

# Preliminary Ecological Appraisal

**Site:** 5 Shipton Road, Ascott-under-Wychwood, OX7 6AF

**Client:** James Withey



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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* (3<sup>rd</sup> edition, Collins, 2016). If there has been deviation from recognised practice, justification/explanation has been given.

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## SUMMARY

At 5 Shipton Road in Ascott-uner-Wychwood, Oxfordshire, planning consent is being sought for the redevelopment of the site.

In July 2023, Paxford Ecology 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 potential development of the site.

A search of ecological data revealed a number of records of Protected, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species within a 2.0 km radius of the land.

The site lies on the boundary of the Cotswolds – an Area of Outstanding Natural Beauty (AONB). There were no statutory or non-statutory sites within 2.0 km of the survey area.

Bat records for the area include Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *P. pygmaeus*, Nathusius' Pipistrelle *P. nathusii*, Noctule *Nyctalus noctula*, Brown Long-eared Bat *Plecotus auritus*, Natterer's *Myotis nattereri*, Serotine *Eptesicus serotinus*, Barbastelle *Barbastella barbastellus*, Lesser Horseshoe *Rhinolophus hipposideros* and Daubenton's *Myotis daubentonii*. Many of these records were from the eastern end of the village in 2018. Personal observations within the village in 2023 have also included Whiskered/Brandt's *Myotis mystacinus*/*M. brandti*.

Badger *Meles meles* have been recorded within the search area, although their locations are confidential. European Otter *Lutra lutra* were recorded in the River Evenlode in 2020, but there were no records of any Water Vole *Arvicola amphibius*. Hedgehog *Erinaceus europaeus* have also been recorded within the area.

No records were found of Great Crested Newts *Triturus cristatus* within the search area.

The Phase 1 Habitat survey took place on 1<sup>st</sup> August 2023, in warm and bright conditions, with no wind.

The site comprised a bungalow set within a large garden which was dominated by amenity grassland. Small areas of flower beds and introduced shrubs were present. Along the southwest and northwest boundaries were species poor, intact hedgerows. The northeast boundary was lined with a stone wall.

The site was not botanically diverse, no rare or notable vascular plants were recorded, and all species common and widespread. There were no invasive or notifiable species.

A total of 5 species of bird were observed during the visit, of which one was a Species of Medium Conservation Concern (RSPB Amber list); Dunnock *Prunella modularis*. The rest were all Species of Low Conservation Concern (RSPB Green list).

No old or in use birds' nests were noted on the site, although there was some potential for nesting in the hedgerows, although these are largely to be retained, with much more tree and shrub planting planned across the whole site.

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 1<sup>st</sup> March to 31<sup>st</sup> August inclusive. If this time frame cannot be avoided, a close inspection of the trees and shrubs to be removed should be undertaken prior to clearance.

Work should 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.

None of the trees contained features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation. The bungalow had negligible suitability for roosting bats, and no signs of bat activity or occupation were found. As such, no further surveys were considered necessary.

The site was thought to be of low value to foraging or commuting bats, as there was no cover and there were more attractive foraging opportunities in the surrounding area.

There were no signs of Badger *Meles meles* activity within the site, nor were there signs of any other mammals.

Although the site lies within a green risk zone for Great Crested Newts, their presence was considered unlikely due to a lack of any ponds with direct connectivity to the site. Furthermore, there were limited foraging opportunities on the site, with the garden used by children and pets, no still water or other wetland features, and no refugia and/or hibernacula other than a few recently created log piles. As such, no further works for Great Crested Newts were considered necessary. Reptiles are also unlikely to be encountered for the same reasons.

Despite this, care should be taken at all times during any vegetation removal and topsoil stripping, as small mammals could be present. Any small mammals disturbed or uncovered should either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time. As a precaution, the log piles should also be removed by hand in case a small mammal or common amphibian is present.

It was also possible to assess the potential importance of the habitats within the application site to invertebrates. Since the majority of the site was amenity grassland, 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.

