PHASE 1 / PRELIMINARY ECOLOGICAL APPRAISAL SURVEY REPORT & GREAT CRESTED NEWT REASONABLE AVOIDANCE MEASURES

Site name: 68 DEGREES WEST GLAMPING SITE, CRADOC, BRECON, POWYS LD3 9LP

Commissioned by: MR LEWIS GOULD

Date: Ver. 1.0 12-4-23

europaeus land management services (ecology)

Director: Stephen P.B. West MSc MCIEEM PrCMA

01568 611736
Sub offices: Herefordshire; Cheshire; Oxfordshire

Office email: *ecology.susan@hotmail.co.uk*

CONTENTS

Report Author & Personnel

The survey was carried out by Stephen West MSc MCIEEM PrCMA, who is an ecologist with more than thirty years' experience of environmental consultancy, and forty years'' of project management work and habitat management experience. He studied ecology at bachelors level at U.E.A. and possesses a Master of Sciences degree (with distinction) in Habitat Creation and Management and another similar relevant qualification from Oxford University. Stephen is a highly experienced ecological surveyor and consultant and represented Southern England on the inaugural National Council of the Bat Conservation Trust in the 1990's. He has worked with all types of wildlife, and with bats since the 1970's in the UK and abroad, and held an English Nature / Natural England licence to disturb bats for the purposes of science and education or conservation since 1991 (Survey licence no's **CLS001710 – Bat survey level 4, & CL20 Level 4 2015-15782-CLS-CLS** to survey bats of all species for scientific (including research) and/or educational purposes). He is a Registered Consultant under the Low Impact approach of the **Bat Mitigation Class Licence, Annexes B & D** with Natural England enabling us to provide speedier and less bureaucratic licensing for work on sites of low impact on the commoner bat species. Stephen is the founding chairman of the current Worcestershire Bat Group, and a foundation and currently serving committee (full, accredited) member of the West Midlands branch of the **Chartered Institute of Ecology and Environmental Management** and an and a fully accredited foundation member of the **Countryside Management Association**. He holds a number of Natural England and Natural Resources Wales protected species conservation licences including badger, great crested newt, barn owl and hazel dormouse.

Our work has involved extensive development of mitigation plans and DEFRA / Natural England and W.A.G. / Natural Resources Wales licence applications, ecological impact assessments, ecological management plans and appearing as expert witness at public inquiry. Europaeus Land Management Services was established in 1993 and has held management and consultancy contracts with a great many organisations and private individuals.

Our office is 100% powered by renewable energy and travel etc is carbon-offset against our own tree-planting schemes in Herefordshire and Oxfordshire.

Information on legally protected, rare or vulnerable species may appear in this report. It is recommended that appropriate caution be used when circulating copies. Whilst all due diligence and reasonable care is taken in the preparation of reports, Europaeus Land Management Services accept no responsibility whatsoever for any consequences of the release of this report to third parties. It should be noted that we are an ecological practice and matters concerning the interpretation of legal matters should be considered appropriately and further advice sought if necessary. It should also 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.

Executive Summary

1. A Phase One / Preliminary Ecological Appraisal survey for protected species and habitats issues was undertaken at the survey site (identified land at 68 Degrees West Glamping Site, Cradoc, Brecon, Powys), consisting of an enclosed parcel of land adjacent to the existing glamping facilities, the boundaries of such and the habitats bordering, during the spring of 2020. A full ecological scoping preliminary survey for protected species and habitats issues in this area, and an ecological appraisal were carried out to best practice guidelines drawing evidence from aerial photographs, desk-based tools and typical associations from the habitats present on the site and surrounding land.

2. The survey mirrored a similar survey undertaken to the immediate south during 2020

3. An assessment was made for any implications of the proposed works at the survey site, namely the development of the site and including an assumption of a possible presence of great crested newts nearby, with a rapid risk assessment for possible legislation breach, and a reasonable avoidance measures for the species with precautionary method statement for works.

4. During the site survey, evidence for the presence of protected species was sought, searching for signs of badgers, amphibians and reptiles, nesting birds etc and for important habitat types, and in particular, all of the site for the potential to support any activity or behaviour by great crested newts.

5. No identifiable signs of, or potential for, a great crested newt presence were observed at the site surveyed and the location is deemed unsuitable for any use by the species. No further surveys for the species will therefore be required. We present a rationale for this.

6. No signs or potential were identified for bird nesting within the fenced area and although this was only a one-off scoping survey and not a concerted species survey their presence is not deemed likely.

7. The general habitat was deemed suitable for use by a range of mobile small mammals but there are no features suitable for their occupational presence. Further survey work is therefore not deemed necesarry.

8. The site with current proposals for change, left negligible potential for oversight of current bat use, of badger use, of use by herptiles or of birds for breeding.

9. It is our conclusion that there is a negligible possibility of encountering locally valued and / or protected species (such as breeding birds in due season, herptiles etc), and a low to moderate potential to encounter others (such as small mammals) visiting the site, and although mobile species could utilise parts of the site at certain times, such as hedgehogs, badgers etc, a precautionary approach to the works is deemed a suitable way to address any risk.

10. A precautionary approach to work is therefore recommended and particularly for great crested newts. We advise paragraphs 4.3 and 4.4 are conditioned within planning.

11. (For ease of understanding, English vernacular names of common species are used throughout this report. A full scientific species list can be made available if requested.)

