



Bat Inspection & Emergence Survey Report

90a & 92 Wood Lane

Horizon Homes

July 2024

IES/2024/019/Version 1.0

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QUALITY ASSURANCE

Job Number: IES/2024/019			Project Name: 90a & 92 Wood Lane		
Revision Number	Description	Originator	Checked	Authorised	Date
001	Draft for Comment	DBW/KH	VA	VA	July 2024

CONTENTS

Quality Assurance	2
Contents	3
Non-Technical Summary	4
1 Introduction	5
2 Planning Policy, Legislation and Guidance	6
3 Methodology	8
4 Results	10
5 Evaluation and Recommendations	17
6 Conclusions	18
7 References	19
Figure 1: Site Location	20
Figure 2: Internal and External Inspection	22
Figure 3: Emergence Survey	24
Appendix A: Policy and Legislation	26
Appendix B: Notes and Limitations	29

NON-TECHNICAL SUMMARY

Purpose

This report identifies the likelihood of use of the site by bats, and to provide an assessment of the likely importance of the site for this group. It is designed to inform the development and identifies any further survey work required to allow the development to proceed.

Methodology

An internal and external inspection, followed by bat emergence surveys were carried out in accordance with the methodology outlined in the Bat Conservation Trust's manual *Bat Surveys: Good Practice Guidelines (2023)*. This was followed by evening bat emergence surveys.

Key Issues

No bat roosts were found within the buildings and no further surveys are required.

Bat/bird boxes are recommended to enhance the biodiversity of the site in line with planning policy requirements.

Legal obligations

All bats are protected under the Habitats Regulations 2017, and under The Wildlife and Countryside Act 1981 (as amended), and it is an offence to kill, disturb or injure them, or to damage or destroy their breeding or resting places. It is also an offence to obstruct access to their resting or sheltering places.

All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended), making it a criminal offence to kill, injure or capture wild birds, and to damage, obstruct, disturb, or destroy their nests.

Conclusions

The desk study and survey work found no bat roost on the site despite the buildings being of low to moderate potential.

No further surveys are required in order to determine presence or likely absence of use by bats for the purposes of determining a planning application. If no works are undertaken within the next year, then an update survey may be needed to ensure the baseline conditions described are accurate.

Recommendations have been made to enhance bat roosting opportunities within the design in-line with planning policy requirements, and to ensure that the development does not affect any protected species during either the construction or the operational phase.

Further survey work has been recommended under certain circumstances to ensure that no effects on protected species occur.

1 INTRODUCTION

1.1 Background

1.1.1 IES Consulting were instructed by Horizon Homes to undertake a bat inspection and emergence survey at 90a and 92 Wood Lane, Chippenham, SN15 3DY and centered on Grid Reference ST925726. A site location plan can be seen in **Figure 1**.

1.1.2 The aim of this survey was to determine the use of the site by bats, to determine the existence and location of any valuable areas for bats and to identify the presence or likely absence of bats on the site.

1.1.3 The purpose of this report is to:

- Identify the use of the site by bats;
- Inform the design to allow significant ecological effects to be avoided/minimised wherever possible;
- Recommend general bat mitigation/compensation measures; and
- Assess the impact of the development on any bat population using the site.

1.1.4 This report was authored by Daisy-Mae Bradley-White (BSc) who has over 2 years' worth of ecological surveying experience, including bat survey work, and Kate Hall who over 3 years of bat survey experience. The report was reviewed by Vilas Anthwal (BSc MCIEEM) who has held a Natural England bat survey licence since 2007, is accredited the Bat Mitigation Class Licence and Bat Earned Recognition schemes and has over 20 years' experience of ecological surveying, including bat survey work.

1.2 Report Context

1.2.1 This is the second ecological survey undertaken on site, the first was undertaken by Quantock Ecology in 2023: 90a & 92 Wood Lane, Ecological Appraisal, Quantock Ecology, 2023.

1.2.2 The 2023 survey identified the potential for use of the site by bats although no detailed survey was undertaken at the time.

