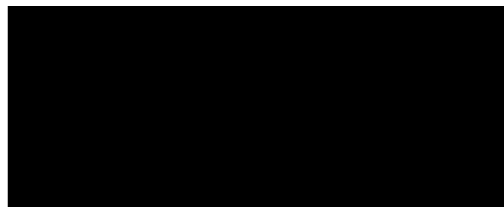


Homelands Rest Home, 21 & 23 Richmond Avenue, Bognor Regis, West Sussex, PO21 2YE

Bat Survey Report

November 2019

Hampshire Ecological Services Ltd
Consultant Ecologists



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Bat Survey Report

Homelands Rest Home, 21 & 23 Richmond Avenue, Bognor Regis, West Sussex, PO21 2YE
for
Mr Tony Puttick

Reference: Homelands Rest Home, Bognor Regis	
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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.

The author disclaims any responsibility to the client and others in respect of any matters outside the scope of the above. This report is confidential to the client and the author accepts no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

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1. This report provides information from an initial bat survey carried out by Hampshire Ecological Services Ltd for Mr Puttick in connection with a proposal to refurbish and extend the main building; demolish part of a single-storey extension and replace it with a two-storey extension; and build a new glass roof on the remaining single-storey extension at Homelands Rest Home, 21 & 23 Richmond Avenue, Bognor Regis, West Sussex, PO21 2YE (approximate Ordnance Survey Grid Reference SZ924989). 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 buildings was carried out by licensed bat ecologist Nicola Pyle MCIEEM, accompanied by Calum Cooper BSc GradCIEEM on the 16th October 2019.
3. The main building is a three-storey detached rest home (previously two semi-detached properties) with a pitched concrete tile roof. Externally the building has chimneys, soffits, lead-flashing, bargeboards and hanging tiles. Internally the roof void at the front (northern) elevation of the building had been converted into living accommodation. Two small roof voids are present along the eastern and western eaves, which connect to larger voids at the southern end of the roof. The southern roof voids are uncluttered and predominately lined with wooden sarking boards, whilst the two side voids are cluttered with services and stored items with wooden board lining. No evidence of bats was found during the survey. Due to the lack of potential bat access points or external roosting locations in the proposed areas of work, this building has negligible bat roost suitability. Should the scope of the proposed work change and any areas of hanging tiles are to be affected then further surveys may be required.
4. The rear single-storey extension predominantly consists of a flat bitumen felt roof. A separate section at the southern end has a flat corrugated asbestos roof and connects to the main extension by a covered yard area. Externally the building has a porch, soffits and bargeboards. Details of potential bat access points are illustrated in *Image 4.3.2.1*. No evidence of bats was found during the survey. Due to the low number of potential roosting locations and its location in a highly built-up urban environment, this building has low-negligible bat roost suitability. Either a pre-works emergence check should be carried out between April and September or the potential roosting features will be removed under strict ecological supervision at any time of year.
5. The access alleyway to the rear of the site provides a relatively dark corridor that could be used as a commuting route for bats. 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.

6. It is a requirement under national planning policy to provide ecological enhancements to sites requiring planning permission. Therefore, the following outline enhancements are proposed. The site will be enhanced for birds as follows (summarised in *Table 5.6.1.*):
- one multi-chamber box suitable for house sparrows, such as a Schwegler 1SP sparrow terrace or Vivara Pro WoodStone House Sparrow Nest Box;
 - two or more swift boxes, such as Istock Eco-habitat or No. 18 Schwegler swift box, either incorporate into the build structure or mounted on the building.
7. 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.
8. According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), the site is neither designated nor immediately adjacent to any designated areas of nature conservation. However, it is within 5km of Pagham Harbour SPA (c.3,250m south-west), which is designated due to the species of wetland bird present. As a result of its proximity to the SPA, the impacts of these small-scale works must be considered. There will be no direct impacts. The works will cause an increase to the buildings' size, and the number of people currently occupying the site. However, the site is a rest home for people with care needs. Therefore it is considered that there will be no increase in the recreational pressure, or pollution, on the SPA.

