

Land South of Coate Road, Devizes
Wiltshire

Ecological Appraisal

February 2026

Quality Management	
Client:	Robert Hitchins Ltd
Project:	Land South of Coate Road, Devizes
Report Title:	Ecological Appraisal
Project Number:	1006968
File Reference:	6968 EcoAp vf1 CK/MM
Date:	23/02/2026

Copyright
The copyright of this document remains with Aspect Ecology. All rights reserved. The contents of this document therefore must not be copied or reproduced in whole or in part for any purpose without the written consent of Aspect Ecology.

Confidentiality
This report may contain sensitive information relating to protected species. All records of Badger setts must remain confidential. Where this report is circulated publicly or uploaded to online planning portals, reference to Badger setts must be redacted and any maps pertaining to the locations of Badger setts removed from the document.

Legal Guidance
The information set out within this report in no way constitutes a legal opinion on the relevant legislation (refer to the relevant Appendix for the main provisions of the legislation). The opinion of a legal professional should be sought if further advice is required.

Liability
This report has been prepared for the exclusive use of the commissioning client and unless otherwise agreed in writing by Aspect Ecology no other party may use, or rely on the contents of the report. No liability is accepted by Aspect Ecology for any use of this report, other than for the purposes for which it was originally prepared and provided. No warranty, express or implied, is made as to the advice in this report. The content of this report is partly based on information provided by third parties; Aspect accepts no liability for any reliance placed on such information. This report is subject to the restrictions and limitations referenced in Aspect Ecology's standard Terms of Business.

Contact Details
Aspect Ecology Ltd Hardwick Business Park Noral Way Banbury Oxfordshire OX16 2AF t 01295 279721 e info@aspect-ecology.com w www.aspect-ecology.com

Contents

Text:

Executive Summary 1

1 Introduction 2

2 Methodology 3

3 Ecological Designations..... 10

4 Habitats and Ecological Features..... 12

5 Faunal Use of the Site 19

6 Mitigation, Compensation and Enhancement..... 30

7 Conclusions 38

Plans:

Plan 6968/ECO1	Site Location
Plan 6968/ECO2	Ecological Designations
Plan 6968/ECO3	Habitats and Ecological Features
Plan 6968/ECO4	Breeding Bird Survey Results

Appendices:

Appendix 6968/1	Ecological Evaluation
Appendix 6968/2	Legislation Summary
Confidential Appendix	Badger Survey Results and Assessment (available on request)

Executive Summary

- i) **Introduction.** Aspect Ecology was commissioned by Robert Hitchins Ltd in November 2024 undertake an Ecological Appraisal in respect of proposed development of “Land South of Coate Road Devizes” (the site).
- ii) **Survey.** The site was surveyed in March 2024 with mapping of habitats based on the UK Habitat Classification system. In addition, a general appraisal of fauna was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, Badger and birds. Desk study information has also been gathered from the local records centre and online resources.
- iii) **Ecological Designations.** The site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory designated site is Roundway Down and Covert Site of Special Scientific Interest (SSSI), approximately 1.6km north-west of the site. The nearest non-statutory designation is Kennet & Avon Canal Local Wildlife Site (LWS), which is located adjacent to the north-west corner of the site, where Coate Road crosses over the canal on a bridge. However, the construction footprint is located sufficiently far to the south of the canal, that there is considered to be a negligible risk of direct or indirect impacts on it.
- iv) **Habitats.** The site predominantly comprises two arable fields with hedgerows, patches of modified grassland, ruderal/ephemeral, bramble scrub, mixed scrub, individual trees, buildings and hardstanding.
- v) **Protected Species.** Habitats within the site are potentially suitable to support protected and notable fauna including roosting bats, Dormouse, Hedgehog, reptiles and birds. However, the development proposals have adhered to the mitigation hierarchy, with construction being located primarily within the arable crop habitat. Habitats with the potential to support notable species are avoided, and with the implementation of appropriate mitigation during construction, the post-construction mitigation should result in increased opportunities for a range of species groups, including birds, bats, reptiles and dormice.
- vi) **Enhancements.** Ecological enhancements proposed to secure a biodiversity net gain will be set out further in the BNG strategy as a separate submission. Faunal enhancements are also proposed, to be detailed as part of a faunal enhancement plan which can be secured via a suitably-worded planning condition.
- vii) **Summary.** In summary, the arable crop and modified grassland that dominates the site are not of intrinsic ecological importance. The hedgerows on site are classified as Priority Habitat and considered to be of local importance. The site habitats have potential to support a number of protected and notable species including bats, Dormice, reptiles and breeding birds, as well as non-priority species of mammal, amphibians and invertebrates. However, the hedgerows will be protected and enhanced, and following the implementation of appropriate mitigation measures and site enhancements, the proposed development should provide enhanced opportunities for these species compared to the existing arable crop field.

1 Introduction

1.1 Background and Proposals

- 1.1.1 Aspect Ecology was commissioned by Robert Hitchins Ltd in November 2024 to undertake an Ecological Appraisal in respect of the proposed development of Land South of Coate Road, Devizes, Wiltshire, centred at grid reference SU 02124 62105 (see Plan 6968/ECO1), hereafter referred to as 'the site'.

1.2 Site Overview

- 1.2.1 The site is located in Devizes, Wiltshire within an urban-edge context. The site is bound to the north by Coate Road, Windsor Drive to the west and arable land to the south, beyond which lies the town of Devizes. Agricultural land bounds the site to the east, with further arable land beyond.
- 1.2.2 The site itself comprises two arable fields with hedgerows, patches of modified grassland, ruderal vegetation, bramble scrub, mixed scrub, individual trees, buildings and hardstanding.

1.3 Purpose of the Report

- 1.3.1 This report documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, informing an appraisal of the likely ecological effects of the proposals. The importance of the habitats and species present is evaluated. Where necessary, avoidance, mitigation and compensation measures are proposed so as to safeguard any significant existing ecological interest within the site. Where appropriate, opportunities for ecological enhancement are identified with reference to national conservation priorities and local Biodiversity Action Plans (BAPs). Habitats are also assessed under Statutory Biodiversity Metric Guidance to inform the pre-development biodiversity value of the site in regard to Biodiversity Net Gain (BNG).

2 Methodology

2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings Wiltshire & Swindon Biological Records Centre (WSBRC) was contacted in November 2024. Data was requested from within a search area extending 2km from the boundary of the site.
- 2.1.2 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database¹, which uses data provided by Natural England, from within a search area extending to 25km from the site. The MAGIC database was also searched to identify the known presence of any Priority Habitats within or adjacent the site.
- 2.1.3 In addition, the Woodland Trust database² was searched for any records of ancient, veteran or notable trees within or adjacent to the site.
- 2.1.4 The information received from these organisations is discussed in the text and reproduced where appropriate at on Plan 6968/ECO2.

2.2 Habitat Surveys

- 2.2.1 The site was surveyed in March 2025 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.
- 2.2.2 The survey was informed by Phase 1 Habitat Survey methodology³, with habitat types identified and mapped in accordance with the UK Habitat Classification system (version 2.01)⁴, together with an assessment of the species composition of each habitat. This technique provides an inventory of the habitat types present and allows identification of areas of greater potential for botanical interest which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal⁵ to record details on the actual or potential presence of notable or protected species.
- 2.2.3 In line with guidance⁶, the fine scale minimum mapping unit of 25sqm or 5m in length has been used where appropriate.
- 2.2.4 The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) taxon list⁷.

¹ Multi-Agency Geographic Information for the Countryside (MAGIC), at <https://magic.defra.gov.uk/>

² Woodland Trust Ancient Tree Inventory, at <https://ati.woodlandtrust.org.uk/>

³ Joint Nature Conservation Committee (2010, as amended) *Handbook for Phase 1 habitat survey: A technique for environmental audit*.

⁴ UKHab Ltd (2023). *UK Habitat Classification Version 2.01* (at <https://www.ukhab.org>)

⁵ Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) *Guidelines for Preliminary Ecological Appraisal*.

⁶ *The UK Habitat classification User Manual*. Version 1.1. 2020

⁷ <https://bsbi.org/taxon-lists>

Habitat Condition Assessment

- 2.2.5 To determine the pre-development biodiversity value of the site for the BNG calculation, the condition of habitats has been assessed in accordance with the methodology set out in the Statutory Biodiversity Metric Technical Annex⁸ and using professional judgement. Condition assessment data was collected during the March 2025 survey.

2.3 Faunal Surveys

- 2.3.1 General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Particular attention was also paid to the potential presence of protected, rare or notable species, with specific survey work undertaken for bats, Badger *Meles meles* and birds as described below.

Bats⁹

Preliminary Appraisal

- 2.3.2 A review was undertaken of the desk study information obtained to identify any known constraints in relation to bats, the bat species recorded and habitats likely to be used by bats within the site and the surrounding area. This included a review of background records, known designations including Special Area of Conservation (SAC)s or Site of Special Scientific Interest (SSSI)s relevant to bats and an appraisal of OS mapping and aerial photography to identify habitats likely to be of value to bats.
- 2.3.3 During the initial habitat survey, the potential suitability of the site for bats in relation to roosting habitats, potential flight-paths and foraging habitats (termed a 'daytime bat walkover') was investigated. Features were assessed as of negligible, low, moderate or high potential suitability for roosting, foraging and commuting, based on the framework set out under BCT guidance. This appraisal has informed the scope of the survey work undertaken as set out below.

Buildings and Built Structures

- 2.3.4 **Visual Inspection Surveys.** Buildings and built structures within the site assessed as suitable for use by roosting bats were subject to internal and external inspection surveys using ladders, torches and binoculars where necessary in March 2025.
- 2.3.5 During the external inspections, particular attention was given to potential roost features or access points, such as broken or lifted roof tiles, lifted lead flashing, soffit boxes, weatherboarding, hanging tiles, and similar, and for any indications of use by bats such as accumulations of bat droppings or staining. Binoculars were used to inspect inaccessible areas more closely.
- 2.3.6 During the internal inspections, searches were made for evidence of the presence of bats with particular attention paid to any loft voids and locations such as ridge boards, rafters, purlins, gable walls, and mortise joints that may provide potential roost features. Specific searches were made for bat droppings that can indicate present or past use and the extent of use. Droppings collected during the course of the surveys were visually assessed and

⁸ Statutory Biodiversity Metric - Technical Annex 1 - Condition Assessment Sheets and Methodology

⁹ Surveys based on: Reason, P.F. and Wray, S. (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. CIEEM; and Bat Conservation Trust (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn).

attributed to a species where possible on the basis of size/shape/texture¹⁰. Other signs searched for included the presence of stained areas, feeding remains and corpses.

Trees

2.3.7 Trees were assessed for their suitability to support roosting bats based on the presence of features such as holes, cracks, splits or loose bark. Trees were categorised as supporting Potential Roost Features (PRFs), Further Assessment Required (FAR) or supporting no suitable features.

2.3.8 **Ground Level Tree Assessment.** Where practical, trees that may be impacted by the development proposals were subject to a Ground Level Tree Assessment (GLTA) based on relevant guidance¹¹ with PRFs categorised as PRF-I (only suitable for individual or small numbers of bats) or PRF-M (suitable for multiple bats). Any PRFs identified were inspected using binoculars from ground level for any signs indicating possible use by bats, such as staining, scratch marks or bat droppings. Where accessible from ground level, PRFs were subject to close inspection using a torch.

Badger¹²

2.3.9 A Badger survey was carried out in March 2025. The survey comprised two main elements. The first element involved searching for evidence of Badger setts. For any setts that were encountered, each sett entrance was noted and mapped. The following information was recorded:

- Number and location of well used and active entrances; these are clear from any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently;
- Number and location of inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance or have plants growing in or around the edge of the entrance; and
- Number of disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible is a depression in the ground where the hole used to be and the remains of the spoil heap.

2.3.10 The second element involved searching for signs of Badger activity such as well-worn paths and push-throughs, snagged hair, footprints, latrines and foraging signs, so as to build up a picture of any use of the site by Badger.

Breeding Birds¹³

2.3.11 The use of the site by breeding birds was assessed over three survey visits, each undertaken on a separate day in April, May and June 2025. Birds observed or heard within the site were

¹⁰ Stebbings, RE, Yalden DW and Herman, JS (2007). Which bat is it? A guide to bat identification in Great Britain and Ireland. The Mammal Society

¹¹ Bat Conservation Trust (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn).

