

**FAUNA SURVEYS –
BAT; BADGER & REPTILE**

Land at

87, Rayleigh Avenue,
Rayleigh
Essex

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1. SUMMARY

1.1 In early September 2009 Fiona Wells completed an extended Phase 1 Ecological Assessment of the large garden and grounds at 87 Rayleigh Road, Rayleigh, Southend-on-Sea, on behalf of the owner as part of a planning application to be submitted to the Local Planning authority - Rochford District Council.

1.2 The Phase 1 Assessment determined that although overall the site had no protected conservation status, or important wildlife habitats, it did have the potential to contain protected fauna that would be a material consideration in determining the planning application for this site.

1.3 The Phase 1 Assessment therefore recommended that presence or absence surveys were completed for badgers, roosting bats and reptiles.

1.4 Mindful of their legal and planning responsibilities in relation to protected wildlife the applicants immediately instructed Fiona Wells to proceed with all the faunal surveys originally recommended.

1.5 All fauna surveys were completed between 16th of September and 1st October 2009 - a period of mainly clear bright days with above average temperatures for the month of September.

1.6 The bat survey determined that there was no bat roost of any type within the roof void or beneath any of the tiles on the exterior of the property.

1.7 Furthermore there were no suitable roosting sites within the vegetative cover inside the proposed development areas

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1.8 Although a badger sett had been identified in woodland to the north western end of the site, the more detailed badger survey found no badger sett of any type inside or within influencing distance of the proposed development area for this site.

1.9 There were no reptiles of any species recorded within any part of the proposed development site.

1.10 In supplying these presence/absence surveys the planning applicant has now provided all the necessary ecological information to enable the planning officer to be able to make an informed planning decision.

1.11 Furthermore the applicant will have met all their legal wildlife responsibilities and demonstrated due diligence throughout.

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2. INTRODUCTION

2.1 The Countryside Rights of Way Act 2000, Planning Policy Statement 9 and the recent N.E.R.C. biodiversity legislation requires local planning authorities to give sufficient consideration or to take into account the effects a development proposal may have on a particular habitat or protected species.

2.2 The local planning authority would therefore be acting in a responsible manner in requiring the planning applicant for this site to provide all necessary ecological information as part of their planning application submission if they believe any protected fauna or habitat could be present within the application site.

2.3 The original Phase 1 Habitat assessment had highlighted a possible presence of bat roosts, protected reptiles and badgers within the potential development area.

2.4 A suitable presence/absence survey for all of the identified species groups was therefore necessary to provide the local authority with the required ecological information as explained above.

2.5 This report explains in detail how the presence or absence of protected reptiles and bats was determined.

2.6 Wildlife legislation is explained and its relevance to this site, and the planning decision process.

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3. BAT SURVEY

3.1 Bat Legislation and Planning Policy

3.1.1 All bat species in Britain are protected under the Wildlife and Countryside Act 1981 through inclusion on Schedule 5.

3.1.2 Bats are also protected under the Conservation (Natural Habitats &c.) Regulations 1994 (which were issued under the European Communities Act 1972), through inclusion on Schedule 2. On 21st August 2007 an amendment to the Conservation (Natural Habitats &c.) Regulations 1994 came into force. The Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 have a variety of consequences for the protection of European Protected Species and for Natural England's licensing processes.

3.1.3 European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal. It is also an offence to have in one's possession or control, any live or dead European protected species.

3.1.4 The threshold above which a person will commit the offence of deliberately disturbing a wild animal of an European protected species has been raised. Now, a person will commit an offence only if he deliberately disturbs such animals in a way as to be likely significantly to affect:

- (a) the ability of any significant groups of animals of that species to survive, breed, or rear or nurture their young, or
- (b) the local distribution or abundance of that species.

However, note that the existing offences under the Wildlife and Countryside Act (1981) as amended which cover obstruction of places used for shelter or protection (for example, a bat roost), disturbance and sale still apply to European protected species.

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3.1.5. This legislation provides defences so that necessary operations may be carried out in places used by bats, provided the appropriate Statutory Nature Conservation Organisation (in England this is Natural England) is notified and allowed a reasonable time to advise on whether the proposed operation should be carried out and, if so, the approach to be used. The UK is a signatory to the Agreement on the Conservation of Bats in Europe, set up under the Bonn Convention. The Fundamental Obligations of Article III of this Agreement require the protection of all bats and their habitats, including the identification and protection from damage or disturbance of important feeding areas for bats.

