



Bat Emergence and Re-entry Surveys

Ellington Place, 10 Ellington Road, Muswell Hill, London, N10 3DG

Gary Clarke

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Ltd was instructed by Gary Clarke to undertake Bat Emergence and Re-entry Surveys (BERS) at Ellington Place, 10 Ellington Road, Muswell Hill, London, N10 3DG (hereafter referred to as “the site”). The survey was required to inform a planning application for the demolition of existing buildings and the subsequent erection of a residential development (hereafter referred to as “the proposed development”).

The following bat roosts were identified at the site:

- A day roost of two common pipistrelles in B1

An EPSL application to Natural England will be required to legally permit the proposed works. Due to the number of roosts and species present, the site is eligible for a Bat Mitigation Class Licence (BMCL). The BMCL application requires that surveys have been undertaken within the most recent active bat season (May to September) and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Gary Clarke to undertake Bat Emergence and Re-entry Surveys (BERS) at Ellington Place, 10 Ellington Road, Muswell Hill, London, N10 3DG (hereafter referred to as “the site”). The survey was required to inform a planning application for the demolition of existing buildings and the subsequent erection of a residential development (hereafter referred to as “the proposed development”). A plan showing the proposed development will be provided in Appendix 1 when available.

The aim of the BERS was to determine the presence or likely absence of roosting bats and to characterise any roosts present. This has been undertaken with due consideration to the “Bat Surveys for Professional Ecologists —Good Practice Guidelines” publication (Collins, 2016).

The BERS have been informed by a Preliminary Roost Assessment (PRA) which was completed by Arbtech Consulting Ltd on 27th July 2022 (Arbtech Consulting Ltd 2022). The survey results are summarised in Table 1 below.

Table 1: Results of the PRA and subsequent survey requirements

Feature	Survey conclusions (with justification)	Foreseen impacts	Recommendations
B1	B1 has low roosting value for bats. There were numerous gaps present in the hanging tiles of the roof which provide suitable roosting opportunities for crevice-dwelling bats. In addition, there were raised elements present along the edges of the roof which also provided exposed, suitable crevices.	The proposed development will result in the demolition of this building. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	One bat emergence or re-entry survey is required during the active bat season (May – September) to confirm presence or likely-absence of a bat roost in the building. The survey can be either a dusk emergence or dawn re-entry survey. Two surveyors are required to provide full coverage of the building. The survey is likely to be required before planning permission can be granted. If bat roosts are confirmed in the building two additional surveys will be required to inform an EPSL application to Natural England. One of these surveys should be a dawn re-

			entry survey or infra-red cameras should be used as an aid. Surveys should be a minimum of two weeks apart. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.
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1.2 Site Context

The site is located at National Grid Reference TQ 28776 89188 and has an area of approximately 0.1ha comprising three built structures on hardstanding. It is surrounded by suburban residential dwellings and other built structures with Highgate Wood and Queen's Wood to the southwest. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report provides a description of the bat activity observed and recorded during BERS. The aim of the surveys was to determine the presence or likely absence of bats and to characterise any roosts present including species, number of individuals, number and location of roost access points, and to gain an understanding of how bats use the site. The report provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any mitigation proposals, including a European Protected Species Licence (EPSL), where appropriate, to achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- BERS of the built structure has been undertaken to determine the presence or likely absence of bat roosts.
- An outline of potential impacts on any confirmed or unidentified roosts has been provided, based on the proposed development.
- Recommendations for mitigation have been made, along with advice on the requirements for a European Protected Species Licence (EPSL) application if appropriate.
- Opportunities for the enhancement of the site for roosting, foraging and commuting bats have been set out.

2.0 Methodology

2.1 BERS

Three BERS, comprising two dusk emergence and one dawn re-entry surveys, were undertaken of B1, as per the recommendations from the Preliminary Roost Assessment. The surveys involved surveyors positioned around the building ensuring that all elevations and roof sections with suitable roosting features could be clearly observed. Particular attention was paid to the areas of the building identified as providing suitable access points to bat roosts. Each surveyor was assigned an area of the building to observe for the duration of the survey.

