







PRELIMINARY ROOST & NEST ASSESSMENT

Potential for Bats, Nesting Absent

Local Planning Authority

Chichester District Council

Site Location

1 Flint Cottages
Lumley Road
Southbourne
Emsworth
West Sussex
PO10 8AQ

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Notice

Ecological Surveys Limited was commissioned to undertake an Internal / External Bat and Protected Species Scoping Survey of the above site proposed for development. This report details the results and conclusions of this survey. The results of this survey are deemed to be valid for 12 months from date of survey. If development works are to be carried out after this time has elapsed, an updated survey will be required.

This survey was undertaken with all proper and reasonable skill and care in a professional manner and in accordance with accepted standards, methodologies and guidelines and is based on the evidence recorded at the site at the time of the survey. The information gathered is considered sufficient to provide an assessment of the ecological interest on the site and justify the recommendations provided in this report.

Refer to Appendix 1: Legislation Bat and Bird Species for details of Bat and Bird Law and Legislation and http://www.nwcu.police.uk/ regarding avoiding committing wildlife crime.

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Executive Summary of Findings

Structure(s) Surveyed & Assessed	A semi-detached residence, a connected annex, and an outbuilding.
Proposed Works/ Development	An Illustrated Design of proposed works has been provided at this stage. It is understood that the proposed works include extension and renovation of the semi-detached house and annex and will not touch the main house slate roof or outbuilding. The intended works must not cause modification, damage or destruction to habitats offering opportunity or evidenced as supporting protected species (bats/bird). Neither must protected species (bats /birds) be disturbed, harmed or killed by the intended works. The developer must comply with the legal protection of any onsite & specific offsite habitats and species which have been recorded as onsite or in the close vicinity. It is an offence to: - deliberately kill, injure, disturb or capture protected species. - damage or destroy their breeding sites and resting places - even if they are not present. It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly: - disturb protected species whilst they occupy a structure or place used for shelter or protection, - obstruct access to a place of shelter or protection. Significant harm to recorded species & habitats must be avoided, firstly through the project design, whenever feasible, or through mitigation or compensation. (Refer to Mitigation /Compensation Sections).
Summary of Results	Evidence and or potential suitability for bat species: - **Low suitability (outbuilding and main roof)** Evidence the structure is presently utilised by nesting birds: - **None**

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BATS: - Legislative Context England & Wales
The developer must comply with the legal protection of onsite & offsite protected habitats and species. Habitats Regulations (transposing the EC habitats Directive: Conservation of Habitats and Species regulations 2010 (as amended) & Wildlife & Countryside Act 1981 (as amended)

Confirmed Bat Roost?	Suitability for Roosting Bats?
No	**Yes**

Building Assessment Criteria	Outbuilding & Main Roof – Low Potential. Connected Annex – Negligible Potential. The structure is located adjacent to good value habitat for foraging and commuting bats including woodland, hedgerows, and water. A lighting strategy to protect these features will be implemented by the developer. Refer to the Mitigation Section.
Advisory	Although direct evidence of bats has not been established – bats could be present and concealed. Therefore, the developer must now comply with the legal protection of onsite protected *species as if they were present.* - All features associated with the possible occupation of bats must now be retained, during and post construction. This includes: - the roof of the outbuilding and main roof; gaps on verges. - Neither the developer NOR ANY OTHER associated agencies are to block, (including with scaffold) seal, fix, modify, install or remove identified features **unless a bat Emergence Survey has been undertaken and the results indicate bats are not present within.** Impact Avoidance During the Construction Stages will be applied as Good Practice.

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BIRDS - Legislative Context
All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

Confirmed Nesting	Suitability for Nesting
No	Negligible

Advisory	Any features recorded as offering: suitable ingress for birds, nesting material, active nesting, must be retained and protected pre, during and post construction phases. Protection includes avoidance of any activities that cause disturbance, modification, damage and or destruction to habitats utilised by this species; disturbance, harm or death to these species; and specifically, disturbance, harm or death whilst nesting/fledging. Impact Avoidance During the Construction Stages must be implemented to reflect Good Practice.
Enhancement of the site is a requirement.	As a minimum, LPAs now expect any new structure to include bat roost or bird nesting provision under the National Planning Policy Framework July 2021 Required: 1x bird brick/box – ideally inbuilt.

