Crow Ecology

Creating a Nest for your Project & Nature

# Bat Preliminary Roost Assessment Report

Site: Demolition of existing buildings and Proposed 6 Dwellings, 75 Main Street Bonby, Brigg, DN20 0PY

Client: Catalyst Architects Ltd. on behalf of their client

Date of Survey: 8th February 2022


**Prepared by Chris Crow BSc (Hons), ACIEEM.**

NE Bat License No: 2015-11015-CLS-CLS
NE Great Crested Newt License No: 2015-18094-CLS-CLS
NE Barn Owl License No: CL29/00149

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Validity of survey data and report. The findings of this report are valid for 18 months from the date of survey. If work has not commenced within this period, an updated survey by a suitably qualified ecologist will be required.

# Contents

# 1. Summary

Crow Ecology was commissioned by Catalyst Architects Ltd. on behalf of their client to undertake a Bat Preliminary Roost Assessment (PRA) following a request from the Local Planning Authority. The aim of this survey is to determine the presence/absence of bats, potential for bats, birds and other protected species at the time of the survey and the need for further surveys and/or mitigation if necessary. The survey is required to inform a proposed planning application which is to be lodged with the local planning authority, in this case North Lincolnshire Council.

The project site consists of an occupied dwelling and restaurant that is no longer trading within the property boundary of 75 Main Street, Bonby, Brigg, DN20 0PY. Catalyst Architects Ltd.
The proposal is:

- Demolition of existing buildings and
- Proposed 6 Dwellings with associated landscaping and access.

The PRA was undertaken on the 08/02/2022 in suitable weather conditions for such a survey with no limitations. A desktop study was performed to review the site using data from the Greater Lincolnshire Nature Partnership (GLNP) and Multi-Agency Geographic Information for the Countryside (MAGIC). Google maps were used to review the site.

There are no Statutory Designated Sites and three Non-Statutory designated sites within the 1km search radius. There is one form of priority habitat within 1km of the project site. The project site has no designations. The Non-Statutory designated sites and priority habitats will not be affected by the proposed development or the species for which they are designated for.

Both the dwelling and restaurant buildings have negligible bat roosting potential due to the very good condition the buildings are; most notably the roof conditions. There are no suitable cracks or crevices present and the dwellings eaves have been filled with mortar. The dwellings ventilation tiles have grills that have no gaps present. As such there is no evidence of bat presence within the building. The surrounding habitat has a moderate-high bat foraging/commuting suitability. Vacated birds' nests were present in the restaurant building.

No further surveys or an EPS licence is required in order for the proposed development to proceed. Recommendations include:

- Method Statement (see section 7.1) should be followed if the proposed development goes ahead. In the unlikely event that bats or bat droppings are present prior to the start of the demolition of buildings, work must be halted until a licensed bat holder can attend the site and give further advice where necessary.
- Breeding birds

# 2. Introduction

The Preliminary Roost Assessment (PRA) was commissioned by Catalyst Architects Ltd. on behalf of their client following a request from the Local Planning Authority (LPA). The PRA took place on the 8th February 2022 by Chris Crow BSc (Hons), ACIEEM of Crow Ecology. The purpose of this assessment was to carry out a detailed inspection of the buildings both internally and externally and to look for features that bats could use to enter and exit the building, roosting potential and any signs that bats are inhabiting the building[1]. Nesting birds and other protected species were also surveyed for.

Recommendations for mitigation and/or further survey work can be made to reduce the impact on any bat species found and thereby also reducing potential constraints to any development which might take place.

## 2.1 - Site Location

The project site consists of an occupied dwelling and restaurant that is no longer trading within the property boundary of 75 Main Street, Bonby, Brigg, DN20 0PY. Six figure Grid Reference TA003152[2].

The landscape and land use surrounding the site is mixed. Immediately, within all bearings are residential/commercial properties with associated private gardens and/or hardstanding in the village of Bonby. Beyond the village to the north are agricultural fields with associated hedgerows and ditches. There are small woodland parcels too within this bearing. To the east are agricultural fields with associated hedgerows. To the south are agricultural fields with associated hedgerows and ditches. There are small woodland parcels and ponds too within this bearing. To the south are agricultural fields with associated hedgerows and ditches. There are small woodland parcels and ponds too within this bearing.


Figure 2.1 - Aerial view with project site illustrated within the wider landscape (not to scale). Source – Google maps 2022[3]

## 2.2 - Site Description

Figure 2.2 - Aerial view of the land under the proposed development (red) (not to scale or accuracy). Source – Google maps 2022[3].

