

AEWC Ltd

Animal Ecology & Wildlife Consultants

Protected Species Walkover Survey

Locksash Farm

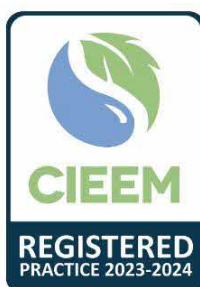
**The Watergate Estate
Locksash Farm
West Marden
PO18 9DZ**

Ivana Murphy

23-201
January 2024

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Summary

AEWC Ltd were commissioned by Batchellor Monkhouse on behalf of their client to undertake a protected species walkover survey at Locksash Farm, The Watergate Estate, West Marden, Chichester PO18 9DZ at grid reference SU 78387 13604 to help inform the proposed development of the site.

This report details the results of the survey, which was carried out on the 23rd January 2024 by Ivana Murphy qualified ecologist, to assess the site for the potential presence of any protected species or species of conservation concern and identify habitats of conservation importance.

The site is approximately 950m² in size and consists of an area of hardstanding which is currently used as parking.

The proposal for the site involves the construction of new farm building. This will involve the removal of the areas of sparse vegetation which have grown within the area of the hardstanding.

The ancient woodland adjacent to the site is a HPI and must be retained intact and no ground works or storage of materials should occur within 15m of this habitat outside of areas of existing hard standing.

The proposed building is to be constructed within the 15m buffer of the ancient woodland; however, the construction is proposed to utilise no-dig methods on an existing area of hard standing and will therefore ensure that there are no likely significant impacts to the tree roots or ancient woodland soils.

The survey did not identify any potential for the habitat within the site to support protected species in addition to other species of conservation importance.

This report has been prepared by AEWCLimited, with all reasonable skill, care and diligence within the terms of the Contract with the client. We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above. This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

The information and data which has been prepared and provided is true and has been prepared and provided in accordance with the 'Guidelines for Preliminary Ecological Appraisal' and 'Code of Professional Conduct' issued by the Chartered Institute of Ecology and Environmental Management (CIEEM). We confirm that the opinions expressed are our true and professional bona fide opinions.

1. Introduction

- 1.1 AEWCLtd were commissioned by Batchellor Monkhouse on behalf of their client to undertake a protected species walkover survey at Locksash Farm, The Watergate Estate, West Marden, Chichester PO18 9DZ to help inform the proposed development of the site.
- 1.2 This survey comprised an ecological walkover survey for all protected wildlife and species of conservation importance, including habitats, and was carried out by a qualified ecologist Ivana Murphy on the 23rd January 2024.
- 1.3 The purpose of this report is to give an assessment as to the presence or potential presence of any protected species, ecological issues and impacts that would be generated by the proposed developments and identify recommendations or further surveys that may be necessary.

2. Background

- 2.1 The proposed development site is located at Locksash Farm, The Watergate Estate, West Marden, Chichester PO18 9DZ at central grid reference SU 78387 13604.
- 2.2 The site is located within a farm and borders an area of ancient woodland. The surrounding landscape comprises a mosaic of agricultural land and woodland blocks. See Figure 1.



FIGURE 1: SHOWING THE SITE LOCATION

2.3 The site is approximately 950m² and comprises an area of hardstanding with small patches of rough grassland which has colonised the hard standing. The area is currently used as parking. See Figure 2.



FIGURE 2: AERIAL VIEW OF THE SITE SHOWING THE SITE BOUNDARY

2.4 The proposed development plan involves construction of new farm building. This will involve the removal of the sparse areas of vegetation which have grown within the area of the hardstanding. The majority of the habitat area on site will be affected by these proposals. See Figure 3.

