LAND AT WHITEFRIARS SAILING LAKE
PRELIMINARY ECOLOGICAL APPRAISAL REPORT

A report to:

Whitefriars Sailing Club
Whitefriars Lane
Ashton Keynes,
SWINDON
SN6 6FW

By: Eric Palmer CEnv MCIEEM

Link Ecology Ltd.
Lake Lane
Frampton on Severn
Gloucestershire GL2 7HG

Tel: 01452 742107

epalmer@linkecology.co.uk

Registered in the UK. Company number 9003237

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1.0 Introduction

1.1. This report has been prepared by Eric Palmer CEnv MCIEEM, Link Ecology Ltd. and sets out the findings of a Preliminary Ecological Appraisal (PEA) of a small area of land (approximately 0.06ha) adjacent to the Whitefriars Sailing Club dinghy park on Lake 26, Cotswold Water Park. An extension to the boat park is proposed and this was subject to a planning application to Wiltshire Council (Planning application reference PL/2022/07823). Throughout this report, the land subject to planning is referred to as "the application site".

1.2. The PEA was carried out on behalf of the client, Whitefriars Sailing Club, via the Secretary, Mr, John Crawford. and was commissioned in response to comments received from Emma Glover of Wiltshire Council, as follows:

The site is categorised as a county wildlife site (CWS), and the LPA needs to be sure that the site will be able to continue performing its current ecological function following the proposed development. The CWS habitat for which it is classified, includes the presence of grassland and scrub habitats, which is what is present on site. Will boat storage impact the ability of that land to perform its function?

I advise the applicant to engage a suitably qualified professional, give them the proposal details and request that a data search from the biological records centre is obtained so to give as much detail as possible about how that area of land functions and what needs to be retained.

(file note dated 17th January 2023, Comment Number WC-23-01-254761).

1.3. This PEA is comprised of a Desk Study and an Extended Phase 1 Habitat Survey; the results of which were used to assess the value of habitats present within the site and the likely presence of notable or protected species which would need to be considered with regard to the proposal. Recommendations have been made based on these findings, for any mitigation measures that should be implemented to protect valuable habitats/species during the works and also for enhancements that could be implemented following completion to increase the biodiversity of the site.

1.4. The site is located at the end of a peninsula within Lake 26, adjacent to existing premises belonging to the Sailing Club. The location of the site is shown on Map 1.1 overleaf.

Map 1.1. Site location



2.0 Methodology

Desk Study

2.1. Wiltshire and Swindon Biological Records Centre (WSBRC) and Gloucestershire Centre for Environmental Records (GCER) were contacted to request the following ecological records within 1km of the application site:

- Protected and notable species, including invasive non-native species;
- Nationally designated sites; and
- Locally designated sites;

2.2. A 1km desk study search area was considered sufficient to inform the ecological assessment of this small footprint proposal.

Extended Phase 1 Habitat Survey

2.3. An Extended Phase 1 Habitat Survey of the application site was undertaken by Eric Palmer CEnv MCIEEM on 18th April 2023. An additional site visit was made on 9th June 2023 to determine whether or not additional plant species were more evident than in April.

2.4. The survey comprised a site walkover to identify the presence of any habitats of potential conservation value and to determine the likely presence of protected/notable species of animals or plants.

2.5. Dominant habitat types were identified and mapped (see Appendix 1) following the Phase 1 Habitat Survey methodology (Nature Conservancy Council, 1990). Dominant plant species were noted, as were any uncommon species, or species indicative of particular habitat types, although no attempt was made to collate an exhaustive list for each site. Botanical names follow Stace (2010) for higher plants.

2.6. The potential for protected or notable species of fauna to occur within or in close proximity to the site was investigated through an assessment of the suitability of habitats present within the site and the surrounding area. A limited search for evidence of certain protected species was carried out, where appropriate. For instance, evidence of badger activity, such as the presence of setts, latrines, footprints or hairs was searched for during the course of the survey.

Limitations

2.7. The Extended Phase 1 Habitat survey was carried out at the beginning of the growing season and therefore within an acceptable time of year for undertaking such surveys. With the site in the condition in which it was found (see Results section), the timing of the survey was not considered likely to present a constraint to the assessment, particularly given that a second visit in June was carried out. No other potential constraints were identified.

3.0 Legislation and Planning Policy Overview

3.1. A summary of the legislative and planning context which has been used to inform this ecological appraisal is provided as follows.

Legislation

3.2. A number of articles of legislation protect wildlife and habitat within England and Wales, at European, National and Local levels. The relevant legislation articles that have been considered in this ecological appraisal are:

- The Conservation of Habitats and Species Regulations 2017
- The Wildlife and Countryside Act 1981 (as amended)
- The Natural Environment and Rural Communities Act 2006 (NERC)
- The Hedgerow Regulations 1997
- The Protection of Badgers Act 1992

Policy

3.3. Planning policy relating to nature conservation is provided at two levels: nationally through the National Planning Policy Framework (NPPF) and locally through policies in the Wiltshire Core Strategy 2015-26.

NPPF

3.4. Under NPPF[1], the presence of any protected species is a material planning consideration, and it states that impacts arising from development proposals must be avoided where possible or adequately mitigated/ compensated for and that opportunities for ecological enhancement should be sought. Further detail on this Policy can be found on the .GOV web site[2].

Wiltshire Core Strategy 2015-2026

3.5. The Wiltshire Core Strategy[3] contains Strategic Objective 5: protecting and enhancing the natural, historic and built environment. This includes an objective to maintain, enhance and expand *Wiltshire's multi-functional green infrastructure network*. Key outcomes, as they may relate to the Whitefriars Sailing Club site, are listed as:

- *Where possible, development will have been directed away from our most sensitive and valuable natural assets, habitats and species, towards less sensitive locations;*
- *New development will have contributed to delivery of the Wiltshire Biodiversity Action Plan (BAP) targets and protected, maintained and enhanced BAP habitats and species, particularly within areas identified for landscape scale conservation;*
- *Local biodiversity and wildlife corridors will have been incorporated into new development, maintaining and enhancing this resource for the future;*
- *Wiltshire's network of multi-functional green infrastructure will have been maintained and enhanced to contribute towards achieving the vision set out in the Wiltshire Green Infrastructure Strategy;*
- *The multi-functional green infrastructure network will have assisted Wiltshire in adapting to a changing climate, and in attracting business investment and tourism, enhancing the local economy, and promoting physical and social well-being;*

[1] https://www.gov.uk/guidance/national-planning-policy-framework
[2] https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment
[3] Wiltshire Core Strategy - Wiltshire Council

- *Good air quality will have been maintained and significant progress will have been made in treating areas of risk through the implementation of air quality management plans;*
- *The quality and quantity of Wiltshire's groundwater and surface water features will have been improved, helping to achieve the objectives of the Water Framework Directive;*
- *Increased recreational pressures on sensitive wildlife will be effectively managed;*
- *The landscape character of Wiltshire will have been protected and enhanced, particularly the special qualities and scenic beauty of the Areas of Outstanding Natural Beauty and the New Forest National Park.*

3.6. Core Policy 50 relates to Biodiversity and geodiversity. With respect to the site at Whitefriars Sailing Club, the following statements from the Core Strategy are of relevance:

3.7. *Proposed development on land within or outside a SSSI* (Site of Special Scientific Interest) *likely to have an adverse effect on a SSSI will be determined in accordance with the requirements of paragraph 118 of the NPPF and Circular 06/2005*. No increase in sailing activity has been proposed and we assume here that all consents with respect to the SSSI will be maintained.

