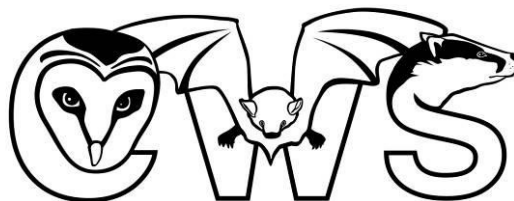


Preliminary Ecological Appraisal of Balsall Common Village Extension



Cotswold Wildlife Surveys

22nd October 2019

QUALITY CONTROL

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The information in this report has been prepared in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct. The conclusions and recommendations expressed are reasoned judgements based on the evidence.

Every reasonable attempt has been made to comply with BS42020:2013 *Biodiversity – Code of practice for planning and development*, *CIEEM Guidelines for Ecological Report Writing* (CIEEM, 2017) and Bat Conservation Trust's *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition, Collins, 2016). If there has been deviation from recognised practice, justification/explanation has been given.

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SUMMARY

On land to the north of Balsall Common in Solihull ('the site'), Cotswold Wildlife Surveys carried out a Preliminary Ecological Appraisal. This was undertaken to determine the presence of any important habitats or species which might be impacted on by potential development of the site.

A search of publicly available ecological data revealed a number of records of Protected, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species and designated sites within an approximate 1.0 km radius of the land.

The site itself was not designated for its ecological interest, but just to the east is Ecosite 47/27 Main London to Birmingham Railway Line. This is separated from the site by the A452 dual carriageway, a significant barrier to the dispersal of wildlife. Also separated from the site by the A452 is Berkswell Hall Wood potential Local Wildlife Site (pLWS), the nearest edge of which lies 250 m to the north.

Other Ecosites in the area include; 151/27 Wood at Wootton Green Local Wildlife Site (LWS) 400 m west, 70/27 Brooklands Spinneys pLWS 600 m northwest, 144/27 Pond North of Balsall Common Ecosite 660 m east-southeast, Needlers End Meadow LWS 680 m south, and 72/27 Lavender Hall Lane & Berkswell Road Spinney pLWS 900 m east-northeast.

None of these designated areas will be impacted on by potential development at the site, as there is no direct connectivity, and all are separated by barriers, some significant, including main and local roads, a mainline railway, arable farmland under continuous cultivation, and extensive residential areas.

In terms of protected species, there were numerous records of bats within a 1.0 km radius of the site (centred on Trevallion Stud in the middle of the site). Species present included Common Pipistrelle, Soprano Pipistrelle *P. pygmaeus*, Whiskered Bat *Myotis mystacinus*, Brandt's Bat *M. brandtii*, Daubenton's Bat *M. daubentonii*, Natterer's Bat *M. nattereri*, Brown Long-eared *Plecotus auritus*, Noctule *Nyctalus noctula*, Leisler's Bat *N. leisleri*, Serotine *Eptesicus serotinus*, and unidentified bat *Chiroptera sp.* The latter included a record from 2014, 135 m south-southeast and possibly on site.

Also noted by Middlemarch Environmental on 23rd January 2020, were a small number of bat droppings in the roof void of a building at the adjoining garage site along Kenilworth Road. The species was not identified.

There were no records of Otter *Lutra lutra*, Water Vole *Arvicola amphibius* or Hazel Dormouse *Muscardinus avellanarius*, but there were Badger *Meles meles* setts in the search area, although none from the site or nearby. Hedgehog *Erinaceus europaeus* was noted 300 m southeast in Lavender Hall Park in July 2008.

Amphibian records included Great Crested Newts *Triturus cristatus*, Common Frog *Rana temporaria*, Common Toad *Bufo bufo* and Smooth Newt *Lissotriton vulgaris* in the residential area off Barratts Lane and Sunnyside Lane in 2015 approximately 1.0 km to the southeast, with older records of Common Frog 900 m to the southeast in 1983 and in the pond at Lavender Hall Park 800 m southeast in September 2002, with Smooth Newt and Common Frog in Kemps Green Road Pond 1.07 km south-southeast in 2004. Personal observations of Great Crested Newts (small population) have also been made in a garden pond 1.33 km southeast along Barratts Lane in 2018.

White-letter Hairstreak butterfly *Satyrrium w-album* was recorded 1.14 km southwest in 1995.

Brittle Bladder-fern *Cystopteris fragilis* was recorded in Berkswell 970 m southeast in August 1989.

Despite the close proximity of some of these records, any proposed residential development is unlikely to impact upon the species noted in the data search, as the majority of the hedgerows and trees will be retained, thereby maintaining bat foraging routes, whilst there will be large areas of public open space and green infrastructure to maintain wildlife connectivity.

The Phase 1 Habitat survey took place on 22nd October 2019, in mild, sunny conditions with a light westerly wind.

The majority of the site comprised a series of paddocks of poor, semi-improved grassland. Most were used for equine activities, but some were in use for camping and caravanning. Along the southern side there was a small block of scrubby broadleaved woodland, within which there was a pond. A second pond was present at Trevallion Stud, although this lay outside the site boundary.

In terms of structures, there was a domestic dwelling and small farm complex (Buildings A), and a small stable block in the aforementioned woodland (Building B). There were also areas of hardstanding and associated driveways.

The paddocks were bordered by species rich hedgerows, some of which are classed as 'Important' under the Hedgerow Regulations 1997. There were a number of scattered broadleaved trees, with more trees along some of the hedgerows.

A dry ditch ran along the base of the hedgerow immediately south of the stud.

A total of 24 species of bird were observed during the visit, of which two were Species of High Conservation Concern (RSPB Red list); Grey Wagtail *Motacilla cinerea* and House Sparrow *Passer domesticus*, and two were Species of Medium Conservation Concern (RSPB Amber list); Mallard *Anas platyrhynchos* and Dunnock *Prunella modularis*. The rest were all Species of Low Conservation Concern (RSPB Green list).

A detailed search for birds' nests was not made, but the woodland, trees, hedgerows and farm/stud buildings provided suitable habitat for nesting.

The proposed development is unlikely to affect local bird populations, as the trees, hedgerows and woodland are to be retained, and there is an abundance of suitable habitat in the surrounding area.

