



Andrew Black Consulting

Southampton Road, Alderbury

Ecological Appraisal

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CONTENTS

1.0	INTRODUCTION	2
2.0	AIMS AND OBJECTIVES	2
3.0	LEGISLATION	3
4.0	METHODOLOGY.....	4
5.0	RESULTS.....	10
6.0	DISCUSSION.....	14
7.0	CONCLUSION	22

TABLES

Table 1: Classification and survey requirements for bats in trees

Table 2: Statutory sites of Nature Conservation Interest

Table 3: Biodiversity Net Gain Summary

Table 4: Ecological features scoped out from further investigation.

Table 5: Indicative off-site BNG compensation land-take requirements

FIGURES

Figure 1: Site Location

Figure 2: Designated Sites

Figure 3: Baseline Habitats

Figure 4: Post intervention Biodiversity Net Gain Plan

APPENDICES

Appendix A: Nature Conservation Legislation

Appendix B: Botanical Species List

Appendix C: 1215 Heritage Homes: Ecology Statement 2019

Appendix D: Baseline BNG metric spreadsheet.

1.0 INTRODUCTION

- 1.1 This report has been prepared by FPCR Environmental and Design Ltd on behalf of Andrew Black Consulting. It details the results of a Phase 1 Habitat survey undertaken at Southampton Road, Alderbury (hereafter referred to as the 'site') and initial results of a Preliminary Protected Species survey.

Development Proposals

- 1.2 The proposed development is for up to 32 residential dwellings with vegetated gardens and a play area. The dwellings will consist of a mixture of styles including 2, 3, 4 and 5 bed family homes as well as affordable/shared homes. It is intended that the style of housing will be in keeping with the local area.

Site Location and Context

- 1.3 The site is located approximately 4 miles southeast of Salisbury between the villages of Alderbury and Whaddon. It is situated South of the A36 link road between Salisbury and Southampton central grid reference (SU190270) (see *Figure 1*). The site area is approximately 1.25 hectares.
- 1.4 The site is currently used as a garden and with the majority of the habitat being made up of bare ground, 'other neutral grassland', bracken and bramble scrub with some mature trees on the northern boundary.

2.0 AIMS AND OBJECTIVES

Phase 1 Habitat and Preliminary Protected Species Survey

- 2.1 The aim was to conduct an extended Phase 1 Habitat and Preliminary Protected Species Survey of the application site using both a desk study and a walk over survey, to present and discuss the results and recommend any further surveys that may be required.
- 2.2 The objectives were to:
- Map the broad habitat types within the survey area;
 - Determine the presence or potential presence of legally protected, rare or otherwise notable species;
 - Assess the potential nature conservation importance of the recorded habitats;
 - Identify designated sites of nature conservation value; and
 - Identify the potential legal ecological constraints on development and propose any further surveys that may be required.

Further Protected Species Surveys

- 2.3 The aim of further protected species work is to establish the presence or absence, and if possible / appropriate a population estimation, of legally protected, rare or notable habitats / species identified as being present or potentially present during the initial extended Phase 1 Habitat and Preliminary Protected Species Survey; and to determine if the proposed application is likely to

adversely affect these species. Suitable mitigation will be outlined where appropriate to minimise impact on these species to a level considered acceptable by the local planning authority.

2.4 The objectives were to:

- Survey the site / suitable habitats using recommended survey guidelines where appropriate for each of the protected species / habitats identified for further survey during the Phase 1 Habitat and Preliminary Protected Species Survey.
- Use the results and desk study data to determine the likely presence or otherwise of protected species, and if possible / appropriate estimate population size.
- Determine the likelihood of the proposed application affecting protected, rare or notable habitats / species.
- Produce an Ecological Appraisal that presents the results gathered and details appropriate mitigation and / or enhancements to reduce any potential impact from the proposed application on protected, rare or notable habitats / species to an acceptable level.

3.0 LEGISLATION

3.1 Detail on the relevant national policy and legislation for ecology in relation to development sites are provided *Appendix A*. The national policy and legislation most relevant here are:

- The Conservation of Habitats and Species Regulations (“The Habitats Regulations”) (Amendment) 2017 in relation to the European Protected Species (EPS) great crested newt, (GCN), bats (all species) and dormouse; and European protected sites i.e. Special Areas of Conservation (SAC), Special Protection Areas (SPAs) and Internationally protected “Ramsar Sites” (collectively known as “Natura 2000 sites”). Annex II bat species of particular relevance in relation to SACs designated for bats.
- The Wildlife and Countryside Act 1981 (WCA) (as amended) in relation to all wild birds (including Schedule 1 species), other animals (notably Schedule 5 species), flora (those listed in Schedules 8 and 9) and Sites of Special Scientific Interest (SSSI);
- The Environment Act 2021;
- Protection of Badgers Act 1992;
- Natural Environmental and Rural Communities (NERC) Act 2006 in relation to various priority species and habitats;
- Hedgerow Regulations 1997 made under Section 97 of the Environment Act 1995;
- National Planning Policy Framework (NPPF) (2021);
- Local Nature Reserves (LNR) as designated most recently by the NERC Act 2006;
- Non-statutory protected local sites including County Wildlife Sites (CWS), Sites of Importance for Nature Conservation (SINC), Local Wildlife Sites (LWS) and Ancient Woodland Inventory (AWI) sites;
- Local Biodiversity Action Plans (LBAP); and
- Birds of Conservation Concern (BoCC).

4.0 METHODOLOGY

Desk study

- 4.1 In order to compile existing baseline information, relevant ecological information was requested from both statutory and non-statutory nature conservation organisations including:
- Multi Agency Geographic Information for the Countryside (MAGIC); and
 - 1215 Heritage Homes : Ecology Statement 2019.
- 4.2 Further inspection of an aerial photographs from Google Earth (www.maps.google.co.uk) was also undertaken in order to provide additional context and identify any features of potential importance for nature conservation in the wider countryside.
- 4.3 The search area for biodiversity information was related to the significance of sites and species and potential zones of influence, as follows:
- European Protected Sites - 10km search around the site for sites of International Importance (e.g. SACs, SPAs and Ramsar sites).
 - Nationally Protected Sites - 2km search around the site for sites of National Importance (e.g. SSSIs). Sites of importance outside of the 2km range may also be highlighted if a potential impact is perceived.
 - Local Protected Sites - 2km search around the site for locally protected sites (e.g. LNRs).
 - Non-statutory Designated Sites - 2km search around the site.
 - Legally Protected and Notable Species - 5km search around the Survey Area.
- 4.4 When handling data species data:
- a) All results were filtered to include records from 1989 to 2019.
 - b) The remainder of results are filtered, separating (from those listed in d.) all WCA Schedule 5 species, all likely breeding or over wintering WCA Schedule 1 birds, any EPS species and any Nationally Rare and scarce plants.
 - c) All remaining species including, but not limited to non-WCA / EPS, NERC S41, BoCC Red and Amber listed species are not included

Field survey

Habitats/flora

Phase 1

- 4.5 A field survey was conducted on 15th February 2022.
- 4.6 The survey was conducted using the methodology outlined in the Handbook for Phase 1 Habitat Survey (JNCC 2010)¹. This involved a systematic walkover of the site to classify the habitat types present (using the standardised Phase 1 Habitat classification system) and mapping these onto an OS base map. Each habitat was described based on the botanical merits and target notes used to record features of habitats of particular interest, as well as any sightings, evidence of, or potential

¹ JNCC, (2010). Handbook for Phase 1 habitat survey – a technique for environmental audit, ISBN 0861396367.

for protected or notable species. A full botanical species list (*Appendix B*) was compiled during the survey, and a Baseline habitat plan of all major habitat types produced (*Figure 3*). Where necessary, the abundance of species was quantified using the DAFOR scale, ranging from Dominant (>75%) to Abundant (75-51%), through Frequent (50-26%) and Occasional (25-11%) to Rare (10-1%).

Biodiversity Net Gain

- 4.7 Biodiversity Net Gain was calculated using the DEFRA Biodiversity Metric 3.0. Initial baseline conditions were determined by way of a walkover survey (see above) which classified and graded habitats and hedgerows on site. The physical dimensions of habitat features were calculated using GIS.
- 4.8 New land use was determined using the latest scheme proposal *Figure 4* and the data was entered into the metric to produce a quantitative value for impact on the habitats present.
- 4.9 Automatic DEFRA approved values for temporal and difficulty risk factors are applied within the metric. The guidance allows room for these to be changed providing it can be reasonably justified.
- 4.10 All scores for habitat type, distinctiveness, and target condition scores for replaced, created and restored habitats have been judged to be reasonable and justification has been provided in this document where necessary.

Invasive plants, notifiable weed species and other notable flora

- 4.11 Consideration was given as to the presence of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) (WCA 1981)⁴ and the presence of any notable weeds including those covered under the Weed Act 1959⁵ (where population is significant enough to be considered injurious).
- 4.12 In addition, any rare or notable flora including those listed in the following policies as priorities were duly noted:
 - Post 2010 UK Biodiversity Framework⁶ priority species;
 - NERC S41 species of principal importance;
 - Wiltshire Biodiversity Action Plan (BAP) priority species;
 - International Union for the Conservation of Nature (IUCN) Red listed⁷ species;
 - Red Data Book (RDB)⁸ species; and
 - national, regional, county or vice-county (VC8 South Wiltshire) rarities.

⁴ Act of Parliament, (1981). The Wildlife and Countryside Act 1981 (as amended), London: HMSO.

⁵ Act of Parliament, (1959). The Weed Act 1959. London: HMSO.

⁶ JNCC and Defra (on behalf of the Four Countries' Biodiversity Group). (2012). UK Post-2010 Biodiversity Framework. July 2012.

⁷ International Union for Conservation of Nature (IUCN), (2012). Red List 2012.

⁸ Cheffings, C.M. & Farrell, L. (Eds), Dines, T.D., Jones, R.A., Leach, S.J., McKean, D.R., Pearman, D.A., Preston, C.D., Rumsey, F.J., Taylor, I. (2005). The Vascular Plant Red Data List for Great Britain. Species Status 7: 1-116. Joint Nature Conservation Committee, Peterborough.

Fauna

Badger

- 4.13 A survey of the site for the presence of badgers was conducted on 15th February 2022
- 4.14 As part of the survey all hedgerows, woodlands, scrub and other suitable habitats within the site and immediately adjacent to the site boundary, were searched for evidence of badger activity. The standard methodology was used, as outlined by Harris, Creswell and Jefferies (1991)⁹. This involved a thorough search for evidence indicating the presence of badgers, including:
- setts, including earth mounds, evidence of bedding and runs between setts;
 - latrines, often located close to setts, at territory boundaries or adjacent to favoured feeding areas;
 - prints and paths or track ways;
 - hairs caught on rough wood or fencing; and
 - other evidence including snuffle holes, feeding and playing areas and scratching posts.
- 4.15 The identification of snuffle holes, scratching posts or feeding signs on their own is not necessarily conclusive evidence of the presence of badgers. A number of such signs may need to be seen in conjunction before they can be said to be conclusive of badger activity.
- 4.16 Where setts are found, their status and level of activity is noted. Sett status is broadly categorised as follows:
- *Main sett* – usually continuously used with many signs of activity around, a large number of holes and conspicuous spoil mounds.
 - *Annexe sett* – usually located close to a main sett and connected to it by well used paths. Annexes may not be continuously occupied.
 - *Subsidiary sett* – lesser used setts comprising a few holes and without associated well-used paths. Subsidiary setts are not continuously occupied.
 - *Outlier sett* – one or two holes without obvious paths. These are used sporadically.
- 4.17 Level of activity is described as:
- *Well used* – clear of debris, trampled soil mounds and obviously active, with signs of activity such as presence of prints, dislodged guard hairs around the entrances.
 - *Partially used* – some associated debris or plants at the entrance. Could be used with minimal excavation and usually with signs of activity within the vicinity, for example, badger pathways.
 - *Disused* – partially or completely blocked entrances.

⁹ Harris, S., Creswell, P. and Jefferies, D., (1991). (Report) Surveying Badgers. The Mammal. Society, Bristol.

Bats

Assessment of trees

- 4.18 Tree assessments were undertaken from ground level, with the aid of a torch and binoculars (where appropriate). These surveys were undertaken on 15th February by a licensed / suitably experienced bat ecologist from FPCR.
- 4.19 During the survey, Potential Roosting Features (PRF) for bats such as the following were sought (Based on P96, British Standard 8596:2015)¹¹:
- natural holes (e.g. knot holes) arising from naturally shed branches or branches previously pruned back to a branch collar;
 - man-made holes (e.g. cavities that have developed from flush cuts or cavities created by branches tearing out from parent stems);
 - woodpecker holes;
 - cracks/splits in stems or braches (horizontal and vertical);
 - partially detached, loose or bark plates;
 - cankers (caused by localised bark death) in which cavities have developed;
 - other hollows or cavities, including butt rots;
 - compression of forks with included bark, forming potential cavities;
 - crossing stems or branches with suitable roosting space between;
 - ivy stems with diameters in excess of 50mm with suitable roosting space behind (or where roosting space can be seen where a mat of thinner stems has left a gap between the mat and the trunk);
 - bat or bird boxes; and
 - other suitable places of rest or shelter.
- 4.20 Certain factors such as orientation of the feature, its height from the ground, the direct surroundings and its location in respect to other features may enhance or reduce the potential value.
- 4.21 Trees were classified into general bat roost potential groups based upon the presence of these features. *Table 1* (below) broadly classifies the potential categories as accurately as possible as well as discussing the relevance of the features. This table is based upon Table 4.1 and Chapter 6 in Bat Surveys for Professional Ecologists: Good Practice Guidelines.
- 4.22 Although the British Standard 8596:2015 document groups trees with moderate and high potential, these have been separated below (as per Table 4.1 in The Bat Conservation Trust Guidelines) to allow more specific survey criteria to be applied.

¹¹ BSI (2015). Surveying for Bats in Trees and Woodland – Guide. British Standards Institution. BS8596:2015, UK.

Table 1: Classification and survey requirements for bats in trees

Classification of Tree	Description of Category and Associated Features (based on Potential Roosting Features listed above)	Likely Further Survey work / Actions
Confirmed Roost	Evidence of roosting bats in the form of live/dead bats, droppings, urine staining, mammalian fur oil staining, etc.	A Natural England derogation licence application will be required if the tree or roost site is affected by the development or proposed arboricultural works. This will require a combination of aerial assessment by roped access bat workers (where possible, health and safety constraints allowing) and nocturnal survey during appropriate periods (e.g. nocturnal survey - May to August) to inform on the licence. Works to tree undertaken under supervision in accordance with the approved good practice method statement provided within the licence. However, where confirmed roost site(s) are not affected by works, work under a precautionary good practice method statement may be possible.
High Potential	A tree with one or more Potential Roosting Features that are obviously suitable for larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter protection, conditions (height above ground level, light levels, etc) and surrounding habitat. Examples include (but are not limited to); woodpecker holes, larger cavities, hollow trunks, hazard beams, etc.	Aerial assessment by roped access bat workers (if appropriate) and / or nocturnal survey during appropriate period (May to August). Following additional assessments, tree may be upgraded or downgraded based on findings. If roost sites are confirmed and the tree or roost is to be affected by proposals a licence from Natural England will be required. After completion of survey work (and the presence of a bat roost is discounted), a precautionary working method statement may still be appropriate.

Classification of Tree	Description of Category and Associated Features (based on Potential Roosting Features listed above)	Likely Further Survey work / Actions
Moderate Potential	A tree with Potential Roosting Features which could support one or more potential roost sites due to their size, shelter protection, conditions (height above ground level, light levels, etc) and surrounding habitat but unlikely to support a roost of high conservation status (i.e. larger roost, irrespective of wider conservation status). Examples include (but are not limited to); woodpecker holes, rot cavities, branch socket cavities, etc.	A combination of aerial assessment by roped access bat workers and / or nocturnal survey during appropriate period (May to August). Following additional assessments, tree may be upgraded or downgraded based on findings. After completion of survey work (and the presence of a bat roost is discounted), a precautionary working method statement may still be appropriate. If a roost site/s is confirmed a licence from Natural England will be required.
Low Potential	A tree of sufficient size and age to contain Potential Roosting Features but with none seen from ground or features seen only very limited potential. Examples include (but are not limited to); loose/lifted bark, shallow splits exposed to elements or upward facing holes.	No further survey required but a precautionary working method statement may be appropriate.
Negligible/No potential	Negligible/no habitat features likely to be used by roosting bats	None.

* The Conservation of Habitats & Species Regulations 2010 (as amended) affords protection to "breeding sites" and "resting places" of bats. The EU Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC, February 2007 states that these are places "where there is a reasonably high probability that the species concerned will return".

Limitations and assumptions

Desk study

- 4.23 The species data collated for the desk study is derived from records submitted by members of the public and from specialist volunteer group surveys. It does not represent a definitive list of species that occur in the local area, and the absence of records does not necessarily imply absence of such species.
- 4.24 Data was reviewed from the 1215 Heritage Homes: Ecology Statement 2019 (*Appendix C*), so does not include the most recent 3 years of data.

5.0 RESULTS

Desk study

Statutory designated sites of nature conservation interest

- 5.1 The details of statutory designated sites within the search area are listed below in *Table 2* and presented in *Figure 2*
- 5.2 Five internationally designated sites were identified within 10km of the development site and one SSSI was found within 2km of the development site.
- 5.3 The New Forest SAC / SPA / SSSI / Ramsar is a huge area formed from significant Annex 1 habitats including Oligotrophic waters containing very few minerals of sandy plains, Oligotrophic to mesotrophic standing waters with little vegetation of the *Littorelletea-uniflore* and/or the *Isoeto-Nanojuncetea*, Northern Atlantic wet heaths with *Erica tetralix*, European dry heaths, *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*), depressions on peat substrates of the *Rhynchosporion*, Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion roberi-petraeae* or *Ilici-Fagenion*), *Asperulo-Fagetum* beech forests, Old acidophilous oak woods with *Quercus robur* on sandy plains, bog woodland, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*). In addition to nationally rare plant species supported by the above Annex 1 Habitats, the SAC also supports significant populations of Annex II species southern damselfly *Coenagrion mercurial*, stag beetle *Lucanus cervus* and populations of great crested newt. The New Forest is designated a Special Protection Area as it supports significant populations of birds, specifically 300 pairs of nightjar *Caprimulgus europaeus* >15% of the British population), 51-54 pairs of woodlarks *Lullula arborea* (24% British popn), 454 pairs of Dartford warbler *Sylvia undata* (75% British popn) and two pairs of honey buzzard *Pernis ptilorhynchus* (7% British popn). Also notable are the 10 pairs of kingfisher *Alcedo atthis* supported by the site and the 15 hen harriers *Circus cyaneus* regularly supported (2% British wintering popn).
- 5.4 Porton Down SPA is an extensive area of chalk grassland with scrub and woodland; and is very important for downland breeding birds. 20 pairs of breeding stone curlew are present at Porton down and the site is also used by Hen harrier, merlin and short-eared owl.
- 5.5 Great Yews SAC is designated as a SAC due to it once being a woodland dominated by Yew *Taxus baccata* with some regeneration of historic woodland being seen.
- 5.6 The Salisbury Plain SAC lies approximately 7km north of the Site and has is designated owing to its importance for a number of habitats including *Juniperus communis* formations on heaths or calcareous grasslands, semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*) (important orchid sites) and semi-natural dry grasslands and scrubland. Dry chalk grasslands are one of the main habitats for breeding marsh fritillary *Eurodryas aurinia* which is a designated species on this SAC. This area is also an SPA designated to protect nesting birds specifically the stone curlew *Burhinus oedicephalus* which breeds within this designated area and the hen harrier *Circus cyaneus* which overwinters on the plain.
- 5.7 The River Avon SAC / SSSI lies approximately 1.5km west of the Site. The SAC has been notified as a water course of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation. This habitat supports species including brook lamprey *Lampetra planeri*,

sea lamprey *Petromyzon marinus*, Atlantic salmon *Salmo salar*, Bullhead and Desmoulin's whorl snail *Vertigo moulinsiana*. These designated features are susceptible to changes in hydrology and water quality.

