

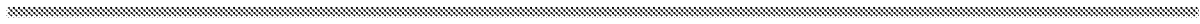
Bat Activity Survey Report

Wings Nursery

Woodgate

West Sussex

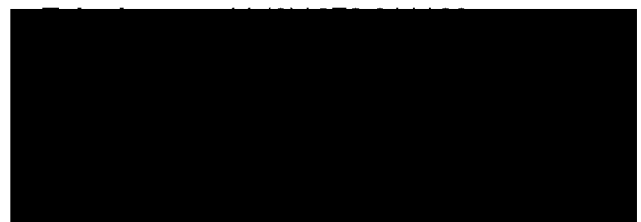
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20th October 2017

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Report date:	20 th October 2017

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Notice to Interested Parties

To achieve the study objectives stated in this report, we were required to base our conclusions on the best information available during the period of the investigation and within the limits prescribed by our client in the agreement.

No investigative method can completely eliminate the possibility of obtaining partially imprecise or incomplete information. Thus, we cannot guarantee that the investigations completely defined the degree or extent of e.g. species abundances or habitat management efficacy described in the report.

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EXECUTIVE SUMMARY

- 0.1 Arbeco Ltd were commissioned by ADM Architects to undertake an ecological assessment of bat species at Wings Nursery, Woodgate, West Sussex, PO20 3SU to help inform the proposed the outline planning proposal for 50 new residential properties on site.
- 0.2 The development proposals comprise the construction of 50 residential properties with associated driveways, garages and green space. The hedgerow habitat on the site boundaries will not be directly impacted by the proposed development, however all other habitat types found on site will be affected including semi-improved grassland, tall ruderal vegetation and scrub.
- 0.3 A Preliminary Ecological Appraisal undertaken by Arbeco Ltd in July 2017 (Arbeco, 2017a) identified the need for further ecological surveys at the site. The assessment considered that habitats on site were suitable to support foraging, commuting and roosting bats and suitable terrestrial habitat for invertebrate species which makes up the entirety of bats food source.
- 0.4 Three activity surveys for bats were recommended in order to establish how the site is being used by bats and which species are present. The results of the surveys will help inform mitigation measures for the development proposals.
- 0.5 Bat activity surveys followed methodology outlined within Bat Surveys for Professional Ecologists: Good Practice Guidelines, Collins (2016) and comprised three activity transect surveys undertaken at an appropriate time of the year during suitable weather conditions. The transects followed a predetermined route around habitats on site which bats are most likely to utilise. Ten stopping points were selected along the transects where surveyors stopped and recorded all bat activity for a period of five minutes.
- 0.6 To increase the survey effort, static detectors (Elekon Batlogger A+) were placed on site during the second and third activity surveys and recorded for a period of five nights. This method enables a more accurate estimate of which bat species are utilising the site, and gives an idea of the level of bat activity on site.
- 0.7 The results of the activity surveys and automated surveys combined recorded the presence of seven bat species commuting and foraging within the site boundary. The bat species confirmed to be present on site included common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, Nathusius' pipistrelle *Pipistrellus nathusii*, noctule *Nyctalus noctula*, serotine *Eptesicus serotinus*, brown long-eared *Plecotus auritus* and bats of the *Myotis* genus.
- 0.8 Due to the expected increase in recreational use, noise and light pollution caused by the development proposals, biodiversity enhancements should be incorporated into the development and Section 6 of this report provides details for potential on site enhancements. These include the incorporation of a wildlife area with pond and specific planting scheme, the inclusion of bat boxes on buildings and trees and a lighting scheme comprising low-level lighting with stepped baffle trims to minimise disturbance to bats. These recommendations will ensure that bats are not detrimentally impacted by the works on the site, that there is no loss of ecological viability and that the favourable conservation status of local bat populations is not affected by the proposed works.

1 INTRODUCTION

- 1.1 Arbeco Ltd were commissioned by ADM Architects to undertake an ecological assessment of bat species at Wings Nursery, Woodgate, West Sussex, PO20 3SU to help inform the proposed the outline planning proposal for 50 new residential properties on site.
- 1.2 This report details the results of three activity surveys, and static surveys, and sets out recommendations which will ensure that bats are not detrimentally impacted by the works on the site, that there is no loss of ecological viability and that the favourable conservation status of local bat populations is not affected by the proposed works.

Background

- 1.3 A Preliminary Ecological Appraisal undertaken by Arbeco Ltd in July 2017 (Arbeco, 2017a) identified the need for further ecological surveys at the site. The assessment considered that habitats on site were suitable to support foraging and commuting with suitable terrestrial habitat for invertebrate species which forms entirety of a bats food source.
- 1.4 Records obtained from Sussex Biodiversity Records Centre (SxBRC) found six species of bat recorded within 2 km of the site within the last ten years including common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared *Plecotus auritus*, noctule *Nyctalus noctule*, serotine *Eptesicus serotinus* and barbastelle *Barbastella barbastellus*.
- 1.5 Due to the expected increase in recreational use, noise and light pollution from the proposed development, three activity surveys for bats were subsequently recommended in order to establish how the site is being used by foraging and commuting bats and which species are present. The results of the surveys will help inform mitigation measures for the development proposals.

Legislation

- 1.6 All species of bat present in the UK receive full protection under The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).
- 1.7 In general the above legislation makes it an offence to:
 - Deliberately/intentionally or recklessly kill, injure or take bats;
 - Intentionally or recklessly damage, destroy or obstruct access to any place that a bat may use for shelter or protection whether bats are present or not;
 - Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.