Nevertheless, since all in-use bird's nests and their contents are protected from damage or destruction, any tree, shrub or building removal that is subsequently required, should be undertaken outside the period 1st March to 31st August inclusive. If this time frame cannot be avoided, a close inspection of the trees, shrubs and buildings to be removed should be undertaken prior to clearance. Work should not be carried out within a minimum of 5.0 metres of any in-use nest, although this distance could be more depending on the sensitivity of the species.

Some of the trees within the site supported features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation. The majority of the site was thought to be of at least moderate value to foraging or commuting bats, as the paddocks were bordered by species rich hedgerows, and there were ponds, a small block of woodland, and the stud.

There were no signs of Badger activity within the site, and the only evidence of mammals was from Rabbits *Oryctolagus cuniculus*, including an old warren in the woodland, a small, active warren in at the base of the hedgerow south of the stud, and Grey Squirrel *Sciurus carolinensis*.

The Great Crested Newt Habitat Suitability Index (HSI) score for the pond in the woodland site was 0.88, which equates to excellent suitability for the species, although the pond in the stud complex scored 0.33 and was poor for Great Crested Newts, especially given the presence of domestic geese.

Despite the low score, this and the woodland pond will be surveyed for Great Crested Newts at an appropriate time to determine the presence or absence of the species, and assess the population size if they are found to be present.

Given the intense use of the paddocks, and the absence of records in the area, reptiles are unlikely to be encountered, as the habitat was sub-optimal, with very limited foraging opportunities, generally poor basking areas, and few refugia or hibernacula.

Despite this, care will be taken at all times during any vegetation removal and topsoil stripping, as small mammals could be present. Any small mammals disturbed or uncovered will either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time.

It was also possible to assess the potential importance of the habitats within the application site to invertebrates. Since the majority of the site was grazed paddocks, buildings and hardstanding, it was concluded that there was low potential for invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan. Indeed, just Large White *Pieris brassicae* and Peacock *Inachis io* butterflies were noted.

If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. If trenches cannot be infilled immediately then they will either be covered overnight or escape routes will be provided. These can be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

1. INTRODUCTION

1.1 Background and survey objectives

On land to the north of Balsall Common in Solihull ('the site'), Cotswold Wildlife Surveys carried out a Preliminary Ecological Appraisal on 22nd October 2019. This was undertaken to determine the presence of any important habitats or species which might be impacted on by potential development of the site.

A search of publicly available ecological data revealed a number of records of Protected, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species and designated sites within an approximate 1.0 km radius of the land.

1.2 Site description

The majority of the site comprised a series of paddocks of poor, semi-improved grassland. Most were used for equine activities, but some were in use for camping and caravanning.

Grasses present included Perennial Ryegrass *Lolium perenne*, Creeping Fescue *Festuca rubra*, Cocksfoot *Dactylis glomerata*, Rough Meadow-grass *Poa trivialis*, Annual Meadow-grass *P. annua* and False Oatgrass *Arrhenatherum elatius*.

Wildflowers were represented by Common Mouse-ear *Cerastium fontanum*, Creeping Buttercup *Ranunculus repens*, White Clover *Trifolium repens*, Greater Plantain *Plantago major*, Daisy *Bellis perennis* and Dandelion *Taraxacum* Section *Vulgaris*.

Along the southern side of the site there was a small block of scrubby broadleaved woodland, this consisting of Ash *Fraxinus excelsior*, Pedunculate Oak *Quercus robur*, Sycamore *Acer pseudoplatanus*, Wild Cherry *Prunus avium*, Aspen *Populus tremula*, Goat Willow *Salix caprea* and Hawthorn *Crataegus monogyna*.

The ground flora consisted of Red Campion *Silene dioica*, Wood Avens *Geum urbanum*, Herb Robert *Geranium robertianum*, ferns *Dryopteris* sp and tall ruderals such as Common Nettle *Urtica dioica*, Rosebay Willowherb *Chamerion angustifolium*, and thistles *Cirsium* spp.

Patches of tall ruderals including Common Nettles, Broad-leaved and Curled Docks *Rumex obtusifolius* and *R. crispus*, Creeping and Spear Thistles *Cirsium arvense* and *C. vulgare*, Hogweed *Heracleum sphondylium* and Rosebay Willowherb were also present, along with Brambles *Rubus fruticosus*.

The paddocks were bordered by species rich hedgerows, some of which are classed as 'Important' under the Hedgerow Regulations 1997. Species included Hawthorn, Blackthorn *Prunus spinosa*, Hazel *Corylus avellana*, Holly *Ilex aquifolium*, Elder *Sambucus nigra*, Crab Apple *Malus sylvestris*, Dog Rose *Rosa canina*, and English Elm *Ulmus procera*, with Bramble and Ivy *Hedera helix* also present.

There were a number of scattered broadleaved trees, with more trees along some of the hedgerows, these including Ash, Pedunculate Oak and Alder *Alnus glutinosa*.

One of the hedgerows in the western corner of the site bordered a private garden (Stoneycroft). This contained Scot's Pine *Pinus sylvestris*, Silver Birch *Betula pendula*, Sweet Chestnut *Castanea sativa*, Horse Chestnut *Aesculus hippocastanum*, Lime *Tilia x europaeus* and Field Maple *Acer campestre*, as well as Hawthorn, Blackthorn, Elder and Hazel.

Within the woodland there was a pond. This contained little vegetation, except for a patch of Bog Bean *Menyanthes trifoliata*. A second pond was present at Trevallion Stud, this having a narrow margin of Flag Iris *Iris pseudacorus*.

In terms of structures, there was a domestic dwelling and small farm complex (Building A), and a small stable block in the aforementioned woodland (Building B).

There were also areas of hardstanding and associated driveways, with formal gardens next to some of the dwellings.

A dry ditch ran along the base of the hedgerow immediately south of the stud.

No rare or notable vascular plants were recorded, and all species were common and widespread. There were no invasive or notifiable species.

The Ordnance Survey Grid Reference is SP 23336 78029, centred on the stud.

1.3 Proposed works

A residential masterplan is currently being produced.

The boundary of the site is shown in Plan 1 overleaf.



Plan 1 Proposed site boundary

2. METHODOLOGY

2.1 Desk study

A detailed desk study was undertaken to determine the nature conservation designations and protected species that had been recorded within an approximate 1.0 km radius of the site. This involved contacting statutory and non-statutory organisations, and then assimilating and reviewing the data provided.

