



**Proposed Outbuilding at Middle Hill House,
Ditteridge, near Box, Wiltshire SN13 8QS**

Ecological Impact Assessment

June 2026

on behalf of Mr A. Butt

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Client	Mr Arif Butt
Job name	Outbuilding at Middle Hill House, Ditteridge, near Box, Wiltshire SN13 8QS
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1 Introduction

1.1 Site Description & Context

The location of the proposed outbuilding at Middle Hill House, referred to as the 'site' within this report, is an existing hard tennis court within the garden of Middle Hill House in the village of Ditteridge in Wiltshire SN13 8QS. The approximate Ordnance Survey grid reference for the site is ST 8155 6911.

Please refer to Appendix 1 for photographs, and Figure 1 and Appendix 2 for site location plans.

The site comprises an existing hard tennis court (developed land; sealed surface). No areas of garden and no trees are present within the site.

Middle Hill House is located in a semi-rural location, with other detached dwellings to the west and east, and open countryside to the north and south. The wider landscape is largely agricultural, although woodland and hedgerows are also characteristic of the local area. The By Brook is located approximately 240m to the south and the watercourse forms a habitat corridor through the landscape.

The Bath and Bradford-on-Avon Bats Special Protection Area (SAC) is located approximately 1.6km to the east of the site. The SAC is designated as such as it supports important populations of greater horseshoe bat *Rhinolophus ferrumequinum* and Bechstein's bat *Myotis bechsteinii*, as well as lesser horseshoe bat *R. hipposideros*.

Box Mine Site of Special Scientific Interest (SSSI) is also located approximately 1.6km to the east. Box Mine SSSI is an extensive network of man-made tunnels which is used by bats for hibernation, mating and as a staging post prior to dispersal. The mine seasonally supports up to 10% of the total British population of greater horseshoe, one of the rarest native bat species.

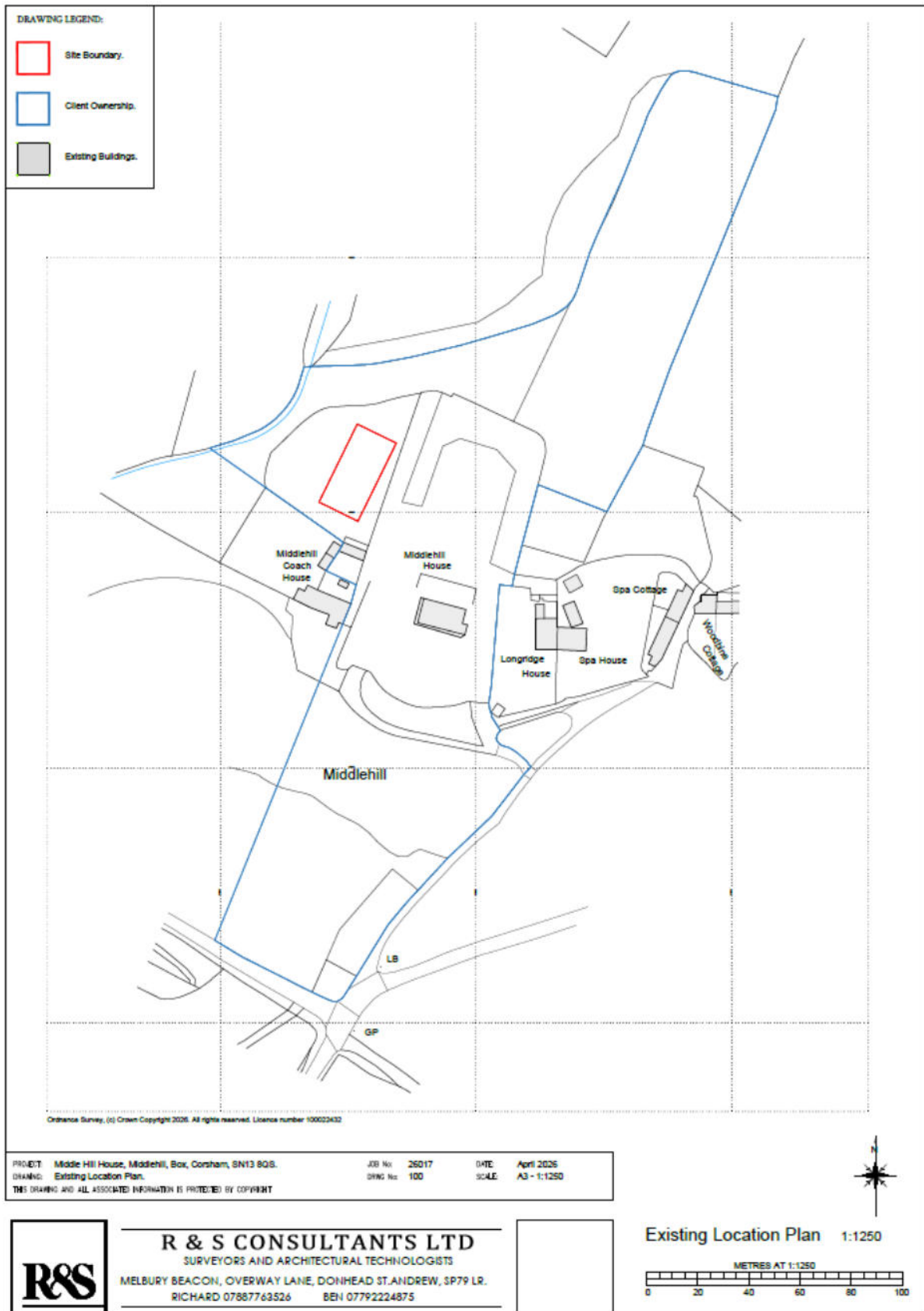


Figure 1. Site location plan.

1.2 Proposals

There is a proposal to erect an outbuilding within the site. The outbuilding will contain a home gym, pool room, changing room and wc.

