



Preliminary Ecological Appraisal

Land off Salisbury Road, Copythorne, Romsey, Hampshire, SO51 6AN

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Industry Guidelines and Standards

This report has been written with due consideration to:

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

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed to undertake a Preliminary Ecological Appraisal (PEA) at Land off Salisbury Road, Copythorne, Romsey, Hampshire, SO51 6AN (hereafter referred to as “the site”). The survey was required to inform a planning application for the construction of a stable block and barn (hereafter referred to as “the proposed development”).

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

Feature	Foreseen impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>
Designated sites	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the proximity of the site to The New Forest SSSI/SAC/SPA/Ramsar and the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction.	The Local Planning Authority (LPA) may be required to undertake a Habitat Regulations Assessment (HRA). Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.
Habitats and flora	No direct impacts to any notable habitats will occur as a result of the proposed development as only grassland will be affected by the proposed development. However, due to the proximity of the site to lines of trees, indirect effects such as pollution or tree damage could occur during construction.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.
Amphibians	The proposed development will not result in the loss of any ponds. However, due to the presence of ponds within close proximity of the site, indirect effects such as pollution could occur during construction. The terrestrial habitat available on site is being retained.	A precautionary working method will be implemented.
Foraging and commuting bats	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development could include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low-impact lighting strategy should be implemented.

<p>Badger</p>	<p>Building should take place outside of a 30 metre buffer zone of the potential outlier hole. Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.</p>	<p>If building occurs within 30 metres of the potential outlier hole then badger surveys will be required to characterise the sett types present and the usage of the site by badgers. This will comprise the deployment or wildlife cameras over a period of 3-4 weeks and such surveys can be undertaken throughout the year, in accordance with current survey guidelines (Harris et al, 1989). The surveys are likely to be required before planning permission can be granted.</p> <p>Disturbance, damage or destruction of active badger setts will require a badger development licence.</p> <p>If no building is to take place within a 30 metre buffer of the potential outlier hole then further badger surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <ul style="list-style-type: none"> • A toolbox talk will be given to contractors regarding the possible presence of badgers at the site. • A pre-commencement inspection of the site will be undertaken for any new badger activity if works do not commence within three months. • Heras fencing will be erected around the working area to prevent encroachment into retained habitats where badger setts could be present. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. <p>In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.</p>
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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed to undertake a Preliminary Ecological Appraisal (PEA) at Land off Salisbury Road, Copythorne, Romsey, Hampshire, SO51 6AN (hereafter referred to as “the site”). The survey was required to inform a planning application for the construction of a stable block and barn (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development.

1.2 Site Context

The site is located at National Grid Reference SU 31240 18234 and has an area of approximately 1.4ha. The site consists of a grazing field. The site is located rurally and the local area is dominated by arable fields, with Romsey extending to the northeast.

A site location plan is provided in Appendix 2.

1.3 Scope of the Report

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

To achieve this, the following steps have been taken:

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

2.0 Methodology

2.1 Desk Study

The desk study included a 2km radius review of statutory designated sites and notable habitats as well as a 2km radius review of granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

2.2 Field Survey

The survey was undertaken by Matthew Game (Accredited Agent on Natural England Bat Licence Number: 2018-15716-CLS-CLS) on the 29th of September 2022.

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

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

2.3 Limitations

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

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report. No access to the nearby pond was available at the time of survey.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation. There were no other specific limitations to the report.

3.0 Results and Evaluation

3.1 Desk Study Results

A summary of desk study results is provided below.

Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 1 below. The site sits within the impact risk zone for The New Forest Site of Special Scientific Interest (SSSI), the proposed development is not listed as a possible high risk with regard to this designation. It also sits approx. 0.6km from The New Forest Special Area of Conservation (SAC) and Special Protection Areas (SPA).

Table 1: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site (approx.)	Reasons for notification from Natural England
The New Forest Ramsar	660 metres west	The New Forest is an area of semi-natural vegetation including valley mires, fens and wet heath within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. The habitats present are of high ecological quality and diversity with undisturbed transition zones. The suite of mires is regarded as the locus classicus of this type of mire in Britain. Other wetland habitats include numerous ponds of varying size and water chemistry including several ephemeral ponds and a network of small streams mainly acidic in character which have no lowland equivalent in the UK. The plant communities in the numerous valleys and seepage step mires show considerable variation, being affected especially by the nutrient content of groundwater. In the most nutrient-poor zones, Sphagnum bog-mosses, cross-leaved heath, bog asphodel, common cottongrass and similar species predominate. In more enriched conditions the communities are more fen-like.

