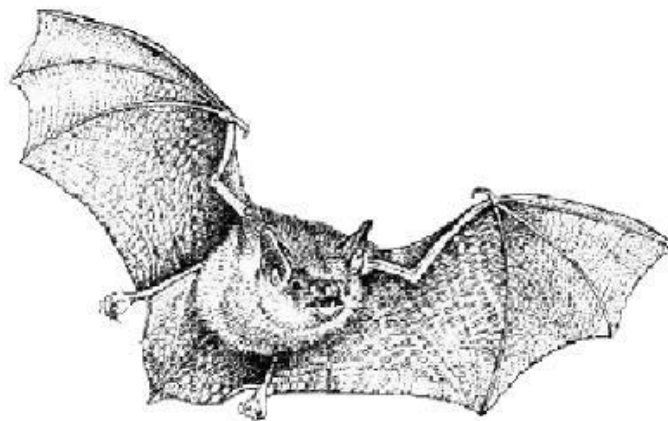


**Barcroft, Carr Lane, Blackburn,
Lancashire
BB2 6QS**

**Survey & Assessment in Respect of
Bat Species and Nesting Birds.**

**Surveyor- Mike Fisher
(Bat Survey Licence Level 2 Class Survey Licence WML CL18)
(Bat Roost Visitor Level 1 Class Survey Licence WML CL15)**



Echo Calls Bat Surveys

2nd October 2017

1. Introduction

1.1 Reason for Survey

In order to obtain planning permission to extend a large dwelling, a daytime evidence and opportunity bat survey, an evening bat emergence survey, and a nesting bird survey were requested, on all the targeted buildings, and any trees, shrubs, and hedgerows within the site boundaries. The purpose of these surveys was to provide evidence on habitats, and protected species, within the site boundaries, as part of the Local Development Framework (UDP Policy EN9), and to establish whether there was any evidence of any bat activity around the site, plus any current nesting bird activity.

1.2 Aims

The aims of this ecological assessment were to:

- To provide clear advice to the client, and the Local Planning Authority, on the nature conservation value of the site, and surrounding area.
- To assess the site for the presence, or potential of protected species, within the proposed development site.
- To enable the client to comply with legislation afforded to protected sites and species.
- To highlight the presence of any habitats or species of ecological importance, including Habitats and Species of Principal Importance (NERC Act, 2006).
- To identify any ecological constraints, on future development.
- To establish the need for any further surveys and assessments.
- To make nature conservation recommendations.

1.3 The Site

The site was located along the western edge of Carr Lane, in the Blackburn area of Lancashire, and consisted of a single detached dwelling positioned close to the southern boundary of the site. The land and buildings from now on, are referred to as the "site", at OS grid reference: SD 65811 28647, (refer to **Fig 1 - The Site Location**).

1.4 The Buildings

There was a large detached dwelling and a small wooden henhouse, all situated within a large area of land.

1.5 Surrounding Land

Surrounding the main building, was a large area of well-kept garden, containing manicured lawns and a few patches of shrubs. The site boundaries themselves are a mixture of hedgerow and mature trees, with a shrub understory.

To the north, north-west and north-east of the site, were large areas of pasture bordered by fragmented hedgerow, and containing the odd tree, whilst to the west of the site and to the east across Carr Lane, were similar properties, with their own gardens containing trees and shrubs.

There was a similar property located beyond the southern tree-lined boundary of the site, again with its own garden, whilst further south across Meins Road, was further housing and similar gardens.

There were no areas of woodland or waterways close to the site, however, Woodfield Park some distance away to the west contained woodland and several large ponds, whilst a half kilometer away to the south, was Bilinge Hill which was covered in trees, (refer to **Fig 2 – Google Plan**).

2. Methods

2.1 Risk Assessment, Possible Hazards

The required access to the site was easy, and the perimeters of the buildings could be easily searched. All of the buildings were in a good state of repair, and there were no more hazards other, than those normally associated with surveying both the inside and outside of buildings.

2.2 Methodology of Bat Surveys

A number of factors are used for the survey methodology, which include:

- Knowledge of bat species relevant to the site location, and geographical range;
- Nature of the immediate, and surrounding habitat, in relation to foraging opportunity;
- Condition of trees, shrubs, and any water bodies;
- Presence/absence of roost potential:
- Value of roost potential – if present.

2.3 Daylight Evidence and Opportunity Survey

The daylight evidence and opportunity survey took place on 24th September 2017, and was carried out in order to assess the site, and search for evidence of bat occupation (including recent and historic use).

It comprised a search for bats, bat droppings, remains of invertebrate prey, grease marks from repeated contact, or passage through narrow roost accesses, or against surfaces, and any other signs of bat occupation, and at the same time looking for evidence of nesting birds, active nests and feathers.

