BAT SURVEY REPORT

The Crown Inn
The Street
Stone in Oxney
Kent

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PJC

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1 INTRODUCTION

1.1 Instruction

1.1.1 PJC Consultancy Ltd were commissioned by Mr Oscar Tymon to undertake bat emergence/re-entry surveys of The Crown Inn (B1), The Street, Stone in Oxney, Kent.

1.1.2 The requirement to undertake further bat emergence/re-entry surveys was detailed within the initial Preliminary Ecological Appraisal (PEA) report (PJC Consultancy, 2023) (Report ref: 5176E) which should be read in conjunction with this bat emergence/re-entry survey report.

1.2 Survey Objectives

1.2.1 The aim of the bat emergence/re-entry surveys is to identify potential ecological constraints and opportunities in respect of potential roosting bats associated with the proposed development. The objectives of the bat emergence/ re-entry surveys are to:

- Ascertain presence or likely absence of bat roosts within B1;
- If present, determine which species are present and the size and nature of the roost, and
- Provide recommendations for further survey, mitigation, compensation and enhancement measures and licensing requirements to satisfy safely legal and planning policy requirements where appropriate.

1.3 Documents and Information Provided

1.3.1 Development proposals include subdividing the application site into two plots, converting and extending the existing Public House (building B1) into one residential dwelling, and converting and extending the detached annexe and shelter buildings to provide another residential dwelling, to include associated private amenity space and vehicle parking. The following documents were used to aid the preparation of this report:

- Site Location Plan and Block Plan (Drawing No: DHA/16820/01) (DHA, 2022);
- Existing Site Layout Plan (Drawing No: DHA/16820/02) (DHA, 2022);
- Existing Plans and Elevations (Drawing No: DHA/16820/03) (DHA, 2022);
- Proposed Site Layout Plan (Drawing No: DHA/16820/11) (DHA, 2022);
- Proposed Ground Floor Site Plan (Drawing No: DHA/16820/12) (DHA, 2022); and
- Proposed Plans and Elevations (Drawing No: DHA/16820/13) (DHA, 2022).

1.4 Scope of Report

1.4.1 The bat emergence/re-entry surveys are only concerned with building B1.

1.5 Site Description

1.5.1 The Site comprises a former public house (The Crown Inn, referred to as 'B1' hereafter) and associated gardens and vehicle parking area, at the corner of where The Street and Catt's Hill intersect, centrally located within the village of Stone in Oxney (OS central grid reference: TQ 93959 27806). The Site is bordered on all aspects by small-scale residential development and road infrastructure. The Site is situated within a largely rural environment in which the wider landscape is primarily comprised of farmland, fields and occasional isolated parcels of woodland intersected by a network of treelines and hedgerows. The location of building B1 and wider Site within its environs is presented in Appendix I.

1.6 Legislation and Planning Policy

1.6.1 This bat emergence/re-entry survey report has been compiled with reference to relevant wildlife and countryside legislation, planning policy and the UK Biodiversity Framework. Their context and applicability is explained as appropriate in the relevant sections of the report and additional details are presented in Appendix II.

1.6.2 Bats and their roosts are protected under European (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and national (Wildlife and Countryside Act 1981 (as amended)) legislation. This means that it is an offence to:

- Deliberately capture, injure or kill a wild bat;
- Deliberately disturb wild bats; '*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*.' and
- Damage or destroy a breeding site or resting place used by this species.

1.6.3 Certain species of bats including the brown long-eared *Plecotus auritus* bat and soprano pipistrelle *Pipistrellus pygmaeus* are also listed as a Species of Principal Importance (SPI) under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. This means public bodies, including local planning authorities have a duty to have regard for SPI when carrying out their functions, including determining planning applications.

