T4 ECOLOGY LTD

ECOLOGY CONSULTANCY SERVICES, MALDON, ESSEX

Preliminary Ecological Appraisal

Land adj. The Fox Inn

The Green

Matching Tye

Essex

CM17 0QS

Prepared for:

L. Gibson

May 2019

T4ecology Ltd

2, Elizabeth Way
Heybridge
Maldon
Essex
CM9 4TG

Tel: 07546 946715

Email: Info@train4ecology.co.uk

Web: www.t4ecology.eu

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Peter Harris Bsc (hons) MCIEEM

1. Survey Finding and Recommendations Summary

The search undertaken as part of the desk study concluded that the proposal would not be considered reasonably likely to have any adverse impact upon statutory designated locations. However, given the site location bounding Matching Park Local Wildlife Site (LWS) (non-statutory), it is advised that the contractor produces a site-specific CMP to manage the potential impacts of the construction phase.

In summary the proposed development area comprises a managed, maintained section of pub garden, set within the wider context of an operational pub in a village setting. As such the site is subject to management and disturbance as would be reasonably expected in such a land use context.

No trees with roosting potential are situated on site, nor would be lost to the development. From analysis of the proposal, the development will enable retention of all existing trees and hedgerows. As such, all features and potential existing bat commuting/forage networks would remain intact. A proposal would be unlikely to have an adverse impact upon bat behaviours, and any such behaviours would continue post development.

Given proximity to offsite woodland, it is possible that bats may commute and forage in the area. Therefore, a bat considerate lighting scheme is advised for the construction and completed phase, with further guidance provided in section 5.2.

Given proximity to an LWS, appropriate, proportionate ecological enhancements for the proposal should be identified in a site-specific BMP, and secured by way of an appropriately worded condition.

It is not considered reasonably likely that great crested newt or reptile species would be adversely affected by the development proposals. No further surveys have been advised.

No active or inactive badger setts were found, with no evidence of badger activity identified. No surveys have been advised. However, general appropriate precautionary measures for the demo/construction phases have been advised in section 5.2.

Appropriate recommendations in respect of due diligence relating to nesting birds and ecological enhancements have been made in section 5.2 of the report.

It is considered and concluded that the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided the specific mitigatory guidance and enhancement recommendations identified within section 5.2 are fully adhered to. Where necessary, appropriately worded conditions should be placed upon any consent granted in order to ensure appropriate measures are followed.

Contents

2. Introduction

2.1. Phase 1 Brief

T4 Ecology Ltd was commissioned by L. Gibson to undertake an ecological assessment of land adj. The Fox Inn, The Green, Matching Tye, Essex.

This report contains the findings of a Preliminary Ecological Appraisal-PEA. The Purpose of a PEA is to identify the potential for presence of protected species on a site, in line with European legislation, UK law and the requirements of The National Planning Policy Framework (NPPF) (2012). The brief of the ecological survey was to assess the habitats found on site and identify the potential for presence on site of protected species.

The site-based element is supported by a desktop study undertaken to identify presence of Statutory/National/Local designations or protected species within the vicinity (up to a 5KM radius) of the site. The final part of the project brief was to identify and make recommendations as appropriate for any further surveys required to determine presence/absence of protected species on site if the survey determined that presence of a protected species on site was considered to be reasonably likely.

2.2. Development Proposals & Planning Context

The proposal is for the construction of two detached residential dwellings utilising existing access into the site.

The following plans have been viewed as part of the assessment:

- Site Plan – 98718.01 A – Proposed Development – Ian Abrams Architects

Given availability of proposal plans, it was possible to undertake an assessment of any potential impacts resultant from the specific proposal and recommend further works/appropriate mitigation as appropriate in section 5.2 of this report.

2.4. Scope of Survey

The purpose of this report is to provide an independent opinion of the likely presence of protected species on a site to inform the client of their obligations, and to assist the Local Planning Authority (LPA) in their determination of a planning application.

It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no investigation could ensure the complete characterisation and prediction of the natural environment. This PEA does not constitute a full botanical survey or a Phase 2 preconstruction survey for Japanese Knotweed. In this regard, this survey provides a preliminary view of the likelihood of protected species occurring on site, based on the suitability of the habitat and any direct evidence on site. Additional surveys may be required if it is considered reasonably likely a protected species may be present.

The survey presents a snapshot in time, and therefore makes an assessment purely of what was seen at the time the survey was undertaken. The PEA does not therefore make any retrospective analyses.

3. Methodology

3.1. Survey

Habitats on site were recorded in accordance with the general principles and methods provided in the Handbook for Phase 1 Habitat Survey, JNCC 1993. The survey methodology involves undertaking a site visit to gain an understanding of the site ecology and surrounding characteristics. During the site visit the recording and mapping of habitat types and ecological features present on site is undertaken, including the identification of the main species present. The potential for presence of protected species is assessed as part of the overall methodology, and further advice/surveys recommended as considered appropriate based on the evidence obtained.

