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Mr and Mrs A Jepson
27 Browgate
Sawley
Clitheroe
BB7 4NB

6 January 2014

Job ref: B 1381

Dear Mr and Mrs Jepson

Re: EPS Protected Species Survey: 44 Waddow Grove, Waddington, Clitheroe, BB7 3JL

Introduction

You have requested a protected species survey as a condition of a planning application to Ribble Valley Borough Council for proposed building alterations at the above property in Waddington.

The Local Planning Authority must take account of the impact of a development on protected species in accordance with planning policy 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 works that may also be required.

A daylight scoping survey was undertaken Friday 3 January 2014 between 10.00 and 11.00 hrs.

The weather at the time of the survey was cool, dry and bright (minimum temperature: 6°C, cloud cover: 60%, wind: light south-westerly, rain: nil) providing satisfactory survey conditions.

Survey methodology

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

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

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 search was made using a high-powered lamp (Clu-lite CB2 - 1,000,000 candle power), close-focussing binoculars (Leica Trinovid 10 x 32) and digital camera (Sony Cyber-shot HX300) were used to view all likely areas of the building for the presence of bats, ie. droppings and urine spots, bat corpses, bat fly larvae, 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.

Survey limitations / constraints

Crevice-dwelling bats (eg. the *pipistrellus* species) are able to roost within very narrow gaps, often less than 25mm wide. Solitary roosting bats can be easily overlooked despite careful inspection of suitable roost features such as fascia boards, box soffits, external cladding, lead-work flashings and other roofing materials.

The daylight scoping survey does not include any dusk emergence, dawn swarming or acoustic bat surveys.

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, therefore absence of these field signs is 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 Registration Number CLS03502 (August 2013):

Class Survey Licence WML CL15 (Volunteer Roost Visitor Level 1)

Class Survey Licence WML CL18 (Bat Survey level 2)

Pre-survey data search (10km-grid squares: SD63 and 74)

The pre-survey desk study includes the review of the following information:

- (1) European Protected Species (EPS) – ie. locally significant bat roosts or species records within the district.
- (2) Local, regional and national wildlife and site designations.
- (3) Administrative boundaries and conservation area designations.
- (4) EPS surveys previously carried at the property or at neighbouring properties.
- (5) National Biodiversity Network (NBN) terrestrial mammal records (chiroptera) for the 10km grid square.
- (6) Local bat records within a radius of 2.5km of the site.

The following bat species are known to be present within the wider district:

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

*source: NBN data ¹source: EED / East Lancashire Bat Group ²North Lancashire Bat Group.

Pre-existing information

No data available at this location

Limitations of the data

The presence of bats at any site only indicates that bats were present on the date stated. Any records that do exist are likely to provide an incomplete picture of the bat fauna in the area of search. Absence of published records does not necessarily indicate absence of bats at this location.

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

Description of the property

The property is a modern-style detached bungalow (built 1970's) with standard brick and block cavity wall construction and duo-pitched rafter-with-purlin roof. The building is faced in natural stone on the front elevation with a cement rendered apex. All windows and doors are double-glazed throughout.

There is a single storey attached garage with flat bitumen roof on the east elevation (figures 1 and 4) and a single storey sun-lounge / conservatory on the west elevation (figures 2 and 3). The conservatory has a brick plinth and mono-pitched laminate roof with uPVC sealed unit windows and door.

The roof is clad with concrete tiles and lined with bitumen and hessian felt, the enclosed roof void is insulated with glass mineral wool above the ceiling joists. There is no natural light inside roof space and all areas are clean, dry and well-ventilated. Although there is evidence of mouse active inside the void, there are no signs of access by bats or birds.

Externally, the PVC box soffits and fascias are well-sealed and there are no signs of access by bats. There is a single house martin nest beneath the soffit apex on the front elevation (located by arrow in figure 1). All other external features including ridge tiles, verges and lead work flashings are well-maintained and secure.

It is understood the building has been unoccupied for about twelve months.



Figure 1:



Figure 2:



Figure 3:



Figure 4:

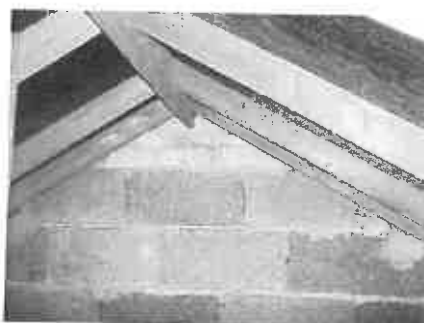


Figure 5:



Figure 6:

Location of the property

NGR: SD 731 436: elevation: 70 metres.

The property is situated within a well-established residential development on the SE edge of Waddington.

Although the site is within 100 metres of open countryside there are no woodlands or watercourses nearby; the nearest significant riparian habitat is more than 0.5km north of the property at Waddington Brook and 0.75km south of the site close to the River Ribble at Waddow Hall.

A local data search has shown there are no designated nature conservation sites immediately 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).

The nearest conservation designations (BHS) relate to several moorland cloughs within the district comprising ancient semi-natural broadleaved woodlands to the north and north-east of the village.

Proposed works

It is understood the proposed development includes (1) a rear and side extension to the property requiring removal of the existing conservatory and (2) raising of the roof line requiring removal of the existing roof.

Survey results

There is no evidence of bat activity within any part of the property; all areas of the building that are likely to be affected by the proposed building operations were carefully inspected for signs of access by bats; none were found.

Nesting house martins (*Delichon urbica*) have previously nested below the front gable apex (figure 1).

