

Report for: Paul Smith

Commissioned by: Christine Waller

Ecological Impact Assessment



Stables and yard

Lagonda Stud, Pottersheath, Welwyn, AL6 9SU

Report No: 3303

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SUMMARY

On the instructions of Christine Waller on behalf of Paul Smith, MS Ecology carried out an Ecological Impact Assessment for the site at Lagonda Stud, Pottersheath, Welwyn, AL6 9SU.

Proposals for the site include replacing the existing stable block with a new dwelling and garage.

The desk study showed that legally protected areas of ecological importance would not be negatively impacted by the proposed development.

Overall, the study site provides nature conservation value in a local (parish) context, containing ecological features such as open agricultural buildings, trees and grassland.

The site has low potential for terrestrial mammals due to the connectivity to other more suitable habitats, however, no evidence of terrestrial mammals was found during the survey. The surrounding habitats also provide suitable habitat for herpetofauna, however, the habitats on site are of low value to this group and the potential impacts are negligible. Should any protected species be unexpectedly found during works, then all works must stop, and an ecologist consulted.

The trees, hedgerow and shrubs around the perimeter and the open access buildings, provide high potential for breeding birds and it is recommended that the works be undertaken outside of the breeding bird season.

No evidence of bats was found on site, and Buildings A, C, D, E, F and G provide negligible potential for roosting bats due to a lack of suitable roosting features.

Building B has low potential for roosting bats due to the presence of hanging tile and occasional gaps under the roof tiles and a single presence/ likely absence survey is recommended.

CONTENT

1	INTRODUCTION.....	6
1.1	Instructions and Objectives	6
2	Method.....	7
2.1	Desk Study.....	7
2.2	Field Survey	7
2.2.1	Preliminary (Bat) Roost Assessment (PRA)	8
2.2.2	Habitat Condition Assessments	8
2.2.3	Evaluation and Significance of Impact	8
2.3	Limitations.....	9
3	Results	10
3.1	Site Location and Settings	10
3.2	Desk Study.....	10
3.2.1	Magic.....	10
3.2.2	GCN Risk Zone	12
3.2.3	Biological Records	12
3.3	Survey	14
3.3.1	Site Description	14
3.3.2	Habitats	14
3.3.3	Habitat Condition Assessment.....	23
3.3.4	Evidence of Protected Species	23
4	Discussion	24
4.1	Habitats.....	24
4.1.1	Bap Priority Habitats and Legally Protected Sites of Conservation Value	24
4.2	Protected Species	24
4.2.1	Mammals.....	24
4.2.2	Birds.....	24
4.2.3	Herpetofauna	24
5	Conclusion.....	25
6	Recommendations.....	26
6.1	Mitigation.....	26
6.1.1	Bats.....	26
6.1.2	Birds.....	26
6.1.3	General.....	26
6.1.4	Lighting.....	26
6.2	Enhancements	26
6.2.1	Bats.....	26
6.2.2	Small Mammals & Herpetofauna.....	27
7	Legislation	28
7.1	Animals (Except Badgers)	28
7.2	Badgers	30
7.3	Birds.....	32

TABLES

Table 3.1 Non-Statutory Sites falling within the 2,000m search area	12
Table 3.2 Habitat Condition Assessment	23

FIGURES

Figure 3-1 Site Location.	10
Figure 3-2 MAGIC Map.....	11
Figure 3-3 GCN Risk Zones	12
Figure 3-4 Site within a B-Line	13
Figure 3-5 Baseline Habitat Plan	14

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The Client:	Paul Smith

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Report Number 3303	Status FINAL	Date of issue 08/10/25
Prepared by	Clifford Stuckey BSc (Hon's) PhD MCIEEM CEnv Ecologist	
Reviewed by		
Page no	Page 5 of 32	

Species identified during this survey, including the date, the location, as well as a brief description of the circumstances of their identification, may be passed on to Biological Records Centre's, local wildlife groups, the Wildlife Trust, Natural England and any other interested parties unless written instructions not to do so are received within 30 days of receipt of this report.

1 INTRODUCTION

1.1 INSTRUCTIONS AND OBJECTIVES

On the instructions of Christine Waller on behalf of Paul Smith, MS Ecology carried out an Ecological Impact Assessment for the site at Lagonda Stud, Pottersheath, Welwyn, AL6 9SU.

Proposals for the site include replacing the existing stable block with a new dwelling and garage.

The desk study, field survey (carried out on 11/07/2025) and evaluation are intended to provide information on the general habitat characteristics of the site and its surroundings including the likely presence of legally protected species and habitats encountered within the study area.

2 METHOD

2.1 DESK STUDY

A desk study was carried out to identify the presence of any statutory or non-statutory sites within 2,000m of the centre of the study area together with records of any known legally protected, rare, or notable species.

Multi-Agency Geographic Information for the Countryside (MAGIC) was consulted to find records of Natural England Protected Species (NEPS) and statutory sites within the search area.

The Herts Environmental Records Centre (HERC) were asked to provide records of legally protected species, Biodiversity Action Plan species and locally rare and notable species within the search area. Details of any designated sites of importance for nature conservation (both statutory and non-statutory) within the search area were also requested.

The GCN Impact Risk Zone Map for Hertfordshire (Natural England) was checked to see what zone the proposed development site falls within.

2.2 FIELD SURVEY

A Preliminary Ecological Appraisal (PEA) of the study area was undertaken, broadly following the 'Extended Phase 1' methodology as set out in Guidelines for Baseline Ecological Assessment (Institute of Environmental Assessment 1995) amended where necessary to meet the revisions contained in the Guidelines for Preliminary Ecological Appraisal (GPEA) (CIEEM 2017). The PEA provides information on the habitats in the study area and assesses the potential for notable fauna to occur in or adjacent to the study area. Plant names follow New Flora of the British Isles (4th edition, Stace 2019) and the frequency of species presence is represented by the DAFOR scale, where D = Dominant, A = Abundant, F = Frequent, O = Occasional and R = Rare.

