INDEPENDENT EXAMINATION OF THE KNIGHTSFORD

NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

The Examiner has written to the Parish Council and Dorset Council regarding his acceptance of a late submission from the Land Value Alliance on behalf of West Stafford LVA LLP dated 19 February 2025.[1]

Based on the issues raised in the late submission, he has indicated that he considers it necessary to further probe the sufficiency of the consultation and engagement that may, or may not, have occurred in relation to the proposed designation of '*Land East of Wynd Close, West Stafford* 'as Local Green Space.

In doing so he has provided the Parish Council (and Dorset Council, if appropriate) an opportunity to comment on the submission and to provide him with any response(s) by **Friday 7 March 2025**.

The following is a copy of the representation
Responses from Knightsford Parish Council are given in purple italics
Dorset Council has responded in green italics.

We write further to our objection below to the Knightsford Neighbourhood Plan, which I am sure has been forwarded to you as part of your review and attach the email correspondence for ease.

As you will note, West Stafford LVA LLP were not consulted during the Regulation 14 consultation (18th March – 3rd May 2024). We assume that the Neighbourhood Plan Group sought to rectify this matter by contacting us after the this on the 30th July.

LLP have been aware of the preparation of the Neighbourhood Plan as far back as 2022 (as the officer report with reference to their planning application refers to it in August 2022, and they responded to the call for sites in November 2022).

The records of our Planning Consultant show that as part of the email sent out at the start of that consultation (18/03/24), the list used included the various land promoters who had responded to the call for sites. In relation to West Stafford LVA LLP the email contact was via [redacted]

Collector:	Web Link 1 (Web Link)
Started:	Tuesday, November 15, 2022 9:22:34 AM
Last Modified:	Tuesday, November 15, 2022 9:48:59 AM
Time Spent:	00:26:24

Page 1

Q1

Your details:

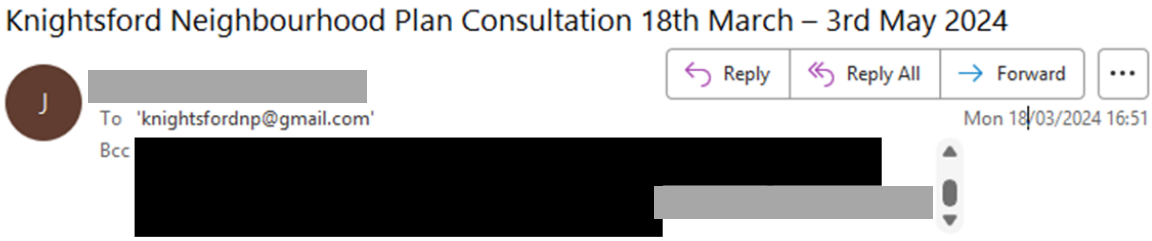
Name:	**West Stafford LVA LLP**
Your address:	[redacted]
Email:	
Phone contact:	

Q2 — **Yes - sole owner**

Are you the landowner of the site?

[1] View at: https://www.dorsetcouncil.gov.uk/w/knightsford-neighbourhood-plan

As such, an email was sent to [redacted] on that date – the contact held by the group for West Stafford LVA LLP (see screenshot below).



Dear Consultee

Knightsford Neighbourhood Plan Consultation 18th March – 3rd May 2024

Knightsford Group Parish Council is consulting on the pre-submission draft of its Neighbourhood Plan. I am writing to you because we have identified that you may have a potential interest in the plan as a statutory consultee / local landowner. This is your chance to make your views known, so that changes can be made, if appropriate, prior to the plan's submission for its examination. When finalised, the plan will be a key document in determining future planning applications in this area.

[and the email continues]

Whilst LLP did not respond to the consultation, they do specifically mention the Reg 14 consultation in their response to Dorset Council with reference to their planning appeal. This shows on the Dorset Council website dated 6 June, with a date reference to the pdf of 5 June 2024. It includes the following with regard to the Neighbourhood Plan / LGS:

☐ 06/06/2024 - West Stafford Final Comments 05.06.24.pdf (95kb)

This letter sets out the Appellant's response to the Council's comments on the Appellant's Land Supply evidence. For ease of reference we use the same headings as the Council's response submitted to the Planning Inspectorate on 25th April 2024.

[points on non-Neighbourhood Plan issues]

Knightsford Neighbourhood Plan

We note that in March 2024 the Knightsford Group Parish Council undertook a Pre-submission (Regulation 14) consultation. This is broadly the third step in a seven-stage process towards making the Neighbourhood Plan. Accordingly, it would be premature to suggest that it is at an advanced stage given it is yet to be submitted to the Council (who will undertake their own consultation), yet to be the subject of examination and yet to be the subject of a referendum.

We acknowledge that draft Plan identifies the site and land to the north as a Local Green Space via draft Policy 10. We also would note that the Plan identifies who owns the Site, yet we can confirm that West Stafford LVA LLP was not formally consulted as part of the recent consultation. Though we thank the responder for drawing our attention to this matter, we can confirm that we strongly object to such a proposal. We also note that the Neighbourhood Plan suggested that it is a parcel of land well walked by local residents. Whilst we accept that residents would be free to walk along the public footpath S52/1, should residents divert from the footpath and walk around other areas of the Site this would be onto private and non-publicly accessible land and would therefore be committing trespass. We would also highlight that the other three Local Green Spaces identified by the draft NHP are existing formal areas of POS including with benches and play equipment. The only exception to this is the 'Land east of Wynd Close' which we suggest has only been identified for such a use in order to seek to curtail development.

Surprisingly, despite claiming to Dorset Council (through the appeal) in early June 2024 that they had not received the email for the Regulation 14 consultation, West Stafford LVA LLP made no attempt to contact the Parish Council or Steering Group to ask to be allowed to make a late comment on the Neighbourhood Plan.

As shown in the email exchange submitted by West Stafford LVA LLP, they were again contacted by the Steering Group on 30 July 2024, to ensure that they were aware of the proposed LGS designation and had had an opportunity to comment prior to the plan being finalised, as they had inadvertently been omitted from the earlier email to LGS owners (this is explained on page 10 of the consultation statement).

No decision was made regarding the submission version of the Neighbourhood Plan until their response was received. Their response was considered at the Knightsford Neighbourhood Plan meeting on 20 August 2024, when the Group decided that they should also be provided with the opportunity to comment on other aspects of the plan.

Despite indicating in their email of 23 August 2024 that they would respond, no such response was received. Given that LLP had, in the view of the Steering Group, been given ample time to make any representations, both with regard to the LGS and Neighbourhood Plan as a whole, the Submission Version of the Plan was then passed to the Parish Council to be considered at the 9 October Parish Council meeting.

The Neighbourhood Plan seeks to designate the land as a Local Green Space, as you will appreciate Paragraph 106 requires all three criteria to be met in order for a Local Green Space designation to be considered acceptable. We consider that criteria b) and c) are not satisfied and therefore it would be inappropriate for the NHP to designate Land east of Wynd Close as Local Green Space. More specifically, in relation to b) we can find no evidence within the Regulation 14 consultation which gives any validity to any of the criteria within limb b) being met. No valid justification has been provided and we can only assume that the proposed designation is a perceived approach to seek to resist the Site's development in the long term. This would appear to be the case as the Options consultation under Question 19 was worded "We have identified three spaces in West Stafford parish which we consider could qualify as a Local Green Space. Do you think these are important You don't often get email from Learn why this is important green spaces that should be protected from development?" It is our belief that worded in this way led respondents to a view around the opposition to development as opposed to any commentary on the merits of suitability as a Local Green Space.

The three criteria referenced are:

(a) in reasonably close proximity to the community it serves;

(b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

(c) local in character and is not an extensive tract of land.

These criteria were considered as part of the preparation of the plan, and key elements summarised in Table 1 of the Neighbourhood Plan (pages 27 – 28), including for the proposed LGS in question.