1.6.4 Due to the high level of protection afforded to bats and their habitat, a European Protected Species (EPSM) licence must be sought from Natural England before any works directly or indirectly affecting a confirmed bat roost can proceed. Licencing is subject to three tests, as defined under the Habitats Regulations 2019; the planning authority must also apply these before granting permission for activities affecting bats. For permission to be granted the following criteria must be satisfied:

- The proposal is necessary '*to preserve 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*';
- '*There is no satisfactory alternative*'; and
- The proposals '*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'.

2 METHODOLOGY

2.1 Bat Emergence/Re-Entry Surveys

2.1.1 The bat emergence/re-entry surveys were undertaken in accordance with good practice guidance (Collins, 2016) which were led by Thomas Knight BSc(Hons) MSc MCIEEM (10+ years survey experience and Natural England class one bat licence holder) and assisted by Liam Mattingly BSc(Hons) (three years survey experience), Andy Craswell BSc(Hons) (three years survey experience), David Blagden (one year's survey experience) and Sophie Jones BSc(Hons) (2+ years survey experience).

2.1.2 During the surveys, surveyors watched and listened for bats emerging from, or returning to roost. Surveyor locations were utilised to fully cover the potential roosting features identified across the building.

2.1.3 As part of the initial preliminary bat roost assessment (PBRA), undertake as part of the PEA, building B1 was identified as exhibiting features i.e lifted, damaged or missing tiles with potential to support roosting bats and was classified as having 'moderate' suitability to support roosting bats.

2.1.4 In accordance with industry recognized survey guidelines, a single dusk emergence survey and a single dawn re-entry survey was therefore proposed on buildings B1. Building B1 was subsequently recorded as supporting a confirmed roost during the dawn re-entry survey. A n additional dusk emergence survey (totaling three dusk emergence / dawn re-entry surveys) was therefore undertaken on building B1.

2.1.5 Following recognised survey guidelines, the dusk emergence surveys began at least 15 minutes before sunset and continued for 120 minutes after sunset. The dawn re-entry survey began 120 minutes before sunrise and continued for 15 minutes after sunrise. The details of each survey visit are presented in Table 1 below.

2.1.6 The surveyors used Echo Meter Touch (EMT) Pro bat detectors connected to electronic tablets to listen to and record echolocation calls of bats observed, along with a Cannon XA60 with two Night Fox XB10 infrared torches and infrared floodlight. During the survey, surveyors mapped the flight-lines used by any bats observed and noted any features used by the bats to access/egress the buildings.

2.1.7 Surveyor and infra-red camera locations are presented within Appendix I.

Table 1: Bat emergence/re-entry survey visit details.

Date	Sunset / Sunrise Times	Start Time	End Time	Temp. (°C) start-finish	Cloud Cover (Oktas Scale)	Wind Speed (B'fort scale) start-finish	Precip. Start-finish
16/06/23	04:42	02:42	04:57	22-20	1-3	B1-B2	None-None
18/07/23	21:03	20:28	23:03	18-15	1-2	B1-B1	None-None
01/08/23	20:44	20:29	22:44	18-17	2-3	B2-B3	None-None

2.2 Limitations of Survey

2.2.1 Due to the transient nature of bats and the fact that the habitats present on site and their management are likely to change over time, the findings of the bat emergence survey is only considered valid for a period of up to two years.

2.2.2 This document has been prepared for the stated proposal (1.3.1) and should not be relied upon or used for any other project without an additional check being carried out by the author as to its suitability in relation to any updated proposals. PJC Consultancy accepts no responsibility or liability for the consequence of this document being used for a purpose other than the purposes for which it was commissioned. PJC Consultancy accepts no responsibility or liability for this document to any party other than the person by whom it was commissioned.

3 RESULTS

3.1 Bat Emergence/Re-Entry Surveys

3.1.1 An individual common pipistrelle *Pipistrellus pipistrellus* was recorded re-entering underneath a slightly lifted wall tile immediately above a first-floor window on the building's eastern elevation at 04:25 during the re-entry survey undertaken on 16th June 2023.

3.1.2 No bats were recorded emerging from building B1 during the emergence survey undertaken on 18th July 20223.

3.1.3 An individual common pipistrelle was recorded emerging from the building, at exactly the same roost location, at 20:58 during the emergence survey undertaken on 1st August 2023.

