Whitcher Wildlife Ltd.
Ecological Consultants.

BARN AT PHEASANT'S CLOUGH, UPPER HULME, THORNCLIFFE.

OS REF: SK 01141 58698.

BAT SURVEY.

Ref No: **180884/Rev 1.**

Date: **30th May 2019.**

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1. INTRODUCTION.

1.1. There are plans to convert a barn at Pheasant's Clough, Upper Hulme, Thorncliffe into a residential property.

1.2. Whitcher Wildlife Ltd was therefore commissioned to carry out a bat daytime and dusk emergence survey of the site to establish whether there are any issues that may affect the proposed works. This survey was carried out on 23rd August 2018.

1.3. Following findings from the first survey further dusk and dawn surveys were recommended. This report outlines the findings of all the surveys and makes appropriate recommendations.

1.4. Appendix I of this report provides additional information on bats and the protection afforded to them and is designed to assist the reader in understanding the contents of this report.

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2. SURVEY METHODOLOGY.

2.1. The buildings were thoroughly checked internally and externally for potential bat roosting sites by looking for the following signs: -

* Holes, cracks or crevices.
* Bat droppings.
* Prey remains.
* Staining on external walls.

2.2. Unless otherwise stated, all lofts were accessed and inspected using a high-powered torch and where necessary an endoscope.

2.3. A thorough external inspection was carried out from ground level for any gaps or openings in the roof and ridge tiles, behind soffits and fascia's and in the walls of the structure for suitable roost access points and field signs to indicate possible use by bats.

2.4. All window cills, walls and the ground around the structure were checked for signs of bat droppings or staining to indicate possible use by bats. Where necessary, ladders were utilised to gain access within the limits of health and safety.
Any access constraints encountered are outlined within the following report.

2.5. All survey work was carried out in line with Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition),* with an assessment of the buildings suitability for roosting bats made in accordance with these guidelines.

2.6. The subsequent dusk emergence survey was also conducted in accordance with Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition).* It was conducted by a sufficient number of surveyors to cover all areas of roosting potential, in suitable weather conditions from fifteen minutes before sunset to at least an hour and half after.

2.7. All surveyors were equipped with Batbox Duet bat detectors, or similar. The use of static recording devices such as Anabat SD2's and video cameras with infrared lights were also utilised were appropriate.

2.8. This survey was carried out by Jenny Whitcher Roebuck MCIEEM and Alex Clark BSc, MSc, Grad CIEEM.

2.8.1. Since 2001 Jenny has had experience in a professional capacity as a Wildlife Consultant carrying out Ecology Surveys and Phase 1 Habitat surveys. Jenny holds Natural England Survey Licences in respect of bats, great crested newts, crayfish and barn owls, NRW and SNH Survey Licences in respect of bats and great crested newts. She has also successfully completed a number of courses run by the Chartered Institute of Ecology and Environmental Management (CIEEM), the Bat Conservation Trust (BCT) and the Field Studies Council (FSC) in the relative protected species, plant species and in carrying out Phase 1 Habitat Surveys. As a full member of CIEEM she is committed to continuous professional development, a continual process of learning and career development, a condition of CIEEM membership.

2.8.2. Alex has had experience in a professional capacity as a Graduate Ecologist carrying out ecology and protected species surveys and Phase 1 Habitat surveys and joined Whitcher Wildlife in 2016 as a Wildlife Consultant. Alex holds Natural England Survey Licences for Great Crested Newts, Bats and Hazel Dormice and is currently working towards gaining further Natural England survey licences. She also holds Scottish Natural Heritage and Natural Resources Wales Licences for Great Crested Newts. She has successfully completed courses run by the Chartered Institute of Ecology and Environmental Management (CIEEM) and The Mammal Society to further her knowledge of protected species and plant identification. Alex is also a Graduate Member of CIEEM.

