

NYMNPA

17/08/2020

**From:** Bell Snoxell Building Consultants

**Sent:** 17 August 2020 16:47

**To:** Hilary Saunders

**Subject:** Re: FW: Response To Application Number NYM20/0443/FL at Greenhills, High Lane, Robin Hoods Bay

Apologies Hilary.

Please find attached.

Kind regards

Louis

On Mon, 17 Aug 2020 at 14:53, Hilary Saunders <[h.saunders@northyorkmoors.org.uk](mailto:h.saunders@northyorkmoors.org.uk)> wrote:

Good afternoon Louis,

Please can you attached the MAB ecology survey which wasn't attached to the email below.

Thanks

Kind regards

Hilary

*H. Saunders*

Mrs Hilary Saunders MRTPI

Planning Team Leader

Development Management

***\*Due to the current Covid-19 restrictions we are all working from home. Therefore, please can we request that you continue to contact us by email and not by post. Thank you.***

*The Authority charges for providing planning and administration advice. A copy of the charging schedule is available to view on the Authority's website.*

**From:** Bell Snoxell Building Consultants

**Sent:** 03 August 2020 11:06

**To:** Hilary Saunders; Chris France

**Cc:** I Sheveling; Rebecca Sheveling

**Subject:** Re: FW: Response To Application Number NYM20/0443/FL at Greenhills, High Lane, Robin Hoods Bay

Morning Hilary and Chris,

Please find attached the bay survey from MAB Ecology for submission with the application.

With regards to Highways, I am struggling to make any swift progress. This might ultimately jeopardise the date for the decision in turn nullify the grant application.

I have suggested an alternative route to Ged this morning after no response to the additional visibility spay information I sent. I did not agree with his 2x10m visibility spay assessment. I copied you in on the email. Would this alternative route be acceptable in terms of the extra track needed in the field?

I would really appreciate your current thoughts on the access design issues.

Many thanks

Louis

**Bat, Breeding Bird and Barn Owl Survey**

**Greenhills Farm, Robin Hood's Bay**

**July 2020**



MAB Environment & Ecology Ltd

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Bat, Breeding Bird and Barn Owl Survey: Greenhills Farm 2020

<b>Author</b>	Ione Bateau MCIEEM	
<b>Status</b>	<b>Date</b>	<b>Checked by:</b>
Final	31-07-2020	Giles Manners MCIEEM

**Site:**

Greenhills Farm  
Robin Hood's Bay  
Nr Whitby  
YO22 4PJ

**Dates:**

Scoping survey: 25<sup>th</sup> June 2020  
Emergence survey: 27<sup>th</sup> July 2020

**Client's agent:**

Bell Snoxell Building Consultants Ltd  
Mortar Pit Farm  
Sneatonthorpe  
Whitby  
North Yorkshire  
YO22 5JG

**Planning Authority:**

North York Moors National Park Authority

**Our ref:**

2020-933

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## 1 Summary

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A bat, breeding bird and barn owl survey was carried out on two barns at Greenhills Farm. Planning permission is being sought for conversion of the barns to holiday/residential use.

The barns are located in an area of moderate quality bat foraging habitat; though very exposed due to proximity to the sea.

During the inspection, no signs of bats were found, but both the buildings contain areas of low potential bat roost habitat that could be utilised by crevice and void dwelling bats. Additionally, the wooden first floors were damp and so access was not possible.

The emergence survey carried out an optimal time of year found no bat roosts at the properties. Works can go ahead without impacting bat roosts. Due to bat habitat loss we recommend the provision of a Schwegler 1 FF box on each of the properties. As there is potential bat roost habitat, we recommend that emergence surveys should be repeated in 2022 if works have not started by April 2022. Good working practices should be followed.

Barn swallows have nested in the past in Barn 1 and are nesting within Barn 2. It is recommended that work is timed to avoid disturbance to nesting birds. If this is not possible, then a check should be made prior to work commencing.

There is evidence of regular use of Barn 1 by roosting, but not nesting barn owl. Permanent provision for barn owls will therefore be included as part of the development. Section 9 sets out a method statement to minimise disturbance to barn owl during works.



## 2 Introduction

MAB Environment and Ecology Ltd was commissioned by Bell Snoxell Building Consultants Ltd to undertake a bat, breeding bird and barn owl survey on two stone barns at Greenhills Farm. Planning permission is being sought for conversion of the barns to holiday/residential use.

