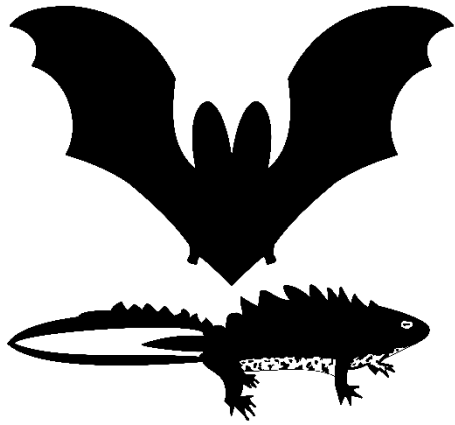




AEWC^{Ltd}

Animal Ecology & Wildlife Consultants

Extended Phase 1 Habitat Survey

68 Telegraph Road

**West End
Southampton
Hampshire
SO30 3EY**

Emily Partridge

**22-205
March 2023**

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Summary

- AEWCLtd were commissioned by Lynda Woodhams to undertake an extended Phase 1 habitat survey at 68 Telegraph Road, West End, Southampton, Hampshire, SO30 3EY at grid reference SU 47029 13738 to help inform the proposed development of the site.
- This report details the results of the survey, which was carried out on the 22nd February 2023 by Emily Partridge qualified ecologist, to record and map the habitats present, assess the site for the potential presence of any protected species or species of conservation concern and identify habitats of conservation importance.
- The proposed development plan involves re-roofing and extension works to the existing dwelling as well as replanting of the garden. This will involve the removal of a small area of amenity garden. The development will include the instalment of a hedgehog house, a hibernaculum with existing wood from the site, and a bird and bat box. The majority of the habitat area on site is unlikely to be negatively affected by these proposals.
- Additional information regarding the present and historical ecological interest of the site and within a 2km radius was provided by the Hampshire County Council. This helps to inform the likelihood of protected species occurring within the site boundary.
- The site is approximately 0.1ha and largely comprises bare earth and hardstanding with areas of ornamental planting having been previously cleared of vegetation in the area of the proposed development.
- Lighting can have notable negative impacts on commuting bats, that are known to be present locally. There is potential for lighting during and post-development to cause indirect disturbance in these areas. **Lighting onto boundary vegetation should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time.**
- **Vegetation or tree removal should be undertaken outside the breeding bird period from March to August. Should any vegetation clearance be scheduled to take place between the beginning of March and the end of August, this must be immediately preceded by a survey to check for nesting birds. No vegetation can be cleared whilst a nest is occupied, regardless of species.**
- **The west European hedgehog is an SPI, therefore it is recommended that any vegetation, such as the scrub and hedgerow, should be cleared sensitively by destructive search with a qualified ecologist present on site. If close board fencing is to be fitted it should be raised above ground level to allow hedgehogs to pass underneath, some habitat areas should also be left un-landscaped to provide shelter and foraging opportunities.**
- **Good practice buildings guidelines such as covering of trenches should be followed to ensure no animals become trapped overnight.**
- **Care must be taken to prevent the further spread of cotoneaster sp.. Ideally efforts should be made to remove these from the site.**
- Ecological enhancements which will be installed within the site are detailed within section 6 of this report.

- **Overall, it is considered that there are no likely significant impacts to the fauna or flora populations within the local area from the proposed works provided the recommendations above are adhered to.**
- **The clearance of the site was conducted sensitively and at a time of year when animals such as birds were unlikely to be actively using the site. It is therefore considered highly unlikely that any animals were harmed during the site clearance or that any offense was committed.**

This report has been prepared by AEWCLimited, with all reasonable skill, care and diligence within the terms of the Contract with the client. We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above. This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

The information and data which has been prepared and provided is true and has been prepared and provided in accordance with the 'Guidelines for Preliminary Ecological Appraisal' and 'Code of Professional Conduct' issued by the Chartered Institute of Ecology and Environmental Management (CIEEM). We confirm that the opinions expressed are our true and professional bona fide opinions.

1 Introduction

- 1.1 AEWCLtd were commissioned by Lynda Woodhams to undertake an extended Phase 1 habitat survey at 68 Telegraph Road, West End, Southampton, Hampshire, SO30 3EY to help inform the proposed development of the site.
- 1.2 This survey comprised a desktop study of biological records within the vicinity of the site, an ecological walkover survey to record and map the habitats present and an assessment for protected wildlife and species of conservation importance, including habitats, and was carried out by a qualified ecologist Emily Partridge on the 20th February 2023.
- 1.3 This report presents the results of the following:
 - Desktop Biodiversity Report
 - UK Habs Habitat Survey
 - Protected Species Walkover Survey
- 1.4 In addition, the report outlines any recommendations/further surveys that may be necessary. This will ensure that any protected species are not detrimentally impacted by the proposed development works on site, that there is no loss of ecological viability and that the favourable conservation status of the species in the local area are not affected.

