



Preliminary Roost & Nest Assessment

Hamatethy Barn
Hamatethy
St Breward
Cornwall
PL30 4PG



Contract Details

Client:	Hamatethy Farm LLP	
Architect/Planning Consultant:	Situ8	
Report ref:	PRNA_HamatethyBarn_HamatethyFarmLLP_April2023	
Date of Survey & Report Expiry	30/03/2023	30/03/2024x
Other report ref. if applicable:	N/A	
Surveyor:	Paul Diamond. Cert (Hort), BSc (Hons), MSc, MCIEEM; MArborA; Associate Member of the Landscape Institute Bat Class License Holder 1 and 2	
Date of report:	18/04/2023	
Author:	Sarah Board MSc, MCIEEM	
Verified by:	Paul Diamond. Cert (Hort), BSc (Hons), MSc, MCIEEM; MArborA; Associate Member of the Landscape Institute Bat Class License Holder 1 and 2	
Latest Issue, date:	June 2023	
Ecological Surveys Ltd:	www.ecological-surveys-ltd.co.uk help@ecological-surveys-ltd.co.uk	
Telephone:	(01503) 240846 [REDACTED]	
Registered Address:	14, Lower Clicker Road, Menheniot, Liskeard. Cornwall. PL14 3PJ Registered No: 08262462	
VAT Registration No:	224 3182 38	

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 [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.

Contents

Contract Details..... 2

Executive Summary of Findings 4

 Additional Protected Species/Habitats 5

 Further Considerations 5

Survey Objectives & Methods 6

 Constraints..... 6

 Internal & External Inspection 6

Map of Site Location – 2km..... 7

Building / Structure Descriptions 8

Proposed Site Works/Development and Assessed Impact..... 10

Results and Assessment..... 11

Mitigation 13

 Additional Protected Species/Habitat Constraints & Mitigation 13

 Impact Avoidance During the Construction Phase 14

Enhancement 15

Conclusions 16

References..... 18

Appendices 19

Appendix 1: Legislation Bat and Bird Species 19

Appendix 2: Why the need for a Bat Scoping Survey? 21

Appendix 3: Assessing the Potential Value for Buildings 23

Appendix 4: Bat Species..... 24

Executive Summary of Findings

BATS: - Legislative Context England & Wales

The developer must comply with the legal protection of onsite & offsite protected habitats and species. Habitats Regulations (transposing the EC habitats Directive: Conservation of Habitats and Species regulations 2010 (as amended) & Wildlife & Countryside Act 1981 (as amended))

Structure Detached Rural Barn	Confirmed Bat Roost? No	Suitability for Roosting Bats? None or Negligible
Building Assessment Criteria	No/Negligible value: - Building with none or very few features capable of supporting roosting bats. Commuting and Foraging habitats: negligible habitat features onsite unlikely to be used by roosting, commuting or foraging bats.	
Advisory	Structures should be secured now to ensure opportunities for future roosting are unavailable prior to the development. <u>Impact Avoidance During the Construction Stages</u> must be applied as Good Practice.	
Next Step	Submit this report to the local planning authority	

BIRDS - Legislative Context

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.

Structure	Confirmed Nesting NO	Suitability for Nesting NONE OR NEGLIGIBLE
Building Assessment Criteria	Negligible value. A barn owl <i>Tyto alba</i> has infrequently roosted in the barn; barn owl is known to nest elsewhere within the Hamatethy Estate.	
Advisory	Structures should be secured to ensure opportunities for future nesting are unavailable prior to the development. <u>Impact Avoidance During the Construction Stages</u> must be applied as Good Practice.	
Next Step	Submit this report to the local planning authority.	

Enhancement of the site is a requirement.	As a minimum, LPAs now expect any new structure to include bat roost or bird nesting provision under the National Planning Policy Framework July 2021
REQUIRED	1 X bird brick/box – inbuilt.

