Bat, Breeding Bird and Barn Owl Scoping Survey

10 South End, Osmotherley

September 2017

MAB Environment & Ecology Ltd

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YO7 1PQ

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Final	18/09/2017	Ione Bareau MCIEEM

Sites:

10 South End
Osmotherley
Northallerton
DL6 3BL

Dates:

Scoping Survey: 22nd August 2017

Emergence survey: 24th August 2017

Client's agent:

Mr. Andrew Cunningham,

Planning Authority:

North York Moors National Park Planning Authority

Our ref:

17/377

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1. Summary

A bat, breeding bird and barn owl survey has been undertaken at 10 South End, Osmotherley, in support of an application for planning consent to convert the buildings into a dwelling.

A detailed building inspection in August 2017, followed by an emergence survey also in August 2017 did not reveal any bat roosts. Proposed work will therefore not impact on bats and no further survey work or mitigation is required.

No signs of breeding birds were found during the surveys. There is no suitable habitat available for barn owl.

2. Introduction

MAB Environment and Ecology Ltd was commissioned to carry out a bat, breeding bird and barn owl survey on a property in Osmotherley, near Northallerton in North Yorkshire (central grid ref: SE 456 971). The location of the site is shown circled in Figure 1. Plans are being submitted to the North Yorkshire Moors National Park Planning Authority for consent to convert the buildings into a dwelling. Plans are held in Appendix 2.

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.

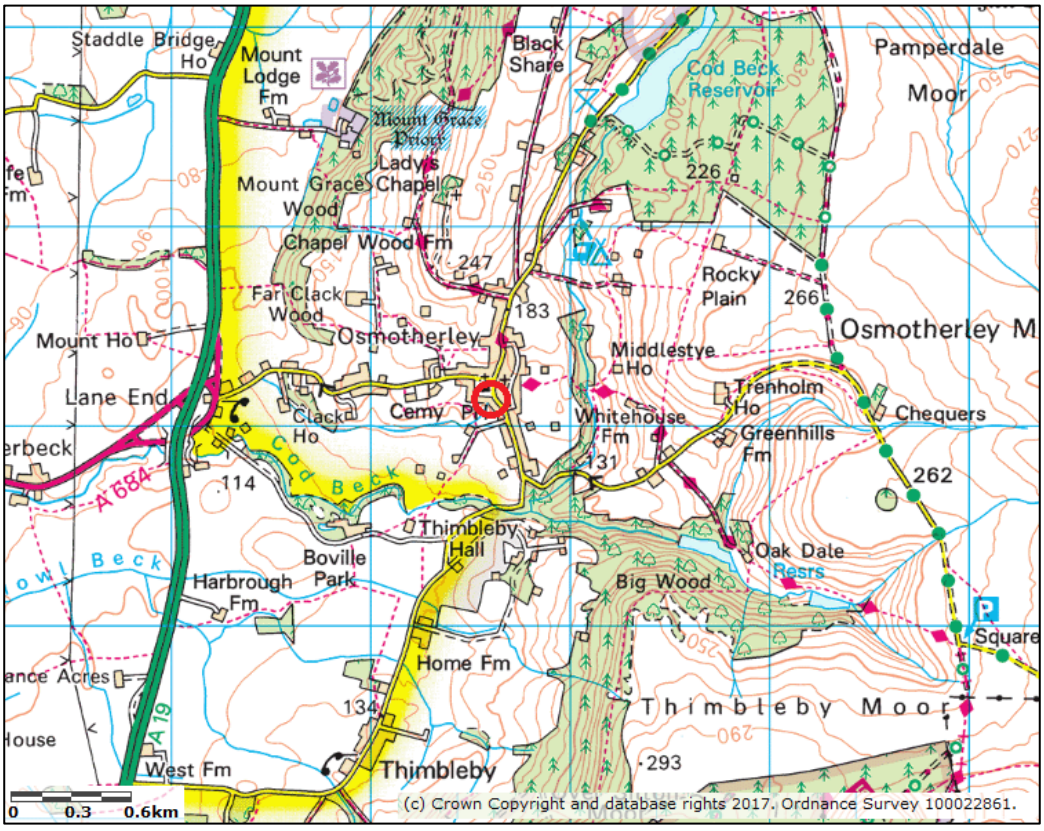


Figure 1: Site location

3. Methodology

3.1 The property was surveyed and report written by Sarah Emerson GCIEEM, who has two year's experience conducting bat surveys and holds a Class Survey Licence WML-A34 (Bat Survey Level 2) registration number: 2016-26716-CLS-CLS. She also holds a Class Survey Licence for Great Crested Newts WML-CL09 (level 2) registration number 2016-19358-CLS-CLS.