If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. If trenches cannot be infilled immediately then they should either be covered overnight or escape routes should 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.

## 1. INTRODUCTION

### 1.1 Background and survey objectives

At 5 Shipton Road in Ascott-uner-Wychwood, Oxfordshire, planning consent is being sought for the redevelopment of the site.

In July 2023, Paxford Ecology 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 potential development of the site.

A search of ecological data revealed a number of records of Protected, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species within a 2.0 km radius of the land.

### 1.2 Site description

The site comprised a bungalow set within a large garden. This was accessed via a driveway of stoned hardstanding.

The garden was dominated by amenity grassland. Grasses present included Perennial Ryegrass *Lolium perenne*, Cocksfoot *Dactylis glomerata*, Annual Meadow-grass *Poa annua* and False Oatgrass *Arrhenatherum elatius*. Wildflowers were represented by Creeping Buttercup *Ranunculus repens*, Red Clover *Trifolium pratense*, Ribwort Plantain *Plantago lanceolata*, Dandelion *Taraxacum* Section *vulgaris*, Common Nettle *Urtica dioica* and Cow Parsley *Anthriscus sylvestris*.

Small areas of flower beds and introduced shrubs were present.

Along the southwest and northwest boundaries were species poor, intact hedgerows. These contained conifer *Cupressus sp.*, Dogwood *Cornus sanguinea*, Hawthorn *Crataegus monogyna* and Blackthorn *Prunus spinosa*.

The northeast boundary was lined with a stone wall. The remaining area of the site was fenced.

The Ordnance Survey Grid Reference is SP 29961 18609, centred on the middle of the site.

### **1.3 Proposed works**

Planning permission is being sought for the redevelopment of the site.

## **2. METHODOLOGY**

### **2.1 Desk study**

A detailed desk study was undertaken to determine the nature conservation designations and protected species that had been recorded within a 1.0 km radius of the site. This involved contacting statutory and non-statutory organisations, and then assimilating and reviewing the data provided.

The consultees for the desk study were:

- ❑ Multi Agency Geographic Information (MAGIC) website [www.magic.gov.uk](http://www.magic.gov.uk);
- ❑ West Oxfordshire District Council Planning Website;
- ❑ NBN Gateway.

### **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 Habitat survey took place on 1<sup>st</sup> August 2023, in warm and bright 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 any 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 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.

On 1<sup>st</sup> August 2023, a thorough inspection of the trees from the ground was made by Mollie Paxford (Natural England bat licence No. 2020-47378-CLS-CLS), including checks for decay cavities, old woodpecker holes, splits, fissures, and/or exfoliating bark. The bungalow was also inspected, including the exterior and interior walls, roof coverings, roof spaces, eaves, gables, window casements and door frames.

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) 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).

None of these methods were carried out as there was nothing to suggest that newts would be present on the site.

#### **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, 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 Desk study**

##### **3.1.1 Designated sites**

A search of ecological data revealed a number of records of Protected, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species within a 2.0 km radius of the land.

The site lies on the boundary of the Cotswolds – an Area of Outstanding Natural Beauty (AONB). There were no statutory or non-statutory sites within 2.0 km of the survey area.

##### **3.1.2 Protected species**

Bat records for the area include Common Pipistrelle, Soprano Pipistrelle, Nathusius' Pipistrelle, Noctule, Brown Long-eared Bat, Natterer's, Serotine, Barbastelle, Lesser Horseshoe and Daubenton's. Many of these records were from the eastern end of the village in 2018. Personal observations within the village in 2023 have also included Whiskered/Brandt's.

Badger have been recorded within the search area, although their locations are confidential. European Otter were recorded in the River Evenlode in 2020, but there were no records of any Water Vole. Hedgehog have also been recorded within the area.

No records were found of Great Crested Newts within the search area.

## 3.2 Habitat survey

### 3.2.1 Habitat descriptions

The following habitats were recorded across the site:

- ❑ Buildings and hardstanding;
- ❑ Amenity grassland;
- ❑ Introduced shrubs/flower beds;
- ❑ Species poor, intact hedge;
- ❑ Wall;
- ❑ Fence.

