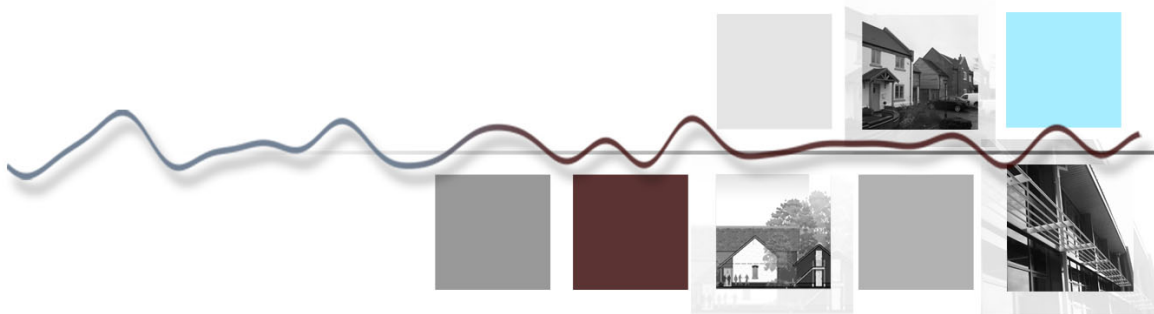


# proposed residential development | on behalf of ADB Roofing Ltd



## app doc 2: phase 1 ecological appraisal completed by Greenscape Environmental Ltd

proposed residential development on  
land of former workshop  
No. 62 Hemming Street  
Kidderminster

Barn 5a, Sutton Hall Farm  
Sutton Maddock  
Shropshire  
TF11 9NQ

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**Report Type: Ecological Appraisal**

**Client Name: Brockhouse**

**Site Address: 62 Hemming Street  
Kidderminster  
Worcs  
DY11 6PP**

**Report Reference: PEA 22-10 254.1**

**Date of Issue: 15<sup>th</sup> December 2022**

**Author: Logan Maggs BSc (hons)  
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<b>Report Details</b>	
<b>Classification</b>	Ecological Appraisal
<b>Status</b>	Final
<b>Reference</b>	PEA 22-10 254.1

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	<b>Name</b>	<b>Date</b>
<b>Author:</b>	L. Maggs BSc(hons) <b>Senior Consultant</b>	15 <sup>th</sup> December 2022
<b>Reviewed by:</b>	B. Jones BSc(hons) MSc <b>Senior Consultant</b>	15 <sup>th</sup> December 2022

Greenscape Environmental Ltd.  
Registered Office: Long Acres, Lyth Bank, Shrewsbury, Shropshire, SY3 0BW  
Company Reg number: 5364283

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The report should be read in its entirety.

Questions arising from the survey report should be directed to the author of the report who will be pleased to clarify any technical issues raised.

Whilst the surveyors make every reasonable effort, Greenscape Environmental Ltd cannot guarantee that all protected species have been identified and survey results are definitive. Many species are cryptic and transitional in habit.

Reports are considered valid for two years for planning purposes, after which time further survey information may be required.

Greenscape Environmental Ltd can provide advice and support for recommendations and planning conditions.

The use of this report or survey data for any form of formal submission to an NGO or other authority implicitly implies acceptance of the terms and conditions.



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# 1 Executive Summary

## 1.1 Purpose of the Report

Greenscape Environmental Ltd was commissioned by MTC Planning and Design on behalf of the client, Mr Brockhouse, to undertake a preliminary ecological appraisal of 62 Hemming Street to provide supporting information for a planning application for the demolition of the existing structure and construction of a new dwelling.

The survey report has these principal aims:

- To provide an initial assessment of the ecological value of the site in local context.
- To identify potential ecological constraints relating to the development, and recommend measures to avoid, reduce or manage negative effects, and to provide a net ecological gain.

## 1.2 Methodology

The appraisal included a desktop study for nearby designated sites and previously recorded protected species, and a site visit undertaken at the site, OS grid reference SO82197594 on 5<sup>th</sup> December 2022 by L Maggs.

## 1.3 Key Impacts and Mitigation Measures

The desktop study revealed that the site is not within 1km of any designated sites. It was considered that the site could provide potential habitat for bat and bird species and these should be the main focus of the ecological appraisal.

The site is a single storey structure with a slate tile roof, there are a trio of extensions of varying materials. The grounds around the building are formed of hardstanding, and the hedge is short and bordering residential. The site is of low ecological value and is only likely to support nesting birds.

No suitable habitat for, nor evidence of, bats was found on site. No impacts are expected.

