



2029 Horton Road, Devizes, Wiltshire

**Preliminary Ecological Appraisal
Report**

On Behalf of

McDonalds Restaurants Ltd

Version 4 | May 2026



View of the Forecourt Looking West

Document Control

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Version 1	15 th October 2025	Cyrise Weaire BSc (Hons) Director, M:CIEEM	Sara Curtis MSc, Principal Ecologist; MCIEEM	
Version 2	2 nd December 2025	Cyrise Weaire BSc (Hons) Director, M:CIEEM	-	Addition of NN website info
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This report does not purport to provide legal advice. This report provides baseline ecological conditions for the aforementioned site. The baseline information and recommendations within are considered relevant for a period of no more than 12 months from the date of the Site visit. Following which time Site conditions may need to be reassessed and recommendations for further survey and /or mitigation updated.

This report should not be replicated or reproduced, and its contents should not be used in other formats unless expressly agreed with Practical Ecology Ltd.

No Artificial Intelligence (AI) was used in the production of this document.

Contents

Document Control.....	2
Ecological Risk Assessment.....	4
1 Introduction.....	7
1.1 Background	7
1.2 The Site	7
1.3 Proposed Development	7
2 Methods of Assessment.....	8
2.1 Desk Study	8
2.2 Preliminary Ecological Appraisal Site Survey.....	8
2.3 Biodiversity Enhancements	10
2.4 Limitations to Survey	10
3 Existing Conditions and Assessment of Effects	11
3.1 Summary	11
3.2 Site Description and Habitats.....	12
3.3 Statutory and Non-statutory Sites of Nature Conservation Value	14
3.4 Great Crested Newt	15
3.5 Bats.....	16
3.6 Birds.....	20
3.7 Hazel Dormice	21
3.8 Reptiles	22
3.9 Priority & Notable Species	22
3.10 Invasive Species.....	23
4 Biodiversity Enhancements Summary.....	24
5 References	25
Appendix 1: Proposed Site Plan	26
Appendix 2: Site Photographs.....	27
Appendix 3: Legislation	30
European Protected Species	30
Other Species	31
Appendix 4: Habitat Plan	33

Ecological Risk Assessment

The following Ecological Risk Assessment provides an infographic summary of the Preliminary Ecological Appraisal of a petrol filling station and garage on Horton Road, Devizes, Wiltshire. This includes the requirements, including further surveys or mitigation, necessary to comply with relevant legislation and policy. Enhancement measures are also provided in line with the National Planning Policy Framework¹. An assessment of potential impacts has been made based on the proposals for the Site, which include demolition of existing buildings and construction of a McDonalds Restaurant and Drive-thru facility. A plan of proposals is provided in Appendix 1: Scurr Architects Site Layout Plan 9045-SA-2029-P004 G.

This Eco RA is not intended as a substitute for reading the full report as set out in the proceeding pages.

Risk Code Key		
	High Risk	Ecological issue(s) requiring further survey work and/or mitigation prior to determination.
	Moderate Risk	Ecological issue(s) requiring mitigation without requiring further survey.
	Low Risk	No significant ecological issues identified. No further action required.

Risk Code	Factor	Comments and Actions Required	Timings
	Habitats	See Section 3.2 for further details and justification. Requirements: Retention of trees T1 and T2; Minimal removal of the belt of dogwood scrub (<i>Mixed scrub; Tall forb (h3h; 16)</i> or where required removal is required, compensatory native scrub planting onsite; Tree planting, consisting of 4 native broadleaved trees; Flowering and nectar producing plants in landscape design; and Root and tree/scrub protection measures (in line with the British Standard for trees in relation to construction BS 5837:2012) must be installed in the pre-construction phase and maintained throughout the construction phase. Enhancements: N/A	Design Stage Design Stage Design Stage Design Stage Pre-construction & construction Stage
	Bat	See Section 3.5 for further details and justification. Requirements: Non-licenced method statement for demolition of Buildings 2 and 4, with EcCoW supervision by a licensed bat worker; Provision of 2 Kent style bat roost boxes; Retention of bramble scrub and dogwood scrub on NE and SE boundaries, or minimal removal; Creation of an un-illuminated vegetated boundary feature along the eastern Site boundary;	Pre-construction Stage Design Stage Design Stage Design Stage Design Stage

Risk Code	Factor	Comments and Actions Required	Timings
		Landscape proposals should incorporate night scented plants or those species beneficial to bats; and Sensitive lighting scheme and review of lux scatter plots by suitably experienced ecologist. Enhancements: N/A	Design Stage
	Birds	See Section 3.6 for further details and justification. Requirements: Demolition of B4 outside nesting bird season (1) or following nesting bird check by a suitably experienced ecologist (2); If clearance of former scrub area is after May 2026, then nesting bird checks required 24-48 hours prior to removal if works proceed in nesting bird season; Retain area of mixed scrub on SE site boundary and trees on NE boundary; Plant native species-rich hedge on eastern boundary to compensate for scrub already lost. Enhancements: Provision of a water source for birds; and Planting of seed, fruit or berry bearing trees onsite.	Pre-construction, (1) Oct – Feb; or (2) Mar – Sept May 26 onwards (2) May– Sept Design Stage Design Stage Design Stage Design Stage
	Hazel Dormice	See Section 3.3 for further details and justification. Requirements: Retention of the dogwood scrub on the SE Site boundary and the trees on the NE Site boundary; Planting of a native species-rich hedgerow on the eastern Site boundary to include species of value to dormice; and Sensitive lighting scheme, to avoid artificial illumination of any retained or created habitats in the eastern portion of the Site.	Design Stage Design Stage Design Stage
	Priority & Notable Species (Fauna and Flora)	See Section 3.9 for further details and justification. Requirements: Minimise impermeable fencing by planting hedges to demark boundaries or provide gaps under fencing; Strategically place dropped kerbs to prevent hedgehog entrapment or used reduced height kerbs; and Review of lighting scheme and Lux scatter by ecologist. Enhancements: Install hedgehog house in quiet part of the Site, most accessible for hedgehogs (e.g. SE corner).	Design Stage Design Stage Design Stage Design Stage
	Invasive Species	See Section 3.10 for further details and justification. Requirements: Management and removal methodology for the Japanese rose is required; and Landscape planting should avoid the inclusion of any species listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981) or any emerging non-native invasive plant species.	Design Stage Design Stage

Risk Code	Factor	Comments and Actions Required	Timings
	Statutory and Non-Statutory Designated Sites	Discussed but no further action required	
	Great Crested Newts	Discussed but no further action required.	
	Reptiles	Discussed but no further action required.	
	Badger, Water Vole, Otter and White-clawed Crayfish	Considered but screened out due to a lack of suitable, connecting, or linked habitat combined with a lack of evidence onsite. No action required	

1 Introduction

1.1 Background

Practical Ecology Ltd were commissioned by McDonalds Restaurants Ltd to undertake a Preliminary Ecological Appraisal (PEA) of a petrol filling station and garage site on Horton Road, Devizes, herein referred to as the 'Site'.

This report presents ecological information gathered during a desk study and an ecological walkover survey of the Site undertaken on 8th August 2025.

The purpose of this report is to provide baseline ecological information pertaining to the Site, alongside the rationale for required further surveys and mitigation as deemed appropriate to ensure compliance with legislation and policy, and recommend enhancement measures to achieve biodiversity net gain in line with the NPPF¹.

Ecological baseline information for the Site is crucial to ensure potential effects of the development upon flora and fauna can be suitably managed. Furthermore, any constraints upon the proposed development of the Site, imposed by site ecology, can be assessed. Enhancement measures are presented which allow site biodiversity to be improved, whilst considering the legal requirements and best practice regarding protected species and/or habitats.

