

# Ecological Impact Assessment Report

Land at Corner Cottage, Leigh Upon Mendip

September 2021

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For: re:DSGN Ltd


AE 4873

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01 re:DSGN

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*This report is the responsibility of Abbas Ecology, It should be noted, that whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.*

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## Executive summary

<b>Site location:</b>	Land at Corner Cottage, Leigh Upon Mendip, Radstock, BA3 5QG
<b>Grid Reference:</b>	<b>ST 69380 47346</b>
<b>Abbas Ecology surveyors:</b>	Elizabeth Kimber.
<b>Date of visit(s):</b>	9 <sup>th</sup> June 2021, 12 <sup>th</sup> , 14 <sup>th</sup> , 16 <sup>th</sup> , 21 <sup>st</sup> and 26 <sup>th</sup> July 2021, 3 <sup>rd</sup> and 5 <sup>th</sup> Augst 2021

Seasons Ecology Ltd undertook a preliminary ecological appraisal on the Land at Leigh Upon Mendip in June 2020. This report presents the findings of an updated walkover survey and phase 2 survey work undertaken by Abbas Ecology Ltd during summer 2021. This report proposes mitigation, compensation and enhancement as required. The proposed development for the site is for three residential houses, associated gardens and parking facilities.

The surveyor walked across the site recording details of habitats present and evidence of or opportunities for protected species to use the land. Potential foraging, commuting, breeding and hibernation sites for different taxa were assessed wherever possible. Records of plants that could be identified at the time of the survey were made. Binoculars, a powerful torch, a camera and a notebook were used to complete a thorough survey.

The site is a former paddock, approximately 0.4 hectares in size. The southern half of the site comprises of a field of improved grassland, with areas of wildflowers, tall ruderal vegetation and semi mature trees. The northern half of the site comprises an orchard, set within a field of improved grassland.

The site is connected to the wider landscape through the treelines on the boundaries of the site, which offer commuting and foraging opportunities for bats. As such a static detector monitoring survey was undertaken during July to establish use of the site by bats. Two detectors were deployed, one in the southern end of the site and one on the boundary fence in the centre of the site. Small numbers of common species of bat were recorded in the centre of the site, primarily comprised of common pipistrelle bats. In the southern section of the site 6 bat calls were recorded, all common pipistrelle.

The site has suitable habitat for common species of reptiles, in the grassland, tall ruderal habitat and in the shelter offered by the treelines. A reptile survey was undertaken in June to August 2021. No reptiles were recorded during the survey.

The trees and tall ruderal vegetation on site offers opportunities for common species of nesting bird.

Mitigation measures have been provided for the foraging and commuting bats and nesting birds, including a lighting scheme and timing of works. Enhancement measures to increase the ecological functionality of the northern half of the site have been provided, including sowing a replacement wildflower meadow in the northern half of the site. These measures will ensure that there are no detrimental impacts on protected species as a result of the proposed development, and that the proposed development will offer a net gain for biodiversity.

## 1.0 Introduction

**Principal Author:** Elizabeth Kimber, BSc (Hons), MCIEEM. Elizabeth has experience in protected species survey and licensing and holds personal survey licences for bats, (CL18), Great Crested Newts (CL08) and a science and conservation survey licence for rare reptiles.

### Site:

The site (figure 1) is a former paddock, approximately 0.4 hectares in size. The southern half of the site comprises of a field of improved grassland, with areas of wildflowers, tall ruderal vegetation and semi mature trees. The northern half of the site comprises an orchard, set within a field of improved grassland.

