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31st August 2021

Preliminary Ecological Appraisal Report

Land to the rear of 39-45 Whitely Wood Lane,
Reading, RG2 8PN

Alex Omirou



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Author:	Petrina Harris BSc (Hons), MSc
Reviewed by:	Tim Elton BSc (Hons) MCIEEM
Approved by:	Tim Elton BSc (Hons) MCIEEM
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1 Introduction

Background

- 1.1 Elton Ecology was commissioned by Alex Omirou in July 2021 to conduct a Preliminary Ecological Appraisal (PEA) study in support of the construction of two detached residential buildings to the rear of 39-45 Whitely Wood Lane, Reading.

Site description

- 1.2 The site is approximately 0.06ha in size and is located to the rear of 39-45 Whitely Wood Lane, Reading, RG2 8PN (Central OS grid reference: SU 71887 69491).
- 1.3 The site is mostly composed of areas of grassland and scrub throughout, with areas of discarded building materials in the central area. The site can be accessed via Byworth Close to the southeast.
- 1.4 Residential buildings of Whitely Wood lie immediately adjacent to the north, east, south, and west of the site boundary, and the smaller residential areas of Three Mile Cross and Shinfield lie approximately 1200m south and 1500m southeast respectively. Two major roads are local to the site, the A33 Basingstoke Road lies approximately 500m southwest of the site, and the M4 lies approximately 800m south of the site.
- 1.5 Areas of pasture grassland linked by tree lines and woodland present throughout the south of the surrounding area, beyond the M4, and three small areas of woodland are present in the east, the closest being Nores Hill Wood, approximately 800m east. Manor commercial area lies approximately 200m west of the site.

Development Proposals

- 1.6 The development proposals include the construction of two detached residential buildings alongside a parking area.

Report Purpose and Scope

- 1.7 With reference to the Development Proposals, the scope of the present report is to:
- Identify any ecological constraints associated with the site.
 - Identify any mitigation measures likely to be required in accordance with the mitigation hierarchy.
 - Identify any additional surveys that may be required to inform the above.
 - Identify any opportunities to deliver ecological enhancement via the project.

Planning Policy and Legislation

- 1.8 A summary of biodiversity planning policies and wildlife legislation relevant to the site is provided in Appendix 2: Planning Policy and Legislation Summary. The relevant planning policy and legislation includes:
- National Planning Policy Framework 2019;
 - Government Circular ODPM 06/05 Biodiversity and Geological Conservation;
 - The Conservation of Habitats and Species Regulations 2017 (as amended);
 - Wildlife and Countryside Act 1981 (as amended);
 - Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and species of principal importance;
 - Protection of Badgers Act 1992; and
 - The Wild Mammals (Protection) Act 1996 (as amended).

2 Methodology

Personnel

- 2.1 The Preliminary Ecological Appraisal (PEA) survey was carried out by Tim Elton BSc (Hons) MCIEEM. Tim has professional experience in ecological consultancy since early 2013, including Protected Species Survey, Extended Phase 1 Habitat Survey, report writing and mitigation design. Tim is trained in a wide variety of protected species survey, including holding Natural England class licences for bats (level 2 reference number: 2018-33647-CLS-CLS), barn owl *Tyto alba*, great crested newt *Triturus cristatus* (level 1), and dormice *Muscardinus avellanarius* (level 1). Tim holds a Level 3 Botanical Society of Britain and Ireland (BSBI) Field Identification Skills Certificate.

Desk Study

- 2.2 The sources of information and study areas of the desk study data are provided in Table 1 below.

Table 1: Desk study sources and areas

Feature		Study Area	Data Source	Date
Designated sites of nature conservation	International (e.g. Special Area of Conservation, Special Protection Area, and Ramsar)	5 km radius of the site boundary	UK Government MAGIC ¹ website	Accessed 10 th August 2021
	National (e.g. Site of Special Scientific Interest (SSSI), SSSI Impact Risk Zones (SSSI IRZ), Local Nature Reserves, National Nature Reserves)	2 km radius of the site boundary		
Historical protected or notable species records		1 km radius of the centre of the site	Thames Valley Environmental Records Centre (TVERC)	Accessed 5th August 2021
The site in the context of habitat connectivity to the surrounding landscape		Surrounding area	Satellite and OS map data	Accessed 10 th August 2021

Extended Phase 1 Habitat Survey

- 2.3 The Phase 1 Habitat survey was carried out on the 10th August 2021 and was extended to include an assessment for Natural Environment and Rural Communities Act (2006) Section 41 Habitats of Principal Importance (HPI) and of the sites potential to be used by protected or notable species as described below. The study area included the site boundary and a 30m radius (where possible) for evidence of mobile protected species such as badger, access permitting. Weather conditions were appropriate for field survey with no rain and good visibility. Where required, ecological features were mapped using a handheld GPS unit (Garmin eTrex 10).