1.2 The Site

The Site is approximately 0.39 ha (central OS grid reference SU 023 630, postcode SN10 2JG) and is located on a roundabout between London Road and Horton Road on the northeastern edge of Devizes, Wiltshire. The Site is comprised of a large, surfaced petrol filling station forecourt, areas of hardstanding and gravel, low mown amenity grassland, some scattered trees and an area of former scrub, which now contains tall ruderals, scattered scrub and a vegetated soil bund in the eastern portion of the Site. The Site is bordered by London Road immediately to the north, with a warehouse unit beyond and Horton Road to the south, with residential properties beyond. To the west is a roundabout and to the east is a large concrete pad with tarmac beyond, used for motorbike driver training. A Site boundary (red line) is provided in Figure 1 overleaf.



Figure 1: Site Boundary (Basemap from Google, 2026)

1.3 Proposed Development

The proposals include demolition of the existing buildings onsite and development of McDonalds Restaurant and Drive-thru facility, along with soft landscaping. A proposal plan has been included in Appendix 1 (Drawing number: Site Layout Plan 9045-SA-2029-P004 G).

2 Methods of Assessment

2.1 Desk Study

A search for Statutory Sites of Nature Conservation Value and Priority Habitats² within 1 km of the Site was undertaken using the Multi Agency Geographical Information for the Countryside (MAGIC)³.

Ordnance Survey and OpenStreetMap maps and satellite imagery from online sources were consulted to identify the presence of any water bodies within 500 m of the Site. Historic OS maps and satellite imagery was also used to assess any changes to the onsite habitats.

Records of protected species, notable species, invasive species, and non-statutory sites from within 1 km of the Site were procured from Wiltshire & Swindon Biological Records Centre⁴ as part of this desk-based study and are presented in this report where relevant. Records provided by the record centre that are more than ten years old are only reported on if they are deemed to still be relevant.

The relevant Local Biodiversity Action Plan, Wiltshire Local BAP⁵, was consulted to determine whether species and habitats identified (by both the desk study and the field survey) on and around the Site are subject to specific action plans. The list of UK Biodiversity Action Plan (UK BAP) species⁶ was also consulted as this remains an important reference source, despite being succeeded by the UK Post-2010 Biodiversity Framework⁷.

The Local Planning Portal, Wiltshire Council⁸, was checked for any adjacent or relevant planning applications to the Site and for local planning policy requirements.

2.2 Preliminary Ecological Appraisal Site Survey

A Preliminary Ecological Appraisal survey of the Site was undertaken on 8th August 2025 by Cyrise Weaire BSc (Hons), M:CIEEM, Director and Principal Ecologist with over 20 years' experience in ecological consultancy and an accredited agent under Natural England Level 2 Bat Survey Licence 2017-30900-CLS-CLS.

This survey assessed the value of onsite and adjacent habitats and their potential to support protected or notable species and habitats following the Guidelines for Preliminary Ecological Appraisal⁹ published by the Chartered Institute for Ecological and Environmental Management (CIEEM).

Habitats

Habitats were classified as per the criteria set out in the Handbook for The UK Habitat Classification¹⁰ with the prescribed habitat primary and relevant secondary habitat codes included. Habitats were checked against the definitions for Priority Habitats. Priority Habitats are those which are identified as a Habitat of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006².

European Protected Species

Following the UK exit from the European Union (EU), species formerly protected under the Habitat Regulations are now considered to be protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹¹ and will continue to be referred to as European Protected Species (EPS). Further legislative details regarding protected species are included in Appendix 3.

Great Crested Newt (Triturus cristatus)

Great crested newts use both terrestrial and aquatic habitat within their lifecycle, with all habitat used being legally protected. The terrestrial and, if present, aquatic habitats onsite were assessed for their value and suitability for great crested newts. The proximity of ponds within 500 m and any habitat linking such ponds to the Site was also assessed as an important factor determining the likelihood of the species being present

onsite. Any ponds present onsite or accessible during the survey were assessed using the Habitat Suitability Index (HSI) Assessment¹² where appropriate.

Bats

Any trees or buildings present onsite were assessed for their suitability for roosting bats using the protocol set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th ed)¹³. Where necessary this included the use of binoculars to allow for a ground level assessment to search for signs such as staining and/or droppings sometimes found around roost entrances. Internal inspections of buildings or loft voids were undertaken where possible, using ladders and crawling boards if appropriate. It is noted that a lack of evidence of roosting bats, such as presence of bats, droppings, or staining, does not correlate to a lack or presence or a lack of suitability.

Habitats were assessed for their suitability for foraging and commuting bats, as set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th ed)¹³.

Hazel Dormice (Muscardinus avellanarius)

The Hazel Dormouse Conservation Handbook (3rd Ed.)¹⁴ provides a level of guidance on assessing a site where the status of hazel dormice is unknown. This assessment is made based upon historical records as well as the habitat and plant species present on and adjacent to the Site. As hazel dormice have a large range, a lack of evidence does not correlate to a lack of presence.

Otter (Lutra lutra) | White Clawed Crayfish (Austropotamobius pallipes)

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. holts, spraints, foraging signs) was also recorded.

Other Species

Protected under the Wildlife and Countryside Act 1981 (as amended)¹⁵ or further specific legislation, further detailed within Appendix 3.

Birds

Habitats on site were assessed for their potential to support nesting birds as well as important numbers of breeding and wintering birds.

Reptiles

Terrestrial habitats on site were assessed for their potential to support common reptile species, based on factors including vegetation structure and composition, and the availability of shelter and foraging resources. All UK reptiles are protected, with rare species (smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) also given EPS status.

Water Vole (Arvicola amphibius)

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. burrows, latrines, foraging signs) was also recorded.

Badger (Meles meles)

Habitats on site were assessed for their suitability for badger foraging and sett building. Any incidental evidence of the presence of badgers on site (e.g. setts, paths, prints, foraging signs, and latrines) was recorded.

Priority Species

Habitats on site were assessed for their suitability for Priority Species. Priority Species are those listed as of Principal Importance in England under Section 41 of the NERC Act 2006¹⁶, those listed as Local Priority Species, or those that feature on the relevant Local Biodiversity Action Plan. Any incidental evidence of the presence of these species on site was also recorded. The presence of rare or notable plant species, such as red data list species¹⁷, was also noted.

Invasive Species

A search was made for evidence of the presence of invasive plant species listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as they are subject to strict legal control.

2.3 Biodiversity Enhancements

In accordance with policy set out in the National Planning Policy Framework (NPPF)¹ all new developments are required to deliver a net gain in biodiversity. Specifically, NPPF notes an environmental objective to protect and enhance the natural environment and to improve biodiversity (S2. p. 8c) and that all development should be '...providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (S15. 187d).

This report therefore seeks to provide suitable Site-specific habitat and species enhancements which will provide the biodiversity net gain required as part of the NPPF.

In addition to this, under the Environment Act 2021¹⁸ BNG is mandatory for major development as of 12th February 2024 and for small sites as of 2nd April 2024. The DEFRA Biodiversity Metric is used to calculate the change in biodiversity units for all development sites that will result in the loss or degradation of habitats and decrease the biodiversity value of a Site post-development. Unless exempt, a development must deliver a measurable 10% increase in biodiversity value through the enhancement or creation of habitats in association with development, as detailed in the local planning policy. As such, a separate Biodiversity Net Gain Assessment will be undertaken for this scheme.

2.4 Limitations to Survey

Due to the seasonal behaviour of animals and the seasonal growth patterns of plants, ecological surveys may be limited by the time of year in which they are undertaken. Many animals in the UK have variable detectability throughout the year due to seasonal behaviour, including hibernation and migration. Therefore, this survey may not provide a complete list of the plants and animals present, or which may utilise the Site throughout the year.

As part of standard practice, a data search has been undertaken from the local biological record centre. This is not considered to be a complete list of species present and is better considered to be a list of species recorded, with many species known to be under recorded.

The only specific limitation encountered was the clearance of scrub habitat earlier in 2025 by the sites landlord which meant that the baseline taken was from habitat that had been degraded. However, assessments of these areas from aerial imagery and street view were undertaken to try to overcome this limitation and assume a best-case scenario in terms of habitat condition prior to removal.