The survey works were undertaken in accordance with Guidelines for Preliminary Ecological Appraisal produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) in December 2017.

Methods are also in accordance to the general principles contained within British Standards Institute (BSI) BS42020 – Biodiversity-Code of Practice for Planning & Development.

A habitat plan is included as Annex 3. Photographs are included within Annex 2.

3.1.1. Survey Timings and Conditions

The survey was undertaken by Consultant Ecologist Peter Harris BSc (hons) MCIEEM on the 16th May 2019. Weather conditions were dry and clear with 0% cloud cover and an ambient air temperature of 14^{O}C.

Peter Harris is a full member of the Chartered Institute of Ecology & Environmental Management (CIEEM) and subject to the CIEEM Professional Code of Conduct. The surveyor is licenced by Natural England for surveying great crested newts. The surveyor is an ecologist with over 12 years of experience, and has been involved in a wide range of projects from single dwelling developments to large strategic urban renewal schemes subject to full Environmental Impact Assessment (EIA).

As an ecologist for over 12 years, Peter has obtained significant experience in respect of a wide range of protected and priority species. Species worked with include reptiles (surveys/mitigation), great crested newt (surveys/mitigation), badger (surveys/mitigation/licencing), dormouse (surveys) and bat, encompassing a wide range of survey and monitoring techniques. These include internal/external inspections/Preliminary Roost Assessment (PRA), in addition to involvement with successful bat mitigation license applications working in conjunction with specialist organisations.

3.2. Desktop Study & Records Search

To gain an understanding of any designations on/around the site in addition to the historical presence of protected species, desktop data has been obtained from the following sources:

3.2.1. Historical Protected Species Data

Records were requested from the Essex Field Club (EFC) Essex Recorders Partnership data search service. The information supplied by EFC is compiled using county records held by the County Recorders of the Essex Field Club, Butterfly Conservation, Essex Amphibian & Reptile Group, Essex Bat Group and provide information upon the records that were available at the time the search was undertaken. Therefore, a protected species records data search was undertaken for records of protected species for a minimum of 1km and a maximum of a 2km radius of the site grid reference, in addition to any other pertinent information relevant to the site.

Use of data is in accordance with CIEEM Guidelines for Accessing & Using Biodiversity Data, March 2016.

3.2.2. Designations

A desktop study was undertaken through MAGIC (Multi-Agency Geographic Information System for Countryside). The search looked to identify the presence of statutory designated sites within a 2km radius (e.g. Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR).

3.2.3 Additional Information

Freely available on-line mapping information and Ordnance Survey Maps were consulted as part of the background assessment.

4. Results

4.1. Desk study Results.

Record searches are by no means exhaustive, and certain species including reptiles and great crested newt are under recorded nationally. In addition, many of the records can be considered too old or may be unverified. However, the records provide an indication of the species of note historically found.

Site Details

- The site is located at Central Grid Reference: TL 51440 11227
- Postcode: CM17 0QS

4.1.1. Designations

The site is not situated within, nor bounding any statutory designated location.

The following statutory designated locations are situated within a 5km radius of the site:

- Sawbridgeworth Marsh Site of Special Scientific Interest – 4.9km north.

Impact Assessment

The site is not situated within any statutory or non-statutory designated locations. Given the small scale of the proposal and absence of any connectivity, it is not considered reasonably likely that the proposal would have any adverse impact upon the above listed statutory designated location.

The site is situated outside of the 6.2km Zone of Influence of Epping Forest Special Area of Conservation (SAC), and as such, adverse leisure related impacts as a result of the development are not anticipated nor considered reasonably likely. Any associated cumulative air quality impacts upon the SAC would be assessed/dealt with in accordance with published EFDC guidance.

Designations-Non-Statutory

Local Wildlife Sites (LWS) or Sites of Importance for Nature Conservation (SINC) are used in the planning system to protect areas that have substantive nature conservation value at a local level.

The site is not directly situated within an LWS location. The search identified that the site bounds Matching Park LWS directly to the south.

The LWS is designated as an ancient woodland.

Impact Assessment

Given the current use of the site as a managed, maintained pub garden (see section 4.2), the site does not provide an identical habitat to the LWS and as such, no habitat loss is anticipated.

However, given the immediate proximity of the site to an LWS, it is considered that should consent be granted, the potential impacts of construction be controlled. Consequently, it is advised that a site-specific Construction Management Plan (CMP) be produced by the contractor in order to define protection of ecological features, material and machinery storage, location of compound, access, dust and noise control etc. It is advised that such a document be produced by way of an appropriately worded condition.

In addition, the LWS woodland should not be subject to unnecessary lighting during the construction and completed phase. As such, a bat considerate lighting scheme should be utilised at all times, as identified in section 5.2.

