



7 Fryern Court, Fordingbridge

Preliminary Ecological Appraisal

Prepared on behalf of Margaret Barr

March 2024

Town Planning | Architecture | Urban Design | Ecology

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**7 Fryern Court
Ecology 8459
Version 02**

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1.0 Executive Summary

- 1.1 The Client is proposing to develop the site at 7 Fryern Court, Fordingbridge. Pro Vision Ecology were commissioned in February 2024 to provide the ecological assessment of the habitats on site to inform development designs.
- 1.2 The ecological appraisal comprised a desk study of existing ecological data in relation to the site, and an assessment of the sites habitats and suitability to support protected species within the application site.
- 1.3 The site comprises a residential building, four outbuildings including two large barns and two wooden sheds, as well as a vegetated garden, hardstanding, mixed and ornamental scrub and an ornamental hedgerow.
- 1.4 The site lies within the River Avon SAC catchment and within the New Forest SAC mitigation plan area. The development will need to mitigate for the increase in wastewater as well as the increase in recreational pressure to these designated sites respectively. Further details regarding this are provided in **Section 5.0**.
- 1.5 The buildings on site were assessed for their potential to support roosting bats. The main residential building was assessed as having **low potential** to support roosting bats; however, this building is due to be retained under the current development proposals and it is considered further surveys are not required. The remaining buildings were assessed as having negligible potential or no potential to support roosting bats and will not require further survey.
- 1.6 The two fruit trees located close to the eastern site boundary both contain Potential Roosting Features (PRFs). These should be felled under a precautionary working methodology. This is provided in **Section 5.0**.
- 1.7 The site provides potential commuting and foraging habitat for the local bat population. Further recommendations have been provided in **Section 5.0** to ensure bats can continue to utilise the site post development.
- 1.8 The trees, scrub, and the vegetation encroaching on B3 provide foraging and nesting opportunities for common bird species. It is recommended that any vegetation clearance or building demolition should avoid the bird nesting season (1st March – 31st August) unless inspection by an ecologist concludes that there are no nesting birds present immediately prior to the commencement of works. If the presence of nesting birds is confirmed, any works which may disturb them will be delayed until the young birds have fledged the nest of their own accord. Details regarding this are provided in **Section 5.0**.
- 1.9 The development will provide ecological enhancements in line with national and local planning policy to secure net gains on the site. Details regarding this are provided in **Section 5.0**.

2.0 Introduction

Project Background

- 2.1 Pro Vision Ecology were commissioned in February 2024 to carry out a Preliminary Ecological Appraisal (PEA) of the land at 7 Fryern Court, Fordingbridge, SP6 1NG. For the site location refer to **Appendix A**. Proposed plans are provided in **Appendix B** and include the demolition of the outbuildings on site and the construction of two residential dwellings. The existing residential building on site will not be impacted by the proposals.
- 2.2 This report describes the current ecological baseline of the site based on the findings of the ecological assessment and provides information for further survey requirements and potential mitigation on the site.

Brief

- 2.3 To carry out a PEA of the land within the site boundaries, to inform the Client of any further survey work required and of the ecological implications of their proposals.

Relevant Legislation and Planning Policy

- 2.4 The key legislative provisions of relevance to this report with respect to the development proposals and their potential effects on ecological features are listed below:
- The Conservation of Habitats and Species Regulations 2017
 - The Wildlife and Countryside Act 1981 (as amended)
 - The Natural Environment and Rural Communities (NERC) Act 2006
 - The Protection of Badgers Act (1992)
- 2.5 The UK Biodiversity Action Plan (BAP) was the Governments response to the 1992 Convention on Biodiversity (The Rio Convention), with the aim of halting the loss of biodiversity in the UK. The new UK post-2010 Biodiversity Framework replaced the previous BAP and is the government's response to the new strategic plan on the United Nations Convention on Biological Diversity (CBD). Although the UK post-2010 Biodiversity Framework supersedes the UK BAP, the UK BAP lists of priority species and habitats still remain an important reference source for identifying habitats and species of principal importance within the UK. Within England, Section 41 of the NERC Act (2006) lists species and habitats of principal importance for the conservation of biodiversity.
- 2.6 The Government has set out its policies for the protection and enhancement of biodiversity through the planning system in the National Planning Policy Framework Section 15 (NPPF, 2023).
- 2.7 The site at 7 Fryern Court is covered within New Forest District Council.
- 2.8 The New Forest District Council Local Plan 2016-2036 Part 1: Planning Strategy includes Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites, which states:
1. Except as provided for in the first paragraph of Saved Policy DM2: Nature Conservation, Biodiversity and Geodiversity, development will only be permitted where the Council is

satisfied that any necessary mitigation, management or monitoring measures are secured in perpetuity as part of the proposal and will be implemented in a timely manner, such that, in combination with other plans and development proposals, there will not be adverse effects on the integrity of any of the following International Nature Conservation sites:

- The New Forest Special Area of Conservation (SAC), the New Forest Special Protection Area (SPA) and the New Forest Ramsar site;
 - The Solent Maritime SAC, Solent and Isle of Wight Lagoons SAC, the Solent and Southampton Water SPA, and the Solent and Southampton Water Ramsar site;
 - The River Avon SAC, Avon Valley SPA and Ramsar site; and
 - The River Itchen SAC.
2. For residential development and the provision of overnight visitor accommodation adverse effects can be adequately mitigated by implementing approved measures relevant to the site location, including as set out in the Mitigation for Recreational Impacts SPD and in the Solent Recreation Mitigation Strategy, and in supplementary guidance on nutrient management.
 3. For non-residential developments, the requirement for mitigation will be considered on case-by-case basis with regard to the nature, scale and location of the proposed use.
 4. The approved mitigation measures for residential developments currently include:
 - i. For developments providing 49 or fewer net additional units of residential accommodation, financial contributions towards the provision of recreational mitigation measures as set out below and in the Mitigation for Recreational Impacts SPD:
 - (a) Projects for the provision of alternative natural recreational green spaces and recreational routes: new or improved open space and recreational routes of a quality and type suitable to attract residents of new development within the Plan Area who might otherwise visit the International Nature Conservation sites for recreation; and
 - (b) Access and Visitor Management: measures to manage the number of recreational visits to the New Forest and Solent Coast International Nature Conservation sites; and to modify visitor behaviour within those sites so as to reduce the potential for harmful recreational impacts; and
 - (c) Monitoring of the impacts of new development on the International Nature Conservation sites and establishing a better evidence base: to reduce uncertainty and inform future refinement of mitigation measures.
 - ii. For developments of 50 or more net additional residential dwellings:
 - (a) Direct provision by the developer of at least eight hectares of natural recreational greenspace per 1,000 population located on the development site or directly adjoining and well connected to it; and
 - (b) A financial contribution towards Access and Visitor Management and Monitoring as set out above at i(b) and i(c).
 - iii. Additionally for all residential developments within 5.6km of the Solent and Southampton Water SPA, as shown on Figure 5.1, a financial contribution is required towards a Solent-

wide programme of visitor management, monitoring and development mitigation projects.

