

PRELIMINARY ECOLOGICAL APPRAISAL with PRELIMINARY ROOST ASSESSMENT

**THE OWLS NEST, BELBROUGHTON ROAD,
CLENT, DY9 9RB**

For

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CONTROL SHEET

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Preliminary Ecological Appraisal with Preliminary Roost Assessment

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1. RECOMMENDATIONS

1. Unless a delay of more than 12 months is anticipated before development, no further specialist survey work is recommended at this juncture.
2. As a precautionary approach, the Potential Roosting Features (PRFs) associated with The Owls Nest (B1) should be subject to an endoscopic inspection for bats by an appropriately licenced ecologist immediately prior to demolition works commencing. Assuming no evidence of roosting bats is found, the licenced bat worker should then remain 'on-call' during the remainder of the demolition works. The following preventative measures should be adhered to:
 - To avoid impacts on hibernating bats demolition works should not commence in adverse weather conditions, including daytime temperatures below 8°C, strong winds and / or heavy rainfall.
 - In the unlikely event that roosting bats are discovered, **work must cease immediately**, and the on-call ecologist contacted. They will liaise with Natural England (as required) to advise on any licencing requirements to allow lawful completion of the work.
3. Existing mature hedgerows should be retained within the development scheme. All retained hedgerows should be afforded adequate protection in line with *'BS5837: 2012 Trees in relation to design, demolition and construction'*.
4. Where required to facilitate permitted development, removal of potential bird nesting habitat, should be undertaken outside the bird nesting season (March – August inclusive) or otherwise under the direct supervision of a suitably qualified ecologist who will be able to identify nesting birds and advise of appropriate safe working distances.
5. Vegetation within the development footprint should be kept short (c.50mm) to prevent it from becoming suitable for reptile species (and in particular, slow-worms). Any areas of tall vegetation requiring removal should be gradually

reduced in height to allow resident wildlife to disperse, whereby the vegetation is reduced to 75-100mm (if required) and subsequently cut and maintained at a height of c.50mm.

6. Strict control over the use of artificial night-lighting is required to prevent unnecessary illumination of wildlife habitats (e.g. hedgerows). Lighting must be low level (e.g. light bollards) and of the minimum wattage, as recommended by the Bat Conservation Trust & Institute of Lighting Professionals (2018).

7. The following recommendations have been made to provide biodiversity enhancements within the post-developed site and ensure compliance with local and national Government policies (e.g. NPPF) and the 'biodiversity duty' enshrined within the Natural Environment & Rural Communities Act, 2006.
 - Any new planting and landscaping designs should provide foraging and nesting opportunities for a range of wildlife, including mammals, herpetofauna, birds and invertebrates. Native species of local origin and ornamental species with a known benefit to wildlife should be incorporated into planting schemes.

 - A single in-built or wall-mounted bat box should be installed on an external wall of each of the proposed dwellings. Recommended boxes include 2FE Schwegler Wall mounted Bat Shelter and Habitat Bat Box. The boxes should be positioned at the direction of an ecologist, at least 4m above ground level (preferably just below eaves height) and not directly over windows, preferably south/west facing.

 - A traditional bird box (e.g. Vivara Pro Seville 32mm WoodStone Nest Box) should be installed within the landownership of the client to provide new nesting opportunities for birds. The box can be tree or wall-mounted and should be installed 4m above ground level on a north or north-east elevation, out of the reach of predators (e.g. domestic cats).

- A sparrow terrace (e.g. 1SP Schwegler Sparrow Terrace or similar) and a starling nest box (e.g. Woodstone Starling Nest Box) should be installed at the site to provide new nesting opportunities for this species. The boxes should be wall-mounted, at eaves height on a north or north-east elevation out of the reach of predators (e.g. domestic cats).
 - Integrated swift bricks (such as the Vivara Pro Cambridge Brick Faced Swift Nest Box) should be installed at the site to provide new nesting opportunities for a range of bird species. These are not only utilised by swifts, but also a range of bird species (including Red-Listed species known to be present within the local area, e.g. house sparrows). This is in line with Best Practice Guidance (see e.g. RIBA, 2016). Boxes should be installed on elevations between north and east, at eaves height, and not directly over windows and doors.
 - The development should incorporate 'hedgehog highways' by leaving a gap of 130mm x 130mm under fences to allow the passage of small mammals such as hedgehogs, as recommended by PTES (see PTES, 2019).
 - A hedgehog box (e.g. Schwegler Hedgehog Dome) should be positioned in a quiet, sheltered location of the post-developed site to provide summer and hibernation opportunity for this priority species.
8. A post-developed site visit should be undertaken by an appropriately experienced ecologist to formally sign-off the completion of the biodiversity enhancement measures recommended above, via a 'Letter of Conformity'.

2. SUMMARY OF RESULTS

2.1 Overview

1. Focus Environmental Consultants was commissioned by Mr Duncan McDougall to undertake a Preliminary Ecological Appraisal and Preliminary Roost Assessment (bats) of The Owls Nest (centred on Ordnance Survey grid reference SO 9230 7844). This was accompanied by a third-party data search (2km search radius) from Worcestershire Biological Records Centre.
2. The site was surveyed by an ecological consultant from Focus Environmental Consultants on 26 June 2023. It is understood that the development proposals are for the demolition of the existing property and construction of two new dwellings.
3. The site is 0.2ha in size and comprises a single-storey house built of white rendered brick with a multi-pitched tiled roof and a flat roof extension to the west, a timber-built shed with pitched roof covered with bitumastic felt, a rear garden with two patios and amenity grassland, and a gravel and brick driveway to the front of the property with two further sections of amenity grassland. A hedgerow (H1) borders the site to the north, and wooden fences border the east and south of the site.

2.2 Designated Sites

1. One site designated under the National Site Network (previously referred to as European designated Natura 2000 sites), Fens Pools SAC, is located 9.9km to the north of the site.
2. The third-party data search has identified two Local Wildlife Sites (LWS) within the area including Clent Hills 980m to the north, and Hoo and Barnett Brooks 1.5km to the south.

2.3 Protected / Notable Habitats

1. **Hedgerows:** in order to qualify as a Priority Habitat, hedgerows must predominately (e.g. 80%) consist of at least one UK native woody species and be over 20m in length. Hedgerow H1 is considered to meet the environmental criteria (BRIG (ed. Ant Maddock), 2008) to qualify as '*habitats of principal importance*' under Section 41 (S. 41) of the Natural Environment and Rural Communities (NERC) Act, 2006. Hedgerow H1 could not be defined as '*species-rich*'¹ or considered to meet the criteria² for being classified as '*important*' under the Hedgerow Regulations (1997).