Site description

- 1.8 The site is located within Woodgate, West Sussex, approximately 4.8 km due north of Bognor Regis and 5.9 km east of Chichester (Ordnance Survey Grid Reference for the centre of the site: SU 93718 04134). The site is approximately 2.4 ha in area and consists of areas of grassland, tall ruderal vegetation, scrub and hardstanding with scattered trees on site and along the boundary as well as a large glasshouse building situated in the southeast section.
- 1.9 The location of the site is shown in Figure 1.1 and the extent of the site boundary is shown in Figure 1.2.
- 1.10 The site is bordered to the north by two small fields and a railway track, to the east by Lidsey Road with residential properties beyond, to the south by a small number of bungalow properties and to the west by a large plant nursery.
- 1.11 The habitats in the wider landscape are dominated by agricultural fields and grassland areas bordered by intact hedgerows and occasionally divided by water filled ditches with farm buildings occasionally scattered amongst the fields. A railway line is located approximately 90 m to the north of site runs from east to west through Woodgate. There are small areas of deciduous woodland within the wider landscape, the closest of which is approximately 0.46 km to the north east.

Development proposals

- 1.12 The outline development proposals comprise the construction of 50 new residential properties on the site with associated recreational areas and hardstanding areas. The proposals will result in the loss of approximately 1.6 ha poor semi-improved grassland, 0.3 ha good semi-improved grassland, 0.2 ha tall ruderal vegetation and 0.1 ha scrub habitat to facilitate the proposed development.
- 1.13 The boundary habitats will not be affected by the proposed development and there is plans to include the construction of a waterbody in the centre of the site.

2 METHODS

Bat activity surveys

- 2.1 Three dusk bat activity surveys were carried out by experienced bat surveyors, Gareth Williams BSc (Hons), Jessica Lewis BSc (Hons) MRes, Georgina Baulcomb BSc (Hons) MSc and Sophie Bracken BSc (Hons) MRes on the 16th August, 4th September and 29th September 2017. The surveys were carried out in appropriate weather conditions following standard guidelines (Collins, 2016) and at a time of year when bats are likely to be active.
- 2.2 The dusk activity surveys commenced at sunset and continued for up to two hours after sunset. The activity surveys comprised walked transects that followed a predetermined route around habitats on site which bats are most likely to utilise and which will be impacted upon by the development, shown in Figure 2.1.
- 2.3 Ten stopping points were selected along the transects where surveyors stopped and recorded all bat activity for a period of five minutes. Real time detectors (Elekon Batlogger M), were used to record bat echolocation calls of any bats and identify species where possible.
- 2.4 All bat passes were noted, and all bats were identified to species level where possible. Echolocation calls were recorded by the detectors in-built sound cards and subsequently analysed using BatExplorer computer software which facilitates species identification. Where possible additional notes on size, flight height, type of flight (such as commuting, foraging, fast or slow) and direction of flight were also recorded.

Automated bat survey

- 2.5 Automated surveys were carried out during September and October 2017 as part of the survey effort for Wings Nursery.
- 2.6 The locations of the statics can be seen in Figure 2.1.
- 2.7 One Elekon Batlogger A+ unit was programmed to record bat echolocation calls in WAV format from 30 minutes prior to dusk until 30 minutes after dawn. The sunset and sunrise times are included in Tables 2.1 and 2.2 for September and October 2017 below.
- 2.8 All units were set out for a minimum of five consecutive nights on the dates shown in the tables below. The specific recording dates for each unit is detailed in the results section.
- 2.9 The recorded WAV files were analysed in full spectrum using Kaleidoscope software (version 4.5.1).
- 2.10 All sound files were subject to manual analysis by an experienced bat ecologist. Where possible, identification was carried out to species level, except for the Myotis bats, as they are often inseparable through sound analysis alone, due to overlapping call parameters, and therefore were analysed to genus level only. Descriptions of bat species assemblage therefore represent the minimum number present rather than a definite list of all species present.
- 2.11 Where several bat species were present within a 15 second segment, then all the species were tagged in the results spreadsheet. For example, a common pipistrelle,

soprano pipistrelle and *Myotis* bat all calling simultaneously would result in three individual bat registrations for calculating bat call counts.

- 2.12 Analysed data was used to produce a table showing the total number of passes per species per night with Microsoft Excel. The calls were separated by species or genus in the case of *Myotis* bats.

Table 2.1: Sunset and sunrise times for each day the static detector was deployed in September 2017.

Date	Sunset	Sunrise
04.09.17	19:39	06:19
05.09.17	19:37	06:21
06.09.17	19:35	06:22
07.09.17	19:33	06:24
08.09.17	19:30	06:26
09.09.17	19:28	06:27

Table 2.2: Sunset and sunrise times for each day the static detector was deployed in October 2017.

Date	Sunset	Sunrise
29.09.17	18:42	06:59
30.09.17	18:40	07:01
01.10.17	18:37	07:02
02.10.17	18:35	07:04

Survey constraints

- 2.13 The level of bat activity recorded during a survey visit will be dependent on the prevailing weather conditions at the time and date of the survey. The prevailing weather conditions will vary temporally through the night, between nights and throughout the bat active season (April to October). The surveys were therefore undertaken at dusk in June and September and before dawn in August in order to attain survey data which represented bat activity at the site during these variations.
- 2.14 The automated bat surveys were restricted to a sub-optimal time of year for bat activity and were only undertaken in September and October 2017. This factor is not considered detrimental to the survey effort due to the development proposals not directly impacting the hedgerow boundaries and the recommendations in Section 6 will ensure that bats are not negatively impacted by the works.

2.15 Due to a fault with the automated detector used, only four consecutive nights were recorded during the second survey from the 29th September to the 2nd October 2017.

3 RESULTS

Activity survey results

- 3.1 Three activity surveys were carried out at the site. Details of the weather conditions during the surveys are presented below in Table 3.1.

