Amenity Tree Care

# Bat Roost Assessment (BRA) - Preliminary Roost Feature investigation - Trees

Wirral Metropolitan Borough Council

**Site: Grange Cemetery**

**14.04.2020**

**Version 1**

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# 1. Introduction

1.1 Site description, location, context and development proposals

The site is situated within Grange Cemetery and consists of 2no. Poplar trees that have been identified by a previous ecological survey as having some potential to contain roosting bats.

1.2 Purpose, aims and objectives of this report

The purpose of this report is to determine presence or absence of bat species via the use of a licensed bat worker using an endoscope to check the preliminary roost features for bats.

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) (2016) Bat Surveys for Professional Ecologists: Good practice Guideline (3rd Edn).

# 2. Methods

2.1 Summary of survey methods

An external inspection was carried out on the in relation to those trees that are proposed to be removed and their potential use by bat species in accordance with the 2016 BCT guidelines section 5.2 preliminary roost assessment - structures (in particular 5.2.4.1 and 5.2.4.2). This was carried out on the 25.03.2020 by Simon Brain and Steven Shell. In summary this means an external examination of the trees was conducted looking for signs of bat use and to quantify any field signs found for their ecological significance. The inspection and report shall consider section 5.2.5 (complementary methods) and 5.2.6 Timing and 5.2.7 survey effort of the 2016 BCT guidelines.

2.2 Surveyor information

Simon Brain (Managing Director) has attained a Post Graduate Certificate in Biological Recording and has attended FSC Field Courses for Land mammals, Songbird identification, Barn Owls (CIEEM) and Advanced Bird Survey Techniques (Level M). He has ten years experience in bat and avian work holding an NE Class 2 license (2015-17334-CLS-CLS). He has attended courses for trees and bats, bat survey techniques, bat handling, bat mitigation and attended several european workshops. He is a chartered arboriculturist and tree climber. Steven Shell has worked with bats for seven years and holds a class 2 license, he is an experienced tree climber.

# 3. Results

3.1 Summary

3.2 Constraints to the Surveys / Inspection

Rope and harness access was available and no constraints applied.

# 4. Assessment and Summary

4.1 Constraints to survey equipment

No constraints applied

4.2 Assessment summary

Both trees exhibit cavaties that are located at the base of the tree stems. The trees are located in the cemetery. The cavaties are located at the base of trees and they were inspected internally using an endoscope and no field signs of bats were found.

Assessment details

T1-Poplar, approximately 8m high, pollarded at 4m above ground level, two small cavities at pollard heads, upward facing, unsuitable for bats use, 60cm longitudinal cavity in branch that orientates to the west, 15cm wide, no droppings or visual signs of bats.

T2-Poplar, approximately 10m high, pollarded at 4m, small cavity 20cm long 5cm wide on west side of stem at 1.5m above ground level, second cavity on north side of stem at 600mm above ground level, the cavity 10cm long 3cm wide, third cavity east side at ground level, 15cm long and 5cm wide, small upward facing cavities at pollard head, stem hollow shell. No field signs found at site.

# 5. Recommendations and mitigation

## 5.1 Recommendations

There are no further emergence surveys required associatd with the PRF identified on the site.

There are no further measures that need to be taken in regard of bats before these trees are removed.

## 5.2 Mitigation measures and mitigation licenses

Mitigation measures and licenses are not required.

## 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 (2012)

The National Planning Policy Framework (NPPF) (2012) 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).

  7Planning 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 Two Images