



**The Olde Ship, School Lane, Pilling, Preston,
PR3 6HB.**

Bats: Building Inspection and Surveys

Simply Ecology Limited

Ref: SE/ARQ008/01

January 2023

For:

**Archihive Studios Ltd,
Unit 1.4 Halton Mill,
Mill Lane,
Halton,
Lancaster,
Lancashire,
LA2 6ND.**

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Control Sheet

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1.0 INTRODUCTION

1.1 Background Information

1.1.1 In August 2022, Simply Ecology Limited was commissioned by Archihive Studios to undertake a survey for bats at The Olde Ship, School Lane, Pilling, Preston, PR3 6HB (OS grid reference SD 40353 48439). See **Error! Reference source not found.** for site location and Plan 2 for site plan. See Plan 3 to Plan 6 for existing and proposed site plans and elevations.

1.2 Aims

1.2.1 The aims of this survey were to gather up-to-date information on the presence of bats at the site. This involved:

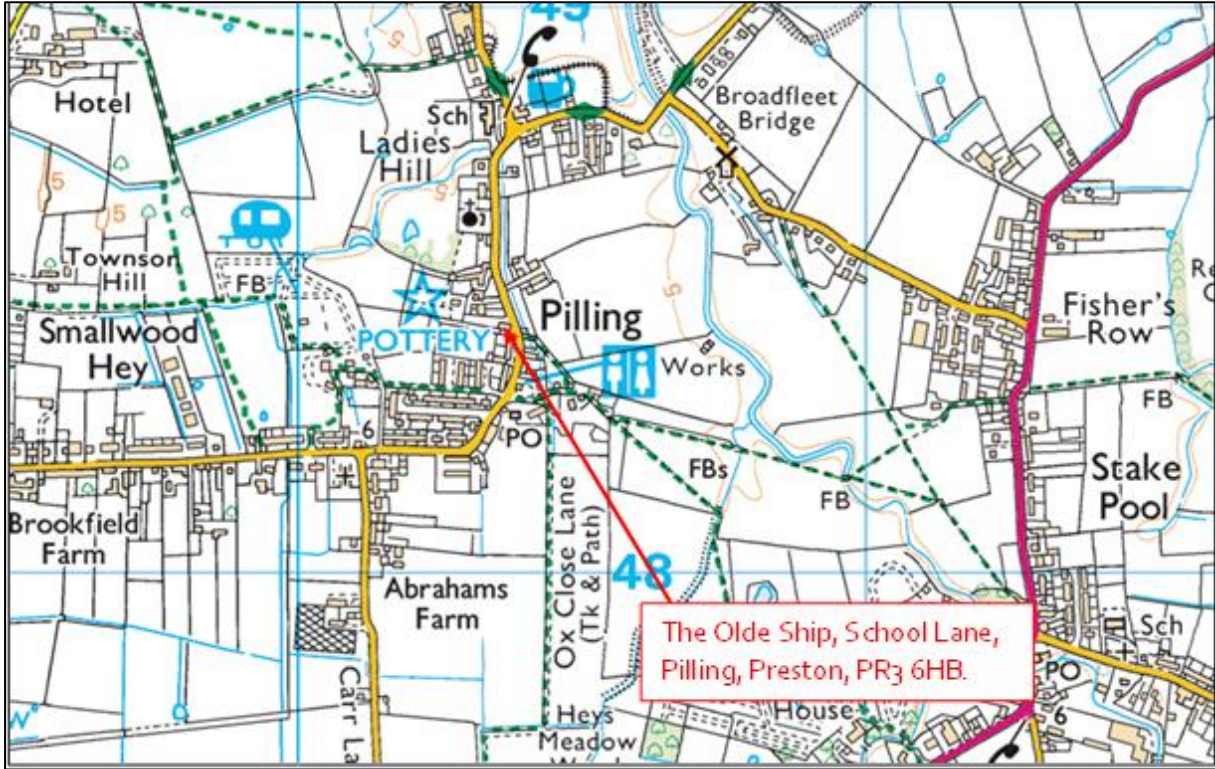
- Identifying potential structures of the buildings that could be used by bats.
- Identifying if there was any evidence of bats around the buildings.
- Identify whether bats were emerging from or re-entering into the building, and if so, to identify the number and species present.
- Providing an assessment of the likely importance of the site for bats and their conservation.
- Advising the client in relation to the proposed development and any impacts upon bats in order to ensure legislative compliance.

1.2.2 To achieve this, a bat building inspection was undertaken on 19th August 2022. Further night-time bat activity surveys were undertaken on 26th August 2022 and 23rd September 2022. This submission presents the results of the surveys at the site.