Preliminary investigations were undertaken where appropriate, to assess whether the site is supporting, or capable of supporting legally protected species by:

- Searching for suitable habitats for breeding populations of great crested newts within 500m of the study area.
- Searching for suitable habitat for reptiles by searching under suitable refugia and paying particular attention to potential basking sites.
- Searching for evidence of water vole activity such as the presence of burrows, feeding stations, faeces and latrines along the drainage ditches and streams and ponds where present within the study area.
- Searching for evidence of otter activity such as spraints, feeding remains, holts and laying up areas along the drainage ditches and streams where present within the study area, along with hedge banks, which can be used as holt sites by otter.
- Searching for suitable habitats for white-clawed crayfish in watercourses where present within and around the study area.
- Searching for signs of badger activity including setts, tracks, snuffle holes and latrines (both within the study area and within a zone of 30m around the study area).
- Searching for signs of potential roosting sites for bats, including urine stains, grease marks, droppings and feeding remains, in structures and

mature trees with rot holes, peeling bark, split limbs and suitable cracks and crevices where present within the study area.

- Searching for suitable habitats for dormice and undertaking a 'nut search' where appropriate.
- Searching for signs of bird nests and identifying suitable nesting habitats. No bird surveys have been undertaken but all birds observed during study area visits have been noted.

In addition, the presence of any invasive species listed in Schedule 9 Part II of the Wildlife & Countryside Act 1981 (such as Japanese knotweed and giant hogweed) was recorded.

2.2.1 PRELIMINARY (BAT) ROOST ASSESSMENT (PRA)

The PRA assessments were undertaken to view the existing site layout and to inspect the exteriors and interiors of the three buildings within the proposed development footprint to assess their suitability to act as a bat roost site(s) by identifying the presence of any 'potential roost features' that bats could utilise.

These may typically include, but are not limited to, missing or damaged tiles, broken airbricks, ill-fitting soffits, bargeboards or weatherboarding, raised flashings etc., that may act as access routes for bats into the fabric of a building.

Detailed internal and external searches for any direct evidence of past or current bat occupancy, such as droppings, staining on walls, rafters, windows etc., were also conducted at the property.

The assessments were completed on 15/04/2025 when there was full access to all parts of the proposed development footprint and standard 10 x 40 binoculars, together with ladders, torches, mirrors and an endoscope were available, where required, to inspect the exteriors and interiors of each building.

The assessment was conducted according to the current 'best practice' standards as published in the 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (Bat Conservation Trust, 4th edition, 2023) and with due regard to the Standing Advice to LPAs (Bats: advice for making planning decisions) published by Natural England on 28th March 2015 and updated on 14th January 2022.

2.2.2 HABITAT CONDITION ASSESSMENTS

Habitats on site have been converted to the UK Habitat Classifications and, those which require a habitat condition assessment within the Statutory Biodiversity Metric, have been condition assessed accordingly. Full details of the condition assessments can be found within the separate 'Statutory biodiversity metric condition assessments' spreadsheet.

2.2.3 EVALUATION AND SIGNIFICANCE OF IMPACT

Ecological features are evaluated for their nature conservation value using the following criteria:

- International importance: Special Areas of Conservation, Special Protection Areas, Ramsar sites.
- National importance: Sites of Special Scientific Interest, National Nature Reserves.
- Regional/County importance: Local Nature Reserves, Sites of Importance for Nature Conservation, ancient woodlands, large area of priority Biodiversity Action Plan habitat.
- Local (parish) importance: Significant ecological features such as old hedges, woodlands, ponds.
- Negligible importance: Would usually be applied to areas of built development, active mineral extraction, or intensive agricultural land.

The significance of an adverse/beneficial impact is the product of the magnitude of the impact and the value or sensitivity of the nature conservation resources affected. There is no agreed absolute method for assessing the significance of adverse/beneficial impacts on nature conservation receptors/features. Nevertheless, high levels of significance will generally be ascribed to large impacts on receptors/features of high nature conservation value. Low levels of significance will generally be ascribed to small impacts on receptors/features of high nature conservation value or large impacts on receptors/features of low nature conservation value.

The assessment of the potential impacts of the proposed development needs to consider both on-site impacts as well as those which may occur to adjacent areas of ecological value. Impacts can be permanent or temporary, direct, or indirect and can include:

Adverse

- Direct loss of wildlife habitats.
- Fragmentation and isolation of habitats.
- Disturbance to species from noise, light or other visual stimuli.

Beneficial

- Ecological enhancement
 - Habitat management
 - Habitat enhancement

2.3 LIMITATIONS

Ecological surveys are limited by factors which affect the presence of plants and animals such as the time of year, migration patterns and behaviour and the ecological survey of this site has not produced a complete list of plants and animals. Nevertheless, the results of the ecological survey allow evaluation of nature conservation value, assessment of the significance of potential impacts that may arise from the proposals and consideration of appropriate mitigation measures.

3 RESULTS

3.1 SITE LOCATION AND SETTINGS

The site is centred on OS NGR TL 23994 18290, post code, AL6 9SU.

The site is surrounded by moderate density residential housing, with pasture and grassland dominating the search area.

Bodies of water are located ~548m north, ~190m & ~305m east, ~920m south-west, ~976m west, ~965m & ~868m north-west, a collection of small water bodies are located ~812m north.

No significant water courses are within a 1km radius of the site.

Copses dominate the search area with significant areas of woodland located ~122m east (Pond Plantation), ~281m north (Ninning's Wood), ~300m east (Mardley Heath) and ~416m south-east (Aunt's Wood).