1.3 Site Description

1.3.1 The site is currently two separate residential dwellings with associated private gardens.

1.4 Development Proposals

1.4.1 It is proposed to demolish 90a Wood Lane and develop new residential dwellings across the site. 92 Wood Lane will remain

2 PLANNING POLICY, LEGISLATION AND GUIDANCE

2.1 Planning Policy

2.1.1 A review of planning policy was undertaken to inform this report, and this is summarised below. Full details of the planning policy relevant to the site can be found in **Appendix A**.

National Policy

- **National Planning Policy Framework (February 2019)** - this document is a material consideration in planning decisions, and states that planning policies and decisions should provide net gains for biodiversity.

Local Policy

- **The Wiltshire Local Plan** - Core Policy 50 seeks to ensure that all stages of sustainable development are informed by relevant ecological information, from site selection and design to planning decisions and long-term management.
- Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity, and functionality in the long-term.
- All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

2.2 Legislation

2.2.1 The following legislation has been taken into account when preparing this report, and full details are given in **Appendix A**.

- **The Conservation of Habitats and Species Regulations 2017** - this provides protection for European Protected Species and European Protected Sites.
- **The Natural Environment and Rural Communities Act 2006** - this extends the duties of public bodies in relation to biodiversity. It establishes the Section 41 species and habitats of principal importance for the purpose of conserving biodiversity, which need to be taken into account by a public body when performing any of its functions.

- **The Countryside and Rights of Way Act 2000** - this act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity. It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981 and creates a new offence of reckless disturbance.
- **The Wildlife and Countryside Act 1981** - this act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

2.3 Guidance

2.3.1 This report has been prepared in accordance with the following guidelines:

- CIEEM Guidelines on Ecological Report Writing.
- Bat Conservation Trust Bat Surveys for Professional Ecologists - Good Practice Guidelines, 2023.

3 METHODOLOGY

3.1 Overview

3.1.1 The surveys were carried out on the site following the methodology outlined in the Bat Conservation Trust's manual *Bat Surveys: Good Practice Guidelines (2023)*. Weather conditions were recorded using an Extech Mini Thermoanemometer to determine wind speed and temperature. **Appendix B** gives any notes and limitations to the survey work.

3.1.2 Surveys were conducted during the optimal period for detecting maternity roosts (May through July).

3.1.3 All suitable buildings were included in the survey, and the desk study included a wider area as described in 3.2 below.

3.2 Desk Study

3.2.1 The purpose of the desk study is to review information available in the public domain. The NBN Atlas provides some species records on a creative commons licence which allows for them to be used for commercial purposes. The site and an area of 1km surrounding the site was searched for records of bats.

3.2.2 Data was obtained from the following sources on:

- NBN Atlas. (5th February 2024)
- MAGIC. (5th February 2024)
- Wiltshire and Swindon Biological Records Centre. (3rd May 2024)

3.2.3 The following previous reports were also reviewed:

- 90a & 92 Wood Lane Ecological Appraisal: Quantock Ecology, 2023

3.3 Internal and External Inspection

3.3.1 The field surveys were carried out on 15th January 2024 and 8th May 2024. Internal and external inspections can be carried out year round.¹ The extent of the survey area and results of the survey can be seen on **Figure 2**.

3.3.2 An internal and external inspection of the building was undertaken using a ladder, torches and close focusing binoculars to inspect the roof, eaves and any ledges on the buildings. Where appropriate, a video endoscope was also used.

¹ Table 2.2, page 18, BCT Bat Surveys for Professional Ecologists Good Practice Guidelines 3rd Edition 2016.

3.3.3 Evidence of bat activity and the potential for the building to support a bat roost was searched for during the inspection survey. Any suitable roosting, foraging and commuting habitat was also recorded during the survey.

3.3.4 Evidence of bat activity is usually detected by the following signs:

- bat droppings (these will accumulate under an established roost);
- insect wings (from feeding);
- oil (from fur) and urine stains;
- scratch marks;
- holes, apertures and other opportunities for bats to roost; and
- actual sightings (including corpses).

