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14 March 2013

Job ref: B 1263

Dear Peter

Re: Daylight scoping survey (bats): 38 Branch Road, Mellor Brook, Blackburn, BB2 7NU

Introduction

You have requested a protected species survey on behalf of your client Miss Rachael Calvey as a condition of a planning application to Ribble Valley Borough Council for proposed building alterations at the above property.

The Local Planning Authority must take account of the impact of a development on protected species in accordance with PPS9. The planning authority 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 Wednesday 13 March 2013 between 10.00 and 10.45. The weather at the time of the survey was cold, dry and bright (maximum temperature: +6 °C, cloud cover: 40%, wind: light north-easterly, rain: nil) providing satisfactory conditions for a scoping survey.

Survey methodology

The survey includes both internal and external inspections of the property; the existing buildings are shown in figures 1 to 7 of this report. It is understood the building outlined by broken yellow line is shown as building A in figure 1; this structure will be replaced by a two storey side extension to the house (Building B figure 1).

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.

Non-invasive survey methods were used to assess the use of the property by protected species (bats).

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.

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

Survey constraints

The scope of the daylight inspection includes all parts of the property that will be affected by the proposed building works. The survey does not include roof voids or parts of the house that are outwith the development.

Crevice-roosting bat species are occasionally overlooked; solitary bats are able to conceal themselves within cavity walls or beneath wall cladding materials and roofing materials.

Bats are highly mobile mammals and frequently move between sites, particularly during the warmest months of the year in spring, summer and autumn.

Evening emergence / dawn swarming / acoustic bat surveys have not been undertaken at this property.

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

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.

Desktop study (10km-grid squares: SD 63 and SD 73)

Pre-survey data searches include: (1) data trawl on protected species (ie. any locally significant bat roosts) (2) information on local, regional and national wildlife / conservation designations (3) information relating to previous EPS surveys previously carried at the property or at neighbouring properties.

A local data search was carried to identify records of bat activity within 1000 metres of the site. The following bat species are known to be present within the wider district:

Myotis sp.

Natterer's bat	(<i>Myotis nattereri</i>)
Whiskered bat / Brandt's bat	(<i>M. mystacinus</i> / <i>M. brandtii</i>)*
Daubenton's bat	(<i>M. daubentonii</i>)* ¹

Plecotus sp.

Brown long-eared bat	(<i>Plecotus auritus</i>)* ¹
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Pipistrellus sp.

Common pipistrelle	(<i>Pipistrellus pipistrellus</i>)* ¹
Soprano pipistrelle	(<i>P. pygmaeus</i>)* ¹

Nyctalus sp.

Noctule bat	(<i>Nyctalus noctula</i>)* ¹
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*NBN data ¹EED / ELBG data

Limitations of the data search

National Biodiversity Network (NBN) and ELBG database records, whilst indicative of the bat species likely to occur within the 10km-grid square, do not confirm presence or absence of a species or habitat.

Pre-existing information

There are no existing records of roosting bats at this property (SD 641 307) or within neighbouring buildings within 250m of the site. The nearest record of bat activity is at NGR: SD 649 299 (*Pipistrellus sp.* 20.03.08)

There are no records of significant bat maternity roosts, feeding and foraging sites or hibernacula within 1000 metres of the site.

Description of the property

The out- building (shown as A figure 1) is a single storey structure comprising garage, utility / store areas, WC and potting shed, there is also a connecting canopy between the out-building and house. The building has a stone and brick wall construction; the garage (figure 4) has a timber-framed bitumen felt roof and is under-drawn with fibre board between the rafters (figure 5). There is a semi-opaque 'up-and-over' double door and a glazed side window providing good natural light.

The garage connects with a small utility area, this has a stone slate roof and is under-drawn with hardboard. To the side and rear of the building are two small rooms and a WC, these areas are well-sealed and the roofs under-drawn with hardboard panels. At the rear of the garage is a potting shed with two glazed windows (figure 1) and a mono-pitched stone slate roof lined with a pvc roofing membrane (figure 6). The area is cold, dry and well-lit with natural light, all parts of the building are dry, cold and well-ventilated.

