

BAT PRESENCE/ABSENCE SURVEYS OF:

TREVEAN,
HIGHER TOWN,
ST MARTIN'S,
ISLES OF SCILLY,
TR25 0QL

Client: Mr Mark Travers

Our reference: IoSWT-BS30-2020PAS

Planning reference: P/20/026

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Non-Technical Summary

- A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) was carried out at Trevean in Higher Town, St Martin's, Isles of Scilly, TR25 0QL to help inform the determination of Planning Application P/20/026. The survey concluded that the building had Moderate Potential to support roosting bats. Two presence/absence surveys were recommended and the results of these surveys are outlined in this Presence/Absence Survey (PAS) report.
- A dusk survey conducted on 29th June 2020 did not identify any bats emerging from roosting sites associated with the building. A dawn survey conducted on 11th July 2020 identified a single common pipistrelle bat returning to roost behind a fascia board attached at the eaves of the property.
- The results confirm the presence of a non-breeding summer roost of a common species within the building at Trevean.
- An impact assessment identifies that the Proposed Works would result in the destruction of this roost and the potential to kill/injure common pipistrelle bat(s) if appropriate measures are not taken to protect this species.
- It is considered that appropriate mitigation measures can be put in place to ensure that the Proposed Works can proceed without negatively impacting the Favourable Conservation Status (FCS) of common pipistrelle bats on St Martin's in the long term. If minded to approve permission, it is recommended that the Decision Notice includes a compliance condition that works should proceed in accordance with the mitigation measures outlined.
- To ensure legislative compliance, it would be necessary for the works to be undertaken under an European Protected Species Mitigation License (EPSML).
- Mitigation measures recommended include appropriate timing of works; provision of a replacement roost and ecological oversight of works.

1.0 Introduction

1.1 Background

A Preliminary Roost Assessment report (dated 8th June 2020) identified that the building under consideration provided Moderate roosting potential for bats. Additional presence/absence surveys were recommended in order to meet Best Practise Guidance to support a Planning Application. This report outlines the results of these additional surveys.

1.2 Survey Objectives

The objectives of this Presence and Absence Survey (PAS) report, is to provide further ecological information to support the planning proposal by:

- Ascertaining if roosting bats are present at the application site;
- Identifying the location of these bat roosts (including exit/entry points);
- Subjecting this information (and the information from the PEA and PRA) to evaluation and impact assessment;
- Providing advice on the potential for contravention of legislation/policy;
- Providing recommendations on any further actions needed (i.e. further surveys, licensing, mitigation or enhancement).

2.0 Methodology

2.1 Bat Dusk emergence survey

The objective of the emergence and re-entry surveys was to assess the use of the site by bats, specifically to identify any entry/exit locations around the building. Survey effort was concentrated on areas of the site where suitable features or bat field signs were noted from the PRA.

The survey timings accord with Best Practise Guidance. Dusk surveys commenced 15 minutes before sunset and continued for 1.5h after sunset. Dawn surveys commenced 1.5h before sunrise and continued until 15 minutes after sunrise.

Identification of bat species was undertaken primarily through the use of ultrasound characteristics. To aid identification, flight and habitat characteristics were also noted (where possible) in order to determine the species.

The survey was designed with sufficient surveyors appropriate positioned to ensure that all potential access points to the building could be observed simultaneously.

2.2 Equipment

The following equipment was used for the dusk emergence survey at the site:

- Wildlife Acoustics EchoMeter Touch detector.

Sound recordings were analysed using Kaleidoscope (Wildlife Acoustics) software to confirm surveyors' identification of species.

2.3 Surveyor Details

The survey was undertaken by James Faulconbridge MRes, MCIEEM on behalf of the Isles of Scilly Wildlife Trust. James has twelve years' experience undertaking bat surveys and holds a Natural England WML-A34-Level 2 (Class 2 License); registration number: 2015-12724-CLS-CLS which permits him to survey bats using artificial light and endoscopes and capture bats using hand and hand-held static nets.

Additional support was provided by Holly Robbins who has over ten years' experience of bat building inspections and presence/absence surveys. Holly was working under the direction and supervision of the Licenced Bat Worker.

2.4 Survey Limitations

Surveys carried out during a specific season can only provide information on that particular time, as bats are highly mobile in nature and may only use buildings at certain times of the year that favour a particular part of their roosting, maternity and hibernating requirements.