This report presents conditions and recommendations for the Site based on the state of the Site during the survey visit. Any changes to the Site prior to development, including changes in the management of the Site habitats will therefore potentially invalidate this report and its recommendations.

3 Existing Conditions and Assessment of Effects

3.1 Summary

The following sites, species or ecological features have the potential to be affected by the development, or their presence has been detected during the desk study or data search. As such, they are discussed further in this report and action points, mitigation and compensation measures are recommended as necessary:

- Habitats
- Statutory and Non-statutory Sites of Nature Conservation Value
- Great Crested Newt
- Bats
- Birds
- Hazel Dormice
- Reptiles
- Priority & Notable Species (Fauna and Flora)
- Invasive Species

The following species are very unlikely to occur on the Site, in adjacent habitats either due to a lack of suitable habitat or as they have localised distributions in the UK. As such, the proposed development does not pose a threat to the following species and they are not discussed further as no further survey or mitigation is considered necessary:

- Badger
- White-Clawed Crayfish
- Water Vole
- Otter

Site photos are included in Appendix 2. Refer to Appendix 3 for details of the legislation and guidance relevant to each protected species.

3.2 Site Description and Habitats

3.2.1 Desk Study

The desk study returned the following records of parcels of notable habitats within 1 km of the Site:

Table 1: Notable Habitats within 1 km of the Site

Habitat	Areas	Parcels	Closest to Site
Deciduous Woodland (Priority Habitat Inventory)	1	5	520 m SE
Open mosaic habitat on previously developed land	1	1	175 m SW

The habitats listed in Table 1 bear no similarity to those occurring within the Site, detailed below. Though the former scrub area onsite was previously developed land, it does not meet the criteria to constitute open mosaic on previously developed land.

3.2.2 Field Survey

Habitats noted on the Site were assessed using the Handbook for The UK Habitat Classification¹⁹ V2.0 (2023) and included modified grassland, an area of tall ruderal growth on former scrub parcel, bramble scrub, sealed surface, and mixed scrub as well as two scattered trees. Primary and secondary habitat codes are included for ease of reference.

Onsite Habitats

Built-up areas and gardens; Developed land; sealed surface; Other developed land (u1; u1b; u1b6) and Built-up areas and gardens; Developed land; Artificial unvegetated, unsealed surface (u1; u1c)

The majority of the Site comprises areas of hardstanding or gravel. Some small amount of ephemeral plant growth was noted over the gravel areas, to the east of the garage building and to the north of the forecourt. Species present include occasional annual meadow grass (*Poa annua*), common chickweed (*Stellaria media*), dandelion (*Taraxacum officinale* L Agg.) and black medic (*Medicago lupulina*). These habitats are of negligible ecological importance.

Modified Grassland; Frequently Mown (g4; 108)

Several areas of low mown modified grassland are present onsite. One large parcel is present on the western boundary and extends along the northern Site boundary next to London Road. There is also a small parcel of this habitat south of the forecourt alongside Horton Road and a small section that extends into the car sales area in the north of the Site. This habitat is dominated by perennial rye grass (*Lolium perenne*) with occasional Yorkshire fog (*Holcus lanatus*) and forb species such as dandelion, broadleaved plantain (*Plantago major*) and ribwort plantain (*Plantago lanceolata*). This habitat is maintained at a very low sward height and lacks floristic diversity as a result.

This habitat is considered to be of Site importance only, being common and ubiquitous locally.

Grassland; Tall Forbs; Scattered scrub; Active Management (g; 16; 10; 516)

An area of former scrub is present in the eastern portion of the Site. From an anecdotal report from the Sites tenants, this was cut down 'earlier in the year', some time prior to the 18th May 2025 as per Google Earth images.

Prior to clearance this area looks to have supported dense native scrub with scattered semi mature trees.

Species present now include: bramble (*Rubus fruticosus* agg.), and common dogwood (*Cornus sanguinea*) as woody scrub species, and the following flowering plants, field bindweed (*Convolvulus arvensis*), hedge

bindweed (*Calystegia sepium*), Canadian fleabane (*Erigeron canadensis*), musk thistle (*Carduus nutans*), great willowherb (*Epilobium hirsutum*), Dove's-foot cranesbill (*Geranium molle*), broadleaved dock (*Rumex obtusifolius*), common poppy (*Papaver rhoeas*), bristly ox tongue (*Helminthotheca echinoides*), and mugwort (*Artemisia vulgaris*).

This habitat is considered to be of Site ecological importance only, being common and ubiquitous locally, but pre-clearance, when populated with dense native scrub and scattered trees it would have been of Local ecological importance.

Bramble scrub; Scattered trees; Non-native (h3d; 32; 523)

A patch of bramble scrub sits on the north-eastern Site boundary with the A361. Within this patch there are a semi mature sycamore (*Acer pseudoplatanus*) and semi mature ash tree (*Fraxinus excelsior*) (T1 and T2, respectively, on the habitat plan in Appendix 4). Just under T2 there is a stand of non-native Japanese rose (*Rosa rugosa*), this is mentioned again in the invasive species section of this report.

This habitat is considered to be of Site ecological importance only, being common and ubiquitous locally, though the trees are considered to be of Local ecological importance.

Mixed scrub; Tall forb (h3h; 16)

A belt of dense scrub is present on the southeastern Site boundary along Horton Road. This area is heavily dominated by tall dogwood specimens with occasional elder (*Sambucus nigra*) and tall forbs in the understorey including broadleaved dock and bristly ox tongue.

This habitat is considered to be of Local ecological importance.

Surrounding Habitats

Surrounding the Site were:

- *Modified Grassland; Frequently Mown (g4; 108)* as an extension of the habitat onsite occurring to the north, and part of the southern boundary.
- *Sealed Surface (u1b)* in the form of access roads and highway to the south

3.2.3 Assessment of Effects

The majority of the habitats to be removed are common and ubiquitous, or have negligible ecological importance in their own right, or are of importance at a Site level only. The exception to this is the area of *Grassland; Tall Forbs; Scattered scrub; Active Management (g; 16; 10; 516)* which was previously thought to be vegetated with native scrub and scattered trees, the scattered trees (T1 & T2) in the *Bramble scrub; Scattered trees; Non-native (h3d; 32; 523)* on the northeastern Site boundary and the belt of *Mixed scrub; Tall forb (h3h; 16)* along the southeastern Site boundary, which are all considered to be of Local ecological importance.

The loss of these habitats would represent a significant reduction in the biodiversity value of the Site. This is discussed further in the following species-specific sections of this report.

3.2.4 Requirements

The following recommendations are made to reduce the net loss of biodiversity onsite:

For the Biodiversity Net Gain assessment it will be required that the assumed pre-clearance habitats in good condition are used for calculating baseline value of the Site, to allow for compensation to be delivered through offsite offsetting.

Design Stage

- Retention of trees T1 and T2;
- Minimal removal of the belt of dogwood scrub (*Mixed scrub; Tall forb (h3h; 16)* or where required removal is required, compensatory native scrub planting onsite;
- Tree planting, consisting of 4 native broadleaved trees; and
- Flowering and nectar producing plants in landscape design.

Pre-Construction/ Construction Stage

- Root and tree/scrub protection measures (in line with the British Standard for trees in relation to construction BS 5837:2012) must be installed in the pre-construction phase and maintained throughout the construction phase.

3.2.5 Biodiversity Enhancements

Given the degree of habitat loss that has already occurred through removal of the native scrub and scattered trees by the Site owner, in the eastern portion of the Site, 'enhancement' of habitat biodiversity onsite is not considered achievable.

3.3 Statutory and Non-statutory Sites of Nature Conservation Value

3.3.1 Desk Study

The desk study didn't identify any statutory or non-statutory sites within 1 km of the Site. The Site lies in an Impact Risk Zone (IRZ), which are used by local authorities (LPA) to assess whether developments are likely to impact statutory sites, including internationally designated sites²⁰ as well as Sites of Special Scientific Interest (SSSIs). Information regarding the relevant Statutory Site, is noted in Table 2.

