

Protected Species Survey of Outbuildings at The Willows, Cassington, Oxfordshire



Southwest elevation of northwest outbuilding

May 2023

**Carried out on behalf of
Mr & Mrs Hill**

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Outbuildings at The Willows, Cassington Protected Species Survey

EXECUTIVE SUMMARY

A protected species survey was carried out of two outbuildings at The Willows which are subject to a planning application for conversion to a dwelling. The survey involved carrying out an internal and external inspection of the outbuildings for evidence of use by roosting bats and nesting birds.

No evidence of bats was found in the outbuildings, which have negligible potential to support roosting bats due to their breeze block, profiled sheeting and corrugated iron construction which provides no roosting opportunities for bats, with the profiled steel sheeting and corrugated iron having poor insulation properties. Windows in the workshop and store create high internal light levels with the partly open-sided stable block quite draughty internally, both of which would deter roosting bats. A licence from Natural England would not be required for the proposed development though as the presence of bats can never be discounted entirely, precautionary measures should be adopted during initial building work as outlined in the mitigation section at the end of the report.

The nearby large ponds and trees would provide good foraging habitat for bats, and any new external lighting should be kept to a minimum and directed away from them.

No evidence of nesting birds was found, though a check for nesting birds will need to be undertaken prior to building work commencing. If nesting birds are identified, works in the area of the nest will be delayed until the birds have left the nest.

No evidence of badgers was found and no reptiles or amphibians were recorded. The short grazed grassland and hard surfacing of the application site provides poor terrestrial habitat for reptiles and amphibians though the nearby large ponds would support amphibians. The site is on the border of red and amber impact zones for great crested newts identified as part of the South Midlands District Licensing Scheme, which means great crested newts are likely to be present in the area, though due to the condition of the application site and the small scale of the development, a great crested newt licence should not be required, with a non-licensed strategy of reasonable avoidance measures sufficient to minimise the risk of this or any amphibian or reptile species being harmed during clearance and construction work.

Bat boxes and bird nesting opportunities such as house sparrow terraces could be considered for incorporation into the converted outbuildings to provide a gain for biodiversity within the development as required by the NPPF.

1. INTRODUCTION

1.1 Surveyor Experience and Competence

The survey was carried out by Philip Irving MCIEEM, who has worked for over twenty years as a Senior Ecologist for a Countryside Management Trust based in Bedfordshire, providing ecological advice on the management of Trust sites and writing management plans etc.

He also undertakes consultancy work including surveys for bats, great crested newts and other protected species, and holds a Natural England Bat Survey Class Licence CL18 (licence registration no: 2015-12411-CLS-CLS), and a great crested newt class licence CL08 (licence registration no: 2015-17174-CLS-CLS).

1.2 Site Description

The outbuildings are located in the grounds of The Willows on the north side of the A40 Eynsham Road at Ordnance Survey Grid Reference SP449104. The outbuildings are at the northwest end of a row of similar outbuildings and c. 45m to the northwest of the house, with two large tree-lined ponds and an area of woodland in the grounds to the west and southwest of the application site.

Housing of various ages and construction is directly to the northeast of the property in Cassington with commercial buildings on the south side of the A40 opposite the property, and a large area of woodland and flooded pits to the east of the buildings. Extensive arable farmland is directly to the north of the property with small hedged fields of mixed farmland the main land-use to the south of the A40, much of it meadowland and including Cassington Meadows, part of the Oxford Meadows SAC, just over 1km to the east. The tree-lined River Evenlode is c. 250m to the southwest of the application site and joins the River Thames c. 1km to the southeast, with the extensive Wytham Woods SSSI beyond the river.

1.3 Proposed Works

The outbuildings are subject to a planning application for conversion to a dwelling. Given that the presence of protected species is a material consideration in the planning process (NPPF), a survey is required to provide information to the local planning authority (West Oxfordshire District Council) on any impact the proposal is likely to have on any species present. Any impact identified on protected species will need mitigation proposals to be put forward to the planning authority to ensure any populations in the area are maintained at a favourable conservation status.

1.4 Aims of Survey

The aims of the survey are to:

- Assess the current use of the outbuildings by bats and nesting birds.
- Determine the impact of the proposed development on any protected species using the outbuildings.
- Produce a mitigation plan for any impact on the protected species to ensure the population is maintained at a favourable conservation status in the local area.

