

# RETROSPECTIVE SURVEYS, HMP EAST SUTTON PARK

Report for MACE

Retrospective Preliminary Ecological Appraisal [PEA] and Preliminary Roost  
Assessment [PRA]

**October 2022**

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## Document Version Control

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Report for: Mace

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## 1.0 Executive Summary

### 1.1 Summary

- 1.1.1 Plowman Craven undertook a Retrospective Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at HMP East Sutton Park, Workhouse Road, Sutton Valence, Maidstone, Kent ME17 3DF on 21<sup>st</sup> September 2022.
- 1.1.2 The survey area consists of a previously used tennis court surrounded by buildings and gardens. The area contains moderate ecological value habitats that support a wide range of protected and notable species, including native hedgerows, and scattered mature native trees.
- 1.1.3 The majority of the development site itself is considered to have comparatively low ecological value compared to the surrounding habitats, but still has supporting value for protected species.

### 1.2 Recommendations

- 1.2.1 The following recommendations table summarises the ecological condition of the site and makes recommendations for any further actions.

**Table 1: Summary of receptors and recommendations**

Ecological Factor	Recommendations
Designated Sites	<p>There are no statutory designated sites within 2km of site. The nearest LWS to site is East Sutton Churchyard LWS, located 75m east of site. The LWS is slightly outside of the risk zone of 50m, however, as no construction occurred, there was no impacts in terms of pollution, dust or to tree roots. Other non-statutory designated sites within the area are of a sufficient distance to not be impacted by and development activities.</p> <p>No mitigation/enhancements would have been recommended.</p>
Habitat	<p>There are no notable habitats on site, however, woodpastre is located 10m west of site. The site is of distance to any notable habitats and no construction occurred, therefore, there was no impacts in terms of pollution, dust or to tree roots.</p> <p>The development would have had no impacts on habitats as the development did not include the removal of any habitats, including the hard standing ground. However, the new units were placed on top of the hard standing ground only. There had been no trees, shrubs, hedges or grassland removed during the development.</p>

	No mitigation/enhancements would have been recommended.
Problematic Species	<p>There are no invasive species on site.</p> <p>No mitigation/enhancements would have been recommended.</p>
Invertebrates	<p>The site offers very limiting suitable habitat for invertebrates and is restricted to the hedgerow and introduced shrubs. Common invertebrate assemblages may be found on site.</p> <p>The development would have had no impacts on invertebrates as the development was subject to hard standing ground only.</p> <p>To provide additional invertebrate habitat on site, areas of wildflower grassland and the retention of deadwood on the site will encourage more invertebrates.</p>
Bats	<p>The buildings on site provide a negligible value for roosting bats due to the lack of roosting features. The trees within close distance to the development area had no obvious bat roost features, however, these trees were assessed at ground level and any bat roosting features at height could have been missed.</p> <p>The site provides suitable habitat for foraging and commuting bats. The new units do not provide any additional lighting to the site and therefore there is no light spill onto the trees or hedgerow.</p> <p>The development would have had no impacts on bats as the development did not remove any features in which bats would have used. No trees, hedges, shrubs or buildings were removed.</p> <p>The installation of a minimum of one bat box on a mature tree around the site boundaries will provide additional roosting habitat for bats e.g. Beaumaris Bat Box, Vivara Pro Woodstone Bat Box or a similar alternative brand. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light.</p>
Birds	<p>The trees and hedges could provide suitable habitat for birds.</p> <p>The development would have had no impacts on birds as the development did not remove any features in which bats would have used. No trees, hedges, shrubs or buildings were removed.</p> <p>The installation of a minimum of two bird boxes on mature trees around the site boundaries will provide additional nesting habitat for birds e.g. Woodstone Nest Box, Swift and sparrow boxes or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind,</p>

