



**HILL CROFT, IPSTONES,  
STAFFORDSHIRE**

**PRELIMINARY ECOLOGICAL  
APPRAISAL**

**Prepared for  
Ms. G. Roome**

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**Apex Ecology Limited**  
**Synchro House**  
**512 Etruria Road**  
**Newcastle-under-Lyme**  
**Staffordshire**  
**ST5 0SY**

**01782 346494**  
**enquiries@apexecology.com**

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|-------------------------|--------------------------------------------|
| <b>Client</b>           | <b>Ms G. Roome</b>                         |
| <b>Project</b>          | <b>Hill Croft, Ipstones, Staffordshire</b> |
| <b>Report title</b>     | <b>Preliminary Ecological Appraisal</b>    |
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| <b>Report author</b>    | <b>Helen Ball, MSc, MCIEEM, CEnv</b>       |
| <b>Report reviewer</b>  | <b>Max Robinson, BSc, MCIEEM</b>           |

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## **1. INTRODUCTION**

- 1.1 This report has been prepared for Ms. G. Roome. It presents the results of a Preliminary Ecological Appraisal carried out in August 2023 at Hill Croft near Ipstones, Staffordshire.
- 1.2 The proposal is to construct a two-storey extension to the existing dwelling house, with associated landscaping work.
- 1.3 The site contains a dwelling known as Hill Croft, and a small domestic garage building. It supports a range of habitats, including garden, grassland, woodland, tall herb and hedgerow.
- 1.4 The site is located 1.5km south of Ipstones in a rural location. It is fringed by Moseymoor Wood to the north and east, which is designated a Site of Special Scientific Interest and Ancient Semi-natural Woodland. The B5053, Froghall Road, runs along the northwestern site edge. The OS grid reference for the site is SK 0245 4762.
- 1.5 The report describes the methods used for the survey and any constraints encountered, along with the results of the survey, including a description of the habitats present, their potential to be used by protected species and any evidence of protected species found. The findings are assessed in light of the proposals and recommendations for further survey or action are given where appropriate.
- 1.6 The legislation relating to the protected species discussed in this report is given in Appendix I.

## **2. METHODOLOGY**

### **Search of Existing Ecological Records**

- 2.1 The local record centre, Staffordshire Ecological Record, was contacted for existing records of protected and notable species, as well as statutorily protected and locally designated sites for nature conservation within 2km.
- 2.2 The results of a record search can help to set a site into the context of its surroundings, as well as provide valuable information on the known presence of protected species in the local area.

### **Survey Methodology**

- 2.3 A Preliminary Ecological Appraisal was undertaken of the site, as outlined on Figure 1. The survey visit was undertaken on the 25<sup>th</sup> August 2023 by Helen Ball.
- 2.5 The approach to the Preliminary Ecological Appraisal was based on *Guidelines for Preliminary Ecological Appraisal* (CIEEM Technical Guidance Series, 2017) and follows the methods set out in *The Handbook for Phase 1 Habitat Survey* (Nature Conservancy Council (JNCC, 2010), although where relevant, mosaics of habitats were mapped in finer detail and modified habitat classifications have been used where these better describe the habitats present.
- 2.6 The surveyor walked slowly through the habitats, or around the edges of the habitats classifying, describing and mapping their extent. Instead of numbered target notes, descriptions of site features and habitats are included within the survey findings.
- 2.7 A list of plant species was compiled for the site and plant abundance was classified using the DAFOR scale<sup>1</sup>.
- 2.8 Where relevant, a note was made about important and pertinent features, such as the suitability of a feature for a protected or notable species (e.g., Species of Principal Importance). Notes were made on any other apparent ecological issues observed incidentally as part of the survey. A record of any faunal species encountered incidentally was also taken.
- 2.9 Preliminary Ecological Appraisal provides a means to evaluate ecological features and scope for notable species or habitats. By doing so, the baseline ecological conditions and valuable, or potentially valuable, parts of a site can be identified at an early stage, enabling potential constraints to the proposals to be highlighted and recommendations for design options to be made that avoid effects on important ecological features or ecologically sensitive areas (CIEEM, 2017). Preliminary Ecological Appraisal identifies whether further, targeted surveys, such as for protected species are necessary.

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<sup>1</sup> DAFOR relates to the occurrence of each species on site i.e. D = dominant; A = abundant; F = frequent; O = occasional; and R = rare

**Constraints**

- 2.10 Preliminary Ecological Appraisal is not intended to provide comprehensive assessment of use of a site by protected or notable species. Follow-up surveys targeted at specific species and groups of species may be necessary to fully assess a site and evaluate impacts.
- 2.11 No site constraints encountered.

