



**Preliminary Ecological Appraisal**  
**Hallen Washplant**  
B&A Group  
August 2024  
IES/2024/066/Version 1.0

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**QUALITY ASSURANCE**

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## NON-TECHNICAL SUMMARY

### Purpose

The aim of this survey was to provide a description of the existing habitat types, to determine the existence and location of any ecologically valuable areas and to identify the presence or potential presence of any protected species.

### Methodology

The study has been carried out as a UK Hab habitat survey following the methods laid out by UK Hab Ltd (2023).

### Conclusions

The site is of negligible ecological value, and the proposals will not have any significant ecological impact. No further surveys are required.

## 1 INTRODUCTION

### 1.1 Background

1.1.1 IES Consulting were instructed by B&A Group to undertake a Preliminary Ecological Appraisal at Land off Severn Road, Hallen, South Gloucestershire, BS10 7SE and centred on Grid Reference ST546810. A site location plan can be seen in **Figure 1**.

1.1.2 The aim of this survey was to provide a description of the existing habitat types, to determine the existence and location of any ecologically valuable areas and to identify the presence or potential presence of any protected species.

1.1.3 The purpose of this report is to:

- Identify key ecological constraints;
- Inform masterplanning to allow significant ecological effects to be avoided/minimised wherever possible;
- Identify further ecological survey work which will be required;
- Develop ecological mitigation/compensation measures; and
- Form a basis for agreeing the scope of the ecological impact assessment.

1.1.4 This report was authored by Tilly Tilbrook MSc MCIEEM CEcol, who has over 22 years' experience of ecological surveying.

### 1.2 Site Description

1.2.1 The site is currently part of a soil processing plant and is in active industrial use.

### 1.3 Development Proposals

1.3.1 It is proposed to develop the site as a washplant for the continued operation of the earth moving business.

## 2 PLANNING POLICY, LEGISLATION AND GUIDANCE

### 2.1 Planning Policy

2.1.1 A review of planning policy was undertaken to inform this report, and this is summarised below. Full details of the planning policy relevant to the site can be found in **Appendix A**.

#### National Policy

- National Planning Policy Framework (December 2023) - this document is a material consideration in planning decisions, and states that planning policies and decisions should provide net gains for biodiversity.

#### Local Policy

- The South Gloucestershire Core Strategy - Policy CS9 covers environmental protection and enhancement for the natural environment, including minimising impacts on biodiversity.

### 2.2 Legislation

2.2.1 The following legislation has been taken into account when preparing this report, and full details are given in **Appendix A**.

- **The Environment Act 2021** - this provides clear statutory targets for recovery in four priority areas: air quality; biodiversity; water and waste. It includes a target to reverse the decline in species abundance by 2030 and provides a legal framework for mandatory 10% biodiversity net gain on development sites, which came into force in 2024.
- **The Conservation of Habitats and Species Regulations 2017** - this provides protection for European Protected Species and European Protected Sites.
- **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017** - this provides a framework to identify developments which must carry out an Environmental Impact Assessment (EIA).
- **The Natural Environment and Rural Communities Act 2006** - this extends the duties of public bodies in relation to biodiversity. It establishes the Section 41 species and habitats of principal importance for the purpose of conserving biodiversity, which need to be taken into account by a public body when performing any of its functions.

- **The Countryside and Rights of Way Act 2000** - this act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity. It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981 and creates a new offence of reckless disturbance.
- **The Hedgerow Regulations 1997** - this provides protection for hedgerows classified as 'important' under the regulations.
- **The Protection of Badgers Act 1992** - this provides legal protection to badgers and their setts, making it an offence to kill, injure or take a badger, or to damage or interfere with a sett unless you have a licence.
- **The Wildlife and Countryside Act 1981** - this act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

## 2.3 Guidance

2.3.1 This report has been prepared in accordance with the following guidelines:

- CIEEM Guidelines for Preliminary Ecological Appraisal, 2<sup>nd</sup> Edition.
- CIEEM Guidelines on Ecological Report Writing.
- Biodiversity Net Gain - Good Practice Principles for Development.
- Biodiversity Net Gain - Good Practice Principles for Development Part A: A practical guide & Part B: Case Studies.
- BS42020:2013 Biodiversity - Code of Practice for Planning and Development.

## 3 METHODOLOGY

### 3.1 Overview

3.1.1 The study has been carried out as a UK Hab habitat survey following the methods laid out by UK Hab Ltd (2023). The study comprised two phases: a desk study exercise and a walkover field survey. By combining the two phases it is possible to identify and evaluate the ecological value of the Site in order to determine the potential impacts of the proposals. **Appendix B** gives any notes and limitations to the survey work.

### 3.2 Desk Study

3.2.1 The purpose of the desk study is to review information available in the public domain. Information about designated sites, important habitats and protected and otherwise important species was obtained for the Site and an area within a 1km radius of the site.

3.2.2 Data was obtained from the following sources in August 2024:

- NBN Atlas.
- MAGIC.
- Local Planning Authority Website Interactive Mapping (South Gloucestershire and Bristol).

3.2.3 The habitats present on site, and the likely impacts of the proposed development are such that a full data search is not considered necessary since the records it provides would be unlikely to change the assessment of impacts on ecology.

### 3.3 Field Survey

3.3.1 The walkover field survey of the entire site within the redline boundary was conducted on 10<sup>th</sup> June 2024. by Tilly Tilbrook (MSc CEcol MCIEEM) who has over 22 years' experience of ecological surveying.