There is no suitable habitat for small mammals to be impacted, the site is predominantly formed of tarmac and building. No impacts are expected.

The hedge and the southern lean-to could provide suitable habitat for nesting birds. No signs of nesting were seen in the building, but if they gained access work at the wrong time of year could cause an offence.

**Work to demolish the building or remove the hedge must be done under method statement for nesting birds.**

## 1.4 Conclusion

It has been agreed with the client that the biodiversity value of the site will be enhanced post-construction with the inclusion of bat and bird boxes.

The method statement provided in section 6.5.2 of this report will be followed, and work will be conducted at a suitable time of year to minimise potential impacts.

There are no other ecological constraints to the development as currently proposed.



**Table 1.1. Timing of Works**

<b>Action</b>	<b>Timing</b>	<b>Justification</b>
Remove hedgerow	September to end of February	To remove potential bird nesting habitat outside of nesting season
Demolish building	September to end of February	To remove potential bird nesting habitat outside of nesting season



## **2 Introduction**

This report has been compiled by Logan Maggs BSc (hons) who has over 10 years' experience conducting ecological appraisals. It has been reviewed in line with Greenscape's Quality Management System.

For full details of surveyors and licences please see Appendix A.

### **2.1 Project Background**

Greenscape Environmental Ltd was commissioned by MTC Planning and Design to conduct a survey to determine the presence of protected species and potential for the damage or destruction of habitats of value. This forms part of the planning application for the demolition of the existing building and construction of a new residential dwelling.

### **2.2 Purpose of the Report**

This report aims to:

- Identify the key ecological constraints to the proposed development.
- Inform planning to allow significant ecological effects to be minimised or avoided where possible.
- Allow any necessary mitigation or compensation measures to be developed following the mitigation hierarchy.
- Identify the opportunities offered by a project to deliver ecological enhancement under NPPF Section 15.

### **2.3 Site Context and Location**

The site is located in Kidderminster, OS grid reference SO82197594. It is set in an urban environment surrounded by residential streets. There is no direct connectivity to surrounding countryside, and only urban connectivity to the nearby park.





## 3 Methodology

Broad methodologies for data collection and interpretation were informed by guidance outlined in CIEEM (2017) – Guidelines for Preliminary Ecological Appraisals. Full details can be found in Appendix B.

### 3.1 Desk Study

The desk study provides contextual information such as the site's proximity to designated areas and known records of protected or notable species.

### 3.2 Field Survey

#### 3.2.1 Date and Survey Conditions

**Table 3.1. Survey conditions**

Date	Time	Structure	Equipment Used	Weather
05/12/2022	10:30	62 Hemming Street	Camera, strong torch, 12x55 monocular	Dry, light cloud cover
Comments	One surveyor used:			

#### 3.2.2 Habitats

The level of survey is aimed to identify field signs of, or habitats with the potential to support protected species and therefore assist in the determination of site value.

#### 3.2.3 Hedgerows

The aim of the assessment is to ascertain whether the hedgerow could be classified as important according to the definitions listed in the Hedgerow Regulations (1997).

### 3.3 Species Survey

Features on site were assessed for potential for bat roosts, foraging and commuting. These were conducted in accordance with Bat Surveys for Professional Ecologists: Good Practice Guidelines 3<sup>rd</sup> Edition, BCT, Collins (ed.) (2016).

Badger surveys were conducted following guidance from Surveying Badgers by Harris *et al.*, (1989)

Features on site were assessed for potential for nesting birds.

The terrestrial habitats at the application site were surveyed and assessed with respect to suitability and potential value for great crested newts.

### 3.4 Constraints of the Survey

All areas were accessible for this survey. It was conducted at a suboptimal time of year for the assessment of bats and nesting birds, but this was not considered a constraint because evidence of use can often be found year-round. No specific constraints have been identified.

The internal search revealed that the buildings had not been subjected to any form of specific cleaning and was in a natural redundant state.



## 4 Baseline Ecological Conditions

### 4.1 Nearby Features of Importance

#### 4.1.1 Designated Sites

The map from Natural England presented in Figure 4.1 indicated that the site is not within 1km of any designated areas.

