

PHASE 1 / PRELIMINARY

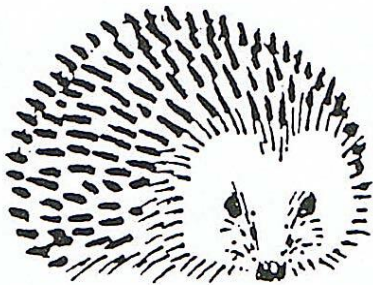
ECOLOGICAL APPRAISAL SURVEY

REPORT (Update, Incl. Tree Survey)

**Site name: Land @ Magnolia Cottage, 42 Briar Hill,
Chaddesley Corbett, Kidderminster DY10 4SH**

Commissioned by: Mr A. Gregory

Date: Ver. 2.0 10-11-23 (1.0 14-8-20)



europaeus land management services (ecology)

Director: Stephen P.B. West MSc MCIEEM PrCMA

01458 611736

Sub offices: Herefordshire; Cheshire; Oxfordshire

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

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Report Author & Personnel

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

Stephen has held the position of the Sunningwell and Boars Hill Estate Woodland Manager for the Cecil Pilkington Charitable Trust since 1990. He previously ran a tree surgery company.

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

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

Executive Summary

1. A Phase One / Preliminary Ecological Appraisal survey for protected species and habitats issues was undertaken at the survey site (identified land and building at Magnolia Cottage, 42 Birar Hill, Chaddesley Corbett, Kidderminster DY10 4SH), consisting of garden associated with a detached private residence, the boundaries of such and the habitats bordering, during the summer of 2020. A full ecological scoping preliminary survey for protected species and habitats issues in this area, and an ecological appraisal were carried out to best practice guidelines drawing evidence from aerial photographs, desk-based tools and typical associations from the habitats present on the site and surrounding land.
2. An assessment was made for any implications of the proposed works at the survey site, namely the potential construction of a new dwelling within the garden curtilage.
3. This survey was repeated on 8-11-23, with an update tree survey to BS5837 carried out at the same time. New information is included in this augmented report in red font.
4. During the site survey evidence for the presence of protected species was sought searching for signs of badgers, amphibians and reptiles, water voles, nesting birds etc and for important habitat types, and in particular, all structures, (a garden summerhouse), or any mature trees, were examined for the potential to support roosting bats.
5. No identifiable signs of or potential for a bat roosting presence were observed at the building surveyed. None of the semi-mature trees or shrubs were deemed suitable for roosting use by bats and it is noted that no mature trees are affected by the current proposals or any consequences of them. No further surveys for bats will therefore be required.
6. A few recent or historic signs were identified of bird nesting within the garden shrubbed area along with current season songposts, although this was only a one-off scoping survey and not a concerted species survey.
7. Other than a recommendation for a precautionary and preemptive approach to any scrub or tree intervention, no signs of other protected species groups were directly identified and no further dedicated surveys for other protected species were undertaken or are deemed necessary.
8. **No further species-specific survey work is deemed necessary.**

9. The property structure at the site with current proposals for change, left only very limited potential for oversight of current bat use.
10. **It is our conclusion that there is a negligible possibility of encountering locally valued and / or protected species (such as bats, badgers, reptiles etc), and a moderate potential to disturb others (such as breeding birds, small mammals etc) on site, although other mobile species could utilise parts of the site at certain times, such as hedgehogs. A precautionary approach to work is therefore recommended. We advise paragraphs 4.3, 4.4 and 4.5, and Appendix 2 are conditioned within planning.**
11. **No changes to the site with respect to ecological considerations or to the status of the trees noted was identified on 8-11-23 and the conclusions, advice and recommendations remain unchanged from those made in 2020.**
12. While some recommendations are made, further input is available to biodiversity enhancement as required, or to any new lighting regime at the location.
13. (For ease of understanding, English vernacular names of common species are used throughout this report. A full scientific species list can be made available if requested.)

