

**LAND TO REAR OF 18 AND 20 FOREST AVENUE,
COWPLAIN, HAMPSHIRE PO8 8JD**

PHASE 1 ECOLOGICAL SURVEY

Final Document

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Invertebrate, Bird, Mammal, Reptile, Amphibian and Botanical Surveys
Management Plans • Habitat Appraisal • Marine • NVC • EcIA

ECOSA Ltd, 1 Becks Mews, 108 Stockbridge Road, Winchester, Hampshire, SO22 6RN
Tel: 01962 866113 Email: info@ecosa.co.uk Web: www.ecosa.co.uk

Registered Office: 3-4 Eastwood Court, SO51 8JJ Registered in England No: 6129868

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EXECUTIVE SUMMARY

- A Phase 1 ecological survey was undertaken on 17th May 2012 on land to the rear of numbers 18 and 20 Forest Avenue, Cowplain, Hampshire. The site is subject to an application for the construction of a small number of residential plots.
- The survey involved a Phase 1 ecological field survey to assess the potential for protected habitats and species to be present within the site.
- The surveyed area comprises a moderately-sized undeveloped plot situated within an area of dense residential development.
- The site is generally sparsely vegetated, containing two small groups of trees as well as patchy damp-ground grasses, sedges and herbaceous plants. The bulk of the site contains bare soils and crushed rubble with minimal vegetation cover.
- The site offers minimal potential for supporting protected species, with low potential for supporting foraging/commuting bats, nesting birds and common species of reptile. The site offers negligible potential for supporting badger, roosting bats, dormouse and great crested newt.
- The site contains a cluster of the highly invasive Japanese knotweed.
- It is recommended that no further Phase 2 surveys are necessary at this stage to support a planning application for the site. Recommendations are made for enhancing the site's overall post-development ecological value through the provision of native species planting and a range of bat and bird boxes.
- Recommendations are made for avoiding vegetation removal/alteration during the bird nesting season and for undertaking a destructive search for reptile species prior to development works commencing.

1.0 INTRODUCTION

1.1 Background

Ecological Survey & Assessment Limited (ECOSA) have been contracted by Robert Tutton Town Planning Consultants to undertake a Phase 1 ecological survey on land to the rear of numbers 18 and 20 Forest Avenue, Cowplain, Hampshire PO8 8JD, centred on National Grid Reference (NGR) SU 6891 1146.

This report presents the findings of the Phase 1 ecological survey undertaken by ECOSA on 17th May 2012.

1.2 Aims and Scope of Report

This report is based on a Phase 1 field survey aimed at assessing the suitability of the site and its immediate surrounds to support protected habitats and species. This information allows an initial assessment of the biodiversity value of the site to be made.

1.3 Site Setting and Description

The site is located to the west of 18 and 20 Forest Drive, Cowplain, approximately two kilometres (km) due north of Waterlooville town centre. The site is essentially surrounded by dense residential development with Forest Drive to the east, Forest Close to the south and Longwood Avenue to the north and west.

The site comprises a moderately sized plot of undeveloped land containing damp grassland and herbaceous vegetation, areas of bare, disturbed soils and a number of tall trees and low shrubs.

1.4 Site Proposals

The proposals for the site entail the redevelopment of the site to incorporate a small number of new residential dwellings, in three plots, and associated infrastructure such as an access road onto the site from Forest Avenue.

2.0 METHODS

2.1 Introduction

This section details the methods used during the Phase 1 ecological field survey undertaken at the Forest Avenue, Cowplain site.

2.2 Phase 1 Ecological Field Survey Methods

The Phase 1 ecological survey was undertaken on 17th May 2012. The Phase 1 ecological survey involved a walkover of the site to identify the broad habitat types present and to record evidence of any protected species such as badger *Meles meles*, bats, dormouse *Muscardinus avellanarius*, breeding birds, reptiles and great crested newt *Triturus cristatus*. Details of the species-specific survey methods are given below.