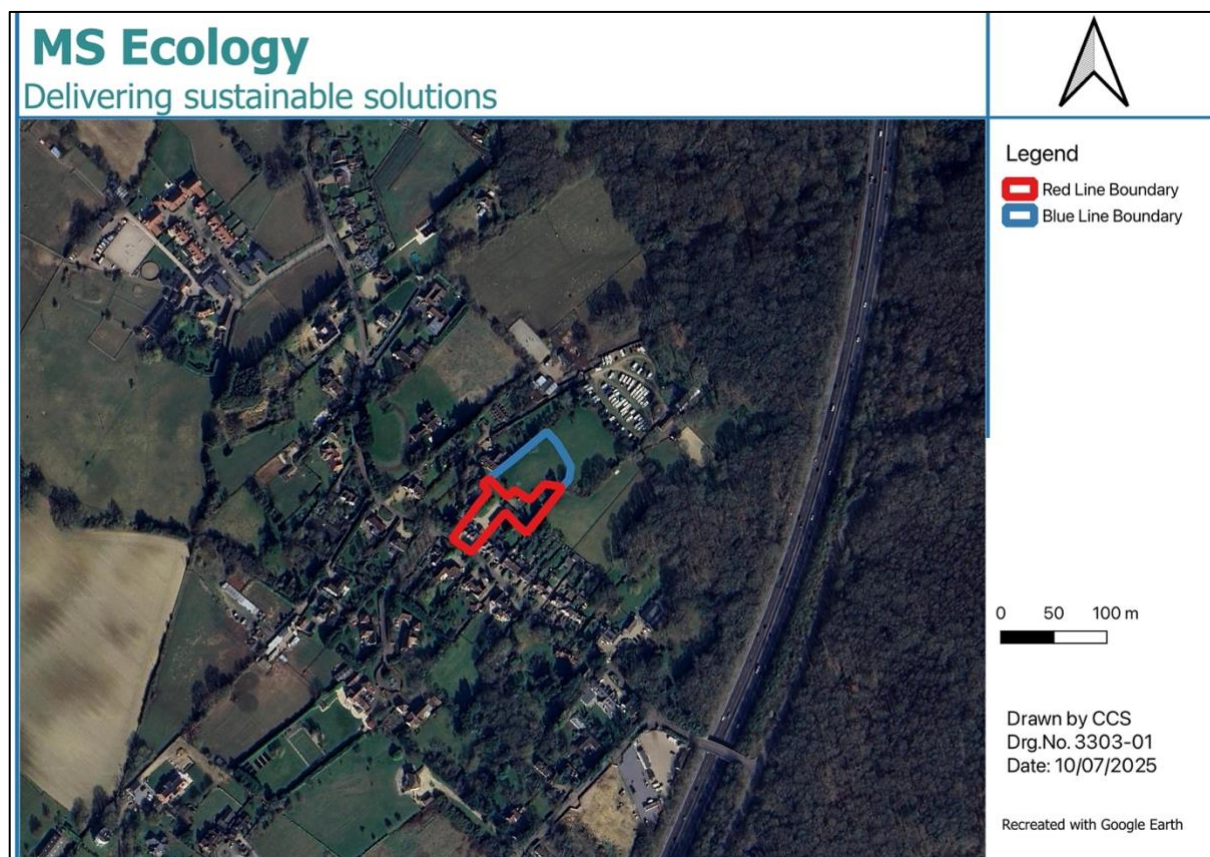


Figure 3-1 Site Location.

3.2 DESK STUDY

3.2.1 MAGIC

Interrogation of the Multi-Agency Geographic Information for the Countryside (MAGIC) showed that the site falls into the SSSI Impact Risk Zones for Knebworth Woods (SSSI) located ~3.2km north-west, Tewinbury (SSSI) ~4.7km south-east & Sherrardspark Wood (SSSI) ~3.8km south.

Three Local Nature Reserves (LNR) were returned within the search area.

- Mardley Heath ~300m east
- Singlers Marsh ~1.3km south-west
- Danesbury Park ~1.1km south-west

Two Natural England Protected Species licences (NEPS) were granted within the search area:

- Brown Long-eared, License No. 2016-26597-EPS-MIT, 01/12/2016, ~1.3km south-east
- Common Pipistrelle, License No. 2018-36237-EPS-MIT, 31/08/2023, ~1.4km south-east.

The following priority habitats are found close to the site:

- Good quality semi-improved grassland ~1.1km south-west.
- New Wood - Ancient & Semi-Natural Woodland - ~1.3km north-west
- Park Wood - Ancient & Semi-Natural Woodland - ~1.4km north
- Ninning's Wood - Ancient & Semi-Natural Woodland - ~265m north-east
- Legs & Stockings Wood - Ancient & Semi-Natural Woodland - ~485m north-east
- Mardley Heath - Ancient & Semi-Natural Woodland - ~328m east
- Broker's Garden Wood - Ancient & Semi-Natural Woodland - ~911m east
- Puttockhill Wood - Ancient & Semi-Natural Woodland & Ancient Replanted Woodland - ~1.3km south
- Hazel Grove - Ancient & Semi-Natural Woodland - ~1.6km south
- Harmergreen Wood - Ancient & Semi-Natural Woodland - ~1.3km south-east
- Deciduous Woodland is found throughout the search area. The closest point located ~100m east.
- 5 areas of Traditional Orchards are found within the search area. ~66m north-east, ~1.4km north-west, ~887m west, ~1.3km south-west & ~1.2km east.

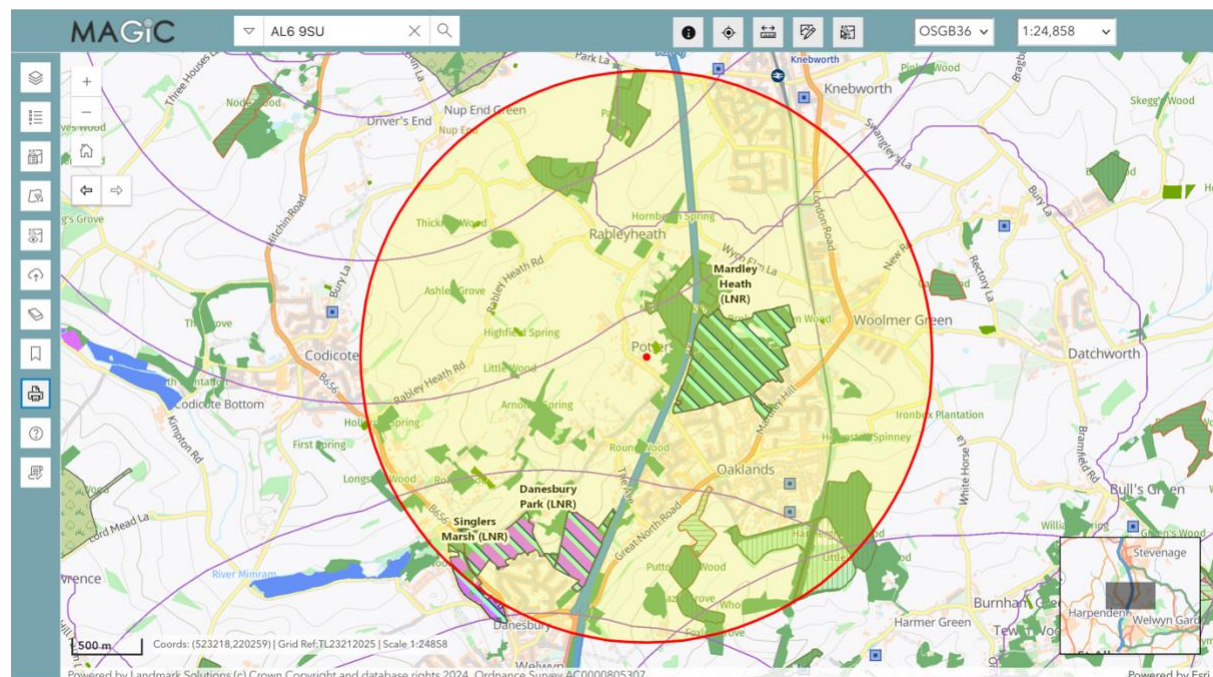


Figure 3-2 MAGIC Map

3.2.2 GCN RISK ZONE

The proposed development site falls within a green risk zone to the north and an amber risk zone to the south.

