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ECOLOGY CONSULTANCY SERVICES, MALDON, ESSEX



Preliminary Ecological Appraisal Incorporating Bat Survey Inspection

The Cabin
Windsor Road
Bowers Gifford
Essex
SS13 2LH

Prepared for:

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1. Survey Finding and Recommendations Summary

In summary, the proposed application area comprises the existing building, hardstanding and lawn situated in a wider managed location, bounded by identical land use and arable land. As such, the site and surrounds are subject to management and disturbance as would be reasonably expected in such a land use context.

The statutory designation search undertaken as part of the desk study identified that the site is not situated within any statutory or non-statutory designated locations. The proposal is not considered reasonably likely to have any adverse impact upon statutory/non statutory designated locations.

However, the site is situated within the Zone of Influence (Zol) important coastal designations. Therefore, a proportionate financial contribution will be secured in line with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) given that the proposal seeks to develop an additional residential unit.

The building presents a negligible level of bat roosting potential. As such, no further surveys are considered to be necessary.

Small numbers of bats may commute and forage in the area. However, given small scale of proposal in line with existing usage and retention of existing hawthorn hedge on western/north western boundary, it is considered that any such behaviours would continue post development. As such, it is not considered that the local bat population would be adversely affected by the development proposal.

It is advised that small scale, proportionate ecological enhancements are installed as part of the proposal.

Recommended ecological enhancements are provided in section 5.2.

It is not considered reasonably likely reptile or great crested newt species would be adversely affected by the development proposals. No further surveys has been advised.

No active or inactive badger setts were found, and no surveys have been advised. However, general appropriate precautionary measures for the construction phase have been advised in section 5.2.

Appropriate recommendations in respect of due diligence relating to nesting birds and ecological enhancements have been made in section 5.2 of the report.

It is considered and concluded that the proposal can proceed without adverse impacts upon legally protected/priority species provided the specific mitigatory guidance and enhancement recommendations identified within section 5.2 are fully adhered to. Where necessary, appropriately worded conditions should be placed upon any consent granted in order to ensure appropriate measures are followed.

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2. Introduction

2.1. Phase 1 Brief

T4 Ecology Ltd was commissioned by Mr C. Morris to undertake an ecological assessment at The Cabin, Windsor Road, Bowers Gifford, Essex.

This report contains the findings of a Preliminary Ecological Appraisal-PEA. The purpose of a PEA is to identify the potential for presence of protected species on a site, in line with UK law and the requirements of The National Planning Policy Framework (NPPF)(2021). The brief of the ecological survey was to assess the habitats found on site and identify the potential for presence on site of protected species.

The site-based element is supported by a desktop study undertaken to identify presence of Statutory/National/Local designations or protected species within the vicinity (up to a 5KM radius) of the site. The final part of the project brief was to identify and make recommendations as appropriate for any further surveys required to determine presence/absence of protected species on site if the survey determined that presence of a protected species on site was considered to be reasonably likely.

2.2. Bat Survey Brief

In addition, this report also contains the results of a Preliminary Roost Assessment (PRA) undertaken at the same time as the PEA, comprising an internal/external inspection of the existing building/s. Bats are a strictly protected species under European Legislation. In this regard, given presence of buildings where demolition/alteration works are proposed, the inspection was undertaken in order to meet the specific requirements of the legislation to inform design, mitigation and if appropriate, European Protected Species License Applications.

2.3. Development Proposals & Planning Context

The proposal is for the demolition of the existing building and construction of a replacement. Following provision of a project description and plans from R & R Architects, it was possible to undertake an assessment of any potential impacts resultant from the proposal and recommend further works/appropriate mitigation as appropriate in section 5.2 of this report.

2.4. Scope of Survey

The purpose of this report is to provide an independent opinion of the likely presence of protected species on a site to inform the client of their obligations, and to assist the Local Planning Authority (LPA) in their determination of a planning application.

It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no investigation could ensure the complete characterisation and prediction of the natural environment. This PEA does not constitute a full botanical survey or a Phase 2 preconstruction survey for Japanese Knotweed. In this regard, this survey provides a preliminary view of the likelihood of protected species occurring on site, based on the suitability of the habitat and any direct evidence on

site. Additional surveys may be required if it is considered reasonably likely a protected species may be present.