¹² Based on: Mammal Society (1989) Occasional Publication No. 9 – Surveying Badgers

¹³ Surveys based on methodology within: Baille *et al.* RA (2010) *Breeding Birds in the Wider Countryside: their conservation status*, BTO Research Report No. 385, BTO, Thetford.

recorded in accordance with a method modified from the British Trust for Ornithology's (BTO's) Common Bird Census technique¹⁴.

- 2.3.12 On each survey occasion a route through the site was walked by an experienced ornithologist. Note was made of all birds either seen or heard. These 'registrations' were annotated on a site plan using standard BTO codes for each bird species and appropriate abbreviations.
- 2.3.13 This survey methodology has the advantage over other survey methods of mapping each registration to a specific point within the site and is therefore able to identify those areas containing the highest density and diversity of bird species.
- 2.3.14 The dates of each survey, together with a summary of the weather conditions are shown in Table 2.1 below.

Table 2.1. Breeding bird survey dates and weather conditions.

Survey Date	Weather Conditions			
	Wind (BF)	Temp(°C)	Cloud Cover (%)	Precipitation (0-5)
28/04/2025	1	14-16	100	0
17/05/2025	3-4	16-18	55	0
13/06/2025	3-4	18-20	60	0

BF0 = calm, BF12 = hurricane force

2.4 Survey Constraints and Limitations

- 2.4.1 Not all the species that occur in each habitat will necessarily be present or detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The habitat survey was undertaken outside the optimal season. However, the broad habitat types present within the site were able to be identified sufficiently for the purpose of this report, and to enable an adequate assessment of the intrinsic ecological interest of the site to be made.
- 2.4.2 Note was made of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) that were observed during surveys on an encounter basis only. However, because the detectability of such species varies according to factors such as the time of year or site management regime, the absence of invasive species should not be assumed even if no such species were recorded during the surveys undertaken as a targeted invasive species survey was not conducted.
- 2.4.3 Buildings B1-B3 were deemed unsafe to enter. As a consequence, a full internal bat survey could not be undertaken, although a comprehensive external survey was carried out.
- 2.4.4 Grassland G1 was not able to be accessed due to construction works. An assessment of the grassland was undertaken from the roadside in conjunction with information included within Tyler Granges Biodiversity Net Gain Assessment, dated October 2024. This area of habitat is also subject to a consented outline planning application associated with a development to the north of Coates Road (Ref: PL2024/09260). For Biodiversity Net Gain purposes, this plot is appraised under the proposals related to that development, and is

¹⁴ Marchant (1983) Common Birds Census Instructions. Available at: <https://www.bto.org/our-science/publications/birdtrends/2020/methods/common-birds-census>

consequently excluded from assessment for the development to the South of Coates Road, to avoid double counting.

- 2.4.5 Densely vegetated habitats within the site are more difficult to survey for the presence of field signs of species such as Badger. Although dense scrub vegetation is present within the site, no push throughs or other evidence of Badger was recorded at the scrub margins, and it is therefore considered that the survey results do provide an accurate baseline against which to assess likely impacts on Badger of the proposals.

2.5 Ecological Evaluation Methodology

- 2.5.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)¹⁵, which identifies ‘important ecological features’ within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). Further details are provided at Appendix 6968/1.

2.6 Relevant Planning Policy

National Policy Approach to Biodiversity in the Planning System

- 2.6.1 The National Planning Policy Framework (NPPF)¹⁶ describes the Government’s national policies on ‘conserving and enhancing the natural environment’ (Chapter 15). NPPF is accompanied by Planning Practice Guidance on ‘Biodiversity, ecosystems and green infrastructure’ and ODPM Circular 06/2005¹⁷.
- 2.6.2 NPPF takes forward the Government’s strategic objective to halt overall biodiversity loss¹⁸, as set out at Paragraph 187, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

‘minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs’

- 2.6.3 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 193:

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

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

¹⁵ CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine, ver. 1.3 (updated September 2024)

¹⁶ Ministry of Housing, Communities & Local Government (2024) *National Planning Policy Framework*

¹⁷ ODPM (2006) Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice

¹⁸ DEFRA (2011) Biodiversity 2020: A strategy for England’s wildlife and ecosystem services

- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

2.6.4 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2019¹⁹, which sets out the following step-wise process:

- **Avoidance** – avoiding adverse effects through good design;
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

2.6.5 The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the type and scale of the proposed development (BS 42020:2019, section 5.5).

Local Policy

2.6.6 Wiltshire Council adopted their Core Strategy in 2015 which, outlines the Council's vision and strategy for the county. Additionally, the Devizes Area Neighbourhood Plan was also adopted in 2015.

Adopted Core Strategy (2015)

2.6.7 The Core Strategy Development Plan includes the following policies and strategies which are relevant to biodiversity and ecology:

- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape

¹⁹ British Standards Institution (2013) Biodiversity – Code of practice for planning and development, BS 42020:2019

- Core Policy 52: Green infrastructure
- Core Policy 69: Protection of the River Avon SAC

Devizes Area Neighbourhood Plan (2015)

2.6.8 The Devizes Area Neighbourhood Plan (July 2015) includes the following policies relevant to ecology and biodiversity:

- ESD1 – Environment and Sustainability

3 Ecological Designations

3.1 Statutory Designations

- 3.1.1 The statutory designations of ecological importance that occur within the local area around the site are shown on Plan 6968/ECO2.
- 3.1.2 The nearest European designation is Salisbury Plains SAC and Special Protection Area (SPA), approximately 6.7km south-east. Salisbury Plains SAC is a composite site that qualifies under Article 4.4 of the EC Directive (92/43/EEC) as it hosts the Annex I species *Juniperus communis* formations on heaths or calcareous grassland, semi-natural dry grassland and scrubland facies (*Festuco-Brometalia*), semi-natural dry grassland and scrubland facies (*Festuco-Brometalia*) including important orchid sites, as well as hosting Annex II Marsh Fritillary *Euphydryas* (*Eurodryas*, *Hypodryas*) *aurinia*. Salisbury Plains SPA qualifies under Article 4.1 of the EC Directive (79/409/EEC) as it is used regularly by more than 10% of the Great British breeding population of Stone Curlew *Burhinus oedicnemus* and 1% of wintering Hen Harrier *Circus cyaneus*, and also qualifies under Article 4.2 of the EC Directive as it supports nationally important of migratory populations of approx. 20% Quail *Coturnix coturnix* and 1% of Hobby *Falco subbuteo*. The site also supports low numbers of Annex I Merlin *Falco columbarius*, Short-eared Owl *Asio flammeus* and Montagu's Harrier *Circus pygargus*. The next nearest European designation Pewsey Downs SAC, located approx. 7km east of the site.
- 3.1.3 The nearest statutory nature conservation designation to the site is Roundway Down and Covert SSSI, located approximately 1.6km north-west of the site. Roundway Down and Covert SSSI is designated for its chalk downland which supports a range of habitats and an assemblage of chalk downland butterflies.
- 3.1.4 The next nearest statutory nature conservation designation to the site is Drews Pond Wood Local Nature Reserve (LNR), approximately 2.4km south-west of the site. Drews Pond Wood LNR is designated for its habitats including woodland, coppice and meadows, in addition to supporting ancient woodland indicator species and protected species.
- 3.1.5 Natural England has developed Impact Risk Zones (IRZs) as an initial tool to help assess the risk of developments adversely affecting SSSIs, taking into account the type and scale of developments. The site sits within IRZs in relation to Roundway Down and Covert SSSI and Stert Brook Exposure SSSI, however, these IRZs do not relate to residential development.

Assessment of Proposals

- 3.1.6 The site falls outside the Salisbury Plains SAC & SPA recreational zone of influence (up to 6.4km), as defined by Wiltshire Council's 'HRA and Mitigation Strategy for Salisbury Plain SPA' (updated 2025)²⁰. Accordingly, the site is considered to be separated from the site such that the designation is unlikely to be affected by the development proposals.
- 3.1.7 Wiltshire Council also has specific guidance on nutrient neutrality for a number of the rivers within its catchment, including the River Avon (Hampshire) catchment. This relates specifically to phosphorus and nitrogen, with an assessment on nutrient neutrality required and financial contribution for phosphorus credits. The proposed development would discharge to the River Avon (Bristol) catchment, so will have no risk of effects on the River

²⁰ Wiltshire Council (2024) HRA and Mitigation Strategy for Salisbury Plain SPA

Avon (Hampshire). Wiltshire Council's Screening Opinion concluded that no adverse effects are anticipated on the SAC.

- 3.1.8 All other statutory designations are well separated from the site and are unlikely to be affected by the proposals.

3.2 Non-statutory Designations

- 3.2.1 The non-statutory designations of nature conservation interest that occur within the local area are shown on Plan 6968/ECO2. The nearest non-statutory nature conservation designation to the site is Kennet & Avon Canal Local Wildlife Site (LWS), located adjacent to the north of the site. The Kennet & Avon Canal LWS is designated for its Priority Habitat 'Lowland Mixed Deciduous Woodland' and for the open water associated with the canal. The next nearest non-statutory nature conservation designation to the site is Lay Wood, which is located approximately 1km north-east of the site.

Assessment of Proposals

- 3.2.2 The site itself is not subject to any non-statutory nature conservation designations. The Kennet & Avon Canal LWS is located adjacent to the northern site boundary and will be safeguarded by implementing pollution prevention measures, this is discussed further at Chapter 6.
- 3.2.3 All remaining non-statutory designations in the surrounding area are physically well separated from the site by existing development and given the type and scale of the proposals, these designations are unlikely to be affected.

3.3 Priority Habitats, Ancient Woodland and Notable Trees

- 3.3.1 There are no records of ancient woodland or any notable or veteran trees within or adjacent to the site. Priority Habitat 'Lowland Mixed Deciduous Woodland' was identified by MAGIC located approximately 33m to the west of the site. Priority Habitat 'Hedgerows' have been identified within the site during the survey work undertaken, this is discussed further at Section 4 below.

3.4 Summary

- 3.4.1 In summary, the site is not subject to any statutory or non-statutory ecological designation. The site contains Priority Habitat 'Hedgerows', although this designation affords no specific legal protection and includes nearly all hedgerows dominated by native species.

4 Habitats and Ecological Features

4.1 Background Records

- 4.1.1 Records of nationally scarce Spiked Star-of-Bethlehem *Ornithogalum pyrenaicum* and county notable Tutsan *Hypericum androsaemum* and Spotted Medick *Medicago arabica*, as well as Bluebell *Hyacinthoides non-scripta*, were returned from within the 1km x 1km OS grid square containing the site, albeit more specific information was not available that would allow the precise location of these records to be determined in relation to the site. Bluebell are protected from intentional picking, uprooting or destruction under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). No evidence for the presence of any of these nationally scarce/rare species was recorded within the site during the survey work undertaken.
- 4.1.2 A records of Priority Species Lesser Butterfly-orchid *Platanthera bifolia*, was returned from WSBRC dated from 2015, which was not recorded within or adjacent to the site. No evidence for the presence of any of these Priority Species was recorded within the site during the survey work undertaken.

4.2 Overview

- 4.2.1 The locations of habitat types and features within the site are indicated on Plan 6968/ECO3.
- 4.2.2 The site comprises two arable fields with hedgerows, patches of modified grassland, ruderal/ephemeral, bramble scrub, mixed scrub, individual trees, buildings and hardstanding.

4.3 Priority Habitats

- 4.3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats which are of principal importance for conservation in England. This list is largely derived from the 'Priority Habitats' listed under the former UK BAP, which continue to be regarded as priority habitats under the subsequent country-level biodiversity strategies.
- 4.3.2 Of the habitats within the site, the hedgerows are considered to qualify as Priority Habitats and therefore constitute important ecological features. This is discussed further in the relevant habitat sections below.

4.4 Irreplaceable Habitats

- 4.4.1 Irreplaceable habitats are now defined under The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and include blanket bog, lowland fens, limestone pavements, coastal sand dunes, ancient woodland, ancient trees and veteran trees, spartina saltmarsh swards and mediterranean saltmarsh scrub. No irreplaceable habitats are present within the site.

4.5 Habitat Descriptions and Evaluation

- 4.5.1 The habitats and ecological features present within the site are described in Table 4.1 below. This table sets out their UK Habitat Classification Primary Habitats and Secondary

Codes, and the corresponding habitat type and condition according to the Statutory Biodiversity Metric. The table also indicates whether these habitats constitute an important ecological feature and sets out their level of importance, taking into account the status of habitat types and the presence of rare plant communities or individual plant species of elevated interest.

