The Old Malt House
Bat Survey Report

Prepared for Acanthus Clews Architects

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TURNSTONE ECOLOGY LIMITED

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Table of Contents

1 INTRODUCTION

1.1 Purpose of Report

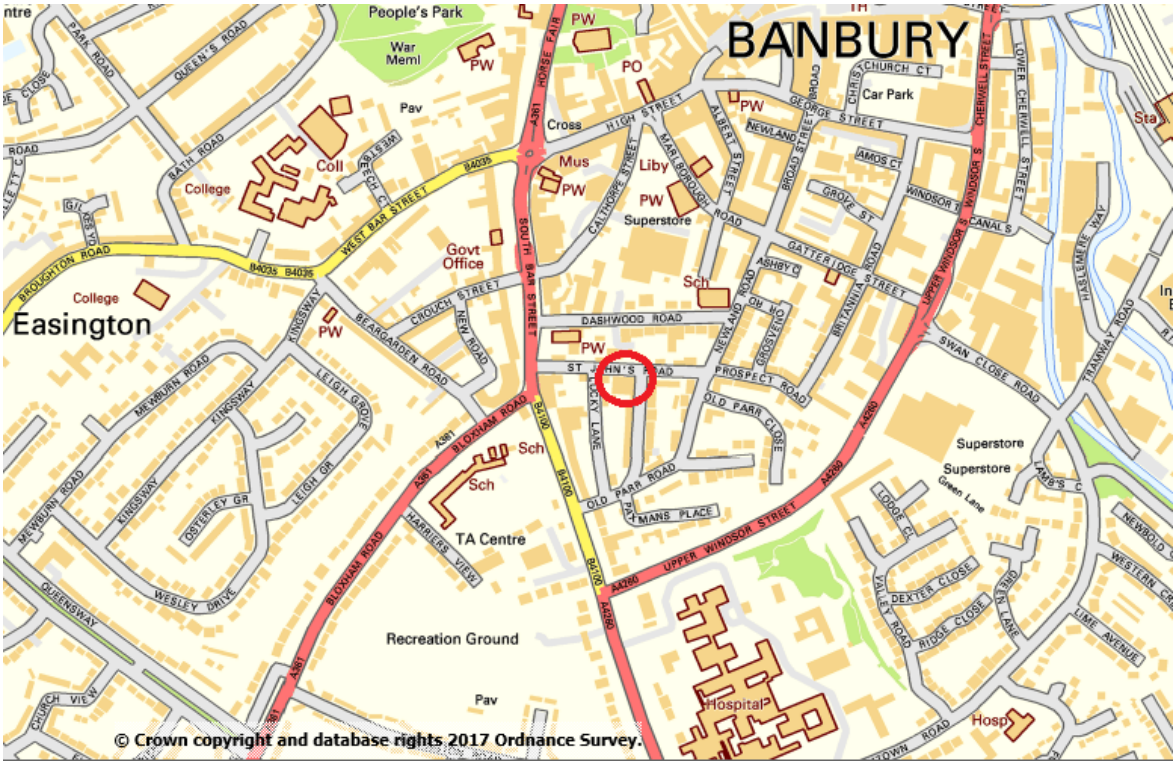
This Bat Survey report has been completed in connection with the proposed development at The Old Malt House, St John's Road, Banbury, OX16 5JN (OS Grid Reference SP 4540 4509). The location of the proposed development site is shown in *Figure 1* and the proposed development plans are fully detailed in *Section 4*.

The proposed development comprises the conversion of the existing building (currently a disused office building) into twenty-five flats.

Following a Preliminary Roost Assessment (PRA) survey carried out in June 2017 (see *Section 1.2*), a single bat Emergence Survey was undertaken on the 29th August 2017. Additionally, an SM3 static bat detector was deployed into the loft of the building for one week, 29th August to 6th September 2017. All survey work was undertaken by Turnstone Ecology Ltd.

This report details survey and assessment methodology and the results of on-site surveys. It also provides an assessment of potential impacts on bats or their roosts and appropriate mitigation to offset any impacts associated with the proposal and to satisfy national and local planning policies.