3.3.2 The characteristic plant species were recorded, and habitats classified according to their vegetation types and presented in the standard UK Hab survey format (UK Hab Ltd 2023). Target notes (TN) were made on species and habitats of conservation interest. Where access permitted, an area 30m out with the site boundary was surveyed for signs of badger. The habitats were recorded in the field using the Coreo UK Hab app. The extent of the survey area can be seen on **Figure 2**.

3.3.3 The field survey requirements for an assessment under the Hedgerow Regulations 1997 were carried only if this habitat was present on site. This included:

- Length of the hedgerow;
- Number, length and location of gaps in the hedgerow;

- Species present (including Schedule 1 birds, Schedule 5 animals and Schedule 8 plants under the Wildlife and Countryside Act 1981, red data book birds, plants, insects and other invertebrates)
- Woody species present, and the location;
- Any associated features including banks, walls, gaps, standard trees, ground flora species and ditches;
- Any obvious archaeological features or potential archaeological features.

3.3.4 The survey was carried out in dry, warm weather with no precipitation.

3.3.5 The ecological value of existing habitats has been determined using the four-point evaluation scale below, whereby habitats are assessed for their importance. This is an arbitrary scale, which is effective at this level of assessment. Recommendations for more detailed survey and evaluation are made for features that are identified as significant:

- High ecological importance;
- Medium ecological importance;
- Low ecological importance; and
- Not ecologically important/negligible ecological importance.

3.3.6 Evidence of any species protected by law was recorded where it was found during the field surveys. Because of the habitats present on site and the site location, special attention was paid to the potential suitability for the following species:

### Bat

3.3.7 Evidence of bat (*Chiroptera*) activity and the potential for any structures such as buildings and trees to support a bat roost was searched for during the walkover survey. Any suitable roosting, foraging and commuting habitat were also recorded during the survey.

- Evidence of bat activity is usually detected by the following signs:
- bat droppings (these will accumulate under an established roost);
- insect wings (from feeding);
- oil (from fur) and urine stains;
- scratch marks;
- holes, apertures and other opportunities for bats to roost; and
- actual sightings (including corpses).

## Birds

3.3.8 Bird species seen or heard during the survey were recorded and their activity noted. This does not constitute a full breeding bird survey although the results are indicative of the birds which could be expected to breed in the habitats present. Any habitats suitable for nesting birds were recorded during the survey.

3.3.9 Particular attention was paid to looking for signs of owls, particularly barn owl (*Tyto alba*). This includes nests, piles of droppings and pellets.

## Badger

3.3.10 Evidence of badger (*Meles meles*) activity is usually detected by the following signs:

- presence of holes with evidence of badgers such as footprints, discarded hair, etc;
- presence of dung pits or latrines;
- presence of well used runs with subsidiary evidence of badger activity; and
- presence of other indications of badger activity, such as signs of foraging and footprints.

## Reptiles

3.3.11 All reptiles are ectothermic (cold-blooded) and although activity is dependent upon weather and temperature they are usually active between April and September inclusive. The presence of breeding and wintering habitat suitable for reptiles was recorded during the survey. A search of any suitable refugia within the study area, including logs, rocks and other discarded debris, was undertaken during the survey to search for the presence of reptiles. Any species recorded through direct observation were also noted.

## Amphibians

3.3.12 Habitat on site was assessed for its suitability to support amphibians, and where appropriate, a Habitat Suitability Index assessment for great crested newts (*Triturus cristatus*) was carried out on waterbodies. Additionally, natural and artificial refugia were inspected for amphibians where possible.

## Water Vole

3.3.13 Field signs of water voles (*Arvicola amphibius*) were noted during the survey, including burrows, latrines and feeding stations, however this does not constitute a full water vole survey.

## Dormouse

3.3.14 Field signs of dormouse (*Muscardinus avellanarius*) including chewed nuts, nests, and suitable habitat to support this species were noted during the survey, though this does not constitute a full dormouse survey.

## Invertebrates

3.3.15 Habitat suitable to support notable invertebrates was recorded. This included habitat suitable to support stag beetle (*Lucanus cervus*).

## Other

3.3.16 Suitable foraging and hibernating habitat for west European hedgehog (*Erinaceus europaeus*) was noted during the field survey.

3.3.17 Presence of any other more common species on the site e.g. foxes, deer, rabbits and amphibian species were recorded where found.

## Invasive weeds

3.3.18 The presence of invasive weeds such as Japanese knotweed (*Fallopia japonica*) or giant hogweed (*Heracleum mantegazzianum*) were searched for during the survey and marked on the figures were present.

## 3.4 Limitations and Deviation from Guidance

### Hedgerow Regulations 1997 Assessment

3.4.1 Part of the requirements for establishing importance under the Hedgerow Regulations 1997 relate to historic features. It should be noted that the surveyors are not archaeologists and do not have archaeological qualifications. Every effort has been made to establish the presence of important historic features, but no reliance should be placed on this assessment, and the advice of a qualified archaeologist should be sought.

3.4.2 A full desk study was not undertaken because the impacts will be on an area of artificial unsealed surface which has no ecological value. Therefore any records were not considered to provide additional context which would affect any impact assessment.

## 4 BASELINE ECOLOGICAL CONDITIONS

### 4.1 Desk Study

4.1.1 The data available on the meta-databases varies, and should not be considered to be an exhaustive list of species. The absence of data is not evidence of the absence of a particular species or habitat.

#### Designated Sites

4.1.2 The locations of designated sites can be seen in **Appendix C**. (Note that MAGIC had an error hence the full extent of the buffer is not visible in Appendix C. The list is included to mitigate this).