1. Introduction

1.1 ***Background:*** Europaeus Land Management Services was commissioned by Mr Lewis Gould, to carry out a Phase One and protected species and habitats / Preliminary Ecological Appraisal assessment survey of the identified site at 68 Degrees West Glamping Site, Cradoc, Brecon (parts of which form the "survey site"). Issues pertaining to protected species, particularly great crested newts, and habitats were addressed. This report has been commissioned and prepared in proportionate accordance with best practice guidelines for ecological appraisal and impact assessment set out by the Chartered Institute of Ecology and Environmental Management (2012, 2006) and relevant survey handbooks. It is also intended to align with the British Standard for Biodiversity BS 42020 (BSI 2013) and the National Planning Policy Framework. Where deviations from these guidelines are made justification is provided. This report sets out the findings of the survey and provides recommendations in the light of those findings. Any proposal to disturb or carry out development to parts of a semi-natural site could potentially involve disturbance to any species and natural or semi-natural habitats of value. As a consequence, there is the possibility of direct or indirect disturbance to some parts of a location which may have potential for use by protected species. The PEA and habitat assessment were therefore commissioned and undertaken in the spring of 2023 (29-3-2023) with dedicated search made by exploring the whole identified site and immediately surrounding land.

1.2 ***Ecological context:*** The site is an active "glamping" and camping site with office/reception and various wooden "pods" and touring pitches to accommodate guests. The location is between an active farm and well-used golf course, while the specific redline boundary is merely an improved and intensively managed sward enclosed within a post and rail / post and stock fenced enclosure. The golf course is north and west of the well-used farm roadway. The site is north of the A40 Brecon road and Beacons national park and is a rural location plot amidst managed countryside habitat. The area is generally hilly and the specific redline plot is gently sloping to the south-west downhill. The area has intermediate to shallow, slightly acidic soils of a loam texture derived from mudstone and sandstone parental materials. The connectivity of natural or semi-natural habitat for wildlife is somewhat compromised by the intensively managed farmland, devoid of many interconnecting hedges, and the intensively managed golf course with tightly mown fairways, greens and tees etc. The location is to the middle of Wales.

1.3 ***Precautions & Proviso*****:** Though deemed highly unlikely, it could not be entirely ruled out that protected species are not using parts of the site at this location, or that they would not be present should work take place. It has not been possible on this scoping assessment to determine any level of use of the location by breeding birds though there is no highly suitable habitat, with no shrubs or trees within the fenced plot. Also, many species are cryptic or mobile and might take up residence or commence behaviour associated with any site at any time should management decline etc. A detailed check immediately prior to the commencement of any works should therefore be considered if development is to proceed, to update and confirm this initial appraisal approach. It must be noted that work schedules may well be affected should any protected species be discovered.

2. Survey methodology

2.1 ***Background data search:*** Given the relatively small scale of the proposed works, their lack of significant impact on any semi-natural habitats, and the lack of adjacent biodiverse habitat types, a search of records held at the biological records centre was not deemed necessary. This approach is based on the identification of great crested newt records distant at c250 metres as indicated by the planning authority and a proposal that an approach to this survey would be appropriate given a presumption of the species being present in an off-site pond some 100 metres away. Their search reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development and which data search identified 188 records of protected and priority species within 500m of the proposed development and no records found for the site itself. Species recorded within 500m of the proposed development include bat species; lesser horseshoe, brown long-eared, pipistrelle and *Myotis*, great crested newt, tawny owl, tree sparrow and red kite. No statutory or non-statutory designated sites were identified within 500m of the proposed development.

2.2 ***Preliminary Ecological Appraisal, Habitats and Species:*** The detailed methodologies for the survey followed a considered and proportionate approach to best practice recommendations in Guidelines for Preliminary Ecological Appraisal (IEEM, 2012), with regard to Guidelines for Baseline Ecological Assessment (Institute of Environmental Assessment 1995), Institute of Ecology and Environmental Management Professional Issue Series (IEEM 2006), and to relevant survey handbooks. It is also intended to align with the British Standard for Biodiversity BS 42020 (BSI 2013) and the National Planning Policy Framework. The phase 1 habitat survey was in proportionate accordance with the guidelines set out in the Handbook for Phase 1 Habitat Survey (JNCC 2010).

2.3 ***Survey objectives:*** The first objective of the survey was to categorise the survey site as identified and highlight any potential issues pertaining to protected species and habitats. The objectives of the survey methodology were to identify protected or locally valued species at the survey site, and assess their uses of the location with a view to potential impacts of proposed works to the identified site and vicinity; similarly, to make an assessment of the presence or possibility of any protected species, to assess the possibility of the site being occupied by protected species. A full structural assessment of the plot for badger, bats, herptiles and birds etc, and a walkover "scoping" preliminary assessment of the site and

habitat components were undertaken examining features for the presence of protected species and assessing the likelihood of their occupation or use and any need for further specific survey work. The suitability of habitats for any protected animal species was assessed at the same time as the Phase 1 Habitat Survey and any incidental evidence of such species was recorded if encountered. Species that might be expected to be present in the geographic location include bats of a range of species, badger *Meles meles*, water vole *Arvicola amphibious,* near waterbodies and watercourses, nesting birds, great crested newt *Triturus cristatus,* and other small mammal, amphibian and reptile species.

2.4 ***Bats:*** This full survey, including a thorough and systematic visual examination of the trees nearby, for signs or presence of bats was undertaken, concentrating on any bat-accessible voids, structural cracks, tree rot holes and woodpecker holes etc, by a highly experienced ecologist. High powered and small beam torches were available to be utilised, with the trees viewed in detail from all aspects. Binoculars, thermal imaging equipment and a flexible video endoscope were available to be employed. Comprehensive and systematic search was made in detail to crevices etc for bats, their droppings, food remains or characteristic grease marks at potential exit and entrance points. A considered and proportionate approach to survey protocols as described in *Bat Surveys: Good Practice Guidelines* (BCT 2007, revised 2016), the *Bat Mitigation Guidelines* (English Nature 2004), and the Bat Workers' Manual (JNCC 2004) was adopted.

