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--5 JAN 2010



BUILDINGS AT SUNNY BANK COTTAGE

HACKNESS

SCARBOROUGH

NORTH YORKSHIRE

ENVIRONMENTAL ASSESSMENT RELATING TO DEVELOPMENT

PROPOSALS

FOR

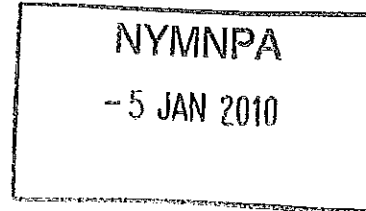
Mrs IVY STUART

Per

ROBERT FARROW (DESIGN) LTD

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Site Plan

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Introduction

Julian Hall Environmental have been instructed by Mrs Ivy Stuart of Sunny Bank Cottage, Hackness, Scarborough YO13 0JW to carry out an environmental assessment on the buildings at Sunny Bank, where it is proposed to develop the buildings as a residence. Verbal briefing was given, together with copy of the plan relating to the proposed development of the site provided by Robert Farrow (Design) Ltd.

Summary

No evidence of habitation by Bat species was recorded, either in hibernation or as a roosting and breeding site, but subject to the limitations of the season. Currently occupied Swallow's nests were found, but no signs of occupation by House Martins or Barn Owls were found.

Issues

The buildings are submitted as application for planning consent for change of use of the range of buildings to a residential use, to the local planning authority, North York Moors National Park Authority under reference no. NYM/2007/0729/NEW. Correspondence between the Council's Planning Officer and Conservation Officer record the concern that no adequate information had been presented concerning the impact of the proposal upon legally protected species, in particular bat species, that may be present in any of the buildings. Advice is given to applicants that a detailed survey is required to accompany any application involving buildings that could provide habitat for any protected species to ascertain the presence of species protected by the Wildlife and Countryside Act 1981 (WCA81) as amended. Full details of the method of survey and its findings should be submitted to and agreed in writing with the local planning authority.

The principal issues arising from the proposal regarding species or habitats protected under the above legislation were as discussed with the Council's Conservation Officer. It was agreed that these will relate principally to the presence of Bat species within the buildings, and also the likely impact on their habitat by the proposed development, the possible destruction during the nesting season of any bird nests, most notably Swallow and House Martin, and the likely disturbance of Barn Owls that may use the outbuilding as a nesting site or roost.

Under the terms of the Wildlife and Countryside Act 1981, as extended by the Countryside and Rights of Way Act 2000, and the provisions of the Conservation (Natural Habitats etc.) Regulations 1994, bats are protected species, and it is an offence to damage or destroy a breeding site or resting place of any bat. Under S.1 of the 1981 Act, all birds nest are protected whilst they are in use, i.e. in the breeding season.

Site Description

The site for the development proposal comprises the range of buildings at Sunny Bank, Hackness, currently including the two storey barn and adjoining store and

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stable, all dating from the late 18th or early 19th century (Frontispiece). The buildings consist of a stone-built barn used on the ground floor as a garage and adjoining store and with a full length storage floor above and including the roof space. Adjoining the barn on the south end is a small range of single storey loose boxes used for stabling and poultry. All are currently in general use. The whole range is roofed with clay pantiles. The subject buildings form part of a larger group of similar buildings close by.

The site stands in the centre of the village, with several residential and farm properties nearby, and is surrounded by mature trees and hedges, gardens and grass paddocks, with large areas of deciduous and coniferous forestry and scrub woodland on the steep dale sides in the vicinity. It is located at Grid Ref: SE967901, at a height of about 50m. above sea level. The whole group of outbuildings is in good condition, having been re-roofed with the original clay tiles, using bituminous underfelt. The wall tops have also been restored and sealed off for access by birds and probably for bats.

At the rear of the buildings a range of lean-to sheds used for garaging and storage has been erected against the back wall, but are not included in the application. These are constructed in concrete block with steel sheet roofs. The garage section has been lined with a fibre-board insulation. A site plan of the building is attached as an annex to this report for reference.

