

AEWC Ltd

Animal Ecology & Wildlife Consultants

**Protected Species Walkover
and
Bat Assessment**

Ratts End House

**Ecchinswell
Newbury
RG20 4TX**

Annika Binet

23-170
December 2023

Contents

Summary 2

1. Introduction 3

2. Background 3

3. Methods 6

4. Constraints/Limitations 9

5. Results 9

6. Conclusions & Recommendations 12

7. Procedure to follow in the event a bat is found on site at unsupervised times. 15

Appendix 1 – Survey timetable 16

Appendix 2 – Legal protection 17

References 21

Figure 1: Showing the site location 4

Figure 2: Aerial view of the site showing the site boundary and buildings subject to survey 4

Figure 3: Showing the existing site plans..... 5

Figure 4: Waterbodies within 500m of the site 10



Author	Ivana Murphy
Authorised by	Annika Binet
Report and version number	23-170-PSWA-BA-v1
Survey Date	23/11/2023

Summary

- AEWCLtd were commissioned by Ann and Bernard Clarke to undertake a protected species walkover and Bat Assessment at Ratts End House, Eccinswell Road, Newbury, RG20 4TX at grid reference SU 50144 60966 to help inform the proposed development of the site.
- This report details the results of the survey, which was carried out on the 23rd November 2023 by Annika Binet, Natural England licensed bat ecologist, and assisted by qualified ecologist Ivana Murphy, 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 0.2ha in size and contains an amenity garden, garage and garden outbuildings associated with Ratts End House
- The site is proposed for the demolition of the two garden sheds and the erection of a residential dwelling, this will impact the majority of the habitat on the site.
- No evidence of the presence of bat roosts was identified within the two garden outbuildings on site and the buildings were assessed as holding negligible potential for use by roosting bats due to a lack of suitable roosting features. No further surveys are therefore required for these buildings and there are considered to be no constraints for the proposed works.
- **No evidence of the presence of protected species was identified within the structures and areas proposed to be impacted by the works.**
- **The green waste, log and woodchip piles hold potential for common reptiles. If these are to be removed, this must be done under a precautionary method statement.**

This report has been prepared by AEWCLtd, 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 Ann and Bernard Clarke to undertake a Protected Species Walkover and Bat Assessment at Ratts End House, Ecchinswell Road, Newbury, RG20 4TX help inform the proposed development of the site.
- 1.2 No ecological surveys are known to have been carried out for the site previously. An Arboriculture Impact Assessment and method statement for trees present on site was undertaken in 2020.
- 1.3 This survey comprised a bat assessment plus ecological walkover survey for all protected wildlife and species of conservation importance, including habitats, and was carried out by Annika Binet a Natural England licensed bat ecologist and Ivana Murphy a qualified ecologist on the 23rd November 2023.
- 1.4 The bat surveys and report writing were carried out in accordance with Bat Surveys: Good Practice Guidelines (Bat Conservation Trust, 2016).
- 1.5 The purpose of this report is to detail the results of the bat assessment and walkover survey, 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, outlines recommendations in relation to protected species and the proposed development of the site and identifies recommendations for further surveys that may be necessary.

2. Background

- 2.1 The proposed development site is located at Ratts End House, Ecchinswell Road, Newbury, RG20 4TX at central grid reference SU 50144 60966. The site is located in the village of Ecchinswell in Hampshire, approximately 7km to the south-east of Newbury. The surrounding landscape comprises a mosaic of agricultural land and woodland blocks with tree and hedge lines providing connectivity throughout the landscape. See Figure 1.
- 2.2 The site is approximately 0.2ha and contains an amenity garden, garage and garden outbuildings associated with Ratts End House. See Figure 2.