3.0 Results

3.1 Weather conditions, temperatures and timings

Survey Information:	Start and End Times:	Conditions (Start):	Conditions (End):
Dusk Emergence:	Date: 29.6.20 Start: 21.20 Sunset: 21.37 End: 23.10	Temp: 15°C Wind speed (Beaufort): 1 Cloud cover: 10% High Cloud Rain: None	Temp: 15°C Wind speed (Beaufort): 1 Cloud cover: 0% Cloud Rain: None
	Surveyors		
	1. James Faulconbridge 2. Holly Robbins	Notes:	

Table 01 - Site conditions for dusk emergence survey

Survey Information:	Start and End Times:	Conditions (Start):	Conditions (End):
Dawn Re-Entry	Date: 11.7.20 Start: 04:00 Sunrise: 05:29 End: 05:40	Temp: 14°C Wind speed (Beaufort): 2 Cloud cover: 0% Cloud Rain: None	Temp: 14°C Wind speed (Beaufort): 1 Cloud cover: 0% Cloud Rain: None
	Surveyors		
	1. James Faulconbridge 2. Holly Robbins	Notes:	

Table 02 - Site conditions for dawn re-entry survey

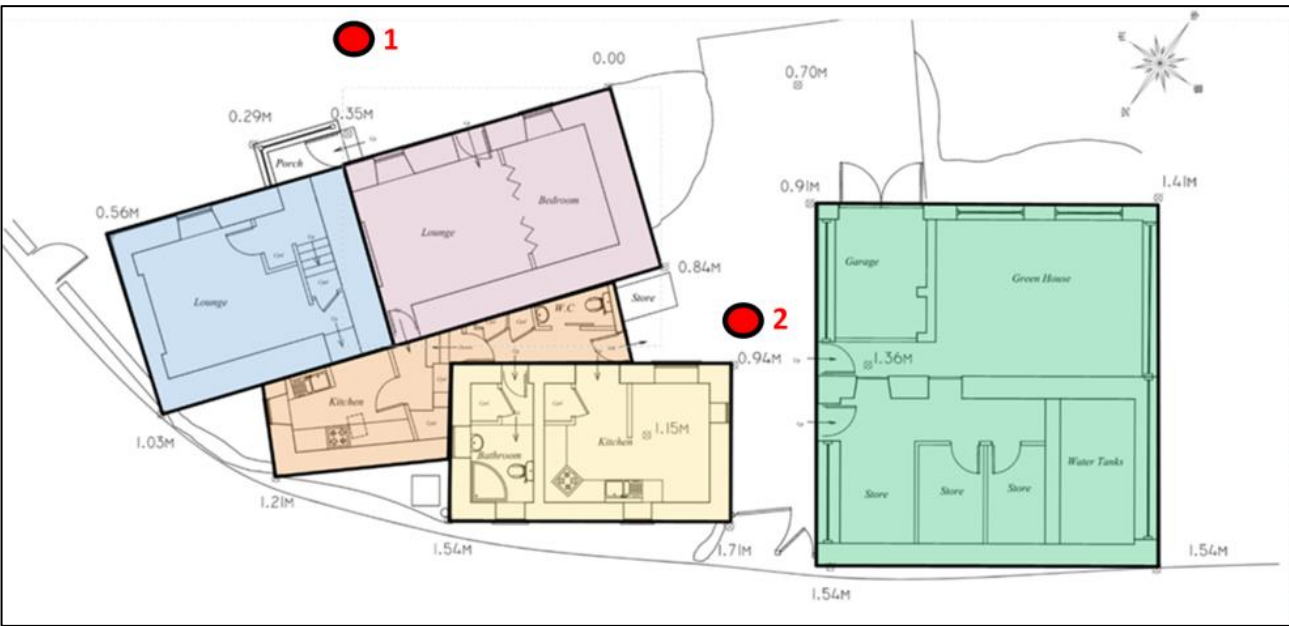


Figure 01 - Surveyor Positions –the buildings highlighted in purple and blue were under observation during this survey.

3.2 Dusk emergence survey results

The dusk survey only recorded a single common pipistrelle in flight – this was a brief pass recorded at 22:07 (approximately 47 minutes after sunset) on the bat detector but the location and flight pattern of the bat could not be confirmed. No emergence or re-entry of bats was recorded during the dusk emergence survey.