1.3 Aims of Study

The aims of this study are to describe and evaluate the habitats present within the site and to assess the potential for the site to support protected and notable species. The report discusses the likely impacts of proposed development on the ecology of the site, on valued habitats and on protected/notable species.

1.4 Bat Ecology

Bats are the only mammals to have developed the ability of true flight. At present, over 1,100 species of bat are recognised worldwide, making bats the second largest mammal group after rodents. As well as flight, bats have evolved a system of navigation and orientation using echolocation which has allowed many species to become nocturnal. There are 18 species of bat that occur within the British Isles, of which 17 are known to breed here. More species occur in the south and west of the country, with species numbers declining towards the north and into Scotland.

All bat species in the UK are nocturnal and feed exclusively on insects (they are insectivorous) which they catch in flight during their night-time activity, using echolocation to locate and home-in on their prey. Bats will roost during the daytime and seek out dark, enclosed and undisturbed places in which to do so, often using a variety of roosting sites within their home range. Different roost sites are used for different purposes (such as mating, giving birth and hibernation) and at different periods of a bat's life cycle.

During the summer, female bats will gather together in a maternity or breeding roost. In the UK, this starts to occur towards the end of May and the females will seek out a warm and undisturbed site in which to give birth. Because maternity roosts require a particular set of environmental attributes (such as location, temperature, orientation and size), breeding bats tend to return to roost and breed in the same locations year after year. Given that bats live a relatively long time (anywhere from 10-20 years), and only give birth to one pup a year, maternity colonies are crucial to the reproduction and survival of the local population and can be very sensitive to environmental change.

Relatively little is known about hibernation roosts, as tracking and locating hibernating bats is very difficult. However, many species (particularly those within the genera *Myotis* and *Rhinolophus*) have been found within underground sites such as caves, mines and cellars, where the temperature remains constant and low throughout the winter allowing the bats to remain in a state of torpor. The spring and autumn are periods of transition and bats can use a number of different locations on a temporary basis, often moving between roosts as environmental conditions change and temperatures fluctuate. In the autumn, bats will mate, and it has been shown that male and female bats will gather at particular locations (such as a building, cave or tree) to meet, socialise and mate.

Bats choose to roost in a number of different locations, depending on the species, their activity pattern and the period of their lifecycle. Certain species, such as the pipistrelles, favour crevices and small cavities for roosting and will use features such as cracks, crevices and small rot holes in the boughs and trunks of trees and within certain features of buildings such as boxed eaves, gaps under roof tiles, hanging tiles and soffit boards. Other species favour large, uncluttered roof spaces and lofts within buildings where they can hang up on the underside of the roof and use the interior space for flying prior to emergence. Hollow trees, cellars, caves, barns, churches and cavity walls can also all be used for roosting, given suitable access. Certain species, such as the noctule, favour roosting sites within trees whilst others tend to favour buildings. Roost sites may be used by only a very small number of bats, such as solitary males, or may offer shelter to tens or hundreds of bats within maternity and hibernation roost sites.

The suitability of roosting sites is also highly influenced by the location or context of a tree, building or cave. Roost sites are most often favoured when they are within close proximity to foraging habitats and where those habitats are connected to one another within the landscape by features such as hedgerows, woodlands, rivers or sunken lanes along which bats disperse and 'commute' from place to place. Suitable foraging habitats are any places where insect prey is diverse and abundant such as woodlands, ponds, lakes, rivers, scrub, hedgerows and unimproved grassland or pasture. Thus, the ecological context of a site is very important for determining if bats may be present within a roost and the potential for a roost to be present tends to be much higher within rural or village locations.

2 Methodology

2.1 Desk Study

The Wiltshire and Swindon Biological Records Centre was contacted in June 2025 to collate records that it holds for protected/notable species and non-statutory sites of nature conservation importance within a 1km radius of the site.

The Multi-Agency Geographic Information for the Countryside (www.magic.gov.uk) website was searched for information regarding internationally protected sites (e.g. Special Areas of Conservation) within 5km of the site and statutory sites of nature conservation importance (e.g. Sites of Special Scientific Interest) within a 1km radius of the site. Other Internet resources interrogated as part of the desk study include:

- Bing Maps - www.bing.com/maps
- Google Earth - www.earth.google.co.uk
- Google maps - www.google.co.uk/maps

Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 was also consulted to gather information pertaining to priority habitats and species for conservation action at the national and local level.

Aerial photography interpretation is used to place the site into an ecological context and to provide information on the nature of the habitats beyond the site boundary. The information gathered is used to provide a baseline to the habitat assessment.

2.2 Field Surveys

2.2.1 Extended UKHab Habitat Surveys

An extended UKHab Habitat Surveys were undertaken on 30th April 2025, 4th June 2025 & 29th June 2026 by Edward Bodsworth MA (Cantab) PhD MCIEEM.

Each time a walkover of the site was conducted, and a description of the habitats present was prepared using standard UKHab methodology. The field survey technique used is detailed in the UK Habitat Classification User Manual (Butcher, Carey, Edmonds, Norton, & Treweek, UK Habitat Classification Manual Version 1.1, 2020).

The MAGIC website and Google Earth Pro satellite imagery were also used to determine whether there are known or possible locations for rare and/or habitats of high nature conservation importance.

Field survey maps were prepared in QGIS and printed off for use in the field. Survey sheets were printed at a scale relevant to the scope and extent of the survey. They are between 1:10,000 and 1:200 scale.

The UKHab system comprises a five-level Primary Habitat Hierarchy and a list of Secondary Codes, the latter is divided into Essential codes and Additional Codes. It is mandatory that each recorded habitat parcel (which can be a point, line or polygon using geospatial vector data terminology) is allocated a single Primary Habitat Code and to record the presence of all Essential Secondary Code features associated with that habitat parcel. Additional Secondary Codes can also be associated with habitat parcels, where it is relevant to the whole parcel. The UKHab system recommends that up to six Secondary Codes can be allocated to a single habitat parcel.

