MIDDLEMARCH

# Preliminary Ecological Appraisal

New Vehicle Garage Shed, Imber Lines, Warminster

A Report to: CBP Architects
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## Quality Assurance

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## Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide **opinions.**

## Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment. Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned **and prepared.**

## Validity of Data

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

# Non-Technical Summary

| Project Background |
|---|
| In January 2023, CBP Architects commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Imber Lines in Warminster, Wiltshire. This assessment is required to inform a planning application associated with the erection of a new vehicle shed on the existing hardstanding area. |
| **Scope of Appraisal** |
| To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 3rd March 2023 by Vicky Steyn (Ecological Project Officer). |
| **Material Considerations** |
| The site lies within the Warminster and the Vale of Wardour Landscape Biodiversity Area, and it is also covered by the Wiltshire Green Blue Infrastructure Strategy. Therefore, these landscape initiatives are assessed as being material considerations for the proposed development.<br><br>Salisbury Plain SAC/SPA and River Avon SAC are both located within a 5 km radius of the site, and therefore they are subsequently deemed to be material considerations for the proposed development.<br><br>All habitats have the capacity to be important in the context of the site as they contribute to the overall biodiversity value of the site. However, only the scattered trees were deemed to be material considerations for the proposed development.<br><br>The following species/species groups are material considerations for the proposed development: reptiles, bats, badger, hedgehog, and birds. |
| **Recommendations** |
| In order to ensure compliance with wildlife legislation and relevant planning policy and to secure a net gain for biodiversity overall, the following recommendations are made (full details are provided in Chapter 7): |

| | |
|---|---|
| Nature Conservation Sites | The proposed development could potentially directly/indirectly impact upon Salisbury Plain SAC/SPA and River Avon SAC. Further assessment should be undertaken to determine whether the proposed project could have a Likely Significant Effect on the qualifying criteria for these sites and which, if any, stages of the Habitats Regulations Assessment process will need to be undertaken. |
| Further Ecological Surveys | Bats – No surveys required, however trees/bird box should be checked by an Ecologist prior to works commencing. If plans are changed and the buildings will be impacted by the works then a Preliminary Roost Assessment is recommended.<br>Reptiles – No surveys required, however works to remove topsoil need to be undertaken under supervision from an experienced Ecologist. |
| Scheme Design | The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework, and the National Planning Practice Guidance. In accordance with the principles of the Environment Act 2021 the development should also secure an overall net gain for biodiversity.<br><br>Any new lighting should be designed in accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018 ; Gunnell et al, 2012 ), |

| | |
|---|---|
| Management Plans and Strategies | A Construction Ecological Management Plan should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. |

# Contents

1. Introduction ..... 7
1.1. Project Background ..... 7
1.2 Site Description and Context ..... 7
1.3 Documentation Provided ..... 7
2. Methods ..... 9
2.1 Desk study ..... 9
2.2 Phase 1 Habitat Survey ..... 9
2.3 Preliminary Evaluation ..... 10
3. Desk Study ..... 11
3.1 Landscape Initiatives ..... 11
3.2 Nature Conservation Sites ..... 11
3.3 Habitats ..... 13
3.4 Protected / Notable Species ..... 14
3.5 Invasive Species ..... 17
4. Survey Results ..... 18
4.1 Introduction ..... 18
4.2 Habitats ..... 18
4.3 Protected / Notable Species ..... 18
4.4 Invasive Species ..... 19
5. Preliminary Evaluation ..... 20
5.1 Landscape Initiatives ..... 20
5.2 Nature Conservation Sites ..... 20
5.3 Habitats ..... 20
5.4 Protected / Notable Species ..... 21
5.5 Invasive Species ..... 23
6. Preliminary Impact Assessment ..... 24
6.1 Summary of Proposals ..... 24
6.2 Landscape Initiatives ..... 24
6.3 Nature Conservation Sites ..... 24
6.4 Habitats ..... 25
6.5 Protected / Notable Species ..... 25
6.6 Invasive Plant Species ..... 25
7. Recommendations ..... 26
8. Drawings ..... 28
9. Photographs ..... 31

Appendix 1 ..... 32
General Biodiversity Legislation and Policy ..... 32
Local Planning Policy ..... 35
Appendix 2 ..... 38
Relevant Species Legislation ..... 38
Appendix 3 ..... 41
Survey Calendar ..... 41

# 1. Introduction

## 1.1. Project Background

In January 2023, CBP Architects commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Imber Lines in Warminster, Wiltshire. This assessment is required to inform a planning application associated with the erection of two new vehicle sheds on the existing hardstanding area.

The purpose of the Preliminary Ecological Appraisal is to identify the features of ecological importance on site and provide a preliminary assessment of the potential impacts the proposed development could have on these features.

In addition, Middlemarch has been commissioned to undertake the following surveys:

- Preliminary Arboricultural Assessment (Report RT-MME-158905-01); and,
- Arboricultural Impact Assessment (Report RT-MME-158905-02).

## 1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

| Attribute | Description |
|---|---|
| Location | Imber Lines, Warminster, Wiltshire, BA12 9EH |
| National Grid Reference | ST 88945 45227 |
| Site Area (ha) | 1.06 ha |
| Topography | Generally flat but slopes down on all aspects of the car park. |
| Land Cover (on site) | The survey area was dominated by a large, level car park which was bordered by poor semi-improved grassland on all aspects, with access roads to the east and south. There were two buildings located in the southern part of the site, and scattered trees were present along the northern boundary. |
| Land Cover (site surrounds) | The wider landscape is dominated by farmland with pockets of woodland and rural areas of calcareous grassland. The town of Warminster resides immediately to the west. A railway line is located 80 m to the south of the site, and the River Wylye runs 980 m to the south at its nearest point. |

**Table 1.1: Summary of Site and Surroundings**

## 1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

| Document / Drawing Number | Author |
|---|---|
| Topographical Survey: 22056-CBP-Z0-00-DR-A-0002 Rev P01 | CBP Architects |
| Proposed Site Plan: 22056-CBP-Z0-00-DR-A-2001 Rev P02 | CBP Architects |
| Proposed Elevations and Section: 22056-CBP-Z0-00-DR-A-4001 Rev P02 | CBP Architects |

**Table 1.2: Documentation Provided by Client**

# 2. Methods

## 2.1 Desk study

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - MAGIC website for statutory conservation sites;
- Wiltshire Council, Wiltshire Wildlife Trust, and Natural England websites for landscape initiative search; and,
- Wiltshire and Swindon Biological Records Centre.

The desk study included a search for:

- Landscape Scale Conservation Initiatives;
- European statutory nature conservation sites in the UK (now referred to as the 'National Site Network') within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats);
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable habitats and species records within a 1 km radius.

The data collected from the consultees are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Appendix 1).