2.2.1 Vegetation

An assessment was made of all areas of vegetation within and immediately adjacent to the site. This involved a walkover survey to identify broad vegetation types and a list of characteristic plant species was compiled.

2.2.2 Badger

The survey involved a detailed investigation of the site to identify evidence of badger residence, foraging or territorial activity. Particular emphasis was placed on locating badger setts, paths, and signs of territorial activity such as latrine sites.

2.2.3 Bats

All trees within the site were assessed for their potential to support roosting bats based on the presence of suitable roosting features such as holes, cracks, splits, limb stubs, exfoliating bark and ivy cladding. In addition, an assessment was made of the suitability of the site and the surrounding landscape to support foraging and/or commuting bat species. The survey conformed to current Bat Conservation Trust guidelines¹.

2.2.4 Dormouse

The dormouse survey was based on an assessment of habitat features that may indicate that dormice are present on site. This includes the presence of food sources such as common hazel *Corylus avellana* and honeysuckle *Lonicera periclymenum*. Additionally, the species requires a continuum of resources so that habitat structure,

¹ Hundt, L (2012). *Bat Surveys: Good Practice Guidelines*, 2nd Edition. Bat Conservation Trust, London

diversity and connectivity to adjacent areas of woodland/scrub are important features for determining the potential presence of dormice.

2.2.5 Breeding Birds

The assessment of the site's suitability to support breeding birds was based on the habitat types present, evidence of nesting such as old or currently active nests and the presence of bird species that may potentially nest within the available habitat.

2.2.6 Reptiles

The reptile survey was based on an assessment of the suitability of habitat present within the site to support a population of common reptiles. Reptiles particularly favour scrub and grassland interfaces and the presence of these is a good indication that reptiles may be present on site. In addition, reptiles may utilise features such as bare ground for basking, tussocky grassland for shelter and compost heaps and rubble piles for breeding and/or hibernating. The quality of habitat within the surrounding landscape is also a useful indicator of whether reptiles are likely to occur at a site.

2.2.7 Great Crested Newt

The great crested newt survey was based on an assessment of the presence of suitable aquatic habitats such as ponds within or adjacent to the site and the presence of suitable terrestrial habitat. Ponds that are densely shaded, highly eutrophic or that contain fish are likely to be less suitable for this species. Aerial mapping was used to identify any ponds within a 500m radius of the site.

2.3 Initial Protected Species Assessment

Details of the assessment criteria used to determine the ecological value of on-site attributes are outlined below. During the Phase 1 survey the assessment criteria are based on the potential for the site to support the species considered; this is usually based on habitat features and their suitability for the species considered (Paragraphs 2.3.1 and 2.3.2). Where a species has been confirmed as present during the Phase 1 survey then the ecological value of that species at the site is assessed. However, in many cases Phase 2 surveys will be required to assess the status of species and hence the importance of a population at the site, therefore the assessment of value should be considered a provisional assessment.

2.3.1 Bats - Tree Assessment

The trees on site were graded for their importance to bats using the following criteria:

- **Bats Present** – In some instances, bat presence can be confirmed from trees e.g. where droppings or staining is visible, where roosting bats have been observed entering/emerging from a tree or where roosting bats can be heard. Such trees will require further Phase 2 surveys to assess roost status.
- **High Potential** - High potential trees have features such as loose bark, splits and deep/extensive holes suitable for roosting bats. High potential trees are generally large and/or mature specimens. Further Phase 2 surveys will be required to assess the presence/absence of bats.
- **Medium Potential** - Medium potential trees have some interest for roosting bats such as broken snags, some flaking bark, ivy cladding or shallow holes. Further Phase 2 surveys will be required to assess the presence/absence of bats.
- **Low Potential** - Low potential trees have some, although generally limited potential to support roosting bats. Further Phase 2 surveys are likely to be required to assess the presence/absence of bats.
- **Negligible Potential** - Negligible potential trees are those that provide few or no features with bat roosting potential. Generally these trees are immature specimens. Further Phase 2 surveys are unlikely to be required to assess the presence/absence of bats.