3.1.4 Overall, activity during the surveys was considered to be moderate, which is consistent with the amount of suitable foraging habitat present within the Site and wider surroundings. In total, three bat species were recorded foraging and/or commuting within or near the Site during the surveys. These were common pipistrelle, soprano pipistrelle *Pipistrellus pygmaeus* and common noctule *Nyctalus noctula*. The surveys were dominated by activity from common and soprano pipistrelle.

3.1.5 Roost locations and photographs showing each identified roost are presented within Appendix I and III respectively.

4 DISCUSSION AND RECOMMENDATIONS

4.1 Bats

4.1.1 Building B1 is considered likely to support a single common pipistrelle bat summer day / transitional roost.

4.1.2 Common pipistrelle are common and widespread bat species with a stable range across the south-east. The roosts present within building B1 are considered highly unlikely to be used for breeding and are therefore not significant to maintaining the favourable conservation status of the species at a local level. Therefore, the common pipistrelle summer day / transitional roosts are considered to be of 'low' conservation significance (Mitchell-Jones, 2004) and of 'local' value (Wray, et al., 2010).

4.1.3 No extension / conversion works are proposed to the main building's eastern elevation, where the roost is located. Proposed extension / conversion works appear to be restricted to the western and southern elevations only.

4.1.4 On this basis, the proposed works are not anticipated to result in the destruction, modification and/or obstruction of the existing bat roosts. However, without mitigation the proposed works could result in temporary indirect adverse impacts to the existing bat roost during the construction phase of the proposed development. Indirect impacts primarily include temporary disturbance of the roosts through increases in noise, vibration and dust levels.

4.1.5 Overall, the scale of impact associated with the proposed works, resulting in temporary disturbance to the common pipistrelle summer day / transitional roost is considered to be 'low' (Mitchell-Jones, 2004).

4.1.6 Providing proposed works to building B1 are undertaken in strict accordance with a precautionary method of works (see below), roosting bats present are considered highly unlikely to be directly or indirectly impacted by proposed works. On this basis, it is considered that proposed extension / conversion works can proceed without the requirement for an EPSM licence.

4.1.7 The purpose of this precautionary method of works is to comprehensively detail all required avoidance and mitigation measures, in order to ensure the protection of bats, legal compliance and the maintenance of the favorable conservation status of all bat species.

- All site workers undertaking proposed extension / conversion works must receive an ecological Toolbox Talk (TBT) with a focus on roosting bats from a suitably experienced / licensed ecologist prior to undertaking proposed works on Site. The TBT will cover legislation relevant to bats, bat ecology including identification of bats and their field signs, safe working practices outlined in the non-licensed method statement and how to proceed if a bat is discovered during the renovation works. A copy of the non-licensed method statement will also be made readily available to all site workers during the entire duration of renovation works.
- Sensitive demolition practices including soft stripping of tiles must be implemented at an appropriate time of year under the direction and supervision of a suitably experienced / licensed ecologist. All extension / conversion works must be undertaken outside the core hibernation season (November to mid-March).
- All extension / conversion works must be restricted to daytime working hours only. Night-time working is prohibited.
- Any lighting required (i.e. security lighting) must be designed sensitively to avoid negative impacts upon bats and should follow the principles outlined below:
    - Any lighting columns should be the minimum necessary for the purpose of the works;
    - The lighting intensity should be the minimum necessary for the purpose of the works; and

- The lighting should be directed away from the known bat roosts and any connecting or adjacent semi-natural habitat through the use of hoods, louvres or other design styles avoid uplighting and spillage into areas not specifically needed to be lit.

- Site workers must remain vigilant at all times during the entire duration of proposed extension / conversion works. In the unlikely event that a bat is discovered, all works must immediately cease as soon as it is safe to do, all site workers must evacuate the area, and the suitably experienced / licensed ecologist be informed immediately. The suitably experienced / licensed ecologist will then advise accordingly.

