

Preliminary Ecological Appraisal Report

For site at Dene Hollow, Highfield Lane, Lydney, Gloucestershire

Commissioned by: Mr. James Bevan

Author: Ashley Butler MSc

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Report authors:

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Disclosure: The survey information and opinions which we have prepared and provided in this report is true and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's code of professional conduct. We confirm that the opinions expressed are our true and professional bona fide opinions

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Summary

Note: This is a brief summary of the findings. Please read the entire report for full details.

Purpose of report

The purpose of this report is to identify any habitats or species which may be impacted by any proposed development of the site at Dene Hollow, Lydney, Gloucestershire. For the purposes of this report the land will be known as “the site”.

The site has been identified for development via demolition of an existing garage and construction of a new dwelling.

Methodology

A Preliminary Ecological Appraisal (PEA) of the site and desk study (GCER and other online sources) was carried out.

A search of the local authority website was carried out for information on other developments in the immediate area which may result in a cumulative impact on habitats or species.

The surveys were carried out by Ashley Butler MSc of NewWays Ecology and followed guidelines from CIEEM and BS42020.

Key impacts and mitigation measures

From the preliminary survey the site is assessed as being of low ecological value.

In the absence of mitigation, the development may result in impacts on wildlife and habitats affecting the following protected species:

- Nesting Birds

The following key mitigations are recommended- vegetation removal to be carried out between September and February -outside the bird breeding season.

Conclusion

Overall the site has low value for biodiversity due to the presence of low quality habitats with low levels of impact, therefore with suitable mitigation there should be no constraints on development of this site. Although the plans will impact the site it should result in no net loss of biodiversity for the wider area.

All works must be carried out following the recommendations made within this report.

1 Introduction

This survey and report was led by Ms. Ashley Butler MSc of NewWays Ecology. Ms. Butler is an experienced ecologist and specialises in Ancient Woodland flora, National Vegetation Classification, Phase 1 Habitat Surveys and commercial survey work in Wales and England.

Licenses Held:

Natural Resources Wales (NRW) bat license (SO93356/1)

Natural England (NE) class 17 bat survey license (Number 2023-11805-CL17-BAT)

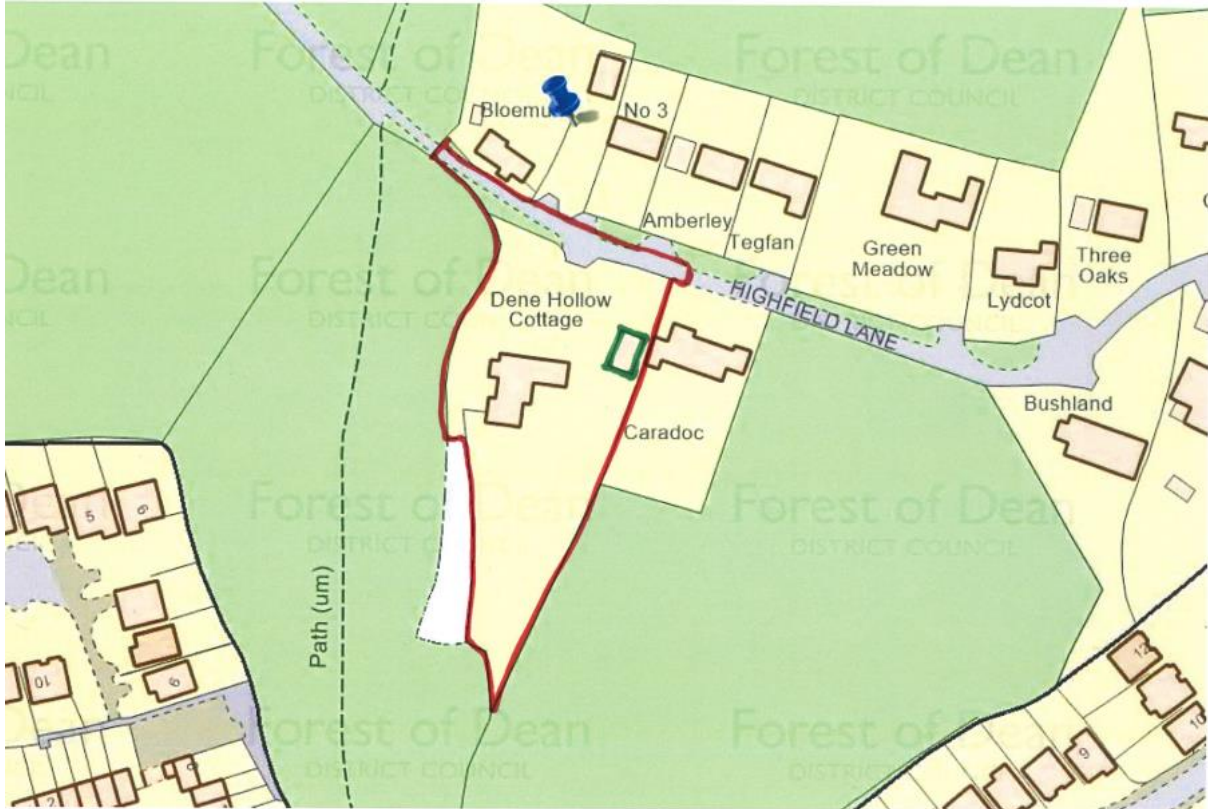
Associate under Mr Steve Wadley's bat license - Natural England (NE) class 19 & 20 bat survey license (Number 2016-20666-CLS-CLS) and Natural Resources Wales (NRW) bat license (SO85928/1)

This report was commissioned by Mr J Bevan of Dene Hollow, Highfield Lane, Lydney.

