



PRELIMINARY ROOST ASSESSMENT

**Cemetery House, Pelton,
Chester-le-Street, DH2 1NQ**



April 2024 – Version 2

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Disclaimer:

Ecology surveys are carried out in good faith, to the relevant professional guidelines. Where variation from these guidelines is necessary, this is outlined in the report. Any comments regarding condition of buildings or trees are in relation to the use of the building/tree by bats and birds, and should not be considered as a building survey or arboricultural opinion on the condition of those features.

The client should be aware that the mitigation recommendations in ecology reports are often translated directly into planning conditions, and as such these should be studied closely and agreed with any contractors in advance of site works commencing.

It is the client's responsibility to commission, in writing, any additional survey effort/licence requirements detailed within this report with RH Ecological Services.

Mitigation recommendations should be clearly marked on the Architect's Plans or included in any Method Statements submitted with any planning or other consent.

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IT IS THE CLIENT'S RESPONSIBILITY TO COMMISSION ANY MITIGATION MEASURES OR RECOMMENDATIONS DETAILED WITHIN THIS REPORT.

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PRELIMINARY ROOST ASSESSMENT CEMETERY HOUSE, PELTON, CHESTER-LE-STREET, DH2 1NQ

Summary

ADDITIONAL BAT SURVEYS ARE REQUIRED TO COMPLETE THIS ASSESSMENT

A Preliminary Roost Assessment for bats and birds at Cemetery House, Pelton (NZ 24477 53049) was undertaken to inform a planning application for renovation and extension works to the property as well as the erection of a detached garage. No planning application reference is currently available.

The building is deemed to have **moderate potential for roosting bats** due to gaps present deemed to be Potential Roost Features (PRFs). These features will be lost/altered during the development and therefore further assessment is required to ascertain if the building is used by bats. The following PRFs were noted:

- Gaps under ridge tiles.
- Gaps behind fascia boards.
- Raised roof tiles.

Bat survey(s) should be undertaken between May and August to get an understanding of the use of the property by bats, if any. This is in accordance with the Bat Conservation Trust (2023) 'Bat Surveys Good Practice Guidelines'.

No work should be undertaken prior to bat activity survey(s) being completed. This is to reduce any impacts on any bat roosts present, which could constitute a legal offence.

Bat records from within 2km have been received from ERIC North East¹. The following species are recorded within 2km, there are records of roosts for all species.

- Common pipistrelle.
- Pipistrelle.
- *Myotis*.
- Soprano pipistrelle.
- Whiskered/Brandt's.

The database holds 37 records, none of which appear to be within 350 metres of Cemetery House.

There is one Designated [wildlife] Sites within 2km, Cong Burn Wood LNR, lies approximately 1.9km south east. The property lies within the SSSI Impact Risk Zones, although no impacts are expected.

There are no areas of Priority Habitat on/adjacent to the site.

The property has a small gardens, laid partially to lawn with species present of no particular note. Some small shrubs, hedging and semi-mature trees are present in the garden to the south of the property.

A Pollution Prevention Plan should be put in place during the construction phase.

¹ www.ericnortheast.org.uk

No signs of badger, owls, red squirrel or other protected species were noted on site. No signs of nesting birds was noted. Integrated features suitable for bats and birds are recommended to be incorporated into the proposed extension works.

Aside from bats, any other impacts can be dealt with via Precautionary Working Methods, which are provided within this report (**appendix 1**).

This report is valid for 2 years. An updated assessment will be required should work not commence by April 2026.

1. Introduction and proposed works

The proposed works are for renovation and extension works to the property as well as the erection of a detached garage. No planning application reference is currently available.

The site location / aerial imagery is shown in **figure 1**. Existing and proposed plans are shown in **figures 2 and 3**.