3.3 Dawn re-entry survey results

The dawn survey confirmed re-entry of an individual common pipistrelle bat to a roost located beneath a fascia board on the south-eastern aspect of the building. This location is illustrated in Photograph 01. The bat was initially observed displaying swarming behaviour at 04:51, approximately 38 minutes before sunrise. The bat swooped and landed on the wall below the fascia board several times before flying away and returning at 04:59. On this second occasion, approximately 30 minutes before sunrise, it returned to roost behind the board.

Prior to this re-entry, occasional foraging by common pipistrelle was recorded in the back garden of the property from approximately 04:33 until 04:50. No further bat activity was recorded after the single common pipistrelle returned to roost at 04:59.



Photograph 01 - Confirmed roost location beneath a fascia board approximately 0.5m to the RHS of the upper floor window

4. Evaluation of Results

To identify which ecological features are important and which could potentially be affected by the proposed project, their importance needs to be evaluated with regards to geographical context, degree of scarcity or level of protection. The table below outlines those features identified as important, the nature conservation legislation relevant to those features and an assessment of the level of impact from the proposed development on those features.

Ecological Feature	Relevant Legislation	Evaluation (of importance)	Mitigation Hierarchy	Impact Level
Bats The roost is characterised as a non-breeding summer roost used by a single common pipistrelle and is therefore of lower conservation significance. This is a relative rather than absolute measure of significance compared with more substantial roosts of rarer species.	CHSR, W&CA	Local	A, M, C	Medium/High
Impacts to Roost Sites: The Proposed Works would lead to the permanent destruction of the roost site through the removal of the structural features which constitute it. The subsequent replacement of the roof as part of the Proposed Works could restore an equivalent roosting feature in the longer term provided it were designed into the construction; however Continued Ecological Functionality (CEF) could not be argued as there would be a timeframe of 1-2 months minimum between destruction and restoration. Impacts to Bats – The Proposed Works could result in the killing/injuring of the individual common pipistrelle bat if it were present in the roost at the time when works were undertaken. Due to the small and isolated nature of common pipistrelle populations on the Isles of Scilly, this impact should be considered significant. Other impacts – No other impacts to habitat availability or connectivity are identified as a result of the proposed works.				
Key to Legislation and Mitigation Hierarchy				
CHSR – Conservation of Habitats and Species Regulations 2017 ¹⁰ - http://www.legislation.gov.uk/uksi/2017/1012/made W&CA – Wildlife & Countryside Act 1981 (as amended) ¹¹ - http://www.legislation.gov.uk/ukpga/1981/69/contents A – Avoid, M – Mitigate, C – Compensate, E – Enhancement				

5. Recommendations and Mitigation

The recommendations in this section are provided as information only and specialist legal advice may be required. If works are delayed for more than one year, then re-assessment may be required.

5.1 Further survey requirements

No further surveys are recommended with regards to the Proposed Development – it is considered that this report, alongside the PRA produced separately, constitute a comprehensive ecological baseline from which to assess the impacts of the Application.

5.2 EPS Licence requirement

It is identified that a European Protected Species Mitigation Licence (EPSML) would be required to legally undertake the Proposed Works as it would result in the destruction of a confirmed bat roost.

The EPSML would be issued by Natural England and cannot be applied for until Planning Permission is granted. The mitigation proposals outlined in Section 5.4 of this report would form the basis for this EPSML application.

5.3 Planning Recommendation(s)

The information gathered here is considered sufficient to support a Planning Application with regards to Protected Species in accordance with relevant Best Practise Guidance.

It is considered that the impacts of the Proposed Works on protected species can be mitigated sufficiently to ensure that the Conservation Status of common pipistrelle on St Martin's is not negatively impacted. The mitigation outlined in Section 5.4 would represent appropriate measures to allow Natural England to grant the EPSML.

If minded to do so, it is recommended that Planning Permission can be granted provided that compliance with the recommendations in Section 5.4 of this document is conditioned. This should be a compliance rather than a pre-commencement condition and should not be required to be discharged. This is because Natural England require all Conditions related to Protected Species to be discharged before they will issue a licence for that application which results in a Catch-22 situation if an EPSML is conditioned.