2.4 Protected / Notable Species

1. **Bats:** the site contains two built structures including The Owls Nest (house), and a shed (B1 & B2, respectively). B1 was found to have **low potential**, while B2 was found to have **negligible potential** for roosting bats, with reference to Collins (2016).
2. A group of 11 mixed-age sycamore trees are located immediately off-site along the eastern site boundary and contain Potential Roost Features (PRFs), which could be exploited by roosting bats. PRFs include ivy-cladding on the mature trees in the group, which present 'low' suitability.
3. The third-party data search has identified 39 records of bats within the 2km search area. Species include Natterer's bat, noctule, common pipistrelle, soprano pipistrelle, brown long-eared bat and *Myotis* sp.
4. The site provides very limited foraging and commuting resources for bats due to the predominance of hardstanding and amenity grassland; opportunities are limited to hedgerow H1. The site is located within a sub-urban wider landscape with mature hedgerows, treelines, and open countryside present in

¹ Species rich hedgerows are those containing at least five woody native species within a 30m section (Defra, 2007).

² In order to meet the criteria of '*important*' hedgerows under The Hedgerows Regulation 1997 the hedgerow must have existed for 30 years or more as well as satisfying at least one of the criteria listed within Part II of Schedule 1 of this Act.

the surrounding area. As such the habitats on site are of 'low' suitability for foraging and commuting bats, with reference to published best practice guidelines (Collins, 2016).

5. **Great crested newts:** there are no suitable breeding habitats for amphibians within the survey boundary.
6. There are no lentic waterbodies mapped on Ordnance Survey within 250m of the site.
7. The habitats within the site offer largely sub-optimal habitat for amphibians, such as great crested newts, during their terrestrial phases due to the predominance of hardstanding and amenity grassland, lacking suitable areas of cover and shelter. Limited opportunities are associated with hedgerow H1.
8. The third-party data-search has returned one record of great crested newts within the search area, 280m to the east of the site.
9. **Birds:** a variety of bird species were recorded incidentally during the site visit and are listed within Table 1, below.

Table 1: bird species recorded (heard and / or seen) at The Owls Nest on 26 June 2023.

Species	WACA 1981 Schedule 1 ³	NERC S.41 ⁴	Conservation Status (BoCC5) ⁵
Blackbird	-	-	Green
Carrion crow	-	-	Green
Long-tailed tit	-	-	Green
Woodpigeon	-	-	Amber
Wren	-	-	Amber

³ Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended).

⁴ Natural Environment and Rural Communities Act 2006

⁵ Birds of Conservation Concern 5 (Stanbury *et al.*, 2021).

10. Hedgerow H1 provides good nesting and foraging habitat for passerine birds. The site is unlikely to be of significance for non-breeding (wintering) or ground-nesting birds.
11. **Reptiles:** the majority of habitats on site are sub-optimal for reptiles, lacking the structural heterogeneity preferred by these animals. Suitable habitats are limited to hedgerow H1, extending to approximately 73m.
12. The third-party records search has returned no records of reptiles from the specified search-area.
13. **Hazel dormice:** the site contains small areas of suitable hazel dormouse habitat including hedgerow H1. However, this hedgerow is relatively short (approximately 73m), geographically isolated, and does not support a sufficient variety of fruit and nut-bearing species to support the foraging requirements of hazel dormice throughout the year.
14. The third-party data search has returned no hazel dormice records from within the search area.
15. **Badgers:** no setts or evidence of badger activity (latrines, snuffle holes, tracks *etc.*) was observed within the site boundaries. However, it is likely that this abundant mustelid is present within the wider landscape and may use the site for foraging purposes.
16. **Riparian mammals:** the site has no suitable habitats for riparian mammals such as otter, water vole or water shrew.
17. **Other notable mammals:** the site offers some foraging opportunities for mammals typical of a suburban environment, such as hedgehog and fox. The third-party data search has returned records of hedgehog and polecat within 2km of the site. Hedgehogs are listed as a '*Priority Species*' under S.41 of the NERC Act, 2006.

18. **Invertebrates:** a full assessment of the invertebrate assemblage at this site is beyond the scope of this survey. No triggers were identified to indicate that the site supports an interesting or notable assemblage of terrestrial invertebrates (English Nature, 2005).
19. **Notable plants:** no plants listed under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) or listed as a species '*of principal importance for the purpose of conserving biodiversity*' under Section 41 (England) of the Natural Environment and Rural Communities Act 2006, were recorded on site.
20. **Invasive species:** no legally-notifiable plant species listed under Schedule 9 Part II of the Wildlife and Countryside Act 1981 (as amended) were recorded within the site (e.g. Japanese knotweed, giant hogweed, Himalayan balsam, wall cotoneaster).

3. DISCUSSION & CONCLUSIONS

The client is currently seeking full planning permission for demolition of the existing property and construction of two new dwellings. This report and discussion are based on the following plans provided by the client and architect: '067 100 Site Location + Site Block Plan', '067 101 Plans and Elevations as Existing', '067 102 Elevations as Existing', '067 107 Plot 1 Plans as Proposed', '067 109 Plot 2 Plans as Proposed', '067 109 Elevations as Proposed', '067 110 Elevations as Proposed' & '067 111 Street Elevations + Site Plan'. The following have been identified which may represent constraints or opportunities (e.g. for biodiversity enhancement and green infrastructure) within a future development at this site.

3.1 Designated Sites

3.1.1 National Site Network

Fens Pools SAC: located 9.9km to the north of the site. This SAC has been selected under the National Site Network due to the population of great crested newts at the site. The site includes a wide range of habitats from open water, swamp, fen, and inundation communities to unimproved neutral and acidic grassland and scrub.

When applying The Conservation of Habitats and Species Regulations 2017, (as amended), the Local Planning Authority has an obligation to ensure no plans or projects have an adverse effect upon the integrity of sites designated under the National Site Network within the area. However, the character, scale and spatial separation of the proposed development site are such that the proposals are considered highly unlikely to result in any measurable adverse impacts on this site designated under the National Site Network. Recourse to Stage 1 of the Habitat Regulations Assessment procedure is therefore considered unnecessary at this juncture.

3.1.2 Other Designated Sites

The Natural England SSSI Impact Risk Zones used to assess planning applications for likely impacts on SSSIs / SACs / SPAs & Ramsar sites was consulted via the government's multi-agency website 'MAGIC'. The site is located within the risk zone for Hurst Farm pasture SSSI, Sling Gravel Pits SSSI, Romsley Hill SSSI, and

Penorchard & Spring Farm Pastures SSSI. However, the planning application does not fall under any of the relevant flagged categories (e.g. infrastructure (relating to aviation proposals), minerals, oil & gas, air pollution (inc. industrial processes, livestock & poultry units, slurry lagoons & manure stores), combustion and discharges). It is therefore not considered that there would be a requirement for Natural England to be consulted as part of the site proposals in relation to any nearby SSSIs, SACs, SPAs or Ramsar sites.

3.1.3 Non-Statutory Designated Sites

Given the character, scale, and degree of physical separation between the prospective development sites and other designated sites within the local area (e.g., Local Wildlife Sites), it is considered highly unlikely that future development of this site will adversely impact on the functionality or integrity of these designated sites or affect their conservation status, provided that standard construction procedures are followed during the works.

