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Mr and Mrs Blumberg,
Catherton Farmhouse,
Cleobury Mortimer,
Shropshire,
DY14 0LJ.

13 July 2021.

**My job reference:** J109/DBA/EJB
**Your job reference**: -

Dear Mr and Mrs Blumberg,

## *RE: PROPOSED CONVERSION OF POOL HOUSE TO RESIDENTIAL DWELLING*

## Introduction and methods

Further to your kind instruction to undertake an inspection and assessment of the above site for the presence of bats and other protected species, an experienced and licensed ecologist (Bat Class Licence Ref. 2015-17295-CLS-CLS, Great Crested Newt Class Licence Ref. 2015-18609-CLS-CLS) made a visit to the above site on 08 July 2021 (please see appended photographs). This report is to fulfil Shropshire County Council Planning Department requirements.

A thorough internal and external inspection was undertaken of the pool house for any bat field signs or evidence of, or potential for, bat roosting such as faeces, feeding remains, oil staining, scratch marks, access points, loose claddings, cavities and hollows, *etc*. Equipment used included a torch and a digital camera and methods followed broadly those outlined in the Bat Conservation Trust's Bat Surveys for Professional Ecologists: Good Practice Guidelines (2016)[1].

Throughout the survey consideration was also given to the actual or potential presence of other protected species, such as, although not limited to, those protected under the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 and the Conservation of Habitat and Species Regulations 2010 (as amended), including dormice, reptiles, amphibians, badgers, otters and nesting birds.

[1] **Collins, J. (ed.) (2016)** *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).* The Bat Conservation Trust, London.

A desk-based study was undertaken using OS maps and online mapping resources to identify those waterbodies within 500m of the site's boundaries.

Those waterbodies identified within the search area that were accessible, not considered separated by major barriers and suitably connected to the site were assessed for their potential to support great crested newts using the Habitat Suitability Index (HSI) developed by Oldham et al. (2000)2. This assessment uses a scoring system of several criteria such as water quality, fish/waterfowl presence and surrounding terrestrial habitat from which a score is derived. Water bodies with higher scores are considered more likely to support great crested newts compared to those with low scores.

This tool has been developed to provide a quantitative measure between ponds of their suitability to support great crested newts and should not be used as a substitute for presence/absence surveys where they are required.

The assessment was performed by a Natural England great crested newt licence holder. Categorisation of a pond's suitability according to HSI score is detailed in Table 1, below, and the HSI scores relating to the suitability of the ponds within the grounds of Catherton Farmhouse for great crested newts are described within Table 2, below.

***Table 1.*** *Categorisation of HSI Scores[3]:*

| HSI Score | Pond Suitability |
|---|---|
| <0.5 | Poor |
| 0.5 – 0.59 | Below Average |
| 0.6 – 0.69 | Average |
| 0.7 – 0.79 | Good |
| >0.8 | Excellent |

**NOTE :** $HSI = (SI_1 \times SI_2 \times SI_3 \times SI_4 \times SI_5 \times SI_6 \times SI_7 \times SI_8 \times SI_9 \times SI_{10})^{1/10}$

A terrestrial search of suitable refugia was undertaken during the survey. The hand search was undertaken by a great crested newt licence holder.

## Description and proposals

The pool house at Catherton Farmhouse is a detached former stone barn converted into a pool house in the 1990s. It has a pitched and clay tiled roof, glazed double doors along the length of the eastern elevation and a glazed window beneath the apex of the northern elevation.

The building lies at Ordnance Survey Grid Reference SO 65345 78444 in a remote, sparsely-populated rural location within an undulating landscape of rolling hills and valleys containing many watercourses that are part of the River Teme and River Severn catchments, just over 3km north-west of the town of Cleobury Mortimer in rural Shropshire. The surrounding

**2 Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000).** Evaluating the suitability of habitat for the Great Crested Newt (Triturus cristatus). Herpetological Journal 10 (4), 143-155.

[3] Taken from: *Habitat Suitability Index – guidance note* – produced by National Amphibian and Reptile Recording Scheme (NARRS).

landscape comprises a mosaic of heathland, marsh, broadleaved and mixed woodland and agricultural land used for both livestock and arable production and bound by hedgerows and tree lines. The site lies 1km east of Catherton Common SSSI and 1.1km south-east of Cramer Gutter Nature Reserve.