	<p>rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole.</p>
<p>Reptiles</p>	<p>The site's boundary provides suitable habitat for commuting reptiles. The site provides no refuge for reptiles and the grass is well managed with a short sward length, which provides sub-optimal habitat for reptiles.</p> <p>The development would have had no impacts on reptiles as the development was subject to hard standing ground only, which was not removed. No hedges, shrubs or grassland were removed.</p> <p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles:</p> <ul style="list-style-type: none"> <li>• Creation of reptile refugia and hibernacula using debris and brash.</li> <li>• The creation of basking areas such as rock piles or areas of cleared ground with shelter nearby</li> </ul>
<p>Great crested newts and other amphibians</p>	<p>There are no EPSL's or class licences for GCN within 2km of site. There are six ponds within 500m of site with the closest located 260m south of site. The site's boundary provides suitable habitat for commuting amphibians. The site provides no refuge for amphibians and the grass is well managed with a short sward length, which provides sub-optimal habitat for amphibians.</p> <p>The development would have had no impacts on amphibians as the development was subject to hard standing ground only, which was not removed. No hedges, shrubs or grassland were removed. There is no impact on GCN.</p> <p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians:</p> <ul style="list-style-type: none"> <li>• Creation of amphibians refugia and hibernacula using debris and brash.</li> <li>• The creation of basking areas such as rock piles or areas of cleared ground with shelter nearby.</li> </ul>
<p>Other mammals</p>	<p>Hedgehogs may be present on site within shrub and hedges.</p> <p>The site is suitable for badger setts, foraging and commuting as the site is open to the wider landscape. However, no badger setts are known to be within 30m of the development area. No signs of badgers were observed on site during the survey.</p> <p>The site is not suitable for dormice due to the lack in connectivity between the trees onsite and within the wider landscape. The site is not suitable for water voles and otters, due to the lack of water courses such as rivers and streams and lack in riparian habitat on site.</p>

	<p>The development would have had no impacts on other mammals as the development was subject to hard standing ground only, which was not removed. No trees, hedges, shrubs or grassland were removed.</p> <p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs:</p> <ul style="list-style-type: none"> <li>• Creation of brash piles or installation of hedgehog houses in shady areas.</li> </ul>
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**Enhancements**

The following enhancements could be incorporated in order to achieve Biodiversity Net Gain (BNG). Biodiversity net gain recommendations are made below;

- A green roof could be incorporated into the new building.
- Native tree, hedgerow and shrub planting.
- Creation of wildflower grassland.
- Planting species rich grassland to increase foraging opportunities for birds and bats.

## **2.0 Introduction and Context.**

### **2.1 Background**

2.1.1 Plowman Craven was commissioned by HMP East Sutton Park to undertake a Retrospective Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at HMP East Sutton Park, Workhouse Road, Sutton Valence, Maidstone, Kent ME17 3DF. An Extended Phase 1 Habitat Survey of the survey area (all land that will be impacted by the proposals) was conducted and analysed against a desk study.

2.1.2 No previous ecological reports have been produced for this site.

### **2.2 Site Context**

2.2.1 The development site is located at National Grid Reference TQ 82645 49481. The ownership land has an area size of 34.7ha. The entire ownership land was not surveyed due to the development area consisting of only ~0.1ha of hard standing ground, therefore an area of ~0.7ha around the development site was surveyed. The site consists of hardstanding car parks, pathways, mature trees, hedgerow and amenity areas surrounding the living accommodation buildings.



## **2.3 Scope of the Report**

- 2.3.1 This report describes the baseline ecological conditions at the site; evaluates habitats within the survey area in the context of the wider environment; and describes the suitability of those habitats for notable or protected species. It identifies significant ecological impacts as a result of the development proposals; summarises the requirements for further surveys and mitigation measures, to inform subsequent mitigation proposals, achieve planning or other statutory consent, and to comply with wildlife legislation.
- 2.3.2 The aim of the Retrospective PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development, taking into consideration of what used to be present prior to the development. Establishing the baseline conditions for future monitoring. To achieve this, the following steps were taken:
- 2.3.3 The desk study area and field survey area (generally 50m from the site boundary/proposed footprint and including the 'zone of influence' of the scheme) have been identified.
- 2.3.4 A desk study has been carried out using freely available sources including the Magic database. A biological records data search has been commissioned from Kent and Medway Biological Records Search (KMBRC).