2 Background

- 2.1 The proposed development site is located at 68 Telegraph Road, West End, Southampton, Hampshire, SO30 3EY at central grid reference SU 47029 13738. See Figure 1.
- 2.2 The site is located in the parish of Hampshire and is immediately surrounded by residential properties and gardens to the north, south and west, with coniferous woodland to the east. The wider landscape largely comprises residential and commercial development and woodland with areas of agricultural farmland and lowland dry acid grassland. See Figures 1 and 2.
- 2.3 The site is approximately 0.1ha and largely comprises bare earth and hardstanding with areas of ornamental planting.
- 2.4 The proposed development plan involves re-roofing and extension works to the existing dwelling as well as replanting of the garden. This will involve the removal of a small area of amenity garden. The development will include the instalment of a hedgehog house, a hibernaculum with existing wood from the site, and a bird and bat box. The majority of the habitat area on site is unlikely to be negatively affected by these proposals.

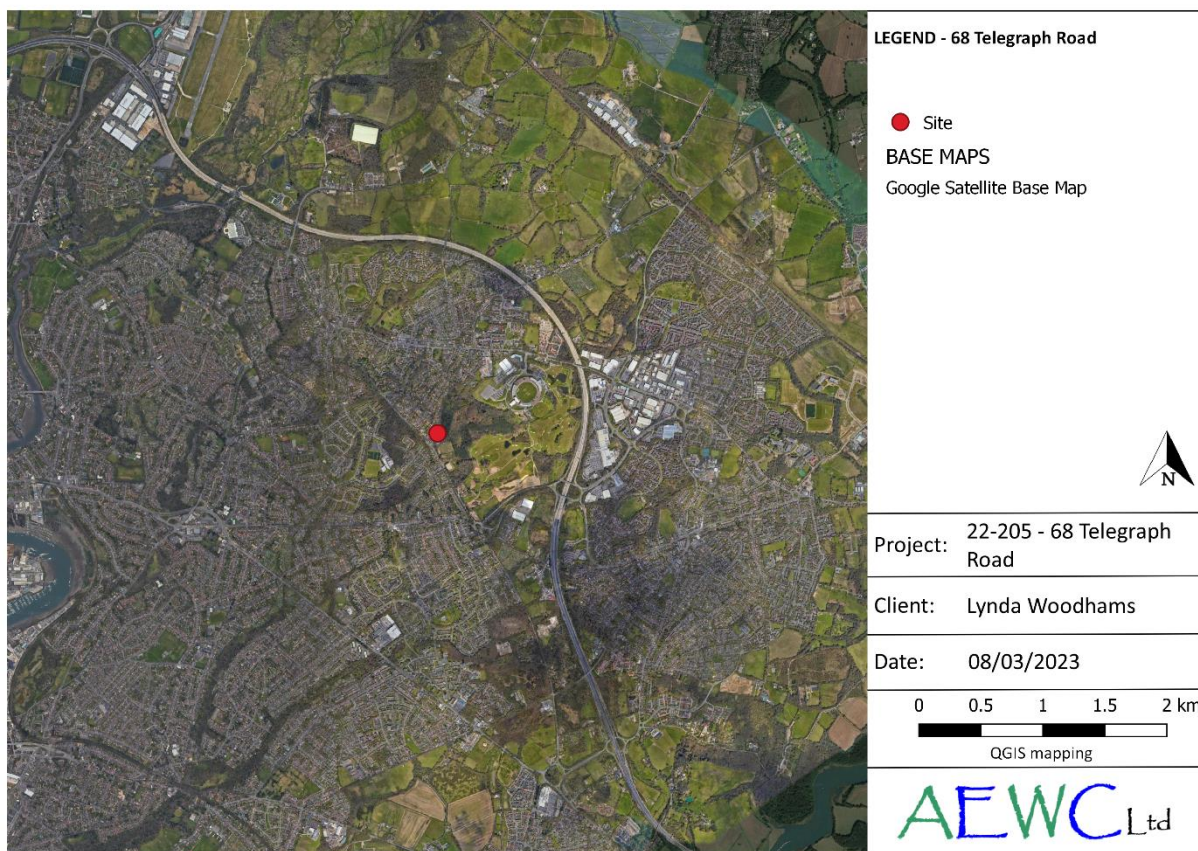


FIGURE 1: SHOWING THE SITE LOCATION



FIGURE 2 : AERIAL VIEW OF THE SITE SHOWING THE SITE BOUNDARY

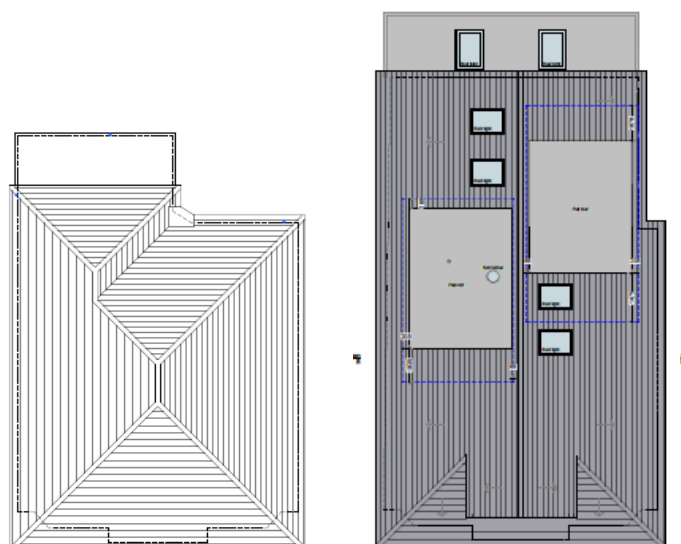


FIGURE 3 : EXISTING (LEFT) AND PROPOSED (RIGHT) PLANS

3 Methods

Desk Study

- 3.1 The Multi Agency Geographic Information for the Countryside (MAGIC) website provided by the Department for Environment, Food and Rural Affairs (Defra) was consulted to obtain information about any international or European level designated nature conservation sites within 2km of the site boundary, afforded protection either directly by the Conservation of Habitat and Species (Amendment)(EU Exit) Regulations 2019 or to the same level of protection through planning policy (the National Planning Policy Framework and Local Development Framework). Information regarding statutory designated sites, such as Sites of Special Scientific Interest (SSSI) within a 2km radius of the site, were also obtained from MAGIC.
- 3.2 Aerial photos of the site (Google Earth, 2023) were examined to determine habitats surrounding the site and hence species likely to be present in order to make appropriate recommendations in the wider landscape context.
- 3.3 Records of protected and notable species and non-statutory designated sites within 1km of the site were requested from the local biological records centre (Hampshire County Council). Information on the presence of non-statutory designated sites within 2km of the site, were also obtained from the local biological records centre (Hampshire County Council).
- 3.4 Records were screened for relevance and age with only those from the last 10 years and of species that could occur on site considered further.
- 3.5 A search for waterbodies within 500m of the site boundary was undertaken using MAGIC mapping in order to assess their connectivity to the site.

UK Habs Habitat Survey

