

**PRELIMINARY ECOLOGICAL APPRAISAL
with PRELIMINARY ROOST ASSESSMENT
(inc. THIRD-PARTY DATA SEARCH)**

**CEDAR HOUSE, CHURCH AVENUE, CLENT,
STOURBRIDGE, DY9 9QT**

for

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CONTROL SHEET

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Preliminary Ecological Appraisal with Preliminary Roost Assessment

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Contract No.	Project Contact	Revision No.	Date of Issue
1702	Jessica Stuart-Smith	01	27 August 2020
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1. RECOMMENDATIONS

1. Unless a delay of more than 12 months is anticipated before development, no further specialist survey work is recommended at this juncture.
2. Existing mature trees and hedgerows will be retained within the development scheme. All retained trees and hedgerows should be afforded adequate protection in line with '*BS5837: 2012 Trees in relation to design, demolition and construction*'.
3. Where required to facilitate permitted development, removal of any potential bird nesting habitat, should be undertaken outside the bird nesting season (March – August inclusive) or otherwise under the direct supervision of a suitably qualified ecologist who will be able to identify nesting birds and advise of appropriate safe working distances.
4. As a precautionary approach, it is recommended that a licensed bat worker remains 'on call' during demolition of Cedar House and the detached garage. **In the unlikely event that a roosting bat(s) or evidence of an active bat roost is uncovered at any stage of the development, works must cease immediately and Natural England must be contacted to advise on any licensing requirements to allow lawful completion of the work.**
5. Vegetation within the development footprint should be kept short (c.50mm) to reduce its suitability for wildlife. Any areas of tall vegetation requiring removal, should be gradually reduced in height to allow resident wildlife to disperse, whereby the vegetation is reduced in height to 75 – 100mm (if required) and subsequently cut and maintained at a height of c.50mm.
6. Strict control over the use of artificial night-lighting is required to prevent unnecessary illumination of wildlife habitats (e.g. hedgerows and tree-lines). Lighting must be low level (e.g. light bollards) and of the minimum wattage, as recommended by Bat Conservation Trust & Institute of Lighting Professionals (2018).

7. The following recommendations are made to provide biodiversity enhancements within the post-developed site and ensure compliant with local and national Government policies (e.g. NPPF) and the 'biodiversity duty' enshrined within the Natural Environment & Rural Communities Act, 2006.
- Any new planting and landscaping designs should provide foraging and nesting opportunities for a range of wildlife, including mammals, herpetofauna, birds and invertebrates. Native species of local origin and ornamental species with a known benefit to wildlife should be incorporated into planting schemes.
 - A single tree or wall-mounted bat box (e.g. Low Profile WoodStone Bat Box) should be installed as part of the proposals for the site. The box should be installed at least 4m above ground-level, on a south – south-west facing aspect. A suitable suggested location is provided in Annex 4.2.4.
 - Two traditional bird boxes (e.g. Vivara Pro Seville 32mm WoodStone Nest Box) should be installed at the site to provide new nesting opportunities for birds. The boxes can either be tree or wall-mounted and should be installed 4m above ground level on a north or north-east elevation, out of the reach of predators (e.g. domestic cats). Suitable suggested locations are provided in Annex 4.2.4.
8. A post-developed site visit should be undertaken by an appropriately experienced ecologist in order to formally sign-off the completion of the biodiversity enhancement measures, recommended above.

2. SUMMARY OF RESULTS

2.1 Overview

1. Focus Environmental Consultants was commissioned by Alexis Yates to undertake a Preliminary Ecological Appraisal and Preliminary Roost Assessment (bats) of Cedar House (centred on Ordnance Survey grid reference SO 926 789). This was accompanied by a third-party data search (1km search radius) from Worcestershire Biological Records Centre.
2. The site was surveyed by an ecological consultant from Focus Environmental Consultants on 11 August 2020. It is understood that the development proposals are for the demolition and rebuild of the existing property on site.
3. The site is approximately 0.28ha in size, and comprises a detached property known as 'Cedar House' with a detached garage, surrounded by mature, landscaped gardens, with short, managed grassland and introduced shrubs. The proposed development area utilises the current property footprint, and therefore occupies an approximate area of 0.03ha.

2.2 Designated Sites

1. No statutorily designated sites are located within a 1km search radius of the survey site.
2. The third-party data search has identified one Local Wildlife Site (LWS) within the 1km search radius of the survey site. Clent Hills LWS is located 1km to the north of the survey boundary.

2.3 Protected / Notable Habitats

1. **Hedgerows:** H2, H4, H5 and H6 are considered to qualify as '*habitats of principal importance*' under Section 41 (S. 41) of the Natural Environment and Rural Communities (NERC) Act, 2006.

2.4 Protected / Notable Species

1. **Bats:** Cedar House and the detached garage were considered to have 'negligible' potential for roosting bats (with reference to Collins, 2016).
2. A number of mature trees are located within the site boundaries, all of which have varying levels of suitability to support roosting bats, ranging from 'low' to 'negligible'. See Annex 4.3 (Table 2), for further details.
3. The habitats on site are considered to hold 'moderate' suitability for foraging and commuting bats (with reference to Collins, 2016), with 'high' suitability habitats within the immediate surrounding landscape. It would therefore be expected that a variety of bat species would be present within the local area, with the site used for foraging and commuting.
4. Records for common pipistrelle, soprano pipistrelle, Natterer's bat and brown long-eared bat have been returned from the 1km data search. None of the records are from within the site itself.
5. **Birds:** Blackbird, blue tit, buzzard, carrion crow, goldcrest, house martin, house sparrow, nuthatch, raven, robin and wood pigeon were recorded on site. The habitats on site (e.g. mature boundary vegetation and trees) provide nesting and foraging opportunities for a range of bird species.
6. **Amphibians:** The site is considered unlikely to support great crested newts. Some limited terrestrial habitat for common amphibians such as the common frog and common toad is located on site. However, the nearest suitable waterbody (shown on an Ordnance Survey map), is located 300m to the north of the site. A single great crested newt record has been returned from the 1km data search. Nevertheless, this record is located over 600m to the south-east of the site.
7. **Reptiles:** The site offers some limited suitable terrestrial habitat to support common reptile species such as the slow-worm and grass snake. Nevertheless, no reptile records have been returned from the 1km data search.

8. **Badgers:** No setts or evidence of badger activity (latrines, snuffle holes, tracks etc.) was observed within the site boundaries. However, this mammal is considered likely to be present in the wider landscape.

9. **Hazel dormice:** The site boundary hedgerows are considered to provide suitable habitat for hazel dormice, connecting the site to a network of mature hedgerows, and areas of broadleaved woodland within the surrounding landscape. Nevertheless, no records for this species have been returned from the 1km data search.

10. **Other mammals:** The wider site offers some foraging opportunities for mammals such as the hedgehog, and two records for this species have been returned from the 1km data search. Hedgehogs are listed as a '*Priority Species*' under S.41 of the NERC Act, 2006, and have additionally been listed on the 'Red List for Britain's Mammals' as '*vulnerable*' on the basis that a population decline of 46% has occurred over a 10 year period (see The Mammal Society, 2020).

