Preliminary Bat & Bird Assessment with Invasive Non-Native Plant Species Statement

Site:

Land at Vigus Stores, Truck Hill, Probus, Cornwall, TR2 4LR

Grid Reference: SW 89108 47770

23rd October 2023

Version 1

Plan for Ecology Ltd

Tremough Innovation Centre

Tremough Campus, Penryn, Cornwall, TR10 9TA

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Document Control:

Site Name:	Land at Vigus Stores, Truck Hill, Probus, Cornwall, TR2 4LR
OS Grid Reference:	SW 89108 47770
Report Authors:	Chloe Balmer MSci (Hons) ACIEEM; Bat licence No: 2020-47040-CLS-CLS; Barn Owl licence No. 2022-10943-CL29-OWL.
Document Approved by:	Dr Lucy Wright BSc (Hons) MSc PhD MCIEEM
Client:	Ray Schofield & Amanda Kendall
Report Reference Number:	P4E3180
Version:	01
Date:	23rd October 2023

Declaration:

"The information, evidence and advice, which we have prepared and provided is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology & Environmental Management's (CIEEM) Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions."

Chloe Balmer	[redacted]
Lucy Wright	

Report Lifespan:

Ecological features can change over time, particularly if site management/ use changes. Typically, preliminary bat and bird assessments and invasive plant surveys are valid for 18 months (until March 2025).

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Summary

Bat evidence?	A timber garage and corrugated metal workshop at Land at Vigus Stores in Probus were surveyed for evidence of roosting bats on 22nd September 2023. All parts of the buildings were accessible and could be fully inspected. No evidence of roosting bats was observed within the interior of the buildings, and no external features with potential to support roosting bats were identified. The buildings were assessed as being of 'negligible suitability' for roosting bats.
Bat mitigation recommendations?	Precautionary recommendations are provided. There is opportunity to enhance the value of the site for bats post-completion. No further surveys for bats are recommended.
Bird evidence?	No evidence of nesting birds, including barn owl (Tyto alba), was noted within the buildings or on the exteriors. Vegetation is encroaching most elevations of the buildings; this has potential to conceal an active bird's nest during the nesting bird season (between March and August/ September). The buildings were assessed as being of negligible suitability for barn owl.
Bird mitigation recommendations?	Removal of vegetation from the exterior of the buildings must be undertaken between October and February, when birds will not be nesting, or, alternatively, preceded with a thorough search for nesting birds (to be undertaken by an ecologist/ suitably qualified person) immediately prior to works commencing. There is opportunity to make provision for nesting birds and enhance the value of the site for birds post-development by installing bird box(es) on the exterior of a container or within the trees in the wider site. No further surveys for birds are recommended.
Invasive Non-Native Plant Species evidence	No Invasive Non-Native Plant Species listed on Schedule 9 (Wildlife and Countryside Act (WCA) 1981) were observed on-site. One plant listed as injurious (harmful) under the Weeds Act (1959) was present on-site: broad-leaved dock. The non-native weed species, buddleia, was recorded within the site. This species is not listed on Schedule 9 (WCA 1981) but does behave invasively.
Invasive Non-Native Plant Species recommendations?	The proposals are unlikely to cause any Schedule 9 (WCA 1981) listed plant species to spread to the wild. Development of the site should include measures to control injurious weeds (broad-leaved dock). There is opportunity to enhance the biodiversity value of the site by eradicating buddleia.

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1.0 Introduction

1.1 Background

Ray Schofield and Amanda Kendall commissioned Plan for Ecology Ltd to undertake a Preliminary Bat and Bird Assessment (sometimes referred to as a Bat and Barn Owl Assessment) inclusive of Invasive Non-Native Species (INNS) advice of the outbuildings at Land at Vigus Stores, Truck Hill, Probus, Cornwall, TR2 4LR (OS Grid Ref: SW 89108 47770) in August 2023. The client proposes to demolish the existing timber garage and corrugated metal workshop on-site and build a container storage facility consisting of seven 20ft containers, four 10ft containers and a hardstanding unloading zone (see proposals in Appendix 1).

