

# **Bishopgate Goodsyards, London**

## **Ecological Services**

### **Bat Survey Report**

Temple Group Ltd



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## Document Management

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## Executive Summary

<b>Purpose</b>	The bat surveys were undertaken to determine the presence or absence of roosting bats, and the type and extent of any bat roosts present within the site; identify any constraints caused by impacts to bats or their roosts; and advise of any mitigation measures that would be required to ensure the Proposed Development proceeds lawfully.
<b>Introduction</b>	<p>A PEA, consisting of a field survey and desk study, was updated in August 2022. This survey identified the archways and tunnels as having moderate potential to be used by roosting bats.</p> <p>One dusk emergence survey and one pre-dawn re-entry survey were carried out on 30th August and 14th September 2022, respectively. Static detectors were in place for eight days in both August and September. The findings of the surveys were supported by a desk study, which included a review of the relevant online resources.</p>
<b>Key Findings</b>	<p>No bats were recorded emerging or re-entering from the site during the presence / absence surveys. It can be concluded that summer roosting bats are likely absent from the development site.</p> <p>Five species of bat were recorded during the static bat surveys: common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, serotine and <i>Myotis</i> sp. The majority of registrations were not close to dawn or dusk time and therefore are thought to be using the site for foraging and commuting rather than roosting.</p>
<b>Recommendations</b>	<p>Where possible treelines and hedgerows should be used in proposed development landscaping plans to enhance commuting routes for bats across the site. These should be unlit where possible. Insect friendly planting should be used in landscaping schemes to provide foraging habitat for bats.</p> <p>Due to the level of activity in the static data surveys and the nature of the tunnels and archways it is recommended that a toolbox talk on bats, detailing what to do in the unlikely event one is found during the proposed development works. This toolbox talk should be given by a suitably qualified ecologist prior to any works on the tunnels and archways.</p> <p>Recommendations on works in the bat hibernation season from the Temple 2020 report must still be followed during works in the hibernation season:</p> <ul style="list-style-type: none"> <li>• Precautionary method of works to be carried out prior to construction commencing.</li> <li>• Toolbox talk with regard to roosting bats be given by a suitably qualified ecologist.</li> <li>• Works to the railway arches / tunnels on site are undertaken under ecological supervision outside sensitive hibernation period (i.e. completed during April – end Oct).</li> <li>• A lighting strategy should be designed to avoid directly illuminating commuting routes and habitats suitable for foraging bats.</li> <li>• Works to the tunnels / archways with potential to support hibernating bats will be undertaken with low vibration methods and vibration works will be kept to a minimum.</li> </ul> <p>It is recommended that two bat boxes be installed in order to support the local bat population; however, as this recommendation is not provided as mitigation or compensation for impacts to bats, their roosts or other habitats, it is advisory only, and should therefore not become a condition of the planning approval, if granted.</p>

## Table of Contents

1	Introduction .....	5
1.2	Validity of data .....	6
1.3	Site description .....	6
1.4	Legislation afforded to bats .....	6
1.5	Scope of Works .....	6
1.6	Quality Assurance.....	7
2	Methodology .....	7
2.1	Desk Study .....	7
2.2	Presence / Absence Surveys for Bats.....	7
2.3	Bat Sound Analysis.....	8
3	Limitations .....	8
4	Results.....	8
4.1	Desk Study .....	8
4.2	Presence / Absence Surveys for Bats.....	8
4.3	Static Bat surveys .....	9
4.4	Bat Survey Results .....	9
5	Assessment .....	11
6	Recommendations & Enhancements .....	12
6.2	Enhancement Measures .....	13
Appendix A	Bat Surveyor Location Map .....	14
Appendix B	Relevant Legislation .....	15
Appendix C	About Schofield Lothian .....	18

## List of Tables

Table 4-1:	Weather conditions during survey .....	8
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# 1 Introduction

