



The Old Pottery
Charlestown, Cornwall

Bat and Nesting Bird
Mitigation Statement

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BE1005

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1. INTRODUCTION

It is proposed to convert the ground floor of 'The Old Pottery' situated on Old School Lane in Charlestown, St Austell, Cornwall to create two ground floor apartments. The OS Grid ref is SX03675184.

In 2014, Bright Environment was commissioned by Mr Harris (former owner) to carry out bat and nesting bird surveys to inform a planning application involving impacts to the roof and roof void. The surveys (visual survey, two emergence surveys at dusk and remote monitoring) identified that two common pipistrelle bats roost on top of the wall on the western gable of the building.

Bright Environment Ltd was commissioned by Paul Nicholson to assess the current proposals to identify the potential for any ecological impacts or requirements for further survey.

2. HABITAT AND BUILDING DESCRIPTION

The Old Pottery is situated in Charlestown, which is a small harbour village on the outskirts of St Austell. The harbour is approximately 400m to the south and The Old Pottery is located at the end of a small lane adjoining native broadleaf woodland with ponds. Beyond there are agricultural grassland fields bound by a network of native species-rich Cornish hedgerows. These habitats offer excellent foraging opportunities for bats and barn owls.

The Old Pottery is a two-storey stone building with a single storey concrete block and stone extension on the east elevation. Both roofs are pitched with a covering of natural slate. The two-storey section is not lined. Bitumen felt is present beneath the slates of the single storey section.

There is a roof void in the western section of the two-storey part of the barn, whereas the eastern section has a vaulted ceiling. A roof void is present above the single storey section.

The building has many potential access points for bats including gaps behind fascia's and barge slates and gaps in the stonework and under the ridge tiles.



Photograph 1. South and east elevation.



Photograph 2. North and west elevation.

The ground floor rooms are currently used as an office, kitchen and store (see photographs 3-5). These rooms have no potential to support bats or nesting birds.



Photograph 3. Ground kitchen.



Photograph 4. Ground floor store.



Photograph 5. Ground floor office.

3. BAT AND NESTING BIRD IMPACT ASSESSMENT

The proposal is to convert the ground floor rooms to create two ground floor apartments. There will be no impacts to the roof voids or the roof coverings. The proposed works will not impact upon roosting bats or nesting birds. No further surveys are required.

In compliance with the Biodiversity SPD the new dwellings will each include a bee brick and either a bat box or a bird box. As no external stone works are proposed, these will not be integral boxes. The bee bricks will be installed on the south-facing wall 1-2m above ground level. Bee bricks contain multiple cavities for bees to lay their eggs and are integral to a building (see photograph 6). Bird and bat features will be installed near the eaves or high on the gables.



Photograph 6. Example bee brick.



Photograph 7. Example bird nest features.

4. REFERENCES

Baker, J., Hoskin, R. and Butterworth, T. (2019). Biodiversity net gain. Good practice Principles for development. A practical Guide, CIRIA, 2019. ISBN 978-0-86017-791-3.

BCT (2009). The National Bat Monitoring Programme. Annual Report 2009. The Bat Conservation Trust, London.

BCT (2011). The state of the UK's bats: National Bat Monitoring Programme Population Trends 2011. The Bat Conservation Trust, London.

Bat Conservation Trust (2011). Statement on the impact and design of artificial light on bats. Bat Conservation Trust, London.

BCT (2012). The National Bat Monitoring Programme. Annual Report 2011. The Bat Conservation Trust, London.

BCT (2018) Bats and artificial light in the UK – bats and the built environment. Guidance note 08/18. Bat Conservation Trust, London.

BCT (2022). Use of night vision aids for bat emergence surveys and further comment on dawn surveys. Guidance note 05/22. Bat Conservation Trust, London.

British Standard Institute (2013). BS 42020:2013 Biodiversity Code of Practice for Planning and Development. BSI, London.

Burns F, Eaton MA, Balmer DE, Banks A, Caldow R, Donelan JL, Douse A, Duigan C, Foster S, Frost T, Grice PV, Hall C, Hanmer HJ, Harris SJ, Johnstone I, Lindley P, McCulloch N, Noble DG, Risely K, Robinson RA, Wotton S (2020) The state of the UK's birds 2020. The RSPB, BTO, WWT, DAERA, JNCC, NatureScot, NE and NRW, Sandy, Bedfordshire.

CBI [Cornwall Biodiversity Initiative] (1997-2004) Cornwall's Biodiversity Volumes 1, 2 & 3. Cornwall Wildlife Trust, Truro.

CEC [Council of the European Communities] (1979) Council Directive 79/409/EEC on the Conservation of Wild Birds [Referred to as EC Birds Directive]. Official Journal of the European Communities: L103.

CEC [Council of the European Communities] (1992) Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora [Referred to as EC Habitats Directive]. Official Journal of the European Communities: L206.