2.3.2 Badger, Dormouse, Breeding Birds, Reptiles and Great Crested Newt

The potential for the site to support protected species is based on the results of the field survey assessment. The potential for on-site habitat to support badger, dormouse, breeding birds, reptiles and great crested newt is based upon the following criteria:

- **Species Present**- Species confirmed as present during the field survey, either through direct observation or by the presence of unambiguous field signs such as droppings, prints, hairs, nests, eggs etc. Further Phase 2 surveys will be required in order to assess population status.
- **High Potential** - The on-site habitat is of high quality for a given species/species group. The site is located within or adjacent to a national or

regional stronghold. Good quality surrounding habitat and good connectivity. Further Phase 2 surveys will be required in order to assess population status.

- **Medium Potential** - The on-site habitat is of moderate quality, providing most or all of the known key requirements of a given species/species group. Factors limiting the potential of occurrence may include small habitat area, habitat severance and disturbance. Further Phase 2 surveys will be required in order to assess population status.
- **Low Potential** - On-site habitat is of poor to moderate quality for a given species/species group. The presence cannot be discounted on the basis of national distribution, nature of surrounding habitats, habitat fragmentation, recent on site disturbance etc. Further Phase 2 surveys likely to be required in order to assess population status.
- **Negligible Potential** - Although presence cannot be absolutely discounted, the site includes very limited or poor quality habitat for a particular species/species group. The surrounding habitat is considered unlikely to support wider populations of a species/species group. The site may also be outside or peripheral to the known national range for a species. Further Phase 2 surveys are unlikely to be required.

2.4 Phase 1 Survey Timing and Weather Conditions

The Phase 1 ecological survey was carried out by Tristan Norton of ECOSA on 17th May 2012. The weather conditions were overcast and dry, with 100% cloud cover, a light north-westerly breeze and a temperature of 11° Celsius.

2.5 Phase 1 Survey Equipment

During the Phase 1 survey the surveyor was equipped with 10x32 binoculars.

2.6 Phase 1 Survey Limitations

Not all potential bat roosting features are accessible to the surveyor, e.g. holes/cracks in trees, and therefore assessments are based upon the potential for these features to provide suitable roosting opportunities.

3.0 RESULTS

3.1 Introduction

This section details the results of the Phase 1 field survey undertaken at Forest Avenue, Cowplain and provides an initial assessment of the ecological value of the site. An outline of protected species legislation relevant to the survey findings is presented in **Appendix 1**.

3.2 Vegetation Survey Results

3.2.1 Grassland and Herbaceous Vegetation

The site overall is sparsely vegetated (**Figures 1 and 2**), with much of the ground having been recently cleared. The eastern half of the site is essentially devoid of vegetation, comprising bare disturbed soils with much crushed rubble and vehicle ruts, although there is a narrow fringe of grass and herbaceous vegetation adjacent to the southern boundary fence. The western portion of the site contains patchy grasses and herbaceous vegetation, again with much bare, disturbed soil and crushed rubble. Two sections of the western end of the site have been fenced using Heras fencing to protect a number of trees.



Figure 1 (left) View of Site Looking East, Showing Sparse Vegetation

Figure 2 Eastern End of Site, Showing Rutted Bare Soils and Rubble

The bulk of the vegetation within the site comprises a mix of sedges and herbaceous species characteristic of damp soils, the site clearly being situated on or close to a spring. Typical species recorded include wood melick *Melica uniflora*, wood false brome *Brachypodium sylvaticum*, remote sedge *Carex remota*, pendulous sedge *Carex pendula*, lesser pond sedge *Carex acutiformis*, wood sedge *Carex sylvatica*, soft rush *Juncus effusus*, meadowsweet *Filipendula ulmaria*, rosebay willowherb *Epilobium angustifolium*, yellow flag *Iris pseudacorus*, lesser celandine *Ranunculus ficaria*, creeping jenny *Lysimachia nummularia*, field bindweed *Convolvulus arvensis*, hogweed *Heracleum sphondylium*, wood avens *Geum urbanum*, herb robert

Geranium robertianum, broad-leaved dock *Rumex obtusifolius*, common nettle *Urtica dioica* and dandelions *Taraxacum* species (spp.).

