Preliminary Ecological Appraisal of Field Farm, Nether Westcote, Chipping Norton, Gloucestershire, OX7 6SD

Cotswold Wildlife Surveys

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QUALITY CONTROL

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The information in this report has been prepared in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct. The conclusions and recommendations expressed are reasoned judgements based on the evidence.

Every reasonable attempt has been made to comply with BS42020:2013 *Biodiversity – Code of practice for planning and development*, *CIEEM Guidelines for Ecological Report Writing* (CIEEM, 2017) and Bat Conservation Trust's *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition, Collins, 2016). If there has been deviation from recognised practice, justification/explanation has been given.

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SUMMARY

At Field Farm in Nether Westcote near Chipping Norton in Gloucestershire, planning permission is being sought for a new dwelling in the garden. The proposed works will include the removal of several trees and the creation of a new access drive through a section of boundary hedgerow.

In May 2022, Cotswold Wildlife Surveys was instructed to carry out a Preliminary Ecological Appraisal of the site. This was undertaken to determine the presence of any important habitats or species which might be impacted on by the potential development.

A search of ecological data for the area was not carried out, as the scale of the impacts were considered to be minor, with most of the site consisting of closely mown lawn and relatively young trees and ornamental shrubs.

The Phase 1 Habitat survey took place on 24th May 2022 in warm, sunny conditions with no wind.

The site comprised part of a large, formally landscaped garden. This consisted of closely mown amenity grass, with scattered broadleaved trees and introduced shrubs. A mixed species native and non-native hedgerow lay along the eastern boundary.

No rare or notable vascular plants were recorded, and all species were common and widespread. There were no invasive or notifiable species.

A total of four species of bird were observed during the visit, all of which are Species of Low Conservation Concern (RSPB Green list).

No old or in use birds' nests were found, although the trees and shrubs did provide some potentially suitable habitat for nesting.

The proposed development is unlikely to lead to the loss of bird nesting sites, as most of the trees and shrubs are to be retained and there is an abundance of suitable habitat in the surrounding area.

Nevertheless, since all in-use bird's nests and their contents are protected from damage or destruction, any tree and shrub removal that is subsequently required, should be undertaken outside the period 1st March to 31st August inclusive. If this time frame cannot be avoided, a close inspection of the trees and shrubs to be removed will be undertaken prior to clearance.

Work will not be carried out within a minimum of 5.0 metres of any in-use nest, although this distance could be more depending on the sensitivity of the species. Any in-use nest will be allowed to fledge before it is disturbed.

None of the trees on the site supported features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation, whilst the site was thought to be of low value to foraging or commuting bats, as it was small and enclosed, with limited habitat diversity.

There were no signs of Badger *Meles meles*, Otter *Lutra lutra* or Water Vole *Arvicola amphibius* activity within the site.

There was no standing water on or near the site for breeding amphibians, and the terrestrial habitats were sub-optimal, with no obvious refugia or hibernacula. As such amphibians are unlikely to be encountered.

Similarly, the habitats were not suitable for reptiles, as they were formally and intensely maintained.

Since the majority of the site was mown amenity grass, it was concluded that there was low potential for invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

Finally, as excavations are to be undertaken, it is noted that open trenches could potentially trap wildlife, especially if these fill up with water. If trenches cannot be infilled immediately then they will either be covered overnight or escape routes will be provided. These can be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

Biodiversity enhancements are proposed as part of the scheme.

1. INTRODUCTION

1.1 Background and survey objectives

At Field Farm in Nether Westcote near Chipping Norton in Gloucestershire, planning permission is being sought for a new dwelling in the garden. The proposed works will include the removal of several trees and the creation of a new access drive through a section of boundary hedgerow.

In May 2022, Cotswold Wildlife Surveys was instructed to carry out a Preliminary Ecological Appraisal of the site. This was undertaken to determine the presence of any important habitats or species which might be impacted on by the potential development.

