

# FULFORD PARISH COUNCIL

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City of York Council  
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29th Jan 2015

Dear Hannah,

**Re: AOD/14/00417** | Details required by Condition 9 (Bat mitigation) (12/00384/REMM) |  
Germany Beck Site East Of Fordlands Road York.

Fulford Parish Council makes the following comments and objections to the application as submitted.

**1. EIA Regulations:**

The information comprises substantive new environmental information that should properly be submitted as an update to the 2012 ES with a Non-Technical Summary. The submission of baseline surveys of bat activity over the whole site plus entirely new tree surveys reinforces this imperative. It also remains our opinion that, as an EIA application, site notices should have been erected in order to inform residents of its existence.

**2. Bat Surveys – Baseline Activity Surveys 2014**

The submission for the first time of baseline activity surveys within this subsequent EIA application, rather than at reserved matters stage is inappropriate because baseline surveys are required in order to design the mitigation and ensure it will be effective. In this case, the location of the hop-overs was pre-determined without any relevant baseline information whatsoever regarding the direction of the flight-paths across to Germany Beck, or even the current status of the roosts at the Fordlands Care Home.

In any event, the surveys are fundamentally flawed for the following reasons (not exhaustive):

- Two limited transect surveys carried out outside the optimum period (June to August) do not provide sufficient survey information of activity throughout the year. Both the parish council and the MAB Reports stressed the absolute requirement for at least year-long surveys for a development of this nature in order to identify the species, numbers and flight paths associated with the known bat usage of the site throughout the year. This is also set out in the guidance of the Bat Conservation Trust and Natural England but the applicant has failed to comply with the advice.
- The transect surveys fail to identify flight paths of bats exiting the maternity roost at the care home and even failed to identify whether the roost remained active over the summer months (it did). This failure is surprising because the hop-overs are proposed in order to provide a crossing point for these bats and to mitigate harm caused by severance of flyways due to the access road.
- On both occasions, the transect surveys commenced at least 45 minutes after sunset, in contravention of all accepted guidelines, which state that they should begin 15 minutes before sunset. This is to ensure that bats emerging from roosts will be detected. Therefore the results of the surveys are unreliable and cannot be used to substantiate any of the claims made by the applicant.

Nevertheless, even these limited surveys demonstrate a very high level of bat activity (including social behaviour) in areas not previously surveyed. These findings reinforce the arguments that full year-long surveys should be undertaken before mitigation can be effectively designed. They also serve to cast considerable doubt on the (former) Council Ecologist's opinion that: "*it was not necessary to require survey data on the rest of the site which is largely open arable land with limited foraging and commuting opportunities*". [Committee Report para 3.19]

### 3. Mitigation – hop-overs.

The position of the hop-overs was pre-determined despite no information being available regarding the flight paths of the bats roosting at the care home. There is absolutely no evidence provided to justify the chosen location or why no hop-over is proposed directly to the south of the care home which is the most direct route to the beck and therefore where a hop-over would be more likely to be effective. The Council's ecologist confirmed that the hop-overs "*would require bats from the known bat roost at Fordlands to follow a new alignment opposite to the likely route*". [Committee Report para 3.21] He then went on to recommend '*a temporary hop-over close to Fordlands to provide a more direct link across to the Germany Beck corridor*'. This recommendation has not been followed and would justify refusal of the application.

Willow barriers: the 5 metre high willow barriers proposed within the floodplain will impede water flows, will be visually intrusive and are likely to be ineffective in the short term.

Bat boxes: three bat boxes are proposed close to Germany Lane, north of the new access road. This is particularly unfortunate because any bats encouraged to use the boxes in those locations will be forced to cross the barrier of the new road in order to reach the primary foraging habitat along the beck.

The applicant refers to the 'Highways Agency (2011) A Review of Bat Mitigation in Relation to Highway Severance' which notes the requirement for adequate baseline surveys:

#### **7.2 Preconstruction Surveys**

*Knowledge of the bat species present in the area, their use of the landscape, locations for foraging and roosting throughout the year is fundamental to predicting the potential effects of a road development on bats. Sufficient baseline information should be gathered to enable a robust assessment of impacts that can be tested by undertaking monitoring during and post-construction to compare predictions with what actually happens and determine the success of mitigation employed.*

It also advises:

*7.4 Mitigation should be developed and capable of functioning before the barrier effect occurs including mature vegetation structures when the new route is first used.*

The applicant has failed to comply with these fundamental requisites and it cannot therefore be established that the mitigation or monitoring will be effective.

[Further extracts from the above advice are appended to this letter, in order to highlight both the likely impact on the maternity roost due to severance of long established flyways and the need for adequate baseline survey evidence to determine the usage of the site by bat populations in the area as a whole].

#### **4. TREE SURVEY - West of A19 Selby Road.**

The trees on the west side of the A19 and along Landing Lane were not surveyed at any time during the outline or reserved matters applications. The Parish Council highlighted this omission in its objection letter of 12 November 2012 where the following comment was made on the 'defective' Popplewell Tree Survey dated February 2012:

*"Trees along the west side of the A19 are not surveyed at all, despite their proximity to the new junction where ground levels will be significantly raised and where flood defence walling will be constructed".*

It is inappropriate and unlawful to supply new tree surveys at this stage of an EIA application process, especially as many of the trees are mature and are critically important as bat habitat. It is noted that whilst several trees are assessed as requiring felling or significant reduction, none has been assessed for the presence of bat roosts or their value as bat habitat. This failure is sufficient to justify refusal of the application.

