

BAT SURVEY

AT

**REAR OF
17, 19, and 21 KING STREET
WHALLEY**

**DATE AND TIME OF VISIT
14TH May 2015 8.45 - 9.40 pm**

WEATHER CONDITIONS

OVERCAST, SLIGHT BREEZE, 8 C

REFERENCE NO. 3980



Survey carried out by:

**Lynne Rushworth
Sunderland Peacock & Associates Ltd.
Hazelmere
Pimlico road
Clitheroe
BB7 2AG**

THIS SURVEY HAS BEEN CARRIED OUT BY: LYNNE RUSHWORTH WHO HAS COMPLETED THE BAT CONSERVATION TRUST'S 'BATS AND BAT SURVEYS' FOUNDATION COURSE FOR CONSULTANTS, AND 'PLANNING AND PREPARATION OF BAT SURVEYS' COURSE

EMERGENCE SURVEYS ARE CARRIED OUT WITH A SECOND SURVEYOR WITH SEVEN YEARS EXPERIENCE OF ASSISTING ON EMERGENCE SURVEYS

All British bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010, the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006.

THE BRIEF

In conjunction with the submission of an application for planning approval, this survey was commissioned to identify if bats are currently present in the building, to assess if it has been used in the past or if there is any potential for future use of the building.

All British bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010, the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006

BAT LEGISLATION - Summary of offences under the law:

Bats and the Law Wildlife and Countryside Act 1981

Principally those relating to powers and penalties, have been amended by the Countryside and Rights of Way Act 2000 (CRoW Act). The CRoW Act only applies to England and Wales.

Section 9(1) It is an offence for any person to intentionally kill, injure or take any wild bat.

Section 9(4)(a) It is an offence to intentionally or recklessly* damage, destroy or obstruct access to any place that a wild bat uses for shelter or protection. (*Added by the CRoW Act in England and Wales only) This is taken to mean all bat roosts whether bats are present or not.

Section 9(4)(b) It is an offence to intentionally or recklessly* disturb any wild bat while it is occupying a structure or place that it uses for shelter or protection. (*Added by the CRoW Act in England and Wales only)

The Conservation (Natural Habitats, &c.) Regulations 1994

Section 39(1)

It is an offence to

(a) deliberately to capture or kill any bat

(b) deliberately to disturb any bat

(c) damage or destroy a breeding site or resting place of any bat. The difference between this legislation and the Wildlife and Countryside Act 1981 is the use of the word 'deliberately' rather than 'intentionally'. Also disturbance of bats can be anywhere, not just at a roost. Damage or destruction of a bat roost does not require the offence to be intentional or deliberate.

Countryside and Rights of Way (CRoW) Act (2000) Part III Nature conservation and wildlife protection 74 Conservation of biological diversity

- (1) It is the duty of (a) any Minister of the Crown (within the meaning of the Ministers of the [1975 c. 26.] Crown Act 1975), (b) any Government department, and (c) the National Assembly for Wales, in carrying out his or its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biological diversity in accordance with the Convention.

The Natural Environment and Rural Communities Act (2006) PART 3, (40): Duty to conserve biodiversity

- (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- (2) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

THE BRIEF

In conjunction with the submission of an application for planning approval, to identify if bats are present in the building and the past or possible future use of the building by bats.

BAT LEGISLATION - Summary of offences under the law:

- Intentionally kill, injure or capture a bat.
- Possess or control a live or dead bat, or any part or derivative of a bat.
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a bat uses for shelter or protection whether currently used or not.
- Intentionally or recklessly disturb a bat while occupying a structure or place of shelter or protection. ('Recklessly' is defined as deliberately take unacceptable risk or fail to notice or consider an obvious risk).

LIMITATIONS OF REPORT

NOTE: The absence of bats is near impossible to prove. The bats' high mobility means it is virtually impossible to rule out bats using any type of structure for roosting or habitat for foraging or on a flight path.

- External walls and internal rooms inspected from ground level.
- Roof spaces, attics and lofts will only be inspected if safe access is possible.
- Winter surveys will provide limited results. However internal inspection should determine if bats have used the building in the previous year.
- Any building whose structure is considered dangerous can only be inspected from a safe distance. Crevice-roosting bats ie. Pipistrelles, some Myotis species and Brown long eared bats can remain unseen even after close inspection in small spaces ie. cavity walls, roof structures soffits or cladding.

Bat roosting evidence ie. Droppings or insect remains can be removed by weather conditions or sweeping/cleaning internally so this lack of evidence cannot always prove undoubtedly that bats are absent.

