

**ARTHUR HILL POOL, 221-225 KINGS ROAD,
READING**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Gleeds Cost Management on behalf of
Reading Borough Council

Report No: RT-MME-151718-01 Rev A

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	09/06/2020	Indre Barsketyte MSc Grad CIEEM (Principal Ecological Consultant)	Paul Roebuck MCIEEM (South East Manager)	Tom Docker MCIEEM (Managing Director)
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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

In May 2020, Gleeds Cost Management on behalf of Reading Borough Council commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Arthur Hill Pool, 221-225 Kings Road in Reading, Berkshire. This assessment is required to inform a planning application for application for change of use and conversion of the front building from leisure (Use Class D2) to residential (Use Class C3) and demolition of the rear building and construction of new residential building (Use Class C3), car parking and landscaping.

The ecological desk study revealed no European statutory sites within 5 km of the survey area, one UK statutory sites within 2 km radius of the survey area and three non-statutory sites within 1 km radius of the survey area. The desk study also provided records of protected and notable species, including bats, hedgehog, badger, reptiles, birds and invertebrates.

The walkover survey was undertaken on the 13th May 2020 by Indre Barsketyte (Principal Ecological Consultant). At the time of the survey, the site was dominated by a brick building with associated areas of hardstanding. A small number of young scattered trees and some scattered scrub were present around the northern site boundary.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This will involve,
- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species to provide foraging habitat for mammals and birds;
 - nectar-rich species to attract bees, butterflies and moths;
 - species which attract night flying insects which will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
 - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as swifts, house sparrow and bat boxes for species such as pipistrelle.
- R2 Roosting Bats:** Recommendations made in the Preliminary Bat Roost Assessment (RT-MME-151718-02) should be followed.
- R3 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- R4 Terrestrial Mammals including Fox and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In May 2020, Gleeds Cost Management on behalf of Reading Borough Council commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Arthur Hill Pool, 221-225 Kings Road in Reading, Berkshire. This assessment is required to inform a planning application for application for change of use and conversion of the front building from leisure (Use Class D2) to residential (Use Class C3) and demolition of the rear building and construction of new residential building (Use Class C3), car parking and landscaping.

In addition, Middlemarch Environmental Ltd has been commissioned to undertake the Preliminary Bat Roost Assessment (RT-MME-151718-02) and Dusk Emergence / Dawn Re-entry surveys (RT-MME-152784), the latter of which are still in progress at the time of this report.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 13th May 2020.

1.2 SITE DESCRIPTION AND CONTEXT

The development site, which measures approximately 0.1 ha, is located within a predominately residential area of Reading, Berkshire, centered at National Grid Reference SU 73034 73246. At the time of the survey the site was dominated by a two-story brick building with associated tarmac areas to the north and south. The area of hardstanding to the north was beginning to be colonized by ephemeral and scrub vegetation.

King's Road borders the site to the south, Norwood Road borders the site to the north, a new residential development is located to the west and a church borders the site to the east. Reading Old Cemetery is located approximately 150 m to the east of the site and Kennet and Avon Canal is located approximately 360 m to the north west of the site. The wider landscape is dominated by residential buildings, school grounds and recreational grounds.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project.

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites; and,
- Thames Valley Environmental Records Centre.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017)

The Habitats Regulations 2017 consolidate and update the Habitats Regulations 2010 (as amended). The Habitats Regulations 2017 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitats Regulations 2017, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

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. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In February 2019, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development

resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY

<http://www.reading.gov.uk/readingldf>

Local Plan

The Local Plan is the main planning document for Reading and was adopted as the Council's official policy on 4th November 2019. It replaces the three previous development plan documents – the Core Strategy (adopted 2008, amended 2015), Reading Central Area Action Plan (adopted 2009) and Sites and Detailed Policies Document (adopted 2012, amended 2015). This document contains planning policies to manage development in Reading up to 2036. Within the Local Plan the policies of relevance to ecology are as follows:

EN11: Waterspaces

Reading's waterspaces will be protected and enhanced, so that they can continue to contribute to local and regional biodiversity and ecology, flood mitigation, local character, heritage and visual amenity, the provision of accessible leisure and recreational opportunities and, where appropriate, navigation. There will be no adverse impact on the functions and setting of any watercourse and its associated corridor.