3.8. *The valuable natural environment includes not only identified sites, but also other features of nature conservation value including:*

- *Priority species and habitats (including those listed in the national and Wiltshire Biodiversity Action Plan);*
- *Areas of habitat with restoration potential (particularly those identified on the Southwest Nature Map or through other landscape scale projects);*
- *All waterbodies covered under the Water Framework Directive;*
- *Features providing an ecological function for wildlife such as foraging, resting and breeding places, particularly wildlife corridors of all scales which provide ecological connectivity allowing species to move through the landscape and support ecosystem functions.*

3.9. *Core Policy 50 seeks to ensure protection and enhancement of these sites and features and is necessary to help halt and reverse current negative trends and meet new challenges particularly from climate change adaptation and pressures associated with the increasing population.*

3.10. Wiltshire Core Policy 50 states that *All effects upon the natural environment should be addressed sequentially in accordance with the principle of the 'mitigation hierarchy':*

- *Avoid e.g. site location, buffers*
- *Reduce, moderate, minimise;*
- *Rescue e.g. translocation;*
- *Repair, reinstate, restore;*
- *Compensate or offset.*

3.11. *Compensation is a last resort but will be necessary in some instances where other approaches cannot guarantee 'no net loss' of biodiversity and any unavoidable losses are outweighed by other sustainability considerations. Such measures should be delivered within the development site where possible; however, where this is not feasible, it may be more appropriate to deliver offsite measures through legal agreements and landscape scale projects. Appropriate compensatory measures should demonstrate no net loss of the relevant local biodiversity resource in the short and long-term and be delivered as close to the development site as possible to avoid the degradation of local ecological networks or 'ecosystem services'. Additional guidance is available to help clarify appropriate ecological avoidance, mitigation and compensation measures to demonstrate compliance with Core Policy 50, which should be proportionate to the scale of any predicted impact.*

3.12. Core Policy 50 sets out framework for protection and enhancement of biodiversity and local (wildlife) sites. As this relates to the site at Whitefriars Sailing Club, this is set out as follows:

Protection

3.13. *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.*

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

Biodiversity enhancement

3.15. *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

3.16. *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:*

- *cannot reasonably be avoided;*
- *are reduced as far as possible;*
- *are outweighed by other planning considerations in the public interest;*
- *where appropriate compensation measures can be secured through planning* obligations or agreements.

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

4.0 Results

4.1. A site plan is shown in Appendix 1. A review of desk study data and findings of the site survey are presented below.

Statutorily designated site

4.2. The application site is adjacent to the Cotswold Water Park SSSI, not within it. It is understood that the SSSI extends to a 2m strip of shoreline around the lake. This is shown to be avoided in the Block Plan submitted to the LPA.

4.3. The Cotswold Water Park SSSI is of special interest for the following nationally important features[4]:

- Breeding great crested grebe *Podiceps cristatus*; little egret *Egretta garzetta* and little ringed plover *Charadrius dubius*;
- A diverse assemblage of breeding birds of lowland open waters, their margins and scrub;
- Non-breeding shoveler *Spatula clypeata*; gadwall *Mareca strepera*; pochard *Aythya ferina*; tufted duck *Aythya fuligula*; great crested grebe; coot *Fulica atra*; green sandpiper *Tringa ochropus* and lesser black-backed gull *Larus fuscus*;
- Ann assemblage of over 20,000 waterbirds during the non-breeding season; and
- Populations of the aquatic plants starry stonewort *Nitellopsis obtusa*, lesser bearded stonewort *Chara curta*; pointed stonewort *Nitella mucronata* and clustered stonewort *Tolypella glomerata*.

4.4. Only Great Crested Grebe is thought likely to breed on Lake 26, although woodland to the north of the site was not assessed for its likely use by Little Egret other than by a brief visit on 9th June, in which no birds and no nests were noted. This was not, however, a comprehensive survey for this species or any other breeding birds. The woodland is nearly 500m from the proposal site anyway.

4.5. The assemblage of breeding birds within the red line boundary of the site, outside the SSSI but potentially contributing to its interest, was not assessed directly but field observations suggested that none were present, largely due to the removal, in the last 2 years, of scrub habitat that had been present and which can be seen on recent satellite imagery. Further commentary on this is provided below. The first site visit carried out was in early spring so the assemblage of non-breeding birds was not fully apparent at the time. None of the migrant breeding species such as warblers were back on territory and no birds were noted within the red line boundary at that time. Reed Buntings (*Emberiza schoeniclus*) were noted calling from vegetation along the margins outside of the red line and where thought likely to establish nests within the available habitat there. The second visit was combined with a meeting with the client in the late morning, which is sub-optimal for noting breeding birds and no birds other than Pied Wagtails (*Motacilla alba*) were noted.

4.6. No attempt was made to determine the presence of Stoneworts, as the aquatic habitats in which these would be found will be unaffected by the proposal.

Local Wildlife Sites

4.7. The application site lies within a Local Wildlife Site (LWS), listed by WSBRC as *File Code SU09.067.11.01, CWP Pit 26*. It is described as *A large lake in a former gravel pit with associated aquatic marginal, grassland, wetland, woodland and scrub habitats, used mainly for recreational sailing*.

4.8. The GCER data review showed that the entirety of lakes within the Gloucestershire section of the search area

[4] From SSSI Citation Site Name (defra.gov.uk)

are designated as both SSSI and Local Wildlife Sites.

Habitats

4.9. Biodiversity Action Plan (BAP) Key (Priority) Habitats within the approximately 51ha Wildlife Site listed are *Lowland mixed deciduous woodland; Mesotrophic lakes; Wet woodland, Fen, marsh and swamp*. The LWS designation is based on the results of surveys carried out by the Wildlife Sites Project carried out in 2010 and 2011. The Wildlife Sites Monitoring Form supplied lists the above habitats as of "Site Interest"; scrub and grassland habitat is not listed but is described as being present within the site. The Sailing Club itself is described as follows:

Whitefriars Sailing Club occupies a small promontory at the end of the main access road (Whitefriars Lane) which it shares with an area of mown and herb-poor grassland.

4.10. According to the Wildlife Sites Monitoring Form supplied, the Priority Habitats listed above cover approximately 75% of the CWP Pit 26 Wildlife Site (38.01ha of a 50.63ha site). The Wildlife Sites listing provided in Excel form lists the CWP L26 site as covering 50.77ha, making the coverage of Priority Habitat approximately 70% of the site. The remaining 25-30% was presumably considered to be of lower interest and probably included the promontory occupied by the Sailing Club. The map supplied by WSBRC shows the area within which the application site lies as neutral grassland.

