TYNE ECOLOGY

Ecological Impact Assessment - Bats and Birds

20 St Peters Avenue, South Shields, NE34 6NH



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Date: 4th October 2023

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Desk Study | Field Survey Dates	September 2023| 27/09/2023|28/09/2023

VERSIONING AND QUALITY CONTROL

Status	Version	Author	Reviewed by	Date
Final	1.0	Tim Sexton	Debbie Goldsmith	4th October 2023

DISCLAIMER

This report has been prepared by Tyne Ecology for Helen Henderson solely as an Ecological Impact Assessment for Bats and Birds. Tyne Ecology accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

The evidence which we have prepared and provided is true, and in accordance with the guidance of The Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

LONGEVITY

Survey data should ideally be from the last survey season before a planning or licence application is submitted, although the length that survey data remains valid should be decided on a case-by-case basis and is dependent upon several factor (Collins, 2023).

If development works do not begin within eighteen months to two years of the date of the last survey (27/09/2023), an update survey may be required in accordance with guidance in BS 42020:2013[1] and CIEEM (2019), to determine if conditions and evidence of bat use has changed since described in the current report.

[1] As set out in Section 6.2.1, Point 7 which states that ecological information should not normally be more than two/three years old, or as stipulated in good practice guidance.

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SUMMARY

Brief and Site Location	This report presents the findings of an Ecological Impact Assessment (EcIA) for bats and birds of 20 St Peters Avenue, South Shields, NE34 6NH (Ordnance Survey Grid Reference centred at: NZ 3752 6503). The building is referred to as B1 in this report.
Proposed Works	Plans are for a two-storey side extension and re-roofing of current rear extension.
Work undertaken	A preliminary roost assessment (PRA) for bats and birds was undertaken by Tyne Ecology in September 2023. The PRA determined that building B1 had **low suitability** for supporting roosting bats. One bat emergence survey was undertaken on 28/09/2023.
Survey Results	No bats were observed roosting in the building.
Requirements for Additional Surveys	No further surveys required.
Recommendations for bats	As the occasional/opportunist bat can turn up at any time, works must be undertaken following the Precautionary Working Method Statement provided within this report (see Appendix VIII) to ensure that no bats are killed, injured, or disturbed and no roost sites are damaged, destroyed, or have access to them obstructed. Should bats be found during the development, work must cease immediately, and a suitably licenced and experienced ecologist must be contacted for advice. Reason: Bats and their roosts are protected by law. As an enhancement for biodiversity a bat box (e.g. https://www.nhbs.com/beaumaris-woodstone-bat-box) should be installed near the eaves of the south elevation of the new extension on B1. Reason: The Local Planning Authority has a duty 'minimising impacts on and providing net gains for biodiversity'.
Recommendations for birds	In the unlikely event that birds are found nesting in the building, work must cease and active nests protected until young have fledged.
Conclusions	Providing the recommendations given within this report are successfully implemented, the proposed development can proceed without detriment to the maintenance of the local population of bats at a favourable conservation status and without impacts on other protected/priority species and habitats.

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IMPORTANT NOTE:

It should be noted that implementation of the recommendations listed within this report may be made a condition of any planning permission granted and therefore this report should not be submitted in support of a planning consent application if there is any doubt that all of the recommendations can be fully implemented.

The recommendations within this report are those we consider are necessary to allow an LPA to grant planning consent. However, if you believe any recommendation may be problematic for your development, please contact Tyne Ecology to discuss any concerns before submitting this report in support of a planning application.

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1 INTRODUCTION

1.1 Tyne Ecology was commissioned by Helen Henderson (the client) to undertake an Ecological Impact Assessment (EcIA) for bats and birds of terraced property at 20 St Peters Avenue, South Shields, NE34 6NH (Ordnance Survey Grid Reference centred at: NZ 3752 6503). The building is referred to as B1 in this report.

1.2 Plans are for a two-storey side extension and re-roofing of current rear extension.

1.3 The principal author of this report is Tim Sexton who holds a Natural England Bat Licence Level 2 no: 2020-44753-CLS-CLS. He has 19 years' experience of surveying for bats and has qualifying membership of the Chartered Institute of Ecology and Environmental Management (CIEEM), membership no: 17054.

Site description

1.4 The site lies in the town of South Shields in South Tyneside.



Figure 1: Aerial image of the site (red dot denotes the site). Image used under licence (Google 2023). Imagery date 28/09/2023.

Purpose of this report

1.5 This report aims where possible to provide sufficient information for the local planning authority to fully assess the potential ecological impacts of the proposed development on bats and birds, or alternatively, to identify what further information is required to fully inform the scheme.

1.6 Surveys have been used to establish the need for, and extent of, any mitigation or compensation measures required as part of the proposed development.

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2 METHODOLOGY

Desk study

2.1 A biodiversity desk study was undertaken in relation to the site in September 2023. The sources consulted and the type of information obtained are summarised in Table 1 below.

Table 1: Sources of biodiversity and ecological records.

Source	Information requested (search buffer from site centre/boundary)
Multi-Agency Geographic Information for the Countryside (MAGIC)[2]	• Statutory Sites (1km) • Priority Habitats (1km) • EPSMLs (2km)
Environmental Records Information Centre North East	• Bat records (2km) • Non-statutory Sites (1km)

2.2 The search buffers are considered sufficient to cover the potential zone of influence (ZoI)[3] of the proposed development.

2.3 The impacts of the proposed development on the biological integrity of any nearby designated protected sites have been fully considered.

2.4 A search was undertaken for previous ecological survey information for the site via the local authority planning portal[4].

Preliminary roost assessment

2.5 A field survey was undertaken on the 27/09/2023.

2.6 An assessment of the structures/trees to be impacted by the development was undertaken in accordance with the latest published best practice guidance (Collins, 2023).

