

Bat Hibernation Report.

Baguley Hall

English Heritage

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Appendix 1 Legislation

1. Introduction

1.1 Site description, history and context

The site comprises of a substantial great house of the 14th Century with masonry and timber frame elements under a slate roof. The building is in substantial grounds containing mature trees, hedgerows (formal and informal) and open mown grassland (amenity) all of which are linked to suitable navigation and foraging areas within the vicinity including woodland and parkland to the east and west.

A Bat Roost Assessment was undertaken on the 11.03.19 as part of the Quinquennial Survey brief for the building. The potential of the building to hold bats is high based on the following:

- The building is 12th Century and very porous with numerous areas of potential access and roost positions being available such as slipped tiling / roof voids that could hold significant numbers of animals which are immediately linked to high value foraging grounds in the vicinity.
- The LRC have confirmed the site as a bat roost in 1998.
- Historic and recent bat droppings have been found.
- Habitat is present on site that could be used by crevice and crawling species including those with a preference for loft space such as long eared bat.

Three emergence surveys were carried out during the summer of 2019 and two Common Pipistrelle, a single Brown Long Eared and a single Myotis bat were seen to emerge from the building, and it was confirmed that bats were present in the building during the survey. These bats largely used the east facing wall tops as exit and entry points.

1.2 Proposed works

The property is due to undergo refurbishment works the details and timing of which are not yet known.

1.3 Purpose, aims and objectives of this report

The purpose of this report is to establish the extent and nature of bat activity across the site in the winter period.

2. Methods

2.1 Summary of survey methods

We shall follow BCT Bat Surveys Good Practice Guidelines 3rd Edition Chapter 5 Winter hibernation surveys 5.3.1 to 5.3.9.

Survey methods

Two site visits were made on the 7th January 2020 and the 11th March 2020 to look for and identify hibernating bats and / or other evidence of hibernating bats.

A static bat detector (anabat express) was deployed at the site.

2.2 Pre Survey data search / existing report data.

Local Record Centre (LRC) data has been obtained from GMEU and used for this report which confirmed several bat records occurring within the 1km search across multiple species. The data has confirmed that Baguley Hall contained a mixed roost in 1998 and two other bat roost records are provided within 250m of site including a 50+ mixed maternity site. The DEFRA website <https://magic.defra.gov.uk/MagicMap.aspx> indicates the site is 700m from Wythenshawe Park LNR and within the SSSI impact zone for Cotteril Clough SSSI 4.2km from site. Non-statutory designations include Protected Drinking Water Areas and Source Protection Zones. Priority listed woodland habitat is present within the 1km including wood-pasture and parkland within Wythenshawe Park. The closest granted European Protected Species (EPS) license application by Natural England was for Bat species (C-PIP/S-PIP) approximately 2.1 miles from site. In addition, there are common pipistrelle, BLE species licenses granted within 3-4 miles of site covering 5 separate roost sites.

2.3 Surveyor information

Simon Brain (Managing Director) has attained a Post Graduate Certificate in Biological Recording and has attended FSC Field Courses for Land mammals, Songbird identification, Barn Owls (CIEEM) and Advanced Bird Survey Techniques (Level M). He has ten years experience in bat and avian work. He has accumulated over 400 hours of bat contact time and holds an NE Class 2 license). He has

attended courses for trees and bats, bat survey techniques, bat handling, bat mitigation and attended several european workshops.

2.4 Field Surveys

2.4.1 Internal inspection

Two site visits were made on the 7th January 2020 and the 11th March 2020 to look for and identify hibernating bats and / or other evidence of hibernating bats.

Internally the building has been fitted with scaffolding to the roof and as such access was available to the immediate underside of the original roof timbers. The entire building was checked by hand using endoscopes and torches for signs of hibernating bats and one area was found that contained recent activity. The area is located in the central positions of the main older roof section and the roost site is likely to be located within a mortise and tenon timber joint. Immediately below the joint is evidence of urine staining and a limited number of scattered dropping.

Images recorded during 7th January site visit.



The same field signs were recorded during the 11th March 2020 site visit. It was noted that the urine and dropping positions were the same as the 7th January 2020 visit. The dropping did not appear fresh and the field signs may have been from the summer.

2.4.2 Static monitoring survey

A static monitoring device (anabat express) was installed on the 7th January 2020 and retrieved on the 11th March 2020. The device was installed in a single location in the upper roof timbers using the scaffold access.

3. Results

3.1 Field Surveys – Internal Survey

Whilst field signs of bats is present in the floor of the scaffold boarding as indicated in section 2.4.1 no positive field signs of hibernating bats were confirmed or found on site.

3.2 Field Surveys – Static monitoring results

During the winter survey period the static detector was activated on 2 occasions on the day of installation and the day after installation. On both occasions the recordings were not attributable to bats.

3.2.1 Survey summaries

Internal survey

Whilst some evidence of bat use was found the age of the dropping was not considered fresh and on the balance of probabilities the field signs were most probably from the previous summer and not from hibernating bats.

Static monitoring summary

The static detector has demonstrated that no bats have been present in the building over the time period.

3.3 Constraints to the Surveys

There were no weather related constraints.

4. Assessment

4.1 Constraints on survey information or equipment

It was considered that no constraints were applicable.

All bats were detectable with the equipment used.

4.2 Potential impacts of development

The occupation of the building by bats in the summer period means that works in proximity to roost sites cannot be undertaken without a Natural England site license and a formal mitigation and method statement plan.

