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LANDSCAPE & ECOLOGY

BAT INSPECTION REPORT

CTM ARCHITECS LTD.

FOXWOOD SCHOOL
HYTHE, KENT

REF. NO. 1200/ 04

JANUARY 2009

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CONTENTS

1. INTRODUCTION

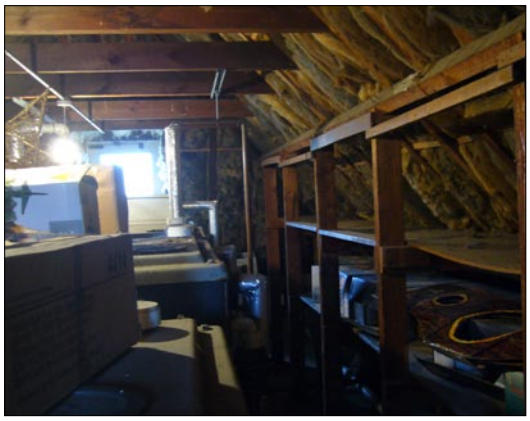
1.1 This report is in respect of a bat survey of buildings at Foxwood School, Seabrook Road, Hythe, Kent. Details of the location and condition of the survey site are described in Lloyd Bore report no. 1200 (April 2007), Sections 1.7 and 3.0, attached as Appendix 3. Photographs of the buildings surveyed are shown in Section 2 below.

1.2 It is understood that the development proposals include the construction of approximately 70 dwellings, together with garages, hard surfacing for access and landscaping. Kent County Council have requested a bat survey on behalf of their client to determine if bats are present or have been present in buildings on the site, for which it is understood there are demolition proposals.

1.3 In accordance with the information usually required by Natural England, the survey for bats was conducted to determine if bats are or have been using the buildings and if so then:

- The species concerned;
- The population of bats at the site affected by the proposal;
- The possible impacts of the development on the species;
- Whether the impact is acceptable and/or licensable;
- What can be done to mitigate against the impact.

2. PHOTOSHEET



3. THE SURVEY

Site:	Foxwood School Seabrook Road Hythe Kent, CT21 5QJ
Grid Reference:	TR 175 350
Date of Survey:	9th July 2008
Survey Requested by:	CTM Architects Ltd.
Surveyors:	Alex Ewing MSc MIEEM Jill Tardivel MSc MIEEM (licensed bat worker) (For and on behalf of Lloyd Bore Ltd.)
Purpose of Survey:	To survey buildings for sightings and signs of bats.
Survey Method:	Daytime inspection of accessible parts of the buildings, including: • External inspection around the building and outbuildings • All accessible internal spaces including roof spaces - To look for bats - To look for possible bat roost locations within the fabric of the building - To look for evidence of bats within the building such as droppings; signs of feeding and staining.
Time on Site:	10.30 – 11.30
Weather:	Mild (~ 15°C), still, cloud cover 6/8ths

4. SURVEY FINDINGS

Bats

These species are protected under the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitat Regulations) and the Wildlife and Countryside Act 1981 as amended. Under this legislation, it is an offence to damage or destroy a breeding site or a resting place of any bat, or to deliberately capture, kill or disturb a bat.

Existing biological records

4.1 Data obtained from the Kent and Medway Biological Records Centre includes records for 9 bat species that have been recorded within 5km of the survey site: common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), Nathusius's pipistrelle (*Pipistrellus nathusii*), brown long-eared bat (*Plecotus auritus*), Daubenton's bat (*Myotis daubentoni*), whiskered or Brandt's bat (*Myotis mystacinus*), Natterer's bat (*Myotis nattereri*), serotine bat (*Eptesicus serotinus*), and Noctule bat (*Nyctalus noctula*).

4.2 The data includes no records from the survey site. Many of the single records of bats comprise repeat visits to known roost sites. The nearest known significant maternity, hibernation and unspecified roost sites, in relation to the proposed development site, for each of the species can be seen from the table below:

Table 1: Closest known bat roosts to Foxwood School, Hythe:

		Nearest known roost to site (km)		
Species Name	Common Name	Maternity	Hibernation	Unknown Type
Pipistrellus pipistrellus	Common pipistrelle	-	1.53	-
Pipistrellus pygmaeus	Soprano pipistrelle	-	1.53	1.53
Pipistrellus nathusii	Nathusius's pipistrelle	-	1.53	1.53
Pipistrellus spp.	Pipistrelle spp.	2.06	1.53	1.12
Myotis daubentoni	Daubenton's	-	1.53	-
Myotis nattereri	Natterer's	1.53	1.53	-
Myotis mystacinus	Whiskered or Brandt's	-	1.53	-
Eptesicus serotinus	Serotine	-	1.53	0.10
Nyctalus noctula	Noctule	-	-	-
Plecotus auritus	Brown long-eared	-	1.53	1.53

The Survey

4.3 The school buildings date from two periods; Foxwood House (building no.1), was built in the inter-war years and is a brick built, 2-storey building. The annex (building no. 2). is a later brick-built building.

4.4 The survey comprised a detailed inspection of the interior and exterior of the buildings listed above, including the accessible roof spaces, for bats and for signs of bats.

4.5 There was generally good access for undertaking the survey. Buildings and roofs were were inspected externally from ground level and internally from the level of the roof spaces of each building. The internal inspection of the roof spaces of each building comprised a visual search of the floors and flat surfaces, and around the walls, doors, windows and roof supporting structures, where appropriate.

4.6 A thorough inspection was made of accessible sections of the outside of the buildings. Particular attention was given to those areas where bats could have access to potential roost sites.

4.7 It is considered that a significant roost in the roof space of either of the buildings would have left sufficient signs to determine its presence during this survey. The ground conditions around the base of the buildings were such that it was unlikely that signs of bats would be found at this time of year.

External inspection

4.8 The roof of Foxwood House is generally flat and tiled. However a small section, towards the main entrance of the building, is pitched and tiled. It is considered that this type of construction has potential to provide roosting opportunities for bats.

4.9 It was noted that some of the tiles on this section of the roof were loose or missing.

4.10 The roof of the annex building is generally flat and is covered with roofing felt. The annex appears to be of a modern construction and design that is not noted for its potential for roosting bats.

4.11 The condition of the soffits and fascias of both buildings generally appeared to be in a reasonable state of maintenance with few cracks or crevices.

Internal inspection

Building no. 1 – Foxwood House

4.12 The roof space was accessed by an inspection hatch. The area measured approximately 12 m. by 5 m. and comprised four water tanks, together with areas used for storage of educational materials. One side of the roof space had areas of exposed hanging tiles. The roof space was generally covered rock-wool insulation on all sides.There were several points of potential access for bats to the roof space, particularly around a door-frame and between the outer fabric of the roof space.

