MIDDLEMARCH

Preliminary Bat Roost Assessment

Charville Lane Children's Home, 113 Charville Lane, Hayes, London Borough of Hillingdon

A Report to: Hunters Architects
Report Number: RT-MME-161166-02
Date: August 2023

Middlemarch Environmental Ltd, Triumph House, Birmingham Road, Allesley, Coventry, CV5 9AZ

www.middlemarch.eco

Tel: 01676 525880

Quality Assurance

Date	Version	Author	Checked by	Approved by
01/08/2023	Final	Nick Davey MSc	Paul Roebuck MSc MCIEEM (Regional Manger: South)	Paul Roebuck MSc MCIEEM (Regional Manger: South)

Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment. Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

Validity of Data

The findings of this study are valid for a period of 12 months from the date of survey. If works have not commenced by this date, it may be necessary to undertake an updated survey to allow any changes in the status of bats on site to be assessed, and to inform a review of the conclusions and recommendations made.

Non-Technical Summary

Project Background

In July 2023 Hunters Architects commissioned Middlemarch to undertake a Preliminary Bat Roost Assessment (of structures) at the site of a proposed development at Charville Lane Children's Home, 113 Charville Lane, Hayes, London Borough of Hillingdon. This assessment is required to inform a planning application associated with the demolition of the Children's Home building and the construction of six houses and an education building.

Scope of Survey

A Preliminary Bat Roost Assessment of the building on site was carried out in line with the specifications detailed in Bat Mitigation Guidelines (English Nature, 2004) and Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016). The assessment was conducted on 24th July 2023 by Harry Stone (Senior Ecological Consultant) Nick Davey (Ecological Consultant).

Summary of Key Bat Features

Overall, the building (Building 1) has moderate potential to support roosting bats due to the presence of weepholes, occasional gaps in the barge boards, gaps underneath tiles at the eaves (which appeared to provide access into roof void RV2a) and vents on the ridge tiles.

A single wooden shed is also present on site which is considered to have negligible potential to support roosting bats due to the absence of potential roosting opportunities.

The site itself provides some limited foraging habitat for bats in the form of scattered trees and hedgerows, albeit the predominantly residential site surroundings are likely of limited value. Nonetheless, the site is reasonably well connected with areas of suitable habitat given the farmland and surrounding hedgerows immediately south of the site, and the presence of a woodland pocket approximately 30m northeast of the site, while these habitats connect with additional farmland and woodland beyond.

Potential Impacts on Bats

The building on site will be demolished. Should bats be found to be using the building on site there is potential for bats to experience direct harm/injury as a consequence of the works. This would constitute a breach of legislation. Thus, further survey work has been recommended. The site interior provides limited habitat for foraging and commuting bats including the scattered trees and hedgerows. The proposals have been designed to retain all existing trees, while the hedgerows will also be sought for retention wherever possible.

Recommendations

R1 **Building 1:** Building 1 has been identified as having moderate potential to support roosting bats as a result of the features described above. Bat Surveys: Good Practice Guidelines published by the Bat Conservation Trust (Collins, 2016) recommends that for structures with moderate bat roosting potential two separate survey visits (consisting of one dusk emergence and a separate dawn re-entry survey) be undertaken during the bat emergence/re-entry survey season to determine the presence/absence of roosting bats within the structure. The bat emergence/re-entry survey season extends from May to September. At least one of the surveys should be undertaken during the peak season for emergence/re-entry surveys between May and August.

R2 **Shed:** The shed was recorded to support negligible potential for roosting bats. The survey data obtained for the site is valid for 12 months from the survey date. If development works to the surveyed buildings have not commenced within this timeframe it will be essential to update the survey effort to establish if suitable features have developed and if bats have colonised the shed in the interim. In the unlikely event that a bat is found during demolition

	works all works must immediately cease and a suitably qualified ecologist should be contacted.
R3	**Trees: Preliminary Bat Roost Assessment** of trees, should any be proposed for removal.
R4	**Scheme Design:** The proposed development should be designed to minimise effects on bats in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG).
R5	**Habitat Enhancement:** In line with the National Planning Policy Framework, the development should aim to enhance the site for bats. Bat boxes should be installed to provide roosting habitat for species such as pipistrelle. In addition, new planting should incorporate species which attract a diversity of insect prey.