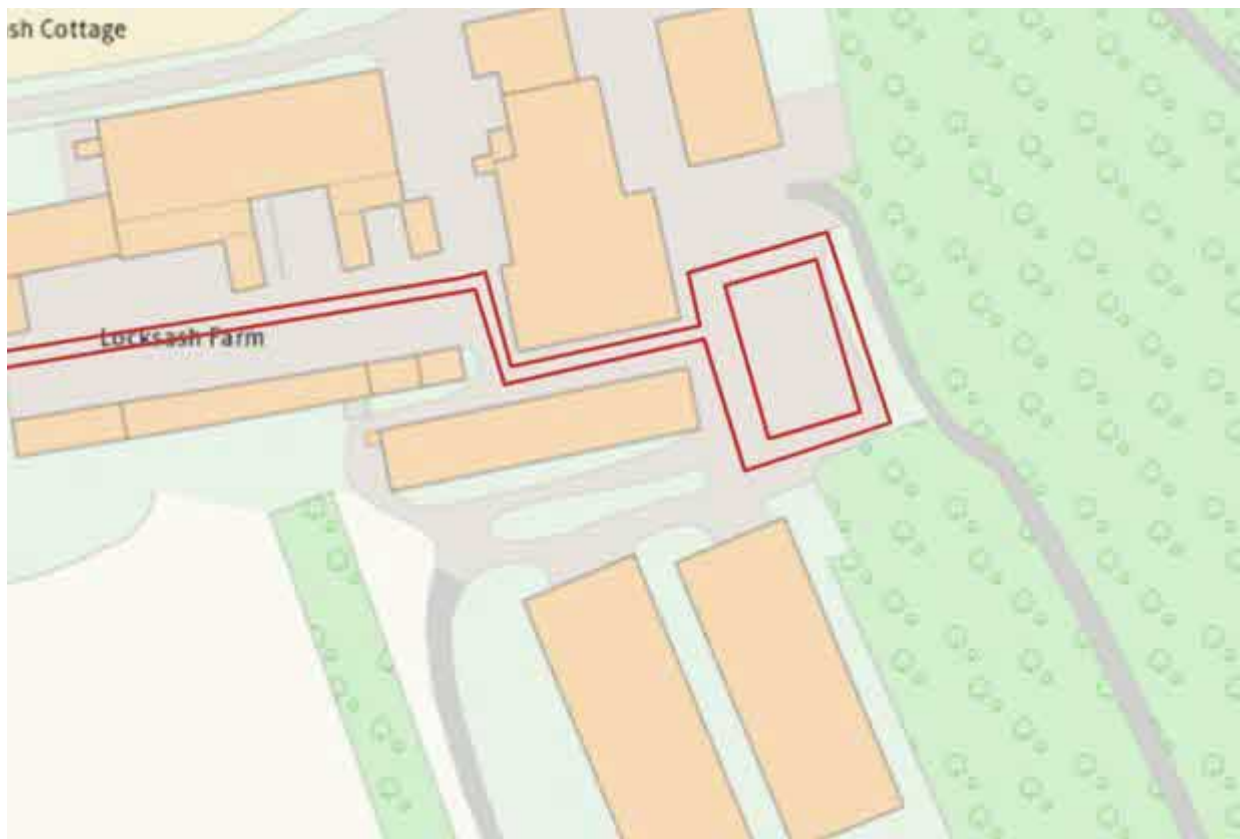


FIGURE 3: PROPOSED PLANS

3. Methods

- 3.1 A daytime ecological walkover assessment was carried out on the 23rd January 2024 to evaluate the site for its potential to support protected species in addition to other species of conservation importance that could be relevant in respect of planning policies.
- 3.2 An assessment was made of habitat suitability in and around the site for those protected species that occur in the region. Obvious signs and incidental sightings of protected species are noted when encountered, but walkover surveys do not usually confirm species presence or absence.
- 3.3 Taking into consideration the geographical region and habitat type, species that could be encountered are;
 - badger;
 - barn owl;
 - bats;
 - breeding birds;
 - great crested newt;
 - hazel dormice;
 - otter;
 - reptiles;
 - water vole;
 - other mammals; and
 - other Species of Principal Importance (SPI) (e.g. hedgehog, stag beetle etc).

