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July 2022

**A Bat Survey Report
from**

**Wildfowlers
for**

Cara Bradley

Surveys conducted by;

Chevron Green Ltd.

Report produced by:

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[REDACTED]

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1 Executive Summary

- Mrs Bradley intends to demolish a residence, a garage and a greenhouse and build a new dwelling with attached garage on the same site.
- To support the planning application the client has asked for information on the suitability of the site for bats and if present, whether/how any impacts need/can be avoided/offset.
- In May 2022, a building inspection was conducted.
- The house was considered to be of High suitability for bat roosts, the garage Low and the greenhouse Negligible.
- In May and June 2022, dawn/dusk surveys were conducted.
- Surveys found low numbers of two relatively common species roosting in several places around the house.
- To allow the proposed work a bat mitigation/impact licence from Natural England will be needed. This can only be applied for once planning consent has been acquired and any conditions that might affect bats (e.g. landscaping or cladding details) have been discharged.
- To acquire a licence three tests must be met. These are;
 - 1) There is no reasonable alternative.
 - 2) It is in the over-riding public interest.
 - 3) The 'favourable conservation status' of the bats will be maintained/enhanced.
- Because a Natural England licence will be needed before any work that might affect bats can start, the planning authority should also consider these three tests when making its decision.
- An outline mitigation plan is provided in Appendix 5. This is considered adequate to demonstrate that impacts on bats can reasonably be avoided and/or offset thus meeting the third test.
- It is for the planning authority to determine if the other two tests can be met.
- When planning consent is granted, an appropriate condition would be to require compliance with the recommendations herein.
- Initial impacts on bat roosts usually need to be scheduled for autumn or spring. The acquisition and implementation of a bat mitigation licence can take many months. The application may need further survey data to support it. Survey data can only be collected in certain seasons, usually not in winter. You should seek the advice of an ecologist at least quarterly and/or if there are changes in plans.

2 Introduction

2.1 Background to Activity/Development

The site is Wildfowlers, Shore Road, Bosham, Sussex. The site is at <https://goo.gl/maps/gpqS9jAH5BLUFRUaA>
A site location plan can be found in Appendix 1.

The applicant intends to demolish the existing buildings and build a new dwelling on the (approximate) footprint of the existing buildings.

The applicant has requested information on the potential of the buildings for bats in order to allow the local planning authority to make an informed decision in line with the National Planning Policy Framework and ODPM

2005. In 2021, Verdant Ecology was commissioned to conduct an investigation into any possible use of the buildings by bats and to provide recommendations about how any impacts on bats might be avoided/offset.

3 Survey

3.1 Pre-existing Information on Bats at the Survey Site

No bat mitigation licences have been awarded within 1km of the site. Two exist within 2km (one of which was mine) and both are for relatively common species of bat. No further information was sought because the inspection revealed bat roost potential, further surveys were recommended and bats were found.

3.2 Site/Habitat Description

The area around the site appears suitable for bats. Although an exposed coastal site, it is near further old buildings and mature gardens with trees. There is pasture, woodland and hedgerows in the wider area.

3.3 Objectives of the Survey

To find physical evidence of use of the affected buildings by bats. If found, to determine what species are present and in what numbers, where in the building bats are roosting/entering/exiting and in what ways bats are using the building.

3.4 Building Inspection Method

The buildings were subject to a visual inspection in May 2022.

The assessment inspected the buildings for potential roost sites, access/egress holes and bat signs using binoculars, torches, ladders and a digital camera.

3.5 Vigil Method

See Appendix 3 for details. In summary, a dusk vigil on the 25th May 2022 and dawn vigil on the 17th June and were conducted using 4 and 3 surveyors respectively with detectors and recorders.

4 Results

4.1 Building Inspection

See Appendix 2 for photographs of the buildings.

No evidence of bats was found (but note that the loft was not accessed due to suspected asbestos).

The house is two storeys, built of brick with an uninsulated wall cavity. The walls had sound masonry. The roof is of square-cut timbers to a ridgeboard on 1F bitumen, clad in clay tiles. There is a loft space (only inspected from the loft hatch due to suspected asbestos). There are hanging tiles in several places. Roof and hanging tiles had numerous gaps suitable for bat access.

The garage is single storey. It has single skin brick walls with timber cladding on the front gable. The roof is pitched and formed of corrugated asbestos panels supported on concrete rafters. The ridge was stuffed with chicken wire.

The greenhouse was considered wholly unsuitable for bats.

4.2 **Vigils**

Details of results can be found in Appendix 3.

4.2.1 **Roosts**

Several Common Pipistrelles roost behind roof tiles.

One Brown Long-eared is suspected to roost either behind roof tiles or in the loft.

5 **Interpretation and Evaluation**

On a scale of Negligible, Low, Moderate, High (as defined in Table 4.1 of the Bat Conservation Trust's 2016 Good Practice Guidelines), the habitats surrounding the site were considered to have Moderate suitability. The house was considered to have High suitability, the garage Low and the greenhouse Negligible.

Vigils show that the house is a daytime roost for small numbers of two relatively common species (Common Pipistrelle and Brown Long-eared).

The surveyors had no reason to believe that evidence of bats had been removed.

The surveys were in line with the Bat Conservation Trust Good Practice Guidelines.

5.1 **Limitations**

The loft was not entered because asbestos was suspected.

Local records were not sought (because impacts are confined to the site, the inspection revealed bat roost potential, further surveys were recommended and bats were found).

Trees on site were not considered (by us). According to the project arboriculturalist the proposed pruning is unlikely to affect bat roost potential.

6 **Impact Assessment**

6.1 **Potential Impacts**

Potential impacts considered are;

- Loss of bat roosts (including obstruction of access/egress).
- Physical harm to bats during work.
- Indirect impacts on foraging habitat or on any roosts that may occur in neighbouring buildings or trees nearby (run-off pollution, light, noise, vibration, fumes etc. associated with the proposed work).
- Habitat fragmentation.
- Post-development impacts.

6.2 Predicted Impacts (Without Mitigation)

The proposed demolition of the house will destroy bat roosts and may cause physical harm to any bats present at the time.

There is potential for negative indirect impacts on bats roosting or foraging nearby (e.g. toxic materials in the air or in run-off water or extra external lighting associated with the development).

Habitat fragmentation is not likely to be an issue because the new dwelling will be in the same location as the existing and use the same access.

6.3 Predicted Scale of Impacts

See Appendix 8 for tables of relative terms used by Verdant Ecology to describe the value of ecological features and level of change.

Without mitigation and based on survey work to date, the proposed demolition will have a Major Negative Impact on a feature of Local value into the Long Term.

With successful mitigation, impacts would be Short Term and the project would have a Minor to Major Positive impact.

7 Recommendations

It may not be necessary to provide the measures recommended below in detail before seeking planning permission. However, there should be enough information provided for it to be reasonable to believe that the proposals can and will be delivered.