4.11. The application site was visited on 18th April 2023. At that time, it was noted to be composed of bare ground that was re-vegetating with self-sown plants characteristic of the early stages of succession after ground disturbance has taken place. It is understood that ground disturbance was the result of an excavation which took place in September 2021 to locate and repair the pipe that acts as the outfall from the 'Klargester[5] Sewage Treatment Unit which is located close to the Clubhouse. The ground disturbance covered the entirety of the proposed compound extension. The condition of the site prior to this was queried with the Sailing Club and was described by Mr. John Crawford as having been composed of *made-up ground from the original excavation of the quarry that supported rough grass and some scrub and had been mown from time to time but not to the same standard as the rest of the camping field*, which is located immediately to the west side of the existing dinghy park and makes up the majority of the neutral grassland mapped by WSBRC. The site visit on 9th June confirmed the overall character of the site as being composed of bare ground with vegetation rapidly re-establishing from a seed stock likely to have been present before ground disturbance took place but also from wind-borne seed blown in from elsewhere.

4.12. The land subject to disturbance in 2021 was notably higher than that of the adjacent camping field. Most of the land within the application site is notably higher than that of the adjacent camping field. This is apparently due to the original quarry excavation which created this slight mounding land form. The Sailing Club has stated that some of the material resulting from the dig to repair the sewage outfall pipe was retained and spread at ground level within the application site though it did not increase its height.

4.13. Photographs of the site are shown overleaf.

[5] Klargester Sewage Treatment Plants - Tanks Direct (tanks-direct.co.uk)

Photo 4.1. – site viewed from South



Photo 4.2. – South end of site showing a pile of vegetation from hedge trimming in the car park and brambles cleared from the existing dinghy park



Photo 4.3 – Mound around manhole cover and training barn (camping field in the background)



Photos 4.4 and 4.5 – typical ground conditions within the site





Photo 4.6 – adjacent (off-site) camping field



Plants

4.14. WSBRC returned 67 records of 39 species of flowering plant, three species of Stonewort (*Chara* spp.) and one species of Horsetail (*Equisetum sylvaticum*). The aquatic plants listed are not considered likely to be affected by the proposal and, unless listed as of interest within the Wildlife Site (see below), only a selection of terrestrial species is reviewed here.

4.15. Five County notable species have been recorded within the Wiltshire section of the search area. These are Early Marsh Orchid (*Dactylorhiza incarnata* subsp. *pulchella*), Marsh Pennywort (*Hydrocotyle vulgaris*), Marsh Helleborine (*Epipactis palustris*), Marsh Willowherb (*Epilobium palustre*) and Cyperus Sedge (*Carex pseudocyperus*). None of these were found within the application site and conditions suitable for them are not considered to be present.

4.16. There are two records of Common Barberry (*Berberis vulgaris*) within the search area, a species that is also a County notable in Wiltshire. Exact locations are withheld but four-figure grid references suggest that the records are not from Lake 26. It seems likely that this species would have been noted during the Wildlife Site Monitoring in 2011 if it had been present. The threatened Barberry Carpet moth (*Pareulype berberata*) is entirely reliant on this plant. It is protected under Schedule 5 of the Wildlife and Countryside Act[6].

4.17. An information sheet for the Wildlife Site provided the following additional detail on plants within Lake 26:

In addition (to the County Notable species listed above)*, 25 species considered to be indicators of high-quality terrestrial or wetland habitats were recorded on this visit. Examples include Common Spotted-orchid (Dactylorhiza fuchsii), Eyebright (Euphrasia officinalis agg.), Gypsywort (Lycopus europaeus), Amphibious Bistort (Persicaria amphibia) and Common Fleabane (Pulicaria dysenterica).*

4.18. The GCER data search returned nine locations to the northeast of Lake 26 with Black Poplars (*Populus nigra* subsp. *betulifolia*). This was a Biodiversity Action Plan Species in the Cotswold Water Park BAP of 2006 to 2016[7].

[6] Common Barberry factsheet (butterfly-conservation.org)
[7] Microsoft Word - FINALCWP BAP 2007-16 v7print.doc (waterpark.org)

There are no Black Poplars in or adjacent to the application site.

4.19. None of the species listed above was apparent at the time of the surveys. A list of species that were noted on the application site is shown in Table 4.1 below. The majority of them are characteristic of disturbed ground.

Table 4.1 – plant species noted during site visit in April 2023

Common Name	Scientific name	Common Name	Scientific name
Agrimony	*Agrimonia eupatoria*	Meadow Vetchling	*Lathyrus pratensis*
Oilseed Rape	*Brassica napus*	Lesser Swine-cress	*Lepidium didymum*
Barren Brome	*Bromus sterilis*	Perennial Ryegrass	*Lolium perenne*
Brambles	*Rubus fruticosus agg.*	Mint sp.	*Mentha sp.*
Shepherd's-purse	*Capsella bursa-pastoris*	Field Forget-me-not	*Myosotis arvensis*
Common Mouse-ear	*Cerastium fontanum*	Opium Poppy	*Papaver somniferum*
Rosebay Willow-herb	*Chamaenerion angustifolium*	Wild Parsnip	*Pastinaca sativa*
Creeping Thistle	*Cirsium arvense*	Parsnip/ Wild Parsnip	*Pastinaca sativa*
Spear Thistle	*Cirsium vulgare*	Rough Meadow-grass	*Poa trivialis*
Great Willow-herb	*Epilobium hirsutum*	Brambles	*Rubus fruticosus*
Tall Fescue	*Festuca arundinacea*	Broadleaf Dock	*Rumex obtusifolius*
Giant Fescue	*Festuca gigantea*	Groundsel	*Senecio vulgaris*
Meadowsweet	*Filipendula ulmaria*	Red Campion	*Silene dioica*
Cleavers	*Galium aparine*	White Campion	*Silene latifolia*
Ground Ivy	*Glechoma hederacea*	Smooth Sow-thistle	*Sonchus oleraceus*
Bristly Ox-tongue	*Helminthotheca echioides*	Scentless Mayweed	*Tripleurospermum inodorum*
Common Hogweed	*Heracleum sphondylium*	Nettles	*Urtica dioica*
Hard Rush	*Juncus inflexus*	Field Speedwell	*Veronica agrestis*
Red Deadnettle	*Lamium purpureum*	Field Pansy	*Viola arvensis*

Fauna

Invertebrates

4.20. There are 26 WSBRC records of invertebrates, including seven records of five species of butterfly (Small Heath (*Coenonympha pamphilus*), Wall (*Lasiommata megera*), Small Blue (*Cupido minimus*) and Brown Hairstreak (*Thecla betulae*)). All species are on the IUCN Red Data List, with all but the latter species listed as *Lower risk - near threatened.* Brown Hairstreak is listed as *Vulnerable* i.e. *it is not Critically Endangered or Endangered but is facing a high risk of extinction in the wild in the medium term future.* All species are on the Section 41 NERC Act List.