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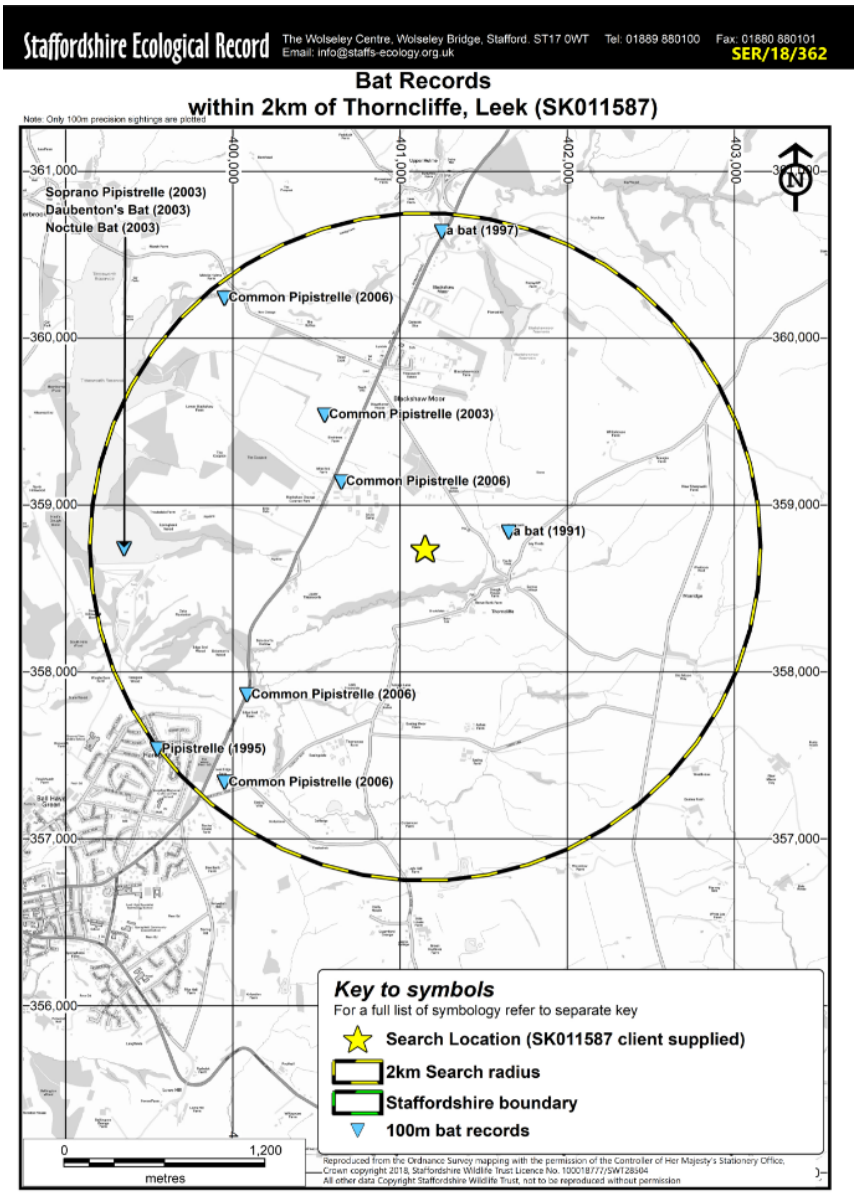
3. SURVEY RESULTS.

3.1. Data Search Results.

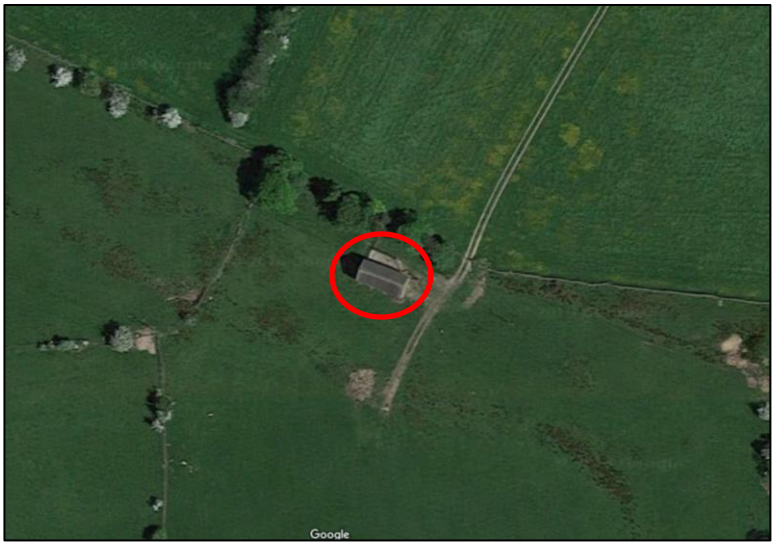
There are twelve records of bats in the surrounding area. The nearest record lies 508m from the site and was recorded in 1991. The nearest roost record lies 1996m from the site and was recorded in 1995. The map below shows the location of the barn and the bat roost records.