The consultees for the desk study were:

- ❑ Multi Agency Geographic Information (MAGIC) website www.magic.gov.uk;
- ❑ Data.gov.uk website;
- ❑ Warwickshire Wildlife Trust website;
- ❑ Solihull Metropolitan Borough Council planning website;
- ❑ Personal records.

2.2 Habitat survey

A Preliminary Ecological Appraisal was carried out across the whole of the survey site. It was conducted using standard JNCC (2003) techniques and methodologies.

The Phase 1 visit took place on 22nd October 2020, in mild, sunny conditions with a light westerly wind.

2.3 Protected species survey

During the surveys the potential for other protected and important species was assessed. This included European Protected Species, legally protected species and Local Biodiversity Action Plan Species (and habitats).

2.3.1 Badgers

Badgers are generally nocturnal and evidence of their presence in an area often comes from field signs rather than sightings of the animals. Useful field signs include:

- ❑ Setts (main, outlying, annex or subsidiary)
- ❑ Tufts of hair caught on barbed wire fences;
- ❑ Conspicuous Badger paths;
- ❑ Footprints;

- ❑ Latrines – small excavated pits in which droppings are deposited;
- ❑ 'Snuffle holes' – small scrapes where Badgers have searched for insects and plant tubers;
- ❑ Day nests – bundles of grass and other vegetation where Badgers may sleep above ground;
- ❑ Scratch marks on trees (usually near the sett).

Daytime surveys looking for field signs can be carried out at any time of the year, and should be non-intrusive, but nocturnal surveys of setts (if required), are only likely to be effective from April to November, when Badgers are most active, and any cubs present will have emerged.

Main setts

These usually have a large number of holes with large spoil heaps, and the sett generally looks well used. They usually have well used paths to and from the sett and between sett entrances. Although normally the breeding sett is in continual use, it is possible to find a main sett that has become disused because of excessive digging or for some other reason, in which case it is recorded as a disused main sett.

Annex setts

These are always close to a main sett, usually less than 150 m away, and are usually connected to the main sett by one or more obvious, well worn paths. They consist of several holes, but are not necessarily in use all the time, even if the main sett is very active.

Subsidiary setts

These often these have only a few holes, are usually at least 50 m from a main sett, and do not have an obvious path connecting them with another sett. They are not continuously active.

Outlying setts

These usually only have one or two holes, often have little spoil outside the hole, have no obvious path connecting them with another sett, and are only used sporadically. When not in use by badgers, they are often taken over by foxes or even rabbits. However, they can still be recognised as badger setts by the shape of the tunnel (not the entrance hole), which is at least 250 mm in diameter and rounded or flattened oval in shape.

A search for evidence of Badger presence on site was undertaken as part of the Preliminary Ecological Appraisal.

2.3.2 Bats

In order to fully assess bat occupation of a particular site, the Bat Conservation Trust (2016) recommends that information gathered from a desk study of known bat records, and a daytime site walkover, is used to inform the type and extent of future bat survey work, potentially including nocturnal surveys.

The diurnal walkover provides an opportunity to check for signs of occupancy, such as droppings, scratch marks, feeding remains, carcasses, or even animals in residence, whilst nocturnal surveys (if required) allow numbers and species of bats to be confirmed. The latter are also used to determine the presence or absence of bats, where signs of bat activity are indeterminate or absent but the suitability for bat roosting is considered to be low, medium or high.

Roosting places vary depending on the species. Pipistrelles usually inhabit narrow cracks or cavities around the outside of buildings, but they will roost in similar niches inside larger barns. Typical sites include soffit spaces, gaps behind fascia boards and end rafters, crevices around the ends of projecting purlins, under warped or lifted roof and ridge tiles, or in gaps in stone and brickwork where mortar has dropped out.

Larger species such as Brown Long-eared Bats, Myotis bats (Natterer's *Myotis nattereri* and Whiskered/Brandt's, and Lesser Horseshoes *Rhinolophus hipposideros*, like to roost in the roof voids of buildings, and can often be found hanging singly or in small groups from ridge boards or roof timbers, especially where these butt up against gable walls or chimney breasts. They especially favour older structures with timber frames. Here they squeeze into tight crevices making them difficult to observe.

Diurnal walkovers can be carried out at any time of the year, but nocturnal surveys should only be undertaken when bats are out of hibernation and in their summer roosts. The recommended period is from May to September inclusive, with May to August optimum and September sub-optimum. The season can be extended into October, although particularly cold weather will render this inadvisable. Indeed, the air temperature at the start of each survey must be at least 10°C or above.

Visits will be a minimum of two weeks apart, and the number of surveys is dependent on the evidence found or the suitability of the site to bats.

Where bats are found, or there is evidence of bat occupation or activity, i.e. that bat use is confirmed, the number and timing of visits will be decided by the ecologist, and will be appropriate for the type of roost.

In general at least two nocturnal surveys will be carried out, both of which can be emergence surveys, or one emergence and one dawn re-entry.

Where there is no evidence of bat presence, and no suitability for roosting, no nocturnal surveys will be needed.

For a site with no evidence but low suitability, just one nocturnal emergence survey is required, this to be in the optimum period.

For medium suitability a minimum of two visits are needed, of which one must be in the optimum period, and one must be a dawn re-entry survey. With high suitability, three visits will be necessary, of which two must be in the optimum period. At least one of these must be a dawn re-entry survey, with the third visit either an emergence or a dawn re-entry.

For sites < 5 ha in size, and/or regularly shaped structures, at least two surveyors must be present, with more surveyors at larger sites and more complex buildings, e.g. those with multiple elevations and/or roof structures.

An appraisal of the bat suitability of the existing buildings was made by Andy Warren (Natural England bat licence No. 2015-16489-CLS-CLS), along with examinations of the trees from the ground, including checks for decay cavities, old woodpecker holes, splits, fissures, and/or exfoliating bark.

10x42 binoculars and a Fenix TK75 torch were used for the inaccessible/unreachable areas. On this occasion an endoscope was not used.

The result of the inspection is detailed in Section 3.

2.3.3 Birds

Most resident and migrant birds breed in the spring and summer, although Woodpigeons *Columba palumbus* and Collared Doves *Streptopelia decaocto* nest throughout the year, and as a result could be on eggs in almost any month.

In season, signs of breeding include singing males, display and copulation, birds gathering nesting materials, adults carrying food, calling chicks, etc.

In winter none of these activities may be occurring, so a survey for old nests and/or nest holes is the most reliable method of determining the presence or absence of breeding birds.