- iv. Additionally for residential developments and the provision of overnight visitor accommodation draining or discharging wastewater to the River Avon in relation to phosphate neutrality or to the Solent and Southampton Water in relation to nitrogen neutrality, a financial contribution or other appropriate mechanisms to achieve nutrient-neutral development.
- v. Additionally for all residential developments, a financial contribution towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

2.9 The New Forest District Council Local Plan Part 2: Sites and Development Management, adopted in in 2014, includes the policy DM2: Nature conservation, biodiversity and geodiversity, which states:

Policy DM2: Nature conservation, biodiversity and geodiversity

Development proposals which would be likely to adversely affect the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site will not be permitted unless there is no alternative solution and there are imperative reasons of overriding public interest which would justify the development.

Development proposals within or outside a Site of Special Scientific Interest (SSSI) which would be likely to adversely affect the site will not be permitted unless the benefits of the development outweigh both the adverse impacts on the site and any adverse impacts on the wider network of SSSIs.

Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance (including Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological/Geomorphological Sites (RIGGS), and habitats of species of principal importance for biodiversity) will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.

Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity.

Where development is permitted, the local planning authority will use conditions and/or planning obligations to minimise the damage, provide mitigation and site management measures and, where appropriate, compensatory and enhancement measures.

Development will not be permitted which would adversely affect species of fauna or flora that are protected under national or international law, or their habitats, unless their protection can be adequately secured through conditions and/or planning obligations.

3.0 Methodologies

Desk Study

- 3.1 The desk study methodology is based upon guidelines set out by the Chartered Institute of Environmental and Ecological Management (CIEEM, 2017). A data-gathering exercise was undertaken to obtain any available information relating to statutory and non-statutory nature conservation sites and protected species (**Table 1**).

Table 1: Summary of information sources used for the Desk Study

| Organisation / Source | Information Sought |
|--|---|
| Hampshire Biodiversity Information Centre (HBIC) | Records of the presence of key protected and notable species and non-statutory wildlife sites within one kilometre of the site. |
| MAGIC | Locations of and citations for all national statutory wildlife sites, including SSSI, within two kilometres and all international sites including SAC, SPA or Ramsar sites within five kilometres of the site. Records of EPSM licences and class licence returns within two kilometres. |
| Ordnance Survey Maps | Large scale habitat information and identification of off-site habitats which may require consideration (such as ponds) within 500m. |

Ecological Assessment

Habitats

- 3.2 A site visit was undertaken on the 29th February 2024 by ecologist Jake Purchase in cloudy and wet weather conditions, with light wind and an ambient temperature of 9°C. The survey employed techniques based on the UK Habitat Classification System.
- 3.3 The collection of botanical information focused on the dominant and/or key indicator species for each habitat, to allow allocation of habitats to hierarchy levels 3 and/or 4 and where relevant to identify any priority habitats which are present on site.
- 3.4 Any habitats identified as having potentially high botanical value will be subject to further botanical surveys, if deemed necessary.

Constraints

- 3.5 The survey was undertaken in February and outside the optimum time to conduct botanical work. Therefore, some species are likely to have been missed but a suitable assessment of the habitats has been possible for the purpose of this application.

Protected species

3.6 The PEA included an assessment of the potential for habitats on or immediately adjacent to the site to support legally protected or conservation-notable species. The location and nature of any signs of the presence of protected species (such as droppings, footprints, burrows, etc.) were documented and mapped accordingly. Indicative survey methods for protected species are outlined below.

Badgers (Meles meles)

3.7 The site and where possible 30 metres outside the site boundary was assessed for its suitability to support badgers. A direct search was undertaken for evidence of badgers. Evidence includes

- Active or disused setts;
- Diggings;
- Latrines / dung pits;
- Foraging ('snuffle holes');
- Footprints; and
- Badger hairs.

Bats

3.8 A preliminary roost assessment was undertaken by Jake Purchase during the PEA. During the survey any evidence of bats such as droppings, urine staining, claw marks, feeding remains or bats themselves were recorded. An assessment of the potential of the building to support roosts was then made in line with Bat Conservation Trust (BCT) guidelines (2023) shown in **Table 2** below.

Table 2: Assessment of foraging/commuting habitat

| Suitability | Criteria |
|-------------|---|
| None | No features on site likely to be used by any roosting bats at any time of the year |
| Negligible | No obvious features on site likely to be used by bats |
| Low | A structure with one or more potential roost sites that could be used by individual bats opportunistically. |
| Medium | A structure with one or more potential roost sites due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation significance. |
| High | A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts. |

3.9 The majority of bat species roost within trees. Therefore, an assessment of trees recorded on site was undertaken identifying any Potential Roost Features (PRFs). The assessment was undertaken from the ground looking for features which may support bats such as cavities, crevices, and peeling bark. The assessment was based on BCT guidelines (Collins, 2023) shown below in **Table 3**.

Table 3: Guidelines for assessing the suitability of trees to support bat roosts

| Suitability | Criteria |
|-------------|---|
| None | No PRFs on the tree or highly unlikely to be any present. |
| FAR | Further assessment required to establish if PRFS are present in the tree. |
| PRF | A tree with at least one PRF present |

3.10 Where suitable features PRF's were identified, and could be viewed by torchlight the PRF's were classified in accordance with BCT guidelines (Collins, 2023) shown below in **Table 4**.

Table 4: Potential of trees to support bat roosts

| Suitability | Criteria |
|-------------|---|
| PRF-I | PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitat |
| PRF-M | PRF is suitable for multiple bats and may therefore be used by a maternity colony. . |

3.11 Bats use features in the landscape to navigate and also habitats may provide key foraging areas. Foraging and commuting habitat was assessed based on BCT guidelines (Collins, 2023) shown in **Table 5** below.

Table 5: Assessment of foraging/commuting habitat

| Suitability | Criteria |
|-------------|--|
| None | No habitat features on site likely to be used by any commuting or foraging bats at any time of the year |
| Negligible | No obvious habitat features on site likely to be used as flight paths or by foraging bats |
| Low | Suitable but isolated habitat that could be used by small numbers of bats |
| Medium | Continuous habitat connected to the wider landscape that could be used by bats |
| High | Continuous high-quality habitat that is well connected to the wider landscape and is likely to be regularly used bats. |

Birds

- 3.12 Any habitat features, for example, scrub and trees, which could potentially be used by nesting birds, were surveyed and any nesting activity was noted. The habitat was also assessed regarding its potential for bird activity.

Great Crested Newts (Triturus cristatus)

- 3.13 Ponds within the vicinity of the site were noted and the potential of the land to act as a commuting route, shelter or foraging resource for great crested newts was assessed.

Hazel dormouse (Muscardinus avellanarius)

- 3.14 An assessment of the suitability of the habitat to support hazel dormouse was undertaken in accordance with The Dormouse Conservation Handbook (Bright *et al*, 2006). Any small mammal feeding signs were checked and assessed, including:
- Examination of hazel nuts; and
 - Evidence of nest building.