4.21. All of the butterfly records are in excess of 10 years old. The single Small Blue record was from "Lake 26A" and dates from 1998. The Brown Hairstreak record also dates from that year and the location is withheld. Of all these species, Brown Hairstreak is probably the most relevant to the assessment of the site because it is the rarest species. It is described by Butterfly Conservation as *locally distributed in southern Britain and has undergone a substantial decline due to hedgerow removal and annual flailing, which removes eggs*[8]. However, Blackthorn (*Prunus spinosa*) would have had to be present in the scrub that was cleared for Brown Hairstreak to be present.

4.22. There are five WSBC records of three moth species, Shaded Broad-bar (*Scotopteryx chenopodiata*), Blood-vein (*Timandra comae*) and Cinnabar (*Tyria jacobaeae*). Although listed on Section 41 of the NERC Act as species of and UK BAP species, all are common and of limited relevance to the assessment of the nature conservation value of the site. They are all species of grassland habitats.

4.23. There is a single record of 10 individual Ghost Moths (*Hepialus humuli*) within the Gloucestershire section of the search area, attributed to Lake 26. This is a species of grasslands and is listed on Section 41 of the NERC Act.

4.24. There are 14 WSBRC records of three dragonfly species, Scarce Blue-tailed Damselfly (*Ischnura pumilio*) Downy Emerald (*Cordulia aenea*) and Common Darter (*Sympetrum striolatum*). Downy Emerald and Common Darter have been recorded on Lake 26. Scarce Blue-tailed Damselfly is on the IUCN Red Data List, as *Lower risk - near threatened* whilst Common Darter is *Data deficient*. Downy Emerald is a species considered notable in Wiltshire.

4.25. The listed dragonfly species are unlikely to be wholly dependent on the habitat that existed before clearance and would not be dependent on the habitat that was noted during the site survey in April 2023.

Amphibians

4.26. The Desk Study returned a large number of amphibian records for the Wiltshire side of the search area, including:

- Three records of Common Toad (*Bufo bufo*), one of which was referenced to a location within Lake 26 but assumed to be on the shore or near the sailing club;
- Eight records of Common Frog (R*ana temporaria*), one of which was referenced to the same location within Lake 26;
- 19 records of Great Crested Newt (*Triturus cristatus*), a species listed on Schedule 5 of the Wildlife and Countryside Act 1981. Most of the records were from a site approximately 500m to the south of Lake 26.

4.27. There was a single record for Common Toad within the Gloucestershire section of the search area.

4.28. A review of the Ordnance Survey (OS) map identified the potential presence of six water bodies within a 500m radius of the application site. All of these are old gravel pits and it was thought reasonable to assume that most or all of them are stocked with fish, or at least have a fish population, given that there is a significant angling interest in the Water Park. This, together with its relative isolation from suitable breeding ponds, would mitigate

[8] Brown Hairstreak | Butterfly Conservation (butterfly-conservation.org)

against Great Crested Newts being present within the site surveyed. However, it would have contained suitable terrestrial habitat for this European Protected Species prior to the excavation which took place in September 2021 to locate and repair the pipe that acts as the outfall for the sewage treatment plant. The adjacent grassland within the camping field remains suitable for terrestrial phases of all amphibian species.

Reptiles

4.29. There are two Wiltshire records of Grass Snake (*Natrix helvetica*) from Lake 62, which is to the west side of Lake 26. Habitat suitable for this species is present adjacent to the application site within the margins of the Lake and on the uncut grassland of the camping field, its boundary hedgerows etc. there are no other reptile records within the Wiltshire section of the search area. Grass Snake benefits from limited protection under the Wildlife and Countryside Act 1981 and is a Section 41 NERC Act species.

Birds

4.30. The Desk Study for Wiltshire returned 1260 records of 68 species for the 1km search area. This included 47 records of 13 species on Lake 26. These were:

- Wintering Pochard (*Aythya ferina*), Goldeneye (*Bucephala clangula*), Smew (*Mergellus albellus*), Lapwing (*Vanellus vanellus*) and Herring Gull (*Larus argentatus*);
- Spring records of Woodcock (*Scolopax rusticola*), Swift (*Apus apus*), Cuckoo (*Cuculus canorus*) and Spotted Flycatcher (*Muscicapa striata*);
- Winter and summer records of Greenfinch (*Chloris chloris*);
- Breeding Nightingale (*Luscinia megarhynchos*) and Linnet (*Linaria cannabina*);
- Autumn records of House Martin (*Delichon urbica*);

4.31. The Wildlife Sites Monitoring Form supplied by WSBRC states that *In the 2011 review of CWP WS this lake was found to be locally important for wintering Smew, Great Crested Grebe, Coot and Lesser Black-backed Gull, and is also a Key Site for breeding water-birds*.

4.32. The GCER data search returned 871 bird records for the section of the search area within Gloucestershire. The species list was similar to the WSBRC one but included additional species that could have occurred on the application site prior to scrub clearance, such as Bullfinch (*Pyrrhula pyrrhula*), Dunnock (*Prunella modularis*) and Reed Bunting (*Emberiza schoeniclus*). All of these are Section 41 NERC Act species.

4.33. Prior to clearance, the application site may have contained habitat suitable for passerine species of conservation importance, including Nightingale and Linnet. However, the last record of the former species, found by recorders in the “north corner” of Lake 62, was in 2014. Nightingale is generally considered to need sheltered scrub habitat that is unlikely to have been extensive enough to be host to breeding pair(s). Linnet and Reed Bunting may, however, have been present.

4.34. Within the search area, but not within Lake 26, a number of additional bird species of importance were recorded. Of these, the following might be expected to have used (forage or nest within) the habitat that was present up to September 2021:

- Species listed on Schedule 1 of the Wildlife and Countryside Act 1981 - Barn Owl (*Tyto alba*), Cetti’s Warbler (*Cettia cetti*);
- Section 41 NERC Act species – Grasshopper Warbler (*Locustella naevia*).

Bats

4.35. Within the Wiltshire section of the search area there are 106 records of bats, including Noctule (*Nyctalus noctula*), Serotine (*Eptesicus serotinus*), Common Pipistrelle (*Pipistrellus pipistrellus*), Soprano Pipistrelle (*P. pygmaeus*), pipistrelle species identified to genus only, Daubenton's bat (*Myotis daubentonii*), other *Myotis* species identified to genus only, and Brown Long-eared (*Plecotus auritus*) bats. Daubenton's and Soprano Pipistrelle, as well as Pipistrelle species, were noted during bat walks on Lake 26 in 2009. Given the rural nature of the site and the presence of suitable foraging habitat in vicinity of the proposals, it is considered likely that foraging bats would continue to be present.

4.36. There were no roosting opportunities for bats within the site or adjacent to it, so such features, protected under the Wildlife and Countryside Act and the Habitats Regulations 2017 (see Appendix 2) will be unaffected.

4.37. Given the total lack of roosting opportunities for bats within the footprint of the proposals, and the small size of the potential foraging area it represents, it is considered that the application site is likely to be of low value to bats relative to the habitat surrounding it.