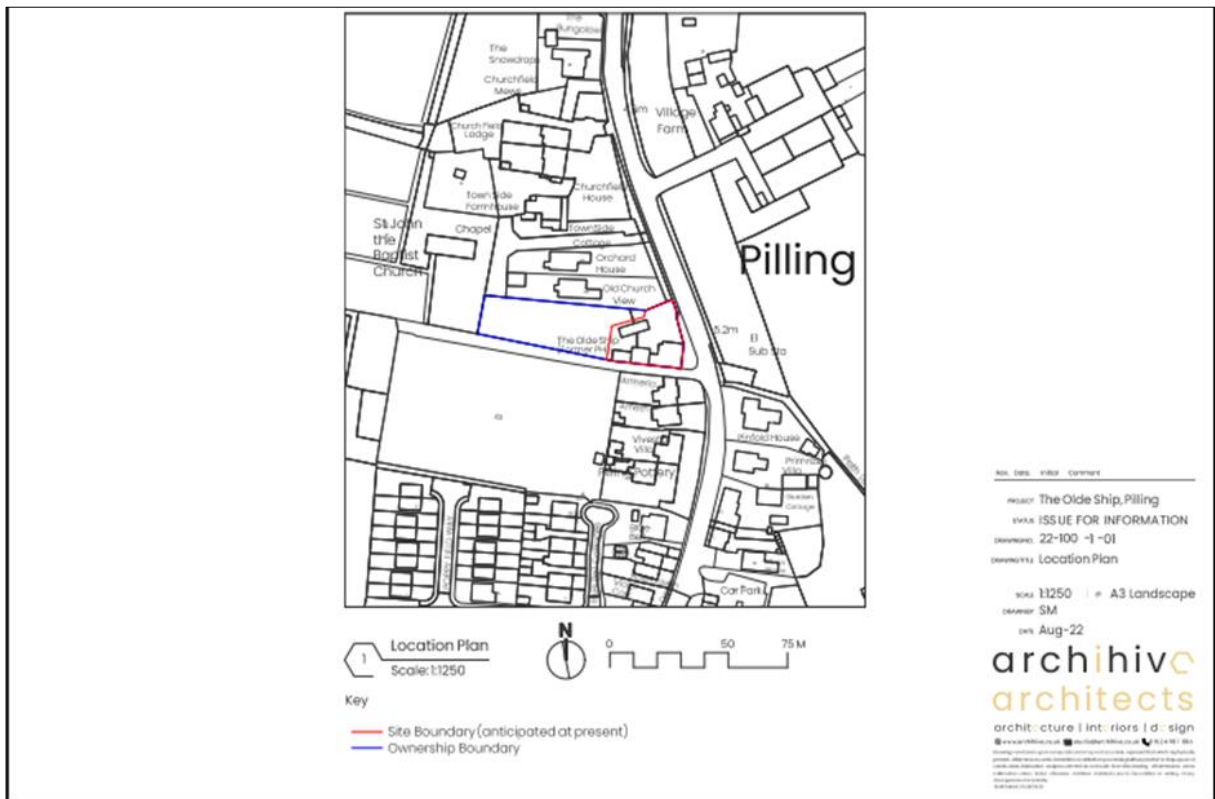
1.3 Site Description and Proposed Works

1.3.1 The Site is in Pilling, approximately 1.2km from the coast. Surrounding land use comprises similar rural residential buildings and farm buildings. The surrounding landscape is predominantly agricultural land, largely monocultural, and separated by hedgerows. Immediately bordering the site there are a few mature trees and there is a small pocket of trees 100m southeast of the site but generally the surrounding landscape has very few trees and offers limited connectivity to the wider landscape. The site consists of a large, detached property which has a barn attached to the rear and beyond the barn a small garage. A detached outbuilding was also included in the survey.

1.3.2 It is understood that the development will involve extensive building work and redevelopment of the rear of the property, extending into the attached barn to create a larger kitchen/dining space. This will also likely utilise the garage space to the rear of the barn (see Plate 1). Additionally, it is understood that plans will involve development of the detached former stable/workshop outbuilding into ancillary accommodation (see Plate 2). Prior to carrying out such works the local planning authority is obligated to ensure that there is no net loss of biodiversity. This submission presents the results of the building inspection.



Plan 1: Site Location



Plan 2: Site Plan



Plate 1: General view of the rear of the building.



Plate 2: General view of the outbuilding.



Plan 3: Existing elevations.



Plan 4: Existing plans.



Plan 5: Proposed ground floor plans.



Plan 6: Proposed first floor plans.

2.0 SURVEY METHODOLOGY

2.1 Bat Building Inspection

2.1.1 An inspection of the building on the site was specifically carried out to search for bats. The building survey was undertaken in accordance with the standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (BCT 2016). In accordance with best practice, the survey comprised the following elements:

- An inspection of the exterior of the building to look for obvious signs of bat activity (such as droppings) and assessing the potential for entry/exit into the property.
- An internal inspection of all spaces to determine whether bats were present, to look for signs of activity (such as discarded prey items and droppings) and to assess potential suitability for bat species. Lighting was provided by a Led Lenser XEO 19R (2,000lm).

2.1.2 Subsequent advice/action would depend on the findings of the building surveys. If potential was found, then subsequent bat activity surveys would be required in accordance with standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (Bat Conservation Trust 2016).

2.2 Bat Activity Surveys

2.2.1 Two emergence (dusk) surveys were undertaken in accordance with the standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (Bat Conservation Trust 2016). In accordance with the interim guidance on the use of night vision aids for bat emergence surveys (Bat Conservation Trust, 2022), infrared equipment was used to assist emergence surveys and therefore a dawn survey was not undertaken. In accordance with best practice, the surveys comprised the following elements:

- Emergence Survey: Two night-time visits were undertaken of the entire site to determine if bats were emerging from the buildings and to assess levels of bat activity.