A search of ecological data for the area was not carried out, as the scale of the impacts were considered to be minor, with most of the site consisting of closely mown lawn and relatively young trees and ornamental shrubs.

1.2 Site description

The site comprised part of a large, formally landscaped garden. This consisted of closely mown amenity grass, with species including Perennial Ryegrass *Lolium perenne*, Creeping Fescue *Festuca rubra*, Cocksfoot *Dactylis glomerata* and meadow-grasses *Poa spp*. Forbs were scarce, comprising Creeping Buttercup *Ranunculus repens* and Germander Speedwell *Veronica chamaedrys*.

Scattered broadleaved trees included Norway Maple *Acer platanoides,* Orchard Apple *Malus domestica,* Sweet Chestnut *Castanea sativa,* Plum *Prunus domestica,* Beech *Fagus sylvatica,* and Hawthorn *Crataegus monogyna.*

Introduced shrubs comprised *Spirea*, *Viburnum*, *Baccharis* and Dogwood *Cornus sp*.

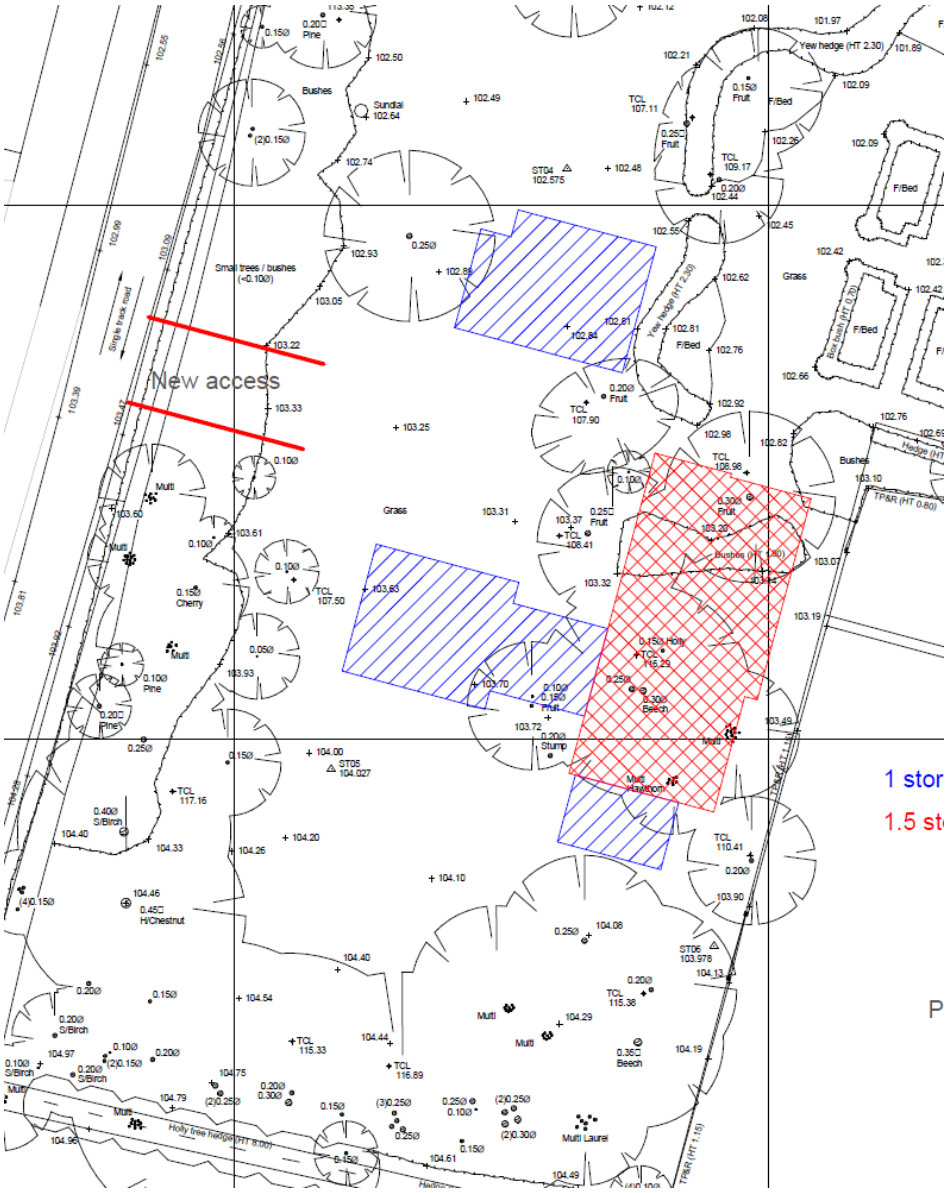
A mixed species native and non-native hedgerow lay along the eastern boundary, this consisting of relatively young Blackthorn *Prunus spinosa*, Cherry Laurel *P. laurocerasus*, Hawthorn, Hazel *Corylus avellana* and Tree Cotoneaster *Cotoneaster frigidus*.