The proposed development (figure 2) for the site is for three residential houses, associated gardens and parking facilities,

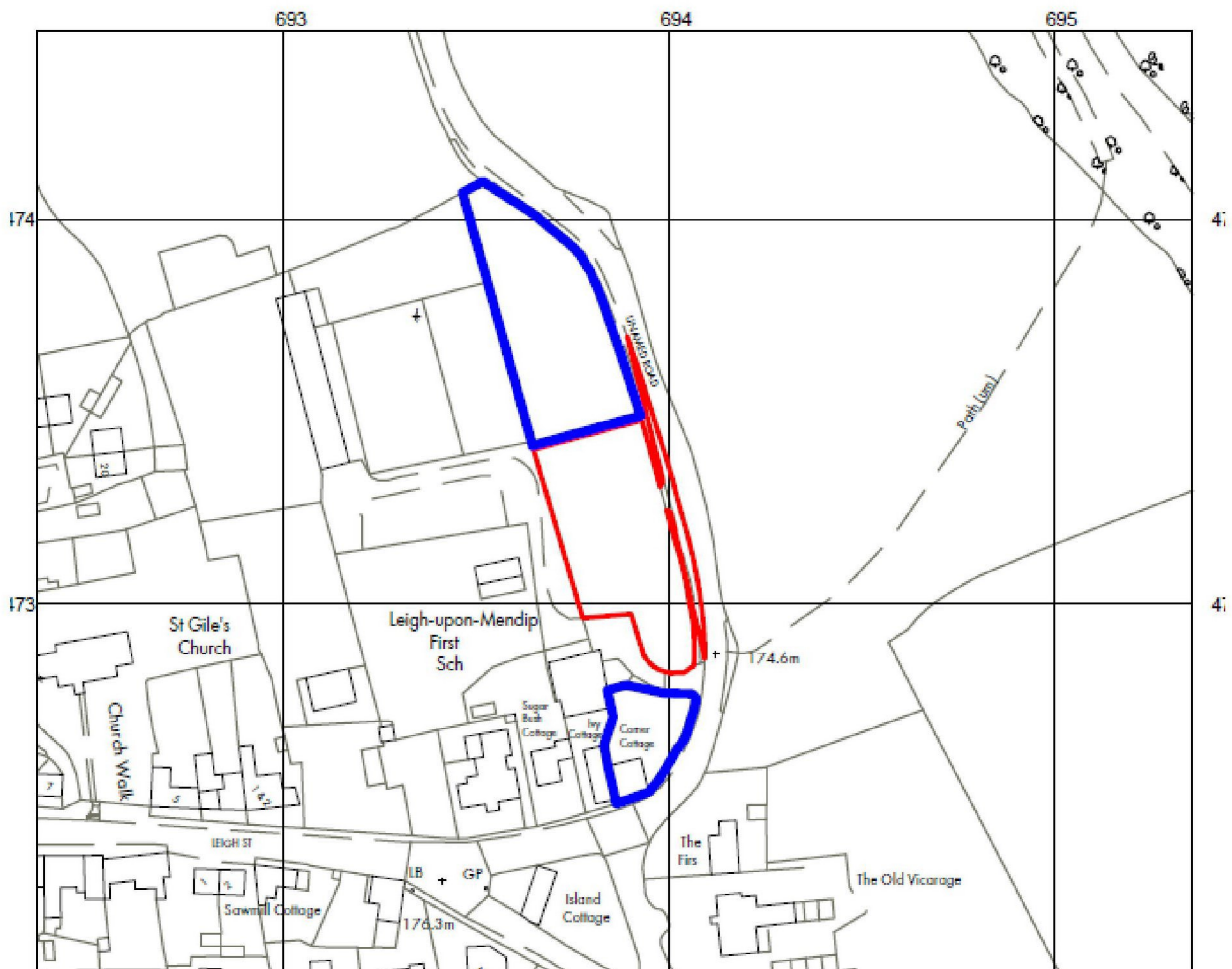


Figure 1: Site location plan. The red line boundary is the proposed development site. The blue line boundaries are The blue line boundary to the north is the location of the orchard (Copyright Ordnance Survey).

### Purpose

The report aims to show how impacts on protected species and habitats have been assessed and describe all potentially significant ecological effects from development. Mitigation measures and enhancements are described and the need for follow up monitoring reviewed.

