

### Preliminary (Bat) Roost Assessment

### Plot 9, Rheda Park, Frizington, Cumbria CA26 3TA

### 2022

Report commissioned by:

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## **Quality Management**

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### 1. Introduction

### 1.1. BACKGROUND AND PRE-EXISTING SITE INFORMATION

This report details a Preliminary (Bat) Roost Assessment conducted at Plot 9, Rheda Park, Frizington, Cumbria CA26 3TA (Nat. Grid Ref. NY 02180 17098 - Approx. centre of site).

A Site Plan 'as proposed' has been provided (See Figure 2) and it is thereby understood that a proposal exists to erect a single residential property on site with detached garage. Plot 9 also includes an area of 'woodland garden' which is included within the red line planning boundary but which will be broadly unaffected by the proposed work.

Plot 9 has been previously subject to a preliminary bat roost assessment as part of a wider survey which incorporated an area measuring approximately 2.4 hectares (See '*Rheda Park, Frizington, Cumbria CA26 3TA - John Reed - Bat Survey - Preliminary Roost Assessment 6 October 2016*' by ArbTech). This previous survey identified two trees with 'moderate' bat roost potential but did not recommend any further survey effort. Neither of these trees will be affected by the proposed development of Plot 9.

An arboricultural report has been completed on Plot 9 to identify the significant trees that will be affected by proposal (See '*Plot 9 Rheda Park Frizington; Pre-development Arboricultural Report*': Ref. No. EJC/119-2022 by Treescapes Consultancy Ltd.). This report identifies a total of 11 trees (or groups of trees) which are either within or partially within the construction footprint of the proposed development which are recommended to be removed in order to implement the proposals. Figure 3 (taken from the Pre-Development Arboricultural report) shows approximate proposed site layout and tree protection measures.

This survey has been commissioned to assess any trees which will be impacted by the development of Plot 9 which may have potential for bats to roost and specifically to identify;

· Any potential impacts to bats as legally protected species,

Mr Glen Beattie of Alpha Design commissioned Hesketh Ecology to complete this survey and report in April 2022. It is understood that this report will be used to accompany a full planning application for the construction of a single residential property on Plot 9, Rheda Park.

### 1.2. FULL DETAILS OF PROPOSED WORKS ON SITE

The site plan 'as proposed' (See Figure 2) show the proposal which is for a single, detached residential property with detached garage building occupying a portion of Plot 9. A portion of the pot will be retained as a 'woodland garden' and will be unaffected by the proposed development.

The surrounding Plots which are shown on Figure 2 have all been cleared. Plot 6 now contains a single residential property and Plots 7 and 8 have been completely cleared to make way for future development.



Figure 1: Location Plan showing site boundary in red.



Figure 2: Plot 9, Rheda Park, Frizington - Site Plan - Drawing No. 21/11/1010-04 by Alpha Design.

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**Figure 3:** 'Tree Protection Plan showing the approximate proposed site layout and the tree protection measures' - taken from the report 'Plot 9 Rheda Park Frizington; Pre-development Arboricultural Report': Ref. No. EJC/119-2022 by Treescapes Consultancy Ltd.

# 2. Legislation and Policy

### 2.1. BATS

The legislation protecting wildlife exists regardless of the requirements of any planning consent.

The legal protection of bat species in the United Kingdom is mainly provided for by:

- The Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000,
- The Habitats and Species Directive (92/43/EC) enacted through The Conservation of Habitats and Species Regulations 2017.

The level of protection for each species varies according to the conservation status of the species.

'Common' bats (all species) are listed in Schedule 2 of the Habitat Regulations and in Schedule 5 of the Wildlife & Countryside Act 1981. The legislation makes it illegal to:

- Intentionally or deliberately kill, injure or capture (or take);
- Deliberately disturb;
- Recklessly disturb or obstruct access to any place used for rest and shelter
- Damage or destroy any place used for rest and shelter
- · Possess or transport an animal or any part of, unless acquired legally,
- Sell (or offer for sale) or exchange

Work that disturbs Schedule 2 species is illegal without a Wildlife Development Licence issued by Natural England.

### 2.2. NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

The National Planning Policy Framework (NPPF) was originally published by the Department of Communities and Local Government in 2012, consolidating over two dozen previously issued documents called Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) for use in England. A revised NPPF was published by the UK Government's Ministry of Housing, Communities and Local Government in 2018 and then again in 2019. The revised National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in 2012, and revised in 2018.