2. LEGISLATION RELEVANT TO PROTECTED SPECIES

2.1 Bats

Throughout Europe in the last 30 years there has been an awareness that bat populations are declining considerably. This decline combined with their special roosting requirements has led to them being given special protection by law. All bats and their roosts are protected by law under The Wildlife and Countryside Act 1981 (as amended), through inclusion in schedule 5, section 9. From 1st April 2010, a new version of the Habitats Regulations came into force in England and Wales to become the Conservation of Habitats and Species Regulations. This version of the legislation updates and consolidates all the amendments to the Regulations since they were first made in 1994 and effectively makes any disturbance of bats an offence. In summary, taken together the legislation makes it illegal to:

- Intentionally kill, injure or capture bats;
- Intentionally or recklessly disturb bats while they are occupying a structure used for shelter or protection;

- Intentionally or recklessly damage, destroy or obstruct access to areas used by bats for shelter or protection.

Structures used by bats for shelter are commonly known as bat roosts. Because bats tend to re-use the same roosts, legal opinion is that, the roost is protected whether or not the bats are present at the time. The appropriate Statutory Nature Conservation Organisation (SNCO) must be consulted of any work that may affect bats, or their roosts. In England, the appropriate SNCO is Natural England who will advise as to whether work can be carried out, and if so, the methods to be used.

Developments that would contravene the protection afforded to bats under the Conservation of Habitats and Species Regulations 2010 require a Habitat Regulations Licence issued by Natural England before any works can commence. Three tests must be satisfied before Natural England can issue a licence or permit otherwise prohibited acts. The Local Planning Authority will need to ensure that tests 1 and 2 have been satisfied and Natural England will need to be consulted regarding test 3. The three tests are:

1. That the development is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of social or economic nature and beneficial consequences of primary importance for the environment' (Regulation 44 (2) (e)).
2. That there is no satisfactory alternative (Regulation 44 (3) (a)).
3. That the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range (Regulation 44 (3) (b)).

The legislation means that the developer will need to have a clearly documented compensation strategy to maintain the numbers of bats in the local area.

2.2 Nesting Birds

Nesting birds are protected by law under The Wildlife and Countryside Act 1981 which makes it an offence to kill, injure or take any wild bird, and take, damage or destroy any nest in use or being built or any egg.

2.3 Badgers

The main legislation protecting badgers in England and Wales is the Protection of Badgers Act 1992. This act consolidates all previous legislation including the Badgers Act 1973 and the Badgers (Further Protection) Act 1991. Under the 1992 Act it is an offence to:

- wilfully kill, injure, take or attempt to kill, injure or take a badger;
- possess a dead badger or any part of a badger;
- cruelly ill-treat a badger;
- use badger tongs in the course of killing, taking or attempting to kill a badger;
- dig for a badger;
- sell or offer for sale or control any live badger;
- mark, tag or ring a badger;
- interfere with a badger sett by:
 - damaging a sett or any part thereof;
 - destroying a sett;
 - obstructing access to a sett;
 - causing a dog to enter a sett;
 - disturbing a badger while occupying a sett.

The 1992 Act defines a badger sett as: “any structure or place which displays signs indicating current use by a badger”.

Badger setts can be disturbed inadvertently by earth moving operations, excavation and coring and any work that disturbs badgers whilst occupying a sett is illegal without a licence from Natural England. It is emphasised that badgers can be disturbed by work near a sett even if there is no direct interference or damage to the sett. For this reason, Natural England has provided guidelines on the types of activity which it considers should be licensed within certain distances of sett entrances. For example the following may require a licence:

- using very heavy machinery (generally tracked vehicles) within 30 m of any entrance to an active sett;
- using lighter machinery (generally wheeled vehicles), particularly any digging operation, within 20 m;
- light work such as hand digging or scrub clearance within 10 m.

2.4 Great Crested Newts

Great Crested Newt is listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), receiving protection for the animal and its habitat.

Under the Wildlife and Countryside Act it is illegal to undertake the following:

- Intentionally or deliberately kill, injure or capture great crested newt;
- deliberately disturb great crested newt;
- damage, destroy or obstruct access to and any structure or place used for shelter or protection by great crested newt;
- possess or transport a great crested newt or any parts of a great crested newt unless acquired legally;
- sell, barter or exchange great crested newt or any parts of great crested newts.

In order for otherwise illegal acts to proceed lawfully, the appropriate licence must be sought.

2.5 Reptiles

All common native reptile species (grass snake, adder, common lizard and slow-worm) are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally kill or injure a common reptile.

