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**334-346 High Street and 8-22 Harborne Park Road, Harborne,
Birmingham, B17 9PU**

Prepared for **Midland Properties and Finance (Birmingham) Ltd**
Preliminary Ecological Appraisal

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1

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Executive Summary

Midland Ecology Ltd. undertook a Preliminary Ecological Appraisal of a site known as “8-22 Harborne Park Road and 334-346 High Street, Harborne, BIRMINGHAM, B17 9PU”. This included an extended Phase 1 Habitat Survey (P1HS). Preliminary Ecological Appraisals are used during the site development process to gather data on existing conditions, with the intention of conducting a preliminary assessment of likely impacts of development schemes or establishing the baseline for future monitoring. As a precursor to a proposed project, evaluation can be made within these appraisals of the ecological features present, as well as scoping for notable species or habitats, identification of potential constraints to proposed development schemes, and recommendations for mitigation.

The development proposals briefly comprise of the construction of 2 blocks of flats consisting of 87 apartments. The development proposals are included in Appendix 2.

Baseline Conditions	
<i>Designated Sites</i>	The survey area is not on or adjacent to any statutory designated for nature conservation. The site falls within an Impact Risk Zone (IRZ) of one Site of Special Scientific Importance (SSSI); Edgebaston Pool SSSI, 2.2km to the east of the site. The proposals are of a type that will not require further consultation with Natural England.
<i>Habitats</i>	The P1HS identified a range of habitats within the survey area, including: buildings, hardstanding and modified grassland . None of the habitats are assessed as being habitat of principal importance.
<i>Species</i>	The survey area was suitable for protected species/assemblages. Notably, the site has a very low likelihood of supporting roosting bats.
<i>Invasive and non-native species</i>	The non-native species buddleia was confirmed as present within the survey area.

Discussion of Impacts and Recommendations	
<i>Discussion of Impacts</i>	The grassland and all the buildings will be lost under the current design proposals. This poses a very low risk to roosting bats.
<i>Recommendations</i>	Impact avoidance measures are required, including internal checks of buildings which could not be fully assessed. Recommendations for enhancement include incorporating bat and bird boxes into the new buildings as well as planting beneficial to wildlife in the landscaping designs.

1.0 Introduction and Context

1.1 Background

Midland Ecology Ltd. were commissioned by Midland Properties and Finance (Birmingham) Ltd to undertake a Preliminary Ecological Appraisal (PEA) of a site known as “334-346 High Street and 8-22 Harborne Park Road, Harborne, BIRMINGHAM B17 9PU”. (hereafter referred to as ‘the site’ or ‘site’) and surrounding land within 50m, where accessible, of the red line boundary. The survey included an Extended Phase 1 Habitat Survey, in line with methodology set out in JNCC’s *Handbook for Phase 1 habitat survey – a technique for environmental audit* (JNCC, 2010); the assessment is based on the *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017).

This is the first ecological survey to be undertaken on the site by Midland Ecology Ltd. The author is not aware of any previous ecological surveys having been undertaken at this site.

1.2 Scope of the Report

This report describes the baseline ecological conditions at the site; evaluates habitats within the survey area in the context of the wider environment; and describes the suitability of those habitats for notable or protected species. It identifies significant ecological impacts as a result of the development proposals; summarises the requirements for further surveys and mitigation measures, to inform subsequent mitigation proposals, achieve Planning or other statutory consent, and to comply with wildlife legislation.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. To achieve this, the following steps were taken:

- The desk *study area* and field *survey area* (generally 50m from the site boundary/proposed footprint and including the ‘zone of influence’ of the scheme) have been identified
- Baseline information on the site and surrounding area has been recorded through an ‘Extended Phase 1 Habitat Survey’, including a Phase 1 Habitat Survey (JNCC 2010) and recording further details in relation to notable or protected habitats and species
- The ecological features present within the survey area have been evaluated, where possible (IEEM, 2006)
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act [WCA]) have been identified
- Likely impacts on features of value, as a result of the development proposals, have been identified
- Recommendations for further survey and assessment have been made
- Recommendations for mitigation and opportunities for enhancement have been provided based on current information

The Phase 1 habitat map of the survey area, with supporting target notes, is included in Appendix 1, the proposed project plan is presented in Appendix 2, and photographs taken during the site survey are included in Appendix 3. A description of relevant legislation, planning policy, and nature conservation status' is included in Appendix 4, and desk study information is in Appendix 5.

1.3 Site Context

The site is located at National Grid Reference SP 03070 84424 and comprises an area of approximately 0.2 ha. The site is situated within Harborne, Birmingham. This is an urban location dominated by residential buildings. The wider area contains a high number of woodland pockets and amenity grasslands in the form of playing fields and a golf course. Many of the houses in the area have trees in their back gardens forming tree lines connecting loosely with the surrounding habitats and further afield.

1.4 Project Description

This report is prepared in relation to a planning application for residential development, to inform design and ensure legal compliance.

The development proposals include:

- Demolition of existing buildings
- Clearance of vegetation and hardstanding
- Construction of two new residential blocks
- Construction of ancillary buildings and access
- Soft landscaping

The development proposals are included in Appendix 2.