2.2.2 During each survey, a surveyor and infrared equipment was positioned to provide the best coverage of the buildings based upon the potential roost locations. The surveyor would be expected to hear and also see any bats emerging from the buildings. Activity was detected using Wildlife Acoustics EM Touch full spectrum bat detectors. Assistance of NightFox Red infrared cameras mounted on a tripod were used as night vision aids, and subsequent footage was thereafter analysed in the office (Bat Conservation Trust, 2022).

2.3 Personnel

2.3.1 The bat building inspection was undertaken by Philip Roskell MSc. Philip obtained his BSc Ecology and Conservation and MSc Ecology by Research degrees from Lancaster University. His MSc research focussed on sex-biased dispersal, post-fledging care and juvenile movements in the white-throated dipper. Philip joined Simply Ecology Limited on a full-time

basis in September 2022. Prior to this he gained experience working as a Freelance Ecologist. Philip is experienced in undertaking a range of protected species surveys including bats, badgers, barn owl, and great crested newt. He is also well-versed in GIS software and habitat mapping.

- 2.3.2 Philip was assisted during the night-time bat activity surveys by Philip Wright MSc CIEEM. Philip Wright MSc CIEEM is an Ecologist with Simply Ecology Limited obtained his first degree in Biology from the University of Bath and an MSc in Ecology and Conservation from Lancaster University. He is a member of the North Lancashire Bat Group and is in his sixth season of bat surveying. His wider experience includes conducting botanical surveying and habitat management work with the RSPB and with the Wildlife Trust for Lancashire, Manchester and North Merseyside.
- 2.3.3 Report verification was by Jason Reynolds MSc MCIEEM. Jason started Simply Ecology Limited in 2007. Jason is an experienced ecologist who has been continuously employed in the field of nature conservation since 1995 (27 years' experience) and has a wealth of experience in both the statutory nature conservation agencies and private consultancy. During his career he has worked in Conservation Officer roles for the Joint Nature Conservation Committee, English Nature, Environment Agency, Cumbria Wildlife Trust and Durham Wildlife Trust prior to setting up Simply Ecology ecological consultancy in 2007, where he is the Lead Ecologist. He has an MSc from The University of Aberdeen and his thesis investigated the relationship between habitat type and complexity and the foraging behaviour of Pipistrelle bats. Jason holds protected species survey licences for all British bats, white-clawed crayfish and great crested newts.

2.4 Timing and Constraints

- 2.4.1 The building survey was undertaken on 19th August 2022. The timing of the building inspection to search for signs of bats posed no constraints as building inspections can be undertaken at any time of year. Under tile roofing membrane and timber boarding beneath tiles in the outbuilding posed a constraint when looking for evidence of bat activity as the underside of the roof was not observable. An assessment of the building's potential to support bats can therefore be made according to evidence found, building condition, location and the experience of the surveyor.

Night-time bat activity surveys were carried out on the 26th of August 2022 and 23rd September 2022. These were during the ideal survey period for bats and the weather conditions were considered satisfactory to observe and record any bat activity (see Table 1).

Table 1: Weather conditions during the night-time emergence surveys.

Survey Date	Temperature at the start of survey	Sunrise/Sunset Time	Start and Finish Time	Weather
26/08/2022	15°C	20:16	20:00-21:45	Warm and dry, 80% cloud cover.
23/09/2022	14°C	19:07	19:00-20:20	Still and dry, 20% cloud cover.

3.0 SURVEY RESULTS

3.1 Bat Building Inspection

3.1.1 The site was a detached, brick-built, rural property with a pitched roof and slate tiles. Attached to the rear of the property was a two-storey barn building and single-storey garage with a lean to roof and slate tiles (see Plate 1 and Plan 3). The detached outbuilding was brick-built with a pitched roof and slate tiles (see Plate 2). The entire site was subject to an internal and external survey for evidence of the presence of bats.

External

- 3.1.2 The pitched roof and ridges were overall in good condition. The ridge tiles were generally tight fitting with no gaps. However, numerous gaps were apparent beneath slate tiles which offer Potential Roost Features (PRFs) for bats (see Plate 3). The coping stones on the gable end of the barn had cracks in the mortar between and beneath the stones, offering PRFs (see Plate 4). Gaps were apparent along the verges of the lean-to garage roof at the rear of the barn which offers roosting potential (see Plate 5).
- 3.1.3 Flashing between the garage lean-to roof and the gable of the rear barn was in good condition and well-sealed, offering no PRFs (see Plate 6).
- 3.1.4 The roof of the outbuilding was generally in good condition. Ridge tiles and slate tiles were intact and tight fitting, offering no PRFs (see Plate 7). However, large gaps were apparent along the verges of the outbuilding which offer access into the internal spaces and offers roosting potential (see Plate 8).
- 3.1.5 Fascia boards were generally tight fitting and had guttering attached, offering no PRFs. However, gaps under slate tiles along the roof edge offer PRFs and access for bats into the internal spaces (see Plate 9).
- 3.1.6 There were large gaps and cracks in the brickwork of the main building which offer roosting potential (see Plate 10). These cracks/gaps were inspected with an endoscope and no evidence of bat presence or activity (e.g., staining, droppings, discarded prey items) were found (see Plate 11).
- 3.1.7 Windows and doors around the site were generally intact and well fitted. However, a window on the south-facing aspect of the rear barn had gaps apparent around the edges of the frame which offers access into the internal spaces for bats and provides potential roosting opportunities (see Plate 12).
- 3.1.8 The external walls were thoroughly searched for evidence of bat activity (e.g., discarded prey items, droppings). The rough brickwork provides an ideal substrate for bat activity to adhere to and these would have been easily visible if present, but no evidence was found (see Plate 13).