- 3.6 A daytime ecological walkover assessment was carried out on the 22nd February 2023 to record and map the habitats present, evaluate the site for its potential to support protected species in addition to other species of conservation importance that could be relevant in respect of planning policies.
- 3.7 The survey involved a UK Habitat Classification System Survey which was carried out based on the standard methodology produced by UKHab Ltd (2020) and included searches for signs of protected species, as described in the Guidelines for Preliminary Ecological Assessment (CIEEM, 2012). This involves the following elements:
- Habitat mapping using a set of standard colour codes to indicate habitat types on a UK Habitat Classification Map.
 - Description of features of ecological or nature conservation interest in notes relating to numbered locations on the UK Habitat Classification Map, called Target Notes (for habitat and features of possible interest).
 - A plant species list with subjective estimates of the relative abundance of species in selected habitat parcels using a modified DAFOR scale. The DAFOR scale ranks species according to their relative abundance in a given parcel of land as follows: d – dominant, a – abundant, f – frequent, o – occasional, r – rare. In addition, the following prefixes are used: l – locally, v – very.
- 3.8 Plant nomenclature in this report follows Stace (2010) for native and naturalised species of vascular plant. Nomenclature for mosses and liverworts follow the Checklist for British and Irish Bryophytes 2009. Plant names in the text are given with the English name first, followed by the Latin name. Latin names for all species are given just once and not repeated.

Protected Species Walkover

- 3.9 An assessment was made of habitat suitability in and around the site for those protected species that occur in the region. Obvious signs and incidental sightings of protected species are noted when encountered, but walkover surveys do not usually confirm species presence or absence.
- 3.10 Taking into consideration the geographical region and habitat type, species that could be encountered are:
- badger;
 - bats;
 - breeding birds;
 - great crested newt;
 - hazel dormice;
 - reptiles;
 - other mammals; and
 - other Species of Principal Importance (SPI) (e.g. hedgehog, stag beetle etc);
- 3.11 In addition, observations of any invasive species, important plant communities, plant species of note, Habitats of Principal Importance (HPI) or other valuable ecological features will be recorded and detailed.

3.12 Details of the initial survey method for each species are given below.

3.13 **Badger** – an initial assessment was carried out to identify areas that might be used by badgers (*Meles meles*). Signs of badgers including setts, incidental foraging signs, runs, hairs and latrines are recorded if encountered during the survey. Where possible the area within 30m of the site is also searched for badger setts.