Other mammal species

4.38. In the Wiltshire section of the data search area, there were 32 records of other mammal species, including Otter (*Lutra lutra*), Badger (*Meles meles*), Polecat (*Mustela putorius*), Hedgehog (*Erinaceus europaeus*), Brown Hare (*Lepus europaeus*), Harvest Mouse (*Micromys minutus*) and Water Vole (*Arvicola amphibius*). Of these records, five could be attributed to Lake 26 itself. Four of these records were of Polecat and one of Water Vole. The grid reference for this latter species locates the observation on the northeast shore of the lake.

4.39. In the Gloucestershire section of the search area there were single records of Otter (spraint on the Shire Ditch) and Polecat (a roadkill on the Spine Road) and two of Hedgehogs in gardens.

4.40. Otter and Water Vole are protected under Schedule 5 of the Wildlife and Countryside Act. Badgers are protected under the Badgers Act 1998. They, as well as Polecat, Hedgehog, Harvest Mouse and Water Vole are NERC Act Section 41 species.

4.41. During the site visit in April 2023, an Otter spraint was noted incidentally on a tree on the shoreline by the camping field. This was considered to be indicative of a territory rather than a resting site, but the scrub that had been present on the application site prior to September 2021 may have been used as such. Had this been the case, it is considered unlikely that such a feature would be visited more than very occasionally due to the likely disturbance impact of human activity around it.

4.42. Polecats are considered to be sufficiently mobile that the proposals are unlikely to affect them, although again, a resting site may have been present in the scrub prior to September 2021.

4.43. The nearest Badger record to the application site, a latrine only (no setts identified), is from the west shore of the lake. There were no indications of use of the area within the red line boundary. Badgers may forage on the camping field but there are no setts in the vicinity of the site.

4.44. Foraging areas suitable for Hedgehogs are present within the wider area around the application site and the pile of brash (see Target Note 3 in Appendix 1) presents a potential hibernation site for this species, if left in place. It is understood that such cuttings are removed after the bulk is reduced by drying, so it is unlikely to be present over the next winter, 2023-2024.

4.45. Brown Hares are thought unlikely to be present due to the small size of the total area of land suitable for them on the Whitefriars Lane peninsula. However, they would be unaffected by the proposal if present. Harvest Mouse is thought unlikely to be present within the area but might have used the edge of the scrub that was present

before September 2021 and could be present in any nearby stands of tall grass, herbs and fringing scrub or emergent vegetation along the lake shore.

4.46. Even if Water Voles are present on the shoreline of the Sailing Club facility, the proposal is not considered likely to affect this species because it does not affect the banks of the lake any more than is already the case – there is an unvegetated area to the north of the proposed compound extension that appears to be used as a boat launching site (see Target Note 4 in Appendix 1) but this is not within the red line boundary and is an established and very small feature.

5.0 Ecological Constraints and Opportunities

Current condition of the site

5.1. In its current condition, the application site is of limited value to wildlife and biodiversity, although it clearly was providing a source of nectar to nectivorous invertebrates and should provide a good seed source for wintering birds. In the absence of further disturbance, this is likely to change as plant succession continues, with scrub dominated by Brambles likely to develop. The composition of the plant community at present is unremarkable and the contribution of the area surveyed to the overall value of the Local Wildlife Site, as described by WSBRC is considered to be negligible. There are no notable habitats on site and no notable individual plant or animal species on site or likely to use it in the near future.

Previous condition of the site

5.2. Satellite imagery and the description provided by the Sailing Club representative suggest that, prior to September 2021, the application site was composed largely of scrub, with fringing tall grasses and herbs. This mosaic of habitat may have supported invertebrates, amphibians, reptiles, birds and mammals of note and/or conservation significance. Exactly what might have been found there is difficult to determine, with no photographic or other record of its previous condition available. However, relative to its small size, the site may have supported a diverse invertebrate fauna and small number of breeding birds would have been present as a minimum.

Likely condition of the site if planning permission is granted

5.3. If planning permission for the change of use is granted without mitigation or enhancement measures for biodiversity required, it is likely that the site will remain unremarkable. The development of a more permanent plant community than is currently present would depend on the amount of shade cast by each stored boat and on the frequency of vegetation management, which would reasonably be expected to entail cutting down of taller plants as regularly as is necessary to allow boat users to access their craft. It is likely, therefore, that coverage of bare ground would remain high, particularly if the ground is compacted by boat users, although it should be noted that no vehicles are allowed on the boat park areas. Inside the compound, vehicles have to stay on the designated access routes. The dinghies are moved to and from the water on lightweight trolleys. Any plants growing between and below boats are likely to be predominantly opportunist species such as Thistles and Nettles, although other species such as grasses would probably also be present, as can be seen from the condition of the existing boat park. The site would therefore contribute little to the overall stated value of the Wildlife Site and would provide very limited habitat for animal species.

Opportunities for biodiversity restoration and improvement

5.4. Whether consented or not, habitat restoration of the application site should be considered necessary to restore the likely past interest of this small area of the Local Wildlife Site, which appeared to be a mosaic of scrub and grassland, as described from satellite imagery mentioned in paragraph 4.5 above. Where restoration of these

habitats is not possible within the site, area(s) outside it should be considered for enhancement instead.

5.5. Any on-site restoration should include re-seeding with a diverse grassland sward characteristic of the area and ideally using seed stock sourced from a local site. The availability and suitability of any such a seed stock would need to be investigated further to ensure it is appropriate to soil conditions on site. Assuming that boat storage would be the primary function of the site, some amount of shading from the boats should be expected (as noted above), so coverage of grassland species would be variable in response to this constraint. It may therefore be necessary to specify that boats are stored at minimum distances apart. We suggest this should be no less than 1m if off-site enhancement of grassland cannot be achieved within the land holding of the Sailing Club.

5.6. Off-site grassland enhancement, whether done as compensation for limitations of on-site habitat reinstatement or additional to it, could be attempted on the fringes of the camping field. Measures could include:

- Within areas not needed for camping, restrict mowing to once a year in July at the earliest, with all arisings removed to the habitat pile that is currently just outside the red line boundary of the proposed site, or another location where such material can be stored permanently;
- Introduce Yellow-rattle (*Rhinanthus minor*) to the sward in seed form, along a 3m wide by 100m long section of the field adjacent to the hedge between the camping ground and the access road. Yellow-rattle parasitises grasses and can reduce their dominance in favour of flowering plants, it would therefore potentially increase the diversity of the sward, provided that some seed stock remains or would be blown in or brought in from elsewhere;
- Scarify small areas of the same strip to determine whether or not this stimulates the germination of a seed bank that is not apparent from survey. Species that could appear might include Common Spotted or other orchids.

