Preliminary Ecological Appraisal

The Hayloft, Brookpit Lane, Clymping, West Sussex, BN17 5QU

Colin and Sue Beckhurst

Status	Issue	Name	Date
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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

> The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.
>
> The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.
>
> (BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Colin and Sue Beckhurst to undertake a Preliminary Ecological Appraisal (PEA) at The Hayloft, Brookpit Lane, Clymping, West Sussex, BN17 5QU (hereafter referred to as "the site"). The survey was required to inform a planning application for the construction of a three-bed detached dwelling (hereafter referred to as "the proposed development").

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Designated sites	There are two statutory sites within 2km of the site, the closest being Climping Beach SSSI located 860m south-east from the site. The site lies within the impact risk zone for Climping Beach – Intertidal Zone (SSSI) and the proposed development type is not listed as a possible high risk for this designation. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Sussex Biodiversity Records Centre (SxBRC).	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction.	Best practice measures to minimise the possibility of pollution must be implemented during construction.
Habitats and flora	There are no notable habitats within the site, but seven habitats are present within 2km of the site, the closest being deciduous woodland located 425m south-east from the site. The site contains long vegetation, scrub and a wooded area of planted trees, which are common and widespread; however, the woodland could be of value to local wildlife populations (as detailed in subsequent sections of this table).	No impacts to any notable habitats are anticipated due to the distance of the proposed development from such habitats. The proposed development will result in the loss of ~0.091ha of grassland and scrub and ~0.018ha of planted wooded area. This could result in a net loss in biodiversity at the site. The natural habitat surrounding the site is to be retained.	Retained trees/woodland should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012). A pre-commencement walkover of the site for invasive plant species will be required to rule out the presence of invasive species. If invasive plant species are observed, suitable invasive removal management plan will be required, depending on species found.

	No protected, notable or non-native invasive plant species were identified on the site. However, due to presence of scrub on site preventing access to some sections of the site, it is possible that such species could have been missed. It is uncertain whether the cotoneaster is the invasive species under Schedule 9 of the Wildlife and Countryside Act 1981 as it was not possible to identify to species level due to similarity of cotoneaster species.	Construction works could result in the possible spread of invasive plant species, such as Schedule 9 Cotoneaster, if present.	To compensate for the proposed habitat losses, such as the wooded area and scrub at the site, the following habitat creation measures should be incorporated: • Plantation of native trees, shrubs, scrub and hedgerows.
Amphibians	There is one pond (~230m from site) and a mosaic of ditches (~155m from site) within 500m of site. These connect to the site via sub-optimal habitat. The site offers high habitat value for the terrestrial phase of GCN and common amphibians due to the presence of scrub, long vegetation and wooded area with tile/stone piles scattered on site.	Approximately 0.091ha of grassland and scrub and ~0.018ha of planted wooded area will be removed during construction. When georeferencing the proposed development plans over scaled mapping of the site, it is noted that the development area is likely to result in the loss or significant disturbance of 0.109ha of suitable great crested newt habitat (i.e. scrub and woodland area). If great crested newts are present within the pond 230m to the north-west or ditches ~155m south of the site, this will constitute a loss of 0.109ha within 100-250m of a potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces a **Green risk score**, which states: **Offence Highly-Unlikely**. ~109ha of suitable amphibian habitat will be removed during construction. The loss of such habitats is likely to be inconsequential to local amphibian populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of amphibian, if present.	A precautionary working method will be implemented for common amphibians during construction, please refer to Table 6.
Reptiles	The site offers high habitat value for reptiles due to the presence of scrub, long vegetation and wooded area with tile/stone piles scattered on site.	~0.109ha of suitable reptile habitat will be removed during construction. The loss of such habitats could result in a reduction in reptile habitat and could result in the fragmentation of the local landscape. Furthermore, site clearance could result in the death or injury of reptiles, if present.	Reptile surveys will be required to determine presence or likely absence of reptiles on the site. This will comprise the deployment and monitoring of artificial refugia over seven visits and such surveys must be undertaken between April, May and September, in accordance with