4.2 Ecological Enhancements

4.2.1 Under Section 40 of the NERC Act 2006 there is a duty to have regard to biodiversity conservation. In addition, the National Planning Policy Framework (2021) and the Tunbridge Wells Borough Core Strategy (Tunbridge Wells Borough Council, 2010) – more specifically *Core policy – 4* encourages ecological enhancement to be integrated into development projects in order to achieve an overall net-gain in biodiversity. Given the above, the following enhancement recommendations should be considered and incorporated into the final design proposals:

- Inclusion of nectar-rich, night-scented plant species in soft landscaping areas that are attractive to night-flying insects to enhance foraging opportunities for bats; and
- Creation of additional linear habitat (hedgerows) along the Site boundaries to provide additional commuting opportunities for bats.

5 REFERENCES

Bat Conservation Trust (2016). Bat Surveys for Professional Ecologists. Good Practice Guidelines [PDF] Bat Conservation Trust, London

British Standards Institution (2013). Biodiversity. Code of practice for planning and development: 42020. BSI, London.

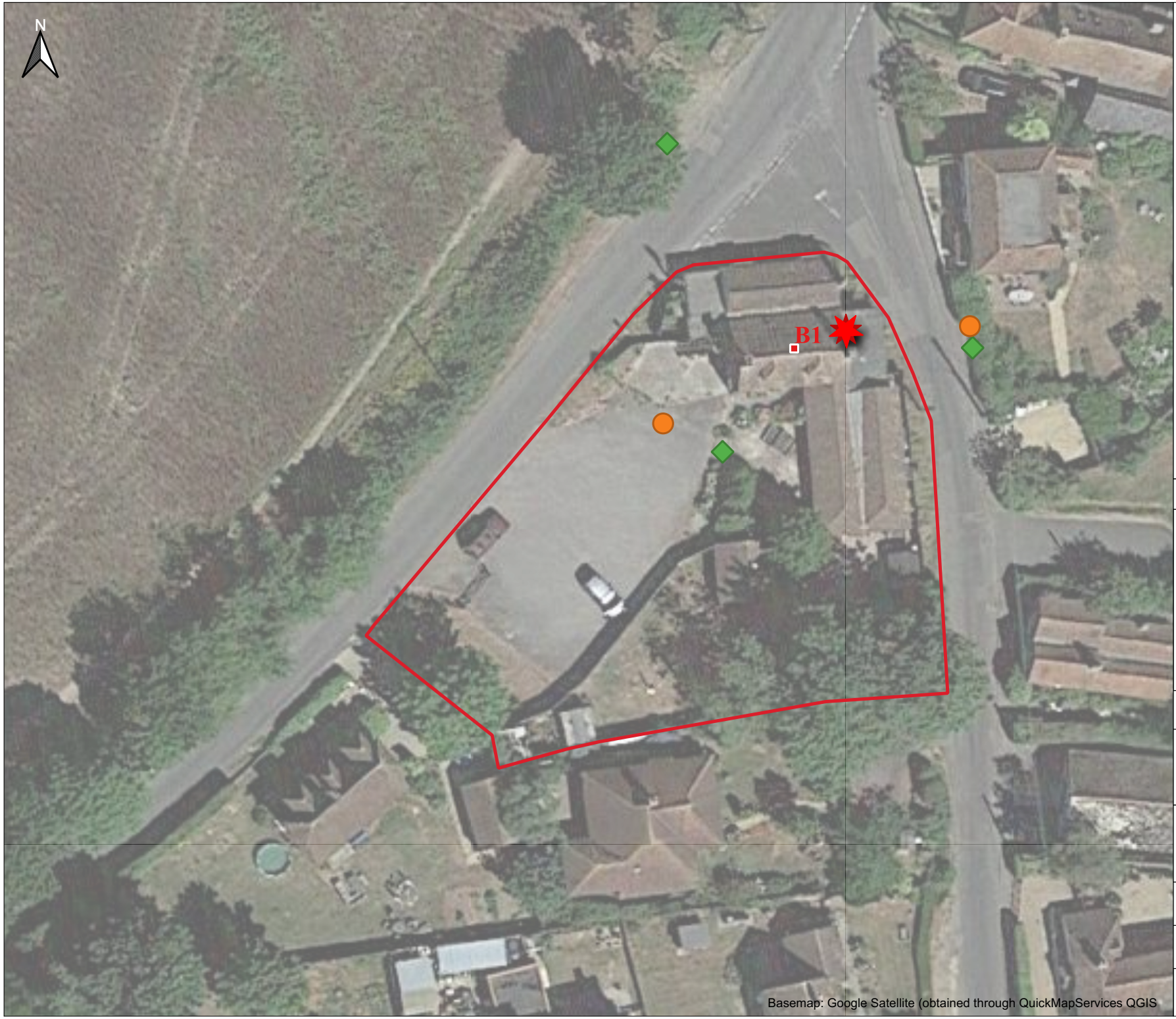
Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines. 3rd edition. The Bat Conservation Trust, London.