- 2.3.5 Baseline information on the site and surrounding area has been recorded through an 'Extended Phase 1 Habitat Survey', including a Phase 1 Habitat Survey (JNCC 2010) and recording further details in relation to notable or protected habitats and species
- 2.3.6 The ecological features present within the survey area have been evaluated where possible (CIEEM, 2006)
- 2.3.7 Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act [WCA]) have been identified
- 2.3.8 Likely impacts on features of value, as a result of the development proposals, have been identified. Recommendations for further survey and assessment have been made. Recommendations for mitigation and opportunities for enhancement have been provided based on current information
- 2.3.9 A survey plan is presented in Appendix 1, the proposed Project Plan is included in Appendix 2 (where available), and a summary of relevant legislation can be found in Appendix 3.

## **2.4 Project Description**

- 2.4.1 The proposed plans consisted of new living accommodation units to the site.

## 3.0 Methodology

### 3.1 Desk Study methodology

3.1.1 Existing biological records data relating to the site and a surrounding 2km radius (the study area) are required to conform to national guidelines. These have been commissioned from KMBRC.

3.1.2 A review of the following information sources has also been undertaken to inform the assessment:

- Landscape structure using aerial images from Google Earth and OS maps
- Designated sites, habitat and granted EPSL records held on Magic.gov.uk.

### 3.2 Site Survey Methodology

3.2.1 The survey was undertaken by Megan Knapp BSc (Hons) [Natural England bat licence number 2022-10627-CL17-BAT and Natural England GCN licence number 2022-10628-CL08-GCN] The survey was undertaken on 21<sup>st</sup> September 2022 under favourable weather conditions.

3.2.2 The methodology for the Phase 1 Habitat Survey is based on the best practice publication Phase 1 Habitat Survey Methodology (JNCC, 2010). All land parcels are described and mapped according to JNCC Phase 1 habitat classification (see site map in Appendix 1). Where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management.

3.2.3 During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species. The likelihood of the presence of protected species is ranked; the habitats on site are evaluated against their likelihood to provide suitable habitat for protected species.

3.2.4 The ecological value of the survey area has been assessed based on the Guidelines for Ecological Impact Assessment (CIEEM, 2006), and the Handbook of Biodiversity Methods: Survey, Evaluation and Monitoring (David Hill, 2005), using geographic frames of reference. The biodiversity value of any identified designated sites, habitat types and associated species assemblages has been considered. The distribution and extent of invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981) were also noted throughout the survey area.

### 3.3 Suitability Assessment

3.3.1 The likelihood of occurrence of protected species is ranked according to the criteria listed in Table 2. The habitats on site were evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

**Table 2: SA Matrix**

<b>Present</b>	Species are confirmed as present from the current survey or historical confirmed records.
<b>High</b>	Habitat and features of high quality for species/species assemblage. Species known to be present in wider landscape (desk study records). Good quality surrounding habitat and good connectivity.
<b>Medium</b>	Habitat and features of moderate quality. The site in combination with surrounding land provides all habitat/ecological conditions required by the species/assemblage. Within known national distribution of species and local records in desk study area. Limiting factors to suitability, including small area of suitable habitat, some severance/poor connectivity with wider landscape, poor to moderate habitat suitability in local area.
<b>Low</b>	Habitats within the survey area poor quality. Few or no records from data search. Despite above, presence cannot be discounted as within national range, all required features/conditions present on site and in surrounding landscape. Limiting factors could include isolation, poor quality landscape, or disturbance.
<b>Negligible</b>	Very limited, poor-quality habitats and features. No local records from desk study; site on edge of, or outside, national range. Surrounding habitats considered unlikely to support species/species assemblage.

### 3.4 Limitations – evaluation of the methodology

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

3.4.2 The units were already in place on site, which is the reasoning for a retrospective PEA/PRA.

3.4.3 There were no specific limitations to the survey regarding access to the site, biotic or abiotic factors (e.g. wasps, asbestos) visibility, safety, or adverse weather.