All works areas, storage and haul routes will be included within the site boundary; access will be provided by existing roads and as such, no additional working footprints are anticipated.

2.0 Methods

2.1 Desk Study

A desk study relating to the site and a surrounding 2km radius (the study area) was undertaken. The study area has been defined at this scale as an assessment of any trees suitable for roosting bats is included within this report. There are no statutory designated sites for bats or birds within 10km of the site. Some of the data search is confidential information that is not suitable for public release; therefore, only a summary is given within this report.

Protected and notable species records were requested from EcoRecord; along with details of designated sites within the search area. Freely available information on designated sites, habitats and species of Principal Importance was reviewed, including a search on Magic.defra.gov.uk and using OS OpenData. Information obtained from the desk study included:

- Landscape structure
- Habitats and species of Principal Importance (as listed on S41 of the Natural Environment and Rural Communities (NERC) Act 2006 (habitats and species of Principal Importance)
- Information on designated sites
- Information on the surrounding area, including waterbodies.

Information on nearby non-statutory designated sites and protected/notable species records were also requested from the local biological records centre. These had not been received at the time of writing, and so an amended version of this report will be provided once this information has been received and assessed (as per the CIEEM Guidelines for Accessing and Using Biodiversity Data).

2.2 Extended Phase 1 Habitat Survey

The survey was undertaken by Katrina Wells, BSc (Hons), MSc, ACIEEM, English bat licence number: 2019-39619-CLS-CLS on the 21st April 2022 and was completed during suitable weather conditions (temperature: 15°C, wind: 1 Beaufort scale, cloud cover: 3 oktas, precipitation: 0%). An update visit to the vegetated area of the site was undertaken on the 20th June 2022.

The survey area generally comprised all land that will be impacted by the proposals; in this instance taken to be the site boundary and a buffer of 50m. However, where waterbodies were identified by the desk study within 500m of the proposed works area, the survey area will have been extended to inform an assessment of habitat suitability for great crested newts *Triturus cristatus*. All linear watercourses were

also surveyed 150m up and down stream of the works area for otters *Lutra lutra* and water voles *Arvicola amphibius*. For details of the site boundary and survey area, please refer to Figure 1 in Appendix 1.

2.2.1 Habitats and flora

The methodology for the Phase 1 Habitat Survey (P1HS) was based on the best practice publication *Phase 1 Habitat Survey methodology* (JNCC, 2010). All land parcels were described and mapped according to JNCC P1HS habitat types. Target notes provide supplementary information on habitat conditions, features too small to map, species composition, structure and management. Scientific names are given after the first mention of a species in this report, subsequently common names are used.

2.2.2 Protected species and Species of Principal Importance

During the survey, habitats were assessed for their suitability to support protected species and notable species assemblages, and field signs indicating their presence or absence recorded. This assessment took into consideration findings of the desk study, habitat conditions on site and in the context of the surrounding landscape, and the ecology of the species. Special attention was made to the following features suitable for protected species:

- Ponds or other water bodies within 500m of the site, were identified. The suitability of these and the available terrestrial habitat for great crested newt was assessed, along with considerations of connectivity. Natural England's Great Crested Newt Mitigation Guidelines (English Nature, 2001) recommend that any waterbodies within 500m of a site, and sites with suitable terrestrial habitats within 500m of a waterbody, should be assessed for great crested newt potential.
- Any trees to be impacted by the scheme proposals were assessed for their likelihood to support roosting bats by conducting a non-intrusive visual appraisal from the ground using binoculars. The external features of the trees were also assessed for potential access/egress points, and for signs of bat use.
- Any vegetation cover and topography suitable for badger *Meles meles* sett construction were investigated, and evidence of badger activity recorded.
- Any habitat complexes with a diverse structure and features suitable for basking, foraging and hibernating reptiles were recorded.
- Any suitable foraging, refuge and/or hibernation areas for hedgehogs were inspected for signs of use.
- Evidence of bird nesting/breeding activity on or adjacent to site.

Due to the lack of suitable habitat, field signs, and their known distribution, it is considered unlikely that the survey area supports any other protected species. Therefore, only those species listed above are considered further in this report.

2.2.3 Invasive / non-native species

The distribution and extent of any invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981) were also noted throughout the survey area.

2.3 Suitability Assessment and Ecological Value

2.3.1 Likelihood of the presence of protected species

The likelihood of occurrence of protected species is ranked according to the criteria listed in Table 1. The habitats on site were evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Table 1: showing criteria considered when assessing the likelihood of occurrence of protected species

Present	Species are confirmed as present from the current survey or recent confirmed records.
High	The site is of high quality for a given species/species group, due to the presence of e.g. Habitat and features of high quality for species/species assemblage. Species known to be present in wider landscape (desk study records). Good quality surrounding habitat and good connectivity.
Medium	The site is of moderate quality for a given species/species group, due to the presence of e.g., Habitat and features of moderate quality. The site in combination with surrounding land provides all habitat/ecological conditions required by the species/assemblage. Within known national distribution of species and local records in desk study area. Factors limiting the likelihood of occurrence may include small habitat area, habitat isolation, and/or disturbance.
Low	Habitats within the site are of poor to moderate quality for a given species/species group. Few or no records from data search. Despite above, presence cannot be discounted as within national range, all required features/conditions present on site and in surrounding landscape. Limiting factors could include isolation, poor quality landscape, or disturbance.
Negligible	Whilst presence cannot be absolutely discounted, the site includes very limited or poor-quality habitat for a particular species or species group. No local records from desk study; site on edge of, or outside, national range. Surrounding habitats considered unlikely to support species/species assemblage.