This report was prepared in response to the Mendip District Council refusal of planning application number 2020/0721/OTS, point 2:

*“The site is greenfield and within Band C of the Mells Valley Special Area of Conservation (SAC) a Bat Consultation Zone which is designated for its horseshoe bat features. The application has failed to adequately demonstrate the presence or otherwise of protected species (bats and reptiles) on the site and how they or their habitat will be protected or enhanced. The proposal also has not demonstrated any proposals for appropriate mitigation and biodiversity gain. Accordingly, there is a significant risk that the development would have a harmful impact on protected species and would result in the net loss of biodiversity. The development therefore conflicts with Policies DP5 and DP8 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the National Planning Policy Framework, particularly section 15.”*

## **2.0 Planning policy and legislation.**

The National Planning Policy Framework was amended in July 2021 and details the National planning policy; all items relating to Protected species and habitat are detailed in Appendix I.

The planning authority for the site in question is Mendip District Council. The Council provides guidance to help identify what surveys are required, how to conduct them and the information that they should include. This includes provision for the following:

- Protected species and habitats.
- Designated sites, priority habitats and species, and geological conservation.

### **Biodiversity Net gain:**

*All Mendip District Council applications are required to provide net gain, and a requirement for measurable 10% net gain is included in the forthcoming Environment Bill and in the draft Dorset Council Local Plan.*

*Net gain will be quantified through use of the DEFRA Biodiversity Metric and developers are encouraged to use the Metric now, in preparation for the requirement for mandatory net gain in 2023.*

### **Legislation**

In England, all bats, dormice (*Muscardinus avellanarius*), otters (*Lutra lutra*), great crested newts (*Triturus cristatus*), smooth snakes (*Coronella austriaca*) and sand lizards (*Lacerta agilis*) are legally protected under Annex IV of the EC Habitats and Species Directive (1992), which is transposed into domestic law via the Conservation of Habitats and Species Regulations (2017). Nightjars (*Caprimulgus europaeus*) are protected under the above Regulations under Annex I (as originated from the EC Birds Directive).

Badgers (*Meles meles*) are protected under The Protection of Badgers (1992).

Some species are also listed under Annex II of the EC Habitats and Species Directive (1992), including barbastelle (*Barbastella barbastellus*), Bechstein's bat (*Myotis bechsteini*), greater horseshoe

(*Rhinolophus ferrumequinum*), lesser horseshoe (*Rhinolophus hipposideros*), great crested newt, stag beetle (*Lucanus cervus*) and otter.

The above named species and adders (*Vipera berus*), slow worms (*Anguis fragilis*), grass snakes (*Natrix natrix*), common lizards (*Zootoca vivipara*), common frog (*Rana temporaria*), palmate newt (*Lissotriton helveticus*), smooth newt (*Lissotriton vulgaris*), water voles (*Arvicola amphibius*) and several invertebrate species are also protected under Schedule 5 of the Wildlife and Countryside Act (WCA) (1981) (as amended); hedgehogs (*Erinaceus europaeus*) are partially protected under Schedule 6 of the WCA (1981). Barn owls (*Tyto alba*) are protected under Schedule 1 of the WCA (1981).

Schedule 9 of the WCA (1981) includes non-native, invasive species including (but not limited to) Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*) and Himalayan balsam (*Impatiens glandulifera*).

Some sites that have been designated for nature conservation are legally protected due to being of European importance. These include Special Areas of Conservation (SACs) (protected under the EC Habitats and Species Directive (1992), Special Protection Areas (SPAs) for birds (protected under the EC Birds Directive) and Ramsar (Ramsar Convention, 1975). Other protected sites include Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) Local Nature Reserves (LNRs) and Protected Road Verges.

Hedgerows that qualify as 'important' under The Hedgerows Regulations (1997) are legally protected under the Regulations.