Contents

1. Introduction

1.1 Project Background

In July 2023 Hunters Architects commissioned Middlemarch to undertake a Preliminary Bat Roost Assessment at the site of a proposed development at Charville Lane Children's Home, 113 Charville Lane, Hayes, London Borough of Hillingdon. This assessment is required to inform a planning application associated with the development of six houses and an education building.

To fulfil the above brief to assess the potential for the existing building on site to support roosting bats, a Preliminary Bat Roost Assessment was undertaken on 24th July 2023. In addition, Middlemarch has been commissioned to undertake a Preliminary Ecological Appraisal of the site (RT-MME-161166-01).

All UK bat species are legally protected species and they are capable of being material considerations in the planning process. A summary of the legislation protecting bats is included within Appendix 1.

1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Site Location	Charville Lane Children's Home, 113 Charville Lane, Hayes, London Borough of Hillingdon
National Grid Reference	TQ 08904 83198
Site Area (ha)	0.31
Topography	Flat
Land Cover (on site)	The site is dominated by the Children's Home building, hardstanding, and amenity grassland. There are also areas of introduced shrub, a defunct hedgerow, and scattered trees.
Land Cover (site surrounds)	The wider landscape is dominated by urban development, as well as parks, sports grounds, agricultural land, and woodland. The A40 road is located 1.3 km north, with RAF Northolt located just beyond it.

Table 1.1: Summary of Site and Surroundings

1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

Document / Drawing Number	Author
APL002 Topographic Plan	Hunters
APL003 Existing Plans and Elevations	Hunters
APL004 Site Plan	Hunters
APL006 Ground Floor Plan	Hunters
APL007 First Floor Plan	Hunters
APL008 Roof Plan	Hunters

Table 1.2: Documentation Provided by Client

2. Methods

2.1 Desk study

As part of the Preliminary Ecological Appraisal (Report RT-MME-161166) an ecological desk study was undertaken. The consultees for the desk study were:

- Natural England - MAGIC website for statutory conservation sites; and,
- Greenspace Information for Greater London (GiGL) CIC.

Middlemarch then assimilated and reviewed the desk study data provided by these organisations. Relevant bat data are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

The desk study included a search for statutory nature conservation sites designated for bats within a 10 km radius of the site.

2.2 Field Survey

A Preliminary Bat Roost Assessment of the building was carried out on site in line with the specifications detailed in Bat Mitigation Guidelines (English Nature, 2004)[1] and Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016)[2]. The assessment was conducted on 24th July 2023 by Harry Stone ACIEEM (Senior Ecological Consultant) and Nick Davey MSc (Ecological Consultant). Weather conditions were recorded and are presented in Table 2.1.

Parameter	Condition
Temperature (ºC)	15-17
Cloud (%)	0-100
Wind (Beaufort)	F0-F2
Precipitation	Dry

Table 2.1: Weather Conditions During Field Survey

A visual assessment was conducted during daylight hours of the building to determine the presence of any Potential Roost Features (PRFs), together with a general appraisal of the suitability of the site for foraging and commuting bats. Please refer to Appendix 2 for a list of example PRFs. Any accessible PRFs were inspected using binoculars, a torch and endoscope for evidence of possible bat presence. The building was surveyed externally and internally.

For reasons of health and safety, the survey was only undertaken in areas accessible from 3.5 m ladders.

[1] English Nature (2004). *Bat Mitigation Guidelines.* English Nature, Peterborough.

[2] Collins, J. (ed). (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Ed.).* The Bat Conservation Trust, London.

Based on the PRFs present, the survey area was assessed using the suitability classes detailed within Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016)[2], as detailed in Table 2.2.

Suitability	Description
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation).
Negligible	Negligible habitat features on site likely to be used by roosting bats.