Given proximity to an LWS, appropriate, proportionate ecological enhancements for the proposal should be identified in a site-specific Biodiversity Management Plan (BMP), and secured by way of an appropriately worded condition.

4.1.2. Biological Records

The records have been analysed as part of the desk research and considered as part of the conclusions and subsequent recommendations of this report. A summary of some of the records is provided below:

Great Crested Newt/Amphibian

No records were available in respect of amphibian species.

Reptile

No records were identified in respect of reptile species.

Hazel Dormouse

No records were identified in respect of this species.

Bats

The search identified the following records in respect of bat species:

Species	No. Records	Date Range	Closest to Site
Unidentified	1x Record	2015	1.1km
Daubenton's	1x Record	2016	1.3km
Noctule	1x Record	2010	0.4km
C. Pipistrelle	3x Records	2010-2016	0.4km

S. Pipistrelle	2x Records	2010-2016	0.4km
B. Long eared	1x Record	2003	0.7km

Brown Hare

2 records were identified dating from 1997, with the closest record 1.4km from site.

Avian

Species recorded in the search radius comprise swift, common buzzard, robin, red-kite, spotted flycatcher, blackbird, fieldfare.

4.2. Survey Results & Analysis

4.2.1 Site & Surroundings Description & Habitats

The site is situated in Matching Tye village.

To the east, the site is bounded by The Fox Inn public house, a section of pub garden outside the application boundary and associated buildings. To the north is Harlow Road, with dwellings and buildings situated on the opposing side of the street. To the west, the site is bounded by a residential dwelling and associated garden (The Woodlands), whilst to the south of the site is Matching Park LWS woodland.

The site is currently accessible for pedestrians via a small path in the north eastern corner linking to the pub car park. The site has its own gated entrance linking to Harlow Road in the north. This access would be used to provide access to the proposed houses.

Within the site survey boundary, the entire main body of the site area is currently used as a pub garden, and comprises managed, maintained uniform short sward lawn grass. The north eastern corner of the site has tables and chairs associated with the current land use.

The northern boundary of the site with Harlow Road is formed by a managed hawthorn dominated hedgerow situated either side of the existing gate. A mature ash tree is situated in the north eastern corner adjacent to the pub car park and a small area of introduced shrubbery.

A managed hawthorn dominated hedge is situated on the western boundary, with the southern boundary with the woodland comprising elder, bramble, nettle and cherry laurel. A managed row of cherry laurel is situated on the south eastern boundary of the site forming a boundary between the neighbouring lawn.

In summary the proposed development area comprises a managed, maintained section of pub garden, set within the wider context of an operational pub in a village setting. As such the site is subject to management and disturbance as would be reasonably expected in such a land use context.

4.3. Potential for Protected Species Impact with Proposals

The site was assessed for the potential presence of protected species that may have a material impact upon the development proposals.

The ecological value of the site in respect of the potential presence of and impact upon protected species is considered further in the following sections:

4.3.1. Bats & Internal/External Inspections

All bat species are strictly protected under the Wildlife and Countryside Act 1981 and the Conservation Regulations (Habitat Regulations).

The locations of building described is illustrated on the plan contained within Annex 3.

Buildings

No buildings would be affected by development proposals.

Vegetation/Foraging/Commuting

No trees with roosting potential are situated on site, nor would be lost to the development. From analysis of the proposal, the development will enable retention of all existing trees and hedgerows.

Given proximity to woodland, it is possible that bats may commute and forage in the area.

Impact Assessment

No trees with roosting potential are situated on site, nor would be lost to the development. From analysis of the proposal, the development will enable retention of all existing trees and hedgerows. As such, all features and potential existing bat commuting/forage networks would remain intact. A proposal would be unlikely to have an adverse impact upon bat behaviours, and any such behaviours would continue post development.

Given proximity to offsite woodland, it is possible that bats may commute and forage in the area. Therefore, a bat considerate lighting scheme is advised for the construction and completed phase, with further guidance provided in section 5.2.

Given proximity to an LWS, appropriate, proportionate ecological enhancements for the proposal should be identified in a site-specific BMP, and secured by way of an appropriately worded condition.

4.3.2. Badgers

Badgers and active setts are afforded protection under the Protection of Badgers Act 1992.

No evidence of badger activity including active or inactive setts, latrines or footprints was identified in the proposed development area, or wider areas bounding site.

Impact Assessment

No active or inactive setts were found, with no evidence of badger activity identified in any location.

No further surveys are considered necessary or appropriate. However, general best practice precautions in respect of the demolition and construction phases have been provided in section 5.2 re: transitory presence of the species/transitory mammal species.

4.3.3. Nesting Birds

Nesting birds and their eggs are protected under the Wildlife & Countryside Act 1981.

