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David Knowles

Westbridge Development Ltd
23 Wood Street
BOLTON
BL1 1EB

11 May 2015

Job ref: B 1557

Dear Mr Knowles

Re: EPS – Method Statement: Bennetts Close, Wiswell Lane, Whalley, Clitheroe, Lancs. BB7 9AF

I understand Ribble Valley Borough Council (RVBC) has now requested that further survey work must be undertaken before a final decision is made on a planning application for building alterations at Bennett's Close.

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 to ensure there are *'no adverse effects on the favourable conservation status of a bat population'*.

Following an initial scoping survey at your property on 2 February 2015 *(EED Job No: 1534)* evidence of bat roosting activity was found - bat droppings were noted within one of the roof voids. DNA analysis has now confirmed the species as Brandt's bat.

Phil Johnson (Conservation Officer RVBC) has requested that two activity surveys are carried out about ten days apart. An evening emergence survey was undertaken on 30 April 2015 followed by a dawn swarming survey on 9 May 2015.

The two activity surveys and two roof inspections have found no evidence of further bat activity at the property and there are no signs that the site has ever been used as a nursery site. The conservation significance of the property is relatively low and the likely impact of the proposed works is therefore likely to be relatively low also.

The preferred option in all cases is the avoidance of disturbance to bats and their roosts. In situations where the works can be successfully carried out without causing significant disturbance to bats, a licence is unlikely to be required as no offence is being committed. However, the proposed works at this site do require a detailed method statement to ensure that adequate mitigation measures and compensatory works are carried out.

The existence of a method statement rather than a licence is therefore very important as it provides a defence against possible prosecution, although Natural England makes it very clear that "failure to follow the method statement may result in a breach of the law and leave the developer open to prosecution". Please find the Method Statement as requested by Ribble valley Borough Council now attached.

Yours sincerely

David Fisher

DOCUMENT 1

METHOD STATEMENT - BACKGOUND

A Introduction

A1 Site: Location: NGR: SD 739 369

Bennett's Close, Wiswell lane, Whalley, Lnacshire. BB7 9AF

A2 Building:

Figure1:

Figure 2:

A3 Roosting bats:

An initial scoping survey was undertaken on Monday 2 February 2015 between 10.30 and 12.00. The survey found evidence of roosting bats (droppings) within a small roof void at the eastern end of the building as located by arrows in figures 1 and 2. The location of the bat droppings and the presence of grease marks on some of the timber spars indicated roosting activity; the most likely species were considered to be myotis or long-eared bats at the time. The volume of droppings was indicative of activity by solitary bats or low numbers of bats within the roof void. Access points could not be determined.

A faecal sample was sent for DNA analysis; the results indicate the presence of Brandt's bat *(Myotis brandtii)* – this is a widespread but relatively uncommon species found throughout the wider district. The species favours properties with large-volume roof voids, usually with un-felted slate roofs. The nearest record of roosting Brandt's bat is at a residential property in Read, approximately 3km SW of this site.

An evening roost emergence survey was carried out on Thursday 30 April 2015 between 20.00 and 22.15. An internal inspection of the roost found no additional evidence of roosting bats at the property. Two bat species were recorded feeding and foraging within the garden during the dusk survey; there was no evidence of bats emerging from the building and swarming activity was not observed.

A dawn swarming survey was undertaken on Sunday 10 May between 03.30 and 05.30; there was no evidence of bat activity associated with any part of the building.

A4 Problem:

A DNA test of bat droppings within the eastern-most roof void has confirmed the presence of Brandt's bat. From the evidence gathered during the three site visits, the surveyor considers the site to be a minor

day roost used by either (a) a solitary bat or (b) low number of bats (up to 3 individuals) during the summer and autumn period.

NB. There is no evidence of any maternity roost or significant bat roost at the property.

No bats were seen during the scoping visit on 2 February 2015 or the re-inspection on 30 April 2015. Bats were not recorded emerging from the building, entering the building, or swarming around the site during the dusk and dawn surveys.