Where development in the vicinity of watercourses is acceptable, it will:

- Provide appropriate, attractive uses and buildings that enhance the relationship of buildings, spaces and routes to the watercourse, including through creating or enhancing views of the watercourse, and create a high quality public realm;
- Make positive contributions to the distinct character, appearance, historic significance, landscape and amenity of the watercourses;
- Provide a strengthened role for watercourses as important landscape features, wildlife corridors, historic features and recreation opportunities;
- Wherever practical and consistent with its biodiversity role, provide good, level access to and along the waterside for all those who want to use it;
- Be set at least ten metres back from the watercourse wherever practicable and appropriate to protect its biodiversity significance;
- Improve the quality of watercourse environment through protecting and enhancing habitats and ensuring that habitat creation is balanced with access and urban uses; and
- Pursue opportunities for deculverting of watercourses.

EN12: Biodiversity and The Green Network

- a) The identified Green Network, the key elements of which are shown on the Proposals Map (available here: <https://www.reading.gov.uk/planningpolicy>), shall be maintained, protected, consolidated, extended and enhanced. Permission will not be granted for development that negatively affects the sites with identified interest or fragments the overall network. The Green Network comprises:
- Sites with identified biodiversity interest - Local Wildlife Sites, Local Nature Reserves, Biodiversity Opportunity Areas, protected and priority species and their habitats, Priority and Biodiversity Action Plan habitats, and the River Thames and all its tributaries (including the River Kennet and the Kennet & Avon Canal); and
 - Areas with potential for biodiversity value and which stitch the Green Network together – designated Local Green Space and open green spaces, and existing and potential Green Links.

New development shall demonstrate how the location and type of green space, landscaping and water features provided within a scheme have been arranged such that they maintain or link into the existing Green Network and contribute to its consolidation. Such features should be designed to maximise the opportunities for enhancing this network. All new development should maximise opportunities to create new assets and links into areas where opportunities are as yet unidentified on the Proposals Map.

- b) On all sites, development should not result in a net loss of biodiversity and geodiversity and should provide a net gain for biodiversity wherever possible. Development should:
- Protect and wherever possible enhance features of biodiversity interest on and adjacent to the application site, incorporating and integrating them into development proposals wherever practicable; and
 - Provide new tree planting, wildlife friendly landscaping and ecological enhancements (such as wildlife ponds, bird and bat boxes) wherever practicable.

In exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site, and it is demonstrated that the impacts cannot be: 1) avoided; 2) mitigated or; 3) compensated for on-site; then new development will provide off-site compensation to ensure that there is "no net loss" of biodiversity. Provision of off-site compensation shall be calculated in accordance with nationally or locally recognised guidance and metrics. It should not replace existing alternative habitats and should be provided prior to development.

EN14: Trees, Hedges and Woodlands

Individual trees, groups of trees, hedges and woodlands will be protected from damage or removal where they are of importance, and Reading's vegetation cover will be extended. The quality of waterside vegetation will be maintained or enhanced.

New development shall make provision for tree retention and planting within the application site, particularly on the street frontage, or off-site in appropriate situations, to improve the level of tree coverage within the Borough, to maintain and enhance the character and appearance of the area in which a site is located, to provide for biodiversity and to contribute to measures to reduce carbon and adapt to climate change. Measures must be in place to ensure that these trees are adequately maintained.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in May 2020 by Thames Valley Environmental Records Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
UK Statutory Sites			
Highwood	LNR	1.82 km south-east	This area contains mixed lowland woodland as well as heathland and an exotic tree arboretum in the house grounds. A variety of birds have been recorded on site including; kingfisher <i>Alcedo atthis</i> , goosander <i>Mergus merganser</i> , pochard <i>Aythya ferina</i> , shoveler <i>Spatula clypeata</i> , cormorant <i>Phalacrocorax carbo</i> , heron <i>Ardea cinerea</i> , grey wagtail <i>Motacilla cinerea</i> , waxwing <i>Bombus garrulus</i> , treecreeper <i>Certhia familiaris</i> and greater spotted woodpecker <i>Dendrocopos major</i> .
Non-statutory Sites			
Reading Cemetery	LWS	0.16 km east	This is a large cemetery with semi-improved grassland, flower-rich areas and scattered trees and shrubs.
Henley Road Gravel Pit	LWS	0.74 km north	This site is large pit next to the Thames where gravel was extracted in the past. The site supports a range of wildfowl that winter in the UK including species such as gadwall which is classed a bird of conservation concern.
The Coal, Kennetmouth and King Meadow East	LWS	0.96 km north	The Coal is an old colliery spoil site with a central riverside area dominated by scattered trees. Kennetmouth is a short length of towpath at the confluence of the River Kennet and the River Thames. This site is important for the presence of the nationally scarce vascular plant, Loddon lily <i>Leucojum aestivum</i> . Kings Meadow East is a mosaic of habitats including mixed broadleaved woodland, scrub and tall herb and rough grassland.
Ancient Woodland Sites			
Unnamed Woodland (Theme ID 1504533)	ASNW	1.63 km north	No description
High Wood – South Land Coppice	ASNW	1.80 km south-east	No description
Great Bramleys Park	ASNW	1.95 km east	No description
High Wood – Wood adjoining coppice	ASNW	1.97 km south-east	No description
Key: LNR: Local Nature Reserve LWS: Local Wildlife Site ASNW: Ancient and Semi-natural Woodland			