Invasive species

- 3.15 During the survey any invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were noted

Invertebrates

- 3.16 An assessment was undertaken to assess the potential of the habitats recorded on site to support diverse communities of invertebrates, or any Biodiversity Action Plan (BAP) species. The assessment was based on the presence of a number of habitat features which may support important invertebrate communities such as:
- An abundance of deadwood;
 - Presence of diverse plant communities;
 - Presence of varied woodland structure and sunny woodland edge;
 - Presence of ponds or watercourses; and
 - Presence of free draining soil exposures.

Reptiles

- 3.17 Habitat features that could be suitable as hibernacula, foraging or basking areas were noted. Extant refugia were lifted and examined for evidence of reptiles, including sloughs (shed skins).

4.0 Results

Designated sites

Statutory Designated Sites

4.1 The data search returned three records of international statutory sites within five kilometres of the site boundary. The international statutory sites were designated as Ramsar, Special Areas of Conservation (SAC) and Special Protection Areas (SPA). The international statutory sites are:

- **River Avon (SAC):** the River Avon is a large lowland river system designated for its watercourses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation. Annex II species present include Desmoulin's Whorl snail (*Vertigo moulinsiana*), sea lamprey (*Petromyzon marinus*), brook lamprey (*Lampetra planeri*), Atlantic salmon (*Salmo salar*) and bulhead (*Cottus gobio*). This site lies 0.8 kilometres to the east of the proposed development.
- **New Forest (SAC):** the primary reason for this sites designation is the presence of the following Annex I habitats: oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*); oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletalia uniflorae* and/or of the Isoeto-Nanojuncetea; northern Atlantic wet heaths with *Erica tetralix*; european dry heaths; molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*); depressions on peat substrates of the Rhynchosporion; Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (*Quercion robori-petraeae* or *Ilici-Fagenion*); Asperulo-Fagetum beech forests; old acidophilous oak woods with *Quercus robur* on sandy plains; bog woodland; and, alluvial forests with black alder (*Alnus glutinosa*) and ash (*Fraxinus excelsior*) (*Alno-Padion*, *Alnion incanae*, *Salicion albae*). The latter two are priority features. Transition mires, quaking bogs and alkaline fens are also present as qualifying features. Two Annex II species are listed as a primary reason for designation: the southern damselfly (*Coenagrion mercuriale*) and stag beetle (*Lucanus cervus*). Great crested newts (*Triturus cristatus*) are present on site and listed as a qualifying feature. This site lies 2 kilometres east of the proposed development.
- **New Forest (Ramsar):** the site is notified as it supports Valley mires and wet heaths which are of outstanding scientific interest. The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate. This site lies 2 kilometres east of the proposed development.
- **New Forest (SPA):** The site is notified due to the presence of breeding nightjar, (*Caprimulgus europaeus*), woodlark (*Lullula arborea*), Dartford warbler (*Sylvia undata*), honey buzzard (*Pernis apivorus*) and kingfisher (*Alcedo atthis*). In the winter the site also supports hen harriers (*Circus cyaneus*). Other notable species present include hobby (*Falco subbuteo*), wood warbler (*Phylloscopus sibilatrix*), lapwing (*Vanellus vanellus*), redshank (*Tringa totanus*), curlew (*Nurmenius arquata*), snipe (*Gallinago gallinago*), stonechat (*Saxicola rubicola*) and redstart (*Phoenicurus phoenicurus*). This site lies 2 kilometres east of the proposed development.
- **Avon Valley (Ramsar):** This site encompasses the lower reaches of the River Avon. The site shows a greater range of habitats than any other chalk river in Britain, including fen, mire, lowland wet grassland, and small areas of woodland. It supports a diverse assemblage of wetland flora and fauna including several nationally rare species. It is

designated for the largest populations of overwintering birds it supports. These include gadwall (*Anas strepera*; representing 2.2% of the UK population), northern pintail (*Anas acuta*; 1.1% of the UK population), and black-tailed godwit (*Limosa limosa islandica*; 3.2% of the UK population). This site lies 4.1 kilometres south of the site.

- **Avon Valley (SPA):** The Avon Valley encompasses the lower reaches of the River Avon and extends for approximately 20 kilometres between Bickton and Christchurch. The valley includes one of the largest expanses on unimproved floodplain grassland in Britain. This grassland supports wintering Bewick swans (*Cygnus columbianus bewickii*). This site lies 4.1 kilometres south of the proposed development.

4.2 The site lies within the catchment of the River Avon. Developments which lead to an increase in residential dwellings will be required to mitigate for the increase in wastewater. Details regarding this are provided in **Section 5.0**.

4.3 The proposed increase in residential development will result in increase in recreational pressures on the New Forest designated sites, Mitigation will be required to with further details on this are provided in **Section 5.0**.

4.4 The data search returned records of one national statutory designated sites within two kilometres of the site boundary. The national statutory sites were designated as Sites of Special Scientific Interest (SSSI). The national statutory site is:

- **River Avon (SSSI):** In its lowest reach the Avon meanders across a broad floodplain dissected by dykes and rivulets, creating lakes and river terraces. These habitats support nationally and internationally important assemblages of breeding and wintering birds and an outstanding flora including several nationally rare and scarce species. This site lies 0.8 kilometres east of the proposed development.

4.5 The site lies within the catchment of the River Avon. Developments which lead to an increase in residential dwellings will be required to mitigate for the increase in wastewater. Details regarding this are provided in **Section 5.0**.

Non-Statutory Designated Sites

4.6 The data search returned records of 10 non-statutory designated sites within one kilometres of the site boundary. The non-statutory sites were designated as Sites of Importance for Nature Conservation (SINC). The non-statutory sites are:

- **Arch Farm Meadow (SINC):** This 3.7 hectare site is designated as a SINC as it comprises an area of agriculturally unimproved grassland which is not of recent origin and an area of fens, flushes, seepages, springs and inundation grasslands of floodplains that support a flora and fauna of less improved wet conditions (seasonal or permanent). This designated site is located approximately 0.45 kilometres to the southwest of the development site.
- **Land at Puddlelosh Lane (SINC):** This 4 hectare site is designated as a SINC due to it being an area of woodland where there is a significant element of ancient semi natural woodland surviving or supporting some characteristics of ancient woodland, wet woodlands such as alder or willow woods and birch bog woods which support a good diversity of woodland and/or marsh/swamp/mire species and wetlands which have areas

of open freshwater which support good floristic assemblages. This designated site is located approximately 0.45 kilometres to the west of the development site.

