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Part of the ES Group

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Ecological Assessment

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ecology solutions for planners and developers

CONTENTS

PLANS

APPENDICES

1. INTRODUCTION

1.1. Background & Proposals

1.1.1. Ecology Solutions was commissioned by David Lloyd to undertake an Ecological Assessment of David Lloyd Westbury, Bristol, hereafter referred to as the application site (see Plan ECO1).

1.1.2. The updated development proposals are for the erection of an extension to the existing club to deliver new internal spa facilities, along with the creation of a spa garden which includes a swim out pool, sauna and plant room, the creation of additional parking spaces, and associated works. As alluded to above, these proposals differ from those originally assessed, however in ecological terms the main material change is that the quantum of development is slightly reduced compared to the previous iteration, meaning that there is an increase in the area of grassland proposed for retention and enhancement to the south of the existing building. Whilst there is also small decrease in the extent of ornamental planting proposed, this is more than outweighed by the increased botanical value delivered by the grassland enhancement.

1.1.3. In view of this the overall conclusions of the assessment remain as before, however the changes do lead to a small increase in the overall Biodiversity Net Gain score compared to the previous iteration, with this representing a corresponding increase in the ecological betterment which can be delivered by these proposals.

1.2. Application Site Characteristics

1.2.1. The application site is located to the south of Greystoke Avenue, Westbury, Bristol. It is bordered to the north by existing development. To the west and south are small areas of vegetation beyond which are residential development, and to the east is developed land associated with the sports facility beyond which is open greenspace.

1.2.2. The application site comprises existing developed land and small areas of grassland and non-native shrub, as well as a small native hedgerow and several individual trees.

1.3. Ecological Assessment

1.3.1. This document assesses the ecological interest of the application site as a whole. The importance of the habitats present is evaluated with regard to current guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM)[1].

1.3.2. The report also sets out the existing baseline conditions for the application site, setting these in the correct planning policy and legal framework and assessing any potential impacts which may occur from the proposed development. Appropriate mitigation where necessary is identified such that it will offset negative impacts of the proposals, and where possible provide for the ecological enhancement of the application site, in accordance with relevant planning policy.

[1] CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1*. Chartered Institute of Ecology and Environmental Management, Winchester.

2. SURVEY METHODOLOGY

2.1. The methodology utilised for the survey work can be split into three areas, namely desk study, habitat survey and faunal survey. These are discussed in more detail below.

2.2. Desk Study

2.2.1. To compile background information on the application site and its immediate surroundings, Ecology Solutions contacted Bristol Regional Environmental Records Centre (BRERC).

2.2.2. Information has been provided by BRERC, and this is referenced where relevant later in this document. Information regarding designated sites of nature conservation interest is also shown on Plan ECO1.

2.2.3. Further information on designated sites from a wider search area was also obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC)[2] database. This information is reproduced at Appendix 1 and where appropriate on Plan ECO1.

2.3. Habitat Survey

2.3.1. A habitat survey was undertaken at the application site on 23rd May 2024, as well as an updated walkover in early August 2024. The purpose of this survey was to ascertain the general ecological value of the application site, to identify the main habitats and associated plant species situated within and in close proximity to the application site boundary, and to identify potential opportunities that the application site affords to protected and notable faunal species.

2.3.2. The application site was surveyed based around the extended Phase 1 survey methodology[3], as recommended by Natural England, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail.

2.3.3. Using the above method, the application site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified.

2.3.4. All the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent at different seasons. However, considering the developed nature of the application site, and the paucity of semi-natural habitats present, it is considered that an accurate and robust assessment has been made.

[2] MAGIC website. Available at: http://magic.defra.gov.uk

[3] Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council, reprinted JNCC, Peterborough.

2.4. **Faunal Survey**

2.4.1. General faunal activity observed during the course of the survey was recorded, whether visually or by call. Specific attention was paid to the presence or potential presence of any protected, rare, notable or Priority Species, and the extent to which the application site provides any potential opportunities for these species / groups. A focused survey was undertaken for Badgers, and in addition it should be noted that a ground level bat roost assessment was previously undertaken in February 2024 and the results of this are included for completeness within this report.

2.4.2. Field surveys were undertaken with regard to best practice guidelines issued by Natural England (2004[4]), the Joint Nature Conservation Committee (2004[5]) and the Bat Conservation Trust (2016[6]).

2.4.3. Trees present within the application site were assessed for their potential to support roosting bats. For a tree to be classed as having some potential for roosting bats it must usually have one or more of the following characteristics:

- obvious holes, e.g. rot holes and old woodpecker holes;
- dark staining on the tree below a hole;
- tiny scratch marks around a hole from bats' claws;
- cavities, splits and/or loose bark from broken or fallen branches, lightning strikes etc.; and/or
- very dense covering of mature Ivy *Hedera helix* over trunk.

2.4.4. In addition, as mentioned above specific survey work was undertaken in respect of badgers. Informed by a consultation response by the local Nature Conservation Officer which highlighted that a badger sett has been recorded by previous surveys in the surrounding area, the focused badger survey included not just the application site itself but the surrounding vegetation.

2.4.5. The Badger survey comprised two main elements. Firstly, searching thoroughly for evidence of Badger setts. For any setts that were encountered standard survey practice would record the location of each sett entrance, even if the entrance appeared disused. The following specific information was recorded where appropriate:

i) The number and location of well used or very active entrances; these are clear of any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently.

ii) The number and location of inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance or have plants growing in or around the edge of the entrance.

[4] Mitchell-Jones, A. J. (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough.
[5] Mitchell-Jones, A.J. & McLeish, A.P. (Eds.) (2004). *Bat Workers' Manual*. 3rd edition. Joint Nature Conservation Committee, Peterborough.
[6] Collins, J. (Eds.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition)*. Bat Conservation Trust, London.

iii) The number of disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible is a depression in the ground where the hole used to be together with the remains of the spoil heap.

2.4.6. Secondly, any evidence of Badger activity such as well-worn paths, run-throughs, snagged hair, footprints, latrines and foraging signs was recorded so as to build up a picture of the use of the application site by this species.

2.4.7. Furthermore, surveys were undertaken in respect of birds, assessing the suitability of the vegetation both within and adjacent to the site for both foraging and nesting birds.

2.4.8. The application site was also assessed in terms of the opportunities that it may provide for other faunal species in the local area.

3. ECOLOGICAL FEATURES

3.1. The application site was subject to an ecological survey on 23rd May 2024, and an updated walkover in early August 2024. The vegetation present enabled the habitat types to be satisfactorily identified and an accurate assessment of the ecological interest to be undertaken.

3.2. The following main habitat types were identified within the application site:

- Existing Hardstanding;
- Modified Grassland;
- Introduced Shrub; and
- Native Hedgerow

3.3. The location of these habitats is shown on Plan ECO2. Each habitat present is described below with an account of its representative plant species (where relevant). In addition, three mature trees are located immediately to the west of the application site, and a band of vegetation is present further to the south and west of the application site. Mindful of the opportunities these may provide for faunal groups these are also discussed below.