11. **Invertebrates:** A full assessment of the invertebrate assemblage at this site is beyond the scope of this survey. A number of butterfly species were recorded on site incidentally during the survey, and included the following species: gatekeeper and speckled wood. However, no triggers were identified to indicate that the site supports an interesting or notable assemblage of terrestrial invertebrates (English Nature, 2005).

12. No legally-notifiable plant species (e.g. Japanese knotweed) were identified during the survey. The site is unsuitable or offers no habitat for other protected / notable species such as riparian mammals and white-clawed crayfish.

3. DISCUSSION & CONCLUSIONS

The client is currently seeking full planning permission for the demolition and rebuild of the current property on site. This report and discussion has been based on the following plan provided by the client: Cedar House - Proposed New Dwelling and Garage - DRG No. 2319/02D. The following have been identified which may represent constraints or opportunities (e.g. for biodiversity enhancement and green infrastructure) within a future development at this site.

3.1 Designated Sites

No European designated Natura 2000 sites (e.g. SACs / SPAs and Ramsar Sites) are located within 10km of the site. As such, there should be no requirement for Habitat Regulations Assessment Screening on this planning application.

The Natural England SSSI Impact Risk Zones used to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar Sites was consulted via the government's multi-agency website MAGIC (www.magic.gov.uk). Although no SSSIs are located within 1km of the proposed development footprint, the site is located within the risk zone for Sling Gravel Pits SSSI. Nevertheless, the planning application does not fall under any of the relevant flagged categories (e.g. infrastructure, minerals, oil & gas, air pollution, combustion etc.). It is therefore **not** considered that there would be a requirement for Natural England to be consulted as part of the site proposals.

Given the relatively small-scale nature of the proposed development and its separation from designated sites within the local area, it is considered that the provided standard construction procedures are followed during the works, the proposed development is considered unlikely to impact on the functionality or integrity of these designated sites, or affect their conservation status.

3.2 Protected / Notable Habitats

Hedgerows: Six hedgerows are located on site. H2, H4, H5 and H6 are considered to meet the environmental criteria (BRIG (ed. Ant Maddock), 2008) to be listed as a '*habitat of principal importance*' under S.41 of the NERC Act, 2006, as they consist predominantly (*i.e.* 80% or more cover) of at least one UK native woody species, and

are over 20m in length. Nevertheless, none of the hedgerows on site are '*species-rich*' as defined by Defra, 2007, as they do not contain at least five woody native species within a 30m section. The identified hedgerows are to remain intact and unaffected by the development proposals. Where required, hedgerows will undergo bolstering in order to improve and maintain connectivity between the site and adjacent habitats.

3.3 Protected / Notable Species

Bats: Cedar House and the detached garage, which will be demolished as part of the site proposals, were subject to a full internal and external inspection. No signs of bat roosting activity (e.g. bat droppings, feeding remains etc.) was observed, and the buildings were tightly sealed. Consequently, both buildings were considered to have negligible potential for roosting bats (with reference to Collins, 2016). A number of mature trees are located across the site, with varying potential to support roosting bats (ranging from negligible to low potential with reference to Collins, 2016). Nevertheless, all identified trees are to remain intact and unaffected by the development proposals.

The habitats on site are considered to hold moderate potential for foraging and commuting bats (with reference to Collins, 2016). However, given the relatively small-scale nature of the proposals, provided that night-lighting at the site remains minimal and low-level, it is not anticipated that the development at this site will cause any severance to potential bat commuting and / or foraging routes.

Birds: House martin and house sparrow were recorded on site. The house martin is an Amber-Listed bird of conservation concern due to moderate longer-term declines in breeding populations of more than 25% but less than 50% since 1969 (Eaton *et al.*, 2015), whilst the house sparrow is a Red-Listed bird of conservation concern owing to a significant decline in population of over 50% since recording began in 1969 (Eaton *et al.*, 2015). The house sparrow is additionally listed as a '*species of principal importance*' under S.41 of the NERC Act, 2006.

The habitats on site (e.g. hedgerows and trees) provide suitable foraging and nesting opportunities for a range of common and widespread species. As such, suitable mitigation and compensation measures have been recommended, accordingly.

Great crested newts: Due to a lack of breeding habitat on site, third-party records, and waterbodies within 250m of the site, the likelihood of great crested newts being present and / or impacted upon by the proposed development is considered to be negligible. Nevertheless, given that the wider site offers some broadly suitable terrestrial habitat for amphibians such as the common frog and common toad, precautionary measures for vegetation clearance have been recommended.

Reptiles: The proposed development footprint is largely dominated by hardstanding, whilst the wider site consists primarily of by short, managed grassland which lacks the structural heterogeneity (e.g. matting / tussocks / thatching) favoured by reptiles. No reptile records have been returned from the 1km data search, and given the limited amount of suitable habitat within the area to be developed, it is considered highly unlikely that reptiles would be present and / or impacted upon by the proposals. Nevertheless, a precautionary approach to clearance has been recommended, above.

Hazel dormice: Hazel dormice are known to be widespread in southern and central England, although populations are patchily distributed where suitable habitats exist (Bright & Morris, 2005). The hedgerows and boundary vegetation offer some limited suitable habitat for hazel dormice. However, no records for this species have been returned from the 1km data search, and all hedgerows and other suitable vegetation are to remain intact and unaffected by the development proposals. As such, it is considered highly unlikely that this species would be present on site and / or impacted upon by the development proposals.

Other mammals: Given the known presence of hedgehogs within the local area (third-party records), suitable mitigation measures have been recommended as part of the proposals for this site (see Section 1 'Recommendations'). The '*Hedgehogs and Development*' online guidance produced by PTES (2019), should be referred to for further information and guidance.

3.4 Opportunities

Opportunities for enhancement through new landscaping and planting should be incorporated into the proposed development of the site. Native species and ornamental species with a known benefit to wildlife should be utilised. This may include

scented night-flowering plants which would enhance the post-developed site by attracting night-flying insects, providing a food resource for bats. It is noted that the client has recently planted damson and plum trees. Further new tree planting of berry-bearing species (e.g. cherry and rowan) would provide an important winter food source for birds.

New wildlife features (e.g. bird and bat boxes) will be provided within the post-development site to benefit a variety of species, including declining birds such as the house sparrow, which was recorded on site.

Implementation of these opportunities will contribute to meeting the environmental requirements of The Bromsgrove District Plan 2011-2030¹, specifically Policy BDP21 Natural Environment, providing both continued and enhanced biodiversity within the post-developed site.

¹ **Bromsgrove District Plan 2011 – 2030 (adopted January 2017). Available** online at: <https://www.bromsgrove.gov.uk/>

4. ANNEXES

4.1 Photographs

4.2 Plans

4.3 Survey & Third-Party Data

4.4 Survey Objectives

4.5 Limitations

4.6 Methods

4.7 References & Bibliography

4.8 Legislation & Best Practice

4.1 Photographs

All photographs taken on 11 August 2020.



Plate 1: Showing typical view of the front (north-eastern) elevation of Cedar House. Photograph looking south-west.



Plate 2: Showing typical view of the rear (south-western) elevation of Cedar House. Photograph looking north-east.



Plate 3: Showing typical view of the loft void above Cedar House. Photograph looking north-west.



