

Phoenix Park

Preliminary Ecological Appraisal

Prepared on behalf of Ratesu Limited

June 2025

Phoenix Park
Ecology 8800
Version 02

Prepared by:	Emma Bennett	V.01	May 2025
Authorised by:	Louisa Standbrook-Jones MCIEEM	V.01	May 2025
Updated by:	Louisa Standbrook-Jones MCIEEM	V.02	June 2025

Pro Vision Ecology
The Lodge
Highcroft Road
Winchester
SO22 5GU

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1.0 Executive Summary

- 1.1 The Client is proposing the erection of telecom masts on agricultural land at Phoenix Park, Nelson's Lane, Hurst, Reading, RG10 0RR. Pro Vision were commissioned in March 2025 to carry out a Preliminary Ecological Appraisal of the site to inform the development proposals.
- 1.2 The ecological appraisal comprised a desk study of existing ecological data in relation to the site, and an assessment of the sites habitats and suitability to support protected species within the application site.
- 1.3 The habitats on site comprise, modified grassland, bramble scrub, and individual trees. In addition to these habitats hedgerows run along the northern and eastern boundary.
- 1.4 The trees, scrub and hedgerows provide foraging and nesting opportunities for common bird species. It is recommended that any vegetation clearance should avoid the bird nesting season (1st March – 31st August) unless inspection by an ecologist concludes that there are no nesting birds present immediately prior to the commencement of works. If the presence of nesting birds is confirmed, any works which may disturb them will be delayed until the young birds have fledged the nest of their own accord. Details regarding this are provided in **Section 5.0**.
- 1.5 The development will result in a small loss of terrestrial habitat with limited suitability for great crested newts. The development lies within a red risk zone for great crested newts, however due to the small scale of habitat loss proposed, it is considered highly unlikely there will be any impacts to great crested newts. Any clearance will be conducted in accordance with a precautionary method of working. This is discussed further in **Section 5.0**.
- 1.6 The hedgerows and bramble scrub provide habitat with limited suitability for reptiles. Any habitat that requires clearance will be conducted in accordance with a precautionary method of working. This is discussed further in **Section 5.0**.
- 1.7 The development will provide ecological enhancements in line with national and local planning policy to secure net gains on the site. Further details are provided in **Section 5.0**.

2.0 Introduction

Project Background

- 2.1 Pro Vision Ecology were commissioned in March 2025 to carry out a Preliminary Ecological Assessment (PEA) of the site at Phoenix Park, Nelson's Lane, Hurst, Reading, RG10 0RR. For the site location refer to **Appendix A**.
- 2.2 This report describes the current ecological baseline of the site based on the findings of the ecological assessment and provides information for further survey requirements and potential mitigation on the site.

Brief

- 2.3 To carry out a PEA of the land within the site boundaries, to inform the Client of any further survey work required and of the ecological implications of their proposals.

Relevant Legislation and Planning Policy

- 2.4 The key legislative provisions of relevance to this report with respect to the development proposals and their potential effects on ecological features are listed below:
- The Conservation of Habitats and Species Regulations 2017
 - The Wildlife and Countryside Act 1981 (as amended)
 - The Natural Environment and Rural Communities (NERC) Act 2006
 - The Protection of Badgers Act 1992
 - Environment Act (2021)
- 2.5 The UK Biodiversity Action Plan (BAP) was the Government's response to the 1992 Convention on Biodiversity (The Rio Convention), with the aim of halting the loss of biodiversity in the UK. The new UK post-2010 Biodiversity Framework replaced the previous BAP and is the government's response to the new strategic plan on the United Nations Convention on Biological Diversity (CBD). Although the UK post-2010 Biodiversity Framework supersedes the UK BAP, the UK BAP lists of priority species and habitats still remain an important reference source for identifying habitats and species of principal importance within the UK. Within England, Section 41 of the NERC Act (2006) lists species and habitats of principal importance for the conservation of biodiversity.
- 2.6 The Government has set out its policies for the protection and enhancement of biodiversity through the planning system in the National Planning Policy Framework Section 15 (NPPF, 2024).
- 2.7 The Environment Act 2021 includes the requirement for developments to provide 10% biodiversity net gain, to be evidenced with the use of the statutory metric. Developments are exempt if they are self-build comprising less than nine dwellings on an area less than 0.5 hectares, householder applications or developments below the threshold of impacts to habitats.
- 2.8 The site at Phoenix Park is located within Wokingham Borough Council. The Wokingham Borough Core Strategy (adopted January 2010) includes the core policy CP7 relating to biodiversity:

CP7 – Biodiversity

Sites designated as of importance for nature conservation at an international or national level will be conserved and enhanced and inappropriate development will be resisted. The degree of protection given will be appropriate to the status of the site in terms of its international or national importance.

