



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

COUNCIL OF THE ISLES OF SCILLY

Town Hall, St Mary's TR21 0LW

Telephone: 01720 424455 – Email: planning@scilly.gov.uk

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) Order 2015

PERMISSION FOR DEVELOPMENT

Application No:	P/22/037/FUL	Date Application Registered:	14th June 2022
Applicant:	Miss Rachel Guy Town Hall, The Parade, St Mary's, Isles Of Scilly, TR21 0LW	Agent:	Mr Hemmens Poseidon House, Neptune Park, Maxwell Road, Plymouth, PL4 0SN
Site address:	31 Porthcressa Road Hugh Town St Mary's Isles Of Scilly TR21 0JL		
Proposal:	Removal of the redundant chimney stack to 31/33 Porthcressa Road and making good of the roof covering to match the existing surroundings.		

In pursuance of their powers under the above Act, the Council hereby **PERMIT** the above development to be carried out in accordance with the following Conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**
- Plan 1 Location Plan
 - Plan 2, Block Plan
 - Plan 3, Existing and Proposed Elevations
 - Plan 4 Design and Access Statement (AMENDED)
 - Preliminary Ecological Appraisal - Appendix 2
- These are stamped as APPROVED**
Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).
- C3 Prior to removal, hereby permitted, the chimney will be carefully checked for bats or signs of bats, before carrying out the removal in a sensitive manner, checking regularly within the crevices to ensure no bats are disturbed or handled, in accordance with Appendix 2 of the Preliminary Ecological Appraisal, dated 6th July**

2022 (Ref: 22-6-2 by IOS Ecology).

Reason: To retain control over the development to safeguard bats and their roosts which are specifically protected by law.

C4 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800- and 1800-hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.

Reason: In the interests of protecting the residential amenities of neighbouring properties.

Further Information

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2021.
2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
3. As the proposed works affect the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Party Wall etc. Act 1996.
4. The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.
5. This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: buildingcontrol@cornwall.gov.uk.

Signed: 

Chief Planning Officer

Duly Authorised Officer of the Council to make and issue Planning Decisions on behalf of the Council of the Isles of Scilly.

DATE OF ISSUE: 26th July 2022



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
☎0300 1234 105
✉planning@scilly.gov.uk

Dear Miss Rachel Guy

Please sign and complete this certificate.

This is to certify that decision notice: P/22/037/FUL and the accompanying conditions have been read and understood by the applicant: Miss Rachel Guy.

1. **I/we intend to commence the development as approved:** Removal of the redundant chimney stack to 31/33 Porthcressa Road and making good of the roof covering to match the existing surroundings. at: 31 Porthcressa Road Hugh Town St Mary's Isles Of Scilly TR21 0JL **on:**
2. I am/we are aware of any conditions that need to be discharged before works commence.
3. I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.

You are advised to note that Officers of the Local Planning Authority may inspect the project both during construction, on a spot-check basis, and once completed, to ensure that the proposal has complied with the approved plans and conditions. In the event that the site is found to be inaccessible then you are asked to provide contact details of the applicant/agent/contractor (delete as appropriate):

Name:

Contact Telephone Number:
And/or Email:

Print Name:

Signed:

Date:

Please sign and return to the **above address** as soon as possible.



COUNCIL OF THE ISLES OF SCILLY

Planning Department

Town Hall, St Mary's, Isles of Scilly, TR21 0LW

☎01720 424455

✉planning@scilly.gov.uk

THIS LETTER CONTAINS IMPORTANT INFORMATION REGARDING YOUR PERMISSION – PLEASE READ IF YOU ARE AN AGENT DEALING WITH IS ON BEHALF OF THE APPLICANT IT IS IMPORTANT TO LET THE APPLICANT KNOW OF ANY PRE-COMMENCEMENT CONDITIONS

Dear Applicant,

This letter is intended to help you advance your project through the development process. Now that you have been granted permission, there may be further tasks you need to complete. Some aspects may not apply to your development; however, your attention is drawn to the following paragraphs, which provide advice on a range of matters including how to carry out your development and how to appeal against the decision made by the Local Planning Authority (LPA).

Carrying out the Development in Accordance with the Approved Plans

You must carry out your development in accordance with the stamped plans enclosed with this letter. Failure to do so may result in enforcement action being taken by the LPA and any unauthorised work carried out may have to be amended or removed from the site.