5.7. Fringing scrub and tree lines along the boundary of the site should be (re-)established, using a number of woody species characteristic of the area, to include Blackthorn, Barberry and Black Poplar as a minimum but also including species such as Hawthorn (*Crataegus monogyna*). Brambles are likely to self-regenerate, as was noted on the second visit to the site. All of these species would provide the following biodiversity benefits:

- A belt of scrub would benefit breeding birds characteristic of the area, including Linnet and Reed Bunting. Areas of woody vegetation adjacent to long grass could provide valuable structure for some nesting birds and also nesting sites for Harvest Mice, if present. Scalloped edges on the south side could provide suitable basking sites for reptiles, notably Grass Snakes. Scrub could also offer/ reinstate above-ground resting sites for Otters and Polecats;
- Blackthorn plantings could benefit Brown Hairstreak butterfly;
- Barberry could benefit Barberry Carpet Moth;
- Black Poplar is a rare species in the UK so use of this species within plantings could contribute to its conservation. Plantings should use cuttings from local trees, ensuring that both male and female specimens are selected.

5.8. Additional features of benefit to wildlife should also be considered, including the retention of the pile of cuttings from the clearance work in order to maintain the availability of a potential hibernation site for reptiles and hedgehogs, as well as any amphibians that could be present. Addition of grass cuttings to this habitat pile could enhance it for egg-laying Grass Snakes.

5.9. Proposals for achieving biodiversity restoration and improvements are set out on the plan in Appendix 2 and should form the basis for a detailed plan.

Conclusion

5.10. Although the application site is small, it does form part of a Wiltshire Local Wildlife Site and recent changes to

habitats within and beyond the red line boundary of the site have been detrimental to the LWS. Whilst in its current condition, the application site presents few biodiversity benefits of relevance to the LWS, it has the potential to be restored to scrub and grassland of equal or higher benefit that it had before 2021. Clearly, if the site is to be used for boat storage, there can be only limited reinstatement of a grassland sward within the application site itself, but it should be possible if boats are kept a reasonable distance from each other and if full coverage of the site by grassland is accepted to be impossible, due to shading effects of craft and compaction of soil that may occur if the compound is heavily used. The likely sparsity of grassland coverage within the application site will be compensated for by use of a diverse seed mix within it and on an area of land on the outside of the perimeter fence that has already been subject to disturbance.

5.11. Reinstated scrub habitat will be planted along the boundary. Which animal species use it depends on the species mix chosen, its extent (height, width and length) and its management, once established. Broad management prescriptions outlined above should result in the colonisation of the scrub by a diverse range of species for the size of the plot.

5.12. The measures proposed above are consistent with the Strategic Objectives of the current Wiltshire Core Strategy, specifically:

- Objective 5: protecting and enhancing (the natural environment) with an objective to maintain, enhance and expand Wiltshire's multi-functional green infrastructure network;
- Core Policy 50: Biodiversity, valuing Priority habitats and species as well as statutorily protected sites and species. With respect to Local Wildlife Sites, development proposals affecting local sites must make a reasonable contribution to their favourable management in the long-term.

6.0 References

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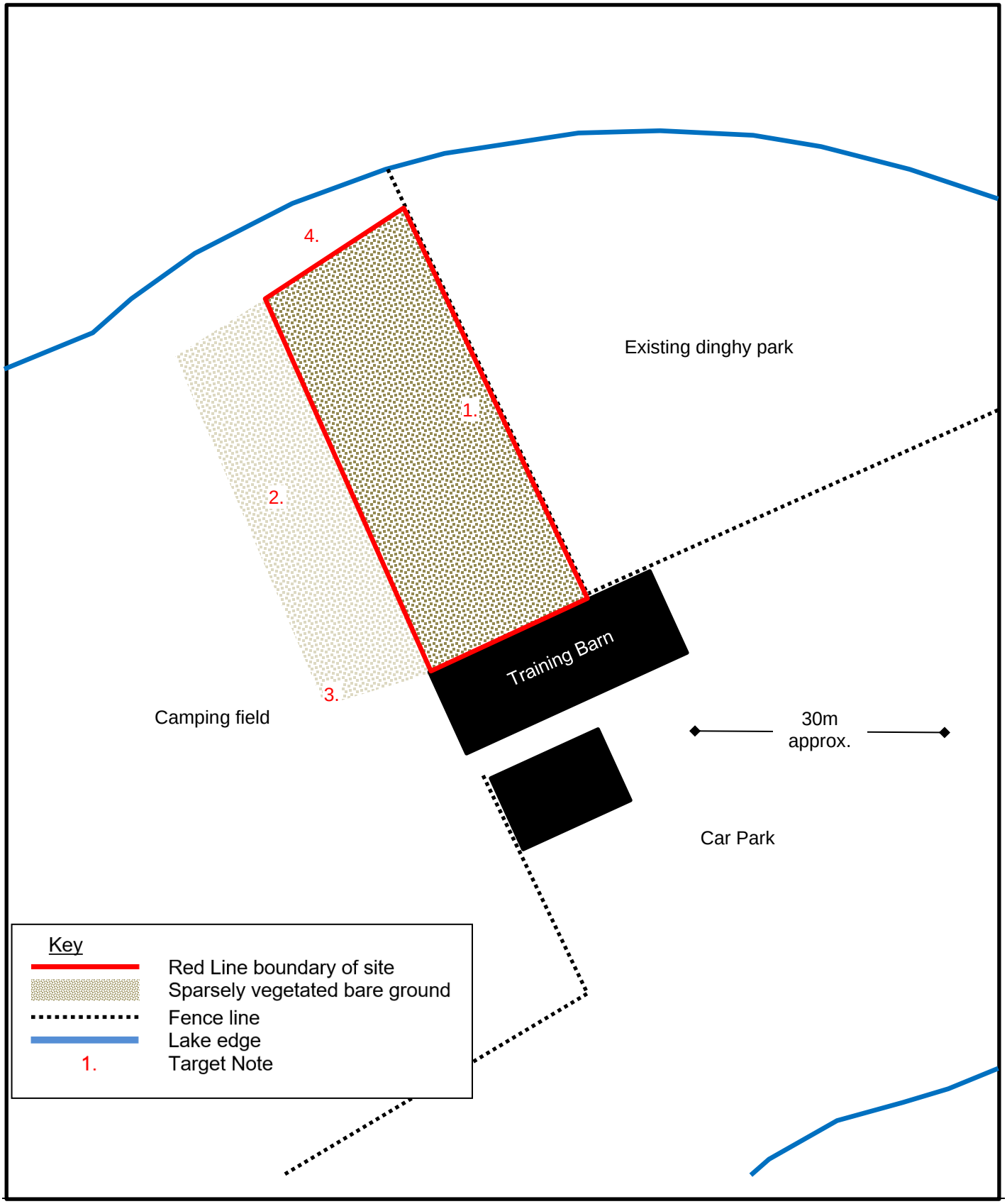
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Appendix 1 : Habitat map and Target Notes

Plan A1.1 – Phase 1 habitat map



Underlying plan supplied by Whitefriars Sailing Club

Target Notes

1. Re-vegetating boundary along fence line composed of Brambles and ruderal plants.



2. Approximate extent of ground clearance outside of red line boundary.

3. Pile of woody cuttings just off site composed of Brambles and Willow branches from hedge trimming in the car park and brambles cleared from the existing boat park compound.





