

BAT PRESENCE/ABSENCE SURVEYS OF:

BANK COTTAGE

SOUTH'ARD

BRYHER

ISLES OF SCILLY

TR23 0PR

Client: Ms Mary Lowth

Our reference: BS10-2020PAS

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REPORT ISSUED IN ELECTRONIC FORMAT ONLY

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Non-Technical Summary

- On 13th November 2018, the Isles of Scilly Wildlife Trust (IoSWT) conducted a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) of Bank Cottage, South'ard, Bryher, Isles of Scilly, TR23 0PR (BS10-2018), for which there is a proposal to remove an existing porch and south-facing extension and raise the existing roof of the main house; renovation and extension of the detached cottage to the east of the main house and the removal of a small, standalone outbuilding to create a terrace. The survey concluded that the building had moderate potential to support roosting bats. Two presence/absence surveys were recommended and the results of these surveys are outlined in this Presence/Absence (PAS) report.
- A first dusk survey conducted on 14th July 2020 did not identify any bats emerging from roosting sites associated with the building but did identify bats commuting and foraging along the northern boundary of the property, within the garden and along the western elevation of the detached cottage.
- A dawn re-entry survey conducted on 11th August identified 3 Common Pipistrelle returning to roost at the north-west eaves of the porch on the western elevation of the building.
- A further dusk emergence, followed immediately by a dawn re-entry survey confirmed further commuting and feeding behaviour along the northern and eastern boundary of the property
- The results from these surveys confirm the presence of a non-breeding summer roost of a common and widespread species (Common Pipistrelle) within the porch at Bank Cottage
- An impact assessment identifies that the proposed works would result in the destruction of this roost and the potential to kill/injure Common Pipistrelle bat(s) if appropriate measures are not taken to protect this species.
- It is considered that appropriate mitigation measures can be put in place to ensure that the proposed works can proceed without negatively impacting the Favourable Conservation Status (FCS) of common pipistrelle bats on Bryher in the long term. If minded to approve permission, it is recommended that the Decision Notice includes a compliance condition that works should proceed in accordance with the mitigation measures outlined.
- To ensure legislative compliance, it would be necessary for the works to be undertaken under a European Protected Species Mitigation License (EPSML).
- Mitigation measures recommended include appropriate timing of works, provision of a replacement roost and ecological oversight of works.

1.0 Introduction

1.1 Background

A Preliminary Roost Assessment report (BS10-2018) dated 13th November 2018 identified that the building under consideration provided moderate roosting potential for bats. Additional presence/absence surveys were recommended to meet best practice guidance to support a future planning application. This report outlines the results of these additional surveys.

1.2 Survey Objectives

The objectives of this Presence and Absence Survey (PAS) report, is to provide further ecological information to support the planning proposal by:

- Ascertaining if roosting bats are present at the application site
- To identify the location of these bat roosts (including exit/entry points)
- Subjecting this information (and the information from the PEA and PRA) to evaluation and impact assessment
- To provide advice on the potential for contravention of legislation/policy
- To provide recommendations on any further actions needed (i.e. further surveys, licensing, mitigation or enhancement)

1.3 Surveyor details

The survey was undertaken by Darren Mason BSc (Hons) of the Isles of Scilly Wildlife Trust and with the assistance of Rob Carrier, Darren Hart and Rhianna Pearce. Darren Mason has undertaken professional Bat Licence Training and holds a Natural England WML-A34-Level 2 (Class 2 License); registration number: 2020-46277-CLS-CLS which permits him to survey bats using artificial light, endoscopes, hand, and hand-held static nets.

2.0 Methodology

2.1 Dusk emergence and dawn re-entry surveys

The objective of a dusk emergence survey was to detect active bat use of the site and identify any exit locations being used around the building. Survey effort was concentrated on areas of the site where suitable features or bat field signs were noted from the PRA. The survey involved:

- Starting the survey 15 minutes before sunset and continuing for approximately 1.5-2 hours after¹:
- Identification of bat species primarily using ultrasound characteristics. To aid identification flight and habitat characteristics were also noted (where possible) to determine the species.
- Identifying exit locations of bats by standing at different vantage points around the building that offered visual contact with any potential exit point previously recorded. Surveyors stood no more than 50m apart, or away from the building (see Fig 1 for location of surveyors).