3.2 Protected / Notable Habitats

Hedgerows: discussions with the landowner during the site visit indicated that the hedgerow on-site will be retained. The hedgerow provides opportunities for a range of wildlife including foraging and nesting birds, and commuting bats, as well as providing connectivity across the site and to off-site habitats. Future landscaping plans at the site should aim to enhance green infrastructure across the site. New hedgerows should be planted around boundaries and sympathetically managed. New hedgerows should be native and species-rich to increase biodiversity levels across the site.

3.3 Protected / Notable Species

It is now rare for Local Planning Authorities to condition further survey work to determine the presence or absence of legally protected species, in line with published guidelines. Conversely, developers should not be required to undertake surveys for legally protected species which are unlikely to be present on site or otherwise unlikely to be significantly affected by development proposals:

“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.” (ODPM Circular 06/2005. Paragraph 98).

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances,…”

“However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.” (ODPM Circular 06/2005. Paragraph 99).

Bats: the survey work completed to date has identified several Potential Roost Features (PRFs) for bats within built structures and mature trees on site. B1 was found to have **low potential** for roosting bats, while B2 was found to have **negligible potential**. However, the majority of PRFs on B1 were covered with cobwebs, indicating that they are not used by roosting bats. In addition to this, there were no obvious signs of bat roosting activity inside or outside of the building, loft voids within B1 were well-sealed with no obvious entry points, the building is of modern construction and young age, and the limited single-storey height of the building further reduces the suitability of PRFs for bats. As such, the potential for roosting bats to be found during the proposed works at The Owls Nest, or for the proposals to result in an offence under wildlife law, is considered **negligible**, providing a precautionary approach (see Recommendations, above) is followed.

A group of sycamore trees (G1) is located immediately off-site along the eastern boundary, these are of ‘low’ suitability for roosting bats and are not due to be impacted by development proposals. Therefore, it is considered reasonably *unlikely* that any offence under wildlife law will result from the development proposals,

subject to standard mitigation requirements being formally implemented. Therefore, based on the development proposals received to date, recourse to further presence/absence survey work is not considered necessary to inform a planning decision, in line with government guidance (ODPM Circular 06/2005. Paragraph 99).

The habitats on site and within the immediate surrounding landscape are considered to offer **low potential** for foraging and commuting bats (with reference to Collins, 2016). The site boundaries will remain intact and unaffected by the development proposals. This will ensure the preservation of viable commuting and foraging corridors, which may be utilised by bats (and other wildlife within the local area).

Where site lighting is required, control of this can be secured through the production of a site-specific lighting scheme following industry-recognised best practice guidelines (see BCT and ILP, 2018, ILP, 2020). Implementation of these guidelines will be critical for retaining undisturbed foraging and commuting routes for bats along site boundaries. Where work is carried out in strict accordance with the approved lighting scheme, it is considered unlikely that the development of this site will give rise to any significant fragmentation or isolation of habitats on-site, or within the surrounding landscape, and will ensure that there is no detriment to the 'favourable conservation status' of bats at this site. Accordingly, there is no requirement for further bat activity survey work, in line with published government guidance (ODPM Circular 06/2005. Paragraph 99).

Great crested newts: due to a lack of breeding habitat on site and the absence of waterbodies and third-party records from within 250m of the site⁶, the likelihood of great crested newts being present and impacted upon by the proposed development is negligible. Recourse to further presence/absence survey work is therefore not required to inform a planning decision in line with government guidance (see ODPM Circular 06/2005. Paragraph 98).

⁶ Research suggests that the majority of great crested newts stay within 50m of a pond, with very few exceeding 100m (Cresswell & Whitworth, 2004).

Birds: based on the development proposals viewed to date, it is unlikely that breeding or non-breeding birds will be significantly impacted by the proposed scheme. Therefore, recourse to further detailed survey work is not required to inform a planning decision in line with government guidance (see ODPM Circular 06/2005. Paragraph 98).

This assumption is based on the majority of suitable nesting and foraging habitat on site being retained within the scheme and connectivity to the wider landscape being maintained. Bird habitats will be protected during the construction phase and can be enhanced through new tree / shrub planting with suitable native species.

Reptiles: the survey work completed to date has failed to identify any suitable reptile habitat on site. Recourse to more detailed survey work is therefore not required.

Hazel dormice: hazel dormice can live permanently in some hedgerows if they provide a continuity of food resources throughout the active season (Bright & Morris, 2005). Although broadly suitable for hazel dormice, the hedgerow on site is species-poor, isolated, and lacks connectivity with further areas of broadleaved woodland or a continuous hedgerow network. It is also subject to high-levels of management (which drastically reduces the availability of flowers and fruits), reducing its suitability as a dispersal route. Additionally, research has shown a hectare of hedgerow habitat will support just 1.3 adult hazel dormice (Bright & Morris, 2005). Therefore, the amount of hedgerow habitat (73m) within the site is unlikely to sustain a permanently viable population of hazel dormice, without connectivity to the wider landscape. It is therefore highly unlikely that this species would be present and affected by any future development of the site. Recourse to further presence/absence survey work is therefore not required to inform a planning decision in line with government guidance (see ODPM Circular 06/2005. Paragraph 98).

Badgers: no setts or evidence of badger activity was observed within the survey boundary and good access was obtained to all areas of the site. At this juncture it can be said with some confidence that the development proposals will not give rise to any licensable impact on badgers with reference to Natural England guidance (Natural England, 2022b).

Other notable mammals: given the known presence of hedgehog within the local area (third-party records) and suitability of habitats on site for this species (e.g. hedgerows), suitable mitigation methods must be implemented during vegetation / site clearance activities and construction works. On-site enhancement for hedgehogs should be provided within the post-development site. The ‘Hedgehogs and Development’ online guidance from PTES (2019) should be referred to for further information.

Invertebrates: due to a lack of notable habitat on site, the likelihood of significant invertebrate assemblages being negatively affected by the proposed development is negligible. Recourse to further detailed invertebrate survey work is therefore not required to inform a planning decision in line with government guidance (see ODPM Circular 06/2005. Paragraph 98).

3.4 Opportunities

Opportunities exist within the future development to improve habitat connectivity, green infrastructure, and biodiversity across the site. Specifically, the hedgerow on site is due to be retained and should be enhanced by linking to new, native hedgerow planting on the site. New landscaping should seek to include native species, or species with a known benefit to wildlife. For example, new tree planting, in particular native species that bear flowers / fruit / berries / nuts, will provide a year-round food resource for birds, small mammals, invertebrates, and other wildlife. In addition, night-scented flowering plants would enhance the post-developed site by attracting nocturnal insects, providing a further food resource for bats.

The addition of a range of wildlife habitats would benefit a variety of declining species such as hedgehogs, house sparrows and starlings. Enhancement features should include a variety of traditional bird nest boxes, house sparrow terraces, bat boxes, loggeries / bug hotels, as well as specific enhancement measures for mammals such as hedgehogs.

