

# Chapel House, Bronington Bat Report

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Prepared by:

Jenny Butler  
Ecologist

28/10/2022



Checked and Approved  
For Issue by:

Stephen Wilson  
Principal Consultant

28/10/2022

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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.

| <b><i>Age of Data / Survey / Report</i></b> | <b><i>Validity</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Less than 12 months</b>                  | Likely to be valid in most cases.                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>12-18 months</b>                         | <p>Likely to be valid in most cases with the following exceptions:</p> <ul style="list-style-type: none"> <li>• Where a site may offer existing or new features which could be utilised by a mobile species within a short timeframe;</li> <li>• Where a mobile species is present on site or in the wider area, and can create new features of relevance to the assessment;</li> <li>• Where country-specific or species-specific guidance dictates otherwise.</li> </ul> |
| <b>18 months to 3 years</b>                 | <p>A professional ecologist will need to undertake a site visit and then review the validity of the report.</p> <p>Some or all of the other ecological surveys updated.</p>                                                                                                                                                                                                                                                                                                |
| <b>Protected Species Licensing</b>          | 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

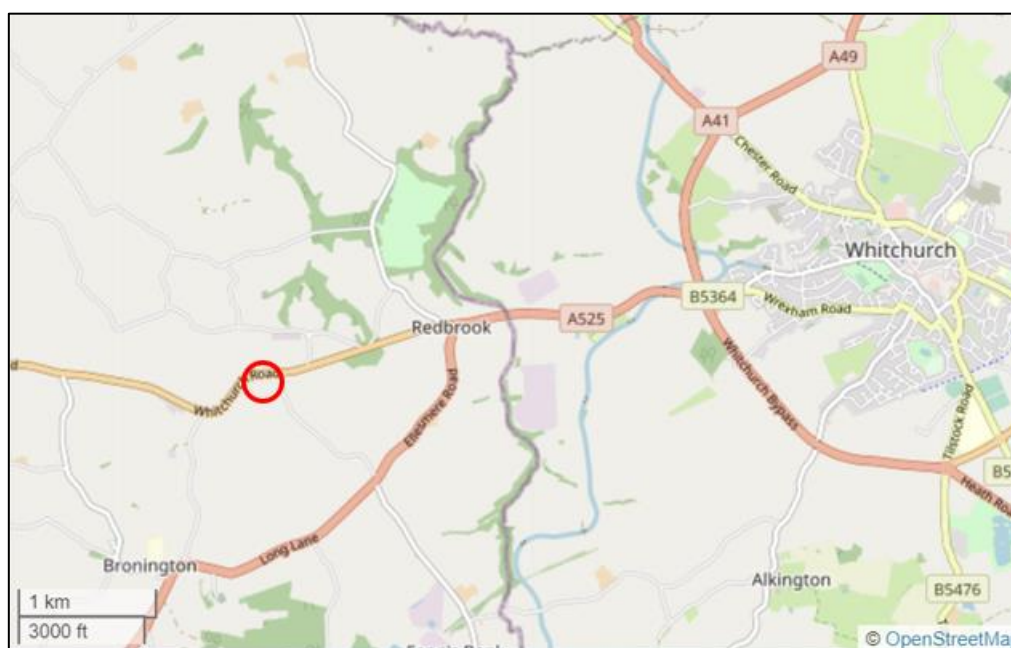
### 1.1 Purpose of Report

This report has been completed in connection with the proposed extension of 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 26<sup>th</sup> July 2022 and bat activity surveys were completed between July and September 2022. 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, an outhouse and associated garden areas (*Figure 2*). The proposals include the renovation, construction of a two-storey extension to the rear (southern elevation) of the Chapel to increase the living space within the dwelling, the construction of a porch on the northern elevation, over the existing main entryway and patio and paving around the

extension and along the western side of the building. The outhouse building will be demolished and a mature Oak tree within the rear garden will be felled to allow for the construction of the extension.

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 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 and Outhouse (blue line boundary) ([www.google.co.uk/maps](http://www.google.co.uk/maps) accessed 01.08.2022)*



## 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](http://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 and trees are categorised according to their suitability for roosting bats as follows (taken from Bat Survey Guidelines, 3<sup>rd</sup> Edition):

*Negligible* – Negligible habitat features on site likely to be used by roosting bats

*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). Or a tree of sufficient size and age to contain potential roost features but with none seen from the ground, or features seen with only very limited roosting potential.

