Amendments

- [ ] Amended layout of buildings/outside areas
- [x] Additional background information
- [ ] Amended design
- [ ] Revised access arrangements
- [ ] Change of description of proposed development
- [ ] Change in site boundaries
- [ ] Other (as specified below)

BAT, BARN OWL & BREEDING BIRD SURVEY REPORT

The Granary, Bannial Flat Farm

21st June 2012

MAB Environment & Ecology Ltd

The Old Chapel, Knayton, Thirsk, North Yorkshire YO7 4AZ

Registered in the U.K. no.6504129

Site:
The Granary
Bannial Flat Farm
Guisborough Road
Whitby
YO21 1SQ

Dates:
Scoping survey: 29th May 2012
Scoping report: 8th June 2012
Bat emergence survey: 12th June 2012
Updated report: 21st June 2012

Client:
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The Granary
Bannial Flat Farm
Guisborough Road
Whitby
YO21 1SQ

Agent:
None

Local Authority:
Scarborough Borough Council

MAB Ref:
12-065

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1. Summary

A protected species survey was undertaken at an old granary at Bannial Flat Farm to support a planning application for conversion into residential accommodation / holiday cottages.

Two common pipistrelle bats were found to roost within external masonry crevices in the building. However, no significant roots are present.

The conversion of the building will not have a significant impact upon bats. The masonry crevice roosts will be marked up and retained for future use. Precautionary working methods will be followed during works to account for the small possibility of transient bat presence in other areas.

No evidence of barn owl presence was found and the site is generally unsuitable for the species.

A small amount of bird nesting was found in external masonry crevices. Any nests found when re-pointing will be left until no longer in use. These should be retained for future use or replacement bird boxes should be erected.

2. Introduction

MAB Environment and Ecology Ltd was commissioned to conduct a protected species survey at The Granary, Bannial Flat Farm to support a planning application. The southern end of the building has already been converted for residential use and proposals are now being submitted to convert the remainder of the building into dwellings / holiday accommodation.

The objectives of this report are to assess the potential impact of the conversion on bats, barn owl and breeding birds and the requirement for any mitigation measures and protected species licensing.

Ecologists from MAB Environment and Ecology Ltd are members of the Institute of Ecology and Environmental Management (IEEM) and follow the Institute's Code of Professional Conduct when carrying out ecological work.

3. Methodology

3.1 Desktop study

Bat records within 2km of the site were requested from North Yorkshire Bat Group to see whether any roosts have been recorded at or near the site in the past.

3.2 Field surveys

The building was surveyed by Steven Ward AIEEM of MAB Environment & Ecology Ltd. Steven has been trained by the Bat Conservation Trust in surveying buildings for bats and has over five years experience conducting such surveys, including recording the presence of barn owls and breeding birds.

An inspection of the building was undertaken during the day with the aid of ladders, close-focussing binoculars, a halogen torch (500,000 candlepower) and a flexible endoscope (Sea Snake LCD inspection scope). All normal signs of bats were looked for, including live and dead bats, droppings, feeding remains, grease marks around potential entrance / exit points and the smells / sounds of roosting bats. Signs of use by barn owls and breeding birds were also looked for, including old nests, droppings on and below perch points, feathers and owl pellets.

The condition, design and material of the building were assessed in terms of their potential value to roosting bats. The location of the site in the wider landscape, in relation to proximity and connectivity to good bat foraging habitat such as woodlands and water bodies, was also assessed.

A subsequent bat emergence survey was carried out on 12th June 2012 by Steven Ward and Rob Halcrow, a surveyor with several years experience of emergence surveys. All elevations of the building were monitored for emerging bats at dusk (see results for timing). A Petterson D240x ultrasound detector with an Edirol WAV recording device and a Wildlife Acoustics EM3 detector were used.

4. Constraints

Internal evidence of bats, such as droppings, may have been inadvertently swept away as the internal floors are kept relatively clean. The building is used to store scaffolding gear. The tall height of the building also meant that some potential crevice habitat for bats high up could not be reached for close inspection.

However, these constraints were accounted for by carrying out the evening emergence survey.

5. Site Description

The Granary is part of a range of old agricultural buildings at Bannial Flat Farm, which is located to the west of Whitby (OS Grid Ref: NZ 868 101). The farm is isolated and surrounded by arable farmland with hedgerow field boundaries. There are no waterbodies in the vicinity and the nearest woodlands exist 500m to the northwest.

Figure 1: Aerial image of surrounding habitats and land use

The building to be converted is a large, two storey old stone granary with a hipped pan tile roof (Photos 1 and 2). The southern end of the building has already been converted for residential use (Figure 2). A single storey adjoining building at the northern end also

forms part of the plans. This has a new roof and connects to other old buildings on the farm to the east.