Implementation of these opportunities will contribute to meeting the requirements of National Planning Policy Framework on conserving and enhancing the natural

environment, and Bromsgrove District Plan, in particular policies 'BDP21 Natural Environment' and 'BDP24 Green Infrastructure', in which it states:

'The Council will seek to achieve better management of Bromsgrove's natural environment by expecting developments to:

d) Design-in wildlife, maximise multi-functionality in line with BDP24 Green Infrastructure and provide appropriate management, ensuring development follows the mitigation hierarchy and achieves net gains in biodiversity;

e) Contribute towards the targets set out for priority habitats and species, the environmental priorities of the Local Nature Partnership, participating in the biodiversity offsetting scheme or its replacement...

f) Deliver enhancement and compensation, commensurate with their scale, which contributes towards the achievement of a coherent and resilient ecological network.'

(Bromsgrove District Plan, paragraph 21.1, 2017).

4. ANNEXES

4.1 Photographs

4.2 Plans

4.3 Survey & Third-Party Data

4.4 Survey Objectives

4.5 Limitations

4.6 Methods

4.7 References & Bibliography

4.8 Legislation & Best Practice

4.1 Photographs

All photographs taken on 26 June 2023.



Plate 1: typical view of the site. Photograph looking east.



Plate 2: typical view of the site. Photograph looking east.



Plate 3: group of sycamore trees (G1) located immediately off-site.



Plate 4: view of The Owls Nest (B1). Photograph looking west.



Plate 5: lifted lead flashing on B1 presenting Potential Roosting Feature (PRF) for bats.



Plate 6: view of loft void 1 in B1.



Plate 7: view of loft void 2 in B1.



Plate 8: view of shed (B2).

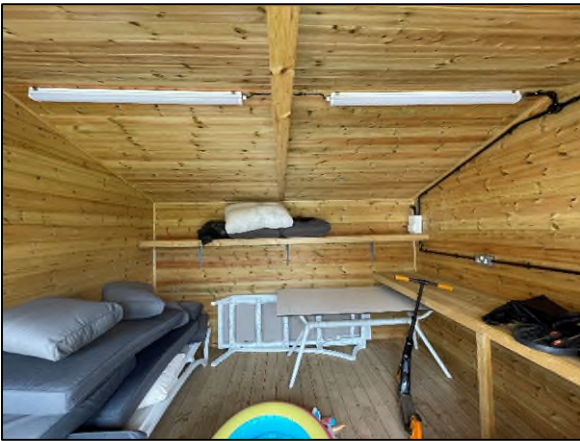


Plate 9: internal view of B2.

4.2 Plans

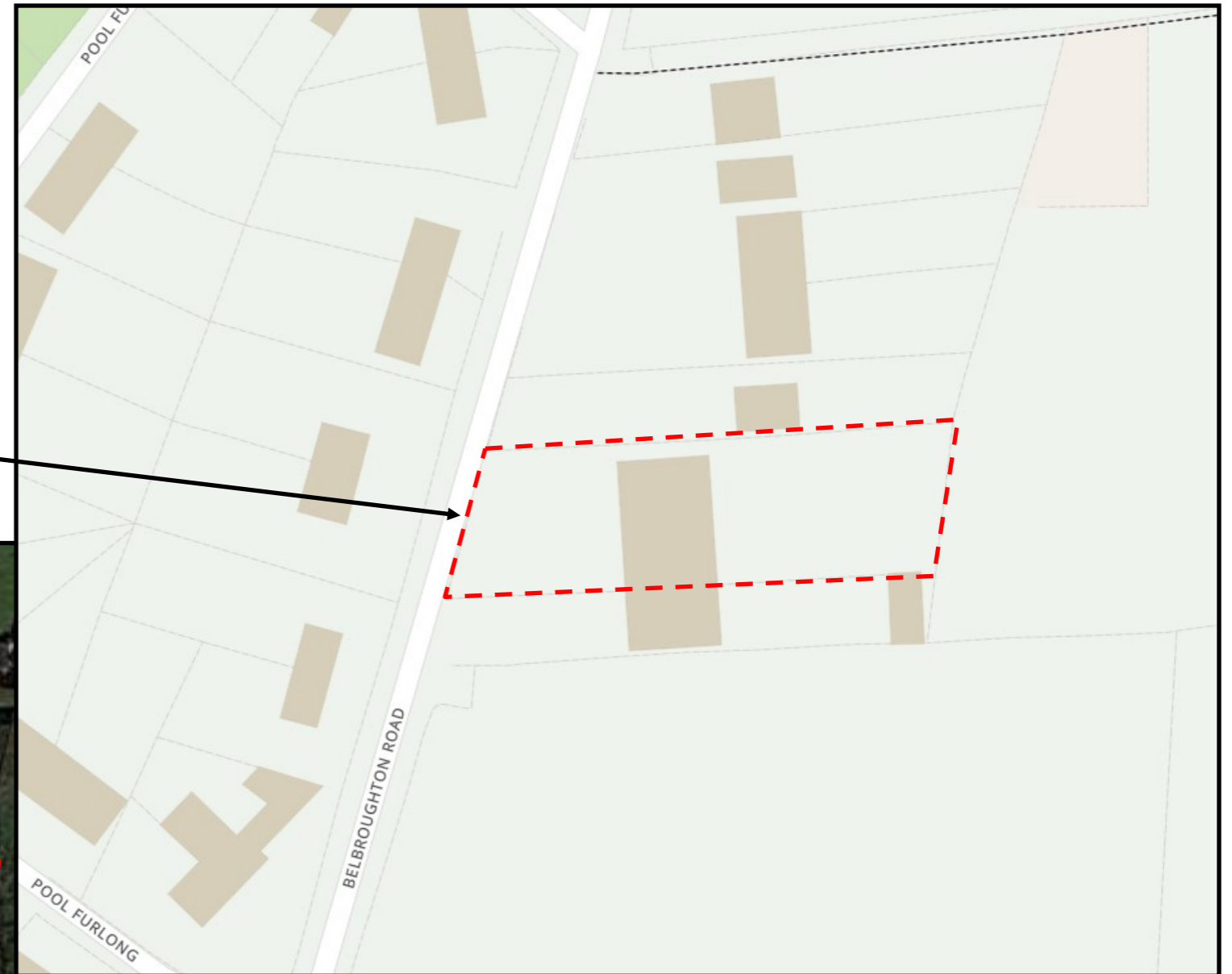
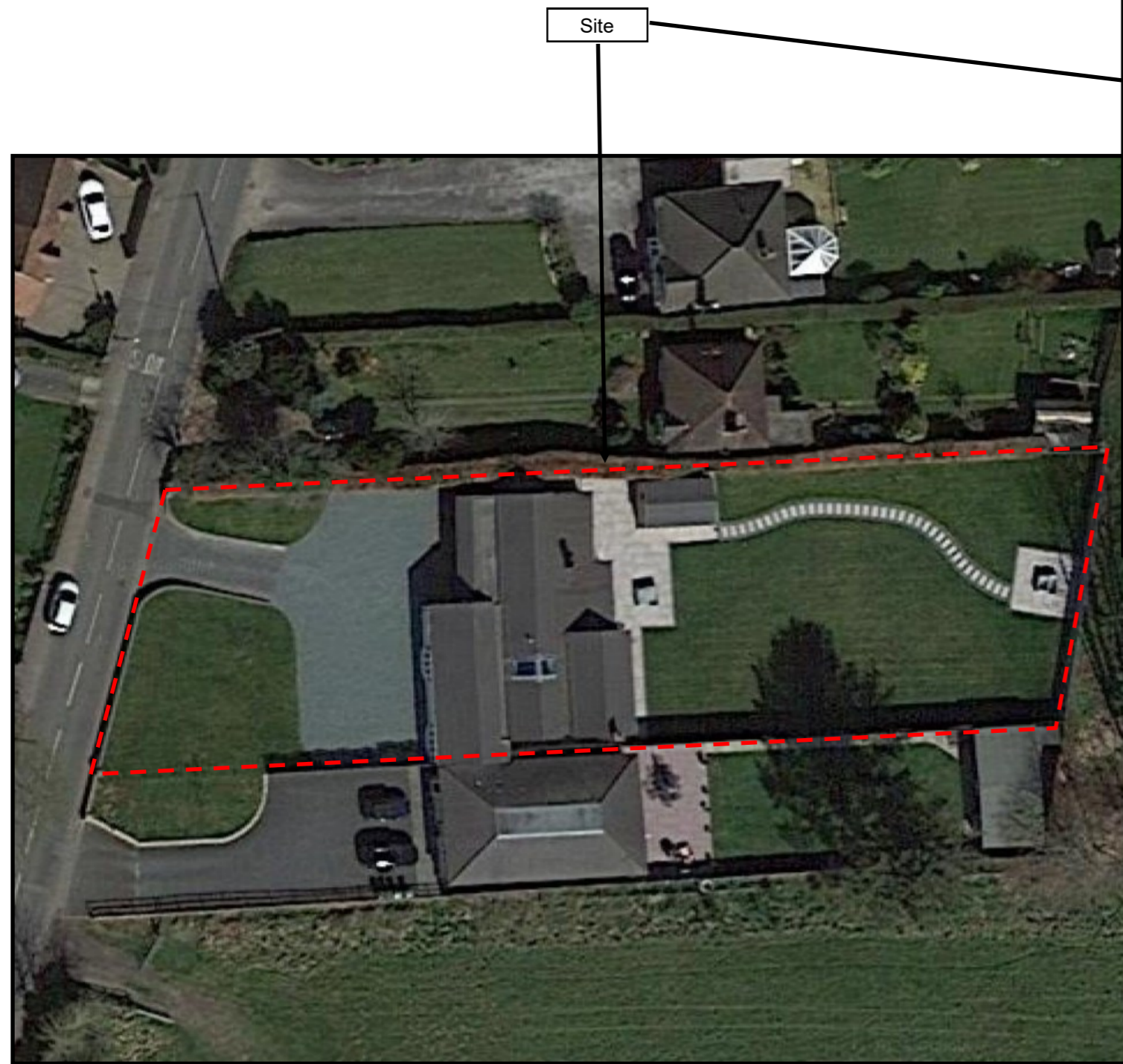
Plans:

4.2.1 Location Plan

4.2.2 UK Habitat Classification Survey Plan

4.2.3 Preliminary Roost Assessment Plan

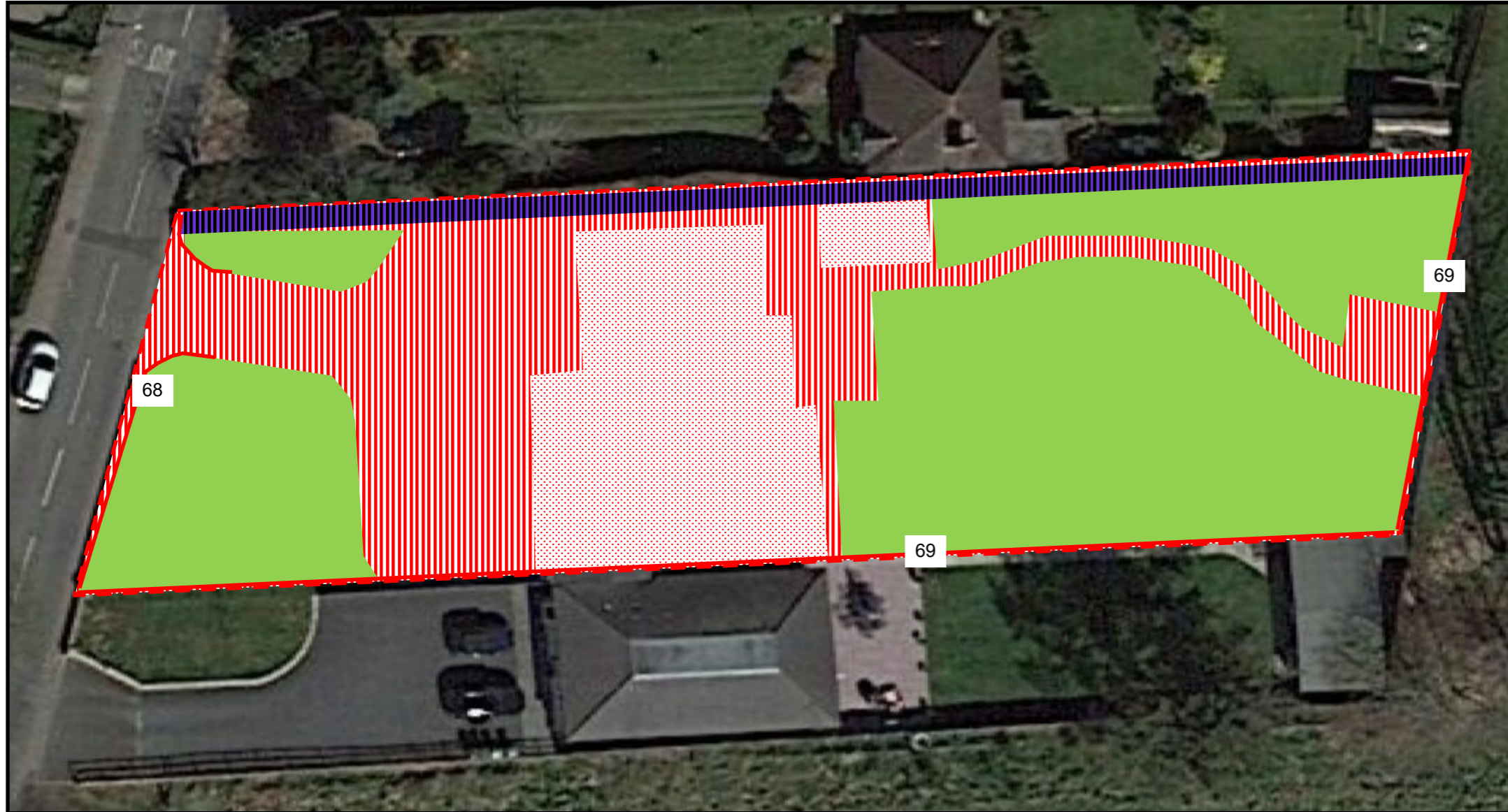
4.2.1 Location Plan








Client: Duncan McDougall
Site: The Owls Nest, Belbroughton Road,
 Clent, DY9 9RB
Title: Location Plan
Contract: 2817
Date: July 2023