1.2 Project Administration

Property Address:	Land at Vigus Stores, Truck Hill, Probus, Cornwall, TR2 4LR
OS Grid Reference:	SW 89108 47770
Client:	Ray Schofield & Amanda Kendall
Planning Authority:	Cornwall Council
Planning Reference Number:	n/a
Report Reference Number:	P4E3180
Proposed work:	To demolish the existing buildings (timber garage and corrugated metal workshop) on-site and build a container storage facility.
Survey Date:	22nd September 2023
Surveyor & Licence Number:	Chloe Balmer MSci (Hons) ACIEEM; Bat licence No: 2020-47040-CLS-CLS; Barn Owl licence No. 2022-10943-CL29-OWL.

1.3 Legislation & Planning Policy

Planning: The local planning authority has a statutory obligation to consider impacts upon protected species resulting from development. Planning permission will not be granted with outstanding ecological surveys, and if applicable an appropriate mitigation plan.

Bats: In the UK all bat species are listed on Annex IV(a) of the European Communities Habitats Directive and as such are European Protected Species (EPS). In Britain protection of bats is achieved through their inclusion on Schedule 2 of the Conservation and Habitats Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (HM Government, 2019)), (Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 12 of the Countryside and Rights of Way Act 2000 (HM Government, 1981, 2000 & 2017).

As a result of this statutory legislation it is an offence to:

Deliberately capture, injure or kill a bat;

Intentionally or recklessly disturb a bat/s in its roost;

Intentionally or recklessly damage, destroy or obstruct access to a bat roost (even if bats are not occupying the roost at the time);

Possess or sell or exchange a bat (dead or alive) or part of a bat.

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Works with potential to cause significant disturbance to roosting bats may require a European Protected Species (EPSL) licence or Bat Mitigation Class Licence (CL21) from Natural England before works can legally commence. Works likely to result in less significant disturbance may be carried out under a Bat Mitigation Method Statement. The magnitude of disturbance and, therefore, the requirement for an EPSL, Bat Mitigation Class Licence or method statement is assessed on a case-by-case basis by the bat ecologist. The Bat Mitigation Method Statement or EPSL must be prepared and/or applied for by a suitably experienced and licenced bat ecologist. Where planning permission is required, the appropriate licence cannot be obtained until planning permission has been granted.

Birds: In Britain the nests (whilst in use or being built) and eggs of wild birds are protected against taking, damage and destruction under the Wildlife and Countryside Act 1981 (as amended) (HM Government, 1981). The barn owl (Tyto alba) is listed on Schedule 1 of the Wildlife and Countryside Act (HM Government, 1981); this legislation makes it an offence to:

Intentionally capture, injure or kill a barn owl;

Intentionally or recklessly disturb a barn owl whilst nesting;

Intentionally or recklessly disturb a dependent young barn owl.

Management of invasive species:

Wildlife & Countryside Act (WCA) 1981 (as amended);

The Environmental Protection Act 1990;

Hazardous Waste Regulations 2005;

Control of Pesticides Regulations 1986;

Waste Management Licensing Regulations 1994;

Environmental Protection (Duty of Care) Regulations 1991.

The following information outlines legislation that has a bearing on the management of Schedule 9 WCA, 1981 listed invasive plants.

Wildlife & Countryside Act 1981 (WCA, 1981 as amended): WCA 1981 states that if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence. Anyone convicted of an offence under Section 14 of the WCA 1981 may face a fine of £5,000 and/or 6 months imprisonment, or 2 years and/or unlimited fine or indictment.

Control of Pesticides Regulations (CoPR) 1986: CoPR 1986 require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water. For application of pesticides in or near water, approval from the Environment Agency should be sought before use.

