# RETIREMENT VILLAGES

PRELIMINARY ROOST & NEST ASSESSMENT ESL LIMITED JUNE 2023



Preliminary Roost & Nest Assessment PRNA

Site Location

Roseland Parc 23 Fore Street Tregony Cornwall TR2 5PD

SW 92719 45008





## **Contract Details**

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Report ref:	PRNA_Roseland Parc_May 20	)23
Date of Survey & Report Expiry	11 <sup>th</sup> May 2023	11 <sup>th</sup> May 2024
Other report ref. if applicable:	BES_Roseland Parc_July 2023	3
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#### Notice

Ecological Surveys Limited was commissioned to undertake an Internal / External Bat and Protected Species Scoping Survey of the above site proposed for development. This report details the results and conclusions of this survey. The results of this survey are deemed to be valid for 12 months from date of survey. If development works are to be carried out after this time has elapsed, an updated survey will be required.

This survey was undertaken with all proper and reasonable skill and care in a professional manner and in accordance with accepted standards, methodologies and guidelines. This report is based on the evidence recorded at the site at the time of the survey. The information gathered is considered sufficient to provide an assessment of the ecological interest on the site and justify the recommendations provided in this report.

Refer to <u>Appendix 1: Legislation Bat and Bird Species</u> for details of Bat and Bird Law and Legislation and <u>http://www.nwcu.police.uk/</u> regarding avoiding committing wildlife crime.



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## Executive Summary of Findings

#### A) Bats

#### BATS: - Legislative Context England & Wales

The developer must comply with the legal protection of onsite & offsite protected habitats & species. All bat species, their breeding sites and resting places are fully protected by law . Habitats Regulations (transposing the EC habitats Directive: Conservation of Habitats and Species regulations 2010 (as amended) & Wildlife & Countryside Act 1981 (as amended)

#### Structure

Roseland Parc. Detached manor.

	nfirmed Bat Roost? ect evidence – droppings.	Suitability for Roosting Bats? YES – several ingress features.
Building Assessment Criteria	<b>Confirmed Roost</b> Building found to contain conclusive evidence of occupation by bats, such as bat droppings.	
Commuting and Foraging:MODERATE: - Habitat located adjacent to and in the vicinity of a copse- hedgerows and trees – it's a small island of greenery within an urban settle A known bat roost lies to the north (confirmed by neighbour – bat boxes/t located on the structure). Habitat further afield becomes rural and agricultural.		hall island of greenery within an urban settlement. Forth (confirmed by neighbour – bat boxes/tiles are
Assessment	to the features identified a requirement:	redesign the project to AVOID ALL & ANY impacts s offering roosting value, the following is a Surveys Required: - Assessed as a Confirmed
Mitigation	<ul> <li>species.</li> <li>All features associated with the until the results of the Bat Eme This includes: - ALL features ALL features offering free</li> <li>Neither the developer N seal, fix, modify, install limited to:</li> <li>Exterior – tiles, lead flag</li> </ul>	ures offering crawl space for crevice dwelling bats.



	Interior: - ceilings, void - insulation, lining, supports, ridge beams.
Enhancement	The developer must comply with local policy for enhancing the site for protected species, post construction.
	<ul> <li>Unless the external habitat is of poor value – the client will be required to enhance the site for bat.</li> </ul>

DEVELOPER Acting Agent Responsibilities	The findings within this PRNA report are not sufficient to obtain planning permission for proposed works as unmitigated or unlicenced works might impact a potential bat roost causing either disturbance/harm or death to bats within, thus breaking the law.
	The client/developer/acting agent must commission the required Bat Emergence Surveys. Surveys proceed between mid-May to September, but further restrictions may apply. Refer to <u>Appendix 4.</u> Early booking with your acting agent/ecologist is essential.
	Refer to Appendix 1: Legislation Bat and Bird Species for details of Bat and Bird Law and Legislation and http://www.nwcu.police.uk/ regarding avoiding committing wildlife crime.

#### B) Birds

#### **BIRDS - Legislative Context**

Wild birds, their nests &young are protected throughout England & Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. Legislation applies to all bird species, common & rare.