*Moderate* – A structure or tree 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 or tree 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. They could be suitable for maternity roosts or hibernation sites.

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

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 29<sup>th</sup> July and 19<sup>th</sup> August 2022 and a Dusk Emergence survey was completed on 7<sup>th</sup> September 2022, 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.

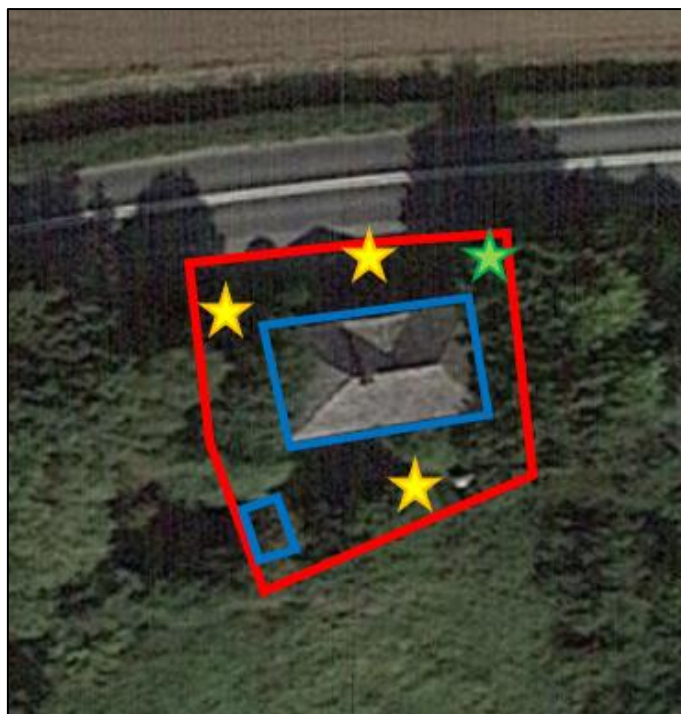
Table 1. Survey timings and conditions

|                      | Dawn Survey<br>29/07/2022 |       | Dawn Survey<br>19/08/2022 |       | Dusk Survey<br>07/09/2022 |       |
|----------------------|---------------------------|-------|---------------------------|-------|---------------------------|-------|
|                      | Start                     | End   | Start                     | End   | Start                     | End   |
| <b>Time</b>          | 03:50                     | 05:20 | 04:25                     | 06:10 | 19:20                     | 21:20 |
| <b>Temp (°C)</b>     | 18.0°                     | 18.0° | 10.0°                     | 10.0° | 17.0°                     | 16.0° |
| <b>Wind (Bft)</b>    | 1                         | 1     | 0                         | 0     | 0                         | 0     |
| <b>Cloud (Octas)</b> | 8                         | 8     | 0                         | 0     | 8                         | 8     |
| <b>Precipitation</b> | Dry                       |       | Dry                       |       | Light shower at start     |       |
| <b>Sunset/rise</b>   | 05:24                     |       | 05:58                     |       | 19:45                     |       |

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. Surveyor locations (yellow stars) and camera (green star) (www.google.co.uk/maps accessed 01.08.2022)



## **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 is also a single-storey brick outhouse, front and rear gardens and 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

