



# Preliminary Ecological Appraisal and Preliminary Roost Assessment

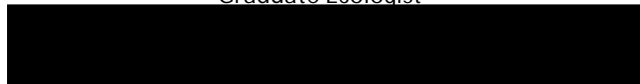
Anvil Cottage, Arford Common, Headley, Hampshire, GU35 8AD

Oakesfield Construction Ltd

Status	Issue	Name	Date
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## Industry Guidelines and Standards

This report has been written with due consideration to:

Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.

Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.

British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

## Proportionality

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

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

(BS 42020, 2013)

## Executive Summary

Arbtech Consulting Limited was instructed by Oakesfield Construction to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Anvil Cottage, Arford Common, Headley, Hampshire, GU35 8AD (hereafter referred to as “the site”). The survey was required to inform a planning application for the construction of one residential dwelling in the existing garden of Anvil Cottage (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 7 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	<p>There are no notable habitats within the site but six habitats are present within 2km of the site, the closest being deciduous woodland located 10m from the site.</p> <p>Other habitats within the site are common and widespread and have low ecological value.</p> <p>Rhododendron was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats.	Retained hedgerows should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).
Amphibians	The site has a low suitability for amphibians. This is due to the presence of grassland and scrub which could offer limited foraging. The short sward will lower its suitability due to a lack of shelter.	Grassland will be removed during construction. When georeferencing the proposed development plans over scaled mapping of the site, it is noted that the development area is likely to result in the loss or significant disturbance of 0.1ha of suitable great crested newt habitat (i.e. Grassland). If great crested newts are present within the pond located on site this will constitute a loss of 0.1ha within 100m of a potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces an Amber risk score, which states: Offence Likely.	Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction. See full details in table 7.

		<table border="1" data-bbox="898 132 1435 304"> <thead> <tr> <th>Component</th> <th>Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)</th> <th>National offence probability score</th> </tr> </thead> <tbody> <tr> <td>Great crested newt breeding pond(s)</td> <td>No effect</td> <td>0</td> </tr> <tr> <td>Land within 100m of any breeding pond(s)</td> <td>0.01 - 0.1 ha lost or damaged</td> <td>0.3</td> </tr> <tr> <td>Land 100-250m from any breeding</td> <td>No effect</td> <td>0</td> </tr> <tr> <td>Land &gt;250m from any breeding pond(s)</td> <td>No effect</td> <td>0</td> </tr> <tr> <td>Individual great crested newts</td> <td>No effect</td> <td>0</td> </tr> <tr> <td colspan="2"></td> <td>Maximum: 0.3</td> </tr> <tr> <td colspan="2">Rapid risk assessment result:</td> <td>AMBER: OFFENCE LIKELY</td> </tr> </tbody> </table> <p>However, the vegetated garden due to be impacted provides low quality foraging and commuting habitat only and does not provide any refuge opportunities. Furthermore, the pond was assessed to provide poor stability to support breeding GCN. The assessed risk to GCN is therefore considered to be low. However, there remains a low risk of injury or harm to GCN and other common amphibians, in the unlikely event they are present for transient periods within the grassland during development works.</p>	Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	National offence probability score	Great crested newt breeding pond(s)	No effect	0	Land within 100m of any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.3	Land 100-250m from any breeding	No effect	0	Land >250m from any breeding pond(s)	No effect	0	Individual great crested newts	No effect	0			Maximum: 0.3	Rapid risk assessment result:		AMBER: OFFENCE LIKELY	
Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	National offence probability score																									
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Individual great crested newts	No effect	0																									
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Rapid risk assessment result:		AMBER: OFFENCE LIKELY																									
Reptiles	The site has a low suitability for reptiles, due to the presence of short-mown modified grassland and hedgerows which could offer some limited cover and foraging opportunities for reptiles.	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction. See full details in table 7.																								
Roosting Bats	Building B1 and building B2 are assessed to provide negligible value to support roosting bats.	The proposed development includes the demolition of both B1 and B2 to make space for the garden of the new dwelling. However, bats are very unlikely to be roosting within these buildings and as such, there are not anticipated to be any impacts on roosting bats as a result of the demolition of these buildings.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.																								
Foraging and commuting bats	Hedgerows could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats.	A low impact lighting strategy will be adopted for the site during and post-development. See full details in table 7.																								

		The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	
Badger	Although no evidence indicating the presence of badgers was recorded, [REDACTED] [REDACTED]	No works will be undertaken within 30m of a badger sett. Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	Owing to the nature of the proposed development and the low potential for impacts to badgers, further badger surveys are considered to be disproportionate. A precautionary working method will be implemented during construction. See full details in table 7.
Hazel dormouse	No suitable habitats present on site to support dormice. It is not anticipated that dormice are present on the site due to the lack of suitable habitats present.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.
Hedgehog	Although no evidence indicating the presence of hedgehogs was recorded during the site survey, the future presence of hedgehogs for transient periods cannot be discounted.	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction. See full details in table 7.

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## 1.0 Introduction and Context

### 1.1 Background

Arbtech Consulting Limited was instructed by Oakesfield construction to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Anvil Cottage, Arford Common, Headley, Hampshire, GU35 8AD (hereafter referred to as “the site”). The survey was required to inform a planning application for the construction of one residential dwelling in the existing garden of Anvil Cottage (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

### 1.2 Site Location and Landscape Context

The site is located at National Grid Reference SU 82832 36728 and has an area of approximately 0.1ha comprising vegetated garden, hardstanding, and residential buildings. It is immediately surrounded by a mosaic of residential buildings and green spaces and is in the east of Hadley down village. The wider landscape comprises largely of pockets of woodlands and arable fields. A site location plan is provided in Appendix 2.