This was carried out during the Preliminary Ecological Appraisal, along with a general site walkover to identify the presence of foraging birds.

2.3.4 Great Crested Newts

A survey for Great Crested Newts (GCN) may be indicated when background information on distribution suggests that they may be present. More detailed indicators are:

- ❑ *Any historical records of Great Crested Newts on the site or in the general area;*
- ❑ *A pond on or near the site (within around 500 m), even if it holds water only seasonally;*
- ❑ *Sites with refuges (such as piles of logs or rubble), grassland, scrub, woodland or hedgerows within 500 m of a pond.*

There are several field survey methods which can be employed depending on the time of year:

- ❑ *Bottle or funnel trapping – adults ideally February to May, with June and July sub-optimal, and August to September for detection of larvae (i.e. young);*
- ❑ *Egg search – April to June ideally, with March and July sub-optimal;*
- ❑ *Torch survey – March to May for adults, with February and June to July sub-optimal, and August to September for larvae;*
- ❑ *Netting – March to May for adults, with February and June to July sub-optimal, and August to September for larvae;*
- ❑ *Pitfall trapping – March to May and September for adults, with February, June to August and October sub-optimal;*
- ❑ *Refuge search – April to September ideally, with March and October sub-optimal.*

The latter two methods involve terrestrial habitats, the others aquatic habitats, for which a minimum of 4 visits per year are recommended, with at least 2 visits between mid-April and mid-May to record peak numbers (English Nature, 2001).

Outside the optimum survey period, a Habitat Suitability Index (HSI) for a particular water body can be calculated. This is a scoring system developed as a means of evaluating habitat quality and quantity. The HSI for Great Crested Newts incorporates ten indices, all of which are thought to affect the species.

The two ponds present on site were both given HSI scores.

2.3.5 Otters

Otters are nocturnal and are active all year round. They are large with an adult male reaching up to 1.2 m from nose to tail, and weighing about 10 kg.

Feeding mainly on fish and amphibians, Otters live by undisturbed waters where there is plenty of cover, mostly by freshwater lakes, rivers and quiet small streams as well as some coasts.

An Otter may use over 40 km of river and needs many resting places throughout this range. A female otter will give birth to 1 to 3 cubs in a natal holt, which is often away from the main river and must be completely undisturbed. Field signs include:

- ❑ Prints in soft mud;
- ❑ Spraints (faeces);
- ❑ Holts.

A search for evidence of Otter presence on site was undertaken as part of the Preliminary Ecological Appraisal.

2.3.6 Reptiles

Commoner reptiles which may be encountered in rural areas include Grass Snake *Natrix natrix*, Slow-worm *Anguis fragilis*, and Common Lizard *Zootoca vivipara*.

During the winter months, from mid-October to late February or early March, they are in hibernation, usually deep in underground hibernacula, such as holes and cracks in the ground, among rocks or the roots of large trees, down animal burrows, or in piles of rubble or stone.

In the spring and summer they live above ground in well-vegetated places, with Grass Snakes often near or in water. Being cold-blooded all reptiles like to bask, and can often be found in open places.

There are very few signs of reptile presence, but these include:

- ❑ Shedded skin (snakes);
- ❑ Eggs (but not Common Lizard which gives birth to live young).

The site was searched for potential refugia as part of the Preliminary Ecological Appraisal.

2.3.7 Water Voles

The Water Vole is the largest of the British voles. It lives in a series of holes or burrows at the water's edge and can be found along the banks of ditches, streams, rivers, lakes and canals.

Although Water Voles live in colonies, the breeding females are territorial, each defining their contiguous territory with latrines during the breeding season. This lasts from March to October.

The Water Vole is herbivorous, feeding primarily on the lush aerial stems and leaves of waterside plants. Its activity is normally confined to the area within two metres of the watercourse, the bankside vegetation in this area not only essential for food, but also for cover from predators.

Water Vole activity can be assessed by looking for the following signs:

- ❑ Burrows;
- ❑ Faeces and latrines;
- ❑ Feeding stations;
- ❑ Runs;
- ❑ Paw prints in areas of soft mud;
- ❑ Feeding 'lawns';
- ❑ Predator field signs.

A search for evidence of Water Vole presence on site was undertaken as part of the Preliminary Ecological Appraisal.

3. RESULTS

3.1 Desk study

3.1.1 Designated sites

The site itself was not designated for its ecological interest, but just to the east is **Ecosite 47/27 Main London to Birmingham Railway Line**. This comprises a deep, well-wooded cutting with the sides dominated by Hawthorn, rank grasses, Bramble and tall herbs. The nature conservation status of the site is ungraded.

The railway is separated from the site by the A452 dual carriageway, a significant barrier to the dispersal of wildlife.

Also separated from the site by the A452 is **Berkswell Hall Wood potential Local Wildlife Site (pLWS)**, the nearest edge of which lies 250 m to the north. At 60.03 ha, it was surveyed in 2001 and was not thought to be of LWS quality on botanical grounds but possibly on ornithological grounds.

Other Ecosites in the area include:

151/27 Wood at Wootton Green Local Wildlife Site (LWS)

400 m west, this is a small semi-natural woodland (0.6 ha) composed largely of native species and a field layer of typical woodland species including abundant Bluebell with Primrose and Moschatel.

70/27 Brooklands Spinneys pLWS

600 m northwest, this woodland at Oakfield Farm was surveyed on 30th August 2001. Size 5.64 ha.

144/27 Pond North of Balsall Common Ecosite

660 m east-southeast beyond significant barriers to amphibian dispersal.

Needlers End Meadow LWS

680 m south, the 2.05 ha grasslands contains a diverse herb flora with range of meadow species typical of MG4 grassland including Great Burnet, Meadowsweet, Black Knapweed, Sneezewort, Lady's Smock, Meadow Vetchling and Greater Birds-foot Trefoil.

72/27 Lavender Hall Lane & Berkswell Road Spinney pLWS

900 m east-northeast.

None of these designated areas will be impacted on by potential development at the site, as there is no direct connectivity, and all are separated by barriers, some significant, including main and local roads, a mainline railway, arable farmland under continuous cultivation, and extensive residential areas.