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.

#### Buildings and hardstanding

The site contained a single bungalow, with a pitched tiled roof and a single flat roofed garage (Figs. 1 and 2).



**Figs. 1 & 2 Buildings**

A driveway of hardstanding led up to the bungalow (Fig. 3). There was also a small area of hardstanding, presumably the base of an old shed in the garden (Fig. 4).





**Figs. 3 & 4 Hardstanding**

Amenity grassland

The garden was dominated by amenity grassland (Figs. 5 and 6). Grasses present included Perennial Ryegrass, Cocksfoot, Annual Meadow-grass and False Oatgrass. Wildflowers were represented by Creeping Buttercup, Red Clover, Ribwort Plantain, Dandelion, Common Nettle and Cow Parsley.



**Figs. 5 & 6 Amenity grassland**

Introduced shrubs/flower beds

Several flower beds were present within the site (Figs. 7 and 8).



**Figs. 7 & 8 Flower beds**

Species poor, intact hedge

Along the southwest and northwest boundaries were species poor, intact hedgerows (Figs. 9 and 10). These contained conifer, Dogwood, Hawthorn and Blackthorn.



**Figs. 9 & 10 Species poor, intact hedge**

Wall

The northeast boundary was lined with a stone wall (Fig. 11).





**Fig. 11 Wall**

### Fence

The remaining area of the site was fenced.

### **3.2.2 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.

### **3.3 Protected species survey**

#### **3.3.1 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.

#### **3.3.2 Bats**

##### House

The ridge was intact, whilst the roof tiles were all tightly overlapping, with none raised, missing, broken or dislodged (Figs. 12, 13, 14 and 15).



**Figs. 12 & 13 Ridge and roof tiles**



**Figs. 14 & 15 Ridge and roof tiles**

The eaves were close all round, in places with a timber boxed soffit which was sealed (Fig. 16). The gables were finished with the roof ends sealed with cement (Fig. 17).



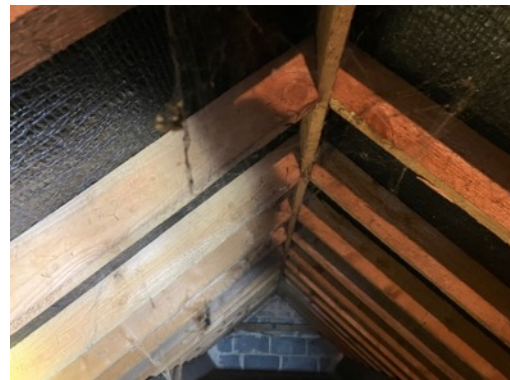
**Figs. 16 & 17 Eaves and gable end**

The render was sound throughout, with no cracks or gaps. The window casements and doorframes were all tightly fitting.

Internally there was a single roof void which measured approximately 2.0 metres high and ran the full length and width of the building (Figs. 18, 19, 20 and 21).



**Figs. 18 & 19 Roof void**



**Figs. 20 & 21 Roof void**



The roof was lined with tarred felt which was in good condition, with no holes. Light penetrated through a window in one of the gable ends.

The whole void was cobwebbed along the ridge and gable ends, with cobwebs from ridge to rafters in places.

No signs of bat activity or occupation were found in or around the bungalow and it was considered unsuitable for roosting.

### Outbuildings

The flat roofed garage had a corrugated Onduline roof (Figs. 22 and 23). The roof panels were in good condition. The eaves were sealed, whilst the door was tightly fitting.



**Figs. 22 & 23 Garage**

There was a small timber shed behind the bungalow which was quite new and had no suitable bat roosting features (Fig. 24).



**Fig. 24 Shed**

None of the trees contained any gaps or crevices which may be considered suitable for roosting, whilst the site was of low potential for foraging, with much more valuable foraging habitat in the wider area.

