



# Preliminary Ecological Appraisal

Banbury 200 Site, Southam Road, Banbury, OX16 3AE

Presented to **Lysander Associates Ltd.**

Issued: October 2021

Delta-Simons Project No. 21-1553.01




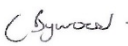
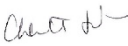
Delta-Simons Environmental Consultants Limited  
Head Office: 3 Henley Office Park, Doddington Road, Lincoln, LN6 3QR  
Tel: 01522 882555 | [www.deltasimons.com](http://www.deltasimons.com)



## Report Details

|                             |   |
|-----------------------------|---|
| <b>Client</b>               | Lysander Associates Ltd.  |
| <b>Report Title</b>         | Preliminary Ecological Appraisal  |
| <b>Site Address</b>         | Banbury 200 Site, Southam Road, Banbury, OX16 3AE   |
| <b>Project No.</b>          | 21-1553.01  |
| <b>Delta-Simons Contact</b> | Catherine Bywood ( <a href="mailto:Catherine.bywood@deltasimons.com">Catherine.bywood@deltasimons.com</a> ) |

## Quality Assurance

| Issue No. | Status | Issue Date                          | Comments | Author  | Technical Review  | Authorised  |
|-----------|--------|-------------------------------------|----------|---|---|---|
| 3         | Final  | 20 <sup>th</sup><br>October<br>2021 |          |  |  |      |
|           |        |                                     |          | <b>Craig Dickson<br/>Consultant<br/>Ecologist</b>                                 | <b>Catherine<br/>Bywood<br/>Senior Ecologist</b>                                    | <b>Charlotte<br/>Sanderson-<br/>Lewis<br/>Associate and<br/>Ecology Team<br/>Leader</b> |

## About us

Delta-Simons is a trusted, multidisciplinary environmental consultancy, focused on delivering the best possible project outcomes for customers. Specialising in Environment, Health & Safety and Sustainability, Delta-Simons provide support and advice within the property development, asset management, corporate and industrial markets. Operating from across the UK we employ over 180 environmental professionals, bringing experience from across the private consultancy and public sector markets.

As part of Lucion Services, our combined team of 500 in the UK has a range of specialist skill sets in over 50 environmental consultancy specialisms including asbestos, hazardous materials, ecology, air and water services, geo-environmental and sustainability amongst others.



Delta-Simons is proud to be a founder member of the Inogen Environmental Alliance, enabling us to efficiently deliver customer projects worldwide by calling upon over 5000 resources in our global network of consultants, each committed to providing superior EH&S and sustainability consulting expertise to our customers. Through Inogen we can offer our Clients more consultants, with more expertise in more countries than traditional multinational consultancy.

Delta-Simons is a 'Beyond Net-Zero' company. We have set a Science-Based Target to reduce our Scope 1 and Scope 2 carbon emissions in line with the Paris Agreement and are committed to reducing Scope 3 emissions from our supply chain. Every year we offset our residual emissions by 150% through verified carbon removal projects linked to the UN Sustainable Development Goals. Our consultancy services to you are climate positive.

If you would like support in understanding your carbon footprint and playing your part in tackling the global climate crisis, please get in touch with your Delta-Simons contact above who will be happy to help.

## Executive Summary

|  |  |
|--|--|
| <b>Scope of Works</b>  | Delta-Simons Environmental Consultants Ltd was instructed by Lysander Associates Ltd. ('the Client') to undertake a Preliminary Ecological Appraisal (PEA) of an area of land known as Banbury 200 west of Southam Road in Banbury, Oxfordshire (the Site'). The PEA comprised a Phase 1 Habitat Survey and protected species assessment, which were completed on 11 <sup>th</sup> January 2021 in the east of the Site, and on 29 <sup>th</sup> March 2021 in the west of the Site. The survey was undertaken to inform a planning application for the Site.  |
| <b>Current Site Status</b>   | The majority of the Site comprises of an industrial warehouse with associated hardstanding car parking, access and service yard. Soft landscaping comprised areas of amenity grassland in the north-western and north-eastern corners of the Site and along the southern Site boundary. Areas of shrub planting were present to the east of the warehouse and around the car park in the west. Scattered trees were located in the north-west of the Site, along the southern edge and along the grassland slope through the Site centre. A stream ran through the north-western extent of the Site, which was in part culverted.  |
| <b>Proposed Development</b>  | It is understood that the proposed development is for the use of the Site for the storage of operational vehicles, together with elevational and site alterations, associated parking, welfare facilities, vehicle barrier and associated infrastructure.  |
| <b>Results:</b><br><br><b>Habitats on-Site</b><br><br><br><br><br><br><br><br><br><br><b>Habitats Adjoining the Site</b><br><br><br><br><b>Potential for Protected/Notable Species</b> | The following habitats are found on the Site:<br><ul style="list-style-type: none"> <li>▲ Scattered broadleaved trees;</li> <li>▲ Scattered scrub;</li> <li>▲ Poor semi-improved grassland;</li> <li>▲ Running water;</li> <li>▲ Amenity grassland;</li> <li>▲ Introduced shrubs;</li> <li>▲ Buildings;</li> <li>▲ Hardstanding; and</li> <li>▲ Fences and walls.</li> </ul> The Site is set on the edge of an industrial estate, north of Banbury. Located beyond the northern boundary is a continuation of the industrial estate. Beyond the eastern boundary lies a Waitrose supermarket and Southam Road beyond, and to the south is a cemetery and residential housing. West of the Site is a continuation of the car park area with Ruscote Avenue beyond.<br><br>The scattered trees, dense scrub and shrubs offer nesting opportunities for species of birds.<br><br>There was a single tree in the north-western area of the Site assessed as having Low Bat Roost Potential (BRP, and see Target Note 1) and off-Site, five ash trees overhanging the southern boundary of the Site were assessed as offering low BRP. Building (B1) in the north of the Site was also assessed as offering Low BRP. The Site offers minimal opportunities for bats for foraging, commuting, though the Site is functionally connected to suitable habitat in the wider area. |

|  |   |
|--|---|
| <p><b>Requirement for Further Surveys</b></p>  | <p>The findings of the initial Site assessment are considered sufficient to inform the anticipated development proposals, and no further survey work regarding protected and priority species and habitats is deemed necessary at this time.</p> <p>However, should the nature of the developments change and B1 require demolition, then a single nocturnal bat survey will be required during May-August, inclusive, to inform the planning application.</p>  |
| <p><b>Construction and Operational Phase Recommendations and Enhancement Measures</b></p>  | <p>The detailed recommendations set out within the Report are summarised below:</p> <p><u>Nesting Birds</u></p> <ul style="list-style-type: none"> <li>▲ If required, any management of the trees overhanging the southern Site boundary should be undertaken either before early March or after late August in order to avoid the main bird nesting season;</li> <li>▲ The clearance of scattered trees, scrub and shrubs from the Site should be performed either before early March or after late August in order to avoid the main bird nesting season. Conflict with the development can be avoided by performing clearance outside of the breeding period in advance of any proposed works; and</li> <li>▲ If, however, works are deemed necessary during the nesting period, an experienced ecologist will be required to check the habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed works.</li> </ul> <p><u>Bats</u></p> <p>It is understood that no works are proposed to the five ash trees immediately beyond, but overhanging, the southern boundary of the Site assessed as offering low BRP, nor to the on-Site tree with low BRP in the north-west. However, should management of these trees be required, an ecologist should first be consulted to advice on the potential impacts of the works in relation to roosting bats and the requirement for any further surveys and/or mitigation measures.</p> <p><b>Site Enhancements</b></p> <p>A list of recommendations to enhance the biodiversity of the Site are found in Section 6.0 of this Report.</p> |
| <p><b>This Preliminary Ecological Appraisal Executive Summary is intended as a summary of the assessment of the Site based on information received by Delta-Simons at the time of production. This Executive Summary should be read in conjunction with the full Report.</b></p> |   |