Environmental Protection Act 1990 (EPA 1990): EPA 1990 contains a number of legal provisions concerning 'controlled waste', which is set out in Part II. Material containing the propagules of species listed on Schedule 9 is classified as controlled waste and must be safely disposed of at an appropriately licensed landfill site in accordance with the Environmental Protection Act 1990 (Duty of Care) Regulations 1991. Section 33 (1a) and (1b) create offences to do with the deposit, treating, keeping or disposing of controlled waste without a license. Exemptions from licensing are available in some circumstances, and are set out in Schedule 3 to the Waste Management

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Licensing Regulations 1994 as amended which makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. Anyone convicted is subject to a maximum fine of £20,000 and/or 6 months imprisonment and if prosecuted under the Crown court, this escalates to an unlimited fine and/or a maximum of two years imprisonment. Section 34 places duties on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Waste must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal. Waste must be transferred to an authorized person i.e. either a registered carrier or exempted from registration by the Controlled Waste (Registration of Carriers and Seizure of Vehicle Regulations 1991). A waste transfer note must be completed and signed giving a written description of the waste, which is sufficient to enable the receiver of the waste to handle it in accordance with his or her own duty of care. The provisions concerning waste transfer notes are set out in the Environmental Protection (Duty of Care) Regulations 1991 (as amended). Failure to comply with these provisions is an offence, with a penalty of a fine not exceeding £5000 up to an unlimited fine in Crown court.

Hazardous Waste Regulations 2005 (HWR 2005): HWR 2005 contains provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary. Material containing knotweed that has been treated with herbicide may be classified as hazardous waste.

Waste Management Licensing Regulations (WMLR 1994): WMLR state that failure to use a licensed operative could leave you liable to prosecution. The 'waste relevant objectives' are described in paragraph 4 of Schedule 4. These objectives require that waste is recovered or disposed of "without endangering human health and without using processes or methods which could harm the environment and in particular without risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or diversely affecting the countryside or places of special interest".

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2.0 Methodology

The ecologist (Chloe Balmer) assessed the suitability of the building and the surrounding habitat to support bats and birds and searched for the presence of Invasive Non-Native Plant Species (INNS). The ecologist searched for signs of bats and birds including droppings, staining, feeding remains, bird nests, barn owl pellets and liming, and identified invasive non-native plant species listed on Sch. 9 WCA (1981) within 30m of the site (where access was possible). The ecologist searched for potential access points into the building and gaps and crevices that have the potential to support roosting bats.

The assessment was carried out in accordance with the 'Bat Survey for Professional Ecologists - Good Practice Guidelines' produced by the Bat Conservation Trust (Collins, 2016).

2.1 Ecological Evaluation

Potential bat roosts identified during the visual inspection of the building were categorised as to their suitability in accordance with the Bat Conservation Trust's (BCT) Good Practice Guidelines (Collins, 2016) as described below:

Negligible: negligible features with potential to support roosting bats.

Low: one or more features with potential to support individual bats on an occasional basis. Unlikely to support large numbers of bats.

Moderate: one or more features with potential to support roosting bats but unlikely to be of high conservation status.

High: one or more features with potential to support large numbers of bats on a regular basis.

2.2 Limitations

Weather during the survey was in line with seasonal norms (dry, part cloud, light air and 17ºC). There are no limitations associated with weather conditions. All areas of the buildings were accessible and could be inspected. No roof voids were present.

Preferred timing of an INNS survey is between April and September when plants are growing more vigorously. September is an optimal time of year to survey for invasive non-native plant species because many species will still be in flower. Early flowering species such as three-cornered garlic (Allium triquetrum) and Spanish bluebell (Hyacinthoides hispanica), may have ceased flowering and undergone vegetative dieback. Early flowering species may, therefore, not have been visible during the survey.

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3.0 Assessment Results

3.1 Site Description

The site is located in a semi-rural position, on the western fringe of the small village of Probus, in mid-Cornwall, c. 6.8 km northeast of Truro, and c. 15 km south of Newquay. The immediate suitable habitat for bats and birds includes mature trees to the north, bordering the site and hedgerows to the north and west. Pockets of Deciduous Woodland (Section 41 NERC Act, 2006 Habitat of Principle Importance; UK BAP Priority Habitat) are present c. 220m south and c. 280m to the north of the site. Habitats in the wider area comprise predominantly mixed farmland with pockets of broadleaved woodland, coastal habitats, and small towns and villages. Buildings in the wider area comprise a mixture of period and modern properties with vegetated gardens, outbuildings and barns. In combination, these features provide potential high-quality foraging and roosting habitat for bats, and suitable nest sites, roosts and foraging habitat for birds.