Limitations: The optimal survey period for the characterisation, mapping and assessment of the presence and nature of protected species (bats) present on a site in this geographical region, to the level required for a comprehensive ecological assessment, is May - August inclusive which period is the optimal survey period for bats on a site in this geographical region, to the level required for a comprehensive assessment. Bats are active at this season and their droppings and other field signs, whilst typically cryptic and requiring detailed search, will nonetheless be apparent to the experienced surveyor. However, with recent changeable weather trends, bats are known to have, in some circumstances, altered their movement and occupation patterns. This full scoping survey, including the nature of the trees, was deemed to have taken place adequately for a scoping assessment with the aid of a flexible endoscope, binoculars, thermal imaging and ultraviolet light transmission equipment. The site, all trees and the immediate surroundings, had no significant other inspection limitations. None of the trees are within the redline development boundary and none are planned to be removed and

therefore a further bat activity survey assessment of the site is deemed unnecessary. It should be noted that investigation of the site represented a protected species appraisal and, due to the seasonal limitations identified, we feel it is at least conceivable that relevant species and habitat matters may have been overlooked as visits may miss species not apparent at the times of survey by reason of surveyor access, seasonality, mobility, habits or chance though this potential is rendered negligible due to the precise nature of the plot as surveyed. Particular seasonal limitations are indicated in the text. Weather conditions were acceptable at the time of the survey for this type of scoping approach.

Signs of bat activity searched for included:

- Droppings - these can contain fragments of insect exoskeleton and will crumble to dust (unlike those of small rodents, which typically become hard). Bat droppings will stick to surfaces including walls, windows and window ledges and may also become caught in spider webs near a roost site or feeding perch.
- Feeding remains - these include the discarded wings of flying invertebrates, which may accumulate under a well-used feeding perch. Some species, such as the brown long-eared bat, have seasonal preference for moths of the *noctuid* family the accumulated wings of which identify this bat as being present.
- Oil staining - the fur of bats may leave an oily residue on surfaces close to occupied roost sites and access/egress points.
- Smell – most bat species have an identifiable aroma while certain species, such as the noctule (*Nyctalus noctula*), are noted for their “smelly roosts” due to urine scent marking activity.
- Daytime vocalisations - these are most pronounced at larger roost sites during periods of hot weather.
- Absence of cobwebs - a well used bat roost and its access points are typically clear of cobwebs.
- Scratching - scratch marks produced by the claws of many bats may be apparent close to the access point for a well-used roost.
- Dead bats, either older or especially babies within maternity roosts.
- Pupae of the bat fly.
- Tracks in dust.

2.5 For ***breeding birds*** an assessment of possible nesting sites was taken during the survey visit and the site searched paying particular attention to the possible presence of all nesting and dependant species.

Limitations: The May – June period is the optimal season for the identification of breeding bird assemblages where song birds identify and defend nesting territories and sites, where vegetation is less dense than later and first broods might be expected to be observable. The season was thus too early to fully identify breeding territories in the current season although probable songposts were identified nearby.

2.6 For ***crested newts,*** a detailed search was made of the survey site including of aerial map scrutiny within and outside of the zone of disturbance, for signs or presence. A search was conducted for adults of the species under any stones, timber etc (no such features present) as far as was possible.

Limitations: There were no other significant limitations to the survey effort dedicated to the wider site.

2.7 For ***badgers*** the following signs were sought:-

- Setts and entrances
- Spent bedding material
- Footprints
- Runs
- Feeding signs
- Faeces including latrine sites
- Hair (pellage)

Limitations: A search for signs of badger activity can be undertaken at any season though early spring, when activity can be high following the winter and when undergrowth is less dense, is generally regarded as the optimum period. There were no limitations apart from the access considerations as elsewhere described. Other than a search for general signs over the period of the survey as listed no further survey effort was undertaken.

2.8 For ***reptiles and amphibians*** signs were sought of adults, juveniles, eggs, refugia and possible feeding, foraging and breeding habitat.

Limitations: The habitat was assessed for the possible suitability for these species, with a judgement made on whether sufficient habitat area and quality was available and whether suitable habitat within normal travelling distance was available nearby and that accessibility would be possible. There were no significant limitations to the survey effort dedicated to the site other than the season.

2.9 For ***water voles*** signs were sought for any suitable water bodies or water courses.

Limitations: The site was examined with no apparent suitable waterbodies present.

2.10 ***Hedgehog, harvest mouse, brown hare*** and ***polecat.*** These species are listed as priority species in the UK Biodiversity Action Plan (and as species of principal importance for the conservation of biological diversity in England under Section 74 of the Countryside and Rights of Way (CRoW) Act 2000).

Limitations: There were no limitations within the scope of this survey other than the general access restrictions. The season was outside the optimal period to identify active harvest mouse nests in grass and tall herb stands.