Commit to the recommendations within and include this report with any planning application.

Once planning permission has been received and all conditions that might affect bats (such as landscaping or cladding materials) have been released/discharged, seek and acquire a bat mitigation licence before any work that might affect bats starts.

Mitigation detail is provided in Appendix 5. The main items are;

- Work affecting roosts may have to start at a particular time of year (usually Spring or Autumn).
- Use roof and/or hanging tiles and/or timber cladding.
- All linings of the new building (e.g. behind hanging tiles/cladding and below roof tiles) must be 1F 'traditional' bitumen membranes (not breathable or woven 'Tyvek' type).
- Adhere to a pollution prevention plan in line with the COSHH Regulations and the Environment Agency's Pollution Prevention Guidelines series.
- This must specifically consider light pollution by including a tightly constrained external lighting plan using the minimum number of external fittings, fitted as low as possible (and no more than 2m above ground) downcast, with hoods, timers, automated cut-offs, etc.

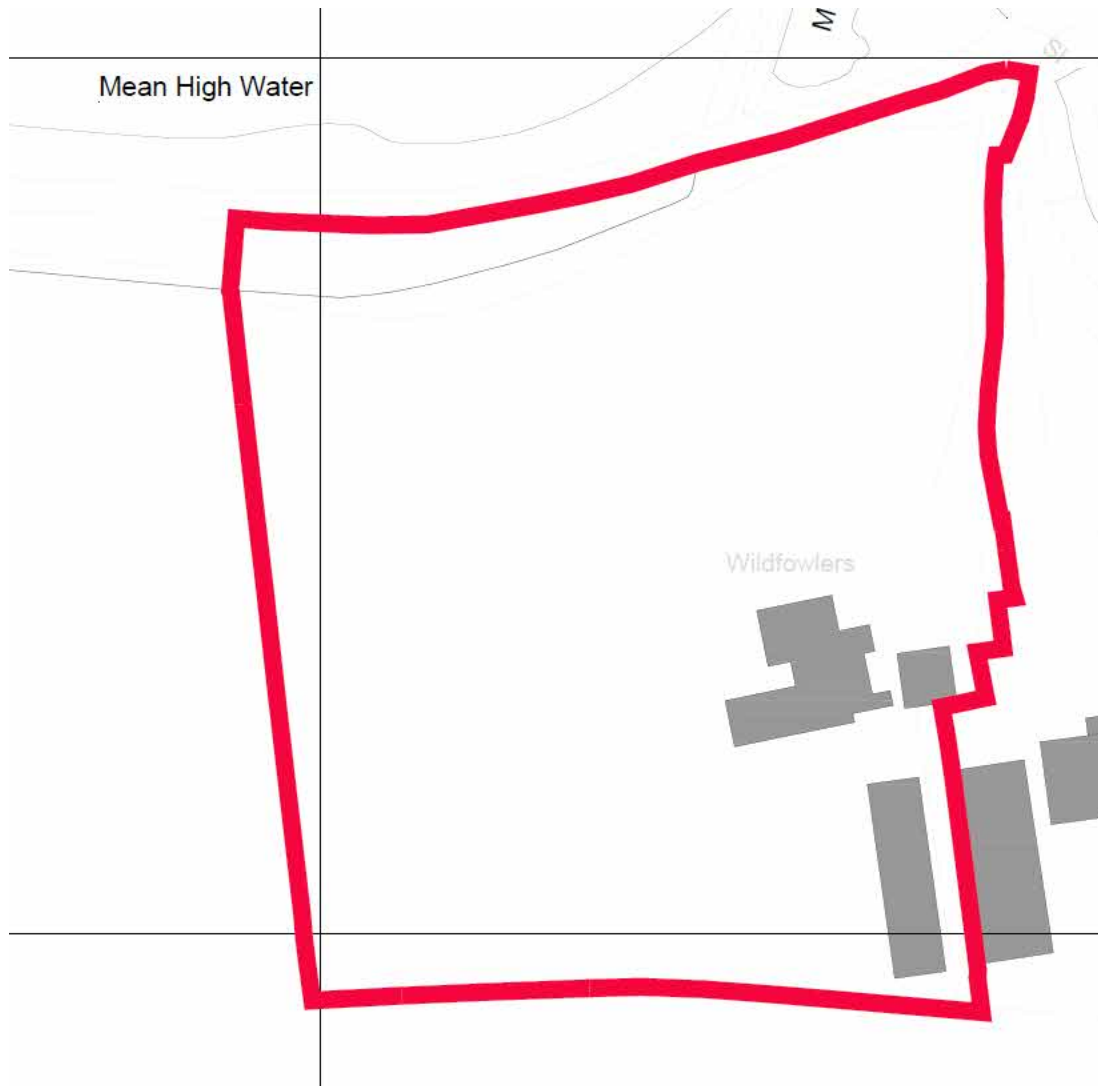
- Retain existing trees around the site. Incorporate habitats suitable for bats and connected to the wider area into the project layout; namely, a planting and establishment plan that includes tree planting within the development site.

8 Summary

- Roosts of small numbers of relatively common species of bat were found in the building.
- Impacts are certain.
- A bat impact/mitigation licence from Natural England will be needed.
- An outline mitigation plan is provided in Appendix 5. This is considered adequate to demonstrate that impacts on bats/roosts can reasonably be offset.
- The planning authority can thus be satisfied that the ‘favourable conservation status’ test seems likely to be met.
- The planning authority must satisfy itself that the other two tests (no reasonable alternative and overriding public interest) can be met.
- If so, bats should not be a reason for refusing planning permission.
- An appropriate condition to any planning consent would be to require compliance with the recommendations herein (whilst allowing for sensible modifications as a result of any new information).
- Once planning permission has been received and all conditions that might affect bats (such as landscaping or cladding materials) have been released/discharged, seek a bat mitigation licence before any work that might affect bats starts.
- Initial impacts on bat roosts usually need to be scheduled for autumn or spring. The acquisition and implementation of a bat mitigation licence can take many months. The licence application may need further survey data to support it. Survey data can only be collected in certain seasons, usually not in winter. You should seek the advice of an ecologist at least quarterly and/or if there are changes in plans.

9 Appendices

9.1 Appendix 1. Existing Site Plan



9.2 Appendix 2. Photographs of Inspected Buildings

Photo 1. Building viewed from S



Photo 2. Building viewed from N.



Photo 3. Building viewed from W.



Photo 4. Building viewed from E.



Photo 4. Potential in the garage.