Building no. 2 – The Annex

4.13 Two small roof spaces, containing water tanks, were inspected within building no. 2. Both roof spaces were accessed through inspection hatches.

4.14 The first roof space inspected was of block construction, measuring approximately 2 m. long by 4 m. wide and approximately 2 m. high. The area comprised two covered water tanks with associated pipe-work. A ventilation grille was noted in one of the walls; this was heavily covered with cob-webs. The floor and ceiling were covered by boarding. Generally there appeared to be few points of access for bats into this roof space.

4.15 The second roof space inspected was of similar block construction, measuring approximately 3.5 m. by 3 m. and approximately 2 m. high. The area comprised a single water tank with associated pipe-work. The walls were covered with tightly fitting boarding; however it was noted that boarding was missing on one of the walls. A dislodged breeze-block was noted and there were gaps around pipe-work leading through the wall of the roof space. It is considered that there were several points of potential access for bats into the roof space.

Findings - bats

Building no. 1 (Foxwood House)

4.16 No bats or signs of bats were found in the roof space of this building. A single rat dropping was found.

Building no. 2 (The Annex)

4.17 A single old bat dropping, similar to that of a Pipistrelle bat (Pipistrellus spp.), was found on a flat surface adjacent to the covered water tank.

4.18 There was no evidence of feeding remains in either of the buildings inspected or evidence that bats regularly visit either building.

5. SUMMARY AND RECOMMENDATIONS

5.1 Foxwood School is situated in an area that has high potential for foraging bats. Bats are known to be present nearby.

5.2 It is considered that the roof spaces above Foxwood House and the annex building have limited potential for roosting bats.

5.3 No bats were found in the buildings inspected during this survey. The single dropping in one of the water tank areas in the annex building suggests an occasional use of this area in the past by a single bat.

5.4 The roof spaces of the annex building showed no obvious signs of regular access by bats. It is possible that a single individual took advantage of the gaps within or around the existing ventilation grille, or spaces around the water piping and brick-work to enter the roof space.

5.5 On the basis of this survey it is considered that bats are unlikely to be present in the buildings surveyed such that further detailed survey work is not required.

5.6 It should be noted however that in the case of the proposed development commencing at a date later than 2 years following the date of this survey that, as a precaution, a pre-works inspection of any buildings proposed for demolition should be undertaken.

5.7 Should evidence of a bat roost be found at that time then it may be necessary to obtain a European Protected Species Licence (Bats) (EPSL) prior to works commencing.

6. APPENDIX 1 - BATS AND THE LAW

The following regulations apply to works undertaken on buildings:

These notes are taken largely from BATS, DEVELOPMENT and PLANNING produced by The Bat Conservation Trust.

The Wildlife & Countryside Act 1981

6.1 The Act provides protection for all bats and their roosts and requires consultation with the appropriate Statutory Nature Conservation Organisation (English Nature in England), before carrying out activities which harm or disturb bats or their roosts – regardless of whether the bat is in the roost at the time.

EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, 1992 (As amended August 2007).

6.2 This sets down requirements for wildlife conservation in EU Countries. All bats are listed in Annex IV, which includes animal and plant species of Community interest in need of strict protection. Some bat species are also included in Annex II, animal and plant species of Community interest, whose conservation required the designation of Special Areas of Conservation.

6.3 The Directive is implemented in the UK through the Conservation (Natural Habitats, &c.) Regulations 1994. Currently under this, it is an offence to damage or destroy a breeding site or a resting place of any bat, or to deliberately capture, kill or disturb a bat. In the UK therefore, works to structures that would disturb bats or their roosts need to be granted a Habitats Regulations Licence if they contravene the Habitats Regulations. Most development and maintenance works affecting bats and/or roosts e.g. bridge/tree maintenance works, any demolition, barn conversions, works to churches etc. require a Habitats Regulations Licence.

6.4 The Regulations are being amended and it is anticipated that the revised Regulations will be implemented in late August 2007. The details of the changes are not known but there are proposals to later the definition of the circumstances under which a licence should be obtained.

6.5 Generally where bats or their roost sites are likely to be affected by works then an application for a Licence should be made to the Natural England This application should be made well before the works are due to be undertaken to allow time for any necessary survey work.

Countryside and Rights of Way Act 2000

6.6 The CROW Act adds the word "reckless" to the offence of damaging or destroying a place a bat uses for shelter or rest, or disturbing a bat while at a roost. This has implications for all those involved in the works to buildings, because now that bats and roosts are protected from reckless (as well as intentional) destruction/disturbance, inspection of buildings is necessary to ensure they are not being used or have not previously been used by bats.

Natural Environment and Rural Communities Act 2006

6.7 Section 40 of the Act states that - "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This replaces and extends a duty, from S74 of the CROW Act 2000, on Ministers and Government which required them to have regard to the purpose of conserving biodiversity. Conserving biodiversity includes restoring and enhancing a population or habitat.

6.8 Section 41 of the Act requires the Secretary of State (in England) to publish a list of the living organisms and types of habitat which in the Secretary of state's opinion are of principal importance for the purpose of conserving biodiversity. This list comprises those species and habitats currently listed under the UK Biodiversity Action Plan. The list is subject to review and the list has recently been reviewed (June 2007). The reviewed list includes 7 species of bats including Soprano Pipistrelle (Pipistrellus pygmaeus) and Brown Long-eared (Plecotus auritus) bats.

Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)

6.9 Within this global convention the Agreement on the Conservation of Bats of Europe (1991) establishes a mechanism for international collaboration to conserve bats and their habitats, including foraging habitats. The Agreement has its own reporting procedures to identify activities carried out to meet its agreed plan.

Planning Policy Statement (PPS 9) - Biodiversity and Geological Conservation

6.10 PPS 9 gives direction to local planning authorities and others in their decision-making with respect to land use and development. PPS 9 requires that planning authorities should ensure that species of principal importance for the conservation of biodiversity in England, as set out in Section 74 (2) of the Countryside and Rights of Way Act 2000, are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. All bats in the UK are listed as species of principal importance.

6.11 In summary - The Wildlife & Countryside Act (Schedule 5) and the Conservation Regulations (Schedule 2) include provisions making it illegal to:

- Intentionally or deliberately kill, injure or capture (take) bats;
- Deliberately disturb bats (whether in a roost or not);
- Damage, destroy or obstruct access to bat roosts.

