

Merseyside Environmental Advisory Service
2nd Floor Magdalen House, Trinity Road
Bootle, Merseyside, L20 3NJ

Director: Alan Jemmett, PhD, MBA
Enquiries: 0151 934 4951
Contact: Andrew Clark
Email: measdconsultations@sefton.gov.uk
Web: www.meas.org.uk



Merseyside
Environmental
Advisory Service

DEVELOPMENT MANAGEMENT ADVICE

To: Helen Leamy
Organisation: West Lancashire Council

Your Ref: 2019/0366/FUL
MEAS Ref: WL19-052

From: Andrew Clark

Date: 3 December 2019

Demolition of existing structures and erection of Class A1 foodstore and flexible use (Class A1/A2/A3) unit with associated access, car parking, servicing and hard and soft landscaping Pennylands House High Street Skelmersdale Lancashire WN8 8LP

1. Thank you for consulting Merseyside Environmental Advisory Service (MEAS) in respect of this planning application. The proposals comprise the above description.
2. Having reviewed the application and supporting documentation, our advice is set out below.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions.
 - Should the Council decide to adopt an alternative approach to MEAS Part One advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out best practice guidance to facilitate the implementation of Part One advice and informative notes.

Part One

3. The applicant has submitted an Ecological Appraisal in accordance with Local Plan policy EN2 (*Bowland Ecology, Ecological Appraisal, Version 2, Final, 24 May 2019*) which has minor limitations. However, this does not affect the conclusions of the report and the report is accepted.

Bats

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Councils of Halton, Knowsley, Liverpool, St.Helens, Sefton, Wirral and West Lancashire



Roosting

4. The office building on site was categorised as having low suitability for roosting bats. In accordance with BCT guidelines (Collins, 2016) a single presence/absence survey was undertaken. No emergence was recorded, and bat activity was very low. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).
5. A cherry tree (T1) and line of ivy-clad Scot's pine trees (TN9) were also categorised as having low suitability for roosting bats. Reasonable avoidance measures for demolition of the office building and removal of trees are provided in paragraph 5.7. These measures are acceptable with the addition of soft felling under ecological supervision if timing of felling is not possible between March and October. These measures (with addition of soft felling under ecological supervision) can be secured by a suitably worded planning condition.
6. The report categorises the office building and trees as having low suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, I advise details of bat boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site be provided to the Local Planning Authority for agreement. This can be secured by the following planning condition:

CONDITION

The development hereby permitted shall not be occupied until details of bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Foraging and commuting

7. Habitats on site may provide roosting, foraging and 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 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to *Bat Conservation Trust website* <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Breeding Birds

8. Built features and vegetation on site is likely to provide nesting opportunities for breeding birds, which are protected and Local Plan policy EN2 applies. The following planning condition is required:

CONDITION

No tree felling or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings and trees 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 are required to be submitted for approval.

Bird nesting boxes

9. The proposed development will result in the loss of bird breeding habitat and Local Plan policy EN2 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The following planning condition is required:

CONDITION

The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Hedgehog

10. Hedgehog is a Priority Species and Local Plan policy EN2 applies. The Ecological Appraisal states the site has potential for hedgehog and records of this species are located within 1km of the site. Section 5 of the Appraisal recommends reasonable avoidance measures (RAMs) and installation of hedgehog boxes within the retained areas of habitat on site. RAMs and mitigation measures can be secured by a suitably worded planning condition.

Invasive Species

11. Cotoneaster species is present within the site boundary and the Ecological Appraisal recommends (section 5) control of cotoneaster prior to commencement to prevent spread in the wild. I agree and advise cotoneaster species are listed on Schedule 9 of the Wildlife and Countryside Act 1981. The applicant should submit a method statement, prepared by a competent person, which includes the following information:
- The method that will be used to prevent the plant/s spreading further, including demarcation;
 - The method of control that will be used, including details of post-control monitoring; and
 - How the plants will be disposed of after treatment/removal. If they are to be disposed of on site I advise the plant and its root system be dug up and moved in a polythene sheet / bag and buried at a depth of at least 1m.
12. The method statement should be submitted for approval to the Local Planning Authority prior to commencement of any works on site. The method statement can be secured by a suitably worded planning condition.

Part Two

13. **The applicant, their advisers and contractors should be made aware that if any bat species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.**
14. Native tree species should be incorporated into the landscape proposals. This could include: rowan; birch; willow; hawthorn; blackthorn; cherry; field maple; alder; and oak.

Tree species should be tailored to the local area and this can be discussed with the local tree officer.

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

Andrew Clark ACIEEM PIEMA
Principal Coastal Ecologist

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Councils of Halton, Knowsley, Liverpool, St.Helens, Sefton, Wirral and West Lancashire