The area within the development boundary is approximately 0.12ha. The northern boundary is a timber fence, the western boundary is predominately a brick wall with a small area of defunct hedge. The southern boundary is part timber fence, part the existing restaurant building. The eastern boundary is predominately a chain fence with the southern section of this boundary having a small hedgerow and a timber gate. The northern section of the site is a hardstanding car park. Other areas of hardstanding are within the SE, SW sections. Within the central-southern section is the double-storey existing dwelling and the single-storey old restaurant building.

See appendices 1 for existing layout.

## 2.3 - Site Proposal

The proposal is:

- Demolition of existing buildings and
- Proposed 6 Dwellings with associated landscaping and access.

See appendices 2 for proposed layout.

# 3. Methods

This report has been written following the following guidelines:

- The Bat Conservation Trust: Bat Surveys for Professional Ecologists - Good Practice Guidelines (3rd edition 2016)[1]
- Natural England Bat Mitigation Guidelines (2004)[4].
- The current (March 2015) Natural England Standing Advice for bats can be found at: https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects
- Bat Workers Manual 3rd Edition (2004)[5]
- *Wild birds: surveys and mitigation for development projects* Crown Copyright (2015)[6]
- The Code of Professional Conduct and guidelines by the Chartered Institute of Ecology & Environmental Management (CIEEM).

## 3.1 - Desktop Study

A desktop study was performed to review the site using data from the Greater Lincolnshire Nature Partnership (GLNP)[7] and Multi-Agency Geographic Information for the Countryside (MAGIC)[8]. This data search includes designated sites, priority habitats and protected and/or notable species. The search included all records within 1km of the site from the centre of the project site located at grid reference TA003152[2]. Google maps were also used to review and map the site[3].

## 3.2 – Personnel

The PRA took place on the 8th February 2022 by Chris Crow BSc (Hons), ACIEEM of Crow Ecology. Chris Crow has over 10 years surveying experience and holds the following Natural England (NE) licences;

Bat Licence No: 2015-11015-CLS-CLS (Class 2)
Great Crested Newt Licence No: 2015-18094-CLS-CLS (Level 2)
Barn Owl Licence No: CL29/00149

## 3.3 - Preliminary Roost Assessment

### 3.3.1 - Assessment Methodology

This survey involves a detailed inspection of the building both externally and internally. The information collated is used to determine[1]:

- Potential or actual bat entry/exit points
- Potential or actual bat roosting locations
- Any evidence of bat signs
- Number of ecologists needed if further surveys are required

The inspection of both the internal and external was looking for the following evidence:

- Live and or dead specimens
- Potential entrance/exit points
- Potential roosting sites
- Droppings
- Urine splashes or staining

- Fur oil grease marks around potential entrance/exit points
- Feeding remains (e.g., wing fragments of butterflies and moths)
- Scratch marks
- Absence of cobwebs in potential roosting points
- Squeaking noises

The areas in relation to this building that were examined included the following:

- Roofing materials
- Light gaps in roofs indicating access points to the outside.
- Loose fixtures
- Ridge beam and all other beams
- Walls
- Masonry where there may be holes suitable for bat access
- Suitable crevices in and around exposed brickwork and the mortar
- Rafters/timbers that may catch bat droppings.
- Junctions between supports and walls.
- Behind and around stored items (as safe to do so)

## 3.3.2 - Limitations

The dwelling was not accessed because the first floor has vaulted ceilings so there is no roof void to access and assess. All other parts of the buildings could be accessed and assessed.

## 3.3.3 - Method Justification

Following the request from the LPA, this PRA was commissioned based largely on the factors of: the age, materials and structure of these buildings and its location within the surrounding landscape. These factors trigger the need for a bat survey[1].

A 1km data search radius was selected as the proposed development site is small and remaining within the property boundary and therefore if there are ecological impacts to consider, this impact would only be localised.

# 4. Survey Results

## 4.1.1 – Statutory Sites

There are no statutory designated sites within the 1km search radius.

## 4.1.2 – Non-Statutory Sites

There are 3 Non-Statutory designated sites within the 1km search radius[7]: Bonby Road Verge, Bonby Upper Meadow and Saxby Verges South; all designated Local Wildlife Sites (LWS). Bonby Upper Meadow is the closest, approximately 600m NE of the project site. Please see figure 4.1


Figure 4.1 – Non-Statutory Designated Sites map[11]

## 4.1.3 – Priority Habitat Data

There are no ancient woodlands or ancient re-planted woodlands present within the 1km search radius. There is one Priority Habitat within the 1km search radius: Lowland Calcareous Grassland[7]. This habitat is associated with Bonby Road Verge and Bonby Upper Meadow LWS's. Again, Bonby Upper Meadow is the closest, approximately 600m NE of the project site. Please see figure 4.2.


