

ANNEX: SPECIAL CONDITIONS TO INDIVIDUAL BAT MITIGATION LICENCE



IMPORTANT: These special conditions are in addition to the standard licence conditions of this licence.

Where there are several options you are required to do those that are indicated by .

Natural England Reference:

2016-25865-EPS-MIT-3

Summary table of permitted damage/destruction of resting places

Licensable activity	Permitted species	Maximum number (if applicable to activity)
Damage of resting place	-	-
	-	-
	-	-
Destruction of resting place	Common Pipistrelle	1 (one)
	Noctule	1 (one)
	-	-

General:

- Persons acting under this licence must abide by the most up to date iterations of the relevant species guidance. In this context the relevant species guidance includes:
 - The advice in the “*Bat Mitigation Guidelines*” (see ‘Licence Note’ c),
 - “*Bat Workers Manual*” (see ‘Licence Note’ c), and
 - “*The Bat Survey - Good Practice Guidelines*” (see ‘Licence Note’ c).
- The Licensee, including the Named Ecologist, Accredited Agents and Assistants (see Definitions in conditions 23-26), must adhere to the activities and timescales agreed in work schedule WML-A13a-E5a&b (dated and referenced **06/11/2019 Tobacco Warehouse, Stanley Dock, Regent Road, Liverpool, L3 7DR**) between the Licensee and Natural England.*

*Except for damage and destruction of breeding sites, carrying out licensable activities outside the periods specified within the licensed work schedule E5a is permitted provided that **all** of the following requirements are met:

- Licensable activities set out in the work schedule are carried out in the same chronological order; and
- Licensable activities involving the capture, and/or transport of the species are carried out no more than 8 months later than originally scheduled and outside the maternity/hibernation period; and

- c. Compensation for loss of hibernation sites must be created prior to the immediate hibernation period and no later than 31 October; and
- d. There is no additional impact on any known or potential breeding sites, or resting places (including hibernation sites) as a result of timing changes.

Post development works must be carried out in accordance with section E5b of the licensed work schedule. Should timings change such that one or more of requirements a-d will not be met, a modification request form must be submitted alongside a revised work schedule to enable Natural England to reassess the FCS test. This must be done as soon as it becomes clear that the work schedule is no longer deliverable. All other requirements in the licence and any annex must be complied with.

- 3. Figures: D 11/11/2016; E2a 11/11/2016; E3 & E3a 19/10/2016 ; Other, as specified, -, must be complied with (see end of Annex for list of Figures).
- 4. The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensable works understand by way of a 'tool box talk' that bats are present; the legislation relating to bats; measures that will be used to protect them; good working practices; licensable activities and what to do should bats be found. This information must be provided before any licensable works commence on site. A written record that this has been undertaken, and that it covers the above points, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.

Impacts:

- 5. Disturbance of bats and damage and/or destruction of bat habitats will be limited to those areas and structures shown in Figure D.
- 6. Species, type and location of features and roost/s to be disturbed / damaged / destroyed under this licence. (See Definitions of roost type in condition 27):

Roost type or feature	Permitted?	Species and locations of roost / feature details and action.
Day	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	Common Pipistrelle day roost in the Tobacco Warehouse to be destroyed when the building is redeveloped. Noctule day roost in the Tobacco Warehouse to be destroyed when the building is redeveloped
Night	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Yes	-
Feeding perch	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Yes	-
Transitional / occasional	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Yes	-

Methodology:

- 7. All relevant animal welfare legislation must be complied with at all times.
- 8. Where capture and/or handling of bats are necessary, only the Named Ecologist or an Accredited Agent or an Assistant directly supervised by the Named Ecologist or Accredited Agent may do so. Capture/handling/exclusion of bats must only be undertaken in accordance with Figure E2a and in conditions suitable for bats to be active. Where a bat is found unexpectedly, including in adverse weather conditions, licence condition 16 must be followed.
- 9. A written record must be kept of capture and exclusion efforts undertaken, including weather conditions (including over-night minimum temperature and rainfall), numbers and species of bats captured/taken and duration of exclusion process.
- 10. Captured bats shall be:
 - a. Placed in an alternative roost site as shown on Figure E3;
 - b. Released at dusk in suitable conditions -;
 - c. Placed in a temporary bat box(es);

d. N/A.

11. Provision must be made for prompt assistance to deal with any injured bat. Any injured or dead bats must be reported to Natural England on licence return form WML-LR-BATANN.
12. Methods licensed – to be undertaken by the Named Ecologist, Accredited Agent or Assistant (under direct supervision of the Named Ecologist or Accredited Agent):

Method	Permitted?	Details
Capture / take by hand	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	Common Pipistrelle and Noctule bats to be captured by hand during the destructive search of roost features at Tobacco Warehouse, Liverpool
Endoscopes	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	During visual inspections and destructive search
Hand-held static nets	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	During capture exercise
Transport	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	Captured bats to be transferred to bat boxes previously installed on chimney to the east of the site.
Temporary exclusion by techniques specified in the Bat Workers Manual	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Yes	-
Permanent exclusion by techniques specified in the Bat Workers Manual	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	Standard one way exclusion devices to be fitted to any crevices which cannot be fully inspected by endoscope and declared free of bats. Devices to be left in situ for a minimum of 3 consecutive nights when weather conditions are suitable for bat activity.
Disturbance by noise or illumination or vibration	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	Due to the size and nature of the building it is likely that works will take 3 years to complete. Bats are likely to be disturbed by activity in other areas of the building throughout the 3 years as bats will be excluded stage by stage.
Destructive search by soft demolition (see Definition in condition 28)	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Yes	by hand under direct supervision of licenced ecologist of all known and potential roost features
Temporary obstruction of roost access	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Yes	-
Other (as specified)	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Yes	-

13. Mechanical demolition (see Definition in condition 28) of the structure must only take place after the structure been declared free of bats by the Named Ecologist or their Accredited Agent.
14. Where bat access points/entrance into roosts are to be retained or reinstated this must be in accordance with Figure E3.
15. Lighting restrictions under this licence include:
- N/A;
 - External lighting to be positioned sensitively to avoid disturbance to roosts and flight lines
16. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
- Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.
 - Do not expose the bat or cause it to fly out of the roost on its own accord.