Structure Roseland Parc- detached manor.	Confirmed Nesting NO	Suitability for Nesting NONE OR NEGLIGIBLE
Mitigation/ Advisory	Although birds are not associated with this structure, if they become so, the developer and ANY other associated agencies must comply with the legal protection of birds.	
Next Step	Any further action is pending the Survey	results of the Bat Emergence



## C) Additional Protected Species/Habitats

Habitat/Species	PRESENT – mature trees in small woodland.
Mitigation	Works are not intended to cause impact to the trees onsite. If at any time, the roost area of any of the trees will be impacted, a reappraisal must be undertaken and an assessment of the Root Protection Areas of the trees in the closest vicinity might need to be calculated in order to ascertain appropriate exclusion zone distances from the development. Impact Avoidance During the Construction Phases (Good Practice) must be employed.
Advisory	If the presence of further protected species is suspected prior to works proceeding where disturbance, harm or death might occur owing to the proposed works, consultation with the acting ecologist is imperative to prevent a potential Wildlife Offence.
Further Surveys	N/A

## Survey Objectives

The survey specifically aimed to identify the following:

- ✓ The presence of, or past use of the site by, any species of bat.
- ✓ The presence of, or past use of the site by, barn owl, or other nesting birds.
- ✓ The site's potential for use by any of the above.
- $\checkmark$  Any other ecological issues relating to the proposal.

## Methodology

## Internal & External Inspection

The aim of the survey was to assess levels of usage of specific structures or potential for usage by bats and birds through the presence of actual animals or their field signs. The survey was conducted with the aid of head and hand-held torches, an endoscope, close-range binocular/monocular, Batbox Duet and a digital camera. Images and samples (where available) were taken for supporting evidence.

## Interior

The interior spaces were checked for light ingress and access points for bats and birds. Bat droppings, insect prey remains, urine stains, oil stains from bats repeatedly moving over a small area and polishing the surface and the potential presence of bats either dead or alive was considered. Bird droppings, whitewash, pellets, nesting materials, birds, dead or alive, and potential for nesting was considered, including areas hidden from sight.



#### Exterior

The building exteriors were searched visually using binoculars or a close range monocular and photographed with a digital zoom camera for field evidence of bats or birds, with particular attention being paid to sheltered areas such as window ledges and pipes where bat/bird droppings might lie undisturbed from the weather and areas hidden from sight.

#### Constraints

There were perceived constraints to the survey of the dwelling, with not all roof elevations visible from the ground. Much of the eastern and internal western aspects were not visible during the external inspection. In addition, aspects of the southern aspect roof area were obscured by its height. Internal and external surfaces were inspected, however, in the greatest detail possible and assessment made of the roof structure.

The survey effort was considered sufficient to draw appropriate conclusions. It took into account the time of year (optimal period is April – September) and likely availability of evidence, with appropriate emphasis on suitable roosting or nesting conditions, opportunities for potential access through ingress points, free-flight, crawl spaces externally and internally, and features that may have been hidden from full view.



Site Location



#### Assessment of adjacent and surrounding habitat.

The structure surveyed is not located within or adjacent to any significant land or marine designations whose value could be reduced by the development, or which could not be mitigated for appropriately onsite.

Habitats comprise urban residential in the immediate vicinity, however, rural features surround on each orientation, which are generally suited to foraging and commuting bats and birds.

Building / Structure Descriptions

The buildings were assessed against the criteria laid out in Appendix 3: Assessing the Potential Value for Buildings.

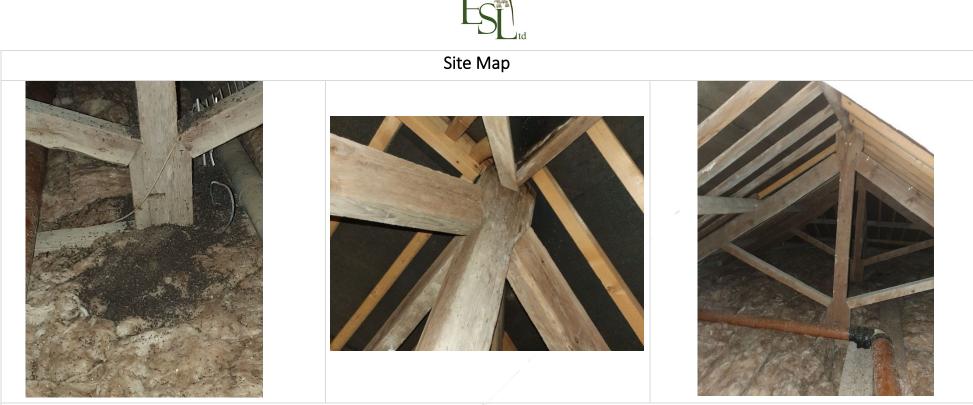
A Flat roof modern extension. No void, negligible potential for bats / birds.

