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Kinnerley
Oswestry
Shropshire
SY10 8DH**

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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.

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1 Executive Summary

1.1 Purpose of the Report

Greenscape Environmental Ltd was commissioned by Berrys UK to undertake a preliminary ecological appraisal of land at Caradoc, Kinnerley to provide supporting information for a planning application for demolition of the current building(s) and construction of new dwellings.

The survey report has these principal aims:

- To provide an initial assessment of the ecological value of the site in local context.
- To provide details supporting further surveys that may be required.
- 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, reviews of other surveys previously conducted in the area by Greenscape Environmental, and a site visit undertaken at the site, OS grid reference SJ33812057 on 13th June 2023 by Ben Jones.

1.3 Key Impacts and Mitigation Measures

The site comprises a bungalow surrounded by typical residential land including driveway, patio and garden. The site is generally of low ecological value being well maintained with limited features of ecological interest.

The building was assessed for evidence of bats. The roof tiles are extremely well set with no visible gaps under tiles, ridges or on gable ends. The soffits are fully sealed and no potential roost access gaps were seen. The loft was fully accessible and no evidence of bats was seen. None of the trees in the garden had any roost features visible from ground level. No further surveys are required and no negative impact is expected.

Birds may use the hedge and shrubs for nesting and this will be taken into consideration with timing the removal to when birds are not nesting.

There are no bodies of water within 250m which would require an assessment for great crested newts.

No evidence of badgers was seen, though previous surveys in the area found badgers crossing the field to the north. A check for badgers will be conducted within 30 days of work commencing to identify any changes.

1.4 Conclusion

It is recommended that the biodiversity value of the site will be enhanced post-construction with the inclusion of bat and bird boxes.

The enhancements provided in sections 6.3.2 and 6.5.3 of this report will be followed and works will be done at a suitable time of year. There are no ecological constraints to the development as currently proposed.



2 Introduction

This report has been compiled by Ben Jones BSc (hons) MSc who has 8 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 Berrys UK 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 current bungalow on site and construction of new dwellings.

2.2 Purpose of the Report

This report aims to:

- Identify the key ecological constraints to the proposed development relating to priority habitats and species and protected species (HMSO, 1981).
- 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 any additional surveys that may be required to inform the assessment.
- Identify the opportunities offered by a project to deliver ecological enhancement (Ministry of Housing, Communities and Local Government, 2021).
- Provide information to assist landowners with avoiding committing legal offences in relation to wildlife (HMSO, 2000)

The development triggers the requirement for a preliminary bat survey as it involves the demolition of a pre-1960 detached building.

2.3 Site Context and Location

The site is located in Kinnerley, OS grid reference SJ33812057. It is set in a rural environment surrounded by the rest of the village and further by open farmland. There is some connectivity to the surrounding habitat via field boundary hedgerows.



3 Methodology & Constraints

Broad methodologies for data collection and interpretation were informed by PEA guidance (CIEEM, 2017). 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 previously granted licences (Natural England, 2018). Previously recorded species in the vicinity are obtained from local records centres (NBN, 2023).

Shropshire Environmental Data Network no longer provide an official data search, instead providing records free-of-charge to NBN Atlas.

3.2 Field Survey

3.2.1 Date and Survey Conditions

Table 3.1. Survey conditions

Date	Time	Equipment Used	Weather
13/06/2023	11:00	Camera, strong torch, 12x55 monocular	Clear sky, dry, hot
Comments	One surveyor used: Ben Jones Constraints: None All undated photographs in this document were taken on this date by B Jones unless otherwise stated.		

3.2.2 Habitats

The habitats on site were assessed for their potential to support protected species and therefore assist in the determination of site value.

The survey revealed that the site had not be subject to any form of specific management, maintenance or cleaning apart from normal gardening etc and was in an expected state.

3.2.3 Hedgerows

The hedgerows were assessed using species composition, length, age and previous management to ascertain whether the hedgerow could be classified as important (HMSO, 1997).

3.3 Species Survey

3.3.1 Bats

An assessment of the suitability of site to support roosting bats was conducted following best practice guidance looking for evidence of roosting or potential access points (Collins, J. BCT, 2016). There were no constraints to this methodology with the roof void being fully accessible.