Table 2: Statutory sites of Nature Conservation Interest

Site Name	Site Reference	Designation	Proximity to site (approximate)
New Forest	UK9011031	RAMSAR, SAC, SPA, SSSI	7.8km South
Porton Down	UK9011101	SPA	7km North
Great Yews	UK0012770	SAC	7.8km West
Salisbury Plain	UK102683	SAC	7km North
River Avon	UK0012683	SAC, SSSI	1.5km West

Non-statutory sites of nature conservation interest

- 5.8 There were no national, statutory designated sites located within 2km radius of the development site.

Protected rare and otherwise notable species

- 5.9 All WCA, EPS and Nationally Rare species as defined in *Paragraph 4.4* were reviewed to a 5km radius of the site. These were the records from between 1989 and 2019.

Amphibians

- 5.10 There are 7 records of great crested newt recorded within 5km of the site

Reptiles

- 5.11 In total there are 9 records of reptiles of 6 different species recorded within 5km of the site. There are 2 records of smooth snake, grass snake, and common lizard, and 1 record of sand lizard, adder, and slow worm.

Mammals - Bats

- 5.12 In total there are 28 records of bats of 9 different species recorded within 5km of the site. There are 6 records of Brandt's, 5 records of Daubenton's, 4 records of Greater Horseshoe and Common Pipistrelle, 3 records of Soprano Pipistrelle, 2 records of Lesser Horseshoe and Noctule, and 1 record of Natterer's and Barbastelle.

Mammals – Other

- 5.13 Records of Badger, Dormouse and Otter were all found within 5km of the site with 5, 233, and 5 records respectively.

Field survey

Habitats and flora

- 5.14 All habitats were assessed during the Phase 1 Habitat survey of the site conducted on the 15th February 2022, and the locations illustrated at *Figure 3*. A list of all the botanical species found on site is in *Appendix B*. The following section provides descriptions of the habitats within the survey area.

Other Neutral Grassland

- 5.15 This habitat type is the most dominant, occupying the greatest area over the site. Some small areas had been recently mown / flailed but all are dominated by Yorkshire fog *Holcus lanatus* and soft rush *Juncus effusus* and other species affiliated with National Vegetation Classification (NVC) MG10 community. NVC MG10 grassland is associated with poor drainage which is reflected in the presence of the following damp tolerant species sporadically within the sward: greater willowherb *Epilobium hirsutum*, purple loosestrife *Lythrum salicaria*, goat willow *Salix capraea* (s), pendulous sedge *Carex pendula* and lesser spearwort *Ranunculus flammula*. This habitat type is not sufficiently species rich and lacking in acid indicator species to key as UK Hab f2b (or NVC M23 type habitat) so is characterised as g3c8 *Holcus* – *Juncus* neutral grassland.

Bramble Scrub

- 5.16 The northeast portion of the site is dominated with bramble *Rubus fruticosus* agg. scrub with occasional butterfly bush *Buddleja davidii*, Himalayan honeysuckle *Leycesteria Formosa*, gorse *Ulex europaea* and rarely, seedling cross leaved heath *Erica tetralix*. This habitat is typical of young bramble scrub on this underlying substrate and keys as

Bracken dominant

- 5.17 Areas of bracken dominant habitat are located to the northwest corner of the site extending along the boundary. Typical of well-established bracken habitat this habitat requires little in the way of further description and keys out as g1c bramble dominated habitat.

Rubble / hardcore and building waste piles

- 5.18 Adjacent to a residential development under construction (near completion) the areas of the Site closest to the estate access road have been used for the storage of building materials and waste, mostly rubble and hardcore have accumulated here. UK Habs closest applicable equivalent habitat is *sand pit or open cast mine 1030*.

Vacant/ Derelict Land/ Bare ground

- 5.19 In addition to the above rubble piles, areas of bare ground exist and are regularly subject to disturbance from deliveries, site vehicle parking, the storage of building materials etc and are otherwise devoid of vegetation save for the rare ruderal plant. The UK Habs equivalent habitat is *vacant / derelict land / bare ground 351*.

Hedgerows

- 5.20 No Hedgerows were recorded onsite.

Trees

- 5.21 Several mature pedunculate oak trees were present on the northern boundary to the Site.

Biodiversity Net Gain

- 5.22 At present the site delivers 3.92 habitat units and 0 hedgerow units. Most habitat units come from the *other neutral grassland* and *bramble scrub* each contributing 0.64 and 2.60 habitat units respectively. The remaining baseline habitat units are from *bracken*, *Sand pit*, *quarry or open cast mine* and *vacant/derelict land/bare ground*. On site proposals will result in a net gain of -2.53 habitat units (- 64.66%).

Table 3 Biodiversity net gain headline results

	Baseline	Post Intervention	Change
Habitats	3.92 units	1.39 units	- 2.53 units (64.66%)
Hedgerows	-	-	-

Field survey**Fauna**Badger

- 5.23 There was no evidence of badgers recorded during the site visit. Badgers have been recorded within 5km of the site.

Bat Tree Roost Potential Assessment

- 5.24 All trees were assessed for their potential to support bat roosts from the ground on the 15th February. During the PRA survey, the mature trees present on the northern Site boundary, although of an age and stature suitable for having PRAs were considered to have only limited potential and no features capable of supporting bat roosts. The trees were assessed as having only limited bat roost potential.

Bats

- 5.25 Given the mosaic of habitats present upon Site, it is likely that these resources are utilised by local bat populations, most likely common species in low and unremarkable number given the small size of the Site, the observed levels of disturbance and the Site being sandwiched in a largely residential area with relatively poor connectivity.

Reptiles

- 5.26 The mosaic of habitats present on Site provide suitable habitat for common reptiles species, specifically areas suitable for refuge, basking and breeding although the small size of the Site

together with the history of disturbance / clearance and subsequent recolonisation by the above described habitats mean that the Site only likely has the capacity to support low populations.

Other protected, rare or otherwise notable species.

- 5.27 The mosaic of habitats present on Site in such close proximity to established residential gardens and mature hedgerows and shrubs forming boundaries to nearby local residential properties all have the potential to provide suitable foraging and nesting habitat for hedgehog *Erinaceus europaeus*.

6.0 DISCUSSION

Development proposals

- 6.1 Proposals for the Site comprise residential development together with residential gardens and areas of Green Infrastructure.

Scoping

- 6.2 Table 4 below shows the ecological features scoped out from further investigation based on the survey results and the desk study. Those which were not scoped out are discussed in further detail below.

Table 4: Ecological features scoped out from further investigation.

Ecological Feature	Reason
Badgers	Consultation with the WSBRC returned 14 records of badgers within the last 10 years. However, no evidence of badgers was recorded on site across all surveys carried out between 2014 and 2020.
Dormouse	No suitable hedgerow habitat was found to be present within or connected to the site.
Great Crested Newts	No ponds on site. Nearest known pond 380m from site. This waterbody is separated from the site by two roads (Church Road and the A30), both of which have curbs and are considered to represent barriers to the dispersal. No records of GCN returned from consultation.
Invertebrates	No high value, unique or specialist habitats present on site. Site not likely to support an important invertebrate assemblage.
Riparian Mammals / White-Clawed Crayfish	No suitable riparian habitat present
Wintering birds	Site lacks habitat suitable for waders and wildfowl, and there are no nearby designated sites protected for wintering birds.

Protected sites of nature conservation interest.New Forest

- 6.3 The Site is located within the New Forest 8km buffer that triggers the requirement for an Habitats Regulation Assessment to be undertaken by the competent authority, in this instance Wiltshire Council. Wiltshire Council has recently agreed an *Interim Mitigation Strategy for The New Forest Internationally Protected Sites* in accordance with the *Wiltshire Core Strategy Updated Habitats Regulations Assessment*, Wiltshire Council April 2014.
- 6.4 The *Interim Mitigation Strategy for the New Forest Internationally Protected Sites* sets the developer contributions secured through CIL for developments of 0-49 dwellings within 5-8km of the New Forest SPA/SAC/Ramsar site.

Salisbury Plain SAC / SPA and Porton Down SPA

- 6.5 Salisbury Plain SAC / SPA comprises a huge expanse of chalk grassland which supports breeding populations of common quail, Eurasian hobby, stone curlew and non-breeding hen harrier. The stone curlew is a ground nesting bird species and thus is susceptible to disturbance by people, in particular dog walkers. Whilst recreational access is restricted on central and western plains because of military operations, visitor surveys²⁵ have demonstrated 75% of visitors to Salisbury Plain SAC / SPA come from within 6.4km and the application site is within 7km. It is considered very highly unlikely, given the small Site and scale of the proposed development that the effect alone of new residents use Salisbury Plain for recreation purposes will be significant although, in the absence of mitigation, in particular when considered in combination with other development, may contribute to a significant effect upon the SPAs. Whilst it is the duty of the competent authority to conduct an Habitats Regulations Assessment Appropriate Assessment, the key information and a conclusion based on our professional judgement is provided in the below paragraphs.
- 6.6 Wiltshire Council have a Mitigation Strategy for Salisbury Plain SPA that was updated as recently as 2018 and this mitigation strategy sets out the need to identify, avoid and mitigate any potential effects through increased recreational pressure on the SPA.
- 6.7 The mitigation strategy makes use of monitoring and management to inform 'adaptive' land management within the SPA and on surrounding functionally linked land funded by Community Infrastructure Levy contributions.
- 6.8 Specifically, monitoring of stone curlew breeding success with information regarding the location of active nests communicated to Defence/Military bodies and tenant farmers to avoid inadvertently damaging or disturbing nests through an annual report.
- 6.9 Management advice is given to landowners and tenants within 5km of the SPA to assist in maintaining nesting opportunities are available locally should breeding nests on the SPA be disturbed.
- 6.10 The mitigation strategy updated in 2018 has been considered effective in the mitigation of likely significant effects through recreational pressures from new housing developments in the Wiltshire Housing Site Allocations Plan Assessment under the Habitats Regulations (February 2020).
- 6.11 Specifically, the document states that:

²⁵ Footprint Ecology (2015) Salisbury Plain Visitor Survey 2015

'The analysis underpinning the reasoning, conclusion or assessment they are adopting is sufficiently rigorous and robust'.

The reasoning and conclusions of the 2018 review remain sound and are supported by recent monitoring which shows that the stone-curlew populations are stable despite recent increases in local housing numbers. No plots have repeatedly failed in recent years and the partners have not raised any concerns about the effectiveness of the strategy.

- 6.12 The information within the above paragraphs does demonstrate that the current mitigation strategy is sufficient to support the additional housing proposed within this application with CIL contributions from this proposed development mitigating the effects of this proposed development upon the Salisbury Plains SPA. Therefore, we do not expect that the proposed development would adversely affect the integrity of the SPA.

Great Yews SSSI / SAC

- 6.13 The Great Yew's SSSI / SAC is on land owned and managed by the Longford Estate with no public access²⁶. Pressures cited in Natural England's Site Improvement Plan (SIP) for Great Yew's SAC are non-development related (deer browsing and non-vehicular nitrogen deposition) and not recreation. No effect expected.

River Avon.

- 6.14 The River Avon SAC is a chalk river system, which comprises the Annex I habitat type, 'watercourses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation (Rivers with floating vegetation often dominated by water-crowfoot)'. It is also designated for supporting internationally important populations of the following Annex II species; Desmoulin's whorl snail, sea lamprey, brook lamprey, Atlantic salmon and bullhead.
- 6.15 The River Avon (Hampshire and not Bristol Avon catchment) is recognised as being particularly sensitive to increases in levels of phosphate from both diffuse e.g. agriculture & surface water runoff; and point sources e.g. municipal waste water treatment works (WWTW) and package treatment works (PTW). Whilst a Joint Nutrient Management Plan (NMP) was produced to address this by Wiltshire Council, Natural England, the Environment Agency and other partners; growth has exceeded that in the NMP and the NMP targets have not been met. It cannot be concluded that increased phosphate inputs resulting from the proposed development (in the absence of mitigation) will be unlikely to result in an adverse impact upon the River Avon SAC which is reflected by the current moratorium in place with regards consenting proposed development within the River Avon Catchment.
- 6.16 Such a broad screening conclusion would be supported by recent European caselaw. The Dutch Nitrogen Cases (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others). By informing the way in which Reg. 63 of the Habitats Regulations 2017 should apply to pollution-related matters the Dutch Nitrogen cases have resulted in the need for greater scrutiny of the effects of plans or projects that are likely to, either directly or indirectly, increase nutrient loads to internationally important sites (such as the River Avon) where a reason for unfavourable condition

²⁶ <https://www.longfordestates.co.uk/news/great-yews-woodland>

is an excess of a specific pollutant. Where the conservation status of a protected natural habitat is 'unfavourable', the possibility of authorising activities which may subsequently compromise the ability to restore the site to 'favourable' condition and achieve the conservation objectives is "necessarily limited". The Dutch Nitrogen cases clearly expose the legal difficulty in authorising plans or projects that lead to further inputs of a particular pollutant.

- 6.17 Foul water from the proposed development (and wider Alderbury area) will be treated at the Petersfinger (Salisbury) Wastewater Treatment Plant, treated effluent from which discharges into the River Avon. In relation to phosphate impact on the River Avon, a paper was agreed by the Cabinet at Wiltshire Council on 5 January 2021 entitled *Allocation of Community Infrastructure Levy Funding to manage phosphates in the River Avon Special Area of Conservation*. At paragraph 21 the report sets out that the figure of £850,000 should be ring fenced from the existing strategic CIL fund which has *accrued to ensure that permissions for the period up to 2026 will be phosphate neutral in perpetuity through the delivery of a programme of mitigation solutions*. The paragraph goes on to state that the figure of £850,000 *represents a relatively small proportion of the strategic CIL fund, which at September 2020 was approximately £25.7m and is accruing with the delivery of new developments*.
- 6.18 The cabinet gave their approval to the paper which sought to ring fence CIL funds to secure in perpetuity phosphate mitigation measures in the catchment area of the River Avon (Hampshire) Special Area of Conservation (SAC)
- 6.19 The use of CIL funds is applied to sites which fall under the Generic Appropriate Assessment of Developments in Wiltshire occurring in the River Avon SAC Catchment. This sets out the short-term approach for housing between March 2018 and March 2026.
- 6.20 In addition, to further mitigate any likely potential impacts, the development is designed in a way that in terms of water consumption (excluding external water usage) is limited to 110 litres per person, per day in-line with other local consents.

Habitats

- 6.21 Baseline habitats on site are of relatively low biodiversity value, all being either ephemeral in nature or habitats that have recolonised the site following historic site clearance.
- 6.22 Elements of the proposed green infrastructure shall be included in a Landscape and Ecology Management Plan (LEMP) in order to ensure that they are managed in a manner commensurate with the promotion of biodiversity. A LEMP can be secured adequately through an appropriately worded condition attached to planning consent.
- 6.23 Mature trees on the northern boundary are to be retained within Green Infrastructure and buffered from the effects of development through the provision of new native habitats adjacent.
- 6.24 Preference will be given within planting schedules for the elements of green infrastructure throughout the scheme to the use of locally native woody species, with an emphasis on species bearing nectar, berries, fruit and nuts, as these enhance the foraging opportunities for local wild fauna including birds and invertebrates. Suitable small tree species for inclusion in hedgerow and garden planting schemes include field maple *Acer campestre*, silver birch *Betula pendula*, wild cherry *Prunus avium*, bird cherry *P. padus*, holly *Ilex aquifolium*, crab apple *Malus sylvestris* and rowan *Sorbus aucuparia*. Other shrub species suitable for inclusion within the soft landscaping design include hawthorn *Crataegus monogyna*, hazel *Corylus avellana*, blackthorn *Prunus*

spinosa, dog rose *Rosa canina*, honeysuckle *Lonicera periclymenum*, guelder-rose *Viburnum opulus* and wild privet *Ligustrum vulgare*.

- 6.25 Wherever possible, planting within the site will seek to provide additional habitat for urban and suburban wildlife. While native species are often of value to biodiversity, generally it is now accepted that many cultivated varieties and exotic/ornamental plants are also good for wildlife provided that their flowers are not too complex or that hybrid varieties, that may produce little or no pollen or nectar and so are not of interest to bees, butterflies or other pollinating insects, are avoided. The planting strategy, both within private and public areas, will therefore combine a range of native species and where appropriate, such as in gardens and more formal areas, a range of ornamental species with an accepted value for biodiversity. A range of small shrubs, low growing woody species, grasses and perennials, would provide a range of forms, sizes and finer scale variation to enhance the future structural and three-dimensional complexity of the site post development which would benefit wildlife.

Biodiversity Net Gain

- 6.26 Given the small scale of the proposed development in a location largely surrounded by existing residential housing full on-site mitigation is not considered achievable post intervention and the development has been calculated to deliver on-site biodiversity net gain of -2.53 habitat units. It is agreed in principle that given this loss, compensation for residual harm is required and, in this instance, this will be delivered off-site.
- 6.27 As a note on pre-development biodiversity value, Paragraphs 5(1), 6(a) and 6(b) of the Environment Act 2020 make it clear that the baseline biodiversity of a site should be taken 'as is' at a relevant time after 30th January 2020 and the supporting baseline biodiversity net gain information, for this application collected on 15th February 2022 is in-line with this.
- 6.28 Although the Environment Act 2021 is now law, secondary legislation is required for it to be fully implemented. Therefore, the mandatory 10% net gain requirement set out within the Environment Act is neither law, nor applicable to this development with a net gain of just 1% being required in order for proposals to be policy compliant. However, the developer is committed to ensuring net biodiversity gains are delivered by the proposed scheme.
- 6.29 Off-site compensation will be delivered through one of two mechanisms, financial contribution to a biobank scheme (such as a biodiversity trading platform like Biobank) or through habitat creation on additional land under an Biodiversity Management Plan and agreed with Wiltshire Council. Table 5 below provides an indication of the areas of off-site land that will be acquired and subject to habitat creation and long-term management to deliver 1-10% biodiversity net gain.

