

29 September 2015

Our ref: 153312/JDT

Mr G Payne
Bicester Hotel, Golf and Spa
Chesterton
Bicester
Oxfordshire
OX26 1TE

Dear Mr Payne

BICESTER HOTEL, GOLF AND SPA

Introduction

In accordance with your instructions, AA Environmental Limited (AAe) carried out an ecological walk-over survey of the above site on Tuesday 15 September 2015. The purpose of the survey was to determine the existence and location of any ecologically valuable areas and to record any evidence of protected species. This information will serve to assess the ecological impact of the proposals and identify any ecological constraints and/or mitigation measures that may be required. A series of photographs has been attached for reference.

The proposals are to extend the existing hotel, which will result in alterations to the existing building and some limited clearance of adjacent vegetation.

Methodology

Data Search

As certain baseline data is now readily available on the internet, the Multi-agency website (www.magic.defra.gov.uk) was consulted to determine whether any part of the site or nearby habitats have been statutorily or otherwise designated. In addition, a number of reports have been produced for applications within the surrounding area and these have been reviewed to provide further baseline data.

Walk-over Site Survey

During the walk-over survey, particular attention was paid to record the presence of badgers, bats and herpetofauna (amphibians and reptiles) that may be using the site or be present in adjacent habitats, in accordance with the following survey methodologies:

Badgers

Badgers (*Meles meles*) and their setts are protected by the *Protection of Badgers Act 1992*, under which it is an offence to harm badgers or their setts. A sett is defined as "any structure or place which displays signs indicating current use by a badger". Natural England has provided the following guidance on the interpretation of current use:

A sett is defined as such (and thus protected) as long as signs indicative of 'current use' are present. Thus, a sett remains protected by the Act until such times as the signs (i.e. 'field signs') have deteriorated or decayed to such an extent that they indicate that the sett is no longer in 'current use'.

A thorough survey of the whole site and adjacent habitats, where access was available, was carried out. Particular attention was paid to dense areas of vegetation to check for any evidence of badger activity, which is usually detected by any one or more of the following signs:

- presence of holes with evidence of badger, such as footprints, discarded hair, etc.;
- presence of dung pits and latrines;
- presence of well-used runs with subsidiary evidence of badger activity; and
- presence of other indications of badger activity, such as signs of foraging and footprints.

Bats

Currently there are 17 species of bat known to breed in the UK. All species and their roosts are protected under Regulation 41 of *The Conservation of Habitats and Species Regulations 2010 (as amended)*. As a signatory to the *Bonn Convention (Agreement on the Conservation of Bats in Europe)* the UK is also required to protect their habitats. This legislation makes it illegal to kill, injure, capture or disturb bats or to obstruct access to, damage or destroy bat roosts and protection from damage or disturbance of important feeding areas. Under the law, a roost is any structure or place used for shelter or protection.

A visual survey of the site was completed to record any evidence of bats or features that could provide potential roosting opportunities. The survey was carried out following the guidelines provided by the Bat Conservation Trust¹. A thorough internal and external examination of the area of the existing building that will be affected by the works was carried out, with any potential access points inspected for evidence of bats and internal roof voids/spaces accessed to check for any evidence of bats.

In addition, a careful inspection of each tree on the site was carried out to identify those features that are important for roosting bats. Surveying trees presents particular problems at any time of the year as bats will use a wide variety of roost sites in cavities, splits, cracks, knotholes and under loose bark, many of which are not easily detected from the ground.

Each tree was assessed in accordance with the following criteria:

- **Category 1*** – trees with multiple, highly suitable features capable of supporting larger roosts.
- **Category 1** – trees with definite bat potential, supports fewer suitable features than Category 1* trees or with potential for use by single bats.
- **Category 2** – trees with no obvious potential, although the tree is of a size and age that elevated surveys may result in cracks or crevices being found; or the tree supports some features which may have limited potential to support bats.
- **Category 3** – trees with no potential to support bats.