Additional Protected Species/Habitats

Habitat/Species	PRESENT A shelter belt of Sitka spruce <i>Picea sitchensis</i> is located to the north and east of the barn; this belt of trees has potential for nesting birds.
Mitigation	Mitigation will be sufficient to protect this habitat/potential species throughout the development phases. Refer to <u>Additional Protected Species/Habitat Constraints</u>
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

Further Considerations

The barn is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone where the local planning authority (LPA) is advised to contact Natural England for all residential developments outside of existing settlements/urban areas with a total net gain in residential units.

The barn also lies within the Camel River Catchment Area, where Cornwall Council's Nutrient Neutrality Policy applies. This means it must be ensured the new development does not cause adverse environmental impacts on the River Camel Special Area of Conservation (SAC) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This includes increased phosphates from residential development. As the development lies within a catchment area that will drain wastewater within the catchment, the Phosphate Budget Calculator for the River Camel will need to be completed and nutrient neutrality achieved.

Survey Objectives & Methods

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.
- Any other ecological issues relating to the proposal.

Constraints

There were no perceived constraints to the survey of the dwelling which would trigger further investigation or Phase 2 Bat Emergence Surveys.

Internal and external surfaces were fully inspected, and a compliant 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.

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, Bat-box 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.

Map of Site Location – 2km



Assessment of adjacent and surrounding habitat: The structure surveyed is not located within or adjacent to any significant land or marine designations which it would directly negatively impact. It lies just outside the Bodmin Moor section of the Cornwall Area of Outstanding Natural Beauty (the boundary is approximately 150m to the east).

The barn is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone where the local planning authority (LPA) is advised to contact Natural England for all residential developments outside of existing settlements/urban areas with a total net gain in residential units.

The barn also lies within the Camel River Catchment Area, where Cornwall Council's Nutrient Neutrality Policy applies. This means it must be ensured the new development does not cause adverse environmental impacts on the River Camel Special Area of Conservation (SAC), under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This includes increased phosphates from residential development. As the development lies within a catchment area that will drain wastewater within the catchment, the Phosphate Budget Calculator for the River Camel will need to be completed and nutrient neutrality achieved.

Habitats comprise grazed pasture fields which are generally unsuited to foraging and commuting bats and birds. Ground levels are higher to the west of the barn. There is no protected species potential within the field; cock's-foot *Dactylus glomerata*, creeping bent *Agrostis stolonifera* and broad-leaved dock *Rumex obtusifolius* are the dominant species. A concrete apron is to the east of the barn and leads up around to the north of the barn. A shelter belt of Sitka spruce *Picea sitchensis* is located to the north and east of the barn. None of the trees have any potential bat roosting features although they might offer some nesting potential for birds.

Building / Structure Descriptions

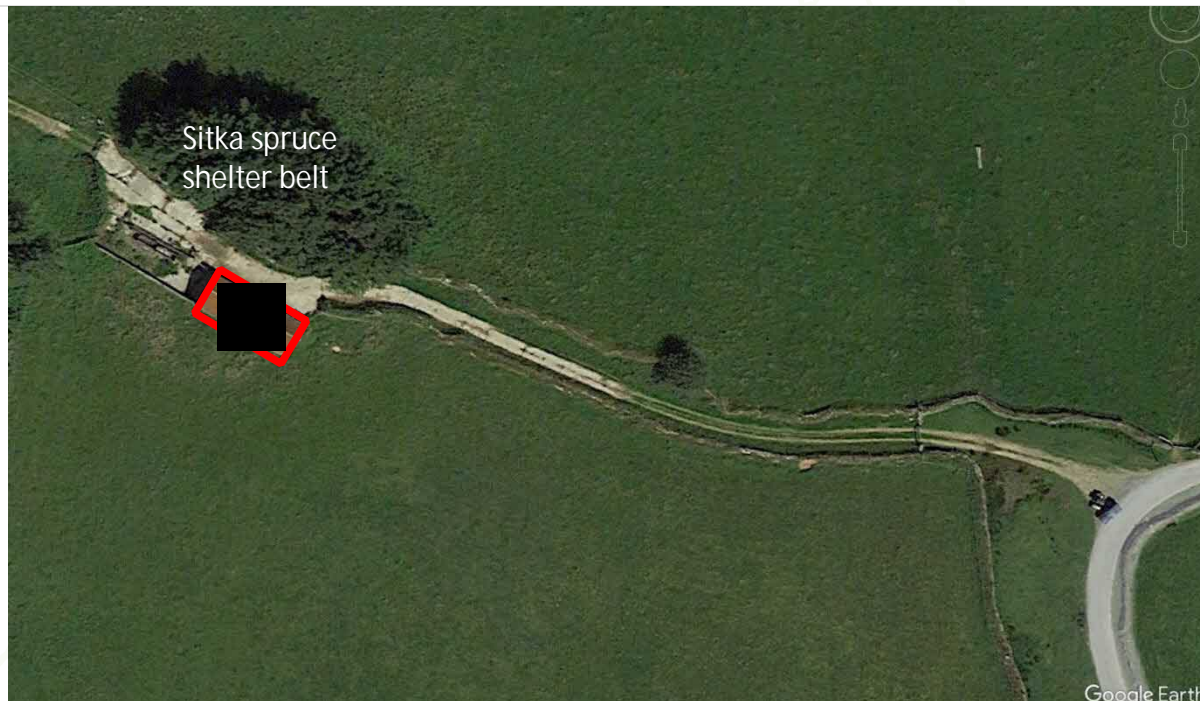
The building was assessed against the criteria laid out in [Appendix 3: Assessing the Potential Value for Buildings](#).