B Pitched (asbestos) slate roof. Bitumen lining and fibre glass insulation. No evidence of bats / birds and negligible potential. C Pitched (asbestos) slate roof. Bitumen lining and fibre glass insulation. No evidence of bats / birds and negligible potential D Pitched (asbestos) slate roof. Bitumen lining and fibre glass insulation. No evidence of bats / birds and negligible potential E Flat roof which is partially slate hung to correct the difference in levels between the various component parts of the building which meet at this point. No void, negligible potential for bats / birds

F Flat roof, No void, negligible potential for bats / birds G Natural Stone under a natural slate roof – Bitumen Felt and Fibre Glass insulation. Roosting evidence in the form of droppings and scratching sounds from bats under the felt. Multiple ingress points under ridge tiles and broken / missing slates. Southern aspect not clearly visible from the ground. Much of the eastern and internal (western) aspects not visible from the ground.

H Natural Stone under a natural slate roof – Bitumen Felt and Fibre Glass insulation. Roosting evidence in the form of droppings and scratching sounds from bats under the felt. Multiple ingress points under ridge tiles and broken / missing slates. Southern aspect not clearly visible from the ground.





Digital evidence illustrating: - concentration of droppings under converging rafters & converging rafters.

Bitumen and insulation.







Proposed Site Works/Development and Assessed Impact

The LPA must consult the associated planning documents submitted to ensure the understanding of the impact of the works within this report reflects that submitted as the final Illustrated Proposal of Works.

**Results and Assessment** 

#### A) Rationale: Bats

Most of the UK species are crevice dwelling. The term "crevice-dweller" is used to describe bat species that often utilise small crevices for roosting, only needing a gap the size of an adult thumb and smaller, within which to roost. They commonly crawl up into these features. Bats are commonly found in houses including but not limited to beneath barge boards, up onto wall tops, into cavity walls, under roof tiles, under the ridge through gaps in the mortar, under hanging tile. If these features are being removed, replaced or made inaccessible to bats during the development work and bats are found to be using these features, then compensation within the new fascia, soffit or bargeboard should be implemented.

Bat species also utilise the timbers within a void/or barn. Some require flight space within and to leave the roost, others need flight space to actually enter the roost.

Therefore, the building exteriors were searched visually using binoculars or a close range monocular for evidence of bats, where considered necessary, with particular attention being paid to sheltered areas such as window ledges and pipes where bat droppings might lie undisturbed from the weather and areas hidden from sight.

The interior spaces were checked for light ingress and access points for bats. Bat droppings, insect prey remains, urine stains, oil stains from bats repeatedly moving over a small area and polishing the surface and the potential presence of bats either dead or alive was considered including areas hidden from sight.

The assessment concluded that direct evidence was recorded.

Ingress points were recorded throughout areas labelled as G, H, I, which might be the roosting site or be a conduit to the roost site for crevice dwelling bats in a concealed location. These included multiple ingress points under ridge tiles and broken / missing slates and gaps beneath barges.

Constraints exist for determining the full potential of this building to offer roosting for bats as access to the full extent of the structure was not possible.

Potential for roosting or roosting or nesting features might exist and be hidden.

#### Predicted Impact to Habitat/Species

Unmitigated works which include impact to the roof and its associated features might impact upon a bat roost or ingress used by bats to access a roost.

The status of bats and their access must be determined in order that the developer can

- comply with the law for the protection of this species
   Or
- choose to avoid impact through the design of the works where possible OR



- Apply mitigation for the protection of bats, their ingress and their roost under a licence – where bats are found to be present.

#### Phase 2 Survey

**Bats:** Emergence Surveys will be required where present and/or future works disturb/damage/modify/destroy the features considered to offer bat roosting potential and could potentially cause disturbance/harm or death to bats.