Plate 3: The pitched roof and ridges were generally in good condition but with lots of gaps beneath slate tiles offering PRFs.



Plate 4: Cracks in the mortar beneath and between coping stones offers gaps for roosting.



Plate 5: Gaps in the verges of the lean-to garage roof, offering PRFs.



Plate 6: Flashing between the lean-to garage roof and gable of the barn was well sealed.



Plate 7: Slate tiles and ridge tiles on the outbuilding were generally tight fitting and in good condition.



Plate 8: Verges of the outbuilding had large gaps apparent offering potential roost features and offering access into the internal spaces.



Plate 9: Fascia boards had guttering attached and were generally tight fitting. Gaps under slates along the roof edge offer PRFs and access for bats.



Plate 10: Large gaps and cracks in the brickwork of the main building offer PRFs.



Plate 11: Large gaps were inspected with an endoscope and no evidence of bat presence or activity were found.



Plate 12: Window on the south facing aspect of the rear barn had gaps between the frame and the brick walls, offering PRFs and access into the internal spaces.



Plate 13: No evidence of bat activity was found on the external surfaces around the site.

Internal

- 3.1.9 The barn was in use and was accessed via the kitchen. The barn consisted of a single open internal space (see Plate 14). The garage to the rear of the barn consisted of a single open internal space (see Plate 15). The outbuilding was divided into three sections, each of which consisted of a single open space with no ceilings (see Plate 16). No bats were present in any of the buildings. All internal spaces were thoroughly searched for evidence of bat activity, and none was found.
- 3.1.10 The barn building was lined with roofing membrane. The membrane and timber support structures were all exposed and visible with no Potential Roost Features and no bats were present (see Plate 17). Similarly, the lean-to garage roof had exposed timbers and membranes which were intact, and no bats were present (see Plate 18). The outbuilding was divided into three sections. Two of the sections had exposed timbers and membrane and one section had exposed timber boarding beneath the slate tiles (see Plate 19). Although no bats were present in any of the internal spaces, the membranes and timber-boarding posed constraints when looking for evidence of bats. The timber boarding and membranes prevent the underside of the slates from being observed, therefore any bats or bat activity above the membrane would not be seen.
- 3.1.11 Gaps which offer roosting potential were identified on the top of the gable wall in the barn building (see Plate 20) and in the walls of garage building (see Plate 21).

- 3.1.12 Flat surfaces and floors were thoroughly searched for evidence of bat activity (e.g., droppings, discarded prey items) throughout all the internal spaces and no evidence was found (see Plate 22, Plate 23). However, floors were tidy and regularly swept therefore any bat activity, if present, would likely not be found.
- 3.1.13 The interior walls around the internal spaces were thoroughly searched for evidence of bat activity. The brickwork provides an ideal substrate for bat activity to adhere to and this would have been easily visible, especially against the contrasting white paint, but no evidence was found (see Plate 24).



Plate 14: The rear barn consisted of a single open internal space which was in-use and accessed via the kitchen.



Plate 15: The rear garage consisted of a single open space. No bats were present.



Plate 16: The outbuilding was divided into three sections which were open spaces with no ceilings.



Plate 17: Timbers and membranes in the barn were intact and exposed. No bats were present.



Plate 18: Timbers and membranes in the garage were exposed and intact. No bats present.



Plate 19: The outbuilding had timber boarding beneath tiles making the underside of the roof un-observable.



Plate 20: Gaps were apparent on top of the gable wall of the barn, offering PRFs.



Plate 21: Gaps and cracks offering PRFs were identified in the garage.



Plate 22: Flat surfaces throughout the internal spaces were searched for evidence of bat activity and none was found.



Plate 23: Floors within the internal spaces provided no evidence of bat activity.



Plate 24: Interior walls were searched for evidence of bat activity, and none was found.

- 3.1.14 In summary, the site contained a large detached residential property with an attached rear barn building and a detached outbuilding which were assessed for signs of bat activity and potential roost features. Potential roost features were identified. These included gaps under tiles, gaps under coping stones and along the verges, and gaps/cracks in brickwork. No evidence of bat activity was found around the site.
- 3.1.15 It was therefore considered that the building offered 'Low' roosting potential as per the BCT guidelines.