### **3. SURVEY FINDINGS & INTERPRETATION**

#### **Review of Existing Ecological Records**

- 3.1 Staffordshire Ecological Record Centre provided information on statutorily protected and locally designated sites, as well as protected and notable species that have been recorded previously in the local area.
- 3.2 There are four statutorily designated sites nearby - three Sites of Special Scientific Interest (SSSIs) and a Local Nature Reserve (LNR). There are several non-statutory sites which include 23 Local Wildlife Sites (LWSs) and three retained Biological Alert Sites (retained BASSs). There are also ten Ancient & Semi-Natural Woodlands (ASNW) within the search area. Many of the sites have joint designations. The sites are listed in the table below.

| <b>Designation</b>                                                        | <b>Site Name</b>             | <b>Habitat</b>                                                                                                           | <b>Location</b>                            |
|---------------------------------------------------------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>SSSI</b>                                                               | Churnet Valley               | Semi-natural ancient woodland with scrub, unimproved neutral and acid grassland and large areas of mire, marsh, and carr | Adjoins the site to the east and northeast |
| <b>Ancient &amp; Semi-Natural Woodland and Ancient Replanted Woodland</b> | Moseymoor Wood               | Broadleaved woodland                                                                                                     | Adjoins the site to the east and northeast |
| <b>LWS</b>                                                                | Foxt Wood                    | Broad-leaved woodland with an area of semi-improved neutral grassland                                                    | 60m northeast                              |
| <b>Ancient &amp; Semi-Natural Woodland and Ancient Replanted Woodland</b> | Ruelow Wood                  | Broadleaved woodland                                                                                                     | 130m west                                  |
| <b>LWS</b>                                                                | Harston Hill, Froghall Wharf | Grazed meadow with scattered scrub around the edge                                                                       | 200m southeast                             |
| <b>LWS</b>                                                                | Fernylee Farm (south of)     | Field with some species rich habitat                                                                                     | 200m north                                 |
| <b>Ancient &amp; Semi-</b>                                                | Straight Hills Wood          | Broadleaved Woodland                                                                                                     | 300m southeast                             |

|                                                             |                               |                                                                                |                 |
|-------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------|-----------------|
| <b>Natural Woodland</b>                                     |                               |                                                                                |                 |
| <b>LWS</b>                                                  | Froghall Bridge (east of)     | Broadleaved woodlands, semi-improved and a small area of unimproved grassland. | 300m southeast  |
| <b>LWS</b>                                                  | Foxt Wood (north of)          | An area of birch woodland with bracken and marshy grassland.                   | 400m north      |
| <b>Ancient &amp; Semi-Natural Woodland</b>                  | Harston Wood                  | Broadleaved woodland                                                           | 400m east       |
| <b>SSSI</b>                                                 | Froghall Meadow and Pastures  | Lowland neutral unimproved, species-rich grassland.                            | 500m south      |
| <b>LWS</b>                                                  | Whieldon's Wood               | Broadleaved woodland with some planted larch.                                  | 600m north      |
| <b>LWS</b>                                                  | Coldley Banks                 | Small marsh near to River Churnet.                                             | 800m west       |
| <b>Retained BAS and Ancient &amp; Semi-Natural Woodland</b> | Bank Sprink                   | Broadleaved woodland.                                                          | 900m west       |
| <b>LWS</b>                                                  | Whiston Bridge (west of)      | Deciduous woodland.                                                            | 1.1km south     |
| <b>LWS</b>                                                  | Massey's Wood (south-west of) | Species-rich semi-improved neutral grassland with marshy grassland.            | 1.1km north     |
| <b>LWS</b>                                                  | Whistonbrook                  | Species rich grassland.                                                        | 1.2km southeast |
| <b>LWS</b>                                                  | Foxt Banks                    | A damp grassland with scattered scrub and mature trees.                        | 1.2km northeast |
| <b>LWS</b>                                                  | Tank Wood                     | Birch woodland with oak, sycamore, and ash.                                    | 1.3km southeast |
| <b>Ancient &amp; Semi-Natural Woodland</b>                  | Shirley Hollow                | Broadleaved woodland                                                           | 1.4km northeast |

|                                                    |                               |                                                                                                |                 |
|----------------------------------------------------|-------------------------------|------------------------------------------------------------------------------------------------|-----------------|
| <b>Ancient &amp; Semi-Natural Woodland</b>         | Crowgutter and Booth's Woods  | Broadleaved woodland                                                                           | 1.4km northwest |
| <b>Ancient &amp; Semi-Natural Woodland</b>         | Hazels Wood                   | Broadleaved woodland                                                                           | 1.4km northwest |
| <b>LNR</b>                                         | Consall                       | Broadleaved woodland, grassland, scrub and running water.                                      | 1.5km northwest |
| <b>LWS</b>                                         | Hazlescraze (east of)         | A well-grown holly hedge.                                                                      | 1.5km west      |
| <b>LWS</b>                                         | Kingsley Holt (east of)       | A small beech woodland with two streams and neutral grassland.                                 | 1.5km south     |
| <b>LWS</b>                                         | Oldridge Farm (south-east of) | Semi-improved acidic grassland with small pockets of dwarf shrub/acid grassland.               | 1.5km northeast |
| <b>LWS</b>                                         | Moseymoor Wood (north of)     | Ancient woodland with indicator species and a man-made pool.                                   | 1.5km north     |
| <b>LWS and Ancient &amp; Semi-Natural Woodland</b> | Ashbourne Hey                 | Broadleaved woodland, wet woodland, and unimproved pasture.                                    | 1.6km southeast |
| <b>LWS</b>                                         | Newhouse Wood (part of)       | A small linear broadleaved woodland with a stream.                                             | 1.6km northwest |
| <b>LWS</b>                                         | Whiston Hall                  | A Golf course with dry heath/acid grassland mosaic and acid grassland.                         | 1.6km southeast |
| <b>SSSI</b>                                        | Whiston Eaves                 | Lowland neutral unimproved, species-rich grassland with rush pasture, scrub and running water. | 1.7km southeast |
| <b>LWS</b>                                         | Park Farm (south of)          | Semi-improved neutral grassland with some semi-improved acidic                                 | 1.7km northeast |