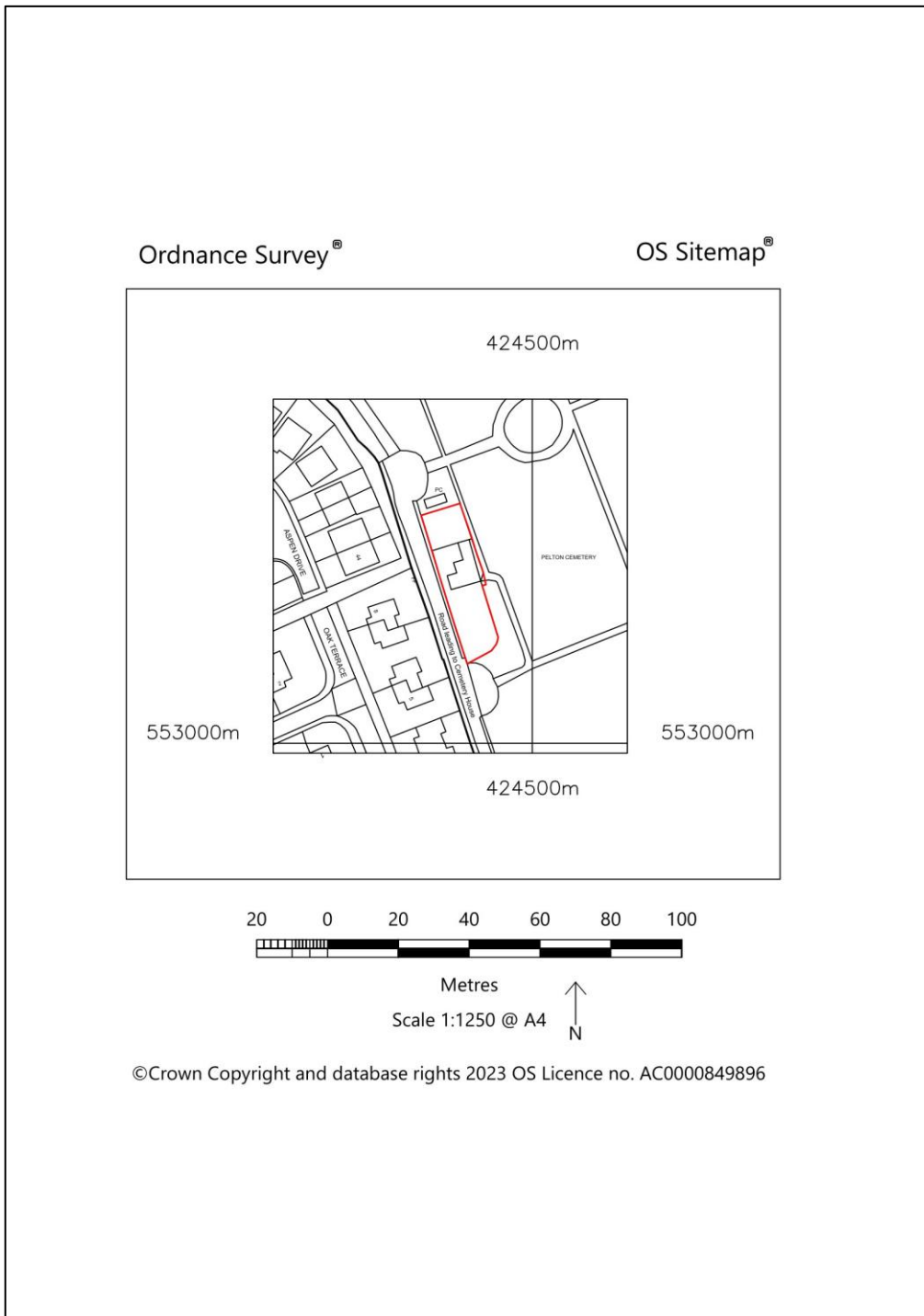


Figure 1. Site location.

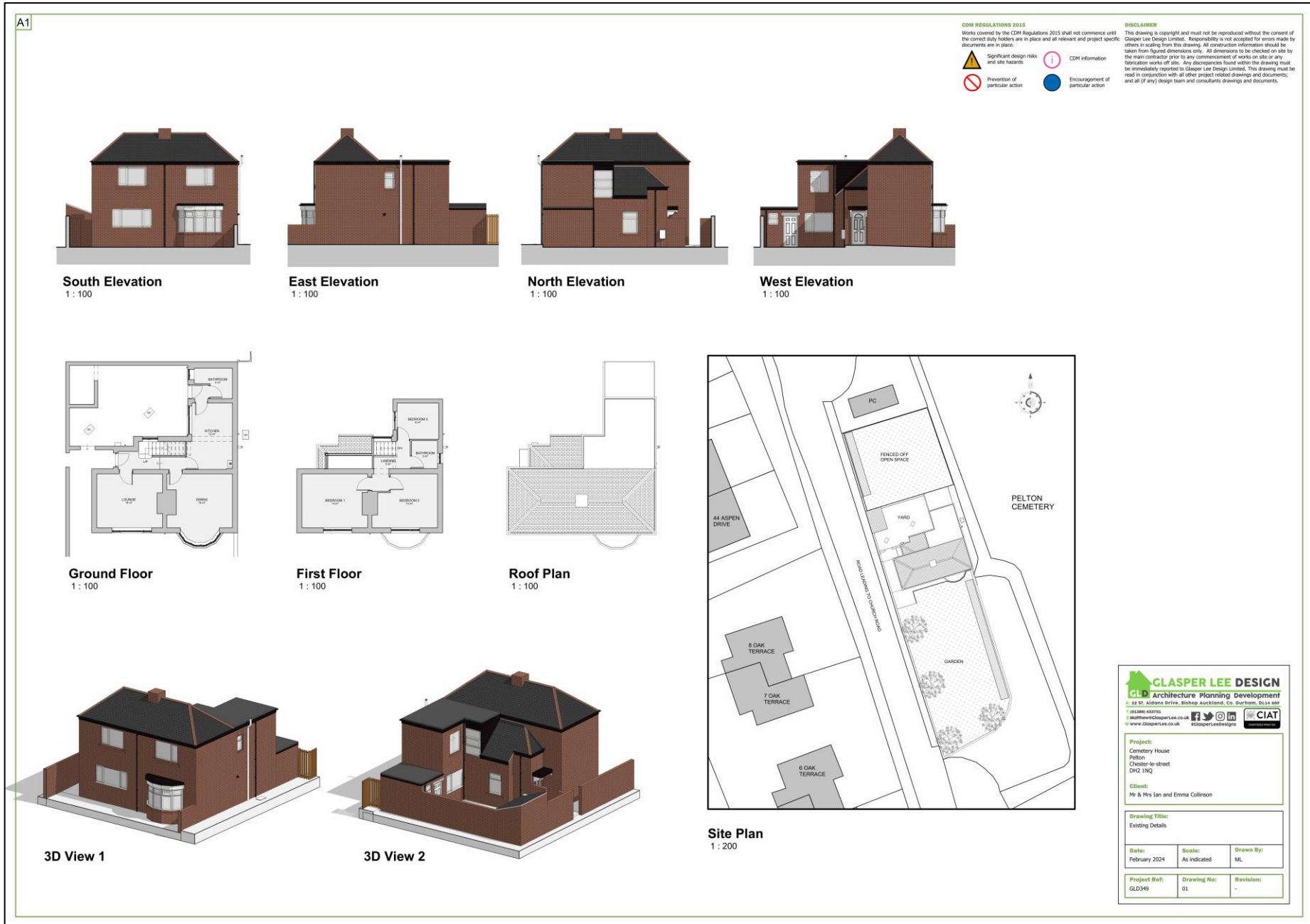


Figure 2. Existing plans.



Figure 3. Proposed plans.

