

Land west of St Meachard, Dry Street, Langdon Hills, Basildon, Essex, SS16 5LT

Preliminary Ecological Appraisal

September 2022



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1 Introduction

- 1.1 Plumb Associates Ltd was commissioned by Pymont Homes Ltd to undertake a preliminary ecological appraisal of a small paddock adjacent to St Meachard, Dry Street, Langdon Hill in support of an application to construct new residential properties on the site.
- 1.2 The purpose of this report is to ensure that the proposed scheme does not adversely affect any habitats, plants or animals that are legally protected. The report considers:-
- The potential of the site and its environs to support important habitats, protected species or other notable species of wildlife;
 - The conservation value of habitats and species both on the site and its environs;
 - The likely ecological effects of the development;
 - Mitigation measures to be taken to avoid or minimise these effects and identify opportunities to provide enhancement measures to achieve biodiversity net gain.

Methodology

- 1.3 The assessment was carried out in accordance with the Chartered Institute of Ecology and Environmental Management's Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).
- 1.4 A desk study was undertaken which included reviewing Magic Maps (the results are summarised in Appendix 1).
- 1.5 An initial site survey was undertaken on 4th October 2021 by Steve Plumb MCIEEM CEnv CMLI, an ecologist with over 30 years professional experience. An updated survey was undertaken on 15th July 2022. The purpose of the surveys was to establish the ecological value of the existing habitats on and adjacent to the site and to assess the site's suitability to support protected species and Species of Principal Conservation Interest.

Limitations

- 1.6 The surveys were carried out in good weather conditions and there was access to the whole site. It is considered that there were no significant limitations to the survey.

2 Summary of relevant wildlife legislation

Wildlife and Countryside Act 1981 (as amended)

- 2.1 The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006,

consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive). Under this legislation it is an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 of the Act or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 of the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 of the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.
- Carry out any works or management that might damage or destroy the 'interest' for which a Site of Scientific Interest has been designated.

The Conservation of Habitats and Species Regulations 2017

- 2.2 These regulations transpose Council Directive 92/43/EEC into English law, making it an offence to deliberate capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is an offence to damage or destroy a breeding site or resting place of such an animal, even if the animal is not present at the time. These Regulations were consolidated into the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) and the Wildlife and Countryside Act 1981(as amended).

Natural Communities & Rural Communities (NERC) Act 2006

- 2.3 The NERC Act places a duty on public bodies to have due regard for biodiversity and nature conservation during the course of their operations.
- 2.4 Section 41 requires the Secretary of State to publish lists of habitats and species that are of principal importance for the conservation of biodiversity in England. Species and habitats on this list are material consideration in planning.

The Protection of Badgers Act 1992

- 2.5 The Protection of Badgers Act 1992 makes it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.



Image 1 – The survey area in context

3 Site description and existing habitat features

- 3.1 The site is within a rural location to the south of Basildon. On the north side of Dry Street is Westley Heights, part of the Langdon Hills Country Park. Approximately 80m to the west is Coombe Woods, which is also part of the Country Park. Both are part of the Langdon Ridge SSSI.
- 3.2 There are residential properties within large plots along Dry Street with other residential properties to the south of the site off Northlands Approach and Thames View. Image 1 shows the site (outlined in red) in context.
- 3.3 The site comprises a small paddock of approximately 0.3 hectares. It is bounded on three sides by the carriageways of Dry Street, Northlands Approach and Thames View. The residential property St Meachard forms the eastern boundary.
- 3.4 The paddock comprises neutral grassland that is relatively species-poor and appears to have been 'improved' in the past. There are stands of Broad-leaved dock, Meadow Buttercup with Yarrow, White Clover, Hogweed and Cow-parsley growing within a Perennial Ryegrass, False oat-grass sward. There are small patches of Soft Rush, Water Pepper, Great Willow-herb within the centre of the paddock growing in the centre of the site where the ground was damper. Stinging nettle and bramble were encroaching into the paddock from the boundaries.

- 3.5 The northern boundary contains a poor-quality hedge of approximately 30m which is predominately elm, most of which is dying. There are significant amounts of bramble growing within the gaps. The boundary beside Northlands Approach comprises mainly early mature, multi-stemmed ash which have thinning crowns symptomatic of Ash Dieback. Bramble forms dense clumps which are starting to spread into the grassland. On the southern boundary are two large mature oaks which appear to be in generally good condition for their age. There are medium and small trees growing on the eastern boundary which are of varying quality.