No rare or notable vascular plants were recorded, and all species were common and widespread. There were no invasive or notifiable species.

The Ordnance Survey Grid Reference is SP 22508 20152 centred on the middle of the site.

1.3 Proposed works

Planning permission is being sought for a new dwelling, garage and access (Plan 1).



Plan 1 Proposed site layout

2. METHODOLOGY

2.1 Desk study

In view of the small scale of the proposed works, the likely low impact on bats and other wildlife, and in line with current guidance on accessing and using biodiversity data (CIEEM, 2016), a background data search was not carried out in this case.

2.2 Habitat survey

A Preliminary Ecological Appraisal was carried out across the whole of the survey site. It was conducted using standard JNCC (2003) techniques and methodologies.

The Phase 1 visit took place on 24th May 2022, in warm, sunny conditions with no wind.

2.3 Protected species survey

During the surveys the potential for other protected and important species was assessed. This included European Protected Species, legally protected species and Local Biodiversity Action Plan Species (and habitats).

2.3.1 Badgers

Badgers are generally nocturnal and evidence of their presence in an area often comes from field signs rather than sightings of the animals. Useful field signs include:

- Setts (main, outlying, annex or subsidiary)
- Tufts of hair caught on barbed wire fences;
- Conspicuous Badger paths;
- Footprints;
- Latrines – small excavated pits in which droppings are deposited;
- 'Snuffle holes' – small scrapes where Badgers have searched for insects and plant tubers;
- Day nests – bundles of grass and other vegetation where Badgers may sleep above ground;
- Scratch marks on trees (usually near the sett).

Daytime surveys looking for field signs can be carried out at any time of the year, and should be non-intrusive, but nocturnal surveys of setts (if required), are only likely to be effective from April to November, when Badgers are most active, and cubs present will have emerged.

Main setts

These usually have a large number of holes with large spoil heaps, and the sett generally looks well used. They usually have well used paths to and from the sett and between sett entrances. Although normally the breeding sett is in continual use, it is possible to find a main sett that has become disused because of excessive digging or for some other reason, in which case it is recorded as a disused main sett.

Annex setts

These are always close to a main sett, usually less than 150 m away, and are usually connected to the main sett by one or more obvious, well worn paths. They consist of several holes, but are not necessarily in use all the time, even if the main sett is very active.

Subsidiary setts

These often these have only a few holes, are usually at least 50 m from a main sett, and do not have an obvious path connecting them with another sett. They are not continuously active.

Outlying setts

These usually only have one or two holes, often have little spoil outside the hole, have no obvious path connecting them with another sett, and are only used sporadically. When not in use by badgers, they are often taken over by foxes or even rabbits. However, they can still be recognised as badger setts by the shape of the tunnel (not the entrance hole), which is at least 250 mm in diameter and rounded or flattened oval in shape.

A search for evidence of Badger presence on site was undertaken as part of the Preliminary Ecological Appraisal.

