Protected Species Survey of Unit 3, Station Road Industrial Estate, Market Bosworth, Leicestershire



View of building from north

October 2008

Philip Irving

Unit 3, Station Road Industrial Estate Protected Species Survey

Surveyor Experience and Competence

This survey has been undertaken by Philip Irving, who works as a Senior Ecologist with the Greensand Trust, a Countryside Management Project based in Bedfordshire. He has worked for the Greensand Trust for over ten years providing ecological advice on the management of Trust sites and writing management plans for them.

He also undertakes survey work for other organisations and ecological consultants including surveys for bats and other protected species. With particular relevance to the current survey, he has held a Natural England Bat Licence and been a member of the Bedfordshire Bat Group for over 15 years.

Date of Survey: 27.10.08

Introduction

A survey for the presence of bats and other protected species was carried out at Unit 3, Station Road Industrial Estate, Market Bosworth at the request of the owner. The site is subject to a planning application that includes demolition of the existing building and replacement with three industrial units.

Given that the presence of protected species is a material consideration in the planning process (PPS9), and bats in particular could be present in buildings such as this, a survey is required to provide information to the planning authority on any impact the proposals are likely to have on any species present. Any impact identified on bats or other protected species will need mitigation proposals to be put forward to the planning authority to ensure any populations in the area are maintained at a favourable conservation status.

The aims of the survey are to:

- Assess the current use of the building by bats and other protected species
- Determine the impact of the proposed development on any protected species using the building
- Produce a mitigation strategy for any impact on the protected species to ensure the population is maintained at a favourable conservation status in the local area.

Constraints

There were no major constraints though it should be recognized that bat roosts are of a transient nature and bats may move from roost to roost. A single bat may use a large number and wide variety of roosts during a year. This behaviour may result in some roosting sites not being encountered during the dates of the survey.

Site Description

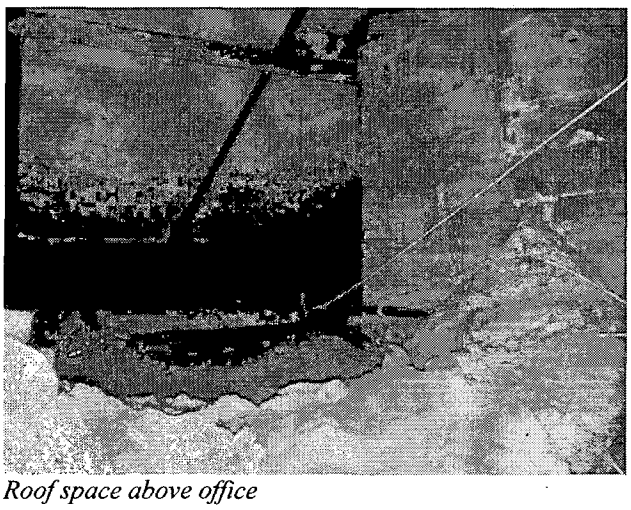
Unit 3 is located in the Station Road Industrial Estate which is situated on the western edge of Market Bosworth at Ordnance Survey Grid Reference SK394031.

The unit is a single story warehouse constructed of brick (see cover photo) with a steel framed corrugated sheeting roof lined internally with boards.



Interior of unit

Offices are situated at the northern end of the unit that contain two small roof spaces and a chimney.



Roof space above office

Further industrial units of similar construction are present to the west and south of the unit, with housing to the east, and pasture to the north on the other side of Station Road.