Surveyors used heterodyne and frequency division bat detectors, and Echo Meter Touch detectors connected to iPads or Android tablets. Bat echolocation calls recorded during the surveys were analysed using Wildlife Acoustics sound analysis software Kaleidoscope V3.1.7 when required. The Echo Meter Touch includes an auto ID function for bat species, however this is not 100% accurate and further post-survey sound analysis is often required to confirm species that could not be identified by the auto ID software during the survey. Surveyors also used head torches, survey record sheets and pens/pencils for recording all activity observed during the surveys. Each surveyor was also provided with a handheld radio for communication between surveyors to assist with confirming ambiguous bat activity e.g. a bat emergence or a bat passing over the building.

A thermal recording kit (CS-2 thermal camera) was set up to monitor the tree during the BERS. Analysis of the footage was subsequently undertaken to detect roosting activity.

Dusk emergence surveys commenced 15 minutes before sunset and continued for 1½ - 2 hours after sunset – depending upon bat activity and surveyor visibility. Dawn re-entry surveys commenced 2 hours before sunrise and continued until 15 minutes after sunrise. Surveys were a minimum of two weeks apart.

Surveys were completed during optimal weather conditions i.e., when temperatures were above 10°C, with no rain or strong winds (greater than 5m/s), as these adverse weather conditions can impact upon bat emergence and foraging behaviour.

2.2 Surveyors

The lead surveyor was Michelle Huang (Accredited Agent under Natural England Bat Licence Number: 2022-10404-CL18-BAT) who was assisted by one surveyor. The designated position of each surveyor during each survey is detailed in the tables in Section 3.1 below and shown on the plan in Appendix 3.

2.3 Limitations

These surveys follow best practice guidance to confirm presence or likely absence of roosting bats and where present, characterise the roost. However, this information is collected at finite dates and times, and provides an indication of the conditions on site only. The use of the building, and the site as a whole by bats, at all times cannot be established based on this information.

Bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time.

The third survey conducted on 07/09/2022 experienced moderate rainfall from 04:55 to 05:05; the survey was paused for the duration and continued when the rain subsided at 05:10.

3.0 Results and Evaluation

3.1 Survey Results

The results of each survey are provided in the tables below and shown on the plan in Appendix 3. One day roost of two common pipistrelles was identified in B1.

Table 2: Survey results (first visit)

Date		10/08/2022
Start and end times		20:15 – 21:40 Sunset: 20:33
Weather conditions		Start: Temp: 25°C Relative Humidity: 39% Cloud Cover: 0% Wind: BF1 Rain: None End: Temp: 22°C Relative Humidity: 50% Cloud Cover: 30% Wind: BF1 Rain: None
Surveyor (position) As shown in Appendix 3		Michelle Huang – Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT (Position 1 – observing the southern elevation and roof structure of B1) Hugo James – Surveyor with 1 year of BERS experience (Position 2 – observing the northern elevation and roof structure of B1)
Building reference	Surveyor position	Notes/observations:
B1	1	<u>Two common pipistrelles were observed emerging from Position 1.</u> <i>The first bat activity observed was a common pipistrelle that emerged from a crack at the roof at the eastern portion of the southern elevation of B1 (see Figure 1 below, circled portion indicates emergence point) which then flew south at 20:45.</i> At 20:46, a common pipistrelle was heard on the detector but not seen. <i>At 20:47 common pipistrelle was observed emerging from the same crack (see Figure 1 below) and flew south.</i> At 20:49 a common pipistrelle was heard on the detector but not seen. Between 20:47 and 20:14, common pipistrelles were heard on the detector but not seen. The final bat activity was a common pipistrelle that was heard on the detector but not seen at 21:30.