Figure 4.2 – Priority Habitats map[7]

### 4.1.4 - Species Records

Species records were obtained from GLNP[11]. Within the 1km search radius of the site, 87 species which have one or more designations as notable and or protected species was identified. 5 of the 87 species records are of particular interest to this project site: House Sparrow *Passer domesticus*, West European Hedgehog *Erinaceus europaeus,* Bat *Chiroptera,* Brown Long-eared Bat *Plecotus auritus,* Common Pipistrelle *Pipistrellus pipistrellus,* Pipistrelle Bat species *Pipistrellus* and Soprano Pipistrelle *Pipistrellus pygmaeus.*

None of the records are from the project site. There are no Great Crested Newt (GCN) *Triturus cristatus* data or bat license returns within the 1km search radius[8].

The full list of historical records for this 1km search radius is available upon request.

## 4.2 - Preliminary Roost Assessment

### 4.2.1 - Summary of Preliminary Roost Assessment

| Date | Weather | Structure (Numbered if more than 1 structure) | Equipment Used |
|---|---|---|---|
| 08/02/22 | 11ºC<br>100% Cloud<br>No Rain<br>Wind – 2 (Beaufort scale) | • Dwelling (1)<br>• 'Restaurant' (2) | • Clulite CB2 1 million candle light powered torch<br>• Explorer Premium 8803AL Endoscope<br>• Headtorch<br>• 3.8 metre telescopic ladder<br>• Camera<br>• CATS61 Thermal imaging camera |
| Comments – N/A | | | |

### 4.2.2 – Dwelling (1) External Assessment

The dwelling has a double ridge with a valley roof. The concrete ridge and roof tiles are in excellent condition with no gaps present. There a ventilation tiles present but these have grilles fitted with no gaps

too. On both gable ends, the verge mortar between the skews, are all intact. The lead flashing around the chimney stacks, are both in a good condition with no suitable gaps present. The tiles where the roof meet the brickwork all have mortar fillings with no suitable gaps present. The fascia boards present on the west elevation are in excellent condition and tight against the brickwork. The brickwork has been painted but there are no cracks within the brickwork suitable for bats to roost. The windows, doors and their respective frames are all PVC and are in a good condition with no gaps between the frames and the brickwork. Please see plates 4.1 – 4.2.

Plate 4.1 - (L) The north and east elevations. (R) – The south elevation

Plate 4.2 - The west elevation

## 4.2.3 – Dwelling (1) Internal Assessment

The dwellings' the first floor has vaulted ceilings so there is no roof void to access and assess. The dwelling is currently occupied and as such there was no requirement to access and assess the living quarters.

## 4.2.4 – Bat Roosting Potential Dwelling (1)

Overall, due to the factors mentioned above this building has a Negligible Bat Roosting potential for the following reasons:

- Building in excellent condition
- No gaps present in ridge and roof tiles

- Ventilation tiles have grilles
- Eave roof tiles have mortar filling
- Fascia boards in excellent condition
- Brickwork in good condition
- Windows and Door frames have no gaps present.

## 4.2.5 – 'Restaurant' (2) External Assessment

The 'restaurant' has a double pitched roof with concrete tiles with an extension that effectively creates a double ridge with a valley roof. The ridge and roof tiles are in excellent condition with no gaps present. The north gable end, behind the barge board has gaps present between the roof lining and the brickwork. However, there was no bats present or evidence of bat presence in the forms of: droppings, feeding remains, scratch marks, urine splashes and fur-oil staining on the walls. In this location though, there were vacated birds' nests present. The southern gable end verge mortar is in excellent condition with no gaps present. The fascia boards on both elevations are in excellent condition; tight to the wall with no suitable gaps present. The brickwork has been painted but there are no cracks within the brickwork suitable for bats to roost. The windows, doors and their respective frames are all PVC and are in a good condition with no gaps between the frames and the brickwork. Please see plates 4.3 – 4.5.

Plate 4.3 - (L) The north elevation, highlighting the location of the vacated nests (blue). (R) – The south elevation

Plate 4.4 - (L) The south elevation (R) – The southern section of the west elevation

Plate 4.5 – The west and north elevation of the extension.

## 4.2.6 – 'Restaurant' (2) Internal Assessment

The 'restaurant' still has the layout of a restaurant but without the table and chairs. It is currently used for storage purposes. Due to the buildings good, window and door frames and the ceiling voids and hatches sealed, there is no potential for bats to access this area and therefore this ground floor space will no longer be discussed. Please see plate 4.6.