The objective of a dawn re-entry survey was to detect bats returning to possible roost sites. As bats tend to swarm around a roost entrance for a period of time before entering dawn, these surveys are more effective at identifying species and numbers of bats that may have emerged later, when no visual contact was possible to identify an exit location or, when the roosts are only small. The survey involved:

- Starting the survey 1.5 – 2 hours before sunrise and continuing up until approximately 15 minutes after¹
- Identification of bat species primarily using ultrasound characteristics (as above)
- Identifying entry/exit locations of bat roosts by visual methods described above
- Identification of the species of bat and the number of bats returning to the roost.

2.2 Equipment

The following equipment was used for the dusk emergence survey at the site:

- Anabat Express (Frequency Division) static bat recorder
- Elekon Batscanner Stereo Heterodyne
- Elekon Batscanner Heterodyne
- Magenta Bat 4 Bat Detector
- Bestguarder WG-50 Night vision camera

Sound recordings were analysed using Anabat Insight software to confirm surveyors' identification of species.

2.3 Survey Limitations

Surveys carried out during a specific season can only provide information on bat presence at that particular time, as bats are highly mobile in nature and may only use buildings at certain times of the year that favour a particular part of their roosting, maternity and hibernating requirements.

3.0 Results

3.1 Weather conditions, temperatures and timings

Survey Information:	Start and End Times:	Conditions (Start):	Conditions (End):
Dusk emergence: 14/7/20	Start: 21:14 Sunset: 21:29 End: 22:59	Temp: 15.5°C Humidity: 80.5% Wind speed: 18mph Cloud cover: % Rain: none	Temp: 15°C Humidity: 82.5% Wind speed: 19mph Cloud cover: 0% Rain: none
	Surveyors 1. Darren Mason 2. Rhianna Pearce 3. Rob Carrier 4. NV Camera	Notes: Light level at Lux 2:	

Table 1. Site conditions for 1st dusk emergence survey 14-7-20



Surveyor location for dusk emergence survey 14-7-20

Survey Information:	Start and End Times:	Conditions (Start):	Conditions (End):
Dawn re-entry: 11/8/20	Start: 04:32 Sunrise: 06:08 End: 06:23	Temp: °C Humidity: % Wind speed: 14 mph N Cloud cover: 100% Rain: none	Temp: °C Humidity: % Wind speed: 12mph N Cloud cover: 100% Rain: none
	Surveyors		
	1. Darren Mason 2. Rob Carrier 3. NV Camera	Notes:	

Table 2. Site conditions for dawn re-entry survey 11-8-20

Survey Information:	Start and End Times:	Conditions (Start):	Conditions (End):
Dusk emergence/ Dawn re-entry: 16/9/20 & 17/9/20	Start: 19:24 and 04:50 Sunset: 19:39 Sunrise: 07:01 End: 21:20 and 05:39	Temp: 18.5°C/16°C Humidity: 81%/96% Wind speed: 13mph ENE/23mph Cloud cover: 100%/none Rain: mist/none	Temp: 16.5°C/16.5°C Humidity: 88.5%/89% Wind speed: 13mph ENE/25mph Cloud cover: 100%/100% Rain: mist/none
	Surveyors		
	1. Darren Hart 2. Rob Carrier 3. NV Camera	Notes:	

Table 3. Site conditions for dusk emergence/dawn re-entry survey 16th and 17th September