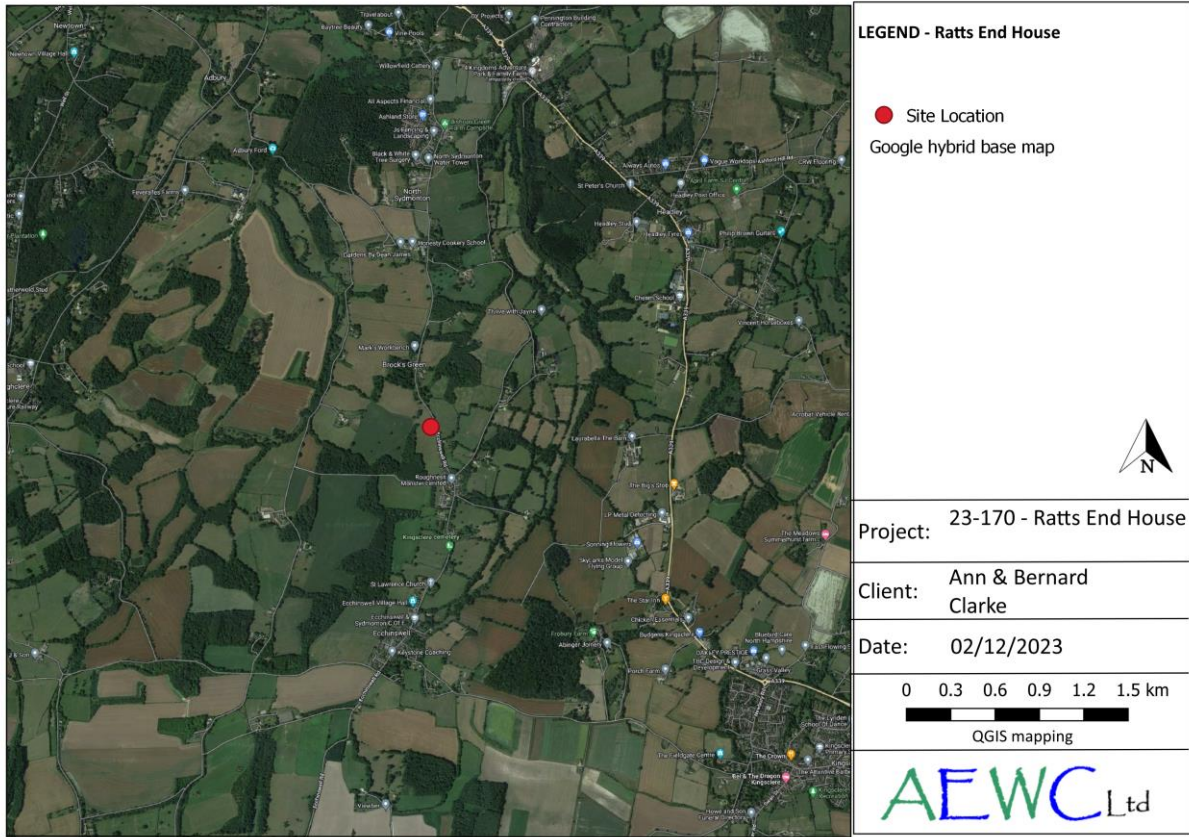


FIGURE 1: SHOWING THE SITE LOCATION



FIGURE 2: AERIAL VIEW OF THE SITE SHOWING THE SITE BOUNDARY AND BUILDINGS SUBJECT TO SURVEY

2.3 The proposed development plan involves construction of a new residential dwelling within the garden currently associated within Ratt's Cottage, and associated landscaping to separate the two sites. This will involve the removal of the sheds, a small hazel shrub and a cherry tree located towards the rear of the garden. The development will include enhancements in the form of tree planting. The majority of the habitat area on site is unlikely to be negatively affected by these proposals.