3.2 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.

3.3 The buildings were assessed for their degree of potential to support roosting bats. This includes assessing the building design, materials and condition. The location of the site and the surrounding habitat were also assessed 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.

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.	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. 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. Site is close to and connected to known roosts.
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).	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. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
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)	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. 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.
Green	Very low risk	All potential bat roost habitat *comprehensively* 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.

3.4 Bat roost records for a 2km radius around the site were commissioned from the North Yorkshire Bat Group.

3.5 An emergence survey was carried out using 2 surveyors with ultra-sound detectors (Pettersson D240x,). 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. Time expansion recordings were analysed

with BatSound software. Surveyors used were Sarah Emerson (as above) and Sam Jones (SJ), a biology graduate and trainee bat surveyor.

3.6 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.

4. Constraints

The surveys were not constrained.

5. Site Description

- Block A – Cart house - Stone and pantile outbuilding. Stone ridge. Timber windows and doors
- Block B – Front Outhouse - Stone and pantile outbuilding Timber window vent and doors. Stone ridge.
- Block C - Back Outhouse - Stone and pantile outbuilding. Stone ridge. Timber open door frame.

Figure 2: Site layout

Photo 1: Block A – Cart house and Block B Front Outhouse to west (righthand single storey building)

Photo 2: Block C – Back Outhouse

6. Results

6.1 Desktop study

The site is located in an area of high suitability for bats, with woodlands, hedgerows and mature trees within close proximity. Aside from the houses and gardens in Osmotherley,

surrounding landscape is permanent grassland with broad leaved trees and hedges. Riparian habitat bordered by deciduous woodland is located to the east and south.

Figure 3: Aerial view of surrounding landscape.

North Yorkshire Bat Group Records

Records from the North Yorkshire Bat Group are in Appendix 1. There are no records from the site itself. A common pipistrelle bat roost was recorded nearby in at St Peters Church which is 45 metres from the site. Roosts of pipistrelle species, Natterer's and an unknown species of bat have also been recorded within the village of Osmotherley. The records indicate a high species diversity in the area with Brown long-eared bat, Natterer's, Daubenton's, whiskered/Brandt's and pipistrelle species all roosting within the area. Most roost records refer to Mount Grace Priory which is located approximately 1.5km northwest from the site.

6.2 Visual inspection

Ref	Description	Features with potential bat roost habitat. (PBRH)
Block A – Cart House Low potential bat roost habitat.	The roof has a bitumastic liner which is in good condition. Tiles and ridge were also in good condition and generally well-sealed. Crevices visible in internal and external masonry– some of which are deep. All crevices are cobwebby and no bat droppings were found within. No evidence of nesting birds.	**Masonry crevices**
Block B – Front Outhouse Low potential bat roost habitat.	Crevices visible in internal and external masonry. Roof is generally in good condition, apart from a tear in bitumastic liner, which also has a loose tile above. Rest of the tiles and ridge is very well-sealed. No bat droppings or other signs of use were found internally or externally.	**Potential access under tiled section of roof with liner present. Masonry crevices.**
Block C – Back Outhouse Low potential bat roost habitat.	Crevices visible in internal and external masonry. This is a very low level building. The roof is unlined, and is generally in a poor condition, with vegetation growing through some sections of building. The interior is very cobwebby, including the backs of the tiles. Access doorways are always open. No bat droppings or other signs of use were found internally or externally.	**Masonry crevices**

Site Photos

Photo 3: Loose tile on rear of Block B

Photo 4: Internal view of roof of Block A

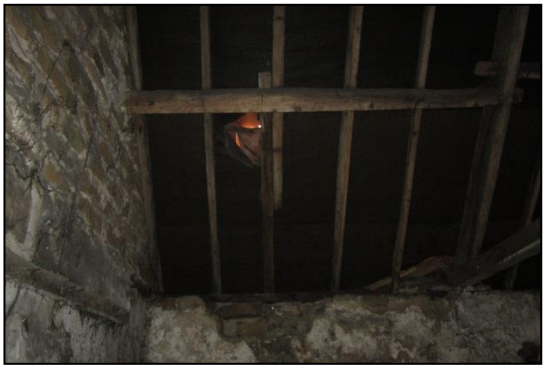


Photo 5: Internal of Black B, with rip in liner.