3.1.2 Protected species

In terms of protected species, there were numerous records of bats within a 1.0 km radius of the site (centred on Trevallion Stud in the middle of the site). Species present included Common Pipistrelle, 9 records, the most recent from 2018 and the nearest 155 m northeast, Soprano Pipistrelle 6 records, 2018, 155 m northeast, Whiskered Bat 1 record, 2015, 155 m northeast, unidentified bat 5 records, 2014, 135 m south-southeast and possibly on site, Brown Long-eared 6 records, 2018, 540 m northwest, Daubenton's Bat 4 records, 2018, 650 m north, Noctule 4 records, 2018, 650 m north, Brandt's Bat 1 record, 2014, 915 m north, Natterer's Bat 3 records, 2014, 915 m north, Leisler's Bat 2 records, 2014, 915 m north, and Serotine 1 record, 2013, 915 m north.

Also noted by Middlemarch Environmental on 23rd January 2020, were a small number of bat droppings in the roof void of a building at the adjoining garage site along Kenilworth Road. The species was not identified.

There were no records of Otter, Water Vole or Hazel Dormouse, but there were Badger setts in the search area, although none from the site or nearby. Hedgehog was noted 300 m southeast in Lavender Hall Park in July 2008.

Amphibian records included Great Crested Newts, Common Frog, Common Toad and Smooth Newt in the residential area off Barratts Lane and Sunnyside Lane in 2015 approximately 1.0 km to the southeast, with older records of Common Frog 900 m to the southeast in 1983 and in the pond at Lavender Hall Park 800 m southeast in September 2002, with Smooth Newt and Common Frog in Kemps Green Road Pond 1.07 km south-southeast in 2004. Personal observations of Great Crested Newts (small population) have also been made in a garden pond 1.33 km southeast along Barratts Lane in 2018.

White-letter Hairstreak butterfly was recorded 1.14 km southwest in 1995, with Brittle Bladder-fern recorded in Berkswell 970 m southeast in August 1989.

Despite the close proximity of some of these records, any proposed residential development is unlikely to impact upon the species noted in the data search, as the majority of the hedgerows and trees will be retained, thereby maintaining bat foraging routes, whilst there will be large areas of public open space and green infrastructure to maintain wildlife connectivity.

3.2 Habitat survey

3.2.1 *Habitat descriptions*

The following habitats were recorded across the site:

- ❑ Broadleaved woodland;
- ❑ Scattered broadleaved trees;
- ❑ Tall ruderal vegetation;
- ❑ Poor, semi-improved grassland;
- ❑ Amenity grassland;
- ❑ Intact hedge, species rich;
- ❑ Dry ditch;
- ❑ Standing water;
- ❑ Buildings;
- ❑ Hardstanding.

These habitats are described below and are shown on the Phase 1 Habitat Survey map in Appendix 1, with the target notes (where applicable) in Appendix 2.

Broadleaved woodland

Along the southern side of the site there was a small block of scrubby broadleaved woodland, this consisting of Ash, Pedunculate Oak Sycamore, Wild Cherry, Aspen, Goat Willow and Hawthorn (Figs. 1-4).

The ground flora consisted of Red Campion, Wood Avens, Herb Robert, ferns and tall ruderals such as Common Nettle, Rosebay Willowherb, and thistles.



Figs. 1 & 2 Scrubby woodland



Figs. 3 & 4 Scrubby woodland

Scattered broadleaved trees

There were a number of scattered broadleaved trees, with more trees along some of the hedgerows, these including Ash, Pedunculate Oak and Alder (Figs. 5-8).



Figs. 5 & 6 Trees along boundaries and hedgerows



Figs. 7 & 8 Trees along boundaries and hedgerows

One of the hedgerows in the western corner of the site bordered a private garden (Stoneycroft). This contained Scot's Pine, Silver Birch, Sweet Chestnut, Horse Chestnut, Lime and Field Maple, as well as Hawthorn, Blackthorn, Elder and Hazel.

Tall ruderal vegetation

Patches of tall ruderals including Common Nettles, Broad-leaved and Curled Docks, Creeping and Spear Thistles, Hogweed and Rosebay Willowherb were also present in the woodland, along with Brambles.

Poor, semi-improved grassland

The majority of the site comprised a series of paddocks of poor, semi-improved grassland. Most were used for equine activities (Figs. 9 and 10), but some were in use for camping and caravanning (Figs. 11 and 12).



Figs. 9 & 10 Horse paddocks



Figs. 11 & 12 Caravan site

Grasses present included Perennial Ryegrass, Creeping Fescue, Cocksfoot, Rough Meadow-grass, Annual Meadow-grass and False Oatgrass.

Wildflowers were represented by Common Mouse-ear, Creeping Buttercup, White Clover, Greater Plantain, Daisy and Dandelion.

Amenity grassland

There was a formal garden next to the dwelling at Buildings A, this consisting predominantly of close mown lawns of amenity grass, with flower and shrub beds and scattered young trees (Figs. 13 and 14).



Figs. 13 & 14 Close mown amenity grass and garden

Intact hedge, species rich

The paddocks were bordered by species rich hedgerows (Figs. 15-18), some of which are classed as 'Important' under the Hedgerow Regulations 1997.

Species included Hawthorn, Blackthorn, Hazel, Holly, Elder, Crab Apple, Dog Rose, and English Elm, with Bramble and Ivy also present.

Conifer *Cupressus sp.* hedges were also noted around some of the neighbouring properties.



Figs. 15 & 16 Hedgerows



Figs. 17 & 18 Hedgerows

Standing water

Within the woodland there was a pond (Fig. 19 – Target Note 1). This contained little vegetation, except for a patch of Bog Bean.

A second pond was present at Trevallion Stud in the centre of the site, this having a narrow margin of Flag Iris (Fig. 20 – Target Note 2).



Figs. 19 & 20 Pond in woodland (L) and pond at the stud (R)

Dry ditch

A dry ditch ran along the base of the hedgerow immediately south of the stud.

Buildings

There were several buildings, including a small stable block in the woodland (Building B – Fig. 21), and a domestic dwelling and small farm complex (Buildings A – Figs. 22-25).



Fig. 21 Building B



Figs. 22 & 23 Buildings A – dwelling



Figs. 24 & 25 Buildings A – Farm complex

Hardstanding

There were also areas of hardstanding and associated driveways (Ref. Figs. 16, 23, 24 and 25).

3.2.2 Flora

The botanical composition of each habitat was typical, and all species recorded were common and widespread. No rare vascular plants were found, and there were no invasive or notifiable species.