# Table of Contents

|   |    |
|---|----|
| 1.0 INTRODUCTION.....   | 1  |
| 1.1 Purpose and Scope of the Survey.....                                    | 1  |
| 1.2 Site Description.....   | 1  |
| 1.3 Proposed Development.....   | 1  |
| 2.0 LEGISLATION & POLICY SUMMARY.....                                       | 2  |
| 3.0 METHODOLOGY.....  | 3  |
| 3.1 Desk Study.....   | 3  |
| 3.2 Survey.....   | 3  |
| 3.2.1 Birds.....  | 3  |
| 3.2.2 Amphibians.....   | 4  |
| 3.2.3 Reptiles.....   | 4  |
| 3.2.4 Bats.....   | 4  |
| 3.2.5 Badgers.....  | 4  |
| 3.2.6 Otters.....   | 4  |
| 3.2.7 Water Voles.....  | 4  |
| 3.2.8 Other Protected or Notable Species.....                               | 4  |
| 3.2.9 Invasive Species.....   | 4  |
| 3.2.10 Limitations to the Survey.....                                       | 4  |
| 4.0 RESULTS.....  | 5  |
| 4.1 Desk Study.....   | 5  |
| 4.2 Survey.....   | 6  |
| 4.2.1 Habitats on Site.....   | 6  |
| 4.2.2 Habitats Immediately Surrounding the Site.....                        | 8  |
| 4.3 Notable and Protected Species Assessment Relevant to the Site.....      | 8  |
| 5.0 EVALUATION.....   | 11 |
| 6.0 RECOMMENDATIONS.....  | 12 |
| 6.1 Further Survey Requirement.....   | 12 |
| 6.2 Construction and Operational Phase Protection/Enhancement Measures..... | 12 |
| 7.0 DISCLAIMER.....   | 14 |

## Tables

|         |  |
|---------|--|
| Table 1 | National Statutory Designated sites within 2 km of the Site centre |
| Table 2 | Non-Statutory Designated sites within 2 km of the Site centre      |

## Figures

|          |                             |
|----------|-----------------------------|
| Figure 1 | Site Location Map           |
| Figure 2 | Phase 1 Habitat Survey Plan |

## Appendices

|            |   |
|------------|---|
| Appendix A | Relevant Legislation  |
| Appendix B | References  |
| Appendix C | Assessment of Structures, Trees and Habitats for Bats           |
| Appendix D | Target Notes  |
| Appendix E | Site Photographs  |
| Appendix F | Native Floral Species to Plant for Wildlife Enhancement On-Site |



## 1.0 Introduction

### 1.1 Purpose and Scope of the Survey

Delta-Simons Environmental Consultants Ltd was instructed by Lysander Associates Ltd. ('the Client') to undertake a Preliminary Ecological Appraisal (PEA) of land west of Southam Road in Banbury, Oxfordshire (hereafter referred to as the "Site"). In addition, public land immediately surrounding the Site was surveyed, where access allowed. The survey was undertaken to inform a planning application for the Site.

The aims of the PEA were to:

- ▲ Identify habitat types on the Site using the standard methodology devised by the Joint Nature Conservation Committee (JNCC, 2010);
- ▲ Identify areas of potential for protected species/species of conservation concern within the Site;
- ▲ Identify areas of potential for protected species/species of conservation concern immediately outside the Site;
- ▲ Identify any invasive plant species included within Schedule 9 of the Wildlife and Countryside Act (WCA) 1981 (as amended);
- ▲ Prepare a Phase 1 Habitat Plan of the Site; and
- ▲ Propose recommendations for further surveys, where appropriate.

The Site location and the survey area are shown in Figure 1.

### 1.2 Site Description

The Site is centred at Ordnance Survey (OS) grid reference SP 45110 41443, to the north-west of Banbury. The Site covers an area of 5.45 hectares (ha) and is dominated by an industrial warehouse with associated hardstanding car parking, access and service yard. Soft landscaping comprised areas of amenity grassland in the north-western and north-eastern corners of the Site and along the southern Site boundary. Areas of shrub planting were present to the east of the warehouse and around the car park in the west. Scattered trees were located in the north-west of the Site, along the southern edge and along the grassland slope through the Site centre. A stream ran through the north-western extent of the Site, which was in part culverted.

The Site is set on the edge of an industrial estate, north of Banbury. Located beyond the northern boundary is a continuation of the industrial estate and a stream lies to the north-west. Beyond the eastern boundary lies a Waitrose supermarket and Southam Road beyond and to the south is a cemetery and residential housing. West of the Site is a continuation of the car park area with Ruscote Avenue beyond.

The Site layout is shown in Figure 2.

### 1.3 Proposed Development

It is understood that the proposed development is for the use of the Site for the storage of operational vehicles, together with elevational and site alterations, associated parking, welfare facilities, vehicle barrier and associated infrastructure.

## 2.0 Legislation & Policy Summary

Specific habitats and species of relevance to the Site receive legal protection in the United Kingdom under various pieces of legislation, including:

- ▲ National Planning Policy Framework (NPPF, revised 2021);
- ▲ The Conservation of Habitats and Species Regulations 2017 (as amended);
- ▲ The Wildlife and Countryside Act (WCA) 1981 (as amended);
- ▲ The Countryside and Rights of Way (CRoW) Act 2000;
- ▲ The Natural Environment and Rural Communities Act (NERC) 2006; and
- ▲ The Protection of Badgers Act 1992.

Where relevant, this appraisal takes account of the legislative protection afforded to specific habitats and species. The legislation surrounding each faunal or floral species or group is provided in Appendix A and references are included in Appendix B.

## 3.0 Methodology

The PEA has been undertaken to the following current guidance: CIEEM (2017), Guidelines for Preliminary Ecological Appraisal; and BS 42020: 2013 Biodiversity. Code of Practice for Planning and Development.

### 3.1 Desk Study

#### Data Search

A data search was undertaken to identify statutory and non-statutory designated sites and records of protected and notable species.

In January 2021 for the east of the Site, and March 2021 for the west of the Site, available records of protected and notable species were collated from the local record centre, Thames Valley Environmental Records Centre (TVERC), along with the non-statutory designated sites within a 2 km radius of the Site centre. A search for international statutory designated sites for nature conservation within 6 km of the Site was undertaken, together with a search for national statutory designated sites for nature conservation within 2 km of the Site centre, using the Multi-Agency Geographic Information for the Countryside (MAGIC) website.

In addition, free and publicly accessible Ordnance survey maps and aerial photographs were searched for waterbodies on, or within, 500 m of the Site boundary. This information has been used to assess the Site for its potential for amphibians, the results of which are found in Section 4.3.

### 3.2 Survey

The habitats on the Site and on adjoining land to 100 m, were surveyed on 11<sup>th</sup> January 2021 for the east of the Site, and 29<sup>th</sup> March 2021 for the west of the Site, by a Delta-Simons ecologist. Since access was not permitted to the surrounding land, it was visually assessed from the Site boundary.

The following was undertaken during the survey:

- ▲ Habitats were classified and mapped using the standard JNCC Phase 1 habitat classification and methodology (JNCC, 2010). Dominant plant species were recorded in each different habitat. The plant species nomenclature followed that of Stace (2010);
- ▲ Terrestrial habitats on-Site were surveyed for the presence of, or potential for the following protected or notable species:
  - ▲ Birds: All species with special reference to key species (such as those on Schedule 1 of the WCA, 1981 (as amended), England Biodiversity Priority Species (EBP) (previously UK Biodiversity Action Plan (UKBAP) species) and Birds of Conservation Concern (BoCC) (Eaton et al., 2015);
  - ▲ Amphibians: Great Crested Newt (GCN) *Triturus cristatus*;
  - ▲ Reptiles: common lizard *Zootoca vivipara*, adder *Vipera berus*, slow worm *Anguis fragilis* and barred grass snake *Natrix helvetica*; and
  - ▲ Mammals: bat (all species) and badger *Meles meles*.
- ▲ Aquatic habitats were assessed for their potential to support, and any signs of otter *Lutra lutra*, water vole, *Arvicola amphibius* white clawed crayfish *Austropotamobius pallipes*, GCN, and barred grass snake; and
- ▲ Widespread terrestrial and aquatic invasive species listed on Schedule 9 of the WCA 1981 (as amended) were recorded. These are Japanese knotweed, *Fallopia japonica* giant knotweed *Fallopia sachalinensis* hybrid knotweed, *Fallopia baldschuanica*, giant hogweed *Heracleum mantegazzianum*, Himalayan balsam *Impatiens glandulifera*, and New Zealand pygmyweed *Crassula helmsii*.

#### 3.2.1 Birds

Visual and/or audible identification was made of any birds on the Site or flying over the Site during the survey period. Suitable habitat was, where possible, inspected and any evidence of old nesting activity was recorded.



### 3.2.2 Amphibians

The terrestrial habitats at the Site were assessed for their potential to support amphibian species and a desk search was undertaken (see Section 3.1).

