



**16 Keble Road, Chandlers Ford,
Eastleigh, SO53 3DS**

Ecological Assessment

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1.0 Summary

The proposal is to demolish the existing house and replace this with 4 residential dwellings. The site was originally surveyed in 2020 and then a walkover survey was undertaken in 2022.

No evidence of bats was found inside the building in 2020 or 2022 however there were some potential access points on the roof. Three bat emergence surveys took place in 2020 and no bats were recorded roosting although there were occasional pipistrelle bats commuting through the site at the boundaries and foraging in the garden – low levels of bat activity were recorded overall. New features for roosting bats will be incorporated into the new buildings on site and new wildlife friendly landscaping will be used on site to maintain bat habitat at the boundaries. Lighting will also be carefully considered in the design to ensure bat flight lines are not interrupted.

No reptiles were recorded during the reptile survey and therefore no further mitigation is required for these species. Additional measures have been set out to provide net gain for wildlife.

2.0 Introduction

Background

- 2.1 Peach Ecology was commissioned in October 2019 to carry out an Ecological Assessment of the site at 16 Road, Chandlers Ford (Grid Reference: SU 43273 19919), located as shown in **Appendix A** and laid out as shown in **Appendix B**. Planning permission was applied for in 2019, planning was not granted and a new application is being submitted. This report will support the new application to Eastleigh Borough Council for permission to demolish the existing house and replace this with 4 residential dwellings as shown in **Appendix C**. This report describes the existing ecology on site based on the findings of a phase 1 ecological survey, a series of ecological surveys for bats and reptiles and a desk-top review of other ecology issues.

Description of site and surrounding area

- 2.2 The site is a reasonably sized residential garden with house situated between Keble Road and The Crossways, a track leads into the site from Keble Road. Houses with gardens are located immediately to the north, west and east and The Crossways forms the boundary to the south. The site is located in an urban area of Chandlers Ford. The garden has not been well maintained since the owner moved out, the hedges and vegetable plot have become overgrown. The site was revisited in 2022 and it has continued to become more overgrown.

Brief

- 2.3 To carry out an Ecological Assessment of the site and inform the clients of any ecological implications associated with the proposals. Phase 2 Bat and Reptile surveys took place in 2020 after the initial site assessment in order to determine the impact on different protected species.

3.0 Methodology

Desk Study

- 3.1 This involved gathering ecological data relating to statutory nature conservation sites from within 2km as shown in **Appendix D**. Multi-Agency Geographic Information for the Countryside (MAGIC) a DEFRA run website was used along with Ordnance Survey maps and aerial images to check for relevant data on notable habitats and species nearby, including European Protected Species license data and wildlife corridors where the site connects into the surrounding area. Planning applications for nearby sites were also reviewed to look at the impacts of other proposals and schemes nearby.

Site Assessment

- 3.2 The initial site survey was undertaken on the 16th November 2019 and a walkover survey was undertaken on 24th May 2022. Plant data and other ecological information was collected on subsequent visits from 2020 - 2022. Surveys employed techniques based on standard Phase I Habitat Survey methodology (CIEEM, 2016). Habitat types on and adjacent to the site were identified according to standard habitat definitions. The collection of botanical information focused on the dominant and key indicator species for each habitat type. The site survey included an assessment of the habitats immediately adjacent to the site, where possible, to look at its value within the local landscape. Indicative methodologies for the most likely protected and notable species that could occur on site and be impacted by the proposals are set out below.

Bats

- 3.3 Buildings and trees within the footprint of the site and any areas potentially impacted by the proposals were inspected in accordance with 2016 survey guidance (Bat Conservation Trust) for potential access points and roosting features that could support bats. Trees were checked for ivy cover, crevices and rotten sections from ground level and from a ladder and with binoculars where necessary. Buildings were checked internally and externally for any signs of roosting bats or bat activity including droppings, insect feeding remains, worn entrances and staining.
- 3.4 Three bat emergence surveys took place, two dusk surveys and a dawn survey. The dusk survey started at least 15 minutes before sunset and continued until 1.5 hours after sunset, the dawn survey started approximately 1.5 hours before sunrise and finished just after. Two surveyors were present during each survey positioned at opposite corners of the main house giving good coverage of all access points. Equipment used included two hand-held Elekon Bat Logger M bat detector/recorders and sounds were analysed on Elekon Software. Details on the environmental conditions were taken at the time of survey. Davog McCloskey (Licence number 2015-11951-CLS-CLS) was present at the surveys along with experienced bat surveyors Rob Neal or Nancy Inman.

Birds

- 3.5 Any habitat features, for example, scrub, trees, hedgerows and buildings which could potentially be used by nesting birds, were surveyed and any nesting activity was noted.

Dormice

- 3.6 The suitability of the habitat was assessed for dormice in terms of trees and hedgerows and the connectivity of the site to other areas of suitable habitat locally. Any small mammal feeding signs were checked and assessed, these include teeth marks on hazel nuts and other nuts and any evidence of nest building.

Great Crested Newts

- 3.7 Any ponds on site and 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 (GCN) was assessed.

