# Land at the Hermitage, RH13 0JS

## Preliminary Ecological Appraisal


Land at the Hermitage – Phase 1

Preliminary Ecological Appraisal

EHM Ltd

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## Contents

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| **Job** | PEA: Land at the Hermitage, RH13 0JS | | |
| **Report title** | Preliminary Ecological Appraisal | | |
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## Executive Summary

EHM Ltd has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) of a property located in Horsham, West Sussex. This report will provide an assessment of the site reporting on the current conditions of the habitats present and their potential to support protected and notable species.

The site is roughly square in shape, covering an area of approximately 0.17ha. It comprises of a garden area, scrub, several trees, fencing and an old, small shed. The site is located within a community of similar sized properties. The local landscape is somewhat rural in nature with large areas of woodland and grassland dominating the surrounding area. However, residential properties dominate the north/northeast of the surrounding area. The centre of Horsham, the closest main residential area, is approximately 2.5km northeast of the site.

| Species | Sites potential to support |
|---|---|
| Bat roosts- buildings. | Negligible |
| Bat roosts- mature trees | Low |
| Bat foraging/ commuting areas | Moderate |
| [redacted] | [redacted] |
| Dormice | Low |
| Hedgehog | Moderate |
| Reptiles | Moderate |
| Common Amphibians | Low |
| Great Crested Newts | Low |
| Breeding birds | High |
| Plants | Low |
| Invertebrates | Moderate |

| Recommendation | Action |
|---|---|
| Retention of wider habitats | Protect and retain wider habitats such as grassland and hedgerow during and post construction. |
| Protection of breeding birds | Carry out vegetation clearance outside of the bird breeding season or under ecological supervision of an ecologist following a breeding bird survey. |
| Appropriate lighting for bats | Compile a sensitive lighting plan to avoid illuminating bat foraging and commuting habitat – woodland, hedgerow, scrub and scattered trees, through construction and post construction. This can be a condition of planning. |
| Remove vegetation in stages | Follow the vegetation clearance method statement in stages for all habitats on site to reduce the risk of impacting protected/notable species. |
| Implement biodiversity enhancements | Follow recommendations for planting, bird, bat and hedgehog boxes, log piles and compost heaps etc., |
| Adequate pollution control | Habitats on site should be adequately protected to ensure no polluted runoff enters on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded containers with appropriate spill kits and emergency procedures in place. Establish exclusion zones before construction. |
| Follow recommendations from the arboriculturist | Follow all recommendations from the arboriculturist to ensure the protection of retained trees and to remove any necessary trees. |

# 1. Introduction

EHM Ltd has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) at a property in Horsham, RH13 0JS, which is hereafter referred to as the 'site'. This report will provide an assessment of the site reporting on the current conditions of the habitats present and their potential to support protected and notable species.

## 1.1 Project outline

At the time of the site visit and report write-up, EHM Ltd understands that the development will involve the construction of a dwelling on land next to the existing house. As well as a small driveway which will involve the removal of some of the northern hedgerow as to create its own access to the road.

## 1.2 Site Description

The site is roughly square in shape, covering an area of approximately 0.17ha. It comprises of a garden area, scrub, several trees, fencing and an old, small shed. These are currently accessed through the garden of the existing house, however, the development will involve creating a new access route directly to the road.

The site is located within a community of similar sized properties. The local landscape is somewhat rural in nature with large areas of woodland and grassland dominating the surrounding area. However, residential properties dominate the north/northeast of the surrounding area. The local landscape has some good connectivity between habitats in the form of hedgerows, woodland edges and grassland, although roads do separate habitats. The centre of Horsham, the closest main residential area, is approximately 2.5km northeast of the site.

The site (as shown on figure 1) is in Horsham, West Sussex; TQ 15982 29709. Locations of broad habitats on the site are shown in the appendix.

## 1.3 Aims of PEA

The aim of this PEA is to:

- Identify the likely ecological constraints associated with a project.
- Identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'.
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (EcIA).
- Identify the opportunities offered by a project to deliver ecological enhancement.

***Figure 1:*** *Approximate boundary of the site. Data Source: Magic Map.*

# 2. Methods

## 2.1 Site Visit

EHM Ltd undertook a site visit on the 21st of November 2024. This was to carry out a walk over of the site, determining the basic habitats present and their current condition. The potential for these habitats to support protected and notable species was also recorded. The site visit was carried out by an experienced professional who is able to appropriately identify habitats and assess their quality and suitability to support species.

The methodology followed that of an Extended Phase 1 Habitat Survey following the methodology of JNCC (1993) as modified by IEA (1995). The Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are likely to be ecologically important.

## 2.2 Protected Species

The following evidence of protected species or habitats to support them was assessed.

[redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]

**Bats**

The site was assessed for its potential to support:

- Roosting bats
- Foraging and commuting bats.

Features which could indicate a potential bat roost include:

- Holes and fissures in trees
- Gaps in buildings that could allow access to areas such as roof voids, e.g., holes in soffits, broken, loose, or missing tiles, damaged lead flashing, etc.

The methodology for assessing bat roost potential followed that recommended by the Bat Conservation Trust[1].

**Breeding birds**

The site was assessed for its potential to support nesting and breeding birds, considering factors including sufficient habitat cover and food sources.

