




EXTENDED PHASE 1 ECOLOGICAL HABITAT SURVEY REPORT

Blackhall Spinney, Blackhall Lane, Sevenoaks, Kent

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# Contents

EXECUTIVE SUMMARY .....	3
1. INTRODUCTION .....	4
Survey Location .....	4
Survey Objectives .....	4
Survey Limitations .....	4
2. METHODOLOGY .....	5
Desk Study .....	5
Phase 1 Habitat Mapping .....	5
Scoping Survey.....	5
3. RESULTS .....	6
Site Description.....	6
4. DESIGNATED NATURE CONSERVATION SITES .....	6
5. HABITATS ASSESSMENT .....	7
Habitat overview .....	7
6. PROTECTED SPECIES POTENTIAL ASSESSMENT .....	8
Protected Flora .....	8
Amphibians .....	8
Reptiles .....	8
Birds.....	8
 .....	8
Bats.....	9
Hazel Dormouse .....	9
Invasive plants .....	9
7. CONCLUSIONS .....	10
8. RECOMMENDATIONS .....	10
Birds.....	10
Enhancements and Opportunities .....	10
REFERENCES AND BIBLIOGRAPHY.....	12
Figures.....	13
Appendix A Legislation .....	15

## Executive summary

<b>Introduction</b>	This report commissioned by Mr and Mrs Potter provides detail information on the potential ecological constraints for Land at Blackhall Spinney, Blackhall Lane, Sevenoaks, Kent. The recommendations of this report will highlight key ecological areas, potential constraints to development and recommended further action in the form of more detailed species specific surveys or ecological enhancements where necessary.
<b>Results</b>	<p>The site comprises a residential house located in the grounds of a large garden. The southern area of the garden forms the location of the proposed house. The garden supports a large lawn area with rhododendron and mature trees marking the boundary of the site. The site is surrounded by residential houses and associated gardens. See pictures below for various views of the site.</p> <p>Knole Park Site of Special Scientific Interest (SSSI) is the only statutory wildlife site within 1km located over 250m from site. The site lies close to an Area of Outstanding Natural Beauty (AONB) which is located 50 meters south of the site. The works proposed limit the site to the existing mown lawn and ornamental garden. Therefore it should be considered that the proposed plans are unlikely to affect the integrity of the designated sites within 1km.</p> <p>There are no non-statutory designated sites within 1km.</p>
<b>Conclusion</b>	The site is essentially a manicured residential garden. The key habitat features for wildlife are the mature broadleaved trees the majority of which are to be retained around the boundary of the site. The mature trees have the potential to support nesting birds and a single sycamore tree not on site although adjacent the western boundary does support features which could support roosting bats. Although the tree in question is not proposed to be affected by the proposed plan and is a significant distance from the proposed works.
<b>Recommendations</b>	<p>Birds</p> <p>Should there be a requirement to remove any trees, shrubs that have the potential to be used by breeding birds, such works should be undertaken outside of the bird breeding season. The breeding bird season extends from March – August inclusive. It should be noted however that certain species are known to breed throughout the year (e.g. pigeons) and remain protected.</p> <p>If trees / shrubs cannot be removed outside of the bird breeding season, care should be taken. If a nest is identified either being built, has eggs or chicks the area around the nest should be avoided until the young have fledged.</p>
<b>Enhancements</b>	<p>Enhancements across the site could include:</p> <ul style="list-style-type: none"> <li>• Placement of a bat roost box on one of the many trees to be retained on site. At a height of at least four metres above ground level.</li> </ul>

## 1. Introduction

- 1.1 This report commissioned by Mr & Mrs Potter provides detail information on the potential ecological constraints for Land at Blackhall Spinney, Blackhall Lane, Sevenoaks, Kent. The recommendations of this report will highlight key ecological areas, potential constraints to development and recommended further action in the form of more detailed species specific surveys or ecological enhancements where necessary.

### Survey Location

- 1.2 The site is located at OS Grid reference TQ547555.
- 1.3 The site and habitats present are shown on Figures 1 in the figures section.