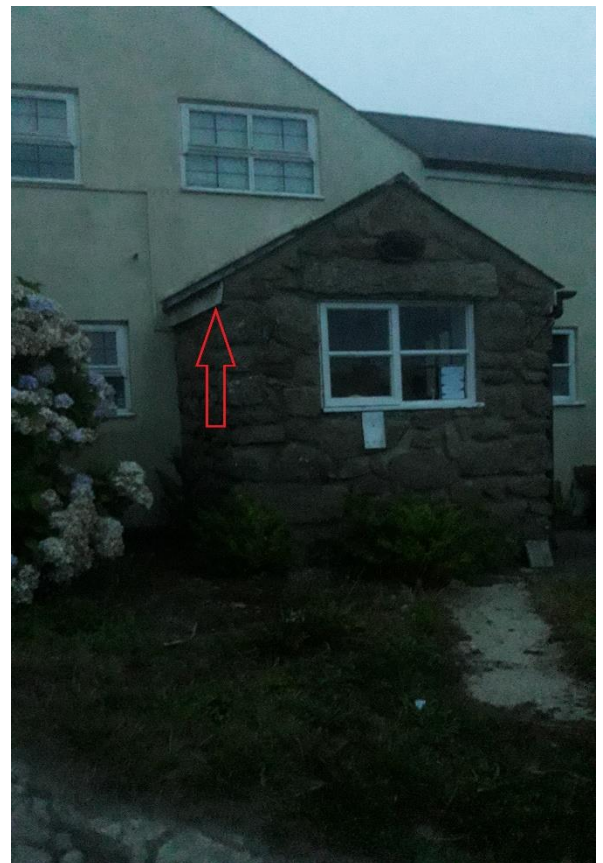


Surveyor locations for dusk and dawn surveys on 11-8-20, 16-9-20 and 17-9-20

3.2 Presence and absence survey results

The species confirmed during the 3 presence and absence surveys were Common pipistrelle (*Pipistrellus pipistrellus*) and Soprano pipistrelle (*Pipistrellus pygmaeus*) along with several *pipistrellus* calls that could not be assigned to either species (due to the frequency overlaps of their calls). Activity during the first dusk emergence survey was dominated by commuting behaviour, particularly along the northern aspect of the development, with feeding behaviour recorded along the southern and eastern aspect of the main building, with occasional foraging behaviour and feeding along the western aspect of the detached cottage (to the east of the main house) and within the garden to the south (see Appendix A). In total 23 bat passes were recorded during the survey, with no bats seen leaving or entering the main house and porch or the detached cottage and outbuilding. During this survey House Sparrow (*Passer domesticus*) were confirmed to be nesting in the porch behind the fascia of the porch on the north-west elevation (at the junction with the main house), presumably above the wall plate.

In contrast, feeding behaviour was more apparent during the dawn re-entry survey, along the northern aspect of the building, particularly where the buildings opposite and their gardens ran parallel with Bank Cottage. Feeding behaviour was recorded again along the southern aspect of the main building and within the garden. In total 41 bat contacts were recorded during the survey. Towards the end of the first dawn re-entry survey (11-8-20) 'swarming' behaviour was noted by surveyor 1 beginning at 05:44am with two pipistrelle bats making repeated circles in and around the area of the north-west elevation of the porch on the western aspect of the main building. At 05:45am the first bat landed below the fascia on the granite block work and crawled behind the fascia at the north-west eaves of the porch immediately followed by the second bat. At 05:47 a single pipistrelle bat flew directly from the east to the same



Location of bat roost at Bank Cottage

location also entering the roost. The species confirmed at this location was Common Pipistrelle. Examination of the floor and surrounding vegetation immediately below the roost entrance revealed very few droppings.

The final combined dusk emergence/dawn re-entry survey revealed no bats leaving or entering the building, with most activity focused on commuting behaviour to the north of the building and some early foraging behaviour along the eastern boundary between the main building and the single-storey cottage. Most commuting behaviour was recorded travelling east to west/west to east along the main track between Bank Cottage and the surrounding buildings. In total 39 contacts were made, the first was recorded at 19:54 by both surveyors, with the last noted at 21:06 by surveyor 1.

The dawn re-entry survey the following morning revealed very little activity, with no contacts recorded by surveyor 2 and only 2 contacts recorded by surveyor 1 at 05:59 and 06:33. This may have been as a result of a change in the weather conditions overnight, forcing an early return to roost. Inspection at the end of the survey below the confirmed roost revealed no droppings. For contacts made during the presence and absence surveys please see Appendix A.

3.3 Summary

The combined survey results have shown the porch on the western aspect of Bank Cottage supports a roost for at least 3 Common Pipistrelle bats, most likely as a summer non-breeding roost.

4. Evaluation of Results

To identify which ecological features are important and which could potentially be affected by the proposed project, an evaluation of their importance for example, in a geographical context, degree of scarcity or level of protected status needs to be undertaken². The table below outlines those features identified as important, the nature conservation legislation relevant to those features and an assessment of the level of impact from the proposed development on those features.