|                                            |                                   |                                                                                     |                 |
|--------------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------|-----------------|
|                                            |                                   | grassland.                                                                          |                 |
| <b>Retained BAS</b>                        | Gorsey Wood                       | Wooded valley with sycamore and oak.                                                | 1.7km south     |
| <b>Retained BAS</b>                        | Adams Hollow                      | Wooded stream valley.                                                               | 1.8km southwest |
| <b>LWS</b>                                 | Brookfields Road (east of)        | Lowland meadow, dry acidic grassland, heath, and deciduous woodland.                | 1.9km north     |
| <b>LWS</b>                                 | Little Eaves Farm (south-west of) | Wet woodland, acidic grassland, unimproved neutral grassland, and marshy grassland. | 1.9km southeast |
| <b>LWS</b>                                 | Lockwood Pasture                  | Species rich meadow                                                                 | 1.9km southeast |
| <b>Ancient &amp; Semi-Natural Woodland</b> | Lock Wood and Lockwood Waste      | Broadleaved woodland                                                                | 1.9km south     |

- 3.3 Moseymoor Wood is designated a SSSI and Ancient Semi-natural/ Replanted Ancient Woodland. It adjoins the site to the northeast and east. The SSSI designation forms part of the Churnet Valley SSSI, which is extensive and covers four areas of the Churnet Valley. The designation includes the steep-sided main valley of the River Churnet and several tributary valleys, including Moseymoor Wood. These valleys retain the largest remaining concentration of Semi-natural Ancient Woodland in Staffordshire, intermixed with scrub, unimproved neutral and acid grassland and large areas of mire, marsh and wet woodland.
- 3.4 Foxt Wood LWS is located 60m to the east of site, at the base of a steep slope. The LWS sits adjacent to the Churnet Valley SSSI and Moseymoor Wood. All other locally designated sites are located a minimum of 100m from the site, with the majority 500m or more from it. It is considered unlikely that any of the locally designated sites would be impacted by the proposals.
- 3.5 There are no known existing records of protected species from the site, although several protected species are known to occur locally.
- 3.6 Bats have been recorded 110 times in the search area, with seven species known to be present: common pipistrelle *Pipistrellus pipistrellus*, brown long-eared *Plecotus auritus*, Daubenton's *Myotis daubentonii*, Brandt's *M. brandtii*, Natterer's *M. nattereri*, Leisler's *Nyctalus leisleri* and noctule *N. noctula*. Twenty-one roosts are known from the local area. There is a concentration of records from a location c. 200m to the east of the site. Species known to roost here include brown long-eared, Brandt's, Daubenton's and Natterer's. Many of these records were made by the author of this report as part of long-term monitoring of an important bat roost at Froghall canal wharf. There is also a roost of common pipistrelle in this area. Roosts of common pipistrelles also occur 350m to the south and 800m to the southwest. All other roosts are located at least 1km from the site.

The remaining records describe bats in flight, either foraging or commuting, with a small number recorded as injured bats.

- 3.7 Great crested newts *Triturus cristatus* have been recorded three times in the search area. Two records dating from 2019 are located 1.4km to the southwest where breeding was confirmed. During 2014, a population of 40 individuals was recorded 1.9km to the southwest. MAGIC Maps website also shows a Natural England great crested newt licence return dating from 2014 for a location 650m to the southeast. A search of the area has been carried out to determine the presence of nearby waterbodies using OS Explorer map, Google Earth, and MAGIC maps. The search revealed the nearest waterbody is a large pond, 110m to the northeast with another smaller pond at 150m in the same direction – it is important to note these distances are direct measurements that do not take into account the additional distance of the steeply sloping ground that separates the site and ponds. A small pond is indicated on OS mapping along a field boundary 115m to the northwest, beyond Froghall Road, although the pond is not visible on recent Google Earth images.
- 3.8 Grass snake *Natrix helvetica* have been recorded three times and slow-worm *Anguis fragilis* once in the local area. The most recent of these records is from 1977. All the records are from locations over 1km to the southeast and northwest.
- 3.9 Water Vole *Arvicola amphibious* have been recorded twice in the local area. The most recent of these records dates from 2008 and is located 1.8km to the southwest. The other record dates from 1.9km in a similar direction. Otter *Lutra lutra* have been recorded once along the River Churnet during 2002, 1.9km to the southeast. There is no suitable habitat on site for these species and it is highly unlikely they would be impacted by the proposals.
- 3.10 Badgers *Meles meles* occur in the local area and have been recorded on several occasions. Due to restrictions with use of the data, in particular making them public, reference to individual records is not made in this report. The search results have revealed that badgers are known to inhabit the local area, with badgers recorded from sites nearby but no further details are given.
- 3.11 There are several known records of birds. These include tree pipit *Anthus trivialis*, greenfinch *Chloris chloris*, wood pigeon *Columba palumbus*, rook *Corvus frugilegus*, house martin *Delichon urbicum*, spotted flycatcher *Muscicapa striata*, , pied flycatcher *Ficedula hypoleuca*, dunnoek *Prunella modularis*, house sparrow *Passer domesticus*, tree sparrow *Passer montanus*, bullfinch *Pyrrhula pyrrhula*, tawny owl *Strix aluco*, starling *Sturnus vulgaris*, wren *Troglodytes troglodytes*, song thrush *Turdus philomelos*, mistle thrush *Turdus viscivorus* and barn owl *Tyto alba*. Most of these species are 'red' or 'amber' listed species of conservation concern whose populations have declined significantly in recent years (Stanbury *et. al*, 2021).

