

NYM / 2013 / 0 2 2 5 / PL-4

**BAT, BARN OWL & BREEDING BIRD
SCOPING SURVEY REPORT**

Mortar Pit Farm, Sneatonthorpe

NYM/104

15 APR 2013

April 2013



Environment & Ecology Ltd

MAB Environment & Ecology Ltd

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Registered in the U.K. no.6504129

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Bat, Barn Owl & Breeding Bird Scoping Survey: Mortar Pit Farm

Site:

Mortar Pit Farm
Sneatonthorpe
Whitby
YO22 5JG

Dates:

Scoping survey: 22nd March 2013
Report: 3rd April 2013

Client:

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Mortar Pit Farm
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Local Authority:

North York Moors National Park Authority

MAB Reference:

13-077



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1. Summary

An outbuilding at Mortar Pit Farm was inspected for signs of bats, barn owls and breeding birds to assess the potential impact of proposed conversion work.

No signs of roosting bat activity were found internally or externally. The building is modern with single skin concrete block walls and a new clay pan tile roof. Very little potential roosting habitat was identified.

Conversion of the building is very unlikely to impact upon bats. The results of the scoping survey are conclusive and no further survey work is recommended.

No evidence of use by barn owls was found.

There is a relatively high level of use by breeding swallows, with 15 old nests noted on internal timbers. These nesting areas will be lost to the development, but a planned extension of the existing building incorporates sections with open access which will provide replacement nesting habitat.



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2. Introduction

MAB Environment and Ecology Ltd was commissioned to conduct a bat, barn owl and breeding bird scoping survey of a modern outbuilding at Mortar Pit Farm to support a planning application. Conversion of the building to holiday cottage accommodation is proposed. It is built on the eastern elevation of a barn that was converted under previous planning consent. The western section of the outbuilding will be linked to the converted barn to extend it. The eastern section will be converted into a separate holiday cottage and also extended (see Figure 1 below).

The objectives of this report are to assess the potential impact of the proposals on wildlife and detail the requirement for any further survey work, 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.



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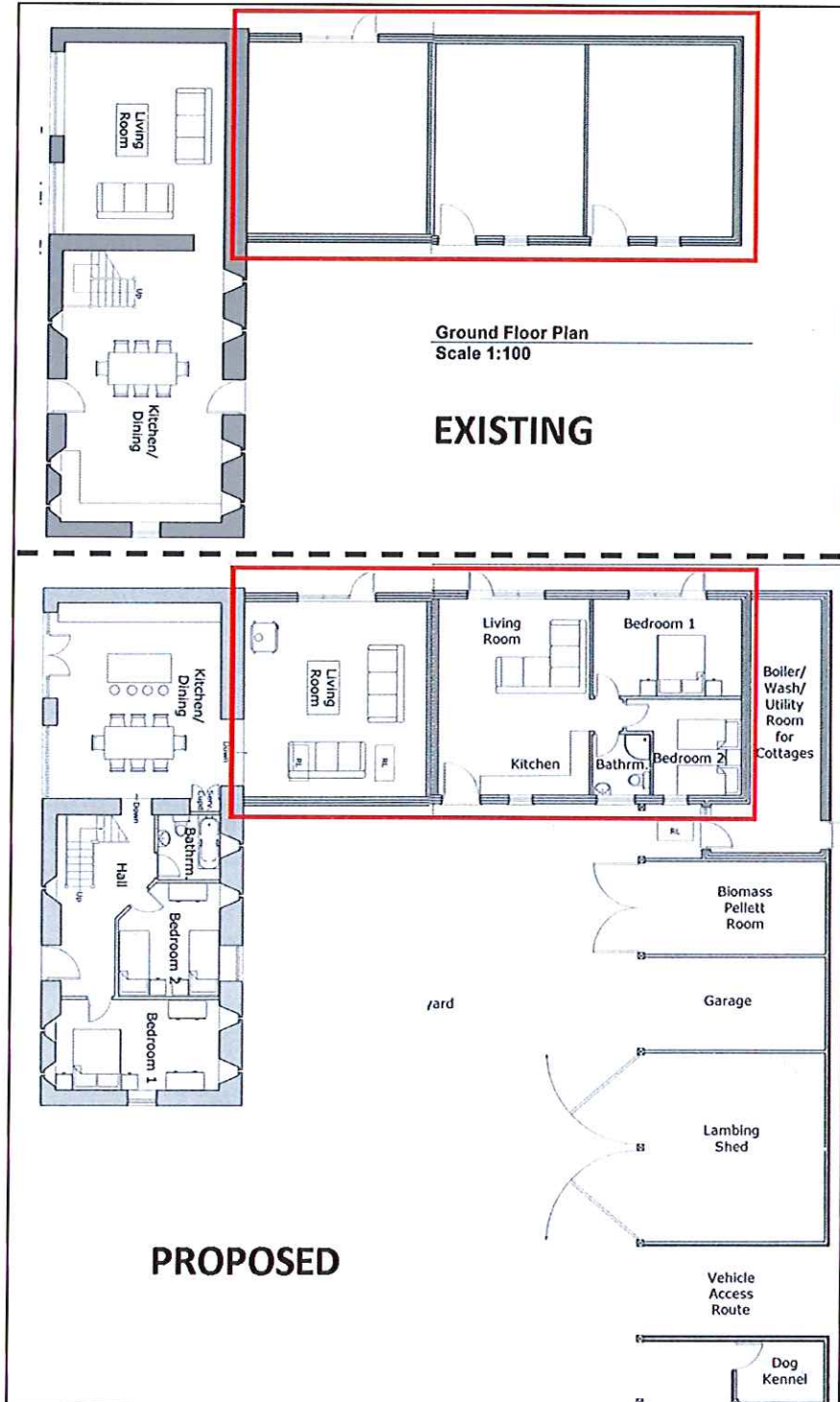