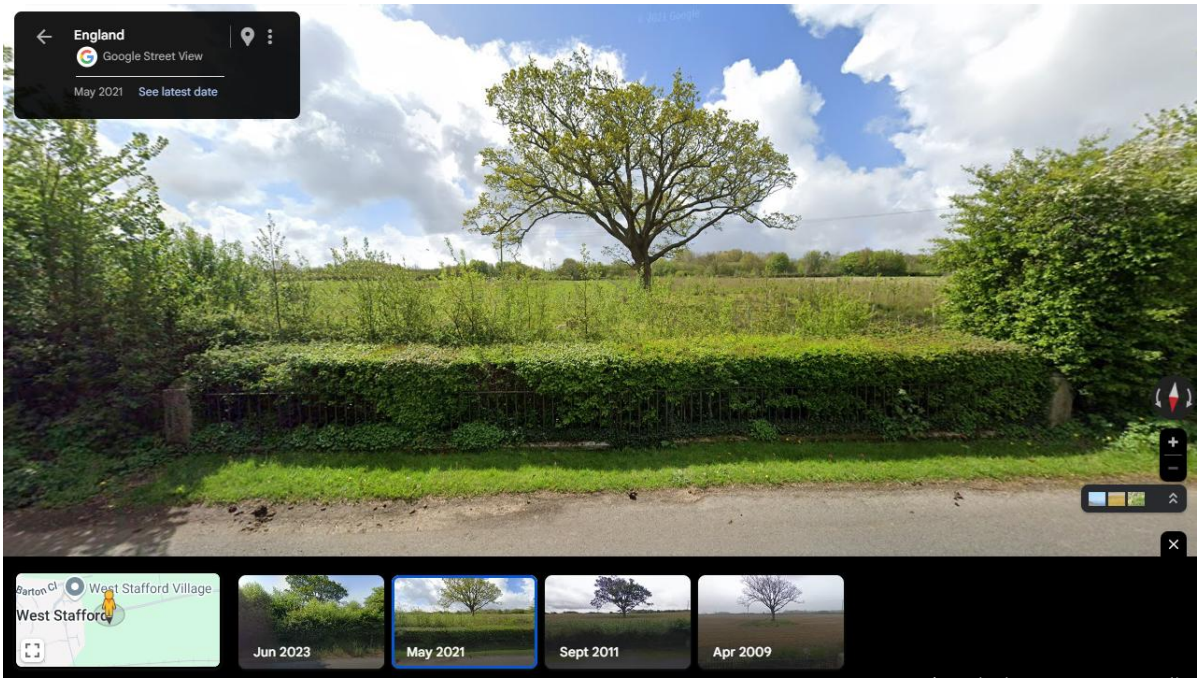
The map shows the site abutting up against the village of West Stafford – therefore meeting (a)

The description seeks to explain why the site demonstrably special to the local community and holds a particular local significance. This highlights three elements:

- ***Recreational value: it has been well-walked (both on and off the footpath – as per footnote 10 the NP Group has spoken to existing residents that have lived in the area for more than 50 years and who have confirmed the site has long been used by most of the village especially the children, who have played there and had family picnics throughout that time.***

- ***Landscape value: it visually forms part of the entrance to the village (from along the road entering the village from the east, you see the first glimpses of the village as you pass the gated entrance to the Manor House, with the West Stafford sign on the south side – in the winter / when the hedge is trimmed you could also see the rear of Wind Close from here – although this is less so with the current owner's management of the boundary (West Stafford LVA LLP having acquired the site in 2015) – but the 2009 photo on google street view as copied below shows this well).***

- ***Historic significance: the area is important in views to/from the Grade I listed Manor House and through its Grade II listed gate piers, as well Talbothayes Lodge to the east (across the intervening fields, although this is lessened as a result of the woodland planting) – these views are best enjoyed from the footpath (again depending on the hedgerow management) – but clearly there is a strong relationship intended between the Manor House and land opposite as indicated by the wrought iron railings to the south side of the highway and how the hedge has previously been cut (see below which is taken from the 2021 google street view).***



On this basis the Parish Council considered that criteria (b) was met. Whilst not specifically mentioned, it is also evident that the site is of moderate value for conservation (as concluded by the Ecological Impact Assessment Report dated April 2022 submitted as part of the planning application). This noted:

- ***The site has a hedgerow and a line of trees present, with some bramble scrub within the line of trees. There are some opportunities for breeding birds to use these habitats. (NB the report also notes that "It is thought that the grassland is too frequently used by dog walkers to support ground nesting birds.")***
- ***The hedgerow habitat along the western boundary of the site, and the treeline along the southern boundary of the site offers potential for use by foraging and commuting bats (surveys found infrequent use).***
- ***Dormice are present within the boundaries of the site, primarily within the boundary to the south which is linked to the wider ecological network. It is considered that dormice could be present within all hedgerows on the site, and the records appeared to show the dormice were using the southern hedge to the fullest extent.***
- ***Both slow worm and common lizard are present on the site, in all suitable areas of habitat. The site is well connected in the wider network. It is considered that reptiles could be present in all suitable grassland habitat, and sheltering within any refugia on site.***

Table 1 also references the size of the proposed LGS (1.2ha) – which, having reviewed other LGS that have passed examination, is not of a size that has previously been considered to be an extensive tract of land, and as now separate from the land to the west (following its sale in 2015) is very much local in character. On this basis the Parish Council considered that criteria (c) was met.

At this stage we would like to reiterate that the land has been the subject of trespassing by local residents in the recent past, and although we have resecured the fencing on site on multiple occasions, this continues to be damaged and forced open. We are looking to install a permanent fencing solution on our boundaries, either side of the Public Right of Way, and therefore there is no right for this land to walked by local residents as the Neighbourhood Plan suggests.

The Parish Council has had no reports of trespass / damage on this land – although as per footnote 10 in the Neighbourhood Plan the site is known to have been much more widely used prior to the erection of barriers.

In respect of the entrance to the village it is our opinion that only glimpses of the proposed Local Green Space are possible from the road with a well established and thick hedgerow and equally given the vegetation on both sides, views towards Manor House and Talbothayes Lodge are extremely limited. Indeed, if anything we find evidence that points in the opposite direction for example the plan on Page 56 entitled Valued Views and Local Landmarks does not show the land as featuring within such a view. We acknowledge it shows the presence of Public Right of Way S52/1 but that is not of itself reason to designate as Local Green Space not least because such a PRoW would be protected and incorporated as part of any residential scheme and is covered by other legislation.

See response / photos above – the diminishment of these views is related to how the site has been managed since it was purchased by the current owner. If a site is deliberately cleared of important habitat in order to reduce the requirements for biodiversity net gain, the Government ensures that such degradation is not rewarded, and in such cases the site's previous biodiversity value should be used. Similarly, if there is evidence of deliberate neglect of, or damage to, a heritage asset, the Government is clear that the deteriorated state of the heritage asset should not be taken into account in any decision. It therefore seems logical to the Parish Council that it is right and appropriate to consider the wider timespan in which this green space has become a very valued area for the local community, and views enjoyed, rather than basing it purely on the present at a time when one of the current landowners clearly wishes to develop the site, and when it is feasible that future owners may manage the area (and its boundaries) differently and in a manner where these views are respected.

We concluded our objection, asking that we were appropriately informed when the plan was submitted to the Council, and this did not happen. We would be delighted to attend any hearings etc. that you feel are necessary to ensure that the land is not included as a Local Green Space purely to stifle development within the village.

The Parish Council are not legally responsible for informing parties as to when the plan is submitted for examination. Information on Council business is made available through the Parish Council website, which includes the minutes of the Council's meetings (October and November 2024), and https://knightsford-pc.gov.uk/2024-consultation/ references and links to the Regulation 16 duly run by Dorset Council.

Dorset Council response:

We can confirm that all contact details from the earlier Regulation 14 consultation supplied by Knightsford Parish Council were contacted at the beginning of the Regulation 16 consultation (2 December 2024), including the Land Value Alliance.

abbas ecology

[redacted]

t. [redacted]
m. [redacted]
e. [redacted]
w. [redacted]

Ecological Impact Assessment Report

Land East of Wynd Close, West Stafford, Dorset, DT2 8AH

APRIL 2022

Author: Elizabeth Kimber, MCIEEM.