2.3.2 Bats

In order to fully assess bat occupation of a particular site, the Bat Conservation Trust (2016) recommends that information gathered from a desk study of known bat records, and a daytime site walkover, is used to inform the type and extent of future bat survey work, potentially including nocturnal surveys.

The diurnal walkover provides an opportunity to check for signs of occupancy, such as droppings, scratch marks, feeding remains, carcasses, or even animals in residence, whilst nocturnal surveys (if required) allow numbers and species of bats to be confirmed.

The latter are also used to determine the presence or absence of bats, where signs of bat activity are indeterminate or absent but the suitability for bat roosting is considered to be low, medium or high.

Roosting places vary depending on the species. Pipistrelles *Pipistrellus spp* usually inhabit narrow cracks or cavities around the outside of buildings, but they will roost in similar niches inside larger barns. Typical sites include soffit spaces, gaps behind fascia boards and end rafters, crevices around the ends of projecting purlins, under warped or lifted roof and ridge tiles, or in gaps in stone and brickwork where mortar has dropped out.

Larger species such as Brown Long-eared Bats *Plecotus auritus*, Myotis bats (Natterer's *Myotis nattereri* and Whiskered/Brandt's *M. mystacinus/M. brandtii*), and Lesser Horseshoes *Rhinolophus hipposideros*, like to roost in the roof voids of buildings, and can often be found hanging singly or in small groups from ridge boards or roof timbers, especially where these butt up against gable walls or chimney breasts. They especially favour older structures with timber frames. Here they squeeze into tight crevices making them difficult to observe.

Diurnal walkovers can be carried out at any time of the year, but nocturnal surveys should only be undertaken when bats are out of hibernation and in their summer roosts. The recommended period is from May to September inclusive, with May to August optimum and September sub-optimum. The season can be extended into October, although particularly cold weather will render this inadvisable. Indeed, the air temperature at the start of each survey must be at least 10°C or above.

Visits will be a minimum of two weeks apart, and the number of surveys is dependent on the evidence found or the suitability of the site to bats.

Where bats are found, or there is evidence of bat occupation or activity, i.e. that bat use is confirmed, the number and timing of visits will be decided by the ecologist, and will be appropriate for the type of roost.

In general at least two nocturnal surveys will be carried out, both of which can be emergence surveys, or one emergence and one dawn re-entry.

Where there is no evidence of bat presence, and no suitability for roosting, no nocturnal surveys will be needed.

For a site with no evidence but low suitability, just one nocturnal emergence survey is required, this to be in the optimum period.

For medium suitability a minimum of two visits are needed, of which one must be in the optimum period, and one must be a dawn re-entry survey. With high suitability, three visits will be necessary, of which two must be in the optimum period. At least one of these must be a dawn re-entry survey, with the third visit either an emergence or a dawn re-entry.

For sites < 5 ha in size, and/or regularly shaped structures, at least two surveyors must be present, with more surveyors at larger sites and more complex buildings, e.g. those with multiple elevations and/or roof structures.

With no buildings on the site, on 24th May 2022 a thorough inspection of the trees from the ground was made by Andy Warren (Natural England bat licence No. 2015-16489-CLS-CLS), including checks for decay cavities, old woodpecker holes, splits, fissures, and/or exfoliating bark.

10x42 binoculars and a Fenix TK75 torch were used for the inaccessible/unreachable areas. On this occasion an endoscope was not used, as there were no crevices or cavities that could not be inspected with a torch or by use of binoculars from a ladder.

The result of the inspection is detailed in Section 3.

2.3.3 Birds

Most resident and migrant birds breed in the spring and summer, although Woodpigeons *Columba palumbus* and Collared Doves *Streptopelia decaocto* nest throughout the year, and as a result could be on eggs in almost any month.

In season, signs of breeding include singing males, display and copulation, birds gathering nesting materials, adults carrying food, calling chicks, etc.

In winter none of these activities may be occurring, so a survey for old nests and/or nest holes is the most reliable method of determining the presence or absence of breeding birds.

This was carried out during the Preliminary Ecological Appraisal, along with a general site walkover to identify the presence of foraging birds.