Discharging Conditions

Some conditions on the attached decision notice will need to be formally discharged by the LPA. In particular, any condition that needs to be carried out prior to development taking place, such as a 'source and disposal of materials' condition, an 'archaeological' condition or 'landscaping' condition must be formally discharged prior to the implementation of the planning permission. In the case of an archaeological condition, please contact the Planning Department for advice on the steps required. Whilst you do not need to formally discharge every condition on the decision notice, it is important you inform the Planning Department when the condition advises you to do so before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up to **8 weeks** for the discharge of conditions process.

Please inform the Planning Department when your development or works will be commencing. This will enable the Council to monitor the discharge and compliance with conditions and provide guidance as necessary. We will not be able to provide you with any written confirmation on the discharge of pre-commencement conditions if you do not formally apply to discharge the conditions before you start works.

As with the rest of the planning application fees, central Government sets a fee within the same set of regulations for the formal discharge of conditions attached to planning permissions. Conditions are necessary to control approved works and development. Requests for confirmation that one or more planning conditions have been complied with are as follows (VAT is not payable on fees set by central government). More information can be found on the Council's website:

- Householder permissions - £34 per application
- Other permissions - £116 per application

Amendments

If you require a change to the development, contact the LPA to see if you can make a 'non material amendment' (NMA). NMA can only be made to planning permissions and not a listed building consent. They were introduced by the Government to reflect the fact that some schemes may need to change during the construction phase. The process involves a short application form and a 14 day consultation period. There is a fee of £34 for householder type applications and £234 in all other cases. The NMA should be determined within 28 days. If the change to your proposal is not considered to be non-material or minor, then you would need to submit a new planning application to reflect those changes. Please contact the Planning Department for more information on what level of amendment would be considered non material if necessary.

Appealing Against the Decision

If you are aggrieved by any of the planning conditions attached to your decision notice, you can appeal to have specific conditions lifted or modified by the Secretary of State. All appeal decisions are considered by the Planning Inspectorate – a government department aimed at providing an unbiased judgement on a planning application. From the date of the decision notice attached you must lodge an appeal within the following time periods:

- Householder Application - 12 weeks
- Advertisement Consent - 8 weeks
- Minor Commercial Application - 12 weeks
- Other Types - 6 months

You can obtain the appeal forms by calling 0303 444 5000 or submit an appeal through the Planning Portal <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

Building Regulations

With all building work, the owner of the property is responsible for meeting the relevant Planning and Building Regulations. Building Regulations apply to most building work so it is important to find out if you need permission. This consent is to ensure the safety of people

in and around buildings in relation to structure, access, fire safety, infrastructure and appropriate insulation.

The Building Control function is carried out on behalf of the Council of the Isles of Scilly by Cornwall Council. All enquiries and Building Control applications should be made direct to Cornwall Council, via the following link [Cornwall Council](#). This link also contains comprehensive information to assist you with all of your Building Control needs.

Building Control can be contacted via telephone by calling 01872 224792 (Option 1), via email buildingcontrol@cornwall.gov.uk or by post at:

Building Control
Cornwall Council
Pydar House
Pydar Street
Truro
Cornwall
TR1 1XU

Inspection Requests can also be made online: <https://www.cornwall.gov.uk/planning-and-building-control/building-control/book-an-inspection/>

Registering/Altering Addresses

If you are building a new dwelling, sub dividing a dwelling into flats or need to change your address, please contact the Planning Department who will be able to make alterations to local and national databases and ensure postcodes are allocated.