The New Forest SAC	660 metres west	<p>Annex I habitats that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> • 3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) Hatchet Pond in the New Forest in the south of England is in fact three ponds, one of which is an example of an oligotrophic waterbody amidst wet and dry lowland heath developed over fluvial deposits. It contains shoreweed <i>Littorella uniflora</i> and isolated populations of northern species such as bog orchid <i>Hammarbya paludosa</i> and floating bur-reed <i>Sparganium angustifolium</i>, alongside rare southern species such as Hampshire-purslane <i>Ludwigia palustris</i>. Hatchet Pond is therefore important as a southern example of this lake type where northern species, more common in the uplands of the UK, co-exist with southern species. • 3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoëto-Nanojuncetea</i> In the New Forest vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoëto-Nanojuncetea</i> occurs on the edge of large temporary ponds, shallow ephemeral pools and poached damp hollows in grassland, which support a number of specialist species in a zone with toad rush <i>Juncus bufonius</i>. These include the two nationally scarce species coral-necklace <i>Illecebrum verticillatum</i> and yellow centaury <i>Cicendia filiformis</i>, often in association with allseed <i>Radiola linoides</i> and chaffweed <i>Anagallis minima</i>. Heavy grazing pressure is of prime importance in the maintenance of the outstanding flora of these temporary pond communities. Livestock maintain an open habitat, controlling scrub ingress, and trampling the surface. Commoners' animals also transport seed in their hooves widely from pond to pond where suitable habitat exists. Temporary ponds occur throughout the Forest in depressions capable of holding water for part of the year. Most ponds are small (between 5-10 m across) and, although great in number, amount to less than 10 ha in total area. • 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> The New Forest contains the most extensive stands of lowland northern Atlantic wet heaths in southern England, mainly of the M16 <i>Erica tetralix</i> – <i>Sphagnum compactum</i> type. M14 <i>Schoenus nigricans</i> – <i>Nartheceum ossifragum</i> mire is also found on this site. The wet heaths are important for rare plants, such as marsh gentian <i>Gentiana pneumonanthe</i> and marsh clubmoss <i>Lycopodiella inundata</i>, and a number of dragonfly species, including the scarce blue-tailed damselfly <i>Ischnura pumilio</i> and small red damselfly <i>Ceriagrion tenellum</i>. There is a wide range of transitions between wet heath and other habitats, including dry heath, various woodland types, <i>Molinia</i> grasslands, fen, and acid grassland. Wet heaths enriched by bog myrtle <i>Myrica gale</i> are a prominent feature of many areas of the Forest. Unlike much lowland heath, the New Forest heaths continue to be extensively grazed by cattle and horses, favouring species with low competitive ability. • 4030 European dry heaths The New Forest represents European dry heaths in southern England and is the largest area of lowland heathland in the UK. It is particularly important for the diversity of its habitats and the range of rare and scarce species which it supports. The New Forest is unusual because of its long history of grazing in a traditional fashion by ponies and cattle. The dry heaths of the New Forest are of the H2 <i>Calluna vulgaris</i> – <i>Ulex minor</i> heath type, and H3 <i>Ulex minor</i> – <i>Agrostis curtisii</i> heath is found on damper areas. There are a wide range of transitions between dry heath and wet heath, <i>Molinia</i> grassland, fen, acid grassland and various types of scrub and woodland. Both the New Forest and the two Dorset Heath SACs are in southern England. All three areas are selected because together they contain a high proportion of all the lowland European dry heaths in the UK. There are, however, significant differences in the ecology of the two areas, associated with more oceanic conditions in Dorset and the continuous history of grazing in the New Forest. • 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)
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The New Forest represents **Molinia meadows** in southern England. The site supports a large area of the heathy form of M24 *Molinia caerulea* – *Cirsium dissectum* fen-meadow. This vegetation occurs in situations of heavy grazing by ponies and cattle in areas known locally as ‘lawns’, often in a fine-scale mosaic with **4010 Northern Atlantic wet heaths** and other mire and grassland communities. These lawns occur on flushed soils on slopes and on level terrain on the floodplains of rivers and streams. The New Forest **Molinia meadows** are unusual in the UK in terms of their species composition, management and landscape position. The grasslands are species-rich, and a particular feature is the abundance of small sedges such as carnation sedge *Carex panicea*, common sedge *C. nigra* and yellow-sedge *C. viridula* ssp. *oedocarpa*, and the more frequent occurrence of mat-grass *Nardus stricta* and petty whin *Genista anglica* compared to stands elsewhere in the UK.

- **7150 Depressions on peat substrates of the Rhynchosporion**

The New Forest, one of three sites selected in southern England, is considered to hold the largest area in England of **Depressions on peat substrates of the Rhynchosporion**, in complex habitat mosaics associated primarily with the extensive valley bogs of this site. The habitat type is developed in three situations: in natural bog pools of patterned bog surfaces, in flushes on the margins of valley mires and in areas disturbed by peat-digging, footpaths, tracks, ditches etc. In places the habitat type is rich in brown mosses *Cratoneuron* spp. and *Scorpidium scorpioides*, suggesting flushing by mineral-rich waters. The mosaics in which this habitat type occurs are an important location for bog orchid *Hammarbya paludosa*.

