Bat Survey:

Barn at Stubbylee Hall,
Stubbylee Lane,
Bacup

Commissioned by:
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For:
Rossendale Borough Council
Room 220 Futures Park
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Survey date – 10/6/11
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1 **Introduction.**

1.1 **Remit and Objectives.**

1.1.1 I was commissioned to survey these buildings to satisfy a planning requirement prior to them being converted into workshops.

1.1.2 My objectives were to assess:
- the importance of the building to bats.
- whether or not this development will cause significant disturbance to bats, necessitating that a European Protected Species Licence be obtained under the European Habitats Directive, in order for it to progress within the law.
- whether this development will cause low-level disturbance of bats, not requiring a licence, but still requiring appropriate methodology in order to avoid an offence being committed under the Wildlife and Countryside Act of 1981, as amended.
- whether additional survey work needs to be carried out; at dusk or dawn for example.

1.2 **Initial Assessment of site/Desk-top study.**

1.2.1 The main building is a traditional stone barn with a slate roof:

1.2.2 Attached are two single-storey buildings of similar construction:

1.2.3 They are situated in a semi-rural location next to Stubbylee Park and less than 0.5kms from the River Irwell.
1.2.4 I was informed that there is a known bat roost at the rear (south-west-facing) eaves at the more northerly end of the building. Forty or more bats have been reported emerging, with use spanning at least the last 40 years. These bats are almost certainly common pipistrelles (*Pipistrellus pipistrellus*).

1.2.5 No formal records search has been commissioned at this juncture. See 1.3.

1.3 **Known/Anticipated Status of Bats.**

1.3.1 The pipistrelle bat (2 species but especially *Pipistrellus pipistrellus*) is common and widespread in the Bacup area. Other species are likely to occur within 3kms, such as the Daubenton's, noctule, brown long-eared and whiskered.

1.4 **Important Notes.**

1.4.1 Please note that bats are protected from disturbance as well as direct interference and roosts are protected whether or not bats are present at the time. See Section 3. The law relating to bats applies irrespective of any issue the planners may or may not have drawn attention to, therefore to be protected from any risk of potential prosecution the developer should pay close attention to the conclusions and recommendations made in this report. I advise that a copy of this report be retained by the client and be passed to any future purchaser/tenant of the site.

2 **My credentials.**

2.1 I have a bat conservation, science, education and training licence from Natural England, number 20104663, including an Annex to cover barn owls (20103332).

2.2 I have been involved in bat conservation for 24 years, initially as a volunteer with the Nature Conservancy Council and founder member of the South Lancashire Bat Group. Later, and for many years, I was Co-ordinator/Chair and Trainer for the South Lancashire Bat Group. My initial Conservation and Education Licence was extended in 1991 to cover winter hibernation sites/scientific work. From 2003 to 2008 I represented the bat groups of the north-west region at national meetings of the Bat Conservation Trust.

2.3 Over the last 16 years I have done increasing numbers of bat surveys on a consultancy basis, firstly part-time, then-full time from December 2003.

2.4 I am experienced at applying-for European Protected Species Licences with respect to bats.

2.5 Other experience includes:
- Attending bat-worker conferences every year since 1988.
- Helping with winter surveys of underground hibernation sites.
- Participating in "Bat Detector Workshops" during the 1990s in different areas of the country, concerned with locating bat roosts and feeding sites/commuting routes.
- Sitting on local council “Wildlife Advisory Groups” (WAGs) in the Greater Manchester area from the early 1990s until around 2005.
- Helping local authorities and the Greater Manchester Ecology Unit formulate their Biodiversity Action Plans for bats. (See Section 3)
- Assisting with research involving mist netting and radio-tracking.
- Continuing to attend courses run by recognised experts to ensure I stay up-to date both with respect to bat conservation and issues such as health and safety.

**Birds, including Barn Owls.**

2.6 I have been an enthusiastic bird-watcher since 1982, have been a member of two RSPB local groups and have a good working knowledge of British birds. I have done short periods of voluntary work for the RSPB (1989) and (in 1987) for the Lancashire Trust for Nature...
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Conservation (as it was then: now the Wildlife Trust for Lancashire, Manchester and North Merseyside).

2.7 I began training for a bird ringing licence with the British Trust for Ornithology at the end of the 1980s, but did not complete it due to other commitments.

2.8 I have had appropriate training from the Barn Owl Trust to undertake barn owl surveys, and am licenced by Natural England to disturb barn owls. (Licence 20103332)

Other experience.

2.9 I continue to attend courses on a wide range of ecological topics such as habitat surveying, plant and grass identification and mammal surveying. My sandwich placement at University was spent helping with field-based, badger research.