3.3.2 Other Mammals

An assessment of the suitability of site and its surrounds to support badgers was conducted following best practice guidance looking for tracks, signs or setts (Scottish Badgers, 2018). There were no constraints to this methodology.

An assessment of the suitability of site and its surrounds to support water vole, otter and dormouse was not required as there were no water courses or woodlands in close proximity.



3.3.3 Birds

An assessment of the suitability of site and its surrounds to support nesting birds was conducted, looking for current/old nests and listening for bird calls. There were no constraints to this methodology.

3.3.4 Barn Owls

An assessment of the suitability of site and its surrounds to support barn owl was conducted following best practice guidance looking for droppings, pellets or nesting signs (Barn Owl Trust, 2012)

3.3.5 Amphibians

An assessment of terrestrial habitats of site and its surrounds to support great crested newts was conducted by looking for potential shelter and commuting features (Langton, et al., 2001). No ponds were seen during the initial data search so pond assessment was not necessary.

3.3.6 Reptiles

An assessment of the suitability of site and its surrounds to support reptiles was not conducted as no significant suitable habitat was present on site.

3.3.7 Invertebrates

An assessment of the suitability of site and its surrounds to support invertebrates was not conducted as the garden is well mown.

3.3.8 Invasive Species

Signs of invasive non-native plant species were searched for throughout the site.



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

Caradoc, Kinnerley

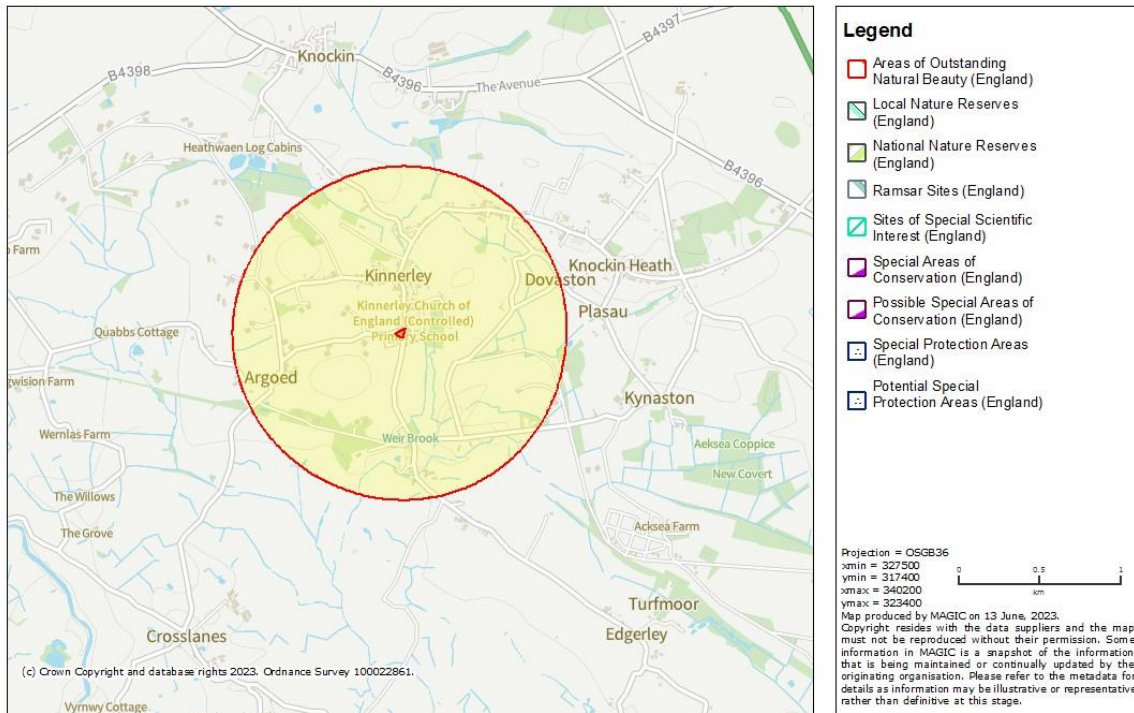


Figure 4.1. Identifying any designated areas near site, a 1km buffer is shown



The proposed development site is not situated within a core area or corridor, but there is a watercourse corridor to the east.

