

Rose Hill, 8 The Street, Ash, Kent

Bat Survey and Mitigation Strategy

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Client: Mr J Thatcher



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1 Introduction

Following a 'Preliminary Ecological Appraisal' which identified bats as being potentially present, KB Ecology Ltd has been commissioned to undertake bat surveys and provide a mitigation strategy in support of a planning application at Rose Hill, 8 The Street, Ash Kent CT3 2HJ, in support of a planning application for the erection of a number of dwellings.

1.1 Survey Objectives

The purpose of the survey was to assess the likely impact of the scheme on bats, and to assist in demonstrating compliance with wildlife legislation and planning policy objectives.

The key objectives of this survey were to:

- Confirm the presence / likely absence of bats;
- Confirm the species and usage of the building, if present;
- Provide recommendations for necessary mitigation work.

1.2 Limitations

The findings of this report represent the professional opinion of a qualified ecologist and do not constitute professional legal advice. The client may wish to seek professional legal interpretation of the relevant wildlife legislation cited in this document.

2 Methodology

The outbuilding and the dwelling were both judged as offering moderate suitability for roosting bats, thus two night-time bat surveys were undertaken, as per Bat Conservation Trust's guidelines (which provide a table stating the 'minimum number of presence/absence survey visits required to provide confidence in negative preliminary roost assessment from buildings, built structures and trees in summer').

Table 7.3 Recommended minimum number of survey visits for presence/absence surveys to give confidence in a negative result for structures (also recommended for trees but unlikely to give confidence in a negative result).

Low roost suitability	Moderate roost suitability	High roost suitability
One survey visit. One dusk emergence or dawn re-entry survey ^a (structures). No further surveys required (trees).	Two separate survey visits. One dusk emergence and a separate dawn re-entry survey. ^b	Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn. ^b

^a Structures that have been categorised as low potential can be problematic and the number of surveys required should be judged on a case-by-case basis (see Section 5.2.9). If there is a possibility that quiet calling, late-emerging species are present then a dawn survey may be more appropriate, providing weather conditions are suitable. In some cases, more than one survey may be needed, particularly where there are several buildings in this category.

^b Multiple survey visits should be spread out to sample as much of the recommended survey period (see Table 7.1) as possible; it is recommended that surveys are spaced at least two weeks apart, preferably more. A dawn survey immediately after a dusk one is considered only one visit.

Table 7.1 Recommended timings for presence/absence surveys to give confidence in a negative result for structures (also recommended for trees but unlikely to give confidence in a negative result).

Low roost suitability	Moderate roost suitability	High roost suitability
May to August (structures) No further surveys required (trees)	May to September ^a with at least one of surveys between May and August ^b	May to September ^a with at least two of surveys between May and August ^b

The surveys were carried out by two surveyors positioned at strategic locations to ensure that all potential roost access points were monitored. Nightscope with infra-red light and a Pulsar Quantum thermal imaging scope were also used. The surveys were carried out by Katia Bresso¹, Megan Austin², Steve Stanley³ and Ed Clarke⁴ using Bat Box Duet heterodyne and frequency division and Pettersson D240x time expansion detectors, Echo Meter Touch 2 Pro bat detectors linked to iPad and a Batlogger M.

3 Legislation

All species of bat are afforded full legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). They are also listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and are therefore an EPS). Some species of bats (noctule, soprano pipistrelle, brown long-eared bat, barbastelle) are also listed as species of principal conservation importance⁵.

Bats rarely use the same roosting place all year round as they need different conditions for breeding and hibernating. But bats are creatures of habit and tend to return to the same sites at the same time year after year. For this reason, roosts are legally protected even if bats don't seem to be living there at certain times of year.

The legislation makes it a criminal offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb⁶ a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);

¹ CEnv MCIEEM, a qualified professional consultant ecologist with over 15 years of experience¹, licensed bat surveyor (Class Survey Licence Registration Number 2015-11917-CLS-CLS (CL15 Bat Roost Visitor Level 1) and 2015-11918-CLS-CLS (CL18 Bat Survey Level 2)) and Registered Consultant of the Bat Low Impact Class Licence with Natural England

² 8 years' experience in bat surveys

³ 10 years' experience in bat surveys

⁴ 5 years' experience in night-time bat surveys and licensed bat surveyor (Class Survey Licence Registration Number 2018-33670-CLS-CLS (CL18 Bat Survey Level 2))

⁵ Please note that this legal information is a summary and intended for general guidance only. The original legal documents should be consulted for definitive information.