The UKHab system includes all habitat types identified in the UK, irrespective of scale and geographic range, including all habitats listed under Section 41 of the NERC Act 2006 and all Habitats Directive Annex 1 habitats recorded in the UK. Where possible, synonyms for UKHAB habitats in other major habitat classifications are provided in the definitions.

The UK Habitat Classification Version 2.0 has been used (UKHab Ltd, 2023), with the use of Level 3 to 5 Primary Habitats and Secondary Codes. Primary Habitats and Secondary Codes follow the UKHab definitions listed in the aforementioned document. The Secondary Codes selected are appropriate to the site and habitats recorded.

Target notes were also prepared on features of particular ecological interest, and an assessment was made of the site's potential to support protected and notable species (such as species listed under Section 41 of the NERC Act 2006) as well as invasive species (listed on Schedule 9 of the Wildlife & Countryside Act 1981).

2.3 Evaluation Methodology

The evaluation of habitats follows the geographic frame of reference presented within the *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* version 1.1 (CIEEM, 2018).

The Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines recognise that ecological evaluation is a 'complex and subjective process' but provides key considerations to apply when 'applying professional judgement to assign values to ecological features and resources. These include consideration of geographic frame of reference; site designations and features; biodiversity value; large populations or important assemblages of species; potential or supporting value; social value and economic value.

Focusing on assessments of biodiversity value, there are various characteristics that can be used to identify ecological resources or features that are likely to be important in terms of biodiversity. These include:

- Rare or uncommon species in the local, national or international context;
- Endemic or locally distinct sub-populations of a species;
- Species on the edge of their distribution;
- Notably large populations of animals or concentration of animals considered uncommon or threatened in a wider context;
- Species, rich assemblages of plants or animals;
- Ecosystems and their component parts, which provide the habitats required by the above species, populations and/or assemblages;
- Plant communities (and associated animals) considered typical of valued natural/semi-natural vegetation types; and
- Habitat diversity, connectivity and/or synergistic associations.

In this report, habitats are assigned to a value relating to their geographic frame of reference, using the following scale:

- International
- UK
- National (England)
- Regional (South)
- County (Wiltshire)
- District (Wiltshire)
- Local or parish (Box)
- Immediate zone of influence of the site (Site)
- Negligible

Regarding protected and notable species, an assessment of habitat suitability and potential presence of species has been undertaken given the results of the desk study and field surveys.

Characterising and Quantifying Effects and Assessing Significance

The guidelines state that ecological effects should be characterised in terms of ecosystem structure and function and reference should be made to: positive or negative effects; extent; magnitude; duration; reversibility; timing and frequency; and cumulative effects. The guidelines provide a list of 'key aspects of ecosystems to consider when predicting effects'.

Following the characterisation of effects, an assessment of the ecological significance of an effect is made. Prior to the publication of the guidelines in 2006, ecological significance was defined using a matrix in which ecological value and magnitude of effect were combined to determine different grades of significance; usually high, medium or low. The guidance now advises that assigning levels of significance in this way obstructs a clear understanding of the EclA process and can result in an assessment that lacks rigour.

The guidelines promote a more transparent approach in which a beneficial or adverse effect is determined to be significant or not, in ecological terms, in relation to the integrity of the defined site or ecosystem(s) and/or the conservation status of habitats or species within a given geographical area, which relates to the level at which it has been valued. The decision about whether an effect is significant or not, is independent of the value of the ecological feature; the value of any feature that will be significantly affected is then used to determine the implications, in terms of legislation, policy and or development control.

2.4 Limitations on Survey Data

There are not considered to be any significant constraints on the survey information, and all parts of the site could be accessed safely and thoroughly.

As with any survey undertaken on a certain date, the data presented within this report provide information at a particular point in time and present a 'snap-shot' of the ecological status of the site. Ecosystems and species behaviour/activity are dynamic and can change over time.

Whilst this report presents a characterisation and evaluation of habitat and species status at the time of the study, it should not be taken as an exhaustive representation of the ecological status of the site either at present or into the future.

3 Results

3.1 Desk Study

3.1.1 Statutory Sites

Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) is located approximately 1.6km to the east of the site.

Bath and Bradford-on-Avon Bats SAC

Annex II species that are a primary reason for selection of this site

- Greater horseshoe bat *Rhinolophus ferrumequinum*

This site in southern England includes the hibernation sites associated with 15% of the UK greater horseshoe bat population and is selected on the basis of the importance of this exceptionally large overwintering population.

- Bechstein's bat *Myotis bechsteinii*

Small numbers of Bechstein's bats have been recorded hibernating in abandoned mines in this area, though maternity sites remain unknown.

Annex II species present as a qualifying feature, but not a primary reason for site selection