Connections to Utilities

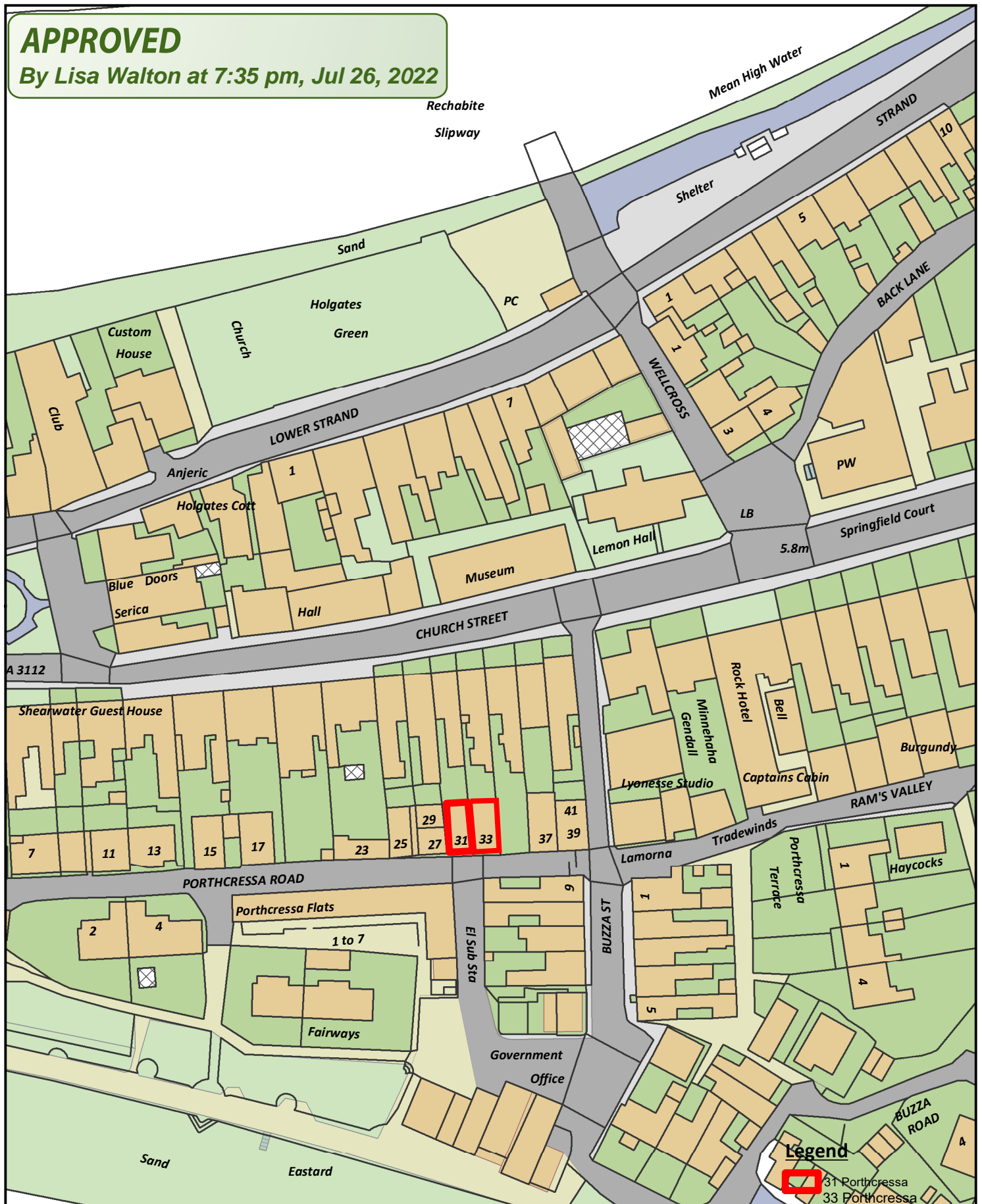
If you require a connection to utilities such as water and sewerage, you will need to contact South West Water on 08000831821. Electricity connections are made by Western Power Distribution who can be contacted on 08456012989.

Should you require any further advice regarding any part of your development, please contact the Planning Department and we will be happy to help you.

31 Porthcressa, Hugh Town, St Mary's

APPROVED

By Lisa Walton at 7:35 pm, Jul 26, 2022



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Date: 26/04/2019

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Town Hall, The Parade,
St Mary's, Isles of Scilly, TR21 0LW



Council of the
ISLES OF SCILLY

31 Porthcressa Road, St Mary's, Isles of Scilly

APPROVED

By Lisa Walton at 7:35 pm, Jul 26, 2022

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Flats

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RECEIVED

By Liv Rickman at 9:42 am, Jun 14, 2022

RECEIVED

By Liv Rickman at 10:38 am, Jun 14, 2022

APPROVED

By Lisa Walton at 7:36 pm, Jul 26, 2022



1 Existing South Elevation
1:100



2 Proposed South Elevation
1:100

Works to consist of the removal of the redundant chimney stack and making good of the roof covering to match existing surroundings.

Currie & Brown

Poseidon House, Neptune Park,
Maxwell Road, Plymouth, PL4 0SN
United Kingdom

Tel: 01752 273473, Fax: 01752 257755, www.curriebrown.com

Client

Council of the Isles of Scilly

Title

**Existing and Proposed
South Facing Elevations**

Project

31/33 Porthcressa Chimney Removal

Date

20/05/2022

Scale

1:100 @ A3

Drwg No.