Table 3.1: Weather conditions during transect surveys

Date	Sunset	Start/Finish	Weather Conditions at start of survey	Weather Conditions at end of survey
16.08.17	20:20	20:20 / 22:15	Temp: 21°C Cloud cover (Oktas): 6 Wind (Beaufort): 3 Precipitation: 0	Temp: 17°C Cloud cover (Oktas): 2 Wind (Beaufort): 2 Precipitation: 0
04.09.17	19:40	19:40 / 21:45	Temp: 19°C Cloud cover (Oktas): 8 Wind (Beaufort): 3 Precipitation: 0	Temp: 18°C Cloud cover (Oktas): 8 Wind (Beaufort): 3 Precipitation: 0
29.09.17	18:45	18:45 / 20:39	Temp: 17°C Cloud cover (Oktas): 6 Wind (Beaufort): 2 Precipitation: 0	Temp: 16°C Cloud cover (Oktas): 7 Wind (Beaufort): 0 Precipitation: 0

Bat activity survey 16th August 2017

- 3.2 The surveyors recorded low levels of foraging and commuting bats including common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and noctule *Nyctalus noctula* species. Bat activity was primarily recorded along the west boundary of the site and with concentrated foraging activity within the southwest corner.
- 3.3 The results of the surveys are detailed in Figure 3.1.

Bat activity survey 4th September 2017

- 3.4 The surveyors recorded low levels of foraging and commuting activity of three bat species including common pipistrelle, soprano pipistrelle and brown long-eared *Plecotus auritus*. Bat activity was recorded along the boundaries of the site with the majority of foraging activity in the southwest corner of site.
- 3.5 The results of the surveys are detailed in Figure 3.2.

Bat activity survey 29th September 2017

- 3.6 The surveyors recorded low levels of foraging and commuting activity of four bat species including common pipistrelle, soprano pipistrelle, noctule and brown long-eared. Bat activity was recorded along the boundaries of the site with the majority of foraging activity in the southwest corner of site.
- 3.7 The results of the surveys are detailed in Figure 3.3.

Automated bat survey 4th – 8th September 2017

- 3.8 The static detector was positioned in the centre of the site within a line of field maple tree stumps which is connected to the west boundary. Large open grassland habitat surrounds the location to the north, east and south.
- 3.9 The detector recorded echolocation calls for six consecutive nights from 4th September 2017 to the 9th September 2017.
- 3.10 A total of seven species were recorded during the survey including *Myotis* sp., common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bats *Plecotus auritus*, Noctule *Nyctalus noctula*, serotine *Eptesicus serotinus* and nathusius' pipistrelle *Pipistrellus nathusii*.
- 3.11 Soprano pipistrelle bats were the most frequently recorded with bat passes recorded on all six nights. A peak count of 102 passes for recorded on the 6th September 2017.
- 3.12 Common pipistrelle were recorded on five nights with and peak count of 188 on the 7th September 2017. Noctule were recorded on four nights with a peak count of 3 on the 6th and 9th September 2017. Nathusius' pipistrelle and brown long-eared were recorded on three nights with a peak count of 2 Nathusius' on the 7th September and 3 brown long-eared on the 6th September 2017. Serotine and *Myotis* sp. bats were recorded on two nights.
- 3.13 A summary of results is found in Table 3.2.

Automated bat survey 29th September – 2nd October 2017

- 3.14 The static detector was positioned in the centre of the site within a line of field maple tree stumps which is connected to the west boundary. Large open grassland habitat surrounds the location to the north, east and south.
- 3.15 The detector recorded echolocation calls for four consecutive nights from 29th September 2017 to the 2nd October 2017.
- 3.16 A total of seven species were recorded during the survey including *Myotis* sp., common pipistrelle, soprano pipistrelle, brown long-eared bats, noctule, serotine and Nathusius' pipistrelle.
- 3.17 Common pipistrelle, *Myotis* ssp. and brown long-eared bats were the most frequently recorded with bat passes recorded on all four nights for these species. A peak count of 514 passes for common pipistrelle was recorded on the 1st October 2017, 12 *Myotis* on the 30th September 2017 and 9 brown long-eared passes were recorded on the 2nd October.
- 3.18 Soprano pipistrelle and noctule bats were recorded on three nights. A peak count of 93 passes for soprano pipistrelle and 5 noctule passes were recorded on the 29th September 2017.
- 3.19 Nathusius' pipistrelle was recorded on two nights and serotine on one night. A peak count of 6 Nathusius' pipistrelle passes and 8 serotine passes were recorded on the 2nd October 2017.

3.20 A summary of results is found in Table 3.3.

Table 3.2: Species recorded and the total number of passes per day during the automated survey in September 2017.

Date	<i>Barbastelle barbastellus</i>	<i>Eptesicus serotinus</i>	<i>Nyctalus leisleri</i>	<i>Nyctalus noctula</i>	<i>Myotis sp.</i>	<i>Pipistrellus pipistrellus</i>	<i>Pipistrellus pygmaeus</i>	<i>Pipistrellus nathusii</i>	<i>Plecotus auritus</i>
04.09.17	Not recorded	Not recorded	Not recorded	1	Not recorded	31	8	1	Not recorded
05.09.17	Not recorded	1	Not recorded	Not recorded	Not recorded	79	50	Not recorded	1
06.09.17	Not recorded	Not recorded	Not recorded	3	1	36	102	1	3
07.09.17	Not recorded	Not recorded	Not recorded	Not recorded	Not recorded	188	45	2	Not recorded
08.09.17	Not recorded	Not recorded	Not recorded	1	Not recorded	Not recorded	2	Not recorded	Not recorded
09.09.17	Not recorded	1	Not recorded	3	2	33	47	Not recorded	1

Table 3.3: Species recorded and the total number of passes per day during the automated survey in October 2017.