**Dormice**

The site was surveyed for suitable dormouse habitat, such as the presence of a well-connected understorey broadleaf habitat, and suitable food sources such as hazel, oak and other nut-bearing trees, fruiting trees and shrubs, flowers and invertebrates. Where hazel nut shells were found, these were inspected for evidence of dormouse feeding.

**Aquatic mammals**

Aquatic habitats were assessed for their potential to support aquatic mammals such as Otter or water vole. Signs including footprints, droppings and evidence of feeding were searched for.

**Reptiles**

The site was assessed for its potential to support reptile populations. Suitable habitat for reptiles includes long grass, scrub, woodland and hedgerow borders and wood/rubble piles that act as hibernacula.

**Amphibians**

Any aquatic habitat was assessed for its potential to support amphibian species, including Great Crested Newts. Any ponds on site were assessed, using the Habitat Suitability Index, for its potential to support Great Crested Newts. Terrestrial habitat was also accessed for its ability to support amphibians.

**Other species**

[1] Collins, J. (ed) (2016). Bat Surveys for professional Ecologists; Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

The site was assessed for its potential to support other notable species.

## 2.3 Desktop Study

In conjunction with the site visit a report was compiled of relevant ecological records within 1km of the site. This provided details of protected and notable species in the area which will help inform the potential of the site to support such species. The report from the Sussex Biodiversity Record Centre (SxBRC) also provides details of protected sites within a 1km radius of the site. The Multi-Agency Geographical Information for the Countryside (MAGIC) map was also reviewed for additional relevant protected species and habitat information.

## 2.4 Limitations

The contents of this report are based on a single site visit and a search of the local records centre and MAGIC Map. Though the survey and interpretations of the data were carried out by a competent assessor there may be things that have been overlooked, missed, or not present at the time of the visit.

## 2.5 Relevant Legislation and Planning Policies

A full list of UK wildlife legislation and designations can be seen in the appendix. Relevant legislation implications for this site include:

- The Conservation of Habitats and Species Regulations 2010 (as amended)
- The Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act 2000
- The Natural Environment and Rural Communities Act (NERC Act) 2006

Planning policies, both local and national, may affect any proposed development. Relevant planning policies to this development include:

- National Planning Policy Framework (NPPF)
- City of Westminster's City Plan 2019-40

# 3. Results

## 3.1 Habitats

The location and extent of the habitats are shown in the figure in appendix 1. TN refers to a target note and the habitat code after the habitat name below refer to the Phase I habitat classification. CIEEM guidance recommends that the value or potential value of an ecological resource or feature should be determined within a defined geographical context[2]. It recommends the following frame of reference;

- International
- UK
- National (i.e., England/Northern Ireland/Scotland/Wales)

[2] GUIDELINES FOR ECOLOGICAL IMPACT ASSESSMENT IN THE UNITED KINGDOM. IEEM. June 2006.

- Regional
- County (or Metropolitan - e.g., in London)
- District (or Unitary Authority, City, or Borough)
- Local or Parish
- Site
- Within zone of influence only (which might be the project site or a larger area).

The habitats will be assessed based on these criteria.

**Buildings (J3.6)**

The site contains one small wooden shed in the northwest corner of the site. It consists of a wooden structure with a felt roof. As EHM Ltd understand, this shed is to be removed as part of the development, as it is old and no longer used. The building lacks insulation and is considered to have a low potential to support protected species and is considered as having a value at a zone of influence level.

**Semi-Improved Neutral Grassland (B2.2)**

The site contains grassland that is managed and regularly mown as an ornamental lawn. Dominant species within the sward includes false oat grass *(Arrhenatherum elatius),* cocksfoot *(Dactylis glomerata)* and meadow fescue *(Festuca pratensis).* The grassland forms the largest habitat on site and will be most affected by the development. It is considered as having a potential to support protected species and is considered as having value at a site level.

**Scrub (A2)**

There are two main stretches of scrub. These occur along the northern border, separating the property from the road, and a stretch from south to north across approximately the middle of the site. The scrub in both areas is less than 5m tall and has scattered trees within them. These areas are described as scrub rather than hedgerows as they are dominated by non-woody species including bramble *(Rubus sp.)* and are not stock proof. Native, woody species do occur within them, these include hawthorn *(Crataegus monogyna),* hazel *(Corylus avellana),* holly *(Ilex aquifolium)* spindle *(Euonymus europaeus),* field maple *(Acer campestre)* and silver birch *(Betula pendula).* The scrub is considered as having potential to support protected species and is considered as having a value at a site level.

**Scattered Trees (A3.3)**

There are scattered trees within the scrub mentioned above and along the southern border. There is also one tree slightly east of the scrub along the middle of the site. It is understood that a separate tree survey is/has been conducted at the site to provide an assessment of the trees, as well as provide advice on where to locate the new entrance into the site via the north border. Species include oak *(Quercus robur),* field maple *(Acer campestre)* and silver birch *(Betula pendula).* The scattered trees are considered as having potential to support protected species and are considered as having a value at a site level.

**Fence (J2.4)**

There is fencing around the entire site. This does not contain any floristic value and is therefore not considered further.