5.4 Mitigation Proposals (Outline)

Roost Replacement

Prior to the commencement of any works affecting the roof structure, a replacement roosting site should be created. This should comprise a bat box using the Kent Bat Box design which would be sited on an elm tree which is located approximately 5m to the east of the current roost just in front of the house. This location has been identified through discussion between the Licenced Bat Worker and the Applicant and it is confirmed that this would represent a roost site in perpetuity. The installation of the box should be supervised by a Licenced Bat Worker to ensure that the aspect and height replicate the character of the existing roost as closely as possible. Provision of this feature would ensure continuity of roosting habitat.

Timing of Works

No significant constraints on timing of works are considered necessary due to the status of the roost as a non-breeding summer roost used by an individual bat; however the months of November – February should be avoided where possible as this is when bats enter a time of reduced activity or torpor which makes disturbance impacts more significant.

Ecological Oversight

The controlled part-demolition would require the removal and exposure of potential roosting sites which may be used by bats on the identified building(s) under the supervision and direction of a licensed bat worker. Structures would need to be removed by hand and with care.

Structures on the identified building which would potentially need to be removed under supervision of a licensed bat worker would include:

- All roof tiles 1m up from the eaves;
- All soffits, barge boards, fascias and flashing where not exposed from the removal of tiles;
- The removal of any other structural features as determined by the licensed bat worker.

Scaffolding would be provided to allow the licensed bat worker full view of the works. Once the above structural features have been removed, and the licensed bat worker is satisfied that all potential roosting sites have been exposed, then works can proceed under distance supervision.

If a bat were found to be present during works, it would be captured by the licenced bat worker in a gloved hand and placed in the bat box or allowed to disperse of its own accord.

The full scope of the supervision works would be agreed with all relevant parties to ensure the above objectives are met and that all areas of roof structures are accessible.

Ecological Enhancement

Opportunities for the provision of additional roosting features would be discussed with the construction team and incorporated into the structure of the new building where practicable – for example inclusion of a lifted roof tile or gaps beneath fascia boards. As the Proposed Works relate to renovation of a traditional granite building, this may not be appropriate – the bat box to be placed on the elm tree would provide suitable mitigation and therefore any further enhancements would be targeted but not required.

Monitoring

Due to the scale of impact identified, it is unlikely that Natural England would expect post-completion monitoring of the mitigation measures.

6. References

- Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). The Bat Conservation Trust
- English Nature (EN), (2004., Bat Mitigation Guidelines, English Nature, Peterborough.
- HMSO (1981). The Wildlife and Countryside Act 1981 (as amended). London.
- HMSO (2010). The Conservation of Habitats and Species Regulations 2010 (as amended). London.
- JNCC, (2004). Bat Worker's Manual, JNCC, Peterborough

APPENDIX A – BAT CONTACTS SURVEY TABLE

Date:	29.6.20 – Dusk emergence survey			
Survey Type:	Time	Species	Record Type	Notes
Surveyor:	Surveyor 1			
	22.07	P. pip	Brief Pass	Bat not seen
Surveyor:	Surveyor 2			
	No bats recorded			

Date:	11.7.20 – Dusk emergence survey			
Survey Type:	Time	Species	Record Type	Notes
Surveyor:	Surveyor 1			
	04:33 – 04:50	P. pip	Foraging	Foraging in back garden of property
	04:51 – 04:54	P. pip	Swarming	Swarming at location beneath fascia board, clung to wall on several occasions but then dropped away and flew off
	05:59	P. pip	Re-entry	Swarming for around 30 seconds before returning to roost site behind fascia board.
Surveyor:	Surveyor 2			
	04:33 – 04:50	P. pip	Foraging	Foraging in back garden of property – the same bat as recorded by Surveyor 1.

APPENDIX B – LEGISLATION AND LICENSING

a) Legislation

All species of bats receive special protection under UK law making it a criminal offence under Schedule 5 section 9 (4) (b) and (c) of the Wildlife and Countryside Act 1981 (as amended) to *"intentionally or recklessly disturb a bat at a roost"* or *"intentionally or recklessly obstruct access to a roost"* and under Regulations 43 (1) and (2) of the Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations) to *"deliberately disturb a bat in a way that would affect its ability to survive, breed or rear young or, affect the local distribution or abundance of the species; or to "damage or destroy a roost"* without first having obtained the relevant licence for derogation from The Habitat Regulations from the Statutory Nature Conservation Organisation (the SNCO – Natural England in England).

