

**BOYD COURT, DOWNSHIRE WAY,
BRACKNELL**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Baily Garner

Report No: RT-MME-153754-04

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	14/01/2020	Harry Stone MSc (Ecological Project Officer) and Elizabeth Davis MSc (Ecological Project Officer)	Paul Roebuck MSc MCIEEM (South East Manager)	Tom Docker MSc CEcol MCIEEM (Managing Director))

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Baily Garner to carry out a Preliminary Ecological Appraisal to inform proposed works at Boyd Court in Bracknell. This assessment is required to inform a planning application associated with the proposed refurbishment, upgrade and enhancement of the site. To fulfil this brief, an ecological desk study and a walkover survey were undertaken.

The survey was carried out on 21st December 2020 by Harry Stone MSc (Ecological Project Officer). The survey area was dominated by houses and associated hardstanding, with soft landscaping consisting of introduced shrubs and patches of amenity grassland with scattered trees. The estate was surrounded on all sides by busy main roads. In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations have been made (full details of recommendations are provided in Section.7):

- R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including mature trees. If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. Only native and/or wildlife attracting species should be planted.
- R2 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. Suitable measures include:
- Installation of swift nest boxes in appropriate locations, which will contribute towards Bracknell Forest Council's Urban Habitat Action Plan 2018-2023 objective of identifying, protecting and increasing swift nest sites by 30%;
 - Relaxing the site's mowing regime to allow some areas of amenity grassland to grow taller;
 - Creation of hedgehog passes at the site's northeast fence boundary;
 - Creation of log piles to provide habitat for stag beetles; and,
 - Planting native fruit-bearing trees.
- R3 Roosting Bats:** All recommendations made within Preliminary Roost Assessment report (RT-MME-153754-04) should be adhered to.
- R4 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering and becoming trapped.
- R5 Nesting Birds:** Vegetation clearance and arboricultural works should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any targeted vegetation should be checked by an experienced ecologist for nesting birds prior to such works commencing. If birds are found to be nesting than any works which may affect them must be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest.
- R6 Invasive species:** The works must not cause rockspray cotoneaster and Himalayan cotoneaster to spread in the wild. They must be removed with care during vegetation clearance and disposed of in an appropriate manner, or left in situ.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In October 2020, Baily Garner commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of Boyd Court, Downshire Way in Bracknell. This assessment is required to inform a planning application associated with the proposed refurbishment, upgrade and enhancement of the estate located at Boyd Court.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 21st December 2020. In addition, Middlemarch Environmental Ltd has been commissioned to undertake the following assessments:

- Preliminary Arboricultural Assessment (RT-MME-153754-01);
- Arboricultural Impact Assessment (RT-MME-153754-02);
- Arboricultural Method Statement (RT-MME-153754-03); and,
- Preliminary Roost Assessment (Rt-MME-153754-05).

1.2 SITE DESCRIPTION AND CONTEXT

The site comprised a developed area of land, approximately 2 ha in size, centred at Ordnance Survey Grid Reference SU 86475 69671. The land consisted of a housing estate surrounded by busy main roads. It was dominated by buildings and associated hardstanding, with soft landscaping consisting of patches of introduced shrub and amenity grassland with scattered trees.

At the northeast boundary of the site a row of terraced houses was present, while to the south of the site a larger area of amenity grassland with scattered trees and beds of introduced shrub was present. The wider landscaping was dominated by residential neighbourhoods with an extensive retail/industrial estate to the south.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Existing Site Plan / 32826-BGL-A1-XX-DR-A-4101-P	Baily Garner

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAG/C* website for statutory conservation sites; and,
- Thames Valley Environmental Records Centre.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

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

The Habitats Regulations 2017 consolidate and update the Habitats Regulations 2010 (as amended). The Habitat Regulations 2017 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CRoW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In February 2019, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development

resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY – BRACKNELL FOREST

Core Strategy

The Core Strategy was adopted by the council on the 7th February 2008. This document contains the council's long-term aspirations for the borough and policies to guide and manage development in Bracknell Forest until 2026.

Policy CS1: Sustainable Development Principles

Development will be permitted which:

- i. makes efficient use of land, buildings and infrastructure; and
- ii. is located so as to reduce the need to travel; and
- iii. promotes a mix of uses; and
- iv. conserves the use of resources including water and energy through a reduction in their use; and
- v. supports the economic well being of the population; and

Protects and enhances:

- vi. the health, education and safety of the local population; and
- vii. the quality of natural resources including water, air, land and biodiversity; and
- viii. the character and quality of local landscapes and the wider countryside; and the historic and cultural features of acknowledged importance; and,
- ix. the historic and cultural features of acknowledged importance.

Policy CS14: Thames Basin Heaths Special Protection Area

The Council will carry out an assessment of the effects of a development proposal on the conservation objectives of the Thames Basin Heaths Special Protection Area (SPA) where there is a risk of the proposal having a significant impact on the integrity of the site, either alone or in combination with other proposals. Proposals leading to a net increase in residential dwellings, within a straight-line distance of 5 kilometres from the SPA boundary, are likely to have a significant effect. The Council will not permit development which, either alone or in combination with other development, has an adverse effect upon the integrity of the SPA.

Development outside the 400-metre zone will be permitted where it can demonstrate that it can remove any adverse effect by contributing towards avoidance and mitigation measures in line with the SPA Technical Background Document.