**Summary**

The table below summarises the habitats on site and their value within a geographical context.

| Habitat | Value | Comments |
|---|---|---|
| Building | Zone of Influence | One wooden shed that has a low potential to support protected and notable species. |
| Semi-Improved Neutral Grassland | Site | Regularly mown grassland provides a potential to support protected and notable species. |
| Scrub | Site | Two main areas of scrub that provide a potential to support protected and notable species. |
| Scattered Trees | Site | Trees within the scrub and along the southern border provide potential to support protected and notable species. |
| Fence | Zone of influence | Fencing does not contain any floristic value and is therefore not considered further. |

***Table 1:*** *Summary of value of habitats present on site.*

## 3.2 Species Desktop Results

**Desktop Records**

A recent biological record search from Sussex Biodiversity Information Centre (SxBRC) produced 5,493 records of protected and notable species within 1km of the site, and 101 records of invasive non-native species within 1km of the site. The table below summarises the key species groups and protected areas within these results. A full list of the species can be seen on request.

Protected species are those listed on EC Habitats Directive- Annexes II and IV, EC Bird Directive- Annex I, Conservation (Natural Habitats) Regulations 1994- Schedules 2 & 5, NERC 2006 Section 41, Wildlife and Countryside Act 1981 (as amended_-Schedules 1, 5 & 8, Protection of Badgers Act 1992. Notable species are categorised as being a: BAP priority National, Red list species (not least concern) and or Red Status bird species, Red Data Book Species, NERC species. Legislation and BAP designation are explained in the appendix.

It should be noted that SxBRC does not hold comprehensive species data for all areas. Even where data are held, a lack of records for a species in a defined geographical area does not necessarily mean that the species does not occur there, the area may simply not have been surveyed.

| Sites and Habitats | Present/Absent | Details |
|---|---|---|
| Statutory Sites | Absent | N/a |

| | | | | |
|---|---|---|---|---|
| Non-Statutory Sites of Local Wildlife Sites | Present | Sparrow Copse (LWS) | | |
| Ancient Woodland | Present | Pockets of ancient woodland is present to the east, south and southwest of the site. | | |
| Priority Habitats | Present | Priority Habitat Inventory – Traditional Orchard<br>Priority Habitat Inventory – Deciduous Woodland<br>Priority Habitat Inventory – Ghyll Woodland<br>Woodpasture and Parkland BAP Priority Habitat | | |
| **Protected and Notable Species** | **Number of Species recorded within 1km** | **Number of Records** | **Date of Oldest Record** | **Date of Latest Record** |
| Amphibian Species | 5 | 42 | 01/03/1993 | 28/04/2023 |
| Reptile Species | 3 | 70 | 01/01/1990 | 21/09/2018 |
| Invertebrate Species | 14 | 35 | 08/08/1988 | 10/06/2023 |
| Terrestrial Mammal Species (excl. Bats) | 4 | 58 | 22/08/2002 | 23/06/2021 |
| Bat Species | 11 | 26 | 01/07/1987 | 20/06/2023 |
| Bird Species | 63 | 579 | 01/01/1981 | 14/08/2024 |
| Plant Species | 15 | 31 | 1988 | 29/08/2016 |

***Table 2:*** *Summary of Protected Areas and Species Information. Data Source: SxBRC.*

Regarding the site, the majority of species records received can be viewed as being in one or more of the following three categories.

- Occurred a considerable distance away from the site.
- Few or irregular occurrences of an identified species.
- Not been recorded for some considerable time.

This does not mean that a particular species isn't or has never been present on the site, only that the records held suggest that it is probably unlikely given a number of factors, such as species distribution, habitats present, site connectivity, etc.

## 3.3 Species Site Assessment

The following assessment considers the information from the desktop study as well an assessment of the habitats on site and their potential to support protected and notable species. The likelihood of species being found on site is defined as follows;

- High- Definite signs of species identified on site and habitat considered suitable.
- Moderate- habitat considered suitable but obvious signs not necessarily detected.
- Low- no obvious signs and habitat considered sub-optimal. Though species may be present.
- Negligible- highly unlikely that species is present.

**Bat Commuting/ Foraging Habitat Assessment**

The information supplied by the SxBRC provided records of 11 species of bat found within 1km of the site. Local records include species of the common pipistrelle *(Pipistrellus pipistrellus),* the daubenton's bat *(Myotis daubentonii)* and the noctule bat *(Nyctalus noctula).* Magic Map was also consulted for any granted EPS licences within 1km of the site and none were found. Considering only 26 records since 1980 and zero granted EPS licences within the local area, this would suggest either low bat activity or that they are under-recorded. Considering the pockets of woodland and linear features such as woodland edges, grassland and hedgerows present locally, it is expected that bats are under-recorded within the area.

All bat species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways[3]. Bats use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another[4]. The site contains a linear feature along the northern boundary, although it is a little gappy. However, this linear feature does connect to other linear features which are linked to woodland in the local area and to areas where bats have been recorded. The site also contains a lot of native species which provides foraging opportunities. Connectivity in general across the local landscape is good, in the form of hedgerows, grassland edges and woodland edges. It is likely that bats commute across and forage within the site.

The presence of foraging/commuting habitat is considered **moderate**.

[3] https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/foraging-habitats

[4] https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/commuting-habitats

**Building Bat Roosts Assessment**

Buildings are known to provide suitable roosting opportunities for a number of bat species[5]. An inspection of the buildings was carried out to assess potential to support bat roosts, following Bat conservation trust guidelines[6], looking for potential ingress points.

