

Preliminary Ecological Appraisal  
The Butchers Arms, Sheepscombe,  
Stroud, GL6 7RH



Cotswold Wildlife Surveys

**2<sup>nd</sup> November 2023**

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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 (4<sup>th</sup> edition, Collins, 2023). If there has been deviation from recognised practice, justification/explanation has been given.

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## SUMMARY

At The Butchers Arms in Sheepscombe, Stroud, planning permission is being sought for two shepherds' huts.

In November 2023, Cotswold Wildlife Surveys 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 publicly available ecological data revealed a number of records of Protected, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species and designated sites within a 2.0 km radius of the land.

There were three statutory sites within the search area. The closest of these was Cotswold Commons and Beechwood Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) and Special Area of Conservation (SAC) which is 60 metres to the northeast at the closest point.

The site consists of ancient Beech woodland and unimproved grassland lying over Jurassic limestones at the western edge of the Cotswolds. It includes land around the villages of Sheepscombe and Cranham and along the top of the scarp between Painswick and Birdlip. The woodlands are amongst the most diverse and species-rich of their type while the grasslands typify the unimproved calcareous pastures for which the area is famous.

There was some direct connectivity with the site, but given the minor nature of the proposed works it is not considered that there will be any impact on the citation features.

There was one other statutory site; Bull Cross, The Frith and Juniper Hill SSSI (1.9 km southwest), a diverse area of ancient Beech woodland, unimproved grassland, scrub and disused quarries on the Jurassic limestone of the western Cotswolds. This will not be affected.

There was one protected species licence within the area, this 2017-29115-EPS-MIT for a Lesser Horseshoe *Rhinolophus hipposideros*, 1.8 km southeast.

The Phase 1 Habitat survey took place on 2<sup>nd</sup> November 2023, in cold conditions, with no wind or precipitation.

The site comprised a small area of public house garden which was dominated by close mown amenity grassland.

The plot was on a steep bank and was accessed up steps of hardstanding, with a small area of hardstanding also present in the southwestern corner of the site. A gravelled area was situated in the south of the site. Introduced shrubs ran around the site perimeter, as well as a stone wall to the north and a short section of species poor, intact hedgerow to the west.

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 three species of bird were observed during the visit, all of which are Species of Low Conservation Concern (RSPB Green list).

No old or in use birds' nests were found, although the shrubs and hedgerow did provide some suitable habitat for nesting.

The proposed development will not lead to the loss of bird nesting sites, as the shrubs and hedgerow will be retained, and there is an abundance of suitable habitat in the surrounding area.

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 will be undertaken prior to clearance.

Work will 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. Any in-use nest will be allowed to fledge before it is disturbed.

There were no trees on the site to be considered suitable for bat roosting and/or hibernation. The majority of the site was thought to be of low value to foraging or commuting bats, as it was very small in extent. Instead, it was considered more likely that bats would forage within the extensive open farmland and woodland in the surrounding area.

There were no signs [REDACTED] of Otter *Lutra lutra* or Water Vole *Arvicola amphibius*.

There were no permanent still water or other wetland features for Great Crested Newts *Triturus cristatus*, with no suitable refugia or hibernacula other than within the wall, which will be retained. There were very limited foraging opportunities as the site was closely mown and very small in extent. Furthermore, the site is situated within a Green Risk Zone for the species.

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 will either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time.

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 close mown 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 will either be covered overnight or escape routes will 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 The Butchers Arms in Sheepscombe, Stroud, planning permission is being sought for two shepherds' huts.

In November 2023, Cotswold Wildlife Surveys 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 publicly available ecological data revealed a number of records of Protected, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species and designated sites within a 2.0 km radius of the land.

### 1.2 Site description

The site comprised a small area of pub garden which was dominated by close mown amenity grassland. Grasses were represented by Cocksfoot *Dactylis glomerata*, Creeping Softgrass *Holcus mollis*, Creeping Fescue *Festuca rubra* and Rough Meadow-grass *Poa trivialis*. Wildflowers present included Creeping Buttercup *Ranunculus repens*, Common Daisy *Bellis perennis*, Dandelion *Taraxacum officinale*, Daisy *Bellis perennis*, White Clover *Trifolium repens*.

