

Oaklands Catholic School and Sixth Form College, Stakes Hill Road, Waterlooville, Hampshire, PO7 7BW.

Bat & Bird Survey Report

August 2019

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Bat Survey Report

**Oaklands Catholic School and Sixth Form College, Stakes Hill Road, Waterloooville,
Hampshire, PO7 7BW.**

for

Oaklands Catholic School and Sixth Form College

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This report represents sound industry practice; reports and recommends correctly, truthfully and objectively; is appropriate given the local site conditions, scope of works proposed and resources allocated to us by the client; and avoids invalid, biased, and exaggerated statements.

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EXECUTIVE SUMMARY

1. This report provides details of an initial bat & bird survey carried out by Hampshire Ecological Services Ltd for Oaklands Catholic School and Sixth Form College in connection with a proposal to refurbish the assembly hall roof at Oaklands Catholic School and Sixth Form College, Stakes Hill Road, Waterlooville, Hampshire, PO7 7BW (approximate Ordnance Survey Grid Reference SU689081). The location of the site is shown in *Figures 1* and *2* and a plan of the site is shown in *Figure 3* (see *Section 6*).
2. An internal and external survey of the building was carried out by licensed bat ecologist Nicola Pyle BSc MCIEEM accompanied by Calum Cooper BSc (Hons) GradCIEEM on the 12th August 2019.
3. The assembly hall is a two-storey brick building with a pitched concrete tile roof. Externally, the building has bargeboards and soffits on all elevations. Internally, the roof void is large space above a suspended ceiling, partially cluttered with beams and services, lined with Tyvek-style membrane, insulation and fibreboard. The roof appears very well-sealed and in good condition. With the concrete tiles creating a tight fit, which does not allow for bats to access under them, and no significantly damaged or lifted tiles. In addition, the soffits and bargeboards under the eaves and gable are fitted close the walls, offering very few potential access points for bats.
4. No bats or evidence of bats was seen in the assembly hall building. Due to the lack of suitable roosting locations or potential bat access points, this building has negligible bat roost suitability. Therefore, a bat EPS licence is not necessary before work commences on the roof or roof void of the assembly hall. In the unlikely event that bats are subsequently found, then works must stop immediately and an EPS licence applied for (see *Section 5.7*).
5. Nearby mature trees, open space and woodland provide foraging habitat for bats in the immediate vicinity of the building, these connect to quality foraging habitat, particularly the extensive woodland areas to the east and south of the site.
6. No bird nests were observed on or within the building. Should any active bird nests be subsequently found, they must be retained and work must be delayed in that area until the young have fledged and left the nest.
7. Changes in lighting can affect foraging and commuting bats. Therefore, no works should take place in the hours of darkness or under artificial lighting. In addition, no lighting should be directed onto retained vegetation (particularly the trees and woodland), and security lights should operate on a timer, to avoid any negative impact on bats.
8. This survey data is valid for a maximum of 12 months. Bats frequently move around and adopt new roosting sites, therefore if more than 12 months elapses it may be advisable to conduct

further survey work to obtain up-to-date information, thereby ensuring protected species compliance.

9. According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), there are two statutory designated sites within 5km of the site. These are the Solent and Isle of Wight Lagoons SPA and the Chichester and Langstone Harbours SAC, and three Sites of Importance for Nature Conservation (SINCs) within 500m of the site. None of these will be directly affected by these works and all links will be maintained. However, as a result of its proximity to these designated sites, the impacts of these works on the SAC and SPA must be considered, however slight. The works will cause no increase to the building size, and as an educational building, no increase in the number of residents or users of the site. Therefore, there will be no increase in the recreational pressure, or pollution, on these internationally designated sites.
10. There has been one bat European Protected Species (EPS) licence granted within 2km of the site. It is unlikely that the current proposals will impact this bat population.

2 INTRODUCTION

2.1 General

This report provides information from an initial bat & bird survey carried out by Hampshire Ecological Services Ltd for Oaklands Catholic School and Sixth Form College in connection with a proposal to refurbish the assembly hall roof at Oaklands Catholic School and Sixth Form College, Stakes Hill Road, Waterlooville, Hampshire, PO7 7BW (approximate Ordnance Survey Grid Reference SU689081). The location of the site is shown in *Figures 1 and 2 in Section 6*.