- 1.1.1 Schofield Lothian was commissioned by Temple Group Ltd to undertake presence / absence surveys for bats commencing in August and September 2022 located off Bethnal Green Road, London, within the London Borough of Tower Hamlets. The approximate National Grid Reference for the centre of the site is TQ 33659 82207. The survey is required prior to construction works on the site. Surveys were led by Joanna Meredith and Molly Richardson (ecologists with five years' experience each) and supported by Jamie Walker and Mirza Rashid.
- 1.1.2 Previous EclA, PEAs and bat surveys are listed below:
- Preliminary Roost Assessment (The Ecology Consultancy, 2019a);
  - Bat Hibernation survey (The Ecology Consultancy, 2020);
  - Preliminary Ecological Appraisal (The Ecology Consultancy, 2019b); and
  - Ecological Impact Assessment (The Ecology Consultancy, 2019c).
  - Bat Activity surveys (AECOM, 2017);
  - Bat Activity surveys (URS, 2013)
- 1.1.3 No emerging / re-entering bats or evidence of bat roosts was observed during these surveys. Based on these findings, The Ecology Consultancy was commissioned by Temple Group Ltd to provide a bat mitigation strategy in March 2020.
- 1.1.4 During the PEA (2022) an updated Preliminary Roost Assessment (PRA) was carried out which identified the tunnels either side of Braithwaite Street as containing the following features with moderate bat roosting potential in accordance with the BCT criteria:
- Gaps between pipes and walls along the southern side of the main tunnel.
  - A large crack which runs through most of the archways from east to west. About an inch wide and connects most of the archways.
  - Missing mortar in brickwork
  - Below ground bunkers – could not all be assessed due to access. Of the ones seen all wall are smooth and well-sealed so of lower risk however so some were not accessed so given moderate potential. These have been given moderate potential to support hibernating bats in previous surveys.
  - Holes leading to potential underground area. Could not be surveyed due to health and safety.
  - The southern area of the site also provides foraging and commuting opportunities for bat species.
- 1.1.5 Following this, Schofield Lothian were commissioned to undertake a presence / absence survey for bats under guidance from Laura Cobden MCIEEM (Bat Licence No. 2015-12341-CLS-CLS), an Associate Director with over 12 years' experience.
- 1.1.6 One dusk emergence survey and one pre-dawn re-entry survey were carried out on 30th August and 14th September 2022, respectively. The nocturnal survey requirement is determined through reference to the recommended bat survey guidance (BCT, 2016) and based upon the assessed potential of the surveyed area to contain roosting bats.

## 1.2 Validity of data

- 1.2.1 The findings of the bat survey are valid for one full bat active season. If works have not commenced by May 2024, then an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

## 1.3 Site description

- 1.3.1 The site is located on Bethnal Green Road, London, within the London Borough of Tower Hamlets. The Site is bound by Box Park Shopping Centre and sports clubs to the north, Brick Lane to the east, Bethnal Green to Liverpool Street Railway Sidings to the south and the A10/Shoreditch High Street and Commercial Street to the west. The surrounding area is largely comprised of urban buildings for commercial uses.
- 1.3.2 The Site area is approximately 4.16 hectares (ha), and the northern area of the site consists largely of hardstanding and buildings. The southern area of the site consists of an area of tunnels and archways with an area of scrub, semi-improved grassland and scattered trees on top of the tunnels.

## 1.4 Legislation afforded to bats

- 1.4.1 All bat species and their roosts in Britain are protected under the Wildlife and Countryside Act 1981 (as amended) (WCA) through their inclusion on Schedule 5. The implementation of the Countryside and Rights of Way Act 2000 (CRoW 2000) has amended the WCA 1981 to include 'reckless' damage to, or destruction of a roost, and disturbance of bats whilst in a roost. 5.3.2 Bats are also included on Annex IV of Council Directive 92/43/EEC of 21st May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive). As a result of the United Kingdom ratifying this directive, all British bats are protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Combined, these make it an offence to kill, injure, capture or disturb bats or obstruct access to, damage or destroy roosts.
- 1.4.2 Paragraph 43 of the Regulations states: A person who deliberately disturbs wild animals of any such (European Protected) species, is guilty of an offence. For the purposes of this paragraph, the 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.
- 1.4.3 Under the law, a bat roost is any structure or place used for shelter or protection e.g. a building, bridge or tree. Bats use many roost sites and feeding areas throughout the year and they tend to re-use the same roosts for generations.