Table 5 – Indicative off-site BNG compensation land-take requirements

Existing habitat	Reason	Area required 1% BNG	Area required 10% BNG
Cereal Crops OR Modified grassland (poor condition)	Scrub (good condition)	~ 0.42ha	~ 0.48ha
Cereal Crops OR Modified grassland (poor condition)	Other neutral grassland (moderate condition) OR Mixed Scrub (moderate condition)	~0.56ha	~0.66ha

Existing habitat	Reason	Area required 1% BNG	Area required 10% BNG
Modified grassland (moderate condition)	Other neutral grassland (moderate condition) OR Mixed Scrub (moderate condition)	~0.98ha	~1.28ha

- 6.30 If no financial contribution to a local biobank scheme approved by Wiltshire Council is possible the above indicative scenarios for additional land and the delivery of off-site biodiversity net gains will be explored by the client. The above figures are, however, estimates and would be supported by a baseline habitat assessment of the additional land together with a Biodiversity Net Gain Management Plan that will need to be submitted and agreed with the LPA.
- 6.31 The principal of off-site compensation measures for Biodiversity Net Gain can be adequately secured for the proposed scheme through an appropriately worded pre-commencement condition attached to planning consent.

Birds

- 6.32 Bird nesting habitat on Site is limited to scrub and the habitats present on Site also have potential to provide foraging habitat for bird species common to urban, residential environments.
- 6.33 Residential gardens will continue to provide foraging and nesting resources for birds and additional habitats created will increase the habitat on Site available to nesting birds. Any impact upon bird species resulting from the proposed development is therefore likely to be minor positive in the medium to long term.
- 6.34 In order to demonstrate compliance with the NPPF additional enhancements will be proved and will include a selection of both wall or tree mounted nest boxes in addition to nest boxes integral to the construction fabric of the proposed residences. The following boxes would be considered suitable:
- 3S Schwegler Starling Nest Box to be installed on trees. Boxes will be orientated between north and east and be at least 3m from ground level.
 - 1B Schwegler of varying hole size to be mounted on trees. Boxes will be orientated between north and east and be at least 3m from ground level. For common hole dwelling species such as tits.
 - 1SP Schwegler Sparrow Terraces. Installed on buildings 2.5m above ground and north east to south east facing.
 - 16S Schwegler Swift box (or similar). To be mounted on exterior walls ideally place at least 5m from the ground.
- 6.35 The exact number, model and location of the nest boxes provided can be detailed within a LEMP that can be adequately secured through an appropriately worded condition attached to planning consent.
- 6.36 Where removal of vegetation is required, it is recommended that this is carried out outside of the nesting season (March- September inclusive) as all birds are protected whilst on the nest under the Wildlife and Countryside Act 1981 (as amended). If removal outside the nesting season is not possible, all vegetation to be removed will be checked by an experienced ecologist for the presence of active nests. Should active nests be discovered, detailed advice would be provided by the

supervising ecologist. Advice is likely to include a buffer zone around any located nests until all young have fledged. A watching brief for vegetation clearance at the Site will be detailed within an approved Construction Environmental Management Plan (CEMP) for the Site that can be adequately secured through an appropriately worded condition attached to planning consent.

Bats

- 6.37 A small number of mature trees were present on the northern boundary of the Site. Whilst of sufficient size and age to contain Potential Roosting Features, none were seen from the ground and features seen had only very limited potential. All trees are retained within the proposed layout and furthermore retained outside of the curtilage of residential properties.

Lighting and enhancements

- 6.38 During the construction phase of the proposed development, the impacts of disturbance by illumination of retained habitats and subsequent effects on foraging light sensitive species through security lighting, location of construction compounds and vehicular lighting, will be reduced through appropriate siting of construction / security compounds, Site offices etc. away from sensitive retained habitats and restriction of construction activities to normal working hours. Trees on the northern boundary should also be buffered from the adverse effects of construction through installation of heras (or similar) fencing. These measures will be detailed within an approved CEMP for the Site that can be adequately secured through an appropriately worded condition attached to planning consent.
- 6.39 To ensure the proposed development delivers biodiversity gains in-line with the NPPF, a bat box and brick scheme will increase roosting habitat on Site comprising a combination of tree mounted boxes and integrated bricks installed within the proposed buildings. These will include the following, (or similar):
- 1WI Schwegler Summer and Winter Bat Boxes or similar. These are small self-contained boxes which require no maintenance and are built into or attached to masonry. They are used by species such as serotine and common pipistrelle. Boxes to be placed 3m+ high, facing south west, south or south east spread around the eastern and southern edge of housing.
 - Schwegler 2FN bat boxes or similar, suitable for woodland species. All located on single tree within the broadleaved woodland at a unique height and orientation at least 3m from the ground.
 - Ibstock enclosed bat box 'C' or similar, which will be used by crevice dwelling species such as common pipistrelle.
- 6.40 The exact number, model and location of the roost boxes provided can be detailed within a LEMP that can be adequately secured through an appropriately worded condition attached to planning consent.

Reptiles

- 6.41 Habitats suitable for the support of common reptile species including scrub, other neutral grassland bracken, bare ground and spoil piles are present at the Site. Given the small size of the Site and its poor connectivity with higher quality reptile habitat within the local area it is considered the site

only has the potential to support a low population of reptiles although this will be confirmed through targeted survey within the determination period of this application.

- 6.42 The results of further surveys will guide a mitigation strategy to be included as part of the site CEMP and LEMP if reptiles are present. Assuming a low population is present then outline mitigation is likely to include habitat manipulation. Such manipulation methods usually include the following:
- Passive displacement shall only be undertaken during suitable weather conditions, i.e. daytime temperature 10°C or higher, within the reptile active season (mid-March - mid-October)
 - Vegetation will first be reduced directionally to a height of 100mm and 1-2 hours later it will be reduced further to 50mm. All habitat removal will be carried out from the centre of the working areas towards the retained areas of habitat.
 - All arising's will be completely removed from the working area to prevent potential areas of refugia from being used by reptiles moving across the area.
- 6.43 Should a significant population of common reptiles be recorded a more complex strategy may be required in which case a further mitigation scheme will be submitted and agreed with the Local Planning Authority.
- 6.44 During the operational phase, retained boundary habitats will continue to provide suitable corridors of movement for reptiles. Newly created habitats adjacent to these boundaries will also provide continued resources for common reptile species. It should be noted that residential gardens also have the potential to provide suitable habitat (refuge, basking and foraging) for common reptile species.

Hedgehogs

- 6.45 Hedgehogs are partially protected in the UK under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) and Wild Mammals (Protection) Act 1996. This legislation protects these animals from being killed or taken by certain methods, however, it does not directly protect the habitat in which these species nest, forage or hibernate. Hedgehogs are also a species of principal importance in England (NERC, 2006).
- 6.46 In the absence of any mitigation, there is the potential for adverse impacts upon the local population through the fragmentation and temporary loss of habitats, namely scrub, bracken and grassland.
- 6.47 As habitat is to be retained on the Site boundaries, losses may cause a more significant impact through the loss of connectivity; therefore, a mitigation strategy will be implemented in order to minimise fragmentation impacts.
- 6.48 Vegetation clearance activities will be undertaken outside of the hibernation period (November to January) and consistent with vegetation clearance requirements in relation to dormice. If this is not feasible, any bare ground and vegetation that provides suitable habitat for hedgehogs, such as rubble piles and long unmanaged vegetation and scrub, should be checked by hand by a suitably experienced ecologist prior to clearance. If a hedgehog is found during vegetation clearance or any construction works, it should be picked up carefully using gloves, put in a box and taken to a retained hedgerow on the boundary of the site.
- 6.49 Good horticultural practice should be implemented, including the use of peat-free composts, mulches and soil conditioners. The use of pesticides (herbicides, insecticides, fungicides and slug

pellets) should be discouraged to prevent the built up of harmful chemicals in the food chain and the reduction of suitable food resource for hedgehogs.

- 6.50 Management prescriptions that will benefit the hedgehog will be included within a LEMP that can be adequately secured through an appropriately worded condition attached to planning.

7.0 CONCLUSION

- 7.1 The Southampton Road, Alderbury site is an area formed of relatively low value habitats all of which have recolonised following historic clearance activities and the site lacks any linear habitats of any substantial age that would provide high quality linkage with more valuable habitats in the wider local area.
- 7.2 Given the small size of the site and its position between existing residential dwellings and gardens it is not feasible to deliver biodiversity net gains on-site but off-site gains will be adequately secured through an appropriately worded condition attached to planning consent. Such proposals for off site habitat creation for the purpose of delivering net gains in biodiversity will inevitably deliver wider long-term benefits to local wildlife in particular where proposals form part of coherent green networks.
- 7.3 On-site, measures for the protection of and the long-term management of habitats for birds, reptiles, bats and existing wildlife will be detailed within a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) both of which can be adequately secured through an appropriately worded condition attached to planning consent, as can the details of on-site enhancements for biodiversity including the specification and location of bat / bird / invertebrate boxes either as features integral to the construction fabric of new dwellings or as standalone features installed within suitable retained and created habitat features.



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Key:

 Site Boundary



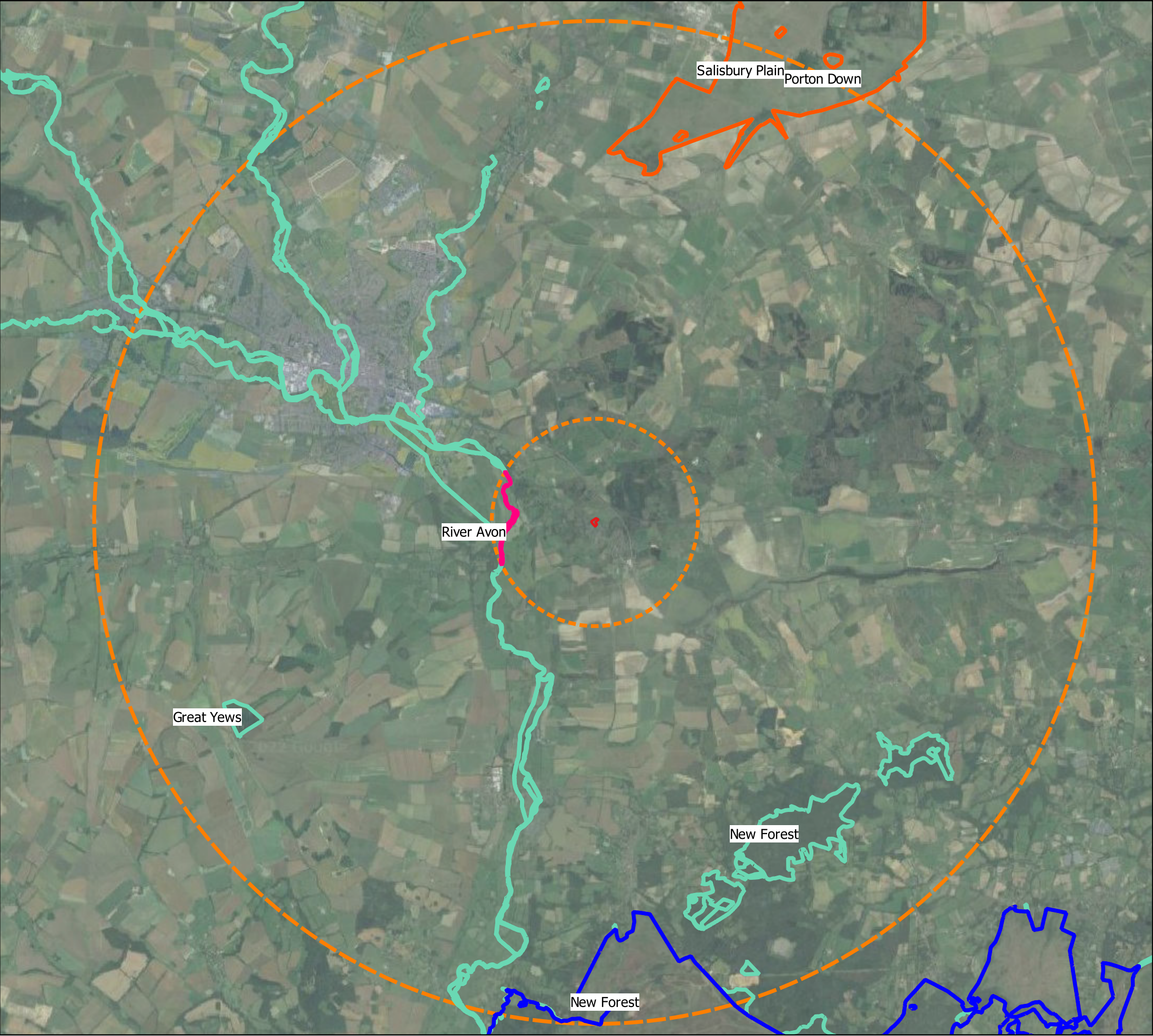
client
Andrew Black Consulting
project
Southampton Road,
Alderbury
drawing title
Site Location Plan

scale of A3
1:50000

drawn
ZB/MEL

issue
17/3/2022

drawing / figure number
Figure 1



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Key

- Site Boundary
- 2km buffer
- 10km buffer

Designated sites

2km Search

- Site of Special Scientific Interest (SSSI)

5km Search

- RAMSAR Sites
- Special Area of Conservation (SAC)
- Special Protected Area (SPA)



client
Andrew Black Consulting

project
**Southampton Road,
Alderbury**

drawing title
Designated sites plan

scale
1:80000

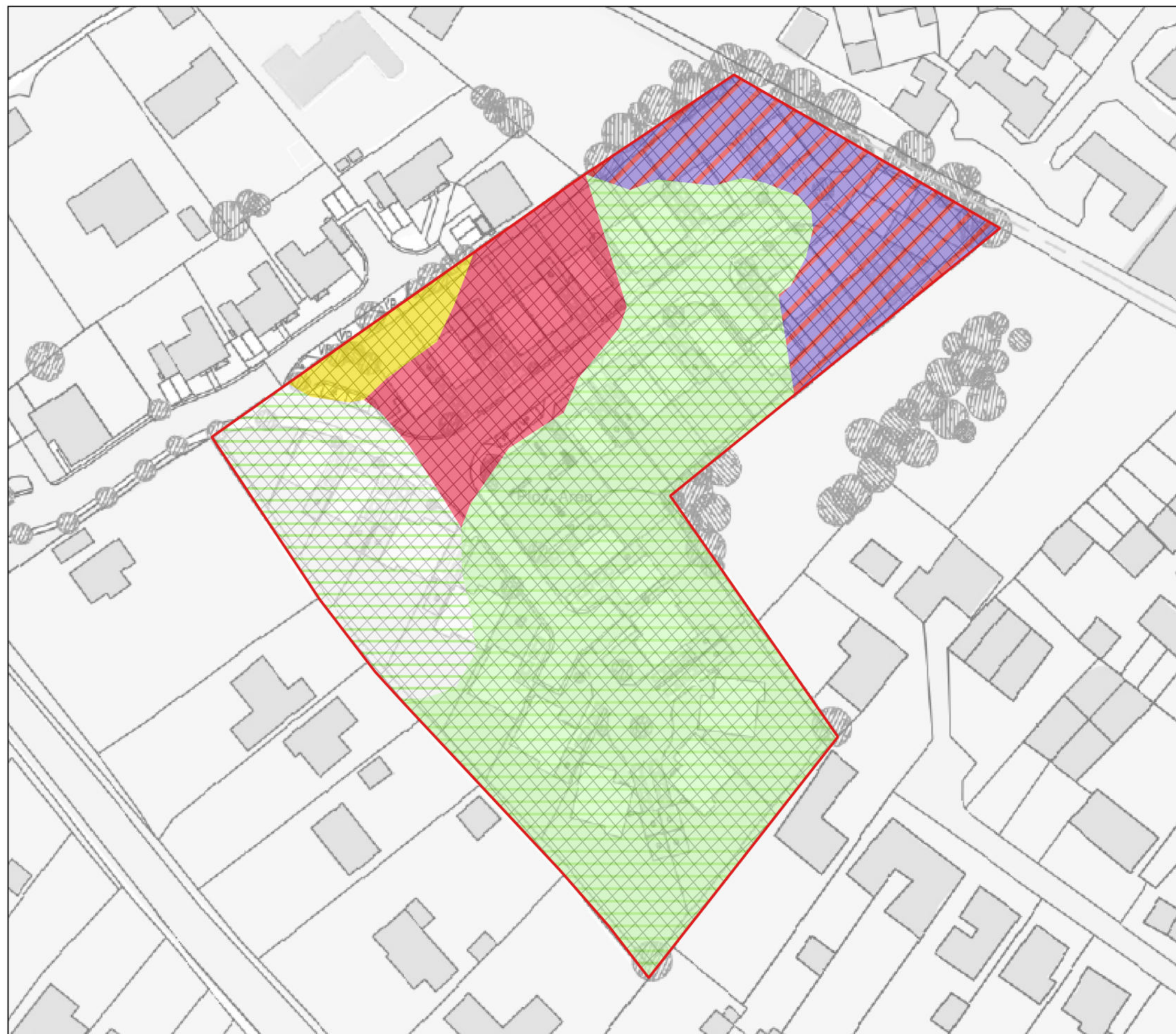
drawn
ZB/MEL

issue
1/4/2022

drawing / figure number
Figure 2

rev
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Key:

- Site Boundary
- Bracken
- Bramble scrub
- Other neutral grassland
- Sand pit quarry or open cast mine
- Vacant/derelict land/ bareground
- Poor Condition Habitats



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Key:

- Site Boundary
- Hardstanding & Dwellings
- Vegetated Gardens
- Play Area
- Amenity Grassland & Buffer Grassland

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masterplanning environmental assessment landscape design urban design ecology architecture arboriculture

L:\10600\10671\QGIS\Plans\BIA\10671-E-01 Proposed BIA Habitat Plan.qgs





client
Andrew Black Consulting

project
Southampton Road,
Alderbury

drawing title
POST-INTERVENTION BIODIVERSITY NET
GAIN PLAN

scale: A3
1:750

drawing / figure number
Figure 4

drawn
MPG/MEL/KDG

issue
16/5/2022

rev
-

APPENDIX A – NATURE CONSERVATION LEGISLATION

The Environment Act 2021

The Act 2021 came into force on 9th November 2021. Of relevance is the requirement for all developments subject to the Town and Country Planning Act to provide an at least 10% biodiversity net gain (BNG), as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years. Delivery of BNG may be on site, off-site or undertaken using statutory biodiversity credits. The requirement for BNG does not over-ride the need to apply the mitigation hierarchy (avoidance, mitigation and compensation) when considering biodiversity assets and their loss and does not change existing environmental and wildlife legal protection.

Whilst the Act mandates a 10% BNG delivery and for this to be a condition of planning permissions (Part 6 section 98 and Schedule 14 part 1), section 147 (3) states that this will only come into force once the secondary legislation is in place to support this requirement. Therefore, there is a transition period (the length of which is not defined but anticipated as being around 2 years) until the mandated 10% is required under law.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Regulations ensure that the habitat and species protection and standards derived from EU law as per “The Habitat Regulations” Amendment will continue to apply after Brexit.