Additional Protected Species/Habitats - Protected Species - Legislative Context https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications
Ecological Surveys Ltd has a professional obligation to record and report protected species which might or will be affected by the proposed works onsite. As a courtesy to the client/developer, we will highlight where mitigation or further surveys will be necessary to protect species in order that the client/developer does not accidentally contravene the law.

Habitat/Species	Further habitats or protected species potential exists in association with this development
Mitigation A lighting strategy to protect the adjacent BAP Deciduous Woodland (8m north) and BAP Traditional Orchard (15m southwest and 25m south) is required and can be found in the mitigation section of this report.	

Next Step	This report is ready to be submitted to the local planning authority.

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Survey Objectives

The survey specifically aimed to identify the following:

- ✓ The presence of, or past use of the site by, any species of bat.
- ✓ The presence of, or past use of the site by, barn owl, or other nesting birds.
- ✓ The site's potential for use by any of the above.
- ✓ Any other ecological issues relating to the proposal.

Methods

Internal & External Inspection

The aim of the survey was to assess levels of usage of specific structures or potential for usage by bats and birds through the presence of actual animals or their field signs. The survey was conducted with the aid of head and hand-held torches, an endoscope, close-range binocular/monocular, Bat-box Duet and a digital camera. Images and samples (where available) were taken for supporting evidence.

Interior

The interior spaces were checked for light ingress and access points for bats and birds. Bat droppings, insect prey remains, urine stains, oil stains from bats repeatedly moving over a small area and polishing the surface and the potential presence of bats either dead or alive was considered. Bird droppings, whitewash, pellets, nesting materials, birds, dead or alive, and potential for nesting was considered, including areas hidden from sight.

Exterior

The building exteriors were searched visually using binoculars or a close range monocular and photographed with a digital zoom camera for field evidence of bats or birds, with particular attention being paid to sheltered areas such as window ledges and pipes where bat/bird droppings might lie undisturbed from the weather and areas hidden from sight.

Constraints

There were no perceived constraints to the survey of the dwelling, with all internal and external surfaces inspected and assessment made of the roof structure. The survey effort was considered sufficient to draw appropriate conclusions. It took into account the time of year (optimal period is April – September) and likely availability of evidence, with appropriate emphasis on suitable roosting or nesting conditions, opportunities for potential access through ingress points, free-flight, crawl spaces externally and internally, and features that may have been hidden from full view.

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Map of Site Location – 500m- 2km

Assessment of adjacent and surrounding habitat: The structure surveyed is not located within or adjacent to any significant land or marine designations which it would negatively impact. Habitats comprise residential, agricultural, and coastal and include some good commuting and foraging habitats for bats and birds including nearby BAP Deciduous Woodland (8m north), BAP Traditional Orchard (15m southwest to 25m south), and Brook Meadow Local Nature Reserve (200m southwest).

