

# Reptile Presence/Absence Survey

## Lyncorte, RH13 8NW



Phase 2 Presence/Absence Survey

EHM Ltd

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## Control Sheet

Project Information			
<b>Client</b>	Peter Whale		
<b>Assessment</b>	Reptile Presence/Likely Absence Survey		
<b>Site</b>	Lyncorte, Bentons Lane, Dial Post, West Sussex, RH13 8NW		
<b>File Reference</b>	Reptile Survey_Lyncorte		
<b>Survey Dates</b>	<p>Reptile survey site visits:</p> <p>28<sup>th</sup> August 2025  2<sup>nd</sup> September 2025  5<sup>th</sup> September 2025  8<sup>th</sup> September 2025  11<sup>th</sup> September 2025  15<sup>th</sup> September 2025  19<sup>th</sup> September 2025</p>		
Document History			
<b>Author</b>	Lauren Scudder, BSc (Hons), Cert Ecol	EHM Ltd	08/10/2025
<b>Reviewer</b>	Paul Green	EHM Ltd	08/10/2025
<b>Issued</b>	Paul Green	EHM Ltd	08/10/2025
<b>Life Span of Report</b>	<p>This report and survey data remains valid for 12 months from date of issue, following standing advice from CIEEM<sup>1</sup>. The report, conclusions and recommendations are valid for current development plans only. Should these change, the report should be reviewed and, if necessary, further survey work and desk study review undertaken.</p>		

Non-Technical Summary	
<b>Purpose of Report</b>	This report will provide information on the ecological constraint with regards to protected reptile species, following the identification of suitable reptile habitat on site and the results of a desk study during a Preliminary Ecological Appraisal carried out by EHM Ltd in November 2024.
<b>Assessment Methods</b>	Reptile presence/absence surveys were carried out in suitable reptile habitat within the site boundary. The survey involved seven survey visits, each incorporating: <ul style="list-style-type: none"> <li>○ Survey of artificial refugia; and,</li> <li>○ Visual observation of habitats and natural refugia present.</li> </ul>
<b>Ecological Constraints</b>	The key ecological constraints associated with this application are: <ul style="list-style-type: none"> <li>○ [Insert key ecological constraints, e.g.,]</li> <li>○ The presence of ancient woodland and priority deciduous woodland within 200m of the site,</li> <li>○ The presence of suitable bat roosting features within the zone of development within the site,</li> <li>○ And the potential for breeding birds to be present within hedgerows, buildings and mature trees.</li> </ul>
<b>Results</b>	One grass snake was recorded within the survey area, underneath refugia no. 1.
<b>Recommendations</b>	In England, the smooth snake ( <i>Coronella austriaca</i> ) and sand lizard ( <i>Lacerta agilis</i> ) are designated and protected as European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017. Additionally, both the smooth snake and sand lizard are protected under the Wildlife and Countryside Act, 1981 (as amended). All other native species are partially protected under the Wildlife and Countryside Act, 1981 (as amended). As grass snake has been confirmed to be present on site, it will be necessary to adopt appropriate avoidance and/or mitigation measures as part of the proposed development.

# 1. Introduction

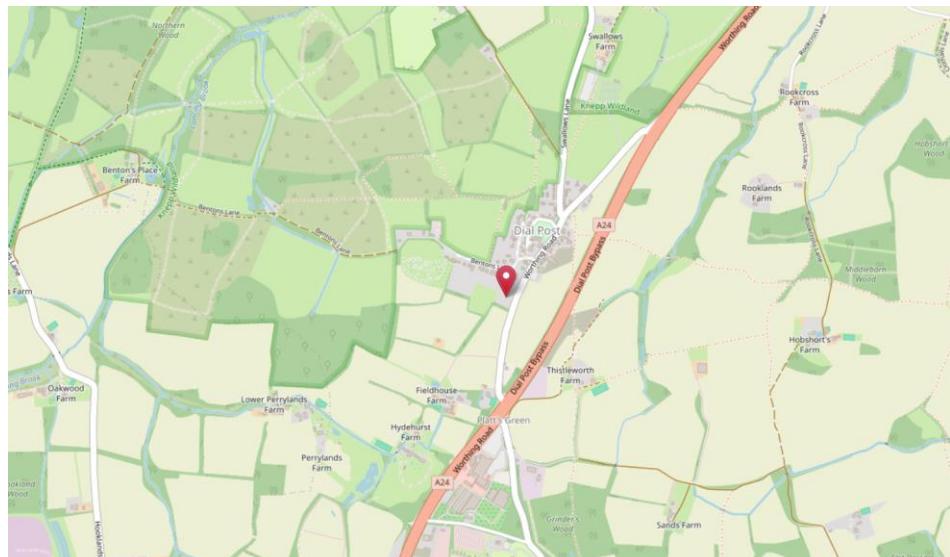
Following the findings of a preliminary ecological appraisal carried out at a site in West Sussex, Ecology and Habitat Management Ltd (EHM Ltd) have been commissioned to carry out further surveys to establish the presence or likely absence of reptiles on land at Lyncorte in West Sussex, RH13 8NW, which is hereafter referred to as the 'site'.