Areas within the targeted buildings searched were:

- Outside; the eaves and walls for signs of potential bat access holes, the ground, window sills, and any other surfaces, such as low roofs or refuse bins, which may occur underneath the eaves, and around the perimeter of the building, which may catch bat droppings.
- Inside the building, in roof voids, on floors, roof trusses, storage tanks, door lintels, window ledges, or on pieces of equipment, behind window shutters and curtains, peeling wallpaper or plaster, behind wall pictures and posters, and inside chimneys where possible, also in spider's webs and other places where droppings or prey remains may collect. Also, noting any noises such as scratching and squeaking which may be made by roosting bats.

The optimum time to investigate buildings for evidence of a bat roost, is between May and August, however, this can sometimes be earlier or later in the year, and is weather and temperature dependant.

Evidence and opportunity inspections and assessments, may be conducted outside of this time, and can often provide conclusive results, which can save expense and time for Planning Applicants.

The current night time air temperatures are within the accepted range for surveys of this type.

The habitats and any trees surrounding the site, were assessed for their suitability for use by foraging and commuting bats.

All nesting bird species observed during the survey were recorded.

All habitats were assessed for their value for use by nesting birds.

2.4 Equipment

Equipment used consisted of ladders, an endoscope, camera, close-focus binoculars, and powerful hand-held torches.

2.5 Evening Bat Emergence Survey

An evening bat emergence survey was carried out to further assess the site, by observing how bats utilise the site, and observe if any bats emerged from possible roosts within any of the buildings, or from any of the trees or boundary hedgerows. This survey also took place on 24th September 2017, and it was carried out by two surveyors, strategically positioned to ensure maximum observation of the targeted buildings.

2.6 Equipment

The equipment used consisted of close-focus binoculars, powerful hand-held torches, and heterodyne bat detectors with ear phones (a Bat Box 3D and Magenta 5's).

3. Results

3.1 Daylight Survey

3.1.1 Weather

The weather conditions at the start of the survey were good. It was sunny, with a light breeze, (Beaufort Scale 2), and heavy cloud cover. Although there had been a few showers during the day, the temperature taken at the start of the survey was 17°C, and such conditions were suitable for a survey of this type.

3.2 Possible Roost Sites

3.2.1 The Buildings

The Main Dwelling

The main dwelling was a multi-hipped building with two adjoining extensions, and two single-storied dormers, and as the building was located on a sloping hill, the floor levels varied throughout.

All parts of the main building were constructed from brick, with pitched roofs of underlined slates, some of the roof area was covered in solar panels.

Only the two main roof voids could be searched and these were sealed and insulated, however, as the remaining part of the building's top floor ceiling, followed the internal contour of the roof, there was no access to the any roof void.

The building was occupied, heated and fully insulated, and externally all parts of the building were well-sealed, well maintained, and offered little bat roosting potential. The soffits were also in a good condition, well-sealed, and again offered no bat roosting opportunity.

There was a brick-built cellar located beneath the main part of the building with a concrete ceiling, and connected to it was a crawlspace running under the remainder of the building. There was no external access into either part of the cellar, and therefore the cellar offered no bat roosting opportunities (refer to **fig 3** and **photos 1 to 18**, and **20 to 22**).

Attached to the northern elevation of the building, was a single storied balcony and attached entrance porch, but as this was lower down the slope from the southern part of the house, internal access was at first floor level. Both of these parts of the building were constructed from brick; however, the floor of the balcony was of concrete with a small brick parapet wall, around its perimeter, and the roof of the porch was flat and covered in felt. Beneath the balcony was a brick cellar with a flat concrete roof, and a similarly built access tunnel for utilities. These were all of sound construction and well-sealed, (refer to **fig 3** and **photos 9 to 11**, and **18 to 20**).

There was a potential bat access point however and this was:

- The entrance to the cellar was beneath the balcony, and there was a narrow gap over the metal cellar door. Close inspection of the gap, together with an examination of the door, around it, and on the floor beneath the door, both internally and externally, found no urine stains, bat droppings, or remains of invertebrate prey, nor any grease marks from repeated contact, or passage through the gap, nor were any signs found anywhere within the cellar, and therefore it was thought that both the gap and cellar were not used by bats, (refer to **fig 3** and **photos 13, 18**, and **19**).

There were two extensions attached both externally and internally to the eastern elevation of the main house, and both of these were two-storied, and built from brick. They both had pitched roofs of slate, but as the internal ceilings followed the contour of the roofs, any resulting roof void could not be searched. Both southern aspects of the extension roofs were covered in solar panels. Both extensions were sound, well-built and well-maintained, with sealed soffits, (refer to **fig 3** and **photos 1, 2, 10 to 13**, and **16**).

There was a potential bat access point however and this was:

- There was a lifted roof tile at the eastern end of the southern extension roof, but close inspection of the slate through close-focus binoculars, the areas of the roof, both beneath and around it, found no evidence of bat usage and it deemed therefore that bats do not use the lifted slate for roosting, (refer to **fig 3** and **photo 13**).