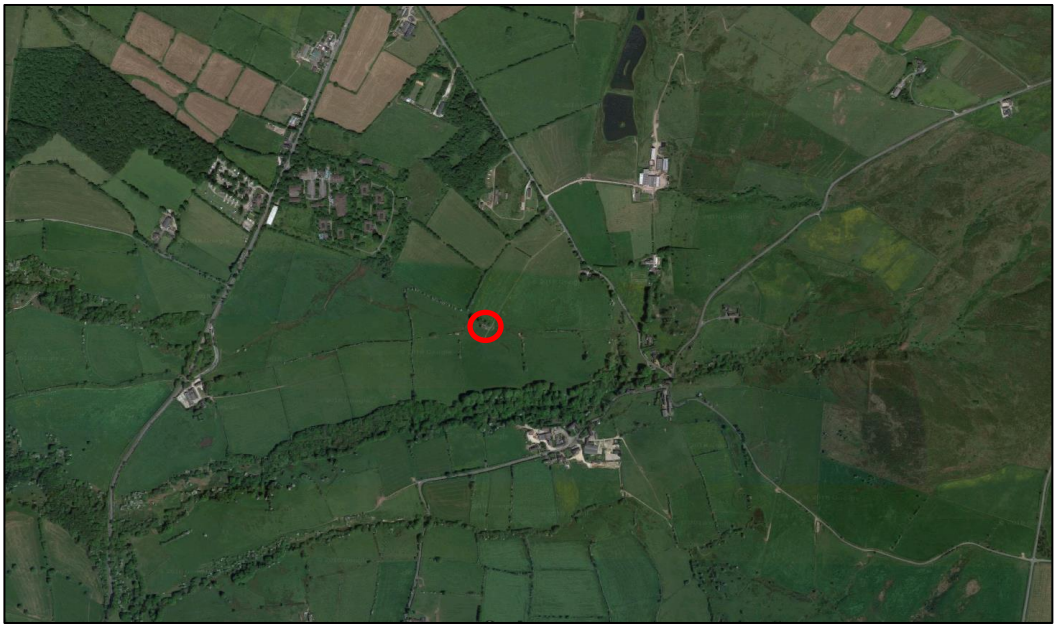
3.2. Site Description.

3.2.1. The surveyed building is a stone barn at Pheasant's Clough, Upper Hulme, Thorncliffe.

3.2.2. The aerial photograph below shows the barn.



3.2.3. The aerial photograph below shows the barn and the wider surrounding area.



3.2.4. The barn is constructed from stone with a pitched slate roof.

3.2.5. The walls are generally in good condition however there are a large number of gaps between the stones both externally and internally.

3.2.6. There are open slit ventilation gaps in the stonework on all sides of the barn, with two windows on the southern and one on the eastern end, all of which have no windows or frames. There are three doorways on the southern side and one on the northern side, all with doors on but there are gaps around doors and frames.

3.2.7. The roof is generally in good condition although there are some lifted slates and missing pointing on the ridge. The building has stone eaves that are sealed.

3.2.8. Internally is one large room open to the underside of the roof. At the eastern end of the barn the underside of the slates is well cemented down with the cement visible. At the western end of the barn the underside of the slates is visible but there is no cement in this area.

3.2.9. The beams are large and are a queen post design of timber support frame. All joints seen were tight fitting with no gaps.

3.2.10. The floor of the barn is covered with a thick layer of straw and animal droppings where animals are occasionally kept in the barn, but during this survey the barn was empty and doors were shut.

3.2.11. The barn stands in a large area of grazing land with no other buildings around and only a few sparse trees on the northern side. The building is on a hillside and is exposed to the elements.