3.3.5 The preliminary roost inspection was carried out by Daisy-Mae Bradley-White (BSc) who has a years' worth of ecological surveying experience, including bat survey work, and Vilas Anthwal (BSc MCIEEM) who has held a Natural England bat survey licence since 2007, is accredited on the Bat Mitigation Class Licence and Bat Earned Recognition scheme and has over 20 years' experience of ecological surveying, including bat survey work.

3.4 Emergence Survey

3.4.1 The field survey was carried out between May - June 2024. The extent of the survey area and location of surveyors can be seen on Figure 3. All the checks were made in suitable weather conditions and accurately reflected the use of the site by bats.

3.4.2 Surveyors used Anabat Scout full spectrum bat detectors, and Nightfox Red and Whisker night vision cameras. Where necessary, any calls were analysed using Anabat Insight and any footage was reviewed using windows media player.

3.4.3 Dusk emergence surveys started approximately 15 minutes before sunset, and were continued until 1.5 hours after sunset or later if the lead surveyor determined cause to do so, for example sustained bat activity at a roost.

3.4.4 Any bats emerging or entering the buildings were recorded, including the time of emergence/entry, species (if identified) and direction of flight. All passes made by bats were also recorded, with 10 seconds of continuous echolocation being recorded as one pass (so 13 seconds would be 2 passes), and again with the species of bat and the flight direction also being noted on the survey form.

3.4.5 The field survey was carried out by:

- Vilas Anthwal (BSc Hons) who has over 20 years of bat survey experience.
- Kate Hall (BSc (Hons)) who has over 3 years' experience of ecological surveying, including bat survey work.

- Dominic Walding (BSc (Hons)) who has over a years' experience of bat survey work.
- Corrie Grafton (BSc (Hons)) who has over 3 years' experience of ecological surveying, including bat survey work.
- Lucy Masters (BA MSc) who has over a years' experience of ecological surveying, including bat survey work.
- Eleanor Hewins (PhD MCIEEM) who has over 23 years' experience of ecological surveying, including bat survey work.

3.4.6 The weather conditions for each survey are given in Table 1 below:

Table 1: Survey Weather Conditions

Date	8 th May 2024	15 th May 2024	6 th June 2024
Temp start (°C)	19.9	19.2	14.6
Temp end (°C)	14.2	13.2	12.4
% Cloud cover start	100	0	0
% Cloud cover end	20	0	0
Wind average start (Beaufort scale)	0	0	0
Wind average end (Beaufort scale)	0	0	0
Precipitation	0	0	0
Sunrise/Sunset time	20:43	20:54	21:21

4 RESULTS

4.1 Desk Study

4.1.1 Data availability varies regionally, and the results should not be considered to be an exhaustive list of species. The absence of data is not evidence of the absence of a particular species or habitat. Both the NBN and MAGIC were accessed on 5th February 2024. The Wiltshire and Swindon Biological Records Centre was accessed on 3rd May 2024.

4.1.2 The desk study noted that the PEA and internal/external inspection visit both assessed the site as being suitable to support bats.

4.1.3 Table 2 below gives details of any bat species recorded within 2km of the site in the last ten years.

Table 2: Summary of records of bat species

Latin Name	Common Name	European Legal Protection	UK Legal Protection	Section 41 Species
<i>Plecotus auritus</i>	Brown Long-eared Bat	Y	Y	Y
<i>Pipistrellus pipistrellus</i>	Common Pipistrelle	Y	Y	
<i>Nyctalus noctula</i>	Noctule	Y	Y	Y
<i>Myotis spec.</i>	Myotis (unidentified)	Y	Y	
<i>Eptesicus serotinus</i>	Serotine	Y	Y	
<i>Pipistrellus pygmaeus</i>	Soprano Pipistrelle	Y	Y	Y
<i>Rhinolophus hipposideros</i>	Lesser Horseshoe Bat	Y	Y	Y
<i>Rhinolophus ferrumquinum</i>	Greater Horseshoe Bat	Y	Y	Y
<i>Barbastella barbastellus</i>	Barbastelle	Y	Y	

4.1.4 A search of NBN Atlas, showed there were no known bat roosts within 1km of the site recorded in the last 10 years.

4.1.5 A search of the MAGIC database for European Protected Species licenses within 5km of the site identified 17 licenses within the last 10 years. Table 3 below gives details of these licenses.