2.2 Site description

The site consists of a large assembly hall, set amongst other academic buildings on the school campus. There are areas of open green space and playing fields on site as well as woodland immediately adjacent. The building surveyed is shown on the building plan in *Figure 3 in Section 6*.

The site lies on the southern side of Stakes Hill Road, on the eastern fringe of the urban areas of Purbrook and Stakes, between the towns of Waterlooville and Havant. The immediate surroundings consist of the school campus, including other buildings and open space. In the wider landscape housing extends to the north, west and south; there are extensive areas of woodland to the north-east, east and south, with patches of arable land or open green space throughout. In addition, the A3(M) main road is close by, to the east of the site.

2.3 Proposed activities

This survey was carried out in connection with a works to refurbish the assembly hall roof.

2.4 Current planning status

Planning permission has been applied for at this site (APP/19/00698 – Havant Borough Council).

2.5 Objectives of survey and report

The survey by Hampshire Ecological Services Ltd included internal and external inspections of the building to identify bat roost suitability and to systematically search for bats and evidence of bats. The aim was to identify if bats were present or likely to use the site for roosting.

The survey and the report writing were carried out in accordance with *Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition* (Collins, 2016). Any deviations from the guidelines are justified in the relevant sections.

Additionally, all ecological surveys should be completed in line with Natural England's *Standing Advice for Local Authorities*

(<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/advice.aspx>), which states:

- Natural England will not comment on applications that are submitted without the relevant protected species surveys if there are no other issues (i.e. in relation to SSSIs or landscape).
- Natural England will not comment on scoping surveys that recommend further surveys where these have not been undertaken and submitted with the scoping reports.

2.6 *Structure of this report*

This report is structured as follows:

- *Section 1* contains the executive summary;
- *Section 2* contains an introduction;
- *Section 3* describes the survey methods;
- *Section 4* describes the results;
- *Section 5* evaluates the findings;
- *Section 6* contains the figures including:
 - *Figure 1* gives aerial photographs showing the site location;
 - *Figure 2* gives an Ordnance Survey map showing the location of the site; and
 - *Figure 3* gives a site plan;
- *Section 7* gives photographs of the site;
- *Section 8* lists the references;
- *Appendix A* gives information on relevant legislation; and
- *Appendix B* gives information on bat ecology.

3 **METHODS**

3.1 **Desk study**

The *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk) was used to search for designated sites on or adjacent to the site including Local Nature Reserves (LNRs), National Nature Reserves (NNRs), Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. The search area was 5km for SAC and SPA sites and 2km for LNRs, NNRs, Ramsar sites and SSSIs, as specified in Hampshire's *Biodiversity Checklist*. The search area is also 500m for Sites of Importance to Nature Conservation (SINCs) and ancient semi-natural and ancient replanted woodlands.

In addition, the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk) was used to search for granted European Protected Species (EPS) licences in relation to bats within 2km of the site.

A data search from the Hampshire Biodiversity Information Centre (HBIC) has not been commissioned in relation to this site.

3.2 **Field survey**

3.2.1 *Date(s), times and weather*

An external and internal inspection of the building was conducted during the daytime on the 12th August 2019. The weather conditions during the survey were warm (21 °C) and humid, with intermittent showers, 50% cloud cover and a light air (Beaufort scale 1).

3.2.2 *Personnel*

The initial survey was carried out by Nicola Pyle MCIEEM, who is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) with over 12 years of experience in ecological consultancy. She holds a Natural England licence allowing the disturbance and handling of bats for the purposes of survey in all counties of England (current Bat Class Licence Registration number 2015-18259-CLS-CLS). She was accompanied by Calum Cooper BSc (Hons) GradCIEEM, who has over four years of experience in ecological consultancy and is trained in undertaking roost surveys with licensed bat ecologists.

This report was reviewed by Victoria Russell MCIEEM who is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) with over 22 years of experience in ecological consultancy.

All staff adhere to the Chartered Institute of Ecology and Environmental Management's (CIEEM) *Code of Professional Conduct*.

3.2.3 *Assessment of current bat roost suitability*

Because bats are crevice-dwelling mammals it is often difficult to thoroughly inspect buildings for bats and evidence of bats without a destructive search, which is not generally practical or acceptable. Examples are where bats roost between the roofing felt and tiles or slates, around window frames and behind bargeboards. These areas cannot be inspected, but a surveyor would know that bats might roost here because there are places where bats could gain entry. A pipistrelle bat is small enough to fit into a match box and can roost in gaps just 14-20mm wide.