Development:

- a) Which may harm county designated sites (Local Wildlife Sites in Berkshire), whether directly or indirectly, or*
- b) Which may harm habitats or, species of principle importance in England for nature conservation, veteran trees or features of the landscape that are of major importance for wild flora and fauna (including wildlife and river corridors), whether directly or indirectly, or*
- c) That compromises the implementation of the national, regional, county and local biodiversity action plans will only be permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the nature conservation importance, that need no alternative site that would result in less or no harm is available which will meet the need, and:*
 - i. Mitigation measures can be put in place to prevent damaging impacts; or*
 - ii. Appropriate compensation measures to offset the scale and kind of losses are provided*

- 2.9 In addition to this the Managing Development Delivery DPD (adopted February 2014) includes Policy TB23 which states

Policy TB23: Biodiversity and Development

- 1. Sites of national or international importance are shown and sites of local importance are defined on the Policies Map.*
- 2. Planning permission for development proposals will only be granted where they comply with Policy CP7 – Biodiversity of the Core Strategy and also demonstrate how they:*
 - a. Provide opportunities, including thorough design, layout and landscaping to incorporate new biodiversity features or enhance existing*
 - b. Provide appropriate buffer zones between development proposals and designated sites as well as habitats and species of principle importance for nature conservation*
 - c. Ensure that all existing and new developments are ecologically permeable through the protection of existing and the provision of new continuous wildlife corridors, which shall be integrated and linked to the wider green infrastructure network.*

3.0 Methodologies

Desk Study

- 3.1 The desk study methodology is based upon guidelines set out by the Chartered Institute of Environmental and Ecological Management (CIEEM, 2017). A data-gathering exercise was undertaken to obtain any available information relating to statutory and non-statutory nature conservation sites and protected species (**Table 1**).

Table 1: Summary of information sources used for the Desk Study.

Organisation / Source	Information Sought
Thames Valley Environmental Records Centre (TVERC)	Records of the presence of key protected and notable species and non-statutory wildlife sites within one kilometre of the site.
MAGIC	Locations of and citations for all national statutory wildlife sites, including SSSI, within two kilometres and all international sites including SAC, SPA or Ramsar sites within five kilometres of the site. Records of European Protected Species Licences and class licence returns within two kilometres.
Ordnance Survey Maps	Large scale habitat information and identification of off-site habitats which may require consideration (such as ponds) within 500m.

Ecological Assessment

Habitats

- 3.2 A site visit was carried out on 4th April 2025 by experienced ecologist Maya Crate and assisted by Emma Bennett in cloudy and dry conditions with a light breeze and an ambient temperature of 15°C. The survey employed techniques based on the UK Habitat Classification System.
- 3.3 The collection of botanical information focused on the dominant and/or key indicator species for each habitat, to allow allocation of habitats to hierarchy levels 3 and/or 4 and where relevant to identify any priority habitats which are present on site.

Protected species

- 3.4 The PEA included an assessment of the potential for habitats on or immediately adjacent to the site to support legally protected or conservation-notable species. The location and nature of any signs of the presence of protected species (such as droppings, footprints, burrows, etc.) were documented and mapped accordingly. Indicative survey methods for protected species are outlined below.

Badgers (Meles meles)

3.5 The site and where possible 30 metres outside the site boundary was assessed for its suitability to support badgers. A direct search was undertaken for evidence of badgers. Evidence includes.

- Active or disused setts.
- Diggings.
- Latrines / dung pits.
- Foraging ('snuffle holes').
- Footprints; and
- Badger hairs.

Bats

3.6 Bats use features in the landscape to navigate and also habitats may provide key foraging areas. Foraging and commuting habitat was assessed based on BCT guidelines (Collins, 2023) shown in **Table 2** below.

Table 2: Assessment of foraging/commuting habitat

Suitability	Criteria
None	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year
Negligible	No obvious habitat features on site likely to be used as flight paths or by foraging bats
Low	Suitable but isolated habitat that could be used by small numbers of bats
Medium	Continuous habitat connected to the wider landscape that could be used by bats
High	Continuous high-quality habitat that is well connected to the wider landscape and is likely to be regularly used bats.

Birds

3.7 Any habitat features, for example, scrub and trees, which could potentially be used by nesting birds, were surveyed and any nesting activity was noted. The habitat was also assessed regarding its potential for bird activity.

Great Crested Newts (Triturus cristatus)

3.8 Ponds within the vicinity of the site were noted and the potential of the land to act as a commuting route, shelter or foraging resource for great crested newts was assessed.

Hazel dormouse (Muscardinus avellanarius)

- 3.9 An assessment of the suitability of the habitat to support hazel dormouse was undertaken in accordance with The Dormouse Conservation Handbook (Bright *et al*, 2006). Any small mammal feeding signs were checked and assessed, including:
- Examination of hazel nuts; and
 - Evidence of nest building.