### 1.3 Scope of the Report

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

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.

- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.

- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.

- Potential impacts on features of value, as a result of the proposed development, have been identified.



Recommendations for further surveys and mitigation have been made.

Opportunities for the enhancement of the site for biodiversity have been set out.

## 2.0 Methodology

### 2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

### 2.2 Field Survey

The survey was undertaken by Romany Poole (Accredited Agent on Natural England Bat Licence Number: 2018-37888-CLS-CLS on 14/11/2023).

#### Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

For ease of reading, scientific names are omitted from this report for widespread, ubiquitous and well-known species. Scientific names are only included where deemed necessary in conveying correct information to the reader, for example where common names differ regionally or in specialised, notable, unusual or challenging taxa, or if there is any ambiguity in identification (e.g where a species can only be identified to genus level).

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

Ponds on and adjacent to the site were assessed for their suitability to support great crested newts using the Habitat Suitability Index (HSI) Assessment Methodology (Oldham et al, 2000).

#### Preliminary Roost Assessment

The PRA focussed on two built structures which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

#### For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the buildings for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the buildings was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

### Suitability Assessment

Built structures were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats.

Classification	Feature of building and its context
High	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts. Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
Negligible	Unsuitable for use by bats.

### 2.3 Limitations

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

The PEA survey was completed outside of the optimal survey period (April to October) limiting the identification of ground flora species.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

### 3.0 Results and Evaluation

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 1 below.

The site lies within the impact risk zone for Bramshott and Ludshott common and broxhead and Kingsley SSSI, however the proposed development type is not listed as a possible high risk with regard to this designation.

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

Designated site name	Distance from site	Reasons for notification from Natural England
Bramshott and Ludshott Commons Site of Special Scientific Interest (SSSI)	~1.8km southeast	Despite extensive colonisation by birch <i>Betula</i> and Scot's pine <i>Pinus sylvestris</i> , Bramshott and Ludshott Commons support extensive tracts of mature heathland vegetation dominated by heather <i>Calluna vulgaris</i> , bell heather <i>Erica cinerea</i> , dwarf gorse <i>Ulex minor</i> and common gorse <i>U. europaeus</i> . The area is mostly on free-draining soils derived from the Sandgate Beds and soils are generally podzolic. Where soil nutrient status is higher, or where intensive burning has excluded the heather, a grass/bracken <i>Pteridium</i> association occurs, usually with varying densities of birch and some areas of gorse <i>U. europaeus</i> . Despite birch and pine encroachment, the site as a whole represents one of the best remaining examples of open heathland in the western Weald and supports populations of a number of specialised heathland vertebrates, including the smooth snake <i>Coronella austriaca</i> , Dartford warbler <i>Sylvia undata</i> , woodlark <i>Lullula arborea</i> , stonechat <i>Taxicola torquata</i> , nightjar <i>Caprimulgus europaeus</i> and hobby <i>Falco subbuteo</i> . The site includes the hammer ponds and associated valley beech <i>Fagus/oak Quercus</i> woodland of Waggoners Wells. The woodland includes areas of ancient trees and probably includes fragments of primary woodland. It is rich in epiphytic lichens, with at least 87 taxa present, including a number of rarities, almost all of which are characteristic of ancient woodland.
Wealden Heaths Phase II special protection area	~1.8km southeast and ~1.9km northwest	The underlying geology is composed of Cretaceous sandstones and ironstone, which give rise to predominantly acid soils. These are often sandy and free-draining but clay and silt layers produce poorly drained areas where streams and wetland habitats can be found. The landscape is largely rural and is characterised by a prominent escarpment with broad, steep-sided valleys and low, rounded hills with a mixture of heaths, oak and birch woodland, mature conifer woodlands, pastures and wetlands. There are three species of Annex I species listed on the wild birds directive that use this area for breeding. These include the Dartford warbler, Nightjar, and Woodlark.
Broxhead and Kingsley Common (SSSI)	~1.9km northwest	The site comprises a mosaic of heathland and acid grassland with areas of scrub and secondary woodland. The diversity of habitats supports a rich invertebrate fauna including 25 nationally rare and scarce species, a rich flora, and three species of birds listed in Annex 1 of the EC Directive on the Conservation of Wild Birds.
Broxhead Common Local Nature Reserve (LNR)	~1.9km northwest	Broxhead Common consists of 42 hectares of dry heathland and secondary birch/oak woodland. Rare ground-nesting birds such as woodlark and nightjar are nesting at Broxhead Common.

### 3.2 Field Survey Results

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

Table 3: Weather conditions during the survey

Date:	14/11/2023
Temperature	11°C
Humidity	96%
Cloud Cover	100%
Wind	3mph
Rain	Mild rain

### Habitats and Flora

The following habitats are present within and adjacent to the site:

U1b5 818: Buildings – residential

U1 828 847: built up areas and garden – vegetated garden with introduced shrub



U1b: developed land, sealed surface

H2b: Non-native and ornamental hedgerow

A description and photographs of each habitat are provided in Table 5.

Rhododendron (a non-native invasive plant species) was recorded on the site.


