

Merseyside Environmental Advisory Service  
1<sup>st</sup> Floor Merton House, Stanley Road  
Bootle, Merseyside, L20 3DL  
Director: Alan Jemmet, PhD, MBA

Enquiries: 0151 934 4951

Contact: Sophie Leadsom  
Direct Dial: 0151 934 4852  
Email: Sophie.leadsom@eas.sefton.gov.uk

## **DEVELOPMENT MANAGEMENT ADVICE**

To: Dawn Coward  
Organisation: Ryder Architecture

From: Sophie Leadsom  
Ecologist

Your Ref: Estuary Business Park  
File Ref: LI15/007  
W/P Ref: H:\DVM\Liverpool\LI15-007 Estuary Business  
Date: park.docx  
8 June 2015

### **Proposed development Estuary Business Park, Speke Pre-Application Advice**

1. Thank you for consulting Merseyside Environmental Advisory service in respect of this proposal which comprises a development within Estuary Business Park.
2. Having reviewed the proposal and supporting documentation, our pre-application ecology advice is set out below in two parts.
  - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
  - Part Two sets out informative notes on other matters which you may wish to consider and which may assist you to achieve wider environmental objectives.
  - In this case Part One comprises paragraphs 3 to 8, while Part Two comprises paragraphs 9 to 13.

#### **Part One**

3. We have provided a Merseyside BioBank report which I have reviewed to inform my advice (*Biodiversity Information Report, Merseyside BioBank, 28/05/2015, 1499-Speke*) and this is enclosed.

#### ***Habitats Regulations***

4. The site is within 1.5 km of the Mersey Estuary SPA and the Mersey Estuary Ramsar European protected sites. These sites are protected under the Habitats Regulations (2010).

5. I have reviewed the proposal and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. I advise there is no pathway that could give rise to likely significant effects on the European sites and it does not warrant a detailed Habitats Regulations Assessment report for the following reasons:

- The existing industrial nature of the surrounding landscape;
- The enclosed nature of the site;
- The availability of more suitable supporting habitat elsewhere in the surrounding landscape; and
- The distance between the site and the European protected sites.

Any future application would not need assessing under the Habitats Regulations with regards to protected sites.

#### *Protected Species*

6. The trees on the boundary of the site may provide potential habitat for bats and it would be preferable to maintain this. Bats are protected species and UDP policy OE5 applies. In line with Government guidance, I advise that a bat roost potential assessment of all trees to be affected development be carried out and the survey report be submitted **prior to determination** of any future planning application. The details required in the survey report are provided in Part Two.
7. The vegetation on site may provide nesting opportunities for breeding birds, which are protected. It would be helpful for the applicant to schedule works such as tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works to avoid the bird breeding season which runs from 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This would be secured by a suitably worded planning condition on any future application.

#### *Mitigation*

8. The tree lined boundaries are likely to provide habitat connectivity and foraging opportunities for bats. If habitat connectivity cannot be maintained within the boundary trees, mitigation will be required which may include incorporating native species planting within the planting plan (as illustrated on drawing 200-01-Rev-01). The sowing of wildflower seed within the tree lines and any proposed grassed areas would mitigate for the loss of grassland. This mitigation could be incorporated within the landscape plan and submitted with any future planning application.

### Part Two

9. A bat roost potential survey includes an assessment of trees, buildings, structures on site for their likelihood to provide bat roosting opportunities and an assessment of the likely value of the habitats on site for bat foraging; the bat

roost potential survey can be undertaken at any time of year. The following is required within the survey report:

- Methods used;
  - Surveyor's name, qualifications and experience;
  - Results including categorisation of trees according to Hundt<sup>i</sup> 2012;
  - Recommendations; and
  - Proposed mitigation/reasonable avoidance measures if bats are found but impacts can be mitigated.
10. If the bat roost potential survey finds a likelihood of greater than limited or low potential for bats, we will advise on options available. Please note that if further emergence and re-entry or activity survey is the option chosen, survey timing is restricted to between May and September, which may have implications for determination timescales.
11. As the habitats on and adjacent to the site may provide roosting, foraging, commuting habitat for bats lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats in line with NPPF (paragraph 125). It would be helpful for the applicant to refer to the document *Bats and Lighting in the UK, Bats and the Built Environment Series, Bat Conservation Trust and Institute for Lighting Engineers*.
12. I have also considered other protected species, specifically Great-crested Newt and Badger and advise there would be no issues for development in respect of these species.
13. Further, I advise that you seek advice from a reputable ecological consultancy to help in preparing the proposal. The results of the report can then feed into, and inform, the design of the scheme. MEAS are unable to undertake the surveys, however a list of suitably qualified consultants is provided.

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Sophie Leadsom  
Ecologist

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<sup>i</sup> Hundt L (2012) Bat Surveys: Good Practice Guidelines, 2nd edition, Bat Conservation Trust ISBN-13: 9781872745985