



BAT REASONABLE AVOIDANCE MEASURES METHOD STATEMENT

BROAD OAK BARNs, ROSSETT

MAY 2022

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This report has been prepared by Sambrook Associates Ltd on behalf of COF in connection with the renovation and conversion works Broad Oak Barns and takes into account their particular instructions and requirements. It is not intended for, and should not be relied on, by any third party and no responsibility is undertaken to any third party.

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1 INTRODUCTION

1.1 Background Information

- 1.1.1 Sambrook Associates Ltd was instructed by COF to produce this Reasonable Avoidance Measures Method Statement for bats in relation to the conversion of barns that do not support bats at Broad Oak Farm, Rossett. The development has received planning permission but requires a derogation licence from NRW for works to proceed on barns that support a bat roost.
- 1.1.1 Following telephone discussion with Mr Matt Ellis of NRW regarding ongoing mitigation design, programme and format, Matt confirmed it would be acceptable for the development to commence so long as this does not constitute an offence under the Conservation of Habitats and Species Regulations 2017, as amended. In practical terms, this means that under no circumstances can the barns that support bats undergo any disturbance or destructive works. Nor can the external commuting habitat be significantly changed such that it would cause isolation and fragmentation of the roosts.
- 1.1.2 The works proposed to be undertaken under this RAMS, prior to the issuing of a derogation licence from NRW are as follows:
- Demolition of the low potential single storey buildings
 - General tidying up of the site; clearance of debris to allow a clear, ready site
 - Drainage works (where this does not cause noise/vibration effects on roost buildings)
- 1.1.3 It is noted that if a bat or bats are found during the course of the RAMS works, works will stop in that area until the situation is rectified under licence.
- 1.1.4 Bat surveys were undertaken on the buildings A-M in 2017, 2018, 2019 and 2021. Surveys were undertaken in accordance with the methodology set out in the Bat Conservation Trust's handbook *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins, 2016).
- 1.1.5 The surveys identified Buildings A, B, D and M as supporting bat roosts (see Figure 1 below). **These buildings must be retained in situ and not subjected to disturbance.**