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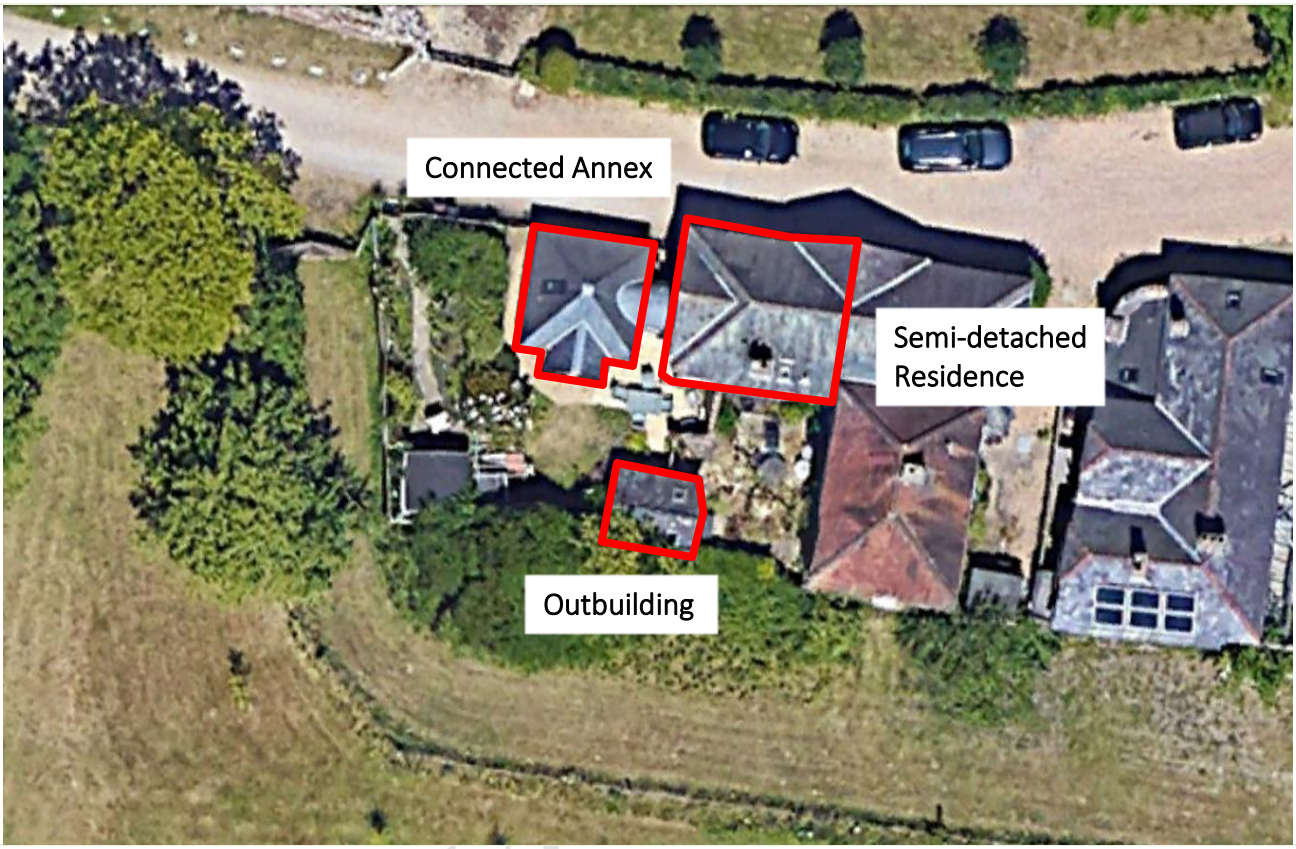
The buildings were assessed against the criteria laid out in Appendix 3: Assessing the Potential Value for Buildings.



Site Map Above

Structure: Semi-detached residence
External features: It is flint walled with brick quoins and pitched slate roof. The structure was not fully surveyed as it is understood not to be impacted by the proposed works.
Internal features: The roof is lined with wooden sarking and the loft is insulated with fibre glass.
Associated habitat: Residential Garden.

The residence

The loft void

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Structure: Connected annex
External features: The annex is a brick walled building with pitched slate roof. There are some slightly raised slates
Internal features: It has a vaulted ceiling and no loft void. Bitumen roof lining can be seen from the outside of the structure.
Associated habitat: Residential Garden.

The connected annex

Some raised slates – not enough for bat access

Structure: Outbuilding
External features: A brick and flint walled building with pitched slate roof. There are gaps under the slate verge.
Internal features: The outbuilding has a vaulted ceiling and no loft void.
Associated habitat: Residential Garden.

The outbuilding

Gaps under the slate verge – potential bat access

The vaulted ceiling – there is no loft void

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Illustrated Site Proposal

An Illustrated Design of proposed works has been provided at this stage. It is understood that the proposed works include extension and renovation of the semi-detached house and annex and will not touch the main house slate roof or outbuilding.

These intended works will not cause modification, damage or destruction to habitats offering opportunity or evidenced as supporting protected species (bats/bird). Neither will protected species (bats /birds) be disturbed, harmed or killed by the intended works.

As the outbuilding and main roof has been assessed as offering low potential it is essential that that this is adhered to. If proposals change, it will be necessary to undertake at least one Emergence Survey, or up to three where bats are subsequently recorded onsite.

Works must proceed with attention to mitigation/enhancement within this report.

The LPA must satisfy themselves that the Illustrated Proposal reflects the works proposed as understood by Ecological Surveys Ltd.

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Rationale - Bats.

Emergence Surveys will be required where present and/or future works will disturb/ damage/ modify/ destroy the features considered to offer bat roosting potential.

The exterior of the structure was searched visually using binoculars or a close range monocular for evidence of bats, where considered necessary, with particular attention being paid to sheltered areas such as window ledges and pipes where bat droppings might lie undisturbed from the weather and areas hidden from sight.

The interior spaces were checked for light ingress and access points for bats. Bat droppings, insect prey remains, urine stains, oil stains from bats repeatedly moving over a small area and polishing the surface and the potential presence of bats either dead or alive was searched for, including within areas hidden from sight.

