

Greena Ecological Consultancy

PRELIMINARY ECOLOGICAL ASSESSMENT REPORT

Green Acres

Blounts Court

Potterne

SN10 5QF

29th November 2023

Report compiled by:
Rachel Denness
Greena Ecological Consultancy,
Stonehaven
Witham friary
Frome
Somerset
BA11 5HH

Report finalised by:
Geoff Billington
Greena Ecological Consultancy,
Stonehaven
Witham Friary
Frome
Somerset
BA11 5HH
Email: geoffbillington@btconnect.com
Mb: 077487 42475

Client:
James Bamber
Green Acres
Blounts Court
Potterne
SN10 5QF

Disclaimer:

No part of this report may be copied or reproduced by any means without prior written permission from Greena Ecological Consultancy (GEC), it remains the property of GEC until all associated costs are paid for in full.

If you have received this report in error, please destroy all copies in your possession or control and notify Greena Ecological Consultancy.

This report has been prepared for the exclusive use of the commissioning party and unless otherwise agreed in writing by GEC, no other party may use, make use of or rely on the contents of the report. No liability is accepted by GEC for any use of this report, other than for the purposes for which it was originally prepared and provided.

Opinions and information provided in the report are on the basis of Greena Ecological Consultancy using due skill, care and diligence in the preparation of the same and no explicit warranty is provided as to their accuracy. It should be noted and it is expressly stated that no independent verification of any of the documents or information supplied to Greena Ecological Consultancy has been made.

Please note basic biological record information obtained in this report may be shared with record centres; this would not include your personal information.

Contents

BRIEF	4
SUMMARY	5
1. INTRODUCTION	6
2. AIMS AND OBJECTIVES	10
3. SITE DESCRIPTION	10
4. METHODS	16
5. SURVEY CONSTRAINTS	16
6. RESULTS	16
7. DISCUSSION AND RECOMMENDATIONS	18
8. REFERENCES	19

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 Mark Reynolds, planning consultant of this property, to undertake this survey to support a planning application.
- The survey site is comprised of an area of amenity grassland. There are several hedgerows and a pond on site.
- The site was inspected on the 30th August 2023.
- There were no potential for bat roosts on site.
- There were no signs of birds on site but could nest there.
- There were no signs of badgers on site.
- There were no signs of reptiles on site but could be present.
- Presence of no other UK or European Protected Species was confirmed or likely.

1. Introduction

1.1 Background

Greena Ecological Consultancy was instructed by Mark Reynolds, planning consultant 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 12 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 status 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 works 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 conservation 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 its / 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 Great Crested Newts

The Great Crested Newt is protected under European and British legislation. Under European legislation it is protected under EC Directive (92/43/EEC) 'The Conservation of Natural Habitats and of Wild Fauna and Flora', being listed under Annexes IIA and IVA. This is implemented in Britain under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and is further protected under the Conservation of Habitats and Species Regulations 2010.

This prohibits the intentional killing of newts, the deliberate taking or destruction of eggs, damage or destruction of a breeding site or resting place, intentional/reckless damage to or obstruction of a place used for shelter or protection, possession of a great crested newt and any form of trade of great crested newts.

Under British legislation, the great crested newt is given full protection under Section 9 of the Wildlife and Countryside Act 1981 (as amended). This Act transposes into UK law the Convention on the Conservation of European Wildlife and Natural Habitats (commonly referred to as the 'Bern Convention').

This prohibits the intentional killing, injuring or taking, possession or disturbance of great crested newts whilst occupying a place used for shelter or protection and the destruction of these places. Protection is given to all stages of life (e.g. adults, sub-adults, larvae, and eggs).

In combination the above legislation prohibit the following:

- Intentionally kill, injure or take a great crested newt;
- Possess or control any live or dead specimen or anything derived from a great crested newt;

- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt;
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for that purpose;
- Deliberately capture or kill a great crested newt;
- Deliberately disturb a great crested newt;
- Deliberately take or destroy eggs of a great crested newt;
- Damage or destroy a breeding site or resting place of a great crested newt

Great crested newt has also been identified in the UK Biodiversity Steering Group

Report, Volume 2: Action Plan (UK BAP, 1995), as a priority species requiring conservation action and consequently, an Action Plan has been developed for the conservation of this species. The following are cited within the UK Action Plan as causing loss and decline:

- Loss of suitable breeding ponds caused by water table reduction, in-filling for development, farming, waste disposal, neglect or fish stocking and the degradation, loss and fragmentation of terrestrial habitats.
- Pollution and toxic effects of agrochemicals.