## 1.5 Scope of Works

- 1.5.1 The survey objectives were to:
- establish the presence / absence of bat roosts in the observed features on site;
  - identify access points utilised by bats; and
  - determine an appropriate mitigation strategy to minimise impacts on roosting bats arising from the proposed works.

## 1.6 Quality Assurance

- 1.6.1 This survey and subsequent report were undertaken in line with Schofield Lothian's Business System (SBS). Our SBS places great emphasis on honesty, respect, integrity and trust, collaboration, and accountability. All staff members are committed to establishing and maintaining our certification to the international standards BS EN ISO 9001:2015, 14001:2015 and 18001:2007.
- 1.6.2 All lead Schofield Lothian ecologists are members of (at the appropriate level) the Chartered Institute of Ecology and Environmental Management (CIEEM) and follow their code of professional conduct when undertaking ecological work.

## 2 Methodology

### 2.1 Desk Study

- 2.1.1 An ecological desk study was undertaken to determine the presence of any recent Natural England bat licences in the local vicinity and other potential bat records.

### 2.2 Presence / Absence Surveys for Bats

- 2.2.1 The nocturnal surveys were conducted by surveyors equipped with full spectrum bat detectors (Batlogger M and EM Touch pro bat detectors). The surveyors were positioned to give a clear view of the features being surveyed.
- 2.2.2 The dusk survey commenced 15 minutes before sunset. The dawn survey commenced 1.5-2 hours before sunrise and continued until all bats were considered to have emerged / re-entered (BCT, 2016).
- 2.2.3 Where recorded, bat activity was categorised as 'Emergence', 'Commuting', 'Foraging' and 'Socialising'.
- 2.2.4 The nocturnal bat surveys carried out to date were undertaken during optimal survey period for detecting maternity, summer and day roosts of bats (May- September, inclusive), and in suitable temperature and weather conditions.
- 2.2.5 All survey methods were in accordance with The Bat Conservation Trust's Bat Surveys for Professional Ecologists: Good Practice Guidelines – 3rd Edition (Colins, J. (ed) (2016), and The Bat Worker's Manual (Mitchell-Jones and McLeish, 2004).
- 2.2.6 Four SM2 static bat detectors were placed on the site during August and September 2022. In accordance with the best practice guidance the statics were left on site for eight consecutive nights per deployment.
- 2.2.7 Locations of the static detectors during the survey were as follows:
- Location 1: Archway 8 – on the north of the archway on a staircase;
  - Location 2: Archway 11- on the western entrance wall to the archway;
  - Location 3: Archway 13- on a concrete block and
  - Location 4: Roof of archways- on the pedestrian barriers surrounding an old toilet block.

## 2.3 Bat Sound Analysis

- 2.3.1 Bat activity within this report is referenced in terms of number of bat call sequences recorded during each sampling period. The Echo Meter Touch 2 Pro and Elekon Batlogger M detectors trigger each time a bat echolocation is detected by the microphone and once triggered, the detector will record the echolocation for a minimum of three seconds to a maximum of 15 seconds, before creating a new file. Each triggered recording file is then regarded as one 'call sequence' within this report.
- 2.3.2 Each file may contain one or several bats; therefore, the number of 'call sequences' does not equate to the number of bats within audible range of the detector. It does, however, provide data on the duration of bat activity within audible range of the detector, during the sampling period.

## 3 Limitations

- 3.1.1 Acoustic identification from sound analysis of *Myotis* spp. bats to species level can be difficult because of the similarity in their call characteristics (Russ, 2012). Where differentiation to species level has not been possible, recordings of these bats have been categorised as 'Myotis' bat. within this report. If unlawful impacts to *Myotis* bats or their roosts were anticipated, then DNA bat dropping analysis, or capture by hand or static hand net, would be deployed in order to positively identify the bat species affected, if the species cannot be confirmed from field recordings. The identification of *Myotis* bats to genus level in the field is, therefore, not considered to have significantly affected the assessment.

## 4 Results

### 4.1 Desk Study

- 4.1.1 The MAGIC website showed there are two records of previous Natural England bat licences within 2km of the survey area. Both of these were for common pipistrelle (*Pipistrellus pipistrellus*).

### 4.2 Presence / Absence Surveys for Bats

- 4.2.1 The results of the presence / absence surveys are presented below. A survey map of the Proposed Development Site is provided in Appendix A. This map illustrates the surveyor locations during the survey.
- 4.2.2 Table 4-1 details the weather conditions at the time of the surveys.