## 4.0 Results and Evaluation

### 4.1 Desk Study Results

4.1.1 A full data search from KMBRC has been obtained which confirms the presence of the following species from the surrounding habitats: **Amphibians** - smooth newt, palmate newt, great crested newt, common toad, common frog. **Birds** – honey buzzard, red kite, montagu’s harrier, osprey, merlin, hobby, peregrine, quail, green sandpiper, barn owl, kingfisher, hoopoe, black redstart, fieldfare, redwing, firecrest, golden oriole, common crossbill. **Bats** – serotine, whiskered bat, natterer’s bat, noctule, common pipistrelle soprano pipistrelle, brown long eared bat. **Other mammals** – otter, hedgehog, badger, stoat, weasel, water shrew, pygmy shrew, hazel dormouse. **Reptiles** – common lizard, slow worm, grass snake.

### 4.2 Designated Sites, Priority Habitats and European Protected Species Mitigation Licences

4.2.1 There are no statutory designated sites within 2km of site.

4.2.2 There are three Local Wildlife Site’s (LWS) within 2km of site. East Sutton Churchyard LWS is located 75m east of site, Kings Wood and Abbey Wood LWS is located 1125m north-west of site and Kingsnorth Wood and Pasture LWS is located 1640m south-east of site.

4.2.3 There are areas of Woodpasture, traditional orchard, deciduous woodland and ancient woodland within 2km of site. These sites are of a sufficient distance from the site to not be subject to any direct or indirect impacts, with the closest being Woodpasture located 105m west of site.

4.2.4 There are two bat EPSL’s located within 2km of site, with the closest located on the ownership land, ~165m south-east of the development site. Displaced bats could find roosting habitat elsewhere on site.

### 4.3 Landscape Context

4.3.1 The site is located in a rural area surrounded by agricultural fields with a golf course directly to the north and scattered woodlands in all directions. There is a lake and scattered ponds to the south. There are six ponds within 500m of site, with the closest pond 260m south of site.



Site Landscape Context



**4.4 Field Survey Results**

4.4.1 Phase 1 habitat map



#### 4.4.2 Site Feature descriptions

##### *J3.6 Buildings and hard standing*

There are footpaths and courtyards on site which consists of concrete and stone. The tennis courts are concrete and are still present on site. There are four buildings present within the site area:

B1 – a detached single storey wooden shed with a pitched roof with clay tiles. There is a wooden door and no windows. The entire building is in a good condition with no gaps or holes in which bats could use.

B2 – new units to which the development is based on. The units are metal containers with flat roofs. There are no bat roosting features present on these units. The units sit perfectly within the outline of the tennis court, which is still present.

B3 - detached double storey brick-built building for living accommodation. B3 has lean to roofs comprised of clay tiles with UPVC windows, doors and soffit boards. There are areas of wooden cladding on the top sections of the building. There are no bat roosting features present on the exterior of the building. The interior of the building as no surveyed due to no impacts on the building or external roosting features/access points.

B4 – detached double storey brick-built building for living accommodation. B4 has lean to roofs comprised of corrugated metal sheets. There are sections of the building which has corrugated metal sheets on the walls. There windows, doors and soffit boards are UPVC. There are no bat roosting features present on the exterior of the building. The interior of the building as no surveyed due to no impacts on the building or external roosting features/access points.

##### *J1.2 Amenity Grassland*

The majority of the site comprises of well-kept mowed grass. The sward length varies but is ~5cm in height. Species include cocks' foot (D), fescue (A), yarrow (A), ribwort plantain (F), sorrel (F) and cinquefoil (O).

##### *J1.4 Introduced Shrubs*

There are areas of scattered introduced shrubs which include yew, cedar and laurel bushes.

##### *J2.2.1 Intact Species Poor Hedge*

There is a hedgerow which runs along the northern boundary and consists of cedar (D) with sycamore (F).

##### *A3 Scattered Trees*

There are large mature trees scattered throughout the site. Species include ash, large leaved lime, sycamore, horse and sweet chestnut, silver birch, cedar and yew.



4.4.3 Photos



Photo 1: Western and southern elevation of B1.



Photo 2: New units on the tennis courts.



Photo 3: Northern and eastern elevation of B3.