The building was assessed for its **bat roost suitability** according to the following factors that influence the likelihood of bat roosting:

- Surrounding habitat: whether there are potential flight-lines and bat foraging areas nearby.
- Construction detail: the type and construction of architectural features such as attics, bargeboards, soffit boxes, lead-flashing, cavity walls and hanging tiles that could be used by roosting bats. Some construction details and materials are more favourable to bat occupation than others.
- Building condition: whether the building has no roof or has a sound roof without any potential bat access points.
- Internal conditions: bats favour sheltered locations with a stable temperature regime, protection from the elements and little wind/light/rain penetration.
- Potential bat access points: whether there is flight and crawl access.
- Potential roosting locations: the presence of bat-accessible voids, cracks and crevices.

The risk of bat roosts being present will be lower where structures have:

- Urban setting with little greenspace.
- Heavy disturbance.
- Small, cluttered roof void (particularly for brown long-eared bats).
- Modern construction with few gaps or crevices that bats can fly or crawl through (although pipistrelles may still be present).
- Prefabricated steel or sheet materials.
- Active industrial premises.

The above list provides generic criteria and there are exceptions to consider. For example, pipistrelle roost sites are often found in modern housing estates and therefore the absence of bats from such locations should not always be assumed.

Some information on bat ecology is included in *Appendix B*.

3.2.4 *Systematic inspection for bats or evidence of bats*

The building was assessed for its suitability to support roosting bats using the following access and inspection equipment: high-quality 10x42 binoculars; a 1,000,000 candlepower Clulite™ CB2 torch; an LED pen torch; and an Explorer Premium™ wireless inspection camera with recordable monitor. Binoculars were employed to view higher areas such as potential access points

on the outside of the building. A description of the building was recorded on a survey sheet and digital photographs were taken as a permanent record.

Visual, systematic examinations were made for bats and evidence of bats in the building, both internally and externally, of the following:

- roof beams, especially the ridge beam;
- cracks, crevices and sheltered voids;
- the floors and stored items;
- external features such as cracks and holes in the walls;
- wall and door surfaces;
- window and door frames; and
- wall bases.

Evidence of roosting bats includes droppings, feeding remains and dead bats, but also staining from urine and fur-oils, scratch marks, odour, the presence of bat-fly (Nycteribiid) pupal cases, and in some cases, the absence of cobwebs.

Bat droppings can prove beyond doubt that bats use a building and can help to identify roosting locations because piles often accumulate beneath roosting sites or entrance points. The location, size, shape, texture and colour of the droppings can be used to aid species identification. DNA analysis of droppings is also possible and samples are taken where necessary. The number and condition (age) of droppings can indicate the size of the roost and when it was last used.

Following the internal and external inspections, the building was assigned a level of suitability for being used by roosting bats. This was based on the criteria in *Table 3.2.4.1* (Collins, 2016).

Table 3.2.4.1. Bat Roost Suitability.

Suitability	Description of roosting habitats	Description of commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats	Negligible habitat features on site likely to be used by commuting or foraging bats
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (<i>i.e.</i> unlikely to be suitable for maternity or hibernation).	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or un-vegetated stream, but isolated, <i>i.e.</i> not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland) or a patch of scrub.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only)	Continuous habitat connected to the wider landscape that could be used by bats for commuting, such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. The site is close to and connected to known roosts.

RESULTS**4.1 Desk study****4.1.1 Designated sites**

According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), there are two statutory designated sites within 5km of the site. In addition, there are three Sites of Importance for Nature Conservation (SINCs) within 500m of the site. These are listed in *Table 4.1.1.1*.

Table 4.1.1.1. Statutory designated sites within 5km of the site and Sites of Importance for Nature Conservation (SINCs) within 500m of the site.