Invasive species

- 3.10 During the survey any invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were noted

Invertebrates

- 3.11 An assessment was undertaken to assess the potential of the habitats recorded on site to support diverse communities of invertebrates, or any Biodiversity Action Plan (BAP) species. The assessment was based on the presence of a number of habitat features which may support important invertebrate communities such as:
- An abundance of deadwood;
 - Presence of diverse plant communities;
 - Presence of varied woodland structure and sunny woodland edge;
 - Presence of ponds or watercourses; and
 - Presence of free draining soil exposures.

Reptiles

- 3.12 Habitat features that could be suitable as hibernacula, foraging or basking areas were noted. Extant refugia were lifted and examined for evidence of reptiles, including sloughs (shed skins).

4.0 Results and Analysis

Designated sites

Statutory Designated Sites

- 4.1 The data search returned no records of International Statutory Designated Sites within five kilometres of the site. The data search returned one record of a National Statutory Designated Site within two kilometres of the site. This site was designated as a Local Nature Reserve (LNR). The national designated site is:
- **Lavells Lake LNR:** This 12.45 hectare lake is designated for supporting a wide range of flora and fauna. In addition to the lake, there are water scrapes, tern islands and meadows. This designated site lies 1.9 kilometres west of the proposed development.
- 4.2 There will be no impacts on this designated site due to the scale of the proposals and the distance from the site.

Non-Statutory Designated Sites

- 4.3 The data search returned no records of non-statutory designated sites within one kilometre of the development site.

Ecological Assessment

Introduction

- 4.4 The results of the PEA are presented below. A Habitat Survey map is provided in **Appendix C**. The map illustrates the location of the proposed development and extent of the land surveyed, along with additional notable features.

Habitats

Surrounding habitat

- 4.5 The site is located within a rural setting, within Hurst, Reading. Arable fields border the site to the north, east and south with a commercial yard to the west.

Modified grassland

- 4.6 The north strip of the site comprises modified grassland (**Figure 1**) which is dominated by broad-leaved dock (*Rumex obtusifolium*) and also Yorkshire fog (*Holcus lanatus*), perennial rye-grass (*Lolium perenne*), red dead-nettle (*Lamium purpureum*), wild carrot (*Daucus carota*), nettle (*Urtica dioica*), creeping buttercup (*Ranunculus repens*), ragwort (*Jacobaea vulgaris*), teasel (*Dipsacus folliculiflorus* L), thistle (*Cirsium* sp.), meadow buttercup (*Ranunculus acris*), green alkanet (*Pentaglottis sepervirens*) and daffodil (*Narcissus pseudonarcissus*). There are multiple patches of bare ground within the grassland.



Figure 1: Modified grassland with bare ground patch

Hedgerows

- 4.7 Hedgerow one (**Figure 2**) runs along the length of the northern boundary and is comprised of hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), and bramble (*Rubus fruticosus*), with bracken (*Pteridium aquilinum*) in the understorey.
- 4.8 Hedgerow two (**Figure 3**) runs along the eastern boundary of the site and is comprised of hawthorn, blackthorn and bramble.



Figure 2: Hedgerow one. **Figure 3:** Hedgerow two

Bramble scrub

- 4.9 Bramble scrub is present in the south west section of the site, this area solely comprises bramble with no other species present.

Individual trees

- 4.10 A low number of scattered trees are present along the northern boundary of the site. Two small willow (*Salix sp.*), one small oak (*Quercus robur*) and three medium leylandii (*Cupressus leylandii*) are present to the east of the boundary (**Figure 4**).



Figure 4: Oak, willow and leylandii trees to the east

Artificial Unsealed surface

- 4.11 There is an area of yard within the application boundary, which comprises artificial surface.

Protected and/or notable species.

Badgers

- 4.12 The TVERC data search returned thirteen records for badger within one kilometre of the site.
- 4.13 The habitats recorded on site are suitable for foraging and sett creation in the form of the scrub understorey and modified grassland. The site was fully surveyed, and no signs of badger setts were recorded within the site or within 30 metres of the boundary.
- 4.14 Therefore, badgers are considered to be likely absent and will not be impacted by the works.

Bats

- 4.15 The TVERC data search returned 133 records of bats post-2000 for the following bat species:

- Bat species (*Chiroptera*)
- Serotine (*Eptesicus serotinus*)
- Myotis species (*Myotis sp.*)
- Daubenton's bat (*Myotis daubentonii*)
- Noctule (*Nyctalus noctula*)
- Pipistrelle bat (*Pipistrellus sp.*)
- Nathusius' pipistrelle (*Pipistrellus nathusii*)

- Common pipistrelle (*Pipistrellus pipistrellus*)
 - Soprano pipistrelle (*Pipistrellus pygmaeus*)
 - Long-eared bat (*Plecotus sp.*)
 - Brown long-eared (*Plecotus auritus*)
- 4.16 The Defra run website, MAGIC, was searched for a list of granted European Protected Species Licences (EPSL's) within two kilometres of the site with seven returned. The closest of which lies one kilometre northwest of the development and is designated for soprano pipistrelle and allows for the destruction of a breeding site.
- 4.17 The trees on site, and linear features provide suitable foraging and commuting habitat for the local bat population. The modified grassland areas over the centre of the site are considered to be relatively poor quality habitat.
- 4.18 The development is for a telecast pole therefore there will be no increase in light levels. No impacts to the local bat population are anticipated as a result of the proposed development. No further action is required.