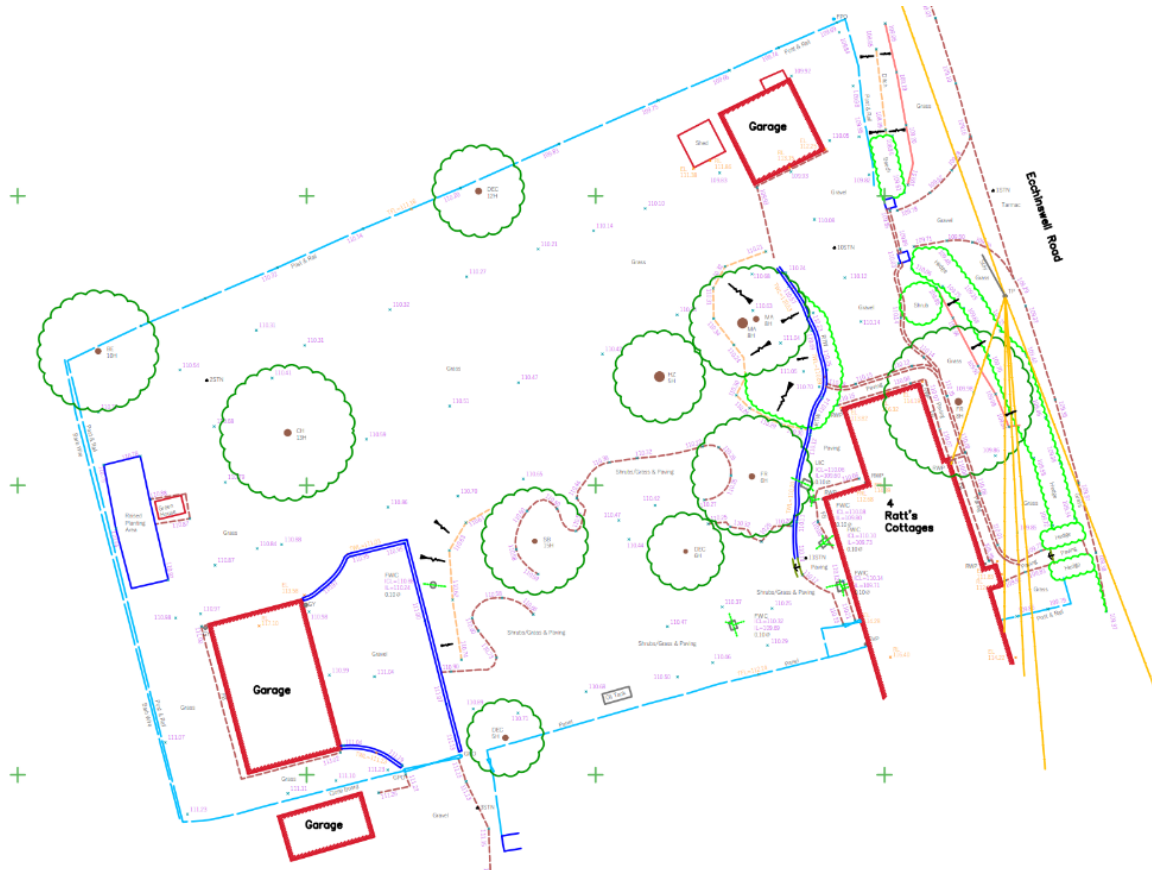


FIGURE 3: SHOWING THE EXISTING SITE PLANS.

Legislation

2.4 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.

2.5 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.

- 2.6 Any disturbance of a bat occupying a roost can lead to prosecution. Disturbance can be caused by noise, vibration and artificial lighting. Penalties for breaking the law can include fines of £5,000 per bat, imprisonment and the seizure of equipment.
- 2.7 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*.

3. Methods

- 3.1 A daytime ecological walkover assessment was carried out on the 23rd November 2023 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 **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.
- 3.9 **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.
- 3.10 **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.
- 3.11 **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.
- 3.12 **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).
- 3.13 **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.
- 3.14 **Other mammals** – any signs of occupancy by other mammals (e.g. Rabbit warrens) are recorded.
- 3.15 **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.
- 3.16 **Invasive species** - Any invasive plant or animal species identified during the site walkover are recorded.

- 3.17 **Plant species of note** – Any plant species of conservation concern found on the site are recorded.
- 3.18 **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.
- 3.19 **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.