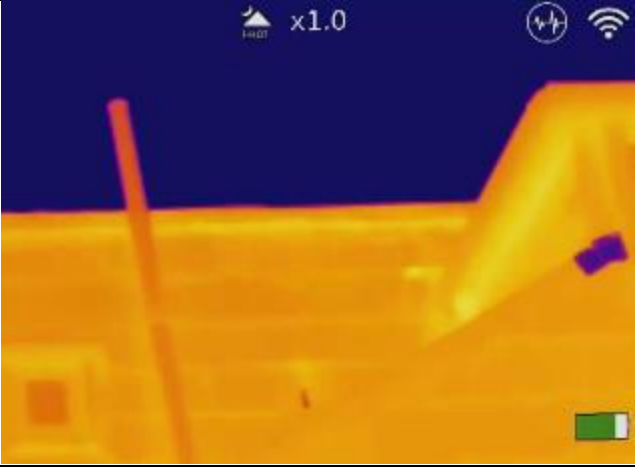
		 Figure 1. Emergence point of one common pipistrelle at 20:45 and one common pipistrelle at 20:47 (red circle).
B1	2	No emergence observed from Position 2. The first bat activity observed was an unidentified, non-echolocating bat which flew past from the south to the north around 10 meters west of the site. At 21:14, a common pipistrelle was observed flying across the road originating from the south and flew towards the north. The final bat activity was a common pipistrelle that flew in the same route across the road at 21:30.
B1	Thermal Snapshot of the western mid-portion of B1 from Position 1	

Table 3: Survey results (second visit)

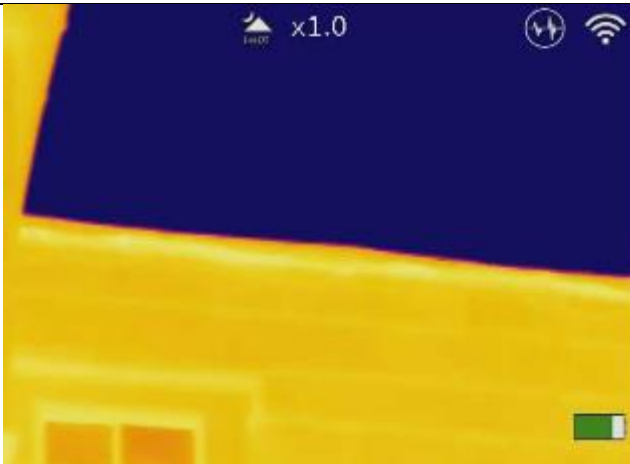
Date		24/08/2022
Start and end times		19:50 – 21:20 Sunset: 20:04
Weather conditions		Start: Temp: 25°C Relative Humidity: 54% Cloud Cover: 80% Wind: BF1 Rain: None End: Temp: 23°C Relative Humidity: 61% Cloud Cover: 70% Wind: BF1 Rain: None
Surveyor (position) As shown in Appendix 3		Michelle Huang – Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT (Position 1 – observing the southern elevation and roof structure of B1) Josie Cooper – Surveyor with 2 years of BERS experience (Position 2 – observing the northern elevation and roof structure of B1)
Building reference	Surveyor position	Notes/observations:
B1	1	No emergences detected from Position 1. The first bat activity observed was a common pipistrelle that flew from the south around the western portion of B1 and towards the west at 20:21. At 20:59 a common pipistrelle was seen passing from the east to west south of Position 1. The final bat activity observed was a common pipistrelle which was heard on the detector but not seen at 21:01.
B1	2	No emergences detected from Position 2. The first bat activity detected was a common pipistrelle which was heard passing distantly on the detector but not seen at 20:33. No further bat activity was observed.
B1	Thermal Snapshot of the eastern mid-portion of B1 from Position 1	

Table 4: Survey results (third visit)

