Greena Ecological Consultancy

PRELIMINARY ECOLOGICAL ASSESSMENT REPORT

Avebury Car Park

Avebury

Marlborough

Wiltshire

SN8 1RG

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Brief

A preliminary ecological assessment report was requested to support a planning application for works to the site.

This ecological survey is intended to ascertain sufficient information to evaluate the situation adequately in preparation of the above-mentioned works. The information gathered will be necessary to comply with European regulations, which are connected with planning regulations and with The Wildlife and Countryside Directives and Habitat Regulations.

Consultation with the local Planning Authority is required.

Summary

- Greena Ecological Consultancy was instructed by Caterina Di Garbo, landscape architect of this property, to undertake this survey to support a planning application.
- The survey site is comprised of a car park which is proposed for resurfacing.
- The site was inspected on the 25th September 2023.
- There were limited potential roosting locations on site for bats.
- There are potential for birds nesting in the trees/hedges.
- There were no badgers on site.
- There was no appropriate habitat for dormice on site.
- Presence of no other UK or European Protected Species was confirmed or likely.

1. Introduction

1.1 Background

Greena Ecological Consultancy was instructed by Caterina Di Garbo, landscape architect of this property, to undertake this survey to support a planning application.

Greena have carried out extensive fieldwork for bats in the area where at least 8 bat species have been recorded.

The surrounding habitat offers high quality roosting and foraging opportunities for bats as well as nesting birds.

1.2 Legislation

1.2.1 Bats

All UK bat species and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended) through inclusion in Schedule 5, under the Countryside and Rights of Way Act 2000, and under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations designate bats as European Protected Species (EPS).

Taken together, the Acts and Regulations protecting bats make it an offence to:

- Deliberately kill, injure, capture or take bats;
- Deliberately disturb bats. This particularly relates to disturbance that is likely to:
    - Impair their ability to survive, breed or reproduce, or to rear or nurture their young;
    - Impair their ability to hibernate or (for migratory species) migrate; and/or
    - Affect significantly the local distribution or abundance of the species to which they belong;
- Damage or destroy bat roosts;
- Possess or transport a bat or part of a bat, unless acquired legally; and
- Sell, offer for sale or exchange bats or parts of bats

A roost is any structure or place used for shelter or protection. Bats need to have access to a number of roosts because they use different roosts depending on the season, breeding stat us and prevailing weather conditions. For this reason, roosts are protected whether or not bats are present at the time.

As bats are designated EPS, development and building woks that are likely to result in the disturbance of bats, damage or destruction of their roosts, or require bats to be caught or translocated, usually require an EPS licence to be obtained from Natural England before any works begin. Obtaining a licence involves completing an Application pack, including a Method Statement that details mitigation appropriate to maintaining the ‘favourable conservation status’ of the local bat population. Three conditions must be met before a licence can be granted:

- There is no satisfactory alternative;
- The development will not be detrimental to the maintenance of local bat populations at a ‘favourable conservations status’ in their natural range; and
- The development must be for ‘imperative reasons of overriding public interest including those of a social or economic nature.

An EPS licence is required for all development activities if there is a reasonable likelihood that an offence against Conservation Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended) or Environmental Damage Regulation 2009 (as amended) will be committed.

The following offence could potentially be committed by carrying out the proposed development if any bat species are present during the conversion works:

- Capturing or killing – a wild animal of an European Protected Species (EPS) could be deliberately captured, injured or killed (Reg 41(1)(a));
- Disturbing EPS – a wild animal of an EPS could be deliberately disturbed including in particular a disturbance which is likely to impair tis / their ability to survive or hibernate (Reg 41(1)(b));
- Disturbing EPS while occupying a structure or place used for shelter or protection – includes intentional and reckless disturbance (s9(4)(b)WCA); and
- Damage of an EPS breeding site or resting place – (Reg 41(1)(d)) – strict liability

The above stated offences can be avoided where works are to take place when bats are not present and bat roost will be maintained unchanged. If roost is going to be available to bats at the time they usually occupy the structure, a continued ecological functionality of the site will be preserved. Suitable mitigation measures must be put in place prior, during and post works to ensure that continued ecological functionality will be maintained. In the case the above listed offences cannot be guaranteed to be avoided throughout the proposed development, an EPS licence to derogate must be sought.

The full EPS licence generally applies if the proposed development is to cause greater than low ecological impact. A simpler and faster way of carrying out development with low ecological impact has been implemented by Natural England under the Bat Mitigation Class Licence (BMCL). It involved BMCL Registered Consultants who can supervise the proposed low impact development under their personal class licence, the need for preparation and processing of an EPS licence is vastly reduced. The development is carried out under a site registration prepared for the works and under the licenced ecologist. BMCL only covers low impact development affecting low numbers of “common” bats and providing the site in question does not serve as a maternity or hibernation roost.