Structure: Barn

Internal features: Wooden joists and beams; no separate roof space; no insulation.

External features: Open-fronted barn, with corrugated-iron roofing sheets over a concrete and timber structure.

Habitat Features: None associated with the barn. Wider habitat – Sitka spruce shelter belt



Site Location



North-eastern elevation



North-western elevation



Interior



Owl pellet on floor of barn

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.

Summary of predicted unmitigated impact: No impact expected.

Results and Assessment

Rationale: Bats

The building exteriors were searched visually using binoculars or a close range monocular for evidence of bats, 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.

Externally there were no/negligible ingress points, no evidence, or other potential roosting sites recorded. This would indicate roosting to be highly unlikely within this structure.

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.

No evidence of bat roosting, dropping, feeding remains, staining or other signs were recorded within the structure/s surveyed. If bats were present, it would be expected that at least some evidence would be present.

The open-sided nature of the barn, along with corrugated-iron roofing sheets and lack of a separate roof space makes the building unsuitable for roosting bats.

Predicted Impact to Protected Habitat/Species.

No loss to roosting features are expected from the proposed works.

Whilst no evidence of bats exists at present, it may be possible for bats to become associated with this structure in the future. Lack of evidence at point of survey does not discharge the client/agent of their responsibilities to protected species. If a bat is discovered during development, work must immediately cease in this area and professional ecological advice obtained for lawful procedure.

Phase 2 Survey Bats: -

Emergence Surveys are not required as present works will not disturb/damage/modify/destroy any features considered to offer bat roosting potential.

Rationale: Birds

Nests were not recorded.

Three barn owl pellets were noted on the floor of the barn; no white-wash was noted. A barn owl has infrequently roosted here; barn owls are known to nest elsewhere within the estate and are ringed each year.

Predicted Impact to Protected Habitat/Species.

- Phase 2 Surveys for Birds are not required.
- Mitigation is not required. Further advisories for Birds are provided.

Active future nesting might occur.

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 nesting occurs 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.

Additional Habitat or Species

A shelter belt of Sitka spruce is located to the north and east of the barn. None of the trees have any potential bat roosting features although they might offer some nesting potential for birds.

Predicted Impact to habitat or Species.

The shelter belt of Sitka spruce is considered to be at risk of impact through this development proposal. Where the immediate surrounding habitat of the proposed development could be impacted by the proposal, consideration must be given of this habitat for its potential to support protected species or whether the habitat itself is protected or of significance.

Ecological Surveys Ltd

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. Bird habitat mitigation requirements are made below.