Table 3: Summary of European Protected Species licenses

Licence Case Reference	Species	Start Date	End Date
2017-31337-EPS-MIT	Brown Long-eared bat	27/10/2017	27/10/2027
2017-31914-EPS-AD2	Brown Long-eared, Lesser Horseshoe bat	10/04/2018	09/04/2028
2018-33546-EPS-MIT-1	Lesser Horseshoe	24/05/2018	23/05/2028
2018-36586-EPS-MIT	Common Pipistrelle, Soprano pipistrelle	01/09/2018	01/09/2023
2015-13668-EPS-MIT-4	Brown Long-eared, Soprano Pipistrelle	19/02/2019	05/10/2020
2017-31914-EPS-AD2-1	Brown Long-eared, Soprano Pipistrelle, Lesser Horseshoe	24/11/2019	05/04/2029
2018-36586-EPS-MIT-1	Common Pipistrelle, Soprano Pipistrelle	11/02/2019	01/09/2023

2019-39434-EPS-MIT	Soprano Pipistrelle	26/02/2019	26/02/2024
2019-42682-EPS-MIT	Brown Long-eared, Common Pipistrelle, Soprano Pipistrelle, Whiskered bat	26/09/2019	31/03/2020
2019-43073-EPS-BDX	Common Pipistrelle	09/10/2019	31/10/2019
2019-43644-EPS-MIT	Common Pipistrelle, Serotine, Soprano Pipistrelle	11/12/2019	31/12/2022
2019-43809-EPS-MIT	Common Pipistrelle	26/11/2019	31/12/2024
2020-48642-EPS-MIT	Brown-Long eared, Common Pipistrelle, Soprano Pipistrelle	01/09/2020	30/04/2031
2014-5332-EPS-MIT	Brown Long-eared, Soprano Pipistrelle	20/01/2015	01/01/2020
2015-13668-EPS-MIT	Brown Long-eared, Soprano Pipistrelle	06/10/2015	05/10/2020
2015-8200-EPS-MIT	Brown Long-eared bat	29/04/2015	31/12/2017
2015-13668-EPS-MIT-1	Brown Long-eared, Soprano Pipistrelle	11/01/2016	05/10/2020

4.2 Internal and External Building Inspection

4.2.1 This section should be read in conjunction with **Figure 2**, which shows the layout of the site and the results of the field survey; and **Appendix C**, which contains photographs of the site.

4.2.2 The site is comprised of 92 Wood Lane and 90a Wood Lane, 3km east of the A350 and approximately 1km southeast of Chippenham town centre. The site is set predominantly in a residential area with a primary school directly opposite.

Internal and External Building Inspection

4.2.3 Potential access points are shown on **Figure 2**.

92 Wood Lane

4.2.4 92 Wood Lane is a detached three-bedroom, two-storey property constructed in the 1920s of traditional construction with a double pitched roof. The property has gardens to the front and to the side accessed via a public footpath off Wood Lane. There is shed in the garden to the north-west of the property, however, this is a well-sealed and wood panelled construction with no roof void, providing negligible opportunity for roosting bats.

4.2.5 Externally, there are multiple gaps on all four elevations of the house where the lead flashing has lifted as well as gaps between the fascia board and wall. On the northwestern elevation of the building, there is overgrown ivy making the roof and wall in this area difficult to see. Towards the northeast of the house, the windows and patio

doors are well sealed. There are many gaps under lifted tiles on the northern elevation of the roof. As well as missing mortar in the roofs valley which provide gaps big enough for bats.

4.2.6 Internally, the house is well sealed and well lit. There is one roof void, which is bitumen lined with additional chicken wire. It has exposed wooden beams and brick at each gable end, where there is a substantial access point not visible from outside. The roof space is cobwebby throughout. No droppings were found upon the time of the inspection.

4.2.1 Due to areas of missing fascia board, ivy and missing mortar in the roof, 92 Wood Lane is considered to have moderate potential to support roosting bats.