### Survey Objectives

- 1.4 The purpose of this survey is to produce a phase 1 habitat survey report to comply with wildlife legislation and planning policy objectives such as such as National Planning Policy Framework and Local Planning Policy.
- 1.5 The key objectives are as follows:
- Identify all relevant statutory and non-statutory designated sites and features of ecological significance within the site and its surroundings.
  - Using JNCC 2007 Phase 1 methodology identify key habitats on and adjacent to site. The recognised standard for mapping ecological habitats.
  - Assess the potential for the presence of protected species and species of principal conservation importance within the site and its surroundings. Using the Chartered Institute for Ecology and Environmental Guidelines undertaken by an experienced and qualified ecologist.
  - Provide recommendations for further surveys where assessed as necessary and suggest potential enhancements.
  - Provide an early indication of potential ecological mitigation and compensation requirements.

Further information on wildlife legislation and planning policy has been included in Appendix A.

### Survey Limitations

- 1.6 This survey records the flora and fauna evident on the day of the site visit. It does not record any flora or fauna that may appear at other times of the year, and as such, were not evident at the time of visit.

## 2. Methodology

### Desk Study

- 2.1 Biological records from Kent and Medway Biological Records Centre were obtained for a 1km radius. The records obtained contain all relevant records and information held by the local wildlife trust on the area. An extensive search of web based information for the area was also undertaken identifying records of protected and other notable species of flora, fauna together with statutory/non-statutory wildlife sites.
- 2.2 Web-based DEFRA resource Multi-Agency Geographic Information for the Countryside was also consulted to identify designated nature conservation sites within or immediately adjacent to the site surveyed.

### Phase 1 Habitat Mapping

- 2.3 The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems. The JNCC Phase 1 Habitat Classification and associated field survey technique provide a standardised system to record semi-natural vegetation and other wildlife habitats. The approach is designed to cover large areas of countryside relatively rapidly. It presents the user with a basic assessment of habitat type and potential importance for nature conservation. Each habitat type/feature is identified by way of a brief description of its defining features. It is then allocated a specific name, an alpha-numeric code.
- 2.4 The use of this method relies on the ecologist being experienced in native botanical identification of common native plants, trees and grasses.
- 2.5 Daniel Hone has undertaken botanical surveys throughout the UK and as such is qualified to use this methodology accurately.

### Scoping Survey

- 2.6 The site and its immediate surroundings were considered in terms of habitats, protected species present and the potential for presence species of principal conservation importance during a walkover survey undertaken on 03<sup>rd</sup> March 2015.
- 2.7 Habitats were searched for:
  - field signs of protected species in the form of latrines, feeding remains, active shelter/breeding sites.
  - animal activity/behaviour if observed.
  - botanically diverse habitats.
  - invasive introduced plants and animals.
  - habitats with the potential to support protected species.
  - habitat connectivity to surrounding habitats.

### 3. Results

#### Site Description

- 3.1 The site comprises a residential house located in the grounds of a large garden. The southern area of the garden forms the location of the proposed house. The garden supports a large lawn area with rhododendron and mature trees marking the boundary of the site. The site is surrounded by residential houses and associated gardens. See pictures below for various views of the site.



### 4. Designated Nature Conservation Sites

See the figure section for a plan showing the designations in relation to site.

- 4.1 Knole Park Site of Special Scientific Interest (SSSI) is the only statutory wildlife site within 1km located over 250m from site. The site lies close to an Area of Outstanding Natural Beauty (AONB) which is located 50 meters south of the site. The works proposed limit the site to the existing mown lawn and ornamental garden. Therefore it should be considered that the proposed plans are unlikely to affect the integrity of the designated sites within 1km.
- 4.2 There are no non-statutory designated sites within 1km.

## 5. Habitats Assessment

See figure 1 for the location of habitats on site.

### Habitat overview

- 5.1 The grassland on site is regularly mown neutral grassland supporting a low species diversity most likely due to the management regime.
- 5.2 The introduced mature scattered trees and rhododendron bushes dominate the boundary of the site. It is understood that the proposed plan would retain the majority of the mature trees particularly around the boundary of the site.
- 5.3 The wider garden supports several small ornamental man made concrete ponds with sheer sides lacking in aquatic vegetation which limits their value for wildlife as access is extremely difficult and there is no plant resources to provide cover from predation.
- 5.4 Phase 1 habitats identified on site are listed below using the JNCC terminology JNCC (2007). See Figure 1 for the location of habitats on site:

- 5.5 Mixed scattered trees (A3.3).

Trees found on site comprised a mixture of ornamental and native trees. Species comprised. Beech (*Fagus sylvatica*), Ash (*Fraxinus excelsior*), Cyprresses spp and alder spp.