9.3 Appendix 3. Details of Surveys

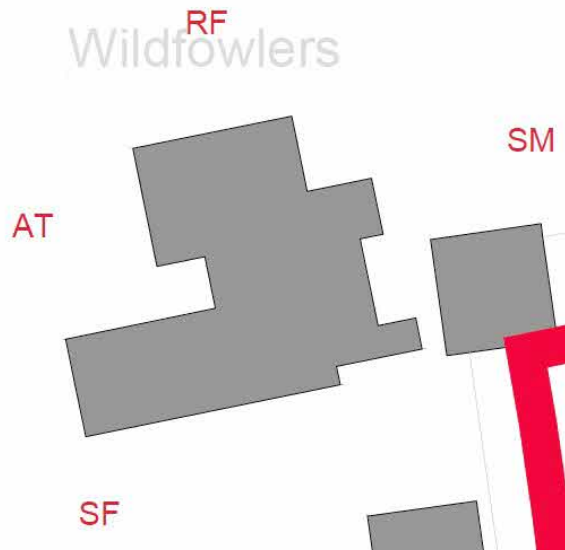
Surveyors were positioned so as to cover all potential roost features identified during the building inspections. Each surveyor had a 'prime spot' from which to survey, but moved when considered appropriate.

9.3.1 Survey Dates and Times

	25/05/22	17/06/22
Type	Inspection and dusk vigil	Dawn vigil
Survey times	20.47 – 22.30	03.13 – 05.04
Sunset/ sunrise time	20.59	04:49
Staff and equipment	Ruth Frith - EMT Pro2 Simon Mason - EMT Pro2 Sophie Field - EMT Pro2 Amanda Talbot - EMT Pro2	Ruth Frith - EMT Pro2 Sophie Field - EMT Pro2 Amanda Talbot - EMT Pro2
Weather description	Dry. Mild (15°C at start, 14°C at end). Part cloudy (4 octas). Light breeze, 3 (Beaufort). Humidity 80% at start, 79% at end.	Dry. Mild (14°C at start, 13°C at end). Clear (0 octas). Breezy (Beaufort 2 - 4). Humidity 90% at start, 88% at end.

9.3.2 **Vigil Results**

Dusk 25th May 2022 surveyor locations



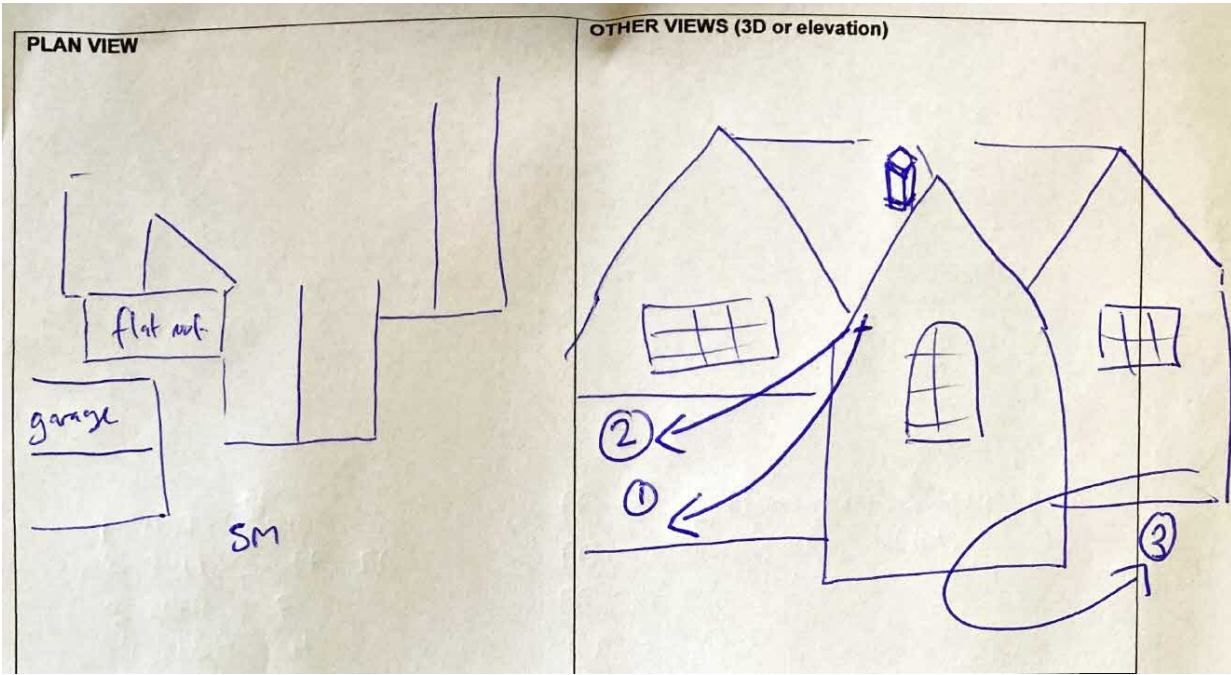
Surveyor Field Notes

Site: Wildfowlers Date: 25/05/22 Survey type (dusk/dawn, roost/activity): Surveyor name: Simon Mason

Temp (°C): at start 15 end 13 Humidity (%): at start..... end..... Wind F3 (Beaufort) Cloud cover 3 (octas)
 Cloud type (hi/lo, thick/thin) Moon portion if visible..... Rain (Y/N, light/heavy, recent)..... Sunset/rise time 20:59 Survey start time 20:44 Kit used EMT 2 Recorder start time..... Track number(s)..... Lights/sensors off/covered and curtains closed?..... Any constraints (e.g. noise, light, view blocked)?..... How did you offset this?..... Other useful info.....

*H = Heard (only), S = Seen (only), FR = From Roost, TR = To Roost, F = Foraging, C = Commuting, © = circling, Soc = Social calls, Q = Quiet, A = Abrupt, Bx2 = 2 bats, Px1111 = passesx4

ref	real time	Notes*	Leave blank for post-survey analysis		ref	real time	Notes*	Leave blank for post-survey analysis	
			device time	ID				device time	ID
1	2157	FR		PP			from broken tile above saffit.		
2	2141	2x PP FR		PP					
3	2144	F		PP					
4	2156	H		PP					
5	2158	H		PP					
6	2200	H		ES					
7	2206	H		PP					
8	2207	C		PP					
9	2229	H		PP					