### **Survey Findings**

- 3.12 Descriptions of the habitats present are given below, and a list of the plants recorded is given in Table 1. The site is shown on Figure 1 and is depicted in the Photographs.

- 3.13 The site is located on ground that slopes gently to the south. A dwelling house, Hill Croft, is located roughly centrally and is bounded by paving, lawn and ornamental planting. The rest of the site supports grassland. Mature trees are present along the north-eastern and eastern edges of the site and form part of Moseymoor Wood.
- 3.14 The area around the house consists of paving, small patches of lawn, and flower and vegetable beds. Species include bamboo, rose-of-Sharon, verbena, heather and perennial cornflower.
- 3.15 To the east and north of the building is grassland. This, along with the garden lawn, is mown and had a short sward at the time of the survey. The grassland is semi-improved. It is dominated by grasses including sweet vernal-grass, red fescue, common bent and Yorkshire fog, with a mix of herbs present such as ribwort plantain, meadow buttercup, cat's ear, common mouse-ear, white and red clovers and common knapweed. A strip of bramble and tall herbs is present where the grassland, G1, adjoins Moseymoor Wood.
- 3.16 The western edge of the site is bounded by hedgerows. H1 is intact, structurally diverse and dense, to a height of 2.5 to 3m. It supports hazel, hawthorn, elder, blackthorn and dog-rose, along with garden shrubs of fuchsia and lilac. A young maturing ash is also present. To the north of the site entrance, hedgerow H2 is made up of garden privet and cypress.
- 3.17 Broad-leaved woodland fringes the north-western and eastern edges of the site. This forms part of the adjacent Moseymoor Wood. The woodland consists of mature pedunculate oak with a ground flora of bramble, ivy, dog's mercury, wood avens, greater stitchwort, wood dock, wood false-brome, barren strawberry, common nettle, cow parsley, hogweed and male fern. From the eastern boundary, the ground slopes steeply downwards towards the base of the valley.

### **Assessment of Site and Potential for Protected Species**

- 3.18 The site adjoins Churnet Valley SSSI and the Ancient Semi-Natural Woodland (ASNW) of Moseymoor Wood as identified on the Ancient Woodland Inventory. The boundaries of the site are not all defined clearly on the ground, but it appears the SSSI and ASNW adjoin the site and don't extend onto it. However, there are mature oak trees on site that form part of same continuous canopy cover of Moseymoor Wood. The woodland is a Habitat of Principle Importance (Priority Habitat) under the NERC Act (Lowland Mixed Deciduous Woodland).
- 3.19 Proposals for the site in proximity to the woodland would therefore need to take careful consideration of the sensitivities of this nationally important woodland habitat and include mitigation to off-set any potential impacts such as from lighting, noise and disturbance. In addition, the proposals would need to ensure no direct harm to the woodland takes place such as from felling or pruning of trees both as part of construction, as well from future domestic incursion.
- 3.20 The site falls within the Impact Risk Zone (IRZ) for the SSSI. Natural England may need to be consulted on the proposals. Direct and indirect effects will need to be considered in relation to the proposals, including anything that could cause impacts in the SSSI.

Should impacts be identified, these would need to be avoided where possible (by design changes for instance) and where unavoidable, mitigated to remediate the impact.

- 3.21 The hedgerows, H1 and H2, would not qualify as 'Important' (ecologically) under the Hedgerow Regulations as they form a curtilage to a domestic property. Hedgerow H1 is, however, a Habitat of Principle Importance (Priority Habitat) under the NERC Act, consisting predominantly (i.e., 80% or more cover) of at least one woody UK native species.
- 3.22 The grassland, G1, is semi-improved grassland. The sward is dominated with grasses, with a range of meadow herbs.
- 3.23 Mature trees are present on site and adjoin the site. These trees are valuable ecological and landscape features. Trees may support features, such as rot holes and splits/holes and thus offer roosting potential for use by bats (such features also offer suitable nesting opportunities for birds). Bats likely forage and commute across the site by making use of features such as the woodland edge and hedgerows.
- 3.24 No signs of badgers were observed during the survey. It is likely badgers are present very locally, potentially in the adjacent Moseymoor Wood.
- 3.25 Assessment of the buildings and trees for use by bats falls outside the scope of the PEA. The client confirmed bat surveys of the buildings were already underway at the time the PEA took place.
- 3.26 Bird species recorded incidentally during the survey include great tit *Parus major*, nuthatch *Sitta europaea*, robin *Erithacus rubecula*, wren *Troglodytes troglodytes*, blackbird *Turdus merula* and buzzard *Buteo buteo*. Birds will likely make use of the habitats on site for nesting, foraging and shelter. Consideration of nesting birds as part of works will be necessary as set out in the following chapter.
- 3.27 Great crested newts are known to occur in the local area, but from locations over 1km from the site. This is a considerable distance for great crested newts to disperse from breeding ponds and highly unlikely given the nature of intervening habitats. The habitats on site are good for great crested newt to use for foraging and shelter and there are two, potentially three, ponds located 110m+ of the site. The ponds to the northeast are separated from the site by the steeply sloping Moseymoor Wood, with the pond to the northwest (if it still exists) separated from the site by the well-used Froghall Road. The ponds are surrounded by excellent habitat for newts to use for shelter and foraging. Should newts use these ponds, it is likely that their dispersal onto site would be hampered by the road and the steep woodland, with any newts likely intercepted by suitable habitat located much closer to the ponds. In light of this and given the small area of land affected by the proposals, it is considered unlikely that great crested newts make use of the site or would be affected by the proposals.

