

John & Kate Foley,  
Holden Clough Nursery,  
Holden,  
Bolton-by-Bowland,  
Clitheroe BB7 4PF  
3rd May 2018

Dear Mr and Mrs Foley

**RE: Proposed development at Holden Clough Nursery, Holden, Bolton-by-Bowland, Clitheroe BB7 4PF**

Thank you for your request for a bat survey in relation to a proposed development at the Holden Clough Nursery. I understand that the proposal comprises:

- Demolition of the potting shed
- Extending the tearoom building on four elevations

The details of the development, which you have provided, are attached to this advice letter (proposed plan, Rev A, dated 2<sup>nd</sup> April 2018).

**Background and Qualifications**

The survey was carried out by Pat Waring and Janette Gazzard

Pat is a licensed bat worker (Class 2 licence), registered consultant of the Bat Low Impact Class Licence, a Chartered Environmentalist and a full member of the Chartered Institute of Ecology and Environmental Management, with a Bachelor of Science degree in Biology.

Pat has been working as an ecological consultant for over twenty years, most recently as Director of Ecology Services UK Limited. This work includes provision of expert advice and guidance to bodies such as Statutory Nature Conservation Organisations, Local Planning Authorities and Lancashire and Yorkshire Police Authorities, as well as the delivery of professional training courses about bats at a national level.

Pat has recognised and extensive knowledge of bat ecology relating to buildings and trees including the requirements and condition necessary for bats roosting. He also has recognised skills relating to bat surveys and assessment.

Janette is a full member of Chartered Institute of Ecology and Environmental Management, with a Bachelor of Science degree in Environmental Management.

Janette has over fourteen years experience working in ecology and nature conservation, including roles as a Senior Ecologist for a large multidisciplinary company and as a lead adviser for Natural England throughout the North West of England. She has a range of demonstrable skills relating to professional bat work, including building and tree surveys, assessments and judgements of value in relation to bats, as well as selection and monitoring of mitigation features.

Pat and Janette meet the requirements for knowledge, skills and practical experience as outlined in the CIEEM technical guidance (Chartered Institute for Ecology and Environmental Management (2013) *Competencies for Species Survey: Bats*. CIEEM, Winchester, Hants).

### **Advisory Note**

The information in this letter represents the professional opinion of an ecological consultancy and does not constitute professional legal advice. You may wish to seek professional legal interpretation of the wildlife legislation associated with this area of work.

The information, opinion and advice that Ecology Services UK Ltd has prepared are true, and have been prepared in accordance with the CIEEM Code of Professional Conduct. Ecology Services UK Ltd confirms that the opinions expressed are our true professional bone fide opinions.

### **Methodology**

In order to assess the likelihood of bats being present at Holden Clough Nursery, a daytime inspection of the potting shed and the tearoom building was carried out on 28<sup>th</sup> April 2018.

Observations were made from ground level, as well as from telescopic ladders to examine potential roost features. An endoscope was used to inspect accessible, deep cavities. A 1000 lumens Led Lenser x21 torch and close-focussing Zeiss Victory FL 8x42 binoculars were also used as aids to visibility.

Not all potential roost features could be examined in detail due to safety limits on working at height; this was particularly the case for higher roof edges. However, those features that could be accessed safely at ground level, with binoculars and from ladders were examined and this enabled an assessment to be made in relation to potential roosting areas for bats.

It is recognised that limiting the survey to a single visit in one month does not take account of bat activity on the site through the whole of the active season (April to October) or at other times of the year.

## Results of the Survey

### *Potting shed*

The Potting shed is a single storey building with an attached timber framed and plastic sheet canopy along the north elevation. The building walls are constructed of brick, part rendered with timber fascia and cladding. There is no enclosed roof void and the roof is underlined with timberboards. The two separate roof sections both have a shallow pitch, and are covered with felt and dense moss growth.

There are gaps at the top of external walls, giving access to small enclosed voids; these features are suitable for use by roosting bats throughout the year. There are no potential roost features associated with the internal parts of the building.

Nursery personnel reported finding two live bats in April 2018 in a water tank immediately adjacent to the north east corner of the potting shed building. During the survey, a small number of bat droppings were found stuck to external walls at the north east corner and north elevation of the building. The evidence is shown on a diagram attached to this advice letter.

### *Tearoom*

The tearoom is a single storey building with stone walls. The roof has several pitches facing in different directions and all section are dual pitched and slated. There is a large, enclosed roof void with timber rafters and a modern roof liner. The roof void is part boarded, has rock wool insulation, and has artificial lighting; the void is used regularly for storage.

There are gaps directly beneath the roof edge, at the top of external walls, at all corners of the building; these features are suitable for use by bats throughout the year. There are also gaps at the junction of the roof and chimney along the north elevation.

During the survey, bat droppings were found on external walls on either side of chimney on the north elevation, and below a gap at the south west wall junction. The evidence is shown on a diagram attached to this advice letter.