## 2.2 Phase 1 Habitat Survey

A field survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee[1] and the Institute of Environmental Assessment[2]. Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, a Habitat Condition Assessment was carried out to determine the ecological status of each habitat recorded. The condition assessment was assessed using published criteria in Panks *et al.* (2022)[3], the details of which are presented in Section 8.

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[1] Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint).* Joint Nature Conservation Committee, Peterborough.
[2] Institute of Environmental Assessment. (1995). *Guidelines for Baseline Ecological Assessment, Institute of Environmental Assessment*. E&FN Spon, An Imprint of Chapman and Hall. London.
[3] Panks, S., White, N., Newsome, A., Nash, M., Potter, J., Heyton, M., Mayhew, E., Alvarez, M., Russell, T., Cashon, C., Goddard, F., Scott, S.J., Heaver, M., Scott, S.H., Treweek, J., Butcher, B. and Stone, D. (2022) *The Biodiversity Metric 3.1 – Auditing and accounting for biodiversity: Technical Supplement*. Natural England.

During the survey, the presence or potential presence of protected species was noted where observed. This included a review of suitable habitat opportunities or field signs of notable species groups (amphibians, bats, birds, terrestrial and aquatic invertebrates, terrestrial and aquatic mammals, plants and reptiles).

The survey was carried out on 3rd February 2023 by Vicky Steyn (Ecological Project Officer).

Table 2.1 details the weather conditions at the time of the survey.

| Parameter | Condition |
|---|---|
| Temperature (ºC) | 10 |
| Cloud (%) | 100 |
| Wind (Beaufort) | F2 |
| Precipitation | Light rain |

**Table 2.1: Weather Conditions During Field Survey**

### Field Survey Constraints and Limitations

The survey was carried out in February. The recommended timeframe for completing a Preliminary Ecological Appraisal is March – October. It is possible that some plant species were in a period of winter dormancy and so may have been under-recorded or underestimated. This did not constrain the assignment of habitats on site to Phase 1 habitat types but may have limited an effective evaluation or assessment of condition of certain habitat types. Where this was observed, a precautionary evaluation assuming that all constrained evaluation/condition criteria are met was given unless/until further survey work is provided to conclude otherwise.

## 2.3 Preliminary Evaluation

The Preliminary Evaluation is an initial review of the ecological data to determine which features are likely to be a material consideration for the proposed development at the site. A material consideration is an ecological feature that by virtue of its legal status, its inclusion in any national policy or plan, rarity or contribution to local ecological networks, is worthy of further consideration in the planning system. Typical material considerations include statutory or non-statutory nature conservation sites, species protected by law, Habitat and Species of Principal Importance in England as defined by the Natural Environment and Rural Communities (NERC) Act 2006 or other ecological corridors and biodiversity opportunities areas outlined in local policy.

# 3. Desk Study

## 3.1 Landscape Initiatives

National Character Areas (NCAs) are areas that share similar landscape characteristics and follow natural lines in the landscape rather than administrative boundaries, making them a good decision-making framework for the natural environment. The site is situated within the Salisbury Plain and West Wiltshire Downs NCA. Most of the NCA lies within the county of Wiltshire. Four Statements of Environmental Opportunity have been identified for the NCA, of which the first two opportunities relate to the protection, management and enhancement of large areas of calcareous chalk grassland and the (Hampshire) River Avon system.

In 2012, the Wiltshire Wildlife Trust in collaboration with the Wiltshire and Swindon Biodiversity Action Steering Group produced a landscape-scale framework for conservation in Wiltshire and Swindon, which identified a number of Landscape Biodiversity Areas. The Landscape Biodiversity Areas were designed to provide a framework for action, taking into consideration the NCAs. The focus within the Landscape Biodiversity Areas was to try and protect and enhance areas of priority habitat and identify where opportunities exist for reconnecting habitats to create a more cohesive ecological network. The site lies within the Warminster and the Vale of Wardour Landscape Biodiversity Area. Priorities and opportunities for conservation within this Landscape Biodiversity Area include lowland mixed deciduous woodland, neutral grassland, unimproved neutral grassland, lowland calcareous grassland, and chalk rivers.

The Wiltshire Green Blue Infrastructure Strategy, adopted in February 2022, provides an overarching strategy for the next eight years. The Green and Blue Infrastructure Strategy has a key role to play in supporting delivery of the Council's Business Plan, Climate Strategy and Local Plan, in addition to a range of other partnership-based plans. It sets out a long-term vision, strategic goals and principles for delivering green and blue infrastructure across Wiltshire by a range of partners and stakeholders, working together at a variety of scales. Strengthening networks of multi-functional green and blue infrastructure has an important role to play in nature recovery, building resilience to climate change, and promoting healthy, resilient and safe communities.

## 3.2 Nature Conservation Sites

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.1.

| Site Name | Designation | Proximity to the Survey Area | Description |
|---|---|---|---|
| **European Statutory Sites** | | | |
| Salisbury Plain | SAC, SPA | 560 m north-east | Salisbury Plain represents *Juniperus communis* formations near the southern edge of the habitat's range on chalk in southern England, where it is particularly rare. The juniper is juxtaposed with extensive semi-natural dry grassland and chalk heath. In some cases, the scrub has developed recently by invasion of open chalk grassland and contains few typical shrub species. Salisbury Plain represents marsh fritillary *Euphydryas aurinia* in chalk grassland in central southern England, and contains a cluster of large sub-populations where the species breeds on dry calcareous grassland. The site also supports notable populations of stone curlew *Burhinus oedicnemus*, hen harrier *Circus cyaneus*, quail *Coturnix coturnix*, and hobby *Falco subbuteo*. |
| River Avon | SAC | 980 m south | The Avon is a large, lowland river system that includes sections running through chalk and clay. Five aquatic *Ranunculus* species occur in the river system, but stream water-crowfoot *Ranunculus penicillatus* ssp. *pseudofluitans* and river water-crowfoot *R. fluitans* are the main dominants. Some winterbourne reaches, where *R. peltatus* is the dominant water-crowfoot species, are included in the SAC. There is an extensive population of Desmoulin's whorl snail *Vertigo moulinsiana* along the margins and associated wetlands, as well as populations of sea lamprey *Petromyzon marinus* and brook lamprey *Lampetra planeri*. In addition, the mosaic of aquatic habitats supports a diverse fish community including Atlantic salmon *Salmo salar* and bullhead *Cottus gobio*. |
| **UK Statutory Sites** | | | |
| Salisbury Plain | SSSI | 560 m north-east | Salisbury Plain supports the largest known expanse of unimproved chalk downland in north-west Europe, and represents 41% of Britain's remaining area of this rich wildlife habitat. The botanically and structurally diverse grasslands support an outstanding assemblage of rare and uncommon chalk downland invertebrates. Where abundance has been assessed, strong populations of national and local importance are present, and the large area of habitat available to them is important in ensuring their survival. The area as a whole is of national and international importance for breeding and wintering birds. |