The plot was set on a steep bank and was accessed up steps of hardstanding, with a small area of hardstanding also present in the southwestern corner of the site. A gravelled area was situated in the south of the site.

Introduced shrubs ran around the site perimeter, these including St John's Wort *Hypericum* sp., *Viburnum* sp., *Spiraea* sp., Smoke Tree *Cotinus* sp. and *Cotoneaster* sp.

A short section of species poor, intact hedgerow ran along the edge of the site to the west. This consisted of conifers *Cupressus* sp.

A stone wall ran along the northern boundary.

The Ordnance Survey Grid Reference is SO 89136 10448.



### 1.3 Proposed works

Planning permission is being sought for the erection of two shepherds huts.

## 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 2.0 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);  
Stroud District Council planning website.

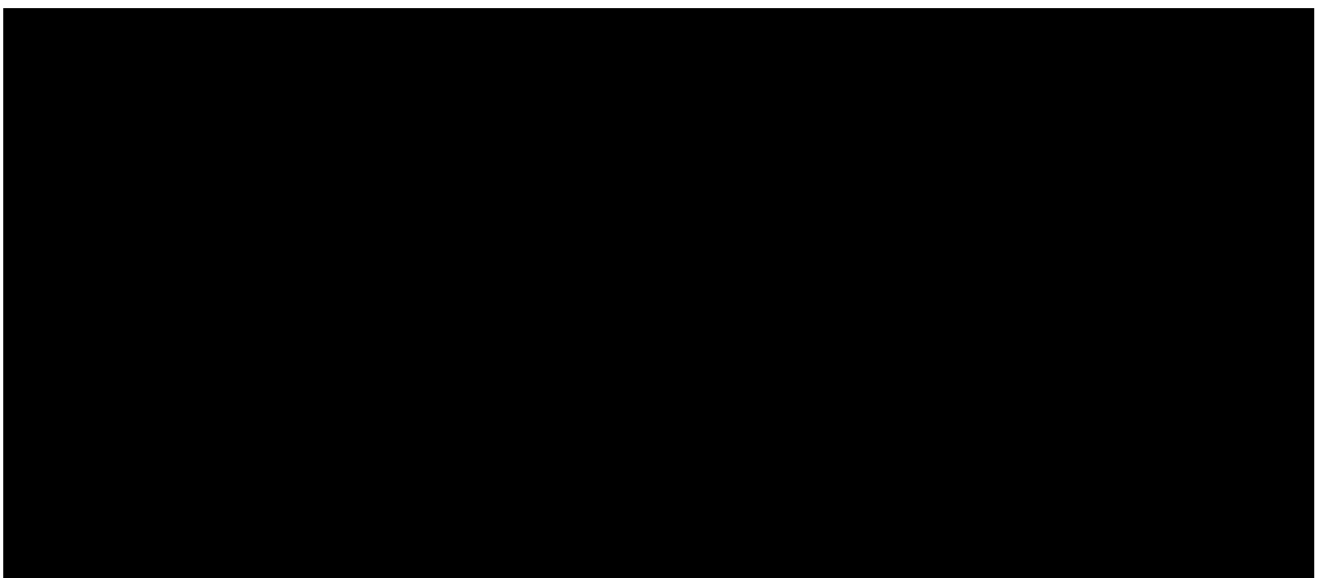
### 2.2 Habitat survey

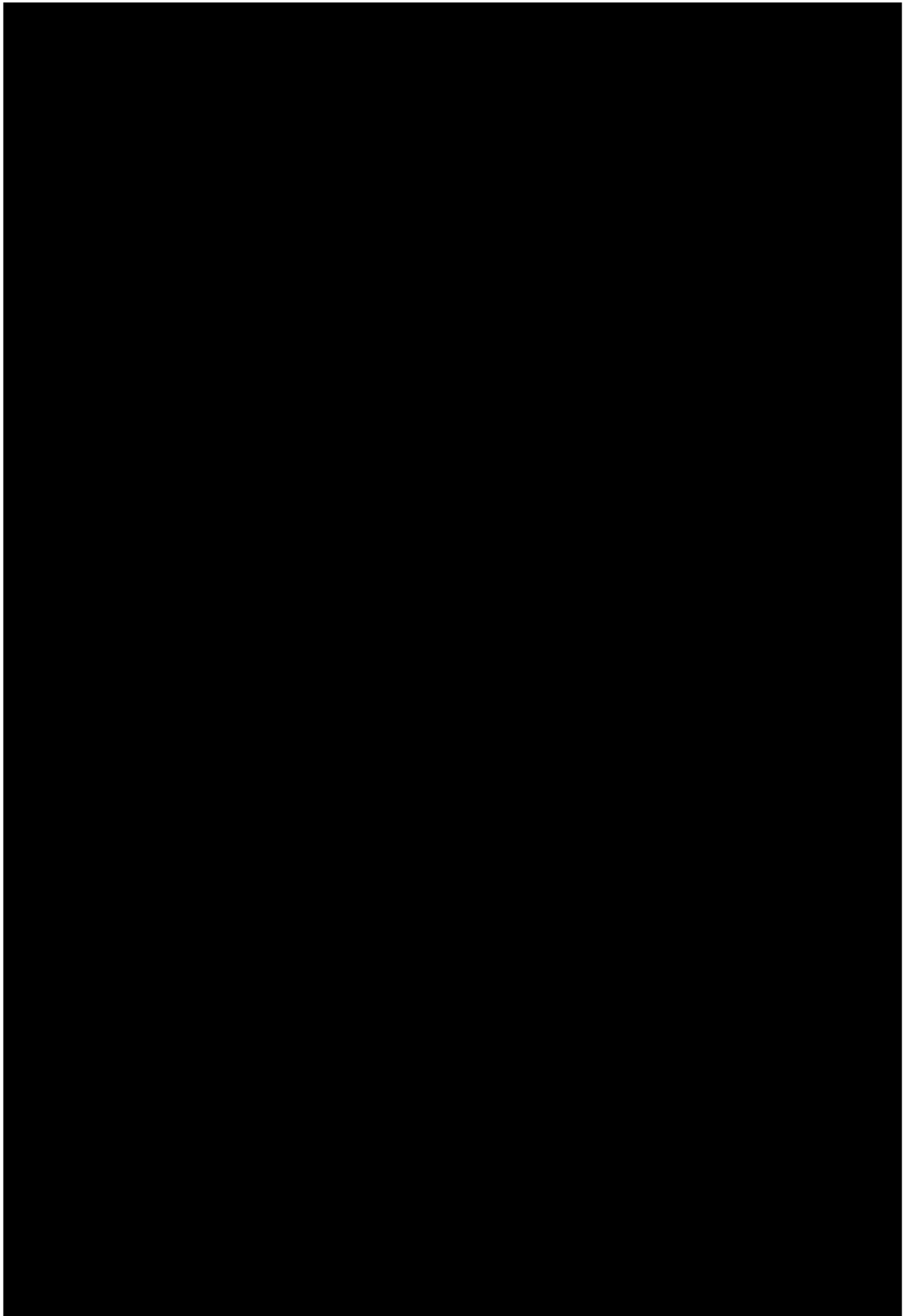
A Preliminary Ecological Appraisal was carried out across the whole of the survey site. It was conducted using standard JNCC (2003) techniques and methodologies.

The Phase 1 visit took place on 2<sup>nd</sup> November 2023, in cold conditions, with no wind or precipitation.

### 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).





### 2.3.2 Bats

In order to fully assess bat occupation of a particular site, the Bat Conservation Trust (2023) 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 emergence surveys.

The preliminary roost assessment (PRA) is usually in the form of a diurnal walkover and can be carried out at any time of the year. It provides an opportunity to check for signs of bat occupancy and/or the suitability for bat roosting.

Evidence of bat activity includes droppings, scratch marks, feeding remains, carcasses, or even roosting animals, whilst suitability is determined by the type and number of potential roost features (PRFs) typically used by bats.