INTRODUCTION

2.1 General

This report provides information from an initial bat survey carried out by Hampshire Ecological Services Ltd for Mr Puttick in connection with a proposal to refurbish and extend the buildings at Homelands Rest Home, 21 & 23 Richmond Avenue, Bognor Regis, West Sussex, PO21 2YE (approximate Ordnance Survey Grid Reference SZ924989). The location of the site is shown in *Figures 1 and 2 in Section 6*.

2.2 Site description

The site is a three-storey rest home that comprises two previously semi-detached buildings and a single-storey extension with a garden to the rear. The buildings surveyed are shown on the plan in *Figure 3 in Section 6*.

The site lies on the southern side of Richmond Avenue, within the town of Bognor Regis. The immediate surroundings consist of residential housing and gardens. In the wider landscape the urban areas of Bognor Regis extend in all directions, surrounding the site. Areas of arable land lie further to the north and west. Sussex Bay (English Channel) is to the south.

2.3 Proposed activities

This survey was carried out in connection with a proposal to carry out the following works:

- remove part of the roof of the main building and construct two new bedrooms, with dormer windows and sky lights;
- construct a new large glass roof on top of an existing single-storey flat roofed extension to the rear; and
- demolish the southern end of a single storey extension and replace it with a new two storey extension.

2.4 Current planning status

Planning permission is being applied for at this site.

2.5 Objectives of the survey and report

The survey by Hampshire Ecological Services Ltd included internal and external inspections of the buildings 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 surveys 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.

3.1 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 Arun District Council's *Biodiversity Checklist*. The search area is also 500m for Local Wildlife Sites (LWS) 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 Sussex Biodiversity Record Centre (SxBRC) 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 buildings was conducted during the daytime on the 16th October 2019. The weather conditions during the survey were warm (16 °C) and dry with 50% cloud cover and a moderate breeze (Beaufort scale 3).

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, 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 buildings were assessed for their 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 buildings were assessed for their 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; an Explorer Premium™ wireless inspection camera with recordable monitor; and a 3.8m surveyors' ladder. Binoculars were employed to view higher areas such as

potential access points on the outside of the buildings. A description of the buildings 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 buildings, 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 buildings were 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. These are listed in *Table 4.1.1.1*.

Table 4.1.1.1. Statutory designated sites within 5km of the site.

Level of designation	Designation	Name	Distance & direction from site
International	SPA	Pagham Harbour	c.3,250m south-west
	SAC	-	-
	Ramsar	-	-
National	SSSI	Bognor Reef	c.400m south
	NNR	-	-
County	LNR	-	-
Local	LWS	-	-
	Ancient woodland	-	-

4.1.2 Bats

According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), there have been no bat European Protected Species (EPS) licences granted within 2km of the site.

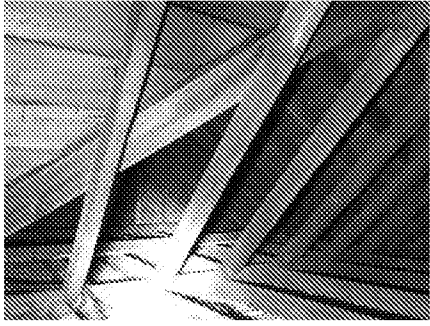
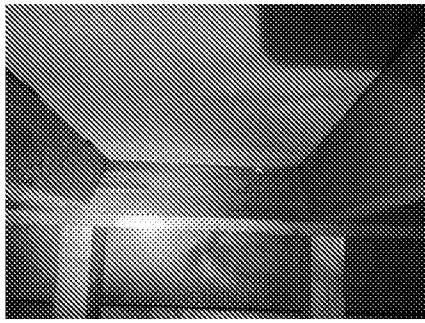
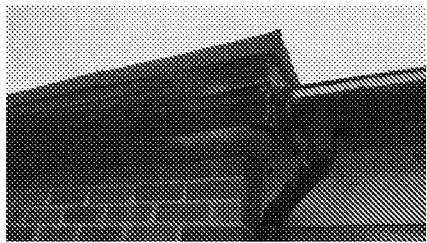
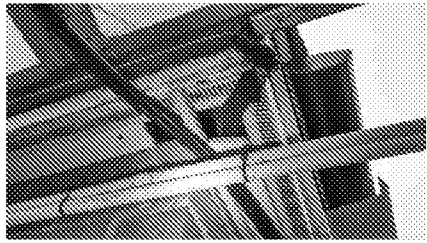
4.2 Survey of buildings