Development proposals involve conversion of pool house into a residential dwelling, to provide accommodation for the owner's daughter and her young family, with the addition of a small extension that will sit below the level of the existing roof line at the northern gable end. The vast majority of works will be internal, with the only works affecting the roof to be the installation of skylights on the eastern roof elevation.

Please see Location Plan and Plates 1 to 6, below.

## External and internal inspection

The pool house is a detached stone building with pitched and clay tiled roof. It has glazed double doors along the length of the eastern elevation, a glazed window beneath the apex of the northern gable end and two glazed windows on the ground floor of the northern gable end.

Roof tiles are generally in very good condition with only a few gaps between tiles at the northern end of the eastern roof elevation, where some tiles are spaced slightly further apart than the rest. There is only two small gaps where mortar is missing at the apex of the northern roof elevation; no other gaps at verges, eaves, or beneath roof tiles are present and masonry is all in very good condition with no gaps or missing mortar.

The interior of the pool house is open to the eaves with no enclosed roof void. A mezzanine viewing area is present at the northern end, accessed *via* a timber staircase. The pool house is dominated by the half-full and disused swimming pool surrounded by hard surfacing. The interior of the building is brightly-lit due to the presence of glazed doors all along the eastern elevation, and several windows to the northern elevation. There are no gaps at joints between roof timbers and a thick covering of spider webs is present along the ridge beams. The interior of the roof is fully sealed with plasterboard and no gaps are visible that would allow bats access to the interior of the building. No potential roost features were observed within the interior of the pool house and no droppings, urine stains, live or dead bats, scratch marks or other evidence indicative of current or previous occupation by bats were found.

Overall, the pool house offers **low potential** for roosting bats due to the presence of missing mortar at the northern gable end and slightly more widely spaced tiles in one area of the eastern roof elevation. Disturbance of the roof will be limited to the installation of several skylights on the eastern roof elevation so will be short term and low impact; if any bats are present they will be able to continue using the roof on completion of the works. However, in accordance with recognised guidelines, one dusk emergence survey is required to ascertain

the presence/likely absence of bats from the roof. If bats are found to be present it is likely that the works will be able to proceed under mitigation measures detailed within a Reasonable Avoidance Method Statement.

Please see Plates 1 to 10, below.

## Protected species

The site, which comprises regularly-mown amenity grassland, a stone retaining wall and the pool house itself, which is surrounded by hard standing, offers no suitable habitat for dormouse, badger, otter or Schedule 1 species. The pool house is well-sealed and offers no suitable bird nesting habitat.

Some suitable habitat for amphibians is present in the form of gaps in the retaining stone wall, which will be removed as part of the proposals. Several ponds are present within a 500m radius of the site, two of which are within the grounds of Catherton Farmhouse. One of the ponds, a small ornamental garden pond, was dry at the time of survey, and the other is a large fishing lake. The lake was subject to a Habitat Suitability Index (HSI) for great crested newt (GCN) during the survey. Other ponds within 500m were not accessible at the time of survey.

A desktop study of Ordnance Surveys maps revealed that there are approximately four ponds within 500m of the survey site, with a fifth pond just over 500m to the north-west and a number of ponds within 1km. The ponds are 120m to the south-west, 165m to the south, 170m to the north-east (the fishing lake in the grounds of Catherton Farmhouse) and 250m to the south. All of the ponds are connected to the site by suitable terrestrial habitat for GCN, though the fishing lake is less-suitably connected to the site across several closely-grazed horse paddocks.

An HSI of the fishing lake was calculated with a resulting index of 0.45 = poor suitability for GCN and a small, dry ornamental pond in the gardens of the farmhouse resulted in an index of 0.52 = below average suitability. The GCN HSI is used as a guide only and experience and conditions on site must also be considered when assessing the likelihood of GCN being present on site.

