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Ref: B1201

Dear Mr Atkinson

Protected Species Survey (Bats) at: Vale House, Whalley, BB7 9TY

Introduction

You have requested a protected species survey as a condition of a planning application to Ribble Valley Borough Council (RVBC) for proposed building alterations requiring modifications to the existing roof and roof voids; the property is shown in figures 1 to 7 of this report

The Local Planning Authority must take account of the impact of a development on protected species in accordance with PPS9 RVBC requires an appraisal of the likely impact of the proposed development on all bat species that are present or likely to be present at the property, in addition to any mitigation, compensation or enhancement proposals that may be required

A daylight scoping survey was undertaken on Friday 7 September 2012 between 09.45 and 11.15.

The weather at the time of the inspection was mild, bright and dry (max. temp: 17.0°C; cloud cover: 80%; wind: light south-easterly; rain: nil).

There is some evidence of bat roosting activity within parts of the building that are likely to be disturbed by the proposed building operations. All building works requiring removal of fascia soffits, verge tiles and other roofing materials must be carried out at an appropriate time of year to avoid disturbance to roosting bats and ensure that bats are not excluded from the existing roost areas.

A method statement will be required before works commence to protect bats and their roosts and ensure the 'favourable conservation status of the species'.

Survey methodology

The survey methodology follows the recommended guidelines published by the Bat Conservation Trust - *Bat Surveys: Good Practice Guidelines, 2nd Edition*, Hundt, L (2012)), Natural England (*Survey Objectives, Methods and Standards as outlined in the Bat Mitigation Guidelines, 2004*) and Chapter 3 - Survey and Monitoring Methods, (*Bat Worker's Manual, JNCC, Mitchell-Jones AJ and McLeish, AP, 3rd Edition 2004*).

The aim of the scoping exercise is to consider the potential value of the site for European Protected Species (EPS) and to establish whether bats and other protected species have been active within any part of the property that will be affected by the proposed development

The daylight scoping survey includes a local record search of publicly available data for protected species, in addition to information on locally significant landscape features and designated conservation sites.

Non-invasive survey methods were used to assess the use of the property by bats. The scoping survey included an assessment of all external features including access into two of the internal roof voids.

The search was made using a high-powered lamp (Clu-lite CB2 - 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 spots, bat corpses, roost staining or evidence of feeding remains such as discarded moth and butterfly wings and other insects fragments typically found in a perching and feeding area.

Personnel

The survey was carried out by David Fisher (EED) - an experienced ecological consultant with more than 25 years experience of bat ecology and field survey work and a Natural England licence holder since 1989.

Natural England licence No: 20122876 (August 2012), Conservation, Science and Education.

Constraints

Small crevice-roosting bats such as pipistrelle species, some myotis bats and occasionally brown long-eared bats are able to remain unseen within very confined spaces such as cavity walls, block work walls, beneath roofing materials, wall claddings, lead work flashings, fascia boards and soffits despite careful inspection.

It was not possible to inspect any roof voids above four flats (figure 1) on the front elevation of Vale House

Evidence of bat roosting activity such as bat droppings on external walls and surfaces is frequently removed by the action of wind and rain; lack of such evidence is therefore evaluated with caution.

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

National Biodiversity Network (NBN Gateway) database records, whilst indicative of the bat species that are likely to occur within a 10km square, do not confirm presence or absence of a species or habitat

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

Evening emergence / dawn re-entry surveys have not been carried out at this property

Desktop study (SD 73)

A local data search was carried to identify any relevant records of bat activity within 1km of the site. The following bat species are known to be present within the wider district:

- | | |
|--------------------------------|---|
| • Natterer's bat | (<i>Myotis nattereri</i>) |
| • 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>) |
| • Brown long-eared bat | (<i>Plecotus auritus</i>) |
| • Common pipistrelle | (<i>Pipistrellus pipistrellus</i>) |
| • Soprano pipistrelle | (<i>P. pygmaeus</i>) |
| • Noctule bat | (<i>Nyctalus noctula</i>) |

*National Biodiversity Network (NBN) datasets, (terrestrial mammals) shown in blue

There are several records of pipistrelle bat roosts within 250 metres of the property.

