

Frampton Cotterell Parish Council Nesting Bird & Bat Roost Policy

1.1 Introduction

1.2 Hedge cutting and tree pruning needs to be undertaken with care to avoid disturbing nesting birds.

1.3 Tree works must be undertaken with care to avoid disturbing bats. All species of bats and roosts in the UK are protected by law and must not be disturbed.

1.4 This policy explains the procedure for hedge cutting, mowing and tree works, in keeping with the Wildlife & Countryside Act.

2. Wildlife & Countryside Act

2.1 Under the 1981 Wildlife and Countryside Act, a wild bird is defined as any bird of a species which is resident in or is a visitor to the European Territory of any member state in a wild state.

2.2 The Wildlife & Countryside Act states that all birds, their nests and eggs are protected by law and it is thus an offence to:

- Intentionally or recklessly kill, injure or take any wild bird.
- take, damage or destroy the nest of a wild bird.
- take, damage, or destroy the nest of any wild bird listed while that nest is in use or being built.
- take or destroy an egg of any wild bird.
- possess any live or dead wild bird or any part of, or anything derived from, such a bird; or an egg of a wild bird or any part of such an egg.
- disturb any wild bird included in Schedule 1 (appendix 2) while it is building a nest or is in, on or near a nest containing eggs or young or disturb dependent young of such a bird.
- Use traps or similar items to kill, injure or take wild birds.

2.3 In England & Wales it is an offence under the Wildlife & Countryside Act 1981 (as amended) to:

- Intentionally or recklessly disturb a bat at a roost
- Intentionally or recklessly obstruct access to a roost

2.4 If any of the above acts take place, an unlimited fine can be imposed for criminal offences and up to 6 months imprisonment.

2.5 Game birds are not protected by the Wildlife and Countryside Act but are protected by the Game Act 1831 which protect game birds from being taken or killed during the close season.

3. Conditions for Hedge and Tree cutting works.

3.1 Hedge cutting and tree cutting shall not be undertaken during the bird breeding season between 1st March – 31st August.

3.1 As the breeding season can be dependent on weather, birds may nest outside of the above dates. Therefore, observations must be made throughout the year before any hedge

or tree work is undertaken.

3.3 If overgrowth or damage to vegetation poses a health and safety risk to the public, tree and hedge works may be undertaken during the breeding season providing no evidence of nesting birds is found upon inspection. In this instance, the habitat and species inspection sheet must be followed before any hedge or tree work is undertaken by employees, volunteers, or contractors of the Parish Council (appendix 1).

3.4 The proposed area requiring works during the breeding season must be monitored for a minimum of 30 minutes before work can begin. Nest building behaviour (carrying sticks to hedge/tree), physical nests, chicks, chick feeding behaviour and evidence of eggs must be assessed and noted on the inspection sheet. If any evidence is noted, work must not proceed, and findings reported to the Clerk.

3.5 Trees must be visually scoped for bat roost potential before work is undertaken. The scoping for bats form must be completed prior to tree works, including deadwood removal, pruning, felling and health & safety works (appendix 2).

3.6 The British Standard BS8956 Surveying for bats in trees and woodland categories shall be followed when classifying roost potential in trees (appendix 3).

3.7 If a tree is found to have medium bat potential or above, work must cease and the Parish Council contacted. The parish council will arrange for further bat surveys to be conducted.

3.8 If a bat roost is discovered during tree works, work must stop immediately, and the Parish Council alerted. If the roost is disturbed, the police and Bat Conservation Trust shall be informed to resolve the situation.

3.9 If contracted tree works must cease due to the discovery of a bat roost and previous bat roost checks were completed fully prior to works and did not show roost potential, the contractor may be compensated for costs associated with the cancellation. The compensation amount and rescheduling of work is to be decided and approved by the Council, or delegated to the Clerk if short time scales are at play for health and safety works (e.g. hours/days rather than weeks).

3.10 If a tree requires health & safety works to be completed and has medium or high bat roost potential, temporary fencing shall be erected to divert the public away from the dangerous tree. Ecological advice from a level 2 licensed bat ecologist shall be sought before undertaking the health and safety works.

3.11 It is recognised that there will be situations where urgent action may be required to alleviate an immediate danger to public health or public safety that may have an unavoidable impact on protected species. In these situations, applying for a derogation license would be impracticable within the time available. Immediate danger should be interpreted to mean that the structure or tree will fail or collapse, and is at risk of harming the public, within a short timescale (e.g. hours or days rather than weeks).

In the event of a tree with a bat roost or high risk of a bat roost posing an immediate danger, Natural England advises the following:

- That the Police are informed of the proposed operation(s) and a written record is kept of the date, the decision, names of persons involved and times and details of the actions.
- that photographic evidence is kept.
- keep supporting written evidence from an appropriately qualified person, such as a structural engineer, arboriculturist or tree surgeon.
- that a licensed/suitably qualified person (level 2 bat licence) is present to deal with any protected species affected by the operation. Animals found during works to the structure should be safely removed and released to a suitable location as near to the original structure as possible.

4. Considerations for Ground Nesting Birds

4.1 Ground nesting birds shall be considered before mowing takes place in areas with long grass and where appropriate, such as the Centenary Field hay meadow, to allow areas of grass to grow throughout the breeding season to provide habitat for ground nesting birds. Where long grass is required to be cut during the breeding season, the nesting bird inspection sheet must be adhered to and a walkover of the site undertaken to check for evidence of nesting.

4.2 When work needs to be undertaken by the River Frome, to consider birds nesting nearby and consider conservation work to enhance the possibility for nesting birds.