- The assessment concluded that whilst direct evidence was not recorded, potential exists for bats to inhabit the main roof and outbuilding.

Predicted Impact to Protected Habitat/Species.

Illustrated Proposal

In this instance, works are permitted, as the PRNA assessment concludes that the proposed impacts will not affect those features associated with protected species on this site.

The LPA will consult the associated planning documents submitted with this application to ensure the understanding of the works within this report reflects those submitted as the final Illustrated Proposal.

It is the client's responsibility to ensure that if proposals change and works to the roofing features are required to facilitate this or future proposals, that Bat Emergence/Re-entry Surveys are commissioned and are completed prior to any roofing works proceeding.

Emergence/Re-entry Surveys can only be undertaken between May and August each year. It may be possible for surveys to extend into September too. It is never too soon to arrange emergence/re-entry surveys, even if they cannot be undertaken for several months. This is because the emergence survey season, in particular May and June, are usually exceptionally busy for bat surveyors.

Rationale: Birds

Nests and nesting material were not recorded.
Active future nesting could also occur upon external walls or roof areas.

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Predicted Impact to Protected Habitat/Species.

Illustrated Proposal

The LPA will consult the associated planning documents submitted with this application to ensure the understanding of the works within this report reflects those submitted as the final Illustrated Proposal.

- Features generally and specifically associated with birds are not evident or are of negligible significance and can be discounted. Therefore, no loss to nesting features are expected under this development.
- A Phase 2 Bird Survey is not required.
- Mitigation to recreate nesting habitat is not required.

Bird Nesting Advisory

It is possible that bird nests could be newly established in association with this site during future bird nesting seasons. The bird nesting season generally extends from March to August inclusive, although, depending upon the species, geographical area and the weather conditions, nesting can extend outside this period and it is the nesting behaviour that must be observed, not the supposed time frame. For example, collared doves (*Streptopelia decaocto*) and barn owls (*Tyto alba*) have been observed to nest in every month of the year.

All British birds and their nests are protected whilst in use; therefore, if a nest is found during construction work, all activity must cease within proximity and ecological advice sought immediately.

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Under the National Planning Policy Framework (NPPF), Local Planning Authorities (LPAs) have an obligation to promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species as identified under the Natural Environment and Rural Communities Act (2006). Local Planning Authorities will seek to produce a net gain in biodiversity by requiring developers to design wildlife into their plans and to ensure that any unavoidable impacts are appropriately mitigated for. Mitigation is the process of replacing any ecological / biodiversity losses because of development. LPA 'Building Control' will ensure that Mitigation / Enhancement measures have been implemented as per recommendations.

For this site – the following must be borne in mind when determining that the proposed works will not impact species or habitats.
It is an offence to:

- deliberately kill, injure, disturb or capture protected species.
- damage or destroy their breeding sites and resting places - even if they are not present.

It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

- disturb protected species whilst they occupy a structure or place used for shelter or protection,
- obstruct access to a place of shelter or protection.

Bat Mitigation

Direct evidence of bats has not yet been established – bats could be present and concealed. Therefore, the developer must now comply with the legal protection of onsite protected *species as if they were present.*

- All features associated with the possible occupation of bats must now be retained, during and post construction.
  This includes: - the roof of the outbuilding and main roof; gaps on verges.
- Neither the developer NOR ANY OTHER associated agencies are to block, (including with scaffold) seal, fix, modify, install or remove identified features **unless a bat Emergence Survey has been undertaken and the results indicate bats are not present within.**

- It is considered that the works can be undertaken in a manner consistent with the guidelines in this instance: *if the proposed activity can be timed, organised and carried out so as to avoid committing offences then no licence is required –*

  [Source Mitchell-Jones, A., 2004. Bat mitigation guidelines. English Nature.]

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Lighting Strategy

For the new windows and any new glass doors facing the BAP Deciduous Woodland (8m north) and BAP Traditional Orchard (15m southwest and 25m south).

- Avoid artificial lights shining on known or potential bat roosts, their access points and their flight paths during any stage of the works for this proposal.
- Avoid artificial lights shining on known or potential bat roosts, their access points and their flight paths post development works.
- Light ONLY when and where it is needed for health and safety.
- Prevent light-spill and spread. Eliminate bare bulbs, upward pointing lights, keep light near to or below the horizontal. E.g. flat cut-off lanterns. Such light should be positioned to only illuminate the required areas, limiting light spill, both horizontally and vertically. Additionally, hoods, cowls, louvers and/or shields may be utilised to further direct any lighting.
- Decrease light intensity, avoid the UV spectrum: attracting insects is NOT an aim.
- Reduce height of lighting columns. Or allow for lower main beam angles to reduce glare.
- Timer switch on any proposed outdoor lighting to facilitate dark periods.
- Timed blackout blinds on any new windows facing the nearby habitats as mentioned above.