- **9120 Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion roburi-petraeae or Ilici-Fagenion)**

The New Forest is the largest area of mature, semi-natural beech *Fagus sylvatica* woodland in Britain and represents **Atlantic acidophilous beech forests** in the most southerly part of the habitat’s UK range. The mosaic with other types of woodland and heath has allowed unique and varied assemblages of epiphytic lichens and saproxylic invertebrates to be sustained, particularly in situations where the woodland is open and the tree trunks receive plenty of light. The traditional common grazing in the Forest by cattle and ponies provides opportunities to explore the impact of large herbivores on the woodland system.

- **9130 Asperulo-Fagetum beech forests**

The New Forest is the largest area of mature, semi-natural beech *Fagus sylvatica* woodland in Britain; much of it is a form of W14 *Fagus sylvatica* – *Rubus fruticosus* woodland that conforms to the Annex I type **Asperulo-Fagetum beech forests**. The mosaic with other types of woodland and heath has allowed unique and varied assemblages of epiphytic lichens and saproxylic invertebrates to be sustained, particularly in situations where the woodlands are open and the tree trunks receive plenty of light. The traditional common grazing in the Forest by cattle and ponies provides opportunities to explore the impact of large herbivores on the woodland system.

- **9190 Old acidophilous oak woods with Quercus robur on sandy plains**

The New Forest is representative of **old acidophilous oak woods** in the southern part of its UK range. It is the most extensive area of active wood-pasture with old oak *Quercus* spp. and beech *Fagus sylvatica* in north-west Europe and has outstanding invertebrate and lichen populations. This site was preferred over other sites that lack a succession of age-classes because, although scattered over a wide area, the oak stands are found within a predominantly semi-natural landscape with a more balanced age-structure of trees. The traditional common grazing in the Forest by cattle and ponies provides opportunities to explore the impact of large herbivores on the woodland system. The New Forest has been identified as of potential international importance for its saproxylic invertebrate fauna by the Council of Europe (Speight 1989).

- **91D0 Bog woodland * Priority feature**

Within the New Forest, in southern England, birch – willow *Betula* – *Salix* stands occur over valley bog vegetation, with fringing alder *Alnus* – *Sphagnum* stands where there is some water movement. These stands appear to have persisted for long periods in

Designated site name	Distance from site (approx.)	Reasons for notification from Natural England
		<p>stable association with the underlying <i>Sphagnum</i> bog-moss communities. The rich epiphytic lichen communities and pollen record provide evidence for the persistence of this association. The Bog woodland occurs in association with a range of other habitats for which the site has also been selected.</p> <ul style="list-style-type: none"> • 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) * Priority feature <p>The New Forest contains many streams and some small rivers that are less affected by drainage and canalisation than those in any other comparable area in the lowlands of England. Associated with many of the streams, particularly those with alkaline and neutral groundwater, are strips of alder <i>Alnus glutinosa</i> woodland which, collectively, form an extensive resource with a rich flora. In places there are examples of transitions from open water through reedswamp and fen to alder woodland. The small rivers show natural meanders and debris dams, features that are otherwise rare in the lowlands, with fragmentary ash <i>Fraxinus excelsior</i> stands as well as the alder strips. In other places there are transitions to 9190 Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains and 9120 Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>), for which this site has also been selected.</p>

Designated site name	Distance from site (approx.)	Reasons for notification from Natural England
The New Forest SSSI	660 metres west	<p>The New Forest embraces the largest area of “unsown” vegetation in lowland England and includes the representation on a large scale of habitat formations formerly common but now fragmented and rare in lowland western Europe. They include lowland heath, valley and seepage step mire, or fen, and ancient pasture woodland, including riparian and bog woodland. Nowhere else do these habitats occur in combination and on so large a scale. There are about 4,600 hectares of pasture woodland and scrub dominated by oak, beech and holly; 11,800 hectares of heathland and associated grassland; 3,300 hectares of wet heath and valley mire-fen and also 8,400 hectares of plantations dating from various periods since the early 18th century. Within this matrix of habitats are a range of acid to neutral grasslands where the vegetation owes much to the local geology and continuous grazing, a situation which is uncommon in lowland England. Scattered around the New Forest and throughout the small pockets of enclosed farmland are a series of unimproved meadows which have similarities with these Open Forest grasslands. A network of small streams draining the system form an unusual community which results from the combination of nutrient-poor, acid waters and outcrops of neutral enriched soils. There are many ponds of varying sizes and water chemistry including several ephemeral ponds. This wide range of habitats support an assemblage of nationally rare and scarce plants and a nationally important assemblage of rare and scarce invertebrates. The area supports internationally important breeding populations of certain bird species and the wintering population of another as well as an assemblage of birds associated with specific habitats such as old woodland or wetlands. Within the New Forest there are seven sites which are of special geological or physiographic interest including valley mires, the headwaters of the Highland Water, stream sections with exposures of fossil-bearing strata and a gravel pit rich in palaeolithic artefacts.</p> <p>The New Forest is probably sufficiently large to ensure the long term survival of the characteristic flora and fauna within the wide range of habitats. Smaller isolated examples of the component habitats are vulnerable to biological impoverishment but here in the New Forest has survived largely because of the persistence of a pastoral economy based on the exercise of common rights of grazing and mast together with protection afforded by Crown ownership. This, and the management of vegetation in the Open Forest through burning and cutting programmes, administered by the Forestry Commission on the Crown Lands, maintains the quality of the grazings, ensures the prevention of natural succession and encourages local diversity in plant communities. The pastoral economy in turn depends on the continued existence of a small community of commoners who make up a discrete social unit and this combination of natural and cultural elements contributes to the maintenance of the New Forest habitats.</p>
The New Forest SPA	660 metres west	<p>Conservation objectives – Qualifying species:</p> <ul style="list-style-type: none"> • A072 Pernis apivorus; European honey-buzzard (Breeding) • A082 Circus cyaneus; Hen harrier (Non-breeding) • A099 Falco subbuteo; Eurasian hobby (Breeding) • A224 Caprimulgus europaeus; European nightjar (Breeding) • A246 Lullula arborea; Woodlark (Breeding) • A302 Sylvia undata; Dartford warbler (Breeding) • A314 Phylloscopus sibilatrix; Wood warbler (Breeding)