2. Relevant legislation

The applicable legislation and policies with regard to bats and birds are:

- Conservation of Habitats and Species Regulations (2017).
- Countryside and Rights of Way Act (2000).
- Directive 79/409/EEC on the Conservation of Wild Birds – ‘The Birds Directive’
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora – ‘The Habitats Directive’.
- National Planning Policy Framework (NPPF).
- Natura 2000.
- Natural Environment and Rural Communities Act (2006).
- The Environment Act (2021).
- Wildlife and Countryside Act (1981).

Further details can be found in **appendix 2**.

3. Methodology

3.1 Desktop survey

The area was surveyed using Ordnance Survey Explorer maps (1:25,000 scale) and Google Earth Pro with habitat features of value to bats such as watercourses, woodland and hedgerows noted.

Bat data records have been received from ERIC North East².

Natural England’s ‘Magic on the Map’ website was accessed for details of the citations for the designated sites and EPS licensing. The JNCC website³ and Natural England websites provided further information on site designations.

² www.ericnortheast.org.uk

³ <http://jncc.defra.gov.uk>

3.2 Daylight assessment

The daylight visit for the 'Preliminary Roost Assessment' was carried out **2nd April 2024**. This was conducted according to the Chartered Institute of Ecology and Environmental Management's Guidelines for Preliminary Ecological Appraisal (CIEEM, 2012) and the Bat Conservation Trust's Bat Surveys Good Practice Guidelines (2023) on Preliminary Roost Assessment.

The weather was 8°C, still and dry.

The surveyor assessed the whole site for signs of bats and birds. The property and small detached outbuilding was thoroughly checked both internally and externally for any signs of bats; including live or dead bats, droppings, feeding remains, clawing or scuff/grease/urine marks at roost entrances, and potential roost features such as cavities or gaps in roofing tiles, soffits, loose mortar *etc.* The surveyor used a headtorch, powerful compact torch, binoculars (42x8) and inspection camera (endoscope).

3.3 Surveyor

The daylight site visit and report were compiled by Rachel Hepburn, an experienced ecologist and an associate member of the CIEEM since 2013 with over 17 years' experience in ecological surveying. She holds Natural England Licences for bat surveys (2015-12969-CLS-CLS) and great crested newt surveys (2016-19907-CLS-CLS).

4. Site description

The property is located along the south western boundary of a cemetery at the western end of the Pelton. The immediate surrounding area is very green with numerous mature trees present. A modern housing estate is present to the west.



Figure 4. Surrounding area⁴.

⁴ Reproduced with permission from Google Earth (2024).

5. Desktop survey

5.1 Designated Sites

Designated [wildlife] Sites were checked on 'MAGiC on the Map'⁵. There is one within 2km:

Designated Site	Proximity	Description
Cow Burn Wood Local Nature Reserve (LNR)	~1.9km SE	The LNR is a diverse area of semi-natural broadleaved woodland along both sides of the Cong Burn Valley. It covers 38 hectares and includes interesting areas of wetland and grassland.

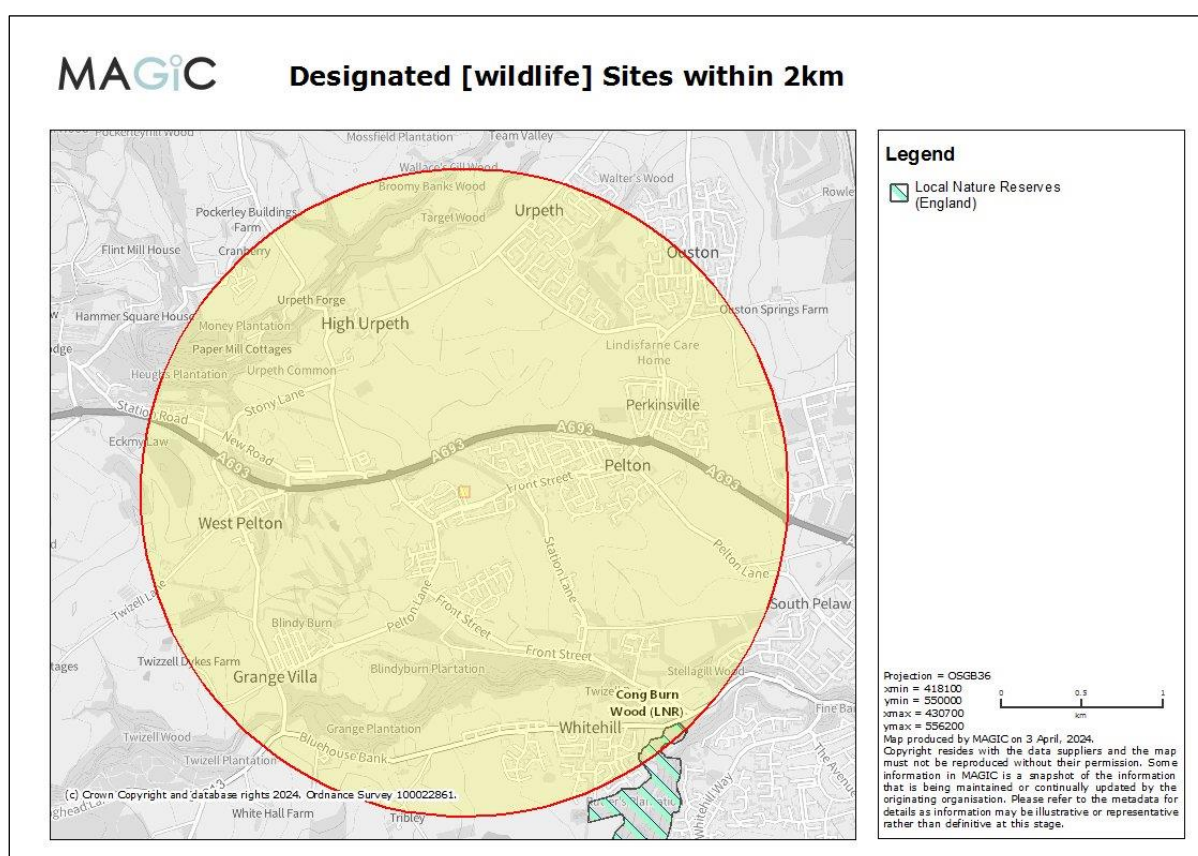


Figure 5. Designated [wildlife] Sites within 2km.