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

Habitat type	Habitat description	Photograph
<p>u1b5 818: Buildings - residential</p>	<p>There are three buildings onsite; a residential dwelling a summer house and a shed. The summer house and the shed (figure 1) are due to be demolished. They have negligible habitat value for roosting bats due to a lack of suitable features. See full details in table 5</p>	 <p>Figure 1: Two timber sheds located along the southern boundary.</p>
<p>u1 828 847: built up areas and garden – vegetated garden with introduced shrub</p>	<p>The site is characterised as a residential vegetated garden with areas of extensively managed and regularly mown grassland which retains a short sward length of approximately 2cm. Species comprise perennial rye grass (D), creeping buttercup (O), and narrow leaved plantain (F) and white clover (O).</p> <p>There are introduced shrubs located on the western portion of the garden comprising of, Japanese pieris, Columbine, Japanese maple, Lavender, Rhododendron, Rose, St Johns Wort, Tree heath, Winter climber and Winter heath.</p> <p>Rhododendron was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>	 <p>Figure 2: A view across the north of the site.</p>

<p>u1b: developed land, sealed surface</p>	<p>Hardstanding is present in the form of the driveway located to the north of the site. It wraps around the main house and forms a patio in the south garden, alongside steps through the centre of the garden and a patio area leading off from the summer house.</p>	
<p>h2b 116: non-native and ornamental hedgerow – flailed hedgerow</p>	<p>A row of managed Cypress forms the eastern and southern boundary, beside a mesh wire fence to the adjacent property. The hedge is well maintained with no gaps. The average height of woody growth estimated from base of stem to the top of the shoots is approximately 4m at the highest point with a width of approximately 1m.</p> <p>A mixed, regularly maintained hedge on the western boundary line consists of yew and cherry laurel.</p> <p>The hedgerows will be retained.</p>	

Figure 3: Hardstanding along the southern boundary of the site.

Figure 4: An example of the Cypress hedge located along the east and south boundary.

<p>r1f 46: - temporary water bodies – ornamental pond</p>	<p>A small manmade pond is located in the centre of the site, surrounded by hard standing and heavily maintained grassland. The pond has no shade cover, with no immediate vegetation surrounding it. The pond measured approximately 1.5m x 1m with a depth of approximately 30cm. The pond was full at the time of survey due to heavy rain. There were no species in the pond, and there was no access out of the water for amphibians to enter and exit.</p>	 <p>Figure 5: The pond located on site with a pond suitability of poor.</p>
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Fauna

Bats

The results of the PRA are provided in Table 5. No evidence of roosting bats was identified during the survey.

Table 5: Assessment of the suitability of the site for bats

Feature	Description		Photographs	
Historical records	EPSL reference	Approx. distance from site	Bat species affected	Impacts allowed by licence
	2020-48553-EPS-MIT	800m to the north-west	Common pipistrelle, soprano pipistrelle and brown long-eared bat	Damage and destruction of a resting place
	EPSM2012-4361	1.2km to the south-east	Common pipistrelle	Destruction of a resting place
	2019-44112-EPS-MIT	1.3km to the south-east	Soprano pipistrelle and brown long-eared bat	Destruction of a resting place
	2014-4781-EPS-MIT	1.65km to the north-west	Common pipistrelle, soprano pipistrelle, serotine and brown long-eared bat	Damage and destruction of a resting place
Bat foraging and commuting habitat	<p>The site is situated in a rural landscape. It contains scattered scrubs and hedgerows which likely provide foraging and commuting opportunities for bats. There are further large trees in the gardens of neighbouring properties and patches of woodland in close proximity to the site, all of which likely provide foraging and commuting opportunities for bats. The woodlands may also provide roosting opportunities.</p> <p>There are interconnected tree lines and hedgerows. These create a network of commuting routes for bats, connecting woodlands and other suitable bat habitats in the surrounding area.</p>		 <p>Figure 6: Hedgerows, scattered trees and shrubs suitable for foraging and commuting habitat.</p>	

B1 – internal  
and external

B1 is a detached timber framed summer house that is used for storage. The roof is lined in bitumen felt which appears in good condition with no gaps suitable for bats to roost. Cladding is made with prefabricated interlocking pieces which come as one secure panel and therefore have no gaps throughout that could provide roosting opportunities for crevice dwelling bats. The bargeboards are well sealed and tight fitting with no gaps.

There is no loft void within B1 (figure 8) and there are exposed timber boards in place which could be suitable for void dwelling bats to roost, however they would be susceptible to fluctuations in temperature. There are multiple windows on B1 which allow high levels of natural light into the building, creating sub optimal conditions for bats.


No evidence of bats was found internally or externally during the survey.  
The proposed plans include the demolition of B1.



Figure 7: A timber shed with glass windows and doors.



Figure 8: The internal of B1.

<p>B2 – internal and external</p>	<p>B2 is a timber garden shed that is used for storage. The roof is lined with bitumen felt which appears in good condition throughout with no gaps. The timber cladding are made with prefabricated interlocking pieces which come as one secure panel and therefore have no gaps throughout that could provide roosting opportunities for crevice dwelling bats. There is no loft void in B1 and there are exposed wooden boards. No evidence of bats was found internally or externally during the survey. The proposed plans include the demolition of B2.</p>	 <p>Figure 9: A timber shed.</p>
<p>B1 and B2 – suitability assessment</p>	<p>In line with Good Practice Guidelines (Collins, J. (Ed) 2016) B1 and B2 are assessed to have negligible habitat value for roosting bats due to the lack of suitable roost features. The cladding was tight fitting with no gaps suitable for crevice bats to roost. No evidence of bats was found internally or externally during the survey.</p>	

Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 6.