1.2.5 Reptiles

All species of reptiles native to the UK are afforded legal protection under the Wildlife & Countryside Act 1981 (as amended). All native reptile species are protected in respect to their deliberate killing and injury only. Protection is not extended to their habitat. There are 6 native species of reptile which occupy the UK and all of them are UK Biodiversity Action Plan (BAP) priority species. Sand lizard and Smooth snake are the rarest with restricted distribution (possible to occur in Somerset although more commonly found in south England) and protection under both, the UK and European legislation.

Common lizard and Slow-worm are widespread and still common throughout much of England, in a wide variety of habitat types. Grass snake is still fairly common throughout most of southern England and parts of lowland Wales but is rarer further north. Adder (or viper) has become much less common in recent years but is still frequent in some areas of Britain (Gasc et al. 2004, Beebee & Griffiths 2000, Arnold 1995). Our view from the many site surveys we carry out is that Slow-worms are still common in many areas but Grass snake and Common lizard less so. Adders are becoming decidedly rare.

The Wildlife and Countryside Act 1981 (as amended) provides protection for the Slow-worm, Common lizard, Grass snake and Adder from deliberate killing and injury. Sale and related commercial activities are also proscribed.

Edgar, Foster & Baker (2010) note declines in all the common reptile species in Britain in recent years, in some places severe. Factors may include:

- Habitat and micro-habitat degradation;
- Changes in land use such as agriculture and development;
- Fragmentation of habitats and population isolation;
- Ecological succession;
- Predation by domestic cats (and pheasants) and disturbance by dogs;
- Fire (especially moors and heaths);
- Inappropriate conservation/habitat management;
- Overgrazing;

- Invasive exotic plant species;
- Damage to habitats by excessive visitor pressure/off-road vehicles;
- Deliberate killing by people, especially Adder, Grass snake and Slow-worm.

2. Aims and Objectives

The aim of the survey and supporting desk study was to satisfy the requirements of the National Planning Policy 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:

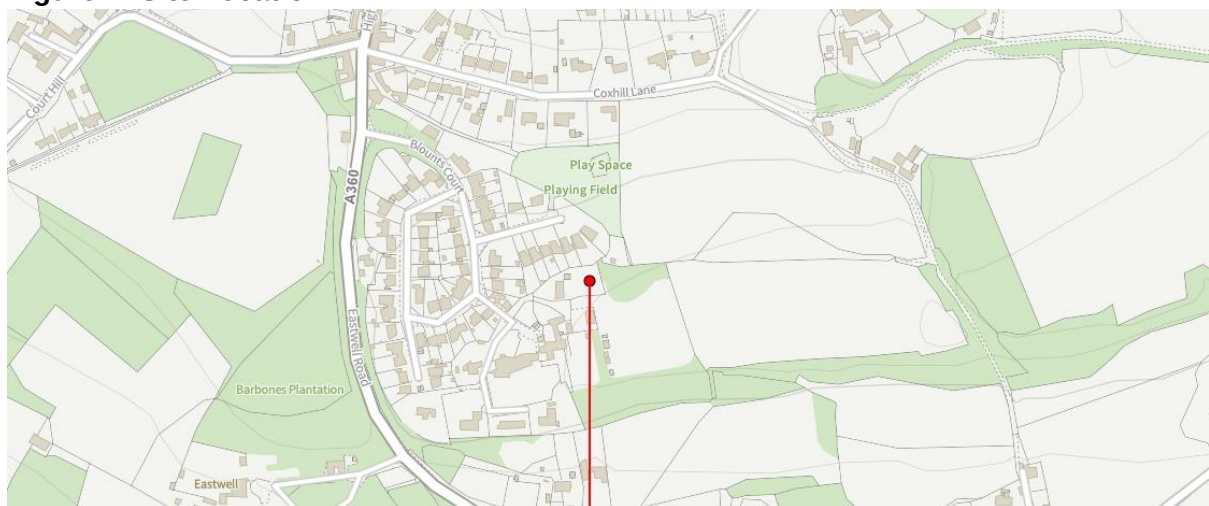
- Proximity of statutory and non-statutory designated wildlife sites;
- Proximity of Habitats and Species of principal Importance, or local Biodiversity Action Plan (BAP) habitats and networks of these habitats.
- Legally protected wildlife species; and
- All other species of wildlife potentially affected 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 in the village of Potterne at OS grid reference ST9969558181 (see Figure 1). The nearest woodlands lie 115m south, the nearest hedgerows lie on the northern boundary, and the nearest agricultural land lies 53m east of the site.