The construction details and photographs of the buildings 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	Main building	Rear extension
Description	A three-storey brick building	A single-storey extension
No. of storeys	3	1
Roof type	Pitched	Flat
Roof cladding	Concrete tile	Part bitumen felt and part corrugated asbestos
Ridge	Tile and brick	N/A
Wall type	Brick	Part brick and part concrete slab

Exterior	Hanging tiles, chimneys, bargeboards, lead-flashing.	Bargeboards, soffits
Photos	North elevation 	North elevation 
	East elevation 	East elevation 
	South elevation 	South elevation 
	West elevation Obscured by adjacent buildings	West elevation Obscured by adjacent buildings
Building dimensions	c.13m wide x c.17m long	c.15m wide x c.19m long (L-shaped)
Roof void description	The roof void at the front (northern) elevation of the building has been converted into living accommodation. Two small roof voids are present along the eastern and western eaves, which connect to larger voids at the southern end of the roof. The voids are uncluttered and the floor is lined with fibreglass insulation	N/A
Frame	Wooden beams with ridge beam	Unknown – no access
Roof lining	Wooden sarking boards and some areas of breathable membrane	Unknown - no access

Roof void dimensions	Two ridge roof voids: c.4m wide x c.12m long (combined)	N/A
		
	Two side voids: c.4m wide x c.9m long (both L-shaped)	
		
Roof void height	c.0.75m (ridge roof voids)	N/A
	c.1.5m (side voids)	
Potential roosting locations	Against the ridge beam and between the roof tiles and internal lining	Under bargeboards
		
		Gaps in the soffits
		
Bat evidence	None	None
Bat suitability	Negligible	Low-negligible

4.3 External potential bat access points

4.3.1 Main building

The roof appears well-sealed and in good condition. There are very limited potential bat access points on the exterior of the building. Some areas of hanging tiles are present around bay windows to the rear of the building, but these areas will be unaffected by the proposed works.

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

4.3.2 *Rear extension*

The majority of the flat-roof is felt or corrugated asbestos and appears well-sealed and in good condition. However, there are exterior features such as bargeboards that provide a few potential roosting locations for bats. The locations and details of these are illustrated in *Image 4.3.2.1*.

Image 4.3.2.1. Location of potential bat access points on the south elevation of the rear extension.



Due to the presence of these potential access points, and suitable roosting locations, the building is classed as having low-negligible suitability to be used by roosting bats, following the criteria in *Table 3.2.4.1*.

4.4 *Commuting and foraging bats*

The access alleyway to the rear of the site provides a dark corridor which could be used as a commuting route for bats.

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.

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).

A small number of voids within the main building could not be inspected due to the lack of access. One of the side voids on the second-floor had some suspected asbestos material present, as a result this area was not inspected extensively.

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), the site is neither designated nor immediately adjacent to any designated areas of nature conservation. However, there are two statutory designated sites within 5km of the site. Neither of these will be directly affected by these small-scale works and all links will be maintained.

Pagham Harbour SPA is c.3,250m to the south-west. This site is designated due to the species of wetland bird present. As a result of the proximity of the site to the SPA indirect impacts must be considered.

The works will cause an increase to the buildings' size, and the number of people currently occupying the site. However, the building is a rest home for people with care needs. Therefore it is considered unlikely that there will be any increase in recreational pressure, or pollution, on the SPA.

