

14 November 2024

Addendum to Bat Activity Surveys: The Range, Red Lodge And The Lawns, Sonning (A1144.001, 24 August 2020)

This is an addendum to the extended bat surveys carried out by Crossman Associates during 2020, which were commissioned by Arlington Lifestyle Lifestyles.

It is understood that the applicant is submitting a s73 (minor variation application) to amend the description of the outline planning consent from the x57 age restricted apartments to an unrestricted scheme. It is also understood that only design change is additional parking spaces from 64 to 80 spaces.

In forming this response, reference has been made to the proposed site plan (Bowman Riley, reference 8399-BOW-A-ZZ-DR-A-0003; revision B).

Bats

Existing information on bats

Bat activity surveys were carried out on three adjacent dwelling as outlined below:

- The Range
- Red Lodge
- The Lawns.

An earlier scoping survey carried out by Lizard Landscape Design and Ecology (February 2020) identified evidence of long-eared bat activity in each of the dwellings roof voids.

Subsequently, each dwelling was subject to three number activity surveys (two evening emergence surveys & one dawn survey). This work was carried out by Crossman Associates and all surveys followed best practice guidelines (BCT, 2016).

The surveys identified that the roof void of each dwelling is hosting a non-breeding brown long-eared day roost (identified by DNA analysis, Warwick University).

To date the 3 surveys carried out on the 3 number dwellings are considered to be adequate to inform planning consent

Crossman Associates have provided a comprehensive mitigation and compensation strategy that will include and be guided by a Natural England Licence and will provide proportional and suitable roosts for this species on site with the intention of maintaining the species on site at a favourable conservation status. Natural England is the primary enforcer of wildlife protection legislation through its licensing role, which is applicable here since a bat mitigation licence will be needed to deliver the proposed development (following receipt of the planning permission), in accordance with the Conservation of Habitats and Species Regulations.

Natural England's European Protected Species "Policy 4"¹, which is applicable at the bat licensing stage, does not require full bat emergence survey data if a suitable assessment of use of the site by bats is otherwise made. We note that this is not a case which will need to seek reliance on Policy 4, as the Applicant has already provided a comprehensive suite of appropriate survey data. Nevertheless, it is important for local planning authorities ("**LPA**") to recognise the significance of Policy 4 and the context against which licensing decisions are now made by Natural England. Put simply, if Natural England, as the primary enforcer of the legislation protecting bats, can accommodate ecological consultancy judgment and accept flexibility in the survey effort required for a bat licence (as is clear from Policy 4), then a LPA (who is not the primary enforcer of wildlife legislation) is certainly not entitled to adopt a stricter approach.

The approach set out in Natural England's Policy 4 is also replicated in a High Court judgement in the case of *Cheshire East v Rowland Homes*² [2014] EWHC 3536 (Admin). In this case, the Court confirmed as acceptable the provision of Phase 1 survey data only for a large development site containing two EPS (i.e. bats and GCN), on the basis that there was clearly scope for mitigation for those two species within

¹ The outcome report setting out the Natural England's licensing policies can be accessed here https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575709/eps-consultation-outcome.pdf

² *Cheshire East Council v Secretary of State for Communities and Local Government and Rowland Homes Ltd* [2014] EWHC 3536 (Admin)

the development site. Therefore, the complaint in that case, that the LPA should have had, before it, full bat and GCN survey data, was not upheld by the Court.

Additional bat surveys and licencing

Within the bat activity season prior to the intended commencement of development season there will be a requirement from Natural England for each of the dwellings to be subject to an update bat survey; this work will include an internal check of each building and two emergence surveys and automated monitoring within the roof voids of each dwelling. The subsequent survey results will provide up to date data which will supplement the earlier survey data and will inform the Natural England Mitigation Class Licence or a European Protected Species Mitigation Licence.

The existing plan provide features for roosting bats including a large internal bat roost within the new block that will occupy the south-west end of the site. The roost is large enough to support a maternity roost of long-eared bats, so is sufficient to mitigate for increased numbers of bats or if the bat roosting status of the site has increased.

The licence will be applied for once Wokingham Borough Council has approved the updated plans and after the updated surveys have been completed.

Bat habitats

The new site plan shows an increase in additional parking spaces which will reduce the area of planting on site but is not considered to have a significant effect on bat foraging and commuting habitat in the wider landscape context. The site will still have continuous boundary planting and boundary trees will be retained and there will be new tree and shrub planting, which will provide a foraging and commuting resource on site. There will be continuous habitat linking the site to the surrounding landscape, including adjacent gardens and adjoining features including a golf course and which has mature vegetation.

The proposed site plan includes continuous habitat around the boundary of the site, including continuous bands of trees and hedgerows along the south, east and west boundary of the site which will provide commuting and foraging corridors for bats around the site and linking the site to features in the wider landscape.

Overall, the proposed habitats on site are considered to offer favourable foraging and commuting habitat for bat and will not compromise connectivity in the wider landscape.

Additional bat roosting features

To compensate for the loss of proposed landscape planting, additional bat roosting features will be installed on site and will include additional building mounted bat tubes and tree mounted bat boxes.

Currently, it is proposed that a single bat tube is included on each new building. This will increase to two new tubes on each building. The type of box will be the Habitat 001 model (or similar). Four new tree-mounded Schwegler 1FF bat boxes will be installed on retained boundary trees.

In conclusion, the changes to the age restriction and number of car parking spaces, will not materially change the requirements and recommendations detailed above.

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