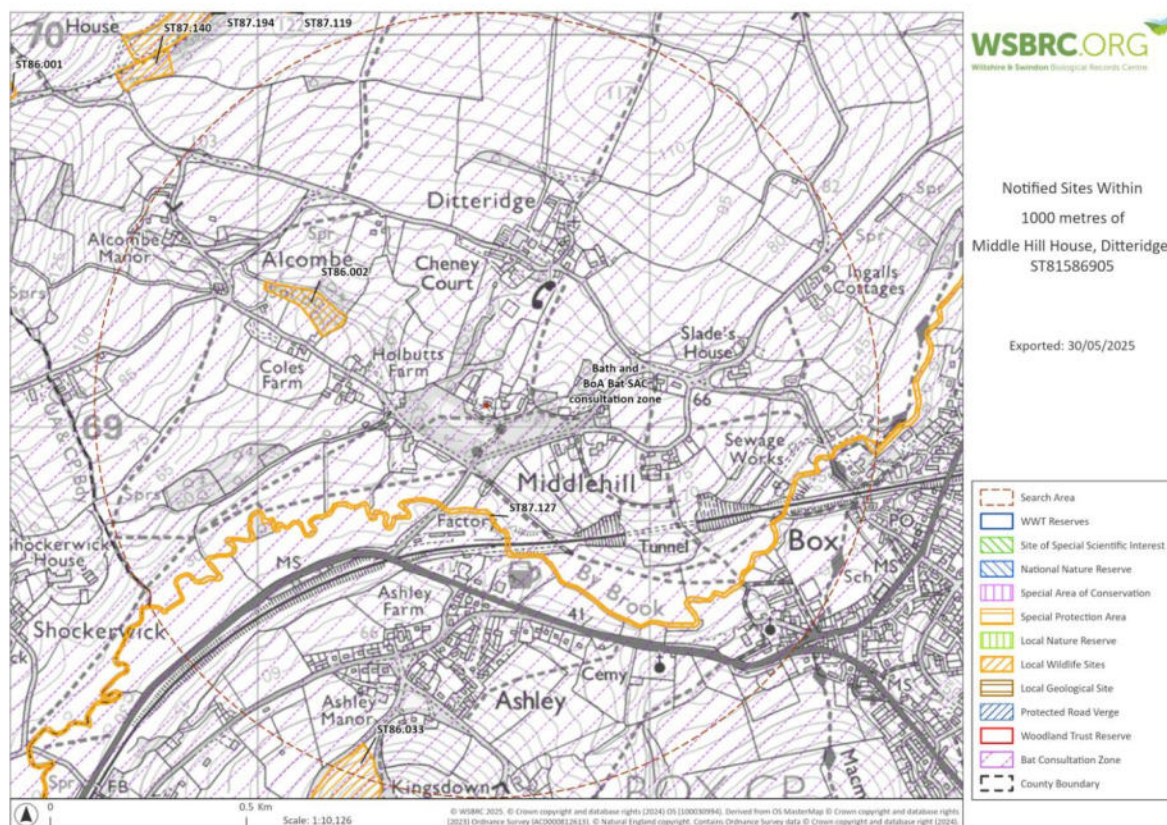
- Lesser horseshoe bat *Rhinolophus hipposideros*

There are no Sites of Special Scientific Interest (SSSI) within a 1km radius of the site.

Box Mine SSSI is located within the Bath and Bradford-on-Avon Bats SAC. Box Mine is an extensive network of man-made tunnels which is used by bats for hibernation, mating and as a staging post prior to dispersal. The mine seasonally supports up to 10% of the total British population of greater horseshoe, one of the rarest native bat species.

3.1.2 Non-statutory Sites

There are no non-statutory sites of nature conservation importance within the application site or adjacent to its boundary. There are three Local Wildlife Sites within a 1km radius of the site (see Figure 2).



Local Wildlife Sites

	File_Code	Grid_Ref	Site_Name	Area_Ha	Site_Description	Selection_Criteria	Source	Main_habitat	Latest_Recorded_Habitats
0	ST86.002	ST812693	Briary Wood, Alcombe	1.05	A small area of ancient broadleaved woodland	HW1.1 (1.05ha)	NCC AWI 1987; WSP(0)	Broadleaved woodland	[National Vegetation Classification - 10/02/2005] W8 Fraxinus excelsior-Acer campestre-Mercurialis perennis woodl.
1	ST86.033	ST811676	Ashley Fields	11.2	a number of small and medium sized species-rich calcareous meadows traditionally managed for hay and grazed by horses.	HG3 (6.54ha)	BRC; EN (10km); VSP(1) 2011	Calcareous grassland	Calcareous grassland
2	ST87.127	ST842770	By Brook	31.7	An important system of streams and brooks with hi floristic and faunal diversity.	HR1 (31.61ha); HR1.3 (31.61ha)	WWT (10km); WSP(2) 2006	River	[Phase 1 Habitat Classification - 1974] G2 Open water: running water

Figure 2. Locations and descriptions of Local Wildlife Sites within the desk study area.

3.1.3 Habitats

Data obtained from the WSBRC indicate that there are no habitats of 'principal importance' within the site or adjacent to the site boundaries (see Figure 3 & Figure 4). Data from the WSBRC indicate that there are areas of improved grassland within the site (see Figure 4).