- 5.6 Amenity poor neutral grassland (B2.2).

This grassland type was found to be dominant across the majority of the site. Dominant species included red fescue (*Festuca rubra*. agg.), Yorkshire fog (*Holcus lanatus*), rough meadow grass (*Poa trivialis*). The species matrix found within the grasslands is normally found where lawn management has occurred over many years preventing flowering plants from establishing creating a grass dominant sward.

- 5.7 Introduced Species (J1.4)

Introduced garden flower beds supporting non-native shrubs exist within the landscaped areas dominated by rhododendron (*Rhododendron ponticum*).

## 6. Protected Species Potential Assessment

### Protected Flora

- 6.1 It is considered that the site has a **low potential** to support protected or notable flora due to the land being primarily amenity grassland. Records of protected flora have been identified within 1km of the site although habitats which could support the protected species recorded do not exist on site.

### Amphibians

- 6.2 Records of great crested newts (GCN) have been identified within 1km of the site although not on or adjacent to site. The site lacked water bodies although the wider garden area outside the proposed site supported several small concrete ponds which all lacked vegetation. Shown below. These water bodies supported sheer sides preventing exit and, lacked vegetation. Therefore it should be considered that these waterbodies are not suitable for supporting amphibians.



- 6.3 Therefore site should be considered to have a **low potential to support GCN and other amphibians**.
- 6.4 Common amphibian species are afforded limited legal protection under the Wildlife & Countryside Act 1981 (as amended). GCN's are afforded legal protection under Schedule 5 of The Conservation of Habitats Species Regulations (2010) (as amended) and Schedule 2 of The Conservation of Habitats Species Regulations (2010) (as amended) (See Appendix A). GCN's are a European Protected Species (EPS).

### Reptiles

- 6.5 Records of reptiles have been identified within 1km from the site although none of the records are on or adjacent to site.
- 6.6 The dominant mown grassland prevents basking and therefore the habitats on site should not be regarded as suitable for reptiles. Furthermore the short amenity grassland lacks height and species diversity to support invertebrates for reptiles to feed.
- 6.7 Therefore it should be considered that the site has a **low potential** to support common reptile species, namely viviparous lizard (*Zootaca (Lacerta) vivipara*), slow-worm (*Anguis fragilis*) and grass snake (*Natrix natrix*).
- 6.8 Common reptiles are afforded legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) (See Appendix A).

### Birds

- 6.9 Numerous bird records have been identified although none originating from the site or immediate surrounds. The trees and shrubs on site have the potential to support nesting birds. Therefore the site should be regarded as having a **high potential** to support breeding/nesting birds.



- 6.10 All species of bird whilst actively nesting are afforded legal protection under the Wildlife & Countryside Act 1981 (as amended) and special penalties are available for offences related to birds listed on Schedule 1 (See Appendix A).

### Bats

- 6.13 Records for bats were identified within 1km of the site although none originated from site.
- 6.14 A large sycamore supported a rot hole which has the potential to support roosting bats shown below. This tree is not proposed to be affected. The rest of the trees on site lacked suitable roosting features due to the species age or form.



- 6.15 Therefore it should be considered that the trees and shrubs to be affected have a **low potential to support roosting bats**.

### Hazel Dormouse

- 6.16 Records of dormice have been identified within 1km of the site. The site lacked habitats on site which could support hazel dormice and habitat connectivity to habitats which could support a sustainable population or to records of dormice therefore the site should be considered to have a **low potential** to support hazel dormouse (*Muscardinus avellanarius*).
- 6.17 Dormice are afforded legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats Species Regulations (2010) (as amended) (See Appendix A). Dormice are European Protected Species (EPS).

### Invasive plants

- 6.18 No non-native invasive plants were identified on site such as Japanese knotweed although rhododendron was present.

## 7. Conclusions

- 7.1 The site is essentially a manicured residential garden. The key habitat features for wildlife are the mature broadleaved trees the majority of which are to be retained around the boundary of the site. The mature trees have the potential to support nesting birds and a single sycamore tree not on site although adjacent the western boundary does support features which could support roosting bats. Although the tree in question is not proposed to be affected by the proposed plan and is a significant distance from the proposed works.
- 7.2 There are no designated statutory or non-statutory wildlife sites on or adjacent to site.

