EED

3 Meadowlands, Low Moor, Clitheroe. Lancashire. BB7 2ND
01200 425113 M: 07709 225783 earthworksuk@yahoo.co.uk

Mr Stephen Bialecki

Rosedale
Back Lane
Grindleton
Clitheroe
BB7 4RZ

3201601 71P

28 January 2016

Job ref: B 1647

Dear Mr Bialecki

EPS scoping report: Austin House, Malt Kiln Lane, Chipping, Lancashire, PR3 2GP

You have requested a scoping survey (European Protected Species) on behalf of your client Mr Malcolm Vaughn as a condition of a planning application to Ribble Valley Borough Council for building alterations at the above property.

As a requirement of a previous planning application in 2006 an EPS scoping survey (bat survey) confirmed the presence of a maternity roost of Brandt's bat *(Myotis brandtii).* The building and roofing operations were carried out in accordance with a detailed Method Statement under a development licence from Defra / Natural England.

The attached scoping survey has also found clear evidence of roosting bats within all parts of the roof voids including the extension built in 2006; this would indicate continued use of the voids by breeding bats. With reference to current guidance (Bat Mitigation Guidelines) the conservation significance of the property is 'moderate to high' due to the presence of a large maternity roost, therefore considerable caution is required.

The bat roost at this property is used only seasonally (May to September) enabling the proposed building works to be scheduled into the period when bats are absent or are least likely to be disturbed. Natural England recommends the optimum period for the roofing operations is the autumn and spring (1 October to 1 May).

NB. The proposed alterations will require an EPS licence (EPSL) from Natural England to enable the works to proceed lawfully under the Habitats Regulations.

The Local Planning Authority has a duty to take account of the impact of a development on protected species in accordance with current planning policy (National Planning Policy Framework). RVBC 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 a detailed method statement that ensures the works comply with current legislation.

Please find the survey report now attached.

Yours sincerely

David Fisher
Director (EED Surveys)

SCOPING SURVEY REPORT - JANUARY 2016

Austin House, Malt Kiln Lane, Chipping, Lancashire, PR3 2GP

Introduction

The scoping survey has found clear evidence of the presence of roosting bats within the roof void that will be affected by the proposed building alterations. A previous scoping survey was carried out by Angela Graham Consultancy in July 2006 and a Defra licence was then applied for by Denis Lambert Wildlife Surveys in November 2006 on behalf of the property owner Mr Vaughn.

It is understood the roofing works and building extensions were completed under licence (EPSL) the following year and post-developing monitoring was undertaken by Mr Lambert although results have not been obtained.

As a consequence of the historical declines in bat populations during the second half of the twentieth century, all bats and their roosts are protected by UK law. The depletion of natural habitats throughout the UK means that some bat species are now more than ever dependent on houses and other buildings as roosting sites. It is this dependence that makes them vulnerable to redevelopments that can result in damage or destruction of a bat roost, particularly at maternity and hibernation sites resulting in negative impacts on a local bat population.

Since 2008 bats have been included as one of the UK Biodiversity Indicators which aim to show the response of species to the pressures, changes and threats to our natural and built environment.

Timing of survey / weather conditions

The scoping survey was undertaken on Friday 22 January 2016 between 14.30 and 16.00hrs.

The weather at the time of the survey was cool, dry and bright (minimum temperature: 11ºC, maximum temp. 11 ºC, cloud cover: 40%, wind: light south-westerly, rain: nil) providing satisfactory conditions for inspection.

Personnel

The survey was carried out by David Fisher (Earthworks Environmental Design) - an ecological consultant with more than 25 years of experience in field survey work and development issues relating to protected species. The surveyor has held a licence since 1989 and is a voluntary bat worker with Natural England (via the BCT).

Natural England Class Licence Registration Number: CLS03502 (1 April 2015 – 31 March 2016)

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

Class Survey Licence WML CL18 (Bat Survey level 2)

Aims of the scoping survey

This type of survey is sometimes referred to as a 'presence or absence survey' and is based on an internal / external assessment of the building with regard to bats and other protected species such as nesting wild birds.

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.

A scoping survey involves an internal / external search of the property looking for evidence of access by protected species. The survey can be undertaken during daylight hours at any time of year and is not dependent on whether bats or wild birds are active at the time of the inspection.

From the developer's perspective, the primary objective of a survey for protected species is to ensure that a development can proceed lawfully without breaching the Habitats Regulations.