### 3.2.3 Reptiles

During the March 2021 survey visit, a cold-searching method was employed which involved identifying suitable habitats for reptiles within areas on-Site and immediately off-Site. Natural and artificial refugia (logs, large debris and so on) were lifted and examined for the presence of reptiles and their field signs (such as shed skins).

During the January 2021 survey of the eastern area of the Site, suitable habitats for reptiles were identified within areas on-Site. Since reptiles were hibernating at the time, natural and artificial refugia (logs, large debris etc.) were not checked beneath for the presence of reptiles.

### 3.2.4 Bats

The Site was assessed for its suitability to support roosting and foraging bats (see Appendix C).

### 3.2.5 Badgers

The Site was inspected for signs of badger activity, including sett entrances, latrines, footprints, runs through vegetation, guard hairs caught on fences and snuffle holes, and its suitability to support this species assessed.

### 3.2.6 Otters

Suitable habitats for otter on-Site and immediately off-Site were identified and assessed.

### 3.2.7 Water Voles

Suitable habitats for water vole on-Site and immediately off-Site were identified and assessed.

### 3.2.8 Other Protected or Notable Species

Where applicable, during the survey, evidence was recorded of any other protected or notable species, including England Biodiversity Priority (EBP) species. Habitats with the potential to support additional protected or notable species were also recorded, if present, during the survey.

### 3.2.9 Invasive Species

The occurrence of any invasive plant species on the Site was identified in terms of species and stand size.

### 3.2.10 Limitations to the Survey

There were no limitations to the survey in terms of access and weather conditions. The survey of the eastern half of the Site was undertaken during the sub-optimal time of year for identifying plant species, however, due to the nature of the Site and the habitats present, this is not considered to be a significant limitation to the assessment of habitat type or value.

The baseline conditions described in this report were accurate at the time at which the survey was undertaken. Should at least two years pass by, and/or conditions on-Site/Site usage change prior to the commencement of works, an update survey should be undertaken.

## 4.0 Results

### 4.1 Desk Study

The pertinent information from the data search is set out below for designated sites, whilst species are discussed in the relevant species sections. Full results of the TVERC data search are available to the Client on request.

#### Designated Sites

The results of the MAGIC data search and the TVERC desk search indicate that there are no internationally designated sites within 6 km of the Site boundary. One national designated site was identified within 2 km of the Site, this being Neithrop Fields Cutting Site of Special Scientific Interest (SSSI) located 920 m west, designated for geological reasons. There were a further three non-statutory designated sites within 2 km of the Site centre, all of which were proposed District Wildlife Sites (pDWS). Tables 1 and 2, below, set out the designated sites identified.

**Table 1: National Statutory Designated sites within 2 km of the Site centre**

| Site Name               | Designation | Distance and Direction from Site Boundary | Designation Criteria Summary |
|-------------------------|-------------|---|------------------------------|
| Neithrop Fields Cutting | SSSI        | 920 m west                                | Geological designated site.  |

**Table 2: Non-Statutory Designated sites within 2 km of the Site centre**

| Site Name             | Designation | Distance and Direction from Site Boundary | Designation Criteria Summary   |
|-----------------------|-------------|---|--|
| Grimsbury Reservoir   | pDWS        | 720 m north-east                          | Grimsbury Reservoir is the largest area of standing water in North Oxfordshire. It is fed by the River Cherwell and used both as a water supply and for sporting activities. There is a walk around two sides of the reservoir which link up with the canal towpath.   |
| Grimsbury Wood        | pDWS        | 1.2 km north-east                         | Grimsbury Wood is a nature reserve managed by Banbury Ornithological Society Reserve for Thames Water. The site is Scot's pine <i>Pinus sylvestris</i> and alder <i>Alnus glutinosa</i> , originally planted by the Forestry Commission. A mixture of birds has been recorded here including wintering Siskin <i>Spinus spinus</i> and Lesser Redpolls <i>Acanthis cabaret</i> and warblers in the summer. |
| Cherwell Country Park | pDWS        | 1.42 km north-east                        | Cherwell Country Park includes wet grassland and fen on the floodplain of the River Cherwell. There is also sedge filled ditches and areas of rough grassland along a section of disused railway.  |

## 4.2 Survey

### 4.2.1 Habitats on Site

The Site is characterised by an existing warehouse and hardstanding with areas of managed grassland, scattered trees and shrubs. The Site is currently divided into two halves by a fence.

Figure 2 shows the extent of habitat types and boundary features. Descriptions of the habitat types and dominant plant species found at the Site are provided below. Habitat descriptions and codings are by broad habitat type, as listed in the Phase 1 Habitat Survey Manual (JNCC, 2010). Target Notes (TNs) are listed under Appendix D whilst photographs of the Site survey are located in Appendix E.

Habitats recorded on Site are:

#### Scattered Broadleaved Trees

There were scattered broadleaved trees at the Site, predominately in the north-western grassland area and inside the boundary in the centre and south-west (Photograph 1). Species recorded were silver birch *Betula pendula*, false acacia *Robinia pseudoacacia*, London plane *Platanus x acerifolia*, hornbeam *Carpinus betulus*, sycamore *Acer pseudoplatanus*, whitebeam *Sorbus aria* and cherry *Prunus* sp.

Four semi-mature broadleaved trees were located in the south-eastern corner of the Site (Photograph 2) comprising of sycamore *Acer pseudoplatanus* and common lime *Tilia x europaea*.

#### Scattered Coniferous Trees

There was a well-managed block of Leyland cypress x *Cuprocyparis leylandii* in the north-western extent of the Site, which bisected two areas of grassland (Photograph 3).

#### Scattered and Dense Scrub

To the south of the building in the north-eastern corner of the Site, there was extensive buddleia *Buddleja davidii* scrub, around the bike shelters within a fenced area (Photograph 4). North of the building was a small area of scrub dominated by bramble *Rubus fruticosus* agg with a cherry tree sapling and an introduced palm species *Arecaceae* sp., recorded adjacent to the building.

In the south of the Site was a shrub bed which had scrubbed over. Species included yew *Taxus baccata*, willow *Salix* sp., cypress *Cupressus* sp. and ash saplings, were identified but it was overgrown with bramble growth (Photograph 5).

A small patch of elder *Sambucus nigra* scrub was located at the southern boundary of the Site within the poor semi-improved grassland.

#### Poor Semi-Improved Grassland

An earth bund towards the centre of the southern Site boundary had been colonised by poor semi-improved grassland (Photograph 6) including abundant bristly oxtongue *Helminthotheca echioides*, frequent ribwort plantain *Plantago lanceolata*, moss *Bryophyta* spp, perennial ryegrass *Lolium perenne*, creeping buttercup *Ranunculus repens*, occasional broadleaved dock *Rumex obtusifolius*, creeping thistle *Cirsium arvense*, bird foot trefoil *Lotus corniculatus*, crested dogs tail *Cynosurus cristatus*, common nettle *Urtica dioica*, yarrow *Achillea millefolium*, cocks foot *Dactylis glomerata*, dandelion *Taraxacum officinale*, knapweed *Centaurea* spp, oxeye daisy *Leucanthemum vulgare*, spear thistle *Cirsium vulgare*, bramble *Rubus fruticosus* agg, rosebay willowherb *Chamaenerion angustifolium* and rare bearded couch *Elymus caninus*, coltsfoot *Tussilago farfara* and annual honesty *Lunaria annua*.

A narrow strip of unmanaged poor semi-improved grassland was also located at the southern edge of the western hardstanding, with a combination of herb and ruderal species including frequent perennial ryegrass, ribwort plantain, and common daisy *Bellis perennis*. Willowherb, spear thistle *Cirsium vulgare*, dandelion, nettle, and groundsel *Senecio vulgaris*, were recorded occasionally. Ash and elder *Sambucus nigra* saplings were growing in the grassland.

## Running Water

A stream ran through the amenity grassland in the north-western extent of the Site with managed grass banks, and outlet/inlet walls. It supported a steady flow of water ranging between 10 cm deep and 30 cm deep and averaging 1 m wide (Photograph 7), no aquatic vegetation was present, and it was culverted to the east and west, as well as beneath the footpath.