¹ Multi-agency Geographic Information for the Countryside: www.magic.gov.uk.

Phase 1 Habitat Survey

- 2.4 The site was walked over, and botanical species lists of representative and notable plant species for each habitat type were recorded. Habitats were classified and mapped with reference to industry guidelines (JNCC, 2010). The nomenclature used for botanical species lists broadly follows that of Stace, (2019).

Protected/Notable Species Assessment

- 2.5 The Phase 1 Survey was extended to assess the possible presence of protected and/or priority species such as badger *Meles meles*, bats, great crested newt *Triturus cristatus*, reptiles and nesting birds via assessing the likely importance of habitat features present for such species and/or a search for evidence/field signs of each species or species group. Specific methodologies are outlined below where applicable.

Badger

- 2.6 The badger walkover survey included a search for evidence of badger at the site, such as sett entrances (normally 25 to 35cm wide and shaped like a 'D' on its flat edge), large spoil heaps outside sett entrances, bedding, footprints, mammal paths, latrines, hairs, scratching posts, and signs of digging for food or 'snuffle holes'. The survey included a search of the site and 30m radius (access permitting) for badger setts.

Bats

- 2.7 The preliminary ground level bat roost assessment of trees was carried out with reference to best practice industry guidelines (Collins, 2016). The study area included all trees within the site boundary.
- 2.8 The survey included a surveyor making an assessment of the tree from ground level aided by binoculars, noting potential roosting features (PRFs), and any evidence of bats. The trees were graded for their suitability to support roosting bats, which will inform the need for further survey effort, if required, such as a potential roost feature (PRF) inspection via rope and harness access and/or nocturnal survey.
- 2.9 The suitability of the trees for roosting bats was then categorised with reference to best practice industry guidelines (Collins, 2016) (Table 2) as either negligible, low, moderate, or high, which informs the need for further survey effort to establish the presence/ likely absence of roosting bats.

Table 2: Guidelines for assessing the potential bat roosting suitability of structures and trees (adapted from Collins, (2016))

Suitability	Description of Roosting Habitats	Commuting and Foraging Habitats
Negligible	Negligible features likely to be used by roosting bats.	Negligible features likely to be used by commuting or foraging bats.
Low	A structure or tree with a potential roost site which could be used by individual bats, which does not provide enough space, shelter, protection, or appropriate conditions (i.e. temperature, humidity, height above ground level, light levels, disturbance) or suitable surrounding habitat to be used on a regular basis by larger numbers of bats.	Habitat that could be used by small numbers of commuting bats such as a hedgerow with gaps or unvegetated stream, but isolated (i.e. not very well connected to the surrounding landscape by habitat). Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree or a patch of scrub.
Moderate	A structure or tree with a potential roost site that could be used by bats but is unlikely to support a roost of high conservation status.	Continuous habitat connected to the wider landscape that could be used by commuting bats such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time.	Continuous high-quality habitat that is well connected to the wider landscape likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees, and woodland edge. Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

Birds

- 2.10 An assessment of the site to support foraging and nesting birds was made, and the site was searched where accessible for active or historical bird nests.

Great Crested Newt

- 2.11 The habitats at the site were assessed for their suitability for great crested newt, including a search of the site for ponds and suitable terrestrial habitat. The desk study included a search of ponds within a 250m radius of the site.

Invasive species

- 2.12 Invasive plant species such as Japanese Knotweed *Fallopia japonica* were recorded where encountered during the Phase 1 Habitat survey.

Limitations

- 2.13 Third party desk study data (i.e., historical protected or notable species records) is not exhaustive, and an absence or a negative result of a species does not indicate the absence of protected species from the site/ search area.
- 2.14 The Phase 1 Habitat survey botanical species lists given should not be considered exhaustive or a complete inventory. Such lists would require multiple survey visits at various times of the year and are beyond the scope of Phase 1 Habitat surveys for Preliminary Ecological Appraisals.
- 2.15 The extended phase 1 habitat survey includes an assessment of the likelihood of key protected or notable species being present. Systematic presence/ likely absence surveys for such species, which typically require multiple survey visits have not been undertaken but are recommended by the present report if considered proportionate to the likely impacts of the proposed development.
- 2.16 All dimensions and distances provided are approximate.

3 Results

Desk Study

Statutory Designated Sites

- 3.1 The site does not form part of an international or national designated site for nature conservation.
- 3.2 No internationally designated sites were located within a 5km radius of the site.
- 3.3 One nationally designated site was located within a 2km radius of the site (Table 3).

