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28<sup>th</sup> August 2018

Dear David,

### **Bat Emergence Survey – Land at Plot 1, The Spires**

Thank you for instructing The Ecology Partnership to carry out a bat emergence survey at the above site to ascertain the use of the trees by bats and to discharge condition 7 of the approved planning permission for the site.

### **Background**

The proposal has been granted full planning permission in June 2018 under **R/91/17/PL** subject to a number of planning conditions. Condition 7 of the planning permission relates to bats and it states that:

### **Condition 7**

*“Tree T06 shall be retained and protected from harm until a further bat activity survey is undertaken on the tree. This survey must be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for approval prior to commencement of development. If bats are found to be roosting within the tree, mitigation will be required and a mitigation strategy should be produced and submitted for approval. The development shall proceed in accordance with the approved details.*

***Reason: It is necessary for this to be a pre-commencement decision to safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan."***

This report has been developed to fulfil Condition 7 of the planning permission.

On the 18<sup>th</sup> May 2017, Lizard Landscape Design and Ecology undertook a preliminary roost assessment for the trees on site as part of a preliminary ecological appraisal for 'The Spires' site which included plot 1. The surveyor identified a number of trees, including T06, which was considered to retain features suitable for roosting bats including cracks and cavities in the bark. T06 is to be retained, however, this tree will be subject to some works as currently a sizeable broken limb is hanging from the main body of the tree. This will be removed due to health and safety reasons.

Additionally, a tree constraints plan dated 11<sup>th</sup> April 2017 by Lizard Landscape identified another tree as T06 (which was not the same tree as previously identified as T06 in the original report) and this was also considered to have some potential for roosting bats on initial inspection by the Ecology Partnership. The tree was identified as an ash (*Fraxinus excelsior*) tree within the arboricultural report however on inspection on site, the site was identified as being a sycamore (*Acer pseudoplatanus*). The tree is likely to be removed due to health and safety reasons as there is a large cavity at the bottom of the tree which is likely to make the tree weak at the base. The cavity although low down to the ground, did provide some limited potential for bats. Although it is considered that the condition is with regard to the willow tree listed as T06 within the ecology report, as both trees are to be subject to works (T06 within arboricultural plan and T06 within the ecology report), both trees were surveyed. Both trees are located approximately three metres apart and were subject to a dusk emergence survey. For the purposes of this report and to save confusion, the willow tree listed as T06 within the Lizard Landscape ecology report is referred to as "tree 1"

and the tree referred to as T06 within the Lizard Landscape arboricultural plan is referred to as “tree 2”.

### **Site Context and Status**

The site is located in the south-western portion of East Preston, West Sussex (central grid reference TQ 0624 0205). This plot is located adjacent to a dwelling called ‘The Spires’ and contains sections of the associated gardens, swimming pool and pool house. A large number of trees on the site are protected through a Tree Preservation Order (Ref. TPO/R/1/14). The site is approximately c. 0.2 Ha in size and it is bordered along all aspects by the gardens of residential properties. There are no Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNRs) within 2km of the site.

The aerial photograph (Figure 1) shows the site and its immediate surroundings. The red line depicts the approximate site boundary and survey area.



*Figure 1: The original red line boundary for the initial preliminary ecological appraisal completed by Lizard Landscape Design and Ecology (May 2017)*

The approximate locations of the trees subject to survey are shown in figure 2, along with the extent of the red line boundary of the site at “plot 1”.



*Figure 2: Approximate location of the red line boundary and the latest plans for the development, along with the locations of the trees subject to survey.*

## Legislation

Bats are covered by the following relevant legislation: The Wildlife and Countryside Act (WCA) 1981 (as amended); the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act (NERC) 2006; and by the Conservation of Habitats and Species Regulations (CHSR) 2010.

Under the WCA 1981, it is an offence to:

- intentionally, recklessly or deliberately disturb a roosting or hibernating bat (i.e. disturbing it whilst it is occupying a structure or place used for shelter or protection);
- intentionally or recklessly obstruct access to a roost (i.e. a structure or place used for shelter or protection).

Under the CHSR 2010, it is an offence to:

- deliberately capture (or take), injure or kill a bat;
- intentionally, recklessly or deliberately disturb a bat, in particular:
  - (i) any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young;
  - (ii) any disturbance which is likely to impair their ability in the case of hibernating or migratory species, to hibernate or migrate; or
  - (iii) any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong;
- damage or destroy a breeding site or resting place (roost) of a bat.