### *Habitats and surroundings*

The Holden Clough nursery site includes areas of hard standing, buildings and a diverse collection of cultivated plants. The nursery lies within a rural landscape in the Ribble Valley area of the Forest of Bowland, to the west of Bolton by Bowland village. Immediately adjacent to the nursery is the valley of the Holden Beck, which supports a linear corridor of deciduous and mixed woodland. The remainder of the immediate surroundings is dominated by open farm fields with hedgerows along field boundaries. The wider surroundings are dominated by open, undeveloped land, with farm fields, hedgerows and trees. The surrounding landscape provides significant, high quality foraging resources suitable for use by commuting, foraging and possibly roosting bats.

### *Bats*

No bats were found during the site inspection.

Bat droppings were present on the exterior of both the Potting Shed and the Tearoom, beneath features with potential for use by roosting bats.

Potential roosting features for bats are:

#### Night roosting

- Potting Shed – low potential
- Tearoom – negligible potential

#### Day roosting

- Potting shed - Gaps at wall tops on north east corner and north elevation – high potential and likely bat roosts
- Tearoom - Gaps at wall tops at south west corner and either side of chimney on north elevation – high potential and likely bat roosts

#### Hibernation roosting

- Potting shed - Gaps at wall tops on north east corner and north elevation – high potential and likely bat roosts
- Tearoom - Gaps at wall tops at south west corner and either side of chimney on north elevation – high potential and likely bat roosts

There is a high likelihood that bat roosts could be present within the above features at any time of the year and particularly during the active season (April to October).

### *Nesting birds*

A blue tit was nesting in a wall-mounted cigarette bin on the east elevation of the Tearoom building. No other likely nesting features were found associated with this building.

An unoccupied bird nest was present underneath a roof overhang at the south west corner of the Potting Shed building. Gaps at wall tops and sheltered areas beneath roof overhangs have high potential for use by nesting birds at this building.

There were no barn owls or signs of barn owls found during the survey. There is negligible potential for barn owls to roost or nest in the Potting Shed or Tearoom.

### *Other Protected Species*

There is no evidence of the presence of any other protected species. The proposed development site is considered unsuitable to support other protected species as a result of current use of the site and the availability and condition of habitats present. It is, however, noted that the Holden Beck is used by otters, and that the beck and its surroundings are very likely to support a range of nesting birds.

## Advice and Recommendations

### Bats

It is advised that there is evidence of bat presence (bat droppings) associated with features of both the Potting Shed and Tearoom buildings. The evidence (including presence of bats reported from April 2018) suggests that there are likely to be at least 5 discrete bat roosts associated with these buildings.

It is advised that for these buildings, with these features, this condition and landscape setting, a minimum of three emergence survey/re-entry surveys should be carried out per roosting feature during the bat active season, between May and August. It is also advisable at this stage to undertake surveys using remote detectors over a minimum continuous 2 weeks period during the bat active season; these surveys could run alongside the bat emergence/re-entry surveys.

### Rationale for advice and recommendations -bats

Bats and their roosts are protected under UK and European legislation. Roost sites are protected even if bats are not present.

The survey has confirmed use by bats, and all features associated with bat droppings have high potential for use by roosting bats. The proposed works will impact upon the likely bat roosting features. It is advised that in order to take full account of bats and bat roosts, it will be necessary to undertake further surveys prior to any works taking place.

The above advice complies with current national best practice guidelines as follows:

Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*. The Bat Conservation Trust, London

The guidelines state on p42 "*if there is reasonable likelihood that bat roosts could be present, and particularly if there are areas that are inaccessible for survey, then further surveys may be needed and these should be proportionate to the circumstances*".

Collins, J. (ed.) (2016) also includes the table and associated text on p52 as shown in the box below.

*Table 7.3 Recommended minimum number of survey visits for presence/absence surveys to give confidence in a negative result for structures (also recommended for trees but unlikely to give confidence in a negative result).*

<b>Low roost suitability</b>	<b>Moderate roost suitability</b>	<b>High roost suitability</b>
One survey visit. One dusk emergence or dawn re-entry survey <sup>a</sup> (structures). No further surveys required (trees).	Two separate survey visits. One dusk emergence and a separate dawn re-entry survey. <sup>b</sup>	Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn. <sup>b</sup>

<sup>a</sup> Structures that have been categorised as low potential can be problematic and the number of surveys required should be judged on a case-by-case basis (see Section 5.2.9). If there is a possibility that quiet calling, late-emerging species are present then a dawn survey may be more appropriate, providing weather conditions are suitable. In some cases, more than one survey may be needed, particularly where there are several buildings in this category.

<sup>b</sup> Multiple survey visits should be spread out to sample as much of the recommended survey period (see Table 7.1) as possible; it is recommended that surveys are spaced at least two weeks apart, preferably more. A dawn survey immediately after a dusk one is considered only one visit.

It is advised that following the completion of all surveys, it will be possible to make a judgement about the likelihood of bats being present, the likely impacts on bats and roosts of the proposed works, and the need for mitigation and/or compensation.

It is advised that if any bats and/or bat roosts are likely to be affected, a licence may be required from Natural England to enable works to take place lawfully.

