Chapel House, Bronington
Bat Report

Prepared for Ke-Design

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Revision 01

TURNSTONE ECOLOGY LIMITED

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Prepared by:	Jennifer Butler Senior Ecologist	23/07/2024
Checked and Approved For Issue by:	Clare Knight Principal Consultant	13/08/2024

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SURVEY AND REPORT VALIDITY

It is important that planning decisions are based on up-to-date ecological reports and survey data. However, it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. In some cases there will be specific guidance on this (such as for the age of data which may be used to support an EPS licence application) but in circumstances where such advice does not already exist, the Chartered Institute of Ecology and Environmental Management (CIEEM) has provided the general advice set out below.

Age of Data / Survey / Report	*Validity*
Less than 12 months	Likely to be valid in most cases.
12-18 months	Likely to be valid in most cases with the following exceptions: • Where a site may offer existing or new features which could be utilised by a mobile species within a short timeframe; • Where a mobile species is present on site or in the wider area, and can create new features of relevance to the assessment; • Where country-specific or species-specific guidance dictates otherwise.
18 months to 3 years	A professional ecologist will need to undertake a site visit and then review the validity of the report. Some or all of the other ecological surveys updated.
Protected Species Licensing	Licence applications usually only possible using data less than 2 years old

The likelihood of surveys needing to be updated increases with time and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken. Factors to be considered include (but are not limited to):

- Whether the site supports, or may support, a mobile species which could have moved on to site, or changed its distribution within a site;
- Whether there have been significant changes to the habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the surveys were undertaken, including through changes to site management;
- Whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased), increasing the likelihood of its presence.

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1 INTRODUCTION

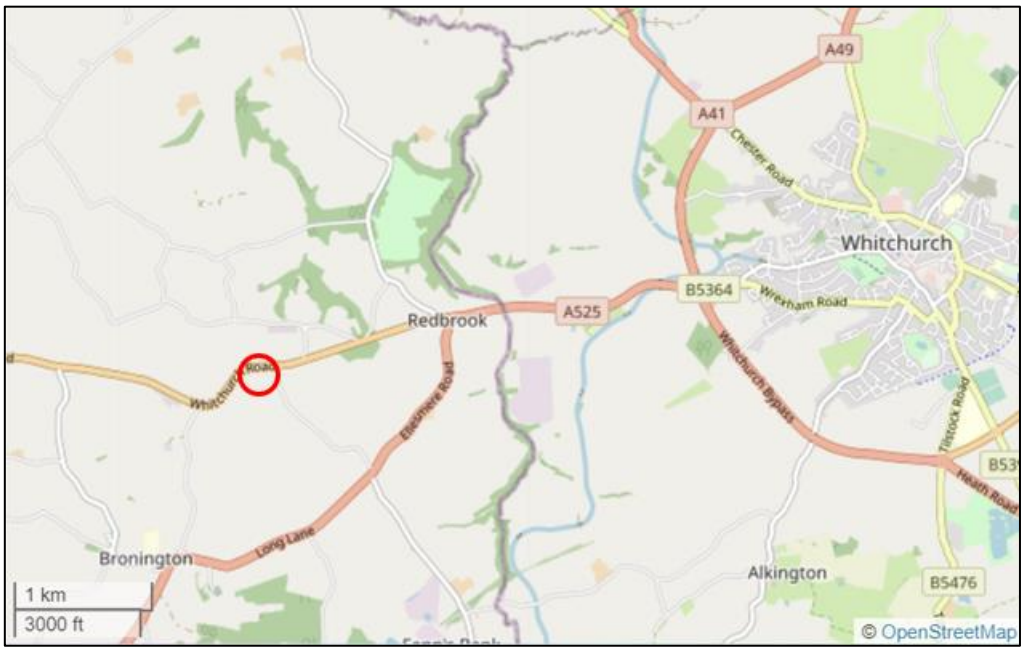
1.1 Purpose of Report

This report has been completed in connection with proposed renovation works to Chapel House, Bronington, Shropshire (OS Grid Location SJ 494 408). The location of the proposed development site is shown in *Figure 1* and the proposed development plans are fully detailed in *Section 4*.

A Preliminary Roost Assessment was completed on 26th July 2022 and bat activity surveys were completed between July and September 2022. An updated bat activity survey was completed on 8th July 2024. All surveys were completed by experienced staff from Turnstone Ecology Ltd.

This report details survey and assessment methodology along with the results of a desk-based study and on-site surveys. It also provides an assessment of potential impacts and appropriate mitigation to offset any impacts associated with the proposal.

Figure 1. Location of proposed development



1.2 Ecological Context

The proposed development site is located adjacent to the main Wrexham to Whitchurch A525 road, approximately 3.5 km west of Whitchurch town centre (*Figure 1*). The site comprises an unoccupied Grade II listed converted Methodist Chapel, known as Chapel House and associated garden areas (*Figure 2*). An outhouse was present during the previous surveys in 2022 and was removed as part of the original proposals. The updated proposals include the renovation of the Chapel and patio and paving around the along the western side of the building.

The site is bordered by Leylandii hedgerows to the east and west, fence line overlooking an agricultural field to the south and open to the main road to the north. The wider landscape is dominated by agricultural fields, woodland pockets and scattered residential houses and farms.