Table 6: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	Biological records data																								
Amphibians	<p>A review of the MAGIC database returned no granted EPSL, class license or pond survey records for great crested newts (GCN) within 500m of the site. Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton et al. 2001). There is one small pond located within the centre of the site, with a length of approximately ~1.5m, width of ~1m and a depth of 30m, however the pond is surrounded by heavily maintained grassland which is likely to provide sub-optimal conditions for GCN and allow them to become more vulnerable to predation. A review of aerial imagery indicates that there are no other ponds located within 500m of the site suggesting that there is no connectivity from the pond on site, to other ponds in the area. A HSI was completed of the pond which returned a result indicating poor suitability for great crested newt, reducing the likelihood of GCN being present within the pond. The grassland on the site could provide opportunities for amphibians to commute across but there are no features on the site which could be utilised for shelter or hibernation. There are steep concrete steps from the driveway up to the garden which would prevent GCN and some other amphibians from accessing the site from the adjacent woodland. Given the poor suitability of the pond on site and the lack of ponds within 500m of the site, there is a suitability low risk of any GCN present on site.</p> <p>Further to the above, habitats recorded on site are assessed to provide terrestrial opportunities for common amphibian species including common frogs and common toads. These species have better mobility compared with newts and can travel further distances from breeding sites over suboptimal habitats. The presence of common amphibians on site can also not be discounted.</p>																									
	<table border="1"> <thead> <tr> <th style="background-color: #d9ead3;">SI Description</th> <th style="background-color: #d9ead3;">SI Value P1</th> </tr> </thead> <tbody> <tr> <td>Geographic location</td> <td>1</td> </tr> <tr> <td>Pond Area</td> <td>0</td> </tr> <tr> <td>Pond Permanence</td> <td>0.1</td> </tr> <tr> <td>Water Quality</td> <td>0.1</td> </tr> <tr> <td>Shade</td> <td>0.01</td> </tr> <tr> <td>Waterfowl Effect</td> <td>1</td> </tr> <tr> <td>Fish Presence</td> <td>1</td> </tr> <tr> <td>Pond Density</td> <td>0.8</td> </tr> <tr> <td>Terrestrial Habitat</td> <td>0.33</td> </tr> <tr> <td>Macrophyte Cover</td> <td>0.3</td> </tr> <tr> <td>HSI Score</td> <td>0.47</td> </tr> </tbody> </table>		SI Description	SI Value P1	Geographic location	1	Pond Area	0	Pond Permanence	0.1	Water Quality	0.1	Shade	0.01	Waterfowl Effect	1	Fish Presence	1	Pond Density	0.8	Terrestrial Habitat	0.33	Macrophyte Cover	0.3	HSI Score	0.47
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	HSI Category	Poor	
Reptiles	<p>A review of the MAGIC database did not return any EPSLs for reptiles within 2km of the site.</p> <p>The surrounding landscape is likely to support reptiles due to suitable foraging, commuting and refugia opportunities present within scrub, grassland, and woodland pockets in the wider area. Habitats within the site including managed grassland are suboptimal for supporting reptiles, however, introduced shrubs and hedgerows could provide elevated opportunities for reptiles, albeit small in extent and isolated by intensely managed grassland.</p>		
Badgers	<p>Habitats recorded on site are assessed to provide foraging and commuting opportunities for badgers in the form of the modified grassland shrubs, albeit limited. It is noted that the site provides poor sett building opportunities, due to frequent management and a homogenous topography. No evidence indicating the presence of badgers was recorded during the site survey.</p> <div style="background-color: black; height: 20px; width: 100%;"></div>		
Bats	<p>A review of the MAGIC database has returned four EPSLs for bats within 2km. The closest one is ~0.8km northwest for the damage and destruction of a brown long eared, common pipistrelle and soprano pipistrelle resting place.</p> <p>Habitats recorded at the site are assessed to provide foraging and commuting habitat for bats in the form of modified grassland, hedgerows, scattered shrubs and the pond. These habitats are likely to provide microclimatic condition that attract invertebrate prey species. Furthermore, the hedgerow edge provide linear features to the deciduous woodland adjacent to the north of the site that are likely to be utilised by bats travelling between resources. However, the site is small in extent and enclosed by extensive optimal habitat locally. Although it is acknowledged that foraging and commuting bats are likely to utilise the site for transient periods, the site is not assessed to represent a significant resource in the context of the wider landscape. A PRA has not been undertaken for trees at the site as no trees are proposed to be removed to facilitate the development.</p>		
Hazel Dormouse	<p>A review of the MAGIC database did not return any EPSLs for hazel dormice within 2km of the site.</p> <p>Habitats recorded on site including scattered shrubs and species-poor hedgerows are considered to provide sub-optimal habitat for foraging, commuting, and nest building dormice. Habitats are frequently managed, whereby there is an absence of a three-dimensional habitat structure, and there is a poor coverage of feeding plants such as hazel, bramble, and honeysuckle. However, the site has direct connectivity to extensive woodland coverage in the wider landscape that could support a viable population of dormice. Although the site provides suboptimal nest building, and foraging opportunities, the presence of commuting dormice travelling between woodland sites for transient periods cannot be discounted.</p>		
Hedgehog	<p>Habitats recorded on site are assessed to provide foraging and commuting opportunities for hedgehogs in the form of the modified grassland and shrubs, albeit limited. However, the site does not provide any refuge opportunities and no evidence indicating the presence of hedgehogs was recorded on or within 30m of the site.</p>		

	Although no evidence indicating the presence of hedgehogs was recorded, access to on-site habitats is available for hedgehogs. The future presence of foraging and commuting hedgehogs for transient periods cannot be discounted.
Riparian mammals	A review of the MAGIC database did not return any EPSLs for riparian mammals within 2km of the site. There are no watercourses near the site, the site has no suitable areas for holt creation or foraging and has no connectivity to other habitats for riparian mammals.
Birds	Record from the Wealden Heaths Phase II show that there are schedule I birds within 2km. These include the Dartford warbler, nightjar, and woodlark. Given the small size of the site and type of habitats recorded, the site is not considered suitable to support a significant assemblage of protected and/ or notable bird species. However, habitats recorded on site are assessed to provide nesting opportunities for low numbers of breeding birds including scattered trees, shrubs, and hedgerows could provide abundant foraging and nesting habitat for birds. No bird nests were found during the survey.
Invertebrates	The habitats onsite, including the grassland, scattered trees, hedgerows, and shrubs will all provide suitable habitat for common invertebrate assemblages.