Table 2.2: Classification of Structures with Bat Potential (Adapted from Collins, 2016)[2]

2.3 Constraints

All loft voids within the building were accessible, albeit certain areas could not be accessed close-up for health and safety reasons, such as a lack of suitable beams to walk on. Nonetheless, these areas could be surveyed using torchlight from a slight distance and overall, it is considered that a detailed inspection was conducted of all areas of the voids. As such, no overriding constraints were experienced during the survey.

3. Desk Study

3.1 Statutory Nature Conservation Sites

The site is not located within 10 km of any statutory nature conservation sites designated for the presence of bats.

3.2 Species Records

The data search was carried out on 22nd July 2023 by GiGL CIC. Records of bat species within a 1 km radius of the survey area provided by the consultee are summarised in Table 3.1. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Pipistrelle *Pipistrellus* sp.	1	2014	995 m north-west	#	ECH 4, WCA 5, WCA 6

Key:

#: Dependent on species.

ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.

WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).

WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.

Table 3.1: Bat Species Records Within 1 km of Survey Area

4. Survey Results

4.1 Building/Structures

Building 1 (Children's Home Building)

External Assessment

A single brick building was present on site with a pitched, clay-tiled roof. The building consisted of an irregular shape and included single-storey and two-storey sections (Plates 4.1 and 4.2). The eaves consisted of plastic barge boards, while cladding was present high up at gable ends. The building also included a small conservatory on the southern elevation formed of bricks and glass and including a pitched grass roof. In addition, canopies and small porch areas, with single pitched, clay-tiled roofs were present at a number of the entrances.

The building was in generally good repair, albeit a number of PRFs were present. The brickwork, although in good condition, contained a number of weepholes throughout, which could potentially offer small crevices suitable for roosting bats (Plate 4.3). Nonetheless, closer inspection of a number of these weepholes confirmed these crevices not to provide access into a cavity wall and these features are therefore only of limited suitability for roosing bats. Single gaps/vents were present in the cladding at the gable ends of Roof Voids RV1, RV3 and RV4 (see Drawing C161166-02-01), albeit these gaps were meshed and therefore did not provide access for roosting bats (Plate 4.4). Single, small gaps were also present in the barge boards on the southern elevation of roof void RV1 (Plate 4.5), and on the eastern elevation of roof void RV3. Although small, these gaps provided potential access points into the associated loft voids. While the tiles were generally closely fitted, gaps were sometimes present beneath the lower tiles across the building, above the guttering. Where present, these gaps comprised a relatively large space underneath the tile (Plate 4.6), albeit the location of guttering in front of and below these tiles would likely prevent/restrict bats from accessing these features (Plate 4.7). Finally, a number of vents were present on top of the roof ridge tiles (Plate 4.8). These vents likely provided limited access for bats given their structure, albeit the potential for bats to fit enter the vents, particularly where slightly warped, cannot be ruled out. Please see Drawing C161166-02-1 for the location of specific PRFs, albeit this plan does not include the weepholes or gaps beneath lower tiles given their location across the building.

Plate 4.1: Building 1 (southern and western elevations)

Plate 4.2: Building 1 (northern and western elevations)

Plate 4.3: Example of weephole

Plate 4.4: Meshed gap in cladding on southern elevation

Plate 4.5: Gap in barge board on southern elevation

Plate 4.6: Gap underneath lower tile

Plate 4.7: Gaps beneath lower tiles partially blocked by guttering

Plate 4.8: Example of vent on ridge tile

Internal Assessment

The building internals comprised four loft voids as mapped on Drawing C161166-02-01. Roof void RV1 (Plate 4.9), located over the far western section of the building, comprised a large open void approximately 2m tall, 10m long and 10m wide. The void included a number of beams and rafters, but with no ridge beam present, while the vents present on the ridge tiles (viewed externally), were not visible above the felt sarking. The felt sarking was untorn and in good condition with no associated gaps present (Plate 4.10), while the remainder of the void also appeared to be in good condition with strong insulation and no storage or clutter, with the void likely having been recently refurbished. The void contained minimal light, including from the eaves, suggesting an absence of access points. Nonetheless, a small pocket of light entered from the south-facing aspect due to a hole in the fascia (see Plate 4.5 above). Rectangular gaps/vents were present at the gable ends, albeit these were meshed (Plate 4.11) and as such did not provide access for bats.