The site falls within the SSSI⁶ Impact Risk Zones. Potential impacts are discussed in the table below. No impacts are expected.

Category	Impact	Description
Infrastructure	N/A	Airports, helipads and other aviation proposals.
Minerals, oil and gas	N/A	Planning applications for quarries.
Air pollution	N/A	Livestock and poultry units with floorspace >500m ² , slurry lagoons and digestate stores >750m ² , manure stores >3500t.

⁵ magic.defra.gov.uk

⁶ Site of Special Scientific Interest

5.2 Priority Habitats

'MAGiC on the Map' was checked for Priority Habitats (Habitats of Principal Importance). These are habitats listed under Section 41 of the Natural Environment and Rural Communities Act 2006.

There are no Priority Habitats on/adjacent to the development site. The following are found within 2km of the site:

Habitat	Proximity
Deciduous woodland	~175 metres north east
Woodpasture and parkland BAP	~1km north west
Lowland heathland	~1.12km south east
Open Mosaic Habitats on Previously Developed Land ⁷	~1.2km south east
Ancient, replanted woodland	~1.34km north west (Heughs Plantation)
Ancient and semi-natural woodland	~1.48km north west (Greenburn Howl)
Traditional orchard	~1.92km north east

As the development is an extension to an existing property, it will not result in an increase of residential dwellings. Therefore negligible impact is expected on these habitats.

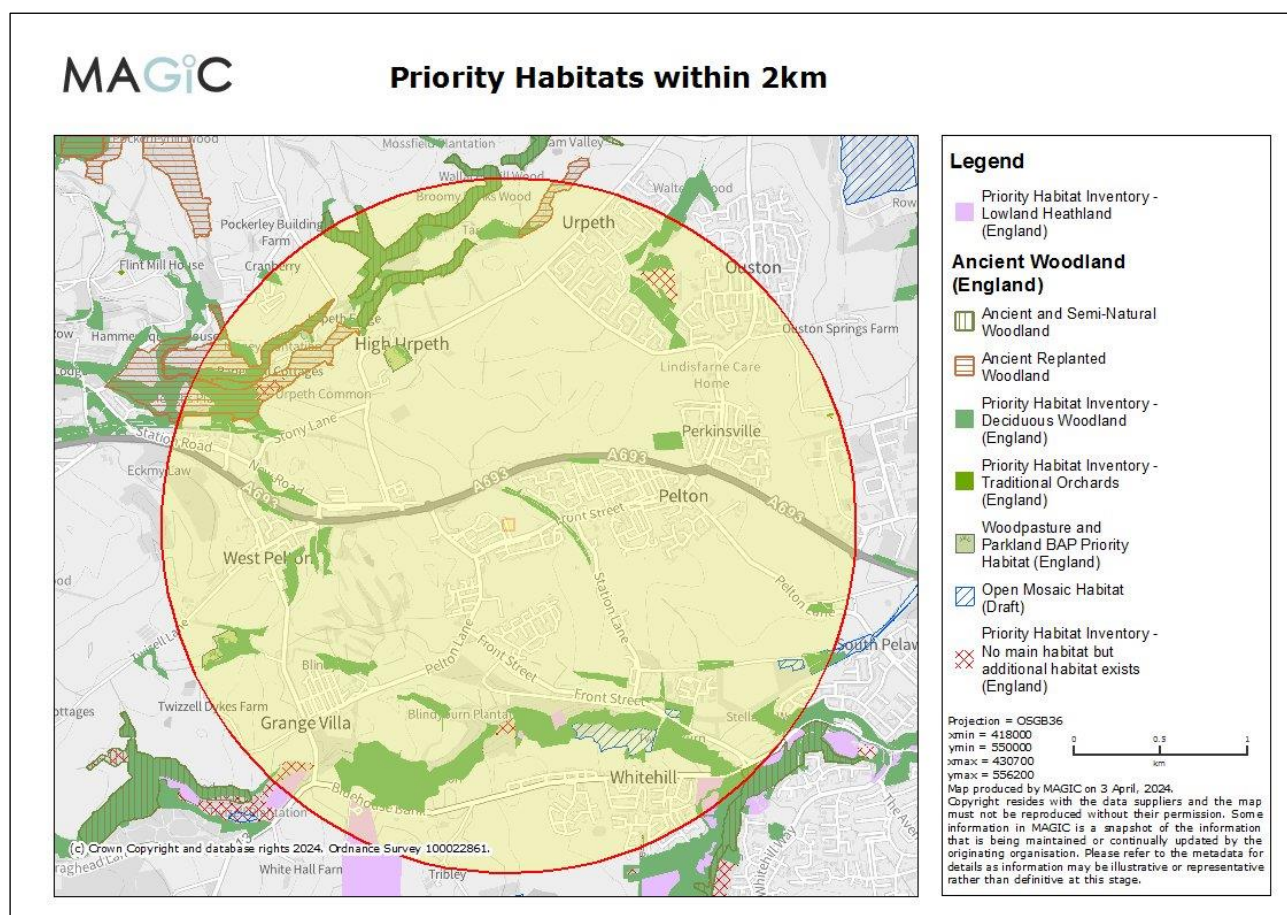


Figure 6. Priority Habitats.

⁷ Draft mapping.

5.3 EPSLs and bat records

Bat records (12 results) from within 2km have been received from ERIC North East⁸ and are summarised below. The full dataset can be made available upon request.