The purpose of this report is to:

- Assess the potential ecological impacts of any proposed development at the site.
- Identify if further information/surveys are required
- Identify any impacts upon designated sites
- Establish the need for, and extent of, any mitigation or compensation measures required as part of any proposed works

The site is located within the boundary of the garden at Dene Hollow, Highfield Lane, Lydney. It is a block built garage located in an area of hard standing currently used for parking with an area of amenity grassland to the north and south.



.529 - Dene Hollow, Highfield Lane, Lydney, Glos GL15 4LL



Figure 1: Site location. Contains © Crown Copyright and database right 2024.

The proposed development includes the demolition of the existing garage and construction of a new dwelling on an increased footprint. Access to the site will be via the existing driveway. No plans were available at the time of survey.

Within the immediate area there are no historic planning applications which could pose a cumulative impact on habitats or species within the site.

2 Methodology

The methodology used for the PEA consisted of:

2.1 Desk Study

A desk study was undertaken to identify any records of flora or fauna species existing on-site or within a 2km radius and to identify European & UK designated sites (i.e. Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs) within a 2km radius. Data was obtained from the local biodiversity records centre (GCER) and the online resource, Magic Map. The local authority planning portal was also researched for previous or ongoing development projects within the vicinity which may have a cumulative impact on species.

2.2 Flora Survey

Field survey was carried out following standard Phase 1 Habitat Survey (P1HS) protocol (JNCC, 2016) and the Chartered Institute of Ecology and Environmental Management (CIEEM) Preliminary Ecological Appraisal guidelines (2018).

The site was surveyed in accordance with the guidelines set out in the Handbook for Phase 1 habitat (2016). All plants were identified using *The Wild Flower Key* (Rose, F. 2006), *Collins Complete Guide to Trees* (Johnson and More, 2006) and *Grasses, sedges, rushes and ferns* (Rose, 1989).

An assessment was made of all areas of vegetation within the site based on the standardised Phase 1 Habitat Survey methodology. This involved a walkover survey to identify broad vegetation types, which were then classified against Phase 1 habitat types where appropriate. A list of characteristic plant species was also compiled, and any invasive species encountered as an incidental result of the survey are noted.

2.3 Fauna Survey

2.3.1 Bats

Assessment of potential for roosting bats within the survey area was carried out in accordance with *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition)* (Collins, J. (ed.), 2016). An assessment was made of the suitability of buildings and trees on the site and around the site boundary to support roosting bats based on the presence of features such as loose or missing roof tiles or lifted lead flashing for buildings and holes, cracks, splits, loose bark and ivy cladding for trees. In addition an assessment was made of the suitability of the site and the surrounding habitat to support foraging and/or commuting bat species. A full bat survey was not carried out.

2.3.2 Birds

Assessment of potential for nesting birds within the survey area was carried out and included assessment of any buildings, hedgerows, scrub, ruderal plants and trees on site in accordance with *Breeding Bird Survey Instructions* (BTO/JNCC/RSPB). The survey also noted any old bird's nests or current nests present within the site boundary. A full bird survey was not carried out.

2.3.3 Dormouse

Assessment of potential for Dormouse within the survey area was carried out following recommendations within *A Practical Guide to Dormouse Conservation* (Bright and Morris, 1989). The assessment for the potential of the site to support dormouse was based on the presence of habitat features that may indicate that dormice are present on the study area. This includes the presence of food sources such as common hazel (*Corylus avellana*), Bramble (*Rubus fruticosus*), and honeysuckle (*Lonicera periclymenum*). Additionally, the species requires a continuum of food supply so that habitat structure, diversity and connectivity to adjacent areas of woodland/scrub are important features for determining the potential presence of dormice. A full dormouse survey was not carried out

2.3.4 Badger

Assessment of potential for Badgers within the survey area was carried out following guidance within *Surveying Badgers* (Harris et al, 1989) and also following advice contained within the government website www.gov.uk/guidance/badgers-surveys-and-mitigation-for-development-projects. The survey involved a detailed investigation of the site to identify evidence of badger residence, foraging or territorial activity. Particular emphasis was placed on locating badger setts, paths, and signs of territorial activity such as latrine sites both on-site and within immediately adjacent areas where access was possible. A full badger survey was not carried out.

2.3.5 Reptiles

Assessment of potential for reptiles within the survey area was carried out following recommendations contained within *Surveying for Reptiles* (Frog life, 2015). The reptile survey was based on an assessment of the suitability of habitat present within the site to support a population of reptiles. Reptiles particularly favour scrub and grassland interfaces and the presence of these is a good indication that reptiles may be present on-site. In addition, reptiles may utilise features such as bare ground for basking, tussock grassland for shelter and compost heaps and rubble piles for breeding and/or hibernating. A full reptile survey was not carried out.