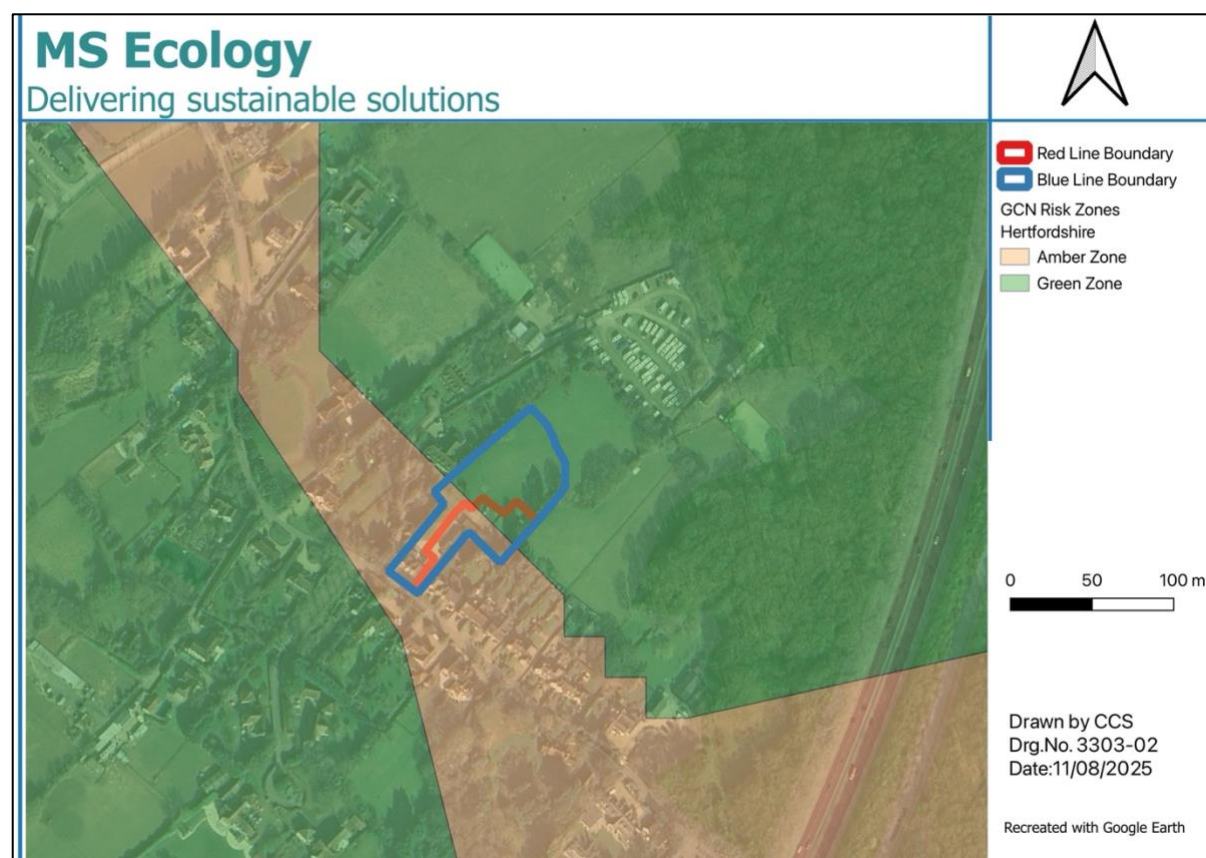


Figure 3-3 GCN Risk Zones

3.2.3 BIOLOGICAL RECORDS

Table 3.1 lists the non-statutory sites present within the search area. Of these, none are within ~100m of the site.

Table 3.1 Non-Statutory Sites falling within the 2,000m search area

Type	Name
Local Wildlife Site (LWS)	Park Wood/Home Wood
LWS	Singlers Marsh / Fulling Mill Meadow
LWS	Puttockhill Wood
LWS	Foxley Grove and Hazel Grove
LWS	New Wood (near Rabley Heath)
LWS	Ninning's Wood
LWS	Mardley Heath
LWS	Danesbury Park
LWS	Lockleys Farm Woodland
LWS	Grassland E. of Danesbury Hospital
LWS	Link Road, Grange Hill Road Banks
LWS	Legs and Stockings Wood
LWS	Old North Road & Central Reservation, Lockleys
LWS	Danesbury Icehouse
LWS	Reynard Spring & Arnold's Spring
LWS	Longston and Catchpole Woods
LWS	Rolls Wood (Codicote)

LWS	River Mimram at Singlers Marsh
LWS	Harmergreen Wood
LWS	Robbery Bottom Lane Railway Embankment
LWS	Hempstall Spinney

The species records returned include:

- Water Vole most recently dated 2016, closest record ~280m (2km).
- Grass Snake most recently dated 31/08/2019, closest record ~1950m (10m).
- Slow worm most recently dated 11/08/2016, closest record ~1080m (1km).
- Hedgehog most recently dated 28/11/2018, closest record ~610m (1m).
- Common Toad most recently dated 21/01/2023, closest record ~270m (100m).
- Several Badger records were returned, dated 1973 – 2021. A few records returned were within ~300m of the site.

Bat species recorded within the search area included common pipistrelle, soprano pipistrelle, noctule, barbastelle, Daubenton's bat, natterer's bat and brown long-eared bat. Of these, the closest was of a Brown long eared ~410m from the site.

Additionally, the site falls into a B-Line, a project run by Buglife to link existing wildlife areas together and create a series of wildflower rich 'insect pathways' running through our countryside and towns.