Figure 1: Existing and proposed floor plans highlighting the building surveyed

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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.

Aerial imagery from Google Earth was used to assess habitat availability in the wider area. Government websites 'MAGIC' and 'Nature on the Map' were used to search for designated sites within 1km.

3.2 Building inspection

The building was surveyed by Steven Ward AIEEM of MAB Environment & Ecology Ltd on 22nd March 2013. Steven has been trained by the Bat Conservation Trust in surveying buildings for bats, has over five years experience conducting such surveys, and holds a Natural England bat survey licence (number: 20123446).

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

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relation to proximity and connectivity to good bat foraging habitat such as woodlands and water bodies, was also assessed.

4. Constraints

The building inspection was not constrained in any way – full access both internally and externally was available.

A bat emergence survey could not be carried out at the time of year of the scoping survey as bats are still in hibernation.



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5. Site Description

The building to be converted is a modern, single storey structure with single skin concrete block walls and a relatively new clay pan tile roof (Photos 1 & 2). It has been built on the eastern elevation of a converted barn and is currently used mainly for storage. The farm is located within the hamlet of Sneatonthorpe to the south of Whitby in the North York Moors National Park (OS Grid Ref: NZ 904 068; Figure 2).



Photo 1: South elevation



Photo 2: North elevation

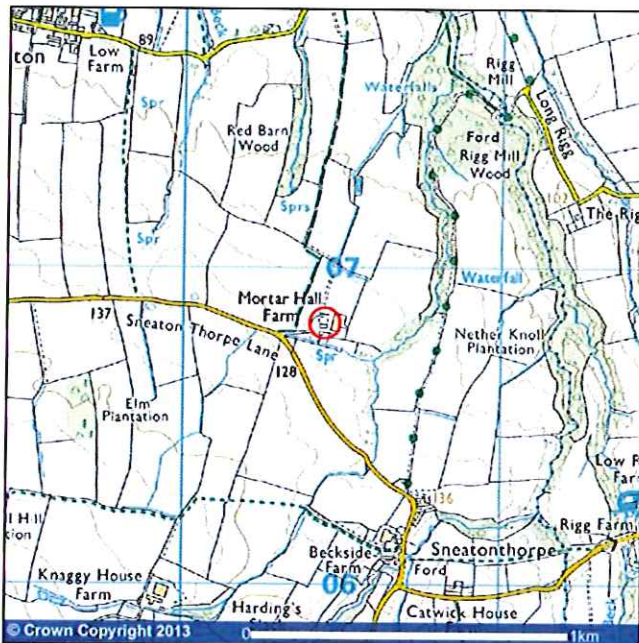


Figure 2: Site location



6. Results

6.1 Desktop study

North Yorkshire Bat Group

The data search revealed no previous records of bats at the farm. There are very few records of bats in the local area, but common pipistrelle, brown long-eared and *Myotis* bats have been found.

Full results are shown in the table below.