1. Introduction

- 1.1 **Background:** Europaeus Land Management Services was commissioned by Mr A. Gregory Styles, to carry out a Phase One and protected species and habitats / Preliminary Ecological Appraisal assessment survey of the identified site at Magnolia Cottage, 42 Briar Hill, Chaddesley Corbett, Kidderminster DY10 4SH (parts of which garden curtilage form the “survey site”). Issues pertaining to protected species and habitats were addressed. This report has been commissioned and prepared in proportionate accordance with best practice guidelines for ecological appraisal and impact assessment set out by the Chartered Institute of Ecology and Environmental Management (2012, 2006) and relevant survey handbooks. It is also intended to align with the British Standard for Biodiversity BS 42020 (BSI 2013) and the National Planning Policy Framework. Where deviations from these guidelines are made justification is provided. This report sets out the findings of the survey and provides recommendations in the light of those findings. Any proposal to disturb or carry out development to parts of the site could potentially involve disturbance to any species and natural or semi-natural habitats. As a consequence there is the possibility of direct or indirect disturbance to some parts of the site which may have potential for use by protected species. The PEA and habitat assessment were undertaken in the summer of 2020 (12-8-2020) with dedicated search made by exploring the whole identified site and immediately surrounding land. **This work was repeated on 8-11-23.**
- 1.2 **Ecological context:** The site is a detached residence house set in its own grounds and garden, primarily to one side, in an area of mixed properties in small to medium sized plots in Chaddesley Corbett. The area is generally quite level and the site is fronted by the road and has open, currently arable, farmland to the rear. The particular area has intermediate to deep natural soils of a sand to sandy loam texture derived from sandstone parental materials. The house is of a late twentieth century construction of two storeys with formal and maintained landscaped garden. There is a summer house and adjacent manmade ornamental fish pond in the corner of the plot. The garden is a domestic plot, closely maintained and with a range of shrubs, lawned area, specimen trees etc. The connectivity of natural or semi-natural habitat for wildlife is apparently comparatively poor with open arable ground to the rear and property to the south, with the busy Briar Hill road to the west. It is some way distant from woodlands, hills, natural waterbodies, native hedges and so on. The location is to the south of Birmingham in the south-west midlands of England. **This remains unchanged at 8-11-23.**

- 1.3 **Precautions & Proviso:** Though deemed highly unlikely, it could not be entirely ruled out that protected species are not using parts of the site at this location, or that they would not be present should work take place. It has not been possible on this scoping assessment to determine any level of use of the location by breeding birds for instance though it must be considered. Also many species are cryptic or mobile and might take up residence or commence behaviour associated with any site at any time. A detailed check immediately prior to the commencement of any site stripping works should therefore be considered if development is to proceed, particularly in the March to September period, to update and confirm this initial appraisal approach. It must be noted that work schedules may well be affected should any protected species be discovered. **This remains unchanged at 8-11-23.**

2. Survey methodology

- 2.1 **Background data search:** Given the relatively small and domestic scale of the proposed works and their lack of significant impact on any semi-natural habitats, a search of records held at the biological records centre was not deemed necessary.
- 2.2 **Preliminary Ecological Appraisal, Habitats and Species:** The detailed methodologies for the survey followed a considered and proportionate approach to best practice recommendations in Guidelines for Preliminary Ecological Appraisal (IEEM, 2012), with regard to Guidelines for Baseline Ecological Assessment (Institute of Environmental Assessment 1995), Institute of Ecology and Environmental Management Professional Issue Series (IEEM 2006), and to relevant survey handbooks. It is also intended to align with the British Standard for Biodiversity BS 42020 (BSI 2013) and the National Planning Policy Framework. The phase 1 habitat survey was in proportionate accordance with the guidelines set out in the Handbook for Phase 1 Habitat Survey (JNCC 2010).
- 2.3 **Survey objectives:** The first objective of the survey was to categorise the survey site as identified and highlight any potential issues pertaining to protected species and habitats. The objectives of the survey methodology were to identify protected or locally valued species at the survey site, and assess their uses of the location with a view to potential impacts of proposed works to the identified site and vicinity; similarly to make an assessment of the presence or possibility of any protected species, to assess the possibility of the site being occupied by protected species. A full structural assessment of the garden property for bats and birds, and a walkover “scoping” preliminary assessment of the site and habitat components were undertaken examining features for the presence of protected species and assessing the likelihood of their occupation or use. The suitability of habitats for any protected animal species was assessed at the same time as the Phase 1 Habitat Survey and any incidental evidence of such species was recorded if encountered. Species that might be expected to be present in the geographic location include bats of a range of species, badger *Meles meles*, water vole *Arvicola amphibious*, near waterbodies and watercourses, nesting birds, great crested newt *Triturus cristatus*, and other small mammal, amphibian and reptile species.

