

PLANNING REF NO:
NYM/2011/0230/PL

Bat, Breeding Bird and Barn Owl Survey

Laithes Garage

Hawsker Lane, Whitby

October 2013



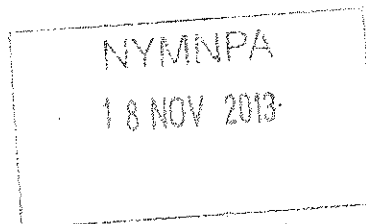
Environment & Ecology Ltd

MAB Environment & Ecology Ltd

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Bat Survey: Laithes Garage, Hawsker Lane, Whitby

Sites:

Laithes Garage
Hawsker Lane
Whitby
North Yorkshire
YO22 4JY

Dates:

Scoping survey: 27th September 2013

Dawn survey: 1st October 2013

Survey report: 23rd October 2013

Client:

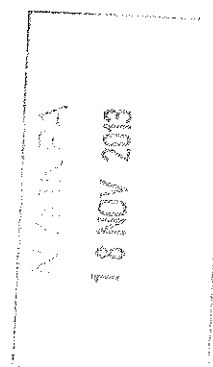
Mr Cliff Wildgoose

Planning Authority:

North York Moors National Park Authority

Our ref:

13/163



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1. Summary

Surveys carried out in 2013 have confirmed the results of the 2010 survey: that the detached garage building is home to a small group of common pipistrelles. The bats are roosting between the roof tiles and the roofing felt. This is not a breeding roost. Conversion of the building will require re-roofing at some stage, but this should avoid winter, when bats are hibernating. Re-roofing is likely to require use of breathable roofing membrane, as it is not possible to retain a roof void when converting such a small building. Breathable membranes are not compatible with bats, and the roost area will be lost. We therefore recommend that a European Protected Species licence is obtained for the disturbance of the bats at a time of year when they are least vulnerable to disturbance, in spring or later summer / autumn, and for the loss of the roost. The roost loss is not significant as the species is very common and highly adaptable. The loss of the roost will be compensated for by installing a long-lasting professional bat box on the wall of the building.

Re-roofing will be done under licence and an ecologist will be present as a condition of the licence. The roof will be thoroughly checked for bats and bats uncovered will be captured and released by a suitably qualified ecologist.

Prior to the re-roofing, internal conversion works may go ahead during the winter without causing any significant disturbance to bats.

Good working practices will be followed when working on the building to avoid potential impact on bats, which may relocate at any time to other crevices (though there was no evidence of usage of other areas at the time of the survey).

Barn swallows have been nesting in the building. Internal works will be at an advanced stage by nesting season. If works are delayed, they may need to avoid bird nesting

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season (May to August inclusive). Alternatively, bird netting may be used to prevent nesting.

2. Introduction

MAB Environment and Ecology Ltd was commissioned to update a bat survey on a detached garage and outbuilding at High Farm, Hawsker Lane, Whitby. Information gained from this survey is required to discharge a planning condition attached to a previously approved planning application (Planning Reference Number: NYM/2011/0230/FL) for the change of use and alterations to two agricultural storage barns to form 2 no. holiday letting units. Planning consent was granted in June 2011.

A bat survey has previously been carried out on this outbuilding in 2010 by Mr Miles Worron and the results are included within section 6.1. No work has been carried out to the building since this time, and the overall condition of the building has not changed significantly.

The report's primary objective is to provide an impact assessment for the development on bats, define any necessary mitigation proposals, and to assess the requirement for a Protected Species Licence. A secondary objective is to assess potential impact on breeding birds.

3. Methodology

3.1 The property was surveyed and report written by Rachel Midgley of MAB Environment & Ecology Ltd. Rachel has three years experience of conducting bat surveys, and has been an ecologist for five years, previously with York City Council; her CIEEM membership is currently under consideration and she is a trainee volunteer bat worker as well as in training for a bat survey licence. Rachel has recently received training in bat mitigation on a BCT course in 2013.

3.2 The interior and exterior of the buildings were inspected during the day using halogen torches (500,000 candle power), 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.