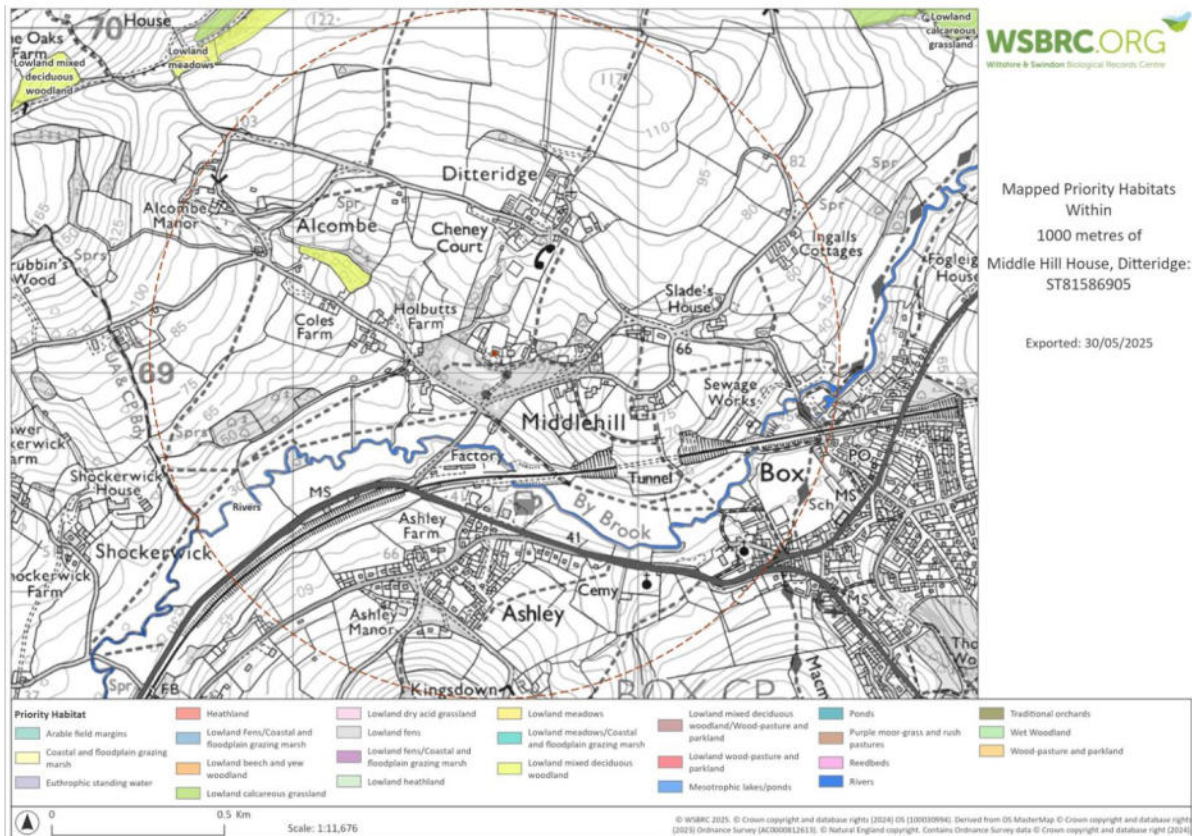


Figure 3. Map of priority habitats, indicating no priority habitats within the site or adjacent to the site boundary.

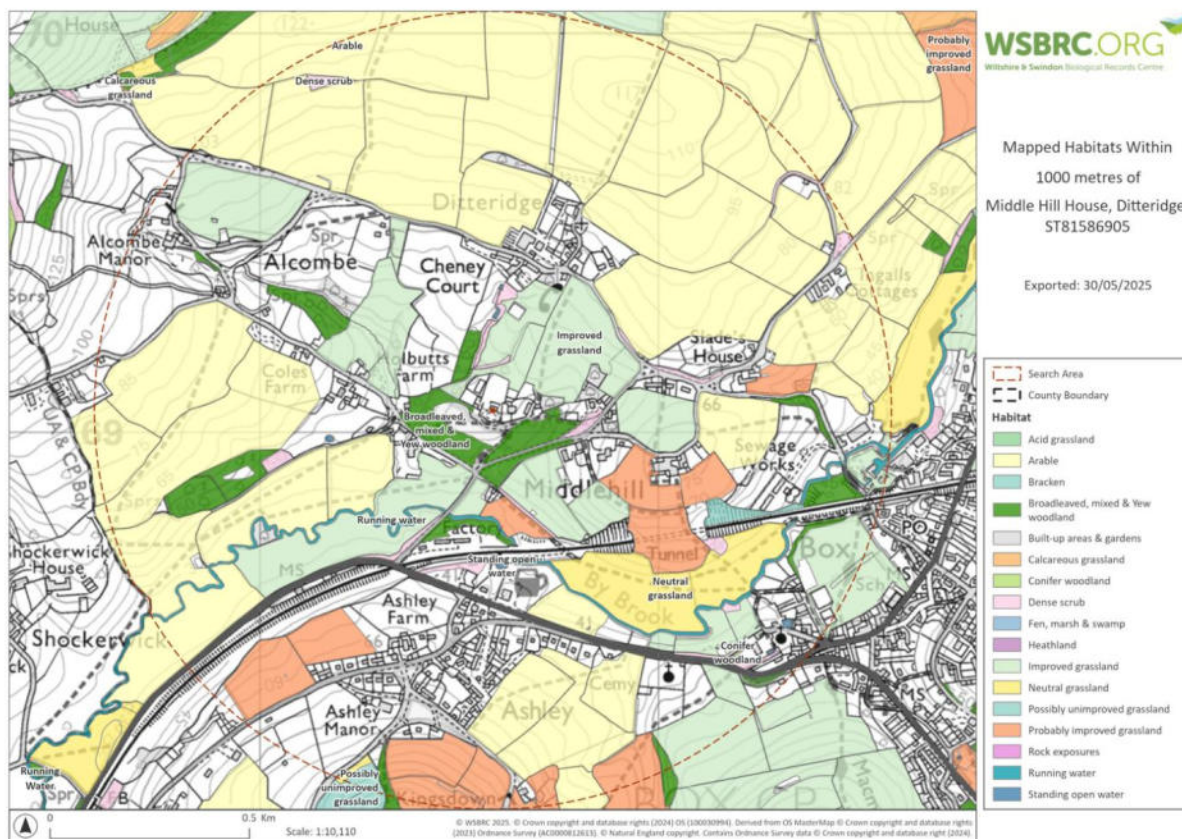


Figure 4. Map of habitats showing some areas of improved grassland within the site.

3.1.4 Species Records

The following sections discuss species records that are considered to be relevant, or potentially relevant to the site, given the nature of the habitats that are present within the site and the immediate surrounding area.

3.1.4.1 Amphibians

There are records of common toad *Bufo bufo* and great crested newt *Triturus cristatus* from within the 1km search area around the site.

There are 7 records of the great crested newt, all of which come from the same pond (Ashley garden pond). The most recent records at this location date from 2015. The location of these records is located to the south-west of the site on the opposite side of the By Brook, the Bath Road and a railway line.

3.1.4.2 Reptiles

There are no records held for reptile species from within the search radius.

3.1.4.3 Bats

Bat species records include:

- Serotine *Eptesicus serotinus*
- Noctule *Nyctalus noctula*
- Sorano pipistrelle *Pipistrellus pygmaeus*
- Common pipistrelle *P. pipistrellus*
- Brown long-eared bat *Plecotus auritus*
- Lesser horseshoe bat *Rhinolophus hipposideros*
- *Myotis* species

All of these species, with the exception of the noctule, are known to use buildings as roost locations. Lesser horseshoe bats require 'free-flight' access into their roosts as they cannot crawl.