Any trees that could provide potential roosting opportunities were recorded and a closer inspection completed to record any evidence of bats.

- the presence of bat droppings, which tend to accumulate under established roost sites or at roost entrances;
- the accumulation of large numbers of moth wings, which have been discarded by feeding bats;
- areas of staining by urine or from fur rubbing; and
- the presence of bats themselves or their corpses.

The visual survey was facilitated by the use of binoculars, ladders, powerful torches (1M candlepower) and a Visual Optics VO36-10ww endoscope. A heterodyne bat detector (Pettersson D200) was also used during the inspection to record any bat calls.

Herpetofauna

Amphibians

All amphibian species have some level of protection under the *Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004*². Great crested newts (*Triturus cristatus*) are protected under the *Wildlife and Countryside Act 1981 (as amended)* and *The Conservation of Habitats and Species Regulations 2010 (as amended)*. The intentional or reckless killing, injury or taking, and intentional or reckless disturbance of great

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

² The Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004 came into force on 14th July 2004.



crested newts whilst occupying a 'place used for shelter or protection' is prohibited, as is the destruction of these places.

Reptiles

All reptile species are protected at some level under Schedule 5 of the *Wildlife and Countryside Act 1981 (as amended)* and *The Conservation of Habitats and Species Regulations 2010 (as amended)*. The more common species of reptiles, which include slow-worm (*Anguis fragilis*), common or viviparous lizard (*Zootoca vivipara*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected by the *Wildlife and Countryside Act 1981* by part of *Section 9(1)* and all of *Section 9(5)*. This means that they are protected against intentional or reckless killing and injuring (but not 'taking') and against sale and transporting for sale.

An assessment of the site was carried out to determine its suitability for herpetofauna by recording the habitats present. In addition, any natural/artificial refugia present on the site was lifted to check for any sheltering animals or evidence of animals such as sloughs (shed skins).

Other Wildlife

In accordance with good practice, the site was checked for any evidence of other protected species or species of particular note.

Results

Data Search

No ecological statutory or non-statutory designated sites are located on, directly adjacent to or within 2 km of the site, according to the multi-agency website. The closest ecologically designated site is Weston Fen, a Site for Special Scientific Interest, which is located approximately 3 km to the south-west of the site.

Surveys completed for planning applications within the vicinity of the site by CSa and REC have recorded great crested newts within the ponds on the golf course. No other ecological constraints have been identified.

Site Description

The site is located off A4095 out the outskirts of the village of Chesterton, Oxfordshire centred at National Grid Reference: SP 552215 and covers less than 0.1 of a hectare. The site is bordered by the continuation of the well-maintained grounds of the Bicester Golf Course. The site comprised an elevation of the hotel, set within well-maintained amenity grassland and an existing hardstanding access track (Photographs 1-2).

The section of hotel to be affected by the works was of a masonry construction, with a pitched roof of machine-made tiles and overhanging eaves. Internally, a single attic space was present, which was cluttered by trusses and lined with cavity fire barrier insulation (Photograph 3). The exterior of the property was in good condition with the roof and ridge tiles well aligned with no obvious gaps.

The amenity grassland was well-maintained, with a short sward present. Species recorded were typical of amenity grassland and included perennial rye-grass (*Lolium perenne*), Yorkshire-fog (*Holcus lanatus*), cock's-foot (*Dactylis glomerata*), clovers (*Trifolium spp.*), dandelion (*Taraxacum agg.*), ribwort plantain (*Plantago lanceolata*), daisy (*Bellis perennis*), black medick (*Medicago lupulina*) and yarrow (*Achillea millefolium*). There was a restricted area of more ruderal habitat, which included cow parsley (*Anthriscus sylvestris*), common sorrel (*Rumex acetosa*) and docks (*Rumex spp.*). In addition, a cherry laurel (*Prunus laurocerasus*) hedge lined the access track. There were no mature trees in close proximity to the hotel; however, a semi-mature Norway maple tree was present to the north-east of the site and immature cherry (*Prunus sp.*) trees were present in the centre of the amenity grassland.