- 3.4 In addition, observations of any invasive species, important plant communities, plant species of note, Habitats of Principal Importance (HPI) or other valuable ecological features will be recorded and detailed.
- 3.5 Details of the initial survey method for each species are given below.
- 3.6 **Badger** – an initial assessment was carried out to identify areas that might be used by badgers (*Meles meles*). Signs of badgers including setts, incidental foraging signs, runs, hairs and latrines are recorded if encountered during the survey. Where possible the area within 30m of the site is also searched for badger setts.
- 3.7 **Barn owl** – The buildings were subject to a full external and internal inspection for evidence of use by barn owl, namely live/dead owls, pellets, droppings, feathers, nest debris, nestling fluff and eggs or eggshells.
- 3.8 **Bats** – The site was assessed for bat roosting potential and the surrounding area was assessed for the suitability of the habitat to support bats. Any buildings were examined and assessed for evidence of bats, such as rub marks, staining or droppings or for features that have good potential to be used by bats, such as loft voids, raised tiles, hanging tiles, gaps in soffits and lead flashing cracks, crevices and mortise joints.
- 3.9 Trees were assessed for their potential to be used by bats such as woodpecker holes, splits, cracks and crevices or loose bark plates which can be used as roost features by bats. Such features are noted and examined by using equipment such as a high-powered torch and binoculars, in order to determine their suitability for bats.
- 3.10 **Breeding Birds** - habitats were assessed for their suitability for nesting birds. This would centre on birds that favour hedgerows, areas of longer grassland, scrub, trees as well as buildings.
- 3.11 **Great Crested Newt** - initial surveys centre on identifying suitable habitat within the site. If breeding ponds are present within the locality, then great crested newt (*Triturus cristatus*) could potentially be using the terrestrial habitat on the site. Maps are used to identify any ponds (that are not isolated by unsuitable habitat or physical barriers) within 500 metres of the site. A Habitat Suitability Index (HSI) is used to quantifiably assess whether a pond is suitable, this is undertaken for any onsite ponds during the walkover survey.
- 3.12 **Hazel Dormice** – scrub and areas of dense vegetation are assessed for their suitability for foraging and nesting hazel dormice (*Muscardinus avellanarius*). Favoured berry and nut bearing species such as hawthorn, hazel and bramble were looked for in particular. Additionally, the connectivity of this habitat and to suitable habitat beyond the site is also assessed. If hazel nuts are present a brief search for nuts that have been chewed by hazel dormouse (i.e. displaying the characteristic smooth round hole) was conducted.
- 3.13 **Otter** - initial surveys aim to assess the site for watercourses suitable for otters (*Lutra lutra*). If suitable watercourses are present on site, evidence of otter is searched for.

Signs of otter includes spraints, feeding remains and sightings are recorded if encountered during the survey.

- 3.14 **Reptiles** - the site was assessed for habitat suitable for reptiles, such as long grassland and areas of scrub, with particular attention paid to those features that provide suitable basking areas (e.g. south-facing slopes and walls), hibernation sites (e.g. banks, log piles and piles of rotting vegetation) and opportunities for foraging (e.g. rough grassland and scrub).
- 3.15 **Water vole** - initial survey aims to assess the site for watercourses that may be suitable for water voles (*Arvicola amphibious*). If suitable watercourses are present on site, evidence of water voles is searched for. Signs of water voles includes faeces, latrines, feeding stations, burrows, footprints, runs or pathways and sightings which are recorded if encountered during the survey.
- 3.16 **Other mammals** – any signs of occupancy by other mammals (e.g. Rabbit warrens) are recorded.
- 3.17 **Other Species of Principal Importance (SPI)** – the habitats present on site were assessed for the likelihood of presence for species of regional and national importance.
- 3.18 **Invasive species** - Any invasive plant or animal species identified during the site walkover are recorded.
- 3.19 **Plant species of note** – Any plant species of conservation concern found on the site are recorded.
- 3.20 **Habitats of Principal Importance** - Habitats of Principal Importance within or adjacent to the site (such as arable field margins, traditional orchards, ponds, rivers, wet woodlands) are recorded.
- 3.21 **Other valuable ecological features** - Other ecological features e.g. ancient woodland, veteran trees, bird feeding stations etc, habitat enhancements etc. within or adjacent to the site are recorded.

4. Constraints/Limitations

- 4.1 An initial site assessment such as this is only able to act as a snapshot to record any flora or fauna that is present at the time of the survey. It is therefore possible that some species may not have been present during the survey but may be evident at other times of the year. For this reason, habitats are assessed for their potential to support some species, even where no direct evidence (such as droppings) has been found.