4.0 Protected species assessment

The site and adjacent areas were assessed for their suitability to support protected species.

Badgers

- 4.1 Badgers (*Meles meles*) are afforded protection under The Protection of Badgers Act 1992, under which it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.
- 4.2 The site was inspected thoroughly but no setts were recorded site during the survey.
- 4.3 No field signs such as trails, latrines pits or foraging were recorded during the survey.
- 4.4 There are areas of woodland close to the site which could support badgers. While it is considered that the scheme would not result in any direct impacts on badger, good practice requires that appropriate precautions are adopted to prevent accidental impacts on badgers during construction due to the potential for animals to pass through the site. These are set out in Section 6 below.

Bats

- 4.5 All bat species are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct a bat roost.
- 4.6 The site does not contain any buildings or other structures.
- 4.7 Most of the trees and shrubs around the site boundaries are relatively young and do not contain features, such as crevices and loose bark, to support roosting bats. The two large oaks on the southern boundary are in good condition with little deadwood.

- 4.8 The trees on the boundaries on the southern boundary could be suitable for commuting for bats. These would be retained as part of this proposal. The ash trees on the western boundary would be removed as part of the scheme; however there is a denser line of mature trees, several with high potential for roosting bats on the western side of Northlands Approach which would be unaffected by the proposal. The site would have some potential for foraging bats; however this is not considered significant due to its size and limited botanical diversity. It will be important that any exterior lighting required as part of the scheme is designed in accordance with 'Bats and artificial lighting in the UK' Guidance Note 08/18 prepared by the Bat Conservation Trust and Institution of Lighting Professionals.
- 4.9 It is considered that the site has negligible potential to support roosting bats due to the lack of suitable features in the trees on site. The site is likely to be of some value for commuting and foraging bats and care will be required to manage exterior lighting. Biodiversity enhancements outlined in Section 7 would provide opportunities to provide roosting features and to improve foraging.

Reptiles

- 4.10 Protection is afforded to the Slow-worm (*Anguis fragilis*), Common Lizard (*Zootoca vivipara*) Adder (*Vipera berus*) and Grass Snake (*Natrix natrix*) under Section 9 (1) and 9 (5) of the Wildlife & Countryside Act 1981 (as amended).
- 4.11 The paddock comprises mainly unmanaged grassland which does not have a diverse age structure and lacks bare ground features for basking. It lacks connectivity to suitable good quality habitat.
- 4.12 It is considered that the site has limited potential for supporting reptiles.

Birds

- 4.13 All wild species of breeding birds and their nests are protected under Part 1 of the Wildlife and Countryside Act 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. The species listed on Schedule 1 of the Wildlife and Countryside Act are given additional protection.
- 4.14 The lack of short, open grassland within the paddock means that it is unsuitable for ground nesting birds. Most of the trees on the boundary have open, straight stems which are unsuitable for nesting. The associated bramble scrub associated with the boundaries is relatively low growing and would provide limited potential for nesting. The oaks on the southern boundary have some potential for nesting birds. These would not be impacted by the proposed development. Any smaller trees and shrubs that would require clearance to restore the garden area should be cleared outside of nesting season.

- 4.15 It is considered that the proposed development would not have any significant adverse effects on nesting birds so long as the precautionary measures set out in Section 6 are followed. There would be opportunities to provide additional nesting opportunities through appropriate landscaping and provision of integrated nest boxes.

Great Crested Newts

- 4.16 Great Crested Newts (*Triturus cristatus*) are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct their breeding or resting places.
- 4.17 The site is within the Great Crested Newt Amber Risk Zone which contain main populations of GCN and comprise important connecting habitat that aids natural dispersal. Image 2 shows the ponds that have been identified within 500m of the site. There are no GCN Class Survey Licence returns within 500m of the site.



Image 2 – records of ponds within 500m of the site

- 4.18 There are no ponds within the site and the habitat is considered to offer limited potential for supporting great crested newts. The site is bounded on three sides by roads which limits connectivity.
- 4.19 It is considered that the site is not suitable for supporting Great Crested Newts and has limited connectivity to recorded ponds within the vicinity; however adopting the

precautionary principle appropriate temporary fencing should be installed around the site to prevent any animals that might try to traverse the site.

Other protected species

- 4.20 The site does not contain habitat suitable to support Otter, Water Vole, Dormouse or White-clawed Crayfish. No legally protected plant species were recorded.

Invasive species

- 4.21 No invasive species were recorded on site.