Photo 4: Southern and eastern elevation of B4.



Photo 5: Amenity grassland to the north of site.



Photo 6: Scattered tree on site.





Photo 7: Introduced shrub on site.



Photo 8: Hedgerow on the northern boundary.

## 5.0 Conclusions, Impacts and Recommendations

### 5.1 Informative Guidelines

#### 5.1.1 Likelihood of the presence of protected species:

5.1.2 The habitats on site were evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat. The likelihood of occupancy of protected species is ranked according to the criteria listed in Table 2, above.

5.1.3 Where this report supports a planning application, the ecological interest of the study area (including the survey area) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity. It will be clearly stated where a preliminary value can be given and where further information is required.

Ecological Factor	Recommendations
Designated Sites	<p>There are no statutory designated sites within 2km of site. The nearest LWS to site is East Sutton Churchyard LWS, located 75m east of site. The LWS is slightly outside of the risk zone of 50m, however, as no construction occurred, there was no impacts in terms of pollution, dust or to tree roots. Other non-statutory designated sites within the area are of a sufficient distance to not be impacted by and development activities.</p> <p>No mitigation/enhancements would have been recommended.</p>
Habitat	<p>There are no notable habitats on site, however, woodpasture is located 10m west of site. The site is of distance to any notable habitats and no construction occurred, therefore, there was no impacts in terms of pollution, dust or to tree roots.</p> <p>The development would have had no impacts on habitats as the development did not include the removal of any habitats, including the hard standing ground. However, the new units were placed on top of the hard standing ground only. There had been no trees, shrubs, hedges or grassland removed during the development.</p> <p>No mitigation/enhancements would have been recommended.</p>
Problematic Species	<p>There are no invasive species on site.</p> <p>No mitigation/enhancements would have been recommended.</p>

<p>Invertebrates</p>	<p>The site offers very limiting suitable habitat for invertebrates and is restricted to the hedgerow and introduced shrubs. Common invertebrate assemblages may be found on site.</p> <p>The development would have had no impacts on invertebrates as the development was subject to hard standing ground only.</p> <p>To provide additional invertebrate habitat on site, areas of wildflower grassland and the retention of deadwood on the site will encourage more invertebrates.</p>
<p>Bats</p>	<p>The buildings on site provide a negligible value for roosting bats due to the lack of roosting features. The trees within close distance to the development area had no obvious bat roost features, however, these trees were assessed at ground level and any bat roosting features at height could have been missed.</p> <p>The site provides suitable habitat for foraging and commuting bats. The new units do not provide any additional lighting to the site and therefore there is no light spill onto the trees or hedgerow.</p> <p>The development would have had no impacts on bats as the development did not remove any features in which bats would have used. No trees, hedges, shrubs or buildings were removed.</p> <p>The installation of a minimum of one bat box on a mature tree around the site boundaries will provide additional roosting habitat for bats e.g. Beaumaris Bat Box, Vivara Pro Woodstone Bat Box or a similar alternative brand. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light.</p>
<p>Birds</p>	<p>The trees and hedges could provide suitable habitat for birds.</p> <p>The development would have had no impacts on birds as the development did not remove any features in which bats would have used. No trees, hedges, shrubs or buildings were removed.</p> <p>The installation of a minimum of two bird boxes on mature trees around the site boundaries will provide additional nesting habitat for birds e.g. Woodstone Nest Box, Swift and sparrow boxes or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole.</p>