⁶ Disturbance, as defined by the Conservation of Habitats and Species Regulations 2010, includes in particular any action which impairs the ability of animals to survive, breed, rear their young, hibernate or migrate (where relevant); or which affects significantly the local distribution or abundance of the species.

- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat;
- Intentionally or recklessly obstruct access to a bat roost.

For more information, Natural England have produced a Standing Advice Species Sheet available at <https://www.gov.uk/bats-protection-surveys-and-licences>

4 Results

During the dawn re-entry survey, one brown long-eared bat returned to roost under the felt of the dormer window of the west elevation of the house. Prior to this, it had been flying around the outbuilding's hay loft door.

No bats emerged from either building during the second bat survey.

Full results are present in Appendix A.

5 Mitigation Strategy

The surveys confirmed that one brown long-eared bat uses the house as a roost. Although no bats were seen emerging/entering from the outbuilding, as a small number of brown long-eared bat droppings were present in the upper floor, and due to the behaviour of the bat seen, it is expected that this bat also uses the outbuilding as an occasional day or night roost.

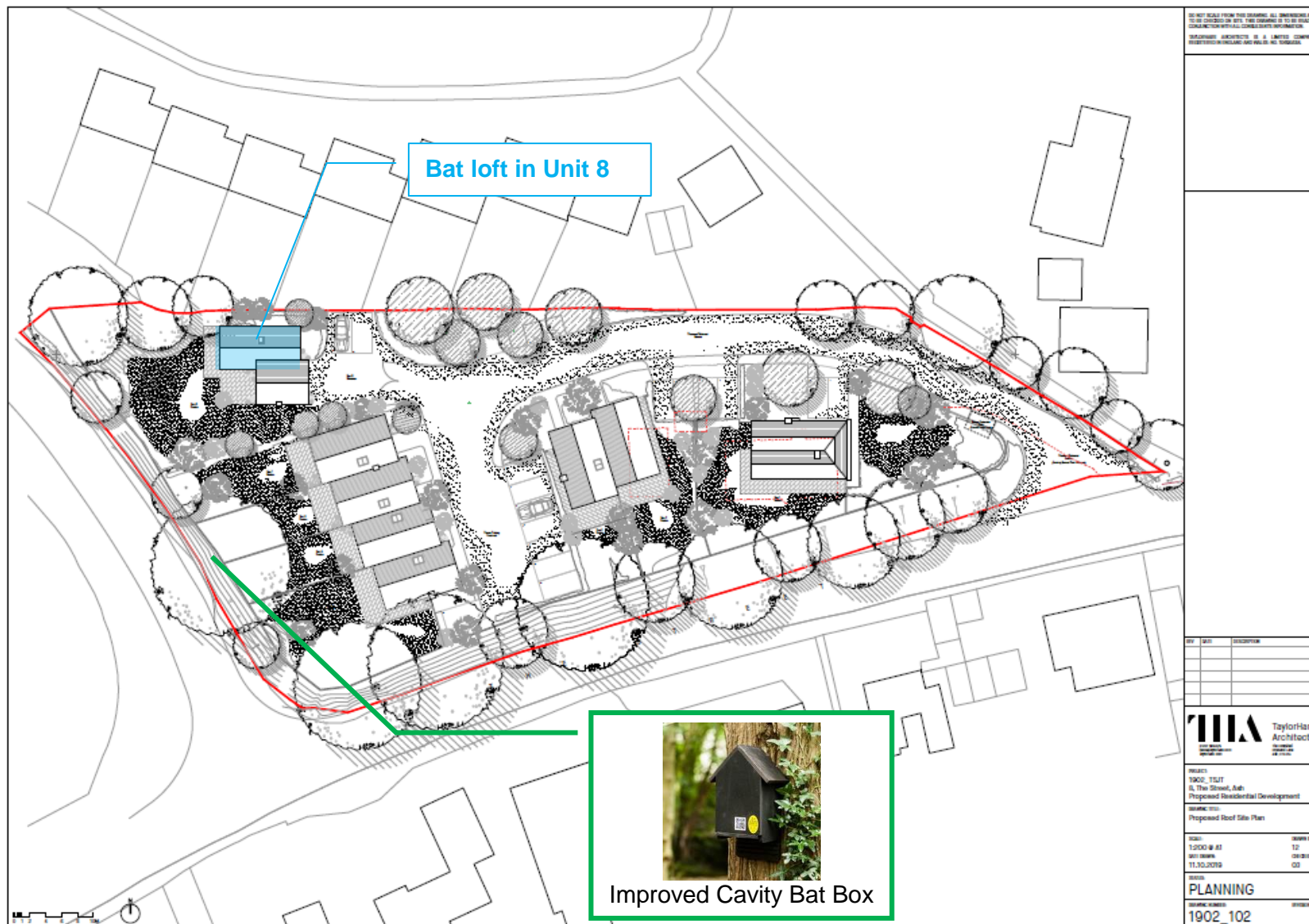
The buildings are thus not used as a maternity roost but are used as a day (and/or night) roost by a single brown long-eared bat, a common species. Thus:

1. the roosts should be regarded as being of low conservation significance as referred in the 'Bat Mitigation Guidelines' (English Nature, 2004).
2. the following mitigation strategy should be followed to ensure the local bat population stays at a favourable conservation status and include the mitigation/compensation requirements suggested in the 'Bat Mitigation Guidelines' (English Nature, 2004):

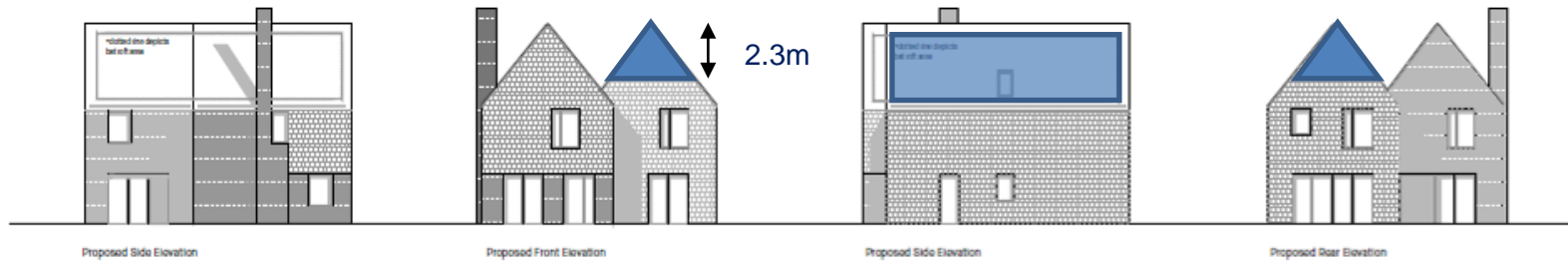
*'Flexibility over provision of bat boxes,
access to new buildings etc.
No conditions about timing or monitoring'.*

Thus it is recommended that:

- one 'Improved Cavity Bat Box' (or similar) is installed onto an adjacent tree prior to demolition (to provide continued roosting opportunities);
- one bat loft is incorporated in the roof of Unit 8, to provide long-term roosting opportunities.



Unit 8



Accommodation Schedule

Unit 8 (4b 7p)

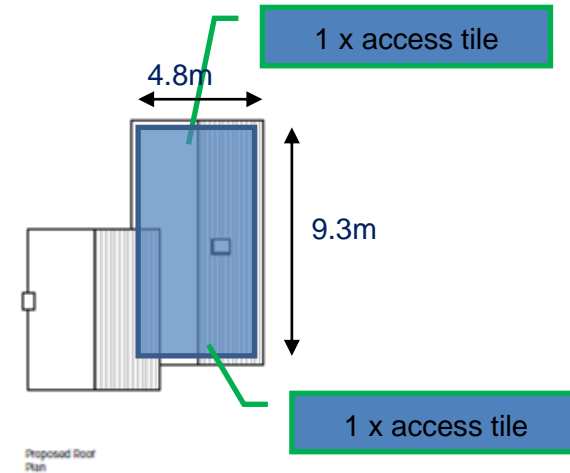
135sqm

Drawing Key

B	Bathroom
B1	Bedroom 1
B2	Bedroom 2
B3	Bedroom 3
B4	Bedroom 4
D	Dining
E	Entrance
ES	Ensuite
K	Kitchen
L	Living Room
R	Rooflight above
ST	Study/Office Space
U	Utility
WC	WC

Bat loft of 150cubic meters with:

- Bitumastic sarking felt (no breathable membrane used inside the bat loft!)
- Internal timber joists or beams on which to roost.
- 2 access tiles.
- no lighting directed towards access.
- provide an access hatch to inspection and cleaning but no use of bat loft for storage to be allowed.



