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Mr Alan Thompson

Hubbersty Fold Farm
Commons Lane
Balderstone
Blackburn
Lancashire
BB2 7LL

22 July 2011

Ref: B996

Dear Mr Thompson

Protected Species Survey: Barn at Hubbersty Fold Farm, Commons Lane, Balderstone, BB2 7LL

Introduction

You have requested a protected species survey (via an instruction from Robert Baines at Gary Hoerty Associates) as a condition of a planning application to the Local Planning Authority (LPA) for a proposed barn conversion into a dwelling; the existing buildings are shown in figures 1 to 6 of this report.

The LPA must take account of the impact of a development on protected species in accordance with PPS9 and requires an appraisal of the likely impact of the proposed building demolition on protected species in addition to any mitigation measures that may be required.

A scoping survey and daylight inspection was undertaken on Friday 22 July between 10.00 and 11.00. The weather at the time of the inspection was warm, dry and bright (max temperature: 22°C; cloud cover: 80%, wind: light south-east) providing optimal conditions for a site assessment.

Although there is limited evidence of bat activity within the hay barn, the impact of the proposed development on protected species is likely to be low and there is only a relatively low risk of disturbing or exposing roosting bats during the proposed conversion and building operations.

Survey methodology

The protected species survey (bats) provides a daylight-only assessment of the property.

The aim of a bat inspection is to make an assessment of the potential value of the site for European Protected Species (EPS) and to establish whether bats have ever been active within any part of the property that will be affected by the building operations.

The survey methodology follows the recommended monitoring guidelines published by the Bat Conservation Trust (*BCT – Bat Surveys, Good Practice Guidelines, 2007*), Natural England (*Survey Objectives, Methods and Standards as outlined in the Bat Mitigation Guidelines, 2004*) and Survey and Monitoring Methods, (*Bat Worker's Manual, JNCC, 2004*)

Non-intrusive survey methods were used to assess the use of the property by bats. The search was made using a high-powered lamp (Clu-lite 1,000,000 candle power), close-focussing binoculars (Leica Trinovid), a digital camera (Kodak MD41) and 900mm endoscope (ProVision 300) to view all likely areas of the building for the presence of bats, ie. droppings and urine and grease staining, feeding remains such as discarded moth and butterfly wings and other insects fragments typically found in a perching and feeding area or night roost.

The survey was carried out by David Fisher (Earthworks Environmental Design) - an experienced ecological consultant with more than 25 years experience of bat ecology and field survey work and a Natural England licence holder since 1990; current NE licence No: 20103384, (Conservation, Science and Education)

Constraints

Several parts of the building are very insecure and some could not be safely inspected.

Evening emergence and / or dawn re-entry surveys at the property have not been undertaken.

The survey methodology is designed to determine the likely presence of bats within the building and does not necessarily prove absence

National Biodiversity Network database records do not confirm presence or absence of a species or habitat NBN records are shown at resolutions between 10km and 100m depending on sensitivity of the data).

Absence of records does not imply that a particular bat species is not present within the recording area.

Data search

A local data search was carried to identify any relevant records of protected species (bats) within 1km of the site. The following bat species are known / likely to be present within the wider district (10km square SD63):

- | | |
|--------------------------------|--|
| • Natterer's bat | (<i>Myotis nattereri</i>) ¹ |
| • Whiskered bat / Brandt's bat | (<i>M. mystacinus</i> / <i>M. brandtii</i>)* |
| • Whiskered bat | (<i>M. mystacinus</i>)* |
| • Daubenton's bat | (<i>M. daubentonii</i>) ¹ |
| • Brown long-eared bat | (<i>Plecotus auritus</i>)* ² |
| • Common pipistrelle | (<i>Pipistrellus pipistrellus</i>)* |
| • Soprano pipistrelle | (<i>P. pygmaeus</i>) ¹ |
| • Noctule bat | (<i>Nyctalus noctula</i>) ¹ |

*National Biodiversity Network (NBN) datasets – (NBN 10km recording squares SD63)

¹ EED datasets ²ELBG datasets

The following sources were consulted during the preparation of this report:

1. National Biodiversity Network (NBN) database, (terrestrial mammals - chiroptera)
2. Bat Conservation Trust (BCT)
3. East Lancashire Bat Group
4. Lancashire and Cheshire Fauna Society
5. Lancashire Biodiversity Partnership
6. Biological Heritage Sites Partnership (LCC, NE and LWT)
7. EED dataset (Lancashire bat records 2000 - 2011)
8. Magicmap interactive map
9. Natureonthemap (Natural England)
10. Multimap
11. Google Maps
12. MARIO - Maps and related information online (Lancashire County Council).