[redacted]

For: Spruce Town Planning

AE 4875

Issued to:

01 SPRUCE TOWN PLANNING

02 ABBAS ECOLOGY

This report is the responsibility of Abbas Ecology, It should be noted, that whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

	Name	Date	Signature
Report prepared by:	Elizabeth Kimber	03/04/2022	[redacted]
Report checked by:	Bronwen Bruce	20/04/2022	[redacted]

Abbas Ecology

[redacted]

Tel: [redacted]

Email: [redacted]

Contents

Executive summary

Site location:	Land East of Wynd Close, West Stafford, Dorset, DT2 8AH
Grid Reference:	SY 72789 89439
Abbas Ecology surveyors:	Elizabeth Kimber, Laura Cowley and Melanie Dixon
Date of visit(s):	Preliminary Ecological Appraisal – 07/05/2021 Bat Transects – 18/08/2021, 03/09/2021, Dormouse footprint tubes – 25/06/2021 to 11/10/2021 Reptile survey - 25/06/2021 to 11/10/2021

This report presents the findings of a Preliminary Ecological Appraisal carried out on a site visit on the 7th May 2021. Abbas Ecology were commissioned to undertake the survey to inform a proposed planning application. The initial walkover survey recorded semi-improved grassland, which was starting to form tussocks on site, with boundary hedgerows providing suitable habitat for foraging bats and dormice. The grassland was assessed as holding moderate potential to support foraging reptiles. Further survey work was required to assess the use of the habitat on site by protected species including bats, reptiles and dormice. The results of these surveys are also presented within this report.

The proposals for the site include the development of the land for residential use.

The site is comprised of species poor, semi-improved grassland across the entire site, with hedgerow on the western boundary and tree line on the southern boundary. The grassland had a varied sward height, with some areas used by local dogwalkers. A hedgerow assessment was conducted on the hedgerow to the west of the site. The hedgerow on the western boundary was assessed to be 'species-rich' (over 5 woody species in a 3 metre length), and to be in 'un-favourable condition'. Mitigation measures for this will include enhancing the existing boundary to the south of the site, and planting new hedgerow elsewhere on site. This will ensure there is a neutral impact on the hedgerows at a site level.

The bat transect surveys recorded low numbers of common species of foraging bat, including common pipistrelle, soprano pipistrelle, brown long-eared and noctule bats. The static detector surveys recorded extremely low numbers of foraging and commuting bats. The proposed development will provide mitigation for the foraging and commuting bats through implementing a lighting scheme. The development is therefore unlikely to have any significant long-term impacts on foraging and commuting bats.

The dormouse footprint surveys recorded dormouse footprints, a dormouse and a dormouse nest in three tubes along the southern site boundary. This confirmed that dormouse are present within the boundary features on the southern boundary of the site. The proposed development will have a negative impact on dormouse due to the creation of an access through the western treeline, however, this will be a neutral impact if mitigation measures are followed due to the small length of hedgerow left isolated following the proposed access. Buffer zones will also be incorporated into the hedgerow to ensure the retained habitat is protected and retains suitability for dormouse.

The reptile surveys recorded a good population of slow worm and a low population of common lizard present on site. The proposed development will have a negative impact on reptiles as a result of the proposed development, however, the impact will be minimised following a translocation exercise prior to development works commencing.

The development proposal will include enhancement measures so that the overall outcome will be a net gain in biodiversity. Suggestions for the mitigation and enhancement measures have been provided in this report. Once the plans for the site are finalised mitigation and enhancement measures will be outlined within a Biodiversity Plan which will be submitted to the Natural Environment Team for approval.

1.0 Introduction

Principal Author: Elizabeth Kimber, BSc (Hons), MCIEEM. Elizabeth has experience in protected species survey and licensing and holds personal survey licences for bats, (CL18), Great Crested Newts (CL08) and a science and conservation survey licence for rare reptiles.

Client: Spruce Town Planning commissioned the report to inform a proposed planning application.

Site:

The site is located in a rural village location; the southern boundary is located on a railway and the western boundary is on Wynd Close. The northern boundary is shared with a development which is currently under construction (WD/D/20/000932). The eastern site boundary is comprised of recently planted saplings and grassland. The main habitat is grassland, which is used by the local community for walking dogs. There is a hedge on the western boundary and a treeline with scrub on the southern boundary. The grassland appears semi-improved, with no areas which appeared to be of higher botanical interest. An outline site map is given below.

Figure 1. Aerial view of the site; provided by Spruce Town Planning.

Purpose

The report aims to show how impacts on protected species and habitats have been assessed and describe all potentially significant ecological effects from development. Mitigation measures and enhancements are described and the need for follow up monitoring reviewed. The report looks at outline development proposals only and will be revised when detailed plans are available.

2.0 Planning policy and legislation.

The National Planning Policy Framework was amended in July 2021 and details National planning policy; all items relating to Protected species and habitat are detailed in Appendix 1.

The planning authority for the site in question is Dorset Council. The Council applies the Dorset Biodiversity Appraisal protocol, to which the following outline rules apply:

1. *Within the DBAP, applications are assessed according to size and complexity.*
2. *Smaller proposals and those which have limited impacts on biodiversity will be required to complete surveys, provide an Ecological Impact Assessment (EcIA) report and submit a Biodiversity Plan (BP) for assessment by the Natural Environment Team (NET) prior to validation.*
3. *Larger applications (generally those of 50 houses and over) and those with more complex/greater impacts on biodiversity will be required to complete surveys, provide an EcIA report and submit a Landscape and Ecological Management Plan (LEMP) for assessment by NET after validation.*
4. *Once NET are satisfied that the BP or LEMP fully address all impacts on biodiversity, a Certificate of Approval will be issued.*

Please note that the DBAP is designed to address the mitigation hierarchy as set out in the National Planning Policy Framework, 2019. This means development must avoid, mitigate and compensate impacts on biodiversity, and requires development to provide enhancements or biodiversity net gain.

2.1 Biodiversity Net gain:

All DBAP applications are required to provide net gain, and a requirement for measurable 10% net gain is included in the forthcoming Environment Bill and in the draft Dorset Council Local Plan.

Net gain will be quantified through use of the DEFRA Biodiversity Metric and developers are encouraged to use the Metric now, in preparation for the requirement for mandatory net gain in 2023.

2.2 Legislation

In England, all bats, dormice (*Muscardinus avellanarius*), otters (*Lutra lutra*), great crested newts (*Triturus cristatus*), smooth snakes (*Coronella austriaca*) and sand lizards (*Lacerta agilis*) are legally protected under Annex IV of the EC Habitats and Species Directive (1992), which is transposed into domestic law via the Conservation of Habitats and Species Regulations (2017). Nightjars (*Caprimulgus europaeus*) are protected under the above Regulations under Annex I (as originated from the EC Birds Directive).

Badgers (*Meles meles*) are protected under The Protection of Badgers (1992).

Some species are also listed under Annex II of the EC Habitats and Species Directive (1992), including barbastelle (*Barbastella barbastellus*), Bechstein's bat (*Myotis bechsteinii*), greater horseshoe (*Rhinolophus ferrumequinum*), lesser horseshoe (*Rhinolophus hipposideros*), great crested newt, stag beetle (*Lucanus cervus*) and otter.

The above named species and adders (*Vipera berus*), slow worms (*Anguis fragilis*), grass snakes (*Natrix natrix*), common lizards (*Zootoca vivipara*), common frog (*Rana temporaria*), palmate newt (*Lissotriton helveticus*), smooth newt (*Lissotriton vulgaris*), water voles (*Arvicola amphibius*) and several invertebrate species are also protected under Schedule 5 of the Wildlife and Countryside Act (WCA) (1981) (as amended); hedgehogs (*Erinaceus europaeus*) are partially protected under Schedule 6 of the WCA (1981). Barn owls (*Tyto alba*) are protected under Schedule 1 of the WCA (1981).

Schedule 9 of the WCA (1981) includes non-native, invasive species including (but not limited to) Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*) and Himalayan balsam (*Impatiens glandulifera*).

Some sites that have been designated for nature conservation are legally protected due to being of European importance. These include Special Areas of Conservation (SACs) (protected under the EC Habitats and Species Directive (1992), Special Protection Areas (SPAs) for birds (protected under the EC Birds Directive) and Ramsar (Ramsar Convention, 1975). Other protected sites include Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) Local Nature Reserves (LNRs) and Protected Road Verges.

