

Mr D Driver  
7 Hawthorns Place  
Clitheroe  
BB7 2HU

14<sup>th</sup> October 2018

Dear Mr Driver

**Proposed development at 7 Hawthorns Place, Clitheroe, BB7 2HU**

Thank you for your request for a bat survey in relation to a proposed development at the above site. I understand that the proposal is for the demolition of an existing garage to construct a new garage building.

**Background and Qualifications**

The survey was carried out Pat Waring and Janette Gazzard.

Pat is a licensed bat worker (Class 2 licence), a 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, guidance and training to bodies such as Statutory Nature Conservation Organisations, Local Planning Authorities and Lancashire, Yorkshire and North Wales Police Authorities, as well as the delivery of professional training courses about bats at a national level.

Pat has recognised and extensive experience and knowledge of ecological survey, monitoring, condition assessment and impact assessment techniques. He has extensive knowledge of bat ecology relating to built structure 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 including habitat surveys, ecological appraisals, protected species, conservation management advice and condition assessments, as well as extensive experience of bat surveys of built structures and trees.

Pat Waring and Janette Gazzard 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.

Ecology surveys are time-limited; as a rule survey findings can generally be relied on for the season in which surveys took place. However, mobile species such as bats and birds may increase or decrease in numbers and change behaviours over time. Statutory agencies will often accept survey results for 12-18 months, but this varies around the country.

Ecology Services UK Ltd personnel make a professional judgement as to how long the results of our surveys will remain current. Advice and recommendations as regards currency and its impacts on decision making are included in relevant sections below.

### **Methodology**

In order to assess the likelihood of bats being present at the proposed development site, a daytime inspection of the building and surroundings was carried out on 11<sup>th</sup> October 2018.

Observations were made from ground level, as well as from telescopic ladders to examine potential roost features. An endoscope, although available was not required on this occasion. A 1000 lumens Led Lenser x21 torch and close-focussing Zeiss Victory FL 8x42 binoculars were also used as aids to visibility.

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.

The survey was compliant with the current best practice guidance, as detailed in Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*. The Bat Conservation Trust, London.

## **Results**

The existing garage is a single storey building, constructed of part concrete panel walls, part timber panel walls and part stone walls (existing garden wall). There are a small number of cavities associated with the interior and exterior stone wall that are suitable for use by roosting bats and small nesting birds. There is a double layered roof supported on a timber frame structure. The original roof is asbestos sheeting, on top of which a second roof layer has been added, creating a shallow void for storage of scaffold poles, plastic and other building materials. This additional roof is constructed of timber boards overlaid with a butyl liner. The shallow void is likely to be too open and draughty for use by bats but does provide suitable shelter for use by nesting birds. The garage is currently used for storage and the building is cluttered, unheated, light and draughty, largely due to a section of plastic sheeting (size of a small doorway) along the west elevation. The exterior metal garage door and upvc side door are sealed tight.

The building lies within a built up, residential area with hardstanding (garden paving and tarmac access driveway), other buildings (dwellings, garages and garden sheds) immediately adjacent and in close proximity. There are back to back gardens with walls, hedges, dense ivy, garden plants and shrubs as well as occasional mature trees nearby. The levels of artificial lighting are expected to be high based on the high density housing, and street lights. The immediate surroundings provide potential shelter and foraging resources to local bat and bird populations.

### *Bats*

No bats were found during the site inspection.

Potential roosting features for bats are:

#### **Night roosting**

Low potential– interior of building

#### **Day roosting**

Low potential –wall cavities associated with stone wall.

#### **Hibernation roosting**

Low potential –wall cavities associated with stone wall.

Low potential in the above examples reflects the condition of the features and their environment. It is our professional judgement that further surveys for bats at this time are not warranted.

### *Nesting birds*

No bird nests or signs of nesting birds were found during the survey.

### *Other species*

There is no evidence 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.

## **Advice and Recommendations**

### **Bats**

It is advised that although there is no evidence to suggest that bats are present within the building, the cavities associated with interior and exterior stone wall are suitable for use by roosting bats. Features, such as deep wall cavities, in this location and landscape setting have low potential for use by bats throughout the year.

It is advised that all personnel involved in proposed development should be carefully advised about bats by an appropriate person, so that all works are undertaken with a clear understanding about legal aspects, precautions to be adopted and what to do if a bat is found.

It is advised that if bats are found at any time during the development, work must stop until advice has been sought from Natural England directly or through an appropriately experienced Ecologist. If the development will affect bats, a licence may be required and suitable mitigation put in place.

### **Rationale for advice**

The survey has provided no evidence of bat roosts; however a small number of gaps associated with the stone wall have low potential to be used by bats throughout the year. Bats are small, opportunistic animals that may exploit a wide range of niches.

It is the professional judgement of Pat Waring and Janette Gazzard that further bat surveys at the proposed development site are not required at this time. This approach complies with guidance set out in the current national best practice guidelines Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*. The Bat Conservation Trust, London.