Table 4.1: Summary of Nature Conservation Sites

No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within a SSSI Impact Risk Zone for Lodge Wood and Sandford Mill which is located 4.80 km east of the survey area.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals – Bats					
Common pipistrelle <i>Pipistrellus pipistrellus</i>	49	2019	90 m west	-	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	44	2019	90 m west	✓	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	34	2018	330 m north	✓	ECH 4, WCA 5, WCA 6
Daubenton's bat <i>Myotis daubentonii</i>	2	2016	540 m north	-	ECH 4, WCA 5, WCA 6
Nathusius's Pipistrelle <i>Pipistrellus nathusii</i>	12	2018	540 m north	-	ECH 4, WCA 5, WCA 6
Unidentified myotis <i>Myotis</i> sp.	20	2018	540 m north	-	ECH 4, WCA 5, WCA 6
Leisler's bat <i>Nyctalus leisleri</i>	2	2016	580 m north	-	ECH 4, WCA 5, WCA 6
Serotine bat <i>Eptesicus serotinus</i>	4	2018	580 m north	-	ECH 4, WCA 5, WCA 6
Barbastelle bat <i>Barbastella barbastellus</i>	2	2018	580 m north	✓	ECH 2, ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	2	2012	620 m south-east	✓	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	3	2019	690 m south-east	#	#
Unidentified bat <i>Vespertilionidae</i> sp.	1	2015	780 m north-east	#	#
Pipistrelle <i>Pipistrellus</i> sp.	10	2014	Potentially within 1 km radius*	#	ECH 4, WCA 5, WCA 6
Mammals – Other					
Badger <i>Meles meles</i>	4	2015	†	-	WCA 6, PBA
Otter <i>Lutra lutra</i>	6	2018	390 m north	✓	ECH 2, ECH 4, WCA 5, WCA 6
Common shrew <i>Sorex araneus</i>	1	2009	530 m south-west	-	WCA 6
Hedgehog <i>Erinaceus europaeus</i>	2	2019	780 m south-east	✓	WCA 6
Reptiles					
Slow worm <i>Anguis fragilis</i>	38	2018	580 m north	✓	WCA 5 S9(1) WCA 5 S9(5)
Grass snake <i>Natrix natrix</i>	3	2016	680 m north-east	✓	WCA 5 S9(1) WCA 5 S9(5)
Birds					
Peregrine <i>Falco peregrinus</i>	31	2019	360 m north	-	WCA1i
Black redstart <i>Phoenicurus ochuros</i>	1	2005	440 m north	-	WCA1i
Kingfisher <i>Alcedo atthis</i>	63	2017	450 m north-west	-	WCA1i
Greylag goose <i>Anser anser</i>	6	2015	530 m north	-	WCA1ii
Red kite <i>Milvus milvus</i>	25	2017	530 m north	-	WCA1i

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (Continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Fieldfare <i>Turdus pilaris</i>	7	2017	720 m south	-	WCA1i
Brambling <i>Fringilla montifringilla</i>	1	2005	Potentially within 1 km radius*	-	WCA1i
Firecrest <i>Regulus ignicapilla</i>	104	2017	Potentially within 1 km radius*	-	WCA1i
Goshawk <i>Accipiter gentilis</i>	1	2015	Potentially within 1 km radius*	-	WCA 1i
Eurasian hobby <i>Falco subbuteo</i>	2	2014	Potentially within 1 km radius*	-	WCA1i
Redwing <i>Turdus iliacus</i>	22	2017	Potentially within 1 km radius*	-	WCA1i
Invertebrates					
Stag beetle <i>Lucanus cervus</i>	190	2019	120 m south	✓	ECH 2, WCA 5 S9(5)
Bony Fish					
European eel <i>Anguilla anguilla</i>	3	2008	450 m west	✓	-
Key: †: Badger records are confidential and therefore proximity is not provided within the report. #: Dependent on species. *: Grid reference provided was four figures only. ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. PBA: Protection of Badgers Act 1992. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 1ii: Schedule 1 Part 2 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties during close season. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).					