Table 3: Summary of Nationally Designated Sites within 2km of the site.

Name	Area	Direction	Description
Pearman's Copse LNR	6.89ha	1500m E	Small area of ancient woodland containing ash, hazel and oak trees.

- 3.4 The site lies within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ), requiring the Local Planning Authority to consult with Natural England on any risks which may affect the SSSI sites as a result of certain development types. However, the current development type is not listed in the SSSI IRZ citation as requiring consultation.

Protected/ Notable Species Records

- 3.5 The Local Ecological Records Centre (LERC) data searches returned a large body of data. The sections below summarise records of species considered relevant when assessing the ecological impact of the proposed development within the context of habitats present.
- 3.6 Additional species records were returned by the LERC within the search radius, which were considered extraneous and/or unlikely to be impacted by the proposed development and are therefore not included below. These include species for which there is no suitable habitat present on site.
- 3.7 No protected/ notable species records within the site boundary were returned.
- 3.8 Eight previous cases of granted European protected species licencing were noted within a 2km radius of the site. Seven of these licences related to bats, of which the closest was approximately 400m south, and allowed for the damage and destruction of a breeding place, and the damage and destruction of a resting place for common pipistrelle *Pipistrellus pipistrellus* in 2015.
- 3.9 The closest record of a Great Crested Newt *Triturus cristatus* class licence return was 1200m north and allowed for the destruction of a resting place between 2010 and 2012.

Amphibians

- 3.10 No records of great crested newts were returned via the desk study. Other amphibian data returned included recordings of 40 tadpoles and 20 juvenile common frog *Rana temporaria*, approximately 300m northeast of the site, recorded in 2007.

Bats

- 3.11 The closest recording of a bat returned was a common pipistrelle, 180m west of the site boundary, recorded in 2015. Other recorded species included soprano pipistrelle *Pipistrellus pygmaeus*, noctule bat *Nyctalus noctule*, an unidentified pipistrelle species, *Pipistrellus sp.*, an unidentified myotis species, *Myotis sp.*, and an unidentified bat species.

Birds

- 3.12 A variety of W&CA Schedule 1, and BOCC4 red and amber listed birds were returned via the desk study. The closest record is the swift *Apus apus*, an amber listed bird, approximately 350m south of the site, recorded in 2013. The closest schedule 1 listed and red listed bird recorded was a fieldfare *Turdus pilaris*, approximately 500m north of the site, recorded in 2013.

Other Mammals

- 3.13 Records of other mammals returned via the desk study included 5 reports of hedgehog *Erinaceus europaeus*, the closest recorded approximately 100m north in 2013.

Invertebrates

- 3.14 The closest invertebrate record returned via desk study was the stag beetle *Lucanus cervus*, located approximately 130m east, recorded in 2018. Other invertebrate records included a true fly *Helina parcepilosa*, blood-vein *Timandra comae*, buff ermine *Spilosoma lutea*, chalk hill blue *Polyommatus coridon*, figure of eight *Diloba caeruleocephala*, oak hook tip *Watsonalla binaria*, red wood ant *Formica rufa*, September thorn *Ennomos erosaria*, and small square spot *Diarsia rubi*.

Reptiles

- 3.15 The closest recorded reptile returned via the desk study was a slow worm *Anguis fragilis*, approximately 300m north, recorded in 2007. Other reptile records included grass snake *Natrix natrix*, located approximately 800m south of the site in 2007.

Extended Phase 1 Habitat Survey

Habitats

- 3.16 The habitats at the site and within a 15m radius of the site are described in the following text and mapped on Appendix 3: Phase 1 Habitat Plan. Photographs of the habitats referred to in the text are presented in Appendix 4: Photographs. The key defining botanical species present of each habitat type are provided in the text.
- 3.17 The Phase 1 Habitat survey identified the following habitats on site:
- A2.1 Scrub – dense/continuous
 - A2.2 Scrub – scattered
 - B6 Poor semi-improved grassland
 - C3.1 Other tall herb and fern - ruderal
 - J1.1 Cultivated/disturbed land – arable
 - J1.2 Cultivated/disturbed land – amenity
 - J2.1 Hedgerow
 - J2.4 Fence
 - J3.6 Buildings
 - J5 Hardstanding

A2.1 Scrub – dense/continuous

- 3.18 Three areas of dense scrub dominated by bramble *Rubus sp.*, were present within the survey area. One area was present along the east site boundary, with another area slightly west of this, and the third area was present at the south site boundary (Appendix 4: Photographs, Photo 1).

A2.2 Scrub – scattered

- 3.19 An area of scattered scrub over bare ground was present in the east of the site, and an area of scattered scrub was encroaching the land along the south site boundary. Both areas of scattered scrub consisted of bramble (photo 1).

