



Merry Hall
Gorran Haven, Cornwall

Bat and Nesting Bird Visual Survey

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BE1058

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For:
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1. INTRODUCTION

It is proposed to demolish the dwelling Merry Hall and its outbuildings and construct a replacement dwelling and detached garage. The address of the site is Merry Hall, Portheast Way, Gorran Haven, Cornwall, PL26 6JA. The OS Grid reference of the site is SX 00597 41752.

Bright Environment Ltd was commissioned by Vicky Bunny in November 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, 2023) 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 buildings was carried out on 19th November 2023. During this the suitability of the buildings and surrounding habitats to support bats and nesting birds was assessed. The survey area was defined as the detached dwelling and the outbuildings to be demolished.

A detailed search of the interior and exterior of the buildings 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, 2023) 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
19.11.23	Visual survey	Dr Janine Bright 2020-49235-CLS-CLS	Light rain, calm, full cloud. Temp 12C

3. SURVEY RESULTS

3.1 Habitat description

Merry Hall is within a residential area with garden shrubs and trees nearby. The wider countryside is within 120m, and this landscape is dominated by mixed agriculture whereby the fields are bound by a network of native species-rich Cornish hedgerows. These habitats provide good foraging opportunities for bats.

Merry Hall is a detached bungalow. It is constructed of rendered concrete block. It has a pitched gable roof. The roof covering is pressed cement fibre tile with clay ridge tiles with no roof membrane. There is a large accessible roof void. See photographs 1-3.



Photograph 1. North and west elevations.



Photograph 2. South elevation.



Photograph 3. Loft space.

The outbuildings to be demolished comprise a double garage with extensions to the east and south. They are constructed of rendered concrete block. The roof coverings are corrugated cement fibre sheets. The floor is concrete. See photographs 4 and 5.



Photograph 4. South & east elevations of outbuildings. Photograph 5. North elevation of outbuilding.

3.2 Visual bat survey results

No evidence of bats was found within the roof void of the dwelling. There is no membrane present so the underside of the roof tiles could be seen.

A search around the outside of the dwelling did not identify any potential bat access points. The render is tightly fitted to the underside of the roof tiles (see photograph 6) at the gables. At the eaves there are plastic soffits that are tightly fitted to the render. There are no lifted roof tiles or gaps under the ridge tiles.

The dwelling has been assessed as having negligible potential as a bat roost.

The outbuildings are simple structures, where all potential bat roost areas could be searched. It was possible to carry out a thorough search of the outbuilding structures and no evidence of roosting bats was found. The outbuildings have been assessed as having negligible potential as a bat roost.



Photograph 6. Tightly fitted render to roof tiles. Photograph 7. Tightly fitted soffits.

3.3 Nesting bird survey results

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

4. CONCLUSIONS AND RECOMMENDATIONS

No evidence of bats or nesting birds was found and it is considered unlikely that any evidence was overlooked. There are no potential bat access points that could allow bats to roost within the dwelling. No further surveys for bats are required.

In the unlikely event that bats are discovered during the works, they must not be handled and works must stop immediately and advice sought from Bright Environment Ltd (Tel 07974 204078) or Natural (Tel 0300 060 3900).

It is possible that birds could nest before the works. 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, 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).

The replacement dwelling will include the following wildlife features. A bee brick 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 7). An integral bat block will be installed flush with the wall surface (examples are shown in Photograph 8) and sited near the roof in a dark location. Example integral bird features are included as photograph 9. One of these will be installed flush with the wall surface near the eaves.



Photograph 7. Example bee brick.



Photograph 8. 'Green and Blue' bat block and built in woodstone bat box `.



Photograph 9. Sparrow terrace and two example woodstone nest boxes.

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