Date		07/09/22	
Start and end times		04:40 – 06:40 Sunrise: 06:22	
Weather conditions		Start: Temp: 16°C Relative Humidity: 95% Cloud Cover: 100% Wind: BFO Rain: 1mm	End: Temp: 15°C Relative Humidity: 93% Cloud Cover: 20% Wind: BFO Rain: None
Surveyor (position) As shown in Appendix 3		Michelle Huang – Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT (Position 1 – observing the southern elevation and roof structure of B1) Jake Peacock – Surveyor with 2 years of BERS experience (Position 2 – observing the northern elevation and roof structure of B1)	
Building reference	Surveyor position	Notes/observations:	
B1	1	No re-entries were observed from Position 1. The first bat activity detected was a soprano pipistrelle which was heard on the detector but not seen at 05:18. No further bat activity was observed.	
B1	2	No re-entries were observed from Position 2. The first bat activity detected was a brown long-eared bat which was heard on the detector but not seen at 05:31. No further bat activity was observed.	
B1	Thermal Snapshot of the eastern mid-portion of B1 from Position 1		

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Bats are protected under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 (amended by the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019).

When bat roosts are present, the bat surveys undertaken at a site facilitate the characterisation of the roost type. This allows for appropriate mitigation and compensation to be designed to inform a European Protected Species Licence (EPSL) application to Natural England.

The definitions of bat roost types are provided below, taken from the *Bat Mitigation Guidelines* (English Nature, 2004) and the Bat Conservation Trust (BCT) publication *Bat Surveys for Professional Ecologists – Good Practice Guidelines* (Collins, 2016).

Day roost: a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.

Night roost: a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.

Feeding roost: a place where individual bats or a few individuals rest or feed during the night but are rarely present by day.

Transitional / occasional roost: used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.

Swarming site: where large numbers of males and females gather during late summer to autumn. Appear to be important mating sites

Mating sites: sites where mating takes place from later summer and can continue through winter.

Maternity roost: where female bats give birth and raise their young to independence.

Hibernation roost: where bats may be found individually or together during winter. They have a constant cool temperature and high humidity. Sites where hibernating bats have been confirmed by appropriate survey effort should be classed as 'hibernation confirmed'.

Satellite roost: an alternative roost found in close proximity to the main nursery colony used by a few individual breeding females to small groups of breeding females throughout the breeding season.

Other: roost types are interchangeable and not always easy to classify according to the nuances of certain species.

An EPSL **will be required** to enable the proposed development to be lawfully undertaken, whilst ensuring the favourable conservation status of the species concerned in their natural range. Appropriate justification for this assessment is provided in Table 5 of this report. The EPSL application requires that all surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.

Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law. Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below);
- That there is no satisfactory alternative;
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

1. ***include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;***
2. scientific and educational purposes,
3. ringing or marking
4. conserving wild animals

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.

4.2 Evaluation

Taking the field survey results into account, Table 5 presents an evaluation of the value of the building for roosting bats in relation to the proposed development which will comprise the demolition of existing buildings and the subsequent erection of a residential development.

Table 5: Evaluation of the building on site for roosting bats

Feature	Survey conclusions (with justification)	Foreseen impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>	Enhancements <i>The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)</i>
B1	One day roost of two common pipistrelles has been confirmed in B1. This roost is considered to have low conservation value, in line with the Bat Mitigation Guidelines (English Nature, 2004). This characterisation has been made with a high degree of confidence even though the surveys were all carried out late in the year. This is due to a lack of any external/internal evidence which would have been apparent during the PRA if a maternity roost was present. There was also a generally low level of activity on site, which would have been increased if a maternity roost had been previously present.	The proposed development will result in the demolition of this building. This could result in the destruction of the bat roosts and could cause disturbance, death or injury to bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	An EPSL application to Natural England will be required to legally permit the proposed works. Due to the number of roosts and species present, the site is eligible for a Bat Mitigation Class Licence (BMCL). The BMCL application requires that surveys have been undertaken within the most recent active bat season (May to September) and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission. Bat records will need to be obtained from London Bat Group. A Material Changes Check will be required within three months of the BMCL submission, if no survey work has been undertaken within that period. The BMCL will include the following measures: • The installation of one bat box at the site (one bat box per species) prior to works commencing to form a receptor site for any bats found during the works. These boxes may be installed on buildings or trees but must be in an undisturbed location and will need to be maintained in this location post-development. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. • The provision of a toolbox talk to contractors, by the Registered Consultant or an Accredited Agent, to inform them of the presence of bat roosts. • A pre-commencement inspection of any roost features by the Registered Consultant or an Accredited Agent using a torch and an endoscope (this may be via ladders, scaffolding or a mobile elevated platform).	The installation of at least one bat box or bat tube will be incorporated into the new building on site. This can be wall-mounted or installed within the new walls so it is mostly hidden from view e.g. Habibat Bat Box Beaumaris Bat Box Vivara Pro Woodstone Bat Box Schwegler 1FR Bat Tube Or a similar alternative brand. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. Bat tubes should be inserted into the fabric of the building during construction, positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance and facing landscapes areas, away from artificial light.