Table 4.1a. Habitat Descriptions and Evaluation – Area Habitats

Ref	UK Hab Primary Habitat/ Secondary Codes*	Statutory Biodiversity Metric Habitat Type and Condition	Description	Evaluation
F1	c1b temporary grass and clover leys 81	Cropland: temporary grass and clover leys (condition assessment N/A)	The majority of the site was an arable field sown with temporary grass and clover leys. Ruderal vegetation was present at the field margins, with species recorded including Common Couch <i>Elytrigia repens</i> , Cock's-foot <i>Dactylis glomerata</i> , Dock <i>Rumex</i> sp., Cleavers <i>Galium aparine</i> , Common Nettle <i>Urtica dioica</i> , Ivy <i>Hedera helix</i> , Curled Dock <i>Rumex crispus</i> , Creeping Thistle <i>Cirsium arvense</i> , Lords and Ladies <i>Arum maculatum</i> , Hogweed <i>Heracleum sphondylium</i> , Field Bindweed <i>Convolvulus arvensis</i> and Moss species.	Does not form important ecological feature
F2	c1c5 winter stubble 81, 200, 600	Cropland: winter stubble (condition assessment N/A)	Field F2 was left as winter stubble at time of survey. Species recorded within the ruderal vegetation within the north-eastern corner of F2 included False Oat-grass <i>Arrhenatherum elatius</i> , Yorkshire-fog <i>Holcus lanatus</i> , Dock, Hazel <i>Corylus avellana</i> , Common Nettle, Cleavers, Hawthorn <i>Crataegus monogyna</i> , Lesser Celandine <i>Ranunculus ficaria</i> , Cow Parsley <i>Anthriscus sylvestris</i> and Hogweed.	Does not form important ecological feature
G1	g4 modified grassland 521	Grassland: modified grassland (poor condition)	G1 formed a patch of grassland to the north of the site and comprised varied sward height ~5-20cm. Species recorded included Perennial Rye-grass <i>Lolium perenne</i> , Creeping Bent <i>Agrostis stolonifera</i> , False Oat-grass and Cock's-foot, and herbs including Cleavers, Common Nettle, Bramble <i>Rubus fruticosus</i> agg. and Field Maple <i>Acer campestre</i> .	Does not form important ecological feature
G2	g4 modified grassland	Grassland: modified grassland (poor condition)	G2 formed an area of grassland at the north of field F1. Species recorded include Cock's-foot, False Oat-grass and Perennial Rye-grass, Dock, Cleavers, Cow Parsley, Dove's-foot Crane's-bill <i>Geranium molle</i> , Creeping Buttercup <i>Ranunculus repens</i> , Lords and Ladies, Common Field-speedwell <i>Veronica persica</i> , Dandelion <i>Taraxacum officinale</i> agg. and Common Nettle.	Does not form important ecological feature
G3	g4 modified grassland 107, 200, 801	Grassland: modified grassland (moderate condition)	G3 forms the grassland along the road verge, which comprised a short sward of ~10-15cm. Species recorded include Yorkshire-fog and False Oat-grass. A small number of Sycamore trees were also present along the roadside.	Does not form important ecological feature
S1 & S2	h3h mixed scrub 202	Heathland and shrub: mixed scrub (poor condition)	Patches of scrub are present within the south of the site. Scrub S1 was located along the southern boundary of the site and comprised Blackthorn <i>Prunus spinosa</i> , Hawthorn, Bramble, Hazel, Field Maple, Lords and Ladies, Ivy, Hogweed, and Field Bindweed. Scrub S2 to the south of field F2 comprised Bramble, Elder <i>Sambucus nigra</i> , Hawthorn, Ivy, Lords and Ladies and Cleavers.	Does not form important ecological feature

Ref	UK Hab Primary Habitat/ Secondary Codes*	Statutory Biodiversity Metric Habitat Type and Condition	Description	Evaluation
-	h3d bramble scrub	Heathland and shrub: bramble scrub (condition assessment N/A)	Patches of bramble scrub were noted throughout the site.	Does not form important ecological feature
-	u1b developed land; sealed surface	Urban: developed land; sealed surface (condition assessment N/A)	Areas of hardstanding were present with Windsor Drive to the west of the site and Coate Road to the north of the arable fields.	Does not form important ecological feature
-	u1c artificial unvegetated, unsealed surface	Urban: artificial unvegetated, unsealed surface (condition assessment N/A)	An area of gravel was present around the abandoned buildings.	Does not form important ecological feature
B1- B3	u1b5 buildings 825	Urban: buildings (condition assessment N/A)	Three abandoned buildings were present within the northern areas of the arable fields. The unclad steel frame of an agricultural building was recorded in the north-western corner of Field F1, and two derelict concrete block buildings with composite panel roofing were recorded at the northern end of Field F2.	Does not form important ecological feature

* Habitat types not listed as a primary habitat are indicated in brackets

UK Hab Secondary Codes:

81 – ruderal/ephemeral

107 – mown and collected

200 – tree

202 – young trees – self-set

521 – unmanaged

600 – ploughed

801 – road verge or island

825 – ruined building

Table 4.1b. Habitat Descriptions and Evaluation – Hedgerows/Line of Trees

Ref	UK Hab Primary Habitat/ Secondary Codes*	Statutory Biodiversity Metric Habitat Type and Condition	Description	Evaluation
H1a H1b	h2a native hedgerow– associated with bank or ditch 50	Native hedgerow – associated with bank or ditch (good condition)	Hedgerow H1a and H1b are present adjacent to H5, along the northern side of Coate Road. Hedgerows H1a and H1b were noted to be partially managed. Species recorded included Elder, Hawthorn, Hazel, Field Maple, Blackthorn and Elm <i>Ulmus procera</i> .	Priority habitat, forms important ecological feature (local value)
H2	h2a native hedgerow– associated with bank or ditch 50	Native hedgerow – associated with bank or ditch (good condition)	Hedgerow H2 is located along the eastern boundary of field F1 and was noted to be partially managed. Species recorded included Ash, Elm, Hawthorn, Hazel, Pedunculate Oak <i>Quercus robur</i> , Field Maple, Dogwood <i>Cornus sanguinea</i> and Blackthorn.	Priority habitat, forms important ecological feature (local value)
H3	h2a native hedgerow with trees	Native hedgerow (good condition)	Hedgerow H3 was present along the southern boundary of field F1. Hedgerow H3 was noted to be unmanaged. Species recorded included Elder, Elm, Hawthorn, Hazel, Field Maple and Blackthorn.	Priority habitat, forms important ecological feature (local value)
H4	h2a native hedgerow	Native hedgerow (good condition)	Hedgerow H4 was present along the western boundary of field F1, adjacent to a public right of way. Hedgerow H4 was noted to be unmanaged. Species recorded included Elder, Hawthorn, Hazel and Field Maple.	Priority habitat, forms important ecological feature (local value)
H5	h2a native hedgerow	Native hedgerow (good condition)	Hedgerow H5 was present along the northern boundary of field F2, adjacent to Coate Road. Hedgerow H5 was noted to be unmanaged. Species recorded included Elder, Hawthorn, Hazel and Blackthorn.	Priority habitat, forms important ecological feature (local value)
H6	h2a native hedgerow - associated with bank or ditch 111	Native hedgerow - associated with bank or ditch (good condition)	Hedgerow H6 was present along the eastern boundary of field F2, adjacent to a public right of way. Hedgerow H6 was noted to be unmanaged and outgrown. Species recorded included Elder, Hawthorn, Hazel and Dogwood. Hedgerow H6 is assessed as likely to qualify as an important hedgerow under the Hedgerows Regulations 1997.	Priority habitat and ecologically 'important' under the Hedgerows Regulations 1997, forms important ecological feature (local value)

* Habitat types not listed as a primary habitat are indicated in brackets

UK Hab Secondary Codes:

50 – ditch
111 – hedgebank
521 – unmanaged
522 – native

4.6 Summary

- 4.6.1 On the basis of the above, the hedgerows are considered to form important ecological features at the local scale, predominantly due to their function as green infrastructure and wildlife corridors.
- 4.6.2 Other habitats present within the site include arable fields, modified grassland, ruderal/ephemeral, mixed scrub, bramble scrub, buildings, hardstanding and non-veteran trees. These habitats do not form intrinsically important ecological features.

4.7 Assessment of Proposals

- 4.7.1 The proposed development has followed the mitigation hierarchy approach as set out under the National Planning Policy Framework (NPPF), with consideration given first to avoidance, followed by mitigation and compensation.
- 4.7.2 In line with this hierarchy, habitats forming important ecological features are largely retained under the proposals avoiding significant habitat losses, with built development focused within areas of lower value habitat including modified grassland and arable cropland. Losses of these habitats, not forming important ecological features, will be addressed as part of the overall balance of biodiversity net gain.
- 4.7.3 A discussion of effects and any requirements for mitigation or compensation in relation to individual habitats of ecological importance is set out below.

Hedgerows

- 4.7.4 Short lengths of hedgerow H1a, H4 and H6 are to be removed under the proposals. The removal of the section of hedgerow H1a has already been approved under the application to the north of the site for access (ref. PL2024/09260). The sections of hedgerow comprise only a small part of the larger hedgerow network and are not considered to be of importance outside of a site context. Hedgerow losses will be compensated for through new planting, to be secured as part of the habitat measures to achieve biodiversity net gain. As H1a is included within the biodiversity net gain assessment for the application to the north of the site, the hedgerow has been excluded from the biodiversity net gain assessment.
- 4.7.5 Retained hedgerows will be protected during construction works in line with standard practice, as detailed further at Chapter 6.

Other Development Impacts

- 4.7.6 Standard measures will be implemented to minimise construction effects such as dust deposition and surface run-off of contaminants or silt, whilst implementation of a drainage strategy as part of the completed development will safeguard water quality in the long-term. Ongoing management of retained habitats and open spaces will allow for management of recreational activity to minimise disturbance to sensitive habitats and wildlife. Further detail is set out at Chapter 6 below.

5 Faunal Use of the Site

5.1 Overview

- 5.1.1 During the survey work, general observations were made of any faunal use of the site with particular attention paid to the potential presence of protected or notable species. Specific survey work was undertaken in respect of bats, Badgers and birds, the results of which are set out below.

5.2 Priority Species

- 5.2.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of species which are of principal importance for conservation in England. This list is largely derived from the 'Priority Species' listed under the former UK BAP, which continue to be regarded as Priority Species under the subsequent country-level biodiversity strategies.
- 5.2.2 During the survey work undertaken, the Priority Species Starling *Sturnus vulgaris*, Skylark *Alauda arvensis*, House Sparrow *Passer domesticus*, Greenfinch *Chloris chloris*, Linnet *Linaria cannabina* and Yellowhammer *Emberiza citronella* were recorded within the site. This is discussed further below.

5.3 Bats

- 5.3.1 **Legislation.** All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 6968/2). If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. Several bat species are also S41 Priority Species.
- 5.3.2 **Background Records.** No specific records of bats from within or adjacent to the site were returned from the desktop study. Information received from the WSBRC includes records of Whiskered Bat *Myotis mystacinus*, Noctule *Nyctalus noctula*, Common Pipistrelle *Pipistrellus pipistrellus*, Daubenton's Bat *Myotis daubentonii*, Barbastelle *Barbastella barbastellus*, Serotine *Cnephaeus serotinus*, *Myotis sp*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Leisler's Bat *Nyctalus leisleri*, Bechstein's Bat *Myotis bechsteinii*, Natterer's Bat *Myotis nattereri*, Lesser Horseshoe Bat *Rhinolophus hipposideros*, Greater Horseshoe Bat *Rhinolophus ferrumequinum*, Brown Long-eared Bat *Plecotus auritus* and Pipistrelle bat species *Pipistrellus sp.* within 2km of the site. The closest record is for a Whiskered Bat recorded in 1985, located within 150m of the site boundary.

Survey Results

Preliminary Appraisal

- 5.3.3 As detailed above, records of bats have been returned from within the surroundings of the site. These species are largely typical given the region and the types of habitats present in

the wider area of the site, although Lesser Horseshoe Bat, Bechstein's Bat and Barbastelle are of particular interest given their rarity, whilst Leisler's Bat and Serotine are considered rare within Southern England. The desk study does not indicate any ecological designations within 10km of the site which are identified for their bat interest.