There are no previous records of bat activity at this location (SD629322); the nearest records¹ are:

- (i) SD632323 (24.08.10 – common pipistrelle maternity roost.)
- (ii) SD633221 (09.07.07 - common pipistrelle maternity roost)
- (iii) SD623327 (27.07.10 - common pipistrelle foraging activity)
- (iv) SD623327 (27.07.10 – common long-eared bat roosting and perching activity)

¹ EED datasets



Figure 1: east elevation

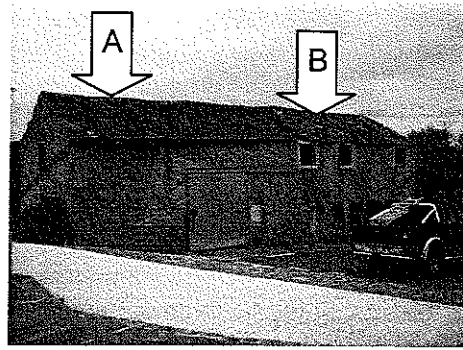


Figure 2:



Figure 3:

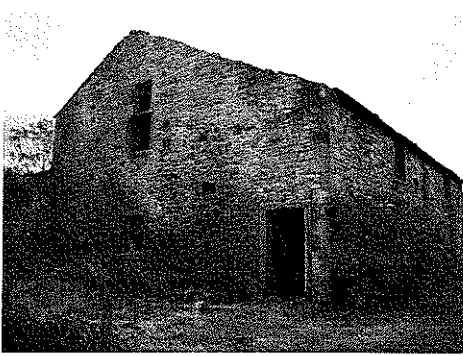


Figure 4: north west gable / west elevation



Figure 5: interior of building B'



Figure 6: timber roof detail in building A

Description of the property

The building is a stone agricultural barn (figure 2: former hay barn 'A') with traditional rubble-infill wall construction and pitched timber framed post and truss roof. The main barn has three roof bays (figure 6), the roof is clad in stone slates and has stone ridge tiles. The slates are unlined and the general condition of the roof is dilapidated; there are many holes along the ridge board. The barn remains open to weather and the windows are unglazed; there is a steel sliding door on the wagon door entrance.

Inside the barn are two timber haylofts; the building is used only for storage of materials only.

The former milking parlour and hayloft (shown as 'B' in figure 2) has two floors: (i) the ground floor cubicle area and (ii) the timber hayloft above. The building has an unlined slate and batten roof; approximately 30% of the roof area has already collapsed and the structure is very unsafe (figure 5). Inspection of this part of the building was restricted to observation from the doorways at the front and rear due to safety concerns.

Additionally there is a small single storey building (shown as area 'C' figure 3); this area is open fronted and only one half of the pitched roof remains intact; the remainder of the building has been removed or collapsed.

In general terms the buildings are structurally unsafe and largely dilapidated making inspection difficult and dangerous. The building remains open, cool and draughty with significant ingress of water and ample natural light. The potential of the building to support roosting bats is greatly reduced by the condition of the property.

Location of the property

- NGR: SD629322;
- Watsonian Vice-county 60 (West Lancashire)
- Elevation: approximately 70m

The building is located within a rural district at Hubbersty Fold within the Balderstone Parish and is surrounded by open countryside with woodland and pasture. The local area is well-wooded and there are several small streams nearby providing riparian habitat for feeding and foraging bats. The nearest extensive woodland is located at Jackson's Bank Wood bordering the south bank of River Ribble approximately 0.75km north of the property. The nearest neighbouring properties are 200m north and east of the site at Balderstone.