Level of designation	Designation	Name	Distance & direction from site
International	SPA	Chichester and Langstone Harbours	c.2,840m south
	Ramsar	-	-
	SAC	Solent and Isle of Wight Lagoons	c.2,840m south
National	SSSI	-	-
	NNR	-	-
	National Park	-	-
County	LNR	-	-
Local	SINC	Johnston's Coppice	Directly adjacent to south of the site
		Meadow adjacent to Johnston's Coppice	c.367m south-east
		Hulbert Road Meadow	c.390m east
	Ancient woodland	-	-

4.1.2 Bats

According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), there has been one bat European Protected Species (EPS) licence granted c.1,490m north of the site. This licence was granted on the 21st March 2013 and was for the destruction of a resting place relating to common pipistrelle and brown long-eared bats. The location of this licence is shown in *Figure 4.1.2.1*.

Figure 4.1.2.1. Location of site with granted bat EPS licence within 2km of the site (site location marked by a red dot).



4.2 Survey of buildings

The construction details and photographs of the building are summarised in *Table 4.2.1*. Additional photographs showing the immediate vicinity are given in *Section 7*.

Table 4.2.1. Summary of the buildings construction details.

Type/Name	Assembly hall
Description	A two-storey brick auditorium with a pitched concrete tile roof and a single-storey flat bitumen felt extension.
No. of storeys	2
Roof type	Pitched
Roof cladding	Concrete tile
Ridge	Concrete tile
Wall type	Brick
Exterior	Bargeboards (north & south elevations), soffits (all elevations)

Photos	North elevation:	South elevation: Obscured by scaffolding.
		
	East elevation:	West elevation:
		
Building dimensions	c.23m wide x c.44m long	
Roof void description	Large service loft partially cluttered with utilities, walkways and gantries, above a hanging ceiling over the hall below. The floor is boarded with wooden fibreboard and the rafters are filled with insulation and plasterboard.	
Frame	Steel beams and rafters	
Roof lining	Breathable membrane	
Roof void dimensions	c.18m wide x c.44m long	
		
Roof void height	c.3-5m	
Potential roosting locations	Against rafters and brickwork within the loft.	
Bat evidence	None	
Bat suitability	Negligible	
Further surveys needed?	None	

4.3 *External potential bat access points*

The roof appears very well-sealed and in good condition. The concrete tiles create a tight fit, which does not allow for bats to access under them, and there are no significantly damaged or lifted tiles. In addition, the soffits and bargeboards under the eaves and gable are fitted close the walls, offering very no potential access points for bats.

Due to the lack of potential access points or suitable roosting locations, the building is classed as having negligible bat roost suitability to be used by roosting bats, following the criteria provided in *Table 3.2.4.1*.

4.4 *Commuting and foraging bats*

Nearby mature trees, open space and woodland provide foraging habitat for bats in the immediate vicinity of the building. These connect to quality foraging habitat, particularly the extensive woodland areas to the east and south of the site.

Bats follow linear landscape features such as lines of trees, hedges, buildings and waterways in order to commute from their roost sites to their feeding grounds. Likewise they use these features to navigate between feeding areas and alternative roosts.

4.5 *Evidence of bats*

No bats or evidence of bats was observed during the survey.

4.6 *Birds*

No active or disused bird nests were observed on or within the building. In addition, there is no vegetation on the exterior of the building, such as climbers, with the potential to provide nesting habitat for breeding birds.

5 INTERPRETATION AND EVALUATION

5.1 Constraints on survey data

Detailed searches often result in the discovery of evidence of bats. However, although such surveys can identify the presence of bats it is more difficult to prove absence due to the crevice-dwelling nature of these elusive mammals. Bat droppings may be missed where there is debris to obscure them (and also, very old droppings generally crumble away to dust).

No significant constraints, such as inaccessible voids, were encountered during the survey. One area of the loft was considered unsafe for carrying weight of surveyors. However, this area could be observed from a short distance with good lighting and no evidence of bats was seen.

5.2 Potential impacts of the proposed development on bat roosts

5.2.1 General

According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), there are two statutory designated sites and three Sites of Importance for Nature Conservation (SINCs) within the relevant search areas of the site. None of these will be directly affected by these works and all links will be maintained.

The site is neither designated nor immediately adjacent to any designated areas of nature conservation. However, it is within 5km a SPA and a SAC. These are the Solent and Isle of Wight Lagoons SPA and the Chichester and Langstone Harbours SAC (both c.2,840m south). Both of these sites are designated due to the types of wetland habitats they include.