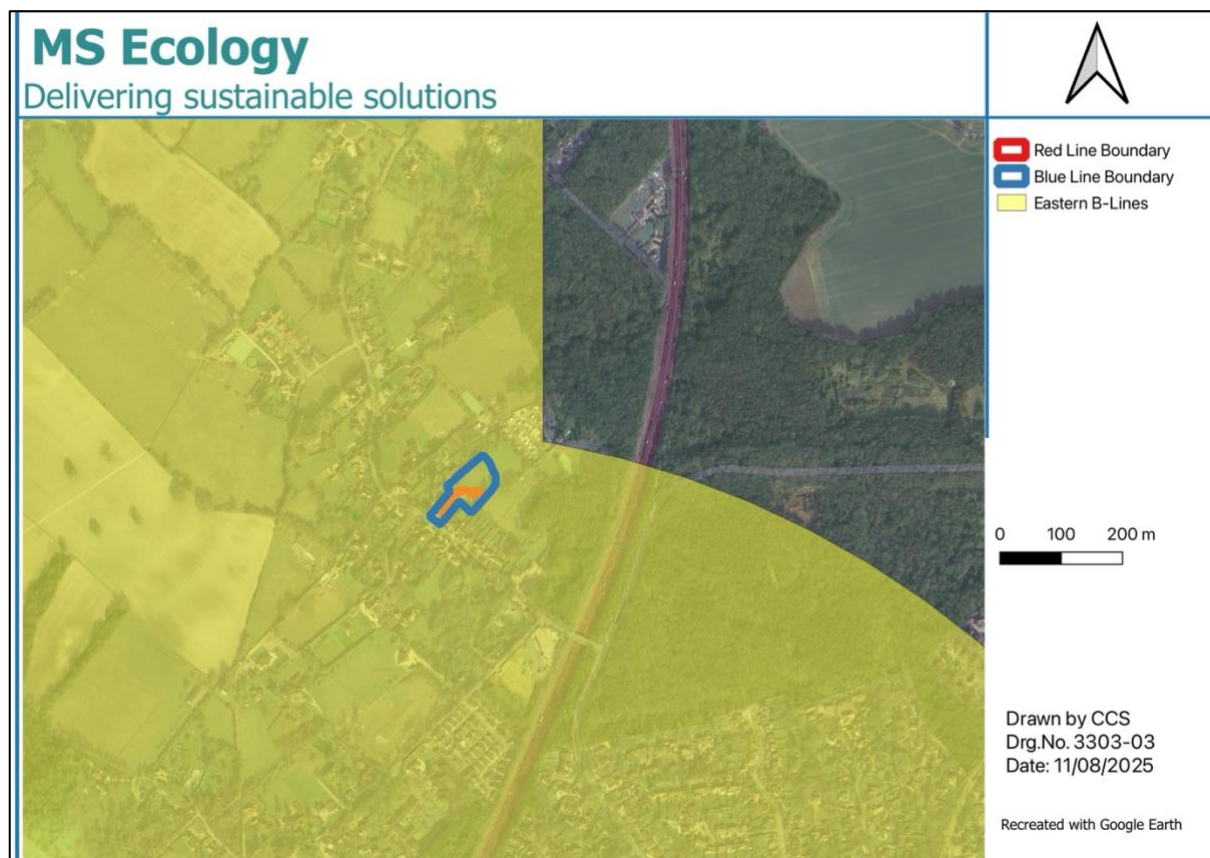


Figure 3-4 Site within a B-Line

3.3 SURVEY

3.3.1 SITE DESCRIPTION

The proposed development footprint comprises the main dwelling, several former outbuildings, together with a garage unit, set within a hardstanding yard. All the units are used for occasional storage/workshop or parking only.