## Methodology

A dusk emergence survey was undertaken for two trees on site to cover the points of interest. The survey was carried out on 6<sup>th</sup> August 2018 by Chris Jennings BSc (Hons) MSc MCIEEM. Prior to dusk, the trees were inspected in order to assess features of interest and any potential exit locations. Tree 1 (willow) contained a number of features including a snapped limb, which offered some limited roost potential as the feature was largely upward facing and open to the elements. In addition a hole within the northern aspect of the tree as well as a hole and cavity at the base of the tree approximately a foot from the ground on the eastern side, several other small rot holes were present although they did not appear to be deep enough to support roosting bats. Tree 2 contained an upward cavity at about a metre from ground level, when inspected the feature was full of slugs the feature appeared very damp. The features of interest could be covered from a single view point.

During the survey all activity, including flyovers and emergence from the tree (if any), was recorded. The surveys followed Bat Conservation Trust guidelines (Wilson, 2016). The dusk survey began 15 minutes before sunset and observations continued until 2 hours after sunset. Bats usually emerge 20 minutes after sunset depending on the species, light level, weather conditions and time of the year. Peak activity will normally last for roughly two hours after sunset during periods of peak insect activity. Equipment used included the Elekon Batlogger M.



*Figure 3: Tree 1, a willow (listed as T06 within the Lizard Landscape Ecology Report)*



*Figure 4: The feature at the base of Tree 2, sycamore (Listed as T06 within the Lizard Landscape Arboricultural Plan)*

## Results

The activity was undertaken in warm and dry conditions, with the weather calm. The temperature was 26°C at the beginning of the survey dropping to 24°C at the surveys conclusion. The first pass recorded was a noctule (*Nyctalus noctula*), a very faint single pass was noted at 21:28. At 21:29 a common pipistrelle (*Pipistrellus pipistrellus*) was noted commuting along the tree line at the southern end of the plot, were the two trees were situated. One further common pipistrelle pass was noted at 21:42, although the bat was not seen visually. The last pass of the survey was recorded

at 21:58 when another single common pipistrelle pass was recorded, this time the pass was brief and faint and again the bat was not seen visually. No bats were noted emerging from either tree, it was not considered that bats were roosting within the trees on site. The site itself recorded very low levels of bat activity considering the survey was conducted in optimal conditions at an optimal time of year for bat activity.

### **Discussion**

After conducting the dusk emergence survey, no bats were seen emerging from any of the features of interest within either tree on site. The two best features within either tree were considered to be the cavities which were found low down to the ground within the lower sections of the stems. The cavity within tree 2 was full of slugs at the time of the survey and it is considered that the damp conditions and competition for roost space would make this an unattractive feature for roosting bats. Both of these features were also surrounded by ornamental shrubs and a dense hedge and metal chain linked fence on the southern aspect making access for bats difficult and unlikely.

Considering the lack of activity from bats in general using the site, with the survey undertaken at an optimal time of year and within good conditions for bat activity, it is considered highly unlikely that either trees are being used by roosting bats and tree works or the felling of the trees are considered highly unlikely to affect roosting bats and it is considered that tree works can proceed without constraint.

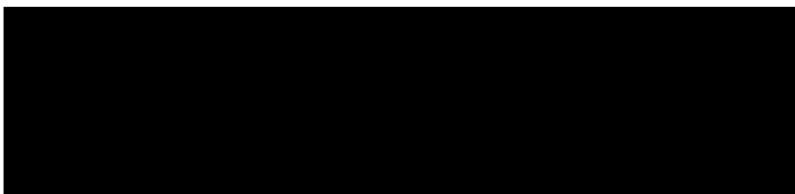
## Conclusions

No roosting bats were found within either tree subject to survey. As such no further surveys for bats are considered a requirement. Nether tree is considered to support a bat roost and as such no further surveys for either tree is recommended.

It is therefore considered that this document meets the requirements set out in Condition 7 and that the condition can therefore be discharged.

If you have any queries, then please do not hesitate to contact me.

Yours sincerely,



Alexia Tamblyn MA (Oxon) MSc CEnv MCIEEM FRGS

Managing Director