3 Bats and the Law.

3.1 All British bats and their roosts are legally protected under the Wildlife and Countryside Act of 1981 (as amended) and the EC Habitats Directive of 1992 as implemented by the 2010 Conservation of Habitats and Species Regulations. (Further information is available via http://www.legislation.gov.uk/)

3.2 As a result of these two pieces of legislation, amongst other things it is an offence to intentionally or recklessly kill, injure or capture bats, disturb bats or damage, destroy or obstruct access to bat roosts. Doing so can result in a custodial sentence. Fines of up to £5000 per bat can be issued in cases of non-compliance with the law. Bat roosts are protected whether or not bats are present at the time.

3.3 Under the European legislation, it is necessary for a development to maintain the favourable conservation status of bats in their natural range. This has generally been interpreted as meaning no net loss of roosts, and it is expected that roosting provision for bats will be made better than or equal to whatever is being lost to development. Wider environmental issues such as changes to feeding and commuting habitat, and lighting, also require consideration. However, the term “roost” in this context, tends to be interpreted to exclude places used opportunistically on a single occasion by just one bat.

3.4 Under English legislation (the Wildlife and Countryside Act, as above), a “bat roost” is described as “any structure or place which any wild [bat]… uses for shelter or protection”.

Implications.

3.5 Where a development will potentially impact on the favourable conservation status of bats in their natural range, a European Protected Species Licence is required before the roost can be interfered with in any way. It takes approximately 7 weeks for these to be issued once the application has been submitted. The application includes a Method Statement, and this along with the licence itself forms a legally binding document.

3.6 European Protected Species licences are issued providing planning permission has been granted, where appropriate.

3.7 Three conditions have to be met in order to obtain a licence and planning authorities are now required to apply the same 3 tests before granting planning consent:

- That the development is necessary for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
- That there is “no satisfactory alternative”;
- That the action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.
3.8 Accordingly, planners must now satisfy themselves before issuing planning consent that they have enough information to conclude that either the project will not have a negative impact on the favourable conservation status of bats, or if it seems likely it will, then appropriate mitigation and compensation measures will be employed to ensure this does not occur.

3.9 The mitigation and compensation measures would include appropriate timing and methodology for the work, including details of how the bats will be provided for in the long term.

3.10 Natural England, the Government body responsible for administering the law relating to bats, has issued guidelines to planners on how to proceed with respect to bats (http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/advice.aspx).

3.11 Outside the planning system, the onus is on developers/members of the public, to have sufficient investigations undertaken to satisfy themselves (and the authorities in the event of a subsequent investigation), that their actions are unlikely to be in contravention of bat legislation. Where this is in doubt it is necessary to seek appropriate advice and licencing before commencing any work on site.

N.b. It should always be remembered that bats often roost in places not anticipated by a lay person, such as modern buildings, trees with cavities and bridges. Some leave no signs in lofts, as they roost underneath external features such as roof slates, ridges, weather-boarding and cladding.

3.12 In the case of a building, tree or other feature not already known to be a bat roost, if bats are found during the course of work, contractors are legally obliged to stop work and seek advice. This should be from an appropriately experienced and licenced bat ecologist. Assuming good-quality bat survey work had been carried out before the commencement of the project, and its recommendations followed, it would be unlikely that the discovery of bats during the course of the work would be considered to be “reckless” interference.

Additional Relevant Legislation and Policy.

3.13 Section 40 of the Natural Environment and Rural Communities Act (NERC) of 2006 requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the ‘biodiversity duty’, which relates to section 74 of the Countryside and Rights of Way Act 2000 (CROW).

3.14 The aim of the biodiversity duty is to raise the profile of biodiversity in England and Wales, so that the conservation of biodiversity becomes properly embedded in all relevant policies and decisions made by public authorities.

3.15 Accordingly, certain more vulnerable habitats and species are the subject of National and/or Local Biodiversity Action Plans. Some bat species are covered by such plans. (http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habspanspeciesimportance.aspx provides more information)

3.16 Since 2005, National Planning Policy sets out planning policies on protection of biodiversity and geological conservation through the planning system, via PPS9 (Planning Policy Statement 9). This gives planning authorities guidance with respect to biodiversity, including protected species. Its contents are required to be taken into account in the planning process.

Birds.