The survey presents a snapshot in time, and therefore makes an assessment purely of what was seen at the time the survey was undertaken. The PEA does not therefore make any retrospective analyses.

This report has a maximum validity of 18 months from the date which the survey was undertaken. Beyond 18 months, it is unsuitable for use in planning and should be rejected by the Local Planning Authority.

3. Methodology

3.1. Survey

Habitats on site were recorded in accordance with the general principles and methods provided in the Handbook for Phase 1 Habitat Survey, JNCC 1993. The survey methodology involves undertaking a site visit to gain an understanding of the site ecology and surrounding characteristics. During the site visit the recording and mapping of habitat types and ecological features present on site is undertaken, including the identification of the main species present. The potential for presence of protected species is assessed as part of the overall methodology, and further advice/surveys recommended as considered appropriate based on the evidence obtained.

The survey works were undertaken in accordance with Guidelines for Preliminary Ecological Appraisal produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) in December 2017.

Methods are also in accordance to the general principles contained within British Standards Institute (BSI) BS42020 – Biodiversity-Code of Practice for Planning & Development.

A habitat plan is included as Annex 3. Photographs are included within Annex 2.

3.1.1. Survey Timings and Conditions

The survey was undertaken by Consultant Ecologist Peter Harris BSc (hons) MCIEEM FRGS on the 26th April 2023. Weather conditions were dry with 80% cloud cover, and an ambient air temperature of 10°C.

Peter Harris is a full member of the Chartered Institute of Ecology & Environmental Management (CIEEM) and a Fellow of The Royal Geographical Society (FRGS). The surveyor is licenced by Natural England for surveying great crested newts. The surveyor is an ecologist with over 14 years of experience, and has been involved in a wide range of projects from single dwelling developments to large strategic urban renewal schemes subject to full Environmental Impact Assessment (EIA).

As an ecologist for over 14 years, Peter has obtained significant experience in respect of a wide range of protected and priority species. Species worked with include reptiles (surveys/mitigation), great crested newt (surveys/mitigation), badger (surveys/mitigation/licencing), dormouse (surveys) and bat, encompassing a wide range of survey and monitoring techniques. These include internal/external inspections/Preliminary Roost Assessment (PRA), in addition to involvement with successful bat mitigation license applications working in conjunction with specialist organisations.

3.2. Desktop Study & Records Search

To gain an understanding of any designations on/around the site in addition to the historical presence of protected species, desktop data has been obtained from the following sources:

3.2.1. Historical Protected Species Data

Appendix 2 of the Chartered Institute of Ecology & Environmental Management (CIEEM) Guidelines for Preliminary Ecological Appraisal (Second Edition) December 2017 states:

'Very occasionally it might be possible to carry out a robust PEA without obtaining LERC/NBDC/CEDaR data; this will usually only apply to low impact or small-scale projects (e.g. by virtue of size, extent, duration of works, magnitude and locality), and should be determined on a case-by-case basis. In all cases, the decision not to obtain these data should be justified in the report. The following is not intended to be an exhaustive list, but gives examples of the type of sites where such data might not be needed:

- a field in active arable cultivation where there is no impact on any hedges, trees or water bodies;*
- small areas of cultivated garden/amenity grassland, as above; or*
- small urban sites comprising mostly asphalt or compacted hardstanding'.*

In this instance, given the hardstanding, location and composition of the site as a managed, maintained location as noted during the survey and as identified in section 4.2, it is not considered that a full data search would be appropriate, alter the conclusions nor add value to the assessment.

However, bat records have been obtained from the Essex Mammal Recorder given that the proposal relates to an existing building.

In addition, the Natural England Open Data Portal was accessed for information in respect of protected amphibian species and Great Crested Newt District Licencing Zones.

Use of data is in accordance with CIEEM Guidelines for Accessing & Using Biodiversity Data, March 2016.

3.2.2. Designations

A desktop study was undertaken through MAGIC (Multi-Agency Geographic Information System for Countryside). The search looked to identify the presence of statutory designated sites within a 5km radius (e.g. Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR).

3.2.3 Additional Information

Freely available on-line mapping information and Ordnance Survey Maps were consulted as part of the background assessment.

3.3. Bat Survey Methodology

The PRA was undertaken employing methods based on the guidance described in the Bat Workers' Manual, English Nature's Bat Mitigation Guidelines and updated Bat Conservation Trust Bat Surveys Guidelines for Professional Ecologists (2016).