Landscape

A review of aerial photographs (Google Earth) the magic.gov.uk database and OS maps has been undertaken. Collated together, the value of the landscape in terms of biodiversity is described below:

The site consists of a grazing field. The site is located rurally and the local area is dominated by arable fields, with Romsey extending to the northeast.

There are scattered woodland copses and tree lines around the area, which could be used by wildlife for shelter, foraging and commuting.

Notable Habitats

Notable habitats within 2km are listed in Table 2.

Table 2: Notable habitats within 2km of the site

Habitat	Closest distance from site (approx.)
Deciduous woodland	120 metres south
Purple moor grass and rush pasture	400 metres southeast
Woodpasture and parkland	410 metres north
Coastal and floodplain grazing marsh	1050 metres east
Traditional Orchard	1070 metres southeast
Lowland fens	1250 metres west

3.2 Field Survey Results

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

Table 3: Weather conditions during the survey

Date: 29/09/2022	
Temperature	22°C
Humidity	61%
Cloud Cover	40%
Wind	5mph
Rain	None


Habitats and Flora

The following habitats are present within the site:

- Line of trees – w1g6
- Neutral grassland – g3
- Mixed scrub – h3h

A description and photograph of each habitat is provided in Table 4. No protected or non-native invasive plant species were identified on the site.

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

Habitat Type	Habitat description	Photograph
Line of trees – w1g6	There are lines of trees on the western boundary. Species composition is mostly oak, with some scattered hawthorn. This habitat is of moderate ecological value.	

<p>Neutral grassland – g3</p>	<p>The majority of the site is neutral grassland. It is grazed creating a sward height of approx. 5-8cm. Species composition is poor, comprising predominantly perennial ryegrass (D) and meadow grass species (F) with occasional broad-leaved herbs such as curled dock (O) and dandelion (O). This offers low ecological value.</p>	
<p>Mixed scrub – h3h</p>	<p>In areas across the site boundaries are areas of mixed scrub. This comprises of mostly bramble and blackthorn, with some nettle and ruderal grasses in places. This offers moderate ecological value.</p>	



Fauna

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

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

Species	Assessment of suitability
Amphibians	A review of the MAGIC database returned no granted EPSL records for great crested newts within 2km of the site. Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton <i>et al.</i> 2001). One pond is present within 500 metres, this is situated approx. 70 metres from the south eastern boundary. There is low value terrestrial habitat available on site, in the form of mixed scrub. Connectivity is available via grassland and adjacent hedgerows / tree lines.
Bats	A review of the MAGIC database returned eight granted EPSL records within 2km of the site, as detailed in Table 5a below.

Table 5a: Bat EPSL records within 2km

EPSL reference	Approx. distance from site	Bat species affected	Licence start date:	Licence end date:	Impacts allowed by licence
2019-43249-EPS-MIT	500 metres northwest	Soprano pipistrelle	30/10/2019	29/10/2029	Impact on a breeding site Destruction of a breeding site
2016-26918-EPS-MIT	840 metres northwest	Brown Long-Eared	12/12/2016	12/12/2016	Destruction of a resting place
EPSM2010-2456	980 metres southeast	Common Pipistrelle, Serotine and Brown Long-Eared	05/07/2011	30/09/2012	Destruction of a resting place
EPSM2013-6501	990 metres northwest	Natterers, Brown Long-Eared and Soprano Pipistrelle	13/11/2013	30/09/2019	Destruction of a resting place
2020-48373-EPS-MIT	1190 metres northwest	Soprano Pipistrelle	01/10/2020	31/10/2027	Destruction of a resting place
2018-37083-EPS-MIT	1480 metres northeast	Brown Long-Eared, Common Pipistrelle and Soprano Pipistrelle	11/09/2018	07/09/2023	Destruction of a resting place
EPSM2011-3540	1600 metres north	Common Pipistrelle	15/09/2011	01/09/2013	Destruction of a resting place
2019-43650-EPS-MIT	1660 metres south	Brown Long-Eared and Soprano Pipistrelle	21/11/2019	31/12/2020	Destruction of a resting place