The Conservation of Habitats and Species Regulations (“The Habitats Regulations”) (Amendment) 2017

European Protected Sites

The Habitats Regulations ratifies into UK law the “Habitats Directive” (92/43/EEC) and the “Birds Directive” (79/409/EEC). It places a duty on the Secretary of State to propose a list of sites which are important for species listed in Annex I and II of the Habitats Directive respectively to the European Commission. Once the Commission and EU Member States have agreed that the sites submitted are worthy of designation, they are identified as Sites of Community Importance (SCIs). The EU Member States must then designate these sites as Special Areas of Conservation (SACs) within six years.

The Regulations require the compilation and maintenance of a register of European sites to include SACs as well as Special Protection Areas (SPAs) designated for birds and sites designated as internationally important wetlands under the Ramsar Convention known as “Ramsar Sites”. These three designations form a collective Europe wide network of internationally protected sites known as Natura 2000. All European sites are also designated under UK law as Sites of Special Scientific Interest (SSSIs; please see below).

Habitats Regulation Assessment

There is a requirement under EU law that Member States’ take measures to reach and maintain European Protected Sites’ at Favourable Conservation Status (FCS). An Appropriate Assessment is required for plans or projects that may potentially damage a European Protected Site. This is based on an assessment against a given European Protected Site’s Conservation Objectives. The process is commonly known as a Habitats Regulations Assessment (HRA).

The HRA must be conducted by, or on behalf of, the Competent Authority. The HRA process assesses plans or projects alone or in combination. It involves a four stage approach as follows:

- Stage One: Screening - also known as the Test of Likely Significant Effect (TOLSE). If the Competent Authority cannot screen out a *likely significant effect*, an Appropriate Assessment is required.
- Stage Two: Appropriate Assessment - the Competent Authority will only agree to plans or projects that will not affect the *integrity* of a European site also known as the “Integrity Test”.
- Stage Three: Alternative Solutions - assesses any alternative solutions of a potentially damaging plan or project that failed the Integrity Test, and if it is determined there are no alternative solutions, the project cannot be agreed to and it will either need to be changed or refused.
- Stage Four: The final stage may allow a plan or project to proceed if after failing stage three if it is for Imperative Reasons of Overriding Public Interest, and only if suitable compensatory measures are secured.

Any plan or project that may have a potentially damaging effect on a transient species or the habitat on which it relies (for example bats or birds), that is both a Qualifying Features of a European Protected Site and considered *functionally linked* with a European Protected Site, are required under law to be considered as part of any HRA process.

European Protected Species

The Habitats Regulations includes a list of animals and plant species taken from the Annex IV of the Habitats Directive that have a natural range which includes any area in Great Britain. These are collectively known as European Protected Species (EPS). The regulations make it an offence to deliberately capture, kill, disturb, take or destroy eggs of, or damage or destroy a breeding or resting place of animals listed in Schedule 2 of the Regulations, and to pick, collect, cut, uproot or destroy wild plants listed in Schedule 5 of the Regulations. All listed EPS are shown in Table 1 below. The Regulations also protect these species alive or dead and parts thereof from various forms of possession and trade.

Table 1: The Habitats Regulations Schedule 2 and Schedule 5 species

Schedule 2 – European Protected Animal Species		Schedule 5 – European Protected Plant Species	
Common name	Scientific name	Common name	Scientific name
Horseshoe bats – all species	<i>Rhinolophidae</i>	Shore dock	<i>Rumex rupestris</i>
Bats – all species	<i>Vespertilionidae</i>	Killarney fern	<i>Trichomanes speciosum</i>
Large blue butterfly	<i>Maculinea arion</i>	Early gentian	<i>Gentianella anglica</i>
Wild cat	<i>Felis silvestris</i>	Lady's-slipper	<i>Cypripedium calceolus</i>
Dolphins, porpoises & whales - all species	<i>Cetacea</i>	Creeping marshwort	<i>Apium repens</i>
Hazel dormouse	<i>Muscardinus avellanarius</i>	Slender naiad	<i>Najas flexilis</i>

Schedule 2 – European Protected Animal Species		Schedule 5 – European Protected Plant Species	
Pool frog	<i>Rana lessonae</i>	Fen orchid	<i>Liparis loeselii</i>
Sand lizard	<i>Lacerta agilis</i>	Floating-leaved water plantain	<i>Luronium natans</i>
Fisher's estuarine moth	<i>Gortyna borelii lunata</i>	Yellow marsh saxifrage	<i>Saxifraga hirculus</i>
Great crested newt	<i>Triturus cristatus</i>		
Otter	<i>Lutra lutra</i>		
Lesser Whirlpool Ram's-horn snail	<i>Anisus vorticulus</i>		
Smooth snake	<i>Coronella austriaca</i>		
Sturgeon	<i>Acipenser sturio</i>		
Natterjack toad	<i>Bufo calamita</i>		
Marine turtles	<i>Caretta caretta</i> <i>Chelonia mydas</i> <i>Lepidochelys kempii</i> <i>Eretmochelys imbricata</i> <i>Dermochelys coriacea</i>		

These actions may be made lawful in certain circumstances through the granting of licences by the appropriate authority (Natural England). Licences must only be granted after the appropriate authority is satisfied that no satisfactory alternatives are available. In most circumstances, licences are only applied for and granted following full planning permission.

In determining whether or not to grant a licence Natural England must apply the requirements of The Conservation of Habitats and Species Regulations 2012 (amendment) and, in particular, the three derogation tests:

- Test 1: A licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- Test 2: The appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- Test 3: The appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (WCA) (as amended) is the principal legislation providing protection for wildlife in the UK. It prescribes legislation for wild birds, other animals, wild plants and non-native species. In addition, it provides for the designation of Sites of Special Scientific Interest (SSSI) in England.

Wild birds

The WCA as amended by Schedule 12 of the Countryside and Rights of Way Act 2000 makes it an offence (with exception to species listed in Schedule 2) to intentionally or recklessly:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006); or
- take or destroy an egg of any wild bird.

For birds listed on Schedule 1 of the WCA, protection extends to offences relating to the intentional or reckless disturbance of these birds while at their nests or their dependent young.

Other animals

The WCA (as amended) makes it an offence to (subject to exceptions) intentionally or recklessly kill, injure or take wild animals listed on Schedule 5 of the Act. For some species, the protection extends to interference with places used for shelter or protection, or disturbing animals occupying or obstructing access to such places. These species are regarded as “fully protected” and as well as the EPS species listed above include the mammal species water vole *Arvicola terrestris*, pine marten *Martes martes* and red squirrel *Sciurus vulgaris* as well as selected others from a range of species groups including, fish, butterflies, hemipteran bugs, beetles, crickets, dragonflies, moths, spiders, crustaceans, sea-mats, molluscs, Annelid worms and sea anemones (and allies).

There are seven species on Schedule 5 of the Act that not fully protected but are still protected against killing and injuring these include the common reptile species slow worm *Anguis fragilis*, viviparous lizard *Lacerta vivipara*, grass snake *Natrix natrix* and adder *Vipera berus*.

The Act prohibits certain methods of killing, injuring, or taking wild animals, and numerous species are protected against sale only as well as other variations for example Atlantic stream (white-clawed) crayfish *Austropotamobius pallipes* are protected against taking and sale.

Vascular plants, bryophytes, lichens and fungi

With regards to native flora the Act makes it an offence to (subject to exceptions) intentionally or recklessly pick, uproot or destroy any wild plant listed in Schedule 8. Similarly, the Act prevents the sale, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Non-native species

The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9 in England and Wales.

Sites of Special Scientific Interest

The Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs). These sites can be identified for their flora, fauna, geological or physiological interest. In England, the power to confirm an SSSI lies with Natural England.

Laws protecting areas designated as SSSIs are described in Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act 1981 (as amended). SSSIs are the principle statutory designation of sites in the UK and offences are enforced through Natural England. Offences include the following:

SSSI owners and occupiers

- carrying out, causing or allowing operations likely to damage an SSSI without Natural England consent.
- failing to keep to a management notice.
- failing to let us know about a change in ownership or occupation of land in an SSSI.

Public bodies

- carrying out or authorising operations likely to damage an SSSI without meeting the requirements to notify Natural England.
- failing to minimise any damage to an SSSI and if there is any damage, failing to restore it to its former state so far as is reasonably practical and possible.

Any person

- intentionally or recklessly damaging, destroying or disturbing any of the habitats or features of an SSSI.
- intentionally or recklessly damaging, destroying, obscuring or taking down a site notice put up on land within an SSSI.
- preventing a Natural England officer lawfully accessing an SSSI.

Protection of Badgers Act 1992

Badgers and their setts are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from persecution by baiting and deliberate harm or injury.

The act makes it an offence to:

- intentionally capture, kill or injure a badger;
- damage, destroy or block access to their setts;
- disturb badgers in setts;
- treat a badger cruelly;
- deliberately send or intentionally allow a dog into a sett; and
- bait or dig for badgers.

A sett is defined as:

“Any structure or place that displays signs indicating current use by a badger”.

Natural Environmental and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act 2006 imposes a duty on every public authority to conserve biodiversity in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Section 41 (S41) of the NERC Act 2006 requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The list (including 56 habitats and 943 species) has been drawn up in consultation with Natural England and draws upon the UK BAP List of Priority Species and Habitats. The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006.

National Planning Policy Framework (NPPF) (2019)

The National Planning Policy Framework (NPPF) sets out the Government's planning policy for England. As such, the NPPF must be a material consideration for local authorities when

considering planning decisions. The following points highlight those policies/statements which particularly relate to ecology/biodiversity and the planning system.

Policy 15 – Conserving and enhancing the natural environment

170. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

171. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

174. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

176. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Area of Conservation, and listed or proposed Ramsar sites.

177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Local Nature Reserves

Local Nature Reserve (LNR) is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006, by principal local authorities.

Local authorities have the powers to acquire, declare and manage LNRs. Parish and town councils can declare LNRs providing power is given by the district or county council. LNRs may or may not have other statutory designations such as SSSI status. LNRs must be controlled by the local authority through ownership, lease or agreement with the owner. The main aim must be to care for the natural features which make the site special. LNRs are of local, but not necessarily national, importance.

LNRs are usually owned by local authorities, with management often passed onto other organisations such as County Wildlife Trusts etc. They often have good public access and facilities. There is no legal necessity to manage an LNR to any set standard but management agreements and plans often exist. Protection of LNRs is usually provided through local planning policy and through local bylaws.

Non-Statutory Protected Local Sites

Non-statutory Designated Sites are sites designated by local authorities which fall outside the statutory criteria for designation. They are policy protected and included in the National Planning Policy Framework (NPPF) as “Local Sites”. Local Planning Authorities should set criteria based policies against which proposals for developments on or affecting protected wildlife sites should be judged. Non-statutory sites are given various names including County Wildlife Sites (CWS), Sites of Importance for Nature Conservation (SINC) and Local Wildlife Sites (LWS). To this end Ancient Woodland Inventory (AWI) sites are also considered non-statutory sites.

Hedgerows

Hedgerows are designated as Habitats of Principal Importance under the NERC Act 2006. The National Planning Policy Framework (NPPF) emphasises the preservation, restoration and re-creation of priority habitats and ecological networks. Hedgerows are important components of ecological networks linking other important habitats and designated sites.

Hedgerows also receive statutory protection under the Hedgerow Regulations 1997 made under Section 97 of the Environment Act 1995, which came into force in 1997. The regulations introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside, by controlling their removal through a system of notification. Important hedgerows are defined by complex assessment criteria, which draw on biodiversity features, historical context and the landscape value of the hedgerow.

Local Biodiversity Action Plan (LBAP)

Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Birds of Conservation Concern (BoCC)

The Birds of Conservation Concern (BoCC) is jointly prepared by the British Trust for Ornithology (BTO), Joint Nature Conservation Committee (JNCC) and The Royal Society for the Protection of Birds (RSPB).

The report classifies birds according to the extent that they are known to be declining. The classifications are split into groups, Red, Amber and Green, with species classified as Red being those with the greatest declines. The criteria for classifications are presented in *Table 2*.

Table 2: BoCC species classification criteria

Red List Criteria	Amber List Criteria	Green List Criteria
Global Conservation Status - Species listed by BirdLife International as being Globally Threatened using IUCN criteria.	European Conservation status - Categorised as a Species of European Conservation Concern.	All regularly occurring species that do not qualify under any of the red or amber criteria are green listed.
Historical Decline - A severe decline in the UK between 1800 and 1995, without substantial recent recovery.	Historical Decline – Recovery - Red listed for Historical Decline in a previous review but with substantial recent recovery (more than doubled in the last 25 years).	Includes those species listed as recovering from Historical Decline in the last review that have continued to recover and do not qualify under any of the other criteria.
Breeding Population Decline - Severe decline in the UK breeding population size, of more than 50%, over 25 years or the entire period used for assessments since the first BoCC review, starting in 1969 ("longer-term").	Breeding Population Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).	
Non-breeding Population Decline - Severe decline in the UK non-breeding population size, of more than 50%, over 25 years or the longer-term.	Non-breeding Population Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).	
Breeding Range Decline - Severe decline in the UK range, of more than 50%, as measured by number of 10 km squares occupied by breeding birds, over 25 years or the longer-term.	Breeding Range Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).	
	Rarity - UK breeding population of less than 300 pairs, or non-breeding population of less than 900 individuals.	
	Localisation - At least 50% of the UK breeding or non-breeding population found in 10 or fewer sites.	
	International Importance - At least 20% of the European breeding or non-breeding population found in the UK.	

APPENDIX B – BOTANICAL SPECIES LIST

<i>Agrostis capillaris</i>	common bent
<i>Arabidopsis thaliana</i>	Thale cress
<i>Arrhenatherum elatius</i>	false oat-grass
<i>Bellis perennis</i>	common daisy
<i>Buddleja davidii</i>	butterfly bush
<i>Carex pendula</i>	pendulous sedge
<i>Cerastium fontanum</i>	common mouse-ear
<i>Chamaenerion angustifolium</i>	rosebay willowherb
<i>Cirsium arvensis</i>	creeping thistle
<i>Cirsium vulgare</i>	spear thistle
<i>Coronopus didymus</i>	lesser swine-cress
<i>Dactylis glomerata</i>	cock's-foot
<i>Diascorea communis</i>	black bryony
<i>Epilobium hirsutum</i>	greater willowherb
<i>Erica tetralix</i>	cross-leaved heath
<i>Fraxinus excelsior</i>	common ash
<i>Galium aparine</i>	common cleavers
<i>Hedera helix</i>	common ivy
<i>Holcus lanatus</i>	Yorkshire fog
<i>Hypericum perforatum</i>	perforate St John's-wort
<i>Juncus effusus</i>	soft rush
<i>Leycesteria formosa</i>	Himalayan honeysuckle
<i>Lythrum salicaria</i>	purple loosestrife
<i>Oenothera biennis</i>	evening primrose
<i>Phalaris arundinacea</i>	reed canary-grass
<i>Poa annua</i>	annual meadow grass
<i>Prunus spinosa</i>	blackthorn (s)
<i>Pteridium aquilinum</i>	brake
<i>Quercus robur</i>	pedunculate oak
<i>Ranunculus acris</i>	meadow buttercup
<i>Ranunculus flammula</i>	lesser spearwort
<i>Rubus fruticosus</i> agg.	bramble
<i>Rumex</i> sp.	A dock
<i>Sagina procumbens</i>	procumbent pearlwort
<i>Salix capraea</i>	goat willow
<i>Solanum dulcamara</i>	woody nightshade
<i>Taraxacum officinalis</i> agg.	A dandelion
<i>Ulex europaea</i>	European gorse
<i>Urtica dioica</i>	common nettle

APPENDIX C – 1215 HERITAGE HOMES: ECOLOGY STATEMENT 2019

1215 Heritage Homes : Ecology Statement

November 2019

Land to the East of Wagtails, Southampton Road, Alderbury, Wiltshire SP5 3AF

Land off Southampton Road, Alderbury

INTRODUCTION TO STATEMENT

The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006.

Net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain.

As set out in the Planning Practice Guidance

‘local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity’. (Paragraph: 018 Reference ID: 8-018-20190721)

INTRODUCTION TO THE SITE

The site, originally a residential garden measuring 1.25 hectare / 3.1 acres is surrounded by housing on all four sides and could only be reached through private properties known as Wagtails or Owlswood.

Access to the site is provided through the land to the right of the property known as Wagtails. This has been granted in the planning application connected to 18/10448/FUL.

Since 1215 Heritage Homes ownership we have commissioned a number of reports to assess the garden and trees in situ including reports from; Bawden Managed Landscapes (arboriculturist), Woodland & Countryside Management Ltd (Tree Surveyors) and RJM Surveys (TOPO Surveyors).

The Local Authority approved independent arboriculturist: Bawden Managed Landscapes, confirmed in their report that none of the trees had TPO's and the area was not covered by Conservation Orders:

‘The trees are very close together and therefore portray classic detrimental features such as compression forks, extremely fast growth therefore growing tall comparatively to trunk diameter and a reduced species diversity.

The understory consists of bracken, some hazel, invasive Holly, Portuguese Laurel and regenerative Willow, this is due to the site not being managed for a considerable number of years and therefore has become overgrown and unkept.’ (Bawden Managed Landscapes.)

RJM Surveys confirmed a substantial number of the trees were either dead/ dying or leaning.

Following the advice from all specialists we were satisfied that no precluding orders were in place prohibiting the removal of the trees and the contract was placed for the safe felling.

We were however advised to mitigate any harm or damage to unforeseen wildlife by avoiding the use of heavy machinery and confirm we undertook the felling by hand at considerable additional cost and time during the out of nesting season.

The planning practice guidance sets out the following in relation to the assessment for biodiversity net gain.

'The existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for. It may also be relevant to consider whether any deliberate harm to this biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in assessing the underlying value of the site (and so whether a proposal would achieve a genuine gain).'

'There are laws to protect important sites and species from harm, for which Natural England have enforcement powers. In addition, the felling of trees requires a Forestry Commission licence in most cases before felling can commence. There may be a penalty or requirement to restock if felling occurs without this. There are some exemptions relating to the location, volume and diameter of a tree, and an exemption for felling which is immediately required for the purpose of development authorised by a planning permission.'

Paragraph:026 Reference ID: 8-026-20190721

Since the felling process began 1215 Heritage Homes have been assessed by DEFRA and the Forestry Commission who were satisfied with the information provided and confirmed no further action will be taken:
(extract of an email from DEFRA- 2018)

*'I now have formal confirmation that DEFRA and the Forestry Commission will **not** be taking any further action regards the investigation into the tree felling on land to rear of Wagtails by 1215 Heritage Homes LTD.*

A formal letter will follow in the next few days; I will be formalising the paperwork shortly after which it will be filed for a period of six years prior to its destruction.

Thank you for the professional way that you have engaged with me through the investigation, and I wish you and 1215 Heritage Homes LTD well for the future.