Reptiles

- 3.8 Habitat features suitable as hibernacula, foraging or basking areas were noted. Extant refugia were all carefully examined to look for reptiles or for evidence of reptiles, including shed skins. A series of presence/absence surveys were conducted within the site boundaries, targeting areas of habitat highlighted by the initial ecological survey as having potential to support reptiles. 20 Artificial refugia were laid out on the 9th September 2019 within the site boundaries and left for at least two weeks to settle and bed in before any surveys were carried out. A total of seven separate survey visits were then conducted under good weather conditions. All field surveys were undertaken by an experienced reptile surveyors Davog McCloskey or Dinah Barton.
- 3.9 The surveys consisted of the following three methods, in accordance with current guidance (Griffiths and Inns, 1998; Froglife, 1999):
- Visual Search – The site was searched visually during each visit. Details of reptiles encountered basking in the open were recorded. Recorded data included; species, sex, age and location.
 - Extant Refugia – Any existing potential refugia present within the site boundaries were carefully searched by hand for reptiles, these included log and compost piles and the large stones and paving on site.
 - Artificial Refugia – 20 artificial refugia, consisting of thirty 500mmX500mm squares of bitumen roofing felt were sited in areas of reptile habitat as shown in **Plan 1** below. All refugia were lifted during each survey visit and all reptiles present on, under or next to each refugia were recorded.

4.0 Results and Analysis

Desk study

Protected sites

- 4.1 The site is located within 2km to the east of Valley Park Woodlands Local Nature Reserve (LNR). The LNR includes Zionshill Copse and Little Covert. These ancient woodlands which cover approximately 40 hectares feature a mix of restored coppice, woodland rides, open glades, ponds and rough grassland. The woods are a valuable resource of flora and fauna. Ancient Semi-Natural Woodland (ASNW) is locally and nationally important.
- 4.2 The site is located approximately just over 3km to the west of the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). This Itchen is notified as a SSSI for classic chalk stream and river, fen meadow, flood pasture and swamp habitats. It is notified for significant populations of the nationally-rare southern damselfly and for otter, water vole, freshwater fishes, and the assemblage of breeding birds including tufted duck, pochard and shoveler. Annex I habitats that are a primary reason for selection of this site as an SAC include: Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation. The Itchen is a classic example of a sub-type 1 chalk river. The river is dominated throughout by aquatic *Ranunculus* spp. The headwaters contain pond water-crowfoot *Ranunculus peltatus*, while two *Ranunculus* species occur further downstream: stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans*, a species especially characteristic of calcium-rich rivers, and river water-crowfoot *R. fluitans*. Annex II species that are a primary reason for selection of this site as an SAC include:
- Southern damselfly *Coenagrion mercurial* - Strong populations of southern damselfly occur here, estimated to be in the hundreds of individuals. The site represents one of the major population centres in the UK. It also represents a population in a managed chalk-river flood plain, an unusual habitat for this species in the UK, rather than on heathland.
 - Bullhead *Cottus gobio* - The Itchen is a classic chalk river that supports high densities of bullhead throughout much of its length. The river provides good water quality, extensive beds of submerged plants that act as a refuge for the species, and coarse sediments that are vital for spawning and juvenile development.
- 4.3 These species and habitats are all susceptible to changes in water quality and levels and although the site is some distance away from the river there is the potential for impacts from pollution and drainage associated with the proposals. The in-combination effects of different developments can have a significant effect on rivers and therefore it is important that pollution and drainage are considered early on to minimise or eradicate negative effects of the development.

Site Assessment

Habitats

- 4.4 Habitats recorded within the site boundary and immediate vicinity comprised of:
- Building and hard standing
 - Lawn with ornamentals, shrub/border planting and apple tree

Building

- 4.5 The existing dwelling on site (Photo 1) is a single storey brick built bungalow with a conservatory extension to the west, a separate summer house is located to the south-east corner of the site. The house has concrete interlocking tiles and some of these are lifted and broken leaving gaps into the attic (Photo 2), similarly there are gaps around the chimney where the lead is lifted (Photo 3).
- 4.6 A hard standing track leads into the site from Keble Road.



Photo 1: western aspect of the dwelling in 2020



Photo 2: raised tiles on the roof 2020



Photo 3: access around the chimney in 2020

- 4.7 Internally there were no signs of roosting bats past or present, only a few rat droppings were noted. The attic had papery roofing felt under the tiles and there were some crevices in the attic where bats could remain out of site.
- 4.8 The building had not changed internally or externally as shown by the walkover survey in 2022.

Lawn with ornamentals, shrub/border planting and tree

- 4.9 The garden appears to have been previously well maintained up until recent years when the householder lived there, since their absence the hedges have become overgrown and bushy, the allotment/vegetable bed has become covered in ruderals (thistles, willowherb) and bramble and the ornamental shrub beds have become overgrown and have been colonised with native flowers. Dandelion, dock and nettles are growing at the boundaries and elsewhere, the lawn has grown out from lack of management. The lawn is dominated by Yorkshire fog, red fescue, black medic, springy turf moss and yarrow, other species within the lawn and at the borders include hairy bittercress, grape hyacinth, ivy, ribwort plantain, herb robert, wild marjoram, common dog violet, rough hawkbit, daisy, lords and ladies and wood avens. The borders contain a range of ornamental species also including bamboo, budlieia, laurel and California wildlgrape. Other species present included cranesbill, hedge bindweed, ragwort, ground elder, nipplewort, horsetail in the back garden, timothy and oxeye daisy.
- 4.10 The southern boundary has a row of Leyland Cypress as a boundary hedgerow and amongst this are two large willow trees, the eastern and a section of the northern boundary also have leylandii. The western boundary consists of ruderal species and bramble and there is some vegetation growing over the fence from the adjacent garden.

- 4.11 The borders of the garden and other areas more centrally were covered in more bramble than was present during the surveys in 2020.
- 4.12 Although these species are relatively widespread and common they have wildlife value and add to the biodiversity value of the local area. As new dwellings will be constructed on site there will be less space available for gardens and areas of planting therefore it is recommended that a range of bulbs are planted at the boundaries of the new gardens along with native hedgerow shrubs as compensation for the loss of diversity and to ensure there is a net gain. At least fifteen new trees will be planted including 5 new apple trees in gardens along with other trees within the hedgerows.
- 4.13 Although the Leyland Cypress are not native and in terms of diversity they offer little value, they do offer structure in the form of a hedgerow, therefore when this is removed it will be replaced with a new hedgerow to compensate for this wildlife corridor which exists for bats and birds and other wildlife. This will need to be protected from light spillage.