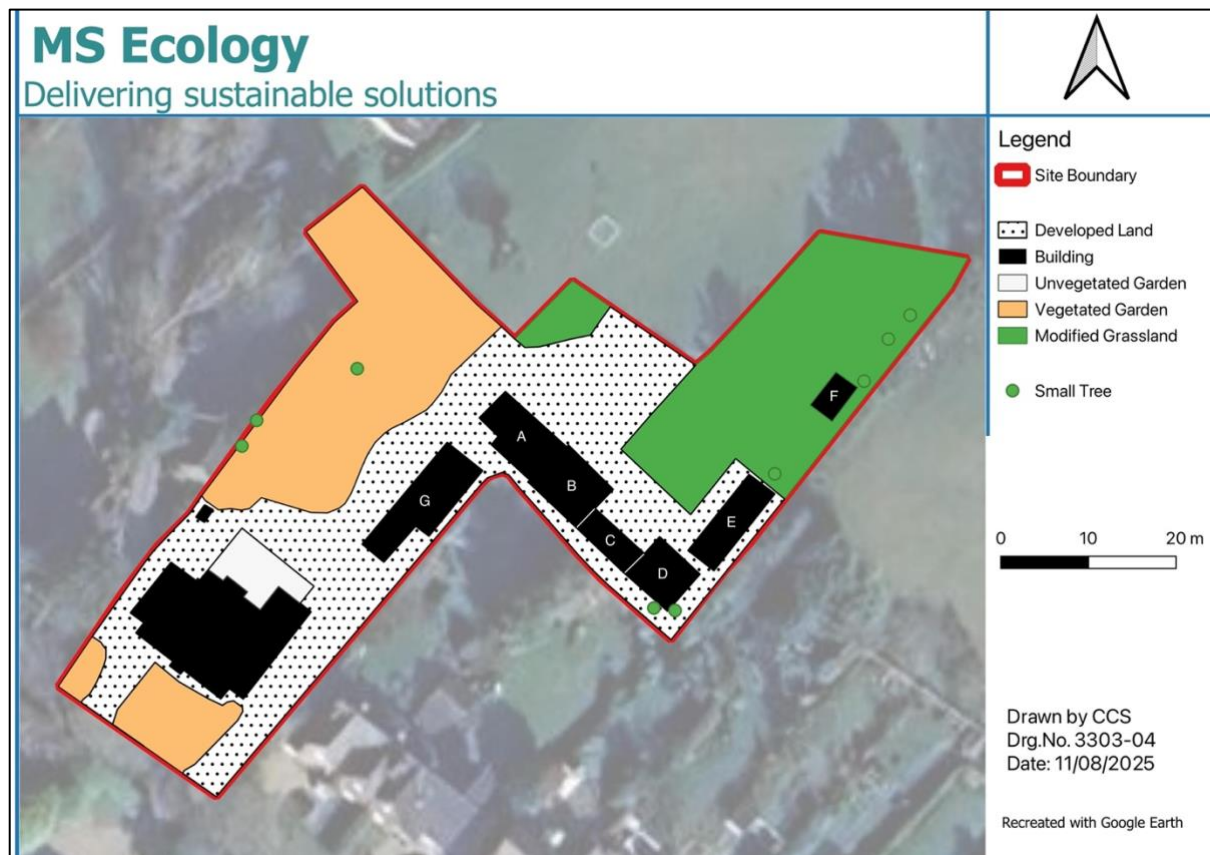


Figure 3-5 Baseline Habitat Plan

3.3.2 HABITATS

3.3.2.1 BUILDINGS

Main House

The main house and associated garden shed are located within the red line boundary, however, there will be no impacts to these buildings.

Building G

This long garage block, located at the end of the entrance drive and separate from the other outbuildings in the complex, comprises an open-fronted, double car port and an enclosed single unit. Both sections appear to be in regular use, compared with the rest of the complex.

The roof is pitched and there is no loft void present. The roof covering is in excellent condition, and the roof is lined with a modern plastic membrane. The central ridge beam is narrow, and the rafters are all modern sawn timbers with no open mortise joints.

The walls are wooden and single-skinned, providing no suitable cavities for roosting.



Figure 3-6 Building G - Garage Block

Building A

This building directly adjoins Building B and has an unlined, pitched corrugated asbestos roof, that appears to be in excellent condition. The central ridge and all rafters are narrow with no suitable crevices for bats to utilise as roost locations. There is no loft void, and the interior is well-lit by several windows. The walls are wooden and single-skinned, providing no suitable cavities for roosting.



Figure 3-7 Building A

Building B

This small outbuilding is a double stable unit which directly adjoins Buildings B and C. It has an asymmetrical pitched, unlined corrugated asbestos roof to the rear, a tiled elevation to the front and a hung tile section on the side elevation. There is open access to the interior of the building which is extensively used by pigeons. The walls are brick and single-skinned, providing no suitable cavities for roosting. The tiled sections are timber lined.



Figure 3-8 Building B-Double Stable Unit



Figure 3-7 Building B Rafters in main roof and Roof showing hanging tiles



Figure 3-9 Interior of Building B

Building C

This small outbuilding adjoins Buildings B and D and is divided into an open-fronted wood store and a closed storage unit with two windows. It has a pitched, felt sheet roof that is timber lined. The rafters are of modern-sawn timbers with a narrow central ridge beam and no open mortise joints are present. The walls are wooden and single-skinned, also providing no suitable cavities for roosting bats.



Figure 3-10 Building C- Outbuilding



Figure 3-11 Interior of Building C

Building D

This small outbuilding, adjacent to Building C has a sloping corrugated iron roof that is unlined and supported by modern-sawn timbers.

The structure is open along most of the front elevation, providing an interior that is both well-lit and draughty, with extensive cobwebs. The walls are a mix of corrugated iron and single-skin wooden panelling.



Figure 3-12 Building D

Building E

This linear outbuilding, separated from the other structures in the complex, comprises three inter-connected stable units. The structure has three doors and three open 'windows' on the front elevation, together with further windows on the rear elevation, providing an interior that is well-lit and draughty, with extensive cobwebs. The pitched roof is formed of corrugated asbestos that is unlined and provides no suitable roosting opportunities for bats. The rafters are of modern-

sawn timbers, with only a narrow central ridge beam, and no open mortise joints are present.

The walls are wooden and single-skinned, providing no suitable cavities for roosting.



Figure 3-13 Building E



Figure 3-14 Interior of Building E

Building F

This small outbuilding is also separated from the other units in the complex, and it has a pitched, corrugated rubber roof that is unlined and provides no suitable roosting opportunities for bats.

The structure is open sided on the front elevation, and the interior is well-lit and draughty. The walls are wooden and single-skinned, providing no suitable cavities for roosting.

The rafters are of modern-sawn timbers, with no central ridge beam, and no open mortise joints are present.



Figure 3-15 Building F Exterior and Interior

3.3.2.2 HARDSTANDING

Entrance to the proposed development site is via the existing gravelled drive from Pottersheath Road, this extends along the front of the stable block and includes concrete paths and yard.



Figure 3-16 Hard standing in front of the stable buildings A-D

3.3.2.3 VEGETATED GARDEN

Secondary Code: 200 - Tree

The garden area associated with the residential dwelling consists of garden lawn, garden shrubs and small trees, including a willow.

3.3.2.4 MODIFIED GRASSLAND

Secondary Code: 200 - Tree

A small area of paddock is included within the red line boundary. Species present are almost exclusively perennial ryegrass and occasional cock's-foot, no forb species were present.

A disused ménage is also present. This was once a crushed and compressed cinder-based substrate which is now deteriorating with approx. 70% ruderal/ephemeral species cover. Of quadrats taken, there were no more than five species per m².



Figure 3-17 Closely mown modified grassland found in the paddock area



Figure 3-18 Vegetated menage

A small Norway spruce is located between the menage and Building E, over a patch of grassland within a small fenced off section, two further small trees are located adjacent to the boundary behind Building D and three further small trees are located along the eastern boundary of the paddock.



Figure 3-19 Norway spruce on site

3.3.3 HABITAT CONDITION ASSESSMENT

The table below provides a summary of the results of the habitat condition assessments carried out on the above habitats. For full details please see the separate excel spreadsheet.

Table 3.2 Habitat Condition Assessment

Habitat	Condition
Developed Land; Sealed Surface	N/A
Modified Grassland - Paddock	Poor
Modified Grassland – Menage	Poor
Individual Trees	Moderate

3.3.4 EVIDENCE OF PROTECTED SPECIES

3.3.4.1 MAMMALS

No evidence of bats or terrestrial mammals were found on site.

3.3.4.2 BIRDS

Other than pigeons/doves which have taken over building B there was no evidence of nesting birds within any of the buildings on site and no disused or active birds' nests were found.

3.3.4.3 HERPETOFAUNA

Suitable refugia were lifted but no evidence of this group was found.

