

Adam Southern
NC Architecture
Sent by email to Adam Southern adam@ncarchitecture.com

ERAP (Consultant Ecologists) Ltd ref: 2022-259
Bury Council reference: 67816

22nd August 2022

Dear Adam,

RE: 23 Hilton Lane, Prestwich M25 9RS: Condition 16

Further to our recent correspondence I confirm that ERAP (Consultant Ecologists) Ltd has been commissioned to collate information / implement actions required under Condition 16 of the planning consent to redevelop the above site to housing (Bury Council reference 67846):

Condition 16 states:

"Prior to the commencement of earthworks the fox will be excluded from its den and the findings supplied to and agreed in writing by the Local Planning Authority."

Background and Rationale

Condition 16 has been attached to the planning consent as the *Extended Phase 1 Habitat Survey* prepared for the site (Rachel Hacking Ecology, October 2021) reported:

"An active Fox earth is located on site. Fresh spoil was present outside the den, Fox tracks and a Fox sighting were recorded during the site survey. It is recommended the Fox earth is destroyed in a humanly manner, so as not to trap animals below ground."

In consultation GMEU advised (email dated 9th December 2021):

"A fox earth was found on the site. Under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild animals. Planning consent does not provide a defence against prosecution under this act. The fox should therefore be humanely excluded from the den prior to any earthworks on the site. This can be dealt with via a condition."

Updated Survey for Mammal Activity

Victoria Burrows B.Sc. (Hons) M.Sc. CEnv MCIEEM, principal ecologist at ERAP (Consultant Ecologists) Ltd attended the site on the 4th August 2022. The weather conditions were sunny and dry with a light breeze (Beaufort scale 2) and an air temperature of 20°C at 12 noon.

The whole of the site (approximately 0.21ha) was examined and searched for evidence of fox (and badger) activity. The survey area extended to accessible land within 30 metres of the site boundary, however, as shown on the appended aerial image, the site is bordered by existing roads and built development on at all boundaries (which are typically unsuitable for use by badger and fox to excavate their setts / dens).

The following field signs of badger and fox activity were searched for:

- a. Sett / den entrances (possibly with spoil piles);
- b. Footprints;
- c. Paths through the site and beneath fencelines / gates at the site boundaries;
- d. Latrines / dung;
- e. Hairs caught on fences or bushes;
- f. Scratching posts; and
- g. Signs of digging for food / prey remains.

In addition, the den / fox activity detected by Rachel Hacking Ecology was relocated and examined.

Two Bushell wildlife trail / trap cameras were also taken to site with the aim of deployment to determine the current status of the den / any holes on site if signs of use were detected and / or the results of the updated daytime inspection were not conclusive.

Results

Badger

As reported in 2021, no evidence of the current or previous use of the site by badger was detected on 4th August 2022.

Fox

No evidence of current use of the former den or other areas of the site by fox were detected.

Small scrapings in the sandy mounds at the site (refer to **Photo 3**, appended) were attributed to rabbit activity owing to the small discreet areas and the presence of rabbit droppings.

Refer to **Photos 4 to 6**. The former den entrance has been colonised by early pioneer plant species such as Field Horsetail (*Equisetum arvense*) and Hedge Bindweed (*Calystegia sepium*) to indicate an absence of recent disturbance. In addition, a cobweb was present over the entrance.

In accordance with best practice small sticks were lightly placed against the entrance to the former den (refer to **Photo 6**). A return visit on 12th August (8 days later) confirmed that the sticks remained in position to indicate that no animals have left or entered the hole.

It is possible that fox pass through the site, although no evidence such as footprints, dung or prey remains were found with the site or the survey area to indicate this.

Assessment and Guidance

Badger

Based on the findings of the inspection on 4th August 2022 it is advised that there are no current constraints in relation to badger at the site; the risk of colonisation by badger is negligible.

Fox

Based on the condition of the site and the previously recorded fox den it is advised that works can commence to prepare the site for construction with minimal risk of unnecessary suffering to a wild mammal. The fox den is not currently in active use.

It is of relevance that fox only typically use their den / earth whilst breeding (i.e. from February when the vixen digs the den until May when the cubs begin to come out into the open¹). The vixen and cubs may then use the den through the summer until Autumn when the cubs leave the den to seek territory elsewhere. At the time of year of the updated inspection (August 2022) fox cubs will have typically started to become more independent and will be leaving the den. Despite the presence of soft sandy material around the former den entrance and over the wider site no fox footprints were detected to indicate the den has been used in 2022.

It is therefore advised that there is no requirement, in this instance, to carry out any further actions such as the installation of a one-way gate over the entrance of the former den to exclude a fox. Works to prepare the site for construction may proceed, although it is advised that caution is exercised, and the former den area should be excavated carefully and any rabbits (for example) occupying the hole should be permitted time to escape.