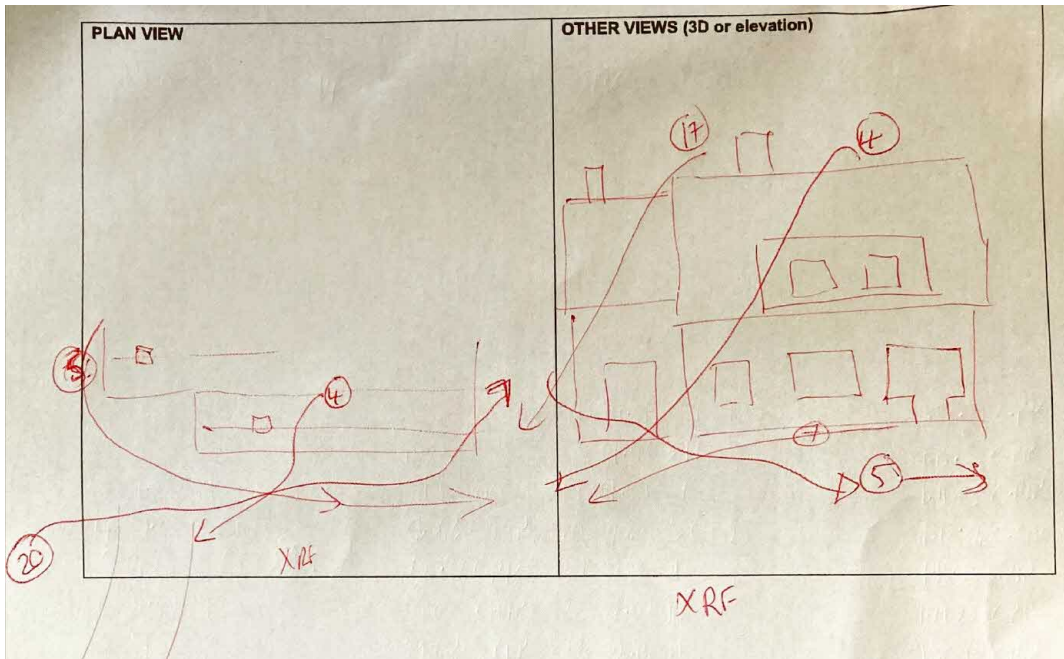
RUM FLY

Site: Wildfowlers Date: 25/7/22 Survey type: (dusk/dawn, roost/activity) Surveyor name: R RUM

Temp (°C): at start 15 end 14 Humidity (%): at start 86 end 79 Wind: 9 (Beaufort) Cloud cover HL (octas)
 Cloud type (hi/lo) thick/thin. Moon portion if visible Rain (Y/N) light/heavy, recent) Sunset/rise time 8:59 Survey start time 8:45 Kit used EM7 Recorder start time 20:48 Track number(s) Lights/sensors off/covered and curtains closed? ? Any constraints (e.g. noise, light, view blocked)? N/A How did you offset this? N/A Other useful info

*H = Heard (only), S = Seen (only), FR = From Roost, TR = To Roost, F = Foraging, C = Commuting, © = circling, Soc = Social calls, Q = Quiet, A = Abrupt, Bx2 = 2 bats, Px1111 = passesx4

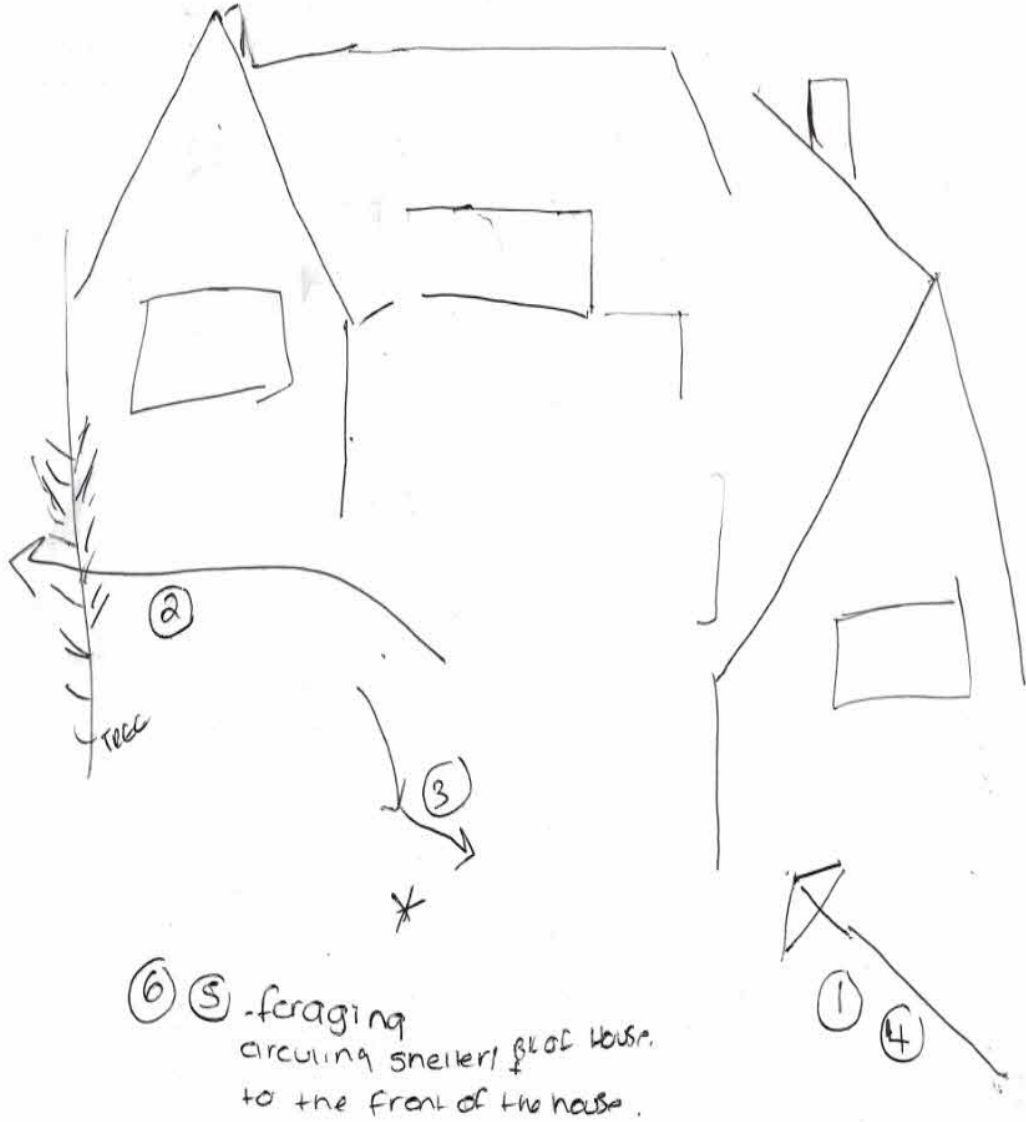
ref	real time	Notes*	Leave blank for post-survey analysis		ref	real time	Notes*	Leave blank for post-survey analysis	
			device time	ID				device time	ID
1	20:55	H.	0744	L. NOC	17	21:57	S (?FIC)	09:35	6-PP
2	20:59	H	11:22	N. BAZ / C. Suzanne	18	21:58	H	1:10:20	C-PP
3	21:27	H (B. BAZ?)	39:30	NOC	19	21:59	H	1:11:23	C-PP
4	21:38	S (FR)?	50:43	C-PIP	20	22:00	S (F)	1:12:34	C-Soc
5	21:44	S (FIC)?	56:38	C-PIP	21	22:06	H	1:18:25	C-PIP
6	21:47	H	59:08	C-PIP	22	22:07	H	1:19:28	C-PP
7	21:48	S	59:43	S-PIP	23	22:14	H	1:26:14	C-PIP
8	21:49	H	1:00:58	C-PIP	24	22:16	H	1:30:40	C-PIP
9	21:50	H	1:02	C-PIP	25	22:23	H	1:35:32	C-PP
10	21:50	H	1:02:41	C-PIP	26	22:26	H	1:37:52	C-PIP
11	21:51	H	1:03:25	C-PIP	27	22:27	H	1:39:02	C-PIP
12	21:52	H	1:05:50	C-PIP					
13	21:53	H	1:04:58	C-PIP					
14	21:53	H	1:05:36	C-PIP					
15	21:55	H	1:07:25	C-PIP					
16	21:56	H	1:08:07	C-PIP					