The effective avoidance and/or mitigation of any identified adverse effects must be demonstrated and secured prior to approval of the development.

Bracknell Forest Borough Local Plan 2002

Many of the policies from the Bracknell Forest Local Plan 2002 have been 'saved' by the Secretary of State beyond the 27th September 2007. These 'saved' policies remain in effect. Those of relevance to ecology are:

Policy EN1: Protecting Tree and Hedgerow Cover

Planning permission will not be granted for development which would result in the destruction of trees and hedgerows which are important to the retention, where applicable, of:

- (i) a clear distinction between built up areas and the countryside; or
- (ii) the character and appearance of the landscape or townscape; or
- (iii) green links between open spaces and wildlife heritage sites; or
- (iv) internationally, nationally or locally rare or threatened species; or
- (v) habitats for local wildlife; or
- (vi) areas of historic significance.

Policy EN2: Supplementing Tree and Hedgerow Cover

In imposing landscaping conditions to secure additional tree and/or hedge planting, the borough council will require developers to include in their schemes the planting of indigenous trees appropriate to the setting and character of the area and a variety of other indigenous plants. According to circumstances, these may include grasses, heathland or wetland species.

Policy EN3 Nature Conservation

Planning permission will not be granted for development likely to have a significant effect on the following areas unless their special value and character can be protected or there are imperative reasons of overriding public interest:

- (i) existing and potential special protection areas (SPAs);
- (ii) existing and candidate special areas of conservation (SACs);
- (iii) Sites of Special Scientific Interest (SSSIs).

The Borough Council will seek to enter into agreements concerning enhancement schemes as part of development proposals; these will incorporate, where appropriate, the management of public access into the site.

Policy EN4 Local Nature Reserves, Wildlife Heritage Sites and Regionally Important Geological Sites

Planning permission will not be granted on or near local nature reserves, wildlife heritage sites or regionally important geological/geomorphological sites unless the proposed development will not affect the wildlife and habitats for which the site was designated or the special character of the site. Development proposals on

these sites must include conservation or enhancement schemes which, where appropriate, will set out the provision for, and management of, public access to and within them.

Policy EN14 River Corridors

Planning permission will not be granted for development in a river corridor which would have an adverse effect on nature conservation interests, fisheries or the open character of the landscape. Proposals which would reduce public access or make it less convenient, or impair established water-related recreation, will not be permitted.

Draft Bracknell Forest Local Plan

The Draft Bracknell Forest Local Plan will set the long-term spatial vision and development strategy for the borough up to 2036. Once adopted, it will replace many of the saved policies in the Bracknell Forest Borough Local Plan (2002) and the Core Strategy (2008). It will therefore be wide ranging in terms of the issues that it will cover. This is due to be adopted in February 2021.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in December 2020 by Thames Valley Environmental Records Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
European Statutory Sites			
Thames Basin Heaths	SPA	3.4 km south	A large designation spanning multiple distinct sites. Generally, this site contains a mosaic of broadleaved woodland, coniferous plantation, dry and wet heathland, valley mire and a series of acidic ponds. The various plantation and heath habitats support important populations of invertebrates and birds.
UK Statutory Sites			
Jock's Copse	LNR, ASNW	860 m north-west	Ancient, coppiced woodland comprising mainly oak <i>Quercus</i> sp. and hazel <i>Corylus avellana</i> with a good range of woodland flora, bird and insect life. BAP species of note include wild service tree <i>Sorbus torminalis</i> , bullfinch <i>Pyrrhula pyrrula</i> and ragged robin <i>Lychnis flos-cuculi</i> .
Piggy Wood	LNR, LWS	970 m north-east	The canopy is dominated by English oak <i>Quercus robur</i> and ash <i>Fraxinus excelsior</i> with silver birch <i>Betula pendula</i> . The shrub layer includes locally abundant hazel coppice with hawthorn <i>Crataegus monogyna</i> and holly <i>Ilex aquifolium</i> . The field-layer includes abundant bramble <i>Rubus fruticosus</i> agg. with rough meadow-grass <i>Poa trivialis</i> , Yorkshire-fog <i>Holcus lanatus</i> and nettle <i>Urtica dioica</i> but in some more heavily shaded areas it is sparse. It also includes small amounts of bluebell <i>Hyacinthoides non-scripta</i> , foxglove <i>Digitalis purpurea</i> , slender St. John's-wort <i>Hypericum pulchrum</i> and herb-Robert <i>Geranium robertianum</i> .
Tinkers Copse	LNR, ASNW	990 m north-west	Ancient coppiced woodland comprising mainly oak and hazel with a good range of woodland flora, bird and insect life. BAP species of note include wild service tree, bullfinch and ragged robin.
Temple Copse	LNR, ASNW	1.1 km west	Ancient coppiced woodland comprising mainly oak and hazel with a good range of woodland flora, bird and insect life. BAP species of note include wild service tree, bullfinch and ragged robin.
Whitegrove Copse	LNR, ASNW	1.2 km east	Ancient coppiced woodland with a good range of plants and birds.
Farley Copse	LNR, ASNW	1.4 km west	This ancient woodland hosts a variety of wildflowers such as wood anemone, bluebells and dog violets <i>Viola</i> sp. A pond within the site also supports flying invertebrates.