Hedgerows that qualify as 'important' under The Hedgerows Regulations (1997) are legally protected under the Regulations.

3.0 Scope of the assessment.

3.1 Zones of influence:

The 'zone of influence' for a project is the area over which ecological features may be subject to significant effects as a result of the proposed project and associated activities.

In this case, the development will involve the construction of residential dwellings, with associated parking and gardens. This will only impact the area within the red line boundary as shown in figure 1. Materials and construction vehicles will reach the site using existing roads which are already in use. An access to the site will be created through the hedgerow on the western boundary of the site, which is currently used as a turning area for cars.

The assessment has considered the potential for impact on designated sites and species of principal importance for conservation of biodiversity.

4.0 Methodology:

4.1 Desktop survey

The Multi-Agency Geographical Information for the Countryside (MAGIC) website was used to assess the presence of statutory designated sites within a 2km radius of the site. A request for data was made to Dorset Environmental Records Centre (DERC) for information they hold on protected and notable species records along with non-statutory designated sites within a 2km radius of the site. A check for existing and potential ecological networks was carried out using Dorset Explorer.

4.2 Field survey - Preliminary

The entire site was surveyed for protected species, and for the potential for protected species; the methodology for all protected species surveys followed guidance from Natural England's Standing Advice Sheets for the relevant species.

Habitat

All areas of semi-natural habitat were also surveyed, and any features of interest were noted. Consideration was also given to the potential of this area to act as a wildlife corridor.

Invertebrate habitat was considered during this assessment including potential for butterflies, moths and dragonflies. Micro features that are particularly important to invertebrates was also highlighted such as deadwood, edge of scrub, damp areas and grassland structure. The surveyor aimed to establish if further survey from a specialist entomologist would be required.

If there are any areas of semi-natural habitat present that maybe considered as species-rich a plant species list was made of plants apparent at the time of survey and a 'DAFOR' scale applied to indicate relative abundance. A phase 1 map showing broad-based habitat types will be produced if there are a mosaic of semi-natural (not landscaped) habitats present.

Bats

A consistent search effort for evidence of bats was applied to all parts of the site that are due to be impacted by the proposed works. The methodology used to search this site is consistent with the guidelines provided in the Bat Conservation Trusts Bat Survey Guidelines (2016).

Any trees due to be removed were also assessed for potential roost features as outlined in the Bat Tree Habitat Key (2018). The features are outlined in Table 1 below.

Type of habitat	Negligible	Low	Moderate	High
Tree	No features on the site likely to be used by roosting bats.	A tree of sufficient size and age to contain Potential Roosting Features (PRFs) but with none seen from the ground or features with only very limited roosting potential	A tree with multiple PRFs that could be regularly used by common species of bats. The tree is unlikely to support a roost of high conservation status.	A tree with multiple PRFs that are likely to be regularly used by larger numbers of bats, for a longer period of time.

The habitat surrounding the site was assessed for its suitability for use by bats, identifying features such as possible commuting corridors and foraging areas. These features assist bats with orientation in the dark, allowing bats to successfully navigate between roosts and foraging areas. Areas like these provide important corridors for use by bats.

Breeding Birds

Any habitat features, for example, scrub and trees, which could potentially be used by nesting birds, were surveyed and any nesting activity within the buildings was noted. Ground nesting bird potential was also considered.

Reptiles

Habitat features that could be suitable as hibernacula or feeding/resting areas were noted.

Badger

Any area that could be used for feeding or could potentially contain a badger sett was surveyed and any signs were noted.

Otter and Water Vole

Any areas with potential for use by either of these species were surveyed and any signs, such as spraint, footprints, droppings and piles of nibbled grass, were noted.

Dormouse

Any habitat features that could potentially provide feeding or nesting habitat for dormice were checked for signs of this species and areas with potential for use by dormice were noted. Visual surveys for nests and opened nuts were undertaken where the proposed work only impacts a small amount of habitat (for example access gaps in hedgerows).

Great Crested Newt

Any habitat features that could be used by this species was noted. This included both terrestrial and aquatic features. Any ponds within 500m of the site must be assessed for suitability for great crested newts (providing that the landowner has granted access) using the standard Habitat Suitability Index form and method.

Protected Invertebrates

Potential for protected invertebrates were considered, including white-clawed crayfish, stag beetles, southern damselfly, brown and white-letter hairstreak butterflies.

Legislation

A summary of legislation relating to these species and habitats can be found in Appendix 1 of this report.

4.3 Field Survey - Specialist Surveys

Bats

The methodology used to survey this site is consistent with the guidelines provided in the Bat Conservation Trust Bat Survey Guidelines (2016).

Bat transect surveys

The hedgerow on the western boundary of the site is connected to the boundary on the southern boundary of the site, which runs adjacent to a railway line. The railway line is well connected in the wider environment. The southern boundary consisted predominantly of scrub, with some scattered trees. Therefore, in relation to the guidelines above the site is classed as having moderate suitability for bats, and therefore one bat transect per season was undertaken, with one bat static detector left out for five consecutive nights, covering August (Summer) and October (Autumn) in 2021, with one surveyor and a safety person. The approximate route around the site is shown in figure 2. Stopping points of 5 minutes were conducted during the surveys. The autumn transect route was completed in reverse.

The static detectors used were Audiomoth static detectors. Data from these detectors was imported onto computers, then analysed using the Auto-ID software in Sonobat. Results were then manually checked before being analysed and tabulated.

The data collected from static detectors could be impacted by the weather conditions during the survey, leaving the statics for a number of nights helped to overcome this. The calls of Whiskered and Brandt's Myotis bat species can be challenging to distinguish from one another. To mitigate for this these species were grouped as Myotis sp.

Date of Survey Visit	**Start and end times and time of sunset**	**Structure reference/ location**	**Equipment used**	**Weather**
19/08/2021	Start – 20:22 Sunset – 20:22 Finish – 22:22	Land East of Wynd Close, West Stafford	EMT2 Pro	Start – 18˚C Finish – 17˚C 6/8 cloud 3/12 wind
03/09/2021	Start – 18:45 Sunset – 18:45 Finish – 20:45			Start – 15˚C Finish – 12˚C 1/8 cloud 2/12 wind
Comments:	The route of the surveyor in Figure 2, one surveyor and one safety person was used – Laura Cowley and Simon Collins			

Equipment

A EMT2 Pro was used recording onto an iPhone. An Audiomoth static bat detector was left out in two different locations for a minimum of five consecutive days. Recording sheets were completed by the surveyor.

Figure 2. Aerial view of the site, an approximate transect route is shown, walked between the stopping points by the boundary features and across the centre of the site. The locations of the static detectors are shown by yellow stars (aerial image Copyright Google Earth).

Survey Constraints

Due to the time at which the initial PEA survey was commissioned it was not possible to conduct a spring survey for bats. The results from the summer/autumn surveys showed similar low levels of bats using the site for foraging and commuting.

Dormice

Dormice were surveyed using the footprint tunnel method as developed by Suffolk Wildlife Trust/People's Trust for Endangered Species (2019).

20 tunnels were placed across the sits as shown in figure 3. These were checked six times covering June – October. Tunnels were checked and re-inked every few weeks. The ink did not appear to stay

wet for longer than a week. The paper was changed if there was any footprint activity or deterioration in quality. The masking tape was replaced when required.

Figure 3: Aerial view of the site, with the dormouse tunnel locations shown as a yellow line (aerial image Copyright Google Earth).

Equipment

The footprint tunnels used are made of square black downpipes with a plywood insert. A thick white card was attached with double-sided sticky tape at each end. A strip of masking tape was placed at each end of the card. The tracking medium (ink) was painted onto the masking tape areas.

Reptiles

Fourty-five 40 x 50 cm squares of roofing felt were laid in suitable locations around the site on 18th June 2021. Seven visits were then undertaken at a variety of times and weather conditions, with temperatures ranging between 13 and 17˚C (Appendix 3). Reptiles will make use of felts as shelter or for thermoregulation and can be easily spotted when the felts are lifted. Lizards often bask on top of the refugia and so the survey consists of a slow circuit of the field searching for basking animals followed by lifting the refugia.