Table 4.2 (Continued): Summary of Protected/Notable Species Records Within 1 km of Survey Area

Birds

The desk study provided records of thirteen bird species within a 1 km radius of the survey area that are listed as Species of Principal Importance for Nature Conservation in England, including; bullfinch *Pyrrhula pyrrhula*, cuckoo *Cuculus canorus*, dunnoek *Prunella modularis*, herring gull *Larus argentatus* and house sparrow *Passer domesticus*.

The desk study also provided records of five RSPB Red Species of Conservation Concern, comprising; grey wagtail *Motacilla cinerea*, mistle thrush *Turdus viscivorus*, nightingale *Luscinia megarhynchos*, pochard *Aythya farina* and shag *Phalacrocorax aristotelis*. A further twenty-one records of PRSB Amber Species of Conservation Concern were also proved, including; common gull *Larus canus*, common sandpiper *Actitis hypoleucos*, gadwall *Anas strepera*, kestrel *Falco tinnunculus*, and tawny owl *Strix aluco*.

Invertebrates

The desk study provided records of one invertebrate species within a 1 km radius of the survey area that is listed as a Species of Principal Importance for Nature Conservation in England, namely, cinnabar *Tyria jacobaeae*.

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Rhododendron <i>Rhododendron ponticum</i>	1	2005	950 m south	WCA 9
Himalayan balsam <i>Impatiens glandulifera</i>	4	2016	600 m north	WCA 9
Japanese knotweed <i>Fallopia japonica</i>	6	2016	350 m east	WCA 9
Key: WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C151718-01-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 13th May 2020 by Indre Barsketyte (Principal Ecological Consultant). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	21
Cloud (%)	70
Wind (Beaufort)	F0
Precipitation	None

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

No constraints were experienced, and all areas could be surveyed.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Building;
- Ephemeral/short perennial;
- Fence;
- Hardstanding;
- Scattered scrub;
- Scattered trees; and,
- Wall.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Building

The site was dominated by a brick building, which can be separated into two distinct sections: the two storey part at the front of the site, which will be retained and renovated, and a single storey section at the back comprising the swimming pool, which will be demolished. (Plate 9.1). A number of potential roosting features such as lifted/missing roof tiles, gaps in the soffit and holes in the brickwork were noted. Please refer to Preliminary Bat Roost Assessment Report RT-MME-151718-02 for full details.

Ephemeral/short perennial

Ephemeral/short perennial vegetation had started to take over areas of hardstanding within the northern extent of the site (Plate 9.2). Species present include green alkanet *Pentaglottis sempervirens*, daisy *Bellis perennis*, ribwort plantain *Plantago lanceolata*, sow-thistle *Sonchus* sp., herb-Robert *Geranium robertianum* and cleavers *Galium aparine*.

Fence

A 2.5 m metal chain-link and barbed wire fence was present around the northern area of hardstanding (Plate 9.3). Bramble *Rubus fruticosus* agg and cleavers were noted to be growing on the fence.

Hardstanding

Tarmac areas of hardstanding were present at the southern and northern extent of the site. Ephemeral vegetation has begun to colonise the northern section of hardstanding.

Scattered Scrub

Small stands of bramble and sycamore *Acer pseudoplatanus* saplings have been noted growing along the fence line in the northern section of the site (Plate 9.4).

Scattered trees

Two young sycamores and two young Rowan *Sorbus* sp. trees (Plate 4.5) were noted to be growing along the fence line within the northern extent of the site.

Wall

A brick wall, approximately 0.3 m high was present along the southern boundary of the site. No notable vegetation was recorded in this area.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

The following bird species were observed on site during the field survey: blackbird *Turdus merula* and woodpigeon *Columba palumbus*.