### **3.0 Scope of the assessment.**

#### **Zones of influence:**

The 'zone of influence' for a project is the area over which ecological features may be subject to significant effects as a result of the proposed project and associated activities.

In this case the development will involve the construction of a new dwelling, which will only impact the area within the red line boundary as outlined above. Materials and construction vehicles will reach the site using existing farm tracks which are already in use by heavy machinery.

The assessment has considered the potential for impact on designated sites and species of principal importance for conservation of biodiversity.

### **4.0 Scoping: Desktop survey.**

A desk study was conducted as part of the report prepared by Seasons Ecology, and is included in the Preliminary Ecology Appraisal issued by Seasons Ecology in June 2020. Information of importance from within the report is as follows:

#### **Species**

- One EPS licence for great crested newt, approximately 1.9km north of the site.
- One EPS licence for common pipistrelle, approximately 2km south of the site.
- One EPS licence for lesser horseshoe and soprano pipistrelle, approximately 3km south-west of the site.
- One EPS licence for lesser horseshoe, approximately 3.7km west of the site.

#### **Designated and other sites.**

- The site is within the impact risks zone of nearby Sites of Special Scientific Interest (SSSIs).
- There are two statutory designations within 2km of the site, one approximately 0.8km to the north west of the site for Edford Woods and Meadows SSSI. The other is Assam Wood SSSI, which is approximately 1.2 km to the south-east of the site.
- The site is 3.5km to the east of the Mells Valley Bats Special Area of Conservation (SAC) and lies within Consultation Band C of the Ecological Zones of Influence for this SAC.



#### 4.1 Scoping: Methodology

A Preliminary Ecological Appraisal was carried out by Seasons Ecology in 2020, and updated in June 2021 by Abbas Ecology. This looks at the area to assess its likely value for protected species and other wildlife. It is not a specific survey for any one species and looks for general habitat types, but it will identify the need for further survey work if required. Once the appraisal was carried out and it was concluded that all further survey work has been completed an Ecological Impact Assessment of the proposal can be carried out.

The entire site was surveyed for protected species, and for the potential for protected species; the methodology for all protected species surveys followed guidance from Natural England's Standing Advice Sheets for the relevant species. Habitat features of interest were also noted. Species looked for included:

##### Bats

A consistent search effort for evidence of bats was applied to all parts of the site that are due to be impacted by the proposed works. The methodology used to search this site is consistent with the guidelines provided in the Bat Conservation Trusts Bat Survey Guidelines (2016).

Any trees due to be removed were also assessed for potential roost features as outlined in the Bat Tree Habitat Key (2018). The features are outlined in Table 1 below.

Type of habitat	Negligible	Low	Moderate	High
Tree	No features on the site likely to be used by roosting bats.	A tree of sufficient size and age to contain Potential Roosting Features (PRFs) but with none seen from the ground or features with only very limited roosting potential	A tree with multiple PRFs that could be regularly used by common species of bats. The tree is unlikely to support a roost of high conservation status.	A tree with multiple PRFs that are likely to be regularly used by larger numbers of bats, for a longer period of time.

The habitat surrounding the site was assessed for its suitability for use by bats, identifying features such as possible commuting corridors and foraging areas. These features assist bats with orientation in the dark, allowing bats to successfully navigate between roosts and foraging areas. Areas like these provide important corridors for use by bats.

The site was subject to a static detector survey for bats. Two static detectors were deployed from the 21<sup>st</sup> July 2021 to the 28<sup>th</sup> July 2021. The static detectors were Audiomoth static detectors. The data from these detectors was imported onto a computer, then processed using Sonobat to analyse the results. The results were manually checked before the data was included within this report.

## **Breeding Birds**

Any habitat features, for example, scrub and trees, which could potentially be used by nesting birds, were surveyed and any nesting activity within the buildings was noted. Ground nesting bird potential was also considered.

## **Reptiles**

Habitat features that could be suitable as hibernacula or feeding/resting areas were noted.