**Table 4-1: Weather conditions during survey**

Parameter	Survey 1	Survey 2
Date(s)	30/08/2022	14/09/2022
Start time and finish time	20:00 until 21:30	05:00 until 06:30
Temperature (°C)	17	16
Cloud Cover (%)	5	100
Wind (Beaufort Scale)	1	1



Precipitation	None	Light sporadic rain
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### 4.3 Static Bat surveys

4.3.1 The dates which the static bat detectors were deployed were as follows:

- From dusk on 23<sup>rd</sup> August 2022 to dawn on 30<sup>th</sup> August 2022.
- From dusk on 7<sup>th</sup> September 2022 to dawn on the September 2022.

## 5 Bat Survey Results

5.1.1 The nocturnal surveys were carried out in August and September 2022. The dates and surveyor details relating to the nocturnal surveys undertaken are given in Table 4-1. Weather conditions during the surveys were optimal with no / light rain and appropriate ambient air temperatures and timings.

5.1.2 In summary, no roosts were recorded during the survey, all activity was associated with commuting bats.

5.1.3 **Dusk Emergence Survey 1:** Low levels of activity were recorded during this survey with one bat registration. A common pipistrelle (*Pipistrellus pipistrellus*) was heard but not seen at 20:25. No roosting or emergence activity was observed during this survey.

5.1.4 **Dawn Re-Entry Survey 2:** Low levels of activity were recorded during this survey with one bat registration. A common pipistrelle was heard but not seen at 05:40. No roosting or re-entry activity was observed during this survey.

### 5.2 Static Detectors:

#### Location 1:

#### August:

5.2.1 A total of five species were recorded: common pipistrelle, soprano pipistrelle (*Pipistrellus pygmaeus*), Nathusius' pipistrelle (*Pipistrellus nathusii*), serotine (*Epseticus serotinus*) and *Myotis* sp. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as "pipistrelle species". Bat registrations were recorded on all eight nights that the detector was deployed. Pipistrelle species were the most frequent of the registrations with a total of 203 registrations and a peak count of 52 registrations on 25/08/2022. *Myotis* registrations were recorded on 6 of the 8 nights and a single serotine registration was recorded on one night, these registrations were not close to dawn or dusk. The earliest bat was a common pipistrelle that was recorded on 26/08/2022 at 20:05 and the latest bat was a soprano pipistrelle recorded on 28/08/2022 at 05:16.

#### September:

5.2.2 A total of three species were recorded: common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as "pipistrelle species". Bat registrations were recorded on all eight nights that the detector was deployed. Common pipistrelle was the most frequent of the registrations with a total of 53 registrations and a peak count of 17 registrations on the

11/09/2022. Nathusius' pipistrelle was registered on two nights. The earliest bat was a common pipistrelle that was recorded on 09/09/2022 at 19:33 and the latest bat was a soprano pipistrelle recorded on 14/09/2022 at 06:14.

**Location 2:**

**August:**

- 5.2.3 A total of three species were recorded: common pipistrelle, soprano pipistrelle and *Myotis* sp. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as pipistrelle species. Bat registrations were recorded on all eight nights that the detector was deployed. Common pipistrelle was the most frequent of the registrations with a total of 469 registrations and a peak count of 135 registrations on the 25/08/2022. *Myotis* registrations were recorded on 3 of the 8 nights, these registrations were not close to dawn or dusk. The earliest bat was a common pipistrelle that was recorded on 26/08/2022 at 20:05 and the latest bat was a common pipistrelle recorded on 30/08/2022 at 05:48.

**September:**

- 5.2.4 A total of two species were recorded: common pipistrelle and soprano pipistrelle. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as pipistrelle species. Bat registrations were recorded on all eight nights that the detector was deployed. Common pipistrelle was the most frequent of the registrations with a total of 314 registrations and a peak count of 86 registrations on the 13/09/2022. The earliest bat was a common pipistrelle that was recorded on 12/09/2022 at 19:21 and the latest bat was a pipistrelle species recorded on 10/09/2022 at 05:43.