## 8. Recommendations

- 8.1 The following recommendations are based on the principles of established survey techniques and comply with relevant best practice guidelines set out by the Chartered Institute for Ecology and Environmental Management (CIEEM).

### Birds

- 8.2 Should there be a requirement to remove any trees, shrubs that have the potential to be used by breeding birds, such works should be undertaken outside of the bird breeding season. The breeding bird season extends from **March – August** inclusive. It should be noted however that certain species are known to breed throughout the year (e.g. pigeons) and remain protected.
- 8.3 If trees / shrubs cannot be removed outside of the bird breeding season, care should be taken. If a nest is identified either being built, has eggs or chicks the area around the nest should be avoided until the young have fledged.

### Enhancements and Opportunities

- 8.4 Ecological enhancements should where possible be incorporated into the proposed development to contribute towards the objectives of planning legislation identified within the National Planning Policy Framework (NPPF).
- 8.5 In accordance with the above plan: “Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests” and together with the Natural England & Rural Communities Act 2005, places a statutory duty to promote biodiversity and minimise impacts of a development upon ecology.
- 8.6 Furthermore, in accordance with the principles of NPPF, developments should contribute towards the degree of connectivity between natural habitats and avoid the effects of habitat fragmentation and isolation. These networks of habitats provide valuable routes or stepping-stones for the migration, dispersal and genetic exchange of species within the wider environment. Existing networks, where possible, should be strengthened by, or integrated within, new developments.
- 8.7 Enhancements across the site could include:
- Placement of a bat roost box on one of the many trees to be retained on site. At a height of at least four metres above ground level. This box will be fixed using (non-corrosive) aluminium nails Schwegler 1FF Bat box is sufficiently spacious to allow colonial bats to use as either a roost or nursery. Since the 1FF is open at the bottom, allowing droppings to fall out, it does not need cleaning and is therefore especially suitable for hanging in inaccessible places. <http://www.wildcareshop.com/bat-box-65.html>.

Picture of bat box below.



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## Figures





Note: Do not scale from this drawing EXCEPT FOR PLANNING USE. The site boundaries approximately reflect the fence lines on site and have not been accurately checked against the Land Title Plan. A detailed and accurate land survey has not been carried out in the production of this drawing.

This scheme is diagrammatic and for Planning Use only. No checks/survey/search has been carried out on the site to identify existing services, drains/sewers or any other potential legal restriction or hazards.

This scheme is for Planning Use only and therefore all noted floor areas and room dimensions are approximate.