Regards

Lee Lyons

Investigation Officer

Defra Investigation Services'

As set out there is no evidence that the existing trees were removed unlawfully. Nor is there any evidence that any protected ecology on site was harmed during the removal of those trees. No prosecution has been taken against the site owners and it would therefore be unreasonable and unlawful of the council to take any alternative viewpoint to the baseline of the site when assessing the biodiversity of the site.

As DEFRA and The Forestry Commission confirmed the trees were felled legally and no further investigation or action is being taken. It is therefore the case that the site was cleared legitimately.

ECOLOGY BACKGROUND

1215 Heritage Homes has sought the advice from a number of independent Ecology specialists since 2015 to inform us of the current and potential ecology enhancement measures within the land. The reports assess the 'Land off Southampton Road' as well as the site next door 'land behind Wagtails' for which planning has been consented for 5 dwellings – 18 /10448/FUL.

Previously commissioned site inspections and reports on the area dating back to 2015 ;

ECOLOGY SPECIALIST COMPANY	DATE REPORT WRITTEN	SITE VISITS
Daniel Ahern of Daniel Ahern Ecology - (DAE) (Appendix 1)	2018	X2 visits July to August 2018
Stephen Dangerfield of Malford Environmental Consulting - (MEC) (Appendix 2)	2016	X3 visits April to May 2016
Jonathan West of The Whitelands Projects – (TWP) (Appendix 3)	2015	X5 visits August to September 2015
Ecology Solutions Ltd	April 2015	May 2012 & Feb 2015

We also feel the report from the adjoining land 'Land off Firs Road Alderbury Wiltshire' planning application 17/04001/OUT under separate application and owners for 50 houses that was approved in 2019 also covers our site.

All reports have been submitted previously under separate planning application numbers, however all the information is relevant to this application as birds, bees, insects, badgers and other ecological animals know no land registry boundaries.

The overall conclusion from all of the Ecology surveyors confirmed any proposed scheme will **not** adversely affect the local wildlife.

It is worth noting that planning has already been obtained on the adjoining site under the original planning reference 16/04775/FUL (superseded by 18/10448/FUL), where it was noted by Ecology Officer Emma Fisher;

11 September 2018

Subject: Ecology: 18/07786/FUL

Wagtails, Alderbury Attachments: M3DB140.DOC

Hi Warren,

Thanks for this consultation request. I note that previous ecology comments on 16/04775/FUL, by Louisa Kilgallen requested a condition that any permission be in accordance with the recommendations of the submitted ecology report.

Given the nature of those recommendations, the same would still apply to any given permission for increasing the number of dwellings on the site.

The works will only be undertaken in accordance with the recommendations contained in section 6 of the Ecological Appraisal prepared by Malford Environmental Consulting dated 06/05/16.

Please ensure that the ecology report is indexed with the rest of this app's supporting documents.

Best wishes,

Emma'

For the ease, we confirm the recommendations within section 6 of the above-mentioned appraisal dated 6.05.2016 suggests:

(subject headers below – the full appraisal can be found at Appendix 2)

6. Mitigation and Enhancement

- 6.1 Protection of nesting birds
- 6.2 Protection of hedgehog
- 6.3 Tree and shrub planting
- 6.4 Bird nesting features
- 6.5 Bat roosting features
- 6.6 Fencing

We would be happy for this same condition to be adhered to this planning application.

Within the reports from the four specialists it has been confirmed the sub-optimal conditions of the site did not provide suitable 'refugia or foraging habitat' for reptiles, this was also confirmed in the report from Ecology Solutions for the Land off Firs Road (approved 50 houses) which referenced our site as;

' 5.2.14 Woodland Edge

The Woodland edge (surveyed in May 2012) has since cleared and is of negligible ecological value in terms of its species comprising only common and widespread species within the reconolising vegetation now present'

5.2.15. Mitigation and Enhancements

It is considered that no specific mitigation measures would be required for losses to this habitat. Enhancements would be realised through new native planting'

It was also confirmed within the Whitelands report of 2015 and Malford Environmental Consulting of 2016 the sites ponds were not suitable for supporting the great crested newt and as confirmed to us in Malfords photo appendix this was owing to the presence of carp fish in the pond.

All four specialists confirmed there was no evidence of roosting bats and no badger sets on the site.

Our further research into the site which is surrounded on all four sides by residential confirmed the following:

Malford Environmental Consulting:

'WSBRC provided information relating to designated sites located within 1km of the study area. This identified that the study area is not covered by any European, national or local nature conservation designations. Furthermore, there are no statutory, European or nationally-designated nature conservation sites located within 1km of the study area.'

Further research and desktop studies relating to the surrounding area can be found within the main report (appendix 2)

'Notable habitats and plants

The site is relatively isolated and contains habitats of low ecological value comprising mainly formal gardens and a small shaded area supporting mainly coniferous trees. There are two small garden ponds, one of which contains carp, of negligible ecological value.

Plants on-site are widespread and common native or non-native/ornamental varieties. No plants are legally protected, nationally or county notable, listed in the WSBRC records or are listed in the UK or Wiltshire Biodiversity Action Plan. No invasive plant species were recorded.

The survey findings are sufficient to establish habitat value, as described above, therefore further Phase 2 botanical surveys are not necessary.'

Bats

... There is **no evidence** of bat roosting or activity (no live bats, no dead bats, no droppings, no scratching or oil staining, and no feeding remains) were found ...

All garden structures on site were visually inspected and found to be unsuitable for roosting bats being either sealed buildings or small garden sheds in continuous use.

All mature trees located within the study area were visually inspected for the potential to support roosting bats. All trees are classed as having '**no potential**' for roosting bats (Category 1) given their species, age/size, condition and absence of potential roosting features.

Other mammals

Badger has been recorded in the local landscape, but there are no badger setts within or on the boundary of the study area. No other signs of badger (i.e. latrines/dung pits, clearly defined runs/paths, tracks, hairs etc.) were found during the survey. Badgers are not using the study area and are not a constraint for the proposed scheme.

BIODIVERSITY ENHANCEMENTS

The latest Planning Practice Guidance (updated in July 2019) sets out how Net Biodiversity Gains can be achieved. (with emphasis added):

Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity. An applicant may also propose measures to achieve biodiversity net gain through a unilateral undertaking. The work involved may, for example, involve creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat.

Paragraph: 023 Reference ID: 8-023-20190721

Taking into consideration the Ecologist officers comments on previous applications and the above statement from the 2019 Planning Practice Guidance we would like to confirm the following;

Previously the site was a neglected area of 'secondary woodland' (Malford Environmental) and gardens with overgrown self-seeded trees and undergrowth with a substantial rat infestation. Most of the trees were strangling each other and provided very little suitable refugia for animal habitats.

There has been a decline of circa 70% over the last 30 years of native song birds including song thrush, skylark, lapwing and house sparrow owing to their habitats being removed throughout Europe particularly with arable farming removing hedgerow we propose to introduce the bird friendly hedgerow to encourage insects and enhance the site and propose the planting of a 1 meter landscape strip around the perimeter of the development comprising of c.3,000 bare rooted bird friendly plants including hawthorn, hazel, blackthorn, crab apple and guelder rose plants which are promoted by the National Trust to form a natural high hedge to enhance and encourage birds, bees and other insects offering a safe sanctuary as it provides an ideal nesting site, vital food sources and shelter. The 1 meter landscape strip will be complimented by a further half meter strip of mixed wild flower seeds.

To encourage birds and bats we shall be installing a bird box and or swift box on each dwelling as well as including a bat brick.

We have enlarged the front gardens and will be providing soft landscaping features. We will include the planting of pachysandra terminalis, cotoneaster microphyllus, helleborus orientals, Bergenia cordifolia, Alchemilla mollis and phormium tenax as well as feature planting of buxus sempervirens or similar along the pathways to each dwelling. All of this will act as major enhancements to the site and increase biodiversity encouraging numerous bugs and habitats for other animals.

Further details for the planting can be found on the landscape plan and Design & Access Statement submitted alongside the main application.

We have positioned the car parking to side of dwellings and have provided garages to a number of the properties. We propose the use of sympathetic lighting within the development to minimize light spillage into the gardens and trees.

We confirm all plants and trees - including the existing trees shown in the tree surveys supplied with this application will be kept in situ.

We have increased the size of the play and grass areas introducing a number of landscaped features within the development and have positioned an area at the north side of the development adjoining the public footpath to include a seating area so the community can enjoy the natural environment and learn more about the ecology that surrounds them.

L O N D O N | W I N D S O R | S A L I S B U R Y

Mitigation & Enhancements

Bats

As the specialists have confirmed no roosting bats are in the area, however have confirmed there is a possibility of foraging bats. To enhance this aspect we propose to include a bat brick /bat box within the dwellings.

In addition we propose to design a number of the dwellings to have raised ridge tiles to provide isolated roosting opportunities and will follow building guidelines to allow for this.



Hedgehogs

Although hedgehogs were not present on any of the viewings we want to enhance the bio diversity of the area and encourage further animals to the area by proposing a hedgehog super highway around the perimeter of the site and a hedgehog tunnel/bridge to allow for safe crossing over/ under the road.



Bird Boxes

We have been in contact with the Swift Society who have been advising us on the appropriate positioning of the swift boxes and we intend to include this within the development.



Fencing

We shall be installing close boarded garden fencing with some of the panels fitted with small gaps to allow for migrating animals to pass through the gardens as well as maneuver into the landscape strip.



Gardens

We will also be providing each dwelling with its own wildlife camera, bird, bat and hedgehog box as well as an insect hotel /log pile and raised ridge tiling to encourage roosting.



Gardens / Planting

We are going to plant 1 meter boarder to the rear of each garden of mixed bare root plants to encourage and enhance the existing biodiversity of the site along with a further half meter of wild flower seeds to further encourage birds, bees and insects.



Ecological education

Rather than force homeowners to protect wildlife and biodiversity we propose to educate them by way of encouragement we will be giving every household a free membership to the Wildlife Trust and installing a Wildlife camera enabling the household / family to observe the wildlife activity through movement sensors which will encourage all residents to continue and further enhance the biodiversity on the site for many years to come.



Net biodiversity gains

We believe that all the enhancements mentioned above will dramatically increase the net biodiversity gains to what is currently on site.

We confirm we have read all of the reports mentioned within this statement and will adhere to any of the mitigations and enhancement measures within the reports with specific detail being taken from Malford Environmental Consulting and Ecology Solutions as we agree with their points and want to create a re-invigorated diverse animal friendly habitat within the development and encourage the new home owners to continue this exploration.

1215 Heritage Homes would be happy to make the ecological improvements a condition should the Officers and Consultees be minded to approve.



L O N D O N | W I N D S O R | S A L I S B U R Y

Appendix 1 - Daniel Ahern – Daniel Ahern Ecology

The Wagtails, Alderbury

Ecological Survey Report

1215 Heritage Homes

August 2018



Document Control

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Project:	The Wagtails, Alderbury
Client:	1215 Heritage Homes
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Contents

Introduction	2
1.1 Introduction.....	2
1.2 Site Location and Description.....	2
1.3 Development Proposals	3
1.4 Survey Objectives	3
1.5 Quality Assurance.....	3
Methodology	4
2.1 Desk Study	4
2.2 Phase 1 Habitat Survey.....	4
2.3 Protected Species.....	5
2.4 Limitations.....	5
Results.....	6
3.1 Desk Study	6
3.2 Phase 1 Habitat Survey.....	8
3.3 Protected Species.....	9
3.4 Invasive Non-Native Species (INNS)	10
Legislation and Policy.....	10
3.5 Legislation.....	10
Discussion and Recommendations	13
3.6 Discussion	13
3.7 Recommendations	13
References	14
Appendices	15
Appendix 1 – Photographs.....	15
Appendix 2 - Figures	16
Appendix 3 – Species List.....	17

Introduction

1.1 Introduction

In May 2018 Daniel Ahern was commissioned by Harvey Euridge on behalf of the 1215 Heritage Homes to undertake an ecological constraints survey of The Wagtails in Alderbury, Wiltshire. The purpose of the survey was to provide an assessment of the current ecological conditions and to evaluate the ecological constraints to inform a planning application.

1.2 Site Location and Description

The Wagtails, hereafter referred to as 'the Site', measures approximately 1.28 Ha and is situated in Alderbury in Wiltshire (approximate OS grid reference: SU 191270, Fig 1 below).

The Site is composed of an area of cleared ground within a wider suburban & semi-rural landscape.

Figure 1. Redline outline of the survey site.



1.3 Development Proposals

The proposals include the development of a number of residential dwellings.

1.4 Survey Objectives

The objectives of the ecological assessment comprise three sections:

- Evaluate the conservation status of the Site based on a desktop review that summarises information collated on protected species records and nature conservation designations in the area.
- Undertake an assessment of habitat composition and floristic abundance of the Site, which is derived from a Phase 1 habitat survey.
- Undertake a protected species audit that evaluates the likelihood of protected, or otherwise notable, species occurring on Site.

1.5 Quality Assurance

All terrestrial surveys are led by Ecologists who are members of the Chartered Institute of Ecology and Environmental Management (CIEEM) at the appropriate level. By joining the CIEEM staff sign up to a professional code of conduct.

Methodology

The extended Phase 1 habitat survey was undertaken with reference to the Institute of Environmental Assessment's *Guidelines for Baseline Ecological Assessment* (IEA, 1997) and the Institute of Ecology and Environmental Management's *Guidelines for Preliminary Ecological Appraisal* (IEEM, 2012) and comprised a desk study consultation exercise and walkover field survey.

2.1 Desk Study

A desk study was carried out with the aim of supplementing the field survey results by collating and reviewing existing ecological information relevant to the Site and the local area. The desk study component comprised consultation with statutory and non-statutory nature conservation organisations.

2.1.1 Statutory and Non-Statutory Designated Sites

Defra's 'Magic' interactive map was consulted in order to identify statutory sites of importance for nature conservation, e.g. Sites of Special Scientific Interest (SSSI), from within a 2km radius of the Site. Information on non-statutory sites was gained from the Wiltshire County Council website and the MAGIC website.

2.1.2 Protected Species

The publicly accessible online database the National Biodiversity Network (NBN) Gateway was searched for records of protected and notable species within 2km of the Site; the search radius was extended to 5km for bats.

2.1.3 Wiltshire Biodiversity Action Plan

The local Biodiversity Action Plan (BAP), in this case the Wiltshire BAP (revised 2008) was accessed in order to find information on the habitats and species that have been identified as requiring positive conservation action in the area.

2.2 Phase 1 Habitat Survey

A Phase 1 habitat survey of the Site was conducted on the 13th August 2018 by Daniel Ahern CEnv MCIEEM. The weather conditions were good with no cloud cover. The temperature during the survey was approximately 21°C.

During the survey, dominant plant species were recorded and habitats were classified according to their vegetation types, as identified in the *Handbook for Phase 1 Habitat Survey – A technique for environmental audit* (JNCC, 2010). Target notes (TN) were taken to denote species and habitats of conservation interest and to describe the vegetation in areas that were too small to map. Evidence of any species protected by law was recorded, where appropriate.

The results are presented in the standard Phase 1 habitat survey format with habitat descriptions and a habitat map (see Figure 2, Appendix 2). The presence (if any) of noxious and invasive species such as Japanese knotweed *Fallopia japonica* was also investigated during the field survey.

2.3 Protected Species

The Site was inspected for evidence of, and its potential to support, protected and notable species. Particular attention was given to those species listed under *The Wildlife and Countryside Act 1981* (as amended) and *The Conservation of Habitat and Species Regulations 2010* (as amended). All areas of the Site were also investigated for signs of badger, in line with standard methodology (English Nature, 2002). Evidence of any current or historical presence of protected species was recorded.

Details of legislation relating to protected species considered relevant to the Site are discussed in Section 4.

2.4 Limitations

The data provided by the online resources were not exhaustive. It is possible that protected species not included in the data search occur within the vicinity of the proposed development Site.

According to the Institute for Environmental Assessment (IEA, 1995), Phase 1 surveys can be undertaken all year round. Whilst certain protected species surveys need to be undertaken during particular months of seasons, it is possible, through a Phase 1 habitat survey, to identify any habitats on Site where protected species may potentially be present.

In the event that suitable habitats are identified, it may be necessary to undertake further seasonal surveys to fully investigate the potential for protected species. In the event that no suitable habitats or features are identified, a Phase 1 habitat survey is sufficient to determine the potential impacts associated with a proposed development.

Results

3.1 Desk Study

3.1.1 Statutory and Non-Statutory Designated Sites

Two statutory designated sites were identified during the desk-based search, the results are set out in Table 1 below.

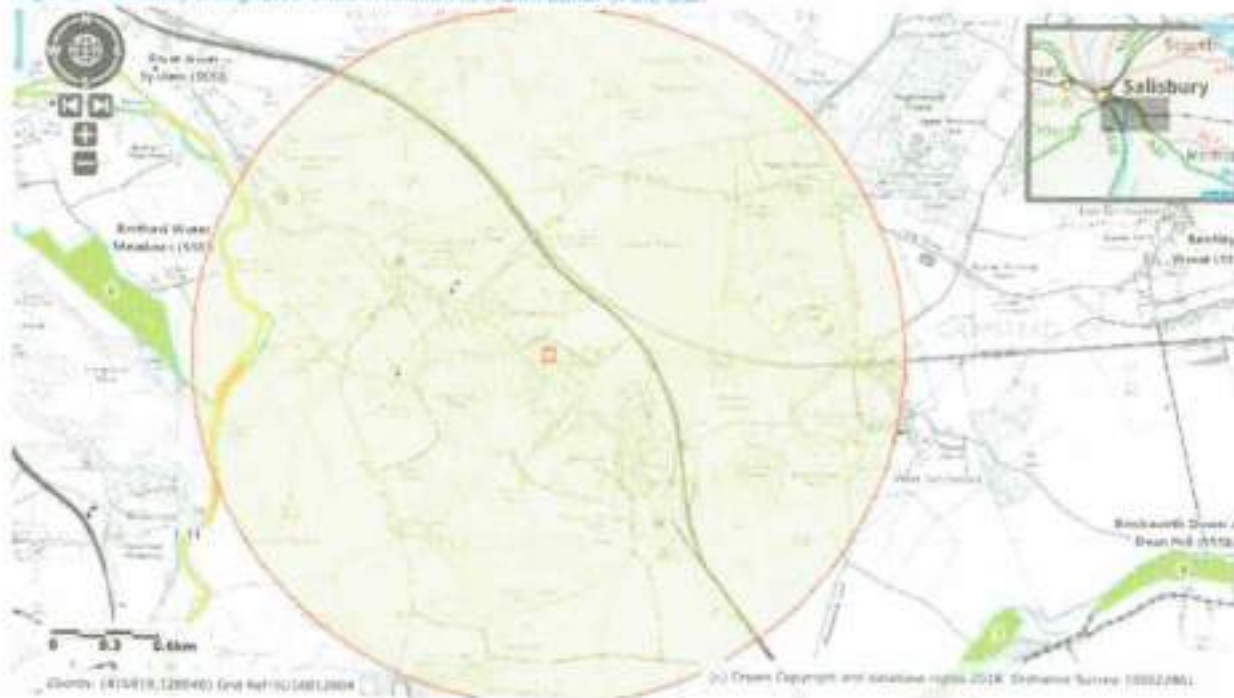
Table 1: Statutory and Non-Statutory Designated Sites.