Birds

- 4.19 The TVERC data search provided the following records for red list bird species of conservation concern that may be present on the site: fieldfare (*Turdus pilaris*), hawfinch (*Coccothraustes coccothraustes*), house martin (*Delichion urbicum*), lapwing (*Vanellus vanellus*), linnet (*Linaria cannabina*), skylark (*Alauda arvensis*), starling (*Sturnus vulgaris*), turtle dove (*Streptopelia turtur*), yellow wagtail (*Motacilla flava*) and yellowhammer (*Emberiza citrinella*).
- 4.20 The following Schedule 1 and/or Annex I species were returned which may breed in the area: peregrine (*Falco peregrinus*) and red kite (*Milvus milvus*).
- 4.21 The scrub, hedgerows and trees on site provide suitable habitat for nesting birds. Further recommendations have been provided in **Section 5.0**.

Great crested newts

- 4.22 The TVERC data search returned three records of great crested newt presence within one kilometre of the site. There were no records of granted ESPLs within two kilometres of the site and two positive class licence returns, the closest of which was located 1.3 kilometres south of the site boundary. One pond survey was completed on a pond located 1.5 kilometres south of the proposed development with GCN recorded. This pond is however separated from the site via the M4 motorway.
- 4.23 Following a review of the Wokingham Council Impact Map (NatureSpace, 2024) the site is located in a red risk zone, indicating highly suitable habitat is present and great crested newts may be present.
- 4.24 No evidence of amphibian presence was recorded during the survey. The modified grassland on site is not suitable for great crested newt due to the short sward height and patches of bare ground. The site contains suitable terrestrial habitat in the form of the bramble scrub and the boundary hedgerows.

- 4.25 One waterbody is located within 250 metres of the site boundary. This pond is located 200 metres west of the site boundary within an arable field (**Appendix D**).
- 4.26 The development will result in the loss of a small area of bramble scrub, a rapid risk assessment was undertaken to determine the likelihood of an offence being committed, assuming great crested newt present in the closest pond, shown in **Table 4**.

Table 4: Rapid risk assessment.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.1-0.5 Ha lost or damaged	0.005
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
Maximum:		0.005
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

- 4.27 The results of the rapid risk assessment indicate that is considered highly unlikely great crested newts will be impacted by the proposed development. To further reduce the chance of great crested newts being impacted the habitat will be cleared under a precautionary working methodology. Further details are provided in **Section 5.0**.

Hazel dormouse

- 4.28 The TVERC data search returned no records of hazel dormouse within one kilometres of the site. The Defra run website magic was searched for a list of granted ESPLs with no records returned.
- 4.29 The hedgerows and scrub on site provide foraging resources and nesting opportunities for hazel dormouse. The hedgerows will be retained within the design of the development and there will be a loss of an area of bramble scrub. This is sub-optimal habitat for dormouse.
- 4.30 Due to the small scale of the works and the lack of records in the area, it is considered the hazel dormouse are likely absent from the site and will not be impacted by the development proposals.

Invertebrates

- 4.31 The TVERC search returned one record for stag beetle (*Lucanus cervus*) which is protected under Schedule 5 of the Wildlife and Countryside Act 1981.
- 4.32 During the assessment no habitats of particular note were identified which could support these species and therefore it is considered unlikely rare or notable invertebrate will be present on site. The development may provide opportunities to enhance the site for local invertebrates. This is discussed further in **Section 5.0**.

Reptiles

- 4.33 The TVERC data search returned no records of reptiles within one kilometre of the site.
- 4.34 The modified grassland within the development area is considered to be of limited suitability for reptiles. This habitat is due to be cleared to facilitate the proposed development. It is possible that reptiles are present on site along the hedgerow bases and within the area of bramble scrub.
- 4.35 Due to the small area of habitats lost, it is considered disproportionate to undertake further surveys to confirm presence/absence of reptiles. However, a precautionary method of working is recommended. This is discussed further in **Section 5.0**.