A total of 35 reptile mats were set up on site on the 9<sup>th</sup> June 2021 across the southern area, where the proposed development will be sited. A total of seven reptile checks have been undertaken at the site between the 12<sup>th</sup> July 2021 and the 5<sup>th</sup> August 2021. The reptile mats were checked during suitable weather conditions, cloudy and/or with sunny breaks with temperatures ideally between 10°C and 20°C when the refuges provide greater heat than the open ground (Froglife 1999).

## **Badger**

Any area that could be used for feeding or could potentially contain a badger sett was surveyed and any signs noted.

## **Otter and Water Vole**

Any areas with potential for use by either of these species were surveyed and any signs, such as spraint, footprints, droppings and piles of nibbled grass, were noted.

## **Dormouse**

Any habitat features that could potentially provide feeding or nesting habitat for dormice were checked for signs of this species and areas with potential for use by dormice were noted. Visual surveys for nests and opened nuts were undertaken where the proposed work only impacts a small amount of habitat (for example access gaps in hedgerows).

## **Great Crested Newt**

Any habitat features that could be used by this species was noted. This included both terrestrial and aquatic features. Any ponds within 500m of the site must be assessed for suitability for great crested newts (providing that the landowner has granted access) using the standard Habitat Suitability Index form and method.

## **Protected Invertebrates**

Potential for protected invertebrates were considered, including white-clawed crayfish, stag beetles, southern damselfly, brown and white-letter hairstreak butterflies.

## **Habitat**

All areas of semi-natural habitat were also surveyed, and any features of interest noted. Consideration was also given to the potential of this area to act as a wildlife corridor.

Invertebrate habitat was considered during this assessment including potential for butterflies, moths and dragonflies. Micro features that are particularly important to invertebrates was also highlighted

such as deadwood, edge of scrub, damp areas and grassland structure. The surveyor aimed to establish if further survey from a specialist entomologist would be required.

If there are any areas of semi-natural habitat present that maybe considered as species-rich a plant species list was made of plants apparent at the time of survey and a 'DAFOR' scale applied to indicate relative abundance. A phase I map showing broad-based habitat types will be produced if there are a mosaic of semi-natural (not landscaped) habitats present.

#### **4.2 Assessment**

The assessment has reviewed the significance of the potential impacts from the development in terms of the impacts on ecological features and processes within the immediate area and wider landscape. The question posed is whether the project is likely to result in a change in ecosystem structure and function? The site area is small, and the mitigation and enhancements proposed will ensure that the ecosystem continues to offer functionality as part of the wider network.

It is not expected that there will be an effect on the nature, extent, structure and function of component habitats in the wider landscape, as the boundary features will remain in place and the modifications will not impact on the surroundings.

## **5.0 Baseline Ecological Conditions – General.**

The baseline conditions at the site level relate to a small 0.4 hectare site, the southern half of which is comprised of improved grassland, with areas of wildflowers, tall ruderal vegetation and semi-mature trees. The northern half of the site comprises an orchard, set within a field of improved grassland. The proposed development will only impact the southern half of the site, with the orchard in the northern half being retained. The proposed mitigation and enhancement measures will ensure that the site continues to offer ecological functionality.

### **5.1 Baseline Ecological conditions – protected sites.**

The site is within 1 kilometre of the Edford Woods and Meadows SSSI, which is designated for being a site of biological interest due to the wide range of types of semi-natural woodland and for unimproved meadows and pastures. The site is approximately 1.2 kilometres away from the Asham Wood SSSI, which is the largest and most diverse of the ancient semi-natural woodlands in the Mendips.

Due to the proximity of the site to the designated sites further advice may need to be sought from the Mendip District Council planning team.

### **5.2 Baseline Ecological Conditions – habitats.**

As mentioned above, the site is comprised of improved grassland, with an orchard present in the northern half of the site. The southern half of the site was previously used to house chickens, however, this was stopped before the 2020 survey by Seasons Ecology.