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Checked

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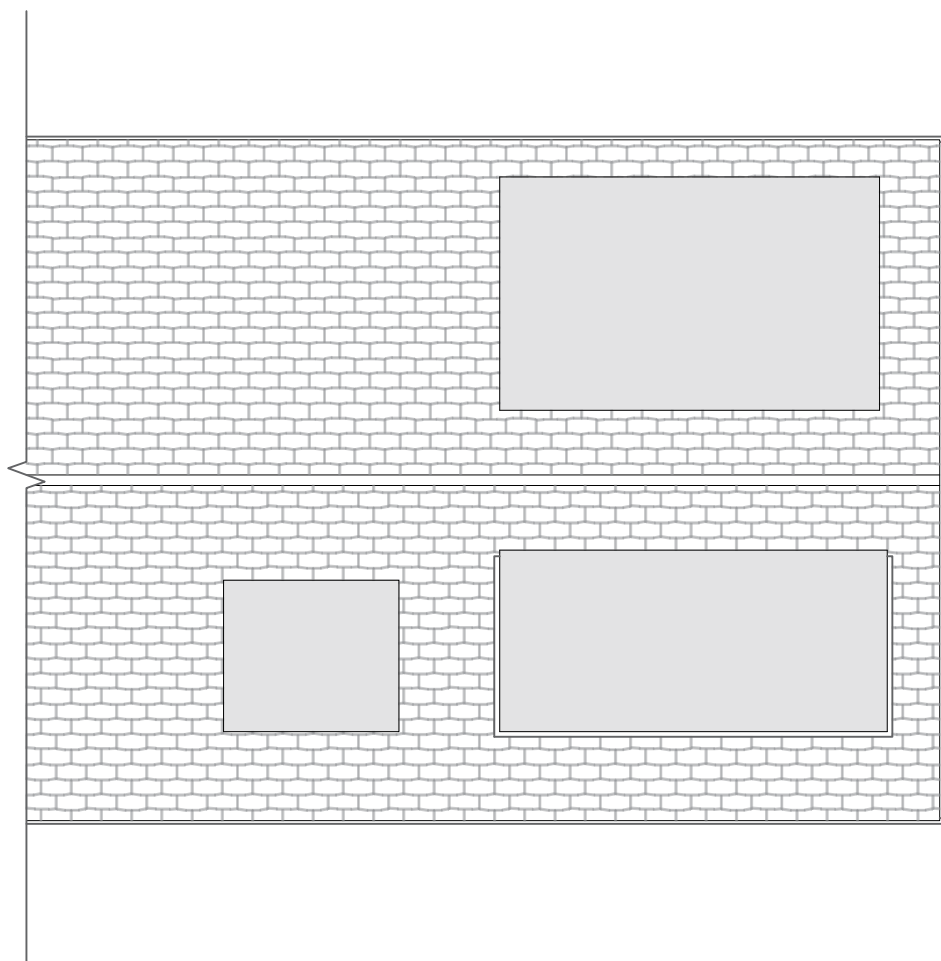
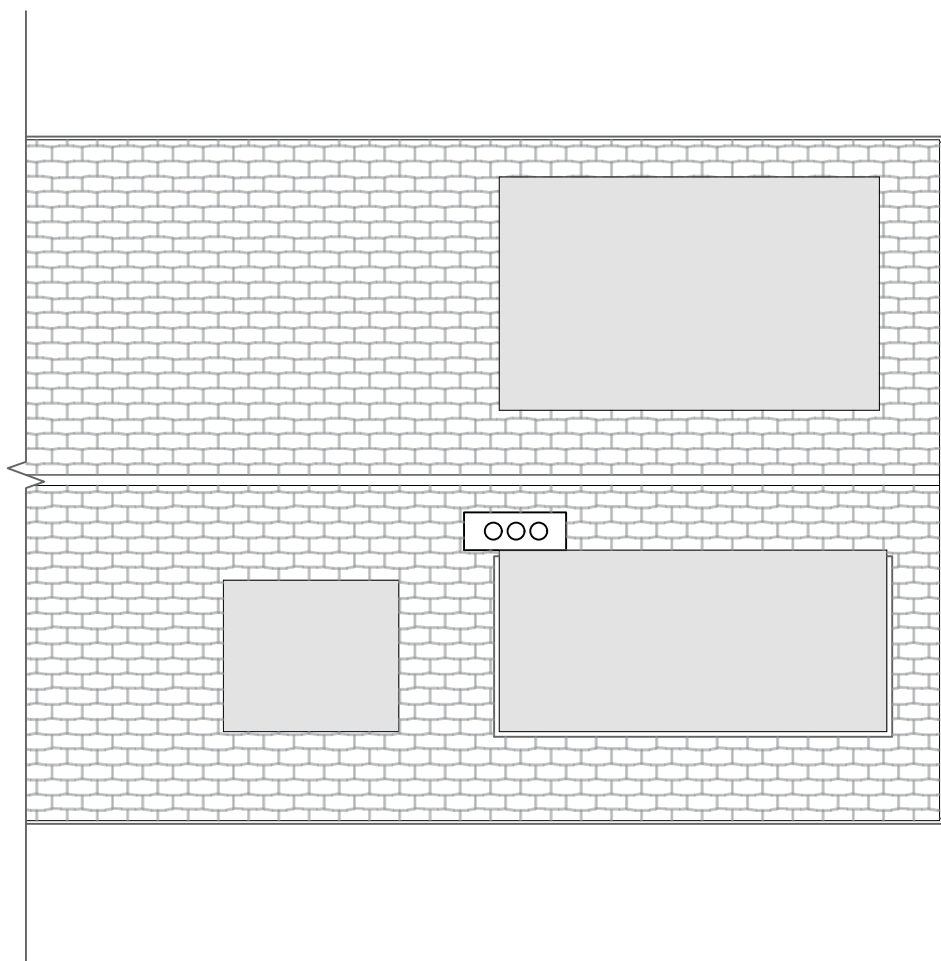
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APPROVED