2.3.2 Assessment of Ecological Value

The ecological value of the survey area has been assessed based on the *Guidelines for Ecological Impact Appraisal* (CIEEM, 2017) and *Handbook of Biodiversity Methods: Survey, evaluation and monitoring* (David Hill, 2005), using geographic frames of reference. The biodiversity value of the identified designated sites, habitat types and associated species/assemblages has been considered. The criteria listed below have

been used to reach an evaluation; examples under each category of biodiversity value are provided in Table 2.

- Presence of designated sites or features
- Presence of UK priority habitats and species (S41 of the NERC Act), and species listed as Birds of Conservation Concern (Eaton *et al* 2009)
- Size of habitat, diversity of species, or population
- Habitats or species which are rare, species which are on the edge of their range
- Large populations of uncommon species, or plant communities that are typical of valued natural/semi-natural vegetation types
- Habitats or features that have supporting value for high value habitats, designated sites or protected species, e.g., buffer habitat to ancient woodland
- Presence of legally protected species.

Table 2: Examples of criteria defining conservation evaluation

Evaluation on geographical scale	Examples of criteria defining evaluation
International	Biodiversity feature that is designated or warrants designation as a European Protected Site
National	Biodiversity feature that is designated or warrants designation as a National designated site (Site of Special Scientific Interest (SSSI) or National Nature Reserve (NNR))
Metropolitan or County	Biodiversity feature that is designated or warrants designation as a county wildlife site, local nature reserve, or a Site of Metropolitan Importance for Nature Conservation (SMI). Species and habitats of principle importance.
Borough	Biodiversity feature that is designated or warrants designation as a Site of Importance for Nature Conservation (SNCI), or other feature which is one of the best examples of its type within the Borough. Diverse and/or ecologically valuable hedgerow network, or ancient woodland greater than 0.25ha
Local	Biodiversity feature which is one of the best examples of its type within a local context (i.e., within ~1km of the scheme extent)/local Parish. Habitat complex considered to enrich the habitat/biodiversity resource within the context of the local neighbourhood.
Within the vicinity of the site	Biodiversity features of value within the zone of influence (site plus approximately 50m buffer).
Negligible	Biodiversity features of negligible value.

Following CIEEM guidance it should be noted that legal protection or UK Biodiversity Action Plan (BAP) status does not necessarily imply biodiversity status at the equivalent scale. For example, a badger *Meles meles* sett would receive legal protection at a national scale and a native hedgerow would be a UK BAP priority habitat, but neither feature is likely to be of biodiversity value at a national scale.

Where this report accompanies a planning application, the ecological interest of the study area and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity. It will be clearly stated where a preliminary value can be given and where further information is required.

2.4 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site.

Where only four figure grid references are provided for biological data, it is not possible to determine their precise location as they could be present anywhere within the given 1km x 1km National Grid square.

This survey provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the local area, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the desk study.

Ecological surveys are limited by a variety of factors, which affect the presence of flora and fauna (e.g. climatic variation, season and species behaviour). A lack of evidence of a protected species during a survey does not mean that the species is absent; hence the surveys also records and assess' the ability of habitats to support such species. The time frame in which the survey is conducted provides a snapshot of activity within the survey area and cannot necessarily detect all evidence of use by a species. The survey was completed in April and as such the timings of the habitat survey did not present any issues when classifying habitats.

It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation of the natural environment. The Extended Phase 1 habitat survey does not constitute a full botanical survey.

Information on nearby non-statutory designated sites and protected/notable species records were also requested from the local biological records centre. These had not been received at the time of writing, and so an amended version of this report will be provided once this information has been received and assessed (as per the CIEEM Guidelines for Accessing and Using Biodiversity Data).

3.0 Results and Evaluation

3.1 Desk Study

Further desk study data is reproduced in Appendix 5.

3.1.1 Designated sites

The survey area is not subject to any statutory or non-statutory nature conservation designations. There is one statutory designated site within 2km of the site; as described in Table 3.

Table 3: Designated Nature Conservation sites within the study area

Designated site name	Designation	Location and direction from site	Citation
Woodgate Valley	LNR	1.6km SW	Woodgate Valley is a 450 acre site in the middle of Quinton and Bartley Green. The site contains meadows, woodlands, hedgerows, and small ponds; and Bournbrook runs through the site. The wet meadows contain a high diversity of wildflowers with over 250 species of plants recorded on the site, which is also rich in insects and birds.

The site falls within an Impact Risk Zone (IRZ) of one Site of Special Scientific Importance (SSSI); Edgebaston Pool SSSI, 2.2km to the east. However, the proposals are of a type that require no further consultation with Natural England.