Bats

- 4.14 Three European Protected Species licences for bats have been granted within 2km, these include:
- 2017-27981-EPS-MIT-1 approximately 1km to the north for Brown long-ear, common pipistrelle, soprano pipistrelle and serotine
 - 2014-148-EPS-MIT approximately 0.5km to the south for common pipistrelle
 - EPSM2009-1058 approximately 0.5km to the south for common pipistrelle
- 4.15 The wider area is known to have high levels of bat interest and therefore it is important that boundary features are maintained, losses to plant diversity are minimised and external lighting is considered at an early stage to protect the habitats and bat roosts nearby. Due to the high levels of bat interest and potential access points on the building further surveys were recommended to establish presence of roosting bats.

Phase 2 bat surveys

- 4.16 During the three bat emergence surveys no bats were confirmed roosting in the dwelling on site. The surveys took place late in the active bat season however they all took place within the appropriate survey window even though the first survey recorded no bat activity (weather conditions were suitable). Common pipistrelle and a single noctule/leislars were the only species recorded, mostly overhead or nearby, although the few pipistrelle recordings were noted along the eastern and southern hedgerow with occasional bouts of foraging noted in the main garden area to the west of the dwelling.
- 4.17 Table 1 below shows a summary of the conditions, equipment and personnel present during the bat surveys.

Survey Date	Survey type	Surveyors	Equipment used	Duration	Weather	Sunset /sunrise time
6 th June 2020	Dusk	LA & JH	Elekon x2	2101 - 2246	60 – 100% cloud cover, wind force 1 -2, light rain at beginning of survey then dry, 15°C at start of survey, 11°C at end of survey	2116
24 th June 2020	Dusk	LA & JH	Elekon x2	2109 - 2254	0% cloud cover, no wind force, no rain, 27°C at start of survey, 22°C at end of survey.	2124
15 th July 2020	Dawn	DM & RN	Elekon x2	0340-0525	100% cloud cover, wind force 1, no rain, 18°C at start of survey 16°C at end of survey	0508

Table 1 – Phase 2 bat survey details

- 4.18 No bats were recorded roosting in the property during any of the dawn/dusk surveys. The building did not appear to be used by roosting bats during the surveys although there are some small gaps suitable for bats to gain access and these were not covered by moss. Common pipistrelle bats are known to move about between roosts so completely ruling them out is impossible sometimes. A European Protected Species licence is not required to proceed with the proposal however care must still be taken during demolition in case bats are present in future. The loss of features for roosting bats will need to be compensated for with new bat roosting features in the new development.
- 4.19 The existing garden does provide some habitat for foraging and commuting bats and it is important that new landscaping is diverse and structured to ensure there is no loss in biodiversity, this could be achievable by planting new trees and hedgerows and supplementing these with new bulb planting.
- 4.20 Lighting design will also need to be considered to avoid new roosting features, landscaped areas and potential roosts outside the site boundary.

Reptiles

- 4.21 The initial phase 1 site visit found that the site was suitable for reptiles due to the areas of habitat present including overgrown lawn, hedgerow, overgrown vegetable plots and piles of decomposing material. The site is however not well connected into the surrounding countryside meaning it is relatively isolated for reptiles at ground level.
- 4.22 A phase 2 presence/absence reptile survey took place to determine if a reptile population was present at the site, and if so where at in order that a suitable mitigation plan could be prepared if necessary. The reptile survey was set up on 3rd June 2020 and took place over June and July during periods of suitable weather. The results of the survey including the environmental conditions are shown below in **Table 2**.

Survey number	Survey date	Weather	Method	Location/Refugia ID	Species	Sex	Age	Quantity	Peak Adult Count
Survey set up	3.6.20		Visual search	-	-	-	-	-	0
1	18.6.20	Start time: 1830 Finish time: 1845 Start temp °C: 16 Finish temp °C: 15 Wind speed (beaufort): 1 Cloud cover %: 100 Rain: none but had rained most of the day Ground conditions: wet Observations: -	-	-	-	-	-	-	0
2	23.6.20	Start time: 0755 Finish time: 0815 Start temp °C: 16 Finish temp °C: 17 Wind speed (beaufort): 1 Cloud cover %: 5 Rain: none Ground conditions: dry but dew Observations: -	-	-	-	-	-	-	0
3	1.7.20	Start time: 1035 Finish time: 1055 Start temp °C: 18 Finish temp °C: 18 Wind speed (beaufort): 1 Cloud cover %: 90 Rain: none Ground conditions: dry but some dew Observations: -	-	-	-	-	-	-	0
4	6.7.20	Start time: 1120 Finish time: 1135 Start temp °C: 18 Finish temp °C: 18 Wind speed (beaufort): 1-3 Cloud cover %: 40-90 Rain: none Ground conditions: dry	-	-	-	-	-	-	0
5	11.7.20	Start time: 1105 Finish time: 1120 Start temp °C: 17 Finish temp °C: 18 Wind speed (beaufort): 2-3 Cloud cover %: 20-80 Rain: none Ground conditions: dry	-	-	-	-	-	-	0
6	16.7.20	Start time: 1105 Finish time: 1120 Start temp °C: 17 Finish temp °C: 18 Wind speed (beaufort): 1 Cloud cover %: 100 Rain: none Ground conditions: dry	-	-	-	-	-	-	0
7	20.7.20	Start time: 1030 Finish time: 1050 Start temp °C: 18 Finish temp °C: 18 Wind speed (beaufort): 1-3 Cloud cover %: 5-10 Rain: none Ground conditions: dry	-	-	-	-	-	-	0

Table 2: Summary of reptile survey results

- 4.23 No reptiles were recorded during the survey and it would seem that this is due to the relative isolation of the garden over the years, separated from other areas of more optimal reptile habitat by well maintained gardens to the north, east and west and by a road to the south. Even though the garden itself looks suitable for reptiles with a mosaic of habitats and hibernation features it would appear that over time, if any reptiles were present, these have moved on or have died out in the area from competition, predation or loss of habitat.
- 4.24 The status of reptiles on site is unlikely to have changed since the survey in 2020.
- 4.25 No further reptile mitigation is required.