The barns (Barn 1 and Barn 2) are located in open fields approx. 50m to the north-east of Robin Hood's Bay. (Central grid reference: NZ95220567). The location of the site is shown on Figure 1, below

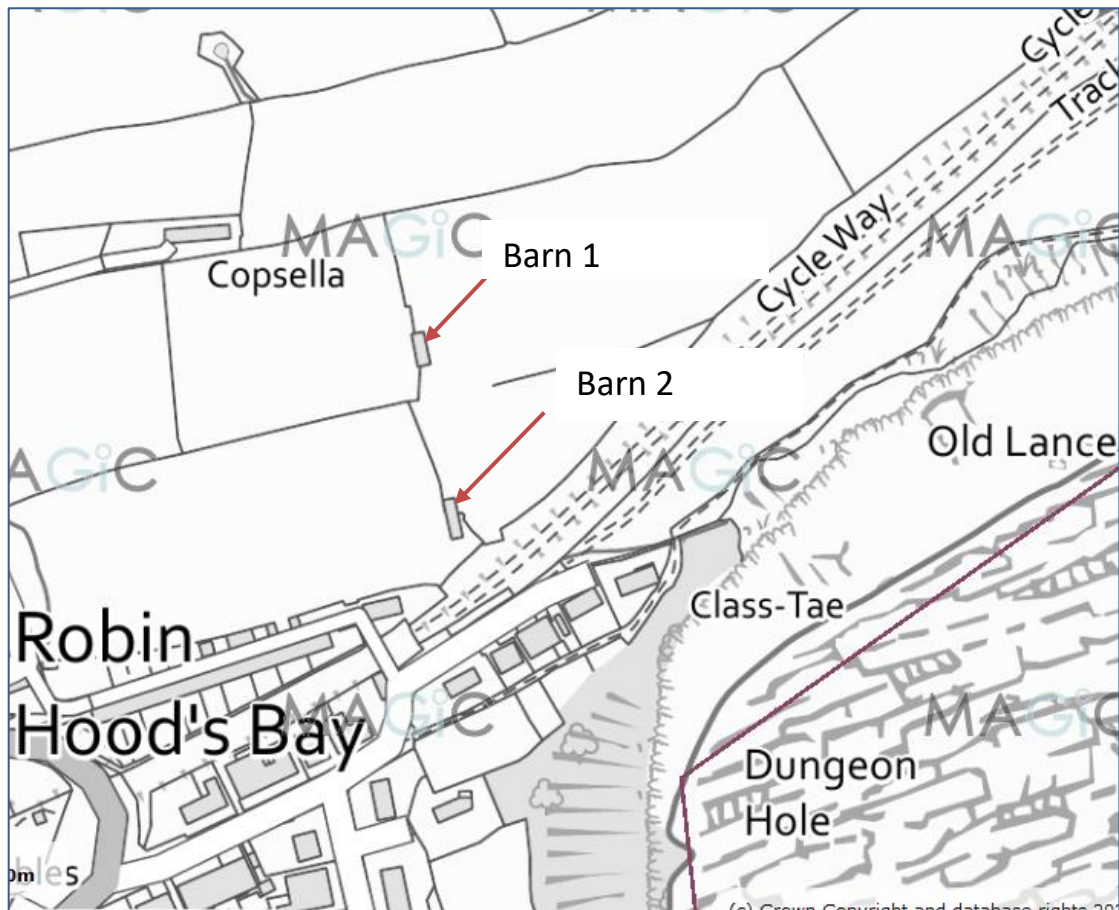


Figure 1 Site location plan

The report was written by Ione Bateau MCIEEM of MAB Environment and Ecology Ltd.

The report's primary objective is to provide an impact assessment for the development on bats, define any necessary mitigation proposals, and to assess the

requirement for a Protected Species Licence. A secondary objective is to assess potential impact on breeding birds.

### 3 Methodology

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#### 3.1 Desktop study

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3.1.1 Bat roost records for a 2km radius around the site were commissioned from the North Yorkshire Bat Group (NYBG).

3.1.2 Aerial imagery from Google Earth and 'MAGIC' government website were used to assess the location of the site and the surrounding habitat for value to bats. This includes proximity of the site to good bat foraging habitat such as woodland and water bodies and if the site is linked to such habitats by linear features like hedgerows, woodland edges or rivers which bats use to commute around the environment.

#### 3.2 Field survey

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3.2.1 The site was surveyed by Ione Bateau MCIEEM a director of MAB Environment & Ecology Ltd since 2006. Ione holds a Class Survey Licence WML CL15 (volunteer bat roost visitor Level 1) and WML CL18 (Bat Survey Level 2) – registration number 2015-13361-CLS-CLS. Ione is licensed by Natural England to survey for GCNs (CL08 Great Crested Newt Class 1, Registration number 2015-19109-CLS-CLS). The surveys were carried out in accordance with the Bat Conservation Trust, Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn).