Plate 4: Showing typical view of the loft void above Cedar House. Photograph looking south-east.



Plate 5: Showing typical view of the detached garage at Cedar House. Photograph looking north-west.

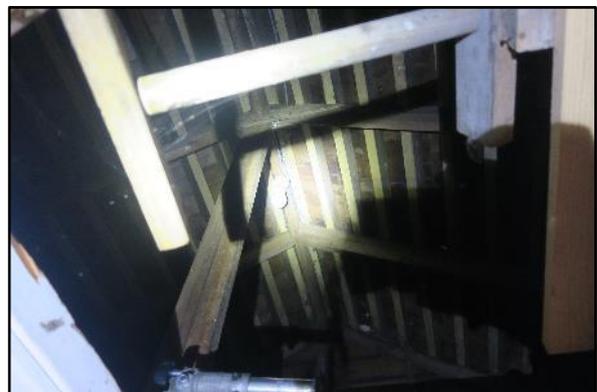


Plate 6: Showing typical view of the loft void above the detached garage at Cedar House.



Plate 7: Showing typical view of the habitats within the proposed development footprint. Photograph looking north-west.



Plate 8: Showing typical view of the site. Photograph looking south-east.



Plate 9: Showing typical view of the site. Photograph looking east.



Plate 10: Showing typical view of the mature, established plant borders.



Plate 11: Showing typical view of the site. Photograph looking south-west.



Plate 12: Showing typical view of the site. Photograph looking north.

4.2 Plans

Plans:

4.2.1 Location Plan

4.2.2 Phase 1 Habitat Survey Plan

4.2.3 Cedar House - Proposed New Dwelling and Garage - DRG No. 2319/02D.

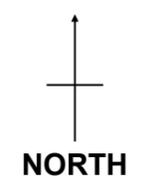
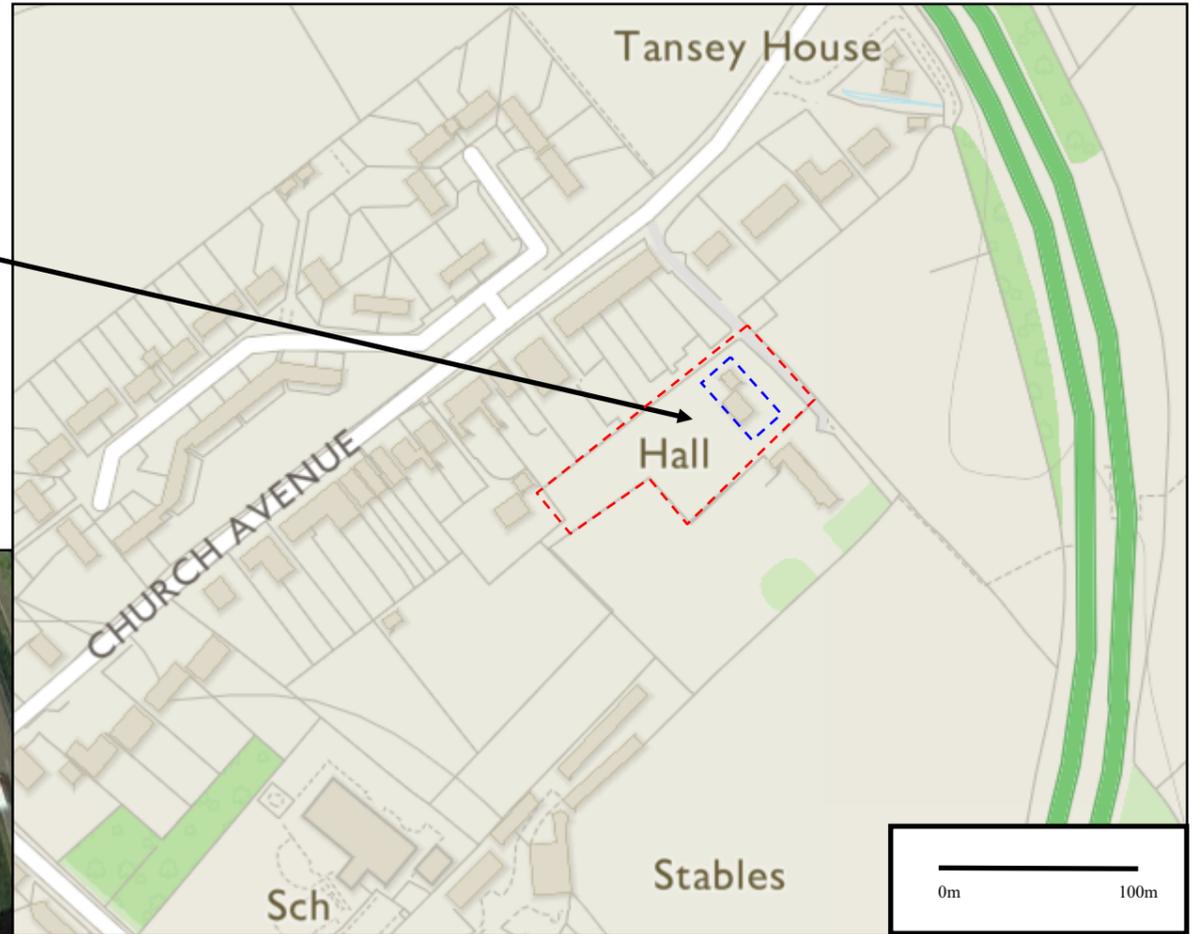
4.2.4 Suggested locations for Bat and Bird Boxes.

4.3.1 Location Plan

KEY:

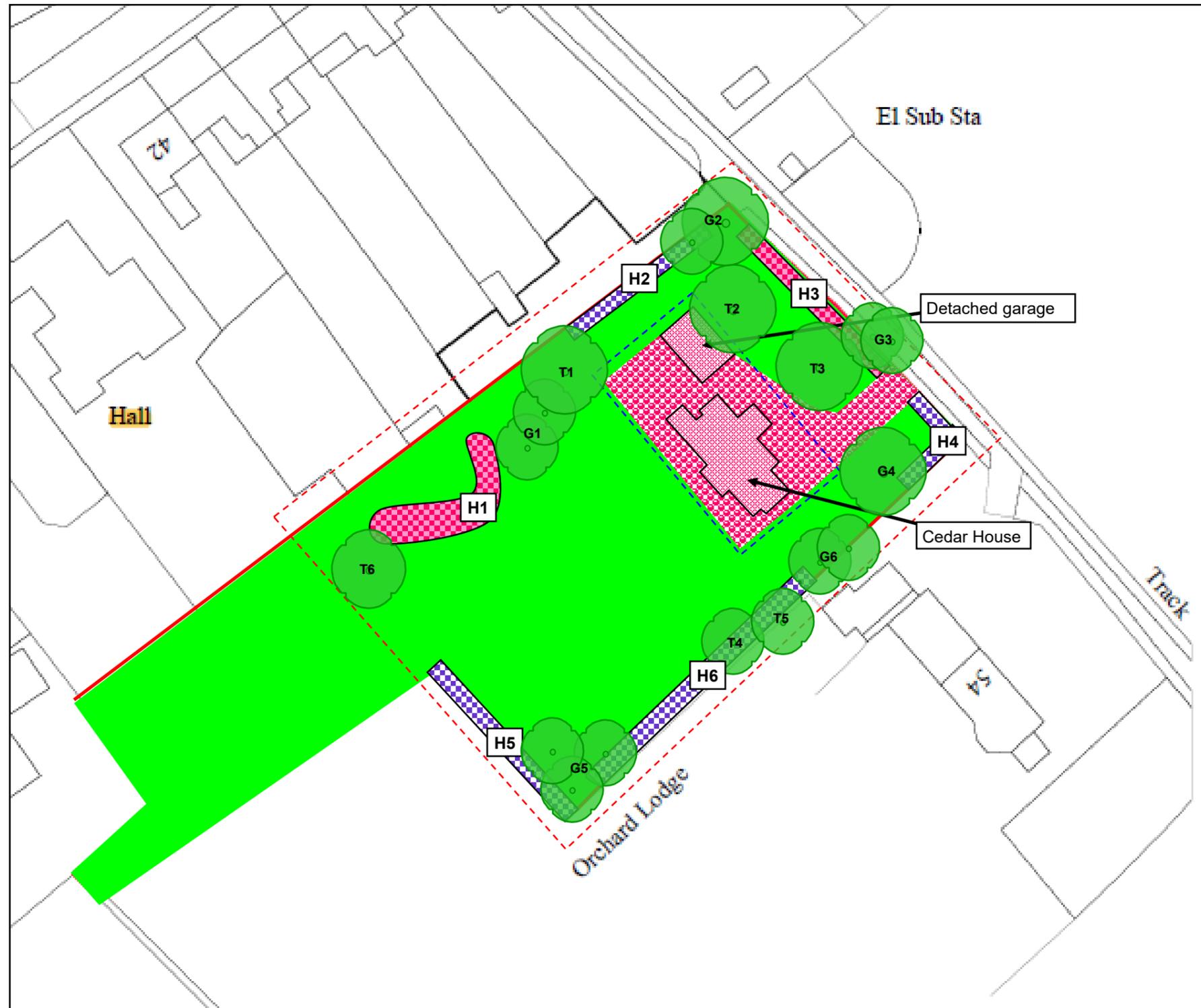
- Site boundary
- Approximate development footprint

Site



Client: Alexis Yates
Site: Cedar House, Church Avenue, Clent, Stour-bridge, DY9 9QT
Title: Location Plan
Contract: 1702
Date: February 2021

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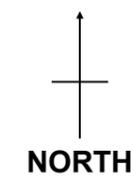


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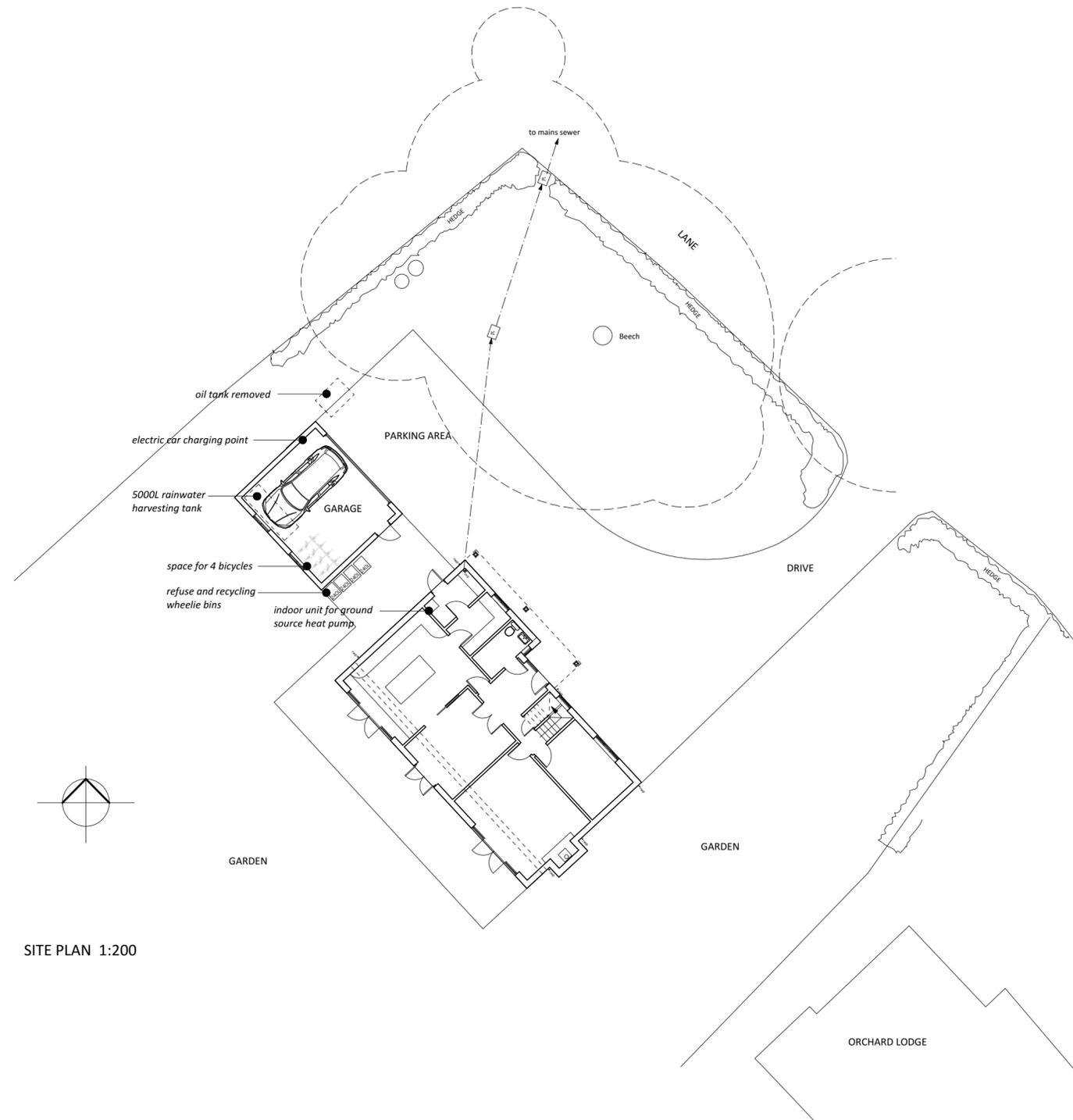
-  u1b5 - Buildings
-  u1b6 – Other developed land (hardstanding driveway)
-  g4 231 - Modified grassland / vegetated garden
-  h2a – Hedgerow (priority habitat)
-  h2b – Hedgerow (other)
-  Notable tree
-  Ue1 69 - Built linear features (fence)
-  Survey Boundary
-  Approximate proposed development footprint

Client: Alexis Yates
Site: Cedar House, Church Avenue, Clent, Stourbridge, DY9 9QT
Title: Phase 1 Plan
Contract: 1702
Date: February 2021