Great Crested Newts

- 4.26 No ponds were present on site or within the vicinity of the site therefore it is unlikely that Great Crested Newts are present on site or locally and they will not be impacted by the proposals. There are no changes after the 2022 walkover survey.

Dormice

- 4.27 A dormouse licence has been granted for a site less than 0.5km to the north-west (2014-607-EPS-MIT). No evidence of dormice was found on site at the time of survey. The trees and hedges on site have minimal connectivity at the arboreal level into other larger groups of trees in the wider area therefore it is considered unlikely that dormice are using the site and any loss of trees or vegetation is unlikely to impact on the species. Any loss of trees will need to be mitigated for with new tree planting on at least a one for one basis, this should be outlined in a landscape plan agreed as a condition of planning.
- 4.28 There are no changes after the 2022 walkover survey.

Birds

- 4.29 There were no signs of nesting birds in the building however the garden has habitat including trees, shrubs, hedges and piles of composting brash that are suitable for common garden nesting birds and therefore clearance will need to be timed and/or undertaken with care to avoid disturbing nesting birds. House sparrow, wood pigeon, robin and blackbird were all recorded on site at some stage during the ecological assessment and all of these species could use different features on site to nest. The loss of vegetation will need to be mitigated for with new landscaping and nesting opportunities. Landscaping the site with new hedgerow and tree planting would benefit more common garden species of nesting birds, while erecting nest boxes for house sparrows and swifts would be an enhancement for these declining species of bird.
- 4.30 There are no changes after the 2022 walkover survey.

Hedgehogs

- 4.31 Hedgehogs hibernate and build their nests in areas of denser scrub and vegetation, at the bases of hedgerows and amongst piles of composting vegetation, all of which are present on site. Hedgehogs have been recorded on site by the resident in the past. It is advised that the site is cleared under ecological supervision to ensure no animals are harmed. Any new fencing on site should allow passage of hedgehogs into and out of the garden areas and into and out of the site by avoiding gravel

boards or creating gaps at suitable locations in each new garden. A new hedgehog shelter at a suitable location would benefit hedgehogs locally.

4.32 There are no changes after the 2022 walkover survey.

5.0 Requirements and Recommendations

Birds

- 5.1 Vegetation removal and building demolition will need to take place outside of the bird nesting which runs from 1st March – 1st August inclusive to ensure nesting birds are not harmed. Alternatively this can be done under ecological supervision.
- 5.2 Two house sparrow nest boxes and two swift nest boxes will be built into the new houses or attached firmly to the exterior of each new dwelling under the eaves at a suitable location, one box per dwelling at least (Appendix E).

Bats

- 5.3 Lighting design will also need to be considered to avoid new roosting features, landscaped areas and potential roosts outside the site boundary. LED downlighters will be used if external lighting is necessary along with down pointing bollard lighting.
- 5.4 Care will be taken when roof tiles are removed and an ecologist will be present on site during demolition.
- 5.5 Two integrated bat boxes will be used on two of the buildings, one box on each dwelling, facing south.

Pollution prevention and drainage

- 5.6 It is important that the proposals follow appropriate pollution prevention guidelines (PPG 6) and drainage guidelines (Defra guidelines for Sustainable Urban Drainage) to protect watercourses, ponds, groundwater and other habitats connected hydrologically to the site.

Landscaping

- 5.7 It is important that new landscaping is diverse and structured to ensure there is no loss in biodiversity, this will be achievable by planting new trees and hedgerows and supplementing these with new bulb planting at the bases.
- 5.8 The Leyland cypress hedge will be removed and replaced with native hedgerow.
- 5.9 Native hedgerow and native bulb planting will be used at the boundary of all rear gardens at the edge of the lawn, 100m of new hedgerow will be planted. A range of native bulbs (daffodils, bluebells, snowdrops etc) will be planted at a density of 10-20 per m². Native hedgerow will include woody species including hawthorn, blackthorn, holly, hazel, guelder rose and trees within the hedgerow can consist of edible fruit bearing species like apple, cherry and plum.
- 5.10 The retained trees will be protected during construction with appropriate fencing.