2.7 Structures were externally and internally inspected for bats and their signs with the aid of a Petzl ACTIK® CORE ACTIVE torch, PRAKTICA Falcon 8x40 binoculars and a Bosch Inspection endoscope.

2.8 The suitability of structures/trees on-site for bats to roost in was assessed, along with a systematic search for signs of bats (e.g. droppings, moth/butterfly wings, scratch marks, staining) or actual bats that were present. Particular attention was paid to the roof areas, with searches for gaps in walls, gaps between beams and joists, droppings stuck to the walls, floors, or other surfaces, or feeding remains below beams.

2.9 Bat droppings, if found, were collected for DNA analysis.

2.10 In addition, structures/trees were classified according to suitability for bats, based on the presence of features within them and / or landscape, see Table 2 below.

2.11 The site habitats were assessed for suitability for bats, see Table 3 below.

2.12 Evidence for barn owls and other breeding birds was recorded along with any other ecological constraints.

[2] https://magic.defra.gov.uk/
[3] https://cieem.net/wp-content/uploads/2018/01/Guidelines-for-Preliminary-Ecological-Appraisal-Jan2018-typo-edit.pdf
[4] https://publicaccess.gateshead.gov.uk/online-applications

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Table 2: Summary of guidelines for assessing the potential suitability of proposed development sites for bats (from Collins 2016).

Suitability	Description of roosting habitats	Number of activity survey visits required
Negligible	No obvious habitat features on site likely to be used by roosting bat.	None
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year.	One, in the period May to August
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.	Two, in the period May to September with at least one of the surveys between May and August
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.	Three, in the period May to September with at least two of the surveys between May and August
Confirmed roost	Evidence of bats or use by bats found	Minimum of two surveys to characterise the roost in the period May to September with at least one of the surveys between May and August

Table 3: Summary of guidelines for assessing bat habitat suitability (from Collins 2016).

Suitability	Description of commuting and foraging habitats
Negligible	No obvious habitat features on site likely to be used as flight-paths or by foraging bats.
Low	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.
Moderate	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

Surveyor information

2.13 The PRA was undertaken on 27/09/2023 by Debbie Goldsmith who is an Accredited Agent against bat survey licence Level 2 (Class Licence) 2020-44753-CLS-CLS and holds qualifying membership of the Chartered Institute of Ecology and Environmental Management (CIEEM), membership no: 21506.

Limitations and constraints

2.14 There were no limitations to the survey. It is considered that with the access gained and recording undertaken that an accurate assessment of the sites ecological value with regard to bats and birds has been made.

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Bat emergence surveys

2.15 One bat survey was undertaken of the building by three surveyors observing all potential roost features with the survey lasting between 1 ½ to 2 hours after sunset.

2.16 Surveyors were equipped with a night vision aids (NVAs) - infrared video cameras (Nightfox Whisker) and/or thermal camera (Hikmicro Lynx 15/Guide IR Pro 19). Video was reviewed in real time using VLC viewer. Without the use of NVAs any bats emerging 45 mins after sunset would not have been visible and reviewing camera footage confirms surveyor observations.

2.17 Positions of surveyors and NVAs are shown in Appendix II: Bat Survey Plan.

2.18 Surveyors were equipped with full spectrum bat detectors (Anabat Scout), survey recording sheets and pens. Each bat detector used by surveyors (numbered/initialled) was recorded.

2.19 A note was made of all bat activity recorded including (where appropriate) roost access points, species, time of emergence/re-entry, direction of flight, behaviour (foraging or commuting) and use of landscape features.

2.20 Analysis of bat recordings was undertaken using Sonobat 30 United Kingdom and Anabat insight version 2.0.8-1.

Surveyor information

2.21 Table 4 below shows details of surveyors undertaking each survey, their position and bat detector used.

Table 4: Surveyor information.

Surveyor	Licences & Experience	Survey(s)	Position/Detector
Debbie Goldsmith	2 years' experience surveying for bats	Dusk 28/09/2023	1/8
Josh Pace	2 years' experience surveying for bats	Dusk 28/09/2023	2/9
Ken Wright	6 years' experience surveying for bats	Dusk 28/09/2023	3/1

Limitations and constraints

2.22 The emergence survey was undertaken outside the recommended survey period May to August but in this instance, it is not considered a major limitation for the following reasons:

- the high level of access to potential roost areas for inspection yielded no evidence for bats and there is a very high level of confidence the site is not used as a maternity roost
- bats remain active at this time of year and there is validity in a survey to evidence potential presence absence of day roosts and at this time of year transitional roosts.

2.23 This limitation was discussed (phone conversation), prior to the survey, with South Tyneside Council ecologist Claire Rawcliffe. It was agreed that based on verbal description of the site and lack of maternity roost potential that the survey would be considered valid subject with final judgement reserved until sight of this final report.

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3 RESULTS

Desk Study

Designated sites

There are no designated sites within 1km,.

Protected species

3.1 A search of the magic.gov.uk database for granted European Protected Species Mitigation Licences (EPSMLs) for bats, within a 2km radius of the site, found records of roosts that have been destroyed under licence (see Table 5 below).

Table 5: Granted EPSMLs (bats) within 2km of the site

Case reference of granted application	Approx. distance from site (m)	Bat Species Effected	Licence Start Date:	Licence End Date:	Impacts allowed by licence
EPSM2010-2058	1880m W	C-PIP	09/09/2010	31/10/2010	Destruction of a resting place
EPSM2009-1146	1900m S	C-PIP	02/09/2009	31/08/2010	Destruction of a resting place

Priority habitats

3.2 A search of the magic.gov.uk database found priority habitats within 1km of the site, see Table 6 below.

Table 6: Priority habitats within 1km of the site.