6.12 A bat roost is interpreted as 'a structure or place which is used for shelter or protection', whether or not bats are present at the time.

6.13 It should be noted that the laws are not designed to prevent work, but to minimise its impact on the long-term survival of bats.

7. APPENDIX 2 - BATS: ECOLOGY AND BEHAVIOUR

7.1 Bats are colonial animals that roost in groups or singly in trees, buildings, caves, mines and other structures. Many different sites are used at different times of the year. These can be within the same building/structure or several kilometres apart. Bats are found not only in old buildings, but they also regularly roost in new structures in urban areas.

7.2 Bats hibernate during the winter months to conserve energy. Roost damage or disturbance to bats at this time might affect their survival because they cannot replenish the energy used in 'waking up'. In late spring females gather together at maternity roosts to give birth. Damage/disturbance to roosting colonies at this time will also have significant adverse effects on the bat population for that area (especially if it causes the mothers to abandon the roost; the babies will die). By the end of summer these roosts are generally vacated, with the mothers and juveniles finding alternative roosting places.

7.3 Bats tend to be faithful to their roosts and return year after year to both summer and winter roosts: this is why roost sites are protected even if the bats are not there at the time. All roosts are important, and disturbance to bats in their winter or maternity roost is particularly devastating to the bat population for that area.

7.4 With the reduction of natural sites, many bats now roost in buildings. Some species use buildings extensively and almost exclusively: others use them for only part of the year.

8. APPENDIX 3 - LLOYD BORE REPORT NO. 1200/ 01

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ECOLOGICAL SCOPING SURVEY

KCC FOXWOOD SCHOOL
HYTHE, KENT

APRIL 2007

Site: ***KCC Foxwood School***
Seabrook Road
Hythe
Kent

Ecological Scoping Survey

For: ***CTM Architects Ltd.***

Contents

1.0 Introduction

1.1 This report details an ecological scoping survey in respect of proposed development of a site at KCC Foxwood School, Seabrook Road, Hythe, Kent.

1.2 The site location and layout is shown in Section 1.7. Photographs are included in Section 1.8.

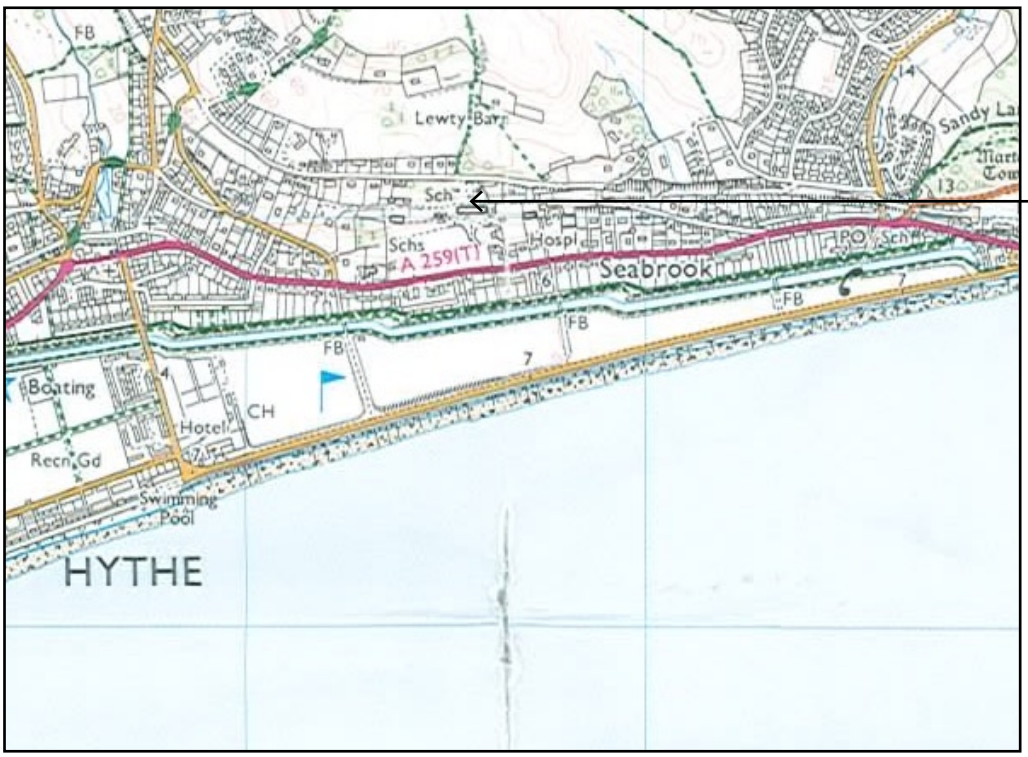
1.3 The proposed site lies near the south coast on a south-facing slope and is bordered to the north, east and west by low-density residential development with extensive gardens. The proposed development site includes school buildings, outbuildings, hardstanding with areas of mown amenity grassland, and a tennis court. There are significant areas of mature ornamental shrubs planted around the school buildings which are set within existing woodland with bordering areas of scrub.

1.4 Nigel Thorpe of CTM Architects Ltd. has requested an assessment of the site to determine potential nature conservation interests prior to preparing development proposals.

1.5 This survey was undertaken to assess the presence and potential presence of species given protected status under current legislation. These species are listed in schedules of the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitat Regulations) and of the Wildlife and Countryside Act 1981. Also assessed were species of principal importance for biodiversity conservation listed in Section 74(2) of the Countryside and Rights of Way Act 2000, and birds on the red and amber lists of birds of conservation concern (Appendix A).

1.6 The survey findings are detailed in this report with consideration given to possible impacts of the proposed development on nature conservation interests of the site, in accordance with information relevant to Planning Policy Statement 9 (Biodiversity and Geological Conservation).