## **4. RECOMMENDATIONS**

### **Habitats**

- 4.1 The site lies adjacent to the Churnet Valley SSSI and is connected to it by continuous woodland cover. It falls within the Impact Risk Zone (IRZ) for the SSSI. Natural England may need to be consulted on the proposals. Direct and indirect effects will need to be considered in relation to the proposals, including anything that could cause impacts on the SSSI. Should impacts be identified, these would need to be avoided where possible (by design changes for instance) and where unavoidable, mitigated to remediate the impact.
- 4.2 The proposals need to take account of the presence of the adjoining Moseymoore Wood, which is Ancient Semi-natural Woodland and a Habitat of Principle Importance (Priority Habitat) under the NERC Act. Ancient Semi-natural Woodland is an irreplaceable habitat.
- 4.3 Proposed developments that may affect Ancient Semi-natural Woodland need to take into account Natural England's 'standing advice' for ancient woodland, ancient trees and veteran trees. The standing advice is a material planning consideration, with planning decisions relating to Ancient Semi-natural Woodland needing made in line with the National Planning Policy Framework.
- 4.4 Planning permission must be refused if a development proposal will result in the loss or deterioration of ancient woodland unless both of the following apply:
- there are wholly exceptional reasons; and
  - there's a suitable compensation strategy (following planning practice guidance) in place (this must not be a part of considerations of wholly exceptional reasons).
- 4.5 The proposed development is for a house extension and associated landscaping and would be confined to within the red line boundary. To minimise any potential impacts on the adjacent SSSI and ASNW, it is recommended an ecological 'buffer' adjacent to the woodland be created. The buffer should consist of a hedgerow or scrub made up of native and locally suitable species (and preferably of local provenance).
- 4.6 It is recommended that the woodland is also protected by ensuring it is not subject to any direct lighting or indirect light spill.
- 4.7 Should it be necessary to remove hedgerow H1, in full or in part, the loss would need to be compensated for by replacement hedgerow planting on a like-for-like basis with at least an equivalent length of hedgerow replacing that being lost, preferably, double the length. To ensure that hedgerow planting has maximum ecological benefit and is characteristic of the local area, the species used would need to be native and of locally suitable species (and preferably of local provenance). This is particularly important given the recent prevalence of serious tree diseases such as ash dieback. Suitable species include hawthorn, field maple, hazel, holly, and dog-rose. Although widely planted as part of landscaping schemes, species such as guelder rose and variegated dogwood are not recommended for such a location

### **Bats - Trees**

- 4.8 The client confirmed no trees would be lost as part of the proposals. Should any trees be affected by the proposals, they would need to be subject to a ground-based assessment for Potential Roost Features (PRFs) following guidance set out in Bat Surveys for Professional Ecologists – Good Practice Guidelines (Collins, 2023).
- 4.9 Any trees identified as holding roosting potential ('PRF-M' trees and, potentially, PRF-I trees) would need to be subject to follow-on survey for bats as per standard guidelines. This would need to consist of aerial inspection surveys between May and September, with May to August being the optimal period (September is considered sub-optimal). Consideration of surveys in winter may also be needed. In some instances, aerial surveys need to be coupled with, or substituted for, evening emergence surveys. Again, these latter surveys need to be undertaken during a time of year when bats are active.
- 4.10 Sufficient time would need to be allowed for any necessary follow-up mitigation or licensing to take place should a roost be found present. A statutory development licence would need to be sought from Natural England to undertake works to a tree containing a bat roost that could affect bats or the roost site.

### **Birds**

- 4.11 The removal of habitat (such as trees, shrubs, and dense vegetation) that could be used by birds for nesting would need to take account of the presence of nesting birds. The presence of nesting birds can be avoided as a constraint to the proposals by timing relevant works to avoid the bird nesting season. Should the works need to be carried out during the bird nesting season then a watching brief would need to be carried out during works to check for the presence of nesting birds. The findings of the watching brief would be used to ascertain the best method to proceed to avoid impacting upon nesting birds. The bird nesting season is generally deemed to run from March to July/August inclusive, although some species can nest outside this period, particularly in years with a warm and early Spring.

### **Other protected Species**

- 4.12 Although unlikely, should any evidence of other protected species be found, works would need to cease, and the ecologist contacted for advice on the best method to proceed.