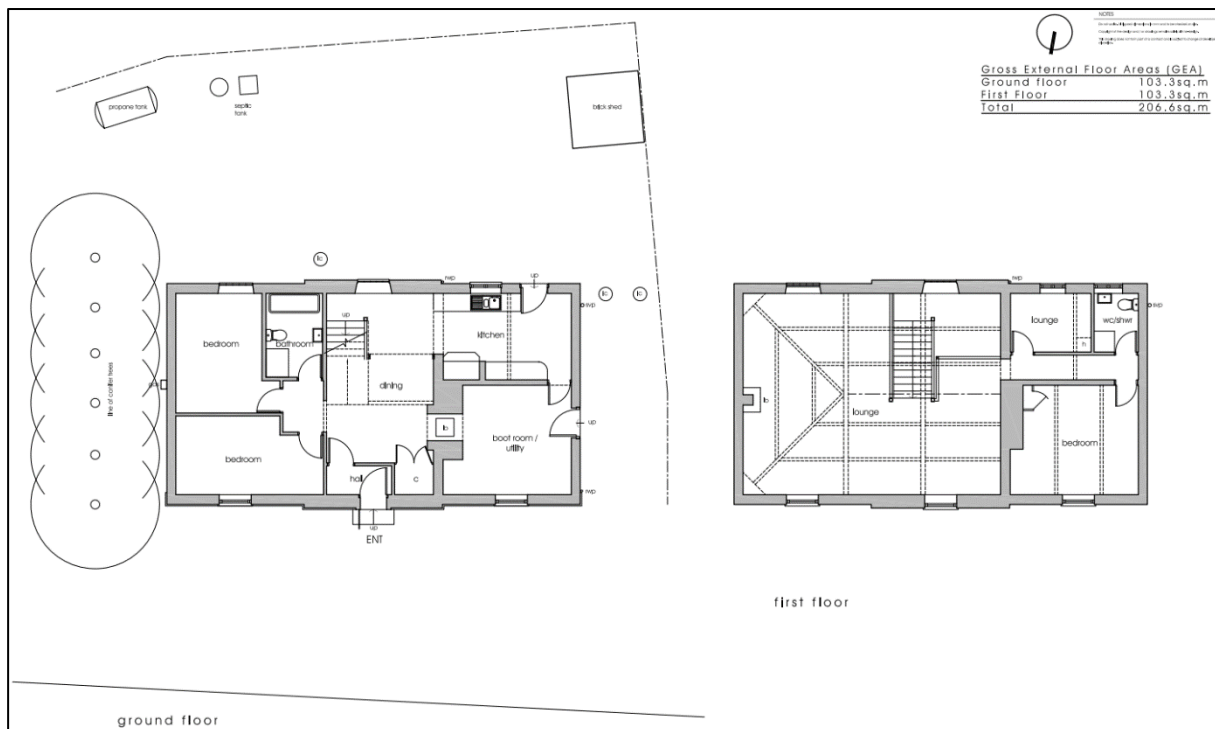


Figure 5. Existing elevations of Chapel House



### 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*).

The outhouse is built from single thickness red brick with an open doorway and tin sheet roofing, this building is in poor condition with the door missing and roof damaged. The bricks are also crumbling due to the weather eroding the brickwork (*Plate 5*).

*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)*



*Plate 5. Outhouse*

### 3.2.3 Internal building description

Internally the ground floor is in a poor state of disrepair with evidence 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 6*). 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 7 to 8*).

*Plate 6. Exposed timber roof beams in lounge*

*Plate 7. Interior of loft*



*Plate 8. Loft roof beams and roof membrane*



### **3.2.4 Suitable roosting features and evidence**

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 9 to 11*).

There were no bat droppings recorded within the loft space of the Chapel with cobwebs observed along the wall top inside the loft (*Plate 12*), however due to the limited access available into the loft space and the gaps noted around the chimney, gaps where tiles have slipped and gaps along the wall tops Chapel House offers roosting areas for bat species with access easily possible for bats into the loft space and wall tops.

*Plate 9. Holes in the brickwork on the rear of the property and damaged window frames/broken panes of glass*



*Plate 10. Gap above the front door*



*Plate 11. Examples of lifted roof tiles (yellow arrows) and gaps under the chimney flashing (red arrows)*



*Plate 12. Cobwebs over beams within the loft space*



The small outhouse within the rear garden is in poor condition with crumbling brickwork, damaged roof sheets and a missing door. There is no enclosed loft space within this building and the walls are single thickness brick. No evidence of bat use was recording during the initial roost assessment and no suitable roosting features were found within this building. The building does offer some suitable areas for perch feeding, however no feeding remains were found inside the outbuilding (*Plate 5*).

The mature Oak tree located within the rear garden of the property is in good condition, smooth-stemmed with no signs of disease and no visible cavities, holes or pruning wounds were noted. The bark is 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 *Plates 13*.

*Dawn return survey – 29<sup>th</sup> July, sunrise at 05:24*

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

*Dawn return survey – 19<sup>th</sup> August, 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 13*)

*Dusk emergence survey – 7<sup>th</sup> September, sunset at 19:45*

- **One *Myotis* spp.** emerged from under a loose tile on the northern elevation of the Chapel at 20:25 (*Plate 13*)

*Plate 13. 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.

### **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 Oak tree within the rear garden of the property offers suitable nesting opportunities for a range of bird species, although no evidence of birds nesting was noted at the time of the surveys birds may attempt to nest within the Oak tree prior to works commencing on site.