The two dormers were attached to the main building, both at ground floor level. One was located at the south-eastern corner of the southern elevation, whilst the other was situated towards the south-western corner of the western elevation. Both were hexagonal in shape, erected from brick, with flat felt covered roofs and no voids, and there were small parapet walls around the perimeter of each dormer. Both were in excellent condition with no bat roosting potential, (refer to **fig 3** and **photos 2 to 6**).

During close inspection of the building, its extensions and dormers, no current or historic evidence of bats was detected, either internally, externally, or around any part of them, nor was any evidence found to suggest that they were being used by any nesting or roosting birds.

Henhouse

Positioned close to the western site boundary in the north-western corner of the site was a wooden henhouse. This had been a former Wendy House but at some point, it had been converted for keeping chickens. It was a timber framed construction, with a pitched roof of

uninsulated felt, and with some of its windows still attached, however, the building was partly open at the rear to allow access for the chickens. All parts of the building had neither lining, nor insulation, and frost and extreme ranges in temperature are likely to penetrate the interior, and therefore, the structure offered negligible potential for either hibernating or roosting bats, (refer to **figs 3 and 4**, and **photo 23**).

No evidence of bats was detected in, on, or around any part of the building, nor was any evidence to suggest that the building was being used by either nesting or roosting birds other than chickens.

3.2.2 Trees and Shrubs.

There were some mature trees, hedgerows and some shrubbery around the borders, and it was assumed that none of these would be affected by the proposed construction of the extension. but after inspection, the majority were judged to be Category 3, (of negligible value for roosting bats) in accordance with **Appendix 2**.

There were potential bat roosting opportunities in one tree however, and this was:

- Located as part of the site boundary a short distance away to the north-east, was a mature oak tree, (*Quercus robur*), which had several areas where bark had started to split, however, close inspection around the holes and beneath them, and internally using the endoscope found no bat droppings, nor urine stains or prey remains, or any other evidence to suggest that bats use the hole for roosting purposes, (refer to **fig 3** and **photo 24**).

It was thought likely, that some of the trees, hedgerow and shrubbery around the site, could be used by nesting birds, during the nesting season, but at the time of the survey, although there was some bird activity in and around the site, no active nests were found and it was also surmised that due to the time of year, most birds will have ceased to breed.

3.2.3 Foraging Potential and Alternative Bat Roost Potential

The site is in a semi-rural area, and the nearby habitat consisted of a mixture of open pasture, and housing with gardens contained a few trees and shrubs, as mentioned above, (paragraph 1.5). The targeted site itself was located along the tree-lined Carr Lane and was bordered by hedgerows containing some large mature trees, and these together with other nearby mature hedgerows and localised buildings, offered linear features suitable for foraging bats, such as common pipistrelle (*Pipistrellus pipistrellus*), and possibly other bat species, to hunt along for their insect prey.

However, some distance away to the south was the woodland on Bilinge Hill, whilst approximately two kilometres to the west of the site was Woodfield Park containing several large ponds within the woodland, and these also offered bat foraging potential, and as such, the whole area was assessed to offer moderate to good potential value for foraging bats, primarily pipistrelle species. It was also thought that small numbers of other species could be present within the overall area.

It is understood that the majority of hedges and tree lines around the site will not be affected by the development and therefore however, it was felt that the development would not affect the overall foraging potential of the area.

As bats favour heated building whilst breeding, It was considered likely that other buildings, especially dwellings, in the surrounding area could offer greater potential as bat roosts.

3.3 Evening Emergence Survey

An evening emergence survey was carried out in order to further assess the site, and observe if any bats emerged from roosts, within any of the buildings within the site, or from the trees, hedgerows and shrubs, around the perimeter of the site, and also to observe how bats use the surrounding areas for both commuting and foraging. This survey also took place on 24th September 2017.

3.3.1 Weather

The weather conditions at the start of the survey were good. There was a light breeze, (Beaufort Scale 2), with heavy cloud cover, and a temperature taken at the start of the survey of 15°C. Although there were a few short showers during the survey, such conditions were still suitable for a survey of this type, as they didn't stop bat activity.

3.3.2 The Survey

The sunset on the 24th September 2017 was 19.02 hrs, and the survey started 17 minutes before the sunset at 18.45 hrs, and ended over an hour later, when it was too dark to observe the bats well.

The first bat recorded was at 19.12, and this was a common pipistrelle (*Pipistrellus pipistrellus*), heard but not seen, amongst the trees to the north-east over Carr Lane, (refer to **pink arrow 1** on **fig 4**).

At 19.14, a single common pipistrelle was observed foraging over the north-eastern garden and along the tree edge for several passes, before exiting the site in a south-easterly direction. It was thought that this could be the same bat observed a few minutes earlier, (refer to **pink arrow 2** on **fig 4**).

Another pipistrelle was heard but not seen along the tree line which constituted the southern site boundary at 19.15, whilst at the same time another pipistrelle was observed foraging over the northern garden area, and this bats behaviour continued until the survey ended, during which time numerous feeding buzzes were heard, (refer to **pink arrows 3** and **4** on **fig 4**).