1:55500



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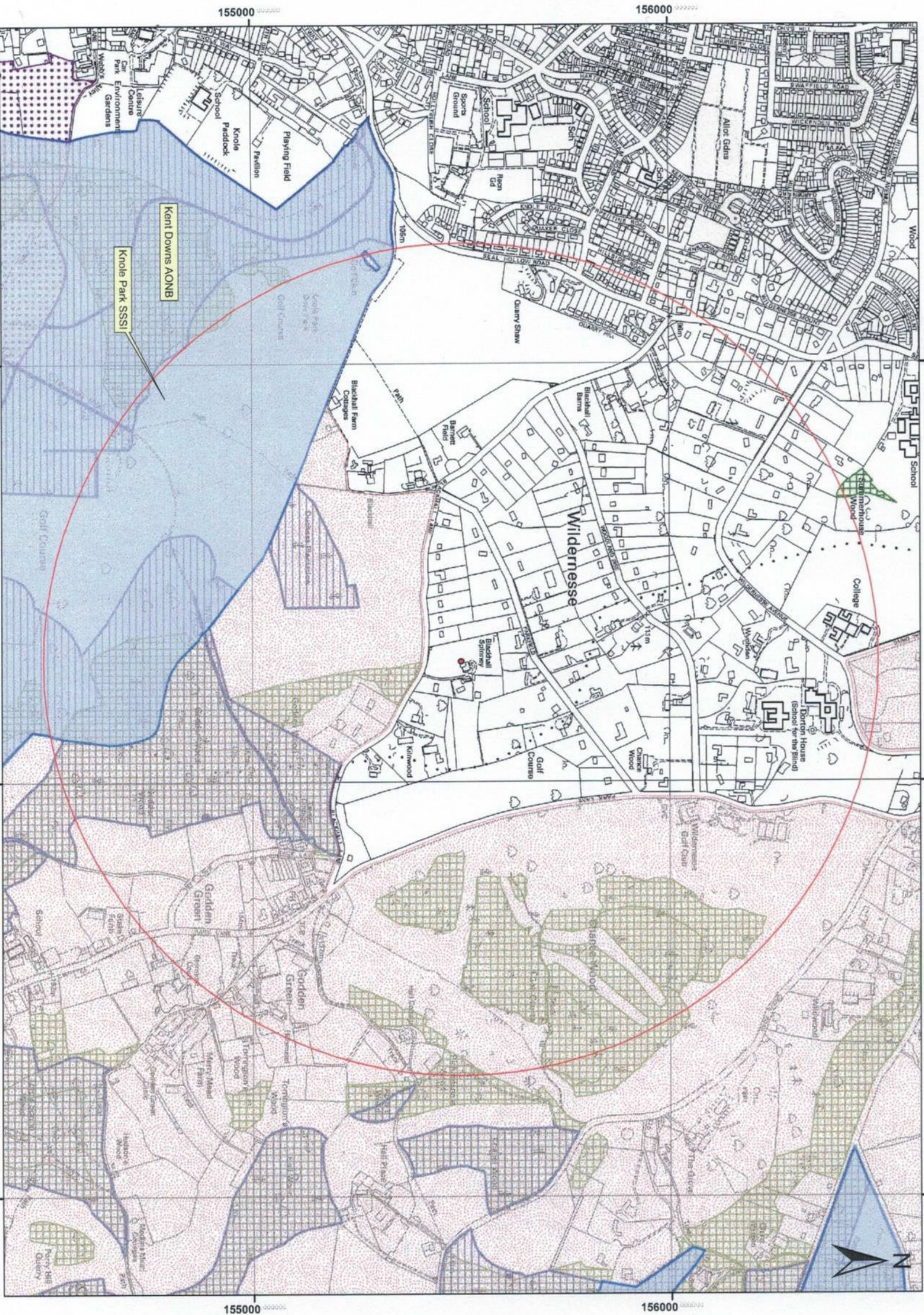
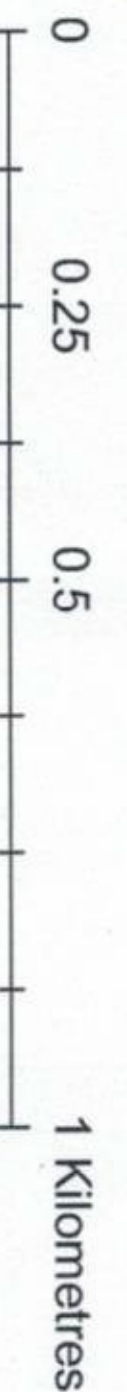
<b>Client</b>	Mr and Mrs Potter
<b>Project</b>	Proposed New Dwelling Blackhall Spinney Blackhall Lane Sevenoaks Kent
<b>Drawing Title</b>	Proposed Site Plan

<b>Date</b>	March 2014	<b>Drawing No.</b>	M14-4360:10B
<b>Scale</b>	1:500 @ A3	<b>Rev.</b>	155400



# Kent & Medway Biological Records Centre

Map showing the statutory and non-statutory designated sites, ancient woodland and higher level stewardship at Blackhall Lane, Sevenoaks. Daniel Hone, Hone Ecology. ENQ/15/077 27/02/2015

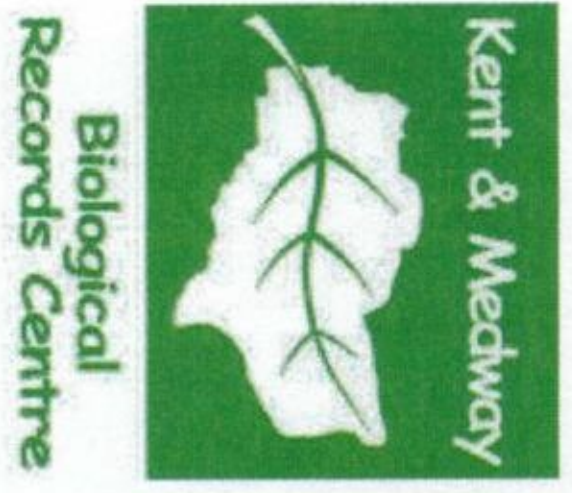


**KEY**

	Study Area
	Sites of Special Scientific Interest
	Area of Outstanding Natural Beauty
	National Trust Property
	Higher Level Stewardship Scheme
	Ancient Woodland

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Kent & Medway Biological Records Centre would like to acknowledge, where appropriate: Natural England for Rambar, SAC, SPA, NNR, SSSI, Higher Level Stewardship and Ancient Woodland data; Kent County Council for AONB, Heritage Coast, LNR, Country Park and County Boundary data; Kent Wildlife Trust for LWS, RNR and Reserve data; the RIGS group for RIGS data; and the National Trust, the RSPB and the Woodland Trust for Reserve data used in this map.