5.0 Impacts and Mitigation

Impacts and Required Mitigation for the Proposed Development

Birds

- 5.1 The trees, hedgerows and scrub within the site may provide habitat for nesting birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to take, damage, or destroy the nest of any wild bird whilst the nest is in use. Any vegetation clearance required must be scheduled to avoid peak bird nesting season (1st March – 31st August, although this will vary between species and local conditions) to avoid contravention of protected species legislation; unless inspection by an ecologist concludes that there are no nesting birds present immediately prior to the commencement of works.
- 5.2 If the presence of nesting birds is confirmed, a 5-metre buffer will be implemented, and no works will be permitted within this buffer. Works will be able to proceed once the young birds have fledged the nest of their own accord.

Great crested newts

- 5.3 The development site is located within a red risk zone for great crested newts. The results of the rapid risk assessment indicated that an offence to great crested newts is highly unlikely due to the minor extent of habitat loss proposed. The development area provides limited suitable terrestrial habitat for great crested newts. It is recommended that this habitat is cleared under a precautionary working methodology.
- 5.4 It is considered unlikely that great crested newts will be impacted by the works, but precautionary methods have been provided below to further minimise any chances of impacting great crested newts. A licence is not considered necessary due to the minor nature of the works and the considered low likelihood of impacting great crested newts. This will be further reduced by following the precautionary method outlined below.
- 5.5 Vegetation will be strimmed toward the retained hedgerows to the north using hand tools in two stages, with the first cut to 150 millimetres and the second stage cut to ground level under the supervision of a licenced ecologist. All cut vegetation will be removed from site or piled in an area away from the works area and retained to create a brash pile.
- 5.6 It is not anticipated that any hedgerows or tree removal will require clearance and therefore there will be no impacts to root balls which could shelter hibernating great crested newts.
- 5.7 If great crested newts are found on site at any stage of the works, all works must halt until the advice of a suitably experienced ecologist is sought. Works may then require a EPSL before they can proceed.
- 5.8 Once the telecom masts have been erected areas of grassland will be enhanced and created, and areas of scrub will be created to provide suitable habitat for great crested newts.

Reptiles

- 5.9 The scrub and hedgerows on site provide limited suitable habitat for reptiles and sections of the scrub are due to be cleared to facilitate the erection of the telecom masts. A trim and push exercise will be required involving vegetation cut in two stages towards the south of the site or the arable field to the north. The areas will first be trimmed to a height of 150 millimetres and then to ground level, this will encourage any reptiles in the area to move away from the works area of their own accord. This must be completed during the reptile active season (March to October, dependant on temperatures). Any reptiles encountered during these works will be relocated to the retained habitat within the client's ownership.
- 5.10 Once the telecom masts have been erected areas of grassland will be enhanced and created, and areas of scrub will be created to provide suitable habitats for reptiles and other species.

Enhancement Measures for the Proposed Development

Biodiversity Net Gain

- 5.11 In accordance with the Natural Planning Policy Framework (NPPF, 2024) plans whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 5.12 The Environment Act 2021 includes the requirement for developments to provide 10% biodiversity net gain, to be evidenced with the use of the statutory metric. Details regarding this will be provided in the Biodiversity Net Gain Assessment report.
- 5.13 To provide biodiversity enhancements to secure net gains the following measures will be included within the development design:
- Any new planting of vegetation should comprise native species, and will provide suitable terrestrial habitat for reptiles, amphibians, small mammals and invertebrates.