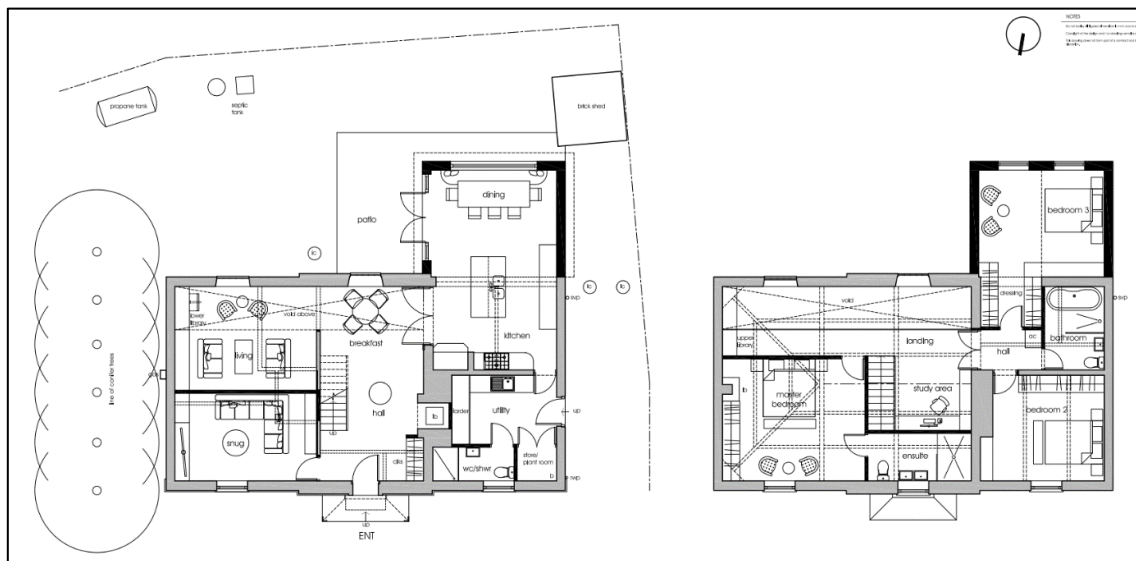
The majority of the habitats impacted by the proposed works are buildings, hard standing and ornamental garden areas, however the felling of the Oak tree will result in the loss of some suitable nesting habitat for bird species.

## 4 EVALUATION

### 4.1 Summary of Proposals

The proposed development involves the construction of a two-storey extension to the rear of the Chapel and a porch on the northern elevation. Proposals also involve renovation of the Chapel, patio areas along part of the southern elevation of the dwelling and the removal of the outhouse and felling of a mature Oak tree within the rear garden area (*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

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, the dwelling was found to support two day roosts of individual *Myotis* spp. The proposed extension works and roof repairs would therefore cause the loss or disturbance of two day roosts and/or injuring/killing of up to two *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)<sup>11</sup>. 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 European Protected Species (EPS) 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;

- 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 two 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 bird box will be placed 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 8°C). Following this they will be permanently filled using the same methods as above.
- Roof stripping and the removal of the slate tiles and ridgeline tiles will be completed under the watching brief of a licenced ecologist, with the roof tiles being removed carefully by hand. Supervision by the ecologist of repair works to the roof, chimney and ridgeline will also be required due to these features offering suitable roosting areas for bat species.

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<sup>11</sup> 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.

- 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 being retained post-development, some disturbance will occur during the construction phase when the roofs are being tied-in and repair work undertaken but the existing roost entrance at the wall top will not be affected by the proposed works.
- 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 one Beaumaris Woodstone Bat Box (or equivalent) into the new extension section of the property (*Figures 9 & 10*).
- Breathable roofing membranes (BRM) must not be used in the construction of the new extension where roosting features could be created due to issues with bat entanglement and reduced membrane performance if used in areas of bat use. 1F bitumastic felt should be used instead.
- 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 west and south of the site (blue stars =Schwegler 2F, or equivalent, and bird nest box)*