The following species are recorded within 2km. Those in **bold** also hold roost records.

- **Common pipistrelle** (*Pipistrellus pipistrellus*).
- **Pipistrelle** (*Pipistrellus* sp.).
- **Myotis** (*Myotis* sp.).
- **Soprano pipistrelle** (*Pipistrellus pygmaeus*).
- **Whiskered/Brandt's** (*Myotis mystacinus/brandtii*).

The database holds 37 records, none of which appear to be within 350 metres of Cemetery House.

'MAGiC on the Map' was checked for any granted Endangered and Protected Species Licences (EPSLs) granted within 2km. There are ten within 2km:

Reference	Species	Licence dates	Impact(s)	Proximity
2017-32444- EPS-MIT	Common pipistrelle	24/11/2017 - 30/11/2018	Destruction of a resting place.	~525 metres SE
2015-9370- EPS-MIT	Common pipistrelle	14/04/2015 - 13/04/2020	Destruction of a resting place.	~610 metres E
2015-9370- EPS-MIT-1		20/10/2015 - 19/10/2020		
2018-37950- EPS-BDX	Common pipistrelle	01/04/2019 - 30/04/2019	Impact on a breeding site. Damage of a breeding site. Damage of a resting place. Destruction of a breeding site. Destruction of a resting place.	~1.52km SW
EPSM2013- 6778	Common pipistrelle Soprano pipistrelle	22/11/2013 - 31/03/2014	Destruction of a resting place.	~1.55km S
2019-42727- EPS-MIT	Great crested newt	04/10/2019 - 31/07/2028	Impact on a breeding site. Damage of a resting place. Destruction of a breeding site. Destruction of a resting place.	~1.68km SE
2015-17275- EPS-BDX	Common pipistrelle	01/04/2016 - 30/04/2016	Impact on a breeding site. Damage of a breeding site. Damage of a resting place. Destruction of a breeding site. Destruction of a resting place.	~1.72km NE
2015-16433- EPS-BDX		13/10/2015 - 31/10/2015		
EPSM2012- 4887	Great crested newt	10/10/2012 - 30/06/2014	Impact on a breeding site. Destruction of a breeding site.	~1.94km SE
EPSM2012- 4890	Common pipistrelle	11/10/2012 - 31/07/2014	Destruction of a resting place.	

⁸ www.ericnortheast.org.uk

Granted EPSLs within 2km

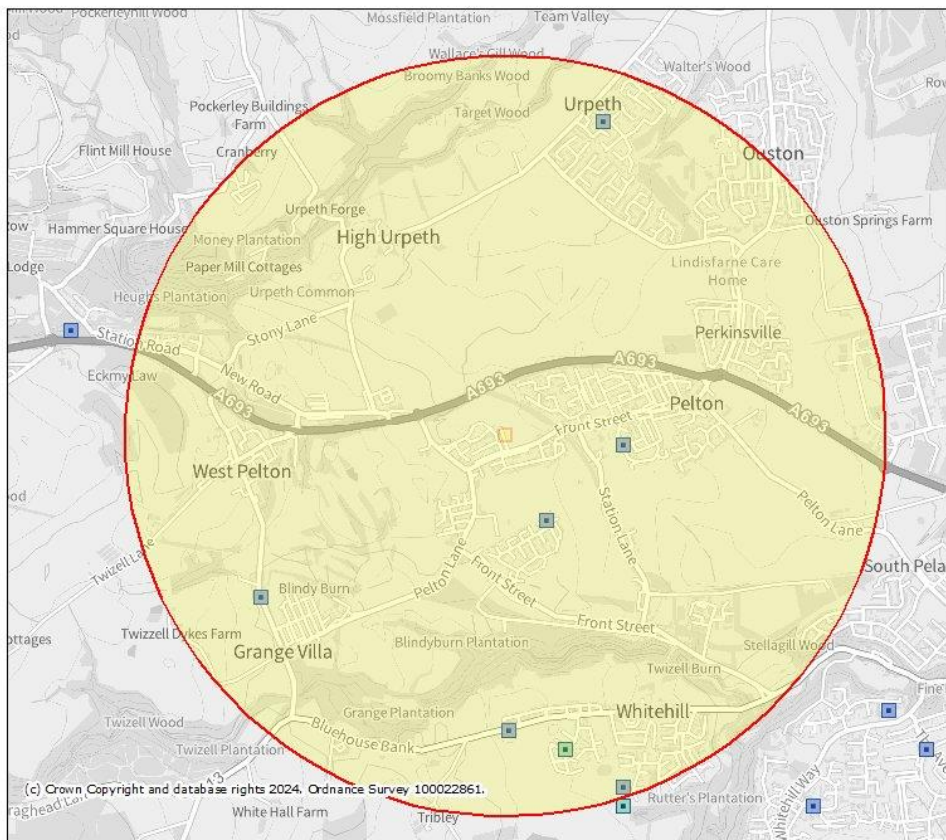


Figure 7. Granted EPSLs within 2km.

5.4 Local planning portal

The property, Cemetery House, Pelton, has no previous planning history.

The local planning portal was checked (April 2024) for nearby (within 200 metres) and/or recent (in the last 5 years) planning applications that have reference to ecology. *References to tree assessments away from the development site have been omitted.*

Address	Land to the west of 2 Heathmeads, Pelton
Planning application	DM/23/00859/FPA (2023) – Construction of 3 two-storey dwellings and associated infrastructure.
Proximity	~160 metres south west

Barrett Environmental Ltd. (2023). *Preliminary Ecological Appraisal: Heathmeads, Pelton, County Durham.*

The 0.2ha site was abandoned as an allotment around 2010 and the site now contains ‘other neutral grassland’⁹.