#### *International/National*

4.1.3 No Special Protection Areas (SPAs), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI) or National Nature Reserves (NNRs) are located within 1km of the Site.

#### *Local*

4.1.4 There are no Local Nature Reserves (LNRs) and one Site of Nature Conservation Interest (SNCI) within 1km of the site.

**Table 1: Summary of Locally Designated Sites within 1km**

Site Name	Designation	Distance and Direction from Site
Barlaam's Gout	SNCI	300m S

#### Protected or Otherwise Important Species

4.1.5 The NBN Atlas provides some species information under a Creative Commons licence which allows for commercial use. This should not be considered to be comprehensive, as other records may exist which are available through paid data searches. This desk study did not include a data search from BRERC for the reasons outlined in Paragraph 3.4.2. Only bird species were available under a commercial use licence, and the site does not have any suitability for use by foraging or nesting birds.

### 4.2 Field Survey

4.2.1 This section should be read in conjunction with **Figure 2**, which shows the extent of the survey area and the results of the field survey.

#### Habitats

##### *u1c: Artificial Unvegetated - Unsealed Surface*

4.2.2 The entire site is artificial unvegetated unsealed surface created as a direct result of human activity (Plates 1 & 2). This has no ecological value, and does not provide any

resources for fauna species. It is entirely unvegetated, and under the statutory BNG metric, provides zero habitat units since it is a habitat without value. This means the site is exempt from BNG under the de minimus exemption since less than 25m<sup>2</sup> of habitat with any value is being affected.



Plate 1: Looking south across the site



Plate 2: Looking west across the site

## Species and Species Groups

### *Plants*

4.2.3 The entire site is unvegetated and no plant species are present.

### *Fauna*

4.2.4 The site has no value for any fauna species and none were noted during the survey.

## 5 EVALUATION, IMPACT ASSESSMENT AND RECOMMENDATIONS

### 5.1 Evaluation

#### Designated Sites

5.1.1 There is one non-statutory designated site within 1km of the proposed development. This will not be affected by the provision of a washplant, and there will be no direct or indirect impacts on it.

#### Habitats

5.1.2 The entire site is artificial unvegetated - unsealed surface, which is of no ecological value.

#### Species

5.1.3 The site provides no habitat suitable for any species.

5.1.4 The local planning authority has requested that all ponds within 500m of the site are assessed for their suitability to support birds associated with the Severn Estuary, and undergo a habitat assessment. There are six ponds within 500m of the proposed development, but only one is on land owned by the applicant, and access was not possible to obtain for the other 5. The location of the ponds is shown in Figure 3. Pond 1 is on land owned by the applicant, and was assessed (Plates 3-6).



Plate 3: View of Pond 1



Plate 4: View of Pond 1



Plate 5: View of Pond 1



Plate 6: View of Pond 1

5.1.5 This pond is approximately 165m north of the proposed development site. It is an artificial balancing pond surrounded by tall ruderal species, and is located behind a security fence so close access was not possible. Two waterfowl were present on the pond at the time of survey. To the north is a gappy hedge/tree line and to the west, south and east it is surrounded by hard standing and active industrial site. There are no functional ecological links to the development site, and it is suitably isolated from it such that the proposed works will not have any impact on the pond. The remaining five ponds appear to be similarly artificial from an aerial view.

5.1.6 These ponds have some limited value for the birds from the Severn Estuary, though they lack the surrounding habitat used for foraging and preferred by this bird assemblages. However, the proposed development will not have any impacts on these ponds, therefore no significant impacts on the birds from the SPA are considered likely to occur.

5.1.7 The site itself has no habitat suitable for great crested newt, and there will be no impacts on any habitat suitable for this species, so the risk of an offence being committed is highly unlikely and no further work for this species is required.

### Other

5.1.8 The active use of this part of the wider site means it is unlikely to provide any suitable habitat for any species in the medium to long term, even if work were to stop.

## 5.2 Other Mitigation and Survey Requirements

5.2.1 No other mitigation or survey requirements are needed. The site has no ecological value, is exempt from BNG and will not have any ecological impacts.

## 5.3 Opportunities for Enhancement

5.3.1 The provision of a single bird box on a tree on site within the applicants ownership would provide sufficient enhancement given the lack of ecological impacts of this development.

## 6 CONCLUSIONS

- 6.1.1 The desk study and survey work have identified the site as being of no ecological value since it is entirely urban with no ecological receptors present.
- 6.1.2 There will be no impacts on any species or habitats, and the six ponds within 500m will also not be impacted.
- 6.1.3 No further survey work is required.
- 6.1.4 The baseline conditions described in this report are true for the time at which the survey was undertaken. If no works are undertaken within the next two years then an update survey may need to be undertaken to ensure the baseline conditions described are accurate.

**IES Consulting Ltd 2024**

## 7 REFERENCES

### Guidance Documents - General

BS 42020:2013 *Biodiversity - Code of Practice for Planning and Development*. British Standards Institution.

CIEEM, CIRIA, IEAM (2016) *Biodiversity Net Gain: Good Practice Principles for Development*.

CIEEM (2017) *Guidelines for Preliminary Ecological Appraisal, 2<sup>nd</sup> Edition*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2017) *Guidelines on Ecological Report Writing*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIRIA (2019) *Biodiversity Net Gain. Good Practice Principles for Development A Practical Guide*.

### Guidance Documents - Habitats and Species

Baker, J., Beebee, T., Buckley, J., Gent, T., and Orchard, D. (2011) *Amphibian Habitat Management Handbook*. Amphibian and Reptile Conservation, Bournemouth.