3.3 Protected species survey

3.3.1 Badgers

The site held very little habitat suitable for sett building, although the habitats were considered to be suitable for foraging purposes. Despite this, no evidence of Badger presence was recorded, such as setts, tufts of hair, pathways, footprints or latrines.

3.3.2 Bats

Some of the trees within the site supported features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation (Fig. 26 – Target Note 3, Fig. 27 – Target Note 4), Fig. 28 – Target Note 5 and Fig. 29 – Target Note 7).



Figs. 26 & 27 Trees with bat roost potential



Figs. 28 & 29 Trees with bat roost potential

Some of the buildings were not inspected closely, but were appraised for their suitability to support bats, whilst others were examined more fully.

Buildings A

Farmhouse – low suitability due to broken, dislodged and missing roof tiles and gaps under ridge tiles;

Barns and outbuildings – no signs of bat activity, and negligible suitability.

Building B

No evidence of bat occupation or activity and negligible suitability for bat roosting. Not identified as a bat roost.

If any of these structures are to be removed, then a detailed daytime inspection, and potentially nocturnal surveys, will be necessary. Similarly, any trees with bat roost suitability which will be impacted will need to be surveyed to determine the presence or absence of bat roosts.

The majority of the site was thought to be of at least moderate value to foraging or commuting bats, as the paddocks were bordered by species rich hedgerows, and there were ponds, a small block of woodland, and the stud.

3.3.3 Birds

A total of 24 species of bird were observed during the visit, of which two were Species of High Conservation Concern (RSPB Red list); Grey Wagtail and House Sparrow, and two were Species of Medium Conservation Concern (RSPB Amber list); Mallard and Dunnock.

The rest were all Species of Low Conservation Concern (RSPB Green list).

A detailed search for birds' nests was not made, but the woodland, trees, hedgerows and farm/stud buildings provided suitable habitat for nesting

A full list of species noted is given in Appendix 3.

3.3.4 Great Crested Newts

The Great Crested Newt Habitat Suitability Index (HSI) score for the pond in the woodland (Fig. 30) site was 0.88, which equates to excellent suitability for the species, although the pond in the stud complex (Fig. 31) scored 0.33 and was poor for Great Crested Newts, especially given the presence of domestic geese.



Fig. 30 Pond in woodland



Fig. 31 Pond at the stud

3.3.5 Otters

No evidence of Otter was found during the survey.

3.3.6 Reptiles

Given the intense use of the paddocks, and the absence of records in the area, reptiles are unlikely to be encountered, as the habitat was sub-optimal, with very limited foraging opportunities, generally poor basking areas, and few refugia or hibernacula.

3.3.7 Water Voles

No evidence of Water Voles was found on or immediately around the site, and they are considered to be absent.

3.3.8 Invertebrates

Since the majority of the site was grazed paddocks, buildings and hardstanding, it was concluded that there was low potential for invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan. Indeed, just Large White and Peacock butterflies were noted.

3.3.9 Other species

No other important or notable species were recorded during the site visit, and the only evidence of mammals was from Rabbits, including an old warren in the woodland (Target Note 8), a small, active warren in at the base of the hedgerow south of the stud (Target Note (9), and Grey Squirrel.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 Site evaluation

Excluding the woodland, hedgerows and ponds, the site was concluded to be of generally low wildlife interest, in particular the horse paddocks, which were not botanically diverse and of poor quality, although they would hold some limited value for invertebrates, small mammals, and foraging birds.

The woodland contained several large trees and a pond, the latter assessed as having excellent suitability for Great Crested Newts. The pond in the stud complex was poor for Great Crested Newts, especially given the presence of domestic geese.

The hedgerows were mostly species rich, with some classed as 'Important' under the Hedgerow Regulations 1997. These also included several trees with features potentially suitable to support bat roosts.

The majority of the site was thought to be of at least moderate value to foraging or commuting bats, as the paddocks were bordered by species rich hedgerows, and there were ponds, a small block of woodland, and the stud.

A total of 24 species of bird were observed during the visit, of which two were Species of High Conservation Concern (RSPB Red list); Grey Wagtail and House Sparrow, and two were Species of Medium Conservation Concern (RSPB Amber list); Mallard and Dunnock. The rest were all Species of Low Conservation Concern (RSPB Green list).

A detailed search for birds' nests was not made, but the woodland, trees, hedgerows and farm/stud buildings provided suitable habitat for nesting.

There were no signs of Badger activity within the site, and the only evidence of mammals was from Rabbits and Grey Squirrel.

Given the intense use of the paddocks, and the absence of records in the area, reptiles are unlikely to be encountered, as the habitat was sub-optimal, with very limited foraging opportunities, generally poor basking areas, and few refugia or hibernacula.

Since the majority of the site was grazed paddocks, buildings and hardstanding, it was concluded that there was low potential for invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan. Indeed, just Large White and Peacock butterflies were noted.

None of the designated areas will be impacted on by potential development at the site, as there is no direct connectivity, and all are separated by barriers, some significant, including main and local roads, a mainline railway, arable farmland under continuous cultivation, and extensive residential areas.

4.2 Possible impacts of proposed work and recommendations

Despite the close proximity of some of the records in the ecological data search, and those species noted during the site visit, any proposed residential development is unlikely to impact significantly upon flora and fauna, as the majority of the hedgerows and trees will be retained, thereby maintaining bat foraging routes, whilst there will be large areas of public open space and green infrastructure to maintain wildlife connectivity.

Nevertheless, since all in-use bird's nests and their contents are protected from damage or destruction, any tree, shrub or building removal that is subsequently required, should be undertaken outside the period 1st March to 31st August inclusive. If this time frame cannot be avoided, a close inspection of the trees, shrubs and buildings to be removed should be undertaken prior to clearance. Work should not be carried out within a minimum of 5.0 metres of any in-use nest, although this distance could be more depending on the sensitivity of the species.

If any of the buildings are to be removed, then a detailed daytime inspection, and potentially nocturnal surveys, will be necessary. Similarly, any trees with bat roost suitability which will be impacted will need to be surveyed to determine the presence or absence of bat roosts.

Irrespective of the low score of the pond in the stud, this and the woodland pond will be surveyed for Great Crested Newts at an appropriate time to determine the presence or absence of the species, and assess the population size if they are found to be present.

Despite the presumed absence of reptiles, care will be taken at all times during any vegetation removal and topsoil stripping, as small mammals could be present. Any small mammals disturbed or uncovered will either be caught by hand and relocated to a safe area, or left to vacate the work site in their own time.