			current survey guidelines (Gent & Gibson, 2003).
Roosting bats	The site offers a high habitat value for commuting bats due to the presence of many trees, wooded area of trees and scrub. Visibility of all trees was restricted due to the dense vegetation present. Therefore, trees with roost features could have been missed. Trees which could be assessed were observed to have no roosting features which bats can use. However, a few of the trees on the boundary have ivy present. These trees have low value for roosting bats.	The proposed development will result in the felling of some trees to allow access onto site and room for parking. It is uncertain which trees this will include. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	An updated potential roost feature assessment on the trees will be required to be certain whether the trees on site, especially the ones to be removed, do not have features which bats can use for roosting.
Foraging and commuting bats	The scrub and wooded area could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of ~0.018ha of woodland plantation but given their low value and the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development may include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, please refer to Table 6.
Badger	[redacted]		
Hedgehog	The wooded area, scrub and long grassland on site provides suitable habitat for hedgehogs to seek refuge from predators and can provide hibernation value. The site is open to the surrounding landscape, therefore, hedgehogs can commute and forage through site.	~0.109ha of grassland, scrubland and woodland plantation will be removed during construction. The loss of such habitats could result in a reduction in hedgehog habitat and could result in the fragmentation of the local landscape. Furthermore, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction, please refer to Table 6.

Birds	The scrub and trees on site provide high habitat value for nesting birds. The site can also be used by ground nesting and Schedule 1 bird species. The site cannot be used by barn owls for perching or nesting, however, can be used for foraging.	~0.109ha of grassland, scrubland and woodland plantation will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Vegetation clearance should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the tree and vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Contents

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Colin and Sue Beckhurst to undertake a Preliminary Ecological Appraisal (PEA) at The Hayloft, Brookpit Lane, Clymping, West Sussex, BN17 5QU (hereafter referred to as "the site"). The survey was required to inform a planning application for the construction of a three-bed detached dwelling (hereafter referred to as "the proposed development"). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author's knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference TQ 00791 01630 and has an area of approximately 0.1ha comprising of small field with grassland and scrub. It is directly surrounded by a dirt track with some residential dwellings to the north, west and east and agricultural fields to the south. The wider landscape comprises of the village of Horsemere Green to the north-west, the town of Littlehampton to the north-east. The coastline is present ~780m south and the river Arun ~1600m east of the site. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Megan Knapp BSc (Hons), Consultant Ecologist [Natural England Level 1 bat licence number 2022-10627-CL17-BAT, accredited agent to Natural England Level 2 bat licence number 2018-33540-CLS-CLS, Natural England Level 1 GCN licence number 2022-10628-CL08-GCN and Natural England Level 1 dormouse licence number 2023-11079-CL10A-DOR] on 15th June 2023.

An extended habitat survey was undertaken, following the methodology set out in *UK Habitat Classification User Manual* (UK Habitat Classification Working Group, 2018). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

A visual inspection of the trees on the site was undertaken from ground level using binoculars. Trees were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a tree that are correlated with use by bats

Classification	Feature of tree and its context
Moderate to high	A tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. Trees with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting potential to be used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators.
Negligible	Unsuitable for use by bats.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape and the ecology and biology of species as currently understood.

Limitations to the survey include:

- No biological records data search had been authorised at the time of writing this report. Therefore, the presence of non-statutory designated sites or protected species in the wider landscape is unknown.
- There was no access to the majority of the plot of land due to the site being overgrown and presence of dense scrub.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below.

The site lies within the impact risk zone for Climping Beach Site of Special Scientific Interest (SSSI). The construction of one dwelling is not listed as a possible high risk with regard to this designation.

Table 2: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Climping Beach SSSI	860m south-east	The site is a stretch of coast with a vegetated shingle beach, behind which is a sand dune system. The intertidal zone supports important populations of wintering birds and the numbers of wintering sanderling, in particular, are of European significance.
West Beach Local Nature Reserve (LNR)	1395m south-east	The West Beach LNR is part of the Climping Beach, Site of Special Scientific Interest (SSSI), which has national protection. It includes sand flats, the tide line, shingle, sand dunes and the plants, birds, molluscs, reptiles and mammals which either live or feed on them.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date:	15/06/2023
Temperature	18°C
Humidity	65%
Cloud Cover	20%
Wind	3mph
Rain	None

Habitats and Flora

The following habitats are present within and adjacent to the site:

- g3c 11 80 Other neutral grassland, scattered tree, unmanaged
- h3h Mixed scrub
- w1g 36 56 57 Other woodland, broadleaved, plantation, young trees – planted, young trees – self-set

A description and photograph of each habitat is provided in Table 4.