Habitat	Distance & direction of nearest (approx.)
Deciduous woodland	490m N

Historical bat records

3.3 Bat records held by the Local Environmental Records Centre (LERC) within 2km of the site are summarised below:

- **Bats**
  10 records, 1 roost of "decent number" recorded in 2004 on Sunderland Road. (St Peters Church is in Sunderland Road, mentioned in other records). St Peter's Church is approx. 150m from the site.
- **Pipistrelle bats**
  4 records. One roost of 36 recorded 1500m away in 2015. Nearest flight 150m away at St Peters Church.
- **Common pipistrelle bats**
  16 records, 3 roosts; 1 bat 1830m away in 2009 and 1-3 bats and 1-4 bats recorded in 2007 and 2008 respectively in Sunderland Road area (within 200m of the site).

Previous surveys

3.4 A search of the local authority planning portal found no previous ecology surveys for this site.

Field Survey

3.5 Prevailing weather conditions during the field survey are summarised within Table 8 below.

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Table 7: Summary of weather conditions during the field survey

Date	Weather conditions			
	Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort scale]	Precipitation
15/09/2023	14	8	3	None

Description of surveyed buildings

3.6 A semi-detached house was surveyed (B1).

3.7 The house was built of brick and covered with pebble dash.

3.8 The main roof was constructed of wood, it was joined to the neighbours roof at the east side and was hipped at the west. It was covered with flat clay tiles which were cement welded onto wooden laths. There was no underfelt/lining. The ridge was made of clay ridge tiles mortared onto roof and between tiles. There were two chimneys protruding with lead flashing around the base. There was a boiler flue pipe protruding through the roof at the rear.

3.9 The wooden eaves over sail the wall tops and the underneath was pointed up to the wood. All guttering was cast iron.

3.10 The attic was partially floored with boards and was insulated beneath with mineral wool. Unboarded area to sides were insulated with mineral wool.

3.11 There was a brick build extension to the rear which had a flat roof covered with bitumen felt. This had wooden fascias to the sides and plastic guttering. The internal roof was plastered so that the roof construction could not be seen.

3.12 The windows and doors were UPVC.

3.13 At the front of the house there was a small brick built porch with a pitched roof matching the main roof. There was a double height bay window with a lead top on.

Preliminary Roost Assessment of surveyed buildings

<u>External Inspection</u>

3.14 The roof tiles were well fitted, and no gaps were seen externally.

3.15 Timber at the eaves was tightly fitted to the wall tops right around the house with no gaps found.

3.16 There was one gap under two ridge tiles where the mortar has slipped, this was on the rear of the roof.

3.17 The ridge tiles on the hips were secure and all gaps, including at ends, filled with mortar leaving no gaps.

3.18 The doors and windows were well fitted with no gaps at edges, apart from the downstairs window at the rear which had gaps at the head.

3.19 The fascia around the flat roof extension was tightly fitted leaving no gaps. There were some gaps under lifted edges of bitumen felt at the south and east elevations. These were examined and did not seem to lead to any suitable voids that could be used by roosting bats.

3.20 The tiles on the front porch roof were lifted in places and left suitable crevices for bats.

3.21 The lead flashing on top of the bay window was lifted at edges and provided potential gaps for bats. The lead flashing next to both chimneys was lifted in one place on each also providing a crevice for bats.

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3.22 There were no signs of bats such as staining or droppings around the house and on windowsills.

Internal inspection

3.23 There were areas of the attic with layers of dust showing little disturbance for a long time. There were also stored items such as plastic boxes with flat lids which easily show up bat droppings. Neither area had bat droppings or other evidence of bats present.

3.24 The main roof was in good condition and reflected the observations of the external inspection. There was very little light ingress in the attic space. In a very few areas the cement welds had fallen off revealing a small space between tiles. The majority of spaces found were too narrow to allow bats to enter, two were of marginal size, just over 1cm and could possibly have allowed access to bats. Areas beneath these spaces were closely checked for signs of bats and there were none.

3.25 The area where the eaves met the wall tops appeared very secure and well fitted with no light ingress.

Habitats on and around the site

3.26 The site is suburban. The house is in a street and there are a few small trees and hedges in the vicinity. Nearby the back of the house is St Peters Church and churchyard, which is a small green area with scattered trees. Generally, connectivity to more distant areas of good foraging suitability are poor.

3.27 Records show low numbers of pipistrelle bats in the local area.

Other protected/priority species

3.28 No other protected species/priority habitats were noted on-site or in close proximity.

Bat Emergence Surveys

Timing and conditions

3.29 The survey timings and weather conditions during the surveys are shown in Table 11 below.

Table 8: Survey timings and weather conditions.

Date	Type	Survey Timing			Conditions [Start/Finish]			
		Start	End	Sunset/ Sunrise	Temp [°C]	Cloud Cover [Oktas]	Wind Speed [Beaufort]	Rain
28/09/2023	Dusk	18:35	20:30	18:50	14/14	7/6	2/2	Nil

3.30 The results of the bat emergence surveys are summarised in Table 12 below.

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Table 9: Bat activity survey results. SS±xx refers to the time in minutes before/after sunset and SR±xx refers to the time in minutes before/after sunrise.

Survey type and date	Roosts / points of interest	General observations
Dusk emergence 28/09/2023	No bats were observed emerging from the building.	7 recordings of common pipistrelle bats were made during the survey. The first bat was recorded at 19:21 (SS+31). One bat was observed commuting from the churchyard to the south east.

3.31 Bat flight lines in and around the site can be seen in Appendix II: Bat Survey Plan.

3.32 Field of views of NVAs are shown in Appendix VI.

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4 INTERPRETATION AND ASSESSMENT

4.1 The following interpretation and assessment are provided to ensure full compliance with both UK and European legislation and both local and national planning policy, see Appendix IX.