B6 Poor semi-improved grassland

- 3.20 Two areas of poor semi-improved grassland were present in the centre of the site, and towards the south of the site. The grassland consisted of abundant cock's foot *Dactylis glomerata* and false oat grass *Arrhenatherum elatius*, and occasional creeping-thistle *Cirsium arvense*, nettle, and bramble (Photo 2).

C3.1 Other tall herb and fern – ruderal

- 3.21 Three areas of tall ruderal vegetation were present within the survey site. One area was present in the centre of the site, with another at the south and southwest site boundary, and the third towards the west of the survey area. This area was dominated by common nettle *Urtica dioica*, with locally dominant white dead nettle *Lamium album* (Photo 3).

J1.1 Cultivated/disturbed land – arable

- 3.22 An area of arable land was present to the west of the survey area and consisted of sweetcorn *Zea sp.* (Photo 4).

J1.2 Cultivated/disturbed land – amenity

- 3.23 An area of amenity grassland was present along the north of the survey area, consisting of locally abundant dog violet *Viola sp.*, frequent creeping-thistle, annual meadow grass *Poa annua*, and Yorkshire fog *Holcus lanatus*, with occasional white clover *Trifolium repens*, fescue species *Festuca sp.*, selfheal *Prunella vulgaris*, and daisy *Bellis perennis* (Photo 5)

J2.1 Hedgerow

- 3.24 One hedgerow was present on site (Table 4).

Table 4: Hedgerow survey results.

Hedgerow number (see Appendix 3: Phase 1 Habitat Plan)	Description	Assessment	Phase 1 Habitat Survey Classification	Important under Hedgerow Act Regulations (1997)	NERC HPI*
1	Photo 4. Species poor hedgerow at the north site boundary.	Approx. 3m in height and 1m in width. Very few gaps present. Dominated by privet <i>Ligustrum</i> sp. (Photo xx).	J2.1.2 Intact hedge species poor	No.	No

J2.4 Fence

- 3.25 A wooden fence was present separating the most northern garden from the centre, separating the western half of the most southern garden from the centre, and at the southwest and northwest site boundary (Photo 5). A metal framed gate with metal panels was present at the southeast site boundary (Photo 6).

J2.5 Wall

- 3.1 A stone-built wall was present at the south site boundary, approximately 10m in length and 3m in height (Photo 6).

J3.6 Buildings

- 3.2 Present in the northeast was a wooden storage shed with large windows (Photo 7).

J5 Hardstanding

- 3.3 A rectangular area of hardstanding was present to the east of the site, consisting of a concrete mix (Photo 8).

Target Notes

- 3.4 Target Note 1 (TN1) relates to two piles of building materials and refuge present in the centre and southwest areas of the survey site (Photo 2).
- 3.5 Target Note 2 (TN2) relates to a brash pile towards the east of the site (Photo 3).

Phase 1 Protected/ Notable Species Assessment

- 3.6 Observations made regarding protected/ notable species during the extended Phase 1 Habitat survey are provided below, with reference to the desk study data where appropriate.

Badger

- 3.7 No records of badger were returned in the desk study.
- 3.8 No badger setts were recorded within the site at the time of survey or within a 30m radius of the site boundary, where accessible.

Bats

- 3.9 Records of bats were returned via the desk study search area comprising common pipistrelle, soprano pipistrelle, noctule, an unidentified pipistrelle species, an unidentified myotis species, and an unidentified bat species. The closest record to site was a common pipistrelle at 180m W.
- 3.10 No trees on site provided potential bat roosting features.
- 3.11 The building present on site was assessed as having negligible bat roosting suitability.

Birds

- 3.12 A range of bird records were returned via the desk study including both amber and red listed birds. The closest record of a red listed bird was fieldfare at approximately 500m N.
- 3.13 No evidence of barn owl was observed at the site.
- 3.14 The site provides nesting and foraging opportunities for birds in the form of trees and dense scrub.

Great Crested Newt/ Amphibians

- 3.15 No records of great crested newt (GCN) were returned via the desk study and no ponds were observed within a 250m radius of the site via the desk study.
- 3.16 No ponds were present within the site. The proposed works are not considered likely to impact GCN.

Invertebrates

- 3.17 The site offers small areas of common and widespread habitats of limited botanical diversity or interest. It is therefore considered unlikely that the site would support notable invertebrate populations.

Reptiles

- 3.18 Records of slow worm and grass snake, the closest of which was slow worm at a distance of approximately 300m north.
- 3.19 The dense scrub on site offers foraging and refuge habitat for reptiles, and the dense scrub boundaries offer suitable habitat for reptile basking. TN1 and TN2 offer suitable reptile hibernacula habitat.