3.14 **Bats** – The site was assessed for bat roosting potential and the surrounding area was assessed for the suitability of the habitat to support bats. Any buildings were examined and assessed for evidence of bats, such as rub marks, staining or droppings or for features that have good potential to be used by bats, such as loft voids, raised tiles, hanging tiles, gaps in soffits and lead flashing cracks, crevices and mortise joints. Trees were assessed for their potential to be used by bats such as woodpecker holes, splits, cracks and crevices or loose bark plates which can be used as roost features by bats. Such features are noted and examined by using equipment such as a high-powered torch and binoculars, in order to determine their suitability for bats.

3.15 **Breeding Birds** - habitats were assessed for their suitability for nesting birds. This would centre on birds that favour hedgerows, areas of longer grassland, scrub, trees as well as buildings.

3.16 **Great Crested Newt** - initial surveys centre on identifying suitable habitat within the site. If breeding ponds are present within the locality then great crested newt (*Triturus cristatus*) could potentially be using the terrestrial habitat on the site. Maps are used to identify any ponds (that are not isolated by unsuitable habitat or physical barriers) within 500 metres of the site. A Habitat Suitability Index (HSI) is used to quantifiably assess whether a pond is suitable, this is undertaken for any onsite ponds during the walkover survey.

3.17 **Hazel Dormice** – scrub and areas of dense vegetation are assessed for their suitability for foraging and nesting hazel dormice (*Muscardinus avellanarius*). Favoured berry and nut bearing species such as hawthorn, hazel and bramble were looked for in particular. Additionally, the connectivity of this habitat and to suitable habitat beyond the site is also assessed. If hazel nuts are present a brief search for nuts that have been chewed by hazel dormouse (i.e. displaying the characteristic smooth round hole) was conducted.

3.18 **Reptiles** - the site was assessed for habitat suitable for reptiles, such as long grassland and areas of scrub, with particular attention paid to those features that provide suitable basking areas (e.g. south-facing slopes and walls), hibernation sites (e.g. banks, log piles and piles of rotting vegetation) and opportunities for foraging (e.g. rough grassland and scrub).

3.19 **Other mammals** – any signs of occupancy by other mammals (e.g. Rabbit warrens) are recorded.

- 3.20 **Other Species of Principal Importance (SPI)** – the habitats present on site were assessed for the likelihood of presence for species of regional and national importance.
- 3.21 **Invasive species** - Any invasive plant or animal species identified during the site walkover are recorded.
- 3.22 **Plant species of note** – Any plant species of conservation concern found on the site are recorded.
- 3.23 **Habitats of Principal Importance** - Habitats of Principal Importance within or adjacent to the site (such as arable field margins, traditional orchards, ponds, rivers, wet woodlands) are recorded.
- 3.24 **Other valuable ecological features** - Other ecological features e.g. ancient woodland, veteran trees, bird feeding stations etc, habitat enhancements etc. within or adjacent to the site are recorded.

4 Constraints/Limitations

- 4.1 An initial site assessment such as this is only able to act as a snapshot to record any flora or fauna that is present at the time of the survey. It is therefore possible that some species may not have been present during the survey but may be evident at other times of the year. For this reason, habitats are assessed for their potential to support some species, even where no direct evidence (such as droppings) has been found.
- 4.2 Some protected species records are confidential and therefore not included within the data search results provided by the records centre. Absence of records does not automatically correspond to absence of species within the impact zone of the development.
- 4.3 As noted within Hampshire County Councils Ecology Response to the proposed development, the site has been previously cleared of all grassland and the majority of the shrubs and trees which were present. As such the evaluation of the site has been based off the sites current condition, historic aerial views on google maps and pictures from the client showing the site prior to clearance.

5 Results

Desk Study

Sites

Statutory Designated Sites:

- 5.1 There are five statutory designated sites located within 2km of the proposed site. The nearest statutory designated site is Wildern Local Nature Reserve (LNR) located approximately 1.3km east of the site. The majority of the statutory designated sites within 2km of the site are separated from the site by the M27, however Netley Common LNR, located approximately 1.85km south of the site, is not separated by any major barriers.

Non-statutory Designated Sites

Local Wildlife Sites (LWS).

- 5.2 There are no non-statutory sites located within 2km of the proposed site.

Waterbodies within 500m of the site boundary

- 5.3 The Ordnance Survey map available via MAGIC was reviewed for ponds within the accepted dispersal distance of 500m that are not separated from the site by significant barriers to dispersal such as main roads. No ponds were found occurring within 500m of the site.

Protected Species

Badger

- 5.4 24 records of badger was recorded in the local area with most recent records from 2019.