Designated Sites

4.2 There will be no impacts on designated sites as a result of the development.

Preliminary Roost Assessment (PRA) for bats (and nesting birds)

4.3 Based on the results of the PRA, an assessment of the potential suitability of the on-site buildings for bats and nesting birds could be made, see Table 14 below.

Table 10: Suitability of surveyed structures/trees for bats and nesting birds.

Structure/Tree Reference	Suitability / confirmed use	
	Bats	Nesting birds
B1	Low	Negligible

Bats

4.4 In consideration of the following factors the building is assessed to have low suitability for bats:

- the building has a small number of gaps that could allow access for bats.
- the lack of any evidence of bats, would indicate that if roosting bats are present, they are likely to be present rarely and in small numbers (individuals).
- the roof had no underfelt/sarking to conceal evidence of bats, such as droppings, and with none found it is likely there are no bat roosts present especially given the extent of access available to inspect.
- records show that bats likely to use the site would be pipistrelle species and a low number of roosts have been recorded in the area.
- the habitat around the site is considered to be of low suitability for foraging and commuting bats with poor connectivity to sites of higher value.

4.5 The planned development involves impacts on the current roof and could therefore result in destruction of roosts, and if present, death/injury, and or disturbance of bats.

Nesting Birds

4.6 There was no evidence of nesting birds. No suitable gaps were not found that could be used by nesting birds.

Other Protected/priority habitats and species

4.7 There will be no impacts on other protected/priority habitats and species.

Emergence Survey

4.8 No bats were seen emerging from the building and level of bat activity during the survey was very low, indicating

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Impact Assessment on bats

4.9 Given the high level of access available to inspect potential roost features in the building and finding no evidence of bats, the low number of bat records in the immediate area, and the absence of roosting bats (and low level of activity) during the survey, it is considered that the presence of roosting bats is very unlikely.

4.10 The works will not impact roost features (gaps) under bay window flashing or gaps at head of window found at the rear.

4.11 Given the lack of underfelt/lining in the roof if bats were roosting on the ridge timber below ridge tiles it would have been likely that droppings would have been found below this area within the attic. No droppings were found.

4.12 Given the survey effort undertaken and access gained it is considered that it is highly unlikely there are bats roosting in the property and no roosts will be destroyed and no bats disturbed/harmed by the development.

Other Protected/Priority Species/Habitats

4.13 There will be no impacts on other protected/priority habitats and species.

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5 CONCLUSIONS AND RECOMMENDATIONS

Designated Sites

5.1 The development will not impact designated sites.

Bats

5.2 No bats or their roosts will be impacted by the development.

5.3 No further surveys are required.

5.4 As the occasional/opportunist bat can turn up at any time, works must be undertaken following the Precautionary Working Method Statement provided within this report (see Appendix VIII) to ensure that no bats are killed, injured, or disturbed and no roost sites are damaged, destroyed, or have access to them obstructed.

5.5 Should bats be found during the development, work must cease immediately, and a suitably licenced and experienced ecologist must be contacted for advice.
Reason: Bats and their roosts are protected by law.

5.6 As an enhancement for biodiversity a bat box (e.g. https://www.nhbs.com/beaumaris-woodstone-bat-box) should be installed near the eaves of the south elevation of the new extension on B1.
Reason: The Local Planning Authority has a duty 'minimising impacts on and providing net gains for biodiversity'.

Birds

5.7 In the unlikely event that birds are found nesting in the building, work must cease, and active nests protected until young have fledged.
Reason: Wild birds, their active nests and young are protected by law.

Overall conclusion

5.8 Providing the recommendations given within this report are successfully implemented, the proposed development can proceed without detriment to the maintenance of the local population of bats at a favourable conservation status and without impacts on other protected/priority species and habitats.

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6 REFERENCES

Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

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The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, July 2021)

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APPENDIX I: PRA/FIELD SURVEY PLAN



Figure 2: Preliminary Roost Assessment Survey Plan.

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APPENDIX II: BAT SURVEY PLANS