Plate 8: 92 Wood Lane, overgrown ivy



Plate 9: Gap under tile near guttering

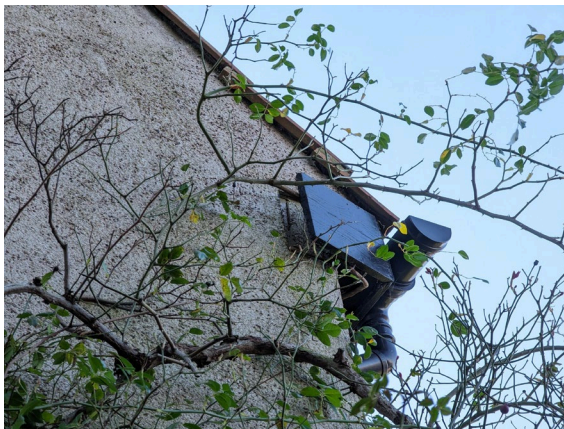


Plate 10: Fascia board has come away from wall

90a Wood Lane

4.2.2 90a Wood Lane is a two-storey detached house with an extension to the rear. It has a double pitched and concrete tiled, sloping roof, as well as a mixture of both double and single glazed windows. A garden envelops the front, side, and rear of the property, which can be accessed through a footpath off Wood Lane.

4.2.3 Externally the windows are well sealed on all elevations, however, there are multiple gaps areas of raised led flashing on all four elevations that are big enough to allow access for bats. As well as this, most of the fascia boarding around the house is lifted away from the wall creating gaps for bat access. To the east of the property there is a combination of overgrown ivy and dense scrub along the buildings elevation, making access to this area impossible and surveying of this elevation difficult. To the northwest of the property there is a small shed. This property is deemed to have low potential to support roosting bats.



Plate 11: 90a Wood Lane, southwestern elevation



Plate 12: 90a Wood Lane, northeastern elevation



Plate 13: 90a Wood Lane, gaps between fascia board and wall

Assessment of Suitability

4.2.4 No evidence of bats using the buildings was found at the time of the inspection. Building 92 is considered to be of moderate suitability to support roosting bats, in accordance with the BCT guidelines.² There are several access points which could provide roosting opportunities for bats, and the surrounding habitats are well linked to the wider countryside.

4.2.5 It is considered unlikely that the building would support a large roost and there was no evidence of bats found such as dropping on external elevations.

4.2.6 Building 90a had fewer potential access points and similarly no evidence of bat was found during the inspection. This building is considered to be of low potential to support roosting bats due to the more limited potential bat access points.

4.3 Emergence Survey

4.3.1 This section should be read in conjunction with **Figure 3**, which shows the extent of the survey area and the results of the field survey; and **Appendix C**, which contains photographs of the site.

90a Wood Lane

8th May 2024

4.3.2 The survey started at 20:28 and ended at 22:13, with a sunset time of 20:43.

4.3.3 The surveyor at position 1 noted their first bat, a noctule, at 21:05. From 21:11, they noted occasional passes of up to 2 common pipistrelle bats from west to east across the building. At 21:34, they noted a common pipistrelle flying north over the house. No bats were seen emerging from the building.

4.3.4 The surveyor at position 2 noted their first bat, a noctule, at 21:05. From 21:09, they noted occasional passes from common pipistrelles and soprano pipistrelles, all using a flight path in front of the building from east to west. No bats were seen emerging from the building.

92 Wood Lane

15th May 2024

4.3.5 The survey started at 20:39 and ended at 22:24, with a sunset time of 20:54.

4.3.6 The surveyors at positions 1 & 2 noted their first bat, a distant noctule, at 21:16. From 21:23, they noted constant foraging activity around the garden from common pipistrelle and soprano pipistrelle bats until 21:50. From 21:52, they noted occasional passes from soprano pipistrelles until the end of the survey. No bats were seen emerging from the building.

² Table 4.1, page 35, BCT Bat Surveys for Professional Ecologists Good Practice Guidelines 3rd Edition 2016.