Brandt's bats, like most bat species, are highly mobile animals and are known to move between favoured roost sites. It is likely that low numbers of bats and individuals are using this property as a satellite roost; there are currently no signs to indicate regular or significant use.

Ribble Valley Borough Council requires a detailed appraisal of the likely impact of the proposed development on all bat species that are present or likely to be present at the property. Additionally the local planning authority has specified the need for a detailed method statement providing appropriate mitigation compensation measures for the scheme.

A5 Solution:

The preferred option in all cases is the avoidance of disturbance to bats and their roosts.

In situations where the works can be carried out without causing significant disturbance to bats, a licence (EPSL) is unlikely to be required as no offence is being committed. In situation where the works are likely to cause significant disturbance to bats or result in the destruction of a bat roost, the development may only be permitted under licence and specific conditions are likely to apply.

An EPSL licence is only required where there is likely to be a breach of the Habitat Regulations.
A licence is not required if the proposed activity is unlikely to result in an offence.

Although the existence of a method statement provides a defence against possible prosecution, however, it is important to note the following advice from Natural England, *"failure to follow the method statement may result in a breach of the law and leave the developer open to prosecution".*

B Details of proposed works covered by the Method Statement

It is understood the proposed building alterations require extensive refurbishment of the house including a two storey side and rear extension with duo-pitched roofs and modifications to some existing roof areas in addition to re-roofing the building. The existing detached garage is to be demolished; the summer house will be retained.

Ref: 3D.G Design Architectural Consultants (Project no. 010-327 drawings: 07 / 08 / 27 / 28 / 29 / 30)
11 Leyland House, Lancashire Business Park, Centurian Way, Leyland, PR26 6TY

C Survey and site assessment

C1 Pre-existing information on the bat species present at this site

A daylight scoping survey was undertaken at the property on 2 February 2015 by David Fisher (EED). Although no bats were present at the time, there was clear evidence that bats had roosted beneath the timber ridge board in the eastern-most roof void. Access points could not be determined at the time.

DNA sampling has confirmed the species as Brandt's bat (Annex 1).

An Extended Phase 1 Habitat Survey of the land at Bennett's Close was carried out during September 2013. The survey report does not include an assessment of the house since this building was not within the scope of the planning application at that time. The survey was undertaken by Ian Ryding of Pennine Ecological (1 Moss Cottage, North Road, Bretherton, Lancashire, PR26 9AY).

The report evaluates the potential for roosting bats in the trees within the boundary of the site as 'absent or low' with the exception of a single large ash tree within the boundar.

C2 Objectives of the surveys

(1) Determine the presence and / or absence of bats within the property and to confirm which species is likely to be present at the site and numbers of roosting bats, identify access points and confirm roost status.

(2) Provide an impact assessment of the proposed building alterations on all protected species.

(3) Determine appropriate mitigation measures.

(4) Establish appropriate enhancement measures including bat-friendly design adaptations to enable Brandt's bats to continue roosting at the site.

C3 Field surveys undertaken at the site

(1) Daylight scoping survey 2 February 2015

(2) Evening emergence survey 30 April 2015

(3) Dawn re-entry and swarming survey 10 May 2015

Surveyor:

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.

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)

C5 Survey results

Scoping survey:

Small accumulations of relatively fresh bat droppings and some old faeces were found on the surface of glass fibre insulation material and on some of the crawling boards within the eastern-most void.

Corresponding roost marks were noted on spars directly above the droppings close to the ridge board.

No bats were observed during the survey. Access points for bats could not be determined.

Evening emergence survey:

Weather conditions were favourable: Minimum temperature: 5°C Max. temp: 8°C, dry, calm and cloudless.

There was no emergence by bats from any part of the building and swarming behaviour was not observed.