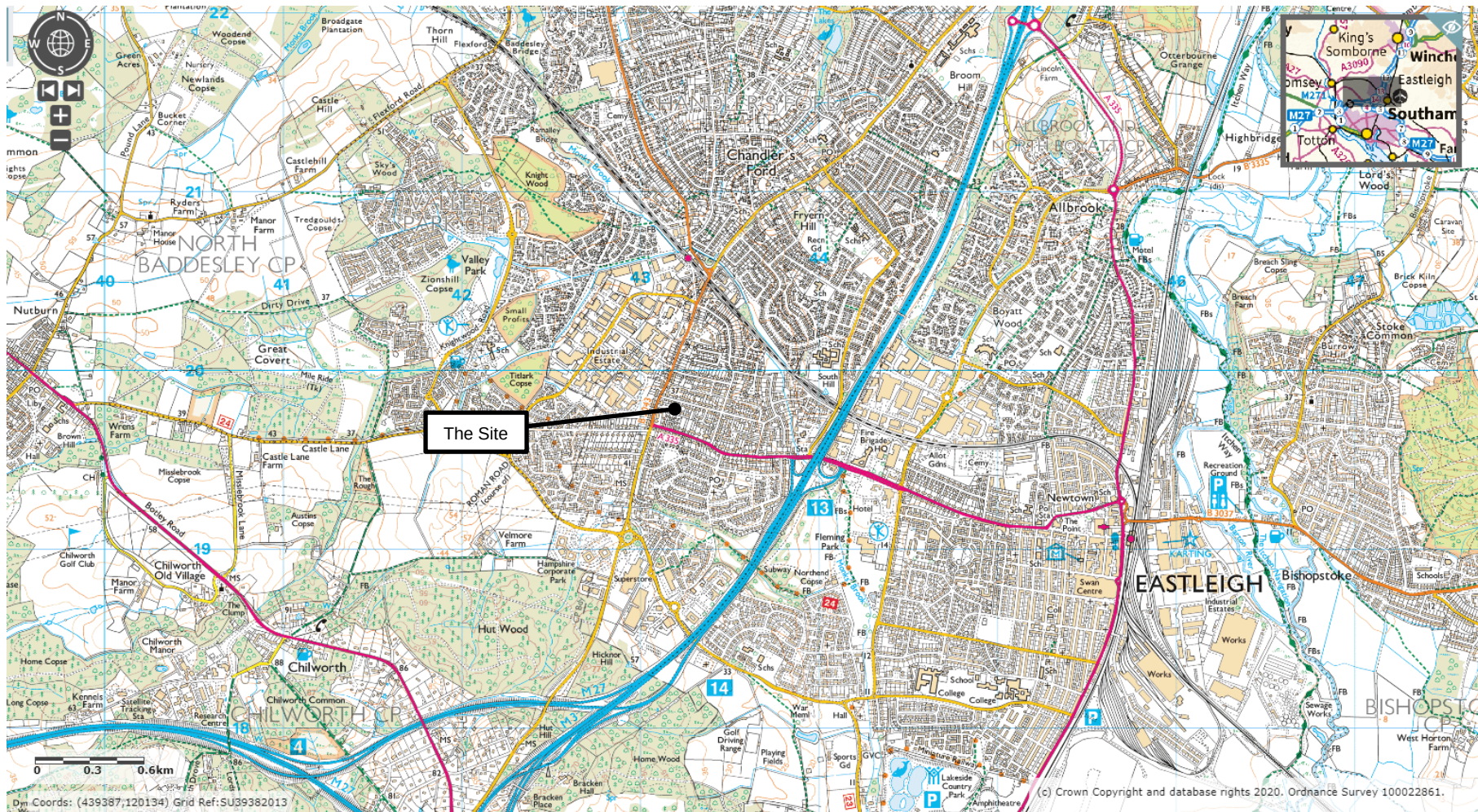
- 5.11 Rear garden lawns will be sown with wildflower seed – emorsgate EL1 – Flowering Lawn Mixture (or similar)
- 5.12 At least fifteen new trees including five new apple trees will be planted on site in gardens.
- 5.13 Any new garden or boundary fencing will need to allow the movement of hedgehogs and reptiles at ground level by leaving out barge boards or leaving gaps at least 100mm wide by 100mm high between any neighbouring gardens and between each garden and the outside of the site– See Appendix G for details on how access can be achieved. Post and rail fencing will be used along the southern boundary between the residential curtilage and the reptile receptor area.
- 5.14 Appropriate tree fencing will need to be erected prior to construction to protect any retained trees during construction. All construction works taking place in the vicinity of retained vegetation, and particularly those close to existing buildings, should conform to British Standards Trees In Relation to Construction. A construction management plan will need to be set out with these protected areas and features clearly identified.

