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Nottingham Lane, Wey Valley  
Extended Phase 1 Habitat Report

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C.G. Fry & Son Ltd

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## NON TECHNICAL SUMMARY

SLR Consulting Limited undertook an 'Extended' Phase 1 Habitat Survey of land south of Nottingham lane in the Wey Valley, Weymouth, Dorset, during February 2013.

The site is proposed for residential development and comprises a series of pasture and arable fields with shelter belts of mature woodland along sections of the northern, western site boundaries and the southern boundary of the north-western field. Other habitats include ornamental trees in what appears to be a former garden plot, as well as native hedgerows, a wooded pond and wet ditches.

An active outlier badger sett was identified and an active heronry and rookery are present within the woodland along the northern and western boundaries of the site and. Potential habitat for other protected species was noted and specialist surveys in line with relevant best practice guidance were underway at the time of writing in order to assess the presence of the following:

- bats;
- dormouse;
- great crested newt;
- nesting birds; and
- reptiles.

A number of European protected sites including SACs, SPAs and Ramsar sites have been recorded within 10km of the site and potential impacts related to increased recreation pressure have been identified and are discussed in the final section of the report.

In advance of a detailed impact assessment, this report includes outline advice on the likely measures that will be needed in order to avoid, mitigate and compensate for any significant impacts upon protected sites, habitats and species (assuming a worst case scenario), in order to inform the master planning process.

Although obviously outline at this stage, mitigation measures might include habitat retention and creation, as well as adoption of wildlife-friendly working practices such as phased vegetation clearance at less sensitive times of year (to avoid for example destruction of active birds nests).

European Protected Species (EPS) Licence applications may be required with respect to some species if these prove to be present; for example for bats were any tree roosts to be located; also for dormouse (to cover removal of hedges and woodland) and for great crested newt (to cover removal of hedges, woodland or grassland) if these species prove to be present. A badger licence is likely to be needed if the identified sett needs to be closed or disturbed.

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## **1.0 INTRODUCTION**

### **1.1 Terms of Reference**

SLR Consulting Limited was commissioned by C.G. Fry & Son Limited to undertake an 'Extended' Phase 1 Habitat Survey of land south of Nottingham Lane, Weymouth (approximate central OS grid reference SY665 824).

### **1.2 Scheme description**

The site is proposed for a new residential development of approximately 400 units with associated infrastructure and open space.

### **1.3 Site Context**

The site is located west of the Dorchester Road (B3159) and residential properties abut its eastern boundary. Residential suburbs of Weymouth (Redland and Radipole) lie to the south with Broadway lying to the north. The small settlement of Nottingham as well as individual agricultural buildings lie to the west of the site amongst the dominant land cover of agricultural pasture.

## 2.0 METHODOLOGY

### 2.1 Desk Study

Dorset Environmental Records Centre (DERC) was formally contacted for archive data on designated sites<sup>1</sup> and for records of 'species of conservation concern' at a national, regional and local level<sup>2</sup>. The data search was conducted within a minimum 2 km radius of the site boundary for statutory and non-statutory designated sites and within 1 km for species of conservation concern. An extended search was undertaken for bats (5km radius).

The Multi-Agency Geographic Information for the Countryside (MAGIC) website was accessed at the outset of the project to search for records of nationally or internationally important statutory designated sites within 10 km of the proposed development site boundary, and the 1:25,000 Ordnance survey plan and aerial photographs (*via* Google Earth) were scrutinised for ponds suitable for protected amphibians (within 500m of the survey boundary).

In addition, a review was undertaken of publically available ecological information associated with the Weymouth Relief Road which runs north-south parallel to the site, approximately 0.5 km to the east.

### 2.2 Field Survey

The habitat survey was carried out by an experienced Senior Ecologist with SLR Consulting on the 19 February 2013, using standard 'Extended' Phase 1 Habitat Survey methodology (in line with JNCC, 2010).

Habitats and features with potential to support protected and/or conservation priority fauna, together with field signs of such species, were recorded. A specific search was undertaken for any field signs of the following protected or conservation priority species which were assessed as possibly occurring on site (see Table 1, below):

**Table 1**  
**Survey methodology for key habitats & field signs of protected species**

Taxon	Indicative Habitat(s)	Field Signs (in addition to sightings)
Bats	Roosts – in trees	In or on potential roost features, field signs might include droppings stuck to the outsides of roost entrance points; oil from bat fur staining might be present around roost entrances and presence of feeding remains (e.g. moth wings) might be found under feeding perches.
Dormouse <i>Muscardinus avellanarius</i>	Mainly found in hedgerow, scrub and woodland; especially species rich habitats.	No specific search for dormouse field signs were undertaken at this stage but the site was assessed in respect of its potential to support this European

<sup>1</sup> Designated sites include those protected under national or international legislation, such as Sites of Special Scientific Interest (SSSI), and local sites afforded protection under the planning system, such as County Wildlife Sites (CWS) and Regionally Important Geological and Geomorphological Sites (RIGS).