Photo 1: Granary eastern elevation

Photo 2: Granary north & west elevations

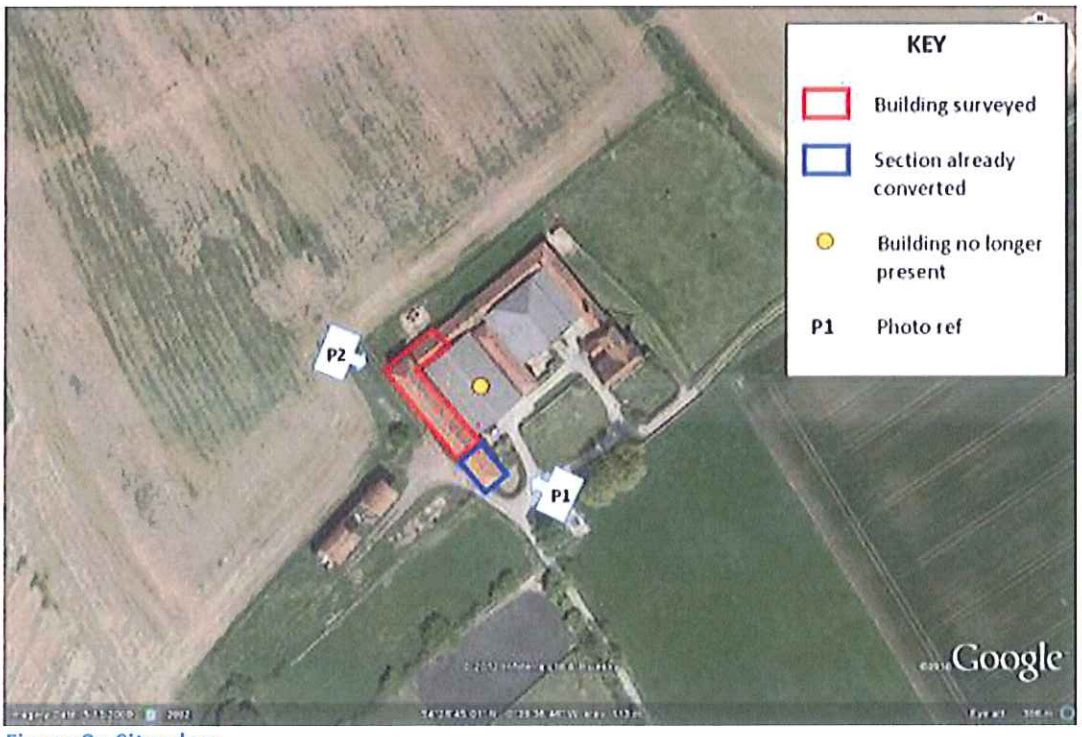

Figure 2: Site plan

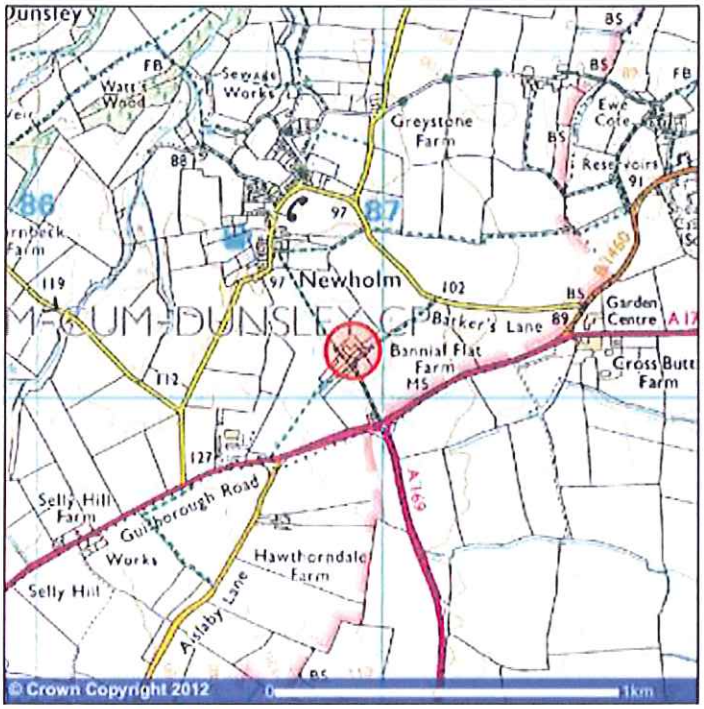

Figure 3: Site location

6. Pre-existing information

The data received from North Yorkshire Bat Group show no previous bat records at the site or anywhere in the vicinity. Common pipistrelles, noctule and myotis bats have been recorded within 2km. Full results are shown below.