## **5. REFERENCES**

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**Table 1. List of Plant Species Recorded During Survey**

| Common name*         | Latin binomial*                  | Broadleaved woodland | Hedgerows | Grassland G1 and lawn | Garden |
|----------------------|----------------------------------|----------------------|-----------|-----------------------|--------|
| Argentine vervain    | <i>Verbena bonariensis</i>       |                      |           |                       | O      |
| Ash                  | <i>Fraxinus excelsior</i>        |                      | R         |                       |        |
| Azalea               | <i>Rhododendron sp.</i>          |                      |           |                       | R      |
| Bamboo               | <i>Fargesia sp.</i>              |                      |           |                       | R      |
| Barren strawberry    | <i>Potentilla sterilis</i>       | O                    |           |                       |        |
| Black knapweed       | <i>Centaurea nigra</i>           |                      |           | O                     |        |
| Blackthorn           | <i>Prunus spinosa</i>            |                      | LO        |                       |        |
| Bluebell             | <i>Hyacinthoides non-scripta</i> | O                    |           |                       |        |
| Bush vetch           | <i>Vicia sepium</i>              | R                    |           | LO                    |        |
| Bramble              | <i>Rubus fruticosus agg.</i>     | LF                   |           | VLF                   |        |
| Cat's ear            | <i>Hypochaeris radicata</i>      |                      |           | O                     |        |
| Cock's-foot          | <i>Dactylus glomerata</i>        |                      |           | O                     |        |
| Common bent          | <i>Agrostis capillaris</i>       |                      |           | F                     |        |
| Common figwort       | <i>Scrophularia nodosa</i>       | R                    |           |                       |        |
| Common mouse-ear     | <i>Cerastium fontanum</i>        |                      |           | R                     |        |
| Common nettle        | <i>Urtica dioica</i>             | LF                   |           |                       |        |
| Common ragwort       | <i>Jacobaea vulgaris</i>         |                      |           | O                     |        |
| Cow parsley          | <i>Anthriscus sylvestris</i>     | LF                   |           |                       |        |
| Creeping buttercup   | <i>Ranunculus repens</i>         |                      |           | F                     |        |
| Creeping thistle     | <i>Cirsium arvense</i>           |                      |           | O                     |        |
| Dandelion            | <i>Taraxacum agg.</i>            |                      |           | O                     |        |
| Dog's mercury        | <i>Mercurialis perennis</i>      | O                    |           |                       |        |
| Dog rose             | <i>Rosa canina</i>               |                      | R         |                       |        |
| Domestic apple       | <i>Malus domestica</i>           |                      |           |                       | LO     |
| Elder                | <i>Sambucus nigra</i>            |                      | O         |                       |        |
| False oat-grass      | <i>Arrhenatherum elatius</i>     |                      |           | O                     | R      |
| Fuchsia              | <i>Fuchsia sp.</i>               |                      |           | R                     |        |
| Garden privet        | <i>Ligustrum ovalifolium</i>     |                      |           | LD                    |        |
| Greater stitchwort   | <i>Stellaria holostea</i>        | O                    |           |                       |        |
| Grey willow          | <i>Salix cinerea</i>             |                      |           | R                     |        |
| Hawthorn             | <i>Crataegus monogyna</i>        |                      |           | F                     |        |
| Hazel                | <i>Corylus avellana</i>          |                      |           | F                     |        |
| Heather              | <i>Erica sp.</i>                 |                      |           |                       | R      |
| Herb robert          | <i>Geranium robertianum</i>      | LO                   |           |                       |        |
| Hogweed              | <i>Heracleum sphondylium</i>     | LF                   |           |                       |        |
| Holly                | <i>Ilex aquifolium</i>           |                      |           | R                     |        |
| Ivy                  | <i>Hedera helix</i>              | F                    |           | O                     |        |
| Leyland cypress      | <i>Cupressus x leylandii</i>     |                      |           | VLD                   |        |
| Lilac                | <i>Syringa vulgaris</i>          |                      |           | R                     |        |
| Lords-and-ladies     | <i>Arum maculatum</i>            | R                    |           |                       |        |
| Male fern            | <i>Dryopteris filix-mas</i>      | R                    |           |                       |        |
| Meadow buttercup     | <i>Ranunculus acris</i>          |                      |           | F                     |        |
| Meadow foxtail       | <i>Alopecurus pratensis</i>      |                      |           | LF                    |        |
| Pedunculate oak      | <i>Quercus robur</i>             | D                    |           |                       |        |
| Perennial cornflower | <i>Centaurea montana</i>         |                      |           |                       | R      |
| Red clover           | <i>Trifolium pratense</i>        |                      |           | O                     |        |
| Red fescue           | <i>Festuca rubra</i>             |                      |           | F                     |        |
| Ribwort plantain     | <i>Plantago latifolia</i>        |                      |           | F                     |        |
| Rose-of-Sharon       | <i>Hypericum calycinum</i>       |                      |           |                       | R      |
| Sweet vernal-grass   | <i>Anthoxanthemum odoratum</i>   |                      |           | F                     |        |
| Sycamore             | <i>Acer pseudoplatanus</i>       | R                    |           |                       |        |
| White clover         | <i>Trifolium repens</i>          |                      |           | O                     |        |

| Common name*     | Latin binomial*                | Broadleaved woodland | Hedgerows | Grassland G1 and lawn | Garden |
|------------------|--------------------------------|----------------------|-----------|-----------------------|--------|
| Wild cherry      | <i>Prunus avium</i>            | LO                   |           |                       |        |
| Wood avens       | <i>Geum urbanum</i>            | LF                   |           |                       |        |
| Wood dock        | <i>Rumex sanguineus</i>        | O                    |           |                       |        |
| Wood false-brome | <i>Brachypodium sylvaticum</i> | O                    |           |                       |        |
| Yarrow           | <i>Achillea millefolium</i>    |                      |           | O                     |        |
| Yorkshire fog    | <i>Holcus lanatus</i>          |                      |           | F                     | R      |

\* Nomenclature follows Stace, C., Thompson, H. and Stace, M. (2019). New flora of the British Isles. 4th ed. C & M Floristics.