4.3.7 The surveyor at position 3 noted their first bat, a soprano pipistrelle, at 21:24 flying beside the house from east to west. From 21:29 onward, they noted occasional passes from both common and soprano pipistrelles, all using a flight pass from east to west, and west to east, beside the house and through the garden of 90 Wood Lane. No bats were seen emerging from the building.

6th June 2024

4.3.8 The survey started at 21:06 and ended at 22:51, with a sunset time of 21:21.

4.3.9 The surveyors at positions 1 & 2 noted their first bat, a noctule, at 21:49. At 21:59, they noted a common pipistrelle foraging in the garden until 22:05. They heard occasional noctule and soprano pipistrelle passes for the remainder of the survey. No bats were seen emerging from the building.

4.3.10 The surveyor at position 3 noted their first bat, a noctule, at 21:49, flying high above the house from NE to SW. At 22:01, they noted a common pipistrelle pass through the garden of 90 Wood Lane. They heard occasional noctule calls for the remainder of the survey. No bats were seen emerging from the building.

Summary

4.3.11 In summary, no bats were seen emerging from the buildings. The site is used by common and soprano pipistrelles, and noctule bats for occasional commuting and foraging purposes.

5 EVALUATION AND RECOMMENDATIONS

5.1 Evaluation

5.1.1 The building is not a bat roost. No evidence of bats using the building was found at the time of the inspection or during the emergence surveys.

5.2 Recommendations

5.2.1 No further surveys are required in order to determine presence or likely absence of use by bats for the purposes of determining a planning application.

5.3 Opportunities for Enhancement

5.3.1 In order to fulfil the requirements of the National Planning Policy Framework, all developments must show biodiversity gain. The following recommendations aim to ensure that this policy requirement is met:

- In line with the 2023 survey, 4 bat/bird boxes should be provided within the new scheme. These should be of woodcrete or similar construction, and placed below the eaves on the building or high on the garden wall. If a bat box is used, it should face south-southwest, if a bird box is used it should face north-northeast.

6 CONCLUSIONS

6.1.1 The desk study and survey work have identified the site as being of negligible ecological value to bats as no bat roost was found despite the building being suitable. No evidence of bats using the building was found at the time of the inspection or during the emergence surveys.

6.1.2 Recommendations have been made to ensure that the development does not affect any protected species during either the construction or the operational phase, and further survey work has been recommended under certain circumstances to ensure that no effects on protected species occur.

6.1.3 No further surveys are required prior to a planning decision. The baseline conditions described in this report are true for the time at which the survey was undertaken. If no works are undertaken within the next year, then an update survey may need to be undertaken to ensure the baseline conditions described are accurate.

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7 REFERENCES

Guidance Documents - General

BS 42020:2013 *Biodiversity - Code of Practice for Planning and Development*. British Standards Institution.

CIEEM, CIRIA, IEAM (2016) *Biodiversity Net Gain: Good Practice Principles for Development*.

CIEEM (2017) *Guidelines on Ecological Report Writing*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIRIA (2019) *Biodiversity Net Gain. Good Practice Principles for Development A Practical Guide*.

Guidance Documents - Habitats and Species

Bat Conservation Trust (2018) *Guidance Note 08/18 Bats and Artificial Lighting in the UK*.

Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition)*. Bat Conservation Trust, London.

English Nature (2004) *Bat Mitigation Guidelines*.

JNCC (2004) *Bat Workers' Manual*

Legislation and Policy

HMSO The Conservation of Habitats and Species Regulations 2017

HMSO The Countryside and Rights of Way Act 2000

HMSO The Natural Environment and Rural Communities Act 2006

HMSO The Wildlife and Countryside Act 1981.

MHCLG (2019) National Planning Policy Framework.