Survey Validity

This guidance remains valid until **February 2023**. If works to prepare the site for construction have not commenced by this date then it is advised that an updated inspection for fox activity is carried out.

If an updated inspection from Spring 2023 identifies use of the den / any areas of the site by breeding fox then advice will be provided. Please note, in accordance with the protection of animal welfare, the use of one-way gates to exclude a den is only applicable between mid-July and February inclusive. At other times of year there could be a risk of trapping fox cubs in a den and this must be avoided.

I trust this letter is of assistance and facilitates the discharge of Condition 16 on the consent.

Please contact me if you have any queries.

Yours sincerely,



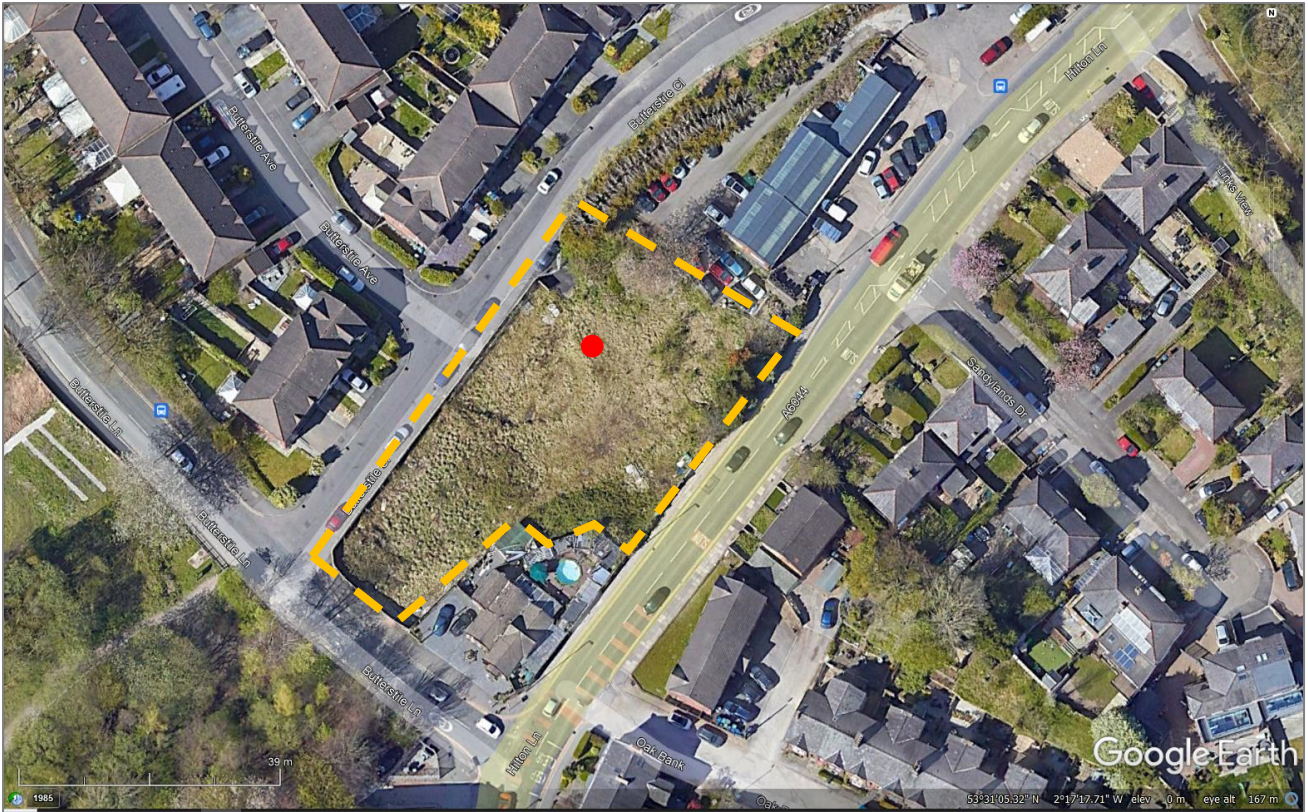
Victoria Burrows B.Sc. (Hons) M.Sc. CEnv MCIEEM
Principal Ecologist

Enc.

Insert 1: Aerial Image of the Site and Surrounds (with the former fox den annotated)

Insert 2: Photographs taken 4th August 2022

¹ Information extracted from <https://www.mammal.org.uk/species-hub/full-species-hub/discover-mammals/species-fox/>



Insert 1: Aerial Image of the Site and Surrounds (with the former fox den annotated by red dot)

Insert 2: Photographs taken August 2022



Photo 1: View of the current conditions at the site (taken facing west)



Photo 2: Habitat at the site (taken facing southwest)



Photo 3: Rabbit scrapings in sandy mounds



Photo 4: Former fox den (overgrown with vegetation and cobweb present)



Photo 5: Hole at collapse tree root void near to former fox den



Photo 6: Sticks lightly placed over former den – no disturbance recorded 8 days later.