## Amenity Grassland

Amenity grassland defined the north-western extent of the Site (Photograph 8). The grassland was dominated by perennial ryegrass and annual meadow grass *Poa annua*, with frequent common daisy, ribwort plantain, and buttercup *Ranunculus acris*. Lesser celandine *Ficaria verna*, groundsel, greater plantain *Plantago major*, speedwell *Veronica* sp., dandelion, cut-leaved cranesbill *Geranium dissectum*, and red dead nettle *Lamium purpureum* were all recorded occasionally. The grassland was cut to a sward height of less than 5 cm.

The narrow strips of amenity grassland surrounding the carpark in the southern extent of the Site had a similar composition with some variations. Species recorded included abundant perennial ryegrass and cocksfoot *Dactylis glomerata*, frequent common nettle, and red fescue *Festuca rubra*, occasional creeping thistle *Cirsium arvense*, cleavers *Galium aparine*, lesser celandine, daisy, and buttercups. Rose *Rosa* sp., bramble, hogweed *Heracleum sphondylium*, red dead nettle and white violet *Viola alba* were all recorded rarely. The grassland margins were less managed than the grassland in the north.

Amenity grassland was present along banks at the south-eastern boundary and at the north-eastern corner of the Site (Photograph 9). At the time of the survey, it supported an approximate sward length of 5-10 cm with dominant perennial rye grass and occasional white clover *Trifolium repens*, birds foot trefoil, ribwort plantain, cranesbill *Geranium* spp and annual meadow grass *Poa annua*.

## Introduced Shrubs

The introduced shrub beds in the north and south of the existing western car park consisted of cypress, box-leaved honeysuckle *Lonicera pileata*, and dogwood *Cornus sanguinea*, with cherry, and bramble scrub (Photograph 10). Within the grassland to the north, shrubs also included cherry laurel *Prunus laurocerasus*, *Forsythia* sp. with bramble scrub.

A sparse row of immature Japanese privet *Ligustrum japonicum* was located within a shrub bed adjacent to the eastern aspect of the main warehouse building.

## Buildings

A large metal constructed warehouse dominated the Site (Photograph 11). It had a flat roof with loading bays to the south and supported lighting around all aspects of the building. A small security cabin was located within the south-eastern aspect at the entrance to the Site (Photograph 12). A small metal substation was located in the south-eastern corner of the Site (Photograph 13).

A small building was located at the northern edge of the Site, which was brick-built with a flat felted roof and a canopy to the east (Photograph 14).

## Hardstanding

A large portion of the Site comprised hardstanding with a mix of tarmac and concrete forming the access, car parking (Photograph 15) and service yard. Hardstanding to the south of the building supported buddleia scrub.

## Fences and Walls

Security fencing defined portions of the boundary, along the southern boundary in particular, whilst post and mesh fencing bisected the amenity grassland in the north-western extent of the Site. Wooden panel fencing formed part of the eastern boundary and part of the central fence dividing the Site with the remainder comprising concrete post and mesh. Retaining walls were present on the north-western corner of the Site and water inlets/outlet walls were associated with the stream.

## 4.2.2 Habitats Immediately Surrounding the Site

The Site is set on the edge of an industrial estate with further buildings in the industrial estate to the north. Beyond the eastern boundary lies a Waitrose supermarket and Southam Road beyond. To the south-east lies a cemetery beyond a line of trees (Photograph 16) and residential housing is present to the south. To the west lies a continuation of the car park and Ruscote Avenue with green space and residential properties beyond, whilst a supermarket lies to the north-west.

## 4.3 Notable and Protected Species Assessment Relevant to the Site

### Birds

Data records indicate that 21 species of birds currently listed on Schedule 1 of the WCA (1981), as amended, were recorded within 2 km of the Site centre in the past ten years, of which none are likely to utilise the habitats found on-Site given its urban location and associated habitats. A further 32 species of birds currently listed on the Red List of BoCC (Eaton et al., 2015), were recorded within 2 km of the Site centre in the past ten years, including black redstart *Phoenicurus ochruros*, grey wagtail *Motacilla cinerea*, house sparrow *Passer domesticus*, song thrush *Turdus philomelos*, starling *Turdus vulgaris*, which may utilise the habitats found on-Site in combination with off-Site habitats.

Habitats featured on the Site suitable for nesting birds include the scattered trees, dense scrub and introduced shrubs. No bird nesting activity was observed at the time of the inspection.

Bird species recorded across the two Site visits were wood pigeon *Columba palumbus*, collared dove *Streptopelia decaocto*, carrion crow *Corvus corone*, black bird *Turdus merula*, robin *Erithacus rubecula*, dunnock *Prunella modularis*, blue tit *Cyanistes caeruleus*, wren *Troglodytes troglodytes*, magpie *Pica pica*, goldfinch *Carduelis carduelis*, grey wagtail, and house sparrow *Passer domesticus*, the two species are listed on the Red List of BoCC. Red kite was also recorded flying within the area, but was not considered to be using the Site itself. It should be noted that this is not a comprehensive inventory of the bird species which may be present at the Site.

### Great Crested Newts

The data search provided four records of GCN to be located within 2 km of the Site centre in the past 10 years. All four records are from the same location 1.66 km north of the Site in 2015.

The Site did not support any standing water and was considered to offer sub-optimal terrestrial habitat for commuting and foraging GCN given the extensive hardstanding coverage. A review of aerial photographs and OS maps revealed that there are no ponds within 500 m of the Site to support breeding amphibians. There are open drains off-Site to the north, however, these do not offer any connectivity to suitable habitat in the wider area and support flowing water. GCN are, therefore, not considered to be a constraint at this Site and are not considered further within this Report.

### Reptiles

The data search provided three records of common lizard and four records of grass snake within 2 km of the Site centre in the past 10 years. The closest record of common lizard being located 1.38 km south-east from the Site boundary in 2014. The closest record of grass snake being located 780 m south of the Site in 2017.

The Site was not considered suitable to support reptiles, comprising of limited soft landscaping dominated by amenity grassland. Situated in an urban location with surrounding industrial developments, the Site is largely isolated from other suitable habitat, with the cemetery to the south, appearing well managed and offering only limited opportunities for reptile species. Reptiles are not considered to be a constraint at this Site and are not considered further within this Report.

### Bats

The data search indicated that at least eight species of bats have been recorded within 2 km of the Site centre in the past ten years, with subsequent records of unidentified bat species. Details of the species identified are as follows:

- ▲ Twenty records of common pipistrelle *Pipistrellus pipistrellus*, between 2014 and 2020, the closest of which was 1 km south of the Site boundary in 2016, whilst the most recent records were 1.3 km north of the Site boundary in 2020;
- ▲ Six records of soprano pipistrelle *Pipistrellus pygmaeus*, between 2018 and 2020, the closest of which was 1.2 km north of the Site boundary in 2017, whilst the most recent records were 1.3 km north of the Site boundary in 2020;
- ▲ Eleven records of noctule *Nyctalus noctula*, between 2012 and 2019, the closest of which was 1.2 km north of the Site boundary in 2017, whilst the most recent records were 1.73 km south-west in 2019;
- ▲ One record of brown long-eared bat *Plecotus auritus*, from 2011, approximately 1.17 km south-east of the Site boundary;
- ▲ Three records of Daubenton's bat *Myotis daubentonii*, from 2012 and 2018, the closest and most recent of which were 1.43 km north of the Site boundary in 2018;
- ▲ Two records of Leisler's bat *Nyctalus leisleri*, both from 2019, approximately 1.73 km south-west of the Site boundary;
- ▲ One record each of serotine *Eptesicus serotinus* and western barbastelle *Barbastella barbastellus*, both from 2019 approximately 1.73 km south-west of the Site boundary; and
- ▲ One record of western barbastelle located 1.91 km south-west of the Site boundary in 2019.

There were subsequent records of unidentified species of bats, including long-eared species *Plecotus* sp. There were no records of roosts within 2 km of the Site centre in the past ten years.

The building in the north-west was a single-storey brick-built building with a flat felted roof (Photograph 13). There was a small gap between the wooden fascia and the brickwork on the southern aspect of the building (Photograph 17), in addition to superficial gaps in the brickwork with loose mortar. A window on the northern aspect was smashed which could allow access into the building for bats, however, there was dense shrub growth which would potentially deter bats in flight. The building was assessed as having **Low BRP**.

The remaining buildings at the Site lacked the structural and climatic conditions to support roosting bats.

There were scattered trees at the Site, the majority of which did not offer any features suitable for roosting bats. There was a single false acacia tree (TN1 Photograph 18) on the western boundary of the Site, within the amenity grassland, which had a snapped branch and a large crack on the main stem, it was assessed as having **Low BRP**.