<p>Reptiles</p>	<p>The site's boundary provides suitable habitat for commuting reptiles. The site provides no refuge for reptiles and the grass is well managed with a short sward length, which provides sub-optimal habitat for reptiles.</p> <p>The development would have had no impacts on reptiles as the development was subject to hard standing ground only, which was not removed. No hedges, shrubs or grassland were removed.</p> <p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles:</p> <ul style="list-style-type: none"> <li>• Creation of reptile refugia and hibernacula using debris and brash.</li> <li>• The creation of basking areas such as rock piles or areas of cleared ground with shelter nearby</li> </ul>
<p>Great crested newts and other amphibians</p>	<p>There are no EPSL's or class licences for GCN within 2km of site. There are six ponds within 500m of site with the closest located 260m south of site. The site's boundary provides suitable habitat for commuting amphibians. The site provides no refuge for amphibians and the grass is well managed with a short sward length, which provides sub-optimal habitat for amphibians.</p> <p>The development would have had no impacts on amphibians as the development was subject to hard standing ground only, which was not removed. No hedges, shrubs or grassland were removed. There is no impact on GCN.</p> <p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians:</p> <ul style="list-style-type: none"> <li>• Creation of amphibians refugia and hibernacula using debris and brash.</li> <li>• The creation of basking areas such as rock piles or areas of cleared ground with shelter nearby.</li> </ul>
<p>Other mammals</p>	<p>Hedgehogs may be present on site within shrub and hedges.</p> <p>The site is suitable for badger setts, foraging and commuting as the site is open to the wider landscape. However, no badger setts are known to be within 30m of the development area. No signs of badgers were observed on site during the survey.</p> <p>The site is not suitable for dormice due to the lack in connectivity between the trees onsite and within the wider landscape. The site is not suitable for water voles and otters, due to the lack of water courses such as rivers and streams and lack in riparian habitat on site.</p>

	<p>The development would have had no impacts on other mammals as the development was subject to hard standing ground only, which was not removed. No trees, hedges, shrubs or grassland were removed.</p> <p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs:</p> <ul style="list-style-type: none"> <li>• Creation of brash piles or installation of hedgehog houses in shady areas.</li> </ul>
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**Enhancements and Management**

The following enhancements and management practices could be incorporated in order to achieve Biodiversity Net Gain (BNG).

- Creation of species rich wildflower grassland to upgrade the existing grassland and increase foraging opportunities for birds and bats and invertebrates.
- Native tree planting to create healthy trees that will provide foraging, commuting, and refugia opportunities for bats, birds and invertebrates.
- Installation of artificial habitat boxes across the site for birds and bats.

Ecological Factor:	Management Plan for Enhancements on site.
<b>Habitat</b>	<p><b>Objectives:</b></p> <p>There is opportunity to create areas of wildflower-rich neutral grassland on site. This can be achieved naturally overtime, by leaving the seed bank present to establish. A managed wildlife meadow will create a ‘Supply feeding area’ to provide nectar for a range of species such as butterflies and bumblebees and will attract insects for bats to feed on. Habitat piles, e.g., logs and wood piles can be located within this area to create habitat for invertebrates.</p>
<b>Year 1</b>	<p>Thinly seeding with a wild flower seed mix after scarifying, and/or planting with plugs, will help give a faster, more extensive increase in wild flowers.</p> <p>However for better results, turf and some top-soil need to be removed to bring soil fertility right down and give good conditions for seeds.</p> <p>A ‘meadow’ seed-mix of flowers and fine grasses <b>of local provenance</b> can then be sown, and plugs planted, on the reduced nutrient sub-soils.</p>



