

**Emm Brook  
Riverside Park  
Woosehill  
Wokingham  
Berkshire**

## **Addendum: Phase 2 Ecological Surveys**

Ref: R2708/a

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# **1 INTRODUCTION**

## **1.1 Overview**

- 1.1.1** John Wenman Ecological Consultancy LLP was commissioned by the South East Rivers Trust (SERT) to undertake additional Phase 2 ecological survey work at Riverside Park in Woosehill, Wokingham. The work has been commissioned in relation to SERT's Woosehill Fish Passage Improvements Project (Planning Application Number: 203617) and Wokingham Borough Council's Greenways Project.
- 1.1.2** This report is an addendum to the Phase 2 Ecological Surveys completed by John Wenman Ecological Consultancy LLP in May 2019 (Ref: 2220/b), which assessed the bat roost potential of trees and reported the findings of great crested newt (*Triturus cristatus*) eDNA sampling in the pond and paleochannel.
- 1.1.3** This report includes a preliminary ground-level bat roost assessment of additional trees now considered likely to be impacted by proposals and ecological advice for silt removal in the pond.

## **1.2 Site Location and Context**

- 1.2.1** The site is located at Riverside Park ('Woosehill Meadows') to the east of Morrisons supermarket in Woosehill, Wokingham (OS grid reference: SU 79824 69269).
- 1.2.2** The Emm Brook river runs through Riverside Park in the centre of the Wokingham suburb of Woosehill. The wider extent of the Park includes open fields and woodland to the south of the site. The Woosehill Spine Road borders the northwest of the site and the Reading Road (A329) is to the north. A railway line bordered by established woodland lies approximately 210 metres to the northeast and connects to Holt Copse and Joel Park Local Nature Reserve (LNR) approximately 400 metres to the east of the site. Approximately 235 metres to the west, lies a small lake with wooded banks called Windmill Pond.
- 1.2.3** Overall, the surrounding area offers pockets of habitat suitable for use by a range of fauna adapted to suburban environments.

### **1.3 Report format**

- 1.3.1** There follows: a summary of legislation (**Section 2**); a description of the survey methods (**Section 3**); survey findings (**Section 4**); a discussion of the findings and recommendations (**Section 5**); ecological advice for pond works (**Section 6**) and references (**Section 7**). The appendices present: site photographs (**Appendix 1**); and a plan of the trees on site (**Appendix 2**).

## **2 LEGISLATIVE BACKGROUND**

### **2.1 Amphibians**

**2.1.1** The seven native species of amphibian receive protection under the Wildlife & Countryside Act 1981 (as amended). The four widespread and common amphibians (common frog, toad, smooth and palmate newts) receive limited protection – making their sale illegal.

**2.1.2** Great crested newts receive full protection under the Wildlife & Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats &c.) Regulations 2017 ('Habitat Regulations') (as amended). These make it illegal to:

- Intentionally or recklessly kill, injure or take a great crested newt;
- Possess or control any live or dead specimen or anything derived from a great crested newt;
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt;
- Intentionally or recklessly disturb great crested newts; in particular, any disturbance which is likely to impair their ability to survive, breed or reproduce or nurture their young; or in the case of hibernating or migrating animals, to hibernate or migrate.

**2.1.3** The great crested newt and common toad are listed as being of principal importance for the conservation of biodiversity in England, under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, (commonly referred to as a UKBAP Priority Species).

### **2.2 Bats**

**2.2.1** All British bat species are fully protected by the Wildlife & Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 ('Habitat Regulations'). In summary, the legislation combined makes it an offence to:

- Damage or destroy a breeding site or resting place or intentionally or recklessly obstruct access to a structure or place used for shelter by a bat;

- Deliberately, intentionally or recklessly disturb bats; in particular any disturbance which is likely to impair the ability of bats to survive, breed or reproduce or nurture their young; or in the case of hibernating or migrating bats, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species;
- Deliberately kill, injure or take any bat.

**2.2.2** The government's statutory conservation advisory organisation, Natural England, is responsible for issuing European Protected Species licences that would permit activities that would otherwise lead to an infringement of the Habitat Regulations. A licence can be issued if the following three tests have been met:

- **Regulation 55(9)(a)** - there is "no satisfactory alternative" to the derogation, and;
- **Regulation 55(9)(b)** - the derogation "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" and;
- **Regulation 55(2)(e)** - the derogation is 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".

**2.2.3** Local authorities have a statutory duty under Regulation 7(3e) of the Habitat Regulations to have regard to requirements of the Habitats Directive in the exercise of their functions. The Council must therefore consider and determine whether these three tests have been satisfied by an application where European Protected Species licensing is necessary before granting planning permission.

**2.2.4** European Protected Species mitigation licence applications can be submitted once all necessary planning consents have been granted and Natural England aim to issue a licence decision within 30 working days of a full mitigation licence application.