3.2 Activity Surveys

Emergence Surveys

- 3.2.1 The first dusk emergence survey was conducted on the 26th of August 2022 and recorded relatively low levels of activity. The first bat was recorded at 20:38 foraging in the rear garden. This was a common pipistrelle (*Pipistrellus pipistrellus*). After this, infrequent activity occurred around the site by up to 2x common pipistrelles.
- 3.2.2 A single noctule (*Nyctalus noctula*) passed over the site at 21:21. No other species of bat were detected throughout the survey.
- 3.2.3 The second dusk survey on the 23rd of September 2022 recorded similar levels of activity. The survey started at 19:00 and finished at 20:20.
- 3.2.4 **At 19:43 a single common pipistrelle emerged from behind the gutter of the south facing aspect of the main building (see Plate 25).**
- 3.2.5 After this, up to 2x common pipistrelles could be seen foraging around the garden. Bats were circling the site using the road alongside the house and the section of the garden between the house and outbuilding.
- 3.2.6 At 19:44 a few Myotis calls were recorded but none were associated with the building and were only transient passes.
- 3.2.7 No other bats were detected or seen to emerge from the Site.



Plate 25: At 19:43 a single common pipistrelle emerged from behind the gutter on the south facing aspect.

3.3 Site Status and Protected Species Risk Assessment

- 3.3.1 During the building inspection, several potential roost features were identified externally. These included gaps under slates, gaps in the brickwork, gaps between coping stone, and gaps around windows. It was concluded that the building offered 'Low' roosting potential and therefore further night-time activity surveys were required.
- 3.3.2 Further night-time surveys were carried out in the form of two dusk emergence surveys. During the second dusk emergence survey on 23rd September 2022, a single common pipistrelle emerged from a day roost behind the gutter on the south facing elevation of the property.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1.1 In August 2022, Simply Ecology Limited was commissioned by Archihive Studios to undertake a bat inspection of The Olde Ship, School Lane, Pilling, Preston, PR3 6HB. It is understood that the development will involve re-modelling of the residential property which will require extending into the attached rear barn and garage, and conversion of the outbuilding into ancillary accommodation (See Plans 3-6).

4.2 Bats

4.2.1 The building was occupied and in good state of repair. A search of all the typical external features which offer roosting potential such as the eaves, soffits, ridge, and roof tiles were all inspected, and several Potential Roost Features were identified. These included gaps under tiles, gaps in the verges and beneath coping stones, and cracks/gaps in the brickwork. No signs of bat activity were found. A thorough inspection was carried out within the internal spaces. However, roofing membrane and timber cladding posed a constraint when searching for evidence of bat presence or activity as it prevents the underside of the roof from being observed and any bat activity (e.g., droppings) would be stopped from falling to the floors. Internal Potential Roost Features were identified, including cracks in the walls of the garage and gaps on top of the gable wall of the barn building. The surrounding landscape offers some suitability for bats but is not well connected to the wider landscape and largely consists of monoculture agricultural land that does not provide particularly good foraging habitat.

4.2.2 Night-time bat activity surveys were carried out. Overall levels of bat activity around the site were low (which is typical of the large, open agricultural landscape around Pilling), but a day roost for 1x common pipistrelle was identified on the south facing aspect of the building on 23rd September 2022 (see Plate 25).

4.2.3 Given the known location of the roost and the scale and duration of the proposed renovation works, without mitigation, will result in the disturbance (or possible loss) of a single common pipistrelle day roost.

- *It is recommended that* a Natural England licence will be necessary for the works to go ahead as there will be a small impact upon a known bat roost within the building. Appropriate working methods and mitigation will be necessary, and these are detailed in Section 6.0 Mitigation and Compensation. It is **ESSENTIAL** that the client understands the obligations placed upon them to only carry out these works **AFTER** planning permission has been granted and **WORKING JOINTLY WITH THE APPOINTED ECOLOGIST** once the necessary Natural England licence has been granted. Reason: This will deliver compliance with: Section 9 (1 & 4) of The Wildlife & Countryside Act 1981 (as amended), Part 3 (43; 1 & 2) of The Conservation of Habitats and Species Regulations 2017 and Section 11 (179 & 180) of the National Planning Policy Framework (2021).

5.0 MITIGATION AND COMPENSATION

6.1 Mitigation

6.1.1 The mitigation strategy for this site has been designed to meet the test of there being no adverse effect on the favourable conservation status of the bat population affected by the proposed work. National Planning Policy and legislation requires that mitigation addresses the impacts picked up by the site assessment, as follows:

- Quantitative characteristics: There should be no net loss of roost sites, and in fact where significant impacts are predicted there will be an expectation that compensation will provide an enhanced resource compared with that to be lost. The reasoning behind this concept is that the acceptability of newly created roosts by bats is not predictable.
- Qualitative characteristics: the plans should aim to replace like with like. As an extreme example, it would be unacceptable to replace maternity roosts with hibernation sites.
- Functional characteristics: compensation should aim to ensure that the affected bat population can function as before. This may require attention to the environment around the roost.

5.1.1 As it is an offence to destroy or disturb a bat roost it is advised that this work must take place under the terms of a derogation licence issued by Natural England and the mitigation measures to provide alternative roosting sites to replace those destroyed and MUST be implemented to ensure legal compliance.

5.1.2 The mitigation measures recommended to the client are as follows:

- The proposed development will result in a negative impact on an existing day roost. This could negatively impact upon one common pipistrelle bat day roost in the brickwork behind the gutter on the south facing aspect. Therefore, mitigation measures will be required to address the associated impacts. Mitigation and compensation strategies are laid out below to enable the planning application to be determined without having a detrimental impact upon bats.