Prior to building demolition, once a licence is in place, a soft strip of the buildings (dwelling and outbuilding) shall be done as such:

1. Briefing to contractors – A toolbox talk will be delivered to contractors in advance of works commencing on site. This will include information on relevant legislation relating to bats, and contractor's responsibilities. It will also include confirmed bat roosts proposed for retention during works and the protection measures to be enforced.
2. Pre-demolition Survey – if the works take place more than two years after the initial bat surveys, a re-survey will be undertaken in advance of works commencing on site. This will assess the status of the roosts and record any evidence of roosting bats. If evidence of roosting bats is significantly different to previously recorded on site, then Natural England will be informed and the method statements amended prior to works commencing.
3. Supervision by a licensed bat handler – Any works affecting suitable roosting opportunities will be undertaken under the supervision of a licensed bat handler. Soft techniques will be employed, with dismantling carried out by hand in a vertical rather than horizontal sliding motion checking for roosting bats, under the supervision of a licensed bat handler.
4. If any bats are found during the dismantling works, they will be captured by hand, by the licenced bat worker, checked for injury and released at the site in the evening on the same day (depending on weather conditions, should weather conditions be bad, the bat would be kept in captivity by the licence holder for as little time as possible, until suitable weather conditions) or transferred to a suitable bat box which will be plugged for a short period of time to allow the bat to become acclimatised to the box.
5. The licenced bat worker will decide how long to supervise the works or whether to stay 'on-call' once the works have started. If a bat is discovered at other unsupervised times, work will cease immediately and the licensed ecologist will be called for advice. This advice will include leaving the bat to disperse of its own accord, or wait for the licensed ecologist to appear and move the bat. Builders and contractors are explicitly forbidden from handling bats.

Should landscaping be proposed, it should include species known to benefit bats (as per the document 'Encouraging Bats' by the Bat Conservation Trust⁷), such as:

- Planting of hawthorn, hazel, honeysuckle, hornbeam, jasmine, rowan, silver birch, buddleia, common alder, dog rose, elder, English oak, gorse, guelder rose.
- Seeding of Aubretia, Candytuft, Cherry pie, Corncockle, Cornflower, Corn marigold, Corn poppy, Echinacea, English Bluebell, Evening primrose, Field poppies, Honesty, Ice plant, 'Pink lady', Knapweed, Mallow, Mexican aster, Michaelmas daisy, Night-scented stock, Ox-eye daisy, Phacelia, Poached egg plant, Primrose, Red campion, Red valerian, Scabious, St John's wort, Sweet William plant, Verbena, Wallflowers, Wood forget-me-not, Yarrow.

Besides, as lighting can be detrimental to roosting, foraging and commuting bats⁸, the recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting'⁹, should be considered, when designing any lighting scheme for the proposed development.

⁷ http://www.bats.org.uk/publications_detail.php/231/encouraging_bats

⁸ http://www.bats.org.uk/pages/bats_and_lighting.html and <http://www.batsandlighting.co.uk/index.html>
for more information

⁹ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

5.1 Need for application for a EPSM licence or for registration of the site under a Bat Low Impact Class Licence

As the proposed works would result in the loss of a bat roost, the works should only be undertaken once a licence is in place for the project, which can be done in two ways:

- A. A European Protected Species Mitigation licence (or EPSM licence) could be sought from Natural England to permit the proposed works. An application would need to be prepared and submitted to Natural England for determination, once full planning permission has been granted. A decision on the application would be made by Natural England within 30 days of receipt (although it has taken Natural England considerably more time in the last two years). The licence application would need to include full details of the proposed ecological mitigation / compensation and a program for these works.
- B. Alternatively, a Registered Consultant of the Bat Low Impact Class Licence could register the site under her licence to undertake the works; i.e.:
 - The disturbance and/or capture of bats and/or damage or destruction of bat roost/s of low conservation significance (i.e. feeding perches/roosts, day and night roosts), affecting no more than three (3) of the more common species of bats present in small numbers.
 - The 7 species that will be covered within the remit of the licence are common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared (*Plecotus auritus*), whiskered (*Myotis mystacinus*), Brandt's (*Myotis brandtii*), Daubenton's (*Myotis daubentonii*) and Natterer's (*Myotis nattereri*).