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

Limitations: The optimal survey period for the characterisation, mapping and assessment of the presence and nature of protected species (bats) present on a site in this geographical region, to the level required for a comprehensive ecological assessment, is May - August inclusive which period is the optimal survey period for bats on a site in this geographical region, to the level required for a comprehensive assessment. Bats are active at this season and their droppings and other field signs, whilst typically cryptic and requiring detailed search, will nonetheless be apparent to the experienced surveyor. However, with recent changeable weather trends, bats are known to have, in some circumstances, altered their movement and occupation patterns. This full scoping survey, including the nature, interior and exterior of the building and trees, was deemed to have taken place adequately for a scoping assessment with the aid of a flexible endoscope, binoculars, thermal imaging and ultraviolet light transmission equipment. The site, all trees and the immediate surroundings, had no significant other inspection limitations. The summerhouse showed no evidence of any use by bats nor any signs of, or indeed potential for, access or passage. None of the trees were of sufficient stature to be potentially suitable for the use of roosting bats and no suitable features were identified, therefore a further bat activity survey of the site is deemed unnecessary. It should be noted that investigation of the site represented a bat and other protected species appraisal and, due to the seasonal limitations identified, we feel it is at least conceivable that relevant species and habitat matters may have been overlooked as visits may miss species not apparent at the times of survey by reason of surveyor access, seasonality, mobility, habits or chance. Particular seasonal limitations are indicated in the text. However, we regard the

significance of this potential as very low. Weather conditions were acceptable at the time of the survey for this type of scoping approach.

Signs of bat activity searched for included:

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

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

Limitations: The May – June period is the optimal season for the identification of breeding bird assemblages where song birds identify and defend nesting territories and sites, where vegetation is less dense than later and first broods might be expected to be observable. The season was thus good to identify breeding territories in the current year and songposts were identified at least in the very margins and boundaries.

2.6 For **crested newts**, a detailed search was made of the survey site including of aerial map scrutiny within and outside of the zone of disturbance, for signs or presence. A search was conducted for adults of the species under stones, timber etc. The garden pond present was examined for its suitability to support the species.

Limitations: There were no significant limitations to the survey effort dedicated to the wider site apart from access considerations to neighbouring residential properties.

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

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

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

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

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

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

Limitations: The site was examined with the waterbody present deemed unsuitable.

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

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

3. Survey results

- 3.1 **Location & description:** The centre of the survey location is at national grid reference SO 89460 74290 on Briar Hill in Chaddesley Corbett, Worcestershire, West Midlands. It is a garden plot of an occupied residential dwelling in a location of similar, though diverse, properties. The site borders residential property to the south in the north of the village.
- 3.2 **Habitats & features:** The sole use of the surveyed site is as a single dwelling with driveway, car-parking area, and domestic garden. There are established, though not large trees, and shrub areas with close mown turf and paving surrounding the house. The side of the house has a paved entranceway and parking but the plot surveyed concentrated solely on the garden to the south side. The lawn sward has almost no associated “weed” vegetation and nor do the shrubbed areas and flowerbeds. The few semi-mature trees within the plot are to the southern boundary and are of ornamental cherry, rowan, silver birch, holly, with azalea shrubs, rose beds etc. A single large *Lleylandii* has a stature of ≤ 50 cm dbh while one of the hollies has a dbh of ≤ 35 cm. There is a small wooden summerhouse with pitched roof with an area of timber decking between it and the small ornamental, lined fish pond. This feature has a significant flow of pumped oxygenating water for the substantial population of large ornamental carp. It has no semi-natural features such as emergent vegetation, drawdown zone, refugia etc. The summerhouse contains no voids or other features attractive to the inquisitory behaviour of bat species. Shrubs are a range of non-native types on the whole. Boundaries are a mixture of post and rail, solid wooden panels, and brick walls, while the roadside hedge is clipped and contained mixed native species. There are no areas of semi-natural vegetation, deadwood habitats, rubble piles, long grass etc and the garden is generally devoid of habitat features suitable for the use of native species. **This remains unchanged at 8-11-23.**
- 3.3 **Protected species.** No signs of bat use of the summerhouse, or of badger use were evident around the site, nor any signs of other protected species use or occupation of the site, although there appears to be scope for a range of small and medium sized mammals, breeding birds and invertebrates to at least access and occasionally pass through the property. **This remains unchanged at 8-11-23.**