Table 4.1: Summary of Nature Conservation Sites (continued)

Site Name	Designation	Proximity to Survey Area	Description
UK Statutory Sites (continued)			
Wykery Copse	SSSI, ASNW	1.5 km south-west	Woodland types include wet ash and maple <i>Acer campestre</i> , valley and base-rich springline alder <i>Alnus glutinosa</i> , and oak, with birch <i>Betula</i> sp. and hazel. There are intermediate grades, and all types except oak have been coppiced at various times. Some English elm <i>Ulmus procera</i> survives, and there is a thriving colony of the rare wild service tree. The ground flora contains a mosaic of bramble and bluebell, with more open areas, including the course of the stream, favouring a very wide range of herbaceous species.
Non-Statutory Sites			
Tinkers Copse and Jocks Copse	LWS	840 m north-west	Tinkers Copse has a canopy of ash, oak and birch and has an understorey of hazel coppice. Jocks Copse is a mixture of hornbeam <i>Carpinus betulus</i> , birch and hazel coppice and has been grazed in the past. Species associated with long established woodland recorded in the woods include pignut <i>Conopodium majus</i> , bluebells, which dominate the ground layer in places, goldilocks buttercup <i>Ranunculus auricomus</i> , primroses <i>Primula</i> sp., which are very abundant in Tinkers Copse, wood melick <i>Melica uniflora</i> and barren strawberry <i>Potentilla sterilis</i> .
Long Copse	LWS, ASNW	970 m north	Long Copse is a small broadleaved woodland where the canopy is predominately oak <i>Quercus</i> sp. with silver birch, ash and wild cherry <i>Prunus avium</i> . The understorey varies from very little, to areas of previously coppiced hazel with some elder <i>Sambucus nigra</i> , hawthorn, blackthorn <i>Prunus spinosa</i> and holly. The field layer consists of bluebell, bracken <i>Pteridium aquilinum</i> , cleavers <i>Galium aparine</i> , ground ivy <i>Hedera helix</i> with some foxglove, three-nerved sandwort <i>Moehringia trinervia</i> and greater stitchwort <i>Stellaria holostea</i> . Towards the east the canopy is open and in patches there is a dense under scrub made up of holly, elder and hawthorn.
Wildridings Copse	LWS	970 m south-west	The site is part of a complex of small ancient woodlands that are gradually becoming isolated due to new industrial and housing development in this urban fringe area. Frequent canopy species include English oak, ash and alder, with hazel, field maple, hawthorn, birch and willow (grey <i>Salix cinerea</i> , goat <i>Salix caprea</i> and crack <i>Salix fragilis</i>). The ground flora is variable, being sparse in some areas (particularly in the north-east) and elsewhere incorporating bluebells, enchanter's-nightshade <i>Circaea lutetiana</i> , pignut and yellow archangel <i>Lamiastrum galeobdolon</i> .
Ancient Woodland			
Wildridings	ASNW	1 km south-west	No information provided.
Furzes Coppice	ASNW	1 km north-west	No information provided.
Bill Hill	ASNW	1.1 km south	No information provided.
Long Grove Coppice (epo3)	ASNW	1.2 km south-east	No information provided.
Bulstreads Grove	ASNW	1.4 km south-west	No information provided.
Farleymoor Copse (Farley Moor Coppice)	ASNW	1.4 km west	Areas of woodland both within and outside of the LNR designation.

Table 4.1: Summary of Nature Conservation Sites (continued)

Site Name	Designation	Proximity to Survey Area	Description
Ancient Woodland (continued)			
Allotment to Farley Moor Coppice	ASNW	1.5 km west	No information provided.
Northerains	ASNW	1.5 km south-west	No information provided.
Hill Copse	ASNW	1.6 km east	No information provided.
Dean's Coppice	ASNW	1.6 km west	No information provided.
Pong Moor Coppice	ASNW	1.6 km south	No information provided.
Wet Grove Coppice	ASNW	1.7 km east	Forms the northern section of Whitegrove Copse LNR.
Tarman's Copse	ASNW	1.8 km south-west	No information provided.
Starch Copse	ASNW	1.9 km east	No information provided.
Warfield Hall: The Grove	ASNW	2 km north	No information provided.
Key: SPA: Special Protection Area SSSI: Site of Special Scientific Interest LNR: Local Nature Reserve LWS: Local Wildlife Site ASNW: Ancient Semi-Natural Woodland			

Table 4.1 (continued): Summary of Nature Conservation Sites

The survey area falls within the Impact Risk Zone (IRZ) of one Site of Special Scientific Interest (SSSIs), located within a 2 km radius of the survey area. This is Wykery Copse SSSI located 1.5 km south-west. The survey area also falls within a number of other SSSI Impact Risk Zones. Given the number of SSSIs within a 5 km radius of the site it is not possible to determine how many SSSI Impact Risk Zones the surveyed area falls into and which SSSI each is associated with. Although there is a large number of surrounding SSSIs it was noted that the site also falls within the Impact Risk Zone of Thames Basin Heath Special Protection Area (SPA) located 3.38 km south.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals – Bats					
Brown long-eared bat <i>Plecotus auritus</i>	16	2017	Potentially on site ⁺	✓	ECH 4, WCA 5, WCA 6
Common pipistrelle <i>Pipistrellus pipistrellus</i>	23	2019	30 m east	-	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	2	2019	780 m north	#	#
Leisler's Noctule <i>Nyctalus leisleri</i>	1	2017	710 m east	-	ECH 4, WCA 5, WCA 6
Natterer's bat <i>Myotis nattereri</i>	1	2017	710 m east	-	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	11	2019	30 m east	✓	ECH 4, WCA 5, WCA 6
Pipistrelle <i>Pipistrellus</i> sp.	3	2016	360 m north-east	#	ECH 4, WCA 5, WCA 6
Serotine <i>Eptesicus serotinus</i>	1	2017	710 m east	-	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	7	2018	630 m north-east	✓	ECH 4, WCA 5, WCA 6