Hedgehogs

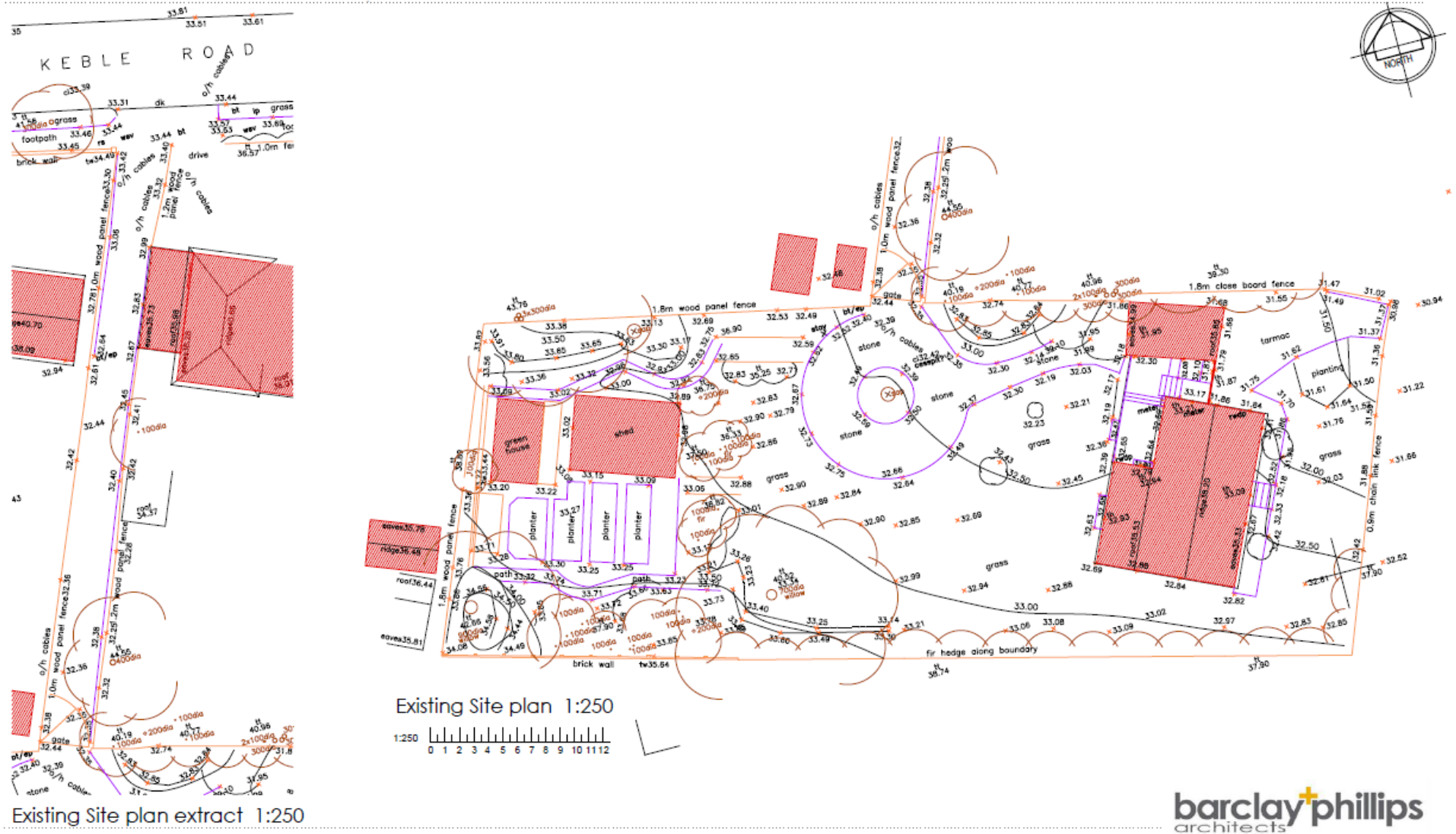
- 5.15 Install a hedgehog hibernation feature in every garden along the southern boundary hedgerow concealing this with vegetation.