Table 2: Statutory and Non-statutory Site Descriptions

Name	Designation	Distance	Direction	Notable Features
Non-statutory Sites				
Lay Wood	Local Wildlife Site (LWS)	465 m	SE	A small, isolated and unmanaged wet woodland dominated by Alder lying adjacent to the Kennet and Avon Canal, with some impressively large Oak standards and Alder and Ash coppice stools.
Kennet and Avon Canal	Local Wildlife Site (LWS)	527 m	S	A restored canal much used for recreation.
IRZ – Statutory Sites				
River Avon	Special Area of Conservation (SAC)	6.8 km	S	The River Avon SAC is vulnerable to nutrient impacts. Within this location, proposals with the potential to affect water quality may have a likely significant effect on the qualifying features of the European Site (habitats site) through adverse nutrient impacts.

As the Site sits within the River Avon (Hampshire) Catchment information on the Wiltshire County Council website²¹ and Site-specific guidance for the Hampshire Avon found on the Council's [Phosphorus and nitrogen mitigation](#) webpage²² was reviewed.

3.3.2 Assessment of Effects

Given the distance between the development Site and the non-statutory sites, and the nature of habitats usage

that separates them, no impact upon these LWSs is anticipated.

As the Site is currently in use as a petrol filling station and garage no discharge of any water to ground is anticipated. All water will be treated, and discharge of any surface water runoff will be at a restricted rate to the existing public stormwater drainage system.

The Site lies within the IRZ for the River Avon SAC but does not meet the criteria for consultation with Natural England. From review of the CC websites on nutrients in the Hampshire Avon Catchment it is noted that the development does not meet the categories for types of development likely to result in impacts in terms of increased nutrient input into the sensitive catchment, i.e. the proposal is not for overnight accommodation or any of the 'other' industrial processes or agricultural uses noted on the CC website (i.e. certain industrial facilities, such as breweries, high water use developments (e.g. car washing centres, tourism attractions or regional transport hubs)) or agricultural processes which would result in likely impacts and require bespoke nutrient assessments^{21, 22}. As such no nutrient impacts upon the sensitive catchment are anticipated.

3.3.3 Requirements

No requirements.

3.4 Great Crested Newt

3.4.1 Desk Study

The desk study returned no records of great crested newt (GCN) within 1 km of the Site. The search conducted with MAGIC revealed no European Protected Species licences for great crested newt within 1 km of the Site.

A total of 2 ponds were identified within 500 m of the proposed development. Figure 2 shows the pond locations in relation to the Site, with the 500 m search area highlighted and the ponds numbered by distance from the Site. Details of each pond are provided in Table 3, overleaf. In addition, Devizes Marina was noted to the south, at the edge of the 500 m buffer, though as this is connected to the River Avon it is considered unsuitable for GCN.

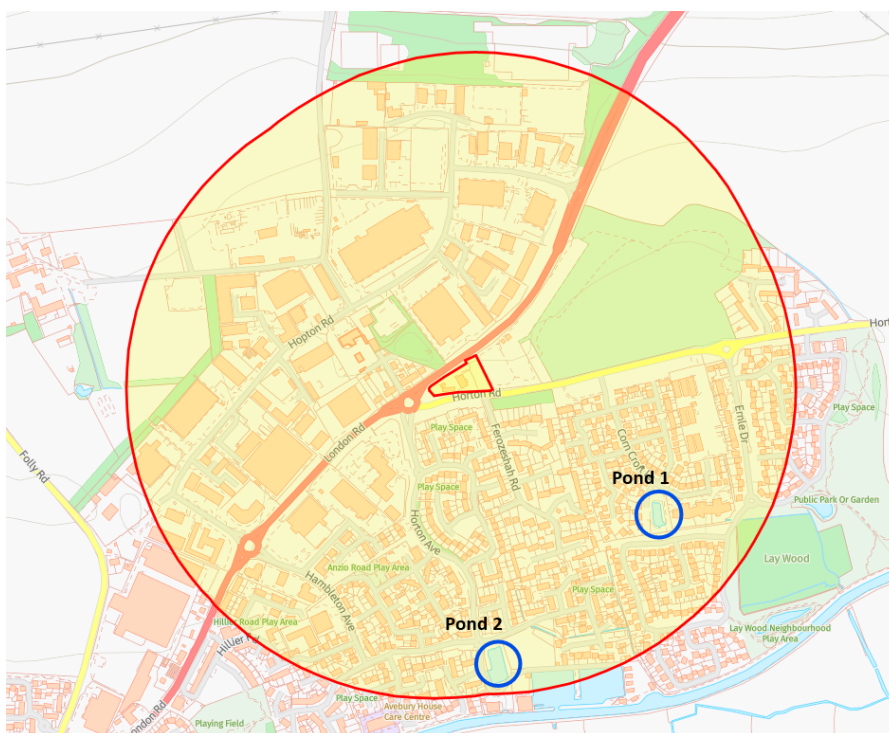


Figure 2: Ponds within 500 m of the Proposed Development (MAGIC 2025)

3.4.2 Field Survey

The majority of existing areas onsite have negligible suitability for GCN, with the exception of the former scrub area, now populated by tall ruderal habitat and the base of the bramble scrub and dogwood scrub onsite. Together these offer suitable foraging and refuge habitat for GCN. However, given the distance and land use between the ponds identified within 500 m and the Site, GCN are considered likely absent from the Site, even if present within these ponds.

Table 3: Pond Details

Pond #	Distance (m)	Direction	Visited	HSI Score	Dispersal Barriers to the Site
1	324	Southeast	No	N/A	Significant barriers-Network of residential roads, Horton Road and residential gardens, properties and boundary fences.
2	426	South	No	N/A	Significant barriers-Network of residential roads, Horton Road and residential gardens, properties and boundary fences.

3.4.3 Assessment of Effects

Likely absent from Site, no anticipated impact on this species.

3.4.4 Requirements

No further recommendations are made with regards to this species.

3.5 Bats

3.5.1 Desk Study

The following species of bat were noted within the 1km data search occurring within last 10 years:

- Two records for common pipistrelle (*Pipistrellus pipistrellus*) from 2020 for c 245 m south of the Site (not roosts)

The search conducted with MAGIC revealed the presence two European Protected Species licences (EPSML) for bats within 1 km of the Site:

- EPSM2010-2271 – C-PIP;S-PIP;L-HORSE;BLE 2010-2012: for the destruction of a resting place for common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), lesser horseshoe (*Rhinolophus hipposideros*), and brown long-eared (*Plecotus auritus*) bats approx. 200 m southeast; and
- 2017-30665-EPS-MIT – C-PIP- 2017 to 2022- for the destruction of a resting place for common pipistrelle, approx. 920 m southwest.

3.5.2 Field Survey

Preliminary Roosting Assessment

Buildings

There are four buildings onsite as labelled in Figure 3, overleaf:

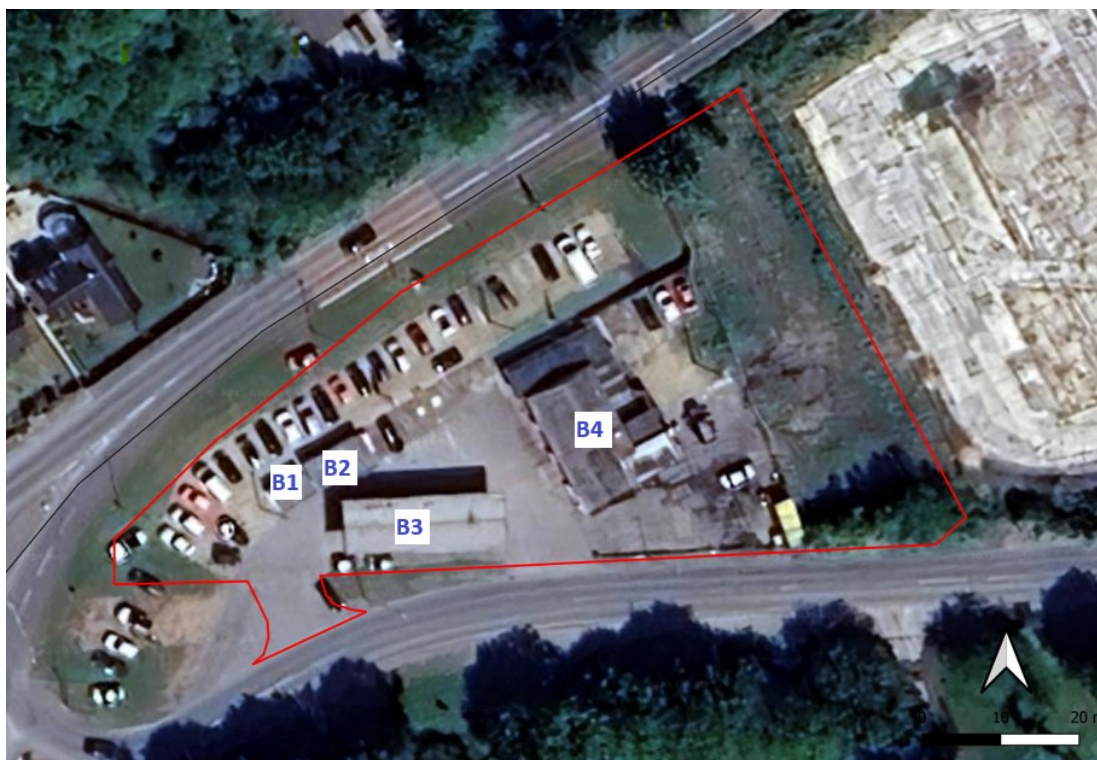


Figure 3: Aerial View with 3 Numbers

Building 1 (B1) – Negligible Suitability¹³

External building description

Building 1 is a glazed, uPVC shed with a flat felted roof. No potential roost features (PRF) were noted on this building and the inside of the building is tightly sealed with no potential access for bats. This building was classified as having negligible suitability for roosting bats.

Building 2 (B2)– Negligible to Low Suitability¹³

External building description

Building 2 is used as a car sales office and pre-fabricated building with a flat roof and uPVC soffit box. The building is tightly sealed with no access into the inside for bats. One individual PRF was noted on the northwestern corner, where there is a gap in the uPVC soffit. This gap was inspected with an endoscope and found to be very limited in terms of the cavity it provides. Additionally, bats would need to land on the uPVC to access the feature. No evidence of bats was found and this building was rated as negligible to low suitability overall.

Building 3 (B3) – Negligible Suitability¹³

External building description

Building 3 is an open-sided forecourt canopy, constructed of corrugated metal panels and metal sheet facias. The structure also has embedded down lights above the forecourt. Though gaps were present where the facias had been damaged, the structure beyond these is entirely constructed of metal, is open to light ingress around these gaps and is considered unsuitable for roosting bats. As such, this structure is rated as having negligible suitability for roosting bats.

Building 4 (B4) – Low Suitability¹³

External building description

This building is of mixed construction with a central garage building in the centre, with various extensions and lean-to around the perimeter. The central garage is a two-storey height, cinder block construction, with a double pitched, corrugate metal roof, on metal roof supports. There are two metal roller doors on the western elevation and a parapet wall above these. Connected to this, to the north and south, are flat roof, cinder block extensions. The southern extension has a single pitch, corrugate metal roof, and the northern extension has a flat, felt roof.

The only PRF noted externally was a longitudinal gap under the edge of the flat roof on the northern extension. Though this feature was noted to be heavily cobwebbed for much of its length on this initial visit.

Internal building description

The main garage building was inspected and found to have no features internally that would offer suitability for roosting bats. The north and south extensions were boarded out internally and do not provide any suitability for roosts. Additionally, no evidence of roosting bats or bat activity was identified in either the external or internal inspections.

As such this building was noted to have low suitability for roosting bats, as the PRF noted may have suitability to be used by individual bats on an occasional basis.

Trees

Neither of the trees (T1 & T2) onsite were noted to have any potential roost features (PRFs) and, consequently, both trees were assessed as having *negligible suitability*¹³ for roosting bats.

Foraging and Commuting Habitat

The majority of habitats onsite have negligible suitability for foraging and commuting bats and the levels of artificial illumination, both from onsite lighting and the nearby streetlights reduce the suitability of the Site overall for bats. The area of former scrub, now occupied with tall ruderal plants, the bramble scrub on the northeastern boundary, and dogwood scrub on the southeastern boundary together are considered to have moderate suitability for foraging and commuting bats as, despite the levels of illumination on the A361 and Horton Road these areas are well connected to other, offsite habitat.

Furthermore, with the EPSML record for a common pipistrelle, soprano pipistrelle, lesser horseshoe and brown long-eared bat roost c 200 m from the Site this indicates that there are suitable roost resources for these species in close proximity to the Site. As such these onsite habitats would be located within the core sustenance zone (CSZ) for pipistrelles, long-eared bats, and lesser horseshoes with a CSZ radius which ranges from 2 to 3 km (for common pipistrelle and lesser horseshoe, and brown long-eared and soprano pipistrelle, respectively²³). A CSZ refers to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost.

Bat Emergence Re-entry Surveys: Building 2-Negligible to Low Suitability and Building 4- Low Suitability

One emergence survey was conducted on both buildings, with the PRF on each building inspected prior to the survey (without use of an endoscope). Both were found to still be heavily cobwebbed. Active lighting onsite was noted to be only weak security light on the western elevation of B4, and the streetlighting along the A361 and Horton Rd. Methodologies and results are presented in the Bat Survey Report²⁴.

No emergences were noted. And low levels of common pipistrelle foraging and commuting from 20:31 to 20:55 then several individual noctule (*Nyctalus noctule*) passes. Both species are fairly light tolerant and are known to selectively forage around streetlights, so their presence onsite is to be expected.

3.5.3 Assessment of Effects

Results from the emergence survey of Building 2 and 4 confirm a likely absence of roosting bats. Although considered unlikely, incidental use of the PRF on Buildings 2 and 4 cannot be entirely ruled out. As such, demolition of these buildings with no further mitigation could risk damage and destruction of a bat roost and killing and injury of individual bats (if present).

The removal of the scrub area by the site owner has already removed the bulk of suitable habitat for bats onsite, with loss of circa 146 m² of this moderate suitability habitat. The remaining area of bramble and dogwood scrub, in isolation, offer limited suitability for foraging and commuting bats. Combined with the tall ruderal habitat which has colonised the former scrub area they are now thought to provide low suitability for foraging and commuting bats. As such, loss of the tall ruderal habitat is not considered likely to have a significant effect on local populations of bats. However, the addition of a McDonald's restaurant building, drive-thru and artificial lighting, would increase the habitat fragmentation that has already been created onsite with removal of the scrub.

3.5.4 Requirements

Design Stage

Provision of two Kent style bat roost boxes on T1 to provide suitable roost feature for loss of potential low suitability roost habitat. These should be mounted at a height of c 3-4 m and facing away from the existing streetlighting along the A361.

Retention of the bramble scrub and dogwood scrub on the northeastern and southeastern boundaries, or minimal removal of these.

Creation of an un-illuminated vegetated boundary feature along the eastern Site boundary to reconnect the areas of scrub in the northeastern and southeastern areas of the Site and reduce the fragmentation effects of development. Vegetation here should ideally be a native species-rich hedgerow with trees or a block of tall, native scrub.

Landscape proposals should incorporate night scented plants or those species beneficial to bats.