Advisory

Irrespective of survey findings, contractors should be made aware that there is always the potential presence of bats in association with roofing layers, ridgelines and wall tops. In the event that a bat is found during works, all activities near the discovered bat(s) should cease and advice sought from Ecological Surveys Ltd (Tel: 01503 240846 or 07736 458609) or the Bat Conservation Trust Helpline (Tel: 0345 1300 228). Bats should not be handled (unless with gloves) and only then to protect them from harm, but wherever possible should be left in situ, gently covered until advice is obtained.

Bird Mitigation

It is possible that bird nests could also be newly established in association with this site during future, bird nesting seasons. The bird nesting season generally extends from March to August inclusive. Although, depending upon the species, geographical area and the weather conditions, nesting can extend outside this period and it is the nesting behaviour that must be observed, not the supposed time frame, as collared doves (Streptopelia decaocto) and barn owls (Tyto alba) have been observed to nest in every month of the year. All British birds and their nests are protected whilst in use; therefore, if a nest is found during construction work, all activity must cease within proximity and ecological advice (Tel: 07736 458609) sought immediately.

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All activities on site should bear in mind the potential for wildlife or the environment being harmed through the process of development from inception to end, with a proactive approach occurring for lawful protection of wildlife and the environment regarding use of materials, machines, chemicals, and human activity on site.

- ➢ Prevent invasive non-native plants on development land managed during this time from spreading into the wild or a neighbour's property and causing a nuisance.
- ➢ Restrictions apply to mulching and earth moving which may cause the spread of invasive non-native plants and animals.
- ➢ Restrictions apply to activities that cause the spread of non-native animals into the wild.
- ✓ Contractors must ensure that no harm can come to wildlife by maintaining the site efficiently, clearing away any material such as wire in which animals can become entangled and preventing access to toxic substances.
- ✓ Trenches or large excavations should be covered overnight to prevent wildlife such as badgers or hedgehogs falling in and failing to escape. If this is not possible then a strategically placed plank may provide a means of escape.
- ✓ Any large bore pipes should be capped at the end of the day to reduce the potential for badgers and other wildlife entering and becoming trapped.
- ✓ Areas that are being retained should be protected from damage during construction by erecting Heras (or similar) fencing around these features. The fencing should be erected outside the line of the canopy as this helps protect the roots from compaction of the soil.
- ✓ Any areas proposed for planting post-development should be fenced off where possible to prevent compaction of the soil through vehicle movements.
- ✓ If there is a substantial delay before development commences, the site should be maintained in a way that would prevent wildlife colonising it and causing constraints in the future. Such management should include mowing grassland at least twice a year and preventing scrub encroachment.
- ✓ Piles of brush wood and or log piles should be carefully inspected for signs of wildlife prior to their removal. This is especially crucial during the period March – September (inclusive) as some species of bird choose such sites to construct their nests. Ideally removal of such features should be done outside of the nesting season. If this is not possible, it is recommended that these features are covered in such a way as to exclude / prevent birds and / or reptiles taking up residence. Should nesting birds or reptiles be discovered, work must cease immediately and ecological advice sought.
- ✓ All hedgerows / trees / shrubs removal should be done outside of the bird nesting season March – September (inclusive). If removal is not possible during this period, careful checks of such, must be conducted by a suitably experienced ecologist prior to works commencing.

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The National Planning Policy Framework (NPPF) sets out the UK Government's national policies on enhancement of biodiversity and promotion of ecosystem services through the planning system. Under NPPF, Local Planning Authorities (LPAs) have an obligation to promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species as identified under the Natural Environment and Rural Communities Act (2006). LPAs will therefore seek to produce a net gain in biodiversity by requiring developers to design wildlife into their plans and to ensure that any unavoidable impacts are appropriately mitigated for. As a minimum, LPAs now expect any new structure to include bat roost or bird nesting provision.

Enhancement for Birds

Birds must be accommodated by either adapting the structure of a building to allow access to parts otherwise sealed by modern construction, or through the provision of purpose-built nesting boxes.