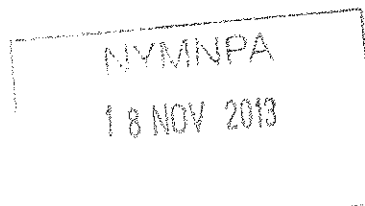
3.4 A dawn survey was carried out on October 1st 2013 by Matthew Cooke, a fully trained bat surveyor with 3 years experience with MAB Environment and Ecology Ltd., who holds a bat survey licence (bat licence number 20123621). A Pettersson D240x ultra-sound detector was used. The detector was set to 10x 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

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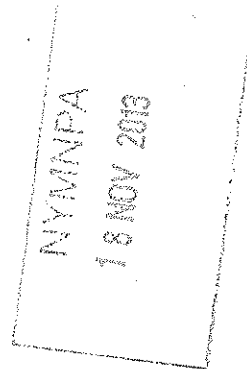
were analysed with BatSound software. The survey began 2 hours before sunrise and ended at sunrise.

3.5 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 daytime building inspection was not constrained in any way. The dawn re-entry survey was carried out outside of the optimal survey season, however conditions during the survey were favourable and bats were still active at this time in this area.



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5. Site Description

The site is located to the south east of Whitby, on the road to the former Whitby fog horn site (central grid reference: NZ 925 101), and is in a rather exposed location, close to the cliffs and the North Sea. Surrounding land use is predominantly arable, with few boundary hedgerows. Immediately adjacent to the site is a small piece of land with scattered scrub and gorse which is likely to provide some good bat foraging habitat.

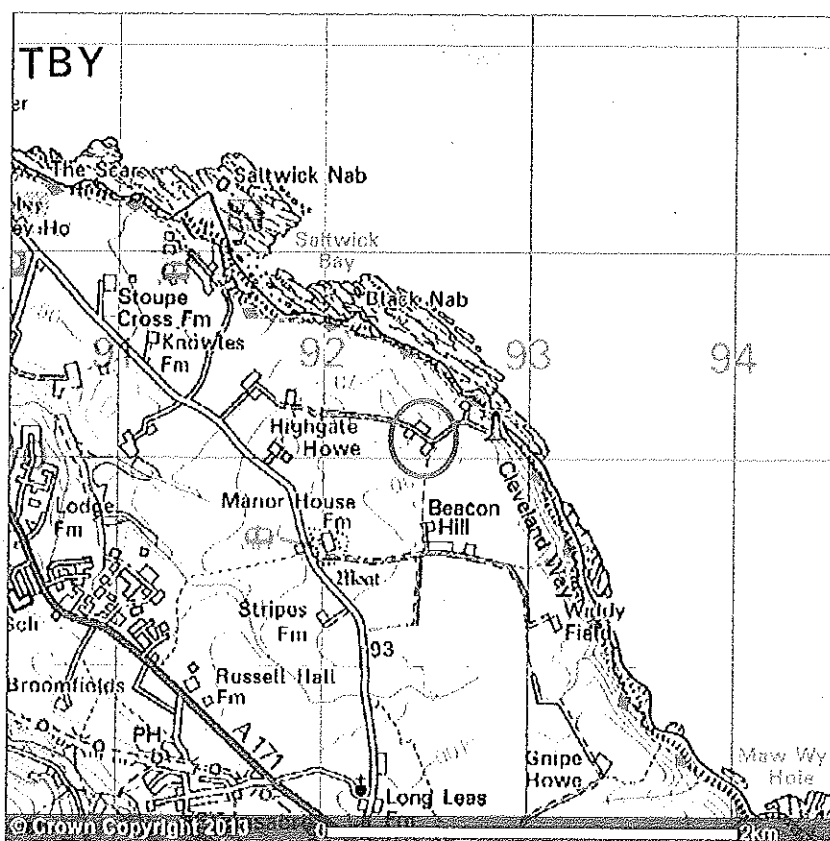
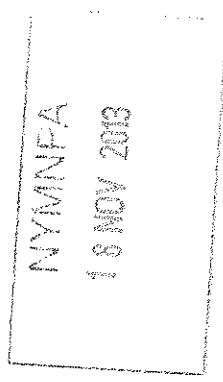


Figure 1 - Site location plan.