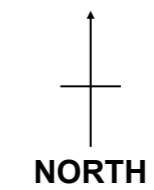
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4.2.2 UK Habitat Classification Plan



Key:

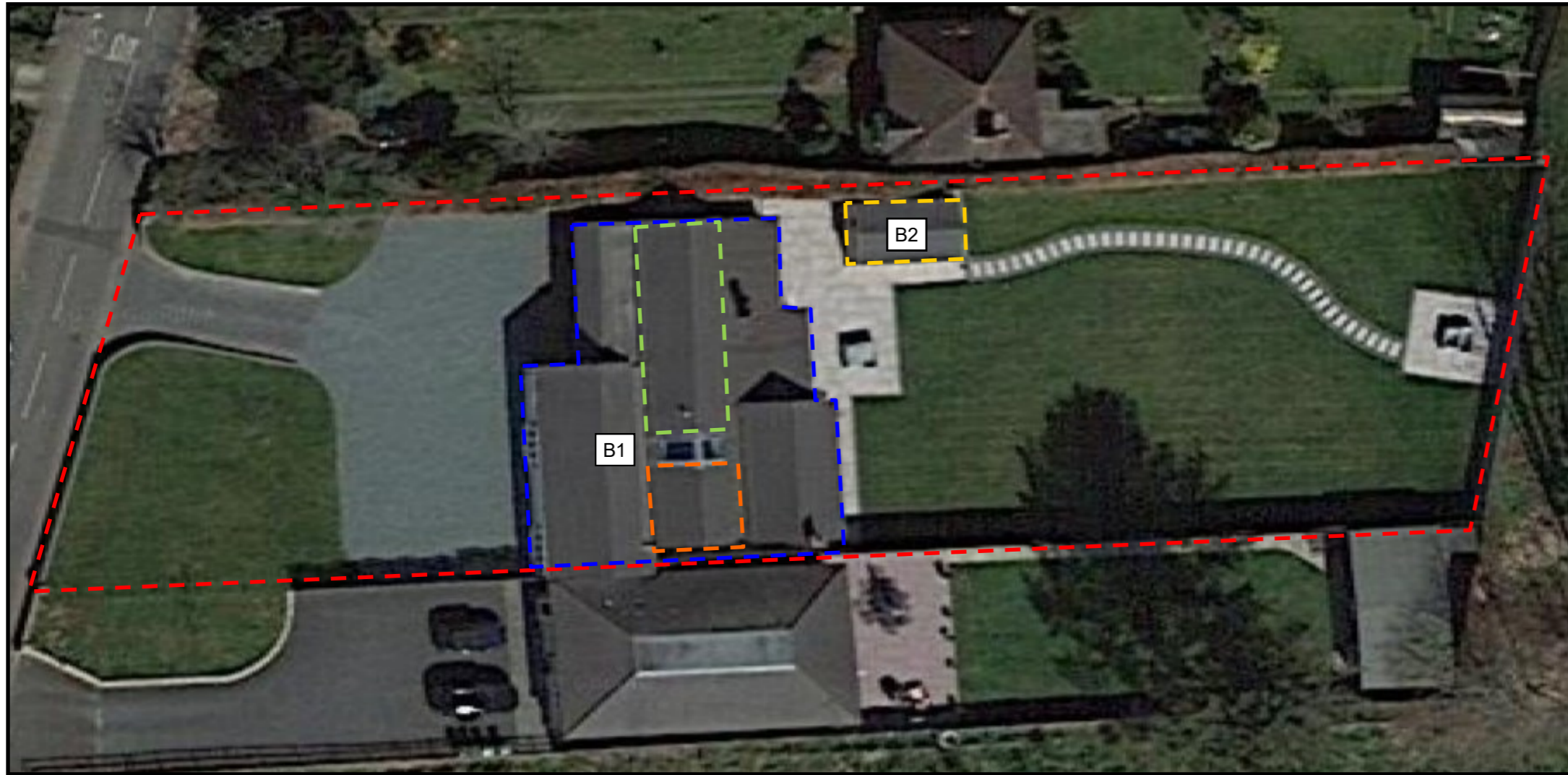
	g4 Modified grassland • 66—Frequently mown
	u1b Developed land; sealed surface
	u1b5 Buildings
	h2a Hedgerow (priority habitat) • 75—Active management
	u1e Built linear features • 68—mortared wall • 69—fence



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4.2.3 Preliminary Roost Assessment Plan



Key:

- - - Site Boundary
- - - Building 1 (The Owls Nest)
- - - Loft void 1
- - - Loft void 2
- - - Building 2 (shed)



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4.3 Survey & Third-party Data

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

Table 2: Summary of Habitat Features

UK Habitat Classification Habitat Type & Code	Size / Extent	Condition	Qualifies as S.41 Habitat	Qualifies as EC Habitats of Community Interest (Annex I)
g4 Modified grassland 66 – Frequently mown	850m ²	Regularly mown amenity grassland (sward height 6cm) dominated by perennial rye grass. Other species included smooth meadow-grass, Timothy, Yorkshire-fog, self-heal, common mouse-ear, creeping cinquefoil, cuckooflower, trailing St John’s-wort, meadow buttercup, bramble, procumbent pearlwort, black medick, cleavers, sunflower sp., common cats-ear, white clover, common mallow, foxglove, prickly sow-thistle, dandelion, yarrow, blue star creeper, springy turf-moss, bird’s-foot trefoil, common ragwort, and lesser trefoil.	No	No
u1b Developed land; sealed surface	385m ²	A gravel and brick driveway to the front of the property and two patios with connecting pathway in the rear garden.	No	No
u1b5 Buildings	288m ²	B1 - single storey, white rendered brick residential property with a multi-pitched tiled roof and flat-roof extension to the west. B2 – single-storey, timber built shed with a pitched roof covered with	No	No

UK Habitat Classification Habitat Type & Code	Size / Extent	Condition	Qualifies as S.41 Habitat	Qualifies as EC Habitats of Community Interest (Annex I)
		bitumastic felt.		
h2a Hedgerow (priority habitat) 75 – Active management	73m	Located along the northern boundary. 2.5m in height, regularly managed. Dominated by beech, other species include hawthorn, holly, yew, Turkey oak, sycamore, honeysuckle, bramble, and ivy.	Yes	No
u1e Built linear features 68 – Mortared wall 69 - Fence	129m	A mortared wall borders the driveway to the west of the site. A close-boarded timber fence borders the southern and eastern boundaries.	No	No