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals – Bats (continued)					
Unidentified myotis <i>Myotis</i> sp.	2	2017	710 m east	-	ECH 4, WCA 5, WCA 6
Mammals – Other					
Badger <i>Meles meles</i>	2	2017	†	-	WCA 6, PBA
Hedgehog <i>Erinaceus europaeus</i>	6	2017	740 m south-west	✓	WCA 6
Amphibians					
Common toad <i>Bufo bufo</i>	2	1999	670 m north-east	✓	WCA 5 S9(5)
Common frog <i>Rana temporaria</i>	1	2001	710 m north	-	WCA 5 S9(5)
Birds					
Peregrine <i>Falco peregrinus</i>	1	2014	310 m east	-	WCA 1i
Brambling <i>Fringilla montifringilla</i>	7	2005	480 m north-west	-	WCA 1i
Red kite <i>Milvus milvus</i>	2	2015	520 m south-east	-	WCA 1i
Kingfisher <i>Alcedo atthis</i>	7	2015	860 m north-west	-	WCA 1i
Barn owl <i>Tyto alba</i>	1	2004	Potentially within 1 km radius*	-	WCA 1i
Fieldfare <i>Turdus pilaris</i>	5	2005	Potentially within 1 km radius*	-	WCA 1i
Hobby <i>Falco subbuteo</i>	2	2004	Potentially within 1 km radius*	-	WCA 1i
Redwing <i>Turdus iliacus</i>	16	2016	Potentially within 1 km radius*	-	WCA 1i
Invertebrates					
Stag beetle <i>Lucanus cervus</i>	111	2018	Potentially on site ⁺	✓	ECH 2, WCA 5 S9(5)
<p>Key: #: Dependent on species. †: Badger records are confidential and therefore proximity is not provided within the report. +: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site. *: Grid reference provided was four figures only.</p> <p>ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. PBA: Protection of Badgers Act 1992.</p> <p>WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.</p> <p>Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.</p> <p>Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p>					

Table 4.2 (continued) : Summary of Protected/Notable Species Records Within 1 km of Survey Area

Birds

In addition to the species listed in Table 4.2 the desk study also provided records of the following bird species listed as Species of Principal Importance; bullfinch *Pyrrhula pyrrhula*, cuckoo *Cuculus canorus*, dunnock *Prunella modularis*, herring gull *Larus argentatus*, house sparrow *passer domesticus*, lesser redpoll *Acanthis cabaret*, lesser spotted woodpecker *Dendrocopos minor*, linnets *Linaria cannabina*, reed bunting *Emeriza schoeniclus*, skylark *Aluada arvensis*, song thrush *Turdus philomelos*, starling *Sturnus vulgaris* and yellowhammer *Emeriza citrinella*.

Records of Birds of Conservation Concern (BoCC) Red List species have also been provided. These include, grey wagtail *Montacilla cinerea*, mistle thrush *Turdus viscivorus*, whinchat *Saxicola rubetra* and woodcock *Emeriza citrinella* were also provided alongside records of BoCC Amber List species black-headed gull *Chroicocephalus ridibundus*, common gull *Larus canus*, common sandpiper *Actitis hypoleucos*, common tern *Sterna hirundo*, kestrel *Falco tinnunculus*, lesser black-backed gull *Larus fuscus*, mallard *Anas platyrhynchos*, meadow pipit *Anthus pratensis*, mute swan *Cygnus olor*, stock dove *Columba oenas*, swift *Apus apus* and willow warbler *Phylloscopus trochilus*,

Invertebrates

A single record of grizzled skipper *Pyrgus malvae*, which is a Species of Principal Importance, was provided by the desk study.

Plants

Records of plant species listed on the Bracknell Local Biodiversity Action Plan (LBAP) were provided by the desk study. Species included cowslip *Primula veris*, ragged-robin *Silene flos-cuculi* and service-tree *Sorbus torminalis*.

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Himalayan balsam <i>Impatiens glandulifera</i>	1	2010	630 m north	WCA 9
Butterfly-bush <i>Buddleja davidii</i>	1	2019	940 m south-east	WCA 9
Key: WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C153754-04-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 21st December 2020 by Harry Stone (Ecological Project Officer) Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	10
Cloud (%)	0
Wind (Beaufort)	F0
Precipitation	Nil

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

December is not always a suitable time of year for botanical assessment, however considering the habitats present this was not considered a significant survey constraint. All areas of the site were accessible and subject to ecological assessment.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity grassland;
- Buildings;
- Hardstanding;
- Introduced shrub; and
- Scattered trees

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity grassland

Small areas of amenity grassland were scattered throughout the site. The grassland was regularly mown with a maximum sward height of approximately 5 cm (Plates 9.1, 9.2 & 9.3). Species present included common yarrow *Achillea millefolium*, common daisy *Bellis perennis*, common dandelion *Taraxacum officinale*, ribwort plantain *Plantago lanceolata*, perennial ryegrass *Lolium perenne*, white deadnettle *Lamium album*, white clover *Trifolium repens*, common mallow *Malva sylvestris* and alehoof *Glechoma hederacea*.