## 4.0 Conclusions, Impacts and Recommendations

### 4.1 Informative Guidelines

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

#### Likelihood of the Presence of Protected Species

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

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

### 4.2 Evaluation

Taking the desk study and field survey results into account, Table 7 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise for the construction of one residential dwelling in the existing garden of Anvil Cottage.

Table 7: Evaluation of the site and any ecological constraints.

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities <sup>1</sup>
Designated sites	<p>There are four statutory sites within 2km of the site, the closest being Bramshott and Ludshott Commons (SSSI) located 1.8km from the site.</p> <p>The presence of non-statutory designated sites within 2km of the site cannot be established without data from the</p>	<p>No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers.</p>	None.	None.

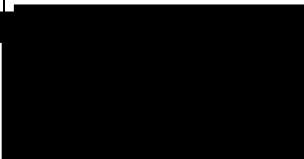
<sup>1</sup> The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	Local Environmental Records Centre.			
Habitats and flora	<p>There are no notable habitats within the site but six habitats are present within 2km of the site, the closest being deciduous woodland located 10m from the site.</p> <p>Habitats within the site are common and widespread and have low ecological value.</p> <p>Rhododendron was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats.	<p>Retained hedgerows should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).</p> <p>Best practice measures to minimise the possibility of pollution must be implemented during construction.</p>	Species-specific enhancement opportunities are detailed later in this table.
Amphibians	The site has a low suitability for amphibians. This is due to the presence of grassland and scrub which could offer limited foraging. The short sward will lower its suitability due to a lack of shelter.	The vegetated garden due to be impacted provides sub-optimal low quality commuting habitat only and does not provide any refuge opportunities. Furthermore, the pond was assessed to provide poor stability to support breeding GCN due to the low HIS and complete lack of vegetation. However, there remains a low risk of injury or harm to GCN and other common amphibians, in the unlikely event they are present for transient periods within the grassland during development works.	<p>Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction, including the following measures:</p> <p>The grassland must be maintained at a short sward (5cm) for the duration of construction to deter reptiles from the working area.</p> <p>Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</p> <p>Best practice pollution prevention measures will be implemented to minimise impacts to</p>	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians:



			<p>nearby aquatic habitats that amphibians could use.</p> <p>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</p> <p>If any common amphibians are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.</p> <p>In the unlikely event that a great crested newt is identified, works must cease and advise must be sought from a suitably qualified ecologist.</p>	<p>Enhancement of the existing pond.</p>
Reptiles	<p>The site has a low suitability for reptiles, due to the presence of short-mown modified grassland and hedgerows which could offer some limited cover and foraging opportunities for reptiles.</p>	<p>Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.</p>	<p>Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <p>The grassland must be maintained at a short sward (5cm) for the duration of construction to deter reptiles from the working area.</p> <p>Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</p> <p>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</p> <p>In the unlikely event that a reptile is identified, works must cease and advise must be sought from a suitably qualified ecologist.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles:</p> <p>Native tree, hedgerow, and shrub planting.</p>
Roosting Bats	<p>Building B1 and building B2 are assessed to provide</p>	<p>The proposed development includes the demolition of both B1 and B2 to make space for the garden of the new dwelling. However, bats are</p>	<p>In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop</p>	<p>The installation of one bat box at the site will provide</p>

	<p>negligible value to support roosting bats.</p>	<p>very unlikely to be roosting within these buildings and as such, there are not anticipated to be any impacts on roosting bats as a result of the demolition of these buildings.</p>	<p>and a bat licensed ecologist contacted for further advice.</p>	<p>additional roosting habitat for bats.                  The bat boxes will be installed mounted on a pole in the remaining garden, or on new dwelling.                  Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light.                  The bat boxes will be a specification suitable for both crevice and void dwelling bats such as NHBS Beaumaris Woodstone Bat Box and NHBS Improved Cavity Bat or a similar alternative brand.</p>
<p>Foraging and commuting bats</p>	<p>Hedgerows could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.</p>	<p>The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats.                   The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.</p>	<p>A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures:                   Light spill on to hedgerows should be avoided.                  Use narrow spectrum light sources to lower the range of species affected by lighting.                  Use light sources that emit minimal ultra-violet light.                  Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature &lt;4,200 kelvin.</p>	<p>None.</p>

			<p>Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal.</p> <p>Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only.</p> <p>External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on.</p> <p>Wall lights and security lights will be 'dimnable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.</p>	
<p>Badger</p>	<p>Although no evidence indicating the presence of badgers was recorded, access to on-site habitats from the wider landscape</p> 	<p>No works will be undertaken within 30m of a badger sett. Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.</p>	<p>Owing to the nature of the proposed development and the low potential for impacts to badgers, further badger surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <p>Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</p> <p>The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use.</p> <p>Any chemicals or pollutants used or created by the development should be stored and</p>	<p>None.</p>