5.3.4 Habitats within the wider area of the site largely comprise open farmland, with features including the Kennet & Avon Canal likely to be of elevated interest for bats. The site is bounded by Windsor Drive and residential development to the west, although a reasonable network of hedgerows with frequent associated trees extends to the east, north and south of the site, providing moderate connectivity to the wider landscape. Connectivity appears more limited to the west of the site, where strong hedgerow linkages are lacking and with the settlement of Devizes a short distance to the west.

5.3.5 Within the site, several trees and buildings have been identified as potentially suitable to support roosting bats, detailed further below. A preliminary assessment of habitats in terms of their likely value for foraging and commuting bats is set out in Table 5.1 below.

Table 5.1. Assessment of value of habitats within the site for foraging and commuting bats

Commuting (potential flight-paths)	Foraging habitats
Hedgerow H1a and H1b provides connectivity to the canal to the north of the site while hedgerows H2, H3, H5 & H6 provides connectivity to further hedgerows and the wider landscape to the south of the site – high potential suitability.	Arable fields unlikely to support foraging activity away from boundary hedgerows – low potential suitability.
Hedgerow H4 is more fragmented and not as connected to the wider landscape – moderate potential suitability.	Small areas of semi-natural habitat including grassland and scrub – moderate potential suitability.

Roosting – Buildings and Built Structures

Visual Inspection

5.3.6 All the buildings within the site were subject to detailed inspection, the findings of which are summarised below.

5.3.7 Building B1 was a two-storey building of metal frame and breezeblock construction. The building had a pitched corrugated concrete composite panel roof with damaged roof panels. The building had been abandoned for an extended period of time and has fallen into disrepair with dense ivy and bramble coverage on the southern elevation. The building was noted to have been heavily vandalised with a doorway at the western end of the building broken in. Windows missing window panes were also noted to be present on the northern and southern elevations. The building is open to the elements and is therefore assessed as providing negligible suitability to support roosting bats and no evidence of roosting bats was recorded.

5.3.8 Building B2 was of similar construction to B1 also consisting of metal frame and breezeblock construction. The building also had a pitched corrugated cement composite roof with ridge tiles. The building was noted to have doors along the northern and western elevations that were closed and windows missing glass. The building is assessed as providing low suitability

to support roosting bats, however no evidence of roosting bats was recorded. Further survey work in the form of a single dusk emergence survey is advised prior to demolition.

- 5.3.9 Building B3 was a steel framed Dutch barn which was open on all sides with a tent inside. The building is open to the elements and is therefore assessed as providing negligible suitability to support roosting bats and no evidence of roosting bats was recorded.

Roosting – Trees

Assessment of Roosting Potential

- 5.3.10 Trees within the site were subject to an initial assessment for their suitability to support roosting bats. Where practical, trees have been subject to a ground level tree assessment (GLTA). Trees identified as supporting PRFs or identified as FAR are indicated on Plan 6968/ECO3. The results of this assessment are summarised in Table 5.2 below.

Table 5.2. Tree assessment results

Tree Ref.	Species	Assessment and potential roosting features	Summary
T1	Oak	Mature tree with rot hole and branch cavity.	PRF-I

- 5.3.11 All remaining trees within the site, not detailed within the table above, are assessed to provide negligible potential opportunities for roosting bats.

Foraging and Commuting

- 5.3.12 A night-time walked bat survey were previously undertaken at the site by Nicholas Pearson Associates in October 2012, in addition to an automated bat detector survey²¹. A low number of foraging bats were recorded during the night-time walkover survey, consisting of common and widespread species such as Common Pipistrelle, Brown Long-eared bat *Plecotus auritus* and Myotis species *Myotis sp.*
- 5.3.13 A low number of foraging bats were also recorded during the automated static detector surveys with species consisting of Common Pipistrelle, Lesser Horseshoe Bat and Noctule.

Assessment of Proposals

Roosting

Buildings and Built Structures

- 5.3.14 Buildings B1 and B3 provide negligible suitability for roosting bats and no evidence of roosting bats was recorded during the survey work undertaken.
- 5.3.15 As such, it is considered that no specific mitigation or licensing for bats is required for these buildings. Nonetheless, bats are dynamic animals and as such it remains possible that individuals could colonise the site in the future. Natural England guidance in respect of European Protected Species²² advises that, even where proposals are reasonably unlikely to result in any offence such that licensing is not required, reasonable precautions should be taken to minimise the risk to protected species in the unlikely event that they should be

²¹ Nicholas Pearson Associated (2013) Ecological Surveys Report

²² Natural England (2013) European Protected Species: Mitigation Licensing - How to get a licence (WML-G12)

found during the course of the activity. Accordingly, recommended precautionary mitigation measures are set out at Chapter 6 below and subject to their implementation it is considered that bats will be fully safeguarded under the proposals.

- 5.3.16 Building B2 provides low suitability for roosting bats, although due to the construction and condition of the building it is considered unlikely to support a significant roost, such as a maternity or hibernation roost, but may support low numbers of roosting bats. Whilst removal of the building is considered unlikely to significantly affect local bat populations, a dusk emergence survey is recommended to determine the presence/likely absence of roosting bats. Building B2 would be subject to a single dusk emergence survey between May – August / September, in accordance with the latest best practice guidelines.
- 5.3.17 Should Building B2 be confirmed to support bat roosts during the dusk emergence survey work, works to building(s) would need to be carried out following acquisition of a European Protected Species development licence from Natural England.

Trees

- 5.3.18 It is understood that the tree within the site, described above with potential bat roost features, is to be retained within the proposals, such that in the event that bats are present within the tree they will remain unaffected. As such, subject to the implementation of the recommendation outlined at Chapter 6 below in relation to lighting, it is considered that bats will be fully safeguarded under the proposals.

Foraging and Commuting

- 5.3.19 The majority of the hedgerows, trees and scrub within the site are to be retained under the proposals, whilst new tree, hedgerow, woodland and shrub planting will improve connectivity through the site and increase the foraging potential and connectivity of the site. However, bats could be impacted by lighting associated with the proposed development, and accordingly a sensitive lighting scheme is proposed as detailed further at Chapter 6.
- 5.3.1 Accordingly, subject to the implementation of the recommendations outlined at Chapter 6 below, along with other ecological enhancements, it is considered that the conservation status of local bat populations will be fully safeguarded under the scheme.

5.4 Badger

- 5.4.1 **Legislation.** Badger receives legislative protection under the Protection of Badgers Act 1992 (see Appendix 6968/2), and as such should be assessed as an important ecological feature. The legislation aims to protect this species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain.
- 5.4.2 Licences can be obtained from Natural England for development activities that would otherwise be unlawful under the legislation. The types of activity that should be licensed are described in the relevant best practice guidance.^{23, 24}

²³ English Nature (2002) *Badgers and Development*

²⁴ Natural England (2011) *Badgers and Development: A Guide to Best Practice and Licensing*, Interim Guidance Document

- 5.4.3 **Survey Results and Evaluation.** Survey results and evaluation in respect of Badger are set out in a Confidential Appendix separate to this report.

5.5 Dormouse

- 5.5.1 **Legislation.** Dormouse is fully protected under the Wildlife and Countryside Act 1981 (as amended) and is a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). Such legislation affords protection to individuals of the species and their breeding sites and places of rest (see Appendix 6968/2). Dormouse is also a S41 Priority Species. On this basis, Dormouse is considered to form an important ecological feature.
- 5.5.2 **Background Records.** No records of Dormouse within or immediately adjacent to the site were returned from the desktop study. Data returned from WSBRC included three records of Dormouse, the closest of which was located 0.6km to the north of the site, dating from 2008.
- 5.5.1 Previous survey work undertaken by Nicholas Pearson Associates between October and November 2012²⁵. A single Dormouse nest was recorded within the eastern boundary of field F2.
- 5.5.1 **Evaluation.** The site contains suitable habitat for Dormouse in the form of areas of scrub and hedgerows. However, the majority of the site is dominated by arable fields which are unsuitable for Dormouse.
- 5.5.2 Nest tube surveys undertaken in by Nicholas Pearson Associates in 2012 confirmed the presence of Dormouse, with evidence in the form of a single nest found along the eastern boundary of field F2.
- 5.5.3 Given the presence of a well-connected hedgerow network, it is likely Dormouse is present, albeit at low densities throughout the site.
- 5.5.4 Wiltshire is located within the core distribution area for Dormouse, and the species is relatively widespread across the county²⁶. As such, the population supported by the site is considered to be of importance at the local level.
- 5.5.5 **Assessment of Proposals.** Due to a requirement to remove scrub and sections of hedgerow for access, there will be a partial loss of Dormouse habitat under the proposals (approximately 0.01ha of mixed scrub and 30m of hedgerow, in addition to secondary habitat provided by Bramble scrub). Based on typical population densities supported by wooded habitats (which ranges between 4-10 adults for optimal habitat, to 1.3 adults along hedgerows, as set out in the Dormouse Conservation Handbook), this would result in loss of habitats that are likely to support 1 or 2 adult Dormice.
- 5.5.6 However, connectivity for this species around the site will be maintained through retention of the remaining hedgerows and scrub, whilst in the context of surrounding habitats, with a well-established network of hedgerows, treelines and wooded areas in the wider landscape, these habitat losses are unlikely to be of significance for the local population.

²⁵Nicholas Pearson Associated (2013) Ecological Surveys Report

²⁶ Mammal Watch South East (2015) South East Mammal Atlas: covering Hampshire, Surrey, Sussex, Kent and the Isle of Wight

- 5.5.7 To compensate for habitat losses associated with scrub and hedgerow loss, substantial areas of new woodland and shrub planting are proposed at the margins of the development under the scheme, totalling over 1.6ha. Furthermore, given the legal protection afforded to Dormice, consideration will be given to licensing and implementation of appropriate safeguarding measures during vegetation clearance. Further details of these measures are set out at Section 6.

5.6 Water Vole

- 5.6.1 **Legislation.** Water Vole is fully protected under the Wildlife and Countryside Act 1981 (as amended). The legislation affords protection to individuals of the species and their breeding sites and places of shelter (see Appendix 6968/2). Water Vole is also a S41 Priority Species. As such, this species is considered to represent an important ecological feature.
- 5.6.2 If, despite all reasonable efforts, properly authorised development will adversely affect Water Vole and there are no alternative habitats nearby, Natural England may issue a licence to displace or trap and translocate Water Vole for the purpose of development. To issue such a licence, Natural England would need to be assured there is no reasonable alternative to the development and that there are no other practical solutions that would allow Water Vole to be retained at the same location. Natural England would also require there to be no net loss of Water Vole habitat as a result of the works.
- 5.6.3 **Background Records.** No specific records of Water Vole from within or immediately adjacent to the site were returned from WSBRC. A number of records of Water Vole were returned from the same 10km x 10km OS grid square containing the site, albeit more specific information was not available that would allow the precise location of these records to be determined in relation to the site. The closest specific record for Water Vole is located approximately 20m west of the site, dated 1989.
- 5.6.4 **Evaluation and Assessment of Proposals.** The habitats within the site are generally unsuitable for Water Vole, mostly comprising arable fields and grassland. However, the adjacent Kennet and Avon Canal may be suitable to support this species.
- 5.6.5 Kennet and Avon Canal will not be directly affected by the proposals, with the proposed development well separated from the watercourse. However, there is potential for indirect effects (including lighting disturbance and run-off and conveyance of pollutants) on the watercourse, primarily during the construction phase. Accordingly, a number of measures are set out in Chapter 6 to mitigate potential adverse effects.

5.7 Otter

- 5.7.1 **Legislation.** Otter is fully protected under the Wildlife and Countryside Act 1981 (as amended) and is a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). This legislation affords protection to individuals of the species and their breeding sites and places of rest (see Appendix 6968/2). Otter is also a S41 Priority Species.
- 5.7.2 **Background Records.** No specific records of Otter from within or immediately adjacent to the site were returned from WSBRC. A number of records of Otter were returned from the same 10km x 10km OS grid square containing the site, albeit more specific information was not available that would allow the precise location of these records to be determined in relation to the site. The closest specific record for Otter is located approximately 40m east of the site, dated 2019.

5.7.3 Evaluation and Assessment of Proposals. The habitats within the site are generally unsuitable for Otter, mostly comprising arable fields and grassland. However, the adjacent Kennet and Avon Canal may be suitable to support this species.