5.5 INVASIVE PLANT SPECIES

No invasive Schedule 9 invasive species were recorded on site during the survey.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

Current proposals are for change of use and conversion of the front building from leisure (Use Class D2) to residential (Use Class C3) and demolition of the rear building and construction of new residential building (Use Class C3), car parking and landscaping.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, one UK statutory sites within 2 km and three non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

UK Statutory Sites

Highwood LNR is located 1.82 km south-east of the survey area. Given the distance between this site and the study area, and the presence of physical barriers such as roads and buildings, no direct or indirect impacts from the proposed development to the site are anticipated.

Whilst there are no Sites of Special Scientific Interest (SSSI's) within a 2 km radius of the survey area, the site falls within a SSSI Impact Risk Zone for Lodge Wood and Sandford Mill which is located 4.80 km east of the survey area. However, the proposed development does not fall into any of the risk categories of this conservation site (please refer to Appendix 1).

Non-Statutory Sites

Reading Cemetery, a Local Wildlife Site, is located 160 m east of the survey area. The remaining non-statutory sites are in excess of 740 m of the survey area. Given the built-up nature of the surrounding environment, lack of connectivity and small-scale nature of the development, it is unlikely that the proposed development will impact these non-statutory sites. As such, no recommendations have been made.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Building, ephemeral, fence, hardstanding, scattered scrub, young scattered trees and wall

All the habitats on site are well represented locally, have low species diversity or can be easily recreated post development. Any loss of these habitats would be considered to have minimal impact on the ecology of the local area. These habitats are therefore not considered to be notable consideration.

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study provided 185 records of at least nine species of bat within a 1 km radius of the site. The building (both the front and rear sections) on site was deemed to have a high potential to support roosting bats. The habitats on site provide only limited value to bats in a form of young scattered trees and scattered scrub along northern site boundary; however, the site is connected to wider suitable habitats via a network of

residential gardens. Conversion of the front part of the building and demolition of the rear part of the building and increases in lighting at night-time could adversely impact upon roosting and foraging bats. Bats are therefore a notable consideration in relation to the proposed development and a recommendation is made in Section 7.3. Please refer to the Preliminary Roost Assessment for further details (RT-MME-151718-02).

Badger

The desk study provided four records of badger within a 1 km radius of the site. The site itself provides no sett building, foraging or commuting habitat to badgers. Therefore, a precautionary recommendation regarding terrestrial mammals has been made in Section 7.3.

Hedgehog

The desk study provided two records of hedgehog within a 1 km radius of the site. The habitat on site provide only very limited suitable foraging habitat in a form of scattered scrub and ephemeral vegetation. However, there is potential that hedgehogs might use the northern fence line for commuting. Therefore, a precautionary recommendation regarding terrestrial mammals has been made in Section 7.3.

Otter

The desk study provided six records of otter within a 1 km radius of the site. The site itself provides no suitable habitats for otter and as such otter is not a notable consideration for this development.

Amphibians

The desk study provided no records of amphibians (including great crested newt) within a 1 km radius of the site. No ponds were identified within 500 m of the development site, as identified by Ordnance Survey mapped data and aerial imagery. The site itself offers only very limited terrestrial habitat for amphibians in a form of ephemeral vegetation and scattered scrub within northern section of the site. Therefore, great crested newts and common amphibians are not a notable consideration in relation to the proposed development.

Reptiles

The desk study provided 38 records of slow worm and 3 records of grass snake within a 1 km radius of the site, closest record being that of a slow worm 580 m north of the site. The site itself offers very limited and isolated habitat for reptiles in a form of ephemeral vegetation and scattered scrub within northern section of the site. Therefore, reptiles are not a notable consideration in relation to the proposed development.

Birds

The desk study provided records of 50 species of bird within a 1 km radius of the survey area. The young trees, scrub and building on site do provide suitable habitat for nesting birds. Therefore, if the works are to be undertaken during the bird nesting season, then there is a potential for impact upon nesting birds. A recommendation has therefore been made within Section 7.3. However, due to the presence of alternative nesting and foraging features within the local vicinity, it is considered that the works will not impact upon birds in the long term. Potential habitat enhancement measures are detailed in Section 7.2.

Invertebrates

The desk study identified 190 records of stag beetle, which is listed under Schedule 5, Section 9 of the Wildlife and Countryside Act 1981 (as amended) within a 1 km radius of the survey area as well as records of cinnabar listed as a Species of Principal Importance for Nature Conservation in England. The site currently does not provide suitable habitats for either of these species. Therefore, invertebrates are not a notable consideration for the proposed works.

Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and/or absence of suitable habitats within the development site and its surroundings: dormouse *Muscardinus avellanarius*, water vole *Arvicola amphibius* and white-clawed crayfish *Austropotamobius pallipes*.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	Death, injury, habitat fragmentation, lighting.
Badger	-	Direct harm/injury
Hedgehog	✓	Direct harm/injury
Birds	-	Habitat disturbance, habitat loss, direct harm/injury
Key: #: Dependent on species.		

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

The desk study provided several records of rhododendron, Japanese knotweed and Himalayan balsam within 1 km of the survey area, the closest of which was Japanese knotweed 350 m east from the site. No evidence of invasive species was found on site at the time of the survey. As such, invasive species are not a notable consideration for the proposed development.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

No recommendations have been made regarding nature conservation sites.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

- R1 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This will involve,
- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species to provide foraging habitat for mammals and birds;
 - nectar-rich species to attract bees, butterflies and moths;
 - species which attract night flying insects which will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
 - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as swifts, house sparrow and bat boxes for species such as pipistrelle.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy the following recommendations are made:

- R2 Roosting Bats:** Recommendations made in the Preliminary Bat Roost Assessment (RT-MME-151718-02) should be followed.
- R3 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.

- R4 Terrestrial Mammals including Fox and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/becoming trapped.

7.4 INVASIVE PLANT SPECIES

No recommendations have been made regarding invasive plant species.

8. DRAWINGS

Drawing C151718-01-01 – Phase 1 Habitat Map



Legend

- Site boundary
- Scattered scrub
- Scattered tree
- Fence
- Wall
- Building
- Ephemeral
- Hardstanding