EcoRecord provided details of 14 non-statutory wildlife sites within 2km of the proposed development site, consisting of three Sites of importance for Nature Conservation (SINC) and 11 Sites of Local Importance for Nature Conservation (SLINC). The nearest of these was Harbourne Hall SLINC, located approximately 550m to the south of the site, which consists of broadleaved woodland, grassland and ornamental ponds.

3.1.2 Habitats of principal importance

A search of the Magic.defra.gov.uk database identified over 90 areas of deciduous woodland present within 2km of the site (the closest lying approximately 410m to the west); one area of ancient & semi-natural woodland 1.2km to the northwest; six areas of traditional orchards (nearest 1.2km northeast);

three areas of wood pasture and parkland (nearest at 634m to the west); three areas of coastal and floodplain grazing marsh (nearest 1.2km south); and four areas of open mosaic habitat, the nearest of which is 1.6km southeast of the site. These habitats are likely to be classified as habitats of principle importance, and of particular value to wildlife.

3.1.3 Protected and notable species records

EcoRecord provided records of a number of bird, plant, invertebrate and mammal species within 2km of the site boundaries. Of particular relevance to this site and the proposed development are:

Amphibians: common toad, great crested newt

Birds: brambling, cuckoo, hobby, house sparrow, kingfisher, peregrine, redwing, fieldfare, black redstart

Invertebrates: small heath, multiple moth species

Mammals: hedgehog, polecat, badger, otter, water vole, and five species of bat.

From the information provided, no species have been recorded on site, however multiple species have been recorded within 500m of the site boundaries. These included hedgehog, recorded 190m from the site, badger 225m from the site and unidentified bat species 400m from the site. Numerous species of bird were recorded within 500m, including several such as house sparrow recorded just 60m from the site. Multiple species of moth were also recorded within 500m of the proposed development site.

Invasive species recorded by EcoRecord within 2km include few-flowered garlic, giant hogweed, giant knotweed, multiple *cotoneaster sp.*, Himalayan balsam, Japanese knotweed, Japanese rose, variegated yellow archangel, montbretia, *Rhododendron ponticum*, and *Rhododendron luteum*. Of these none of the above species have been recorded on site, nor do they appear to have been recorded within close proximity of the site boundaries, the nearest record being for Japanese knotweed, approximately 470m from the site.

3.1.4 Previously granted European Protected Species Mitigation Licences (EPSML)

A search of the magic.defra.gov.uk database identified five European Protected Species Licences (EPSML) that have been granted within 2km of the site, all of which are for bats. The first of which was issued in December 2013, 1.8km southwest of the site, for a project impacting upon common pipistrelle (*Pipistrellus pipistrellus*). The second issued in November 2016, 1.9km east-southeast of the site, also for a project impacting upon common pipistrelle. The third, issued in August 2017 1.9km to the east, for a project impacting upon soprano pipistrelle (*Pipistrellus pygmaeus*). The fourth issued in September 2017, 1.7km southeast, for a project impacting upon common pipistrelle. And the fifth issued in February 2018, 1.6km southeast, also for a project impacting upon common pipistrelle.

3.1.5 Landscape structure

A review of aerial photographs (Figure 1) and OS maps shows the site has potential for some level of importance in the context of the surrounding landscape; many of the gardens contain trees forming loose/fragmented lines of trees connecting to the surrounding habitats.

Figure 1: Aerial photograph of the site and surrounding landscape (Map data 2022 Google)



3.2 Phase 1 Habitat Survey

3.2.1 Summary

The survey area was dominated by buildings and hardstanding, with a small area of grassland in the west of the site.

3.2.3 Buildings

The majority of the site was dominated by a building complex, a large proportion of which consisted of flat-roofed retail and commercial units (see images 1 and 2), with a small section of six two-storey residential properties above part of the retail area (see image 3). The buildings were all brick built and the residential section had a pitched, concrete pan-tiled roof with bitumen felt lining.

Three of the six loft spaces above the residential properties were accessed with no signs of bats or nesting birds in any of the spaces (see image 4). A very low number of potential access points for bats were noted

internally in the form of light entering at the eaves, however no corresponding gaps were identified externally. Externally, the roof tiles were intact, with no clear gaps noted, although it could not be determined whether the pantiles were capped along the lower edges of the roof.

A number of cracks were present within the brick wall of the rear staircase to the residential properties, however these were all heavily cobwebbed and did not provide deep crevices suitable for roosting bats (see image 5).

No features suitable for roosting bats were noted on the flat-roofed retail and commercial buildings.

A detached row of six garages had potential access for bats via gaps around the doors (see image 6). Three units could not be accessed internally during the survey, the remaining three were found to have no potential roosting features and no signs of roosting bats were found.

3.2.4 Modified Grassland

The western corner of the site consisted of a small area of relatively species poor grassland (see image 7), with grasses including red fescue *Festuca rubra*, Yorkshire fog *Holcus lanatus* and cock's-foot *Dactylis glomerata*. Common forbs also present included ribwort plantain *Plantago lanceolata*, creeping cinquefoil *Potentilla reptans*, bulbous buttercup *Ranunculus bulbosus*, dandelion *Taraxacum officinale* agg., wavy bitter-cress *Cardamine flexuosa*, common mouse-ear *Cerastium fontanum* and common nettle *Urtica dioica*. Small amounts of the non-native yellow corydalis *Corydalis lutea* and buddleia *Buddleja* sp. (see image 8) were also present. Several large anthills were present within the grassland (see image 8).