The roof void was accessed and assessed. The roof has a bitumen lining that is in excellent condition with no gaps or tears present. There was no evidence of bats present or evidence of bat presence directly below the ridge beam or the timber trusses. There is no light penetrating through the eaves, indicating a lack of potential access points. Some areas, most notably on the gable ends are heavily cobwebbed. There is evidence of Mouse *Mus sp.* and Brown rat *Rattus norvegicus* presence in the form of droppings. There was no bats present or evidence of bat presence in the forms of: droppings, feeding remains, scratch marks, urine splashes and fur-oil staining on the walls. Please see plates 4.7 – 4.8.

Plate 4.6 – (L) The kitchen. (R) – The main dining area

Plate 4.7 – (L) Facing north, the roof void of the single storey restaurant building. (R) Facing south, the gable end within the roof void of the single storey restaurant building.

Plate 4.8 – (L) Facing north, the roof void of the extension to the restaurant building. (R) Facing north, the gable end within the roof void of the extension to the restaurant building.

## 4.2.7 – Bat Roosting Potential 'Restaurant' (2)

Overall, due to the factors mentioned above this building has a Negligible Bat Roosting potential for the following reasons:

- Building in excellent condition
- No gaps present in ridge and roof tiles
- Fascia boards in excellent condition
- Brickwork in good condition
- Windows and Door frames have no gaps present.

# 4.3 - Bat Commuting and Foraging Habitats within the project site and surrounding landscape

## 4.3.1 – Project Site

The project site consists of buildings, hardstanding, a very small area of improved grassland and two 5m lengths of hedgerows. These habitats are of negligible/low suitability for foraging and commuting bats Please see figure 4.1[1]

## 4.3.2 – Surrounding landscape

Immediately surrounding the site, the habitats predominately consist of residential properties with associated private gardens but beyond, in all bearings are agricultural fields with associated hedgerows and drains networking throughout the landscape. In addition, there are areas of woodland and waterbodies varying in size and composition in all bearings too. Due to the habitats present and their connectivity to the wider landscape, the surrounding area is classed as moderate-high for commuting/foraging bat habitat (see figure 4.3)[1].

**Table 4.1 Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement.**

| Suitability | Description<br>Roosting habitats | Commuting and foraging habitats |
|---|---|---|
| Negligible | Negligible habitat features on site likely to be used by roosting bats. | Negligible habitat features on site likely to be used by commuting or foraging bats. |
| Low | A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions[a] and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation[b]).<br>A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.[c] | Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.<br>Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub. |
| Moderate | A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions[a] and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed). | Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens.<br>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water. |
| High | A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions[a] and surrounding habitat. | Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge.<br>High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.<br>Site is close to and connected to known roosts. |

[a] For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.
[b] Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten *et al.*, 2015). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in large buildings in highly urbanised environments.
[c] This system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015).

Figure 4.3 – Guidelines for assessing roost and foraging habitat suitability. Source – Bat Conservation Trust, 2016[1]

# 5. Evaluation

## 5.1 – Designated sites

There are no statutory designated sites and three non-statutory designated sites within 1km of the project site[7]. The Non-Statutory designated sites will not be affected by the proposed development or the species for which they are designated for.

## 5.2 – Priority Habitats

There are no ancient woodlands or ancient re-planted woodlands present within the 1km search radius. There is one Priority Habitat within the 1km search radius: Lowland Calcareous Grassland[7]. This habitat is associated with Bonby Road Verge and Bonby Upper Meadow LWS's. Again, Bonby Upper Meadow is the closest, approximately 600m NE of the project site.

The proposed development will not have a negative effect on these habitats or the species that are associated with them as the development is small and is within the existing property boundary.

## 5.3 – Species Records

Species records were obtained from GLNP[7]. Within the 1km search radius of the site, 87 species which have one or more designations as notable and or protected species was identified. 5 of the 87 species records are of particular interest to this project site: House Sparrow, West European Hedgehog, Bat, Brown Long-eared Bat, Common Pipistrelle, Pipistrelle Bat species and Soprano Pipistrelle.

The buildings have negligible bat roosting potential but vacated birds' nests were present. Hedgehogs maybe present within the surrounding landscape but highly unlikely within the project site due to the site being predominately developed land and limited hedgerows (2 x5m lengths).

### 5.3.1 – Conclusion

Please see chapter 7 for recommendations.

## 5.4 – Project Site

### 5.4.1 – Bats

No bats were present during the survey and there was no evidence of bat presence was found during the survey. Both building's roofs, eaves, windows, doors and brickwork are all in excellent condition and as such, there are no potential roosting or access points for bats. Some areas within the roof void of the 'restaurant' were heavily cobwebbed and generally, bats prefer cobweb free areas[9,10]. It also indicates that no significant flight is taking place within the roof void or the limited access points where the vacated birds' nests are located.