			<p>disposed of correctly according to COSHH regulations.</p> <p>In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.</p>	
Hazel dormouse	No suitable habitats present on site to support dormice. It is not anticipated that dormice are present on the site due to the lack of suitable habitats present.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	Although no evidence indicating the presence of hedgehogs was recorded during the site survey, the future presence of hedgehogs for transient periods cannot be discounted.	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	<p>A precautionary working method will be implemented during construction, including the following measures:</p> <p>The grassland must be maintained at a short sward (5cm) for the duration of construction to deter reptiles from the working area.</p> <p>Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</p> <p>The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use.</p> <p>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</p> <p>If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs:</p> <p>Native tree, hedgerow, and shrub planting.</p> <p>Retention of connectivity to the site through wildlife permeable fencing</p>
Riparian mammals	There are no watercourses near the site, the site has no suitable areas for holt	No impacts are anticipated on otters as a result of the proposed development.	None.	None.

	creation or foraging and has no connectivity to other habitats for riparian mammals.			
Birds	Due to the small size of the site and the extent and type of the habitats recorded, habitats are not considered suitable to support a significant assemblage of protected and/or notable birds. However, habitats recorded on site are assessed to provide nesting opportunities for common species of breeding birds in the form of the hedgerow.	No impacts are anticipated on nesting birds as a result of the proposed development.	None.	The installation of four bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on the new mobile homes. General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications.
Invertebrates	The site is suitable to common species of invertebrates.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	None.