The client must:

- Incorporate features which support the nesting of birds in the construction of new development on the north or east orientation to avoid eggs and chicks overheating at a height of 3m+ to prevent predation or vandalism.
- Only boxes of robust or permanent construction – preferably those constructed to be incorporated within the building fabric itself – are likely to be suitable. Some account must be taken of the potential need to maintain, and in the case of wall mounted units, replace boxes after a number of years in use.
- Generally, only where it is not possible to build a bird nesting box into a structure for construction reasons, will externally mounted boxes be acceptable to the LPA.

Schwegler Brick Nest Boxes

The illustrated type or similar provision and functionality is required to enhance this site post development.

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Conclusions

The structures within the application site have been assessed. The site provides suitability as a bat roost site.

It has been ascertained, based on the understanding of proposed works, that the works proposed will not impact upon features identified as offering a place of shelter or protection, will not deliberately kill, injure, disturb protected species, damage or destroy their breeding sites and resting places - even if not present at the time of works.

The LPA must verify that the Illustrated Proposal clearly demonstrates the above.

If this cannot be evidenced, Bat Emergence Surveys must be undertaken to ascertain the full presence/absence of this species to define the need for mitigation and or a European Protected Species Licence.

Mitigation, including work prohibited has been detailed in the Mitigation Section.

LPA 'Building Control' will ensure that Mitigation / Enhancement measures have been implemented as per recommendations.

The developer must refer to client/agent personal responsibilities: Appendix 1: Legislation Bat and Bird Species, and Mitigation and Enhancement, and associated detailed literature.

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References

- Battersby, J. (Edited and compiled; 2005). *UK Mammals: Species Status and Population Trends*. JNCC/Tracking Mammals Partnership 2005. ISBN 1-86107-568-5 http://www.jncc.gov.uk/page-3311.
- Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). The Bat Conservation Trust, London.
- Conservation of Habitats & Species Regulations 2010. HMSO.
- Cornwall Council (2018). *Accommodating swallows, swifts and house martins: Guidance notes for developers, builders, surveyors, architects and house holders*. Cornwall Council, Truro.
- Cornwall Planning for Biodiversity Guide (2018) https://www.cornwall.gov.uk/media/35514048/biodiversity-spd-v7.pdf
- Countryside and Rights of Way Act 2000. HMSO.
- http://naturalengland.communisis.com/naturalenglandshop/docs/IN13.6.pdf. https://www.cornwall.gov.uk/media/3626630/Accommodating-swallows-swifts-and-house-martins.pdf
- Mitchell-Jones A.J. & Mcleish A.P. (2004). *The Bat Workers Manual,* 3rd Edition. Joint Nature Conservation Committee, Peterborough. http://www.jncc.gov.uk/page-2861.
- Mitchell-Jones, A.J. 2004. *Bat Mitigation Guidelines*, English Nature, Peterborough.
- Purbeck Technical Design Guidance Bats and Birds, 2014.
- UK Biodiversity Action Plan. www.ukbap.org/uk.
- Waring, S. (2012). *Bats & Breathable Roofing Membranes*. University of Reading. www.batsandbrms.co.uk.
- Wildlife & Countryside Act 1981, as amended. HMSO.

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Appendix 1: Legislation Bat and Bird Species

Bats

All bat species and their roosts are legally protected in the UK. All bats are listed as European protected species of animals in the European Union's Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as the Habitats Directive. This Directive is implemented in the UK by The Conservation of Habitats and Species Regulations 2010 (better known as the Habitats Regulations).

There is also some protection for bats and roosts in England and Wales under the Wildlife & Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). For practical purposes, the protection of bats and their roosts now falls mostly under the Habitats Regulations.

In summary, it is an offence to

- Deliberately, capture, injure or kill a bat.
- Deliberately, disturb in a way that would significantly affect their local distribution or abundance, or affect their ability to survive, breed or rear young.
- Damage or destroy a roost (this is an 'absolute' offence).
- Possess, control, transport, sell, exchange or offer for sale/exchange any live or dead bat or any part of a bat.

('Deliberately' may be interpreted as someone who, although not intending to injure, kill, etc. performed the relevant action, being sufficiently informed and aware of the consequences their action will probably have.)

A person who needs to carry out actions that would result in an offence being committed should apply for a derogation licence from Natural England. They have powers to grant Habitats Regulations derogation licences in certain circumstances, for certain reasons and with certain terms attached, so that the licence holder remains within the law. Application for a derogation licence should be made in plenty of time, and the services of a bat expert utilised in making the application. It is an offence to make a false statement to obtain such a licence.