3.1.6. Paragraph 98 of Circular 06/2005 accompanying PPS9 states that *'the presence of a protected species is a **material consideration** when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'* Planning Policy Statement 9 (PPS9) has recently replaced the Government's Planning Policy Guidance: Nature Conservation note, PPG 9, October 1994.

3.1.7 Since August 2007, building development that affects bats or their roosts needs a Protected Species Licence under the The Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 administered in England by Natural England.

3.2. Survey Methods

3.2.1. The exterior surfaces of the building were examined for any signs of use as bat roosts, such as the presence of droppings on walls, windows or staining around roost entrances. The use of a crevice by a colony of bats produces droppings on brickwork and adjacent surfaces close to the crevice, together with an accumulation of droppings beneath the roost entrance. However, upon examination, many surfaces will have one or two droppings, randomly placed, caused by bats seeking out new roost sites.

3.2.2. The internal survey was conducted using a powerful torch.

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3.2.3 The roof voids of the property were searched for evidence of roosting, the floor area for droppings and the beams for crevices and staining indicative of the presence of roosting bats.

3.2.4 All bat survey works were completed on the 21st September 2009 by a suitably experienced and licensed bat worker (Licence Number 20090027).

3.3. Survey Results

3.3.1 The survey building is a detached house with a tile and felted roof.

3.3.2 The survey found that the building comprised single and double-storey sections, both of which had roof voids.

3.3.3 Three dormer windows to the rear of the property took up much of the roof volume above the two-storey section, with the remaining shallow-pitched roof void having no evidence of bats on the floor of the loft or along the internal eaves of the building. The larger void above the single-storey area also lacked any evidence of the presence of bats.

3.3.4. Externally, there was no evidence of bats on the brickwork of the building and there was a tight seal along the UPVC eaves and also around the small areas of tile cladding associated with the three dormers. The overhanging tiles on the gable wall at the front of the property were cemented to the brickwork and formed a tight seal. The lack of crevices meant that there were no potential roosting places for bats and no evidence of their presence was found at this site.

3.3.5. The vegetation at the site comprised a mix of ornamental shrubs, broadleaves and conifers, all of which lacked loose bark, crevices or woodpecker holes that might offer potential roosting places for bats.

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3.4. Discussion

3.4.1. Bats are inquisitive, highly mobile animals, which constantly investigate their surroundings, evaluating good feeding areas and potential roosting opportunities.

3.4.2 Where suitable habitat such as woodland, woodland edge or sheltered pasture occurs, bats will travel up to several kilometres to take advantage of this resource.

3.4.3 To reach favoured sites, small bats will follow linear landscape features such as hedgerows, streams and lanes etc. The absence of such features can make an otherwise suitable site inaccessible to bats.

3.4.4 In addition, new roosts will become established in such areas - examples being the rapid colonisation of artificial roost boxes placed in conifer forests or the occupation of new houses by nursery colonies of pipistrelle bats within a year or two of their completion.

3.4.5 Although no evidence of the presence of bats was found in the property, it would be expected that bats from nearby roosts would forage in the garden, particularly along the tree-lined boundaries.

3.4.6 This behaviour would be expected to continue after the building work has been completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population.

3.5 Review of existing records of bats in the area

3.5.1 Since the early 1980s, the Essex Bat Group has monitored the status and distribution of bats in this area this illustrates the range of bat species that may be expected to be found in the locality although as demonstrated above, no roost sites have been identified in the existing dwelling at 87 Rayleigh Avenue. Recent records occurring within a 2km radius of the site are as follows (table overleaf):

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TQ823897	07 Jul 2003	Pipistrelle roost in house
TQ812903	30 Mar 1997	Common pipistrelle recorded foraging
TQ824884	25 May 1987	Pipistrelle found by member of public
TQ809915	30 Apr 1986	Pipistrelle found by member of public
TQ823883	08 Jul 2008	Brown long-eared bat recorded foraging
TQ823883	08 Jul 2008	Common pipistrelle recorded foraging
TQ823883	18 Jul 2008	Serotine recorded foraging
TQ823883	08 Jul 2008	Serotine recorded foraging
TQ820881	09 Sep 2008	Brown long-eared bat roost in house
TQ825908	26 Apr 1999	Pipistrelle found by member of public
TQ833887	20 Sep 1996	Brown long-eared bat found by member of public
TQ815887	31 Aug 1985	Brown long-eared bat roost in house
TQ817917	29 Aug 1993	Brown long-eared bat found by member of public
TQ813888	05 Oct 1996	Brown long-eared bat found in house
TQ828895	22 Jun 1983	Pipistrelle roost in house

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4. BADGER SURVEY

4.1 Badger Legislation

4.1.1 The Wildlife and Countryside Act (1981) and its subsequent amendment (1985) made it an offence to take, kill, injure or ill-treat a Badger.