Survey Limitations

The scrub vegetation on the southern boundary of the site is very dense, and as such it was not possible to fully survey this area for reptiles. The reptile mats were positioned as close to the boundary as reasonably possible and the survey is considered to provide adequate results for the reptiles present in the area. In September 2021 the grass was cut, and a number of the reptile felts in the centre of the site were shredded. Due to the unsuitability of the habitat following this reptile mats were not re-deployed in this area, so the final two surveys were completed on the mats remaining around the boundary of the site.

4.4 Assessment

The assessment has reviewed the significance of the potential impacts from the development in terms of the impacts on ecological features and processes within the immediate area and wider landscape. The question posed is whether the project is likely to result in a change in ecosystem structure and function? The effects of activities associated with a proposed scheme and their resultant biophysical changes on important ecological features will be assessed in terms of their magnitude, extent, timing and frequency, duration and reversibility. The assessment will describe how the baseline conditions will change as a result of the project and associated activities. Positive impacts will be assessed as well as negative ones. Effects of activities are considered significant if they cause a change in the conservation status of an important ecological feature. Changes that result in an improvement in the conservation status are considered positive and changes that result in a reduction in the conservation status are negative. If there is no change as a result of the development the effect is considered not significant. The assessment will identify the cumulative impacts that may arise from the proposal and other relevant developments. It will identify the need for avoidance and mitigation and opportunities for enhancement. After mitigation strategies have been devised and their likely success considered, to assess residual effects and whether these are significant and require compensation.

5.0 Baseline Ecological Conditions

5.1 General.

The baseline conditions at site level relate to the semi-improved grassland, the hedgerow along the western boundary of the site and the scrub along the southern boundary of the site.

5.2 Designated sites.

The site is located 50 metres from the West Stafford By-Pass SNCI, designated for road cutting with skeletal soils and calcicolous grassland. However this site is located across the railway from the proposed development site, with the railway as a buffer between them, and as such the qualities which designate West Stafford Bypass as an SNCI and HRS are not present on the proposed development site.

The nearest sites are:

- The site is within 5 kilometres of Dorset Heathlands Ramsar.
- The site is within 5 kilometres of Dorset Heaths SAC.
- The site is within 5 kilometres of Dorset Heathlands SPA.
- The site is within 5 kilometres of the River Frome SSSI.
- The site is within 2 kilometres of six Sites of Nature Conservation Interest (SNCI) including Empool Bottom, Came Park, North Plantation, West Stafford Bypass, Thorncombe Wood and Kingston Maurward Copse.

The site is not located within any existing or potential ecological networks, according to Dorset Explorer. There is an existing ecological network adjacent to the southern boundary of the site, along the railway line.

5.3 Habitat

The site is comprised of species poor, semi-improved grassland across the entire site, with hedgerow on the western boundary and tree line on the southern boundary. The hedgerow on the western boundary becomes a treeline at the turning circle. The grassland had longer sward in the central areas, with short sward around the edges of the site, and through the centre of the site where the local community use the site for dog walking. DAFOR scales for the grassland, hedgerow and line of trees are provided below. A hedgerow assessment was conducted on the hedgerow to the west of the site. The hedgerow on the western boundary was assessed to be 'species-rich' (over 5 woody species in a 3 metre length), and to be in 'un-favourable condition'. A full assessment is provided in Appendix II.

The coverage of plant species across the grassland area was recorded using the DAFOR scale (standing for Dominant, Abundant, Frequent, Occasional, Rare). Dorset notable species are highlighted in green. See the tables below:

Grassland

Species	Latin name	DAFOR
Great mullein	*Verbascum thapsus*	O
Common ragwort	*Senecio jacobaea*	O
Curled dock	*Rumex crispus*	O
Yorkshire-fog	*Holcus lanatus*	F
Red clover	*Trifolium pratense*	R
Common nettle	*Urtica dioica*	LD
Dandelion	*Taraxacum officinale agg.*	O
Bristly ox-tongue	*Picris echioides*	R
Buddleja	*Buddleia davidii*	R
Perforate St John's-wort	*Hypericum perforatum*	O
Field maple	*Acer campestre*	R
Bramble	*Rubus fruticosus agg.*	LD
Cat's-ear	*Hypochaeris radicata*	O
Creeping thistle	*Cirsium arvense*	O
Spear thistle	*Cirsium vulgare*	O
Teasel	*Dipsacus fullonum*	LF
Great willowherb	*Epilobium hirsutum*	LF
Cock's-foot	*Dactylis glomerata*	LA
False oat-grass	*Arrhenatherum elatius*	LA
Creeping buttercup	*Ranunculus repens*	LF
Cleavers	*Galium aparine*	LA
Meadow foxtail	*Alopecurus pratensis*	R
Daisy	*Bellis perennis*	A

The grassland has been assessed as being species poor semi-improved grassland, due to the presence of two Dorset notable species, one which is of occasional abundance and one which is of rare abundance within the sward.

5.4 Species

General

The data search from Dorset Environmental Records Centre (DERC) returned species records for great crested newt, slow-worm, grass snake, west European hedgehog, serotine, Daubenton's bat, natterer's bat, common pipistrelle, soprano pipistrelle, brown long-eared bat, European otter, Eurasian badger, European water vole, hazel dormouse, brown hare and barbastelle bat.

i. Bats

There were no buildings present on site. The hedgerow and line of trees on the western and southern boundaries of the site provide limited foraging opportunities for a variety of bat species. The treeline on the southern boundary is well linked to the local area, however the rest of the site has limited connectivity in the wider landscape. All trees on site were assessed for potential roosting features for bats, however, none of the trees held potential roosting features which were visible at the time of survey.

Further phase 2 bat transect surveys will be required prior to development. These have been completed and results are included below.

Treeline to south of the site

Hedgerow to west of site (view from Wynd Close)

Hedgerow to west of site (view from entrance to footpath)

ii. Breeding Birds

The site has a hedgerow and a line of trees present, with some bramble scrub within the line of trees. There are some opportunities for breeding birds to use these habitats. It is thought that the grassland is too frequently used by dog walkers to support ground nesting birds. No further survey work for breeding birds is required.

iii. Reptiles

The grassland has a diversity of structure shown in the photographs below, which provides some opportunities for foraging and commuting reptiles. The grassland habitat on the site is supported by scrub within the treeline on the south of the site, which is linked to the wider ecological network. There are minimal records of slow-worm and grass snake within 2 kilometres and further reptile survey work was required. This survey has been completed and results are presented below.

Tussocky grassland habitat for reptiles

General view of site showing longer sward grassland

iv. Badger

The grassland did not show any evidence of foraging by badgers. There were no mammal tracks through the scrub under the treeline, or under the hedgerow. No further survey is required for badgers.

v. Otter and Water Vole

The site has no suitable aquatic habitat for otter or water vole. The River Frome is present over 500 metres from the north of the site, which could provide suitable habitat for otter. Some terrestrial habitat is present on site, however with the absence of aquatic habitat on the site and the distance of

the River Frome from the site it is considered unlikely that otter or water vole are present on the site. No further survey work is recommended for either species.

vi. Dormouse

The site has some potential for dormice in the hedgerow and treeline along the western boundary, and within the scrub under the treeline. The hedgerow is species-rich containing a number of species including hawthorn, holly and dog rose. Hazel is not present within the hedgerow, however this species is not essential for dormice to be present. The need for further survey could be reviewed against the development plan, but if the site will be extensively changed by development dormouse survey is necessary. Further survey for dormouse including a footprint tube survey will be required prior to the proposed development. This survey has been completed and the results are presented below.

Some dense bramble scrub in the southern tree line

vii. Great Crested Newt

There are no ponds on site, and the only pond within 500 metres is to the south of the site. There is a main railway line between the site and the pond, therefore it is considered that the railway line is a significant barrier to movement to great crested newt. The site has suitable terrestrial habitat for great crested newt. There is one record of great crested newt within 2 kilometres of the site, however considering the location of ponds within the local area it is considered that great crested newt are highly unlikely to be present on the site. No further survey for great crested newt is recommended.

viii. Protected Invertebrates

The site has a good range of habitats which suggests that invertebrate diversity could be high. Whilst on site undertaking the preliminary ecological survey orange-tip butterfly (Anthocharis

cardamines) were recorded, along with a number of bee species. Advice should be sought from a specialist invertebrate ecologist as to the value of further survey. Surveyors carrying out site visits for reptile survey should use the time on site to record butterflies and dragonflies present along a transect route including as many habitats as possible.