#### *5.4.1.1 – Limitations*

The dwellings' the first floor has vaulted ceilings so there is no roof void to access and assess. The dwelling is currently occupied and as such there was no requirement to access and assess the living quarters.

There were no limitations to this survey as all parts of the buildings were easily accessed. Therefore, the results obtained are concise and accurate at the time of the survey.

*5.4.1.2 - Conclusion* – No further surveys recommended but please see section 7.1 for recommendations.

### 5.4.2 – Birds

There were vacated bird nests present on the northern gable end, behind the barge boards where the brickwork meets the roof lining.

*5.4.2.1 - Conclusion* - See section 7.2 for recommendations.

## 5.5 – Protected or Notable Species within the Project site boundary and Surrounding Landscape

### 5.5.1 – Great Crested Newt (GCN) *Triturus cristatus* and other Amphibians (GCN)

The GLNP data search produced no records of GCN, 4 records of Common Toad *Bufo bufo* and 2 records of Common frog *Rana temporaria* within the search radius[7].

There are no ponds within the development boundary. The closest waterbody is approximately 400m south of the project site, located close to good terrestrial habitat. It is highly unlikely that GCN would seek refuge within the development boundary because of the following factors:

- The project site is predominately buildings and hard-standing. These are sub-optimal terrestrial habitats. GCN prefer refuges/hibernacula such as: grassland, scrub, woodland, hedgerows, 'wasteground' or quarry floors. Two 5m lengths of hedgerow are present within the development boundary but are essentially isolated by the surrounding developed land.
- There is no waterbody present within the project site for GCN to breed in, therefore it is unlikely for GCN to commute through the project site.
- GCN prefer to stay in terrestrial habitat close to their breeding ponds[11]: *The most comprehensive mitigation, in relation to avoiding disturbance, killing or injury is appropriate within 50m of a breeding pond. It will also almost always be necessary to actively capture newts 50-100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality. At distances greater than 200-250m, capture operations will hardly ever be appropriate.*

*Conclusion* – No further surveys required.

### 5.5.2 – Reptiles

The GLNP data search produced 2 records of reptiles (Grass snake *Natrix natrix*) present within the1km search radius[7]. Both records are from 1976. Grass snake habitat is predominately close to water: of which the project site has none. The project site is not suitable for reptiles for the following reasons[13]:

- Vegetation – The project site has very limited vegetation present.
- Extent - The habitats within the project site are poor.
- Aspect – There are no south-facing slopes
- Topography – No suitable topography.

- Connectivity – The location of the project site has limited connectivity for reptiles as the site is within a village of residential/commercial properties.
- History – There are 2 records of Reptiles present within 1km of the project site.

*Conclusion* – No further surveys are needed.

## 5.5.3 – Badgers

The GLNP data search produced 1 records of Badgers within 1km search radius of the project site[7]; again this was from 1976. Within the development boundary, as expected due to the habitats present, there is no Badger sett and there was no evidence of badger presence within the development boundary. The agricultural fields and surrounding areas of small woodlands would provide a suitable habitat for shelter and foraging.

*Conclusion* – No further surveys are needed

## 5.5.4 - Plants

There are no protected or notable plant species present.

*Conclusion* – No action needed.

## 5.5.5 – Other Protected or Notable Species

The GLNP data search produced 1 record of Water vole *Arvicola amphibius* and no records of Otter *Lutra lutra* within 1km search radius of the project site[7]. Water vole and Otter do not need to be considered for this proposed development as the development is staying within the existing property boundary and there are no waterbodies within the development boundary.

The GLNP data search produced 5 record of Hedgehog and 5 records of Brown Hare *Lepus europaeus* within 1km search radius of the project site[7]. Due to the habitats present within the project site it is highly unlikely for Hedgehogs or Brown Hare to be present within the project site.

*Conclusion* – No further surveys are needed but a PWMS will be adhered to minimise any potential impact to any potential Mammals and amphibians. See section 7.3 for recommendations.

# 6. Wildlife Legislation and Planning Policy

Bats and their roosts are protected by UK and European laws. Bat roosts are protected all through the year, whether or not they are occupying a roost site.

## 6.1 - The Wildlife and Countryside Act (WCA) 1981 (as amended)[13]

The long title of the WCA 1981 as amended;
An Act to repeal and re-enact with amendments the Protection of Birds Acts 1954 to 1967 and the Conservation of Wild Creatures and Wild Plants Act 1975;

- to prohibit certain methods of killing or taking wild animals;
- to amend the law relating to protection of certain mammals;
- to restrict the introduction of certain animals and plants;
- to amend the Endangered Species (Import and Export) Act 1976;
- to amend the law relating to nature conservation, the countryside and National Parks and to make provision with respect to the Countryside Commission;
- to amend the law relating to public rights of way; and for connected purposes.