2.3.6 Amphibians

Assessment of potential for amphibians within the survey area was carried out following recommendations contained within *Surveying for amphibians* (Frog life, 2015). The assessment of the site to support great crested newts included establishing the presence of suitable aquatic habitats such as ponds within or adjacent to the site and the presence of suitable terrestrial habitat. Ponds that are densely shaded, highly eutrophic or that contain fish are likely to be less suitable for this species. In addition, online mapping resources at a minimum scale of 1: 25,000 were used to identify the presence of ponds or other water bodies within a 500 meter (m) radius of the site. The 500m is a standardised search radius to assist in the assessment of the potential of a site and its surrounding habitat to support this species, based on current Natural England guidance. Due to the presence of neighbouring ponds within the farm boundary a HIS for GCN was carried out. A full Amphibian survey was not carried out.

2.3.7 Non-Native Invasive Species

Vigilance for non - native invasive species was maintained during the surveys.

2.3.8 Zone of Influence

The zone of Influence is the area encompassing all predicted negative ecological effects from the proposed scheme and is informed by the habitats present within the site and the nature of the proposals. For the P1HS the area within the site boundary was deemed appropriate.

3 Results

3.1 Survey Constraints

No constraints to access were noted. It is possible that some species may have been overlooked in the field or were not recorded because they were not evident at the time of surveys. No account can be taken for the presence or absence of a species on any particular day.

3.2 Data

A data search was commissioned from GCER (February 2024). The following designated sites were identified within 2km:

- Severn Estuary (SSSI, SAC and SPA) – 1.98km

The following designated sites of importance to bats were identified within 10km:

- Wye Valley Woodlands SAC – 8.4km West
- Wye Valley and Forest of Dean Bat Sites SAC – Devil’s Chapel Scowles SSSI – 3km West
- Wye Valley and Forest of Dean Bat Sites SAC – Bucksrafft Mine and Bradley Hill Railway Tunnel (SSSI) – 6.5km North
- Wye Valley and Forest of Dean Bat Sites SAC – Old Bow and Old Ham Mines SSSI – 7.1km Northwest
- Wye Valley and Forest of Dean Bat Sites SAC – Dean Hall cellar and coach house SSSI – 9.4km North

No local wildlife sites were identified within 500m of the site.

The desk top survey from GCER identified 373 protected species records for 82 different species within 2km. Table 1 lists each species recorded within 2km of the site.

Table 1

Taxongroup	Scientific name	Common Name
flowering plant	<i>Hyacinthoides non-scripta</i>	Bluebell
insect - butterfly	<i>Coenonympha pamphilus pamphilus</i>	Small Heath

insect - moth	<i>Tyria jacobaeae</i>	Cinnabar
amphibian	<i>Lissotriton vulgaris</i>	Smooth Newt
amphibian	<i>Triturus cristatus</i>	Great Crested Newt
reptile	<i>Anguis fragilis</i>	Slow-worm
reptile	<i>Zootoca vivipara</i>	Common Lizard
reptile	<i>Vipera berus</i>	Adder
bird	<i>Accipiter gentilis</i>	Goshawk
bird	<i>Columba palumbus</i>	Woodpigeon
bird	<i>Strix aluco</i>	Tawny Owl
bird	<i>Dryobates minor</i>	Lesser Spotted Woodpecker
bird	<i>Regulus ignicapilla</i>	Firecrest
bird	<i>Phylloscopus sibilatrix</i>	Wood Warbler
bird	<i>Phylloscopus trochilus</i>	Willow Warbler
bird	<i>Troglodytes troglodytes</i>	Wren
bird	<i>Turdus philomelos</i>	Song Thrush
bird	<i>Turdus iliacus</i>	Redwing
bird	<i>Turdus viscivorus</i>	Mistle Thrush
bird	<i>Muscicapa striata</i>	Spotted Flycatcher
bird	<i>Ficedula hypoleuca</i>	Pied Flycatcher
bird	<i>Prunella modularis</i>	Dunnock
bird	<i>Coccothraustes coccothraustes</i>	Hawfinch
bird	<i>Pyrrhula pyrrhula</i>	Bullfinch
bird	<i>Chloris chloris</i>	Greenfinch
bird	<i>Loxia curvirostra</i>	Crossbill
bird	<i>Columba oenas</i>	Stock Dove
bird	<i>Cuculus canorus</i>	Cuckoo
bird	<i>Apus apus</i>	Swift
bird	<i>Delichon urbicum</i>	House Martin
bird	<i>Anas platyrhynchos</i>	Mallard
bird	<i>Accipiter nisus</i>	Sparrowhawk
bird	<i>Poecile palustris</i>	Marsh Tit
bird	<i>Acanthis cabaret</i>	Lesser Redpoll
bird	<i>Linaria cannabina</i>	Linnet
bird	<i>Cinclus cinclus</i>	Dipper
bird	<i>Sturnus vulgaris</i>	Starling
bird	<i>Passer domesticus</i>	House Sparrow
bird	<i>Motacilla cinerea</i>	Grey Wagtail
bird	<i>Milvus milvus</i>	Red Kite
bird	<i>Anser anser</i>	Greylag Goose
bird	<i>Pernis apivorus</i>	Honey-buzzard
bird	<i>Gallinula chloropus</i>	Moorhen
bird	<i>Actitis hypoleucos</i>	Common Sandpiper