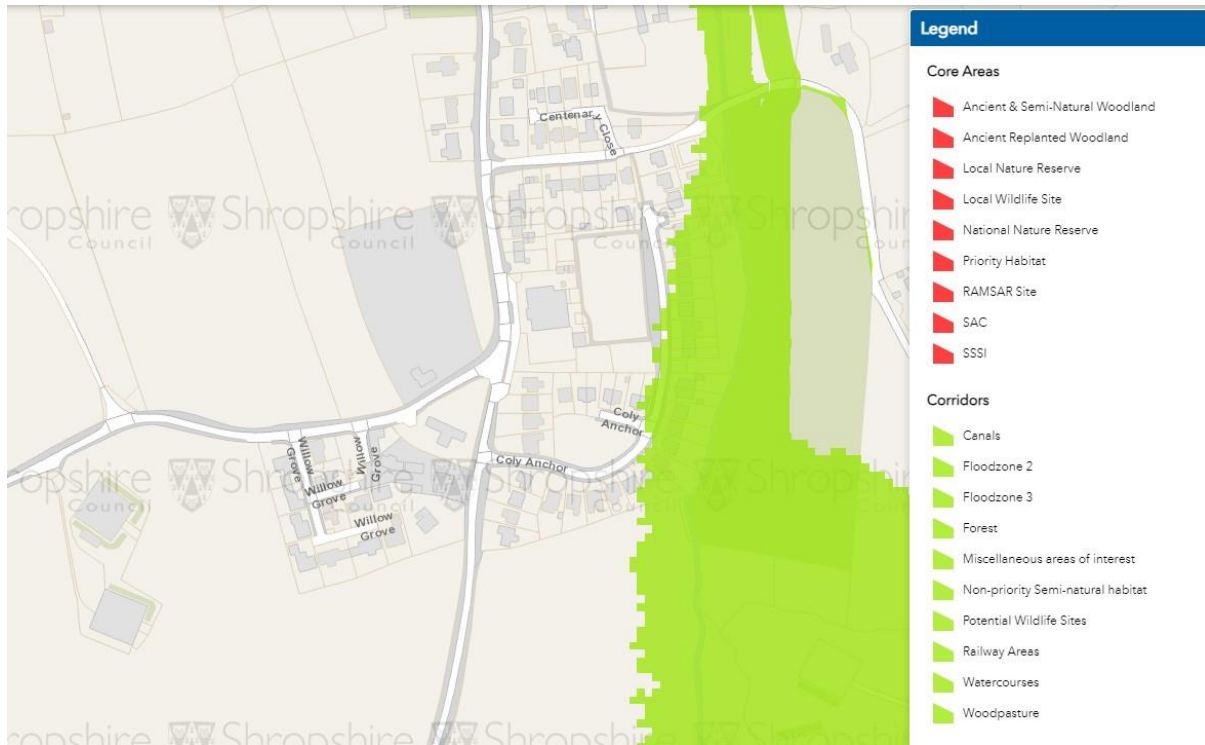


Figure 4.2. Shropshire Environmental Network map



4.1.2 Nearby European Protected Species Licences

The site is not within 2km of any previously granted licences.