**5.2.5 Location 3:**

**5.2.6 August:**

- 5.2.7 A total of three species were recorded: common pipistrelle, soprano pipistrelle and *Myotis* sp. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as pipistrelle species. Bat registrations were recorded on all eight nights that the detector was deployed. Common pipistrelle was the most frequent of the registrations with a total of 177 registrations and a peak count of 54 registrations on the 25/08/2022. *Myotis* registrations were recorded on 2 of the 8 nights, these registrations were not close to dawn or dusk. The earliest bat was a common pipistrelle that was recorded on 26/08/2022 at 20:05 and the latest bat was a common pipistrelle recorded on 26/08/2022 at 05:05.

**5.2.8 September:**

- 5.2.9 A total of two species were recorded: common pipistrelle and soprano pipistrelle. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as pipistrelle species. Bat registrations were recorded on all eight nights that the detector was deployed. Common pipistrelle was the most frequent of the registrations with a total of 77 registrations and a peak count of 24 registrations on 13/09/2022. The earliest bat was a common pipistrelle that was recorded on 12/09/2022 at 19:25 and the latest bat was a pipistrelle species recorded on 10/09/2022 at 05:48.

#### **5.2.10 Location 4:**

##### **August:**

5.2.11 A total of three species were recorded: common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as pipistrelle species. Bat registrations were recorded on all eight nights that the detector was deployed. Pipistrelle species were the most frequent of the registrations with a total of 113 registrations and a peak count of 24 registrations on the 26/08/2022. A single Nathusius' pipistrelle registration was recorded on one night. The earliest bat was a pipistrelle species that was recorded on 24/08/2022 at 21:08 and the latest bat was a common pipistrelle recorded on 26/08/2022 at 04:51.

##### **September:**

5.2.12 A total of three species were recorded: common pipistrelle, soprano pipistrelle and Nathusius' pipistrelle. Where registrations were not distinguishable between common and soprano pipistrelle these were recorded as pipistrelle species. Bat registrations were only recorded on six of the eight nights that the detector was deployed. Common pipistrelle was the most frequent of the registrations with a total of 11 registrations and a peak count of 4 registrations on the 09/09/2022. Nathusius' pipistrelle was registered on one night. The earliest bat was a common pipistrelle that was recorded on 10/09/2022 at 20:50 and the latest bat was a soprano pipistrelle recorded on 12/09/2022 05:44.

## **6 Assessment**

6.1.1 As no roosting bats were identified within the site, it is deemed that the proposed work is unlikely to result in the disturbance, modification or loss of any summer bat roosts and therefore will not impact upon bat populations. The static data showed that the site is used by bats for foraging and commuting away from dawn and dusk times. It is thought that changes in the habitat type from the proposed work will have limited impact upon these foraging and commuting routes and the local bat populations.

## 7 Recommendations & Enhancements

- 7.1.1 Based upon features recorded during the initial ecological assessment, the archways and tunnels were assessed as having moderate potential to contain roosting bats due to potential roosting features and foraging habitat close-by.
- 7.1.2 The presence / absence survey requirement is determined through reference to the recommended bat survey guidance (BCT, 2016) and based upon the assessed potential of the surveyed area to contain roosting bats. Following this guidance, two surveys were undertaken in the main bat activity season and two periods of static bat detection were undertaken. Weather conditions during the survey were optimal with no / little rain, and appropriate ambient air temperatures and timings.
- 7.1.3 In summary, low activity was recorded during the activity surveys. The static data showed higher activity levels particularly in location 2 which was in archway 11. Most of the timings on the static data were not close to dawn and dusk and therefore this activity is thought to be commuting and foraging and no roosting activity was observed.
- 7.1.4 Activity during September dramatically reduced compared to August suggesting that the site is not an important swarming site.
- 7.1.5 Activity was higher during the 2022 static data collection surveys than in previous years. The hot weather experienced in summer 2022 may have had an impact on this as the tunnels and archways stay relatively cool during these time periods. *Myotis* and serotine species were also recorded for the first time. These species were not recorded close to dawn or dusk times so are not thought to be roosting in the area.
- 7.1.6 It is thought that changes in the habitat type from the proposed work will have limited impact upon local bat populations. Where possible treelines and hedgerows should be used in proposed development landscaping plans enhance commuting routes for bats across the site. These should be unlit where possible. Insect friendly planting should be used in landscaping schemes to provide foraging habitat for bats.
- 7.1.7 As no summer bat roosts have been identified within the surveyed area, the proposed work should not contravene legislation relating to bats and their roosts. As such, the works can proceed as planned. Due to the level of activity in the static data surveys and the nature of the tunnels and archways it is recommended that a toolbox talk with regard to roosting bats and what to do if one is found during the works be given by a suitably qualified ecologist prior to any works on the tunnels and archways.
- 7.1.8 The survey results are valid until May 2024. If the works have not been started within the time, the site should be reassessed.
- 7.1.9 Due to the presence of potential hibernation bat roosting features (Temple, 2020) the absence of roosting bats cannot be ruled out. The following mitigation strategies are therefore recommended for working in the hibernation bat season:
- Precautionary method of works to be carried out prior to construction commencing.
  - Toolbox talk with regard to roosting bats be given by a suitably qualified ecologist.
  - Works to the railway arches / tunnels on site are undertaken under ecological supervision outside sensitive hibernation period (i.e. completed during April – end Oct).
  - A lighting strategy should be designed to avoid directly illuminating commuting routes and habitats suitable for foraging bats.