Daytime Bat Assessment

- 3.20 A detailed bat building inspection was undertaken on the 23rd November by Annika Binet, a Natural England licensed bat ecologist and assisted by Ivana Murphy, a qualified ecologist.
- 3.21 A systematic internal inspection of the buildings was conducted using a high-powered torch to illuminate all areas thought to be suitable for roosting bats. Additionally, an external search around the perimeter of the buildings was conducted and any possible access points i.e. gaps and crevices were noted and surveyed with a high-powered torch and ladder as appropriate.
- 3.22 The buildings' suitability for bat roosting was assessed by examining structural features that may influence the suitability of a building to support roosting bats; these include the presence of a roof void, the presence of access points into the building (including gaps beneath barge boards, weatherboarding, soffits and fascias, gaps under lead flashing, gaps within masonry and under loose tiles, gaps between tenon and mortise joints), the complexity and size of any roof void and daytime light levels in the roof void.
- 3.23 The buildings' suitability for roosting bats was also assessed by examining the surrounding habitat. Important habitat features surrounding the structure which may influence roost potential include whether the structure is in a semi-rural or parkland location, its proximity to a significant linear habitat features such as a watercourse, mature hedgerow, wooded lanes or an area of woodland.
- 3.24 All surfaces were also surveyed for signs of bat presence. Features of potential value to bats were surveyed not only for the presence of bats but also for signs that could indicate use by bats, such as:
- bat droppings that are dry and do not putrefy, but can crumble away to dust;
 - staining of access points used by bats to enter the structure; and
 - feeding remains such as moth and butterfly wings.
- 3.25 The survey included an external inspection of the trees present within the survey area to look for the presence of Potential Roosting Features including woodpecker and rot holes, horizontal cracks and splits in stems and branches, partially detached platey bark, cankers, hollows and cavities, double-leaders forming compression forks with included cavities, gaps between overlapping branches, partially detached ivy with stem diameter exceeding 50mm and bat, bird or dormouse boxes.

- 3.26 Taking account of these architectural, habitat features and signs of presence, the building(s) were then assigned a level of roost suitability based the criteria given in the Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (Collins, 2016) and professional judgement. The primary objective of this exercise was to identify the need for further detailed bat survey later in the year, or alternatively to obtain sufficient information that would dismiss the need for further assessment.

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.
- 4.2 Bats are difficult to locate in large structures, with so many potential roosting areas, particularly in inaccessible areas such as large buildings, finding the exact roosting site can be difficult, especially male/single bat roosting sites. It should be noted that it is not always possible to identify bat presence by examining externally around buildings as poor weather conditions may have washed away droppings which were deposited on exposed surfaces.
- 4.3 Bats can have seasonal use of buildings and being so mobile may arrive and start using a site after it has been surveyed, or roost somewhere else during the period it was surveyed. For this reason, bats may potentially be present but remain undetected, particularly during daytime assessment.
- 4.4 The survey was undertaken in late November outside of the main active season for bats, therefore any external evidence of the presence of bats earlier in the season would likely have been destroyed by weathering.

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. No fly in access suitable for barn owls was available to the buildings present on site.

Breeding birds

- 5.3 There is habitat suitable for breeding birds on the site within the trees and amenity planting.

Great Crested Newt (GCN)

- 5.4 The site is considered to have some potential to support terrestrial GCN, rough grassland and green waste piles provide potential foraging and refuge opportunities.
- 5.5 No ponds were recorded within the site boundary.
- 5.6 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. No ponds were found occurring in all directions.