<sup>2</sup> This includes species protected under international and national legislation, as well as species included in the UK, Red Data Books, and Red or Amber lists of 'birds of conservation concern'.

Taxon	Indicative Habitat(s)	Field Signs (in addition to sightings) protected species.
Badger <i>Meles meles</i>	Mainly found in hedgerow, scrub and woodland habitats.	Excavations and tracks; sett entrances, latrines; hairs; well-worn paths and badger prints in soft ground.
Birds	Hedgerows, scrub and buildings	Any obvious signs of nesting (such as droppings below nest sites and large roosting sites or tree holes (potential nest sites) were noted.
Reptiles	Rough grassland, scrub and rubble piles	Habitats were assessed for their potential to support these species.
Great crested newt <i>Triturus cristatus</i>	Water bodies (ponds) form breeding habitat with terrestrial habitats comprising hedgerow, scrub, rough grassland and woodland;	Habitats were assessed for their potential to support this species.

## 2.3 Field Survey

### Limitations

#### 2.3.1 Desk Study

Desk study data is generally not exhaustive and is intended mainly to set a context for a Phase 1 habitat study; it is quite possible that protected species not identified during the data search do in fact occur within or in the vicinity of the proposed development site, as most species are under-recorded both nationally and locally.

#### 2.3.2 Field Survey

Survey was undertaken in February when many plant species would be dormant and therefore a full assessment of the botanical interest of this site was not possible. Due to the habitats present this is not considered to be a significant constraint, however, and a full review of the botanical interest of the site will be undertaken as part of the ongoing ecological assessment programme in 2013.

## 2.4 Quality Assurance & Environmental Management

The surveyor is a full member of the Institute of Ecology and Environmental Management (IEEM) and followed the Institute's code of professional conduct when undertaking ecological work.

## 3.0 RESULTS

### 3.1 Habitat Descriptions

The results of the Phase 1 Habitat Survey are illustrated in plan form (Figure 1) and Target notes are provided in Appendix A with plates in Appendix B.

At the time of survey, the majority of the site comprised species-poor, cattle- and horse-grazed pasture (one field has subsequently been converted to arable production). Fields are surrounded with mature woodland belts and hedgerows of varying structure; other habitats present within the site boundary include ponds, wet ditches and scattered stands of scrub.

#### 3.1.1 Woodland, trees and hedgerow

Mature and semi-mature broadleaved woodland shelter belts are present along three sides of the north-western most field (Plates 1 and 2; Target notes [TN] 15 and 23).

Woodland is of broadly similar structure throughout, with mature English oak *Quercus robur* and ash *Fraxinus excelsior*, together with occasional beech *Fagus sylvatica* and coniferous trees. All trees are of a similar age class, with standing dead trunks and woodpecker damaged trees frequent within the canopy. Development of an under-storey and ground flora is severely limited where cattle have unimpeded access from the adjacent fields. Occasional hazel *Corylus avellana* and holly *Ilex aquifolia* shrubs are present in these areas and locally frequent stands of butchers broom *Ruscus aculeatus* (probably of planted origin) occur along the northern and western boundaries. The woodland ground flora comprises sparse lesser celandine *Ranunculus ficaria*, cow parsley *Anthriscus sylvestris*, common nettle *Urtica dioica* and wild arum *Arum maculatum* amongst bare, cattle-poached and compacted ground. Where cattle have been excluded, a denser and better-connected under storey occurs, with hazel, holly and hawthorn *Crataegus monogyna*.

The woodland along the northern site boundary (TN23) includes rook *Corvus frugilegus* nests which form part of a large, rookery; the majority of which occurs offsite.

Further tree cover within the site includes a group of mature ornamental trees along the western boundary; these are situated within an area delineated by derelict iron railings typical of former garden landscaping. This area includes several large cedar of Lebanon *Cedrus libani* trees (TN6 & 7) which support a grey heron *Ardea cinerea* roost with at least two active nests. Self-sown and unmanaged shrubs here include elm *Ulmus* sp., hazel and elder *Sambucus nigra*.

Individual parkland trees are present in the north-western field. Three veteran English oaks (Plates 3 & 4, TN2) with diameters at breast height (dbh) of up to 2.0 m are present to the immediate south of the woodland, along the northern site boundary. These large, old specimens show signs of significant past storm and cattle damage, with large damaged limbs, fissures in their bark and exposed sections of dead wood. These veteran trees are of considerable conservation value. In the south west corner of the same field, other trees comprise a fallen horse chestnut *Aesculus hippocastanum* and three smaller oaks.

Hedgerows along field boundaries vary in age, structure and management. Along the southern boundary, blackthorn *Prunus spinosa* is dominant and suckers up to 10 m into the field. The hedgerow forming the western boundary of the southernmost field is tall (2-3 m) and dense, with no evidence of having been recently managed. Shrubs here include hawthorn, elder, blackthorn and elm, with ivy *Hedera helix* abundant and enveloping shrubs and bramble *Rubus fruticosus* dominant in places.