2.3.4 Great Crested Newts

A survey for Great Crested Newts (GCN) *Triturus cristatus* may be indicated when background information on distribution suggests that they may be present. More detailed indicators are:

- *Any historical records of Great Crested Newts on the site or in the general area;*

- *A pond on or near the site (within around 500 m), even if it holds water only seasonally;*
- *Sites with refuges (such as piles of logs or rubble), grassland, scrub, woodland or hedgerows within 500 m of a pond*.

There are several field survey methods which can be employed depending on the time of year:

- *Bottle or funnel trapping – adults ideally February to May, with June and July sub-optimal, and August to September for detection of larvae (i.e. young);*
- *Egg search – April to June ideally, with March and July sub-optimal;*
- *Torch survey – March to May for adults, with February and June to July sub-optimal, and August to September for larvae;*
- *Netting – March to May for adults, with February and June to July sub-optimal, and August to September for larvae;*
- *Pitfall trapping – March to May and September for adults, with February, June to August and October sub-optimal;*
- *Refuge search – April to September ideally, with March and October sub-optimal.*

The latter two methods involve terrestrial habitats, the others aquatic habitats, for which a minimum of 4 visits per year are recommended, with at least 2 visits between mid-April and mid-May to record peak numbers (English Nature, 2001).

Outside the optimum survey period, a Habitat Suitability Index (HSI) for a particular water body can be calculated. This is a scoring system developed as a means of evaluating habitat quality and quantity. The HSI for Great Crested Newts incorporates ten indices, all of which are thought to affect the species. A figure of '0' indicates unsuitable habitat and '1' represents optimal habitat.

None of these techniques were used at the site, as there was nothing to suggest that Great Crested Newts might be present in the area.

2.3.5 Otters

Otters are nocturnal and are active all year round. They are large with an adult male reaching up to 1.2 m from nose to tail, and weighing about 10 kg.

Feeding mainly on fish and amphibians, Otters live by undisturbed waters where there is plenty of cover, mostly by freshwater lakes, rivers and quiet small streams as well as some coasts.

An Otter may use over 40 km of river and needs many resting places throughout this range. A female otter will give birth to 1 to 3 cubs in a natal holt, which is often away from the main river and must be completely undisturbed.

Field signs include:

- Prints in soft mud;
- Spraints (faeces);
- Holts.

A search for evidence of Otter presence on site was undertaken as part of the Preliminary Ecological Appraisal.

2.3.6 Reptiles

Commoner reptiles which may be encountered in rural areas include Grass Snake *Natrix natrix*, Slow-worm *Anguis fragilis*, and Common Lizard *Zootoca vivipara*.

During the winter months, from mid-October to late February or early March, they are in hibernation, usually deep in underground hibernacula, such as holes and cracks in the ground, among rocks or the roots of large trees, down animal burrows, or in piles of rubble or stone.

In the spring and summer they live above ground in well-vegetated places, with Grass Snakes often near or in water. Being cold-blooded all reptiles like to bask, and can often be found in open places.

There are very few signs of reptile presence, but these include:

- Shedded skin (snakes);
- Eggs (but not Common Lizard which gives birth to live young).

The site was searched for potential refugia as part of the Preliminary Ecological Appraisal.

2.3.7 Water Voles

The Water Vole is the largest of the British voles. It lives in a series of holes or burrows at the water's edge and can be found along the banks of ditches, streams, rivers, lakes and canals.

Although Water Voles live in colonies, the breeding females are territorial, each defining their contiguous territory with latrines during the breeding season. This lasts from March to October.

The Water Vole is herbivorous, feeding primarily on the lush aerial stems and leaves of waterside plants. Its activity is normally confined to the area within two metres of the watercourse, the bankside vegetation in this area not only essential for food, but also for cover from predators.

Water Vole activity can be assessed by looking for the following signs:

- Burrows;
- Faeces and latrines;
- Feeding stations;
- Runs;
- Paw prints in areas of soft mud;
- Feeding 'lawns';
- Predator field signs.