1.7 Site Location



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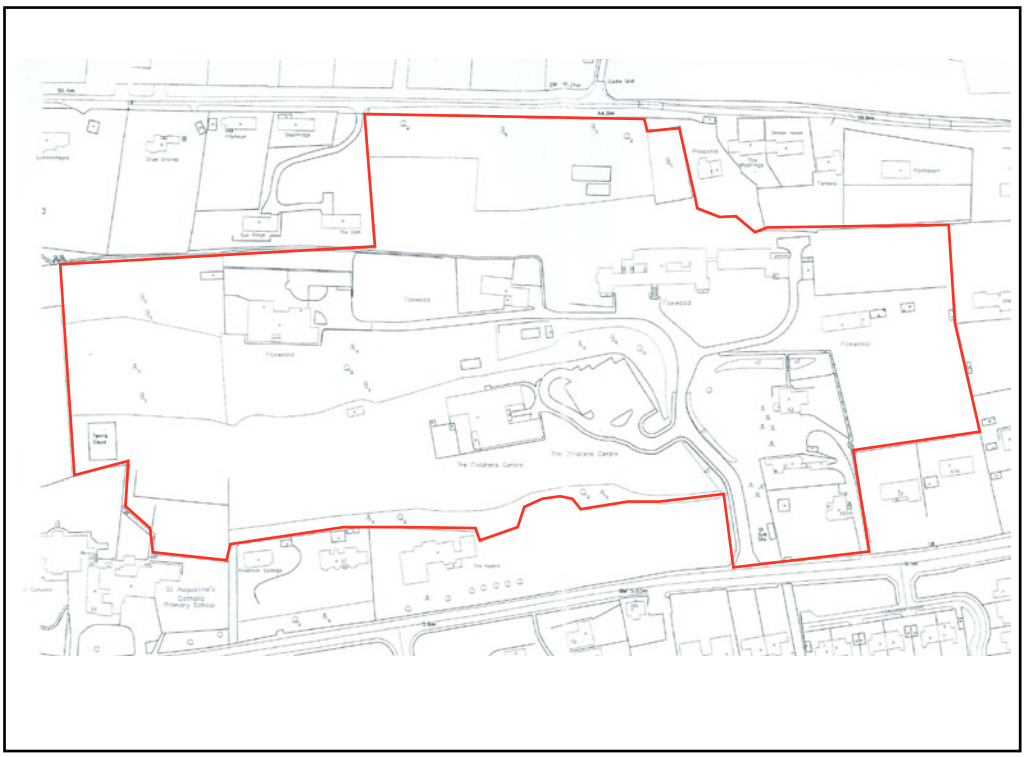
Site location, See below for detailed plan



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not to scale

Site

Lloyd Bore Ecology

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Canterbury
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1.8 Photographs

Lloyd Bore Ecology

33 St Georges Place
Canterbury
Kent

CT1 1UT

2.0 The Survey

Site:	**Foxwood School** Seabrook Road Hythe Kent
Grid Reference:	TR 175 350
Date of Survey:	April 2nd 2007
Survey Requested:	CTM Architects Ltd.
Surveyors:	Alex Ewing, MSc MIEEM For and on behalf of Lloyd Bore ecology
Purpose of Survey:	To identify areas with potential nature conservation interests
Survey Method:	Daytime inspection of accessible parts of the site including - areas of vegetation - water-bodies - buildings and structures • *To look for signs of protected species including* - *droppings / latrine sites* - *resting / roosting sites* - *footprints / tracks* - *signs of feeding*
Time on Site:	10.45 – 12.45
Weather:	*Mild (16° C), light breeze, dry, 0/8ths cloud cover*
Limitations:	*This assessment did not include detailed surveys for protected species. The assessment was made to determine the potential for the presence of protected species based on the character and nature of the site, its current use and location. Generally a site inspection during April should provide an opportunity to make a reasonably complete assessment of the likely presence of protected species*

3.0 Site Description

3.1 Foxwood School is located on the eastern edge of the coastal town of Hythe, approximately 6 km due west of Sandgate, near Folkestone, in a low density residential area. The A259 coastal road between Hythe and Folkestone runs due south of the site. To the south, less than 500 metres away lies the Royal Military Canal. To the north is an extensive golf course at Sene Valley. The site is located to the south of the Kent Downs Area of Outstanding Natural Beauty.

3.2 The site comprises school buildings and other outbuildings with large areas of hard-standing set within mown amenity grass including playing fields and an all-weather tennis court. With a steeply sloping aspect the site is laid out on different levels. To the north and south of the school buildings are landscaped areas fringed by mature woodland. The northern, eastern and western boundaries of the site border residential development, generally planted with mature shrub borders for screening.

3.3 The site is surrounded by several [1]SSSIs, the closest lies approximately 2 km to the north of the site near Bargrove. There is an extensive SSSI at West Hythe, approximately 3 km to the west of the site. Several [2]SNCIs surround the site, the closest being at Saltwood, Scene Wood and Paraker Wood (which are also areas of ancient woodland) each approximately 1 km from the site.

3.4 There appear to be some natural links for wildlife between the site and nearby areas of wildlife importance, particularly to the north. To the south of the site a major road, adjoining residential development and the Royal Military Canal may form a barrier to the movement of some terrestrial wildlife.

3.5 There is a water-body on the south side of the site, outside of the proposed development area.

3.6 Generally the site is considered to be within an area of moderate biodiversity value.

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[1] SSSI Site of Special Scientific interest - Under the Wildlife and Countryside Act 1981, (Britain's domestic legislation to implement the Birds Directive) the Government has a duty to notify as an SSSI any land which in its opinion is of special interest for its flora, fauna, geological or physiographical features. SSSIs are thus Britain's best sites nationally for wildlife and geology. A SSSI is given certain protection against damaging operations, which must be authorised by Natural England. A SSSI also has a certain amount of planning protection. The Countryside and Rights of Way Act 2000 strengthened the Wildlife & Countryside Act, including giving English Nature greater powers to prevent damage to SSSIs.

[2] SNCI Site of Nature Conservation Interest - are sites that are recognised to be of county importance for wildlife. They have no statutory designations but nevertheless contribute to diverse and outstanding wildlife heritage. Their value is recognised by Local Authorities in relation to any planning procedures that may have an effect on wildlife sites and by other organisations, including DEFRA when administrating agri-environment grant schemes.

4.0 Potential Nature Conservation Interests

4.1 Flora

Under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000, it is an offence, with certain exceptions, to intentionally pick, uproot or destroy any wild plant listed in Schedule 8 of the Act or if not an authorised person, to intentionally uproot any wild plant not included in that Schedule. A small number of the listed plants also receive protection under the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitat Regulations).

4.1.1 Several trees were noted on the site, including Scots pine *(Pinus sylvestris),* Leylandii *(Cupressoparis leylandii),* field maple *(Acer campestre),* with ornamental cherry *(Prunus spp.)* planted as landscaped screening, together with beech *(Fagus sylvatica),* sycamore *(Acer pseudoplatanus)*, and willow *(Salix spp.)* amongst others. It is understood that these trees will be retained and will not be affected by proposed development.