4 Discussion & Recommendations

Designated Sites

- 4.1 It is considered that the proposed development would have negligible effects on the designated sites identified via the desk study.

Habitats

- 4.2 The small areas of arable land, poor semi-improved grassland, scrub, and tall ruderal within the site which will be lost to the development are widespread and common habitats; therefore, it is considered that the development of this site would have low impact on the conservation value of the area.

Protected/ Notable Species

Badger

- 4.3 Badgers are afforded legal protection under the Protection of Badgers Act 1992.
- 4.4 Due to lack of suitable habitat on site, and lack of badgers in the wider area, the development proposals do not pose a significant risk to badgers. However, in the highly unlikely event that a mammal hole is encountered during works, works must cease, and the advice of a suitably qualified ecologist should be sought.

Bats

- 4.5 Bats are fully protected as a European Protected Species (EPS) under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).
- 4.6 The shed structure and trees at the site were assessed as offering negligible bat roosting suitability.
- 4.7 Due to the presence of bats in the wider area as highlighted by the desk study, the impacts from external artificial lighting at the site on adjacent habitats should be avoided where possible or mitigated through the design of lighting observing the principles set out in guidelines from the Bat Conservation Trust (BCT) & Institution of Lighting Professionals (BCT & ILP, 2018).
- 4.8 In the unlikely event that bats are encountered during works, works should cease, and the immediate advice of a suitably qualified ecologist sought.

Birds

- 4.9 Nesting birds are afforded legal protection under the Wildlife and Countryside Act 1981 (as amended).
- 4.10 Works affecting nesting bird habitat at the site (trees and dense scrub) should avoid the nesting bird season of March to August (inclusive), and September in mild years. Where this is not possible, the building/ habitat to be subject to works should be surveyed for nesting birds immediately prior to removal by a suitably experienced ecologist. If nesting birds are recorded, a suitable buffer zone should be defined by the ecologist and implemented until the ecologist confirms the chicks have fledged. If species identification is possible, this can be used to inform the typical egg incubation and fledging period, giving an indication of an appropriate time for re-survey to confirm fledging.

Amphibians/ Reptiles

- 4.11 The site offers suitable foraging, basking and refuge habitat for reptiles and amphibians, and records were returned in the wider area via the desk study.
- 4.12 The proposed development at the site would require the removal of suitable habitat in the form of small areas of grassland and dense scrub.
- 4.13 To prevent the killing and injury of reptiles and amphibians during the development, it is recommended that vegetation clearance at the site is carried out under a Precautionary Working Method Statement under the supervision of an ecologist, to include staged and directional vegetation removal encouraging the safe displacement of reptiles into retained habitats in the wider area.
- 4.14 In the highly unlikely event that a GCN or amphibians and reptiles are encountered during works, works should cease and the advice of a suitably experience ecologist sought.

Enhancements

- 4.15 In accordance with the National Planning Policy Framework (NPPF, 2019), the development at the site should identify and pursue opportunity for net gains in biodiversity.
- 4.16 As an enhancement it is recommended that tree planting to mitigate for the loss of trees at the site comprises a loss to gains ratio of 1:2 with a mix of at least five species of value to wildlife, which could include Rowan *Sorbus aucuparia*, wild cherry *Prunus avium*, hazel, *Corylus avellana*, blackthorn *Prunus spinosa*, and field maple *Acer campestre*.

5 References

Bat Conservation Trust (BCT) & Institution of Lighting Professionals (ILP), (2018). *Bats and artificial lighting in the UK*. Bats and the Built Environment series. Guidance Note 08/18.

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British Standards Institute (BSI)SI (2013). *BS 42020:2013 Biodiversity. Code of practice for planning and development*. British Standards Institute, London.

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EMEC Ecology (2016) *Land to the Rear of Everton Cemetery, Everton, Nottinghamshire. Preliminary Ecological Appraisal*. September 2016. The Old Ragged School, Brook Street. Nottingham, NG1 1EA.

JNCC (2010). *Handbook for Phase 1 habitat survey - a technique for environmental audit*. Joint Nature Conservation Committee, Peterborough.

Maddock, A. (ed) (2011). *UK Biodiversity Action Plan Priority Habitat Descriptions (updated Dec. 2011)*. Joint Nature Conservation Committee, Peterborough.

Stace, C A (2019). *New Flora of the British Isles*. 4th ed. Cambridge: C&M Floristics.

| Appendix 1: Site Location Plan

(At End of Document)

Appendix 2: Planning Policy and Legislation Summary

5.1 This appendix serves as a summary of relevant policy and legislation. It is not intended to supersede the policy or legislation documents to which it refers, and the relevant full documents should always be consulted prior to decision making.