## 1.1. Site Description

The site is roughly square in shape, covering an area of approximately 0.4ha. It comprises of a garden area that includes plant beds and hedgerows. This area is currently accessed through the garden of the existing property, at the northern end of the site. Hedgerows form the east, south and west boundary and the garden continues at the north boundary.

The site is located within a community of similar sized properties. The local landscape is largely rural in nature, aside the village (Dial Post) that this site is in, with residential properties immediately to the north of the site, but a mixture of hedgerows, grassland, agricultural land and pockets of woodland dominating the wider landscape. Wildlife corridors are present within the local landscape through grassland and woodland edges and linear features such as watercourses and hedgerows. However, main roads and impermeable boundaries such as solid fencing and walls fragment habitats.

The site (as shown on figure 1) is in Dial Post, Horsham, West Sussex; TQ 15305 19246.



**Figure 1:** Location of the survey site.

## 1.2. Survey Objectives

This report will provide information on the ecological constraint with regards to protected reptile species, following the identification of suitable reptile habitat on site and the results of a desk study during a Preliminary Ecological Appraisal carried out by EHM Ltd in November 2024.

This survey has been undertaken to comply with wildlife legislation and planning policy objectives such as the National Planning Policy Framework and Local Planning Policy.

The key objectives are as follows:

- Assess the presence or likely absence of reptiles within the site;
- If reptiles are found to be present, give an indication as to the population size of each species present;
- Recommend appropriate mitigation measures where necessary, and;
- Suggest potential enhancements that could be made on site for reptiles.

## 1.3. Legislation

All native UK reptile species are considered to have dramatically declined, particularly in the last century, due to fragmentation, degradation and loss of their habitat. This has resulted in all six species being listed as rare and most threatened under Section 41 of the Natural Environment and Rural Communities Act (2006).

In England, the smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) are designated and protected as European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017.

Under these regulations, it is an offence to:

- Deliberately kill, injure, disturb or capture them,
- Deliberately take or destroy their eggs,
- Damage or destroy their breeding sites and resting places (including when the smooth snakes or sand lizards are not present),
- Possess, control or transport them (or any part of them, alive or dead)
- Sell, offer, or publish an advert to sell them.

Additionally, both the smooth snake and sand lizard are protected under the Wildlife and Countryside Act, 1981 (as amended). Under this legislation it is an offence to intentionally or recklessly:

- Disturb them while they occupy a structure or place used for shelter or protection,
- Obstruct access to a place of shelter or protection,
- Possess or transport them (or any part of them, alive or dead),

- Sell, offer, or publish an advert to sell them.

All other native species are partially protected under the Wildlife and Countryside Act, 1981 (as amended). It is an offence to intentionally or recklessly kill, or injure them, possess or transport them or any part of them (alive or dead), sell, offer, or publish an advert to sell:

- Adders (*Vipera berus*)
- Grass snakes (*Natrix helvetica*)
- Common or viviparous lizards (*Zootoca vivipara*)
- Slow worms (*Anguis fragilis*)

Further information on wildlife legislation and planning policy has been included in the Appendix.

## 2. Methodology

### 2.1. Desk Study

A data search was obtained from Sussex Biodiversity Record Centre (SxBRC) in October 2024 as part of the previously carried out Preliminary Ecological Appraisal, which detailed records of reptiles within a 1km radius of the proposed development from 1980 onwards.