	<p>'Thin sowing' gives more open vegetation and flowering plants a better chance. Wildflower meadows take time to become established. They need annual maintenance with appropriate mowing, and control of rampant species.</p> <p>A two-cut management approach is ideal for suppressing coarse grasses and encouraging wild flowers, reducing the management burden over time. If resources only allow one cut, then it should be late in the summer, in August or September.</p>
<p><b>Year 2 -3</b></p>	<p>Typically two cuts a year, one no later than April and the other in August- give good results. Timing depends on the known flower species present. In appropriate areas more cuts or ideally grazing may be required, ending early in the new year.</p> <p>Top up area with wildflower seeds of local provenance every 3 years after cutting at a density of 2g/m<sup>2</sup> using oversowing techniques. No non-native species can be used under any circumstances to achieve the good habitat condition required.</p> <p>NB. Some sites may have remnant semi-natural flower-rich grassland. It is important that this is conserved and not swamped by seeding or planting with plants that might out-compete the original plant community.</p>
<p><b>Bats &amp; Birds</b></p>	<p><b>Objectives: To provide long-term habitat for bats and birds within the site.</b></p> <p><b>Maintenance of species boxes on site.</b></p> <p>Integrated boxes (e.g. Build-in bat tubes and sparrow terraces) require no maintenance and are not at risk of falling or becoming damaged.</p> <p>Where wall mounted bird boxes are used, these should be constructed of woodcrete/Woodstone. These are known to have minimal maintenance and a lifespan of 25 years plus. These will need to be replaced if they fall or become damaged. Please note, to avoid risk of breach of legislation once installed, bat boxes will need to be checked by a bat licenced ecologist prior to handling for removal or repair.</p> <p>An annual inspection of all mounted boxes (trees &amp; buildings) will ensure ongoing take-up by target species. e.g.</p> <ul style="list-style-type: none"> <li>➤ Woodstone Nest Box – with 28mm entrance holes on the new building to attract Tree Sparrows, Blue Tits, Coal Tits, Great Tits and Crested Tits.</li> <li>➤ Woodstone Nest Box – with 32mm entrance holes on the new building to attract blue, marsh, coal and crested tits, nuthatch, collared and pied flycatcher, wryneck, tree and house sparrow</li> </ul> <p>Build-in models:</p> <ul style="list-style-type: none"> <li>➤ 2x multi-chamber swift bricks or boxes under the eaves of the building, which are used by a range of species.</li> <li>➤ Starling boxes should be installed on the building, again out of direct sunlight.</li> <li>➤ Vivara Pro WoodStone Bat Box</li> <li>➤ General Purpose Bat Box</li> </ul>
<p><b>New Native Tree Planting</b></p>	<p><b>Objectives: To ensure that good horticultural practice is employed to encourage long-term health and vitality of all trees. To plant a diverse and suitable density</b></p>

**of native species:**

- Field maple, oak, birch, apple, wild cherry, holly.
- Ensure well-balanced crowns and natural shape.

*Creation Method:*

- **Ground preparation and planting**

The proposed location of all new tree planting will be over existing grassland. As a result, the grassland substrate is likely to already be suitable for tree planting. Each tree should be planted within a hole three times as wide of the supplied pot and of a similar depth. Root balls should be soaked thoroughly in water before planting and root balls should be loosened to expose restricted roots before planting. The planted trees should then be backfilled ensuring there are no air pockets around roots or any roots protruding out of the ground.

- **Timing**

It is best to prepare the land during the summer ready for planting between November and March. Planting before the new year helps ensure better rooting and subsequent establishment including faster growth.