bird	<i>Chroicocephalus ridibundus</i>	Black-headed Gull
bird	<i>Alcedo atthis</i>	Kingfisher
bird	<i>Larus argentatus</i>	Herring Gull
bird	<i>Phoenicurus ochruros</i>	Black Redstart
bird	<i>Larus canus</i>	Common Gull
bird	<i>Larus fuscus</i>	Lesser Black-backed Gull
bird	<i>Curruca communis</i>	Whitethroat
bird	<i>Turdus pilaris</i>	Fieldfare
bird	<i>Oenanthe oenanthe</i>	Wheatear
bird	<i>Motacilla flava</i>	Yellow Wagtail
bird	<i>Anthus pratensis</i>	Meadow Pipit
bird	<i>Fringilla montifringilla</i>	Brambling
bird	<i>Alauda arvensis</i>	Skylark
bird	<i>Turdus torquatus</i>	Ring Ouzel
bird	<i>Corvus frugilegus</i>	Rook
bird	<i>Tringa totanus</i>	Redshank
bird	<i>Anas platyrhynchos platyrhynchos</i>	Anas platyrhynchos platyrhynchos
bird	<i>Falco peregrinus</i>	Peregrine
bird	<i>Anas acuta</i>	Pintail
bird	<i>Falco subbuteo</i>	Hobby
bird	<i>Falco tinnunculus</i>	Kestrel
bird	<i>Larus canus canus</i>	Larus canus canus
bird	<i>Upupa epops</i>	Hoopoe
terrestrial mammal	<i>Myotis daubentonii</i>	Daubenton's Bat
terrestrial mammal	<i>Rhinolophus ferrumequinum</i>	Greater Horseshoe Bat
terrestrial mammal	<i>Eptesicus serotinus</i>	Serotine
terrestrial mammal	<i>Myotis</i>	Myotis Bat species
terrestrial mammal	<i>Nyctalus leisleri</i>	Lesser Noctule
terrestrial mammal	<i>Pipistrellus pipistrellus</i>	Common Pipistrelle
terrestrial mammal	<i>Lutra lutra</i>	Eurasian Otter
terrestrial mammal	<i>Meles meles</i>	Eurasian Badger
terrestrial mammal	<i>Rhinolophus hipposideros</i>	Lesser Horseshoe Bat
terrestrial mammal	<i>Myotis mystacinus</i>	Whiskered Bat
terrestrial mammal	<i>Nyctalus noctula</i>	Noctule Bat
terrestrial mammal	<i>Pipistrellus pygmaeus</i>	Soprano Pipistrelle
terrestrial mammal	<i>Plecotus</i>	Long-eared Bat species
terrestrial mammal	<i>Erinaceus europaeus</i>	West European Hedgehog
terrestrial mammal	<i>Muscardinus avellanarius</i>	Hazel Dormouse

3.3 Field Survey

Date	7/2/24	Notes
Weather	Overcast and dry	
Cloud Cover	100%	
Temperature	4°C	
Wind Speed	1	
Name		
Ashley Butler		

3.4 Buildings

There is a block built garage within the site boundary. The garage is approximately 30 years old and is single skin blocks with a concrete tile roof and is rendered on the outside. Internally it is open to the rafters and has a bitumen membrane between the roof timbers and tiles. The windows are a mix of timber and uPVC frames and it has two lifting garage doors.

3.5 Habitat

The site is the northeast corner of a large garden associated with Dene Hollow. It is predominantly an area of tarmac which forms part of the drive at Dene Hollow. There is a small lawn area of amenity grassland to the north of the garage. The site is bounded to the north by a dense leylandii hedge and to the east by a panel fence. The site is open to the wider garden of Dene Hollow to the south and west. It is accessed by the existing driveway on the northern and western side of the site. It is situated on the northern edge of the town of Lydney, which includes residential dwellings and their associated gardens. The site is surrounded by other residential properties with large gardens, semi-improved pasture, a recently planted orchard to the west and housing estates. The site has moderate connectivity to the wider landscape via the large garden associated with Dene Hollow. The site sits to the east of the Forest of Dean which has excellent wildlife habitats. The nearest water body is a small stream located on the western boundary the garden associated with Dene Hollow, the stream was running at the time of the survey but is seasonal. The Severn Estuary SPA, SAC, SSSI and Ramsar site lies 2km east of the site.



Figure 2: Habitat surrounding site. Contains Ordnance Survey data © Crown copyright and database right

The Severn Estuary (SPA, SAC, Ramsar and SSSI) is 2km east of the site. Due to the distance to any designated site it is anticipated that the proposed development will have a negligible impact on designated sites. Wye Valley and Forest of Dean bat sites are not anticipated to be impacted by the development. A review of aerial photographs and OS and Magic Map data provide contextual information on the site and its surrounds.