3.2.12. The photograph below looks towards the southwest corner of the barn.



3.2.13. The photograph below looks toward the northeast corner of the barn.



3.2.14. The photograph below shows the interior of the barn, looking towards the eastern end of the barn.



3.3. Daytime Survey Results.

3.3.1. The building was assessed as having moderate bat roost potential due to the numerous gaps in the thick stone walls. No bats or bat field signs were identified during this daytime survey, however, due to the straw and animal droppings on the floor of the barn it was not possible to find any bat field signs on the floor. The building is assessed as unsuitable habitat for hibernating bats due to the exposed nature of the building exposing the walls to cold winds through the winter which will not make a stable temperature.

3.3.2. During the initial survey approximately fifteen barn owl pellets were identified on the floor of the barn, some of these were very fresh, along with a number of barn owl feathers. No barn owls were identified during this survey, but the fresh pellets show the barn is regularly used. According to the owner of the building barn owls breed in their barn approximately three miles from the site. These barn owls could be using the surveyed barn as a feeding and roosting area. During the second dusk emergence survey the same was found and no barn owls were seen.

3.3.3. During the initial survey a number of bird nests were identified within the barn, but no birds were seen inside during the survey and none of the nests were active.

3.3.4. During the dusk and dawn bat surveys carried out during May 2019 an active jackdaw nest was identified in the barn.

3.4. Dusk Emergence Survey Results. 23rd August 2018.

3.4.1. Two surveyors carried out a dusk emergence survey of the barn on the evening of 23rd August 2018. Both surveyors hold a current Natural England class licence for surveying bats.

3.4.2. The surveyors were positioned on opposite corners of the barn to cover all aspects during the survey. Both surveyors were equipped with Batbox Duet detectors and each had a two-way radio for communications. In addition, three static Anabat recorders were deployed to record bat activity for subsequent computer analysis using Analook software. The positions of the surveyors (S) and the Anabat recorders (A) were as shown below.



3.4.3. The evening was fine with a temperature of 12ºC at 20:30, the evening was breezy, up to 2 BWS, with a clear sky. Sunset was at 20:19.

3.4.4. The following are the observations of the surveyors: -

3.4.4.1. Surveyor 1.

- 21:02 – Common Pipistrelle flew from west to north past the barn.
- 21:13 – Myotis flew out of the window at the eastern end of the barn and flew off site to the north.

- 21:25 – Common Pipistrelle heard pass, not seen.
- 21:29 – Common Pipistrelle flew past the barn from east to west.
- 21:37 – Common Pipistrelle heard pass, not seen.
- 21:40 – Common Pipistrelle heard foraging, then entered the barn through the window on the eastern end of the barn.
- 21:43 – Common Pipistrelle flew back out of the window on the eastern end and flew off site.

3.4.4.2. Surveyor 2.

- 21:02 – Common Pipistrelle heard pass, not seen.
- 21:26 – Common Pipistrelle heard pass in the distance, not seen.
- 21:29 – Myotis passed overhead from east to west.
- 21:33 – Myotis heard pass, not seen.
- 21:37 – Myotis heard pass, not seen.
- 21:38 – Common Pipistrelle heard pass, not seen.
- 21:40 – Soprano Pipistrelle heard pass, not seen.
- 21:42 – Common Pipistrelle heard pass, not seen.

3.4.5. Below are the recordings made on the three Anabats: -

3.4.5.1. Anabat 5, with Surveyor 1, recorded five Common Pipistrelle calls between 21:02 and 21:43 and two myotis calls, too brief to identify, at 21:13 and 21:30. No other species of bat were recorded.

3.4.5.2. Anabat 6, with Surveyor 2, recorded six Common Pipistrelle calls between 21:02 and 21:42, four myotis calls, too brief to identify, between 21:29 and 21:38 and one Soprano Pipistrelle call at 21:40. No other species of bat were recorded.

3.4.5.3. Anabat 4 inside the barn recorded twenty-five myotis calls between 21:09 and 21:37 and ten Common Pipistrelle calls between 21:40 and 21:47. No other species of bat were recorded.