3.1.4.4 Other Mammals

Otter *Lutra lutra* and water vole *Arvicola amphibius* have both been recorded from the By Brook. Records of other mammals include hedgehog *Erinaceus europaeus*, brown hare *Lepus europaeus*, badger *Meles meles* and water shrew *Neomys fodiens*.

3.1.4.5 Birds

The vast majority of the records are of bird species, including those that can use garden habitats such as song thrush *Turdus philomelos*, wren *Troglodytes troglodytes*, dunnock *Prunella modularis* and wood pigeon *Columba palumbus*.

There are also records of species that can use buildings for nesting including barn owl *Tyto alba*, swift *Apus apus* and house martin *Delichon urbica*.

There are also records of red kite *Milvus milvus*, a species that nests in tall trees.

3.1.4.6 Invertebrates

White-clawed crayfish *Austropotamobius pallipes* has been recorded from the By Brook.

3.1.4.7 Plants

There are records for a number of plant species of woodland, wetland and grassland habitats. These include species such as bluebell *Hyacinthoides non-scripta* and white helleborine *Cephalanthera*

damasonium (woodland) and basil thyme *Clinopodium acinos* and cat mint *Nepeta cataria* (grassland).

3.1.4.8 Fish

Brown trout *Salmo trutta* and grayling *Thymallus thymallus* have both been recorded from the By Brook.

3.2 Habitats

The site is an area of developed land; sealed surface (hard tennis court) which is surrounded by a vegetated garden (off-site).

Photographs of the site are presented in Appendix 1. Appendix 2 illustrates the location of the site. A UKHab habitat plan is presented in Appendix 3.

There are no irreplaceable habitats within the site.

There are no habitats of 'principal importance' within the site. Data from the Local Records Centre indicates that there are no mapped priority habitats within the site.

The UKHab codes for the habitats within the site are presented within Table 4.

3.2.1 Developed Land; Sealed Surface – Other Developed Land - u1b6

The site is a hard tennis court (other developed land).

Other developed land is considered to be of negligible ecological value.

3.2.2 Vegetated Garden – u 32, 516, 828

The surrounding (off-site) vegetated garden includes close-mown lawns and tended flowerbeds. There are also shrubberies and scattered trees, as well as more formal garden areas, one with a dry ornamental pond. The lawns are close-mown and species-poor, with herbs including dandelion *Taraxacum officinale*, germander speedwell *Veronica chamaedrys*, ground ivy *Glechoma hederacea* and white clover *Trifolium repens*.

Table 4. UKHab habitat codes for the site and adjacent areas; habitat baseline.

Primary Code	Secondary Code	Description
u1b6	-	Developed land, sealed surface – other developed land
u	32, 516, 828	Vegetated garden, actively managed, scattered trees (off-site)

3.3 Species

3.3.1 Amphibians

There are no ponds within the site. A circular ornamental garden pond, located to the west of the dwelling, is now dry and unsuitable for breeding amphibians. The existing hard tennis court offers no terrestrial habitats to amphibians.

Ordnance Survey maps indicate that there is a pond located approximately 120m north of the site, along the line of a stream/spring. Studies of aerial photographs indicate that this is likely to be a wet/marshy area along the line of the stream, but there does not appear to be any significant standing open water. It is considered unlikely that this 'pond' will offer any significant breeding habitat to great crested newts.

The location of existing records for great crested newts is approximately 700m to the south-west of the site on the opposite side of the By Brook, the Bath Road and a railway line. It is considered that the brook, road and railway line form barriers to amphibian dispersal from this direction.

3.3.2 Reptiles

The hard tennis court offers no suitable habitat to reptiles.

3.3.3 Bats

There are no buildings or trees within the site that bats could use for shelter. The hard tennis court (other developed land) does not offer any foraging opportunities to bats.

3.3.4 Otters

There are no habitats within the site that are suitable for otters. No otter holts or evidence of otter activity were noted within the site.

3.3.5 Other Mammals

There are no badger *Meles meles* setts within the site and no evidence of badger activity was noted in the garden.

There are no suitable habitats within the site for water voles.

There are no suitable habitats within the site for water shrews.

The site does not offer suitable habitat to brown hare.

3.3.6 Birds

There is no vegetation within the site that birds could use for nesting. The hard tennis court offers no habitat to ground-nesting bird species.

3.3.7 Invertebrates

There are no suitable habitats for white-clawed crayfish within the site.

3.3.8 Plants

There are no plants within the site.

3.3.9 Fish

There are no suitable habitats within the site for fish species.

4 Discussion

4.1 Relevant Legislative & Policy Guidance

4.1.1 Special Areas of Conservation

Special Areas of Conservation (SACs) are strictly protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the habitat types and species identified in Annexes I and II of the Directive (as amended). The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

The legal requirements relating to the designation, protection and management of SACs in England are set out in the Conservation of Habitats and Species Regulations 2017 (often referred to as 'the Habitats Regulations'). All terrestrial SACs in England are also Sites of Special Scientific Interest (SSSIs).

The Habitats Regulations require that any plans, projects or activities which are proposed and require a permission of some kind and may significantly affect a SAC must be subject to special scrutiny and first require a detailed 'appropriate assessment'.

The decision-making authority may only permit or undertake the proposals if the assessment concludes that there would no adverse effect on the integrity of the SAC. Where it cannot reach this conclusion, the project can then only proceed in particular circumstances. This process allows those proposals which clearly will not impact upon the special European wildlife interest of a SAC to proceed.

4.1.2 Sites of Special Scientific Interest

Under the Wildlife and Countryside Act 1981 the government has a duty to notify as a Site of Special Scientific Interest (SSSI) any land which in its opinion is of special interest by reason of any of its flora, fauna, geological or physiographical features. In England, SSSIs are designated by Natural England. This body is known as the designating body.

An SSSI is not necessarily owned by a conservation organisation or by the Government. The designation is primarily to identify those areas worthy of preservation. An SSSI is given certain protection against damaging operations, and any such operations must in theory be authorised by the designating body. The status also affords a certain amount of planning protection, depending on the reasons for designation.