According to the *Multi-Agency Geographic Information for the Countryside* website (www.magic.gov.uk), there have been no bat European Protected Species (EPS) licences granted within 2km of the site.

5.2.2 Commuting and foraging bats

Given the urban location of the site, there is virtually no foraging or commuting habitat for bats on the site or nearby. However, the alleyway to the rear of the site provides a relatively dark corridor amongst the dense housing in the local area.

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 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. 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 Buildings

Main building

Due to the lack of potential bat access points and the scope of the works, the likelihood of bats using the affected parts of this building for roosting is negligible. Therefore works to this section of the site may commence without further regard to bats. Should the scope of the proposed work change and any areas of hanging tiles are to be affected then further surveys may be required.

Rear extension

Due to the low number of suitable roosting features and its location in a highly built-up location, this building is assessed as having low-negligible bat roost suitability. However, a precautionary measure a pre-works emergence check should be carried out between April and September. Alternatively, the potential roosting features can be removed under strict ecological supervision at any time of year.

5.3 Alternative roosting potential

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

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.

Given the mobility of bats, it is recommended that a walkover of the site to update the survey information is undertaken prior to the development commencing if this does not occur before the end of October 2020.

5.5 Further survey

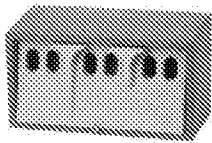
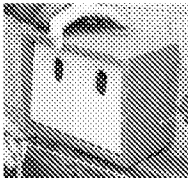
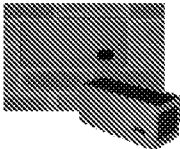
No further surveys are required. However, a pre-works emergence check may be undertaken immediately prior to the soft demolition (see *Section 5.2.3*).

Presence or likely absence of bats is normally advised by a combination of internal and emergence surveys (*Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition* (Collins 2016)).

5.6 *Outline mitigation and enhancement measures*

It is a requirement under national planning policy to provide ecological enhancements to sites requiring planning permission. However, as the site is not very suitable for bats, it is proposed that the enhancements will be in the form of bird boxes built into the exterior wall of the new two-storey extension. The bird boxes are detailed in *Table 5.6.1*.

Table 5.6.1. Bird boxes to be erected within the site with additional details on siting them to increase chances of occupancy.

Type & quantity	Typical species	No.	Height	Additional information
1SP Schwegler Sparrow Terrace  or WoodStone Build-in House Sparrow Nest Box  or Vivara Pro WoodStone House Sparrow Nest Box 	House sparrows	1	≥ 2m	• Either incorporate into the build structure or mount on a building. • Should be fixed onto a sturdy building, not onto fences or garden sheds due to its weight. • Position away from windows. • Position out of direct sunlight (below eaves on the north elevation), especially if not built into the build structure.
Swift boxes <i>e.g.</i> Ibstock Eco-habitat  No.18 Schwegler 	Swifts	2	≥ 5m	• Can either be incorporated into the build structure or mounted onto a building. • Position out of direct sunlight (below eaves on the north elevation), away from windows and in a straight line. • Should be in an open area so that it is less accessible to predators and birds are not obstructed as they leave the nest.

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

In the unlikely event that bats are found either during the pre-works emergence check or ecological supervision, work will stop and an EPS licence will be 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).