**Table 3.1: Summary of Nature Conservation Sites (cont's)**

| Site Name | Designation | Proximity to the Survey Area | Description |
|---|---|---|---|
| River Wylye | LNR | 920 m south | The site is part of the larger Langford Lakes reserve, which consists of three lakes and a half-mile stretch of the River Wylye and covers more than 20 ha. The lakes support wildfowl, with chances of rarities too, especially during the spring and autumn migrations. |
| River Avon | SSSI | 980 m south | The River Avon and its tributaries are of national and international importance for their wildlife communities. The Avon is richer and more varied than most chalk streams, with over 180 species of aquatic plant having been recorded, one of the most diverse fish faunas in Britain, and a wide range of aquatic invertebrates. Adjacent and associated habitats comprise swamp, wet woodland and flood pasture habitats that are now rare both locally and nationally. |
| Smallbrook Meadows | LNR | 1,200 m south-west | The site supports lady's smock *Cardamine pratensis*, the food plant of the caterpillar of the orange-tip butterfly *Anthocharis cardamines*, as well as ragged robin *Lychnis flos-cuculi*, water avens *Geum rivale*, marsh marigold *Caltha palustris*, yellow flag *Iris pseudacorus*, and southern marsh orchid *Dactylorhiza praetermissa*. |
| **Non-statutory Sites** | | | |
| Cop Heap | LWS | 500 m north-west | Calcareous and neutral grassland, broad-leaved woodland, and scrub on a low chalk hill on the northern edge of Warminster. |
| Smallbrook Meadows | LWS, WWTR | 900 m south | A complex site which includes two LNRs and a WWTR and supports neutral grassland, wet and dry woodland, swamp, and fen vegetation within the southern part of Warminster. |
| **Key**:<br>SAC: Special Area of Conservation.<br>SPA: Special Protection Area.<br>SSSI: Site of Special Scientific Interest.<br>LNR: Local Nature Reserve.<br>LWS: Local Wildlife Site.<br>WWTR: Wiltshire Wildlife Trust Reserve. | | | |

**Table 3.1 (cont'd): Summary of Nature Conservation Sites**

In addition, the survey area falls within a SSSI Impact Risk Zone for two SSSIs: Salisbury Plain SSSI and River Avon SSSI.

The survey area does not lie within 10 km of any statutory sites designated specifically for bats.

## 3.3 Habitats

Table 3.2 summarises known priority or notable habitats within a 1 km radius of the site.

| Habitat Type | No. of Records | Location of Nearest Record |
|---|---|---|
| Deciduous woodland | 18 | 410 m north-west |
| Lowland calcareous grassland | 17 | 520 m north-west |
| Traditional orchard | 1 | 860 m south-west |
| Wood pasture and parkland | 1 | 900 m south-east |
| Good quality semi-improved grassland | 1 | 920 m north-east |

**Table 3.2: Summary of Priority/Notable Habitats**

## 3.4 Protected / Notable Species

Table 3.3 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

| Species | No. of Records | Most Recent Record | Proximity of Nearest Record to Survey Area | Species of Principal Importance? | Legislation / Conservation Status |
|---|---|---|---|---|---|
| **Mammals – Bats** | | | | | |
| Common pipistrelle *Pipistrellus pipistrellus* | 25 | 2020 | 350 m north | - | ECH 4, WCA 5, WCA 6 |
| Soprano pipistrelle *Pipistrellus pygmaeus* | 1 | 2019 | 660 m north-west | ✓ | ECH 4, WCA 5, WCA 6 |
| Unidentified bat *Chiroptera* sp. | 3 | 2006 | 810 m south | # | ECH 2 #, ECH 4, WCA 5, WCA 6 |
| Serotine bat *Eptesicus serotinus* | 5 | 2020 | * | - | ECH 4, WCA 5, WCA 6 |
| Brown long-eared bat *Plecotus auritus* | 1 | 2007 | * | ✓ | ECH 4, WCA 5, WCA 6 |
| Pipistrelle species *Pipistrellus* sp. | 3 | 2004 | * | # | ECH 4, WCA 5, WCA 6 |
| **Mammals – Other** | | | | | |
| Badger *Meles meles* | 14 | 2021 | † | - | WCA 6, PBA |
| Hedgehog *Erinaceus europaeus* | 31 | 2021 | 490 m south | ✓ | WCA 6 |
| Water vole *Arvicola amphibius* | 5 | 2015 | 890 m south | ✓ | WCA 5 |
| Otter *Lutra lutra* | 2 | 2013 | 890 m south | ✓ | ECH 2, ECH 4, WCA 5, WCA 6 |
| **Amphibians** | | | | | |
| Common toad *Bufo bufo* | 2 | 2022 | 920 m south-west | ✓ | WCA 5 S9(5) |

**Table 3.3: Summary of Protected/Notable Species Records (cont's)**

| Species | No. of Records | Most Recent Record | Proximity of Nearest Record to Survey Area | Species of Principal Importance? | Legislation / Conservation Status |
|---|---|---|---|---|---|
| **Reptiles** | | | | | |
| Common lizard *Zootoca vivipara* | 3 | 2020 | 610 m north-east | ✓ | WCA 5 S9(1) WCA 5 S9(5) |
| Grass snake *Natrix natrix* | 3 | 2011 | * | ✓ | WCA 5 S9(1) WCA 5 S9(5) |
| **Birds** | | | | | |
| Red kite *Milvus milvus* | 25 | 2019 | 90 m south | - | WCA1i |
| Fieldfare *Turdus pilaris* | 11 | 2019 | 540 m north-east | - | WCA1i |
| Peregrine *Falco peregrinus* | 6 | 2019 | 790 m east | - | WCA1i |
| Redwing *Turdus iliacus* | 19 | 2020 | 850 m north | - | WCA1i |
| Merlin *Falco columbarius* | 1 | 2017 | 850 m north-east | - | WCA1i |
| Barn owl *Tyto alba* | 3 | 2019 | 890 m north-east | - | WCA1i |
| Brambling *Fringilla montifringilla* | 6 | 2018 | * | - | WCA1i |
| Kingfisher *Alcedo atthis* | 7 | 2015 | * | - | WCA1i |
| Osprey *Pandion haliaetus* | 1 | 2015 | * | - | WCA1i |
| Green sandpiper *Tringa ochropus* | 1 | 2015 | * | - | WCA1i |
| Hobby *Falco subbuteo* | 4 | 2011 | * | - | WCA1i |

**Key:**

#: Dependent on species.

†: Badger records are confidential and therefore proximity is not provided within the report.

*: Potentially within a 1 km radius. Grid reference given to four figures only.

ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.

ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.

ECH 5: Annex V of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures.

PBA: Protection of Badgers Act 1992.

**Table 3.3 (cont'd): Summary of Protected/Notable Species Records (cont's)**

**Key (cont'd):**

WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times.

WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).

WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking.

WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.

WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.

Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.