Beginning at 19.21, a pipistrelle began to forage in a continuous loop over the south-western corner of the main building, whilst at 19.25 another was observed at the south-eastern corner of the building, and again it was thought that these were two observations of the same bat as it continued to forage here throughout the rest of the survey. Once more feeding buzzes were heard, (refer to **pink arrows 6** and **6** on **fig 4**).

Other pipistrelles were observed continuously foraging from 19.26 until the survey ended, the first was along the tree line that constituted the eastern site boundary, the second was over the entrance gate at the south-eastern corner of the site, whilst the third was along the southern boundary shelterbelt, (refer to **pink arrows 7, 8** and **9** on **fig 4**).

No other bat activity was observed, and at no time were bats seen to have emerged from any part of the dwelling, or hen house, nor from any of the trees and shrubs along the borders of the site.

Although there was some bird activity during the survey, none were seen exhibiting any type of nesting behaviour.

4. Conclusions

4.1 In summary, at the time of the survey (24th September 2017), no current evidence of roosting bats, was found in any of the buildings, nor in any of the hedgerows, shrubs or trees located around the site.

4.2 The dwelling was fully occupied and was well-sealed, well maintained, and in excellent condition, and as such, offered negligible potential for roosting or hibernating bats, and the henhouse was deemed to be unsuitable for roosting bats, (refer to **Appendix 2**).

4.3 Only one of the trees surveyed offered any bat roosting potential, but no evidence of bat usage was found. None of the other trees and hedgerows offered any suitable roosting opportunities for bats of any species, and therefore, all of the trees and shrubs were concluded to offer negligible potential as possible bat roosts, (refer to **Appendix 3**).

4.4 Since bats, particularly Pipistrelles, are opportunistic, an absence of roost evidence at present, does not preclude the low possibility of small numbers of bats, using the site boundaries occasionally in the future and/or at other times of year. It is considered that the likelihood of a significant roost (such as a maternity roost) being established is very unlikely, with lone and/or transient roosting likelihood being negligible.

4.5 The adjacent habitats had the potential to support low to moderate numbers of foraging common pipistrelles, but large numbers of other species of bats was unlikely. It is concluded that since there is currently no evidence of the presence of bat roosts within any part of the site, that any proposed constructions of new buildings on this site, will not have significant implications on the population status of local bat species. There will not be requirement for an EPS mitigation licence (as issued by Natural England) but as a measure of best-practice, precautionary measures should be applied as described in section 5 below.

4.6 It is also concluded that since no evidence of roosting bats, or evidence of either current or historic bat occupation, had been found during the survey carried out on 24th September 2017, then a single visit to the site to carry out a daylight evidence and opportunity bat survey, and a separate evening bat emergence survey, was considered sufficient to assess the site, (refer to the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (BCT 2012), paragraph 8.3.4)

4.7 It was understood that there may be some site clearance work carried out during the planned development, but that this will be kept to a minimum, and that the majority of the boundary hedgerows, and trees and shrubs within the gardens, will be unaffected by the work. As bats use linear features such as lines of trees or walls, as foraging and commuting routes, it was concluded that any future development works on the site, would not affect the overall foraging or commuting potential for bats in the area.

4.8 All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. There was potential for the trees, shrubs and other vegetation outside the site perimeter, to be used by birds for both roosting and nesting purposes, but no active nests were found, (Refer to **Appendix 1**).

5. Recommendations

5.1 The proposed changes to the site as laid out in the planning application, can commence with minimal risk to roosting bats or nesting birds.

5.2 Ideally, the buildings, (not considered suitable for hibernation), especially the roofs, should be worked on in winter to avoid the possibility of bats moving in and using the buildings as a spring, summer or autumn roosts after the survey. The safest period will be from the first hard

frosts, normally mid-December, until mid-March, although this could be earlier in a really warm spring or later in a cold spring.

5.3 However, even if the buildings are worked on at other times, it will be very unlikely that roosting bats will be disturbed, but it is recommended that work starts as soon as possible after this survey, and that any ridge tiles, slates or sheeting over walls and gables, be carefully removed by hand, (the ridge and edge tiles, and copingstones, are the features most likely to harbour potential for the support of roosting bats). Once the roof has been removed the building should be left for two nights before construction continues. This will permit any bats present in cracks in the brickwork at the top of a wall time to move off.

5.4 If more than 12 months' elapses between this survey, and any commencement of building work, then the surveys must be repeated. These need to be carried out under weather conditions suitable for normal bat activity, and when bats are fully active (May to September but is weather dependent).

5.5 As a measure of best practice and in accord with a key principle of National Planning Policy Framework (2012), it is recommended that the re-development scheme for this site incorporates biodiversity enhancement measures, and an appropriate measure will be the installation of bat boxes. These can be incorporated within building walls, at the gable ends, and/or can be attached to any surrounding suitable trees, and these are to be erected as soon as possible after the completion of the remedial work.