Name	Area (ha)	Designation	Description	Distance & direction from the Site
Statutory sites				
River Avon	467.58	SAC, SSSI	River system	1546m to the west
Britford Water Meadows	18.4	SSSI	Water meadows	1920m to the west

Key

SAC – Special Area of Protection, SSSI – Site of Special Scientific Interest

Figure 2: Statutory Designated Sites in relation to a 2km buffer of the site.



3.1.2 Protected Species

Records of protected species within 5km of the Site are presented in Table 2 below recorded within the last 30 years.

Table 2: Protected Species Records within 5km of the Site

Common name	Scientific name	Number of records	Proximity to the centre point of the Site (m)	Status / protection
Amphibians and reptiles				
Great crested newt	<i>Triturus cristatus</i>	7	Within 5km of Site	W&CA 1981, UKBAP
Common lizard	<i>Zootoca vivipara</i>	2	Within 5km of Site	W&CA 1981, UKBAP
Adder	<i>Vipera berus</i>	1	Within 5km of Site	W&CA 1981, UKBAP
Grass snake	<i>Natrix natrix</i>	2	Within 5km of Site	W&CA 1981, UKBAP
Sand lizard	<i>Lacerta agilis</i>	1	Within 5km of Site	W&CA 1981, UKBAP
Slow worm	<i>Anguis fragilis</i>	1	Within 5km of Site	W&CA 1981, UKBAP
Smooth snake	<i>Coronella austriaca</i>	2	Within 5km of Site	W&CA 1981, UKBAP
Terrestrial mammals				
Badger	<i>Meles meles</i>	5	Within 5km of Site	PBA
Dormouse	<i>Muscardinus avellanarius</i>	13	Within 5km of Site	W&CA 1981, BAP
Barbastelle	<i>Barbastella barbastellus</i>	1	Within 5km of Site	W&CA 1981, Hab Regs
Brandt's bat	<i>Myotis brandtii</i>	6	Within 5km of Site	W&CA 1981, Hab Regs
Common pipistrelle bat	<i>Pipistrellus pipistrellus</i>	4	Within 5km of Site	W&CA 1981, Hab Regs
Daubenton's bat	<i>Myotis daubentonii</i>	5	Within 5km of Site	W&CA 1981, Hab Regs
Dormouse	<i>Muscardinus avellanarius</i>	220	Within 5km of Site	W&CA 1981, Hab Regs

Common name	Scientific name	Number of records	Proximity to the centre point of the Site (m)	Status / protection
Greater Horseshoe bat	<i>Rhinolophus ferrumequinum</i>	4	Within 5km of Site	W&CA 1981, Hab Regs
Lesser Horseshoe bat	<i>Rhinolophus hipposiderus</i>	2	Within 5km of Site	W&CA 1981, Hab Regs
Natterer's bat	<i>Myotis nattereri</i>	1	Within 5km of Site	W&CA 1981, Hab Regs
Noctule	<i>Nyctalus noctula</i>	2	Within 5km of Site	W&CA 1981, Hab Regs
Otter	<i>Lutra lutra</i>	5	Within 5km of Site	W&CA 1981, Hab Regs
Soprano pipistrelle bat	<i>Pipistrellus pygmaeus</i>	3	Within 5km of Site	W&CA 1981, Hab Regs

Key

W&CA 1981 = The Wildlife and Countryside Act 1981 (as amended)

Hab Regs = Conservation of Species & Habitat Regulations 1994 (as amended)

PBA = Protection of Badgers Act 1992

3.1.3 Wiltshire Biodiversity Action Plan

The Wiltshire BAP (Revised 2008) includes twelve Habitat Action Plans (HAPs) and one Species Action Plan (SAP) for bats.

The SAP for bats has some relevance for this site.

3.2 Phase 1 Habitat Survey

3.2.1 Habitats on Site

Descriptions of the habitats recorded on Site are provided below. A Phase 1 habitat map is included as Figure 2, Appendix 2. Target notes (TN) are outlined below in Table 3 and mapped on Figure 2. Photographs are provided at the end of the document in Appendix 1 and a plant species list provided in Appendix 3.

3.2.1.1 A 4 Recently felled woodland

Recently felled mixed woodland was recorded across the site.

3.2.1.2 B 6 Poor semi-improved grassland

Small patches of poor, semi-improved grassland were recorded occasionally within the site

3.2.1.3 J 2 Boundaries

The boundary of the site was partially defined by close board fencing.

3.2.1.4 J 3.6 Buildings

There was a single newly erected shed on Site.

3.2.1.5 J 4 Bare ground

The habitat recorded throughout the site was bare ground, mainly compacted earth with occasional patches of hardcore.

3.2.1.6 Target Notes

Target notes made during the survey are detailed in Table 3 below.

Table 3: Target Notes

Target note	Comments
1	Building – Shed – a timber shed. No bat potential
2	Recently felled woodland – several piles of felled timber were recorded. They appeared recently established and were composed of the trunks of mature trees. As such they offered no reptile potential as reptile hibernacula.
3	Tall ruderals – stand of common nettle <i>Urtica dioica</i> around a thin area of wood chip
4	Poor, semi-improved grassland – recorded in small fragmented patches
5	Bare ground – hard standing, compacted earth

3.3 Protected Species

The Site was considered to have limited potential to support protected species; these are described below. A summary of relevant legislation is included in Section 4.

3.3.1 Badgers

There was no evidence of badgers recorded during the Site visit. Badgers have been recorded within 5km of the Site.

3.3.1 Bats

The only building on site was assessed as having no bat potential. Trees and gardens adjacent to the site may have potential for bats to forage and roost.

3.3.2 Breeding Birds

The only building on site was assessed as having no bird nesting potential. The almost total absence of vegetation on site suggests it is sub-optimal for birds. Trees and gardens adjacent to the site may have potential for birds to forage and nest.

3.3.3 Dormice

No habitat with significant dormouse potential was recorded on site. Significant numbers of dormice have been recorded within 5km of the Site.

3.3.4 Great Crested Newts

No standing water bodies were recorded on Site or within 500m of it. The predominant habitats on Site, bare ground, is sub-optimal habitat for this species. Low numbers of GCN have been recorded within 5km of the Site.

3.3.5 Reptiles

The predominant habitats on Site, bare ground is sub-optimal for this group of species. The occasional areas of poor, semi-improved grassland and tall herb were fragmented.

Slow worms, common lizard, grass snake and adder have been recorded within 5km of the Site.

3.4 Invasive Non-Native Species (INNS)

No invasive non-native species were recorded during the survey.

Legislation and Policy

3.5 Legislation

3.5.1 Bats

All species of bat found in the UK are listed under Schedule 5 of *The Wildlife and Countryside Act 1981* (as amended) and are afforded protection under Section 9(1), Section 9(4)(b&c) and Section 9(5) of the Act. Under this legislation, a person is guilty of an offence if he intentionally or recklessly:

- Kills or injures any bat;
- Disturbs any bat while it is occupying a structure or place which it uses for shelter or protection; or
- Obstructs access to any structure or place which any bat uses for shelter or protection.

Bats are afforded additional protection through their inclusion on Schedule 2 of *The Conservation of Species and Habitats Regulations 2010* (as amended). Under Part 3 of this legislation, a person is guilty of an offence if he:

- Deliberately captures, injures or kills a bat;
- Deliberately disturbs a bat; or
- Damages or destroys a bat breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, breed or reproduce, rear or nurture their young, migrate or hibernate. It also includes any disturbance likely to affect significantly the local distribution or abundance of the species. Consequently, attention should be given to dealing with the modification or development of an area if aspects of it are deemed important to bats, such as flight corridors and foraging areas

3.5.2 Badgers

Badgers *Meles meles* are protected under *The Protection of Badgers Act 1992*. Under this legislation a person is guilty of an offence if they kill injure or take a badger or interfere with a badger sett. Interference to a badger sett includes:

- Damage to a badger sett or any part of it;
- The destruction of a badger sett;
- Obstruction of the access to, or any entrance of, a badger sett;
- Disturbance to a badger whilst occupying a sett.

The term 'badger sett' is usually defined as the system of tunnels and chambers in which badgers live, including their entrances and immediate surrounds. The 1992 Act specifically defines a sett as "*any structure or place that displays signs indicating current use by a badger*". Natural England takes this to mean seasonally used setts and consequently any sett that has been occupied at any point during the previous twelve months.

3.5.3 Breeding Birds

Wild birds, their nests and eggs, are afforded protection under Section 1(1) of *The Wildlife and Countryside Act 1981* (as amended). Under this legislation, a person is guilty of an offence if he intentionally:

- Kills, injures or takes any wild bird;
- Takes, damages or destroys the nest of a wild bird included in Schedule ZA1;
- Takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- Takes or destroys an egg of any wild bird.

3.5.4 Dormice

Dormice are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Schedule 2 of the Conservation (Natural Habitats &c) Regulations, 1994, making the hazel dormouse a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a dormouse;
- Possess or control and live or dead specimen or anything derived from a dormouse (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a dormouse;
- Intentionally or recklessly disturb a dormouse while it is occupying a structure or place which it uses for that purpose.

Schedule 2 of the Conservation (Natural Habitats &c) Regulations, 1994 make it an offence to:

- Deliberately capture or kill a dormouse;
- Deliberately disturb a dormouse;

- Damage or destroy a breeding site or resting place of a dormouse;
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead dormouse or any part of a dormouse.

The dormouse is a Priority Species under the UK Biodiversity Action Plan (UK BAP), and has been adopted as a Species of Principal Importance in England under section 41 of the NERC Act 2006 (section 42 in Wales).

3.5.5 Great Crested Newts

Great crested newts (GCN) *Triturus cristatus* are listed under Schedule 5 of *The Wildlife and Countryside Act 1981* (as amended) and are afforded protection under Section 9(1), Section 9(4)(b&c) and Section 9(5) of the Act. Under this legislation, a person is guilty of an offence if he intentionally or recklessly:

- Kills or injures a GCN;
- Disturbs any GCN while it is occupying a structure or place which it uses for shelter or protection; or
- Obstructs access to any structure or place which any GCN uses for shelter or protection.

GCN are afforded additional protection through their inclusion on Schedule 2 of *The Conservation of Species and Habitats Regulations 2010* (as amended). Under Part 3 of this legislation, a person is guilty of an offence if he:

- Deliberately captures, injures or kills a GCN;
- Deliberately disturbs a GCN;
- Deliberately takes or destroys the eggs of a GCN; or
- Damages or destroys a GCN breeding site or resting place.

This legislation covers all life stages and includes both aquatic and terrestrial habitats.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, breed or reproduce, rear or nurture their young, migrate or hibernate. It also includes any disturbance likely to affect significantly the local distribution or abundance of the species.

3.5.6 Reptiles

The four more widespread reptile species (adder *Vipera berus*, common lizard *Zootoca vivipara*, grass snake *Natrix natrix*, slow worm *Anguis fragilis*) are listed under Schedule 5 of *The Wildlife and Countryside Act 1981* (as amended) and are afforded protection under Section 9(5) of the Act. Under this legislation, a person is guilty of an offence if he:

- Intentionally or recklessly kills or injures any reptile.

Discussion and Recommendations

3.6 Discussion

3.6.1 Overview

The desk-based assessment recorded two statutory conservation sites within 2km of the Site.

Because of their spatial relationship with the proposed development and its nature, it is not believed that there will be a discernible impact by the proposed works provided construction best practice guidelines for pollution prevention control are adhered to.

3.7 Recommendations

3.7.1 Protected Species

The habitats recorded on Site supported by the data returned from the desk-based assessment suggest the Site has very little potential to support any protected species, see section 3.3 above. Those species which may potentially be impacted by the proposed development are discussed below.

- Bats

Following the assessment of the buildings as having no bat roost potential no further surveys are recommended.

- Breeding birds

Due to the absence of any vegetation on site and the sub-optimal characterisation, further survey work is not considered necessary.

- Dormice

The absence of suitable habitat on site results in the site being sub-optimal for dormice, no further survey work is recommended.

- Reptiles

No signs of any reptile species were recorded during the survey. The site is characterised as being sub-optimal for this group due to the fragmented nature of any areas of vegetation and the high levels of disturbance from machinery. No further survey work is recommended.

3.7.2 Habitat enhancement

To encourage bat and bird species to use the proposed development, raised tiles should be installed in the roof and bird boxes throughout the site.

The siting and type of lighting installed as part of the proposed development should minimise any potential to deter bats from taking up use of the suggested habitat enhancements above.

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Appendices

Appendix 1 – Photographs



Photograph 1 – The eastern aspect of the site



Photograph 2 – The southern aspect of the site

Appendix 2 - Figures

Figure 2 – Phase 1 Habitat Map

See separate document

Appendix 3 – Species List

The following species were recorded during the survey;

Common name	Latin name
Annual meadow grass	<i>Poa annua</i>
Ribwort plantain	<i>Plantago lanceolata</i>
Nettle	<i>Urtica dioica</i>
False oats grass	<i>Arrhenatherum elatius</i>
Cocks spur	<i>Dactylis glomerata</i>
Common dandelion	<i>Taraxacum officinale</i>
Bracken	<i>Pteridium aquilinum</i>

Appendix 2 – Stephen Dangerfield – Malford Environmental Consulting

**WAGTAILS AND ADJACENT LAND,
SOUTHAMPTON ROAD, ALDERBURY, WILTSHIRE**

ECOLOGICAL APPRAISAL

On behalf of

1215 PROPERTIES LTD

Final Report

16th May 2016

Prepared by



MALFORD
Environmental Consulting

www.malfordenvironmentalconsulting.co.uk

Contents

1	Introduction.....	1
2	Methodology.....	1
2.1	Field survey and desk-based review	1
2.2	Ecological appraisal	2
3	Baseline Conditions.....	3
3.1	Planning Context.....	3
3.2	Desk-based review	4
3.3	Field survey	6
4	Important Ecological Receptors	10
5	Impacts and Significance	10
5.1	Scheme impacts	10
5.2	Significance of impacts	11
6	Mitigation and Enhancement	11
6.1	Protection of nesting birds.....	11
6.2	Protection of hedgehog	11
6.3	Tree and shrub planting	12
6.4	Bird nesting features	12
6.5	Bat roosting features	12
6.6	Fencing.....	13
7	Residual Effects	13
8	References	14
Appendix A	Plan with Ecology Target Notes.....	15
Appendix B	Photographs of the Study Area	16

1 Introduction

The client is working towards a planning application to Wiltshire Council to build three houses on a small parcel of land, which is located behind and northeast of Wagtails, Southampton Road, Alderbury, Wiltshire, SP5 3AF (see Appendix A). The proposal includes the demolition of Wagtails.

As part of the ongoing planning process, the client has requested that an ecological survey and appraisal of the existing house and site be undertaken, which contains appropriate survey information and an assessment of impacts on protected sites and protected/notable habitats and species. Any adverse impacts are addressed with proposals for mitigation or compensation, while opportunities for biodiversity enhancement are also identified.

Malford Environmental Consulting was commissioned to undertake the ecological survey and appraisal of the house and site, and to provide a report to fulfil the requirements of nature conservation legislation and planning guidance, which will accompany the planning application. The ecological work was undertaken by Dr Stephen Dangerfield and Jonathan Adey who are professional ecological consultants with a combined 50+ years' experience, who are both full Members of CIEEM, Chartered Environmentalists and hold relevant protected species licenses issued by Natural England.

2 Methodology

2.1 Field survey and desk-based review

A Phase 1 ecology survey of the study area was undertaken on 5th and 16th May 2016. The survey focused on:

- ❖ A habitat survey to determine type, quality and extent of habitats present. Botanical lists of each habitat type were recorded. Rare/scarce and invasive plants were highlighted if found.
- ❖ A survey to determine the presence of, or the potential for the study area to support, protected and rare/scarce animals, which included looking for the following:
 - Potential/actual badger (*Meles meles*) setts, as well as latrines, tracks and other signs (foraging holes, hairs, etc), in accordance with Natural England (2009a & b);
 - Potential reptile habitat and terrestrial habitat for amphibians, particularly great crested newt (*Triturus cristatus*) in accordance with Gent and Gibson (1998);
 - Waterbodies on-site or nearby that have the potential to support great crested newt, otter (*Lutra lutra*) or water vole (*Arvicola amphibius*). Any pond habitat on-site with potential to support breeding great crested newt will be surveyed in accordance with the GCN habitat suitability index methodology (ARG UK, 2010);
 - Potential habitat to support dormouse (*Muscardinus avellanarius*), in accordance with Bright *et al* (2006); and
 - Actual records of, or the potential for, nesting/breeding birds using the site.
- ❖ An assessment of the potential for the house (Wagtails), other structures or trees on-site to support roosting bats undertaken by a licensed bat surveyor in accordance with Bat Conservation Trust guidelines (Collins, J. (ed.), 2016). Bat roost potential was established using the following scale:
 1. *Negligible potential/not a roost*: no suitable features

2. *Low potential*: one or more suitable features that could be used by individual bats opportunistically
3. *Moderate potential*: one or more suitable features that could be used by bats, but unlikely to support a roost of high conservation status
4. *High potential*: one or more suitable features that are suitable for use by larger numbers of bats on a regular basis
5. *Confirmed roost*: evidence of current/recent bat occupation

The aim of an extended Phase 1 habitat and ecological survey is to identify the habitat types present and their relevance to nature conservation, based on species assemblage and structural diversity. It also, as described above, aims to identify the actual or likelihood of protected species inhabiting or frequenting the study area based on field signs or habitat quality/structure etc. The identification of protected, sensitive, threatened or scarce habitat or species within the development site or potentially affected by the proposed development could trigger the need for further Phase 2 surveys at an appropriate time of year.

The Wiltshire and Swindon Biological Records Centre (WSBRC) was contacted with a request for any records of designated nature conservation sites and protected/notable species within 1km of the study area. This information is used to set the study area in context, determine the likelihood of key species, for example great crested newt, being present within the study area and to aid the ecological evaluation of the site.

2.2 Ecological appraisal

The identification of ecological baseline and constraints, ecological evaluation, and establishment of mitigation and management recommendations to remove, reduce or offset potential impacts have been undertaken within the framework of appropriate best practice guidelines (CIEEM, 2016). The ecological appraisal seeks to obtain the best possible biodiversity outcomes from the proposed development, by integrating the following key principles:

- ❖ **Avoidance**: seek options that avoid harm to ecological features (for example, by locating on an alternative site).
- ❖ **Mitigation**: Adverse effects should be avoided or minimised through mitigation measures, either through the design of the project or subsequent measures that can be guaranteed (for example, through a condition or planning obligation).
- ❖ **Compensation**: Where there are significant residual adverse ecological effects despite the mitigation proposed, these should be offset by appropriate compensatory measures.
- ❖ **Enhancements**: Seek to provide net benefits for biodiversity over and above requirements for avoidance, mitigation or compensation.

