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Re: 2643 Castle Hawk Golf Club Ecological Advice Letter

This letter has been prepared to provide ecological advice regarding the proposed installation of golf ball stop netting adjacent to trees and hedgerows associated with Hole 6 at Castle Hawk Golf Club, Chadwick Lane, Castleton, Rochdale, OL11 3BY.

Legislative Context

Birds

The Wildlife and Countryside Act (WCA) 1981 (as amended) gives general protection to all wild birds in Britain (subject to the provisions of the act). It is an offence to intentionally or recklessly*:

- Kill, injure, or take any wild bird,
- Take, damage or destroy the nest of any wild bird whilst the nest is in use or being built, or
- Take or destroy an egg of any wild bird.

It is also an offence for any person to have in his possession or control any live or dead wild bird, egg of a wild bird, or any part, or derivative, of such a bird or egg (subject to the provisions of the act).

Birds listed on Schedule 1 of the WCA 1981 (as amended), which includes Barn Owl *Tyto alba*, are protected by special penalties, and it is an offence to intentionally or recklessly*:

- Disturb any wild bird included in Schedule 1 whilst it is building a nest or is in, on or near a nest containing eggs or young, or
- Disturb dependent young of such a bird.

Any works which have the potential to disturb nesting birds, damage or disturb active nests or adversely affect Schedule 1 species could therefore result in offences under the WCA 1981 (as amended) if appropriate precautions are not taken.

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive protection under The Conservation of Habitats and Species Regulations 2017, as amended (Habitats Regulations 2017, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 43 of the Habitats Regulations 2017 (as amended), states that a person commits an offence if they:

- Deliberately capture, injure or kill a bat;
- Deliberately disturb bats; or
- Damage or destroy a bat roosting (breeding site or resting place)



Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to intentionally (rather than deliberately) kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to intentionally or recklessly* damage or destroy, or obstruct access to, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to intentionally or recklessly* disturb any protected species while it is occupying a structure or place which it uses for shelter or protection.

***Reckless offences were added by the Countryside Rights of Way (CROW) Act 2000.**

Ecological Considerations

Trees and hedgerows around golf courses commonly provide nesting, roosting and foraging habitat for a wide range of bird species. Dense hedgerows and mature trees are particularly valuable during the breeding bird season, typically extending from March to August inclusive, although nesting can occur outside these months depending upon weather conditions and species.

These habitats also provide foraging, commuting and roosting habitats for bat species, with hedgerows in particular being of importance for commuting bats. Large trees, containing suitable potential roost features (PRFs), in the form of trunk and branch cavities, etc, can provide bat roosting opportunities year round, with some PRFs being more suitable for summer day roosts and maternity roosts and others providing suitability for winter hibernation roosts.

The installation of golf ball stop netting immediately adjacent to trees or hedgerows has the potential to adversely affect these habitats in several ways:

- Creating a physical barrier that can restrict bird movement between nesting and foraging areas;
- Creating a physical barrier that can restrict bat movement between roosting and foraging/commuting areas;
- Increasing the likelihood of bird and bat collisions, particularly where the netting is difficult to detect against surrounding vegetation;
- Reducing the suitability of established nesting habitat (birds) and roosting habitats (bats) where vegetation becomes enclosed by netting;
- Preventing access for birds returning to nests and bats returning to and emerging from roosts located within or immediately behind vegetation;
- Increasing the likelihood of disturbance during future maintenance, repair or replacement of the netting.

These impacts may be particularly relevant for woodland edge species; thrushes, finches, tits and other common breeding birds that regularly utilise hedgerows and trees bordering golf courses.

Although Barn Owls are less likely to nest within dense hedgerows, they frequently use mature trees for roosting and forage along hedgerow corridors. The introduction of tall netting adjacent to these linear habitats may



therefore reduce habitat connectivity and increase collision risk where barn owls, and other birds, are commuting through the area.

These impacts may also be relevant for bat species which utilise the trees and hedgerows along golf course boundaries for commuting, foraging and roosting purposes. Any golf ball stop netting adjacent to these tree and hedgerow habitats may reduce habitat connectivity by impacting commuting corridors as well as impacting bat roost access (routes).

Discussion

From an ecological perspective, the installation of golf ball stop netting should avoid direct alignment with mature trees, woodland edges and species rich hedgerows wherever reasonably practicable. The preferred approach is to position netting away from retained vegetation so that:

- Existing nesting and roosting habitat remains accessible
- Wildlife movements along hedgerow corridors are maintained
- Collision risk (between birds and bats (and other wildlife) and the golf ball stop netting) is minimised
- Future maintenance work to golf ball stop netting can be undertaken without unnecessary disturbance to wildlife

Where avoidance is not reasonably practicable due to overriding operational or health and safety requirements, the location and design of golf ball stop netting should be informed by a suitably qualified ecologist. Installation of golf ball stop netting should be undertaken outside the breeding bird season where possible or following confirmation that no active bird nests or bat roosts would be affected immediately prior to installation works.

Conclusions

Golf ball stop netting positioned immediately adjacent to trees and hedgerows would be poor ecological practice and has the potential to adversely affect breeding birds, roosting bats and other wildlife. Golf ball stop netting should therefore be located away from established vegetation wherever reasonably practicable.

Netting should be positioned close to trees and hedgerows only when a clearly demonstrated operational need is identified. If netting is deemed necessary, then it shall be designed and installed in compliance with the WCA 1981 (as amended) in order to minimise any impacts on nesting birds, protected bird species and bat species.

Yours sincerely,

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For and on behalf of Appletons
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