Note. These tables do not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Table 3.3: Summary of Protected/Notable Species Records**

In addition, the desk study revealed records of the following notable species within a 1 km radius of the survey area:

**Birds**

- 15 bird species that are listed as Species of Principal Importance, comprising lesser redpoll *Acanthis cabaret*, skylark *Alauda arvensis*, tree pipit *Anthus trivialis*, hawfinch *Coccothraustes coccothraustes*, cuckoo *Cuculus canorus*, corn bunting *Emberiza calandra*, yellowhammer *Emberiza citrinella*, reed bunting *Emberiza schoeniclus*, herring gull *Larus argentatus*, linnet *Linaria cannabina*, grasshopper warbler *Locustella naevia*, spotted flycatcher *Muscicapa striata*, house sparrow *Passer domesticus*, starling *Sturnus vulgaris*, and lapwing *Vanellus vanellus*.
- 6 bird species that are on the Red list, comprising swift *Apus apus*, pochard *Aythya ferina*, greenfinch *Chloris chloris*, house martin *Delichon urbicum*, nightingale *Luscinia megarhynchos*, and mistle thrush *Turdus viscivorus*.
- 1 bird species that is on the Amber list, comprising short-eared owl *Asio flammeus*.

**Invertebrates**

- 7 butterfly species that are listed as Species of Principal Importance, comprising dingy skipper *Erynnis tages*, grizzled skipper *Pyrgus malvae*, marsh fritillary *Euphydryas aurinia*, small heath *Coenonympha pamphilus*, wall *Lasiommata megera*, duke of burgundy *Hamearis lucina*, and small blue *Cupido minimus*.
- 16 moth species that are listed as Species of Principal Importance, comprising forester *Adscita statices*, brindled beauty *Lycia hirtaria*, dusky thorn *Ennomos fuscantaria*, small phoenix *Ecliptopera silaceata*, shaded broad-bar *Scotopteryx chenopodiata*, blood-vein *Timandra comae*, white ermine *Spilosoma lubricipeda*, buff ermine *Spilosoma lutea*, cinnabar *Tyria jacobaeae*, grey dagger *Acronicta psi*, knot grass *Acronicta rumicis*, dot

moth *Melanchra persicariae*, powdered quaker *Orthosia gracilis*, feathered gothic *Tholera decimalis*, rosy rustic *Hydraecia micacea*, and sallow *Cirrhia icteritia*.

- 1 beetle species that is listed as a Species of Principal Importance, comprising black oil-beetle *Meloe proscarabaeus*.
- 3 butterfly species that are listed as 'Near Threatened' on the Red List, comprising purple emperor *Apatura iris*, adonis blue *Polyommatus bellargus*, and chalk hill blue *Polyommatus coridon*.
- 3 bee species that are listed as Nationally Notable, comprising spined hylaeus *Hylaeus cornutus*, red-tailed mason bee *Osmia bicolor*, and red bartsia blunthorn bee *Melitta tricincta*.

**Plants**

- 5 species that are on the Red List, comprising greater butterfly orchid *Platanthera chlorantha*, autumn lady's tresses *Spiranthes spiralis*, stinking chamomile *Anthemis cotula*, sainfoin *Onobrychis viciifolia*, and field gromwell *Lithospermum arvense*.
- 2 species that are listed as Nationally Notable, comprising fringed water-lily *Nymphoides peltate* and bastard-toadflax *Thesium humifusum*.
- 3 species that are listed as notable within the County, comprising tutsan *Hypericum androsaemum*, narrow-leaved meadow-grass *Poa angustifolia*, and rat's-tail fescue *Vulpia myuros*.

## 3.5 Invasive Species

Table 3.4 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

| Species | No. of Records | Most Recent Record | Proximity of Nearest Record to Survey Area | Legislation / Conservation Status |
|---|---|---|---|---|
| Himalayan balsam *Impatiens glandulifera* | 4 | 2019 | 790 m south | WCA 9 |
| Japanese knotweed *Fallopia japonica* | 2 | 2020 | 800 m south-east | WCA 9 |
| Wall cotoneaster *Cotoneaster horizontalis* | 1 | 1994 | 810 m east | WCA 9 |
| Variegated yellow archangel *Lamiastrum galeobdolon* subsp. *argentatum* | 1 | 2019 | * | WCA 9 |
| New Zealand pigmyweed *Crassula helmsii* | 1 | 2004 | * | WCA 9 |
| **Key:**<br>*: Potentially within a 1 km radius. Grid reference given to four figures only.<br>WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals. | | | | |

**Table 3.4: Summary of Invasive Species Records**

# 4. Survey Results

## 4.1 Introduction

A Phase 1 Habitat Survey Drawing (Drawing C158905-03-01), illustrating the location and extent of all habitat types recorded on site, is provided in Chapter 8. Detailed habitat descriptions and a summary of the condition assessment for each habitat type using Panks *et al.* (2022)[3] is also included in Chapter 8.

## 4.2 Habitats

Table 4.1 details the types, extent and ecological condition of the habitats which were recorded on site during the field survey visit. Photographs taken during the field survey are presented in Chapter 9.

| Habitat | Area (ha) / Length (km) / Number | Condition | Photo Reference |
|---|---|---|---|
| Amenity grassland | 0.01 ha | Poor | - |
| Dense and scattered scrub | 0.1 ha | Poor | 9.1 and 9.2 |
| Built environment | 0.5 ha | - | 9.3 |
| Poor semi-improved grassland | 0.3 ha | Good | 9.4 |
| Scattered trees | 11 no. | Moderate | 9.5 |
| Tall ruderal vegetation | 0.02 ha | Poor | 9.6 |
| Fence | 0.3 km | - | - |
| Wall | 0.1 km | - | - |

**Table 4.1: Summary of Habitats Recorded on Site**

## 4.3 Protected / Notable Species

Table 4.2 summarises the suitability of the site for protected/notable species and any species/evidence of species that were recorded during the survey. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

| Species/Group | Description |
|---|---|
| Amphibians and Reptiles | There was no aquatic habitat on site, or adjacent to it, to provide suitable habitat for amphibians. There was also limited terrestrial habitat on site suitable for amphibians and reptiles with it being dominated by the built environment and managed poor semi-improved grassland. However, the scrub provides some suitable habitat for amphibians and reptiles. In addition, the rubble pile in the west and the asbestos sheet in the east provide potential hibernacula and refugia for amphibians and reptiles. |

**Table 4.2: Summary of Species/Species Evidence Recorded on Site (cont's)**

| Species/Group | Description |
|---|---|
| Bats | The buildings on site have potential to support roosting bats. The trees hold limited roosting features, but two trees contained bird boxes which could potentially be used by roosting bats. In addition, the trees and scrub on site provide suitable foraging and commuting opportunities for bats, linking the site to alternative roosting and foraging features in the surrounding area. |
| Badger | There was no suitable sett building habitat on site, but the nearby railway line and associated vegetated embankments may contain suitable habitat for badgers. The grassland and scrub on site provide suitable foraging habitat, with good connectivity to alternative badger habitat in the surrounding area. A mammal path was noted through the grassland in the north-western corner of the site, and mammal holes were noted under the fence on the western boundary which present access for mammals to pass into the survey area. Badgers are very mobile, and therefore they could potentially pass through the site occasionally. |
| Hedgehog | The grassland and scrub on site provide suitable foraging habitat, with good connectivity to alternative hedgehog habitat in the surrounding area. Mammal holes were noted under the fence on the western boundary which present access for mammals to pass into the survey area. Hedgehogs are very mobile, and therefore they could potentially pass through the site occasionally. |
| Dormouse | The site was dominated by the built environment and poor semi-improved grassland. There was no suitable habitat for dormouse present on site as the small areas of scrub on site did not connect to suitable dormouse habitat in the surrounding area. |
| Semi-aquatic mammals | There was no aquatic habitat on site, or adjacent to it, to provide suitable habitat for semi-aquatic mammals such as otter and water vole. |
| Other mammals | An active rabbit *Oryctolagus cuniculus* warren was located along the eastern end of the northern boundary. |
| Birds | The scrub and trees on site provide suitable nesting opportunities for a range of birds, as well as suitable foraging habitat. |
| Invertebrates – aquatic | There was no aquatic habitat on site, or adjacent to it, to provide suitable habitat for aquatic invertebrates. |
| Invertebrates – terrestrial | There were limited opportunities for terrestrial invertebrates on site, with the site dominated by the built environment and well managed grassland. However, the scrub provides some suitable habitat for common terrestrial invertebrates. |
| Plants | The site was dominated by the built environment and poor semi-improved grassland. Only a few common and widespread grassland and scrub species were growing on site. No notable plant species were present. |

**Table 4.2 (cont'd): Summary of Species/Species Evidence Recorded on Site**

## 4.4 Invasive Species

Butterfly bush *Buddleia davidii* was recorded growing on site. This species is listed as invasive on the London Invasive Species Initiative.

# 5. Preliminary Evaluation

## 5.1 Landscape Initiatives

The site lies within the Warminster and the Vale of Wardour Landscape Biodiversity Area, and it is also covered by the Wiltshire Green Blue Infrastructure Strategy. Therefore, these landscape initiatives are assessed as being material considerations for the proposed development.

## 5.2 Nature Conservation Sites

### European Statutory Sites

In accordance with the Conservation of Habitats and Species Regulations 2017 (As amended) all European Sites have the potential to be a material consideration for a proposed development where there is potential direct or indirect connectivity between the development site and the feature for which the European site is designated. Salisbury Plain SAC/SPA and River Avon SAC are both located within a 5 km radius of the site and so further assessment will be needed to establish any direct or indirect linkages between the site and these European sites. Salisbury Plain SAC/SPA and River Avon SAC are subsequently deemed to be material considerations for the proposed development.

### UK Statutory Sites

The site is located with an impact risk zone for Salisbury Plain SSSI and River Avon SSSI. SSSI's are statutory nature conservation sites of national importance and therefore these two SSSIs are material considerations for the proposed development.

In addition, two LNRs are located within 2 km of the proposed development site: River Wylye LNR and Smallbrook Meadows LNR. LNRs are of national importance; however, these two LNRs are physically separated from the survey area by the built environment with no obvious connectivity between the survey area and these nature conservation sites. Therefore, these two LNRs are not material considerations for the proposed development.

### Non-Statutory Sites

There are two non-statutory nature conservation sites located within 1 km of the survey area: Cop Heap LWS and Smallbrook Meadows LWS/WWTR. Non-statutory sites are of local importance and help contribute towards landscape initiatives. However, these sites are physically separated from the survey area by the built environment with no obvious connectivity between the survey area and these nature conservation sites. Therefore, these two non-statutory sites are not material considerations for the proposed development.

## 5.3 Habitats

An evaluation of the importance of each habitat recorded on site is summarised in Table 5.1.

| Habitat Type | Material Consideration? | Rationale |
|---|---|---|
| Amenity grassland | No* | Amenity grassland is a common, widespread habitat with low ecological value, and it can easily be replaced. |
| Dense and scattered scrub | No* | Scrub is a common, widespread habitat with low ecological value, and it can easily be replaced. |
| Buildings/structures | Yes | The buildings may provide potential roosting locations for bats and nesting locations for birds. |
| Hardstanding | No | The areas of hardstanding do not provide any opportunities for biodiversity. |
| Poor semi-improved grassland | No* | Poor semi-improved grassland is a common, widespread habitat with low ecological value, and it can easily be replaced. |
| Scattered trees | Yes | Trees are of local importance and help contribute towards landscape initiatives. |
| Tall ruderal vegetation | No* | Tall ruderal vegetation is a common, widespread habitat with low ecological value, and it can easily be replaced. |
| Wall | No | The wall does not provide any opportunities for biodiversity. |
| Fence | No | The fencing does not provide any opportunities for biodiversity. |
| **Key:** *All habitats have the capacity to be important in the context of the site as they contribute to the overall biodiversity value of the site when quantified using a biodiversity metric tool. For example, habitats of high quality and those of low quality with a high spatial coverage can still be of intrinsic importance for achieving biodiversity net gain targets irrespective of whether they are a material consideration (refer to Section 2.3) or not. | | |

**Table 5.1: Preliminary Evaluation of Habitats**

## 5.4 Protected / Notable Species

An evaluation of the potential presence of protected / notable species on site is summarised in Table 5.2.

| Species/ Species Group | Material Consideration? | Rationale |
|---|---|---|
| Amphibians | No | The desk study revealed 2 records of common toad within a 1 km radius of the site. However, it is considered highly unlikely that amphibians are present and using the site due to a lack of suitable habitat and high levels of human disturbance. |
| Reptiles | Yes* | The desk study revealed 3 records of common lizard and 3 records of grass snake within a 1 km radius of the site. The site supports limited habitat for reptiles, and it is considered highly unlikely that reptiles are present on site. However, all UK native reptiles are Species of Principal Importance, and are protected under the Wildlife and Countryside Act 1981 (as amended). |