3 Baseline Conditions

3.1 Planning Context

3.1.1 National

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) requires all public bodies to have regard to biodiversity conservation when carrying out their functions.

The National Planning Policy Framework (NPPF) requires the planning system should contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on biodiversity and providing net gains in biodiversity where possible (para 109). Furthermore, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (locating onto an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (para 118).

3.1.2 Wiltshire

The Wiltshire Core Strategy (Adopted January 2015) sets out the relevant policies relevant to biodiversity, as follows:

Core Policy 50: Biodiversity and geodiversity

Protection

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraph 6.70 above where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.

Biodiversity enhancement

All development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Such enhancement measures will contribute to the objectives and targets of the Biodiversity

Action Plan (BAP) or River Basin/Catchment Management Plan, particularly through landscape scale projects, and be relevant to the local landscape character.

Local sites

Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:

- i. Cannot reasonably be avoided
- ii. Are reduced as far as possible
- iii. Are outweighed by other planning considerations in the public interest and
- iv. Where appropriate compensation measures can be secured through planning obligations or agreements.

Development proposals affecting local sites must make a reasonable contribution to their favourable management in the long-term.

3.2 Desk-based review

A review of the OS maps and satellite imagery reveals that the study area is located within the centre of Alderbury, with residential housing abutting most of the site, while a small area of secondary woodland abuts the part of the south-eastern boundary.

The OS 1:25,000 map shows that there are no ponds located in the study area. A single large lake, on the line of the old Alderbury Canal, is located approximately 400m to the east. In addition to the relatively large distance from this pond, the study area is also disconnected from this waterbody by housing, school and roads. This lake is therefore not considered further.

WSBRC provided information relating to designated sites located within 1km of the study area. This identified that the study area is not covered by any European, national or local nature conservation designations. Furthermore, there are no statutory, European or nationally-designated nature conservation sites located within 1km of the study area.

There are four non-statutory, locally designated nature conservation sites within 1km of the site as follows:

- ❖ Alderbury Canal Local Wildlife Site (SU12.053). Located approximately 330m to the east of the study area, a well-used area of plantation and semi-natural wet woodland on the course of a disused canal covering 7.9ha.
- ❖ Whaddon Meadow LWS (SU12.055). Located approximately 630m to the southeast of the study area, two meadows supporting rush pasture and drier grassland covering 5.36ha.
- ❖ Hightrees Wood LWS (SU12.011). Located approximately 280m to the southwest of the study area, a small mixed woodland partly of ancient origin covering 11.7ha.
- ❖ Ivychurch Copse LWS (SU12.009). Located approximately 450m to the northwest of the study area, broadleaved woodland replanted in some areas with conifer, sycamore and ash covering 17.89ha.

Records of rare, protected and notable species within 1km of the study area have also been provided by the WSBRC. Within the last 25 years there are records for forty-three different species, which are summarised below.

Vascular plants

Four nationally notable plants have been recorded within the local landscape including Good-King-Henry (*Chenopodium bonus-henricus*), Weasel's snout (*Misopates orontium*) and corn marigold (*Glebionis segetum*) that are nationally vulnerable, and dwarf spurge (*Euphorbia exigua*) that is near threatened [lower risk].

Twelve county notable plants occur in the local landscape including lousewort (*Pedicularis sylvatica*), star sedge (*Carex echinata*), smooth brome (*Bromus racemosus*), small-flowered buttercup (*Ranunculus parviflorus*), spotted medick (*Medicago arabica*), broad-leaved spurge (*Euphorbia platyphyllos*), tutsan (*Hypericum androsaemum*), marsh willowherb (*Epilobium palustre*), bogbean (*Menyanthes trifoliata*), milk thistle (*Silybum marianum*), goldenrod (*Solidago virgaurea*) and nodding bur-reed (*Bidens cernua*).

Invertebrates

Five nationally notable butterflies have been recorded in the local landscape including the endangered white letter hairstreak (*Satyrus w-album*), the vulnerable dingy skipper (*Erynnis tages*) and white admiral (*Limenitis camilla*), and the near threatened [lower risk] chalkhill blue (*Polyommatus coridon*) and small heath (*Coenonympha pamphilus*).

Amphibians

There are no recent records of great crested newt (*Triturus cristatus*) within 1km of the study area, but records of common toad (*Bufo bufo*) a UKBAP priority species.

Reptiles

There are records of four common reptiles in the local landscape including slow worm (*Anguis fragilis*), common lizard (*Zootoca vivipara*), grass snake (*Natrix natrix*) and adder (*Vipera berus*).

Birds

There are records for eight nationally protected or notable (red list or UK BAP priority species) in the local landscape including grey partridge (*Perdix perdix*), red kite (*Milvus milvus*), cuckoo (*Cuculus canorus*), barn owl (*Tyto alba*), starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), brambling (*Fringilla montifringilla*) and yellowhammer (*Emberiza citrinella*).

Mammals

Four species of bat, which are European and nationally protected, have been recorded including common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*P. pygmaeus*), serotine (*Eptesicus serotinus*) and brown long-eared (*Plecotus auritus*).

Badger (*Meles meles*), which is nationally protected, has been recorded in the local landscape, while hazel dormouse (*Muscardinus avellanarius*), which is European and nationally protected, has been recorded in designated woodland. Nationally and county notable mammals including polecat (*Mustela putorius*), hedgehog (*Erinaceus europaeus*) and water shrew (*Neomys fodiens*) have also been recorded.

3.3 Field survey

The findings from the ecological survey are described below, under the headings of 'habitats and botany', 'built structures' and 'wildlife'. A plan with ecology target notes is provided in Appendix A, while photographs of the site are included in Appendix B.

3.3.1 Habitats and botany

Semi-natural habitats

The study area is divided into three compartments, which comprise two formal gardens at the north-eastern and south-western ends that abut a shaded area supporting trees situated within the middle.

The first compartment at the north-eastern end comprises mainly formal, short mown amenity grass lawn, which are bounded by post & rail, post & wire and close-boarded timber garden fencing. Within the eastern corner are two garden ponds, one approximately 7m radius and a second small (2m x 2m) pond. The larger pond contains numerous ornamental carp, which has left the water very turbid and devoid of aquatic macrophytes. The small pond is very shallow and filled with leaf litter/dense covering of ornamental aquatic plants.

The ponds are surrounded by a small area of wet grassland and rushes supporting Yorkshire fog (*Holcus lanatus*), red fescue (*Festuca rubra*), soft rush (*Juncus effusus*), greater pond sedge (*Carex riparia*) and forbs including creeping thistle (*Cirsium arvense*), spear thistle (*Cirsium vulgare*), marsh thistle (*Cirsium palustre*), nettle (*Urtica dioica*), broad-leaved dock (*Rumex obtusifolius*), dandelion (*Taraxacum officinale* agg), creeping buttercup (*Ranunculus repens*), cleavers (*Gallium aparine*), field forget-me-not (*Myosotis arvensis*), comfrey (*Symphytum officinale*), angelica (*Angelica sylvestris*), wavy bitter-cress (*Cardamine flexuosa*) and square-stalked St John's-wort (*Hypericum tetrapterum*). There is the occasional gorse (*Ulex europaeus*), bramble (*Rubus fruticosus* agg) and goat willow (*Salix caprea*).

The northern boundary comprises a hedge, growing in the neighbours garden, that supports hazel (*Corylus avellana*), guelder rose (*Viburnum opulus*), silver birch (*Betula pendula*), cypress (*Cupressus* sp) and other ornamental shrubs. The southern boundary comprises a tree-line supporting pine (*Pinus* sp), spruce (*Picea* sp) and sycamore (*Acer pseudoplatanus*). There are two semi-mature oak (*Quercus robur*) trees on the edge of the lawn, while a larger mature oak has recently been felled.

The middle compartment is surrounded by rows of coniferous trees including pine, spruce and cypress, which heavily shade this part of the site, and boundaries are mainly close-boarded timber garden fencing and some chain-link fencing. Blackthorn (*Prunus spinosa*), holly (*Ilex aquifolium*), hazel, apple (*Malus pumila* agg), pear (*Pyrus communis*) and bramble occur as an understorey, while ground flora is sparse and restricted to shade-tolerant species including nettle, cleavers, cuckoo pint (*Arum maculatum*), ivy (*Hedera helix*), foxglove (*Digitalis purpurea*), wood avens (*Geum urbanum*), herb Robert (*Geranium robertianum*) and hybrid bluebell (*Hyacinthoides* sp).

The third compartment at the south-western end comprises a formal garden including short mown amenity grass lawn and ornamental flower beds, shrubs and trees. The garden is bounded by close-boarded timber garden fencing and chain-link fencing. There is a small (2m x 1m) garden pond, which is very shallow, concrete lined and filled with a dense covering of aquatic plants.

Within the garden ornamental and garden trees and shrubs include Rhododendron (*Rhododendron* sp), copper beech (*Fagus sylvatica* Purpurea), maple (*Acer* sp), lilac

(*Syringa vulgaris*), magnolia (*Magnolia* sp), plum (*Prunus* sp), apple and viburnum (*Viburnum* sp). A cypress hedge runs down the western boundary and three mature spruce are located on the eastern boundary.

Located adjacent to most of the eastern boundary is a small area of secondary woodland that has developed a canopy of oak, silver birch and willows with an understorey of hawthorn (*Crataegus monogyna*), hazel, holly and bramble.

Notable habitats and plants

The site is small, relatively isolated and contains habitats of low ecological value comprising mainly formal gardens and a small shaded area supporting mainly coniferous trees. There are two small garden ponds, one of which contains carp, of negligible ecological value. Plants on-site are widespread and common native or non-native/ornamental varieties. No plants are legally protected, nationally or county notable, listed in the WSBRC records or are listed in the UK or Wiltshire Biodiversity Action Plan. No invasive plant species were recorded.

The survey findings are sufficient to establish habitat value, as described above, therefore further Phase 2 botanical surveys are not necessary.

3.3.2 Built structures

House and garage

The house, Wagtails, is a dormer bungalow, which is occupied and in an excellent state of repair. It is constructed from brick walls with a pitched roof clad in rounded (Roman-style) cement tiles and cement ridge capping. There is one chimney. External walls and the chimney stack are securely mortared and sealed, and there are no gaps.

Roof tiles and ridge capping are intact, close-fitting and securely mortared leaving no gaps. All end roof tiles and end ridge caps on gable ends are securely fitted and sealed with mortar leaving no gaps.

There are two dormer windows, which have flat roofs clad in asphalt. Sides are clad in hanging and close-fitting flat cement tiles. There is a single broken hanging tile, but the remaining gap is very shallow with the stub of the roof tile remaining. There are also two larger, open gaps at the rear of one dormer window as it cuts into the roof line. These gaps are unsuitable for bats and could be clearly inspected.

There are uPVC soffit boxes running around the roof line and these are intact, close-fitting and fully-sealed against the walls. The leading edges of the roof tiles are blocked with insulation foam and guttering.

Roof tiles in roof troughs and lead flashing around dormer windows and the chimney are securely fixed and sealed. Doors and windows are uPVC and are all intact and fully sealed.

The ground floor of the bungalow is occupied and fully sealed. The house has a central apex attic space and a further four side attics. Attics are all low/small being between 0.6 to 1.2m high. The attics are constructed with roof joists of close-fitting, treated softwood timbers, with a single very narrow ridge board. End walls are sealed blockwork. There is bituminous roofing felt securely fixed above the roof timbers. All attics have boards on the floor. There are no gaps or recesses for crevice-dwelling bats to exploit, and there are no obvious flyways into the attic interiors.

There is a detached single brick garage with mono-pitch roof covered with asphalt roofing felt and tight fitting timber fascia boards around the roof line. The garage has windows and is sealed.

Garden structures

There are various timber sheds located within the study area.

Within the northern compartment there are two wooden garden sheds both with mono-pitch roofs clad in asphalt roofing felt, which have windows and are in continuous use.

Within the middle compartment there are one brick/timber shed with a mono-pitch roof and three small timber garden sheds with pitched roofs, all covered in asphalt roofing felt. There is also a small metal lock-up.

Within the southern compartment there is one timber shed, used as a workshop and office, and therefore totally sealed.

3.3.3 Wildlife

Bats

The bungalow and garage exterior and interior (including all attic space) provide no recesses for crevice-dwelling bats. There is no evidence of bat roosting or activity (no live bats, no dead bats, no droppings, no scratching or oil staining, and no feeding remains) found within or outside the house or garage. Furthermore, the attics were filled with webs covering the ridge boards, along/across joists and across eaves. Therefore, Wagtails and garage is classed as Category 1 (not a roost).

All garden structures on site were visually inspected and found to be unsuitable for roosting bats being either sealed buildings or small garden sheds in continuous use. There were no gaps for crevice-dwelling bats to use, and the interiors of the garden sheds were fully webbed. No evidence of bat roosting or any other activity was found in any structure. All structures are therefore classed as Category 1 (not a roost).

All mature trees located within the study area were visually inspected for the potential to support roosting bats. All trees are classed as having 'no potential' for roosting bats (Category 1) given their species, age/size, condition and absence of potential roosting features.

The Bat Conservation Trust guidelines state that Category 1 structures can be demolished and Category 1 trees can be felled without any mitigation for bats or the need for a Natural England licence under the provisions of the Conservation of Habitats and Species Regulations 2010.

The study area provides sub-optimal habitat for foraging bats being small, isolated, generally suburban and formal in nature, and supporting many non-native/ornamental tree and shrub species. Three bat surveys were undertaken during September to November 2015 (The Whitelands Project, 2015). These surveys confirmed sub-optimal conditions for foraging bats recording only foraging common pipistrelle (*Pipistrellus pipistrellus*), which is as expected as this is a very common species frequently associated with suburban gardens, and an unconfirmed noctule (*Nyctalus noctula*) that, if present, was probably commuting over the site.

Other mammals

Badger has been recorded in the local landscape, but there are no badger setts within or on the boundary of the study area. No other signs of badger (i.e. latrines/dung pits, clearly defined runs/paths, tracks, hairs etc.) were found during the survey. Badgers are not using the study area, and are not a constraint for the proposed scheme.

There are no suitable waterbodies on-site to support water vole, otter or water shrew, and these species are not a constraint for the proposed scheme.

The habitat is not suitable for supporting hazel dormouse with any woody vegetation comprising mainly non-native/garden species of recent origin with a poor ground flora that is disconnected and isolated. This species is not a constraint for the proposed scheme.

Of the nationally notable species identified in the WSBRC data, only hedgehog could frequent the study area. The study area is also known to have a rat problem.

Birds

A few common garden birds were observed or heard within the study including blackbird (*Turdus merula*), wren (*Troglodytes troglodytes*), robin (*Erithacus rubecula*), goldcrest (*Regulus regulus*), blue tit (*Cyanistes caeruleus*), great tit (*Parus major*), greenfinch (*Carduelis chloris*) and wood pigeon (*Columba palumbus*). The majority of the notable species identified in the WSBRC records will not use the study area, although birds that frequent gardens, such as house sparrow and starling, could use the site.

No birds were nesting within or on the house, garage or any other structure within the study area, but it is likely that some of these common birds will nest within the trees and shrubs on-site. All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act, 1981 as amended. This act makes it an offence to:

- ❖ Intentionally, or recklessly, kill, injure or take any wild bird
- ❖ Take, damage or destroy the nest of any wild bird while it is in use or being built
- ❖ Take or destroy the egg of any wild bird

Further bird survey is not required to define appropriate mitigation.

Great crested newt

The proposed development site does not contain any ponds or other waterbodies suitable to support breeding great crested newt, and the nearest other waterbody is located 400m to the east of the site and disconnected by housing and other development. There are no records of great crested newt within 1km of the site, and the study area provides no suitable hibernating and only some small areas of sub-optimal foraging habitat for great crested newt whilst in their terrestrial phase. It is concluded that great crested newt is not present and is not a constraint for the proposed development.

Reptiles

Four common reptiles have been recorded in the local landscape. However, the study area comprises formal gardens or is heavily shaded by coniferous trees limiting ground flora to a very sparse covering. The study area does not provide suitable refugia or foraging habitat for reptiles, while the presence of rats will also be detrimental to reptiles. The conclusion is that reptiles are not present within the study area, and are not a constraint for the proposed development.

Invertebrates

Habitats within the study area will not contain invertebrate communities of interest as the site is small and does not support habitats or food plants associated with any notable species of butterfly identified in the WSBRC records. Butterflies recorded on-site included common garden species such as orange tip (*Anthrcharis cardamines*). Any butterflies using the site will be wider countryside species that are resilient and use a broad range of widely distributed habitats (Peterken, 2013). The invertebrate fauna are not a constraint for the proposed development.

4 Important Ecological Receptors

The proposed development site is not covered by any nature conservation designations. The proposed development site contains formal gardens and shaded area with mainly coniferous trees, all of which is of very low ecological value. All plants recorded on site are common and widespread native species, or introduced non-native/ornamental varieties.

There are no protected/notable mammals (except potential for hedgehog), reptiles and amphibians inhabiting the development site, while a few common garden birds are likely to nest in the trees/shrubs.

The integrity of any surrounding habitats, communities or species will have negligible reliance upon the habitats and ecology contained within the study area footprint.

Given the current site conditions the only confirmed constraining ecological features within the study area are:

- ❖ Nesting birds. A few common garden species that are important in a *Local (site)* context; and
- ❖ Hedgehog. Nationally/locally notable species may be present and important in a *Local (Parish)* context.

5 Impacts and Significance

5.1 Scheme impacts

Adverse ecological impacts are very low given the low quality habitats on-site, and the general absence of legally protected, rare, scarce or notable wildlife within the study area. Potential impacts on surrounding local designated sites, nesting birds and hedgehog are discussed below.

5.1.1 Local Wildlife Sites

There are four locally designated nature conservation sites located between 280m and 630m from the study area, which encompass woodland, grassland and open water. Effects of the small housing development will be fully contained within the study area and will not alter local environmental/abiotic conditions (i.e. air quality) either during- or post-construction. Three new houses in an existing settlement will not significantly increase recreational pressure on the designated sites, some of which are already very well used by the local community. Therefore, the proposed development will not affect the existing baseline conditions, in terms of habitat structure and function, or wildlife associated with these designated sites. The impact of the proposed development is neutral, and no mitigation is required.

5.1.2 Nesting birds

Common garden birds could nest within trees and shrubs that are scheduled for removal as part of the proposed development. The development therefore has the potential to damage, destroy or disturb nesting birds if undertaken at the wrong time of year or without appropriate safeguards. If this were to happen this is a permanent, negative impact. This adverse impact will be removed through implementing appropriate mitigation.

5.1.3 Hedgehog

Hedgehog could be present within the shrub vegetation that is scheduled for removal as part of the proposed development. Hedgehog is not currently legally protected, but is recognised as a priority species due to declining populations. The development has the potential to damage or destroy hedgehog if undertaken without appropriate safeguards. If this were to happen this is a permanent, negative impact. This adverse impact will be removed through implementing appropriate mitigation.

5.2 Significance of impacts

The proposed scheme if implemented without appropriate mitigation could have adverse impacts on nesting birds and hedgehog, which if occurs is considered to be significant at the Local (site) scale.