No protected or non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981) were identified on the site. However, due to presence of scrub on site preventing access to some sections of the site, it is possible that such species could have been missed.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
g3c 11 80 Other neutral grassland, scattered tree, unmanaged	The site consists of grassland which has been left unmanaged, allowing the sward length to vary between 30cm and 60cm. Species include meadow grass (D), cock's foot grass (A), false oat (F) and Yorkshire fog (F) with bindweed (A), cows parsnip (A), bramble (A), cleavers (A), common ivy (F), common nettle (F), rose (F), bitter dock (O), cut leaf geranium (O), common comfrey (R), tutsan (R) and Iris (R). Trees are present around the site and include elm, cherry, willow, ash and elder.	 *Figure 1 Site looking south.*  *Figure 2 Site looking south-west.*

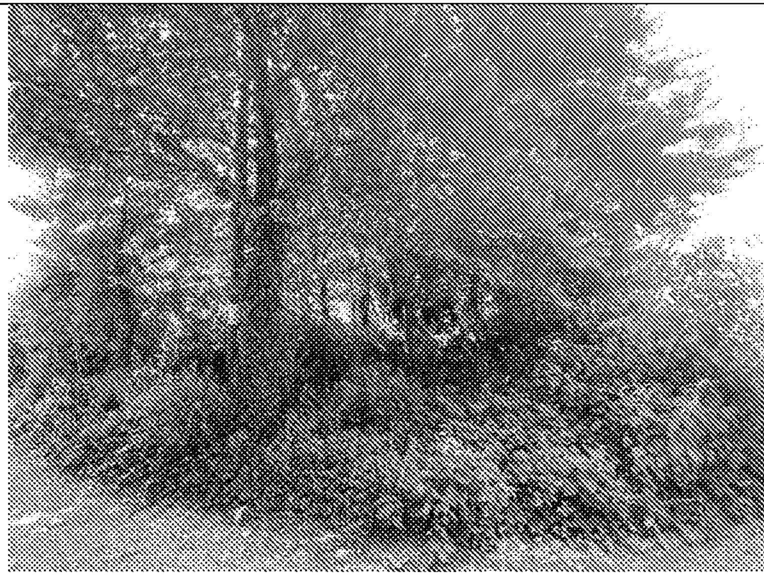
h3h Mixed scrub	Some of the site consists of mixed scrub, due to the unmanaged nature of the site. Species include willow species (F), cotoneaster (F), laurel (F) with ground flora including bramble (A), cleavers (F), hart tongue fern (R). It is uncertain whether the cotoneaster is the invasive species under Schedule 9 of the Wildlife and Countryside Act 1981 as it was not possible to identify to species level due to similarity of cotoneaster species.	 *Figure 3 Scrub on site.*
w1g 36 56 57 Other woodland, broadleaved, plantation, young trees – planted, young trees – self-set	An area of the site had been planted by the client some few years ago, which have some planted and self-set trees present. Species include elm, elder and oak. Ground flora includes common ivy (D), common nettle (A), cleavers (F) and bramble (F). The ground flora to the wooded area is mixed with tiles and brick remnants and tree roots.	 *Figure 4 Woodland plantation to the west of site.*

		 *Figure 5 Tile pile in the woodland.*

Fauna

An assessment of the suitability of the site for protected or notable species is provided in Table 5.

Table 5: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians	The Magic database returned zero EPSL's or historic pond data for great crested newts (GCN) within 2km of site. However, there is one class licence return for GCN located ~870m west of site. GCN exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; GCN are typically found within terrestrial habitats up to 500m from breeding ponds (Langton *et al.* 2001). A review of aerial imagery indicates the presence of one pond within 500m of the site, which is ~230m north-west; with a mosaic of ditches ~155m to the south. The pond is surrounded by urban and agricultural infrastructure including tarmac roads, buildings, dirt tracks, hard standing ground and extensive managed grassland, which appears to be cultivated. Additionally, grassland between the pond and site includes regularly mown residential gardens resulting in a short sward length. These landscape features are suboptimal for GCN due to a lack of refuge from predation, which will restrict amphibian movement and connectivity between the site and the pond. The ditches present to the south of site are also separated from site through sub-optimal habitat such as cultivated land and dirt tracks, however, there are hedgerows present, which connect to site. Although much of this landscape is managed to a short sward length, given the short distance between the pond and the site, the presence of commuting GCN within the grassland and scattered scrub on site cannot be discounted.