Bats

No evidence of bats was recorded during either the internal or external check of the hotel. The roof space was cluttered by trusses and was well maintained, it also experienced some light from the 'arrow slit' in the gable end, creating unfavourable roosting conditions for bats. An external inspection revealed tightly fitting ridge and roof tiles with the overhanging eaves also well-sealed and no obvious access points for bats recorded.

The trees recorded on the site did not provide any roosting opportunities for bats, due to their age and/or species and lacking key features, and were consequently assessed as Category 3 trees. The site and surrounding area, being dominated by well-maintained amenity grassland provides limited foraging opportunities for bats.

Herpetofauna

The site was dominated by well-maintained amenity grassland, which is flat and did not contain any features such as compost piles, log piles and/or rubble piles, that great crested newts could use for sheltering and/or overwintering. Consequently, the site did not provide any suitable terrestrial habitat for great crested newts. In addition, despite a careful search of the site, no great crested newts were found sheltering under any refugia lifted. Although there are no waterbodies within the area of amenity grassland to be cleared; great crested newts are known to be present within the ponds in the surrounding golf course.

Other Wildlife

No other species of note were recorded on the site.

Conclusions and Recommendations

The proposals are to extend the existing hotel, which will result in alterations to the existing building and some limited clearance of adjacent vegetation. The site is of low ecological value, dominated by well-maintained amenity grassland and an access track.

Although the site does not provide suitable terrestrial habitat for any great crested newts, as they are known to be present within the nearby pond it is recommended that site clearance works are carried out adopting Reasonable Avoidance Measures (RAMs). In accordance with this precautionary approach, all works should be supervised by a licenced ecologist and completed during the appropriate time of year when great crested newts are fully active (although weather and temperature-dependent, amphibians are usually fully active from March through to October). A Method Statement for the works has been attached to this letter.

In addition to the above specific measures, a series of generic mitigation measures, as detailed below, will be implemented to reduce any impact the development proposals would have on local wildlife. In addition, a range of enhancement measures will be incorporated so as to increase the biodiversity value of the site in accordance with Government guidance as set out in National Planning Policy Framework (NPPF) 2012³.

Although no evidence of bats was recorded within the property, all site operatives should be made aware of current legislation protecting bats and their roosts. In the unlikely event of any bats being encountered on the site, then works should stop immediately and Natural England or AAe contacted so that appropriate advice can be provided.

In order to protect the established vegetation to be retained, suitable fencing may be required at certain locations to reduce the possibility of any damage that could be caused during the works. To minimise accidental damage, any overhanging branches should be pruned back to suitable live growth points. All works should be undertaken by a suitably qualified and experienced specialist contractor and should conform to current industry best practice, i.e. BS 3998: 2010 'Tree Work - Recommendations'.

³ Department for Communities and Local Government (2012). *National Planning Policy Framework*. London: Department for Communities and Local Government.

The effects of lighting on plants and animals are difficult to assess, but it is thought that lighting can adversely affect invertebrates, birds and bats. As the site is located in a rural location with minimal lighting from onsite security lighting, any new lighting to be introduced should be designed to minimise light spillage and pollution.

In order to enhance the adjacent habitat for great crested newts a number of new hibernacula will be constructed near to the existing pond. The position of these and details could be discussed and agreed with the Golf Management and Council.

In addition, a series of bird/bat boxes could be installed on the site to provide enhanced nesting/roosting opportunities. Any boxes installed should be positioned in accordance with good practice.

The recommendations provided above try to pre-empt any issues that may arise as well as some specific controls along with some generic mitigation and enhancement measures. There are considered to be no over-riding ecological constraints to the application subject to appropriately worded conditions.

I trust the above is of interest and provides the Council with enough information to determine the application, but please let me know if further clarification is required.