**Table 2:** Habitat Suitability Index for two ponds at Catherton Farmhouse.

| **HSI Factor** | **Pond 1** (fishing lake at SO 65414 78592) | | **Pond 2** (small ornamental pond at SO 65342 78475) | |
|---|---|---|---|---|
| | **Score** | **Notes** | **Score** | **Notes** |
| SI 1 – Location | 1 | The geographic location is optimal. | 1 | The geographic location is optimal. |
| SI 2 – Pond area | 0.9 | Approx. 1340 $m^2$. | 0.05 | Less than 50$m^2$. |
| SI 3 – Pond drying | 0.9 | Never dries. | 0.1 | Dries annually. |
| SI 4 – Water quality | 0.33 | Low invertebrate diversity, few submerged plants. | 0.67 | Moderate invertebrate diversity. |
| SI 5 – Shade (to 1m from edge) | 1 | Pond has 15% shade. | 1 | Pond has 60% shade. |
| SI 6 – Fowl | 0.67 | Waterfowl present. | 1 | Waterfowl absent. |

| HSI Factor | Pond 1 (fishing lake at SO 65414 78592) | | Pond 2 (small ornamental pond at SO 65342 78475) | |
|---|---|---|---|---|
| | **Score** | **Notes** | **Score** | **Notes** |
| SI 7 – Fish | 0.01 | Pond stocked with large carp. | 1 | Fish absent. |
| SI 8 – Ponds | 0.78 | Approx. 1.9 ponds/km$^2$. | 0.78 | Approx. 1.9 ponds/km$^2$. |
| SI 9 – Terrestrial habitat | 0.67 | Moderate surrounding habitat. | 0.67 | Moderate surrounding habitat. |
| SI 10 – Macrophytes | 0.4 | Approx. 10% macrophyte cover. | 0.8 | Approx. 50% macrophyte cover. |
| HSI Score | **0.45** | **Poor** suitability for great crested newt. | **0.52** | **Below average** suitability for great crested newt. |

## Habitat assessment

The pool house is surrounded by a hard-standing driveway to the eastern and southern elevations, and by regularly-mown amenity grassland to the northern elevation and amenity grassland and a small traditional orchard (currently used by ducks) to the western elevation. A low, stone retaining wall is present at the northern elevation, which will be removed to accommodate a new extension.

The surrounding area is an undulating landscape of pasture, arable land, broadleaved and mixed woodland, waterbodies and watercourses, mature native hedgerows and trees with scattered rural residential dwellings and farms, and areas of marsh and heathland nearby. The site lies 1km east of Catherton Common SSSI and 1.1km south-east of Cramer Gutter Nature Reserve.

Overall, the surrounding habitat is ideal for a range of bat species for foraging, commuting, roosting and breeding.

## Protected Species Records

A search for records of protected species relevant to the site from within a 2km search radius was carried out using free to access online resources.

**Bats**

Eight of the UK's bat species are recorded from within a 2km radius of the site (from free to access online resources); common pipistrelle, *Pipistrellus pipistrellus* (eight records), brown long-eared bat *Plecotus auritus* (four records), soprano pipistrelle *Pipistrellus pygmaeus* (five records), lesser horseshoe bat, *Rhinolophus hipposideros* (one record), common noctule, *Nyctalus noctula* (five records), Natterer's bat, *Myotis nattereri* (two records), Brandt's bat, *Myotis brandtii* (four records) and whiskered bat, *Myotis mystacinus* (five records). None of the records are form on or close to the site, and the majority are from Catherton Common and surrounding woodland.

**Amphibians**

Common frog, common toad, smooth newt and great crested newt are recorded from within a 2km search radius of the site. Seven records of GCN were returned form the search, the closest of which is just over 1km to the west, though the surveyor is aware of the presence of GCN in a pond approximately 900m to the west within woodland. All of the records of amphibians are from on and around Catherton Common to the west.

**Reptiles**

Slow-worm, grass snake, adder and common lizard are all recorded within a 2km search radius of the site; the records are almost exclusively from Catherton Common. There is no suitable habitat for reptiles within the development footprint.

## Bat Legislation

All UK bat species are protected under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010.

Under this legislation it is illegal to:

- Deliberately capture or kill a bat;
- Deliberately disturb such an animal;
- Damage or destroy a breeding site or resting place of a bat;
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead bat, or any part of, or anything derived from such a wild animal;
- Intentionally or recklessly obstruct access to a bat roost;
- Deliberately disturb any bat, in particular any disturbance which is likely to (i) impair their ability to survive, breed, reproduce or to rear or nurture their young, or (ii) to affect significantly the local distribution or abundance of the species to which they belong.