However, the first page of all three editions includes the following:

'The guidelines should be interpreted and adapted on a case-by-case basis according to site-specific factors and the professional judgement of an experienced ecologist. Where examples are used in the guidelines, they are descriptive rather than prescriptive'.

Surveyors are expected to make judgements in respect of methodology appropriate to the survey conditions/evidence noted, and make conclusions based upon experience.

3.3.1 External/Internal Inspection

The first section of the survey involved an external inspection of the external surfaces of the buildings to identify any features that could be potentially be utilised by bats for roosting purposes. Such features may include small gaps and openings in brick work/roof structure, broken or missing tiles, or gaps in the soffits. During the external inspection, the buildings were also examined for key indicators of bat activity, such as droppings/staining in areas such as window ledges, walls other suitable external structural features.

The second section of the survey involved an inspection of internal areas of the buildings where safe access was possible/permitted by the property owner. The purpose of the inspections was to identify whether there is any evidence of bat activity/roosting. Again, indicators of evidence such as droppings, fur deposits, scratching and staining were searched for, in addition to features such as insect remains that may have been brought into a building by a bat. In addition, issues such as structural integrity of the buildings, and whether the building has structural features such as enclosed/hidden roof spaces are taken into account.

Trees

Preliminary Roosting Assessment (PRA) from ground level was made of trees where removal is likely to be required to implement the proposal, in accordance with Bat Conservation Trust Guidelines (2016), section 6.2:

A preliminary ground level roost assessment of a tree comprises a detailed inspection of the exterior of the tree from ground level to look for features that bats could use for roosting. The aim of this survey is to determine the actual or potential presence of bats and the need for further survey and/or mitigation. As part of the inspection, trees are graded in terms of their roosting suitability (High, Moderate and Low/No potential).

Where suitable roosting habitat (moderate or high suitability) or evidence of bats is found during a preliminary ground level roost assessment then further surveys (such as further inspection surveys, presence/absence surveys or roost characterisation surveys) are likely to be necessary if impacts on the roosting habitat or the bats using it are predicted.

If no or low suitability for bats are found then further surveys are not necessary. Where there is low suitability, precautionary measures may be appropriate during felling or pruning activities.

Equipment utilised comprised close focus binoculars. No intrusive methods (i.e. Torch/Endoscope) were used nor considered appropriate in the survey. A preliminary ground level roost assessment of trees is unlikely to result in disturbance to bats unless the ecologist intends to investigate with a torch or endoscope. If disturbance to bats is a possibility, then a survey licence is required.

4. Results

4.1. Desk study Results.

Site Details

- The site is located at Central Grid Reference: TQ 75041 89574
- Postcode: SS13 2LH

4.1.1. Magic-Statutory Designations

The search identified that the site is not directly located within nor bounding a statutory designation. The following statutory designated locations are situated within a 5km radius of the site:

- Benfleet & Southend Marshes Special Protection Area (SPA) – Approx. 4.8km south east.
- Pitsea Marsh Site of Special Scientific Interest (SSSI) – Approx. 3km south west.
- Vange & Fobbing Marshes SSSI – Approx. 3.5km south west.
- Holehaven Creek SSSI – Approx. 4km south west.
- Thundersley Great Common SSSI – Approx. 4.5km east.
- Vange Hill Local Nature Reserve – Approx. 4km south west.

Impact Assessment

The site is not situated within nor bounding a statutory designated location. Given small scale of proposal relating to replacement of an existing building, it is not considered reasonably likely that the proposal would have any adverse impact upon statutory designated locations.

However, the site is situated within the Zone of Influence (Zoi) important coastal designations. Therefore, a proportionate financial contribution will be secured in line with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) given that the proposal seeks to develop an additional residential unit.

4.1.2. Local Wildlife Sites-Non-Statutory Designations

Local Wildlife Sites (LWS) are used in the planning system to protect areas that have substantive nature conservation value at a local level.

The site is not situated within nor bounding an LWS location. There are no such designations within a 500m radius of the site.

Impact Assessment

The site is not situated within nor bounding a non-statutory designated location. Given small scale of proposal relating to replacement of an existing dwelling in a residential location, it is not considered reasonably likely that the proposal would have any adverse impact upon non-statutory designated locations.