Barn Owl Trust (2012) *Barn Owl Conservation Handbook*. Pelagic Publishing, Exeter.

Bat Conservation Trust (2018) *Guidance Note 08/18 Bats and Artificial Lighting in the UK*.

Bright, P., Morris, P., and Mitchell-Jones, T. (2006) *The Dormouse Conservation Handbook (2<sup>nd</sup> Edition)*. English Nature.

Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> Edition)*. Bat Conservation Trust, London.

Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016) *The Water Vole Mitigation Handbook (Mammal Society Mitigation Series)*. Eds Fiona Mathews and Paul Chanin.

Defra (1997) *The Hedgerow Regulations 1997 A Guide to the Law and Good Practice*.

Defra (2007) *Hedgerow Survey Handbook: A Standard Procedure for Local Surveys in the UK (2<sup>nd</sup> Edition)*.

Edgar, P., Foster, J. and Baker, J. (2010) *Reptile Habitat Management Handbook*. Amphibian and Reptile Conservation, Bournemouth.

English Nature (2001) *Great Crested Newt Mitigation Guidelines*.

English Nature (2002) *Badgers and Development*.

English Nature (2011) *Badgers and Development: A Guide to Best Practice and Licensing*.

English Nature (2004) *Bat Mitigation Guidelines*.

English Nature (2005) *Organising Surveys to Determine Site Quality for Invertebrates: A Framework Guide for Ecologists*.

Froglife (1999) *Reptile Survey: An Introduction to Planning, Conducting and Interpreting Surveys for Snake and Lizard Conservation*. Froglife Advice Sheet 10. Froglife, Halesworth.

JNCC (2004) *Bat Workers' Manual*.

JNCC, (2010) *Handbook for Phase 1 habitat survey - a technique for environmental audit*.

Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001) *Great Crested Newt Conservation Handbook*. Froglife, Halesworth.

PTES (2019) *Hedgehog Ecology and Land Management*.

Strachan, R., Moorhouse, T., and Gelling, M. (2011) *Water Vole Conservation Handbook (3<sup>rd</sup> Edition)*. Wildcru.

### Legislation and Policy

HMSO The Conservation of Habitats and Species Regulations 2017

HMSO The Countryside and Rights of Way Act 2000

HMSO The Hedgerow Regulations 1997

HMSO The Natural Environment and Rural Communities Act 2006

HMSO The Protection of Badger Act 1992

HMSO The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

HMSO The Wildlife and Countryside Act 1981.

MHCLG (2019) National Planning Policy Framework.

**FIGURE 1: SITE LOCATION**



Figure 1: Site Location

 Red Line Boundary



0 50 100 m



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Client	B&A Group		
Date	Aug 2024	Scale	1:5000
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**FIGURE 2: FIELD SURVEY**

Figure 2: Field Survey



 Red Line Boundary

Baseline Habitats  
 Artificial  
unvegetated  
unsealed surface



0 50 100 m



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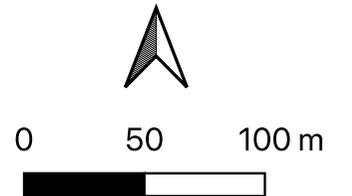
**FIGURE 3: POND LOCATIONS**

Figure 3: Pond Locations



-  500m Buffer
-  Red Line Boundary
-  Ponds

- Baseline Habitats
-  Artificial unvegetated unsealed surface



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## APPENDIX A: POLICY AND LEGISLATION

### POLICY

#### National Policy

National Planning Policy Framework (February 2019) - this document is a material consideration in planning decisions, and states that planning policies and decisions should provide net gains for biodiversity. The overarching environmental objective is to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 170 d) states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

#### Local Policy

The following policies are applicable to the site:

### **POLICY CS9 – MANAGING THE ENVIRONMENT AND HERITAGE**

The natural and historic environment is a finite and irreplaceable resource. In order to protect and manage South Gloucestershire’s environment and its resources in a sustainable way, new development will be expected to:

1. ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance
2. conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity and geodiversity
3. conserve and enhance the character, quality, distinctiveness and amenity of the landscape
4. be located away from areas of flood risk
5. reduce and manage the impact of flood risk through location, layout, design, choice of materials and the use of Sustainable Drainage Systems (SuDS)
6. protect the quality and quantity of the water environment and its margins
7. avoid the undeveloped coastal area
8. utilise natural resources, including minerals, soils and water, in an efficient and sustainable way
9. maximise opportunities for local food cultivation by (a) avoiding the best and most versatile agricultural land and; (b) safeguarding allotment sites
10. promote the re-use of contaminated land with appropriate remediation
11. protect land, air and aqueous environments, buildings and people from pollution and
12. avoid unstable land unless appropriate mitigation or remediation measures can be taken.

## **LEGISLATION**

### **General**

#### *The Conservation of Habitats and Species Regulations 2017*

This transposes the EU Habitats Directive into UK law, and provides protection for European Protected Species and European Protected Sites.