### **3.3.3 Birds**

A total of 5 species of bird were observed during the visit, of which one was a Species of Medium Conservation Concern (RSPB Amber list); Dunnock. The rest were all Species of Low Conservation Concern (RSPB Green list).

No old or in used birds' nests were found, although there was some potential for nesting in the hedgerows, although these are largely to be retained, with much more tree and shrub planting planned across the whole site.

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

### **3.3.4 Great Crested Newts**

Although the site lies within a green risk zone for Great Crested Newts, their presence was considered unlikely due to a lack of any ponds with direct connectivity to the site. Furthermore, there was little on the site which was considered suitable as refugia and/or hibernacula (other than recently created log and brash piles), with limited suitable foraging opportunities and no still water or other wetland features. As such, no further works for Great Crested Newts were considered necessary.

### **3.3.5 Otters**

No evidence of Otter was found during the survey.

### **3.3.6 Reptiles**

The site was considered to be of negligible interest to reptiles for the same reason that it is unlikely to be used by amphibians.

### **3.3.7 Water Voles**

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

### **3.3.8 *Invertebrates***

Since the majority of the site was amenity grassland, 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.

### **3.3.9 *Other species***

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

## **4. CONCLUSIONS AND RECOMMENDATIONS**

### **4.1 Site evaluation**

The site was concluded to be of generally low wildlife interest.

The grassland was not diverse and of poor quality, although it would hold some limited value for invertebrates, small mammals, and foraging birds.

The site itself was of little value to foraging bats as it was small in extent and there was no cover, whilst the bungalow was of negligible suitability for roosting bats, and no signs of bat activity or occupation was found. The outbuildings were unsuitable for roosting.

No old or in use birds' nests were found, although there was some potential for nesting in the hedgerows, although these are largely to be retained, with much more tree and shrub planting planned across the whole site.

There were no signs of Otters or Water Voles and no evidence of Badgers.

Although the site lies within a green risk zone for Great Crested Newts, their presence was considered unlikely due to a lack of any ponds any direct connectivity to the site. Furthermore, there was little on the site which was considered suitable as refugia and/or hibernacula (other than some recently created log piles), with limited suitable foraging opportunities and no still water or other wetland features. As such, no further works for Great Crested Newts were considered necessary. Reptiles are also unlikely to be encountered for the same reasons.

It was also possible to assess the potential importance of the habitats within the application site to invertebrates. Since the majority of the site was amenity grassland, 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 the trees and hedgerow are to be retained where possible and there is an abundance of suitable habitat in the surrounding area. Furthermore, the landowners are proposing a large amount of tree and shrub planting around the site.

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 1<sup>st</sup> March to 31<sup>st</sup> August inclusive. If this time frame cannot be avoided, a close inspection of the trees and shrubs to be removed should be undertaken prior to clearance.

Work should 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.

Although no evidence of reptiles or amphibians was found, the potential for small mammals to be present on site exists, and thus care should be taken at all times during any vegetation removal and topsoil stripping. Any small mammals disturbed or uncovered should either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time.

If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. If trenches cannot be infilled immediately then they should either be covered overnight or escape routes should 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.