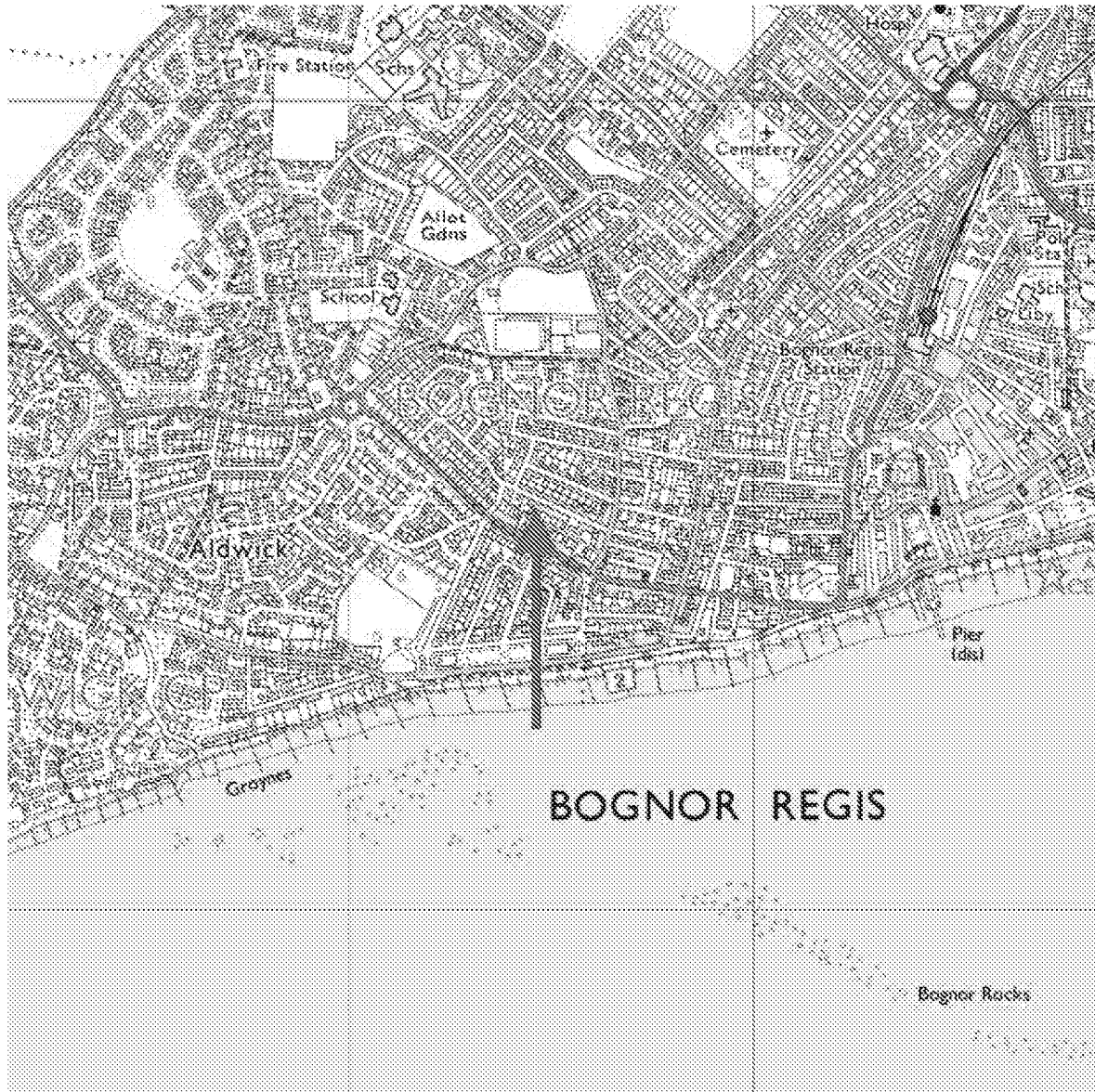
Natural England takes a minimum of 30 working days to process licence applications following receipt of all the relevant documentation. This includes an application form and a Method Statement. This includes a detailed mitigation strategy to eliminate or reduce impacts on bats.

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.