Bats are a Schedule 5 listed species. Section 9 of this makes it an offence to:

- deliberately capture, injure or kill bats
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places
- possess, sell, control or transport live or dead bats, or parts of them intentionally
- or recklessly disturb a bat while it's in a structure or place of shelter or protection

### 6.1.1 - Birds

Birds, their eggs and nest are protected by UK law under the following act:
Wildlife & Countryside Act (as Amended) 1981: Schedules 1-4 and in some cases 9.
To summarise, you would be breaking the law by;

- intentionally kill, injure or take birds
- intentionally take, damage or destroy a nest while it's being used or built
- intentionally take or destroy a bird's egg/s
- possess, control or transport live or dead bird, or parts of them, or their eggs
- sell birds or put them on display for sale
- use prohibited methods to kill or take birds

Birds that are listed as a schedule 1 bird are provided further protection. Additionally, it is an offence to:

- disturb them while they're nesting, building a nest, in or near a nest that contains their young
- disturb their dependent young

## 6.2 - The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[14]

The Conservation of Habitats and Species Regulations 2010 is an EU directive and consolidates all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. The Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or

species. These sites form a network termed Natura 2000 and include Special Areas of Conservation and Special Protection Areas. All European bats species and their roosts are listed in Annex IV and some bat species are also listed in Annex II giving those species even greater protection. Section 41 of this law states that it is an offence to:

- Deliberately capture, injure or kill a bat
- Deliberately disturb a bat and more specifically which is likely:
  - to impair the bats ability to survive, breed, reproduce, or to rear or nurture their young, or
  - 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.
  - Damage or destroy a breeding site or resting place of a bat
  - Possess, control, transport, sell or exchange a bat or body parts of a bat both alive or dead.

## 6.3 - The Natural Environment and Rural Communities (NERC) Act (2006)[15]

'An Act to make provision about bodies concerned with the natural environment and rural communities; to make provision in connection with wildlife, sites of special scientific interest, National Parks and the Broads; to amend the law relating to rights of way; to make provision as to the Inland Waterways Amenity Advisory Council; to provide for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes'.
In regards to the planning process sections 40 and 41 are of particular importance:
'Section 40 (1) 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 41 lists habitats and species of primary importance to the conservation of biodiversity therefore making these habitats and species a consideration in the planning process.'

## 6.4 - National Planning Policy Framework (NPPF) (July 2021)[16]

This policy states under section 15 'Conserving and enhancing the natural environment' that;

174.
Planning policies and decisions should contribute to and enhance the natural and local environment by:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in

this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity
179. To protect and enhance biodiversity and geodiversity, plans should:
a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity 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;
b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact 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;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of

their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

181. The following should be given the same protection as habitats sites:
a) potential Special Protection Areas and possible Special Areas of Conservation;
b) listed or proposed Ramsar sites; and
c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

## 6.5 - Department for Communities & Local Government Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System[17]

'This circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the National Planning Policy Framework and the Planning Practice Guidance' (Department for Communities and Local Government, 2005).

## 6.6 - The 'UK Post-2010 Biodiversity Framework' (July 2012)[18]

The 'UK Post-2010 Biodiversity Framework', published in July 2012, succeeds the UK BAP and 'Conserving Biodiversity – the UK Approach'. It is the result of a change in strategic thinking. The UKBAP is still used as a source of reference with regards to habitats and species. UK Biodiversity Action Plan was a government initiative and contains a list of priority habitats and species of conservation concern in the UK which are the same as those listed within Section 41 of The Natural Environment and Rural Communities (NERC) Act 2006. The plan also outlines biodiversity initiatives designed to enhance their conservation status. The UKBAP requires conservation of biodiversity to be addressed at a county level via a Local BAP and are usually targeted towards species of conservation concern within each separate area.

## 6.7 - UK Biodiversity Action Plan (UKBAP) and Local BAP[19,20]

UK BAP priority species and habitats were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). The original lists of UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2-year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists.
The aim of the 'Species and Habitats Review' was to ensure that the UK BAP lists of priority species and habitats remained up-to-date and focussed on the correct priorities. This was the first full review of the lists, generated over 10 years previously, and provided an opportunity to take into account emerging new priorities, conservation successes, and the huge amount of new information that had been gathered since the original lists were created. Selection of priority species and habitats for the priority lists followed consideration by expert working groups against a set of selection criteria, based on international importance, rapid decline, high risk, and habitats of importance for key species.
As a result of new drivers and requirements, the' 'UK Post-2010 Biodiversity Framework, published in July 2012, has succeeded the UK BAP. In particular, due to devolution and the creation of country-level

biodiversity strategies, much of the work previously carried out under the UK BAP is now focussed at a country level.
The UK BAP lists of priority species and habitats remain, however, important and valuable reference sources.