Two species were recorded between sunset (20.45) and end of the survey (22.15):

common pipistrelle: two bats feeding and foraging close to the tree canopy at the rear of the property.

soprano pipistrelle – a solitary bat occasionally foraging close to tree canopy at rear of property.

Dawn re-entry / swarming survey:

Weather conditions were favourable: Minimum temp: 5°C Max. temp: 8°C, dry, calm, lightly overcast.

There was no emergence by bats from any part of the building and swarming behaviour was not observed.

Only one bat species was recorded at the site between 04.30 and 04.50.

common pipistrelle: solitary bats commuting rapidly across the site; no bats near the property.

C6 Interpretation / evaluation of survey results

The site is likely to be a minor day / night roost used by solitary Brandt's bats (summer / autumn use only).

There is no evidence of hibernation roost, mating roost or nursery site at this property.

Accumulations of faeces and grease marks on timbers indicate roosting activity by solitary bats over a number of seasons within the eastern-most void. There is no evidence of bat activity in other roof areas and there are no signs of any regular or significant use of the site by a large number of bats.

D Impact assessment

The roofing works will cause only temporary disturbance to the roof void. The works are unlikely to result in the permanent loss of a roost site as long as suitable access points are included within the new development. Bat Mitigation Guidelines indicate the scale of impact of the proposed works is likely to be low; the conservation significance of the building is likely to be relatively low (BMG pages 37 / 39).

Current mitigation / compensation guidance (BMG p39) requires *"provision of new roost facilities where possible, need not be exactly like-for-like, but should be suitable, based on the species' requirements. Minimal timing constraints or monitoring requirements."*

D1 Short-term impacts: disturbance

Temporary disturbance only.

In the unlikely event of any bats being disturbed / exposed, the developer should seek immediate advice and suspend any further works in that area until a qualified person has inspected.

D2 Long-term impacts:

No long-term impacts anticipated assuming new bat access points are provided within the development.

D4 Predicted scale of impact on bats

Temporary disturbance to non-breeding bats (summer male roost).

The overall impact of the works on solitary roosting bats at this site is likely to be relatively low.

Compensation / enhancement measures must include provision of new access opportunities for Brandt's bats within the new development providing suitable access points within the new roof. This species requires access to roof voids via ridge access tiles and access slates.

DOCUMENT 2

METHOD STATEMENT - DELIVERY INFORMATION

A Mitigation and Compensation

Bat Mitigation Guidelines (BMG) specify that sites with only a small numbers of rarer species (and are not maternity roosts) require 'provision of new roost facilities where possible; need not be like-for-like, but should be suitable, based on species' requirements'. Minimal timing constraints are appropriate.

(Reference: BMG, Figure 4, page 39 – Guidelines for proportionate mitigation).

Main recommendations

1. The roofing works should proceed with caution and vigilance for the presence of bats, particularly when roofing materials are likely to be disturbed. The areas with the highest risk of exposure are the roofs nearest to the east gable end of the building.

2. In the unlikely event of any bats being exposed, quickly cover the area to prevent further disturbance and seek advice immediately. Stop work in that part of the building until the roof has been inspected by a qualified person. If any bats are disturbed, try contain the bats in a small container and place them in a quite area until someone can visit the site. Always wear gloves when handling bats.

3. Provide bat access tiles within the new roof; a minimum of 2 No. RIDGE ACCESS TILES are to be included within the ridge section (as located by yellow arrow in figure 1). The ridge tiles as recommended by Natural England – Design detail 4A shown on page 8 are easy to fit and can be extremely effective.