Photo 6: Roof of Block C

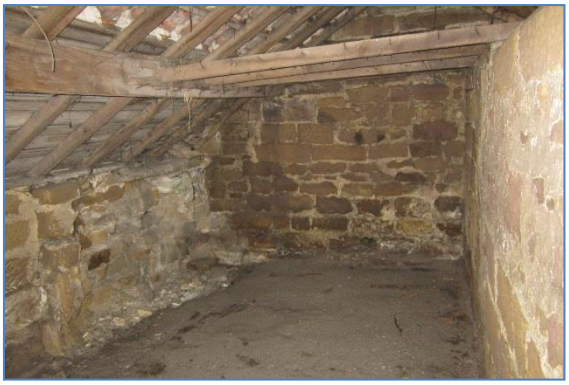


Photo 7: internal view of Block C

Photo 8: Large masonry crack in Block A

6.3 Emergence survey:

Date: 05/09/17
Start time: 19:30 **End time:** 20:50 **Sunset:** 19:48

	Temp (°C)	Wind (mph/BF)	Humidity (%rh)	rain	Cloud cover (%)
Start	14.1	0	65	Dry	60
Finish	12.8	0	82	-	50
Max	14.1	0.1	82		
Min	12.8	0	65		
Ave	13.3	0	73		

Surveyors: Sarah Emerson (SE); Sam Jones (SJ).
Equipment used: 2x Pettersson D240x time expansion ultrasound detectors with Edirol R09 recorders.

Results summary:

No bat emergence was recorded from any part of the survey building. There was very little bat activity recorded during the survey with a common pipistrelle foraging periodically in the neighbouring garden and a brown long-eared bat commuting past the front of the house.

Observations:

Surveyor	Time	Species	Number	Activity	Annotations
SJ	20:23 – 20:40	Common pipistrelle, *Pipistrellus pipistrellus*	1	Foraging in neighbouring garden to the west	
SE	20:27	Brown long-eared, *Plecotus auritus*	1	Commuting past from of house to the north	