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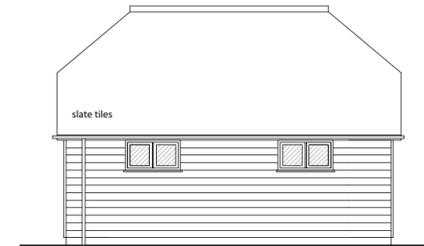
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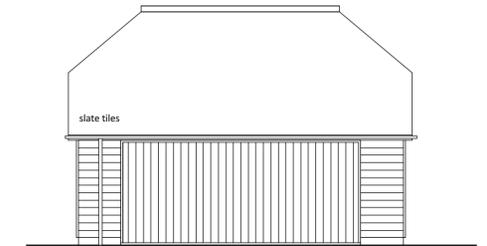
SITE PLAN 1:200



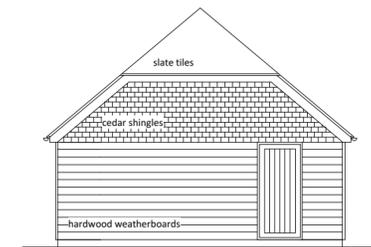
NORTH-EAST ELEVATION 1:200



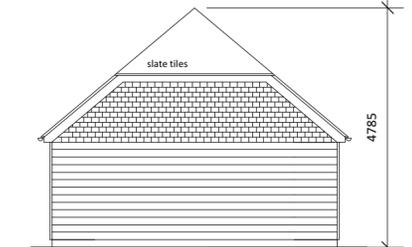
SOUTH-WEST ELEVATION



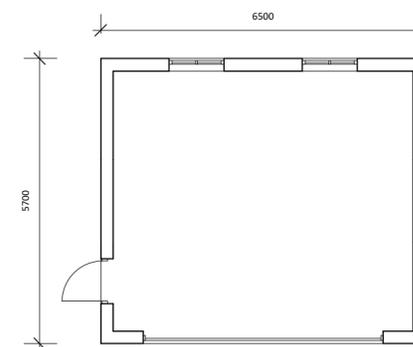
NORTH-EAST ELEVATION



SOUTH-EAST ELEVATION



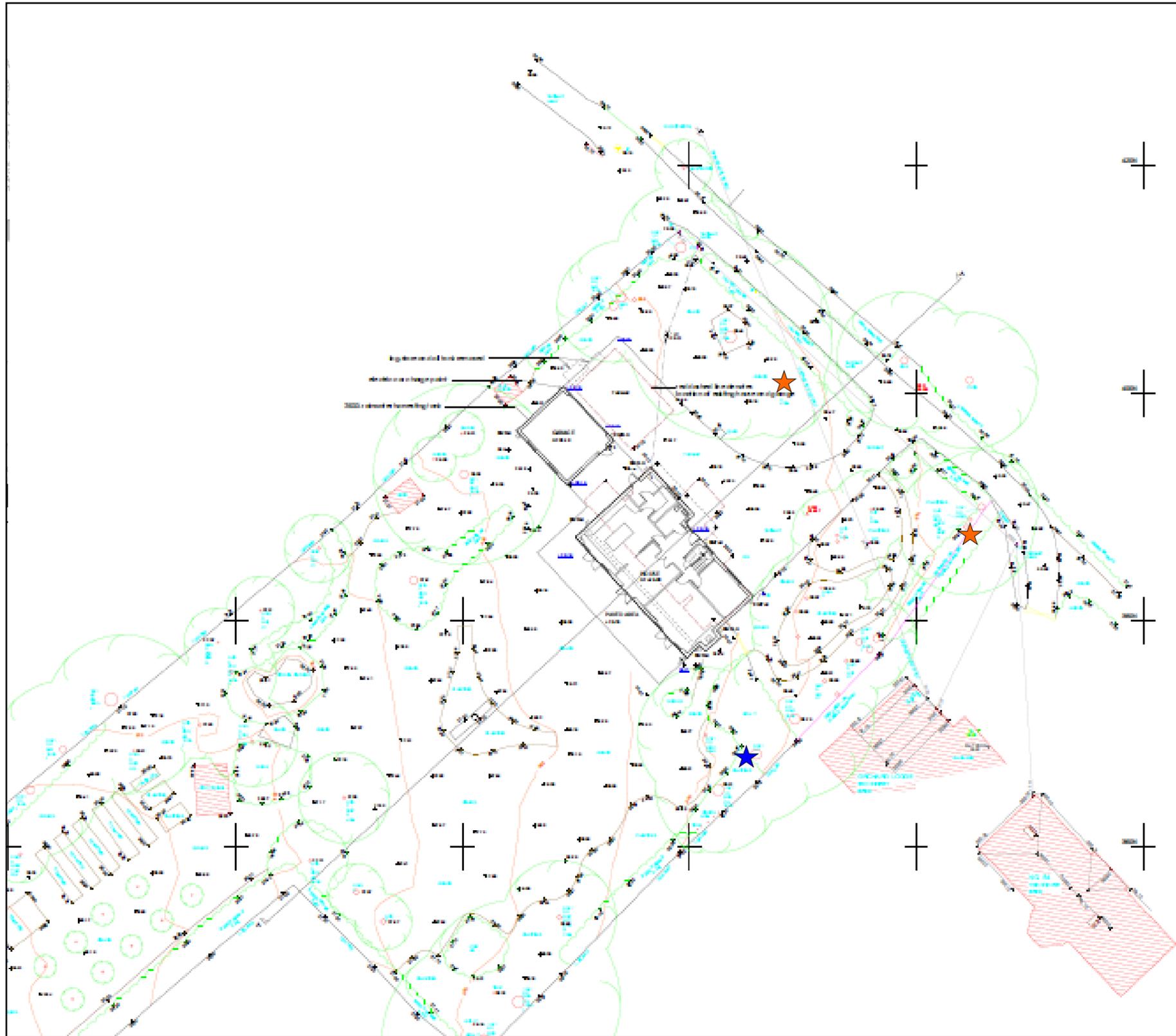
NORTH-WEST ELEVATION



GROUND FLOOR PLAN
Gross external floor area = 37.05 sq metres
Gross volume = 130.4 cubic metres

REV D (12/02/2021) MINOR AMENDMENTS (APB)
REV C (26/01/2021) MINOR AMENDMENTS (APB)
REV B (18/01/2021) MINOR AMENDMENTS (APB)
REV A (15/01/2021) GARAGE LOCATION AMENDED (APB)

<p>nick joyce architects ltd architects and historic building consultants Company No. 9524906 Registered in England and Wales</p>		
<p>5 BARBOURNE ROAD WORCESTER WR1 1RS TELEPHONE 01905 726307/29911 FAX 01905 726307</p>		
<p>CEDAR HOUSE, CLENT PROPOSED NEW DWELLING AND GARAGE</p>		
<p>PLANS AND ELEVATIONS PROPOSED (GARAGE) AND SITE PLAN</p>		
SCALE - 1:100 & 1:200 @ A2	DRAWN - APB	DRG No -
DATE - JAN. 2021	CHECKED -	2319/02D



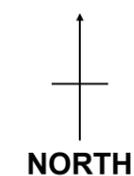
Vivara Pro Seville 32mm Nest Box.



Low Profile WoodStone Bat Box .