Bats

- 5.5 Records of bats were recorded in the local area with most recent records from 2020. Species recorded include whiskered bat *Myotis mystacinus*, barbastelle *Barbastella barbastellus*, soprano pipistrelle *Pipistrellus pygmaeus*, common pipistrelle *Pipistrellus pipistrellus*, serotine *Eptesicus serotinus*, noctule *Nyctalus noctula*, natterers bat *Myotis nattereri*, Nathusius pipistrelle *Pipistrellus nathusii*, and brown long-eared *Plecotus auritus*.

Birds

- 5.6 Records of birds were recorded in the local area including species on the red list and species on schedule 41 of the NERC act. Species include lesser redpoll *Acanthis cabaret*, skylark *Alauda arvensis*, tree pipit *Acanthis cabaret*, hawfinch *Coccothraustes coccothraustes*, cuckoo *Cuculus canorus*, yellowhammer *Emberiza citronella*, grasshopper warbler *Locustella naevia*, common scoter *Melanitta nigra*, spotted flycatcher *Muscicapa striata*, curlew *Numenius arquata*, house sparrow *Passer domesticus*, ring ouzel *Turdus torquatus*, and lapwing *Vanellus vanellus*.

Great crested newt

- 5.7 No records of great crested newts were found within 2km on the site.

Hazel dormice

- 5.8 Seven records of hazel dormouse were recorded in the local area with most recent records from 2011.

Reptiles

- 5.9 Records of reptiles were recorded in the local area including eight records of slow worm *Anguis fragilis*, four records of grass snakes *Natrix helvetica*, six records of adder *Vipera berus* and five records of common lizard *Zootoca vivipara*. Most recent records are from 2015 for slow worms, 2017 for grass snake, 2006 for adder, and 2019 for common lizard.

Other Mammals

- 5.10 Records of other mammals were recorded in the local area include hedgehog *Erinaceus europaeus*, brown hare *Lepus europaeus*, and otter *Lutra lutra*.

Other Species of Principal Importance (SPI)

- 5.11 Hedgehog, brown hare and otter are all species of principle importance.

Field Survey

Habitats and Plants

- 5.12 A UK Habs Habitat map can be seen in Figure 4 and a species list is given in Appendix 3. The habitats present on the site are described below.

Existing site condition

Hardstanding and buildings

- 5.13 A house with hardstanding patio sits within the middle of the site. The hardstanding was recorded to be in good condition with no flora encroaching. The building condition is detailed within the bat assessment section below.



Photograph 1: Building and hardstanding at the site entrance.

Bare Ground

- 5.14 The majority of the site is occupied by cleared garden where grassland, small trees and ornamental planting has previously been cleared from the site. A small number of amenity grassland species are regrowing on the eastern lawn including mouse ear *Cerastium fontanum*, buttercup *Ranunculus* sp., and dandelion *Taraxacum officinale*.



Photograph 2: Bare ground and the retained tree within the rear garden

Trees and shrubs

- 5.15 The majority of trees and shrubs have been removed within the site; however a single young *Prunus* sp. tree is present at the western end of the site and several ornamental shrubs bound the eastern lawn including *Cotoneaster* sp., and cherry laurel *Prunus laurocerasus*.

Historic site condition

Garden, trees and shrubs

- 5.16 Following purchase of the site in October 2022, the client began clearing the site to allow safe access to the garden, which had been left unmanaged for several year by the previous owner. The site was cleared of broken concrete, asbestos and glass debris, as well as largely non-native invasive species and dead shrubs including large amounts of bamboo. Other species included bramble *Rubus fruticosus*, self-sown holly *Ilex aquifolium*, ivy *Hedera helix*, young apply trees and ferns. All trees were checked to ensure no TPO's were present on them before removal.
- 5.17 A number of native and wildlife beneficial shrubs were potted and will be replanted within the site including hawthorn *Crataegus monogyna*, butterfly bush *Buddleja* sp., and heart tongue fern *Asplenium scolopendrium*.

5.18 A defunct pond is still present within the site; however, it was noted to be a very small walled pond which is overgrown.



Photograph 3: Grassland and ornamental borders before clearance.



Photograph 4: Rear of the site dominated by bamboo prior to clearance.



FIGURE 4: UK HABS HABITAT MAP

Habitat evaluation

Plant species of note

5.36 No plant species of note were identified.

Habitats of Principal Importance

5.37 No HPI were identified within or adjacent to the site.

Protected species and species of conservation concern

Badger

5.38 No badger setts were identified present on site. No evidence of badger activity such as latrines, tracks, guard hairs or snuffle holes were observed on or directly adjacent to the site, which would suggest that the site is otherwise used for foraging. It is considered unlikely that any badger setts are present within 30m of the site boundary as no evidence of badger activity was identified during the survey.