3.2 Bat Assessment

The visual assessment was undertaken on 22nd September 2023.

The buildings surveyed comprised a timber garage and a corrugated metal workshop; both were single-storey and of mixed material construction (Figs 1-2). Metal remains of a train carriage were also present on-site (Fig 3). The timber shed supports a shallow pitched roof, and the metal workshop supports a mono pitch roof sloping north to south. Plastic guttering and downpipes were present in places, which were mostly unconnected and loose. Timber fascia boards were present on both buildings and were inspected for evidence of bats. Both buildings had timber garage doors present on the western elevation. To the rear of the buildings was a pitched corrugated metal extension; this was mostly dilapidated with the metal sheeting balanced in places on the shed/ workshop structures.

Internally, the two buildings are separate but joined internally by the rear extension, and both are used for storage (Figs 4-7). The garage roof comprises unlined timber panelling supported by timber joists, measuring c. 1.8m to the apex. The workshop roof comprises unlined corrugated metal sheeting supported by timber joists, measuring c. 3m to the apex. The floors were concrete. Gaps were observed between the two buildings and the rear extension, and within the workshop building gaps were seen where the vegetation is encroaching at the wall tops on the eastern and southern elevations. Due to the dilapidated nature of the eastern elevation, the space is well lit and draughty throughout. No evidence of bats was found within the interior of either the garage or the workshop at Vigus Stores.

No evidence of roosting bats was found within the garage or the workshop at Vigus Stores and no external features were observed that have potential to support roosting bats. Overall, the garage and workshop at Vigus Stores, Probus, were assessed as being of negligible suitability for roosting bats.

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Figure 1: View of the western elevation of the timber garage at Vigus Stores.

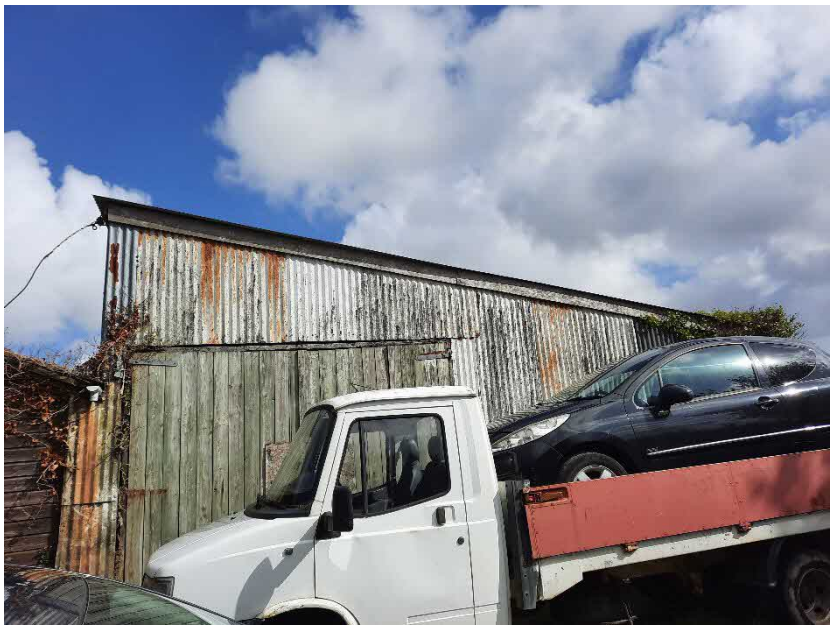

Figure 2: View of the western elevation of the corrugated metal workshop at Vigus Stores.