The ground vegetation on site offers negligible potential opportunities for nesting. Existing trees and hedgerows would be fully retained given proposed retention of existing trees and hedgerows. Nesting resource could be suitably maintained and enhanced by new landscaping and planting and use of both integral and external nesting boxes where appropriate in the new buildings.

Impact Assessment

As general precautionary guidance, the bird breeding season is from March to September. If works to vegetation are proposed during the season, a check should be made for nests prior to works commencing. If nests are present, they should be left intact and undisturbed until the young have fledged.

New opportunities for nesting birds should be provided through provision of nesting boxes on buildings/trees and use of integral/external nesting boxes. Given proximity to an LWS, appropriate, proportionate ecological enhancements for the proposal should be identified in a site-specific BMP, and secured by way of an appropriately worded condition.

Guidance is provided in section 5.2 and Annex 4.

4.3.4. Reptiles

As described in section 4.1, the site comprises an existing pub garden located in a village setting. The proposed development area comprises managed, maintained short sward lawn set within the wider context of an operational pub. As such, given the land uses and management the site does not provide potentially suitable reptile habitat, and the site is isolated by surrounding land uses from potentially suitable habitat making colonisation/presence of the species unlikely. The site is not considered reasonably likely to provide a habitat for the species, nor have connectivity with a potentially suitable habitat that would enable colonisation. The species would not be considered at risk as part of the proposal.

Impact Assessment

As identified above, the proposed development area is not considered to provide potentially suitable reptile habitat as a result of existing land/surrounding land uses

and management regimes. Based upon the evidence above, it is not considered reasonably likely that reptile species are present on site given lack of suitable habitat on site/connectivity to suitable offsite habitats. Therefore, the risk of potential impact of the proposals upon the conservation status of reptile is negligible. The risk of potential impact of the proposals upon individual reptiles is also considered to be low. No further surveys are necessary in respect of reptile species.

4.3.5. Great Crested Newt

Great crested newt is strictly protected under the Wildlife and Countryside Act 1981 and the Conservation Regulations (Habitat Regulations).

No ponds or water bodies are situated within the proposed development area, nor would be lost to the proposal. Given the managed pub garden context of the site, it is unlikely to provide nor form part of terrestrial dispersal habitat.

Distance from a potentially suitable water body and intervening land use is a critical factor in determining suitability for the species. As such, a search using mapping data was undertaken to identify ponds within a 500m radius. A pond is situated approximately 85m to the north of the site on private land. However, the site is separated from the pond by Harlow Road in addition to existing houses and gardens/managed land all of which would form a dispersal barrier between the site and the pond, effectively ruling out potential connectivity.

Whilst it is acknowledged that small numbers of GCN have been known to range significant distances (1km) to colonise new ponds, sometimes over a number of years if connective habitat is suitable, research undertaken by English Nature[1] (now Natural England) indicates that it is most common to encounter them within 50m of a breeding pond, with few moving further than 100m unless significant linear features or suitable terrestrial habitat is involved, when great crested newts can be encountered at distances of between150m – 200m. At distances greater than 200-250m great crested newts are hardly ever encountered. This valuation of habitats according to distance from great crested newt breeding ponds has also been adopted as part of Natural England's European Protected Species application form, with specific reference to the guidance provided by Natural England in WMLa14-2.

It is acknowledged that there is no way of identifying whether there are other small ponds that may be hidden within any nearby dwellings and not shown on maps. None were immediately visible from site/analysis of mapping data. Identification of such ponds located on private property and not shown on maps cannot be reasonably expected as part of this survey/desk study.

<u>Impact Assessment</u>

Based upon the evidence above, it is not considered reasonably likely that great crested newt would be affected by or at risk from the development proposals. The proposals are of small scale, and relate to an already managed pub garden site

where loss of potential habitat (terrestrial and aquatic) would not occur. Risk of harm to the species is not considered a reasonable likelihood.

Consequently, it is considered that the risk of potential impact of the proposals upon the conservation status of great crested newt is negligible. The risk of potential impact of the proposals upon great crested newt is also negligible. No further surveys are considered necessary or appropriate in respect of this species at this site.

4.3.6 Hazel Dormouse

Hazel dormouse is strictly protected under the European Habitat Regulations and the Wildlife and Countryside Act 1981.

No potentially suitable habitats would be lost/impacted as a result of the proposal.

Impact Assessment

No further surveys are considered necessary or appropriate and the proposal would not have any impact upon the species.

4.3.7 Invertebrates/Plant life

Given the precedent of existing land use as a managed pub garden, the site is unlikely to support significant assemblages of invertebrates or a varied plant life. No further surveys are considered to be necessary or appropriate.

Installation of new landscape planting within the proposal would provide invertebrate habitat on the site post-development. Night scented plant species such as evening primrose, honeysuckle and jasmine would also attract moths in the evening, which would in turn attract foraging bats.

Recommended general enhancements are identified in section 5.2.