4. Bare ground adjacent to the lake, just off site.

Appendix 2 – Proposals for biodiversity restoration and improvement

Whitefriars Sailing Club proposes the following measures to replace any habitats reduced or displaced by the application site and will arrange for them to be included in the Club's SSSI Management Plan approved by Natural England. Reference should be made to Plan A2.1 overleaf.

Dinghy park extension area

1. The application site will be re-seeded with a diverse grassland sward characteristic of the area and locally sourced.

2. Dinghies parked on the application site will be parked not less than one metre apart.

3. Vegetation management during the growing season (April to September) will be restricted to cutting of any stands of Nettles or Thistles that establish. A full cut of the grassland flora within the dinghy park will take place once a year in mid-July at the earliest. All cut material will be removed and placed in a "habitat pile" that will also receive cuttings from grassland management outside of the dinghy park (see below).

Land outside of extension area

Scrub establishment and management

4. The Club will reinstate fringing scrub to a width of up to 15 metres on the outside of the relocated fence demarcating the application site. The fringing scrub will be planted with a "scalloped" or wavy edge on the south/ southwest facing fringe in order to provide sheltered conditions for flowering plant establishment, invertebrates (particularly the scarce butterflies and moths mentioned in the report) and for basking reptiles. Woody species plantings will comprise of the following:

    - Blackthorn – 20% coverage. Likely to sucker out and potentially dominate the scrub, hence a low coverage at establishment stage. Whips to be planted evenly through an area away from Barberry plantings (see below) to maximise success of establishment but reduce dominance;
    - Barberry – 20% coverage. Likely to establish well in sheltered areas at the south end of the area available. To be planted in a block away from competing vegetation such as Brambles and Blackthorn Not currently present on site. Seed or cuttings will be sourced locally. Cultivars will be avoided. Contact will be made with Wiltshire Wildlife Trust as a potential source of advice, given that they were involved in the Back from the Brink project for Barberry Carpet Moth[9];
    - Hawthorn – 60% coverage, forming a belt of plantings between Barberry and Blackthorn. Although currently absent from the site, this species will provide dense scrub coverage and additional variety of nectar and fruit sources for insects and birds. Likely to need additional help in establishment, hence the higher proportion of coverage. Whips to be planted evenly through the area to maximise success of establishment, but with a denser patch adjacent to Barberry;

    All whip plantings will be protected with rabbit guards, or the entire area will be fenced against rabbits and supported by stakes or canes until established.

    Brambles will be allowed to self-regenerate within the area of scrub establishment. Any Willow establishing will be allowed to grow up as part of the scrub, but development into trees will be prevented by management (see below).

    Establishment of scrub habitat will be considered complete when whips have grown sufficiently large that periodic management can be instigated. This is considered likely to be no sooner than year 2 or 3 after planting. Within the establishment period, any plantings that have died will be replaced and adequately protected, as set out above.

    On-going management will comprise of coppicing of large stems to encourage re-growth from the ground and "laying" of live stems. This is only to be done if rabbit or deer browsing is clearly absent, or if re-growth can be protected adequately using cut stems to create "exclosures". This is likely to entail some experimental

[9] Barberry-Carpet-Moth-BftB.pdf (naturebftb.co.uk)

treatments of limited areas. Depending on the extent of dominance by Blackthorn, some more vigorous coppicing or laying of this species may benefit the structure and diversity of the scrub. However, to ensure that any Brown Hairstreak butterfly eggs that may be present do survive, cutting should be every 3 to 5 years, cutting no more than a third each year and ensuring the areas cut in any one year are different. Rotations over 7 years, including laying or coppicing are also suitable, producing young growth highly attractive to egg-laying females[10].

Periodic winter scalloping of scrub (cutting back small areas between 1 and 2m wide and 1m deep) will be needed to ensure that there is a permanent interface between scrub and grassland re-creation areas, where low scrub and grassland species inter-mix. This is termed an "ecotone[11]" and is likely to be important for basking reptiles and invertebrates dependent on sheltered sunny habitats at some stage in their life cycle.

Grassland re-creation

5. A small area adjacent to the scrub plantings (see Plans A2.1 and 2.2) will be reinstated as diverse grassland using the same seed mix as that sourced for the dinghy park. The exact extent of this will depend on the shape and extent of the scrub plantings outlined above. Scrub will occupy the majority of the land, depending on the extent and vigour of growth and on its management. The aim will be to ensure that grassland will cover approximately 5-10% of the restored area, as shown on the plans.

6. A pile of grass cuttings and hedge trimmings from management work will be established and/or maintained in order to maintain the availability of a potential hibernation site for reptiles and hedgehogs and any amphibians that could be present. The exact location of this is yet to be determined but it will be adjacent to the restored area.