Summary of Laws Relevant to Protected Species

Bats

Throughout Europe in the last 30 years there has been an awareness that bat populations are declining considerably. This decline combined with their special roosting requirements has led to them being given special protection by law. All bats and their roosts are protected by law under The Wildlife and Countryside Act 1981 (as amended), through inclusion in schedule 5, section 9. All bats are also included in schedule 2 of the Conservation (Natural Habitats, &c.) Regulations 1994 which defines 'European protected species of animals'. More recently, the Countryside & Rights of Way (CROW) Act adds the word 'reckless' to the offence of disturbing a bat or damaging its roost site. In summary, taken together the legislation makes it illegal to:

- Intentionally kill, injure or capture bats;
- Intentionally or recklessly disturb a significant group of bats while they are occupying a structure used for shelter or protection, in such a way as to be likely to significantly affect—
  (i) the ability of any significant group of that species to survive, breed, or rear or nurture their young; or
  (ii) the local distribution or abundance of that species;
- Intentionally or recklessly damage, destroy or obstruct access to areas used by bats for shelter or protection.

Structures used by bats for shelter are commonly known as bat roosts. Because bats tend to re-use the same roosts, legal opinion is that, the roost is protected whether or not the bats are present at the time. The appropriate Statutory Nature Conservation Organisation (SNCO) must be consulted of any work that may affect bats, or their roosts. In England, the appropriate SNCO is Natural England who will advise as to whether work can be carried out, and if so, the methods to be used.

Developments that would contravene the protection afforded to bats under the Conservation (Natural Habitats & c) Regulations 1994 require a Habitat Regulations Licence issued by Natural England before any works can commence. Three tests must be satisfied before Natural England can issue a licence or permit otherwise prohibited acts. The Local Planning Authority will need to ensure that tests 1 and 2 have been satisfied and Natural England will need to be consulted regarding test 3. The three tests are:

1. That the development is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of social or economic nature and beneficial consequences of primary importance for the environment' (Regulation 44 (2) (e)).
2. That there is no satisfactory alternative (Regulation 44 (3) (a)).
3. That the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range (Regulation 44 (3) (b)).

The legislation means that the developer will need to have a clearly documented compensation strategy to maintain the numbers of bats in the local area.

Nesting birds

Nesting birds are protected by law under The Wildlife and Countryside Act 1981 which makes it an offence to kill, injure or take any wild bird, and take, damage or destroy any nest in use or being built or any egg.

Methodology

A thorough internal inspection was made on the 27.10.08 of the interior of the building, including the roof spaces, and evidence of use by bats and other protected species was looked for, for example droppings, nesting/roosting sites, feeding remains or live animals.

Bats may roost in a variety of situations including within gaps in bricks, under roofing or below the ridge beam inside buildings. Buildings can be considered as potential roosts if cracks or holes in excess of 8mm x 12mm are present. Such gaps are large enough to allow the smallest species of bats to gain access. It is usual for bats to select roosting areas that are sheltered and warm, avoiding exposed draughty conditions.

A bat detector survey using a Magenta Mk111 detector was also undertaken at dusk on the same day to check for any bats emerging from the building.

Results

Bats

No evidence of bats was recorded in the building and no bats were recorded emerging from the building or flying over it during the bat detector survey. The weather at the time of the survey was clear with a light breeze and a temperature at the start of 8°C.

Nesting birds

No bird nests were recorded in the building.

Summary and Recommendations

Bats

No evidence of bats was recorded from the unit, and buildings of this construction are not generally used as roost sites by bats.

Bats and their roosts are protected by law under The Wildlife and Countryside Act 1981 and a Natural England licence would be required to allow demolition work to be undertaken if a roost was present. There is no evidence of a roost at the site, so a licence would not be needed in this instance. It would still be wise to proceed with building work in a way that will enable any bats that may be hidden to be detected and safely removed to a suitable alternative location. Particular care should be taken

when working on or removing the corrugated roofing and chimney, as these are the most likely areas where bats could be discovered.

Mitigation measures that could be implemented to reduce the impact of disturbance to any bats that may be discovered as a result of this development include:

- If any bats are discovered during demolition, work should stop and Natural England contacted, and the bats may need to be excluded under licence before demolition work proceeds.