4.1.3. Biological Records

The records have been analysed as part of the desk research and considered as part of the conclusions and subsequent recommendations of this report. A summary of records pertinent to the site is provided below:

Bats

Species	No. of Records	Date Range	Distance
C. Pipistrelle	5	1989-2008	1.0km
Serotine	1	1994	2.1km

4.2 Survey Results & Analysis

4.2.1 Site & Surroundings Description & Habitats

The site is situated in the western side of Bowers Gifford.

To the north, the wider site is bounded by Windsor Road. A neighbouring dwelling and associated land is situated to the east with a further dwelling, land and outbuildings located to the south. An arable agricultural field is located to the west.

The site is entered via an existing driveway entrance located in the north, leading from Windsor Road, linking to a hardstanding yard/parking area. The wider plot site contains a demountable lodge building, outbuildings, hardstanding parking/yard and managed amenity lawn.

The application area including building is situated in the west of the wider site. The application building (described further in section 4.3.1) is situated in the central south of the plot. To the south of the building the site comprises a compacted hardstanding yard, with further yard/driveway situated to the east of the building. To the north is a managed lawn area and cherry laurel shrub, with the western/north western boundary of the application area bounded by hawthorn dominant hedgerow which would be retained and unaffected by the proposal.

In summary, the proposed application area comprises the existing building, hardstanding and lawn situated in a wider managed location, bounded by identical land use and arable land. As such, the site and surrounds are subject to management and disturbance as would be reasonably expected in such a land use context.

4.3 Potential for Protected Species Impact with Proposals

The site was assessed for the potential presence of protected species that may have a material impact upon the development proposals.

The ecological value of the site in respect of the potential presence of and impact upon protected species is considered further in the following sections:

4.3.1 Bats & Internal/External Inspections

All bat species are strictly protected under the Wildlife and Countryside Act 1981 and the Conservation Regulations (Habitat Regulations).

Photographs are included in Annex 2, with a site plan included in Annex 3.

Building

The building comprises a small brick/block single storey building situated in an east to west delineation. The building has painted render walls and an apex roof with interlocking pantiles. The apex roof is a relatively recent addition with the building understood to have been re-roofed approx. 3 years ago.

External inspection identified that the building has a tight seal between wooden soffit and wall, with a seal present between barge boards and wall. As a recent construction, the roof and tiles form a tight seal across the building without potential roosting opportunities. Given light colour of the building render/paint, any evidence of bats would have been clearly visible. No such evidence was identified on external surfaces.

Internally, the roof void was accessible by way of hatch. The roof void was found to be of a cluttered truss construction and lined with breathable membrane. No evidence of any bat activity was identified in the void.

Following inspection, given tight sealed condition of the building, associated lack of structural opportunity and absence of any evidence, the building is considered to offer a negligible level of roosting potential. Further surveys are considered to be neither necessary nor appropriate.

Vegetation/Foraging/Commuting

No trees would be lost to the development proposal.

Small numbers of bats may commute and forage across the wider area.

Impact Assessment

The building presents a negligible level of bat roosting potential. As such, no further surveys are considered to be necessary. No further surveys have been advised.

Small numbers of bats may commute and forage in the area. However, given small scale of proposal in line with existing usage and retention of existing hawthorn hedge on western/north western boundary, it is considered that any such behaviours would

continue post development. As such, it is not considered that the local bat population would be adversely affected by the development proposal.

It is advised that small scale, proportionate ecological enhancements are installed as part of the proposal.

Recommended ecological enhancements are provided in section 5.2.

4.3.2 Badgers/Transitory Mammals

Badgers and active setts are afforded protection under the Protection of Badgers Act 1992.

No evidence of any active or inactive setts or latrines were identified in the proposed development area, or wider areas bounding the application area. It is reasonably likely that the species would may have a transitory presence in the wider area, along with other transitory species including deer, hedgehog and fox.

Impact Assessment

No active or inactive setts were found, with no evidence of badger activity identified in any location.

No further surveys are considered necessary or appropriate. However, general precautions in respect of the construction phases have been provided in section 5.2 given the possibility of transitory presence of the species and other transitory mammal species.

4.3.3 Nesting Birds

Nesting birds and their eggs are protected under the Wildlife & Countryside Act 1981.