The shed present in the northwest corner of the site was constructed of wood with a felt roof. This building lacked the suitable structure likely to support bats.

No bat roosting signs including droppings were found within the interior or on the exterior or surrounding area of either building. Following the inspection, the building is considered as having **negligible** potential to support a bat roost.

**Bat Roost Tree Assessment**

The trees on site were also assessed for any Potential Roost Features (PRFs). The bat conservation trust provides information regarding features that may be present in trees that bats could potentially use for roosting[7]. Obvious PRFs were not found within the trees on site, although a few trees on site were of an age and structure necessary for PRFs. These are considered to have a **low** potential to support a bat roost.

[redacted]

**Dormouse Assessment**

No evidence of dormice (*Muscardinus avellanarius*) activity, such as feeding remains or nests was observed on site. Across its range dormice prefer the successional stage of woody vegetation; this is the new growth that arises after woodland management such as coppicing, ride widening, thinning or glade creation, they may also occur in scrubby habitat[8]. The site does not contain any optimal habitat for this species. However, some of the surrounding habitat has suitable habitat. One record for this species was provided in the SxBRC data, approximately 675m northeast of the site, and therefore, they may be in the local area. The likelihood of dormouse being present is considered **low**.

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[5] Bats and Buildings. Bats and the Build Environment Series. Bat Conservation Trust. January 2012.

[6] Collins, J. (ed) (2016). Bat Surveys for professional Ecologists/; Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

[7] http://www.bats.org.uk/pages/bat_roosts.html#TreeRoosts

[8] https://ptes.org/get-informed/facts-figures/hazel-common-dormouse-muscardinus-avellanarius/

**Small Mammal Assessment**

The local data contained records of hedgehog *(Erinaceus europaeus),* polecat *(Mustela putorius)* and rabbit *(Oryctolagus cuniculus)* within 1km of the site. The habitats on site provide some foraging and commuting habitat. The surrounding area also contains suitable habitats and therefore small mammals may be present in the local area. The likelihood of the presence of small mammals is considered **moderate**.

**Reptile Assessment**

Reptiles prefer sites with a diversity of habitats containing a number of micro habitats that provide suitable foraging and refuge sites[9]. The local data from SxBRC contained several records of slow-worm *(Anguis fragilis),* grass snake *(Natrix helvetica)* and common lizard *(Zootoca vivipara).* The site contains some suitable habitat for these species. The semi-improved grassland provides little habitat as it is kept at a shorter sward length than the neighbouring field, however the site could be used as a basking area, or as a commuting area. Furthermore, the scrub provides foraging, commuting and possibly hibernating habitats. The potential for reptiles being present is considered **moderate**.

**Amphibian Assessment**

The European protected species Great Crested Newt (*Triturus cristatus*) requires both suitable aquatic habitats for breeding and terrestrial habitats to forage and shelter during the active season and hibernate over winter[10]. There are 6 records of GCN in the local area in the provided SxBRC data. These records are from over 500m away from the site, with the closest occurring approximately 700m south of the site. There are no waterbodies within or adjacent to the site. From aerial imagery, there are five waterbodies potentially suitable for GCN (ponds). The status of these waterbodies is not known, although, main roads do separate these ponds from the site. Magic Map was also consulted for any for any granted EPS licences within 1km of the site and two were found. These were approximately 0.9km northwest of the site and 0.95km southeast of the site. The site contains little suitable terrestrial habitat for the species, this being within the scrub on site. The potential for GCN being present is considered **low**.

Additionally, the SxBRC record search returned records of other amphibian species. The terrestrial habitat on site provides little opportunity for common amphibians and there is a lack of suitable aquatic habitat in the local area that is not separated by main roads. The likelihood of common amphibians being present is considered **low**.

**Bird Assessment**

The scrub and trees provide suitable nesting bird opportunities. The site's potential to support breeding birds is considered **high**. The local records data contained a number of records of notable bird species. The site has potential to support some of these species such as house

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

[10] Great crested newt mitigation guidelines. August 2001. English Nature.

sparrow *(Passer domesticus),* blue tit *(Cyanistes caeruleus)* and grey wagtail *(Motacilla cinerea).* The likelihood of notable bird species being on site is considered **moderate**.

**Plant Assessment**

The SBIC results produced a number of records of notable plant species, mostly associated with ancient woodland indicator species. Species within the local records include wild strawberry *(Fragaria vesca),* bluebell *(Hyacinthoides non-scripta),* and wood-sorrel *(Oxalis acetosella).*

The site contained semi-improved grassland which is regularly mown. The likelihood of protected and notable species being present on site is considered **low**.

**Invertebrate Assessment**

The local records data produced many records of notable and protected invertebrate species.

The site contains scrub, trees and grassland which provides some foraging, commuting and nesting habitat. The likelihood of protected and notable invertebrate species being found on site is considered **moderate**.

## 3.4 Summary

Table 3 below summarises the sites potential for protected and notable species. Designations for potential are as follows.