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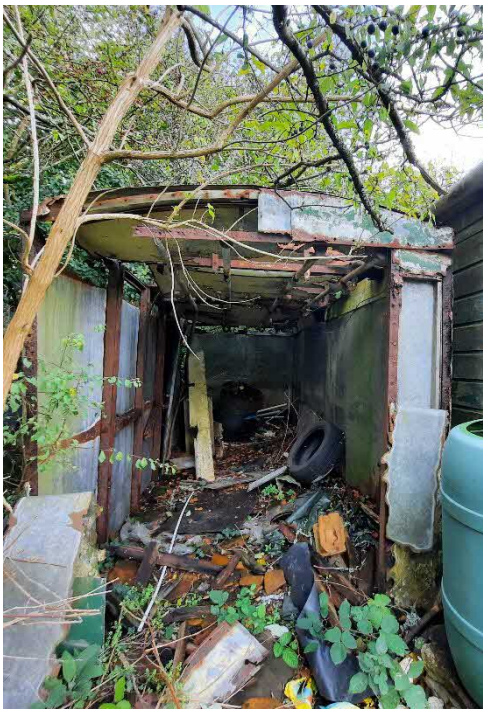

Figure 3: View of the western elevation of the remains of a train carriage at Vigus Stores.

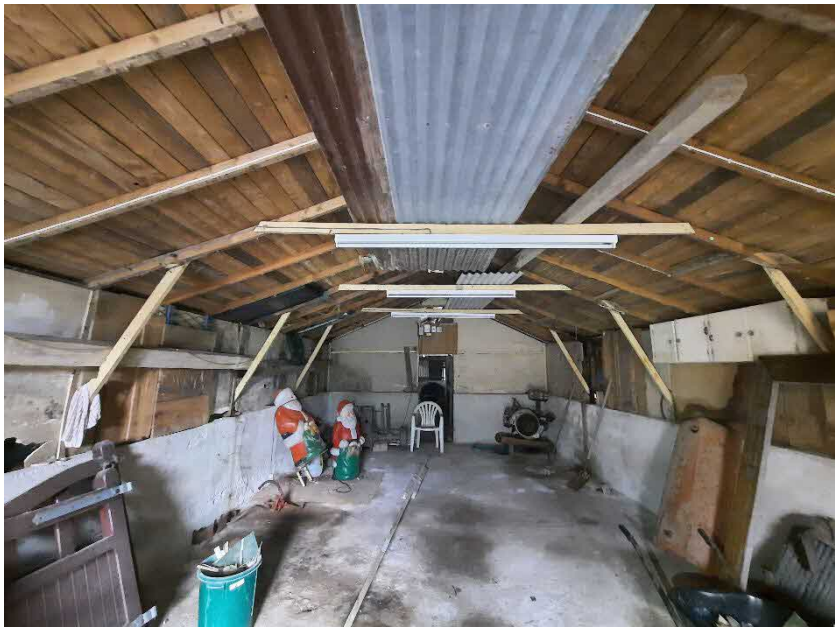

Figure 4: Interior view (towards east) of the timber garage at Vigus Stores, showing the unlined timber sheet roof and stored items.

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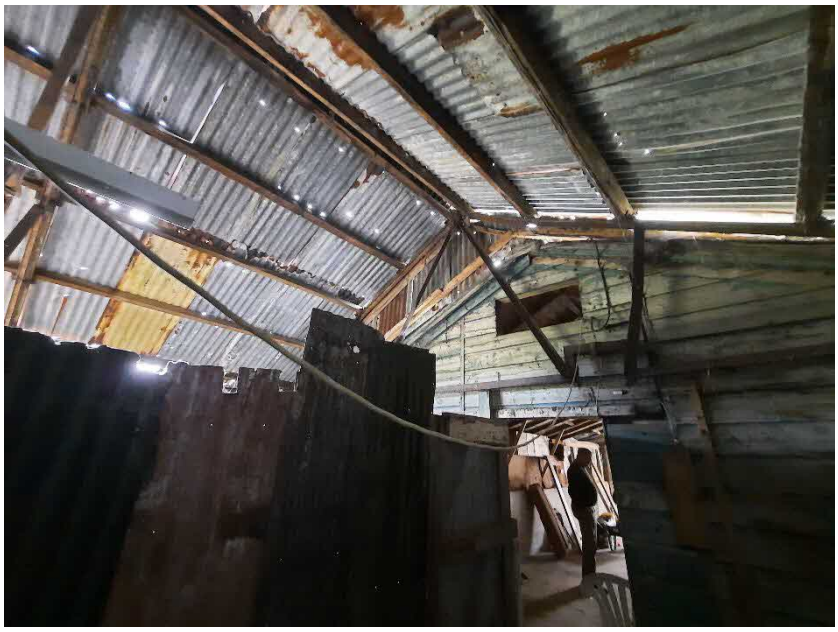