None of the other trees on Site were recorded to provide potential roosting opportunities, however, a total of five trees immediately adjacent to, and overhanging, the southern Site boundary were assessed as having low BRP. Four semi-mature ash trees (TN2-5; Photograph 16) supported ivy growth which would offer limited roosting potential in itself but may be obscuring other damage that could provide potential. A fifth ash tree adjacent to the southern boundary contained damage on the stem from ground level to approximately 1 m, creating a cavity, which although lower to the ground may offer opportunities for roosting bats (TN6).

The hardstanding to the south of the building had extensive buddleia scrub which would provide suitable foraging opportunities for bats, in addition to the introduced shrub around the Site. The trees on-Site continue off -Site, providing connectivity to the wider area along Ruscote Avenue, and in particular the cemetery to the south-east of the Site. The drain to the north-west of the Site provides further foraging and commuting opportunities. Furthermore, there are residential properties to the south and west of the Site, which could offer roosting opportunities for bats that may then commute onto the Site to forage. The Site is currently subject to light spill from security lighting and street lighting in the wider area.

## Badgers

The data search provided 22 records of badgers to be within 2 km of the Site in the past 10 years however, details are confidential due to welfare issues.

The Site did not support any evidence to indicate that badgers were using or inhabiting it. There were no sett entrances, latrines, snuffle holes, mammal runs or badger dung found within the survey area. The Site offers



limited suitable habitats for badger to occur on-Site, with only the grassland offering suitable foraging habitat. The Site is bound by fencing on all aspects which is likely to discourage badger access, although a rabbit burrow was recorded within the south-west corner of the on-Site bund (TN7). Badgers are, therefore, not considered to be a constraint at this Site and are not considered further within this Report.

### **Otters**

The data search provided 21 records of European otter to be located within 2 km of the Site centre in the past 10 years. The closest record was located 910 m north-east of the Site boundary associated with Grimsby Reservoir.

There is no suitable habitat for otters to occur within the Site. The stream is culverted and lacks connectivity to other watercourses. Otters are therefore, not considered to be a constraint at this Site and are not considered further within this Report.

### **Water Voles**

The data search did not provide any records of water voles to be within 2 km of the Site centre in the past 10 years.

The Site itself did not support any suitable habitat for this species, the stream located towards the north-western boundary comprised only a short section of open water, culverted at either end such that it was disconnected from wider habitat and not considered suitable to support water vole. As such, water voles are not considered a constraint at this Site and are not considered further within the Report.

### **Other Protected Species**

The data search provided 10 records of west European hedgehog to be located within 2 km of the Site centre in the past 10 year. The closest record being 470 m west of the Site boundary in 2019. The Site lacked significant structural vegetation to provide shelter for this species and fencing defines much of the boundary such that the risk of hedgehog occurring on-Site is considered to be low. As such this species is not considered further within this Report.

### **Invasive Species**

The data search provided five records of Japanese knotweed to be located within 2 km of the Site centre in the past 10 years. The closest record being 680 m south-east from the Site in 2015.

No widespread invasive weeds were recorded during the Site survey and there were no recorded instances of invasive weeds on-Site or adjacent to the Site within the past ten years, such that invasive weeds are not considered to be a constraint at the Site.

## 5.0 Evaluation

### Designated sites-statutory sites/non-statutory sites

The Neithrop Fields Cutting SSSI is designated for geological interest, such that the development of the Site will not impact detrimentally on the site. Due to the distances and separation from the Site by the busy road network, including the A361, A422, and A423, in addition to existing industrial infrastructure, as well as the scale and nature of the proposals, there are not anticipated to be any significant adverse impacts on the non-statutory designated sites identified.

### Habitats

The ecological value of the habitats found on-Site is low, since they are limited to scattered trees and low-quality grassland with hardstanding, buildings, a partially culverted stream and introduced shrubs. The scattered trees offer the most value, with low numbers and a small amount of scrub and shrubs anticipated to be lost to facilitate the proposals. The proposed development will primarily impact on areas of hardstanding and with the proposed tree, hedgerow, shrub, and scrub planting around the Site, there is an opportunity to increase the overall biodiversity value of the habitats on-Site.

### Species

The Site provided limited opportunities for protected and notable species, and its location within an urban area further limit opportunities for these species.

The scattered trees, dense scrub and shrubs offer nesting opportunities for species of birds. The proposed development will require the removal of nesting habitat in the north-west and south of the Site and mitigation will be required to ensure no nesting birds are disturbed by the construction works and that compensatory habitat is provided.

There was a single on-Site tree assessed as having low BRP, with a further five off-Site trees, in addition to the building (B1) in the north of the Site offering low BRP, however, it is understood that the on-Site tree and building are set to remain as part of the proposed development, and no works are anticipated to the off-Site trees. However, should the nature of the developments change, then further surveys will be required to ensure no bats are harmed during the Site clearance works. The Site offers limited opportunities for bats for foraging and commuting, though it is functionally connected to suitable habitat in the wider area. The lighting plan has been designed to ensure that there is no increase in light spill onto sensitive habitats to the north, east and south, from that currently, since they may offer opportunities for foraging and commuting.

## 6.0 Recommendations

### 6.1 Further Survey Requirement

The findings of the initial Site assessment are considered sufficient to inform the anticipated development proposals, and no further survey work regarding protected and priority species and habitats is deemed necessary at this time.

However, should the nature of the developments change and B1 require demolition, then a single nocturnal bat survey will be required during May-August, inclusive, to inform the planning application.

### 6.2 Construction and Operational Phase Protection/Enhancement Measures

#### Species Protection

##### Nesting Birds

- ▲ If required, any management of the trees overhanging the southern Site boundary should be undertaken either before early March or after late August in order to avoid the main bird nesting season. If, however, works are deemed necessary during the nesting period, an experienced ecologist will be required to check the habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed works.
- ▲ The clearance of scattered trees, scrub and shrubs from the Site should be performed either before early March or after late August in order to avoid the main bird nesting season. Conflict with the development can be avoided by performing clearance outside of the breeding period in advance of any proposed works; and
- ▲ If, however, clearance works are deemed necessary during the nesting period an experienced ecologist will be required to check the Site habitats in the east immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed works.

##### Bats

It is understood that no works are proposed to the five ash trees immediately beyond, but overhanging, the southern boundary of the Site assessed as offering low BRP, nor to the on-Site tree with low BRP in the north-west. However, should management of these trees be required, an ecologist should first be consulted to advice on the potential impacts of the works in relation to roosting bats and the requirement for any further surveys and/or mitigation measures.

The detailed lighting design for the Site (10393-PL-400 External Lighting Lux Level Plot) has been designed to be functional and directional and in line with current guidance through:

- ▲ The use of lights utilising light emitting diodes (LEDs) without UV elements, thereby reducing the attraction of invertebrates to the lights;
- ▲ Only luminaires with 0 % upward light ratio will be used and fitted on the horizontal to prevent excessive up-lighting, back lighting and light spill onto off-Site habitats to the north, east and south;
- ▲ Where possible luminaires will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats; and
- ▲ The lux level will be between 0 and 2 at sensitive ecological features as this is within the range of natural moonlight.

#### Site Protection

All works on Site should follow an appropriate working methodology to avoid inadvertent damage to any habitats and associated fauna retained on, or surrounding, the Site. All works should be undertaken in accordance with the UK governments 'Pollution Prevention for Business's' guidance ([www.gov.uk](http://www.gov.uk)). This includes the following appropriate protection of retained trees on-Site and immediately adjacent to the Site in accordance with the recommendations of the arboricultural report prepared for the Site and in line with BS 5837:2012.

## General Site Enhancement

The revised NPPF (2021), sets out, amongst other points, how '*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*"Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure"*

The NPPF states that this should be achieved through local planning development frameworks and gives recommendations for criteria based policies which recognise the hierarchy of designated sites which range from internationally important habitat, to sites of importance at a local level and ensure that protection is "*in a manner commensurate with their statutory status or identified quality in the development plan.*" Therefore, given the limited scale of the development proposals, we recommend the following principles of design should be followed:

- ▲ Any planting should aim to enhance retained or adjacent vegetation and be of native species, or those of known value to wildlife, sourced from local nurseries to enhance foraging opportunities for local birds and bats, by increasing the invertebrate diversity on-Site. A species list of recommended trees and shrubs is provided in Appendix F; and
- ▲ Two insect hotels have been included within the landscape plans for the Site to encourage a range of invertebrates to the Site, which will in turn offer prey for bird species and small mammals.