Species and groups which are covered under Schedule 2 (animals) and Schedule 5 (plants) of this legislation, and which are known as European Protected Species are:

- Bats (all species)
- Large blue butterfly
- Wild cat
- Dolphins, porpoises and whales (all species)
- Dormouse
- Pool frog
- Sand lizard
- Fisher's estuarine moth
- Great crested newt
- Common otter
- Lesser whirlpool ram's-horn snail
- Smooth snake
- Sturgeon
- Natterjack toad
- Marine turtles (green, hawksbill, Kemp's ridley, leatherback and loggerhead)
- Shore dock
- Killarney fern
- Early gentian
- Lady's slipper orchid
- Creeping marshwort
- Slender naiad
- Fen orchid
- Floating-leaved water plantain
- Yellow marsh saxifrage

You need a mitigation licence if your work will have impacts on European protected species that would otherwise be illegal, such as:

- capturing, killing, disturbing or injuring them (on purpose or by not taking enough care)
- damaging or destroying their breeding or resting places (even accidentally)
- obstructing access to their resting or sheltering places (on purpose or by not taking enough care)

Additionally, this legislation prevents public bodies from adopting plans or granting consents which could (possibly) damage Natura 2000 sites, which are either Special Protection Areas (SPAs) or Special Areas of Conservation (SACs), known as European Sites. In England this process also applies to Ramsar sites as a matter of policy. This means that there is a requirement for a Habitats Regulation Assessment (HRA), which has three stages:

- The Likely Significant Effect test (screening) - is the plan or project likely to have a significant effect on a European site alone or in combination with other plans/projects? If the answer is yes, you must move to Stage 2, Appropriate Assessment.

- **Appropriate Assessment** - can the competent authority be convinced there will be no adverse effect on the integrity of any site either alone or in combination with other plans/projects? If the answer is no, you must move to Stage 3, Derogation Tests.
- **Derogation Tests** - The plan/project must meet the three derogation tests in order to be allowed to proceed. 1. There are no feasible alternative solutions which are less damaging. 2. There are imperative reasons of overriding public interest (IROPI). 3. It is possible to put in place compensatory measures to ensure the overall coherence of the Natura 2000 network

### *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017*

This transposes the EU Environmental Impact Assessment Directive into UK law and provides a framework to identify developments which must carry out an Environmental Impact Assessment (EIA). These thresholds are contained in Schedule 2 of the act. If an EIA is required, then an Environmental Statement will need to be produced, which will require a chapter on ecology, and a full Ecological Impact Assessment (EclA).

### *The Natural Environment and Rural Communities Act 2006*

This act established Natural England, and extended the duties of public bodies in relation to biodiversity by amending the CROW Act 2000 and the Wildlife and Countryside Act 1981. It established the Section 41 species and habitats of principal importance for the purpose of conserving biodiversity, which need to be taken into account by a public body when performing any of its functions. There are currently 56 habitats of principle importance and 943 species of principle importance, which are summarised below.

Category	Group	Number
Terrestrial/Freshwater/Coastal Species	Amphibians/Reptiles	10
	Birds	49
	Fish	14
	Mammals	17
	Invertebrates	379
	Lower plants and fungi	250
	Vascular plants	152
	<b>Total</b>	<b>865</b>
	Arable and horticulture	2

Category	Group	Number
Terrestrial/Freshwater/Coastal Habitats	Boundary	1
	Coastal	6
	Freshwater	6
	Grassland	6
	Heathland	3
	Inland rock	4
	Wetland	6
	Woodland	6
	<b>Total</b>	<b>40</b>
Marine Species	Marine mammals	17
	Marine reptiles	2
	Marine fish	34
	Marine invertebrates	19
	Marine algae	6
	<b>Total</b>	<b>78</b>
Marine Habitats	Marine habitats	16
	<b>Total</b>	<b>16</b>

### *The Countryside and Rights of Way Act 2000*

This act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation steps should be taken or promoted (those these lists have been superseded by the S41 lists of the NERC Act 2006), in accordance with the Convention on Biological Diversity. It amends the SSSI provisions of the Wildlife and Countryside Act 1981 by providing increased power for their protection and management. It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981, including changing the maximum penalty to a term of imprisonment rather than a fine, and creates a new offence of reckless disturbance. This means that if a person takes an unacceptable risk, or fails to notice an obvious risk, they will be liable.

### *The Hedgerow Regulations 1997*

This provides protection for hedgerows classified as ‘important’ under the regulations. It requires an application in writing to the local planning authority before a hedgerow is removed, though there are exceptions for creating new access points, and for certain hedgerows such as those bordering dwelling houses. The local planning authority can then either issue a hedgerow retention notice, or written notice giving permission to remove it. If permission to remove is given, this must be enacted within two years of the date of the notice, or a new application will need to be made. There are specific criteria for length, location and ‘importance’ which must be met for a hedgerow to be protected. If the local planning authority does not respond within the statutory 42 days, then the hedgerow can be removed.

### *The Protection of Badgers Act 1992*

This provides legal protection to badgers and their setts, making it an offence to kill, injure or take a badger, or to damage or interfere with a sett unless you have a licence. In practice, this means that any works within 30m of a badger sett may require a licence, depending on the type of works and methodology proposed.

### *The Wildlife and Countryside Act 1981*

This act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

Under Schedule 5 of the Act, the following animals are protected (\*damage/destruction of place of shelter/protection only):

#### Mammals

- Water vole
- All dolphins, porpoises and whales
- Wild cat
- Otter
- Pine marten
- Dormouse
- Walrus
- Red squirrel
- Bats (all species)

#### Reptiles

- Slow worm
- Turtles (all species)
- Smooth snake
- Sand lizard
- Viviparous lizard
- Grass snake
- Adder

#### Amphibians

- Natterjack toad
- Great crested newt

#### Fish

- Sturgeon
- Allis shad
- Twaité shad\*
- Basking shark
- Vendace
- Whitefish
- Giant goby
- Couch's goby
- Burbot
- Seahorse (short snouted and spiny)