4.1.1 There was evidence of previous arboricultural management on the site.

4.1.2 A wide variety of mature shrubs were recorded around the site generally and noticeably around the driveway entrance to the site. These included, amongst others, cultivated privet *(Ligustrum ovalifolium*), elder *(Sambucus nigra),* buddleia *(Buddleia davidii),* cotoneaster *(Cotoneaster spp.),* hawthorn *(Crataegus monogyna),* honeysuckle *(Lonicera spp.),* tamarisk *(Tamarix spp.),* holly *(Ilex aquifolium),* cherry laurel *(Prunus spp.),* gorse *(Ulex spp.)* bramble *(Rubus spp.)* and ivy *(Helix hedera),* amongst others.

4.1.3 Asiatic knot-weed *(Fallopia spp.)* was recorded on the site.

4.1.4 Flora of semi-natural habitat were recorded around an area of wet flushes to the south of the site. These included rushes *(Molinia spp.)* and sedges *(Carex spp.)* amongst others with herbs such as forget-me-not *(Myotis spp.),* comfrey *(Symphytum officinale),* white nettle *(Lamium album),* lords-and-ladies *(Arum spp.,)* willow herb *(Epilobium spp.)*, iris *(Iris spp.)* primrose *(Primula spp.),* and nettle *(Urtica dioeca)* amongst others. Common weeds of mown amenity grassland including daisy *(Bellis perennis*) and plantain *(Plantago spp)* were present within the proposed development area. It was noted that a small area of woodland to the north of the main car park had blue-bells *(Hyacinthoides non-scripta)*.

4.1.5 No notable species were seen or are expected here. It is considered that the site has generally low botanical interest and that the proposed development would have little significant impact on floral diversity in the locality.

4.2 *Bats*

These species are protected under the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitat Regulations) and the Wildlife and Countryside Act 1981 as amended. Under this legislation, it is an offence to damage or destroy a breeding site or a resting place of any bat, or to deliberately capture, kill or disturb a bat.

4.2.1 The survey site is situated in an urban-rural fringe with features such as extensive woodland areas, grassland and water bodies nearby. These would contribute to make this an area of high potential for bats.

4.2.2 Although no search of available records has been undertaken it is known from published records that there are bats within a 2 km radius of the site. The surrounding suitable habitat could potentially provide some foraging areas and corridors for movement of bats within the landscape. However no bats or signs of bats were found during the external inspection of the buildings or of the inspection of trees at Foxwood School. This walkover daytime survey does not however rule out their presence at other times of the year or their presence inside the school buildings.

Buildings:

4.2.3 The school buildings date from two periods; Foxwood House was built in the inter-war years and is a brick built, 2-storey building with later annexes. The roofs of the main house and attached buildings are generally flat and are covered with roofing felt. These annexes are of modern construction and are of a design that is not noted for its potential for roosting bats. However a small section of the roof of the main building towards the main entrance is pitched and tiled; this type of construction has potential to provide roosting opportunities for bats. It was noted that some of the tiles on this section of the roof were loose or missing. The condition of the soffits and fascias of the buildings generally appeared to be in a reasonable state of maintenance with few cracks or crevices.

4.2.4 Within the school grounds are more modern brick-built buildings, including a row of garages. These had flat roofs covered with roofing felt and were of a design that is not noted for its potential for roosting bats. Wooden sheds with flat roofs covered with roofing felt and a similarly designed summer house were also noted. All of these outbuildings were of modern construction and generally in a good state of repair. Again, generally they were not noted as having potential for roosting bats.

Trees:

4.2.5 It was noted that there were some mature trees with potential for roosting sites for bats, having features such as dense ivy, crevices, and cracks that may be associated with bat roost sites. These trees are shown on Plan 1200/B/01.

4.2.6 Where there are lines of trees and mature shrub growth on the site, these are likely to provide some foraging for bats and would act as an important feature along which bats would move as they travel through the wider landscape.

4.2.7 It is anticipated that bats will forage regularly within and close to the site; therefore, bats may roost occasionally within suitable buildings and trees.

4.2.8 The possible presence of bats within the school's buildings and trees should be taken into account before and during development work on the site.

4.3 *Reptiles*

Slow worms (Anguis fragilis), common lizard (Lacerta vivipara), adder (Vipera berus) and grass snake (Natrix natrix) are protected under the Wildlife and Countryside Act 1981 Sections 9(1) and 9(5) from deliberate injury, deliberate killing and trade.

4.3.1 Although a record search for reptiles was not undertaken prior to preparing this report, published records show that adder, slow-worm, common lizard and grass snake have all been recorded within a 2 km radius of the proposed development site (Philp, 1998: KRAG, 2003). It is understood that grass snake have been recorded on the site (pers. comm.).

4.3.2 It is considered that within the boundaries of the site overgrown grass, bramble scrub and rubble could provide potentially ideal conditions for reptiles to move into and forage around and within the site (Plan 2100/B/01).

4.3.3 Reptiles are also expected to be present in adjoining gardens to the north, east and west of the site where there is suitable potential habitat. There are few barriers that would restrict reptiles from entering the site from such suitable nearby habitat.

4.3.4 The site is generally mown to the edges of shrub borders or existing trees on the boundary and landscaped areas. Continuing the regime of mowing grass areas and managing scrub areas would both restrict reptiles moving into the proposed development areas as well as limiting the potential for an increased population linked to more suitable habitat being available on-site over time.

4.3.5 The survey site and surrounds are considered to have high potential for grass snake, slow worm and possibly common lizard. As such the possible presence of reptiles within these previously identified areas of the site should be taken into account before any development work commences.

4.4 *Amphibians*

These species are protected under the Wildlife and Countryside Act 1981. Of particular interest is the great crested newt (Triturus cristatus). This species is also protected under the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitat Regulations).

4.4.1 Although a record search for amphibians was not undertaken prior to preparing this report, published records show that great crested newt have been recorded within a 2 km radius of the proposed development site (Philp, 1998: KRAG, 2003).

4.4.2 The respective O.S. map for the area shows no ponds to be within 500 metres of the site; however a small stream flows on the south side of the site, outside the proposed development area. It is considered that although the surrounding terrestrial habitat of the site may be favourable for great crested newts, there are no suitable breeding ponds nearby such that it is unlikely that great crested newts will be found on the proposed development site.

4.5 Birds

All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 and it is an offence, with certain exceptions, to intentionally:

- *Kill, injure or take any wild bird.*
- *Take, damage or destroy the nest of any wild bird whilst it is in use or being built.*
- *Take or destroy the egg of any wild bird.*

4.5.1 During the relatively brief site visit the following species were noted: goldfinch, wren, chaffinch, robin, blue tit (seen to be visiting a nest-box), great tit, dunnock (*red list species; birds of conservation concern*), blackbird, greater spotted woodpecker and herring gull. It is possible that these species may nest in suitable trees, hedges and scrub habitat around the margins of the site or on suitable roof-tops in the case of herring gull.