There are no designated nature conservation sites adjacent to the property – ie. Sites of Special Scientific Interest (SSSI), Biological Heritage Sites (BHS), National Nature Reserves (NNR's), Local Nature reserves (LNR's) or Regionally Important Geological and Geo-morphological Sites (RIGS).

Survey results

- There is limited evidence of bat foraging flight within the main barn area; a small number of fresh bat droppings were found scattered within the ground floor area.
- There are no accumulations of bat droppings within any other part of the building and there is no evidence of perching or feeding activity at this site.
- There are no records of roosting bats at this property although breeding and foraging pipistrelles are recorded within 300m of the site.
- There is no evidence of 'regular' roosting or nesting activity by barn owl at this site – as single barn owl pellet was found on the ground floor of hay barn 'A' and an old decomposed owl pellet was also found on one of the small haylofts in the same part of the building.

• Evaluation of results

- There is no evidence of regular or significant bat activity or other protected species at this property.
- Scattered fresh bat droppings are consistent with occasional foraging and feeding flight within the main void of the barn (building 'A' only). The frequency of droppings indicate low numbers of foraging pipistrelles bats (ie. 1 – 3 bats).
- The potential of the building to support a maternity roost, hibernation roost or transitory / mating roost is also relatively low.
- The scale of impact of the development at site level on local bat populations is likely to be negligible¹.
- The overall conservation significance of the structure is low.²
- The site is adjacent to high-value feeding and foraging habitat for bats and connectivity between woodland habitats is good. Several known maternity roost located are within 300m of the property and commuting / foraging common pipistrelles are likely to be frequent over this site throughout the year.
- Using current good practice guidelines to assess the level of survey effort that is required at the property, it is recommended that further survey work is not required and building works should proceed with reasonable caution and vigilance for the unexpected presence of isolated roosting or resting bats* (refer to: mitigation notes below).

¹ The scale of main impacts at site level on bat populations – Table 6.1. p37 - (BMG, 2004)

² Guidelines for proportionate Mitigation, (Bat Mitigation Guidelines, 2004)

³ Guidance for assessing the value of habitat features – (BCT 2007, Bat Surveys, Good Practice Guidelines, p21)

* Flow chart depicting the process for deciding what level of survey is necessary, (BCT, Bat Surveys, 2007, p24)

Conclusion

There is no evidence of regular or significant bat activity at this property.

The proposed building operations are **unlikely to cause significant disturbance to bats** or result in the loss of a bat roost or cause injury or death of a European Protected Species – (Bats) or result in any significant impact on a local bat population.

The scale of impact of the development at site level on local bat populations is likely to be relatively low.

Further survey effort (ie. dusk / dawn surveys) at this site is not recommended.

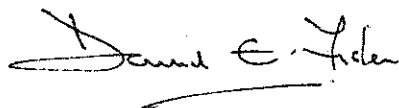
Impacts and Mitigation

Mitigation refers to the practices adopted to reduce or remove the risk of disturbance, injury or death of a protected species or damage to a roost. The Bat Mitigation Guidelines define mitigation as "...measures to protect the bat population from damaging activities and reduce or remove the impact of development"

ACTION:	METHOD:
1 Timing constraints	None
2. Removal of roofing materials	Disturbance to roofing materials is unlikely to expose roosting or resting bats, however, be aware that solitary bats are 'occasionally' found roosting beneath roofing materials at any time of year, although most commonly between April / May and October / November.
3. Removal / repair of stonework	Disturbance to stonework is unlikely to expose roosting or resting bats, however, be aware that solitary bats are 'occasionally' found roosting within rubble infill walls and cavities at any time of year, although most commonly between April / May and October / November.
4. Accidental exposure of bats	In the unlikely event of bats being exposed or vulnerable to harm, all work in that area must stop immediately. Cover the exposed bats to reduce further risk of harm and seek further advice by calling the Bat Conservation Trust (BCT) helpline on 0845 1300 228. Stop work immediately if bats are exposed or likely to be disturbed. All contractors should be aware of their responsibilities to protected species. If accumulations of droppings are found during the removal of the roofing materials or rubble infill walling, stop work and seek advice before continuing work in this area
5. Avoid handling bats	Contractors should avoid handling bats but where there is no alternative, use gloves or a small container to move them to a dark and quiet area, preferably without causing them to fly in daylight.
6. Legal protection	Site contractors and project managers should be fully aware of the legal protection afforded all species of bat in the UK and procedures should be in place to mitigate for the potential impact on bats - see notes on 'Bats and the Law' in this report
7. Further advice	If you require further advice on bats during the proposed building operations or if you find an injured or resting bat, call BCT immediately; they will normally contact a qualified bat worker in the local area who will visit the site and provide further advice free of charge.
8. Post-development monitoring	Not required
9. Additional survey effort	Evening emergence / dawn re-entry surveys are not recommended.