3.4.6. The myotis calls inside the barn were quite short but are identified as either Whiskered or Brandt’s calls.

3.4.7. During the survey one myotis was identified flying out of the barn through the window at the eastern end. Myotis calls were recorded inside the barn four minutes before they were recorded on either of the Anabats outside the barn.

3.5. Dusk Emergence Survey Results. 15th May 2019.

3.5.1. Two surveyors carried out a dusk emergence survey of the barn on the evening of 15th May 2019. Both surveyors hold a current Natural England class licence for surveying bats.

3.5.2. The surveyors were positioned on opposite corners of the barn to cover all aspects during the survey. Both surveyors were equipped with Batbox Duet detectors and each had a two-way radio for communications. In addition, four static Anabat recorders were deployed to record bat activity for subsequent computer analysis using Analook software and two video cameras with night-sight and infra-red were used. The positions of the surveyors (S), the Anabat recorders (A) and the videos (V) were as shown below.



3.5.3. The evening was fine with a temperature of 16.5ºC at 21:00, the evening was breezy, up to 2 BWS, with a clear sky. Sunset was at 21:00.

3.5.4. The following are the observations of the surveyors: -

3.5.4.1. Surveyor 1.

- 21:33 – Common Pipistrelle flew from east to west along the tree line to the north of the barn. This bat could then be seen foraging to the west on the tree line.
- 21:44 – Common Pipistrelle flew from east to west along the tree line to the north of the barn.
- 21:53 – Common Pipistrelle flew from east to west along the tree line to the north of the barn.
- 22:07 – Common Pipistrelle heard pass, not seen.

3.5.4.2. Surveyor 2.

- 21:33 – Common Pipistrelle heard pass but not seen.
- 21:44 – Common Pipistrelle foraging to north of barn.
- 21:53 – Common Pipistrelle heard pass, not seen.
- 21:54 – Common Pipistrelle heard pass, not seen.

3.5.5. Below are the recordings made on the four Anabats: -

3.5.5.1. Anabat 7, with Surveyor 1, three Common Pipistrelle calls between 21:33 and 21:53. No other species of bat were recorded.

3.5.5.2. Anabat 9, with Surveyor 2, nine Common Pipistrelle calls between 21:33 and 22:07. One very short myotis call was recorded at 21:38, the call was too short and brief to identify the species. No other species of bat were recorded.

3.5.5.3. Anabats 17 and 21, both inside the barn recorded no bat activity.

3.5.6. Below are the recordings made on the two videos: -

3.5.6.1. No bat activity was recorded inside the barn on either video cameras.

3.5.7. During the survey no bats emerged from the barn. The main activity was a few Common Pipistrelle bats passing the site from the east and foraging along the tree line to the west. One myotis passed the site to the south. No bats were recorded on the Anabats or video cameras inside the barn.

3.6. Dawn Swarming Survey Results. 30th May 2019.

3.6.1. Two surveyors carried out a dawn swarming survey of the barn on the morning of 30th May 2019. Both surveyors hold a current Natural England class licence for surveying bats.

3.6.2. The surveyors were positioned on opposite corners of the barn to cover all aspects during the survey. Both surveyors were equipped with Batbox Duet detectors and each had a two-way radio for communications. In addition, four static Anabat recorders were deployed to record bat activity for subsequent computer analysis using Analook software and two video cameras with night-sight and infra-red were used. The positions of the surveyors (S), the Anabat recorders (A) and the videos (V) were as shown below.



3.6.3. The morning was fine with a temperature of 13.5ºC at 03:15, the morning was breezy, up to 2 BWS, with an overcast sky. Sunrise was at 04:54.

3.6.4. The following are the observations of the surveyors: -

3.6.4.1. Surveyor 1.

- 03:59 – Common Pipistrelle flew from west to east along the tree line to the north of the barn.
- 04:01 – Common Pipistrelle flew from west then flew southeast across the field.

3.6.4.2. Surveyor 2.

- 03:33 – Myotis flew from the west and flew along the southern side of the barn.
- 03:59 – Common Pipistrelle heard pass, not seen.
- 04:01 – Common Pipistrelle heard pass, not seen.