A bat roost may be any structure a bat uses for breeding, resting, shelter or protection. Roost sites are protected whether or not bats are in occupation, as they may be re-used by bats.

All species of bat are priority species in the UK Biodiversity Action Plan (HM Government 1994 et seq.) and are Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

A European Protected Species (EPS) Development Licence from Natural England may be required for development works affecting bats.

## Conclusion and recommendations

All British bats and their roosts, whether occupied or not, are strictly protected by British and European law. In this case, no evidence of current or previous use of the pool house at Catherton Farmhouse, Cleobury Mortimer by bats was found but the building is deemed as having **low potential** for roosting bats due to the presence of a low number of potential roost features (missing mortar at the apex of one gable end and gaps between tiles at the northern

end of the eastern roof elevation), which may provide access points for crevice-dwelling bat species to the space between roof tiles and lining. Some disturbance to the roof will occur as part of the proposals with the installation of skylights on the eastern roof elevation, but this will be short-term and low-impact. One dusk emergence bat survey is recommended to ascertain the presence or likely absence of bats from the building. If bats are found to be roosting, a proportionate approach to mitigation and compensation should be applied; in this case a Reasonable Avoidance Method Statement may be considered appropriate if the Favourable Conservation Status of the roost can be maintained. It is recommended that internal blackout blinds are fitted to each skylight to prevent any light spill from the building that could disrupt foraging or commuting bats in the area.

In the very unlikely event that a bat is found during works, work should cease at once and a licensed ecologist such as myself should be informed by telephone immediately so that appropriate advice can be given/action taken.

Several ponds are present within a 500m search radius of the site that are connected to the site by suitable habitat corridors for great crested newt, and this species is recorded approximately 900m west of the site in a woodland pond. Habitat within the development footprint is limited regularly-mown amenity grassland and a stone retaining wall, which will be removed as part of the proposals; suitable terrestrial habitat for GCN exists within gaps in the wall. Two ponds are present within the grounds of Catherton Farmhouse that were able to be inspected during the survey; they are a large fishing lake well-stocked with carp, that were visible basking just below the surface of the water during the survey, and a small, dried up ornamental garden pond. HSIs were conducted of both ponds, with a resulting index of 0.45 (poor suitability) and 0.52 (below average suitability) for GCN, respectively. Other nearby ponds were not able to be inspected at the time of survey. Suitable terrestrial habitat for GCN is present surrounding each of the ponds, so it is likely that if GCN were present, they would not venture much further. The approach suggested here is to assume the presence of GCN in the area and for works to proceed under a Reasonable Avoidance Method Statement, which would details specific measures to be implemented to prevent an offence being committed, including (but not limited to) timing of works, the role and involvement of an Ecological Clerk of Works, and on site habitat enhancements.

As a matter of general good practice, consideration should be given to any opportunities that may be available on site or within the scope of works to provide biodiversity enhancement. The following enhancement are recommended:

- Install two bird and two bat boxes on suitable trees at the site or on/integrated into the fabric of the new dwelling;
- Install one hedgehog house in a suitable location on the site to provide refuge for this rapidly declining species.
- Install one invertebrate box in a suitably quiet and sunny location on the site to provide habitat for invertebrates, particularly pollinators.

- Create one log pile on the site using wood from the recently-felled cherry tree to enhance habitat for reptiles and amphibians and create a resource of dead and decaying wood on site.
- Increase the species-richness of the site by creating hedgerows at site boundaries with wildlife-friendly native shrub and tree species of local genetic provenance (including some berry/fruit-bearing species that will provide seasonal resources for birds, such as hawthorn, blackthorn, dog rose, elder, guelder rose, holly and hazel).
- Incorporate the creation of wildflower/flowering grassland area into landscaping plans to enhance the site for amphibians and invertebrates, particularly pollinators.
- Plant several fruit trees (such as apple, pear and plum) of local varieties to enhance the site for badgers, invertebrates, birds and other wildlife.