<table>
<tr><td></td><td>
The grassland, scrub and wooded area with tiles/bricks floor and tree root cavities could provide opportunities for amphibians to forage and utilise for shelter or hibernation.

When georeferencing the proposed development plans over scaled mapping of the site, it is noted that the development area is likely to result in the loss or significant disturbance of 0.109ha of suitable great crested newt habitat (i.e. scrub and woodland area). If great crested newts are present within the pond 230m to the north-west or ditches ~155m south of the site, this will constitute a loss of 0.109ha within 100-250m of a potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces a Green risk score, which states: Offence Highly-Unlikely (Figure 6).

<table>
<tr><th>Component</th><th>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)</th><th>Notional offence probability score</th></tr>
<tr><td>Great crested newt breeding pond(s)</td><td>No effect</td><td>0</td></tr>
<tr><td>Land within 100m of any breeding pond(s)</td><td>No effect</td><td>0</td></tr>
<tr><td>Land 100-250m from any breeding</td><td>0.1 - 0.5 ha lost or damaged</td><td>0.1</td></tr>
<tr><td>Land >250m from any breeding pond(s)</td><td>0.1 - 0.5 ha lost or damaged</td><td>0.005</td></tr>
<tr><td>Individual great crested newts</td><td>No effect</td><td>0</td></tr>
<tr><td></td><td>Maximum.</td><td>0.1</td></tr>
<tr><td>Rapid risk assessment result:</td><td colspan="2">GREEN: OFFENCE HIGHLY UNLIKELY</td></tr>
</table>
Figure 6 Rapid risk assessment by Natural England.
</td></tr>
<tr><td>Reptiles</td><td>The site is surrounded by suboptimal habitat such as urban and agricultural infrastructure including tarmac roads, buildings, dirt tracks, hard standing ground and extensive managed grassland, which appears to be cultivated. These landscape features are suboptimal for reptiles due to a lack of refuge from predation, which will restrict reptile movement and connectivity between the site and suitable habitat in the surrounding landscape. However, the presence of commuting and foraging reptiles within the grassland, scattered scrub and wooded area on site cannot be discounted.
The grassland, scrub and wooded area with tiles/bricks floor and tree root cavities could provide opportunities for reptiles to forage and utilise for shelter or hibernation.</td></tr>
<tr><td>Badgers</td><td>There are no known badger setts within 30m of site, and no evidence of badgers observed on site. However, as some of the site could not be assessed due to dense scrub being present, it is uncertain whether badger setts are present within the scrub. However, no mammal paths were observed during the survey. There is no evidence of badgers on site, in terms of latrines and foraging pits. The site is open and well connected to the wider landscape, therefore badgers can commute and forage through site. The site also provides suitable habitat for sett excavations.</td></tr>
<tr><td>Bats</td><td>The Magic database returned zero EPSL's for bats within 2km of site. The site offers a high habitat value for commuting bats due to the presence of many trees, wooded area of trees and scrub. The site connects to further habitat which provides high habitat value, such as hedgerows and scattered trees. There were no trees observed to have roosting features which bats can use, such as holes, gaps and lifted bark etc. Though visibility was limited due to restricted site access. However, some of the trees on the boundary have ivy present (numbers were hard to confirm due to the presence of scrub), which bats can use for roosting (between the ivy stem and tree), or additionally, ivy can obscure underlying roost features. The trees on the site's boundary have a low habitat value for roosting bats.</td></tr>
</table>