Current guidance states that:

*If a structure is classified as having low suitability for bats the ecologist should make a professional judgement on how to proceed based on all the evidence available.*

The building was accessible and searched thoroughly and no bats or evidence of bats was found.

The precautionary measures are generally regarded by Statutory Bodies, Local Planning Authorities and Professional Ecologists as being appropriate where there is a low risk of bats being present and where further investigative surveys are not required prior to a planning application.

Bats and their roosts are protected under UK and European legislation. Roost sites are protected even if bats are not present at the time of the survey.

### **Nesting birds**

It is advised that nesting birds could utilise the building (gaps associated with stone walls, void between roofs and/ or vegetation in close proximity throughout the nesting season (February to September)). It is therefore 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 all personnel involved in works to the building and its surroundings should be carefully advised about nesting birds by an appropriate person, so that all works are undertaken with a clear understanding about legal aspects, precautions to be adopted and what to do if an active nest is found.

It is advised if nesting birds are found in the building or 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.

Bird species which nest in gardens and buildings are likely to occur within the proposed development site during the nesting season. The proposed development has potential to disturb nesting birds if they are making use of the building.

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.

### **Other Protected Species**

There are no constraints in relation to other protected species.

For this site, it is recommended that if proposed works are not undertaken within 12 months of the ecology survey, advice should be sought as to the need for further surveys at that time.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "J Gazzard". The signature is fluid and cursive, with a large initial "J" and a stylized "G".

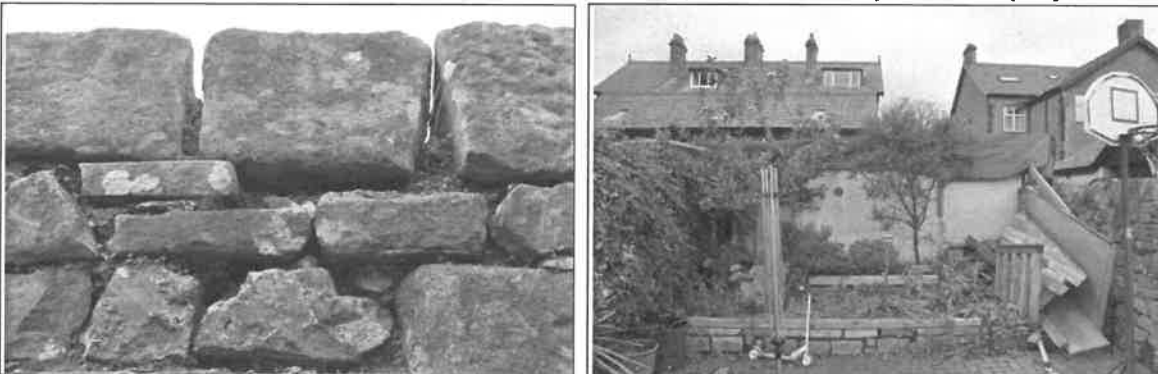
Janette Gazzard  
MCIEEM Senior  
Ecologist  
Ecology Services UK Ltd  
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***View of existing garage building (lhs) and view of garage in context, adjacent to other buildings (rhs).***



***Internal view of garage showing plastic sheet doorway (lhs) and double roof structure (rhs).***



***Image showing cavities suitable for use by bats and nesting birds within stone walls (lhs) and view of garage from garden, with garden planting and ivy covered boundary wall to the south east (rhs).***

## Summary of issues and advice

Issues (bats)	Action required
Further surveys	No further surveys required at current time.
European Protected Species licence (bat licence)	Not required
Bat Low Impact Class licence	Not required
Timing constraints	Not required
Method statement for contractors	Not required
Advice for contractors	All personnel involved in proposed development should be carefully advised about bats by an appropriate person, so that all works are undertaken with a clear understanding about legal aspects, precautions to be adopted and what to do if a bat is found.
Mitigation	<p>No impacts on bats and bat roosts are known or predicted to occur, therefore there is no requirement for mitigation. Mitigation, by definition, is only ever provided to address specific impacts.</p> <p>If bats or bat roosts are found, and if they will be affected by proposed development activities, mitigation will be required from that point. In this case and in this case only, 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> </ul>



Issues (birds)	Action required
Further surveys	No further surveys required at current time.
Timing constraints	Either: 1. Work outside nesting season (February to September) or 2. Commission a pre-commencement survey for nesting birds if works must take place within the nesting season.
Method statement for contractors	Not required at the current time. Requirement will depend on the methods adopted to address timing constraints.
Advice for contractors	All personnel involved in refurbishment works should be carefully advised about nesting birds by an appropriate person, so that all works are undertaken with a clear understanding about legal aspects, precautions to be adopted and what to do if nesting birds are found.
Nesting birds found during development	Work must stop until advice has been sought from Natural England directly or through an appropriately experienced Ecologist.