Yours sincerely



Julian Thornber
BSc. (Hons) MCIEEM
Class Licence CL18

Encls. Photograph Record Sheet (Drg. No. 153312/01)
Method Statement: Great Crested Newts

cc Mr N Davis, Davis Planning Limited



Photograph 1: Showing the rear and side elevation of the existing wing of the hotel and well-maintained amenity grassland.



Photograph 2: Showing the cluttered attic space above the hotel.



Photograph 3: Showing the well-maintained amenity grassland on the site.



Photograph 4: Showing the nearby pond on the golf course (with confirmed records of great crested newts).

Rev.	Details	Drawn	Date
		Chkd.	
PROJECT			
Bicester Hotel, Golf and Spa Chesterton			
TITLE			
Photograph Record Sheet			
		AA Environmental Ltd Units 4-8 Cholswell Court Shippon Abingdon Oxon OX13 6HX T: 01235 536042 F: 01235 523849 info@aae-llp.com www.aae-llp.com	
Scale	Date	Drg No.	Rev.
NTS	Sept' 15	153312/01	
	Drawn TJC	Chkd. JDT	

**Bicester Hotel, Golf and Spa
Chesterton**

Report for:
Bicester Hotel, Golf and Spa
Chesterton
Bicester
Oxfordshire
OX26 1TE

INTRODUCTION

The purpose of this document is to set out the controls to be implemented during site clearance. Although no great crested newts have been recorded on the development site itself (during terrestrial hand searches) great crested newts are known to be present in the nearby pond and therefore site clearance works will be carried out adopting Reasonable Avoidance Measures (RAMs). In accordance with this precautionary approach, the works will be completed under an ecological watching brief, as detailed below.

A copy of this Method Statement will be circulated to key site staff and other site operatives so that they are fully aware of the sensitivity of the works and of the possibility of encountering great crested newts and a copy will be kept on site.

This approach is based on the following assessment:

- No great crested newts have been recorded on the development site (during terrestrial hand searches) and the area provides unsuitable terrestrial habitat (area is regularly cut resulting in a short sward and is relatively flat and featureless, lacking any key features such as compost piles, log piles and/or rubble piles, that great crested newts could use for sheltering and/or overwintering).
- The pond and its immediate surroundings have a number of opportunities for sheltering and overwintering, including the banks of the pond. It is therefore considered that the majority of the great crested newts will be concentrated within these areas.

In addition, Natural England (formerly English Nature) has reported that in recent years there has been a trend towards increasingly precautionary licence applications, resulting from a risk-averse approach to mitigation and are concerned about this trend for several reasons. Primarily, there is no legal need, and little benefit to great crested newt conservation, in undertaking mitigation where there are no offences through development. Even where there technically is an offence, such as the destruction of a small, distant area of resting place habitat, or even killing low numbers of newts, it is arguable that impacts beyond the core area often have little or no tangible impact on the viability of populations. Mitigation in such circumstances is of questionable value in conservation terms. There are, however, substantial costs: developers delay projects and spend large sums on mitigation. Sometimes the mitigation project itself has environmental costs, especially when it entails substantial lengths of newt fencing. In some cases long newt fences are employed with no justification. Natural England wishes to see newt fencing used more appropriately, i.e. only where there is a reasonable risk of capturing, containing and/or excluding newts. Natural England also wishes to see mitigation planning shift away from such a highly risk-averse starting point. The domestic legislation protecting great crested newts arises largely from the Habitats Directive, which has a central aim to restore scheduled species to a favourable conservation status. A more proportionate approach to mitigation, addressing tangible impacts on populations whilst giving lower priority to negligible effects, is consistent with the aims of the Directive. It is considered that with the range of mitigation and enhancement measures to be implemented that the population of great crested newts present on the site will be maintained at favourable conservation status.

It can be concluded that as long as the controls detailed below are followed then this method of site clearance is appropriate.