### 2.2. Reptile Presence/Absence Survey

The survey carried out followed best practice guidance from sources including the Reptile Habitat Management Handbook<sup>1</sup>, Froglife Advice Sheet 10<sup>2</sup> and the Herpetofauna Workers Manual 2003<sup>3</sup>. In accordance with guidance, the survey effort involved the following:

- a) Artificial reptile refugia consisted of roofing felt, corrugated iron or onduline/coroline.
- b) The refugia was a size of 0.5m x 1m to create attractive artificial refugia to reptiles.
- c) Refugia was laid out at a minimum density of ten per hectare in suitable habitat.
- d) Refugia was left in place for at least two weeks prior to survey commencement.
- e) A minimum of seven visits were conducted, at least 2 days apart.
- f) Survey effort was undertaken during an optimal time of year (March-October).
- g) Survey visits were undertaken during appropriate weather conditions as far as possible (between 9°C and 18°C air temperature, no rain, and wind less than Beaufort Force 4), using both visual search and checking artificial refugia.

Methodology laid out in Froglife Advice Sheet 10 was used to assess the size of reptile populations. The table below shows the criteria for assessing population class size, using the number of adult reptiles of each species recorded during a single survey visit (using guidelines):

Species	Low Population Score 1	Good Population Score 2	Exceptional Population Score 3
Adder	<5	5-10	>10
Grass Snake	<5	5-10	>10
Common Lizard	<5	5-10	>10
Slow Worm	<5	5-10	>10

*Table 1: Criteria for assessing population class size. Data Source: Froglife, 1999.*

A total of fifteen artificial refugia were placed in optimal reptile habitat. This is a much higher density (37.5) of artificial reptile refugia as recommended by best practice guidelines. A larger

<sup>1</sup> [Habitat Management Handbooks | Amphibian and Reptile Conservation](#)

<sup>2</sup> [Froglife Advice Sheet 9](#)

<sup>3</sup> [Herpetofauna Workers' Manual \(revised reprint\) | JNCC Resource Hub](#)

quantity was used to increase the opportunities of finding reptiles and/or having more confidence in a negative result. Locations of the refugia can be found in appendix 1.

The artificial reptile refugia were initially laid on the 14th of August 2025 and left for two weeks prior to the survey visits beginning on the 28<sup>th</sup> of August 2025. This two-week period allows for favourable conditions to develop, such as a suitable humidity for reptiles and for reptiles to become aware of the refugia.

### **2.3. Timing of Survey**

The survey timing for reptiles is recognised within the best practice guideline documents as being from March to October, with the most profitable months to be April, May and September.

Additionally, the best times during the day to search are generally between 08:30am and 11:00am and between 16:00pm and 18:30pm. The artificial reptile refugia was initially laid on the 14<sup>th</sup> of August 2025, the surveys began on the 28<sup>th</sup> of August 2025 and ended on the 19<sup>th</sup> of September 2025; therefore, this is an optimal time of year to search for reptiles.

### **2.4. Personnel**

The reptile survey was completed by competent surveyors with at least twenty hours of search time, in suitable conditions, at sites with target species present, using both visual search and artificial refugia and have completed at least ten separate survey sessions at a range of site, in line with CIEEM guidance<sup>4</sup>.

### **2.5. Constraints and Survey Limitations**

The measurement for the area of suitable habitat within the site is an estimate, calculated using the Multi-Agency Geographic Information for the Countryside (MAGIC) website. This is not considered to be a significant limitation as the tool is considered a reliable and widely accepted source for spatial environmental data, frequently used in ecological assessments and planning contexts.

Although surveys were conducted by experienced ecologists, the potential for observer bias and variation in detection rates cannot be entirely excluded. This is not considered to be a significant limitation as the surveyors possess the recommended knowledge, skills and experience for surveying reptiles.

The survey area did not include adjacent sites that may support reptile populations, potentially underestimating the site's ecological connectivity. This is not considered to be a significant

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<sup>4</sup> CIEEM (2014) *Competencies for species survey: Reptiles*. Chartered Institute of Ecology and Environmental Management. Winchester: CIEEM. Available at: <https://cieem.net/wp-content/uploads/2019/02/CSS-REPTILES-October-2014.pdf> (Accessed 8 October 2025).

limitation as the focus of this assessment is on the development footprint and immediate habitat, and the assumption that adjacent areas are of similar habitat quality and connectivity.