Survey Method

A desk survey will be made to find what information exists for bats inhabiting either the proposal site or the surrounding area in the village, by contact with the North and East Yorkshire Ecological Data Centre and the North Yorkshire Bat Group.

Habitation by Bat species will be examined from evidence of droppings and insect remains, as well as a search for roosting sites within the masonry of the structure. Since at the time of the inspection, female bats will no longer be nursing young it will not be possible to detect bats emerging from roosts to feed after dusk, although it may be possible to find further evidence of their presence by sight and by recording the echolocation signals given by bats in flight while feeding.

Where bats have left a nursing roost it may be expected that there will still be signs of occupation shown by significant quantities of droppings around access points, with staining marks from urine and grease from fur around access holes. The visual inspection of the structure will be assisted by using an endoscope to inspect within wall fissures where accessible.

An evening bat watch will be carried out from sunset for at least one hour to listen and to watch for female bats emerging from roosts, using Batbox Duet heterodyne and frequency division detector recording echo-location shouts by bats to MP3 recorder for Batsound computer analysis.

Birds

Given the time of year, when birds are no longer nesting, a search of the inside and outside of the buildings will be made to check for any nests that remain or have been

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in use in the recent nesting season. This will give evidence of any species that may have recently used the buildings, in particular the migrant species including Swallow and House Martin, but also for the presence of overwintering birds such as Wren and Robin.

Barn Owls may use the outbuildings both for nesting and roosting, and the specific evidence of roosting by signs of regurgitated pellets containing small mammal remains will be searched for.

Conclusions resulting from the findings of the survey will provide the basis of recommendations relating to the proposals, insofar as they may affect the habitat of the species above mentioned, together with proposals for measures to mitigate any negative effects that are likely to be caused to the wildlife by the proposed operations involved.

It should be noted that a single survey at any time of year will only provide a "snapshot" of the full range of conditions that may exist on a given site, although a reasonable set of conclusions may be drawn from the result of such a survey.

Survey Result

The property was visited on Friday 5 October 2007. The ambient temperature was around 12deg.C. in calm dry weather conditions.

Evidence from the Data Centre shows that several roosts have been recorded in the village but none has been shown at the proposal site.

The outbuildings are used for storage and a garage cum workshop and are in a good state of repair. As noted above the repairs to the roof have been carried out so as to effectively exclude bats or birds from the building by rebuilding the wall tops with solid block work, although bats could still gain access to holes in the walls, which remain unpointed. It was noted that in the roof space of the barn all timbers had been treated liberally with a type of preservative which is still giving off some odour of evaporation. This may be toxic to bats as well as to wood-boring insects.

A search of the masonry of all the buildings revealed no evidence of bats roosting, and no signs of breeding colonies or roosting sites, despite the open nature of the roofs and windows, which allow free access for bats. A few droppings, identified as those of Pipistrelle bats, were found on surfaces of stored materials in the lean-to shed, showing that bats were flying into the space for feeding.

The quantities of spiders webs covering the walls and parts of the roofs, in particular around the ridges, of all the buildings appear to show that there has been little disturbance by bats either entering the cracks between bricks for hibernation or searching for insects. No signs of feeding remains, usually in the form of butterfly wings, were found in any parts of the buildings, and no further quantities of bat droppings that might indicate an active bat roost.

Inspection was also carried out using an endoscope in the many cracks and crevices in most parts of the buildings, but without any further evidence of either hibernating bats or their use of spaces within for roosting in summer.

The evening bat watch between 1845 and 1945hrs showed very little activity in spite of the presence in the close vicinity of mature trees, and the river Derwent about 200m away. Occasional signs of passing Common Pipistrelle bats (*Pipistrellus pipistrellus*) were detected, although they were not feeding in the area within some 50m of the buildings. Less easy to identify was the possibility of Brown Long-eared bats (*Plecotus auritus*) heard indistinctly as they passed on several occasions. No bats were seen to emerge from any part of the subject buildings.