Figure 1. Location of proposed development



1.2 Previous Survey and Ecological Context

A Preliminary Roost Assessment (PRA) was undertaken by Arbtech Consulting Ltd on the 28th June 2017 (*PRA - The Old Malthouse OH16 5HX -Final[3]*). This included a desk study for the site and an assessment of the suitability of the site for use by roosting bats. A summary of the results is as follows;

- There are no designated sites within 2km of the site;
- There has been one Natural England mitigation licence for bats granted in 2009 for a site 670 m to the north-east of the site. This was for the destruction of a resting place (roost) for Common Pipistrelle (*Pipistrellus pipistrellus*), Soprano Pipistrelle (*Pipistrellus pygmaeus*) and Brown Long-eared Bat (*Plecotus auritus*);
- The building has external crevice features suitable for use by low numbers roosting bats (gaps under lifted tiles and ridge tiles, gaps under a wooden fascia board and lifted lead flashing with gaps beneath);
- The building interior loft space is of very low suitability for use by roosting bats; and
- No evidence of roosting bats was found during the survey.

It was concluded that the building is of *Low*[1] suitability for use by roosting bats (BCT 2016[2]) and at least one activity survey is required to support the assessment of the building. If it was found that bats do use the building, further surveys would be undertaken.

[1] *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 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).

[2] Bat Conservation Trust (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition).* Bat Conservation Trust, London.

2 METHODS

2.1 Bat Activity Survey

A single dusk emergence survey was completed on 29th August 2017. The survey time and conditions are shown in *Table 1* below. The survey was carried out during appropriate weather conditions and access was sufficient to successfully complete the survey.

Evening emergence and dawn re-entry surveys are the primary methods for locating roosts in trees, buildings or built structures, as bats are not always found by internal and external inspection surveys (*e.g.* if the bats roost in areas that cannot be searched and/or leave little or no visible trace). These surveys can also give a reasonable estimate of the number of bats present.

The survey was carried out by a senior ecologist and two ecologists from Turnstone Ecology who are all experienced at completing bat surveys. The surveyors used Echo Meter EM3+, Batbox Duet or Batbox Baton XD Bat Detectors and noted information on time, species and behaviour on to survey forms. Bat calls were continually recorded for the duration of the survey to ensure all bat activity was saved. Audio tracks were downloaded and assessed using the appropriate software to confirm the identity of bats noted during the survey.

All suitable roosting features were fully covered during the survey with the surveyors able to position themselves so any activity could be clearly observed. General activity around the site could also be recorded from the surveyor locations.

Table 1. Survey timings and conditions

	Dusk Survey 29/09/2017	
	Start	**End**
Time	19:50	21:20
Temp (°C)	17.3	16.4
Wind (Beaufort)	1	1
Cloud (Octas)	4	4
Precipitation	Dry	
Sunset/rise	19:58	

2.2 Static Bat Detector

For additional information and to confirm if the internal loft space of the building is used by bats, a Wildlife Acoustics SM3 static bat detector was deployed in the loft space of the building to detect bats. The detector was in the loft for one week from 29th August to 6th September 2017.

The detector is set to monitor noise between dusk and dawn every night and automatically records sounds that are within certain parameters and may be bat calls. Audio tracks were downloaded and assessed using the appropriate software and checked by an ecologist to confirm the identity of the sounds recorded.

2.3 Constraints

The activity survey was undertaken late in bat season but at a time of continued and consistent good weather conditions when bats were very active. Considering the suitability of the site for use by roosting bats and the activity levels recorded, an appropriate level of assessment can be made based on the results.

3 RESULTS

3.1 Bat Activity Survey

There are records of Common Pipistrelle, Soprano Pipistrelle, Brown Long-eared Bat, Noctule (*Nyctalus noctula*) and Daubenton's Bat (*Myotis daubentonii*) within 2 km of the proposed development.

During the activity survey, no bats were recorded emerging from the building.

The general activity around the site was low. The site is in a built-up area that is well lit, which is likely to reduce the suitability of the site for use by bats. Individual Common Pipistrelle bats (up to two) were recorded foraging in the vicinity of the site. The first one was recorded at 20:15, seventeen minutes after sunset, and flew past the rear aspect of the building to the east. There were four further passes through the duration of the survey with no activity past 20:28. The activity levels recorded indicates that low numbers of individual bats (up to two) roost near to the site and forage in the area for a short period before moving further away to forage.