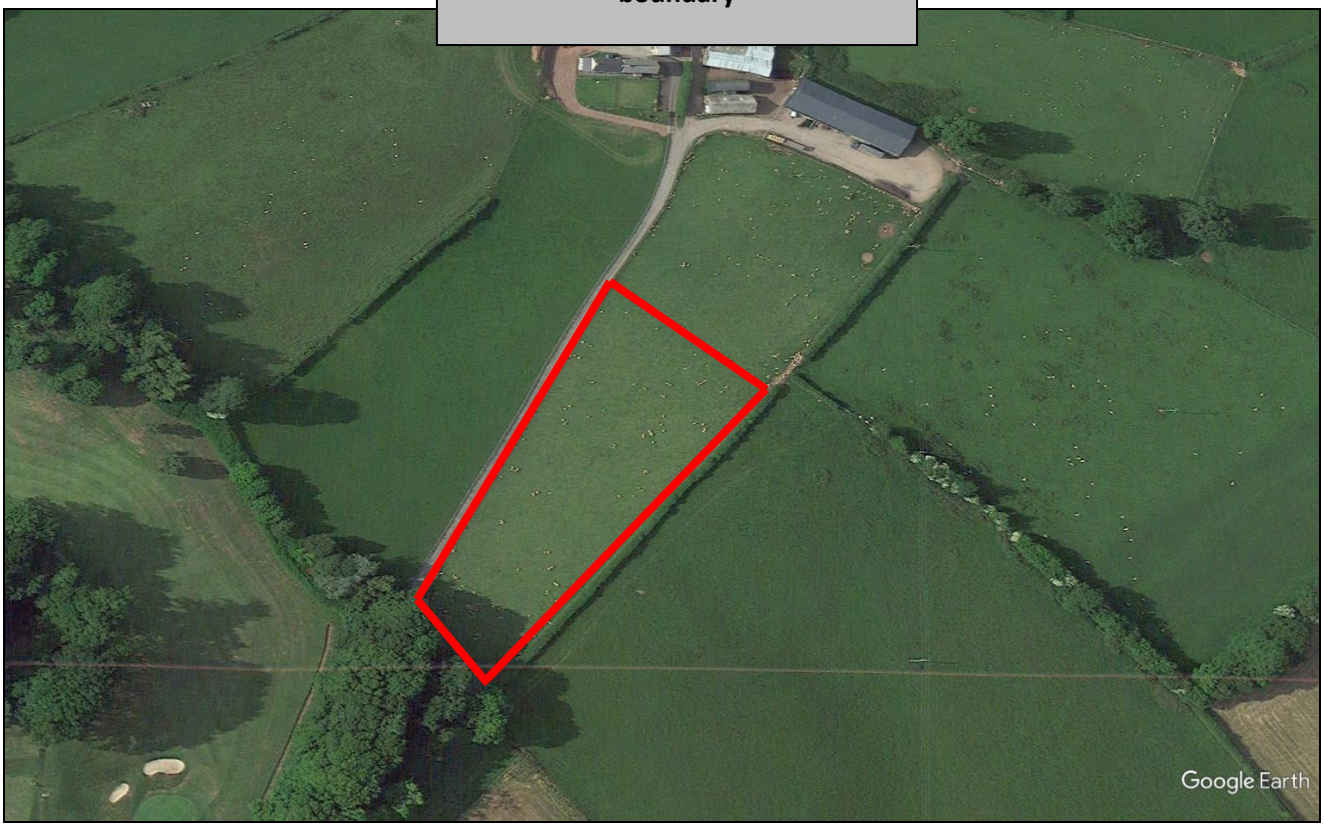
3. Survey results

3.1 ***Location & description:*** The centre of the survey location is at national grid reference SO 02131 31225 to the north of Cradoc. It is an active glamping and camping site, adjacent to a working farm and golf course, somewhat isolated from residential properties and semi-natural habitat. The site is set in rural land and adjacent to the farm access road.

3.2 ***Habitats & features:*** The sole use of the surveyed plot is as ancillary maintained, improved grassed sward, adjacent to (north of) the glamping facilities, office and "pods", car-parking area and access road. There are mature horse chestnut trees in an avenue, flanking the farm access road to the north of the plot. The improved and highly intensively maintained amenity sward with associated very sporadic "weed" vegetation is very species poor and with a narrow range of opportunistic, ruderal species primarily of the rosette forming type in the lawn. The only mature trees are to the south-west of the plot and are chestnuts with some evidence of natural retrenchment. Those to the south side of the road have evidently been high pollarded with native hedging introduced between them. There are no trees or hedges within the fenced survey plot.

3.3 ***Protected species.*** No signs of badger use were evident around the site, nor any signs of other protected species use or occupation of the site, although there appears to be scope for a range of small and medium sized mammals, breeding birds and invertebrates to at least visit for transit and foraging.

Figures 1 & 2: Site location, site boundary



3.4 ***Species evidence*: Great crested newts and others**. All relevant and accessible areas of the site including the margins and all nearby trees, eastern, external hedgerow, road margin etc were viewed on the survey. Any accessible cracks were examined for their presence. By these means no evidence of any current crested newt usage or occupation was located. No current herptile presence or activity has been identified at the site and no potentially suitable features for bat roosting were identified within the site, other than a small number of high-level tree features outside the boundary and some way distant, though none identified for removal or reduction.

3.5 ***Evidence gathered from other sources and contextual research:*** within 500m of the proposed development. The data search identified 188 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; lesser horseshoe, brown long-eared, pipistrelle and *Myotis,* great crested newt, tawny owl, tree sparrow and red kite. No statutory or non-statutory designated sites were identified within 500m of the proposed development. Apart from these, no more notable sites or recent species records were identified from close to the target survey location. Despite our survey not identifying signs of protected species it must be noted that absence of evidence or records cannot necessarily be used as proof of evidence of absence. We have assessed the situation with a presumption that a pond off-site and about 100 metres to the south-west might contain great crested newts for their aquatic stages and thus continued accordingly.