3.6 Trees

There are no trees within the site boundary. There are a number of mature trees and mature fruit trees within the garden at Dene Hollow, including a number of oaks with TPO's on the western boundary. These will not be impacted by the proposed plans.

The nearest area of woodland is an area of Ancient Replanted Woodland – Upper Forge Woods which runs to 33Ha 650m west of the site.

3.7 Hedgerows

N Boundary: Hedgerow – 17m – Well maintained leylandii hedge

W boundary: Open -
S boundary: Open – Open
E boundary: Panel fence

3.8 Water Courses / Ponds

There are no water sources within the site boundary. A small seasonal watercourse runs along the gardens western boundary and there is a swimming pool within the garden. On the 1:25,000 map there are two notable ponds within 500m both situated to the east of the site.



Figure 3: Wood and water map © Crown Copyright and database right 2023. Ordnance Survey 100021874

3.9 Non - Native Invasive Species

No non-native or invasive species were noted.

4 Evaluation

4.1 Habitats

The habitat on site has been classed as bare ground (J4) and a small area of amenity grassland (J2). The area of grass is a lawn mix predominately formed of fescue sp, and perennial ryegrass and is short mown. The hedgerow on the northern boundary is well maintained in a tight cut and is single species leylandii.

The wider garden surrounding Dene Hollow is mature and well maintained.

The garage will demolished and replaced with a new dwelling in addition to this a small area of hard standing and amenity grassland will be lost.

4.2 Bats

There is low potential for bats on site. The garage on site has negligible roost potential due to the good condition of the building. The structure of the building, the roof and the windows are all in good condition and the doors are well sealed. No evidence of bats was identified. The wider garden provides foraging and commuting opportunities for bats.

Within 2km there are several roost sites noted including lesser horseshoe roosts at 1.1km south, 1.5km southwest and 1.8km southwest of the site.

Reference to Natural England's MAGIC website, which holds records of granted protected species licenses, identified two licenses for bat species within 2 km of the site. The nearest license is for the lawful damage of a resting place for lesser horseshoe bats 1.1 km south of the site (2020-49163-EPS-MIT). The second license is for the lawful destruction of a resting place for lesser horseshoe bats 1.9km south of the site (EPSM2010-2646).

The planned development is anticipated to have a negligible impact on bats.

4.3 Badgers

No evidence of badger activity was identified on site during the survey. No large mammal runs were observed on site and no evidence of setts was found. The closest record for badgers is 1200m to the east of the site. The proposed development is anticipated to have negligible impact on badgers.

4.4 Dormice

The site has negligible potential for dormice due to the lack of food source species and suitable hedgerow habitat. The site has low connectivity and the closest record for dormice is 1000m to the north of the site in Ten Acre Wood. The proposed development is anticipated to have a negligible impact on dormice.

4.5 Reptiles

The site has low potential for reptiles due to the homogeneous nature of the site and lack of grass and scrub interfaces. However the hedgerow may provide commuting and foraging habitat for reptiles. There are low numbers of records for reptiles within 2km of the site and the proposed development is anticipated to have negligible impact on reptiles.

4.6 Amphibians

The site has negligible potential for amphibians. There are no water sources within the site boundary and the nearest notable pond is 200m east of the site. The habitat on site is tarmac and short mown grass. The site sits within a Green Impact Risk Zone for GCN, on the boundary of an Amber Impact Risk Zone. There is one record for GCNs within 2km of the site which is 1800m southwest of the site.

