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Judith Douglas

Janet Dixon Town Planners Ltd
144 Woone Lane
Clitheroe
BB7 1BN

1 October 2014 Job ref: B 1494

Dear Judith

Re: EPS – Daylight scoping survey: No. 4 Osbaldeston Lane, Osbaldeston, Blackburn, BB2 7JB

You have requested a protected species survey on behalf of your client Mr Chris Bargh as a condition of a planning application to RVBC for demolition of the existing property prior to development of the site.

Introduction

The Local Planning Authority must take account the impact of a development on protected species in accordance with current planning policy (National Planning Policy Framework). 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 site, in addition to any mitigation and enhancement works that may be necessary.

An initial scoping survey was undertaken on Monday 29 September 2014 between 09.45 and 10.45. The weather at the time of the initial scoping survey was mild, dry and bright (minimum temperature: 12ºC, cloud cover: 10%, wind: calm, rain: nil) providing optimal conditions for this level of survey.

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).

Personnel

The survey was carried out by David Fisher (Earthworks Environmental Design) - an experienced consultant with more than 25 years of experience in ecological survey work and development issues relating to protected species. He has held a licence since 1989 and continues to act as a volunteer bat worker with Natural England.

Natural England Class Licence Registration Number: CLS03502 (April 2014 – April 2015)

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

Class Survey Licence WML CL18 (Bat Survey level 2)

Aims of the scoping 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 been active within any part of the building that is 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 a development can proceed without breaking the law.

> *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, 2nd Edition, BCT, (2012)

Survey methodology

Non-invasive survey methods were used to assess the use of the property by protected species; the survey protocol requires that a full visual inspection of the property is carried; the survey must include all internal and external features of the property including any accessible roof voids likely to be affected by the proposed works.

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 search was made using a high-powered lamp *(Clu-lite CB2 - 1,000,000 candle power),* close-focussing binoculars *(Leica Trinovid 10 x 32 BN)* 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

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

National Biodiversity Network (NBN) and other data sources, 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.

Crevice-roosting bat species are able to roost within very narrow gaps, frequently less than 25mm wide; solitary roosting bats are sometimes overlooked during daylight inspections, particularly in situations where bats have gained access within cavity walls and roof materials or behind wall claddings, fascias and soffits.

The daylight scoping survey does not include dusk emergence / dawn swarming / 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; apparent absence of evidence is therefore evaluated with caution.

Pre-survey data search (10km grid square SD 63):

The pre-survey data search normally includes the following sources:

(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 designations.

(3) EPS surveys undertaken at this site and other properties within 2.5km of the site.

(4) National Biodiversity Network (NBN) terrestrial mammal records (chiroptera) for the 10km grid square.

(5) Local bat records - East Lancashire Bat Group (ELBG)

(6) Interactive maps: *Natureonthemap* (Natural England) and *Magic.gov.uk*.

The following bat species have been recorded within the wider district (SD63):

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

Location of the property

NGR: SD 647 347 - Elevation: 105 metres.

The location is semi-rural; the house is situated on Osbaldeston Lane close to the junction with the A59 and within 100 metres of St Mary's Church and Primary School. The rear yard of the property is adjacent to an area of grassland with open countryside beyond.

The site is not adjacent to broadleaved woodland or conifer plantation; the nearest significant woodland is 1.5km to the north-east at Old Park Wood. Similarly, there are no significant water courses or areas of open standing water nearby; the River Ribble is more than 2.5km north of the property near Osbaldeston Hall.

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

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).

Description of the property

The property is a two storey end of terrace house (formerly 2 separate cottages, now combined) the house construction includes many of the original natural stone walls with some modern block work materials. All the external walls are cement rendered (figures 1 to 5).

The house has a duo-pitched slate roof and there are two enclosed roof voids separated by a stone partition wall and chimney flue (figure 8). The roof is lined with a bitumen and hessian felt; there is some very old glass fibre insulation material still present between ceiling rafters; it is likely the roof was lined and re-slated about 50 years ago.

The roof voids are cool, dry and generally well-ventilated; there is a considerable accumulation of dust and mortar debris present within the roof space (figures 7 to 9). There is no natural light inside the roof voids.

To the rear of the house is a block-work single storey extension comprising a utility area and separate WC. The structure is semi-derelict and there roof cladding is absent although the timber rafters are partly covered with a makeshift plastic sheeting. This structure is cool, draughty and largely open to the elements.