- High- Definite signs of species identified on site and habitat considered suitable.
- Medium/ moderate- habitat considered suitable but obvious signs not necessarily detected.
- Low- no obvious signs and habitat considered sub-optimal. Though species may be present.
- Negligible- highly unlikely that species is present.

| Species | Sites potential to support | Justification |
|---|---|---|
| Bat roosts- buildings. | Negligible | No roosting evidence found, and the shed lacks the suitable structure to support bats. |
| Bat roosts- mature trees | Low | The trees present do not exhibit obvious features that could be used by a bat or bats to roost in. |
| Bat foraging/ commuting areas | Moderate | The linear features present on site provide commuting habitat and the native species on site provide foraging opportunities. |
| [redacted] | [redacted] | [redacted] |
| Dormice | Low | No evidence found and unsuitable habitat, however there is suitable habitat in the surrounding area. |
| Small Mammals | Moderate | Local records found and some suitable habitat. |
| Reptiles | Moderate | Local records found and some suitable habitat. |
| Common Amphibians | Low | Lacks suitable aquatic habitat nearby and little terrestrial habitat present on site. |
| Great Crested Newts | Low | Lack of suitable aquatic habitat nearby and lack of close by records. |
| Breeding birds | High | Scrub and trees provide nesting opportunities. |
| Plants | Low | No plants encountered were of ecological significance. |
| Invertebrates | Moderate | Trees, scrub and grassland provide some habitats to support these species. |

***Table 3:*** *Summary of sites potential to support certain protected and notable species.*

## 3.5 Protected Areas

**Statutory Protected Areas**

There are no statutory protected areas within 1km of the site.

**Non-statutory Protected Areas**

There is one non statutory protected area within 1km of the site, which is Sparrow Copse (LWS). Sparrow Copse covers 8.5ha of land and has been identified as a local wildlife site due to its considerable ecological value. The site consists of semi-natural woodland with a diverse shrub layer, a species rich ground flora and it supports a good variety of mosses and liverworts.

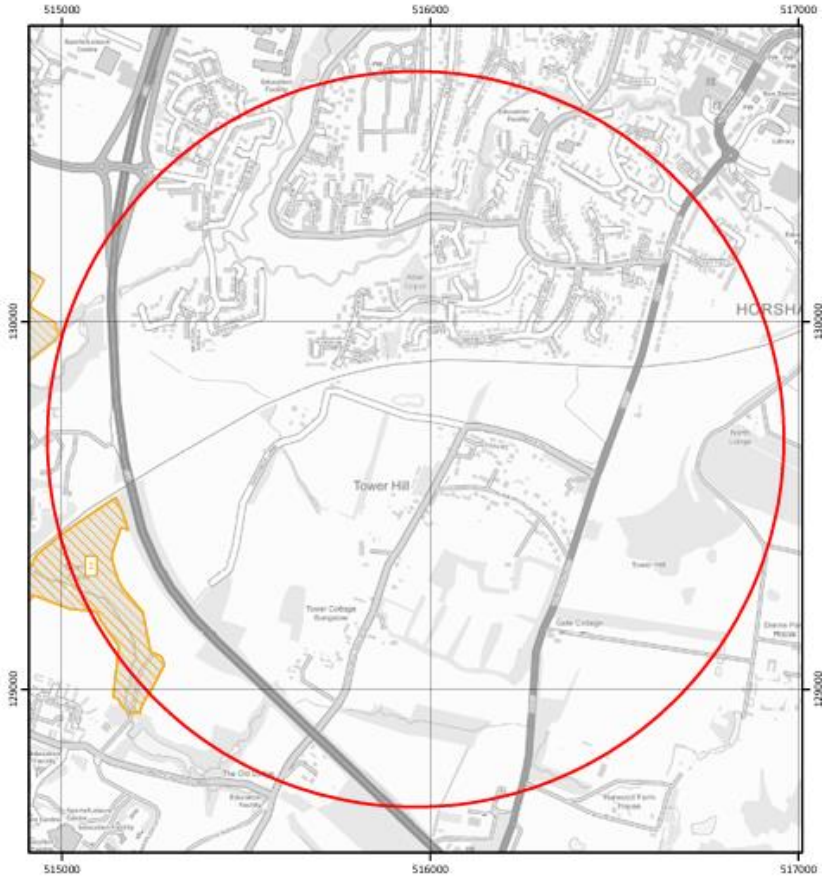



***Figure 2:*** *Location of non-statutory protected areas within 1km of the site. Data Source: SxBRC.*

**Priority Habitats**

There are areas of priority habitat within 1km of the site. Habitats listed on the Priority Habitat Inventory within proximity of the site include deciduous woodland, ancient woodland, lowland meadow and woodpasture and parkland BAP. These habitats are not found on the site or directly bordering the site.