LEGISLATION

All amphibian species have some level of protection under the *Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004*. Great crested newts (*Triturus cristatus*) are protected under the *Wildlife and Countryside Act 1981 (as amended)* and *The Conservation of Habitats and Species Regulations 2010 (as amended)*. The intentional or reckless killing, injury or taking, and intentional or reckless disturbance of great crested newts whilst occupying a 'place used for shelter or protection', is prohibited, as is the destruction of these places.

CONTROL METHODS TO BE APPLIED

The works will only be carried out when animals are active. Although activity is weather and temperature dependent, great crested newts along with other species of amphibians are usually fully active from March to October, inclusive, and will remain active as long as there is not a prolonged cold spell and/or the nighttime temperature does not drop below 5°C. All works will be directly supervised by a suitably experienced and licenced ecologist.

Prior to the works all site personnel will be given a toolbox talk to inform them about the potential presence of herpetofauna and the legal protection they are given (copy of a generic toolbox talk for amphibians and reptiles are attached at Appendix A).

In order to separate the development site from adjacent land, temporary amphibian proof fencing will be installed around the 'construction zone', which will include a site compound area for parking and storage of equipment during the works (see Figure 1). This will be maintained in good condition until the development has been completed at which point will be fully removed. A specification has been attached at Appendix B.

A hand search of the area will be carried out, with any natural or artificial refugia found, such as logs, stones, rocks etc., lifted and checked for sheltering animals before being removed from the site. Where practicable, suitable material will be used as habitat enhancement measures within adjacent habitat.

The existing vegetation is regularly cut resulting in a short sward and this management will continue to ensure that the habitat remains sub-optimal.

After the on-site ecologist is satisfied with the above works, he/she will supervise the final site clearance (destructive search). This will involve the removal of all remaining ground vegetation, including all roots where present, leaving only bare earth. As with standard practice, a 360° excavator will be used for this purpose, with the turf/topsoil being placed carefully to one side. Particular care will be required during this exercise, which will be closely monitored by the on-site ecologist.

In the unlikely event that any great crested newts are encountered, all works will stop and the Council's Ecologist and Natural England consulted to agree appropriate action.