Local bat records are shown in Appendix C

Pre-existing information (site location - NGR: SD 735 363)

None available at this property (East Lancashire Bat Group / EED)

A daylight scoping survey was carried out at this property on 25 August 2010 (EED survey: B 829). The search was confined to a car port at No. 9 Vale House. There was no evidence of bat activity at the site.

There is no known history of bats at this property.

Description of the property

Vale House is a relatively modern two storey building with standard brick and block cavity wall construction (built circa 1970 - 1980) and duo-pitched timber trussed roof. The south-facing wing of Vale House comprises four self-contained flats on the first floor and four ground floor flats (Figure 1).

Access to two roof voids above the first floor corridor enabled internal inspection of the roof; the tiled roof is lined with a bitumastic felt (figure 5); the first floor accommodation is insulated with a glass fibre material above the ceiling joists and both voids were found to be clean, dry and well-ventilated.

The cavity walls also appear to be insulated with a cavity-injected material (partly visible in figure 7).

Void A on the landing of the first floor next to the lift shaft is a small void housing cold water tanks (fig 5); Void B is a larger space at the east end of the building above the stairwell on the first floor landing (shown as figures 6 and 7).

Externally, the building is rendered and pebble-dashed; all windows and doors are double-glazed. Timber fascias along the front (south) elevation are mostly secure with a steel wire-mesh, although there are a number of narrow gaps above some of the first floor windows (shown as black arrows in figure 1) where there is evidence of both nesting birds and roosting bats.

The roof verge on the east gable end (figure 4) is mostly secure, although some verge tiles are exposed where mortar pointing is absent / damaged; there is also a small hole at the gable apex.

The property is well-maintained and all areas of the property are centrally-heated and very warm.

Location of the property (NGR: SD: 735 363 elevation: approximately 80 metres)

The property is situated within a residential development close to the centre of Whalley village; the site is surrounded by buildings of similar age, design and construction. The area has an urban character comprising mainly residential housing with gardens and a number of small public open spaces nearby.

There are no woodlands or areas of open water adjacent to the site however, although the River Calder is located within 400m to the south of the property. The nearest broadleaved woodlands are at Spring Wood approximately 500m east of the site, Sir John's Wood is 0.75km SE of the site and the Painter Wood / Whalley Nab with some riparian woodland providing high-value habitat for bats along the River Calder.

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).

The area close to Vale House provides sub-optimal feeding, foraging and commuting habitat for bats.

Proposed development

It is understood the proposed development is for a two storey extension to the front elevation requiring extensive modifications to the roofs, verges and roof voids. The new build will require 4 no. apex roofs running perpendicular to the existing roof line.



Figure 1:



Figure 2:



Figure 3:



Figure 4:

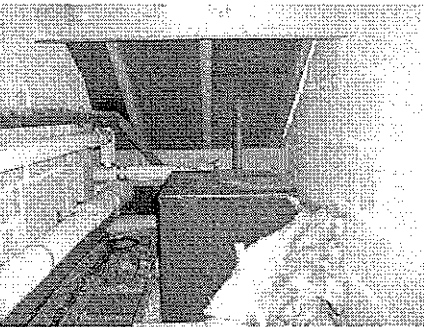


Figure 5: VOID A

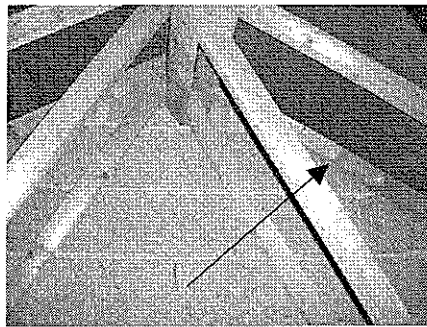


Figure 6: VOID B

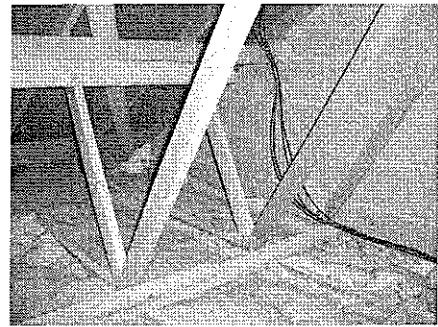


Figure 7: VOID B

Survey results

There is evidence of bat droppings in at least two areas of the building as follows:

A number of fresh bat droppings (about 20) were found in 'void B' on the internal apex wall of the east gable (located by arrow in figure 6) indicating access by pipistrelle bats into the roof verge, either above the cavity wall or between verge tiles and roofing felt (located on external wall by block arrow figure 4).

A small number of fresh pipistrelle droppings were found on the lintels and fascias above two first floor windows (as located by block arrows in figure 3). The position of these droppings suggests recent access and roosting beneath the timber fascia-soffit on the front elevation

Evaluation of results (interpretation)

There are signs of access and roosting activity by a small crevice-seeking species (almost certainly common pipistrelle bats – *P. pipistrellus*). Both access locations are typically those used by pipistrelles.

The building provides a relatively warm environment for roosting bats and there are several small accessible cavities that are likely to be attractive to bats. Activity is likely to be seasonal and used mostly between May and September. Currently there is no evidence to indicate a maternity site or place of hibernation.

Activity is likely to be occasional throughout the late spring / summer / early autumn period and used by small numbers of non-breeding bats.

Pipistrelle bats are relatively common and widespread throughout the district and there are several nursery sites in this area.

The scale of impact of the development on local bat populations is likely to be relatively low¹

The conservation significance of the property is also relatively low².

There are no previous records of bat activity at this property.

The site is sub-optimal in terms of feeding, foraging and commuting habitat for bats.

Main recommendations

1. Mitigation requires careful timing of the operations:

It is recommended that the proposed works are carried out between September and April, thus avoiding the critical period May to August when bats are more likely to be present and most vulnerable to disturbance.

2. Mitigation will require supervision of works by a qualified person (ie. ecological consultant) during removal of fascia-soffits, roof verges and roofing felts in the event of bats being exposed.

If any bats are disturbed or exposed during these operations, the bats can be safely removed from the site and placed in a safe place for late release by a licensed person.

3. Enhancement works must include;

Bat-friendly adaptations to provide safe and accessible entry points for crevice-seeking pipistrelles in the proposed new apex roofs and wherever possible preserve any existing access points.

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

Conclusion

There is evidence of bat roosting activity in this building.

MITIGATION measures are required to ensure the works are carried out at the correct time of year using methods to avoid disturbance to bats or to significantly reduce the risk of injury or death of a protected species.

Removal of roof verges, verge tiles, roofing felts and fascia soffits must be supervised by a licensed and qualified person to ensure any disturbed or exposed bats are removed without harm

Additionally, some design adaptations are required to provide access opportunities for roosting bats within the new roof structures (using designs recommended by Natural England).

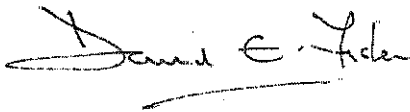
A detailed METHOD STATEMENT is required before any roof works are carried out.

An EPS development licence is not recommended

The onus lies with the applicant to satisfy himself / herself that no offence will be committed if the development goes ahead, regardless of whether planning permission has been granted

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 with the planning application

Yours sincerely



David Fisher

APPENDIX A

Mitigation requirements

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 (Natural England, 2004) define mitigation as "...measures to protect the bat population from damaging activities and reduce or remove the impact of development".