National Planning Policy Framework 2019

- 5.2 Biodiversity is a material consideration under the National Planning Policy Framework (2019). Relevant text to biodiversity from the NPPF is described below.
- 5.3 In Section 2 of the NPPF 'Achieving sustainable development', paragraph 8(c), the NPPF sets an environmental objective:
- 5.4 *"To contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*
- 5.5 In Section 15 'Conserving and enhancing the natural environment', the NPPF states that:
- 5.6 *"170. Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; [...]*
 - Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
 - Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. [...]"*
- 5.7 The NPPF, in paragraph 174. sets out that to protect and enhance biodiversity, plans should:
- "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
 - promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*
- 5.8 In determining planning applications, the NPPF sets guidance that local planning authorities should apply the following principles:

- *If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted [...];*
- *Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

5.9 Paragraph 176 states that the following sites should be given the same protection as habitats sites:

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

5.10 Paragraph 177 states that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or projects will not adversely affect the integrity of the habitats site.”*

5.11 Paragraph 180 states that planning policies and decisions should ensure new development is appropriate to its location and take into account likely effects of pollution on the natural environment, and in doing so:

- *“Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development; [...]*
- *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

Government Circular ODPM 06/05 Biodiversity and Geological Conservation

5.12 The government circular provides administrative guidance on the application of statutory obligation and legislation relating to planning and nature conservation in England. It complements the National Planning Policy Framework. The document includes guidance on designated sites (international and national), habitats, and protected species.

5.13 Relating to protected species and the requirement for their consideration in planning applications, the government circular, in paragraph 98 details that:

5.14 *“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature [now Natural England] before granting planning permission. They should consider attaching appropriate*

planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned."

- 5.15 Paragraph 99, relating to the requirement and timing of protected species survey and mitigation, the government circular states that:
- 5.16 *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a [Natural England] licence."*

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

- 5.17 The term 'European Protected Species' (EPS) is used to describe species listed on Schedule 2 of the The Conservation of Habitats and Species Regulations 2017 (as amended). Regarding these species, Regulation 43 of the Regulations make guilty of an offence a person who:
- *"Deliberately captures, injures or kills any wild animal of a European protected species;*
 - *Deliberately disturbs wild animals of any such species;*
 - *Deliberately takes or destroys the eggs of such an animal, or;*
 - *Damages or destroys a breeding site or resting place of such an animal [...]"*
- 5.18 Regulation 43 defines that the disturbance of animals includes 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.
- 5.19 A person guilty of an offence under Regulation 43 is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

Wildlife and Countryside Act 1981 (As Amended)

- 5.20 The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) lists species on Schedule 5 for which the Act make it an offence to:
- Intentionally kill, injure or take;
 - Recklessly or intentionally damage or destroy, or obstruct access to any structure or place which any wild animal included uses for shelter or protection;
 - Recklessly or intentionally disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.
- 5.21 Some species receive partial protection under the Act, which limits their protection under the Act to intentional killing or injury.
- 5.22 All wild nesting birds are protected under the Act, making it an offence to:
- Intentionally kill, injure or take any wild bird; and
 - Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
- 5.23 Some bird species are afforded special protection via their inclusion in Schedule 1 of the Act, which makes an offence to intentionally or recklessly disturb any schedule 1 bird building a nest or which is in, on or near a nest containing eggs or young; or to disturb dependent young of such a bird, or whilst such a bird 'leaks' (i.e. congregates for community courtship behaviour).
- 5.24 Schedule 9 of the Act makes it an offence to cause any plant listed to grown in the wild, unless all reasonable steps were taken to prevent an offence and due diligence was exercised.
- 5.25 The Act sets out provisions to protect Sites of Special Scientific Interest (SSSI).

Natural Environment and Rural Communities Act 2006

- 5.26 Section 40 of the Act places a legal duty on public authorities (including planning authorities) to have regard to biodiversity conservation in their normal functions (including planning applications).
- 5.27 Under Section 41 of the Act, lists of Habitats of Principal Importance (HPI) and Species of Principal Importance (SPI), of principal importance for the purpose of conserving biodiversity, are produced which serve to guide public authorities in carrying out their functions with consideration for biodiversity conservation.
- 5.28 Wild Mammals (Protection) Act 1996 (as amended)
- 5.29 The Act protects wild mammals against certain cruel acts, including intentional crushing, downing or asphyxiation.

| Appendix 3: Phase 1 Habitat Plan (At End of Document)

Appendix 4: Photographs



Photo 1: Dense and scattered scrub present in the centre of the site.