As general best practice guidance, the bird breeding season is from March to September. If works to buildings/vegetation is proposed during the season, a check should be made for nests prior to works commencing. If nests are present, they should be left intact and undisturbed until the young have fledged.

Impact Assessment

Provided works are undertaken during appropriate seasonality/due diligence as recommended above, the proposals would not have any direct impact upon nesting birds.

Small scale, proportionate ecological enhancement recommendations for the project have been provided in section 5.2.

4.3.4. Reptiles

Reptiles are afforded protection under the Wildlife & Countryside Act 1981, with smooth snake and sand lizard afforded full protection under the same act and the Conservation Regulations (Habitat Regulations).

As described in section 4.1, the proposed development area comprises the existing building, hardstanding and managed garden in the context of a managed location.

As such, the site is not considered to provide potentially suitable habitat and the proposal would not affect potentially suitable reptile habitat.

Impact Assessment

As identified above, the proposed development area is not considered to provide potentially suitable reptile habitat as a result of existing land/surrounding land uses and management regimes. Based upon the evidence above, it is not considered reasonably likely that reptile species are present on site given lack of suitable habitat on site/connectivity to suitable offsite habitats. Therefore, the risk of potential impact of the proposals upon the conservation status of reptile is negligible. The risk of potential impact of the proposals upon individual reptiles is also considered to be negligible. No further surveys are necessary in respect of reptile species.

4.3.5. Great Crested Newt

Great crested newt is strictly protected under the Wildlife and Countryside Act 1981 and the Conservation Regulations (Habitat Regulations). The site is not situated within a Natural England (NE) Great Crested Newt District Level Licencing (DLL) Amber Zone.

No ponds or water bodies would be lost to or affected by proposal. Given the management/land uses, the site is not considered reasonably likely to provide nor form a constituent part of a significant wider terrestrial dispersal network.

Distance from a potentially suitable water body and intervening land use is a critical factor in determining suitability for the species. As such, a search using mapping data was undertaken to identify ponds within a 250m radius. No ponds were identified within the search radius.

Whilst it is acknowledged that small numbers of GCN have been known to range significant distances (1km) to colonise new ponds, sometimes over a number of years if connective habitat is suitable, research undertaken by English Nature¹ (now Natural England) indicates that it is most common to encounter them within 50m of a breeding pond, with few moving further than 100m unless significant linear features or suitable terrestrial habitat is involved, when great crested newts can be encountered at distances of between 150m – 200m. At distances greater than 200-250m great crested newts are hardly ever encountered. This valuation of habitats according to distance from great crested newt breeding ponds has also been adopted as part of Natural England's European Protected Species application form, with specific reference to the guidance provided by Natural England in WMLa14-2.

It is acknowledged that there is no way of identifying whether there are other small ponds that may be hidden within any nearby dwellings/field margins and not shown on maps. None were immediately visible from site/analysis of mapping data. Identification of such ponds located on private property and not shown on maps cannot be reasonably expected as part of this survey/desk study.

Impact Assessment

Based upon the evidence above, it is not considered reasonably likely that great crested newt would be affected by or at risk from the development proposals. Risk of harm to the species is not considered a reasonable likelihood. Consequently, it is considered that the risk of potential impact of the proposals upon the conservation status of great crested newt is negligible. The risk of potential impact of the proposals upon great crested newt is also negligible. No further surveys are considered necessary or appropriate in respect of this species at this site.

4.3.6 Hazel Dormouse

Hazel dormouse is strictly protected under the European Habitat Regulations and the Wildlife and Countryside Act 1981.

No potentially suitable habitat would be lost to the proposal, and the proposal is of small scale in a managed residential dwelling context.

Impact Assessment

It is not considered reasonably likely that the proposal would result in adverse impact upon the species. No further surveys are considered necessary or appropriate.

4.3.7 Other Species

The site is not situated in a location, nor provides potentially suitable habitat where other protected species such as, water vole and otter would be considered at risk. No further surveys/precautions are considered necessary or appropriate.

4.3.8 Invertebrates/Plant life

Given the existing and surrounding land uses, the site is not considered to provide habitat for protected, priority or notable species. No further surveys are considered to be necessary or appropriate.

Small scale, proportionate ecological enhancement recommendations for the project have been provided in section 5.2.