4. Ecological evaluation, appraisal and recommendations

4.1 These recommendations are made in order to facilitate proposed works at the site location, and to ensure compliance with local and national statutory planning policies, species protection and best practice. Planning authorities should aim to conserve and enhance biodiversity (NPPF Welsh equivalent). Additionally, where the loss of any trees is unavoidable they should be replaced by appropriate native species (and pre-notified where tree protection orders or similar are present).

4.2 ***Habitats & Features:*** The survey site contains no apparently protected habitats but it does have somewhat valuable natural mature trees to the south-west and bordering another field to the south. However, those trees are outside of the zone of disturbance and with no work proposed to our knowledge. The primary habitats to note on site are those trees and associated semi-natural and native ground flora-dominated vegetation forming a localised and fringing habitat island around the northern boundary. The site appears to have the potential, to that eastern, external hedged boundary, for medium and smaller mammal species, for breeding birds, for bats' foraging, and for butterflies and other invertebrate species. It is our conclusion therefore that it is possible that certain mobile species could utilise parts of the site at certain times and consideration will need to be given to any impacts of disturbance, new lighting installations and arrangements, and vegetation removal if that is deemed necessary (though the proposed works, as we understand them do not involve any tree removal since there are none present).

4.3 We consider that a well-configured development proposal, taking consideration for a sustainable and low-impact lighting installation, and for maintenance and enhancement, could allow for site improvements to support locally valued species and habitats and our advice would always be to incorporate ecological input when drawing up such schemes. Such measures as the retention and augmentation planting of the native tree and shrub species, the installation of bird nesting and bat roosting boxes, of hedgehog refuge boxes, the retention of trees wherever possible and the connectivity of the site with nearby habitats would all serve to perpetuate and enhance the existing site wildlife value. Generally, the avoidance of any tree felling ought to be a prerequisite of planning consent. **We recommend that any intervention, and namely vegetation stripping has the area again fully surveyed prior to works.**

4.4 Additionally, current planning policy requires that development projects minimise ecological damage and should contain elements of ecological enhancement. A variety of habitat creation options could be implemented at the site, including a consideration of incorporating a range of animal boxes on site upon the adjacent mature trees, and introducing a wildflower "lightly-managed 2m wide strip" around the fenced in area as described. These are not statutory requirements but would be considered appropriate options for the site should the owner wish to offset the negative impacts of any site disturbance. The general approach, therefore, should be for the mitigation and compensation approach to any site development to retain or replace the habitats as described.

4.5 ***Need for European Protected Species disturbance licence / further work required:*** In our considered opinion it is extremely unlikely that protected species would be present or dependant occupiers of the site, or would be affected by the proposals, although we do recommend an appropriate pre-commencement check and a precautionary approach to any vegetation stripping operations to the site. Based on an assumption (as recommended by the LPA), of the pond to the north being a great crested newt aquatic habitat, and the findings of our terrestrial survey of the site proposed for alterations, we performed a Rapid Risk Assessment calculation which is displayed below.

Table 1: Rapid Risk Assessment

Component	**Likely effect** **(select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)**	**Notional offence probability score**
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.001 - 0.01 ha lost or damaged	0.05
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
	Maximum:	0.05
Rapid risk assessment result:	**GREEN: OFFENCE HIGHLY UNLIKELY**	

5. Legislation

5.1 ***Background:*** This section briefly describes legal protection applying to species mentioned in this report. It does not comprehensively reflect the text of the legislation and it should not be relied upon in place of it.

5.2 ***The need for a bat survey:*** Some bat species in Britain are reported to be declining in numbers and distribution. There are 17 resident species in the country constituting over a third of all mammal species present. With habitat loss, fragmentation and degradation, building conversion, misuse of timber-treatment chemicals, increase in predators and direct persecution, the situation in some areas is serious. Several of the commoner bat species are reported to have declined in numbers by approximately half in recent years. Bats are therefore protected under national and international wildlife law, and owners, developers and planners have to take due notice of their protection within activities. There is no defence under law for a plea of ignorance even when carrying out otherwise lawful activities.

Legislation: All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 39 of the Conservation (Natural Habitats) Regulations 1994 and Section 9 of the Wildlife and Countryside Act 1981. Further enforcement has been provided by The Countryside and Rights of Way Act 2000. The Conservation of Habitats and Species Regulations 2010 updated the legislation. In exercising their decisions within the planning framework, local authorities are duty bound to take full account of the impact on biodiversity, including the wider biodiversity network and 'notable' species listed within Red Data Books, taxa-specific conservation lists and Schedule 41 of the Natural Environment and Rural Communities Act 2006.

It is illegal to:

- deliberately disturb bats (whether in a roost or not) in a way as to be likely to significantly affect the ability of any significant groups of animals of that species to survive, breed, or rear or nurture their young, or the local distribution of abundance of that species

- damage, destroy or obstruct access to bat roosts
- possess or transport a bat or any part of a bat, unless acquired legally and in possession of a licence to sell, barter or exchange bats, or parts of bats unless in possession of a licence to do so.

Within the Conservation of Habitats and Species Regulations the law has been made quite clear. Many formerly used defences can now no longer be used in disturbance situations. These include the commonly relied upon 'incidental result defence', which previously covered acts that were the incidental result of an otherwise lawful activity and which could not reasonably have been avoided.

There is, therefore, an obligation on those who seek to effect changes to buildings, structures, caves or trees, or carry out activities which might constitute a disturbance, where bats are present, thought to be present, or have the reasoned possibility of presence to seek specialist advice, and to ensure that appropriate systems are in place to avoid damage to bat roosts or their habitat.