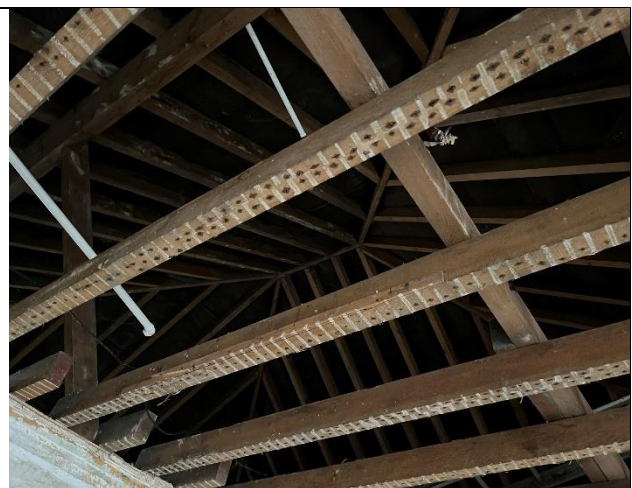
Bats

5.39 The house on site is a single storey, brick-built dwelling with a hipped roof supporting interlocking roof tiles and a small flat-roofed section of building on the west elevation. Externally the building was recorded to be in good condition with all tiles and soffits tight fitting and no gaps suitable for bat access were noted.

5.40 Internally the ceiling was removed in November 2022 due to structural damage. Dense cobwebbing could be seen at the apex and no evidence of bats or potential access points were noted. Overall, the building is considered to hold negligible potential for roosting bats.



Photograph 5: The rear elevation of the house with interlocking roof tiles.



Photograph 6: The internal roof void.

5.41 The existing tree within the site is small and contains no features suitable for roosting bats. The trees which were removed from site were of a similar size to the existing tree and it is considered highly unlikely that any bat roosting features were present.

Breeding birds

- 5.42 There was some suitable habitat on site for nesting birds prior to clearance within the trees and shrubs, however these were removed outside of nesting bird season as would be recommended for habitats with nesting bird potential.
- 5.43 The remaining hedging and ornamental shrubs within the front garden of the property hold limited birds nesting potential.

Great Crested Newt (GCN)

- 5.44 The site is considered to have no potential to support terrestrial GCN, as no suitable ponds are present within the site boundary or within 500m of the site. The habitats on site also offered limited opportunities for this species prior to clearance.

Hazel dormice

- 5.45 The site is considered to have negligible potential to support hazel dormice both in its current condition and prior to clearance due to the lack of suitable habitat, connectivity and edible plant species.

Reptiles

- 5.46 The site did not contain any areas of grassland, scrub or suitable features suitable for reptiles. Prior to clearance the site did offer some opportunities for these species within the unmanaged shrubs and boundary vegetation. An aerial view of the site also shows that the property is surrounded by well-maintained gardens to the north, south and west and is bounded by telegraph road to the east which limits the connectivity to the site for these species and reduces the likelihood that a significant population of any reptile species would have been present on site.

Other Mammals

- 5.47 No evidence of other mammals was recorded within the site.

Other Species of Principal Importance

- 5.48 There is potential for the site to support SPI such as hedgehog to pass through the site on occasion.

Invasive species

- 5.49 The following invasive species listed on Schedule 9 of the wildlife and countryside act were recorded: *Cotoneaster* sp.
- 5.50 Non-native invasive plants (but not listed on Schedule 9) were recorded: laurel sp. and butterfly bush.

6 Conclusions & Recommendations

- 6.1 In line with Natural England's Standing Advice, where further survey for protected species is recommended these should be conducted prior to submitting a planning application and appropriate mitigation measures be incorporated into the development design.

Badger

- 6.2 The survey did not identify any evidence of badgers on the site, and it is considered unlikely that there is a sett present within 30m. No further surveys for badgers are considered necessary.

Bats

- 6.3 All trees and buildings on site were found to have negligible potential for bats, therefore no further surveys for bats will be required for the proposed works to the building or if any of the trees are to be removed.
- 6.4 Lighting can have notable negative impacts on commuting bats, that are known to be present locally. There is potential for lighting during and post-development to cause indirect disturbance in these areas. Lighting onto boundary vegetation should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time.

Breeding birds

- 6.5 Vegetation or tree removal should be undertaken outside the breeding bird period from March to August. Should any vegetation clearance be scheduled to take place between the beginning of March and the end of August, this must be immediately preceded by a survey to check for nesting birds. No vegetation can be cleared whilst a nest is occupied, regardless of species.

Great Crested Newt (GCN)

- 6.6 The site is considered unlikely to be used by GCN and therefore no further surveys for this species are required.

Hazel dormice

- 6.7 The site is considered unlikely to be used by hazel dormouse and therefore no further surveys for this species are required.

Reptiles

- 6.8 It is considered unlikely that reptiles are present using the site, and no further surveys are considered necessary.