Figure 1: Site Location



Map © crown copyright. All rights reserved reproduced under Greena Ecological Consultancy licence number 100041148

3.1 Site Description

The site comprises of two areas of grassland, a pond, two hedgerows and an orchard area.

To the east of a site is well maintained amenity grassland, this grassland extended to the access area. To the south east of the grassland was a small orchard area. It is possible several of the apple trees (ST9971658172, ST9971458172) may have to be removed to support the development. None of these trees had cavities but one had limited ivy.

To the east of this area is a flower border area (ST9971358185) with some pumpkins.

To the north of this grassland was a hedgerow comprising of hawthorn, holly, sycamore, maple, nettles and bramble.

To the west of the site was an area of modified grassland which had been left long but was recently cut upon time of inspection. The species on site included bramble, nettle, buttercup, dock, vetch, hogweed and ragwort. There was one laurel bush along the southern fence line.

Within the western half of the site was a pond with south African water weed, yellow flag, water lily and rush. The owner stated there were fish and newts in the pond, but was unsure if they were great crested newts.

To the south of the pond is a limited area of patio. It was well sealed but had bramble, grass and mint growing on the top of the tiles.

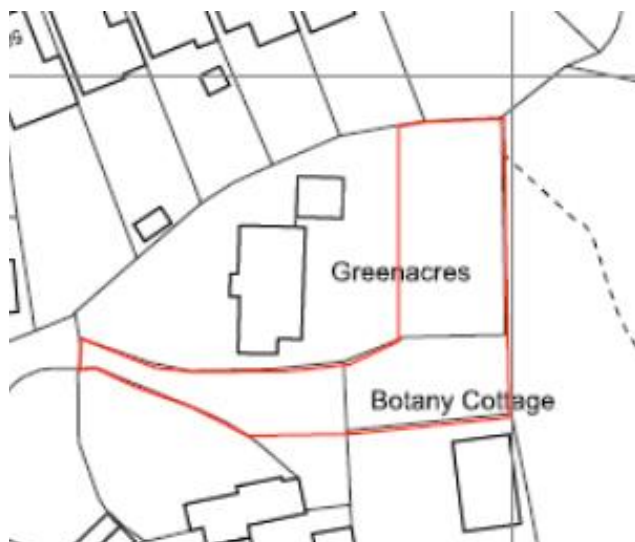
To the north of the pond is a hazel (ST9968958187), one ash (ST9968958186) and one beech (ST9969258188) tree. The ash and beech tree are coppiced and in a raised bank which is used to support the pond.

To the south of the site is a hedgerow mainly comprised of trees. There was 1x oak which was ivy covered, with no cavities, 2x larch with ivy cover and no cavities, 1x birch tree with no cavities, and 1x coppiced beech tree with no cavities but some ivy. Holly, hazel and laurel were also present in the hedgerow. There is a log pile below the trees.

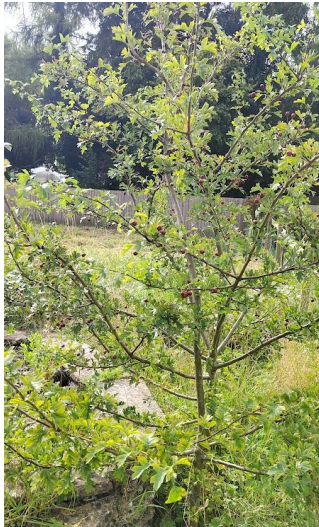
There is a garden shed in the hedgerow which had a wooden construction with a cement fibre roof. It is very open and light inside with no crevices.