To the north side of the house is a detached garage / workshop with steel frame construction, steel shuttered entrance and block-work plinth walls. Upper walls and roofs are panelled in cement asbestos sheets (figure 6). The duo-pitched roof has several daylight panels and there is a single glazed window on the north elevation providing good natural light.

The building is cool, dry and draughty due to a damaged wall section on the south elevation.

Images: (taken 29 September 2014)

Building A: garage at No. 4 Osbaldeston Lane

Building B: house at No. 4 Osbaldeston Lane

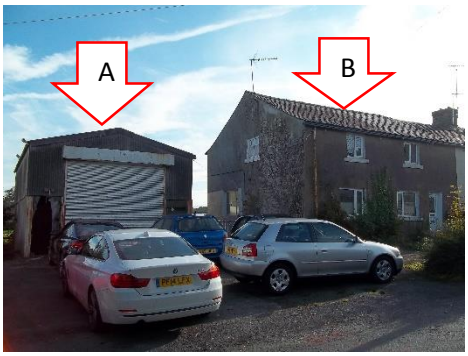

Figure 1:

Figure 2:

Figure 3:

Figure 4:

Figure 5:

Figure 6:

Figure 7:

Figure 8:

Figure 9:

Proposed works

The proposed development requires demolition of existing buildings (shown as buildings A and B in figure 1) prior to development of the site.

Survey results

A careful inspection was made of both buildings (ie. house and detached garage – figures 1 to 9) for evidence of access and roosting by bats – none was found.

There are no signs of bat activity within any part of the roof voids in the house.

There are signs that roosting swallows have been present in the garage.

Evaluation of results

Site significance to bats

Species	House and rear extension	Detached garage
Hibernating bats	none	none
Breeding bats	none	none
Solitary roosting bats	low	low

Risk of disturbance to bats

There is **negligible / low risk*** of causing disturbance to roosting bats during the proposed demolition.

Negligible / low 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.

*Based on Guidelines for proportionate mitigation - Bat Mitigation Guidelines (2004) fig. 4, page 39.

Summary and recommendations

The proposed building alterations at this property 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 building works at site level on local bat populations is likely to be **negligible / low.**

Additional survey effort (ie. dusk emergence and dawn re-entry and swarming surveys) during the optimal survey period 1 May to 31 August is not required at the property.

It is recommended the works **proceed without a requirement to obtain a development licence (EPSL)** since the proposed demolition work is unlikely to result in a breach of the Habitats Regulations.

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
Director (EED Surveys)

APPENDIX 1

MITIGATION GUIDANCE – minimising the risks to roosting bats (and wild birds).

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. Detailed method statement	Not required
4. EPS Licence requirement	Not required
5. **Demolition of buildings**	In the unlikely event of any bats being exposed during the removal of roofing materials, all work in that area should stop until the site has been inspected by a qualified person. Please notify the BAT CONSERVATION TRUST immediately for advice before proceeding.
6. Accidental exposure of bats	Cover the exposed bats to reduce any further risk of harm. Wherever possible, try to prevent flying away in daylight. Where practical, contain the bats in a small container using gloves to handle the bats.
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. Emergency advice on bats	If you require specific advice on injured or exposed bats during the building works please contact: EED Surveys (David Fisher): 01200 425113 (office) or 07709 225783 (mobile) email: earthworksuk@yahoo.so.uk The **Bat Conservation Trust (BCT)** provides a bat helpline: **0845 1300 228**; in an emergency, BCT will call the nearest volunteer bat worker in your area to arrange a site visit at the earliest opportunity. BCT also provides an out-of-hours service run by volunteers at the end of the working day for emergency calls and operates between 19.30 and 23.30 or 07.30 and 09.00 next day.
9. General advice on bats:	Refer to BCT website www.bats.org.uk Email: enquiries@bats.org.uk
10. **Nesting / roosting wild birds**	**BARN SWALLOWS** are likely to be active inside the garage area during the summer period. If exclusion of nesting / roosting swallows is required before demolition works are carried out, the closure of the building **must take place during the winter before the end of March**. 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.

APPENDIX 2

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[1].

"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 process[1]

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
Kendal: Natural England, Juniper House, Murley Moss, Oxenholme Rd, Kendal, Cumbria, LA9 7RL 0300 060 2122
Manchester: Natural England, 3rd Floor, Bridgewater House, Whitworth Street, Manchester, M1 6LT 0300 060 1062