Sections of regularly flailed, species-poor hedge of more recent origin are present elsewhere on site, including along part of the northern site boundary where the hedge includes young ash trees and where it has outgrown to cover a wet ditch.

A thin, blackthorn-dominated hedge divides the two northern fields (TN18); this connects to the woodland along the southern boundary of the field but terminates at a fence line at its northern end and therefore does not directly connect to the woodland further north.

### **3.1.2 Grassland**

All grassland within the site is species-poor and of limited nature conservation value. The northern fields were cattle-grazed (one has since been ploughed for arable use) with the southern field divided with electric fences to form separated horse-grazed paddocks. All fields showed signs of agricultural improvement, with the grass species perennial ryegrass *Lolium perenne* being dominant; common and widespread herbs include creeping buttercup *Ranunculus repens*, common mouse-ear *Cerastium fontanum* and dandelion *Taraxacum officinale* agg.

### **3.1.3 Scrub and tall vegetation**

An inactive and unmanaged area of field adjacent to the western boundary of the site (TN5) (possibly over the foundations of a former house or outbuilding) now comprises disturbed ground with spoil and rubble, overgrown with low bramble *Rubus fruticosus* and scrub and locally-dominant competitive herbs such as common nettle.

Narrow belts of bramble and blackthorn scrub are present along the narrow access track from Dorchester Road in the south-eastern corner of the site.

### **3.1.4 Waterbodies**

Two ponds were identified in the February survey. A woodland pond (Plate 5, TN24) was present in the northern woodland block. This was heavily shaded by surrounding trees and there was no aquatic vegetation present; the base of the pond comprised only leaf litter. The pond was subject to a Habitat Suitability Assessment (to assess likelihood of supporting breeding great crested newt) and this resulted in an assessment of 'Poor' (HSI value: 0.39). A second pond (Plate 6, TN17) was present in a depression along the line of a drain and has been used as a cattle drink (with subsequent cattle poached margins and no aquatic vegetation present). The HSI value of this feature was recorded as 0.56 - 'below average'. This pond held water in February but was found to be dry by April 2013 (despite a reasonably wet spring).

A wet ditch (some 0.5m width and less than 0.1 m in depth) runs north along the hedgerow which divides the two northern fields and which follows the southern edge of the woodland block, entering a drain on the north-western corner over the site. Other seasonally wet ditches were present along the northern site boundary the western edge of the northern hedgerow block.

### **3.1.5 Buildings**

A single building comprising an open-fronted cattle shed constructed from asbestos sheeting and corrugated metal was present within the woodland along the northern boundary. The building was assessed as being of negligible value for roosting bats or for barn owl.



### 3.2 Designated sites

A brief description of each designated site in the locality is provided in Table 2, below:

**Table 2**  
**Relevant designated sites**

Site Name	Designation	Reason for Designation	Approximate Distance from site (km)
<b>Statutory Designated Sites</b>			
Chesil Beach & The Fleet	Special Area of Conservation (SAC), Special Protection Area (SPA) RAMSAR site	Coastal habitats including Atlantic salt meadows	4.5 km
Dorset Heathlands	SPA, SAC	Wet and dry heaths, <i>Molinia</i> meadows, calcareous fens and southern damselfly <i>Coenagrion mercuriale</i> .	9.5 km
Isle of Portland to Studland Cliffs	SAC	Vegetated sea cliffs, Semi-dry grasslands and scrubland faces on calcareous substrates and populations of early gentian <i>Gentianella anglica</i> .	2.5 km
Crookhill Brick Pit	SAC	Great crested newt populations	3.5 km
Lodmoor	Site of Special Scientific Interest/ (SSSI) RSPB Reserve	Reedbed and brackish grassland of outstanding interest for birds. The site is notable for waders on passage and wildfowl in winter. Several nationally rare species breed	1.25 km
Lorton	SSSI	Neutral grassland and ancient woodland.	1.0 km
Radipole Lake	SSSI/ RSPB Reserve	Former estuary of the River Wey; comprises a variety of wetland habitats of great importance for birds as a breeding, wintering and passage site.	1.0 km
Radipole School	Local Nature Reserve (LNR)	Woodland, scrub, grassland & pond.	1.0 km
Radipole Wood	LNR	Woodland glades and open grassland.	1.0 km
<b>Non Statutory Designated Sites</b>			
Bincombe Hill	Site of Nature Conservation Interest (SNCI)	Three separate areas of unimproved chalk grassland.	2.0 km
Lorton Meadows	SNCI	Unimproved neutral grassland.	1.0 km
Lodmoor North	SNCI	Unimproved neutral grassland.	1.5 km
Westend meadows	SNCI	Three compartments of grassland of varying quality.	1.0 km
Buckland Rivers Meadow	SNCI	Neutral grassland.	1.5 km

### 3.3 Preliminary Protected Species Assessment

Relevant protected and 'conservation priority' taxa that could present a constraint to development were they to be present are listed in Table 3 below. Inclusion in this table is based upon:

- presence of suitable habitat for a species and a national distribution which suggests its presence is likely or possible here;
- confirmed field evidence of individual species (e.g. presence of badger setts);
- records returned during the desk study which confirm presence of a particular species of concern in the local area;
- local policy / guidance which identifies areas of interest for a particular species of concern; and
- potential for the proposed development to have an adverse impact upon a particular species of concern.