Any lighting schemes to be installed during and post-construction must be designed to prevent unnecessary light spill onto the vegetation on the northeastern and southeastern boundaries and any bat boxes installed as part of the development. Significant effects on bats have been recorded from as low as 3.6 lux²⁵. The following guidance^{26,27} must be followed:

- Minimise light spill by eliminating any bare bulbs and upward pointing light fixtures. The spread of light must be kept near to or below the horizontal plane, by using as steep a downward angle as possible and/or shield hood. Flat, cut-off lanterns are best.
- Luminaires must feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats²⁸.
- A warm white spectrum (ideally <2700 Kelvin) must be adopted to reduce blue light component.
- All luminaires must lack UV elements when manufactured. Metal halide, fluorescent sources must not be used.
- Limiting the height of lighting columns to eight metres and increase the spacing of lighting columns²⁹ will reduce the spill of light into unwanted areas such as the aforementioned habitats.
- Artificial lighting proposals must not directly illuminate boundary habitats, trees, or bat box locations.

A review of the artificial lighting proposals, including internal lighting that may impact and compensatory roost provision, and Lux contour projections should be undertaken by an experienced ecologist to ensure that impacts upon bats from artificial light spill are minimised.

Pre-construction Stage

Production of a non-licensed method statement for the demolition of B2 and B4, in relation to the PRF identified. Licensed bat ecologist acting as an Ecological clerk of works (EcCoW) to be present during removal of materials from around these features. If at any point a bat or evidence of bats is identified, then works must cease and an appropriate route to licensing determined.

3.5.5 Biodiversity Enhancements

Given the degree of habitat loss already affected onsite none of the measures listed above, go beyond compensation, as such no enhancement is deemed achievable.

3.6 Birds

3.6.1 Desk Study

Records of species returned by the data search included a range of species typical of the landscape surrounding the Site and included notable³⁰ species listed in Table 4, below.

Table 4: Notable Birds within Data Search

Species		Protection			
Scientific Name	Common Name	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
<i>Chloris chloris</i>	Greenfinch		Red	✓	
<i>Columba oenas</i>	Stock dove		Amber		
<i>Curruca communis</i>	Whitethroat		Amber		
<i>Emberiza citrinella</i>	Yellowhammer		Red	✓	
<i>Linaria cannabina</i>	Linnet		Red	✓	✓
<i>Passer domesticus</i>	House sparrow	✓	Red	✓	
<i>Prunella modularis</i>	Dunnock		Amber	✓	
<i>Sturnus vulgaris</i>	Starling		Red	✓	

3.6.2 Field Survey

The field survey noted the following species nearby to the Site, presented in Table 5:

Table 5: Birds Recorded Onsite

Species			Protection			
Scientific Name	Common Name	Breeding?	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
<i>Columba palumbus</i>	Wood pigeon	N		Amber		
<i>Parus major</i>	Great tit	N		Green		

No birds were noted onsite during the survey. In relation to the records from the data search, the former scrub area onsite most likely had foraging and nesting suitability for linnet, greenfinch, whitethroat, and dunnock. B4 may have low suitability for nesting house sparrow, though none were noted onsite, probably due to a lack of supporting foraging habitat. No bird nests or nesting activity were observed on the site during the Site visit.

3.6.3 Assessment of Effects

The removal of the scrub represented a reduction in nesting habitat for common passerines onsite and, if

undertaken in the nesting bird season, risks damage and destruction of active nests if a nesting bird check is not undertaken before clearance.

The development will result in the further loss of potential house sparrow nesting habitat in the form of onsite building B4, though its suitability may be low, and could see the damage or destruction of active nests if demolition is undertaken during the nesting season.

If habitats in the former scrub area regenerate, then clearance of this area could result in further impacts on nesting birds if undertaken during the nesting bird season.

3.6.4 Requirements

- Demolition of B4 should be undertaken outside of the nesting bird season (the nesting bird season is considered to run from March to September, inclusive, but does vary depending on weather).
- If this is not possible and demolition is undertaken during the nesting season, then it should only be undertaken within 24-48 hours of a nesting bird check undertaken by a suitably experienced ecologist. Should nests be encountered then demolition of the building will be paused and a reasonable buffer installed until young have fledged the nest and the nest is abandoned.
- If Site clearance is to take place following another growing season onsite (i.e. post May 2026) then the vegetation on the former scrub area should be subject to a nesting bird check 24-48 hours prior to removal, if works proceed in the nesting bird season.
- The retained area of mixed scrub on the southeastern Site boundary and trees on the northeastern boundary should be retained and protected. To compensate for the loss of the scrub onsite a native species-rich hedgerow should be planted along the eastern and northern site boundaries to provide nesting habitat and connection north to south across the Site.

3.6.5 Biodiversity Enhancements

- Provision of a water source for birds; and
- Planting of seed, fruit or berry bearing trees onsite.

3.7 Hazel Dormice

3.7.1 Desk Study

Two records for hazel dormice were returned in the data search within 1 km within the last 10 years, both from the same point c. 370 m north, in 2019.

The search conducted with MAGIC revealed the no European Protected Species licences for dormice within 1 km of the Site.

3.7.2 Field Survey

Prior to clearance of the scrub area onsite there may have been some foraging and nesting potential for dormice. However, this area was c. 970 m² but somewhat isolated from other suitable habitat by Horton Road to the south and the A361 to the north. Additionally, habitats to the north and south of these roads are patchy with only weak connections to two small woodland blocks to the north and northeast of Hopton Industrial Estate.

As the two records of dormice within 1 km are for the patchy habitats c.370 m north of the Site within the industrial estate, it is conceivable that dormice may have utilised the previous scrub area onsite, prior to clearance, for dispersal, foraging and nesting. A habitat assessment of the former scrub area must be

undertaken applying the precautionary principle. Seven plant species that still remain present and are listed in the dormouse habitat assessment criteria³¹, include: bramble, ash, dogwood, blackthorn, elder, sycamore, and rose species (Japanese rose). Which makes it 'high' in terms of species diversity. With an assumed habitat structural diversity prescribed as 'medium', the corresponding habitat quality for the parcel of former scrub would have been 'good'.

The remaining scrub on the southern boundary and the two trees on the northeastern boundary have some suitability for dormice, though do not provide the cover required for them to traverse the Site and would now be classed as 'poor' habitat quality.

3.7.3 Assessment of Effects

Removal of the scrub habitat by the Site owner may have caused death and/or injury of dormice, if present, unless it was undertaken under an appropriately sensitive approach. It has also resulted in the loss of c. 970 m² of high-quality habitat and removal of a corridor (albeit a weak one) from habitats to the north, on Hopton Industrial Estate, to habitats south of Horton Road.

If the proposed development were to remove remaining dogwood scrub on the southeastern boundary it poses further risk of killing and injuring, if undertaken without mitigation. Additionally, the construction of the restaurant, drive-thru and introduction of artificial lighting will further fragment habitats north and south of the Site.

3.7.4 Requirements

- Retention of the dogwood scrub on the southeastern Site boundary and the trees on the northeastern Site boundary;
- Planting of a native species-rich hedgerow on the eastern Site boundary to provide passage for any dispersing dormice across the Site. To include species of value to dormice (i.e. hazel, holly, dogwood, hawthorn, spindle, honeysuckle and guelder rose); and
- Sensitive lighting scheme, to avoid artificial illumination of any retained or created habitats in the eastern portion of the Site.

3.8 Reptiles

3.8.1 Desk Study

The desk study returned records for reptiles within 1 km of the Site from within the last 10 years.

3.8.2 Field Survey

The majority of the Site has negligible suitability for common reptiles. The former scrub area likely had some low suitability for slow worms (*Anguis fragilis*), prior to clearance, though it is not well connected to other suitable habitat offsite and is isolated from the wider landscape by roads. As such, it is considered likely that reptiles were absent from Site, even prior to clearance.

3.8.3 Assessment of Effects

No impact upon reptiles is anticipated.

3.9 Priority & Notable Species

3.9.1 Desk Study

The desk study returned 17 records for hedgehog (*Erinaceus europaeus*) within 1 km, the closest of which was

c. 20 m to the west and dated from 2017.

3.9.2 Field Survey

Prior to clearance the scrub area likely had some suitability as foraging and refuge habitat for hedgehog, though the roads north and south of the Site may act as partial barriers to their movement. Post-clearance the Site now has negligible suitability overall and low suitability in the re-vegetated scrub area.