The word 'roost' is not used in the legislation, but is used here for simplicity. The actual wording in law is 'any structure or place which any wild animal...uses for shelter or protection' or 'breeding site or resting place'. Because bats tend to re-use the same roosts after periods of vacancy, legal opinion is that the roost is protected whether or not the bats are present at the time.

Penalties on conviction of a bat-related crime - the maximum fine is £5,000 per incident or per bat, up to six months in prison, and forfeiture of items used to commit the offence, e.g. vehicles, plant, machinery.

b) Licensing

In order to obtain such a licence (as set out above) the SNCO must apply the requirements of the Regulations and, in particular, the three tests set out in sub-paragraphs 55(2)(e), (9)(a) and (9)(b). These are as follows:

(1) Regulation 55 (2)(e) states that a licence can be granted for the purposes 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 consequences of primary importance for the environment"*.

(2) Regulation 55 (9)(a) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied *"that there is no satisfactory alternative"*.

(3) Regulation 55 (9)(b) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied "*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.*"

The licence would permit an otherwise unlawful activity to take place, and it requires of the licensee measures to ensure that negative impacts are prevented, reduced or offset, and that the favourable conservation status of the bats is maintained. **Once a licence is granted, failure to comply with its contents, including its attached Method Statement is a Criminal Offence with fines of a maximum of £5,000 per infringement.** A licensed bat consultant must be appointed to assist in the preparation and the delivery of the mitigation proposals that ensure the species protection requirements (Favourable Conservation Status 'FCS' test) can be met.

Additional information on the tests is available from the Natural England website.

<http://publications.naturalengland.org.uk/publication/4727870517673984?category=12002>

The ecologist is responsible for providing evidence to meet Test 3. The evidence to satisfy tests 2 and 3 is submitted on a part of the license application called the Reasoned Statement. The Reasoned Statement must be filled in by the client or their agent. Applicants often approach planning consultants, architects or similar for advice regarding completion of the Reasoned Statement.

- **Permissions**

The development must have **full permission** before the licence application will be registered including any ecology-related conditions or reserved matters that can be discharged before the date of application.

- **Further bat surveys**

If a full active bat season is going to pass between the granting of planning permission and the licence application period, Natural England will require **update survey(s)** (March-Aug) prior to application submission. The number of surveys required will vary by site depending on the size and complexity of the site as well as the species and roost types present.

- **Land ownership**

If mitigation, compensation or monitoring is anticipated to be on land not owned by the applicant, then written consent from the landowner will be required by Natural England. Responsibility for management and maintenance must also be agreed.

- **Commitments**

Applications should not give any commitments to undertake licensed works (or actions relating to the licence) that cannot be delivered.

- **Multi-phased projects**

If a plan is phased, Natural England will require a Master Plan with all mitigation and timetables included on it.

c) **Licence timescales:**

- **Licensing decision**

The licence application pack can take anywhere from **2 to 3 weeks** to produce and Natural England allow themselves **30 working days** from the date of receipt to respond to applications, a window which can be extended if further information is requested by themselves. It is important that clients, developers, contractors, agents, etc. keep this in mind when designing work timetables. Occasionally, further information will be requested by NE, which can result in additional delays; therefore application as soon as possible is advised.

- **Timing of works**

In most cases, the works most likely to affect bats (bat exclusion work, soft strip, re-roofing, ecologist-advised timber treatment, etc.) will normally be timed to avoid the hibernation and maternity periods. Thus, these works tend to be timed for either the **September-October period** or the **March-April period**. This means licence application is normally completed 3 months prior to these periods, and cannot be submitted any earlier.