Buildings

A large number of interconnected buildings were present on site, predominantly brick-built residential apartment housing with pitched clay roof tiles, that were approximately four stories tall (Plates 9.2 and 9.4). Full details of the buildings on site and their potential value to roosting bats are provided in the Preliminary Roost Assessment (RT-MME-153754-04).

Hardstanding

Hardstanding was present throughout the site in the form of concrete hardstanding, tarmac roads and paving slabs. A small playground was also noted at the center of the site.

Introduced shrub

Small and medium sized areas of introduced shrub habitat were scattered throughout the site in the form of hedges and flowerbeds. The flowerbeds typically had bark chippings and bare ground between plants (Plate 9.5). Hedge plants on site included cherry laurel *Prunus laurocerasus*, Japanese laurel *Aucuba japonica*,

Portuguese laurel *Prunus lusitanica*, bay *Laurus noilis*, wilson's honeysuckle *Lonicera nitida*, Mexican orange *Choisya grandiflora*, scarlet firethorn *Pyracantha coccinea*, Chinese barberry *Berberis julianae* and European holly *Ilex aquifolium*. Cotoneaster was also present within the shrubs throughout the site (Target Note 1). Rockspray cotoneaster *Cotoneaster horizontalis* (Plate 9.6) and Himalayan cotoneaster *Cotoneaster simsonii* were identified, both of which are listed on schedule 9 part 2 of the Wildlife and Countryside Act 1981 (as amended), as well as late cotoneaster *Cotoneaster lacteus*.

Other herbaceous plants included bamboo *Bambusoideae sp.*, hollyhock *Alcea rosea*, butterfly bush *Buddleja davidii*, snowberry *Symphoricarpus alba*, ornamental rose *Rosa sp.*, blue passionflower *Passiflora caerulea*, pendulous sedge *Carex pendula*, red valerian *Centranthus ruber*, thyme *Thymus vulgaris*, rosemary *Salvia rosmarinus*, japanese anemone *Eriocapitella hupehensi*, marigold *Tagetes spp.*, primrose *Primula sp.*, Persian cyclamen *Cyclamen persicum* and green alkanet *Pentaglottis sempervirens*.

Scattered trees

Scattered trees were present throughout the site (Plate 9.2 and 9.3). Species included silver birch *Betula pendula*, alder *Alnus glutinosa*, Swedish whitebeam *Sorbus intermedia*, ash *Fraxinus excelsior*, oak *Quercus sp.*, rowan *Sorbus aucuparia*, lime *Tilia sp.*, walnut *Juglans regia*, fig *Ficus carica*, London plane *Platanus x hispanica*, white willow *Salix alba*, rosebud cherry *Prunus subhirtella*, giant redwood *Sequoiadendron giganteum* and sycamore *Acer pseudoplatanus*. Sycamore was noted to have mistletoe *Viscum album* growing on it (Plate 9.6).

The trees ranged in maturity and disused bird nests were recorded on branches throughout the site. No potential bat roosting features were recorded on any of the trees. Further details regarding the trees on site are provided in the accompanying arboricultural reports RT-MME-153754-01, RT-MME-153754-02 and RT-MME-153754-03.

5.4 FAUNA

The following bird species were observed on site during the field survey: robin *Erithacus rubecula*, magpie *Pica pica*, great tit *Parus major* and coal tit *Periparus ater*.

5.5 INVASIVE PLANT SPECIES

Cotoneaster bushes were present throughout the site (Target Note 1). Rockspray cotoneaster and Himalayan cotoneaster, recorded on site, are listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

This assessment is required to inform a planning application associated with the proposed refurbishment, upgrade and enhancement of a housing estate located at Boyd Court. Specific landscaping plans are yet to be finalised.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified one European statutory site within 5 km of the survey area, seven UK statutory sites within 2 km and three non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

European Statutory Sites

The desk study identified one European statutory site within a 5 km radius of the survey area: Thames Basin Heaths Special Protection Area (SPA) located 3.4 km south. The development site falls within the Impact Risk Zone for Thames Basin Heaths, which stipulates that Natural England must be consulted if the proposed works involve 'a total net gain in residential units' (see Appendix 1). It is understood that the proposed works will not involve a net gain in residential units. Due to the large intervening distance and built-up nature of the habitats between the development site and Thames Basin Heaths, no direct impacts on EU Statutory Sites are anticipated.

UK Statutory Sites

The desk study identified seven UK statutory sites within a 2 km radius of the survey area, the closest of which was Jock's Copse Local Nature Reserve (LNR) located 860 m northwest. All other UK statutory sites are located over 970 m from the proposed working area. Due to the large intervening distances and built-up nature of the habitats between the proposed working area and the UK statutory sites no direct impacts are expected. However, as with the European Statutory Site Thames Basin Heath, if the proposed works result in a total net gain in residential units (see Appendix 1) then consultation with Natural England will be required.

Non-Statutory Sites and Ancient Woodlands

The desk study identified three non-statutory sites within a 1 km radius of the site and fifteen ancient woodlands within 2 km. The closest site was Tinkers Copse located 840 m northwest. All other non-statutory sites were located over 970 m from the proposed working area and all ancient woodlands over 1 km away. As with the above no direct impacts to these sites are anticipated due to the large and built-up nature of the intervening habitats. Therefore, non-statutory sites and ancient woodlands are not a notable consideration in relation to the proposed development and no further recommendations are made.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations. A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Scattered trees

The mature scattered trees on site are of intrinsic value as they cannot be easily replaced in the short to medium term. It is unclear which, if any, mature trees will be affected by the proposed works. Therefore, a precautionary recommendation has been made in Section 7.2.

Amenity grassland, buildings, introduced shrubs and hardstanding

The remaining habitats on site are well represented locally and have low species diversity or can be easily recreated post works. These habitats are therefore not notable considerations.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Scattered trees (mature specimens)	-	-	Direct loss or damage, root compaction

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study identified records of at least seven species of bat within a 1 km radius of the survey area. The closest of which was of a brown long-eared bat located within 100 m of the survey area. None of the mature trees on site were identified as having potential for bats at the time of survey. However, the trees on site may provide some opportunity for foraging and commuting through the site, providing links to the wider area and to more suitable habitat such as parkland. The buildings on site were identified as having potential to support bats due to the presence of suitable roosting features. Further details of these features and recommendations regarding roosting bats can be found within the Preliminary Bat Roost Assessment report RT-MME-153754-05.

Badger

The desk study identified two records of badger within a 1 km radius of the survey area. No evidence of badger was noted within the survey area during the walkover and no setts or optimal sett-building habitat was present on site. The amenity grassland and shrubs on site may provide limited foraging and commuting habitat for badger on site. Due to the busy main roads and limited suitable habitat surrounding the site, it is unlikely for badgers to be present on site, however they may pass through on occasion. Therefore, a precautionary recommendation has been made in Section 7.3.

Hedgehog

The desk study identified six records of hedgehog within a 1 km radius of the survey area, the closest of which was 740 m south-west. The amenity grassland and shrubs on site provide suitable foraging and commuting habitat for hedgehog. Due to the busy main roads surrounding the site it is unlikely for hedgehog to be present on site. However, they may pass through on occasion and so a precautionary recommendation has been made in Section 7.3.

Amphibians

The desk study provided two records of common toad and one record of common frog within a 1 km radius. The closest record was of a common toad located 610 m north-east. No records of great crested newt were provided by the desk study.

There are no waterbodies within the site boundaries to provide suitable breeding habitat for amphibians, and suitable terrestrial habitat is limited to introduced shrub, which is only able to provide very limited shelter to amphibians. Ordnance Survey mapped data and aerial imagery indicates that there are two waterbodies within a 500 m radius of the survey area. The closest of these waterbodies, situated 110 m south of the site boundary, is a fountained pond surrounded by hardstanding habitat in the midst of Arlington Square business park. The ubiquity of hardstanding habitat and busy main roads between nearby waterbodies such as this and the development site, acts as a significant barrier to the dispersal of any amphibians. Combined with the lack of suitable habitat both on site and in surrounding landscape more generally, it is considered highly unlikely that amphibians will be present. Therefore, amphibians including great crested newt are not a notable consideration in relation to the proposed works and no further recommendations are made.

Reptiles

The desk study provided no records of reptiles within a 1 km radius of the survey area. There was no suitable habitat on site for reptiles, such as rough grassland or brash piles. Considering this habitat deficiency and lack of local records, reptiles are not a notable consideration regarding the proposed works, and no further recommendations are made.

Birds

The desk study identified records of eight species of bird listed on Schedule 1 Part 1 of The Wildlife and Countryside Act 1981 (as amended) and thirteen species listed as Species of Principal Importance. A number of common bird species were also recorded during the survey. Habitats on site provide suitable nesting opportunity for birds. During the survey bird nests were recorded within some of the denser laurel plants and in the branches of trees. Works that impact upon these habitats, such as vegetation clearance or branch removal, therefore risk directly impacting upon nesting birds. As soft landscaping plans have not been finalised, a precautionary recommendation focusing on nesting birds has been made in Section 7.3. Additional recommendations regarding the enhancement of the site for nesting birds is made in Section 7.2.

Terrestrial Invertebrates

The desk study identified a number of notable invertebrate species within a 1 km radius of the survey area, including 111 records of stag beetle, the closest of which was located within 100 m of the survey area. No suitable habitat for stag beetle, in the form of dead and/or rotting wood, was recorded on site. Changes to habitats on site are therefore not expected to significantly impact upon terrestrial invertebrates, including stag beetle, which are therefore not a notable consideration. A recommendation regarding habitat enhancement, which would increase the value of the site for invertebrates, has been provided within Section 7.2.

Plants

The desk study identified several notable plant species within a 1 km radius of the survey area. None of these plants were identified during the walkover survey and all of the plants listed were common and widespread species. Therefore, plants are not a notable consideration in relation to the proposed development.

Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: dormouse *Muscardinus avellanarius*, white-clawed crayfish *Austropotamobius pallipes*, harvest mouse *Micromys minutus*, otter *Lutra lutra*, watervole *Arvicola amphibius* and pine marten *Martes martes*.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	Loss of suitable habitat, direct harm or injury
Badger	-	Direct harm / injury
Hedgehog	✓	Direct harm / injury
Birds	#	Loss of suitable habitat, Direct harm / injury
#: Dependant on species		

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

The desk study identified records of two invasive plant species within a 1km radius of the survey area, the closest record of which was of Himalayan balsam located 630 m north. During the walkover survey two invasive cotoneaster species were noted to be present throughout the site, rockspray cotoneaster *Cotoneaster horizontalis* and Himalayan cotoneaster *Cotoneaster simsonii*. These plants are listed on Schedule 9 of Wildlife and Countryside Act 1981 (as amended) and are therefore a notable consideration in relation to the proposed development. A recommendation regarding cotoneaster is made in Section 7.4.

7. RECOMMENDATIONS

This assessment is required to inform a planning application associated with the proposed refurbishment, upgrade and enhancement of the housing estate located at Boyd Court in Bracknell. It is understood that the proposed works will not result in the net gain of residential units. With soft landscaping plans unfinalised at the time of writing, several of the recommendations are precautionary. Once plans have been finalised the recommendations should be reviewed to ensure they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

No recommendations are made with regard to nature conservation sites.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

R1 Habitat Retention and Protection: The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including mature trees.

Protection measures comprise:

- **Trees:** Any trees on or overhanging the site, which are retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.

If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. Only native and/or wildlife attracting species should be planted.

R2 Biodiversity Enhancement: In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. Suitable measures include:

- Installation of swift nest boxes in appropriate locations, which will contribute towards Bracknell Forest Council's Urban Habitat Action Plan 2018-2023 objective of identifying, protecting and increasing swift nest sites by 30%;
- Relaxing the site's mowing regime to allow some areas of amenity grassland to grow taller;
- Creation of hedgehog passes at the site's northeast fence boundary;
- Creation of log piles to provide habitat for stag beetles; and,
- Planting native fruit-bearing trees.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

R3 Roosting Bats: All recommendations made within Preliminary Roost Assessment report (RT-MME-153754-04) should be adhered to.

- R4 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering and becoming trapped.
- R5 Nesting Birds:** Vegetation clearance and arboricultural works should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any targeted vegetation should be checked by an experienced ecologist for nesting birds prior to such works commencing. If birds are found to be nesting than any works which may affect them must be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest.

7.4 INVASIVE PLANT SPECIES

The following recommendation is made regarding invasive plant species:


- R6 Invasive species:** The works must not cause rockspray cotoneaster and Himalayan cotoneaster to spread in the wild. They must be removed with care during vegetation clearance and disposed of in an appropriate manner, or left in situ.

8. DRAWINGS

Drawing C153754-01 – Phase 1 Habitat Map



- Legend**
- - - Site boundary
 - Scattered tree
 - A Amenity grassland
 - Bare ground
 - Building
 - Hardstanding
 - Introduced shrub
 - 1 Target note
 - 1. Cotoneaster

Project	Boyd Court, Bracknell	
Drawing	Phase 1 Habitat Map	
Client	Baily Garner	
Drawing Number	C153754-04-01	Revision 00
Scale @ A3	1:1000	Date January 2021
Approved By	HS	Drawn By CD
 MIDDLEMARCH ENVIRONMENTAL		
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C153754-04-01

9. PHOTOGRAPHS



Plate 9.1: Amenity Grassland



Plate 9.2: Buildings, Amenity Grassland, Trees and Hardstanding



Plate 9.3: Hardstanding, Amenity Grassland and Scattered Trees (Walnut & Giant Redwood)



Plate 9.4: Cotoneaster Hedge and Building



Plate 9.5: Raised Flowerbed with Introduced Shrub Habitat



Plate 9.6: Rockspray Cotoneaster

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

European Statutory Sites:

Special Protection Areas (England)

Name

THAMES BASIN HEATHS

Reference

UK9012141

Hectares

8309.5

Ramsar Sites (England)

No Features found

Proposed Ramsar Sites (England)

No Features found

Special Areas of Conservation (England)

No Features found

Possible Special Areas of Conservation (England)

No Features found

Potential Special Protection Areas (England)

No Features found

UK Statutory Sites:

Local Nature Reserves (England)

Reference

1009622

Name

FARLEY COPSE

Hectares

3.28

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009622>

Reference

1009625

Name

JOCK'S COPSE

Hectares

1.48

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009625>

Reference

1009631

Name

WHITEGROVE COPSE

Hectares

3.58

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009631>

Reference

1009630

Name

TINKERS COPSE

Hectares

1.88

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009630>

Reference

1009629

Name

TEMPLE COPSE

Hectares

1.91

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009629>

Reference

1009627

Name

PIGGY WOOD

Hectares

2.29

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009627>

Sites of Special Scientific Interest (England)

Name

Wykery Copse SSSI

Reference

1000510

Natural England Contact

Conservation Delivery Team

Natural England Phone Number

0845 600 3078

Hectares

3.2

Citation

1004173

Hyperlink

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1004173>

Ancient Woodland (England)

Wood Name

Whitegrove Copse (tithe: Wet Grove Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505035

Area (Ha)

3.051433

Wood Name

(tithe: Wet Grove Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505036

Area (Ha)

0.503753

Wood Name

(epo3:Long Grove Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505038

Area (Ha)

0.198398

Wood Name

(tithe: Bulstreads Grove)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504871

Area (Ha)

0.186702

Wood Name

(tithe: Pond Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504872

Area (Ha)

0.324329

Wood Name

Bill Hill (tithe: Bile Hill Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504873

Area (Ha)

1.907407

Wood Name

Starch Copse(Tithe:Herts Wood)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505044

Area (Ha)

2.491548

Wood Name

Notherains (Epo2: Notherams)(tithe: Great Notherams Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504881

Area (Ha)

0.135493

Wood Name

Notherains (Epo2: Notherams)(tithe: Great Notherams Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504882

Area (Ha)

0.187145

Wood Name

Wildridings (tithe: Wild Ridings)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504883

Area (Ha)

1.46855

Wood Name

Farley Moor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505048

Area (Ha)

0.067754

Wood Name

Farley Moor Copse (Epoch2-3:Farley Moor)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504886

Area (Ha)

1.097852

Wood Name

Farley Moor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504887

Area (Ha)

0.076958

Wood Name

Farley Moor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504888

Area (Ha)

0.109891

Wood Name

Farleymoor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504889

Area (Ha)

0.046618

Wood Name

Jock's Copse(tithe: Jocks Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504974

Area (Ha)

1.385998

Wood Name

Tinker's Copse (tithe: An Intake)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504975

Area (Ha)

1.571376

Wood Name

Long Copse (tithe: Long Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504976

Area (Ha)

2.749292

Wood Name

Farleymoor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505051

Area (Ha)

0.053111

Wood Name

(tithe: Allotment to Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505052

Area (Ha)

0.013663

Wood Name

Farleymoor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504890

Area (Ha)

0.025849

Wood Name

(tithe: Temple Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504891

Area (Ha)

1.730338

Wood Name

Northerains (Epo2: Northerams)(tithe: Great Notherams Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504980

Area (Ha)

1.043776

Wood Name

Northerains (Epo2: Northerams)(tithe: Northerams Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504981

Area (Ha)

0.392009

Wood Name

Tarman's Copse (tithe: Sketes Grove)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504982

Area (Ha)

1.190361

Wood Name

Tarman's Copse (tithe: Sketes Grove)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504983

Area (Ha)

0.573668

Wood Name

Tarman's Copse (tithe: Sketes Grove)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504993

Area (Ha)

2.51263

Wood Name

Wykery Copse (tithe: Wythery Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504918

Area (Ha)

3.160898

Wood Name

Northerains (Epo2: Northerams)(tithe: 71=Great Notherams Coppice 73=Northerams Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504922

Area (Ha)

0.36385

Wood Name

Northerains (Epo2: Northerams)(tithe: Parsonage Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504923

Area (Ha)

0.686656

Wood Name

Tarman's Copse (tithe: Cooks Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504924

Area (Ha)

1.920345

Wood Name

Farley Moor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504925

Area (Ha)

1.709648

Wood Name

(tithe: Allotment to Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504926

Area (Ha)

0.185801

Wood Name

Farley Moor Copse (Epoch2-3:Farley Copse)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504927

Area (Ha)

0.040398

Wood Name

Wykery Copse

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504941

Area (Ha)

0.034473

Wood Name

Tarman's Copse (tithe: Greet Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504944

Area (Ha)

0.426101

Wood Name

Warfield Hall: The Grove

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504860

Area (Ha)

0.813211

Wood Name

(tithe: Furzes Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504861

Area (Ha)

0.270504

Wood Name

(tithe: Dean's Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504862

Area (Ha)

0.257407

Wood Name

Tarman's Copse (tithe: Spring Lane Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504952

Area (Ha)

0.533371

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505033

Area (Ha)

1.301545

Wood Name

Hill Copse

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1505034

Area (Ha)

1.001268

Wood Name

(tithe: Dean's Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504863

Area (Ha)

0.384231

Wood Name

Farleymoor Copse (Epoch2-3:Farleymoor)(tithe: Farley Moor Coppice)

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504864

Area (Ha)

0.134362

Wood Name

Warfield Hall: The Grove

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504866

Area (Ha)

0.231278

Wood Name

Warfield Hall: The Grove

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1504867

Area (Ha)

0.771047

National Nature Reserves (England)

No Features found

SSSI Impact Risk Zones:

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

Infrastructure

Airports, helipads and other aviation proposals.

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Any residential developments with a total net gain in residential units.

Rural Residential

Any residential developments outside of existing settlements/urban areas with a total net gain in residential units.

Air Pollution

Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons > 200m² & manure stores > 250t).

Combustion

General combustion processes >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.

Composting

Any composting proposal with more than 75000 tonnes maximum annual operational throughput. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management.

Discharges

Any discharge of water or liquid waste of more than 20m³/day to ground (ie to seep away) or to surface water, such as a beck or stream.

Water Supply

Notes 1

Notes 2

GUIDANCE - How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

Infrastructure

Airports, helipads and other aviation proposals.

Wind & Solar Energy

Wind turbines.

Minerals, Oil & Gas

Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.

Rural Non Residential

Residential

Any residential developments with a total net gain in residential units.

Rural Residential

Any residential developments outside of existing settlements/urban areas with a total net gain in residential units.

Air Pollution

Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons > 200m² & manure stores > 250t).

Combustion

General combustion processes >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.

Composting

Any composting proposal with more than 75000 tonnes maximum annual operational throughput. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management.

Discharges

Any discharge of water or liquid waste of more than 20m³/day to ground (ie to seep away) or to surface water, such as a beck or stream.

Water Supply

Notes 1

Notes 2

GUIDANCE - How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

APPENDIX 2

Overview of Relevant Species Specific Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

The reader should refer to the original legislation for the definitive interpretation.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- '*Any structure or place that displays signs indicating current use by a badger*'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England³⁰. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Birds

The Conservation of Habitats and Species Regulations 2017 places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.