## **Nesting birds**

It is advised that at least one bird species (probably a robin or a wren) has nested at the Potting Shed and there is high potential for nesting birds to be present during the nesting season (February to September). Nesting birds may therefore pose a legal constraint to the proposed development. Therefore, it is advised that works are either undertaken outside the nesting bird season or if works cannot be avoided during this period a pre-commencement check is carried out by an ecologist.

It is advised that blue tits have nested at the Tearoom and there is high potential for nesting birds to be present during the nesting season (February to September). Nesting birds may therefore pose a legal constraint to the proposed development. Therefore, it is advised that works are either undertaken outside the nesting bird season or if works cannot be avoided during this period, a pre-commencement check is carried out by a suitably experienced ecologist.



It is advised that all personnel working on the Potting Shed and the Tearoom should be required to attend a toolbox talk covering the legal aspects, precautions to be adopted and what to do if an active nest is found. All personnel should then be required to confirm attendance at the toolbox talk, and to confirm their understanding of the information, and their intention to comply with all instructions.

It is advised if nesting birds are found in close proximity during development works, it will be necessary to delay works or seek advice as to whether or not any development can proceed lawfully at that time. Under these circumstances, work must stop until advice has been sought from Natural England directly, or through an appropriately experienced Ecologist.

It is recommended that nesting sites, particularly for blue tit, robin and wren, are included in any new/refurbished building to offset the loss of nesting opportunities offered within the existing buildings.

### **Rationale for advice and recommendations**

Nesting birds, including blue tit, have been confirmed and the proposed development has potential to disturb nesting birds if they are making use of the buildings.

Under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition certain species such as the barn owls are included under Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependant young. Offences against birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are subject to special penalties.

If nesting birds are present, plans will need to show how offences will be avoided during the proposed development. Work will have to be programmed around the nesting season to minimise disturbance.

There is no provision under the Wildlife and Countryside Act 1981 (as amended) for licensing the disturbance of nesting birds (other than feral pigeons) or the destruction of nests which are in use, for the purpose of development. If enforcement action were taken the developer would need to rely on the 'incidental result of an otherwise lawful operation' defence if it were not possible to avoid an offence being committed. This defence can only be tested in court and it is therefore important to ensure all possible mechanisms for avoiding an offence are considered.

Retaining or creating bird nesting features will ensure that the potential for bird species to use the buildings will be maintained, so that bird species continue to use the site for nesting post development.

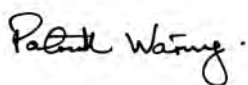
If you require any further ecological advice or guidance in relation to the proposed works please do not hesitate to contact me.

**Other Protected Species**

There are no known constraints in relation to other protected species.

If you would like any further advice or guidance in relation to this site, please do not hesitate to contact me.

Yours sincerely



Patrick Waring CEnv MCIEEM  
Director - Ecology Services UK Ltd



## Summary of issues and advice

Issues (bats)	Action required
Further surveys	A minimum of three emergence /re-entry surveys should be carried out for each likely roost (5 roosts in total) during the bat active season, between May and August.
European Protected Species licence (bat licence)	Dependant on survey results
Bat Low Impact Class licence	Dependant on survey results
Timing constraints	Dependant on survey results
Method statement for contractors	Dependant on survey results, but as a minimum all personnel working on the buildings should be required to attend a toolbox talk covering the legal aspects, precautions to be adopted and what to do if a bat is found. All personnel should then be required to confirm attendance at the toolbox talk, and to confirm their understanding of the information, and their intention to comply with all instructions.
Advice for contractors if bats are found during development	Work must stop until advice has been sought from Natural England directly or through an appropriately experienced Ecologist.
Mitigation	<p>If bats or bat roosts are confirmed, and if they will be affected by proposed development activities, mitigation will be required from that point. In this case, mitigation will include:</p> <ul style="list-style-type: none"> <li>• Seeking of advice from an appropriately experienced and licensed ecologist prior to any further work taking place</li> <li>• Undertaking all work affecting bats and bat roosts under the direct and close supervision of an appropriately experienced and licensed ecologist</li> <li>• Providing alternative roosting features prior to any further work taking place and prior to disturbance of bats or bat roosts</li> <li>• Applying for a licence if appropriate to enable works to take place lawfully.</li> </ul>

Issues (birds)	Action required
Further surveys	No further surveys required at current time.
Timing constraints	Either: 1. Work outside nesting season (March to September) or 2. Commission pre-commencement surveys for nesting birds if works must take place within the nesting season
Method statement for contractors	Not required
Advice for contractors	All personnel working on the buildings should be required to attend a toolbox talk covering the legal aspects, precautions to be adopted and what to do if an active nest is found. All personnel should then be required to confirm attendance at the toolbox talk, and to confirm their understanding of the information, and their intention to comply with all instructions.
Nesting birds found during development	Work must stop until advice has been sought from Natural England directly or through an appropriately experienced Ecologist.
Mitigation	Mitigation should include: <ul style="list-style-type: none"> <li>Seeking of advice from an appropriately experienced and licensed ecologist prior to any further work taking place</li> <li>Undertaking all work affecting nesting birds under the direct and close supervision of an appropriately experienced and licensed ecologist</li> <li>Providing alternative nesting features within the new and refurbished buildings</li> </ul>