Hazel Dormouse	The Magic database returned zero EPSL's for hazel dormice within 2km of site. The site provides suitable habitat for hazel dormice to nest and forage, however, there is no connectivity between the site and suitable habitat in the wider landscape. Therefore, dormice are unlikely to be on site.
Hedgehog	The wooded area, scrub and long grassland on site provides suitable habitat for hedgehogs to seek refuge from predators and can provide hibernation value. The site is open to the surrounding landscape, therefore, hedgehogs can commute and forage through site.
Otter & Water Vole	The site is not suitable for otters and water voles due to the lack of water courses on site. The nearest water course are irrigation ditches ~155m south of site, which could provide foraging and commuting routes for otters and water voles.
Birds	The scrub and trees on site provide high habitat value for nesting birds. The site can also be used by ground nesting and Schedule 1 bird species. The site cannot be used by barn owls for perching or nesting, however, can be used for foraging.
Invertebrates	The site is suitable for common and possibly notable invertebrate assemblages due to the presence of scrub, log vegetation and trees.

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the construction of a three-bed detached dwelling.

Table 6: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities[1]
Designated sites	There are two statutory sites within 2km of the site, the closest being Climping Beach SSSI located 860m south-east from the site. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Sussex Biodiversity Records Centre (SxBRC).	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction.	Best practice measures to minimise the possibility of pollution must be implemented during construction.	None.
Habitats and flora	There are no notable habitats within the site, but seven habitats are present within 2km of the site, the closest being deciduous woodland located 425m south-east from the site. The site contains long vegetation, scrub and a	No impacts to any notable habitats are anticipated due to the distance of the proposed development from such habitats. The proposed development will result in the loss of ~0.091ha of grassland and scrub and ~0.018ha of planted wooded area. This could result in a net loss in biodiversity at the site. The natural habitat surrounding the site is to be retained.	Retained trees/woodland should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012). A pre-commencement walkover of the site for invasive plant species will be required to rule out the presence of invasive species. If invasive plant species are observed, suitable invasive removal management plan will be required, depending on species found.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development: • Plantation of wildflower grassland. Species-specific enhancement

[1] The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	wooded area of planted trees, which are common and widespread; however, the woodland could be of value to local wildlife populations (as detailed in subsequent sections of this table). No protected, notable or non-native invasive plant species were identified on the site. However, due to presence of scrub on site preventing access to some sections of the site, it is possible that such species could have been missed. It is uncertain whether the cotoneaster is the invasive species under Schedule 9 of the Wildlife and Countryside Act 1981 as it was not possible to identify to species level due to similarity of cotoneaster species.	Construction works could result in the possible spread of invasive plant species, such as Schedule 9 Cotoneaster, if present.	To compensate for the proposed habitat losses, such as the wooded area and scrub at the site, the following habitat creation measures should be incorporated: • Plantation of native trees, shrubs, scrub and hedgerows.	opportunities are detailed later in this table.
Amphibians	There is one pond (~230m from site) and a mosaic of ditches (~155m from site) within 500m of site. These connect to the site via sub-optimal habitat. The site offers high habitat value for	Approximately 0.091ha of grassland and scrub and ~0.018ha of planted wooded area will be removed during construction. When georeferencing the proposed development plans over scaled mapping of the site, it is noted that the development area is likely to result in the loss or significant disturbance of 0.109ha of suitable great crested newt habitat (i.e. scrub and woodland area). If	A precautionary working method will be implemented for common amphibians during construction, including the following measures: • Site clearance will be undertaken outside of the amphibian hibernation season (November to February) insofar as is possible. • A toolbox talk will be given to contractors regarding the possible presence of	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians:

	the terrestrial phase of GCN and common amphibians due to the presence of scrub, long vegetation and wooded area with tile/stone piles scattered on site.	great crested newts are present within the pond 230m to the north-west or ditches ~155m south of the site, this will constitute a loss of 0.109ha within 100-250m of a potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces a **Green risk score**, which states: **Offence Highly-Unlikely**. The loss of such habitats is likely to be inconsequential to local amphibian populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of amphibian, if present.	amphibians, including great crested newt, at the site by a licenced ecologist. • A pre-commencement inspection of the site will be undertaken for amphibians by a licenced ecologist. • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any amphibians to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter amphibians from the working area. • Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent amphibians from utilising these areas. • Best practice pollution prevention measures will be implemented to minimise impacts to nearby aquatic habitats that amphibians could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • If any common amphibians are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance. • **In the unlikely event that a great crested newt is identified, works must cease and advise must be sought from a suitably qualified ecologist.**	• Allowing areas of the site to grow long. • Creation of amphibian refugia and hibernacula using debris and brash from site clearance.
Reptiles	The site offers high habitat value for reptiles due to the presence of	~0.109ha of suitable reptile habitat will be removed during construction. The loss of such habitats could result in a reduction in	Reptile surveys will be required to determine presence or likely absence of reptiles on the site. This will comprise the deployment and monitoring	To be confirmed upon completion of the surveys.