CEDPD (2023) Climate Emergency Development Plan Document. <https://www.cornwall.gov.uk/planning-and-building-control/planning-policy/adopted-plans/climate-emergency-development-plan-document/>

CIEEM [Chartered Institute of Ecology and Environmental Management] (2017) Guidelines for Ecological Report Writing. 2nd Edition. CIEEM, Winchester.

CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM [Chartered Institute of Ecology and Environmental Management] (2017) Guidelines for Preliminary Ecological Appraisal Second Edition.

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

Cornwall Council (2021). Biodiversity Net Gain in Cornwall. Draft Chief Planning Officer's Advice Note. <https://www.cornwall.gov.uk/media/43031716/draft-chief-planning-officer-note-biodiversity-net-gain.pdf>

Cornwall Council (20202). Terrestrial European Sites Mitigation adoption draft. Supplementary Planning Document. May 2020. <https://www.cornwall.gov.uk/media/43983066/european-sites-spd-terrestrial-adoption-draft.pdf>

Cornwall Council (20203). Marine and Estuarine European Sites Mitigation consultation draft. Supplementary Planning Document. May 2020.

<https://www.cornwall.gov.uk/media/44189445/european-sites-spd-marine-and-estuarine-v1.pdf>

Cornwall Council (2018) Biodiversity Supplementary Planning Document. Available at: <https://www.cornwall.gov.uk/media/35367439/biodiversity-spd-v7.pdf>

Cornwall Council (2016). Cornwall Local Plan: Strategic Policies 2010-2030. Available at: <https://www.cornwall.gov.uk/media/22936789/adopted-local-plan-strategic-policies-2016.pdf> [Accessed 20th July 2017].

Cornwall Wildlife Trust (CWT) (2007) Biodiversity and Geological Conservation: Planning Good Practice Guidance for Cornwall. CWT.

Department for Communities and Local Government, (2012). National Planning Policy Framework. London ISBN: 978-1-4098-3413-7

DEFRA, Natural England and Environment Agency (2019). Guidance. Stop invasive non- native plants from spreading. May 2019. <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants#treat-invasive-non-native-plants>

DEFRA et al (2023). Multi Agency Geographic Information for the Countryside (MAGIC). Available at: <http://magic.defra.gov.uk/>.

Eaton et al. (2015) Birds of conservation concern 4: the population status of birds in the UK, Channel Islands and Isle of Man. British Birds 108: 708-746.

EN [English Nature] (2002). Bats in roofs: a guide for surveyors. English Nature, Peterborough, UK.

EN [English Nature] (2006). The Dormouse Conservation Handbook. Second Edition. English Nature, Peterborough.

EN [English Nature] (2004) Reptiles: Guidelines for Developers. English Nature, Peterborough.

Environment Agency (2017) Prevent Japanese knotweed from spreading [Online]. Available at: <https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading> [Accessed 15th August 2017].

ERCCIS [Environmental Records Centre for Cornwall and the Isles of Scilly] Erecords computer database. Cornwall Wildlife Trust. Unpublished.

Froglife, 1999. Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife.