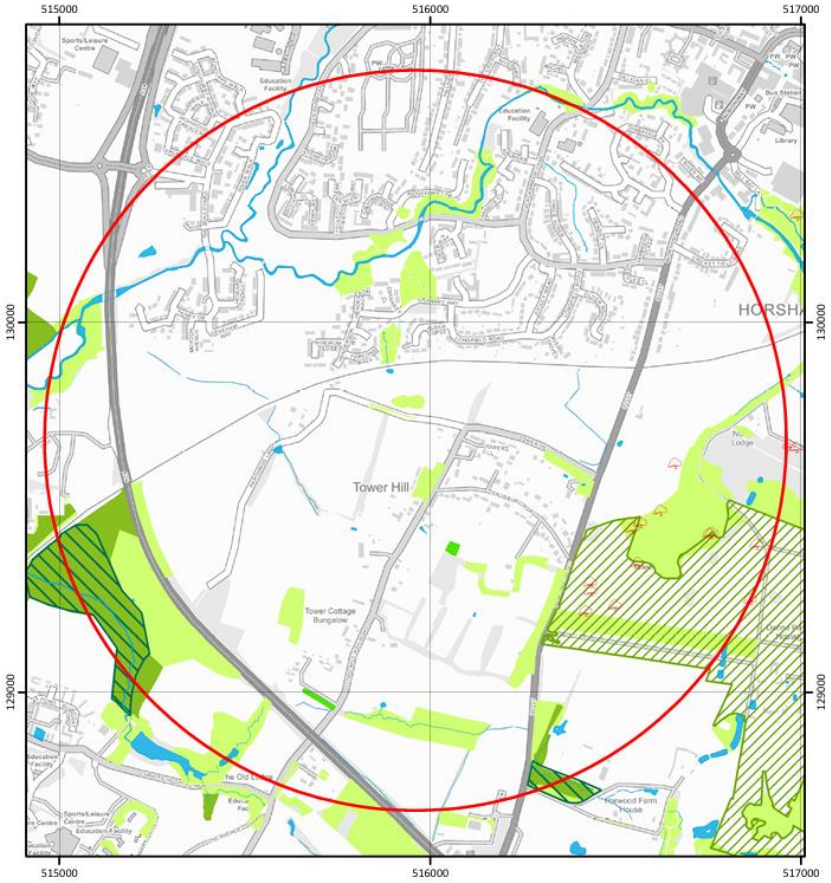



***Figure 3:*** *Location of priority habitats (dark green = ancient woodland, dark green lines = ghyll woodland, light green = deciduous woodland, light green lines = woodpasture, bright green = traditional orchard, tree = ancient or veteran tree) Data Source: SxBRC.*

## 4. Discussion

The following sections consider the effects on protected areas, priority habitats, protected species, notable species and habitats on site. Recommendations for additional surveys and or enhancements are made as necessary.

### 4.1 Effects on Designated Sites

As there are no statutory protected areas within 1km of the site and the nature of the proposed development, it is considered unlikely to result in any adverse direct impacts upon any further statutory protected areas.

Similarly, given the distance between the site and LWS, along with separations caused by roads and the nature of the proposed development, it is unlikely that there will be any adverse direct impacts upon the non-statutory designated site.

Any indirect impacts will be minimised by following the recommendations set out below.

## 4.2 Effects on Priority Habitats

As discussed, priority habitats are present within a 1km radius of the site's boundary. The identified priority habitats are located in excess of 0.15km from the red-line site boundary and are separated by roads. Considering these, no adverse impacts are expected upon these habitats.

## 4.3 Effects on Habitats on Site

EHM understands that the proposed development will include the construction of a two-storey dwelling and a garage. This will involve the removal of some of the grassland, scrub and several trees. The trees that will be removed have been accessed by an arboriculturist as category 'U' poor quality or low-grade category 'C'. Also, the small existing shed in the northwest corner of the site will be removed. It is recommended that as much of the current habitats on site are retained as possible.

The habitats across the wider site will not be directly impacted. Recommendations below are made with respect to protected and notable species as well as habitat enhancements.

## 4.4 Effects on Protected and Notable Species

**Bats**

The site is considered as having moderate potential to support bat foraging and commuting bats. This is predominately the scrub and grassland edges. The scrub forming a linear feature will be retained (apart from a small portion (3-5m) to allow the new dwelling access to the road) which will ensure the retention of most of the commuting and foraging habitat. Proposed enhancements will benefit bat species.

Furthermore, a sensitive lighting scheme should be incorporated into the final design to protect these edge habitats and newly created habitats on site. To protect potential roost or bat foraging/commuting habitat in the area it will be important to;

- Avoid illuminating the wider habitats on site, particularly the scrub, hedgerow and nearby trees, at dusk or nighttime – Guidelines provided by the Bat Conservation Trust and ILP should be followed[11]
- Limit work to daylight hours
- Limit noise disturbance and other forms of pollution such as dust
- Maintain the wider habitats on site
- Lighting should also be considered post-development with any external lighting positioned so as not to illuminate potential foraging or commuting habitats.

[11] https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

**Small Mammals**

As small mammals have been recorded close to the site and habitats providing foraging and commuting areas are present on site, precautions to protect these species should be followed. Retaining as much scrub on site as possible, as well as grassland, will help to retain potential habitats and wildlife corridors for these species. Any vegetation clearance should be cleared systematically by hand and cut down to ground level in stages (described below). This will allow any animals present to leave the work area safely.

**Dormouse**

The site is considered as having a low potential to support dormouse due to lack of suitable habitat or any local population. Although unlikely to be using the site, as they may be in the local area precautions to protect these species should be followed. Any vegetation clearance should be cleared systematically by hand and cut down to ground level in stages (described below). If a suspected dormice is seen, works must cease immediately and a qualified ecologist must be contacted. A mitigation plan and further surveys may be required before works can then continue.

**Reptiles**

As the site is considered as having a moderate potential to support reptiles, precautions to protect these species during construction should be followed. The majority of the habitat that will be impacted (grassland) is unlikely to support reptiles due to it being kept at a short length.