The site is dominated by improved grassland, which is unmanaged and has previously housed free-ranging chickens, geese and ducks. Species present include Yorkshire-fog, crested dog's-tail, red fescue, meadow-grasses, perennial rye grass, red clover, oxeye daisy, common nettle, dock species, cow parsley, field bindweed, and occasional honeysuckle species.

The areas previously categorized as wildflower meadow by Seasons Ecology have decreased in their condition, and, whilst there are still species present including meadow crane's-bill, greater knapweed, evening primrose, poppy and common bird's-foot-trefoil the nettle which is present on site has started to encroach into these areas.

Semi-mature trees form the boundaries of the site along all sides, except for small sections where bramble, low growing shrubs and post and wire fences form the boundary. The northern and southern sections of the site are divided by a boundary of semi-mature trees. Species present include hawthorn, red alder, ash, hazel, field maple, whitebeam and unmanaged cherry laurel and box species. The northern half of the site contains approximately ten semi-mature apple trees.

The site is well connected within the wider landscape and likely to form part of an ecological network, however, the proposed development is small and the site will offer continued functionality as part of the ecological network through mitigation and enhancement measures.

### **5.3 Baseline Ecological conditions – Species and species groups.**

#### **i. Bats.**

The report from Seasons Ecology detailed habitat suitability along the boundary features of the site, which offer foraging and commuting habitat. As such a recommendation was made for 5 nights of static detector survey to be undertaken in either July or August.

Abbas Ecology conducted a static detector survey for seven nights during July 2021. The tables below show the results of the static detector surveys.

Central static detector results:

Species	Noctule	Common pipistrelle	Brown long-eared	Grand total
<b>Date</b>				
<b>21/07/2021</b>	1	19		20
<b>23/07/2021</b>		3		3
<b>26/07/2021</b>		12		12
<b>27/07/2021</b>	1	64	1	66
<b>Grand total</b>	2	98	1	101

Southern static detector results:

Species	Common pipistrelle	Grand total
<b>Date</b>		
<b>24/07/2021</b>	2	2
<b>25/07/2021</b>	4	4
<b>Grand total</b>	6	6

The results from the static detector surveys show that there are low numbers of common species of bat utilizing the site. Over seven nights deployment the number of bat calls recorded on the detector are very low, and show that the site is intermittently used for low number of bats for foraging and commuting.

The proposed development may have a negative impact for foraging and commuting bats at site level, therefore mitigation measures are outlined below.

## ii. Birds.

No evidence of nesting birds utilizing the site was observed during the site survey conducted by Seasons Ecology or by Abbas Ecology. The preliminary ecological by Seasons Ecology outlined the habitat suitability for nesting birds in the boundary trees, and the habitat suitability for the areas of unmanaged grassland and wildflower meadow for foraging and commuting birds.

The proposed development will result in the removal of some of the trees on site, and will therefore reduce the area of habitat available for nesting and foraging birds.

There will be a small loss of breeding sites due to vegetation removal to facilitate the proposed development, and temporary loss of breeding sites in the orchard due to disturbance during the

development phase. There is an abundance of similar habitat within the local area, which the birds could utilise if disturbance means the habitat within the site is temporarily unsuitable for breeding.

### iii. Reptiles

The report from Seasons Ecology recorded suitable habitat for common and widespread species of reptile, in the low growing shrub and unmanaged grassland which provide potential areas of refuge and potential commuting habitat. As such a reptile survey was recommended to establish presence/absence of reptiles on the site.

A reptile survey was undertaken by Abbas Ecology in summer 2021. The results of this survey are outlined in the table below.