MAGIC

### Hemming Street - Designated Sites

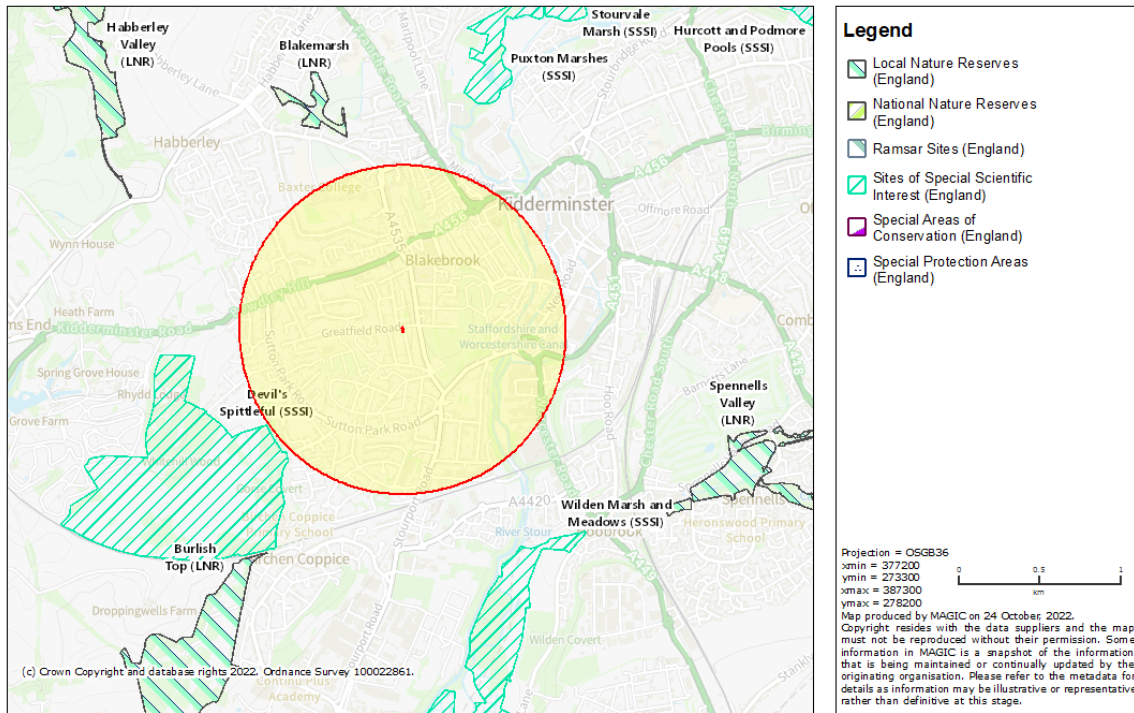


Figure 4.1. Identifying any designated areas near site, a 1km buffer is shown



### 4.1.2 Nearby European Protected Species Licences

The site is within 2km of three EPS licences. There are three Great Crested Newt Class Licence returns within 2km. Details of these licences are found in Appendix D.

