

# Bat Roost Assessment (BRA) - Preliminary Building inspections

**Carried out on behalf of LS UK Developments**

**Site: Glendale Heskin**

**06.10.2021**

**Version 1**

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Appendix 1 Legislation

## **1.0 Introduction**

- 1.1 Site description, location, context and development proposals
- 1.2 The site is situated within the Harrock Hill area of Heskin.
- 1.3 The surrounding landscape and habitats are varied and include deciduous woodlands, pond, and grassland.
- 1.4 The site is a single storey standalone ancillary building and a detached main dwelling both appear to be a 1970/80's construction type.
- 1.5 The client's proposal is to demolish the existing buildings and construct a new buildings on the site.
- 1.6 The proposed development includes demolitions to all the buildings across the site and therefore a Bat Roost Assessment is required as such proposals could have a direct impact on protected bat species.
- 1.7 The purpose of this report is to establish the potential of the buildings to offer shelter and / or roost facilities to protected species, in particular bats although an appraisal will be undertaken for birds including house nesting species.
- 1.8 The objective of the report is to be able to assess a range of factors including a rated (low-high) potential of the buildings to offer shelter for bats, absence/presence of protected species, species affected, population numbers, potential access points, types of roost and their seasonality of use.
- 1.9 The objectives include the provision of any applicable mitigation measures and / or further survey recommendations in relation to the extent and use of the site by protected species as is required by the current BCT guidelines section (Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good practice Guideline (3<sup>rd</sup> Edn).

## **2.0 Methodology**

### 2.1 Summary of survey methods

2.2 An external and internal building inspection was carried out on the buildings in relation to their potential use by bat species in accordance with the 2016 BCT guidelines section 5.2 preliminary roost assessment - structures (and in particular 5.2.4.1 and 5.2.4.2). This was carried out on the 5<sup>th</sup> October 2021 by Simon Brain (Managing Director).

2.3 In summary this means an external and internal examination of the buildings was conducted looking for signs of bat use and to quantify any field signs for their ecological significance. The inspection and report shall consider section 5.2.5 (complementary methods) and 5.2.6 Timing and 5.2.7 survey effort of the 2016 BCT guidelines.

### 2.2 Pre-existing data on local bat species

2.3 A 1km desktop search was carried out using the MAGIC website that is managed by Natural England. The results showed that a European Protected Species Licenses have been granted within the 1km radius of site for Common Pipistrelle (*Pipistrellus pipistrellus*)

2.4 *Myotis* and BLE are identified within 2km of site

2.5 All species of bat can be commonly found roosting in houses as they are either crack and / or loft dwelling species.

### 2.6 Surveyor information

2.7 Simon Brain (Managing Director) has attained a Post Graduate Certificate in Biological Recording and has attended FSC Field Courses for Land mammals, Songbird identification, Barn Owls (CIEEM) and Advanced Bird Survey Techniques (Level M). He has nine years experience in bat and avian work holding an NE Class 2 license (2015-17334-CLS-CLS). He has attended courses for trees and bats, bat survey techniques, bat handling, bat mitigation and attended several European research trips.

## 3.0 Results

### 3.1 Summary

3.2 The existing residential units both contain evidence of roosting bats. In total four areas have droppings present (varying from 10-50 in number) that are present below suitable wall top roost sites. All roost sites appear to be wall top access gained by landing on masonry and crawling into either wall top and / or roof space. They currently appear as external roost sites limited to wall top areas but potentially roof space could be gained. The droppings appear as Pipistrelle species, but other species may be present on site and using the buildings to roost in.

3.3 There are roosting opportunities within the buildings that are present which are currently used and unused that consist of wall top and crawl space loft potential, accessed through damaged masonry / soffit boarding and lifted lead flashing. In accordance with Table 4.1 the structure consists of potential roost sites that could be used by larger numbers of bats on a more regular basis and potentially for a longer period of time due to size, shelter and protection. The number of external droppings suggests low bat numbers. The commuting and foraging habitat is of high value as grassland, ponds and woodland is present.

### 3.4 Detailed survey results

The ancillary building is a single storey unit under a slate roof with a vaulted ceiling and a probable crawl space (not accessible).



There are visible masonry gaps throughout the property.



The bat roost is located in the corner of the north facing elevation and is likely to be wall top / soffit based but access to the crawl space cannot be ruled out as no loft hatch is present. >20 droppings are present on the wall under the roost position.





The internal of the ancillary unit confirms that a probable crawl roof space is present.



The main building is a substantial detached dwelling using slate over masonry. There is a tight crawl space that showed no evidence of bats that had been recently constructed using modern plastics and a timber arrangement.





The west facing elevation contained a small balcony supported by metal framework and bats had been using an external crack between the framework and masonry (likely roost position) where up to 50 droppings were present.



A second roost position was confirmed above the balcony near the chimney breast where lifted lead flashing is present that could provide crawl space access and / or soffit access. Up to 20 droppings were present on the masonry face.



The south facing elevation contained a bay window where upto ten droppings were present and missing mortar indicating a third potential roost position (wall top roost).