Site: Bosham Date: 25.05.22 Survey type (dusk/dawn, roost/activity). Surveyor name: AT

Temp (°C): at start 15° C end 13° C Humidity (%): at start 74 end 77 Wind moderate West (15) (Beaufort) Cloud cover 7 (octas) Cloud type (hi/lo, thick/thin). Moon portion if visible Rain (Y/N, light/heavy, recent) Sunset/rise Time 8.59 Survey start time 8.45 Kit used ECHO Recorder start time 8.45 Track number(s)..... Lights/sensors off/covered and curtains closed?..... Any constraints (e.g. noise, light, view blocked)?..... How did you offset this?..... Other useful info
 *H = Heard (only), S = Seen (only), FR = From Roost, TR = To Roost, F = Foraging, C = Commuting, © = circling, Soc = Social calls, Q = Quiet, A = Abrupt, Bx2 = 2 bats, Px1111 = passesx4

ref	real time	Notes*	Leave blank for post-survey analysis		ref	real time	Notes*	Leave blank for post-survey analysis	
			device time	ID				device time	ID
1	2137	CP S							
2	2142	ll S							
3	2144	ll S							
4	21	ll ll							
5	2148	ll ll F							
6	2158	ll ll F							
7	2206	ll H							
8	2226	ll H							



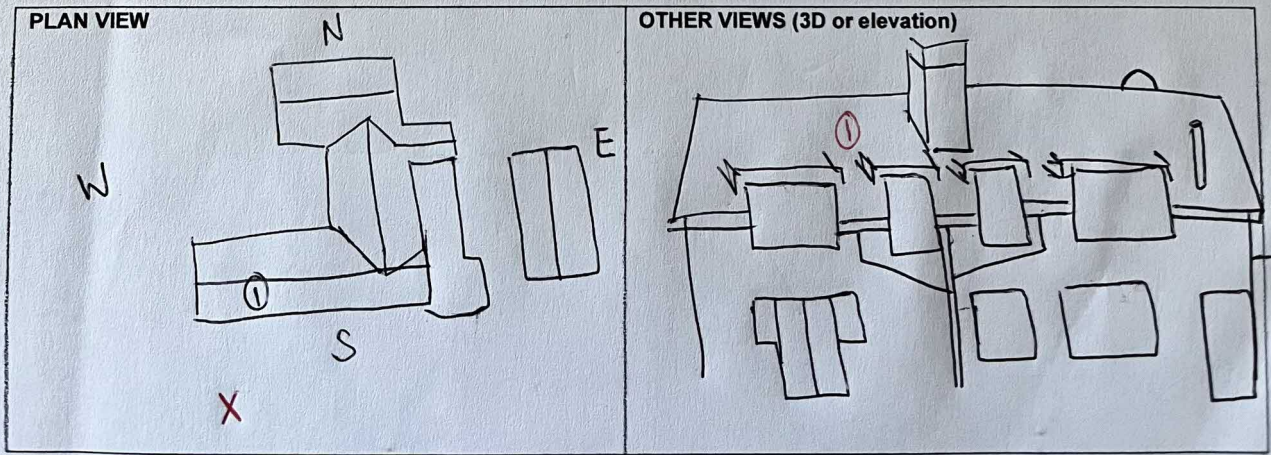
Site: Date: 25.5.22 Survey type (dusk/dawn, roost/activity). Surveyor name: S Field

Besham
Temp (°C): at start 15 end 14 Humidity (%): at start 80 end 81 Wind 3 (Beaufort) Cloud cover 3 (octas)

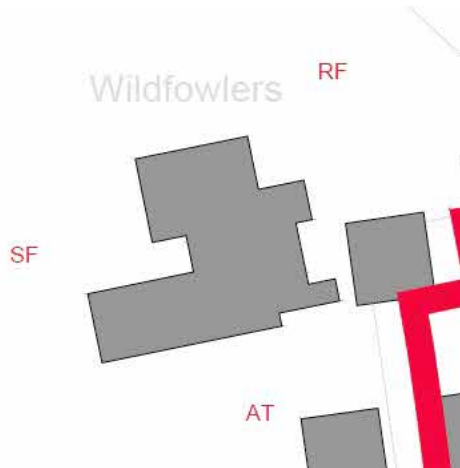
Cloud type (hi/lo) lo (thick/thin). Moon portion if visible Rain (Y/N) light/heavy, recent) Sunset/rise time 2059 Survey start time 2044 Kit used EMT Recorder start time 2056 Track number(s) Lights/sensors off/covered and curtains closed? Any constraints (e.g. noise, light, view blocked)? N/A How did you offset this? Other useful info

..... *H = Heard (only), S = Seen (only), FR = From Roost, TR = To Roost, F = Foraging, C = Commuting, © = circling, Soc = Social calls, Q = Quiet, A = Abrupt, Bx2 = 2 bats, Px1111 = passesx4

ref	real time	Notes*	Leave blank for post-survey analysis		ref	real time	Notes*	Leave blank for post-survey analysis	
			device time	ID				device time	ID
2130		2x sop, F, in garden							
2137		CPiP, F, garden, ©							
2141		CPiP F garden ©							
2148		" " " " "							
		① may have emerged							
2149		CPiP F garden							
2151		" " " ©							
2152		CPiP may have emerged @ ①							
2155		Serotine F garden							
2155		CPiP TR @ ①							
2207		CPiP FR+TR @ 1							
2222		Myon S, H							