The Countryside and Rights of Way Act 2000 has made some significant changes to SSSI legislation in England and Wales. The Countryside and Rights of Way Act 2000 strengthened the law giving greater power to the designating body to enter into management agreements, to refuse consent for damaging operations, and to take action where damage is being caused through neglect or inappropriate management.

Local Authorities and other public institutions now also have a statutory duty to further the conservation and enhancement of SSSIs both in carrying out their operations, and in exercising their decision-making functions, which includes planning decisions. SSSIs form the basic unit of UK protected area legislation; most higher designations (SPAs & SACs) are superimposed onto existing SSSIs.

4.1.3 Bats

As with many animal species within the UK, declines in the abundance and distribution of many bat species have been documented through recent decades. The reasons for these declines are various and complex but it is considered that the major factors are changes in landuse and agriculture, the loss of woodlands and hedgerows and the loss of suitable roosting sites.

Bats are particularly sensitive to human activity due to the fact that they roost within buildings, trees and underground structures such as mines, and the availability of suitable roost sites is considered to be a key factor in the conservation of bats within the UK. As a consequence, all species of bat and their roost sites are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and under The Conservation of Habitats and Species Regulations 2017. Taken together, these make it an offence to:

- (a) Deliberately capture or intentionally take a bat

- (b) Deliberately or intentionally kill or injure a bat
- (c) To be in possession or control of any live or dead wild bat or any part of, or anything derived from a wild bat
- (d) Damage or destroy a breeding site or resting place of such an animal or intentionally or recklessly damage, destroy or obstruct access to any place that a wild bat uses for shelter or protection
- (e) Intentionally or recklessly disturb any wild bat while it is occupying a structure or place that it uses for shelter or protection
- (f) Deliberately disturb any bat, in particular any disturbance which is likely
 - to impair their ability;
 - (i) to survive, breed, reproduce or to rear or nurture their young; or
 - (ii) in the case of hibernating or migratory species, to hibernate or migrate; or
 - to affect significantly the local distribution or abundance of the species to which they belong

A bat roost may be any structure a bat uses for breeding, resting, shelter or protection. It is important to note that since bats tend to re-use the same roost sites, current legal opinion is that a bat roost is protected whether or not the bats are present at the time.

Although the law provides strict protection to bats, it also allows this protection to be set aside (derogation) under The Conservation of Habitats and Species Regulations 2017 through the issuing of licences (referred to as European Protected Species Licences or EPSL). Where a lawful operation is required to be carried out but which is likely to result in one of the above offences, a licence may be obtained from Natural England (the statutory body in England with responsibility for nature conservation) to allow the operation to proceed. However, in accordance with the requirements of The Conservation of Habitats and Species Regulations 2017, a licence can only be issued where the following requirements are satisfied:

- The proposal is necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- 'There is no satisfactory alternative';
- The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

These three criteria are often referred to as the 'three tests' of the Regulations. All three must be satisfied in order for a licence to be granted.

4.1.4 Nesting Birds

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. The nesting season for most species is between March and August inclusive.

Red kites are listed on Schedule 1 of the Act, meaning that it is also an offence to intentionally disturb the birds whilst nesting or preparing to nest.

4.1.5 The Natural Environment & Rural Communities Act 2006

Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on the Secretary of State to publish, review and revise lists of living organisms and types of habitats in England that are of principal importance for the purpose of conserving English biodiversity.

It also requires the Secretary of State to take, and promote the taking of, steps to further the conservation of the listed organisms and habitats. This is important in the context of planning

decisions as the National Planning Policy Framework affords planning policy protection to the habitats of species listed by virtue of Section 41.

There are no habitats or species listed on Section 41 of the NERC Act 2006 that are considered to be relevant to the site.

4.1.6 National Planning Policy Framework (NPPF)

The National Planning Policy Framework was revised in response to the proposed reforms to the NPPF and other changes to the planning system consultation on 12th December 2024 and sets out the government's planning policies for England and how these are expected to be applied. This revised framework replaces the previous Nation Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2012, revised in July 2021, updated in September 2023, and revised in December 2023.

The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

To protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

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

- 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;
- 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;
- 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
- Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements 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.

The following should be given the same protection as habitats sites:

- ❖ Potential Special Protection Areas and possible Special Areas of Conservation;
- ❖ Listed or proposed Ramsar sites; and
- ❖ Sites identified, or required, as compensatory measures for adverse effects on a habitats site, (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat's site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

4.1.7 *Environment Act 2021*

On 15th October 2019, the government introduced a new Bill to Parliament; The Environment Bill. This Bill was given Royal Assent on 9th November 2021 thereby passing the Environment Act 2021. This legislation will help ensure that England maintains and improves its environmental protection.

The Act details a legal requirement for all developments to ensure that a minimum of 10% net gain in Biodiversity is delivered. The Environment Act 2021 will help deliver the government's commitment to halt species decline by 2030.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat. This increase can be achieved through on-site biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits.

The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. There are exemptions which disapply the condition from certain

planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.

4.2 Biodiversity Net Gain

The proposals are considered to be exempt from the delivery of Biodiversity Net Gain. The existing baseline is zero Habitat Units. The proposals meet the de minimis exemption as follows:

A development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows

A development 'impacts' a habitat if it decreases the biodiversity value.

There are no irreplaceable habitats within the site.

There has been no loss or degradation of habitats prior to the ecology assessment.

4.3 Potential Impacts

4.3.1 Sites of Nature Conservation Importance

There are no foreseeable impacts on sites of nature conservation importance as a result of the proposals. No new external lighting is proposed.

The proposed outbuilding is therefore unlikely to have any significant impact on bat activity.

Given the above, it is considered that the interest features of Bath and Bradford-on-Avon Bats SAC and Box Mine SSSI, primarily greater horseshoe bat and Bechstein's bat, will remain unaffected by the proposals. Therefore, the assessment concludes that there would no adverse effect on the integrity of the Bath and Bradford-on-Avon Bats SAC, or the interest features of Box Mine SSSI.