Figure 5: Interior view (towards west) of the corrugated extension to the east of the timber garage at Vigus Stores, showing the unlined corrugated metal sheet roof and timber partitions present.

Figure 6: Interior view (towards east) of the southern elevation of the workshop at Vigus Stores.

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Figure 7: Interior view (towards southeast) of the dilapidated section of the workshop at Vigus Stores.

3.3 Bird Assessment

No evidence of nesting birds was observed within the interior or on the exterior of the garage or workshop buildings at Vigus Stores. Vegetation was observed encroaching on much of the exterior of the buildings (Figs 1,6 & 8); this habitat has potential to support nesting birds between March and August/ September.

No evidence of barn owls using the garage or workshop was noted, and no suitable access points were present. The garage and workshop at Vigus Stores were assessed as being of negligible suitability for nesting, breeding or resting barn owls.

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Figure 8: View (towards north) of the vegetation encroaching much of the southeast corner of the workshop at Vigus Stores.

3.4 Invasive Non-Native Plant Species Survey

No invasive non-native plant species listed on Schedule 9, WCA, 1981 were recorded within the scrub or hedgerow habitat on-site (Figs 9-10).

One plant listed as injurious (harmful) under the Weeds Act (1959) was present within the scrub habitat on-site: broad-leaved dock (Rumex obtusifolius). Development of the site should include measures to control this species.

One additional non-native weed species, buddleia (Buddleja davidii), was recorded within the scrub habitat on-site. This species is not listed on Schedule 9 (WCA 1981) but does behave invasively and its eradication would be an opportunity to increase the biodiversity value of the site and help to prevent further spread to semi-natural habitats in the immediate vicinity.

Development of the site is unlikely to cause Schedule 9 Wildlife and Countryside Act (1981) invasive plant species to spread to the wild.

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Figure 9: View (towards south) of the site access showing a Cornish hedgerow on the site boundary.

Figure 10: View (towards north) of scrub habitat present within the site.

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4.0 Mitigation Recommendations

4.1 Bat Mitigation

Although no current evidence of roosting bats was found, absence cannot be assumed. A precautionary approach should be adopted during demolition of the buildings within the site. The building contractors should be made aware that bats can roost unseen within the building structures. In the unlikely event that a bat is uncovered during works, the bat must not be handled, and works must stop immediately (as soon as it is safe to do so). Advice must be sought from an experienced and licensed bat ecologist (Plan for Ecology Ltd: 01326 218839) or the Bat Conservation Trust (Tel: 0345 1300 228). In this scenario, it may be necessary to obtain a bat licence from Natural England before works are permitted to resume. See Section 1.3 for relevant legislation.

Further surveys for bats are not recommended as part of this assessment.

4.2 Bird Mitigation

No evidence of nesting birds, including barn owl, was found within the interior of the buildings. However, encroaching vegetation on the exterior of the buildings has potential to support nesting birds between March – August/September. The buildings were assessed as being of negligible suitability for barn owl.

Removal of vegetation encroaching on to the garage and workshop buildings must be undertaken between October and February, when birds will not be nesting, or, alternatively, preceded with a thorough search for nesting birds (to be undertaken by a suitably qualified person). If, during construction works, an active bird nest is uncovered, works within at least 5m of the nest must stop immediately (as soon as it is safe to do so) and delayed until nesting activity has ceased. Works are most likely to be delayed between April and July.