Client: Alexis Yates
Site: Cedar House, Church Avenue, Clent, Stourbridge, DY9 9QT
Title: Suggested Wildlife Box Plan
Contract: 1702
Date: February 2021

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4.3 Survey & Third-party Data

All surveys have been completed by appropriately qualified and experienced ecologists from Focus Environmental Consultants. Third-party data has been obtained from Worcestershire Biological Records Centre. Copies of raw data are available on request. Please contact the Project Contact at Focus Environmental Consultants for more details.

Table 1: Summary of Habitat Features

UK Habitat Classification Habitat Type & Code	Phase 1 Code	Size / Extent	Condition	Qualifies as S.41 Habitat	Qualifies as EC Habitats of Community Interest (Annex I)
u1b5 – Buildings	J3.6	0.03ha	A detached property, with a detached garage is present on site. See below for further details.	No	No
u1b6 – Other developed land	C3.1	0.03ha	A hard standing driveway and paths surrounding the property are present across the site.	No	
g4 231 – Modified grassland / vegetated garden	B4	0.22ha	The wider site comprises mature, managed gardens with short, mown grass. The grass sward is dominated by perennial rye-grass, with occasional forbs including white clover, ribwort plantain, common daisy and common cat's-ear. An array of ornamental plants and shrubs were noted across the site, and included species such as dalia, lavender, cosmos, <i>Rosa</i> sp., sweet pea, agapantha, sunflower, banana, Himalayan Honeysuckle, fig, hosta, bamboo, hydrangea, verbena and <i>Salvia</i> sp.	No	No

h2a – Hedgerow (priority habitat)	J2.1	150m	Four hedgerows can be listed as priority habitat. H2 is present along the north-western site boundary and comprises a managed hedgerow of holly and privet, with ivy trailing throughout. H4 is located within the north-east corner of the site and is a managed beech and holly hedgerow. H5 is present to the south-east of the site and is a managed beech hedgerow. H6 is also present to the south-east of the site and is a managed beech and holly hedgerow.	Yes	No
h2b Hedgerow (other)	J2.1.2	20m	H1 and H3 both comprise managed laurel hedgerows.	No	No

Table 2: Summary of Preliminary Roost Assessment

Structure	Potential Roost Features	Evidence of Bats	Category (Collins 2016)
Cedar House (Plates 1 – 4).	Two-storey, multi-pitched property clad in cedar, with a roof overlain with flat, concrete tiles. The property is tightly sealed and no obvious signs of bat roosting activity was identified.	No.	Negligible
Detached garage (Plates 5 & 6).	Cedar-clad, single-storey detached garage with a pitched roof overlain with flat tiles. The building is tightly sealed and no obvious signs of bat roosting activity was identified.	No.	Negligible
Tree	Potential Roost Features	Evidence of Bats	Category (Collins 2016)
T1	Mature Turkey oak. No obvious features observed, but tree of substantial size.	No.	Low

T2	Large mature copper beech. No obvious features observed, but tree of substantial size.	No.	Low
T3	Silk tassel tree with no obvious features observed.	No.	Negligible
T4	Mature copper beech. No obvious features observed, but tree of substantial size.	No.	Low
T5	Mature large-leaved lime. No obvious features observed, but tree of substantial size.	No.	Low
T6	Mature apple with no obvious features observed.	No.	Negligible
G1	Mature cypress sp., and cotoneaster. No obvious features observed.	No.	Negligible
G2	Large, multi-stemmed Acacia's. No obvious features observed, but trees of substantial size.	No.	Low
G3	Mature beech and silver birch. No obvious features observed, but trees of substantial size.	No.	Low
G4	Group of mature holly, beech and common lime. No obvious features observed, but trees of substantial size.	No.	Low
G5	Mature beech. No obvious features observed, but trees of substantial size.	No.	Low
G6	Group of semi-mature silver birch. No obvious features observed, but trees of substantial size.	No.	Low

4.4 Survey Objectives

The objectives of the survey were:

1. to carry out a Preliminary Ecological Appraisal of the site to identify any habitats, species or features of nature conservation significance;
2. to undertake a “third-party data” search to acquire details of any protected species records held by third parties and information on nature conservation designations relevant to the site, to collate and comment upon the responses;
3. to undertake a daytime preliminary roost assessment for bats, following best practice survey guidelines (Mitchell-Jones, 2004; Collins, 2016);
4. to produce a concise report identifying known and likely ecological constraints associated with a project. The report will identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA). It will also indicate mitigation measures that may be required, applying the ‘mitigation hierarchy’, to ensure compliance with wildlife law and recognised best practice. Intrinsic opportunities offered by a project to deliver ecological enhancement will be identified within the report.

4.5 Limitations

The Preliminary Ecological Appraisal was carried out by a suitably experienced ecologist from Focus Environmental Consultants. The month of survey (August) is within the optimal survey period for most habitats and species in England.

Many fauna species become inactive and their field signs less apparent in the winter months. Similarly some plant species may also become less evident in the winter as a consequence of their annual growth pattern or natural process of die-back to roots, corms, bulbs and tubers.

The reader is reminded that an ecological survey that is based on a single site visit will typically under-represent the biological diversity of a site, owing to seasonal variations in animal activity and plant growth form in particular. However, a Preliminary Ecological Appraisal such as this can be completed by an experienced ecologist at any time of year subject to suitable weather conditions.

No significant survey limitations were encountered.

4.6 Methods

4.6.1 Third-Party Data Trawl

A third-party data trawl was conducted in August 2020, to collect any existing site records and protected/notable species data records for within the site boundary and a 1km area around the site. The following third-party consultees were contacted: Worcestershire Biological Records Centre. The government's multi-agency website 'magic' was also consulted (www.magic.gov.uk).

4.6.2 Preliminary Ecological Appraisal

An experienced ecological consultant undertook a field survey in accordance with the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017 2nd Edition), the UK Habitat Classification system (UK Habitat Classification Working Group (2018a, 2018b & 2018c), and the Handbook for Phase 1 Habitat Survey (JNCC, 2010). The extent of each habitat type was mapped and details of relative plant species abundance within homogenous areas were recorded. Species abundance was measured on the DAFOR scale (Dominant, Abundant, Frequent, Occasional and Rare), with the addition of the term 'Local' to describe variation on a small-scale.

Higher plant nomenclature follows Stace (4th Edition), 2019 with common (English) names being used for ease of reading and accessibility. Bryophyte nomenclature follows Atherton *et al.* (Eds), 2010, with English names being used in line with this publication. Scientific names are used for fungal identification, with authorities referenced in the text, for reasons of clarity.

The survey method was extended to include a search for fauna of ecological importance, including those that are afforded legal protection.

Target Note descriptions were recorded for features of ecological importance, these may include areas of species-rich vegetation and field signs of protected and/or notable species.

4.6.3 Preliminary Roost Assessment

A daytime preliminary roost assessment (PRA) was undertaken at the site by an experienced and appropriately licensed ecologist (Jessica Stuart-Smith - Natural England licence number: 2016-25531-CLS-CLS). An internal and external inspection of the built structures on site was carried out from ground-level using binoculars as required. The focus of the survey being to identify any possible exit and entry points of bats, suitable roosting locations and to search for bat field signs.