By Lisa Walton at 7:36 pm, Jul 26, 2022

RECEIVED

By Liv Rickman at 3:06 pm, Jun 09, 2022



1 Existing Roof Plan
1:100

2 Proposed Roof Plan
1:100

Works to consist of the removal of the redundant chimney stack and making good of the roof covering to match existing surroundings.

Currie & Brown

Poseidon House, Neptune Park,
Maxwell Road, Plymouth, PL4 0SN
United Kingdom

Tel: 01752 273473 , Fax: 01752 257755, www.curriebrown.com

Client

Council of the Isles of Scilly

Title

**Existing and Proposed
Roof Plan**

Project

31/33 Porthcressa Chimney Removal

Date

06/06/2022

Drawn

AH

Scale

1:100 @ A3

Checked

KC

Drwg No.

tbc

Rev

Design and Access Statement

Features of the site

The site is located at 31 and 33 Porthcressa, Porthcressa Road, St Mary's, Isles of Scilly. Number 31 and 33 are adjoining residential properties, 31 is owned by the council and 33 is privately owned.

Works Proposal

Currie & Brown were instructed to investigate roof leaks on behalf of the Council of the Isles of Scilly at 31 Porthcressa. The source of the leak was deemed to be associated to the chimney (now redundant) which is situated on the party wall line of the properties.

It is proposed that the redundant chimney stack is demolished to omit current and future cyclical maintenance requirements. The stack is to be brought below the level of the existing roof covering and capped internally. The external area is to be made good with tiles to tie in and match the existing surroundings.

Access

No changes or additions are proposed to the existing access arrangements.

Layout

No changes or additions are proposed the existing site layout.

Scale/Appearance

Works are to consist of the removal and making good of the chimney area only. The new roof covering is to be re-instated to match the existing surrounding roof covering material.

Heritage Assets

The buildings are not subject to any listed status. Whilst the site is located within a conservation area and area of outstanding natural beauty, we do not anticipate the chimney removal will have any negative affect on the character of the dwelling and street scape in general. We are aware the remainder of properties on the terrace have previously undertaken chimney removal works.

Ecological Impact

The works are deemed to be of low impact to local ecology. The property is not a known bat roost and no evidence of bat activity is evident from drone footage of the works area. Once scaffold access is in place, the chimney stack will be fully inspected for bats or signs of bat activity. The works will be carried out in a sensitive manner where regular checks will take place in crevices to ensure that no bats are disturbed.

If bats or signs of bat activity is identified, all works on the property will cease until an independent assessment can be undertaken. If bats are discovered, they will not be handled and the contractor will be placed in contact with The Bat Conservation Trust's national Bat Helpline

Tel: 0345 1300 228

Email: enquiries@bats.org.uk

Waste Management

The waste product during the construction will be small in nature consisting of the following materials; masonry block, clay chimney pots and capping, lead flashing and general construction waste rubble. A proportion of this waste may contain contaminated material formed on the internal surface of the flue and not suitable for recycling, in this case materials will be disposed of at St Mary's waste facility. Masonry stone and rubble will be sent to the quarry for recycling.



APPROVED

By Lisa Walton at 7:37 pm, Jul 26, 2022

RECEIVED

By Liv Rickman at 10:54 am, Jul 11, 2022

PRELIMINARY ROOST ASSESSMENT (PRA)

31 & 33 PORTHCRESSA ROAD,
HUGH TOWN, ST MARY'S, ISLES OF SCILLY



Client: Council of the Isles of Scilly

Our reference: 22-6-2

Planning reference: Produced in advance of submission

Report date: 6th July 2022

Author: James Faulconbridge BSc (Hons), MRes, MCIEEM

Contact: ios.ecology@gmail.com

Executive Summary

Bats – Results and Findings

The preliminary roost assessment (PRA) survey concluded that there was **negligible potential** for use the chimney and immediately surrounding roof structure by bats. No evidence was found of bats roosting internally within the loft space of either property. This assessment relates solely to the elements of the structure which would be directly affected by the proposed chimney removal. It does not provide a comprehensive assessment of the buildings in question.