#### Emergence Surveys Required

- <u>3 Bat Emergence Surveys ARE required</u> (as per the Good Practice Guidelines in Collins, 2016)
- If sufficient data can be collected over two visits, Natural England may consider this adequate to issue EPS licences.

## It is the client's responsibility to ensure that these Bat Emergence/Re-entry Surveys are commissioned and are undertaken.

Emergence/Re-entry Surveys can only be undertaken between May and August each year. It may be possible for surveys to extend into September too. It is never too soon to arrange emergence/reentry surveys, even if they cannot be undertaken for several months. This is because the emergence survey season, in particular May and June, are usually exceptionally busy for bat surveyors.

#### B) Rationale: Birds

Bird droppings, whitewash, pellets, nesting materials, birds, dead or alive, and potential for nesting was considered. No evidence of past nesting/present nesting/active nesting exists.

## Predicted Impact

Whilst no nests were recorded, it is possible for a nest to be established in future nesting seasons. Active bird nests, irrespective of species are protected by law. Works cannot take place until nestlings have fledged, and the nest is no longer in use. If birds nest prior to or during development works, and this nest will be impacted by the proposal, work must cease until all chicks have fledged and flown and/or nesting has ceased.

#### Phase 2 Survey: Birds

- Further Bird Surveys are not required.

## C) Further Habitats and Species.

Where the immediate surrounding habitat of the site might be impacted by the proposed development works, consideration must be given of this habitat for its potential to support protected species or whether the habitat itself is protected or of significance.

#### Predicted Impact to Habitat/Species.

- No further habitats or species are considered to be at risk of impact by this proposal.



## Mitigation

Under the National Planning Policy Framework (NPPF), Local Planning Authorities (LPAs) 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). Local Planning Authorities will seek to produce a net gain in biodiversity by requiring developers to design wildlife into their plans and to ensure that any unavoidable impacts are appropriately mitigated for. Mitigation is the process of replacing any ecological / biodiversity losses because of development. LPA 'Building Control' will ensure that Mitigation / Enhancement measures have been implemented as per recommendations.

#### **Bat Mitigation**

Although direct evidence of bats has not yet been established – bats could be present and concealed. Therefore, the developer must now comply with the legal protection of onsite protected *species as if they were present*.

- All features associated with the possible occupation of bats must now be retained until the results of the Bat Emergence Surveys are known.
   This includes: ALL features offering crawl space for crevice dwelling bats. ALL features offering free flight.
- Neither the developer NOR ANY OTHER associated agencies are to block, seal, fix, modify, install new features, remove features, including but not limited to:
   Exterior tiles, lead flashing, chimney, fascia, soffits, barge boards, gaps in masonry, cracks, hanging tiles, window lintels, windows or frames.

Interior: - ceilings, void - insulation, lining, supports, ridge beams.

Where bats are recorded as present within the structure during the required emergence surveys, the developer will then be advised of the required mitigation process for the protection from disturbance, harm or death of bats and through the subsequent licence which will legitimize the destruction/damage or modification of their roost.

#### **Bird Mitigation**

It is possible that bird nests could also be newly established in association with this site during future, bird nesting seasons. The bird nesting season generally extends from March to August inclusive. Although, depending upon the species, geographical area and the weather conditions, nesting can extend outside this period and it is the nesting behaviour that must be observed, not the supposed time frame, as collared doves (*Streptopelia decaocto*) and barn owls (*Tyto alba*) have been observed to nest in every month of the year. All British birds and their nests are protected whilst in use; therefore, if a nest is found during construction work, all activity must cease within proximity and ecological advice (Tel: 01503 240846 or 07736 458609) sought immediately.



#### Impact Avoidance During the Construction Phase

All activities on site should bear in mind the potential for wildlife or the environment being harmed through the process of development from inception to end, with a proactive approach occurring for lawful protection of wildlife and the environment regarding use of materials, machines, chemicals, and human activity on site.