MAGiC

EPS Near Caradoc, Kinnerley

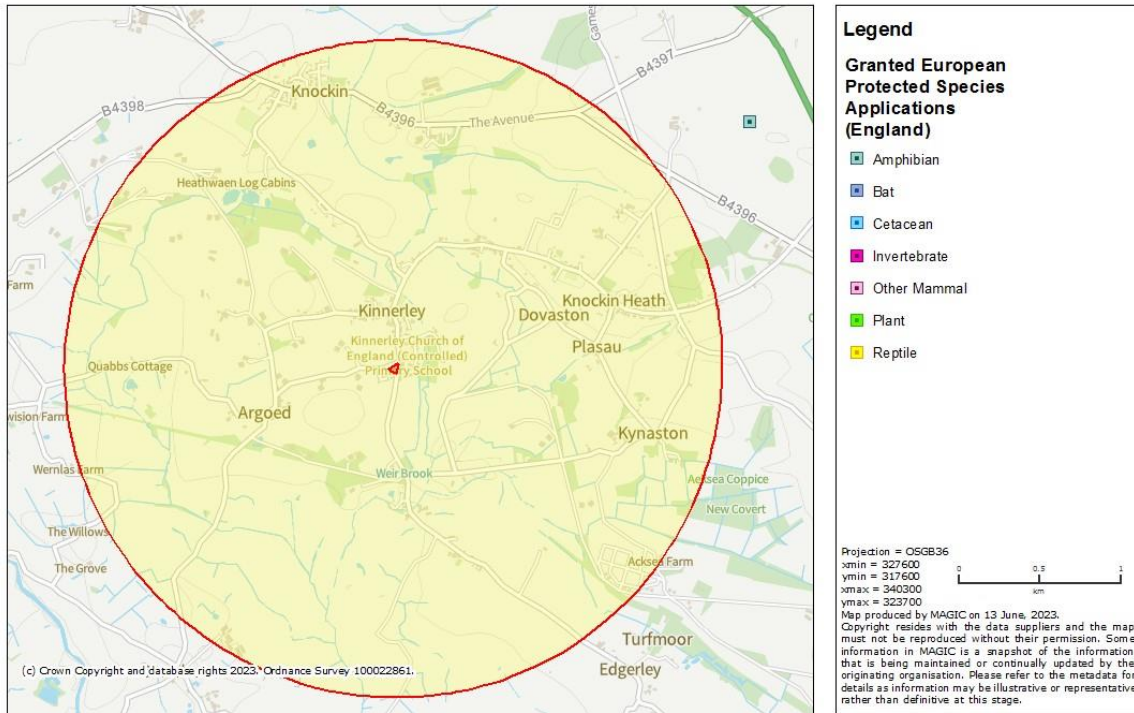


Figure 4.3. Identifying any previous EPS licences near site, a 2km buffer is shown



4.2 Habitats on Site

The site comprises a bungalow, gravel driveway and well-managed garden. The garden is surrounded by hedgerows and trees which are the main source of ecological value on site.



Figure 4.4. South side of bungalow and gravel driveway



Figure 4.5. Lawn and hedge and trees



Figure 4.6. Trees bordering the garden



Figure 4.7. Driveway

The hedgerows around the site are not protected by the hedgerows regulations as they border a domestic garden. The hedges comprise a significant amount of conifer.

4.3 Bats

4.3.1 Records

Records of bats within 2km include common pipistrelle (*Pipistrellus pipistrellus*) most recently from 2015 and brown long-eared bats (*Plecotus auritus*) from 2000.

Bat species data was provided to the NBN Atlas by SEDN under a CC-BY licence.

Work has been conducted under low impact class licence in the Kinnerley area, these results are not available on the Magic database.

4.3.2 Field Observations

The building was examined internally and externally and was seen to have no features of value for roosting bats.

The roof is well-sealed with no visible gaps that might permit roost entry.



Figure 4.8. Well-set roof tiles



Figure 4.9. Well-sealed soffits

The garden, trees and hedgerow will provide foraging and commuting value for bats in the area.

4.4 Other Mammals

4.4.1 Records

Records of other mammals within 2km include brown hare (*Lepus europaeus*) most recently from 2016, otter (*Lutra lutra*) from 2017 and badger (*Meles meles*) from 2021.

Mammal data (not including bats) was provided to the NBN Atlas by SEDN under a CC-BY licence, and Greenscape Environmental's own records.

4.4.2 Field Observations

The site had no features that would suggest badgers had crossed through or foraged within the site. The field to the north has previously been shown to have badgers crossing through but not containing sett entrances.



Figure 4.10. Garden with lack of evidence of badger



4.5 Birds

4.5.1 Records

Records of birds within 2km include common passerine species such as blue tit (*Cyanistes caeruleus*) and house sparrow (*Passer domesticus*). Raptor species such as barn owl (*Tyto alba*) also have records in the area. All bird species records are provided with low grid accuracy and so specific locations cannot be determined.