6.0 References and Bibliography

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Appendices

Appendix A: Site Location

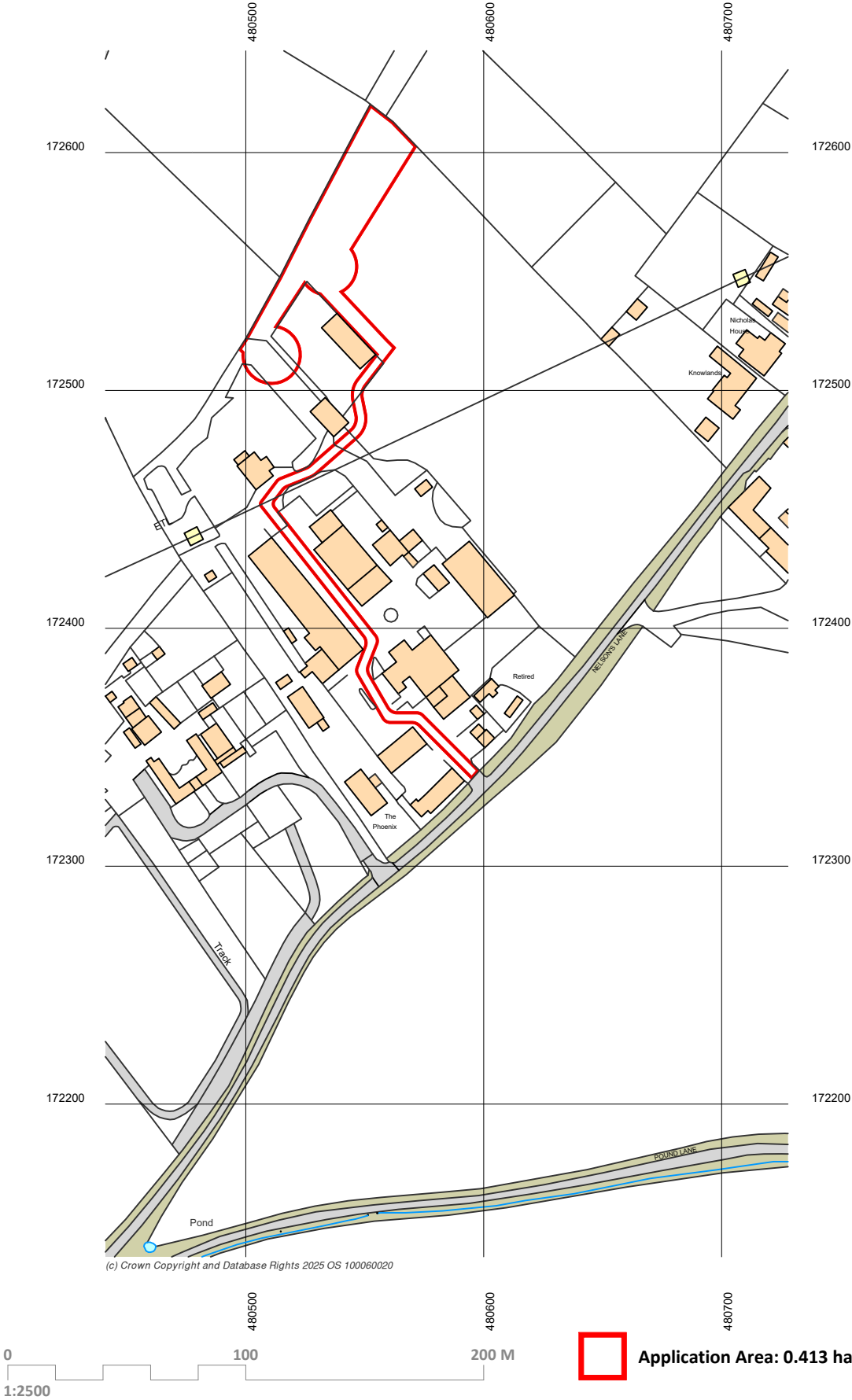
The plan shown here is for the purpose of supporting a planning application only. Only scale from this drawing for the purposes of determining a planning application. Do not scale from this drawing for construction purposes.

Any discrepancies between this and any other consultant's drawings should be reported to Pro Vision immediately.

This plan has been produced using Index polygons spatial data (INSPIRE) to determine the extent and position of registered freehold titles. Whilst reasonable endeavours have been made to ensure the accuracy of the application boundary, in the production of this plan, there may be some discrepancy between the OS data, Topographical Data and Land Title data.



ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED
v1	09.05.25	---	MH	RD
v2	05.06.25	---	MH	RD
v3	06.06.25	---	MH	RD



CLIENT:	Ratesu Ltd		
PROJECT:	Phoenix Park		
DRAWING:	Site Location Plan		1:2500
NUMBER:	51689-XX-P1-00		A4
ISSUE:	v3		06.06.25