However, it may be used as commuting or basking habitat. Also, the scrub provides some opportunity to support reptiles (mainly as wildlife corridors but also possibly as hibernaculum). Connectivity will be retained across the wider landscape through the retained scrub.

To reduce possible impacts to reptiles, it is recommended that the habitats that will be directly impacted, be cleared using a suitable method statement to reduce the likelihood of impacting reptiles;

This can be done under ecological supervision if that is wanted, although not necessary.

Stage 1 – the vegetation will need to be reduced to a height of 150-200mm using hand tools (e.g., strimmer). It is recommended that cutting works towards retained areas, where there is connectivity to wider habitats. All potential refugia such as log or rubble piles should be removed by hand to outside of work area.

Stage 2 – after a period of at least 24 hours has passed a second vegetation cut should be undertaken to ground level. Again, it is recommended that this second-stage cutting works towards retained areas (south and west). All cuttings to be removed from work area. The site can be completely cleared and worked upon as necessary.

If a reptile is seen, then works should stop until an appropriate mitigation strategy can be agreed and implemented.

Additional enhancements for reptiles could be incorporated into the final development, particularly within any retained habitats or green spaces.

**Amphibians**

The site is considered as having a low potential to support the European Protected Species Great Crested Newt and common amphibians. There are no ponds on site and the terrestrial habitats on site are considered to have a low potential to support GCN and common amphibians.

To prevent any potential harm coming to amphibians, it is recommended that;

- To prevent amphibians becoming trapped in open earth works or excavations that are to be left overnight, should either be covered over or a board placed securely within the excavation that allows access from the bottom of the excavation to the ground level.
- All excavations and trenches should be inspected each morning before works commence. If an amphibian is found trapped on site, the amphibian should be safely removed and allowed to disperse within suitable habitat that has connectivity to wider habitats.

**Birds**

There is a high level of potential for birds to be nesting on the site. The scrub and trees provide the best habitats for nesting, and these should ideally be retained where possible. To ensure breeding birds are not impacted by any project works, trees, scrub or shrubs that require

removal should be removed outside of the breeding bird season, this typically runs from 1st March to 1st September. If vegetation requires removal during the nesting bird season the area should be subjected to a survey by an experienced ecologist. If there are any nest sites located within the work area a suitable exclusion zone will have to be established until the chicks have fledged. All bird nests are protected in the Wildlife and Countryside Act (see appendix).

Additional planting and inclusion of nest boxes would help replace any potential loss in nesting habitat.

**Invertebrates/Plants**
Retention of the wider habitats on site (mainly scrub, trees and grassland) will help maintain suitable habitats on site for invertebrates and plants. Inclusion of log or brush piles is also recommended in retained habitats. Any post project planting should be of native species to provide enhancements to invertebrate species.

## 4.5 General Ecological Protection Measures

The following measures are suggested to help minimise the impact to the wider environment;

- Establish a biodiversity protection zone to include areas of retained grassland and hedgerow habitats on site. All project personnel and materials will be excluded from this area; these areas should be clearly marked on site.
- Suppression and monitoring of dust where relevant.
- Control sources of aquatic pollution, particularly from entering local water courses or ground water.
- All proposed work must strictly be in accordance with all relevant Pollution Prevention Guidelines (PPG) published by the Environment Agency which may include but is not limited to PPG1 (general), PPG5 (works in, near, or liable to affect watercourses) and PPG6 (work at construction & demolition sites). Contingency plans should be drawn up to address chemical spillage, collision, etc.

## 4.6 Ecological Enhancements

A number of enhancements can be made in the event of any relandscaping works on site to help reduce any potential ecological impacts. It is important to utilise native plant species of local provenance in landscaping schemes to enhance the ecological value of the site. A few general enhancements are recommended to be considered when designing the final plan.

**Planting**
It is recommended to replace the trees and scrub that require removal for this development. Native species should be used to do this.

Any native tree and flower plantings could also be used to provide additional habitats.

Replacing fencing with hedgerows could also be considered to create additional habitats for wildlife as well as create wildlife corridors.

Any areas of green roofs or green walls possible would also provide a benefit for a number of species.

**Additional Features**

To enhance the local bat population and provide roosting opportunities within the site an artificial roost site could be incorporated into the development. The bat box should ideally be hung on a tree, mounted on a pole or placed on the southern side of the building. The Schwegler 2F is a good general-purpose box. Additionally, the inclusion of a bird nest box/boxes would also provide a benefit for the local bird population. A range of different boxes is recommended. Those most applicable are single hole-fronted for tits, colony hole-fronted for house sparrows and deep nestboxes for owls.

It is also recommended that log piles could be made near areas of retained scrub or nearby trees. The log piles can be created during site management from leftover wood. Log piles offer shelter for hibernating small mammals and insects, as well as a foraging area for some birds.

Compost heaps can also be formed in areas of retained hedgerow or nearby trees. The compost heaps should be placed in sunny, south-facing areas. These can be created during site management or development. Compost heaps offer excellent habitats for reptiles and insects.

Hedgehog homes could also be placed along the boundaries of the site, ideally within/nearby hedgerows/scrub. These provide areas of shelter for hedgehogs within the site, helping support any local population.

**Further protection and enhancement plans**

It may be that for any re-landscaping projects, other requirements may be needed by the LPA.