4 DISCUSSION

4.1 HABITATS

4.1.1 BAP PRIORITY HABITATS AND LEGALLY PROTECTED SITES OF CONSERVATION VALUE

The proposed development site contains no priority habitat. There will be no impact on any designated sites of conservation value resulting from the proposed development.

4.2 PROTECTED SPECIES

4.2.1 MAMMALS

There is suitable foraging habitat on site for badgers, and suitable connectivity to more suitable habitat, such as the area of woodland to the east, however, there was no evidence of terrestrial mammals found on site. The BRC holds several records of badgers between 1973 – 2021, some within 300m of the site, therefore, particular attention was given to an inspection of the site perimeter (blue line boundary Fig.3.15) to ensure that there was no evidence of badgers found within 30m of the proposed development.

Buildings A, C, D, E and F all provide negligible potential for roosting bats due to a lack of suitable roosting features. The interiors are unlined, with no cavities present and the rafters are all modern-sawn timbers with no gaps present.

Building G also provides negligible potential for roosting bats, as the tiles across the roof are tight fitting and no suitable roosting features are identified within.

Building B has low potential for roosting bats due to the presence of hung tile and the occasional missing roof tile, both of which are timber lined, providing a potential cavity for bats beneath. No other suitable roosting features were identified on or within the building.

Trees within and adjacent to the boundary were assessed from ground level and no suitable features for roosting bats was found. There are several trees within the perimeter hedgerow and private garden, none of which will be impacted by the proposed development.

4.2.2 BIRDS

The open access nature of the buildings on site provides potential nesting habitats for breeding birds, and Building B is utilised by pigeons. The trees also provide some suitable nesting habitat.

4.2.3 HERPETOFAUNA

There is suitable terrestrial habitat found in the surrounds of the site, particularly within the woodland area to the east, which also features a small pond. However, access to the proposed development site is via a gravelled drive leading to the stable block and associated concrete yard. The vegetated habitats on site consist of short paddock grass and a sparsely vegetated menage. Suitable refugia within the ménage was lifted but no evidence of this group was found. The hedgerow along part of the eastern boundary could provide a commuting route, however, this falls outside of the site boundary and will be retained.

A small pond is located ~190m to the east, within the woodland, however, the next nearest pond (not impeded by a significant barrier), is ~500m from the site.

5 CONCLUSION

The desk study showed that legally protected areas of ecological importance would not be negatively impacted by the proposed development.

Overall, the study site provides nature conservation value in a local (parish) context, containing ecological features such as open agricultural buildings, trees and grassland.

The site has low potential for terrestrial mammals due to the connectivity to other more suitable habitats, however, no evidence of terrestrial mammals was found during the survey. The surrounding habitats also provide suitable habitat for herpetofauna, however, the habitats on site are of low value to this group and the potential impacts are negligible.

The trees, hedgerow and shrubs around the perimeter and the open access buildings, provide high potential for breeding birds.

No evidence of bats was found on site, and Buildings A, C, D, E, F and G provide negligible potential for roosting bats due to a lack of suitable roosting features.

Building B has low potential for roosting bats due to the presence of hanging tile and occasional gaps under the roof tiles.

6 RECOMMENDATIONS

6.1 MITIGATION

6.1.1 BATS

Building B has low potential for roosting bats; therefore, it is recommended that a **single** dusk emergence survey be carried out, with **two** surveyors to cover the building (Note: The Emergence Survey was undertaken on 8/7/2025).

Generally, surveys must be carried out between May – September (the bat 'active' season, with September considered sub-optimal). If bats are found, then two further surveys must be carried out (a minimum of three weeks apart). At least two of the three surveys must be undertaken between May-August.

No further surveys are required for the remaining buildings, however, should any bats be found during works, then all works must stop, and an ecologist consulted.

6.1.2 BIRDS

Damaging or destroying the nest of any wild bird (whilst being built or in use) is an offence under the Wildlife and Countryside Act 1981. Therefore, any vegetation clearance or demolition of structures, in which birds are nesting, should be undertaken outside the breeding season. The bird breeding season can be taken to run between the 1 February and 31 August (in practice, it is usually March to July and is subject to geographical and seasonal factors).

If demolition or vegetation clearance outside the breeding season is not possible, further surveys for breeding birds should be carried out prior to any works being undertaken. A minimum of a survey 24 hours prior to commencement of works would be required to minimise opportunities for nest building between the survey and the start of works. Any nest in use or being built during this survey may need to be left undamaged for the entire nesting period and alternative approaches to the works proposed.

To avoid disturbance of birds listed under Schedule 1, it is recommended that no work should be undertaken within 'line of sight' of the nest.

6.1.3 GENERAL

The habitats on site should continue to be managed as they currently are until development begins.

Should any protected species be unexpectedly found on site during works, all works must stop, and an ecologist consulted.

Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/becoming trapped.

6.1.4 LIGHTING

Any lighting on site should be in accordance with the BCT lighting guidelines (Guidance Note 8 Bats and Artificial Lighting (Bat Conservation Trust, 2023)) to ensure that any commuting routes or foraging areas are unimpacted.

6.2 ENHANCEMENTS

6.2.1 BATS

It is recommended that two integrated bat boxes be installed within the new building. Ideally, these should face southeast/southwest and be no less than 3m above ground level. These require no maintenance and can be faced in any material for aesthetic purposes.

If the building does not allow for integrated bat boxes, then external boxes can be installed instead. These should be hung on the building or suitable trees within

the grounds, face southeast/southwest, be no less than 3m above ground level and be placed away from any neighbouring ledge to avoid opportunities for predators to access the box.

Integrated bat boxes do not require any maintenance. External boxes should be checked annually for damage in the winter by observation from a distance. If the boxes are damaged and require replacement, an ecologist must be present.

Monitoring of bat boxes is considered unnecessary, but monitoring could be undertaken by a local bat group providing they hold the appropriate licences. This could include activity surveys to ascertain whether the bat boxes are being used, but we do not recommend direct inspection of bat boxes.



Example of built in bat box ([Bird Brick Houses](#))

6.2.2 SMALL MAMMALS & HERPETOFAUNA

Much of the boundary is open access to small mammals such as hedgehogs and herpetofauna species providing a continuous corridor between the neighbouring residential gardens and green spaces in the area.