1.2.2 Birds

In the UK, with the exception of 13 ‘pest species’ of birds, which may be killed by authorised persons only, wild birds have general protection under The Wildlife and Countryside Act (1984). It is an offence to: kill, injure, capture or take a wild bird: take damage or destroy nests (in use or being built); and take or destroy eggs. Under Schedule I of the Act, some species (including the barn owl Tyto alba) are protected by special penalties at all times.

Birds receive additional protection under the European Communities Council Directives on the Conservation of Wild birds. This directive relates to the conservation of all species of birds naturally occurring in the world in European territory of the Member States, as well as their nests and habitats.

If any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence.

1.2.3 Badgers

Badgers are protected in Britain by the Protection of Badger Act 1992 as well as the Wild Mammals (Protection) Act 1996. The purpose of the Badger Act is to protect the animals from deliberate cruelty and from the incidental effects of lawful activities which could cause harm. Under this legislation it is an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so
- Interfere with a sett by damaging or destroying it
- Obstruct access to, or any entrance of a badger sett
- Disturb a badger when it is occupying a sett

If any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence.

The following activities will generally require a licence from Natural England:

- Works undertaken using heavy machinery (generally tracked vehicles) within 30m of an active sett entrance
- Using lighter machinery (generally wheeled vehicles), particularly for any digging operation within 20m of an active sett entrance
- Light work such as hand digging or scrub clearance within 10m.

No offence will be committed if no parts of the sett will be damaged during works and if badgers are not occupying the sett at the time of works.

1.2.4 Dormice

The hazel dormouse is legally protected under schedule 5 of the Wildlife and Countryside Act 1981(as amended) and protected under the Conservation of Habitats and species Regulations 2010 (as amended).

Collectively and in summary:

- Intentionally or deliberately kill, injure or capture dormice
- Intentionally, deliberately or recklessly disturb dormice in such a way as to be likely to significantly affect the ability of any significant group of dormice to survive, breed, or rear or nurture their young or the local distribution of or abundance of the species;
- Intentionally or recklessly damage, destroy or obstruct access to places used by Dormice for shelter or protection (whether occupied or not) or intentionally or recklessly disturb a dormouse whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a dormouse;
- Possess or transport a dormouse (or any part thereof) unless under licence; and sell or exchange dormice.

Development proposals affecting the dormouse require a European Protected Species licence from Natural England.

The hazel dormouse is a ‘Species of Principal Importance for the conservation of biodiversity’ (sometimes referred to as a ‘’Priority Species’’), listed under section 41 of the NERC Act 2006.

Section 40 (S40) of the Act places a ‘Biodiversity Duty’ on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions. This includes giving consideration to the restoration and enhancement of species and habitats.

2. Aims and Objectives

The aim of the survey and supporting desk study was to satisfy the requirements of the National Planning Police Framework (NPPF), identify ecological features within or near the site that could potentially pose a constraint to the proposed development and opportunities for incorporating biodiversity enhancements into the development proposals. The following ecological features were relevant to the survey carried out by Greena Ecological Consultancy:

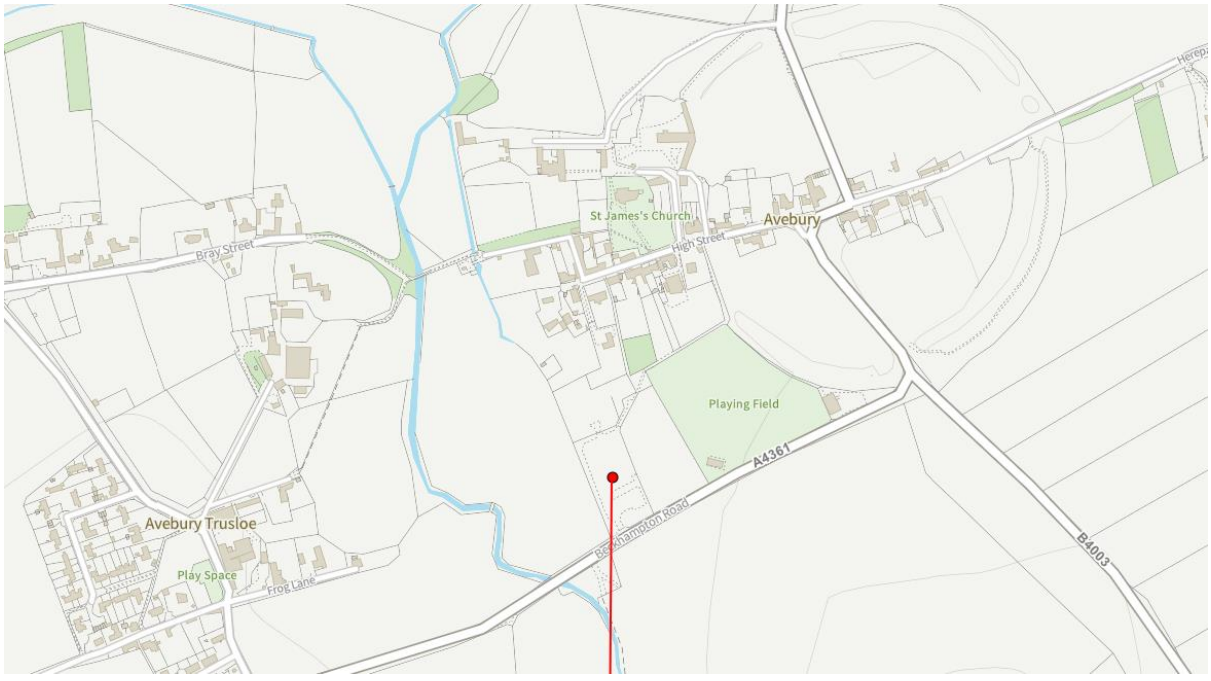
- Proximity of statutory and non-statutory designated wildlife ties;
- Proximity of Habitats and Species of principal Importance, or local Biodiversity Action Plan (BAP) habitats and networks of these habitats.
- Legally protected wildlife species; and
- All other species of wildlife potentially affected by the proposed development

This report has been produced with reference to current guidelines for preliminary ecological appraisal (CIEEM, 2017).

3. Site Description

The site is located to the south of Avebury at OS grid reference SU0996169650 (see Figure 1). The nearest agricultural land borders the site to the west, the nearest hedgerows border the site to the north, south and west and the nearest woodlands lie 1.75km south west of the site.

Figure 1: Site Location



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3.1 Site Description

The site comprises of a parking area and the proposed plan involves resurfacing the area. The current surface of the car park is gravel with areas of tarmac.

There is an area of geocell sub-base under T31 (as written in the tree report). There are no cavities in any of the trees. There is west facing ivy on T31.

Figures 2: Site Plan

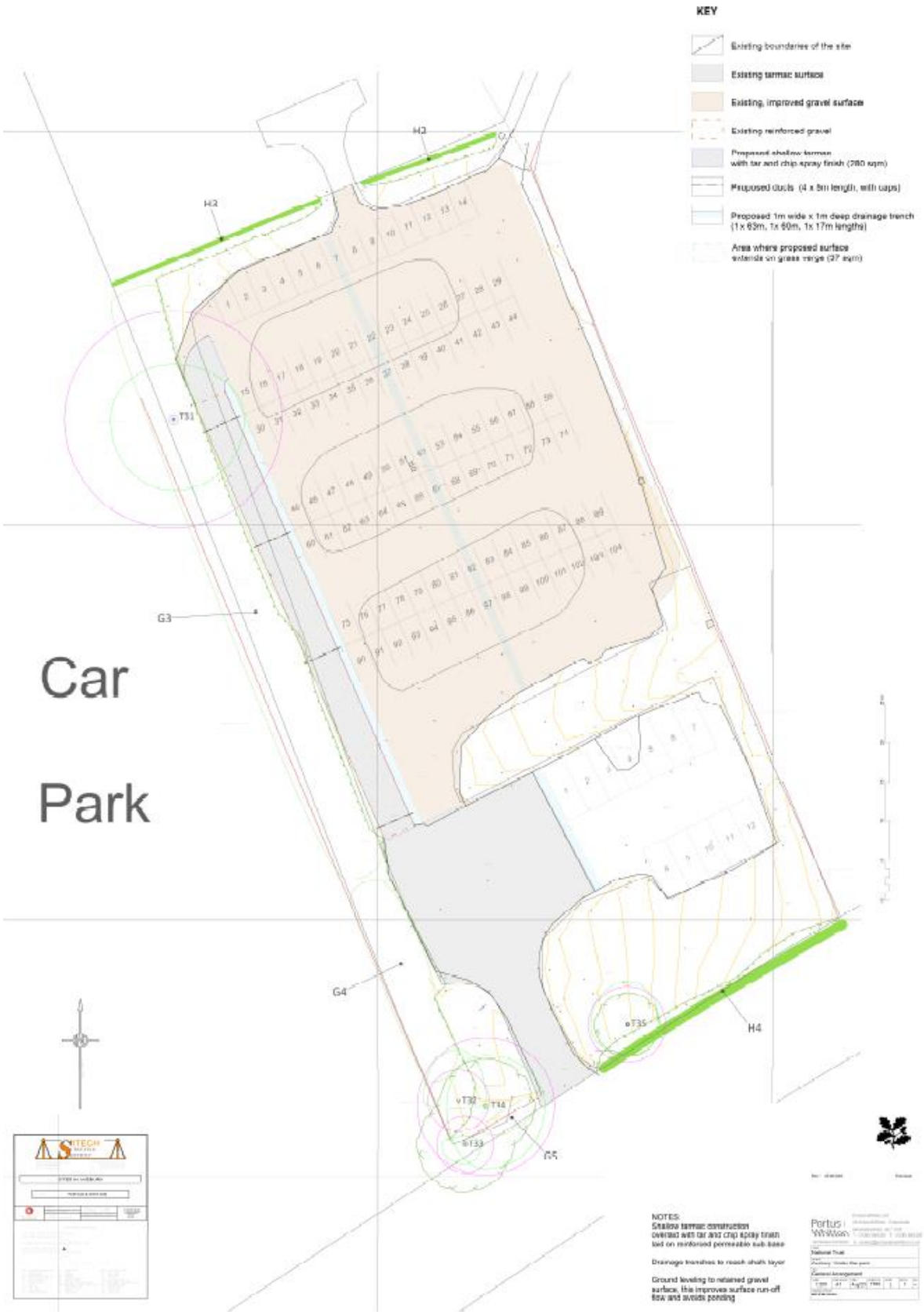


Figure 2 – Photo of entrance



Figure 3 – Photo of western hedgerow/treeline



Figure 4 – Photo of eastern boundary



Figures 5-6 – Photos of T31 trees





Figure 7 - Photo of tree T36



4. Methods

Surveyor Geoff Billington MCIEEM (Greena Ecological Consultancy, holder of Natural England class 3 and 4 bat survey licences) with over 30 years of experience as an ecologist undertook a daytime inspection of the buildings on the 25th September 2023.

No overall desktop search has been carried out for bat records because already 8 bat species have been recorded by Greena and others in the local area including the four more common Annex II species, so this assemblage are taken to be the species occurring in the area.

Searches were made for the following:

- Past records in this actual site;
- Nearest designated site; and
- Nearest bat licence that has been issued

4.1 Bats

The site was surveyed using the following methodology:

a) Signs of residency by bat species in any tree cavities assessment of tree bat roost potential.
b) Overall assessment of habitat for bats.

4.2 Birds

The site was assessed during the daytime visit in September 2023 for bird species and potential to nest, and to locate signs of use such as nests and/or droppings.

4.3 Badgers

The site was inspected during the daytime visit in September 2023 for badger signs, and to locate signs of use such as latrines and setts.

4.4 Dormice

The site was inspected during the daytime visit in September 2023 for dormice, and to locate signs of use such as nests or appropriate habitats.

5. Survey Constraints

The site was fully accessible so there were no survey constraints.

6. Results

No known ecological surveys have been undertaken at this site prior to this first visit conducted by Greena Ecological Consultancy in September 2023.

Table 1: Bat Species Recorded in the Local Area

Bat Species in	Myotis nattereri
	Nyctalus noctula
	Pipistrellus pygmaeus

the Local Area	Plecotus auritus
	Eptesicus Serotinus
	Pipistrellus pipistrellus
	Rhinolophus hipposideros
	Myotis daubentonii

No bat records at this site are known. The nearest bat licence was issued 520m northwest of the site and was granted in 2017 for destruction of a common pipistrelle resting place. A great crested newt licence was granted in 2011, 400m north of the site and was granted for destruction of a resting place.

The site lies within North Wessex Downs ANOB. Salisbury Hill (SSSI) lies 1.5km south and is designated for being an area of botanically rich chalk grassland on steep slopes exhibiting the full range of aspects. Although an artificial earthwork the hill is composed of local chalk, constructed several thousand years ago, allowing the development of semi-natural vegetation. There are no other designated sites within 2km of the survey site.

6.2 Site Survey Bats

There were no signs of bats on site. There is a possibility of bats roosting in T31 due to the ivy on the western side.

Bats are very likely to utilise the hedgerows for commuting/feeding purposes.

6.3 Birds

There were no signs of birds during the inspection visit but there is a high possibility of birds utilising the hedgerows/trees for nesting in the spring – summer season.

6.4 Badgers

The site was inspected for signs of badgers/setts but none were found.

6.5 Dormice

There was no habitat suitable for dormice on site.

7. Discussion and Recommendations

Bats

Due to roost potential on T31, it is advised that hand digging is employed to reduce noise pollution on potential roosting bats and to avoid damage to tree roots.

Birds

Ensure no birds are nesting when the building work takes place which is possible February – August, if there are, leave alone until fledged.

Badgers

None present so no further requirements.

Dormice

No suitable habitat so no further requirements.

8. References

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