Within the built structures, particular attention was paid to areas suitable for roosting bats. Field signs that would indicate the presence of bats include:

- bat droppings;
- bat carcasses;
- feeding remains (particularly butterfly & moth wings);
- evidence of urine staining around possible roost entrances;
- presence of areas cleared of cobwebs;
- oily stains around possible roost entrances.

Built structures were assessed as having either 'high', 'moderate', 'low' or 'negligible' potential to support roosting bats, and categorised using definitions in Collins (2016) (see Table 3, below).

Table 3: Guidelines for Assessing the Potential Suitability for Roosting Bats of Structures within a Development Site²

Suitability	Description: Structure
Negligible	Negligible features on the structure that are likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide appropriate conditions (<i>i.e.</i> space, protection, shelter) and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (<i>i.e.</i> unlikely to be used as a maternity roost).
Moderate	A structure with one or more potential roost sites that could be used by bats due to their appropriate condition (<i>i.e.</i> size, shelter, protection) and surrounding habitat. However, it is unlikely to support a roost of high conservation value (with respect to roost type only).

² Taken and adapted from: **Collins, J. (ed.) (2016).** *Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd Edition.* The Bat Conservation Trust, London, UK.

High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their conditions (<i>i.e.</i> size, protection, shelter) and surrounding habitat.
Confirmed Roost	Structure with confirmed bat roost.

In addition, a ground-based tree assessment was undertaken of mature and semi-mature trees within the site boundary. Survey methods followed the guidelines and techniques recommended in Mitchell-Jones (2004), Collins (2016), BTHK (2018), Cowan, (2003). Binoculars were used as required to obtain better views of potential roost features in trees. Features that can provide roosting sites for bats in trees include:

- woodpecker holes;
- cracks, splits and fissures in trunk and limbs;
- rot holes;
- trunk cavities;
- loose bark;
- dense ivy growth.

Trees were assessed as having either ‘high’, ‘moderate’, ‘low’ or ‘negligible’ potential to support roosting bats, and categorised using definitions in Collins (2016) (see Table 4, below).

Table 4: Guidelines for Assessing the Potential Suitability for Roosting Bats of Trees within a Development Site³

Suitability	Description: Structure
Negligible	Negligible features on the tree that are likely to be used by roosting bats.
Low	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features with only very limited roosting potential.
Moderate	A tree with one or more potential roost features that could be used by bats due to their appropriate condition (<i>i.e.</i> size, shelter, protection) and

³ Taken and adapted from: **Collins, J. (ed.) (2016)**. *Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd Edition*. The Bat Conservation Trust, London, UK.

	surrounding habitat. However, it is unlikely to support a roost of high conservation value (with respect to roost type only).
High	A tree with one or more potential roost features that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their condition (<i>i.e.</i> size, protection, shelter) and surrounding habitat.
Confirmed Roost	Tree with confirmed bat roost.

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4.8 Legislation & Best Practice

4.8.1 The Conservation of Habitats and Species Regulations 2017 (as amended)

<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

These regulations, referred hereafter as “the Habitats Regulations”, represent the primary method by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) is transposed for England and Wales and their territorial seas. The Habitats Directive, in conjunction with the Birds Directive (Council Directive 2009/147/EEC) forms the basis for implementation of Europe’s nature conservation policy through both habitat and species level protection. The Habitats Directive requires the designation of strictly protected European sites known as Special Areas of Conservation (SACs). Together with the Special Protection Areas (SPAs) established by the Birds Directive, these collectively form the Natura 2000 Network of protected sites. The Habitats Directive also requires the strict protection of animals and plants of Community Interest listed under Annex IV. Habitat types requiring strict protection as SACs are listed under Annex I. The conservation of animals and plants listed under Annex II requires the designation of SACs.

The Habitats Regulations require that public bodies must exercise their nature conservation responsibilities to ensure compliance with the Habitats Directive. These regulations also require the conservation of natural habitats and habitats of species through the selection, designation and notification of marine and terrestrial ‘European Sites’ to be afforded protection under the Habitats Directive. The habitats and species of European Importance are listed under Annexes I and II of the Habitats Directive. The regulations also contain provision for the appropriate management of these European Sites including the control of damaging operations, special nature conservation orders and restoration orders, for example. The Habitats Regulations afford strict protection to European Protected Species of animals under Schedule 2 and plants under Schedule 5. Offences (subject to certain exceptions) include the deliberate capture, killing, disturbance or trade in these animals. Similarly plants listed under Schedule 5 are protected (subject to exceptions) from picking, collection, cutting, destruction or trade.

4.8.2 The Wildlife and Countryside Act 1981 (as amended)

While the Habitats Regulations provide the basis for nature conservation policy in Europe, the Wildlife and Countryside Act 1981 (as amended) (WCA) is still a major mechanism for the legislative protection of wildlife and countryside/national parks in the UK. The WCA, and its various amendments, draw on from pre-existing legislation and support the Habitats Regulations in implementing the Bern Convention (1979) and Directive 2009/147/EC on the conservation of wild birds. Schedules within the WCA provide a list of protected species and habitats, in addition to prohibited actions. Further details are provided below for specific species relevant to the report. The WCA also contains measures for controlling invasive non-native species and amendments to a number of laws, including in relation to public rights of way.

4.8.3 The Countryside and Rights of Way (CROW) Act 2000

The CROW Act amends existing WCA legislation in accordance with the 1992 Convention on Biological Diversity (Rio Earth Summit). The Act applies to England and Wales only and encompasses public access, rights of way, nature conservation and Areas of Outstanding Natural Beauty (AONBs). Schedule 9 of the Act provides increased powers for the protection and management of SSSIs while Schedule 12 strengthens the legal protection for protected species via arrestable offences and heavier penalties.

4.8.4 The Natural Environment and Rural Communities (NERC) Act 2006

The Natural Environment and Rural Communities Act imposes a *Biodiversity Duty* (S.40) on all public bodies to conserve biodiversity at both species and habitat levels (S40). “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*”

S.41 of the Act requires the publication of a list of “*living organisms and types of habitat which in the Secretary of State’s opinion are of principal importance for the purpose of conserving biodiversity.*” The list generated under S.41 of the Act contains a number of types of habitats and species of animal and plant that have the potential to be affected by development projects of a range of sizes and impacts.

S.47 of the Act establishes special protection for the nest sites of certain birds that are known to re-use their nests and creates an additional Schedule containing these birds, namely golden eagle, white-tailed eagle and osprey. It is an offence to take, damage or destroy the nest of these three birds at any time.

The Act also establishes Natural England as the independent body “to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development”. 943 species and 56 habitats of principal importance are included on the S41 list as guidance for public bodies on decisions that affect biodiversity.

4.8.5 The Hedgerow Regulations 1997

On 1 June 1997, the Hedgerow Regulations came into force under section 97 of the Environment Act 1995 to address the dramatic decline in UK hedgerows. The regulations protect important hedgerows by limiting removal through a system of notification via local planning authorities.

The regulations are aimed at countryside hedgerows in England and Wales “on or adjoining, common land, village greens, Site of Special Scientific Interest (which include National Nature Reserves, Special Protection Areas under the Birds Directive and Special Areas of Conservation under the Habitats Directive), Local Nature Reserves, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys” (Section 3.6).