The site owners would prefer to keep the pond and trees as unaffected by the site development as much as possible.

Figure 2: Site Plan



Photographs 1 - 4: The Pond and Trees Near Pond



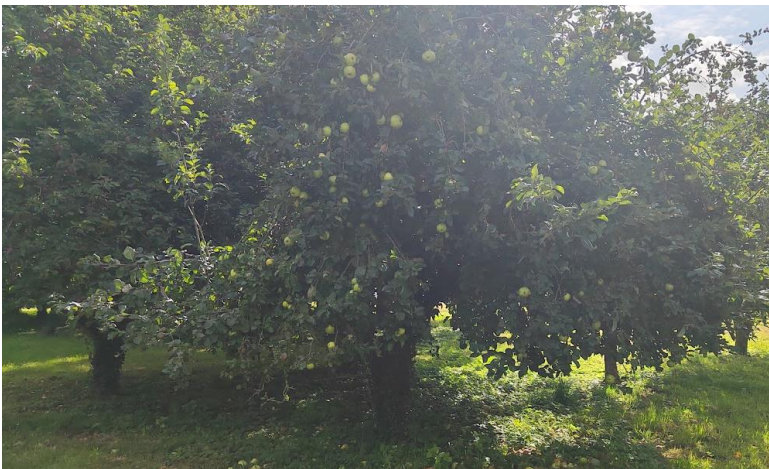
Photograph 5: The Patio



Photograph 6: North Hedgerow



Photograph 7: Apple Trees



Photograph 8: Grassland on Site



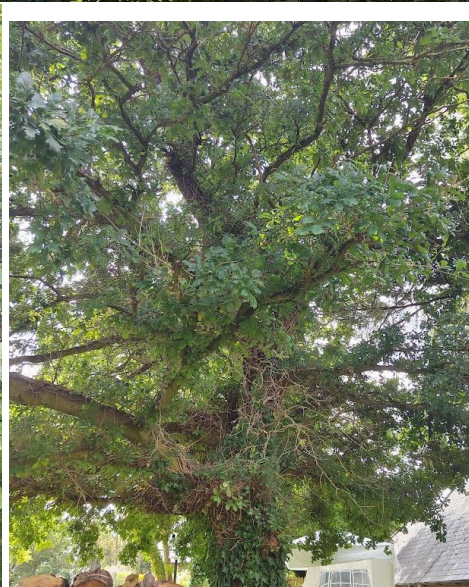
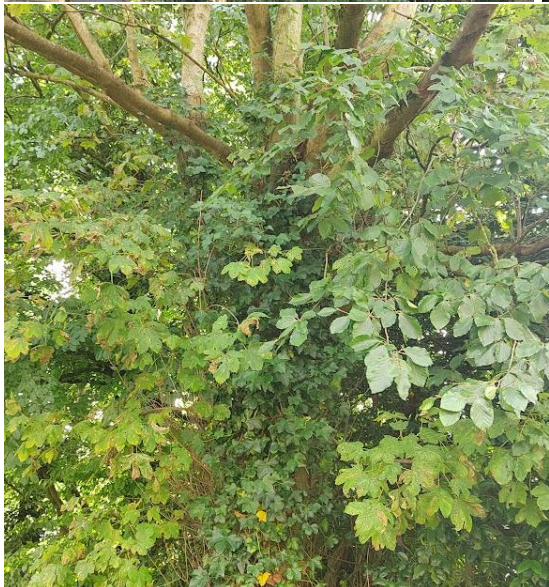
Photographs 8 and 10: Pumpkins and Flower Border



Photograph 11: Access



Photographs 12 - 16: South Hedgerow



4. Methods

Surveyor Rachel Denness, assistant ecologist and agent to Geoff Billington MCIEEM (Greena Ecological Consultancy, holder of Natural England class 3 and 4 bat survey licences) undertook a daytime inspection of the buildings on the 30th August 2023.

No overall desktop search has been carried out for bat records because already 12 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 overall habitat was assessed as high potential for foraging and commuting bats.