Chapter 15 of the NPPF, Conserving and Enhancing the Natural Environment, states (NB the following is a summary only, selecting points which relate to biodiversity and species only, for the full text see National Planning Policy Framework; February 2019, Ministry of Housing, Communities and Local Government;

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified

quality in the development plan);

 minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

Paragraph 170, Pg. 49.

- To protect and enhance biodiversity and geodiversity, plans should:
- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 174, Pg. 50.

When determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity 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;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

Paragraph 175, Pg. 50.

### 3. Methodology

### 3.1. DESK BASED INVESTIGATION

Natural England's MAGIC website (<u>http://www.magic.gov.uk</u>) was consulted for information relating to previous European Protected Species Mitigation Licences granted for the site itself, adjacent to the site or within the immediate area.

A data search was not commissioned from Cumbria Biodiversity Data Centre for this survey report.

#### 3.2. FIELD SURVEY

A daytime inspection of the site was conducted during which all areas of the site were inspected in detail during a walk over survey. A methodology based on that outlined in 'Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London' was employed, with reference to 'BTHK 2018. Bat Roosts in Trees - A Guide to Identification and Assessment for Tree-Care and Ecology Professionals'. Exeter: Pelagic Publishing (2018). Areas immediately adjacent the site were inspected from public rights of way only. Mature trees were inspected from ground level only using binoculars and an AG80 20x- 60x spotting scope as necessary. The following evidence of potential for bats is a brief summary only.

Evidence of potential for bats includes:

- Evidence of bats (droppings, seeing bats, smelling bats)
- Older trees/woodlands for foraging and roosting;
  - Woodpecker holes
  - Gap / crevices behind bark
  - Rot holes
  - Bird / bat boxes
  - Cracks associated with damaged limbs
- Linear landscape elements e.g. hedgerows and watercourses for commuting and foraging
- Built structures e.g. buildings and bridges for summer roosting or hibernation

The survey area for bats comprised all land within the boundary of Plot 9.

3.3. TIMING

The survey was conducted on 14th April 2022.

### 3.4. WEATHER CONDITIONS

Date	Activity	Weather conditions			
		Temp (°C)	Wind (Beaufort scale)	Cloud (%)	Precipitation
14/04/2022	Site inspection	11	1	80	None

### Table 4: Weather conditions.

### 3.5. PERSONNEL

The site inspection was conducted by Sam Griffin BSc ACIEEM.

### 4. Results

### 4.1. HABITAT DESCRIPTION

Plot 9, Rheda Park currently consists of an area of mature semi-natural woodland likely to be part of an earlier designed landscape (trees identified in the pre-development arboricultural report as Group 5 - See Figure 3) and an area of seemingly self seeded, 'young mature' trees (identified as Group 4 - See Figure 3).

Trees within Group 4 are birch, ash and willow and are all <35cm trunk diameter at breast height (DBH). These trees exist at the northern end of Plot 9, within or partially within the footprint of the proposed development. Trees within the adjacent plot (Plot 8) have been recently felled to the boundary which has left trees within Group 4 rather exposed and appears to have resulted in the partial collapse of willow trees (particularly) in this area.

Trees within Group 5 are generally mature / old mature and consist of planted and non-native, ornamental species such as Norway maple, Lawson cypress, hornbeam, elm, beech, Scots pine, cherry and sycamore. An understory of dense rhododendron and cherry laurel exists in this area. Group 5 trees primarily occur within the area marked as 'woodland garden' on Figure 2 and will be physically unaffected by the proposed development. Protection measures - including root protection zones - are presented in the pre-development arboricultural report.

#### 4.2. BATS

A search for previously granted European Protected Species Mitigation Licences (EPSML) within 2km of the site was conducted on 20/05/2022 on MAGIC (<u>https://magic.defra.gov.uk</u>). This search returned a single result, this being a EPSML issued in 2013 for the destruction of a resting place for Brandt's bat, whiskered bat and Natterer's bat at a site approximately 2km to the south west of the site. No previously granted EPSML's have been identified any closer to the site boundary than this.

Trees within Group 4 - those which are within the footprint of the proposed development - are all generally small and young mature. Trees adjacent the northern boundary appear to have been affected by the felling of trees within the adjacent plot, with a semi-mature multistem willow tree in the north western section of Plot 9 having partially collapsed (potentially as a result of exposure to the elements caused by the felling of adjacent trees). This tree was found to contain a number of very recent lateral splits within limbs. These cracks were found to be very exposed with no associated cavities or crevices which could be used by roosting bats. These lateral splits were fully accessible and could be comprehensively in-spected with a high powered torch and video endoscope, during which all areas of the feature could be inspected. No evidence of bats was identified and the features were found to be entirely suboptimal for roosting bats.