- Prevent invasive non-native plants on development land managed during this time from spreading into the wild or a neighbour's property and causing a nuisance.
- Restrictions apply to mulching and earth moving which may cause the spread of invasive nonnative plants and animals.
- > Restrictions apply to activities that cause the spread of non-native animals into the wild.
- Contractors must ensure that no harm can come to wildlife by maintaining the site efficiently, clearing away any material such as wire in which animals can become entangled and preventing access to toxic substances.
- ✓ Trenches or large excavations should be covered overnight to prevent wildlife such as badgers or hedgehogs falling in and failing to escape. If this is not possible then a strategically placed plank may provide a means of escape.
- ✓ Any large bore pipes should be capped at the end of the day to reduce the potential for badgers and other wildlife entering and becoming trapped.
- ✓ Areas that are being retained should be protected from damage during construction by erecting Heras (or similar) fencing around these features. The fencing should be erected outside the line of the canopy as this helps protect the roots from compaction of the soil.
- ✓ Any areas proposed for planting post-development should be fenced off where possible to prevent compaction of the soil through vehicle movements.
- ✓ If there is a substantial delay before development commences, the site should be maintained in a way that would prevent wildlife colonising it and causing constraints in the future. Such management should include mowing grassland at least twice a year and preventing scrub encroachment.
- ✓ Piles of brush wood and or log piles should be carefully inspected for signs of wildlife prior to their removal. This is especially crucial during the period March – September (inclusive) as some species of bird choose such sites to construct their nests. Ideally removal of such features should be done outside of the nesting season. If this is not possible, it is recommended that these features are covered in such a way as to exclude / prevent birds and / or reptiles taking up residence. Should nesting birds or reptiles be discovered, work must cease immediately, and ecological advice sought.
- ✓ All hedgerows / trees / shrubs removal should be done outside of the bird nesting season March – September (inclusive). If removal is not possible during this period, careful checks of such, must be conducted by a suitably experienced ecologist prior to works commencing.



## Enhancement

The National Planning Policy Framework (NPPF) sets out the UK Government's national policies on enhancement of biodiversity and promotion of ecosystem services through the planning system. Under NPPF, Local Planning Authorities (LPAs) 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). LPAs will therefore seek to produce a net gain in biodiversity by requiring developers to design wildlife into their plans and to ensure that any unavoidable impacts are appropriately mitigated for. As a minimum LPAs now expect any new structure to include bat roost or bird nesting provision.

#### Site Enhancement

<u>Specific Enhancement</u> for the site overall will be determined post Bat Emergence/Re-entry Survey Results and detailed within the final Bat Emergence/Re-entry Survey Report. Enhancement will therefore be specific and responsive as to whether birds and bats or other require additional support.



## Conclusions

The presence of bats has been established/proven at the point of the Preliminary Roost and Nest Survey. The PRNA survey has determined that to proceed with unmitigated works might cause disturbance harm or death to bats. The developer is required to follow legislation for the protection of species onsite.

The findings within this PRNA report are not sufficient to obtain planning permission for proposed works as the status for the presence/absence of bats must be appropriately ascertained. Works are prohibited that would otherwise cause any roosting features to be lost in the interim.

The developer is breaking the law if they do certain things including:

- deliberately capture, injure or kill bats
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places
- possess, sell, control or transport live or dead bats, or parts of them

- intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection Either or both of the following could happen where found guilty of any offences:

- Sent to prison for up to 6 months
- An unlimited fine

Bat Emergence/Re-entry Surveys are required to ensure appropriate mitigation is put in place for their ongoing protection.

Mitigation cannot be properly determined for bats until the results of the Bat Emergence/Re-entry Surveys are known and have been fully reported and assessed.

There are presently no confirmed nesting habitats for birds within or upon these structures that would be lost to the development of this site and therefore mitigation for birds is not required. However, there is always some potential for birds to nest.

If birds nest upon the structures, work cannot commence or continue until nesting/fledging has completed. Refer to the advisory within <u>Bird Mitigation</u>.

Enhancement for this site will be reserved until all further surveys are concluded with results known and assessed. The results will determine appropriate enhancements for the site overall and give due regard to both bats and birds and/or other species. Enhancement / Mitigation may be subject to Conditioning within any granting of Planning Permission.

LPA 'Building Control' will ensure that Mitigation / Enhancement measures have been implemented as per recommendations.