Table 3: Summary of Preliminary Roost Assessment

Structure	Potential Roost Features	Evidence of Bats	Category (Collins 2016)
The Owls Nest (B1)	<u>External:</u> small number of gaps underneath slope tiles (c.<10), a gap behind the soffit box on the northern aspect, lifted lead flashing on the flat-roof extension, gap in the brickwork on the southern aspect, lifted lead flashing on the southern aspect. Majority of PRFs observed were covered with cobwebs.	No obvious signs of bat roosting activity.	Low

Structure	Potential Roost Features	Evidence of Bats	Category (Collins 2016)
	<p><u>Loft 1:</u> 1m in height, exposed central ridge board and timber rafters, exposed breezeblock gable end walls, roof lined with white sheeting material, fibreglass insulation on the floor, warm in temperature with no draughts and no light leaks observed, many cobwebs present.</p> <p><u>Loft 2:</u> 1.5m in height, exposed central ridge board and timber rafters, exposed brick gable end wall, roof lined with white sheeting material, fibreglass insulation on the floor, warm in temperature with no draughts and no light leaks observed, many cobwebs present, small number of mouse droppings present.</p>		
Shed (B2)	Bitumastic felt roof well-sealed, c.1cm gaps behind timber barge boards, cobwebs present. No voids inside building, internal well-lit by windows.	No obvious signs of bat roosting activity.	Negligible
Tree	Potential Roost Features	Evidence of Bats	Category (Collins 2016)
G1	A group of 11 mixed-age sycamore trees located immediately off-site at the eastern boundary. Some ivy cladding on mature trees in the group.	No.	Low

4.4 Survey Objectives

The objectives of the survey were:

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

4.5 Limitations

The Preliminary Ecological Appraisal was carried out by a suitably experienced ecologist from Focus Environmental Consultants. The month of survey (June) is within the optimal survey period for most habitats and species in England (JNCC, 2010).

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

The reader is reminded that an ecological survey that is based on a single site visit will typically under-represent the biological diversity of a site, owing to seasonal variations in animal activity and plant growth form in particular. However, a

Preliminary Ecological Appraisal such as this can be completed by an experienced ecologist at any time of year subject to suitable weather conditions (CIEEM, 2017a).

The loft voids of Building 1 could not be fully inspected due to the floor joists being fragile and unsafe to walk on.

None of these limitations are regarded as significant taking into account the results obtained from surveys, weather conditions and survey effort employed.

4.6 Methods

4.6.1 Third-Party Data Trawl

A third-party data trawl was conducted in July 2023, to collect any existing site records and protected/notable species data records for within the site boundary and a 2km area around the site. The following third-party consultees were contacted: Worcestershire Biological Records Centre. The government's multi-agency website 'magic' was also consulted (www.magic.gov.uk).

4.6.2 Preliminary Ecological Appraisal

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

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

The survey method was extended to include a search for notable and/or legally-protected fauna ('important ecological features' with reference to CIEEM, 2018).

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

4.6.3 Preliminary Roost Assessment

A daytime preliminary roost assessment (PRA) was undertaken at the site by an experienced and appropriately licensed ecologist (G. Williams: Natural England licence number: 2023-11106-CL17-BAT). An internal and external inspection of the built structures on site was carried out from ground-level using binoculars as required. The focus of the survey being to identify any possible exit and entry points of bats, suitable roosting locations and to search for bat field signs.

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

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

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

Table 4: Guidelines for Assessing the Potential Suitability for Roosting Bats of Structures within a Development Site⁷

Suitability	Description: Structure
Negligible	Negligible features on the structure that are likely to be used by roosting

⁷ Taken and adapted from: **Collins, 2016**.

	bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide appropriate conditions (<i>i.e.</i> space, protection, shelter) and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (<i>i.e.</i> unlikely to be used as a maternity roost).
Moderate	A structure with one or more potential roost sites that could be used by bats due to their appropriate condition (<i>i.e.</i> size, shelter, protection) and surrounding habitat. However, it is unlikely to support a roost of high conservation value (with respect to roost type only).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their conditions (<i>i.e.</i> size, protection, shelter) and surrounding habitat.
Confirmed Roost	Structure with confirmed bat roost.

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

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

Trees were assessed as having either ‘high’, ‘moderate’, ‘low’ or ‘negligible’ potential to support roosting bats, and categorised using definitions in Collins (2016) (see Table 5, below).

Table 5: Guidelines for Assessing the Potential Suitability for Roosting Bats of Trees within a Development Site⁸

Suitability	Description: Structure
Negligible	Negligible features on the tree that are likely to be used by roosting bats.
Low	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features with only very limited roosting potential.
Moderate	A tree with one or more potential roost features that could be used by bats due to their appropriate condition (<i>i.e.</i> size, shelter, protection) and surrounding habitat. However, it is unlikely to support a roost of high conservation value (with respect to roost type only).
High	A tree with one or more potential roost features that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their condition (<i>i.e.</i> size, protection, shelter) and surrounding habitat.
Confirmed Roost	Tree with confirmed bat roost.

⁸ Taken and adapted from Collins, 2016.

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4.8 Legislation & Best Practice

4.8.1 The Environment Act 2021

The Environment Act 2021 is a far-reaching Act of parliament, which received Royal Assent on 9th November 2021 and took a number of years to come into force. It is described by the Chartered Institute of Ecology and Environmental Management as ‘world leading’ legislation and has the primary focus of providing targets, plans and policies for improving the natural environment. In implementing the Act, the Secretary of State is required to set long-term targets for a number of priority areas including: air quality, water, biodiversity, resource efficiency and waste reduction. Schedule 14 of the Act establishes a mandatory requirement for all developments to secure a 10% net gain in biodiversity, with a few exceptions such as ‘permitted development’ and marine and intertidal developments. Schedule 14 of the Act details the required amendment of the Town and Country Planning Act 1990 (inserting a new s.90A and Schedule 7A) with respect to ‘normal’ development. Schedule 15 describes amendments to the Planning Act 2008 with respect to Nationally Significant Infrastructure Projects, inserting a new s.99 and Schedule 2A.

The measurement of baseline and post-development biodiversity figures involves the use of the most up to date version of the state-sponsored ‘biodiversity metric’. A ‘small sites’ metric is available for sites of up to 0.5ha in size supporting 1 - 9 residential units or for other forms of development, with a floorspace of less than 5000m² and in both cases without priority habitats being present (with the exception of hedgerows and arable field margins). The mandatory 10% biodiversity net gain requirement described by the Act will not be mandatory until November 2023, although may be still be required by local plan policy in the intervening period. Other matters covered by the Environment Act are the creation of a Biodiversity Gain Site Register, the provision of Biodiversity Credits, the establishment of the Office for Environmental Protection (OEP) and the establishment of Local Nature Recovery Strategies. The Act further strengthens the biodiversity duty enshrined within s.40 of the Natural Environment and Rural Communities Act 2006, requiring not only the conservation of biodiversity but also its ‘enhancement’.