4.3.8 Other Species

The site is not situated in a location, nor provides potentially suitable habitat where other protected species such as, water vole and otter would be considered at risk. No further surveys/precautions are considered necessary or appropriate.

4.3.9 General Wildlife & Biodiversity

It is acknowledged that the wider site and development area may be utilised by a range of transitory wildlife species including fox, hedgehog etc.

Impact Assessment

To enable wildlife to continue using the development area post development, it is advised that boundaries remain relatively open such that wildlife can continue to radiate in the area. This includes the use of permeable boundaries such as tree lines and hedgerows, in addition to leaving hedgehog gaps in any new fencing proposals.

As part of appropriate due diligence, it is advised that the full range of recommendations identified in section 5.2 be fully implemented, and all reasonable

enhancements incorporated into a development proposal such that biodiversity is maximised as part of the development.

Given proximity to an LWS, appropriate, proportionate ecological enhancements for the proposal should be identified in a site-specific BMP, and secured by way of an appropriately worded condition.

5. Conclusion & Recommendations

5.1 Conclusion

The search undertaken as part of the desk study concluded that the proposal would not be considered reasonably likely to have any adverse impact upon statutory designated locations. However, given the site location bounding Matching Park LWS (non-statutory), it is advised that the contractor produces a site-specific CMP to manage the potential impacts of the construction phase.

In summary the proposed development area comprises a managed, maintained section of pub garden, set within the wider context of an operational pub in a village setting. As such the site is subject to management and disturbance as would be reasonably expected in such a land use context.

No trees with roosting potential are situated on site, nor would be lost to the development. From analysis of the proposal, the development will enable retention of all existing trees and hedgerows. As such, all features and potential existing bat commuting/forage networks would remain intact. A proposal would be unlikely to have an adverse impact upon bat behaviours, and any such behaviours would continue post development.

Given proximity to offsite woodland, it is possible that bats may commute and forage in the area. Therefore, a bat considerate lighting scheme is advised for the construction and completed phase, with further guidance provided in section 5.2.

Given proximity to an LWS, appropriate, proportionate ecological enhancements for the proposal should be identified in a site-specific BMP, and secured by way of an appropriately worded condition.

It is not considered reasonably likely that great crested newt or reptile species would be adversely affected by the development proposals. No further surveys have been advised.

No active or inactive badger setts were found, with no evidence of badger activity identified. No surveys have been advised. However, general appropriate precautionary measures for the demo/construction phases have been advised in section 5.2.

Appropriate recommendations in respect of due diligence relating to nesting birds and ecological enhancements have been made in section 5.2 of the report.

It is considered and concluded that the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided the specific mitigatory guidance and enhancement recommendations identified within section 5.2 are fully adhered to. Where necessary, appropriately worded conditions should be placed upon any consent granted in order to ensure appropriate measures are followed.

5.2 Recommendations and Further Action

Following the survey, the following recommendations have been made to ensure obligations in respect of protected species are met/the site is enhanced for the benefit of biodiversity if developed. The recommendations are considered to be appropriate and in context with the size of the proposals and based upon the findings of the impact assessment section of the report (4.3.1 – 4.3.9).

Construction Phase Precautions

- To protect any radiating mammals, it is recommended that any trenches be covered over with wooden sheeting at night and fencing off the demolition/construction zone and associated compounds would be advisable during the demolition/construction phase.

- It is advised that a site-specific Construction Management Plan (CMP) be produced by the contractor in order to define protection of ecological features, material and machinery storage, location of compound, access, dust and noise control etc. It is advised that such a document be produced by way of an appropriately worded condition.

- In addition, the LWS woodland should not be subject to unnecessary lighting during the construction and completed phase. As such, a bat considerate lighting scheme should be utilised at all times, as identified below.

Bats & Lighting

- In order to minimise risk of disturbance to potential features that may provide bat commuting and foraging habitat during the construction phase and as part of the completed development, a low impact lighting scheme is advised:

  a) Brightness of lights should be as low as possible, and in accordance with British Standard Institute (BSI) and Bat Conservation Trust (BCT) guidance. Where possible, low pressure sodium lights are advised.

  b) Lighting should not be directed at features that may be utilised by bats such as woodland, tree lines, hedgerows and water bodies/water courses.

  c) Directional lighting and/or fittings with hoods and cowls should be utilised.

  d) Where possible, security lighting should be motion sensitive and timers to minimise the amount of time that lights are on.

  e) Where possible, directional low impact solar bollard lighting should be used to illuminate roads, paths and parking areas.

Nesting Birds

- As general guidance, the bird breeding season is from March to September. If works to buildings/vegetation are proposed during the season, a check should be made for nests prior to works commencing. If nests are present, they should be left intact and undisturbed until the young have fledged.

Enhancements

- As part of the proposals, there are opportunities to enhance the proposals through provision of habitat boxes (bird/bat) on trees, in addition to new planting/hedgerow enhancement as part of the landscaping scheme. Suggested habitat boxes/plant species are provided within Annex 4.