	<p>The lines of trees within the site itself, as well as adjacent to the site provide foraging and commuting habitat for bats, as well as some roosting opportunities within mature trees.</p>
<p>Reptiles</p>	<p>The majority of the boundaries of the site are suitable for sheltering and commuting reptiles, with natural refugia available. There is connectivity available, but with the regularly grazed nature of the grassland it is unlikely that reptiles are present within the area of the site that will be affected by the proposed development.</p>
<p>Badgers</p>	<p>There are no known setts within 30 metres of the site boundary. A potential outlier hole was found on the site survey (pictured below) no other signs of badger were identified on or adjacent to the site. The site offers minimal opportunities for sett creation.</p> 

Hazel Dormouse	<p>A review of the MAGIC database returned no granted EPSL records for dormice within 2km of the site. Habitats recorded within the site are assessed to provide foraging, commuting, and nest building opportunities for dormouse in the form of woodland and scrub. Dormice typically utilise a three-dimensional habitat structure as to commute between feeding and breeding sites whilst avoiding predation; there is no woodland on or adjacent to the site to support this habitat structure. Furthermore, for isolated habitats in the UK, research indicates that dormice require 20ha of woodland habitat to support a viable population (Bright et al. 1994). No connectivity to this size of woodland present.</p>
Hedgehog	<p>The site potentially could be used by small mammals such as hedgehog – a species of principal importance under section 41 of the NERC Act 2006. Hedgehogs are likely to be present due to the nature of the habitats available.</p>
Otter	<p>No suitable habitat is present on or adjacent to the site.</p>
Water Vole	<p>No suitable habitat is present on or adjacent to the site.</p>
Birds	<p>The lines of trees within the site boundary and adjacent to site could support nesting birds.</p>
Invertebrates	<p>The site has low value habitat for invertebrates within the areas of trees.</p>

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e., the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

4.2 Evaluation

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development.

Table 6: Evaluation of the site and any ecological constraints

Ref	Summary of Survey Findings	Foreseen Impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>	Biodiversity Enhancements <i>The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)</i>
Designated sites	The site is not subject to any statutory or non-statutory designation. There are four statutory sites within 2km of the site, the closest being The New Forest SSSI located 660 metres from the site.	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the proximity of the site to The New Forest SSSI/SAC/SPA/Ramsar and the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction.	The Local Planning Authority (LPA) may be required to undertake a Habitat Regulations Assessment (HRA) to determine whether there could be any effect on nearby European sites as a result of the proposed development. Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.	None

<p>Habitats and flora</p>	<p>The site contains line of trees which are of good quality and could be of value to local wildlife populations (as detailed in subsequent sections of this table). The remaining habitats have low ecological value.</p> <p>No protected or notable plant species were recorded during the survey.</p>	<p>No direct impacts to any notable habitats will occur as a result of the proposed development as only grassland will be affected by the proposed development. However, due to the proximity of the site to lines of trees, indirect effects such as pollution or tree damage could occur during construction.</p>	<p>Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development:</p> <ul style="list-style-type: none"> • Native tree, hedgerow and shrub planting. • Creation of wildflower grassland. • A green roof on new buildings. <p>Species-specific enhancement opportunities are detailed later in this table.</p>
<p>Amphibians</p>	<p>There is low value terrestrial habitat available on site, in the form of mixed scrub. Connectivity is available via grassland and adjacent hedgerows / tree lines.</p>	<p>The proposed development will not result in the loss of any ponds. However, due to the presence of ponds within close proximity of the site, indirect effects such as pollution could occur during construction. The terrestrial habitat available on site is being retained.</p>	<p>Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction, including the following measures:</p> <ul style="list-style-type: none"> • Site clearance will be undertaken outside of the amphibian hibernation season (November to February) insofar as is possible. • A toolbox talk will be given to contractors regarding the possible presence of amphibians, including great crested newt, at the site. • Heras fencing will be erected around the working area to prevent encroachment into retained habitats where amphibians could be present. • A pre-commencement inspection of the site will be undertaken for amphibians. • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any amphibians to disperse. The vegetation can then be cleared to ground level 	<p>To be confirmed upon completion of the surveys.</p>

			<p>and must be maintained at this level for the duration of construction to deter amphibians from the working area.</p> <ul style="list-style-type: none"> • Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent amphibians from utilising these areas. • Best practice pollution prevention measures will be implemented to minimise impacts to retained habitats that amphibians could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • If any common amphibians are found in the working area these should be moved by hand to a vegetated area along the site boundaries or in retained habitats away from disturbance. <p>In the unlikely event that a great crested newt is identified, works must cease and advice must be sought from a suitably qualified ecologist.</p>	
Reptiles	Negligible habitat value is available on site due to the regular grazing of the site. The boundary habitats consisting of hedgerows and lines of trees are suitable but will not be affected by the proposed development.	No impacts are anticipated on reptiles as a result of the proposed development.	None.	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles:</p> <ul style="list-style-type: none"> • Creation of reptile refugia and hibernacula using debris and brash from site clearance. • Planting of native scrub and grassland to increase foraging opportunities. • The creation of basking areas such as rock piles or areas of cleared ground with shelter nearby.