Bat Roosting Advisory

Irrespective of survey findings, contractors should be made aware that there is always the potential presence of bats in association with roofing layers, ridgelines and wall tops. In the event that a bat is found during works, all activities near the discovered bat(s) should cease and advice sought from Ecological Surveys Ltd (Tel: 01503 240846 or 07736 458609) or the Bat Conservation Trust Helpline (Tel: 0345 1300 228). Bats should not be handled (unless with gloves) and only then to protect them from harm, but wherever possible should be left in situ, gently covered until advice is obtained.

Bird Nesting Advisory

It is possible that bird nests could 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 dove *Streptopelia decaocto* and barn owl 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.

Additional Protected Species/Habitat Constraints & Mitigation

A shelter belt of Sitka spruce with potential for nesting birds is located to the north and east of the barn. Unmitigated works could potentially cause negative impact to important ecological features or disturbance, harm or death to protected species.

Habitats: -

Species: -

- Protection from impact is a requirement. Mitigation will be sufficient to protect this potential species throughout the development phases.
- If habitat loss is intended to facilitate the design of the proposed works, mitigation to replace lost habitats is a requirement.
- If mitigation cannot be agreed, a pre-commencement check for nesting birds must be commissioned.

Trees	Potential to support a Bat Roost	No	
-------	----------------------------------	----	--

	Potential for Bird Nesting	Yes	<p>Trees should only be removed/cut back outside of the nesting season during October- end February and where no other constraints apply.</p> <p>No works must be undertaken within a 5m radius of an active nest; works can only commence/resume once all birds have fledged.</p>
--	----------------------------	-----	--

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 non-native 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 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.

Enhancement for Birds: -

Birds must be accommodated by either adapting the structure of a building to allow access to parts otherwise sealed by modern construction, or through the provision of purpose-built nesting boxes.

The client must:

- Incorporate features which support the nesting of birds in the construction of new development on the north or east orientation to avoid eggs and chicks overheating at a height of 3m+ to prevent predation or vandalism.
- Only boxes of robust or permanent construction – preferably those constructed to be incorporated within the building fabric itself – are likely to be suitable. Some account must be taken of the potential need to maintain, and in the case of wall mounted units, replace boxes after a number of years in use.
- Generally, only where it is not possible to build a bird nesting box into a structure for construction reasons, will externally mounted boxes be acceptable to the LPA.

One of the illustrated type or similar provision and functionality is required to enhance this site post development.



Bird brick – incorporated into the upper storey of a structure.

Hole type size 24,25,26 to suit varying bird sizes.

Available from NHBS or other suppliers.



Robin Box: - The robin box is an open-fronted nest box. As well as providing a suitable nest box for robins, it’s also ideal for other birds that use open-fronted boxes such as wrens, pied wagtails and spotted flycatchers.



House Sparrow terrace: – incorporated into the upper storey of a structure or erected externally.

Available from NHBS or other suppliers.

Conclusions

The application site has been surveyed and the results assessed.

The final assessment concludes that the present potential roosting value is negligible or none, and active or inactive bird nests were not recorded, therefore, unmitigated works/development at this site, at this present time, are not considered likely to cause disturbance, harm or death to protected species: bats or birds.

- Mitigation for bats and birds is therefore not a requirement.
- Advisories have been provided regarding future occupation by bats and birds.

However, this site provides additional habitat/species. The developer must comply with the legal protection of onsite and offsite protected habitats and species. Unmitigated works as proposed by the design brief might negatively impact this habitat. Significant harm to species and habitats should be avoided through design wherever possible.

The barn is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone where the local planning authority (LPA) is advised to contact Natural England for all residential developments outside of existing settlements/urban areas with a total net gain in residential units.

The barn also lies within the Camel River Catchment Area, where Cornwall Council's Nutrient Neutrality Policy applies. This means it must be ensured the new development does not cause adverse environmental impacts on the River Camel Special Area of Conservation (SAC) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This includes increased phosphates from residential development. As the development lies within a catchment area that will drain wastewater within the catchment, the Phosphate Budget Calculator for the River Camel will need to be completed and nutrient neutrality achieved.

Appropriate mitigation is required to protect any birds nesting within the shelter belt of Sitka spruce. Mitigation is contained within this report and will be sufficient where adhered to.