3. METHODOLOGY

An internal and external inspection of the outbuildings was made on the 16th May 2023 by Philip Irving MCIEEM, and evidence of use by bats and other protected species was looked for, for example droppings, urine streaks, nesting/roosting sites, feeding remains or live animals.

Bats may roost in a variety of situations including within the hollows of timbers within gaps in brickwork, or below the ridge beam inside buildings. Buildings can be considered as potential roosts if cracks or holes in excess of 8mm x 12mm are present. Such gaps are large enough to allow the smallest species of bats to gain access. It is usual for bats to select roosting areas that are sheltered and warm, avoiding exposed, draughty conditions.

Constraints - Bat roosts are of a transient nature and bats may move from roost to roost. A single bat may use a large number and wide variety of roosts during the year. This behaviour may result in some roosting sites not being encountered during the dates of the survey.

The weather at the time of the survey was partly cloudy with a light north-westerly breeze and a temperature of 13°C.

4. RESULTS

4.1 Desk Study

Bat records within 2km of the property include common and soprano pipistrelle, brown long-eared, noctule, serotine and barbastelle bat with roosts of common pipistrelle and brown long-eared bat in Eynsham more than 2km to the southwest and roosts of soprano pipistrelle, barbastelle and whiskered bat in Wytham Woods more than 2km to the south. There are a few records of great crested newt within 1km of the property.

4.2 Description

Both single storey outbuildings are constructed of breeze block with the northwest building having a flat, profiled steel sheeting roof and the southeast building a flat corrugated iron roof, both unlined internally.

The northwest outbuilding is used as a store and workshop and has large windows in the northeast elevation that create high internal light levels. The interior of the southeast outbuilding is used as a stable block and is partly open-sided on the southwest elevation that makes the interior quite draughty. Connecting the two outbuildings is a small flat-roofed firewood store. The outbuildings are in good structural condition with no obvious damage to the walls and roofs.

The outbuildings directly to the southeast outside of the application site are of the same breeze block construction and condition.

The remainder of the application site to the southwest of the outbuildings consists of paved paths and short grassland grazed by llamas and chickens with a mostly unvegetated hardstanding access track leading to the road.

Directly to the northeast of the outbuildings outside of the application site is a steep bank covered in ruderal vegetation and containing a couple of large hawthorns, a mature ash and a pollarded crack willow.

4.3 Field Survey

No evidence of bats or nesting birds was found in the outbuildings.

The ash and pollarded willow on the bank to the northeast of the outbuildings contain no deadwood features that could support roosting bats, having had significant tree surgery to prevent them affecting the adjacent power lines.

No evidence of badgers was found on or near the application site and no reptiles and amphibians were recorded.

5. ASSESSMENT

5.1 Bats

No evidence of bats was found in the outbuildings, which have negligible potential to support roosting bats due to their breeze block, profiled sheeting and corrugated iron construction which provides no roosting opportunities for bats, with the profiled steel sheeting and corrugated iron having poor insulation properties. Windows in the workshop and store create high internal light levels with the partly open-sided stable block quite draughty internally, both of which would deter roosting bats. In spite of the results of the survey, the presence of bats can never be completely discounted, and there is still the potential for direct disturbance of any hidden roosting bats that may be present during building work.

The nearby large ponds and trees would provide good foraging habitat for bats, and any new external lighting should be kept to a minimum and directed away from them. The property would only be a small part of any bats foraging area so the impact on bats in this respect would be negligible.

5.2 Nesting Birds

A check for nesting birds will need to be undertaken prior to building work commencing. If nesting birds are identified, works in the area of the nest will be delayed until the birds have left the nest.

5.3 Great Crested Newts and Reptiles

The short grazed grassland and hard surfacing of the application site provides poor terrestrial habitat for reptiles and amphibians though the nearby large ponds would support amphibians. The site is on the border of red and amber impact zones for great crested newts identified as part of the South Midlands District Licensing Scheme, which means great crested newts are likely to be present in the area, though due to the condition of the application site and the small scale of the development, a great crested newt licence should not be required, with a non-licensed strategy of reasonable avoidance measures sufficient to minimise the risk of this or any amphibian or reptile species being harmed during clearance and construction work.

6. RECOMMENDATIONS AND MITIGATION

6.1 Bats

Bats and their roosts are protected by law under The Conservation of Habitats and Species Regulations 2010 and a European Protected Species license to derogate from this protection would be required to allow building work to be undertaken if a roost was present and the proposed activity is likely to result in an offence, such as significant alterations to or loss of bat roosts.