**Table 5.2: Preliminary Evaluation of Species (cont's)**

| Species/ Species Group | Material Consideration? | Rationale |
|---|---|---|
| Bats | Yes* | There are records of at least four different bat species within a 1 km radius of the site. The site supports some potential bat roosting features within the buildings and the trees. However, it is understood that the buildings onsite will not be impacted by the current proposals. Excellent foraging/dispersal routes are present around the site peripheries and to the surrounding landscape. Several bat species are Species of Principal Importance, and all afford full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). |
| Badger | Yes | The desk study revealed 14 records of badger within a 1 km radius of the site. The site contains limited foraging habitat for badger, with good connectivity to alternative badger habitat in the surrounding area. Badgers and their setts are protected under the Protection of Badgers Act 1992. |
| Hedgehog | Yes | The desk study revealed 31 records of hedgehog within a 1 km radius of the site. The site contains suitable habitat for hedgehogs, with good connectivity to alternative hedgehog habitat in the surrounding area. Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) and they are a Species of Principal Importance for Nature Conservation in England. |
| Dormouse | No | The desk study revealed no records of dormouse within a 1 km radius of the site. There is no suitable habitat on site, or adjacent to it, for dormouse. |
| Semi-aquatic mammals | No | The desk study revealed 5 records of water vole and 2 records of otter within a 1 km radius of the site. However, there is no suitable habitat on site, or adjacent to it, for semi-aquatic mammals. |
| Other mammals | No | An active rabbit warren was located along the eastern end of the northern boundary. However, rabbit is not a protected/notable species. |
| Birds | Yes | The desk study revealed records of numerous notable bird species within a 1 km radius of the site. The site contains suitable nesting habitat for a range of bird species. Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended). |
| Invertebrates – aquatic | No | The desk study revealed no records of aquatic invertebrates within a 1 km radius of the site. There is no suitable habitat on site, or adjacent to it, for aquatic invertebrates. |
| Invertebrates – terrestrial | No | The desk study revealed records of 30 notable terrestrial invertebrates within a 1 km radius of the site. However, it is considered highly unlikely that notable terrestrial invertebrates are present on site due to a lack of suitable habitat and high levels of human disturbance. |

**Table 5.2 (cont'd): Preliminary Evaluation of Species (cont's)**

| Species/ Species Group | Material Consideration? | Rationale |
|---|---|---|
| Plants | No | The desk study revealed records of 10 notable plant species within a 1 km radius of the site. However, no notable plants were recorded on site during the survey. It is considered highly unlikely that notable plants are present on site due to a lack of suitable habitat and high levels of human disturbance. |
| **Key:** * Features assessed as material consideration based on available evidence such as existing records or habitat suitability. Conclusions should be evaluated if and when further information about the status of the species becomes available. | | |

**Table 5.2 (cont'd): Preliminary Evaluation of Species**

## 5.5 Invasive Species

The desk study revealed records of five invasive plant species, which are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), within a 1 km radius of the survey area. None of the species were recorded on site during the survey. However, butterfly bush, which is listed on the London Invasive Species Initiative, was recorded growing on site. This species is therefore a material consideration for the proposed development.

# 6. Preliminary Impact Assessment

## 6.1 Summary of Proposals

Proposals comprise the erection of two new vehicle sheds on the existing hardstanding area. As part of the proposed works, all existing vegetation will be removed from the embankments associated with the site boundaries and the surface will be prepared and seeded to grass.

### Construction Phase

The following activities are likely to be associated with the proposed development during the construction phase.

- Site clearance and ground preparation;
- Use and movement of heavy goods vehicles and machinery;
- Storage of plant, materials and waste; and,
- Presence of and movement of site personnel.

### Operational Phase

The following activities are likely to be associated with the operational phase of the proposed development.

- Permanent siting of buildings, structures and roads;
- Frequent movement of heavy goods vehicle, cars and other forms of transportation;
- Use of lighting associated with roads and buildings;
- Presence of and movement of site personnel; and,
- Maintenance of landscaping.

## 6.2 Landscape Initiatives

The proposed development will result in the loss or fragmentation of habitats such as trees and scrub. However, the proposed seeding of the embankments to grass could potentially support the Warminster and the Vale of Wardour Landscape Biodiversity Area if a suitable seed mix is used and the grassland managed appropriately (e.g. neutral grassland, unimproved neutral grassland, or lowland calcareous grassland).

## 6.3 Nature Conservation Sites

### European Statutory Sites

Further assessment work will be required to characterise the type and extent of the potential effects of the proposed development on Salisbury Plain SAC/SPA and River Avon SAC.

### UK Statutory Sites

The site is located with an impact risk zone for Salisbury Plain SSSI and River Avon SSSI. However, the proposed development does not fall within any of the risk categories for this Impact Risk Zone. Therefore, it is considered unlikely that the proposed development will have an adverse effect on the SSSIs.

## 6.4 Habitats

Table 6.1 below summarises the potential impacts on habitat features that are likely to occur as a result of the construction and operational activities of the proposed development described in Section 6.1 above. Impacts are considered before mitigation. Only habitats considered to be a material consideration in the planning system are included in the impact assessment.

| Habitat Type | Summary of Potential Impacts |
|---|---|
| Scattered trees | • Habitat loss.<br>• Habitat damage or degradation during construction works, lighting or inappropriate post-construction landscape management. |

**Table 6.1: Summary of Potential Impacts on Notable Habitats**

## 6.5 Protected / Notable Species

Table 6.2 below summarises the potential impacts on species/species groups that are likely to occur as a result of the construction and operational activities of the proposed development described in Section 6.1 above. Only species/species groups considered to be a material consideration in the planning system are included in the impact assessment.

| Species / Species Group | Summary of Potential Impacts |
|---|---|
| Reptiles | • Killing/injuring of individual reptiles (low risk). |
| Bats | • Killing or injury of bats and/or damage or disturbance of a bat roost during construction phase.<br>• Physical loss of foraging/commuting habitat.<br>• Habitat fragmentation, degradation or displacement of foraging/commuting routes due to light spill. |
| Badger | • Killing or injury of badgers during construction phase. |
| Hedgehog | • Killing or injury of hedgehogs during construction phase. |
| Birds | • Killing or injury of birds and/or damage or disturbance of a bird nest during construction phase.<br>• Physical loss of bird nesting habitat. |

**Table 6.2: Summary of Potential Impacts on Protected/Notable Species**

## 6.6 Invasive Plant Species

The proposed development could result in the disturbance or spread of an invasive plant species such as butterfly bush during the construction phase or as a result of inappropriate post-construction landscape management.

# 7. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

**R1** **Habitats Regulations Assessment:** The proposed development could potentially directly/indirectly impact upon Salisbury Plain SAC/SPA and River Avon SAC. Further assessment should be undertaken to determine whether the proposed project could have a Likely Significant Effect on the qualifying criteria for these sites and which, if any, stages of the Habitats Regulations Assessment process will need to be undertaken.

**R2** **Ecological Supervision:** The Preliminary Ecological Appraisal has highlighted the presence or potential presence of a range of protected and notable species. It is recommended that the following supervision works are undertaken:

- Bats (and nesting birds) – Existing nest boxes to be checked by an Ecologist prior to tree removal.
- Reptiles – works to remove topsoil needs to be undertaken with supervision from an experienced Ecologist.

All further ecological surveys should be undertaken in accordance with best practice methodologies, during the appropriate survey windows. Please refer to Appendix 3.