### Butterflies

- High brown fritillary
- Marsh fritillary
- Large blue
- Heath fritillary
- Swallowtail

### Moths

- Reddish buff
- Fiery clearwing
- Fisher's estuarine moth
- Barberry carpet
- Black-veined
- Sussex emerald
- Essex emerald
- New Forest burnet

### Beetles, Bugs and Crickets

- Rainbow leaf beetle
- Mire pill beetle\*
- Water beetles (*G. zonatus* and *P. aeneus*)
- Lesser silver water beetle
- Beetle (*Hypebaeus flavipes*)
- Violet click beetle
- New Forest cicada
- Wart-biter cricket
- Mole cricket
- Field cricket

### Dragonflies and Spiders

- Norfolk aeshna
- Southern damselfly
- Fen raft spider
- Ladybird spider

### Crustaceans

- White-clawed crayfish
- Fairy shrimp
- Lagoon sand shrimp
- Apus

### Sea Mats and Sea Anemones and allies

- Trembling sea mat
- Marine hydroid
- Ivell's sea anemone

- Pink sea fan
- Starlet sea anemone

### Molluscs

- Fan mussel
- Pearl mussel
- Northern hatchet-shell
- De Folin's lagoon snail
- Glutinous snail
- Roman snail
- Sandbowl snail
- Lagoon snail
- Lagoon sea slug

### Annelid Worms

- Tentacled lagoon-worm
- Lagoon sandworm
- Medicinal leech

Under Schedule 8 of the Act, the following plants are protected:

- Least Adder's Tongue
- Purple Colt's-foot
- Norfolk Flapwort
- Small Alison
- Wild Cotoneaster
- Alpine Fleabane
- Blackwort
- Slender Cottongrass
- Small Fleabane
- Bluebell
- Field Cow-wheat
- South Stack Fleawort
- Bedstraw Broomrape
- Sand Crocus
- Pointed Frostwort
- Oxtongue Broomrape
- Lizard Crystalwort
- Hedgehog Fungus
- Thistle Broomrape
- Broad-leaved Cudweed
- Oak Polypore Fungi
- Lundy Cabbage
- Jersey Cudweed
- Royal Bolete Fungi
- Wood Calamint
- Red-tipped Cudweed
- Sandy Stilt Puffball Fungi
- Snow Caloplaca
- Cut-grass
- Brown Galingale
- Tree Catapyrenium
- Diapensia
- Alpine Gentian
- Alpin Catchfly
- Shore Dock
- Dune Gentian
- Laurer's Catillaria
- Marsh Earwort
- Early Gentian
- Slender Centaury
- Field Eryngo
- Fringed Gentian
- Rock Cinquefoil
- Dickie's Bladder Fern
- Spring Gentian
- Meadow Clary
- Killarney Fern
- Cut-leaved Gentian
- Triangular Club-rush

- Water Germander
- Wild Gladiolus
- Stinking Goosefoot
- Grass-poly
- Blunt-leaved Grimmia
- Elm Gyalecta
- Sickle-leaved Hare's-ear
- Small Hare's-ear
- Stinking Hawk's-beard
- Northroe Hawkweed
- Shetland Hawkweed
- Weak-leaved Hawkweed
- Blue Heath
- Red Helleborine
- Young's Helleborine
- Branched Horsetail
- Perennial Knawel
- Sea Knotgrass
- Lady's-slipper
- Churchyard Lecanactis
- Tarn Lecanora
- Copper Lecidea
- Round-headed Leek
- Least Lettuce
- Alpine Sulphur-tresses Lichen
- Arctic Kidney Lichen
- Ciliate Strap Lichen
- Convoluted Cladonia Lichen
- Upright Mountain Cladonia Lichen
- Coralloid Rosette Lichen
- Ear-loped Dog Lichen
- Forked Hair Lichen
- Goblin Lights Lichen
- Golden Hair Lichen
- New Forest Beech lichen
- Orange Fruited Elm Lichen
- River Jelly Lichen
- Scaly Breck Lichen
- Stary Breck Lichen
- Snowdon Lily
- Lindenberg's Liverwort
- Leafy Liverwort
- Rough Marsh-mallow
- Creeping Marshwort
- Cambridge Milk-parsley
- Moss
- Alpine Copper Moss
- Anomodon, Long-leaved Moss
- Baltic Bog Moss
- Blue Dew Moss
- Blunt-leaved Bristle Moss
- Bright Green Cave Moss
- Cordate Beard Moss
- Cornish Path Moss
- Derbyshire Feather Moss
- Dune Thread Moss
- Flamingo Moss
- Glaucous Beard Moss
- Green Shield Moss
- Hair Silk Moss
- Knothole Moss
- Large Yellow Feather Moss
- Millimetre Moss
- Multifruited River Moss