DAFOR:

D - Dominant  
A - Abundant  
F - Frequent  
V - Very

O - Occasional  
R - Rare  
L - Locally

**PHOTOS**



1. Entrance into site from Froghall Road



2. Garden and lawn in west of site



3. Grassland G1 in east of site and fringing woodland



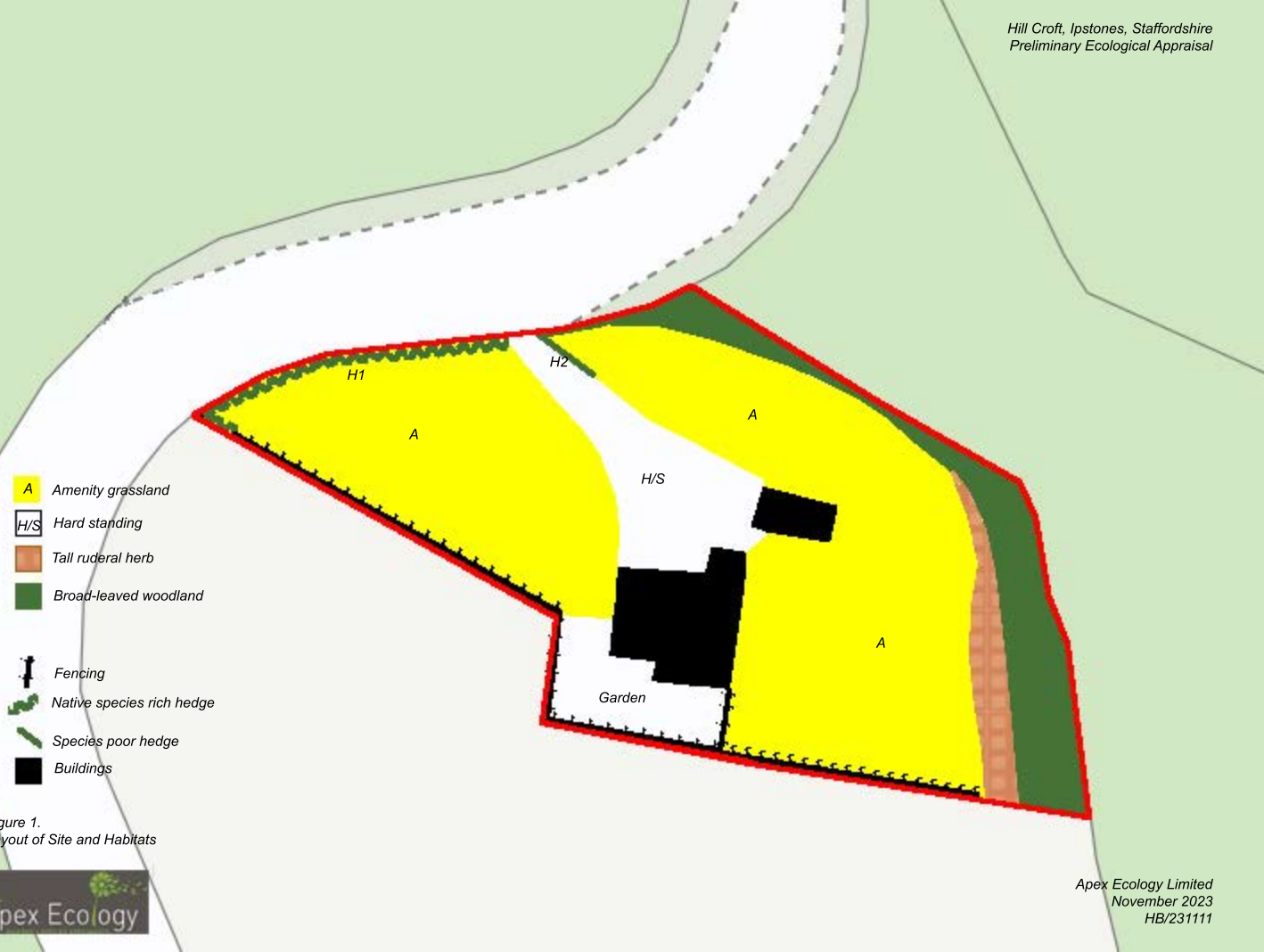
4. Rear (northern part) of site



5. Rear of site with fringing woodland



6. Hedgerow H1 along western edge of site



## **APPENDIX I - LEGISLATION**

The information below is intended only as guidance to the legislation relating to these species and relates solely to England and does not purport to provide legal advice. It is recommended that the legislative documents be referred to for the full legal wording and the services of a relevant specialist sought where legal advice is required.

### **Bats**

There are seventeen different species of bat in the UK; some are very rare whilst others are widespread. However, because the populations of most species have declined in past decades, all British bats have been protected by law.

Bats are protected in England under European Legislation via the Conservation (Natural Habitats and Wild Flora and Fauna (92/43/EEC)) or 'The Habitats Directive'. The Directive is transposed into UK law via the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Due to their inclusion on Schedule 2 of the Habitats Regulations, bats are considered 'European Protected Species'.

In summary, this legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb a bat;
- damage or destroy a breeding site or resting place of any bat;
- possess a bat (alive or dead) or any part of a bat.