Roof void RV2 was present over a single-storey section of the building. This void was split into two halves (each approximately 10m long and 5m wide), and as such is mapped as RV2 and RV2a on Drawing C161166-02-01. The void was generally consistent with void RV1, albeit with some degree of light entering across the southern eaves of void RV2a, suggesting that bats may be able to enter the void by passing underneath tiles. The void included some degree of storage and accordingly is likely to be subject to occasional disturbance.

Roof void RV3 was approximately 15m long, but was otherwise broadly consistent with void RV1, again with meshed rectangular gaps/vents at the gable ends. However, a large unmeshed vent was recorded at the southern end of the ridge, potentially providing access for bats into the loft void. In addition, a hole was present in the fascia at the eastern aspect, providing a potential bat access point.

Roof void RV4 (Plate 4.12), again, was similar in structure and size to void RV1, but with no evidence of entry points for roosting bats. A rectangular gap was present in the southern gable but was meshed off.

No evidence of roosting bats was identified within any of the voids, albeit scattered rodent droppings were present. The remainder of the building internals were in active use as a children's home, with no associated potential roost features or evidence of roosting bats recorded.

Plate 4.9: Roof void RV1

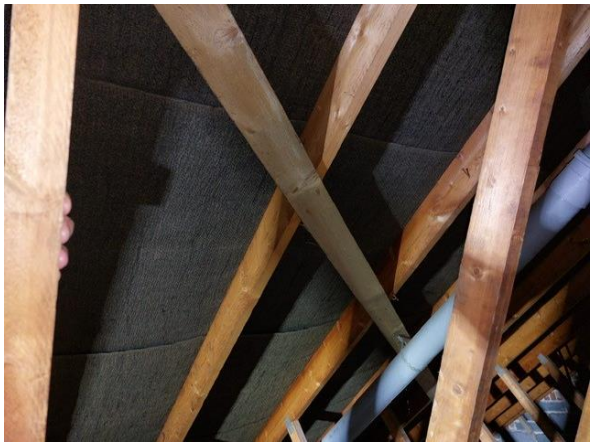


Plate 4.10: Example of felt sarking in good condition

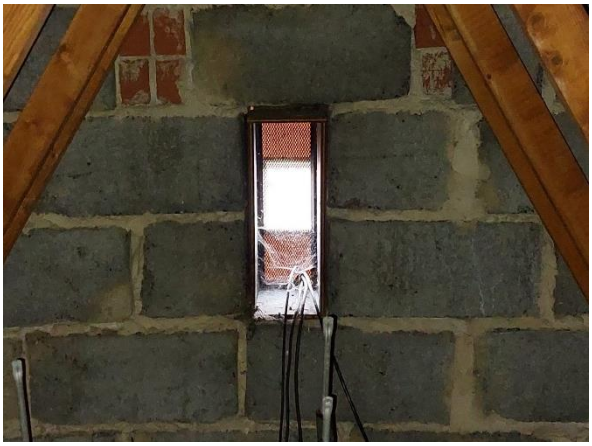


Plate 4.11: Example of meshed gap/vent

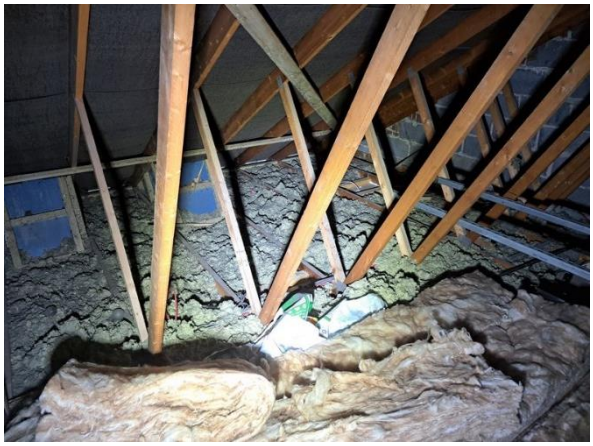


Plate 4.12: Roof void RV4

Roosting Potential

In summary, potential roosting features/access points for bats included weepholes, occasional gaps in the barge boards, gaps underneath tiles at the eaves (which appeared to provide access into roof void RV2a) and vents on the ridge tiles. However, in general, access to favourable roosting spaces was limited, with only occasional access points into the loft voids, while the voids themselves were in good condition with no evidence of roosting bats recorded. Other PRFs had restricted value or limited access and overall, based on the nature of the features present, the building is considered to support moderate bat roosting potential.