	scrub, long vegetation and wooded area with tile/stone piles scattered on site.	reptile habitat and could result in the fragmentation of the local landscape. Furthermore, site clearance could result in the death or injury of reptiles, if present.	of artificial refugia over seven visits and such surveys must be undertaken between April, May and September, in accordance with current survey guidelines (Gent & Gibson, 2003).	
Roosting bats	The site offers a high habitat value for commuting bats due to the presence of many trees, wooded area of trees and scrub. Visibility of all trees was restricted due to the dense vegetation present. Therefore, trees with roost features could have been missed. Trees which could be assessed were observed to have no roosting features which bats can use. However, a few of the trees on the boundary have ivy present. These trees have low value for roosting bats.	The proposed development will result in the felling of some trees to allow access onto site and room for parking. It is uncertain which trees this will include. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	An updated potential roost feature assessment on the trees will be required to be certain whether the trees on site, especially the ones to be removed, do not have features which bats can use for roosting.	To be confirmed upon completion of the surveys.
Foraging and commuting bats	The scrub and wooded area could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of ~0.018ha of woodland plantation but given their low value and the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development may include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Light spill on to the site's northern and southern boundary should be avoided. • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • Planting of native tree, shrub and hedgerows to increase foraging opportunities.

			required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
Badger	[redacted]			

	[redacted]			
Hazel dormouse	The site provides suitable habitat for hazel dormice to nest and forage, however, there is no connectivity between the site and suitable habitat in the wider landscape. Therefore, dormice are unlikely to be on site.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	The wooded area, scrub and long grassland on site provides suitable habitat for hedgehogs	~0.109ha of grassland, scrubland and woodland plantation will be removed during construction. The loss of such habitats could result in a reduction in hedgehog habitat and	A precautionary working method will be implemented during construction, including the following measures:	The following habitat creation and enhancement opportunities could be

	to seek refuge from predators and can provide hibernation value. The site is open to the surrounding landscape, therefore, hedgehogs can commute and forage through site.	could result in the fragmentation of the local landscape. Furthermore, construction activities could result in the death or injury of hedgehogs, if present.	• Site clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible. • A toolbox talk will be given to contractors regarding the possible presence of hedgehogs at the site by a suitably qualified ecologist. • A pre-commencement inspection of the site will be undertaken for hedgehogs by a suitably qualified ecologist. • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 30cm and left overnight to allow any hedgehogs to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter hedgehogs from the working area. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.	incorporated into the proposed development which would be beneficial for hedgehogs: • Planting fruit bearing trees and species-rich grassland to increase foraging opportunities. • Creation of brash piles or installation of hedgehog houses in shady areas. • If fencing is to be erected, to create gaps under the fence for hedgehogs to move around site freely.

Otter & Water Vole	The site is not suitable for otters and water voles due to the lack of water courses on site. The nearest water course are irrigation ditches ~155m south of site, which could provide foraging and commuting routes for otters and water voles.	No impacts are anticipated on otters and water voles as a result of the proposed development.	None.	None.
Birds	The scrub and trees on site provide high habitat value for nesting birds. The site can also be used by ground nesting and Schedule 1 bird species. The site cannot be used by barn owls for perching or nesting, however, can be used for foraging.	~0.109ha of grassland, scrubland and woodland plantation will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Vegetation clearance should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the tree and vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of two bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on newly developed dwelling or on retained trees. General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications.
Invertebrates	The site is suitable for common and possibly notable invertebrate assemblages due to the presence of scrub, long vegetation and trees.	~0.109ha of grassland, scrubland and woodland plantation will be removed during construction. The loss of such habitats is likely to be inconsequential to local invertebrate populations owing to their low value and the presence of more extensive habitat locally.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates:

				• Native tree, hedgerow and shrub planting. • Creation of wildflower grassland. • Retention of deadwood on the site.