It is noted that adjacent features provide **low potential** roosting features for individual bats. These features would not be directly impacted by the proposed chimney removal works but are included in this assessment as measures would be required to ensure there is no disturbance or accidental damage during roof replacement.

Bats – Further Survey Requirements

No further surveys are recommended – the PRA conclusion does not require further survey information with regards to bats in order to inform a planning application.

Bats – Recommendations

Standard good practice and vigilance should be observed by the contractors undertaking the replacement works in acknowledgement that bats are transient in their use of roosting opportunities and may explore potential locations. This includes measures to avoid disturbance or accidental damage to the adjacent features.

It is recommended that a Planning Condition is included in any approval decision which requires compliance with the Precautionary Method of Works (PMW) outlined in Appendix 2 of this report.

Nesting Birds – Results and Findings

The survey identified nesting locations suitable for use by breeding birds – the uncapped chimney pots. No evidence of nesting was noted at the time of survey.

Nesting Birds - Recommendations

In order to ensure legislative compliance, the contractors undertaking the works must ensure that nesting birds are not disturbed in accordance with requirements under the Wildlife and Countryside Act (1981) ¹. Observation of the recommendations provided in Appendix 3 will ensure this.

It is the responsibility of the contractors undertaking the works to ensure legislative compliance with regards to nesting birds – it is not recommended that Planning Conditions or other mechanisms are required to support this.

Other Ecological Receptors

No further ecological impacts relevant to planning are identified.

APPENDIX 1 – PRELIMINARY ROOST ASSESSMENT (PRA)

Planning Authority: Isles of Scilly	Location: SV 90463 10484	Planning Application ref: Report produced in support of application
Planning application address: 31 & 33 Porthcressa Road, Hugh Town, St Mary's, Isles of Scilly		
Proposed development: <p>The proposed works were identified by the client and accord with the documentation submitted in support of the application. These involve:</p> <ol style="list-style-type: none"> 1) The removal of a redundant chimney from the roof of the properties. This includes dismantling the chimney to below the roof level followed by re-tiling and making good. 		
Building references: <p>The roof section in question is identified in the plans provided in Appendix 4.</p>		
Name and licence number of bat-workers carrying out survey: <p>James Faulconbridge (2015-12724-CLS-CLS)</p>		
Preliminary Roost Assessment date: <p>The visual inspection was undertaken on 27th June 2022 in accordance with relevant Best Practice methodology¹.</p>		
Local and Landscape Setting: <p>The property is situated within the residential area of Hugh Town in St Mary's in the Isles of Scilly.</p> <p>The land use immediately surrounding the property comprises dense residential development with small gardens. The shoreline of Porthcressa Beach lies close to the south of the property with the green space of the allotments, playground and setting of Buzza Tower close by to the east.</p> <p>Three records of common pipistrelle roosts are identified in relatively close proximity to the property – these relate to individual bats utilising features such as hanging slates around dormer windows.</p>		
Building Description(s): <p>The two properties, 31 and 33 Porthcressa Road, are mid- and end-terrace properties respectively. They are two-storey buildings with a third floor built into the attic space. Dormer windows are present on the southern pitch of the roof, though a loft space is retained above these upper rooms. The exteriors of the properties are rendered and painted in good condition.</p> <p>The proposals under consideration are restricted to the removal of a chimney which is situated in between the two properties on the southern aspect of the roof pitch. The survey therefore is focused on this element of the structure, and those adjacent elements which would be directly</p>		

¹ Collins, J. (ed.) 2016 Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

impacted by its removal. This survey report does not represent a comprehensive assessment of the properties as a whole.

Consideration is therefore given to the chimney structure itself; the roof and associated loft spaces it passes through; and adjacent structural features such as dormers and soffits.

Chimney

Externally, the chimney is rendered with three chimney pots present. The structure itself does not appear to offer any roosting potential externally. The lead flashing where the chimney meets the roof appears to be in good condition and no gaps were noted but it was not possible to comprehensively confirm this due to the lack of full visibility. Internally, within the loft space, the chimney is concrete rendered with no suitable features for use by roosting bats.