Wooden Shed

External Assessment and Roosting Potential

A single wooden shed, with a pitched felt roof, was present on site (Plate 4.13). The shed was fully inspected and despite being in relatively poor repair, presented no suitable access points or roosting opportunities for bats.

Plate 4.13: Shed

4.2 Site and Surrounding Habitats

The site was comprised mostly of the building, hardstanding and amenity grassland, which are of limited value to bats, albeit a number of scattered semi-mature to mature trees were present, while hedgerows occurred on the eastern and southern site boundaries.

Habitats within 1 km of the site suitable for roosting, commuting and foraging bats include:

- Residential houses and associated gardens;
- Farmhouses and associated agricultural buildings;
- Running water and standing waterbodies;
- Pockets of woodland;
- Agricultural fields with tree and hedge lined boundaries; and,
- Churches, schools, and associated grounds.

Although located within the residential town of Hayes, the site is relatively well connected with suitable roosting, foraging and commuting habitat. Farmland is present immediately south of the site beyond Charville Lane, while the associated hedgerows connect with a pocked of woodland to the south. In addition, a small pocket of woodland is present approximately 30m northeast of the site, while this in turn adjoins farmland to the north. Nonetheless, the sites immediate

surroundings predominantly comprise residential development, with the lit Charville Lane running immediately south of the site.

5. Impact Assessment

5.1 Summary of Proposals

The proposals involve the demolition of the existing building and development of six houses and an education building. The existing trees are proposed for retention, while the hedgerows will also be sought for retention.

5.2 Summary of Key Bat Features

Roosting Bats

A number of potential roost features were identified within Building 1, including:

- Weepholes;
- Occasional gaps in the barge boards;
- Gaps underneath tiles at the eaves; and,
- Vents on the ridge tiles of the building.

Nonetheless, access to the loft void was generally limited, while other roost features were relatively suboptimal or with limited access. Overall, based on the nature of the features present, the building is considered to support moderate bat roosting potential.

Commuting and Foraging Bats

The site itself provides some limited foraging habitat for bats in the form of scattered trees and hedgerows, albeit the predominantly residential surroundings are likely of limited value. Nonetheless, the site is reasonably well connected with areas of suitable habitat given the farmland and surrounding hedgerows immediately south of the site, and the presence of a woodland pocket approximately 30m northeast of the site.

5.3 Potential Impacts on Bats

The building on site will be demolished. Should roosting bats be present within the building, there is potential for bats to experience direct harm/injury as a consequence of the works. This would constitute a breach of legislation. Thus, further survey work has been recommended.

The shed presented no value to roosting bats.

The site interior provides limited habitat for foraging and commuting bats in the form of scattered trees and hedgerows, while the proposals seek to retain these features and provide habitat creation of a similar nature in order to enhance the value of the site for wildlife including bats.

The proposed development should seek to enhance the value of the site for bats. Bat boxes should be provided on trees and planting should be undertaken to attract night flying insects.

Full recommendations are made in Chapter 6.

6. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

R1 **Building 1** has been identified as having moderate potential to support roosting bats. Bat Surveys: Good Practice Guidelines published by the Bat Conservation Trust (Collins, 2016)[2] recommends that for structures with moderate bat roosting potential two separate survey visits (consisting of one dusk emergence and a separate dawn re-entry survey) be undertaken during the bat emergence/re-entry survey season to determine the presence/absence of roosting bats within the structure. The bat emergence/re-entry survey season extends from May to September. At least one of the surveys should be undertaken during the peak season for emergence/re-entry surveys between May and August. Should this survey confirm the presence of roosting bats, it will be necessary to undertake additional surveys in order to inform a Natural England licence application. In addition, should the survey identify the presence of significant levels of bat activity at the site, it may be necessary to undertake further survey visits to comprehensively assess the value of the site to bats.