This information is not provided as legal advice and before making decisions relating to the law a qualified legal representative should be consulted.

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Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare. In addition to the protection afforded to all wild birds, rarer or particularly vulnerable species listed on Schedule 1 of the 1981 Act, such as the barn owl, receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

If nests, whether completed or in the process of being built, are found on site, any works with the potential to damage or destroy the nest, eggs or young birds, must stop until the birds have completed breeding. This includes any activity that could potentially cause an adult bird to desert the nest resulting in death or egg failure. Nesting sites should be inspected only by experienced ecologists.

Any disturbance of a breeding bird listed on Schedule 1 is an offence, regardless of whether this impacts upon the breeding attempt. These nests can only be visited by an ecologist with a licence for the specific species concerned.

Birds may nest on machinery or scaffolding and other temporary site structures. If this happens the equipment cannot be used until the birds have finished nesting and such areas may need to be sealed off to prevent disturbance.

Breaking the law can lead to fines of up to £5000 per offence and potential prison sentences of up to six months. Vehicles implicated in an offence can be compounded and both the company, and/or the individual(s) concerned, can be held liable.

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Appendix 2: Bat Scoping Triggers.

A Bat Survey is ordinarily triggered when there is to be:

Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial and derelict buildings) which are:

- Agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams.
- Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water.
- Pre-1960 detached buildings and structures within 200m of woodland and/or water.
- Pre-1914 buildings within 400m of woodland and/or water.
- Pre-1914 buildings with gable ends or slate roofs, regardless of location.
- Located within, or immediately adjacent to woodland and/or immediately adjacent to water.
- Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost assessment, the site appears to be particularly suited to bats.
- At the behest of the LPA / County Ecologist.
- Further details of other triggers can be found below.

Development and Planning Trigger for Bat Surveys

Development and planning trigger list for bat surveys, which can be adapted to local circumstances (taken from the Association for Local Government Ecologists (ALGE) template for biodiversity and geological conservation validation checklists 2007, available from http://alge.org.uk/publication/index.php).

(1) Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:

- Agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;
- Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;
- Pre-1960 detached buildings and structures within 200m of woodland and/or water;
- Pre-1914 buildings within 400m of woodland and/or water;
- Pre-1914 buildings with gable ends or slate roofs, regardless of location;
- Located within, or immediately adjacent to woodland and/or immediately adjacent to water;
- Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost assessment, the site appears to be particularly suited to bats.

(2) Development affecting built structures:

- Tunnels, mines, kilns, ice-houses, adits, military fortifications, air-raid shelters, cellars and similar underground ducts and structures; unused industrial chimneys that are unlined and brick/stone construction;
- Bridge structures, aqueducts and viaduct (especially over water and wet ground).

(3) Floodlighting of

- Churches and list buildings, green space (e.g. sports pitches) within 50m of woodland,

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	water, field hedgerows or lines of trees with connectivity to woodland or water; ➢ Any building meeting the criteria listed in (1) above.
(4)	**Felling, removal or lopping of:** ➢ Woodland; ➢ Field hedgerows and/or lines of trees with connectivity to woodland or water bodies; ➢ Old and veteran trees that are more than 100 years old; ➢ Mature trees with obvious holes, cracks or cavities, or that are covered with mature ivy (including large dead trees).
(5)	**Proposals affecting water bodies:** ➢ In or within 200m of rivers, streams, canals, lakes, reed beds or other aquatic habitats.
(6)	**Proposal located in or immediately adjacent to:** ➢ Quarries or gravel pit; ➢ Natural cliff faces and rock outcrops with crevices or caves and swallets.
(7)	**Proposals for wind farm developments** ➢ of multiple wind turbines and single wind turbines (depending on the size and location) (NE TIN 051 – undergoing updates at the time of writing)
(8)	**All proposals in sites where bats are known to be present[1]** ➢ This may include proposed development affecting any type of buildings, structures, features or location.
Notes: [1] : Where sites are of international importance to bats, they may be designated as SACs. Developers of large sites 5-10km away from such SACs may be required to undertake a HRA.	

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Appendix 3: Assessing the Potential Value for Buildings

Classification Criteria

It should be noted that the grading system below only reports on the situation at the time of survey; should bat activity levels change after the initial survey, or should the buildings be modified (for example if roof tiles are removed or facia boards develop cracks), the category may need revision.