**Figures 1 & 2: Site location
& survey boundary of proposed disturbance area,
with ornamental pond indicated**



- 3.4 **Species evidence: Bats.** All relevant and accessible areas of the site including the garden building's interior and all external elevations, and all large shrubs and trees, were viewed on the survey. All surfaces were scrutinised for evidence of bats. Any accessible cracks in structure were examined in detail including endoscopic and thermal imaging analysis where applicable. By these means no evidence of any current bat usage was located. No current bat activity has been identified at the site and no potentially suitable features for bat roosting were identified within the site. **This remains unchanged at 8-11-23.**
- 3.5 **Evidence gathered from other sources and contextual research:** There are recognised locations for wildlife within a relatively close distance to the site location and records of frogs, toads, newts, of badger, hedgehog, and of various bat species, a range of Biodiversity Action Plan species. A wide range of commonly encountered flowering plant species are known to be present in the vicinity but not specifically associated with the survey location. Apart from these, no more notable sites or recent species records were identified from close to the target survey location. Despite our survey not identifying signs of protected species it must be noted that absence of evidence or records cannot necessarily be used as proof of evidence of absence.

4. Ecological evaluation, appraisal and recommendations

- 4.1 These recommendations are made in order to facilitate proposed works at the site location, and to ensure compliance with local and national statutory planning policies, species protection and best practice. Planning authorities should aim to conserve and enhance biodiversity (NPPF para. 118). Additionally, where the loss of any trees is unavoidable they should be replaced by appropriate native species (and pre-notified where tree protection orders or similar are present).
- 4.2 **Habitats & Features:** The survey site contains no apparently protected habitats nor does it have any valuable semi-natural garden habitat features. The trees are all of non-native or cultivated species and varieties, and have insubstantial stature other than the two described. The primary habitat type to note is formal and closely-maintained garden with ornamental fish-stocked pond. The site appears to have the potential for medium and smaller mammal species to pass through perhaps, for breeding birds, for bats' foraging, and for butterflies and other invertebrate species. It is therefore our conclusion that it is possible that certain mobile species could occasionally be present in parts of the site at certain times and consideration will need to be given to any impacts of structural disturbance, new lighting installations and arrangements, and tree / shrub removal where that is deemed necessary. The site is unsuitable for great crested newts. **This remains unchanged at 8-11-23.**
- 4.3 We consider that a well-configured development proposal, taking consideration for a sustainable and low-impact lighting installation, and for maintenance and enhancement, could allow for site improvements to support locally valued species and habitats and our advice would always be to incorporate ecological input when drawing up such schemes. Such measures as the retention and augmentation planting of native tree and shrub species, the installation of bird nesting and bat roosting boxes, of specific ridge tile access for bats to the new proposed structure, of hedgehog refuge boxes, the retention of the connectivity of the site with nearby habitats would all serve to enhance the site wildlife value. Generally, the avoidance of any tree felling ought to be a prerequisite of planning consent. **We recommend that any intervention, reduction, cutting back or removal of shrubs and trees has the area fully re-surveyed prior to works and that such work avoids the mid-winter, and spring-summer bird-breeding seasons. This remains unchanged at 8-11-23.**