5.2 In-situ retention of roosts

5.2.1 The proposed works will likely result in direct impact on a known roost. Building works to the rear barn will likely mean that retention of the roost is not possible.

5.3 Impacts on existing roosts

5.3.1 Without mitigation, building works will likely result in the loss of 1x day roost for an individual common pipistrelle, a common and widespread protected bat species.

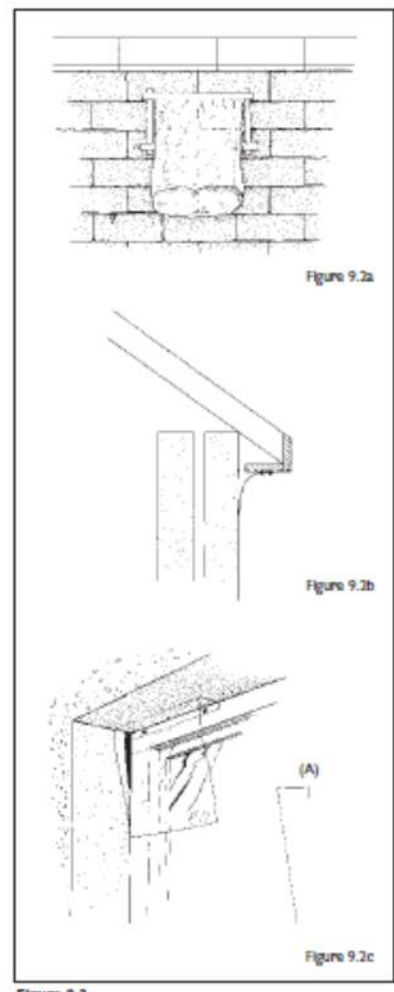
5.4 Mitigation - Planned timing of works

5.4.1 Due to the small number of bats and the possibility of carrying out exclusion, no capture or direct disturbance of bats will be required at this site. Instead, the careful planning and timing of the works to occur between March through to October (inclusive) will ensure that direct impacts upon bats will be avoided.

5.5 Mitigation – Exclusion

5.5.1 Prior to works being carried out on a given area of the building, bats should be excluded from the known roost location. This should comprise the following elements:

- A tool-box talk will be delivered to the contractors by the ecologist for this project, so any queries can be fully answered prior to the commencement of work on areas where bats are and could be roosting.
- No capture of bats is likely to be necessary at this site. Good information on the presence of a bat roost and activity patterns was gathered during the night-time surveys. We consider it possible to exclude bats entirely from the working area due to the discrete locations where the affected bat roost was observed and the simple nature of the roost entrance.
- The licensed ecology personnel will undertake a program of excluding any bats from the roost to be affected.
- The exclusion will consist of using a small and light weight one-day plastic bag type exclusion device, pinned over the roost entrance as detailed in the Bat Workers Manual Page 89 (see right; JNCC, 2004).
- The exclusion apparatus will be left in situ for a minimum of 3 nights of suitable weather conditions (night temperatures above 6° Celsius). Following this period, a repeat emergence survey and endoscopic examination will confirm the absence of bats.
- Since the bat will have been effectively excluded, any bat present will have been able to move to the newly installed bat boxes or to roost off-site. Therefore, with this effective strategy in place, any works around the roost area can take place without having a detrimental impact on local bat populations.



- Once the bat has been excluded, any subsequent works will commence immediately in the presence of a licenced bat surveyor. The licenced bat handler or suitable experienced person (Accredited Agent) will remain on site as the works takes place and for the duration of the period that the roosting area is exposed. In the unlikely event that bats are found during work, (which must then continue in order to weather-proof the building), then bats will be removed by hand by the licenced bat handler or suitably experienced person (Accredited Agent) and kept in a suitably secure dark box until they can be relocated by hand into the newly installed roosts.
- If bats are found elsewhere during the course of the remaining works, all work will stop and the ecological consultant for this project Jason Reynolds Tel: 07754538437 will be informed prior to work re-commencing. Bats may be removed from high-risk areas by hand, kept in a secure cardboard box with coverings in a quiet area of the site then released at night at the site on a warm evening.
- Any injured /sick bats that need treatment for will be delivered to a well-known bat carer, Gail Armstrong, 1 Bottoms Lane, Silverdale, Carnforth, Lancashire. Gail has several bats in her care at any one time and regularly deals with sick and injured bats. Any bats found which are sick or injured and it is judged that they need external care will be assessed on site and if necessary, taken to Gail Armstrong for treatment. The risk of sick or injured bats being found at the site is however considered to be negligible.

5.6 Compensation/New roost provision – a strategy for the short and long term

- 5.6.1 In order to compensate for any loss of the small bat roost in the building, it is advised that roost provision is built into the building redevelopment. This can be incorporated into the design of the new building in the form of gaps in the brickwork and gaps under the tiles at the wall top.
- 5.6.2 It will be straightforward to incorporate crevice roosts under the tiles and in the brickwork of the redeveloped building similar to the existing gaps (see Plate 26, Figure 1). These should be a gap of 15mm – 20mm underneath the tiles, between the tiles and the top of the wall, and their creation will be overseen by the Appointed Ecologist. It is anticipated that these roost locations will ensure long term provision for year-round roosting bats. The gaps under the tiles will compensate for the loss of the 1x individual pipistrelle day roost.