4.8.2 The Conservation of Habitats and Species Regulations 2017 (as amended) & The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

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

<https://www.legislation.gov.uk/ukxi/2019/579/contents/made>

These regulations referred hereafter as “the Habitats Regulations”, represent the primary method by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) is transposed for England and Wales and their territorial seas. The Habitats Directive, in conjunction with the Birds Directive (Council Directive 2009/147/EEC) forms the basis for implementation of Europe’s nature conservation policy through both habitat and species level protection. The Habitats Directive requires the designation of strictly protected European sites known as Special Areas of Conservation (SACs). Together with the Special Protection Areas (SPAs)

established by the Birds Directive, these collectively form the Natura 2000 Network of protected sites ('National Site Network' in the UK). The Habitats Directive also requires the strict protection of animals and plants of Community Interest listed under Annex IV. Habitat types requiring strict protection as SACs are listed under Annex I. The conservation of animals and plants listed under Annex II requires the designation of SACs.

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

4.8.3 The Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

The Natural Environment and Rural Communities Act imposes a *Biodiversity Duty* (S.40) on all public bodies to conserve biodiversity at both species and habitat levels (S40). "Every public authority

must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

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

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

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

4.8.6 The Hedgerow Regulations 1997

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

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

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

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

Exemptions to the Regulations fall into three categories:

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

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

4.8.7 The UK Post-2010 Biodiversity Framework

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

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

4.8.8 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was most recently updated on 20 July 2021. The NPPF sets out the government’s planning policies for England and how these are expected to be applied. This framework acts as guidance for planning authorities (LPAs) in England to form Local Plan policies in favour of sustainable development as part of the government’s reforms to increase the accessibility of the planning system and promote long term sustainable growth. Along with the Circular 06/205, the NPPF consolidates the Planning Policy Statements and Guidance Notes, many of which are now obsolete, including *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)*.

The framework states that “*planning policies and decisions should contribute to and enhance the local environment*” (paragraph 174).

Chapter 15 of the framework focusses on habitats and biodiversity. Specifically, paragraph 180 states:

“...when determining planning applications, local planning authorities should apply the following principles:

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

4.8.9 Circular 06/2005: Biodiversity and Geological Conservation

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

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

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

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

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

BS 42020 was developed by BSI with input from a variety of organisations (in all sectors) and experts in the field of biodiversity. It is fundamentally engaged with the incorporation of biodiversity into all

stages of the planning process. The standard identifies a suite of recommendations and advice to ensure that decision-making and activities undertaken from inception to fruition of planning applications are adequately informed by appropriate and robust ecological knowledge. BS42020 aims to:

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

4.8.11 Bats

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

- deliberate capture, injury or killing of a bat;
- deliberate disturbance of a bat and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any bat or any part of a bat or anything derived from one.

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

4.8.12 Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992 (as amended). This makes it an offence to wilfully kill, injure or take a badger or interfere with a badger sett through damaging the sett, destroying the sett, obstructing access to a sett, causing a dog to enter the sett or disturbing a badger occupying a sett.

4.8.13 Birds

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

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

4.8.14 Great Crested Newts

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

- deliberate capture, injury or killing of a great crested newt;
- deliberate disturbance of a great crested newt and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any great crested newt, any part of a great crested newt or anything derived from one.

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

4.8.15 Reptiles

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

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

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

- deliberate capture, injury or killing;
- deliberate disturbance and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, these reptiles or anything derived from them.

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

4.8.16 Hazel Dormice

The hazel dormouse (*Muscardinus avellanarius*) is a "European Protected Species" (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended). The following actions affecting hazel dormice are prohibited under the legislation:

- deliberate capture, injury or killing of a hazel dormouse;
- deliberate disturbance of a hazel dormouse and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any otter, any part of a hazel dormouse or anything derived from one.

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

4.8.17 Otters

The otter (*Lutra lutra*) is a "European Protected Species" (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended). The following actions affecting otters are prohibited under the legislation:

- deliberate capture, injury or killing of a otter;
- deliberate disturbance of an otter and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any otter, any part of an otter or anything derived from one.

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

4.8.18 Water voles

Water voles (*Arvicola amphibius*) are fully protected under the Wildlife and Countryside Act 1981. It is an offence to intentionally:

- kill, injure or take them.
- possess or control them (alive or dead).

It is also an offence to intentionally or recklessly:

- damage or destroy a structure or place used for shelter or protection.
- disturb them in a place used for shelter or protection.
- obstruct access to a place used for shelter or protection.

Water voles are also listed as a '*species of principal importance*' under Section 41 of the Natural Environment and Rural Communities Act (2006).

5. QUALIFICATIONS & EXPERIENCE

Focus Environmental Consultants® has the expertise to provide sure-fire environmental solutions to a wide range of projects. The company ethos forges the highest standards of professional scientific practice with a best value approach for our clients. Our core area of expertise is in the production of specialist environmental reports and advice to support planning applications. Our comprehensive services include Preliminary Ecological Appraisals (PEA), Ecological Impact Assessment (EclA), Habitat Regulations Assessment (HRA) and fulfilling protected species surveys, licensing and mitigation requirements. Focus Environmental Consultants is a CIEEM Registered Practice, with all ecological staff being members of this professional body. Our flexible approach, range of skills and broad project experience from major infrastructure contracts to small private developments allows us to adapt to your individual requirements. As well as offering a full suite of ecological services, Focus Environmental Consultants can provide expert arboricultural advice and reports and is building an enviable reputation for innovative habitat creation and management solutions. Focus Environmental Consultants is situated in Worcestershire, providing a convenient and central UK location.

Gina Williams

Gina is an Ecologist who joined Focus Environmental Consultants in 2022. Gina is proficient in surveying for European Protected Species, holding Natural England survey licenses for both bats (Class 1) and great crested newts. Gina is also a competent surveyor of badgers, nesting birds, and reptiles, and is a qualified tree climber, experienced in surveying for tree-roosting bats. Further ecological experience includes completing Preliminary Ecological Appraisals and working as an accredited agent under Natural England licenses to close and disturb badger setts. Gina holds a Level 3 Diploma in Ecology and is a Qualifying member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

This report has been checked for quality and content by:

Graham Davison BSc (Hons) MSc MCIEEM MRSB

Graham is an ecologist with over twenty years of experience in the field of applied ecology. He holds a BSc (Hons) degree in Zoology and an MSc with distinction in Law and Environmental Science. Graham's Masters paper on legal and practical implications for mammal reintroductions was published by the IUCN. His ecological experience includes surveys to identify nationally and locally important sites for wildlife, ecological services to local planning authorities and provision of ecological reports to accompany major infrastructure projects, housing schemes, industrial developments and mineral extraction. Graham is a skilled botanical surveyor (FISC 4) specialising in Phase I and Phase II (NVC) Habitat Surveys. Graham has considerable expertise in protected species surveys and licensing, and is a Registered Consultant under the Bat Mitigation Class Licence scheme (BMCL). Graham has appeared and delivered evidence as an expert witness for Planning Appeals and Public Inquiry. Graham has been interviewed for BBC local radio and TV programmes to provide specialist expertise on ecological topics.