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.

Where bats are found, or there is evidence of bat occupation or activity, i.e. that bat use is confirmed, a roost characterisation survey is undertaken. The results are used to inform the impact assessment and design of mitigation measures. Roost characterisation includes nocturnal emergence surveys, unless sufficient information has already been collected using robust survey methods with no significant constraints.

Nocturnal emergence surveys allow numbers and species of bats to be confirmed, and should only be undertaken when bats are out of hibernation and in their summer roosts.

The bat active period is generally considered to be between April and October, although particularly cold weather will affect the level and extent of bat activity. Indeed, the air temperature at the start of each survey should be at least 10°C or above, with no strong wind or heavy rain.

The survey starts 15 minutes before sunset and continues for one and a half to two hours after sunset.

Visits will be a minimum of three weeks apart, and the number of surveys and timing is dependent on the evidence found or the suitability of the site to bats. This will be determined by the ecologist. In general, at least two emergence nocturnal surveys will be carried out, but a third visit may be necessary if the results are inconclusive or further information is required.

Nocturnal emergence surveys 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, moderate or high.

For a site with no evidence but low suitability, just one nocturnal emergence survey is required, this to be in the period May to August.

For moderate suitability a minimum of two visits are needed between May and September, of which one must be in the period May to August.

With high suitability, three visits will be necessary between May and September, of which two must be in the period May to August.

Where there is no evidence of bat presence, and no suitability for roosting, no nocturnal surveys will be needed.

The number of surveyors and/or the use of night vision aids (NVAs) is determined by the ecologist, and is dependent on the complexity of the structure. For simple structures just one surveyor using an appropriate number of NVAs will be sufficient, but for larger sites and/or more complex or irregularly shaped structures, e.g. those with multiple elevations and/or roof slopes, more surveyors will be required.

On 2<sup>nd</sup> November 2023 a thorough inspection of any trees from the ground was made by Mollie Paxford (Natural England bat licence No. 2020-47378-CLS-CLS). Checks of the trees for decay cavities, old woodpecker holes, splits, fissures, and/or exfoliating bark were also made.

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).

Outside the optimum survey period, a Habitat Suitability Index (HSI) for a particular water body can be calculated. This is a scoring system developed as a means of evaluating habitat quality and quantity. The HSI for Great Crested Newts incorporates ten indices, all of which are thought to affect the species. A figure of '0' indicates unsuitable habitat and '1' represents optimal habitat.

None of these techniques were carried out, as there was nothing to suggest that newts would be present.

### 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 *Natrix natrix*, 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

There were three statutory sites within the search area. The closest of these was Cotswold Commons and Beechwood Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) and Special Area of Conservation (SAC) which is 60 metres to the northeast at the closest point.

The site consists of ancient Beech woodland and unimproved grassland lying over Jurassic limestones at the western edge of the Cotswolds. It includes land around the villages of Sheepscombe and Cranham and along the top of the scarp between Painswick and Birdlip. The woodlands are amongst the most diverse and species-rich of their type while the grasslands typify the unimproved calcareous pastures for which the area is famous.

There was some direct connectivity with the site, but given the minor nature of the proposed works it is not considered that there will be any impact on the citation features.

There was one other statutory site; Bull Cross, The Frith and Juniper Hill SSSI (1.9 km southwest), a diverse area of ancient Beech woodland, unimproved grassland, scrub and disused quarries on the Jurassic limestone of the western Cotswolds.

##### 3.1.2 Protected species

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

There was one protected species licence within the area, this 2017-29115-EPS-MIT for a Lesser Horseshoe, 1.8 km southeast.

## 3.2 Habitat survey

### 3.2.1 Habitat descriptions

The following habitats were recorded across the site:

Amenity grassland;  
Introduced shrubs;  
Species poor, intact hedgerow;  
Bare ground;  
Hardstanding;  
Wall.

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.

#### Amenity grassland

The site comprised a small area of public house garden which was dominated by close mown amenity grassland (Figs. 1 and 2). Grasses were represented by Cocksfoot, Creeping Softgrass, Creeping Fescue and Rough Meadow-grass. Wildflowers present included Creeping Buttercup, Common Daisy, Dandelion, Daisy, White Clover.