**2.2.5** Licensable projects affecting small numbers of seven commonly occurring bat species may fall under the remit of the Bat Mitigation Class Licence (WML-CL21). The Class Licence permits 'Registered Consultants' to carry out licensable operations on site on behalf of clients following the

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registration of sites with Natural England at least 15 working days before the work is due to start.

**2.2.6** Survey data supporting EPS licence applications or the registration of the site under the Bat Mitigation Class Licence (WML-CL21) must be up to date i.e., have been conducted within the current or most recent optimal survey season i.e., May to August. Therefore, if surveys show bats are present and licensable work is delayed until during or after the next survey season, updated surveys will be required to support an application or site registration.

### **2.3 Birds**

**2.3.1** All wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). The Act makes it an offence to kill, injure or take a wild bird or to damage or destroy the nest of a wild bird whilst in use or being built.

**2.3.2** Less common bird species of conservation concern, such as the barn owl and kingfisher, are listed on Schedule 1 of the Act, which also makes it an offence to disturb the birds whilst nesting.

### **3 SURVEY METHODS**

#### **3.1 Preliminary Bat Roost Assessment**

**3.1.1** A ground-level inspection of all additional trees now considered likely to be impacted by the proposals was undertaken on the 26<sup>th</sup> February 2021 by two ecologists registered under Natural England Bat Survey Class Licences CL18 and CL17, respectively.

**3.1.2** The trees were surveyed from ground-level with the aid of binoculars and a high power (1 million candle power) torch; identifying features that could offer potential roosting sites following standard survey guidelines (Collins 2016; Mitchell-Jones 2004; Mitchell-Jones & McLeish 2004).

**3.1.3** Trees may provide roosting opportunities for bats if they have features such as:

- Cavities caused by woodpeckers, or decay extending upwards from the entrance;
- Rot holes;
- Knot holes arising from shed limbs;
- Hazard beams;
- Vertical or horizontal splits within the trunk or limbs;
- Dense ivy cover where stems are partially detached and exceed 50 mm diameter; and
- Areas of loose bark.

**3.1.4** Detecting bats within trees during daylight surveys can be extremely difficult, but occasionally the presence of bats can be indicated by the signs such as:

- Staining around cavities;
- Areas of worn or smooth bark; and
- Bat droppings.



**3.1.5** The trees were assessed for their potential to support bats. The trees were graded according to the following criteria based on criteria created for assessing trees subject to arboricultural work (Collins 2016):

<b>Tree category/designation</b>	<b>Details and features</b>
Known or confirmed roost	Bats have been found roosting or seen to emerge/re-enter the tree
High	Mature tree with one or several features providing highly suitable roosting conditions for bats which are likely to be suitable for use by multiple bats at different periods of the year; has potential to act as a hibernation site.
Moderate	Mature tree with one or several features providing limited roosting opportunities. Likely to be suitable only as transient roosts for individual or a small number of bats. Use likely to be limited to short periods during the summer; unlikely to be suitable as a hibernation site
Low	Mature or semi-mature tree with very few opportunities for bats, but occasional minor features such as dead branches that may provide for short term use by individual bats or a large tree with potential for high level features to be present but not visible from ground level
Negligible	Tree with no visible opportunities for bats

## **3.2 Survey constraints**

**3.2.1** Full access was available to the site and as such the survey had no significant access constraints. The tree survey was an assessment of the trees from ground-level only and therefore it remains possible that features with potential for use by bats at a high level may not have been visible.

## 4 SURVEY FINDINGS

### 4.1 Results

4.1.1 The findings of the ground-level inspection of additional trees now considered likely to be impacted by proposals are detailed in the table below, photographs of trees are presented in **Appendix 1** and the trees are mapped on a plan in **Appendix 2**.

Tree reference	Species	Survey notes	Bat potential	Work required	Recommendation
<b>T35 (02</b> 'Arboricultural Assessment & Method Statement')	Crack willow ( <i>Salix fragilis</i> )	Mature, multi-stemmed tree with ivy cover and superficial deadwood ( <b>Photographs 1 &amp; 2</b> ).	Low	Coppice (possible removal)	Soft fell approach. If bats are encountered, work must cease and advice sought from ecologist
<b>T36 (03</b> 'Arboricultural Assessment & Method Statement')	Crack willow ( <i>Salix fragilis</i> )	Mature, multi-stemmed tree with split limb and minor deadwood in crown ( <b>Photographs 3 &amp; 4</b> ).	Low	Coppice (possible removal)	Soft fell approach. If bats are encountered, work must cease and advice sought from ecologist
<b>T37 (04</b> 'Arboricultural Assessment & Method Statement')	Crack willow ( <i>Salix fragilis</i> )	Mature, multi-stemmed tree with ivy cover ( <b>Photograph 5</b> ).	Low	Coppice (possible removal)	Soft fell approach. If bats are encountered, work must cease and advice sought from ecologist
<b>T38 (05</b> 'Arboricultural Assessment & Method Statement')	Crack willow ( <i>Salix fragilis</i> )	Mature, multi-stemmed tree with superficial deadwood ( <b>Photograph 6</b> ).	Negligible	Coppice (possible removal)	None