Species	Site	Grid ref.	Date	Comment
Unknown	Sunniside, The Carrs, Ruswarp	NZ8809	26-Aug-86	Roost?
Unknown	13 Carr Hill Lane, Briggswath, Whitby	NZ869086	16-Aug-02	Bat inside house
Unknown	2 Carr Hill Lane, Briggswath, Whitby	NZ869083	02-Sep-02	Bat inside house
Unknown	Toft House, Aislaby	NZ863089	12-May-05	Roost?
Common Pipistrelle	Sleights new bridge	NZ867081	17-Sep-05	Foraging under arch
Noctule Bat	The Old Smithy, Dunsley	NZ858109	21-Sep-07	In flight
Common Pipistrelle	The Old Smithy, Dunsley	NZ858109	21-Sep-07	Feeding
Myotis bat sp.	The Old Smithy, Dunsley	NZ858109	21-Sep-07	Feeding
Unknown	Cherry Tree House, 5 Ridge Lane, Briggswath, Sleights, Whit	NZ873088	15-Sep-08	Bat in house

Table 1: North Yorkshire Bat Group records

7. Results

7.1 Building inspection

No evidence of bats was found anywhere on the exterior or interior of the building. However, several features were identified that provide potential roost sites for bats, some of which could not be inspected.

Multiple masonry crevices were identified both externally and internally which could be used by bats (Photo 3); no signs of bat presence were found around those that were accessible but some were too high up to be closely inspected.

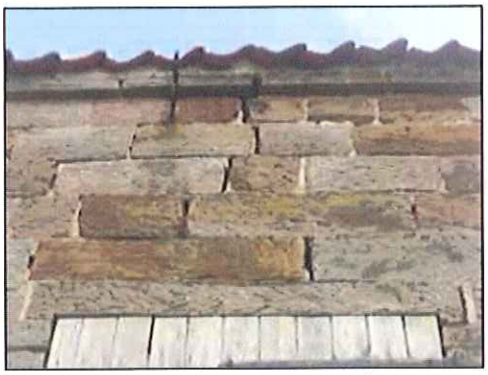

Photo 3: External masonry crevices

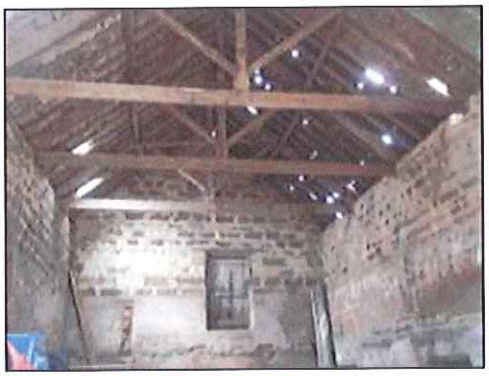

Photo 4: Lath / felt lined roof

The roof of the building is lath lined in the main, with some sections of bitumastic felt (Photo 4). The gap between these linings and the pan tiles above provides potential roosting habitat for bats, with access available beneath raised / dislodged tiles. These areas cannot be checked during a scoping survey. Crevices below ridge tiles can also be used by bats and there are a few access points along the ridge where the mortar is missing (Photo 5).

The interior of the building is open from floor to roof, with no void. It is light due to skylights and windows, and also relatively draughty.

Photo 5: Gap along ridge

No signs of barn owl were found within the building. It is unsuitable for the species as it is light and disturbed internally and there are no suitable access points.

An old bird nest was found in a large external wall crevice and other similar holes may be used by nesting birds. No internal use by birds such as swallows was noted as there is no open access.

7.2 Bat emergence survey

Timing: 12/6/12, 21:30 – 22:50

Sunset: 21:38

Conditions: 10°C at start, 8°C at end, light breeze, dry, cloud cover 3/8.

A single common pipistrelle bat emerged from an external masonry crevice in the western elevation of the building at 22.06 and flew south. At 22.15 a common pipistrelle emerged from a different crevice in the northern elevation, also flying south. Photo 6 below shows the areas where the bats emerged; in each area shown there are two deep crevices in the stone work, one of which the bats would have emerged from.

No other bat emergences were seen. A single common pipistrelle (occasionally two) foraged intermittently around the building during the remainder of the survey.