*Recommended management prescriptions:*

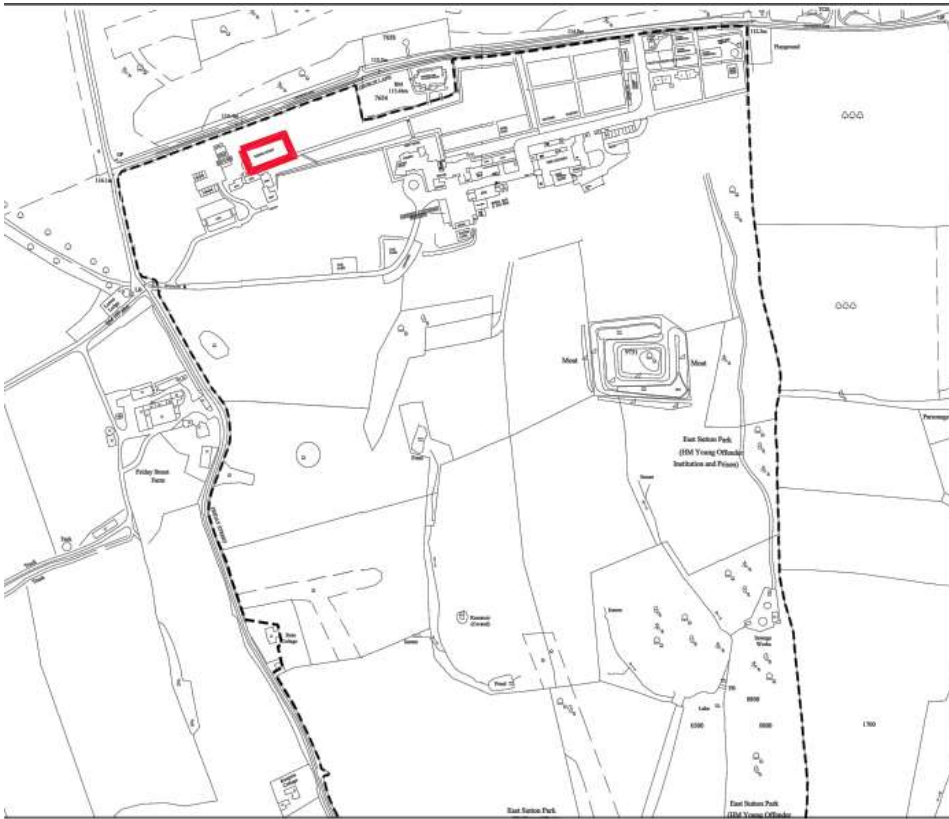
Management	When	Rationale
Plant bare-rooted trees	November – March (avoid if ground is frozen)	Increase the success in establishment
Provision of stakes and guards leave on for 5 years	N/A	Protect from damage
Stakes should be checked and any broken or damaged stakes during this time would be removed (as above) and replaced with ties re-fixed	Every six months for five years	Maintain protection
Mulching to be laid to a diameter of 0.5m around the base of the trees and would be maintained to a depth of c.50mm	When required	To suppress weed growth
Where trees are felled, lopped, pollarded or coppiced, a proportion of the dead wood should be left	When required	Provide habitat suitable for invertebrates.
Irrigation	Regularly	Regular watering is essential for establishment. An irrigation system may be required to be installed to ensure sufficient watering.

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**Appendix I – Site Plan**



## **Appendix 2 – Proposed plan**

N/A. Units in place.



## Appendix 3 – Legislation

### LEGAL PROTECTION

#### National and European Legislation Afforded to Habitats

##### *International Statutory Designations*

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

Under the Habitats Directive the, Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe in order to conserve the 189 habitats and 788 species (non- bird) identified in Annexes I and II of the Directive (as amended).

SPAs are classified under Article 2 of the EC Birds Directive both for rare bird species (as listed on Annex I) and for important migratory species.

SACs and SPAs up to 12 nautical miles (nm) from the coast are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2010 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994. In Scotland, the requirements of Habitats Directive are implemented through a combination of the 1994 and the 2010 (reserved matters) Regulations. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a means for designating and protecting SACs in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres” however they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

##### *National Statutory Designations*

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

are important within the European Natura 2000 network and globally. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

### ***Local Statutory Designations***

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

### ***Non- Statutory Designations***

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

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

### **The Hedgerow Regulations 1997**

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

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

### **National and European Legislation Afforded to Species**

#### **The Habitats Directive**

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.



In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests':

the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;

- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

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

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000) and Nature Conservation (Scotland) Act 2004.

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

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

***Badgers***

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

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agency's to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

***Birds***

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

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

#### Effects on development works:

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

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

#### ***Herpetofauna (Amphibians and reptiles)***

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

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

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

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

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

- Intentionally or recklessly kill or injure these species.

#### Effects on development works:

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

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

### **Water voles**

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

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

#### Effects on development works:

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

### **Otters**

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

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

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

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

#### Effects on development works:

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

### **Bats**

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

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

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

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

#### Effects on development works:

Works which are liable to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

### **Dormice**

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

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

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

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

#### Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

### **White clawed crayfish**

The white clawed crayfish *Austropotamobius pallipes* receives partial protection under Schedule 5 of the WCA in respect of Sections 9(1) and 9(5). This makes it an offence to:

- Intentionally take (capture) white-clawed crayfish.

Effects on development works:

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

**Wild Mammals (Protection Act) 1996**

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

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

**Legislation afforded to Plants**

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

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

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

**Effects on development works:**

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

**Invasive Species**

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

### Effects on development works:

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

### **Injurious weeds**

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

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

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

## **NATIONAL PLANNING POLICY (ENGLAND)**

### **National Planning Policy Framework**

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

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

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

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

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

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