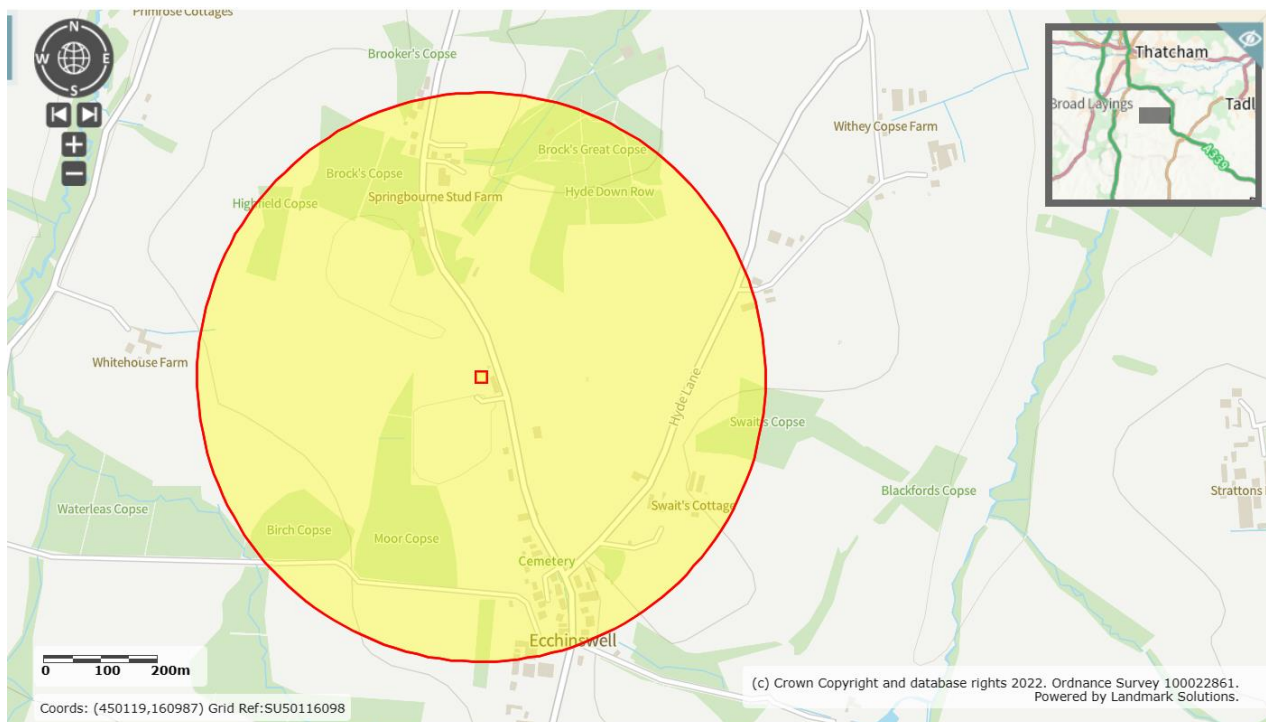


FIGURE 4: WATERBODIES WITHIN 500M OF THE SITE

Hazel dormice

- 5.7 The site is considered to have negligible potential to support hazel dormice due to the lack of suitable habitat, connectivity and edible plant species.

Otter

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

Reptiles

- 5.9 Areas of modified grassland, amenity planting and green waste piles are present on site and provide suitable foraging and refuge habitat for common reptiles such as slow-worms, common lizards and grass snakes, however the grassland is maintained as short sward reducing suitability for foraging within the majority of the site.

Water vole

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

Other Mammals

5.11 Mole hills were noted on site and evidence of rats was identified within the buildings.

Other Species of Principal Importance

5.12 There is potential for the site to support SPI such as hedgehog. The rough grassland, log pile, wood chip pile and waste pile provide suitable foraging and refuge habitat for hedgehogs.



Photograph 1: View of garden from East end



Photograph 2: View of garden from west boundary



Photograph 3: Log and waste piles in northwest corner



Photograph 4: Woodchip pile at east boundary

Daytime Bat Assessment

5.13 The buildings subject to survey are a small garden shed and adjacent larger wooden garage currently used for storage; they are single-storey, single skin wooden garden buildings with bitumen felt pitched roofs.