5 Discussion of Results

- 5.1 The desktop survey comprised an analysis using Defra's Magic Maps (see appendix 1), the Langdon Hill Country Park Management Plan (2013) and the Natural England GCN risk zones mapping. Basildon Council's Local Wildlife Site review has not been updated since the Langdon Ridge SSSI was notified.
- 5.2 This site is very close to units of the Laindon Ridge SSSI but Westley Heights is separated by Dry Street and there are residential properties and an access road between Coombe Wood and the site. The site is within an existing residential area and scale of the proposal would not have any direct impact on the SSSI. The site is within the SSSI Impact Risk Zone but the proposed replacement dwelling which states that the LPA is not required to consult Natural England as it is below the IRZ threshold (10 houses outside of an existing settlement/urban area), although consultation requirements will be determined by the LPA.
- 5.2 The boundary vegetation is generally poor quality and comprises of dying elm and unmanaged ash, which are suffering from ash dieback.
- 5.3 The surveys did not identify any habitat features suitable for supporting breeding protected species, although the vegetation within the garden could support nesting birds.
- 5.4 No evidence of badgers using the site was recorded during the survey; however there is suitable habitat close by. It is recommended that a precautionary approach is taken to ensure that animals moving through the site are not killed or injured during construction.
- 5.5 The site could be used by commuting and foraging bats; however the key link on the southern boundary will be retained. The proposal will provide opportunities to provide new roosting opportunities and to improve foraging through appropriate landscape planting.

- 5.4 Based on the survey results, the site is considered to have a low ecological value, with limited potential to support protected species. Specific mitigation measures have been provided to ensure that any effects on protected species are minimised. In addition appropriate precautionary methods are proposed to avoid effects on nesting birds or badgers crossing the site. These are outlined in Section 6 below.
- 5.6 The site is within the zone of influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy, therefore the proposal would require the payment of the RAMS tariff to fund offsite mitigation to address in-combination recreational pressures within the relevant European sites. It is the LPA's responsibility to prepare the Habitat Regulations Assessment.

6.0 Mitigation measures

Bats

- 6.1 The site has some potential for foraging bats and the southern boundary has potential for use by commuting bats. The southern boundary will not be directly affected by the proposal; however it is essential that any lighting for the scheme is designed in accordance with best practice guidance as described in 4.8.

Nesting birds

- 6.2 Nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended). Due to milder spring weather in recent years birds are tending to start nesting earlier than in past. As a result it is recommended that any works to trees or shrubs are carried out before mid-February. The season normally extends to mid-August although again in mild summers birds might raise another brood so care must be taken to avoid an offence being committed. If an active nest is found all works in the vicinity must cease immediately.
- 6.3 If it is necessary to remove any trees or shrubs within the nesting period a detailed survey of the vegetation must be carried out by a suitably qualified ecologist immediately prior to any works to check for nesting birds.

Badgers and other animals

- 6.4 There is a possibility that badgers could access the site from other nearby woodland, although there was no evidence of badger activity recorded during the survey. The following measures however should be fully implemented to reduce the impact on wildlife using the site and also to avoid contravention of current legislation:
- All site personnel will be given a toolbox talk to inform them about the potential presence of badgers and other protected species and the legal protection they are afforded;

- Any deep excavations that are to be left open overnight should include a means of escape for any animals that may fall in, using planks of wood to act as ramps;
- No pipework should remain open with any exposed ends capped off at the end of the working day to prevent any animals entering the pipework;
- Any fresh animal excavations recorded on the site should immediately reported and fully investigated;
- The creation of large stock piles of earth should be avoided as these may prove attractive for badgers to excavate new setts.

6.5 In the unlikely event that any active holes are recorded during the construction phase, works within the immediate area will cease and the area made safe with a suitable protective buffer provided. A suitably qualified ecologist should then be contacted so that the hole can be investigated and appropriate controls applied.

7 Enhancements for biodiversity

7.1 Although this is a small-scale scheme there will be some opportunities to provide measures to benefit biodiversity.

7.2 There are no features suitable for bats roosts on site at present. Bat boxes should be installed in the southern part of the site close to the mature oaks to which form a potential commuting route. Integral bird boxes, suitable for house martins, should be installed in the new house.