*Potting Shed: View of south and west elevations with bird nesting site marked with red arrow(lhs) and likely bat roost feature at wall top (rhs)*

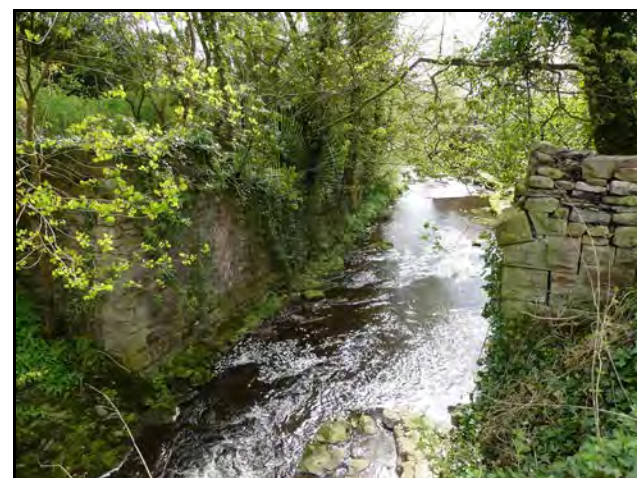




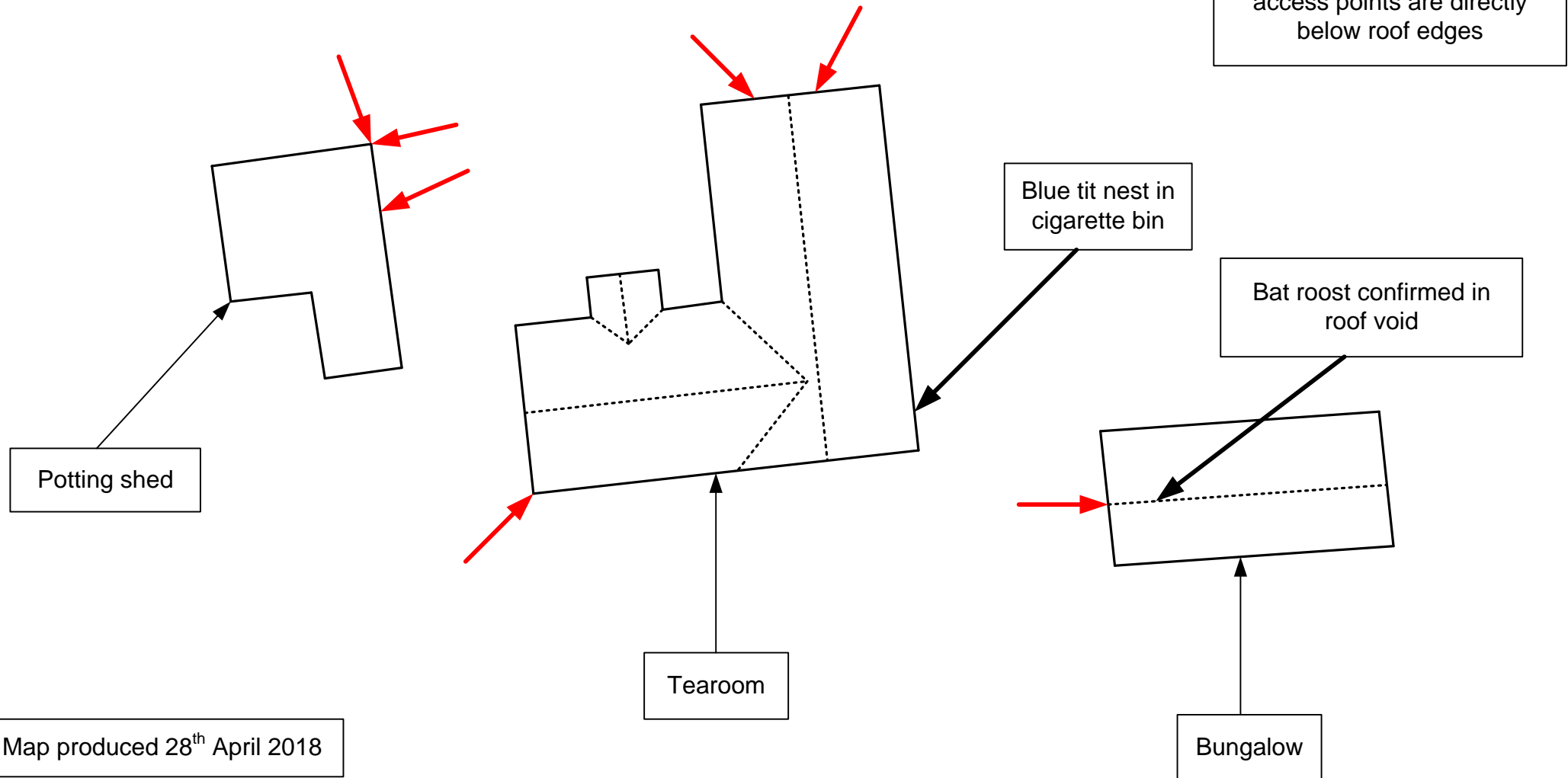
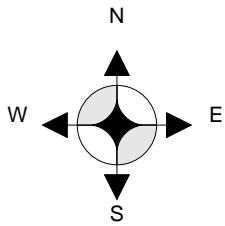
*Potting Shed: Likely bat roost feature marked with red arrow (lhs) and disused bird nest (rhs).*