Ecological Feature	Relevant Legislation	Evaluation (of importance)	Mitigation Hierarchy	Impact Level
Bats	CHSR, W&CA & NPPF	Local	A, M, E	Low/Medium
<p>Status – Common Pipistrelle have seen an increase in their population size since 1999³ and are deemed to be <i>common</i> and widespread.</p> <p>Value – Taking the small number of non-breeding bats and their status, the value of the building for roosting bats is determined to be of ‘Local’ importance⁴.</p> <p>Impact to roost sites: The proposed works would lead to the permanent destruction of the roost site through the removal of the features which constitute it. The raising of the roof as part of the proposed works could restore an equivalent feature if the appropriate size gaps could be designed into the construction. However, Continued Ecological Functionality (CEF) cannot be argued as there would be a delay of 12 months minimum between destruction and restoration of the roost.</p> <p>Impacts to bats: The proposed works could result in the injuring or killing of the small number (3) Common Pipistrelle bats if they were present in the roost at the time the works were undertaken. Due to the small and isolated population of Common Pipistrelle bats on the Isles of Scilly, these impacts may negatively affect the Favourable Conservation Status (FCS), therefore these impacts should be considered significant.</p> <p>Other impacts: No other impacts to habitat availability or connectivity have been identified as a result of the proposed works. However, positive impact can be achieved⁵ by creating additional roosting features within the areas of the proposed works beyond the replacement roost required as part of mitigation</p> <p>Please note a summary of criminal offences with respect to bats and their roosts (see Appendix C regarding legislation)</p>				
Key to Legislation and Mitigation Hierarchy				
<p>CHSR – Conservation of Habitats and Species Regulations 2017⁶ - http://www.legislation.gov.uk/uksi/2017/1012/made</p> <p>W&CA – Wildlife & Countryside Act 1981 (as amended)⁷ - http://www.legislation.gov.uk/ukpga/1981/69/contents</p> <p>NPPF – National Planning Policy Framework 2019⁸ - https://www.gov.uk/government/publications/national-planning-policy-framework-2</p> <p>A – Avoid, M – Mitigate, E – Enhancement</p>				

5. Recommendations and Mitigation (excluding bats)

The recommendations in this section are provided as information only and specialist legal advice may be required. If works are delayed for more than one year, then re-assessment may be required.

5.1. Nesting birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). Section 5 of this Act makes it an offence to kill, injure or take any wild bird, or intentionally to take damage or destroy the nest of any wild bird while that nest is in use or being built.

During the first dusk emergence survey, evidence of nesting House Sparrow was identified behind the fascia and presumably on the wall plate of the north-west elevation of the porch. If works were to commence between the months of March and August inclusive, then the site would need to be checked first for nesting birds. If any evidence of breeding activity was found, or nests are identified, then works that would disturb the adults, the nest or young must be postponed until all young have fledged the nest and it is no longer in use. Following the proposed works, no suitable nesting habitat for these species will remain associated with the porch. Therefore, it is recommended that mitigation measures to replace lost nesting features are incorporated into the design.

House sparrows nest communally, and nest boxes should accommodate this, either through the installation of a single purpose-built nest box comprising several individual chambers with separate entrances, or the installation of 3+ nest boxes in close proximity. These should be mounted on the wall of the house if possible, at a height of at least 3m above the ground with an entrance clear of vegetation/other features which may put them at risk of predation from cats. Boxes can be sourced online, or can be constructed on site using methodology and specifications provided by the RSPB (<https://www.rspb.org.uk/get-involved/activities/give-nature-a-home-in-your-garden/garden-activities/createasparrowstreet/>)

6. Recommendations and Mitigation (bats)

6.1 Further survey requirements

No further surveys are recommended for the proposed development. It is considered that this report, alongside the PRA produced separately, constitute a comprehensive ecological baseline from which to assess the impacts of the application.

6.2 EPS License requirement

It is identified that a European Protected Species Mitigation License (EPSML) would be required to legally undertake the proposed works as it would result in the destruction of a confirmed bat roost.

The EPSML would be issued by Natural England and cannot be applied for until planning permission is granted. The mitigation proposals outlined in Section 6.4 of this report would form the basis for this EPSML application.

6.3 Planning recommendation(s)

The information gathered here is sufficient to support a planning application taking into account protected species and in accordance with relevant best practice guidelines

It is considered that the impacts of the proposed works on protected species can be mitigated sufficiently to ensure that the FCS of Common Pipistrelle on Bryher is not negatively impacted upon. The mitigation outlined in Section 5.4 would represent appropriate measures to allow Natural England to grant the EPSML.

If minded to do so, it is recommended that Planning Permission can be granted provided that compliance with the recommendations in Section 6.4 of this document is conditioned. This should be a compliance rather than a pre-commencement condition and should not be required to be discharged. This is because Natural England require all Conditions related to Protected Species to be discharged before they will issue a licence for that application which results in a Catch-22 situation if an EPSML is conditioned.

