

AMENITYTREE

ENVIRONMENTAL PLANNING CONSULTANTS

Potential roost feature inspection surveys - trees

NAME OF SITE:	Lickers Lane
PROJECT No:	11756
CLIENT NAME:	Your Housing
SPECIALIST:	Amenity Tree Care Ltd
DATE PREPARED:	15/01/2024
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REVIEWED BY:	TBC
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1.0 Introduction

1.1 Site description, location, context and development proposals

The site is situated in the Halsnead area of Whiston, Prescott and comprises open field, scrub and woodland located off Lickers Lane.

1.2 This report is specifically compiled to address the MEAS consultaion note for reserved matters application pursuant in part to planning application **20/00399/OUT**. point 42 relative to bat roost assessment of trees to be removed.

The proposed development includes tree removals, The purpose of this report is to establish the potential of the trees to offer shelter and / or roost facilities to protected species, in particular bats.

The objective of the report is to be able to assess a range of factors including a rated (low-high) potential of the tree to offer shelter for bats, absence/presence of protected species, species affected, population numbers, potential access points, types of roost and their seasonality of use. The objectives include the provision of any applicable mitigation measures and / or further emergence survey recommendations in relation to the extent and use of the site by protected species as is required by the current BCT guidelines (Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists: Good practice Guideline (4th Edn). The proposed development includes tree removal and therefore a Bat Roost Assessment is required as such proposals could have a direct impact on protected bat species.

The purpose of this report is to establish the potential of the affected trees to offer shelter and / or roost facilities to protected bat species.

The objectives include the provision of any applicable mitigation measures and / or further survey recommendations in relation to the extent and use of the site by protected species as is required by the current BCT guidelines section (Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists: Good practice Guideline (4th Edn), specifically chapter 6, Surveying trees and woodland for bat roosts.

2.0 Methodology

2.1 Summary of survey methods

2.2 An external inspection was carried out on the trees in relation to their potential use by bat species in accordance with the 2023 BCT guidelines section 5.2 preliminary roost assessment - structures (and in particular 5.2). This was carried out on the 4th January 2024 by Christopher Gaughan (Technical Director).

2.3 In summary this means an external examination of the trees was conducted looking for signs of bat use and to quantify any field signs for their ecological significance. The inspection and report shall consider section 5.2 (complementary methods, timing and survey effort) of the 2023 BCT guidelines including Table 4.2.

2.4 Pre-existing data on local bat species

The closest granted European Protected Species (EPS) license application by Natural England was for bat species approximately 1015m from site (C-PIP).

2.5 Surveyor information

The Preliminary Bat Roost Assessment survey was undertaken by licensed bat surveyor Chris Gaughan (Natural England Licence Ref: 2015-14359-CLS-CLS.)

3.0 Results

Summary

3.1 The tree numbers provided are in line with the previously submitted "Arboricultural Impact Assessment 10617 AIA-V2-HalsneadLickers-14.12.2023-V2SB". The majority of trees on site are to be retained, specifically W1, this woodland was not assessed. A partial loss of W2 to the north-western corner of the site was assessed and the tree stock was classed as negligible potential to support roosting bats due to the age of the trees being young and not providing suitable roost features. Some of the trees are approaching maturity but the majority do not exhibit the features that attract bats. In accordance with Table 6.2

in the BatSurevy Guidelines PRF-I applies to one tree that contains features and is marked on the plan as T1. In accordance with Table 6.3 of the bat survey guidelines no known bat roosts are identified on the site during extensive activity surveys or through desktop analysis using MAGIC Maps.

A multi stemmed (7 stems, varying in dbh from 150-300mm) Sycamore (T1) located to the south-west of W2 contains 7 potential roost features (PRF's) in the form of wounds extending up 6 of the stems and fluting. These features were inspected using a Vivida VA-450 two way articulating inspection camera to detail the extent of the wounds, including diameter, and extent of any cavities. All of the features inspected were very wet following heavy rainfall with the majority being east facing, and contained Slugs and Woodlice (see images at end of report). The majority of the wounds extended between 250mm and 350mm, with 3 forming at the base of the tree extending to 2.5m. No evidence of roosting bats was discovered in any of the PRF's including. Due to the transient nature of bats using PRF's in trees, and seasonal variations in the suitability for them to be occupied, it is recommended that a suitably qualified Ecologist undertakes a pre-start check of this tree ahead of its removal to confirm that any features are not being used by bats before any works commence.

A number of trees in G1 to the south of the site displayed natural pruning wounds and some lifted bark, that on further inspection using binoculars and climbing inspections were classed as negligible due to their unsuitability to support roosting bats (see images).

4.0 Assessment and Summary

- 4.1 The surveyor was able to inspect all parts of the trees from ground and aerial levels when needed using rope and harness techniques. No evidence of bat activity was identified during the survey e.g., bat droppings or staining where bats could be accessing the trees.
- 4.2 The habitat surrounding the trees to be removed is largely open field, with woodland edges (unaffected by development). whilst woodland edge trees are in green spaces this

habitat type is limited on the site thereby limiting foraging and flight line opportunities from the subject trees.