*Tearoom: Location of blue tit nest marked by red arrow (lhs) and closer view (rhs)*

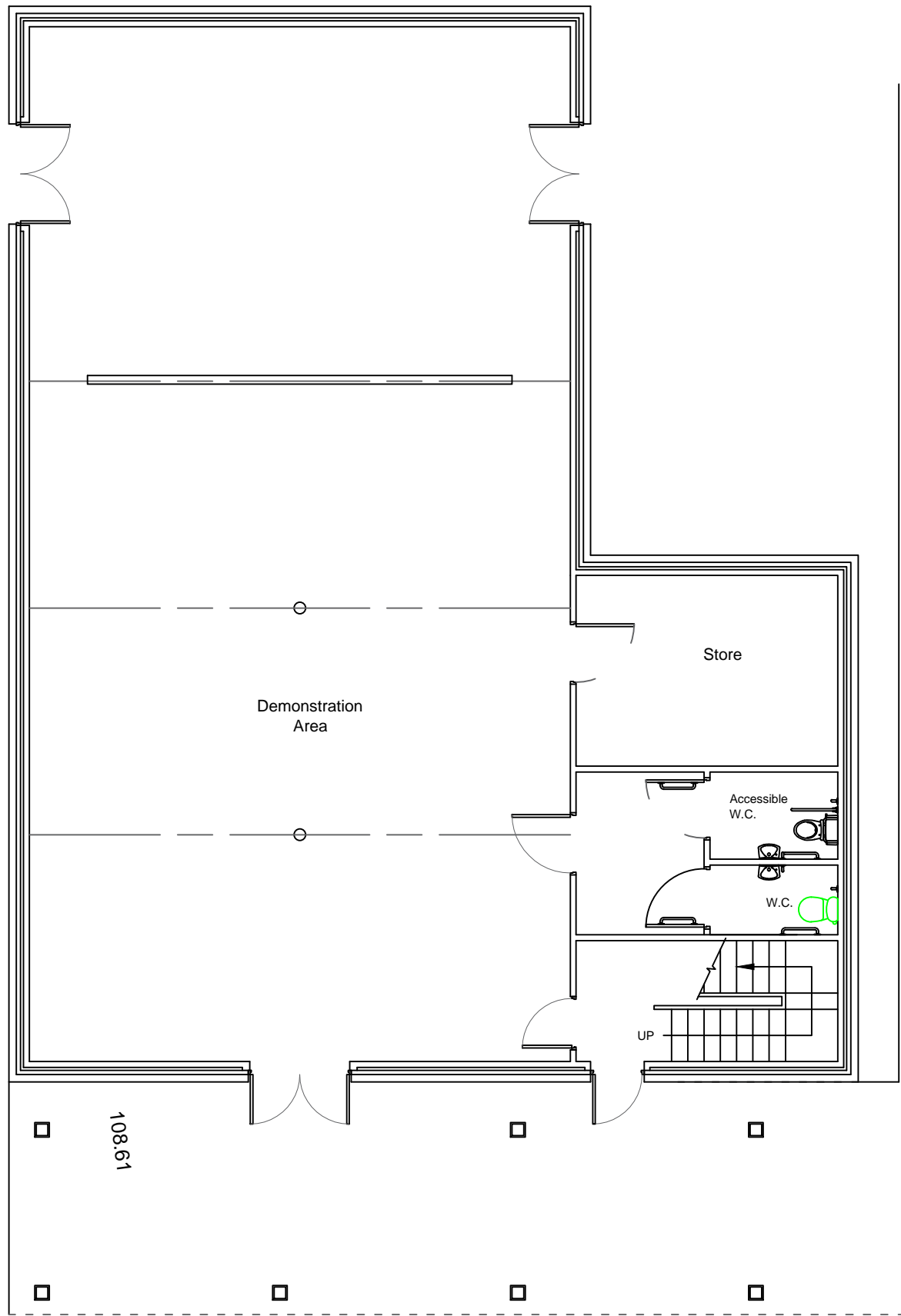


*Tearoom: Bat droppings (marked with red arrow) below likely roost site (lhs). Holden Beck: View to south showing potential site for otters and likely nesting birds and bat foraging (rhs)*