MAGiC

#### Hemming Street - EPSL 2km

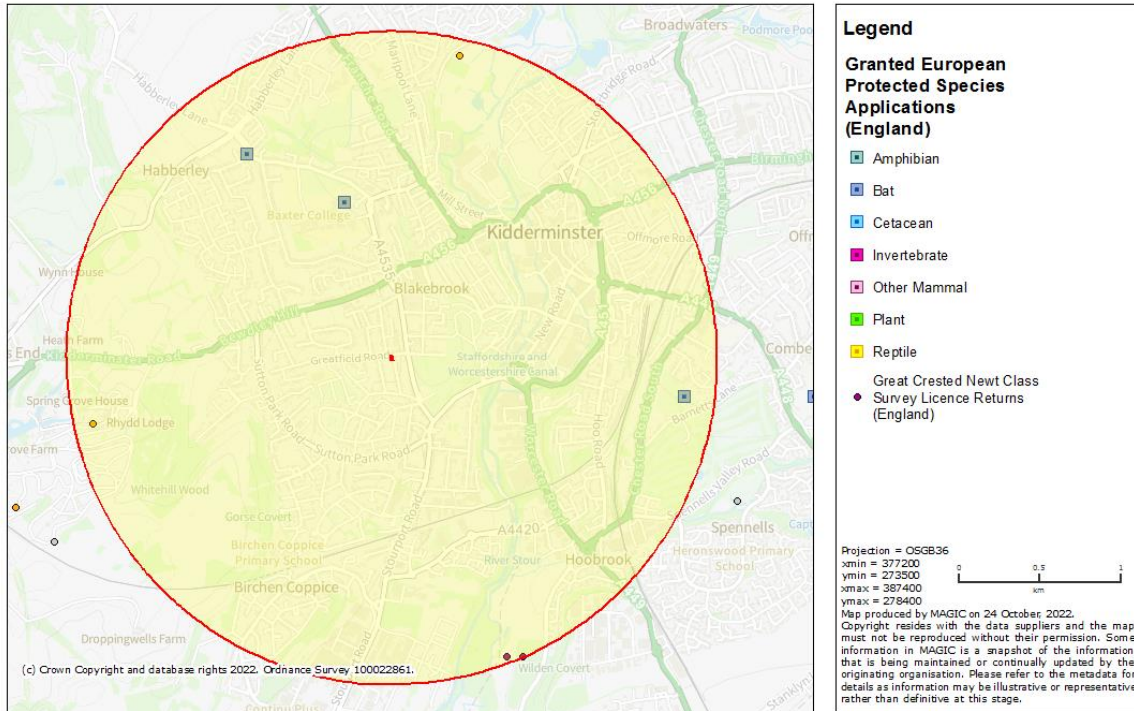


Figure 4.2. Identifying any previous EPS licences near site, a 2km buffer is shown



## 4.2 Habitats on Site

The site comprises a single-storey brick building with a slate tile roof. The roof tiles are un-backed with no felt or mortar lining. There is a cladding inside the roof structure, but this does not form a tight cavity. There is a small cellar with a well-maintained grate providing ventilation.



**Figure 4.3. Main building**



**Figure 4.4. Unlined roof**



**Figure 4.5. Cellar**



**Figure 4.6. Lean-to to the south of the building**



The building is set in a small plot of predominantly hardstanding. To the west of the building is a small, paved yard with some ruderal vegetation growing through the cracks. To the east is a larger area of tarmac used for parking. To the south is a tarmac yard with mossy growth around the margins, with fences to the south and west and an ornamental hedge to the east.



**Figure 4.7. Yard to the west of the building**



**Figure 4.8. Yard to the south of the building**



## **4.3 Bats**

### **4.3.1 Records**

Records of bats within 2km include noctule (*Nyctalus noctula*), common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*P. pygmaeus*).

The nearest records are of common pipistrelle approximately 1km to the southwest, from 2011. The nearest record of soprano pipistrelle and noctule are approximately 2km to the north from 2014 and 2009, respectively.

Bat species data was provided to the NBN Atlas by Roost Count, Field Survey and Natural England bat roost visit records from 2013 onwards. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

### **4.3.2 Field Observations**

The site had no features for bats, the tiles are generally well fitted and where there is missing mortar under the ridge, the gaps appear too small for use by bats. No evidence of bats was found inside the building or lean-to's, and the cellar has no suitable access.

## **4.4 Other Mammals**

### **4.4.1 Records**

Records of other mammals within 2km include hedgehog (*Erinaceus europaeus*) 1km to the north from 2018.

Mammal data (not including bats) was provided to the NBN Atlas by Mammal Mapper App Sightings Records. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

### **4.4.2 Field Observations**

The site had no features of value for badgers. The only habitat of value for hedgehogs is the hedge on the eastern boundary, but this lacked suitable refugia at the base.

## **4.5 Birds**

### **4.5.1 Records**

Records of birds within 2km include house sparrow (*Passer domesticus*) approximately 2km away, from 2012.

Bird species data was provided to the NBN Atlas by Birds (BTO/JNCC/RSPB partnership). Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

### **4.5.2 Field Observations**

The site had limited features for birds, the lean-to has large enough gapes to allow access to passerine birds such as swallow and house sparrow. The hedgerow also offers potential habitat for nesting birds. However, no evidence of nests or old nests was seen during the survey.