Figure 2. Proposed development site (red line boundary) and Chapel House (blue line boundary) (www.google.co.uk/maps accessed 23.07.2024)



2 METHODS

2.1 Desk-based Study

Information relating to designated sites, and historic records of protected species within 2 km of the proposed development site were obtained from Magic (www.magic.gov.uk) and other freely available information on the internet, such as planning portals.

A data request through the local environmental records centre was not undertaken as the site is small, the habitats that will be impacted are limited and it is very unlikely that the records obtained would impact the site assessment and mitigation proposed.

Any species-specific historic records are detailed within the relevant species accounts in the *Results* section.

2.2 Preliminary Roost Assessment

The building was assessed for potential to support bat roosts. The assessment involves a consideration of various factors including;

- Light levels;
- Temperature regime and protection from weather;
- Access to the interior of the building or to other suitable roost sites;
- Potential roost sites;
- Building construction;
- Tree structure; and
- Habitat context.

Based on these factors, an assessment was made of whether the building affected by the proposals might support bats and the type and number of roosts that might be present.

A detailed inspection was made of the exterior and, where possible, the interior of the building within the proposed development boundary for any evidence of bat use, such as live or dead bats, droppings, scratch marks, staining and prey remains, and in some cases the absence of cobwebs. Large quantities of cobwebs in roof voids or at access points tend to be suggestive of no bat use, although this evidence is not conclusive.

Features identified as possible bat access points or potential roosting locations were thoroughly searched where possible, using powerful torches and binoculars to facilitate the process. An endoscope and ladders were also used to enable more detailed inspection of cracks and crevices as far as access allowed.

The survey was undertaken in good light conditions. This type of survey can be completed at any time of year though the optimal time period for completion is at times when bats are most likely to be present

in buildings (April-October). That said evidence of bats, if present in sheltered locations, is likely to persist well beyond this time period.

Buildings are categorised according to their suitability for roosting bats as follows (Bat Conservation Trust (BCT) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn.) (2023[1]):

- *None* – No habitat features on site likely to be used by any roosting bat at any time of the year (i.e., a complete absence of crevices/suitable at all ground/underground levels
- *Negligible* – No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
- *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 and not a classic cool/stable hibernation site, but could be used by individual hibernating bats).
- *Moderate* – A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only).
- *High* – A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have potential to support high conservation status roosts such as maternity roosts or classic cool/stable hibernation sites.

Coupled with the above categorisations, a roost can also be:

- *Confirmed* – where roosting bats are confirmed as being present, either by the discovery of live or dead bats, droppings, prey remains, scratching or fur-staining.

For trees the following classifications are used:

- *None* – Either no Potential Roost Features (PRFs) in the tree, or highly unlikely to be.
- *FAR* – Further Assessment Required (FAR) to establish if PRFs present in the tree.
- PRF – A tree with at least one PRF present.

Habitats were also assessed for their suitability for use by foraging or commuting bats. Areas of particular interest vary between species, but generally include sheltered areas and those habitats with good numbers of insects, such as woodland, scrub, hedges, watercourses, ponds, lakes and more species-rich or rough grassland.

2.3 Bat Activity Surveys

Based on the results of the Preliminary Roost Assessment, two Dawn Re-entry surveys were completed on 29th July and 19th August 2022 and a Dusk Emergence survey was completed on 7th September 2022.

A further survey was completed on 8th July 2024 in order to update the survey data, with survey timings and conditions shown in *Table 1* below. 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.

Table 1. Survey timings and conditions

	Dawn Survey 29/07/2022		**Dawn Survey** 19/08/2022		**Dusk Survey** 07/09/2022		**Dusk Survey** 08/07/2024	
	Start	**End**	**Start**	**Start**	**End**	**End**	**Start**	**End**
Time	03:50	05:20	04:25	19:20	21:20	06:10	21:15	23:05
Temp (°C)	18.0°	18.0°	10.0°	17.0°	16.0°	10.0°	16.0°	15.0°
Wind (Bft)	1	1	0	0	0	0	2	0
Cloud (Octas)	8	8	0	8	8	0	8	8
Precipitation	Dry		Dry		Light shower at start			
Sunset/rise	05:24		05:58		19:45		21:35	

The surveyors used Echo Meter Touch 2 Bat Detectors and noted information on time, species and behaviour on to survey forms. Bat calls were continually recorded for the duration of the surveys 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.

Surveyors were able to position themselves so any activity could be clearly observed and general activity around the site could also be recorded from the surveyor's location.

Figure 3. Yellow star = Surveyor location and camera (www.google.co.uk/maps accessed 23.07.2024)



2.4 Nesting birds

Habitat that might be used by nesting birds was identified and actively nesting birds or evidence of nesting birds noted where present.

2.5 Constraints

All surveys were carried out at a suitable time of year and during appropriate weather conditions.

Due to structural issues within the property access for the Preliminary Roost Assessment was limited to one hatch on the south-eastern side of the building only so a visual search of all loft space areas and suitable roosting features could not be undertaken.

3 RESULTS

3.1 Desk Study

3.1.1 Designated Sites

There are no designated sites within 2 km of the proposed development site.

3.1.2 Background records

There are records of Common Pipistrelle (*Pipistrellus pipistrellus*) from a site approximately 1.8 km south of the proposed development (*NBN, 1995 – 2014, undisclosed recorder*) and Brown Long-eared Bat (*Plecotus auritus*), at a site approximately 1 km north-east of the proposed development site (*NBN, 1994, Anon*).