Other than the single multi stemmed willow tree discussed above, none of the other trees within Group 4 were found to offer any potentially suitable bat roost features. The vegetation to be cleared within the proposed development footprint is predominantly dense scrub and immature self seeded willow and birch.

Trees within Group 5 are generally mature / old mature, were seemingly planted as part of a previous landscape scheme and have a dense understory of rhododendron, cherry laurel and snowberry with some self-seeded understory of cherry, sycamore and beech. Of the mature trees within Group 5, a mature cherry tree and an old mature Scots pine are proposed to be felled to facilitate the development. A number of self-seeded young mature understory trees will also be removed. No potential bat roost features were identified in any of the trees proposed to be felled in this area.

The trees proposed for removal on Plot 9 Rheda Park all offer 'negligible' potential for roosting bats and no further survey effort is recommended.

# 5. Photographs



Figure 4: Showing the northern boundary of the site with young mature, partially collapsed willow.



**Figure 5:** Showing lateral splits in damaged limbs of partially collapsed willow. Feature fully accessible and inspected; no signs of bats identified.



**Figure 6:** Showing young mature trees (Group 4) at the northern end of the site (i.e. within the development footprint).



**Figure 7:** Showing mature trees (Group 5) at the southern end of the site (i.e. without the development footprint).



**Figure 8:** Showing the eastern boundary of the site looking south, with mature trees (Group 5) in the distance and immature (Group 4) trees in the foreground.



**Figure 9:** Showing the southern boundary of the site looking west. Trees in this area will be retained and the mature woodland edge feature will be preserved.

## 6. Impact Assessment

### 6.1. PREDICTED IMPACTS

### <u>Bats</u>

The trees proposed for removal on Plot 9 Rheda Park all offer 'negligible' potential for roosting bats and no further survey effort is recommended.

None of the trees were found to contain 'moderate' or 'high' quality potential roost features. Superficially 'low' quality potential roost features were identified in lateral splits within damaged willow in the northern section of the site, but these were fully accessible and could be comprehensively inspected and revealed no evidence of roosting bats.

#### **Breeding Birds**

Plot 9 contains dense vegetation and trees highly likely (if not certain) to used by breeding birds during the bird breeding season (March - August inclusive). Any clearance of vegetation (felling / pruning of trees or cutting back of ground vegetation) during the breeding season would pose a high risk of harm to breeding birds.

# 7. Mitigation / Recommendations

### 7.1. MITIGATION / RECOMMENDATIONS

#### <u>Bats</u>

No potential roost features have been identified in trees to be felled on site. All trees affected are deemed to be of 'negligible' suitability for roosting bats. No further survey effort is necessary.

Potential bat roost features in trees are often ephemeral and dynamic and a preliminary roost inspection therefore only represents a snapshot of the situation on site at the time of the inspection. Roost features can be created at any time via wind damage, woodpecker etc. The following recommendations are therefore made to account for this;

- Appropriately qualified and experienced arboricultural operatives should be employed to clear the site.
- Prior to felling / pruning any tree, a visual inspection should be conducted to identify any new / recent damage to the tree. Should any such feature be identified, a judgement should be made as to wether it is likely to allow access to an internal cavity or has created crevices which could theoretically be accessed by bats. If a new / recent feature is identified, and it is found to contain features which could be used by bats, that tree should not be felled until a checking inspection can be completed by an appropriately licensed and experienced ecologist.

#### **Breeding Birds**

The site offers high potential for breeding birds. The following recommendations are made to remove the risk of harming nesting birds;

- Where possible, vegetation clearance should occur exclusively outside the breeding bird season (March to August).
- If not possible, vegetation should be surveyed for breeding birds by an appropriately experienced ecologist immediately prior to clearance.

## 8. Summary

#### 8.1. SUMMARY OF DEVELOPMENT AND MITIGATION

This report details a Preliminary (Bat) Roost Assessment conducted at Plot 9, Rheda Park, Frizington, Cumbria CA26 3TA (Nat. Grid Ref. NY 02180 17098 - Approx. centre of site).

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### The trees proposed for removal on Plot 9 Rheda Park all offer 'negligible' potential for roosting bats and no further survey effort is recommended.

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The site offers high potential for breeding birds. The following recommendations are made to remove the risk of harming nesting birds;

- Where possible, vegetation clearance should occur exclusively outside the breeding bird season (March to August).
- If not possible, vegetation should be surveyed for breeding birds by an appropriately experienced ecologist immediately prior to clearance.

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