Bird species data was provided to the NBN Atlas by SEDN under a CC-BY licence.

4.5.2 Field Observations

The bungalow had no evidence of nesting birds or any evidence of exterior nests such as swallow or house martin. The trees and hedgerow are likely to support nesting passerine birds and so a method statement for site clearance is recommended along with enhancements for nesting birds.

4.6 Amphibians

4.6.1 Records

Records of amphibians within 2km include common toad (*Bufo bufo*) and common frog (*Rana temporaria*). Neither are from within 1km, and the most recent is toad from 2017.

Amphibian species data was provided to the NBN Atlas by SEDN and Records of Amphibians and Reptiles via iRecord, both provided under CC-BY licences.

4.6.2 Field Observations

The site had negligible features of value for amphibians in their terrestrial phase. The hedgerow and trees will offer shelter at the base, however. There are no ponds within 250m that might support newts.

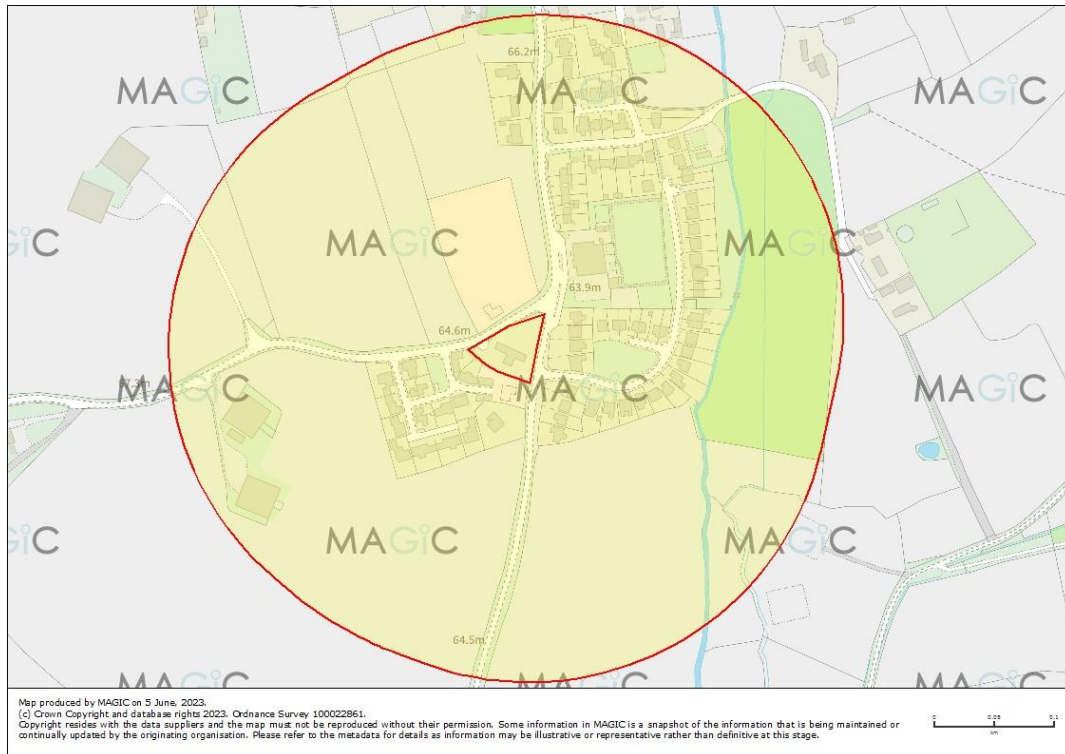


Figure 4.11. OS Map showing a 250m buffer around site

5 Description of Proposed Development

The current plans are for the demolition of the bungalow and construction of three new dwellings. This may change however, as no drawn plans were provided at the time of writing.



6 Impacts, Enhancements and Mitigation

6.1 Nearby Features of Importance

Figure 4.1 shows that there are no statutory designated areas within 1km. No impact on any sites beyond this can reasonably be expected.