## Appendix A Legislation

The following is a summary of wildlife legislation and planning policy relevant to protected plant and animal species in the UK.

The sections on legislation have been extracted from the Joint Nature Conservation Committee's website and the Department of the Environment, Food and Rural Affairs website.

### The Conservation of Habitats Species Regulations (2010) (as amended)

The Conservation of Habitats Species Regulations (2010) (as amended) consolidate all the various amendments made to the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. The Regulations provide for the designation and protection of a network of 'European Sites' termed Natura 2000, the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

Amendments to the Habitats Regulations for England and Wales and the new Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 came into force on the 21st August 2007.

The amendments relate to the protection status of European protected species covered by the Habitats regulations. Taken together it is an offence to undertake the following acts with regard to European Protected Species:

- (a) deliberately capture, injure or kill any wild animal of a European Protected Species;*
- (b) deliberately disturb animals of any such species in such a way as to be likely to significantly affect:*
  - (i) the ability of any significant group of animals of that species to survive, breed, or rear or nurture their young, or*
  - (ii) the local distribution or abundance of that species;*
- (c) deliberately take or destroy the eggs of such an animal; or*
- (d) damage or destroy a breeding site or resting place of such an animal.*

An offence will only be committed if the deliberate disturbance is likely to **significantly affect** a **significant group** of animals of that species' ability to survive, breed, or rear or nurture its young or **significantly affect** the local distribution or abundance of that species.

Any biological definition of what constitutes a significant group of animals should take into account the local abundance of the species, its behaviour and the circumstances in which the disturbance takes place. Species that tend to be solitary, **such as dormice**, probably never form significant groups of adults, but a family group with dependent young could constitute such a group, particularly if the species is rare in the area.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb or trade in the animals listed in **Schedule 2** or damage or destroy a breeding site or resting place of such an animal; 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 licences (European Protected Species Licence) by the appropriate authorities (Natural England in England and Countryside Council for Wales). Licences 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:

- **Regulation 44 (2)(e)** the development is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a

social or economic nature and beneficial consequences of primary importance for the environment'.

- **Regulation 44 (3)(a)** there is 'no satisfactory alternative'.
- **Regulation 44 (3)(b)** the action 'will not be detrimental to the maintenance of the population of the species at favourable conservation status in their natural range'.

To apply for a licence, the following information is required:

- The species concerned.
- The size of the population at the site (note this may require a survey to be carried out at a particular time of the year).
- The impact(s) (if any) that the development is likely to have upon the populations.
- What measures can be conducted to mitigate for the impact(s).

Amendments to the Habitats Regulations for England and Wales and the new Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 came into force on the 21st August 2007. Both Regulations revised the definition of deliberate disturbance of European Protected Species.

### **The Wildlife & Countryside Act (as amended) 1981**

The Wildlife & Countryside Act 1981 (as amended) is the principal piece of UK legislation relating to the protection of wildlife. It consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.

The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally kill, injure, or take any wild bird or their eggs or nests. Special penalties are available for offences related to birds listed on **Schedule 1**, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The Act also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.

The Act makes it an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed in **Schedule 5**, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals listed in **Schedule 6**.

The Act makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in **Schedule 8**, and prohibits the unauthorised intentional uprooting of such plants.

The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in **Schedule 9**. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

### **The Countryside & Rights of Way Act 2000**

The Countryside and Rights of Way Act 2000 (CRoW) was passed to provide additional levels of protection for wildlife whilst also strengthening the protection afforded to Sites of Special Scientific Interest. The CRoW act now makes it an offence to 'recklessly' harm the majority of species listed on the Schedules of the Wildlife and Countryside Act.

The Act places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity (**Section 74**).

Schedule 12 of the Act amends the Wildlife and Countryside Act 1981, strengthening the legal protection for threatened species. The provisions make certain offences 'arrestable', create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and enable heavier penalties on conviction of wildlife offences.