5.0 Recommendations and mitigation

5.1 Recommendations

All trees apart from T1 contain features that have negligible potential, it is recommended that T1 is subject to a pre-start check for roosting bats ahead of its removal by a suitably qualified Ecologist, and no further surveys are needed for the other trees to be removed.

5.2 Mitigation measures and mitigation licenses

Mitigation measures and the need for Natural England licensing is not required in this instance.

Appendix One – Legislation

All bat species in the UK are fully protected under The Conservation (Natural Habitats, &c.) Regulations 2010 (as amended) through their inclusion on Schedule 2 of the Act. Regulation 41 prohibits:

Deliberate killing, injuring or taking (capture) of bats

Deliberate disturbance of bats in such a way as to:

impair their the ability to survive, breed, or rear or nurture their young; or

affect significantly the local distribution or abundance of bat species; or impair their ability to hibernate or migrate

Damage or destruction of a bat breeding site or resting place i.e. roost

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

All bat species in the UK are also protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, it is an offence to:

- Intentionally or recklessly disturb any bat while it is occupying a structure or place which it uses for shelter or protection
- Intentionally or recklessly obstruct the access to any place of shelter or protection used by bat(s)
- Sell, offer or expose for sale, possess or transport a bat(s) for the purpose of sale.

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will need to be applied for to allow derogation from the relevant legislation i.e. for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young, hibernate, migrate). In certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost.

Conservation (Natural Habitats) Regulations 2010

The species protection provision of the EC Habitats Directive 1992, as implemented by the Conservation of Habitats and Species Regulations 2010, comprises three “derogation tests” which must be applied by the Local Planning Authority when deciding whether to grant planning permission for a development that could harm a European Protective Species. The three tests are that:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and,
- Favourable Conservation Status (FCS) of the species must be maintained.

It is the responsibility of the applicant to submit sufficient information to address these tests when applying for planning permission. For development activities, an EPSM Licence application can only be obtained after planning permission has been granted. However, the granting of planning

permission does not guarantee that a licence will be issued by the relevant countryside agency.

National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) (2021) sets out the Government's national policies on different aspects of planning in England. Section 10 paragraphs 109 to 125 details planning policies on the conservation and enhancement of the natural environment. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

In summary:

The planning system should contribute to and enhance the natural and local environment by: *'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'* (NPPF Section 10, para 109)

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (Section 10, para 118).
- Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted (Section 10, para 118).
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (Section 10, para 118).
- Opportunities to incorporate biodiversity in and around developments should be encouraged (Section 10, para 118).

7 Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss (Section 10, para 118)

- Potential Special Protection Areas and possible Special Areas of Conservation, listed or proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on European sites, should be given the same protection as European sites (Section 10, para 118).
- The presumption in favour of sustainable development (para 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined (Section 10, para 119)
- Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (Section 10, para 125).

Local planning authorities must take account of the conservation of protected species when determining planning applications. The presence of protected species is a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the

species or its habitat. This requirement has important implications for bat surveys as it means that, where there is reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered' (BCR 2012). In order for the Local Planning Authority to adequately assess a development proposal against National and Local Planning Policy, full comprehensive ecological surveys need to be carried out and suitable mitigation strategies compiled prior to the submission of any planning application. This information will be reviewed by the Local Planning Authority in consultation with the relevant countryside agency and other conservation bodies.

Any developer should, in the first instance, consult the relevant Local Plans to assess the suitability of their proposal (refer to NPPF Section 10 paras 113 to 117).

Natural Environment and Rural Communities Act 2006 (NERC)

Part 3, Section 40 of the NERC Act 2006 states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', otherwise known as the Biodiversity Duty. Under Section 41 of the Act, the Secretary of State must publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. This list is based on those species listed in the UK Biodiversity Action Plan (BAP) as priority species. The S41 list replaces the list published under Section 74 of the Countryside and Rights of Way (CROW) Act 2000.

Biodiversity Action Plan

Biodiversity Action Plans (BAPs) set out actions for the conservation and enhancement of biological diversity at national, regional and local level. They consist of both Habitat Action Plans (HAPs) and Species Action Plans (SAPs) and species and habitats listed within these are defined as being of Principal Importance for the Conservation of Biodiversity under Section 41 of the NERC Act 2006. Local authorities must consider these species and habitats when determining planning applications.

Appendix One – Location of T1



Appendix Two – PRF images

T1. Multi-stemmed Sycamore located to south of W2



Stem wounds from base to 2.5m providing PRF's.



2 PRF's on stem at western side of tree



Endoscope images detailing very wet cavities and competition from Slugs and Woodlice





G1 TO Southern boundary, mixed species Oak, Sycamore and Willow.



Typical wounds on trees within G1 with no potential for roosting bats (negligible)