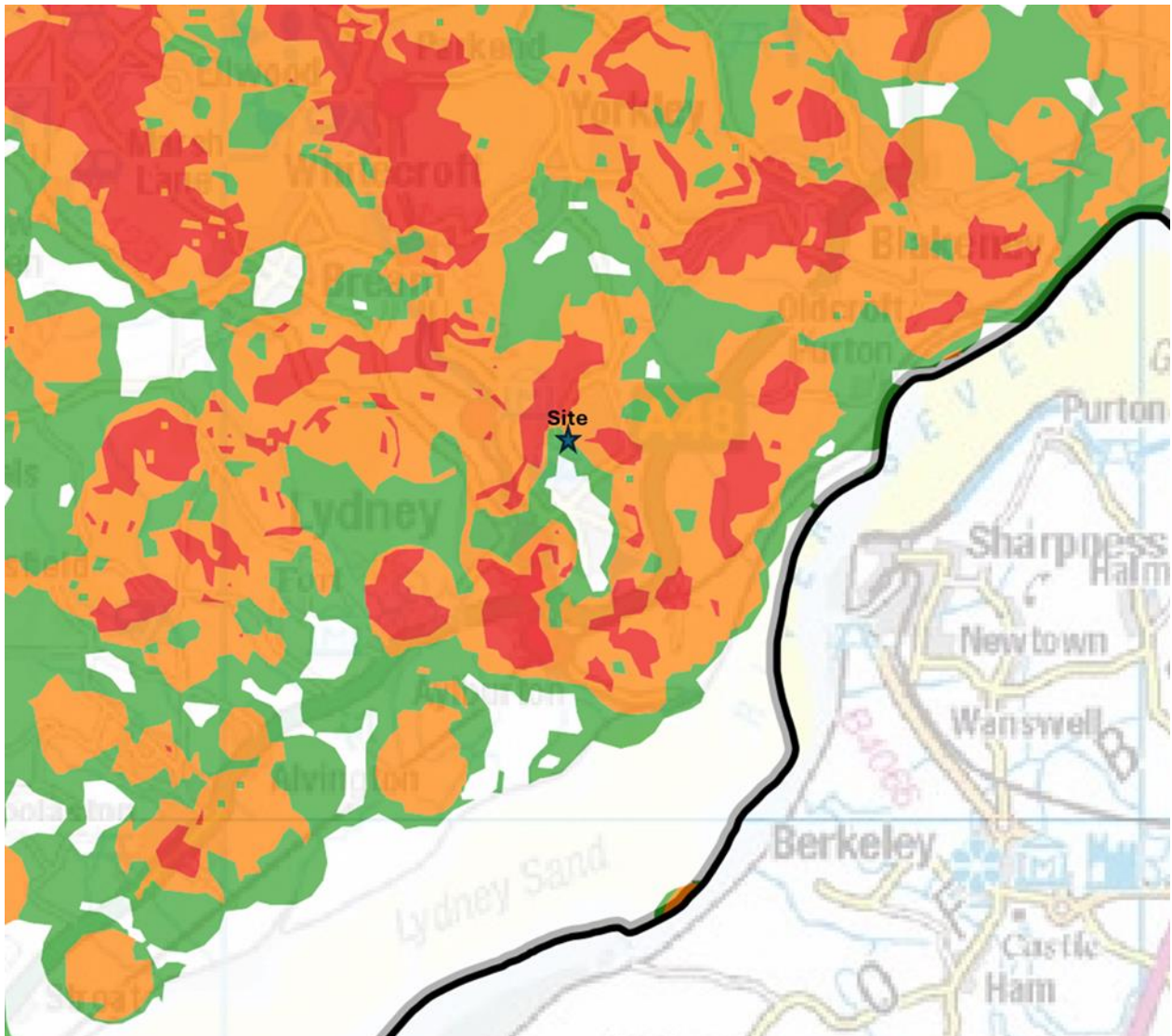


Figure 4: GCN Impact Risk Zones (Nature Space Partnership 2023)

The proposed development is anticipated to have negligible impact on amphibians.

4.7 Breeding Birds

There is moderate potential for birds to use the hedgerow on site for nesting and foraging.

4.8 Other species

Due to the habitats present there is low potential for other protected species to use the site. The site may support small mammals such as hedgehogs which may utilise the site for foraging and commuting.

5 Recommendations

Avoidance Measures and Mitigation

- A suitably qualified ecologist will be on call for the duration of the work and will be informed in any European protected species is found;
- If any trenches are left exposed over night during the works, there must be a means of escape for animals. This will comprise of a shallow sloped board (of at least 30cm width) set at an angle of no more than 30°.

5.1 Habitats

From the preliminary survey the site is of low biodiversity value due to the lack of high quality habitats on site. The hedgerow to the north is single non-native species and the grassland on site is a well maintained short mown lawn mix. The garage on site provides negligible bat roost potential. The hedgerow will be retained. A small area of amenity grass land will be lost in order to increase the footprint size of the building and the garage will be demolished and replaced with a new dwelling. In order to compensate for the loss of a small area of amenity grass land it is required that new boundaries are instated as mixed native species hedgerow and that a flowering lawn mix is used for landscaping.

5.2 Bats

The site has negligible potential for roosting bats due to the lack of suitable roosting features in the garage. Due to the hedgerow and mature garden habitat adjacent to the site is likely to support foraging and commuting bats.

- The potential impacts of lighting during and post-development on bats must be considered. The lighting of all areas of the site during and post-development must be designed to avoid any impacts on bats that are potentially foraging or commuting across the site. Hedgerows and retained trees must remain dark spaces.
- If bats are discovered during the works, then work must cease immediately and advice must be sought from a suitably qualified ecologist or Natural England.

5.3 Badgers

The site has negligible potential for badgers. Due to the lack of evidence of badgers on site, no further survey for badgers is deemed necessary. However, if badgers are identified using the site during any further surveys for other species then mitigation for badgers will be considered.

5.4 Dormice

The site has negligible potential for dormice. Under current plans all hedgerows are to be retained and no further survey for dormice is deemed necessary.

5.5 Reptiles

The site has negligible potential for reptiles. No further survey for reptiles is deemed necessary. However, if reptiles are identified using the site during any further surveys for other species then mitigation for reptiles will be considered.

5.6 Amphibians

The site has negligible potential for amphibians. No further survey for amphibians is deemed necessary. However, if amphibians are identified using the site during any further surveys for other species then mitigation for amphibians will be considered.