5. Results

Badger

- 5.1 No badger setts were identified present on site. No evidence of badger activity such as latrines, tracks, guard hairs or snuffle holes were observed on or directly adjacent to the site, which would suggest that the site is otherwise used for foraging. It is considered unlikely that any badger setts are present within 30m of the site boundary as no evidence of badger activity was identified during the survey.

Barn owl

- 5.2 The survey did not identify any features suitable for use as roosting or nesting sites for barn owls.

Bats

- 5.3 There are no buildings or trees within the site.
- 5.4 The woodland along the site boundaries provides good foraging, commuting and roosting habitat for bats and provides connectivity between habitats within the surrounding area.

Breeding birds

- 5.5 The survey did not identify any suitable habitat within the site for nesting birds.

Great Crested Newt (GCN)

- 5.6 The site is considered to have no potential to support terrestrial GCN, there are no ponds recorded within the site boundary and no suitable terrestrial habitat for GCN.
- 5.7 The Ordnance Survey map available via MAGIC was reviewed for ponds within the accepted dispersal distance of 500m that are not separated from the site by significant barriers to dispersal such as main roads. Two ponds were found occurring in all directions, the closest pond is located 240m south of the site.



FIGURE 4: WATERBODIES WITHIN 500M OF THE SITE

Hazel dormice

- 5.8 The site is considered to have negligible potential to support hazel dormice due to the lack of suitable habitat and edible plant species.
- 5.9 The woodland and dense scrub adjacent to the site is considered to have suitability to support hazel dormouse as it offers foraging opportunities and is well connected to adjacent suitable habitat.

Otter

- 5.10 No evidence of otters (spraint, footprints or feeding signs) were noted during the walkover survey. There was little in the way of scrub habitat, fish or other features providing suitable habitat for otters.

Reptiles

- 5.11 The woodland and scrub adjacent to the site provides suitable foraging habitat for common reptiles such as slow worms, common lizards, and grass snakes.
- 5.12 The site did not contain any areas of grassland, scrub, or suitable features suitable for reptiles.

Water vole

- 5.13 Negligible potential habitat for water voles was present on the site and, as such, no evidence was recorded.

Other Mammals

- 5.14 No evidence of other mammals was recorded within the site.

Other Species of Principal Importance

- 5.15 There is no potential for the site to support SPI.

Invasive species

- 5.16 No invasive species of note were identified.

Plant species of note

- 5.17 No plant species of note were identified.

Habitats of Principal Importance

- 5.18 Ancient woodland HPI borders the site. On MAGIC the site is designated as having an area of ancient woodland, however the survey identified that the site does not hold any characteristics of ancient woodland, and it is considered likely that it has not contained woodland habitat for a substantial amount of time. Google Earth Satellite imagery of the site was reviewed, however clear images of the area were not available to identify when the site last contained woodland.

Photograph 1: view of site from south boundary	Photograph 2: Area of grassland at south end of site
	
Photograph 3: East boundary of site and adjacent woodland	Photograph 4: Adjacent scrub and woodland at south boundary

6. Conclusions & Recommendations

6.1 In line with Natural England’s Standing Advice, where further survey for protected species is recommended these should be conducted prior to submitting a planning application and appropriate mitigation measures be incorporated into the development design.

Badger

6.2 The survey did not identify any evidence of badgers on the site, and it is considered unlikely that there is a sett present within 30m. No further surveys for badgers are considered necessary.

6.3 As badgers could potentially be present in the wider area, good building practice should be followed to prevent animals from becoming trapped, such as covering trenches at night or providing a ramp to allow animals to escape.

Barn owl

6.4 The survey did not identify any evidence of barn owls on the site or suitability for nesting or roosting by this species, therefore no further surveys are required.