3.9.3 Assessment of Effects

Though the development is considered unlikely to result in the injury or death of small mammals, including hedgehog, construction of a restaurant, drive-thru, associated lighting, fencing and kerb lines is considered likely to increase the effects of habitat fragmentation for the species.

3.9.4 Requirements

The development should seek to minimise the use of impermeable boundary fencing. This can be negated by ensuring that all boundaries are demarked with hedgerows or permeable fencing; failing this, any impermeable fencing installed should have 13x13 cm holes in the base to provide access. A native species-rich hedge should be planted along the eastern boundary to re-connect the areas of retained habitat on the northeastern and southeastern boundaries and provide a corridor for commuting wildlife.

Strategically place dropped kerbs to prevent hedgehog entrapment or used reduced height kerbs.

A review and tailoring of the lighting scheme by an experienced ecologist is required to ensure that this green on the eastern Site boundary remains unlit.

3.9.5 Biodiversity Enhancements

A hedgehog house is to be installed in a quiet, accessible area of the Site, such as within the scrub in the southeast corner of the Site.

3.10 Invasive Species

3.10.1 Desk Study

The desk study returned no records for invasive plant species within 1 km of the site.

3.10.2 Field Survey

Japanese rose (*Rosa rugosa*) was noted under the trees in the northeastern portion of the Site. This plant is listed on schedule 9 of the Wildlife and Countryside Act (as amended) 1981.

3.10.3 Assessment of Effects

Without mitigation the development could cause further spread of Japanese rose into the wider landscape.

3.10.4 Requirements

Clearance of the Site made in conjunction with any other recommendations made within this or other ecological report and mitigation documents. A management and removal methodology for the Japanese rose is required. Plants and their roots can be mechanically excavated and disposed of to a licensed landfill as controlled waste. Any plants retained in situ should be subject to a programme of herbicide application and monitoring. To prevent further spreading the managing agent for the highway (A361) should be made aware of the presence of this species.

Additionally, landscape planting should avoid the inclusion of any species listed on Schedule 9 of the Wildlife and Countryside Act (as amended) 1981 or any emerging non-native invasive plant species.

4 Biodiversity Enhancements Summary

As per the National Planning Policy Framework¹ all new developments are required to deliver a net gain in biodiversity, in terms of species benefits, onsite. In order to achieve this, the mitigation measures described in the preceding sections as well as the biodiversity enhancements should be implemented.

A brief summary of the recommended biodiversity enhancements for the Site is detailed in Table 6, below. For more detail on these enhancements, including recommended specifications, please refer to the species-specific sections of this report. It is considered that these measures, undertaken in conjunction with the Requirements detailed within this report, will ensure that the development achieves a net gain for biodiversity.

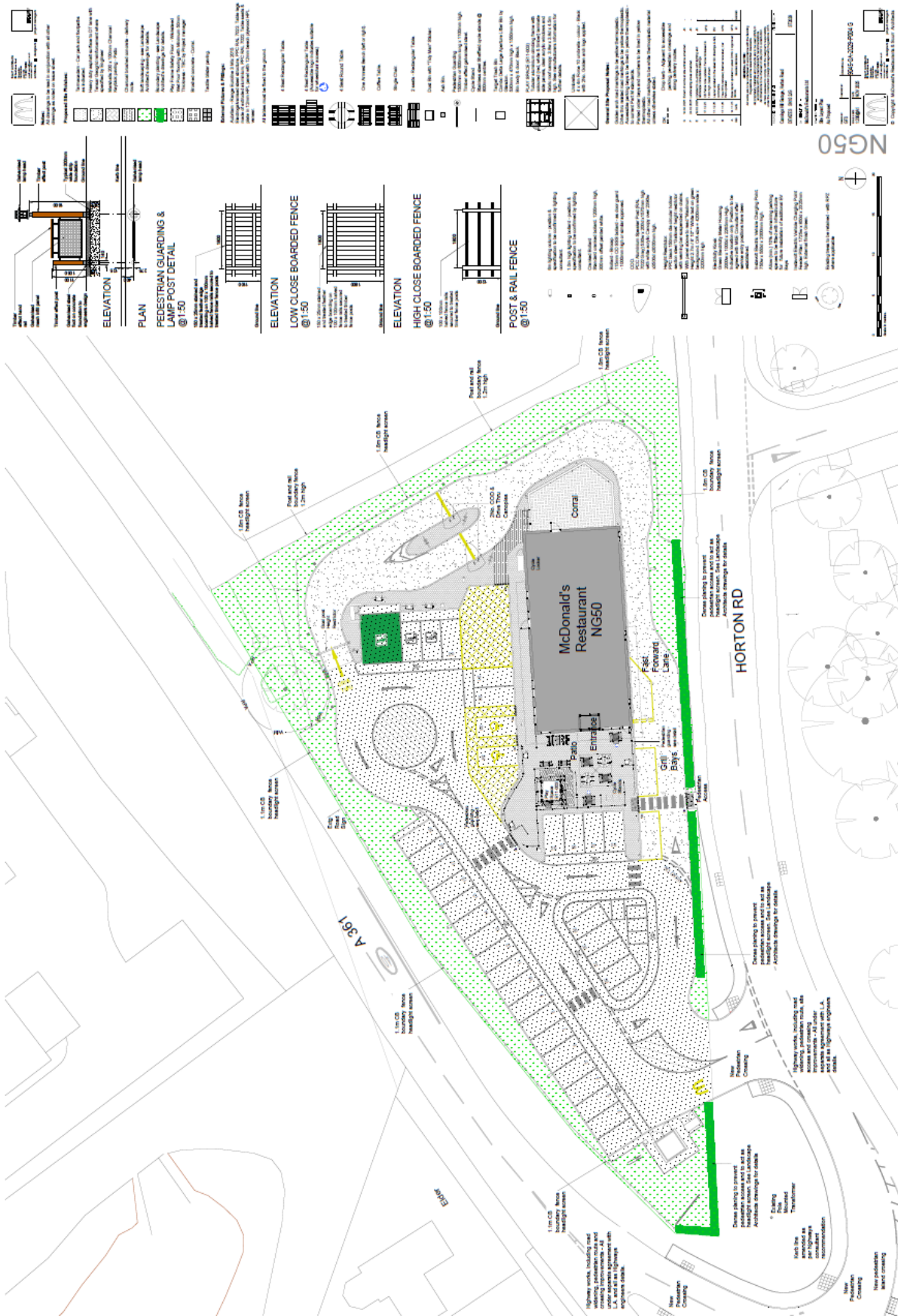
Table 6: Summary of Additional Biodiversity Enhancement Measures

Group or Habitat	Enhancement
Birds	Provision of a water source for birds; and Planting of seed, fruit or berry bearing trees onsite
Hedgehogs	Install hedgehog house in quiet part of the Site, most accessible for hedgehogs (e.g. southeastern corner).

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- ² Maddock, A. ed., 2008. UK Biodiversity Action Plan; Priority Habitat Descriptions. [pdf] Available at: http://archive.jncc.gov.uk/PDF/UKBAP_PriorityHabitatDesc-Rev2011.pdf
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- ¹¹ The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (*SI 2019: 579*) Available at: <https://www.legislation.gov.uk/uksi/2019/579/contents/made>
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- ¹⁹ UK Habitat Classification Working Group (2018) *UK Habitat Classification – Habitat Definitions V2.0*.
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- ²³ BCT (2020) *Core Sustainance Zones and habitats of importance for designing Biodiversity Net Gain for bats*. Bat Conservation Trust, London. <https://www.bats.org.uk/resources/guidance-for-professionals/bat-species-core-sustenance-zonesand-habitats-for-biodiversity-net-gain>
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- ³¹ Mammal Society (2024) *Hazel Dormouse Conservation Handbook*.