Date	<i>Barbastelle barbastellus</i>	<i>Eptesicus serotinus</i>	<i>Nyctalus leisleri</i>	<i>Nyctalus noctula</i>	<i>Myotis sp.</i>	<i>Pipistrellus pipistrellus</i>	<i>Pipistrellus pygmaeus</i>	<i>Pipistrellus nathusii</i>	<i>Plecotus auritus</i>
29.09.17	Not recorded	8	Not recorded	5	2	170	93	6	5
30.09.17	Not recorded	Not recorded	Not recorded	3	12	8	Not recorded	Not recorded	1
01.10.17	Not recorded	Not recorded	Not recorded	1	5	514	29	Not recorded	7
02.10.17	Not recorded	Not recorded	Not recorded	Not recorded	7	259	21	2	9

4 EVALUATION

- 4.1 All species of bat present in the UK receive full protection under The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).
- 4.2 A Preliminary Ecological Appraisal (PEA) carried out by Arbeco Ltd (Arbeco, 2017a) identified habitats on site suitable to support foraging and commuting bats including hedgerow boundaries connected to the wider landscape, as well as semi-improved grassland, tall ruderal vegetation and scrub of site which would support a number of invertebrate species which forms the bats primary source of food.
- 4.3 The activity transect surveys recorded low levels of bat foraging and commuting activity along the west hedgerow boundary and over the grassland area in the centre of site. The majority of foraging and commuting activity was recorded in the southwest corner of the site during all three activity surveys. These habitats provide connectivity to areas of good quality bat foraging habitat in the wider landscape comprising hedgerow lined fields, waterbodies, running water and pasture.
- 4.4 The automated bat surveys recorded a moderate level of bat activity on site with a total of seven species identified using the site including common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, brown long-eared, *Myotis sp.*, noctule and serotine.
- 4.5 In the absence of mitigation, it is therefore considered that the proposed development has the potential to impact foraging and commuting bats at a local level through the removal of vegetation and expected increase in recreational use, noise and light pollution. This would have a negative effect on local bat populations.

5 CONCLUSIONS

- 5.1 Three bat activity surveys undertaken in September and October 2017 recorded low levels of bat foraging and commuting activity along the boundaries of the site and over the grassland area in the west section of site. Two automated bat surveys recorded moderate levels of bat activity with a total of seven species recorded using the site.
- 5.2 The outline development proposals comprise the construction of 50 new residential properties with associated driveways, garages, green space and the inclusion of a designated wildlife area. The development will involve the removal of semi-improved grassland, tall ruderal vegetation, scrub and buildings within the site boundary. The hedgerow boundary habitat will not be directly impacted by the development, however there is still potential to impact foraging and commuting bat activity at a local level through the expected increased recreational use, noise and light pollution. This will potentially have a negative effect on local bat populations.
- 5.3 Recommendations are outlined in Section 6 of this report which will ensure that bats are not detrimentally impacted by the works on the site, that there is no loss of ecological viability and that the favourable conservation status of local bat populations is not affected by the proposed works.

6 RECOMMENDATIONS

- 6.1 As part of the outline development proposals, a designated wildlife area has been incorporated into the designs. This area will include a pond, reptile hibernacula, log piles and specific planting to further enhance the site for wildlife. A detailed mitigation strategy, Figure 6.1, has been outlined in a reptile survey report by Arbeco Ltd (2017b).
- 6.2 The loss of the semi-improved grassland, tall ruderal vegetation and scrub from the site will result in reduced quantities of invertebrates using site which will reduce the local bats food source. This will be mitigated for with the inclusion of the wildlife area which will incorporated riparian habitat to enhance the site for invertebrates and thus enhance the site for foraging bats.
- 6.3 During the construction phase of the development, works should be kept to daylight hours and any security lights installed should be positioned facing away from the hedgerow boundaries and wildlife area. This will reduce disturbance to local bat populations.
- 6.4 The lighting scheme for the residential area should include low-level lighting with stepped baffle trims to minimise disturbance to bats. Lights should be faced away from the hedgerows on the west and south boundary and away for the wildlife area in the centre of site.
- 6.5 To further enhance the site for bats, bat boxes such as a Schwegler 1FF could be installed on houses built along the west boundary hedge or a Schwegler 2F on any suitable retained trees.

Biodiversity enhancements

- 6.6 Under the National Planning Policy Guidance document, it is a requirement for the planning system to minimise impacts on and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. In order to conserve and enhance the natural environment the following provisions could be included.
 - Bird boxes could be installed on proposed buildings and/or mature native trees on site.
 - The landscaping scheme should create ecological links by in-fill planting using native species planting. This could include the creation of native species-rich hedgerows to provide additional opportunities for foraging and nesting species. Species could include dogwood *Cornus sanguinea*, guelder rose *Viburnum opulus*, wild privet *Ligustrum vulgare*, hawthorn *Crataegus monogyna* and elder *Sambucus nigra*.
 - Deadwood habitat piles could be included within appropriate locations or compost heaps could be created where possible from the arisings of garden waste and tree works. This will provide additional habitats for a range of species including reptiles, amphibians, invertebrates and small mammals.
 - Should any fencing be installed on site it is recommended that gaps are incorporated in any boundary fencing to allow dispersal of species such as the European hedgehog *Erinaceus europaeus*, reptiles and amphibians into the wider landscape.

REFERENCES

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Mitchell-Jones A.J (2004) *Bat Mitigation Guidelines*. English Nature.

Mitchell-Jones A.J. and McLeish A.P. (2004) *The Bat Workers Manual* 3rd Edition. Joint Nature Conservation Committee.