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6. Results

6.1 Existing information

A scoping survey was carried out by Mr Miles Worron, a licensed bat surveyor in 2010. During this building inspection, no evidence of bat use was found within either the main outbuilding, or within the adjacent store. This survey was then followed up by an evening emergence survey on 7th September 2010. During this time, a single pipistrelle sp was seen to emerge from underneath a pan tile on the western roof pitch, at eaves level. No other emergence was observed. Other species recorded during this time included whiskered/Brandt's bats.

6.2 Visual inspection

The outbuilding comprises a main garage/old agricultural outbuilding constructed out of stone with a pan tile roof; and an attached lean-to store to the north which is constructed out of stone with a corrugated tin roof.

The main building is two-storeys high; however an upper floor is only present over one half of the building. This upper floor was considered unsafe at the time of survey. A deep crevice within the stonework in one corner of the ground floor was inspected with a flexible endoscope. The internal crevice led into a deep cavity, although no evidence of bat use could be found around this area. A small number of bat droppings were present, caught in cobwebs on some of the rafters and roofing timbers within the southernmost part of the outbuilding. The pan tile roof is lined below with traditional bitumastic felt.

Externally, the masonry is well pointed, and the pan tiles are all in place however many are loose creating roosting opportunities and/or access into the space between the tiles

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and the lining below. There is a small section of the west pitch which has been re-roofed more recently. Gaps are also present along the eaves, and around the timber door frame on the south gable end, but dense cobwebs were present around these points. The ridge and verge are both well sealed with mortar.

The attached lean-to is split into two compartments. The front half is very light with a thin, corrugated metal sheet roof. This section has very low bat roost potential. To the rear, the stone walls of the the store are of dry stone wall type construction.

Swallows nests were present within the main part of the outbuilding.

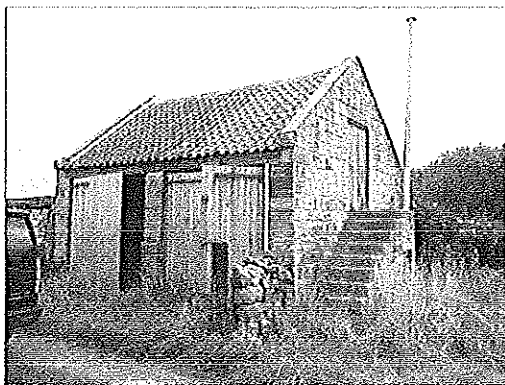


Photo 1 - View of the outbuilding from the south.

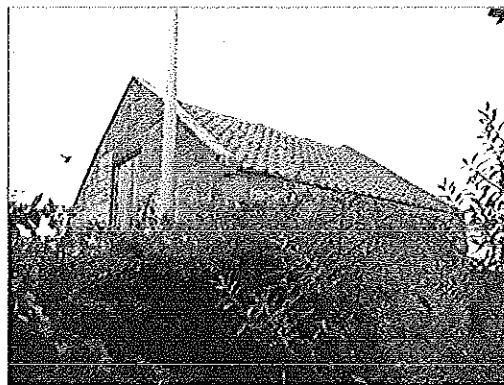


Photo 2 - Eastern roof pitch and rear elevation.



Photo 4 - Southern gable end.



Photo 3 - The western roof pitch. A small patch of the roof has been repaired more recently.

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Photo 5 - Thick traditional felt lining to the underside of the roof.

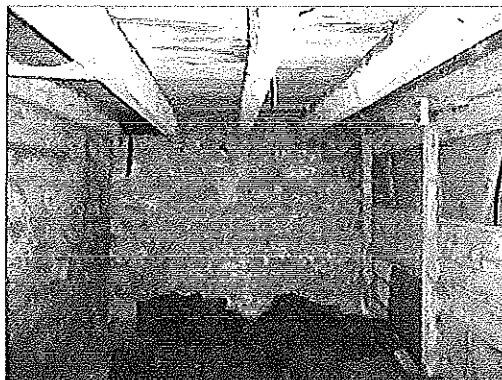


Photo 6 - The northern half of the building which is over two floors.