Appendix 1: Proposed Site Plan



Appendix 2: Site Photographs



Photo 1: View across forecourt looking west



Photo 2: View east on northern portion of Site

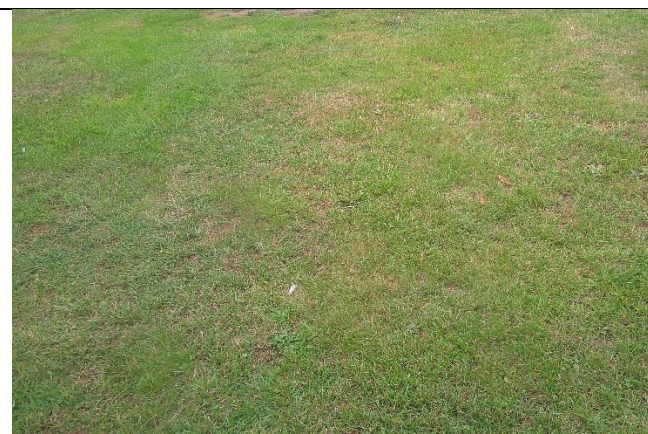


Photo 3: Modified grassland

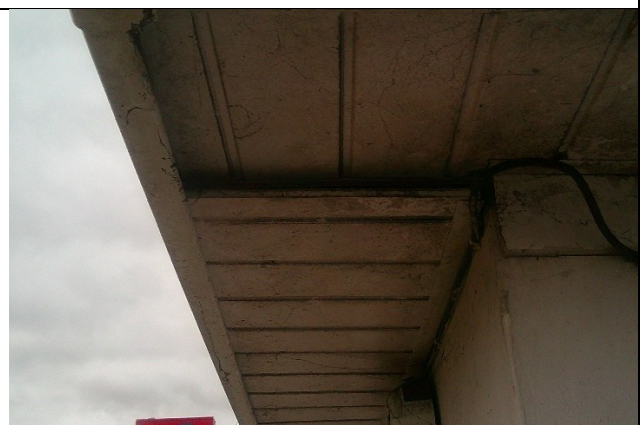


Photo 4: Potential roost feature in B2



Photo 5: B1 and B2



Photo 6: Former scrub area in eastern part of Site



Photo 7: T1



Photo 8: PRF on B4



Photo 9: B3



Photo 10: Former scrub area with tall ruderal growth



Photo 11: View of N elevation of B4

Appendix 3: Legislation

The following sections outline the legislation protecting each species or group of species where appropriate which have been considered as part of the preceding report.

Important notes:

- Practical Ecology Ltd's reports do **not** purport legal advice.
- The outline of legislation provided is not comprehensive and the original texts of the relevant legislation must be referred to for a full list of offences.

European Protected Species

Overview

The Bern Convention (The Convention on the Conservation of European Wildlife and Natural Habitats) was adopted in 1979. To implement the agreement, the European Community adopted the EC Habitats Directive.

The EC Habitats Directive has been written into UK law in the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). The Conservation of Habitats and Species Regulations 2017 (as amended) provides safeguards for European Protected Sites and Species (as listed in the Habitats Directive). This has recently been amended by the Conservation of Habitats and Species Regulations (amendments) (EU Exit) (2019) which continue the same provision for European protected species, licensing requirements and protected areas after the UK's exit from the European Union. In addition, the Countryside and Rights of Way Act 2000 strengthened the wildlife legislation in the UK. In relation to development, a person commits an offence regarding a species protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) if they:

- Deliberately capture, injure or kill an EPS;
- Deliberately or recklessly disturb wild animals of any such species in such a way as to be likely to significantly affect;
 - The ability of any significant group of animals to survive, breed or rear or nurture their young;
 - The local distribution or abundance of that species.
- Damages or destroys a breeding site or resting place (even if unintentional or when the animal is not present);
- Intentionally or recklessly obstructs access to a structure or place used for protection or shelter; and
- This applies regardless of the life stage (i.e. eggs, young, adult).

The following sections outline the offences that can be committed against each species or group of species which are protected by European law and tranches of UK law which strengthen that protection.

Great Crested Newts (*Triturus cristatus*)

Great crested newts and their breeding sites (ponds) or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- intentionally or recklessly kill, injure or handle a great crested newt;
- to possess a great crested newt (whether live or dead);
- disturb a great crested newt – this includes in particular:
 - Any disturbance or obstruction which is likely to impair their ability to survive, breed or reproduce, or to rear or nurture their young; or
 - Any disturbance or obstruction that impairs their ability to hibernate or affecting their local distribution and abundance;
- sell or offer a great crested newt for sale without a licence.

It is also an offence to intentionally or recklessly damage, destroy or obstruct access to any place used by great crested newts for shelter, whether they are present or not.

Bats

All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- intentionally kill, injure or handle a bat;
- to possess a bat (whether live or dead);
- disturb a roosting bat; or
- sell or offer a bat for sale without a licence.

It is also an offence to intentionally or recklessly damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

A roost is defined as 'any structure or place which (a bat) uses for shelter or protection'. As bats tend to reuse the same roosts, legal opinion is that a roost is protected whether or not bats are present at the time of the survey.

Otter (*Lutra lutra*)

Otters and their breeding sites (holts) or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure otters;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- possess, sell, control or transport live or dead otters, or parts of otters.

Common dormouse (*Muscardinus avellanarius*)

Common dormice and their breeding sites or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure common dormice;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly disturb a common dormouse whilst in structure or place of shelter or protection;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- possess, sell, control or transport live or dead common dormice, or parts of common dormice.

Other Species

Badgers (*Meles meles*)

Badgers are fully protected in the UK by the Protection of Badgers Act, 1992 and by Schedule 6 of the Wildlife and Countryside Act 1981 as amended. The Protection of Badgers Act 1992 was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting. Under the Act, it is an offence *inter alia* to:

- Wilfully kill, injure or take a badger, or to attempt to do so;
- Cruelly ill-treat a badger; or
- Intentionally or recklessly interfere with a badger sett by;
 - damaging a sett or any part of one;
 - destroying a sett;
 - obstructing access to or any entrance of a sett;
 - causing a dog to enter a sett; or
 - disturbing a badger when it is occupying a sett.

The purpose of this legislation is to ensure that badgers are humanely treated.

Water Vole (*Arvicola terrestris*)

Water vole and their breeding sites or resting places (burrows) are protected under Schedule 5 of the Wildlife and Countryside Act 1981. It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure water voles;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly disturb a water vole whilst in structure or place of shelter or protection;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- Possess, sell, control or transport live or dead water voles, or parts of water voles.

NB: In the case of water voles, a place of shelter or breeding or resting place is only likely to constitute an 'active' burrow.

Reptiles

All six of the UK's reptile species are protected under the Wildlife and Countryside Act 1981 (as amended).

Of the more common reptiles, it is illegal to intentionally kill or injure common lizard (*Zootoca vivipara*), slow worm (*Anguis fragilis*), an adder (*Vipera berus*) and grass snake (*Natrix helvetica*).

White-Clawed Crayfish (*Austropotomobius pallipes*)

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to:

- Take a white-clawed crayfish from the wild;
- Sell or offer the sale of a whole or any part of a white-clawed crayfish.

This applies to all life stages.

Birds

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built;
- intentionally take or destroy the nest or eggs of any wild bird. [Special penalties are liable for these offences involving birds listed on **Schedule 1**].

Birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) have an additional level of protection. With regards to these species, it is an offence to deliberately or recklessly:

- disturb them whilst they are nesting, building a nest, in or near a nest that contains their young;
- disturb their dependent young.

Invasive Species

Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act 1981 (as amended) prohibits the release of any animal species that are 'not ordinarily resident or is not a regular visitor to Great Britain in a wild state'. Therefore, under Section 14 it is an offence to allow the establishment of plant species listed on Schedule 9 Part 2 in the wild.

Wild Mammals

Mammal species not of primary conservation concern do receive protection from unnecessary suffering through the Wild Mammals Protection Act (1996).

Appendix 4: Habitat Plan