## 7.0 Disclaimer

The recommendations contained in this Report represent Delta-Simons' professional opinions, based upon the information referred to in Section 1.0 of this Report, exercising the duty of care required of an experienced Ecology Consultant. Delta-Simons does not warrant or guarantee that the Site is free of Bats or other protected species.

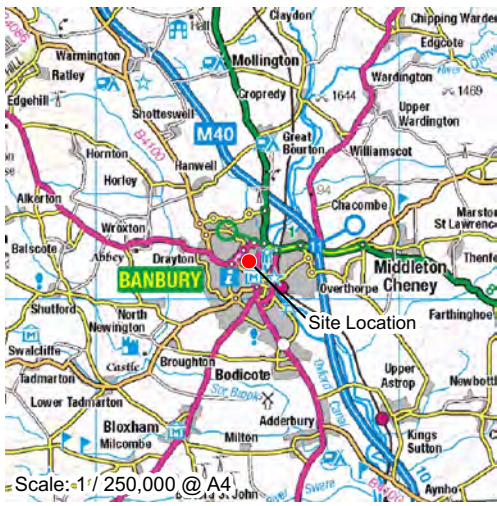
The behaviour of animals can be unpredictable and may not conform to characteristics recorded in current scientific literature. This Report, therefore, cannot predict with absolute certainty that animal species will or will not occur in apparently suitable locations or habitats or that they will not occur in locations or habitats that appear unsuitable.

No part of the survey included an assessment of the materials and conditions of any buildings. No part of the survey included an asbestos assessment, nor did it represent an appraisal of other deleterious materials or hazardous substances.

This Report was prepared by Delta-Simons for the sole and exclusive use of the Client and for the specific purpose for which Delta-Simons was instructed as defined in Section 1.0 of this Report. Nothing contained in this Report shall be construed to give any rights or benefits to anyone other than the Client and Delta-Simons, and all duties and responsibilities undertaken are for the sole and exclusive benefit of the Client and not for the benefit of any other party. In particular, Delta-Simons does not intend, without its written consent, for this Report to be disseminated to anyone other than the Client or to be used or relied upon by anyone other than the Client. Use of the Report by any other person is unauthorised and such use is at the sole risk of the user. Anyone using or relying upon this Report, other than the Client, agrees by virtue of its use to indemnify and hold harmless Delta-Simons from and against all claims, losses and damages (of whatsoever nature and howsoever or whensoever arising), arising out of or resulting from the performance of the work by the Consultant.

## Figure 1 – Site Location Map

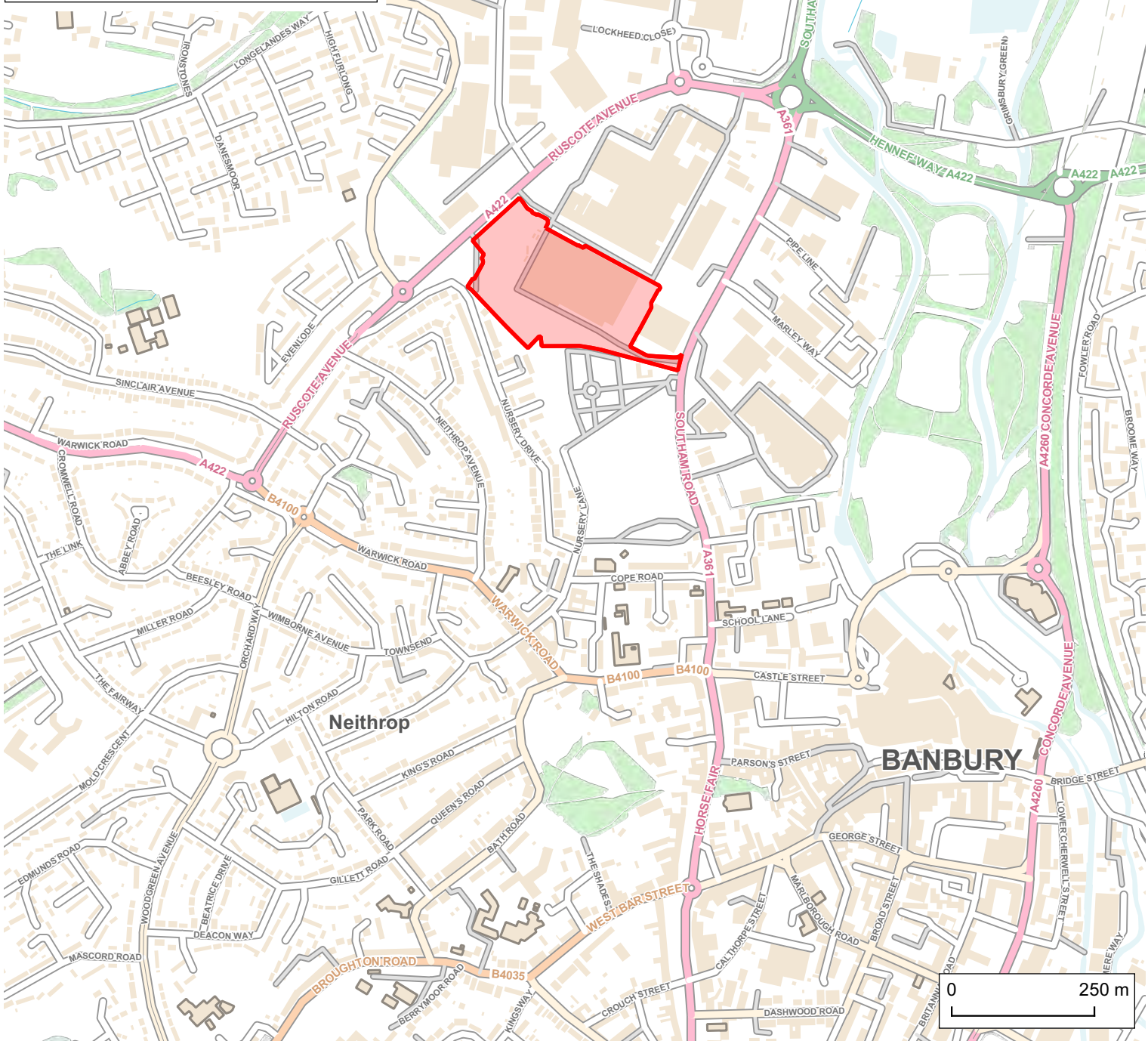




Scale: 1/250,000 @ A4

**LEGEND**

Site Boundary



Scale: 1:10,000 @ A4

Service Layer Credits: Contains OS data @ Crown Copyright and Database Right 2019



TITLE:  
**Site Location Map**  
**Banbury 200, Southam Road**  
**Banbury**

|                         |                          |                               |
|-------------------------|--------------------------|-------------------------------|
| DRAWN BY:<br>CD         | SCALE (@A4):<br>1:10,000 | PROJECT NO:<br><b>21-1553</b> |
| CHECKED BY:<br>CB       | REVISION:<br>0           | FIGURE NO:<br><b>1</b>        |
| DATE:<br>05 August 2021 |                          |                               |

## Figure 2 – Phase 1 Habitat Survey Plan



### LEGEND

- Site Boundary
- Scattered coniferous trees
- Scattered broadleaved trees
- x Scattered scrub
- x Tree Stump
- TNX Target note
- Off-Site drain
- + + + Fence
- Wall
- Dense scrub
- Scattered scrub
- SI Poor semi-improved grassland
- A Amenity grassland
- Introduced shrub
- Buildings
- Hardstanding

Site Plan Provided by Client

TITLE:  
**Phase 1 Habitat Survey Plan**  
 Banbury 200, Southam Road  
 Banbury

|                         |                         |                                  |
|-------------------------|-------------------------|----------------------------------|
| DRAWN BY:<br>CD         | SCALE (@A4):<br>1:2,000 | PROJECT NO:<br><b>21-1553.01</b> |
| CHECKED BY:<br>CB       | REVISION:<br>-          | FIGURE NO:<br><b>2</b>           |
| DATE:<br>05 August 2021 |                         |                                  |

## Appendix A – Relevant Legislation



# Relevant Legislation

## National Planning Policy Framework

The revised NPPF (2021), sets out, amongst other points, how 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