- **Fryern Court Road Wood (SINC):** This 0.85 hectare site is designated as a SINC due to being comprised of areas of ancient semi natural woodland and woodland with a significant element of surviving ancient semi natural woodland. This designated site is located approximately 0.5 kilometres to the north of the development site.
- **Meadow West of Whitsbury Road (SINC):** This 0.8 hectare site is designated as a SINC due to being an area of fen, flushes, seepages, springs and inundation grasslands of floodplains that support a flora and fauna of less improved wet conditions (seasonal or permanent). This designated site is located approximately 0.55 kilometres to the south of the development site.
- **Arch Farm Woodland (SINC):** This 3.3 hectare site is designated as a SINC due to being a wet woodland such as alder or willow woods and birch bog wood which support a good diversity of woodland and/or marsh/swamp/mire species. This designated site is located approximately 0.6 kilometres to the southwest of the development site.
- **Peas Ash Copse (SINC):** This 0.8 hectare site is designated as a SINC due to being woodland with a significant element of surviving ancient semi natural woodland. This designated site is located approximately 0.7 kilometres to the south of the development site.
- **Sweatfords Water, Fordingbridge (SINC):** This 0.1 hectare site is designated as a SINC due to it being an area of open freshwater, fens, flushes, seepages, springs and inundation grasslands of floodplains that support a flora and fauna of less improved wet conditions (seasonal or permanent). The site also supports the notable species brown trout (*Salmo trutta* subsp. *fario*). This designated site is located approximately 0.7 kilometres to the south of the development site.
- **Sandle Wood (SINC):** This 5.8 hectare site is designated as a SINC due to being an ancient semi natural woodland. This designated site is located approximately 0.8 kilometres to the northwest of the development site.
- **Folds Farm Water Meadows (SINC):** This is designated as a SINC due to being an area of lowland meadow, open freshwater and coastal floodplain grazing marsh. The site supports notable species common bistort (*Persicaria bistorta*) and stream water crowfoot (*Ranunculus penicillatus* subsp. *pseudofluitans*). This designated site is located approximately 0.9 kilometres to the east of the development site.
- **Fryern Court Wood (SINC):** This 22 hectare site is designated as a SINC due to being comprised of areas of ancient semi natural woodland and woodland with a significant element of surviving ancient semi natural woodland. This designated site is located approximately 0.9 kilometres to the northwest of the development site.

4.7 The development is considered to lie outside the zone of influence of the other SINC's due to the intervening distance as well as the scale of works proposed.

Ecological Assessment

Introduction

Habitats

Surrounding habitat

- 4.8 The site at Fryern Court is located in the north of the town of Fordingbridge and is surrounded by residential properties and agricultural land. The nearest parcel of woodland is located approximately 350 metres to the north east of the development site.

Developed land; sealed surface

- 4.9 Developed land is present on site in the form of the building foundations, rear patio and a concrete drive that connects the barn and outbuildings to the front drive.

Artificial, unsealed surface

- 4.10 A parcel of artificial, unsealed surface is present in the northwest of the site in the form of a gravel drive.

Vegetated garden

- 4.11 The majority of the site comprises a vegetated garden with short sward grass, ornamental shrubs and mixed scrub.
- 4.12 The grass within the garden is characteristic of modified or amenity grasslands (**Figure 1**), with a short sward of approximately 5 centimetres on average, and includes perennial rye grass (*Lolium perenne*), Yorkshire fog (*Holcus lanatus*), fescue (*Fescuta spp.*), ribwort plantain (*Plantago lanceolata*), thistle (*Cirsium spp.*), common dandelion (*Taraxacum officinale*) and common nettle (*Urtica dioica*). The grass continues around the southern elevation of the main residential property and forms a short sward front garden (**Figure 2**).



Figures 1 and 2. Vegetated garden, rear aspect and front garden, respectively.

Bramble scrub

- 4.13 A stand of bramble scrub is located in the northeastern corner of the site behind B3 (**Figure 3**). The scrub is dominated by bramble (*Rubus fruticosus*) though there is a large amount of common nettle as well as cleavers (*Galium aparine*) present within the ground layer. The scrub has likely encroached into the garden from the boundary and is growing up the eastern elevation of B3.



Figure 3. Bramble in northeast corner of site.

Mixed scrub

- 4.14 A parcel of mixed scrub is present on the sites northern boundary, formed by bramble scrub encroachment on a fence separating the site from an access track to the north (**Figure 4**). The scrub is comprised mainly of bramble and elder (*Sambucus nigra*) and is approximately 20 metres in length and 1.5 metres wide.



Figure 4. Linear scrub parcel on sites northern boundary.

Ornamental shrubs

- 4.15 Ornamental planting forms the southern site boundary (**Figure 5**). The ornamental planting comprises barberry (*Berberis spp.*), cheesewood (*Pittosporum spp.*) and laurel (*Laurus spp.*) with bramble, common nettle and cleavers the most common native species, species.



Figure 5. Ornamental planting in southwestern site corner.

Non-native and ornamental hedgerow

- 4.16 A non-native hedgerow comprised of cypress shrubs is located in the northwestern corner of the site, running for approximately 15 metres along the northern site boundary (**Figure 6**).



Figure 6. Non-native hedgerow in the northwestern corner of site.

Protected and/or notable species

Badgers

- 4.17 The HBIC data search returned one record for badger within one kilometre of the site, dated 2017.
- 4.18 During the survey no badger setts were recorded on site or within 30 metres of the site boundary. The grassland and scrub provide some foraging opportunities for badgers. However, as no signs of badger presence were recorded during the survey they are considered likely absent.



Bats




- 4.19 The HBIC data search returned 48 records within one kilometre of the site between 2010 and 2022 for the following bat species:
- Barbastelle (*Barbastellus barbastellus*)
 - Serotine (*Eptesicus serotinus*)
 - Myotis species (*Myotis sp.*)
 - Natterer's bat (*Myotis nattereri*)
 - Noctule (*Nyctalus noctule*)
 - Leisler's bat (*Nyctalus leislerii*)
 - Brown Long-eared (*Plecotus auritus*)
 - Long eared bat (*Plecotus sp.*)
 - Common Pipistrelle (*Pipistrellus pipistrellus*)
 - Soprano Pipistrelle (*Pipistrellus pygmaeus*)
 - Pipistrelle species (*Pipistrellus sp.*)
 - Greater horseshoe bat (*Rhinolophus ferrumequinum*)
- 4.20 The DEFRA run website MAGIC, was searched for a list of granted European Protected Species Licenses (EPSL's). No records of EPSLs were found within 2 kilometres of the development site.

Buildings

- 4.21 Five buildings are present on site. The results of the Preliminary Roost Assessment are detailed below with building locations provided in **Appendix D**.

Table 6: Building descriptions

| Building reference | Photo | External description | Interior description |
|-----------------------------------|--|---|--|
| Building 1 – Residential building |  | <ul style="list-style-type: none"> • Single storey bungalow. • Brick walls with white render. • Hipped roof supporting clay tiles. • Internal chimney on southeastern elevation. • uPVC guttering. | <ul style="list-style-type: none"> • Two small voids located on northeastern elevation. Both voids measure approximately 2 metres wide by 2 metres long, and 1.5 metres high. • No membrane between tiles and rafters. • Both voids used for storage. • Both voids are warm and dry. • No signs of access into either void. |
| Building 2 – garage |  | <ul style="list-style-type: none"> • Single storey metal garage/barn. • Single skin corrugated metal roof and walls. • Some sections of wall are formed by tightly sealed wooden cladding. | <ul style="list-style-type: none"> • No void present. • Cold and damp interior conditions. • No suitable roosting features present. • Used to store a car and associated tools and parts. |

| Building reference | Photo | External description | Interior description |
|-----------------------------|---|--|---|
| Building 3 - Barn |  | <ul style="list-style-type: none"> • Breezeblock walled barn. • Large metal doors. • Wooden cladding on gable end, well-sealed with no gaps present. • Corrugated cement sheet roof. | <ul style="list-style-type: none"> • No void present. • Cold and damp interior conditions. • Drywall covering ceiling. • Water ingress due to damage caused by encroaching vegetation has led to water damage off ceiling and roof. |
| Building 4 – Wooden shed |  | <ul style="list-style-type: none"> • Single skinned wooden shed. • Damaged bitumen felt roof with slight pitch. • uPVC guttering. | <ul style="list-style-type: none"> • No void present. • Used for storage of car parts and tools. |
| Building 5 – Gardening shed |  | <ul style="list-style-type: none"> • Small wooden shed. • Bitumen felt roof with slight pitch. | <ul style="list-style-type: none"> • No void present. • Cold and damp interior conditions. |

4.11 A summary highlighting bat potential and access points for each building assessed on site is show below (see **Table 7**) with internal results shown in **Appendix D**.

