

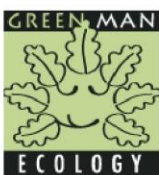
1.1

CLIENT PACK



EXTERNAL WALL INSULATION (EWI) AND ASSOCIATED WORKS TOOLKIT

Pack A: Clients | Part 2: Guidance for Clients
Home Improvement Series





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TOOLKIT PACKS



Pack A: Clients Pack

Part 1 - General introduction

Part 2 - Guidance for clients



Pack B: Ecologist's Pack

Part 1 - General introduction

Part 2 - Guidance for Ecologists

Part 3 - Precautionary Derogation Licence Application

- *application form*

- *MS template*



Pack C: Contractors Pack

Part 1 - General introduction

Part 2 - Guidance for Contractors

Part 3 - Mitigation method statement

Part 4 - Toolbox talk



Pack D: Mitigation Pack

Part 1 - Property mitigation audit form

Part 2 - Example of a completed mitigation audit form

Part 3 - Mitigation solutions and enhancements catalogue

Part 4 - Bat and bird public information request

Part 5 - Information on protected species and wildlife boxes for property owners



OVERALL PROCESS

STAGE 1: Determine risk to bats and breeding birds

- Desktop survey including Local Record Centre search
- Walkover survey by suitably qualified ecologist checking for signs of bats, bat potential including potential access points and signs of breeding birds

Property has NO signs of breeding birds or bats / potential for bats – continue with works incorporating enhancements on those properties

Property has signs of breeding birds or bats / potential for bats – continue to stage 2

STAGE 2: Mitigate through design

- Avoid impacts by ensuring all bat access points are retained and the roofline/soffits are not affected
- Carry out works outside of bird breeding season
- Provide replacement bird nests appropriate for relevant species

Property's bat access points CAN be retained / no extensions to the roof required / no new soffits/fascias required

- Produce method statement including bat and bird mitigation and enhancements and apply for precautionary bat licence
- continue with works in accordance with method statement for those properties

Property's bat access points CANNOT be retained / extensions to the roof required / new soffits/fascias required – continue to stage 3

STAGE 3: Presence / absence survey

- Where potential impacts can't be avoided, bat presence / absence surveys will be required in accordance with published guidelines

Property has NO evidence of bats

- Produce method statement including bat and bird mitigation and enhancements and apply for precautionary bat licence
- Continue with works in accordance with method statement for those properties

Property HAS evidence of bats - Apply for specific bat (derogation) licence for that property and carry out works in accordance with method statement (incorporating bird mitigation and enhancements) OR do not carry out works



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1 INTRODUCTION

- 1.1 Pack A, Part 1: General Introduction sets out the issues relating to External Wall Insulation and the background to this toolkit, including the legislative drivers that must be considered.
- 1.2 This document provides specific guidance for clients looking to undertake EWI on their own property or as an organisation/Local Authority on behalf of the homeowners.

2 INCORPORATION OF ECOLOGY INTO EXTERNAL WALL INSULATION (EWI) SCHEMES

2.1 The need to consider ecology

- 2.1.1 As set out in the General Introduction, bats and birds are at risk from being significantly impacted on through EWI schemes. In addition, due to their legal protection, there is an additional risk of an offence being committed by the client and/or contractor during these works. Therefore, ecological integration into a scheme/s is essential in order to protect bats and birds, as well as prevent an offence being caused in relation to wildlife crime. However, if appropriately planned, ecological considerations need not be costly or onerous and can be implemented into the scheme without significant delays or costs.

3 PUBLIC BODY DUTY TO BIODIVERSITY

- 3.1.1 Many of these EWI schemes are being carried out by LAs, other public bodies or being carried out on behalf of LAs, often with the funding being provided by Welsh Government. Therefore, it should be noted that there are additional legislative requirements that must be considered by these bodies, and therefore those undertaking work on their behalf.

3.2 Habitats Regulations duty

- 3.2.1 In addition to the wildlife legislation as described in Part 1, a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.



Competent authorities include the Welsh Government, public bodies (e.g. LAs), ministers etc., as well as any person exercising a function on behalf of these bodies¹.

3.3 Environment (Wales) Act duty

3.3.1 All public authorities (e.g. Welsh Government, LAs etc.) are also subject to the duty to seek to maintain and enhance biodiversity in exercising their functions and in so doing promote the resilience of ecosystems (Section 6 of the Environment (Wales) Act 2016). This replaces and strengthens the Natural Environment and Rural Communities Act (NERC) (2006) duty. Guidance relating to the delivery of this duty is due to be released later in 2016.

3.4 Well-being and Future Generations Act duty

3.4.1 Furthermore, public bodies have a duty under the Wellbeing and Future Generations Act (2015) to take all reasonable steps to exercise their functions to meet their Sustainable Development objectives. It sets seven well-being Goals for the sustainable Wales we want:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of Cohesive Communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

3.4.2 The Act requires public bodies, including the Welsh Government, Natural Resources Wales and the National Park Authorities, to consider the achievement of the well-being goals in all policies and strategies, and in all grant aiding and funding.