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<b>T39 (09 'Arboricultural Assessment &amp; Method Statement')</b>	Alder ( <i>Alnus glutinosa</i> )	Mature, multi-stemmed tree with ivy cover ( <b>Photographs 7 &amp; 8</b> ).	Low	Possible removal	Soft fell approach. If bats are encountered, work must cease and advice sought from ecologist
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## **5 DISCUSSION AND RECOMMENDATIONS**

### **5.1 Assessment of Bat Roost Potential**

#### *Low Bat Roost Potential*

- 5.1.1** Three mature multi-stemmed crack willow (*Salix fragilis*) (**T35, T36 & T38**) and a mature multi-stemmed alder (*Alnus glutinosa*) (**T39**) had low-suitability potential roost features (i.e., ivy cover and a split limb).

#### *Negligible Bat Roost Potential*

- 5.1.2** One of the mature multi-stemmed crack willows (*S. fragilis*) (**T37**) had no visible opportunities for roosting bats and was deemed unlikely to possess concealed features.

### **5.2 Impact of Proposals and Recommendations**

#### *No Action Required*

- 5.2.1** Tree work carried out on trees categorised with negligible bat roost potential is considered highly unlikely to lead to the disturbance of bats or lead to the loss of a bat roost.

#### *Soft Fell Approach*

- 5.2.2** A soft fell approach to any work on trees that have been assessed as having low bat roost potential should be adopted i.e., **T35, T36, T38 & T39**. The arborist should be alerted to the possibility of bats being present in the features, such as behind ivy and in split limbs, and follow a soft fell approach to felling (or limb removal) whereby sections of tree are carefully cut and lowered to the ground, and retained on site overnight to allow any roosting bats to disperse. If in the unlikely event that a bat is encountered all works must cease and the advice of an ecologist must be sought.

### **5.3 Nesting birds**

- 5.3.1** Tree works should be completed outside of the peak bird nesting season (March to August) or alternatively, following an inspection by an ecologist confirming that there is no current nesting activity. If nesting birds are discovered prior to or during the course of any work, it should stop immediately and should continue only once bird nesting has finished i.e., young have fledged and left the nest.

## 6 ECOLOGICAL ADVICE FOR POND WORKS

### 6.1 Great Crested Newts

6.1.1 Sampling of pond water for great crested newt (*Triturus cristatus*) eDNA in April 2019 by John Wenman Ecological Consultancy LLP (Ref: Ref: 2220/b) confirmed that presence was highly unlikely. Therefore, the proposed work to the pond and paleo channel is highly unlikely to have any impact on great crested newts or their habitats and as such it is considered that a European Protected Species Licence would not be required to allow the planned work to go ahead lawfully.

### 6.2 Ecological Guidance

6.2.1 A large frog (*Rana temporaria*) spawning event was witnessed in the pond during the site visit on the 26<sup>th</sup> February 2021 (**Photograph 9**). If desilting of the pond is to be carried out, the work would be best undertaken at the end of the summer or early autumn when water levels are lower and to avoid the amphibian breeding season. Timing the work for this time of year will also avoid disturbing the pond during the winter when amphibians are likely to be hibernating and unable to escape freely.

## 7 REFERENCES

Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists – Good Practice Guidelines*. 3rd Edition. Bat Conservation Trust, London.

Mitchell-Jones, A. J. (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough.

Mitchell-Jones, A. J. & McLeish, A. P. (2004). *Bat Workers' Manual (3<sup>RD</sup> Edition)*. JNCC, Peterborough.

Bat Tree Habitat Key (2018). *Bat roosts in trees – A guide to the identification and assessment for tree-care and ecology professionals*. Pelagic Publishing, Exeter.

**APPENDIX 1 – SITE PHOTOGRAPHS**



**1. Mature multi-stemmed crack willow (T35).**



**2. Dead limb (T35).**



**3. Mature multi-stemmed crack willow (T36).**



**4. Split dead limb (T36).**





5. **Mature multi-stemmed crack willow (T37).**



6. **Mature single-stemmed crack willow (T38).**



7. **Mature alder (T39).**



8. **Thick ivy stems on alder (T39).**



9. Frog spawning event in pond.

APPENDIX 2 – TREE LOCATION PLAN

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<p>Emm Brook at Riverside Park Woosehill, Wokingham</p> <p>Map of Trees with Bat Roost Potential (Addendum)</p>
<p><b>Key:</b></p> <p>Bat Roost Potential</p> <ul style="list-style-type: none"> <li>● Negligible</li> <li>● Low</li> <li>● Moderate</li> </ul>
<p>Surveyors: John Wenman MCIEEM &amp; Conor Watson Grad CIEEM</p> <p>Date: March 2021</p>

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