The absence of bats in the winter period means that improvement works to the building that could potentially cause disturbance to bats must be carried out in the winter when the bats are considered to be absent from site.

5. Conclusions, recommendations and enhancement

5.1 Conclusions

The winter hibernation internal and static detector survey has demonstrated absence of bats in the building over the winter period.

Presence of bats has been demonstrated by summer emergence surveys in 2019.

Recommendations

No further winter surveys are recommended.

Depending on the planned improvement works further summer emergence / re entry surveys may be needed.

A roost characterisation report (section 7.2 BCT guidelines) may be needed to define the roost position, roosting surfaces, materials, humidity, lighting and size in order to allow mitigation and enhancement to be formulated.

A detailed list of improvement works will require submitting for ecological review and approval before any such works are implemented when a decision relating to further emergence and / or characterisation surveys can be taken.

5.2 Enhancement measures

Enhancement measures are required when mitigation is needed which is typically required when a roost site is affected.

5.3 Mitigation licenses

There are no requirements for mitigation licensing at present as there is no requirement for anyone to carry out activity prohibited under wildlife legislation. However, the planned improvement works may disturb bat roosts which is a criminal offence and should works be considered to disturb bats then a Natural England site license will be needed.

6. Summary

No bats have been recorded using the building in winter 2019 / 2020 and hibernation roosts are considered to be absent from site.

Planned maintenance works may affect roosting bats in the Spring, summer and Autumn periods and therefore any works to the building shall be assessed for their impact on bats and appropriate further surveys shall be undertaken if needed to inform the timing of works and the method by which they are implemented.

Appendix One – Legislation

All bat species in the UK are fully protected under The Conservation (Natural Habitats, &c.) Regulations 2010 (as amended) through their inclusion on Schedule 2 of the Act. Regulation 41 prohibits:

Deliberate killing, injuring or taking (capture) of bats

Deliberate disturbance of bats in such a way as to:

impair their the ability to survive, breed, or rear or nurture their young; or

affect significantly the local distribution or abundance of bat species; or impair their ability to hibernate or migrate

Damage or destruction of a bat breeding site or resting place i.e. roost

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

All bat species in the UK are also protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, it is an offence to:

- Intentionally or recklessly disturb any bat while it is occupying a structure or place which it uses for shelter or protection
- Intentionally or recklessly obstruct the access to any place of shelter or protection used by bat(s)
- Sell, offer or expose for sale, possess or transport a bat(s) for the purpose of sale.

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will need to be applied for to allow derogation from the relevant legislation i.e. for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young, hibernate, migrate). In certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost.

Conservation (Natural Habitats) Regulations 2010

The species protection provision of the EC Habitats Directive 1992, as implemented by the Conservation of Habitats and Species Regulations 2010, comprises three “derogation tests” which must be applied by the Local Planning Authority when deciding whether to grant planning permission for a development that could harm a European Protective Species. The three tests are that:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and,
- Favourable Conservation Status (FCS) of the species must be maintained.

It is the responsibility of the applicant to submit sufficient information to address these tests when applying for planning permission. For development activities, an EPSM Licence application can only be obtained after planning permission has been granted. However, the

granting of planning permission does not guarantee that a licence will be issued by the relevant countryside agency.

National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) (2012) sets out the Government's national policies on different aspects of planning in England. Section 10 paragraphs 109 to 125 details planning policies on the conservation and enhancement of the natural environment. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

In summary:

The planning system should contribute to and enhance the natural and local environment by: *'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'* (NPPF Section 10, para 109)

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (Section 10, para 118).
- Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted (Section 10, para 118).
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (Section 10, para 118).
- Opportunities to incorporate biodiversity in and around developments should be encouraged (Section 10, para 118).
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss (Section 10, para 118)
- Potential Special Protection Areas and possible Special Areas of Conservation, listed or proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on European sites, should be given the same protection as European sites (Section 10, para 118).
- The presumption in favour of sustainable development (para 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined (Section 10, para 119)
- Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (Section 10, para 125).

Local planning authorities must take account of the conservation of protected species when determining planning applications. The presence of protected species is a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. This requirement has important implications for bat surveys as it means that, where there is reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered' (BCR 2012). In order for the Local Planning Authority to adequately assess a development proposal against National and Local Planning Policy, full comprehensive ecological surveys need to be carried out and suitable mitigation strategies compiled prior to the submission of any planning application. This information will be reviewed by the Local Planning Authority in consultation with the relevant countryside agency and other conservation bodies.

Any developer should, in the first instance, consult the relevant Local Plans to assess the suitability of their proposal (refer to NPPF Section 10 paras 113 to 117).

Natural Environment and Rural Communities Act 2006 (NERC)

Part 3, Section 40 of the NERC Act 2006 states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', otherwise known as the Biodiversity Duty. Under Section 41 of the Act, the Secretary of State must publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. This list is based on those species listed in the UK Biodiversity Action Plan (BAP) as priority species. The S41 list replaces the list published under Section 74 of the Countryside and Rights of Way (CRoW) Act 2000.

Biodiversity Action Plan

Biodiversity Action Plans (BAPs) set out actions for the conservation and enhancement of biological diversity at national, regional and local level. They consist of both Habitat Action Plans (HAPs) and Species Action Plans (SAPs) and species and habitats listed within these are defined as being of Principal Importance for the Conservation of Biodiversity under Section 41 of the NERC Act 2006. Local authorities must consider these species and habitats when determining planning applications.