Observation of the adjacent buildings, which are of similar age and construction, was included in the watch to see whether bats may also be using it for roosting, but none were seen to emerge during the watch.

Inspection of the buildings showed a small number of Swallows' nests in the roof and beams of the open store shed that had been in use in the current nesting season. No signs of House Martin nests were to be seen. No other birds such as Wren or Robin were seen to be using the buildings for shelter. No nests were visible from any vantage points into the main roof area of the buildings from the field above the buildings.

A search for Barn Owl roosts, shown by typical nests or by the pellets containing regurgitated bones and fur of small mammals, provided no evidence of their use of either of the buildings.

Examination of the vegetation in the area surrounding the property proved to consist mainly of a mixture of typical garden trees, shrubs and plants, with several mature trees in the adjoining gardens, common to the local type of soil conditions. Trees and hedges are in the immediate vicinity around the site area, with dense deciduous forestry on the steep hillside immediately behind the farmstead, and many of these are mature and well grown. These would provide attractive areas for feeding on a plentiful supply of insects for both bird and bat species, as well as from the surrounding fields and buildings. They will also provide important "commuting routes" between roosts and food sources further afield from the buildings.

Discussion

The lack of evidence of bats using the buildings appears to indicate that they are not being used as a breeding colony site, for which the evidence would be shown as fairly large and obvious quantities of bat droppings. There was also a lack of insect remains in any significant quantity, such as the wings of moths and butterflies, as left-overs from feeding. The lack of disturbance to the many cobwebs in all parts of the buildings indicates the lack of activity by bats for feeding or other access.

Many of the holes in the walls were large enough to accommodate numbers of bats in hibernation without any overt exterior signs of entry. However there is no sign of constant use for roosting as would be shown by quantities of droppings, and urine stains and grease marks from fur, around individual holes. Although endoscopic

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examination of some of the accessible fissures in the stonework revealed no evidence of roosting bats, such holes offer considerable potential for isolated males that tend to live solitary lives except during the autumn mating period.

The use of timber preservative during the re-roofing on most of the new joists and retained original roof timbers is a possible indication of the reason for absence of any wildlife in the upper floor. The material used cannot be identified, but may not have been one of the more recent types designed to be non-toxic to wildlife.

It should be noted that under S.1 of the WCA81, all birds' nests are protected whilst in use, that is to say in the nesting season between April and September, although it is legal to destroy nest that are not in use, i.e. outside the nesting season. The implication here is that where nests are likely to resume use, birds should be excluded from returning to the site in the spring by closing off all entrance points, or indeed to ensure that work has commenced before they return.

In spite of the probably adequate supply of small rodents inhabiting the surrounding buildings, gardens and farm land, which might attract Barn Owls to the site, no signs were seen of them using the building. Barn Owls typically inhabit more isolated sites, which offer a roosting site further above ground level than in this case.

The vegetation in the area immediately surrounding the buildings is typical of the established garden flora, with some conventional arable land cultivation and mainly grassland in the surrounding fields. The trees, hedges and shrubs in the gardens in the village will provide good shelter and insect food supply for any remaining birds that overwinter around the site, and the many large and mature trees in the nearby valley could easily be used by bats as hibernation sites.

Conclusion and Recommendation

During the survey, no specific evidence was found to indicate bats were currently using the buildings for roosting, but the apparent absence of bat roosts or hibernation sites within the structure of the buildings cannot rule out the possibility of the use of deep crevices by individuals for hibernation, nor the use of the spaces for nursing colonies in the spring. The buildings may at any time provide sheltered space for bats to hunt for insects that have gathered there, or in larger buildings for socialisation, but this is not an indication that bats are roosting there.

It is clear that the proposal to effect the proposed change of use for the outbuildings will involve major structural alteration and repair to the structures, and that these will entail such operations as the fitting of insulation and wall panels, formation of new openings and wall pointing. These operations would be likely to disturb the habitat of hibernating or roosting bats, as well as the destruction of bird nests.