APPENDICES

Appendix A: Site location



Appendix B: Existing plan

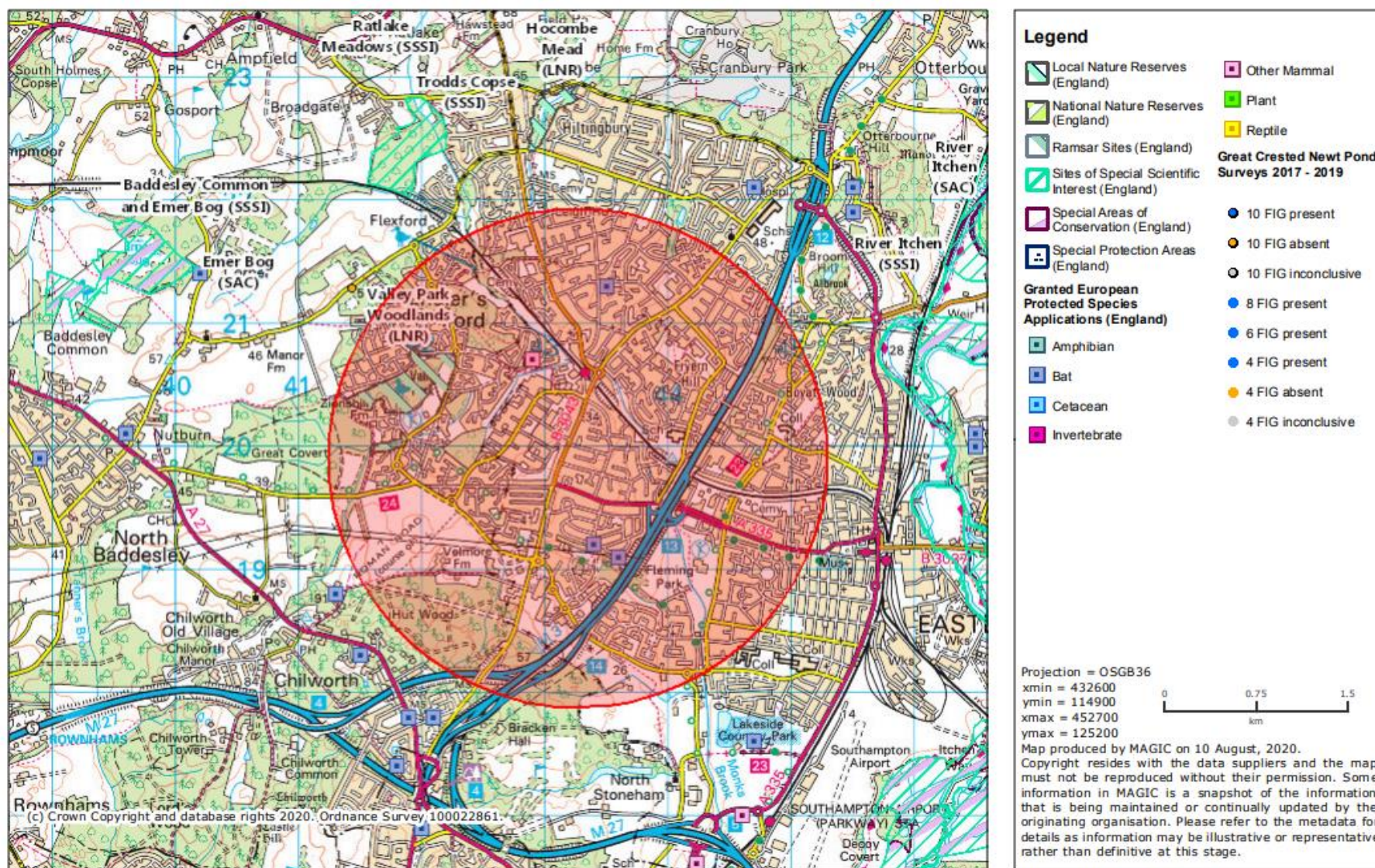


Appendix C: Proposed site plan

16 Keble Road, Chandler's Ford



Appendix D: Protected sites and European Protected Species data



Appendix E: Bat and bird features

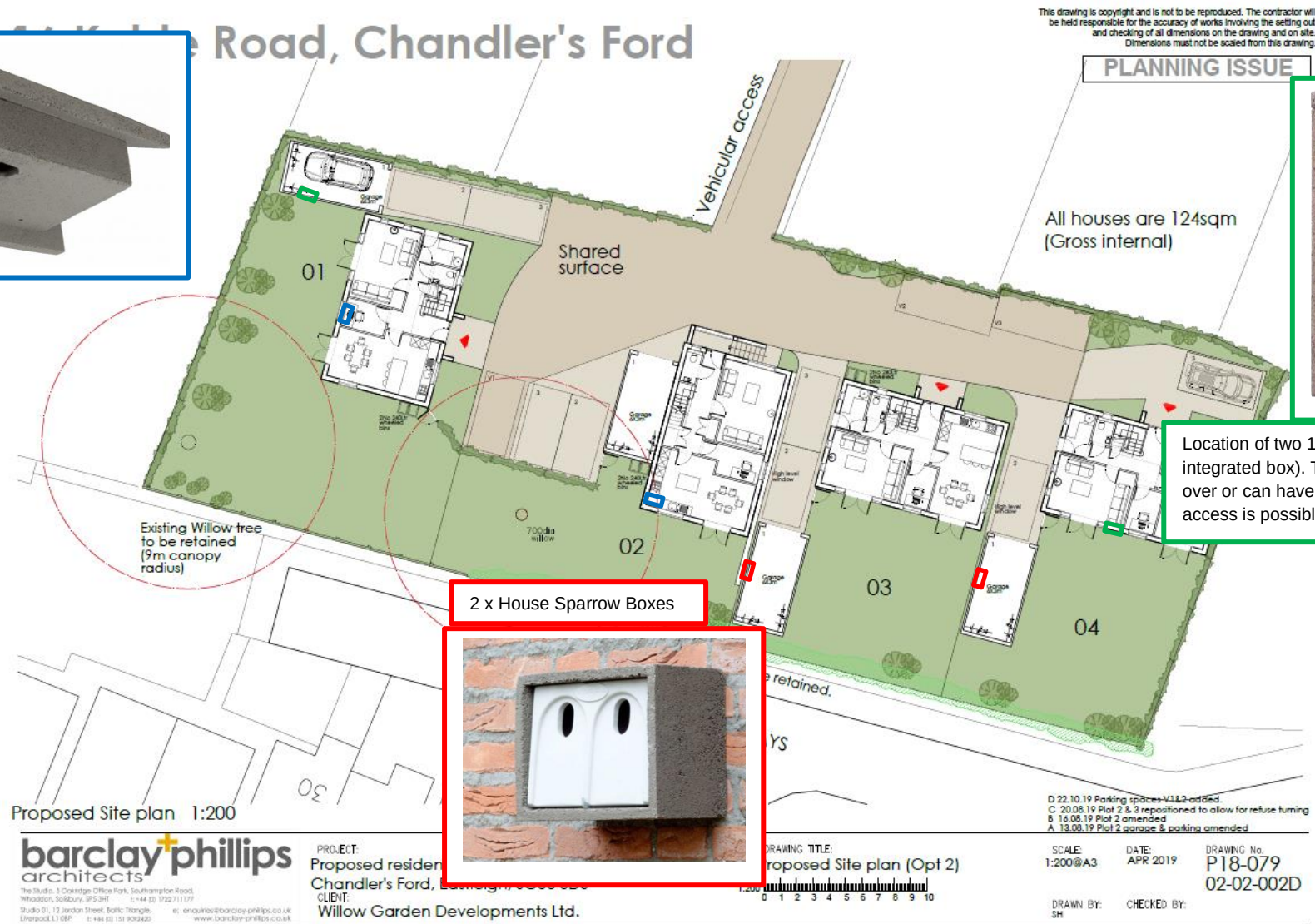


2 x Swift boxes



Location of two 1FR Bat Tubes (or similar integrated box). These can be rendered over or can have a brick front as long as access is possible to the cavity.

2 x House Sparrow Boxes



Appendix F: Landscaping

16 Keble Road, Chandler's Ford



At least 15 new native trees planted on site, at boundaries or within gardens

Rear garden lawns will be sown with wildflower seed – emorsgate EL1 – Flowering Lawn Mixture (or similar)

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PLANNING ISSUES

All houses are 124sqm (Gross internal)

Post and rail fencing used between gardens and at site boundary or alternatively fencing that does not preclude hedgehogs and other animals at ground level – See Appendix G for more details.



Existing Willow tree to be retained (9m canopy radius)

Leyland cypress removed and replaced with native hedgerow. At least 100m of new hedgerow consisting of native species to be planted between plots and at the boundaries, with native bulbs at the base.

Retain and protect willows during construction.