3.6.5. Below are the recordings made on the four Anabats: -

3.6.5.1. Anabat 6, with Surveyor 1, two Common Pipistrelle calls at 03:59 and 04:01. No other species of bat were recorded.

3.6.5.2. Anabat 2, with Surveyor 2, two Common Pipistrelle calls at 03:59 and 04:01. One very short myotis call was recorded at 03:33, the call was far too short and brief to identify the species. No other species of bat were recorded.

3.6.5.3. Anabats 17 and 21, both inside the barn recorded one very short brief myotis call that could not be identified due to the short brief call.

3.6.6. Below are the recordings made on the two videos: -

3.6.6.1. Both video cameras recorded bat activity inside the barn. At 03:33 a bat flew into the barn through the open window at the eastern end of the barn. The bat flew around inside the barn for 1 and a half minutes then flew towards the eastern end of the southern wall and disappeared. It is unclear from the video whether the bat flew out of the slit window in this area or whether the bat roosts. No further activity is recorded inside the barn.

3.6.7. The main activity was two Common Pipistrelle bats passing the site from the west to the east, north east with no foraging recorded.

3.6.8. One myotis was briefly recorded by Surveyor 2 at 03:33. The bat flew into the eastern window of the barn at this time, but the only call recorded was a very brief call at 03:33. The remaining time inside the barn no calls were recorded. It is not clear from the video whether the bat left the barn or roosting in the barn.

3.6.9. Summary of bat activity surveys.

3.6.9.1. During the dusk emergence survey in August 2018 one myotis was identified flying out of the barn through the window at the eastern end. Myotis calls were recorded inside the barn four minutes before they were recorded on either of the Anabats outside the barn. The bat could have emerged inside the barn or it flew into the barn through another window then flew back out. The bat was identified late in the survey when it was dark and difficult for the surveyors to see. The recordings suggest that this was a Whiskered or Brandt's bat.

3.6.9.2. During the dusk emergence survey in May 2019 no bat activity was recorded inside the barn on the Anabats or the video cameras. One very brief myotis call was recorded on both Anabats outside the barn as the bat flew past the site.

3.6.9.3. During the dawn swarming survey one myotis was seen outside and recorded on one Anabat. The bat was then recorded on the video cameras inside the barn flying in through the eastern window and flying inside the barn for one and a half minutes. The bat then flew towards the southern wall of the barn, but it could not be seen whether the bat flew out of an open slit window in this area as it was early in the survey while it was still too dark for the surveyors to see.

3.6.9.4. The remaining activity recorded during all three surveys was Common Pipistrelle bats commuting along the tree line to the north of the barn with occasional foraging.

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4. EVALUATION OF FINDINGS.

4.1. During the initial daytime bat survey the building was assessed as providing potential for roosting bats due to gaps in the thick stone walls. No bat field signs were identified during this survey as the floor of the barn is covered with a thick layer of straw and animal droppings.

4.2. During the first dusk emergence survey one myotis bat was seen to exit the building through the window on the eastern end. Recordings were made inside the barn and the bat was identified as a Whiskered/Brandt's. The bat could have flown in through an open window before flying out the eastern window. However, the bat was seen late in the survey when it was too dark for the surveyors to see.

4.3. During the second dusk emergence survey no bats were recorded inside the barn and no bats were seen to emerge from the barn. The activity recorded was low numbers of Common Pipistrelle bats passing the site from east to west and foraging along the trees to the west. One very brief myotis call was recorded as a myotis passed the southern side of the site.

4.4. During the dawn swarming survey one myotis was seen outside the barn. The bat was then recorded on the video cameras inside the barn flying in through the eastern window and flying inside the barn. The bat then flew towards the southern wall of the barn, although it could not be seen whether the bat flew out of an open slit window in this area as it was early in the survey while it was still too dark for the surveyors to see. Two Common Pipistrelle bats were recorded flying from west to east along the tree line.

4.5. Therefore, if precautionary measures are put in place, works are carried out during the winter and opportunities for roosting crevice dwelling bats are incorporated into the conversion it is assessed that works will have no impact on roosting bats.