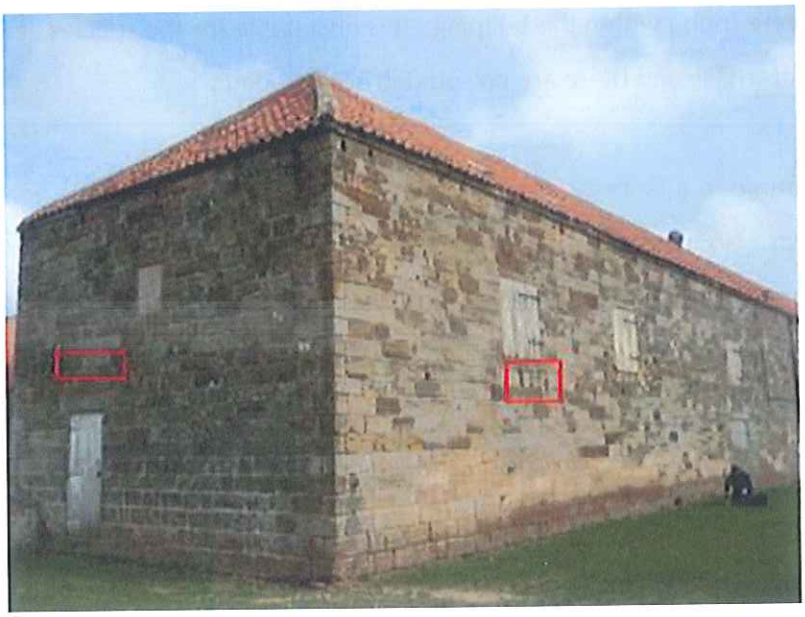

Photo 6: Emergence locations at northwest corner of building

8. Discussion and analysis

8.1 Bats

External masonry crevices at the northwest corner of the building are used by a small number of common pipistrelle bats, most likely solitary males. Non-breeding / male bats often roost alone or in small numbers in such features in the summer period. Without further survey, it is unclear whether these are regular roost sites, or just in transitory use by bats.

There is no significant roost presence in the building. The lined roof of the granary is not used by crevice dwelling species, such as pipistrelles, and the light and draughty interior makes it unsuitable for large numbers of void dwelling species, such as brown long-eared bats.

8.2 Breeding birds

Barn owls have not used the building in the past and there is no risk of future use. A small number of birds exploit external masonry crevices to nest within.

9. Impact assessment

9.1 Bats

The conversion of the building will not have a significant impact upon bats. The roosts in the external masonry crevices can be retained.

There is a small chance of disturbing bats during works but the risk of harm can be reduced by following precautionary working methods.

9.2 Breeding birds

There may be a small impact on breeding birds through the loss of a small number of crevice nesting sites.

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10. Mitigation and compensation

10.1 Bats

Method statement:

1. The masonry crevices identified in Section 7.2 of this report will be retained for continued use by roosting pipistrelle bats. These should be marked for retention prior to the start of re-pointing work.
2. Standard good working practices in relation to bats will be followed during all works to account for the small possibility of transient bat presence in other areas (Appendix 1).
3. If bats are found in any other crevices these will also be retained.

10.2 Breeding birds

If development work is undertaken during the bird breeding season (March to August inclusive) contractors should check masonry crevices for nesting birds prior to re-pointing. Any active nests found should be left alone until the young have fledged and the nest is no longer in use.

Consideration should be given to the provision of nest boxes on the converted building as compensation. Alternatively, crevices where nesting birds are found could be left open for future use.

11. Legislation

11.1 Bats

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.

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.

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 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'.

11.2 Breeding birds

Under the Wildlife and Countryside Act (1981), a wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state.

Game birds however are not included in this definition (except for limited parts of the Act). They are covered by the Game Acts, which fully protect them during the close season.

All birds, their nests and eggs are protected by law and it is thus 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 whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- have in one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act or the Protection of Birds Act 1954
- have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act or the Protection of Birds Act 1954
- use traps or similar items to kill, injure or take wild birds
- have in one's possession or control any bird of a species occurring on Schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations (see *Schedules*)
- intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

12. References

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

Mitchell-Jones, A.J, & McLeish, A.P. Ed.(2004) *3rd Edition Bat Workers' Manual.* JNCC.

Parsons K., Crompton R., Graves R., Markham S., Mathews J., Oxford M., Shepherd P., Sowler S. (2007) *Bat Surveys Good Practice Guidelines*. Bat Conservation Trust.

The Conservation of Habitats and Species Regulations 2010.
http://www.legislation.gov.uk/uksi/2010/490/contents/made

Appendix 1: Standard good working practices in relation to bats

Bats are small, mobile animals. Individual bats can fit into gaps 14-20mm 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.

- Re-pointing of crevices should be done between April and October when bats are active. Crevices should be fully inspected for bats using a torch 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 works should stop and the Bat Conservation Trust (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 or a suitably qualified bat ecologist should be contacted.