6.2 Habitats on Site

The development as proposed will not result in the loss of any habitats of principal importance listed in Section 41 of the NERC Act (HMSO, 2006), mitigation will be delivered at a species level.

6.3 Bats

6.3.1 Impacts

The building is of negligible value for roosting bats. The foraging and commuting value around site lies within the trees and hedgerows.

Without consideration there will not be any loss or damage of roosts or potential roosts, nor the potential for death or damage of individual bats. Further surveys are therefore not considered necessary and mitigation limited to enhancements during the development.

Determination of conservation significance of roosts was taken from Figure 4: Guidelines for proportionate mitigation (Mitchell-Jones, 2004).

Work can be conducted immediately once planning permission has been granted.

6.3.2 Compensation & Enhancements

It is recommended that permanent provision be made for roosting opportunities for bats with the inclusion of an integrated bat box in each of the new buildings. These 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



6.4 Other Mammals

6.4.1 Impacts

As no evidence of badger was found on site there is unlikely to be any impact, but there have previously been badgers recorded in the area.

6.4.2 Mitigation

As a precaution, a pre-commencement check will be conducted within 30 days prior to work commencing to ensure the status of badgers on site has not changed. If badger activity is noted, a method statement will be supplied to ensure no negative impact.

6.5 Birds

6.5.1 Impacts

Though uncertain at the time of writing, work at this site may include some tree or hedge removal which may affect nesting birds if conducted during the nesting season. No evidence of barn owl was found on site and no habitat for foraging barn owls is present on site. No negative impact on barn owls could be expected.

6.5.2 Mitigation

1. The developer will be responsible for ensuring no nesting birds will be impacted by the proposed development, either by timing the clearance of the site for outside of the nesting season (1st March to 31st August inclusive) or if this is not possible, after a visual inspection within 24hours prior to the development commencing shows no birds are nesting.
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 and the nesting bird season has finished, which is March to August inclusive.

6.5.3 Enhancements

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. Robin boxes should be installed inside vegetation such as a hedge or shrub, ideally at a height of over 2m.



Cedarwood Sparrow Terrace



Schwegler 1b Bird Box



Schwegler 2H Robin Box

Berrys

Figure 6.2. Bird boxes

6.5.4 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

There are no ponds within 250m and so no negative impact is 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.

No evidence of any protected species was found on site. There is no need for further surveys prior to planning permission being granted, but the site should be subject to a check for badgers within 30 days prior to work commencing to ensure the status has not changed.

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 (HMSO, 2019).

The enhancements provided in sections 6.3.2 and 6.5.3 of this report will be followed and clearance of the garden will be done at a suitable time of year to negate negative impact on nesting birds.

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
Ben Jones BSc(hons) MSc	<p>Senior Consultant MCIEEM</p> <p>Ben has a degree in Marine and Freshwater biology and a Master’s degree in “Managing the Environment”.</p> <p>He has 8 years’ experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.</p> <p>As a member of the CIEEM he is bound by professional conduct.</p>	<p>Holder of survey licenses for bats and newts in England and Wales.</p> <p><u>England:</u> Bats - 2017-29112-CLS-CLS GCN - 2016-25209-CLS-CLS</p> <p><u>Wales:</u> Bats - S091847/1 GCN - S091242/1</p>
Logan Maggs BSc(hons)	<p>Senior Consultant</p> <p>Logan has a degree in Conservation and Land Management.</p> <p>He has over 10 years’ experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.</p>	<p>Holder of survey licenses for bats and newts in England and Wales.</p> <p><u>England:</u> Bats - 2016-24901-CLS-CLS GCN - 2017-29218-CLS-CLS</p> <p><u>Wales:</u> Bats - S091096/1</p>
Chloe Sheil MZool (Conservation)	<p>Chloe has a master’s degree in Zoology with Conservation from Bangor University. She has 5 years’ experience assisting with surveys.</p>	<p>Holder of survey licence for bats and newts in England; GCN: 2022-10485-CL08-GCN Bats: 2022-10941-CL17-BAT</p> <p>Listed as an accredited agent on Ben Jones’ licence: NRW bat licence – S091847/1 NRW newt licence – S091242/1</p>