5.7.4 Kennet and Avon Canal will not be directly affected by the proposals, with the proposed development well separated from the watercourse. However, there is potential for indirect effects (including lighting disturbance and run-off and conveyance of pollutants) on the watercourse, primarily during the construction phase. Accordingly, a number of measures are set out in Chapter 6 to mitigate potential adverse effects.

5.8 Other Mammals

5.8.1 Legislation. Other UK mammal species do not receive direct legislative protection relevant to development activities but may receive protection against acts of cruelty (for example, under the Wild Mammals (Protection) Act 1996). In addition, a number of these mammal species including Hedgehog *Erinaceus europaeus*, Brown Hare *Lepus europaeus*, Polecat *Mustela putorius* and Harvest Mouse *Micromys minutus* are S41 Priority Species and should be assessed as important ecological features.

5.8.2 Background Records. No specific records of other mammals from within or adjacent to the site were returned from the desktop study. Data returned from WSBRC included records of Brown Hare, Harvest Mouse, Hedgehog and Polecat (Priority Species) within 2km of the site. The closest record of Brown Hare was recorded in 2007 located approximately 30m east of the site. Harvest Mouse was recorded in 1973 located approximately 210m west of the site. The closest record of Hedgehog was recorded in 2016 located approximately 0.1km south-west of the site. The closest record of Polecat was recorded in 2015 located approximately 2km south of the site.

5.8.3 Survey Results. Harvest Mouse nests were recorded by Nicholas Pearsons Associates during an update extended phase 1 habitat survey in October 2012, adjacent to the canal. No evidence of any other protected, rare or notable mammal species was recorded from within the site. Other mammal species likely to use the site, such as Fox *Vulpes vulpes*, remain common in both a local and national context, and do not receive specific legislative protection in a development context.

5.8.4 Evaluation and Assessment of Proposals. The majority of the site is unsuitable habitat for Harvest Mouse mainly consisting of temporary clover ley, with suitable habitat is limited to the grassland field margins, hedgerows and scrub. More suitable habitat is present within the wider landscape in the form of woodland and watercourse corridors. No evidence of Harvest Mouse (e.g. nests) was observed during the survey work and the majority of suitable hedgerow habitat will be retained, aside from the minor losses of small sections of hedgerow H1a, H4 and H6 to facilitate access. It is assessed unlikely that the proposals will adversely affect the local population of Harvest Mouse. During any habitat manipulation exercise or nesting bird checks conducted, attention will also be paid to the potential presence of Harvest Mouse nests.

5.8.5 Habitat losses arising from the proposals are not assessed likely to have significant effects on Brown Hare, Harvest Mice, Polecat and Hedgehog. Precautionary safeguards are recommended at Chapter 6 to minimise the risk of harm to any wild mammals that may be present at the time of construction.

5.9 Amphibians

5.9.1 Legislation. All British amphibians receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). Great Crested Newt is protected under the Act and is also listed as a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). As such, both Great Crested Newt and habitats used by this species are afforded protection (see Appendix 6968/2). Great Crested Newt is also a S41 Priority Species, as are Common Toad *Bufo bufo*, Natterjack Toad *Epidalea calamita*, and Pool Frog *Pelophylax lessonae*. As such, these species should be assessed as important ecological features.

5.9.2 Background Records. No records of Common Toad or Great Crested Newt from within or adjacent to the site were returned by the desktop study. Records of Great Crested Newt and Common Toad were returned from the wider area, with the closest record of Common Toad from a location approximately 0.2km west of the site, recorded in 2021. The closest record of Great Crested Newt was recorded in 1949 located approximately 0.9km south-west of the site.

5.9.3 Evaluation and Assessment of Proposals. There are no ponds located within the site and the closest pond to the site was located 175m to the east. The next closest pond lies over 250m away to the the east. The arable land within the site provides negligible opportunities for Great Crested Newt and given the intervening landscape and road, it is considered unlikely Great Crested Newt would utilise the site. Potential opportunities are restricted to the narrow grassland field margins and hedgerows which are to be largely retained under the proposals. Post development the landscaping will include larger areas of habitat that could potentially be exploited by local amphibian populations, such as grassland and scrub. Overall, it is assessed the proposals are highly unlikely to result in any impacts on Great Crested Newt should they be present within surrounding off-site ponds. As such, it is considered that no specific licensing is required. Precautionary safeguards are proposed during clearance suitable vegetation as detailed at Chapter 6 below. In the unlikely event a Great Crested Newt is encountered during works, works will cease immediately and Aspect Ecology contacted to advise further. This may require the acquisition of an appropriate licence from Natural England to enable works to resume.

5.10 Reptiles

5.10.1 Legislation. All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals against intentional killing or injury. Sand Lizard *Lacerta agilis* and Smooth Snake *Coronella austriaca* receive additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended), as set out at Appendix 6968/2. All six reptile species are also S41 Priority Species. As such, all reptile species should be assessed as important ecological features.

5.10.2 Background Records. Information returned from the desk study included records of Slow-worm *Anguis fragilis*, Common Lizard *Zootoca vivipara*, Grass Snake *Natrix helvetica*, and Adder *Vipera berus* within 2km of the site. The closest record of Grass Snake was recorded in 1976 located approximately 0.4km north-east of the site. The closest record of Common Lizard was recorded in 1979 located approximately 0.6km east of the site. The closest record of Slow-worm was recorded in 2002 located approximately 0.8km south-west of the site. The closest record of Adder was recorded in 2011 located approximately 1.8km south of the site.

- 5.10.3 **Evaluation and Assessment of Proposals.** Under the proposals the majority of the suitable reptile habitats are being retained and enhanced to create a natural buffer around the site boundary. On this basis it is considered that these species can be appropriately safeguarded by precautionary safeguards as detailed at Chapter 6.

5.11 Birds

- 5.11.1 **Legislation.** All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and special penalties apply to legal offences (see Appendix 6968/2).

- 5.11.2 **Conservation Status.** The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status²⁷. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern, being either globally threatened and/or experiencing a high level or rapid rate of population decline (>50% over the past 25 years). Numerous birds are also S41 Priority Species. Red and Amber listed species and Priority Species should be assessed as important ecological features.

- 5.11.3 **Background Records.** Information returned by the desk study included records for several bird species in the vicinity of the site, including the Red Listed species Common Gull *Larus canus*, Corn Bunting *Emberiza calandra*, Cuckoo *Cuculus canorus*, Fieldfare *Turdus pilaris*, Grasshopper Warbler *Locustella naevia*, Greenfinch *Chloris chloris*, Grey Partridge *Perdix perdix*, Hen Harrier *Circus cyaneus*, Herring Gull *Larus argentatus*, House Martin *Delichon urbicum*, House Sparrow *Passer domesticus*, Kittiwake *Rissa tridactyla*, Lapwing *Vanellus vanellus*, Lesser Redpoll *Acanthis cabaret*, Linnet *Linaria cannabina*, Marsh Tit *Poecile palustris*, Nightingale *Luscinia megarhynchos*, Pochard *Aythya farina*, Skylark *Alauda arvensis*, Smew *Mergus albellus*, Song Thrush *Turdus philomelos*, Spotted Flycatcher *Muscicapa striata*, Starling *Sturnus vulgaris*, Swift *Apus apus*, Tree Sparrow *Passer montanus*, Whinchat *Saxicola rubetra*, Yellow Wagtail *Motacilla flava* and Yellowhammer *Emberiza citrinella*, all of which are also all Priority Species. None of these records originate from within the site itself.

- 5.11.4 **Survey Results and Evaluation.** Several species of bird were observed within the site during the Phase 1 survey including Woodpigeon *Columba palumbus*, Wren *Troglodytes troglodytes*, Blue Tit *Cyanistes caeruleus*, Robin *Erithacus rubecula*, Blackbird *Turdus merula*, House Sparrow, Goldfinch *Carduelis carduelis* and Great Tit *Parus major*.

- 5.11.5 Most of the birds recorded at the site are not listed as having any special conservation status, although House Sparrow is included on the Red List as a result of declines in UK breeding populations. This species is also a S41 Priority Species. However, the habitats present are common in the surrounding area and there is no evidence to suggest the site is of elevated value at a local level for this species, which remains common throughout Great Britain²⁸.

²⁷ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. and Win I. (2021). 'The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds 114, p.p. 723-747.

²⁸ Population estimates of birds in Great Britain and the United Kingdom. Musgrove et al., British Birds, 2013

- 5.11.6 Based on the habitats within the site, a specific breeding bird survey was undertaken. A total of 25 species were recorded over the three survey visits, of which seven are Red Listed species on the Birds of Conservation Concern and four are Amber Listed. No species were confirmed to be breeding, albeit the majority were probably breeding due to the presence of singing males potentially holding territory.

Table 5.3. Breeding bird survey results summary.

Species (BTO code)	Conservation status	Est. No. pairs	Notes
Woodpigeon (WP) <i>Columba palumbus</i>	Amber	0	Small flocks seen throughout
House Martin (HM) <i>Delichon urbicum</i>	Red	0	Foraging over fields
Dunnock (D.) <i>Prunella modularis</i>	Amber	0	Numerous. Most hedges
Willow Warbler (WW) <i>Phylloscopus trochilus</i>	Amber	0	Singing males heard
Wren (WR) <i>Troglodytes troglodytes</i>	Amber	0	Singing males heard
Starling (SG) <i>Sturnus vulgaris</i>	Red	0	Small flocks foraging
Skylark (S.) <i>Alauda arvensis</i>	Red	0	Singing male seen
House Sparrow (HS) <i>Passer domesticus</i>	Red	0	1 colonies seen
Greenfinch (GR) <i>Chloris chloris</i>	Red	0	Singing males
Linnet (LI) <i>Linaria cannabina</i>	Red	0	Small flocks flying over
Yellowhammer (Y.) <i>Emberiza citrinella</i>	Red	0	Singing males

- 5.11.7 An additional 14 species were recorded in the Survey Area which are not of conservation concern namely, Collared Dove *Streptopelia decaocto*, Swallow *Hirundo rustica*, Robin *Erithacus rubecula*, Blackbird *Turdus merula*, Chiffchaff *Phylloscopus collybita*, Blackcap *Sylvia atricapilla*, Long-tailed Tit *Aegithalos caudatus*, Great Tit *Parus major*, Blue Tit *Cyanistes caeruleus*, Magpie *Pica pica*, Carrion Crow *Corvus corone*, Jackdaw *Coloeus monedula*, Chaffinch *Fringilla coelebs* and Goldfinch *Carduelis carduelis*. The majority of these are likely to have bred within the Survey Area.

- 5.11.8 **Assessment of Proposals.** The proposals will result in the loss of scrub and small sections of hedgerow H1a, H4 and H6, to facilitate site access and this could affect nesting birds that may be present at the time of works. Accordingly, a number of safeguards in respect of nesting birds are proposed, as described in Chapter 6 below. In the long-term, additional nesting opportunities will be provided for birds as described in Chapter 6 below.

5.12 Invertebrates

- 5.12.1 **Legislation.** Various invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Large Blue *Phengaris arion*, Fisher's Estuarine Moth *Gortyna borelii lunata* and Lesser Whirlpool Ram's-horn Snail *Anisus vorticulus* receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), as set out at Appendix 6968/2. Some invertebrates are also S41 Priority

Species. Where such species are present, they should be assessed as important ecological features.

5.12.2 Background Records. No records of invertebrates were returned from within or adjacent to the site. Records of Beaded Chestnut *Agrochola lychnidis*, Black Oil-beetle *Meloe proscarabaeus*, Brindled Beauty *Lycia hirtaria*, Buff Ermine *Spilosoma lutea*, Cinnabar *Tyria jacobaeae*, Dingy Skipper *Erynnis tages*, Duke of Burgandy *Hamearis lucina*, Dot Moth *Melanchra persicariae*, Dusky Brocade *Apamea remissa*, Figure of Eight *Diloba caeruleocephala*, Garden Tiger *Arctia caja*, Grey Dagger *Acronicta psi*, Grizzled Skipper *Pyrgus malvae*, Knot Grass *Acronicta rumicis*, Lackey *Malacosoma neustria*, Marsh Fritillary *Eurodryas aurinia*, Mottled Rustic *Caradrina morpheus*, Shoulder-striped Wainscot *Leucania comma*, Small Blue *Cupido minimus*, Small Heath *Coenonympha pamphilus*, Rustic *Hoplodrina blanda*, Violet Oil-beetle *Meloe violaceus*, Wall *Lasiommata megera*, White Ermine *Spilosoma lubricipeda*, White-letter Hairstreak *Satyrrium w-album* (Priority Species) were returned by the desk study, the closest located approximately 0.3km south of the site.