- 4.4 Additionally, current planning policy requires that development projects minimise ecological damage and should contain elements of ecological enhancement. A variety of habitat creation options could be implemented at the site, including a consideration of incorporating a range of animal boxes on site as described. These are not statutory requirements but would be considered appropriate options for the site should the owner wish to offset the negative impacts of any site disturbance. The general approach, therefore, should be for the mitigation and compensation approach to any site development to retain or replace the habitats as described.
- 4.5 ***Need for European Protected Species disturbance licence / further work required:*** In our considered opinion it is highly unlikely that protected species would be present or dependant occupiers of the site or would be affected by the proposals, although we do recommend an appropriate pre-commencement check and a consultant ecologist supervised precautionary approach to any vegetation stripping operations to the site. **This remains unchanged at 8-11-23.**

5. Legislation

- 5.1 **Background:** This section briefly describes legal protection applying to species mentioned in this report. It does not comprehensively reflect the text of the legislation and it should not be relied upon in place of it.
- 5.2 **The need for a bat survey:** Some bat species in Britain are reported to be declining in numbers and distribution. There are 17 resident species in the country constituting over a third of all mammal species present. With habitat loss, fragmentation and degradation, building conversion, misuse of timber-treatment chemicals, increase in predators and direct persecution, the situation in some areas is serious. Several of the commoner bat species are reported to have declined in numbers by approximately half in recent years. Bats are therefore protected under national and international wildlife law, and owners, developers and planners have to take due notice of their protection within activities. There is no defence under law for a plea of ignorance even when carrying out otherwise lawful activities.

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

It is illegal to:

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

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

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

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

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

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

- preserving public health and safety or other imperative reasons of over-riding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment;
- preventing the spread of disease; preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries

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

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

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

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

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

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

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

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

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

- 5.6 **Reptiles and amphibians (other than great crested newts): Legislation:** The grass snake (*Natrix natrix*), slow-worm (*Anguis fragilis*), viviparous (common) lizard (*Lacerta vivipara*) and adder (viper) (*Vipera berus*) are all protected from intentional or reckless killing and injury under Schedule 5, Section 9(1), of the Wildlife and Countryside Act as amended/reinforced by the CROW Act 2000. They are also protected under Schedule 5, Section 9(5) which prohibits selling, offering for sale, possessing or transporting for the purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from the species.
- 5.7 **The need for a barn owl survey: Legislation:** Barn owls (*Tyto alba*), are fully protected under Schedule 1 of the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000. As a consequence, and in addition to the general protection afforded to the majority of British wild birds, it is an offence to deliberately or recklessly disturb a nesting barn owl. Offences pertaining to Schedule 1 birds are subject to a special penalty. The barn owl is also listed in the EC Birds Directive and Appendix II of the Bern Convention. It is an 'Amber List' species of conservation concern (Gregory *et al.* 1996) and is listed as 'globally threatened' in the UK Biodiversity Steering Group Report (1995).
- 5.8 **The need for a water vole survey: Legislation:** The water vole used to be very common until the 1960s or early 1970s along the waterways of Britain. However, they have declined by almost 90% over the last thirty years, with many remnant populations being severely fragmented (Strachan & Moorhouse, 2006; see also www.naturalengland.org.uk/ourwork/regulation/wildlife/species/watervoles.aspx) as a result of which the species is afforded full protection in the UK under the Wildlife & Countryside Act in April 2008. They are also a UK BAP Priority Species. It is an offence, with certain exceptions, to:
- intentionally capture, kill or injure water voles
 - damage, destroy or block access to their places of shelter or protection (on purpose or by not taking enough care)
 - disturb them in a place of shelter or protection (on purpose/ by not taking enough care)
 - possess, sell, control or transport live or dead water voles or parts of them (not water voles bred in captivity). If convicted of an offence there could be a committal to prison for up to 6 months and fines of £5,000 for each offence.