Figs. 1 & 2 Amenity grassland

#### Introduced shrubs

Introduced shrubs ran around the site perimeter (Figs. 3 and 4), these including St John's Wort, Viburnum sp., Spirea sp., Smoke Tree and Cotoneaster sp.



Figs. 3 & 4 Introduced shrubs

### Species poor, intact hedgerow

A short section of species poor, intact hedgerow of conifer ran along the edge of the site to the west (Figs. 5 and 6).



Figs. 5 & 6 Species poor, intact hedgerow

### Bare ground

A gravelled area was situated in the south of the site (Figs. 7 and 8).



Figs. 7 & 8 Bare ground

### Hardstanding

The plot was set on a steep bank and was accessed up steps of hardstanding, with a small area of hardstanding also present in the southwestern corner of the site (Figs. 9 and 10).



Figs. 9 & 10 Hardstanding

### Wall

A stone wall ran along the northern boundary (Figs. 11).



Figs. 11 Stone wall

### 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



#### 3.3.2 Bats

The site was thought to be of low value to foraging or commuting bats, as it was small in extent. Instead, it was considered more likely that bats would forage within the open farmland and woodland in the surrounding area. There were no trees on the site which were suitable for roosting.

#### 3.3.3 Birds

A total of three species of bird were observed during the visit, all of which are Species of Low Conservation Concern (RSPB Green list).

No old or in-use birds' nests were found, although the shrubs and hedgerow did provide some suitable habitat for nesting.

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

#### 3.3.4 Great Crested Newts

There were no permanent still water or other wetland features for Great Crested Newts, with no suitable refugia or hibernacula other than within the wall, which will be retained. There were very limited foraging opportunities as the site was closely mown and very small in extent. Furthermore, the site is situated within a Green Risk Zone for the species.

#### 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 close mown 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 low wildlife interest.

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

A total of three species of bird were observed during the visit, all of which are Species of Low Conservation Concern (RSPB Green list).

No old or in use birds' nests were found, although the shrubs and hedgerow did provide some suitable habitat for nesting. However, these will not be impacted on by the proposed works.

The majority of the site was thought to be of low value to foraging or commuting bats, as it was very small in extent. Instead, it was considered more likely that bats would forage within the open farmland and woodland in the surrounding area. There were no trees on the site with suitability for roosting bats.

There were no signs [REDACTED] of Otter or Water Vole.

There were no permanent still water or other wetland features for Great Crested Newts, with no suitable refugia or hibernacula other than within the wall, which will be retained. There were very limited foraging opportunities as the site was closely mown and very small in extent. Furthermore, the site is situated within a Green Risk Zone for the species.

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 close mown 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.

It is considered that the designated sites listed in the data search will not be impacted on by the proposed development.

## 4.2 Possible impacts of proposed work and recommendations

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 will be undertaken prior to clearance. Work will 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. Any in-use nest will be allowed to fledge before it is disturbed.

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 will either be covered overnight or escape routes will 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.



## 5. REFERENCES

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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		Hardstanding
	Introduced shrubs		Bare ground		Target Note
	Species poor, intact hedge		Wall		Not to scale