LBAP have two targets: to reflect and help implement the national priorities identified in the UK Action Plans, and to identify and address local priorities and local distinctiveness.

## 6.8 – Protection of Badgers Act 1992[21]

Badgers and their setts are protected by the following legislation: Wildlife & Countryside Act (as Amended) 1981[5]: Schedule 6 and The Badger Protection Act 1992[6].To summarise, it would be illegal to;

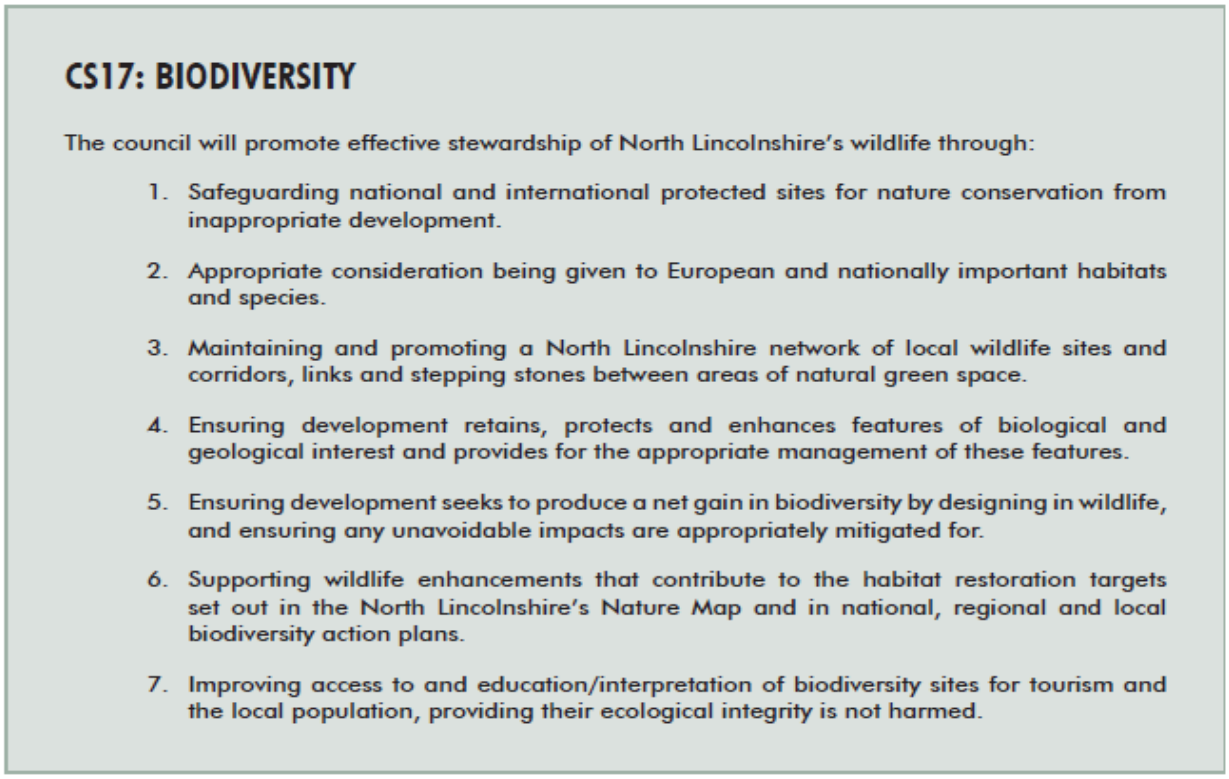
- intentionally capture, kill or injure a badger
- damage, destroy or block access to their setts
- disturb badgers in their setts
- treat a badger cruelly
- deliberately send or intentionally allow a dog into a sett
- bait or dig for badgers

You are also breaking the law by doing any of the following;

- have or sell a badger, or offer a live badger for sale
- have or possess a dead badger or parts of a badger (if you got it illegally)
- mark or attach a marking device to a badger

## 6.9 Local Planning Policy[22]

The 'North Lincolnshire Local Development Framework – Core Strategy, 2011' outlines the council's planning policy targets. CS17 is the main policy regarding biodiversity:



**CS17: BIODIVERSITY**

The council will promote effective stewardship of North Lincolnshire's wildlife through:

1. Safeguarding national and international protected sites for nature conservation from inappropriate development.
2. Appropriate consideration being given to European and nationally important habitats and species.
3. Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space.
4. Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features.
5. Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.
6. Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire's Nature Map and in national, regional and local biodiversity action plans.
7. Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.