As a higher density of artificial reptile refugia was placed, this survey is considered to have a high confidence in results.

### 3. Results

#### 3.1. Desk Study

The desk study results returned 2 reptile species within 1km of the site. These results comprised of 2 records of slow worm (*Anguis fragilis*) and 3 records of grass snake (*Natrix helvetica*). The most recent record was of slow worm, recorded in 2024, whilst the closest record was of slow worm, recorded 277m northeast of the site. All records of reptiles were located west of the A24, which is approximately 210m east of the survey area. Results from the returned records are shown in the table below.

Species	Date of most recent record	Distance of most recent record (m)	Date of closest record	Distance of closest record (m)
Slow worm	27/05/2024	277	27/05/2024	277
Grass snake	01/10/2019	1000	23/09/2017	754

**Table 2:** Results of desk study.

#### 3.2. Survey Effort

The results of the weather conditions and timings of the surveys are shown in table 3 below.

Date	Survey Start Time (24h)	Survey End Time (24h)	Air temperature (°C)	Cloud Cover (%)	Rainfall (None/Light/Heavy)	Wind (Beaufort Scale)
28/08/2025	09:15	09:45	18	30	None	2
02/09/2025	09:40	10:05	16	40	None	2
05/09/2025	09:20	09:40	16	10	None	2
08/09/2025	09:45	10:05	21	60	None	3
11/09/2025	10:10	10:30	17	40	None	3
15/09/2025	10:15	10:35	15	30	Light, on occasion	2
19/09/2025	09:35	09:55	14	30	None	2

**Table 3:** Results of timings and weather conditions.

#### 3.3. Survey Results

Date	Method	Location	Species	Life Stage	Quantity
08/09/2025	Artificial refugia	Under mat 1	Grass snake	Juvenile	1

**Table 4:** Reptile survey results.

## 4. Discussion & Recommendations

### 4.1. Reptile Population

The desk study records include 2 records of slow worm and 3 records of grass snake, found within 1km of the site boundary. Given the records returned, it is suggested that there is a low population of reptiles within the local area, or that reptiles are under-recorded within the local area.

The reptile survey results recorded a total of one grass snake within the survey area. It is likely that the survey area and its adjacent habitats support a small or low population of reptiles. The A24 to the east of the survey area provides a barrier to reptile dispersal, which limits the likelihood of reptile colonisation from the wider environment in that direction.

Considering these results, it is suggested that reptiles are likely present within the survey area. Therefore, there is potential for adverse effects on reptiles on the site as a consequence of the proposed development. Thus, it will be necessary to adopt appropriate avoidance or mitigation measures as part of the proposed development.

### 4.2. Mitigation Strategy

At the time of reporting, no confirmed development plans are in place. However, it is anticipated that the site will be redeveloped for a single residential dwelling with associated garden space. The development footprint is expected to occupy only part of the existing 0.4ha site, which comprises grassland, scrub and shrub habitats bounded by fencing and hedgerows.

Given the low population of reptiles recorded and the species involved, a Natural England licence is not required. Mitigation will focus on avoidance and precautionary measures to prevent harm to reptiles during site clearance and construction phases.

#### Reptile Exclusion Fencing

It is recommended to install temporary reptile exclusion fencing around the proposed construction footprint prior to any site clearance or groundworks. The location of reptile exclusion fencing has been proposed with regards to creating access to the construction area.

The fencing (see Appendix 1?) is to be installed under ecological supervision during the active reptile period (March to October, inclusive).

Once installed, an appropriate ecologist should deploy an appropriate quantity of reptile refugia as necessary within the exclusion zone, and they should be checked daily for reptiles during suitable weather conditions. Translocation visits are conducted daily between 08:30am and 11:00am or 16:00pm and 18:30pm in April, May and September. All reptiles found should be safely translocated to the receptor site. Once no reptiles have been found for five consecutive days, a destructive search by an appropriate ecologist should take place, to clear the site and make it

unsuitable for reptiles. Following this, site clearance and construction should take place as soon as possible.

The exclusion fencing is to stay in-situ throughout the development and only removed on completion of works within suitable conditions during the reptile active period. The exclusion fencing should be regularly inspected and maintained throughout the construction period.