Further surveys for birds are not recommended as part of this assessment.

4.3 Invasive Plant Mitigation

No Invasive Non-Native plant species listed on Schedule 9 WCA, 1981 were found on-site. The proposed development is, therefore, unlikely to cause Schedule 9 WCA (1981) listed plant species to spread to the wild.

One plant listed as injurious (harmful) under the Weeds Act (1959) was present on-site: broad-leaved dock. Development of the site should include measures to control this species post-development. Control measures should comprise targeted weed control (i.e. seasonal mowing, pulling or herbicide application).

One additional non-native weed species, buddleia, was recorded within the site. This species is not listed on Schedule 9 (WCA 1981) but does behave invasively and its eradication would represent an opportunity to increase the biodiversity value of the site and help to prevent further spread to semi-natural habitats in the immediate vicinity.

4.4 Opportunities for Biodiversity Enhancement

Net gain is described as a measurable target(s) for development projects where impacts on biodiversity are outweighed by the mitigation hierarchy approach to first avoid, and then minimise, impact including through restoration and/ or compensation (Baker et al., 2019). Biodiversity net gain is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

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The biodiversity value of the site for roosting bats could be enhanced post-development by installing a bat box in a tree within the site. The biodiversity value of the site for nesting birds post-development could be enhanced by installing bird boxes within trees within the site or on the exterior of a container post development. The value of the site for invertebrates could be enhanced by installing bee bricks/ posts and/ or dead wood piles within the site. Plan for Ecology Ltd can provide detailed recommendations upon request. These recommendations are in accordance with the Cornwall Planning for Biodiversity Guide (Cornwall Council, 2018).

NB: suitable products are available from www.nhbs.com, www.wildcareshop.com and www.greenandblue.co.uk

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5.0 References

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6.0 Appendix 1: Site Proposals

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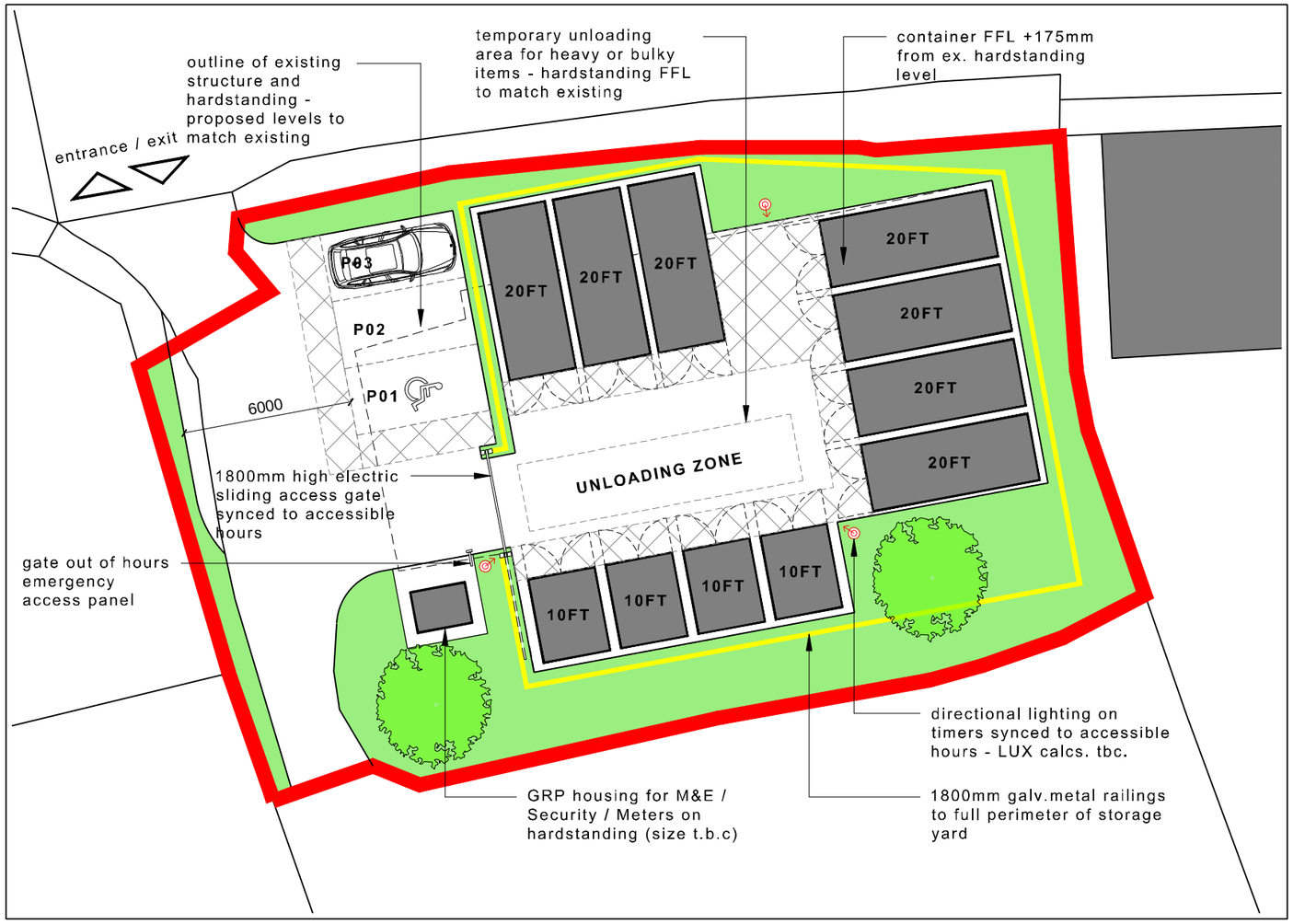