Table 1: NYBG records within 2km of the site

Species	Site	Grid ref.	Date	Comment
Common Pipistrelle	Knaggy House Farm, Sneaton	NZ898059	15-Jun-11	Up to 2 bats foraging
Brown Long-eared Bat	Stainsacre Hall, Stainsacre	NZ913084	30-Sep-99	
Pipistrelle species	Dale View House, Stainsacre	NZ913084	06-Jul-07	Large roost
Common Pipistrelle	Hall Farm, Low Hawsker	NZ921075	15-Sep-06	Several in flight, originating off site
Myotis bat sp.	Hall Farm, Low Hawsker	NZ921075	15-Sep-06	In flight

Surrounding habitats

The surrounding landscape is dominated by arable fields with hedgerow boundaries. Directly to the south of the farm there is a hedgerow with trees along a spring fed beck. This connects to extensive areas of ancient and semi-natural broad leaved woodland associated with becks to the north and east, within 1km of the farm (Figure 3).

No statutorily designated sites occur within 1km of the site.



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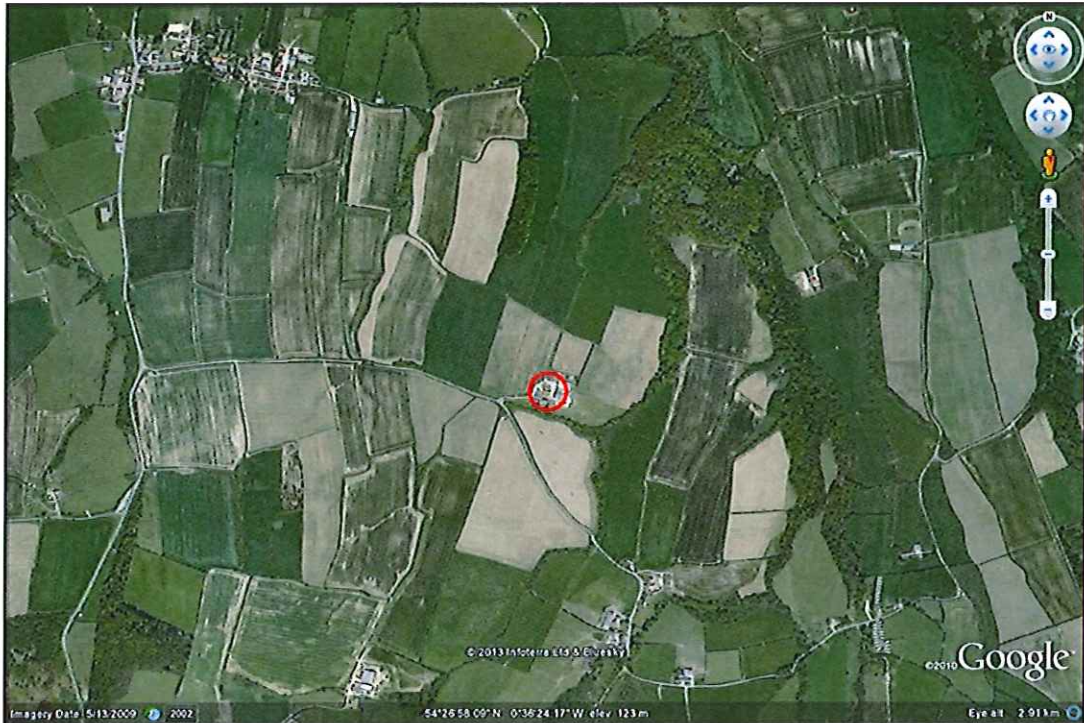


Figure 3: Aerial image of surrounding habitats and land use

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6.2 Building inspection

No evidence of roosting bats in the form of droppings or feeding remains was found on floors or surfaces within the three rooms present in the building. Open access is available to all of the rooms via open doorways. The exterior building inspection also revealed no evidence, though this is unlikely to be present during the winter.

The modern nature of the building means that very little potential roosting habitat is present. The walls are constructed from a single skin of concrete blocks which have no suitable roosting crevices. An unfinished outer wall constructed at the eastern gable end (Photos 1 & 2) provides no roosting habitat. The new roof is well sealed with very few visible crevices that would allow bats access (Photos 3 & 4).

Internally, the modern timber roof structure has no roosting value to bats and the roof is lined with a modern membrane (Photo 5). Where the western end of the building meets the converted barn there are some crevices in the stone wall which were not pointed (Photos 6 & 7), but no signs of bat use were found within these. Internal areas are light and draughty due to the open window and doorways.