3.5 Nature Recovery Plan

3.5.1 The Welsh Government has published The Nature Recovery Plan for Wales², which is aimed at addressing the underlying causes of biodiversity loss by:

- putting nature at the heart of the Welsh Government's decision-making
- increasing the resilience of our natural environment
- taking specific action for habitats and species.

3.5.2 The plan sets out how Wales will deliver the commitments of the UN Convention on Biological Diversity and the EU Biodiversity Strategy to halt the decline in our

¹ <http://www.legislation.gov.uk/uksi/2010/490/contents/made>

² <http://gov.wales/topics/environmentcountryside/consmanagement/conservationbiodiversity/?lang=en>



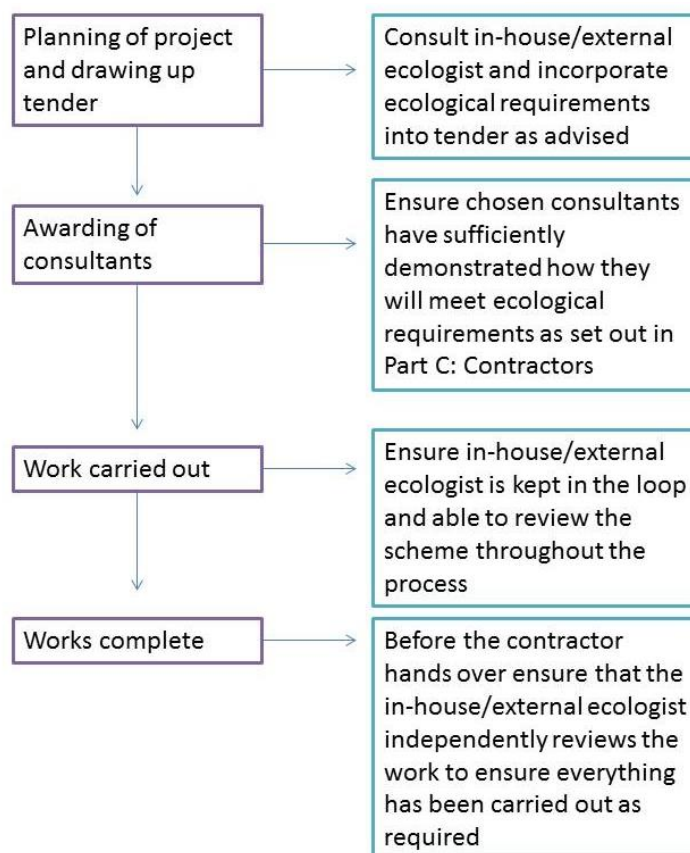
biodiversity by 2020 and then reverse that decline. The objectives are a guide as to how the Well-being of Future Generations Act and the Sustainable Management of Natural Resources can be addressed for biodiversity and should be delivered by Welsh Government, LAs and other relevant bodies.

4 DELIVERY OF EWI

- 4.1.1 EWI must be delivered in accordance with the relevant legislation and policies and is applicable to all clients and contractors. Although the above duties are relate directly to public authorities, it is incumbent upon both Welsh Government and the LA to ensure that any organisation working on their behalf to exercise their duties, also has regard to conserving biodiversity. Therefore, where public monies are to be used in the scheme, the Environment (Wales) Act, Well-being and Future Generations Act and Habitats Regulations Act duties are applicable.
- 4.1.2 In order to meet these requirements, the potential impact to bats and birds needs to be identified and mitigated, and enhancements need to be incorporated within the scheme right from the beginning. The consideration for the client is demonstrated in the flow diagram below (A2-1). The flow diagram at the beginning of this document outlines the overall process for incorporating conservation and enhancement of bats and birds into EWI schemes.
- 4.1.3 In order to carry out this process, ecological input from a suitably qualified and experienced ecologist is required.
- 4.1.4 Ecologist input is needed because;
- 1) a well-designed scheme can prevent an adverse impact on protected species (which could constitute a criminal offence);
 - 2) discovery of protected species (bats or birds) while work is underway is highly likely to result in work having to be stopped or postponed, resulting in costly delays. Input from an ecologist to identify structures with potential for bats and birds will enable a mitigation strategy to be agreed before work commences (in the majority of cases); and
 - 3) only a suitably qualified and licensed ecologist can;
 - i) identify protected species issues on structures
 - ii) provide appropriate mitigation advice
 - iii) ensure that mitigation is correctly implemented
 - iiii) fill out relevant aspects of a derogation licence and write appropriate method statements



Figure A2- 1: Ecologist involvement in EWI Scheme



4.2 Scope of the ecologist's work

4.2.1 Pack C, Part 2 Guidance for Ecologists describes in detail the ecological involvement required for these EWI schemes. In summary, input by an ecologist should include:

- Desktop search (includes assessment of aerials, street view etc. as well as an ecological record search from the Local Record Centre and discussions with County recorder) (minimum)
- Walkover survey (minimum)
- Initial report including mitigation, further survey requirements and enhancement details (minimum)
- Emergence surveys (ideal if any bat risk is found, but may be constrained by timings of funding and other factors. Will be an absolute requirement in some situations e.g. surveys for planning or high risk potential that can't be mitigated by design)
- EPS Derogation Licence application and method statement (where bat roost potential is identified)
- Inspections from scaffold (where issues need closer inspection or areas could not be surveyed as part of the walkover)