5.6 There was potential for both roosting and nesting birds in the trees and hedgerows around the perimeter of the site, and it must be remembered that it is an offence to disturb active birds' nests. It is recommended therefore, that before the commencement of any building work, that a careful survey looking for any evidence of nesting birds is carried out. If evidence of an active bird's nest is detected at the start of renovation, then the nest must be left undisturbed until it is appropriately confirmed that the young birds have fledged. This guidance is applicable during the bird breeding season, which typically extends from March to August inclusive.

5.7 Any vegetation clearance should only be carried out between September and February inclusive, (i.e. outside the bird nesting season) unless it is confirmed by a suitably experienced ecologist that no active nests are present.

5.8 If work takes place during the nesting season (March-August), then care must be taken to avoid active nests, and any nests found must be left undisturbed, until the young have fledged. It is recommended therefore to reduce any nest disturbance, that no activity involving people or their equipment, it is to be carried out within a 4m radius of active nests. If there is any doubt, please refer to the consultant.

5.9 To enhance the site's value for wildlife, it is recommended that tree planting is planned as part of the development, and that the trees used are British native trees as far as is possible. These trees are more likely to attract insects and are therefore beneficial to foraging bats and other wildlife. Suitable species include: Hawthorn, Rowan, Wild Cherry, Guelder Rose and Crab Apple. These have been chosen for their attractive blossom and fruits. Oak, Ash and Willow species are recommended away from buildings and drains.

5.10 It should be remembered that bats are occasionally found in the most unexpected places. If any bats are found during unsupervised work, the consultant (01204 527300, 077450268815) or the local bat group (South Lancashire, 0161 764 8850) should be notified and work stopped immediately.

Failure to do so would be a criminal offence.

6. Survey Constraints

Surveying for bats at a specific season of the year, does not provide information of use of the site by bats at other times of the year. The current survey was undertaken in the summer, and reflects past bat activity, and whilst consideration may be given to roosting at other times, there may be no evidence for activities outside the survey period.

As bats can utilise very small cracks and crevices, it is not possible to completely discount their use of some of the trees and shrubs around the site, although the survey did not identify any evidence of use. Assessments can however be made of potential use from the survey findings collected, but it may not provide a full picture of site usage.

Small bat roosts and single roosting bats can easily be overlooked. They can be difficult to detect during inspection, as they leave few field signs which can easily be missed during surveys. External signs e.g. droppings, prey remains etc., are also subject to weather and rain, which can often remove the signs prior to an actual survey. This is particularly valid when inspecting trees and shrubs.

7. References

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8. Surveyors Qualification

The surveyor Mike Fisher is a holder of Natural England Class Licence Registration Number: 2015-10595-CLS-CLS, this is the Bat Survey Level 2 Class Survey Licence WML CL18, and Natural England Class Licence Registration Number: 2015-10592-CLS-CLS which is the Volunteer Bat Roost Visitor Level 1 Class Survey Licence WML CL15.

The surveyor also has a licence to disturb and take bats for scientific, educational or conservational purposes by Countryside Council for Wales (Licence Number 65104:OTH:CSAB:2015).

He was assisted on the survey by Louise Fisher, Amanda Fisher and Dylan Platt, all of whom are experienced in the use of heterodyne bat detectors and bat surveys.