Table 7: Results of the phase I bat survey.

| Building reference | Potential access points | Potential Roosting locations | Evidence of bats | Bat potential |
|-----------------------------------|--|--|---|--|
| Building 1 – Residential property | <ul style="list-style-type: none"> Gaps under damaged/missing roof tiles on northern and western elevations. Gaps under lead flashing around chimney on eastern elevation. | <ul style="list-style-type: none"> Underneath roof tiles. In crevices underneath lead flashing. | <ul style="list-style-type: none"> None. | <ul style="list-style-type: none"> Low potential due to the presence of suitable habitat and a low number of PRFs that could support individual bats opportunistically. |
| Building 2 – garage | <ul style="list-style-type: none"> Gaps in between corrugated metal roof panels. Gaps where corrugated roof panels meet the metal ridge beam. | <ul style="list-style-type: none"> Limited opportunities between plasterboard ceiling and the roofing material. | <ul style="list-style-type: none"> None. | <ul style="list-style-type: none"> Negligible. The building contains access points and potential roosting locations, however, the buildings construction materials, and the current poor condition of the roof to the building mean that the temperature conditions within the building are not suitable for roosting bats. |
| Building 3 - Barn | <ul style="list-style-type: none"> Gaps around doors and frame on western elevation | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> Negligible. The buildings construction materials, and the current poor condition of the roof to the building mean that the temperature conditions within the building are not suitable for roosting bats. Although the gaps around the doors facilitate access, there are not suitable roosting features within the building for bats to roost. |
| Building 4 – Wooden shed | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> None. Single skinned wooden shed in good condition, with no void |

| Building reference | Potential access points | Potential Roosting locations | Evidence of bats | Bat potential |
|-----------------------------|--|--|--|---|
| | | | | space. The good condition of the structure means that there are no external roosting features and no access points. The building is also likely to be subject to temperature fluctuations due to a lack of insulation. |
| Building 5 – Gardening shed | <ul style="list-style-type: none"> • None | <ul style="list-style-type: none"> • None | <ul style="list-style-type: none"> • None | <ul style="list-style-type: none"> • None. Single skinned wooden shed in good condition, with no void space. Window present causes light spill into the shed, and the good condition of the structure means that there are no external roosting features and no access points. The building is also likely to be subject to temperature fluctuations due to a lack of insulation. |

- 4.22 Buildings 2, 3, 4 and 5 were all assessed as having either **none** or **negligible** potential to support roosting bats, therefore no further will be required.
- 4.23 Building 1 was assessed as having **low** potential to support roosting bats. Further survey of this building is not necessary in this instance, as this building is to be retained under the current development proposals and will not be impacted.

Trees – Ground level inspection

- 4.24 The site contains four scattered fruit trees, located within the vegetated garden in the eastern half of the site. These trees were inspected from the ground to ascertain whether they contained any potential roosting features (PRFs).
- 4.25 Trees T1 and T2 had no suitable roost features, however trees T3 and T4 by the sites eastern boundary do contain PRFs (Tree locations shown in **Appendix D**). T3 has lifted bark and a tear out on its southeastern aspect at approximately 1.5 metres high, whilst T4 contains a tear out on its southwestern aspect, with large amounts of lifted bark and a large tear out on its western aspect, all of which are located approximately 1.5 metres to 2 metres in height (**Figure 7**). These PRFs were assessed as PRF-I's as they are only suitable for individual bats or very small numbers of bats. Recommendations regarding felling of these trees has been provided in **Section 5.0**.



Figure 7: Fruit tree containing PRFs adjacent to sites eastern boundary.

Foraging and commuting habitat

- 4.26 The on-site vegetation present at Fryern Court provides limited foraging opportunities for local bat populations, due to the short sward height of the grassland and lack of diversity and structure of the hedgerows and trees.
- 4.27 However, the site is connected to the wider landscape via a mature hedgerow/ tree line along Fryern Court Road, and the sites proximity woodland.
- 4.28 The site is considered to be of moderate quality for foraging and commuting bats. There is potential for indirect impacts on foraging and commuting bats via light spill associated with the development. Recommendations have been provided in **Section 5.0** to avoid impacts associated with lighting.

Birds

- 4.29 HBIC provided records for the following red list bird species of conservation concern that may be present on the site: black redstart (*Phoenicurus ochruros*) fieldfare (*Turdus pilaris*), grey partridge (*Perdix perdix*), grey wagtail (*Motacilla cinerea*), hawfinch, (*Coccothraustes coccothraustes*), house sparrow (*Passer domesticus*), lesser spotted woodpecker (*Dryobates minor*), linnet (*Linaria cannabina*), marsh tit (*Poecile palustrus*), pied flycatcher (*Ficedula hypoleuca*), redwing (*Turdus iliacus*), song thrush (*Turdus philomelos*), spotted flycatcher (*Muscicapa striata*), starling (*Sturnus vulgaris*), tree pipit (*Anthus trivialis*), turtle dove (*Streptopelia turtur*), whimbrel (*Numenius phaeopus*), whinchat (*Saxicola rubetra*) and yellow wagtail (*Motacilla flava*).
- 4.30 In addition to these records Schedule 1 and/or Annex I species were returned which breed in the area, however the site is considered unsuitable for these species.
- 4.31 The buildings and vegetation provide suitable nesting sites for birds. Further recommendations have been provided in **Section 5.0**.

Great crested newts

- 4.32 The HBIC data search returned no records of great crested newt presence within one kilometre of the site. The Defra run website, MAGIC, was searched for a list of granted EPSL's. There were also no records of granted EPSL's within one kilometre of the site and two positive class licence returns.
- 4.33 Following a review of Ordinance Survey maps no ponds were identified within 500 metres of the site boundary. In addition to this the site contains no waterbodies that could be used by great crested newt.
- 4.34 The site contains limited suitable terrestrial habitat in the form of the scrub and hedgerow. The grass within the vegetated garden is short sward and has no tussocky structure and is therefore unsuitable for great crested newt.
- 4.35 Great crested newt are considered likely absent from site due to a lack of suitable breeding habitat on site and in the surrounding area, and lack of suitable terrestrial habitat on site.