5.7 Breeding Birds

The site has moderate potential for breeding birds. The onsite hedge provides potential habitat for nesting birds. Any removal of vegetation must be carried out outside the bird breeding season (Sep-Feb inclusive) or be preceded by a nesting bird survey carried out by an experienced ecologist following current guidelines for breeding bird surveys to confirm nesting birds are absent from the site.

5.8 Other species

Vigilance for other species will be maintained during the further surveys. Any evidence of other species using the site will be noted and mitigated for.

5.9 Enhancements

In order to fulfill the requirements of UK Biodiversity Action Plan (UKBAP) the following enhancements should be made:

- Native species of high value to pollinators and wildlife should be used for landscaping purposes, for example wildflower turf or seeding with flowering lawn mix (Emorsgate EL1 flowering lawn mixture 3 is a good option which responds well to regular short mowing), fruit trees, and honeysuckle in line with the Pollinator Action Plan.
- Bird nesting boxes and bat boxes should be included in the design of the site. Two crevice style bat boxes should be installed around the site at a minimum height of 2.5m on an east or west facing aspect. A sparrow terrace box should be installed on the building post development.
- Hedgehog highway installed in fence line.

6 Legislation and Policy Guidance

6.1 Under the Conservation of Habitats and Species Regulations 2017

(1) A person who—

(A) Deliberately captures, injures or kills any wild animal of a European protected species,

(b) Deliberately disturbs wild animals of any such species,

(c) Deliberately takes or destroys the eggs of such an animal, or

(d) Damages or destroys a breeding site or resting place of such an animal,

is guilty of an offence.

6.2 Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981 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) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

6.3 The Countryside and Rights of Way Act 2000

The Act places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

Schedule 9 of the Act amends SSSI provisions of the Wildlife and Countryside Act 1981 including provisions to change SSSIs and providing increased powers for their protection and management. The provisions extend powers for entering into management agreements; place a duty on public bodies to further the conservation and enhancement of SSSIs; increases penalties on conviction where the provisions are breached; and introduce a new offence whereby third parties can be convicted for damaging SSSIs. To ensure compliance with the Human Rights Act 1998, appeal processes are introduced with regards to the notification, management and protection of SSSIs.

Schedule 12 of the Act amends the species provisions of the Wildlife and Countryside Act 1981, strengthening the legal protection for threatened species. The provisions make certain offences 'arrestable', create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and enable heavier penalties on conviction of wildlife offences.

6.4 The UK Biodiversity Action Plan (UKBAP) includes objectives to conserve, and, where practicable, enhance:

- The quality and range of wildlife habitats and ecosystems;
- The overall populations and natural ranges of native species;
- Internationally important and threatened species, habitats and ecosystems;
- Species, habitats and natural and managed ecosystems characteristic of local areas
- Biodiversity of natural and semi-natural habitats where this has been diminished over recent decades.

6.5 Protected Species

The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned and should consult Natural Resources Wales before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

Developments are always subject to the legislation covering European protected species regardless of whether they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive.

Derogations may only be authorised if;

- 1) There is no satisfactory alternative.
- 2) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
- 3) The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Derogations are granted by a license issued by the Natural England. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three

requirements for derogation into account when considering development proposals where a European protected species is present.

6.6 Nesting Birds

Under the Wildlife and Countryside Act, 1981 (as amended), it is an offence in the UK to:

- Take, damage or destroy the nest of any wild bird whilst it is being built or in use.
- Kill, injure or take any wild bird.
- Take or destroy the eggs of any wild bird

To avoid committing an offence, no works should be carried out on a structure/feature that is being used by nesting birds. Nesting is deemed to be over when the young have fully fledged.

6.11 Policy NE1 – Nature Conservation and Development

Development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local

Biodiversity Action Plans or Section 42 list of species and habitats of importance for conservation of biological diversity in Wales will only be permitted where:

- a) The need for the development clearly outweighs the nature conservation or geological importance of the site; and
- b) It can be demonstrated that the development cannot reasonably be located elsewhere.

Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided.

Where nature conservation interests are likely to be disturbed or harmed by development proposals, applications must be accompanied by an ecological survey and assessment of the likely impact of the proposal on the species /habitats, and, where necessary, shall make appropriate provision for their safeguarding.

Development proposals shall accord with nature conservation interests and will be expected to:

- i) Retain, and where appropriate enhance, existing semi-natural habitats, linear habitat features, other features of nature conservation interest and geological features and safeguard them during construction work;

ii) Incorporate appropriate native vegetation in any landscaping or planting scheme, except where special requirements in terms of purpose or location may dictate otherwise;

iii) Ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species;

iv) Where appropriate, make provision for on-going maintenance of retained or created nature conservation interests.

National and Local Planning Policy

6.8 National Planning Policy Framework (NPPF)

(NPPF) sets out the obligations of Planning Authorities to aim to conserve and enhance biodiversity, by protecting and enhancing valued landscapes, geological conservation interests and soils, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity and providing net gains in biodiversity where possible. The existing supplementary guidance in Government Circular ODPM 06/2005 on Biodiversity and Geological Conservation remains valid. The requirement for public authorities to address biodiversity issues is also included within the Natural Environment and Rural Communities (NERC) Act, which states that 'every public authority...must, in exercising its functions have regard...to the purpose of conserving biodiversity'.