5.14 The roof of both buildings are internally boarded with wooden panels onto which the bitumen felt is affixed externally. The garage is in regular use for storage, with less frequent use of the shed. Little in the way of cobwebbing was noted around the ridge

of either building. Several gaps around the doorway of the garage were noted which provide potential access points into the building.

5.15 The shed contains several gaps in the walls and roof and evidence of water ingress was noted.



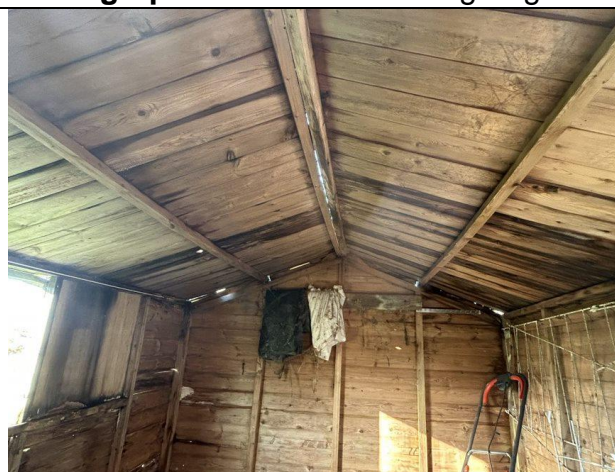
Photograph 5: Garage



Photograph 6: Internal view of garage



Photograph 7: Garden shed and garage



Photograph 8: Internal view of shed

5.16 The majority of trees present on site are early mature, ground level tree assessment was carried out with no features suitable for use by bats identified.

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 and no suitability for nesting or roosting for this species was present.

Breeding birds

- 6.5 Vegetation or tree 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)

- 6.6 Due to the lack of suitable habitat on site and lack of suitable ponds within 500m it is considered unlikely to be used by GCN and therefore no further surveys or mitigation for this species is required.

Hazel dormice

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

Otter

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

Reptiles

- 6.9 Whilst the grassland is short and of low suitability for reptiles the surrounding landscape does provide suitability for the presence of reptile species. The potential refuge habitats within the green waste and log piles may therefore be used by reptiles present within the wider landscape. **If these are to be removed a precautionary approach to site clearance that must be adopted and followed, this will include but not be limited to the following measures:**

- Vegetation must be gradually cut down prior to site clearance.
- During the active season (March to September) the site can then be cleared; the top 10cms or so of topsoil must be removed by a toothed excavator under the supervision on an ecologist.
- Log piles, rubble piles and compost heaps should be dismantled carefully (by hand if possible).
- Any animals caught should be relocated to a safe area of suitable habitat beyond the development boundary.

Water vole

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

Other Mammals

- 6.11 Site clearance work must be undertaken carefully (by hand if necessary) to avoid injury to mammals which may be present on site.

Other Species of Principal Importance

- 6.12 The west European hedgehog is an SPI, therefore it is recommended that any vegetation, such as the scrub and hedgerow, should be cleared sensitively by destructive search with a qualified ecologist present on site. Good building practice recommended for badgers above will ensure that any hedgehogs traversing through the site are not trapped during the works. Additional habitat for hedgehogs could be provided through relaxation of mowing and seeding with an appropriate wildflower meadow mix in some areas of the site.
- 6.13 Buildings must be checked for nesting house sparrows and other bird species prior to demolition, no demolition can take place whilst a nest is occupied, regardless of species. Sparrow terraces could either be incorporated within or mounted onto the walls of the replacement dwelling to enhance nesting availability for this species post-development.

Invasive species

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

Habitats of Principal Importance

- 6.15 No HPI habitat was recorded within the site.