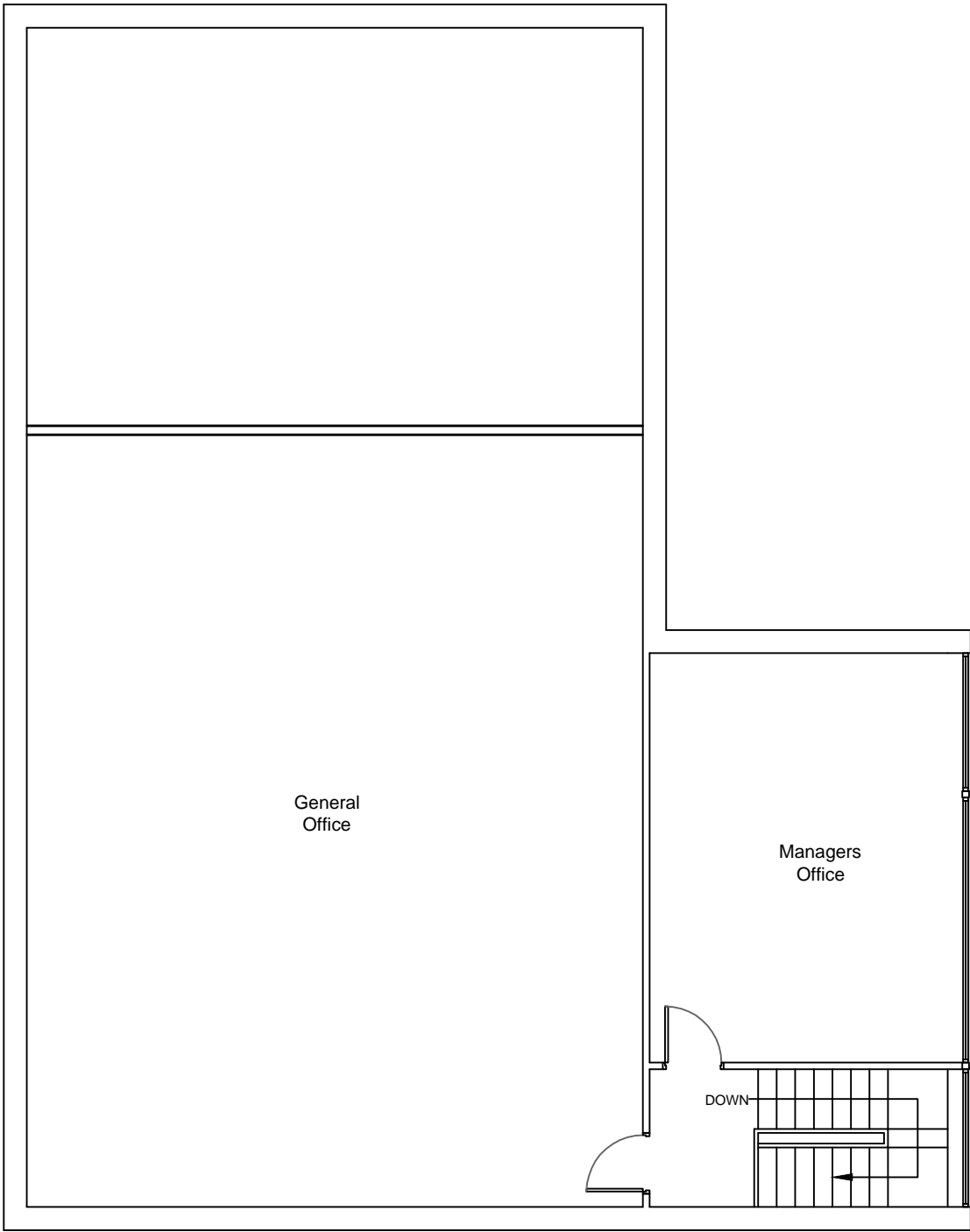


## Bat roost and bird nest evidence from survey – Holden Clough Nursery





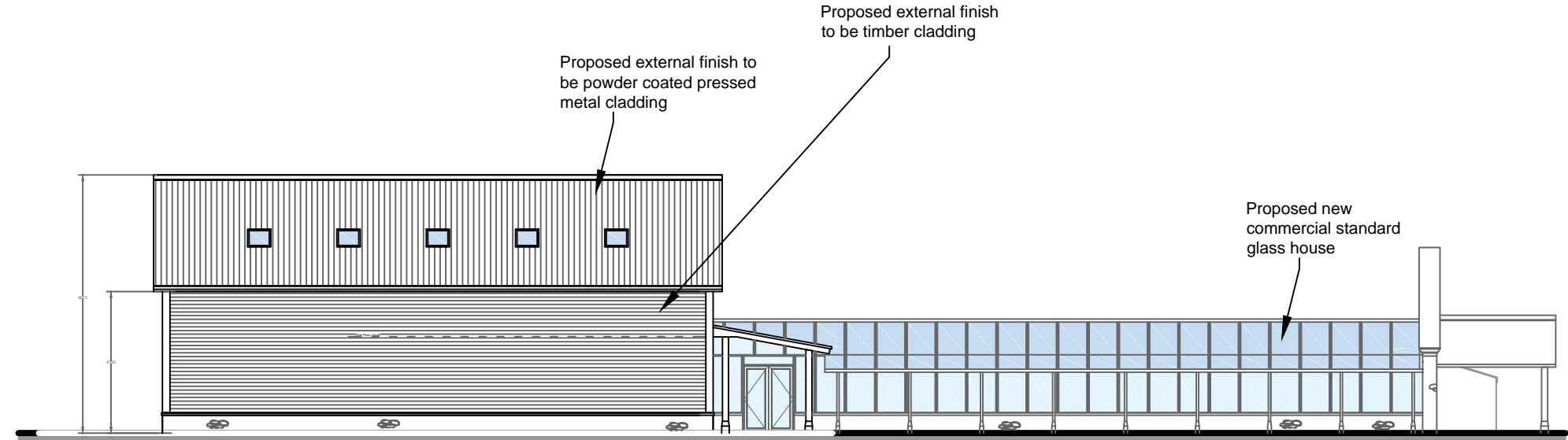
Proposed Ground Floor Plan (1:100)