In both cases, the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species.

For development activities, this licence is obtained after planning permission has been obtained. The three tests are that:

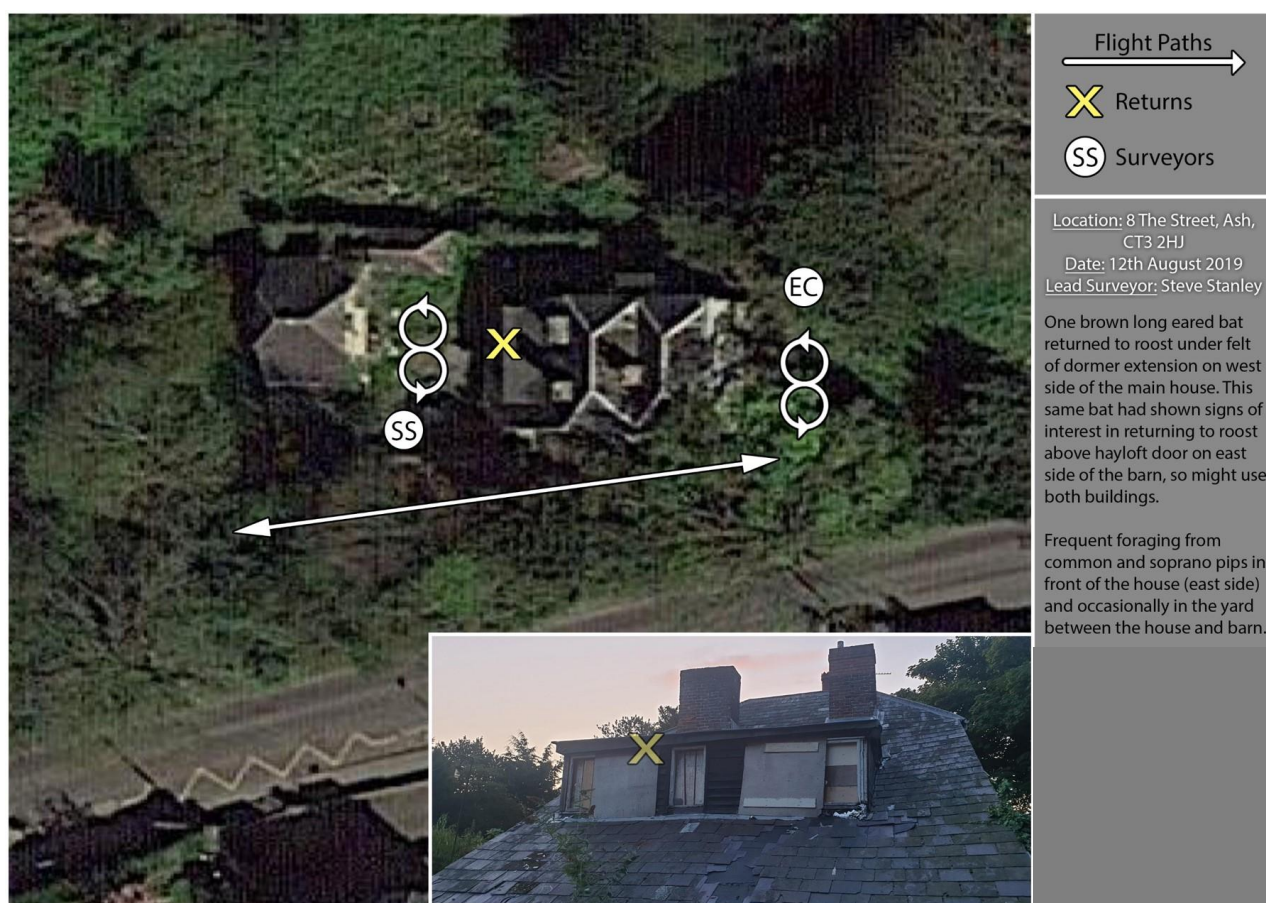
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

More information is present in:

<https://www.gov.uk/government/collections/bat-licences>

<http://publications.naturalengland.org.uk/publication/113030?category=8004>

Appendix A – Night-time Bat Survey Results



Site Name and Building Number	West barn, 8 The Street, Ash	Surveyor Name / Equipment	Steve Stanley / EM Touch 2 Pro with iPad
Weather Conditions	Cloud 10%, Wind 1, Rain 0	Date	12th August 2019
Start Time	04:05	Finish Time	05:35
Air Temperature (°C) at Start of Survey	14	Air Temperature (°C) at End of Survey	14
Sunset		Sunrise	05:35

Time	Species	Activity*	Comments
04:27	45 Pip	C	Distant pass, not seen. Heard from south side of barn.
04:43	BLE	F	Brief F east of barn in yard between buildings, then C east along south tree line.
04:54	55 Pip	F	In yard between buildings, then C east along south tree line.
04:57	55 Pip	F	In yard between buildings, then C east along north side of house.
05:00	BLE	F	In yard between buildings, then C west along south tree line.
05:01	45 Pip	C	From north east, to south west, over buildings and into trees.
05:04	BLE	F	From south, flying around hay loft door twice, then C back south to treeline.
05:08	BLE	R	Into dormer eaves under felt, west side of house, after flying around barn's hay loft door again.
05:08	55 Pip	C	From west to east along southern tree line.
05:16	45 Pip	C	Brief pass, not seen, heard from south of barn along southern tree line.

*Activity - 'E' = emergence; 'R' = return; 'F' = foraging; 'C' = commuting

**S' = seen; 'NS' = not seen

Site Name	8 The street, Ash CT32HJ			Surveyor Name / Equipment	E.CLARK/BATLOGGER M
Weather Conditions	light breeze			Date	12/08/2019
Start Time	04:10			Finish Time	05:40
Air Temperature (°C) at Start of Survey				Air Temperature (°C) at End of Survey	
Sunset				Sunrise	05:40
Time	Track Time	Species	Activity*	Comments	
04:12		45 pip	F	Ns. approximately 6 passes E. of house	
04:15		45 pip	C	social calls	
04:17		45 pip	F	S. F intermittently for 10 minutes	
04:38		55 pip	C	Ns. intermittently foraging for 12 mins	
22:54		45pip	F	S. 3 passes over garden area N. of house	
04:58		45 x 2	F	S. 3 passes over garden area N. of house	
05:02		45 pip	C	S. West - East by N. side of house	
05:10		45 pip	F	S. East of house then W. along tree line	
05:19		45 pip	C	S. West - East by N. side of house	

Site Name and Building Number	8 The Street, Ash, CT3 2HJ	Surveyor Name / Equipment	Megan Austin/Batscanner and anabat
Weather Conditions	20% cloud, no wind	Date	03.09.2019
Start Time	19:25	Finish Time	21:10
Air Temperature (°C) at Start of Survey	17	Air Temperature (°C) at End of Survey	16
Sunset	19:37	Sunrise	

East and north elevations of house

Time	Species	Activity*	Comments
19:50-53	45 pip	F	from east then constant foraging
19:51-52	45pip	F	second bat foraging
19:54	45pip	F	From the west, 1 pass
19:56	45pip	F	North to south, 1 pass
19:57	45pip	F	NS, 2 passes
19:58	5pip and 55pip		flying together, West to East, 1pass
19:59-20:02	55pip	F	From west over roof the foraging constantly against the East facing wall
20:02	45pip		From west over roof, flying East
20:05-12	45pip	F	Intermittent foraging near east elevation
20:18			Move to join Katia
20:31	45pip	F	NS
20:28	2x45pip		flying together

Site Name and Building Number	8 The Street, Ash, CT3 2HJ	Surveyor Name / Equipment	Katia Bresso
Weather Conditions	20% cloud, no wind	Date	03.09.2019
Start Time	19:25	Finish Time	21:10
Air Temperature (°C) at Start of Survey	17	Air Temperature (°C) at End of Survey	16
Sunset	19:37	Sunrise	

between house and outbuilding

Time	Species	Activity*	Comments
19:54	45pip	C	From the west, 1 pass
19:56-20:05	2 x 55pip	F	constant foraging around buildings
20:12	45pip	C	NS
20:19	45pip	C	NS
20:42	45pip	C	NS