Hazel dormouse

- 4.36 The HBIC data search returned no records for hazel dormouse within one kilometre of the site. The Defra run website, MAGIC, was searched for a list of granted EPSL's with no records returned.
- 4.37 The site contains suitable habitat types in the form of scrub and the hedgerows, which is connected to linear habitat associated with Fryern Court Road and woodland parcels within the vicinity of the site.
- 4.38 The extent of the habitat present on site is not sufficient to sustain a population on site. The hedgerows will be retained, and connectivity will also be retained to the wider area. Therefore, it is considered the proposed development will not impact hazel dormouse and no further action is required.

Invertebrates

- 4.39 The HBIC data search returned 132 records of invertebrates within one kilometre of the site between 1897 and 2021. Of these records 79 are for species listed under the NERC act. One record for white clawed crayfish (*Austropotamobius pallipes*) was returned, white clawed crayfish is protected under Schedule 5 of the Wildlife and Countryside Act 1981. However, no suitable habitat for this species was recorded on site.
- 4.40 During the assessment no habitats of particular note were identified therefore it is considered unlikely rare or notable invertebrates will be present on site.
- 4.41 However, the development may provide opportunities to enhance the site for local invertebrates. This is discussed further in **Section 5.0**.

Other mammals

- 4.42 The HBIC data search returned four records of west European hedgehog (*Erinaceus europaeus*) and one record of pine marten (*Martes martes*) within one kilometre of the development site.
- 4.43 The site has potential to support hedgehogs, which roam an average of two kilometres per night. Mitigation will be required to ensure there are no adverse impacts upon hedgehogs. This has been outlined in **Section 5.0**

Reptiles

- 4.44 The HBIC data search returned two records of reptiles within one kilometre of the site. The reptiles recorded were:
- Grass snake (*Natrix helvetica*)
 - Slow-worm (*Anguis fragilis*)
- 4.45 The site holds limited suitability for reptiles in the form of the mixed and ornamental planting as well as the hedgerows. The grassland within the vegetated garden is unsuitable for reptiles as it has no tussocky structure and is short sward with an average height of approximately 5 centimetres. The remainder of the site is comprised of hardstanding and artificial surfaces, not suitable for reptiles.
- 4.46 Due to small size of the suitable habitat on site, as well as the site being isolated from further suitable habitat, it is considered highly unlikely that reptiles are present. Therefore, reptiles are considered likely absent from the site.

5.0 Impacts and Mitigation

Impacts and Required Mitigation for the Proposed Development

Designated Sites

River Avon SAC

- 5.1 The development site lies within the catchment of the River Avon and the development will result in an increase in residential dwellings. Therefore, there is potential that the proposed development will result in an increase in nutrient load from the increase in wastewater.
- 5.2 The current recommended approach is that all new developments must achieve nutrient neutrality. A River Avon nutrient budget assessment should be carried out for the development, to be submitted alongside the planning application.

New Forest SAC

- 5.3 The proposed increase in residential development will inevitably result in more visitors to the New forest for recreational activities, which will result in great disturbance to the designated sites.
- 5.4 In accordance with the Mitigation for Recreational Impacts SPD (2021), the current mitigation strategy includes the provision of new areas accessible to the public, the enhancement of existing greenspace, access and visitor management, as well as monitoring.
- 5.5 As the development proposals are for 49 units or fewer, a one-off financial contribution will required per dwelling.

Bats

- 5.6 The two easternmost scattered fruit trees (T3 and T4 in **Appendix D**) both contain PRF-I's. These trees will be removed during the works as they are in poor physical condition. Therefore the following methodology will be used.

Timing

- 5.7 To reduce the chance of disturbing bats it is important to avoid the summer (breeding season) and winter (hibernation) months. It is recommended that the best time to undertake felling works on trees is from the beginning of September to mid-October.
- 5.8 March to April is also a suitable time, though consideration should also be given for nesting birds as these are also protected by law.

Pre-works inspection

- 5.9 A precautionary inspection of the trees by the bat ecologist looking for signs of bats should be carried out before starting work. This will include an inspection of all PRFs using a torch or endoscope.

Best practice methods

- Keep tree work to a minimum retaining all potential roosts where possible;
- Where possible avoid cross cutting in proximity to cavities or hollows;
- Limbs with internal fissures should be pruned carefully to maintain integrity of features as potential roost sites;
- Where a full inspection is not possible any sections felled containing cavities should be lowered carefully and left on the ground (preferably for 24 hours) with the openings clear, allowing anything inside an opportunity to escape;
- Split limbs that are under tension may need to be wedged open to prevent their closure when pressure is released, potentially trapping bats;
- If bats or evidence of bats are found at any time, all works must stop immediately, and Natural England contacted for further advice.

5.10 The loss the two trees containing PRF-I's will be mitigated for by installing two bat boxes. The location of these are provided in **Appendix E**.

5.11 The site provides potential for foraging and commuting habitat for bats along the boundaries of the site. If any lighting is proposed, it should adhere to the following guidelines (ILP, 2023):

- Minimise light spill on the boundary features.
- LED luminaires should be used of a warm white spectrum (<2700 Kelvin) which will feature peak wavelengths higher than 550 nm.
- Internal luminaires should be recessed to reduce light spill outside the property.
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Where appropriate, external security lighting should be set on motion sensors and set to as short as possible.

Birds

5.12 The buildings, trees and hedgerows within the site may provide habitat for nesting birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to take, damage or destroy the nest of any wild bird while that nest is in use. Any vegetation clearance required must be scheduled to avoid peak bird nesting season (1st March to 31st August, although this will vary between species and local conditions) to avoid contravention of protected species legislation; unless inspection by an ecologist concludes that there are no nesting birds present immediately prior to the commencement of works.

5.13 If the presence of nesting birds is confirmed, a 5-metre buffer will be implemented, and no works will be permitted within this buffer. Works will be able to proceed once the young birds have fledged the nest of their own accord.

Hedgehogs

- 5.14 Hedgehogs are listed as a UK 'Priority Species' under S41 of the NERC Act (2006). The hedgerows provide foraging habitat for hedgehogs and will be largely retained which will maintain habitat for this species.
- 5.15 Furthermore, the Ministry of Housing, Communities and Local Government Guidance on the Natural Environment (2019) states that developments should provide safe routes for hedgehogs between different areas of habitat as a measure to secure biodiversity net gain. Boundaries between properties should therefore be permeable to hedgehogs, with the use of 13x13 centimetres ground level access holes. Specific hedgehog holes can be built into gravel boards, and gates can have a gap height of 13 centimetres to ensure permeability.

Enhancement Measures for the Proposed Development

Biodiversity Enhancement

- 5.16 In accordance with the Natural Planning Policy Framework (NPPF, 2023) whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. The development will include the following, with indicative locations shown on **Appendix E**:
- The development proposals will include the planting of hedging on the eastern site boundary as well as between the existing property and proposed plot 2. These hedgerows will comprise native shrub species that will benefit a range of wildlife.
 - The development proposals will incorporate tree planting within the garden plots of the existing property and both proposed plots.
 - The development proposals include the planting of a wildflower area located between the eastern site hedgerow and the proposed vegetated gardens.