Dawn 17th June 2022 - Surveyor Locations



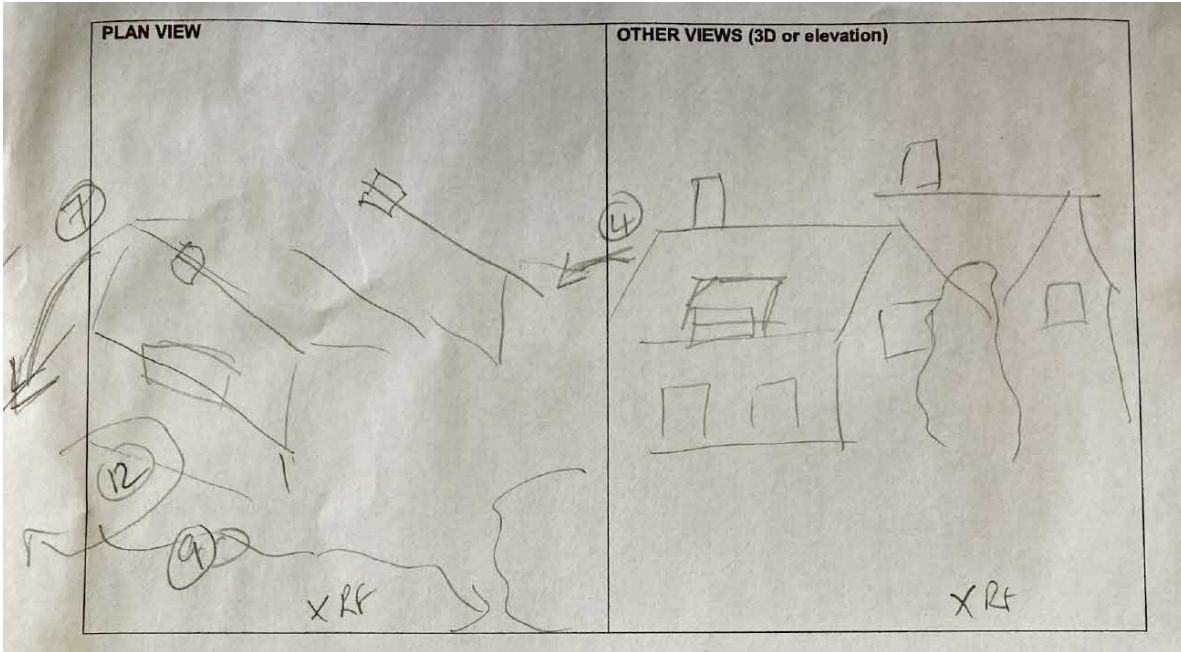
Surveyor Field Notes

Site: Wildfowlers Date: 17/6/22 Survey type (dusk/dawn) roost/activity. Surveyor name: R. F. 101

Temp (°C): at start 14 end 13 Humidity (%): at start 90 end 85 Wind 4 (Beaufort) Cloud cover 0 (octas)
 Cloud type (hi/lo, thick/thin). Moon portion if visible 1/8 Rain (Y/N, light/heavy, recent)..... Sunset/rise time: 17:49 Survey start time: 3:13 Kit used: AX1T Recorder start time: 3:13 Track number(s)..... Lights/sensors off/covered and curtains closed?..... Any constraints (e.g. noise, light, view blocked)?..... How did you offset this? N/A Other useful info

*H = Heard (only), S = Seen (only), FR = From Roost, TR = To Roost, F = Foraging, C = Commuting, © = circling, Soc = Social calls, Q = Quiet, A = Abrupt, Bx2 = 2 bats, Px1111 = passesx4

ref	real time	Notes*	Leave blank for post-survey analysis		ref	real time	Notes*	Leave blank for post-survey analysis	
			device time	ID				device time	ID
1	3:23	H	9:06	S-PIP					
2	3:33	H	19:42	H-BOEB?					
3	3:41	H	23:32	S-PIP					
4	3:45	S (ONLINE ASPECT)	31:30	C-PIP					
5	3:51	H	37:07	S-PIP					
6	3:52	H	38:54	C-PIP					
7	3:56	S	41:40	C-PIP					
8	3:58	H	44:00	C-PIP					
9	4:01	S (F)	47	S-PIP					
10	4:05	H	50:50	C-PIP					
11	4:06	H	52:31	C-PIP					
12	4:08	S ©	55	C-PIP					
13	4:09	H	55:55	NOCP?					



Site: Bosham Date: 17/6/22 Survey type (dusk/dawn, roost/activity): Surveyor name: A. Talbert

Temp (°C): at start..... end..... Humidity (%): at start. 14°C end. 14°C Wind 5 (Beaufort) Cloud cover (octas)

Cloud type (hi/lo, thick/thin). Moon portion if visible Rain (Y/N, light/heavy, recent)..... Sun! Sunset/rise 5-15

time 3:15 Survey start time..... Kit used ecna Recorder start time 3:15 Track

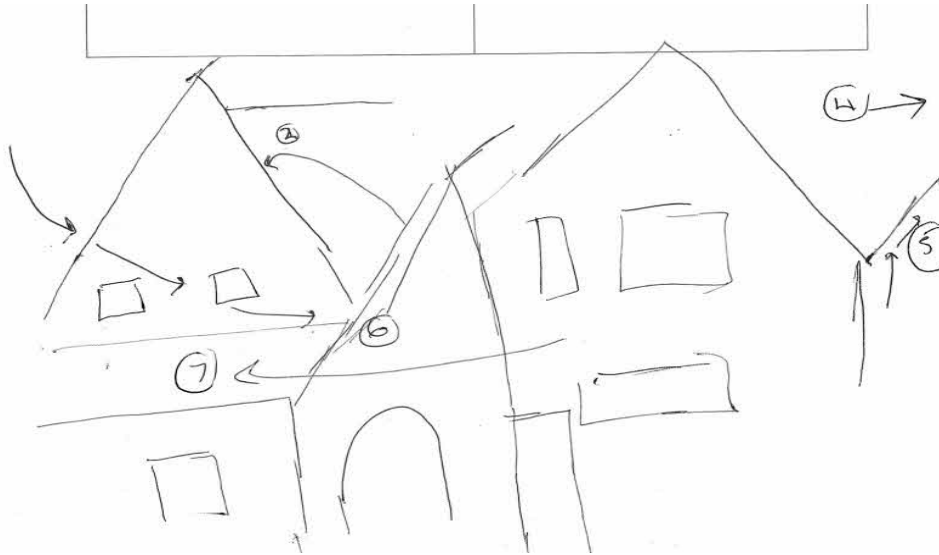
number(s)..... Lights/sensors off/covered and curtains closed?..... Any constraints (e.g. noise, light, view