3.2 Preliminary Roost Assessment

3.2.1 General

The proposed development site comprises a Grade II listed Methodist Chapel which has been converted into a residential dwelling. The converted Chapel has been unoccupied for approximately 10 years and left to fall into a state of disrepair. There are sections of paved areas around the property. An old heating fuel tank is located within the rear garden which has not been used in recent years. The site is bordered by Leylandii hedgerows to the west and east, fence line overlooking an agricultural field to the south and open to the main road to the north. The existing layout of the site is shown in *Figure 4* and existing elevations of the Chapel are shown in *Figure 5*.

Figure 4. Existing floor plans of Chapel House

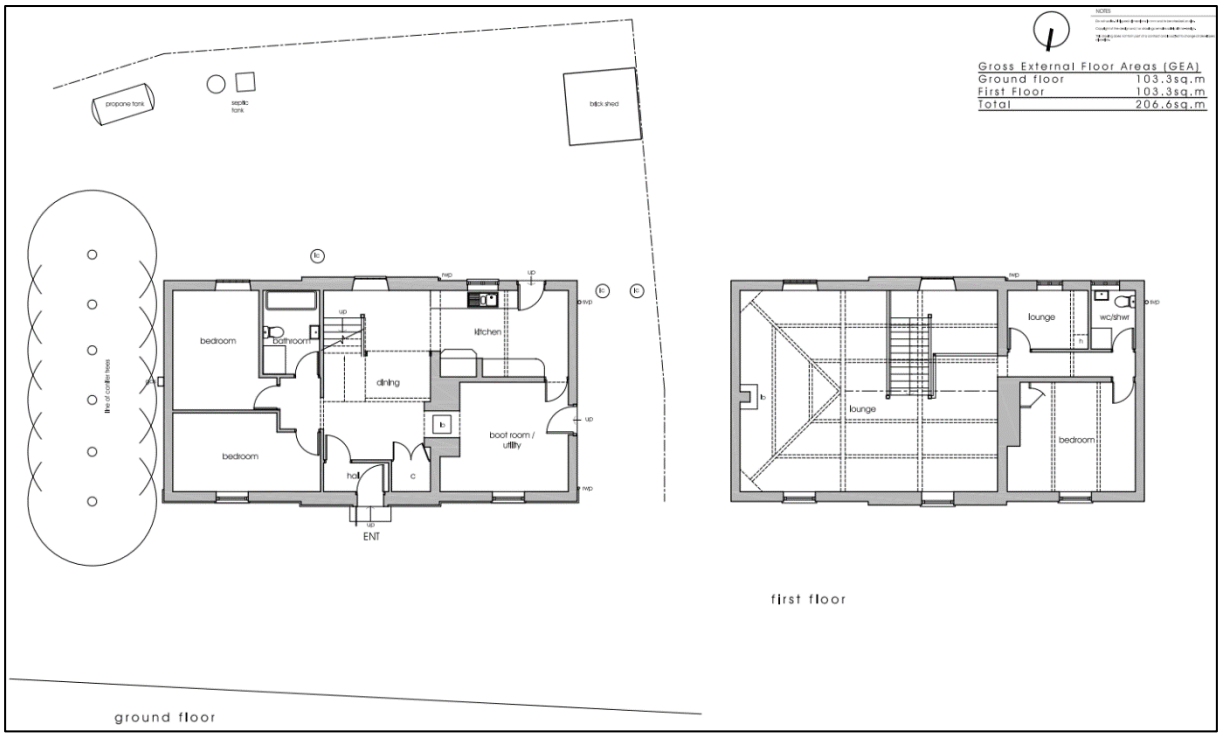


Figure 5. Existing elevations of Chapel House



3.2.2 External building description

The Chapel has red brick walls with timber framed windows and doors, windows are single glazed with decorative, white-painted stone lintels. There are two full height windows in the centre of the building to the rear which allows light into the stairwell section of the property. A single-storey porch style extension has been demolished from the western end of the property which has left damaged brickwork visible on the rear wall. The roof is double hipped with slate roof and ridge tiles and a red brick chimney with lead flashing around the base is present on the western side of the building (*Plates 1 to 4*).

Plate 1. Front (northern) elevation (looking south)



Plate 2. Side (western) elevation (looking north-east)