Photo 3: Sealed roof



Photo 4: Sealed ridge tiles



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Photo 5: Typical interior



Photo 6: Stone wall at western end



Photo 7: Crevices within stone wall



Photo 8: Swallow nest

No signs of barn owls were found internally. Fifteen old swallow nests were noted on internal timbers and walls (Photo 8).

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7. Discussion and analysis

7.1 Bats

The modern construction of the building is suboptimal for roosting bats, providing very few roosting opportunities.

The well sealed roof prevents bats from gaining access to potential roosting sites beneath ridge tiles or in the gap between pan tiles and roofing membrane. The roof will remain unaffected, other than to install skylights.

There is no use of internal areas by void dwelling species such as brown long-eared and Natterer's bats. Evidence of their presence would have been preserved on the undisturbed floors and surfaces. Internal areas are light and draughty due to open windows and doorways; this does not favour breeding groups of such species which prefer more sheltered conditions.

The farm exists close to extensive areas of high quality foraging habitat in woodland to the north and east and the hedgerow directly to the south of the farm buildings provides habitat connectivity. If roosting bats are present at the farm though, they are more likely to be found in older buildings with more roosting opportunities.

7.2 Breeding birds

The building is not used by barn owls.

There is a relatively high level of use by nesting swallows, which exploit the numerous openings to access sheltered nesting sites within.



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8. Impact assessment

8.1 Bats

The conversion of the building is very unlikely to impact upon bats or their roost sites as no evidence was found and there is very little potential roosting habitat.

8.2 Breeding birds

There will be no impact upon barn owls.

Breeding swallows may be affected in the short term if the works are scheduled during their breeding season (approx. April to August). However, the long term impact is likely to be low as the proposed development incorporates areas which would provide replacement nesting habitat (eg lambing shed, Figures 1 and 4).

9. Mitigation and compensation

9.1 Bats

No further surveys or mitigation measures are considered necessary.

9.2 Breeding birds

If works are scheduled to begin during the swallow breeding season (approx April to August inclusive) then measures to discourage the birds from returning to nest in the building should be taken in the preceding winter. Netting could be placed over open doorways, windows and open eaves to prevent birds entering.

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Any active nests subsequently found during works should be left undisturbed until the young have fledged.

Areas of the proposed new building, such as the lambing shed, will compensate for the loss of nesting sites by providing new open areas for swallows to use (Figures 1 and 4).

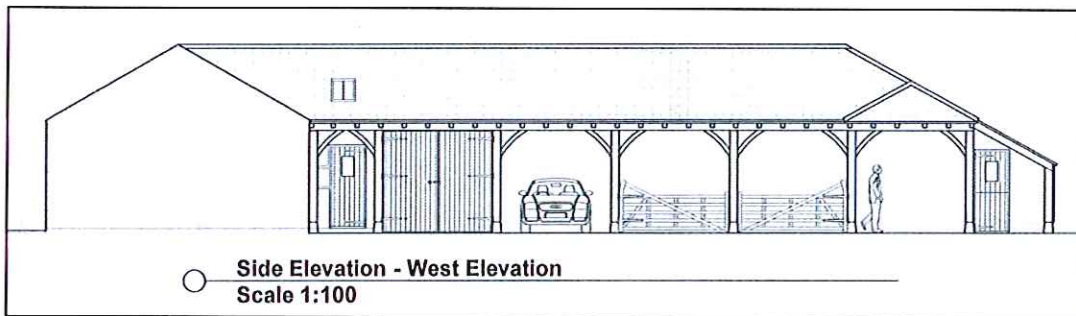


Figure 4: Open access for swallows within proposed new building

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10. Legislation

10.1 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.



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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.

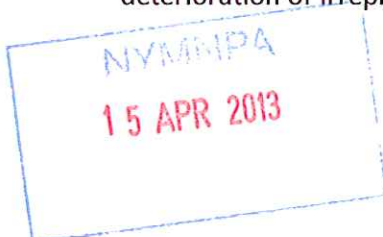
Planning and Wildlife. The March 2012 National Planning Policy Framework (NPPF) has replaced PPS9 (Planning Policy Statement on Biodiversity and Geological Conservation) as the relevant national planning guidance in relation to ecological issues.

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



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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'.

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10.2 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.



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11. References

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

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

Hundt, L. (2012) *Bat Surveys: Good Practice Guidelines, 2nd Edition*. Bat Conservation Trust.

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>

The Conservation of Habitats and Species Regulations 2010.

<http://www.legislation.gov.uk/uksi/2010/490/contents/made>

