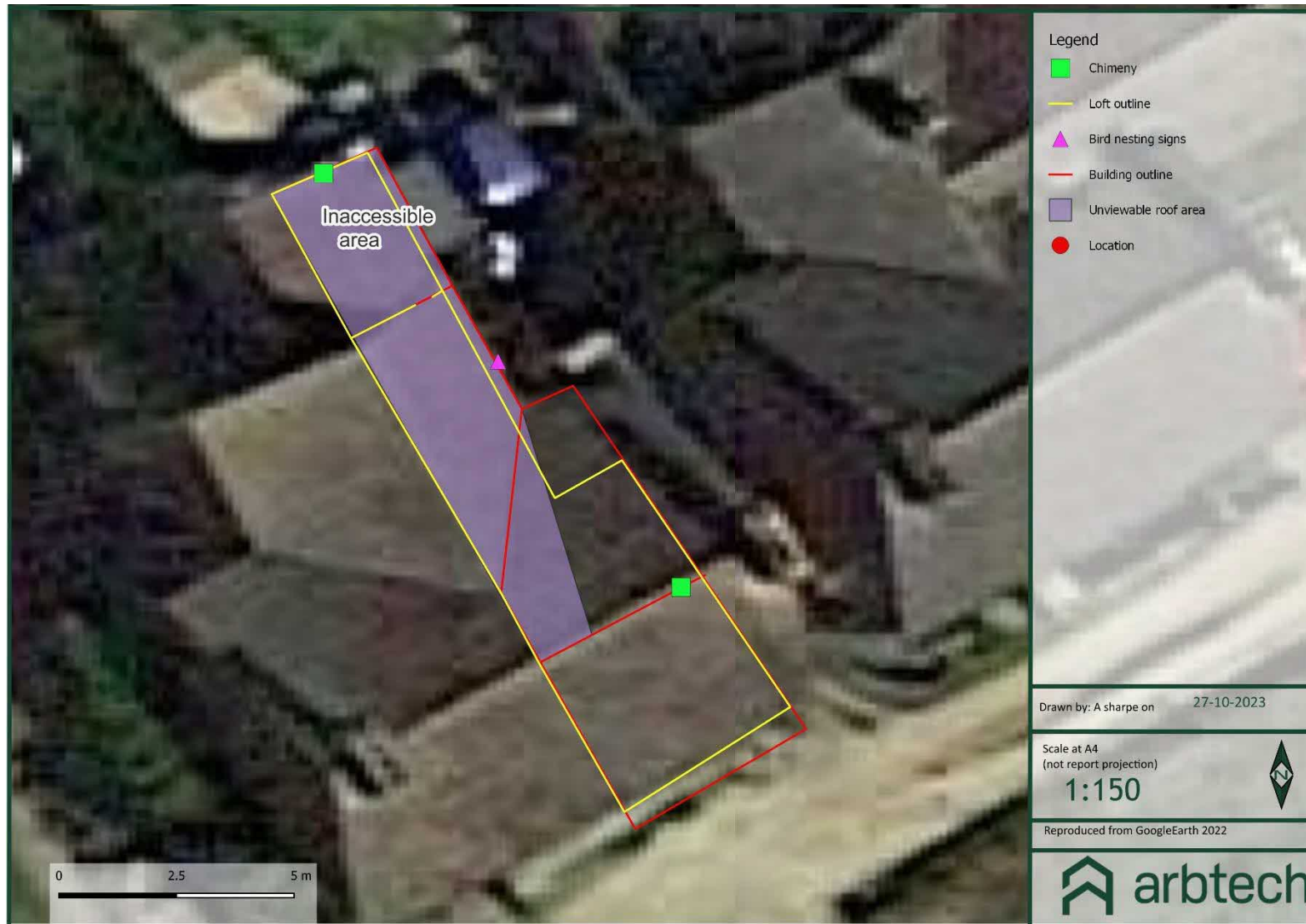
### Appendix 1: Proposed Development Plan



### Appendix 2: Site Location Plan



Appendix 3a: PRA Plan



## Appendix 4: Legislation and Planning Policy Related to Bats

### LEGAL PROTECTION

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) 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

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 species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) 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; measurable gains in biodiversity in and around developments are incorporated; 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.

#### LOCAL PLANNING POLICY

Test valley Borough Local plan 2011-2019

The Test Valley Borough Local Plan can be viewed here: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/dpd>

The following planning policies have implications for developers in relation to bats:

[Policy E5]

Development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted unless:

- a) the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- b) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points a) to c) comprise:

Sites of Special Scientific Interest (SSSIs);

legally protected species;

Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs);

priority habitats and species listed in the national and local Biodiversity Action Plans<sup>99</sup>;

habitats and species of principal importance for the conservation of biodiversity in England<sup>100</sup>;

Trees, woodlands, ancient woodland (including semi-natural and replanted woodland), aged and veteran trees, and hedgerows; and

features of the landscape that function as 'stepping stones' or form part of a wider network of sites by virtue of their coherent ecological structure or function or are of importance for the migration, dispersal and genetic exchange of wild species.

Test Valley Local BAP 2008

The Test Valley Local BAP can be viewed here: <https://www.testvalley.gov.uk/communityandleisure/naturereserves/biodiversity-action-plan>

The following bat species are included in the plan:

Soprano and common pipistrelle

Brown long-eared bat.

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) 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; and,
4. conserving wild animals.

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

#### EUROPEAN PROTECTED SPECIES POLICIES



In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;

Policy 2; provides greater flexibility in the location of compensatory habitat;

Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,

Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.