- c. The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
- d. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.
- e. The Named Ecologist must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incidence must also be reported on the licence return form WLM-LR-BATANN.
- f. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

Compensation and mitigation:

17. Compensation & mitigation measures:

- a. N/A;
- b. As shown on Figure E3 must be provided.

18. Should it be necessary to use any wood timber treatments, only treatments on the approved list of 'Bat roost and Timber products' may be used (see Licence Note e). Also guidance on their use in the Bat Workers Manual, Chapter 10 must be followed (see Licence Note c).

19. Should this licence require the use of roof membranes Bitumen type 1F felt with a hessian matrix must be used.

Post-development site maintenance and habitat management requirements:

20. Any bat boxes provided as compensation under this licence (shown on Figure E3) which do not / does not show signs of bats must be retained for a minimum of 5 years beyond the date of completion of the development. (Note: any structure which is used by bats is legally protected under the legislation).

Post-development monitoring and reporting requirements:

21. Monitoring must be undertaken in the time periods and years as specified in the Work Schedule WML-A13a-E5a&b table b:

N/A,

22. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:

Report of Action within 14 days (two weeks) after the expiry of the licence (which includes any 'nil' reports).

Definitions used in this annex:

23. The "Licensee" named on the licence is responsible for ensuring that all activities carried out on site in relation to the licence comply with the terms and conditions of the licence. All persons authorised to act under the licence must comply with the licence and its conditions (see Regulation 60(1) of the 2017 Regulations). This means that those persons authorised by the Licensee also have a responsibility for ensuring that the licence is understood and complied with.

24. The "Named Ecologist" is a professional ecological consultant who has satisfied Natural England that they have the relevant skills, knowledge and experience of the species concerned and is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The 'Named Ecologist' has a responsibility for ensuring that the licence is complied with. They are responsible for advising the licensee on the suitability and

competence of any Accredited Agents or Assistants employed on site to undertake the required duties and may include the direct supervision of Assistants where appropriate.

25. An “**Accredited Agent**” is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Named Ecologist. Any Accredited Agent must be appointed by the Licensee and be in possession of a letter signed by the Licensee confirming their appointment. Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request.
26. An “**Assistant**” is a person assisting a Named Ecologist or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either the Named Ecologist or an Accredited Agent.
27. For the purpose of this licence the following roost types are defined as:
 - a. **Day roost:** a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.
 - b. **Night roost:** a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.
 - c. **Feeding perch:** a place where individual bats or a few individuals feed during the night but are rarely present by day.
 - d. **Transitional / occasional roost:** used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.
28. For the purpose of this licence the following licensed methods are defined as:
 - a. **Destructive search by soft demolition:** the taking apart of a bat structure in a controlled and careful manner by hand, or in some instances with the assistance of hand-held tools and machinery, under direct ecological supervision. Only the Named Ecologist, Accredited Agent or a directly supervised Assistant may take any bats found.
 - b. **Mechanical demolition:** destruction of a structure that previously supported a bat roost using mechanical means after the structure has been declared free of bats by the Named Ecologist or Accredited Agent. Mechanical demolition usually is preceded by a soft demolition exercise or completion of an exclusion process.

Licence notes

- a) The following mitigation or compensation is being provided as part of a planning permission or other consent but is not required by Natural England to be provided as part of this licence: -. It is the licensee’s responsibility to ensure that they comply with planning permissions and other consents as necessary.
- b) This licence does not confer any right of entry upon land.
- c) The “[Bat Mitigation Guidelines](#)”, The “[Bat Workers Manual](#)” and “[The Bat Survey - Good Practice Guidelines](#)” - you are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version.
- d) Post development monitoring [report form](#) should be used for reporting purposes and sent to the above address at the each report interval.
- e) Bat roost and Timber products (TIN 092) can be found [here](#).
- f) A licence is not required for the short-term keeping of injured bats that were obtained legally for the purpose of tending them in order to release them when no longer disabled. However, if the bats are to be kept for longer than 6 months then the carer should apply for a licence to possess bats. This can be done using the possession licence application form WML-A37 (found at:

<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-licence-to-possess-them>.

Issued by and on behalf of Date
Natural England on

20/11/2019

Figure references:

Those marked with an ‘*’ are mandatory and are included as part of each annexed bat licence, and those marked ‘’ are applicable to specific licences only.** Special Condition 3 details which Figures form part of this particular licence and its conditions and they must be complied with. Figures are not sent back out to the Licensee or Named Ecologist when the licence is granted as dated and referenced copies are already held by those persons.

D* – Impacts: disturbance of bats, habitat damage and/or destruction.

E2a** – Capture and exclusion measures

E3** – specification for mitigation / compensation