Furthermore, the trees surveyed along Landing Lane lie well outside the red-line plan of the development and it is not explained why this area has been included in the survey at all. Clarification of this matter would be appreciated.

#### **ARBORICULTURAL IMPACT ASSESSMENT- West of A19 Selby Road**

This assessment significantly understates the likely impact of the development works on the trees and hedging, since most are located directly adjacent to the highway where ground levels are to be raised by at least a metre and where protective fencing will not be a viable proposition. In addition, the substantial flood-walls, proposed directly behind the roadside footpath will undoubtedly affect both trees and hedging but the implications have simply not been transparently assessed.

#### **5. Request for a meeting:**

Fulford Parish Council considers that the mitigation strategy is unworkable and fatally flawed, and requests an opportunity to discuss the application with relevant Ecology and Landscape Officers before it is determined.

Yours sincerely

Jeanne Fletcher  
Clerk to Fulford Parish Council

### **Highways Agency A Review of Bat Mitigation in Relation to Highway Severance - relevant extracts:-**

#### **4.3 Effects of severance on bats**

Existing literature indicates that in the UK and Europe severance of flight/commuting routes by roads is considered to be a key concern for the conservation of bat populations (Bach et al 2004, Schorcht et al 2008; and Kerth and Melber 2009) and that severance of flight paths can additionally lead to a decline in bat populations (Bach et al, 2004).

The severance or loss of existing landscape features, or sudden dramatic change in such features, can introduce a range of issues for bats (Limpens 2005), including fundamental effects on their livelihood (Altringham, 2008). Linear features provide a network for bats which supports foraging activity and access to roosts, throughout the year.

The literature indicates that both pipistrelles (Downs & Racey, 2006) and lesser horseshoes (Wells, et al., 2004) cross gaps in excess of 200m, where conditions in particular levels of darkness are suitable. These species are active earlier in dark areas than they are in the open (Downs & Racey, 2006; Schofield, 1996; Schofield, 2008; Stone et al., 2009). The severance of a linear feature, can introduce changes in factors such as light levels and wind exposure (Limpens 2005), leading to increased reticent to cross, leading to a combination of one or more of the following effects:

- severance between foraging and roosting location resulting in the use of suboptimal foraging and roosting locations leading to increased energy costs for the bat;
- increased risk of road mortality when crossing the road;
- localised population decline; and
- increased risk of interbreeding and localised extinction.

The severance of linear features can result in bat/vehicle collision mortalities when bats continue to be faithful to traditional flight commuting routes once the road is operational (Lesiński, 2007; Limpens 2005). Altringham (2008) indicates that there are difficulties in any analysis of bat road kills as finding and monitoring bat road kills is influenced by animal scavenging and deflection of bats by vehicles at speed. Work in Poland (Lesiński, 2007) provides an indication of the complex effects of severance on bat ecology and populations, including that:

- there were regional differences in the composition of species found in road kills reflecting the local bat species of that area;
- that young individuals were more likely to be killed than adults;
- that there were seasonal trends in road mortalities, with the highest mortality occurring when there was dispersal of young bats;
- that the highest rate of mortality was where roads approached tree stands or severed forest (linear features), and lowest within built up areas; and
- The severance of linear features can result in bat/vehicle collision mortalities when bats continue to be faithful to traditional flight commuting routes once the road is operational (Lesiński, 2007; Limpens 2005).

## **7. Recommendations**

The following recommendations from pre to post construction are based upon the most up to date understanding of bat ecology from the literature.....

### **7.1 Habitat Assessment**

Desk studies and habitat suitability assessments should be undertaken at an early stage to inform route selection and design using GIS and aerial photographs to predict likely patterns of bat distribution. These should be backed up by activity surveys and searches of structures that may be used as roosts.

### **7.2 Preconstruction Surveys**

Knowledge of the bat species present in the area, their use of the landscape, locations for foraging and roosting throughout the year is fundamental to predicting the potential effects of a road development on bats. Sufficient baseline information should be gathered to enable a robust assessment of impacts that can be tested by undertaking

monitoring during and post-construction to compare predictions with what actually happens and determine the success of mitigation employed.

### 7.3 Approach to Reducing Severance

It is essential that an integrated approach to road design between engineers and bat ecologists is undertaken. Luell (2003), Brinkmann (2003, 2008) and Limpens (2005) make the following relevant recommendations, collated below for consideration when designing mitigating structures:

### 7.4 Appropriate advance planning Mitigation

Mitigation should be along existing flight routes, since many bat species exhibit conservative behaviour in choosing and using foraging habitats, roosts and flight routes. Mitigation should be developed and capable of functioning before the barrier effect occurs including mature vegetation structures when the new route is first used. Mitigation should be linked into the landscape by suitable guiding structures.