5.5 Specialist Species surveys

i. Bats.

Results – Seasonal transect surveys.

19th August 2021 (summer)

	Survey 1: 02/09/2021
Count	**Total**
Common Pip	2
Soprano Pip	1
Noctule	5
Brown long-eared	0
Total Number of calls	8

3rd September 2021 (autumn)

	Survey 2: 05/10/2021
Count	**Total**
Noctule	3
Brown long-eared	1
Total Number of calls	4

Conclusion

A total of two transect surveys were completed in 2021, covering August (summer) and September (autumn). From the data gathered during the surveys it can be concluded that the site is infrequently used by bats for foraging and commuting at extremely low levels.

The total number of bat calls recorded was 12, including common pipistrelle, soprano pipistrelle and noctule bats. The spread of bat calls around the site was fairly even, with bats recorded in extremely low numbers along the boundary features of the site.

Results – Static detector

In the summer two audiomoth statics were deployed over 7 nights. Unfortunately, there were problems with the static deployment on the summer transect, and the static did not record any data, so we do not have any results from one of the summer statics. The second summer static deployed did not return any bat calls, however, noise files were returned every night they were out. .

In the autumn two audiomoth statics were deployed over 7 nights. Both statics were deployed correctly, and noise files were returned every night they were out, however, no bat calls were recorded on either statics. One of these statics was located in the southern tree line, and one on the western hedgerow.

Conclusion

The data collected from the static detector showed that the levels of bat activity on site are extremely low.

Discussion of transect results and impact assessment

The hedgerow habitat along the western boundary of the site, and the treeline along the southern boundary of the site offers potential for use by foraging and commuting bats. The current development proposals will involve creating access through the western treeline, and constructing residential properties on the site, with associated roads, gardens, garages and parking. Only a very low number of light-sensitive bat species calls were recorded such as brown long-eared, however, artificial lighting from the development can still have an impact on less sensitive species like common pipistrelle by drawing them to feed on insects that are frequently attracted to the short-wavelength light, leaving them vulnerable to predation. Therefore, these features should be taken into consideration when using external lighting during construction and post-development. The external lighting must follow a suitable lighting scheme and regime in accordance with Guidance Note 08/18 Bats and Artificial Lighting in the UK. If this is followed correctly there should be no long term impact and bats can continue to use these features for foraging and commuting.

ii. Dormice

The dormouse footprint tubes were deployed across the site, as evenly as possible (see figure 3), and six visits were conducted to check for the presence of footprints. The ink was replenished and if required the papers were replaced at each visit. Dormouse footprints were recorded in the tunnels, with a dormouse nest and a physical dormouse also recorded on the last visit. The full results are shown in the table below.

Dormouse footprint tunnel results

Visit	Date	Weather	Number of tunnels with Dormouse footprints	Comments – where individuals were seen, nests, droppings, other signs found etc…
Setup	25/06/2021		0	20 tunnels
1	09/07/2021	17°C 7/8 cloud 1/12 wind	0	No footprints recorded. Fresh ink applied and papers changed if marked or damaged.
2	16/07/2021	17°C 0/8 cloud 2/12 wind	0	No footprints recorded. Fresh ink applied and papers changed if marked or damaged.
3	23/08/2021	15°C 3/8 cloud 1/12 wind	0	No footprints recorded. Fresh ink applied and papers changed if marked or damaged.
4	15/09/2021	16°C 4/8 cloud 1/12 wind	0	No footprints recorded. Fresh ink applied and papers changed if marked or damaged.
5	27/08/2021	13°C 2/8 cloud 5/12 wind	3	Papers changed, fresh ink applied. Dormouse footprints found but no individuals seen. Wood mouse seen exiting grassy nest in tunnel fixed to fence.
6	11/10/2021	16°c 1/8 cloud 3/12 wind	2	Dormouse seen exiting tunnel with grass & leaf nest in hedgerow along railway line. Second dormouse nest found in tunnel further along railway line with no individual present. Tunnels collected.

Results

The results from the dormouse footprint tunnel surveys showed that dormouse are using the scrub below the treeline on the southern boundary. This boundary links to the wider ecological networks. Dormouse footprints were recorded in a footprint tunnel on the southern boundary of the site. A dormouse was recorded exiting a tunnel with grass and leaf in the nest, and a second dormouse nest was recorded further along the treeline, which was empty. No evidence of dormice or footprints was recorded in the western hedgerow.

Photograph 4: Dormouse footprints

Conclusion

Dormice are present within the boundaries of the site, primarily within the boundary to the south which is linked to the wider ecological network. It is considered that dormice could be present within all hedgerows on the site, and the records appeared to show the dormice were using the southern hedge to the fullest extent. No dormice were recorded in the western hedgerow, or within approximately 20 metres of the proposed access in the western hedgerow. It is considered that dormice could be present within all the hedgerows on site, however, the majority of the habitat which is linked to the wider area for dormouse is on the southern boundary of the site.

Discussion of results and impact assessment

The presence of dormice in the southern tree line on site indicates dormice are present within the locality. There is a section of the western hedgerow which will be removed to facilitate the access into the proposed development, and the proposed development will be constructed adjacent to the southern hedgerow. A lighting scheme is being implemented for foraging and commuting bats, which will help to reduce impacts on dormice. Mitigation measures will be required when creating access onto the site, including non-licenced method statement for dormice and timing of works. Due to the location of the access it is not anticipated that cutting access through the western hedgerow will have a large impact on dormice, as the hedgerow only has one connection in the north, and no dormice were recorded within the hedgerow. A 5 meter buffer zone will be implemented from the area southern tree line; and a two meter buffer zone will be implemented from the rest of the hedgerows. The buffer zone is required to protect the remaining habitats from the effects of the

proposed development, ensuring that the new gardens are separate from the proposed development. This prevents the new gardens from encompassing hedgerows into their properties, enables good management of the hedgerows by the developer, and prevents garden rubbish being dumped on top of hedgerows. Mitigation measures will be required to ensure future management of the hedgerows will benefit dormice. The measures outlined above will ensure the impact to dormice from the proposed development is neutral at a site level.

iii. Reptiles

The reptile mats were deployed across the site, as evenly as possible throughout all suitable habitat. Seven visits were conducted to establish presence/absence of reptiles, with refugia carefully checked before approaching and lifting to check for presence of reptiles below the mats. Reptiles were recorded. The full results are shown in the table below.

Reptile results

Date	Visit No.	Time	Temp (°C)	Cloud Cover (Oct)	Wind (B)	Slowworm	Common Lizard
25/06/2021	1	09:30	17	2/8	1/12	0	0
09/07/2021	2	11:15	17	7/8	1/12	3F, 6M, 5J	1 Adult
16/07/2021	3	10:00	17	0/8	2/12	8F, 4M, 7J	1 Adult
23/08/2021	4	09:45	15	3/8	1/12	7F, 1M, 4J	0
15/09/2021	5	11:00	16	4/8	1/12	4F, 2M, 5J	0
27/09/2021	6	10:00	13	2/8	5/12	0	0
11/10/2021	7	16:30	16	1/8	3/12	0	0

Results

The results from the reptile survey recorded a 'good' (Froglife, 1999) breeding population of slow worm (max count 12), and a low population of common lizard (max count 1). These were recorded across the site, with slow worm recorded across the semi-improved grassland in the centre of the site and adjacent to the western hedgerow, while common lizard were only recorded in the centre of the site.

Conclusion

Both slow worm and common lizard are present on the site, in all suitable areas of habitat. The site is well connected in the wider network. It is considered that reptiles could be present in all suitable grassland habitat, and sheltering within any refugia on site.

Discussion of results and impact assessment

The presence of reptiles within the site indicated they are present within the locality. The habitat suitable for reptiles will be removed to facilitate the proposed development therefore mitigation and enhancement measures will need to be secured for reptiles including a translocation, destructive search and establishing a receptor site for reptiles to be moved to.