- To enable wildlife to continue using the development area post development, it is advised that boundaries remain relatively open such that wildlife can continue to radiate in the area. This includes the use of permeable boundaries such as tree lines and hedgerows, in addition to leaving hedgehog gaps in any new fencing proposals.

- Given proximity to an LWS, appropriate, proportionate ecological enhancements for the proposal should be identified in a site-specific Biodiversity Management Plan (BMP), and secured by way of an appropriately worded condition.

1. Annex 1 – Legislation & Planning Policy

1.1. Habitat Regulations

The Conservation of Habitats and Species Regulations transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).

1.2. Wildlife & Countryside Act

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CRoW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1to the Act, (which includes Cirl Bunting) or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.

Sites of Special Scientific Interest (SSSI) are designated under this Act.

Special Protection Areas (SPA) are strictly protected sites, designated under the Birds Directive, for rare and vulnerable birds and for regularly occurring migratory species.

1.3. Natural Environment & Rural Communities Act

The NERC 2006 places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations.

1.4. National Planning Policy Framework (NPPF)

The NPPF has replaced PPS9 with paragraphs 163-170 in respect of conservation and biodiversity. ODPM 06/2005 remains in place. NPPF places a duty on planners to make material consideration to the effect of a development on legally protected species when considering planning applications, with a focus upon sustainable development.

1.5. Biodiversity Action Plans

The UK Biodiversity Action Plan (UKBAP) (Anon, 1995) was organised to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. A list of

national priority species and habitats has been produced with all listed species/habitats having specific action plans defining the measures required to ensure their conservation. Regional and local BAPs have also been organised to develop plans for species/habitats of nature conservation importance at regional and local levels.

1.6. Local Development Plans

County, District and Local Councils have Development Plans and other policy documents that include targets and policies which aim to maintain and enhance biodiversity. These are used by Planning Authorities to inform planning decisions.

1.7. Natural England Standing Advice

Natural England has adopted national standing advice for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It replaces some of the individual comments that Natural England has provided in the past to local authorities.

1.8. Bats

All species of bat found in the UK are protected by law and are designated as a protected species. Paragraph 98 of Circular 06/2005 states that '*the presence of a protected species is a* ***material consideration*** *when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'*

Bats are protected under UK legislation under The Wildlife and Countryside Act 1981 through inclusion on Schedule 5 -Protected bat species in Britain. On a European basis, bats are subject to protection under the Conservation (Natural Habitats &c.) Regulations.

The November 2017 the Conservation (Natural Habitats &c.) Regulations make it an offence to:

- Intentionally or deliberately kill, injure or capture (take) bats.
- Intentionally or recklessly damage or destroy bat roosts or disturb bats.

A bat roost is defined as 'any structure or place which is used for shelter or protection', whether or not the bats are utilising the roost at the time. European protected animal species and their breeding sites or resting places are protected by the Habitat Regulations.

In this regard, it is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their young/eggs as applicable. It is also an offence to damage or destroy a breeding or resting place of a European Protected Species and it is an offence to possess a European Protected Species.

The threshold above which a person will commit the offence of deliberately disturbing a wild animal of a European protected species has been raised. A person will commit

an offence only if he deliberately disturbs such animals in a way as to be likely to significantly affect:

- The ability of any significant groups of animals of that species to survive, breed, or rear or nurture their young, or;
- The local distribution of abundance of that species.

The existing offences such as obstruction of a bat roost, low-level disturbance, and sale which cover European Protected Species under the Wildlife and Countryside Act (1981) continue to apply.