4.4. During the initial survey in 2018 approximately fifteen barn owl pellets were identified on the floor of the barn, some of these were very fresh, along with a number of barn owl feathers. No barn owls were identified during this survey. During the two bat surveys carried out in May 2019 no barn owls were seen and no fresh pellets were identified. This is presumed to be a feeding perch with no nesting activity identified. Therefore, works to convert the barn will have a low impact on barn owls.

4.5. During the initial survey a number of bird nests were identified within the barn, but no birds were seen inside during the survey and none of the nests were active. During the dusk and dawn bat surveys carried out during May 2019 an active jackdaw nest was identified in the barn. Works to convert the barn will have a high impact on nesting birds if carried out during the nesting season, between March and September.

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5. RECOMMENDATIONS.

5.1. As all three surveys identified one Whiskered/Brandt's bat either flying briefly inside the barn or passing by the site with no confirmed roost present. It is therefore assessed that there is no requirement for a Natural England licence in connection with the proposed development.

5.2. Nevertheless, individual bats can seek temporary shelter almost anywhere and therefore it is recommended that conversion of the existing building is undertaken with precautionary measures in place and enhancements are incorporated into the conversion to provide features suitable for crevice dwelling bat species to roost.

5.3. It is recommended that all works to convert the barn are carried out during the winter months when birds are not nesting and bats have moved away to their hibernation roosts. Works to seal the building to prevent bats and birds from entering, fitting windows and doors and works to seal the roof and wall, should be carried out between October and February.

5.4. Internal works to the building, once the buildings is sealed with doors and windows in place and the external works complete, can then be carried out any time.

5.5. Works should be carried out with care and in the unlikely event a bat is found, the bat should be covered and protected, work should cease at that location and Whitcher Wildlife Ltd should be contacted for further advice.

5.6. In order to provide biodiversity enhancements in line with the NPPF, it is recommended that at least two integrated bat bricks are installed in the conversion of the building. These should be Habibat 001 Bat Box Bespoke Facing boxes, as shown opposite. The box can be faced with a range of materials to match the building.



5.7. These boxes should be placed on two different elevations of the building and should be placed in areas where they are not above doors or windows. They should also be placed in areas where they will not be affected by lighting.

5.8. It is recommended that mitigation is put in place for barn owls in the form of a barn owl box, either erected on the building, on a nearby tree or mounted on a pole nearby. This will provide a roosting and nesting site for barn owls.

5.9. It is recommended that no works are carried out on the barn during the nesting bird season, which extends between March and September each year.

5.10. If works are to be carried out on the barn during the bird nesting season a thorough nesting bird survey must be carried out by a suitably experienced person immediately prior to works being carried out. If active nests are found during this survey the nests must be left undisturbed until the young have fledged.

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Derek Whitcher. BSc, MCIEEM, MCMI	Date: 4th June 2019.

6. REFERENCES.

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Appendix I. BAT INFORMATION.

Ecology

There are currently 18 species of bat residing in Britain, 17 of which of which are known to breed here. They are extremely difficult to identify in the hand and even more so in flight.

All appear to be diminishing in numbers, probably due to habitat change and shortage of food, caused by pesticides, as insects are their sole diet.

As their diet consists solely of insects, bats hibernate during the winter when their food source is at its most scarce. They will spend the winter in hollow trees, caves, mines and the roofs of buildings.

Certain species, particularly the pipistrelle (the commonest and most widespread British bat) can quickly adapt to man-made structures and will readily use these to roost and to rear their young.

Surveys

During walkover surveys, bat roosts can be identified by looking for:

- Suitable holes, cracks and crevices within any building, tree or other structure.
- Bat droppings along walls, window cills, or on the ground.
- Prey remains, such as insect wings.

Further investigations can be made using endoscopes, by carrying out aerial inspections of trees or by conducting bat activity surveys during dusk and dawn over summer months.

Legislation

Bats are protected under Appendix II and III of the Bern Convention (1982), Schedule 5 and 6 of the Wildlife and Countryside Act (1981), Annex IV of the Habitats Directive (some species under Annex II), Annex II of the Conservation of Habitats and Species Regulations (2010) and EUROBATS agreement. Numerous species are

also listed under section 41 of the Natural Environment and Rural Communities Act (2006) making them species of principal importance.