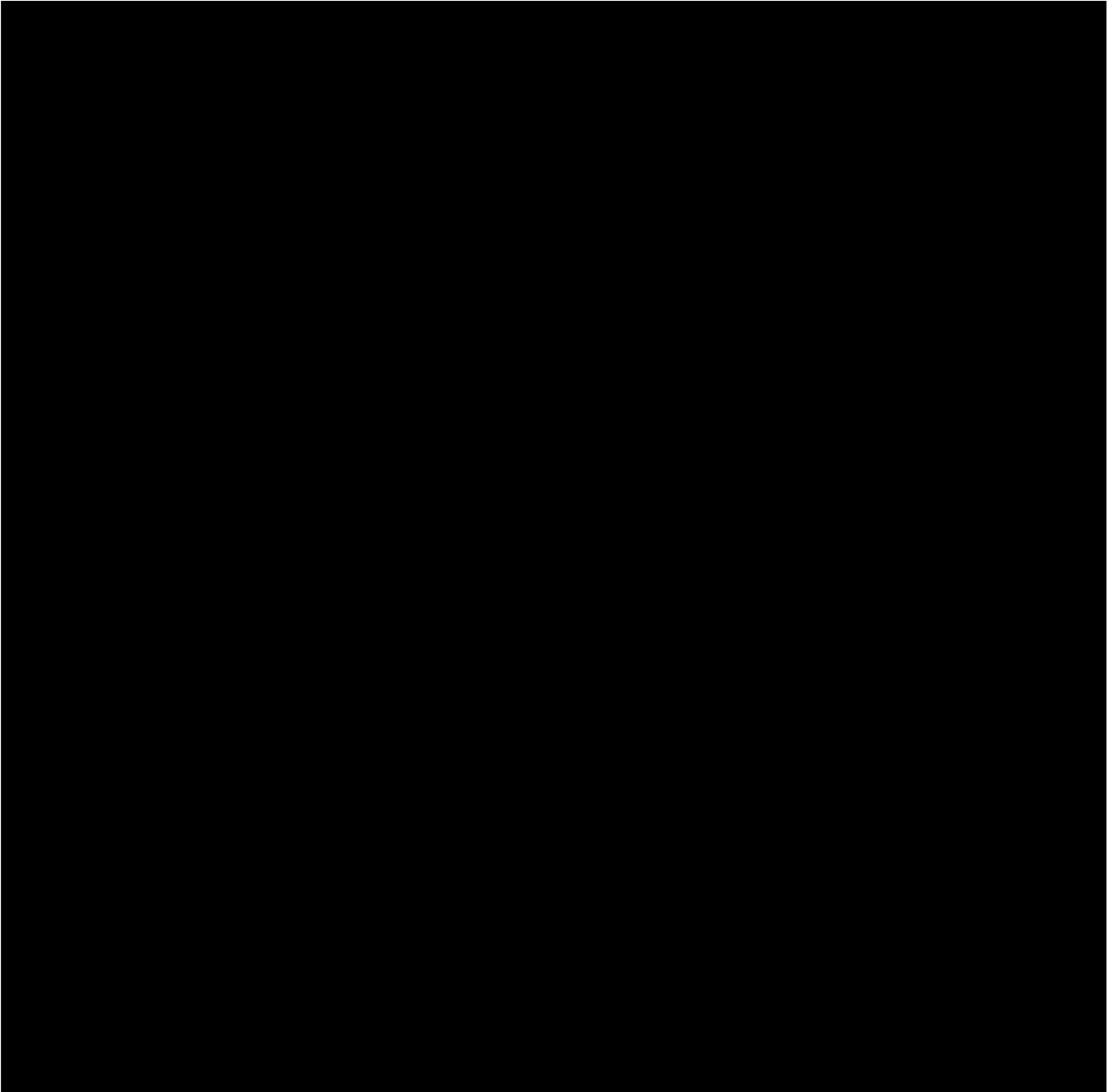
Appendix 2: Target Notes

Target Number	Notes
-	No target notes

## Appendix 3: Bird species list

Common name	Latin name
Wren	Troglodytes troglodytes
Robin	Erithacus rubecula
Blackbird	Turdus merula

## Appendix 4: Relevant legislation



### 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) and the Natural Environment and Rural Communities Act 2006 (NERC), which add 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 (the Habitats Regulations), which defines 'European protected species of animals'. In England this is the Conservation of Habitats and Species Regulations 2010, in Scotland the Habitat Regulations 1994 (as amended), and in Northern Ireland the Conservation Regulations 1995.

All bats are also protected under the Bern Convention Appendix II, the Bonn Convention Appendix II, and the Wild Mammals (Protection) Act 1996.

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.



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The Butchers Arms, Sheepscombe – Preliminary Ecological Appraisal

To: Heartstone Inns

Report Number: 4614-CWS-01

Version: 01

Date: 12<sup>th</sup> December 2023