4.2 Birds

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

4.3 Badgers

The site was inspected during the daytime visit in August 2023 for badger signs. Visual inspection was utilized.

4.4 Great Crested Newts

The site was inspected during the daytime visit in August 2023 for great crested newts and assessed for suitability. Visual inspection was utilized.

4.5 Reptiles

The site was inspected during the daytime visit in August 2023 for reptiles signs. Visual inspection was utilized.

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 August 2023.

6.1 Desk Survey Results

Table 1: Bat Species Recorded in the Local Area

Bat species recorded in the local area	Barbastella barbastellus
	Eptesicus serotinus
	Myotis mystacinus
	Myotis daubentonii
	Myotis brandtii
	Myotis nattereri
	Nyctalus noctula
	Pipistrellus pipistrellus
	Pipistrellus pygmaeus
	Plecotus auritus
	Rhinolophus hipposideros
	Rhinolophus ferrumequinum

No bat records at this site are known. There are no protected species licences within 2km of the site.

There are 9 records of common pipistrelles recorded between 2007 and 2012 within a 2km radius of the site.

The nearest designated site is Sert Brook Exposure (SSSI) which lies 1.89km east and is designated for showing the most complete section in the Vale of Pewsey of the Portland Beds, of late Jurassic age.

6.2 Site Survey Bats

There were no signs of bats on site. Bats may use the hedgerows and pond for feeding / commuting purposes.

There are a few trees that have bat roost potential due to ivy:

- 1x apple – low roost potential
- 1x oak – moderate roost potential
- 2x larch – moderate bat roost potential
- 1x beech – low roost potential

6.3 Birds

There was no evidence of birds on site. Birds may use the trees/hedgerows on site for nesting purposes.

6.4 Badgers

There were no signs of badgers on site.

6.5 Great Crested Newts

Habitat for great crested newts does occur on site due to the pond and surrounding grassland that had been left long throughout summer

6.6 Reptiles

Habitat for reptiles does occur on site due to the surrounding grassland that had been left long throughout summer and presence of hedgerows.

7. Discussion and Recommendations

Bats

Do not light the hedgerows at more than 0.5 lux.

If the ash and oak (with ivy) are perceived to possibly be illuminated by >0.5 lux lighting then two bat activity surveys are required.

Birds

Ensure no birds are nesting when the building work takes place. If there are, leave alone until fledged.

Badgers

None so no further requirements.

Great Crested Newts

Due to the proposed construction being so close to the pond – potentially requiring the pond removal and owners mention of newt presence, it is suggested that an eDNA test is completed to confirm presence April-June.

The presence of GCN if found would require an EPS licence to remove pond/clear them.

All Newts

As newts have been seen employ approach as for reptiles – but see GCN comments above.

Reptiles

As area affected is small unlikely to be more than individual animals occurring so employ maintenance of short grass/vegetation in works areas in advance of works, cut initially in winter (November-February).

Mitigation plan

Once exact proposals are clarified a mitigation plan to protect wildlife should be drawn up.

Enhancements

Under the National Planning Policy Framework developments should aim to enhance biodiversity where possible such as:

Install bat boxes (installed at least 4m above the ground), bird boxes (installed 1.5-3m above the ground), insect boxes.

Plant trees

Create/retain rougher unmanaged/limited managed areas.

8. References

Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. [online] CIEEM: Winchester.

Collins (2023) Bat Survey Guidelines 4th edition. BCT, London.

Magic.gov.uk, (2019). Login. [online] available at: <http://www.magic.gov.uk/MagicMap.aspx>

Mitchell-Jones AJ (2004) Bat mitigation guidelines (version January 2004). English Nature, Peterborough.

Mitchell-Jones, A.J. & McLeish, A.P. (2004). The Bat Workers' Manual (3rd Ed.). JNCC, Peterborough.

Richardson P (2000) Distribution Atlas of Bats in Britain and Ireland, 1980-1999. The Bat Conservation Trust, London.

HMSO (1981) The Wildlife and Countryside Act 1981. The Stationery Office Ltd. Norwich.

HMSO (2012) The Conservation of Habitats and Species Regulations 2017. The Stationery Office Ltd, Norwich.