4.5.2 The site also offers good potential for foraging and roosting birds.

4.5.3 It is considered that the presence of breeding birds on site should be taken into account before development work commences.

Other considerations

Badger

4.6.1 Although no signs of badger, their setts, trails or droppings, were seen during the survey visit it is understood that badger forage on the site (pers. comm.).

Dormouse

4.6.2 On the basis of the survey it is considered that dormouse are unlikely to be present on the site. This may be because barriers exist which may limit their movement into the site from any nearby suitable habitat. In addition, it is considered that the site does not offer sufficient suitable habitat for this species.

Water Vole and Otter

4.6.3 Although the Royal Military Canal lies close to the south of the sites there are numerous barriers that would restrict the movement of water voles and otters into the site. It is also considered that there is insufficient suitable habitat present on the site for these species; hence it is considered unlikely that they will be found on the site.

Invertebrates

4.6.4 Although quantities of dead wood were found around the margins of the site, it was noted that there were few damaged or decaying trees observed on the site. The stream to the south of the site, along with the amenity grass land areas, may support associated invertebrate populations, however it is considered that there is generally low potential regarding invertebrate fauna associated with the site as a whole. It is not expected that proposed development will be of notable significance to invertebrate populations in the locality.

4.6.5 It is evident that rabbit and mole are present on the site; as these are not currently protected species there is no consideration for mitigation.

The site has a stream which as a Biodiversity Action Plan Priority Habitat should be retained and managed appropriately.

References:

Philp, E.G (1998) Provisional atlas of the amphibians and reptiles of Kent. Transactions of the Kent Field Club (1998) 15(2): 61-81

Philp E.G. (2002) Provisional Kent Mammal Atlas. Kent Mammal Group (2002).

Kent Reptile and Amphibian Group (KRAG) (2003) Information Sheet – Number 3 Distribution Maps.

5.0 Summary and Recommendations

5.1.1 On the basis of the survey the possible presence of bats, reptiles, nesting birds and badgers should be considered when preparing development and management proposals for the site.

For these species, the following recommendations are made:

Bats

Trees

5.2.1 It is considered that there is potential for bats to roost within trees both along the boundaries of the site and within the site itself. This habitat is also considered likely to be important foraging habitat for bats.

5.2.2 Any works to trees should follow best practice guidelines *(see information from Bats and Trees leaflet, Appendix B*) to avoid risk to bats and should include the following:

- *Where proposed development works are expected to be in close proximity to or in other ways impact on boundary trees, such as the use of flood-lighting at night or tree-felling, then a specific survey for bats should be undertaken. This should include evening activity surveys during the period May to September to monitor the use of the trees by bats and depending on the findings, possibly also a dawn survey to check for roost sites in the trees.*
- *Works on trees with bat potential should commence during the following periods when bats are less likely to be adversely affected if disturbed: mid-March to late April or during October*
- *A licensed bat-worker should check trees identified as having potential for bats for the presence of roosting bats immediately before arboricultural works commence and / or before development works commence close to the trees.*

In the event that bats are found during works, work should stop and advice should be obtained from the licensed batworker or from Natural England's Batline (0845 1300 228). Before disturbing any bats, bat roosts or access to bat roosts it may be necessary to apply for a European Protected Species Licence before commencing / continuing works on site. The licence will include provision for mitigation for bats to ensure safe roosting and timing of works to avoid disturbance at critical times during the life-cycle of the bats.

Reptiles

5.3.1 On the basis of the survey it is anticipated that reptiles (slow-worm, grass snake, and possibly common lizard) may be present on the site where there is suitable habitat for foraging and shelter (Plan 2100/B/01).

5.3.2 If proposed development works extend into these areas then it is recommended that further survey work should be undertaken to determine presence / absence of reptiles, and to inform appropriate mitigation in respect of reptiles. Survey work is seasonal and should be undertaken at the appropriate time of year, ie. mid-March to September.

5.3.3 If reptiles are confirmed as present on site then mitigation will be required. Generally this will include relocation or translocation to a suitable receptor site, preferably on-site. The scale and extent of mitigation will depend on the species, distribution and density on site and on the availability of suitable on-site and off-site receptor sites.

5.3.4 If the proposed work does not extend into these areas it is recommended that provision be made for reptile fencing to prevent animals moving from the potential reptile habitat into the proposed working area.

5.3.5 Prior to any development of the site it is recommended that the existing mowing regime should continue in order to discourage reptiles from entering the proposed development area and to limit the area of suitable reptile habitat on site developing over time.

Birds

5.4.1 Birds are expected to nest on site during summer months (generally mid-March to early August); nesting is expected within suitable trees, including fruit trees, shrubs and bramble scrub.

5.4.2 Starting development works outside the breeding season would avoid complications arising as a result of the presence of nesting birds. It is strongly recommended that if the proposed works intrude into the hedge boundaries then work should not start during the nesting season.

Any activities in the more open areas of the site could start at any time during the year but if starting during the breeding season then the following best practice is recommended:

- *A pre-check around trees and hedgerows by a suitably qualified ecologist to ensure that there are no active nests within or close to the proposed area of works*
- *If active nests are found within or close to the working area then all works that would disturb the discovered nest should cease and the nest left undisturbed until after the young birds have fledged.*

Drawing 1200/01

N

not to scale

Legend

Potential reptile habitat

Notable trees

drawing number. 1200/B/01

client / project.
CTM Architects
Foxwood School

drawing title.
Annotated Site Plan

scale. N.T.S. date. April 07

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Appendix A

Protected Species Legislation (General Notes)

1.1 The legal protection of animals and plants in the United Kingdom is mainly provided for by:

- The Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000,
- The Habitats and Species Directive (92/43/EC) enacted through the Conservation (Natural Habitats, &c) Regulations 1994, and
- The Protection of Badgers Act 1992.

The level of protection for each species varies according to the conservation status of the species.

1.2 The Countryside and Rights of Way Act 2000 supplemented existing legislation for wildlife protection by prohibiting reckless acts that result in the killing or injuring of protected species.

1.3 Great crested newts, dormouse and bats are among the species afforded the highest level of protection. These species are listed in Schedule 5 of the Wildlife & Countryside Act 1981 and in Schedule 2 of the Habitat Regulations. For example for bats the legislation makes it illegal to:

- 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 bat roosts
- Possess or transport a bat or any part of a bat, unless acquired legally,
- Sell (or offer for sale) or exchange bats, or parts of bats.