## 4.6 Amphibians

### 4.6.1 Records

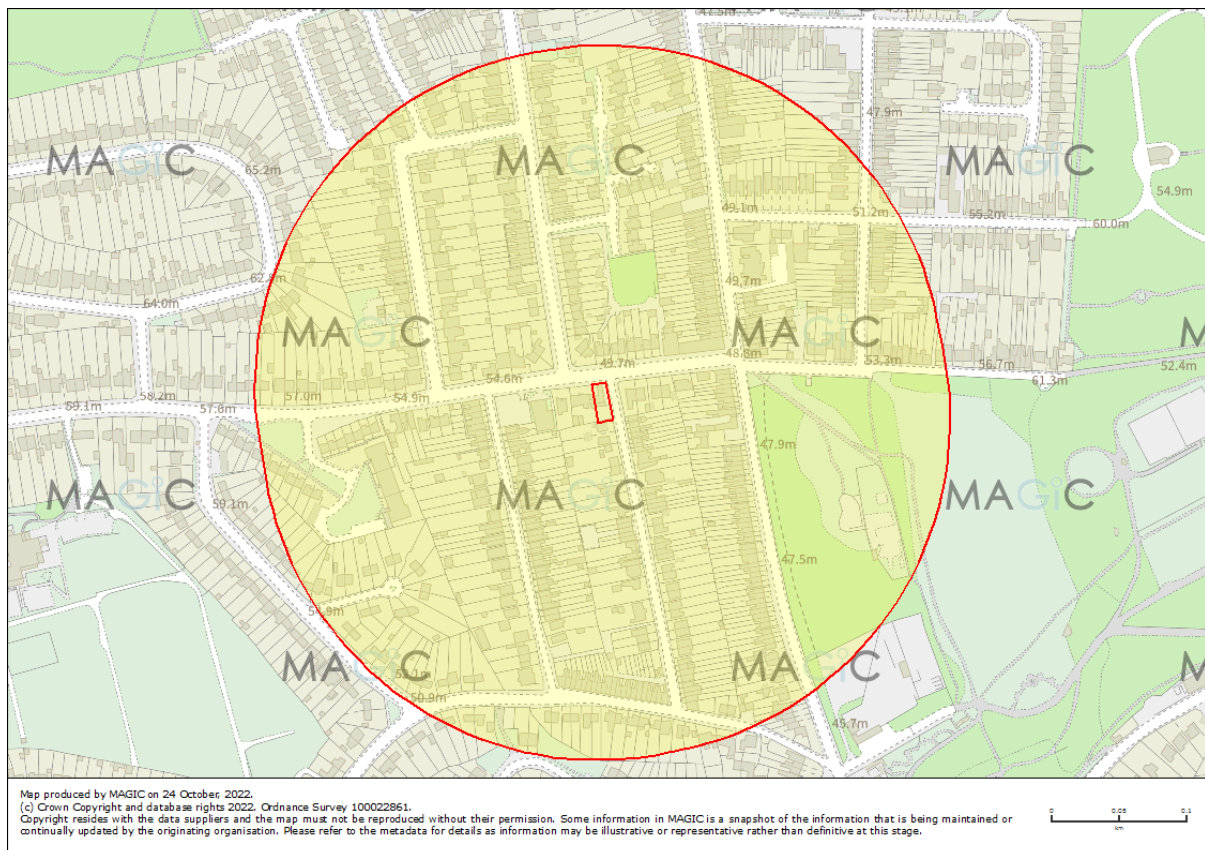
Recent records of amphibians within 2km include smooth newt (*Lissotriton vulgaris*) and great crested newt (*Triturus cristatus*).

The nearest records of great crested newt are 2km to the southeast, from 2015. The nearest record of smooth newt is approximately 1.5km away from 2019.

Amphibian species data was provided to the NBN Atlas by Froglife's amphibian and reptile records from the Dragon Finder App for Great Britain and Great crested newt presence records determined from Class Licence return documents. Unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL.

### 4.6.2 Field Observations

The site had no features for amphibians. There were no ponds within 250m.



**Figure 4.9. OS Map showing a 250m buffer around site, showing lack of ponds**





## **5 Description of Proposed Development**

The current plans are for the existing building to be demolished and a new residential dwelling constructed on the site. No formal plans have been written at the time of writing.



## 6 Impacts, Enhancements and Mitigation

### 6.1 Nearby Features of Importance

No impacts are expected on any designated areas.

### 6.2 Habitats on Site

As the site is not comprised of any habitats of principal importance listed in Section 41 of the NERC Act (2006) mitigation will be delivered at a species level.

### 6.3 Bats

#### 6.3.1 Impacts

No impacts on bats are expected.

#### 6.3.2 Enhancements

It is recommended that permanent provision be made for roosting opportunities for bats with the inclusion of an integrated bat box in the new build. This will be erected at a height of 3-4 m and in a southerly, westerly or easterly facing direction.

#### Enclosed Bat Box (B and C)

- Designed specifically for the pipistrelle bat
- Available in all brick types
- Discrete home for bats
- Various sizes
- Several roosting zones are created inside the box
- Bats are contained within the bat box itself
- Maintenance free with entrance at the base
- Ideal for new build & conservation work



Bat Box B



Bat Box C

Eco Habitats for Bats	Sizes (mm)	Durability
Bat Box Type A	215 x 65	F2 S2 – Fully Frost Resistant
Bat Box Type B	215 x 215 or 215 x 290	F2 S2 – Fully Frost Resistant

**Figure 6.1. Example integrated bat box**

#### 6.3.3 Monitoring

Failing boxes or enhancements will be replaced at the cost of the developer if deterioration or damage is noted within five years post-development.



## 6.4 Other Mammals

### 6.4.1 Impacts

No direct impacts are expected.

