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Shavington-cum-Gresty
Nr. Nantwich
Cheshire (East)
CW2 5AN

Your Ref: Belle Vue Co-op Academy, Manchester

Our Reference: BES-2021-503

19th September 2021

Japanese Knotweed Control Ltd
C/O Richard Podmore
Houldsworth Business Centre,
Houldsworth Mill,
Houldsworth Street,
Stockport,
SK5 6DA

Dear Richard Podmore,

RE: 129076/VO/2021 - Showcase Cinema site (Hyde Road, Manchester) - Bat Activity Surveys

Background

Britannia Ecological Solutions Ltd was contacted by yourselves on 18th August 2021 requesting a bat activity survey be undertaken on various trees at the former Showcase Manchester Cinema Complex, Hyde Road, Manchester, M12 5AL in advance of tree removal after nesting bird season, proposed for Autumn 2021.

Further to your request for an Ecologist to attend site and conduct a single pre-dawn re-entry survey and a single dusk emergence survey on trees T16, T19 & G8 prior to the commencement of tree removal, please find enclosed details of the surveys undertaken, results and guidance (see attached tree plan XX-DR-L91-0008). *N.B. this letter permits the felling of trees with reference to bats only and is not permission for trees to be removed which may otherwise require a formal license from (including, but not restricted to) i.e. The Forestry Commission, a Local Authority, The Environment Agency or Natural England.*

In particular, this letter hopes to discharge the following below comments/conditions contained within the Arboricultural Assessment and the Preliminary Ecological Assessment of January 2021, in relation to the possible presence of a bat roost within the trees scheduled for removal within the site:

"In accordance with the guidelines for assessing the potential suitability of proposed development sites for bats T16, T19 and G8 were identified as supporting moderate suitability to support a bat roost. As the arboricultural impact assessment recommends the removal of these trees due to their condition further nocturnal survey work should be undertaken.

A single pre-dawn re-entry survey and a single dusk emergence survey will be required on the trees between May and August to determine presence/absence of roosting bats prior to the commencement of the felling works."

and:

(continued overleaf)

“It is possible that further emergence/re-entry surveys will provide adequate information to discount the possible presence of bats. In this case a report will be produced that states the absence of bats and will advise some precautionary actions to be followed during the works and a protocol to be implemented should a bat be discovered.”

The ecologist undertaking and leading this survey was Jordan Prendergast, assisted by five other surveyors. Jordan has worked alongside numerous well-established ecological consultancies and taken a range of guidance from various county bat groups, seminars and specialists since 2013. All ecological surveyors involved in the survey have a good level of knowledge and experience of survey techniques, having undertaken a range of bat scoping and activity surveys in a range of settings across the United Kingdom.



Above images taken from third party Preliminary Ecological Assessment of January 2021 T19 (orange), G8 (yellow and red)



Above images taken in August 2021 T16 (Green), G8 (yellow and red)

(continued overleaf)

Legislation:

The presence of a protected species is a material consideration in planning. If a bat roost is detected then a development license from Natural England will be required prior to any proposed works proceeding that may affect a roost.

All species of bat and their roosts are fully protected under UK and European law from killing, harm or disturbance, as well as the protection of their shelter, resting and breeding places. Therefore measures must be taken to ensure that the legislation concerning bats is not breached before any developments or works take place.

The *Wildlife and Countryside Act 1981* (as amended) transposes into UK law the *Convention on the Conservation of European Wildlife and Natural Habitats*, also called the *Bern Convention*. The *Countryside Rights of Way – (CROW) Act 2000* came as recent amendment to the 1981 *Wildlife and Countryside Act*. Under these acts it is illegal to:

- Recklessly or intentionally kill, injure, sell (or offer for sale) or take (alive or dead) any part of a bat
- Recklessly or intentionally damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat
- Recklessly or intentionally disturb a bat while it is occupying a structure or place which it uses for shelter or protection

Bats are also a 'European Protected Species' (EPS) given special designation under Regulation 41 of the *Conservation of Natural Habitats Regulations – 1994*, also known as the *Habitats Regulations*, as amended by the *Conservation of Habitats and Species Regulations 2010 - Regulation 41 (as amended) (43) - 2017*. Under these regulations it is illegal to:

- Deliberately capture, injure or kill any wild animal of a European (EPS) or to deliberately take or destroy their eggs
- Deliberately disturb wild animals of an EPS (affecting ability to survive, breed or rear young) – disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young
- Deliberately disturb wild animals of an EPS (impairing ability to migrate or hibernate) – disturbance of animals includes in particular any disturbance which is likely to impair their ability in the case of hibernating or migratory species to hibernate or migrate
- Deliberately disturb wild animals of an EPS (affecting local distribution and abundance) – disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong
- Deliberately disturb wild animals of an EPS (whilst occupying a structure or place used for shelter or protection) – intentionally or recklessly disturb any wild animal while it is occupying a structure or place which it uses for shelter or protection
- Damage or destroy a breeding site or resting place of any such animal

Certain bat species are considered a 'Species of Principle Importance' and are thus listed as such under Section 42 of the *Natural Environment and Rural Communities (NERC) Act 2006*. These include Soprano Pipistrelle (*Pipistrellus pygmaeus*), Brown Long-eared (*Plecotus auritus*) and Noctule (*Nyctalus noctula*) bat.

A 'European Protected Species Licence' is required from Natural England if impacts to bats or their roost cannot be avoided. This is in order to prevent proposals deviating from the Legislation. It is important to note that licenses cannot and do not provide protection against offences under the *Wildlife & Countryside Act 1981* (as amended).

The application process for a 'European Protected Species Licence' requires a number of 'tests' to be undertaken to support the application. These can be found in the box below:

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Natural England Guidance Note: European Protected Species and the Planning Process – Natural England's Application of the 'Three Tests' to Licence Applications (March 2011) states:

- *"In determining whether or not to grant a licence Natural England must apply the requirements of Regulation 535 of the Regulations and, in particular, the three tests set out in sub-paragraphs (2)(e), (9)(a) and (9)(b)6"*
- *(1) Regulation 53(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"*
- *Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative"*
- *(3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*

Methodology

Day time inspection:

A daytime bat survey, known as a 'scoping survey,' was undertaken to search and assess for potential bat presence and roosts in the trees scheduled for removal.

Potential Roost Features (PRF's) were noted and suitable access points e.g. woodpecker holes, rot holes, hazard beams, cracks, splits, knot holes, cankers, butt-rots, dense ivy plates and lifting or peeling bark.

Where possible, each feature was visually inspected for evidence indicating use by roosting bats including e.g. bat droppings in, around or below the potential roost feature, urine staining below the potential roost feature, scratch marks and characteristic staining (from fur oils). PRF access points can be discounted from the potential use of bats if cobwebbing, leaves or other natural materials are observed to be present around, and obstructing, areas of entry.

To assist with inspecting the trees for evidence of potential bat roosts a range of equipment was carried, this included bat detectors to detect echo-location calls from potentially present bats, ladders for access, binoculars to inspect out of range PRF's, an endoscope, high-powered handheld torches and inspection lamps

Emergence/Re-entry Survey's:

Surveyors are positioned at suitable locations around the survey area to ensure complete visual coverage of the area is achieved. Any possible access points and roosting locations are observed for the emergence or re-entry of bats.

Heterodyne detectors are used to aid in determining the species of any detected bats onsite. Echolocation calls are analysed after the survey using analytical software to further determine the species of any detected bats that could not be identified in the field.

Dusk emergence surveys are commenced 15 minutes before sunset and end 90 minutes thereafter, under suitable atmospheric conditions.

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Results

Day time inspection:

T16 - a Manchester Poplar, found to be a stump (the result of a previous failed stem) and G8 - two Ash trees, which show signs of significant decline, dieback within their crowns, several wounds on their stems and evidence of Inonotus Hispidus fungal decay. PRF's were present in the form of woodpecker holes, rot holes, cracks, splits, knot holes, cankers and lifting or peeling bark.

Although PRF's were present during the inspection of trees T16 and G8, at the time of survey, no evidence of bats or a bat roost was observed during the day time inspection of the trees.

T19 – a rowan, was a very poor suppressed specimen, with severe basal decay. The tree had no PRF's evident and as such was discounted from the survey as bats were not considered to be a constraint to removal.

Emergence/Re-entry Survey's:

Date: 31/08/2021 Sunset: 20:00				
Weather Conditions: 16°C, dry, wind (beaufort): 1, 95% cloud cover				
Tree: G8				
Time:	Species:	Behaviour:	Pass Tally:	Emerge / Enter:
20:22	Common Pipistrelle	Foraging along tree line	I	No
20:27	Common Pipistrelle x 2	Foraging along tree line	II	No
20:25	Common Pipistrelle	Foraging along tree line	I	No
20:27	Common Pipistrelle	Foraging along tree line	I	No
20:29	Common Pipistrelle	Foraging along tree line	II	No
20:34	Common Pipistrelle	Foraging along tree line	I	No
20:35	Common Pipistrelle	Foraging along tree line	I	No
20:37	Common Pipistrelle	Foraging along tree line	I	No
20:38	Common Pipistrelle	Foraging along tree line	I	No
20:40	Common Pipistrelle	Foraging along tree line	I	No
Tree: T16				
19:53	Noctule	Foraging (not seen)	I	No
22:20	Common Pipistrelle	Foraging along tree line	I	No
20:32	Common Pipistrelle	Foraging along tree line	I	No
20:41	Common Pipistrelle	Foraging along tree line	I	No
Date: 14/09/2021 Sunrise: 06:40				
Weather Conditions: 14°C, dry, wind (beaufort): 1, 95% cloud cover				
Tree: G8				
Time:	Species:	Behaviour:	Pass Tally:	Emerge / Enter:
05:30	Common Pipistrelle	Foraging along tree line	I	No
05:50	Common Pipistrelle	Foraging along tree line	I	No
06:11	Common Pipistrelle	Foraging along tree line	I	No
Tree: T16				
05:31	Common Pipistrelle	Foraging along tree line	I	No
05:54	Common Pipistrelle	Foraging along tree line	I	No
06:07	Common Pipistrelle	Foraging along tree line	I	No
06:17	Common Pipistrelle	Foraging along tree line	I	No

Although bats were seen to be present and utilising the site for foraging and likely commuting and feeding at the time of the surveys, bats were not seen to enter or emerge from a bat roost within the surveyed trees and as such the trees are considered to have a likely absence of bats or a roost.

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Recommendations

The site was considered to offer bats some good potential for foraging and commuting habitats, however, no evidence of bats relating to the trees scheduled for removal - T16, T19 and G8 - was found and as such the risk was considered to be low. For this reason the following recommendations are being made to minimise the potential impacts to bats:

- Before the commencement of arboricultural felling works, operatives must be informed of the potential presence of bats. For this reason a toolbox talk detailing the identification of bat evidence and the methods of felling to be used will be given by an ecologist to all personnel
- Prior to commencement of work each day, a site walkover must be undertaken by personnel to ensure no bats, or any other protected species, have entered PRF's during the night
- If, during any stage of the works, bats, an accumulation of bat droppings or any other protected species are found all works must stop immediately and an experienced and licensed bat ecologist will be notified of the findings straightaway and contacted for further guidance, assistance or advice. This can be the ecologist who undertook the initial survey, or another licensed bat worker or consultant ecologist (Bat Conservation Trust (BCT) helpline (0845 1300 228). It is an important note to add that an ecologist must be on call throughout the construction work at all times and visit site periodically
- A method statement with relation to felling trees with PRF's should be adhered to, to ensure there are no breaches to the legislation surrounding bats and their roosts

Method:

The purpose of the below method statement is to ensure bats or their roosts are not harmed by the proposed removal of trees T16, T19 and G8 and their presence remains as unaffected as possible before, during and after arboricultural works. The risks posed by the works are considered to be "moderate", with the implementation of a RAM's method statement reducing this to low.

Pre-felling:

Where surveys have assessed trees as possibly supporting roosting bats, it should be noted that due to the transient nature of bats it is possible that crevice-dwelling bats (e.g. Pipistrelle species), could utilise unidentified roosts beyond the date of the surveys. The contractor(s) should therefore be advised to carry out all work with care and vigilance for bats.

During felling:

The felling of trees, must be carried out in accordance with the following measures:

- Immediately prior to works, the tree will be inspected by an ecologist and subsequent section/soft felling will be completed under their supervision
- Careful section-felling of the tree(s) by avoiding cutting through or close to any cavities, this is likely to involve climbing the tree (unless unsafe to do so and in such a case a Mobile Elevating Work Platform (MEWP) should be implemented for safe access)
- Cut sections will be lowered to the ground (with the use of ropes if necessary)
- Once on the ground the cavity will be inspected by an ecologist and guidance issued
- Allow all felled sections to lie on the ground for 24 hours before removing Ivy and snedding (removing side branches)

Once discovered, a bat roost is protected by law and must not be disturbed (refer to the legislation detailed above). Should a roost be suspected or discovered at any time, contact an appropriately qualified ecologist immediately for advice.

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I trust that the information detailed within this letter and the measures listed above will address the concerns raised within the Arboricultural Assessment and the Preliminary Ecological Assessment of January 2021 and the possibility of a bat roost being located within the trees scheduled for removal T16, T19 and G8. Should you require any further advice, information or assistance, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J W Prendergast', followed by a long horizontal flourish.

J W Prendergast – on behalf of Britannia Ecological Solutions Ltd
Managing Director - Ecologist
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