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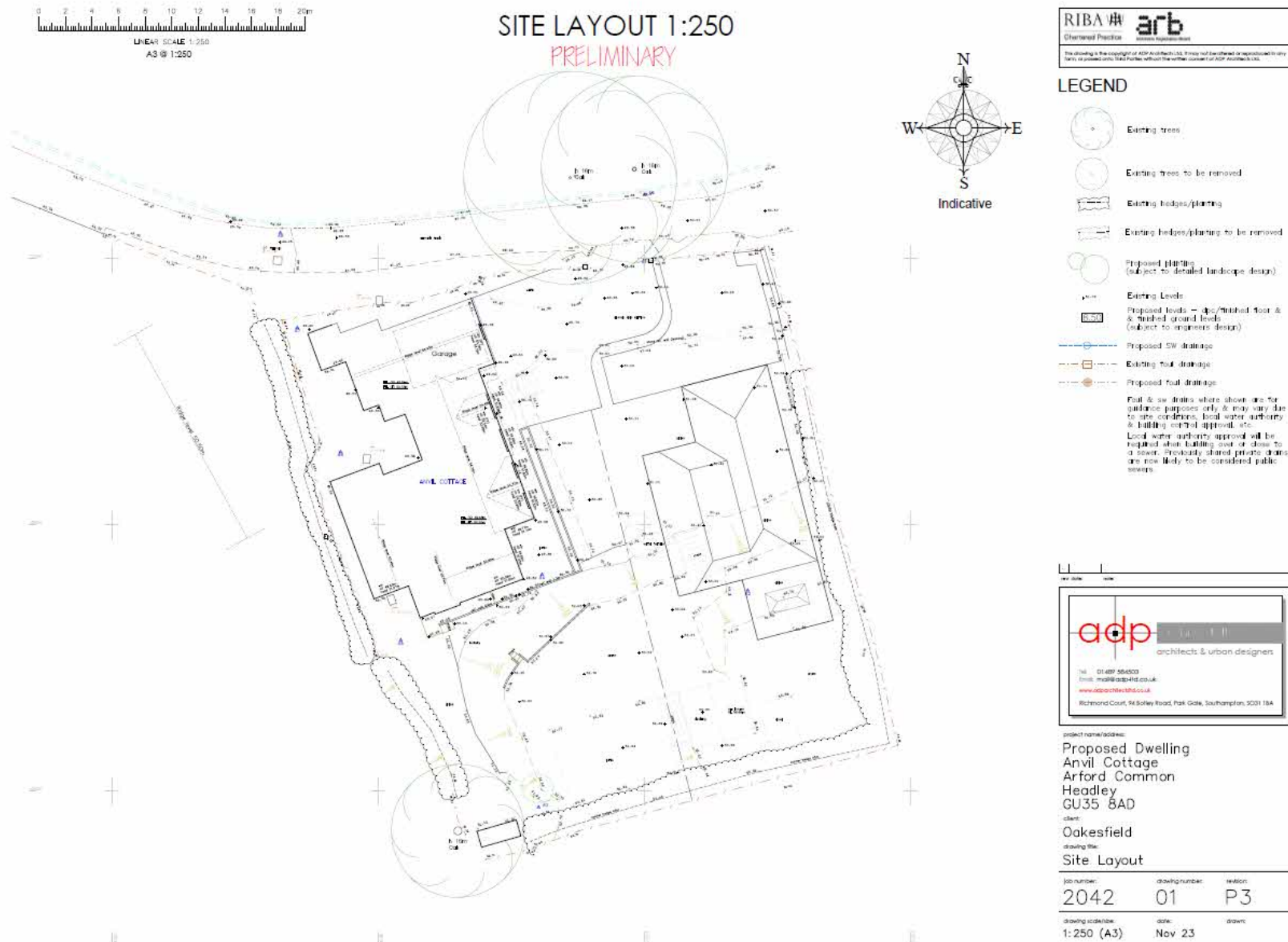
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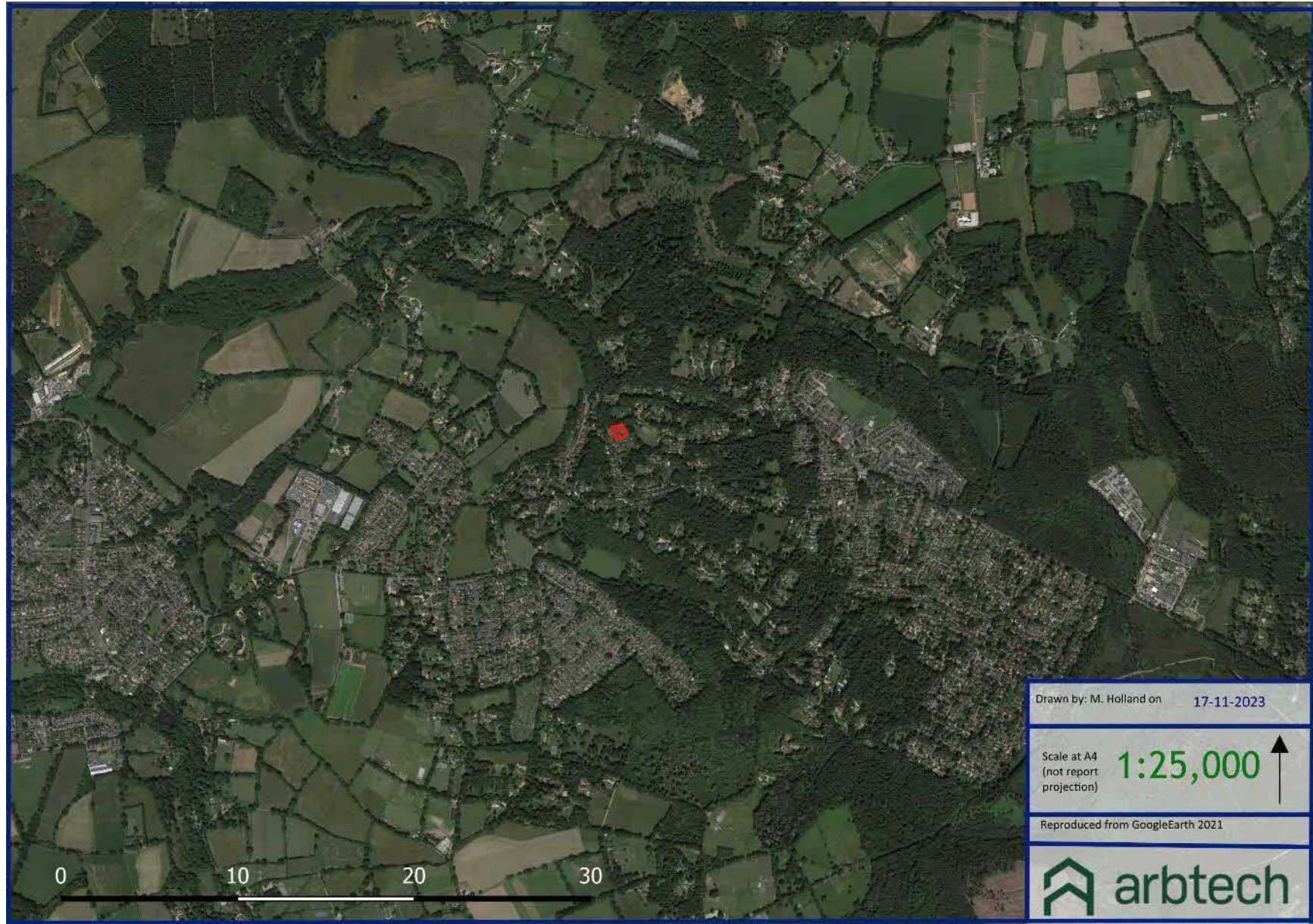
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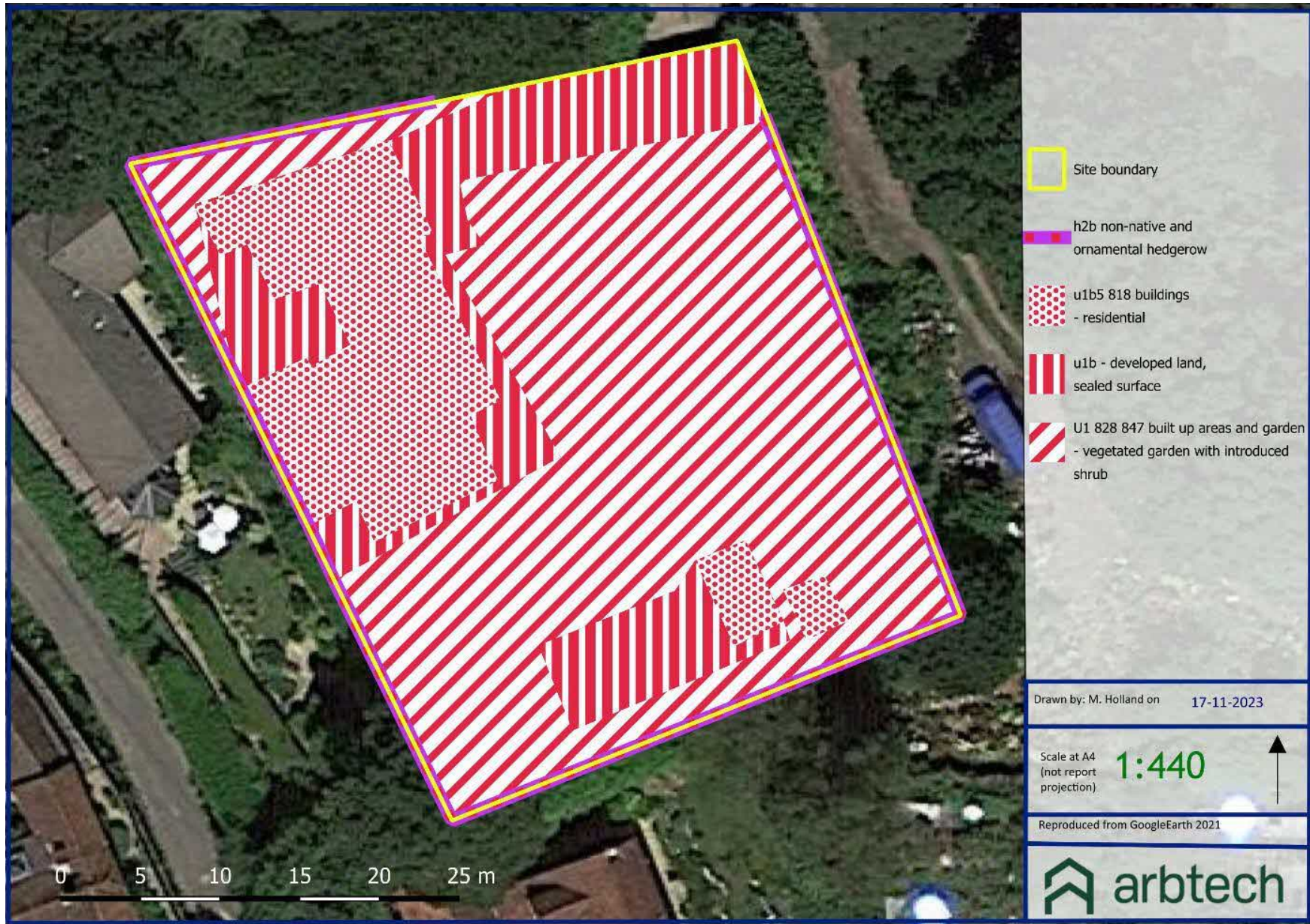
Appendix 1: Proposed Development Plan



### Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



## Appendix 4: Legislation and Planning Policy

### LEGAL PROTECTION

#### National and European Legislation Afforded to Habitats

##### International Statutory Designations

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

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

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

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

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

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

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

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”.

However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites.

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

##### National Statutory Designations

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

#### Local Statutory Designations

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

#### Non- Statutory Designations

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

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

#### The Hedgerow Regulations 1997

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

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

#### National and European Legislation Afforded to Species

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

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

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

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

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

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

Deer Act 1991

Natural Environment & Rural Communities (NERC) Act 2006

Protection of Badgers Act 1992

Wild Mammals (Protection) Act 1996

## Badgers

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

Wilfully kill, injure, take, or attempt to kill, injure or take a badger

Cruelly ill-treat a badger, including use of tongs and digging

Possess or control a dead badger or any part thereof

Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof

Intentionally or recklessly disturb a badger when it is occupying a badger sett

Intentionally or recklessly cause a dog to enter a badger sett

Sell or offers for sale, possesses or has under his control, a live badger

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is not possible to obtain a licence to translocate badgers.

#### Birds

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

- Intentionally kill, injure or take any wild bird

- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built

- Intentionally take or destroy an egg of any wild bird

- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

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

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young

- Intentional or reckless disturbance of dependent young of such a bird

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

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

#### Amphibians and Reptiles

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



Deliberate killing, injuring or capturing of Schedule 2 species

Deliberate disturbance of species in such a way as:

To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

To impair their ability to hibernate or migrate

To affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

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

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

Selling, offering or exposing for sale, possession or transporting for purpose of sale.

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

Intentionally or recklessly kill or injure these species.

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

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

#### Water Voles

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

Intentionally kill, injure or take (capture) water voles

Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection

Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

#### Otters

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

- Deliberate killing, injuring or capturing of Schedule 2 species

- Deliberate disturbance of species in such a way as:

  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

  - To impair their ability to hibernate or migrate

  - To affect significantly the local distribution or abundance of the species

  - Damage or destruction of a breeding site or resting place

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

- Intentional or reckless disturbance (at any level)

- Intentional or reckless obstruction of access to any place of shelter or protection

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

## Bats

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

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

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

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

## EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

## Hazel Dormice

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

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

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

- Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

#### White Clawed Crayfish

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

Protected against intentional or reckless taking

Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

#### Wild Mammals (Protection Act) 1996

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

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

#### Legislation Afforded to Plants

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

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

Intentionally picking, uprooting or destruction of any wild Schedule 8 species

Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof

In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:

Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species

Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

#### Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife.

Species included (but not limited to):

Japanese knotweed *Fallopia japonica*

Giant hogweed *Heracleum mantegazzianum*

Himalayan balsam *Impatiens glandulifera*

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

#### Injurious weeds

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

Spear thistle *Cirsium vulgare*

Creeping thistle *Cirsium arvense*

Curled dock *Rumex crispus*

Broad-leaved dock *Rumex obtusifolius*

Common ragwort *Senecio jacobaea*

#### EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

## NATIONAL PLANNING POLICY

### Environment Act 2021

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

### National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

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

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

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

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

## LOCAL PLANNING POLICY

### EUROPEAN PROTECTED SPECIES POLICIES

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

Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;

Policy 2; provides greater flexibility in the location of compensatory habitat;

Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,

Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

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