The two storey house (B) has a duo-pitched stone slate roof lined with a re-enforced pvc membrane. The roof void is boarded for access and there are narrow voids in the eaves either side (figure 7); the voids are insulated with a natural material (sheep's wool); these areas are cool, dry and very well-ventilated.

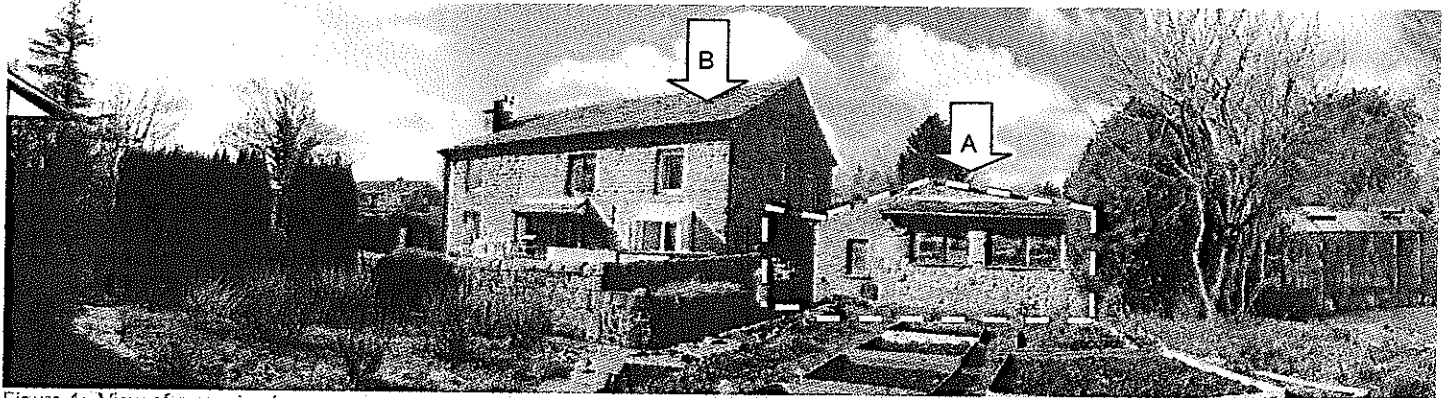


Figure 1: View of property at rear



Figure 2:



Figure 3:



Figure 4:



Figure 5:

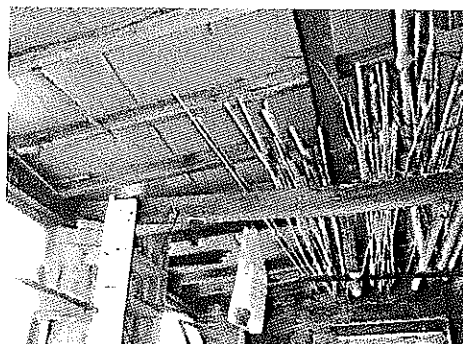


Figure 6:

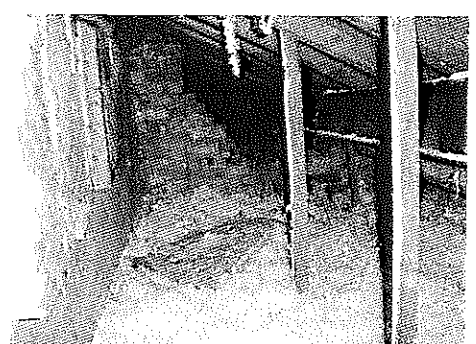


Figure 7:

Location of the property (national grid reference: (SD 641 307) elevation: approximately 110 metres).

The property is located at Mellor Brook and situated within a large garden surrounded by mature trees and hedgerow. The site is close to nearby houses within a well-established residential district off the Mellor Brook Branch Road.