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 out; the survey must include all internal and external features of the property including 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)* 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 or other insects fragments typically found in a perching and feeding area. The dusk survey was carried out using a Pettersson D230 frequency division bat detector with Sony headphones and an Anabat SD2 recorder with Hewlett Packard iPAQ PDA.

The search also looks for evidence of nesting barn owls, barn swallows and other wild birds; signs of roosting and nesting birds may include the presence of nest debris, pellets, feathers, droppings and broken eggshells.

Survey constraints / limitations of the data

The survey methodology is designed to determine the likely presence of bats or wild birds 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.

Local bat records are obtained from a variety of sources gathered over several years; the accumulated records may include unverified public data in addition to data obtained from ecological consultants and local bat groups. The surveyor is not aware of any comprehensive bat survey undertaken in the wider district therefore records are likely to provide a generalised and somewhat incomplete picture of the bat fauna within the area of search.

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.

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

DNA testing of faecal pellets has not been obtained for this survey, although samples were obtained.

Pre-survey data search

The pre-survey data search includes the following sources:

(1) European Protected Species (EPS) - ie. species records of local, regional or national significance.

(2) National Biodiversity Network (NBN) terrestrial mammal records (chiroptera).

(3) Local bat records: (i) East Lancashire Bat Group (ELBG) (ii) EED Surveys (iii) other ecological consultants.

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

(5) On-line search of bat surveys in the Chipping area.

NBN and other data record the following bat species in 10km national grid square: SD64

Common name	Scientific name	Status of local population
Natterer's bat	(*Myotis nattereri*)* [1]	widespread / common
Whiskered bat / Brandt's bat	(*M. mystacinus / M. brandtii*) [1]	*widespread* / uncommon
Whiskered bat	(*M. mystacinus*) [1]	widespread / uncommon
Brandt's bat	(*M. brandtii*) [2 3]	infrequent / uncommon
Daubenton's bat	(*M. daubentonii*) * [1]	widespread / locally common
Brown long-eared bat	(*Plecotus auritus*)* [1]	widespread / locally common
Common pipistrelle	(*Pipistrellus pipistrellus*)* [1]	widespread / common
Soprano pipistrelle	(*P. pygmaeus*) [1]	widespread / locally common
Noctule bat	(*Nyctalus noctula*)[1]	widespread / uncommon

*NBN data [1]East Lancashire Bat Group [2] North Lancashire Bat Group [3]Angela Graham Consultancy bat survey report 26/07/2006

Pre-existing information (NGR: SD 619 436)

An initial scoping survey was undertaken by Angela Graham Consultancy (27/07/06). The loft inspection found a juvenile bat and adult female bat, these were identified as Brandt's bat *(Myotis brandtii);* considerable accumulations of bat faeces were also found in all of the roof voids. An evening activity survey carried out by three surveyors on the same date recorded a total of 76 bats emerging from different parts of the roof.

In October 2006 Denis Lambert was commissioned to apply for a development licence (EPSL); three evening emergence surveys were undertaken during the autumn (14th, 17th and 24th October 2006) NB. all dates were outwith the optimal survey period and bat emergence was not recorded.

Location of the property

The property is rurally situated on the northern side of Chipping village directly opposite the mill pond on Malt Kiln Lane at NGR: SD 619 436 at an elevation of 140 metres (figure 1).

The site is adjacent to a fast-flowing upland watercourse known as Dobson's Brook; the channel is within 20 metres of the NW elevation of the property. The mill pond on the south side of the house provides a large body of standing water where bats regularly feed and forage. The southern edge of the millpond is generally well-wooded and is bordered on the west side by a well-wooded upland channel known as Chipping Brook.

There are a number of deeply wooded water courses and moorland cloughs within the locality which provide sheltered feeding, foraging and commuting habitat for bats in addition to extensive connectivity to other high-value feeding and roosting habitats within the wider district.

The property is within the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

The site is outwith the Chipping Conservation Area (as designated by RVBC).

Description of property

Austin House is a two storey stone-built detached dwelling (built originally in the late 18C).

It is understood the property was extensively upgraded and modernised in 2007 when two rear extensions and an orangery were added and extensive roofing works were completed.

The house currently has three separate roof voids:

(1) A small void used for storage extending westward from the central chimney area above the first floor landing (figure 2); this area appears to be relatively well-sealed and most gaps are sealed with an expanding foam. Accumulations of bat faeces are present around the access trap and chimney stack.

(2) A larger roof void above the bathroom on the eastern side of the central chimney gives access to a large part of the eastern and central roof area where there are considerable accumulations of bat droppings throughout the void.

