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**FAO: Julia Pye**

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20 November 2013

Job ref: B 1369

**Protected Species Survey: Barns at Barrack's Farm, Chipping Road, Chaigley, Lancashire, BB7 3LX**

You have requested a protected species survey (EPS survey), on behalf of your clients Mr and Mrs Curtis, as a condition of a planning application to Ribble Valley Borough Council for the proposed development of agricultural buildings at Barrack's Farm.

The local authority requires an appraisal of the impact of the proposed development on all protected species in accordance with PPS9, in addition to mitigation procedures designed to protect bats and their roosts and to ensure there are *'no adverse effects on the favourable conservation status of a bat population'*.

An initial scoping survey and site inspection was carried out on Wednesday 13 November 2013 to determine whether protected species were present within any of the buildings that will be affected by the development.

There are signs of perching and feeding activity by bats (probably long-eared bats) within the stone barns.

The presence of a protected species is an important material consideration when the local planning authority is considering any proposal for a development. The protected status afforded to bats means that the planning authority is likely to require additional information in the form of activity surveys, impact assessment and method statement before finally determining the outcome of the application.

Further survey effort is required to establish the level of bat roosting activity within the buildings. The survey must be carried out by a qualified person during the optimal survey period 1 May to 31 August.

A survey report containing a detailed method statement must be submitted to the local planning authority before any building works are undertaken.

The method statement will include details of the mitigation measures required to ensure that bats are not disturbed, injured or killed or their roosts damaged or destroyed during the development. Compensation works may also be required to offset any damage caused by the development on all protected species.

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

## (EPS) PROTECTED SPECIES SURVEY

Agricultural buildings at Barrack's Farm, Chaigley, Lancashire, BB7 3LX

Survey date: 13 November 2013

### 1 INTRODUCTION

#### Location of property

The property is located within the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) at NGR: SD 669 421, approximately 0.5km north of Longridge Fell at an elevation of 150 metres.

The buildings are situated in a rural location at Barrack's Farm and surrounded by open countryside. The predominant habitat is permanent grassland with grazing (JNCC Handbook - Phase 1 habitat category B2.2 semi-improved neutral grassland) with well-established broad-leaved hedgerows and small woodland copses. Although there is no woodland adjacent to the site, there is a field boundary within 50m of the barn containing several mature trees: ie. common ash, sycamore, oak, beech, horse chestnut and conifer species.

There are no extensive woodlands or plantations immediately adjacent to the property. The nearest significant woodland is conifer plantation some 500 metres north of the property on Longridge Fell.

There are no areas of open water or river channel close to the site; the nearest significant river is the River Hodder approximately 1000 metres to the south.

At least eight of the UK's 17 bat species are currently recorded within the AONB.

Although several bat species are likely to be active at this site, the location of the property is likely to provide sub-optimal habitat in terms of feeding, foraging and commuting opportunities for bats. There are no records of any significant bat roosts within 500m of the site.

#### Description of property

Four distinct structures are included within the scope of the survey, these are identified in figure 1 below:

- (A) single-storey stone croft
- (B) two storey stone barn with first floor loft
- (C) relatively modern agricultural barn with duo-pitched roof
- (D) lean-to agricultural shed with mono-pitch roof