3.2.2 The interior and exterior of the buildings were inspected during the day using halogen torches (500,000 candle power), binoculars, ladders, and a flexible endoscope (a Sea Snake LCD inspection scope). All normal signs of bat use were looked for, including bats, bat droppings, feeding waste, entry and exit holes, grease marks, dead bats, and the sounds / smells of bat roosts.

3.2.3 The buildings were assessed for their degree of potential to support roosting bats. This includes assessing the building design, materials and condition.

Bat, Breeding Bird and Barn Owl Survey: Greenhills Farm 2020

Colour code	Bat roost potential.	Roosting habitats	Commuting and foraging habitats
	Confirmed	Signs of roosting bats present (e.g. entry / exit points, accumulated bat droppings, visible bats).	
Red	High risk	A structure or tree 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 and surrounding habitat.	<p>Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats 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>
Amber	Moderate risk	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only-the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	<p>Continuous habitat connected to the wider landscape that could be used by bats for commuting such as a line 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>
Yellow	Low risk	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. Unlikely to be suitable for maternity or hibernation)	<p>Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or unvegetated stream, but isolated, i.e. Not very well connected to the surrounding landscape by other habitat.</p> <p>Suitable but isolated habitat that could only be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.</p>
Green	Very low risk	All potential bat roost habitat <i>comprehensively</i> inspected and found to be clear of past or present bat usage.	
Grey	Negligible risk	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.

**Table 1: Guidelines for assessing the suitability of proposed development sites for bats. Adapted from BCT Bat surveys for Professional Ecologists, Good Practice Guidelines 2016.**

3.2.4 All signs of breeding bird activity and barn owl (*Tyto alba*) activity were looked for. Signs looked for included white droppings, often vertical down walls or beams; active nests and nesting materials; (birds flying into and out of barns: generally, summer only); bird feathers, particularly swift (*Apus apus*), swallow (*Hirundo rustica*) and house martin (*Delichon urbica*), bird corpses, feeding waste (including pellets), and the sound/smell of birds.

3.2.5 Emergence surveys were carried out using 4 surveyors with ultra-sound detectors (Pettersson D240x, Pettersson D230, Elekon Batloggerand BatBox Duet). The D240x detector was set to 10x expansion with manual triggering with an Edirol R09 WAV solid state recording device for the time expansion channel, with heterodyne output through the other channel. The D230 and Duet used heterodyne detection were set to 50 kHz.

3.2.6 Surveyors used were;

- Emma Telfer (ET) ACIEEM has worked as an ecologist for MAB since 2014. She holds a Class Survey Licence WML-A34 (Bat Survey Level 2) registration number 2016-20709-CLS-CLS. Emma has received BCT training in surveying for bats and bat ecology and is also a trainee volunteer bat roost visitor
- Keira Manners (KM) is an undergraduate and has undertaken emergence surveys for MAB since 2016.
- Julie Howarth-Pulleyn (JHP) is an Environmental Conservation graduate, with four years' experience in bat surveying.
- Jake Walker (JW) has a BSc (Hons) in Ecology & Environmental Science and is a seasonal ecologist & bat surveyor with MAB.

## **4 Constraints**

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The buildings were semi derelict and wooden floors were damp and missing so first floor access was not possible.

## **5 Site Description**

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The site consists of two stone barns set in vineyards. Buildings are fully described in Section 6.