(3) The central roof space provides access into the roof void over the rear two storey extension completed in 2007; this roof void is shown as area 'A' in figures 3, 4 and 5.

The main roof has a standard rafter-with-purlin construction (figure 7) and clad in blue slate (figure 10) lined with a bitumastic roofing felt; all areas are insulated with either a 'Rockwool' material or a thermal glass fibre blanket above the ceiling joists (figure 8).

Externally, the property is faced in natural stone on the front and side elevations; the rear elevation extensions have rendered blockwork walls. To the north-west is a single storey orangery with hipped slate roof (figure 5).

The house is double-glazed throughout and all external features are generally well-maintained and secure.

Roof areas including fascias, verges and ridge tiles are fully maintained and secure although many small gaps beneath slates and lead work flashings are likley to provide access to the breeding bats and these areas must be preserved at all times (figure 10).

Wall surfaces are generally well-pointed and secure and there are no obvious gaps between the rendered wall surfaces and the fascia-soffits.

Figure 1: Location of property (source: Google earth)

Images: taken 22/01/16

Figure 2: Front elevation (south)

Figure 3: side elevation (south-east)

Figure 4: side elevation and roof void 'A'

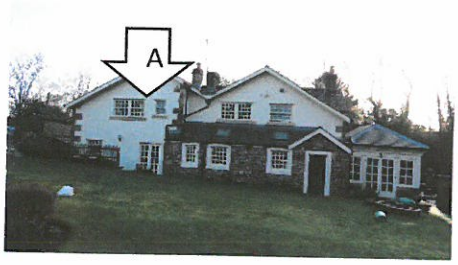

Figure 5: rear elevation (north)

Figure 6: Rear extensions (built 2007)

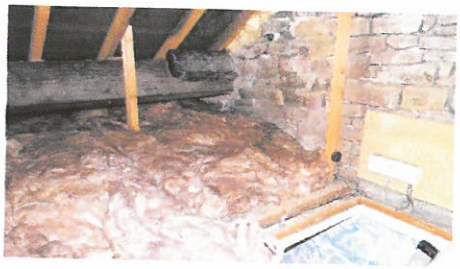

Figure 7: central roof void

Figure 8: roof void 'A'

Figure 9: fresh bat droppings void 'A'

Figure 10: roof slates on roof 'A'

[Images 2 – 10 were taken 22/01/16]

Survey results

The scoping survey has confirmed the presence of roosting bats within all three roof voids inspected. Accumulations of relatively fresh droppings were present on top of insulation materials laid since 2007. There is also clear evidence of partly decomposed and far less recent faeces beneath the new insulation material.

Faecal pellets have been removed for DNA testing if required at a later date in order to confirm which species is present.

Surveys carried out in 2006 have confirmed the presence of a nursery colony of Brandt's bat *(Myotis brandtii)* following the discovery of a live pup and adult female bat which had been positively identified in the hand.

The location of the bat droppings along the line the ridge boards in the central roof void and void 'A' would indicate the continued presence of breeding Brandt's bats. An evening emergence count in late July 2006 recorded 76 bats; this figure is consistent with the amount of droppings still present in 2016.

Evaluation of results

The property continues to be used by breeding bats; the results of this survey are wholly consistent with the findings by Angela Graham on 26 July 2006. The presence of a maternity roost of Brandt's bat is likely to be seasonally present between late April / early May until mid to late August, it is very likely that bats will then disperse throughout the autumn prior to hibernation leaving the roost un-occupied until the following year.

There is no evidence of winter hibernation and therefore the optimal times for roofing operations at this property are between mid-September and mid-November and mid-March to mid-April thus avoiding disturbance to vulnerable pregnant females bats and flightless lactating pups during the critical summer months.

Risk of causing disturbance to roosting bats at this property

Risk category: moderate / high*

Minimal risk: there is minimal potential for supporting roosting bats; it is very unlikely that bats have ever 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.

*These risk categories are based on Guidelines for proportionate mitigation - Bat Mitigation Guidelines (2004) fig. 4, page 39.

Recommendations

1. Any building works likely to cause disturbance to roosting bats at this site must avoid the critical breeding period May to August when young bats (pups) and pregnant females are likely to be present..

2. A development licence (EPSL) is required to enable the proposed works to proceed without breaching the Habitats Regulations. The applicant is required to satisfy the criteria (known as the three tests) providing a reasoned statement as to why the development is necessary and demonstrate that 'there is no satisfactory alternative.'