Two small clusters of relatively young, self-seeded trees along the western and southern edges of the grassland during the first visit on the 21st April were understood to have been removed on the 27th April, and this was confirmed during the visit on the 20th June (see image 9). No signs of nesting birds were identified in any of the trees during the April site visit. Small seedlings of sycamore *Acer pseudoplatanus*, ash *Fraxinus excelsior* and silver birch *Betula pendula* were present within the grassland and occasionally in cracks within hardstanding, however no mature or semi-mature trees or shrubs were present.

3.2.5 Hardstanding

The central and southern parts of the site comprised of the existing access and carparking (see image 10), with minor encroachment by weeds.

3.3 Protected Species and Species of Principal Importance

The protected species/species groups considered potentially present within the survey area are:

- Bats

- Breeding birds
- Hedgehog
- Badger

The likelihood of these species being present, other notable species, or invasive species, is evaluated in Table 4.

Table 4: Assessment of likelihood of protected and invasive species occurrence

Species / group	Likelihood of occurrence	Justification for evaluation	Legislation/policy
Bats	Foraging/ commuting: Very Low	The small area of grassland on site provided the only suitable habitat for foraging and commuting bats. This grassland is poorly linked to other areas of suitable habitat and is likely to be subject to high levels on artificial light due to its urban location.	Wildlife and Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations 2017.
	Roosting: Very Low	The flat roofed buildings on site are considered to have negligible potential for roosting bats. The section of pitched roof is considered to have very low potential for roosting bats due to possible gaps under the edge of the pantiles and the three garages which could not be accessed at the time of the survey were also considered to have very low potential. None of the trees on site during the first visit showed potential roosting features for bats, or stem diameters large enough to expect presence of roosting bats.	
Badger	Negligible	Whilst a small area of suitable foraging habitat was present on site, this habitat was relatively isolated from other suitable habitat and no evidence of badgers (setts, latrines, tracks, pathways or snuffle marks) was discovered either on site or within a 50m radius during the survey.	Protection of Badgers Act 1992.
Breeding birds	Negligible	There were no signs of nesting activity during either site visit and no trees or shrubs suitable for nesting birds were present on site at the time of the June survey	Wildlife and Countryside Act 1981 (as amended).

Species / group	Likelihood of occurrence	Justification for evaluation	Legislation/policy
Great crested newt	Negligible	Although the small area of grassland onsite is suitable for sheltering and foraging great crested newts, and the data search	Wildlife and Countryside Act 1981 (as amended).

Species / group	Likelihood of occurrence	Justification for evaluation	Legislation/policy
		contained one record of great crested newt located approximately 320m from the site, this was a relatively old record (1998) and OS maps indicate that there are no extant waterbodies within 500m of the site. Furthermore the busy roads and densely urban nature of the immediate surroundings were considered to provide a significant barrier to dispersal.	The Conservation of Habitats and Species Regulations 2017.
Hedgehog	Very low	The small area of grassland on site is suitable habitat for foraging hedgehogs, however there are no suitable shelter features and the site is poorly connected to other suitable habitat.	Wildlife and Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations 2017.
Widespread reptiles	Negligible	Whilst the grassland on site could provide foraging and some refuge areas for reptiles, the small size of the grassland combined with the isolated, urban nature of the site, makes the presence of reptiles highly unlikely.	Wildlife and Countryside Act 1981 (as amended).
Invasive plant species	Negligible	No plants listed in Schedule 9 of the Wildlife and Countryside Act were noted on site.	Section 14 and Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

3.4. Evaluation

Habitats and species across the survey area were evaluated; this evaluation is described in Table 5.

Table 5: Evaluation of ecological receptors

Evaluation	Description of features and explanation of evaluation
<i>International</i>	The site is not designated for its international nature conservation importance. There are no international statutory designated sites within the 2km study area. No species listed on Annex II of the Habitats Directive have been recorded within the survey area; no habitats on site are considered likely to support these species.
<i>National</i>	The site is not subject to any national statutory nature conservation designations, and it is not considered that any habitats or species within the site would meet the criteria for the designation of a SSSI. The site does fall within the Impact Risk Zones of a SSSI; but it does not share similar habitats or strong connectivity with these sites; nor would such a small-scale development result in indirect impacts (such as increased visitor pressure).
<i>Metropolitan or County (e.g. Kent)</i>	The site is not subject to any non-statutory nature conservation designations such as Local Wildlife Sites. There are no habitats or species recorded on site considered likely to be of Metropolitan importance.
<i>Borough or District (e.g. Maidstone)</i>	The site is not subject to any non-statutory nature conservation designations such as LWS; nor does it share similar habitats or strong connectivity with nearby LWS.
<i>Local</i>	The site has very limited potential to support either roosting or foraging bats.
<i>Within the vicinity of the site (approx. 50m)</i>	With the exception of the considerations described above, all habitats within the survey area are considered to be of value within the vicinity of the site only.