As a result of its proximity to these designated sites, the impacts of these works on the SAC and SPA must be considered, however slight. The works will cause no increase to the building size, and as an educational building, no increase in the number of residents or users of the site. Therefore, there will be no increase in the recreational pressure, or pollution, on these internationally designated sites.

According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), there has been one bat European Protected Species (EPS) licence granted within 2km of the site. As no bats or evidence of bats was found it is unlikely that the current proposals will impact this bat population.

5.2.2 Commuting and foraging bats

There is foraging habitat for bats in the immediate vicinity of the building, including mature trees and extensive woodland. Woodland provides high quality foraging habitat for a number of different species of bat. These areas will be unaffected by the works and all links will be maintained.

Changes in lighting can affect foraging and roosting bats. Therefore, no works should take place in the hours of darkness or under artificial lighting. In addition, no lighting should be directed onto retained vegetation (particularly the trees and woodland), and security lights should operate on a timer, to avoid any negative impact on bats.

Any lighting installed should avoid spillage of greater than 1 lux onto any retained vegetation, particularly the ancient woodland. The use of non-UV LED lighting (preferably using warm spectrum wavelengths) is strongly recommended so as to avoid the most deleterious impacts of lighting on biodiversity and bats in particular.

5.2.3 *Building*

No bats or evidence of bats was observed and there are no external features that provide access to roosting locations for bats. Therefore, it is considered that bats are not using this building as a roost.

5.2.4 *Alternative roost potential*

There are buildings nearby that could provide alternative roosting for bats (see *Figure 1* in *Section 6*). In addition, there are several mature trees in the vicinity which could provide bat roosting opportunities.

5.3 *Birds*

No bird nests were observed on or within the building. Should any active bird nests be subsequently found, they must be retained and work must be delayed in that area until the young have fledged and left the nest.

5.4 *Survey report expiry*

This survey data is valid for a maximum of 12 months. Bats frequently move around and adopt new roosting sites, therefore if more than 12 months elapses it may be advisable to conduct further survey work to obtain up-to-date information to advise work, thereby ensuring protected species compliance.

5.5 *Further survey*

No further surveys are proposed

5.6 *Outline mitigation and enhancement measures*

No lighting should be installed near to or directed onto the bat access points and retained vegetation so that light disturbance is not a problem. This is because lighting can impact bat populations directly by disturbing roosts and reducing their foraging area, or indirectly by severing commuting routes from roosts. Therefore, the following (modified from *Bats and lighting in the UK* (ILP 2018)) should be undertaken:

- **Aim of light** The light should be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any retained vegetation. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

For any security lighting, the following should also apply:

- **Power** It is rarely necessary to use a lamp of greater than 2000 lumens (150W) in security lights. The use of a higher power is not as effective for the intended function and will be more disturbing for bats.
- **Movement sensors** Many security lights are fitted with movement sensors which, if well installed and aimed, will reduce the amount of time a light is on each night. This is more easily achieved in a system where the light unit and the movement sensor are able to be separately aimed.
- **Timers** If the light is fitted with a timer this should be adjusted to the minimum to reduce the amount of 'lit time'.
- **Alternatives** The requirement for security lighting in each instance should be carefully considered and only used where absolutely necessary to deter crime.

5.7 *Requirement for Habitats Regulations licence – European Protected Species (EPS) licence*

A bat EPS licence is not necessary before work commences on the roof or roof void of the assembly hall. However, should bats be subsequently found, then works must stop immediately and an EPS licence applied for.

An EPS licence for bats from Natural England permits activities that may otherwise be offences under the *Conservation of Habitats & Species Regulations 2017*, such as the destruction of roost sites. Evidence is required from emergence/ re-entry surveys during the bat active season between May and September in order to gather enough information about bat populations (including species, numbers and status of roost sites) to support a bat EPS licence application.

Survey data supporting EPS licence applications must be up-to-date *i.e.* have been conducted within the current or most recent optimal survey season (May to September). Therefore, if surveys show bats are present and licensable work is delayed until, during or after the next survey season, updated survey(s) will be required to support an application.

Natural England takes a minimum of 30 working days to process licence applications following receipt of all the relevant documentation. This includes an application form, and a Method Statement. This includes a detailed mitigation strategy to eliminate or reduce impacts on bats.