It is therefore recommended that should bats be found during building operations, work should immediately stop, and the Conservation Officer of Natural England be notified, and application made to the Department of the Environment, Food and Rural Affairs (DEFRA) for written consent from them to proceed.

Mitigation proposals.

The applicant may wish to use some of the space in buildings that are not destined for use as main parts of any residence to make provision for bats to use for roosting or hibernation, since this can easily be provided without any compromise to the integrity of the roof spaces or other parts of the structure, and without detriment to their future residential use. Notes for the provision of special structures for this purpose are appended to this report for information.

The use of any of the buildings as a nesting site for bird species indicates the need to carry out reconstruction work outside the nesting season, i.e. between September and April, to avoid the risk of damaging nests in use. Birds are unlikely to insist on nesting in a building while work is going on before the nesting season starts, but if this cannot be avoided, **it is recommended that measures be taken to exclude birds from the building from early in the season, i.e., from March onwards, until work is started.**

No signs were noted of habitation by Barn Owls as a roost, so that there is little risk of them wishing to start. No mitigation proposals are therefore to be made.

Subject to the observations that result from our survey, it is our opinion that there is no major risk that might arise from any proposed development works that represent unacceptable risk of harm to any of the protected species or habitats described, that cannot be adequately mitigated as suggested above.

The above findings and recommendations are recorded as the basis for a proposal to ensure that all considerations are met concerning wildlife on the site that is given protection under the Wildlife and Countryside Act 1981, so as to obtain the release of any conditions imposed in the grant of Planning Consent given for the overall development of the site by the applicant. They form part of the report resulting from the survey carried out on behalf of Mrs Ivy Stuart, whose sole property the report is.

Grateful acknowledgement is given for the expert advice of Mr and Mrs P Moodie, consultant biologists of the East Yorkshire Bat Group for their expert advice on the Bat population.

Signed _____ J J Hall TD BSc Dated _____

Collingwood Fold
Bridlington Road
Sledmere
Driffield YO25 3AQ

Reference:

Bat Mitigation Guidelines
A J Mitchell-Jones

EnglishNature 2004

The Wildlife and Countryside Act 1981	HMSO
Countryside and Rights of Way Act 2000	HMSO
Conservation (Natural Habitats etc.) Regulations 1994 As amended 2007	HMSO

BATS AND THE LAW

APPENDIX I

All bats and their roosts are fully protected by the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats, etc.) Regulations 1994.

You must not intentionally:

- * Kill, injure, catch or keep bats
- * Damage, destroy or obstruct bat roosts
- * Disturb bats for example by entering known roosts or hibernation sites
- * Sell, barter or exchange bats, alive or dead

You must:

- * Consult English Nature before you do anything that might affect bats in their roosts. This might include:
 - * Blocking, filling or installing grills over mines or tunnels
 - * Building alteration or maintenance work
 - * Getting rid of unwanted bat colonies
 - * Removal of hollow trees
 - * Re-roofing
 - * Remedial; timber treatment
 - * Re-wiring or plumbing in roofs
 - * Treatment of wasps, bees or cluster flies

Remember that because bats return to the same places year after year, a bat roost is protected even if there are no bats there at the time.

The law allows you to tend disabled bats, kill seriously injured ones and disturb bats in the living area of a house.

Other activities, such as catching, ringing or photographing bats or disturbing them while roosting, can be licensed by English Nature provided they are for scientific, educational or conservation reasons.

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This explanation should be regarded only as a guide to the law. For further details reference should be made to Sections 9-11, 16-27, and 69 of the Wildlife and Countryside Act 1981.

Information as to the provision of Bat boxes and other aids to habitation by bats can be obtained by contacting a local Bat Group (01482 844800) or by contacting the bat Conservation Trust (www.bats.org)

Suggested Bat Access Holes in roofs.