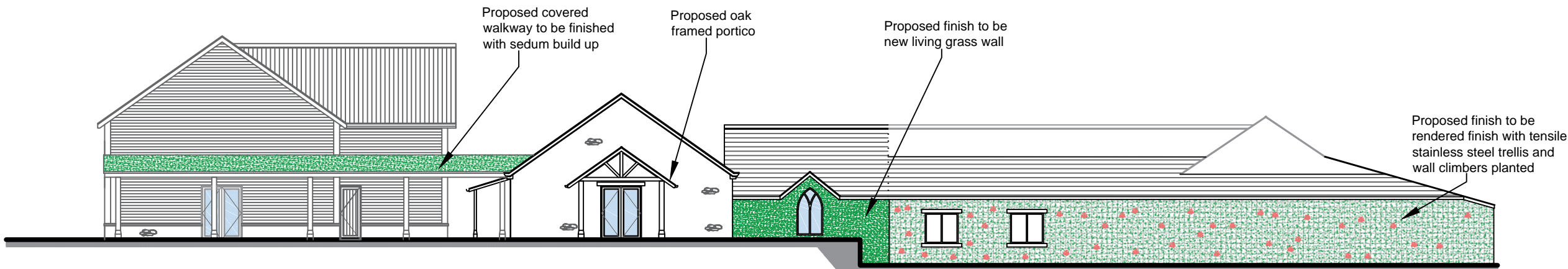
Proposed First Floor Plan (1:100)



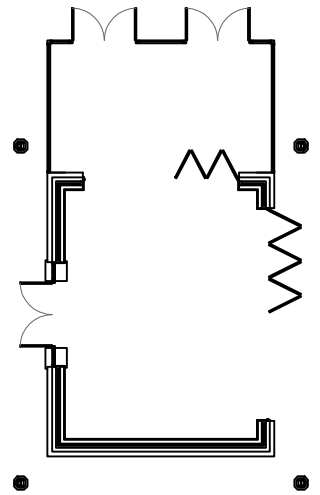
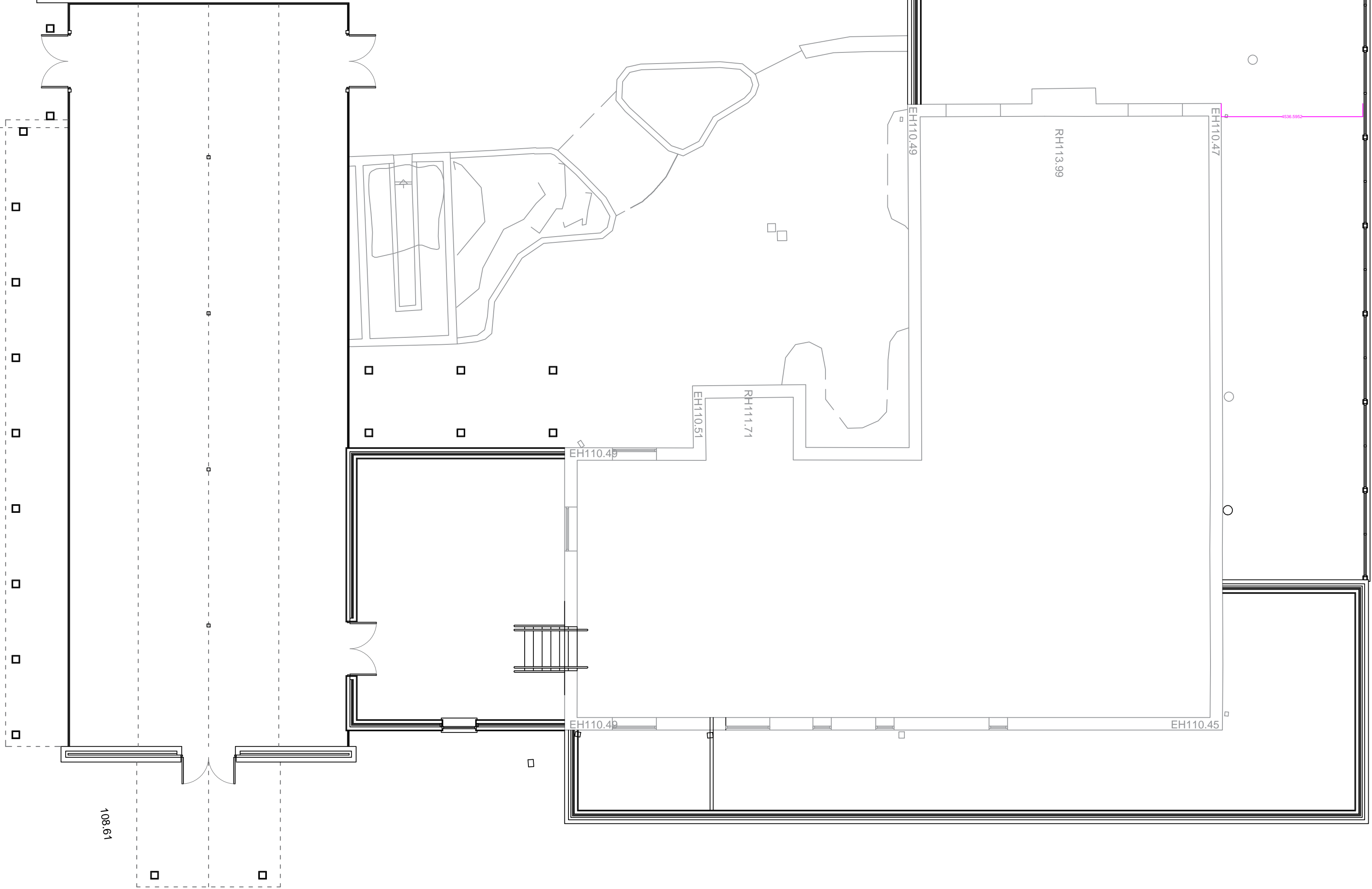
Proposed Front Elevation (1:200)