Category (Potential value)	Description
Please note: Intermediate categories (e.g. Low – Moderate value) may apply.	
No/Negligible value	Buildings with no or very few features capable of supporting roosting bats. Often buildings are of 'sound' well- sealed structure, or have a single skin and no roof void. They tend to have high interior light-levels, and little or no insulation. Buildings without any roofs may also fall into this category.
Low value	Buildings of largely unsuitable construction, but with few features of potential value to bats (e.g. gaps above windows, apparently shallow crevices). No supporting evidence (e.g. droppings / staining) found. Buildings may be surrounded by poor or sub-optimal bat foraging habitat, as is often the case in urban-centre locations.
Moderate value	Buildings usually of brick or stone construction with a number of features of obvious potential value to roosting bats e.g. loose roof / ridge tiles, gaps in brickwork, gaps under fascia boards, and/or warm sealed roof-spaces with under-felt.
High value	Buildings with a large number of features of obvious potential value to bats (as above). Bats may be suspected to roost within the building (at least at certain times of year), but no supporting evidence found.
Confirmed roost	Bats discovered roosting within the building, or recorded emerging from / entering the building at dusk and / or dawn. Building found to contain conclusive evidence of occupation by bats, such as bat droppings. A confirmed record (as supplied by an established source such as the local bat group) would also apply to this category.

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Appendix 4: BCT Emergence Survey Guideline (Collins, 2016)

The full version of the 2016 BCT guidelines can be obtained via the Bat Conservation Trust http://www.bats.org.uk/pages/batsurveyguide.html.

Bat Emergence Survey Requirements

Extracted from - Table 7.3 & 7.1 BCT Recommended Minimum Survey

Low roost suitability	Moderate roost Suitability	High / Confirmed roost suitability
One Survey visit – One dusk or dawn re-entry survey	Two separate survey visits – One dusk and one dawn re-entry survey	Three separate survey visits – at least one must be a dawn re-entry and one a dusk emergence, the other can be either.
Structures that have been categorized as low potential can be problematic and the number of surveys required should be judged on a case by case basis. If there is a possibility that quiet-calling late-emerging species are present, then a dawn survey may be more appropriate, providing weather conditions are suitable. In some cases, more than one survey may be needed, particularly where there are several buildings in this category. Multiple survey visits should be spread out to sample as much of the recommended survey period as possible, it is recommended that surveys are spaced at least two weeks apart, preferably more. A dawn survey immediately after a dusk one is considered only one visit.		

EMERGENCE – RE-ENTRY Survey Dates

May to August (structures) **No further survey** required (trees)	May to September With at least one between May and August	May to September With at least two, between May and August
September surveys are both weather and location dependent. Conditions may become unsuitable in these months, particularly in more northerly latitudes, which may reduce the length of the survey season. Multiple survey visits should be spread out as much as possible; it is recommended that surveys are spaced at least two weeks apart, preferably more, unless there are specific ecological reasons for the surveys to be closer together (for example a more accurate count of a maternity colony is required but it is likely that the colony will soon disperse) if there is potential for a maternity colony then consideration must be given to detectability. A survey on 31st August followed by a mid-September survey is unlikely to pick up a maternity colony. An ecologist should use their professional judgement to design the most appropriate survey regime.		

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Appendix 5: Bat Species

1	Alcathoe	*Myotis alcathoe*
2	Barbastelle	*Barbastella barbastellus*
3	Bechstein's bat	*Myotis bechsteinii*
4	Brandt's bat	*Myotis brandtii*
5	Brown long-eared bat	*Plecotus auritus*
6	Common pipistrelle	*Pipistrellus pipistrellus*
7	Daubenton's bat	*Myotis daubentonii*
8	Greater horseshoe bat	*Rhinolophus ferrumequinum*
9	Greater mouse-eared bat	*Myotis myotis*
10	Grey long-eared bat	*Plecotus austriacus*
11	Leisler's bat	*Nyctalus leisleri*
12	Lesser horseshoe bat	*Rhinolophus hipposideros*
13	Nathusius' pipistrelle	*Pipistrellus nathusii*
14	Natterer's bat	*Myotis nattereri*
15	Noctule	*Nyctalus noctula*
16	Serotine	*Eptesicus serotinus*
17	Soprano pipistrelle	*Pipistrellus pygmaeus*
18	Whiskered bat	*Myotis mystacinus*

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