**Table 3**  
**Key potential protected species**

Species	Legal Protection/ Conservation Priority Status <sup>3</sup>	Present in Desk Study Results	Reason for inclusion
<b>Bats</b>			
Whiskered bat <i>Myotis mystacinus</i>	HR, WCA, ,	Yes	
Brant's bat <i>M. brantii</i>	HR, WCA,	Yes	
Natterer's bat <i>M. nattereri</i>	HR, WCA,	Yes	
Daubenton's bat <i>M. daubentnii</i>	HR, WCA,	Yes	
Serotine <i>Eptesicus serotinus</i>	HR, WCA,	Yes	Trees on-site include dead specimens and trees with multiple woodpecker holes that are suitable for supporting roosts for tree dwelling bat species. .
Noctule <i>Nyctalus noctula</i>	HR, WCA, S41	Yes	
Common pipistrelle <i>Pipistrellus pipistrellus</i>	HR, WCA,	Yes	Woodland and hedgerows represent habitat of foraging value,
Soprano pipistrelle <i>P. pygmaeus</i>	HR, WCA, S41	Yes	
Barbastelle <i>Barbastella barbastellus</i>	HR, WCA, S41	Yes	
Grey Long-eared bat <i>Plecotus austriacus</i>	HR, WCA,	Yes	
<b>Other Mammals</b>			
Dormouse	HR, WCA, S41	No	The woodland and hedgerow habitat on site is suitable for supporting dormouse and the site lies within the known geographic range for the species.
Badger	WCA, BPA	No	An active outlier badger sett was recorded within the site. Exact locations have been withheld for reasons of animal welfare. No foraging activity was recorded within the site.
<b>Reptiles</b>			
Adder <i>Vipera berus</i>	WCA S41	Yes	The site was generally of limited value for reptiles due to regular agricultural management and cattle

<sup>3</sup> See Section 4 on relevant legislation and policy and for further information on the terms used here.

Species	Legal Protection/ Conservation Priority Status <sup>3</sup>	Present in Desk Study Results	Reason for inclusion
Slow worm <i>Anguis fragilis</i>	WCA S41	Yes	access to woodland areas. Small areas of unmanaged scrub along western and southern boundaries potentially provides habitat for reptiles such as slow worm, common lizard, grass-snake and adder.
Common Lizard <i>Zootoca vivipara</i>	WCA S41	Yes	
Grass Snake <i>Natrix natrix</i>	WCA S41	Yes	
<b>Amphibians</b>			
Great crested newt	WCA S41	No	The site lies within the known geographic range for this species and contains aquatic and terrestrial habitat which are suitable. A pond considered of low potential value for breeding great crested newt (HSI value of 0.39) lies within the northern woodland block; a second pond HSI 0.56 was found to be dry in April 2013. No further ponds were identified within 500m of the site.

Key to protection/status:

- HR Habitat Regulations
- WCA Wildlife & Countryside Act
- PBA Protection of Badgers Act
- S41 Natural Environment and Rural Communities Act (NERC) 2006, England Biodiversity (section 41) List

The data search also returned numerous records of birds, moths and butterflies which are unlikely to occur within the disturbed semi-natural habitats present within the site and are not considered further as they are unlikely to present significant development constraints.

## **4.0 RELEVANT LEGISLATION & POLICY<sup>4</sup>**

### **4.1 Legislation**

#### **4.1.1 *Habitat Regulations***

The Conservation of Habitats and Species Regulations 2010 transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb<sup>5</sup> wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time). Taxa which could fall under the direct aegis of the Habitats Regulations at this site include (if present) dormouse and bats.

The legal requirements relating to protection of Special Areas of Conservation (SAC) and Special Areas of Protection (SPA) are set out in the Habitats regulations. SAC and SPA are strictly protected sites, which contain habitats and/ or species considered to be most in need of conservation at a European level. Article 2 of the Directive requires the maintenance or restoration of habitats and species of interest to the EU, at a favourable condition. Articles 6(3) and 6(4) of the Habitats Directive detail where Appropriate Assessment is required:

The purpose of an Appropriate Assessment (AA) is to assess potential impacts against the conservation objectives of relevant European Sites. The assessment must determine whether a proposal would adversely affect the integrity of the site in terms of its nature conservation objectives.

The Habitats Directive applies the precautionary principal to SAC's. Developments can only be permitted where it has been determined that there would be no adverse effect on the integrity of the identified site(s).

#### **4.1.2 *Wildlife & Countryside Act***

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CRoW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions)
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act including great crested newt, bat, dormouse and reptiles
- intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act (excluding common reptile ; slow worm, common lizard, adder or grass snake) ;

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<sup>4</sup> Please note that this legal information is a summary and intended for general guidance only. The original legal documents should be consulted for definitive information. Web addresses providing access to the full text of these documents are given in the References & Bibliography section.

