

HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Authorities and Communities

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Ask for: Bernie Fleming
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Date: 22 February 2021

Dear Gregory,

6/2021/0259/EMT

Fell 1 x Oak tree but retain stump, fell 2 x Hornbeam trees, 1 x Acer tree, 1 x Oak tree to ground level with stumps removed

76 Brockswood Lane, Welwyn Garden City AL8 7BQ

Thank you for your letter of 2 February 2021 which refers, and for consulting Herts Ecology.

I note the application documents refer to an arboricultural survey, yet one is not provided. This should be made available.

Several substantial trees are proposed for felling. All lie proximity to the (possibly ancient) woodland of Sherrardspark Wood SSSI and Local Nature Reserve. Whilst harmful effects on the integrity of either designated site is unlikely, the potential presence of breeding birds and roosting bats is a consideration.

Bats

The application site comprises part of a heavily wooded landscape which will provide abundant foraging opportunities for bats. Consequently, it is possible bats may exploit opportunities to roost or shelter within the trees proposed for felling.

Bats that depend on these trees to roost or shelter could be harmed. Bats are protected by law and in general terms, it is an offence to disturb or harm a bat, or, damage or obstruct access to a roost or place of shelter.

On the evidence provided in the application, it is impossible to rule out the presence bat roosts. Without this evidence, the Council cannot be certain that tree felling won't lead to an offence being committed and, therefore, is not in a position to determine this application.

Therefore, **the Council should request the completion of a Ground level tree assessment or climbing survey of those trees proposed to be felled, by an appropriately qualified and experienced ecologist, to evaluate whether bats are (or evidence of them is) present.** Ground level assessments are best undertaken in winter when the leaves have fallen; climbing surveys can be carried at any time of the year but all must follow established best practice¹. The ecologist should identify which survey method is the most suitable.

The outcomes should be submitted to and approved in writing by the Council before the application is determined. If evidence or potential is found, further surveys will probably be required which can only be carried out in summer (ideally between May and August or early autumn).

¹ Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016

Should these additional surveys find evidence of a roost, a licence from Natural England may be required before felling can commence. Mitigation and compensation measures would then be required.

Birds

The same woodland landscape is also likely to support a sizeable population of breeding birds which are more likely than not to nest in the trees proposed for felling.

All wild birds, their nests, eggs and young are afforded protection and it would be an offence to kill, injure or displace breeding birds and their young. Therefore, I recommend the following **Informative** is added to any consent:

“In order to protect breeding birds, their nests, eggs and young, felling should only be carried out during the period October to February inclusive. If this is not possible then a pre-felling (ie no greater than 48 hours before demolition begins) search of the tree should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed”.

Even if offences are avoided, the site will most likely still lose valuable nesting opportunities for a range of widespread, but generally declining garden and woodland bird species. If possible, trees should be replaced elsewhere on the proposed development site if possible. If not, efforts to provide suitable nesting boxes should be encouraged; the ecologist carrying out the bat roost assessment should be able to advise on the type and location.

I hope these comments are helpful.

Yours sincerely,

Bernie Fleming

Ecology Advisor, Hertfordshire Ecology