- Works to the tunnels / archways with potential to support hibernating bats will be undertaken with low vibration methods and vibration works will be kept to a minimum.

## **7.2 Enhancement Measures**

- 7.2.1 The National Planning Policy Framework (NPPF) outlines government planning policies and how they should be applied within local authorities. The framework places an emphasis on sustainable development, encouraging the re-use of land that has previously been developed overusing land that has a higher environmental value and by minimising impacts on biodiversity. The NPPF states that developments should aim to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.
- 7.2.2 Taking the requirements of NPPF into account, the addition of bat roosting features would enhance the ecological value of the site. It is recommended that 2 x tree mounted bat boxes (e.g., Schwegler 2F bat boxes or similar) be erected on suitable mature trees on the site boundary. For maximum potential, bat boxes should be at least 4-5m off the ground, sheltered from strong winds and exposed to the sun for part of the day (usually south/south-west elevations). Suitable bat boxes can be brought from a number of retailers and further advice, if necessary, can be provided by Schofield Lothian on construction and siting arrangements.



## Appendix A Bat Surveyor Location Map



### Key

- ◆ Surveyor Location
- ◆ Static Detector Location



Client	Temple Group Ltd
Project	TEM002 - Bishopgate Goodsyrd
Title	Bat survey map
Reference	Figure 1
Drawn	JW
Date	28/09/2022



## Appendix B Relevant Legislation

### B.1 Bats

- B.1.1 All bat species and their roosts in Britain are protected under the Wildlife and Countryside Act 1981 (as amended) (WCA) through their inclusion on Schedule 5. The implementation of the Countryside and Rights of Way Act 2000 (CRoW 2000) has amended the WCA 1981 to include 'reckless' damage to, or destruction of a roost, and disturbance of bats whilst in a roost. 5.3.2 Bats are also included on Annex IV of Council Directive 92/43/EEC of 21st May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive). As a result of the United Kingdom ratifying this directive, all British bats are protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Combined, these make it an offence to kill, injure, capture or disturb bats or obstruct access to, damage or destroy roosts.
- B.1.2 Paragraph 43 of the Regulations states: A person who deliberately disturbs wild animals of any such (European Protected) species, is guilty of an offence. For the purposes of this paragraph, the disturbance of animals includes in particular any disturbance which is likely: - a. to impair their abilityi. 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.
- B.1.3 Under the law, a bat roost is any structure or place used for shelter or protection e.g. a building, bridge or tree. Bats use many roost sites and feeding areas throughout the year and they tend to re-use the same roosts for generations.