4.3.9 General Wildlife & Biodiversity

It is acknowledged that the wider site and development area may be utilised by a range of transitory wildlife species including deer, rabbit, fox, hedgehog etc. The boundaries of the development area and wider site are currently relatively open and as such animals are able to forage across the site to other surrounding areas.

Impact Assessment

As part of appropriate due diligence, it is advised that the full range of recommendations identified in section 5.2 be fully implemented, and all reasonable enhancements incorporated into a development proposal such that biodiversity is maximised as part of the development.

5. Conclusion & Recommendations

5.1 Conclusion

In summary, the proposed application area comprises the existing building, hardstanding and lawn situated in a wider managed location, bounded by identical land use and arable land. As such, the site and surrounds are subject to management and disturbance as would be reasonably expected in such a land use context.

The statutory designation search undertaken as part of the desk study identified that the site is not situated within any statutory or non-statutory designated locations. The proposal is not considered reasonably likely to have any adverse impact upon statutory/non statutory designated locations.

However, the site is situated within the Zone of Influence (Zol) important coastal designations. Therefore, a proportionate financial contribution will be secured in line with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) given that the proposal seeks to develop an additional residential unit.

The building presents a negligible level of bat roosting potential. As such, no further surveys are considered to be necessary.

Small numbers of bats may commute and forage in the area. However, given small scale of proposal in line with existing usage and retention of existing hawthorn hedge on western/north western boundary, it is considered that any such behaviours would continue post development. As such, it is not considered that the local bat population would be adversely affected by the development proposal.

It is advised that small scale, proportionate ecological enhancements are installed as part of the proposal.

Recommended ecological enhancements are provided in section 5.2.

It is not considered reasonably likely reptile or great crested newt species would be adversely affected by the development proposals. No further surveys has been advised.

No active or inactive badger setts were found, and no surveys have been advised. However, general appropriate precautionary measures for the construction phase have been advised in section 5.2.

Appropriate recommendations in respect of due diligence relating to nesting birds and ecological enhancements have been made in section 5.2 of the report.

It is considered and concluded that the proposal can proceed without adverse impacts upon legally protected/priority species provided the specific mitigatory guidance and enhancement recommendations identified within section 5.2 are fully adhered to. Where necessary, appropriately worded conditions should be placed upon any consent granted in order to ensure appropriate measures are followed.

5.2 Recommendations and Further Action

Following the survey, the following recommendations have been made to ensure obligations in respect of protected species are met/the site is enhanced for the benefit of biodiversity if developed. The recommendations are considered to be appropriate and in context with the size of the proposals, and based upon the findings of the impact assessment section of the report (4.3.1 – 4.3.9).

Construction Phase & General Precautions

- To protect any radiating mammals, it is recommended that any trenches be covered over with wooden sheeting at night and fencing off the demolition/construction zone and associated compounds would be advisable during the demolition/construction phase.
- Service pipes stored on site will be checked for sheltering mammals prior to installation.

Nesting Birds

- As general best practice guidance, the bird breeding season is from March to September. If works to buildings/vegetation is proposed during the season, a general check should be made for nests prior to works commencing. In the unlikely event that nests are present, they should be left intact and undisturbed until the young have fledged.

Enhancements

- The following ecological enhancements are recommended:
 - 1x bird box;
 - 1x bat box;
 - Planting as may be appropriate; and
 - 1x invertebrate box.
- To enable wildlife to continue using the development area post development, it is advised that boundaries remain relatively open such that wildlife can continue to radiate in the area. This includes the use of permeable boundaries such as tree lines and hedgerows, in addition to leaving hedgehog gaps in any new fencing proposals.

1. Annex 1 – Legislation & Planning Policy

1.1. Habitat Regulations

The Conservation of Habitats and Species Regulations transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).

1.2. Wildlife & Countryside Act

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CROW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, (which includes Cirl Bunting) or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.

Sites of Special Scientific Interest (SSSI) are designated under this Act.

Special Protection Areas (SPA) are strictly protected sites, designated under the Birds Directive, for rare and vulnerable birds and for regularly occurring migratory species.

1.3. Natural Environment & Rural Communities Act

The NERC 2006 places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations.