6.0 References and Bibliography

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Appendices

Appendix A: Site Location

The plan shown here is for the purpose of supporting a planning application only. Only scale from this drawing for the purposes of determining a planning application. Do not scale from this drawing for construction purposes.

The proposal presented here is subject to review by specialist consultants, and is to be read in conjunction with all relevant specialist's drawings and information where available. Any discrepancies between this and any other consultant's drawings and information should be reported to Pro Vision immediately.

Legend

 Red Line Boundary



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| CLIENT: | Margaret Barr | | |
| PROJECT: | 7 Fryern Court Road | | |
| DRAWING: | Site Location | 1:10000 | |
| NUMBER: | 8459-XX-E0-01 | A4 | |
| ISSUE: | v1 | 15.03.24 | |



Appendix B: Development Proposals

Land at Fryern Court Road

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| Landscape Key | |
|---------------|---|
| | Permeable surface to assess track - shared surface |
| | gravel to drive area |
| | lawn to gardens |
| | paving to patios and path |
| | timber sleepers to edging levels and steps |
| | 2m close boarded timber fence around boundary and between plots |
| | native hedgerow |
| | banked areas with wildflower mix |
| | new tree planting around frontage and along southern boundary. |
| | existing structure removed on site |



outline application

| | | |
|--|-----------------------------------|----------------------------|
| Client: Mrs Barr | Planning | |
| Project: Land to the rear of No.7, Fryern Court Road, Fordingbridge SP6 1NG | Drawing No: 0428-02-005 | Revision: |
| Title: Proposed landscape plan | Drawn: nb | Scale: 1:250 @a3 |
| | Check: | First Issue: March 2024 |

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 Lambourne, Grove Lane, Redlynch, Salisbury, Wilts, SP5 2NR
 T: +44 (0)1725 510407
 e: info@bircharchitects.co.uk

Proposed Site plan - 1:250

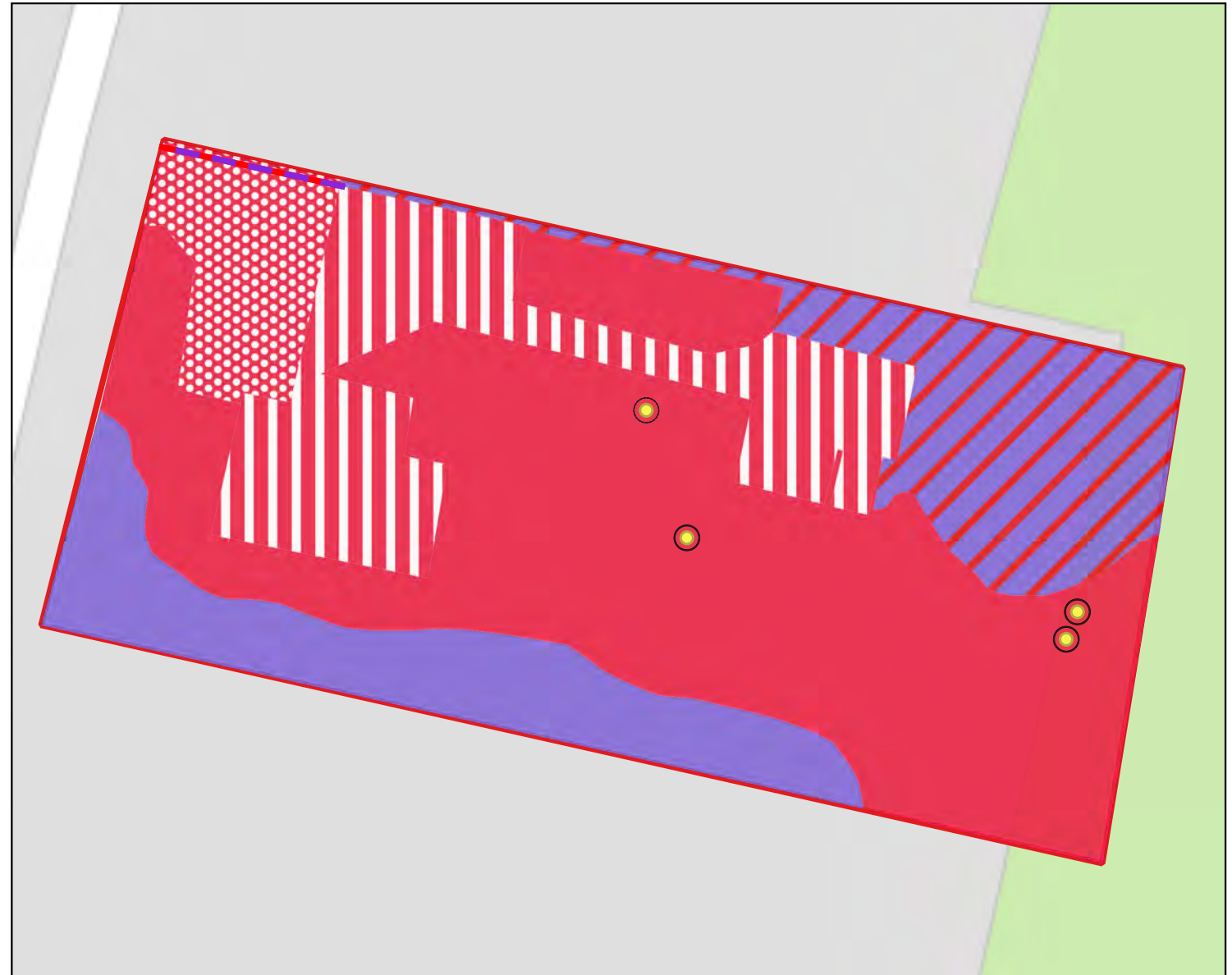
Appendix C: Habitat Map

The plan shown here is for the purpose of supporting a planning application only. Only scale from this drawing for the purposes of determining a planning application. Do not scale from this drawing for construction purposes.

The proposal presented here is subject to review by specialist consultants, and is to be read in conjunction with all relevant specialist's drawings and information where available. Any discrepancies between this and any other consultant's drawings and information should be reported to Pro Vision immediately.