**R3** **Scheme Design:** The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG). The mitigation hierarchy requires all development schemes to apply the following principles:

- *Avoidance* – the proposed development should seek to avoid/minimise losses of trees in the first instance and incorporate these features in the landscaping layout of the scheme accordingly. This will help to further avoid and minimise impacts to protected and notable species.
- *Mitigation* – where significant harm cannot be wholly or partially avoided, adverse effects should be minimised by design or through the use of effective mitigation measures such as minimising light spill or providing replacement habitat features.
- *Compensation* – where unavoidable losses occur and mitigation cannot be provided, compensation for significant residual harm will be required as a last resort or planning permission could be refused. Compensation should include the remediation of lost habitats and/or connectivity, the creation of new habitats of ecological value (taking into account local nature conservation targets of the existing landscape initiatives) and providing novel compensation solutions to minimise effects on protected or notable species to ensure compliance with UK wildlife legislation.

In accordance with the principles of the Environment Act 2021 the development should also secure an overall net gain for biodiversity. Biodiversity Net Gain is a planning process that aims to leave biodiversity on site in a better state than it was before, going beyond solely avoiding, mitigating and compensating adverse effect on biodiversity and actively seeking to enhance the site's biodiversity value overall. A Biodiversity Metric tool should be used to help guide and quantify the baseline and proposed value of the scheme.

**R4** **Construction Ecological Management Plan (CEcMP):** A Construction Ecological Management Plan should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. The details of the CEcMP will be informed by the final site design and ongoing ecological survey works but should include as a minimum:

- Development standoffs and safeguards for all retained habitats (including adjacent habitats and nature conservation sites),
- Construction timetables to avoid sensitive periods such as nesting bird season,
- Vegetation management measures to minimise the risk to protected or notable species;
- General safeguarding measures such as fitting mammal ramps and covering any excavations or open pipework at the end of each workday; and,
- Compliance with any specific mitigation measures that will be required to acquire a Development Licence for works affecting protected species.

The CEcMP should be submitted to the Local Planning Authority for Approval and implemented in full thereafter.

**R5** **Lighting:** In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018[4]; Gunnell et al, 2012[5]), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice include:

- Avoiding the installation of new lighting in proximity to key ecological features around the site peripheries.
- Using modern LED fittings rather than metal halide or sodium fittings, as modern LEDs emit negligible UV radiation.
- The use of directional lighting to reduce light spill, e.g. by installing bespoke fittings or using hoods or shields. For example, downlighting can be used to illuminate features such as footpaths whilst reducing the horizontal and vertical spill of light.
- Where the use of bollard lighting is proposed, columns should be designed to reduce horizontal light spill.
- Implementing controls to ensure lighting is only active when needed, e.g. the use of timers or motion sensors.
- Use of floor surface materials with low reflective quality. This will ensure that bats using the site and surrounding area are not affected by reflected illumination.

**R6** **Further Survey Work:** The Preliminary Ecological Appraisal has highlighted the buildings as having potential roosting opportunities for bats. The current plans show retention of these buildings. If plans change and the current buildings are to be impacted, then a Preliminary Roost Assessment of the buildings is recommended.

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[4] Miles, J., Ferguson, J., Smith, N. and Fox, H. (2018) *Bats and artificial lighting in the UK. Bats and the Built Environment Series.* Bat Conservation Trust and Institution of Lighting Professionals.

[5] Gunnell, K., Grant, G. and Williams, C. (2012) *Landscape and urban design for bats and biodiversity*. Bat Conservation Trust.

# 8. Drawings

Drawing C158905-03-01 – Phase 1 Habitat Map

C158905-03-01

## Legend

- Survey area
- Scattered scrub
- Scattered tree
- Fence
- Wall
- SI — Poor semi-improved grassland
- Tall ruderal
- Dense scrub
- Building
- Hardstanding
- A — Amenity grassland
- Scattered scrub
- Target note - habitat pacel
- Target note - feature

F1. Tree with broken bird box
F2. Tree with intact bird box
F3. Rubble pile
F4. Rubbish pile
F5. Corrugated asbestos sheet
F6. Mammal holes
F7. Mammal path
F8. Holes under fence - mammal access
F9. Buildings
F10. Water storage unit
F11. Red brick wall

N

| | |
|---|---|
| Project: Imber lines | |
| Drawing: Phase 1 Habitat Map | |
| Client: CBP Architects | |
| Drawing Number: C158905-03-01 | Revision: 00 |
| Scale @ A3: 1:500 | Date: February 2023 |
| Approved By: VS | Drawn By: JR |

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The following table includes full habitat descriptions and summarises the condition assessment for habitats using Panks *et al.(2022)*[3].

| Area Habitat | | | | Condition Sheet Criteria Score | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Polygon / Line Ref.** | **Phase 1 Habitat Type** | **UK Hab Habitat Equivalent** | **Habitat Description** | **Condition Sheet Used** | **C1** | **C2** | **C3** | **C4** | **C5** | **C6** | **C7** | **C8** | **C9** | **C10** | **C11** | **C12** | **C13** | **Condition Assessment** |
| TN1 | Scattered trees | Urban – Urban trees | Scattered trees were located along the northern boundary of the site. They were also located close to, and within, the derelict shooting range in the south of the site. Species included cherry *Prunus* sp., elder *Sambucus nigra*, English oak *Quercus robur*, goat willow *Salix caprea* and silver birch *Betula pendula*. The trees ranged from young to mature in age. Two cherry trees along the northern boundary contained bird boxes and had low potential to support roosting bats (Target Notes F1 and F2). | Urban trees | P | F | F | P | P | P | - | - | - | - | - | - | - | Moderate |
| TN2 | Poor semi-improved grassland | Grassland – Modified grassland | Poor semi-improved grassland bordered the hardstanding on site. The grassland had been managed but the sward varied in length. It was dominated by perennial rye-grass *Lolium perenne* with cock's-foot *Dactylis glomerata*, black medick *Medicago lupulina*, bulbous buttercup *Ranunculus bulbosus*, chickweed *Stellaria* sp., cinquefoil *Potentilla* sp., cleavers *Galium aparine*, common speedwell *Veronica officinalis*, cut-leaved dead-nettle *Lamium hybridum*, daisy *Bellis perennis*, dandelion *Taraxacum officinale* agg., dove's-foot crane's-bill *Geranium molle*, ground-ivy *Glechoma hederacea*, heath bedstraw *Galium saxatile*, hoary plantain *Plantago media*, mouse-ear hawkweed *Pilosella officinarum*, ribwort plantain *Plantago lanceolata*, thistle *Cirsium* sp., white dead-nettle *Lamium album*, winter cress *Barbarea vulgaris*, and yarrow *Achillea millefolium*. A corrugated asbestos sheet was noted within the grassland in the eastern part of the site (Target Note F5). In addition, a mammal path and holes under the fence were noted in the western part of the site (Target Notes F7 and F8). | Modified grassland | P | P | P | P | P | P | P | - | - | - | - | - | - | Good |
| TN3 | Scrub | Mixed scrub | Areas of scattered and dense scrub were located along the northern and western boundaries of the site, as well as within the grassland area in the south. The scrub largely comprised bramble *Rubus fruticosus* agg. with honeysuckle *Lonicera periclymenum*, thistle, and teasel *Dipsacus* sp. Occasional rubble and rubbish piles were noted amongst the scrub (Target Notes F3 and F4). In addition, a series of mammal holes were present within the dense scrub in the northern part of the site (Target Note F6). | Mixed scrub | F | F | F | P | F | - | - | - | - | - | - | - | - | Poor |
| TN4 | Hardstanding | Urban – Developed land; sealed surface | The site was dominated by a large area of hardstanding with access roads leading to further hardstanding. The area was being used to store military vehicles at the time of the survey. One of the access roads was lined on both sides by a brick wall (Target Note F11). The hardstanding was in good condition with a raised curb running around the edge. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| TN5 | Tall ruderal | Grassland – Tall herb communities | Tall ruderal vegetation was located along the edges of the areas of scrub. It largely comprised common nettle *Urtica dioica* and cow parsley *Anthriscus sylvestris*, but some of the vegetation had been flattened and was difficult to identify due to decay. | Grassland – Tall herb communities | F | F | P | F | F | F | - | - | - | - | - | - | - | Poor |
| TN6 | Buildings / Structures | Buildings / Structures | There were three buildings and one water storage tank located in the southern part of the site (Target Notes F9 and F10). | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| TN7 | Amenity grassland | Grassland – Modified grassland | A narrow strip of amenity grassland was located along the eastern half of the northern boundary. It appeared to have been recently managed was sparse and dominated by perennial rye-grass, with occasional daisy and dandelion. | Modified grassland | F | F | P | F | F | P | F | - | - | - | - | - | - | Poor |
| **Key:**<br>P – Criteria passed F – Criteria failed | | | | | | | | | | | | | | | | | | | |