6.4 Mitigation Proposals (Outline)

Roost Replacement

Prior to the commencement of any works affecting the porch, a replacement roosting site should be created. This should comprise a free-standing bat box (for example a Kent Bat Box design) which would be sited on the north gable end of the detached holiday cottage approximately 35m south of the porch. This location has been identified through discussion between the Licenced Bat Worker and the applicants' architect and has been confirmed that this would represent a roost site in perpetuity. The installation of the box should be supervised by a Licenced Bat Worker to ensure that the aspect and height replicate the character of the existing roost as closely as possible. Provision of this feature would ensure continuity of roosting habitat.

Timing of Works

No significant constraints on timing of works are considered necessary due to the status of the roost as a non-breeding summer roost used by a small number of bats; however the months of **November – February should be avoided** where possible as this is when bats enter a time of reduced activity or torpor which makes disturbance impacts more significant.

Ecological Oversight

The controlled part-demolition would require the removal and exposure of potential roosting sites which may be used by bats on the identified building under the supervision and direction of a licensed bat worker. Structures would need to be removed by hand and with care.

Structures on the identified building which would potentially need to be removed under supervision of a licensed bat worker would include:

- All roof tiles on the porch
- All soffits, barge boards, fascia and flashing where not exposed from the removal of tiles
- The removal of any other structural features as determined by the licensed bat worker.

Scaffolding, or another suitable structure would be provided to allow the licensed bat worker full view of the works. Once the above structural features have been removed, and the licensed bat worker is satisfied that all potential roosting sites have been exposed, then works can proceed under distance supervision.

If a bat(s) were found to be present during works, it would be captured by the licenced bat worker in a gloved hand and placed in the bat box or allowed to disperse of its own accord.

The full scope of the supervision works would be agreed with all relevant parties to ensure the above objectives are met and that all areas of roof structures are accessible.

Ecological Enhancement

Opportunities for the provision of additional roosting features would be discussed with the applicants' architect and incorporated into the structure of the new building where practicable – for example the inclusion of an in-line 'integrated' bat box at the apex of the north-west gable end or the spacing off of the fascia boards on the north-west gable elevation by 25mm to create a gap behind for bats to roost within.

Monitoring

Due to the scale of impact identified, it is unlikely that Natural England would expect post-completion monitoring of the mitigation measures.

7. Bibliography

1. Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition). The Bat Conservation Trust
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6. H.M.S.O. (2017). *The Conservation of Habitats and Species Regulations*. London.
7. H.M.S.O. (1981). *The Wildlife and Countryside Act 1981* (as amended). London.
8. Ministry of Housing, Communities & Local Government. (2019). *National Planning Policy Framework*. OGL
9. H.M.S.O. (2006). *The Natural Environment and Rural Communities Act 2006*. London

APPENDIX A – BAT CONTACTS SURVEY TABLE

Date:	14/7/20 – Dusk emergence survey			
Survey Type:	Surveyor 1	Surveyor 2	Surveyor 3	Night vision camera
Location:	Unseen, W to E, unseen, E to W, W to E, unseen, N to S, unseen, unseen, unseen, unseen, unseen, unseen and unseen	Unseen, unseen, unseen, S to N, S to N, unseen, unseen, unseen, unseen, unseen and unseen	Unseen, unseen, N to S, N to S, N to S, unseen and unseen	No contacts recorded
Exit/Entry point:	None recorded	None recorded	None recorded	None
Time(s):	21:42 ; 21:44; 21:45; 21:57; 22:03; 22:09; 22:10 ; 22:18; 22:27 ; 22:29; 22:31 ; 22:32; 22:36 and 22:39	21:44; 21:54; 22:04; 22:03; 22:09; 22:10 ; 22:13 ; 22:15 ; 22:29; 22:31 ; 22:34; 22:36 and 22:40	21:42; 21:54; 22:04; 22:10 ; 22:13; 22:15 and 22:28	No contacts recorded
Species of bat:	Common pipistrelle and Soprano pipistrelle	Common pipistrelle	Common pipistrelle	None recorded
Roost present:	None confirmed	None confirmed	None confirmed	None confirmed