The vegetation within a fenced area in the north-west of the site is more developed, with the above-mentioned species occurring widely alongside abundant cleavers *Galium aparine*. Also present are frequent hybrid bluebells *Hyacinthoides x masartiana*.

The fenced area to the south-west is less vegetated although contains the same mix of species as elsewhere. Within the centre of the site is a cluster of the highly-invasive Japanese knotweed *Fallopia japonica*, with at least ten shoots noted within a small area. It is highly likely that this species occurs more widely across the site and will spread if not controlled: the soil disturbance evident at the site is highly likely to have spread fragments of this species throughout.

In the east of the site, a small patch of grassland and herbaceous vegetation lies adjacent to a metal storage container and contains common couch grass *Elytrigia repens*, meadow-grasses *Poa* spp. alongside common daisy *Bellis perennis*, dandelions, ribwort plantain *Plantago lanceolata* and white clover *Trifolium repens*.

Overall, the grassland and herbaceous vegetation within the site comprises a range of grasses, sedges and herbs characteristic of damp soils. Whilst not of exceptional ecological value, this vegetation is of greater botanical interest than the typical amenity-type vegetation usually present on such urban sites although it is nevertheless considered to be of **low ecological value**.

3.2.2 Hedgerows, Trees, Woodland and Scrub

The bulk of the woody vegetation within the site is confined to two fenced areas within the west of the site and their adjacent site boundaries. The key feature is the presence of two small groups of mature trees, in the south-west and north-west of the site.

The fenced area to the north-west contains a small grove of tall but immature pedunculate oaks *Quercus robur* (**Figure 3**) alongside ash *Fraxinus excelsior*, rowan *Sorbus aucuparia*, hawthorn *Crataegus monogyna* and goat willow *Salix caprea*. The area contains frequent low bramble and ornamental privet *Ligustrum ovalifolium* (**Figure 4**).



Figure 3 (left) Grove of Trees within Fenced Area to North-West

Figure 4 Low Bramble and Ornamental Shrubs within North-West Fenced Area

The site's western boundary comprises a planted hedge line of Leyland cypress x *Cupressocyparis leylandii* with frequent sapling ash trees alongside goat willow, bramble and common nettle (**Figure 5**).

To the south-west lies a second fenced area which contains a small group of mature and immature pedunculate oaks (**Figure 6**) and a single immature yew *Taxus baccata*. Two of the oaks are mature and of considerable size. Several small sapling ash and hawthorn are present at the base of the trees, as well as much ornamental honeysuckle *Lonicera* spp.



Figure 5 (left) Sapling Ash and Leyland Cypresses at Western Boundary

Figure 6 Oak Trees within South-West Fenced Area

The only other woody vegetation within the site comprises a narrow fringe of sapling goat willows situated along the southern boundary adjacent to a metal storage container.

Overall, the site contains minimal woody vegetation. The key such feature is the presence of two small groves of pedunculate oak trees with associated saplings and

low shrubs. Whilst these trees are of intrinsic ecological interest they are considered to be of **low ecological value**.

3.3 Badger Survey Results

The site contains no evidence of badger activity. There are no suitably sized areas of semi-natural habitat within the site, and the surrounding landscape is characterised by dense residential development and therefore does not provide suitable badger habitat. Due to an absence of evidence and suitable habitat the site is considered to offer **negligible potential** for supporting badgers.

3.4 Bat Survey Results

3.4.1 Bats – Tree Assessment

The small number of trees situated within the site are generally lacking in any features suitable for supporting roosting bats. No significant holes, cracks or similar features were noted and the light ivy cladding exhibited by several of the trees is considered unlikely to mask any such features. Overall, the site is considered to offer **negligible potential** for supporting tree-roosting bats.