Appendix B: Proposed Plans

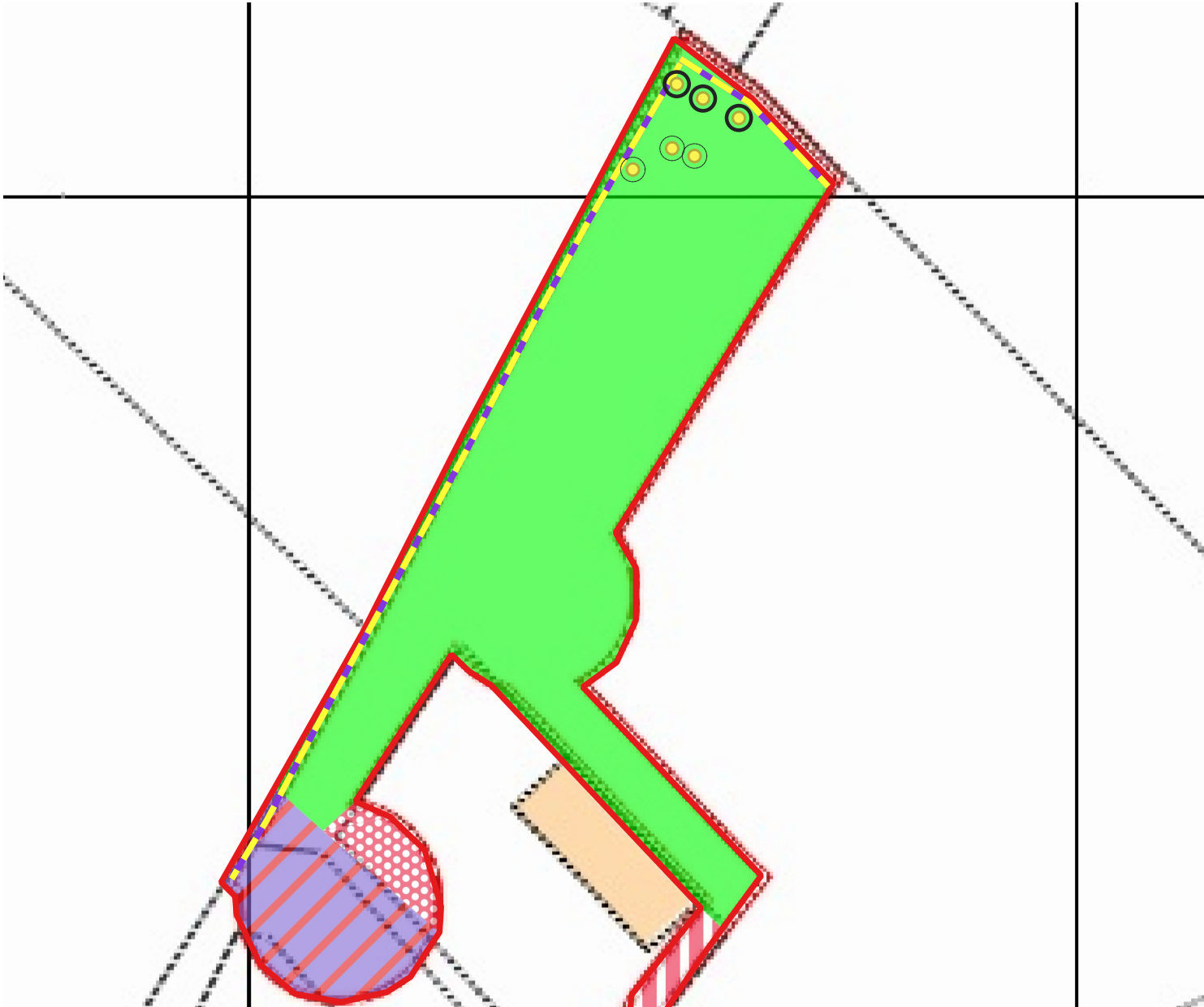
Appendix C: Habitat Map

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Legend

- Red Line Boundary
- Existing Large Rural Tree
- Existing Small Rural Tree
- Native Hedgerow
- Artificial Unvegetated, Unsealed Surface
- Bramble Scrub
- Developed Land; Sealed Surface
- Modified Grassland



ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED
v1	09.05.25	First issue	EB	LSJ
v2	06.06.25	Adjust red line	LSJ	

CLIENT:	Ratesu Limited		
PROJECT:	Phoenix Park		
DRAWING:	Habitat Map		1:750
NUMBER:	8800-XX-E0-02		A4
ISSUE:	v2		06.06.25