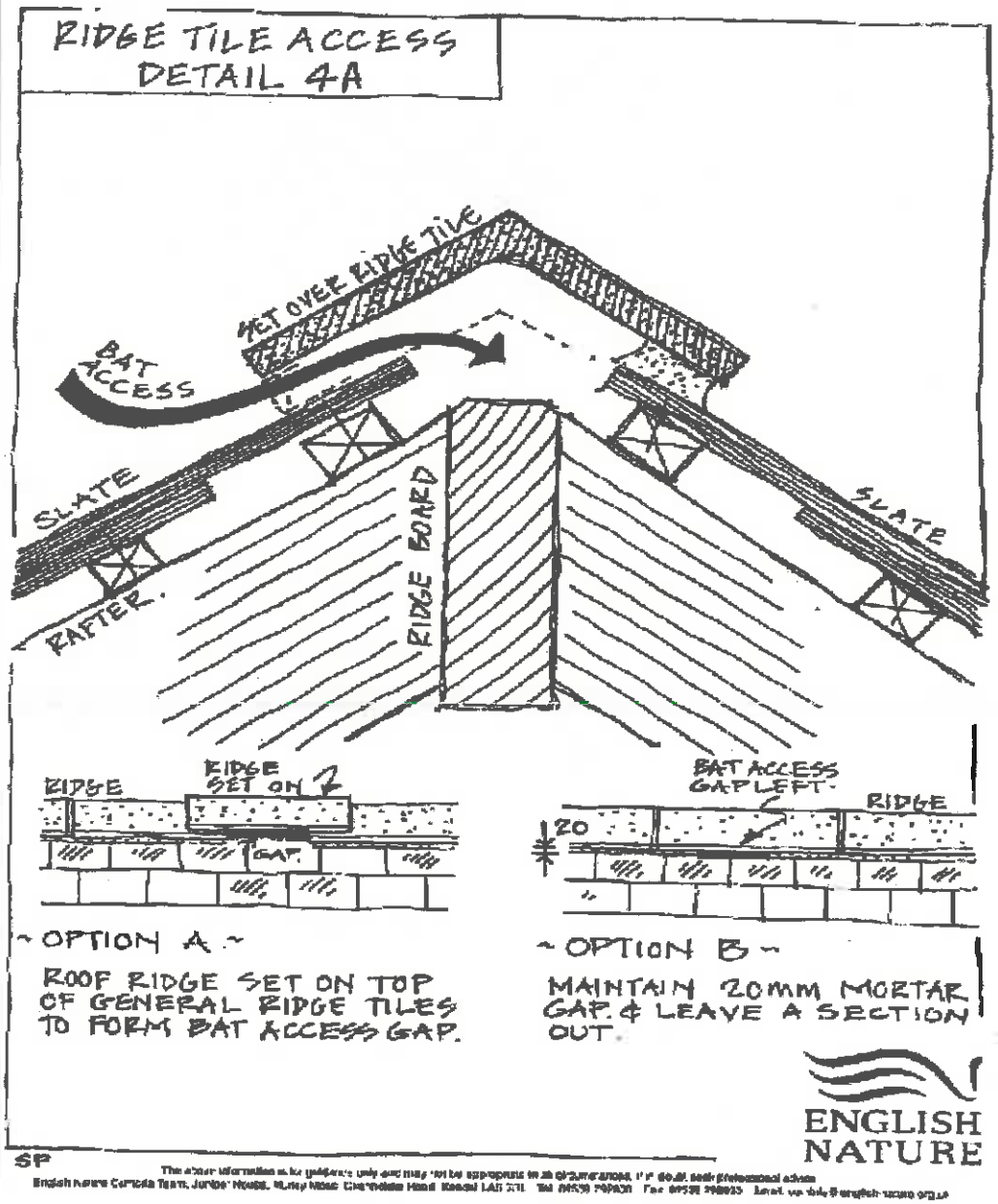
   The tiles must provide access into the roof void through small access gaps in the roofing felt or roofing membrane.

4. Provide Bat access slates on both roof slopes – two slates per roof pitch - the slates should be placed as close to the ridge as possible. The access slates must provide access for roosting bats into the roof void via small gaps through the roofing felt as specified in Natural England Design Detail 1B shown on page 9.