Roofs and Loft Spaces

The roofs of the two properties are tiled with concrete tiles which are in good condition – occasional broken tiles were noted but these were not in the immediate vicinity of the chimney structure. The ridge tiles are well-sealed throughout. Boxed soffits present below the eaves were generally well-sealed and in good condition with only minor gaps noted.

The loft spaces of the two properties have exposed ridge boards internally with timber rafters supporting. They are underfelted throughout – this membrane is generally in good condition though occasional gaps and tears are present in both loft spaces. Light visible at the eaves confirms that there is potential for bats to access the interior of the loft space. The loft spaces were used for storage at the time of survey, with insulation between and above the joists. Potential roosting opportunities typically used by crevice-dwelling species such as common pipistrelle were largely absent, aside from the gaps between terminal rafters and walls. These were closely inspected and found to be cobwebbed with no evidence of occupation.

Adjacent Features

Each property has an associated dormer window situated in close proximity to the chimney on the southern aspect - these are of differing sizes but similar construction across both properties. The windows of the dormers are uPVC with uPVC cladding on the sides – these appear to be well-sealed at the base and apex though restrictions on visibility mean this could not be comprehensively confirmed. Where the dormers meets the roof, the lead flashing is occasionally lifted offering minor gaps beneath. Soffits on the dormer windows were well-sealed with no gaps noted.

Survey Limitations

It was not possible to comprehensively inspect all features such as lead flashing around the chimney and dormer windows due to the lack of access at height and intervening structures. However the majority of the relevant features could be fully inspected with binoculars and their structure and condition does not indicate a high probability of unobserved features on other aspects. This residual limitation can be addressed through a Precautionary Method of Works (PMW).

The small size of the loft spaces, alongside obstructions such as water tanks, aerials and pipework, meant that comprehensive access to the loft spaces could not be achieved – however the majority of the void was directly accessed and other locations were inspected using a torch from a close distance. This constraint is not therefore considered to be a significant limitation on the survey efficacy.

Assessment of Potential for use by Roosting Bats

It is considered that the chimney to be removed provides **negligible potential** for use by

roosting bats.

Adjacent structures including the flashing around the dormer windows; minor gaps in the main soffits; and occasional gaps in broken or lifted tiles could potentially support individual common pipistrelle bats though this is considered to be **low potential**.

Recommendations and Justification (Bats):

No further surveys are recommended – the conclusion of **negligible potential** related to the structure to be directly impacted does not require any further information with regards to bats in order to inform a planning application.

Standard good practice and vigilance should be observed by the contractors undertaking the chimney removal works in acknowledgement that bats are transient in their use of roosting opportunities and may explore potential locations. The potential for individual common pipistrelle bats to make use of minor opportunities associated with adjacent features such as the dormers and main soffits means that these features must not be impacted during works. The flashing around the join between the chimney and the roof should be removed carefully and by hand in order to ensure that, in the unlikely event of bats finding a roosting niche due to changes in structural condition, they would not be harmed or killed. Recommended measures to achieve these recommendations and ensure legislative compliance are provided in Appendix 2.

It is recommended that a compliance condition is included in any Planning Application approval requiring that works proceed in line with the PMW requirements outlined in Appendix 2 of this report. This is in order to ensure that roosting bats are not impacted by the chimney removal works.

Assessment of Potential for use by Nesting Birds

Two of the chimney pots appeared un-capped and may potentially offer nesting habitat for breeding birds. The species which most typically uses such features in the UK is jackdaw which are not resident on Scilly; however pigeons, starlings and some gull species may occasionally use such features. No evidence of nesting was noted at the time of survey and given the duration of the survey, it is expected that provisioning behaviour would have been noted if an active nest were present.

It is considered that the remainder of the chimney and associated structural features provide **negligible potential** for use by nesting birds.

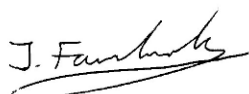
Recommendations and Justification (Birds):

In order to ensure legislative compliance, the contractors undertaking the works must ensure that nesting birds are not disturbed in accordance with requirements under the Wildlife and Countryside Act (1981). Observation of the recommendations provided in Appendix 3 will ensure this.

It is the responsibility of the contractors undertaking the works to ensure legislative compliance with regards to nesting birds – it is not recommended that Planning Conditions or other mechanisms are required to support this.

Signed by bat worker(s):

Date: 6th July 2022



APPENDIX 2

-

PRECAUTIONARY METHOD STATEMENT WITH REGARDS TO BATS

The purpose of this Method Statement is to ensure that chimney removal works can proceed where presence of bats has been determined to be unlikely, but a precautionary approach is still advisable. It has been determined that direct harm to roosting bats during the proposed works would be highly unlikely.