R2 **Shed:** The wooden shed was fully surveyed and no bat roosts were found, while the structure was identified to have negligible potential to support roosting bats. The survey data obtained for the site is valid for 12 months from the survey date. If proposed site works have not commenced within this timeframe it will be essential to update the survey effort to establish if features have formed which could be used by roosting bats in the interim. In the unlikely event that a bat is found during works, all works must immediately cease and a suitably qualified ecologist should be contacted.

R3 **Trees:** All existing trees on site are currently proposed for retention. Should any trees be identified for removal, further survey work of these trees will be required, initially in the form of a Preliminary Bat Roost Assessment to identify any mitigation and/or further survey requirements.

R4 **Scheme Design:** The proposed development should be designed to minimise effects on bats in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG). The ecological mitigation hierarchy requires all development schemes to apply the following principles:

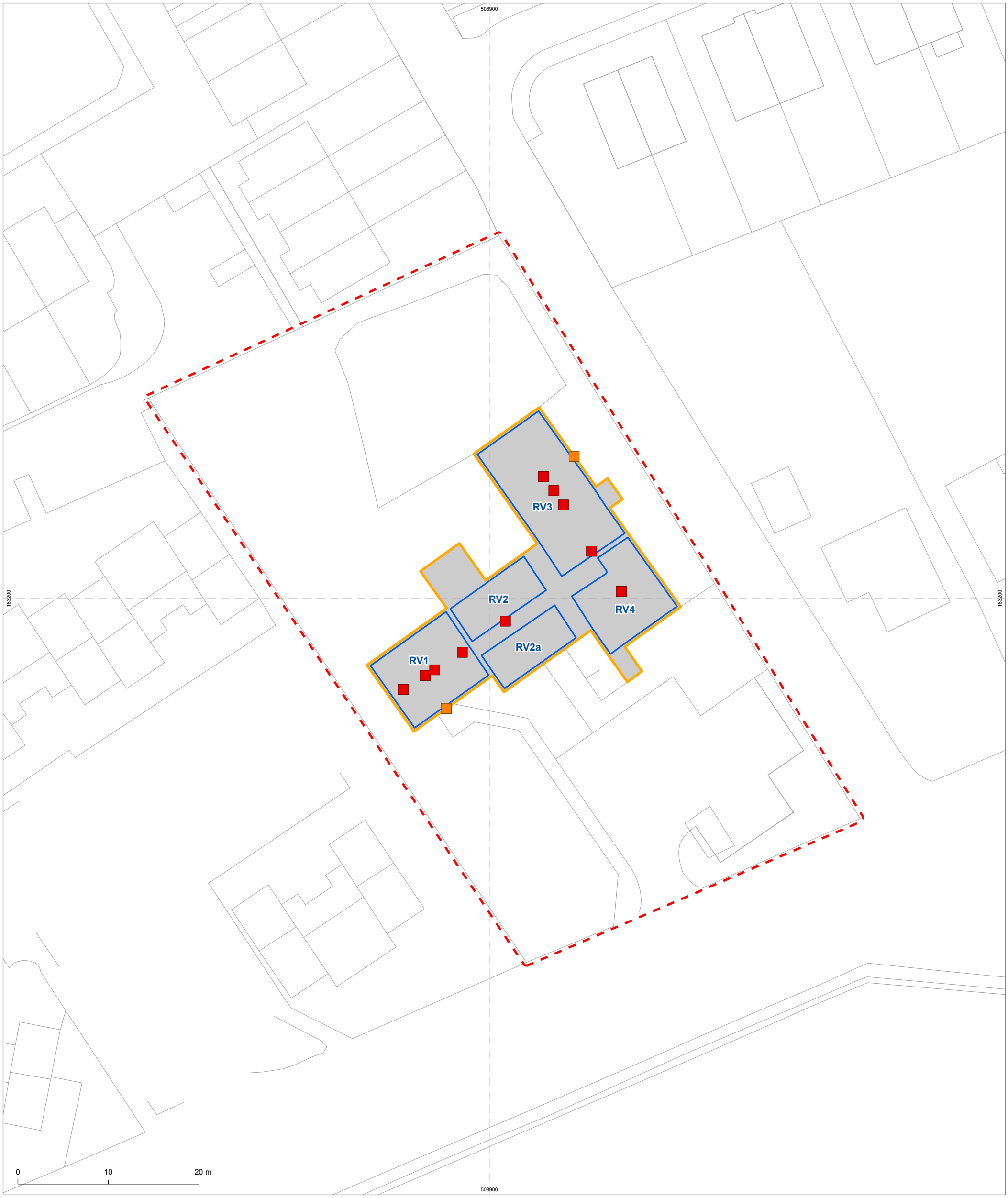
- *Avoidance and Mitigation* – the proposed development should seek to avoid/minimise losses of features with bat potential, in the first instance and incorporate these features in the landscaping layout of the scheme accordingly. Similarly, protection measures for retained features and surrounding habitats should be considered to prevent incidental damage or disturbance during the construction phases. These measures will help to reduce the likelihood of impacting bats and minimise losses of suitable bat roosts and habitat. Where significant harm cannot be wholly or partially avoided, adverse impacts should be minimised by design or through the use of effective mitigation measures such as minimising light spill.