9. Plans & Photographs



Fig 1 - The Site Location



Fig 2 – Google Plan

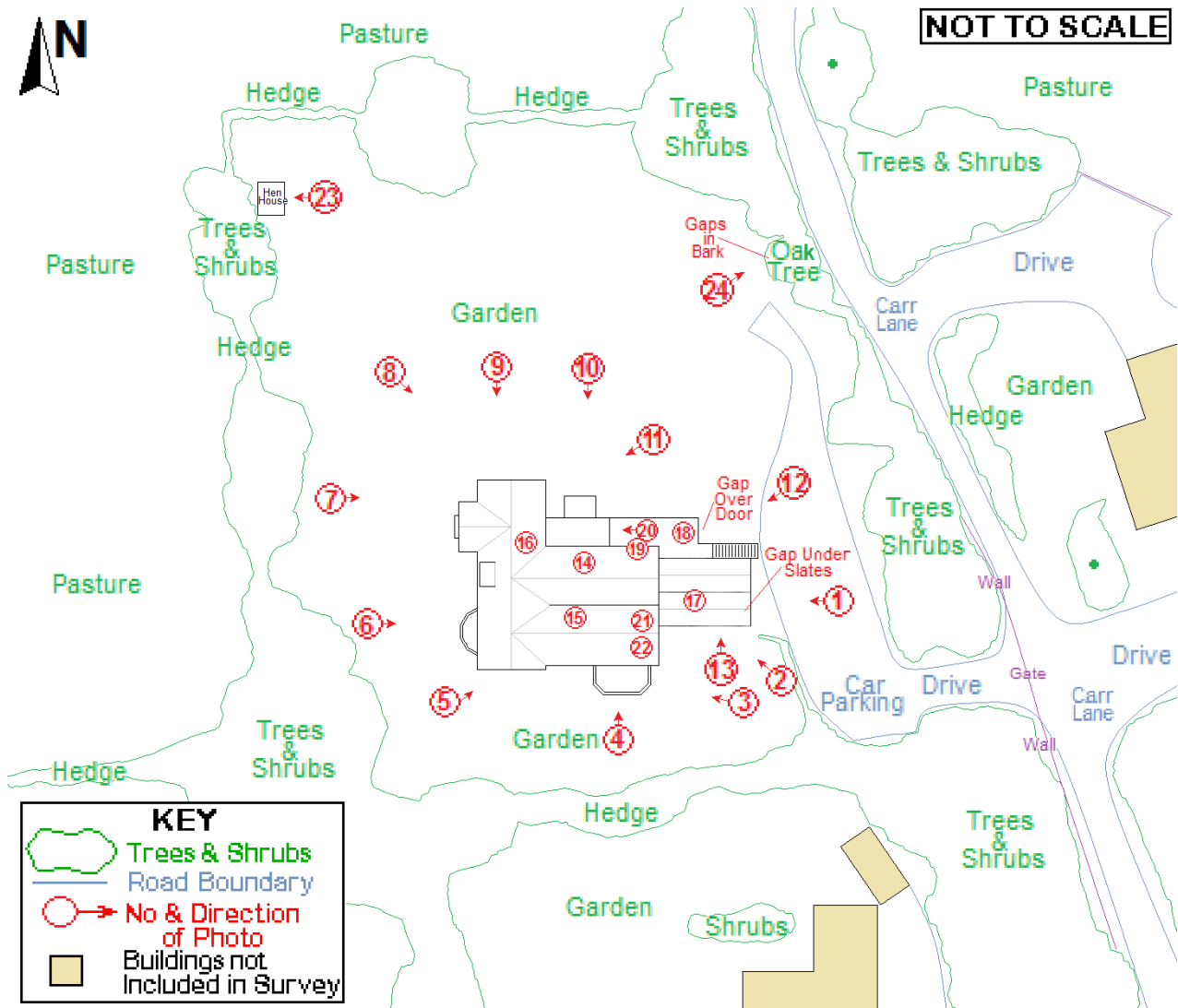


Fig 3 – Main Plan

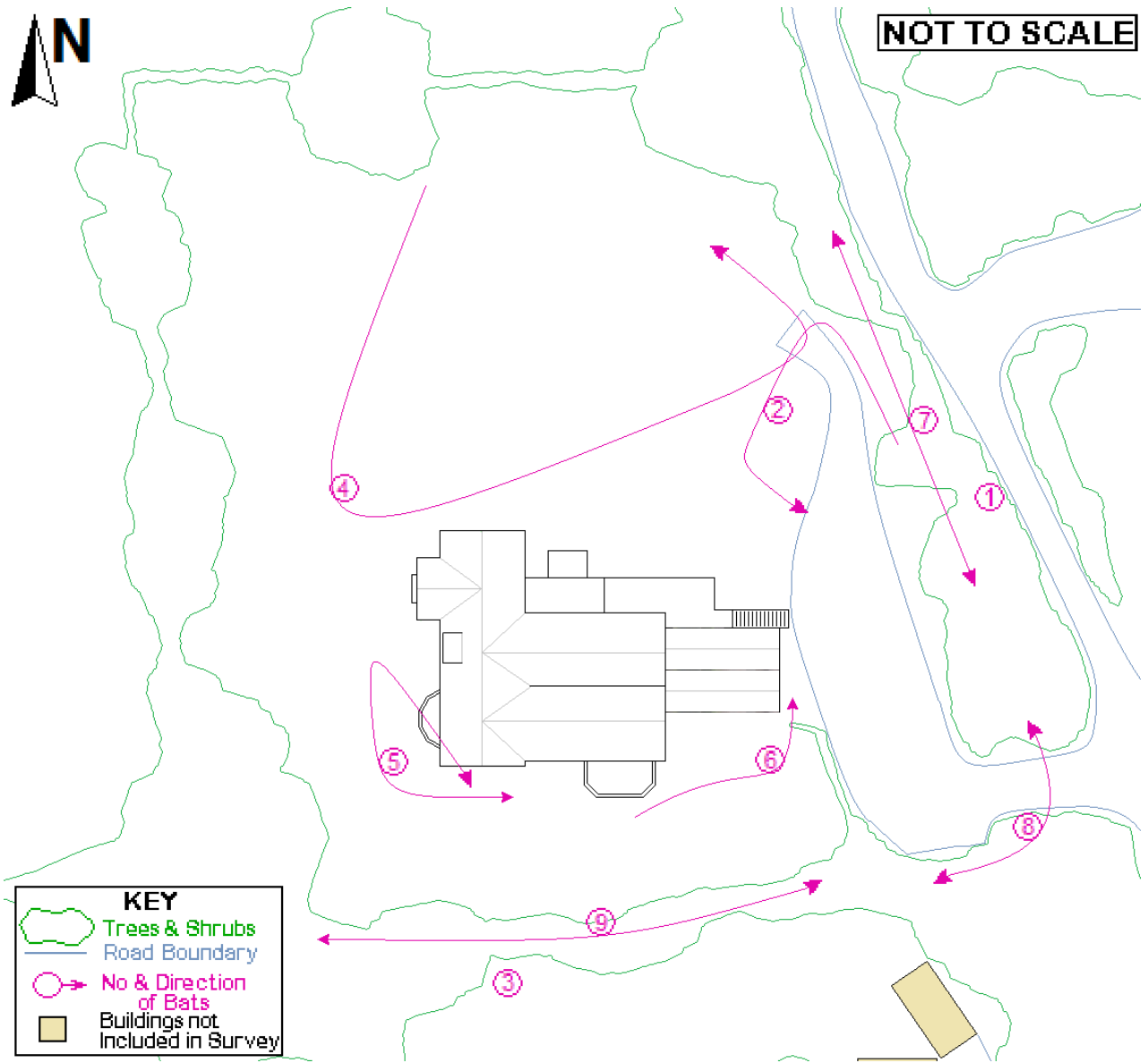


Fig 4 – Plan of Results



PHOTO 1
Eastern Elevation of House



PHOTO 2
Southern Elevation of Extension



PHOTO 3
South-eastern Corner of Main Building



PHOTO 4
Southern Elevation



PHOTO 5
South-western Corner



PHOTO 6
View Along Western Elevation



PHOTO 7
Part Western Elevation



PHOTO 8
North-western Corner



PHOTO 9
Northern View of Building



PHOTO 10
Northern Elevation of Entrance



PHOTO 11
Part Northern Elevation



PHOTO 12
North-eastern Corner



PHOTO 13
Southern Elevation of Extension



PHOTO 14
Underside of Southern Roof



PHOTO 15
Underside of Northern Roof



PHOTO 16
Underside of Western roof



PHOTO 17
Underside of Extension Roof



PHOTO 18
Underside of Cellar Roof



PHOTO 19
Underside of Utilities Tunnel



PHOTO 20
Eastern View of Balcony



PHOTO 21
Underside of Main Cellar Roof



PHOTO 22
Underside of Crawspace roof



PHOTO 23
Eastern View of Hen House



PHOTO 24
View of Holes in Oak Tree

2nd October 2017
Mike Fisher, Bat Worker
Holder of Natural England Bat Roost Licence

Disclaimer.

All reasonable effort has been taken to ensure an accurate assessment of the birds and bats at this site. The absence of recorded presence or sign should not be taken as an absolute guarantee that a site is not being used by a particular species. There is also no guarantee that any particular species will not use the site at any time in the future. Survey results for both bird and bat activity may be weather or seasonally dependent. Any interpretation of legislation is based on our understanding and experience of the law. The relevant statutory authority can provide a more definitive interpretation.

This report has been prepared by Echo Calls Bat Surveys with all reasonable skill, care and diligence, within the terms of the Contract with the Client.

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APPENDIX 1: Synopsis of Relevant Legislation

Bats and the Law

In Britain, all bat species and their roosts are legally protected, by both domestic and international legislation.

This means you will be committing a criminal offence if you:

Deliberately capture, injure or kill a bat

Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats

Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)

Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat

Intentionally or recklessly obstruct access to a bat roost.

Licensing

Licenses to permit illegal activities relating to bats and their roost sites can be issued for specific purposes and by specific licensing authorities in each country. These are sometimes called 'derogation licenses' or 'European Protected Species' licenses, and are issued under the Habitats Regulations. It is an offence not to comply with the terms and conditions of a derogation Licence. If you carry out work affecting bats or roosts without a Licence, you will be breaking the law.

Who needs to take particular note of the legislation?

Property owners/householders who have a bat roost in their property.

Woodland owners, arboriculturalists and foresters.

Pest controllers.

Planning officers & building surveyors

Architects, property developers, demolition companies, builders and roofers.

Which legislation is relevant for bats and roosts?

In England and Wales, the relevant legislation is the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and by the Conservation of Habitats and Species Regulations (2010).

In Scotland, the key legislation that applies is the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).

In Northern Ireland bats are listed under Schedule 2 of the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 and in the Republic of Ireland, under Schedule 5 of the Wildlife Act 1976 and Schedule 1 of the European Communities (Natural Habitats) Regulations 1997.

Defences include:

Tending/caring for a bat solely for the purpose of restoring it to health and subsequent release

Mercy killing where there is no reasonable hope of recovery, (provided that person did not cause the injury in the first place - in which case the illegal act has already taken place).

Penalties on conviction –

People committing bat crimes can face six months' imprisonment and/or unlimited fines. Additionally, any profits made as a consequence of not following lawful process can be confiscated and items used to commit the offences such as vehicles, plant or machinery can be forfeited.