3.4.2 Foraging and Commuting Habitat

The site offers suitable bat foraging and commuting habitat, albeit limited in extent. Although situated within an area of dense residential development, the site provides an unlit area of vegetated ground which is likely to provide suitable foraging opportunities for bats within the local area. It is highly likely that small numbers of roosting bats will occur within nearby buildings and will therefore be present within the general area. Overall, the site offers moderate quality bat foraging and commuting habitat and is considered to offer **medium potential** for supporting foraging and commuting bats.

3.5 Dormouse Survey Results

The site contains no suitable habitat for supporting dormice. There are no areas of contiguous scrub or woodland habitat within the site and which are linked to suitable dormouse habitat within the surrounding landscape. Overall, given an absence of any suitably structured habitats the site is considered to offer **negligible potential** for supporting dormouse.

3.6 Bird Survey Results

The site contains little habitat likely to support breeding birds. The only potentially suitable habitat is the trees and associated low scrub within the two fenced areas,

although this is of such limited extent as to provide habitat for a very small number of common garden bird species.

Overall, given the minimal habitat available, the site is considered to offer **low potential** for supporting breeding birds.

3.7 Reptile Survey Results

The site contains minimal habitat suitable for supporting reptile populations. Whilst the site does contain grassland and herbaceous vegetation, this is generally patchy in nature and unlikely to support any substantial population of reptiles. There is potential for the site to support very low numbers of common reptiles such as slow-worm *Anguis fragilis* and grass snake *Natrix natrix* although the extent of habitat available is minimal and the site is severely disturbed.

Overall, the site is considered to offer **negligible-low potential** for supporting reptile populations due to an absence of any substantial area of suitable habitat.

3.8 Great Crested Newt Survey Results

The site and its surrounds contain no waterbodies and therefore there is no possibility of great crested newts occurring in either their aquatic or terrestrial phases. The site is therefore considered to offer **negligible potential** for supporting this species.

3.9 Overall Site Assessment

Overall, the site is considered to be of **low ecological value** and contains no vegetation communities of particular ecological value. The damp ground grassland and herbage is of greater botanical interest than would be expected from similarly situated sites.

The site offers minimal potential for supporting protected species. There is low potential for the site to support very small numbers of nesting birds and common species of reptile, and it is likely that small numbers of bats will forage within the site on occasion. The site offers negligible potential for supporting badgers, dormice, and great crested newts.

4.0 EVALUATION, IMPACTS AND RECOMMENDATIONS

4.1 Introduction

This section presents the conclusions of the Phase 1 ecological survey and provides an initial assessment of the likely ecological constraints to any proposed development and recommendations for any further survey work considered necessary. An outline of protected species legislation relevant to the findings of this report is provided in **Appendix 1**.

4.2 Vegetation

4.2.1 Evaluation

The site contains no vegetation communities of particular ecological value. Much of the site has been cleared of vegetation, resulting in a sparsely vegetated site. The bulk of vegetation comprises patchy, damp-ground grasses, sedges and herbs situated within two small fenced areas to the north-west and south-west. Also within these fenced areas are a number of immature-to-mature trees. A cluster of the highly invasive Japanese knotweed is present within the centre of the site.

4.2.2 Potential Impacts of Proposed Development

The proposals for the site will entail the protection of the vast majority of tall trees: it will be necessary to fell several small and/or unsafe/diseased specimens, mostly within the north-western fenced area. The felling of a small number of trees is not considered to be a significant ecological impact. The development proposals will inevitably result in the loss of the vast majority of grassland and herbaceous vegetation within the site, although this is not of great extent or particular ecological value.

The presence of Japanese knotweed within the site is a significant potential constraint. Any movement or transportation of soils within or off the site is highly likely to result in the spread of this plant species. To cause or permit the spread of Japanese knotweed, or soils containing the plant, is an offence under both the Wildlife & Countryside Act (1981) and the Environmental Protection Act (1990).