Plate 26: During construction, gaps will be incorporated into the brickwork that are suitable for crevice dwelling species and are similar to the existing gaps.

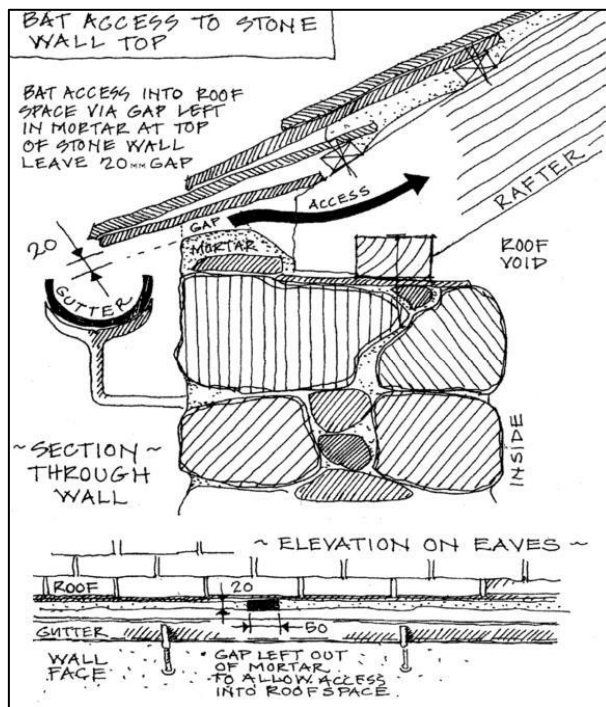


Figure 1: During construction, gaps can be incorporated under the tiles at the top of the brick wall that are suitable for crevice dwelling species (Natural England, 2007).

- 5.6.3 It is essential that temporary bat roost accommodation is provided on site prior to redevelopment of the building. This would be in the form of 1x traditional wooden bat box, to be fitted at least 4m above ground on a wall or tree on site (see Plate 27). This should face south-west, south or south-east. If any bats are found during the commencement of construction. Then they would be put into the bat box.



Plate 27: The 1x wall mounted bat roost will be installed prior to any redevelopment works.

5.7 A notice for contractors

- 5.7.1 In order to cover any residual risk that bats could be present, the following precautionary actions are advised:

- The contractors should be observant during the work for bats. Bats are opportunistic and may make use of gaps opened up during the work.
- In the event that any bats are found during the remainder of the works, the client (and any sub-contractor) is reminded of their protected legal status. All works must cease immediately until advice on how to proceed has been sought from the Appointed Ecologist.
- If it is absolutely necessary to remove a bat to avoid it being harmed, gloves should be worn. It should be carefully caught in a cardboard box and kept in the dark in a quiet place until it can be released at dusk near to where it was found, or moved to an undisturbed part of the building, with outside access, and placed in a location safe from predators. **THIS MUST ONLY BE DONE FOR WELFARE CIRCUMSTANCES.** The legal protection afforded to bats does not make this an admissible way to destroy a bat roost. The Appointed Ecologist will advise on

steps necessary to ensure legal compliance and working under license if a bat roost is found.

5.8 Post development site maintenance and management

5.8.1 Any bat roost locations provided shall not be altered or destroyed without the appropriate statutory mechanisms being followed. Maintenance will not be required as the purpose-built compensation measures stated above are designed for the long term.

- The site will remain in the management control of the current owners who will be responsible for site management.

5.9 Population monitoring

5.9.1 Due to the small number of bats and the limited impact predicted, in line with Natural England Low Impact Class Licence Guideline, no monitoring is planned.

5.10 Mechanism for ensuring site safeguard of mitigation/compensation and post-development management and monitoring works

5.10.1 On the basis of survey information, specialist knowledge of the species concerned and understanding of the planning and legal system, we consider that there is no requirement for the use of a mechanism to ensure delivery of the recommendations of this report other than that which is already required under a Natural England licence.

6.0 REFERENCES

BAT CONSERVATION TRUST (2016). *Bat Surveys – Good Practice Guidelines*. Bat Conservation Trust, London.

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (2018) National Planning Policy Framework. HMSO. London

JOINT NATURE CONSERVATION COMMITTEE Mitchell-Jones, A.J. & McLeish, A.P. [Eds.] (2004) *The Bat Workers Manual (3rd edition)*. Joint Nature Conservancy Council, Peterborough.

National Planning Policy Framework 2021:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Natural Environment and Rural Communities Act 2006:

http://www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1

The Conservation of Habitats and Species Regulations 2017:

https://www.legislation.gov.uk/uksi/2017/1012/pdfs/uksi_20171012_en.pdf

Wildlife and Countryside Act 1981:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

ANNEX A: STATUTORY AND PLANNING CONTEXT

A.0.1 The client is advised that many species of British wildlife are legally protected. The following section provides a brief overview of the protection afforded to species commonly encountered during development. The Recommendations at the end of this report will advise as necessary, but it is also useful for the client to have an understanding of the legal protection as this helps to ensure that the law is complied with.