### B.2 NPPF

- B.2.1 The NPPF outlines government planning policies and how they should be applied within local authorities. The framework places an emphasis on sustainable development, encouraging the re-use of land that has previously been developed over using land that has a higher environmental value and by minimising impacts on biodiversity. The NPPF states that developments should aim to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments

### B.3 The Conservation of Habitats and Species Regulations 2017

- B.3.1 The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- B.3.2 Under the Regulations, competent authorities i.e. government departments and public bodies, have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I and II of the Habitats Directive respectively) to the European Commission. The Regulations also require the compilation and maintenance of a

register of European sites, to include SACs and Special Protection Areas (SPAs) classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites form a network termed Natura 2000. The Regulations enable the country agencies to enter into management agreements on land within or adjacent to a European site, in order to secure its conservation. The Regulations also provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. When considering potentially damaging operations, the precautionary principle applies i.e. consent cannot be given unless it is ascertained that there will be no adverse effect on the integrity of the site.

- B.3.3 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a few purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

## **B.4 The Wildlife and Countryside Act (WCA) 1981 (as amended)**

- B.4.1 The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2010 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).
- B.4.2 Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species. All relevant species-specific legislation is detailed later in this Appendix.
- B.4.3 Schedule 1 – Part 1 relates to birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an ‘active’ nest. Schedule 1 – Part 2 relates to birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high-water mark), but which may be killed or taken outside this period.

## **B.5 The Countryside and Rights of Way (CRoW) Act 2000**

- B.5.1 The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife.
- B.5.2 Legislation detailed in the WCA places a duty on government departments and the National Assembly for Wales to have regard for biodiversity and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

## **B.6 The Natural Environment and Rural Communities (NERC) Act 2006**

- B.6.1 Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all their functions. Sections 41 (England) and



42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

## **B.7 UK Biodiversity Action Plan**

- B.7.1 The United Kingdom Biodiversity Action Plan (UK BAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UK BAP contained a list of priority habitats and species of conservation concern in the UK and outlined biodiversity initiatives designed to enhance their conservation status. Lists of Broad and Local habitats were also included. The priority habitats and species correlated with those listed on Section 41 and 42 of the NERC Act.
- B.7.2 The UK BAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These were complementary to the UK BAP, however, were targeted towards species of conservation concern characteristic of each area. In addition, several local authorities and large organisations have produced their own BAPs.

## **B.8 Species and Habitats of Material Consideration for Planning in England**

- B.8.1 In 2011, the government published the 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' to replace the previous England Biodiversity Strategy. In 2012 the UK BAP was replaced by the UK Post-2010 Biodiversity Framework.
- B.8.2 Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process, but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

## Appendix C About Schofield Lothian

- C.1.1 Schofield Lothian is an infrastructure consultancy delivering added value professional services to Clients.
- C.1.2 Combining over 40 years of expertise in infrastructure with Assystem's 'Engineering Powered by Digital' approach for truly unparalleled added value professional services
- C.1.3 We have in-depth expertise in these service areas:
- Consents & Engagement Services
  - Environment & Sustainability Services
  - Project Management Services
  - Commercial Management Services (Quantity Surveying, Estimating & Contracts)
- C.1.4 Our customised Client Teams bring Client's expertise and experience to deliver an effective and sustainable solution for your project (via secondment, service teams or advisory).
- C.1.5 Through our values we have a vibrant and successful company, where people can thrive, and Clients prosper.
- C.1.6 We believe passionately in delivering added value through a collaborative approach and have the flexibility to respond quickly to facilitate the client's requirements.

### C.2 Values

- C.2.1 Our values are part of our DNA. They guide the way we work with each other, with our clients, and within our communities. Our values are:
- Honesty – we tell the truth, we will be sincere and fair
  - Respect – we show regard and consideration for the opinions of other
  - Integrity & Trust – we demonstrate strong moral principles and are trustworthy
  - Collaboration – we work to achieve shared goals
  - Accountable – we are accountable and responsible for our actions and results
- C.2.2 Through these values we have a vibrant and successful company where people can thrive, and clients prosper. They define our culture.

### C.3 Accreditations

- C.3.1 Quality processes are very important to us especially in delivering our professional services to Clients. In addition to our in-house Business System (SBS), which outlines the processes and procedures within the company, we are accredited to these international recognised standards:
- ISO 9001 Quality Management System
  - ISO 14001 Environmental Management System
  - BS OHSAS 18001 Health & Safety Management System
  - IIP Investors in People
- C.3.2 We are also accredited to the following industry standards: RISQS Railway Industry Supplier Qualification Scheme, UDVB Utilities and ConstructionOnline.

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