Disturbance of bats includes in particular any disturbance which is likely:

(a) to impair their ability:

- (i) to survive, to breed or reproduce, or to rear or nurture their young; or
- (ii) to hibernate or migrate; or

(b) to affect the local distribution or abundance of the species to which they belong.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended), which has also been amended by the Countryside and Rights of Way (CROW) Act, 2000.

In summary, this legislation makes it an offence to:

- intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection;
- intentionally or recklessly obstruct access to any structure or place which any bat uses for shelter or protection.

## **Birds**

All wild birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended). It is, therefore, an offence (subject to certain exceptions) to:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- take or destroy the egg of any wild bird.

In addition to the above, in accordance to amendments of the Wildlife and Countryside Act by the Countryside and Rights of Way Act 2000, it is an offence to:

- intentionally or recklessly disturb any species listed on Schedule 1 of the Wildlife and Countryside Act whilst building a nest, or whilst it is on, in or near a nest containing eggs or young; and
- disturb the dependant young of a Schedule 1 bird.

For example, barn owl is protected under Schedule 1 of the Wildlife and Countryside Act, protecting them from intentional or reckless disturbance during the breeding season (which is normally considered the time from when the female makes the first nest 'scrape' and lays the first egg until the time when the last dependent young stops returning to the nest (English Nature, 2002/3)).

## **Badger**

The information below is intended only as guidance to the legislation relating to badgers and relates solely to England. It is recommended that the legislative documents be referred to for the full legal wording.

Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal for any person to kill, injure or take a badger. It is also an offence to destroy, damage or obstruct a badger sett, or to disturb animals whilst within a sett. Any operation likely to affect badgers by direct disturbance to the animals or damage, destruction or obstruction of their setts is required under the Act to be licensed by the appropriate authority. In the case of proposals for developments requiring planning permission, Natural England is the statutory licensing authority.

The Protection of Badgers Act 1992 defines a sett as 'any structure or place, which displays signs indicating current use by a badger.' This is applied to the tunnels and chambers of the sett and the areas immediately outside the entrances, or to other structures used by badgers for shelter and refuge, such as crevices amongst rocks and boulders; spaces under garden sheds, raised buildings or other structures; and above-ground 'nests' or 'couches' – often tucked under a hedge or bush, but sometimes amongst hay bales in farm buildings. (See *Guidance on 'Current Use' in the Definition of a Badger Sett*, Natural England, June 2009).

### **Great crested newt**

Great crested newts are protected in England under European Legislation via the Conservation (Natural Habitats and Wild Flora and Fauna (92/43/EEC)) or 'The Habitats Directive'. The Directive is transposed into UK law via the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Due to their inclusion on Schedule 2 of the Habitats Regulations, great crested newts are considered 'European Protected Species'.

In summary, this legislation makes it an offence to:

- deliberately capture, injure or kill a great crested newt;
- deliberately disturb a great crested newt;
- damage or destroy a breeding site or resting place of any great crested newt;
- possess a great crested-newt (alive or dead) or any part of a great crested newt.

Disturbance of great crested-newts includes in particular any disturbance which is likely:

(a) to impair their ability:

- (i) to survive, to breed or reproduce, or to rear or nurture their young; or
- (ii) to hibernate or migrate; or

(b) to affect the local distribution or abundance of the species to which they belong.

Great crested newts are also protected under the Wildlife and Countryside Act 1981 (as amended), which has also been amended by the Countryside and Rights of Way (CROW) Act, 2000.

In summary, this legislation makes it an offence to:

- intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection;
- intentionally or recklessly obstruct access to any structure or place which any great crested newt uses for shelter or protection.

In addition, the great crested newt is a Priority Species within the UK Biodiversity Action Plan with a Species Action Plan aimed at maintaining the existing range and population status, as well as increasing the number of populations through re-colonisation.

### **Reptiles**

Common or viviparous lizard, grass snake, adder and slow worm are protected under the Wildlife and Countryside Act, 1981 (as amended) under Section 9 Parts 1 (parts of) and 5 (a) and (b). It is, therefore, an offence (subject to certain exceptions) to:

- intentionally kill, or injure such a reptile;
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative);
- advertise for buying or selling (live or dead animal, part or derivative).

(Note, smooth snake and sand lizard receive full protection under the Wildlife and Countryside Act, 1981).

### **NERC Act and Biodiversity**

A number of UK habitats and species are also included on the list of habitats and species which are of principal importance for the conservation of biodiversity in England as required under Section 41 of the Natural Environment and Rural Communities (NERC) Act. The NERC Act came into force on 1st Oct 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of NERC Act to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that were identified as requiring action in the UK Biodiversity Action Plan (UK BAP) and continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework. They include terrestrial habitats such as upland hay meadows to lowland mixed deciduous woodland, and freshwater and marine habitats such as ponds and subtidal sands and gravels.

There are 943 species of principal importance included on the S41 list. These are the species found in England which were identified as requiring action under the UK Biodiversity Action Plan and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework. In addition, the Hen Harrier has also been included on the list because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England. In accordance with Section 41(4) the Secretary of State will, in consultation with Natural England, keep this list under review and will publish a revised list if necessary.

The impact that this legislation has on the Planning system is also outlined in ODPM 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their Impact within the Planning System. This states:

*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature [now Natural England] before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned*