



Date of issue: **21/08/2023**

Ecological Impact Assessment

North Rampart, The Drive, Chichester, West Sussex, P019 5QA

On behalf of Tabatha Andrews

Version 01

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1. Executive Summary

Site Details

- North Rampart, The Drive, Chichester, West Sussex, P019 5QA (OS Grid Reference: SU 86114 07387)

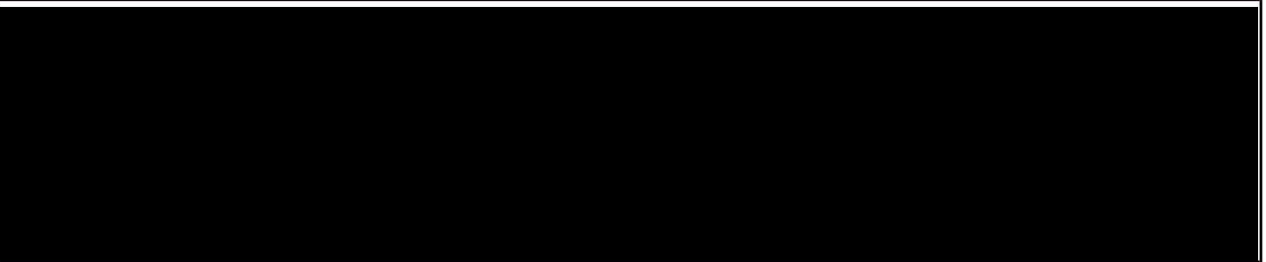
Scope of Works

- Imprint Ecology was commissioned to undertake an Ecological Impact Assessment at a detached bungalow which is required to inform a planning proposal for extensions and alterations to the building.

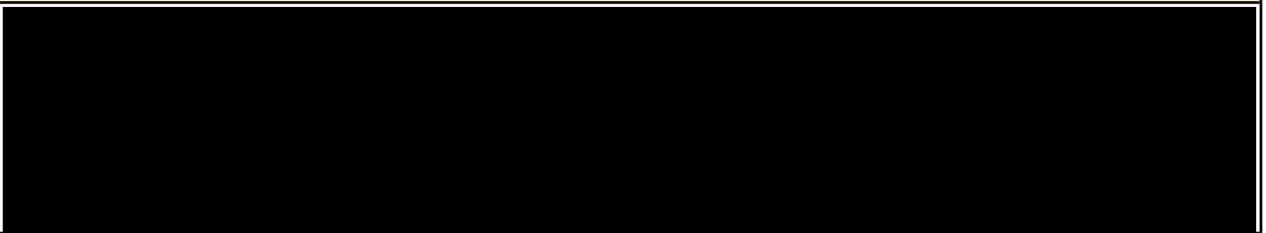
Key Ecological Constraints

- All British bat species and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

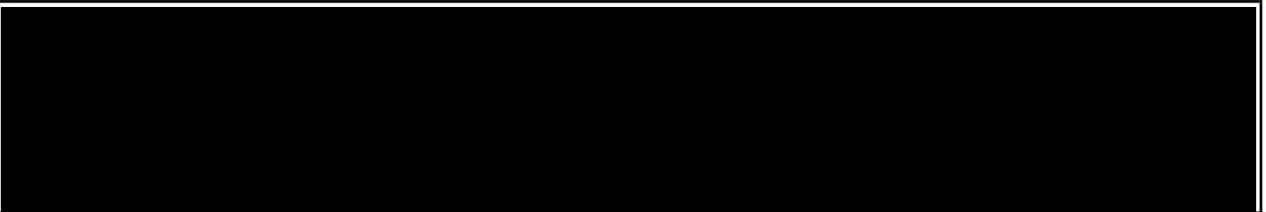
Results



Mitigation



Recommendations for Biodiversity Net Gain

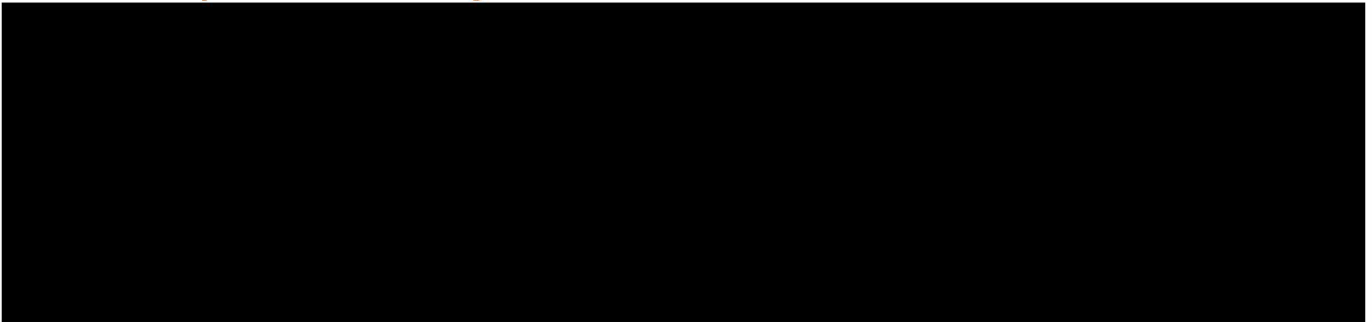


2. Introduction

2.1 Background and Proposed Development

Imprint Ecology was commissioned by Tabatha Andrews to undertake an Ecological Impact Assessment at North Rampart, The Drive, Chichester, West Sussex, P019 5QA (OS Grid Reference: SU 86114 07387), hereafter referred to as 'the site'. The proposals include the extension and alteration of the existing bungalow.

2.2 Experience of Ecologists



2.3 Purpose of the Report

This report contains the findings of an ecological assessment of the building and surrounding habitat. It seeks to identify potential ecological constraints that the proposals may have upon bats or other protected species and provides recommendations for further survey, impact avoidance, mitigation and enhancements where required.

This report is valid for a maximum of 24 months from the date of issue. Should the proposals or site alter in any way, an ecologist should be consulted to re-inspect the site and confirm that this report is still accurate.

2.4 Site Description

The site is located off the north of The Drive within the Summersdale area of Chichester. The surrounding landscape is predominantly semi-rural residential houses and gardens, cultivated arable fields, pasture fields, lines of mature trees, chalk river, and woodland. Three ponds are located within 500m. The entire property covers 0.35 acres. A map showing the geographical location of the site can be seen in Figure 1 and Figure 2.

Figure 1 - Site location - ©OpenStreetMap contributors 2023.

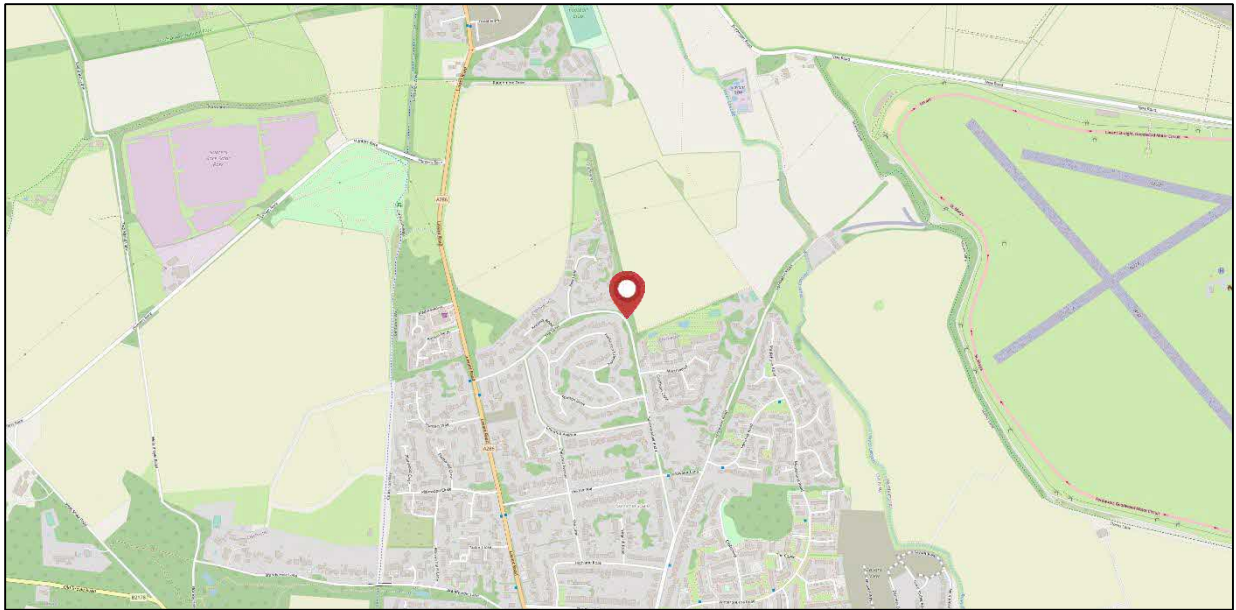
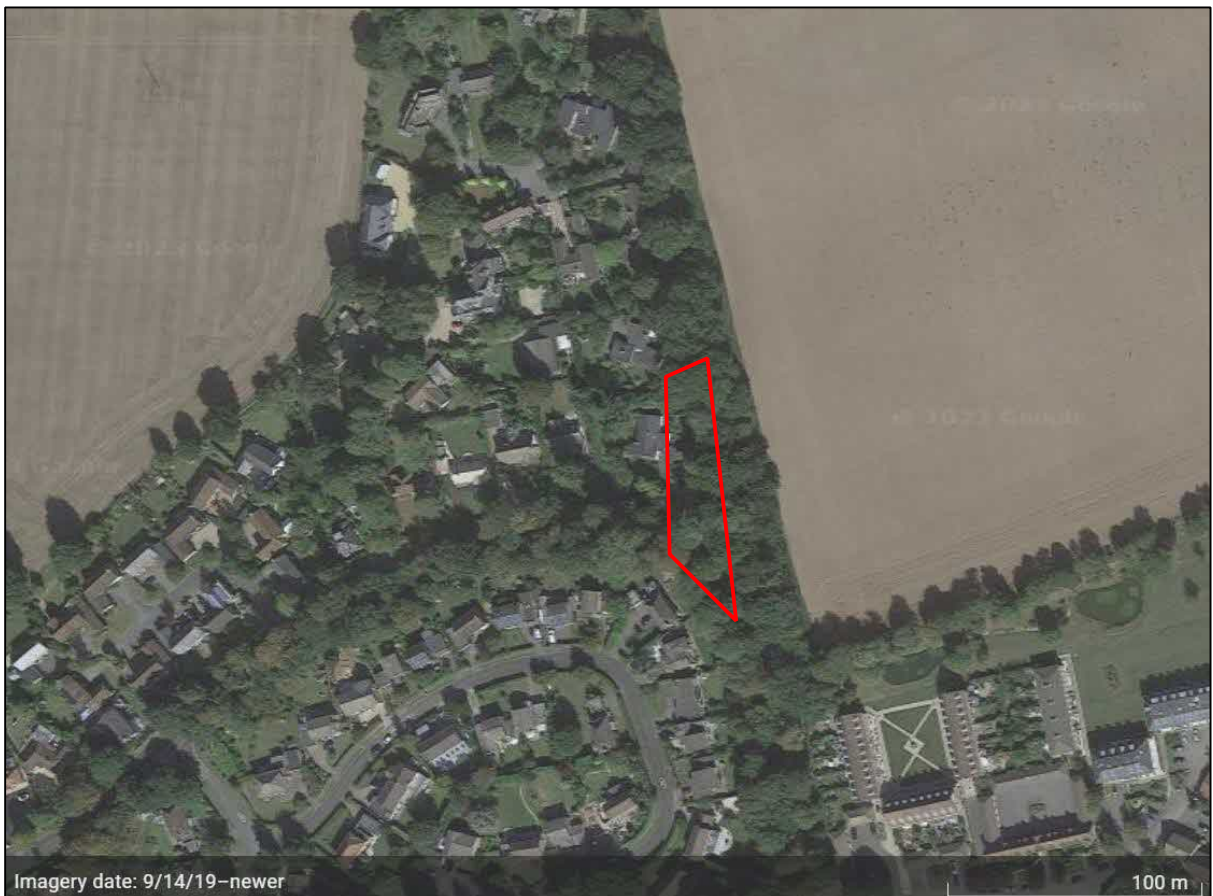


Figure 2 - Aerial image showing the location of the site indicated in red. Source: Google Earth (2023)



3. Methods

3.1 Desk Study

A desk study was undertaken to obtain ecological information about the site in context within the surrounding area. The Multi-Agency Geographic Information for the Countryside (MAGIC) website was accessed on 3rd August 2023 to identify local statutory designated sites, priority habitats and European Protected Species Licences (EPSLs).

Satellite imagery from MAGIC and Ordnance Survey maps were used to understand the site's connections to surrounding countryside.

3.2 Site Assessment

A visual inspection of the site and its buildings was undertaken during daylight hours by ecologists Emily Sabin (qualifications in Section 2.2) on 4th August 2023, commencing at 09:00 hrs.

An endoscope, camera, binoculars and high-powered torches were used to search for evidence of bats and determine the suitability for the building to support bats and other protected species.

The presence of potential roosting features (PRFs) and access/exit routes which bats could use to enter these features were surveyed. Evidence of use by bats was also looked for, such as scratch marks, urine stains, lack of cobwebbing, feeding remains e.g. moth wings, droppings, and actual bats. An assessment of potential commuting routes and surrounding habitat was also undertaken to determine their potential to support bats.

Bat PRFs are usually found in specific areas, such as joints, cracks, gaps and cavities within structures like mature trees and buildings. These were prioritised as areas to check for bat evidence. Roosting bat evidence is not easy to find and not always visible, so any potential roosting locations were also noted.

Following inspection, the buildings were categorised as having either 'high', 'moderate', 'low' or 'negligible' suitability to support bats or as a 'confirmed roost or resting place for bats'. These categories are based on observations made during the survey and in the context of the descriptions laid out in Table 1.

Table 1 - Categorisation of bat roosting potential of structures (adapted from Collins, J. 2016.)

Suitability	Description
Confirmed bat roost or resting place	Presence of bats or evidence of bats.
High	Structure with many areas suitable for large numbers of roosting bats, with numerous potential access points. With good connectivity to high-quality foraging habitat, such as hedgerows, woodland and/or waterbodies. No evidence of current use by bats. E.g. large, uncluttered, draft-free loft spaces with access point or gaps beneath hanging tiles in a rural location.
Moderate	Structure with features suitable for moderate numbers of roosting bats, with good connectivity to the wider countryside. No evidence of current use by bats. E.g. cracks in walls, wooden soffit box with holes, gaps beneath fascia boards, under lifted roof tiles or lead flashing in a suburban or rural setting.
Low	Structure that offers a low number of roosting opportunities which could be used opportunistically by individual bats. Unlikely to be used by large numbers of bats on a regular basis. No evidence of current use by bats. E.g. small gaps under roof tiles, fascia boards or lifted lead flashing, with limited connectivity to fair-quality foraging or commuting habitat.
Negligible	Structure with no or very limited roosting opportunities for bats and/or where the structure is isolated from foraging habitat. No evidence of use by bats.

3.3 Bat Emergence/Re-entry Surveys

One dusk emergence survey was undertaken on 10th August 2023. Surveys were completed in accordance with guidelines outlined in Bat Surveys for Professional Ecologists: Good Practice Guidelines (BCT 2016). Three surveyors were assigned a position to observe signs of bats emerging from their roosts (see [Appendix 4](#) Bat Survey Results Plan). The surveys started 15 minutes before sunset and ended 1.5 hours after sunset.

Bats were identified using Peersonic RPA3, BatLogger M, and Echometer Touch 2 Pro full spectrum recording bat detectors. The surveys were led by Emily Sabin (qualifications in [Section 2.2](#)) assisted by surveyors with multiple years of experience.

The two surveyors were supported by infrared cameras (Canon XF105 and Sony AX53) with high-powered infrared illuminators to improve spatial and temporal coverage. Footage was subsequently reviewed at 1.0x speed and any findings added to the survey results. Identification of bat species and sonogram analysis was undertaken using Wildlife Acoustics Kaleidoscope.

Table 2: Bat survey dates, times and weather conditions

Dusk Emergence – Survey 1			
Date	10/08/2023	Sunset time	20:34
Start time	20:19	Finish time	22:04
Start temperature	19°C	Finish temperature	17°C
Start cloud cover	0%	Finish cloud cover	0%
Start wind speed	Wf1	Finish wind speed	Wf0

3.4 Ecological Impact Assessment

The methodology for Ecological Impact Assessment (EclA) follows best practice guidelines set by the Chartered Institute of Ecology & Environmental Management (CIEEM): ‘Guidelines for Ecological Impact Assessment’ (CIEEM, 2018). This includes identifying the baseline conditions on the site and rating the potential impacts of the development based on the sensitivity and importance of the ecological resource affected, combined with the magnitude, duration and scale of the impact (or change). This is assessed initially without mitigation measures, and then assessed again after allowing for the proposed mitigation measures, providing the residual impacts. The assessment is separated into construction effects and longer-term effects. Each ecological feature within the site has been considered within a defined geographic context such as:

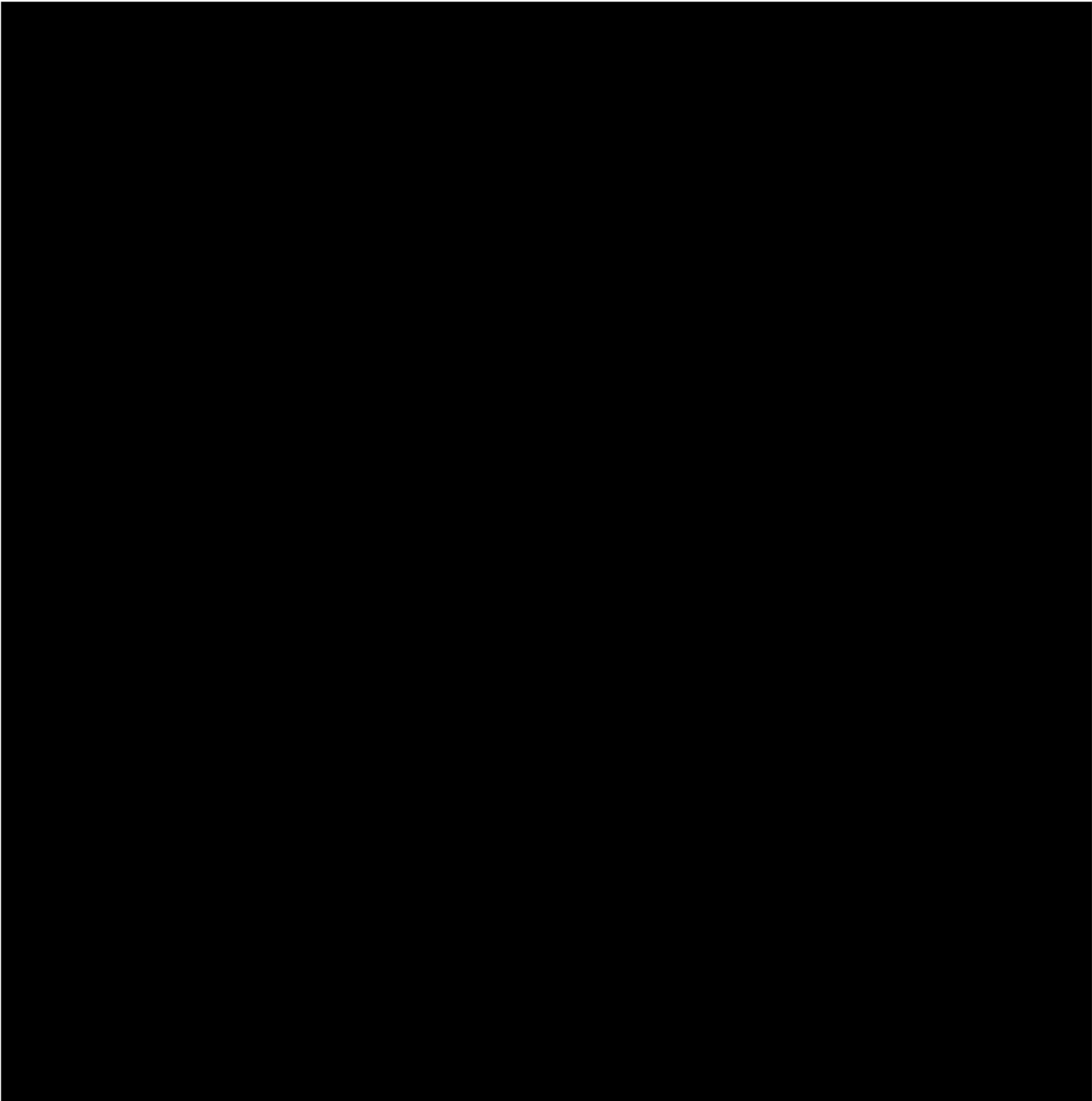
- International and European
- National
- Regional
- County
- District
- Local
- Site Level
- Negligible

The ecological impacts resulting from the proposals were then outlined according to a defined set of characteristics as defined within ‘Guidelines for Ecological Impact Assessment in the UK and Ireland’ (CIEEM, 2018). This assessment considers the residual impacts after mitigation measures have been accounted for, highlighting any significant effects. A significant effect is “*an effect which either supports or undermines biodiversity conservation objectives for ‘important ecological features’ or for biodiversity in general*”.

4. Baseline Ecological Results

4.1 Desk Study

The site is not located within any designated sites or protected/priority habitats. The site falls within the impact risk zones for Chichester Harbour Site of Special Scientific Interest (SSSI). It is within the 5.6km buffer for the Chichester and Langstone Harbours Special Protection Area (SPA). Designated sites information is summarised in Table 2.



4.2 Habitats

There was one detached bungalow on site approached by a driveway off The Drive. The property sits in the centre of the plot and the gardens are mainly laid to lawn with a variety of mature trees including oak *Quercus robur* and ash *Fraxinus excelsior*. The eastern boundary of the site comprises part of an ancient historic fortification. Several important ancient feature/ancient woodland indicator plant species were identified including bluebell *Hyacinthoides non-scripta*, butcher's broom *Ruscus aculeatus* and dog's mercury *Mercurialis perennis*.

Stands of cherry laurel *Prunus laurocerasus* grow along the eastern boundary.

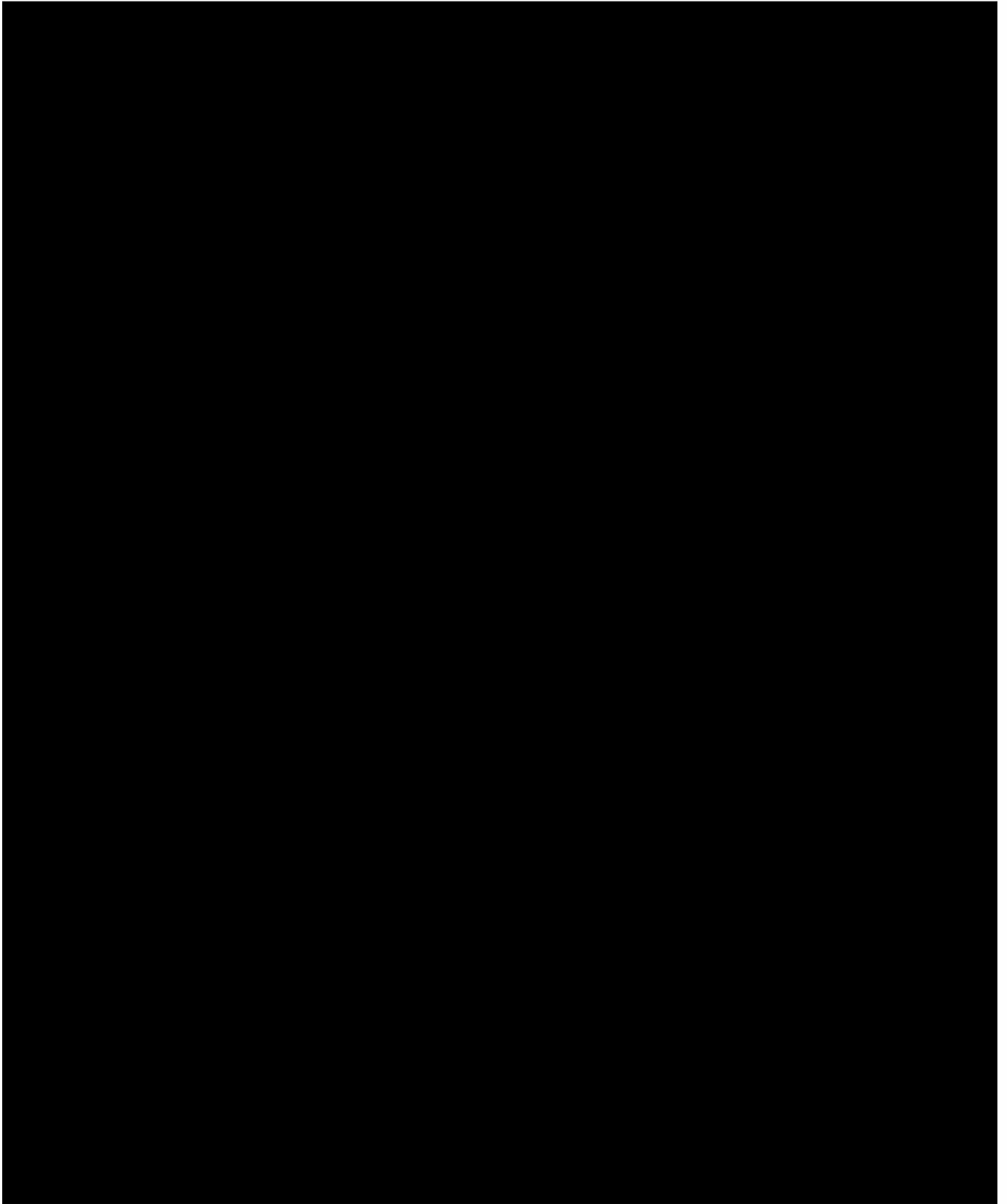
Also present are areas of hardstanding and unsealed surfaces of negligible ecological value.

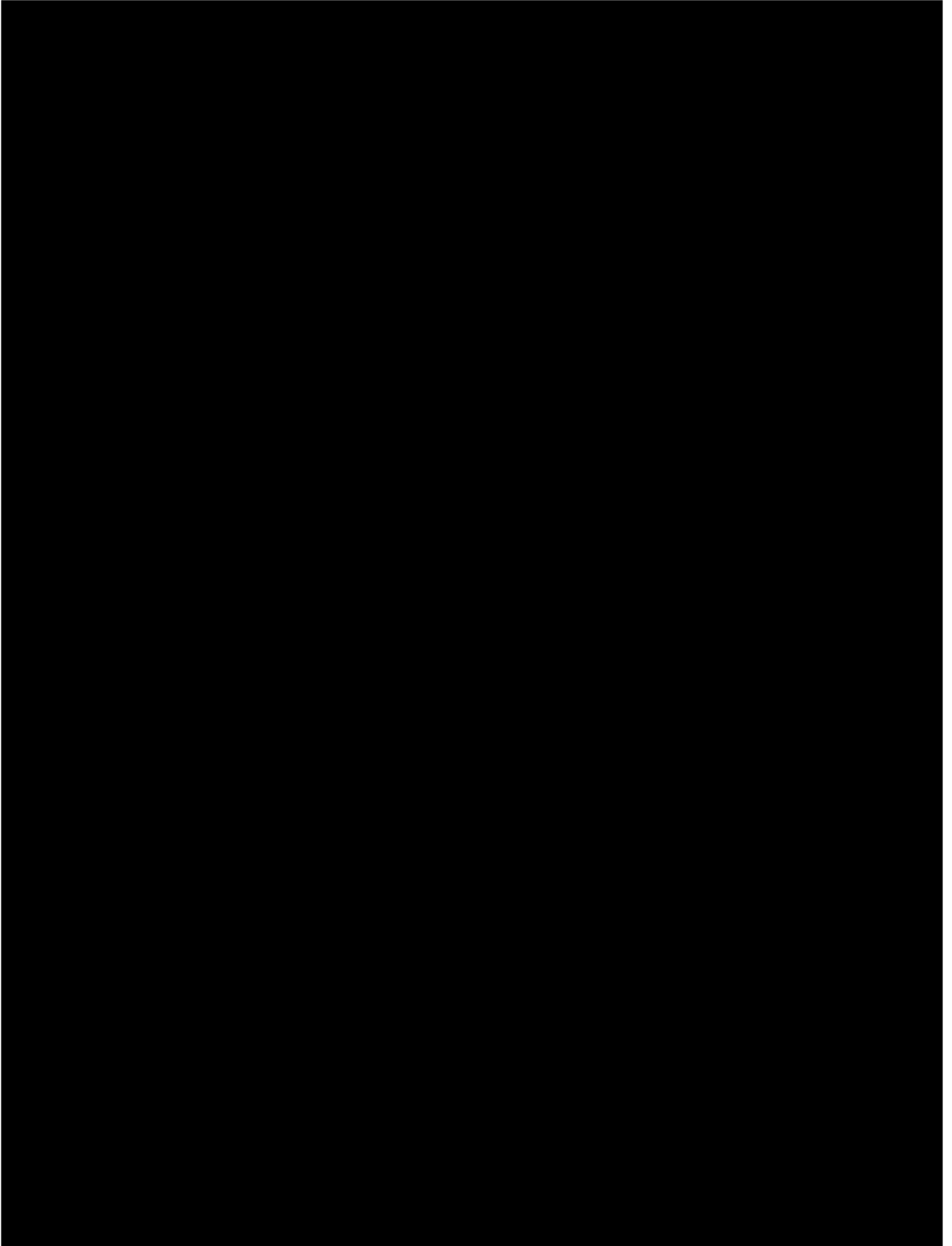
Ancient and Semi-Natural Woodland, Deciduous Woodland, Woodpasture and Parkland, and Good quality semi-improved grassland lie within 2km of the site. These habitats of Principal Importance are listed in Section 41 of the NERC Act, 2006. Section 40 places a duty on Local Planning Authorities to have due regard to biodiversity.

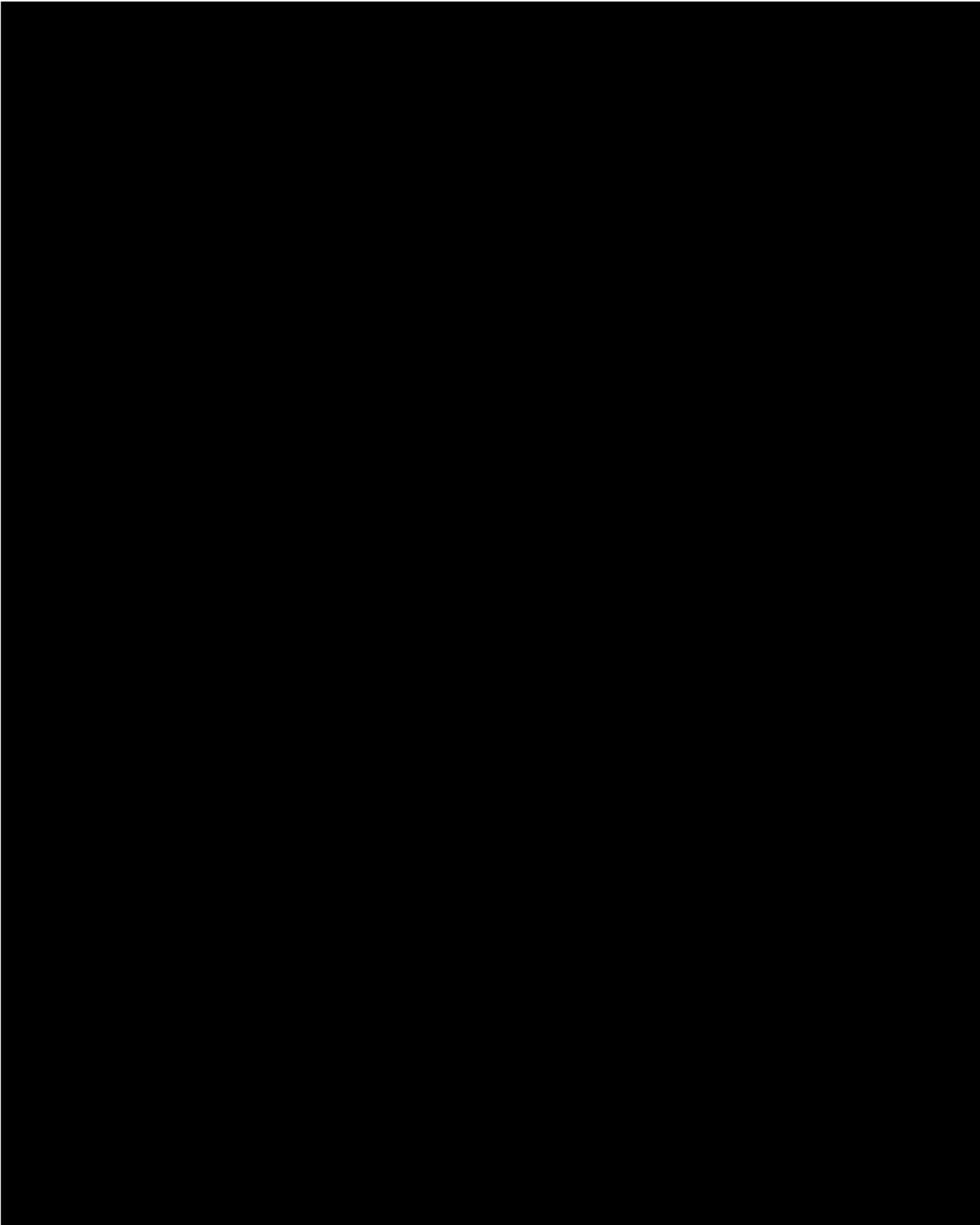
4.3 Species

4.3.1 Bats

Desk Study







4.3.4 Nesting birds

No evidence of nesting birds was found on the existing bungalow. It is not considered that the habitats on site to support a large assemblage of birds. There is potential for the building to support low numbers of small nesting birds such as house sparrow. The trees and shrubs on site offer moderate suitability to support nesting birds. The habitats suitable to support birds on site make up a very small percentage of suitable nesting habitat within the local landscape, therefore the site is considered to be of **site value** for nesting birds.

4.3.5 Invertebrates

The site offers a nectar resource for invertebrates. However, due to the site's maintained small size, it is highly unlikely that notable species and assemblages rely on it. Overall, the Site is assessed to be of **site value** for invertebrates.

5. Impact Assessment, Mitigation and Enhancements

The proposed development must adhere to the mitigation measures outlined in this report to prevent committing an offence.

The development has an opportunity to enhance habitats for bats, birds and insects. Such enhancement measures are in line with the National Planning Policy Framework (NPPF) (2021), and policies 40 and 49 of Chichester District Council Adopted Chichester Local Plan: Key Policies 2014-2029.

Paragraph 179 of the NPPF states that “*To protect and enhance biodiversity and geodiversity, plans should:... promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*”

5.1 Designated Sites

Potential Impacts

Potential impacts include dust, fumes and emissions from machinery and higher pollution levels due to construction traffic. The increase in pollution would be minimal and short-term if strict mitigation measures are followed. The proposed development will result in an increase in accommodation and local population.

Mitigation

All construction will be undertaken in accordance with best practice advice with regards to control of dust, noise and emissions. Specific avoidance measures below will be put into place to ensure that the proposals make no impacts beyond site level, to avoid affecting nearby designated sites and protected/priority habitats.

A Habitats Regulations Assessment (HRA) and/or Appropriate Assessment (AA) may be required.

Residual Impacts

The overall impact of this proposal on designated sites will be **negligible**.

5.2 Habitats

Potential Impacts

In the absence of mitigation, the proposals would increase the dust, noise and light pollution of adjacent garden habitats. These impacts would be no greater than site level.

Mitigation

All trees on site will be retained. Trees will be protected from works. As a minimum, construction works will avoid the Root Protection Areas (RPA) of individual trees. Ideally, heavy machinery will give trees a 10m buffer. RPAs will be established around the trees proposed for retention. The RPA buffer zone is the full area of a tree's canopy size on the ground below. This should be in place during construction works to prevent machinery, chemicals, heat and dust from damaging roots and foliage. A temporary hoarding-type fence should be erected for the duration of works to protect hedges/trees closest to the works, these protection measures should be made in accordance with British Standard 5837:2012.

Cherry laurel is not restricted to the site and is also present within the wider surroundings not located within the client's ownership. However, the removal and control of the invasive cherry laurel within the site will provide an enhancement to the ancient woodland habitat. The cherry laurel roots must be removed and may need to be chemically treated to be eradicated. Herbicides must be used sparingly during winter dormancy stage to avoid harming other plants. Cherry laurel branches must not be left on site as these can take root.

The construction works will not involve any digging or excessive disturbance to the woodland habitat on the eastern boundary. Ancient woodland indicator species including bluebell *Hyacinthoides non-scripta* are present along this boundary of the site. Under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) it is unlawful to intentional pick, uproot or destroy bluebell *Hyacinthoides non-scripta* plants, or any seed or spore attached to the wild plant. In any proceedings the plant will be deemed to be wild unless the contrary is shown.

Any shrubs removed to accommodate the bungalow extension must be replaced with new native plants.

Artificial grass will not be fitted anywhere on site.

No vegetation will be burned anywhere on site.

Silt and water run-off must be managed so that it does not pollute the site.

Enhancement

Areas of scrub will be left to grow wild to allow nesting birds, hedgehogs and other small mammals to use for shelter.

Use peat-free compost, compost and use rainwater to maintain new planting.

New trees to be planted on site should be native to England, and selected carefully based on their high value for wildlife. For example:

- Bird cherry *Prunus padus*
- Common beech *Fagus sylvatica*
- Crab apple *Malus sylvestris*
- Dog rose *Rosa canina*
- Dogwood *Cornus sanguinea*
- Elder *Sambucus nigra*
- Field maple *Acer campestre*
- Hawthorn *Crataegus monogyna*
- Hazel *Corylus avellana*
- Pedunculate oak *Quercus robur*
- Rowan *Sorbus aucuparia*
- Silver birch *Betula pendula*
- Wild cherry *Prunus avium*

A wildlife pond (with no fish or chemical input) could be created on site. A bog garden could also be planted. More advice on creating a wildlife pond can be found here: <https://www.rspb.org.uk/get-involved/activities/nature-on-your-doorstep/garden-activities/how-to-dig-a-large-pond/>

A wildflower meadow could be established in a sunny area of the site, towards the north boundary away from the construction works. Only one cut in two phases would be appropriate in September. On the first day, grass/wildflowers should be cut to a minimum

of 30cm. 24-48 hours later, the final cut can take place. This staggered cut avoids killing and injuring small animals such as hedgehogs, and gives them a chance to escape.

The addition of native wildflowers around the site would improve its ecological value greatly, providing invertebrates, birds, small mammals and reptiles with more foraging and nesting opportunities. To create a wildflower meadow on an existing patch of grass, the fertility of the ground must be reduced first to remove nutrients from the soil which would otherwise let dominant grasses grow. Gently raking the topsoil until there is bare earth will give wildflower seeds the best chance of germinating. Avoid rotovating as this will damage nearby tree roots.

Wildflower seeds can be spread easily by hand and then gently raked or rolled in to give good contact with the soil. The seeds must be watered thoroughly and regularly. Alternatively, rolls of pre-grown wildflower turf can be bought and can result in a speedier establishment of wildflowers especially over a large area. The ground must be prepared the same way as above. Grasses can dominate even after wildflowers have set seed so the introduction of native semi-parasitic species such as yellow rattle *Rhinanthus minor* which is an annual flower and will suppress the grasses during wildflower establishment. Creating a mosaic of grassland habitat can be aesthetically pleasing, as shown in Figure 4 below:

Figure 4 - Example of phased cutting and wildflower meadow creation with mown path



Residual Impact

Once mitigation and enhancements have been taken into account, the resulting impacts of this proposal on habitats will be **positive**.

5.3 Species

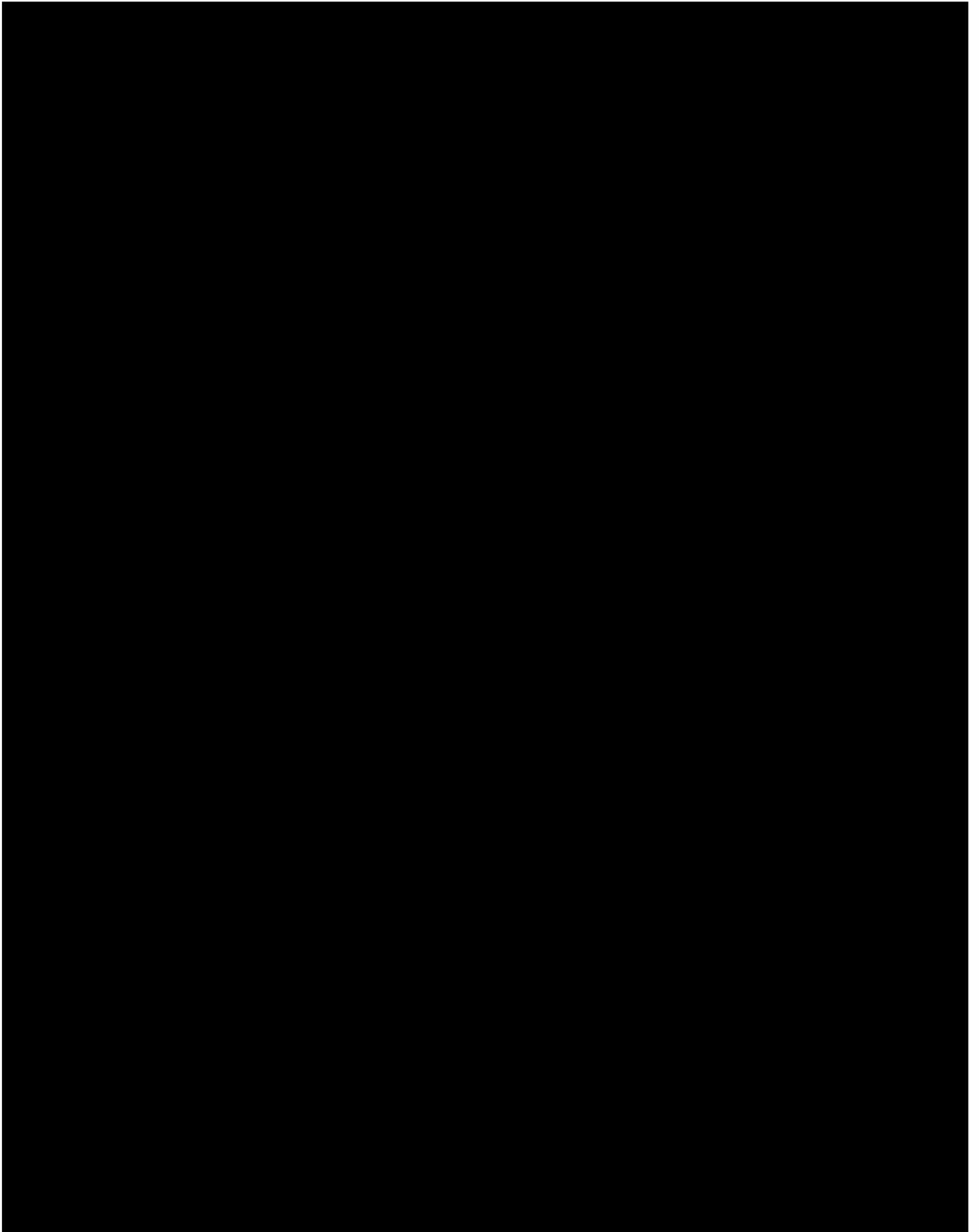


Figure 5 – ‘Chillon’ Woodstone Bat Box



Figure 6 - ‘Vivara’ Pro Woodstone Bat Box



Figure 7 – ‘Tudor’ Bat access tiles



Figure 8 – BirdBrickHouses
Integrated brick bat box



Figure 9 – BirdBrickHouses
Integrated mesh-fronted bat box (suitable to
install behind cladding)



Figure 10 – Pegged cladding technique



Plants with night-time fragrance will attract nocturnal-flying insects such as moths will be planted in the rear garden, including honeysuckle *Lonicera periclymenum*, evening primrose *Oenothera biennis*, cherry pie *Heliotropium arborescens*; sweet rocket *Hesperis matronalis*; and currant bushes *Ribes sp.*

Residual Impacts

Once mitigation and enhancements have been taken into account, the residual impacts for bats will be **positive**.

5.3.2 Hedgehogs

Potential impacts

The construction phase has the potential to disturb or harm hedgehogs. The following mitigation measures will protect hedgehogs (and other ubiquitous mammals including mice, rabbits and voles which are protected under the Mammals Act 2006) from harm.

Mitigation for Hedgehogs

All holes/excavations left open overnight will be covered or provided with an appropriate safe escape route for small animals to escape from, such as a gently sloping, solid wooden ramp with a rough surface.

Open pipework must be checked they are empty and then closed off at the end of each working day.

Enhancement for Hedgehogs

A solid wooden hedgehog house will be installed on site in a quiet corner within a hedgerow or scrub (See Figure 11).

The site is open on multiple sides already with gaps large enough for hedgehogs to pass through but extra hedgehog holes could be added to existing fences. Hedgehogs need to move freely between habitats and a hole 13x13cm wide at ground level of fences enables this. This size is too small for cats/dogs to escape. (See Figure 12).

Patches of scrub will be encouraged to grow where possible, such as bramble, nettles, and dog rose, to provide more sheltered and foraging areas for hedgehogs.

Figure 11 - Solid wooden hedgehog house Figure 12 - Hedgehog 'highway' example



5.3.3 Invertebrates

Potential Impacts

Loss of a non-significant reduction of nectar resources during construction phase.

Mitigation for Invertebrates

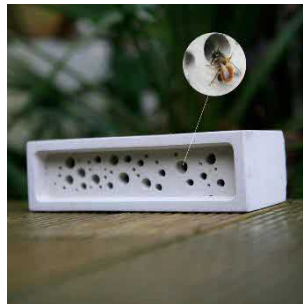
Plants that are toxic to insects must be avoided and avoidance of pesticides will be considered across the site.

Brush, logs and dead wood will be left on site in piles where possible.

Enhancements for Invertebrates

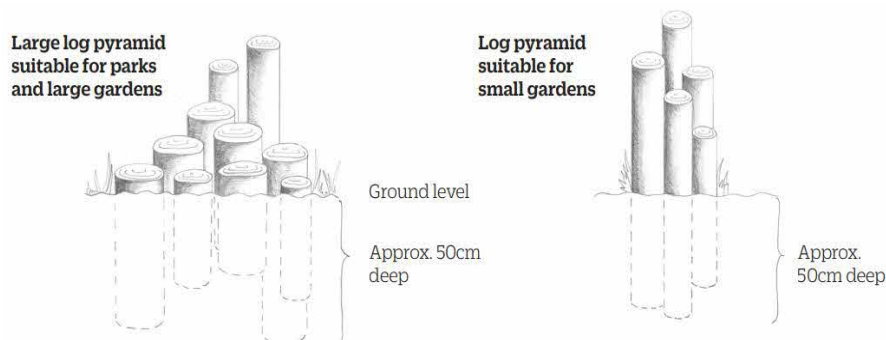
Bee bricks could be incorporated into the walls of the new extension; these bricks support small numbers of solitary bees such as the red mason bee. They should be installed at 1-2m high, facing south and receiving several hours of sunlight per day. (Figure 13).

Figure 13: Bee brick for solitary bees - [Green and Blue](#)



New log piles will be created in a quiet corner with the first layer partially buried to attract a variety of invertebrates. This will attract slow worms, frogs, and toads, who will hibernate beneath the logs. It will also provide important hibernacula for stag beetle larvae. See Figure 14 for a log pile construction idea.

Figure 14 - Log pile/pyramid creation Source: People's Trust for Endangered Species



5.3.4 Nesting birds

Potential impacts

The building has potential to support nesting birds and renovations may remove nesting opportunities.

Mitigation for Birds

Any clearance of vegetation will be carried out outside of the nesting bird season (1st March - 31st August). If vegetation clearance is proposed within the nesting bird season, the shrubs must be first checked for presence of bird nests immediately prior to works starting. If a nest is found during construction works or during vegetation removal, it will be left alone and a 5m buffer will be in place until the young have fledged.

Enhancement for Birds

The new designs will include integrated bird boxes or external bird boxes to improve the nesting opportunities for birds on site. One integrated tit box (Figure 15) or an integrated sparrow terrace box (Figure 16) is recommended. If installed behind cladding a hole must be cut in the cladding to enable birds to access the box behind. Bird boxes must face north/north-east, avoid direct sunlight and prevailing winds. Alternatively, an external bird box such as Figure 17 could be installed 3m high on a tree on site, facing north.

An open-fronted bird box (Figure 17) could be installed within the woodland or scrub habitats to the east or north of the bungalow, surrounded by foliage to support wrens and robins.

Figure 15: Integrated tit box. Source: BirdBrickHouses



Figure 16: Integrated sparrow terrace – mesh-fronted for behind cladding. Source: BirdBrickHouses



Figure 17: Vivara Pro Woodstone Bird Box



Figure 18: Vivara Pro Open-fronted Bird Box



5.3.5 Reptiles

Potential impacts

The construction phase has low potential to harm reptiles.

Mitigation for reptiles

Any piles of rubble, brick, timber and other materials will be dismantled carefully by hand.

Areas of short grass near the construction zone will be kept short to prevent reptiles colonising this area.

Enhancement for Reptiles

Reptile hibernaculum (such as log or brash piles – see Section 9 (p.45) of the [Reptile Habitat Management Handbook](#)) could be created in a hedgerow or wild corner to encourage forage, shelter and hibernation opportunities for reptiles.

If a pond (Section 5.2) is created, a small earth bank could be created using the dug earth. Earth banks create 'micro-habitats' which support a diversity of wildlife. Sunny sides support basking reptiles, butterflies and mining bees. North facing slopes decorated with rocks and shade-loving plants support stag beetles and amphibians. Earth banks also support hedgehogs that forage for earthworms and beetles.

6. Conclusion

When the mitigation and enhancement measures have been taken into account, the proposals are not considered to have a negative impact upon local ecology, protected/priority habitats or protected species in accordance with planning policy.

Once enhancements are taken into account, the proposals would result in a minor positive biodiversity net gain. The proposals therefore accord with relevant legislation and local and national planning policies.

7. References

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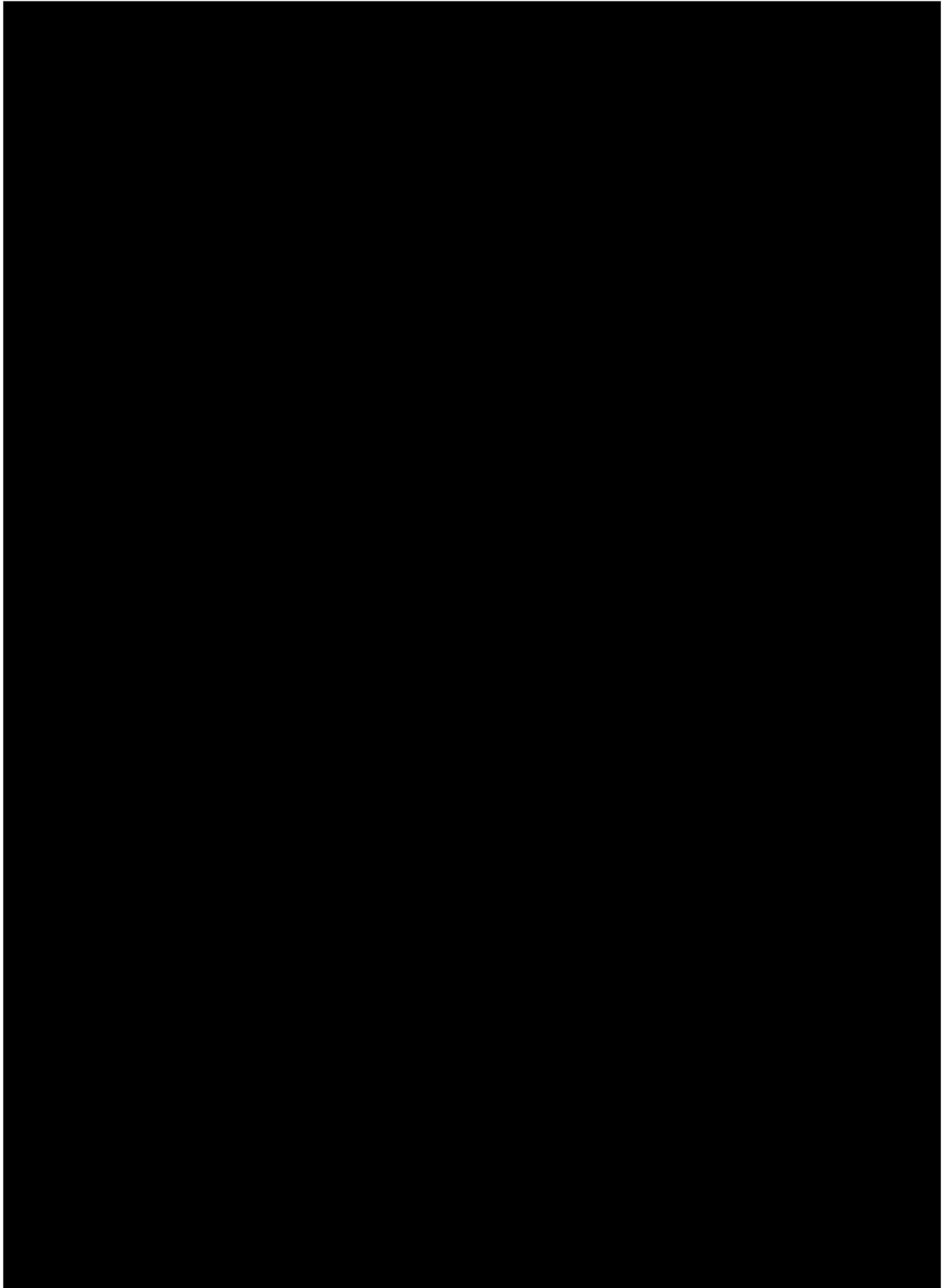
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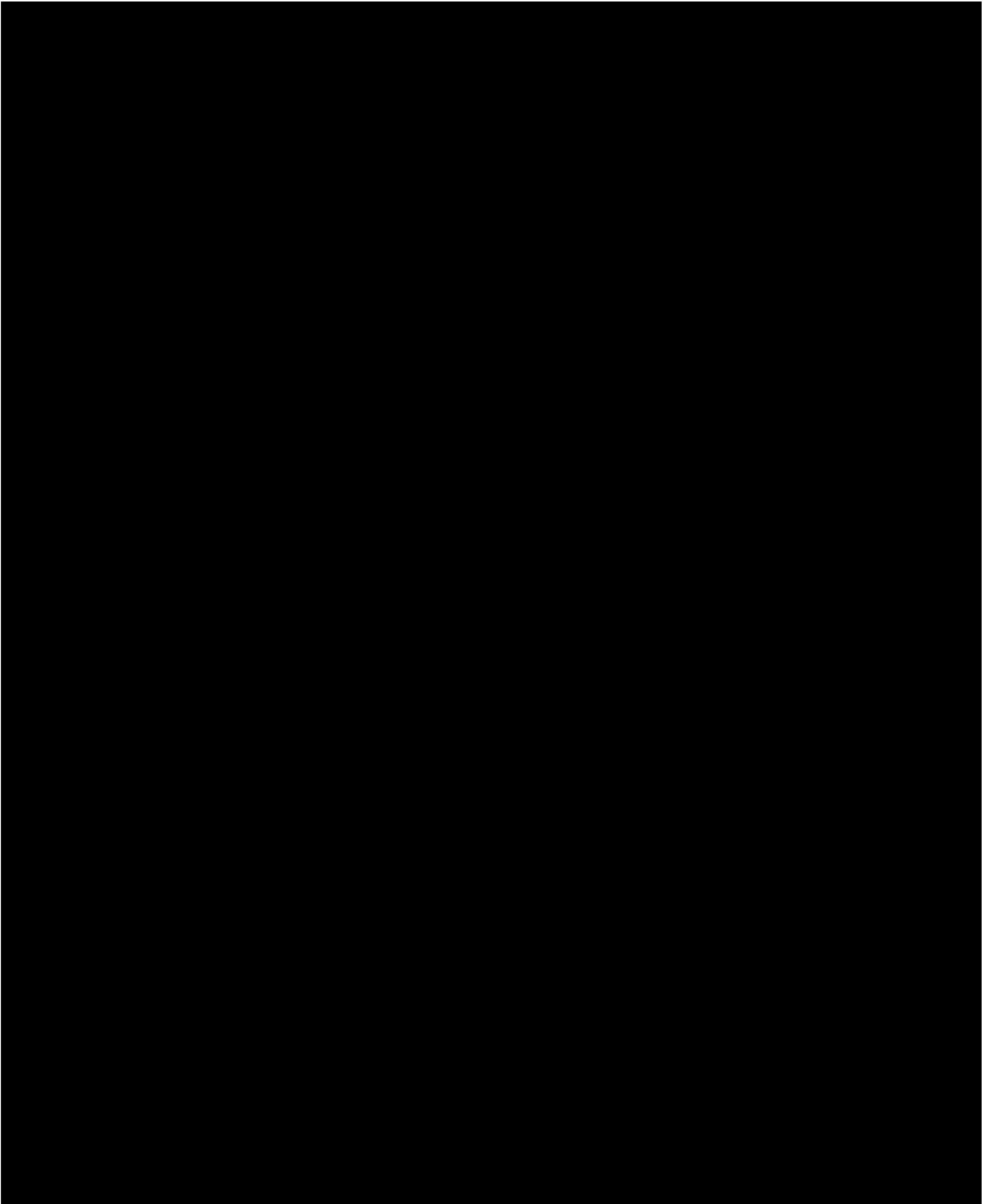
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Appendix 1: Site Photographs





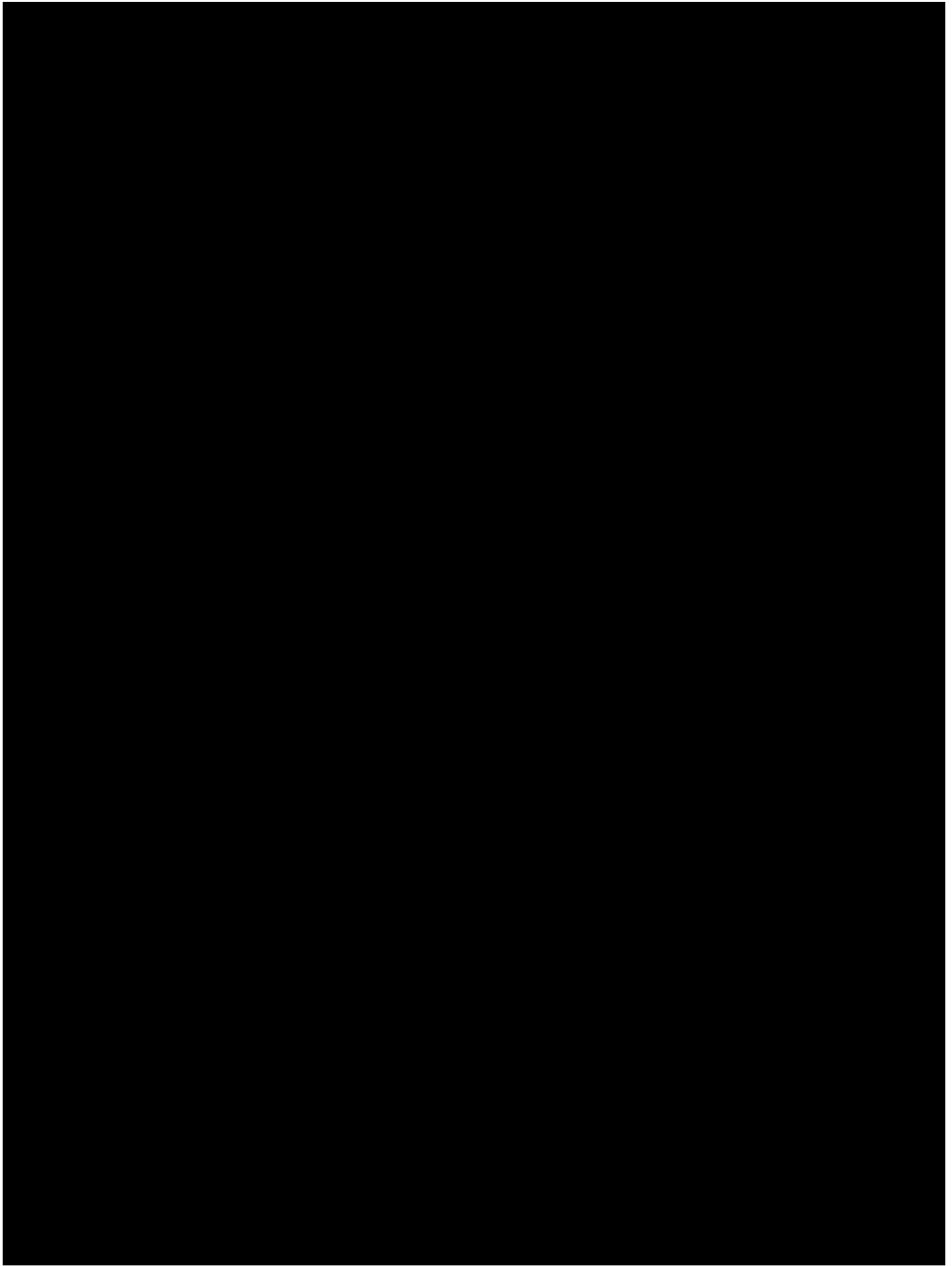


Photo 7 – Woodland on eastern boundary including monolith with PRFs



Photo 8 – Ash trees to east, displaying symptoms of Ash dieback (*Hymenoscyphus fraxineus*)



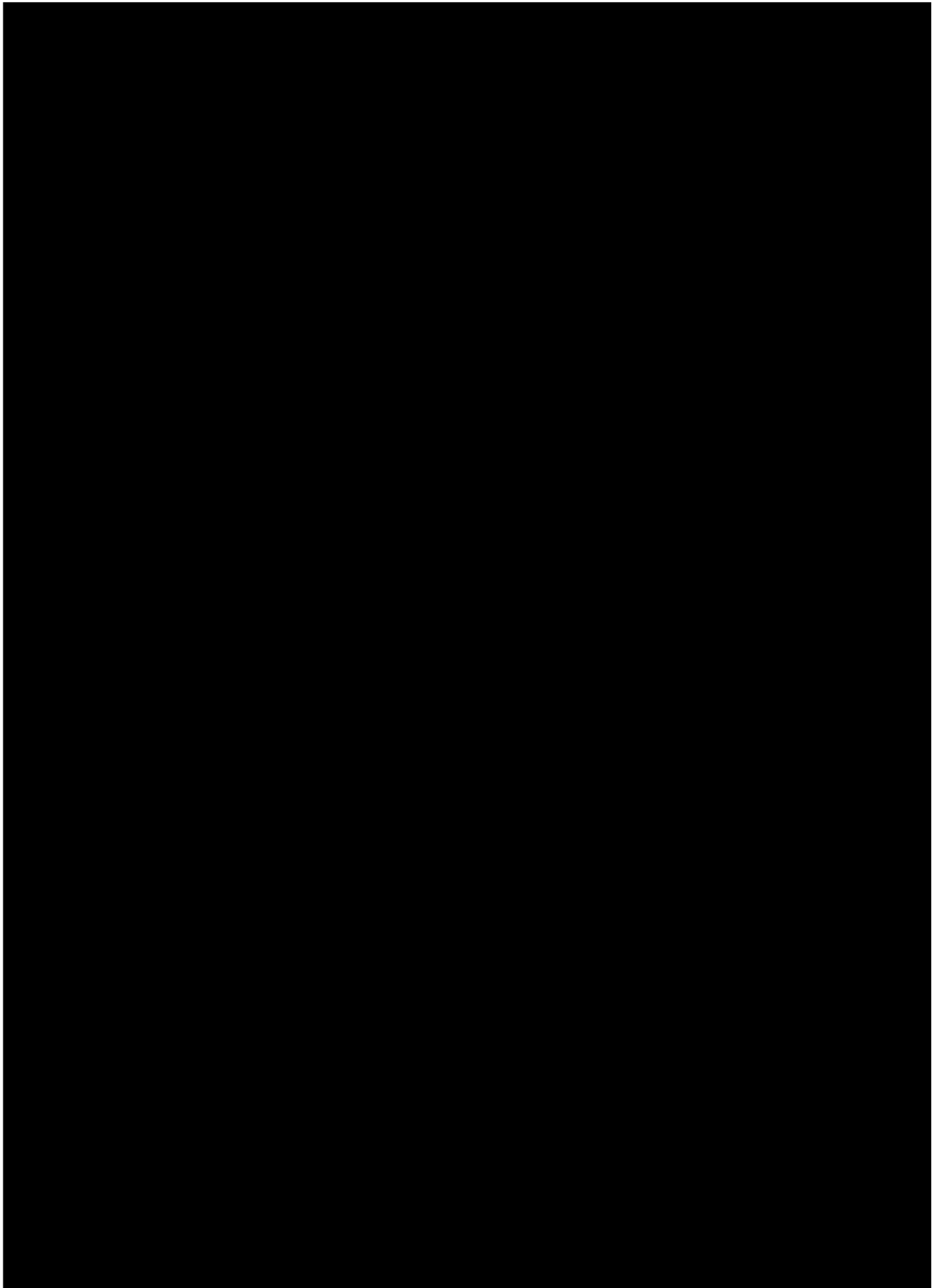


Photo 11 – Butcher’s broom (centre, small sharp leaves, red berries) and cherry laurel (right, oval shiny leaves) on eastern boundary along rampart



Appendix 2: Planning Policy

The latest National Planning Policy Framework (NPPF) (Defra, 2022) was published in July 2021. The National Planning Policy Framework (2021) outlines the government's responsibility to minimise adverse impacts on biodiversity and bestow biodiversity net gains where possible.

Paragraphs of relevance within the NPPF include: Paragraph 174 of the NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by: /... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*

Paragraph 179 of the NPPF states that *“To protect and enhance biodiversity and geodiversity, plans should: /... promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

Paragraph 180 of the NPPF states that “When determining planning applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons¹ and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments*

should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The NPPF is also complemented by the Circular 06/2005: Biodiversity and Geographical Conservation – Statutory Obligations and Their Impacts Within The Planning System (Office of the Deputy Prime Minister, 2005). Paragraph 99 states that “*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*”

The site is within the Chichester District; the proposals should be assessed against the Chichester District Local Plan – Key Policies 2014-2029. Policy 49 covers Biodiversity; the following criteria must be met for planning applications to be supported:

1. *The biodiversity value of the site is safeguarded;*
2. *Demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated;*
3. *The proposal has incorporated features that enhance biodiversity as part of good design and sustainable development;*
4. *The proposal protects, manages and enhances the District’s network of ecology, biodiversity and geological sites, including the international, national and local designated sites (statutory and non-statutory), priority habitats, wildlife corridors and stepping stones that connect them;*
5. *Any individual or cumulative adverse impacts on sites are avoided;*
6. *The benefits of development outweigh any adverse impact on the biodiversity on the site. Exceptions will only be made where no reasonable alternatives are available; and planning conditions and/or planning obligations may be imposed to mitigate or compensate for the harmful effects of the development.*

Appendix 3: Legislation of Relevant Species/Habitats

The following legislation is relevant to survey findings and is only a summary.

Statutory Designated Sites

Designation	Relevant legislation
SSSI (Site of Special Scientific Interest)	Wildlife and Countryside Act 1981 (as amended)
SPA (Special Protection Area)	Conservation of Habitats and Species Regulations 2017 (as amended)
SAC (Special Areas for Conservation)	Conservation of Habitats and Species Regulations 2017 (as amended)
Ancient Woodland	National Planning Policy Framework (2021)
Habitats of Principal Importance	Section 41 of the NERC Act 2006 and National Planning Policy Framework (2021)

Protected/Priority Species and Habitats of Principal Importance

Bats

All UK bats are European Protected Species. All British bat species are defined in UK law as ‘Protected Species’ under Schedule 2 of the Conservation of Habitats and Species Regulations, 2017 (as amended). All bat species in England are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which confers additional protection under Section 9 of the act, and through the Countryside and Rights of Way (CRoW) Act, 2000.

All UK bats are listed in Appendix II and III of the Bern Convention. Bats and their habitats are listed in Appendix II of the Bonn Convention. Seven bat species are listed under Section 41 of the NERC Act 2006.

This combined legislation means that it is a criminal offence to:

Deliberately kill, injure or capture bats

Deliberately disturb bats, including in particular any disturbance which is likely to impair their ability to survive, to reproduce or to rear or nurture their young, or their ability to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance

Damage or destroy a breeding site or resting place of a bat

Damage or destroy, or obstruct access to, any structure or place which any bat uses for shelter or protection

Disturb bats while occupying a structure or place used for that purpose.

If proposed development work is likely to destroy or disturb bats or their roosts a license may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. With suitable approved mitigation, exemptions can be granted from the protection afforded to bats under regulation 39 by means of a European Protected Species Licence (EPSL).

Natural England, for the Secretary of State for the Department for Environment, Food and Rural Affairs (DEFRA) is the appropriate authority for determining license applications for works associated with developments affecting bats. In cases where licenses are required, certain conditions should be met under the Habitats Regulations 2017 (as amended) to satisfy Natural England. These are:

1. Regulation 55(2)(e) states that licenses may be granted to 'preserve 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.
2. Regulation 55(9)(a) states that a license may not be granted unless Natural England is satisfied 'that there is no satisfactory alternative'.
3. Regulation 55(9)(b) states that a license cannot be issued unless Natural England is satisfied that the action proposed 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Natural England expects the planning position to be fully resolved as this is necessary to satisfy tests 1 and 2. Full planning permission, if applicable, will need to have been granted and any conditions relating to bats fully discharged. For test 3, Natural England should be satisfied that sufficient survey effort has been carried out and that the impact assessment and

proposed mitigation measures (submitted with the license application) are adequate to maintain the species concerned at a favourable conservation status.

Nesting birds

All wild bird species, nests and eggs, are protected under the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill, injure or take wild birds, damage or destroy their nest while in use or being built, possess, control or transport live/dead wild birds, parts or eggs, or sell or offer them for sale. 79 birds are fully-protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to disturb them and their dependent young while nesting or building nests. Some birds including kingfisher and house sparrow are listed under Section 41 of the NERC Act 2006.


Reptiles





Common reptiles (adder, grass snake, common or viviparous lizard and slow worm) are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally kill or injure a reptile. Smooth snakes, sand lizards and pool frogs also receive this protection and are designated and protected as European protected species (EPS). EPS are protected under The Conservation of Habitats and Species Regulations 2017. All native reptiles are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of Section 41 species as part of your planning decision.

Hedgehogs

Hedgehogs are protected by law under Schedule 6 of the Wildlife and Countryside Act 1981, making it illegal to kill or capture them using certain methods. They are also protected in Britain under the Wild Mammals Protection Act (1996), prohibiting cruelty and mistreatment. They're listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41. These laws make hedgehogs a material consideration for Local Planning Authorities (LPAs) during the planning process.

Appendix 4: Bat Survey Results Plan

Project: North Rampart	
August 2023	Author: Emily Sabin
For: Tabatha Andrews	Scale: Approximate
	

Legend	
	Surveyor positions
	Sight lines
	Infrared camera positions
	Location of bat emergences

Source: Magic 2023