- Nowell's Limestone Moss
- Polar Feather-moss Moss
- Rigid Apple Moss
- Round-leaved Feather Moss
- Scleicher's Thread Moss
- Threadmoss, Long-leaved Moss
- Triangular Pygmy Moss
- Vaucher's Feather Moss
- Welsh Moss
- Holly-leaved Naiad
- Slender Naiad
- Stalked Orache
- Early Spider Orchid
- Fen Orchid
- Ghost Orchid
- Lapland Marsh Orchid
- Late Spider Orchid
- Lizard Orchid
- Military Orchid
- Monkey Orchid
- Caledonia Pannaria
- New Forest Pannaria
- Oil Stain Parmentaria
- Plymouth Pear
- Perfoliate Penny-cress
- Pennyroyal
- Alpine Moss Pertusaria
- Southern Grey Physcia
- Pigmyweed
- Ground Pine
- Cheddar Pink
- Childing Pink
- Deptford Pink
- Floating-leaved Water Plantain
- Ragged Pseudo Cyphellaria
- Rusty Alpine Psora
- Fen Ragwort
- Martin's Ramping fumitory
- Spiked Rampion
- Small Restharrow
- Alpine Rock-cress
- Bristol Rock-cress
- Western Rustwort
- Norwegian Sandwort
- Teesdale Sandwort
- Drooping Saxifrage
- Yellow Marsh Saxifrage
- Tufted Saxifrage
- Serpentine Solenopsora
- Whorled Solomon's-seal
- Alpine Sow-thistle
- Adder's-tongue Spearwort
- Fingered Speedwell
- Spiked Speedwell
- Dwarf Spike Rush
- Early Star-of-Bethlehem
- Starfruit
- Foxtail Stonewort
- Bearded Stonewort
- Strapwort
- Turpswort
- Fen Violet
- Viper's-grass
- Ribbon-leaved Water-plantain
- Starved Wood-sedge

- Alpine Woodsia
- Oblong Woodsia
- Field Wormwood
- Downy Woundwort
- Limestone Woundwort
- Greater Yellow-rattle

## Species

### Bat

All species of bat (*Chiroptera* spp.) and their place of rest or shelter more generally known as ‘roosts’ are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Conservation of Habitats and Species Regulations 2017 which is the implementation of the EC Directive on the Conservation of Natural Habitats and Flora and Fauna, 1992 (the Habitats Directive). This makes it illegal to kill, injure, capture or disturb bats or obstruct access to, damage or destroy bat roosts. Under the law, a roost in any structure or place used for rest or shelter is protected. As bats tend to reuse roosts, the roost is fully protected whether the bats are present or not.

### Birds

All species of wild bird and their nests are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This makes it illegal 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; and
- Intentionally take or destroy an egg of any wild bird.

There are also additional penalties for birds listed on Schedule 1 of the Wildlife and Countryside Act 1981.

### Badger

Badgers (*Meles meles*) and their setts are protected by the Protection of Badgers Act 1992, under which it is an offence to either harm badgers or disturb or damage their setts. Works within 30m of a badger sett may require a derogation licence from Natural England, to allow activity which would otherwise be illegal to proceed.

### Reptiles

The common reptile species are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). The species that are most likely to occur on this site are grass snake, common lizard (*Lacerta vivipara*), adder (*Vipera berus*) and slow worm. This means that they are protected against killing and injuring (but not ‘taking’) and against sale and transporting for sale.

### Amphibians

Great crested newts (*Triturus cristatus*) are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and are listed under Schedule 2 of the Habitats Regulations 2017, making them a European Protected Species.

Common toad (*Bufo bufo*), natterjack toad (*Epidalea calamita*) and pool frog (*Pelophylax lessonae*) are all Section 41 species of principle importance and as such are now a material consideration in planning.

### *White-clawed Crayfish*

White-clawed crayfish (*Austropotamobius pallipes*) are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which makes it illegal to take it from the wild or to sell it. It is also included in the ICUN Red Data List (listed as Globally Endangered).

### *Water Vole*

Water vole (*Arvicola amphibious*) are protected under Schedule 5, Section 9 of The Wildlife and Countryside Act 1981 (as amended). In 2008, the legal protection was increased, so it is now an offence to:

- Intentionally kill, injure or take (capture) a water vole;
- Possess or control a live or dead water vole, or any part of a water vole;
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection or disturb water voles while they are using such a place; and
- Sell, offer for sale or advertise for live or dead water voles.

Licences are available from Natural England for survey, research or conservation purposes, however there is no provision under the legislation for licensing what would otherwise be offences for the purpose of development, maintenance or land management. Conservation licences may be granted to destroy habitats and move water voles if it helps to conserve them. These will only be issued if water vole habitats are enhanced and the proposals benefit their conservation status.

### *Otter*

Otter (*Lutra lutra*) are protected under the Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to intentionally or deliberately kill, injure or capture otters, or damage destroy or obstruct any structure or place used for shelter or protection by an otter, and to disturb an otter while it is occupying a structure or place which it uses for that purpose.

### *Dormouse*

Dormice (*Muscardinus avellanarius*) are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Habitats Regulations 1994. This makes it illegal to intentionally or deliberately kill, injure or capture dormice, or damage

destroy or obstruct any structure or place used for shelter or protection by a dormouse, and to disturb a dormouse while it is occupying a structure or place which it uses for that purpose.

Legal protection requires that due attention is paid to the presence of dormice, and that appropriate actions are taken to safeguard the places they use for shelter and protection. Licences are required from Natural England for any activities arising from development projects which may affect dormice or their habitats.

### *Invertebrates*

Habitat suitable to support notable invertebrates was recorded. This included habitat suitable to support stag beetle (*Lucanus cervus*). Stag beetle is a Section 41 species of principle importance and is listed on section 9.5a and b of schedule 5 of the Wildlife and Countryside Act 1981 (as amended), making it illegal to sell or advertise it for sale. It is not offered any further protection under the act.

### *Other*

West European hedgehog is a Section 41 species of principle importance and as such is now a material consideration in planning. The presence or absence of suitable foraging and hibernating habitat for this species was noted during the field survey.

### *Invasive weeds*

British legislation applies to a number of invasive weed species that are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to plant, spread or otherwise cause these listed species to grow in the wild. Particular attention was paid to the presence of Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) and giant hogweed (*Heracleum mantegazzianum*).