			• The removal of bat roost features by hand under the supervision of the Registered Consultant or an Accredited Agent (where it is not possible conclude absence of bats during the pre-commencement inspection). • Avoiding the use of unnecessary lighting, particularly at night, or implementing a low impact lighting strategy to avoid illumination of retained or newly created roosts or roost features. • Avoiding excessive noise or vibration disturbance e.g. from power tools or radios, within close proximity of retained or newly created roosts or roost features. A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
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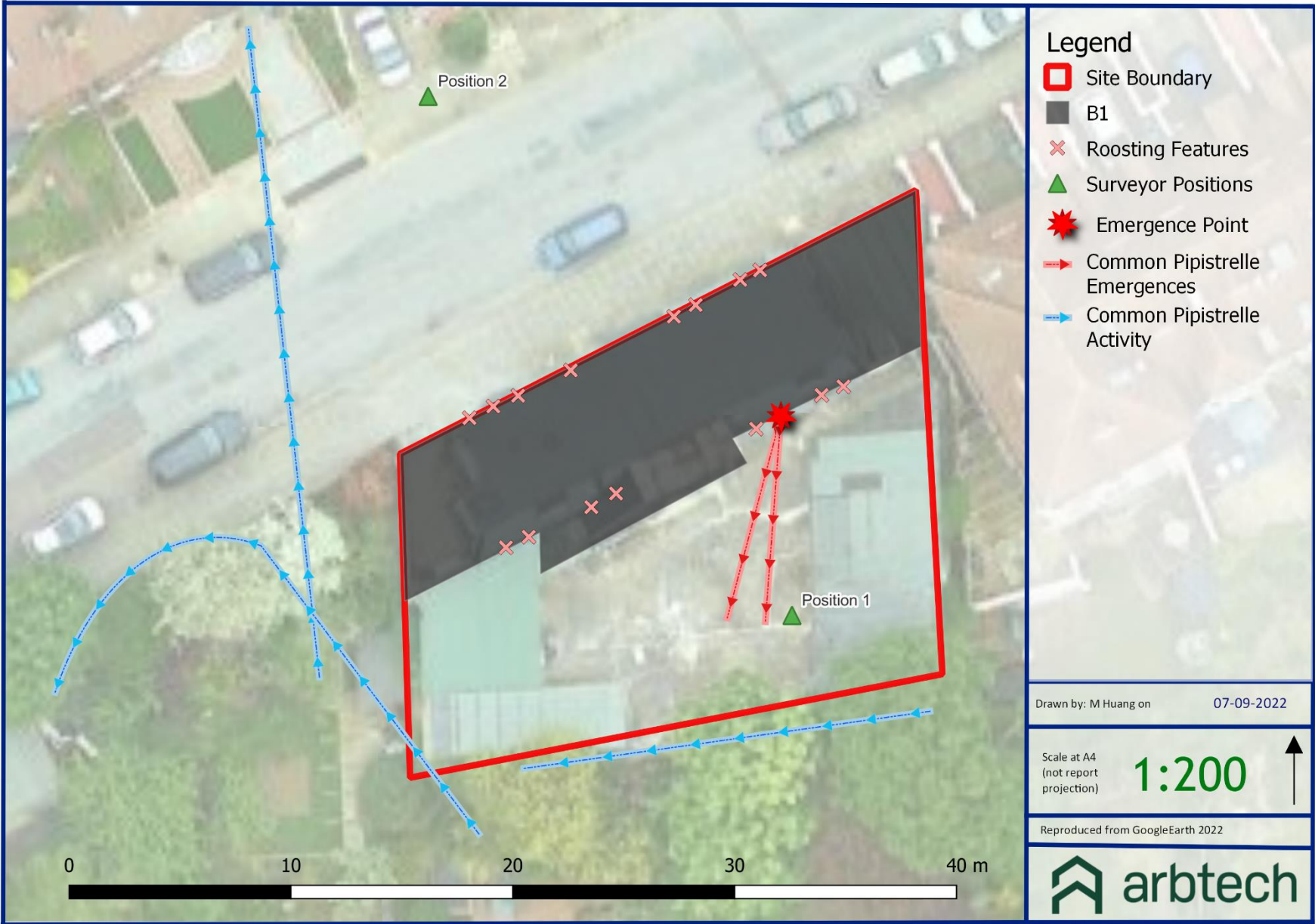
Appendix 1: Proposed Development Plan