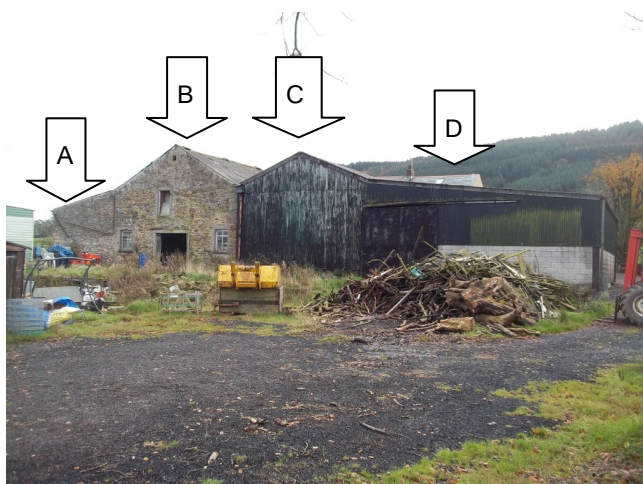


Figure 1: north elevation

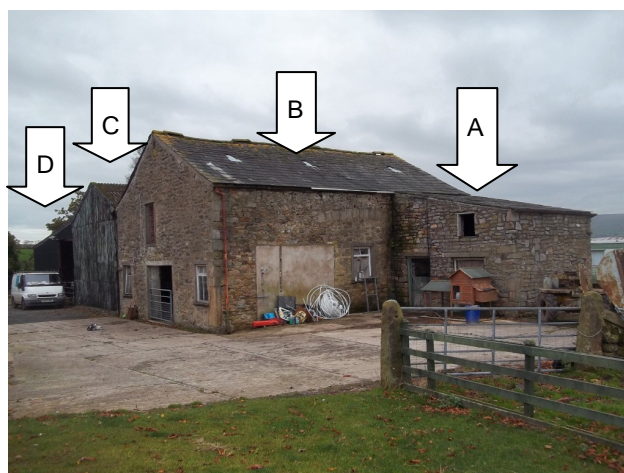


Figure 2:

(A) Single-storey stone croft



Figure 3:

This side croft has a stone rubble-infill wall construction and is immediately adjacent to the main stone barn. The mono-pitch roof has a rafter-with-purlin construction and clad with unlined blue slate; there are two glass slip skylights and glazed window providing some natural light into the building.

Formerly used as a cubicle shed for animals, the ground floor room is now used for storage and access only.

(B) Two storey stone barn with first floor loft



Figure 4: Front elevation



Figure 5: ground floor



Figure 6: roof in loft

This building is a traditional two storey barn with rubble-infill wall construction. The barn has open portals to front and rear elevations on the ground floor. Formerly a cubicle shed, it is now used for storage and access; the area is dry, cool and well-ventilated with good natural light. A first floor loft area has a timbered floor covered with straw. The 3-bay roof has a queen-post timber frame (figure 6); the slate roof is unlined; several glass-slip skylights provide some natural light. Windows at both gable ends are boarded.

(C) Modern agricultural barn with duo-pitched roof



Figure 7:



Figure 8:



Figure 9:

Formely a large hay barn, the building has a steel frame construction with corrugated sheet metal sides. The barn has an earth floor and is used as a storage shed and wood store (figure 9). The barn is dry, cool, light and very well-ventilated.

#### (D) Lean-to shed with mono-pitch roof



Figure 10:



Figure 11:

A large attached barn of relatively modern construction; the building has an open-portal to the front elevation and sliding wagon door at the rear. The walls have block work plinths (figure 10) with corrugated sheet metal upper sections. The steel-framed roof is clad in corrugated cement fibre panels with clear skylights. The building has a concrete floor and is used for storage of materials and vehicles (figure 11).

#### **Proposed works**

Conversion of the main stone buildings 'A' and 'B' to create two dwellings, requiring part demolition of the adjacent barns 'C' and 'D'.

#### **Aims of the survey**

The aim of the scoping survey is to assess the potential value of the site for European Protected Species (EPS) and to establish whether bats, barn owls or other protected species have ever been active within any part of the buildings that are likely to be affected by the proposed development.

From the developer's perspective, the primary objective of a survey for protected species is to ensure that any development can proceed without breaking the law.

*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\*.*

\*Bat Surveys, Good Practice Guidelines, BCT, (2007).

*The overall aim of surveying at a proposed development site is to collect robust data to allow an assessment of the potential impacts the proposed development will have on the bat populations present on and around the site. . . The data allow the developer to decide whether to proceed with the proposal as it stands, or whether to modify it. Proposals for appropriate mitigation, compensation and enhancement should be based on the survey data and impacts.\**

\*page 17 - Bat Surveys, Good Practice Guidelines, 2<sup>nd</sup> Edition, BCT, (2012)

## Survey methodology

The survey methodology follows the recommended guidelines published by the Bat Conservation Trust - *Bat Surveys: Good Practice Guidelines, 2<sup>nd</sup> 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, 3<sup>rd</sup> Edition 2004*).

Non-invasive survey methods were used to assess the use of the property by 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, roost staining, corpses, bat fly larvae and feeding remains such as discarded moth and butterfly wings and other insects fragments typically found in a perching and feeding area.

### Pre-survey data search (10km-grid squares: SD64)

Information was gathered from a number of data sources including:

- (1) European Protected Species (EPS) – ie. locally significant bat roosts or species records within the district.
- (2) Locally, regionally or nationally important wildlife and conservation areas and site designations.
- (3) EPS surveys previously carried at the property or at neighbouring properties.
- (4) National Biodiversity Network (NBN) terrestrial mammal records (chiroptera) for the 10km grid square.
- (5) Local bat records within a radius of 2.5km of the site. (Local bat groups)
- (6) East Lancashire Bird Report / Lancashire Bird Report (2012)

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

#### Myotis sp.

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

#### Plecotus sp.

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

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

#### Nyctalus sp.

Noctule bat	( <i>Nyctalus noctula</i> ) <sup>1</sup>
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#### Rhinolophus sp.