The legislation requires that development works affecting these species are subject to a licence granted by an appropriate authority. This authority is currently The Department of Environment, Food and Rural Affairs (Defra).

1.4 All wild birds (birds in a wild state resident in or visiting Great Britain) and their nests and eggs are protected under the Wildlife & Countryside Act 1981. Particular emphasis is given to the protection of breeding birds. With certain exceptions, it is an offence to intentionally:

- Kill, injure or take wild birds
- Take, damage or destroy the nest of wild birds while in use or being built
- Take or destroy the eggs of wild birds
- Disturb wild birds listed in Schedule 1 when nest building or at a nest containing eggs or young, or disturb dependent young of wild birds

1.5 Reptiles, including common lizards, slow worms and grass snakes, are protected under the Wildlife & Countryside Act 1981 against deliberate killing, injuring and sale (Sub-Sections 9 (1) and 9 (5)). These species are listed in Schedule 5.

1.6 Badgers are protected under the Protection of Badgers Act 1992 which makes it illegal to:

- Kill, injure or disturb a badger
- Damage or destroy a badger sett

1.7 The habitat of water voles is protected under Section 9.4, Schedule 5 of the amended 1998 Wildlife and Countryside Act of 1981. This section of the Act protects the water vole's places of shelter or protection. It is an offence to intentionally:

- Damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection
- Disturb water voles while they are using such a place

1.8 A small number of invertebrates including beetles, crickets, butterflies and moths are protected under Section 9, Schedule 5 of the amended 1998 Wildlife and Countryside Act of 1981 against deliberate killing, injuring and taking.

1.9 A number of plant species are protected under Section 13 of the amended 1998 Wildlife and Countryside Act of 1981. It is an offence to intentionally pick, uproot or destroy any wild plant listed in Schedule 8 of the Act. The list includes both higher plants including several of the rarer orchids and lower plants including several mosses and lichens.

1.10 In addition to legalisation, *Planning Policy Statement 9: Biodiversity and Geological Conservation* (PPS 9) sets out the Government's national policies on biodiversity and geological conservation through the planning system. In terms of biodiversity the Statement requires local authorities to adhere to key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered. Development proposals provide many opportunities for building-in beneficial biodiversity as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate. Planning decisions should aim to maintain, and enhance, restore or add to biodiversity interests.

1.11 The Planning Policy Statement includes a list of habitats and species identified as requiring conservation action as species of principal importance. This list has been prepared by the Secretary of State for Environment, Food and Rural Affairs under Section 74(2) of the Countryside and Rights of Way Act 2000. It identifies the habitats and living organisms (species) which the Secretary of State, following consultation with her statutory nature conservation advisers, Natural England, considers are of principal importance for the conservation of biological diversity in England, in accordance with the 1992 UN Convention on Biological Diversity.

1.12 The list includes a range of species including birds, mammals, fish, invertebrates, higher and lower plants. The list will be kept under review and a report on any necessary revisions will be made as part of the first report on progress on the Biodiversity Strategy for England in 2006.

1.13 Habitat and Species Action Plans under the UK Biodiversity Action Plan are already in place or under preparation for all the listed habitats and species. The Biodiversity Strategy for England sets out the means by which the Government will comply with its duty under Section 74 to take or promote the taking by others of steps to further the conservation of the listed habitats and species, including through the continued implementation of the Action Plans. This includes provisions for Local Authorities to take measures to protect the listed species from further decline.

1.14 Though not part of legislation there are in addition published lists of species of conservation concern. For example:

Birds of Conservation Concern.

The UK's leading non-governmental bird conservation organisations have agreed the priorities for bird conservation after reviewing the status of all bird species in the UK, Channel Islands and Isle of Man. This approach followed that of the government's steering Group on biodiversity and lead to the publication during 1996, of a list of Birds of Conservation Concern. This list is reviewed and was updated during 2002.

The list is divided into three sections: red, amber and green. The red list includes species that are of greatest concern and deserve urgent, effective conservation action. Amber list species are of medium conservation concern, while green list species must, at least, be monitored.

Kent Red Data Species

These are those species that are found in Kent and which are currently recognised as being rare and most threatened.

Some of these species have restricted distributions or limited population sizes because of their ecological requirements. Others were once common in the countryside but have declined in numbers and /or range.

The details of the species of concern and of the basis for that concern are set out in **the Kent red data book** (a provisional guide to the rare and threatened flora and fauna of Kent. Published by Kent County Council. March 2000).

Extract from Bats and Trees Leaflet

Appendix B

Woodland management and enhancement

Safeguarding bats depends on sympathetic woodland management

- retain trees known to be used by bats, and as many immediately adjacent trees as possible
- retain dead or dying trees where it can be done safely. Develop a broad age structure and variety of species. Suitable trees can be designated as 'veteran trees' to recognise their wildlife interest
- in new planting use locally native trees and shrubs from local origin
- maintain or develop corridors of native trees and shrubs
- include glades, rides and open areas as sheltered feeding areas
- encourage plant and insect diversity
- remember that water and wetlands provide important bat feeding areas

Best Practice guidelines

Planning and development

Also see ***Bats and the Law*** *(back page)*

Developers need to be aware that

- assessment of current use, likely effects and mitigation or habitat enhancement should be incorporated into development proposals at an early stage
- where changes in land use could affect bats, the implications to bats should be considered and advice sought
- when considering planning applications, authorities are required to take account of protected species, including all bats, and their habitat

Tree management and survey

When surveying trees

- assess trees designated for felling or clearance for the likelihood of bats. Seek advice as appropriate
- retain any tree used by bats - tree surgery can prolong the useful life of a bat tree
- consider the minimum tree surgery required to make the tree safe
- consider meeting safety obligations by alternative action, e.g. rerouting a footpath away from a hazardous tree
- consider felling as the last resort
- specify potential to damage or disturb bats and their habitat in any contract
- consider the potential for improved habitat management

Ideally work on likely trees in spring or autumn *(shaded months). This avoids* ***periods when bats are particularly vulnerable – during hibernation or when non-flying young are present.***

A BAT'S YEAR

JANUARY	BATS HIBERNATE. INDIVIDUALLY OR IN SMALL GROUPS.
FEBRUARY	
MARCH	OCCASIONALLY WAKE. BATS HUNGRY AND ACTIVE. TORPID IN BAD WEATHER
APRIL	
MAY	MOVE ROOST SITES.
JUNE	FEMALES IN LARGE MATERNITY GROUPS. YOUNG BORN: SUCKLED FOR 6 WEEKS
JULY	
AUGUST	MOTHERS LEAVE ROOST FIRST, YOUNG LATER.
SEPTEMBER	MATING TAKES PLACE. PUT ON FAT. LOOK FOR GOOD WINTER SITES.
OCTOBER	
NOVEMBER	GRADUALLY TORPID FOR LONGER PERIODS.
DECEMBER	HIBERNATE

Signs of bat roosts in trees

What to look for:

- obvious holes, cavities and splits
- dark staining on the tree below a hole
- staining around a hole caused by the natural oils in bats' fur
- a maze of tiny scratch marks around the hole from the bats' claws
- droppings below a hole - they look similar to those of rodents, but crumble to a powder of insect fragments
- noise (squeaking or chittering) coming from a hole - especially on a hot day or at dusk
- on close inspection a hole may contain droppings or smell of bats

Apart from looking for these signs, ask if there is any history of bats, check holes by inserting a mirror, and watch for bats emerging at dusk or returning at dawn.