It is not possible to apply for an EPS licence until full planning permission has been granted and any conditions relating to wildlife fulfilled, although Local Planning Authorities usually request the information prior to determining a planning application request. Additional time will be required where any revisions to a proposed mitigation strategy are necessary to obtain the licence.

Figure 1. Aerial photographs showing the location of the site.

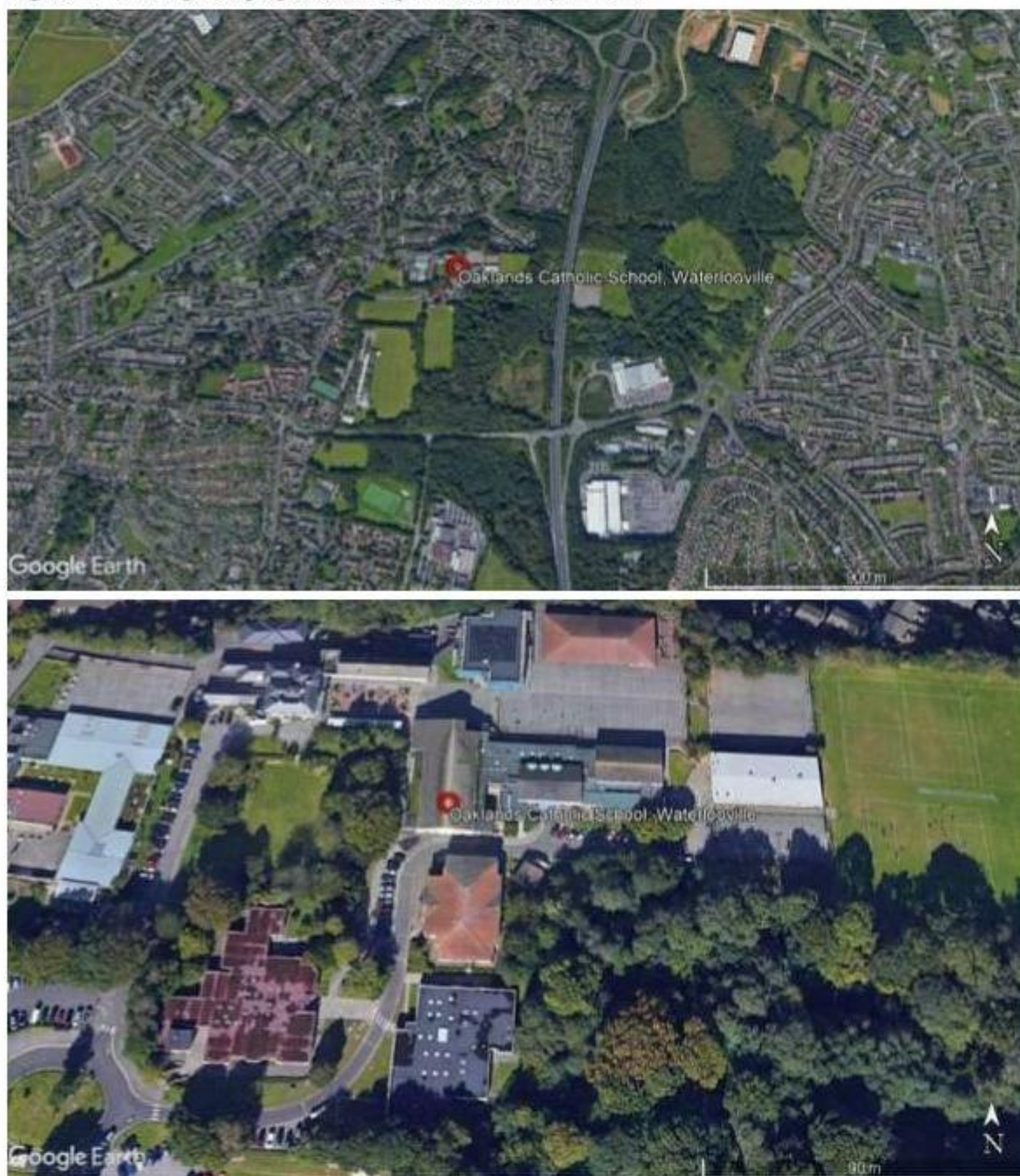
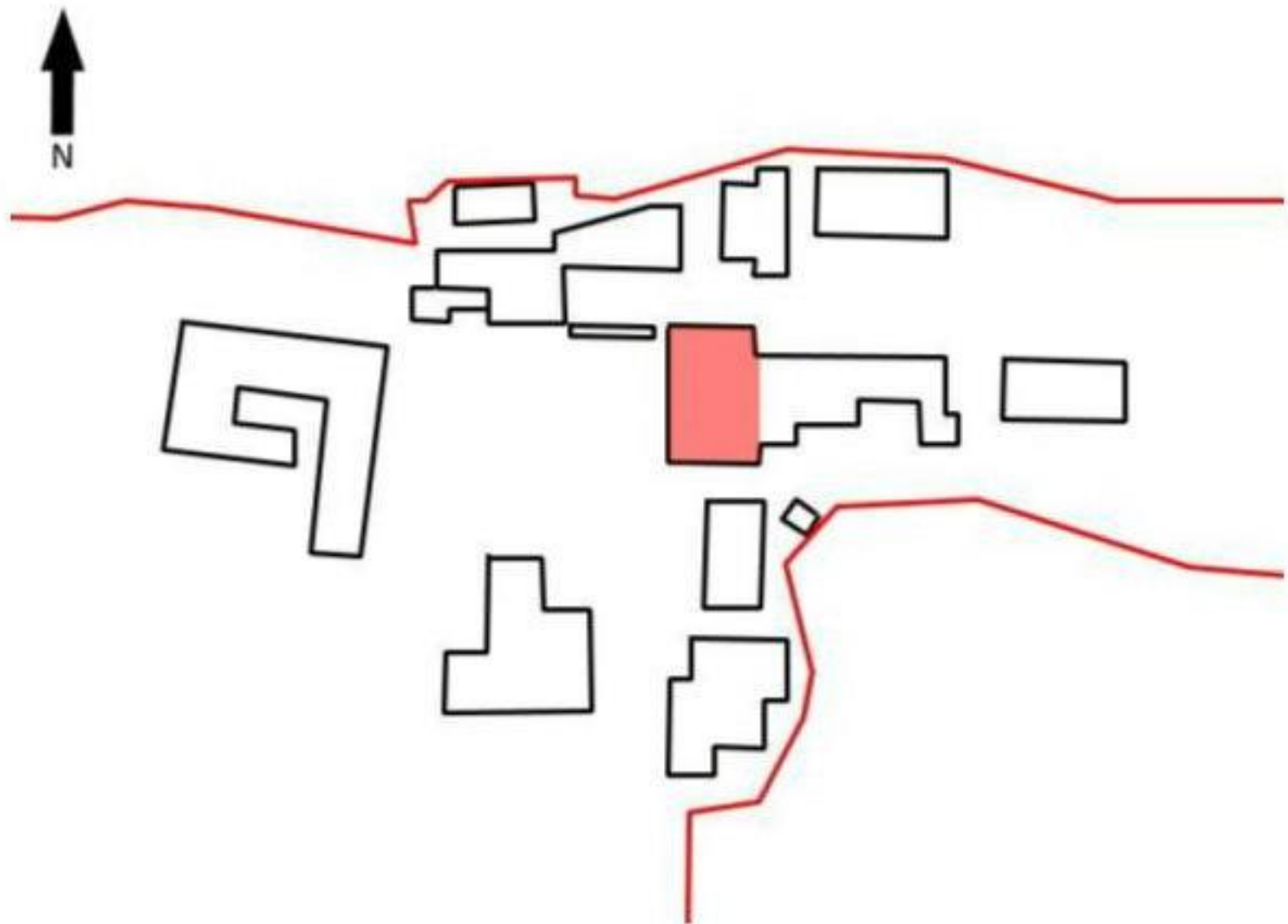