<sup>5</sup> Disturbance, as defined by the Conservation of Habitats and Species Regulations 2010, includes in particular any action which impairs the ability of animals to survive, breed, rear their young, hibernate or migrate (where relevant); or which affects significantly the local distribution or abundance of the species.

- intentionally or recklessly disturb certain Schedule 5 animal species including dormouse while they occupy a place used for shelter or protection

#### **4.1.3 Natural Environment & Rural Communities Act**

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations. The England Biodiversity List has been developed to meet the requirements of Section 41 of the Act. The S41 list is used to guide local authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006

The S41 list replaces the list published under Section 74 of the Countryside and Rights of Way Act 2000, which was identical with the UK BAP list at the time.

#### **4.1.4 Protection of Badgers Act (1992)**

Badgers are protected in the UK under the Protection of Badgers Act (1992), making it an offence to:

- Kill, injure or take a badger;
- Intentionally or recklessly interfere with a badger sett.

Sett interference includes damaging, destroying or obstructing access to a sett and disturbing badgers while they occupy a sett.

The Natural Environment and Rural Communities Act (2006) places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations.

## **4.2 National Planning Policy Framework**

The NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- recognising the wider benefits of ecosystem services; and,
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Other key principles of the NPPF relating to biodiversity are:

- the conservation of international and national statutorily designated sites;
- protection of ancient woodland and veteran trees;
- the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;
- the preservation, restoration and recreation of priority habitats and ecological networks; and
- the recovery of priority species populations.

## **5.0 DISCUSSION & RECOMMENDATIONS**

### **5.1 Summary**

The proposals are for residential development across the majority of the site. The following potential impacts - outline only at this stage - have been identified during this provisional assessment:

- Habitat loss – of fields and possibly hedges and woodland – as a result of land take;
- Direct impacts upon species populations (possibly including European protected species such as bats, dormouse and great-crested newt), as well as upon other protected species (such as badger, nesting birds and possibly reptiles); and
- Indirect impacts on fauna through habitat change and loss of access to foraging habitat (e.g. for example loss of access to foraging for bats);
- Adverse effects on local European (SPA and SAC) sites (Table 2) as a result of increased recreational pressure from increased residential development.

To enable a detailed ecological impact assessment, detailed surveys following relevant best practice guidelines will be undertaken in 2013 for:

- bats;
- dormouse;
- great crested newts;
- nesting birds; and
- reptiles.

A summary of what are likely to be the key potential impacts, as well as outline measures to address potential impacts upon them (and on species), are detailed below. It is recommended that an ecological mitigation strategy with detailed mitigation and compensation measures is prepared on completion of the surveys and incorporated within the site master plan. If, following such survey work, it becomes clear that European protected species would be affected by the proposals (for example loss of trees supporting roosting bats or loss of hedge habitat supporting dormouse), it would be necessary to provide sufficient survey information to allow the local authority to apply the following three 'tests' under the Conservation Regulations 2010 at the planning determination stage:

- The consented operation must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- There must be no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### **5.2 Designated sites**

#### *Possible effects*

Whilst no detailed assessment has yet been undertaken, it is considered unlikely (at least when the development is considered in isolation) that the proposals would result in a direct negative effect on any of the identified European Designated sites since the development site is separated from all such sites by existing urban development and this physical barrier, together with the distances involved, suggests that only very small increase in visitor numbers would be likely as a result of a rise in the local population after development.

It is the view of Natural England (Anon 2012, 2013) that the cumulative effect of a net increase of dwellings up to 5 km from the Dorset Heathlands SAC and SPA sites would have a significant effect and would require appropriate mitigation. As the proposed development site is located approximately 9.5 km from the closest point of the protected heathland, it is not considered that there would be a significant effect or requirement for mitigation.

In view of the above, whilst no impacts are anticipated, it is recommended that consultation is undertaken with the appropriate local authority at an early stage specifically with respect to the other European protected sites identified in proximity to the proposed development site.

### 5.3 Habitats

#### *Possible effects*

The proposed development would result in loss of pasture and arable habitat of modest intrinsic nature conservation value. Habitats of higher value include the mature woodland, veteran trees and hedges. The removal of woodland and/ or hedgerows could also potentially impact upon protected species, for example bats and dormouse. The significance of such impacts in relation to these and other species is discussed in the relevant sections below.

#### *Outline mitigation options*

Where possible, the most valuable habitat within the application site (mature woodland and veteran trees) should be retained and incorporated into the framework of the emerging master plan and managed for its biodiversity interest following development.

The value of the woodland habitat is currently limited by considerable disturbance from cattle and removal of this constraint would enable development of ground flora and a shrub layer, as well as preventing further compaction of soil; thus helping prolong the life of the existing trees.

Veteran trees will need physical protection and specialist / sensitive management to ensure that the habitats that they contain (which importantly can include standing deadwood habitat of value to specialist invertebrates and fungi).