Lesser horseshoe bat	( <i>Rhinolophus hipposideros</i> ) <sup>1</sup>
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\*source: NBN data <sup>1</sup>source: EED / East Lancashire Bat Group

### Limitations of the data

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. No comprehensive bat survey of the district has been undertaken, therefore local records provide an incomplete picture of the bat fauna within the search area; absence of records does not necessarily indicate absence of bats at this location.

## 2 FIELD SURVEY

### 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)

### Timing of the survey

The daylight scoping survey and site inspection was carried out Wednesday 13 November 2013 between 12.00 and 13.30

The weather at the time of the survey was cool, dry and cloudy (minimum temperature: 8.0°C; cloud: 85%; wind: light south-west breeze; precipitation: nil) providing satisfactory survey conditions.

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## 3 RESULTS

**Pre-existing information** (survey location NGR: SD 669 421).

No bat records available at this location.

No recorded bat roosts within 500 metres of the property.

### Field Survey (Bats)

A daylight inspection of the buildings has found evidence of bat activity within parts of the stone buildings (shown as barns 'A' and 'B' in figures 1 and 2). A number of discarded insect wings were found widely scattered over the floor of the main barn loft (building 'B') indicating feeding perches above the first floor loft. A small number of wings were also recorded on the ground floor of the croft (building 'A')

Approximately 70 butterfly wings and wing fragments were recorded (45 small tortoiseshell wings and 25 peacock wings); the majority of the wings were freshly discarded indicating recent origin.

There was no evidence of perching, feeding or roosting bat activity in buildings 'C' or 'D' and there were no accumulations of bat droppings within any of the buildings.

### Field Survey (Barn owls / barn swallows)

Although there was no evidence of breeding or roosting activity by barn owls (*Tyto alba*) the presence of nesting barn swallows has been confirmed within the main stone barn (building 'B'); several nests were located within the first floor area and a number of corpses of fledged birds were found in the loft.

Roosting barn swallows have also roosted in building 'A'; it is likely that swallows will also roost within the adjacent barns 'C' and 'D' throughout the summer months.



Figure 12: fledgling barn swallows found in loft area of building 'B'

## 4 EVALUATION

The presence of fresh butterfly wings within the floor area of building 'A' and first floor loft area of barn 'B' is indicative of night perching and feeding by roosting bats; the species is likely to be the brown long-eared bat (*Plecotus auritus*).

Long-eared bats are frequently found within agricultural barns throughout the district where suitable habitat exists. This species is an opportunistic feeder attracted to buildings where hibernating butterflies are present. Accumulations of discarded insect wings are commonly found in barns during the autumn to late winter period when numbers of hibernating butterflies are often present.

### Species status in the UK

The brown long-eared bat is considered to be a 'common and widespread' species throughout the UK where suitable woodland habitat exists. Long-term trends (1997 – 2010) indicate recent negative trends for both hibernation and colony counts.

The current status of this species at a regional and national level is common and widespread\*, at local level the population status is unknown. (\*Source: National Bat Monitoring Programme Population Trends 2012).

The species is not frequently recorded as a breeding species within the district; agricultural buildings with open lofts are likely to provide important breeding and roosting habitat for them. The continued loss of roosting sites may be a contributory factor in the decline of this species within the UK.

### Site significance of the buildings to protected species

The conservation value of the buildings is summarised below:

Species	Building A	Building B	Building C	Building D
Bats	moderate	moderate	low	low
Barn owls	low	low	low	low
Barn swallows	moderate - high	high	moderate	moderate

Table based on figure 4. Page 39 – Guidelines for proportionate mitigation (BMG).