Bats

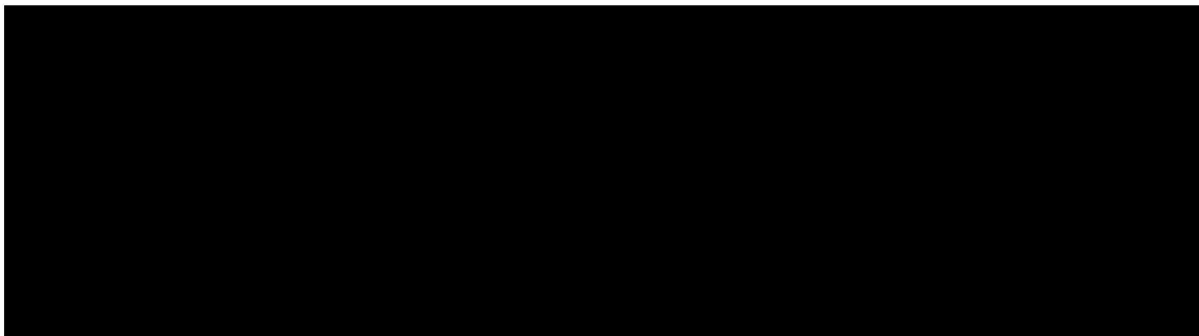
- 6.5 The survey identified negligible potential for bats within the site, therefore no further surveys for bats are required.
- 6.6 Lighting can have notable negative impacts on commuting bats, that are known to be present locally. There is potential for lighting during and post-development to cause indirect disturbance in these areas. Lighting around the building and facing the woodland should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time.

Breeding birds

- 6.7 Vegetation removal must be undertaken outside the breeding bird period from March to August. Should any vegetation clearance be scheduled to take place between the beginning of March and the end of August, this must be immediately preceded by a survey to check for nesting birds. No vegetation can be cleared whilst a nest is occupied, regardless of species.

Great Crested Newt (GCN)

- 6.8 Based on the area of the site to be impacted and the location of the nearest water bodies to the site a Rapid Risk Assessment calculation carried out for the site identifies that if breeding GCN are present in ponds identified within 500m of the site and in the absence of mitigation there is no likely offence.



Guidance on risk assessment result categories

"**Green: offence highly unlikely**" indicates that the development activities are of such a type, scale and location that it is highly unlikely any offence would be committed should the development proceed. Therefore, no licence would be required. However, bearing in mind that this is a generic assessment, you should carefully examine your specific plans to ensure this is a sound conclusion, and take precautions (see **Non-licensed avoidance measures tool**) to avoid offences if appropriate. It is likely that any residual offences would have negligible impact on conservation status, and enforcement of such breaches is unlikely to be in the public interest.

FIGURE 5: RAPID RISK ASSESSMENT OF THE SITE

- 6.9 Due to the lack of suitable habitat on site and the results of the rapid risk assessment the site is considered unlikely to be used by GCN and therefore no further surveys or mitigation for this species is required.

Hazel dormice

- 6.10 The site is considered unlikely to be used by hazel dormouse and therefore no further surveys for this species are required.

Otter

- 6.11 The site is considered unlikely to be used by otter and therefore no further surveys.

Reptiles

- 6.12 The site provides a small amount of habitat for reptiles such as the small areas of rough grassland; however, the areas are very small and are isolated from each other and surrounding habitat by buildings and hard standing.
- 6.13 Any areas of suitable vegetation should be gradually cut down and maintained as a short sward to discourage movement of reptiles into the site.

Water vole

- 6.14 The site is considered unlikely to be used by water vole and therefore no further surveys for this species are required.

Other Mammals

- 6.15 Site clearance work must be undertaken carefully (by hand if necessary) to avoid harming mammals on site.

Invasive species

- 6.16 No invasive species were recorded and therefore no further action is required.