Please note: I do not provide a copy of this report to the local planning authority, therefore it is your responsibility to forward the report to Ribble Valley Borough Council.

Yours sincerely



David Fisher

Wildlife legislation – Bats and the law

All bat species in the UK receive full protection under the Wildlife and Countryside Act 1981 (amended by the Environment Protection Act 1990). The Countryside and Rights of Way Act 2000 amends the Wildlife and Countryside Act to also make it an offence to intentionally or recklessly damage, destroy or obstruct a place that bats use for shelter or protection. All species of bats are listed on Schedule 5 of the 1981 Act, which makes it an offence to:

- *intentionally kill, injure or take any wild bat.*
- *intentionally or recklessly damage, destroy or obstruct access to any place that a wild bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.*
- *intentionally or recklessly disturb any wild bat while it is occupying a structure or place which it uses for shelter or protection.*

The protected status afforded to bats means planning authorities may require extra information (in the form of surveys, impact assessments and mitigation proposals) before determining planning applications for sites used by bats. Planning authorities may refuse planning permission solely on grounds of the predicted impact on protected species such as bats. Recent case law has underlined the importance of obtaining survey information prior to the determination of planning consent¹.

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by a development proposal, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" ²

All British bat species are included in Schedule 2 of the Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007, (also known as Habitats Regulations) which defines 'European Protected Species' (EPS).

¹ Bat Mitigation Guidelines. AJ Mitchell Jones. Joint Nature Conservation Committee, (2004) ISBN 1 86107 558 8

² Planning Policy Statement (PPS9) (2005), Biodiversity and Geological Conservation. ODPM

Protected species (Bats) and the planning process¹

For development proposals requiring planning permission, the presence of bats, and therefore the need for a bat survey, is an important 'material planning consideration'. Adequate surveys are therefore required to establish the presence or absence of bats, to enable a prediction of the likely impact of the proposed development on them and their breeding sites or resting places and, if necessary, to design mitigation and compensation. Similarly, adequate survey information must accompany an application for a Habitats Regulations licence (also known as a Mitigation Licence) required to ensure that a proposed development is able to proceed lawfully.

The term 'development' [used in these guidelines] includes all activities requiring consent under relevant planning legislation and / or demolition operations requiring building control approval under the Building Act 1984.

Natural England (Formerly English Nature) states that development in relation to bats "covers a wide range of operations that have the potential to impact negatively on bats and bat populations. Typical examples would be the construction, modification, restoration or conversion of buildings and structures, as well as infrastructure, landfill or mineral extraction projects and demolition operations".

(Mitchell-Jones, 2004)

¹ 2.2.3 - Planning for development p10 Bat Surveys Good Practice Guidelines BCT (2007)

Other references:

Bats, development and planning in England, (Specialist support series) - Bat Conservation Trust, 5th Floor, Quadrant house, 250 Kennington Lane, London, SE11 5RD, 0845 1300 228

Clarification of the legal duty of Local planning Authorities' to European Protected species: High Court Judgment June 2009: (Wooley v Cheshire east Borough Council) - Bat Conservation Trust.

Defra Circular 01/2005 (to accompany PPS 9) - Department for Environment, Food and Rural Affairs. www.defra.gov.uk

Natural England 1 East Parade. Sheffield S1 2ET Enquiry Service: 0845 600 3078 enquiries@naturalengland.org.uk

Natural England Cheshire to Lancashire Team. Electra Way, Crewe. Cheshire CW1 6GJ Tel: 01270 754227