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Appendix 1: Survey photographs 12-8-2020



Plate 1: View of the plot from the west showing nature of fine turf and general formality



Plate 2: View across the southern boundary of the plot



Plate 3: View across the plot from the east



Plate 4: View of the ornamental fish pond with active pumps and large carp



Plate 5: View of the garden summerhouse and decking / patio area



Plate 6: View of the underside of the summerhouse glazed roof demonstrating general unsuitability for bat use

8-11-2023



Plate 7: Looking west



Plate 8: Looking east

Appendix 2: Precautionary Working Method Statement and Summary Recommendations

1. Given the nature of the site surveyed, the lack of possible bat roosting locations and lack of suitable habitat for great crested newts, and given the small scale of the short-duration impact on only a small garden plot, we consider the likelihood of encountering bats or any other likely protected species group during the proposed work to be relatively negligible (other than a small chance of nesting birds in the due season). However, bats and some other protected species, (for example hedgehogs), can be cryptic and mobile species. Thus, any associated groundworks and stripping activities must be considered with due care. **This remains unchanged at 8-11-23.**
2. Consequently, with regard to the often transitory and quickly changing nature of bats' use of buildings and due to the extent of the work as explained to us in this project, we feel it appropriate and proportional to proceed in the way set out here; that is, with caution and awareness. This appendix should be made available to all workers onsite and constitute a "tool box" briefing at the start of their involvement with the project and following a further update search by the ecologist should more than six months elapse since the date of this survey, with the awareness of the ever-present possibility of the presence of bats (or birds) having taken up occupation. The ecologist should then supervise the garden vegetation stripping operations. Thence the named foreman or project manager will then be responsible going forward for adherence to all relevant protected species legislation. **This remains unchanged at 8-11-23.**
3. As stated in the main body of the survey report:- A strong precautionary approach should generally be followed to building maintenance or repairs, and stripping operations or demolition especially. Should any bats be discovered during works (or suspicion arise about the possible presence of bats, for instance in a crevice, behind a cavity or timber boarding, beneath roof slope or hanging tiles, or within stonework etc), that work must cease immediately and the licensed consultant employed to establish bat presence or otherwise. The situation would then be assessed in the light of that evidence. It should be noted that any work schedule may well be affected should bats be discovered but to continue would constitute a breach of the legislation and a possible prosecutable offence. It is important to

note that certain bat species do not occupy the internal volume of roofs and can often be supported between, for example, lining and the roof covering of buildings or, for example, beneath roof components including felt, flashing and fascia panels, in walls and soffits, even close to the ground etc or along wall tops. **This remains unchanged at 8-11-23.**

4. Bats in the UK, when encountered in structures, are not huge things like fruit bats hanging from beams, rather they are very small (generally smaller by far than a man's thumb), somewhat brownish in colour and often tucked away in tiny niches and crevices. You must look very carefully when lifting tiles, slates, flashing, exposing roof components etc. They are very fragile creatures and also known to potentially carry a range of diseases and should therefore not be handled with bare hands by anyone other than authorised and suitably prepared personnel. This must be pointed out at the start of the project. **This remains unchanged at 8-11-23.**

Summary for structural works to the property

1. Make this appendix available to all site workers and this to be the responsibility of the foreman or project / site manager. Following a staff briefing, the consultant ecologist should supervise the first stage of vegetation and structural stripping. **This remains unchanged at 8-11-23.**
2. Subsequently, and at any time during the disturbance, if any bats (or breeding birds, mammals, reptiles, amphibians etc) are encountered or a suspicion about their presence or a roost being discovered then:-
3. **Work must stop immediately.**
4. Carefully replace the component which removal led to the discovery, and gently cover the bat unless it has already flown (a soft cloth can be used), or permit the creature to take natural refuge. **This remains unchanged at 8-11-23.**
5. **Do not handle any bat (or other creature) unless absolutely necessary** to avoid it being harmed. In that event handle only with gloves and place somewhere safe, in the dark and where undisturbed. **This remains unchanged at 8-11-23.**

6. Call Stephen immediately, if not present onsite, in any case on 07767 853495, Natural England. Similarly, call should any other species be observed (reptile, amphibian, nesting bird etc). **This remains unchanged at 8-11-23.**