As there is no evidence of roosting bats in the outbuildings and they are of negligible potential to support them, an EPS licence would not be required for the development, though as a precaution, preliminary building work should be undertaken with care, especially when removing the roof coverings. In the unlikely event that any bats or evidence of them is discovered, work will stop and if necessary, a licence will be obtained before work proceeds.

Any new external lighting required, either temporary lighting during building work, or permanent lighting post development, will be low level and not directed at the nearby ponds and trees to reduce impacts on foraging bats. Where external lighting proves necessary it should consist of LED light sources or be fitted with directional accessories (i.e. hoods, cowls, shields, louvres) to minimise light spillage and direct light away from sensitive areas.

A new roosting opportunity for bats could be considered for inclusion in the development by incorporating an artificial roosting cavity such as a Habitat bat box into the southwest elevation of the converted outbuildings to provide a gain for biodiversity as required by the NPPF.

6.2 Nesting Birds

As nesting birds are protected by law under The Wildlife and Countryside Act 1981, a check for nesting birds will be undertaken prior to building work commencing. If an active nest is found, work must cease and an appropriate sized buffer established around the nest. The buffer must remain intact until it has been confirmed that the young have fledged and the nest is no longer in use.

New nesting opportunities for birds could also be considered for inclusion in the development, for example by incorporating a house sparrow terrace in the northeast or northwest elevation of the converted outbuildings to provide a further gain for biodiversity.

6.3 Badgers

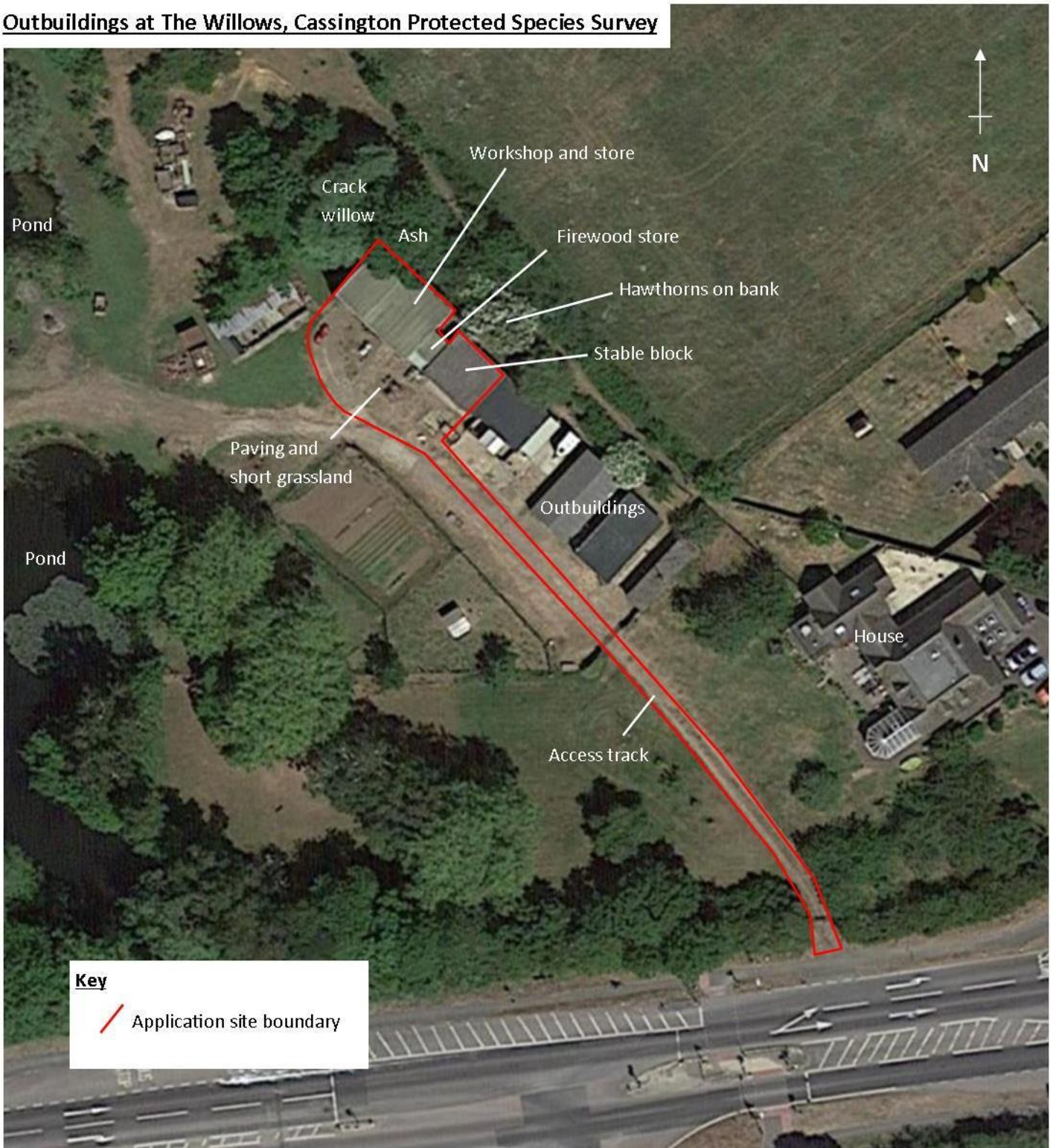
No evidence of badger activity was found at the site, though any excavations which are necessary will either be covered at night or fitted with suitable ramps in order to prevent any foraging badgers or other mammals such as hedgehogs from becoming trapped. These will be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches. Any pipes that need to be left overnight on site will also be capped to avoid animals becoming trapped.