In order to compensate for the loss of grassland and mature hedgerows, scrub and trees, it is recommended that landscaping proposals for open areas includes creation of ecologically valuable habitat. Proposals could include the following;

- Planting/ management of native woodland and shrub;
- Creation of new species-rich grassland; and
- Creation of water bodies and wetland habitats as part of a Sustainable Urban Drainage Scheme (SUDS).

### 5.4 Bats

#### *Possible effects*

Impacts upon bats (which are European Protected Species) associated with the proposed development will be determined following completion of specialist surveys during 2013. Impacts are expected to be related to two main ecological factors:

### *Roosting*

Any tree roosting bats (if present) could be directly affected by loss of trees; also there is a risk of killing animals if any trees containing roosts were to be felled during site clearance without taking appropriate precautionary measures. These kinds of impacts would constitute an offence under the legislation detailed in Section 4. The level of impact (and consequently the level of mitigation required) for a tree roost would depend upon the rarity of the species concerned and the size and type of the roost. Work affecting a roost is likely to require a European Protected Species licence from Natural England prior to commencing work.

### *Foraging and commuting*

Loss of habitat (woodland and pasture) and loss of, or fragmentation of, the hedgerow and woodland network may result in a loss of bat foraging habitat as well as disturbance to and/or displacement of foraging and commuting bats within the wider landscape; as such it could impact on the conservation status of bats locally.

### *Outline Mitigation Options*

As stated above, bats and their roosts are legally protected. Therefore, if a tree confirmed as supporting a roost cannot be retained for strategic reasons, a European Protected Species Licence (EPSL) may be required prior to felling or tree surgery. Mitigation detail for the purpose of licensing is likely to be dependent upon the species and type of roost present, but appropriate measures are likely to include retention of trees and / or provision of tree-mounted bat boxes.

To help maintain the existing value of the site for foraging bats, the emerging master plan might usefully consider locating low-intensity development (such as public open space, private gardens or allotments) close to retained woodland boundaries and should be informed by a lighting plan to ensure maintenance of night-time light levels of below 0.1 Lux in such areas. This can be achieved by completely avoiding lighting where possible and using directional, low-level, low-power lighting where essential, with consideration for control of lighting through motion sensors and / or timers.

## **5.5 Dormouse**

### *Possible effects*

Potential dormouse habitat includes hedgerows and woodland. Activities associated with this proposed development which would negatively affect dormice (if present) include direct loss of habitat, accidental killing of animals through unmitigated site clearance and habitat fragmentation; whilst unlikely, the latter could lead to potential isolation of dormouse populations and thus to local extinctions.

### *Outline Mitigation Options*

Since dormouse is a European Protected Species, such impacts would constitute offences under the Habitats Regulations and as a consequence any vegetation clearance would first require a European Protected Species licence to be in place prior to commencing work (if the animal was found to be present). EPS licence applications must include a detailed Method Statement describing how works would be undertaken (in a manner that would avoid harming the species concerned) and the measures that would be taken to compensate for loss of habitat.



Details of mitigation for dormouse, if needed, are likely to include retention of existing and creation of new woodland, and maintenance of habitat connectivity from the site to the wider area. Measures to enhance the existing woodland structure through encouragement of under-shrub development would also be beneficial.

## 5.6 **Badgers**

### *Possible effects*

An active outlier badger sett was recorded within the site. The exact location has been withheld for reasons of animal welfare. No evidence of badger foraging was identified within the site.

The proposed development could result in destruction of this sett or disturbance to badgers using it during for example earth moving works. There would also be some direct loss of badger foraging habitat through loss of pasture.

### *Outline Mitigation Options*

If the sett cannot be retrained and suitably buffered from construction, then a Natural England licence may be required before works within 30m of it could proceed. Badger licences are typically only granted for works between 1 July and 31 November and a licence would be required for any activity likely to destroy or damage the sett or cause severe disturbance to it, if it is occupied (or had been within the previous year). Such activities would include:

- Operation of very heavy machinery (generally tracked vehicles) within 30 m of any entrance to an active sett;
- Operation of lighter machinery (generally wheeled vehicles), particularly for any digging operations, within 20 m; and
- Light work such as hand digging or scrub clearance within 10 m

Under current Natural England guidelines, 'low to moderate' levels of sett disturbance may not require a badger licence, where disturbance does not exceed acceptable levels commonly experienced by the social group in question. However any activity which may cause structural damage to a recently occupied sett would require a licence. It is therefore recommended that early consultation takes place with Natural England in respect of badgers.

## 5.7 **Reptiles**

### *Possible effects*

Due to the occurrence of cattle damage throughout the majority of the site including the woodland, the extent and quality of suitable habitat for common reptiles, is not extensive, being limited to the small un-managed areas of scrub. Impacts are therefore likely to be limited to loss of small areas of habitat during site clearance; if reptiles were to be present, this could result in inadvertent killing or injury of animals (an offence under the Wildlife and Countryside Act 1981).

### *Outline Mitigation Options*

In the event that the 2013 survey identifies significant reptile populations as present, mitigation would probably need to comprise translocation of animals to a suitable receptor

site, the location of which would need to be agreed beforehand with the local planning authority.