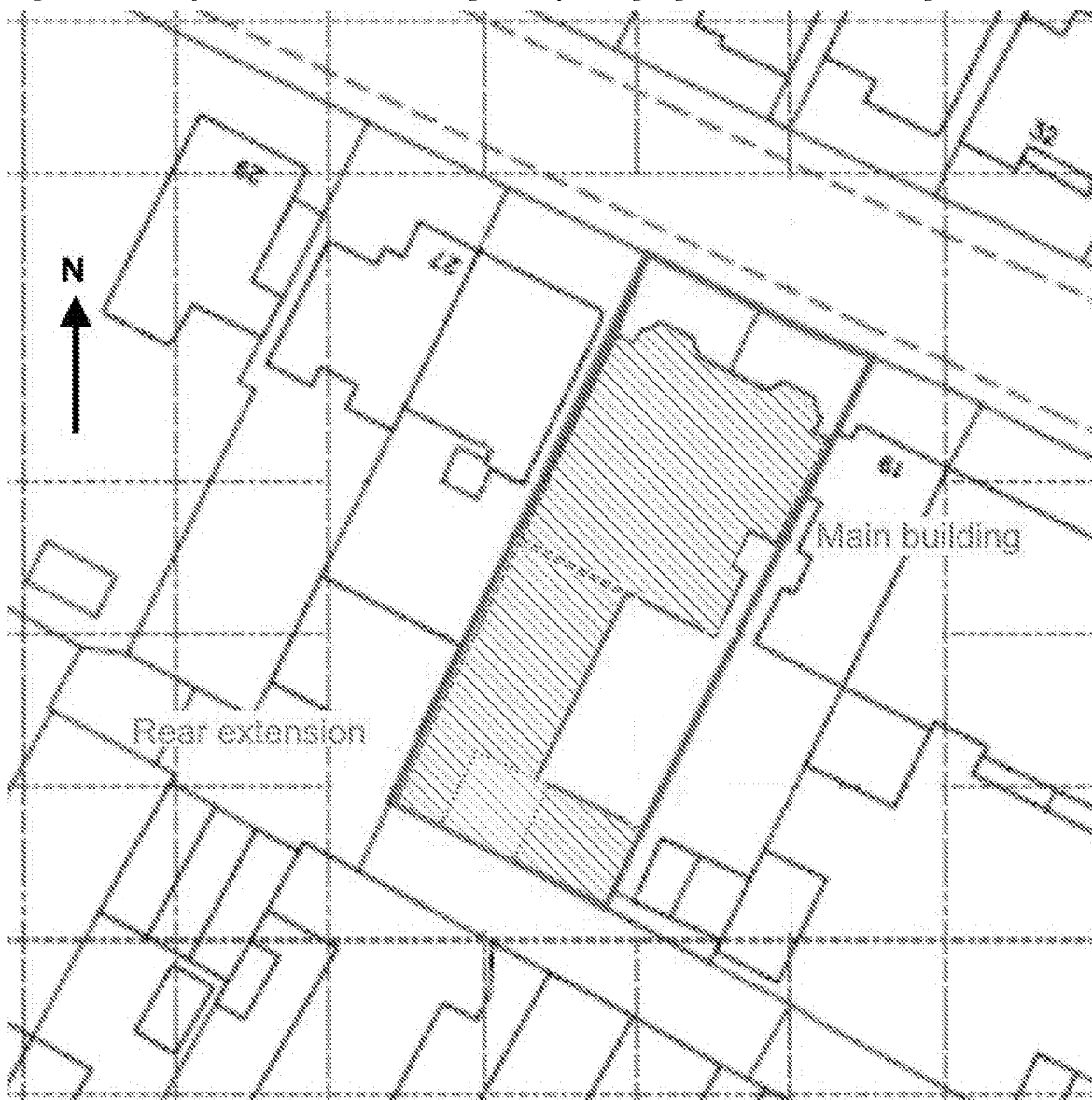


Figure 2. An Ordnance Survey map showing the site location, as indicated by the red arrow.



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Figure 3. Plan of the site with the buildings surveyed, highlighted in blue and orange.



PHOTOGRAPHS

Photo 1. Homelands Rest Home, from Richmond Avenue.



Photo 2. Richmond Avenue, from the third-storey window.



Photo 3. Rear alleyway, facing east



Photo 4. Rear alleyway, facing 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 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.