Roosting bats	The trees within the site have low/moderate value for roosting bats. Several mature trees are of an age where potential roosting features may be present, are available on site.	Trees are to be retained on site, and as such no impacts to roosting bats are envisaged.	None.	None
Foraging and commuting bats	Trees could be used by local bat populations for foraging or commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	<p>The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats.</p> <p>The proposed development could include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.</p>	<p>A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures:</p> <ul style="list-style-type: none"> • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. <p>Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats:</p> <ul style="list-style-type: none"> • Planting of native tree, shrub and hedgerows to increase foraging opportunities.
Badger	Potential outlier hole found within the site survey.	Building should take place outside of a 30 metre buffer zone of the potential outlier hole. Grassland will be removed during	If building occurs within 30 metres of the potential outlier hole then badger surveys will be required to characterise the sett types present and the usage of the site by badgers. This will comprise the deployment or	The following habitat creation and enhancement opportunities could be incorporated into the

		<p>construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.</p>	<p>wildlife cameras over a period of 3-4 weeks and such surveys can be undertaken throughout the year, in accordance with current survey guidelines (Harris et al, 1989). The surveys are likely to be required before planning permission can be granted. Disturbance, damage or destruction of active badger setts will require a badger development licence.</p> <p>If no building is to take place within a 30 metre buffer of the potential outlier hole then further badger surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <ul style="list-style-type: none"> • A toolbox talk will be given to contractors regarding the possible presence of badgers at the site. • A pre-commencement inspection of the site will be undertaken for any new badger activity if works do not commence within three months. • Heras fencing will be erected around the working area to prevent encroachment into retained habitats where badger setts could be present. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. <p>In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.</p>	<p>proposed development which would be beneficial for badgers: Planting fruit bearing trees and species-rich grassland to increase foraging opportunities.</p>
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Hazel dormouse	No suitable habitat or connectivity available on or adjacent to site, species likely to be absent.	No impacts are anticipated on hazel dormouse as a result of the proposed development.	None	None
Hedgehog	Potential for hedgehog habitat.	No impacts are anticipated on hedgehogs as a result of the proposed development, as trees and scrub are being retained.	None.	None
Otter and water vole	No suitable habitat or connectivity available on or adjacent to site, species likely to be absent	No impacts are anticipated on otters or water vole as a result of the proposed development.	None.	None
Birds	The trees on the site present opportunities for nesting birds.	The proposed development will retain trees, as such no impacts are anticipated on nesting birds.	None.	None
Invertebrates	The site is low-value habitat for invertebrates.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	None