Other Species of Principal Importance

- 6.9 The west European hedgehog is an SPI, therefore it is recommended that any vegetation, such as the scrub and hedgerow, should be cleared sensitively by destructive search with a qualified ecologist present on site. If close board fencing is to be fitted it should be raised above ground level to allow hedgehogs to pass underneath, some habitat areas should also be left un-landscaped to provide shelter and foraging opportunities.
- 6.10 All vegetation on the site was cleared sensitively by hand and as such it is considered unlikely that any animals would have been harmed during this process.
- 6.11 Good practice buildings guidelines such as covering of trenches should be followed to ensure no animals become trapped overnight.

Invasive species

6.12 Care must be taken to prevent the further spread of *Cotoneaster* sp.. Ideally efforts should be made to remove these from the site.

Habitats of Principal Importance

6.13 No HPI habitat was recorded within the site.

Ecological enhancements

6.14 The clients will include several enhancements within the development including a bat and bird box, hedgehog house, and hibernacula created from existing wood within the site.

6.15 It is recommended that the bird box should be a traditional '32mm round holed' (below: which is suitable for tits, sparrows, redstarts and nuthatches).



6.16 It is recommended that a crevice bat box such as the Eco bat box should be installed on the existing building or suitable location which allows uncluttered access to the box entrance. This should be installed at a height of at least 4m where possible, sheltered from strong winds and exposed to the sun for part of the day.

2.1 The hibernaculum should be installed within a sunny corner of the site. This will use materials such as logs, inert hardcore, bricks or building rubble to form the body of each hibernaculum, ensuring that materials likely to decompose are not placed beneath bricks or rubble to avoid collapse. Woodchips or soil may be incorporated to fill some of the larger cavities within the structure.

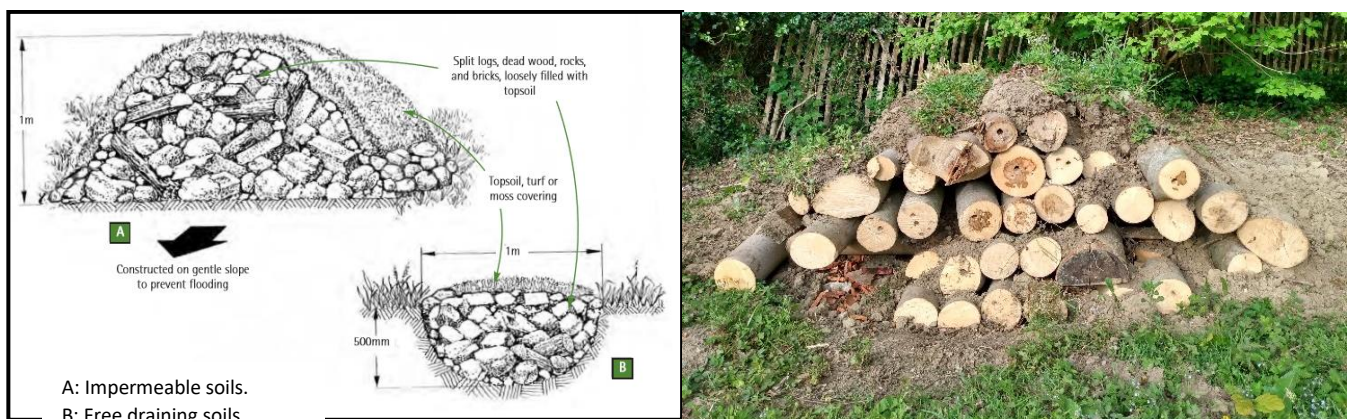


Diagram from Great Crested Newt Conservation Handbook

Impact Assessment

- 6.17 Overall, it is considered that there are no likely significant impacts to the fauna or flora populations within the local area from the works that have been carried out to date, or from the proposed works provided the recommendations above are adhered to.**
- 6.18 The clearance of the site was conducted sensitively and at a time of year when animals such as birds were unlikely to be actively using the site. It is therefore considered highly unlikely that any animals were harmed during the site clearance or than any offense was committed.

Appendix 1 – Survey timetable

Species	Survey	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Badger	Bait marking & sett search												
Bats	Roost assessments												
	Ground level tree assess												
	Emergence and activity												
	Hibernation												
	Trapping												
Birds	Wintering												
	Breeding												
Great crested newt	HSI												
	eDNA												
	Presence/absence & popn												
	Refugia												
Hazel dormouse	Tube												
	Nut search												
Otter	Field signs												
Reptiles	Refugia & search												
Water vole	Field signs												
Invertebrates	Presence & communities												
Vegetation	Phase 1 habitat & NVC												
	Optimal												
	Sub-optimal												
	Outside survey season												

Appendix 2 – legal protection

General

This section briefly describes the legal protection afforded to protected species and habitats. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation but summarises the salient points.

Badger

Badgers are protected under the *Protection of Badgers Act 1992*. Under this legislation it is an offence to kill or injure a badger, to damage, destroy or block access to a badger sett, or to disturb a badger in its sett. The Act also states the conditions for the protection of badger's licence requirements.