- *Compensation* – where unavoidable losses occur and mitigation cannot be provided, compensation for significant residual harm will be required as a last resort or planning permission could be refused. Where there is a significant effect on a bat roost, a compensation strategy sufficient to obtain a development licence from Natural England may also be required.

R5 **Habitat Enhancement:** In line with the National Planning Policy Framework, the development should aim to enhance the site for bats. Bat boxes should be installed to provide roosting habitat for species such as pipistrelle *Pipistrellus* sp. In general, bats seek warm places and for this reason boxes should be located where they will receive full/partial sun, although installing boxes in a variety of orientations will provide a range of climatic conditions. Position boxes at least 4 m above ground to prevent disturbance from people and/or predators. In addition, the planting of other species which attract night flying insects is encouraged, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.

7. Drawings

Drawing C161166-02 – Preliminary Bat Roost Assessment



Legend

- Survey area
- Gap in bargeboard
- Vent on ridge
- Roof void
- Building with moderate bat roosting potential

N

Project	Charville Lane Children's Home, 113 Charville Lane, Hayes, London Borough of Hillingdon
Drawing	Preliminary Bat Roost Assessment
Client	Hunt Architects
Drawing Number	C161166-02-01
Revision	00
Scale @ A3	1:400
Date	July 2023
Approved By	ND
Drawn By	AW

MIDDLEMARCH

Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ
T:01676 525880
E:admin@middlemarch-environmental.com

C161166-02-01

Appendix 1

Relevant Legislation

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Appendix 2

Examples of Potential Roost Features

External Features
• access through window panes, doors and walls; • behind peeling paintwork or lifted rendering; • behind hanging tiles; • weatherboarding; • eaves; • soffit boxes; • fascias; • lead flashing; • gaps under felt (even including those of flat roofs); • under tiles/slates; • existing bat and bird boxes; and • any gaps in brickwork or stonework permitting access into access to cavity- or rubble-filled walls.
Internal Features
• behind wooden panelling; • in lintels above doors and windows; • behind window shutters and curtains; • behind pictures, posters, furniture, peeling paintwork; • peeling wallpaper, lifted plaster and boarded-up windows; • inside cupboards and in chimneys accessible from fireplaces. • within attic voids: • the top of gable end or dividing walls; • the top of chimney breasts; • ridge and hip beams and other roof beams; • mortise and tenon joints; • all beams (free-hanging bats); • the junction of roof timbers, especially where ridge and hip beams meet; • behind purlins; • between tiles and the roof lining; and • under flat felt roofs.

Potential Roost Features (Adapted from Collins, 2016[2])