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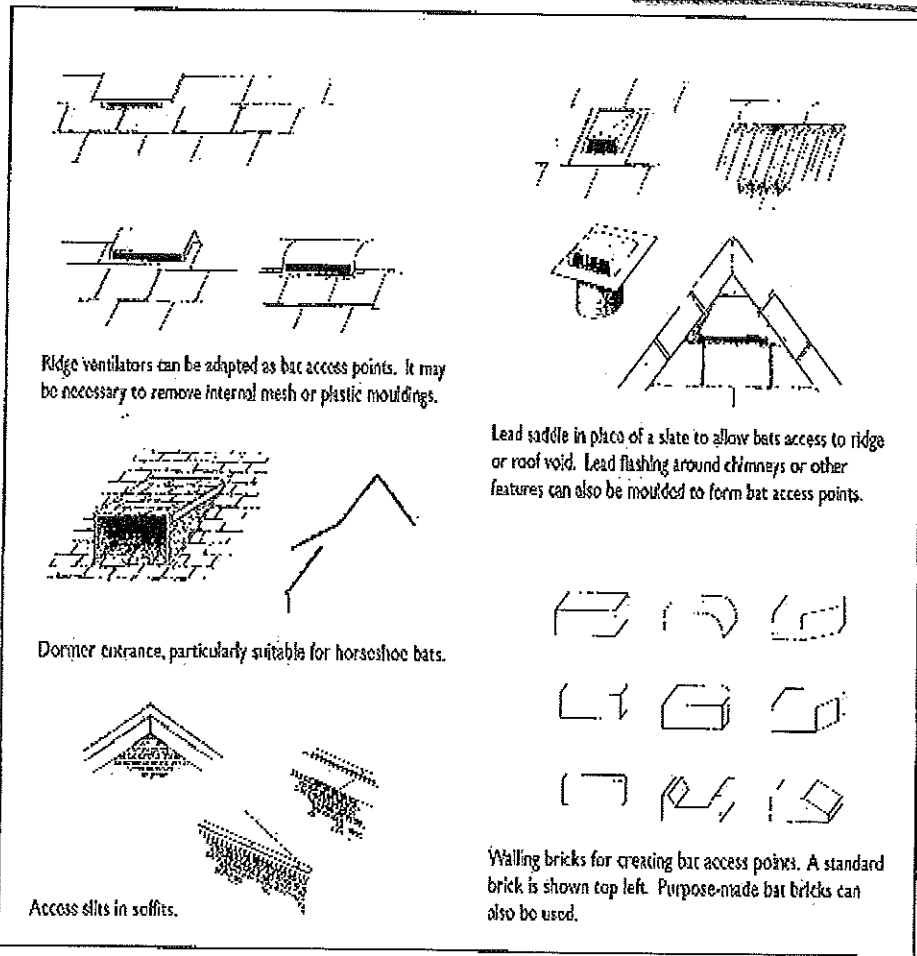
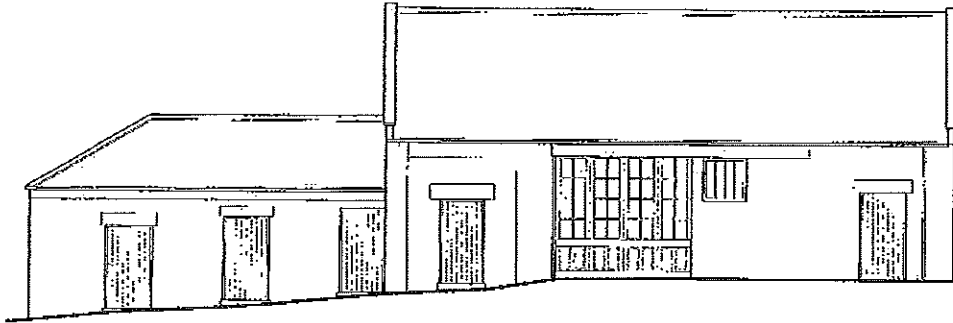


Figure 10.4
 Bat access holes. Horseshoe bats prefer to fly into their roosts, but only small holes or slits are needed for other species and this also helps to deter colonisation by birds.

Five doors in roof voids reach bats

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Site Plan (No scale)



Existing Front Elevation