5.12.3 Survey Results and Evaluation. No evidence of the presence of any protected, rare or notable invertebrate species was recorded from within the site during the UK habitat survey. The site is dominated by arable fields, which are likely to only support a limited diversity of invertebrates. The site contained several areas of bare ground and occasional patches of scrub but otherwise supports relatively few micro-habitats that would indicate possible elevated value for invertebrates²⁹, such as a variable topography with areas of vertical exposed soil, areas of species-rich semi-natural vegetation; variable vegetation structure with frequent patches of tussocks combined with short turf; free-draining light soils; walls with friable mortar or fibrous dung. Accordingly, the site is likely to support only a limited diversity of invertebrates.

5.12.4 Assessment of Proposals. Habitats within the site are unlikely to support an important invertebrate assemblage and therefore the proposals are unlikely to result in harm to protected, rare or notable invertebrate populations.

5.13 Summary

5.13.1 On the basis of the above, a summary of the evaluation of fauna is provided below:

Table 5. Error! No text of specified style in document. **4.** Evaluation summary of fauna forming important ecological features

Species / Group	Summary	Level of Importance
Bats – Roosting	Potential habitat in the form of trees and buildings	Local
Bats – Foraging / Commuting (assemblage)	Confirmed presence on site	Local
Dormouse	Confirmed presence on site	Local
Birds	Confirmed presence on site	Local

5.13.2 Other fauna supported by the site include non-Priority Species of mammals, amphibians and invertebrates. These species do not form important ecological features.

²⁹ Natural England (2010) Higher Level Stewardship – Farm Environment Plan (FEP) Manual, 3rd Edition

6 Mitigation, Compensation and Enhancement

6.1 Mitigation and Compensation

6.1.1 As set out in the previous chapters, the proposed development has followed the mitigation hierarchy approach as set out under the National Planning Policy Framework (NPPF), with consideration given first to avoidance, followed by mitigation and compensation.

6.1.2 Based on the assessment of the proposals and ecological designations, habitats and associated fauna identified within or adjacent to the site, it is proposed that the following mitigation and compensation measures (**MC1-MC17**) are implemented under the proposals. Further detailed mitigation strategies or method statements can be secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2019).

Ecological Designations

6.1.3 The site is not subject to any statutory or non-statutory ecological designations and it is unlikely that any such designations in the surrounding area will be significantly affected by the proposals. Accordingly, no specific mitigation or compensation measures are required.

Habitats

6.1.4 The proposed development would require the loss of small sections of native hedgerow H1a, H4 and H6 (Priority Habitat) for road access. Other important habitats including other native hedgerows and associated trees are retained under the proposals. Compensation for hedgerow losses are set out below, together with standard safeguarding measures. Losses of non-important features will be addressed as part of the BNG strategy.

6.1.5 **MC1 – Hedgerow and Tree Protection.** All hedgerows and trees to be retained within the proposed development will be protected during construction in line with standard arboricultural best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This may require the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees and hedgerows.

6.1.6 **MC2 – New Hedgerow Planting.** To compensate for the loss of a short sections of H4 and H6, new native hedgerow planting will be provided. This will also ensure a minimum 10% gain in hedgerow biodiversity value and will be secured as part of the BNG strategy.

6.1.7 **MC3 – Pollution Prevention.** In order to safeguard the canal adjacent to the site against pollution arising from potential run-off or pollution events during construction, the following safeguards will be implemented:

- Storage areas for chemicals and fuels should be sited well away from the watercourse (minimum 10m). Storage areas should be provided with an impervious base and set within an oil-tight bund with no drainage outlet. Spill kits with sand, earth or commercial products approved for the stored materials should be kept close to storage areas for use in case of spillages;
- Where possible, and with prior agreement of the sewage undertaker, silty water should be disposed of to the foul sewer or via another suitable form of disposal, such as transport by tanker for off-site disposal;

- Water washing of vehicles, particularly those carrying fresh concrete and cement, or mixing plant should be carried out in a contained area located as far from the watercourse as practicable (minimum 10m); and
- Refuelling of plant and vehicles should take place within a designated area, on an impermeable surface, away from the watercourse (minimum 10m).

6.1.8 Post-development, the drainage system for the development will ensure the watercourse is not subject to adverse changes in surface water run-off or quality.

Bats

6.1.9 Potential roosting habitat provided by trees is retained within the proposed green corridor at the northern site boundary. Impacts on foraging and commuting bats will be minimised by implementation of a sensitive lighting design, as detailed further below.

6.1.10 **MC4 – Dusk Emergence Survey.** Building B2 provides low suitability for roosting bats, therefore it is advised further survey work is undertaken in the form of dusk emergence surveys to help determine the presence/likely absence of roosting bats. Building B2 would be subject to a single dusk emergence survey between May – August / September, in accordance with the latest best practice guidelines. As noted above, it is considered unlikely that the building will support significant roosts, but may support low numbers of bats in transitional roosts.

6.1.11 Should any of the buildings be confirmed to support bat roosts during the dusk emergence survey work, works to building(s) would need to be carried out following acquisition of a European Protected Species development licence from Natural England.

6.1.12 **MC5 – Bat Licensing.** On the basis that building B2 supports a bat roost, any works to this building should be carried out under an EPS development licence, obtained from Natural England. When determining whether to grant a licence, Natural England will need to give consideration to the three derogation tests under Article 16 of the Habitats Directive (1992), namely whether the development is for imperative reasons of overriding public interest, no satisfactory alternative, and maintenance of favourable conservation status.

6.1.13 The need for the development is set out by the planning documents associated with the application. In summary, the scheme will meet a local need for new housing. Retention of the building would not be a satisfactory alternative, given the building forms a barn in a poor state of repair.

6.1.14 In terms of maintenance of favourable conservation status, this would be achieved through implantation of safeguarding measures and provision of new roosting opportunities within the proposed development as set out below. These should be proportionate to the low conservation status of the roost.

6.1.15 On this basis, it is considered that, subject to full planning permission being granted and confirmation of the detailed mitigation measures in line with those set out below, there is no reason to suggest that any associated licence would be unlikely to be granted by Natural England.

6.1.16 **MC6 – Safeguarding Measures.** In order to minimise the risk to bats during the demolition of this building, a number of safeguarding measures will need to be implemented, which will involve precautionary check surveys prior to demolition, followed by a staged removal of building materials to render the building unsuitable for bats, under the supervision of a suitably qualified ecologist. Works should also avoid periods of cold weather, ensuring bats

are active and can respond to disturbance, in the unlikely event that any are present at time of works. These measures will be detailed in the method statement accompanying the EPS licence application. A watching brief should also be maintained by contractors in regard to the other buildings, with Aspect Ecology contacted for further advice if any evidence of bats is recorded during works.

6.1.17 MC7 – Replacement Roosting Provision. To compensate for losses of roosting opportunities under the proposals, and provide an increased roosting resource following development, bat boxes and roosting units should be provided on new buildings and retained trees under the scheme. It is also recommended that car ports or other open structures present within the proposals be designed to support roughened beams, accessible to bats, which could act as new feeding perches. Further details would be set out as part of the EPS licence application.

6.1.18 MC8 – Removal of Roofs. Removal of any roofs or other structures with potential to support or conceal roosting bats, should be undertaken with care during favourable weather conditions (e.g. not during heavy rain, high winds or unseasonable low temperatures) under an appropriate watching brief. Should any bats be encountered, works would need to stop and Aspect Ecology contacted so that suitable mitigation can be agreed prior to works recommencing. This may potentially involve discussion with Natural England and acquisition of a development licence for works to resume.

6.1.19 MC9 – Sensitive Lighting. Light-spill onto retained and newly created habitat, in particular the retained hedgerows, scrub and off-site canal (especially along the northern and southern boundaries), will be minimised in accordance with good practice guidance³⁰ to reduce potential impacts on light-sensitive bats (and other nocturnal fauna). This will be achieved through the implementation of a sensitively designed lighting strategy, with consideration given to the following key factors:

- **Light exclusion zones** – lighting should be controlled in areas likely to be used by bats. Light exclusion zones or ‘dark buffers’ may be used to provide interconnected areas free of artificial illumination to allow bats to move around the site;
- **Appropriate luminaire specifications** – consideration should be given to the type of luminaires used, in particular luminaries should lack UV elements and metal halide and fluorescent sources should be avoided in preference for LED luminaries. A warm white spectrum (ideally <2,700K) should be adopted to reduce the blue light component;
- **Light barriers / screening** – new planting (e.g. hedgerows and trees) or fences, walls and buildings can be strategically positioned to reduce light spill;
- **Spacing and height of lighting units** – increasing spacing between lighting units will minimise the area illuminated and allow bats to fly in the dark refuges between lights. Reducing the height of lighting will also help decrease the volume of illuminated space and give bats a chance to fly over lighting units (providing the light does not spill above the vertical plane). Low level lighting options should be considered for any parking areas and pedestrian / cycle routes, e.g. bollard lighting, handrail lighting or LED footpath lighting;

³⁰ Bat Conservation Trust and Institute of Lighting Professionals (2023) Guidance Note 08/23: Bats and artificial lighting at night; Stone, E.L. (2013) Bats and lighting: Overview of current evidence and mitigation guidance; ILP (2011) Guidance notes for the reduction of obtrusive light. Institution of Lighting Professionals, GN01:2011.

- **Light intensity** – light intensity (i.e. lux levels) should be kept as low as possible to reduce the overall amount and spread of illumination;
- **Directionality** – to avoid light spill lighting should be directed only to where it is needed. Particular attention should be paid to avoid the upward spread of light so as to minimise trespass and sky glow;
- **Dimming and part-night lighting** – lighting control management systems can be used, which involves switching off/dimming lights for periods during the night, for example when human activity is generally low (e.g. 12.30 – 5.30am). The use of such control systems may be particularly beneficial during the active bat season (April to October). Motion sensors can also be used to limit the time lighting is operational.

Badger

- 6.1.20 **MC10 – Badger Update Survey.** An update survey of existing Badger setts within the site will be needed prior to commencement of site works in order to inform Natural England licensing (see Confidential Appendix for further details).

Dormouse

- 6.1.21 **MC11 – Dormouse Licensing.** Due to a requirement to remove bramble scrub, mixed scrub and small sections of hedgerows H1a, H4 and H6, there will be a partial loss of Dormouse habitat under the proposals (approximately 0.01 ha of mixed scrub and 30m of hedgerow, in addition to secondary habitat provided by Bramble scrub), likely to support 1 or 2 adult Dormice. To avoid an offence under the relevant legislation, it will be necessary for the vegetation clearance to be carried out under a European Protected Species (EPS) development licence, obtained from Natural England. When determining whether to grant a licence, Natural England will need to give consideration to the three derogation tests under Article 16 of the Habitats Directive (1992), namely whether the development is for imperative reasons of overriding public interest, no satisfactory alternative, and maintenance of favourable conservation status.
- 6.1.22 The need for the development is set out by the planning documents associated with the application. In summary, the scheme will meet a local need for new housing. To enable the scheme, and for engineering reasons, it is necessary to remove the sections of hedgerow H1a, H4 and H6 to facilitate access, and therefore the vegetation loss could not be avoided.
- 6.1.23 In terms of maintenance of favourable conservation status, this would be achieved through implementation of safeguarding measures and provision of replacement habitat opportunities within the proposed development as set out below.
- 6.1.24 On this basis, it is therefore considered that, subject to full planning permission being granted and confirmation of the detailed mitigation measures in line with those set out below, there is no reason to suggest that any associated licence would be unlikely to be granted by Natural England.
- 6.1.25 **MC12 – Safeguarding measures during vegetation clearance.** In order to minimise the risk to Dormice during vegetation clearance works, a number of safeguarding measures will need to be implemented. This will include sensitive timing of works, involving clearance outside of the peak hibernation or breeding periods, or as a two-stage process (removal of above ground vegetation during the winter months, followed by removal of stumps and ground works the following late spring once Dormice have emerged from hibernation). Works will also be carried out under ecological supervision, with progressive clearance of

vegetation by hand, and will be preceded by check surveys of habitats for nests. These measures will be detailed in the method statement accompanying the EPS licence application.