FIGURES

Figure 1.1: Location of site

Figure 1.2: Extent of site boundary

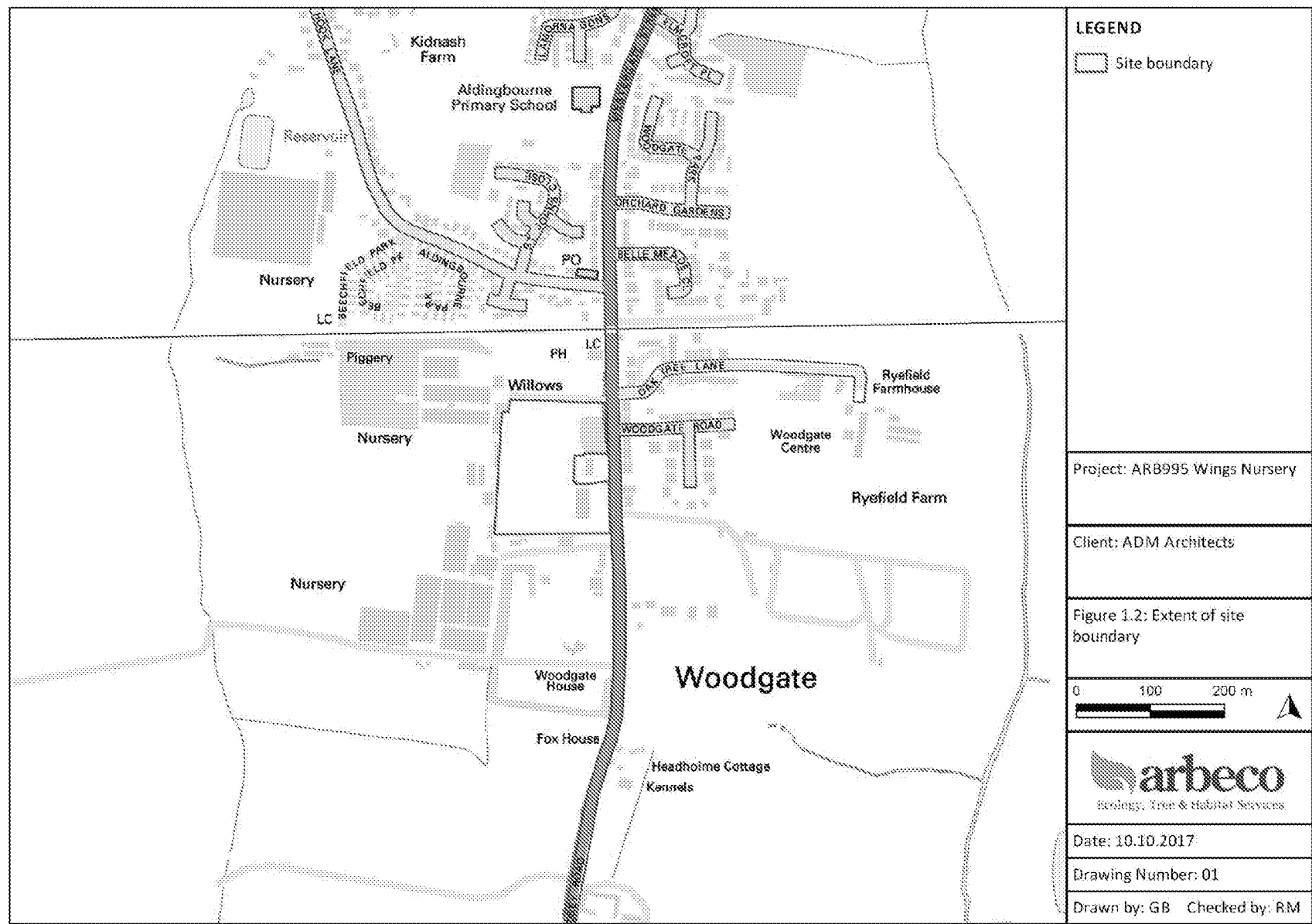
Figure 2.1: Activity transect route and location of static detector