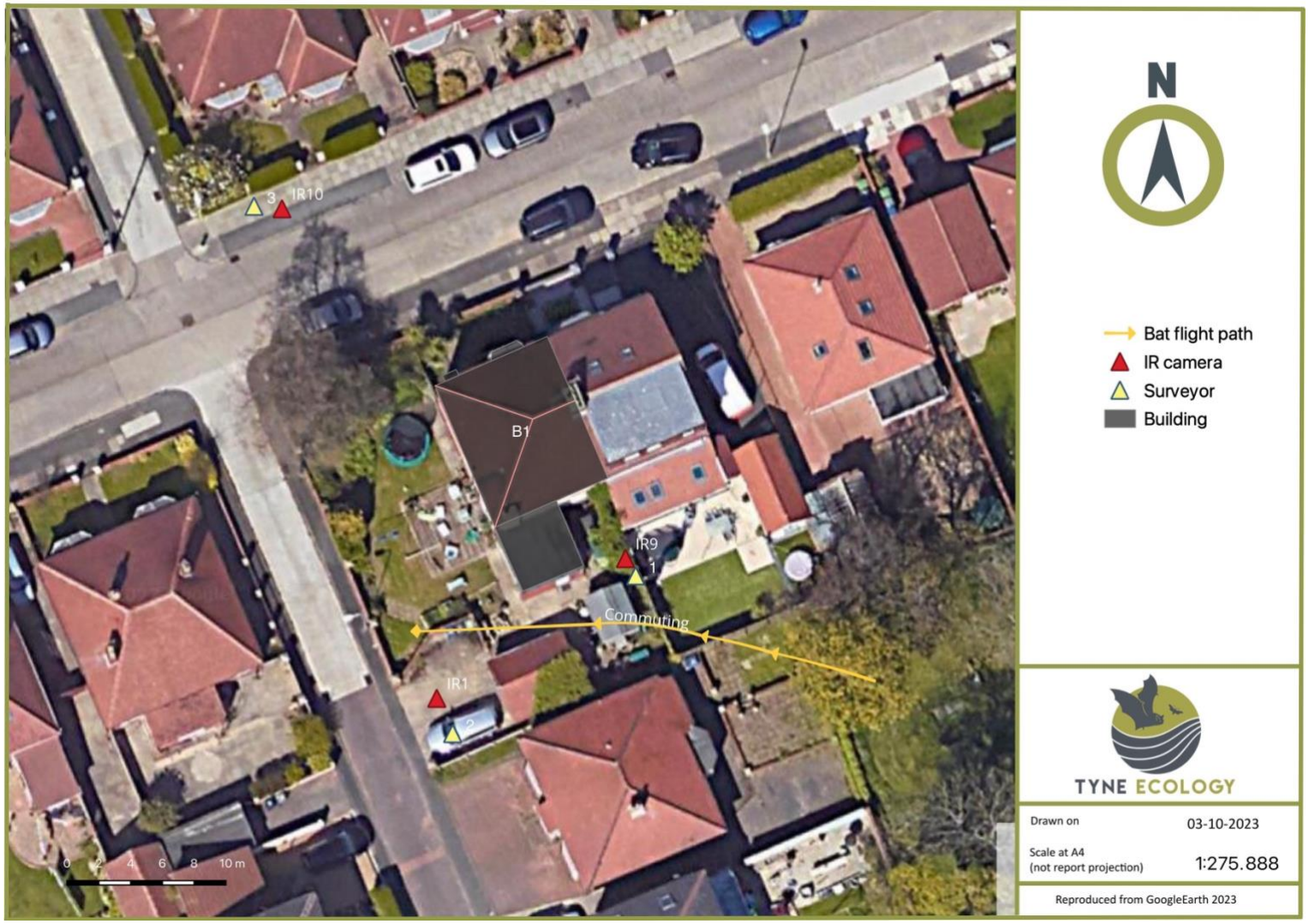


Figure 3: Bat survey plan - 28/09/2023

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APPENDIX III: DEVELOPMENT PLANS

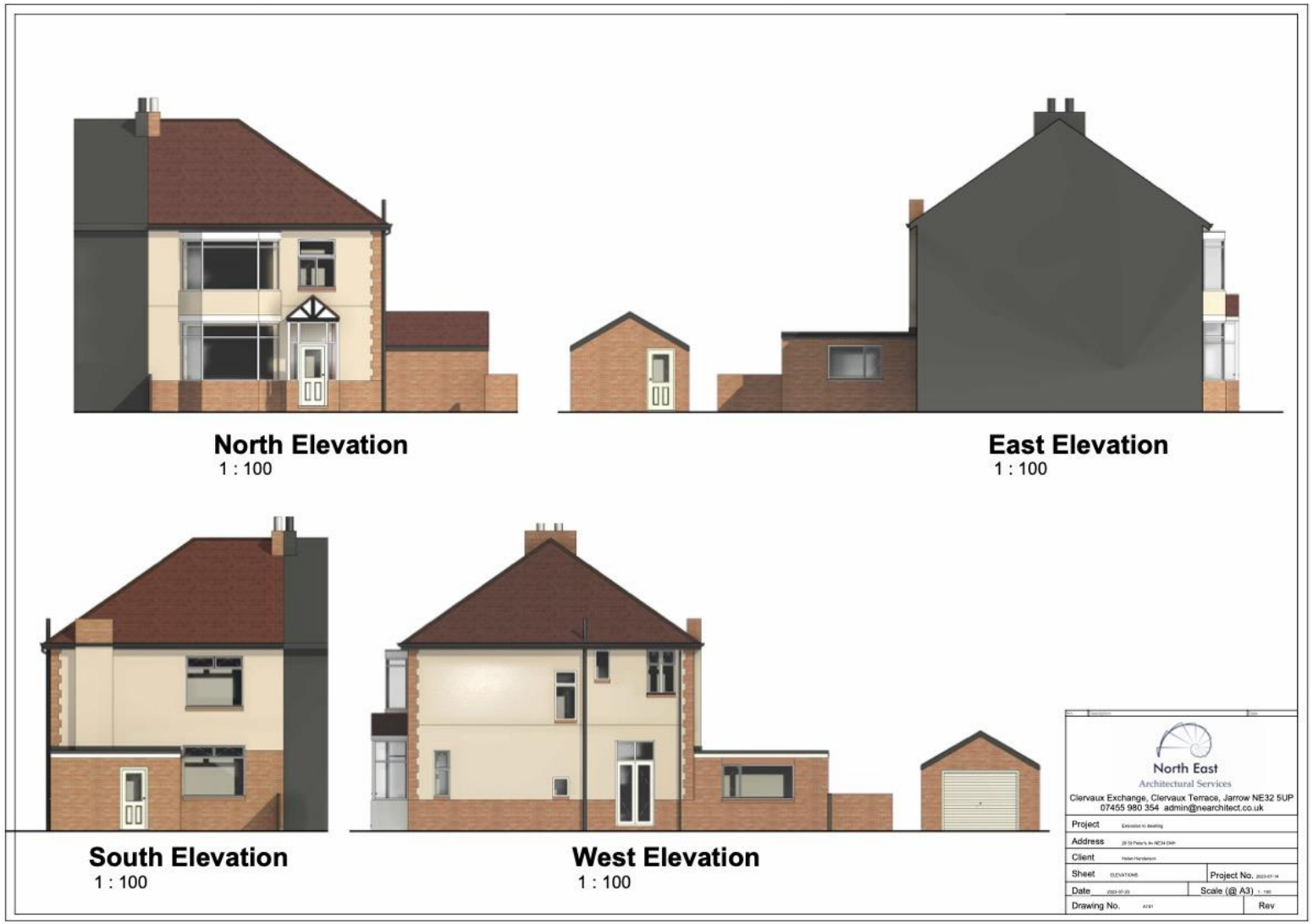


Figure 4: Existing elevations

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Figure 5: Proposed elevations