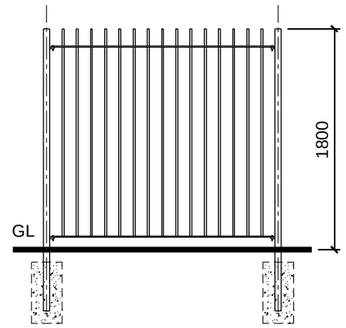
site plan - proposed (1:200)

0m 4m 8m 12m 16m 20m

N

Accommodation Schedule

Container size	Internal Floor Area	Internal Volume	Number	Total Area	Total Volume
20Ft	13.93m²	32.85m³	7	97.51m²	229.95m³
10Ft	6.69m²	15.83m³	4	26.76m²	63.32m³
Total			**11**	**124.27m²**	**293.27m³**



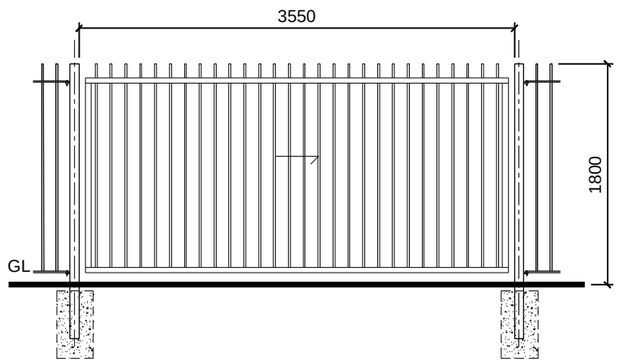
1800mm security fence

Note:
Railings to be galvanised after manufacture

Foundation sizes to be calculated to suit ground conditions

Note:
Railings to be galvanised after manufacture

Foundation sizes to be calculated to suit ground conditions



1800mm security gate (1:50)

revision ref. / notes	date
/ - Issued for Comment	26.06.23
A - Container FFL and fence / gate elevations added	24.07.23

PLANNING

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client:
Tredenham Charity Lands

project:
Proposed Demolition of Existing Structure and Siting of Storage Containers at Vigus Stores, Probus, TR2 4LP

drawing:
Site Plan - Proposed

drawn by: MC check by: XX

scale:	date:	paper size:
As Shown	06/2023	A3

job number:	drawing number:	rev:
32133	PL02	A