

## **1.0 INTRODUCTION**

This statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. Stuart Anderson in further support of planning application reference P/12/0718/FUL, which relates to the erection of six dwellinghouses on a site lying to the east side of Rodel Drive, Polmont.

This statement provides a detailed response on the various matters raised within the Council's letter of 8<sup>th</sup> January 2013, which provides an indication of the Council's concerns as regards the overall acceptability of the application proposals.

The numbering sequence used within Section 2 of this statement follows that which is set out within the Council's letter.

Should Falkirk Council require any further, relevant information or clarification of any matters addressed within this supplementary statement, Andrew Bennie Planning Limited would be pleased to assist in its timely provision.

## **2.0 RESPONSE TO FALKIRK COUNCIL LETTER OF 8<sup>TH</sup> JANUARY 2013**

### **ISSUE (1) – Local Plan Designation**

It is accepted that the application site falls within an area of land forming a small part of a wider SINC designation to which the provisions of Policy EQ24 of the adopted Falkirk Council Local Plan applies.

In recognition of this designation, and in pursuit of a range of development proposals dating back over the last ten years or so, three separate ecological surveys of the site have been commissioned and undertaken, all of which have highlighted the low ecological and bio-diversity value of the application site, with said reports further highlighting the fact that the proposed development of the application site would not adversely impact upon the continued integrity and wellbeing of the wider SINC designation which relates to the Polmont Hill area.

It is further noted that in their consultation response to one of the previous application submissions relating to the site, which was for a larger more intensive scale of development, Scottish Natural Heritage agreed that the application site was of low ecological value and that the development of the application site would have a strictly limited impact upon the SINC and that the overall integrity would not be affected were the site to be developed.

I am not aware if Scottish Natural Heritage have been consulted on the current application proposals and as such, I would defer to their previous response as regards the implications of the development of the application site.

Falkirk Council themselves have not to my knowledge undertaken any specific ecological survey of the application site to verify or substantiate their stated position as regards the ecological value of the application site and the impact that its development would have upon the wider SINC and have sought assign a degree of value to the site simply because it forms part of a wider designation.

Given the lack of evidence to justify their position as regards the ecological value of the application site, it is my respectful submission that the Council's stance on this matter is both unreasonable and untenable.

It is an established tenet of good planning practice, and one that is supported by relevant planning case law, that in recommending the refusal of an application, it is not sufficient to simply state that a development proposal is contrary to policy, rather, it is necessary to set out, on the basis of a fully reasoned and justified assessment, taking into account all relevant material considerations, what aspect of the policy the application proposals offend against.

In the case of this application, the Council has stated that the proposals are unacceptable simply because a degree of "value" can be ascribed to the site by virtue of its inclusion within the wider SINC. However, the Council have failed to provide any evidence to demonstrate that the integrity of the wider SINC would be materially or adversely affected by the development proposed under this application.

This point is of particular importance, as the application site has not been designated as a SINC in its own right.

The only evidence on this matter, which is before the Council, is that which has been submitted in support of the application, the terms of which clearly demonstrate that the wider SINC would not suffer adversely as a consequence of the proposed development.

The wording of part (3) of policy EQ24 states clearly and unambiguously that in relation to, amongst other things, SINC, development **"...will not be permitted UNLESS (emphasis added) it can be demonstrated that the OVERALL (emphasis added) integrity of the site will not be compromised..."**.

In view of the information that has been submitted in relation to the ecological impact of the proposed development it is clear that the overall integrity of this SINC designation will not be compromised by the proposed development and that as such, the application proposals can be fully and reasonably justified against the provisions of policy EQ24 of the adopted Local Plan.

With regards to the open space value of the application site I would defer in the first instance to our assessment of the proposals against the requirements of policy SC12 as set out within the main Planning Statement which has been submitted in support of this application.

Further to this, I would state that the value of the site in terms of its informal/passive recreational value has not been overlooked and it is my position that the nature of the proposed development will allow for the continued use of the site for dog walking purposes, with it being noted that all of the main existing access routes through the site will be maintained and improved as part of the proposed development.

Further to this, I would wish to make clear that in my view, the visual amenity and general usability of the site has decreased markedly over the years and that this process of degradation will continue until it reaches a point that the site is effectively incapable of being used for the purposes which the Council wish to protect.

It should also be noted that the Local Plan makes no provision for the improvement of this or indeed any other area of privately owned open space and that in the absence of development taking place thereon, there is no possibility of any improvements being made to this site at any point in the future.

### **ISSUE (2) – Roads and Access**

Taking into account the matters raised within the Roads consultation, an amended version of the Site Plan has been prepared in order to show how the proposed development could be revised to accord with the stated requirements, see Drawing no. 2999/P/200-B within Appendix 1 of this statement.

Whilst it remains my position that the access arrangements for the site as originally proposed are acceptable, these amended site layout details demonstrate that if required, the proposed development can accord fully with the relevant roads standards.

To this end, an adoptable road can be provided as the means of access to plots one to three, which would leave the remaining plots to be served by way of a private access road.

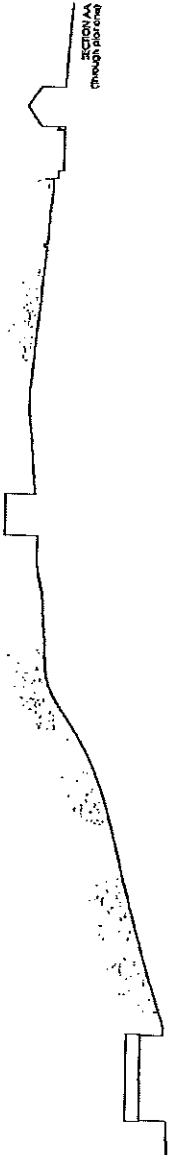
Details of the required off street parking arrangements, which meet fully the stated standards are shown on the amended site layout drawing, and these parking arrangements would remain unaltered irrespective of whether the site is accessed by way of an adopted road or private access.

All of the remaining matters raised within the Roads consultation, such as driveway gradients and the opening direction of any gates, can be appropriately controlled via conditions attached to any planning permission issued pursuant to this application.

### **ISSUE (3) – Design and Scale**

The entire Polmont Hill area is characterised by development which both approaches and sits atop the ridgeline which runs through the area and as such, especially when viewed from the east and south, the skyline within this area is already compromised by existing development to

<b>Jewitt and White architects</b> 1000 Broadway New York, N.Y. 10003 Tel. (212) 691-1234		2000/1/400
Project Description: Architectural drawings for the design of a new building.		
Date: 10/1/2000		
Scale: 1/8" = 1'-0"		
Sheet: 1 of 1		



SECTION AA  
(through plot area)



SECTION BB  
(through plot area)



SECTION CC  
(through plot area)



SECTION DD  
(through plot area)

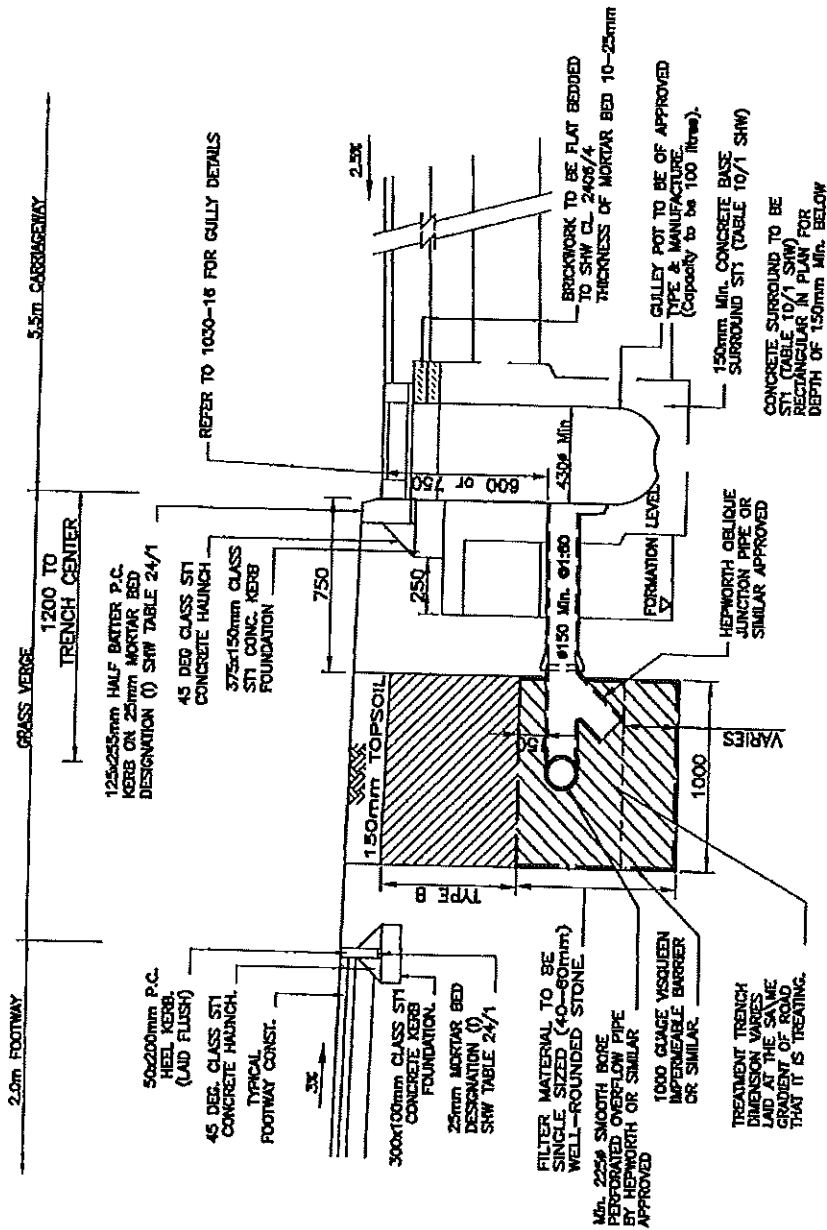


SECTION EE  
(through plot area)



SECTION FF  
(through plot area)





## SURFACE WATER RUN-OFF TREATMENT TRENCH DETAIL SHOWING CONNECTION FROM ROAD GULLY TO TRENCH

DRAWING TITLE	Jewitt and Wilkie architects			
	31 New City Road Cambridge CB4 3AT Tel: 01223 46202 www.jewittandwilkie.co.uk			
PROPOSED DEVELOPMENT	Proposed Development of 6 New Build Houses at Roddel Drive, Polmont for Mr S Anderson			
	2999/P/600			
DRAWING NO.	DATE			
	DRAWING NO.			
DRAWING NO.	DATE			
	DRAWING NO.			





Protected Species Walkover Assessment  
&  
Phase I Habitat Survey  
For Proposed Development Site  
On land adjacent to Rodel Drive  
South Polmont  
Falkirk  
September 2012

### Executive Summary

As part of the planning process for the proposed development of an area of open ground adjacent to Rodel Drive, South Polmont, (grid reference NS 93958 78450), a suite of baseline ecological surveys were commissioned and undertaken in September 2012. The survey area included former farmland now long-disused and proposed access (Figure 1.).

Field surveys for protected species covered the site and a 30m buffer zone and considered the potential presence of relevant European Protected Species (bats), Badgers, and potential breeding birds, with particular reference to those species with enhanced statutory protection. An extended Phase I habitat survey was also completed.

No features of potential value to roosting bats were found within the survey area.

No evidence of Badgers was found within the survey area or a 30m buffer zone.

A total of four species were present (Blackbird, Willow Warbler, Greenfinch, and Goldfinch. No species with enhanced statutory protection were detected. One species present was of interest as a UK Amber-listed species of conservation concern (Willow Warbler).

A total of 33 species of plant in four terrestrial habitat types were recorded within the survey area during the walkover Phase I survey. No nationally rare plant species were found.

The proposed development while within part of a larger area designated as a SINC site is not considered to be a significantly damaging proposal to the key habitats that the SINC was designated for; the grasslands were of low value at designation, and now are of negligible value both in species diversity and extent, and so their intrinsic value has been lost. It may be considered that the designation as SINC was originally in error as it was advised against by the habitat surveyor in 1997 and part of the field was in fact developed. The proposed development site may have been better classed as neglected land or open space rather than as part of the adjacent South Polmont SINC, which clearly has somewhat greater value but still only at a local level. With the mitigation discussed above, it is considered that there can be a long-term positive ecological gain for this site through a sensitive development with specifications for biodiversity enhancement developed and agreed with the local authority.

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## 1. Introduction

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## 2. Scope of Assessment and Survey

Field surveys for protected species covered the site and a 30m buffer zone and considered the potential presence of relevant European Protected Species (bats), Badgers, and potential breeding birds, with particular reference to those species with enhanced statutory protection. An extended Phase I habitat survey was also completed.

## 3. Relevant Policy and Guidance

This ecological assessment has been undertaken with regard to the legislative requirements given in the following:

- The Conservation (Natural Habitats &c) Regulations 1994 (The Habitats Regulations);
- The Conservation (Natural Habitats &c) Amendment (Scotland) Regulations 2007 & 2008;
- Nature Conservation (Scotland) Act, 2004;
- Wildlife and Countryside Act 1981 (and subsequent amendment through The Conservation (Natural Habitats &c) Amendment (Scotland) Regulations 2007 & 2009);
- Protection of Badgers Act, 1992 (and subsequent amendment through The Nature Conservation (Scotland) Act 2004);
- Wild Mammals (Protection) Act, 1996;
- The Convention on the Conservation of European Wildlife and Natural Habitats (The Berne Convention), 1979;
- Scottish Executive (now Scottish Government) document: European Protected Species, Development Sites and the Planning System, 2001. Interim guidance for Local Authorities on Licensing Arrangements (October 2001);
- The Land Reform (Scotland) Act, 2003;
- Scottish Planning Policy (Feb 2010) replaces NPPG14;
- The Falkirk LBAP 2011-14;
- The UK Biodiversity Action Plan (BAP), revised priority list 2007; and the
- Scottish Biodiversity List 2007

### 3.1. Biodiversity Status

The UK Biodiversity Action Plan (BAP) is the UK Government's commitment to the Convention on Biological Diversity signed in 1992. It is comprised of two types of Action Plans developed to set priorities for nationally and locally important habitats and wildlife:

#### Species Action Plans

- Produced for UK BAP Priority Species: information on the threats facing 382 species and action plan targets to achieve a positive conservation status;
- Grouped Species Action Plans - common policies, actions and targets for similar species, for example for Eyebrights, or Commercial Marine Fish. There are nine grouped action plans;
- Species Statements - overview of the status of species and broad policies developed to conserve them for two groups of species.

Several bat species are UK BAP priority species with action plans. Soprano Pipistrelles are a UK Biodiversity Action Plan priority species but Common Pipistrelle bats have now been removed from the list (2007).

#### Habitat Action Plans

- Broad Habitat Statements - summary descriptions of 28 natural, semi-natural and urban habitats and the current issues affecting the habitat and broad policies to address them; and,
- UK BAP Priority Habitat Action Plans - detailed descriptions for 45 habitats falling within the Broad Habitat classification and detailed actions and targets for conserving these habitats.

#### Local Biodiversity Action Plans

- Each Local Biodiversity Action Plan (LBAP) partnership, usually but not always at the local authority level identifies and establishes actions to conserve local priorities and also link this action to the delivery of national Species and Habitat Action Plan targets wherever possible. Grouped action plans at this level include bats, and Waders, for example.

Pipistrelle bats, Song Thrush, and Bullfinch are priority species for conservation in the Falkirk LBAP. Brown Long-eared, Daubenton's, and Natterer's bats, Badger, Willow Warbler, Goldcrest, Coal Tit, Great Tit, Blue Tit, Treecreeper, Greenfinch, and Goldfinch are all species of conservation concern in the Falkirk LBAP.

Scrub habitats and neutral grassland habitats are identified local and broad habitats respectively in the Falkirk LBAP.

### 3.2. *The Conservation (Natural Habitats &C) Regulations 1994 (The Habitats Regulations)*

Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage. The European Protected Species of potential relevance to this survey area were bats.

European Protected Species are protected in Annex IVa in the EC Habitats and Species Directive, which is transposed into UK legislation by the Conservation (Natural Habitats &C) Regulations 1994 (Schedule II of The Habitats Regulations). The full details of this legislation can be viewed at:

[http://www.opsi.gov.uk/SI/si1994/Uksi\\_19942716\\_en\\_4.htm](http://www.opsi.gov.uk/SI/si1994/Uksi_19942716_en_4.htm)

This legislation was amended on the 14th February 2007 (The Conservation (Natural Habitats &c) Amendment (Scotland) Regulations 2007.), and explanatory guidance on this was published by the Scottish Government in April 2007. The amendment removed all EPS from Schedule 5 of the Wildlife & Countryside Act 1981. There are therefore now no defences in the WCA 1981 whatsoever for any actions impacting on EPS, and protection is afforded by the following legislation only:

Under Regulation 39 of the Conservation (Natural Habitats &C) Regulations 1994 (The Habitats Regulations) it is now a criminal offence (subject to specific exceptions) to:

(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species; (only defences are mercy killing, capture for tending a disabled animal or circumstances where the animal is captive bred and lawfully held).

(b) deliberately or recklessly—

(i) to harass a wild animal or group of wild animals of a European protected species;

(ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or

protection;

(iii) to disturb such an animal while it is rearing or otherwise caring for its young;

(iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;

(v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or

(vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

(c) deliberately or recklessly to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

It should be noted that only the offence of damaging or destroying a breeding site or resting place of an EPS is a strict liability offence. The remaining offences are offences only where they are carried out "deliberately" or "recklessly".

In Scotland licences may be granted by Scottish Natural Heritage (SNH) to permit certain activities that would otherwise be illegal due to their potential impact on EPS or their places of shelter/breeding, whether or not they are present in these refuges. This includes for developmental work. Under Regulation 44 of The Habitats Regulations, the provisions in Regulation 39 (protection of animals) do not apply to anything done for any of the purposes defined in Regulation 44 provided that any action is carried out "under and in accordance with the terms of a licence granted by the appropriate authority".

Three tests must be satisfied before a development licence for disturbance of an EPS or damage to a site/destruction of a site used by EPS will be granted. Note: A licence application will fail unless all three tests are satisfied.

- Test 1 - the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). This regulation states that licences may be granted by SNH where the activities to be carried out under any proposed licence are for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless Scottish Natural Heritage is satisfied "that there is no satisfactory alternative"; and
- Test 3 - Regulation 44(3) (b) states that a licence cannot be granted unless Scottish Natural Heritage is satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Note: Breach of Licensing Conditions

A new regulation 46A came into force on 15th May 2007. This now makes it an offence to breach any conditions attached to a licence. Licence conditions should therefore be adhered to at all times.

### 3.3. Additional Legal Protection

Bats:

- Additional protection is afforded through the Bern Convention (1979), enacted in Scotland through the Nature Conservation Act (Scotland) 2004;
- Appendix III, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1980), Appendix 2; and
- The Bonn Convention's Agreement on the Conservation of Bats in Europe (London, 1991).

It is also a legal obligation in Scotland to consult with SNH before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing

In all cases where bats are found to occupy trees or buildings and there is a developmental issue, SNH must be informed before any development takes place. A licence to permit development may then be obtained from SNH if appropriate.

### 3.4. Badger

In the UK, Badgers are protected under the Protection of Badgers Act 1992 (c.51), which repeals the previous Badgers Acts of 1973 and 1991, and certain sections of other relevant acts such as The Wildlife and Countryside Act 1981, The Environmental Protection Act 1990, The Animals (Scientific Procedures) Act 1986, The Natural Heritage (Scotland) Act 1991, and The Criminal Justice Act 1991. The Protection of Badgers Act 1992 was further amended and strengthened through the Nature Conservation Act (Scotland) 2004.

The 1992 Act makes it an offence to:

- Wilfully kill, injure, catch, or take a Badger from the wild (or attempt to);
- Cruelly ill-treat a Badger, digging for Badgers, using Badger tongs, using a firearm other than permitted (under the exceptions regarding humane dispatch of an injured animal) within the Act;
- Damage, destroy or obstruct access to any part of a Badger sett (whether occupied or unoccupied);
- Disturb a Badger while it is occupying a sett, either by intent or by negligence;
- Dig a Badger sett;
- Cause a dog to enter a Badger sett;
- Sell or offer for sale a live Badger, have possession or control of a live Badger. Be in possession of a live or dead Badger or any part of one; and
- Mark a Badger or attach any ring, tag, or other marking device to a Badger.

Note: A Badger sett is defined within the Act as "any structure or place which displays signs indicating current use by a Badger" where current use means "any sett within an occupied Badger territory regardless of when it may have last been used".

It is also a legal obligation to obtain a licence from Scottish Natural Heritage before you do anything that might affect Badgers or their setts, for example for:

- Development purposes [as defined under the Town & Country Planning (Scotland) Act 1997].
- Alteration or maintenance of existing buildings where Badgers are found.

Note: Despite the above legislative protection, Badgers are not a UK Biodiversity priority species for conservation and are only considered of UK conservation concern.

### 3.5. Legal Protection for Breeding Birds

All breeding birds have basic statutory protection under the Wildlife & Countryside Act 1981. In addition, a number of species that are rare or uncommon are afforded enhanced statutory protection during the breeding season by inclusion on Schedule One of the Wildlife & Countryside Act 1981, which protects adults in places of rest, their eggs and young.

- All breeding birds in the UK are protected through Sections 1-8 (referring to Schedules 1 to 4) of the Wildlife & Countryside Act [WCA] (enacting the Bern Convention and the Birds Directive), and subsequent amendments through the Nature Conservation (Scotland) Act 2004. With certain exceptions, all wild birds, their eggs and dependent young are protected from intentional killing, injuring and taking; they cannot be in anyone's possession, whether live or dead, and nests (whilst being built or in use) cannot intentionally be taken, damaged or destroyed. A general licence permits control of some species with landowner consent.
- Schedule 1 of the WCA is a list of nationally rare breeding birds for which all offences carry special (higher) penalties. The legislation also makes it an additional offence to intentionally or recklessly disturb adults or the dependent young of these species, at any stage of their breeding.

- Schedule 2 is a list of traditionally hunted birds for which protection does not apply outside a "close season".
- European legislation provides additional legal protection as European Protected Species for a number of species of high conservation concern.

'The Population Status of Birds in the UK' was produced in 2002 and lists the UK status of 247 species of bird. Of these 40 are "red-listed" and 121 "Amber-listed" as species of Conservation Concern. This does not provide additional legal protection for these species but highlights those of concern for nature conservation purposes.

### **3.6. Notable Plants**

Several plant species are classed as European Protected Species and are listed in Annex IV of the EC Habitats Directive, and in the UK on Schedule IV of the Conservation (Natural Habitats &C) Regulations 1994 (The Habitats Regulations).

In addition, there are a number of species protected by the Wildlife & Countryside Act 1981, which makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants. It also contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

The most problematic invasive, non-native plants are listed on Schedule 9 of the Wildlife & Countryside Act 1981 (Appendix 1.). Under section 14(2) of the Act it is an offence to plant or otherwise cause to grow any species of plant listed on Schedule 9. Failure to appropriately dispose of any material containing Japanese Knotweed or several other invasive species may lead to prosecution under Sections 33 and 34 of the Environmental Protection Act 1990 and Section 14 of the WCA 1981. The Nature Conservation (Scotland) Act 2004 increased the penalties applicable to someone committing a Section 14 offence. Penalties on summary conviction were increased to include imprisonment for up to six months and/or a fine not exceeding £40,000. On conviction on indictment, the penalties are an unlimited fine (i.e. whatever the court feels to be commensurate with the offence) and/or a 2 year prison sentence.

## **4. Desk Study**

### **4.1. Sites with Statutory Designation**

Interrogation of the Scottish Natural Heritage (SNH) SiteLink database determined that the survey area does not include any site with a statutory nature conservation designation.

### **4.2. Sites with Non-statutory Designation**

Falkirk Council has designated the entire proposed development area and a much larger area adjacent to it as a Site of Importance for Nature Conservation (SINC). This designation is non-statutory and confers no lawful constraints on agricultural use of the land but does highlight to the planning authority that the site has a perceived intrinsic value to wildlife, and that the status of SINC should be noted to prevent any adverse development on the site that may impact the wildlife value of it. Note: SINC sites in many local authority areas are usually designated without discussion or agreement with the landowner, and without opportunity for their input. It is not known if that is the case here or not.

### **4.3. Notable Species**

Bats: One record of bats was found in the 1km grid square NS 93 78 where the site is situated but the data was confidential (SNH Bat records for Scotland 1970-2007). It is not known if this was a presence record or a roost record (NBN Gateway).

The nearest known Badger setts to the site are at least 500m away (Central Scotland Wildlife Information Centre 2010).

There were no other protected species records.



## 5. Survey Methods

### 5.1. Bats

There are 6 different types of roost identified (A.M. Hutson 1993). These are:

- Spring gatherings (transitional);
- Maternity (summer) roosts;
- Mating roosts;
- Non-breeding night and feeding roosts (includes "bachelor"/non-breeding roosts of males);
- Pre-hibernal roosts (transitional); and
- Hibernation roosts.

Maternity roosts found between May and August are the most obvious. These consist almost exclusively of females (sometimes also small numbers of males), most of which give birth and raise a single young. These colonies usually disperse by the autumn. Some species remain in one roost all year.

Some roosts may be transitional, when small numbers are present for a limited period, usually during the spring and autumn. Night roosts are often indicated by large accumulations of insect remains and some droppings.

Most species conceal themselves in crevices and are not easy to find. The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Hibernating bats however leave little or no trace of their presence. Other possible signs are a characteristic odour like ammonia. Also a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

Trees may provide safe dry places for bats to roost, although some bats prefer to roost in buildings when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites, and others may range much further using roosts several kilometres apart as weather conditions, food availability and seasons change. Potential roost sites in trees may include:

- Crevices in bark;
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks
- Storm-damaged branches twisted off leaving split timber;
- Rotted-out branches;
- Growth deformities;
- Dense ivy coverage; and
- Crow, Magpie, and Buzzard nests.

During the walkover surveys any tree within the survey area was surveyed for features of potential value to roosting bats such as crevices, holes, splits and tears, and ivy that could be used by bats to enter roosting sites such as those listed above, along with field signs of bat occupancy such as urine streaking, grease marks, smooth or worn surfaces, or droppings caught on bark or on webs. Where appropriate, inspections were made using binoculars.

Trees were graded according to the Categories listed in the BCT Guidelines (Hundt 2012):

- Category 1: Confirmed roost;
- Category 2a: High potential to support a roost;
- Category 2b: Moderate/low potential to support bat roosts; and
- Category 3: negligible potential to support bat roosts.

Trees of Category 3 were not recorded individually.

### 5.2. Badgers

Field survey methodology followed Harris et al. (1989). Badgers leave many different signs of their occurrence, so are relatively easy to detect, these include:

- Badger setts may be large networks of connected tunnels and chambers with several entrances that are usually shaped like a flattened arch and 20-30cm high and 25-35cm across, or have a single entrance to

either a small burrow or large network of tunnels. Bones in and around the entrance, usually indicate Fox activity (rank fox smell may be noticeable). Fox earths have smaller entrances, but foxes may occupy Badger setts even when Badgers are in residence;

- Scraps of fresh bedding that have been dragged in (often grassy material) may be found around the sett entrance. There may also be scraps of old bedding that has been dragged out;
- Day nests are piles of bedding above ground that are used by Badgers occasionally;
- Badgers are clean animals and create spoil heaps outside the main sett, which may contain old bedding, bits of fur, and perhaps small bones. They also use latrines, and will have one or more that are used until the hole is full, and then they start another;
- Badger droppings are very varied depending on the diet (black and slimy means a diet rich in worms, but cereal grains, seeds, and hard parts of insects may be seen. The smell and texture are very distinctive; as is the usual deposition in small oblong latrines either by the sett or at strategic locations on the territory boundary (different individuals have different home ranges within the clan territory). Occasionally droppings are not deposited in latrines but left lying on the ground;
- Clear footprints will show a prominent central pad, either four or five toes and claw marks, and may be found leading to and from the sett, as well as on Badger trails. The front foot usually has longer claws than the back foot, and the prints may overlap, with the back print partially obscuring the front;
- Badger Hairs may be found caught on fences, on brambles or other thorny plants as well as in old bedding outside setts. The guard hairs are 7.5-10cm long, distinctly wiry to the touch, and are mainly white/off-white with a distinctive black band near the white tip. Shorter belly hairs may also be found but are finer and less wiry so are harder to confirm as Badger unless guard hairs or another field sign is found;
- Scratch marks on trees and rocks, fence-posts, wooden greenhouses, barns, or even garden furniture. Scratch marks often show a series of four or five parallel deep gouges, but sometimes lighter parallel lines of scratches are left where Badger claws have clipped something they have scrambled over (such as logs obstructing a Badger trail);
- Badgers have their own traditional networks of regularly used trails both through woodland and across fields that may have been used for many years, and may be worn to a clearly visible rut in the soil, with any new plant growth flattened. Prints may be evident on these trails and where boundary features or obstacles cross the route, Badger hairs may be found caught (for example, on barbed wire, low thorny branches, wooden fences, etc. Closer to the sett, these trails may be muddy through constant use;
- Ground disturbance from foraging Badgers may include round/oval snuffle holes a few cm deep when they forage for worms (50% of lowland Badger diet (especially on lawns and golf-courses). Signs of digging for roots, bulbs such as pignut, and tubers. Beetles and grubs may also be eaten, and the remains of wasp nests torn out of the ground are a sign of Badgers in an area. Badgers usually dig down through the top to avoid getting stung. Bark ripped from rotting logs or tree trunks may also be signs of foraging and grub extraction; and
- On cold, still, winter days, steam may rise from active Badger sett entrances.

### 5.3. *Breeding Birds*

The survey area was walked to detect species of bird present and so provide an indication of the species that may use the site for breeding.

### 5.4. *Phase I Habitat Survey*

An extended Phase I Habitat walkover survey following the standard methodology and definitions used to map and describe habitats as per the Joint Nature Conservancy Committee guidelines (JNCC, 2005/2007) was completed for the 300m survey area. Key locations of botanical interest were identified and target notes recorded where appropriate.

The objectives of this Phase I survey were to:

- i. Provide a baseline assessment of habitat distribution and extent within the boundaries of the area;
- ii. Provide an evaluation of the ecological value of the habitats;
- iii. Record any notable species; and

- iv. Record any non-native plants listed on Section 14(2) of Schedule 9 of the Wildlife & Countryside Act 1981.
- v. Provide a field-based assessment of potential impact of the proposed development on any habitats of significant value within the developmental footprint.

### 5.5. Limitations

Weather conditions were acceptable for all surveys so there were no significant limitations, other than for the assessment of birds, where the survey was outwith the breeding season.

## 6. Results

### 6.1. Bats

No features of potential value to roosting bats were found within the survey area, with all trees of Category 3 status.

### 6.2. Badgers

No evidence of Badgers was found within the survey area or a 30m buffer zone.

### 6.3. Breeding Birds

A total of four species were present (Blackbird, Willow Warbler, Greenfinch, and Goldfinch. No species with enhanced statutory protection were detected. One species present was of interest as a UK Amber-listed species of conservation concern (Willow Warbler).

In the South Polmont SINC within 100m of the proposed development site the following 12 species were detected by calls: Woodpigeon, Dunnock, Wren, Blackbird, Willow Warbler, Carrion Crow, Coal Tit, Great Tit, Blue Tit, Greenfinch, Bullfinch, and Goldfinch. Species underlined are noted within the LBAP as species of concern

### 6.4. Phase I Habitat Survey

A total of 33 species of plant in four terrestrial habitat types were recorded within the survey area during the walkover Phase I survey (Appendix 1.). No nationally rare plant species were found. Three target notes were taken to represent the main terrestrial habitats and species present across the survey area (Appendix 2.).

Phase I habitats present were:

- A2.1/A2.2 Scrub (continuous and also scattered (24 species present) - young scrub with ash saplings 4-8m tall and elms 6-8m tall. Dense at west end of site but scattered at east and southern side of site, where more broom and rowan present, and gorse right at the southeastern corner. Ground flora poor;
- B2.2 Semi-improved neutral grassland (12 species) – species-poor grassland, rank and unmanaged for many years. Being choked by tall ruderals;
- C3.1 Tall ruderals (5 species) dominated by rosebay willowherb that is choking the grassland area. Large stands present with associate species such as bramble, nettle, and some ragwort; and
- J1.2 Amenity grassland (6+ species) – land in council ownership between the end of the road at Rodel Drive and the site boundary – typical short mown amenity turf with few species;

In addition, another habitat was present at the edge of the site but is not classed as within it:

- J1.4 Introduced shrubs (3+ species) – along boundary of site (probably outwith site) poplars, Mexican pine, and willow – appears to be established boundary planting by neighbours.

## 7. Conclusions

### 7.1. Protected Species

No evidence of any protected species was found so these species are therefore not considered ecological constraints for the proposed works.

### 7.2. Breeding Birds

It is clear that the site is used by a low diversity of species (few nesting site opportunities) and that the adjacent scrub and wood-covered slopes and mature gardens of adjacent housing offer better habitat for birds. To minimise impact on any breeding birds it is advised that site clearance and preparation should be outwith the breeding season (i.e. not between late April to late July). This would remove the potential presence of any breeding birds as an ecological constraint. With this timing in place it is considered that there are no residual predicted significant impacts on any species of birds potentially breeding in the site. If such timing is not possible then the works area should be first checked for the presence of any birds that may potentially be breeding and the works programme then modified to take a high due regard of the breeding birds.

### 7.3. Phase I habitats

The Phase I habitats present can be considered as the following LBAP Categories according to the Falkirk Biodiversity Audit 2000:

Phase I Habitat Category	LBAP Category	Habitat Type
A2.1 Dense/continuous scrub	Scrub	Broad
A2.2 Scattered scrub	Scattered vegetation	-
B2.2 Semi-improved neutral grassland	Neutral grassland (modified)	Broad
C3.1 Tall ruderals	Built up areas and gardens	Broad
J1.2 Amenity grassland	Improved grassland	Broad
J1.4 Introduced shrubs	Built up areas and gardens	Broad

From the level of importance ascribed in the Falkirk LBAP to the Phase I habitat categories identified on site it can be clearly seen that the proposed development site contains no key LBAP habitats. Furthermore, two of the Phase I habitats are classed as built up areas and gardens in the Falkirk LBAP further diminishing their importance, rightly so as both are not habitats of great conservation value.

The proposed development site was first assessed in 1997 when a Phase I habitat survey was completed (Keith Watson, 1997). At that time the proposed development site was noted to be long-abandoned pasture, dominated by false oat-grass, common bent, and creeping thistle, with locally invading scrub. Of key importance to the proposed development is the statement made in it that "the field to the north of the ridge is of low diversity and cannot be justified as being retained within a larger site boundary on ecological grounds although there is interest on the north-facing slope beyond." The assessment therefore clearly concluded that the former field where the proposed development area is situated should not be part of the SINC site. This would be also supported by the fact that the southern half of the former field has now been developed into housing (Culduie Circle and Ardmore Drive).

The question therefore remains on whether the proposed development site has been designated as part of the South Polmont SINC in error.

The assessment in 1995 stated that the entire site now a SINC may be of local conservation interest and did not have exceptional species diversity. It also stated that the grasslands were becoming coarser and with a lower species diversity due to their rank nature. Fifteen years later in 2012, it is evident that the grasslands have continued to deteriorate within the proposed development area, with most areas becoming so rank that species diversity is extremely low, with larger areas now choked by tall ruderals, specifically rosebay willowherb and bramble. As further encroachment occurs so the grassland will be completely lost.

The impact of the proposed development will be to lose 0.5ha of young scrub, and 0.15ha of rank species-poor grassland. The rest of the site being ruderals. It is viewed that this is not a significant loss to either SINC site or to the local biodiversity as the development is proposing a number of positive biodiversity enhancements for the proposed development area. These will result in not only an ecological gain but also a positive end use for the local public also considered to be a biodiversity benefit. At present these items remain for discussion but may include:

- Establishment of a 3m wide species-rich habitat corridor around the proposed development: extended hedgerow with hazel, gorse, hawthorn, blackthorn, honeysuckle, rowan, dog rose, field rose, and elder;
- An extended habitat corridor as above will provide rich foraging resources for birds as well as some nesting opportunities;
- Use of a short-turf species-rich grassland seed mix (Scotia Seeds) to establish an amenity grassland along public access that is of practical use, has amenity value and also biodiversity value with at least 19 species present in the mix. This also has the added benefit of requiring less frequent mowing as it is maintained at 10-12cm in length;
- Short turf will provide foraging opportunities for LBAP and UK BAP species such as Song Thrush, House Sparrow, Dunnock, and Starling;
- Landscaped gardens will provide nesting and foraging opportunities for a range of bird species including Dunnock, Robin, Chaffinch, Greenfinch, House Sparrow, Song Thrush, Starling, Bullfinch, and titmice; and
- Any bats present in the wider area will benefit from the foraging corridor created by the habitat corridor around the site, and associated lighting will attract invertebrates that are food resources for bats (ensuring lighting for the proposed development follows Bat Conservation Trust guidelines for lighting around developments).

Note: the proposed development will also formalise public access around the site, which is currently a very muddy track and stretches of rank grass mown without permission by one or more users of the site. Public access will link Rodel Drive with Portree Crescent.

Note 2: it is of interest that the local authority close currently mows an area of marshy grassland at Rodel Drive to the west of the proposed development site. It is considered that a relaxed mowing regime for that area of grassland would allow the species present including rushes and sedges such as oval and common sedges to proliferate along with associated flower species. This area could be managed appropriately as species-rich grassland, providing an additional biodiversity gain for the area.

Note 3: if the development does not take place, the diversity of plant life on site will continue to diminish for some time to come as the grassland is replaced by a large stand of tall ruderals. There may be management implications if tall ruderals start to spread to adjacent ground. Ultimately, the site would become scrub covered and then young woodland (depauperate ground flora under the scrub canopy) in the long-term, however, that would clearly not be desirable in the owners' interests and at some point intervention management would be necessary to prevent their field becoming climax woodland.

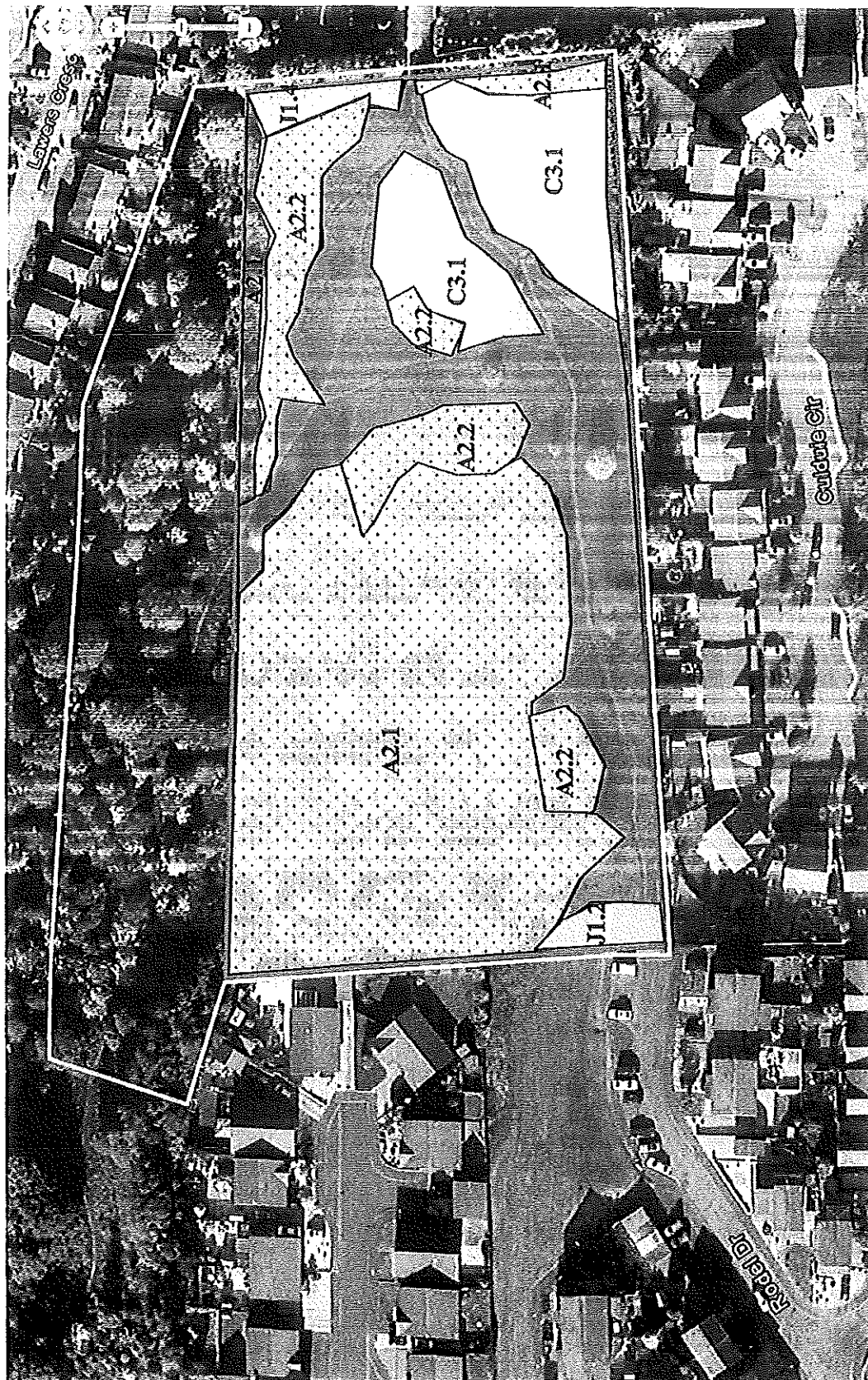
In final summary:

The proposed development while within part of a larger area designated as a SINC site is not considered to be a significantly damaging proposal to the key habitats that the SINC was designated for; the grasslands were of low value at designation, and now are of negligible value both in species diversity and extent, and so their intrinsic value has been lost. It may be considered that the designation as SINC was originally in error as it was advised against by the habitat surveyor in 1997 and part of the field was in fact developed. The proposed development site may have been better classed as neglected land or open space rather than as part of the adjacent South Polmont SINC, which clearly has somewhat greater value but still only at a local level. With the mitigation discussed above, it is considered that there can be a long-term positive ecological gain for this site through a sensitive development with specifications for biodiversity enhancement developed and agreed with the local authority.



**8. References/relevant reading**

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Figure 1. Survey area boundary, location of proposed development and Phase I habitats present within the survey area



Key to Figure 1.

-  Site boundary
-  Survey area for Badger
- A2.1 Dense Scrub
- A2.2 Scattered scrub
- B2.2 Semi-improved neutral grassland
- C3.1 Tall ruderals
- J1.2 Amenity grass
- J1.4 Introduced shrubs



## Appendix. 1 Phase I habitat survey species list

Common Name	Scientific Name
Annual Meadow-grass	<i>Poa annua</i>
Ash	<i>Fraxinus excelsior</i>
Bramble	<i>Rubus fruticosus</i> agg.
Broad-leaved Dock	<i>Rumex obtusifolius</i>
Broad-leaved Willowherb	<i>Epilobium montanum</i>
Broom	<i>Cytisus scoparius</i>
Cleavers	<i>Galium aparine</i>
Cock's-foot	<i>Dactylis glomerata</i>
Common Bent	<i>Agrostis capillaris</i>
Common Nettle	<i>Urtica dioica</i>
Common Ragwort	<i>Senecio jacobaea</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Creeping Thistle	<i>Cirsium arvense</i>
Elder	<i>Sambucus nigra</i>
Elm	<i>Ulmus</i> sp.
False Oat-grass	<i>Arrhenatherum elatius</i>
Gorse	<i>Ulex europaeus</i>
Ground-ivy	<i>Glechoma hederacea</i>
Hawthorn	<i>Crataegus monogyna</i>
Hogweed	<i>Heracleum sphondylium</i>
Honeysuckle	<i>Lonicera periclymenum</i>
Large Bird's-foot-trefoil	<i>Lotus pedunculatus</i>
Male Fern	<i>Dryopteris filix-mas</i> agg.
Oak Sp,	<i>Quercus</i> sp.
Perennial Rye-grass	<i>Lolium perenne</i>
Raspberry	<i>Rubus idaeus</i>
Ribwort Plantain	<i>Plantago lanceolata</i>
Rosebay Willowherb	<i>Chamerion angustifolium</i>
Rowan	<i>Sorbus aucuparia</i>
Small-leaved Cotoneaster	<i>Cotoneaster integrifolius</i>
Tufted Vetch	<i>Vicia cracca</i>
White Clover	<i>Trifolium repens</i>
Yorkshire-fog	<i>Holcus lanatus</i>

## Appendix. 2 Phase 1 habitat survey target notes by habitat type

## A2.1/A2.2 Scrub

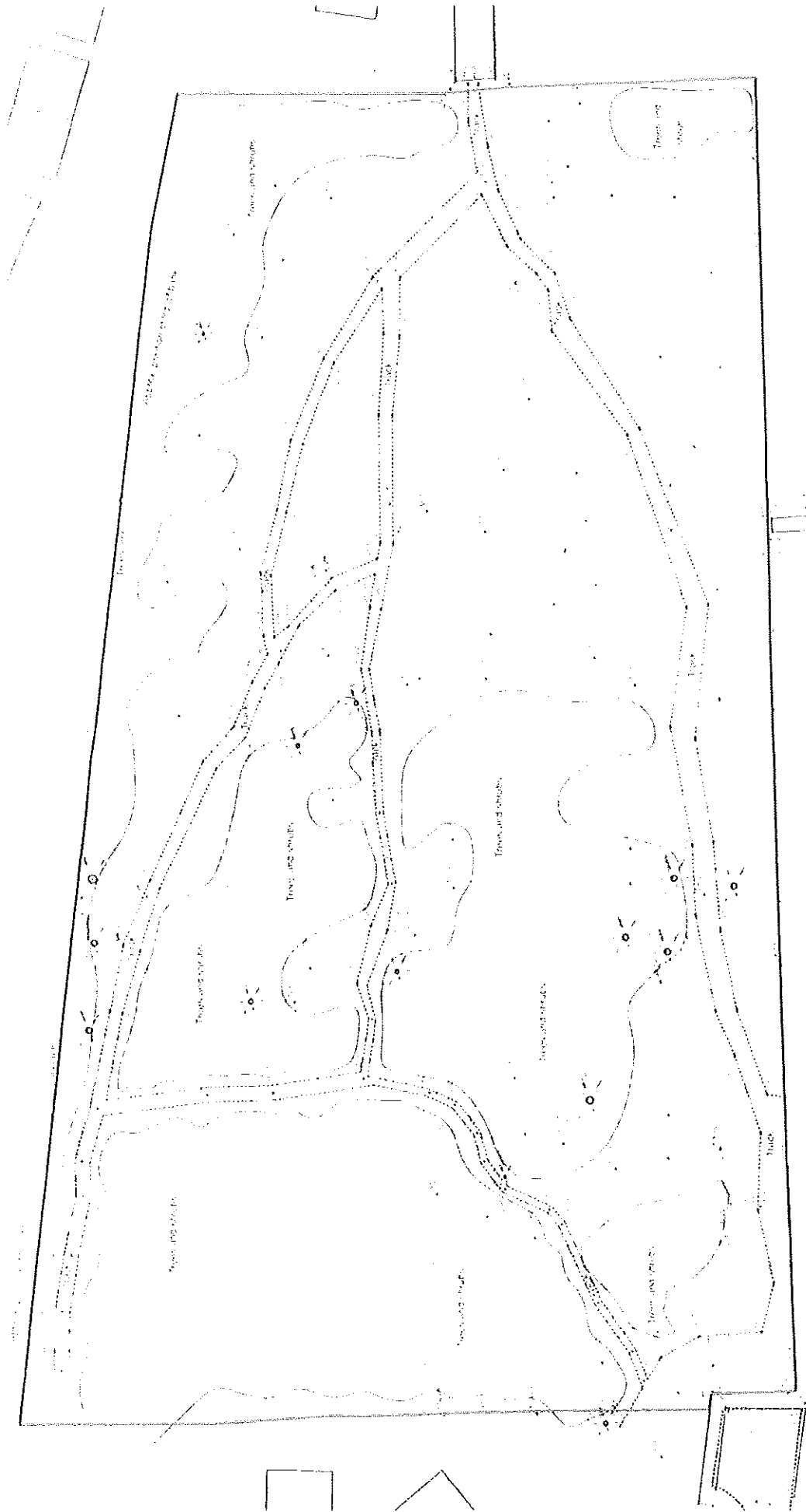
Common Name	Scientific Name
Ash	<i>Fraxinus excelsior</i>
Bramble	<i>Rubus fruticosus</i> agg.
Broad-leaved Willowherb	<i>Epilobium montanum</i>
Broom	<i>Cytisus scoparius</i>
Cleavers	<i>Galium aparine</i>
Cock's-foot	<i>Dactylis glomerata</i>
Common Bent	<i>Agrostis capillaris</i>
Common Nettle	<i>Urtica dioica</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Elder	<i>Sambucus nigra</i>
Elm	<i>Ulmus</i> sp.
False Oat-grass	<i>Arrhenatherum elatius</i>
Gorse	<i>Ulex europaeus</i>
Ground-ivy	<i>Glechoma hederacea</i>
Hawthorn	<i>Crataegus monogyna</i>
Hogweed	<i>Heracleum sphondylium</i>
Honeysuckle	<i>Lonicera periclymenum</i>
Male Fern	<i>Dryopteris filix-mas</i>
Oak Sp,	<i>Quercus</i> sp.
Raspberry	<i>Rubus idaeus</i>
Rosebay Willowherb	<i>Chamerion angustifolium</i>
Rowan	<i>Sorbus aucuparia</i>
Small-leaved Cotoneaster	<i>Cotoneaster integrifolius</i>
Yorkshire-fog	<i>Holcus lanatus</i>

## B2.2 Semi-improved neutral grassland

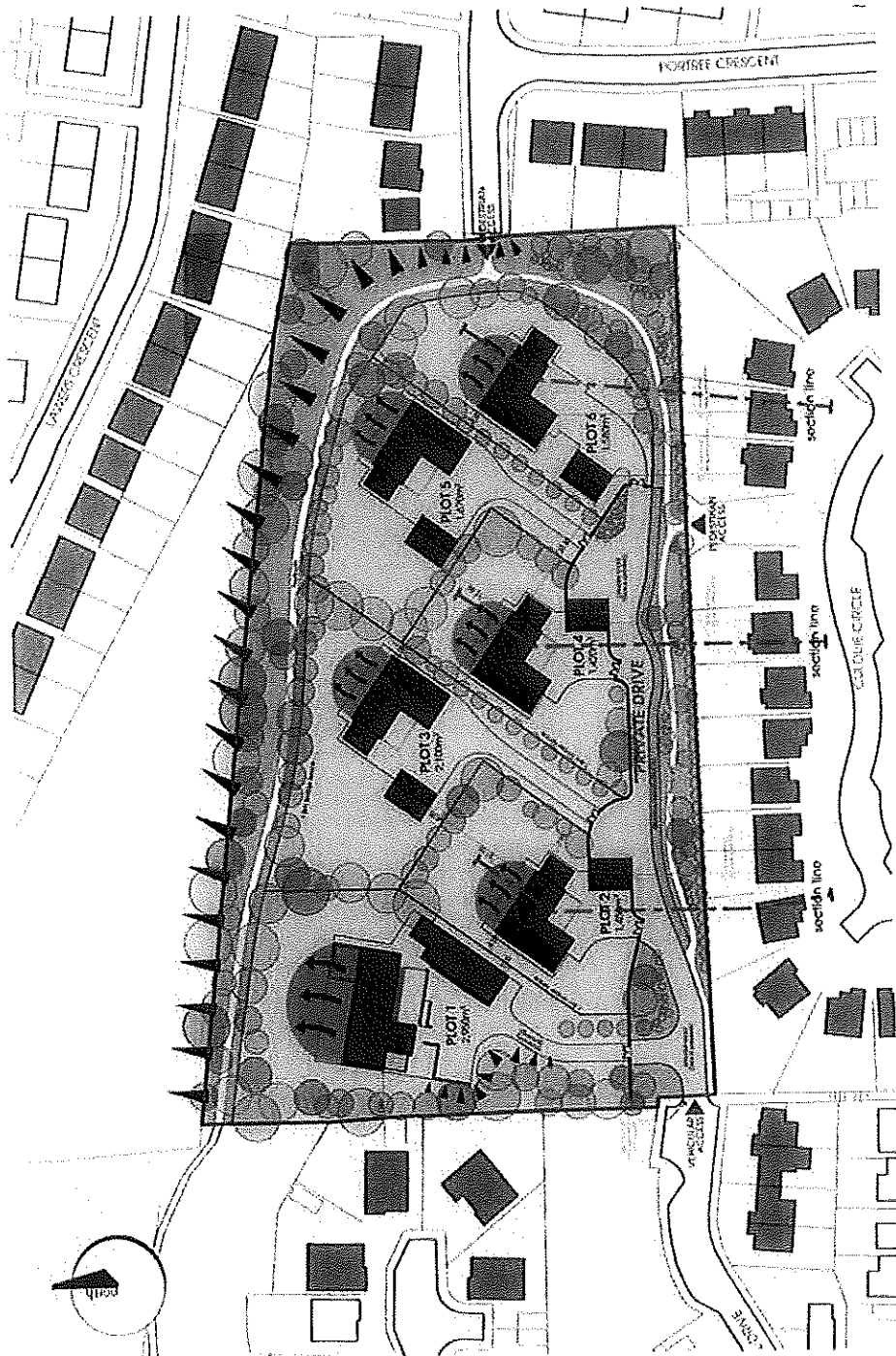
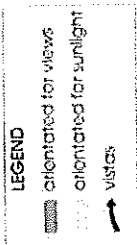
Common Name	Scientific Name
Broad-leaved Dock	<i>Rumex obtusifolius</i>
Cock's-foot	<i>Dactylis glomerata</i>
Common Bent	<i>Agrostis capillaris</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Creeping Thistle	<i>Cirsium arvense</i>
False Oat-grass	<i>Arrhenatherum elatius</i>
Hogweed	<i>Heracleum sphondylium</i>
Large Bird's-foot-trefoil	<i>Lotus pedunculatus</i>
Ribwort Plantain	<i>Plantago lanceolata</i>
Rosebay Willowherb	<i>Chamerion angustifolium</i>
Tufted Vetch	<i>Vicia cracca</i>
Yorkshire-fog	<i>Holcus lanatus</i>

## C3.1 Tall ruderals

Common Name	Scientific Name
Bramble	<i>Rubus fruticosus</i> agg.
Cleavers	<i>Galium aparine</i>
Common Nettle	<i>Urtica dioica</i>
Common Ragwort	<i>Senecio jacobaea</i>
Rosebay Willowherb	<i>Chamerion angustifolium</i>



Topographic Survey	Jewitt and Wilkie architects	
Proposed Development of 6 New Build Houses at Rodol Drive, Palmont for Mr S Anderson		2999/P/101



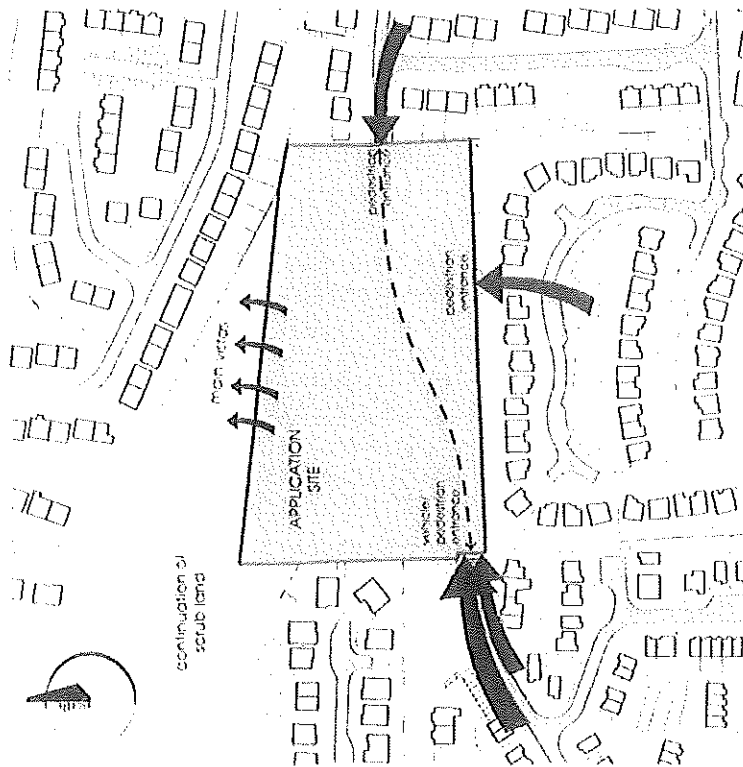
**SITE LAYOUT** The site is proposed to form 6 plots, each accommodating a house of circa 300sqm area and a triple garage.

The houses have been located in the centre of the site, away from the existing estate. The houses are designed to maximise the vistas to the north (orange area) and trap the sun to the south (yellow area).

The houses area accessed of an informal private road to the south of the site, further distancing the proposed houses away from the existing estate to the south.

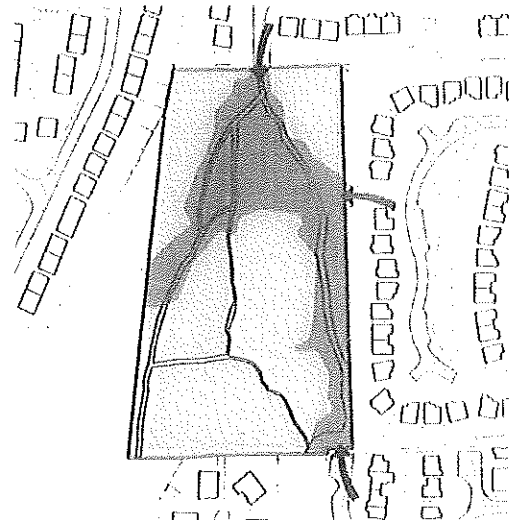
<p><b>Jewitt and Wilkie architects</b></p> <p>101 Newmarket Road Cambridge CB5 8EF 01223 357 111 www.jewittandwilkie.co.uk</p>	<p><b>Site Layout</b></p> <p><b>Proposed Development of 6 New Build Houses</b> at Rodei Drive, Palmont for Mr S Anderson</p>
<p>Drawn by: J. Wilkie</p> <p>Scale: 1:500</p> <p>Date: 10/10/10</p>	<p>2999/S/102</p>





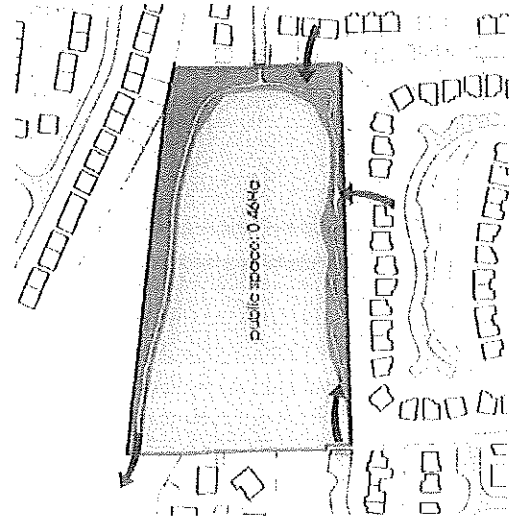
**LEGEND**

- ↑ main access
- vehicle pedestrian entrance
- vehicle
- proposed driveway



**EXISTING ACCESS** The existing site has a vehicle pedestrian entrance and some internal roads that lead to the north west corner.

**EXISTING FLORA** The land is made up of natural, dense scrub and 'tall tuatua'. The site also has some native plants and trees, improved grassland, as defined in the Ecological Survey.



**PROPOSED ACCESS AND FLORA** The proposed access maintains and improves the existing access while adding a high quality landscaped area around the perimeter of the site.

**SECURITY** The proposal will offer a greater degree of security to the surrounding area. The public building footprint itself 20m provides security to the houses bounding the site, with the private roads around the site a further 20m.

Access and Landscape	Jewitt and Wilkie architects
Proposed Development of 6 New Build Houses at Rosel Drive, Palmont for Mr S Anderson	2999/S/101



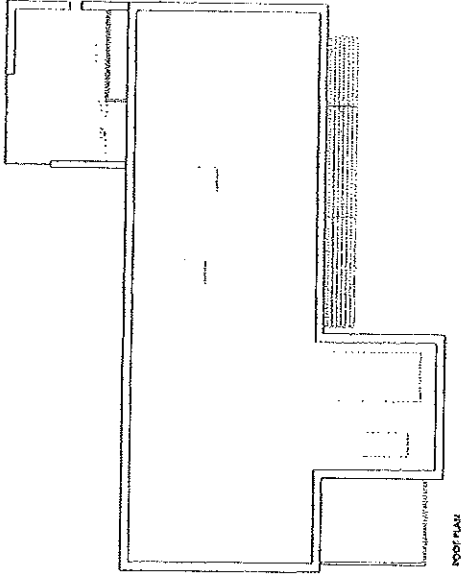
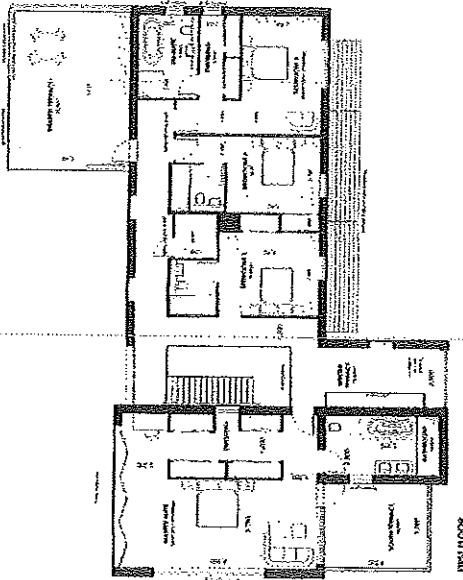
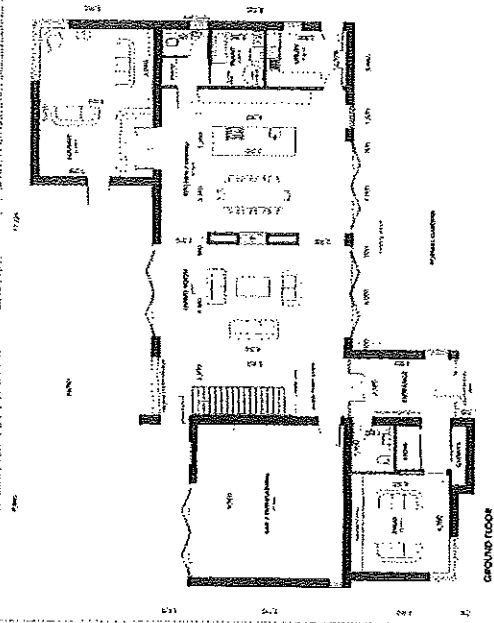
**LOCAL AREA** The site is located in the center of a housing estate in Polmont on an area of semi-rural land. It borders the road to the west and is accessed by local amenities on Main Street.

Local amenities would support the site and be developed at the time of the existing housing estate. However, with the not materialising the land has been left undeveloped. A recent commission has been received to develop the site and it is not known to any future (but for commission and design) not was any notable area present. It was concluded that development was "not considered to be a significant barrier to the site".

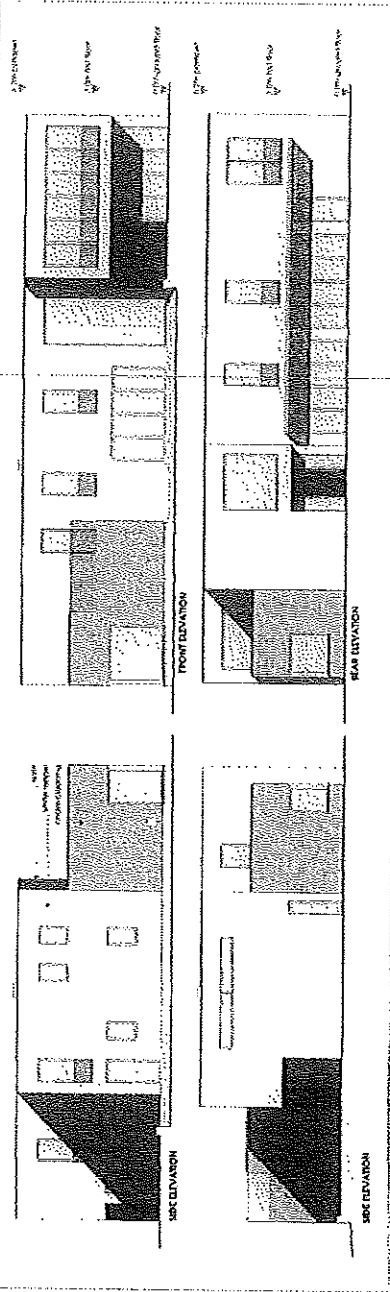
Local Area	Jewitt and Wilkie architects	2999/S/100
Proposed Development of 6 New Build Houses at Rodel Drive, Polmont for Mr S Anderson		



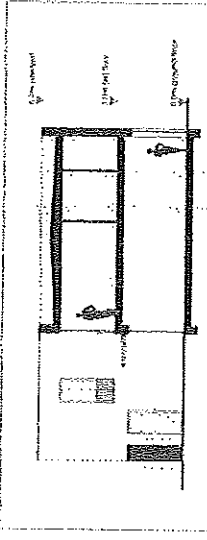
HOUSE PLANS



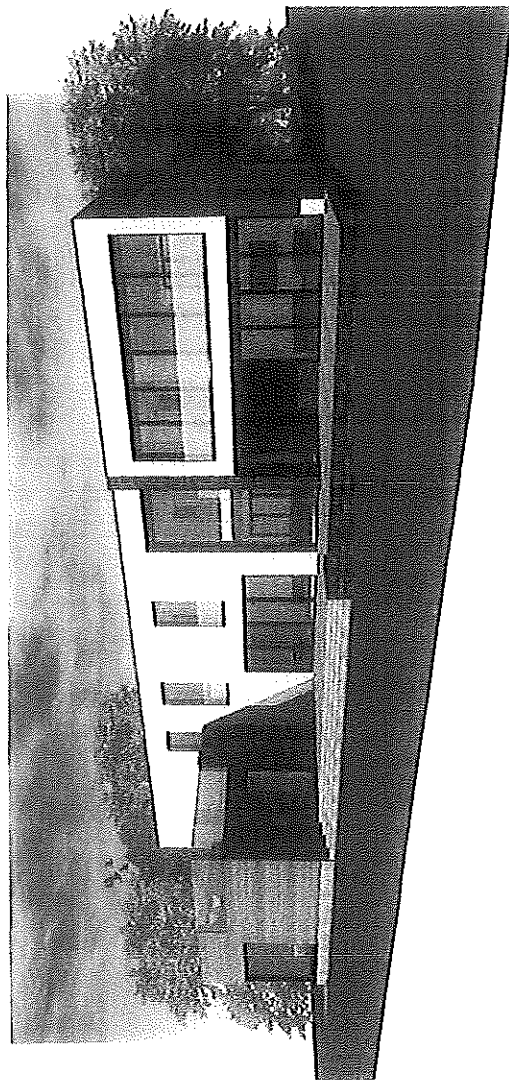
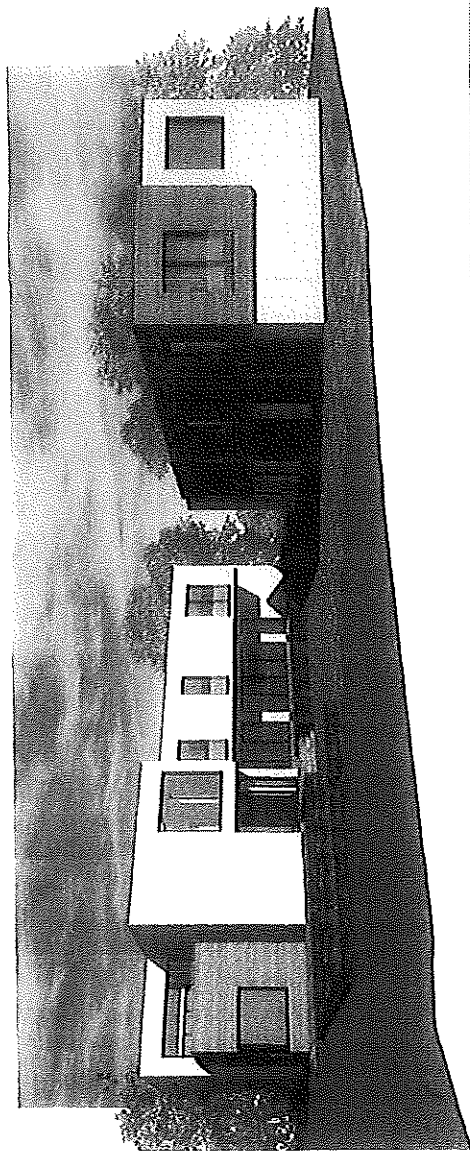
HOUSE ELEVATIONS



SECTION

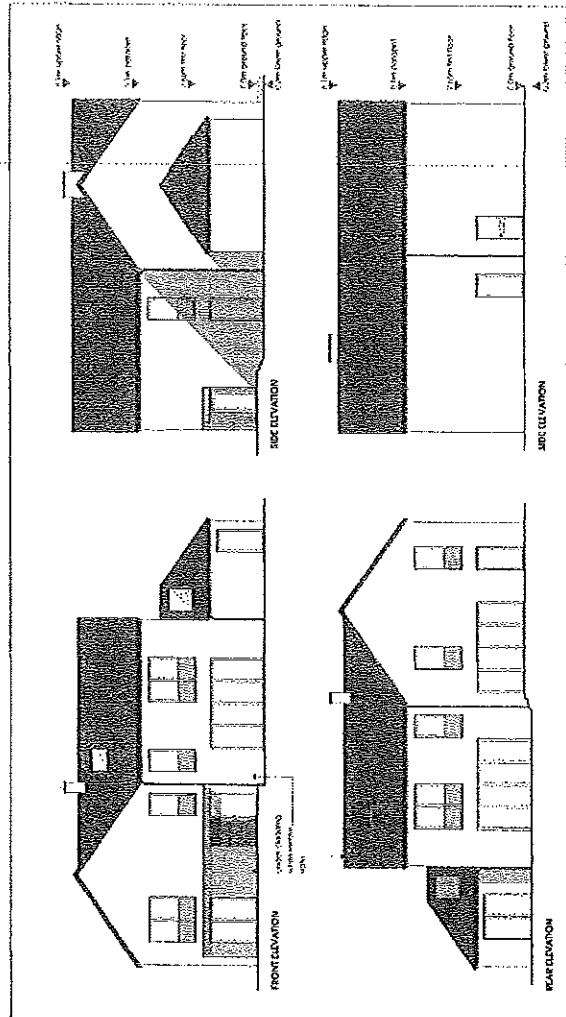
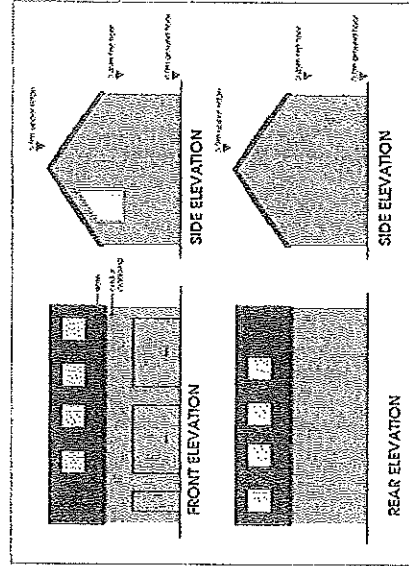
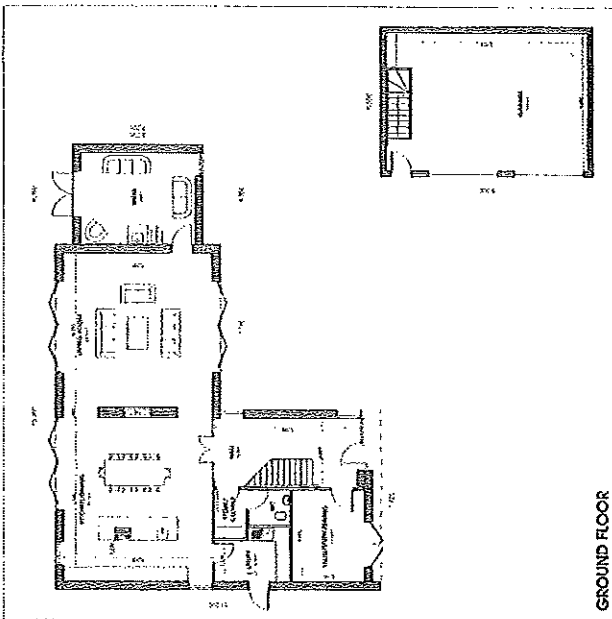
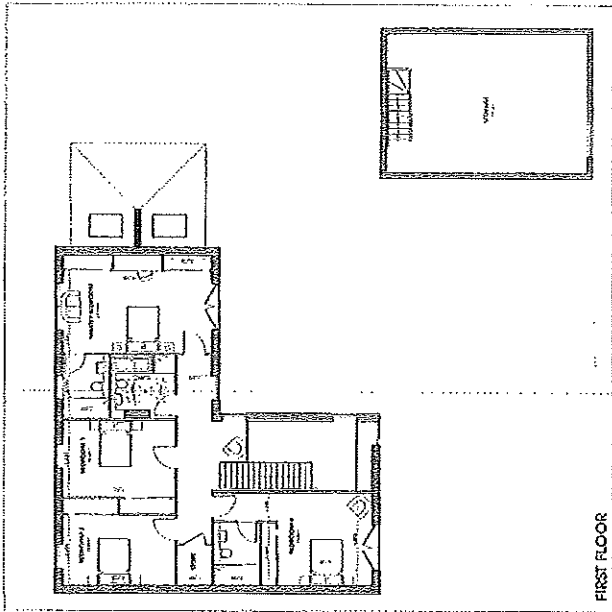
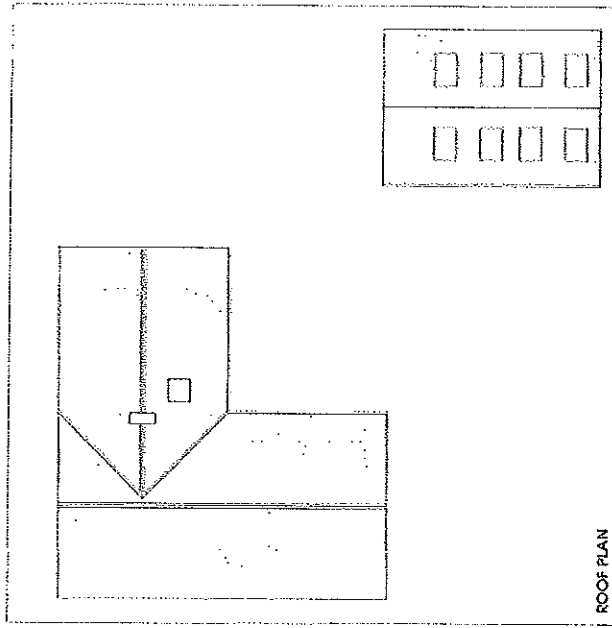


<p>Architectural drawing of the house, showing the front elevation and the side elevation. The drawing is oriented vertically on the page.</p>	<p>Architectural drawing of the house, showing the front elevation and the side elevation. The drawing is oriented vertically on the page.</p>
<p>Architectural drawing of the house, showing the front elevation and the side elevation. The drawing is oriented vertically on the page.</p>	<p>Architectural drawing of the house, showing the front elevation and the side elevation. The drawing is oriented vertically on the page.</p>



97

Plot One Visualizations	Jewitt and Wilkie architects	
Proposed Development of 6 New Build Houses at Rodol Drive, Palmon for Mr S Anderson		2999/P/500



<b>Jewitt and Wilkie architects</b> 1000 10th Avenue Suite 100 Boulder, CO 80502 Phone: 303.440.1000 Fax: 303.440.1001 Email: info@jewittandwilkie.com	
Project Name: 2990P316 Project Location: 2990P316 Project Date: 2990P316 Project Status: 2990P316	Project Name: 2990P316 Project Location: 2990P316 Project Date: 2990P316 Project Status: 2990P316