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APPENDIX IV: DESKTOP SURVEY

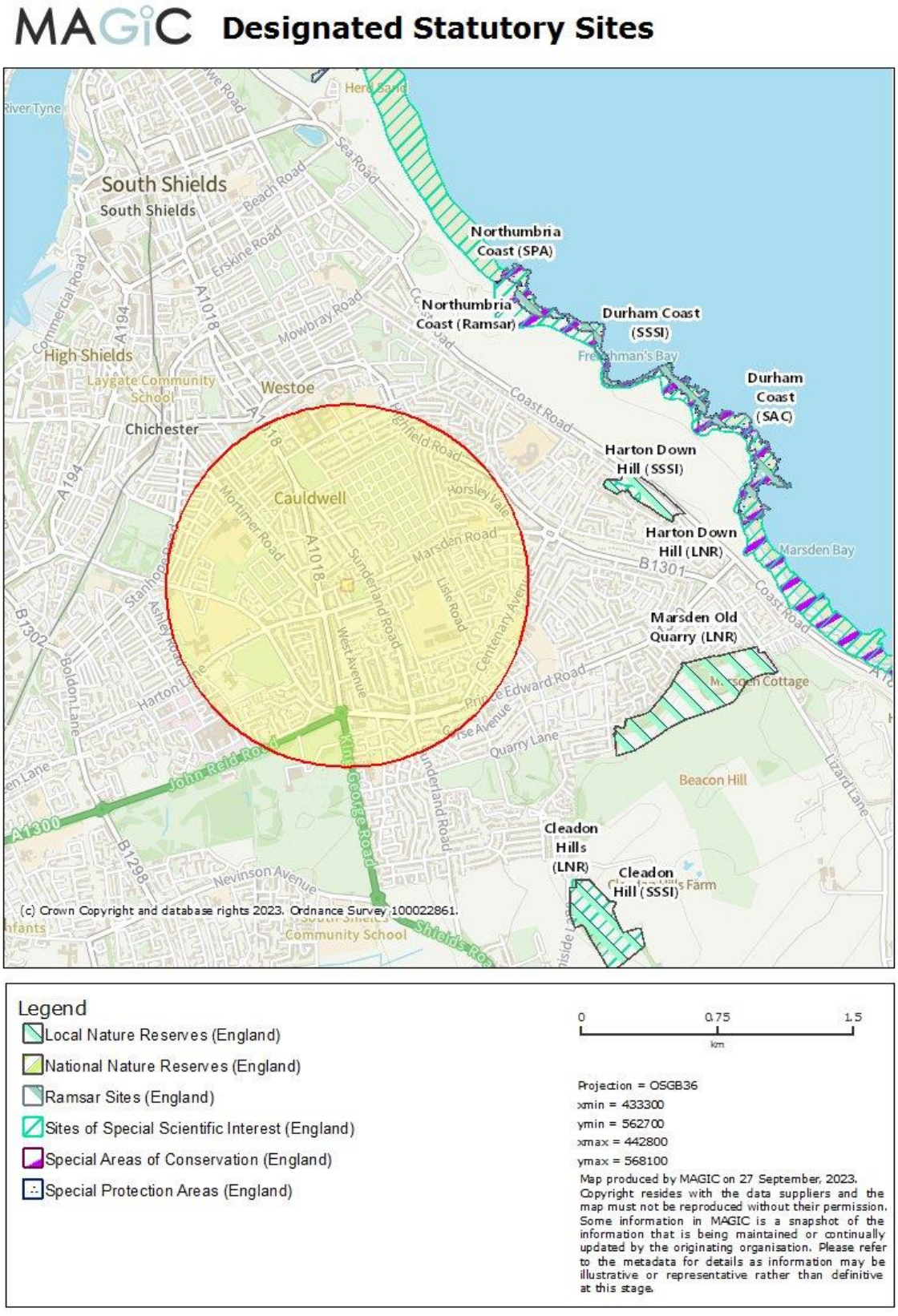
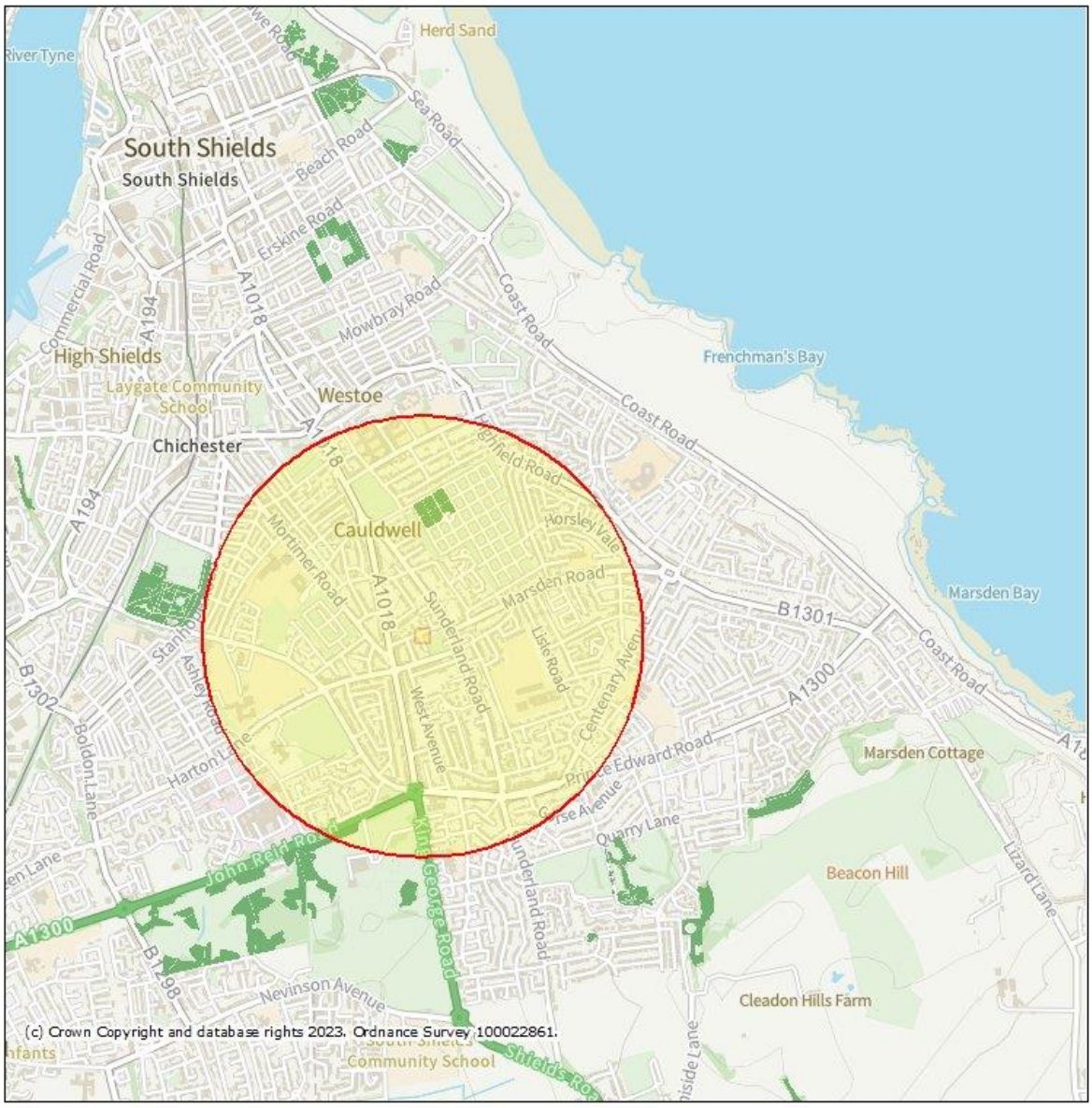