All bats and their roosts are therefore protected in the UK. This makes it an offence to kill, injure or take any bat, to interfere with any place used for shelter or protection, or to intentionally disturb any animal occupying such a place.

The UK has designated maternity and hibernacula areas as Special Areas of Conservation (SAC's) under the Habitats Directive. Implementation of the UK Biodiversity Action Plan also includes action for a number bat species and the habitats which support them.

Where development proposals are likely to affect a bat roost site, a licence is required from Natural England.

Appendix II. BARN OWL INFORMATION.

Ecology

The diet of the Barn Owls consists almost entirely of small mammals such as mice, shrews and voles. Consequently, areas of moist, moderately long grassland are especially important for foraging with 90% of prey taken within a 1km radius of the nest site.

Their feathers are specially structured for silent flight and, by using their extremely sensitive hearing, Barn Owls can find and swoop noiselessly onto their prey. Although Barn Owls can see perfectly well in daylight, they tend to hunt mainly at night.

Suitable nest sites are predominantly in derelict buildings such as farm buildings, church towers and old chimneys. Nest sites must be dry and warm to prevent fatal chilling of the owlets in wet weather.

Barn Owls generally produce 4 – 7 eggs, laid at intervals of 2 – 3 days during the breeding season (March to August inclusive). This gives a staggered hatch, with the first hatchling being as much as a week older than the last. In poor prey years the youngest chicks are unlikely to fledge.

Habitat loss due to agricultural change and urbanisation has had the most significant impact on Barn Owl numbers. The drainage of grasslands, increases in cereal crops, autumn sowing, the decline in haymaking, the loss of wild grassland, edge habitats and hedgerows, the vermin proofing of grain storage and the fragmentation of habitats as a result of land take for new roads, factories and housing schemes have all had an influence on the availability of suitable foraging habitat.

This has been compounded by the loss of traditional nest sites as a result of building improvements and conversions for other uses including residential.

As birds are pushed to exploit prey rich roadside verges and railway embankments they increasingly become prone to deaths from collisions with trains and road vehicles. Death can also be caused by consuming prey items which contain residues of rat and mouse poison.

The effects of disturbance are more pronounced at different times of the year. The early stages of the breeding season are the most vulnerable and birds may abandon nest building or even eggs if disturbed. When the eggs have hatched, they tend to tolerate a higher level of disturbance before abandoning young birds in the nest. Generally, disturbance should be avoided between April and September.

Surveys

Walkover surveys will look identify areas of suitable foraging habitat for Barn Owls. They will also look for suitable nesting locations and any signs of pellets within these areas.

Legislation

Barn Owls are protected under Schedule 1 and Schedule 9 of The Wildlife and Countryside Act 1981.

It is therefore 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 to take or destroy an egg of any wild bird. Special penalties are available for offences related to birds listed on Schedule 1 of The Wildlife and Countryside Act (1981), for which there are additional offences for disturbing these birds at their nests, or their dependent young.

Appendix III. NESTING BIRD INFORMATION.

Ecology

The nesting season will vary according to the weather each year but generally commences in March, peaks during May and June and continues until September. It is also worth remembering that some birds nest in trees and scrub, but others are ground nesting or prefer man- made structures or buildings.

Surveys

Nesting bird surveys search for potential nest sites in vegetation, buildings etc. Potential nesting sites are observed over a suitable period of time for bird movements or calling male birds that would indicate the presence of a nest. The presence of a nest can be identified from the field signs without the necessity to see the nest itself, thereby avoiding any disturbance of the nests. The best way to avoid this issue is to plan for vegetation clearance to be carried out outside the bird-nesting season.

Legislation

Nesting birds are protected under The Wildlife and Countryside Act 1981.

Part 1. -(1) Of the Act states that: - If any person intentionally: - kills, injures or takes any wild bird; takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Part 1. -(5) of the Act states that: - If any person intentionally: - disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on, or near a nest containing eggs or young; or disturbs young of such a bird, he shall be guilty of an offence and liable to a special penalty.

The Countryside and Rights of Way Act 2000 amends the above by inserting after “intentionally” the words “or recklessly”.

Appendix IV. PROPOSED DEVELOPMENT PLAN.