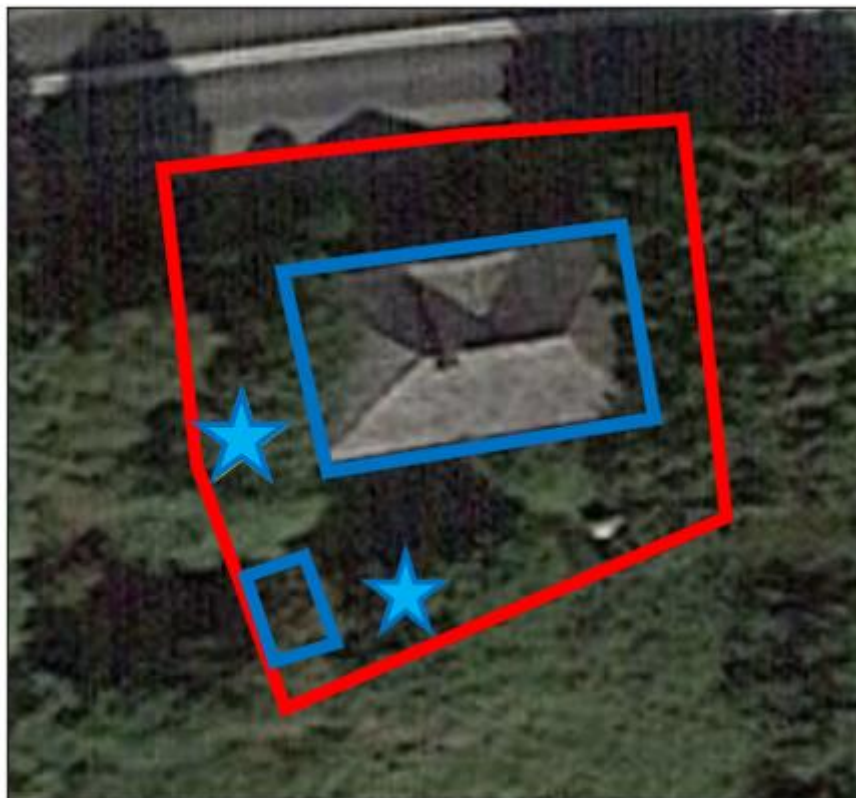


Figure 9. Proposed Beaumaris Woodstone bat box location on Chapel (red rectangle)

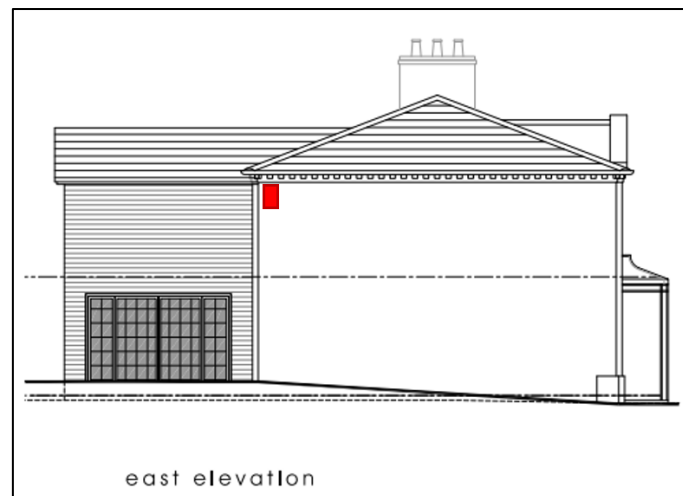
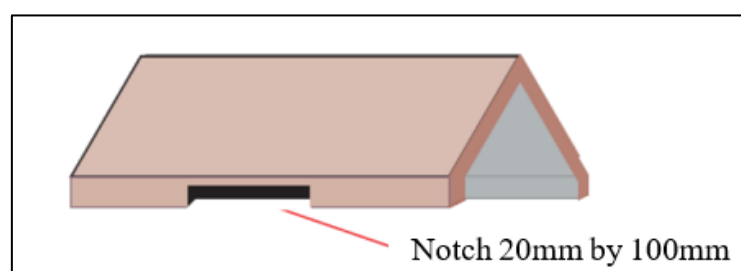


Figure 10. Proposed lifted ridge tile locations on Chapel (green rectangles)



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 Oak tree within the rear garden of the property offers suitable nesting opportunities for a range of bird species and although no evidence of birds nesting was noted at the time of the surveys, birds may

attempt to nest within the Oak tree prior to works commencing on site. Where possible the felling of this tree should occur outside of the bird nesting period (March to August inclusive). Should the Oak tree need to be felled within the nesting bird period then a pre-works nesting bird check will need to be undertaken by a suitably competent ecologist to ensure no birds are actively nesting within the tree.

The majority of the habitats impacted by the proposed works are buildings, hard standing and ornamental garden areas, however the felling of the Oak tree will result in the loss of some suitable nesting habitat for bird species and as such new nesting provision must be included within the proposed extension area.

A combination of one hole-fronted and one open-fronted nest box will be erected on the mature trees to the west and south 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 new extension 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 it 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.