Institute of Lighting Professionals (2018). Guidance Note 08/18. Bats and Artificial Lighting in the UK: Bats and the Built Environment Series [online] Available from: https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/ [Accessed 02.08.2023].

Mitchell-Jones, English Nature (2004). Bat Mitigation Guidelines.

6 APPENDICES

Appendix I: Building, Surveyor & Roost Location Plan



LEGEND:

- Building
- Roost
- IR
- Surveyor
- Site Boundary

STATUS: FOR INFORMATION ONLY

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CLIENT: Mr Oscar Tymon

PROJECT: The Crown Inn
Stone in Oxney
Kent

TITLE: Building Location Plan

SCALE AT A4:	DRAWN:	APPROVED:
1:700	TK	TK
PROJECTION:	DATE:	DATE:
EPSG:3857	02/08/23	02/08/23

DRAWING No: PJC/5233E/23/A1/V1

Appendix II: Legislation and Planning Policy

Legislation

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 is the UK transposition of the European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, or the 'Habitats Directive'. The directive provides protection of key habitats and species of European importance. Those key habitats and species are listed in Annexes II and IV of the directive.

Those species protected under the regulations and most likely encountered during development include:

- All bat species
- Hazel dormouse
- Great crested newt
- Common otter

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation for the protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/FFC) are implemented in Great Britain. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants respectively. The Countryside and Rights of Way (CRoW) Act 2000 makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site

Those species protected under the act and most likely encountered during development include:

- All bat species
- All nesting birds
- Hazel dormouse
- Great crested newt
- Common otter
- Water vole
- All native reptile species
- White-clawed crayfish

The Natural Environment and Rural Communities Act (NERC) 2006

Section 40 of the Act 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 provides a list of habitats and species, which are of ‘principal importance for the conservation of biodiversity.’ This list aids 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.

Species and Habitat Specific Legislation

Bats

All native UK bat species are fully protected by UK law under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) and Schedule 6 of the Wildlife and Countryside Act (1981, as amended), and under Schedule 2 of the Conservation of Habitats and Species Regulations 2019. It is illegal to deliberately capture, injure or kill a bat or to intentionally or recklessly disturb bats. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH). Works or mitigation activities involving interference with bats or bat shelters must be carried out by a licensed bat worker.