1.4. National Planning Policy Framework (NPPF)

The NPPF 2021 is specific in respect of conservation and biodiversity. ODPM 06/2005 remains in place. NPPF places a duty on planners to make material consideration to the effect of a development on legally protected species when considering planning applications, with a focus upon sustainable development and biodiversity net-gain.

1.5. Biodiversity Action Plans

The UK Biodiversity Action Plan (UKBAP) (Anon, 1995) was organised to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. A list of national priority species and habitats has been produced with all listed

species/habitats having specific action plans defining the measures required to ensure their conservation. Regional and local BAPs have also been organised to develop plans for species/habitats of nature conservation importance at regional and local levels.

1.6. Local Development Plans

County, District and Local Councils have Development Plans and other policy documents that include targets and policies which aim to maintain and enhance biodiversity. These are used by Planning Authorities to inform planning decisions.

1.7. Natural England Standing Advice

Natural England has adopted national standing advice for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It replaces some of the individual comments that Natural England has provided in the past to local authorities.

1.8. Bats

All species of bat found in the UK are protected by law and are designated as a protected species. Paragraph 98 of Circular 06/2005 states that *'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.'*

Bats are protected under UK legislation under The Wildlife and Countryside Act 1981 through inclusion on Schedule 5 -Protected bat species in Britain. On a European basis, bats are subject to protection under the Conservation (Natural Habitats &c.) Regulations.

The November 2017 the Conservation (Natural Habitats &c.) Regulations make it an offence to:

- Intentionally or deliberately kill, injure or capture (take) bats.
- Intentionally or recklessly damage or destroy bat roosts or disturb bats.

A bat roost is defined as 'any structure or place which is used for shelter or protection', whether or not the bats are utilising the roost at the time. European protected animal species and their breeding sites or resting places are protected by the Habitat Regulations.

In this regard, it is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their young/eggs as applicable. It is also an offence to damage or destroy a breeding or resting place of a European Protected Species and it is an offence to possess a European Protected Species.

The threshold above which a person will commit the offence of deliberately disturbing a wild animal of a European protected species has been raised. A person will commit

an offence only if he deliberately disturbs such animals 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.

The existing offences such as obstruction of a bat roost, low-level disturbance, and sale which cover European Protected Species under the Wildlife and Countryside Act (1981) continue to apply.

2. Annex 2 – Photographs



Site entrance from Windsor Road



Northern elevation



South eastern elevation



Southern elevation



Western elevation



Tight seal between soffit and wall



Tight seal on roof tiles



Roof void – no evidence of bats



Roof void – no evidence of bats



Yard located south of building



Yard/drive located east



Lawn located north of building



Northern boundary of site

3. Annex 3 – Site Plan



4. Annex 4 – Recommended Enhancements

Habitat Boxes.

The use of bird and bat boxes has been recommended. Suitable products include:



Standard Bird Box-Suitable for a wide variety of species.
Can be installed in trees and buildings.



Schwegler 2F Bat box. Suitable for attachment to trees.

Buildings-Integral Bat Boxes

The construction of new buildings presents the opportunity for integral bat boxes, installed during the construction phase.

Products such as the Ibstock Range (www.ibstock.com) would be appropriate for installation in the eaves of the new dwellings, as installed as illustrated below:



Ibstock Integral Bat Box

It is considered that the installation of one such integral bat box on the south/east facing eave of each new building would be appropriate, installed in accordance with the specific manufacturers recommendations.

Aftercare

Bats are a protected species, and any object they utilise for roosting is therefore also protected. Therefore, following installation the bat boxes should not be disturbed, as disturbance may result in an offence under the Wildlife and Countryside Act (1981) and the European Habitat Regulations (2010). Bat boxes are very robust and will not require maintenance, and therefore are at their most effective if left undisturbed.

Buildings-Integral Bird Boxes

2 x integral bird boxes should be installed on the north/east facing eaves. A system such as the Bird Brick House (www.birdbrickhouses.co.uk) as illustrated below is recommended, installed in accordance with the manufacturers specific recommendations.



Bird Brick House System

Installation

The following should be taken into account in consideration during the installation of bird boxes suitable for a wide variety of common garden species.

- These should be placed away from cats, and at least 2m from ground level.
- These should where possible be located away from direct sunlight, ideally facing between north and east (not south), away from cats, and at 2-5m height.
- They should also be out of reach of windows when placed upon buildings.