(fb) – feeding buzz

Date:	11-8-20 - Dawn re-entry Survey		
Survey Type:	Surveyor 1	Surveyor 2	Night vision camera
Location:	Unseen; E to W; unseen; unseen; unseen; unseen (fb); unseen; unseen; W to N; unseen; unseen; unseen; unseen (fb); unseen (fb); unseen; unseen (fb); S (fb); N (fb); unseen (fb); E; SE; unseen (fb); S to N and E to W; W to N; W to E; W to E to N; W to N (fb); swarming, swarming; entering building and entering building; unseen	Unseen; unseen; unseen; unseen; unseen; E-W in front of house; in front of house; in front of house; in garden; S of house; S of house; E-W in front of house	No contacts recorded
Exit/Entry point:	North-west eave of porch between fascia and granite blockwork	None recorded	None
Time(s):	04:36; 04:41; 04:49; 04:52; 04:56; 05:01; 05:02 ; 05:03; 05:04; 05:07; 05:10; 05:11; 05:13 ; 05:14; 05:16; 05:17 ; 05:18; 05:19; 05:20; 05:24; 05:25; 05:31; 05:32; 05:34 ; 05:36; 05:38; 05:42; 05:44 (fbz); 05:44; 05:45; 05:46; 05:47 and 05:53	04:50; 04:56; 05:02 ; 05:08; 05:13 ; 05:17 ; 05:21; 05:22; 05:24; 05:30; 05:34 ; 05:40	
Species of bat:	Common pipistrelle and Soprano pipistrelle	Common pipistrelle	None
Roost present:	confirmed	None confirmed	None confirmed

(fb) – feeding buzz

Date:	16-9-20 – Dusk emergence survey		
Survey Type:	Surveyor 1	Surveyor 2	Night vision camera
Location:	Unseen; Unseen; Unseen; W-E; E-W; Unseen; Unseen; W-E; Unseen; E-W; W-E; Unseen; E-W; Unseen; Unseen; E-W; Unseen; E-N; W-N; N-E; Unseen; E-W; E-W; E-N; W-E; Unseen; W-E; Unseen; W-E; E-N; W-E; W-E; Unseen; Unseen; W-E; Unseen; Unseen; Unseen; Unseen; Unseen; Unseen and Unseen	All records feeding around trees north of the single storey cottage and east of the main building.	No contacts recorded
Exit/Entry point:	None recorded	None recorded	None recorded
Time(s):	19:54; 19:57; 19:58; 19:59; 20:00; 20:01; 20:02; 20:03; 20:04; 20:05; 20:06; 20:08; 20:09; 20:10; 20:11; 20:12; 20:14; 20:16(fb); 20:18(fb); 20:19; 20:21(fb); 20:22; 20:23; 20:24; 20:25 (fb); 20:29; 20:33; 20:34(fb); 20:35; 20:47; 20:48; 20:49; 20:50; 21:04; 21:05(fb) and 21:06	19:54; 19:56; 20:00; 20:09; 20:21; 20:30; 20:47 and 20:56	
Species of bat:	Common Pipistrelle	Common Pipistrelle	None
Roost present:	None confirmed	None confirmed	None confirmed

(fb) – feeding buzz

Date:	17-9-20 – Dawn re-entry survey		
Survey Type:	Surveyor 1	Surveyor 2	Night vision camera
Location:	Unseen; Unseen	No contacts recorded	No contacts recorded
Exit/Entry point:	None recorded	None recorded	None recorded
Time(s):	05:59; 06:33	No records	No records
Species of bat:	Common Pipistrelle	None recorded	None recorded
Roost present:	None confirmed	None confirmed	None confirmed

APPENDIX B – LEGISLATION AND LICENSING

a) Legislation

All species of bats receive special protection under UK law making it a criminal offence under Schedule 5 section 9 (4) (b) and (c) of the Wildlife and Countryside Act 1981 (as amended) to *"intentionally or recklessly disturb a bat at a roost"* or *"intentionally or recklessly obstruct access to a roost"* and under Regulations 43 (1) and (2) of the Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations) to *"deliberately disturb a bat in a way that would affect its ability to survive, breed or rear young or, affect the local distribution or abundance of the species; or to "damage or destroy a roost"* without first having obtained the relevant licence for derogation from The Habitat Regulations from the Statutory Nature Conservation Organisation (the SNCO – Natural England in England).

The word 'roost' is not used in the legislation but is used here for simplicity. The actual wording in law is 'any structure or place which any wild animal...uses for shelter or protection' or 'breeding site or resting place'. Because bats tend to re-use the same roosts after periods of vacancy, legal opinion is that the roost is protected whether, or not the bats are present at the time.