### **Natural Environment & Rural Communities Act 2006**

The Natural Environment & Rural Communities Act 2006 (NERC) is designed to help achieve a rich and diverse natural environment and thriving rural communities through modernised and simplified arrangements for delivering Government policy.

It was created to make provision in connection with wildlife, sites of special scientific interest, National Parks and the Broads; to amend the law relating to rights of way; to make provision as to the Inland Waterways Amenity Advisory Council; to provide for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes.

NERC carries an extension of the CRoW Act biodiversity duty to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity.

### **The Badger Act 1992**

In the UK, badgers are primarily afforded protection under the Protection of Badgers Act 1992. This makes it illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so and to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.

Badgers also receive limited protection under Schedule 6 of the Wildlife & Countryside Act 1981 (as amended). This outlaws certain methods of taking or killing animals.

Under Section 10 (1)(d) of the Protection of Badgers Act 1992, a licence may be granted by Natural England to interfere with a badger sett for the purpose of development, as defined by Section 55(1) of the Town & Country Planning Act 1990.

Section 3 of the Protection of Badgers Act 1992 defines interference as:

- a) Damaging a badger sett;
- b) Destroying a badger sett;
- c) Obstructing access to, or any entrance of, a badger sett;
- d) Causing a dog to enter a sett; or
- e) Disturbing a badger when it is occupying a badger sett.

### **The Wild Mammals Act 1996**

The Wild Mammals (Protection) Act (1996) makes it an offence for any person 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.

### **The Abandonment of Animals Act 1960**

The Abandonment of Animals Act comes into force when an animal is abandoned, whether permanently or not, in circumstances likely to cause unnecessary suffering. With regards to development, this has implications when translocations of animals are proposed. As such, care must be taken to ensure that any receptor sites are suitable for the species in terms of habitat and carrying capacity in order that minimal stress and suffering is imposed upon the animal(s) concerned.

## **The Hedgerows Regulations**

The Hedgerows Regulations 1997 were introduced to protect hedgerows of importance from destruction. The Regulations define a hedgerow as, 'a row of bushes forming a hedge with the trees growing in it'. The law however does not clarify the difference between a line of trees and a hedgerow.

However the legislation does not apply to any hedgerow (even if it is within the list above) which is 'within or marking the boundary of the curtilage of a dwelling house'.

For the Regulations to be applicable, the hedgerow must be at least 20 metres in length and less than 5 metres wide. A hedgerow is deemed to be important if it is more than thirty years old and meets at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

If a hedgerow that qualifies under the Regulations is to be removed, the landowner must contact the Local Planning Authority (LPA) in writing by submitting a hedgerow removal notice. The LPA then has a period of 42 days to decide whether or not the hedgerow meets the importance criteria of the regulations.

## **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) sets out the view of central Government on how planners should balance nature conservation with development and helps ensure that Government meets its biodiversity commitments with regard to the operation of the planning system. It is a key objective of NPPF to:

"promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

NPPF states that development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas, including biodiversity. It also states that the aim of planning decisions should be to prevent harm to biodiversity conservation interests and to "promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot be reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

This means that full ecological surveys should be carried out and suitable mitigation measures proposed prior to any planning application being submitted. It is common practice for planning officers to consult Natural England or other conservation bodies for advice regarding the suitability of proposals in relation to biodiversity conservation.

## **Biodiversity Action Plans**

Biodiversity Action Plans (BAPS) set out actions for the conservation and enhancement of biological diversity at various spatial scales. They consist of both Habitat Action Plans (HAPs) and Species Action Plans (SAPs).

The UK BAP was the UK's response to the 1992 Convention on Biological Diversity in Rio de Janeiro. Following a review in 2007 a list of 1149 priority species and 65 priority habitats has been adopted, which are given a statutory basis for planning consideration under Section 74 of the CRoW Act 2000.

## **Red Data Books**

Red Data Books (RDB) is an additional method for determining rarity of species and is often seen as a natural progression from Biodiversity Action Plans.

RDB species have no automatic legal protection (unless they are protected under any of the legislation previously mentioned). Instead they provide a means of assessing rarity and highlight areas where resources may be targeted. Various categories of RDB species are recorded ranging from RDB 1 (endangered) through to RDBX (extinct). As with Biodiversity Action Plans, where possible, steps should be taken to conserve RDB species, which are to be affected by development.