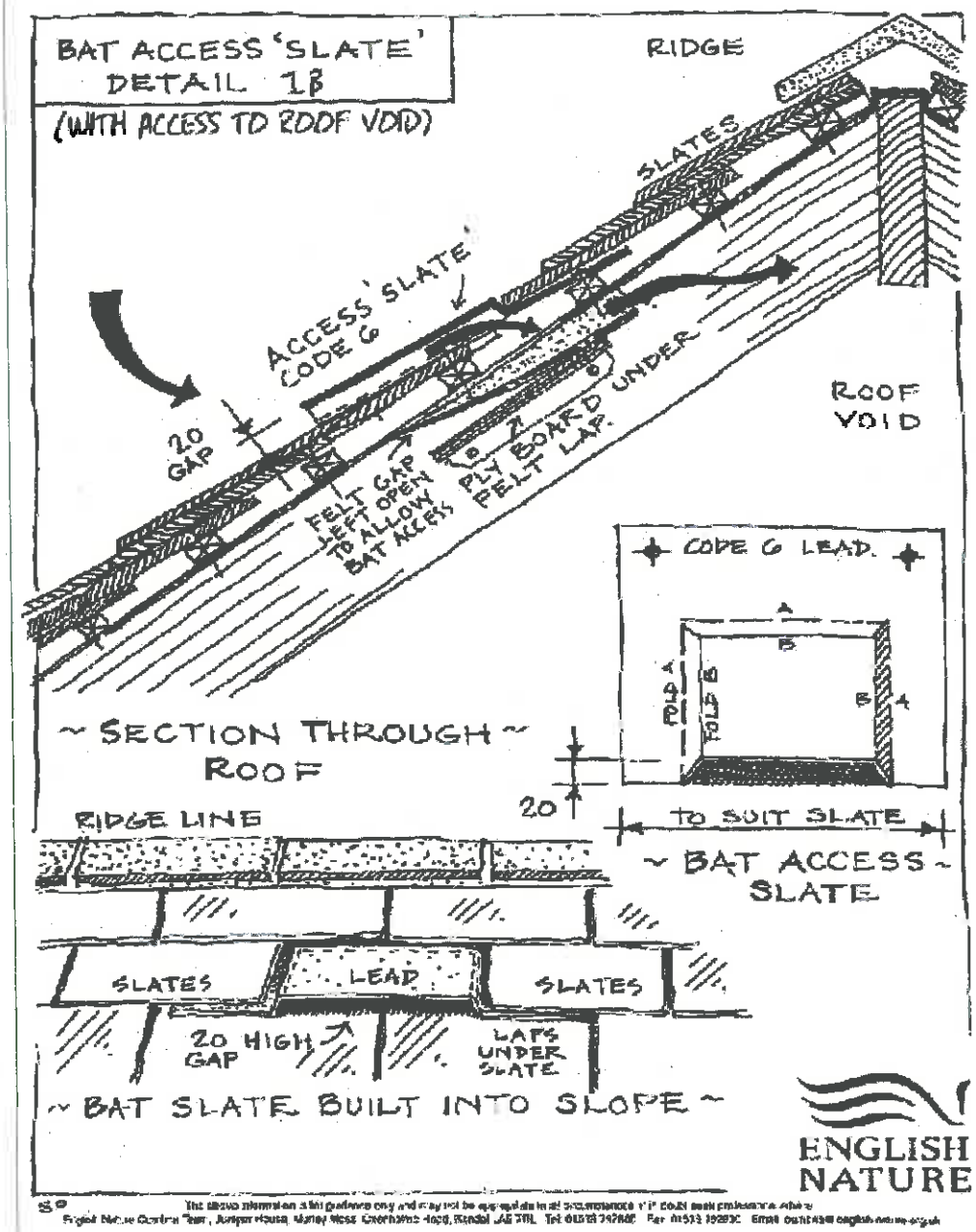
Correct fitting of the access tiles is very important. If you require further advice contact the surveyor.