6 Mitigation and Enhancement

6.1 Protection of nesting birds

The proposed development will remove trees and shrubs currently available for nesting birds to use. This could result in the damage or destruction of breeding birds, their nests (while in use or being built) or the destruction of bird eggs unless appropriate mitigation action is taken. To ensure compliance with the Wildlife and Countryside Act, 1981 (as amended) the following action is required:

- ❖ Undertake all tree/shrub removal outside the bird breeding season, which is generally considered to be from early March to end of August (to cover all bird species, particularly multiple brood species). This option will avoid the need for a pre-works inspection to determine the presence of nesting/breeding birds.

If this option is not feasible and some or all work has to go ahead within the bird breeding season, as defined above, then the following action will be taken:

- ❖ A nesting bird inspection immediately prior to the commencement of vegetation clearance will be undertaken by a qualified ecologist, ornithologist or other suitably qualified individual. If nesting birds or birds constructing a nest are subsequently identified to be present work in that area must cease until the nest is clear. This could involve avoiding individual trees/shrubs, whilst holding a watching brief on the area to establish when the nest is clear.

Features to compensate for the loss of bird nesting habitat is discussed in Sections 6.3-6.4 below.

6.2 Protection of hedgehog

At present, there is no legal responsibility to protect hedgehog, however, mitigation to ensure protection of this species includes:

- ❖ Vegetation and structure removal will proceed with care (vegetation cut by hand to ground level, sheds dismantled by hand) so as to allow animals to disperse if they are present at the time of the work;
- ❖ All site clearance work undertaken during daylight hours avoiding issues associated with disturbance to these nocturnal animals; and

- ❖ If a hedgehog is found during site clearance work it will be carefully picked up (using gloves) and moved to the eastern woodland edge, which will not be affected by the proposed work.

6.3 Tree and shrub planting

Any new planting should aim to use appropriate native or native cultivar tree or shrub planting as much as possible. Plants should be sourced from a reputable nursery preferably using stock derived from a local provenance. Species which are berry producing to maximise benefits for birds are also favoured.

Planting should take place between November and March. Newly planted areas should be inspected regularly for the first five years post-planting. Any significant gaps or dead plants will be replaced with new specimens.

Preferably existing and new planting should be managed to create a structurally-diverse habitat, with any cutting undertaken in January or February to maximise retention of berries.

6.4 Bird nesting features

To replace lost bird nesting habitat, nesting features should be incorporated where possible and practicable into the new building designs. Overhanging eaves could be provided or alternatively nest-boxes, which can be integrated into the fabric of an external wall or bolted onto an external wall/under eaves, should be installed to target summer migrants and other passerines, particularly more urban species such as house sparrow and house martin. Boxes should be placed on external walls which provide shelter from direct sunlight (i.e. not south-facing).

A range of alternative bird boxes are available and can be incorporated depending on the proposed design and architecture. Boxes can be viewed at www.nhbs.com, with some examples shown below.

Schwegler sparrow terrace nest box



Schwegler house martin nest cups



The type, number and location of bird nesting features will depend on the practicality of integrating into the final design of the new build. Features should be agreed with the local planning authority ecologist as part of detailed design.

6.5 Bat roosting features

To provide an enhancement for bats one bat brick, which is integrated into the fabric of an external wall, should be installed on each new dwelling to provide safe and isolated roosting

habitat for common bat species such as pipistrelle. Each bat brick should be installed on an external wall as far above the ground as possible, preferably on a west, south or east facing wall. Clear lines of flight to the bat brick entrances should be maintained and no external lighting should be used adjacent to or shine directly at the bat brick entrance.

Alternative bat bricks can be used depending on the proposed architecture. Bricks can be viewed at www.nhbs.com, with some examples shown below.



Schwegler bat brick for installation into cavity wall

Habibat bat bricks for installation into cavity wall, faced with brick, stone or render



In addition, the buildings could be designed with one or more raised ridge tiles to provide isolated roosting opportunities for crevice-dwelling bats. The ridge tiles should be raised with dabs of cement leaving a 15-20mm slot beneath one leading edge. The entrance slots should be orientated on a west, south or east facing aspect, and no external lighting should be used adjacent to or shine directly at the entrance slots.



The type, number and location of bat roosting features will depend on the practicality of integrating into the final design of the new build. Features should be agreed with the local planning authority ecologist as part of the detailed design process.

6.6 Fencing

If close-boarded garden fencing is used within the development some panels will be fitted with small gaps at the base, approximately 10cm by 10cm, to allow hedgehog and other small mammals to move between gardens.

7 Residual Effects

There are no predicted residual adverse impacts associated with the proposed redevelopment with protected/notable species protected with appropriate mitigation, which is in accordance with local biodiversity planning policy. Replacement/enhanced wildlife features can be integrated into the scheme design. The proposed scheme will not adversely affect the local distribution or abundance of local wildlife species. Therefore, the ecological effects are considered to be neutral at the Local (site) scale.

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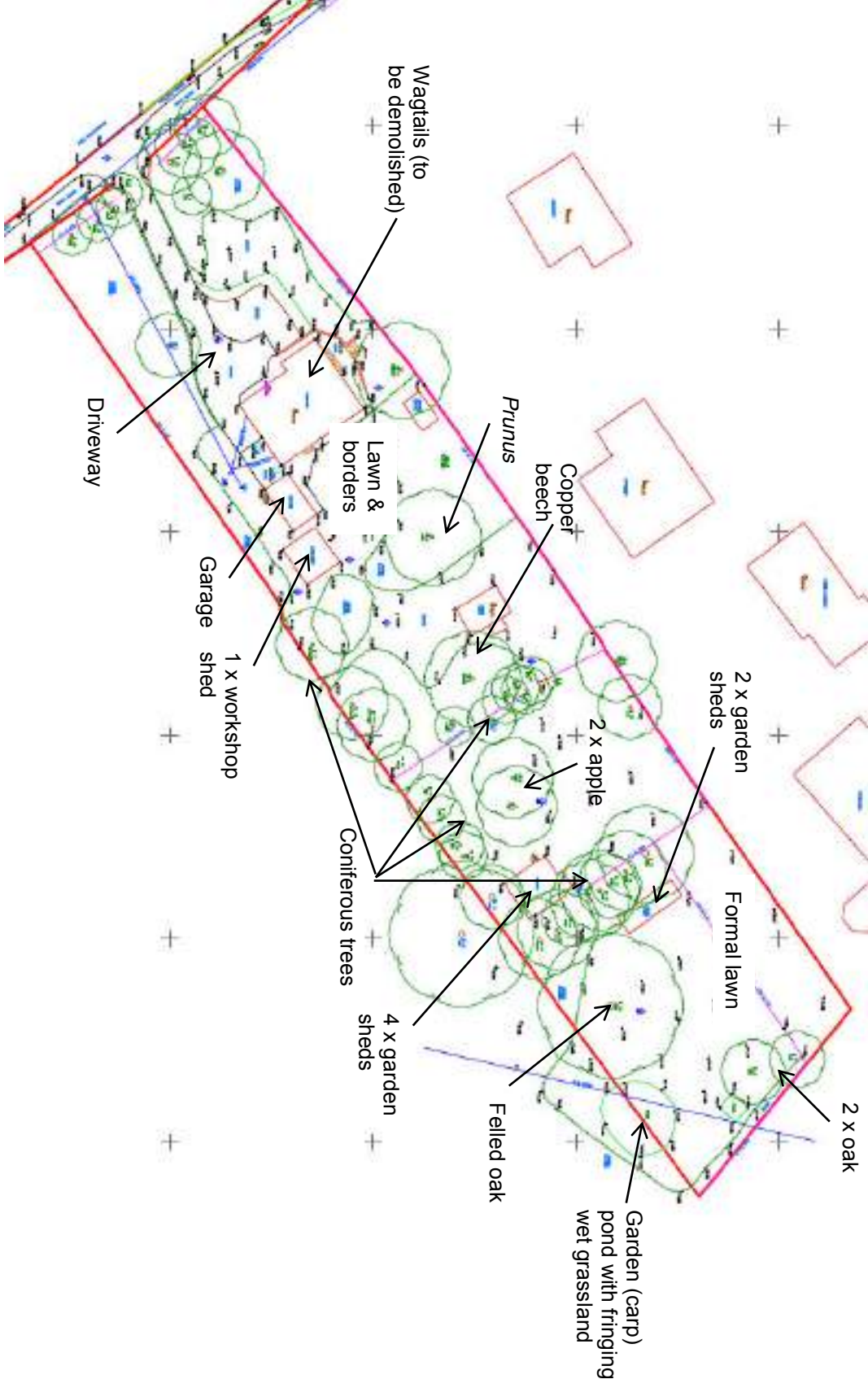
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Appendix A Plan with Ecology Target Notes



Appendix B Photographs of the Study Area



Northern compartment with lawn, sheds (no bat roosting) and tree line of conifers



Carp pond in northern compartment unsuitable for breeding great crested newt



Interior of middle compartment which is heavily shaded by conifers



Garden sheds within the middle compartment with no bat roosting potential



Garden of Wagtails with timber office/ workshop and detached brick garage



Existing driveway in front garden of Wagtails



Front exterior of Wagtails



Rear exterior of Wagtails



Interior of top attic in Wagtails



Interior of a side attic in Wagtails

Appendix 3 - Jonathan West – The Whitelands Project

The Whitelands Project

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Tree & Ecological Surveys for Planning and Management

Land off Junction Lane

SP5 3AZ

August 2015

PHASE ONE HABITAT ~WALKOVER.

Supported by the desktop study on MAGIC.gov.uk for this area, this site has a straightforward biodiversity requirement in terms of European Protected Species, (EPS). The developer is happy to make some provision for wildlife in the development of the site, details below.

Landscape Character assessment of this property is not useful because of its current highly developed and Urban state. The site is composed of three gardens, which are observably derived from a larger contiguous block which had uniform interventions some 5 to 8 decades ago. On inspection European Protected Species to be concerned about are bats (tree canopies & adjacent open land) and Great Crested Newts because of the presence of a pond. Reptiles were an early consideration, but no presence has been found under refugia existing on site, and therefore remain untargeted.

From this description it can be seen that this report extends beyond the remit of a Phase 1, and provides additional data from later visits.



CURRENT STATUS

I have visited this site 5 times since August, when my engagement to survey the trees allowed inspection as a Habitat Walkover. Further assessment for EPS has yielded results described below, and detailed in two other reports which should be read with this document. It is a simple site with the only biodiversity interest around the Northern end, and with regard the current ecology I found the following:

- 1) Bats are foraging in the area, and provision must be made for them in the development. However, they do not occupy the site. There are no Roosts in the area intended for development.
- 2) Temperatures were recorded during Bat assessment visits and on all five occasions were above 15 degrees. Pipistrelle canopy hunting activity was found, and some transit swoops across the adjacent areas.
- 3) It is a prosecutable offence to breach the legal protection provided to the four common species of Reptile under the Wildlife and Countryside Act, 1981, and therefore imperative to follow these procedures and provide evidence for the likely absence of Slow Worms.

- 4) Greater protection exists for Foraging Bats, all 17 species in Britain are “European Protected Species”, covered by the Conservation of Habitats and Species Regulations 2010.
- 5) Significantly, as European legislation, this law remains unaffected by any ease in the GB Planning Regulations.

CURRENT HABITAT TO PRESERVE ON SITE

There is no habitat on the site that cannot be improved by a sensitive Native Landscaping Scheme.

METHOD STATEMENT FOR PROGRESS

The site is a good size, and the willingness of the developer to invest in habitat creation will improve the biodiversity status.

- 1) The Tree Survey must be studied in detail and the recommendations implemented.
- 2) The Landscape scheme should be agreed and conditioned at Planning stage. This must include a detailed consideration of the existing pond.
- 3) There is room for ten songbird nesting boxes, and three artificial bat roosts.

BIODIVERSITY RECORD SEARCH.

A search of MAGIC.gov.uk shows one potential neighbouring designation under the Priority Habitats Inventory: That is clumsily called “No Main Habitat But Additional Habitats Exist”, this designation derives from the Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance.

The urban setting makes an Dorset Biodiversity Records search no more useful than the MAGIC.

Competence and SQP information. I am a professional silviculturalist with 35 years' experience of surveying trees and woodland, and 22 years of Bat and reptile surveying with licenced experts, and teaching of Ecology at Masters Level. I use repeatable methodologies to assess trees, habitats and wildlife. I am insured under my NFU Mutual All Risk Policy.

Jonathan West

DOCUMENT ENDS



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The Whitelands Project

Tree Surveys , Woodland Assessment,
Wildlife and Ecology reports.

Wagtails

Alderbury, SP53AZ



2nd BAT SURVEY

An August/September Auditory, visual & evidence-based
search for bats at Junction Lane ,Alderbury

1. SUMMARY.

- 1.0 Probuild Residential have commissioned a Bat survey of this site in preparation for a planning application. I started the visual survey in August whilst undertaking the tree survey. I started auditory visits in September, but the weather has prevented a full understanding of bat passage across the site.
- 1.1 A desktop search of available records three species of bats in the vicinity.
- 1.2 Whilst fly-bys and foraging behaviour was encountered, no bats are resident on the site to be developed.
- 1.3 Two species were encountered: Pipistrelle, and Noctule. They were identified by the bat detector.
- 1.4 The adjacent trees and hedgerow corridors to the North, West, and East of the Wagtails site are also providing foraging areas.
- 1.5 Whilst the removal of some of the trees is detrimental to the bat foraging area, no roosts are being destroyed.
- 1.6 Sensitive planting of native species and artificial roosts in the landscape plan will replace any losses, and the remaining Treescape off-site will buffer the temporary loss.
- 1.7 Bats are protected under the Conservation of Habitat & Species Regulations (CHSR) of 2010, the 1981 Wildlife & Countryside act, and tenuously in the Countryside & Rights of Ways act. It is the CHS Regulations that are the most durable in this pro-building culture. The most significant part of this European law is that "Favourable Conservation Status of the species must be maintained".
- 1.8 Sightings of bats are frequent in and around the town, where foraging behaviour and canopy-hunting Pipistrelles are encountered. There are records of rarer species nearby.
- 1.9 I have 18 years of experience in searching for bats, in both Trees and buildings, frequently under supervision of a licence holder. I taught Ecology for 10 years at Masters Level at Portsmouth University. I specialize in the creation of appropriate artificial roosts using natural materials. I am working within the legislation to search, but on any evidence being found, I must withdraw from the location and any further work would require a licensed professional.

2.0 THE FINDINGS

- 2.1 The August visit gave unhindered access to the trees, and time to study them closely. This also gave familiarity with the site which allowed good positioning in later visits. Bat activity is very temperature and weather related so presence surveys require careful planning.
- 2.2 I visited on 3 occasions altogether, until the weather of later August prevented further meaningful results.
- 2.3 Temperatures throughout all three visits was above 14 °C
- 2.4 The police were informed to avoid the common report-by-neighbours turning into time wasting for all parties.

3.0 THE TECHNIQUES USED

- 3.1 Familiarity with the site is a critical part of the methodology.
- 3.2 Timing on site is critical to make it likely that, at the times visited, any bats detected were near to their roosts. Because Bats move from/to the roost at Dusk/dawn, attendance at these times gives clear evidence of the vector and location of their roost. Timing varies a little by species.
- 3.3 The bat friendly features found were Tall canopied trees; Ivy covered stems, and adjacent open unmanaged vegetation with a seasonal pond.
- 3.4 Binoculars, a directional heterodyne Bat Detector, and a botanical lens were also used to study features of interest. A surveyor's ladder was used to gain access and temperature and humidity was recorded using a Precision Gold Site Thermometer.

4.0 THE CONCLUSIONS

- 4.1 The area to be developed has bats foraging, but no evidence of roosting.
- 4.2 The development will temporarily reduce bat feeding sites in the area until the landscape replacement planting is of sufficient size and can support insect colonies.
- 4.3 My advice is therefore to proceed to planning on the understanding, and evidence that there is no threat to bat roosting behaviour and no permanent threats to their habitats for the work currently planned.
- 4.4 The building work would optimally be planned for the active period between May and October, if it is outside these months, a further inspection by a bat worker will be necessary.
- 4.5 DOCUMENT ENDS.

APPENDIX D – BIODIVERSITY NET GAIN

Headline Results

On-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	1.39
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
On-site net % change (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	-64.66%
	<i>Hedgerow units</i>	0.00%
	<i>River units</i>	0.00%
Off-site baseline	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-2.53
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-64.66%
	<i>Hedgerow units</i>	0.00%
	<i>River units</i>	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

Pre-Intervention Habitat Units

	Habitats and areas			Distinctiveness	Condition	Strategic significance	Suggested action to address habitat losses	Ecological baseline	Retention category biodiversity value					
Ref	Broad habitat	Habitat type	Area (hectares)	Distinctiveness	Condition	Strategic significance		Total habitat units	Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Area lost	Units lost
1	Grassland	Bracken	0.16	Low	Poor	Area/compensation not in local strategy/ no local strategy	Same distinctiveness or better habitat required	0.32			0.00	0.00	0.16	0.32
2	Heathland and shrub	Bramble scrub	0.16	Medium	Poor	Area/compensation not in local strategy/ no local strategy	Same broad habitat or a higher distinctiveness habitat required	0.64			0.00	0.00	0.16	0.64
3	Grassland	Other neutral grassland	0.65	Medium	Poor	Area/compensation not in local strategy/ no local strategy	Same broad habitat or a higher distinctiveness habitat required	2.60			0.00	0.00	0.65	2.60
4	Urban	Sand pit quarry or open cast mine	0.03	Low	Poor	Area/compensation not in local strategy/ no local strategy	Same distinctiveness or better habitat required	0.06			0.00	0.00	0.03	0.06
5	Urban	Vacant/derelict land/ bareground	0.15	Low	Poor	Area/compensation not in local strategy/ no local strategy	Same distinctiveness or better habitat required	0.30			0.00	0.00	0.15	0.30
			1.15					3.92	0.00	0.00	0.00	0.00	1.15	3.92

Post-Intervention Habitat Units

Broad Habitat	Proposed habitat	Area (hectares)	Distinctiveness	Condition	Strategic significance	Temporal multiplier		Difficulty multipliers	Habitat units delivered
			Distinctiveness	Condition	Strategic significance	Standard or adjusted time to target condition	Final time to target condition/years	Final difficulty of creation	
Grassland	Modified grassland	0.11	Low	Moderate	Area/compensation not in local strategy/ no local strategy	Standard time to target condition applied	4	Low	0.38
Urban	Vegetated garden	0.49	Low	Poor	Area/compensation not in local strategy/ no local strategy	Standard time to target condition applied	1	Low	0.95
Urban	Developed land; sealed surface	0.52	V.Low	N/A - Other	Area/compensation not in local strategy/ no local strategy	Standard time to target condition applied	0	Medium	0.00
Grassland	Modified grassland	0.03	Low	Poor	Area/compensation not in local strategy/ no local strategy	Standard time to target condition applied	1	Low	0.06
	Total area	1.15							1.39