## APPENDIX B: NOTES AND LIMITATIONS

IES Consulting staff and their sub-consultants have endeavoured to identify the presence of protected species wherever possible on site, where this falls within the agreed scope of works.

Up to date standard methodologies have been used, which are accepted by Natural England (previously English Nature) and other statutory conservation bodies. No responsibility will be accepted where these methodologies fail to identify all species on site. IES cannot take responsibility where Government, national bodies or industry subsequently modify standards.

The results of the survey and assessment work undertaken by IES Consulting were representative at the time of surveying.

IES Consulting have advised on the optimum survey season for a particular habitat/species prior to undertaking the survey work. However, IES Consulting cannot accept responsibility for the accuracy of surveys undertaken outside this period.

IES Consulting cannot accept responsibility for data collected from third parties.

## APPENDIX C: LOCATION OF DESIGNATED SITES

Site Check Report Report generated on Fri Aug 23 2024

**You selected the location:** Centroid Grid Ref: ST54618110

The following features have been found in your search area:

Local Nature Reserves (England)

No Features found

National Nature Reserves (England)

No Features found

Ramsar Sites (England)

No Features found

Sites of Special Scientific Interest (England)

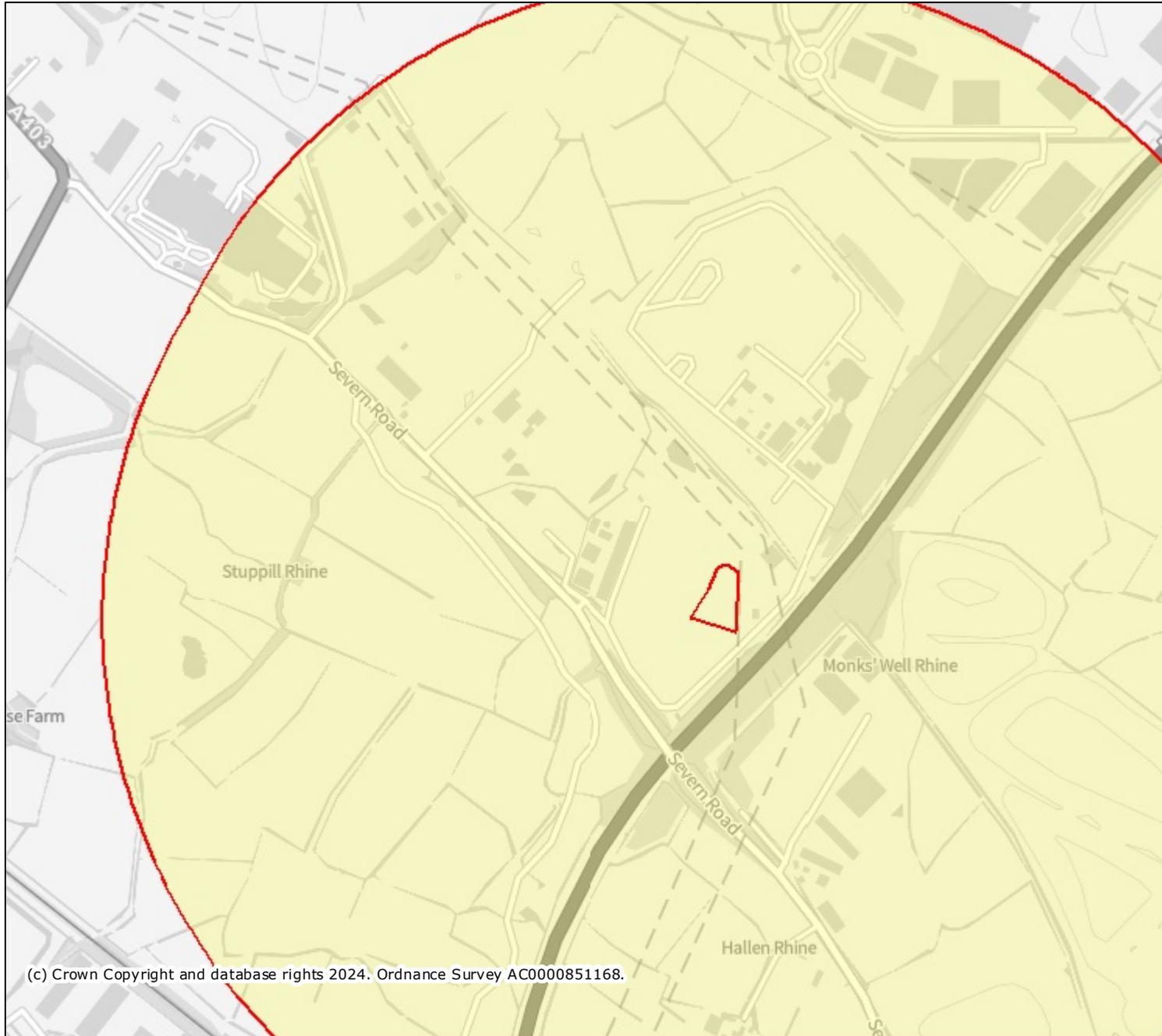
No Features found

Special Areas of Conservation (England)

No Features found

Special Protection Areas (England)

No Features found



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## Legend

-  Local Nature Reserves (England)
-  National Nature Reserves (England)
-  Ramsar Sites (England)
-  Sites of Special Scientific Interest (England)
-  Special Areas of Conservation (England)
-  Special Protection Areas (England)

Projection = OSGB36

xmin = 351900

ymin = 179900

xmax = 356900

ymax = 182500



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