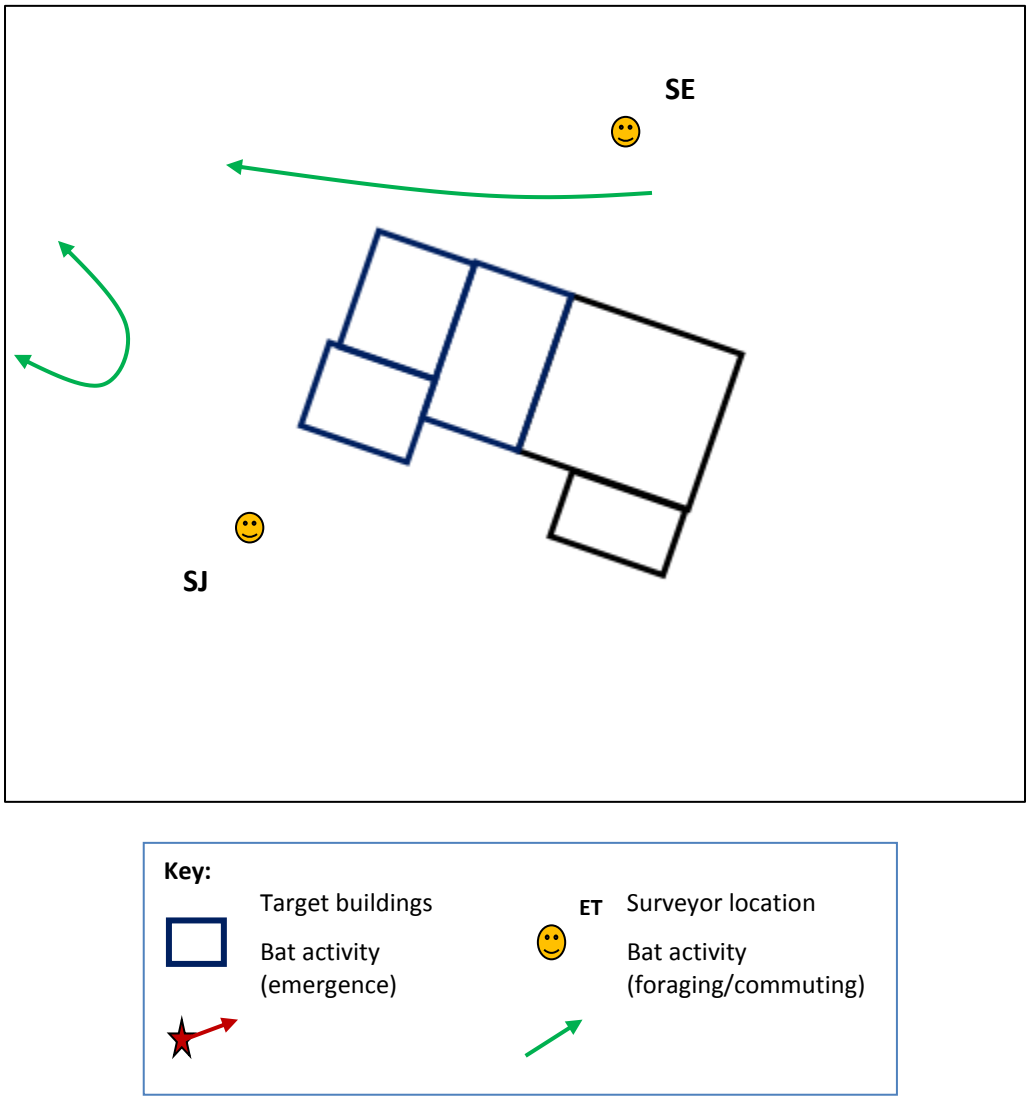


Figure 5: Surveyor locations and bat activity recorded during survey (05/09/2017)

7. Discussion and analysis

The results of the surveys clearly demonstrate that the buildings are not used as a roost site by bats; no signs of bat roosting were found during a thorough building inspection and visual assessment and no bats were seen to emerge from the building during the evening emergence survey. Both surveys were carried out in ideal conditions and at an optimal time of year.

Landscape surrounding the site offers generally high quality foraging habitat for bats, however, the site itself offers only low potential roosting habitat.

Some crevices suitable for roosting were identified during the visual assessment in areas such as lined roofs and masonry crevices, however, the results of the emergence survey clearly indicate that these are not being used by bats. We can, therefore, safely rule out any bat use of the buildings and no further survey work or mitigation for bats is considered necessary.

There is no evidence of the use of the site by barn owls or breeding birds.

8. Impact assessment

Proposed works will not impact on bats or their roosts.
There will be no impact on breeding birds or barn owl.

9. Mitigation & Compensation

9.1 Mitigation summary

As no bat roosts are present within the building, no mitigation for bats and no further survey work is considered necessary.

No mitigation is required for barn owls or breeding birds.

10. Information concerning bat protection and the planning system

10.1 Relevant Legislation. 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 2010.

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 2010, 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. 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. The March 2012 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.

Para 109 of NPPF states that the planning system should "contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

Para 117 of NPPF states that the planning system should "promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species, populations, linked to national and local targets".

Para 118 of NPPF states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- 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;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have 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;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Para 119 of the NPPF makes it clear that "The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined". Therefore EPS will still be a material consideration when considering sustainable developments.

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'.