As bats are protected by both national and European legislation, works under a planning permission that will cause disturbance to a bat or bat roost shall require a specific licence from Natural Resoucres Wales (NRW), (or the Wildlife Licensing Unit (W.L.U.) of Natural England (DEFRA)), and only after planning permission has been granted where this is required.

Conditions may be added to a licence or the granting of a licence may be refused. Under the Conservation of Habitats and Species Regulations NRW or the W.L.U. can issue licences for:

- preserving public health and safety or other imperative reasons of over-riding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment;

- preventing the spread of disease; preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries

NRW or the W.L.U. can only issue a licence if it is satisfied that the activity meets one of the above purposes and is also satisfied that there is no satisfactory alternative, and that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a **favourable conservation status** in their natural range.

Applications to apply for European Protected Species licence for bats consist of the following:-

- Application form – this provides detail on the applicant, project, the purpose of the work and consideration of alternatives.
- Method Statement – this provides detail on the methods to be used to carry out the work with regard to bats and will include a survey undertaken to determine the number of bats present.
- Detailed timetable of works, mitigation measures and all monitoring and possible modification works.
- Reasoned Statement of Application (for large scale projects) – this provides the reasons for the disturbance and gives evidence of the justification.

(Within England, and for projects involving small numbers of the most commonly encountered bat species in licence situations and in roosting behaviour other than important maternity, mating or hibernation sites (amongst others), an approach of a Registered Consultant being employed to instruct works under the Bat Mitigation Class Licence / Bat Low Impact Class Licence (BMCL / BLICL) system may be appropriate with a lower burden of paperwork, compensation and monitoring.)

5.3 ***The need for a breeding bird survey:*** The Wildlife and Countryside Act 1981 (WCA 1981) provides that all wild birds are protected and cannot be killed or taken except under licence. The Act also prohibits or controls certain methods of killing or taking except under licence. Certain exceptions to this general rule apply. However, with the exception of a certain few derogated pest or very common species, the legislation gives protection to all wild birds in Britain.

5.4 ***Other species groups. The need for a badger survey. Legislation:*** Badgers (*Meles meles*), and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. Interference with a sett includes blocking tunnels or damaging setts in any way. This legislation has been amended as a result of the Hunting Act 2004.

5.5 ***The need for a great crested newt survey:*** Similarly protective legislation to that applying to all bat species pertains to other species such as great crested newts (*Triturus cristatus*). Great crested newts can exist across large tracts of land within metapopulations. The majority of newts will however be found within 250m of breeding ponds and more particularly within 50m. A range of approaches are applicable depending on the nature of any site use and which may include a Non-Licensed Reasonable Avoidance Measures policy (RAMS), licensing under the low impact approach, control within areas of district-based licensing, or a full EPSM Licence.

Legislation: As with bats, crested newts are protected under the Conservation (Natural Habitats, &c.) Regulations 1994 which implements the EC Directive 92/43/EEC in the United Kingdom and it is an offence, with certain exceptions, to:

- deliberately capture or kill any wild animal of a European protected species;
- deliberately disturb any such animal;
- deliberately take or destroy eggs of any such wild animal;
- damage or destroy a breeding site or resting place of such a wild animal;
- deliberately pick, collect, cut, uproot or destroy a wild plant of a European protected species;
- keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European protected species, or any part of, or anything derived from such a wild animal or plant.

5.6 ***Reptiles and amphibians (other than great crested newts): Legislation:*** The grass snake (*Natrix natrix*), slow-worm (*Anguis fragilis*), viviparous (common) lizard (*Lacerta vivipara*) and adder (viper) (*Vipera berus*) are all protected from intentional or reckless killing and injury under Schedule 5, Section 9(1), of the Wildlife and Countryside Act as amended/reinforced by the CROW Act 2000. They are also protected under Schedule 5, Section 9(5) which prohibits selling, offering for sale, possessing or transporting for the purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from the species.

5.7 ***The need for a barn owl survey: Legislation:*** Barn owls (*Tyto alba*), are fully protected under Schedule 1 of the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000. As a consequence, and in addition to the general protection afforded to the majority of British wild birds, it is an offence to deliberately or recklessly disturb a nesting barn owl. Offences pertaining to Schedule 1 birds are subject to a special penalty. The barn owl is also listed in the EC Birds Directive and Appendix II of the Bern Convention. It is an 'Amber List' species of conservation concern (Gregory *et al*. 1996) and is listed as 'globally threatened' in the UK Biodiversity Steering Group Report (1995).

5.8 ***The need for a* water vole *survey: Legislation:*** The water vole used to be very common until the 1960s or early 1970s along the waterways of Britain. However, they have declined by almost 90% over the last thirty years, with many remnant populations being severely fragmented (Strachan & Moorhouse, 2006; see also www.naturalengland.org.uk/ourwork/regulation/wildlife/species/watervoles.aspx) as a result of which the species is afforded full protection in the UK under the Wildlife & Countryside Act in April 2008. They are also a UK BAP Priority Species. It is an offence, with certain exceptions, to:

- intentionally capture, kill or injure water voles
- damage, destroy or block access to their places of shelter or protection (on purpose or by not taking enough care)
- disturb them in a place of shelter or protection (on purpose/ by not taking enough care)
- possess, sell, control or transport live or dead water voles or parts of them (not water voles bred in captivity). If convicted of an offence there could be a committal to prison for up to 6 months and fines of £5,000 for each offence.

REFERENCES

BSI (2013). British Standard for Biodiversity: Code of Practice for Planning and Development. BSI 2013.