Existing willow tree retained (8.4m root radius)

Existing hedge retained.
THE CROSSWAYS

Install a hedgehog hibernation feature in each garden concealing this with vegetation.



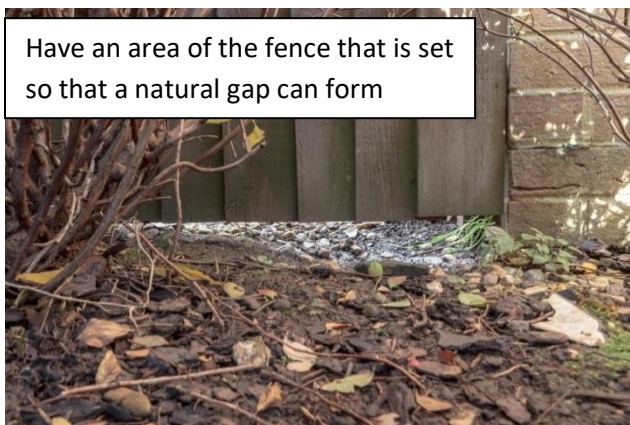
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Proposed residential Development at: 16 Keble Road,
Chandler's Ford, Eastleigh, SO53 3DS
CLIENT: Willow Garden Developments Ltd.

DRAWING TITLE:
Proposed Site plan (Opt 2)
1:200 0 1 2 3 4 5 6 7 8 9 10

DRAWN BY: SH CHECKED BY:

Appendix G: Hedgehog access



Appendix H: Protected species legislation

European Protected Species

Bats

These species are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and Schedule 2 of the *Conservation of Habitats and Species Regulations 2010*. They are afforded full protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence, *inter alia*, to:

- deliberately capture, injure or kill any such animal;
- deliberately disturb any such animal, including in particular any disturbance which is likely:
 - to impair its ability to survive, breed, or rear or nurture their young;
 - to impair its ability to hibernate or migrate;
 - to affect significantly the local distribution or abundance of that species; or
- damage or destroy a breeding site or resting place of any such animal; or
- intentionally or recklessly disturb any of these animals while it is occupying a structure or place that it uses for shelter or protection; or
- intentionally or recklessly obstruct access to any place that any of these animals uses for shelter or protection.

In addition, five British bat species are listed on Annex II of the Habitats Directive. These are:

- Greater horseshoe bat (*Rhinolophus ferrumequinum*);
- Lesser horseshoe bat (*Rhinolophus hipposideros*);
- Bechstein's bat (*Myotis bechsteinii*);
- Barbastelle (*Barbastella barbastellus*);
- Greater mouse-eared bat (*Myotis myotis*).

In certain circumstances where these species are found the Directive requires the designation of Special Areas of Conservation (SACs) by EC member states to ensure that their populations are maintained at a favorable conservation status. Outside SACs, the level of legal protection that these species receive is the same as for other bat species.

Dormouse (*Musccardinus avellanarius*), European otter (*Lutra lutra*) and Great Crested Newt (*Triturus cristatus*)

These species are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and Schedule 2 of the *Conservation of Habitats and Species Regulations 2010*. They are afforded full protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence, *inter alia*, to:

- deliberately capture, injure or kill any such animal;
- deliberately disturb any such animal, including in particular any disturbance which is likely:
 - to impair its ability to survive, breed, or rear or nurture their young;
 - to impair its ability to hibernate or migrate.
 - to affect significantly the local distribution or abundance of that species; or
- damage or destroy a breeding site or resting place of any such animal; or
- intentionally or recklessly disturb any of these animals while it is occupying a structure or place that it uses for shelter or protection; or
- intentionally or recklessly obstruct access to any place that any of these animals uses for shelter or protection.

Nationally Protected Species

Badger (*Meles meles*)

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”.

Breeding Birds

With certain exceptions¹, all wild birds, their nests and eggs are protected by section 1 of the *Wildlife and Countryside Act 1981* (as amended). Therefore, it is an offence, *inter alia*, 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; or
- intentionally take or destroy the egg of any wild bird.

These offences do not apply to hunting of birds listed in Schedule 2 subject to various controls.

Bird species listed on Schedule 1 of the Act receive further protection, thus for these species it is also an offence to:

- intentionally or recklessly disturb any bird while it is nest building, or is at a nest containing eggs or young; or
- intentionally or recklessly disturb the dependent young of any such bird.

Reptiles

The four widespread² species of reptile that are native to Britain, namely common or viviparous lizard (*Zootoca vivipara*), slow worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix helvetica*), are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and are afforded limited protection under Section 9 of this Act. This makes it an offence, *inter alia*, to:

- intentionally kill or injure any of these species.

Water vole (*Arvicola amphibius*)

The water vole is listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and is afforded limited protection under Section 9 of this Act. This makes it an offence, *inter alia*, to:

- intentionally kill, injure, or take (handle) any a water vole (in England only);
- intentionally or recklessly damage or destroy or obstruct access to any structure or place which water voles use for shelter or protection; or
- intentionally or recklessly disturb water voles while they are using such a place.

Stag beetle (*Lucanus cervus*)

The stag beetle is legally protected from sale in the UK. It is also classed as a ‘protected species’, listed on Schedule 5 of the *Wildlife and Countryside Act 1981*.

¹ Some species, such as game birds, are exempt in certain circumstances

² The other native species of British reptile (sand lizard and smooth snake) receive a higher level of protection under the *Habitats Regulations 1994* and (in England and Wales only) the *Wildlife and Countryside Act 1981* (as amended). However, the distribution of these species are restricted to only a very few sites. All marine turtles (Cheloniidae and Dermochelyidae) are also protected.