Yours sincerely,

**Lizzie Breakwell BSc MSc ACIEEM MSB**

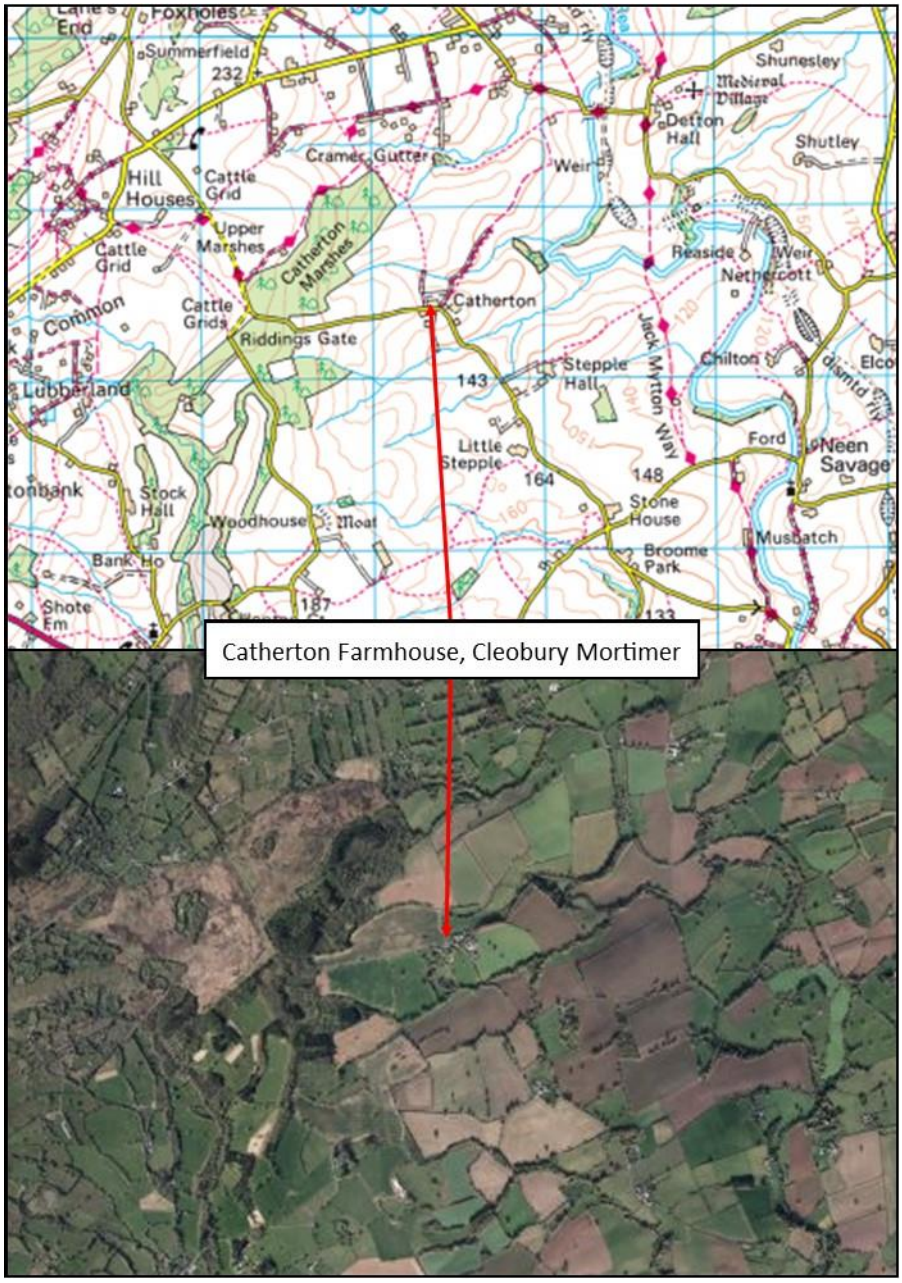
Ecologist

NOTES

Please be aware that, because the natural environment is dynamic, ecological reports generally have a limited period of currency. Many statutory authorities now regard one year as the maximum time that should elapse before a report will need to be updated, occasionally it may be longer but it may also be less, sometimes as little as three months for bats.

Any information relating to legal matters in this document is provided in good faith but does not purport in any way to give any advice on or interpretation of the law whatsoever. Professional legal advice should always be sought.

# Figure 1. Location Plan




Maps copyright Bing Maps.

## Photographs (all taken on 08 July 2021).

Plate 1. The southern gable end and eastern elevation of the pool house, showing stonework and roof tiles in good condition.

