



No 9 Little Porth
St Marys, Isles of Scilly

Bat and Barn Owl Visual Survey

Ref:
BE419

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For:
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1. INTRODUCTION

Mr Robert Francis proposes to remodel the property at the following address No 9 Little Porth, Little Porth Road, St Mary's, Hugh Town, Isles of Scilly, TR21 0JG. The OS Grid reference of the site is SV 90156 10437.

Bright Environment was commissioned by Mr Francis in September 2018 to carry out a visual bat and barn owl survey to inform the planning application. Bats and barn owls are legally protected (see Appendix 1). Remodelling will involve redesigning the dormer windows and removing the flat roofs to include a gable. All existing roofs will be impacted.

2. SURVEY METHODOLOGY

An assessment of the suitability of the building and surrounding habitats to support bats and barn owls was made.

A detailed search of the interior and exterior of the building was carried out using a high powered torch to illuminate all areas thought suitable for bats and barn owls. Any accessible cracks and crevices were investigated with the use of a torch and endoscope.

The survey involved looking for bats and barn owls and for evidence of their use, including droppings, pellets, staining, liming, feathers and feeding remains. Survey details are shown in Table 1.

Table 1 Survey details.

Date	Type of survey	Personnel - bat licence number	Weather conditions
17.9.18	Visual survey	Dr Janine Bright 2015-13156-CLS-CLS	Dry, breezy, patchy cloud. Temp 18C

The survey methodology adopted follows the guidance given in 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (Collins, 2016) and 'Barn owl survey methodology and techniques for use in ecological assessment' (Shawyer, 2011). Impact assessment and mitigation follows the guidance provided by CIEEM (2016) and the 'Bat Mitigation Guidelines' (Mitchell-Jones, 2004).

3. SURVEY RESULTS

3.1 Habitat description

No 9 Little Porth is a dormer bungalow overlooking Porthcressa Beach on the island of St Mary's on the Isles of Scilly. The property is located in a coastal setting with a large sandy beach to the south and is surrounded by other dwellings within the town of Hugh Town. The landscape is exposed with little tree cover in the immediate vicinity. There are coastal scrub and trees on the nearby Garrison Headland and within the wider landscape there are heathland coastal habitats and small agricultural fields with sheltered hedging. The habitats surrounding the property are less than ideal for foraging bats and barn owls, but suitable habitat is present beyond Hugh Town.

The property is constructed of rendered concrete block. It has cavity walls but these are filled with insulation and do not offer suitable roosting for bats. The roof covering is asbestos slate with clay ridge tiles. On the south elevation there are two flat roof dormer windows with hanging asbestos slates. On the north elevation there is a single storey extension with a flat roof.



Photograph 1. South elevation.



Photograph 2. North elevation.

3.2 Bat survey results

A search around the outside of the property did not reveal any evidence of bats. The plastic soffits and fascias are all tightly fitted with no gaps that could allow bats to gain entry. No gaps were observed in the ridge tiles of the hanging slates around the dormers.

Inside the property there is a 'walk-in' roof void in the western section of the house, this provides access to two eaves voids that run the length of the south and north elevations. No evidence of bats was found within any of these roof voids. Mouse droppings were present on the woodwork at the eaves on the west elevation.

3.3 Barn owl survey results

No barn owls or evidence of barn owls was found at the time of the survey. The building is not suitable for use by this species due to lack of access.

No evidence of other nesting birds was found during the survey.

4. RECOMMENDATIONS

No evidence of bats or barn owls was found and it is considered unlikely that any evidence was overlooked. The building has low suitability for these species and, as a thorough search was possible, **no further surveys are required.**

In the unlikely event that bats are discovered during the works, they must not be handled and works must stop immediately and advice sought from Bright Environment (Tel 07974 204078) or Natural England (Tel 0300 060 3900).

If Mr Francis wishes to promote wildlife it is possible to provide roosting opportunities for bats within the remodelled building. Access for bats can be provided into the space beneath the roofing slates by leaving small gaps 15-20mm wide by at least 50mm long behind soffits, fascias and barge boards or at the gable apex. These accesses should be next to the walls to allow bats to land on the wall then crawl up through the access point. Care should be taken to ensure accesses are not inadvertently blocked by insulation. Alternatively purpose made bat tubes can be installed beneath a rendered surface so that only a small entrance hole is visible (e.g. 1FR Schwegler bat tube).

As ecological features can change over time it is recommended that this report is valid until October 2019.

5. REFERENCES

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Appendix 1 Summary of relevant legislation, policies and case law

Bats

All British bat are European protected species and are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Together, this legislation makes it illegal to:

- Intentionally kill, injure or capture a bat;
- Intentionally or recklessly disturb a bat;
- Intentionally or recklessly damage, destroy or obstruct access to a place of shelter or breeding (for example, bat roosts), and this applies regardless of whether the species is actually present at the time (for example, a bat roost used in the winter for hibernation is protected throughout the year, even during the summer when it is not occupied).
- Possess or transport a bat or any part of a bat, unless acquired legally;
- Sell, barter or exchange bats, or parts of a bat.
- Intentionally handle a wild bat or disturb an bat whilst using a place of shelter/ breeding unless licensed to do so by the statutory conservation agency (Natural England).

Barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, greater horseshoe and lesser horseshoe bats are priority species for conservation on the UK BAP and protected under the NERC Act 2006. Barbastelle, pipistrelle, greater and lesser horseshoe bats are county priority BAP species (CBI, 2004).

Case Law

There are several case laws in Britain relating to the duty of developers and planning authorities with respect to wildlife, resulting in several key principles summarised in the table below:

Case / Appeal	Providing support for
Morge v Hampshire County Council (2011)	'Disturbance' under the Conservation Regulations 2010 applies to an activity likely to impact negatively on the local population of a European Protected Species.
R v Cheshire East Council 'The Woolley Case' (2009)	Regarding European Protected Species, Local Authorities must apply the 'three tests' under the Conservation Regulations 2010 when deciding on planning applications: that there is no satisfactory alternative, there is an appropriate reason for the development, and that the development will not affect the favourable conservation status of protected species present.
APP/P9502/A/08/2070105 (Appeal decision, Brecon, 2008)	Para 18: Local Planning Authorities cannot condition provision of a mitigation scheme; detailed mitigation must be provided prior to determination.
APP/C0820/A/07/2046271 (Appeal decision, Padstow, 2007)	Para 18: Full survey information must be provided prior to determination; not just for protected species, but also for BAP species (in this case corn buntings).
R v London Borough Council Bromley (2006)	Para 30: Environmental Impact Assessment required at outline planning stage.
R v Cornwall County Council 'The Cornwall Case' (2001)	Surveys for protected species cannot be conditioned; must be undertaken prior to determination.

Barn owls and other birds

The nests and eggs of all wild birds are protected against taking, damage and destruction under the Wildlife and Countryside Act 1981. Barn owls are given greater protection against disturbance while breeding under Schedule 1 of the Act.

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) sets out national planning policy that is committed to minimising impacts on biodiversity and providing net gains in biodiversity where possible. Under NPPF, local planning authorities have an obligation to promote the preservation, restoration and recreation of Priority habitats, ecological networks and the protection and recovery of Priority species as identified under the Natural Environment and Rural Communities Act (2006). Section 118 of the NPPF also requires enhancements for biodiversity. The NPPF also recognises the wider benefits of ecosystem services.