6.0 Proposed development

The proposed development is to construct fourteen residential properties with associated gardens and parking (figure 4). The current proposed layout does not allow for required buffer zones from suitable dormouse habitat, so this will need to be revised prior to the final mitigation plan being produced. The current proposed layout includes the removal of approximately 40 metres of hedge along the western site boundary, as required by highways.

It will be necessary for the development to incorporate ecological features to mitigate against any potential negative impacts to commuting and foraging bats, the loss of nesting bird habitat, the loss of dormice habitat and the loss of reptile habitat.

Figure 4. Proposed plan of the site (copyright ARC Architecture Ltd).

7.0 Assessment of effects and mitigation measures.

i. Bats

The hedgerow and tree line along the boundaries of the site are being used by an extremely low number of bats, including common pipistrelle, soprano pispitrelle, noctule and brown long-eared bats, for foraging and commuting. The majority of the hedgerows will be retained and protected as part of the development.

There is a potential impact from external light spillage from the development during construction and post-construction.

Mitigation measures will include an external lighting scheme that will reduce light spill onto the boundary features to prevent any additional lighting to this area that is being used by foraging bats.

Residual effects: The residual effects will be minimal, as the quantity of bats using the site is small, and the majority of the bats currently using the site are less light sensitive. Therefore this impact is thought to be very low in local terms.

ii. Breeding birds.

The potential impacts on breeding birds are confined to the removal of nesting habitat within the hedgerows to create access, and prevention of bird nesting by disturbance to the hedgerow and tree line. The majority of the boundary features will be retained during the proposed development.

Mitigation measures will include the removal the vegetation of the hedgerow to occur outside of the bird breeding season and the loss of habitat must be replaced by incorporating a built-in bird nest box into the external wall of seven of the newly built buildings. This will safeguard breeding birds from any disturbance and will ensure the availability of suitable nesting locations in the local area for common species of bird.

Residual effects will be negligible as the impact will be low and short term. Breeding birds will be able to continue using the site long term and enhancement will be provided.

iii. Dormice

The potential impacts on dormice include habitat disturbance from the proposed development due to the proximity of the proposed development to the southern treeline and western boundary. The

creation of the access will not cause isolation of dormice habitat as the western boundary is not well connected in the wider landscape, and dormice were only recorded in the southern tree line. Another potential impact from the proposed development is if the development is conducted close to the hedgerows there is a risk to the survival of suitable dormice habitat if the hedgerows are allowed to decline through poor management practices.

Mitigation measures will include all treeline removal required to create the access site being completed under a non-licence method statement, and a buffer zone of 2 metres from the western hedgerow. A buffer zone of 5 metres will be required from the southern tree line to ensure no dormice are disturbed during the proposed development. The buffer zones will be distinctly separate from the gardens of the properties, with fencing between the boundary of the new properties and the buffer zone. During construction the buffers will be fenced and marked with high visibility tape to ensure contractors do not dump materials in this area or drive over it. The treeline in the south will be assessed prior to works on the site commencing, and where possible enhanced to increase habitat suitability for dormice. The hedgerow on the southern boundary will be managed to ensure suitability for dormice is retained. Management practices will be outlined in a Landscape Ecological Management Plan prior to development commencing.

Residual impacts will be a neutral impact to dormouse at site level, due to the enhancement measures proposed to the southern tree line, including a suitable buffer zone, and the limited connectivity north of the western site boundary.

iv. Reptiles

The potential impacts on reptiles include harm to slow worms and common lizard during the proposed development, and loss of foraging/sheltering habitat.

Mitigation measures will include a translocation exercise, where reptile refugia will be placed around the site during the reptile active season. Distribution of reptile felts across the site will be so each felt is no more than 5 metres form the next felt in all directions. These will be left for a minimum of 7 days to bed in before reptiles are likely to use them. After 7 days capture visits will start and continue until there have been five consecutive visits without capture. All captured reptiles will be relocated to a pre-prepared receptor site with appropriate mitigation present to increase the carrying capacity of reptiles, which will be found and secured by the client prior to the translocation starting. Following the translocation exercise the site will be subject to an ecologist supervising removal of all vegetation to topsoil prior to construction starting.

Residual impacts will be a negative impact to reptiles at a site level, as the majority of suitable habitat will be lost from the site as part of the proposed development.

8.0 Cumulative effects

The grassland habitat had limited value to wildlife, and the trees on site held no potential for roosting bats. The potential impacts from the development include the external light spillage from the development during construction and post-construction on the boundary habitat and some loss of bird nesting habitat, dormouse habitat and reptile habitat. These impacts can be avoided/minimised by having an external lighting scheme that must be followed, timing the removal of the breeding bird habitat outside of the breeding bird season and replacing this lost habitat. Works to create access to the site will be completed under a non-licence method statement for dormouse and timed to ensure minimal disturbance to dormouse habitat. A reptile translocation will be completed followed by supervised vegetation removal to ensure no reptiles are harmed as part of the proposed development. Therefore, this development is unlikely to have any significant long term effects.

9.0 Compensation

The development site must adopt the following suitable external lighting schemes and regimes in accordance with Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the built environment series, Bat Conservation Trust (London) & Institution of Lighting Professionals (Rubgy) (2018) during and post-development. Providing this is done the site should not add additional lighting spillage to the adjacent treeline that is potentially being used by foraging bats. This will be done by implementing the following:

- Any new external light fixtures will be hooded/cowled to avoid upward light spill and will be on a motion-sensor with short (1 min) timers.
- Any luminaires must lack UV elements, when manufactured. Metal halide, fluorescent sources must not be used.
- LED luminaries will be used, due to their sharp cut-off and lower intensity and any light fixtures will be on bollards or at a maximum head height to ensure bats are not deterred from using the site.
- Lux limits 0-5 lux
- External lighting must be excluded from any elevation that is facing the adjacent line of trees.
- There must be no external lighting pointing towards any new bat roosting features.

A non-licence method statement for dormice will be required to facilitate the creation of access into the site. This will include the following:

<u>Boundary features, before and during construction</u>

- In order to protect the boundary features there with a two-meter buffer set up from the western boundary, and a 5 metre buffer from the southern boundary. Prior to construction the buffer strips will be highlighted to the contractors, no materials will be dumped within the buffer strips and no vehicle access will be allowed over them.

- All sections of the western boundary to be removed must be done so in-between September – February, avoiding the bird breeding season.

- The hedgerow along the southern boundary will be protected by a 5-meter buffer, marked with high visibility fencing.

Western boundary removal

- New access will be created to allow access for pedestrians and vehicles. Due to the requirement from Highways to increase the visibility splay the majority of the hedge along Wynd Close will be removed. No dormice were recorded in this boundary, which is isolated in the wider environment. As a precautionary measure the boundary will be cut using a two-stage technique as described in the dormouse conservation handbook;

- All work contractors will be briefed before work commence and made aware of the potential presence of dormice on site. All works relating to the removal of the western tree line to create site access will be supervised by a suitably qualified ecologist. **If dormice are encountered during these works, despite the mitigation procedures, works will stop and Natural England will be consulted.**

- The above measures combined with the relatively localised nature of the work means that, in the balance of probability it is unlikely that dormice will be adversely affected by the proposed works and that the risk of committing an offence is highly unlikely. In these circumstances seeking a licence and undertaking significant mitigation measures will be unnecessary and disproportionate. It was therefore concluded that a non-licensed Method Statement is sufficient to allow these works to proceed.

- Stage one is to cut back sections of the tree line to stumps of approx. 20 cm; this work will be undertaken between November and March inclusive when the dormice are hibernating. This needs to be carried out by hand with brash removed (so it does not become occupied by birds). Some stems can be placed over the stumps. The stumps will be retained until May.

- Stage two is to clear vegetation ,such as leaf litter. This will be raked over with an ecologist present/by an ecologist before the stumps are dug up and removed, and the area fully cleared. This second stage will be undertaken the following season in between May to September.

- A thorough check for dormouse nests will be undertaken by the ecological clerk of works during the clearance works

- All works will be undertaken during daylight hours.

- Any boundary features requiring removal should be removed between September and April (inclusive). If boundary features cannot be removed during September to February (inclusive) then an ecologist must check the feature to be removed for nesting birds. Native scrub planting should be incorporated into the final plans to replace the loss of this habitat if possible.