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## **APPENDICES**

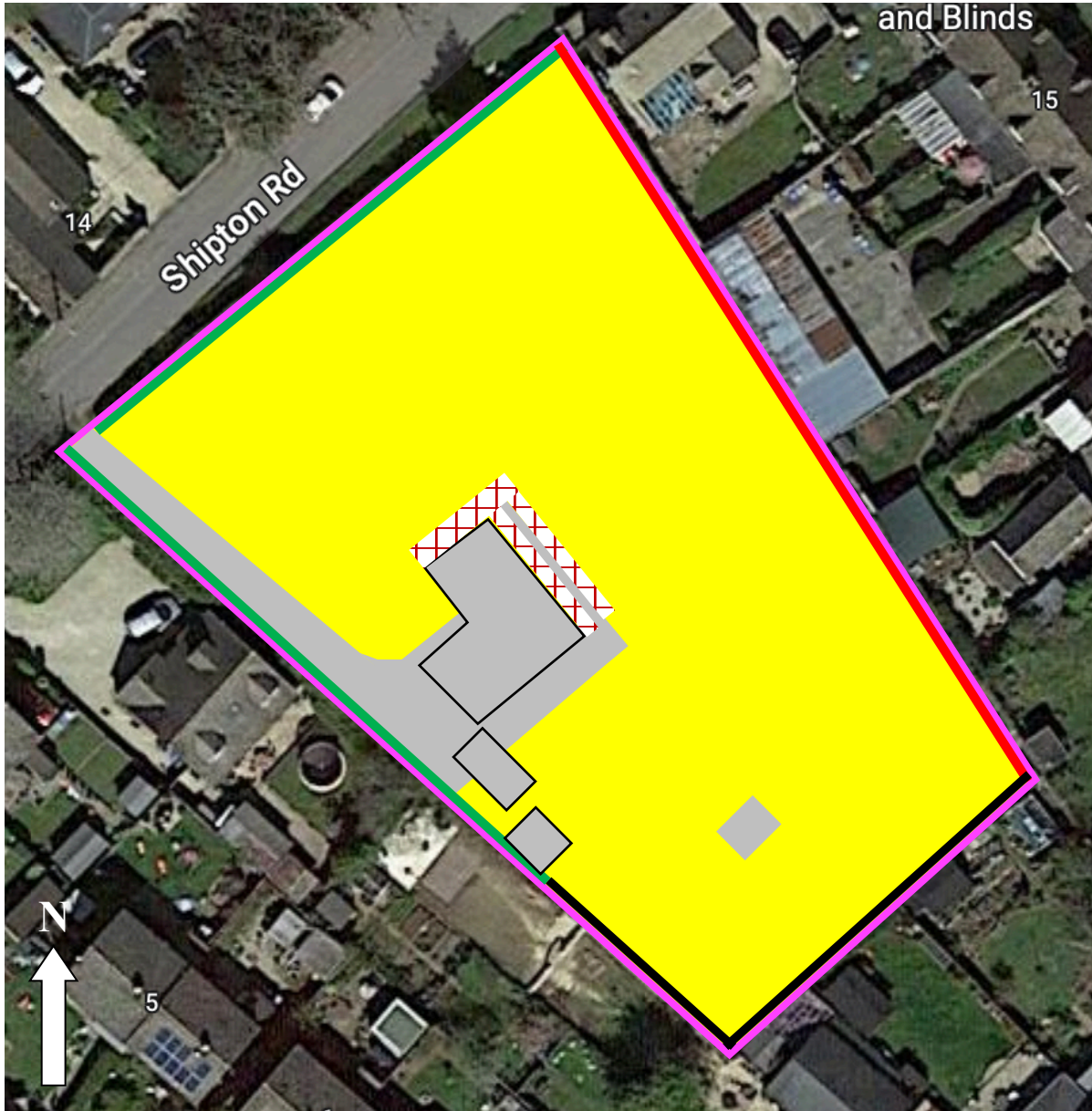
Appendix 1: Phase 1 Habitat Survey Map









Appendix 2: Target Notes

Appendix 3: Bird species list

Appendix 4: Relevant legislation

## Appendix 1: Phase 1 Habitat Survey Map



Legend					
	Survey Boundary		Amenity grassland		Wall
	Introduced shrubs		Target Note		Fence
	Species poor, intact hedge		Buildings and hardstanding		Not to scale

## Appendix 2: Target Notes

Target Number	Notes
	No target notes

## Appendix 3: Bird species list

Common name	Latin name
Wren	<i>Troglodytes troglodytes</i>
Dunnock	<i>Prunella modularis</i>
Great Tit	<i>Parus major</i>
Blue Tit	<i>Cyanistes caeruleus</i>
Robin	<i>Erithacus rubecula</i>

## **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), which adds 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 1994, (or Northern Ireland 1995) (the Habitats Regulations), which defines ‘European protected species of animals’.

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.