### 6.4.2 Mitigation and Enhancements

Fences within and around the development will include holes at the base to allow hedgehogs to move freely.

The holes will measure 13x13cm. Hedgehog Highway signs will be installed above the holes to highlight their purpose, these can be purchased from <https://ptes.org/shop/just-in/hedgehog-highway/>.

The new homeowners welcome pack will include details of hedgehog friendly features.

Permanent hedgehog nesting provision will be implemented around site by including purpose-built hedgehog dome. These will be used in quiet parts of a garden and covered with leaf-litter for further camouflage.



**Figure 6.2. Example hedgehog dome**



## 6.5 Birds

### 6.5.1 Impacts

Work at this site will include demolition of the buildings and lean-to and could involve the removal of the hedge which could affect nesting birds if conducted during the nesting season.

### 6.5.2 Mitigation and Enhancements

1. Any building demolition or hedge removal will be done outside of the bird nesting season, which is March to August inclusive. If this is not possible, a suitably experienced ecologist will conduct a check within the 24 hours prior to work commencement to ensure no nesting birds will be affected.
2. Should a nesting bird be found, a 4m buffer will be left around the nest, and no further disturbance conducted until the young have fledged.
3. It is recommended that a range of woodcrete boxes are erected around the site to provide an enhancement for passerine birds, and a selection of the following would be appropriate.
  - a. Sparrow Terraces should be erected under the eaves of a building at a minimum height of 3m, in a westerly, northerly or easterly aspect.
  - b. 26/32mm hole nest boxes (e.g. Schwegler 1b) should be installed at a minimum height of 3m in a westerly, northerly or easterly aspect.
  - c. Integrated swift boxes should be placed as high as possible, preferably over 5m high, beneath an overhang or eaves.



Cedarwood Sparrow Terrace



Schwegler 165 Integrated Swift Box



Schwegler 1b Bird Box

**Figure 6.3. Bird boxes**

### 6.5.3 Monitoring

Failing boxes or enhancements will be replaced at the cost of the developer if deterioration or damage is noted within five years post-development.

## 6.6 Amphibians

No impacts are expected.



## **7 Concluding Remarks**

The survey has focussed on the potential habitats or protected species to be damaged or destroyed as part of this development.

The site is of negligible ecological value with no evidence of protected species. Impacts are expected to be minimal.

The development can proceed without the loss of habitat of significant value, and without the loss of the favourable conservation status of any protected species. As there is no evidence of protected species within and around the development site, there is no requirement to address the three tests under Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The method statements provided in section 6.5.2 of this report will be followed and works will be done at a suitable time of year. Other than those listed above, there are no ecological constraints to the development as currently proposed.



## Appendix A – Surveyor Details

**Table A.1. Details of surveyors’ experience and licences held**

Name	Membership of associations/ experience	Licenses
Logan Maggs BSc(hons)	Senior Consultant Logan has a degree in Conservation and Land Management. He has over 10 years’ experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales.  <u>England:</u> Bats - 2016-24901-CLS-CLS GCN - 2017-29218-CLS-CLS <u>Wales:</u> Bats – S091096/1
Ben Jones BSc(hons) MSc	Senior Consultant Ben has a degree in Marine and Freshwater biology and a Master’s degree in “Managing the Environment”. He has 7 years’ experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales.  <u>England:</u> Bats - 2017-29112-CLS-CLS GCN - 2016-25209-CLS-CLS <u>Wales:</u> Bats – S091847/1 GCN – S091242/1
Chloe Sheil MZool (Conservation)	Chloe has a master’s degree in Zoology with Conservation from Bangor University. She has 4 years’ experience assisting with surveys.	Holder of survey licence for newts in England; GCN: 2022-10485-CL08-GCN  Listed as an accredited agent on Ben Jones’ licence: NRW bat licence – S091847/1 NRW newt licence – S091242/1



## Appendix B – Methodology

### Desk Study

**Table B.1. Data sources**

Organisation/Resource	Information Assessed
Freely available online species datasets (NBN Atlas)	Protected/UK BAP Species records (2km)
MAGIC website	International statutory designations (1km) <ul style="list-style-type: none"> <li>• Special Protection areas (SPA)</li> <li>• Special Areas of Conservation (SAC)</li> <li>• RAMSAR sites</li> </ul> National statutory designations (1km) <ul style="list-style-type: none"> <li>• Sites of Special Scientific Interest (SSSI)</li> <li>• National Nature Reserves (NNR)</li> </ul> EPS Licenses for protected species (2km)

The National Biodiversity Network (NBN) Atlas was checked to identify the protected species that have formally been recorded in the area.