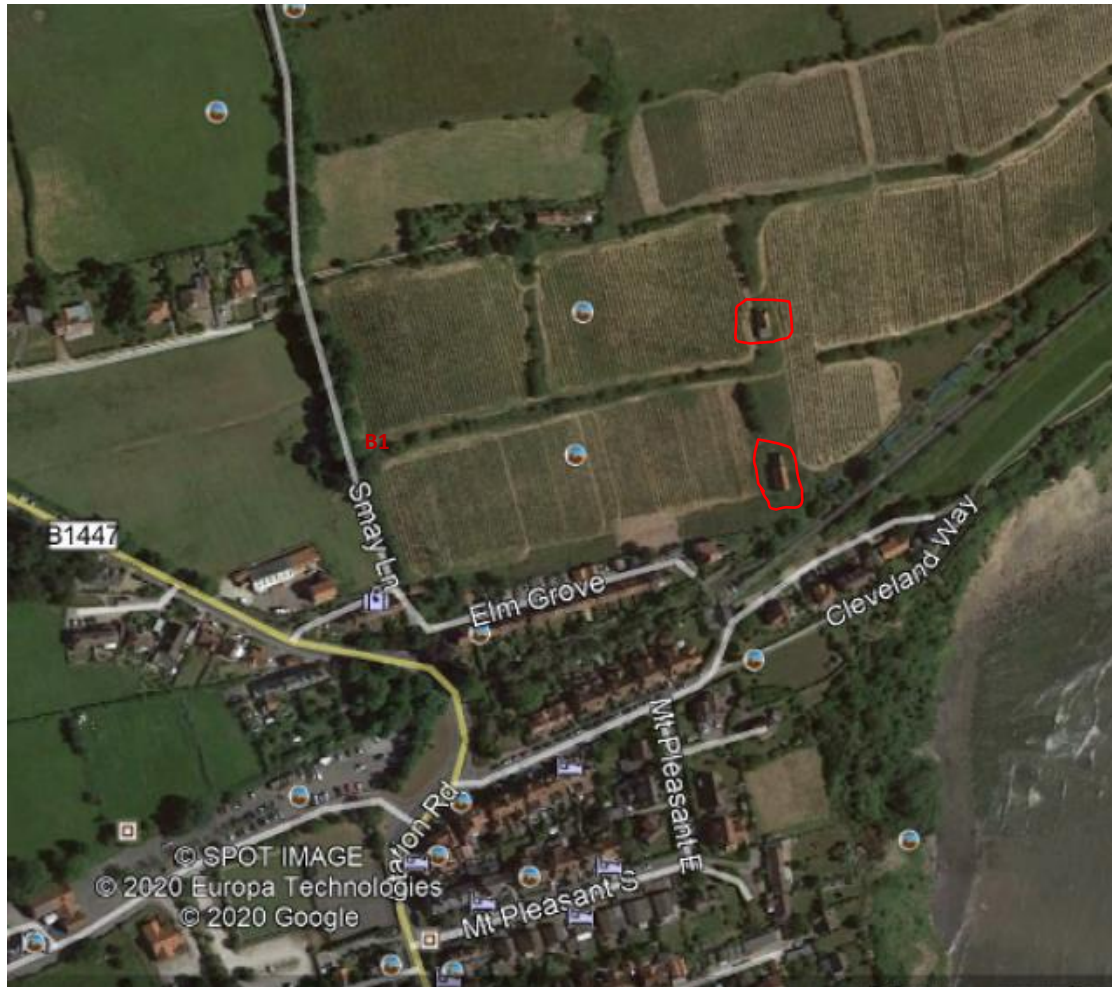


Figure 2: Aerial view of site. Buildings included within the scope of the survey are outlined red.

## 6 Results

### 6.1 Desktop study

The site is located in an area of medium -quality bat foraging habitat, but windy and exposed. The site is rural and surrounded by a mixture of permanent pasture with hedges with the North Sea to the east.

#### 6.1.2 Bat Group records

Records returned from the North Yorkshire Bat Group do not contain any for the site itself. Records show fairly low species-diversity in the area with just common and soprano pipistrelle, whiskered and brown long-eared bats recorded within 2km of the site.

Species	Site	Gridref	Quantity	Date	Comment
Whiskered Bat	Fylingthorpe Hall, Robin Hood's Bay	NZ944049		29-Apr-04	Bat in sink
Common Pipistrelle	Hillside Bungalow, Fylingthorpe	NZ936045		24-Jun-09	Foraging
Common Pipistrelle	Raw, Whitby	NZ935055		15-May-15	In flight
Brown Long-eared Bat	NZ935055	NZ935055	1	03-Sep-14	Roost
Soprano Pipistrelle	Hillside Bungalow, Fylingthorpe	NZ936045	1	24-Jun-09	In flight
Pipistrelle species	Fylingthorpe School	NZ944052		30-Jul-04	Roost
Pipistrelle species	Brook Cottage, Raw, Robin Hood's Bay	NZ940061		13-Sep-06	Bat inside building
Pipistrelle species	NZ935055	NZ935055	3	03-Sep-14	Roost
Unknown	Thorpe Hall, Fylingthorpe	NZ944049	1	28-Aug-02	Bat in house
Unknown	Station House, Fylinghall, Fylingdales	NZ948053		08-Sep-99	
Unknown	Fylinghall School	NZ937043	80	04-Jul-03	Maternity roost
Unknown	Fylingthorpe Church	NZ943049		1992	Roost
Unknown	Hillside Bungalow, Fylingthorpe	NZ936045		02-Mar-09	Roost
Unknown	Farfield, Mount Pleasant South, Robin Hood's Bay	NZ951054	1	25-Apr-08	Bat seen in loft space

Bat, Breeding Bird and Barn Owl Survey: Greenhills Farm 2020

Unknown	Boggle Hole Youth Hostel	NZ953040		28-Jun-14	Roost
Unknown	NZ935055	NZ935055	4	16-Sep-14	
Unknown	Bungalow at Mill Beck Farm, Robin Hood's Bay	NZ9519403776	19	Jul-14	Roost