Plate 2. The southern gable end. There are no gaps in mortar at the verges or in masonry; no opportunities for bats are present at this elevation.

Plate 3. Eaves and soffits are tightly-fitting and well sealed, offering no opportunities for bats.

Plate 4. The eastern elevation of the pool house, showing the line of glazed doors and good condition of roof.

Plate 5. The northern gable end, showing glazed windows and stone work in good condition. There is one small area of missing mortar at the apex of this elevation.

Plate 6. Tiles at the northern end of the eastern elevation are spaced slightly further apart than on the rest of the roof, which may allow access to crevice-dwelling bats to the underside of roof tiles.

Plate 7. An area of mortar is missing at the apex of the northern gable end, that may allow access to bats to the roof.

Plate 8. Showing the area within which the new extension is proposed, comprising regularly-mown amenity grassland. A cherry tree has recently been felled here. The roof line of the proposed extension will sit below the existing roof line of the pool house so disturbance of the roof will be limited to the installation of skylights on the eastern roof elevation.

Plate 9. The rear (western) elevation of the pool house. All roof tiles are intact and this elevation offers no suitable roosting opportunities for bats.

Plate 9. The interior of the pool house, looking towards the northern gable end showing mezzanine floor at the far end.

Plate 10. A view of the interior of the pool house from the mezzanine viewing platform.

Plate 11. A small ornamental pond in the gardens of Catherton Farmhouse, which was dry during the survey.

Plate 12. A large fishing lake well stocked with carp is present within the grounds of Catherton Farmhouse, approximately 150m to the north-east beyond heavily-grazed horse paddocks.

Plate 13. A large fishing lake well stocked with carp is present within the grounds of Catherton Farmhouse, approximately 150m to the north-east beyond heavily-grazed horse paddocks.

Plate 14. A view west across horse paddocks. The fishing lake is on the other side of the trees on the left of the photograph.

Plate 15. The area proposed for the new extension. It is likely that all or part of the stone retaining wall seen here will be removed to accommodate the proposals. Gaps are present within the wall which may provide suitable terrestrial habitat for great crested newt if present nearby.

# APPENDIX

## Bat Signs

Signs of bat activity may include the following:

- Faeces — these typically contain fragments of insect exoskeleton and disintegrate when crushed, unlike those of small rodents, which usually harden with time and will not crush. Bat droppings will stick to surfaces including walls, windows and window ledges. They may also become caught in cobwebs below a roost site or feeding perch.
- Feeding remains — these include the discarded wings of flying invertebrates, often moths, which may accumulate under a feeding perch. Some species, such as the brown long-eared bat, have a well-known penchant for moths of the noctuid family. Hence the accumulated wings of these moths assist in suggesting the presence of this bat.
- Oil staining — the fur of bats may leave an oily residue on surfaces close to occupied roost sites and access/egress points.
- Diurnal vocalisations — these are most pronounced at larger roost sites during periods of hot weather.
- Absence of cobwebs — a well-used bat roost and its access points are typically clear of cobwebs.
- Scratchings — scratch marks produced by the claws of many bats may be apparent close to the access point for a well-used roost.
- Dead bats.
- Tracks in dust.
- Odour – most bats have a distinctive odour and certain species, such as the noctule and soprano pipistrelle, are noted for their pungent roosts resulting from their urine scent marking activity and oily fur.

## Bats and Their Protection

There are eighteen species of bats recorded as resident in the UK. The greater mouse-eared bat (*Myotis myotis*) was regarded as extinct until a hibernating individual was recorded in a Sussex hibernaculum in December 2002 and Alcathoe's bat (*Myotis alcathoe*) was found here in 2010. The pond bat (*Myotis dasycneme*) may currently be in the process of colonising the country, based on an increase in recent sightings. All British bats are insectivorous, feeding on a range of invertebrates from gnats to ground beetles and spiders. Two families of bats occur in the UK, the ***Rhinolophidae*** or "horseshoe bats" and the ***Vespertilionidae*** or "vesper bats". Bats are believed to have declined in range and numbers in the UK, due primarily to loss of roosts and suitable habitats (JNCC, 2004). All British bats use high frequency sound (range 20—130 kHz approx.) as a form of echolocation. This allows bats to orientate themselves within their environment, detect and catch prey and communicate with other bats.