In the event reptiles are found within the construction zone during construction works, all works should cease immediately whilst an ecologist is contacted, and the reptile is carefully removed and placed into the receptor area.

### **On-Site Receptor Area**

A portion of the existing garden, outside the construction footprint is recommended to be designated as a receptor area (see Appendix 3?). The receptor area is considered suitable due to its existing habitat features and connectivity to surrounding habitats.

The receptor site is to be enhanced by leaving grassland uncut, with the exception of small areas cut to a minimum height of 15cm to create a mosaic of long and short grassland areas. A total of two log/brash piles are recommended to be created and placed within tussocky grassland. To create these, advice should be followed from the Reptile Habitat Management Handbook<sup>5</sup>.

### **Future Management of the Receptor Area**

The receptor area is located within the retained portion of the garden and is considered suitable for on-site mitigation, given its existing habitat features and connectivity. While no formal landscaping plans have been submitted, it is acknowledged that future re-landscaping by new occupants may occur. It is recommended that any such works be preceded by consultation with a qualified ecologist to ensure compliance with wildlife legislation and to avoid harm to any reptiles that are present. Habitat features such as log piles, scrub and long grass should be retained or reinstated where possible to maintain ecological value.

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<sup>5</sup> [Habitat Management Handbooks | Amphibian and Reptile Conservation](#)

## 5. Conclusions

Seven reptile survey visits were carried out between August and September 2025. One juvenile grass snake was found to be present within the survey area, under refugia no. 1.

Desk study information for within 1km of the site boundary included 2 records of slow worm and 3 records of grass snake.

Given the suitable reptile habitat on site and the desk study records, it is possible that the site has potential to support a wider variety of species and reptile abundance than recorded, including slow worm.

Therefore, there is potential for adverse effects on reptiles on the site due to the proposed development. Consequently, it is recommended that appropriate avoidance and/or mitigation measures are implemented as part of the proposed development. A mitigation strategy has been proposed.

## 6. Bibliography

Chartered Institute of Ecology and Environmental Management (2014) *Competencies for species survey: Reptiles*. Chartered Institute of Ecology and Environmental Management. Winchester: CIEEM. Available at: <https://cieem.net/wp-content/uploads/2019/02/CSS-REPTILES-October-2014.pdf> (Accessed 8 October 2025).

Chartered Institute of Ecology and Environmental Management (2019) *Guidance Note: On the lifespan of ecological reports and surveys*. Winchester: CIEEM. Available at: <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf> (Accessed: 8 October 2025).

Edgar, P., Foster, J. and Baker, J. (2010). Reptile Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth.

Froglife. (1999). Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.

Gent, A.H., & Gibson, S.D., eds. (2003). Herpetofauna workers' manual. Peterborough: Joint Nature Conservation Committee.