## 6.2 Visual inspection

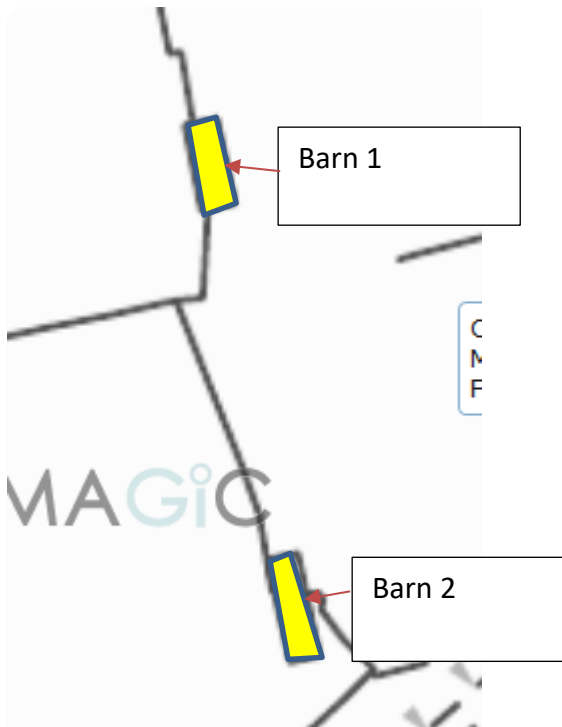


Figure 3: Scoping survey results summary

Building ref.	Description	Features with potential bat roost habitat (PBRH).
<b>Barn 1</b> <b>Low risk</b>	<p>One-storey traditional stone barn with clay pan tiles and a stone ridge. A wooden/asbestos lean to has been added. The building is dilapidated with water ingress and pan tiles missing in places. Crevices are evident between the stone blockwork. Roof is lath lined. Floor of the barn is covered in straw and access to partial wooden first floor was not possible for safety reasons. No signs of bat use evident.</p> <p>One disused swallow nest. Evidence of occasional roosting by barn owl in stone barn and more streaking and pellets in wooden/asbestos lean to.</p>	<p>Multiple access points into building and under roof. Potential for void use.</p> <p>No signs of bat use evident.</p>
<b>Barn 2</b> <b>Low risk</b>	<p>A second traditional one storey stone building, divided into 3 sections. The main part is brick lined internally with a modern wooden lath roof lining and timber ridge beams. This building is less dilapidated than Barn 1 but there is still water ingress via missing pan tiles. Potential access for bats under tiles and via window and door openings. One of the sections has a wooden dovecote with access externally. There is a partial timber floor which was inaccessible.</p> <p>3x swallows' nest's with signs of recent use (droppings). A couple of barn owl pellets internally.</p>	<p>Multiple access points into building and under roof. Potential for void use.</p> <p>No signs of bat use evident.</p>



Site photographs

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Photo 1 Barn 1 showing missing tiles



Photo 2 Stone ridge tiles



Photo 3 Masonry crevices



Photo 4 Wooden lath lining and wood floor



Photo 5 Barn owl pellets



Photo 6 Barn owl streaking in lean to

Bat, Breeding Bird and Barn Owl Survey: Greenhills Farm 2020



Photo 7 Barn 1



Photo 8 Barn 2



Photo 9 Inside Barn 2



Photo 10 Gaps at eaves in Barn 2



Photo 11 Swallow nest



Photo 12 Wooden dovecote



Photo 13 Access holes to dovecote



Photo 14 Barn 2



Photo 15 Barn 2



Photo 16 Barn 2

### 6.3 Emergence Survey

**Date:** 27/07/2020

**Start time:** 20:45      **End time:** 22:40      **Sunset:** 21:11

**Conditions:** 18.2°C start, 11.2°C end. Dry. 30-60% cloud cover. Light breeze (BF2).






**Surveyors:** Emma Telfer (ET); Keira Manners (KM); Jake Walker (JW); Julie Howarth-Pulleyn (JHP).

**Equipment used:** 2x Pettersson D240x time expansion ultrasound detector with Ediol R09 recorder; 1x Pettersson D230; and 1x BatBox Duet Heterodyne detectors set to 50KHz.

#### Results summary:

No bat emergences were identified at either barn 1 or 2. Common pipistrelles were intermittently recorded commuting across the site, utilising the surrounding trees and hedgerows to forage. Despite occasional roosting evidence during scoping, no barn owls were seen during the survey.