**Table 8.1: Habitat Descriptions and Condition Assessments**

# 9. Photographs



**Plate 9.1: Mixed scrub**



**Plate 9.2: Hardstanding car park**



**Plate 9.3: Poor semi-improved grassland with potential refugia**



**Plate 9.4: Scattered tree**



**Plate 9.5: Tall ruderal vegetation**



**Plate 9.6: Mammal hole**

# Appendix 1

## General Biodiversity Legislation and Policy

### The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020)[6] recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,

[6] Freeths (2020). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?* Available: https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect

- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

### The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

### The Countryside and Rights of Way (CRoW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

### The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Section 102 of The Environment Act 2021 (Commencement No. 5 and Transitional Provisions) Regulations 2022 makes amendments to Section 40 of the NERC Act. The revisions strengthen the requirement for public authorities to assess how they can take action to conserve and enhance biodiversity, and then take these actions.

Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

### The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

### Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and

species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

### National Planning Policy Framework and Practice Guidance

In July 2021, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018 and 2019. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled ‘Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure’, which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;

- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

## Local Planning Policy

https://www.wiltshire.gov.uk/planning-policy

### Wiltshire Core Strategy

Wiltshire Council formally adopted the Wiltshire Core Strategy Development Plan Document (DPD) on Tuesday 20th January 2015. It provides a positive and flexible overarching planning policy framework for Wiltshire for the period up to 2026.

The Wiltshire Core Strategy covers the whole of Wiltshire (excluding Swindon) and sets out the council's:

- spatial vision,
- key objectives, and,
- overall principles for development in the county.

The policies of relevance to ecology are detailed below:

**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 within the Core Strategy document (page 190, paragraph 6.70) 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.

**Core Policy 69: Protection of the River Avon SAC**

In order to avoid and reduce potential environmental effects on the River Avon SAC, development will need to incorporate measures during construction and operation to avoid and prevent pollution and mitigate potential disturbance effects; appropriate measures may include consideration of suitable buffer zones along watercourses, habitat enhancements and river access management measures. All development within 20 m of the riverbanks should submit a Construction Management Plan to the Local Planning Authority to ensure measures proposed during construction are satisfactory.

## District Local Plans

The Wiltshire Core Strategy DPD replaces the South Wiltshire Core Strategy as well as a number of policies from the former District Councils Local Plans. All policies relevant to ecology within the

'Kennet Local Plan 2011' and 'West Wiltshire District Plan 2004' have been replaced by Core Policy 50 (above).

The following policies continue to be saved within the 'North Wiltshire Local Plan 2011' and the 'Salisbury District Local Plan 2011'.

*North Wiltshire Local Plan 2011*

**Policy NE12 'Woodland'** states that:

The creation, conservation, enhancement and positive management of woodlands across the district will be supported. In particular, areas of ancient and semi-natural woodland should be protected. The retention of the visual amenity and nature conservation value will be sought in particular at the following:

i. Bird's Marsh Wood, Chippenham
ii. Vincient's Wood, Chippenham
iii. Pockeredge Drive Wood, Corsham
iv. Woodland within Braydon Forest.

**Policy NE14 'Trees, Site Features and the Control of New Development'** states that:

Permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development. Planning conditions will be imposed and Tree Preservation Orders made, for safeguarding single and small groups of trees in the interests of public amenity.

*Salisbury District Local Plan 2011*

**Policy CN17 - Trees**

Where permission is granted for the felling of a tree covered by a Tree Preservation Order, or of a tree located in a Conservation Area, the Local Planning Authority will seek, where appropriate, the planting of at least one replacement tree, of a species and size appropriate to the locality.

**Policy C9 – Loss of Woodland**

Using the limited powers available to it (such as imposing Tree Preservation Orders and planning conditions, and commenting on felling licence applications and forestry/woodland grant applications) the Local Planning Authority will seek to prevent the loss of woodland of landscape, historical or nature conservation value and to encourage the planting of indigenous tree species appropriate to the area. Tree planting proposals which are detrimental to the landscape or nature conservation value of downland or river valley meadows will not be supported.

**Policy C18 – Development affecting Rivers and River Valleys**

Planning permission will not be given for development which would adversely affect the water quality, amenity, visual quality or public enjoyment of a river or floodplain or its value as a wildlife habitat. Approval will not be granted for the culverting of watercourses unless there is a demonstrable need for granting an exception Bank protection works, which will only be permitted where property or statutory rights of way are threatened, should involve the use of appropriate materials and should protect nature conservation interests.

# Appendix 2

## Relevant Species Legislation

### Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

### Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- 'Any structure or place that displays signs indicating current use by a badger'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

### Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

### Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019

(Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- 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, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

### Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* – benefit from the greatest protection.

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix helvetica* are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing or injuring.

Sand lizard and smooth snake are protected under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that it is illegal to kill, injure, capture, handle or disturb these animals. Places they use for breeding, resting, shelter and protection are also protected from being damaged or destroyed. In addition, it is illegal to obstruct these animals from using such areas.

All native reptile species are listed as Species of Principal Importance for Nature Conservation in England and as such are material considerations in the planning process.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

The reader should refer to the original legislation for the definitive interpretation.

# Appendix 3

## Survey Calendar