### Risk of disturbance to bats

	Building A	Building B	Building C	Building D
Perching and feeding	moderate	low / moderate	low	low
Breeding (nursery)	low	low	negligible	negligible
Roosting (day / night)	moderate	low / moderate	negligible	negligible
Hibernation	low / moderate	low / moderate	negligible	negligible

**Negligible risk:** it is highly unlikely any bat species have been present at this site.

**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 based on risk categories - adapted from Guidelines for proportionate mitigation - Bat Mitigation Guidelines (2004)

## 5 SUMMARY

- (1) Further surveys are required to establish which species are present, roost status and numbers of bats likely to be present at the property. At least one dusk emergence and one dawn activity survey is required (classed as a single survey). The survey should be undertaken by a qualified person during the optimal survey period between 1 May and 31 August.
- (2) Precautions must be in place to avoid the deliberate killing or injury of bats. A survey report must be submitted to the local planning authority providing a method statement detailing the appropriate mitigation, compensation and enhancement measures that are likely to be required.
- (4) A majority of bat roosts are used only seasonally, therefore the most common and effective method of avoiding offences under the Habitats Regulations is to carry out the works at an appropriate time of year when bats are least vulnerable to disturbance. Where measurable disturbance to bats can be eliminated or largely avoided, a licence is unlikely to be required.
- (5) A development licence (EPSL) is required in situations where the impact of the development is likely to result in a breach of the Habitats Regulations. A licence simply permits an action that is otherwise unlawful.
- (6) Barn swallows, their nests and eggs are protected by the law; mitigation and compensation measures will be required at this site. Where exclusion of nesting birds is required, the works must be carried out during the winter months before the returning birds begin nesting.

NB. A summary of further action that is required by the developer is shown in Appendix A



## APPENDIX A

Summary of further action that is required at Barrack's Farm, Chaigley, Lancashire, BB7 3LX	
Action:	Guidance:
1. Mitigation requirements	<p>MITIGATION refers to the practices which remove or reduce the impact of the development ie. works that are likely to cause damage or loss of a bat roost or cause significant disturbance to roosting bats).</p> <p>The term 'mitigation' is frequently used to refer to all works required to comply with the legislation when developing areas occupied by protected species.</p> <p>The mitigation proposals must meet the test of 'no adverse effect on the favourable conservation status of a bat population'. The Habitats Regulations are constructed to give protection to <u>individual bats</u> as well as breeding sites and resting places.</p> <p>The great majority of roosts are used only seasonally; one of the most effective methods of avoiding disturbance to bats is to carry out the work at an appropriate time of year when there is least risk of causing disturbance and harm to roosting bats.</p>
2. Compensation works	<p>Compensation refers to the works which offset the damage caused by the development; compensatory works may include provision of new access slates or the creation of entirely new roosting opportunities for bats.</p> <p>Bat-friendly design adaptations may be required within a new development; the design will largely depend on which bats are present; each species has a specific roost requirement.</p>
3. Further survey effort	<p><b>REQUIRED</b></p> <p>At least one dusk and dawn bat survey must be carried out by a qualified person during the optimal survey period (May to August inclusive).</p> <p>The survey protocol is that recommended by the Bat Conservation Trust – Bat Surveys, Good Practice Guidelines 2<sup>nd</sup> Edition (2012).</p>
4. Detailed Method Statement	<p><b>REQUIRED</b></p> <p>A method statement must be included with the survey report.</p> <p>The existence of a Method Statement helps to establish a defence against prosecution for intentional (WCA)*, deliberate (Habitats Regulations)<sup>1</sup> or reckless (WCA) disturbance of bats or damage to roosts.</p> <p>A Method Statements 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 Habitats Regulations.</p> <p>*(WCA) Wildlife and Countryside Act</p> <p><sup>1</sup>Conservation (Natural Habitats &amp;c.) Regulations (1994) (as amended)</p>
5. Licence requirement (EPSL)	<p>A licence is required if the proposed development is likely to contravene the Habitats Regulations. A licence to destroy or damage a bat roost or resting place can only be obtained where there is no satisfactory alternative to that course of action.</p> <p>A licence simply permits an action that is otherwise unlawful.</p> <p>Where the impacts of the development can be avoided, the Habitats Regulations are unlikely to be contravened and therefore no licence is required. The onus lies with the developer to ensure that no offence will be committed if the development goes ahead.</p>

## 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 consent<sup>1</sup>.

*“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.”*<sup>2</sup>

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).

<sup>1</sup> Bat Mitigation Guidelines, AJ Mitchell Jones, Joint Nature Conservation Committee, (2004) ISBN 1 86107 558 8

<sup>2</sup> Planning Policy Statement (PPS9) (2005), Biodiversity and Geological Conservation. ODPM.

### Protected species (Bats) and the planning process<sup>1</sup>

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)

<sup>1</sup> 2.2.3 - Planning for development, p10, Bat Surveys, Good Practice Guidelines, BCT (2007).

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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](http://www.defra.gov.uk)

Natural England, 1 East Parade, Sheffield, S1 2ET, Enquiry Service: 0845 600 3078 [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)