4.1.2 The Badger gained further protection under the auspices of The Protection of Badgers Act (1992). This Act consolidates all former protective legislation in relation to Badgers, except their inclusion on Schedule 6 of the Wildlife and Countryside Act 1981. Under the 1992 act the Badger sett is protected from obstruction destruction, and damage, furthermore the animal's access to and from the sett must not be impeded.

4.1.5 The concept/definition of the sett extends beyond the main sett to include annex, subsidiary and outlying setts.

4.1.6 It must be noted that although the Badger and its sett are protected (including access to the sett) the wider potential habitat and or foraging ground is not.

4.2 Survey Method

4.2.1 Badgers are not nomadic they live in social family groups in distinct territories which they defend against any adjacent badgers.

4.2.2 Each social group has one main sett, in more or less continuous use, and that may have been so for decades or even centuries. The animals radiate from this central sett throughout their territory.

4.2.3 As well as the main sett the badgers may make use of associated annex, subsidiary or outlying setts.

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4.2.4 Any survey, including this one that attempts to determine the presence or absence of badgers must begin with a search for and assessment of, any of the sett types described above.

4.2.5 Badgers routinely use a connecting system of well-worn “runs” that spread across their territories. In looking for these runs or paths, special attention must be given to suitable areas; such as soft earth patches where a footprint might be left by a passing animal.

4.2.6 Similarly, where a suspected badger run passes beneath a fence or other obstruction (particularly barbed wire or bramble), a hand and knee examination can reveal the characteristic coloured and coarse badger guard hair caught on part of the fence/obstruction.

4.2.7 A number of badgers defecating in the same place will create a characteristic latrine; these sites and foraging areas with numerous surface food scrapes are both synonymous with regular badger activity.

4.2.8 All of the above criteria/indicators of badger activity were used to assess the development site and adjacent areas.

4.3 Survey Results

4.3.1 No badger sett of any type was found within the footprint of the proposed development site.

4.3.2 The badger sett identified in the Phase 1 Habitat Survey is not within the proximity of the proposed development area that would require any license.

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5. REPTILE SURVEY

5.1 Reptile Legislation

5.1.1 The Slow Worm, Common Lizard and Grass Snake are all protected under schedule 5 of the Wildlife and Countryside Act (1981 and amendments) against killing, injury and sale.

5.1.2 Any development of this site without providing for these protected species if they are present would be seen as a deliberate and an unreasonable act, i.e. an offence would have been committed.

5.1.3 However it must be noted that their habitat is not protected, only the individual animal.

5.2 Survey Technique

5.2.1. The reptile survey for this site took place over 6 separate site visits, 18th September, 20th September, 23rd September, 25th September, 27th September 2009, 30th September 2009.

5.2.2 All of the survey days were warm, rain free with early morning sunshine. This good weather is essential for spotting the “cold blooded” reptiles.

5.2.3 The survey technique generally followed the advice/recommendations contained in the herpetofaunas workers guidelines.

5.2.4 Artificial refugia were spread across all potential reptile habitat within the development and wider site that had been identified as having reptile potential in the Phase 1 Habitat Assessment.

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5.2.5 These refugia were a mix of roofing felt; corrugated metal and plywood sheets, all cut to 75 cm wide squares.

5.2.6 The refugia provide basking areas, on which the reptiles may warm themselves in the early morning sun, seek refuge from predators and gain shelter.

5.2.7 All the refugia were inspected during each of the six site visits. At the same time as the artificial refugia inspections, casual surveys amongst any rubble or waste materials dumped on the site were also completed.

5.2.8 After these six survey inspections a reptile absence or presence conclusion was possible.

5.3 Survey Results

5.3.1 No reptile of any species was found during any of the six site visits.

5.3.2 No reptile sign of any species was found during any of the six site visits.

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6. CONCLUSION

6.1 The presence/absence surveys for bats, badgers, and reptiles recommended in the Phase 1 Habitat Assessment for land at 87 Rayleigh Avenue, Rayleigh have all been completed by suitably qualified/experienced ecologist's.

6.2 For each of the three species group surveys it has been determined that these protected species are not present within the footprint of the proposed development area or, within a proximity that would require a license to proceed with any development. .

6.3 All the relevant ecological information has now been provided as part of the planning application process to enable the planning officer to be able to make an informed planning decision in relations to the sites conservation value and protected biodiversity.

6.4 Furthermore the planning applicant has met all of his legal wildlife responsibilities and demonstrated due diligence to planning requirements and all possible conservation considerations.