11. References

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* (3rd 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:

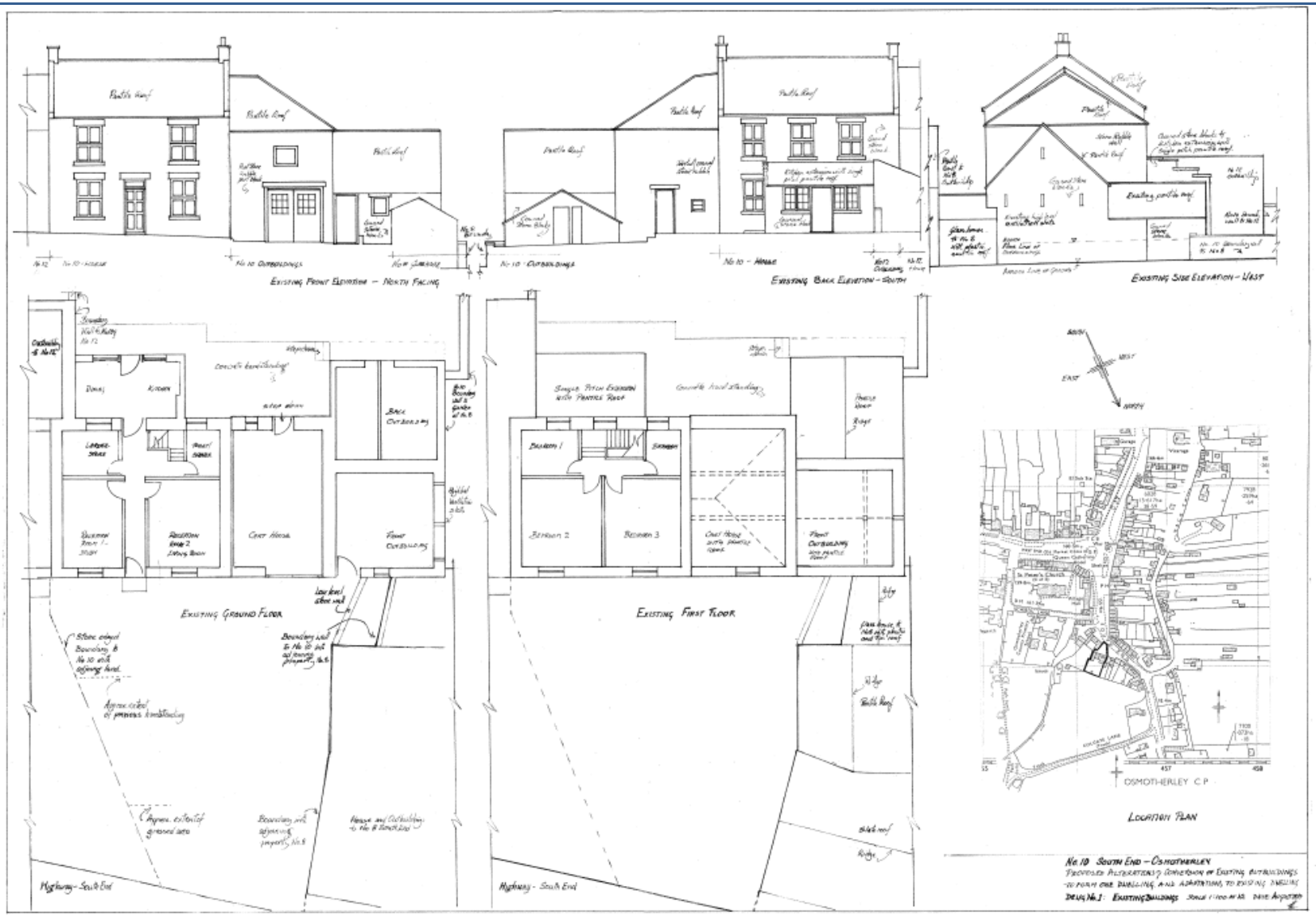
http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf

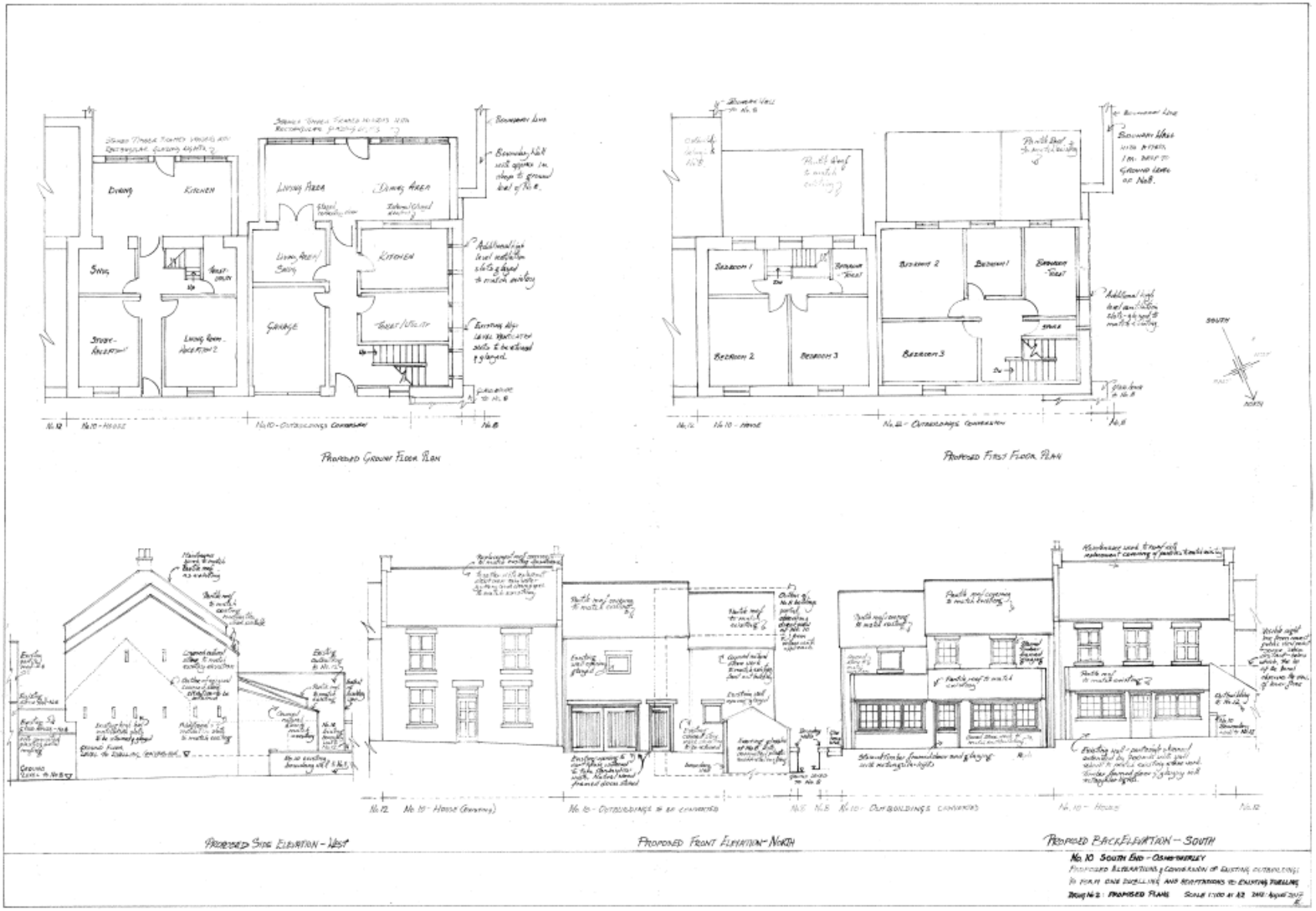
Appendix 1: NYBG bat roost records

Species	Site	Grid ref.	Quantity	Date	Comment
Pipistrelle species	Green Croft, Clack Lane Ends, Osmotherley	SE443973		19-Mar-92	Roost
Common Pipistrelle	Clack House, Osmotherley	SE445970	1	19-Aug-09	Roost
Brown Long-eared Bat	Clack House, Osmotherley	SE445970		19-Aug-09	In flight
Natterer's Bat	Mount Lodge Farm	SE445985	5	2006	
Brown Long-eared Bat	Mount Lodge Farm	SE445985	2	2006	
Daubenton's Bat	Northallerton	SE446984		2011	Roost
Natterer's Bat	Northallerton	SE446984	2	04-Jun-11	Roost
Natterer's Bat	Northallerton	SE446984		2011	Roost
Common Pipistrelle	Northallerton	SE446984	7	11-Jun-11	Roost
Common Pipistrelle	Northallerton	SE446984	9	19-Jun-11	Roost
Common Pipistrelle	Northallerton	SE446984		2011	Roost
Brown Long-eared Bat	Northallerton	SE446984	14	09-Jun-11	Roost
Brown Long-eared Bat	Northallerton	SE446984	12	10-Jul-11	Roost
Brown Long-eared Bat	Northallerton	SE446984	19	17-Jun-11	Roost
Brown Long-eared Bat	Northallerton	SE446984	8	22-Jul-11	Roost
Unknown	Braemar, Clack Bank, Osmotherley, North Yorkshire	SE448973		16-Aug-01	Roost
Daubenton's Bat	Mount Grace Priory, Osmotherley	SE448984		Jul-15	
Natterer's Bat	Mount Grace Priory, Osmotherley	SE448984		Jul-15	
Noctule Bat	Mount Grace Priory, Osmotherley	SE448984	11	Jul-15	In flight
Common Pipistrelle	Mount Grace Priory, Osmotherley	SE448984	9	Jul-15	Roosts
Brown Long-eared Bat	Mount Grace Priory, Osmotherley	SE448984	4	Jul-15	Roost
Whiskered / Brandt's Bat	Mount Grace Priory, Osmotherley	SE448984		Jul-15	Roost
Daubenton's Bat	Mount Grace Priory	SE449985	12	29-Jun-02	In flight
Daubenton's Bat	Mount Grace Priory	SE449985		Jun-08	Roost
Noctule Bat	Mount Grace Priory	SE449985		Jun-08	In flight
Brown Long-eared Bat	Mount Grace Priory	SE449985		1996	
Brown Long-eared Bat	Mount Grace Priory	SE449985		1987	