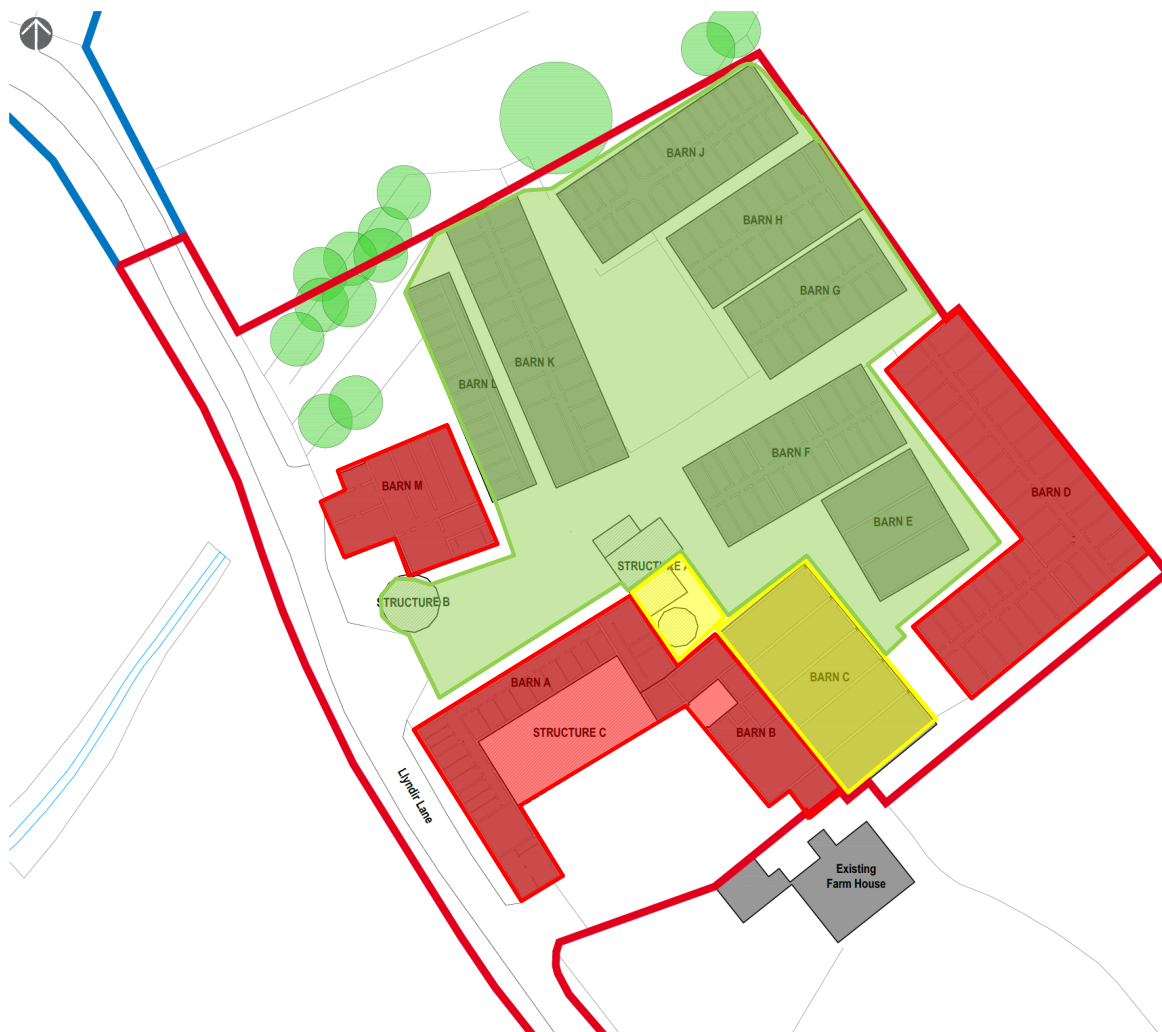


1.2 Licensable Works

- 1.2.1 A licence from Natural Resources Wales is required to undertake any works that may affect the bat roosts – this includes direct interference including removal of roof materials (internally and externally) and indirect impacts including noise, vibration and dust and inadvertent interference with roost entrances from adjacent works.
- 1.2.2 A licence to destroy the roosts due to renovation and demolition will be applied for imminently. The aim of this Method Statement is allow some works to commence whilst avoiding any impact on bats and to avoid any contravention of current legislation. Once the licence is in place, the methods of working are unlikely to change but areas that can be worked on will no longer be limited, subject to conditions of the licence.

1.3 Exclusion and Work Zones

1.3.1 The following RED exclusion zone is in place until further notice (i.e. until the licence has been granted). **WORKS ARE NOT PERMITTED IN THE RED EXCLUSION ZONE UNDER ANY CIRCUMSTANCES – THESE ARE HIGH RISK AREAS.** The Green zone shows which buildings/areas can be worked on under this Method Statement – these are low risk areas. The Yellow zones are locations that may be able to be worked on following full review of working methods and timings – these are areas that may be constrained and hence require further consideration.



1.4 Legislation

- 1.4.1 Many sites, animals and plants are protected by European and/or UK legislation either because of their decline across Europe and the UK or due to the persecution they have placed upon them by negligent or illegal acts such as baiting or trade. Legislation is also in place to prevent the spread of introduced or non-native invasive species and harmful weeds. When undertaking an appraisal of a proposed development, such legislation is taken into account as follows.
- **European:** Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'); and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (codified version of Directive 79/409/EEC as amended) (the 'Birds Directive').
 - **UK (England & Wales):** • The Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitat Regulations') which transposes the Habitats Directive in UK law. Since 1st January 2021, the UK is no longer a member of Europe but since the Habitats Directives are embedded into UK statute, The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 was published and still applies in England and Wales; The Wildlife and Countryside Act 1981 (as amended); the Countryside and Rights of Way Act (CRoW) 2000; the Protection of Badgers Act 1992; the Natural Environment and Rural Communities Act (NERC) (2006) and the Environmental Protection Act (EPA) 1990.
- 1.4.2 All bat species and birds are protected to varying degrees under this legislation.
- 1.4.3 All bat species are protected in the UK under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). The species is also protected under Annex II of the Council Directive 92/43/EEC 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (the EC Habitats Directive). This has been transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales. Bats are referred to as European Protected Species (EPS).
- 1.4.4 It is an offence to deliberately capture, injure or kill a bat; intentionally or recklessly disturb in a way that would affect their local distribution or abundance, or affect their ability to survive, or breed. It is also an offence to damage or destroy a bat roost and to possess, advertise, control, transport, sell, exchange or offer for sale/exchange any live or dead bat or any part of a bat.
- 1.4.5 If you wish to undertake works that would affect an EPS then you will need a licence. Natural Resources Wales (NRW), in exercise of the powers conferred under regulation

53(1) and 56(3) (a) of the Conservation of Habitats and Species Regulations 2017, may issue licences for the following purposes:

- Preserving 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;
- Preventing the spread of disease;
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries; to allow people to carry out activities which would otherwise be illegal;

1.4.6 Before issuing a licence under the Habitats Regulations, the licensing authority must be satisfied that “there is no satisfactory alternative” to the work as proposed and, that the proposed actions “will not be detrimental to the maintenance of the population of the species at a favourable conservation status (FCS)”.

1.4.7 To ensure these requirements are met, the licensing authority must have enough information to complete an assessment of the application. This includes sufficient survey data so that the roost and how it is used by bats is understood, and impacts upon the roost are appropriately assessed so that mitigation and/or compensation can be designed into the proposed development that will ensure the bat population can be incorporated and maintained in the long term.

2 METHOD STATEMENT

2.1 Introduction

2.1.1 The above information is used to inform this Method Statement. The purpose of this Statement is to:

- Avoid committing an offence in regard to bats; and
- Ensure the favourable conservation status of the species is maintained.