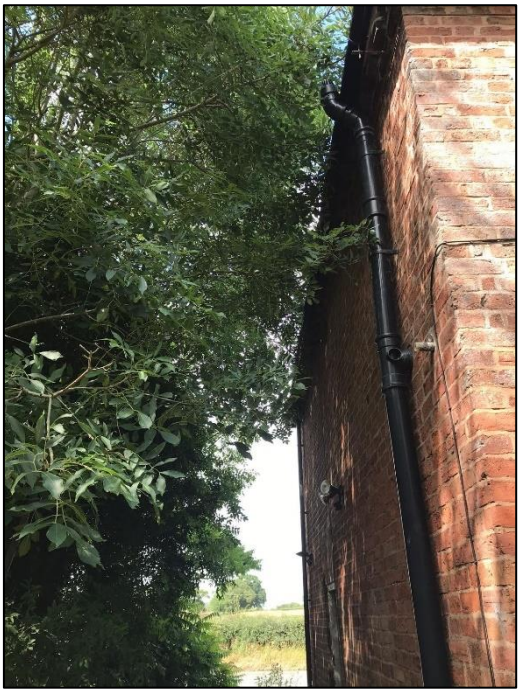
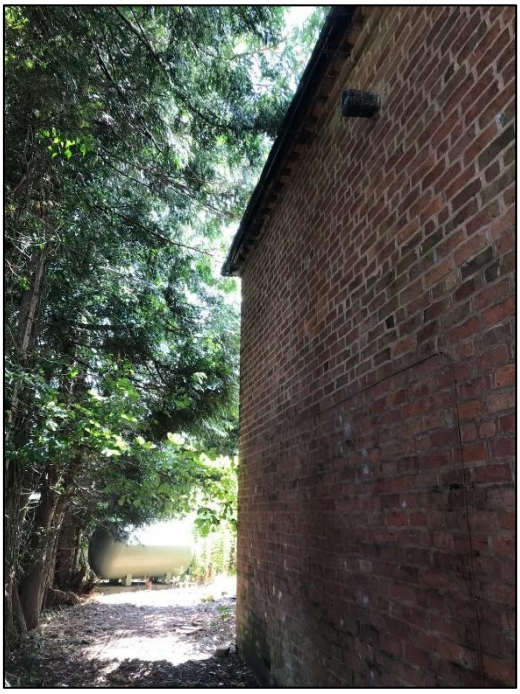


Plate 3. Rear (southern) elevation (looking north-east)



Plate 4. Side (eastern) elevation (looking south-west)



3.2.3 Internal building description

Internally the ground floor is in a poor state of disrepair with evidence that vandals have been into the property and broken furniture, damaged walls and pulled up floorboards. The internal portioning walls have been damaged and signs of water damage within the ground-floor rooms was noted. A large staircase is present towards the centre of the property which leads to the first-floor living accommodation. The eastern side of the property is open to the ceiling with exposed original timber A-frame beams and brick fireplace (*Plate 5*). The western side of the building is comprised of several smaller bedrooms and bathroom areas with an enclosed loft space above these sections. Access into the loft space was limited due to the poor condition of the ceiling making the loft space unsafe to enter. The loft space is low in height (max 1.2m at the apex) due to the double-hipped roof structure. The roof has been lined with a plastic membrane, some original timber framework was noted and old, decaying mortise and tenon joints support the main roof framework. Newer treated timber rafters and ridgeboards were also present in the loft space, likely replaced when the Chapel was converted into a residential dwelling (*Plates 6 to 7*).

Plate 5. Exposed timber roof beams in lounge



Plate 6. Interior of loft

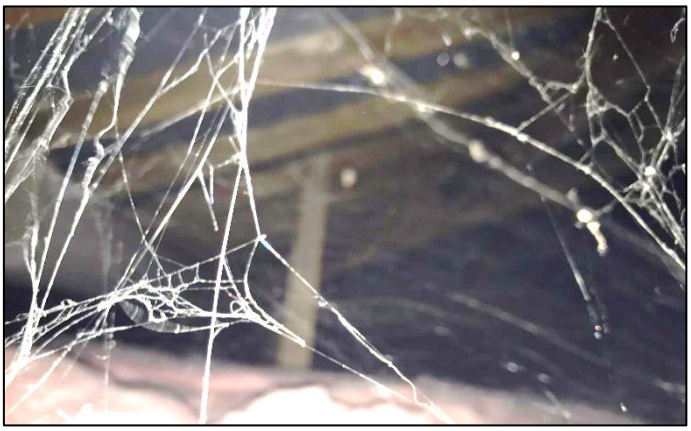


Plate 7. Loft roof beams and roof membrane



3.2.4 Suitable roosting features and evidence

No evidence of roosting bats was recorded within or around the Chapel with cobwebs observed along the wall top inside the loft (*Plate 11*).

Suitable roosting features around the Chapel building include gaps around the wall tops where the roof tiles have lifted from the brick, holes in the brickwork at the rear of the property where an old extension has been demolished, a gap above the front door frame on the northern aspect of the building and a broken window on the first-floor of the Chapel overlooking the staircase which was large enough to allow access into the property for bats. There are also several lifted and missing roof tiles, gaps where the lead flashing around the chimney has lifted and gaps within the brick work of the chimney where the chimney has moved over time (*Plates 8 to 10*). As such, Chapel House offers suitable roosting areas for bat species with access easily possible for bats into the loft space and wall tops.

Plate 8. Holes in the brickwork on the rear of the property and damaged window frames/broken panes of glass



Plate 9. Gap above the front door



Plate 10. Examples of lifted roof tiles (yellow arrows) and gaps under the chimney flashing (red arrows)



Plate 11. Cobwebs over beams within the loft space



The former outhouse that was in the rear garden was in poor condition with crumbling brickwork, damaged roof sheets and a missing door. There was no enclosed loft space within this building and the walls were single thickness brick. No evidence of bat use was recorded during the initial roost assessment and no suitable roosting features were found within this building. The building did offer some suitable areas for perch feeding; however, no feeding remains were found inside the outbuilding.

A mature Oak tree was located within the rear garden of the property during the previous survey effort, and was removed as part of the original proposals. It was in good condition, smooth-stemmed with no signs of disease and no visible cavities, holes or pruning wounds were noted. The bark was intact across the whole of the tree stem with no flaking or damaged areas that could offer roosting areas for bat species.