Should there be a change to boundary fencing with the proposed development in boundary fences a 13x13cm hole is recommended as this is sufficient for any hedgehog to pass through but too small for nearly all household pets.

Bricks can be removed from the base of walls and holes can be cut into the base of fence panels (ensure the edges are sanded). Alternatively, a channel can be dug under the wall/ fence. This will require more regular maintenance to ensure the channel remains clear.

7 LEGISLATION

7.1 ANIMALS (EXCEPT BADGERS)

Wild animals listed on Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and/or Schedules 2 and 4 of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended)

	Sections of the Act applicable
Bats and GCN	9 (1), (2) (4 a & b) of the WCA and Regulation 39 (1 a-c) of the Habitats Regulation

Species listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) are afforded protection subject to the provisions of Section 9. A person will be guilty of an offence if they:

1. intentionally kill, injure or take any wild animal included in Schedule 5,
2. have in their possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal,
- 3.
4. intentionally or recklessly—
 - a. damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection.
 - b. disturb any such animal while it is occupying a structure or place which it uses for shelter or protection; or
 - c. obstruct access to any structure or place which any such animal uses for shelter or protection.
5. Subject to the provisions of this Part,
 - a. sell, offer, or expose for sale, or have in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
 - b. publish or cause to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things,
6. In any proceedings for an offence under subsection (1), (2) or (5)(a) relating to an act which is mentioned in subsection (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Species listed on Annex II and Annex IV of The Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations) which transpose into UK law Council Directive 92/43/EEC of 21st May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (often referred to as the 'Habitats [and Species] Directive.') are afforded further protection. The former Annex relates to the designation of Special Areas of Conservation (SACs) for some species.

Inclusion on Annex IV ('European protected species') means that member states are required to put in place a system of strict protection as outlined in Article 12, and this is done through inclusion on Schedule 2 of the Regulations. Regulation 39 makes it an offence to:

Deliberately capture or kill an animal listed on Schedule 2 [Regulation 39(1)(a)]

Deliberately disturb an animal listed on Schedule 2 [Regulation 39(1)(b)]

Deliberately take or destroy the eggs of an animal listed on Schedule 2
[Regulation 39(1)(c)]

Damage or destroy a breeding site or resting place of an animal listed on
Schedule 2 [Regulation 39(1)(d)]

Where applicable legislation applies to all life stages of a species.

7.2 BADGERS

Species	Sections of the Act applicable
Badgers & their Setts	All

Badgers were initially protected by inclusion on Schedule 6 of the Wildlife and Countryside Act 1981. The protection has subsequently been strengthened by the Protection of Badgers Act 1992. The purpose of the Protection of Badgers Act 1992 is to protect badgers from the incidental effects of lawful activities and deliberate attempts to inflict injury or kill badgers.

Under the Protection of Badger Act 1992:

1. A person is guilty of an offence if, except as permitted by or under this Act, he willfully kills, injures, or takes, or attempts to kill, injure, or take, a badger.
2. If, in any proceedings for an offence under subsection (1) above consisting of attempting to kill, injure or take a badger, there is evidence from which it could reasonably be concluded that at the material time the accused was attempting to kill, injure or take a badger, he shall be presumed to have been attempting to kill, injure or take a badger unless the contrary is shown.
3. A person is guilty of an offence if, except as permitted by or under this Act, he has in his possession or under his control any dead badger or any part of, or anything derived from, a dead badger.
4. A person is not guilty of an offence under subsection (3) above if he shows that—
 - a. the badger had not been killed, or had been killed otherwise than in contravention of the provisions of this Act or of the Badgers Act 1973; or
 - b. the badger or other thing in his possession or control had been sold (whether to him or any other person) and, at the time of the purchase, the purchaser had had no reason to believe that the badger had been killed in contravention of any of those provisions.
 - c. If a person is found committing an offence under this section on any land it shall be lawful for the owner or occupier of the land, or any servant of the owner or occupier, or any constable, to require that person forthwith to quit the land and also to give his name and address; and if that person on being so required willfully remains on the land or refuses to give his full name or address he is guilty of an offence.

Cruelty.

1. A person is guilty of an offence if—
 - a. he cruelly ill-treats a badger.
 - b. he uses any badger tongs in the course of killing or taking, or attempting to kill or take, a badger.

- c. except as permitted by or under this Act, he digs for a badger; or
- d. he uses for the purpose of killing or taking a badger any firearm other than a smooth bore weapon of not less than 20 bore or a rifle using ammunition having a muzzle energy not less than 160 foot-pounds and a bullet weighing not less than 38 grains.

2.2 If in any proceedings for an offence under subsection (1)(c) above there is evidence from which it could reasonably be concluded that at the material time the accused was digging for a badger he shall be presumed to have been digging for a badger unless the contrary is shown.

Interfering with badger setts.

3 A person is guilty of an offence if, except as permitted by or under this Act, he interferes with a badger sett by doing any of the following things—

- (a)damaging a badger sett or any part of it.
- (b)destroying a badger sett.
- (c)obstructing access to, or any entrance of, a badger sett.
- (d)causing a dog to enter a badger sett; or
- (e)disturbing a badger when it is occupying a badger sett,

intending to do any of those things or being reckless as to whether his actions would have any of those consequences.

Selling and possession of live badgers.

4. A person is guilty of an offence if, except as permitted by or under this Act, he sells a live badger or offers one for sale or has a live badger in his possession or under his control.

Marking and ringing.

5. A person is guilty of an offence if, except as authorized by a license under section 10 below, he marks, or attaches any ring, tag, or other marking device to, a badger other than one which is lawfully in his possession by virtue of such a license.

7.3 BIRDS

Species
All species of wild birds

All wild birds, with certain exceptions, are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

It is an offence for any person to:

Intentionally kill, injure, or take any wild bird.

Intentionally take damage or destroy the nest of any wild bird whilst it is in use or being built.

Intentionally take or destroy the egg of any wild bird.

Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The penalty for each offence under the Wildlife and Countryside Act - in respect of a single bird, nest, or egg - is a fine of up to £5,000, and/or six months' imprisonment.

Bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 are further protected from intentional or reckless disturbance whilst nest building or at (or near) a nest with eggs or young; or disturb the dependent young of such a bird.

To avoid disturbance, recommend that no work should be undertaken within 'line of sight' of the nest. Note Certain activities e.g., pile driving, pneumatic drilling and borehole drilling will require a wider buffer zone.