#### Observations:

Surveyor	Time	Species	Number	Activity	Annotation
ET	21:45	Common pipistrelle, <i>Pipistrellus pipistrellus</i>		Commuting uphill towards farm	
KM	21:50-22:00	Common pipistrelle, <i>Pipistrellus pipistrellus</i>		Foraging along treeline, west of KM	
JHP	21:57	Common pipistrelle, <i>Pipistrellus pipistrellus</i>		Commuting along hedgerows south of barn 1	
JW	21:58	Common pipistrelle, <i>Pipistrellus pipistrellus</i>		Commuting uphill north of barn 1	
JW	22:00	Common pipistrelle, <i>Pipistrellus pipistrellus</i>		Commuting uphill of barn 1	

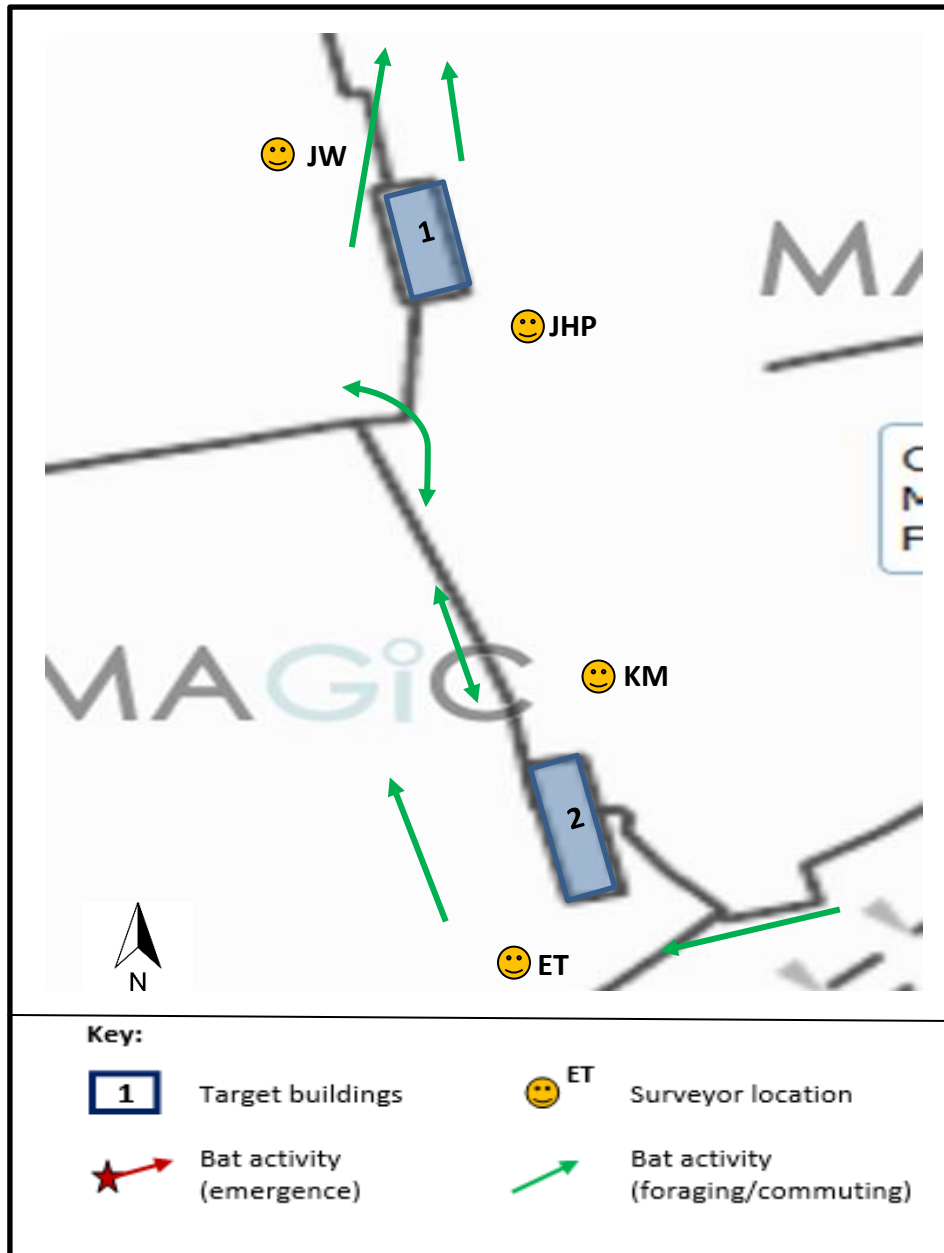


Figure 4 – Surveyor locations and bat activity recorded during survey 1 (27/07/2018).

## 7 Discussion and analysis

The site is located in an area of moderate -quality bat foraging habitat but in a very exposed location which bats generally do not favour. Suitable habitat for both crevice and void dwelling bats was identified during the visual assessment in both barns; though no evidence of bats was found.