It should be noted it is possible that bats may on occasion utilise restricted and concealed spaces, such as upon wall tops, within deeper cracks or crevices or even within wall cavities of a structure



with their subsequent field signs remaining concealed. Therefore, it is always possible that bat roosts/roosting locations may remain unidentified. Bird locations and access are usually less concealed, however, in each instance of bats and birds, 'Good Practice' which abides by law and legislation must always be applied prior to and throughout the development procedure. It is also possible that any alteration to the structure or structures on site, might render an unsuitable structure, suitable. Examples could include storm damage or partial completion of works which create opportunities for bats or birds to enter a structure.

Please refer to client/agent personal responsibilities: <u>Appendix 1: Legislation Bat and Bird Species</u>, <u>Mitigation and Enhancement</u>.



## References

- Battersby, J. (Edited and compiled; 2005). *UK Mammals: Species Status and Population Trends*. JNCC/Tracking Mammals Partnership 2005. ISBN 1-86107-568-5 <a href="http://www.jncc.gov.uk/page-3311">http://www.jncc.gov.uk/page-3311</a>.
- Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3<sup>rd</sup> edn). The Bat Conservation Trust, London.
- Conservation of Habitats & Species Regulations 2010. HMSO.
- Cornwall Planning for Biodiversity Guide (2018)
   <u>https://www.cornwall.gov.uk/media/35514048/biodiversity-spd-v7.pdf</u>
- Countryside and Rights of Way Act 2000. HMSO.
- http://naturalengland.communisis.com/naturalenglandshop/docs/IN13.6.pdf.
- Mitchell-Jones A.J. & Mcleish A.P. (2004). *The Bat Workers Manual*, 3<sup>rd</sup> Edition. Joint Nature Conservation Committee, Peterborough. <u>http://www.jncc.gov.uk/page-2861.</u>
- Mitchell-Jones, A.J. (2004). *Bat Mitigation Guidelines*, English Nature, Peterborough.
- Purbeck Technical Design Guidance Bats and Birds, 2014.
- UK Biodiversity Action Plan. <u>www.ukbap.org/uk.</u>
- Waring, S. (2012). *Bats & Breathable Roofing Membranes*. University of Reading. <u>www.batsandbrms.co.uk.</u>
- Wildlife & Countryside Act 1981, as amended. HMSO.



## Appendices

#### Appendix 1: Legislation Bat and Bird Species Bats

All bat species and their roosts are legally protected in the UK. All bats are listed as European protected species of animals in the European Union's Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as the Habitats Directive. This Directive is implemented in the UK by The Conservation of Habitats and Species Regulations 2010 (better known as the Habitats Regulations).

There is also some protection for bats and roosts in England and Wales under the Wildlife & Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). For practical purposes, the protection of bats and their roosts now falls mostly under the Habitats Regulations.

In summary, it is an offence to

- Deliberately, capture, injure or kill a bat.
- Deliberately, disturb in a way that would significantly affect their local distribution or abundance, or affect their ability to survive, breed or rear young.
- Damage or destroy a roost (this is an 'absolute' offence).
- Possess, control, transport, sell, exchange or offer for sale/exchange any live or dead bat or any part of a bat.

('Deliberately' may be interpreted as someone who, although not intending to injure, kill, etc. performed the relevant action, being sufficiently informed and aware of the consequences their action will probably have.)

A person who needs to carry out actions that would result in an offence being committed should apply for a derogation licence from Natural England. They have powers to grant Habitats Regulations derogation licences in certain circumstances, for certain reasons and with certain terms attached, so that the licence holder remains within the law. Application for a derogation licence should be made in plenty of time, and the services of a bat expert utilised in making the application. It is an offence to make a false statement to obtain such a licence.

This information is not provided as legal advice and before making decisions relating to the law a qualified legal representative should be consulted.

#### Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare. In addition to the protection afforded to all wild birds, rarer or particularly vulnerable species



listed on Schedule 1 of the 1981 Act, such as the barn owl, receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

If nests, whether completed or in the process of being built, are found on site, any works with the potential to damage or destroy the nest, eggs or young birds, must stop until the birds have completed breeding. This includes any activity that could potentially cause an adult bird to desert the nest resulting in death or egg failure. Nesting sites should be inspected only by experienced ecologists.