4.3 Communication with members of the public, farmland owners and dog owners shall also be encouraged to raise awareness of ground nesting birds and to encourage responsible dog ownership during the breeding season.

5. Considerations for structural works (bats)

5.1 The Bat Conservation Trust (BCT, 2020) advise that the following works could harm bats or birds nesting in buildings:

- renovating, converting or demolishing a building
- repairing or replacing a roof
- repointing brickwork
- insulating or converting a loft
- installing lighting in a roost, or outside if it lights up the entrance to the roost

5.2 If bats are found during structural works, the work should stop immediately and a licensed ecological consultant should be consulted.

5.3 For large scale works or works that require planning permission, an ecological consultant should be contacted. Bats should be considered at the early stages of work to avoid delay.

6. Consideration for structural works (birds)

6.1 Prior to structural works or maintenance on buildings roofs, repointing, insulating or demolishing, a bird nesting survey sheet (appendix 1) must be completed. If active nests are found or evidence of activity to suggest nesting birds are using the structure, work must cease until the end of bird nesting

season or alternatively the Royal Society for the Protection of Birds (RSPB) and/or an ecological consultant should be contacted for advice.

6.2 The RSPB (N/A) recommend the following considerations are applied to bird nesting evidence in structures prior to works. This advice applies to NON active nests and entry sites (e.g. outside of nesting season), active nests must not be disturbed as per the Wildlife and Countryside Act:

- Where possible, leave existing nest holes alone and work around them when carrying out repairs and renovations.
- If this is not possible, fit an internal nest box behind the replacement material. Position the box and make a hole in the new material at exactly the same location as the original nest site.
- Utilise the existing roof or fascia and soffit design to create new nest sites. Make appropriately sized holes in suitable locations.
- In new builds or extensions, fit a pre-fabricated swift brick into the fabric of the wall during construction or put internal nest boxes behind the fascias and soffits.
- If none of the above are possible, use externally fitted nest boxes.

References:

Wildlife and Countryside Act (1981). Available at:

<https://www.legislation.gov.uk/ukpga/1981/69/contents> [Accessed 16th June 2023].

Monmouthshire Council (2013), *Bats in Buildings: The Requirements of Monmouthshire County Council*. Monmouthshire.

RSPB (N/A), *Roofs For Wildlife*. Available at: <https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/roofs-for-wildlife/> [Accessed 16th June 2023].

BCT (2020), *Bats in Buildings Guidelines*. London.

Nesting Bird Inspection Sheet

All nesting bird inspections are to be carried out before hedge, long grass meadow, tree works or structural works commence in keeping with the Wildlife and Countryside Act 1981 and Frampton Cotterell Parish Council’s Nesting Bird Policy.

Site Location:

Date:

Description of Works:

Reason for Works / HS:

Start Time of Inspection

Upon a minimum of 30 minutes inspection, has evidence of nesting birds, including nest building behaviours, nests, eggs, feeding young or chicks been found? (if evidence is found then works are to cease and reported to the Clerk):

Signed Inspection:

Options to defer works or deduction in impacts?

Completed Works Undertaken:

Operations Start time: finish time:

Signed Operative:

Assessment of trees for use by bats (form)

(1) Date of visit

Site address

Grid ref

(2) **Tree details:** Approx age

Tree number Tree species

TPO/CA? Y / N (please circle)

<p>(3) Potential roost features y/n</p> <p>Crack/hole/cavity.....</p> <p>Loose bark/bat box.....</p> <p>Location in tree.....</p> <p>Feature id.....</p> <p>Habitat surroundings (fields, water etc)</p>	<p>Definite roost features y/n</p> <p>Dark staining around hole.....</p> <p>Staining around hole.....</p> <p>Droppings seen.....</p> <p>Bats seen/heard.....</p>
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(4) **Tree Classification (use the British Standard BS8956 - Surveying for bats in trees and woodland categories)**

Known or confirmed roost/ High/medium risk/ Low risk/ Negligible/no risk

Why?.....

Further action:

a) Inspect tree further? Y / N	Owner? Y / N
b) Continue with works? Y / N	Bat contractor? Y / N
c) * Notification? Y / N	SNCO? Y / N
If yes, notify who?	Bat group? Y / N

(5) **This assessment undertaken by:**(name/date)

(6) **If bat incident occurred:**

How it occurred?.....

Actions taken:

Taken From British Standard BS8956 - Surveying for bats in trees and woodland

Table 1 – Classification of trees for risk of bat roost presence

Tree category and description (following scoping survey)	Secondary (non-specialist) survey recommendations	Secondary (specialist) survey recommendations
Known or confirmed roost	Initially consider if work to tree(s) can be avoided. If not, a specialist bat roost assessment should be undertaken to establish bat species, numbers and the nature of the roost.	
High/medium risk Trees with a suitable potential roost feature, or with several features with some bat roost potential.	<ul style="list-style-type: none"> • Secondary (non-specialist) assessment to examine potential roost features previously identified. If roosts cannot reasonably be ruled out a bat specialist should be consulted. • Following this assessment the tree could be up-graded or down-graded (see column 1 categories). 	<ul style="list-style-type: none"> • Specialist bat roost assessment should be undertaken if work to a tree cannot be avoided. • Assessment to include techniques such as endoscope use and dusk/pre-dawn surveys should be undertaken. • Following this assessment the tree could be up-graded or down-graded.
Low risk Trees of sufficient size and age to contain bat roosts but with no obvious potential roost features seen during the scoping survey, or features seen with limited roosting potential only, e.g. small amounts of ivy.	No further assessment is required unless sufficient new evidence is found to upgrade the category.	None
Negligible/no risk Trees with apparently no potential to support bats.		

NOTE Risk equates to the likelihood of bat roost presence.