An emergence survey was carried out in the optimal season and no bat roosts were recorded at either barn.

Barn swallows are nesting within Barn 2. It is recommended that work is timed to avoid disturbance to nesting birds. If this is not possible, then a check should be made prior to work commencing

There is evidence of regular use of Barn 1 by roosting, but not nesting barn owl. No signs of nesting barn owl were found.

## 8 Impact assessment

Bat roosts were not identified in the surveyed buildings, therefore, there will be no impact on roosting bats as a result of the proposed construction works.

The proposed construction will result in the loss of barn swallow nests and nesting habitat in barn 2. Additionally, conversion will result in a loss of barn owl roosting habitat in barn 1.

Impact on bats	Impact on roosting habitats
Physical disturbance	Modification of access point to roost either physically or through, for example lighting or removal of vegetation.
Noise disturbance through, for example increased human presence or use of noise generating equipment.	Modification of roost either physically, for example by roof removal, or through, for example, changed temperature, humidity, ventilation or lighting regime.
Injury/mortality (e.g. in roost during destruction or through collision with road/rail traffic)	Loss of roost.

**Table 2: Impacts on bats that can arise from proposed activities (from BCT survey guidelines 2016).**

There will be a loss of barn swallow nesting habitat. There is also a risk of harm or disturbance to nesting birds if work is carried out where active nests are present.

There will be a loss of barn owl roosting habitat.

## 9 Mitigation & Compensation

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### 9.1 Method Statement

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#### *Bats*

9.1.1 No bat roosts were identified but there will be a loss of crevice habitat which should be replaced with 2 Schwegler 1FF bat boxes

9.1.2 Good working practices should be followed

9.1.3 Emergence surveys should be repeated in 2022 if development is not carried out before May 2022

#### *Breeding birds*

9.1.4 A pre-works check of the site should be undertaken before work commences to check for the presence of nesting birds. If any active nests are found, then work to those areas should be delayed until after any chicks have fledged.

#### *Barn Owls*

9.1.5 A barn owl box should be installed to provide alternative provision whilst work is being carried out on site and to ensure that habitat is always made available. The box should be installed in a suitable location within 200m of the development site, away from disturbance and at least 30 days prior to works on site.

9.1.6 A permanent internal barn owl nesting box will be installed within one of the buildings on site, to mitigate for the loss of barn owl nesting habitat. The nest box will be a deep nest box suitable for installation inside a barn or other building (Schwegler 23 Barn Owl Nest Box) or similar. Its location will be approved by the ecologist.

## 10 Information concerning bat protection and the planning system

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### 10.1 Relevant Legislation.

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All bat species are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Habitat Regulations 2017.

Under the WCA it is an offence for any person to intentionally kill, injure or take any wild bat; to intentionally disturb any wild bat while it is occupying a structure or place that it uses for shelter or protection; to intentionally damage, destroy or obstruct access to any place that a wild bat uses for shelter or protection; to be in possession or control of any live or dead wild bat, or any part of, or anything derived from a wild bat; or to sell, offer or expose for sale, or possess or transport for the purpose of sale, any live or dead wild bat, or any part of, or anything derived from a wild bat.

Under the Habitat Regulations 2017, it is an offence to (a) deliberately capture, injure or kills any wild animal of a European protected species (EPS), (b) deliberately disturb wild animals of any such species, (c) deliberately take or destroy the eggs of such an animal, or (d) damages or destroys a breeding site or resting place of such an animal. Deliberate disturbance of animals of a European protected species (EPS) includes in particular any disturbance which is likely to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young; or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

*Prosecution could result in imprisonment, fines of £5,000 per animal affected and confiscation of vehicles and equipment used.* In order to minimise the risk of breaking the law it is essential to work with care to avoid harming bats, to be aware of the procedures to be followed if bats are found during works, and to commission surveys and expert advice as required to minimise the risk of reckless harm to bats.



## 10.2 Licences.

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Where it is proposed to carry out works which will damage / destroy a bat roost or disturb bats to a significant degree, an EPS licence must first be obtained from the Natural England (even if no bats are expected to be present when the work is carried out). The application for a license normally requires a full knowledge of the use of a site by bats, including species, numbers, and timings. Gathering this information usually involves surveying throughout the bat active season. The licence may require ongoing monitoring of the site following completion of the works.

Licences can only be issued if Natural England are satisfied that there is no satisfactory alternative to the development and that the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

## 10.3 Planning and Wildlife.

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The updated July 2018 National Planning Policy Framework (NPPF) has replaced PPS9 (Planning Policy Statement on Biodiversity and Geological Conservation) as the relevant national planning guidance in relation to ecological issues.