During the survey, low numbers of recordings were also made of Noctule foraging high over the site.

3.2 Static Bat Detector

No bats were recorded using the interior loft space of the building.

4 EVALUATION

4.1 Summary of Impacts

The proposed development involves the conversion of the existing building (disused office) into twenty-five flats. This work will primarily affect the interior of the building. As part of the work new roof lights and four balconies will be installed into the roof. The existing roof lights will be removed and will be roofed. Additionally, as part of the work parts of the parapet wall on the northern aspect of the building (lead flashing and coping stones) will be checked to see if the materials are fit for purpose and if required they will be replaced like for like.

The proposed changes to the roof of the site are shown in *Figure 2* below.

Figure 2. Proposed development layout

4.2 Bats

The building is suitable for use by individuals or low numbers of common species of bats. No bats were recorded using the building and no specific mitigation is required during the work.

Eight roof lights will be installed on the flat central section of the roof, one will be on the eastern aspect and one will be on the western aspect. Nine roof lights and four balconies will be installed in

both the northern and southern aspects of the roof. These are all in areas where there are no features suitable for use by roosting bats.

Providing planning permission is granted, the work on the building will commence in February or March 2018 and the roof will be the first part of the works to be undertaken. The roof does not have features suitable for use by hibernating bats and therefore there is no risk of finding bats during the work at this time.

Where possible and practical, features suitable for use by roosting bats will be retained or replaced like for like and at completion of construction they must be left in a suitable state to be suitable for use by roosting bats, so that that is no loss of potential bat roosting features long term.

In the extremely unlikely event that bats are found during removal of the features work will stop immediately in that area. If it is safe to do so the feature will be left in place until the bat has moved, if it is not safe the feature will be secured so that there is no risk of injury to the bat. An ecologist will be contacted immediately and an appropriate course of action will be taken, which is likely to involve contacting Natural England and applying for a European Protected Species Mitigation (EPSM) licence before any further work can be undertaken on site. In the extremely unlikely event a bat is injured it will be taken to a local bat carer prior to release in the same location.

Should lighting be required post construction, a lighting plan showing the location and specification for any proposed lights on the site will be produced. The lighting plan will reflect the Bat Conservation Trust Bats and Lighting in the UK guidance (2009) and will include directing lighting away from all retained trees and hedgerows around the site and the use of downlighting to ensure that suitable roosting features and foraging and commuting habitats remain unlit.

4.2.1.1 Proposed Bat Enhancement

Bat roosting opportunities will be increased by the provision of two bat boxes. These will be erected on retained trees to the south of the building or erected onto the southern aspect of the building.

5 LEGAL PROTECTION

This section briefly describes the legal protection afforded to the protected species referred to in this report. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation, but summarises the salient points.

5.1 Bats

All species of British bat are protected by *The Wildlife and Countryside Act 1981* (as amended) extended by the *Countryside and Rights of Way Act 2000*. This legislation makes it an offence to:

- intentionally kill, injure or take a bat;
- possess or control a bat;
- intentionally or recklessly damage, destroy or obstruct access to a bat roost; and
- intentionally or recklessly disturb a bat whilst is occupies a bat roost.

Bats are also European Protected Species listed on *Schedule 2* of the *Conservation of Habitats and Species Regulations 2010 (SI 2010/490)* under *Regulation 41*. This legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats in such a way as to be likely to (a) impair their ability to: (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) 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; and
- damage or destroy a breeding site or resting place of a bat; and
- possess, control, transport, sell, exchange a bat, or offer a bat for sale or exchange.

All bat roosting sites receive legal protection even when bats are not present.

Where it is necessary to carry out an action that could result in an offence under the *Conservation of Habitats and Species Regulations 2010 (SI 2010/490)* it is possible to apply for a European Protected Species (EPS) licence from Natural England (NE). Three tests must be satisfied before this licence (to permit otherwise prohibited acts) can be issued:

- Regulation 53(2)(e) states that licences may be granted to "preserve 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."
- Regulation 53(9)(a) states that a licence may not be granted unless "there is no satisfactory alternative".
- Regulation 53(9) (b) states that a licence cannot be issued unless the action proposed "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".