The proposed development does not lie within, or close to any statutory or non-statutory Designated Sites and contains no Durham Priority Habitats. It is surrounded to the north, east and west by residential housing, and to the south by amenity grassland. Historic ecological data indicates the presence in the locality of a range of protected and notable fauna including badgers, bats, amphibians, and hedgehogs, however none of these has been recorded at the site nor in close proximity, and their presence has been risk-assessed.

There is considered to be a high risk that foraging bats, breeding birds and hedgehogs may utilise the site, but all other species are evaluated as either a negligible or very low risk for being present and will be unaffected by the development.

A mitigation strategy is presented to ensure that nesting birds and hedgehogs are not disturbed or harmed during the construction, and the installation of a bat roost unit on the west gable of a proposed garage provides biodiversity enhancement at the site.

⁹ UK Habitat Classification

6. Daylight walkover

6.1 Description

The property is brick-built property with a slate tiled pitched roof. Smaller roof pitches and some flat-roof sections are present on the northern elevation (**figure 14**). The property has fascia boards present with quite wide gaps present behind them (**figure 11**). The wall tops cannot be seen. Gaps were noted underneath ridge tiles (**figure 12**) on the southern elevation of the main structure and under the hip tiles on a smaller roofing section on the northern elevation, where some roof tiles are also raised. The pointing around the chimney is missing in places (**figure 13**), but does not appear to lead to any crevices. The hip tiles are capped off, although a small gap may be present on the north eastern corner of the main building (**figure 16**).

Windows and doors are uPVC double-glazed with no gaps noted. Vertical boarding is present on a projection on the northern elevation, this appears flush to the wall surfaces.

Internally the property is vacant and in need of renovation/modernisation (**figures 20 and 21**). A number of deceased wasps were noted in an upper floor room on the windowsill.

A single brick-built, slate-roofed outbuilding is present (**figures 22-24**), this has no external door and is in a poor state of repair. Wooden boarding is present below the roof tiles.

There is access to the loft voids of the main roof pitch (**figures 17 and 18**), but other smaller pitches have no access. The accessible loft has two distinct spaces, joined by a small gap in the dividing wall (**figure 19**). Old, dusty insulation is present, covered in fine debris. No membrane is present below the tiles, although a single strip of barge boards are present at the apex. The wall tops could not be seen. Minor areas of light ingress were noted, including a single chipped tile, however nothing was deemed large enough to allow a bat through.

The property has a small garden, laid partially to lawn with species present of no particular note. Some small shrubs, hedging and semi-mature trees are present in the garden to the south of the property (**figure 25**).

No signs of bats or birds' nests were noted.

6.2 Photos



Figure 8. Southern elevation.



Figure 9. Western and southern elevations.



Figure 10. Western elevations.



Figure 11. Gaps are present behind fascia boards.



Figure 12. Gap present below ridge tile.



Figure 13. Pointing absent around sections of the chimney.



Figure 14. Northern facing elevations, showing different roofing structures.



Figure 15. Eastern elevation.



Figure 16. Possible gap at bottom of hip tile on north eastern corner.



Figure 17. Loft void.



Figure 18. Loft void.



Figure 19. Access gap between the two loft voids.



Figure 20. Internal room.



Figure 21. Internal area.



Figure 22. Outbuilding.



Figure 23. Outbuilding.



Figure 24. Outbuilding.



Figure 25. Garden to south of the property.

7. Impact assessment and proposed mitigation

7.1 Summary

ADDITIONAL BAT SURVEYS ARE REQUIRED TO COMPLETE THIS ASSESSMENT

The building is deemed to have **moderate potential for roosting bats** due to a gaps deemed to be Potential Roost Features (PRFs). These features will be lost/altered during the development and therefore further assessment is required to ascertain if the building is used by bats.

Bat survey(s) should be undertaken between May and August to get an understanding of the use of the property by bats, if any. This is in accordance with the Bat Conservation Trust (2023) ‘Bat Surveys Good Practice Guidelines’.

No work should be undertaken prior to bat activity survey(s) being completed. This is to reduce any impacts on any bat roosts present, which could constitute a legal offence.

The development is unlikely to affect any Designated [wildlife] Sites or Priority Habitats.

A Pollution Prevention Plan should be put in place during the construction phase.

No signs of protected species were noted on site, including bats or birds’ nests.

Aside from bats, any potential impacts can be suitably dealt with *via* a Precautionary Working Method Statement (**appendix 1**) without the need for further survey work. These should be conditioned as part of a planning application.

Factors supporting the recommendations are discussed in the sections below:

7.2 Limitations

The site visit was undertaken just outside of the active bat season and with a prolonged period of heavy rain means any signs of bats externally are unlikely to be present.

7.3 Birds

There is potential for birds to nest on the building and within the outbuilding.

Potential impacts

- Disturbance to breeding birds.
- Destruction of active nests, causing death or injury to fledging birds.

Actions and mitigation

- Site contractors must be made aware of the law around the bird nesting season (March-August inclusive).
- Construction works should avoid the bird nesting season unless a suitably experienced ecologist has confirmed that no nesting birds are present 48 hours prior to the works commencing.
- Integrated bird nesting features are recommended to be included with the extension works.

7.4 Bats

ADDITIONAL BAT SURVEYS ARE REQUIRED TO COMPLETE THIS ASSESSMENT

The building is deemed to have **moderate potential for roosting bats** due to a gaps deemed to be Potential Roost Features (PRFs). These features will be lost/altered during the development and therefore further assessment is required to ascertain if the building is used by bats.

The following PRFs were noted:

- Gaps under ridge tiles.
- Gaps behind fascia boards.
- Raised roof tiles.

Bat survey(s) should be undertaken between May and August to get an understanding of the use of the property by bats, if any. This is in accordance with the Bat Conservation Trust (2023) 'Bat Surveys Good Practice Guidelines'.