Bats use a variety of different structures for the purposes of roosting, including mature trees, caves, mines, buildings (both modern and ancient), bridges and tunnels. In addition, many bat species will occupy purpose-built bat-boxes or even boxes designed to house nesting birds (English Nature, 2002). Bats use different types of roost at different times of year. Maternity roosts, where large numbers of female bats congregate to give birth and rear their young, are typically associated with warm, sheltered conditions. Hibernation sites are characterised by stable temperatures and humidity approaching 100%. The use of roosts is rather unpredictable, particularly amongst tree-roosting species, but female bats are typically loyal to maternity roosts.

The Conservation of Habitats and Species Regulations 2010 transpose the stipulations of Council Directive 92/43/EEC ("The Habitats Directive") into UK Law. European Protected Species (EPS), which include bats, are listed in Annex IV of the Habitats Directive, and are thus afforded strict protection. Some bat species are regarded as being of higher conservation concern in a European context, and these are listed under Annex II of the Habitats Directive. These species include the barbastelle and Bechstein's bat, as well as greater and lesser

horseshoe bats. The habitats of species listed on Annex II may be candidates for the designation of Special Areas of Conservation (SACs). It should be noted that there is no longer a defence of harmful actions being "the incidental result of an otherwise lawful operation" for EPS and there is "strict liability" in the legal sense. Specifically proscribed by this legislation with significant penalties for offenders are:

- deliberate capture, injury or killing;
- deliberate disturbance likely significantly to affect population survival, breeding, rearing young, local distribution or abundance;
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any bat or any part of a bat or anything derived from one.

All British bats are also afforded protection under the Wildlife and Countryside Act 1981 (WCA). The WCA has been amended on several occasions, most recently by the Countryside and Rights of Way (CRoW) Act 2000, the Natural Environment and Rural Communities (NERC) Act 2006 and by the Conservation of Habitats and Species Regulations 2010 (above). *Inter alia*, intentional or reckless damage of roosts is specifically proscribed. Owing to the tendency of bats to remain loyal to certain roost sites, sites known to be used by roosting bats are regarded as roosts regardless of whether they contain bats at the time of survey.

With the exception of the more abundant pipistrelle species, all UK bats are also protected under Appendix II of the Berne Convention (Convention on the Conservation of European Wildlife and European Habitats), which lists strictly protected fauna, and Appendix II of the Bonn Convention on the Conservation of Migratory Species of Wild Animals. Pipistrelles receive a lower level of protection under the Berne Convention than other UK bat species.

Section 74 (2) of the CRoW Act 2000 (now updated by Section 41 of the NERC Act 2006) requires the publication of lists of habitats and species that are of principal importance for the purpose of conserving biological diversity in accordance with the requirements of the United Nations Convention Environmental Programme Convention on Biological Diversity (CBD)1992. The list is regularly updated and many bats appear on it. The NERC Act consolidates the requirements of the CRoW Act in placing duties upon government agencies, including local authorities, to ensure the conservation of Biodiversity.

## Summary of Relevant Conservation and Wildlife Legislation

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)
The Wildlife and Countryside Act 1981 (as amended) (WCA) is the principal legislative instrument for the protection of habitats and species in the UK, prohibiting actions that may harm or endanger specified species of conservation concern.

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
This Act increases protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation. It makes the reckless disturbance of a place of rest or shelter of a protected animal an offence.

NATIONAL PLANNING POLICY FRAMEWORK 2019 (NNPF)
The NPPF encourages planning policies to "minimise impacts on biodiversity by identifying and mapping components of local ecological networks, including; the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and the features that connect them, and areas identified by local partnerships for habitat restoration or creation"

BIODIVERSITY ACTION PLAN (BAP) HABITATS AND SPECIES
The Biodiversity Action Plan is designed to protect and restore biological systems by addressing the threats to species and habitats of conservation concern. Those which are most seriously threatened are designated as priority habitats and species. The purpose of the Plan is to guide the conservation action and effort related to the species concerned.

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

This legislation is designed to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations. All government departments and public bodies have a duty to have regard to conserving biodiversity, including restoring or enhancing a species population or habitat.