A search on Multi Agency Geographic Information for the Countryside (Magic Maps) determined nearby designated areas. The map is presented in Section 4.1.

### Field Survey

Determination of Ecological Value is based on the general criteria provided by IEEM (IEEM 2006).

**Table B.2. Criteria of ecological values**

Ecological Value	Description and Examples
High	Habitats or features that have high importance for nature conservation, such as statutory designated nature conservation sites of international or national importance or sites maintaining viable populations of species of international or national importance (e.g. Red Data Book species; European protected species).
Medium	Sites designated at a county or district level, e.g. Local Wildlife Site (LWS), ancient woodland site, ecologically 'important' hedgerows or ecological features that are notable within the context of a region, county or district (e.g. a viable area of a Priority Habitat on the county BAP or a site that supports a viable population of a county BAP species).
Low	Sites of nature conservation value within the context of a parish or neighbourhood, low-grade common habitats, such as arable fields and improved grasslands and sites supporting common, widespread species.



## Hedgerows

The aim of the assessment is to ascertain whether the hedgerow could be classified as important according to the definitions listed in the Hedgerow Regulations 1997.

The hedgerow is measured and gaps within a hedge included in the total length as long as the gaps are 20m or less in length.

The total number of woody species present was recorded in the following manner:

- Where the length of the hedgerow did not exceed 30m the total number of woody species present in the hedgerow was recorded
- Where the hedgerow was between 30m and 100m the number of woody species present in the central 30m was recorded
- Where the length was between 100m and 200m the number of woody species in the central 30m stretches of 2 halves of the hedgerow were counted and the mean of the 2 halves calculated
- Where the length of the hedge was over 200m the hedge was divided into thirds and the central 30m of each section counted and the mean calculated

The hedgerow height, width, integrity, structure and management history was recorded.

Notes were made of the following in accordance to the criteria outlined in Schedule 1 of the Hedgerow Regulations 1997:

- Evidence of certain species of birds, animals or plants listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended)
- Number of woody species on average in a 30m length
- Presence of rare tree species such as Black Poplar, Large Leaved lime, Small leaved Lime, Wild Service tree
- Number of standard trees within each 50m length
- Percentage of gaps in the hedge
- Presence of ditches, banks or walls
- Numbers of connections with other hedgerows, ponds or woodland
- Presence of parallel hedgerow within 15m of the hedge
- Presence of bridleways, footpaths, byways of public paths

Non-woody ground flora species listed in Schedule 2 of the Hedgerow Regulations were recorded.

## Species Surveys

### Bats

Methodology used is in accordance with recommendations by BCT, Bat Surveys for Professional Ecologists: Good Practice Guidelines 3<sup>rd</sup> edition, Collins (2016).

Features on site were assessed for potential for bat roosts, foraging and commuting.

An external assessment of all structures on site was undertaken to determine potential roost features (PRF) The potential suitability of the structures assessed was assigned a rating of low to high in accordance with table 4.1 of Bat Surveys for Professional Ecologists: Good Practice Guidelines 3<sup>rd</sup> edition, Collins (2016).

An internal assessment of all structures was undertaken by a suitably licensed surveyor for evidence of roosting bats such as droppings, feeding remains and staining.





Daytime surveys were conducted with the aid of a strong torch and a 12x55 monocular. Bat species may leave little evidence of their presence.

Evidence for the presence of bats includes:

- Holes, cracks and rot holes used as roosts, marked by streaks of urine and faeces.
- Smoothed, darkened edges where bats have rubbed and left natural body oils when entering and exiting a space.
- Faeces under a roof access point, a well-used feeding point or a resting spot.
- Feeding signs such as discarded insect wings under a feeding point.
- Lack of cobwebs around eaves, roof spaces, beams or ceilings where routes are kept clear by bats or presence of droppings in a cobweb.
- Presence of roosting or dead bats in or behind any object.

### **Badgers**

Surveys were conducted in line with Harris, S., Cresswell, P. and Jefferies, D. (1989) Surveying Badgers. Mammal Society - No9.

Daytime surveys for badgers involved looking for:

- Scrapings where badgers have dug for food or used as latrines.
- Signs of a sett, including signs of use such as presence of badger hair.
- Tracks and prints.

### **Birds**

Searching for evidence of nesting birds, including barn owls, involved looking for:

- Presence of nests
- Collections of droppings and/or feathers
- Highly distinctive droppings or splats under roosting points.
- Presence of owl pellets/feathers
- Listening for bird song
- Recording bird activity

### **Amphibians and Reptiles**

The terrestrial habitats at the application site were surveyed and assessed for their suitability and potential value for the support of GCN. The general topography, ground conditions and presence or absence of vegetation were recorded. A refugia search was conducted for amphibians and reptiles by looking under any logs, large stones and other debris.