6.4 Amphibians and Reptiles

The following non-licensed avoidance measures will be implemented to reduce the impact of disturbance to any reptile or amphibian species that may be present in the area:

- All vegetation due for clearance will be kept close cut prior to work commencing to deter any species from using it as cover, and to make it easier to find any that may be present. Any piles of logs or other materials will be removed by hand and any animals that are found will be collected and moved to suitable undisturbed vegetation around the nearby ponds. Animals will be transported in a covered black bucket to reduce stress and will not be contained for longer than 30 minutes. If great crested newts are found whilst works are on-going despite following good practice guidelines, all work will stop and the situation re-assessed and a mitigation licence applied for if necessary. Any handling of this species will only be carried out by someone with a great crested newt license.
- If construction work is carried out at a time of year when these species are likely to be active, the following precautions will be carried out:
 - any holes or trenches will be covered over at night to prevent animals falling into them;
 - any materials stored overnight will be raised above ground on pallets to prevent animals sheltering underneath them, and building waste will be put in skips and not be left lying around to prevent them taking refuge in it;
 - concrete will not be left unset overnight, or suitable barriers erected to prevent them accessing the concrete.
 - excavations and working areas will be managed so as not to create temporary waterbodies which may attract newts onto the site

Outbuildings at The Willows, Cassington Protected Species Survey



Existing Buildings

END ELEVATION
FRONT ELEVATION
END ELEVATION (SECTIONAL)
REAR ELEVATION
SECTION A-A
FLOOR PLAN

DRAWING N° 01 - EXISTING
 CONVERSION OF EXISTING BUILDING
 THE WILLOWS - LANSING, MI, USA
 MR & MRS C. HILL
 SCALE 1/8" = 1'-0" DECEMBER 2002
 ALL DIMENSIONS TO BE VERIFIED BY SITE SURVEYOR
 CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATION
 OF ALL SERVICES AND UTILITIES
 CONSULTING FIRM: ARCHITECTURE - P.C. INC. (LANSING)

Proposed Development

END ELEVATION
FRONT ELEVATION
END ELEVATION
REAR ELEVATION
SECTION A-A
FLOOR PLAN

DRAWING N° 02 - PROPOSED
 CONVERSION OF EXISTING BUILDING
 THE WILLOWS - LANSING, MI, USA
 MR & MRS C. HILL
 SCALE 1/8" = 1'-0" DECEMBER 2002
 ALL DIMENSIONS TO BE VERIFIED BY SITE SURVEYOR
 CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATION
 OF ALL SERVICES AND UTILITIES
 CONSULTING FIRM: ARCHITECTURE - P.C. INC. (LANSING)

APPENDIX

Photographs



Northeast and northwest elevations of northwest building



Interior of northwest outbuilding



Southwest elevation of southeast outbuilding and store



Northeast and northwest elevations of southeast outbuilding and store



Interior of southeast outbuilding



Outbuildings to southeast of application site



Bank and hawthorns to northeast of outbuildings



Ash and crack willow to north of outbuildings