

Michael Hartley
Cassidy and Ashton Group Ltd
7 East Cliff
Preston PR1 3JE

22nd October 2018

Dear Michael

Proposed development at Fives Court Building, Stonyhurst College, Hurst Green, Lancashire BB7 9PX

Thank you for your request for a bat survey. I understand that the survey is required to check for the presence or likely presence of bats as part of proposed development to refurbish the Fives Court building at Stonyhurst College.

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, 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 within the fives court buildings, a daytime inspection of the buildings and surroundings was carried out on 5th October 2018.

Observations were made from ground level and roof level, using scaffolding. A 1000 lumens Led Lenser X21 torch and close-focussing Zeiss Victory FL 8x42 binoculars were also used as aids to visibility. A rigid CA-300 endoscope was used for close inspection of accessible gaps and cavities.

It is recognised that limiting the survey to one visit in a single month does not take account of bat activity on the site through the whole of the active season (March/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 of the Survey

Fives court building comprises three open fronted units constructed of concrete and stone walls with timber frame roof supports and part slate roof coverings. The building is part derelict with damaged, poor quality timbers and missing roof coverings from the entire east elevation. The roof on the middle and southern units are part under boarded.

The northern most unit connects to a bat building that was recently constructed as part of compensation for the refurbishment of the adjacent Old Mill Building. The bat building has since become occupied and is used by brown long eared bats and pipistrelle bat species.

Bats

No bats were found during the site inspection of the fives court building.

Potential roosting features for bats are:

Night roosting

- Low potential – internal, roof covered parts of the building.

Day roosting

- Low potential – roof coverings with underboarding and wall cavities associated with exterior stone walls.

Hibernation roosting

- Low potential – wall cavities associated with exterior stone walls.

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 associated with the fives court building.

There is high potential for nesting birds to use the building during the nesting season (February to September).

Habitats and surroundings

The fives court building adjoins a bat building and is immediately adjacent to mixed plantation and semi natural woodland. The restored Old Mill Building lies to the east and large formal lakes and rugby pitches to the north. The woodland habitat and immediate surroundings offer a significant resource suitable for use by roosting, commuting and foraging bats.



The wider surroundings are dominated by areas of open farm fields, with frequent hedgerows and large blocks of broadleaved and mixed woodland. Other noteworthy features include occasional farm buildings, ponds and the River Hodder and River Ribble. The wider surroundings therefore offer significant resources suitable for use by commuting, foraging and possibly roosting bats.

There is no artificial lighting within the immediate vicinity both in terms of lighting sources and light spillage. The location and spillage extent of artificial lighting varies in the immediate and wider surroundings of the survey site; however, this factor is not regarded as a potential constraint to bat activity and movement within the proposed development site or its surroundings at the current time.

Non native invasive species

Himalayan balsam *Impatiens glandulifera* was found within and immediately adjacent to the proposed development site. This species is classified as non-native is listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Advice and Recommendations

Bats

It is advised that although there is no evidence to suggest that bats are present within the five court building there are some features present (roof coverings and external wall cavities) that bats could utilise. In this location and landscape setting, these features have potential for bats to use throughout the year.

It is advised that all personnel involved in proposed works 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.

It is advised that the proposed works (dismantling and rebuild) will need to take account of the adjoining bat roost building and must adopt appropriate precautionary measures to ensure that the work is carried out lawfully; avoiding damage and/or disturbance to bats and the bat roost during and post construction. These measures should include the following:

- Careful planning with involvement from an appropriately experienced and licensed Ecologist.
- A tool box talk delivered to all contractors by a suitably, qualified and experienced ecologist prior to any works commencing.

- Pre-commencement checks and supervision carried out by an appropriately experienced and licensed ecologist immediately prior to works affecting roof structures directly adjoining the bat roost building.
- Use of appropriate building materials for areas that directly adjoin the bat roost building. This includes use of approved timber treatments for roof structures and traditional bitumastic roof liner (Type1). Modern roof lining materials should be avoided where bats are likely to roost.

It is also advised that if any new artificial lighting or other disturbing activities are proposed in the vicinity of the known bat roosts, further investigations and advice will be required.

Rationale for advice

The survey has provided no evidence of bat roosts within the fives court building; however features associated with the roof coverings and stone wall cavities have 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.

The 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. There is however, a low risk that bats could be present at another time and so the appropriate course of action in this case is to advise a pre-commencement check and supervised roof stripping prior to roof dismantling works.

The precautionary measures for this site are appropriate because:

- They 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.
- They will ensure the adjacent bat building and bats within the building are protected from any damage and /or disturbance during and post work.