Any disturbance of a breeding bird listed on Schedule 1 is an offence, regardless of whether this impacts upon the breeding attempt. These nests can only be visited by an ecologist with a licence for the specific species concerned.

Birds may nest on machinery or scaffolding and other temporary site structures. If this happens the equipment cannot be used until the birds have finished nesting and such areas may need to be sealed off to prevent disturbance.

Breaking the law can lead to fines of up to £5000 per offence and potential prison sentences of up to six months. Vehicles implicated in an offence can be compounded and both the company, and/or the individual(s) concerned, can be held liable.



## Appendix 2: Bat Scoping Triggers.

A Bat Survey is ordinarily triggered when there is to be:

Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial and derelict buildings) which are:

- Agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams.
- Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water.
- Pre-1960 detached buildings and structures within 200m of woodland and/or water.
- Pre-1914 buildings within 400m of woodland and/or water.
- Pre-1914 buildings with gable ends or slate roofs, regardless of location.
- Located within, or immediately adjacent to woodland and/or immediately adjacent to water.
- Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost assessment, the site appears to be particularly suited to bats.
- At the behest of the LPA / County Ecologist.
- Further details of other triggers can be found below.

## Development and Planning Trigger for Bat Surveys

Development and planning trigger list for bat surveys, which can be adapted to local circumstances (taken from the Association for Local Government Ecologists (ALGE) template for biodiversity and geological conservation validation checklists 2007, available from http://alge.org.uk/publication/index.php).

- (1) Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:
  - Agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;
  - Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;
  - > Pre-1960 detached buildings and structures within 200m of woodland and/or water;
  - Pre-1914 buildings within 400m of woodland and/or water;
  - > Pre-1914 buildings with gable ends or slate roofs, regardless of location;
  - Located within, or immediately adjacent to woodland and/or immediately adjacent to water;
  - Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost assessment, the site appears to be particularly suited to bats.
- (2) Development affecting built structures:
  - Tunnels, mines, kilns, ice-houses, adits, military fortifications, air-raid shelters, cellars and similar underground ducts and structures; unused industrial chimneys that are unlined and brick/stone construction;
  - > Bridge structures, aqueducts and viaduct (especially over water and wet ground).

(3)		Floodlighting of
	$\triangleright$	Churches and list buildings, green space (e.g. sports pitches) within 50m of woodland,
		water, field hedgerows or lines of trees with connectivity to woodland or water;
	≻	Any building meeting the criteria listed in (1) above.
(4)		Felling, removal or lopping of:
	$\triangleright$	Woodland;
	$\triangleright$	Field hedgerows and/or lines of trees with connectivity to woodland or water bodies;
	$\triangleright$	Old and veteran trees that are more than 100 years old;
	$\triangleright$	Mature trees with obvious holes, cracks or cavities, or that are covered with mature ivy
		(including large dead trees).
(5)		Proposals affecting water bodies:
		In or within 200m of rivers, streams, canals, lakes, reed beds or other aquatic habitats.
(6)		Proposal located in or immediately adjacent to:
	$\triangleright$	Quarries or gravel pit;
	۶	Natural cliff faces and rock outcrops with crevices or caves and swallets.
(7)		Proposals for wind farm developments
	$\triangleright$	of multiple wind turbines and single wind turbines (depending on the size and location)
		(NE TIN 051 – undergoing updates at the time of writing)
(8)		All proposals in sites where bats are known to be present <sup>1</sup>
	۶	This may include proposed development affecting any type of buildings, structures,
		features or location.
Note	s:	
	1	: Where sites are of international importance to bats, they may be designated as SACs.
	۵	Developers of large sites 5-10km away from such SACs may be required to undertake a
	F	IRA.

Est



#### Appendix 3: Assessing the Potential Value for Buildings Classification Criteria

It should be noted that the grading system below only reports on the situation at the time of survey; should bat activity levels change after the initial survey, or should the buildings be modified (for example if roof tiles are removed or facia boards develop cracks), the category may need revision. Please note: Intermediate categories (e.g. Low – Moderate value) may apply.