3.3 Bat Activity Surveys

Based on the observed roosting features in and around the Chapel and surrounding habitats, the Chapel was considered to have a *Moderate- High* potential for roosting bats and the outhouse was considered to have a *Negligible* potential for roosting bats, although this building could offer a suitable feeding perch for bat species.

A total of two dawn re-entry surveys and a single dusk emergence survey were completed on site in suitable weather conditions between July and September 2022. A summary of the results of these surveys and locations of roosting and/or emerging bats are shown in *Plate 12*.

A further single dusk emergence survey was completed on site in suitable weather conditions on 8th July 2024 to update the previous survey data. A summary of the results of these surveys and locations of roosting and/or emerging bats are shown in *Plate 13*.

Dawn return survey – 29th July 2022, sunrise at 05:24

- No bats re-entered the Chapel or outhouse building.

Dawn return survey – 19th August 2022, sunrise at 05:58

- **One Myotis spp.** appeared to re-enter at the wall top between the brick and tiles on the north-western corner of the Chapel at 04:57 (*Plate 12*)

Dusk emergence survey – 7th September 2022, sunset at 19:45

- **One Myotis spp.** emerged from under a loose tile on the northern elevation of the Chapel at 20:25 (*Plate 12*)

Plate 12. Location of emerging Myotis sp. during September dusk survey (red circle) and re-entry location of Myotis sp. during August dawn survey (yellow arrow)



Foraging and commuting Common Pipistrelle, Soprano Pipistrelle, Brown Long-eared Bat, Brandt's Bat (*Myotis brandtii*), likely Daubenton's Bat (*Myotis daubentonii*) and high passes of Noctule (*Nyctalus noctula*) were recorded over site during the surveys with highest foraging activity recorded along the eastern and western boundary hedgerow lines.

Dusk emergence survey – 8th July 2024, sunset at 21:35

- **One *Whiskered Bat (Myotis mystacinus)*** emerged from the barge board above the drainpipe on the southern elevation of the Chapel at 22:09 (*Plate 13*).

Foraging and commuting Common Pipistrelle, Soprano Pipistrelle, Myotis sp. and high passes of Noctule were recorded over site during the surveys.

Plate 13. Location of emerging Whiskered Bat during July dusk survey (yellow circle)



3.4 Nesting Birds

No evidence of nesting birds was recorded in or around the Chapel building during the surveys. The Chapel is of limited suitability for nesting birds with features limited to gaps at the wall tops where birds could enter the main loft space.

The majority of the habitats impacted by the proposed works are buildings, hardstanding and ornamental garden areas, however the felling of the Oak tree has resulted in the loss of some suitable nesting habitat for bird species at the site.

4 EVALUATION

4.1 Summary of Proposals

The proposed development involves the renovation of the Chapel, external landscaping including new patio areas along part of the southern elevation of the dwelling and general landscaping to the front and rear where the garden areas have overgrown (*Figures 6 and 7*).