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 (wall cavities and roof structures) throughout the nesting season (February to September). It is therefore advised that refurbishment 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 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 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.

Rationale for advice

Bird species which nest in woodlands 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.

Non native invasive species

It is advised that a non-native invasive plant species, Himalayan balsam, is present within and immediately adjacent to the proposed development site.

The proposed works will involve an amount of disturbance which could result in the spread of non native invasive plant species which is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Section 14(2) of the Wildlife and Countryside Act 1981 (as amended) prohibits 'planting' or 'causing to grow' in the wild of any plant listed in Part 2 of Schedule 9.

All people working at the site should be made aware of the non native plant species present and how to identify it so that all works are undertaken with a clear understanding about legal aspects and working methods and precautions to be adopted.

Working methods should include the following:

- 1.** Control infestations before any construction works commence. This is best achieved by specialist contractors who will use appropriate herbicide at optimum times of the year.
- 2.** Minimise all disturbing activities, disturbance and movement of infected soils at all times and restrict all movements tracking through infected areas with schedule 9 species on foot or with machinery.
- 3.** If soil is to be moved/exported off site seek advice from the Environment Agency as to whether this Schedule 9 species need to be treated as controlled waste.
- 4.** Continue to monitor and treat for at least 2 years, or until the Schedule 9 species has been sufficiently controlled or eradicated from the five court site.

Recommendations

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.

It is also recommended that some of the external stone wall cavities are retained to maintain opportunities for roosting bats and nesting birds.

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

Yours sincerely



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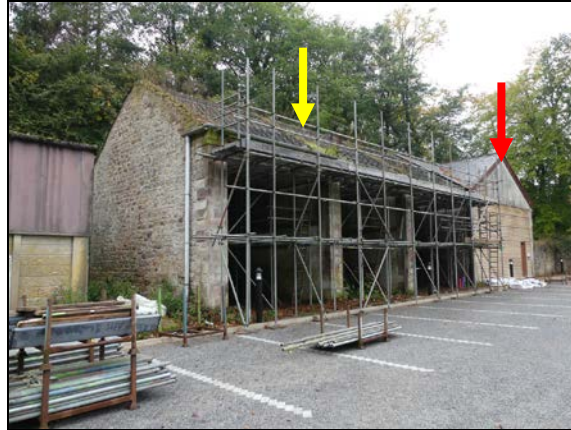
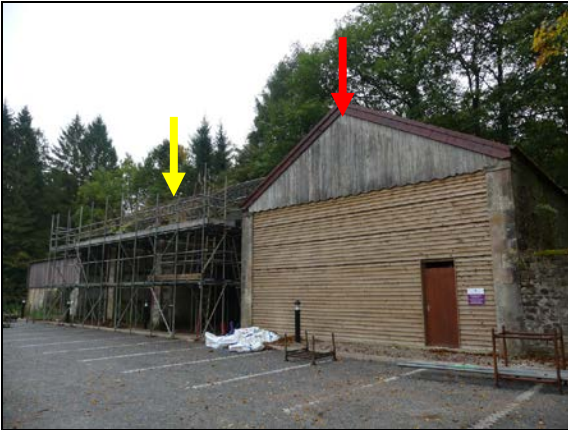
Summary of issues and advice

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	All contractors involved in the proposed development must attend a tool box talk and follow appropriate precautionary working methods outlined in a site specific Method Statement.
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	To avoid damage and/or disturbance to adjacent bat building <ul style="list-style-type: none"> • Seek further advice from an appropriately experienced and licensed ecologist prior to any further work taking place. • Undertake all work affecting bats and bat roosts under the direct and close supervision of an appropriately experienced and licensed ecologist, (refer to Contractors Method Statement).



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.

Issues (non native species)	Action required
Further surveys	No further surveys required at the current time.
Timing constraints	To be specified in the Method Statement if required.
Method statement for contractors	A Method Statement may be required from a specialist contractor for the removal and disposal of non-native plant species if affected by the proposed development.
Advice for contractors	All personnel involved in works should be carefully advised about non-native plant species by an appropriate person, so that all works are undertaken with a clear understanding about legal aspects and precautions to be adopted.



View of Fives Court Building with scaffolding (yellow arrow) with adjoining, newly refurbished Bat Building (red arrow).



View of slated roof section and adjacent woodland habitat (lhs) and gaps allowing access for bats and nesting birds along south gable of the existing bat building (rhs).



Example of features that have potential to support roosting bats and nesting birds. Roof underboarding with accessible gaps (lhs) and wall cavities (shown by red arrows) in the external stone walls (rhs).



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Himalayan balsam present at the base of Fives Court Building (October, 2018).