No work should be undertaken prior to bat activity survey(s) being completed. This is to reduce any impacts on any bat roosts present, which could constitute a legal offence.

Bat records from within 2km have been received from ERIC North East¹⁰. The full dataset can be provided upon request. Bat records from within 2km have been received from ERIC North East¹¹. The following species are recorded within 2km, there are records of roosts for all species.

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- Pipistrelle.
- *Myotis*.
- Soprano pipistrelle.
- Whiskered/Brandt's.

The database holds 37 records, none of which appear to be within 350 metres of Cemetery House.

¹⁰ www.ericnortheast.org.uk

¹¹ www.ericnortheast.org.uk

The [initial] Assessment was made based on the Bat Conservation Trust (2023) 'Bat Surveys Good Practice Guidelines'. The full assessment tables can be found in **appendix 3**.

- **Roost habitats in structure – moderate.**
- **Potential flight-paths and foraging habitats – moderate.**

Potential impacts

- Disturbance to roosting bats (if present).
- Disturbance, killing or injury to occasional/opportunistic bats which may use the building and outbuilding as roost(s).
- Disturbance, damage or loss of bat roost(s), if present or loss of bat roosting provision.
- Additional lighting causing disruption to nocturnal wildlife, including bats.

Actions and mitigation

Example only – to be updated following the recommended survey effort.

- No work should be undertaken prior to bat activity survey(s) being completed. This is to reduce any impacts on any bat roosts present, which could constitute a legal offence.
- Roofing features including tiles and fascia boards to be removed by hand, carefully checking for bats.
- If bats or signs of bats are found, then work must stop, and the project ecologist contacted for advice.
- Any external lighting should be low level, directional and follow the ILP/BCT 2023 guidance¹².
- Non-Bitumen (Breathable) Roofing Membranes¹³ are not recommended to be used as these are known to cause death to bats by entanglement. Bitumen 1F, of a non-woven short-fibred construction is safe to use.
- Any external paint used should be checked to ensure it will not cause harm to bats or birds.
- Integrated features suitable for bats (such as bat access tiles) are recommended to be incorporated into the extension works to ensure No Net Loss of bat roost potential.

7.5 Designated Sites and Priority Habitats

There is one Designated [wildlife] Sites within 2km, Cong Burn Wood LNR, lies approximately 1.9km south east. The property lies within the SSSI Impact Risk Zones, although no impacts are expected.

There are no areas of Priority Habitat on/adjacent to the site.

¹² ILP (2023). Advice note 08/23 - Bats and artificial lighting in the UK - Bats and the Built Environment series. BCT

¹³ www.bats.org.uk/our-work/buildings-planning-and-development/non-bitumen-roofing-membranes

7.6 Other species and habitats

The property has a small gardens, laid partially to lawn with species present of no particular note. Some small shrubs, hedging and semi-mature trees are present in the garden to the south of the property. Some grassed areas will be lost when a detached garage is constructed.

No signs of badger, owls, red squirrel or other protected species were noted on site.

Potential impacts

- Potential impact on foraging animals.
- Pollution *via* site run-off and/or materials/chemicals stored/increased traffic on site.
- Site run-off polluting nearby waterbodies.
- Disturbance and/or injury to wildlife during the construction phase.
- Activities such as mixing cement, refuelling or storage of materials/equipment may cause significant damage to those features such as compaction or contamination.
- Pollution *via* site run-off or through discharges of waste during occupation of the site.
- Loss of small area of amenity/modified (g4¹⁴) grassland.

Proposed mitigation measures

- A pollution prevention strategy/plan should be put in place. This should include standard good practice measures included in PPG6 (see references). This should include both the construction phase and during residential site occupation. Chemicals must be stored carefully and following their COSHH guidelines. All those working on site to have access to spill kits and appropriate training in their use.
- Any storage of materials on site is likely to create suitable refugia for several species and therefore should only be moved by hand.
- Any pits or holes dug during the construction phase must be covered up overnight or fitted with exit ramps (scaffolding planks) for mammals, to be placed at an angle of 30° from base to top.
- Check any areas of ground thoroughly before work starts.
- Remaining vegetation to be gradually reduced in size, checking for wildlife, such as small mammals and reptiles.
- Any small mammals should be given chance to move away of their own accord to a place of safety or carefully remove them to a safe area nearby, preferably in vegetation, away from the working area.

¹⁴ UK Habitat Classification

8. References

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APPENDIX 1. Precautionary Working Method Statement

METHOD STATEMENT FOR CONTRACTORS CEMETERY HOUSE, PELTON, CHESTER-LE-STREET, DH2 1NQ

The following precautions are necessary to prevent a legal offence being committed. All species of breeding bats and breeding birds are protected by law. Deliberate or reckless disturbance of these animals is a legal offence, punishable by fines and/or imprisonment. They are intended to reduce the impact of this development to protected species. These recommendations must be followed by all of those working on the site.

Should any protected species be found, work should immediately stop, and the project ecologist contacted.

Bats commonly roost in cavity walls and roofs. They may be present under roof tiles, ridge tiles and at wall tops or within crevices. All species of bats are strictly protected by law. Damage or destruction of a bat roost is an absolute offence with a maximum penalty of a £5,000 fine per offence, up to 6 months imprisonment, and confiscation of equipment.

Birds often nest at eaves, in roofs and in soffits. All species of breeding birds, their nests (whilst being built and when in use), eggs and chicks are also protected by law.

To be updated following bat activity survey(s).