Not available at the time of writing this report.

Appendix 2: Site Location Plan



Appendix 3: Bat Survey Plan



Appendix 4: Legislation and Planning Policy Related to Bats

LEGAL PROTECTION

All species of bat are fully protected under *The Conservation of Habitats and Species Regulations 2017* (as amended) through their inclusion on Schedule 2.

Regulation 43: Protection of certain wild animals - offences

(1) A person is guilty of an offence if they:

- (a) Deliberately captures, injures or kills any wild animal of a European protected species,
- (b) Deliberately disturbs wild animals of any such species,
- (c) Deliberately takes or destroys the eggs of such an animal, or
- (d) Damages or destroys a breeding site or resting place of such an animal,

(2) For the purposes of paragraph (1) (b), disturbance of animals includes in particular any disturbance which is likely—

- (a) To impair their ability:
 - (i) To survive, to breed or reproduce, or to rear or nurture their young; or
 - (ii) In the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- (b) To affect significantly the local distribution or abundance of the species to which they belong.

Bats are also protected under the *Wildlife and Countryside Act 1981* (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY***Haringey's Local Plan (Adopted March 2013; Consolidated with alterations since 2017)***

Haringey's Local Plan can be viewed here: https://www.haringey.gov.uk/sites/haringeygovuk/files/final_haringey_local_plan_2017_online.pdf.

The following planning policies have implications for developers in relation to bats:

- SP11: Design – All new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. To achieve this all development shall ensure impacts on health, climate change, natural resources and biodiversity are minimised by adopting and improving sustainable design and construction techniques.
- SP13: Open Space and Biodiversity: All development shall protect and improve sites of biodiversity and nature conservation, including private gardens through its:
 - Contribution to wildlife and ecological habitats and, where possible, include green and brown roofs, rainwater harvesting, green walls, bird and bat nesting/roosting opportunities;
 - Protection, management and maintenance of existing trees and the planting of new trees where appropriate; and
 - Protection, enhancement and creation of Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs).

Haringey Biodiversity Action Plan (Adopted October 2009)

The Haringey Biodiversity Action Plan can be viewed here: https://www.haringey.gov.uk/sites/haringeygovuk/files/biodiversity_action_plan_2009-2.pdf.

All bat species are included in the plan.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by Natural England will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored. The legislation may also be interpreted such that, in certain circumstances,

important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost (Garland & Markham, 2008).

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law.

Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below);
- That there is no satisfactory alternative;
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

- include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- scientific and educational purposes;
- ringing or marking; and,
- conserving wild animals.

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.