Under National Planning Policy Framework (2012), it is recommended that the re-development scheme for any site, protected species, such as bats should be a material consideration in planning applications. This has implications for bat foraging areas as well as their roosts.

The National Planning Policy Framework (NPPF) places a clear responsibility on Local Planning Authorities to conserve and enhance biodiversity and to encourage on the consideration that should be given to Protected Species where development may affect them.

The Office of the Deputy Prime Minister (ODPM) Circular 06/2005 provides administrative guidance on the application of the law in relation to planning and nature conservation. This is supported by a guide to good practice entitled 'Planning for Biodiversity and Geological Conservation: Building in Biodiversity' in which paragraphs 5.34 and 5.35 identify that species such as bats are highly dependent upon built structures for survival and that roosts can be easily incorporated into existing and new developments/conversions to benefit these species.

Breeding Birds

All wild birds are protected under the *Wildlife and Countryside Act 1981* (as amended), whilst they are actively nesting or roosting. Section 1 of this Act, makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

APPENDIX 2: Bat Roost Potential

Guide to bat roost assessment categories in built structures based on Table 4.2 in the BCT Bat Survey good practice guidelines (Hundt, 2012).

Category Description	Indicators
Confirmed Roost	<ul style="list-style-type: none"> • Sighting/hearing of bats (including emergence). • Fresh or old droppings.
High potential to support bat roost(s)	<ul style="list-style-type: none"> • Numerous or high potential roosting features that are not exposed to the elements: crevices deeper than 100mm, width 15-70mm: • Un-obstructed flyways. • Low disturbance levels. • Situated within or near to woodland, parkland or next to water bodies, buildings (i.e. potential foraging and roosting habitat). • Well connected to wider landscape through presence of continuous linear features such as hedgerows, watercourses, farm-tracks etc.
Moderate potential to support bat roost(s)	Some of the above features but considered to be less suitable on account of age, location and disturbance levels.
Low potential to support bat roost(s)	<ul style="list-style-type: none"> • Limited suitable roosting features. • Exposed roosting features e.g. open to wind/rain. • High levels of regular disturbance e.g. from lighting. • Isolated from suitable foraging habitat & commuting features.
Negligible potential	No features with bat roost potential recorded

APPENDIX 3: Bat Tree Assessment Criteria

Criteria for Assessment of Trees in accordance with Category 1 to 3 as defined in Table 8.4 of *Bat Surveys: Good Practice Guidelines 2nd Edition* (Hundt, L. 2012).

CATEGORY	DESCRIPTION	CRITERIA
Known or Confirmed	Confirmed roost	Confirmed roost Evidence found that indicates tree/tree features are being used by bats. Droppings found at the base of the tree, below a cavity. Bats heard 'chattering' inside a feature on a warm day or at dusk Bat(s) observed flying from or to a feature.
1*	Very high value	Trees with multiple, highly suitable features capable of supporting larger roosts. Features of particular significance, suitable for high priority roosts such as maternity roosts, used by large numbers of bats, offering conditions that are uncommon or rare in the local area. Features such as large cavities, extensive branch or trunk splits, also including multiple features in the same tree that offer a diversity of opportunities. Features may also include dense ivy.
1	High value	Trees with definite bat potential supporting fewer suitable features than category 1* trees or with potential for use by single bats. Features which provide a more secure form of roost for small groups of bats and individuals, but may still be quite common types of feature, such as small cavities, minor splits or sparse ivy cover.
2	Moderate value	Trees with no obvious potential, although the tree is of a size and age that elevated surveys may result in cracks or crevices being found; or the tree supports some features which may have limited potential to support bats. A tree which on close inspection the potential roost positions are in some way not ideal. They could be upward facing or holes very low down or cluttered by adjacent branches.
3	Low/Negligible value	Trees that have no features which could be used by bats for roosting (Usually young trees).

APPENDIX 4: Planning Considerations

When considering each planning application, the presence of protected species, such as those listed above, is a material consideration which must be fully considered by the Local Authority when granting planning permission. If a licence from Natural England is required, then prior to issuing any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Therefore, in reaching the planning decision the local planning authority will need to have regard to the requirements of the Conservation of Habitats and Species Regulations 2010.

The three licensing tests given in the Regulations must be considered. In summary, these are that:

1. The development is required for the purpose of:
 - preserving public health or public safety,
 - for 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.
 - for preventing serious damage to property.
2. There is no satisfactory alternative.
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.

All necessary information would need to be provided to the planning authority as part of the planning application in order to address the above tests.

The Natural Environment and Communities Act (NERC Act) 2006 extended the biodiversity duty set out in the Countryside and Rights of Way (CROW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. The Duty is set out in Section 40 of the Act, and states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"

The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies. Section 41 (S41) of this Act (the 'England Biodiversity List') also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. This list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40(1) of the Act.

Also, Local Authorities must follow the National Planning Policy Framework (NPPF) which provides guidance on the interpretation of the law in relation to wildlife issues and development. For each development proposal considered by the Local Planning Authority the NPPF states that the authority must aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