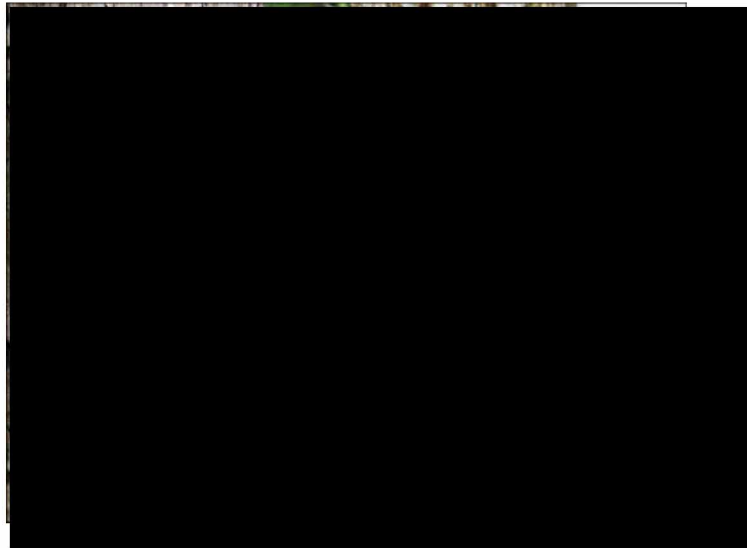
Habitats of Principal Importance

- 6.17 **The ancient woodland adjacent to the site is a HPI and must be retained intact and no ground works or storage of materials should occur within 15m of this habitat outside of areas of existing hard standing.**
- 6.18 The proposed building is to be constructed within the 15m buffer of the ancient woodland; however, **the construction is proposed to utilise no-dig methods on an existing area of hard standing and will therefore ensure that there are no likely significant impacts to the tree roots or ancient woodland soils.**
- 6.19 **Measures must be implemented to ensure that works are carried out in such a way to prevent pollution from running off into the woodland areas. Heras fencing, or similar, must be installed around the site, in line with tree root protection zones to prevent materials from being stored within the woodland and to prevent ingress by works machinery and staff and thereby prevent trampling and damage to the ancient woodland.**

Species Enhancement

Bats

- 6.20 **To increase the availability of potential roosting sites, two bat boxes will be installed on suitable trees near the site within the wider ownership boundary.** These will comprise of a mix of Schwegler 1FF bat box (below left, suitable for pipistrelle bats *Pipistrellus sp.*) and a Schwegler 2F bat box (below right, suitable for long-eared bats *Plecotus sp.*), or similar bat boxes.
- 6.21 Bat boxes must be woodcrete or similar hard-wearing material (rather than the less durable wooden boxes) and several boxes should be put up on a single tree facing in different directions to provide a range of conditions. They should be at least 4m above the ground (where safe installation is possible) and sheltered from strong winds and exposed to the sun for part of the day (usually south or south-west).



Birds

6.22 To provide additional nesting opportunities for birds, at least four bird boxes will be installed on suitable trees near the site within the ownership boundary.

6.23 Bird boxes will comprise a mix of traditional 32mm round-holed (below left: which are suitable for tits, sparrows, redstarts and nuthatches) and open-fronted boxes (below right: these are suitable for pied wagtails, robins and wrens) and must be woodcrete or similar hard wearing material (rather than the less durable traditional wooden boxes).

6.24 Boxes should be installed with an aluminium nail or screw to prevent tree damage between 2m and 4m above ground for round-holed and low down, well hidden in vegetation for open-fronted boxes and (unless shaded by buildings or trees) be facing north or east.



Appendix 1 – Survey timetable

S species	S urvey	Jan	Feb	Mar	A pr	May	Jun	Jul	A ug	S ep	O ct	N ov	D ec	
B adger	Bait marking & sett search	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	
B ats	Roost assessments	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	
	Ground level tree assess	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	
	E mergence and activity	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season	Outside survey season	
	H ibernation	Optimal	Optimal	Optimal	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal
	T rapping	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Outside survey season	Outside survey season	Outside survey season
B irds	Wintering	Optimal	Optimal	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	
	B reeding	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Outside survey season	Outside survey season	Outside survey season	Outside survey season	
Great crested newt	H S I	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	
	eD N A	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	
	Presence/absence & popn	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	
	Refugia	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Outside survey season	Outside survey season	Outside survey season
Hazel dormouse	T ube	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Outside survey season	
	Nut search	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	
O tter	Field signs	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	
Reptiles	Refugia & search	Outside survey season	Outside survey season	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Outside survey season	Optimal	Sub-optimal	Outside survey season	Outside survey season	
Water vole	Field signs	Outside survey season	Outside survey season	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season	
Invertebrates	Presence & communities	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Outside survey season	Outside survey season	Outside survey season	
Vegetation	Phase 1 habitat & NVC	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	
	Optimal													
	Sub-optimal													
	Outside survey season													

Appendix 2 – Legal protection

General

This section briefly describes the legal protection afforded to protected species. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation but summarises the salient points.

Badger

Badgers are protected under the *Protection of Badgers Act 1992*. Under this legislation it is an offence to kill or injure a badger, to damage, destroy or block access to a badger sett, or to disturb badger in its sett. The Act also states the conditions for the protection of badger's licence requirements.