## Appendix C – Policy

The following areas of policy and legislation are of relevance to ecology and provide context to the surveys conducted. Findings presented in this report are in line with the following:

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – as listed in:

- Schedule 2. European protected species of animals
- Schedule 5. European protected species of plants

The Wildlife and Countryside Act (1981) – as listed in:

- Schedule 1. Birds protected by special penalties at all times
- Schedule 5. Protected animals
- Schedule 8. Protected plants

Countryside and Rights of Way Act (2000)

Environment Act (2021) – Part 6 – Nature and Biodiversity

Natural Environment and Rurally Communities (NERC) Act (2006)

National Planning Policy Framework (2018)

Policy 15 – Conserving and Enhancing the Natural Environment

Biodiversity 2020 – A strategy for England’s wildlife and ecosystem services (2011)

ODPM Circular 06/2005: Biodiversity and Geological Conservation

### Hedgerows

All hedgerows are potentially protected by the Hedgerow Regulations 1997. Under these regulations it is against the law to remove or destroy certain hedgerows without permission from the LPA. These Regulations do not apply to any hedgerow within the curtilage of or marking the boundary of a dwelling house.

### Bats

All bat species are protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

### Badgers

Badgers and their setts are specifically protected under the Protection of Badgers Act 1992. The act was primarily brought into force to prevent the deliberate injury to or death of badgers. Some aspects of the act affect developers. It is important that developers are aware of any badger setts located on the land they intend to develop.



All personnel working on sites where there are badgers should be aware of the Protection of Badgers Act 1992. Under this legislation it is an offence to:

- Damage a badger sett or any part of it.
- Destroy a badger sett.
- Obstruct access to, or any entrance of a badger sett.
- Causing a dog to enter a badger sett.
- Disturbing a badger when it is occupying a badger sett.

## **Birds**

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), birds, their nests and young are all protected from damage, particularly during the breeding season. The Act allows for fines or prison sentences for every bird, egg or nest destroyed. It makes it an offence to:

- Intentionally kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird whilst it is in use or being built.
- Take damage or destroy the egg of any wild bird.
- To have in one's possession or control any wild bird, dead or alive or egg or any part of a wild bird or egg.

Some bird species are included in the UK and local BAPS and are recognised as species of principal importance for nature conservation in accordance with section 41 of the NERC Act 2006. Such species and their habitats receive protection through the provisions of the NPPF.

## **Amphibians and Reptiles**

All species of amphibians receive a measure of protection under legislation.

The Wildlife and Countryside Act 1981 has been amended by the Countryside and Rights of Way Act (CRoW) 2000. This applies to England and Wales only. The key relevant fact is:

- Section 9(4) is amended to create an additional offence of reckless damage to, destruction of, or obstruction of access to, any structure or place used for shelter or protection; and reckless disturbance while occupying such a structure or place.

## **Great Crested Newts**

Great crested newts are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Deliberately take or destroy eggs of any such wild animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.



## Appendix D – Nearby Protected Species Data

**Table D.1. EPS Licence Data within 2km**

Case reference	Species group	Species	County	Licence start date	Licence end date	Impact on a breeding site?	Allow damage of breeding site?	Allow damage of a resting place?	Allow destruction of breeding site?	Allow destruction of a resting place?	Impact on a hibernation site?	NERC agreement reference
EPSM2012-4370	Bat	BLE	Worcestershire	02/08/2012	31/08/2015	N			N	Y	Unknown	Unknown
EPSM2011-3870	Bat	C-PIP, BLE	Worcestershire	20/01/2012	31/08/2013	N			N	Y	Unknown	Unknown
EPSM2011-3882	Bat	C-PIP, S-PIP, BLE	Worcestershire	11/01/2012	31/10/2014	N			N	Y	Unknown	Unknown

**Table D.2. Nearby GCN Class Licence Survey Returns**

GCN Present?	Survey Date	OS Grid Reference
Y	12/05/2015	SO829741
Y	15/06/2015	SO829741
Y	05/05/2015	SO830741

**Table D.3. Nearby Newt Pond Surveys 2017-2019**

Year	Grid Reference	HSI Score	HSI Score Category	GCN Occurrence
2019	SO8034775536	0.786787521	good	absent
2019	SO8261077804	0.660544646	average	absent



## Appendix E – Bibliography

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