4.3.2 Habitats

The proposals will not result in any significant impacts on habitats of ecological value. The proposals will only affect a habitat of negligible ecological value (developed land).

There are no foreseeable impacts on habitats of principal importance or irreplaceable habitats, or any habitats of significant ecological value.

4.3.3 Species

4.3.3.1 Amphibians

There are no foreseeable impacts on amphibians, including great crested newts.

Since no significant impacts on bats are predicted under The Conservation of Habitats and Species Regulations 2017, a European Protected Species (great crested newt) Licence will not be required for the proposed works to proceed. Since there are no predicted impacts on great crested newts or their habitats, it is not necessary to consider the 'three tests' of The Conservation of Habitats and Species Regulations 2017 in this instance.

4.3.3.2 Reptiles

There are no foreseeable impacts on reptiles or habitats that are suitable for reptiles.

4.3.3.3 Bats

The proposals will not result in any impacts on bats or places that bats may use for shelter or protection (roosts).

Since no significant impacts on bats are predicted under The Conservation of Habitats and Species Regulations 2017, a European Protected Species (bat) Licence will not be required for the proposed works to proceed. Since there are no predicted impacts on bats or their habitats, it is not necessary to consider the 'three tests' of The Conservation of Habitats and Species Regulations 2017 in this instance.

4.3.3.4 Other Mammals

There are no foreseeable impacts on other mammals including badgers, otters, brown hares, hedgehogs and water shrews.

4.3.3.5 Birds

No vegetation removal is proposed, and so there are no foreseeable impacts on breeding birds.

4.3.3.6 Invertebrates

There are no foreseeable impacts on white-clawed crayfish.

4.3.3.7 Plants

There are no foreseeable impacts on rare plant species.

4.3.3.8 Fish & Other Species

There are no foreseeable impacts on fish or other protected/notable species.

5 Recommendations

5.1 Further Surveys

No further surveys are considered necessary.

5.2 Habitats

There are no specific recommendations with regard to habitats.

5.3 Species

5.3.1 Bats

It is recommended that a bat box is erected on mature garden tree (off-site), as an enhancement measure. One bat box would be considered enough for an enhancement.

5.3.2 Birds

If the removal of woody garden vegetation is required, this should be undertaken outside of the breeding bird period, avoiding March to August inclusive.

6 References

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Reason, P.F. and Wray, S. 2023. *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats*. Chartered Institute of Ecology and Environmental Management, Ampfield.

UKHab Ltd., 2023. *UK Habitat Classification User Manual Version 2.0* at <http://www.ukhab.org/>

7 Appendix 1. Photographs



Photograph 1. The hard tennis court (other developed land) that comprises the site.

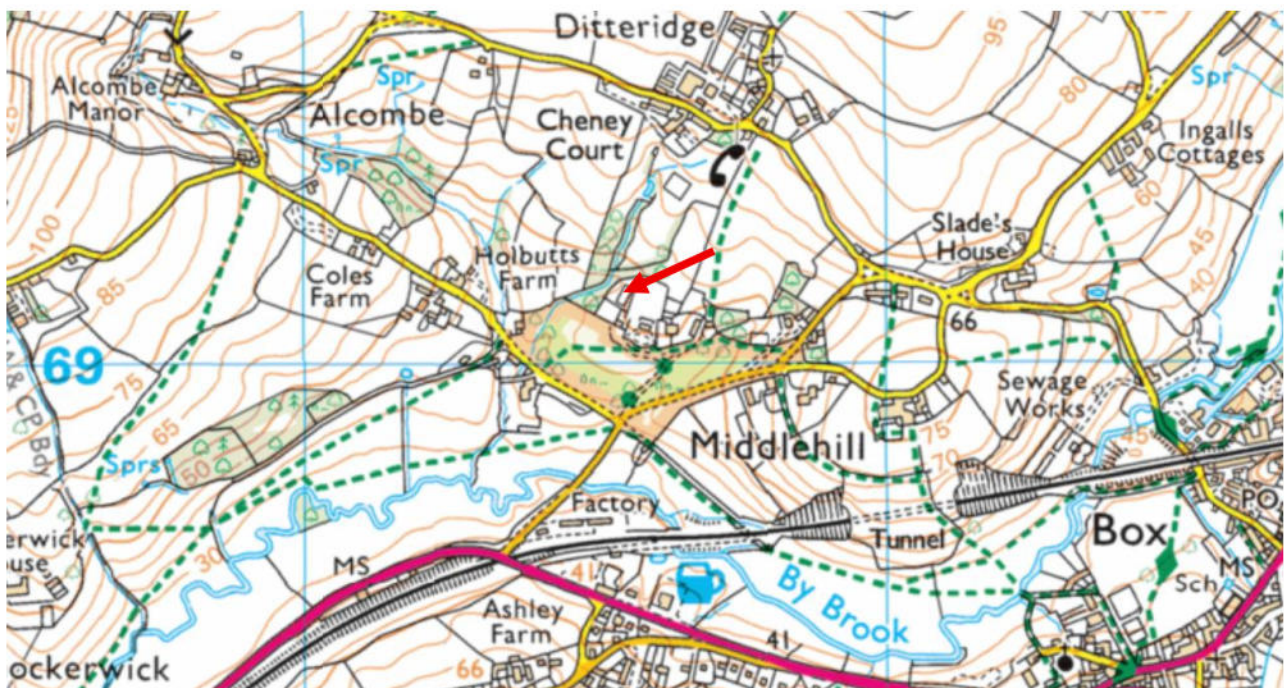


Photograph 2. Vegetated garden (off-site).

8 Appendix 2. Site Location Plans



Aerial photograph showing the location and extent of the application site, outlined in red.



Ordnance Survey map showing the approximate location and extent of the site (indicated by the red arrow) within the wider local area.

9 Appendix 3. UKHab Habitat Plan

