



No 44 Chatsworth Way
Carlyon Bay, Cornwall

Bat and Nesting Bird Visual Survey

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BE1022

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1. INTRODUCTION

It is proposed to extend No 44 Chatsworth Way, Carylon Bay, St Austell, Cornwall, PL25 3SN. The OS Grid reference of the site is SX0451651855.

Bright Environment Ltd was commissioned by James Lumb in September 2023 to carry out a visual bat and nesting bird survey to inform the planning application. Bats and nesting birds are legally protected (see Appendix 1).

2. METHODOLOGY

The survey methodology adopted follows the guidance given in 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (Collins, 2016) and 'Barn owl survey methodology and techniques for use in ecological assessment' (Shawyer, 2011). Impact assessment and mitigation follows the guidance provided by CIEEM (2018) and the 'Bat Mitigation Guidelines' (Mitchell-Jones, 2004).

2.1 Visual survey methodology

A visual survey of the building was carried out on 11th October 2023. During this the suitability of the building and surrounding habitats to support bats and nesting birds was assessed.

A detailed search of the interior and exterior of the building was carried out using a high powered torch to illuminate all areas thought suitable for bats and nesting birds. Any accessible cracks and crevices were investigated with the use of a torch and endoscope.

The survey involved looking for bats and nesting birds and for evidence of their use, including droppings, pellets, staining, liming, feathers and feeding remains. Survey details are shown in Table 1.

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.

Table 1 Survey details.

Date	Type of survey	Personnel - bat licence number	Weather conditions
11.10.23	Visual survey	Dr Janine Bright 2020-49235-CLS-CLS	Dry, calm, overcast. Temp 17C

3. SURVEY RESULTS

3.1 Habitat description

No 44 Chatsworth Way is within a residential area. There are mature trees nearby. The coastline is 180m to the south and grassland fields bound by a network of native species-rich Cornish are 200m to the southwest. These habitats provide good foraging opportunities for bats.

The dwelling is detached and two-storey. It is constructed of rendered concrete block. The roof covering is interlocking concrete tile. The rear roof slope has a bitumen felt whereas the front roof slope has a breathable membrane. There is a flat roof over an entrance porch and the attached garage. There is also a two-storey rear extension with a flat roof (see photographs 1 and 2).



Photograph 1. Front (north) elevation.



Photograph 2. Rear (south) elevation.

3.2 Visual bat survey results

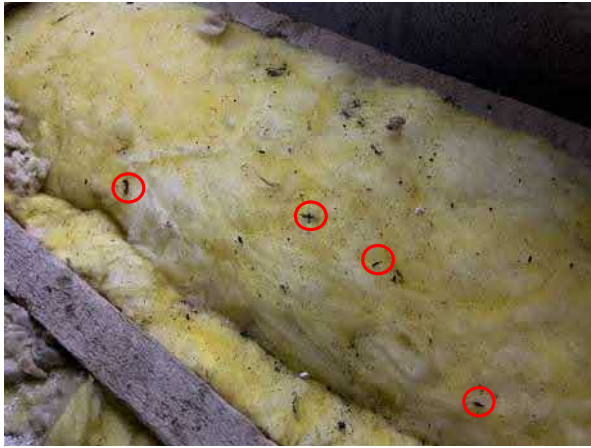
A search within the roof void identified bat droppings. There were approximately 10 bat droppings stuck to the concrete block near the apex of both gables (see photographs 3 and 4). The loft insulation appears to be relatively new and is laid over the old insulation. No bat droppings were seen on top of the newer insulation, but when lifted, a thin scattering of bat droppings were present on the old insulation (see photograph 5). The only potential bat access points observed from within the roof void where potential gaps near the chimneys at each gable. Here the felt was torn and potential gaps may exist around the chimney flashings and nearby tiles.



Photograph 3. Bat droppings on east gable.



Photograph 4. Bat droppings on west gable.



Photograph 5. Bat droppings on old insulation. Photograph 6. Potential bat access point at chimney.

A search around the outside of the property did not identify any potential bat access points. The building has tightly fitted plastic soffits and fascias (see photograph 7). The roof appears to be in good order and no potential bat access points were observed from the ground. The ends of the roof tiles are filled with cement.



Photograph 7. Tightly fitted plastic soffits.

3.3 Nesting bird survey results

No evidence of nesting birds was found at the time of the survey.

4. CONCLUSIONS AND RECOMMENDATIONS

Evidence of bats was found within the roof void. At the time of instruction, the proposal was to construct a two-storey extension on the west gable that would tie into the existing roof with a continuous ridgeline. This proposal would require further bat surveys at dusk to characterise the roost and inform a bat mitigation statement. This proposal would also have been subject to obtaining a European Protected Species (EPS) license once planning approval is granted.

Following the survey, the owner and architect have revised the proposal to avoid impacts on bats. The revised proposal is to construct a two-storey extension on the west gable that connects to the west gable below the soffits of the existing gable. There will be no impacts on the roof, soffits, the bat roost or potential bat access points. As these revised plans will not impact upon roosting bats there is no need for further survey or EPS licensing.

No evidence of nesting birds was found at the time of the survey. It is possible that birds could nest before the works commence. The nests and eggs of all wild birds are protected against taking, damage or destruction under the Wildlife and Countryside Act 1981. If the works are to be carried out within the bird breeding season (March to September) the building should be searched for nesting birds. If nesting birds are present and likely to be disturbed, works should not commence until dependant young have fledged. Further advice can be sought from Bright Environment Ltd (Tel 07974 204078) or Natural England (Tel 0300 0602544).

As ecological features can change over time it is recommended that this report is valid until November 2024.

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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 nesting 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.