Photo 8 - Deep internal masonry crevice.

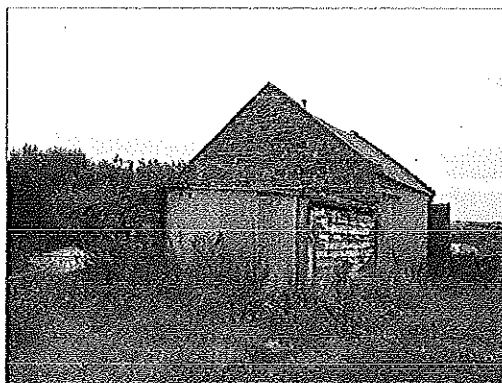


Photo 7 - The small lean-to store attached to the north elevation.



Photo 9 - Dry stone wall section of the attached store.



Photo 10 - Inside the lean-to. Conditions are very light and open.

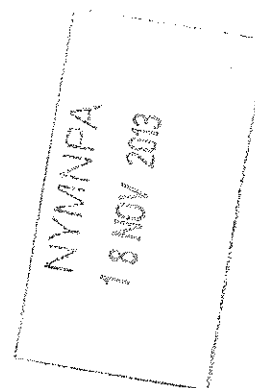
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6.3 Activity surveys

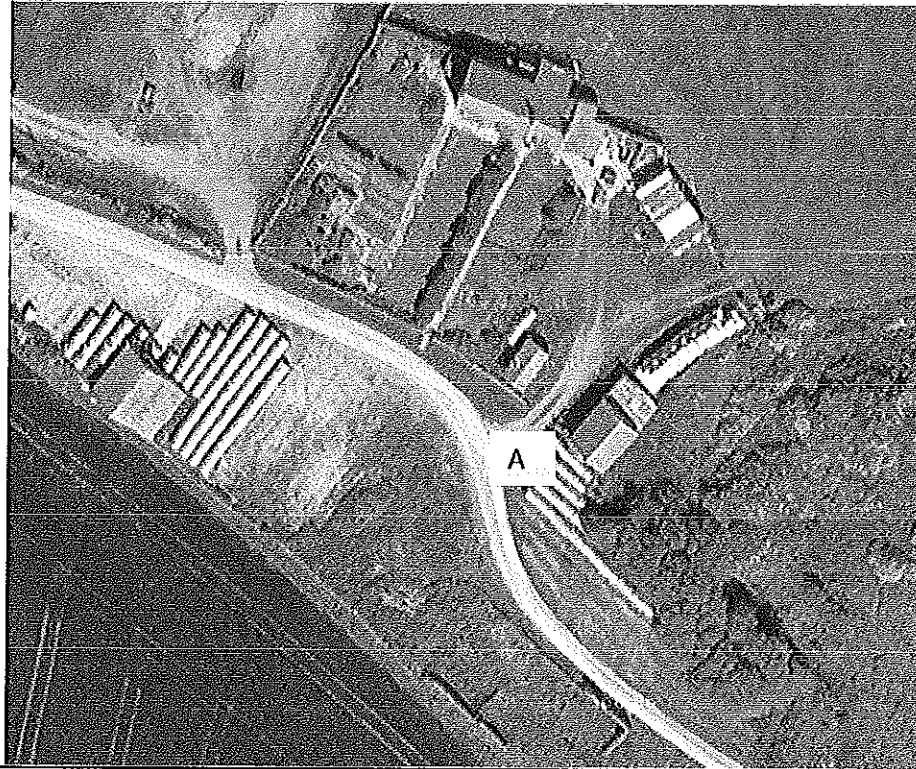
Date 1/10/13

Sunrise	7:04	
	Start	Finish
Time	5:10	7:10
Temperature	12.5°C	12°C
Cloud cover	90%	100%
Precipitation	Dry	Dry
Wind speed	Breezy	Windy
Wind direction	Westerly	Westerly

Type of survey	Emergence
Surveyors present	Mat Cooke A
equipment used	Petterson D240x + Ederol R09 recorder



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Surveyor	Time	Species	Annotation	Activity	Recording
MC		No Bat activity			

Notes on site

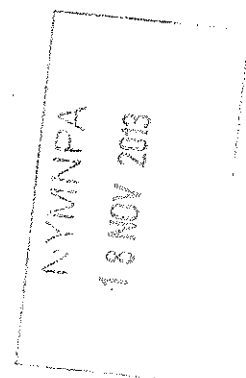
Upon internal inspection several fresh bat droppings were found attached to cobwebs within the rafters of the site. The droppings appeared to be pipistrelle droppings.