Proposed Side Elevation (1:200)



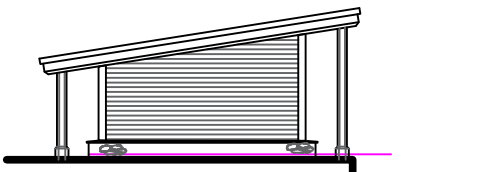
Proposed Rear Elevation (1:200)



Proposed Training Room Plan (1:200)



Proposed Training Room Elevation (1:200)



Proposed Training Room Elevation (1:200)

IMPORTANT NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATION, ALL RELEVANT BRITISH STANDARD SPECIFICATION, CODES OF PRACTICE, LOCAL AUTHORITY BYLAWS, AND IN COMPLIANCE WITH THE LOCAL AUTHORITY APPROVALS. CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS. WHERE WRITTEN DIMENSIONS ARE PROVIDED THESE SHOULD BE TAKEN IN PREFERENCE TO SCALED OFF MEASUREMENTS BUT THEY MUST BE STILL CHECKED ON SITE OR BY REFERENCE TO THE AGENT.

THE PARTY WALL ACT CAN APPLY TO CERTAIN KINDS OF DEVELOPMENT WHERE YOU ARE BUILDING EXTENSIONS OR ALTERING BUILDINGS CLOSE TO YOUR NEIGHBOUR'S PROPERTY. PLEASE NOTE, THAT IN CERTAIN SITUATIONS YOU WILL NEED TO ENGAGE A PARTY WALL SURVEYOR. FOR FURTHER INFORMATION AS TO WHETHER THE PARTY WALL ACT WOULD APPLY TO THE WORKS DESCRIBED ON THESE PLANS, YOU CAN VISIT THE OFFICE OF THE DEPUTY PRIME MINISTER WEBSITE AT : [WWW.ODPM.GOV.UK](http://WWW.ODPM.GOV.UK). PLEASE NOTE THAT THIS LEGISLATION IS NOT ENFORCED BY THE LOCAL AUTHORITY AND/OR THE BUILDING INSPECTOR AND UNLESS SEPARATELY INSTRUCTED, WE **DO NOT** GET INVOLVED WITH PARTY WALL MATTERS.

IF THE PROPOSED WORKS ARE TO BE CARRIED OUT BY MORE THAN ONE CONTRACTOR, THEN THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015 WILL APPLY. FOR FURTHER INFORMATION PLEASE SPEAK TO THE AGENT OR LOOK ON [www.hsa.gov.uk](http://www.hsa.gov.uk)

Revision	Date
<div><div>HOLDEN</div><div>Lancashire</div><div>ARCHITECTS</div></div>	
83 Blackburn Road, Rishton, BB1 4ER Mob: 07738162386 Email : james.holden7@hotmail.com	
Drawing Title: Proposed New Development Works	
Site Location: Holden Clough Nursery, Holden	
Drawing Status: Proposed Plan	
Date: 02/04/2018	Drawn by: JHolden
Scale: 1:100/1:200 @ A1	Ref: 002
Client: Holden Clough Nuersey	