Chartered Institute of Ecology and Environmental Management (2006). Guidelines for Ecological Impact Assessment. IEEM. Accessed at: http://www.ieem.net/ecia/EcIA%20Approved%207%20July%2006.pdf

Chartered Institute of Ecology and Environmental Management (2012). Guidelines for Preliminary Ecological Appraisal. IEEM. Accessed at: http://www.ieem.net/docs/GPEA_web.pdf

Communities and Local Government (2012). The National Planning Policy Framework. Accessed at: http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115939.pdf

HMSO (1981). Wildlife and Countryside Act 1981 (as amended). HMSO
Hundt, L. (2012). Bat Surveys: Good Practice Guidelines, 2nd edition, Bat Conservation Trust ISBN-13: 9781872745985

Joint Nature Conservation Committee (2010). Handbook for Phase 1 Habitat Survey: a technique for environmental audit. JNCC, Peterborough

Office for Public Sector Information (2006). The Natural Environment and Rural Communities Act 2006. Accessed at: http://www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1

Shawyer (2011). Barn Owl *Tyto alba* Survey Methodology and Techniques for use in Ecological Assessment: Developing Best Practice in Survey and Reporting. IEEM Winchester.

Strachan, R., & Moorhouse, T. (2006). *Water vole conservation handbook Second Edition*. English Nature, Environment Agency and the Wildlife Conservation Research Unit: Oxford.
The Conservation of Habitats and Species Regulations 2010. Accessed at: http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1United Kingdom Biodiversity Partnership (2010). United Kingdom Biodiversity Action Plan.
Accessed at: http://www.ukbap.org.uk

Appendix 1: Survey photographs 29-3-2023

Plate 1: View of the site to the right of the photograph, facing northwards up the access roadway

Plate 2: View of the aothern boundary edge of the site

Plate 3: View across the site looking south

Plate 4: View of the south-eastern boundary showing external maintained farm hedge

Plate 5: View looking northwards across the surveyd field site

Plate 6: View of the golf course to the south-west

Appendix 2: General precautionary Working Method Statement and Summary Recommendations

1. Given the nature of the site identified, the lack of possible bat roosting locations other than the off-site mature chestnuts and the small scale of the short-duration impact on only an agriculturally improved sward, we consider the likelihood of encountering bats or any other protected species group during the proposed work to be relatively negligible (other than a small chance of nesting birds in the due season around the external hedgerow). However, bats and some other protected species, (for example herptiles, hedgehogs), can be cryptic and mobile species. Thus, any associated groundworks must be considered with due care.

2. Consequently, with regard to the often transitory and quickly changing nature of species' use of locations and due to the extent of the work as explained to us in this project, we feel it appropriate and proportional to proceed in the way set out here; that is, with caution and awareness. This appendix should be made available to all workers onsite and constitute a "tool box" briefing at the start of their involvement with the project and following a further update search by the ecologist, with the awareness of the ever-present possibility of the presence of species having taken up occupation. The named foreman or project manager will then be responsible going forward for adherence to all relevant protected species legislation.

3. As stated in the main body of the survey report:- A strong precautionary approach should generally be followed to any vegetation stripping operations demolition and especially works to mature trees. Should any species be discovered during works (or suspicion arise about their possible presence, for instance in a crevice, behind a cavity etc), that work must cease immediately, and the licensed consultant employed to establish presence or otherwise. The situation would then be assessed in the light of that evidence. It should be noted that any work schedule may well be affected should bats, for example, be discovered in the trees as any management work is to be carried out, and to continue would constitute a breach of the legislation and a possible prosecutable offence. (It is important to note that certain bat species do not occupy the internal volume of large spaces and can often be supported between, for example, peeling bark, cracks in tree limbs, and even close to the ground.)

4. Bats in the UK, when encountered are very small (generally smaller by far than a man's thumb), somewhat brownish in colour and often tucked away in tiny niches and crevices. These are both very fragile creatures, easily harmed, but also known to potentially carry a range of diseases and they should therefore not be handled with bare hands by anyone other than authorised and suitably prepared personnel.

Summary for works to the plot and including any tree management

1. Make this appendix available to all site workers and this to be the responsibility of the foreman or project / site manager.

2. Subsequently, and at any time during the disturbance, if any species of herptile (reptile or amphibian), bat, breeding bird, mammal is encountered or a suspicion about their presence or a resting place being discovered then:-

3. **Work must stop immediately.**

4. Carefully replace the component which removal led to the discovery, and gently cover the creature unless it has already fled (a soft cloth can be used for instance).

5. **Do not handle any bat unless absolutely necessary** to avoid it being harmed. In that event handle only with gloves and place somewhere safe, in the dark and where undisturbed.

6. Call Stephen immediately, if not present onsite, in any case on 07767 853495, or Natural Resources Wales. Similarly, call should any other species be observed (reptile, amphibian, mammal, nesting bird etc).

7. Do not continue until full consultation has taken place. It could be a prosecutable offence to continue without the further consultation.

APPENDIX 3: REASONABLE AVOIDANCE MEASURES / PRECAUTIONARY METHOD STATEMENT – HERPTILES INCLUDING GREAT CRESTED NEWTS, SMALL MAMMALS ETC

1 Introduction

1.1 The aims and objectives of the Reasonable Avoidance Measures contained within this Precautionary Method Statement (PMS) are to propose the methods which will be employed during works to minimise the risk of an offence being committed should great crested newts or other amphibians, reptiles, small mammals etc be present in the proposed working area.