*"Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure"*

The NPPF states that this should be achieved through local planning development frameworks and gives recommendations for criteria based policies which recognise the hierarchy of designated sites which range from internationally important habitat, to sites of importance at a local level and ensure that protection is *"in a manner commensurate with their statutory status or identified quality in the development plan."*

A list of principles which local planning authorities should follow when determining planning applications is included in the NPPF:

- ▲ *"If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- ▲ *Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- ▲ *Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>[1]</sup> and a suitable compensation strategy exists;*
- ▲ *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"*

The following should be given the same protection as habitats sites:

- ▲ Potential Special Protection Areas and possible Special Areas of Conservation;
- ▲ Listed or proposed Ramsar sites; and
- ▲ Sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

It is also worth noting that where there are potential impacts upon internationally designated sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites) as a result of a proposed development, *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

In addition, the Office of the Deputy Prime Minister circular 06/2005 remains current. It states that *'The presence of a protected species is a material consideration when a planning authority is considering a development proposal'. The circular advises that local authorities should consult Natural England before granting planning permission if the proposals could adversely affect a protected species.'*

## The Conservation of Habitats and Species Regulations 2017, as amended

The Conservation of Habitats and Species Regulations 2017 (as amended) are the British response to the Habitats & Species Directive 1992, and consolidate all the various amendments made to the Conservation

(Natural Habitats, &c.) Regulations 1994 in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law.

The Regulations for the protection of European Protected Species (EPS) have been amended and consolidated with key changes including the removal of most of the defences from Regulation 40 and Regulation 43 including the removal of the 'incidental result of an otherwise lawful operation' defence, and the increase in the threshold for the offence of deliberately disturbing a EPS. Proposals that will affect European protected species may require a licence from Natural England to allow an otherwise unlawful act. In the 2009 a new offence of 'breaching condition of an EPS licence' was added to the regulations. The licensing process is separate from and planning process. European protected species include all species of bats, great crested newt *Triturus cristatus*, dormouse *Muscardinus avellanarius*, and European otter *Lutra lutra*, amongst others.

### **The Wildlife and Countryside Act (WCA) 1981 (as amended)**

This is the primary legislation covering endangered species in England and sets out the framework for the designation of Sites of Special Scientific Interest (SSSIs). It confers differing levels of protection on species themselves, their habitats or both depending on their conservation status. Species offered protection by the Act are listed in a series of schedules. These Schedules are subject to a rolling review every five years. Protected species are listed under Section 1 (birds), Schedule 5 (animals other than birds and invertebrates) and Schedule 8 (plants).

### **The Countryside and Rights of Way (CRoW) Act 2000**

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs.

The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

### **The Natural Environment and Rural Communities (NERC) Act 2006**

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Section 41 (England) list habitats and species of principal importance to the conservation of biodiversity in England. These species and habitats are a material consideration in the planning process.

## **Species**

### **Birds**

All wild birds are protected under Section 1 of the WCA 1981 (as amended). Subsection 1(1) makes it an offence to intentionally kill, injure, or take any wild bird; take, damage or destroy the nest of any such bird whilst it is in use or being built; or take or destroy an egg of any such wild bird. It is, furthermore, an offence to either 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 law covers all species of wild birds including common, pest or opportunistic species.

### **Amphibians**

All native amphibians are protected under the WCA 1981 (as amended), with some species also protected under the European Habitats Directive (92/43/EC), transposed in England and Wales through the Conservation of Habitats and Species Regulations 2017 (as amended). All amphibians are protected from keeping, transporting, selling or exchanging. This means that in practice reasonable measures must be taken to avoid their incidental mortality.

The Great Crested Newt (GCN) is protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5/9(4)(b) and (c) of the WCA 1981 (as amended). It is an offence to deliberately kill, injure, capture GCN or to deliberately disturb this species, or to intentionally or recklessly obstruct access to their places of shelter or protection, to damage or destroy their breeding sites or resting places, or to



intentionally or recklessly disturb a GCN whilst in a place of shelter or protection. The legislation applies to all stages of the life cycle including eggs, larvae and juveniles. It should be noted that GCNs spend the majority of their lives on land, venturing up to 500 m (but more usually 250 m) from their breeding ponds and as such any ground works within 500 m of a breeding pond could potentially have an adverse effect on GCNs.

## Reptiles

All six native species of reptiles are protected under the 1981 WCA (as amended), from intentional killing or injury. As such, all reasonable steps must be taken to avoid their incidental mortality when carrying out works.

## Bats

All bats and their resting places are protected under Section 9(4)(b) and (c) of the WCA 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence to destroy or damage a breeding site or resting place of a bat, to intentionally or recklessly obstruct access to any place of shelter or protection for bats, to deliberately disturb bat species, to intentionally or recklessly disturb a bat whilst in its place of shelter or protection, or deliberately capture, injure or kill a bat. It should be noted that a breeding site or resting place of a bat is protected whether or not bats are present, as long as it is likely that they will return, and any activity or works damaging or destroying such a breeding site or resting place are likely to require a Natural England European Protected Species Licence (EPSL).

## Badgers

Badgers *Meles meles* and their setts are protected under the 1992 Protection of Badgers Act. Under this Act it is an offence to wilfully kill, injure, take, possess or cruelly ill-treat badgers, or to attempt to do so. It is also an offence to intentionally or recklessly damage, destroy, or obstruct access to any part of a sett, or to disturb an occupied sett, either by intent or negligence. When interpreting the Act, Natural England defines a sett as any structure within an area used by badgers that shows signs of having been occupied by badgers within the last 12 months.

## Otters

Otter *Lutra lutra* is afforded strict protection under Section 9 of the WCA 1981 (as amended) on Schedule 5 of the WCA 1981 (as amended) and Annex IV of the Conservation of Habitats and Species Regulations (2017) (as amended). They also receive protection through their inclusion in Schedule 5 of the WCA 1981 (as amended).

Under the legislation, it is an offence to intentionally capture; injure or kill an otter; intentionally or recklessly damage or destroy a breeding site or resting place of an otter; intentionally or recklessly disturb an otter while it is occupying a structure or place which it uses for shelter or protection; obstruct access to any structure or place which it uses for that purpose; possess or control a live or dead animal, or part of; sell, offer for sale, possess or transport for the purpose of sale, a live or dead animal or part of one.

## Water Voles

The water vole *Arvicola amphibius* received limited legal protection up until April 1998 through its inclusion in Schedule 5 of the WCA 1981 (as amended) for some offences. This protection was extended on 6th April 2008, so the water vole is now fully protected under Section 9, which includes protection of their resting places.

Legal protection makes it an offence to:

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

## Invasive Species

Invasive species are plant species which are prohibited from release into the wild. There is an extensive list (currently 42) which are set out in section 14(2) of the WCA 1981 (as amended) which states that '*if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.*'

The most widespread of these are Japanese knotweed *Fallopia japonica* and giant hogweed *Heracleum mantegazzianum* which are also covered by several pieces of legislation. The Environmental Protection Act 1990 (as amended) is a broad ranging piece of legislation that singles out Japanese knotweed and giant hogweed for special mention. The Act places a 'Duty of Care' on the producer and anyone they employ to dispose of soil or other material contaminated with Japanese knotweed or giant hogweed, such material becomes a controlled waste, which can only be taken to licensed landfill and must be dealt with in an appropriate way.