#### Reptile survey results

Date	Time	Temp	Cloud	Wind	Reptiles
09/06/2021	Set up reptile felts				
12/07/2021	16:30	18	6/8 sunny spells	B 1-2	Nil
14/07/2021	19:45	20	0/8	B 0-1	Nil
16/07/2021	09:15	20	0/8	B 0-1	Nil
21/07/2021	10:30	17	8/8	B 1-2	Nil
26/07/2021	09:30	20	2/8 Sunny	B 0-1	Nil
03/08/2021	19:15	16	7/8 sunny spells	B 0-1	Nil
05/08/2021	09:45	16	7/8 sunny spells	B 1-3	Nil

The reptile survey returned no records of reptiles on the site, therefore reptiles are considered to be absent from the site. No further recommendations are made regarding reptiles.

## 6.0 Proposed development

The proposed development is for three residential houses, associated gardens and parking facilities. It will be necessary for the design to incorporate ecological features to mitigate against negative impacts to bats and breeding birds.

## **7.0 Assessment of effects and mitigation measures.**

### **i. Bats**

The development will impact the use of the boundary features of the site by common species of foraging bat when these features are removed, however, bats will be able to continue to utilise the orchard in the northern half of the site for foraging and commuting during the development. The residual impacts of the development are low due to the low numbers of common species of bat utilising the site.

The potential impacts on bats are therefore the loss of foraging space. The impact is low at site level.

Mitigation measures will include a suitable buffer from the proposed properties to the orchard, and a lighting scheme which will reduce light spill onto the northern half of the site to maintain the dark corridor used by foraging bats.

Residual effects: The residual effects will be minimal, as the foraging habitat will be retained with a similar dark corridor to the one which is currently there, and the grassland under the orchard will be over-sown with wildflower species increasing the potential foraging habitat for bats.

### **ii. Breeding birds.**

The potential impacts on breeding birds are confined to removal of nesting habitat for common species. For these species, the negative impact is low, as there is an abundance of alternative habitat within the immediate vicinity of the site.

Mitigation measures must include a built-in bird nest box in each of the garages which will ensure availability of suitable nesting locations in the local area for common species of bird. The measures taken will have to take account of lighting schemes and other potential sources of disturbance.

Residual effects will be negligible as the bird nesting habitat which is due to be retained will be enhanced from the proposed development.

## **8.0 Cumulative effects.**

The grassland and boundary features have limited value to wildlife, and the ecological functionality of the northern half of the site will be retained during the proposed development. There are no likely significant effects from the proposed development.

## **9.0 Compensation**

### Bats:

The site must adopt the following suitable external lighting schemes and regimes in accordance with Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the built environment series, Bat Conservation Trust (London) & Institution of Lighting Professionals (Rubgy) (2018) during and post-development. With a dark corridor along the eastern and southern boundary of the site. Providing this is done this should reduce any impact on bat foraging activity. This will be done by implementing the following:

- Any new external light fixtures will be hooded/cowled to avoid upward light spill and will be on a motion-sensor with short (1 min) timers.
- Any luminaires must lack UV elements, when manufactured. Metal halide, fluorescent sources must not be used.
- LED luminaires will be used, due to their sharp cut-off and lower intensity and any light fixtures will be on bollards or at a maximum head height to ensure bats are not deterred from using the site.
- Lux limits 0-5 lux
- External lighting must be excluded from any elevation that is facing a hedge, trees and open countryside.
- There must be no lights pointing towards any new bat roosting features.

### Birds:

- One Schwegler Type 24 brick bird nest box with a 32 mm entrance hole will be built into the external wall of each of the new garages. This will be placed between 2 and 4 metres above the ground. This will allow the continuation of breeding birds in the area, therefore avoiding any long-term impact.

## **10.0 Enhancement and monitoring**

The aim of the enhancements to the site is to create a 10% net gain for biodiversity. Enhancements to the site include:

- The orchard and other semi-mature trees are due to be retained during the development. These must be protected during the construction phase of the development and post-development.
- One IFR Schwegler bat tubes must be built into the external wall of each of the new buildings. These will be placed on Southeast or Southwest elevation at least three meters but no more than six meters from ground level. The tubes must be clear of vegetation and other obstructions. These will create new crevice roosts.
- The area in the northern half of the site underneath the orchard will be sown with a wildflower meadow mix (general purpose meadow mix, such as Emorsgate EMI or similar).