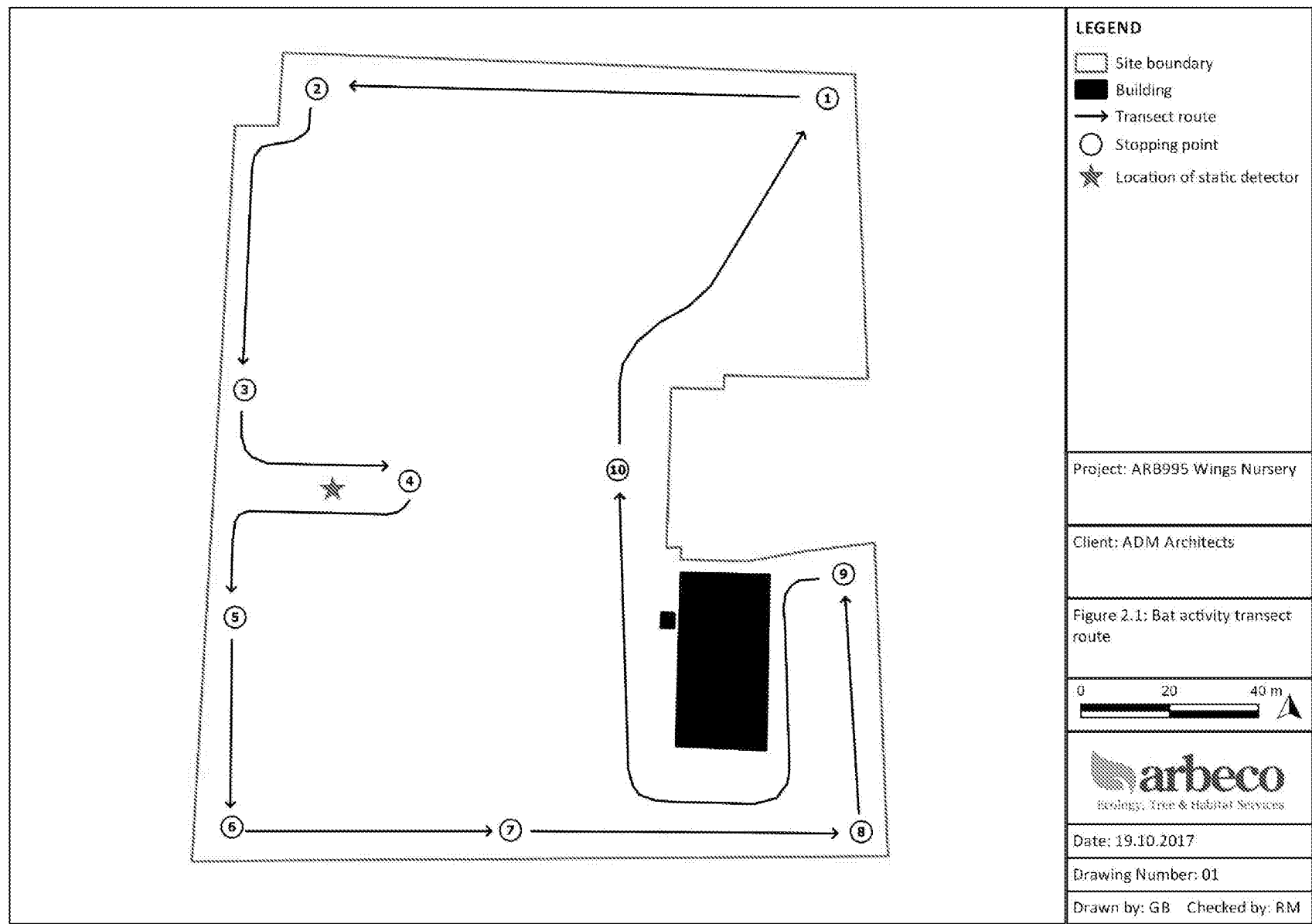
Figure 3.1: Activity Survey 16.08.17

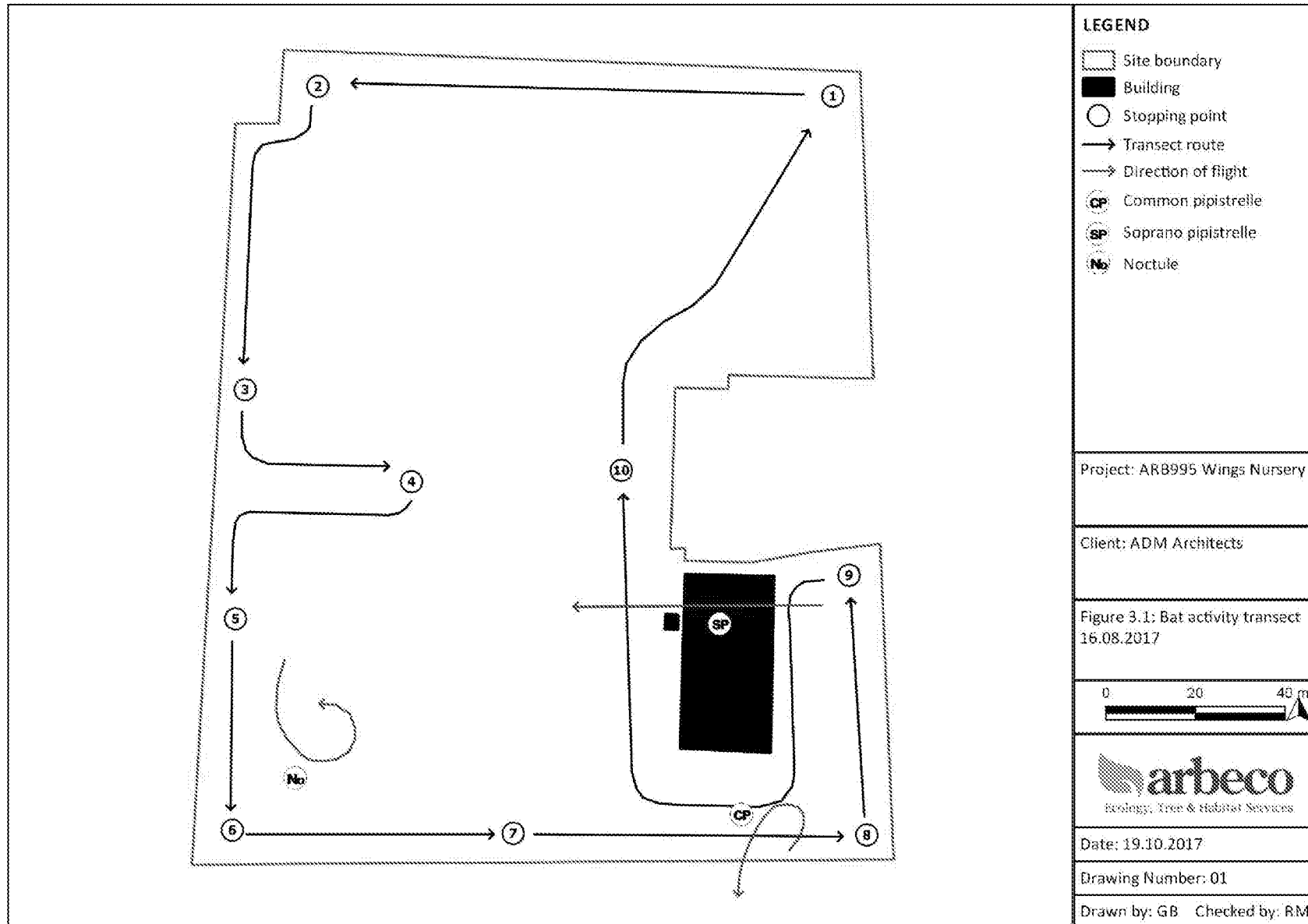
Figure 3.2: Activity Survey 04.09.17

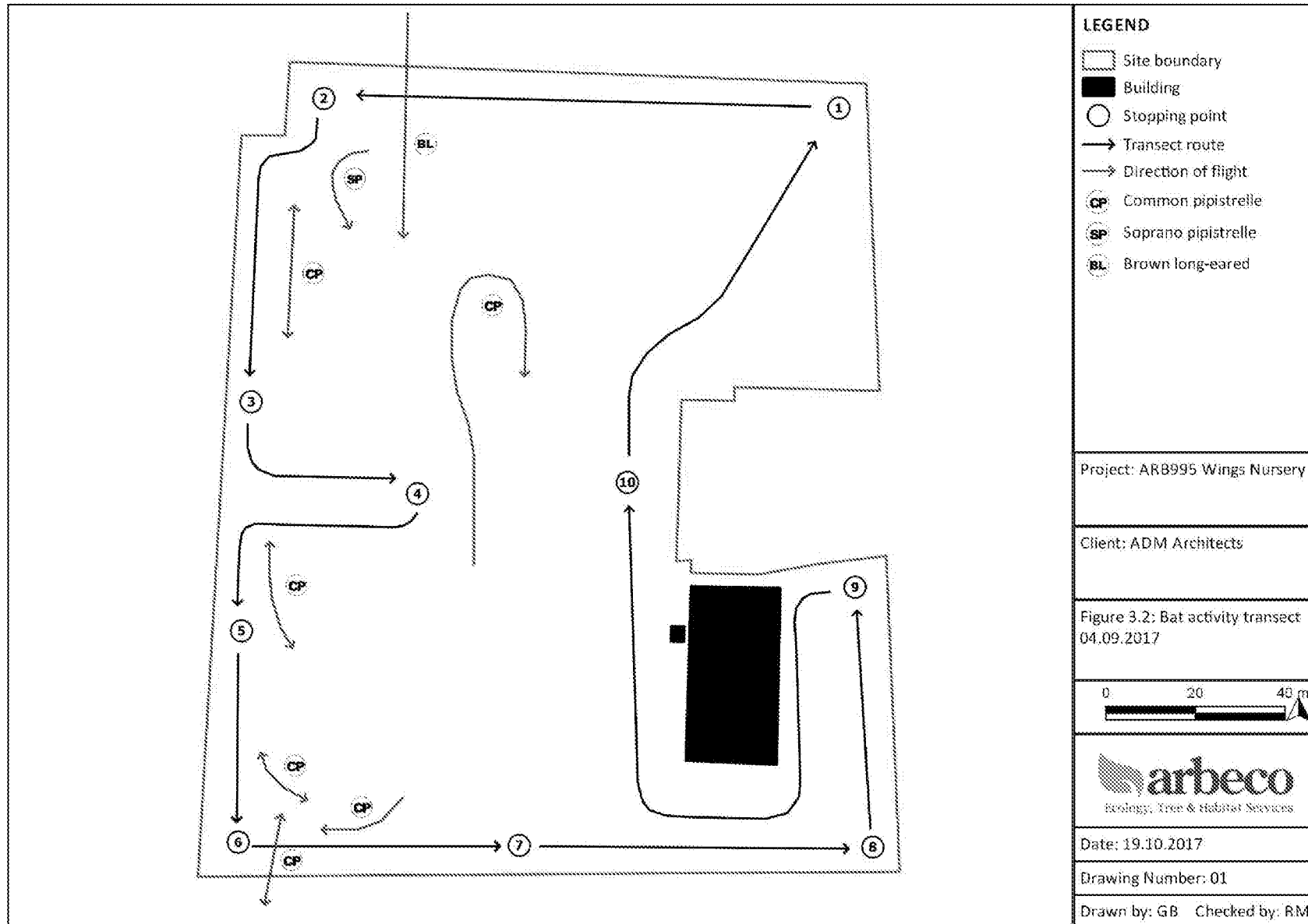
Figure 3.3: Activity Survey 29.09.17

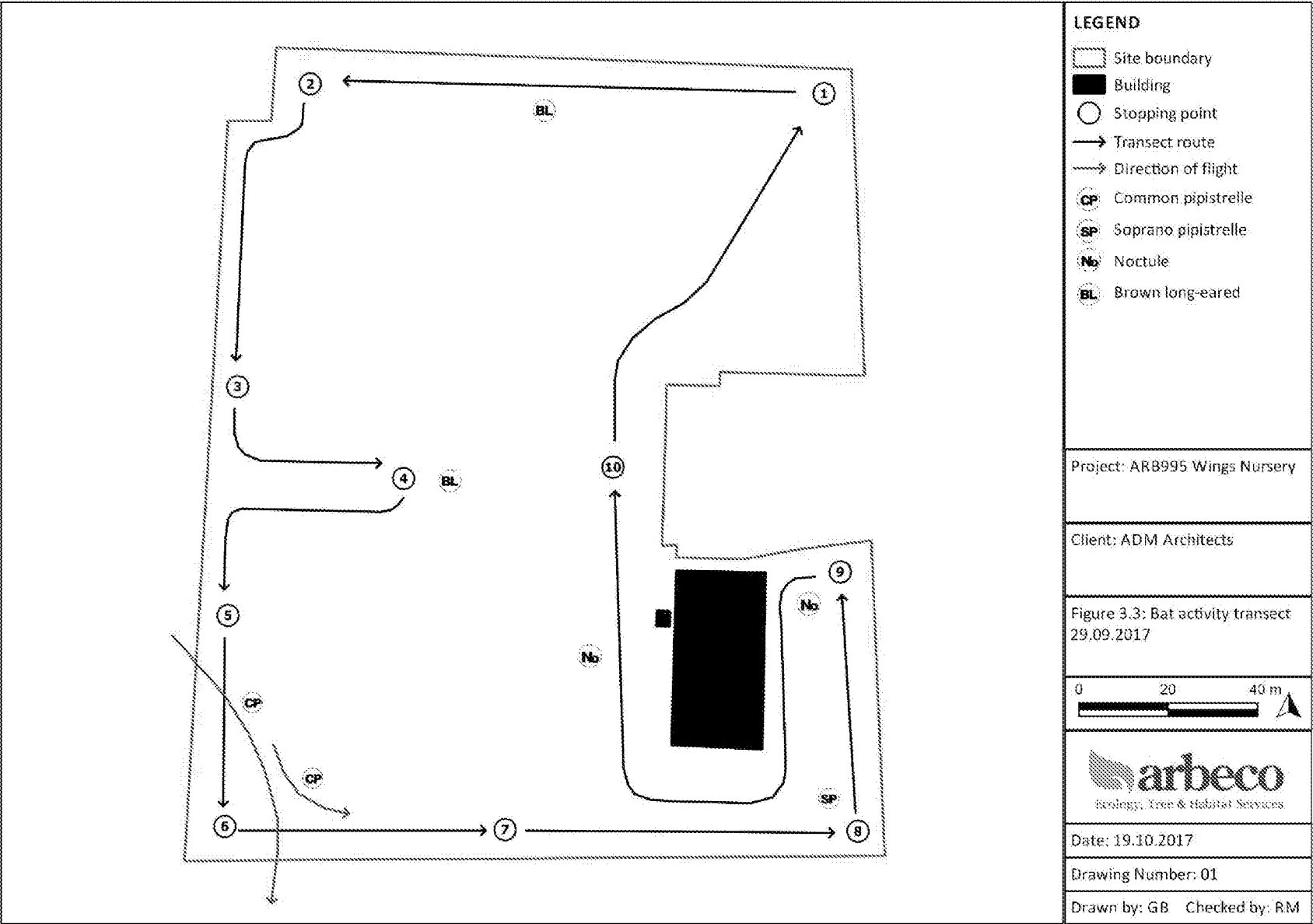


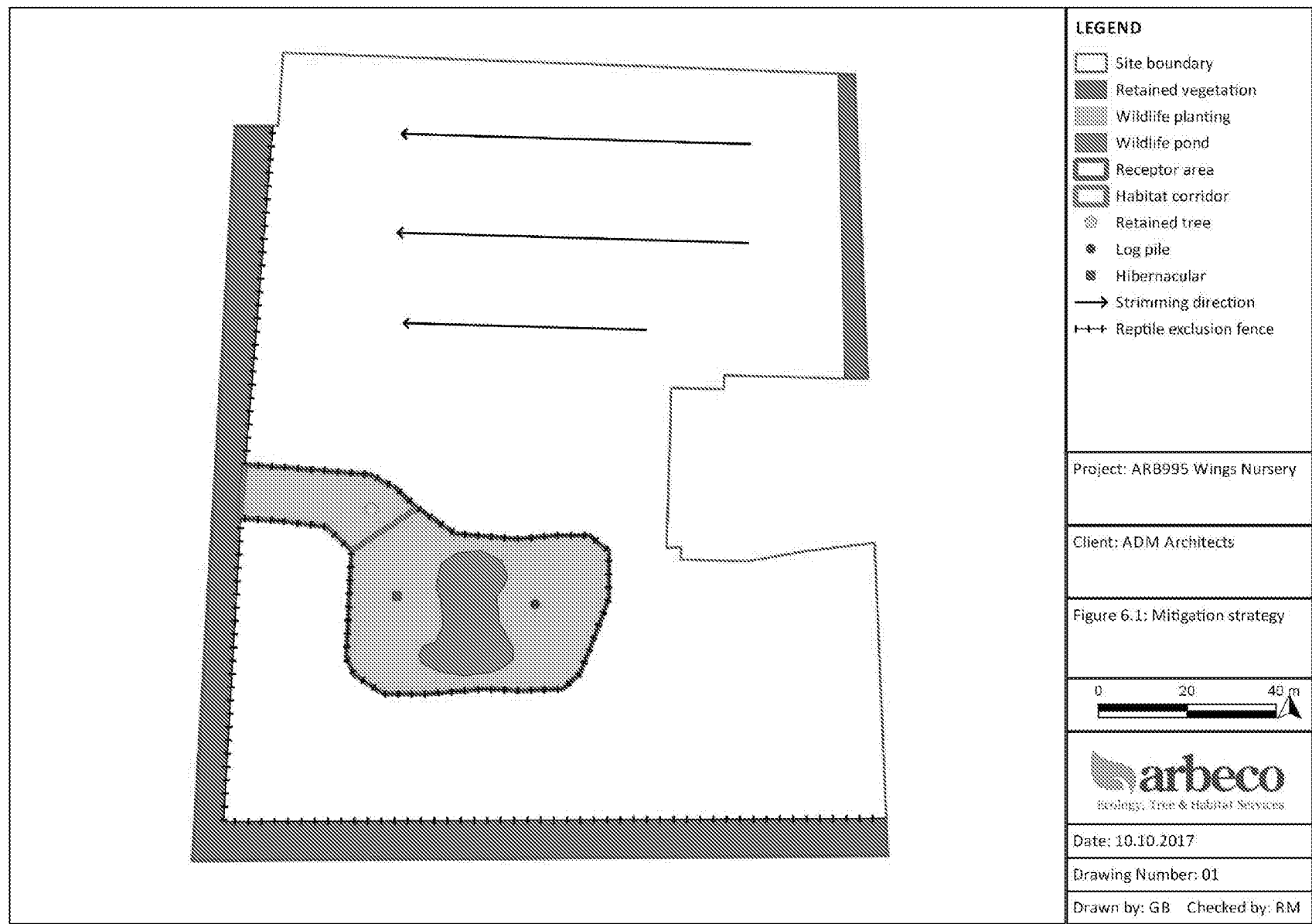












APPENDIX 1: Legislation relating to bats

Bats and the places they use for shelter or protection i.e. roosts, receive European protection under The Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2010 (as amended), states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2010 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* (rather than deliberately) kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

Several bat species are considered to be Species of Principal Importance for Nature Conservation in England.

The reader should refer to the original legislation for the definitive interpretation.