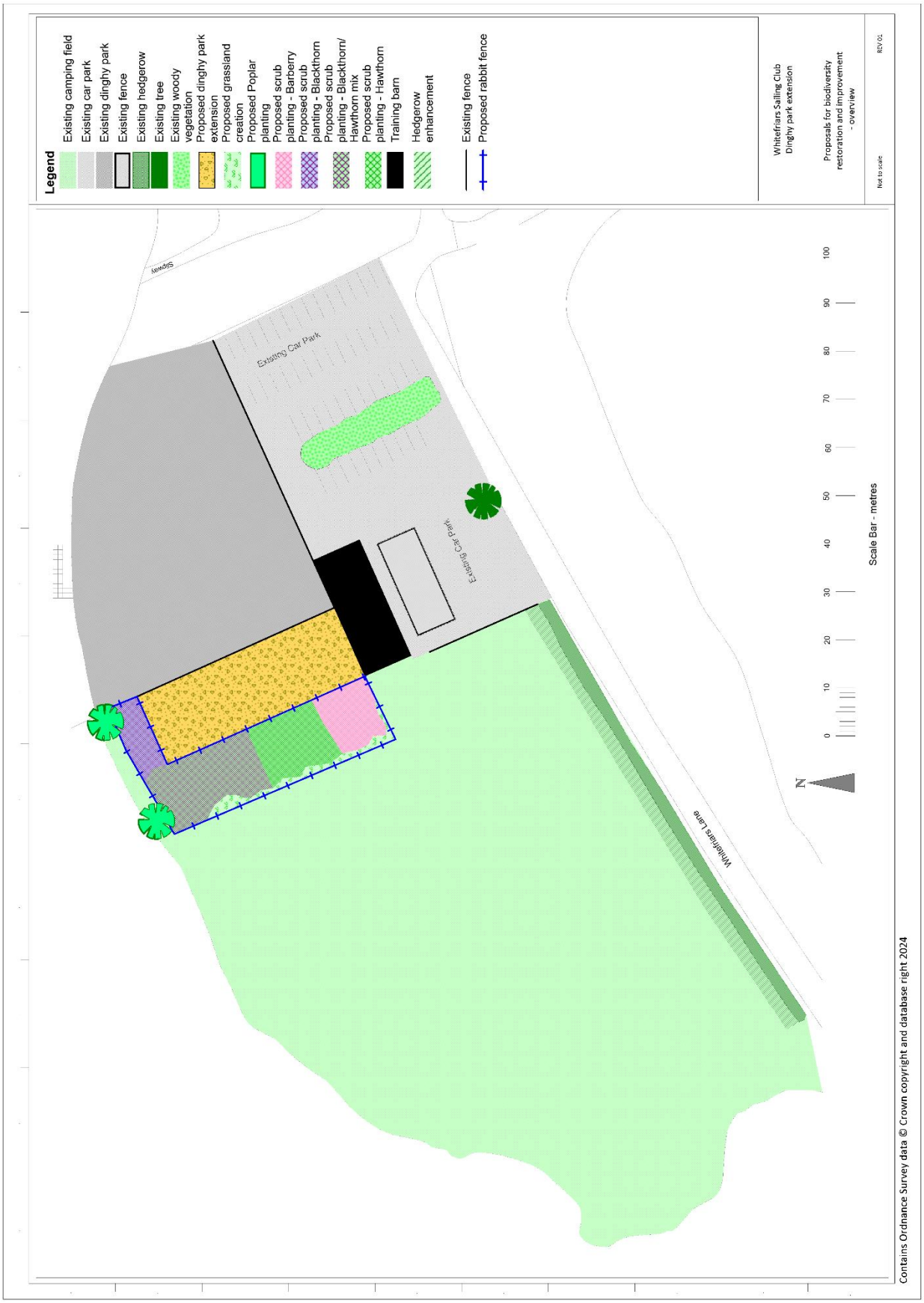
Tree planting

7. A minimum of 2 (no.) Black Poplar saplings will be planted at the locations shown on Plans A2.1 and 2.2. Cuttings or seed stock from local trees will be sourced, probably via the Cotswold Lakes Trust who have been involved in the conservation of this species. A male and a female will be planted.

[10] Advice from Butterfly Conservation Brown Hairstreak factsheet https://butterfly-conservation.org

[11] An ecotone is a transition area between two biological communities, where two communities meet and integrate

Plan A2.1 – Plan of proposals for biodiversity restoration and improvement – overview



Plan A2.2 – Plan of proposals for biodiversity restoration and improvement – large scale



Appendix 3 - Legislation and planning policy

Planning Authorities have a legal duty to consider biodiversity when assessing planning applications. Where there is a reasonable likelihood that a planning application might affect important protected sites, species or habitats, information on the species, habitat or site likely to be affected, together with an assessment of the impacts of the proposals, will almost certainly be required.

The legal duty for Planning Authorities to have regard to the conservation of biodiversity was introduced in the 2006 Natural Environment and Rural Communities Act (The NERC Act). This act clarified existing commitments with regard to biodiversity, raised the profile of biodiversity and aimed to make the consideration of biodiversity a natural and integral part of policy and decision making. Section 40 of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. These were previously referred to as 'UK Biodiversity Action Plan' or 'BAP' species and habitats. Section 41 of the NERC Act lists Habitats and Species of Principal Importance for the purpose of conserving biodiversity.

In addition to the NERC Act there is also national and international biodiversity legislation. This includes legislation in relation to protected species and sites which operates outside of the planning system. Local Authorities and developers have a duty to comply with this legislation.

National planning policy

Paragraph 99 of the Government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System (this document has not been revoked by the recently published National Planning Policy Framework) states that:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

As such, in line with national planning policy, most planning authorities will ask for this information to be provided before a planning decision is made and in many cases before it is registered.

Local planning policy

In addition to national planning policy, most councils have planning policies to protect biodiversity, and to enhance it where practicable within and adjacent to development sites.

European protected species

The United Kingdom hosts a number of European Protected Species (EPS) of animals (table 1) and plants (table 2). These species receive special protection under UK law and it is an offence under the Wildlife and Countryside Act 1981 (as amended) and the European Habitats and Species Directive (92/43/EC), enacted in the UK through The Conservation of Habitats and Species Regulations 2017, to deliberately or recklessly destroy or damage their habitat, or to disturb, kill or injure the species without first having obtained the relevant licence from Natural England.

Planning Authorities have a statutory duty under these regulations to have regard to the requirements of the Habitats Directive and need to be satisfied that the development is likely to receive a licence from Natural England, and therefore comply with the Habitats Directive, before granting planning permission.

Table 1 – European Protected Species of Animal found in the UK Common name	**Scientific name**
Bats, Horseshoe (all species)	*Rhinolophidae*
Bats, Typical (all species)	*Vespertilionidae*
Butterfly, Large Blue	*Maculinea arion*
Cat, Wild	*Felis silvestris*
Dolphins, porpoises and whales (all species)	*Cetacea*
Dormouse	*Muscardinus avellanarius*
Frog, Pool	*Rana lessonae*
Lizard, Sand	*Lacerta agilis*
Moth, Fisher's Estuarine	*Gortyna borelii lunata*
Newt, Great Crested (or Warty)	*Triturus cristatus*
Otter, Common	*Lutra lutra*
Snail, Lesser Whirlpool Ram's-horn	*Anisus vorticulus*
Snake, Smooth	*Coronella austriaca*
Sturgeon	*Acipenser sturio*
Toad, Natterjack	*Bufo calamita*
Turtles, Marine	*Chelonia mydas* *Caretta caretta* *Lepidochelys kempii* *Eretmochelys imbricata* *Dermochelys coriacea*

Table 2 – European Protected Species of Plant found in the UK Common name	Scientific name
Dock, Shore	*Rumex rupestris*
Fern, Killarney	*Trichomanes speciosum*
Gentian, Early	*Gentianella anglica*
Lady's-slipper	*Cypripedium calceolus*
Marshwort, Creeping	*Apium repens*
Naiad, Slender	*Najas flexilis*
Orchid, Fen	*Liparis loeselii*
Plantain, Floating-leaved water	*Luronium natans*
Saxifrage, Yellow Marsh	*Saxifraga hirculus*

Nationally protected species

Many species of animal are protected under the 1981 Wildlife and Countryside Act (as amended). 'Full protection' applies to EPS and some non EPS species such as the water vole. This prohibits the intentional killing, injuring or taking (capture. etc); possession; intentional disturbance whilst occupying a 'place used for shelter or protection' and destruction of these places; sale, barter, exchange, transporting for sale and advertising to sell or to buy. Many species, such as common species of reptile and amphibian, are protected from intentional killing and injuring and trading.

Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Section 1 of this Act makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

In addition, bird species listed under Schedule 1 of the Act receive extra protection. The Act states that 'it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird'.

In practice this means that in areas where birds are likely to be nesting works should not be undertaken during the nesting season, which is generally considered to be March to September, although this very much depends on weather conditions, habitats and the species involved. If works cannot be avoided then areas should first be checked for nesting birds. Habitats likely to host nesting birds include trees, hedgerows and dense scrub, buildings, reedbeds and riverine habitats and open areas with tussocky vegetation.