4.0 Discussion and Recommendations

4.1 Discussion

The site is not subject to any statutory or non-statutory designations. The site is also considered to be poorly linked to nearby greenspaces and so is not considered to be ecologically valuable green infrastructure.

The pitched roof of the building on site has very low potential to support roosting bats. All other protected species are likely absent from the site, due to unsuitable habitats, levels of disturbance, species range, and/or landscape context.

4.1.1 Discussion of impacts and the mitigation hierarchy

A description of significant impacts on habitats and species at value greater than the vicinity of the site (that cannot be avoided and can be identified at this stage of the assessment) is provided below. This impact assessment is based on current design proposals; please refer to the project plan in Appendix 2 illustrating and further describing the proposed works. Where sufficient information exists to design mitigation, this is also discussed. Any requirements for further survey to inform detailed mitigation proposals are provided in 4.2. Where further surveys for a particular habitat/complex or species are required prior to Planning Application, mitigation is not discussed in detail at this stage.

Designated sites

Direct impacts on designated sites are unlikely to arise as the works would be a sufficient distance to avoid dust, noise and visual effects on the reasons for designation.

Habitats and plants

The habitats and floral species found on site are common and widespread. No significant impacts on biodiversity are anticipated.

Protected species and species of principal importance

Bats: Impact to pitched roofs and three garages (which could not be checked) poses a very low risk of harm to roosting bats in the unlikely event that they are using these features.

4.2 Recommendations – further surveys and impact avoidance measures

The sections below provide an outline of the additional survey work that should be carried out prior to development, and also a suggested outline for the development of an Ecological Opportunities and

Constraints Plan (recommended under BS 42020:2013). Where surveys are required prior to Planning Application, this is clearly stated.

4.2.1 Bat surveys

Best practice survey guidelines (Collins, 2016) recommend additional surveys for all buildings assessed as having moderate to high suitability for roosting bats. Section 5.2.9 of those guidelines state that *'If the structure has been classified as having low suitability for bats, an ecologist should make a professional judgement on how to proceed based on all of the evidence available'*. Given the very low residual risk of bats being present in this instance, it is considered more proportionate for Reasonable Avoidance Measures (RAMS) to be adopted. Should the Local Planning Authority be minded to grant planning consent, then the implementation of these measures should be included as a condition of that consent.

However, if unexpected bats are found during any stage of the development (regardless of survey findings), work must stop immediately, and a suitably qualified ecologist should be contacted to seek further advice.

4.2.2 Reasonable Avoidance Measures

In order to ensure that bats are not harmed during works and that there are no adverse effects on bat roosts or on wider bat populations, the method statement contains the following elements:

- Provision of a bat box;
- Toolbox talk to contractors;
- Timing of works / weather conditions;
- Working methods to ensure minimal disturbance to bats, and avoidance of killing or injury to bats;
- Methods to be followed in the event of a bat being discovered during other works;
- Post-works sign-off.

General

A site agent will be appointed by the contractor to ensure that the details of this method statement are complied with; copies of which must be available on site. Contractors will be given a "toolbox talk" by a suitably qualified and licensed Ecologist at the commencement of works, so that they are aware of the particular issues relating to this site and their responsibilities in the event of a bat being found in the absence of an Ecologist (see Section 2.6 below).

Timing of works / weather conditions

Due to absence of suitable hibernation sites, no restrictions are placed on the months during which works can take place. Due the (limited) potential for bats to be encountered during works however, works to the roof will only be undertaken in mild weather conditions; avoiding high winds and heavy rain.

Working Methods

Prior to the commencement of works, a suitably licensed Ecologist will inspect the interior of the three garages and the three loft spaces which could not be accessed during the survey. Assuming no evidence of bats is found, demolition of the garages could then proceed with no further ecological input.

The pitched roof, its tiles, soffits/fascias, and and/all other roof components due for removal will be stripped by hand (also known as 'soft demolition').

All site workers will be made aware of the possibility of finding bats, and the procedure to follow should they be found when the Ecologist is not on site.

If at any point a bat is discovered, contractors will stop work immediately and telephone an ecological professional qualified to deal with the species. Telephone numbers of such will be held on site (e.g. Midland Ecology 0121 517 0841).

Should any bats fall out of structures or be injured, they will be gently placed in a secure ventilated box (e.g. a cardboard box with small holes) by the contractor and left in a cool dark place, until appropriate advice can be sought. Bats must never be handled without gloves. Should any staff be bitten, then this must be flagged immediately, as post-exposure treatment will be required.

Sign-Off

Following completion of works, the supervising Ecologist will provide written confirmation (by letter, email or other suitable media) to confirm that this method statement has been complied with.

4.3 Recommendations – opportunities for enhancement

Ecological Constraints and Opportunities Plan

The bullet points below represent some broad suggestions that could be included within an ECOP to inform the development proposals. These recommendations should be developed further in coordination with the landscape designers and other specialists as the design progress. It is acknowledged that not all may prove suitable/practical for this development.