Evaluation of results

There is no evidence of bat roost activity at this property.

Although the proposed building alterations are unlikely to cause disturbance to roosting bats; the developer and building contractors must be mindful that that solitary bats may occasionally be exposed during the removal of any roofing materials.

It is recommended the proposed works proceed with reasonable caution and vigilance for the presence of solitary roosting bats. In the unlikely event of bats being exposed, stop all work in that area of the building and seek further advice before proceeding.

The likely presence of nesting house martins must be considered before works are carried out.

Birds normally return to nest sites during April and May. To avoid the risk of disturbance to birds and their young, it may be necessary to exclude any nesting birds by removing existing nests during the winter period before the martins return.

Risk of disturbance to bats

The overall risk of disturbing / exposing bats at this property during the development remains relatively low*.

***Minimal / negligible risk:** it is highly unlikely any bat species have been active within any part of the property.

Low risk: there is only low risk of disturbance to solitary bats or small numbers of common and widespread bat species.

Low / moderate risk: caution required; activity of common / rarer species is possible, including the presence of occasional / regular night perching and feeding activity or the presence of small numbers of rarer species (but not a maternity or hibernation site).

Moderate risk: caution required; there is moderate risk of disturbance to common bat species; activity may include the presence of regular / significant feeding perches and signs of feeding, a regularly used day / night roost or a maternity site of a common and widespread species or the likely presence of low numbers of rarer species ('rarer' as defined within the local context).

Moderate / high risk: considerable caution is required; this category may include a maternity site of rarer species.

High risk: considerable / extreme caution is required; there is a significant risk of causing disturbance to roosting bats at this site including large numbers of common species, a maternity site of locally rare or rarest UK species or a significant hibernation site for rare or rarest species; this is likely to be a site meeting the SSSI guidelines.

Table 1: Risk categories (adapted from Guidelines for proportionate mitigation - Bat Mitigation Guidelines (2004) fig. 4, page 39.

SUMMARY

BATS

The proposed building alterations 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 **low**.

Additional survey effort (ie. dusk emergence and dawn re-entry and swarming surveys) is **not required**.

An EPS development licence (EPSL) is **not required** for this development.

NESTING BIRDS

Where there is likely to be a risk of disturbance to nesting house martins you are advised to remove existing nests during the winter months when the martins are not in residence.

NB. Removal or destruction of an active nest or preventing birds access to their eggs or young is illegal.

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

Mitigation guidance (bats) - 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	Not required
2. Timing constraints	Not required
3. Method statement	Not required
4. EPS Licence requirement	Not required
5. Removal of roofing materials	<p>Awareness at all times</p> <p>There remains a low risk of exposing solitary roosting bats (pipistrelles) during the proposed building alterations. Roof areas including box soffits and fascias, usually present the highest risk on this type of building.</p>
6. Accidental exposure of bats	<p>Seek further advice immediately</p> <p>In the unlikely event of bats being exposed or vulnerable to harm, all work in that area should stop until further advice has been sought.</p> <p>Cover any exposed bats to reduce any further risk of harm; carefully cover the bats to prevent them flying in daylight. Avoid handling any bats if possible or if there is further risk of harm, use gloves to place them in a small container in a quiet place and seek advice.</p>
7. Legal protection	<p>It is the responsibility of the developer to ensure that appropriate mitigation measures are in place before the works begin.</p> <p>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.</p> <p>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.</p>
8. Emergency advice on bats	<p>If you require more specific advice on injured or exposed bats during the building works please contact the surveyor immediately.</p> <p>Phone: (David Fisher) on 01200 425113 or 07709 225783 (mobile).</p> <p>Email: earthworksuk@yahoo.co.uk</p>
9. General advice on bats:	<p>If you require general information on bats, please refer to the Bat Conservation Trust (BCT):</p> <p>www.bats.org.uk</p> <p>Bat Conservation Trust provides a 24 hour bat enquiry helpline: 0845 1300 228</p>

Mitigation guidance (nesting birds) - summary

All birds, their nests and eggs are protected by law and it is an offence (with certain exceptions) to intentionally kill, injure or take any wild bird or to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.

ACTION	METHOD / NOTES
1. House martins and the law	<p>House martins and their nests are fully protected under the Wildlife and Countryside Act 1981 (WCA) which makes it an offence to intentionally kill, injure or take any wild bird.</p> <p>It is an offence to take, damage or destroy the eggs, young or nest of a house martin whilst it is being built or in use.</p> <p>The RSPB advises that the Act allows for fines of up to £5,000 for every bird, egg or nest destroyed, or even custodial sentences.</p>
2. Exclusion of nesting birds	<p>If maintenance work that would affect either a natural or artificial house martin nest needs to be carried out, this should be scheduled for the autumn, winter or early spring when the birds are not in residence. At this time of the year one can remove the nests to carry out the work.</p>
3. Provide an artificial nest	<p>House martins often nest colonially and the birds are usually faithful to traditional sites.</p> <p>YOU SHOULD REPLACE THE LOSS OF THE EXISTING NEST WITH AN ARTIFICIAL NEST. Make sure that you replace any artificial nests to exactly the same spot where they came from house martins are very particular about the exact location of their nest.</p> <p>Artificial nests products are easy to obtain and can be very effective in attracting wild birds.</p> <p>The RSPB offers sound advice and a range of suitable products.</p>

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

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

Natural England - Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside offices are located at:

Crewe: Natural England, Electra Way, Crewe business park, Crewe, Cheshire, CW1 6GJ 0300 060 2922

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