Biodiversity Policies

National Planning Policy Framework (NPPF) 2021

Published in 2021 the NPPF sets out the Government's planning policies for England and how these are expected to be applied by local authorities. It replaces all the Planning Policy Statements and Guidance (PPSs and PPGs). The NPPF emphasises the need for sustainable development, whilst specifying the need for protection of designated sites and priority habitats and priority species (as listed in section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Paragraph 174 of The National Planning Policy Framework (NPPF) states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

Paragraph 179 states that "to protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of

importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

Furthermore, paragraph 185 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 181 states:
"The following should be given the same protection as habitats sites:

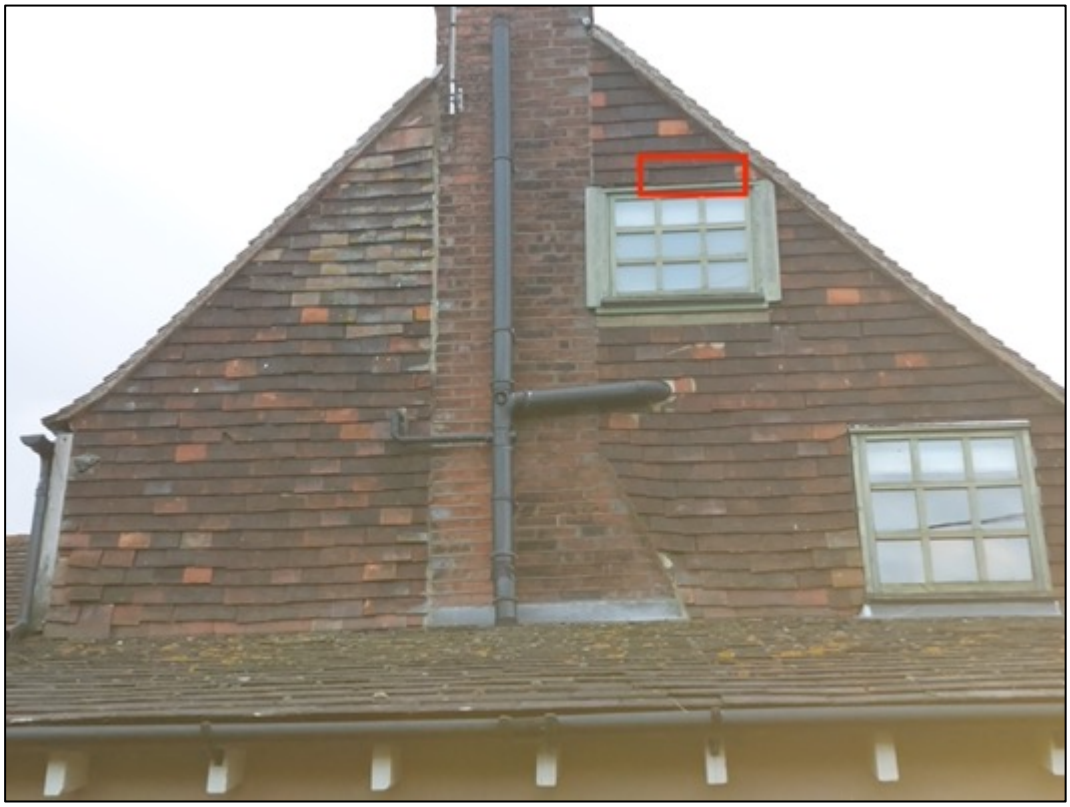
- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites."

Paragraph 182 states:
"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

<u>The UK Biodiversity Framework (2011-2020).</u>
The UK Biodiversity Framework is an important framework that is owned, governed and implemented by the four UK countries, assisted by Defra and JNCC in their UK co-ordination capacities. Although differing in details and approach, the four UK countries have published strategies which promote the same principles and address the same global targets: joining-up our approach to biodiversity across sectors; and identifying, valuing and protecting our 'Natural Capital' to protect national well-being now and in the future. This new framework has been developed to enhance the recovery of priority

habitats and species in England (published under section 41 of the NERC Act 2006), thereby contributing to the delivery of the England Biodiversity Strategy. The framework has been developed and endorsed by the England Biodiversity Group and wider partnership. It is the starting point for a more integrated approach to biodiversity conservation in England, building on the strengths of the former UK Biodiversity Action Plan (BAP) process and improving those areas where insufficient progress was being made.

Appendix III: Site Photographs



Photograph 1: Location of common pipistrelle summer day / transitional roost on main building's eastern elevation.

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