3.17 The Wildlife and Countryside Act of 1981 gives protection to the nests of all wild birds whilst being built or in use. The bird nesting season is generally considered to be 1st March to 31st July.
4 **Basic Facts.**

4.1 Some basic facts about British bats are:

- Bats are mammals, feeding their new-born on milk, and generally have one baby each per year.
- Females gather together in summer in warm, clean, draught-free maternity roosts to give birth.
- Babies are generally born in June and are dependent on their mothers for about 6 weeks. When the youngsters are able to hunt independently, the summer maternity colonies disperse.
- Adult British bats feed solely on insects and their droppings are harmless.
- Bats look relatively big in flight but need only tiny access gaps and tend to roost in tight crevices and cavities.
- Each bat colony uses a range of different roost sites at different times. The bats need colder conditions in winter in order to hibernate. When hibernating they are unable to rouse quickly to escape danger.
- Bats can roost in any of the following places: behind weather boarding, hanging tiles and cladding, in roof voids, under roof slates, above/within wooden beams, round window-frames, within ivy, in cellars and in cavities in walls, live and dead trees and culverts/bridges, especially where the latter are associated with water.
- In the warmer months bat roosts can be located by the “swarming” activity of colony members around the roost at dawn.
- Often male bats roost singly, but in autumn are visited by small numbers of females for mating purposes. The females then store the sperm inside their bodies until spring when they become pregnant.
- Alternatively, in autumn the males of some species gather at cave entrances and their equivalent and undertake swarming activity.
- Sometimes bats use “night-roosts” for part of the night while out feeding. They return to a “day roost” at the end of the night, leaving behind droppings and/or discarded moth wings.
- Bats use a range of feeding sites over the course of a night and concentrate on different sites on different nights according to weather conditions and insect availability.
- Approximately twelve species of bat could be encountered during a bat survey in the north-west of England, though some are very rare. By far the most common are the common and soprano pipistrelles (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* – with the latter preferring locations near water). Each species has different roosting, foraging habitat and prey preferences.
- In light of the discovery of European Bat Lyssavirus in Daubenton’s bats in Britain, the current recommendation is that bats should not be handled by the public.

4.2 Some basic facts about barn owls are:

- In buildings, these birds need good-sized, secure ledges where the young can be safely reared without fear of them falling.
- The birds occur in areas containing rough grassland, where voles are available for them to feed on.

5 **Survey Method.**

5.1 I visited the site during the day on 10th June 2011.
5.2 As far as possible with the aid of ladders, million candle-power torch and binoculars, I inspected the buildings inside and out for the presence of live bats and signs that bats were, or had been, present.
5.3 I also assessed the potential for use by roosting bats in terms of factors such as temperature, draughtiness, humidity, cleanliness and presence of suitable crevices.
5.4 The survey was conducted with the needs of different species of bat over the seasons in mind.
5.5 I assessed the general habitat characteristics of the surrounding area and whether or not they might support species other than the most common.
5.6 I made an assessment of whether additional survey work was required at dusk/dawn or at a more appropriate time of year.

5.7 I assessed the likely impact of the proposed development on the favourable conservation status of bats.

5.8 Incidentally, I always note signs of other species that need to be taken into consideration.

6 Limitations of the Survey.

6.1 Safe access was not available to the cellar.

6.2 As bats change roosts frequently, sometimes roost singly and sometimes in large groups, roost in different places at different times of year and don’t always leave signs to be discovered at a day-time survey, especially in winter, inevitably conclusions and recommendations have to be based, at least in part, on the experience of the surveyor.

6.3 This was a preliminary survey to discover whether there are obvious signs of use by bats, and to assess for potential roosting places that couldn’t be confirmed as roosts at the time of the survey. If signs of bats or potential roosting places exist, follow-up work is usually required at dusk or dawn or at the appropriate time/s of year.

6.4 Any droppings deposited on the outside of a building are often washed or blown away quickly, so evidence of use often doesn’t last long once the bats have moved, but an assessment has been made of potential bat roosting places associated with the exterior of the building.

6.5 The absence of obvious bat droppings within buildings does not always confirm the absence of bats as bat droppings can turn to powder quite quickly.

6.6 As bats often roost in crevices in winter, and are particularly hard to locate when hibernating, the report highlights any areas that could be used by bats in winter.

7 Findings.

7.1 The main building is split into two sections, a large open barn and a smaller area on three levels, including an attic space accessed via a staircase. There were swallows (Hirundo rustica) nesting in the attic space. The slates in this area have been lined with rock-wool-type insulating material.

7.2 There is also a cellar, but the stone stairs are damaged to the point that safe access was not possible at the time of this survey. It appeared that bat access to the cellar was possible from outside however.

7.3 There was no evidence to suggest use by bats in either part of the building but the main “barn” is in constant use.

7.4 The main area where bats have been seen to emerge from the eaves is shown below:
7.5 The roost is associated with the part of the building occupied by the “barn”. There was no evidence at the time of the survey to suggest bats were present, but pipistrelle bats move around between the different roosts known to them on an unpredictable basis, and droppings are soon destroyed by wind and rain when the bats have moved.