Bats

- 6.16 Initial observations consider the local area suitable for bats. Extensive woodland and pasture in close proximity to the site with a network of connective tree and hedge lines provides excellent foraging and commuting habitat for a range of bat species. Buildings and trees within the local area additionally offer potential roosting opportunities.
- 6.17 The daytime assessment identified negligible potential in the two garden outbuildings. Although there is internal access into both buildings, the buildings are considered to have negligible potential to support roosting bats due to the lack of potential roosting features and bright internal conditions. No evidence of the presence of bats was identified internally. As such, there are considered to be no known constraints regarding these species and the proposed development.
- 6.18 The trees within the site boundaries were identified to hold negligible potential to support bats due to a lack of potential roosting features.
- 6.19 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 the tree and hedge lines should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time.
- 6.20 Additional work lighting which may be required must be positioned to ensure that it shines onto the area of works with minimal spread into the wider area.

7. Procedure to follow in the event a bat is found on site at unsupervised times.

- 7.1 Bats are present within the vicinity of the site and may be found at any location on, in or around the buildings. Bats are protected species, and these procedures must be followed to avoid committing an offence.
- 7.2 If a bat is found at any location around the site DO NOT TOUCH unless necessary for the safety of the bat.
- 7.3 If the bat was uncovered in a roosting location carefully replace covering ensuring the bat is not crushed or harmed. If this is not possible cover the animal with a loose covering.
- 7.4 Stop all work at that area and the immediate vicinity. Work may continue at other areas around the site.
- 7.5 Call the AEWCLtd bat licensed project ecologist Annika Binet 07528 956486 or call the office on 08452 505585, or licensed ecologists 956486 Daniel Whitby 07764813002 or Brigitte de Coriolis 07545130203.

Appendix 1 – Survey timetable

Species	Survey	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Badger	Bait marking & sett search	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	
Bats	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	
	Emergence 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	
	Hibernation	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
	Trapping	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Sub-optimal	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season	Outside survey season
Birds	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	
	Breeding	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Outside survey season	Outside survey season	Outside survey season	
Great crested newt	HSI	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	
	eDNA	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	Tube	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	
Otter	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	[Green box]												
	Sub-optimal	[Blue box]												
	Outside survey season	[Grey box]												

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.

References

British Standard Institution (2013) *BS 42020:2013 Biodiversity. Code of practice for planning and development*, London, England

CIEEM (2021) *Good Practice Guidance for Habitats and Species*. Chartered Institute of Ecology and Environmental Management, Winchester

CIEEM (2013) *Competencies for Species Survey guidance documents*. Chartered Institute of Ecology and Environmental Management, Winchester

CIEEM (2018) *Professional Guidance Series: Guidance on metadata Standards: Reporting, sharing and archiving ecological data*. Chartered Institute of Ecology and Environmental Management, Winchester

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

CIEEM (2018) *Technical Guidance Series. Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester

CIEEM (2022) *Code of Professional Conduct*. Chartered Institute of Ecology and Environmental Management, Winchester

Department for Communities and Local Government (2021) *Technical Guidance to the National Planning Policy Framework*. Department of Communities and Local Government, London.

Department for Communities and Local Government (2021). *National Planning Policy Framework*. Department of Communities and Local Government, London.

JNCC (2010) *Handbook for Phase 1 habitat survey: A technique for environmental audit*. JNCC, Peterborough

ODPM (2005) *Government circular: biodiversity and geological conservation – statutory obligations and their impact within the planning system*. The Stationary Office.

Rose F. (2006) *The Wild Flower Key*. Penguin Books Ltd.

Stace C.A. (2010) *New Flora of the British Isles (3rd edition)*. Cambridge University Press.

UKHab Ltd (2023). *The UK Habitat Classification Version 2.0 (at <https://www.ukhab.org>)*

Bat Conservation Trust (2014) *Artificial lighting and wildlife*. Interim Guidance: Recommendations to help minimise the impact artificial lighting. BCT, London

Collins J. (ed) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd ed)*. Bat Conservation Trust, London

JNCC (2004) *Bat workers manual (3rd edition)*. JNCC, Peterborough.

Mitchell-Jones A.J. (2004) *Bat mitigation guidelines*. English Nature, Peterborough

Surrey Bat Group (2009) *Criteria for Bat Surveys in the Planning Process*.
www.surreybats.org.uk/criteria.html.