EQUIPMENT USED ON SURVEY

- 'MAGENTA 5' BAT DETECTOR
- BINOCULARS
- HIGH POWERED TORCH
- LADDERS FOR HIGH LEVEL INSPECTION
- CAMERA

PROPOSED DEVELOPMENT

Demolition of existing 2 no workshop / garages, and construction of 3no new dwellings.

TYPE OF BUILDING

	HOUSE
	BARN
X	GARAGE
X	OTHER

COMMENTS: Large steel portal framed garage/ workshop also used for storage/shop. These buildings are in use as functioning businesses during working hours.



Shop elevation to King street



Rear elevation of portal buildings

LOCATION SD- 734 363

COMMENTS: The buildings are located to the rear of a retail unit which is located on the main street in the centre of the town Whalley. The buildings have sliding shutter doors on to the back street.



BUILDING ADJACENT TO OR WITHIN 10M OF

X

TREES
HEDGEROW
OPEN WATER

COMMENTS: On the opposite side of the back street there are a few trees approx 10m from the building. Approx 75 m south there is an extensive area of mature trees. Approx 140m to the south, running from east to west is the River Calder.



WALL CONSTRUCTION

COMMENTS: The largest building is brick built with corrugated fibre cement gables. The smaller building is constructed in blockwork.



ROOF CONSTRUCTION

COMMENTS: The brick building has a pitched corrugated fibre cement roof over steel portal frame. The block building has an insulated composite profile sheet roof. There is no enclosed roof void.

BAT ACCESS POINTS IN WALLS

COMMENTS: The block building has no gaps except for 2 large crevices at either end of the head to the sliding shutter door. Bats do not use these crevices. The brick building is in poor condition with many cracks and crevices but no actual access points. Bats are not using any of the cracks and crevices.

	Yes	No
BAT SIGNS, EXTERNAL		X
SEEN		X
DROPPINGS		X
MAGENTA BAT5 DETECTOR RESULT		X

COMMENTS: The survey carried out on 14th May 2015 at 8.45 - 9.40 pm during reasonable foraging conditions. did not record any activity or emergence on this site. The immediate location has low/medium foraging potential. Monitoring the greater area, the trees 80m to the south provides a good level of foraging potential and activity was recorded here.
No activity or emergence from the buildings or sheds was recorded on the site or in the immediate locality.

	Yes	No
ROOF SPACE	X	
TRUSSED		
PURLINS		
FELT		X

COMMENTS: There are no ceilings in either roof, the underside of the roof sheets are exposed. The buildings do not provide a suitable habitat for bats.



Internal view of garage/workshop roof.



Internal view of brick shop/store/workshop roof.

BAT ACCESS POINTS IN ROOF

COMMENTS: There are no bat access points in roofs.

	Yes	No
BAT SIGNS, INTERNAL		X
SIGHTED		X
DROPPINGS		X
DETECTOR RESULTS		X
STAINING/GREASE MARKS		X
SUSPECT SUMMER ROOST		X
SUSPECT WINTER HIBERNACULA		X
INSECT OR MOTH FEEDING EVIDENCE		X

COMMENTS: Two previous scoping surveys have been carried out in Dec 2009 and Sept 2010 with negative results. this situation remains unchanged. No signs where found internally.

CONCLUSION

These buildings are located adjacent to an area which has medium /high potential roosting and feeding habitat, there are bat sightings in the greater locality although the site had no activity or emergence. The building's themselves provide very low level bat roosting potential, the houses surrounding the site providing a higher level.

The removal of these buildings will not result in any loss of habitat and the type and scale of the proposal will not impact on the local bat population. The proposals have the potential to enhance the local roosting habitat.

RISK ASSESSMENT

(The level of probability that bats are using the property is calculated on the evidence found.)

LOW

However the contractors should be instructed to proceed with care and in the unlikely event that any bats are discovered ,work must be stopped immediately and a licensed bat worker must be contacted for advice on how to proceed.

NOTES:

When bats are found to be present in a building:

- A DEFRA licence will be required before any building work is undertaken.
- Pointing work should not be undertaken during winter months as hibernating bats might be entombed.
- Work to roof structure should not be undertaken between late May, June, July and August.
- Small areas of wall could be left un-pointed to encourage potential roosting sites.
- Care must be taken when removing existing roof timbers, and any new timbers or treatment of existing timbers must be carried out using chemicals listed as safe for bat roosts.
- NOTE: The onus lies with the applicant to satisfy themselves that no offence will be committed if the development goes ahead.

If bats are ever found during building work, stop work immediately and contact the Bat Conservation Trust or Natural England.

The Bat Conservation Trust
15 Cloisters House
8 Battersea Park Road
London SW8 4BG
0845 1300 228

Natural England Cheshire-Lancashire Team
Cheshire-Lancashire Team
Pier House
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