Figure 6. Proposed ground and first floor layouts of the Chapel

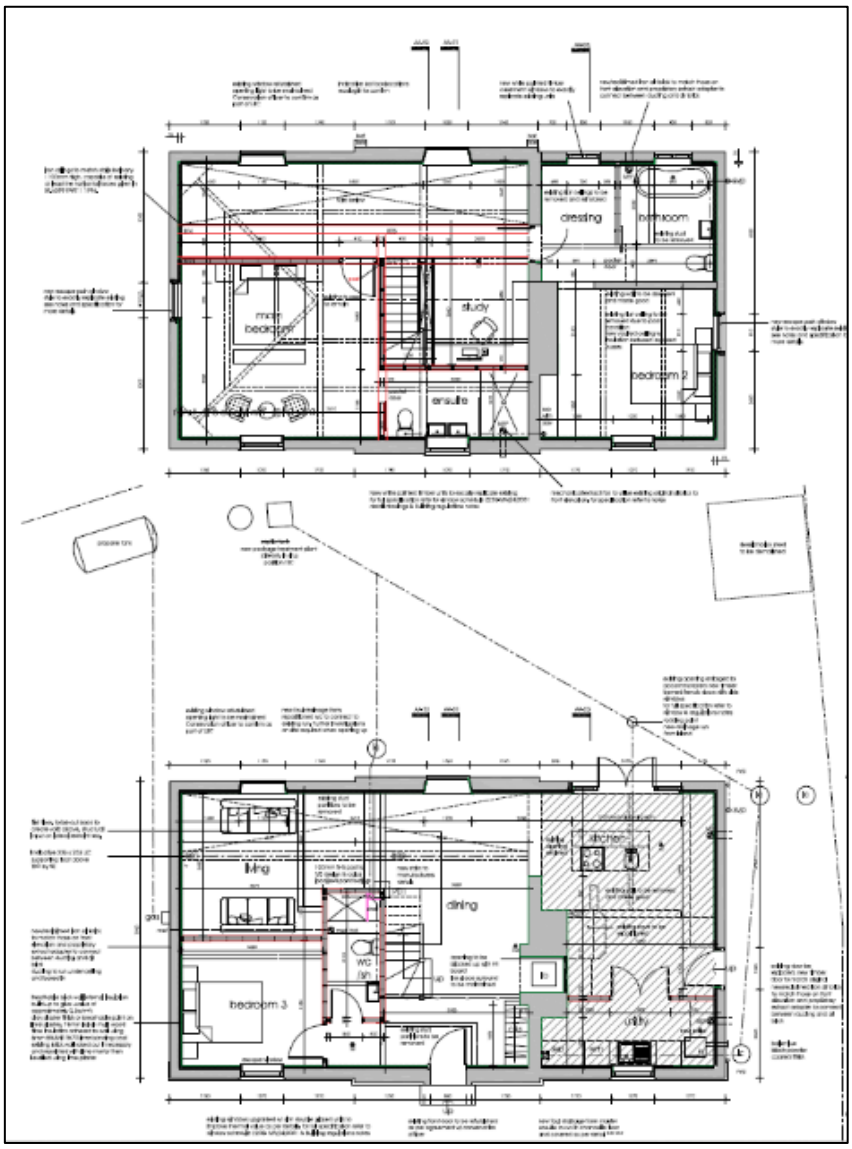
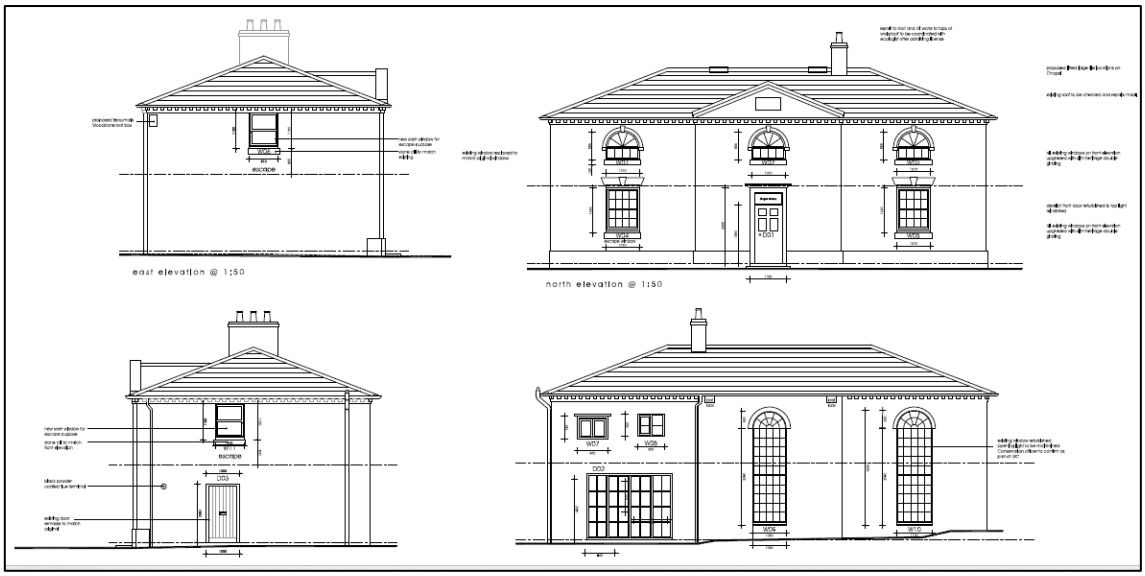


Figure 7. Proposed elevations



4.2 Summary of Results

4.2.1 Preliminary Roost Assessment

Suitable roosting features for bats in/around the Chapel included gaps at the wall tops, holes in the brickwork, a gap around the door frame on the front (northern aspect), broken windows to the rear (southern aspect), lifted and missing roof tiles and gaps around the chimney. Internally, potential roosting features included gaps around the mortise and tenon joints and crumbling brick work on the gable ends in the loft as well as gaps at the wall top where the roof has lifted from the walls. The outhouse is unsuitable for roosting bats but has potential to be used as a feeding perch.

The Chapel was considered to be of *Moderate-High* potential for roosting bats and the outhouse considered to be of *Negligible* roosting potential for bat species.

4.2.2 Activity Surveys

Based on the results of the Preliminary Roost Assessment, the proposed works to the Chapel were considered to have the potential to damage or destroy bat roosts. Bat Activity Surveys were therefore completed to determine number and species of bats using the Chapel. These surveys were completed and found the following roosts:

- An individual Myotis sp. roosting behind roof tiles on the northern elevation;
- An individual Myotis sp. likely roosting at the wall top of the north-western corner of the Chapel; and
- An individual Whiskered Bat roosting behind the bargeboard, above the drainpipe, on the southern elevation of the Chapel

Other species recorded foraging and commuting over site during the surveys were Common Pipistrelle, Soprano Pipistrelle, Brown Long-eared Bat, Brandt's Bat (*Myotis brandtii*), Myotis spp. likely Daubenton's Bat (*Myotis daubentonii*) and high passes of Noctule (*Nyctalus noctula*) with the highest levels of foraging activity occurring along the eastern and western edges of the site, along the boundary hedgerow and tree lines.

4.3 Evaluation and Impacts

Based on the results of the Preliminary Roost Assessment and Bat Activity Surveys in 2022 and subsequent updated Bat Activity Survey in 2024, the dwelling was found to support two day roosts of individual Myotis spp. and one day roost of an individual Whiskered Bat. The proposed renovation works and roof repairs would therefore cause the loss or disturbance of three day roosts and/or injuring/killing of up to three Myotis spp. bats.

The Bat Activity Surveys were undertaken during the maternity period and when maternity roosts would be evident if present. No large accumulations of fresh droppings were found within the loft space and the activity across site was of small numbers (<5 individuals) which does not suggest maternity colonies of bats are present in areas affected by the proposals.