2.1.2 This Method Statement applies to works outside of the Red exclusion zone and may be applied to the Yellow zone, if considered satisfactory by the retained ecologist. A further works methodology may be applied once a licence has been granted for the buildings associated with the bat roosts.

2.1.3 Although there has been a detailed survey effort undertaken over a number of years and these have found roosts in distinct locations, there is the risk that bats may roost in other parts of the complex – bats often take advantage of other roosting opportunities throughout the year so although sufficient survey, assessment and protocol have been followed, there is still a risk that bats will be found during the course of works. This Method Statement therefore advises how to ensure bats stay safe during demolition and roof stripping works and what to do if a bat is inadvertently encountered.

2.1.4 It is noted that the non-roost buildings are in a very poor state and continue to offer either Low or Negligible suitability for bats – therefore it is considered that the risk of encountering bats during the course of building clearance is extremely low.

2.1.5 **Site owners, contractors, directors, other personnel and their agents are reminded that many species and habitats are protected by law, and to kill, injure or harm such species and their habitats is a criminal offence. Custodial sentences and/or large financial penalties are expected if you break the law.**

2.1.6 The overriding emphasis of the avoidance strategy is preventing harm and securing the long-term viability of populations. The Methodology is as follows:

- The commencement of works to the building will commence outside of the hibernation period (November to March).
- All site operatives will be subject to a site induction, which will include a tool-box talk on bats (example attached at Appendix A for reference) so that they are fully aware of current legislation protecting bats, likely places to find bats and key signs of the presence of bats and of the controls to be applied in the event that bats are encountered during any phase of works.

- A 'soft works' technique will be used for the initial works, to include removal of roof materials either by hand or methodical mechanical removal. Roof materials on the non-roost buildings comprise either cement or asbestos sheeting – asbestos this will be removed by specialist contractors who as standard are required to remove asbestos with care. This methodical removal will be of benefit in reducing the risk of harm to bats. The contractors and retained ecologist are to discuss appropriate removal methods.
- General site clearance works will be undertaken in the green zone using machinery and other modes of clearance. The works are not to cause vibration or significant noise to the nearby roost buildings.
- Drainage works will commence using machinery, an offset of at least two metres is to be maintained from buildings A, B, D and M to limit risk of vibration impacts on the roost buildings.
- A Level 2 NRW licensed ecologist will provide a watching brief during the initial works, including removal of roof materials and will be available on an on-call basis throughout construction. If any bats are found at any other times, the ecologist will be contacted immediately.
- Although a licensed bat worker/accredited agent will supervise the initial works, there remains the risk that bats could be encountered during other phases of works, therefore, the Site Manager and Contractors will be briefed on the correct procedure to follow in this instance. This will involve stopping works and leaving the bat in-situ, covering the immediate area as necessary to protect it from the elements and contacting the retained ecologist at once who will be available to attend site at short notice.
- **ANY BATS FOUND DURING THE COURSE OF THE WORKS WILL BE CAREFULLY RE-COVERED. WORKS IN THE VICINITY WILL CEASE. THE RETAINED ECOLOGIST IS TO BE CONTACTED IMMEDIATELY AND A COURSE OF ACTION WILL BE DEvised. THIS MAY INCLUDE REQUIRING AN AMENDMENT TO THE LICENCE TO INCLUDE A NEW ROOST.**

APPENDIX A – TOOLBOX TALK

TOOLBOX TALK: BATS

IDENTIFICATION

You may find bats in any number of places, they tend to prefer dark, quiet spots with good shelter, such as holes and cracks in trees, roofs and walls of buildings, under bridges, old tunnels and in caves. Signs of bat presence include discarded moth wings, staining around crevices and small mouse like droppings which crumble easily.



LEGISLATION

All bats and their roosts are protected by UK and European Law. This makes it **illegal to kill, injure, capture or disturb bats** or obstruct access to, damage or destroy their roosts and protects important feeding areas from damage or disturbance. Under law, a roost is any structure or place used for shelter or protection.

Site owners, contractors, directors, other personnel and their agents are reminded that many species and habitats are protected by law, and to kill, injure or harm such species and their habitats is a criminal offence. Custodial sentences and/or large financial penalties are expected if you break the law.

YOUR WORK METHODS

- Roofing materials are to be lifted and removed either by hand or by carefully controlled machinery. Noting the presence of asbestos, specialist contractors are to be briefed by the retained ecologist to discuss an appropriate method of removal.
- Check crevices for signs of bats before moving onto the next section.
- The retained ecologist will be on hand to provide a watching brief during initial works
- Ground works are to maintain a minimum 2m clearance from Buildings A, B, D & M.

WHAT TO DO IF YOU FIND BATS

ANY BATS FOUND DURING THE COURSE OF THE WORKS WILL BE CAREFULLY RE-COVERED. WORKS IN THE VICINITY WILL CEASE. THE RETAINED ECOLOGIST IS TO BE CONTACTED IMMEDIATELY AND A COURSE OF ACTION WILL BE DEVISED. THIS MAY INCLUDE REQUIRING AN AMENDMENT TO THE LICENCE TO INCLUDE A NEW ROOST.

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