3.4. Hardstanding

3.4.1. The majority of the application site comprises existing hardstanding. These areas are tarmacked and in a good state of repair. They are devoid of vegetation and therefore or negligible ecological value.

3.5. Modified Grassland

3.5.1. Two areas of regularly managed amenity grassland were recorded located on the southern and northern sides of the application site. These areas were recorded to support a short, closely mown sward at the time of the surveys. Perennial rye-grass *Lolium perenne* dominates this area, with occasional Daisy *Bellis perennis*, Creeping Buttercup *Ranunculus repens*, Lesser Trefoil *Trifolium dubium* and Stork's-bill *Erodium cicutarium* present in both areas.

3.6. Trees

3.6.1. There are 11 trees located within the application site. Situated in the north of the site by the site entrance within the largest area of grassland grassland, there is a large Willow *Salix sp.*, a small and medium Sycamore *Acer pseudoplatanus*, as well as one small and three medium Ash *Fraxinus excelsior*. Intermittently throughout the rest of the car park, there are three small Rowan *Sorbus aucuparia*, and a medium copper Beech *Fagus sylvatica 'f. purpurea'*.

3.6.2. Three trees are located immediately to the west of the application site's southern extent. The tree cluster comprises a Lombardy poplar *Populus nigra 'Italica'* and two Horse Chestnut *Aesculus hippocastanum* trees, all of which are mature specimens.

3.6.3. The Poplar is around 30m tall and is located on the northeastern side of the cluster. The two Horse Chestnut trees are shorter at around 15m tall.

3.6.4. All of these trees were assessed for the presence of potential roost features for bats, and this is discussed in more detail below.

3.7. Native Hedgerow

3.7.1. Within the car park area in the north of the site are a number of lengths of hedgerow. These are created through the linear planting of Hornbeam, which has then been closely managed for visual amenity. As a result of this management, developed land in close proximity (absence of peripheral vegetation) and the lack of connectivity to other natural or semi-natural habitats the hedgerow is considered to be of limited ecological value.

3.8. Band of trees/scrub

3.8.1. A band of trees and scrub is located to the south and west of the site, and given its elevated ecological value compared to any habitats present within the site this is also described here.

3.8.2. Species present include Cherry *Prunus avium*, Silver Birch *Betula pendula*, Oak *Quercus robur* and Hazel *Corylus avellana*. Beneath these grows a thick understorey of Bramble and where this is absent the ground is covered by dense Ivy growth. The trees in this area are less mature than those in the nearby cluster described above.

3.9. Background Records

3.9.1. The desk study undertaken with BRERC did not return any records of protected or notable plant species within or directly adjacent to the application site. The closest recent records were returned from a location approximately 0.1km to the west of the application site and were for Columbine *Aquilegia vulgaris* and Buddleia *Buddleja davidii.*

3.9.2. It should be noted that Buddleia is listed as a non-native invasive species on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to allow any to propagate or grow in the wild. Other Schedule 9 species returned by the data search included Japanese Knotweed *Fallopia japonica*, Canadian Waterweed *Elodea canadensis* and Variegated Yellow Archangel *Lamiastrum galeobdolon subsp. argentatum*.

4. WILDLIFE USE OF THE APPLICATION SITE

4.1. During the survey work, general observations were made with specific attention paid to the potential presence of protected species. Specific surveys were also undertaken in respect of bats and badgers.

4.2. Bats

4.2.1. As discussed above, three mature trees are located immediately to the southwest of the application site. The northernmost of these, a Poplar, has smooth bark, ivy is absent, and there are no features suitable to support roosting bats.

4.2.2. The two Horse Chestnut trees are shorter at around 15m tall. Both have a number of dropped limbs, however inspection with binoculars from ground level revealed that each of these terminate before developing into a niche or void, and so are too exposed to the prevailing conditions to deliver any potential shelter for roosting bats.

4.2.3. The 10 small and medium trees located within the car park do not have any roosting features. They present no holes or dropped limbs, do not have any Ivy growing on them, nor do they present any other of the potential roost features for which they were surveyed. The large Willow in the car park, despite its more advanced age, also displayed an absence of any holes, dropped limbs, or other potential roost features at the time of the survey.

4.2.4. None of the trees in the vegetation band to the south of the site are sufficiently mature to have developed potential roost features. Whilst it forms an uninterrupted linear feature which connects to Badocks Wood to the east, it should be noted that the vegetation band terminates in residential development to the west of the application site, and so whilst of higher value than the gardens and hardstanding which comprise the other land uses in the nearby area, the vegetation band is unlikely to be of high importance for bats commuting between roosts and high value foraging habitat.

4.2.5. **Background records.** The data search undertaken with BRERC did not return any records of bats from locations within or adjacent to the site. The closest record was returned from a location approximately 0.1km to the south of the application site and was for Serotine *Eptesicus serotinus*. Other species recorded within 2km of the application site included Common Pipistrelle *Pipistrellus pipistrellus*, Soprano *Pipistrelle Pipistrellus* pygmaeus, Noctule *Nyctalus noctule*, Daubenton's Bat *Myotis daubentoniid*, Leisler's Bat *Nyctalus leisleri* and Brown Long-eared Bat *Plecotus auritus*.

4.2.6. A number of records for roosting bats were returned, however these records were only accurate to a 1km grid. A small number of records of roosts were returned from a 1km square within which the site is located. The majority of these were for individual Common Pipistrelle, with a single record for a roosting Brown Long-eared Bat also returned from within this grid square. It should be noted that all of these records were in excess of 10 years old however are considered here for the sake of completeness.

4.3. Birds

4.3.1. The existing areas of hardstanding which comprise the majority of the application site do not provide any opportunities for birds. Neither does the intensively managed grassland or heavily disturbed hedgerows within the application site. The trees do provide some suitability for this group, however the opportunities are limited due to the disturbance caused by the car part within which they are located.

4.3.2. Whilst the trees to the southwest and the vegetation band to the south do offer some opportunities for both foraging and nesting birds, there are areas of far greater suitability in the wider area (particularly Badocks Wood to the southeast) and therefore the site is not considered to be of particular value to nesting birds.

4.3.3. **Background Records.** The data search undertaken with BRERC did not return any records of birds from locations within or directly adjacent to the application site. The closest recent record was for Robin *Erithacus rubecula* and was returned from a location approximately 0.1km to the west of the application site.

4.3.4. Two records of Tawny Owl were returned. Both were recorded to the accuracy of 1km grid squares. One was for a square within which the application site is located, was for a nesting pair and dated from 2019. The other was returned from a 1km square to the west of the site, and was for a juvenile recorded in 2009.

4.3.5. Other species of higher conservation concern in the context of the results returned included Skylark *Alauda arvensis*, Marsh Tit *Poecile palustris* and Lesser Redpoll *Acanthis cabaret* although given the habitats present it is not considered that any of these would be dependent upon the application site.

4.4. Terrestrial Mammals

4.4.1. As set out above, a detailed survey of the land surrounding the application site was undertaken, with particular attention paid to the band of vegetation to the south of the site.

4.4.2. No evidence of a badgers was identified within the application site. In addition a buffer area extending 30m from the boundary of the application site was subject to a detailed search for evidence of this species. Whilst a mammal track was present through the vegetation to the south of the site, the search confirmed that setts and associated activity were not present within this buffer.

4.4.3. Mindful of the mammal tracks, and the anecdotal evidence referenced by the Nature Conservation Officer, a precautionary approach to badgers during construction is set out below.

4.4.4. **Background Records.** The data search undertaken with BRERC did not return any records of Badgers from locations within the application site. The closest record was returned from a location approximately 100m from the site's western boundary however it should be noted that this dated from

1993. The closest recent record was returned from a location approximately 0.8km to the northeast of the application site.

4.5. Other Protected and Notable Species

4.5.1. No evidence to indicate the use of the application site other protected or notable species was recorded during the course of the survey. Opportunities for such groups are considered to be limited, with the existing hardstanding and amenity grassland providing few, if any, opportunities for faunal species.

5. ECOLOGICAL EVALUATION

5.1. The Principles of Ecological Evaluation

5.1.1. The latest guidelines for ecological evaluation produced by CIEEM proposes an approach that involves professional judgement, but makes use of available guidance and information, such as the distribution and status of the species or features within the locality of the project.

5.1.2. The methods and standards for site evaluation within the British Isles have remained those defined by Ratcliffe[7]. These are broadly used across the United Kingdom to rank sites so priorities for nature conservation can be attained. For example, current sites of Special Scientific Interest (SSSI) designation maintains a system of data analysis that is roughly tested against Ratcliffe's criteria.

5.1.3. In general terms, these criteria are size, diversity, naturalness, rarity and fragility, while additional secondary criteria of typicalness, potential value, intrinsic appeal, recorded history and the position within the ecological/geographical units are also incorporated into the ranking procedure.

5.1.4. Any assessment should not judge sites in isolation from others, since several habitats may combine to make it worthy of importance to nature conservation.

5.1.5. Further, relying on the national criteria would undoubtedly distort the local variation in assessment and therefore additional factors need to be taken into account, e.g. a woodland type with a comparatively poor species diversity, common in the south of England, may be of importance at its northern limits, say in the border country.

5.1.6. In addition, habitats of local importance are often highlighted within a local Biodiversity Action Plan (BAP). The Bristol Biodiversity Action Plan identifies and lists several priority species and habitats.

5.1.7. Levels of importance can be determined within a defined geographical context from the immediate site or locality through to the international level.

5.1.8. The legislative and planning policy context has also been given due regard throughout this assessment.

5.2. Designated Sites

Statutory Sites

5.2.1. There are no statutory designated sites of nature conservation interest within or adjacent to the application site. The closest statutory site is Badocks Wood Local Nature Reserve (LNR) which lies approximately 0.2km to the southeast of the application site (see Plan ECO1). This site contains grassland, rivers and woodland, and supports a diverse assemblage of invertebrates and bats.

[7] Ratcliffe, D A (1977). *A Nature Conservation Review: the Selection of Study areas of Biological National Importance to Nature Conservation in Britain*. Two Volumes. Cambridge University Press, Cambridge.

5.2.2. The closest nationally designated site is Pen Park Hole Site of Special Scientific Interest (SSSI). This site is located approximately 1.6km to the north-east of the application site and is a large cave system designated primarily for geological importance, however also containing nationally significant populations of cave invertebrates.

5.2.3. Approximately 6.2km to the northwest of the site is the Severn Estuary which in this area is designated as a Special Area of Conservation, Special Protection Area and Ramsar site on account of the species it supports, including internationally important populations of wintering and passage waterfowl, and habitats such as mud flats, lagoons and tidal rivers.

5.2.4. Through the use of standard best practice engineering principles such as dust suppression, sensitive storage of potentially hazardous materials and avoidance of pollution/runoff events it is considered that impacts on Badocks Wood LNR can be avoided. Given the significant separation between the application site and the other statutory sites and the extensive areas of existing development and roads which are located in the intervening space, in addition to the nature of the proposals (small scale development of an extension to an existing building), it is considered that the proposals would not lead to any significant direct or indirect impacts to statutory designated sites either during construction or operation.

Non-statutory Sites

5.2.5. There are no non-statutory designated sites of nature conservation interest within or adjacent to the application site. The closest is Badocks Wood Site of Nature Conservation Interest (SNCI). This is designated for the reasons discussed above.

5.2.6. For the sake of completeness, other non-statutory designated sites within 2km of the site include Henleaze Lake SNCI, Site West of Concorde Drive SNCI, Sheep Wood SNCI, Henbury Golf Course SNCI and Blaise Castle Estate SNCI.

5.2.7. The application site is also located in close proximity to the Field West of Baddocks Wood Wildlife Corridor which is part of the Bristol Ecological Network – an initiative aiming to facilitate the movement of organisms between fragmented habitats across the city.

5.2.8. As with the statutory designated sites discussed above, in view of the limited scale of the development and the separation between the application site and these non-statutory designated sites, it is not considered that there would be any additional significant indirect impacts on these sites during construction or operation.

5.2.9. Nonetheless, standard engineering protocols and best practice shall be employed throughout the duration of works at the site, with particular regard to measures such as the storage of materials and dust suppression techniques such as wheel washing.

5.3. Habitat Evaluation

5.3.1. As outlined in Section 3 above, the application site primarily comprises existing hardstanding, an area of species-poor grassland, introduced shrub and heavily managed native hedgerow. These areas are of low botanical diversity (or completely unvegetated in the case of the hardstanding) and offer negligible opportunities for faunal groups.

5.3.2. As illustrated in the design and access statement (and the plan reproduced at Appendix 2) a range of new planting and habitat enhancement measures are proposed as part of the application proposals, particularly within the south of the application site. This soft landscaping will increase and diversify the vegetation within the application site, and offer new opportunities for faunal groups such as invertebrates which could utilise flowering plants and would in turn act as a foraging resource for other species.

5.3.3. Where vegetation of greater ecological value is present adjacent to the site – particularly the mature trees – protective measures such as the use of temporary fencing (Heras or similar) and storage of potentially hazardous materials away from these areas will ensure that any adverse impacts on this vegetation are avoided. Full details regarding potential impacts on trees and methods to mitigate these to acceptable levels are set out in the Arboricultural Survey Impact Assessment & Arboricultural Method Statement submitted in support of the proposals.

5.3.4. As of February 2024, the secondary legislation enacting the Biodiversity Net Gain provisions of the Environment Act 2021 has engaged the requirement for applications to deliver a net gain of at least 10% over the baseline situation. This site will achieve a net gain of at least 10%, predominantly through the enhancement of existing grassland to the north, and the creation of a species-rich grassland at the south of the site, as well as areas of ornamental planting. For further detail on this, please see the accompanying Biodiversity Net Gain report.

5.4. Faunal Evaluation

<u>Bats</u>

5.4.1. **Legislation.** All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”, as amended). These include provisions making it an offence:

- Deliberately to kill, injure or take (capture) bats;
- Deliberately to disturb bats in such a way as to be likely to significantly affect:-
  - (i) the ability of any significant group of bats to survive, breed or rear or nurture their young; or to hibernate; or
  - (ii) to affect significantly the local distribution or abundance of the species concerned;
- To damage or destroy any breeding or resting place used by bats;
- To intentionally or recklessly obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

5.4.2. While the legislation is deemed to apply even when bats are not in residence, Natural England guidance suggests that certain activities such as re-roofing can be completed outside sensitive periods when bats are not in residence provided these do not damage or destroy the roost.

5.4.3. The words 'deliberately' and 'intentionally' include actions where a court can infer that the defendant knew 'the action taken would almost inevitably result in an offence, even if that was not the primary purpose of the act.

5.4.4. The offence of damaging (making it worse for the bat) or destroying a breeding site or resting place is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.

5.4.5. All bats are London Priority Species, and seven species of bat are Priority Species in England; specifically, Barbastelle *Barbastella barbastellus*, Bechstein's *Myotis bechsteinii*, Noctule, Soprano Pipistrelle, Brown Long-eared *Plecotus auritus*, Greater Horseshoe *Rhinolophus ferrumequinum,* and Lesser Horseshoe *Rhinolophus hipposideros*.

5.4.6. **Application Site Evaluation.** As outlined above, no habitat suitable to support roosting or foraging bats is present within the application site. The vegetation immediately adjacent to the site boundary was surveyed and it has been confirmed that these areas do not provide any opportunities for roosting bats. As such, the development proposals would not result in any potential loss or damage to bat roosts.

5.4.7. Consideration has been afforded to the potential use of the vegetation band to the south of the site by commuting bats. As highlighted above, whilst this vegetation connects to Badocks Wood to the east there is minimal suitable habitats for bats to the west where the vegetation terminates in existing residential development, and as such this vegetation band is not considered likely to be of particular value to commuting bats.

5.4.8. **Avoidance, Mitigation and Enhancements.** The provision of new wildlife-beneficial planting within the application site is likely to benefit invertebrates in the local area, and in turn provide additional foraging resources for bats. Whilst the extent to which this is likely to be beneficial may be limited, this would provide opportunities for more light-tolerant bats such as Pipistrelles which often utilise residential gardens.

5.4.9. The lighting proposed will be low level and directional, comprising lighting bollards, low level lighting around the spa pool, and lighting under the eaves around the sauna. This approach will minimise light spill, and in comparison to the baseline where security and sports lighting is already present it is not considered that the proposals would have any additional impacts on commuting bats.

5.4.10. Whilst the application site is considered to be of limited suitability for bats, new roosting features could be provided by way of enhancement in established vegetation within the applicant's wider land ownership. The specifications and locations of these could be secured by way of a suitably worded planning condition.

Birds

5.4.11. **Legislation.** Section 1 of the Wildlife and Countryside Act 1981 (as amended) is concerned with the protection of wild birds, whilst Schedule 1 lists species that are protected by special penalties. All species of birds receive general protection whilst nesting.

5.4.12. **Application Site Usage.** The existing hardstanding and amenity grassland do not offer opportunities for nesting and foraging birds. It has been noted, however, that the trees in the north of the car park, and just beyond the site's southwestern boundary offer some (albeit limited) opportunities for birds.

5.4.13. **Avoidance, Mitigation and Enhancements.** Any work which has the potential to generate significant levels of noise, vibration or disturbance will be undertaken either outside of the main bird nesting season (March to August inclusive), or alternatively following the completion of a nesting bird check by a suitably qualified ecologist to confirm that there are no nests present. The use of temporary protective fencing would also prevent potential for harm arising on retained vegetation beyond the application site which offers opportunities for this group.

5.4.14. Any fruit or berry-bearing species would offer a potential foraging for birds, and similarly any plants which increase the abundance of invertebrates would in turn benefit insectivorous species. Whilst the application site is considered to not offer any suitable habitat for nesting birds, new nesting boxes could be provided either on the exterior of the building or on suitably mature trees within the wider land ownership (e.g. on the mature trees immediately to the west of the application site). The provision of boxes suitable for House Sparrows would support to a key species identified by the Bristol Biodiversity Action Plan (examples are included at Appendix 3) and if deemed necessary the provision of these could be secured by way of a suitably worded planning condition.

Badgers

5.4.15. **Legislation**. The Protection of Badgers Act 1992 consolidates the previous Badgers Acts of 1973 and 1991. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain, with particularly high populations in the southwest.

5.4.16. As well as protecting the animal itself, the 1992 Act also makes the intentional or reckless destruction, damage or obstruction of a Badger sett an offence. A sett is defined as "any structure or place which displays signs indicating current use by a Badger"[8]. "Current use" of a Badger sett is defined by Natural England as "how long it takes the signs to disappear", or more precisely, to appear so old as to not indicate "current use".

5.4.17. In addition, the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment' of a Badger.

[8] Protection of Badgers Act 1992 (as amended). Guidance on 'Current Use' in the definition of a Badger Sett

5.4.18. ‘Interim guidance’ issued by Natural England in September 2007 specifically states “it is not illegal, and therefore a licence is not required, to carry out disturbing activities in the vicinity of a sett if no badger is disturbed and the sett is not damaged or obstructed.”

5.4.19. However, more recent guidance produced by Natural England in 2009 states that Badgers are relatively tolerant of moderate levels of disturbance and that low levels of disturbance at or near to Badger setts do not necessarily disturb the Badgers occupying those setts. However, Natural England’s guidance continues by stating that any activity that will or is likely to cause one of the interferences defined in Section 3 (such as damaging a sett tunnel or chamber or obstructing access to a sett entrance) will continue to be licensed.

5.4.20. In addition, this latest guidance no longer makes reference to any 30m/20m/10m radius as a threshold for whether a licence would be required. Nonetheless, it is stated that tunnels may extend for 20m so care needs to be taken when implementing excavating operations within the vicinity of a sett and to take appropriate precautions with vibrations and noise, etc. Fires / chemicals within 20m of a sett should specifically be avoided.

5.4.21. **Site usage**. As set out above, no evidence of the presence of Badgers was identified within the site. Whilst a mammal track was identified within the vegetation to the south of the site it should be noted that a continuous fence is present between the application site and this area.

5.4.22. Nevertheless, based on the anecdotal evidence shared by the Nature Conservation Officer, and on a precautionary basis, measures are set out below to ensure harm is avoided.

5.4.23. **Mitigation**. Given the possible presence of Badgers in the area, during the construction phase of development a number of precautionary measures should be implemented.

5.4.24. The fencing to the south of the site should be maintained, or if a breach in this is unavoidable due to other constraints this should be immediately replaced with alternative protective fencing.

5.4.25. Furthermore, all contractors working on site will be briefed regarding the presence of Badgers and of the types of activities that would not be permissible in proximity of the sett.

5.4.26. Any trenches or deep pits that are to be left open overnight will be provided with a means of escape should a Badger enter. This could simply be in the form of a roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water.

5.4.27. Any trenches/pits will be inspected each morning to ensure no Badgers have become trapped overnight. Should a Badger get stuck in a trench it will likely attempt to dig itself into the side of the trench, by forming a temporary sett. Should a trapped Badger be encountered, the project ecologists should be contacted immediately for further advice.

5.4.28. The storage of topsoil or other ‘soft’ building materials within the application site will be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they would be subject to appropriate inspections or consideration given to fencing them with Badger proof fencing.

5.4.29. During the development, the storage of any chemicals required for the building construction will be well away from any Badger activity and contained in such a way that they cannot be accessed or knocked over by any roaming Badgers.

6. PLANNING POLICY CONTEXT

6.1. The planning policy framework that relates to nature conservation at Hampstead is issued at two main administrative levels: nationally through the National Planning Policy Framework (NPPF) and locally through the Bristol Local Plan. The proposed development will be judged in relation to the policies contained within these documents.

6.2. National Policy

National Planning Policy Framework (December 2023)

6.2.1. Guidance on national policy for biodiversity and geological conservation is provided by the National Planning Policy Framework (NPPF), published in March 2012, revised on 24 July 2018, 19 February 2019, 20 July 2021, 5 September 2023 and again on 19 December 2023. It is noted that the NPPF continues to refer to further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system provided by Circular 06/05 (DEFRA / ODPM, 2005) accompanying the now-defunct Planning Policy Statement 9 (PPS9).

6.2.2. The key element of the NPPF is that there should be “a presumption in favour of sustainable development” (paragraphs 10 to 11). It is important to note that this presumption “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” (paragraph 188). ‘Habitats site’ has the same meaning as the term ‘European site’ as used in the Habitats Regulations 2017.

6.2.3. Hence, the direction of Government policy is clear. That is, the presumption in favour of sustainable development is to apply in circumstances where there is potential for an effect on a European site, if it has been shown that there will be no adverse effect on that designated site as a result of the development in prospect.

6.2.4. A number of policies in the NPPF are comparable to those in PPS9, including reference to minimisation of impacts to biodiversity and provision of net gains to biodiversity where possible (paragraph 180).

6.2.5. The NPPF also considers the strategic approach that Local Authorities should adopt with regard to the protection, maintenance and enhancement of green infrastructure, priority habitats and ecological networks, and the recovery of priority species.

6.2.6. Paragraphs 185 to 187 of the NPPF comprise a number of principles that Local Authorities should apply, including encouraging opportunities to incorporate biodiversity in and around developments; provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for; applying the protection given to European sites to potential Special Protected Areas (SPA), possible Special Areas of Conservation (SAC), listed or proposed Ramsar sites and sites identified (or required) as compensatory measures for adverse effects on European sites; and the provision for the refusal for developments resulting in the loss or deterioration of ‘irreplaceable’ habitats – unless there are ‘wholly

exceptional reasons' (for instance, infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.

6.2.7. National policy therefore implicitly recognises the importance of biodiversity and that with sensitive planning and design, development and conservation of the natural heritage can co-exist and benefits can, in certain circumstances, be obtained.

6.3. Local Policy

Bristol Development Framework

6.3.1. Policies providing guidance on the relationship between development and nature conservation in Bristol are set out in the Bristol Local Plan, adopted in June 2011.

6.3.2. **BCS9** highlights that internationally important nature conservation sites are subject to statutory protection, and discussed the need to integrate green infrastructure into development in order to deliver a strategic network of greenspace.

6.3.3. **BCS15** relates to sustainable design and construction and amongst its requirements it is states that opportunities should be sought to incorporate measures which enhance the biodiversity value of development.

6.4. Discussion

6.4.1. Recommendations have been put forward in this report that would fully safeguard the existing ecological interest of the application site. Based on the survey and assessment work undertaken, the presence and potential presence of protected and notable species has been given due regard and measures which may be incorporated within the development proposals to enhance the site for such species have been put forward.

6.4.2. In conclusion, implementation of the measures set out in this report would enable the development proposals at the application site to fully accord with planning policy and guidance for ecology and nature conservation at all administrative levels.

7. SUMMARY AND CONCLUSIONS

7.1. Ecology Solutions was commissioned by David Lloyd to undertake an Ecological Assessment of David Lloyd Westbury, Bristol.

7.2. There are no designated sites of nature conservation interest within or immediately adjacent to the application site. Badocks Wood LNR is located to the east, and further nationally and internationally designated sites are located in the wider area. Given the nature of the development proposals and through the implementation of standard best practice engineering measures it is considered that adverse effects would not arise as a result of the proposals either during the construction or operational period.

7.3. The application site comprises existing hardstanding, two small areas of species-poor grassland along with several trees and lengths of native hedgerow. To the southwest of the site is a group of mature trees and a band of vegetation. The area to the north mostly consists of existing development. The development proposals primarily involve building upon areas of existing hardstanding (car parking spaces), along with the planting of soft landscaping and the enhancement of existing grassland.

7.4. No evidence of roosting bats was recorded during the ground level tree assessment and the vegetation band to the south is considered to offer limited opportunities for this group (see appendix 4). Through the implementation of a sensitive lighting scheme comprising low-level, directional lighting, impacts on this group can be mitigated.

7.5. The trees in the north of the application site are considered to be of only limited value to nesting birds, however on a precautionary basis protective measures are proposed to avoid any adverse impacts on this group during construction. Furthermore, through the creation of new planting and the provision of nest boxes an overall betterment for this group can be delivered.

7.6. No evidence of Badgers was identified within the application site, although a mammal track was found within the vegetation band to the south. Whilst a fence separates the application site from the areas where mammal activity was recorded, and on a precautionary basis, protective measures are proposed to avoid any impacts on badgers during construction.

7.7. In conclusion, on the evidence of the ecological survey undertaken, the application site is not considered to be of any significant value from an ecology and nature conservation perspective. The design of the proposed development and the implementation of mitigation and enhancement measures as recommended in this report will ensure that there are no adverse effects on any designated sites or protected species as a result of development, and moreover ecological enhancements will be delivered compared to the existing baseline.

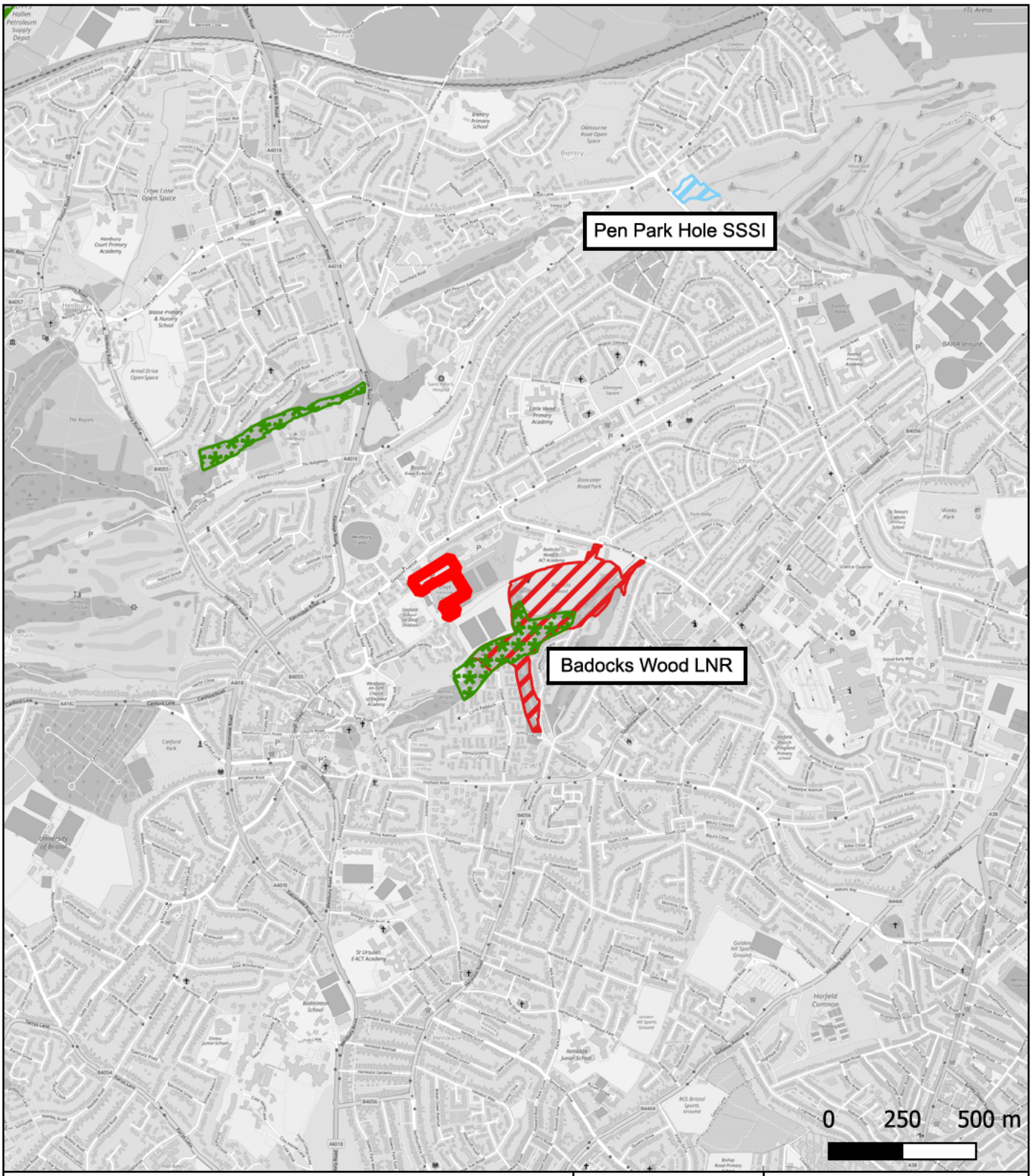
7.8. As such it is considered that the development proposals accord with legislation and planning policy of relevance to biodiversity and nature conservation.

PLANS & APPENDICES

PLANS

PLAN ECO1

Application Site Location and Ecological Designations



KEY:

- SITE BOUNDARY
- ANCIENT & SEMI-NATURAL WOODLAND
- SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
- LOCAL NATURE RESERVE (LNR)

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PLAN ECO1: SITE LOCATION AND ECOLOGICAL DESIGNATIONS

Rev: A
AUG
2024

PLAN ECO2

Ecological Features

KEY:

- SITE BOUNDARY
- LARGE TREE
- MEDIUM TREE
- SMALL TREE
- NATIVE HEDGEROW
- INTRODUCED SHRUB
- MODIFIED GRASSLAND
- HARDSTANDING

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PLAN ECO2: BASELINE HABITATS

Rev: A
AUG 2024

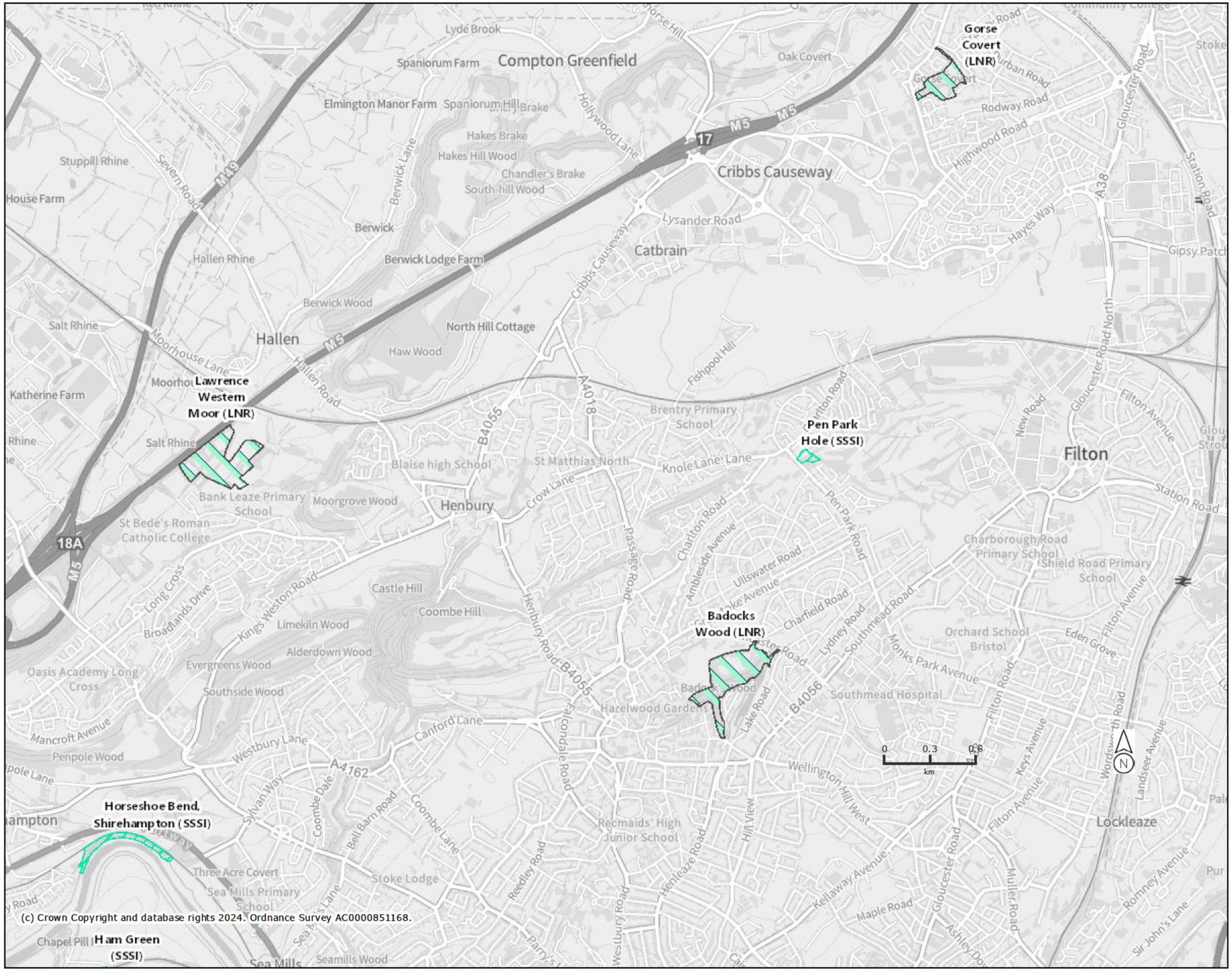
APPENDICES

APPENDIX 1

Information Obtained from MAGIC

MAGiC

Magic Map



Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Ramsar Sites (England)
- Sites of Special Scientific Interest (England)
- Special Areas of Conservation (England)
- Special Protection Areas (England)

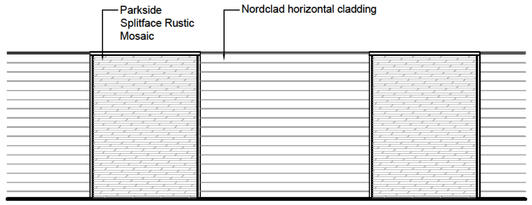
Projection = OSGB36
xmin = 350900
ymin = 175900
xmax = 363600
ymax = 182200

0 0.5 1
km

Map produced by MAGIC on 3 June, 2024.

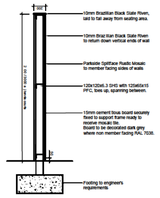
APPENDIX

Propose Sit Material Plan

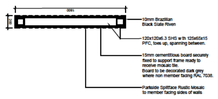


ELEVATION 1:50

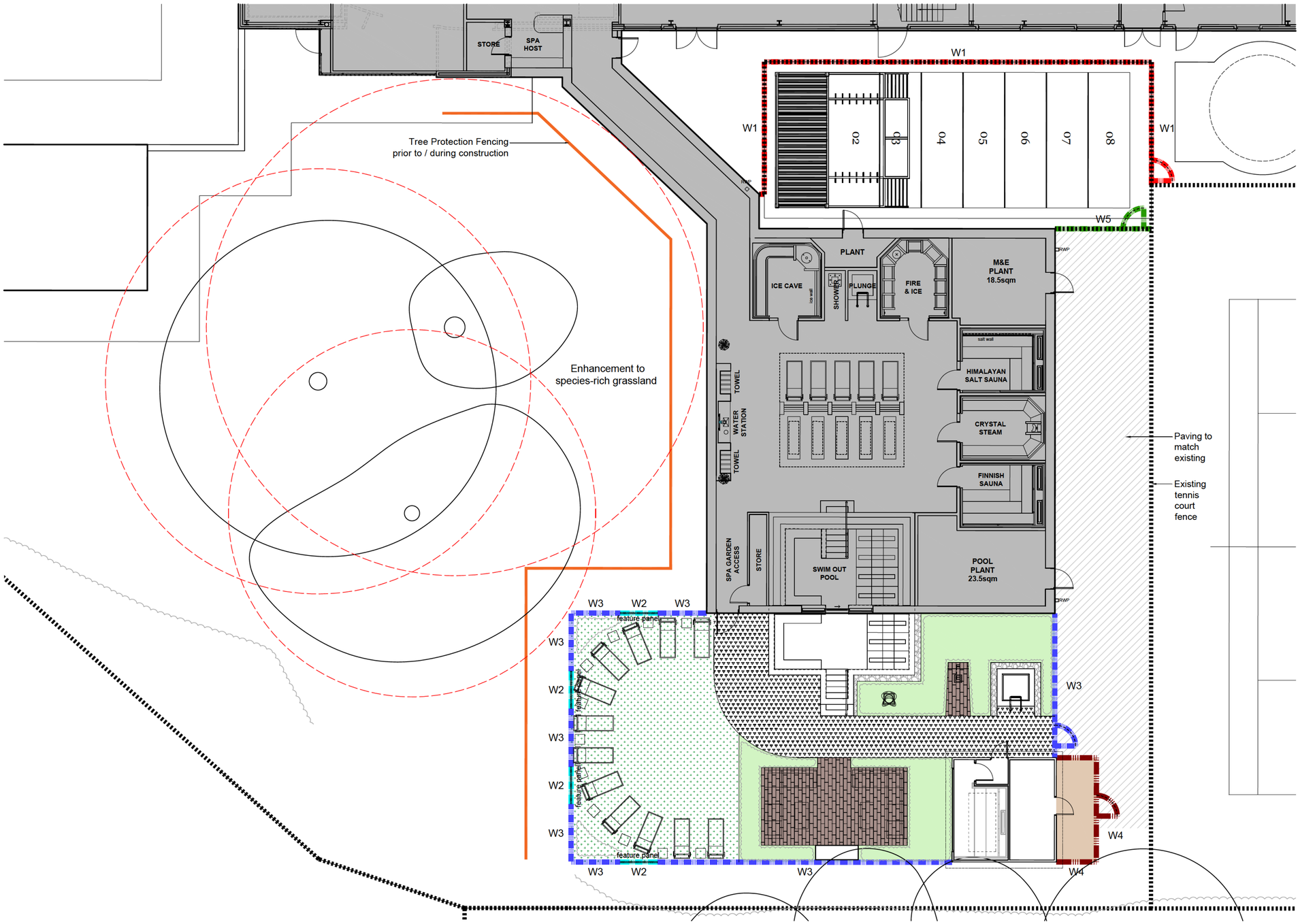
PROPOSED FEATURE CLADDING

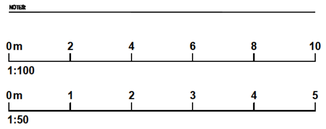


SECTION 1:50



PLAN 1:50





KEY

- SOFT LANDSCAPING / PLANTING
- ARTIFICIAL GRASS
- SLATE CHIPPINGS
  Grey slate chippings 20mm
  on weed control membrane
- PEVING SPA GARDEN
  Bradstone Stonemaster 800x200,
  Random lay colour mix: , 40% Light Grey,
  30% Mid Grey, 30% Dark Grey laid in random
  mix, 1/3 staggered bond with grey pointing/dry mix
- RESIN BOUND GRAVEL
  Resin Bound Gravel, Cappuccino
  TheResinMill.co.uk
- PAVING SLABS
  450x450mm, Charcon Andover,
  Textured Cream
- W1 — 1.1m HIGH PICKET FENCE
  Planed board finish to both sides
- W2 — 2.4m FEATURE STONE WALL
  2.4m high, Parkside Splitface Rustic Mosaic
- W3 — 2.4m NORCLAD
  2.4m high, Norclad NWC1 Scandinavian Redwood
  Microshade Brunnea treated boards,
  laid horizontally to single side (spa side)
- W4 — 2.4m CLOSE BOARDED FENCE
  2.4m high, planed board finish to both side
- W5 — 1.8m CHAIN LINK FENCE
  To match existing
- Tree Root Protection Area

REVISION	BY	CHECKED	DATE	
P05	HP	MB	09/10/2024	Updated to suit new spa layout.
P04	HP	MB	21/08/2024	Note added.
P03	HP	MB	05/03/2024	Updated to suit new spa layout.
P02	EQ	MB	01/08/2023	Tree protection fencing note added.
P01	EQ	MB	27/07/2023	Planning issue

STATUS

S4a | FOR PLANNING

CLIENT

David Lloyd CLUBS

PROJECT

BRISTOL WESTBURY
SPA EXTENSION & SPA GARDEN

TITLE

PROPOSED MATERIAL SITE PLAN

Hadfield Cawkwell Davidson
Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181

HCD PROJECT NO.	SCALE	REV
2022-319	1:100 / 1:50 @ A1	P05

PROJECT NO.	ORIGINATOR	VOLUME	LEVEL	TYPE	ROLE + NUMBER
2022-319	HCD	A0	00	DR	A-PL-020

S:\Architecture\2022-319\Drawings\DR - Plotsheets\Planning\A-PL-020 Material Site Plan.dwg | © HCD

APPENDIX 3

Suitabl Example o Bir Boxes

Bird Boxes

Schwegler bird boxes have the highest rates of occupation of all types of box.

They are designed to mimic natural nest sites and provide a stable environment with the right thermal properties for chick rearing and winter roosting.

Boxes are made from 'Woodcrete'. This 75% wood sawdust, clay and concrete mixture is breathable and very durable making these bird boxes extremely long lasting.

1MR Schwegler Bird Box

This box attracts a number of garden birds. The box can should be secured onto a building.

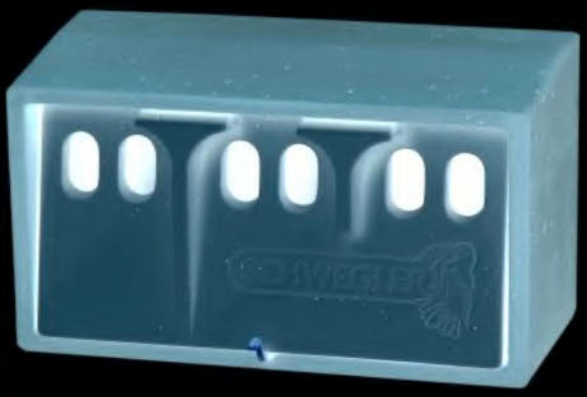
External dimensions:
Height: 27cm, Width: 19cm, Depth: 23cm

1SP Schwegler Sparrow Terrace

A Woodcrete bird box which allows for several Sparrow pairs to nest in a single location. The box can either be integrated within the fabric of a building or otherwise fitted to the exterior of the building walls.

Brood chamber dimensions:
Height: 16cm, Width: 10.5cm, Depth: 15cm

External dimensions:
Height: 24.5cm, Width: 43cm, Depth: 20cm



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APPENDIX 4

Grou d Level T ee Assessment

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10041: DAVID LLOYD, WESTBURY, BRISTOL

Ground Level Tree Assessment

1. Introduction

1.1. Ecology Solutions were instructed by David Lloyd in February 2024 to undertake a Ecological survey work with respect to David Lloyd, Westbury, Bristol, hereafter referred to as 'the site'.

1.2. Planning permission is sought for an extension of the existing building (23/03541/F), however the Nature Conservation Officer highlighted in a consultation response that:

> *"The risk of any protected species being affected by this development is very low therefore an ecological appraisal is not necessary, but a Ground Level Tree Assessment (GLTA) in respect of roosting bats would be advisable and should be submitted prior to determination to confirm whether bat species (legally protected) are present in the adjacent trees. This should be completed by a suitably qualified ecological consultant."*

1.3. In addition, a further application (24/00137/F) has been submitted for two padel courts and associated work on the western side of the existing building.

1.4. As advised a ground level tree assessment was undertaken in February 2024 with the results set out in this note. For the sake of completeness the vegetation adjacent to both of the application sites described above has been assessed.

2. Legislation

2.1. All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations", as amended). These include provisions making it an offence to:

- Deliberately kill, injure, or take (capture) bats;
- Deliberately disturb bats in such a way as to be likely –

(a) to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or to hibernate; or;
(b) to affect significantly the local distribution or abundance of the species concerned;

- Damage or destroy any breeding or resting place used by bats; or
- Intentionally or recklessly obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

2.2. The words deliberately and intentionally include actions where a court can infer that the defendant knew that the action taken would almost inevitably result in an offence, even if that were not the primary purpose of the act.

2.3. The offence of damaging or destroying a breeding site or resting place (which can be interpreted as making it worse for the bat) is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.

3. Methodology

3.1. As set out above, all existing vegetation present within the application site was subject to a survey in February 2024. In addition vegetation – particularly trees – adjacent to the site was surveyed. The survey was undertaken on by suitably qualified and licensed ecologists experienced in the identification of bat roosts.

3.2. All trees in the target survey area identified were investigated to identify any potential they have to support roosting bats. For a tree to be classed as having some potential for roosting bats it must usually have one or more of the following characteristics:

- obvious holes, e.g. rot holes and old woodpecker holes;
- dark staining on the tree below a hole;
- tiny scratch marks around a hole from bats' claws;
- cavities, splits and / or loose bark from broken or fallen branches, lightning strikes etc; and / or
- very dense covering of mature Ivy *Hedera helix* over trunk.

4. Results

4.1. The survey focused on two main groups of trees, a cluster of three located within an area of grass immediately to the south of the existing building (and immediately west of the application site boundary), and a band of trees directly to the south of the application site's southern boundary.

4.2. The locations of these are illustrated in Plan ECO1.

<u>Tree cluster</u>

4.3. The tree cluster comprises a Poplar *Populus nigra* and two Horse Chestnut *Aesculus hippocastanum* trees, all of which are mature specimens.

4.4. The Poplar is around 30m tall and is located on the northeastern side of the cluster. It has smooth bark, ivy is absent, and there are no features suitable to support roosting bats.

4.5. The two Horse Chestnut trees are shorter at around 15m tall. Both have a number of dropped limbs, however inspection with binoculars from ground level revealed that each of these terminate before developing into a niche or void, and so are too exposed to the prevailing conditions to deliver any potential shelter for roosting bats.

Tree band

4.6. A band of trees is located to the south and east of the site. Species present include Cherry *Prunus avium*, Silver Birch *Betula pendula*, Oak *Quercus robur* and Hazel *Corylus avellana*.

4.7. The specimens present are less mature than those in the nearby cluster described above, and none bear features suitable to support roosting bats.

5. Summary and Conclusion

5.1. Ecology Solutions were instructed to undertake a ground level tree assessment at David Lloyd, Westbury, Bristol.

5.2. A full survey was completed in February 2024 during which all vegetation within and adjacent to the site was surveyed and its potential to support roosting bats was assessed.

5.3. The ground level tree assessment confirmed that no potential roost features were present within the surveyed trees, and therefore there is no potential for adverse impacts on roosting bats as a result of the development proposals.

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