- The boundaries between the new properties should allow for hedgehog access between them. This will include making gaps at the base of the fencing, measuring 13cm by 13cm to allow hedgehogs to pass through the gardens.

## **11.0 Conclusions.**

The development proposal will result in a loss of foraging habitat for bats, and nesting habitat for birds, however, this is likely to be a negative impact at site level only. The legal protections offered to these different species means that mitigation will be required in order to allow the scheme to gain planning permission, as required to progress.

Mitigation and enhancements will be secured via this report, and the previous report from Seasons Ecology dated 2020. With the mitigation and enhancement measures proposed it is considered that there will not be a long term impact for biodiversity from the proposed development.

### **11.1 Outcomes for biodiversity.**

There will be a positive outcome for biodiversity as mitigation measures will be implemented to ensure that light from the development does not impact the orchard. Additionally, the improved grassland under the orchard will be oversown with wild flowers, and the new buildings will have integrated bat and bird boxes providing additional habitat for roosting bats and nesting birds.

**Illustrations and figures**



Southern half of the site



Northern half of the site



Remains of chicken coops



Tall ruderal vegetation



Site boundary from the road



Northern half of the site

## Appendix I

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### Legislation (summary)

#### I. Wildlife Protection legislation

##### Mammals:

**Otters, dormice, water voles, and all bat species** are fully protected under section 9 (5) of the Wildlife and Countryside Act 1981 (as amended). According to this act it is an offence to:

- Intentionally capture, kill or injure one of these animals
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used by one of these animals for shelter or protection
- Intentionally or recklessly disturb an animal whilst it is using this place
- sell, offer for sale or advertise for one of these animals live or dead

Designated as European Protected Species' **otters, dormice and all bat species** receive additional protection from the Conservation of Habitats and Species Regulations 2010, under Schedule 2 which implements the EC Directive 92/43/EEC in the United Kingdom. In accordance with this act, it is an offence to:

- Deliberately capture or kill a European Protected Species
- Deliberately disturb a European Protected Species
- Damage or destroy the breeding site or resting place of a European Protected Species

The **greater and lesser horseshoe bats, barbastelle and bechstein's bats**, are also listed under Schedule 2 of the Conservation of Habitats and Species Regulations. Areas which support populations of these species can therefore be considered for designation as a Special Areas of Conservation (**SACs**).

**Badgers** receive protection from the Protection of Badgers Act 1992. According to this act, it is an offence to:

- to willfully kill, injure, take, possess or cruelly ill-treat a badger;
- to attempt to do so; or
- to intentionally or recklessly interfere with a sett.

##### Reptiles and Amphibians:

**Slow worms, adders, grass snake, viviparous lizard**, are protected against intentional killing, injuring or sale under section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).

**Great crested newt, natterjack toad, sand lizard and smooth snake** are fully protected under section 9 (5) of the Wildlife and Countryside Act 1981 (as amended). These species also receive additional protection as **European Protected Species** under schedule 2 of the Conservation of Habitats and Species Regulations 2010, which implements the EC Directive 92/43/EEC in the United Kingdom.

##### Birds:

**Please Note:** All breeding birds and their nests are protected under the general protection of Section 1 of the Wildlife and Countryside Act, 1981 as amended. This makes it an offence to disturb breeding birds.

## **2. Conserving and enhancing the Natural Environment. Section 15, NPPF updated July 2021.**

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

### **Habitats and biodiversity**

179. To protect and enhance biodiversity and geodiversity, plans should:

- a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>61</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>62</sup>; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining planning applications, local planning authorities should apply the following principles:

- a) 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;
- b) 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 Special Scientific Interest;
- c) 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<sup>63</sup> and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

181. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites<sup>64</sup>; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.