If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. If trenches cannot be infilled immediately then they will either be covered overnight or escape routes will be provided. These can be in the form of branches or boards placed on the bottom of the trench, with their upper ends above ground level and touching the sides, or sloping ends left in trenches.

4.3 Further surveys

If any tree, shrub or building removal cannot be timed appropriately to avoid the bird nesting period (considered to be March to August inclusive), then further surveys of the trees, shrub and/or buildings to be removed will be required.

The following additional species surveys are recommended:

- ☐ Pond survey to determine the presence or absence of Great Crested Newts;
- ☐ Detailed daytime bat inspections of the buildings if any are to be removed;
- ☐ Nocturnal bat activity survey to assess bat flight paths, with emergence/dawn return surveys as necessary to check to tree and/or building roosts (if any);
- ☐ Breeding bird survey;
- ☐ Detailed hedgerow survey.

4.4 Ecological enhancements

Any proposed scheme will be required to provide ecological enhancements where possible. Examples include tree and shrub planting, seeding of grassland with wildflower mixes, pond improvements, provision of bat and bird boxes, insect boxes, Hedgehog domes, log pile refugia and subterranean hibernacula.

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APPENDICES

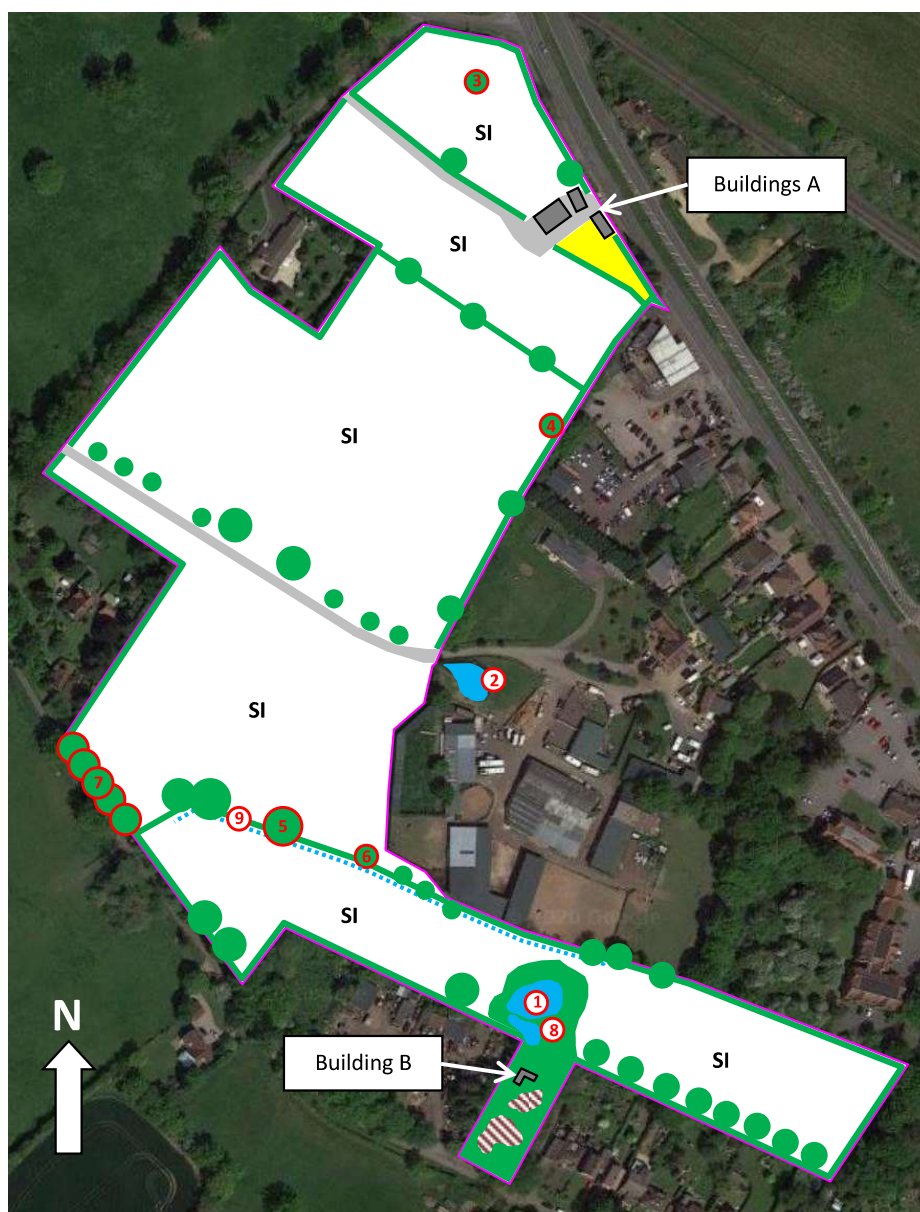
Appendix 1: Phase 1 Habitat Survey Map

Appendix 2: Target Notes

Appendix 3: Bird species list

Appendix 4: Relevant legislation

Appendix 1: Phase 1 Habitat Survey Map



Not to scale

Legend

Survey boundary	Amenity grassland	Standing water
Broadleaved woodland	Tall ruderal vegetation	Hardstanding
Scattered broadleaved trees	Intact hedge, species rich	Building
SI Poor, semi-improved grassland	Dry ditch	Target Note

Appendix 2: Target Notes

Target Number	Notes
1	Pond in woodland area – excellent suitability for Great Crested Newts
2	Goose pond – unsuitable for Great Crested Newts
3	Dead oak tree – low suitability for bat roosting
4	Oak tree – low suitability for bat roosting
5	Oak tree – moderate suitability for bat roosting
6	Oak tree – low suitability for bat roosting
7	Row of 5 oak trees – low suitability for bat roosting
8	Old Rabbit warren
9	Small Rabbit warren – active