Project

Arthur Hill Pool, 221-225 Kings Road, Reading

Drawing

Phase 1 Habitat Map

Client

Gleeds Cost Management

Drawing Number

C151718-01-01

Revision

00

Scale @ A4

1:500

Date

June 2020

Approved By

IB

Drawn By

RP

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C151718-01-01

9. PHOTOGRAPHS



Plate 9.1: Building



Plate 9.2: Ephemeral vegetation



Plate 9.3: Fence



Plate 9.4: Scattered Scrub

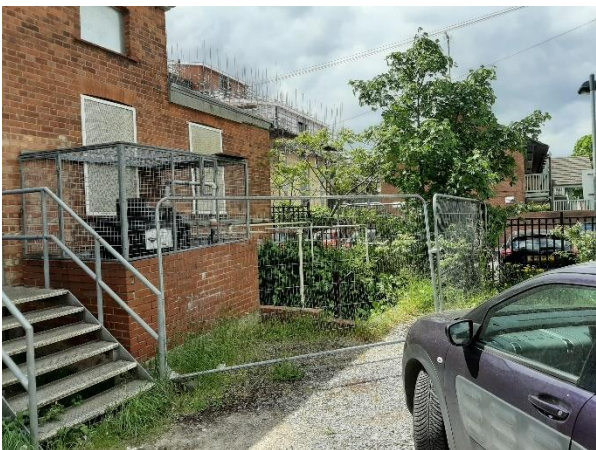


Plate 9.5: Scattered tree

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APPENDICES

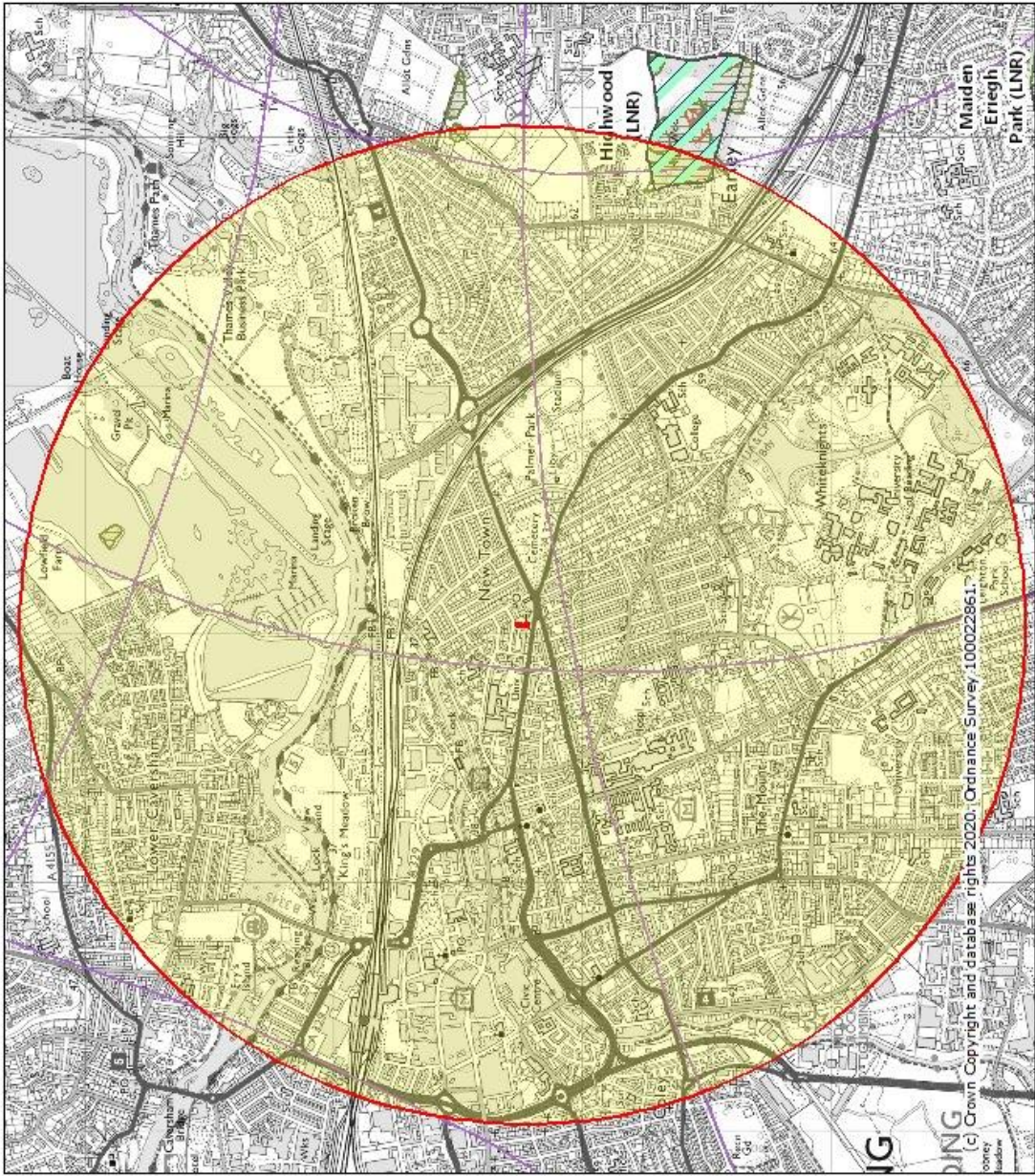
APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

MAGiC UK Statutory Sites - 2 km Search



Ramsar Sites (England) - points

No Features found

Ramsar Sites (England)

No Features found

Proposed Ramsar Sites (England) - points

No Features found

Proposed Ramsar Sites (England)

No Features found

Special Areas of Conservation (England) - points

No Features found

Special Areas of Conservation (England)

No Features found

Possible Special Areas of Conservation (England) - points

No Features found

Possible Special Areas of Conservation (England)

No Features found

Special Protection Areas (England) - points

No Features found

Special Protection Areas (England)

No Features found

Potential Special Protection Areas (England) - points

No Features found

Potential Special Protection Areas (England)

No Features found

Ancient Woodland (England)

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504533

Area (Ha)

0.422502

Wood Name

(tithe:Great Bramleys Park)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505075

Area (Ha)

0.321171

Wood Name

High Wood(tithe:South Land Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505077

Area (Ha)

5.444516

Wood Name

High Wood(tithe:Wood adjoining coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505081

Area (Ha)

0.638467

Local Nature Reserves (England)

Reference

1008952

Name

HIGHWOOD

Hectares

15.23

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1008952>

Local Nature Reserves (England) - points

No Features found

National Nature Reserves (England) - points

No Features found

National Nature Reserves (England)

No Features found

Sites of Special Scientific Interest (England)

No Features found

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

Infrastructure

Airports, helipads and other aviation proposals.

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution

Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t.

Combustion

Waste

Composting

Discharges

Water Supply

Notes 1

Notes 2

GUIDANCE - How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

APPENDIX 2

Overview of Relevant Species Specific Legislation

BATS

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

The reader should refer to the original legislation for the definitive interpretation.

BIRDS

The Conservation of Habitats and Species Regulations 2017 places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

HEDGEHOG

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.