blocked)?..... How did you offset this?..... Other useful info

..... *H = Heard (only), S = Seen (only), FR = From Roost, TR = To Roost, F

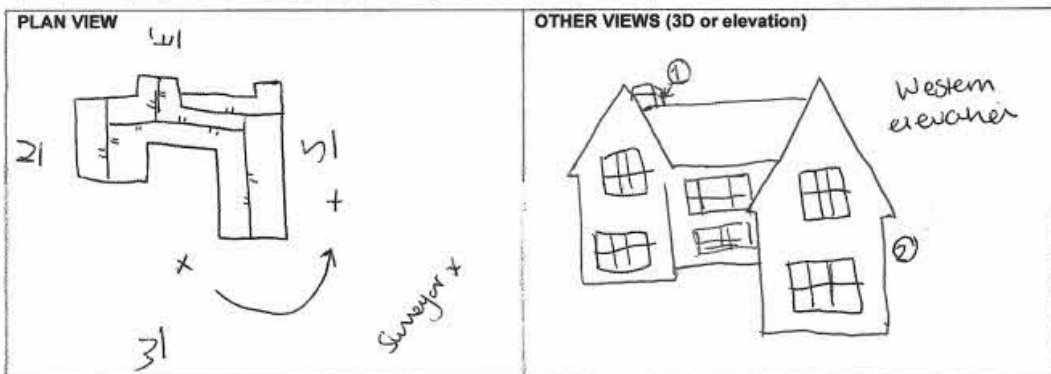
= Foraging, C = Commuting, © = circling, Soc = Social calls, Q = Quiet, A = Abrupt, Bx2 = 2 bats, Px1111 = passesx4

ref	real time	Notes*	Leave blank for post-survey analysis		ref	real time	Notes*	Leave blank for post-survey analysis	
			device time	ID				device time	ID
1	326	CP H							
2	330	TR, Q		BLE					
3	354	C.P. H							
4	358	? S, P11							
5	4:01	CP S P1							
6	4:04	CP S, H, F							
7	4:12	CP P							

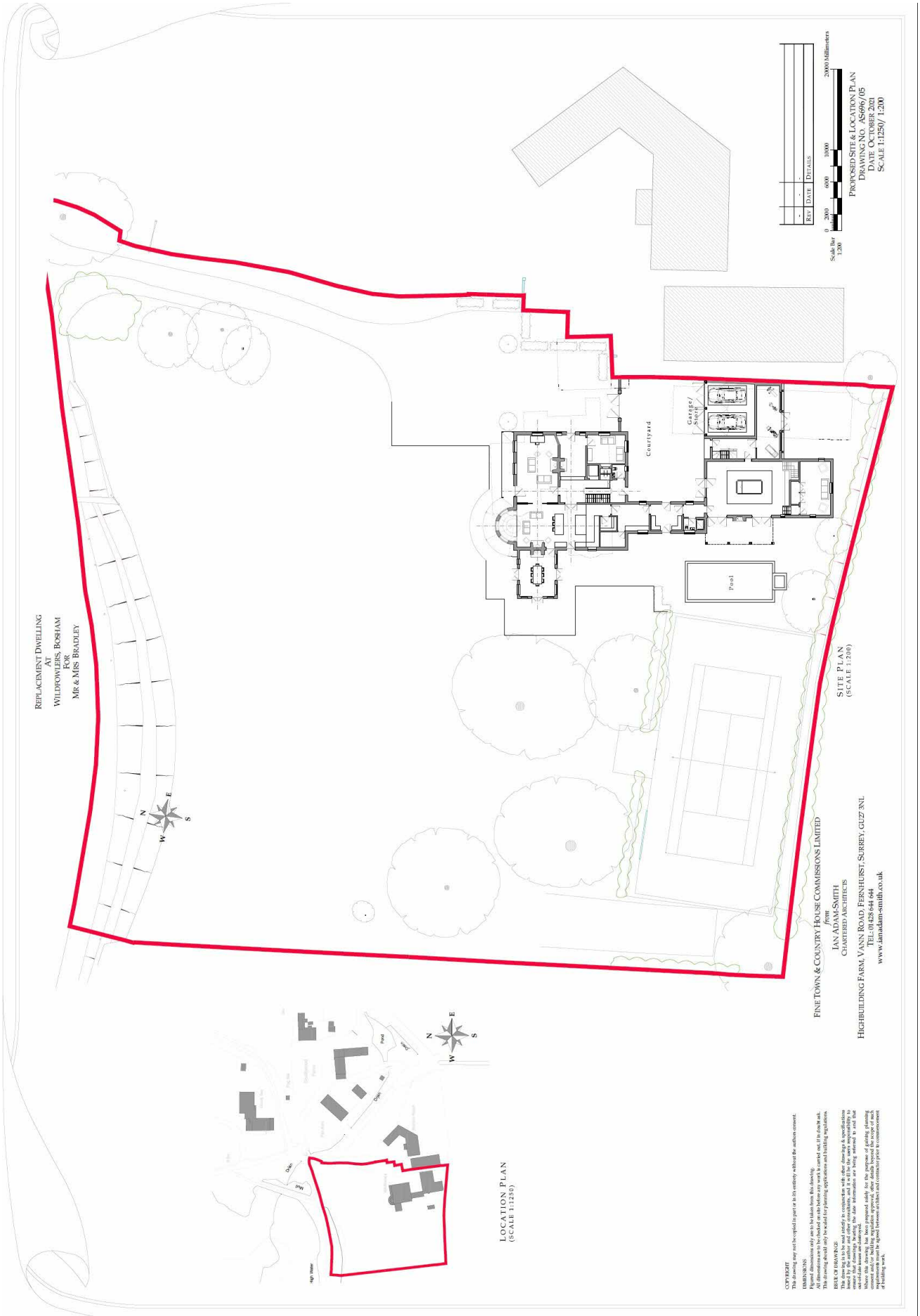


Site: Basham Date: 17.6.22 Survey type (dusk/dawn, roost/activity). Surveyor name:
S. Field
Temp (°C): at start 14 end 14 Humidity (%): at start 84 end 87 Wind 2 (Beaufort) Cloud cover (octas)
Cloud type (hi/lo, thick/thin). Moon portion if visible (full). Rain (Y/N) light/heavy, recent) N/A Sunset (rise)
time 4:49 Survey start time 3:19 Kit used EMT Recorder start time Track
number(s)..... Lights/sensors off/covered and curtains closed?..... Any constraints (e.g. noise, light, view
blocked)?..... How did you offset this?..... Other useful info
Finish 5:20/5:00 S.O.F. *H = Heard (only), S = Seen (only), FR = From Roost, TR = To Roost, F
= Foraging, C = Commuting, © = circling, Soc = Social calls, Q = Quiet, A = Abrupt, Bx2 = 2 bats, Px1111 = passesx4

ref	real time	Notes*	Leave blank for post-survey analysis		ref	real time	Notes*	Leave blank for post-survey analysis	
			device time	ID				device time	ID
326		Barb (H) (Q)		447	411	barb (H)			
345		CPIC (F) garden		420	420	Natterers? (H)			
350		SPip (H)							
352		C-pip (H)							
355		CPip flew to 1 + returned from 1							
357		CPip foraging garden							
401		SPip (H)							
401		CPip flying from (2) + foraging garden							
405		CPip foraging S side							
409		CPip foraging W side							



9.4 **Appendix 4. Proposed New Building**



9.5 Appendix 5. Mitigation Proposals

This plan is intended to demonstrate to planners that, in principle, impacts can reasonably be avoided and/or offset, thus allowing them to grant planning permission. Further survey work, changes in plans and/or negotiations with Natural England may necessitate amendment to the items below.