Paragraph 174 refers to the requirement of plans to “protect and enhance biodiversity and geodiversity” In order to do this, “plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

In paragraph 175 the NPPF indicates that “when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

The accompanying ODPM / Defra Circular 06/2005 remains pertinent; circular 06/2005 is prescriptive in how planning officers should deal with protected species, see paragraphs 98 and 99:

The presence of a protected species is a material consideration when considering a proposal that, if carried out, would be likely to result in harm to the species or its habitat (see ODPM/Defra Circular, para 98)

LPAs should consider attaching planning conditions/entering into planning obligations to enable protection of species. They should also advise developers

that they must comply with any statutory species protection issues affecting the site (ODPM/Defra Circular, para 98)

The presence and extent to which protected species will be affected must be established before planning permission is granted. If not, a decision will have been made without all the facts (ODPM/Defra Circular, para 99)

Any measures necessary to protect the species should be conditioned/planning obligations used, before the permission is granted. Conditions can also be placed on a permission in order to prevent development proceeding without a Habitats Regulations Licence (ODPM/Defra Circular, para 99).

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

Further to NPPF and OPDM Circular 06/2005, Section 40 of the Natural Environment and Rural Communities Act (2006) 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'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### 10.4 Legislation in relation to barn owls

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Barn owls are afforded full protection under the Wildlife and Countryside Act, 1981. Their inclusion in Schedule One protects against wilful disturbance whilst an owl is at or near the nest, and makes it an offence to carry out any of the following actions:

- Killing or injuring a barn owl
- Catching a barn owl
- Taking or destroying any egg of a barn owl
- Damaging or destroying the active nest site with eggs or young or before eggs are laid
- Disturbing the dependent young of a barn owl
- Possessing, offering for sale or selling a barn owl (but see exceptions)
- Release or allow the escape of a barn owl into the wild (but see exceptions)

These actions are punishable by a maximum fine, upon conviction, of £5,000.

Nesting has been recorded in every month of the year.

Protection is also given under the Countryside and Rights of Way Act, 2000 against reckless disturbance whilst nesting.

Because of recent declines in numbers, and concern over their current status, barn owls are also listed in the EC Birds Directive and Appendix II of the Bern Convention. They are an Amber Listed species in “Birds of Conservation Concern” (RSPB).

## 11 References

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Altringham, John (2003). *British Bats*. The New Naturalist. Harper Collins.

BS42020. Biodiversity - Code of Practice for planning and development. British Standards Institution 2013.

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>

Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3<sup>rd</sup> edn). The Bat Conservation Trust, London.

Mitchell-Jones, A.J. & McLeish, A.P. (2004). *Bat Workers Manual*. JNCC

Mitchell-Jones, A.J. (2004). *Bat Mitigation Guidelines*. English Nature.

National Planning Policy Framework 2018:

<https://www.gov.uk/government/collections/revised-national-planning-policy-framework#revised-national-planning-policy-framework>

NYBG 2013 *Minimum Standards for Bat Surveys in North Yorkshire*  
*Flow diagram for small applications needing bat surveys between October and April*

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## 12 Appendix 1 ~Good working practices

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Bats are small, mobile animals. Individual bats can fit into gaps 14mm- 20mm wide. They can roost in a number of places including crevices between stonework, under roof and ridge tiles, in cavity walls, behind barge boards, in soffits and fascias and around window frames. Builders should always be aware of the potential for bats to be present in almost any small gap accessible from the outside in a building. The following guidelines are provided in order to reduce the risk of harm to individual bats.

- Roofs to be replaced, or which are parts of a building to be demolished, should be dismantled carefully by hand. Ridge tiles, roof tiles and coping stones should always be lifted upwards and not slid off as this may squash/crush bats.
- Wooden boxed soffits/fascias to be replaced should always be removed carefully by hand.
- Where possible re-pointing of crevices should be done between the 15<sup>th</sup> April and 1<sup>st</sup> October when bats are active. Crevices should be fully inspected using a torch for bats prior to re-pointing.
- Any existing mortar to be raked should be done so by hand (not with a mechanical device).
- Look out for bats during construction works. Bats are opportunistic and may use gaps overnight that have been created during works carried out in the daytime.
- If any bats are found during any works, works should stop and the Bat Conservation Trust should be contacted on 0845 1300 228 or a suitably qualified bat ecologist should be contacted.
- If it is necessary to pick a bat up always use gloves. It should be carefully caught in a cardboard box and kept in a quiet, dark place. The Bat Conservation Trust should be contacted on 0845 1300 228 or a suitably qualified bat ecologist should be contacted.