HEDGEROW REGULATIONS 1997

The Regulations cover hedgerows that are at least 20m in length; are adjacent to common land, agricultural land or an area designated for conservation and contain at least seven listed woody shrub or trees, or wildlife species protected under Schedule I or 5 of the Wildlife and Countryside Act 1981. Under the Hedgerows Regulations 1997 it is against the law to remove or destroy important hedgerows without permission from the local planning authority.

GREAT CRESTED NEWTS

Great crested newts are fully protected under The Conservation of Habitats and Species Regulations 2010 and under WCA. It is an offence to deliberately, capture, injure or kill a great crested newt; deliberately disturb a great crested newt, or damage, destroy or obstruct access to a breeding site or resting place used by a great crested newt.

BATS

All species of bats are fully protected under The Conservation of Habitats and Species Regulations 2010 and under WCA. It is an offence to deliberately, capture, injure or kill a bat; deliberately disturb a bat, or damage, destroy or obstruct access to a breeding site or resting place used by a bat. Under currently accepted interpretation of the legislation, a bat roost is "*a structure or place…used for shelter or protection*". Since bats demonstrate a high level of site fidelity, legal opinion is that the roost is protected whether or not bats are present at the time.

DORMICE

The dormouse is strictly protected under the Wildlife & Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). The deliberate capturing, disturbing, injuring and killing of dormice is prohibited, as is damaging or destroying their breeding sites and resting places.

BADGERS

Under the Protection of Badgers Act 1992, it is unlawful to wilfully kill, injure, possess or cruelly ill-treat a badger or to attempt to do so. It is also illegal, intentionally or recklessly, to interfere with a sett. This includes disturbing a sett in current use, as well as damaging, destroying or obstructing access to a sett.

REPTILES

Under WCA, all reptiles are protected from intentional killing and/or injury, as well as from collection for commercial sale or exchange. They are also identified as a Priority species in the UKBAP and, as such, have been adopted as a Species of Principal Importance in the UK.

BREEDING BIRDS

Under WCA, it is an offence to kill, injure or take a wild bird; take, damage or destroy the nest or any wild bird while that nest is being used or built; intentionally take or destroy the eggs of any wild bird. It is also an offence to intentionally or recklessly disturb any Schedule 1 listed bird on, or near an 'active' nest, or to intentionally or recklessly disturb dependent young of such species (e.g. most birds of prey, kingfisher, barn owl, black redstart, little ringed plover). Forty-nine species are listed as Species of Principal Importance in England under section 41 of the NERC Act.

EUROPEAN PROTECTED SPECIES LICENCES

A European Protected Species Licence (EPSL) issued by the Statutory Nature Conservation Organisation (e.g. Natural England in England) is required for any activity which is considered likely to result in an offence. This includes damage or destruction to a bat roost as well as any significant disturbance to bats (see above). In order to obtain a licence for works which would otherwise result in an offence to a European Protected Species (EPS), Natural England (and Local Planning Authorities) assess applications against the following three tests:

Test 1 - **Regulation 53(2)(e)** states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".

Test 2 - **Regulation 53(9)(a)** states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".

Test 3 - **Regulation 53(9)(b)** states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Please note that Natural England take thirty working days to assess licence applications. Where planning permission is required for a project, this will be required prior to submission of a licence application to Natural England.

## Author's experience

Elizabeth Breakwell – BSc (Hons), MSc DIC, MSB, ACIEEM - Ecologist

Lizzie has a 2:1 science degree with honours in zoology from Southampton University (evolution, behavioural ecology, genetics, quantitative biological methods, biodiversity & conservation, and experimental & field biology). She also holds a master's degree in Advanced Methods in Taxonomy & Biodiversity (Evolutionary Biology/Systematics) from Imperial College, London, based at the Natural History Museum. With over ten years' experience in ecological consultancy, her general ecological knowledge and experience extends to field survey (Phase 1), bat (Class 2 licence-holder), badger, dormouse (Class licence-holder) and great crested newt (Class licence-holder) studies, report writing and presentation, EIA and consultancy. Complementing her ecological field and laboratory work, Lizzie also has a background in business, the media (working for Top Gear at the BBC), presentations and administration. She is a member of the Worcestershire Bat Group, Worcestershire Mammal Group, Herefordshire Mammal Group, an Associate Member of the Chartered Institute of Environmental and Ecology Management (CIEEM), a Full Member of the Royal Society of Biology and a Fellow of the British Naturalists' Association.

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