A search for evidence of Water Vole presence on site was undertaken as part of the Preliminary Ecological Appraisal.

3. RESULTS

3.1 Habitat survey

3.1.1 Habitat descriptions

The following habitats were recorded across the site:

- Scattered trees;
- Introduced shrubs;
- Amenity grassland;
- Intact hedgerow.

These habitats are described below and are shown on the Phase 1 Habitat Survey map in Appendix 1, with the target notes (where applicable) in Appendix 2.

Scattered trees

Scattered broadleaved trees included Norway Maple, Orchard Apple, Sweet Chestnut, Plum, Beech, and Hawthorn (Figs. 1 and 2).


Figs. 1 & 2 Scattered trees

Introduced shrubs

Introduced shrubs comprised *Spirea*, *Viburnum*, *Baccharis* and Dogwood species (Fig. 3 – overleaf).

Fig. 3 Introduced shrubs

Amenity grassland

The site comprised part of a large, formally landscaped garden. This consisted of closely mown amenity grass, with species including Perennial Ryegrass, Creeping Fescue, Cocksfoot and meadow-grasses. Forbs were scarce, comprising Creeping Buttercup and Germander Speedwell (Figs. 4 and 5).

Figs. 4 & 5 Amenity grass

Intact hedgerow

A mixed species native and non-native hedgerow lay along the eastern boundary, this consisting of relatively young Blackthorn, Cherry Laurel, Hawthorn, Hazel and Tree Cotoneaster (Fig. 6 – overleaf).

Fig. 6 Intact hedge (behind young trees)

3.1.2 Flora

The botanical composition of each habitat was typical, and all species recorded were common and widespread.

No rare vascular plants were found, and there were no invasive or notifiable species.

3.2 Protected species survey

3.2.1 Badgers

The site held very little habitat suitable for sett building, although the habitats were considered to be suitable for foraging purposes. Despite this, no evidence of Badger presence was recorded, such as setts, tufts of hair, pathways, footprints or latrines.

3.2.2 Bats

None of the trees on the site supported features suitable for roosting and/or hibernating bats.

The site was thought to be of low value to foraging or commuting bats, as it was small and enclosed with limited habitat diversity.

3.2.3 Birds

A total of four species of bird were observed during the visits, all of which are Species of Low Conservation Concern (RSPB Green list).

No old or in-use birds' nests were found, although the trees and shrubs did provide some potentially suitable habitat for nesting.

A full list of species noted is given in Appendix 3.

3.2.4 Great Crested Newts

There was no standing water on or near the site for breeding amphibians, and the terrestrial habitats were sub-optimal, with no obvious refugia or hibernacula. As such amphibians, including Great Crested Newts, are unlikely to be encountered.

3.2.5 Otters

No evidence of Otters was found during the surveys.

3.2.6 Reptiles

Reptiles are unlikely to be present, as the habitats were not suitable, being formally and intensely maintained.

3.2.7 Water Voles

No evidence of Water Voles was found on or immediately around the site, and they are considered to be absent.

3.2.8 Invertebrates

Since the majority of the site was mown amenity grass, it was concluded that there was low potential for invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

3.2.9 Other species

No other important or notable species were recorded during the site visits.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 Site evaluation

The site was concluded to be of low wildlife interest, as it consisted predominantly of close mown amenity grass. This will hold some limited value for invertebrates, small mammals, and foraging birds.

None of the trees on the site support features suitable for roosting and/or hibernating bats, whilst the site was thought to be of low value to foraging or commuting bats, as it was small and enclosed.

A total of four species of bird were observed during the visits, all of which are Species of Low Conservation Concern (RSPB Green list). No nests were found, although the trees and shrubs were considered to hold some potential for nesting birds.

There were no signs of Otters or Water Voles and no evidence of Badgers, whilst the habitats were sub-optimal for amphibians, and unsuitable for reptiles.