- **No work should be undertaken prior to bat activity survey(s) being completed. This is to reduce any impacts on any bat roosts present, which could constitute a legal offence.**
- All works to cease immediately if bats, bat signs or nesting birds are found, and the project ecologist contacted for advice before works can proceed.
- Roofing features including tiles and fascia boards to be removed by hand, carefully checking for bats.
- If bats or signs of bats are found, then work must stop, and the project ecologist contacted for advice.
- Non-Bitumen (Breathable) Roofing Membranes¹⁵ are not recommended to be used as these are known to cause death to bats by entanglement. Bitumen 1F, of a non-woven short-fibred construction is safe to use.
- Any external paint used should be checked to ensure it will not cause harm to bats or birds.
- Integrated features suitable for bats (such as bat access tiles) and birds (nesting boxes) are recommended to be incorporated into the proposed extension works.
- A pollution prevention strategy/plan should be put in place. This should include standard good practice measures included in PPG6 (see references). This should include both the construction phase and during residential site occupation. Chemicals must be stored carefully and following their COSHH guidelines. All those working on site to have access to spill kits and appropriate training in their use.

¹⁵ www.bats.org.uk/our-work/buildings-planning-and-development/non-bitumen-roofing-membranes

- Any external lighting should be directional away from any roosts/valuable habitat featured and follow the ILP 2023 guidance¹⁶. Any new external lighting will be directional, low intensity and controlled by motion sensor and face away from the nearby green areas.
- Site contractors must be made aware of the law around the bird nesting season (March-August inclusive). Construction works should avoid the bird nesting season unless a suitably experienced ecologist has confirmed that no nesting birds are present 48 hours prior to the works commencing.
- Any storage of materials on site is likely to create suitable refugia for several species and therefore should only be moved by hand.
- Any pits or holes dug during construction phase must be covered up overnight or fitted with exit ramps (scaffolding planks) for mammals to be placed at an angle of 30° from base to top.
- Contractors should check any areas of ground thoroughly before starting work and before they leave.
- All materials, fuel, equipment and chemicals, if left on site, to be stored securely.
- Any small mammals should be given chance to move away of their own accord to a place of safety or carefully remove them to a safe area nearby, preferably in vegetation, away from the working area.

¹⁶ ILP/BCT (2023). *Advice note 08/23 - Bats and artificial lighting in the UK - Bats and the Built Environment series.*

Signed by Owners

Names

Date.....

Signed by Contractors

Name	Job Title	Date	Signature

APPENDIX 2. Relevant wildlife legislation

Under Section 25 (1) of the **Wildlife & Countryside Act (1981)** local authorities have a duty to take such steps as they consider expedient to bring to the attention of the public the provisions of Part I of the Wildlife & Countryside Act, which includes measures to conserve protected species.

The **Natural Environment and Rural Communities Act (2006)** places a Statutory Biodiversity Duty on public authorities to take such measures as they consider expedient for the purposes of conserving biodiversity, including restoring or enhancing a population or habitat.

Paragraph 109 of the **National Planning Policy Framework (NPPF)** requires that the planning system minimizes impacts on biodiversity and provides net gains where possible.

The **Environment Act (2021)** has two main functions:

- To give a legal framework for environmental governance in the UK.
- To bring in measures for improvement of the environment in relation to waste, resource efficiency, air quality, water, nature and biodiversity, and conservation.

Bats

In Britain all bat species and their roosts are legally protected, principally under the Conservation of Habitats and Species Regulations (2010), with additional protection under the Wildlife and Countryside Act (1981) (as amended), including under Schedule 12 of the Countryside and Rights of Way Act, 2000, which created a new offence of reckless disturbance.

The combined effect of these is that a person is guilty of an offence if they:

- Deliberately capture, injure or kill a bat.
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats. In particular where this may:
 - i. Impair their ability to survive, to breed or reproduce, or rear or nurture their young.
 - ii. Affect significantly the local distribution or abundance of the species.
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time).
- Intentionally or recklessly obstruct access to a bat roost.

Birds

All birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, to:

- Intentionally kill, injure or take any wild bird.
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.
- Intentionally take or destroy the egg of any wild bird.
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building or is in, on or near a nest with eggs or young; or disturb the dependent young of such a bird. Barn Owls are named in Schedule 1 of this Act.

The barn owl is protected under Part 1 of the Countryside Act 1981 and is listed on Schedule 1, which gives them special protection. It is an offence, with certain exceptions to:

- Intentionally or deliberately kill, injure or capture (take) any wild barn owl.
- Intentionally take, damage or destroy any wild barn owl nest whilst in use or being 'built'.
- Intentionally take or destroy a wild barn owl egg.
- Intentionally or recklessly disturb any wild barn owl whilst 'building' a nest or whilst in, on, or near a nest containing young.
- Intentionally or recklessly disturb any dependent young of wild barn owls.

APPENDIX 3. Bat suitability tables

From 'Bat Conservation Trust (2023). *Bat Surveys Good Practice Guidelines*'. Those in **bold** and blue shaded boxes apply to the building/site.

Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement¹⁷.		
Potential suitability	Description	
	Roosting habitats in structures	Potential flight-paths and foraging habitats
None	No habitat features on site likely to be used by any roosting bats at any time of the year (<i>i.e.</i> a complete absence of crevices/suitable shelter at all ground/underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (<i>i.e.</i> no habitats that provide continuous lines of shade/protection for flight-lines, or generate/shelter insect populations available to foraging bats).
Negligible¹⁸	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ¹⁹ and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (<i>i.e.</i> unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats ²⁰).	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, <i>i.e.</i> not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.

¹⁷ Table 4.1 – Bat Survey Guidelines – 4th Edition (2023).

¹⁸ Negligible is defined as 'so small or unimportant as to be not worth considering, insignificant'. This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute).

¹⁹ For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

²⁰ Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten *et al.*, 2016 and Jansen *et al.*, 2022). Common pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.

Potential suitability	Description	
	Roosting habitats in structures	Potential flight-paths and foraging habitats
Moderate	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ²¹ and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	<p>Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</p>
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ¹⁹ and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	<p>Continuous, high-quality habitat that is well-connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge.</p> <p>High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.</p> <p>Site is close to and connected to known roosts.</p>

²¹ For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.