- Gunnell, K., Grant, G and Williams, C. (2012). Landscape and Urban Design for Bats and Biodiversity. Bat Conservation Trust.
- Gunnell, K., Murphy, B. and Williams, C. (2013). Designing for Biodiversity: A technical guide for new and existing buildings (2nd Edition). London.
- Harris, S., Cresswell, P. & Jefferies, D. 1989. Surveying badgers. Mammal Society Publication No 9.
- HM Government (1981 as amended) The Wildlife and Countryside Act 1981. HMSO, London.
- HM Government (1992) Protection of Badgers Act 1992. HMSO, London.
- HM Government (1997) The Hedgerow Regulations 1997. HMSO, London.
- HM Government (2000) The Countryside and Rights of Way Act 2000. HMSO, London.
- HM Government (2006) The Natural Environment and Rural Communities Act 2006. HMSO, London.
- HM Government (2010) The Conservation of Habitats and Species Regulations 2010. HMSO, London.
- Hundt (2012). Bat Surveys – Good Practice Guidelines. Bat Conservation Trust, London, UK.
- JNCC [Joint Nature Conservation Committee] (2010) Handbook for Phase 1 Habitat Survey. JNCC, Peterborough.
- JNCC [Joint Nature Conservation Committee] (2011) UK BAP Priority Species and Habitats. Available at www.ukbap.org.uk/PriorityHabitats
- Joint Nature Conservation Committee (2004). Bat Worker’s Manual (3rd Edition). Joint Nature Conservation Committee, Peterborough, UK.
- Mitchell-Jones, A J (2004). Bat Mitigation Guidelines. English Nature, Peterborough.
- Natural England & DEFRA (2019) Prevent harmful weeds and invasive non-native plants spreading. <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>
- Natural England (2019). Bats: surveys and mitigation for development projects. Standing advice for local planning authorities to assess impacts of development on bats. Published 28 March 2015; updated 4 March 2019. Available at: <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>
- Office of the Deputy Prime Minister (ODPM) (2005). Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System. The Stationery Office Ltd. London.
- Panks, S., White, N., Newsome, A., Nash, M., Potter, J., Heydon, M., Mayhew, E., Alvarez, M., Russell, T., Cashon, C., Goddard, F., Scott, S., Heaven, M., Scott, S., Treweek, J. Butcher, B. and Stone, D. (2022). Biodiversity metric 3.1: Auditing and accounting for biodiversity – User Guide. Natural England.
- Schofield, H.W. (2008). *The Lesser Horseshoe Bat Conservation Handbook*. The Vincent Wildlife Trust.
- Shawyer, C. R. (2011) Barn owl survey methodology and techniques for use in ecological assessment – Developing best practice in survey and reporting. IEEM, Winchester (updated 2012).
- Spalding, A. (Ed.) (1997) Red Data Book for Cornwall and the Isles of Scilly. Croceago Press, Camborne.
- Stace, C. (1991) New Flora of the British Isles. Cambridge University Press, Cambridge.
- Stewart, A., Pearman, D.A. & Preston, C.D. (Eds.) (1994) Scarce Plants in Britain. JNCC, Peterborough
- Williams C.A. and Cornwall Bat Group (2009) Bats. In CISBFR, Red Data Book for Cornwall and the Isles of Scilly. 2nd Edition. Croceago Press, Praze-an-Beeble.
- Williams, C. (2010) Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build. RIBA, London.
- Wray, S., Wells, D., Long, E. & Mitchell-Jones, T. (2010) Valuing bats in Ecological Impact Assessment. CIEEM In Practice Magazine (December 2010).

Appendix 1 Summary of relevant legislation, policies and case law

Bats

All British bat are European protected species and are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Together, this legislation makes it illegal to:

- Intentionally kill, injure or capture a bat;
- Intentionally or recklessly disturb a bat;
- Intentionally or recklessly damage, destroy or obstruct access to a place of shelter or breeding (for example, bat roosts), and this applies regardless of whether the species is actually present at the time (for example, a bat roost used in the winter for hibernation is protected throughout the year, even during the summer when it is not occupied).
- Possess or transport a bat or any part of a bat, unless acquired legally;
- Sell, barter or exchange bats, or parts of a bat.
- Intentionally handle a wild bat or disturb an bat whilst using a place of shelter/ breeding unless licensed to do so by the statutory conservation agency (Natural England).

Barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, greater horseshoe and lesser horseshoe bats are priority species for conservation on the UK BAP and protected under the NERC Act 2006. Barbastelle, pipistrelle, greater and lesser horseshoe bats are county priority BAP species (CBI, 2004).

Case Law

There are several case laws in Britain relating to the duty of developers and planning authorities with respect to wildlife, resulting in several key principles summarised in the table below:

Case / Appeal	Providing support for
Morge v Hampshire County Council (2011)	'Disturbance' under the Conservation Regulations 2010 applies to an activity likely to impact negatively on the local population of a European Protected Species.
R v Cheshire East Council 'The Woolley Case' (2009)	Regarding European Protected Species, Local Authorities must apply the 'three tests' under the Conservation Regulations 2010 when deciding on planning applications: that there is no satisfactory alternative, there is an appropriate reason for the development, and that the development will not affect the favourable conservation status of protected species present.
APP/P9502/A/08/2070105 (Appeal decision, Brecon, 2008)	Para 18: Local Planning Authorities cannot condition provision of a mitigation scheme; detailed mitigation must be provided prior to determination.
APP/C0820/A/07/2046271 (Appeal decision, Padstow, 2007)	Para 18: Full survey information must be provided prior to determination; not just for protected species, but also for BAP species (in this case corn buntings).
R v London Borough Council Bromley (2006)	Para 30: Environmental Impact Assessment required at outline planning stage.
R v Cornwall County Council 'The Cornwall Case' (2001)	Surveys for protected species cannot be conditioned; must be undertaken prior to determination.

Barn owls and other birds

The nests and eggs of all wild birds are protected against taking, damage and destruction under the Wildlife and Countryside Act 1981. Barn owls are given greater protection against disturbance while breeding under Schedule 1 of the Act.

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) sets out national planning policy that is committed to minimising impacts on biodiversity and providing net gains in biodiversity where possible. Under NPPF, local planning authorities have an obligation to promote the preservation, restoration and recreation of Priority habitats, ecological networks and the protection and recovery of Priority species as identified under the Natural Environment and Rural Communities Act (2006). Section 118 of the NPPF also requires enhancements for biodiversity. The NPPF also recognises the wider benefits of ecosystem services.