Legend

-  Red Line Boundary
-  Artificial unvegetated, unsealed surface
-  Developed land; sealed surface
-  Introduced shrub
-  Mixed scrub
-  Vegetated garden
-  Non-native and ornamental hedgerow
-  Tree - Medium
-  Tree - Small



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





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| CLIENT: | Margaret Barr | | |
| PROJECT: | 7 Fryern Court Road | | |
| DRAWING: | Habitat Survey Results | 1:400 | |
| NUMBER: | 8459-XX-E0-02 | A4 | |
| ISSUE: | v1 | 15.03.24 | |

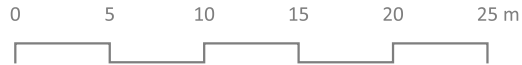
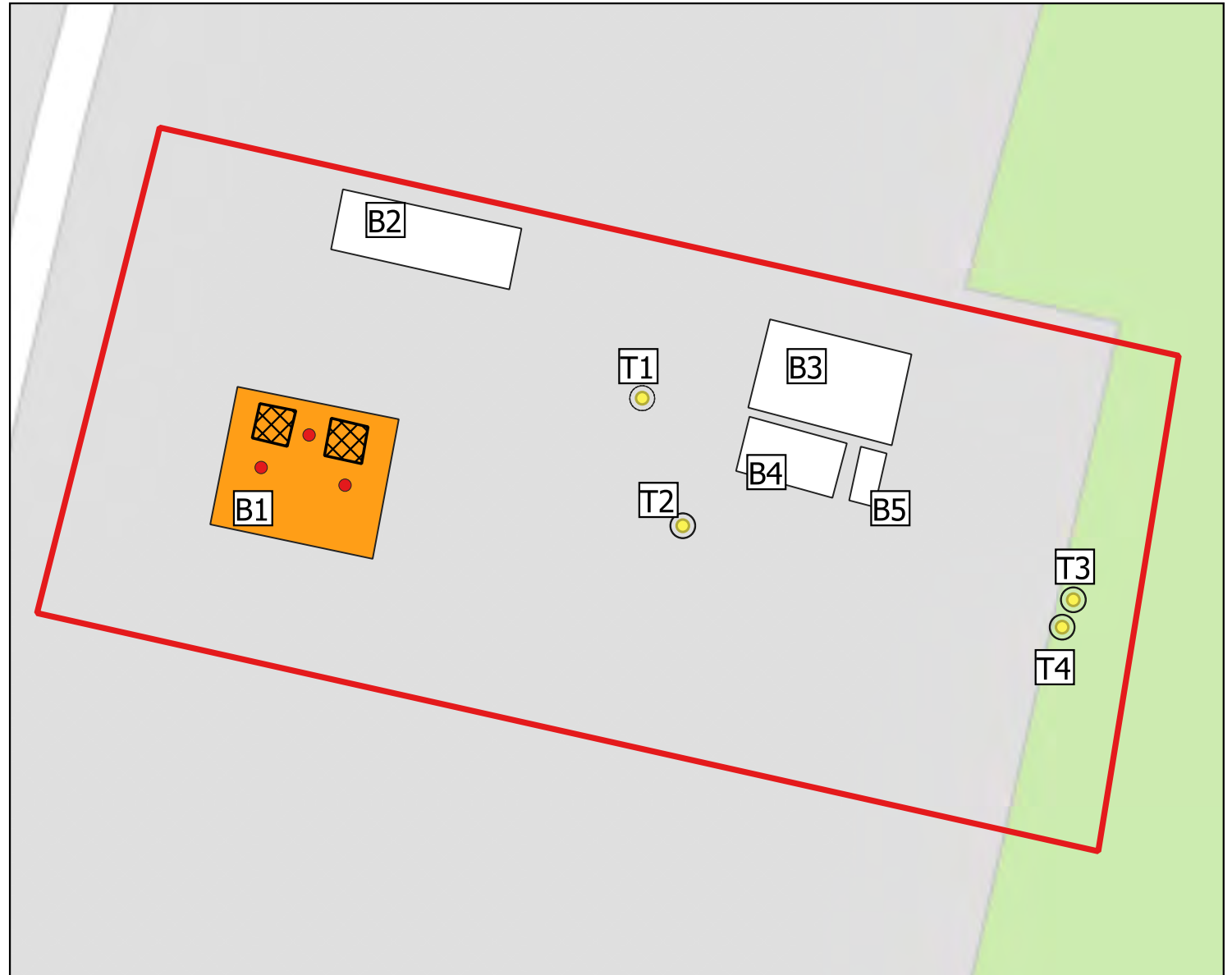
Appendix D: PRA Results

The plan shown here is for the purpose of supporting a planning application only. Only scale from this drawing for the purposes of determining a planning application. Do not scale from this drawing for construction purposes.

The proposal presented here is subject to review by specialist consultants, and is to be read in conjunction with all relevant specialist's drawings and information where available. Any discrepancies between this and any other consultant's drawings and information should be reported to Pro Vision immediately.

Legend

-  Red Line Boundary
-  No/Negligible Potential
-  Low Potential
-  Void
-  PRF Location
-  Existing Medium Tree
-  Existing Small Tree







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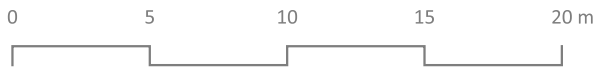
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| CLIENT: | Margaret Barr | | |
| PROJECT: | 7 Fryern Court Road | | |
| DRAWING: | PRA Results | 1:400 | |
| NUMBER: | 8459-XX-E0-03 | A4 | |
| ISSUE: | v1 | 15.03.24 | |



Appendix E: Mitigation and Enhancements

Legend

-  Native hedgerow planting
-  Native tree planting
-  Indicative bat box location
-  Wildflower Meadow seed mix



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| CLIENT: | Margaret Barr | | |
| PROJECT: | 7 Fryern Court Road | | |
| DRAWING: | Mitigation & Enhancement Plan | 1:275 | |
| NUMBER: | 8459-XX-E0-04 | A4 | |
| ISSUE: | v1 | 21.03.24 | |



Appendix F: Relevant Legislation

The Conservation of Habitats and Species 2017

The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) transpose Habitats Directive into UK legislation. The Habitats Regulations provide for the designation and protection of European Sites and European Protected Species. European Sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which form part of the Natura 2000 network of protected areas across Europe.

European Protected Species (EPS) are those listed under Schedule 2 of the Habitats Regulations and include dormouse, great crested newt, otter and all species of bat. The regulations prohibit the deliberate capture, killing or disturbance of any EPS; it is also an offence to damage or destroy a breeding site or resting place of any of these species. In order to carry out a lawful operation (e.g. development work which has full planning permission) that may result in an offence under the Habitats Regulations, it is necessary to obtain a licence from Natural England. EPS Licences will only be granted after Natural England has been satisfied that there are no satisfactory alternative and that there will not be any adverse impacts on the favourable conservation status of the species.

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside Act 1981 is the principle piece of legislative protection of wildlife in Great Britain. Various amendments have occurred since the original enactment. The Wildlife and Countryside Act contains both habitat and species protection. Certain bird, animal and plant species are afforded protection under Schedules 1, 5 and 8 of the Act. Measures for the protection of the countryside, National Parks, Sites of Special Scientific Interest (SSSIs) are also included within the Act.

THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

The Natural Environment and Rural Communities (NERC) Act 2006 improved wildlife protection by amending the WCA. The main function of the NERC Act was to raise the profile of biodiversity amongst public authorities. Section 40 (S40 of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions.

THE PROTECTION OF BADGERS ACT 1992

The Protection of Badgers Act 1992 consolidates previous legislation (including the Badgers Acts 1973 and 1991 Badgers (Further Protection) Act 1991). It makes it a serious offence to:

- kill, injure or take a badger;
- attempt to kill, injure or take a badger; or
- to damage or interfere with a sett.

The 1992 Act defines a badger sett as "any structure or place which displays signs indicating current use by a badger".