Photo 2: An area of poor semi-improved grassland alongside a pile of building materials (TN1).



Photo 3: Tall ruderal vegetation present between a pile of building materials (TN1) and a brash pile (TN2).



Photo 4: A small area of arable land (left) beside tall ruderal vegetation.



Photo 5: Amenity grassland present in the north of the site, between hedgerow H1 and the wooden fence.



Photo 6: Stone wall and metal gate present along the south site boundary



Photo 7: Wooden storage shed located in the northeast area of the survey site.

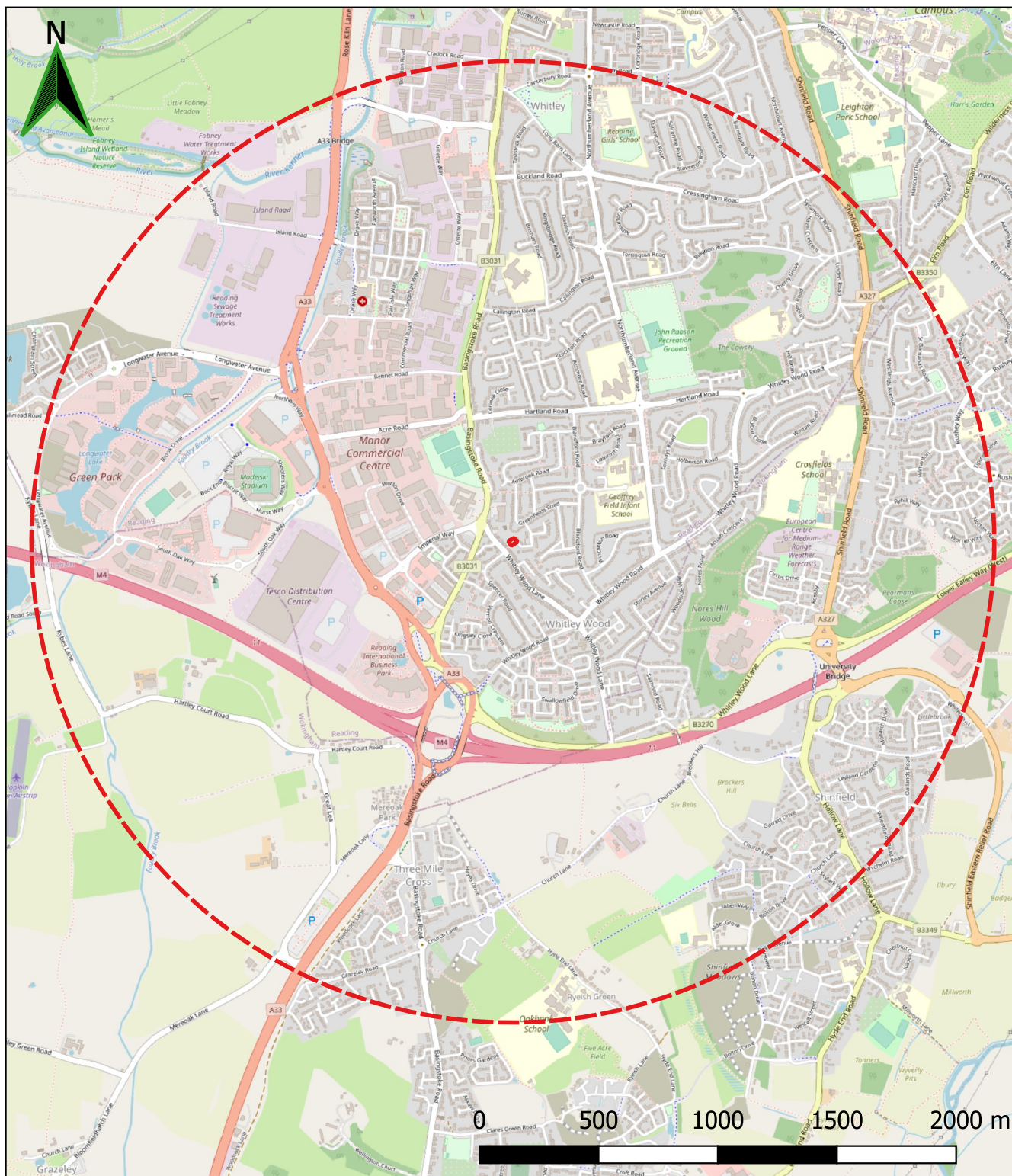


Photo 8: An area of hardstanding present at the east site boundary.



Thank you.