Figure 6: Designated statutory sites.

MAGIC

Habitat



Legend

Ancient Woodland (England)

- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland
- Priority Habitat Inventory - Deciduous Woodland (England)

0 0.75 1.5
km

Projection = OSGB36
xmin = 433300
ymin = 562700
xmax = 442800
ymax = 568100

Map produced by MAGIC on 27 September, 2023. Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.

Figure 7: Priority habitats.

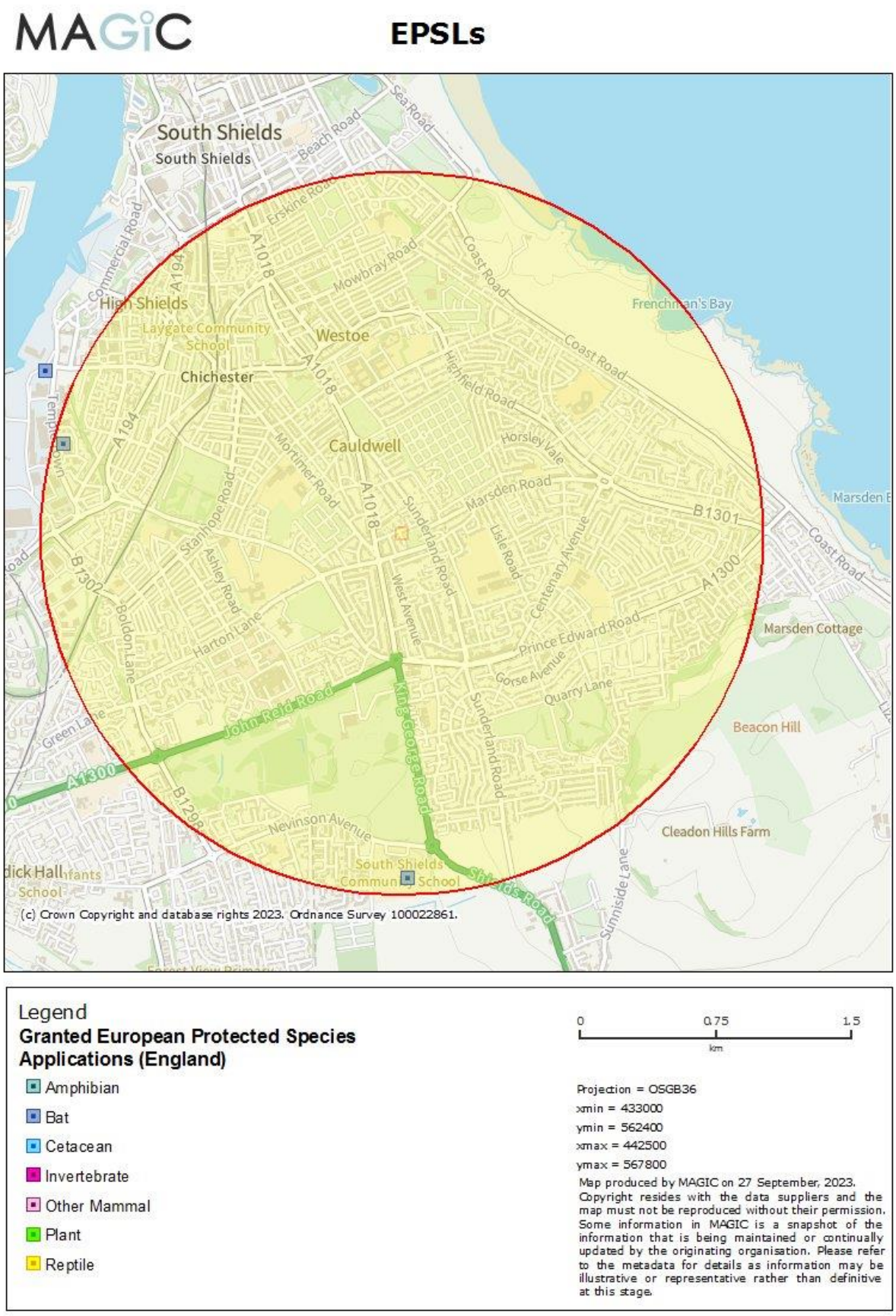


Figure 8: Granted EPSLs.

APPENDIX V: FIELD SURVEY PHOTOGRAPHS



Figure 9: B1 - north/front elevation



Figure 10: B1 - west/side elevation



Figure 11: B1 - rear/south elevation



Figure 12: B1 - rear elevation looking to side of extension



Figure 13: B1 - attic looking east



Figure 14: B1 - attic, roof tight to joining wall.

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Figure 15: B1 - attic looking into SW corner hip



Figure 16: B1 - eaves area



Figure 17: B1 - close up of underside of roof



Figure 18: B1 - roof to rear, gap under two ridge tiles



Figure 19: B1 - hip end evidencing no gaps



Figure 20: B1 - roof to front, no gaps

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Figure 21: B1 - underneath of edge of eaves, all gaps sealed



Figure 22: B1 - fascia well fitted



Figure 23: B1 - gap behind lead flashing on chimney



Figure 24: B1 - gap between chimney and neighbours roof extension



Figure 25: B1 - gap along ground floor window head at rear of house



Figure 26: B1 - lead lifting off top of bay window

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Figure 27: B1 - front porch roof with gaps between tiles



Figure 28: Area to side, proposed extension site



Figure 29: Area to front

APPENDIX VI: NVA FIELD OF VIEWS

Survey 28/09/2023



Figure 30: IR camera - IR1



Figure 31: IR camera - IR10



Figure 32: IR camera - IR9

APPENDIX VII: SPECIES LIST

To be submitted to the Local Environmental Records Centre.

Site Name: South Shields
Grid Ref: NZ 3752 6503
Survey Dates August 2023

Submitted by: Tyne Ecology
Verified by: Tim Sexton

Common name	Scientific Name (if known)	Comment
Common pipistrelle	*Pipistrellus pipistrellus*	Flight records

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APPENDIX VIII: PRECAUTIONARY WORKING METHOD STATEMENT

The following precautions are necessary to ensure that no bats are killed, injured, or disturbed and no roost sites are damaged, destroyed, or have access to them obstructed. They are also aimed at avoiding disturbance of nesting birds.

Bats commonly roost in roofs. They may be present under roof tiles, ridge tiles and at wall tops or within crevices behind fascias. All species of bats are strictly protected by law. Damage or destruction of a bat roost is a criminal offence.

Birds often nest at eaves in roofs and within open buildings. All species of breeding birds, their nests (whilst active), eggs and chicks are also protected by law.

These recommendations must be followed by all of those working on the site:

- Should any bats or evidence of bats be found, work must stop immediately, and the project ecologist contacted.
- Should nesting birds be found, nests must be protected until young have fledged.
- Site contractors must be made aware of the law around bats and nesting birds.
- Roofing features including slates, felt, flashing and fascia boards must be removed by hand, carefully checking for bats.