Barn Owl

Barn owls are listed on *Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)* which makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- take, damage or destroy the nest while that nest is in use or being built;
- take or destroy the egg;
- disturb them while they are in, on, or near a nest containing eggs or young, or to disturb their dependent young;
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

The penalty for an offence involving a barn owl, its nest, or egg, includes a fine of up to £5,000, or up to six months imprisonment, or both, per bird, nest or egg.

Bats

All species of bats are listed on *Schedule 5 of the Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

A roost is defined as 'any structure or place which a bat uses for shelter or protection'. As bats tend to reuse the same roosts, legal opinion is that a roost is protected whether or not bats are present.

Furthermore, seven bat species (barbastelle, bechstein's, noctule, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe) are also Species of Principal Importance in England under *Section 41 of the Natural Environment and Rural Communities Act 2006*.

Breeding Birds

All species of wild bird are protected under Section 1 of the *Wildlife and Countryside Act 1981 (as amended)*. Protection was extended by the *Countryside and Rights of Way (CRoW) Act 2000*. Under the above legislation, it is an offence to intentionally:

kill, injure or take any wild bird;

take, damage or destroy the nest of any wild bird while that nest is in use or being built; or

take or destroy an egg of any wild bird.

Certain species are listed on *Schedule 1* of the *Wildlife and Countryside Act 1981 (as amended)* and receive protection under *Sections 1(4) and 1(5)*. There are special penalties where the offences listed above are committed for any *Schedule 1* species and it is also an offence to intentionally or recklessly:

disturb any such bird when it is building its nest or while it is in or near a nest containing dependant young; or

disturb the dependant young of any such bird.

Amphibians

Natterjack toad, northern pool frog and great crested newt are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

intentionally kill, injure or take (capture etc.);

possess;

intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and

sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Palmate newts and smooth newts are also afforded protection against sale only under *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*.

Natterjack toad, common toad, great crested newt and northern pool frog are also Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Hazel dormouse

Hazel dormouse is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

intentionally kill, injure or take (capture etc.);

possess;

intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and

sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Hazel dormouse is also a Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Otter

Otter is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Otter is also a Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Reptiles

Common lizard (*Lacerta vivipara*), grass snake (*Natrix helvetica*), slow worm (*Anguis fragilis*), and adder (*Vipera berus*) are listed under *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, in respect of *Section 9(5)* and part of *Section 9(1)*. This protection was extended by the *Countryside and Rights of Way (CRoW) Act 2000*. Under the legislation, it is an offence to:

- intentionally or deliberately kill or injure any individual of these species; or
- sell or attempt to sell any part of these species either alive or dead.

Smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

All UK reptile species are Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Water vole

Water vole (*Arvicola amphibious*) is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. This makes it an offence to:

- capture, kill or injure;
- damage, destroy or block access to a place of shelter;
- disturb whilst in a place of shelter or possessing, and

sell any part of a water vole, dead or alive.

Other Mammals

All mammals receive some protection under the *Wild Mammals (Protection) Act 1996*, which makes it an offence to crush or asphyxiate an animal (e.g. within its burrow).

Species and Habitats of Principal Importance

Section 41 of the Natural Environment and Rural Communities (NERC) (2006) requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list has 56 Habitats of Principal Importance and 943 species of principal importance listed and has been drawn up in consultation with Natural England.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under *Section 40 of the Natural Environment and Rural Communities Act 2006*, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Invasive species

It is an offence to plant, or otherwise cause to grow in the wild non-native plant species listed under *Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)*, for which *Section 14* of the Act applies. These include, but are not limited to:

- Himalayan balsam
- Cotoneaster sp.
- Japanese knotweed
- Giant hogweed.

Ancient woodland

The National Planning Policy Framework (2012) states that ‘*Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*’. In addition, Natural England’s standing advice for ancient woodland states that *an appropriate buffer zone of semi-natural habitat [be in place] between the development and the ancient woodland (depending on the scale and impact of development), a minimum buffer should be at least 15 metres to avoid root damage and at least 50m for pollution or trampling*”.

Ancient woodlands, and ancient and veteran trees, may also be protected by Tree Preservation Orders.

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