7. Do not continue until full consultation has taken place. It could be a prosecutable offence to continue without the further consultation. **This remains unchanged at 8-11-23.**

Appendix 3: Tree Report BS5837

Please refer to “Magnolia Cottage, Tree Survey report 13-8-20, Marlow Consulting Ltd”

1. On 8-11-23 the author of this report resurveyed the whole site including all trees above 0.05cm dbh. This survey followed BS5837 protocols and at all times referred back to the earlier survey as detailed, employing the same identification codes.
2. All trees were assessed for species identification, size and condition score.
3. All trees were deemed to be as previously listed and detailed. No significant changes were identified.
4. Some of the trees are scored lower than their age and size class would otherwise expect due variously to situational constraints, competition and / or inexpert management particularly with regard to crown pruning, reduction, lifting and thinning.
5. Our conclusion, therefore, is that the earlier site survey and tree report gives a robust explanation of the tree status and value based on current best practice and we concur with that report.



Plate 1: Tree 1 & 2 Holly & *Gleditsia*



Plate 2: H1 Field maple, Hazel & *Pyranantha*

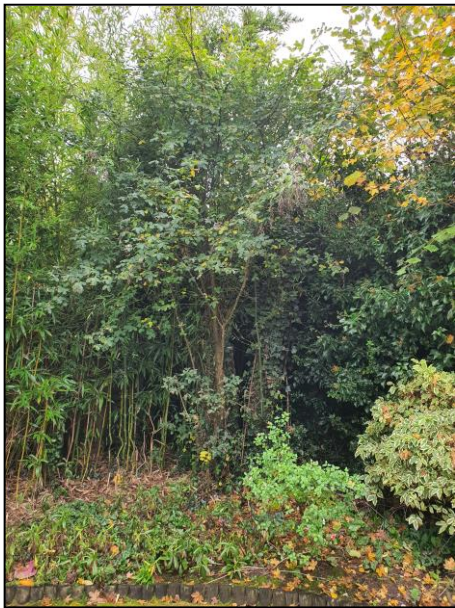


Plate 3: T3 *Laburnam*



Plate 4: T4 Holly



Plate 5: T5 Lawson Cypress



Plate 6: T6 Silver Birch



Plate 7: T7 Wild Cherry / Gean



Plate 8: T8 Rowan / Mountain Ash

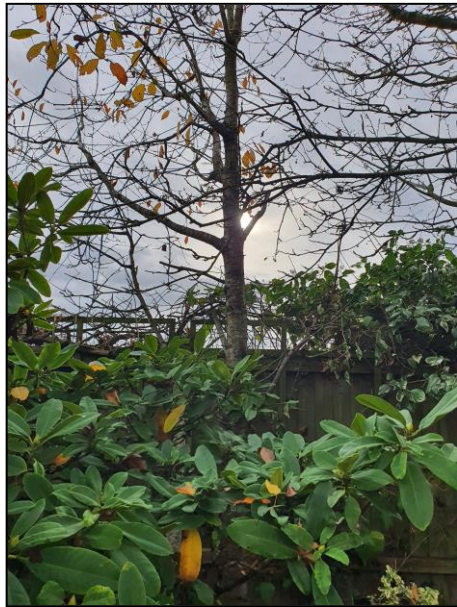


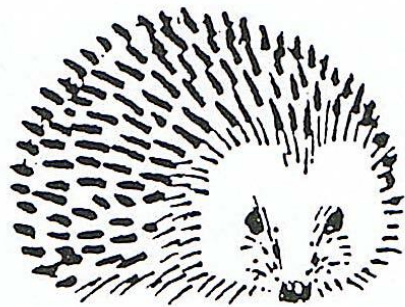
Plate 9: T9 Wild Cherry / Gean



Plate 10: T10 Contorted Willow



Plate 11: T11 *Gleditsia*



europaeus land management services (ecology)

Director: Stephen P.B. West MSc MCIEEM PrCMA

01568 611736
Sub offices: Herefordshire; Cheshire; Oxfordshire

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