Although there are no extensive woodlands or plantation woodlands within 500m of the property, there is a well-wooded water course (Mellor Brook) within 50 metres of the garden providing moderate feeding and foraging habitat for bats, however, the landscape features within 200 metres of the property are mostly sub-optimal in terms of feeding, foraging and commuting habitat for bats.

A local data search has shown there are no designated nature conservation or wildlife sites adjacent to the property – ie. Special areas of Conservation (SACs), 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).

Proposed works

It is understood the proposed works include construction of a two storey side extension on the north gable wall of the house requiring demolition of all existing out-buildings as shown as building A in figure 1.

Survey results

There is no evidence of bat activity within any part of the property that is likely to be affected by the proposed building alterations. A systematic search of the out-buildings has found no indicative signs that bats have ever been present.

An additional search of the two eaves roof voids close to the north gable apex of the house has found no evidence of roosting bats or birds.

There are no signs of roosting or access by bats on any of the external features of the buildings and there is no evidence of nesting or roosting birds such as swifts, swallows or house martins.

The potential of the building to support roosting bats is currently low. The site is not adjacent to high-value feeding, foraging or commuting habitat for bats and the locality is sub-optimal in terms of habitat potential.

Evaluation of results

There is no evidence of bat activity at the property.

The conservation value of this property is currently low.

There is no evidence that bats have ever roosted or gained access to any part of the property.

It is highly unlikely that a protected species will be disturbed during the proposed building alterations.

The overall scale of impact of this development on local bat populations is likely to be negligible.

Main recommendations

It is recommended the proposed works proceed with reasonable caution and vigilance for the 'unexpected' presence of solitary roosting bats / hibernating bats within the working area.

Further protected species surveys are not recommended at this property; additional dusk emergence, dawn re-entry and acoustic activity surveys will not be required.

SUMMARY

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The proposed building alterations are **unlikely to cause 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 negligible.

An EPS development licence is **not required**.

Mitigation guidance notes are summarised below.

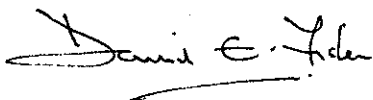
Mitigation summary

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	METHOD / NOTES
1. Further survey effort	No required
2. Timing constraints	Not required
3. EPS Licence requirement	Not required
4. Removal of roofing materials	Awareness at all times; very occasionally, solitary roosting bats are disturbed or exposed beneath some roof materials such as stone slates, bitumen felts, fascia boards and soffits.
5. Accidental exposure of bats	In the 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.
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. General advice on bats	If you require further advice on bats during the proposed building operations or if you find any injured bats roosting bats, 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. Call David Fisher (EED) on 01200 446859 (office) or 07709 225783 (mobile).
8. Emergency advice:	Bat Conservation Trust (BCT) provides a general enquiries and out-of-hours bat helpline on 0845 1300 228 for general advice.

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 District Council with the planning application.

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".*

*(Tony 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, Cheshire to Lancashire Team, Electra Way, Crewe, Cheshire, CW1 6GJ Tel: 01270 754227

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JNCC, (2010), Handbook for Phase 1 Habitat Survey – a technique for environmental survey.

Mitchell, AJ., McLeish, AP., (2004), JNCC Bat Workers Manual 3rd Edition.

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Russ, J., (2012), British Bat Calls, A Guide to Species Identification. Pelagic Publishing.

Websites:

1. National Biodiversity Network (NBN) database, (terrestrial mammals - chiroptera)
2. Bat Conservation Trust (BCT)
3. Joint Nature Conservation Committee (JNCC)
4. East Lancashire Bat Group
5. Lancashire Wildlife Trust
6. Lancashire Biodiversity Partnership
7. Biological Heritage Sites Partnership (LCC, NE and LWT)
8. EED dataset (Lancashire bat records 2000 - 2012)
9. Multi-Agency Geographical Information Centre (www.magic.gov.uk)
10. Natural England - Nature on the map (www.natureonthemap.org.uk)