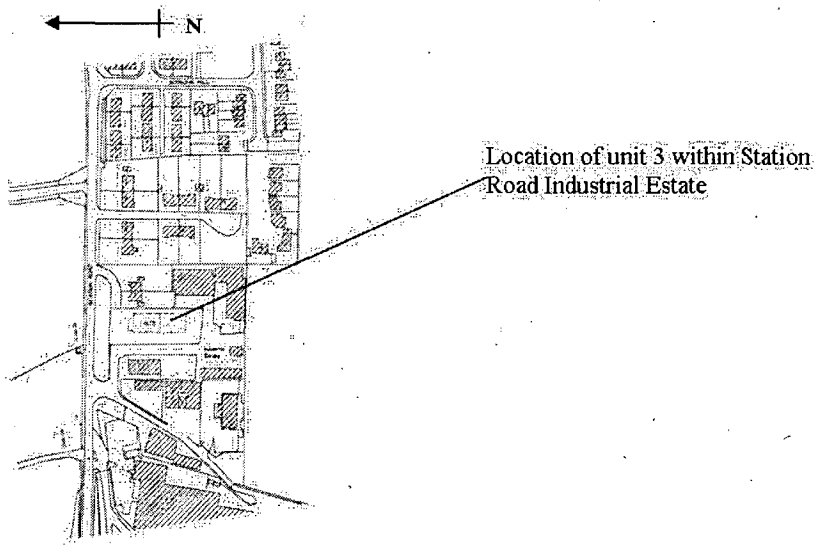
- All people working on the site will need to be made aware of the potential presence of bats, the protection afforded them and the methods of working required to avoid harm to bats.

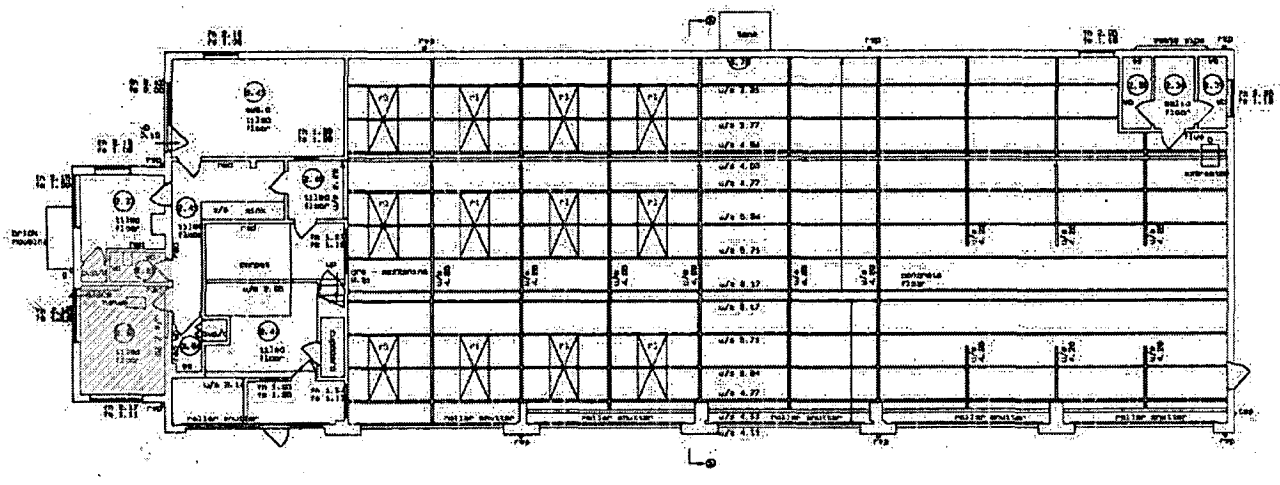
Full details on licence applications and mitigation can be found in the 'Bat mitigation guidelines' published by English Nature (latest version January 2004).

Nesting Birds

As nesting birds are protected by law under The Wildlife and Countryside Act 1981 it is recommended that a check for any currently nesting birds be undertaken prior to any demolition works. If nesting birds are identified, works in the area of the nest will need to be delayed until the birds have left the nest. The nesting period for birds is usually from March to the end of August.

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Key

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Roof spaces above offices (approximate extent)