Penalties on conviction of a bat-related crime - the maximum fine is £5,000 per incident or per bat, up to six months in prison, and forfeiture of items used to commit the offence, e.g. vehicles, plant, machinery.

b) Licensing

In order to obtain such a licence (as set out above) the SNCO must apply the requirements of the Regulations and, in particular, the three tests set out in sub-paragraphs 55(2)(e), (9)(a) and (9)(b). These are as follows:

(1) Regulation 55 (2)(e) states that a licence can be granted for the purposes of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"*.

(2) Regulation 55 (9)(a) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied *"that there is no satisfactory alternative"*.

(3) Regulation 55 (9)(b) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied "*that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*"

The licence would permit an otherwise unlawful activity to take place, and it requires of the licensee measures to ensure that negative impacts are prevented, reduced or offset, and that the favourable conservation status of the bats is maintained. **Once a licence is granted, failure to comply with its contents, including its attached Method Statement is a Criminal Offence with fines of a maximum of £5,000 per infringement.** A licensed bat consultant must be appointed to assist in the preparation and the delivery of the mitigation proposals that ensure the species protection requirements (Favourable Conservation Status 'FCS' test) can be met.

Additional information on the tests is available from the Natural England website.

<http://publications.naturalengland.org.uk/publication/4727870517673984?category=12002>

The ecologist is responsible for providing evidence to meet Test 3. The evidence to satisfy tests 2 and 3 is submitted on a part of the license application called the Reasoned Statement. The Reasoned Statement must be filled in by the client or their agent. Applicants often approach planning consultants, architects or similar for advice regarding completion of the Reasoned Statement.

- **Permissions**

The development must have **full permission** before the licence application will be registered including any ecology-related conditions or reserved matters that can be discharged before the date of application.

- **Further bat surveys**

If a full active bat season is going to pass between the granting of planning permission and the licence application period, Natural England may require **update survey(s)** (March-Aug) prior to application submission. The number of surveys required will vary by site depending on the size and complexity of the site as well as the species and roost types present.

- **Land ownership**

If mitigation, compensation or monitoring is anticipated to be on land not owned by the applicant, then written consent from the landowner will be required by Natural England. Responsibility for management and maintenance must also be agreed.

- **Commitments**

Applications should not give any commitments to undertake licensed works (or actions relating to the licence) that cannot be delivered.

- **Multi-phased projects**

If a plan is phased, Natural England will require a Master Plan with all mitigation and timetables included on it.

c) Licence timescales:

- **Licensing decision**

The licence application pack can take anywhere from **2 to 3 weeks** to produce and Natural England allow themselves **30 working days** from the date of receipt to respond to applications, a window which can be extended if further information is requested by themselves. It is important that clients, developers, contractors, agents, etc. keep this in mind when designing work timetables. Occasionally, further information will be requested by NE, which can result in additional delays; therefore application as soon as possible is advised.

- **Timing of works**

In most cases, the works most likely to affect bats (bat exclusion work, soft strip, re-roofing, ecologist-advised timber treatment, etc.) will normally be timed to avoid the hibernation and maternity periods. Thus, these works tend to be timed for either the **September-October period** or the **March-April period**. This means licence application is normally completed 3 months prior to these periods and cannot be submitted any earlier.

- **Other Timing**

All timescales are weather-dependent (e.g. 5 days post-exclusion period extended due to inclement weather) and also may be impacted by other aspects of the project not related to ecology. In some situations license periods can be extended, but this involves more work and is not guaranteed as they must ensure that Test 3 is still met.

d) Scale of work involved:

- **Mitigation** Production and submission of the license application pack as well as the completion of the licensed works themselves are time intensive and involve inspections, exclusions, site induction and other works requiring onsite supervision such as bat roost creation, soft strip and other necessary checks under the terms of the license. Costs for materials and equipment including bat boxes, exclusion materials, lifts/scaffolding to carry out soft strips, roost construction materials, etc. needs to be considered. Costs can vary considerably by project, but the applicant should ensure provision for all aspects of the licensed works is well-budgeted.
- **Monitoring** Most mitigation schemes require some sort of post-development monitoring, the type and extent of which would be confirmed in the license method statement. A contract with the ecologist for all survey, mitigation and post-development monitoring surveys needs to be agreed for this at the application stage.