1.2 This document suggests methods of carrying out the currently proposed works so as to avoid committing any criminal offence (see Legislation section in associated section of report). The benefit of this approach is that works could proceed potentially without the need to obtain a European Protected Species Mitigation (EPSM) licence as detailed.

1.3 An EPS license can be granted in respect of development to permit activities that would otherwise be unlawful under European legislation Operations. However, Natural England's view, mirrored by the Welsh Government, is that:
'If the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is ***reasonably unlikely*** *to result in an offence under regulation 39 or 43 then no licence is required'* (Natural England, 2009).

Where an EPS license is not deemed necessary, Natural England urges that '*reasonable precautions be taken to avoid affecting EPS during works'* (Natural England, 2009).

2 Assessment and rationale

2.1 These recommendations are made in order to facilitate proposed works at the site location, and to ensure compliance with local and national statutory planning policies, species protection and best practice.

2.2 The survey site is within a relatively biodiverse region of the country. As such, protected wildlife which is supported there should figure highly in management and development proposals at the locality.

2.3 At this time a survey has been carried out for signs of protected species. It is felt that disturbance to identified redline plot as part of the proposals has negligible potential to encounter these species other than perhaps small mammals straying into the location as part of general wandering and foraging. It is recognised that within the proposed development it seems reasonable to conclude that favourable habitat management around the plot would continue to provide local advantage to a range of species which may be encouraged at the location.

2.4 Please note, an offence would certainly be triggered if a protected creature was killed or injured by the proposed works, however given the factors discussed, and the proposed mitigation measures, the likelihood of killing or injury of one is considered to be reasonably unlikely.

2.5 The following site-specific factors are considered to further reduce the risk of an offence being committed with regard to great crested newts:

- Predominantly sub-optimal terrestrial habitat between the offsite pond and immediate area of the proposals;
- Presence of more suitable terrestrial habitat away from the working area;
- Short construction duration and temporary nature of habitat damage;

3 Precautionary Methods of Working

3.1 In cases where a licence is considered to be not required, Natural England, whose opinions are mirrored by those in Wales, urges that '...*reasonable precautions be taken to avoid affecting EPS during works'* (Natural England, undated). The following activities would be undertaken and the contents of this document would be made available to contractors carrying out the works.

Timing of Works

3.2 Works to vegetation strip and construct to commence in the autumn only, once the primary dispersal period for amphibians is over (June – July) and outside of the key spring migration (to breeding ponds). The initial stripping and excavation works are to take place prior to the November – February hibernation period.

Toolbox Talk

3.3 All site operatives, including contractor and sub-contractor staff, would receive a briefing by a Natural England / NRW licensed ecologist / the appointed Ecological Clerk of Works (ECoW), such as the report author. The briefing would include details of the legal protection of great crested newts for instance and other species, the precautionary methods of working (outlined in this document), tips on identification of species and procedures to follow should any be discovered during works.

Hand Searching and Supervision of Substrate Strip

3.4 Utilisation of the working area by contractors will not be permitted until the area has been thoroughly hand searched by an experienced surveyor holding a Natural Resources Wales survey licence (the ECoW). During the hand searching, any debris or materials would be lifted and removed from the working area and any areas of denser vegetation (*i.e.* tussocks at the extreme margins) would be parted to look for animals. Hand searching would be timed for immediately prior (i.e. within 24 hours) to the onset of works.

Working Methods

3.5 We recommend only light machinery be used for the excavation operation, all other vehicles must remain within the existing areas of hard standing and/or roadways. No increased vehicular use of the lawns or other semi-natural vegetated areas will take place.

3.6 All excavated material i.e. spoil won from trenching activities, must be immediately removed from site or used to backfill excavations; no excavated material will be stored on site overnight other than in vehicles. The method employed for excavation works would be dig and backfill on the same day to avoid any trenches exposed overnight or to ensure than timber ramps are placed in all excavations adequate for the use of herptiles, small mammals and hedgehogs for instance.

Storage of Materials and Vehicular Tracking

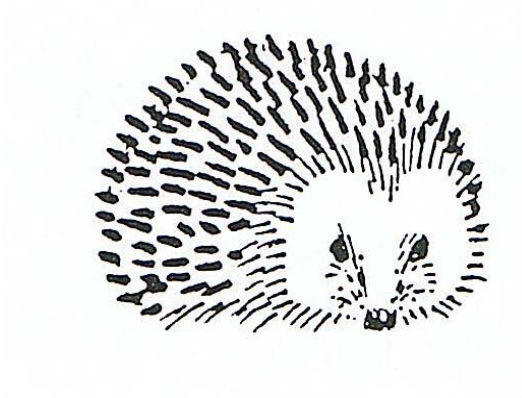
3.7 All material storage and vehicle/plant parking must be on areas of hard standing away from the working area, or along the existing roads. There should be no vehicle tracking outside the areas previously subject to a hand search, or existing hard standing.

Procedure if great crested newts are found during works

3.8 If a great crested newt is found at any time during the activities, all works would cease immediately. If not present on site, an ecologist would be contacted to make an assessment of the situation and to determine whether a licence would be required before work proceeds. If considered necessary further guidance would be sought from Natural Resources Wales.

Habitat Re-instatement

3.9 On completion of works any areas affected by those activities is to be reinstated and ideally the wildflower, less-managed vegetation strip to be created around the plot margins.



europaeus land management services (ecology)

Director: Stephen P.B. West MSc MCIEEM PrCMA

01568 611736
Sub offices: Herefordshire; Cheshire; Oxfordshire

Office email: *ecology.susan@hotmail.co.uk*