2. Annex 2 – Photographs

Main body of site looking north west

Northern boundary & existing access into site

Main body of site looking south towards woodland

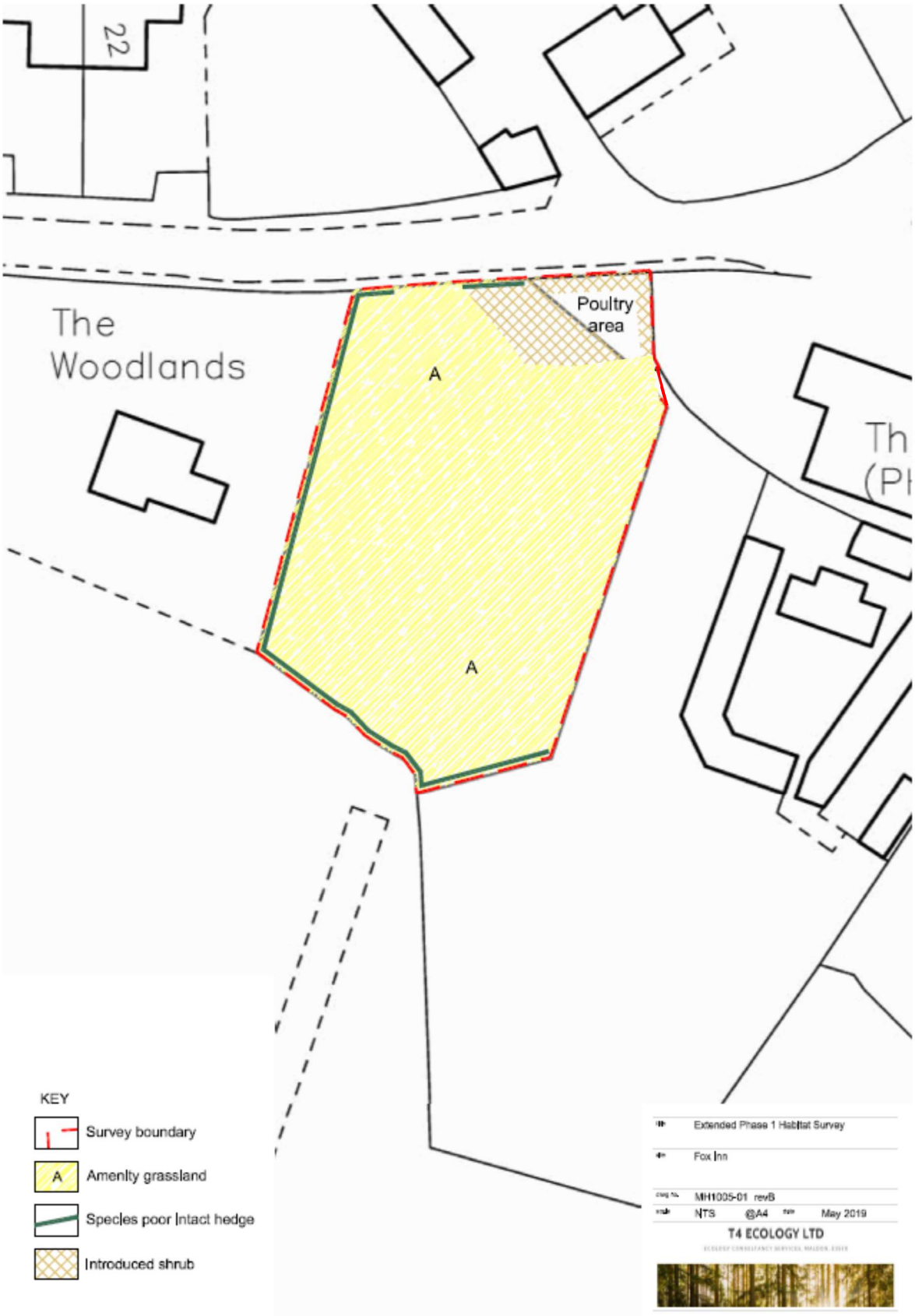
Hedgerow on western boundary

South eastern boundary and land to south east

Adjoining pub garden land to east of application area.

Pub car park north east of site

3. Annex 3 – Habitat Plan


22
The Woodlands
Poultry area
A
A
KEY
Survey boundary
A
Amenity grassland
Species poor Intact hedge
Introduced shrub
Extended Phase 1 Habitat Survey
Fox Inn
MH1005-01 revB
NTS @A4 May 2019
T4 ECOLOGY LTD

4. Annex 4 – Recommended Enhancements

Recommended enhancements/suitable planting species.

The following hedgerows/shrub and smaller tree species could be utilised accordingly:

- Hawthorn *Crataegus monogyna*
- Ash *Fraxinus excelsior*
- English Elm *Ulmus procera*
- Field Maple *Acer campestre*
- Hazel *Corylus avellana*
- Dog Rose *Rosa canina*
- Elderberry *Sambucus nigra*
- Holly *Illex aquifolium*
- Blackthorn *Prunus spinosa*
- Rowan Sorbus *aucuparia*
- Guelder Rose *Viburnum opulus*
- Silver Birch *Betula pendula*
- Alder *Alnus glutinosa*
- Cotoneaster *spp.*
- Spindle *Euonymous europaeus*

The following species could also be considered within the landscaping scheme as appropriate, given their wildlife friendly/native characteristics:

- Viburnum *sp.*
- Californian Lilac *Ceanothus sp.*
- Lavander *Lavandula angustifolia*
- Hebe *Sp.*
- Privet *Ligustrum vulgare*
- Dogwood *Cornus sanguinea*

In addition, vertical areas on sides of buildings and/or boundary fences could be utilised to provide additional habitat. Suitable species to grow on vertical habitats could include:

- Ivy *Hedera helix*
- Clematis *vetalba*
- Honeysuckle *Lonicera periclymenum*

Bulbs and small, wildlife friendly annuals and biennials can also be utilised within wildlife friendly and garden planting where considered appropriate by the landscape architect. Suitable species could include:

- Hypericum *perforatum*
- Wood Anemone *nemorosa*
- Tustan *Hypericum androsaemum*
- Foxglove *Digitalis grandiflora*
- Bluebell *Hyacinthoides non-scripta*

Dependant on soil condition, British Seed House RE1 mix (or similar product) is recommended for installation of the species rich grass areas where required. Alternatively, turf already seeded with wild flower seed could be utilised.