It is also possible to assess the potential importance of the habitats within the application site to invertebrates. Since the majority of the site was close mown amenity grass, it was concluded that there was low potential for invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

4.2 Possible impacts of proposed work and recommendations

The proposed development is unlikely to lead to the loss of bird nesting sites, as most of the trees and shrubs are to be retained and there is an abundance of suitable habitat in the surrounding area.

Nevertheless, since all in-use bird's nests and their contents are protected from damage or destruction, any tree and shrub removal that is subsequently required, should be undertaken outside the period 1st March to 31st August inclusive. If this time frame cannot be avoided, a close inspection of the trees and shrubs to be removed will be undertaken prior to clearance. Work will not be carried out within a minimum of 5.0 metres of any in-use nest, although this distance could be more depending on the sensitivity of the species. Any in-use nest will be allowed to fledge before it is disturbed.

If planning is approved, care will be taken at all times during site clearance and topsoil stripping, as small mammals could be present. Any small mammals disturbed or uncovered will either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time.

Finally, as excavations are to be undertaken, it is noted that open trenches could potentially trap wildlife, especially if these fill up with water. If trenches cannot be infilled immediately then they will either be covered overnight or escape routes will be provided. These can be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

4.3 Further surveys

If any tree or scrub removal cannot be timed appropriately to avoid the bird nesting period (considered to be March to August inclusive), then further surveys of the trees and/or scrub to be removed will be required.

No other surveys are considered necessary.

4.4 Biodiversity enhancements

There will be a loss of a small number of trees, all of which were planted by the landowners in the last 15-20 years. These include three Orchard Apples, a Plum, a Beech, a Sweet Chestnut and a Hawthorn.

The loss will be offset by planting a small orchard in the adjoining paddock to the east of the application site. The trees will include local varieties of apples, pears and plums.

5. REFERENCES

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APPENDICES

Appendix 1: Phase 1 Habitat Survey Map

Appendix 2: Target Notes

Appendix 3: Bird species list

Appendix 4: Relevant legislation

Appendix 1: Phase 1 Habitat Survey Map

Not to scale

Legend

Survey boundary

Introduced shrubs

Intact hedge

Scattered trees

Amenity grassland

Target Note

Appendix 2: Target Notes

Target Number	Notes
-	No target notes

Appendix 3: Bird species list

Common name	Latin name
Woodpigeon	*Columba palumbus*
Robin	*Erithacus rubecula*
Goldcrest	*Regulus regulus*
Chaffinch	*Fringilla coelebs*

Appendix 4: Relevant legislation

4.1 Badgers

Badgers are protected in Britain by the Protection of Badgers Act 1992. The purpose of this Act is to protect the animals from deliberate cruelty and from the incidental effects of lawful activities which could cause them harm. Under this legislation it is an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a Badger, or attempt to do so;
- Interfere with a sett by damaging or destroying it;
- Obstruct access to, or any entrance of, a Badger sett;
- Disturb a Badger when it is occupying a sett.

Note that if any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence.

A person is not guilty of an offence if it can be shown that the act was 'the incidental result of a lawful operation and could not have been reasonably avoided'; only a court can decide what is 'reasonable' in any set of circumstances. Penalties for offences under this legislation can be up to six months in prison and a fine of up to £5,000 for each offence.

A Badger sett is defined in the Act as 'any structure or place which displays signs indicating current use by a Badger'. This can include culverts, pipes and holes under sheds, piles of boulders, old mines and quarries, etc.

'Current use' does not simply mean 'current occupation' and for licensing purposes it is defined as 'any sett within an occupied Badger territory regardless of when it may have last been used'.

A sett therefore, in an occupied territory, is classified as in current use even if it is only used seasonally or occasionally by Badgers, and is afforded the same protection in law.

4.2 Bats

In England, Scotland and Wales, all bat species are fully protected under the Wildlife and Countryside Act 1981 (WCA) (as amended), through inclusion in Schedule 5. In England and Wales this Act has been amended by the Countryside and Rights of Way Act 2000 (CRoW) and the Natural Environment and Rural Communities Act 2006 (NERC), which add an extra offence, makes species offences arrestable, increases the time limits for some prosecutions, and increases penalties.