   NB. The licence process can take several months to complete and approval is by no means assured.

3. A method statement will be required detailing the specific mitigation measures necessary to remove or significantly reduce the impact of the development on breeding bats. Careful timing of the works is the single most important measure necessary to ensure that breeding bats are not disturbed during the critical summer months when pregnant females and their pups are most vulnerable. The method statement is a key part of the licence application and becomes a legally enforceable document.

4. Design adaptations such as new roost access points will be required in the proposed development; these details need to be discussed with the architect well in advance and approved by the local planning authority before works are approved. A timetable of the proposed timing of works will also be required.

5. A qualified person / licenced ecologist will be required to carry out a pre-development inspection of the roof voids immediately before any building works are carried out to ensure no roosting bats are present. The advising ecologist will also be on site to provide induction to site contractors on bat presence and careful working practices and supervise safe removal of roofing materials. A reference copy of the method statement must also be made available on site throughout the period of the building works.

6. Post-development monitoring of the roost site should be undertaken by a qualified / licenced person for at least two years after the works have been completed; ideally a minimum two emergence counts will be undertaken during the summer months (June / July) after the works have been completed.

The proposed development will require a development licence (EPSL) from Natural England before any of the works are undertaken.

The applicant will need to satisfy the following licencing criteria before a licence is approved:

(i) "for purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"

Licences can only be issued by Natural England where the proposed activity meets the above criteria **and** the following two criteria (commonly referred to as the 3 tests):

(ii) "that there is no satisfactory alternative"

(iii) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"

The applicant will need to demonstrate that all reasonable steps have been taken to minimise the impact of the works and any remaining damage be adequately compensated for.

A detailed Method Statement will be required describing (a) the mitigation methods that will be adopted to reduce or remove the risk of damage or disturbance to bats and (b) the compensatory works that may be necessary to offset any damage caused by the development ie. roost creation, roost restoration or site enhancement to the benefit of roosting bats.

ANNEX 1 Mitigation advice / main recommendations

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*".

Compensation refers to the works which offset the damage caused by the development (eg. the creation of new roosts)

ACTION	REQUIREMENT / NOTES
1. EPSL Development Licence	REQUIRED BEFORE ANY WORKS ARE UNDERTAKEN
2. Method statement	REQUIRED as part of the development licence and by the local planning authority.
3. Timing constraints	CAREFUL TIMING OF WORKS IS REQUIRED – the maternity roost in this building is used seasonally during the summer months only; therefore any works that are likely to disturb the roost areas must avoid the critical period 1 May to 31 August when breeding bats are most vulnerable to disturbance. All works affecting the existing roost areas should aim to be completed by the end of April before the bats return in spring.
4. Avoid disturbance to roost	External building operations that do not interfere with the breeding roosts (May to August) should avoid any excessive noise, vibration, dust and fumes in the roost area. Do not use security lights or erect scaffolding or sheeting in front of the roost area. Do not block any gaps beneath timber cladding or use any type of pointing or foam fillers. All gaps must remain open.
5. Removal of roofing materials	A licenced ecologist should be on site to supervise removal of roofing felts and slates on the existing roof extension (shown as area 'A' figure 5) where breeding bats are already present. The advising ecologist should also provide appropriate induction and information to building contractors working on site about the presence of roosting / breeding bats at the property. Any bats that are disturbed, injured or killed will be dealt with by the advising ecologist on site.
6. Post-development monitoring	REQUIRED: a minimum of two emergence surveys during the optimal survey period (summer) after the works have been completed. Bat Mitigation Guidelines recommend monitoring for at least two years.
7. Timber treatments / materials	The use of timber treatments known to be harmful to mammals must be avoided. Pre-treated timber products should only use CCA treatment known as tanalisation; this obviates the need for any in-situ treatment using more hazardous chemicals. All products used at this site must be approved under the Control of Pesticides Regulations (COPR).
8. legal responsibilities	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. The onus lies with the applicant to ensure that no offence will be committed if the development goes ahead, regardless of whether planning permission has been granted.

ANNEX 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

Our built environment has the potential to have major negative impacts on biodiversity. However, if done sensitively, the development and refurbishment of buildings can, in fact, increase the ecological value of the site.*

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[1].

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".* [2]

* Designing for Biodiversity, RIBA (second Edition - 2013) [1] Bat Surveys, Good Practice Guidelines, BCT (2007. [2]Tony Mitchell-Jones, (BMG, 2004)

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

Sheffield: Natural England, 1 East Parade, City Centre, S1 2ET, Sheffield.