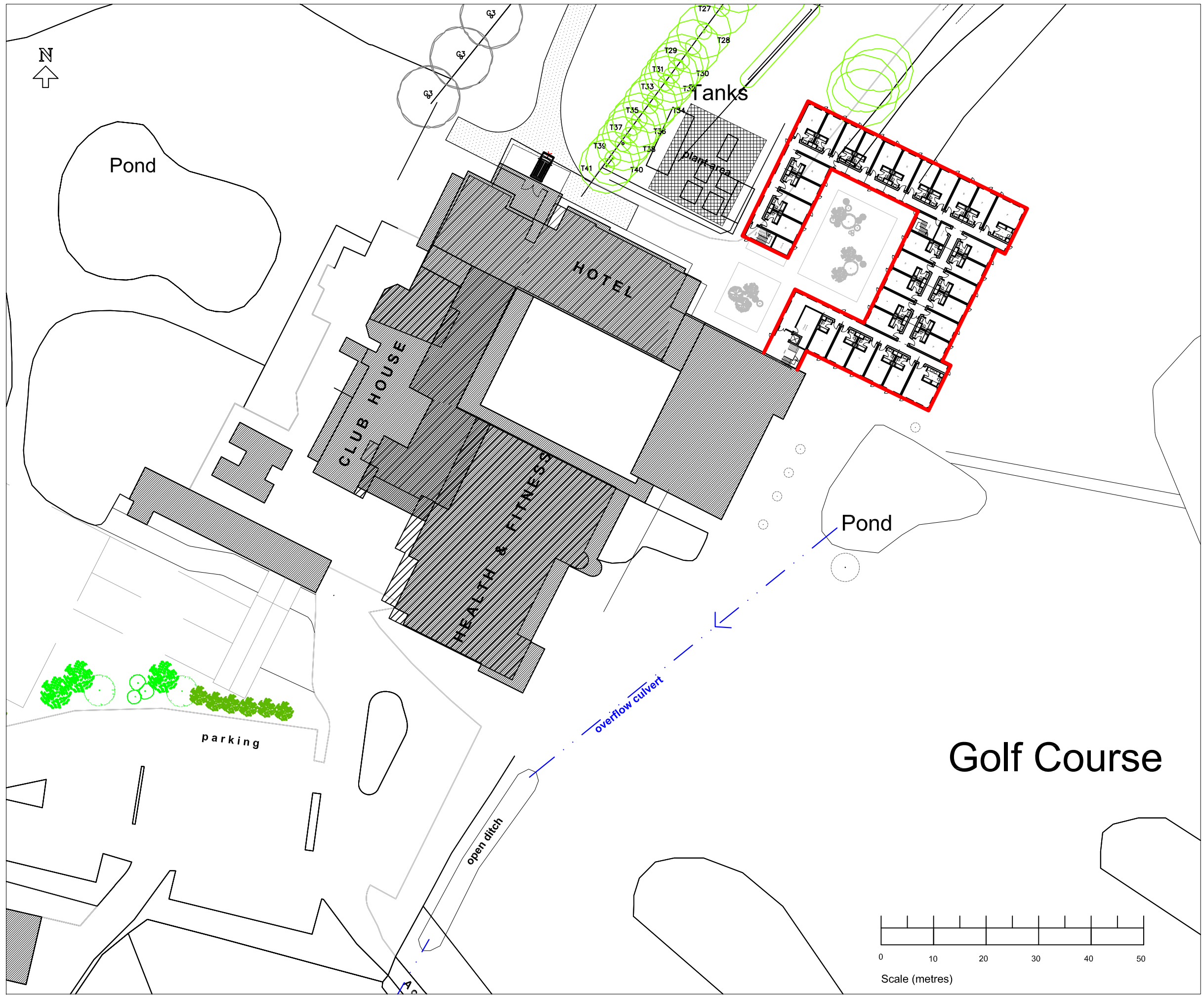
All interested parties will be kept informed of the works while they are being carried out, and a brief summary report will be issued when the works are complete. The on-site ecologist will keep a daily log of the works along with a series of photographs for reference.

Author:
Alan Beaumont
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

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Figure 1



KEY

	Boundary of Proposed Extension
	Tree (Topographed)

Rev.	Details	Drawn Chkd.	Date
Project Bicester Hotel, Golf and Spa Chesterton			
Title Proposal of Works			
		AA Environmental Ltd Units 4-8 Cholswell Court Shippon Abingdon Oxon OX13 6HX T:(01235) 536042 F:(01235) 523849 info@aae-llp.com www.aae-llp.com	
Scale As shown	Date Oct '15	Drawn TJC	Chkd. ARB
Drg. No. Figure 1		Rev.	

Appendix A
Toolbox Talk (Great Crested Newts)

TOOLBOX TALK: GREAT CRESTED NEWTS (GCNs)

Key Contacts

AA Environmental Ltd, Units 4-8 Cholswell Court, Shippon, Oxfordshire, OX13 6HX

Tel: 01235 536042

Did you know?

- Great crested newts or **GCNs** are the largest and rarest species of newt found in the UK.
- Significant population declines, mostly due to habitat loss, has seen European and UK law introduced to protect GCNs.
- The UK is one of the final strongholds of GCNs, with an estimated population of 400,000 across the country.
- GCNs are amphibians and so use ponds for breeding, but spend much of their lives on land.
- For their survival, a link between a suitable breeding pond and terrestrial habitat is essential.
- During winter, GCNs will hibernate on land and may not wake up if disturbed. This makes them vulnerable to site works, especially during winter months.
- GCNs can be found in a range of habitats, be it rural or urban.
- GCNs, like many amphibians, are nocturnal and are consequently rarely seen during the day time.
- The lifespan of a GCN can be up to 15 years.