7.6 The two single-storey buildings both have false ceilings. The larger has an original boarded ceiling above. Through a hatch in this it could be seen that the roof is lined with bitumastic felt but access to inspect the void was not possible. There was no access above the false ceiling in the smaller building but it could be seen through a gap at the side that a second ceiling was present.

7.7 Externally, the buildings are in generally good condition but inevitably there are places where bats could roost under slates, including possibly between slates and any lining material present.

7.8 Incidentally it was noticed that bumble bees are nesting in the wall of the larger single-storey building.

7.9 In addition it was noticed that an ash tree across the lane from the entrance to the yard is hollow and has a number of defects. It is at significant risk of being used by roosting bats:
8 Conclusions.

8.1 There was no evidence to suggest the buildings are used by typical barn/loft-dwelling species of bat such as the brown long-eared. However, the main barn is in constant use and there was no access to the roof voids of the two single-storey buildings.

8.2 There is a reported long-standing bat roost at the eaves of the main barn in the vicinity of the main entrance. Although there was no evidence to confirm the presence of a roost at this visit, I believe the building is used by a maternity colony of the common pipistrelle bat.

8.3 The bats are almost certainly accessing cavities within the stone wall via the fascia-boarding.

8.4 Depending on the extent of the work being done there may be a need for a European Protected Species Licence to cover this development.

8.5 The cellar appears likely to have potential for use by hibernating bats in winter.

8.6 Swallows are nesting in the attic area of the main building.

8.7 Bumble bees are nesting in the wall of the larger single-storey building.

8.8 The ash tree across the lane is at high risk of being used by roosting bats.

Implications.

8.9 Although bats have been seen emerging from the eaves in one area, the eaves around the building all provide similar roosting opportunities and bats could also roost under roof slates, so it would be good practice to undertake a bat activity survey to try to establish better the extent to which bats use the building. (See 1 in Section 10.) At least one such survey will be needed in order to obtain a European Protected Species Licence.

8.10 The roost will have to remain undisturbed during the main bat maternity colony period of May to August/September inclusive. Work could start in September but only if the maternity colony has split up and left the roost by then.

8.11 It will have to be ensured that the roost is not directly impacted-upon by the work so bats can return to roost as before when the work is complete.

8.12 The cellar needs inspection before any works start though it is unlikely bat would be present or leave any signs outside winter.

8.13 As the nests of all wild birds are protected whilst being built and in use, swallows must be completely independent of the nesting area before work is undertaken that may impact on the nest.

8.14 A consortium of organisations, via their report on “The population status of birds in the UK: Birds of Conservation Concern 3 (2009)” have given the swallow “amber” status, on a scale of “red” to “green”. (See 2 in Section 10.) For this reason, it would be a highly commendable pro-active measure to try to provide continued access for swallows to some part of a building on site. Swallows generally nest within buildings which they can enter easily in flight, nesting on beams or other ledges, though artificial nest-cups can be provided.

8.15 Bumble bees are harmless and good for the environment so should be allowed to continue nesting. (The work itself is unlikely to impact directly on the nest.)

8.16 Incidentally, please note that if bats use the ash tree they may be present for relatively short periods of time, including during winter when hibernating. The tree should be treated as a bat roost, as it would be almost impossible to confirm it not to be used by bats at times. If any work to the ash tree is necessary, there are ways of carrying-out the work in such a way as to minimise the impact on bats. It is very important that advice be sought from bat consultant before undertaking work on the tree. Many arboriculturists are under the impression that if there are no bats in cavities at the time the tree works are done, an offence is not being committed. This is not the case. Bat
roosts are protected whether or not bats are there at the time. The fact a cavity is not known to be used by bats is usually a reflection of lack of survey effort, not necessarily a lack of use by bats.

9 Recommendations.

These recommendations should be read in conjunction with the Conclusions and Implications above.

9.1 Have a bat activity survey undertaken at dusk or dawn during June or July to better assess the use of the buildings by bats.
9.2 Have further discussions with the bat consultant about how to proceed with the work and whether a European Protected Species Licence is needed.
9.3 Provide safe access to the cellar so it can be better assessed for use by hibernating bats.
9.4 Do no work to the swallow nesting area until the young are completely independent of the nest.
9.5 If possible provide for nesting swallows somewhere on site in the course of the development.
9.6 Allow bumble bees to carry-on nesting unharmed.
9.7 Note the risk of impacting on a bat roost if any work is needed to the nearby ash tree.

10 References.