Contractors should, however, be aware of **their own legal responsibility with respect to bats**:

Relevant Legislation regarding Bats

The Conservation of Habitats and Species Regulations 2017, or the 'Habitat Regulations 2017', transposes European Directives into English and Welsh legislation. Under these regulations, bats are classed as a European Protected Species and it is, therefore, an offence to:

- *Deliberately kill, injure or capture bats;*
- *Deliberately damage or destroy bat roosts.*

A bat roost is commonly defined as being any structure or place that is used as a breeding site or resting place, and since it may be in use only occasionally or at specific times of year, a roost retains such a designation even if bats are not present.

Bats are also protected from disturbance under Regulation 43. Disturbance of bats includes in particular any disturbance which is likely:

(a) *To impair their ability -*

- *to survive, to breed or 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*

(b) *To affect significantly the local distribution or abundance of the species to which they belong.*

Bats also have limited protection under the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000 (as amended). It is, therefore, an offence to:

- *Intentionally or recklessly destroy, damage or obstruct any structure or place which a bat uses for shelter or protection.*
- *Intentionally or recklessly disturb bats whilst occupying any structure or place used for shelter or protection.*

Contractors should be aware of **where bats are most likely to be found in respect to the chimney structure:**

There is a negligible risk of bats making transient use of minor cavities associated with the lead flashing which seals the joint between the chimney and the roof structure, especially if there is a change in condition between the date of survey and the commencement of works.

This flashing should be removed carefully and by hand in such a way that if any bats are present beneath, they are not crushed or otherwise injured by the action. Once this location has been exposed and it has been confirmed that no bats are present, works can proceed.

Contractors should be aware of **where bats could occur in structures adjacent to the works site.**

There is low potential for individual bats to use transient roosting opportunities associated with:

- Lead flashing and potentially with apex fascia features on the dormer windows of both properties;
- Very minor gaps associated with the soffits at the eaves of the roof.

The chimney removal works can proceed in proximity to, but must not impact upon, the above structural features in order for the assessment and working methodology outlined in this report to be valid.

Care should be taken during works to ensure that these structures are not disturbed, obstructed, or damaged. This involves careful design of scaffolding installation and may include a contractor briefing to ensure that those working on the roof understand the requirement. Other measures such as a temporary sign, tape or physical barrier should be installed if deemed necessary.

Contractors should be aware of **the process to follow in the highly unlikely event of finding bats** or evidence indicating that bats are likely to be present:

If bats are identified, works should cease and the named ecologist contacted immediately for advice.

If the bat is in a safe situation, or a situation which can be made safe, they should remain undisturbed.

Only if the bat is in immediate risk of harm can the bat be moved with care and using a gloved hand. This is a last resort and should only be undertaken for humane reasons if the bat is at immediate risk of harm **and** if the ecologist cannot be contacted for advice.

APPENDIX 3

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METHOD STATEMENT WITH REGARDS TO BREEDING BIRDS

Timing of Works

The most reliable means of ensuring nesting birds are not impacted by the works is for renovation works to be conducted outside the bird breeding season of March to September inclusive. Chimney removal works can be undertaken outside of the breeding season, March to September inclusive, without constraint.

In the specific situation of the chimney removal at 31 & 33 Porthcressa Road, the only location where this timing is strongly recommended is in the case of the uncapped chimney pots.

Works Undertaken during the Breeding Season

If the chimney removal works proceed during the breeding season, a nesting bird survey would need to be carried out immediately prior to commencement. This can be achieved simply by inspecting the chimney pots from above to confirm whether or not any nesting birds are present.

- Where active nests are identified, works must be delayed until the chicks have fledged the nest.
- Once it is confirmed that nests are absent or no longer active, the works can proceed without further constraint.

APPENDIX 4

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LOCATION PLAN AND PHOTOGRAPHS



Map 01 – Illustrating location of property within the local environs (red circle). Reproduced in accordance with Google's Fair Use Policy.



Map 02 – Showing the roofs of the two properties with 31 Porthcressa Road (red) and 33 Porthcressa Road (blue). The chimney is situated at the intersection between the two properties on the southern pitch of the roof.



Photograph 1: Showing the two properties with 31 Porthcressa Road on the left and 33 Porthcressa Road on the right.



Photograph 2: Showing a closer view of the chimney situated on the southern pitch of the roof with the two dormer windows visible.



Photograph 3: Showing the interior of the roof space with typical timber rafters and an exposed internal ridge board.



Photograph 4: Showing the concrete rendered chimney within the loft space – no suitable features for use by roosting bats were identified associated with this.