7.5 New tree and other planting should be chosen to for their biodiversity value to benefit invertebrates.

8 Conclusions

8.1 The site is a small, unused paddock containing species-poor neutral grassland bounded by trees.

7.2 The site does not contain features suitable for supporting protected species, although nesting birds could use the trees and shrubs. It is considered that the scheme will not have any significant ecological effects so long as the mitigation measures set out in section 6 are adopted. Good practice guidance is given which is designed to avoid adverse effects on nesting birds or badgers passing through the site. There are opportunities to achieve biodiversity enhancements through appropriate management of existing trees and hedges, appropriate new planting and provision of new bat and bird boxes.

Site Photographs

Photo 1 – View from grassland

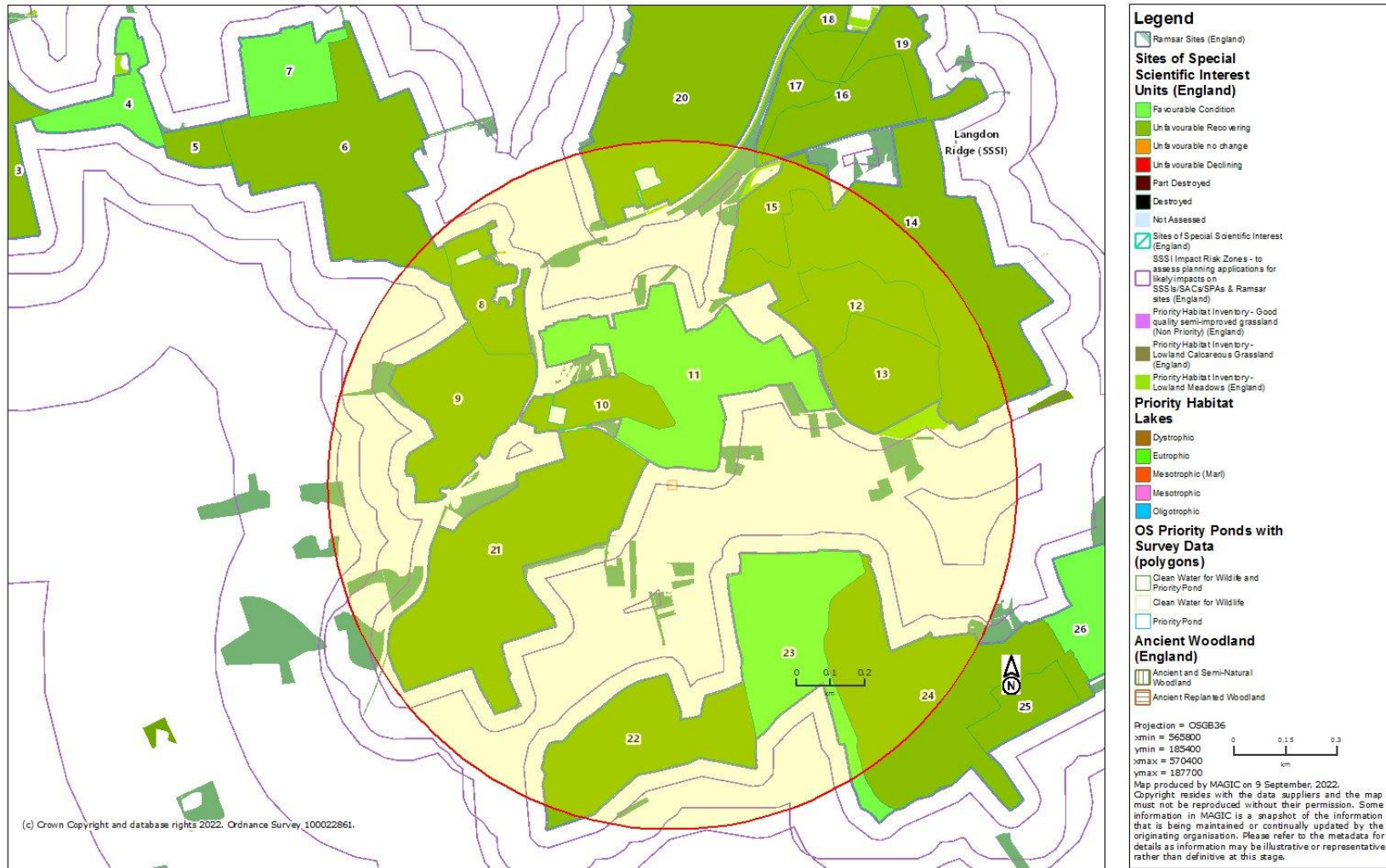


Photo 2 – Ash on the western boundary



MAGiC

Magic Map



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