Provision of new grassland habitat within the site master plan and enhancement to the existing woodland to improve the woodland-edge structure (and in particular to remove trampling damage) should provide additional habitat for these species.

## 5.8 Great crested newt

### *Possible effects*

Two ponds with limited potential to support breeding great crested newt were noted within the site; however, one such pond was noted as dry in April 2013 and no further ponds were identified within 500m of the site boundary. The woodland, hedgerows and to a lesser degree pasture habitats within the site have potential to support the species during the terrestrial phase of its life cycle and outline mitigation options are discussed below.

### *Outline Mitigation Options*

In the event that this species is confirmed as present within the site, a European Protected species licence may be required for works before site clearance can proceed. The application would involve preparation of a detailed Mitigation Strategy to ensure that any newts present can be protected during the construction phase of the works, as well as minimising long term impacts upon any local populations by providing appropriate mitigation and enhancement measures (such as habitat retention and enhancement/creation of ponds - possibly as part of SUDS solutions). Mitigation for this species if significant populations are present usually involves periods of intensive pitfall trapping and translocation to pre-identified / agreed receptor sites (which may require habitat creation or enhancement).

## 5.9 Nesting birds

### *Possible effects*

Scrub and trees within the site may support common and widespread nesting birds and an active rookery and a heronry have been confirmed within marginal woodland. Loss of this habitat could result in the reduction of nesting opportunities for a range of species (including herons and rooks) and impact on the local bird assemblage.

### *Outline Mitigation Options*

Specific mitigation measures and creation of suitable replacement would depend on the species present. Woodland and hedgerow habitat within the application site should be retained and managed where possible and as a general precaution there should be no vegetation clearance during March to August inclusive<sup>6</sup>,

Specific compensation measures might include incorporation of bird nesting habitat into the landscaping scheme (for example by planting dense blocks of native shrubs and installation of bird boxes on retained trees, plus provision of nesting sites for other bird species including house martins, swifts and house sparrows into new buildings).

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<sup>6</sup> This is a general guide only. The following points may apply depending on habitats on site and the proposed works: 1) Mild winters may encourage some species to nest earlier in the year; 2) Swallow and house martin can breed into early October; 3) Some species, such as pigeons and owls, can breed throughout the year in suitable conditions. It is recommended that, where appropriate, any habitat clearance or building demolition works outside of the typical breeding season is preceded by a site evaluation by an ornithologist in order to prevent a potential breach of wildlife legislation.

## **6.0 CLOSURE**

This report has been prepared by SLR Consulting Limited with all reasonable skill, care and diligence, and taking account of the manpower and resources devoted to it by agreement with the client. Information reported herein is based on the interpretation of data collected and has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of C.G. Fry & Son Ltd; no warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of the work.

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Anon (2012) Dorset Heathlands Planning Framework 2012 - 2014

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Hundt L (2012) Bat Surveys: Good Practice Guidelines, 2nd edition ,. Bat Conservation Trust

Joint Nature Conservation Committee (2010) *Handbook for Phase 1 Habitat Survey – A Technique for Environmental Audit* (Revised reprint). Joint Nature Conservancy Council, Peterborough.

Stace, C. (1997) *New Flora of the British Isles* (2nd edition). Cambridge University Press, Cambridge.

*Web addresses for access to full UK legislation and policy text:*

Wildlife and Countryside Act 1981:

[www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1981/cukpga\\_19810069\\_en\\_1](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1981/cukpga_19810069_en_1)

Countryside and Rights of Way Act 2000:

[www.legislation.hmsso.gov.uk/acts/acts2000/20000037](http://www.legislation.hmsso.gov.uk/acts/acts2000/20000037)

Natural Environment and Rural Communities Act 2006:

[http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060016\\_en\\_1](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1)