- Any external paint used should be checked to ensure it will not cause harm to bats or birds.

Failure to follow these recommendations could result in a criminal offence being committed.

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APPENDIX IX: PLANNING POLICY AND LEGISLATION

The following local and national planning policy and both primary and European legislation relating to nature conservation and biodiversity status are considered of relevance to the current proposal.

Planning and biodiversity

Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies.

National Planning Policy Framework July 2021

The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, July 2021) states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Legislation and biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017. These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include - The Countryside and Rights of Way Act 2000; Natural Environment and Rural Communities Act 2006; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF).

There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

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Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife.

Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and Rhododendron ponticum) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonable avoided, or actions within the living areas of a dwelling house.

Licensing: certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example, scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence - e.g. bat surveys.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 came into force on the 01/01/2021 and are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994.

These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- designation and protection of domestic and European Sites - e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function - i.e. when determining a planning application.

There is no defence that an act was the incidental and unavoidable result of a lawful activity.

Licensing: it is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

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Species protection

The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

Bats

All British bats are classed as European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017, making it an offence inter alia to:

- Deliberately kill, injure or capture a bat;
- Deliberately disturb bats;
- Damage or destroy a breeding site or resting place of a bat.

In addition, all British bats are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb any bat while occupying a structure or place which it uses for that purpose.

If proposed development work is likely to destroy or disturb bats or their roosts, then a licence will need to be obtained from Natural England, which would be subject to appropriate measures to safeguard bats.

Birds

In the UK, the provisions of the Birds Directive are implemented through the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017. All wild birds, their nests and eggs are protected it an offence to:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any such bird whilst it is in use or being built; or
- take or destroying an egg of any such wild bird.

The law covers all species of wild birds including common, pest or opportunistic species.

Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.

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