- Once planning permission has been received and all conditions that might affect bats have been released/discharged, acquire an impact/mitigation licence from Natural England before any work that might affect bats starts.
- Any destructive work that might affect bats to commence in the autumn or spring (usually).
- Initial impacts to be overseen by the licensed ecologist.
- At least one woodcrete bat box to be provided so that any bats found during destructive works can be re-housed in the short term.
- The new building to be made suitable for use by bats by using 1F traditional bitumen roofing felt (timber sarking can be used instead/as well)). Breathable membranes cannot be used. This means the roof detail design will need to include adequate ventilation. If ventilation will be at the ridge, it will not be one of the roll-along-the-ridge systems that uses a membrane. If traditional clay tiles are used, this will automatically create potential bat roosts. If other, more closely fitting tiles/slates are used, these will be adapted to allow bat access, either by buying special bat access tiles or by modifying tiles/slates as directed by the ecologist. Timber or fibreboard used where it might come into contact with bats must be untreated or pre-treated. Any remedial chemical treatment will be in accordance with by Natural England's publication TIN 091.
- External lighting will be minimised/subdued. It will not illuminate any access/egress holes intended for bats. It will use the minimum possible number of fittings, lowest possible fittings (and certainly no higher than 2m from ground level), hooded, downcast, with timers and automated cut-offs. Light sources should be narrow-spectrum, emit minimal UV components, peak over 550nm and avoid white/blue wavelengths and where white light sources are required in order to manage the blue short wave length content they should be of a warm/neutral colour, temperature <4,200 kelvin.
- Pollution prevention in line with the COSHH Regulations and the Environment Agency's Pollution Prevention Guidelines series.
- Landscaping plans will retain vegetation fringing the plot and ideally include tree planting (preferably native species).
- You should seek the opinion of an ecologist every few months, if plans change or if there is new information.

9.6 Appendix 6. Bat Ecology

The ecology of bats varies somewhat according to species but the following generic information gives an idea of their habits.

All British bats are insectivorous and forage in most habitats (often many kilometres from their roosts) but waterbodies, wetlands and wooded habitats are favoured. They are free-roaming (whilst often showing site fidelity) and use a variety of roosts in sequences that may be hard to predict for resting, giving birth, raising young and 'hibernating'. Roosts may be found in crevices in trees, buildings, tunnels mines and natural stone features such as caves. Some bat species have a tendency to follow linear features (commuting) such as treelines. They mate in the autumn, and females give birth the following summer. They are relatively inactive over winter, 'hibernating' for extended periods. Although some species are widespread and often locally common in England, they are of conservation concern because they are believed to be in rapid decline and because some species are considered especially rare, local or vulnerable.

9.7 Appendix 7. Protective Legislation Pertaining to Bats

The main items of legislation protecting bats in England are;

- The Conservation of Habitats and Species Regulations 2010 (a consolidation of The Conservation (Natural Habitats & c.) Regulations 1994 and subsequent amendments).
- The Wildlife and Countryside Act 1981 (as amended).

Combining the legislation means it is an offence to;

Intentionally or recklessly kill, injure, take or disturb bats, or to damage, destroy or obstruct access to any structure or place used for shelter, breeding or protection. Bat roosts are protected even if unoccupied.

Additionally, some bat species are 'Priority Species' in the UK Biodiversity Action Plan and Local Biodiversity Action Plans may also be in place for certain bat species. The Countryside and Rights of Way Act 2000 and The Natural Environment and Rural Communities Act 2006

expect those in a position of influence to consider the impacts of their actions on biodiversity, especially Biodiversity Action Plan features and to seek opportunities to benefit them.

Bats are a material consideration in planning decisions under the National Planning Policy Framework, meaning that local planning authorities must consider the potential impacts of development on bats before granting permission.

Bats may also be indirectly protected by virtue of their association with trees (also a material consideration), veteran trees and habitats that serve to connect (both specifically mentioned in PPS9) and hedgerows (Hedgerow Regulations 1997).

9.7.1 What This Means for You

Planning permission should only be given if the status of the affected protected species can be maintained or enhanced and if measures are taken to avoid harming individuals. Recent changes in legislation and policy are increasing the emphasis on expecting improvements or enhancements.

Changes to the law in 2007 also removed certain defences – the most significant of which was that of an offence being excusable when ‘an incidental result of an otherwise lawful operation’ (such as planning permission). Further changes in early 2009 mean remaining defences (such as health and safety issues) no longer apply if there was a suitable alternative and the action negatively affects the favourable conservation status of the species concerned (individuals are still protected from harm by the Wildlife and Countryside Act).

The onus is on the developer to provide enough information to enable the planning authority to make an informed decision as to whether the development will have negative impacts on the local bat population.

If bats are found to be using an affected feature, the developer must demonstrate to the planning authority how, in principle, the work can be carried out without negatively affecting bats.

If planning permission is granted, a European Protected Species mitigation licence from Natural England may be available - to protect you from what may otherwise be an offence (disturbance, destruction of roosts, etc.). Such a licence is only granted if;

- there is no reasonable alternative,
- it is in the overriding interest of the public (i.e. there is a need for the work),
- the population of concern will remain in favourable conservation status.

Recent court cases have suggested that local authorities should also consider these three conditions in making their decision.

The licence application (if needed) will have to justify the need for your proposed actions. It will also have to include a comprehensive plan that seeks to preserve habitats and any roosts, minimise disturbance, prevent killing or injury, ensure a continuation of suitable habitat and provide enhancements. It is usual for several years post-construction monitoring of bat populations to be a condition of licensing.

9.8 Appendix 8. Assessment and Evaluation Tables Used by Verdant Ecology

Relative Terms in Assessment and Evaluation of Ecological Features and Potential Impacts

Importance of Ecological Feature		Area of Impact	
Negligible		Negligible	
Local/Site		Local/Site	
District/Borough		District/Borough	
County		County	
Regional		Regional	
National		National	
International		International	
Duration		Extent of Change	
		Major negative	
Short term (1-5 years)		Minor negative	
Medium term (5-20 years)		Negligible/Neutral	
Long term (>20 years)		Minor positive	
		Major positive	

Matrix for Estimating the Significance of Impacts

		Degree of Impact				
		Major negative	Minor negative	Negligible	Minor positive	Major positive
Geographic Scale	International	Major	Major	Negligible	Major	Major
	National	Major	Major	Negligible	Major	Major
	Regional	Major	Moderate	Negligible	Moderate	Major
	County	Moderate	Minor	Negligible	Minor	Moderate
	District/ Borough	Moderate	Minor	Negligible	Minor	Moderate
	Local/Site	Minor	Negligible	Negligible	Negligible	Minor

9.9 Appendix 9. References

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