- Design of wildlife friendly lighting;

- Inclusion of bird and bat boxes (within the fabric of the new buildings);
- Inclusion of plant species of known value to wildlife in any landscape design proposals;
- Creation of wildlife refuge areas (habitat piles);
- Design and implementation of measures to improve ecological connectivity; such as creating tree-lined boundaries

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Appendices

Appendix 1: UKHab Habitat Map (current site conditions)



Appendix 2: Site plan/proposals



Appendix 3: Photographs

Image 1: Site viewed from north boundary



Image 2: Buildings in the east of the site



Image 3: Residential units viewed from the south



Image 4: Loft space of residential unit



Image 5: Cracks in external brickwork



Image 6: Garages in south of site



Image 7: Grassland in west of site



Image 8: Buddleia scrub and anthills in grassland



Image 9: Tree stumps



Image 10: Hardstanding in centre of site



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

Legislation Afforded to Habitats

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare **Local Nature Reserves (LNR)** under the National Parks and Access to the Countryside Act 1949. LNR are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as **Local Wildlife Sites (LWS)** and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

National and European Legislation Afforded to Species

The Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive: In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests':

- the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;
- there is no satisfactory alternative; and
- the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett¹ or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been

¹ A badger sett is defined in the legislation as "any structure or place which displays signs indicating current use by a badger". This includes seasonally used setts. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: [Natural England definition of a badger sett](#)

issued by the countryside agencies to define what would constitute a licensable activity². It is no possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA.

Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as “Schedule 1” birds. This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

Effects on development works

Works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August³. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

² For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. www.naturalengland.org.uk/Images/badgers-dev-guidance_tcm6-4057.pdf, Natural England (2009) Interpretation of ‘Disturbance’ in relation to badgers occupying a sett www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf, Scottish Natural Heritage (2002) Badgers & Development. www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp and Countryside Council for Wales (undated) Badgers: A Guide for Developers. www.ccw.gov.uk.

³ It should be noted that this is considered the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- Deliberate disturbance of bat species in such a way as:
 - to impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - to impair their ability to hibernate or migrate
 - to affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works

Works which are liable to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof

In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:

- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species

- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.
- Impacts of legislation on development works

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species include Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*.

Impacts of legislation on development works

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site however it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and The Biodiversity Duty

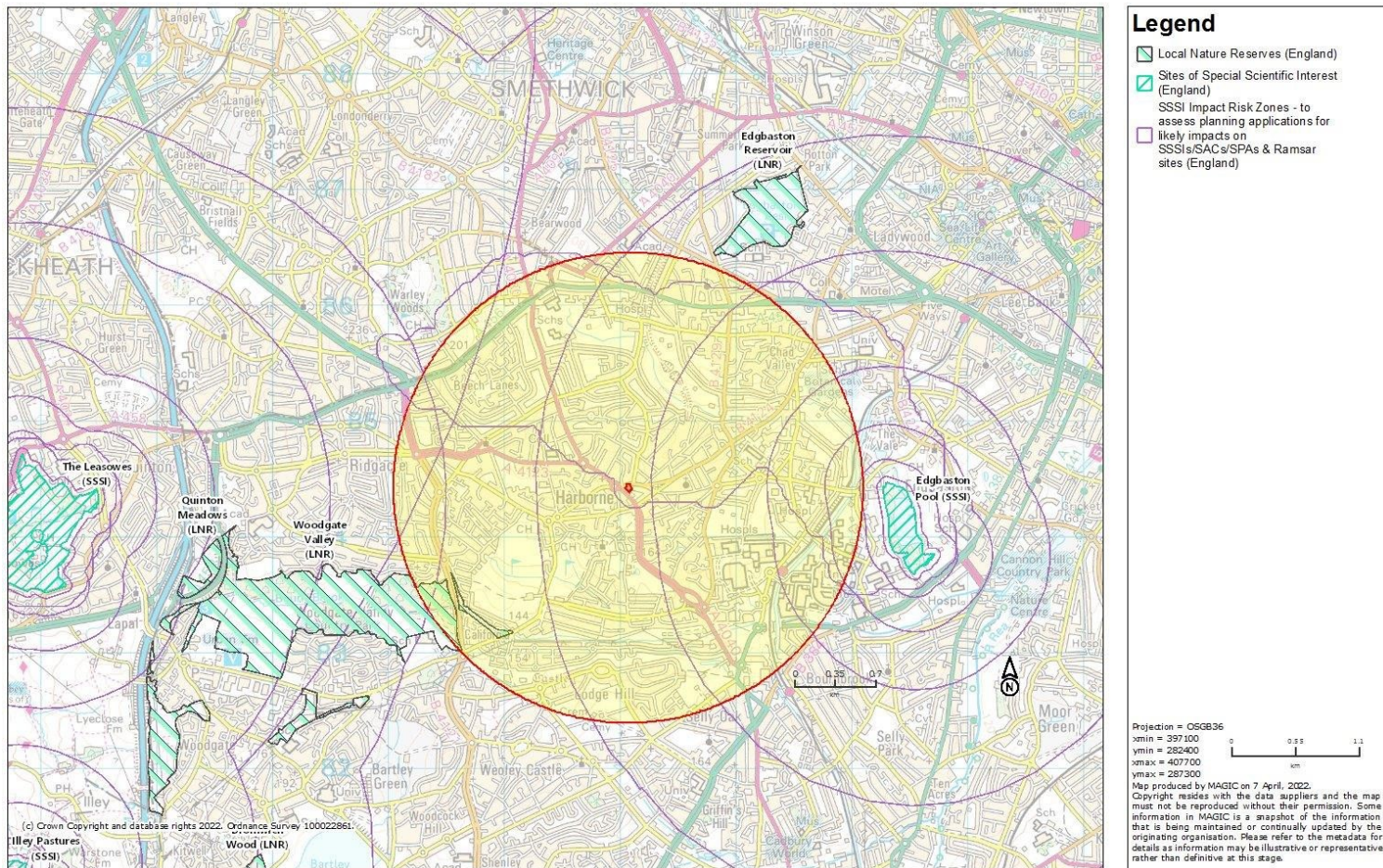
Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