A.1 Badgers

A.1.1 Badgers are protected under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) (WCA), and the Protection of Badgers Act 1992. It is illegal to:

- Kill, injure, take, possess or cruelly ill-treat a badger or to attempt to do so;
- Interfere with a badger sett by damaging or destroying it;
- Obstruct access to or any entrance of a badger sett;
- Disturb a badger when it is occupying a sett

A.1.2 A badger sett is “any structure or place that displays signs indicating current use by a badger”. Natural England, the Government’s statutory nature conservation body, classifies a sett as active if it has been occupied within the last 12 months.

A.1.3 Operations that might cause disturbance of an active sett entrance can be carried out under licence from Natural England. If any badgers are found during the course of the survey, this will be highlighted in this report.

A.2 Birds

A.2.1 All wild birds are protected against killing or injury under The WCA 1981 (as amended). This protection extends to bird’s nests during the breeding season, which makes it an offence to damage or destroy nests or eggs. Birds that are listed on Schedule 1 of the Act receive additional protection against intentional or reckless disturbance during the breeding season. This makes it an offence to disturb these species at or near to their nesting site.

A.3 European Protected Species (includes bats, otter, hazel dormouse, great crested newts, and others)

A.3.1 The client is advised that all bats and great crested newts are European Protected Species (EPS). These EPS are protected under European legislation that is implemented in England via The Conservation of Habitats and Species Regulations 2017 (Regulation 43). A full list of EPS is provided in Schedule 2 of the Regulations. In addition, these EPS also receive the protection of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9 (4)(b & c) and (5).

A.3.2 If both national and international legislation are taken together, the legislative protection afforded to these species makes it an offence to:

- Intentionally/ deliberately kill, disturb, injure or capture them.
- Intentionally or recklessly damage, destroy or obstruct access to any breeding site or resting place.

- Possess or control any live or dead specimen or anything derived from a European Protected Species.

A.3.3 If an activity is likely to result in any of the above offences, derogation from the legal protection can be issued in the form of a European Protected Species licence issued by Natural England. Licences for development purposes are issued under The Conservation of Habitats and Species Regulations (2017) and only allow what is permitted within the terms and conditions of the licence. If any EPS are found during the course of the survey, this will be highlighted in this report.

A.4 Protected Mammals and Reptiles (includes water vole, red squirrel, reptiles and others)

A.4.1 All native reptiles and a variety of British mammals also receive protection under The WCA 1981 (as amended). Schedule 5 of The WCA lists animals that are protected. The degree of protection varies. Water voles and red squirrel are examples of species with full protection. The Act makes it an offence to intentionally kill, injure, take, possess, or trade in any wild animal listed in Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places.

A.4.2 All native reptiles in the UK are protected. The commoner species such as grass snake, common lizard, slow worm and adder are protected only from unlawful killing and injuring. In practice this may require a reptile protection scheme before implementing a planning permission but no specific licence is required. Sand lizard and smooth snake listed as EPS (see A3.3 above).

A.4.4 If any protected species are found during the course of the survey, this will be highlighted in this report.

A.5 Non-native invasive species

A.5.1 A number of non-native plant species growing wild in the UK are listed on Schedule 9 of the WCA due to their invasive nature and the detrimental impact they can have on native habitats and wildlife. This legislation makes it an offence to plant or otherwise cause to grow in the wild any plant species which is included in Part II of Schedule 9.

A.5.2 This legislation should be considered during site clearance works which could lead to the spread of Schedule 9 listed plant species from the site if plant material is not properly handled and disposed of. Development proposals should also consider the removal of invasive species from areas of site that would otherwise remain unaffected by works in order to avoid the risk of these invasive plants spreading from the site in the future and enhance habitats within the site. This would in turn free up space for wildlife friendly planting, prioritising use of native species within planting schemes where appropriate.

A.6 Planning Considerations

A.6.1 When considering each planning application, the presence of protected species, such as those listed above, is a material consideration which must be fully considered by the Local Authority when granting planning permission. If a licence from Natural England is required, then prior to issuing any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Therefore, in reaching the planning decision the local planning authority will need to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The three licensing tests given in the Regulations must be considered. In summary, these are that:

1. The development is required for the purpose of:

- Preserving public health or public safety;
 - For other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
 - For preventing serious damage to property.
2. There is no satisfactory alternative.
 3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.
- A.6.2 All necessary information would need to be provided to the planning authority as part of the planning application in order to address the above tests.
- A.6.3 The Natural Environment and Communities Act (NERC Act) 2006 extended the biodiversity duty set out in the Countryside and Rights of Way (CROW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. The Duty is set out in Section 40 of the Act, and states that:
- "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"
- A.6.4 The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies. Section 41 (S41) of this Act (the 'England Biodiversity List') also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. This list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40(1) of the Act.
- A.6.5 Also, Local Authorities must follow the National Planning Policy Framework (NPPF) which provides guidance on the interpretation of the law in relation to wildlife issues and development. For each development proposal considered by the Local Planning Authority the NPPF states that the authority must aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- UK Biodiversity Action Plan (UK BAP)**
- A.6.6 The UK BAP, which was first published in 1994, was the UK government response to the 1992 Convention on Biological Diversity. It sets priorities for nationally important 'priority species' and 'priority habitats'. Each species and habitat action plan has costed actions and targets, and is used to inform the compilation of national lists such as the Section 41 List described above.