Appendix 3: Bird species list

Common name	Latin name
Mallard	<i>Anas platyrhynchos</i>
Moorhen	<i>Gallinula chloropus</i>
Buzzard	<i>Buteo buteo</i>
Sparrowhawk	<i>Accipiter nisus</i>
Woodpigeon	<i>Columba palumbus</i>
Great Spotted Woodpecker	<i>Dendrocopus major</i>
Grey Wagtail	<i>Motacilla cinerea</i>
Pied Wagtail	<i>Motacilla alba yarellii</i>
Wren	<i>Troglodytes troglodytes</i>
Dunnock	<i>Prunella modularis</i>
Robin	<i>Erithacus rubecula</i>
Blackbird	<i>Turdus merula</i>
Long-tailed Tit	<i>Aegithalos caudatus</i>
Coal Tit	<i>Parus ater</i>
Great Tit	<i>Parus major</i>
Blue Tit	<i>Cyanistes caeruleus</i>
Goldcrest	<i>Regulus regulus</i>
House Sparrow	<i>Passer domesticus</i>
Raven	<i>Corvus corax</i>
Carrion Crow	<i>Corvus corone</i>
Rook	<i>Corvus frugilegus</i>
Jackdaw	<i>Corvus monedula</i>
Jay	<i>Garrulus glandarius</i>
Magpie	<i>Pica pica</i>

Appendix 4: Relevant legislation

4.1 *Badgers*

Badgers are protected in Britain by the Protection of Badgers Act 1992. The purpose of this Act is to protect the animals from deliberate cruelty and from the incidental effects of lawful activities which could cause them harm. Under this legislation it is an offence to:

- ❑ Wilfully kill, injure, take, possess or cruelly ill-treat a Badger, or attempt to do so;
- ❑ Interfere with a sett by damaging or destroying it;
- ❑ Obstruct access to, or any entrance of, a Badger sett;
- ❑ Disturb a Badger when it is occupying a sett.

Note that if any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence.

A person is not guilty of an offence if it can be shown that the act was 'the incidental result of a lawful operation and could not have been reasonably avoided'; only a court can decide what is 'reasonable' in any set of circumstances. Penalties for offences under this legislation can be up to six months in prison and a fine of up to £5,000 for each offence.

A Badger sett is defined in the Act as 'any structure or place which displays signs indicating current use by a Badger'. This can include culverts, pipes and holes under sheds, piles of boulders, old mines and quarries, etc.

'Current use' does not simply mean 'current occupation' and for licensing purposes it is defined as 'any sett within an occupied Badger territory regardless of when it may have last been used'.

A sett therefore, in an occupied territory, is classified as in current use even if it is only used seasonally or occasionally by Badgers, and is afforded the same protection in law.

4.2 *Bats*

In England, Scotland and Wales, all bat species are fully protected under the Wildlife and Countryside Act 1981 (WCA) (as amended), through inclusion in Schedule 5. In England and Wales this Act has been amended by the Countryside and Rights of Way Act 2000 (CROW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions, and increases penalties.

All bats are also included in Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations 1994, (or Northern Ireland 1995) (the Habitats Regulations), which defines 'European protected species of animals'.

The above legislation can be summarised thus (Mitchell-Jones and McLeish, 2004):

- ❑ *Intentionally or deliberately kill, injure or capture (or take) bats;*
- ❑ *Deliberately disturb bats (whether in a roost or not);*
- ❑ *Recklessly disturb roosting bats or obstruct access to their roosts;*
- ❑ *Damage or destroy roosts;*
- ❑ *Possess or transport a bat or any part of a part of a bat, unless acquired legally;*
- ❑ *Sell (or offer for sale) or exchange bats, or parts of bats.*

The word 'roost' is not used in the legislation, but is used here for simplicity. The actual wording is 'any structure or place which any wild animal...uses for shelter or protection' (WCA), or 'breeding site or resting place' (Habitats Regulations).

As bats generally have both a winter and a summer roost, the legislation is clear that all roosts are protected whether bats are in residence at the time or not.

4.3 Birds

In Britain, all wild birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981. There are penalties for:

- ❑ *Killing, injuring or capturing them, or attempting any of these;*
- ❑ *Taking or damaging the nest whilst in use;*
- ❑ *Taking or destroying the eggs.*

4.4 Great Crested Newts

Great Crested Newts are protected under Schedule 5 of the Wildlife & Countryside Act (1981) as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010. As a result of their rarity across Europe, they are also protected under Annexes IIa and IVa of the Habitats and Species Directive, and under the Berne Convention (the Convention on the Conservation of European Wildlife and Natural Habitats).

The above legislation can be summarised thus (Langton *et al*, 2001):

- ❑ *Intentionally or deliberately capture or kill, or intentionally injure Great Crested Newts;*
- ❑ *Deliberately disturb Great Crested Newts or intentionally or recklessly disturb them in a place used for shelter or protection;*

- ❑ *Damage or destroy a breeding or resting place;*
- ❑ *Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection;*
- ❑ *Possess a Great Crested Newt, or any part of it, unless acquired lawfully;*
- ❑ *Sell, barter, exchange or offer for sale Great Crested Newts or parts of them.*

4.5 Reptiles

All common reptiles (Common Lizard, Grass Snake, Slow-worm and Adder *Vipera berus*) are afforded legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) largely as a consequence of a national decline in numbers associated with persecution and habitat loss.

Under the terms of the Act it is illegal to intentionally kill or injure a reptile.

4.6 Otters

Otters are protected under Sections 9.1 and 9.4, Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), Annex 2 and 4 of the Conservation (Natural Habitats &c.) Regulations 1994 as amended, and are a priority species under the UK BAP. Actions that are prohibited include intentional killing, injuring or taking; and intentional or reckless damage, destruction or obstruction of any structure or place used for shelter or protection.

4.7 Water Voles

As of 12 August 2008, Water Voles have been given full protection under Section 9 of the Wildlife and Countryside Act 1981.

Offences under Section 9 carry a maximum penalty of a fine up to £5000, imprisonment for up to six months, or both, for each animal in respect of which an offence is committed. It is now an offence to:

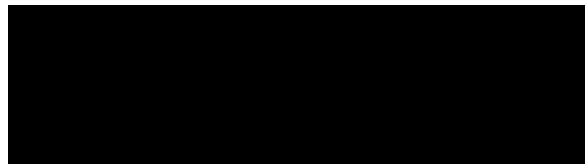
- ❑ Intentionally kill, injure or take (capture) a Water Vole;
- ❑ Possess or control a live or dead Water Vole, or any part of a Water Vole or anything derived from a Water Vole;
- ❑ Intentionally or recklessly damage, destroy or obstruct access to any structure or place which a Water Vole uses for shelter or protection;
- ❑ Intentionally or recklessly disturb a Water Vole while it is occupying a structure or place which it uses for shelter or protection.

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Balsall Common Village Extension, Solihull – Preliminary Ecological Appraisal

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