4.2.3 Recommendations

Wherever possible, the existing damp-ground flora should be encouraged to spread within the non-developed areas of the site: this vegetation is clearly well-adapted to the specific site conditions and is therefore ideally suited to providing ground cover

in any non-amenity grass/herb areas of the developed site. The retained areas beneath the groups of trees should be left to colonise naturally.

It is recommended that any new vegetation planting within the developed site should seek wherever possible to utilise native species, ideally of local provenance: given the site's damp nature, an appropriate 'wetland' plant seed mix should be utilised. The use of native trees/shrubs and the use of wildflower-rich lawns seed mixtures can contribute significantly to the overall biodiversity of a site.

It is recommended that specialist advice is sought regarding the presence of Japanese knotweed and that it is eradicated as soon as possible. The control and removal of this plant can be costly and time-consuming and therefore this issue should be addressed at the very earliest opportunity.

4.3 Badger

4.3.1 Evaluation

The site contains no evidence of badger activity and it is considered unlikely that badgers would occur in the future.

4.3.2 Potential Impacts of Proposed Development

Given the minimal potential for badgers to occur within the site there are highly unlikely to be any impacts associated with the development of the site.

4.3.3 Recommendations

Should a period of 12 months elapse between the date of this report and development works commencing it is recommended that an updating badger survey is undertaken.

4.4 Bats

4.4.1 Evaluation

None of the trees within the site offer any significant bat roosting features such as cracks, holes or splits. The site is considered to offer suitable bat foraging/commuting habitat due to the presence of unlit undeveloped land within an otherwise developed landscape.

4.4.2 Potential Impacts of Proposed Development

The proposed felling of several small trees within the site is highly unlikely to present any impact to roosting bats. The proposed development will reduce the site's overall attractiveness to foraging bats due to a reduction in vegetation cover and an increase in lighting post-development.

4.4.3 Recommendations

No specific recommendations are considered necessary in respect to bats. However, any new dwellings could incorporate a small number of bat roosting features in order to enhance the site's suitability for bat species in the long-term. Roosting features such as self-contained bat bricks can be fitted within a building's structure without compromising its integrity: one-to-two such features per building is considered proportionate. Alternatively, a small number (e.g. three) of Schwegler 1FF bat boxes could be fitted to suitable tall trees within the site to provide bat roosting opportunities.

The use of appropriate native species planting throughout the developed site will provide suitable bat foraging opportunities. Appropriate species would include a range of native flowering shrubs such as hawthorn, rowan, wayfaring tree *Viburnum lantana* and guelder rose *Viburnum opulus*.

4.5 Dormouse

4.5.1 Evaluation

The site contains no areas of suitable dormouse habitat and it is considered that the site offers negligible potential for supporting dormice.

4.5.2 Potential Impacts of Proposed Development

Given that dormice are not considered to be present, the proposed works will have no impact upon dormice or their habitat. No areas of woodland or scrub habitat will be affected by the proposed development works.

4.5.3 Recommendations

No specific recommendations are considered necessary in respect to this species.

4.6 Breeding Birds

4.6.1 Evaluation

The site contains some limited areas of suitably-structured woody vegetation and is therefore considered to offer potential for supporting small numbers of nesting bird species.

4.6.2 Potential Impacts of Proposed Development

Any birds nesting within dense woody vegetation would be directly impacted upon by any proposed removal/alteration works if undertaken during the breeding season, which extends from March to August. If nesting bird species are present, any such works would result in a net loss of potential nesting habitat and may result in disturbance or harm to nesting birds, their eggs or young.

4.6.3 Recommendations

The key recommendation in advance of development is to avoid works to potential nesting habitat within the breeding season. If vegetation removal/alteration works are scheduled for the spring/summer months it is recommended that an investigation is made of suitable habitat by a suitably qualified ecologist prior to any clearance works commencing to check for the presence of nesting birds. Should an active nest be present, clearance works would be delayed until nesting activity has been concluded.

The use of a selection of bird nestbox types installed on tall trees would provide enhanced nesting opportunities for a range of bird species. The use of three each of tit and open-fronted boxes would provide a proportionate enhancement.