## Appendix B – References

## References

BS 42020:2013 Biodiversity. Code of Practice for Planning and Development

BCT (2014) Artificial lighting and wildlife Interim Guidance: Recommendations to help minimise the impact artificial lighting

BCT and Institution of Lighting Professionals (2018). Bats and artificial lighting in the UK

Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. CIEEM, Winchester

Collins, J. (ed.) (2016) Bat surveys for Professional Ecologists: Good practice Guidelines (3rd edition). The Bat Conservation Trust, London

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

Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, p 708–746

English Nature (now Natural England) (2004) Bat Mitigation Guidelines. English Nature, UK

English Nature (2001). Great Crested Newt Mitigation Guidelines. English Nature (now Natural England). Peterborough

GOV.UK. Pollution prevention for businesses [online]. Available from <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Joint Nature Conservation Committee (2010). Phase 1 habitat classification and mapping methodology. JNCC, UK

Ministry of Housing, Communities & Local Government (2021). National Planning Policy Framework

Multi-Agency Geographic Information for the Countryside (MAGIC) [online]. Available at: [www.magic.gov.uk](http://www.magic.gov.uk)

Stace, C. (2010). New Flora of the British Isles 3rd edition. University Press, Cambridge

Stone, E.L. (2013) Bats and lighting: Overview of current evidence and mitigation guidance

The Conservation of Habitats and Species Regulations 2017 (as amended). HMSO

The Countryside and Rights of Way Act 2000. HMSO

The Natural Environment and Rural Communities Act 2006. HMSO

The Protection of Badgers Act 1992. HMSO

Wildlife and Countryside Act 1981 (as amended). HMSO

# Appendix C – Assessment of Structures, Trees and Habitats for Bats

# Assessment of Structures, Trees and Habitats for Bats

Guidance on Assessing the Potential Suitability of Development Sites to Support Bats (adapted from Collins, J. (ed)).

| Suitability       | Description   |   |
|-------------------|---|---|
|                   | Roosting  | Commuting and Foraging  |
| <b>Negligible</b> | <p>An inspected structure or tree which is considered to have no features of importance for roosting bats.</p> <p>No further constraints apply to the method or timing of proposed works.</p>   | <p>Negligible habitat features on-Site to support commuting or foraging bats.</p>   |
| <b>Low</b>        | <p>A structure with at least one or more features suitable to support opportunistic individual bats. However, inadequate space, shelter, protection and conditions, and the low suitability of surrounding habitats means that it is unlikely to be used as a maternity or hibernation roost site.</p> <p>A tree of adequate age and stature to support potential roosting features, however, either no features, or only features of limited potential recorded from the ground.</p> | <p>Habitat with potential to support low numbers of commuting bats due to its quality and connectivity. For example, a gappy hedgerow or unvegetated stream that is isolated from the surrounding landscape.</p> <p>Alternatively, suitable but isolated habitats suitable to support low numbers of foraging bats such as a lone tree or a patch of scrub.</p>   |
| <b>Moderate</b>   | <p>A structure or tree with one or more potential roost sites that are of adequate size, shelter and protection, with suitable conditions and surrounding habitat to support a bat roost not of high conservation status (with respect to roost type not individual species conservation status).</p>   | <p>Linear habitat continuity connecting to the wider landscape offering potential to support commuting bats, such as rows of trees and scrub or linked back gardens.</p> <p>Habitat such as trees, scrub, grassland or a waterbody with connectivity to the wider landscape offering foraging opportunities for bats.</p>   |
| <b>High</b>       | <p>A structure or tree with one or more potential roost sites that are suitable for use by large numbers of bats on a regular basis and for long periods of time due to their size, shelter, protection, conditions and the surrounding habitat.</p>  | <p>Continuous high-quality habitat with strong connectivity to the wider landscape that is likely to be used by commuting bats on a regular basis, such as flowing waterbodies, hedgerows, rows of trees and woodland edges.</p> <p>High quality habitat with strong connectivity to the wider landscape that is likely to be regularly used by foraging bats, such as broadleaved woodland, tree-lined watercourses and grazed parkland.</p> <p>Site is close to, and connected to, known roost sites.</p> |



## Appendix D – Target Notes

## Target Notes

**Target Note 1** – False acacia with low BRP

**Target Note 2-6** – Semi-mature ash trees with low BRP located adjacent to the southern boundary

**Target Note 7** – Rabbit burrow in the south-western extent of the Site

## Appendix E – Site Photographs

## Site Photographs



**Photograph 1 – Scattered broadleaved trees in the north-west**



**Photograph 2 – Scattered trees in the south-east**



**Photograph 3 – Leyland cypress trees**



**Photograph 4 – Buddleia scrub**





**Photograph 5 – Dense scrub**



**Photograph 6 – Poor semi-improved grassland on a mound in the south of the Site**





**Photograph 7 – Stream within the north-western corner of the Site**



**Photograph 8 – Amenity grassland in the north-west**



**Photograph 9 – Amenity grassland in the north-east of the Site**



**Photograph 10 – Introduced shrubs**





**Photograph 11 – Large industrial warehouse**



**Photograph 12 – Security hut in the south-east of the Site**



**Photograph 13 – Substation in the south-eastern aspect of the Site**



**Photograph 14 – North-western building**





**Photograph 15 – Carpark**



**Photograph 16 – Off-Site trees to the south**



**Photograph 17 – Building 1 feature**



**Photograph 18 – TN1 Low BRP Tree**



## Appendix F – Native Floral Species to Plant for Wildlife Enhancement On-Site

## Native Floral Species to Plant for Wildlife Enhancement On-Site

The following list gives good examples of plants for different conditions which have value for native fauna either as a food source or shelter. To maximise value for wildlife plants should ideally be native, not cultivars, and sourced locally where possible. Planting should look to provide food at all levels, with underplanting of trees with shrubs or species rich grassland to provide maximum value out of an area and add interest to planting schemes.

Note: it is currently generally not advised to plant ash because of ash die back. However, ash is a very valuable plant for wildlife especially as a semi-mature and mature tree. Therefore, if locally sourced trees or self-seeds known to be free of the fungus are available then these should be incorporated. Additionally, trees not showing signs of being affected should be retained where possible.

### Trees and Shrubs

#### Large trees

- ▲ Beech *Fagus sylvatica*;
- ▲ Bird cherry *Prunus padus*;
- ▲ Elm *Ulmus procera*;
- ▲ Oaks *Quercus robur* and *Q. petraea*;
- ▲ White willow *Salix alba*;
- ▲ Field maple *Acer campestre*;
- ▲ Silver birch *Betula pendula*;
- ▲ Rowan *Sorbus aucuparia*;
- ▲ Small-leaved lime *Tilia cordata*; and
- ▲ Walnut *Juglans regia*.

#### Medium/Small Trees

- ▲ Alder *Alnus glutinosa*;
- ▲ Apples *Malus* spp. (local varieties can be found);
- ▲ Field maple *Acer campestre*;
- ▲ Holly *Ilex aquifolium*;
- ▲ Pears *Pyrus* spp.;
- ▲ Rowan *Sorbus aucuparia*;
- ▲ Silver birch *Betula pendula*;
- ▲ Yew *Taxus baccata*;
- ▲ Elder *Sambucus nigra*;
- ▲ Hazel *Corylus avellana*;
- ▲ Hawthorn *Crataegus monogyna*;
- ▲ Honeysuckle *Lonicera periclymenum*;
- ▲ Wild privet *Ligustrum vulgare*;
- ▲ Blackthorn *Prunus spinosa*; and
- ▲ Guelder-rose *Viburnum opulus*.

## Plants for hedgerows and woodland understoreys

A combination of shrubs and climbers can make attractive hedges of great benefit for wildlife, as well as providing a functional boundary. Standard trees should be incorporated in hedgerows, with ash, oak and wayfarer tree three traditional choices, depending on the region. These should be marked so as not to be cut during management works. In addition, undersowing with a suitable shade tolerant wildflower mix is important to maximise value.

### Trees and shrubs suitable for hedges and understorey planting

- ▲ Blackthorn *Prunus spinosa*;
- ▲ Buckthorn *Rhamnus catharticus*;
- ▲ Field maple *Acer campestre*;
- ▲ Holly *Ilex aquifolium*;
- ▲ Elder *Sambucus nigra*;
- ▲ Guelder rose *Viburnum opulus*;
- ▲ Hawthorn *Crataegus monogyna*;
- ▲ Hazel *Corylus avellana*;
- ▲ Privets, including wild privet *Ligustrum vulgare*; and
- ▲ Spindle *Euonymus europaeus*.

### Climber and scramblers suitable for hedgerows and understorey planting

- ▲ Dog rose *Rosa canina*;
- ▲ Field rose *Rosa arvensis*;
- ▲ Ivy *Hedera helix*;
- ▲ Honeysuckle *Lonicera periclymenum*;
- ▲ Wild clematis/old man's beard *Clematis vitalba*; and
- ▲ Hop *Humulus lupulus*.

### Understorey flowering plants providing ground cover for shady areas

These species flower early before trees are in full leaf, and will do well in areas that become shady later in the year.

- ▲ Bluebell *Hyacinthoides non-scripta*;
- ▲ Bugle *Ajuga reptans*;
- ▲ Wild daffodil *Narcissus pseudonarcissus*;
- ▲ Foxglove *Digitalis purpurea*;
- ▲ Lords-and-ladies/cuckoopint *Arum maculatum*;
- ▲ Primrose *Primula vulgaris*;
- ▲ Sweet violet *Viola odorata*; and
- ▲ Wood avens *Geum urbanum*.