## **4.0 Assessment and Summary**

- 4.1 Excluding the ancillary building crawl space the surveyor was able to inspect all parts of the building both interior and exterior from ground level. Evidence of bat activity was identified during the survey e.g., bat droppings on external walls where bats are accessing the buildings in four locations.
- 4.2 The building does have roosting opportunities for bats that could be used by larger numbers of animals.
- 4.3 The local and wider habitat provides very good conditions for commuting and foraging bats
- 4.4 The evidence of bat droppings confirms bats have roosted in the buildings and it would appear that this is relatively recent. The buildings were assessed as offering high roost suitability.

## **5.0 Recommendations and mitigation**

### **5.1 Recommendations**

Because the building has a high roost suitability and evidence of bats has been found three survey visits will be required. This will dusk emergence survey and dawn re-entry surveys.

- 5.2 The survey can be undertaken from May 1st onwards 2022. The survey will be designed to watch those areas of bat potential identified in this report.

### **5.3 Mitigation measures and mitigation licenses**

- 5.4 Bat roost(s) have been confirmed and a full European Protected Species license / low impact license will be required from Natural England. The planning application will be assessed on the basis of whether Natural England would grant a license and the 2022 survey data is needed to be submitted to support the application. Three surveys are needed which must have at least two week gaps between them and cover the active bat season. Bats are present and a EPS license can take up to 3 months to obtain, during which no works can be conducted on site even with an approved planning permission without the EPS license. The planning application shall require a mitigation and enhancement measures statement after all emergence surveys are complete.

## Appendix One – Legislation

All bat species in the UK are fully protected under The Conservation (Natural Habitats, &c.) Regulations 2010 (as amended) through their inclusion on Schedule 2 of the Act. Regulation 41 prohibits:

Deliberate killing, injuring or taking (capture) of bats

Deliberate disturbance of bats in such a way as to:

impair their the ability to survive, breed, or rear or nurture their young; or

affect significantly the local distribution or abundance of bat species; or impair their ability to hibernate or migrate

Damage or destruction of a bat breeding site or resting place i.e. roost

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

All bat species in the UK are also protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, it is an offence to:

- Intentionally or recklessly disturb any bat while it is occupying a structure or place which it uses for shelter or protection
- Intentionally or recklessly obstruct the access to any place of shelter or protection used by bat(s)
- Sell, offer or expose for sale, possess or transport a bat(s) for the purpose of sale.

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will need to be applied for to allow derogation from the relevant legislation i.e. for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young, hibernate, migrate). In certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost.

### Conservation (Natural Habitats) Regulations 2010

The species protection provision of the EC Habitats Directive 1992, as implemented by the Conservation of Habitats and Species Regulations 2010, comprises three “derogation tests” which must be applied by the Local Planning Authority when deciding whether to grant planning permission for a development that could harm a European Protective Species. The three tests are that:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and,
- Favourable Conservation Status (FCS) of the species must be maintained.

It is the responsibility of the applicant to submit sufficient information to address these tests when applying for planning permission. For development activities, an EPSM Licence application can only be obtained after planning permission has been granted. However, the granting of planning permission does not guarantee that a licence will be issued by the relevant countryside agency.

### National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) (2012) sets out the Government's national policies on different aspects of planning in England. Section 10 paragraphs 109 to 125 details planning policies on the conservation and enhancement of the natural environment. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

In summary:

The planning system should contribute to and enhance the natural and local environment by: *'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'* (NPPF Section 10, para 109)

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (Section 10, para 118).
- Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted (Section 10, para 118).
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (Section 10, para 118).
- Opportunities to incorporate biodiversity in and around developments should be encouraged (Section 10, para 118).

7 Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss (Section 10, para 118)

- Potential Special Protection Areas and possible Special Areas of Conservation, listed or proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on European sites, should be given the same protection as European sites (Section 10, para 118).
- The presumption in favour of sustainable development (para 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined (Section 10, para 119)
- Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (Section 10, para 125).

Local planning authorities must take account of the conservation of protected species when determining planning applications. The presence of protected species is a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. This requirement has important implications for bat surveys as it means that, where there is reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered' (BCR 2012). In order for the Local Planning Authority to adequately assess a development proposal against National and Local Planning Policy, full comprehensive ecological surveys need to be carried out and suitable mitigation strategies compiled prior to the submission of any planning application. This information

will be reviewed by the Local Planning Authority in consultation with the relevant countryside agency and other conservation bodies.

Any developer should, in the first instance, consult the relevant Local Plans to assess the suitability of their proposal (refer to NPPF Section 10 paras 113 to 117).

#### Natural Environment and Rural Communities Act 2006 (NERC)

Part 3, Section 40 of the NERC Act 2006 states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', otherwise known as the Biodiversity Duty. Under Section 41 of the Act, the Secretary of State must publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. This list is based on those species listed in the UK Biodiversity Action Plan (BAP) as priority species. The S41 list replaces the list published under Section 74 of the Countryside and Rights of Way (CRoW) Act 2000.

#### Biodiversity Action Plan

Biodiversity Action Plans (BAPs) set out actions for the conservation and enhancement of biological diversity at national, regional and local level. They consist of both Habitat Action Plans (HAPs) and Species Action Plans (SAPs) and species and habitats listed within these are defined as being of Principal Importance for the Conservation of Biodiversity under Section 41 of the NERC Act 2006. Local authorities must consider these species and habitats when determining planning applications.