Enhancement of the site post development is required. The habitat value has been taken into account when making enhancement recommendations. It is considered that enhancement for birds will be of value owing to the habitat onsite/offsite offering biodiversity value for this species.

Providing Enhancement recommendations are agreed and enacted, there would appear to be no ecological reasons why this proposal should not go ahead.

- Enhancement / Mitigation might be subject to Conditioning within any granting of Planning Permission.

- Local Planning Authority (LPA) 'Building Control' will ensure that Mitigation / Enhancement measures have been implemented as per recommendations.

It should be noted that it is possible that bats might 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 might 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: [Appendix 1: Legislation Bat and Bird Species and Enhancement](#).

References

- Battersby, J. (Edited and compiled; 2005). UK Mammals: Species Status and Population Trends. JNCC/Tracking Mammals Partnership 2005. ISBN 1-86107-568-5 <http://www.jncc.gov.uk/page-3311>.
- Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.). The Bat Conservation Trust, London.
- Conservation of Habitats & Species Regulations 2010. HMSO.
- Cornwall Council (2018). Accommodating swallows, swifts and house martins: Guidance notes for developers, builders, surveyors, architects & house holders. Cornwall Council, Truro. <https://www.cornwall.gov.uk/media/3626630/Accommodating-swallows-swifts-and-house-martins.pdf>.
- Cornwall Planning for Biodiversity Guide (2018) <https://www.cornwall.gov.uk/media/35514048/biodiversity-spd-v7.pdf>
- 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, 3rd Edition. Joint Nature Conservation Committee, Peterborough. <http://www.jncc.gov.uk/page-2861>.
- Mitchell-Jones, A.J. 2004. Bat Mitigation Guidelines. English Nature, Peterborough.
- Purbeck Technical Design Guidance Bats and Birds, 2014.
- UK Biodiversity Action Plan. www.ukbap.org/uk.
- Waring, S. (2012). Bats & Breathable Roofing Membranes. University of Reading. www.batsandbrms.co.uk.
- 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 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 might 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 might 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: Why the need for a Bat Scoping Survey?

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) | <p>Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:</p> <p>Agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;</p> <p>Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;</p> <p>Pre-1960 detached buildings and structures within 200m of woodland and/or water;</p> <p>Pre-1914 buildings within 400m of woodland and/or water;</p> <p>Pre-1914 buildings with gable ends or slate roofs, regardless of location;</p> <p>Located within, or immediately adjacent to woodland and/or immediately adjacent to water;</p> <p>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.</p> |
| (2) | <p>Development affecting built structures:</p> <p>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;</p> <p>Bridge structures, aqueducts and viaduct (especially over water and wet ground).</p> |

(3)	<p>Floodlighting of 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.</p>
(4)	<p>Felling, removal or lopping of: Woodland; Field hedgerows and/or lines of trees with connectivity to woodland or water bodies; Old and veteran trees that are more than 100 years old; Mature trees with obvious holes, cracks or cavities, or that are covered with mature ivy (including large dead trees).</p>
(5)	<p>Proposals affecting water bodies: In or within 200m of rivers, streams, canals, lakes, reed beds or other aquatic habitats.</p>
(6)	<p>Proposal located in or immediately adjacent to: Quarries or gravel pit; Natural cliff faces and rock outcrops with crevices or caves and swallets.</p>
(7)	<p>Proposals for wind farm developments of multiple wind turbines and single wind turbines (depending on the size and location) (NE TIN 051 – undergoing updates at the time of writing)</p>
(8)	<p>All proposals in sites where bats are known to be present¹ This may include proposed development affecting any type of buildings, structures, features or location.</p>
<p>Notes: ¹ : Where sites are of international importance to bats, they may be designated as SACs. Developers of large sites 5-10km away from such SACs may be required to undertake a HRA.</p>	

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 fascia boards develop cracks), the category may need revision.

Category (Potential value)	Description
Please note: Intermediate categories (e.g. Low – Moderate value) may apply.	
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: Bat Species

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

Ecological