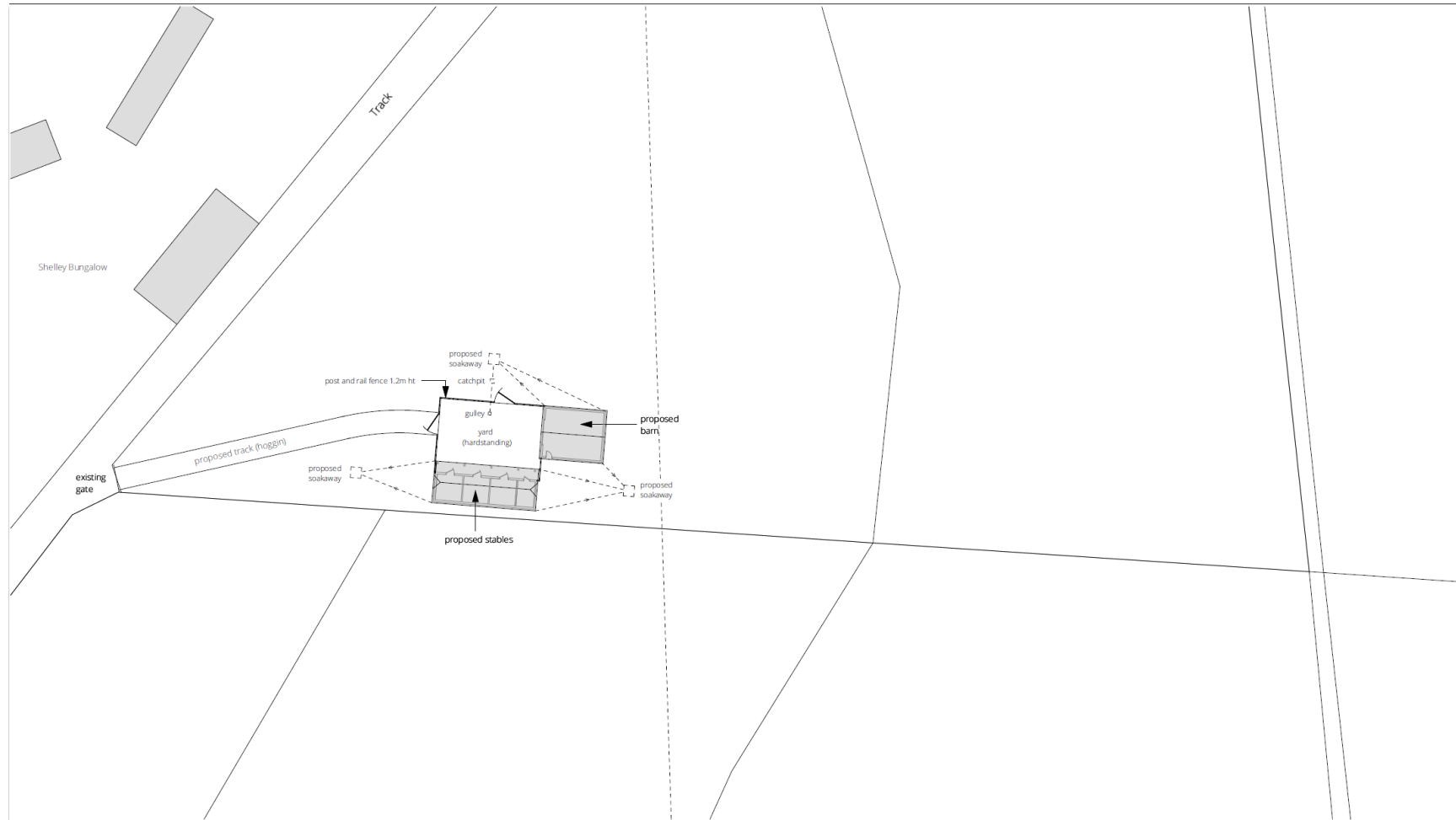
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Appendix 1: Proposed Development Plan