Appendix 5: Desk study data (Designated sites and Priority habitats)

MAGiC

Statutory Designated Sites within 2km



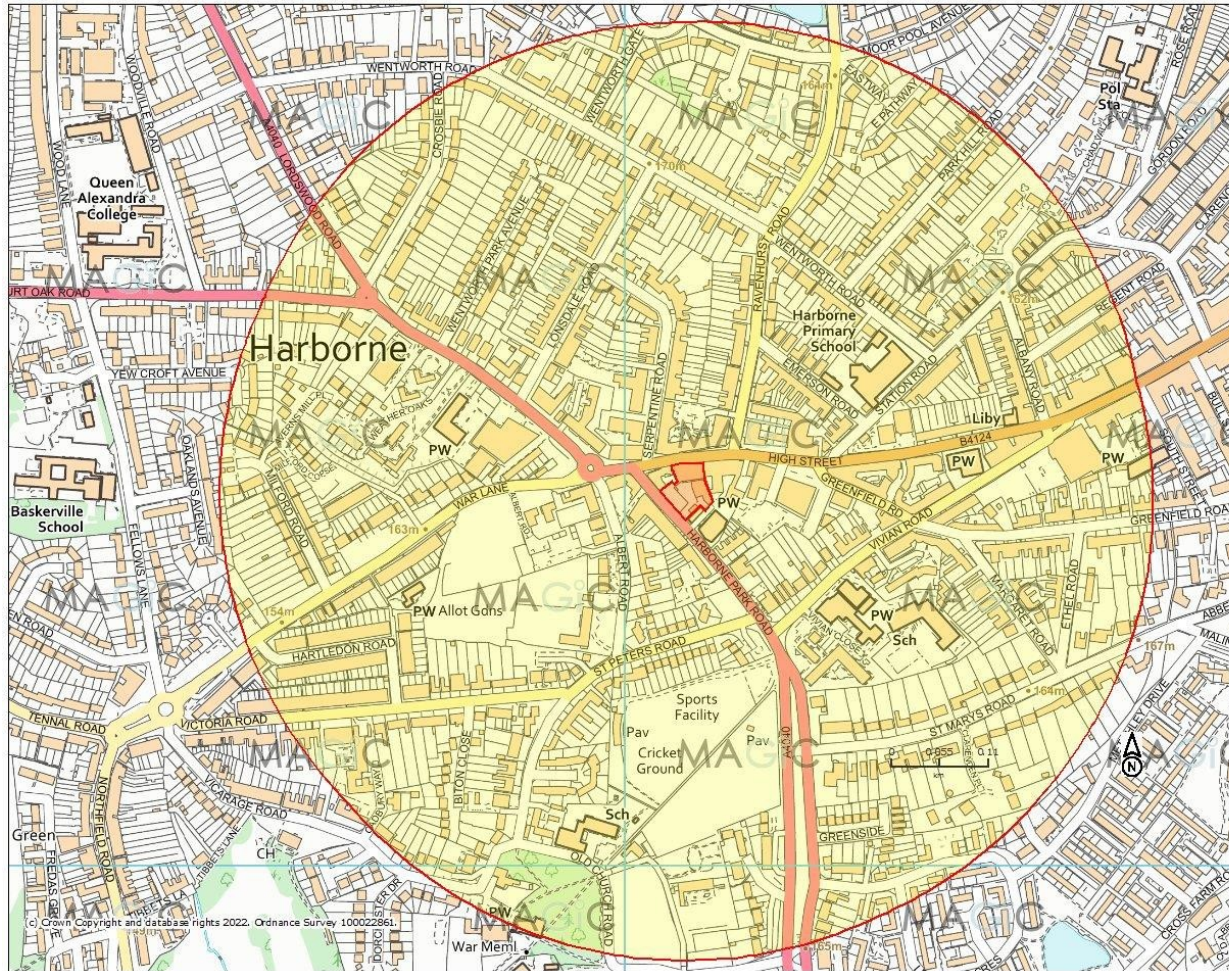


Priority Habitats within 2km



MAGiC

Ponds within 500m



Projection = OSGB36
xmin = 402200
ymin = 284100
xmax = 403800
ymax = 284800
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