National Planning Policy Framework

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

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## APPENDIX 1 TARGET NOTES

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<b>TN</b>	<b>Description</b>
2	Three large veteran trees (up to 2 m dbh). Two approximately 10m south of woodland edge and third on edge of cattle pen on south west corner of woodland. All trees have significant storm damage / rot and qualify as bat roost Category 1*
3	Group of seven semi mature (0.3 m dbh) oak and small leaved lime trees in north west corner of site. The two trees in NW corner contain small amount of rot in trunk (bat roost Cat. 1/2). Remaining trees Cat. 3.  Trees support 2-3 rook nests with large numbers of rooks in surrounding (off site) trees.  A single larger (1.0 dbh) common lime (Cat. 1/2) present on the southern edge of the group. Tree had dense epicormic growth at 2m height and upper trunk appears dead. Tree also supports small amount of mistletoe.
4	Beech tree (0.7m dbh) outside group of trees to north with numerous knotholes. Cat. 1
5	Scattered bramble scrub and tall ruderal (common nettle) over old building foundations. Reptile potential.
6	Area enclosed by iron railings, presumably former ornamental garden. Large mature cedar and various broad leaved trees with under canopy of scrub including hazel, elder, elm and bramble and semi-improved short grassland in more open areas. Habitat cattle poached throughout.
7	Cedar of Lebanon tree, multi stemmed with horizontal splits in branches and larger storm damaged branch stumps. Bat roost Cat. 1
8	Multi-stemmed ash tree with numerous hollow trunk sections (0.25 m dbh) and woodpecker holes on western side of tree. Bat roost Cat. 1/1*
9	Cedar on southern edge of fence line with large dead section. Bat roost Cat. 1
10	Large cedar with active heron nest (up to 8 heron flying over and resting in adjacent field).
11	Beech tree (1.0 m dbh) with numerous knot holes around upper limbs (Cat. 1) adjacent to a standing rotten tree stump (4m height) which was hollow but open at the apex (Cat. 1)
12	Group of holm oak, beech and ornamental plane trees all 0.3 – 0.5m dbh. Several trees have vertical splits. Cancers to trunk. Cat 1/2
13	Dense butchers broom below trees – probably introduced as part of former ornamental gardens
14	Group of four trees including oak and horse chestnut situated in pasture field. The western most tree comprises a regenerating stump to 4m height with hollow trunk and rot holes (Cat. 1/ 1*). Two small trees (0.3 m dbh) are present to the east. The

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- northern most of these with numerous knot holes and rot at base of trunk (Cat. 1). The eastern most tree has large fallen trunk section with remaining standing section of low value for bats (Cat 3)
- 15** Plantation woodland. Majority of trees broadleaved (oak and ash) with small number of coniferous trees. Trees all of similar age (0.5 m dbh, 20m height). Greater spotted woodpecker very active with large number of trees containing woodpecker holes. Also numerous standing dead trees with woodpecker holes. (overall bat roost value Cat 1\*).
- Cattle access throughout and little under canopy (occasional hazel and holly particularly along northern edge) or ground flora (Sparse lesser celandine, cow parsley, common nettle and wood arum). At the eastern edge scrub layer becomes dense with hawthorn abundant amongst mature oak trees.
- 16** Small earth bank with over mature hawthorn and elm remnants of defunct hedge bounding woodland. Recently planted hawthorn/ blackthorn hedge immediately south.
- 17** Pond used as cattle drink. 4m x 4m and fed from field drains. Pond is shaded by adjacent hawthorn and blackthorn with hedge to south. Cattle poached northern margin. Pond very turbid with no aquatic vegetation visible and silt/ leaf litter on base. GCN HSI = 0.54 (Below Average)
- 18** Wet ditch/ stream flowing north from pond (TN17). Flow possibly seasonal, 0.5 m wide and 0.2 m deep. At the southern end, thin scattered bramble, elm and hawthorn along a fence form the along western edge of ditch with small mature copse to the east. Further north ditch runs alongside dense species poor hawthorn/ blackthorn hedge which terminates at a gate with fence continuing north to connect to woodland.
- 19** Short section of mature blackthorn hedge (2m height & width) on earth bank. Connects to woodland at western end and terminates at housing at eastern end. Thin blackthorn along the curtilage boundary runs south along eastern site boundary, connecting to bramble scrub
- 20** Hedge, blackthorn dominant and suckering into field to north (5-6m thick in places). Occasional hawthorn and dead elm trees
- 21** Mature hedgerow with hawthorn, elder, blackthorn and elm. No recent management with ivy and bramble abundant and choking shrubs.
- 22** Hedgerow adjacent to Nottingham Lane, recently flailed blackthorn and bramble with dead and live elm (0.1m dbh) and ash trees (0.2m dbh) along length. Hedge continues to west along edge of woodland (includes butchers brook in hedge adjacent to wood)
- A wet ditch runs to field side with blackthorn scrub extending over ditch (3 -4m width).
- Hedge to north of Nottingham lane, low flailed blackthorn (no trees) with recent laying with stone facing on sections of southern/ road side
- 23** Plantation woodland similar to elsewhere on site (TN15) mature oak and beech with occasional coniferous trees. Several trees with holes/ rot with bat roost Cat. 1. Southern end narrows with fewer mature trees with scrub layer (hawthorn, elder and bramble) becoming dominant. Rook nests throughout.
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- 24** Pond; 10m x 5m shaded by shrubs and trees on all backs with no aquatic vegetation and leaf litter/ silt base. GCN HSI = 0.39 (Poor)
- 25** Badger push/ path across hedgebank with similar path noted over bank to north of road
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## APPENDIX 2. PLATES

**Plate 1.**  
**Woodland belt along southern field boundary (TN15)**



**Plate 2.**  
**Woodland belt along northern field boundary (TN23)**





**Plate 3.**  
**Veteran tree adjacent to northern woodland block (TN2)**



**Plate 4.**  
**Veteran tree adjacent to Northern boundary woodland block (TN2)**



**Plate 5.**  
**Woodland pond (TN24)**



**Plate 6.**  
**Pond in drainage depression (now dry) (TN17)**



**APPENDIX 3. PHASE 1 HABITAT PLAN**