Based on call recordings and the most likely species of Myotis species to occur on site and roost within a wall top or under loose tiles at the wall top are Whiskered Bat (*Myotis mystacinus*), Brandt's Bat (*Myotis brandtii*) or Daubenton's Bat (*Myotis daubentonii*). Myotis species such as Brandt's and Whiskered Bats are uncommon bats in Wales with approximately 7000 and 8000 individuals estimated to be present respectively, although they are thought to be under-recorded. The British pre-breeding population of Daubenton's Bat was estimated at 150,000 in 1995 (15,000 in Wales)[11]. For the purpose of this project these species are considered to be rarer on a regional scale and in accordance with the Bat Mitigation Guidelines the requirement for mitigation for individual numbers of the Myotis bat species includes;

- Provision of new roost facilities where possible. Need not be exactly like-for-like, but should be suitable, based on species' requirements; and
- Minimal timing constraints.

4.4 Mitigation and Enhancement

Destruction of bat roosts can only occur under a Protected Species licence. All agreed methods will be included in the licence application and appropriate mitigation and safe working methods can only be confirmed upon agreement of the licence. The methods (which may be updated upon confirmation of an accepted Licence application) are likely to include;

[1] Harris S., Morris, P., Wray, S. & Yalden, D. (1995) *A review of British mammals: population estimates and conservation status of British mammals other than cetaceans*. JNCC, Peterborough.

- Works to commence following receipt of a Bat Mitigation Licence from Natural Resources Wales (NRW).
- Works affecting roosting locations to be undertaken when overnight temperatures consistently above 9°C.
- Prior to the start of works a suitably qualified ecologist will deliver a toolbox talk to contractors and staff on site, informing them of the likelihood of encountering bats, what to do if they find bats and give a brief overview of the licence documents.
- Provision of roosting locations for the duration of works with three Schwegler 2F (or equivalent) bat boxes erected on retained boundary trees along the southern/western boundaries of the property, within the ownership boundary *(Figure 8)*. The bat boxes will be retained and maintained for the lifetime of the development.
- A wooden/woodcrete 28mm hole-fronted nest box will be erected adjacent to the bat boxes to help ensure the bat boxes remain open for use by bats.
- Checking by a licenced ecologist of all known and potential roosting locations. If the entirety of a feature can be searched and found to be empty, it will be blocked using newspaper or expanding foam. If the feature cannot be fully searched, or is found to be supporting a roosting bat, it will be excluded using folded acetate or similar to allow bats to leave the feature but not re-enter. If exclusions are used, they will be left in place for a minimum of five nights of suitable weather conditions (above 9°C). Following this they will be permanently filled using the same methods as above.
- Roof stripping and repair works, any removal or alteration of lead flashing or tiles will be completed under the watching brief of a licenced ecologist, with the roof tiles being removed/replaced or repaired carefully by hand. As the wall tops are key roosting features any works around the wall tops will also be completed under the watching brief of the licenced ecologist. The location of the scaffolding will need to be confirmed in advance, by the licenced ecologist to ensure access points are not blocked by scaffolding.
- If a bat is found during works, they will be caught by a licensed ecologist who will be wearing suitable gloves. The bat will be placed into a cloth bag and carefully placed into the previously erected bat box.
- No scaffolding to be erected over suitable access points for roosting bats until features have been checked, filled or excluded.
- Where possible, features used by bats will be retained or recreated with the roost at the wall top on the northern corner of the Chapel and the roost at the drainpipe on the southern aspect of the Chapel being retained post-development, some disturbance will occur during the construction phase and temporary exclusion whilst scaffolding is up may be required.
- If roosting features are to be lost then these must be replaced with similar features during the construction phase of the extension.
- Additional simple roosting features will also be created by incorporating at least two bat tiles and two Beaumaris Woodstone Bat Boxes (or equivalent) onto the rear (southern) elevation of the Chapel *(Figures 9 & 10)*.

- **Breathable roofing membranes (BRM) must not be used** in the Chapel roof due to issues with bat entanglement and reduced membrane performance if used in areas of bat use. 1F bitumastic felt should be used instead.
- **Dry ridge systems must not be used,** a traditional mortar ridge will be used instead due to issues with bat entanglement.
- Where bat boxes and/or roost features are positioned above windows a cowl should be incorporated above the window to deflect light spill down and away from the bat box/roosting feature.
- No lighting directed on known, potential or newly created bat roost access points and roosting features and only movement activated timed security lighting used outside of potential and known roosting locations.

Figure 8. Proposed bat and bird box locations on mature trees to the south and west of the site (blue stars =Schwegler 2F, or equivalent, and hole-fronted bird nest box)

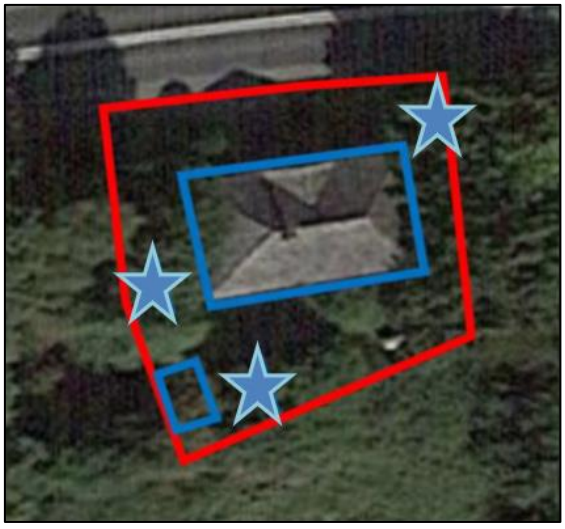


Figure 9. Proposed Beaumaris Woodstone bat box locations on Chapel (red rectangle)