Recommend species are likely to include:

- Slender Creeping Red *Fescue Festuca rubra ssp litoralis*
- Crested Dogs Tail *Cynosurus cristatus*
- Common Bent *Agrostis capillaris*
- Cocksfoot *Dactylis glomerata*
- Meadow Fescue *Festuca pratensis*
- Golden Oat Grass *Trisetum Flavascence*
- Sweet Vernal Grass *Anthoxanthum odoratum*
- Ribwort Plantain *Plantago lanceolata*
- Yarrow *Achillea millefolium*
- Common Knapweed *Centaurea nigra*
- Meadow Sweet *Filipendula ulmaria*
- Lady's Bedstraw *Galium verum*
- Ox eye daisy *Leucanthemum vulgare*
- Self Heal *Prunella vulgaris*
- Meadow Buttercup *Ranunculus acris*
- Bulbous Buttercup *Ranunculus bulbosus*
- Agrimony *Agrimona eupatorium*
- Rough Hawkbit *Leontodon hispidus*
- Yellow Rattle *Rhinanthus minor*
- Common Birdsfoot Trefoil *Lotus corniculatus*
- Salad Burnett *Sanguisorba minor*
- Harebell *Campanula rotundifolia*
- Cowslip *Primula deorum*
- Field Poppy *Papaver Rhoeas*
- Wild Thyme *Thymus Serpyllum*
- Quaking Grass *Brizia Media*
- Pignut *Conopdium majus*

Using Seeds

Seed Bed Preparation

Whilst seeds can be sown at any time, the best time to prepare the meadow bed is summer. The top grass, and top inch of top soil should be removed if possible. The most important factor is to ensure that the seed bed is weed free, and level using roller/rake. Also, remove stones in areas of seedbed, Wildflower meadows from seed are most successful when soil fertility is low and weeds can be less vigorous.

Sowing Seed

The best time to sow the seeds is in spring or early autumn. Spread seeds in a sand mix using a spreader for even distribution at a density of approx. 4 grams per sq. metre.

Using Plugs

Use of wildflower plugs is generally more reliable, and gives quicker results than using seed. However, over large areas, density of plugs can be reduced, with 1 or 2 plugs per square metre. Generally, plugs can be installed at any time but spring/autumn are optimum months.

Using Turf Impregnated with seeds

Use of turf less dependent on soil conditions as the seed are already in place. This enables more variety of species. However, to be successful, it should be installed in free draining areas that do not become water logged.

Wildflower Plugs and seeds are available from a number of online suppliers:

www.wigglywigglers.co.uk

www.bostonseeds.co.uk

www.wildflowershop.co.uk

www.reallywildflowers.co.uk

www.wildflower.org.uk

www.meadowmania.co.uk

Sections of turf already seeded are also available from the following suppliers:

www.meadowmat.co.uk

www.wildflowerturf.co.uk

www.wigglywigglers.co.uk

Habitat Boxes.

The use of bird and bat boxes has been recommend. Suitable products include:

Standard Bird Box-Suitable for a wide variety of species. Can be installed in trees and buildings.

Schwegler 2F Bat box. Suitable for attachment to trees.

Buildings-Integral Bat Boxes

The construction of new buildings presents the opportunity for integral bat boxes, installed during the construction phase.

Products such as the Ibstock Range (www.ibstock.com) would be appropriate for installation in the eaves of the new dwellings, as installed as illustrated below:

Ibstock Integral Bat Box

It is considered that the installation of one such integral bat box on the south/east facing eave of each new building would be appropriate, installed in accordance with the specific manufacturers recommendations.

Aftercare

Bats are a protected species, and any object they utilise for roosting is therefore also protected. Therefore, following installation the bat boxes should not be disturbed, as disturbance may result in an offence under the Wildlife and Countryside Act (1981) and the European Habitat Regulations (2010). Bat boxes are very robust and will not require maintenance, and therefore are at their most effective if left undisturbed.

Buildings-Integral Bird Boxes

Integral bird boxes should be installed on the north/east facing eaves. A system such as the Bird Brick House (www.birdbrickhouses.co.uk) as illustrated below is recommended, installed in accordance with the manufacturers specific recommendations.

Bird Brick House System

Installation

The following should be taken into account in consideration during the installation of bird boxes suitable for a wide variety of common garden species.

- These should be placed away from cats, and at least 2m from ground level.
- These should where possible be located away from direct sunlight, ideally facing between north and east (not south), away from cats, and at 2-5m height.
- They should also be out of reach of windows when placed upon buildings.