FIGURE 1: SITE LOCATION

FIGURE 2: INTERNAL AND EXTERNAL INSPECTION

FIGURE 3: EMERGENCE SURVEY

APPENDIX A: POLICY AND LEGISLATION

POLICY

National Policy

National Planning Policy Framework (February 2019) - this document is a material consideration in planning decisions, and states that planning policies and decisions should provide net gains for biodiversity. The overarching 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. Paragraph 170 d) states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Local Policy

The following policies are applicable to the site:

- The Wiltshire Local Plan - Core Policy 50 seeks to ensure protection and enhancement of these sites and features, it is vital that all stages of sustainable development are informed by relevant ecological information, from site selection and design to planning decisions and long-term management. All effects should be considered, including positive and negative, direct, and indirect, cumulative, and on and offsite impacts over the lifetime of the development (including construction, operational and restoration phases), also considering disturbance effects such as noise, lighting, recreational pressures, trampling, traffic, domestic pets, vandalism etc.
- Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity, and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource and secure the integrity of local ecological networks and provision of ecosystem services.
- All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.
- All effects upon the natural environment should be addressed sequentially in accordance with the principle of the 'mitigation hierarchy':
 - Avoid e.g. site location, buffers
 - Reduce, moderate, minimise
 - Rescue e.g. translocation

- Repair, reinstate, restore
- Compensate or offset.

LEGISLATION

General

The Conservation of Habitats and Species Regulations 2017

This transposes the EU Habitats Directive into UK law, and provides protection for European Protected Species and European Protected Sites.

All bat species are covered under Schedule 2 (animals) of this legislation, and are known as European Protected Species.

You need a mitigation licence if your work will have impacts on European protected species that would otherwise be illegal, such as:

- capturing, killing, disturbing or injuring them (on purpose or by not taking enough care)
- damaging or destroying their breeding or resting places (even accidentally)
- obstructing access to their resting or sheltering places (on purpose or by not taking enough care)

The Natural Environment and Rural Communities Act 2006

This act established Natural England, and extended the duties of public bodies in relation to biodiversity by amending the CROW Act 2000 and the Wildlife and Countryside Act 1981. It established the Section 41 species and habitats of principal importance for the purpose of conserving biodiversity, which need to be taken into account by a public body when performing any of its functions. There are currently 7 bat species of principle importance:

- | | | |
|---------------|-----------------------|--------------------|
| ▪ Barbastelle | ▪ Soprano pipistrelle | ▪ Lesser horseshoe |
| ▪ Bechstein's | ▪ Brown long-eared | |
| ▪ Noctule | ▪ Greater horseshoe | |

The Countryside and Rights of Way Act 2000

This act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation steps should be taken or promoted (those these lists have been superseded by the S41 lists of the NERC Act 2006), in accordance with the Convention on Biological Diversity. It amends the SSSI provisions of the Wildlife and Countryside Act 1981 by providing increased power for their protection and management.

It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981, including changing the maximum penalty to a term of imprisonment rather than a fine, and creates a new offence of reckless disturbance. This means that if a person takes an unacceptable risk, or fails to notice an obvious risk, they will be liable.

The Wildlife and Countryside Act 1981

This act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

Under Schedule 5 of the Act, all species of bat (*Chiroptera* spp.) and their place of rest or shelter more generally known as 'roosts' are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Conservation of Habitats and Species Regulations 2017. This makes it illegal to kill, injure, capture or disturb bats or obstruct access to, damage or destroy bat roosts. Under the law, a roost in any structure or place used for rest or shelter is protected. As bats tend to reuse roosts, the roost is fully protected whether the bats are present or not.

APPENDIX B: NOTES AND LIMITATIONS

IES Consulting staff and their sub-consultants have endeavoured to identify the presence of protected species wherever possible on site, where this falls within the agreed scope of works.

Up to date standard methodologies have been used, which are accepted by Natural England (previously English Nature) and other statutory conservation bodies. No responsibility will be accepted where these methodologies fail to identify all species on site. IES cannot take responsibility where Government, national bodies or industry subsequently modify standards.

The results of the survey and assessment work undertaken by IES Consulting were representative at the time of surveying.

IES Consulting have advised on the optimum survey season for a particular habitat/species prior to undertaking the survey work. However, IES Consulting cannot accept responsibility for the accuracy of surveys undertaken outside this period.

IES Consulting cannot accept responsibility for data collected from third parties.