Brown Long-eared Bat	Mount Grace Priory: Monks Cell	SE449985	1	1993	
Brown Long-eared Bat	Mount Grace Priory	SE449985		Jun-08	Roost
Brown Long-eared Bat	Mount Grace Priory	SE449985		Jun-08	Roost
Pipistrelle species	Priory roof	SE449985		1987	Roost
Pipistrelle species	Mount Grace Priory	SE449985		Jun-08	Roost
Pipistrelle species	Mount Grace Priory	SE449985		Jun-08	Roost
Myotis bat sp.	Mount Grace Priory	SE449985		Jun-08	Roost
Brown Long-eared Bat	Mount Grace Priory: Guest House	SE449986		16-Jan-87	
Brown Long-eared Bat	Mount Grace Priory: Guest House	SE449986		1993	
Natterer's Bat	Masonry store	SE453982		1993	
Natterer's Bat	SE453982	SE453982		1996	

Unknown	Brewery House	SE453982		1993	
Natterer's Bat	SE454972	SE454972		19-Sep-14	Roost
Brown Long-eared Bat	SE454972	SE454972		19-Sep-14	Roost
Pipistrelle species	SE4558397384	SE4558397384		12-May-12	Roost
Common Pipistrelle	St Peters Church, Osmotherley	SE455971	5	22-Aug-16	Roosts
Pipistrelle species	85 Southend, Osmotherley	SE457968		27-Oct-03	Roost
Unknown	44 South End, Osmotherley	SE457968		23-Aug-04	Roost
Natterer's Bat	Swainstye Farm, Osmotherley	SE457983	1	2007	In barn, October
Natterer's Bat	Swainstye Farm, Osmotherley	SE457983	1	21-May-08	Flying in barn
Common Pipistrelle	Swainstye Farm, Osmotherley	SE457983		2007	Roost
Common Pipistrelle	Swainstye Farm, Osmotherley	SE457983	2	21-May-08	In flight
Brown Long-eared Bat	Reading Room Cottage	SE4595		05-Oct-87	
Brown Long-eared Bat	Reading Room Cottage	SE4595	1	26-Sep-87	
Pipistrelle species	Braemar, Clack Bank, Osmotherley	SE4597		13-Oct-86	Roost
Unknown	Osmotherley	SE4597		11-Jun-01	Roost
Unknown	Hemmelstones, Clack Lane, Osmotherley	SE4597		08-Dec-97	? Roost

Appendix 2: Development plans




Proposed Ground Floor Plan
Proposed First Floor Plan
Proposed Side Elevation - West
Proposed Front Elevation - North
Proposed Back Elevation - South
No. 10 South End - Osmotherley