ACTION	REQUIREMENT / ADVISORY NOTES
1. Further survey effort	Not required
2. Timing constraints	ESSENTIAL: All roof works must avoid the critical period MAY to AUGUST (inclusive). The optimum time for carrying out roof works is during the autumn (September to November) or Spring (March to April) as recommended by Natural England
3. Method Statement	ESSENTIAL: The overall purpose of the Method Statement is to ensure that bats and their roosts are fully protected to ensure the 'favourable conservation status of the species' A Method Statement must be prepared before works are carried out and should conform to Natural England's general template WML-A13.2.
4. Enhancement works	To compensate for the likely loss of roosting crevices on the existing roofs; design adaptations on the new build should include roosting and access opportunities for pipistrelle bats using the recommended Natural England Mitigation Designs for bat access slates / ridges and fascias.
5. Supervision of roof removal	REQUIRED: supervision during removal of features such as verge tiles, roofing felt, timber fascias and soffits should be carried out by a qualified / licensed person in the event of bats being exposed or disturbed A temporary bat box should be available on site to protect any displaced bats.
6. Accidental exposure of bats	In the event of bats being accidentally 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 David Fisher (EED) On 01200 446859 / mobile; 07709 225783
7. 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
8. EPS Licence requirement	Not required
9. Compliance	Although a development licence is not required in this case, the onus lies with the developer to ensure that no offence will be committed if the development goes ahead. The existence of a Method Statement helps to establish a defence against prosecution for intentional (WCA), deliberate (Habitat Regulations) or reckless (WCA) disturbance of bats or damage to roosts A Method Statement is normally required by the local planning authority to ensure that procedures are in place before the development works are carried out. It is the responsibility of the LPA to ensure that the proposed works would not result in breaches of the Habitat Regulations

Information / references:

- 1 National Biodiversity Network (NBN) database (terrestrial mammals - chiroptera)
- 2 Bat Conservation Trust (BCT)
- 3 Department for Environment Food and Rural Affairs (Defra)
- 4 Joint Nature Conservation Committee (JNCC)
- 5 North Lancashire Bat Group
- 6 East Lancashire Bat Group
- 7 Lancashire and Cheshire Fauna Society
- 8 Lancashire Wildlife Trust
- 9 Lancashire Biodiversity Partnership
- 10 Ribble Valley Borough Council
- 11 Biological Heritage Sites Partnership (LCC NE and LWT)
- 12 EED dataset (Lancashire bat records 2000 - 2012)
- 13 Multi-Agency Geographical Information Centre (www.magic.gov.uk)
- 14 Natural England - Nature on the map (www.natureonthemap.org.uk)

APPENDIX B

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 consideration². 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" ³.

¹ (Tony Mitchell-Jones 2004)

² 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, Cheshire to Lancashire Team, Electra Way, Crewe Cheshire CW1 6GJ Tel: 01270 754227

RAW DATA: Local bat records (source: EED Surveys); shown at 100m resolution.

WHALLEY AREA (Within 1000 metres of site)

<i>Species</i>	<i>Site</i>	<i>Grid reference.</i>	<i>Date</i>	<i>Comment</i>
Pipistrellus pygmaeus	Whalley Abbey	SD 731 362	05 10 08	Maternity roost
Pipistrellus pygmaeus	Whalley village	SD 729 358	05 10 08	Maternity roost
Pipistrellus pipistrellus	Oakhill, Whalley	SD 736 368		Maternity roost
Pipistrellus sp	Whalley village	SD 735 365	13 07 07	Maternity roost
Pipistrellus sp.	Whalley Abbey	SD 731 362	26 09 08	Foraging flight
Myotis daubentonii	Whalley Abbey	SD 731362	26 09 08	Feeding on River Calder
Pipistrellus sp.	Manorfields	SD765363	14 06 99	Maternity roost / grounded juvenile
Pipistrellus sp.	Whalley village	SD 736 368	16 06 09	Maternity roost
P pygmaeus	Whalley Abbey	SD 731 362	25 08 10	Large maternity roost
P pygmaeus	Whalley Abbey	SD 731 362	07 08 11	Large maternity roost
Pipistrellus sp	Billington	SD 729 358	16 06 09	Maternity roost / pups in living area