- 6.1.26 **MC13 – Replacement habitat provision.** To compensate for losses of habitat under the proposals, new tree, shrub and woodland planting will be provided at the margins of the site. Over 1.6ha new woodland planting, 0.08ha new scrub planting and 55m of new planting hedgerow planting is proposed under the scheme, exceeding the area of mixed scrub to be lost (approximately 0.01ha). Nest boxes will also be provided in retained habitat areas to increase breeding opportunities for this species. Further detail is provided in the habitat creation and ecological enhancement section below.

Amphibians & Reptiles

- 6.1.27 **MC14 – Destructive Search.** As a precautionary measure to minimise the risk of harm to amphibians and reptiles, a destructive search is proposed. The destructive search will involve cutting the section of hedgerow to be removed for access and the grassland to a short height (~15cm) so as to encourage animals to disperse to suitable areas of retained/nearby habitat, whilst also allowing for a fingertip search of the area. This exercise shall be carried out under the supervision of a competent ecologist during the active reptile season where practicable (generally March/April to September/October, depending on prevailing weather). Any potential refuge features, e.g. piles of rubble, heavy logs, brash piles, will be fingertip-searched by an ecologist prior to being carefully disassembled. Any amphibians encountered during the destructive search will be carefully rescued by the supervising ecologist and relocated to suitable nearby habitat. In the unlikely event Great Crested Newt are encountered, relevant works will stop and the ecologist will advise on any potential licensing requirements or additional mitigation.

Nesting Birds

- 6.1.28 Removal of vegetation may result in effects on nesting birds. Accordingly, the following approach will be adopted.
- 6.1.29 **MC15 – Nesting Bird Restrictions.** To avoid a potential offence under the relevant legislation, no clearance of suitable vegetation should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the chicks have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance.

Other Fauna

- 6.1.30 The site has been identified as offering potential for other mammal species including Hedgehog, Brown Hare, Polecat and Harvest Mouse. Accordingly, the following approach will be adopted during site clearance and construction works.
- 6.1.31 **MC16 – Small Mammal Safeguards.** In order to safeguard small mammals should they enter the site during construction works, the following measures will be implemented:

- A watching brief should be maintained for small mammals throughout any clearance works;

- Any trenches left open overnight should be provided with a means of escape, e.g. gently graded ramp or a roughened plank, in order to allow animals to escape should they enter the trench. This is particularly important if the trench fills with water;
- Any temporarily exposed open pipes or open drains should be blanked off at the end of each working day so as to prevent animals gaining access as may happen when contractors are off-site;
- Any trenches/pits should be inspected each morning to ensure no animals have become trapped overnight;
- The storage of any chemicals at the site will be contained in such a way that they cannot be accessed or knocked over by any roaming animals;
- Fires will only be lit in secure compounds away from wooded habitats and will not be allowed to remain lit during the night;
- Unsecured food and litter will not be left within the working area overnight;
- Any piles of material already present on site, particularly vegetation/leaves, etc. and any areas of dense scrub or hedgerows, shall be dismantled/removed by hand and checked for Hedgehog prior to the use of any machinery/disposal;
- Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs or other animals occupying the pile. If this cannot be avoided, material should be stored within a container such as a skip to prevent animals from gaining access. Any material which has been stored on the ground overnight should be moved prior to burning to allow a thorough check for any animals which may have been occupying the pile;
- In the event that an injured mammal is found, the animal should be wrapped carefully in a towel and taken to a local vet immediately. If an injured Hedgehog is found the British Hedgehog Preservation Society (BHPS) can be phoned (01584 890 801).

6.1.32 MC17 – Faunal Habitat Connectivity. To maintain connectivity throughout the site for Hedgehog and other small mammals and to allow access to suitable foraging habitat contained within residential gardens, small holes (13cmx13cm) should be created within garden fences or under gates.

6.2 Ecological Enhancements

6.2.1 The National Planning Policy Framework (NPPF) encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. The proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of national conservation priorities and the local BAP.

Habitats

- 6.2.2 Habitat enhancements will be delivered as part of the BNG strategy, forming a separate submission. This will be informed by the following principles, according with national and local conservation priorities.
- 6.2.3 **New Planting.** Where practicable, new planting within the site should be comprised of native species of local provenance, including trees and shrubs appropriate to the local area. Suitable species for inclusion within the planting could include native trees such as Oak, Birch *Betula pendula* and Field Maple, whilst native shrub species of particular benefit would likely include fruit and nut bearing species which would provide additional food for wildlife, such as Blackthorn, Hawthorn, Crab Apple *Malus sylvestris*, Hazel *Corylus avellana* and Elder. Where non-native species are proposed, these should include species of value to wildlife, such as varieties listed on the RHS' 'Plants for Pollinators' database, providing a nectar source for bees and other pollinating insects.
- 6.2.4 **Wildflower Grassland and Flowering Lawn.** Within areas of open space, wildflower grassland can be created. These should be subject to a varied management regime to provide a range of sward types. Most areas should be managed as hay meadow, subject to cutting 2-3 times a year to promote a flower rich sward, whilst areas of rough, tussocky grassland can be established along woodland and hedgerow margins. As such, grassland areas will provide a rich habitat resource for invertebrate species, in turn providing increased foraging opportunities for wildlife including birds and bats. Consideration can also be given to the laying of wildflower turfs, comprising locally appropriate native species, to establish wildflower grassland. This would ensure rapid establishment of these habitats and reduce the timeframe for delivering the range of ecological benefits that are proposed. Within parks and other recreation and amenity areas, consideration can be given to seeding of flowering lawn, containing a range of herb species which respond well to frequent mowing. This will provide a further flowering and pollen resource for invertebrates.
- 6.2.5 **Scrub Planting.** Scrub habitat should be established along woodland margins, hedgerows and within grassland areas creating scrub mosaics and forming valuable ecotone habitats for a range of wildlife, including reptiles, small mammals and invertebrates.
- 6.2.6 **Wetland Features.** The opportunity exists under the proposals to create new wetland habitats as part of the Sustainable Drainage System (SUDS). Where practical these should be designed in accordance with ecological principles, incorporating measures such as shallow, sinuous margins, areas of permanent water and planting with native vegetation. Such measures will benefit a range of wetland species including birds, aquatic invertebrates and amphibians whilst also helping to attenuate surface water run-off.
- 6.2.7 **Hedgerows.** New lengths of hedgerow planting can be provided along the boundaries of green space areas and around areas of built development. Existing hedgerows should also be subject to supplementary planting where necessary to fill gaps and strengthen the integrity of the hedgerow.

Fauna

- 6.2.8 To provide additional opportunities for fauna, it is proposed that a range of new features are incorporated within the proposed development. This should include the following features, with specific measures to be detailed as part of a faunal enhancement plan which can be secured via a suitably-worded planning condition.

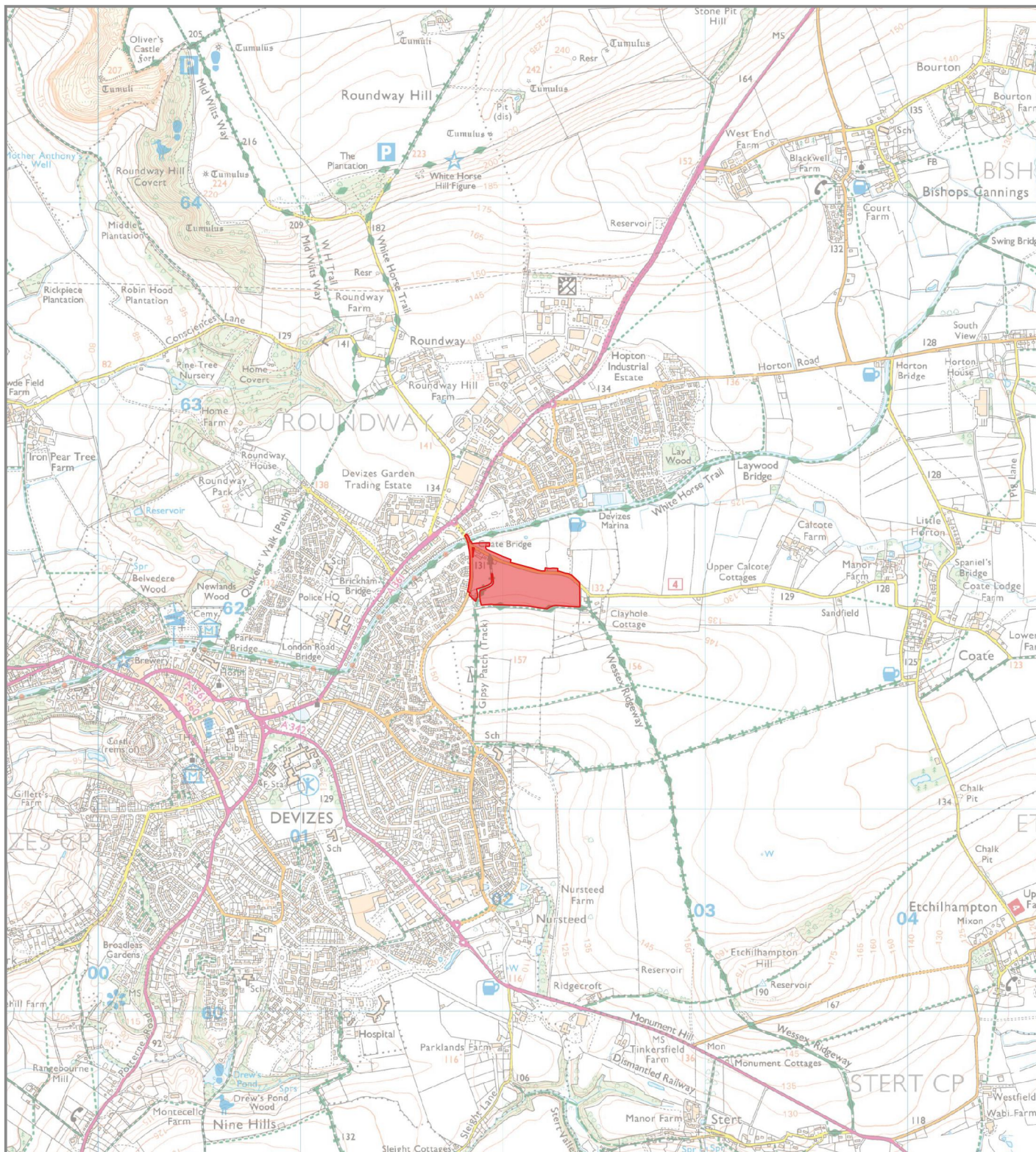
- 6.2.9 Bat Boxes.** Bat boxes should be incorporated within the proposed development. The provision of bat boxes will provide new roosting opportunities for bats in the area, such as Soprano Pipistrelle, a national Priority Species. So as to maximise their potential use, the bat boxes should ideally be situated on suitable retained trees, erected as high up as possible and sited in sheltered wind-free areas that are exposed to the sun for part of the day, facing a south-east, south or south-westerly direction. In addition, where architectural design allows, a number of integrated bat boxes / roost features should be incorporated into a proportion of the new build. The precise number and locations of boxes / roost features should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.
- 6.2.10 Bird Boxes.** Bird nesting boxes should be incorporated within the proposed development, thereby increasing nesting opportunities for birds at the site. This should include integrated nest boxes on new buildings targeting species including Swift and House Sparrow, whilst boxes can be erected on retained trees. The precise number and locations of boxes should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.
- 6.2.11 Habitat Piles and Refugia.** A proportion of any deadwood arising from vegetation clearance works should be retained within the site in a number of wood piles located within areas of new planting, new wetland habitats or areas of wildflower grassland in order to provide potential habitat opportunities for invertebrate species, which in turn could provide a prey source for a range of other wildlife. Dedicated hibernacula and refugia can also be provided for reptile and amphibian species, comprising log or rubble piles either left open or covered in soil and turfs. Loggeries can also be provided, comprising buried logs to form dead wood habitat for invertebrates such as Stag Beetle.
- 6.2.12 Bee Bricks and Insect Boxes.** It is recommended that bee bricks be incorporated within the proposed development thereby increasing nesting opportunities for declining populations of non-swarmed solitary bee populations. Ideally, bee bricks should be located within suitable south-facing walls (where architectural design allows), located at least 1m off the ground. The bricks should be unobstructed by vegetation, though within close vicinity of nectar and pollen sources. Insect boxes can also be provided within the areas of wildlife habitat in order to enhance the nesting and over-wintering locations available for a range of invertebrates, particularly solitary wasps and bees.