- Void inspections (where it is determined there may be access to the loft and access can't be retained)
- Update report (where necessary)
- Toolbox talks with contractors (may be delivered by contractors)
- Audit (survey of whether features have been incorporated as required)
- Monitoring (if features are found, determines success)

4.2.2 Therefore, ecological input needs to be considered at the project planning stage and an appropriate cost allocation needs to be made for ecological consultancy services/in house ecological services (if they are available) and mitigation within the *initial* funding application. The cost should be identified by whoever is making an application for the grant funding.

4.3 Cost of the ecological consultant

4.3.1 The cost will vary according to:

- The type and number of properties being targeted for the improvement scheme.
- The distance an ecologist has to travel to site.
- The individual fee charged by different ecological consultants.
- Cost of travel and other disbursements.

4.3.2 Costs may also vary depending on an ecologist's experience. In order to determine whether an ecologist is suitably qualified it is recommended that you refer to the CIEEM Competence for Species Survey: Bats³. An advantage would also be if they have dealt with similar schemes previously.

4.3.3 If possible you should receive a quote from the required number of ecologists (see rules on Procurement) to determine the likely costs. The best way to estimate ecological fees is to work out the number of days an ecologist might be required on site. For example:

- Walkover and initial report - usually 2 days for 100-200 similar properties on an estate. More time will be required for areas where properties are scattered or that differ widely in architecture.
- Inspections from scaffold and audit - usually 3-6 properties at a time. Usually half a day (inclusive of travel if a local ecologist).
- Void inspections - usually 8 to 10 voids in one day.

4.3.4 See the Ecologist's (PACK B) and Contractor's (PACK C) packs for information on what ecology services are needed and ensure the details are clear to the ecologist when requesting quotations.

4.3.5 A cost will also be incurred for requests for Biological records from the local records centre. This fee varies but some records centres offer a simple option for a 'bat and bird' search for approximately £50 + VAT.

³ http://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/CSS/CSS_-_BATS_April_2013.pdf



4.4 Cost for biodiversity mitigation and enhancements

- 4.4.1 Each scheme will require enhancement features and where applicable, mitigation. Funds will be required to cover the purchase of bat and bird boxes and other materials which may be used as part of the mitigation e.g. soffits, as well as the installation costs.

4.5 Engagement with householders /Registered Social Landlords (RSLs)

- 4.5.1 Integration of bats and birds into property works can be a controversial subject. Householders/RSLs may have preconceived opinions/thoughts regarding the potential impacts of these features.
- 4.5.2 It is imperative that householders/RSLs are engaged early on in the process. Discussions regarding ecological mitigation should be entered into when approaching householders/RSLs for the first time/when they have approached the contractor for the first time.
- 4.5.3 At the time of seeking agreement for the EWI, householders/RSLs should be made aware that ecological mitigation and enhancement may be required to be integrated into the scheme on their property/s, and seek written agreement for this at that stage.
- 4.5.4 Where householders refuse, ecological surveys may need to be carried out (depending on walkover results) to determine whether bats and birds are using the property, which may result in the requirement for mitigation and enhancement anyway. Where householders out-right refuse or it is not possible to do the sufficient survey work because of timescales, then, if bat potential is identified, EWI should not go ahead on their property and they should not be put into the scheme.
- 4.5.5 If these discussions and agreements are not had and sought from the outset, then issues can arise later on, causing delays and potentially rendering the scheme unachievable.
- 4.5.6 In addition, the EPS Derogation Licence cannot be achieved as householders/RSLs are refusing for the works to be carried out in accordance with the ecological report (and therefore method statement).
- 4.5.7 It is the contractor who is named on the licence and therefore the contractor that would be committing an offence by not according with the licence. Bird mitigation and all enhancements are not covered by this licence but will be requirements in order to meet WG and LA duties.



4.6 Concerns about bat and bird boxes

4.6.1 In order to try and allay concerns which householders/RSLs might have, it is important to have the facts regarding the common myths around these types of features. It is also important to understand why we are undertaking this work (see Part 1 – Introduction for more details).

4.6.2 Some of the common myths are:

- **They require maintenance** - This is not true, as long as the right boxes are chosen, and for birds, they are using them, then there is no maintenance required.
- **They will cause a mess** – bat and bird boxes should not be placed above doors or windows where they could cause an inconvenience
- **They will stop owners getting planning in the future** – again this is not true. The presence of bat species very rarely results in a planning refusal, as long as appropriate surveys have been carried out and mitigation considered. Having bats or birds using a box rather than the house is also easier to mitigate as it is known where the bats are and the box can just be removed at the appropriate time of year and replaced on the new extension (for example).
- **They are ugly** – many bat boxes are integrated into the cladding, leaving just a slit visible, smaller than a ventilation vent (see Figure A2-2).



Figure A2- 2: Bat box mitigation/enhancement example