All bats are also included in Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations (the Habitats Regulations), which defines 'European protected species of animals'. In England this is the Conservation of Habitats and Species Regulations 2010, in Scotland the Habitat Regulations 1994 (as amended), and in Northern Ireland the Conservation Regulations 1995.

All bats are also protected under the Bern Convention Appendix II, the Bonn Convention Appendix II, and the Wild Mammals (Protection) Act 1996.

The above legislation can be summarised thus (Mitchell-Jones and McLeish, 2004):

- *Intentionally or deliberately kill, injure or capture (or take) bats;*
- *Deliberately disturb bats (whether in a roost or not;*
- *Recklessly disturb roosting bats or obstruct access to their roosts;*
- *Damage or destroy roosts;*
- *Possess or transport a bat or any part of a part of a bat, unless acquired legally;*
- *Sell (or offer for sale) or exchange bats, or parts of bats.*

The word 'roost' is not used in the legislation, but is used here for simplicity. The actual wording is 'any structure or place which any wild animal…uses for shelter or protection' (WCA), or 'breeding site or resting place' (Habitats Regulations).

As bats generally have both a winter and a summer roost, the legislation is clear that all roosts are protected whether bats are in residence at the time or not.

4.3 Birds

In Britain, all wild birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981. There are penalties for:

- *Killing, injuring or capturing them, or attempting any of these;*
- *Taking or damaging the nest whilst in use;*
- *Taking or destroying the eggs.*

4.4 Great Crested Newts

Great Crested Newts are protected under Schedule 5 of the Wildlife & Countryside Act (1981) as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010. As a result of their rarity across Europe, they are also protected under Annexes IIa and IVa of the Habitats and Species Directive, and under the Berne Convention (the Convention on the Conservation of European Wildlife and Natural Habitats).

The above legislation can be summarised thus (Langton *et al*, 2001):

- *Intentionally or deliberately capture or kill, or intentionally injure Great Crested Newts;*
- *Deliberately disturb Great Crested Newts or intentionally or recklessly disturb them in a place used for shelter or protection;*
- *Damage or destroy a breeding or resting place;*
- *Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection;*
- *Possess a Great Crested Newt, or any part of it, unless acquired lawfully;*
- *Sell, barter, exchange or offer for sale Great Crested Newts or parts of them.*

4.5 Reptiles

All common reptiles (Common Lizard, Grass Snake, Slow-worm and Adder *Vipera berus*) are afforded legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) largely as a consequence of a national decline in numbers associated with persecution and habitat loss.

Under the terms of the Act it is illegal to intentionally kill or injure a reptile.

4.6 Otters

Otters are protected under Sections 9.1 and 9.4, Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), Annex 2 and 4 of the Conservation (Natural Habitats &c.) Regulations 1994 as amended, and are a priority species under the UK BAP. Actions that are prohibited include intentional killing, injuring or taking; and intentional or reckless damage, destruction or obstruction of any structure or place used for shelter or protection.

4.7 Water Voles

As of 12 August 2008, Water Voles have been given full protection under Section 9 of the Wildlife and Countryside Act 1981.

Offences under Section 9 carry a maximum penalty of a fine up to £5000, imprisonment for up to six months, or both, for each animal in respect of which an offence is committed. It is now an offence to:

- Intentionally kill, injure or take (capture) a Water Vole;
- Possess or control a live or dead Water Vole, or any part of a Water Vole or anything derived from a Water Vole;

- Intentionally or recklessly damage, destroy or obstruct access to any structure or place which a Water Vole uses for shelter or protection;
- Intentionally or recklessly disturb a Water Vole while it is occupying a structure or place which it uses for shelter or protection.

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Field Farm, Nether Westcote, Chipping Norton – Preliminary Ecological Appraisal

To: Professor & Mrs Earl

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