Forest of Dean Core Strategy

CSP 2.3 Biodiversity

Developments must support green infrastructure corridors that link to existing habitat features and networks. They must show that the integrity of any affected nature conservation sites is not compromised by the development proposed. Proposals that prevent or restrict network connections will not be supported.

Developments will be required to make long lasting biodiversity enhancements which could include the creation of new habitats where these would be appropriate. They should support existing features (trees, ponds, hedgerows etc), provide and manage public open space and should also provide additional features for a wide variety of species and habitats in appropriate locations throughout the development. Additional features provided should be consistent with the characteristics of the surrounding area.

7 Conclusion

The site at Dene Hollow, Highfield Lane, Lydney, Gloucestershire is of low ecological value due to the site being predominantly tarmac and amenity grassland. The only hedgerow on site is single non-native species. The building on site was assessed as having negligible potential for roosting bats.

Therefore:

- Works must be carried out following the recommendations in this report
- If any vegetation is to be removed between March 1st to August 31st then a breeding bird survey must be carried out prior to the works.

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9 Appendix I: Supporting Documents

P1HS

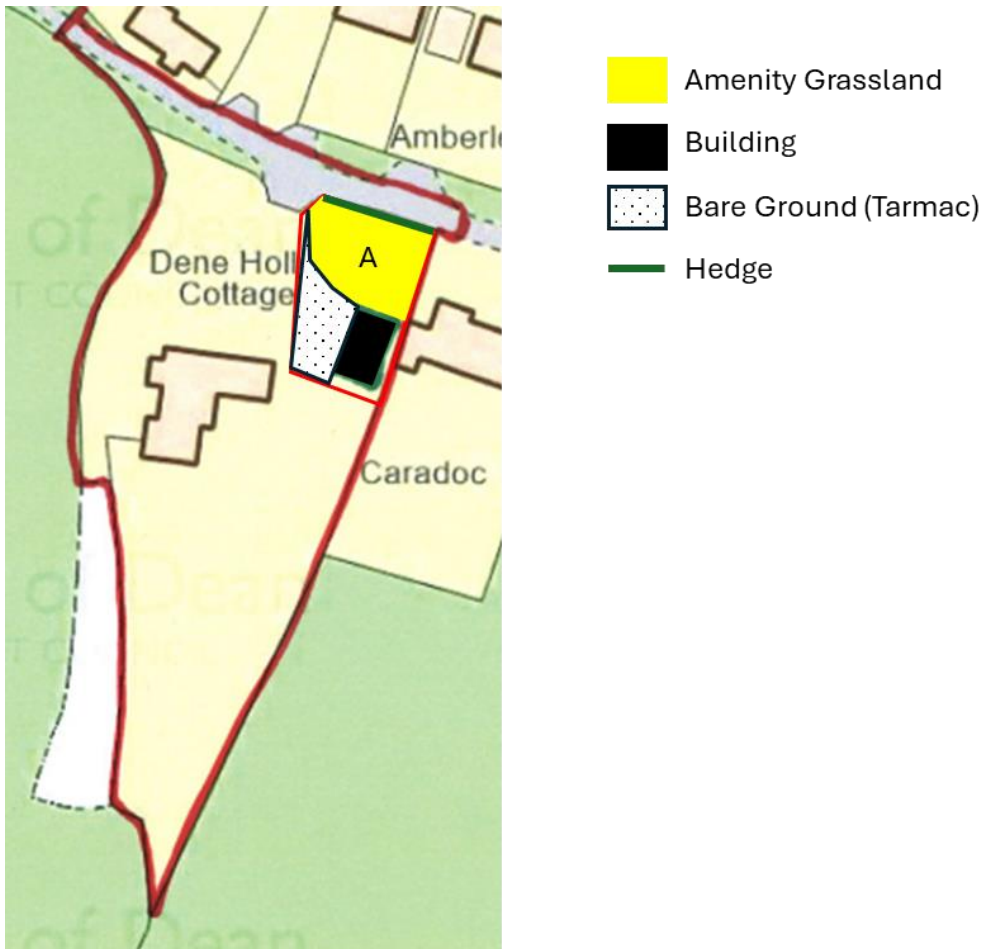


Figure 5: Habitat map

Plant species list:

Leylandii	cupressocyparis leylandii
Perennial Rye	Lolium perenne
Fescue sp.	Festuca sp.
White clover	Trifolium repens
Daisy	Bellis perennis
Choisya	Choisya
Ivy	Hedera helix

Hydrangea	Hydrangea
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10 Appendix II: Photographs



Photo 1 – West face of Garage



Photo 2 –North face of garage



Photo 3- Eastern boundary of site



Photo 4- South face of garage



Photo 5- Fascia boards of garage



Photo 6: Internal structure of roof



Photo 7 – Amenity grassland and northern boundary



Photo 8: Panel fence



Photo 9: Garden surrounding site



Photo 10- Oaks on western boundary in wider garden



Photo 11- Small stream to west of site