Legend

- Site Boundary
- 2km Buffer

Project:

39-45 Whitely Wood Lane, Reading

Drawing:

Appendix 1: Site Location Plan

Date: 31-08-2021

Version: FINAL

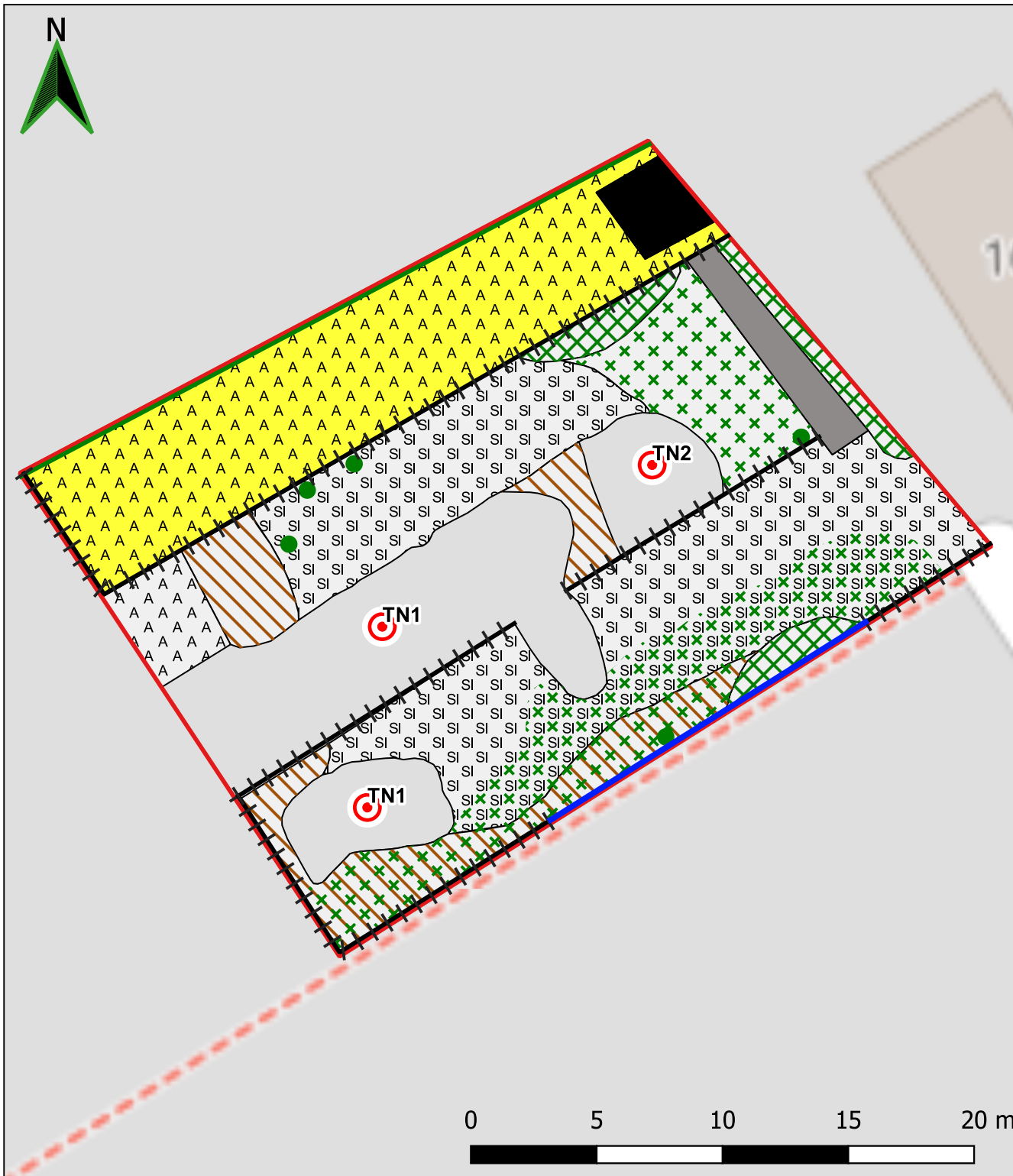
Author: PH

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Legend

- Site Boundary
- A2.1 - Scrub - dense/continuous
- A2.2 - Scrub - scattered
- B6 - Poor semi-improved grassland
- C3.1 - Other tall herb and fern - ruderal
- J1.1 - Cultivated/disturbed land - arable
- J1.2 - Cultivated/disturbed land - amenity grassland
- J3.6 - Buildings
- J5 - Hardstanding
- J2.1 - Hedgerow
- J2.4 - Fence
- J2.5 - Wall
- Phase 1 Target Notes
- Phase 1 Trees

Project:

39-45 Whitely Wood Lane, Reading

Drawing:

Appendix 3: Phase 1 Habitat Plan

Date: 31-08-2021

Version: FINAL

Author: PH

Job No: P2172



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