Category (Potential value)	Description
No/Negligible value	Buildings with no or very few features capable of supporting roosting bats. Often buildings are of 'sound' well- sealed structure or have a single skin and no roof void. They tend to have high interior light-levels, and little or no insulation. Buildings without any roofs may also fall into this category.
Low value	Buildings of largely unsuitable construction, but with few features of potential value to bats (e.g. gaps above windows, apparently shallow crevices). No supporting evidence (e.g. droppings / staining) found. Buildings may be surrounded by poor or sub-optimal bat foraging habitat, as is often the case in urban-centre locations.
Moderate value	Buildings usually of brick or stone construction with a number of features of obvious potential value to roosting bats e.g. loose roof / ridge tiles, gaps in brickwork, gaps under fascia boards, and/or warm sealed roof-spaces with under-felt.
High value	Buildings with a large number of features of obvious potential value to bats (as above). Bats may be suspected to roost within the building (at least at certain times of year), but no supporting evidence found.
Confirmed roost	Bats discovered roosting within the building or recorded emerging from / entering the building at dusk and / or dawn. Building found to contain conclusive evidence of occupation by bats, such as bat droppings. A confirmed record (as supplied by an established source such as the local bat group) would also apply to this category.



## Appendix 4: BCT Emergence Survey Guidelines (Collins, 2016)

The full version of the 2016 BCT guidelines can be obtained via the Bat Conservation Trust <u>http://www.bats.org.uk/pages/batsurveyguide.html.</u>

Bat Emergence Survey Requirements		
Extracted from	Extracted from - Table 7.3 & 7.1 BCT Recommended Minimum Survey	
Low roost suitability	Moderate roost Suitability	High / Confirmed roost suitability
One Survey visit – One dusk or dawn re-entry survey	Two separate survey visits – One dusk and one dawn re- entry survey	Three separate survey visits – at least one must be a dawn re-entry and one a dusk emergence, the other can be either.

Structures that have been categorized as low potential can be problematic and the number of surveys required should be judged on a case by case basis. If there is a possibility that quiet-calling late-emerging species are present, then a dawn survey may be more appropriate, providing weather conditions are suitable. In some cases, more than one survey may be needed, particularly where there are several buildings in this category.

Multiple survey visits should be spread out to sample as much of the recommended survey period as possible, it is recommended that surveys are spaced at least two weeks apart, preferably more. A dawn survey immediately after a dusk one is considered only one visit.

#### EMERGENCE – RE-ENTRY Survey Dates

May to August		May to September	May to September
	(structures)	With at least one between May	With at least two, between May and
	No further survey	and August	August
	required (trees)		

September surveys are both weather and location dependent. Conditions may become unsuitable in these months, particularly in more northerly latitudes, which may reduce the length of the survey season. Multiple survey visits should be spread out as much as possible; it is recommended that surveys are spaced at least two weeks apart, preferably more, unless there are specific ecological reasons for the surveys to be closer together (for example a more accurate count of a maternity colony is required but it is likely that the colony will soon disperse) if there is potential for a maternity colony then consideration must be given to detectability. A survey on 31<sup>st</sup> August followed by a mid-September survey is unlikely to pick up a maternity colony. An ecologist should use their professional judgement to design the most appropriate survey regime.



## Appendix 5: Bat Species

1	Alcathoe	Myotis alcathoe
2	Barbastelle	Barbastella barbastellus
3	Bechstein's bat	Myotis bechsteinii
4	Brandt's bat	Myotis brandtii
5	Brown long-eared bat	Plecotus auritus
6	Common pipistrelle	Pipistrellus pipistrellus
7	Daubenton's bat	Myotis daubentonii
8	Greater horseshoe bat	Rhinolophus ferrumequinum
9	Greater mouse-eared bat	Myotis myotis
10	Grey long-eared bat	Plecotus austriacus
11	Leisler's bat	Nyctalus leisleri
12	Lesser horseshoe bat	Rhinolophus hipposideros
13	Nathusius' pipistrelle	Pipistrellus nathusii
14	Natterer's bat	Myotis nattereri
15	Noctule	Nyctalus noctula
16	Serotine	Eptesicus serotinus
17	Soprano pipistrelle	Pipistrellus pygmaeus
18	Whiskered bat	Myotis mystacinus



#### Appendix 6: Bat Roost Warning Sign

Please print off the below and attached it to any loft hatches or other human access points into a known bat roost.