7. Discussion and analysis

Evidence of a small pipistrelle roost within the roof of the outbuilding was identified during previous surveys at this site in 2010. The updated survey results from 2013 indicate that the building is still used by a small number of bats, and that a small roost is still present. There is no evidence that this is a maternity roost, but surveys have not taken place during mid-summer when bats are breeding.

Proposed conversion work to the building will therefore affect the area currently used by roosting bats and for this reason, a European Protected Species Licence (EPSL) will be required from Natural England before any work can take place.

The building provides suitable roosting habitat for both crevice dwelling as well as void dwelling species, and due to the presence of masonry crevices and loose pantiles there is potential for transient roosting at different times of the year. The building may also provide potential roosting opportunities for a small number of hibernating bats. Roosting bats can be hard to find during the hibernation period (November to mid-March) and are particularly vulnerable to harm during this time.



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8. Impact assessment

Conversion of the outbuilding into a holiday let will result in the loss and/or modification of a small non-breeding summer bat roost. There is also a risk of disturbance to individual bats during works.

Re-roofing is likely to require use of breathable roofing membrane, as it is not possible to retain a roof void when converting such a small building. Breathable membranes are not compatible with bats, and therefore the roost area will be lost.

The roost loss is not significant as the species is very common and highly adaptable, and the roost type is of low numbers of non-breeding bats.

Internal conversion works are unlikely to cause any significant disturbance to bats, nor any roost loss, as bats are roosting under tiles.

Proposed work will also result in the loss of swallow nesting habitat.

9. Mitigation & Compensation

9.1 Mitigation summary

A European Protected Species licence must be obtained prior to reroofing, for the disturbance of the bats and for the loss of the roost.

The roof strip will take place at a time of year when they are least vulnerable to disturbance, in this case April 2014. The roof strip will take place under the supervision of a suitably qualified ecologist.

The bat roost habitat will be replaced with a long-lasting professional bat box on the wall of the building (Schwegler 1FF bat box).

Re-roofing will be done under licence and an ecologist will be present as a condition of the licence. The roof will be thoroughly checked for bats and bats uncovered will be captured and released by a suitably qualified ecologist.

Prior to the re-roofing, internal conversion works may go ahead during the winter without causing any significant disturbance to bats.

Good working practices will be followed when working on the building to avoid potential impact on bats, which may relocate at any time to other crevices (though there was no evidence of usage of other areas at the time of the survey).

Barn swallows have been nesting in the building. Internal works will be at an advanced stage by nesting season. If works are delayed, they may need to avoid bird nesting season or use netting to prevent initiation of nesting.

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9.2 Method Statement

1. No works will take place to the roof area until an EPS licence has been obtained.
2. Works to the roof will take place in spring or late summer (15th March to end April, or 1st September to 31st October).
3. An ecologist will be on site during the roof strip
4. Works to the interior of the building may take place without restriction providing the roof is not affected.
5. Prior to the roof strip, one Schwegler 1FF bat box will be installed on the gable end wall of the building.
6. All works will follow the appended good working practices.



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.

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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 ODPM 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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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>

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>

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

Richardson, P. (2000). *Distribution atlas of bats in Britain and Ireland 1980-1999*. The Bat Conservation Trust.

Russ, J. (2012). *British Bat Calls. A guide to Species Identification*. Pelagic Publishing 2012

Schofield, H.W. & Mitchell-Jones, A.J. (2004). *The bats of Britain and Ireland*. Vincent Wildlife Trust.

The Conservation of Habitats and Species Regulations 2010.

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

UKBAP 1995. *UK Biodiversity Action Plan*. <http://www.ukbap.org.uk/>

Appendix 1: Good working practice guidelines in relation to bats

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

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