Conservation of mature trees and woodland habitat

Tree management

Management practices have tended to result in mature trees and dead wood being 'tidied up'. However, there is increasing recognition of the conservation value of standing dead and dying trees. Where a mature tree or part of a tree presents a real danger to people or property, there may be no alternative to pruning or felling. Often trees can be made safe by pruning rather than felling, thereby retaining their value to the environment. Where conditions permit, it may be possible to retain some trees supported by guys. Branches can be supported by slings or props.

It is important to ensure a succession of suitable trees so plant new trees now.

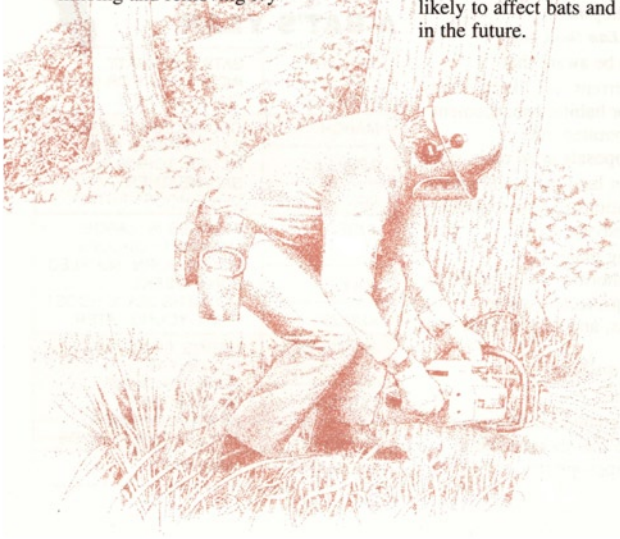
Tree surgery

When preparing to cut a tree

- look for evidence of bat occupancy (see *Signs of bat roosts in trees)*
- remember that bats may offer little or no evidence of their occupation

Best working practice

- Bats may be anywhere inside a hole. Exact advice cannot be given, but try to cut as far above any likely hole as possible
- if in doubt whether it is a roost, do not cut, seek advice
- bats may be inside cracks held open by the weight of a branch, which will close when weight is taken off. Search such splits for bats before removing large limbs and consider wedging open
- thin or reduce the crown of the tree as little as is necessary to achieve the objective
- when felling ivy-clad trees, once felled allow a 24 hour rest period before limbing and removing ivy



When bats are found

- If the roost is still on the tree and bats are not injured, seek advice. If help is not available, allow bats to fly out of harm's way
- if the timber is felled, the roost is not exposed and the bats are not injured, temporarily seal and isolate roost and seek help. If help is not readily available, position the roost off the ground, re-open it and allow bats to relocate of their own accord
- if roost has been exposed, and especially if bats have been injured, collect bats into a secure box or bag (using a glove) and seek advice

In all cases where bats are found to occupy a tree, please inform the SNCO, The Bat Conservation Trust, or the local bat group as soon as possible.

The bats may need attention from qualified people. In any case, please note date, locality, type of tree, situation in tree and bat species if known. This will help us form a better assessment of situations likely to affect bats and to improve advice in the future.

Bats and the law

All bats are protected under the Wildlife and Countryside Act (Schedule 5). They are also included in Schedule 2 of the Conservation Regulations 1994.

The Act and Regulations include provisions making it illegal to:

- intentionally or deliberately kill, injure or capture (take) bats
- deliberately disturb bats (whether in a roost or not)
- damage, destroy or obstruct access to bat roosts

A bat roost is interpreted as 'any structure or place which is used for shelter or protection', *whether or not bats are present at the time.* If proposed work is likely to destroy or disturb bats or their roosts the appropriate Statutory Nature Conservation Organisation (SNCO) **must** be notified and allowed a reasonable time to advise on whether the proposed work should be carried out and, if so, the method to be used. The earlier advice is sought, the better. In Northern Ireland similar provisions are made by The Wildlife (Northern Ireland) Order 1985, and in the Isle of Man by the 1990 Wildlife Act of Tynwald.

The UK is also party to the Agreement on the Conservation of Bats in Europe (Bonn Convention) and obliged to protect sites which are important for bats, and to identify and protect important feeding areas for bats from damage or disturbance.

These laws are not designed to prevent work but to minimise its impact on the long-term survival of bats.

Illustrations by Aubrey Warner

For further information

The Bat Conservation Trust
is the only national organisation solely devoted to the conservation of bats and their habitats. BCT and our network of over 90 local bat groups helps bats through practical conservation projects, research and education. Membership available. Send for further information and advice.

The Bat Conservation Trust,
15 Cloisters House, 8 Battersea Park Road, London SW8 4BG. Tel: 020 7627 2629
Web site: http://www.bats.org.uk

Statutory Nature Conservation Organisations (SNCOs)

English Nature
Northminster House, Peterborough PE1 1UA. Tel: 01733 455000

Countryside Council for Wales,
Plas Penrhos, Ffordd Penrhos, Bangor, Gwynedd LL57 2LQ. Tel: 01248 385 500

Scottish Natural Heritage,
12 Hope Terrace, Edinburgh EH9 2AS. Tel: 0131 4474784.

The Tree Council
acts as an umbrella body for a wide range of organisations concerned with the management and conservation of trees and woodland habitat.
The Tree Council, 51 Catherine Place, London SW1E 6DY. Tel: 020 7828 9928

The Arboricultural Advisory and Information Service provides advice and information about trees based on research results and experience, both national and international.
A.A.I.S. Alice Holt Lodge, Wrecclesham, Farnham, Surrey GU10 4LH.
Tel: 01794 368 717 for details of *Guidance Notes: Trees and bats.*

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