7 Conclusions

- 7.1 Aspect Ecology has carried out an Ecological Appraisal of the proposed development, based on the results of a desktop study, habitat survey and breeding bird surveys.
- 7.2 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals subject to implementation of construction safeguards.
- 7.3 The habitat survey has established that the site is dominated by habitats not assessed to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of hedgerow to facilitate access, new hedgerow creation is proposed to offset losses, in conjunction with the landscape proposals.
- 7.4 The habitats within the site support protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations.
- 7.5 In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals will not result in significant harm to biodiversity.
- 7.6 Ecological enhancements are proposed to achieve a biodiversity net gain, to be set out further as part of the BNG strategy in a separate submission.

Plan 6968/ECO1:

Site Location



Key:

 Site Location

aspect ecology
 APEM Group

Aspect Ecology Limited - West Court - Hardwick Business Park
 Noral Way - Banbury - Oxfordshire - OX16 2AF
 01295 279721 - info@aspect.ecology.com - www.aspect.ecology.com

Land South of Coate Road,
 Devises
 Site Location

6968/ECO1

A/LS

February 2026

PROJECT

TITLE

DRAWING NO.

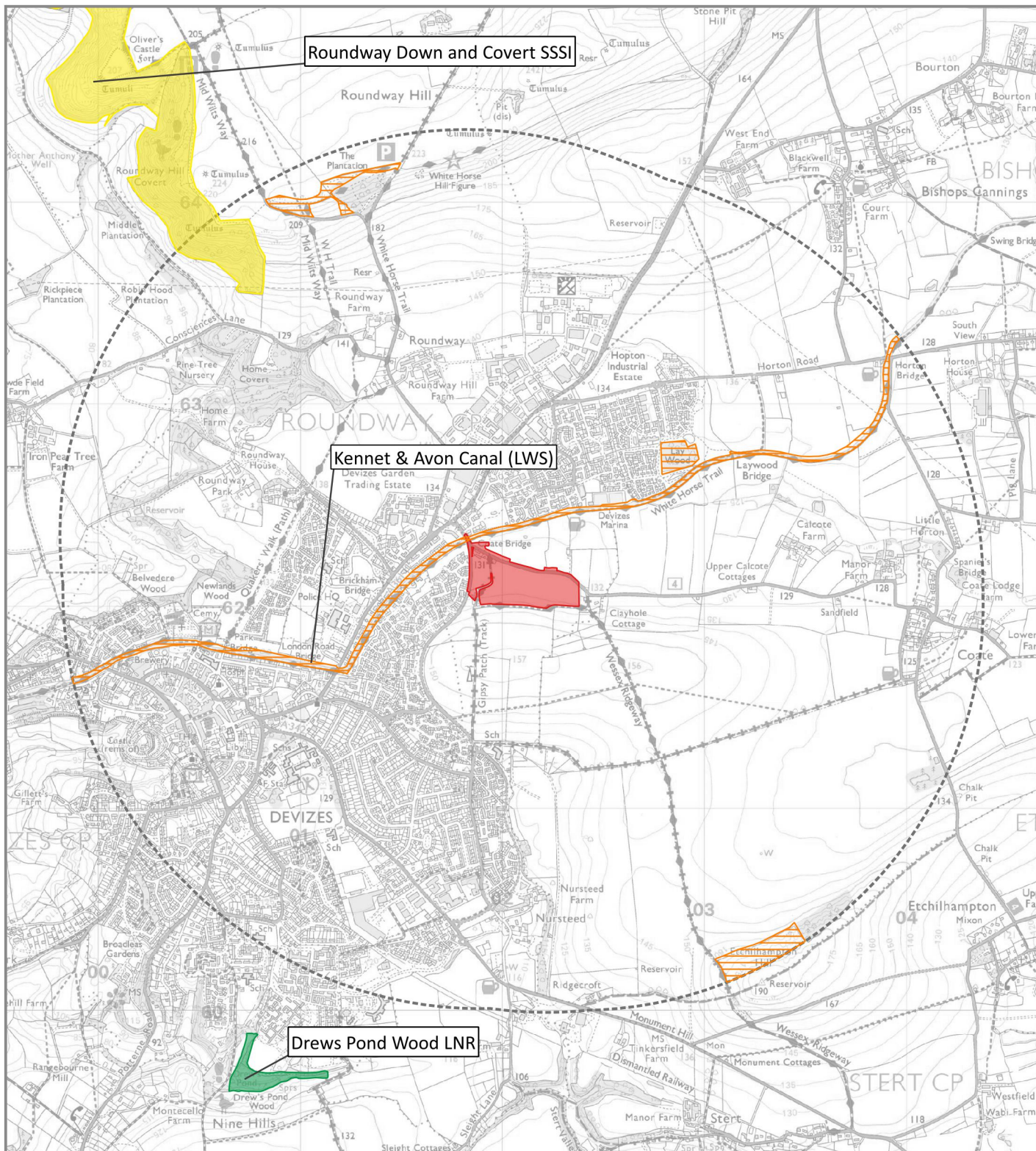
REV

DATE



Plan 6968/ECO2:

Ecological Designations



Key:

- Site Location
- Site of Special Scientific Interest (SSSI)
- Local Nature Reserve (LNR)
- Local Wildlife Site (LWS)
- 2km Local Records Centre Search Area

Non-statutory data provided by Wiltshire & Swindon Biological Records Centre

aspect ecology
APEM Group

Aspect Ecology Limited - West Court - Hardwick Business Park
 Noral Way - Banbury - Oxfordshire - OX16 2AF
 01295 279721 info@aspect.ecology.com www.aspect.ecology.com

Land South of Coate Road,
 Devizes
 Ecological Designations

6968/ECO2

B/LS

February 2026

PROJECT

TITLE

DRAWING NO.

REV

DATE



Plan 6968/ECO3:

Habitats and Ecological Features



- Key:
- Site Boundary
 - Arable
 - Bramble scrub
 - Building
 - Grassland
 - Hardstanding
 - Mixed scrub
 - Recolonising ground
 - Tall ruderal
 - Temporary grass ley
 - Hedgerow
 - Tree with Potential Roosting Features for Individual Bats
 - Tree
 - Scattered scrub

aspect ecology
APEM Group

Aspect Ecology Limited - West Court - Hardwick Business Park
Noral Way - Banbury - Oxfordshire - OX16 2AF
01295 279721 - info@aspect-ecology.com - www.aspect-ecology.com

Land South of Coate Road, Devizes	PROJECT
Habitats and Ecological Features	TITLE
6968/ECO3	DRAWING NO.
C/LS	REV
February 2026	DATE
CK/LS	QC



Plan 6968/ECO4:

Breeding Bird Survey Results



- Bird Species:
- BC Blackcap
 - CC Chiffchaff
 - D Dunnock
 - HS House Sparrow
 - R Robin
 - S Skylark
 - WP Woodpigeon
 - WR Wren
 - Y Yellowhammer

- Key:
- Site Boundary
 - Breeding / Probable Breeding (BOCC Red List)
 - Possible Breeding (BOCC Red List)
 - Breeding / Probable Breeding (BOCC Amber List Species)
 - Possible Breeding (BOCC Amber List Species)
 - Breeding / Probable Breeding (BOCC Green List - Not Threatened)
 - Possible Breeding (BOCC Green List - Not Threatened)



Aspect Ecology Limited - West Court - Hardwick Business Park
Noral Way - Banbury - Oxfordshire - OX16 2AF
01295 279721 - info@aspect-ecology.com - www.aspect-ecology.com

Land South of Coate Road, Devizes

Breeding Bird Survey Results

6968/ECO4

C/DO

February 2026

CK/DO



Appendix 6968/1:

Ecological Evaluation

Evaluation Methodology

1. The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (2018)¹.

Importance of Ecological Features

2. Ecological features within the site/study area have been evaluated in terms of whether they qualify as 'important ecological features'. In this regard, CIEEM guidance states that *"it is not necessary to carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable"*.
3. Various characteristics contribute to the importance of ecological features, including:
 - Naturalness;
 - Animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;
 - Ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;
 - Endemic species or locally distinct sub-populations of a species;
 - Habitat diversity;
 - Habitat connectivity and/or synergistic associations;
 - Habitats and species in decline;
 - Rich assemblages of plants and animals;
 - Large populations of species or concentrations of species considered uncommon or threatened in a wider context;
 - Plant communities (and their associated animals) that are considered to be typical of valued natural/semi-natural vegetation types, including examples of naturally species-poor communities; and
 - Species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.
4. As an objective starting point for identifying important ecological features, European, national and local governments have identified sites, habitats and species which form a key focus for biodiversity conservation in the UK, supported by policy and legislation. These are summarised by CIEEM guidance as follows:

Designated Sites

- Statutory sites designated or classified under international conventions or European legislation, for example World Heritage Sites, Biosphere Reserves, Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA);

¹ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', Version 1.3, Chartered Institute of Ecology and Environmental Management, Winchester (updated September 2024)

- Statutory sites designated under national legislation, for example Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR);
- Locally designated wildlife sites, e.g. Local Wildlife Sites (LWS).

Biodiversity Lists

- Habitats and species of principal importance for the conservation of biodiversity in England and Wales (largely drawn from UK BAP priority habitats and priority species), often referred to simply as Priority Habitats / Species;
- Local BAP priority species and habitats.

Red Listed, Rare, Legally Protected Species

- Species of conservation concern, Red Data Book (RDB) species;
- Birds of Conservation Concern;
- Nationally rare and nationally scarce species;
- Legally protected species.

5. In addition to this list, other features may be considered to be of importance on the basis of local rarity, where they enable effective conservation of other important features, or play a key functional role in the landscape.

Assigning Level of Importance

6. The importance of an ecological feature should then be considered within a defined geographical context. Based on CIEEM guidance, the following frame of reference is used:
 - International (European);
 - National;
 - Regional;
 - County;
 - District;
 - Local (e.g. Parish or Neighbourhood);
 - Site (not of importance beyond the immediate context of the site).
7. Features of 'local' importance are those considered to be below a district level of importance, but are considered to appreciably enrich the nature conservation resource or are of elevated importance beyond the context of the site.
8. Where features are identified as 'important' based on the list of key sites, habitats and species set out above, but are very limited in extent or quality (in terms of habitat resource or species population) and do not appreciably contribute to the biodiversity interest beyond the context of the site, they are considered to be of 'site' importance.
9. In terms of assigning the level of importance, the following considerations are relevant:

Designated Sites

10. For designated sites, importance should reflect the geographical context of the designation (e.g. SAC/SPA/Ramsar sites are designated at the international level whereas SSSIs are designated at the national level). Consideration should be given to multiple designations as appropriate (where an area is subject to differing levels of nature conservation designations).

Habitats

11. In certain cases, the value of a habitat can be measured against known selection criteria, e.g. SAC selection criteria, 'Guidelines for the selection of biological SSSIs' and the Hedgerows Regulations 1997. However, for the majority of commonly encountered sites, the most relevant habitat evaluation will be at a more localised level and based on relevant factors such as antiquity, size, species-diversity, potential, naturalness, rarity, fragility and typicalness (Ratcliffe, 1977). The ability to restore or re-create the habitat is also an important consideration, for example in the case of ancient woodland.
12. Whether habitats are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Habitats of Principal Importance' or 'Priority Habitats', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular habitat under a BAP does not in itself imply any specific level of importance.
13. Habitat inventories (such as habitat mapping on the MAGIC database) or information relating to the status of particular habitats within a district, county or region can also assist in determining the appropriate scale at which a habitat is of importance.

Species

14. Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment.
15. When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline. With respect to rarity, this can apply across the geographic frame of reference and particular regard is given to populations where the UK holds a large or significant proportion of the international population of a species.
16. Whether species are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Species of Principal Importance' or 'Priority Species', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular species under a BAP does not in itself imply any specific level of importance.
17. Species populations should also be considered in terms of the potential zone of influence of the proposals, i.e. if the entire species population within the site and surrounding area were to be affected by the proposed development, would this be of significance at a local, district, county or wider scale? This should also consider the foraging and territory ranges of individual species (e.g. bats roosting some distance from site may forage within site whereas other species such as invertebrates may be more sedentary).

Appendix 6968/2:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett[#] (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CROW) Act for England and Wales 2000.** The CROW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017 (as amended).** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

ecology • landscape planning • arboriculture



Aspect Ecology Ltd
West Court
Hardwick Business Park
Noral Way
Banbury
Oxfordshire OX16 2AF

T: 01295 279721
E: info@aspect-ecology.com
W: www.aspect-ecology.com