Figure 2. An Ordnance Survey map showing the site location, as indicated by the red arrow.



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Figure 3. Plan of the site with the building surveyed highlighted in red.



PHOTOGRAPHS

Photo 1. Adjacent buildings and open space, facing south.



Photo 2. Adjacent building and woodland, facing south-east.



Photo 3. Adjacent buildings to the north-west.



Photo 4. Mature trees adjacent to the assembly hall, facing south-west.



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9.1 Legal context

All species of British bat are protected by the *Wildlife and Countryside Act 1981* (as amended) extended by the *Countryside and Rights of Way Act 2000*. This legislation makes it an offence to:

- intentionally kill, injure or take a bat;
- possess or control a bat;
- intentionally or recklessly damage, destroy or obstruct access to a bat roost; and
- intentionally or recklessly disturb a bat whilst it occupies a bat roost.

Bats are also European Protected Species listed on the *Conservation of Habitats & Species Regulations 2017*. This legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb a bat (in such a way as to be likely to significantly affect: (i) the ability of a significant group of bats to survive, breed or rear/nurture their young; or (ii) the local distribution or abundance of the species concerned);
- damage or destroy a breeding site or resting place of a bat; and
- possess, control, transport, sell, exchange a bat, or offer a bat for sale or exchange.

All bat roosting sites receive legal protection even when bats are not present (bats tend to reuse the same roost).

Where it is necessary to carry out an action that could result in an offence under the *Conservation of Habitats & Species Regulations 2017* it is possible to apply for a European Protected Species (EPS) licence from Natural England. Licences are only issued where Natural England are satisfied that three derogation tests are met. These are: that the activity is for **imperative reasons of overriding public interest**; that there must be **no satisfactory alternative**; and that **favourable conservation status of the species must be maintained**.

Consideration of these three derogation tests was previously left to Natural England as part of their deliberations on whether to grant a licence for the development activity after a planning consent has been issued. However, the regulations now require that **all** public bodies, i.e. **Local Planning Authorities** (LPAs), have regard to the requirements of the European Habitats Directive when carrying out their functions. As a result, LPAs **must** address the three derogation tests when considering a planning application that could impact upon any European Protected Species (EPS).

9.2 *National planning context*

9.2.1 *General*

Surveys should be completed in line with Natural England's *Standing Advice for Local Authorities* (<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/default.aspx>), which states:

- Natural England will not comment on applications that are submitted without the relevant protected species surveys (see flowchart) if there are no other issues (*i.e.* in relation to SSSIs or landscape).
- Natural England will not comment on scoping surveys that recommend further surveys where these have not been undertaken and submitted with the scoping reports.

In addition to the above, *Section 40* of the *Natural Environment and Rural Communities Act* (2006) imposes a new duty on all public authorities to have regard for biodiversity.

9.2.2 *National Planning Policy Framework (NPPF)*

From the 24th July 2018, the Government published the revised National Planning Policy Framework. The document sets out the government's planning policies for England and how these are expected to be applied. This replaces a previous version which was published in March 2012. It states: "*at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*"

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective;
- a social objective; and
- an environmental objective.

The environmental objective is to "*contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*".

Planning policies and decisions should contribute to and enhance the natural and local environment by "*protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*" and "*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".

If significant harm to biodiversity 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.

Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

It states that *"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

It should be noted that the *"presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined"*.

The NPPF also encourages *"minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"* and aims to *"promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity"*. This applies to non-statutory designated sites including Sites of Importance for Nature Conservation (SINCs) and equivalent county wildlife sites.

Early engagement with all necessary stakeholders, including expert bodies, is encouraged by the NPPF.

Bats use different roosting sites throughout the year according to their life cycle requirements.

Hibernation during the winter months requires roosting sites that are cool and humid. As conditions improve through the spring, bats become increasingly active and tend to use transitional roosting sites. During the summer months, females give birth in maternity roosts. Maternity roosts tend to be warm and temperature-stable, which aids rapid development of the young, which are weaned in late summer. In the autumn, adult bats congregate in mating roosts and also use transitional roosting sites. Autumn is the time when both adults and juveniles have to build up fat reserves in preparation for hibernation through the winter months.

Bats also use roosts during the night as feeding perches. Species that catch large prey items such as moths (*e.g.* brown long-eared bat) often enter buildings to hang up and eat their prey before emerging again to forage. Such feeding perches tend to be obvious from scatterings of bat droppings with moth wings, which the bats discard.

Bats are at their most vulnerable during the summer in their maternity roosts, when disturbance can jeopardise their breeding success. Bats give birth to only one pup per year and young do not breed until the second or third year after birth. This means that if maternity colonies are disturbed there can be serious implications for the conservation status of populations.

Bats are also vulnerable during the winter hibernation period, when disturbance can reduce their chance of survival through the winter at a time when food is in short supply.

This is why there are often only narrow timeframes for bat survey and mitigation work.