Appendix B – Methodology

Desk Study

Table B.1. Data sources

Organisation/Resource	Information Assessed
Freely available online species datasets (NBN Atlas)	Protected/Priority Species records (2km)
MAGIC website	International statutory designations (1km) <ul style="list-style-type: none"> • Special Protection areas (SPA) • Special Areas of Conservation (SAC) • RAMSAR sites National statutory designations (1km) <ul style="list-style-type: none"> • Sites of Special Scientific Interest (SSSI) • National Nature Reserves (NNR) 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. This was considered proportionate to the size of the development, as the Shropshire Environmental Data Network (SEDN) provides most of its records to the NBN.

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

A review of other surveys conducted in the area by Greenscape Environmental was also conducted. Survey reports include that conducted on the field immediately north in 2021, report number 21-09 297.1R.

Field Survey

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 for detailed phase 2 surveys.

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 or a site that supports a viable population of a priority 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

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 3rd edition.

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.

All trees were assessed from ground level (BTHK, 2018). All trees examined were categorised on their potential roost features (PRF). These features include cracks, splits in limbs, cavities, loose bark and thick stemmed ivy. Where appropriate and accessible these features were assessed using binoculars and/or endoscopes.

**Table B.3. Categorisation of trees for bats**

Value for Bats	Example Features
Negligible	A tree that lacks the requisite features to support roosting bats
Low	A tree that contains a feature or features that clearly offer little roosting habitat for bats
Moderate/High	A tree that provides one or more potentially suitable roosting features for bats
Confirmed roost	Bat presence has been confirmed

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

Hedgerow Regulations (1997)

The Protection of Badgers Act (1992)

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

Shropshire Core Strategy (2010): Policy CS17 – Environmental Networks

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.

Permission is required before removing hedges that are least 20m in length and over 30 years old. Permission is gained by submitting a Hedgerow Removal Notice to the LPA as set out in Schedule 4 of the Regulations.

Permission is not required in the following instances:

- To make a new opening in substitute for an existing one which gives access to land.
- To obtain temporary access to any land in order to give assistance in an emergency.
- To gain access to land where another means of access is not available or is available at a disproportionate cost.
- For National Defence purposes.
- Where planning permission has been authorised except where permission has been granted by the Town and Country Planning General Permitted Development Order 1995.
- To carry out work for the purposes of flood defence or land drainage.
- To prevent spread of or ensure eradication of a plant or tree pest.



- For work undertaken by the Secretary of State in respect of any highway for which he is the highway authority or in relation to which he has the same powers as the Local Highway Authority.
- To prevent obstruction of or interference with electric lines and plant or prevent danger under the Electricity Act 1989.
- For the proper management of the hedgerow.

Hedgerows in areas covered by Historic Landscape Characterisation are often protected on the basis of historical importance and their wildlife value.

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.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine or to both .

Seven bat species are on the UK Biodiversity Action Plan and are listed as Species of Principal Importance under the provisions of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

Badgers

Badgers and their setts are specifically protected (HMSO, 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.

Barn Owls

Barn owls are listed on Schedule 1 which gives them special protection.

It is an offence to:

- Intentionally kill, injure or handle any wild barn owl.
- Intentionally take, damage or destroy any wild barn owl nest whilst in use or being 'built'.
- Intentionally take or destroy a wild barn owl egg.
- Have in one's possession or control a wild barn owl (dead or alive) or egg (unless one can show it was obtained legally).
- Intentionally or recklessly disturb any wild barn owl whilst 'building' a nest or whilst in, on, or near a nest containing young.
- Intentionally or recklessly disturb any dependent young of wild barn owls.

It is not an offence to:

- Take a disabled wild barn owl solely for the purpose of tending it until fully recovered and then returning it to the wild.
- Kill, injure, take or disturb barn owls if these were incidental results of a lawful operation and could not reasonably have been avoided.



Amphibians

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.

Great crested newts are listed as a priority species on the UK BAP and Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.



Appendix D - Bibliography

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