## 7. Appendices

### 7.1. Appendix 1: Locations of artificial refugia and survey transect.

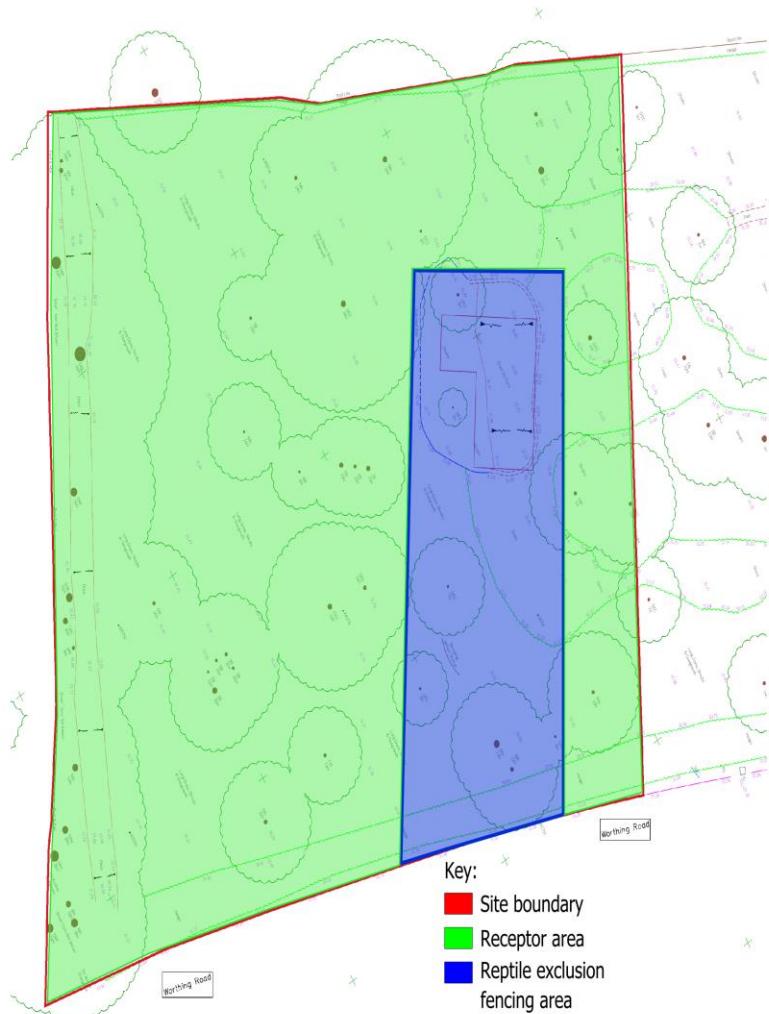


## 7.2. Appendix 2: Photographs

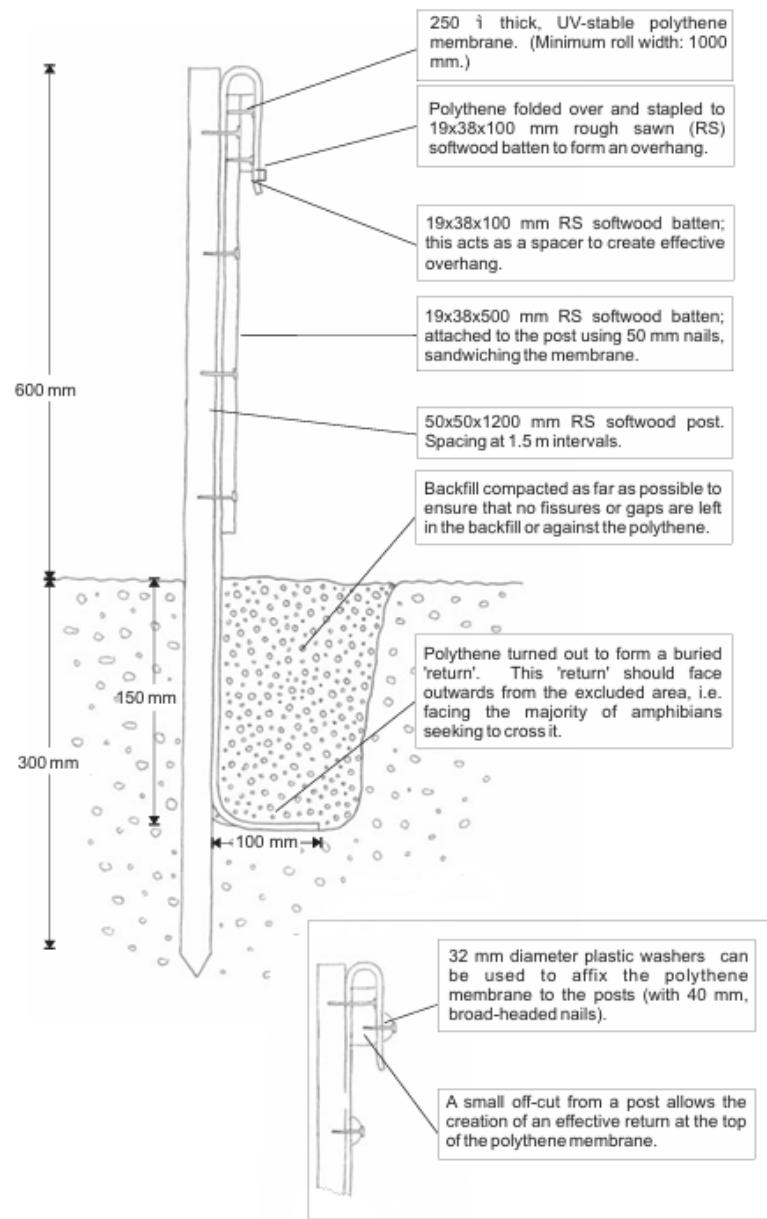


**Photograph 1:** Juvenile grass snake recorded under refugia 1.

### 7.3. Appendix 3: Proposed Reptile Exclusion Fencing Map



## 7.4. Appendix 4: Suggested Specifications for Reptile Exclusion Fencing



**Data Source:** Highways Agency (2005). *Design Manual for Roads and Bridges. Volume 10 Environmental Design and Management. Section 4 The Good Roads Guide: Nature Conservation. Part 7. Nature Conservation Advice in Relation to Reptiles and Roads.* Available at: [www.standardsforhighways.co.uk/dmrb/vol10/section4/ha11605.pdf](http://www.standardsforhighways.co.uk/dmrb/vol10/section4/ha11605.pdf)

## 7.5. Appendix 5: Legislation

Protected species have protection under national legislation such as the Wildlife and Countryside Act 1981 and European legislation such as the Habitats Directive.

Please note the following:

- (1) If there is no record of a particular protected species, this does not signify that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

### **WILDLIFE PROTECTION LEGISLATION IN ENGLAND**

Legislation that protects wildlife in England exists at the European and national level.

#### **European Law**

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants,

this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures

### **National Law**

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.

Protection of Badgers Act the Protection of the Badgers Act prohibits the killing, injuring or taking of badgers and damage or interference with a badger sett, unless licensed to do so by a statutory authority.

### **International and European Obligations**

In the UK, species receiving protection under international legislation and agreements are protected through the Wildlife and Countryside Act, so are not shown separately in the BMERC notable species lists. For reference, the relevant categories are shown below.

Bern Convention on the Conservation of European Wildlife and Natural Habitats the Bern Convention aims to ensure the conservation of wild flora and fauna species and their habitats.

- Appendix 1 (strictly protected flora) - Plants for which contracting parties will prohibit deliberate picking, collecting, cutting or uprooting.
- Appendix 2 (strictly protected fauna) - Animals for which contracting parties will prohibit deliberate capture, possession, killing, damage to or destruction of breeding or resting sites, disturbance or destruction or taking of eggs. Appendix 3 (protected fauna) - Animals for which contracting parties will include closed seasons and regulate their sale, keeping for sale, and transport for sale or offering for sale of live and dead wild animals. (Not included in Notable Species List).

Bonn Convention on Migratory Species the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range.