4.7 Reptiles

4.7.1 Evaluation

The site contains minimal habitat considered suitable for supporting reptile species. The grassland and herbaceous vegetation present within the site is restricted to patches of sparse habitat situated predominantly within the north-western fenced area. It is considered likely that the site could support very small numbers of common reptile species, although this is likely to comprise transitory individuals rather than a resident population.

4.7.2 *Potential Impacts of Proposed Development*

Given the minimal areas of suitable reptile habitat it is considered that there will be no significant impacts on reptiles associated with any proposed development works within the site: the area of potentially-suitable habitat are situated beneath the existing tall trees at the north-west of the site which will be retained within the site. Any impacts will therefore be associated with ground clearance works within this area: should transitory reptiles be present then clearly such clearance works do have the potential to cause harm to any animals present.

4.7.3 *Recommendations*

Given the low likelihood of reptile species occurring within the site, it is not considered necessary to undertake a full reptile presence/absence survey at this stage. It is however recommended that any further soil stripping is undertaken under ecological watching brief, entailing a suitably qualified ecologist being present during the removal of any areas of grassland and herbaceous vegetation within the north-western fenced area. Any reptiles encountered during these works should be moved by hand to the margins of the site.

4.8 Great Crested Newt

4.8.1 *Evaluation*

The site and surrounds contain no waterbodies and therefore there is negligible potential for the site to support aquatic or terrestrial great crested newts.

4.8.2 *Potential Impacts of Proposed Development*

Due to the absence of suitable waterbodies within the site and immediate surrounds there will be no impacts to great crested newts associated with any proposed development works.

4.8.3 *Recommendations*

No recommendations are considered necessary in respect to great crested newts.

Appendix 1 Protected Species Legislation

Wild Birds²

The Wildlife & Countryside Act 1981 (as amended) is domestic legislation for Great Britain that repeals existing wildlife legislation such as:

- Protection of Birds Acts 1954 to 1967; and
- Conservation of Wild Creatures and Wild Plants Act 1975.

The Act covers the provisions made in these previous acts and provides additional provision for species and countryside protection. The Act is the primary legislation in Great Britain for the protection of flora, fauna and the countryside. The Act includes the UK's domestic implementation of the species protection of the European Directive on the Conservation of Wild Birds (79/409).

Under the Wildlife and Countryside Act 1981 all birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions to intentionally:

- Kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird while it is in use or being built.
- Take or destroy the egg of any wild bird.
- Have in one's possession or control any wild bird (dead or alive) or any part of a wild bird which has been taken in contravention of the Act or the Protection of Birds Act 1954.
- Have in one's possession or control any egg or part of an egg which has been taken in contravention to the Act. This includes items taken or killed before the passing of the Act.
- Have in one's possession or control any live bird of prey of any species in the world (with the exception of vultures and condors) unless it is registered and ringed in accordance with the Secretary of State's regulations.
- Have in one's possession or control any bird of a species occurring on Schedule 4 of the Act unless registered (and in some cases ringed) in accordance with the Secretary of State's regulations.
- 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.

² www.naturenet.net

Common Reptiles

All common reptile species (grass snakes, adders, common lizards and slow worms) native to Britain are protected by the Wildlife & Countryside Act, 1981 (as amended). This legislation makes it illegal to intentionally kill or injure a common reptile. As a result, reptiles must be removed from areas of development and relocated onto suitable release sites before any site works can commence.

Japanese Knotweed

It is an offence under section 14(2) of the Wildlife and Countryside Act (1981) to "plant or otherwise cause to grow in the wild" any plant listed in Schedule 9, Part II to the Act, including Japanese knotweed.

The disposal of soils contaminated by Japanese knotweed, or plant material, is likely to be classified as 'controlled waste' under Part 2 of the Environmental Protection Act (1990). The disposal of treated knotweed waste can also be regarded as 'hazardous waste' under the Hazardous Waste Regulations (2005), depending upon the chemical used in treatment.