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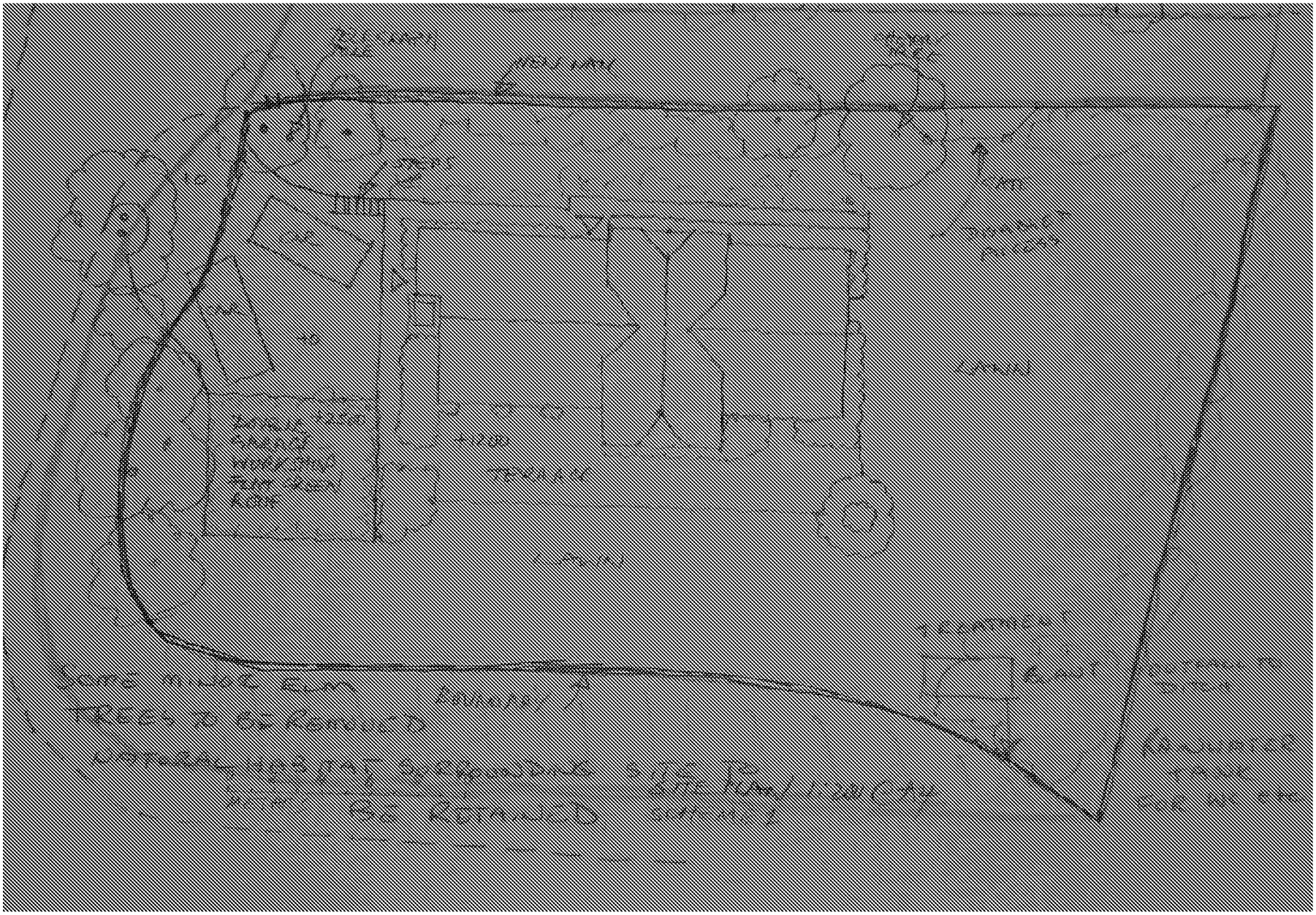
Appendix 1: Proposed Development Plan



Appendix 2: Site Location Plan

Appendix 3: Habitat Survey Plan

Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as "*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*". However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof

- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as "Schedule 1" birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes.* This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and

executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY

Environment Act 2021

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.