Bats

All species of bats are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

A roost is defined as 'any structure or place which a bat uses for shelter or protection'. As bats tend to reuse the same roosts, legal opinion is that a roost is protected whether or not bats are present.

Furthermore, seven bat species (barbastelle, bechstein's, noctule, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe) are also Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Breeding Birds

All species of wild bird are protected under *Section 1* of the *Wildlife and Countryside Act 1981 (as amended)*. Protection was extended by the *Countryside and Rights of Way (CROW) Act 2000*. Under the above legislation, it is an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.

Certain species are listed on *Schedule 1* of the *Wildlife and Countryside Act 1981 (as amended)* and receive protection under *Sections 1(4)* and *1(5)*. There are special penalties where the offences listed above are committed for any *Schedule 1* species and it is also an offence to intentionally or recklessly:

- disturb any such bird when it is building its nest or while it is in or near a nest containing dependant young; or

- disturb the dependant young of any such bird.

Amphibians

Natterjack toad, northern pool frog and great crested newt are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Palmate newts and smooth newts are also afforded protection against sale only under *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*.

Natterjack toad, common toad, great crested newt and northern pool frog are also Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Hazel dormouse

Hazel dormouse is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Hazel dormouse is also a Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Otter

Otter is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Otter is also a Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Reptiles

Common lizard (*Lacerta vivipara*), grass snake (*Natrix natrix*), slow-worm (*Anguis fragilis*), and adder (*Vipera berus*) are listed under *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, in respect of *Section 9(5)* and part of *Section 9(1)*. This protection was extended by the *Countryside and Rights of Way (CROW) Act 2000*. Under the legislation, it is an offence to:

- intentionally or deliberately kill or injure any individual of these species; or
- sell or attempt to sell any part of these species either alive or dead.

Smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

All UK reptile species are Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Water vole

Water vole (*Arvicola amphibious*) is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. This makes it an offence to:

- capture, kill or injure;
- damage, destroy or block access to a place of shelter;
- disturb whilst in a place of shelter or possessing, and
- sell any part of a water vole, dead or alive.

Other Mammals

All mammals receive some protection under the *Wild Mammals (Protection) Act 1996*, which makes it an offence to crush or asphyxiate an animal (e.g. within its burrow).

Species and Habitats of Principal Importance

Section 41 of the *Natural Environment and Rural Communities (NERC) (2006)* requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list has 56 Habitats of Principal Importance and 943 species of principal importance listed and has been drawn up in consultation with Natural England.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under *Section 40* of the *Natural Environment*

and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Invasive species

It is an offence to plant, or otherwise cause to grow in the wild non-native plant species listed under *Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)*, for which *Section 14* of the Act applies. These include, but are not limited to:

- Himalayan balsam
- Cotoneaster sp.
- Japanese knotweed
- Giant hogweed.

Ancient woodland

The *National Planning Policy Framework (2012)* states that ‘*Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*’. In addition, Natural England’s standing advice for ancient woodland states that *an appropriate buffer zone of semi-natural habitat [be in place] between the development and the ancient woodland (depending on the scale and impact of development), a minimum buffer should be at least 15 metres to avoid root damage and at least 50m for pollution or trampling*”. Ancient woodlands, and ancient and veteran trees, may also be protected by Tree Preservation Orders.

Sites of Special Scientific Interest (SSSI’s)

SSSI’s are areas notified under the *Wildlife and Countryside Act 1981, as amended*, as being of special interest for nature conservation. They are the finest sites for wildlife and natural features supporting many characteristic, rare and endangered species, habitats and natural features. LPAs have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI.

National Site Network: Special Protection Areas (SPA), Special Areas of Conservation (SAC) & RAMSAR sites.

Development proposals which will adversely affect these sites are not permitted (except where there are no alternative solutions and the proposal is necessary for imperative reasons of overriding public interest). If a development could possibly impact on a SPA or SAC, the applicant will need to submit an assessment of potential impacts and their significance with their planning application for the local authority to make an ‘Appropriate Assessment’.

Local Nature Reserves (LNRs)

These are a statutory designation made by local authorities. LNRs may be given protection against damaging operations and development on and around them via the local plan.

Local Wildlife Sites (LWS)

This is a non-statutory designation for sites identified at a county level. They typically form a network of sites that are recognised of being of conservation importance locally and are often included in Local Authority development plans.

Appendix 3 – Species list

Common Name	Scientific name	DAFOR
Mouse ear	<i>Cerastium fontanum</i>	R
Buttercup	<i>Ranunculus</i> sp.	R
Dandelion	<i>Taraxacum officinale</i>	R
<i>Prunus</i> sp.	<i>Prunus</i> sp.	R
<i>Cotoneaster</i> sp.	<i>Cotoneaster</i> sp.	O
Cherry laurel	<i>Prunus laurocerasus</i>	R

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