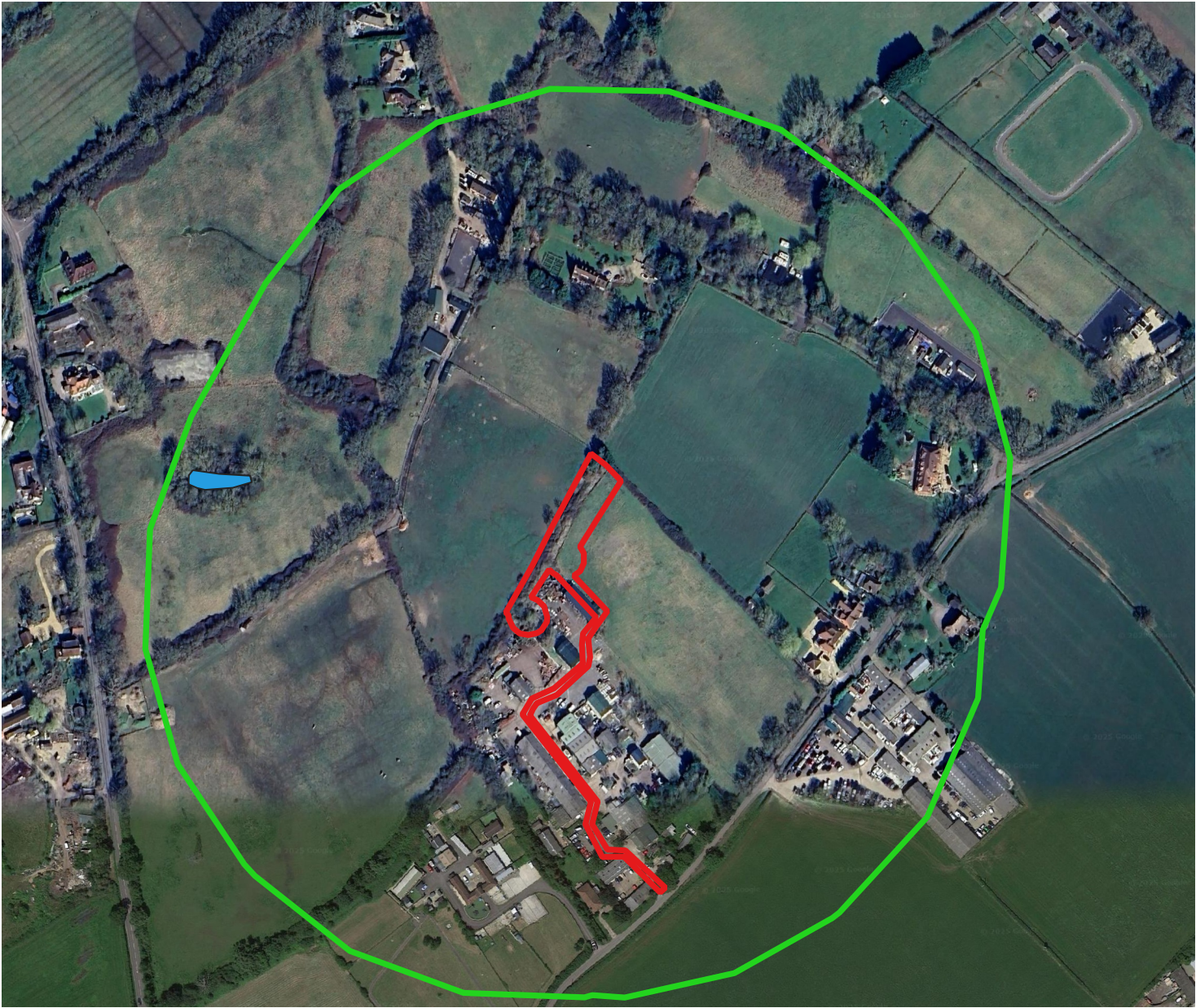
Appendix D: Waterbody Location Map

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Legend

-  Red Line Boundary
-  Waterbodies
-  250 m buffer



ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED
v1	09.05.25	First issue	EB	LSJ
v2	06.06.25	Update red line	LSJ	

CLIENT:	Ratesu Limited		
PROJECT:	Phoenix Park		
DRAWING:	Waterbody Location Plan	1:4000	
NUMBER:	8800-XX-E0-03	A4	
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Appendix E: Relevant Legislation

THE CONSERVATION OF HABITATS AND SPECIES 2017

The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) transpose Habitats Directive into UK legislation. The Habitats Regulations provide for the designation and protection of European Sites and European Protected Species. European Sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which form part of the Natura 2000 network of protected areas across Europe.

European Protected Species (EPS) are those listed under Schedule 2 of the Habitats Regulations and include dormouse, great crested newt, otter and all species of bat. The regulations prohibit the deliberate capture, killing or disturbance of any EPS; it is also an offence to damage or destroy a breeding site or resting place of any of these species. In order to carry out a lawful operation (e.g. development work which has full planning permission) that may result in an offence under the Habitats Regulations, it is necessary to obtain a licence from Natural England. EPS Licences will only be granted after Natural England has been satisfied that there are no satisfactory alternative and that there will not be any adverse impacts on the favourable conservation status of the species.

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside Act 1981 is the principal piece of legislative protection of wildlife in Great Britain. Various amendments have occurred since the original enactment. The Wildlife and Countryside Act contains both habitat and species protection. Certain bird, animal and plant species are afforded protection under Schedules 1, 5 and 8 of the Act. Measures for the protection of the countryside, National Parks, Sites of Special Scientific Interest (SSSIs) are also included within the Act.

THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

The Natural Environment and Rural Communities (NERC) Act 2006 improved wildlife protection by amending the WCA. The main function of the NERC Act was to raise the profile of biodiversity amongst public authorities. Section 40 (S40 of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions.

THE PROTECTION OF BADGERS ACT 1992

The Protection of Badgers Act 1992 consolidates previous legislation (including the Badgers Acts 1973 and 1991 Badgers (Further Protection) Act 1991). It makes it a serious offence to:

- kill, injure or take a badger;
- attempt to kill, injure or take a badger; or
- to damage or interfere with a sett.

The 1992 Act defines a badger sett as "any structure or place which displays signs indicating current use by a badger".

ENVIRONMENT ACT 2021

The Environment Act 2021 received royal assent in November 2021 and introduces new environmental protection regimes. This includes the creation of the Office for Environmental Protection who will oversee the framework. The Act includes several measures which impact on the planning application process to provide measures to ensure developments result in a net gain in biodiversity. The Act includes the mandatory requirement of 10% net gain for new developments, unless listed within the exemptions, which includes householder applications, self-build and developments below the threshold of impacts. Biodiversity net gain must be evidenced with the use of the statutory metric and associated documents.