Figure 6.1 North Lincolnshire Local Development Framework – Core Strategy, 2011 CS17 policy. Source – North Lincolnshire Council, 2019.

# 7. Recommendations

## 7.1 - Bat Method Statement

This method statement must be made available to any contractors who will be involved in any future developments of the project site.

The buildings have Negligible bat roosting potential and no bats were present and there was no evidence of bat presence during the survey. However, bats are highly mobile and move between roost sites and hence why it is important to check the below before demolition takes place.

Prior to the start demolition, the following places must be checked on the buildings[5]:
These include:

- No slipped roof or ridge tiles
- Mortise joints
- Above the eaves
- Roof timbers including ridge beams, rafters, trusses and purlins
- Door frames
- Window Frames

Prior to demolition it is recommended that careful removal by hand of all fittings and fixtures will be exercised. Remove roof covering by hand. For the roof works, remove the tiles on one elevation the first day and the other elevation the day after[5]. This will create sub-optimal conditions for any bats that maybe roosting within the roof structure and thereby inspire the bats to leave on their own will and not return.

In the unlikely event that bats or bat droppings are present at the start of the demolition work must be halted until a licensed bat holder (Crow Ecology 07813900097or other ecologists) can attend the site and give further advice where necessary[5].

Bats should not be handled by unlicensed personnel. If it is absolutely necessary to remove a bat from the premises for overruling health and safety reasons or to avoid it being harmed gloves must be worn and the bat placed carefully in a breathable container and placed in a dark, quiet place, safe from predators, until a licensed bat holder arrives[5].

### 7.1.1 - Timings

As no bats are present, work can commence any time of the year[4]. Even though no bats were present during these survey as stated above, bats are highly mobile and may have taken up residence prior to works commencing and therefore it is important to adhere to the Method Statement as stated in section 7.1.

To minimise the impact on foraging/commuting bats from the surrounding area, demolition works will take place in daytime during light hours. Therefore, any works such as the demolition of the buildings will not disturb the local bat populations' foraging/commuting routes.

## 7.2 - Breeding birds

No breeding birds were present during the PRA but vacated nests were present on the north gable of the 'restaurant'. In addition, under the proposed development the existing two small lengths of hedgerow will be cleared.

If breeding birds are present before the proposed demolition works start and/or hedge removal, then no works can commence between 1st March-31st August[6]. This is the time when adult birds are rearing their young. It is an offence under the WCA 1981 to in relation to this proposed development to:

- intentionally kill, injure or take birds
- intentionally take, damage or destroy a nest while it's being used or built
- intentionally take or destroy a bird's egg/s

If works need to be carried out during the nesting period (1st March to 31st August) checks should be made by an ecologist for nesting birds, the day before the works are due to commence[6]. Any nesting birds found should be left to complete their breeding cycle (e.g., until the young have fully fledged) before any works can take place.

### 7.2.1 – Breeding bird Survey

The survey involves monitoring the hedgerows and the north elevation of the 'restaurant' for at least 60mins on each habitat. This is to identify adults returning to a nest with food or leaving with faecal sacks.

## 7.3 – Mammals PWMS

The following PWMS will be adhered to minimise any potential impact to any potential Hedgehogs and other mammals commuting through the project site during the proposed development, please see below.

### 7.3.1 – PWMS Mammals – Construction Phase

- Before and during the construction phase the contractors and people involved in the development should ensure they do not create temporary refuge sites. This will be done by ensuring any heavy machinery left overnight will be on the hardstanding areas[23].
- Any Machinery left overnight will be fenced off with ground level fencing. The machinery will be checked on a daily basis for animals prior to work commencing just in case any mammals have managed to breech the fencing and become trapped in any machinery present[23].
- Building materials and associated materials like plastic sheeting should be kept off the ground.
- Rubble and other associated building materials should be bagged up and placed on the hardstanding areas[23]
- If, by mistake this is not adhered to, then checks should be made each day prior to work commencing.
- Perimeter fencing should be installed around any ground works and fitted tightly to the ground so any animals cannot get under the fencing[23]. The ground works will be checked on a daily basis for animals just in case they have managed to breech the fence.
- Any excavations that will be left overnight should be covered over or equipped with a number of ramps and hydrophobic boards to allow otherwise trapped mammals/amphibians/reptiles a means of escape[23].

# 8. Biodiversity Enhancements

Biodiversity Enhancements will be recommended in the Biodiversity Net Gain (BNG) report as requested by the LPA.

I hope that this report provides all the necessary information, but should any further advice be needed please do not hesitate to contact the author.

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Report printed on recycled paper

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# 10. Appendices

## Appendix 1 – Existing site layout

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# Appendix 2 – Proposed site layout