As the removal of the western tree line will remove potential dormouse nesting habitat 5 nest boxes will be erected in the southern tree line. This will ensure adequate nesting opportunities are available for dormice. A management plan must be produced to guide the management of the remaining dormouse habitat, including management provision for the hedgerows, which involves being cut into an A-frame no more than once every two years. A 5 meter buffer zone will be implemented from the area southern tree line; and a two meter buffer zone will be implemented from the rest of the hedgerows. The buffer zone is required to protect the remaining habitats from the effects of the proposed development, ensuring that the new gardens are separate from the proposed development. This prevents the new gardens from encompassing hedgerows into their properties, enables good management of the hedgerows by the developer, and prevents garden rubbish being dumped on top of hedgerows.

As the site will lose some breeding bird habitat, mitigation must be put in place by incorporating Type 24 Schwegler brick bird nest boxes with a 32mm entrance hole (or equivalent agreed by the ecologist) will be built into the external wall of 7 of the newly built buildings. They will be placed two to four meters above the ground. This will attract a range of garden birds and will provide crucial nesting spaces, allowing the continuation of breeding birds in the area, therefore avoiding any long-term impact.

The standard trees within the site that are to be retained and must be protected during the construction phase of the development and post-development. A Root Protection Area must be calculated for each tree, in accordance with British Standard BS. 5837:2012. This protection area will

be highlighted by a high-visibility tape on a temporary fence. Contractors must be briefed not to drive into these areas or dump any material inside the tree protection area.

The loss of semi-improved grassland and hedgerow will require mitigation, as outlined in the Dorset NET Guidance. This will be secured via the Biodiversity Plan.

Species Poor Semi-Improved Grassland:

Habitat and area of residual loss: 0.6ha

Total Value of Compensation required: £5090

Compensatory habitat required: 0.6 (Area) x 1 (R) x 2 (S) x 1.2 (T) = 1.44

Compensation sum required: 1.44 x £5090 = £7329.60

Species rich hedgerow

Habitat and area of residual loss: 40 metres of species-rich hedgerow with gaps.

Compensatory habitat required: 40 metres x 3 for species rich hedge = 120 metres.

Mitigation proposed on site: None

Compensation sum required: 120m of compensatory hedgerow habitat at £220 per metre for establishment and maintenance over 30 years = £26,400.

Total compensation sum required = £33,729.60

10.0 Enhancement and monitoring

The aim of the enhancements to the site is to create a 10% net gain for biodiversity. A detailed landscape scheme is currently unavailable and therefore the Defra Metric calculation tool can not be used. Below are enhancement recommendations that should be included within the landscape scheme at a later date:

- 1FR Schwegler bat tubes or equivalent agreed with the ecologist, must be built into the external wall of 7 of the newly built buildings. These will be placed on Southeast or Southwest elevation at least three meters but no more than six meters from ground level. The tubes must be clear of vegetation and other obstructions. These will create new crevice roosts.

- Ten swift nest boxes must be installed on the external wall of 5 of the newly built buildings. The box should be installed at least five meters above ground, ensuring there is unobstructed access for birds entering and leaving. Boxes should be situated under the shelter of eaves or overhanging roofs.

- A bee brick will be incorporated into the external wall of at least 7 of the new buildings. They must be placed in a warm sunny spot on a south-facing wall at a maximum height of 1m, with no vegetation obstructing the holes.

- A corridor of connectivity will be created between the gardens of the new buildings and the surrounding area for hedgehogs. This will be done by cutting a hole (13cm x 13cm) in each of the garden fences.

- If new trees are planted within the site the new tree planting will include a combination of at least 75% British native including smaller canopy trees such as hawthorn, field maple, rowan, whitebeam, silver birch, crab apple, willow and 25% non-native such as fruit trees and sycamore to ensure ecological value and resilience.

11.0 Conclusions.

The development proposal is within a site that holds moderate value for conservation, and if mitigation is followed to prevent any impact from the increase in residential units, the external light spill, mitigation measures for removal of potential dormouse habitat are implemented, and the breeding bird habitat is removed outside of the breeding bird season and this habitat is replaced, it is thought that this proposal is unlikely to have a significant impact on the biodiversity within the local area.

The development proposal will include enhancement measures so that the overall outcome will be a net gain in biodiversity. Once a landscape scheme is available a 10% net gain for biodiversity will be calculated using the Defra Metric calculation tool.

Appendix 1 Legislation (summary)

1. Wildlife Protection legislation

Mammals:

Otters, dormice, water voles, and **all bat species** are fully protected under section 9 (5) of the Wildlife and Countryside Act 1981 (as amended). According to this act it is an offence to:

- Intentionally capture, kill or injure one of these animals
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used by one of these animals for shelter or protection
- Intentionally or recklessly disturb an animal whilst it is using this place
- sell, offer for sale or advertise for one of these animals live or dead

Designated as Protected Species' **otters, dormice** and **all bat species** receive additional protection from The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, under Schedule 2 which implements the EC Directive 92/43/EEC in the United Kingdom. In accordance with this act, it is an offence to:

- Deliberately capture or kill a European Protected Species
- Deliberately disturb a European Protected Species
- Damage or destroy the breeding site or resting place of a European Protected Species

The **greater and lesser horseshoe bats**, **barbastelle** and **bechstein's bats**, are also listed under Schedule 2 of the Conservation of Habitats and Species Regulations. Areas which support populations of these species can therefore be considered for designation as a Special Areas of Conservation **(SACs).**

Badgers receive protection from the Protection of Badgers Act 1992. According to this act, it is an offence to:

- to willfully kill, injure, take, possess or cruelly ill-treat a badger; or
- to attempt to do so; or
- to intentionally or recklessly interfere with a sett.

Reptiles and Amphibians:

Slow worms, adders, grass snake, viviparous lizard, are protected against intentional killing, injuring or sale under section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).

Great crested newt, natterjack toad, sand lizard and **smooth snake** are fully protected under section 9 (5) of the Wildlife and Countryside Act 1981 (as amended). These species also receive additional protection as **European Protected Species** under schedule 2 of the Conservation of Habitats and Species Regulations 2010, which implements the EC Directive 92/43/EEC in the United Kingdom.

Birds:

Please Note: All breeding birds and their nests are protected under the general protection of Section 1 of the Wildlife and Countryside Act, 1981 as amended. This makes it an offence to disturb breeding birds.

2. Conserving and enhancing the Natural Environment. Section 15, NPPF updated July 2021.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

174. Planning policies and decisions should contribute to and enhance the natural and

local environment by:

a) 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);

b) 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;

c) maintaining the character of the undeveloped coast, while improving public

access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated

areas.

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

179. To protect and enhance biodiversity and geodiversity, plans should:

a) 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 biodiversity61; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation62; and

b) 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.

180. When determining planning applications, local planning authorities should apply the

following principles:

a) 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;

b) 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. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) 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 reasons63 and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

181. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites64; and

c) 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.

182. 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 project will not adversely affect the integrity of the habitats site.

planning system.

Appendix II: Hedgerow Assessment

Wynd Close Hedgerow

Length	~70m	
Av. Height	2m	
Av. Width	1.5m	
Hedgerow shape	untrimmed	Base of canopy is <0.5% above the ground.
Gaps	<10%	Only gap is footpath entrance less than 1.5 metres wide
Introduced species	0	However, Sycamore is present and not counted in the no. of woody species.
Standard Trees	0	
Hedgebank present	Y	
Ditch present	N	
Standard Trees in 50m	N	
Parallel hedge present within 15m	N	
3+ Woodland species at Base	N	The ground is undisturbed at base. Some areas of the base of the hedgerow have been used for dumped material and grass cuttings.
Evidence of Nutrient enrichment	Y	>20% cover of nettle within a 2m band.
No. of connections	2	
No. of woody species	7	

Species list:

Ash	*Fraxinus excelsior*
Dogwood	*Cornus sanguinea*
Dog rose	*Rosa canina agg.*
English elm	*Ulmus procera*
Hawthorn	*Crataegus monogyna*
Holly	*Ilex aquifolium*
Willow	*Salix sp.*