Written permission is required from the local planning authority before the removal of any hedgerow over 20 metres and more than 30 years old. Hedgerows less than 20 metres long may also be considered if they form part of a continuous network of hedges. Garden hedges, however, are not protected. Once the LPA has received a written request they will issue either a Hedgerow Retention or Hedgerow Removal Notice within 42 days depending on whether they define the hedgerow as *important* or not. This is determined by the following;

- “They have been in existence 30 years or more; and”
- “They satisfy at least one of the criteria set out in Part II of Schedule 1 of the Regulations.”

Exemptions to the Regulations fall into three categories:

- “small scale works;”
- “works approved under other procedures which ensure careful assessment and consideration of the impact on the local environment; and”
- “works authorised under other legislation which justify the removal of a hedgerow without first establishing its importance.”

It is an offence to remove a hedgerow subject to a retention notice, or to remove a hedgerow protected under the Hedgerow Regulations without first obtaining the required removal notice.

4.8.6 The UK Post-2010 Biodiversity Framework

As of 17 July 2012, the UK Post-2012 Biodiversity Framework replaced the UK level Biodiversity Action Plan to deliver the outcomes of the Government’s Biodiversity 2020 Strategy. This was in response to the 2011 EU Biodiversity Strategy (EUBS) and the 2010 United Nations Convention on Biological Diversity (CBD) whereby five “*Aichi*’ *strategic goals and supporting targets*” have been internationally agreed.

The UK Framework is a collaborative effort between Defra and JNCC on behalf of the Four Countries’ Biodiversity Group to achieve the ‘*Aichi*’ strategic goals through focused supporting targets and follows on from policies contained within the Natural Environment White Paper (2011).

4.8.7 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was first published on 27 March 2012, and has since been replaced by the revised National Planning Policy Framework, published on 24 July 2018. This framework acts as guidance for planning authorities (LPAs) in England to form Local Plan policies in favour of sustainable development as part of the government’s reforms to increase the accessibility of the planning system and promote long term sustainable growth. Along with the Circular 06/205, the NPPF consolidates the Planning Policy Statements and Guidance Notes, many of which are now obsolete, including *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)*.

The framework states that “*planning policies and decisions should contribute to and enhance the local environment*” (paragraph 170).

Chapter 15 of the framework focusses on habitats and biodiversity. Specifically, paragraph 175 states: “*...when determining planning applications, local planning authorities should apply the following principles:*

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Scientific Interest;*
- *development proposals whose primary objective is to conserve or enhance biodiversity should be supported;*
- *opportunities to incorporate biodiversity improvements in and around developments should be encouraged;*
- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*

4.8.8 Circular 06/2005: Biodiversity and Geological Conservation

The Circular 06/2005 complements the NPPF by advising on how the law relates to planning and nature conservation in England, with particular reference to designated sites and protected species;

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision” (Paragraph 99).

However, “*developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.*”

Part IV also reminds LPAs and developers that licences and mitigation measures may be required in addition to planning permissions if protected species are to be affected by the development. “*The breach of protected species legislation can often give rise to a criminal offence*” (Paragraph 101).

4.8.9 BS42020:2013 Biodiversity. Code of Practice for Planning and Development

BS 42020 was developed by BSI with input from a variety of organisations (in all sectors) and experts in the field of biodiversity. It is fundamentally engaged with the incorporation of biodiversity into all stages of the planning process. The standard identifies a suite of recommendations and advice to ensure that decision-making and activities undertaken from inception to fruition of planning applications are adequately informed by appropriate and robust ecological knowledge. BS42020 aims to:

- give decision-makers (and specifically planning authorities and other regulatory bodies) more confidence that the ecological audits and assessment of impact on biodiversity provided in support of development proposals is fit for purpose;
- encourage greater consistency and transparency in the quality, scientific robustness and transparency of ecological reports that are submitted with planning applications and other forms of regulatory approval; and
- foster an approach that is proportionate and retains and positive environmental legacy following development.

4.8.10 Bats

All British bats are “European Protected Species” (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting bats are prohibited under the legislation:

- deliberate capture, injury or killing of a bat;
- deliberate disturbance of a bat and in particular 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.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any bat or any part of a bat or anything derived from one.

Bats are also afforded protection from intentional or reckless ‘disturbance’ by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by bats for shelter and protection is also an offence under the Act.

4.8.11 Birds

All wild birds in the UK are afforded protection under the Wildlife and Countryside Act 1981 (as amended). This protection includes killing, injuring or taking wild birds as well as taking, damaging or destroying bird nests in use or being built, and taking or destroying eggs. Birds listed under Schedule 1 of the Act are afforded additional protection from disturbance during nesting and offences relating to these birds are subject to special penalties. The nest sites of birds listed under Schedule ZA1 of the act (golden eagle, white-tailed eagle and osprey) are afforded strict, year-round protection even when the nests are not in active use.

A small number of derogated bird species, principally members of the genus *Corvus* (crows), *Larus* (gulls) and *Columba* (pigeons), may be killed by authorised persons (landowner/occupier or otherwise authorised by the landowner or relevant conservation body or fisheries board) under a 'general licence'. The general licence is issued by Natural England (in the case of English usage). The general licence can only be exercised for reasons of preserving public health or public safety and cannot be lawfully used in the case of damage to property or nuisance.

4.8.12 Great Crested Newts

The great crested newt (*Triturus cristatus*) (Laurenti, 1758), is a "European Protected Species" (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting great crested newts are prohibited under the legislation:

- deliberate capture, injury or killing of a great crested newt;
- deliberate disturbance of a great crested newt and in particular 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.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any great crested newt, any part of a great crested newt or anything derived from one.

Great crested newts are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by great crested newts for shelter and protection is also an offence under the Act. This applies to both aquatic and terrestrial habitat.

4.8.13 Reptiles

All common reptile species (grass snake, adder, common lizard and slow-worm) native to Britain are protected by Schedule 5 the Wildlife & Countryside Act, 1981 (as amended). It is illegal to:

- deliberately kill, injure a reptile or
- sale, barter, exchange, transport for sale and advertising to sell or to buy a reptile.
- In Northern Ireland they are fully protected against killing, injuring, capturing, disturbance, possession or trade.

In addition, sand lizard and smooth snake are protected under Conservation of Habitats and Species Regulations 2017. The following actions affecting these reptiles are prohibited under the legislation:

- deliberate capture, injury or killing;
- deliberate disturbance and in particular 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.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, these reptiles or anything derived from them.

Sand lizards and smooth snakes are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by these reptiles for shelter and protection is also an offence under the Act.

5. QUALIFICATIONS & EXPERIENCE

Focus Environmental Consultants® has the expertise to provide sure-fire environmental solutions to a wide range of projects. The company ethos forges the highest standards of professional scientific practice with a best value approach for our clients. Our core area of expertise is in the production of specialist ecological and arboricultural reports and advice to support planning applications. We are also building an enviable reputation for innovative habitat creation and management solutions. Our flexible approach, range of skills and broad project experience from major infrastructure contracts to smaller projects allows us to adapt to your individual requirements. Focus Environmental Consultants is situated in Worcestershire, providing a convenient and central UK location.

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