METHOD STATEMENT SUMMARY: Bennett's Close, Wiswell Lane, Whalley. BB7 9AF.	
1. Timing of the works	NO SPECIFIC TIMING CONSTRAINTS although autumn is best (after 1 September) Natural England recommends that the best times for building or re-roofing operations are spring and autumn. At these times of year the bats will be able to feed on most nights and active bats will be able to keep out of the way of any building operations The optimal time to carry out roof works is between 1 September and 1 May. (BMG p42) PROCEED WITH CAUTION AND VIGILANCE FOR THE PRESENCE OF BATS.
2. Provide access points for bats	The new roof should contain access slates to enable bats to re-enter the roof voids after the works are completed. The minimum requirement will be: 2 No. Ridge access tiles: along the main ridge providing access into roof void via gaps through the roofing membrane. 4 No. Bat access slates: 2 slates on north slope, 2 on south slope providing access into void via gaps through the roofing membrane.
3. Disturbance to roosting bats	In the unlikely event of bats being exposed during the re-roofing of the property, cover the area immediately; place any bats in a small container (using gloves to avoid contact) and place the container in a quiet place away from danger. Stop work in that part of the building. **Seek advice immediately.**
4. EMERGENCY ADVICE:	Please contact: David Fisher (EED) on 07709 225783 (mobile) a site visit can usually be arranged at short notice or advice can be given over the phone. Otherwise contact Bat Conservation Trust (BCT) for further advice using the emergency helpline: 0345 1300 228
5. Legal responsibilities	The onus lies with the applicant to satisfy himself / herself that no offence will be committed if the development goes ahead, regardless of whether planning permission is granted.

ENHANCEMENT / COMPENSATORY WORKS

ACTION	METHOD 1:
Ridge access tiles:	Provide **two** ridge access tiles on the main roof ridge at the eastern end of the building. The slates MUST enable bats to enter the roof void via small gaps cut into the roofing membrane or felt. Natural England Ridge Tile Access Detail 4A: 
ACTION	METHOD 2:

Bat access slates:	Provide 4 no bat access slates within the new roof slopes (2 slates on each roof slope). The slates MUST enable bats to enter the roof void via small gaps cut into the roofing membrane or felt. Natural England Bat Access Detail 1B:



CONTACT THE SURVEYOR FOR FURTHER ADVICE TO ENSURE RIDGE ACCESS TILES AND ACCESS SLATES ARE CORRECTLY INSTALLED.

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".*

[1] 2.2.3 - Planning for development, Bat Surveys, Good Practice Guidelines, BCT (2007). (Mitchell-Jones, 2004)

Compliance

The existence of a Method Statement helps to establish a defence against prosecution for intentional (WCA), deliberate (Habitat Regulations.) or reckless (WCA) disturbance of bats or damage to roosts.

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 do not result in a breach of the Habitat Regulations.

Reference: Wildlife and Countryside Act. / (Natural Habitats &c.) Regulations (1994) (as amended 2010).

ANNEX 1:

DNA SAMPLING RESULT

THIS SHEET FOR LABORATORY USE ONLY PLEASE.

3. SAMPLES			4. ANALYTICAL REPORT					
0	0	0	0	POSITIVE CONTROL SAMPLE		Report date to SEL	Author	Report date to Client
				Faecal DNA sample	positive	25/04/2015	Catherine O'Reilly	
TESTS REQUIRED								
SAMPLE LABEL	SPECIES GROUP (see p.3)	Suspected identity of sample, *(eg. "bat", or possible species)*	SAMPLE CODE	DNA EXTRACT		SPECIES	COMMENTS	
				code	ng/µl			
SEL 1907	C	BAT: MYOTIS SPECIES	SEL 1907	COR220415 1	2.5	Myotis brandtii		
0	0	0	0					
0	0	0	0					
0	0	0	0					
0	0	0	0					
0	0	0	0					
0	0	0	0					

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