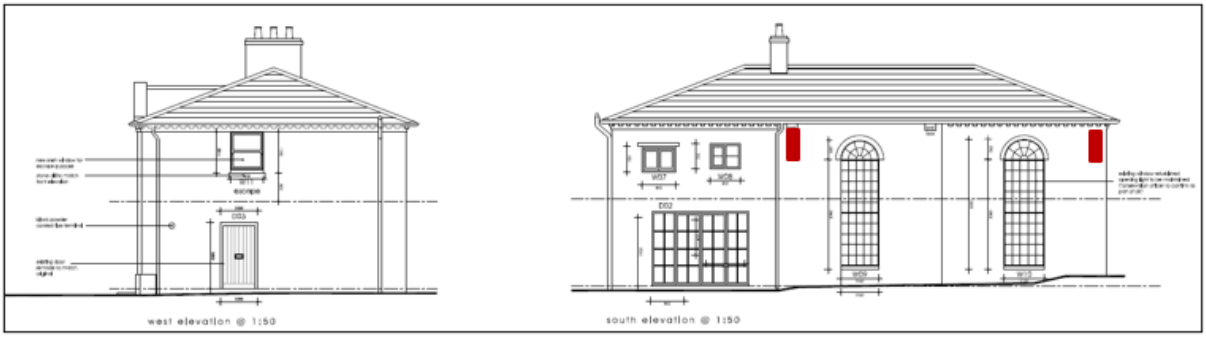


Figure 10. Proposed lifted ridge tile locations on Chapel (green rectangles)

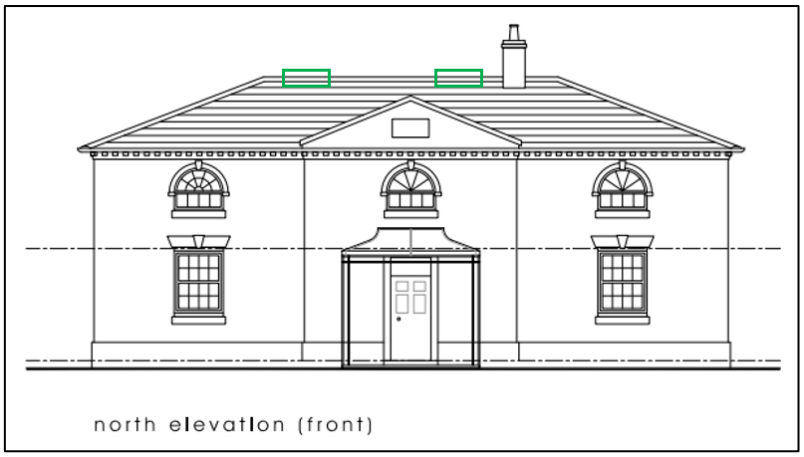
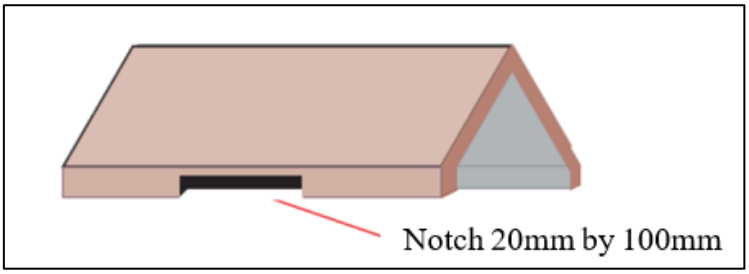


Figure 11. Creation of access and roosting opportunities under lifted ridge tiles in new roof



4.5 Nesting Birds

No evidence of nesting birds was recorded in or around the Chapel building during the surveys. The Chapel is of limited suitability for nesting birds with features limited to gaps at the wall tops where birds could enter the main loft space.

The majority of the habitats impacted by the proposed works are buildings, hardstanding and ornamental garden areas, however the felling of the Oak tree has resulted in the loss of some suitable nesting habitat for bird species and as such new nesting provision must be included within the proposed development site.

Three 28mm hole-fronted nest boxes will be erected on the mature trees to the south and west of the site adjacent to the bat boxes (*Figure 8*) and one Sparrow Terrace such as the Schwegler 1SP (or equivalent) should be incorporated into the Chapel on the southern or western elevations.

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 2017* 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".

5.2 Nesting Birds

All species of bird are protected under *Section 1* of the *Wildlife and Countryside Act 1981* (as amended). The protection was extended by the CRoW Act.

The legislation makes it an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.

Certain species of bird are listed on *Schedule 1* of the *Wildlife and Countryside Act 1981* (as amended) and receive protection under *Sections 1(4)* and *1(5)* of the Act. The protection was extended by the CRoW Act. The legislation confers special penalties where the above-mentioned offences are committed for any such bird and also make it an offence to intentionally or recklessly:

- disturb any such bird, whilst building its nest or it is in or near a nest containing dependant young; or
- disturb the dependant young of such a bird.