Identification

- GCNs may be found in a number of places around a site. When on land they tend to favour log/wood, stone and rubble piles. Breeding ponds are mainly medium-sized ponds, however, ditches and even large puddles may be used.
- Mature GCNs may grow up to about 17 cm long.
- Most of their skin is dark brown or black and warty in texture/appearance with an orange/yellow and black pattern on their tummy.
- During the breeding season adult males have a jagged crest running along their back, which only becomes clearly visible when in the water.

Legislation

- All amphibian species have some level of protection under UK law.
- **GCNs are protected by UK and European Law.** This makes it **illegal** to intentionally or recklessly kill, injure or take, intentionally or recklessly disturb whilst occupying a 'place used for shelter or protection' and protects these places against destruction.

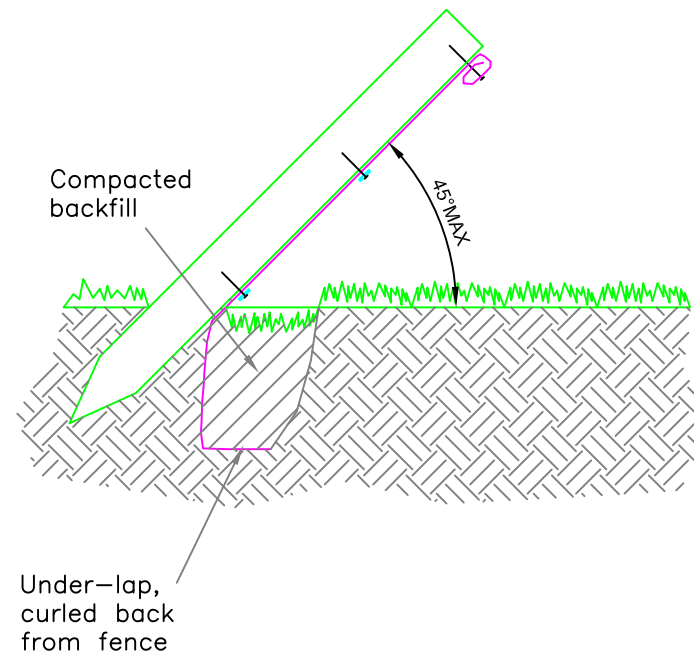
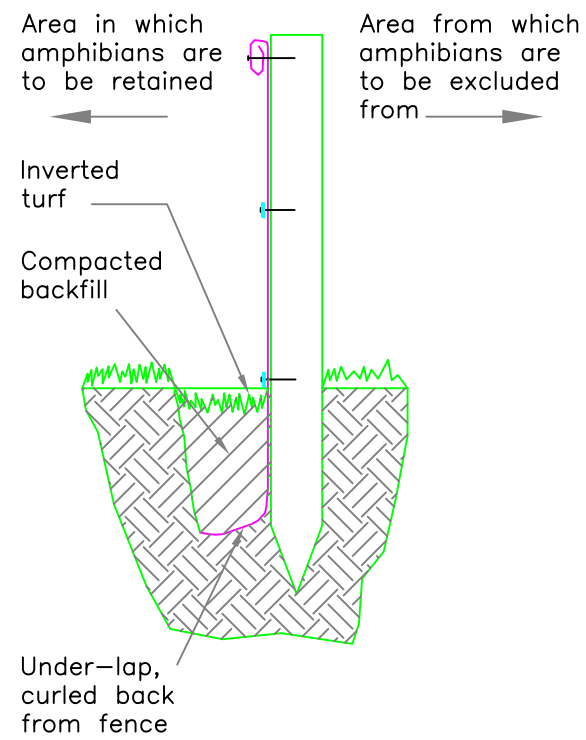
Site Controls

- There is always a **risk** that as GCNs move within the terrestrial habitat or between breeding ponds that they could be encountered during site works.
- **If any GCNs are encountered during works the following controls must be applied to avoid breaking the law:**
 1. If GCNs are discovered/suspected works must stop **immediately**, with any GCNs left in-situ and AAe immediately contacted (contact details above).
 2. Site operatives must not intentionally handle GCNs.
 3. During works, operatives must wear gloves in case of accidental contact with GCNs.
 4. Care must be taken when moving logs, stones or rubble, or when clearing areas near to ponds. These are favoured habitats for GCNs and they may be sheltering within them.
 5. Stockpiling of materials is only permitted within designated areas.