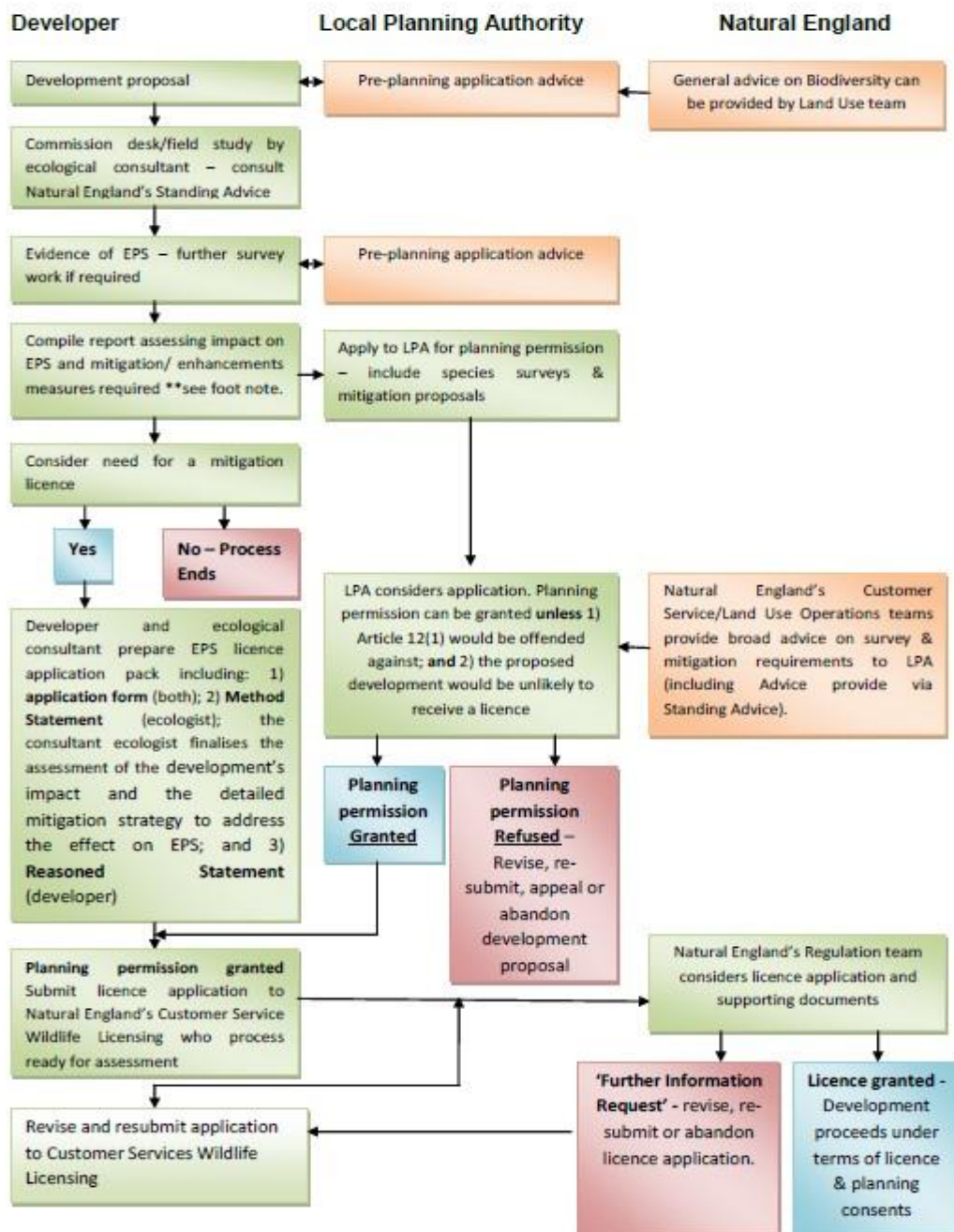
- **Other Timing**

All timescales are weather-dependent (e.g. 5 days post-exclusion period extended due to inclement weather) and also may be impacted by other aspects of the project not related to ecology. In some situations license periods can be extended, but this involves more work and is not guaranteed as they must ensure that Test 3 is still met.

d) Scale of work involved:

- **Mitigation** Production and submission of the license application pack as well as the completion of the licensed works themselves are time intensive and involve inspections, exclusions, site induction and other works requiring onsite supervision such as bat roost creation, soft strip and other necessary checks under the terms of the license. Costs for materials and equipment including bat boxes, exclusion materials, lifts/scaffolding to carry out soft strips, roost construction materials, etc. needs to be considered. Costs can vary considerably by project, but the applicant should ensure provision for all aspects of the licensed works is well-budgeted.
- **Monitoring** Most mitigation schemes require some sort of post-development monitoring, the type and extent of which would be confirmed in the license method statement. A contract with the ecologist for all survey, mitigation and post-development monitoring surveys needs to be agreed for this at the application stage.

EPS Mitigation Licensing – includes development and other activities (other than survey or conservation work) impacting on EPS*



*This process map covers our most common case types, i.e. where planning permission is needed and secured before applying. Consult the guidance for more details.

** Try to design scheme with no impacts on the species.