- Appendix 1 (migratory species threatened with extinction) - Species for which contracting parties will strictly protect and endeavour to conserve or restore the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.
- Appendix 2 (migratory species that need or would benefit from international co-operation) - Species for which contracting parties will be encouraged to conclude global or regional agreements for the conservation and management of individual species or, more often, of a group of species. (Not included in Notable Species List).

The EC Council Directive on the Conservation of Wild Birds the Birds Directive provides a framework for the conservation and management of all wild birds in Europe. As well as designating

important sites for birds as Special Protection Areas, birds are generally protected from deliberate killing or capture and destruction of or damage to their nests or eggs, and deliberate disturbance. Allowances are made for game birds.

## **UK BAP & Notable Species**

### UK Biodiversity Action Plan and Section 41 Species

Biodiversity, or biological diversity, is the whole variety of life on Earth. The Convention on Biological Diversity (CBD) came about as a result of the 1992 Earth Summit. As one of 168 countries to sign up to the CBD, the UK was required to develop a national strategy for the conservation of biodiversity; the UK Biodiversity Action Plan (UKBAP) was born.

The UK BAP is the result of contributions involving a wide range of people and organisations, enabling the identification of species and habitats that are listed as priorities for conservation action. A 2007 review of the UKBAP has resulted in 1149 species and 65 habitats being listed as conservation priorities. For more information see [www.ukbap.org.uk](http://www.ukbap.org.uk).

### **The UK BAP**

From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

The S41 list will be 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. In particular:

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

**Habitats of Principal Importance** Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

**Species of Principal Importance** There are 943 species of principal importance included on the S41 list. These are the species found in England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

**Relationship with the UK Biodiversity List of Species and Habitats** the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

**Relationship with the biodiversity duty under Section 40 of the NERC Act** There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity.

Importantly:

- (a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.
- (b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from: <http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>

The overall aim of the Essex Biodiversity Project is to protect, conserve and enhance the variety of wildlife species and habitats in Essex through the successful implementation of the Essex Biodiversity Action Plan.