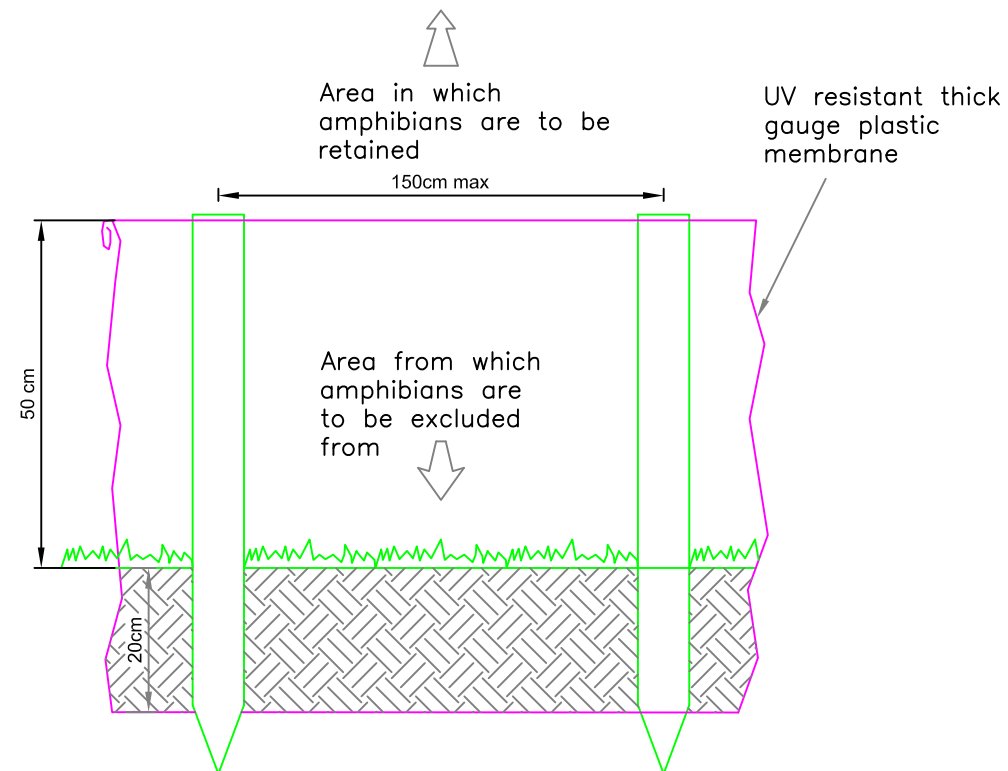
These controls have been put in place to protect all site operatives from breaking the law. You are not expected to be able to identify GCNs or their presence so remember, **if in doubt shout and contact the relevant person.**




Appendix B
Specification for Temporary Amphibian Proof Fencing



ONE-WAY FENCE



Rev.	Details	Drawn	Date
		Chkd.	
Project			
Bicester Hotel, Golf and Spa Chesterton			
Title			
Amphibian Proof Fencing Specifications			
		AA Environmental Ltd Units 4-8 Cholswell Court Shippon Abingdon Oxon OX13 6HX T:(01235) 536042 F:(01235) 523849 info@aae-llp.com www.aae-llp.com	
		Scale	Date
NTS	Oct' 15	Appendix B	
Drawn	Chkd.		
TJC	ARB		