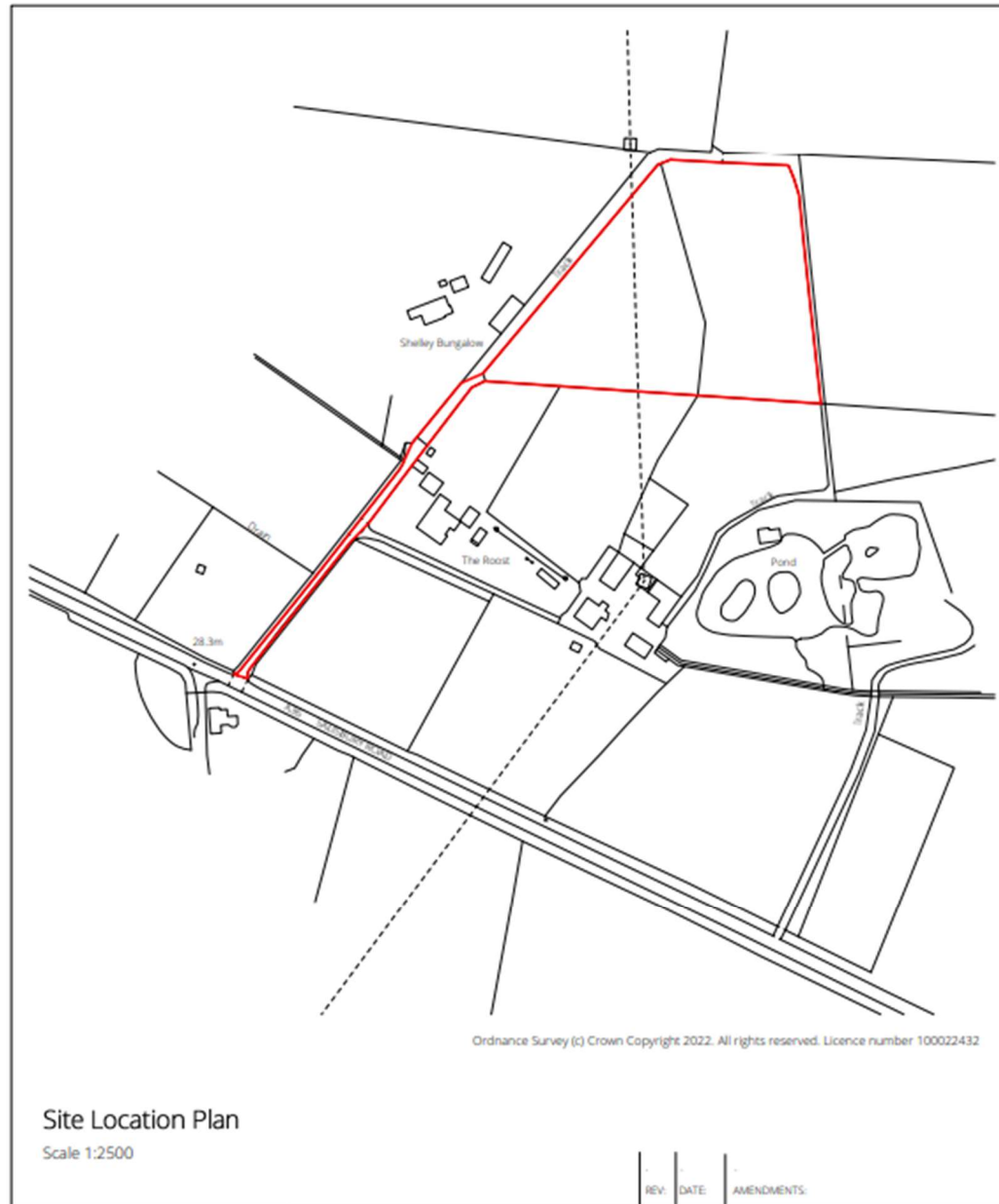


Block Plan as proposed
Scale 1:500

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	CLIENT: Mr J. Mandair	TITLE: Block Plan as proposed	SCALE AT A3: 1:500	DATE: Aug 2022	C 21.11.22 badger sett ref						
	PROJECT: Proposed New Stables and Barn Land rear of the Roost, off Salisbury Road Ower, Romsey SO51 6AN	DWG NO.: NFNP-ID-303.03	REV: C		<table border="1"> <tr> <td>B 19.11.22</td> <td>smaller barn, relocation of proposal</td> </tr> <tr> <td>A 09.08.22</td> <td>barn, landscaping</td> </tr> <tr> <td>REV:</td> <td>DATE:</td> <td>AMENDMENTS:</td> </tr> </table>	B 19.11.22	smaller barn, relocation of proposal	A 09.08.22	barn, landscaping	REV:	DATE:
B 19.11.22	smaller barn, relocation of proposal										
A 09.08.22	barn, landscaping										
REV:	DATE:	AMENDMENTS:									
<p>Youngs Yard, Churchfields, Twyford, Winchester SO21 1NN t.01962 715770 w.southernplanning.co.uk e.inf@southernplanning.co.uk</p>	<p>The copyright of this drawing remains with Southern Planning Practice Ltd. and may not be reproduced in any form without prior written consent. This drawing is intended for planning purposes only, not for construction. Adjacent Properties and boundaries are shown for illustrative purposes only and have not been surveyed unless otherwise stated. All areas shown are approximate and should be verified before forming the basis of a decision. Do not scale the drawings other than for planning application purposes. All dimensions must be checked by the contractor before commencing work on site. Ground floor slabs, foundations, sub-structures and all work below ground level is shown provisionally. Inspection of ground condition is essential prior to work commencing. Reassessment is essential when the ground conditions dictate, and re-design may be necessary in the light of soil conditions found. The responsibility for establishing the soil and sub-soil conditions rests with the contractor.</p>										

Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

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

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

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

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

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

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

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

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which

ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

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

Local Statutory Designations

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

Non- Statutory Designations

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

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

The Hedgerow Regulations 1997

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

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

National and European Legislation Afforded to Species

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

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

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

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

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

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

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

Badgers

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

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

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

Birds

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

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

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

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

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

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

Amphibians and Reptiles

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

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

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

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

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

- Intentionally or recklessly kill or injure these species.

Effects on development works:

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

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

Water Voles

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

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

Effects on development works:

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

Otters

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

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

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

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

Effects on development works:

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

Bats

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

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

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

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

Effects on development works:

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

Hazel Dormice

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

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

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

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

Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales (NB: Hazel Dormouse are entirely absent from Scotland)).

The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

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

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

It is also classified as Endangered in the IUCN Red List of Endangered Species. As a result of this and other relevant crayfish legislation such as the Prohibition of Keeping of Live Fish (Crayfish) Order 1996, a series of licences are needed for working with White-clawed and non-native crayfish. These are:

- A licence to handle crayfish (therefore survey work) in England
- A licence for the keeping of crayfish in England and Wales with an exemption for Signal crayfish (England).
- People in the post-code areas listed with crayfish present prior to 1996 do not need to apply for consent for crayfish already established. It does not, however, allow any new stocking of non-native crayfish into waterbodies. Consent for trapping of non-native crayfish for control or consumption is most likely to be granted in Thames and Anglian regions in the areas with "go area" postcodes.
- Harvesting of crayfish is prohibited in much of England and in any part of Scotland and Wales.

Effects on development works:

The relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

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

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

Legislation Afforded to Plants

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

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

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

Effects on development works:

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

Invasive Species

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

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

Effects on development works:

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

Injurious weeds

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

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

Effects on development works:

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

NATIONAL PLANNING POLICY (ENGLAND)

Environment Act 2021

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

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species

(considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

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

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

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

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

EUROPEAN PROTECTED SPECIES POLICIES

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

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

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