# 5. Impact Assessment

The following section provides an ecological assessment of the proposed development and is designed to quantify and evaluate the potential impacts of the development on habitats and species present on site or within the local area.

## 5.1 Methodology

The approach to this assessment accords with guidance presented within the CIEEM Guidelines for Ecological Impact Assessment (EcIA) in the UK and Ireland (CIEEM 2018). In essence, an EcIA assesses the activities associated with a proposed scheme that are likely to generate changes within identified zone of influences, on identified ecological features and receptors. The proposals are subsequently reviewed, and mitigation and compensation measures are outlined which help to reduce negative impacts.

**Zone of Influence**

The zone of influence for the project is defined as:

- The project red line, for effects on habitats and species.
- Adjacent habitats, considered of use by species, for mobile species with territories or foraging ranges that may overlap the site.

**Features Considered**

The types of features considered in the assessment of effects, to meet legislative and policy requirements are:

- Designated sites (European, national and local).
- Protected species.
- Habitats and species of principal importance (Section 41 list).
- Hedgerows and woodland, where not of principal importance; and
- Habitats, where not of principal importance, that may function as wildlife corridors or stepping-stones.

**Features on Site**

The site contains the following important ecological features:

- Scrub
- Grassland
- Scattered Trees

The site is also considered as having some level of potential to support the following ecological features:

- Bats
- Nesting Birds
- Badgers
- Dormice
- Small Mammals
- Reptiles
- Amphibians
- Notable Plants
- Notable Invertebrates

## 5.2 Impact Assessment & Mitigation

The table below summarises the features present on site, their geographical scale of importance, potential impact in case of future re-landscaping, and proposed mitigation.

| Feature | Scale of Importance | Potential Impact | Suggested Mitigation/ Compensation |
|---|---|---|---|
| Scrub | Site | Loss of habitat.<br>Damage during construction. | Retain scrub where possible.<br><br>Establish adequate root and crown protection during construction and exclusion zones.<br><br>Encourage native species within hedgerows.<br><br>Manage scrub on a rotational cycle (manage a different section each year) to create more structural diversity. |
| Grassland | Site | Loss of habitat.<br><br>Damage during construction. | Wider grassland will be retained.<br><br>Do not store construction materials/anything on grassland to be retained.<br><br>Grassland can be enhanced through appropriate management, e.g., less frequent cuts. |
| Scattered Trees | Site | Loss of habitat.<br><br>Damage during construction. | Retain trees where possible.<br><br>Replace trees that are removed. Ideally of the same species but can be an alternative native species.<br><br>Establish adequate root and crown protection during construction and exclusion zones. |
| Commuting/ foraging Bats | Local | Loss of commuting and foraging habitats. | Retain habitats on site such as scattered trees, shrubs and scrub.<br><br>Suitable native plantings to provide replacement and additional commuting and forging habitat for bats.<br><br>Sensitive lighting scheme during development and as part of the proposed development. |
| Nesting birds | Local | Loss of habitats/nests. | Remove any vegetation outside of nesting bird season.<br><br>Inclusion of artificial nest sites within re-landscaping/new development.<br><br>Including native planting in the development. |
| [redacted] | [redacted] | [redacted] | [redacted] |

| Feature | Scale of Importance | Potential Impact | Suggested Mitigation/ Compensation |
|---|---|---|---|
| | | | [redacted] |
| Dormice | Local | Loss of habitats.<br><br>Harm during construction. | Retain scrub where possible.<br><br>Follow method statement for clearing vegetation.<br><br>If a suspected dormouse is discovered, work must cease, and a qualified ecologist must be contacted. |
| Small Mammals | Local | Loss of habitats.<br><br>Harm during construction. | Retain scrub, grassland and trees where possible.<br><br>Follow method statement for clearing vegetation.<br><br>Any open earth works or excavations should be covered overnight or have a means of escape placed from the bottom of the excavation to ground level.<br><br>Include additional native planting within the development.<br><br>Enhance retained areas with hedgehog boxes. |
| Reptiles | Local | Loss of habitats.<br><br>Harm during construction. | Follow method statement for clearing vegetation. This can be done under ecological supervision, although not required.<br><br>Retain scrub, grassland and trees where possible.<br><br>Any open earth works or excavations should be covered overnight or have a means of escape placed from the bottom of the excavation to ground level.<br><br>Enhance retained areas with additional log piles and compost piles. |
| Amphibians | Local | Loss of terrestrial habitats. | Retain scrub, grassland and trees where possible. |

| Feature | Scale of Importance | Potential Impact | Suggested Mitigation/ Compensation |
|---|---|---|---|
| | | Harm during construction. | Any open earth works or excavations should be covered overnight or have a means of escape placed from the bottom of the excavation to ground level.<br><br>Follow method statement for clearing vegetation. |
| Plants and Invertebrates | Local | Loss of habitats.<br><br>Harm during construction. | Retain scrub, grassland and trees where possible.<br><br>Include additional native planting within the development.<br><br>Inclusion of features such as log piles. |

***Table 4:*** *Assessment of potential Impacts from development and proposed mitigation and compensation.*

## 6. Conclusion

The site was assessed as having potential to support protected and notable species. Following an initial impact assessment, recommendations have been made to reduce the proposed development impacts on wildlife as well as ensuring compliance with relevant legislation and planning policies. The below table summarises the recommendations.

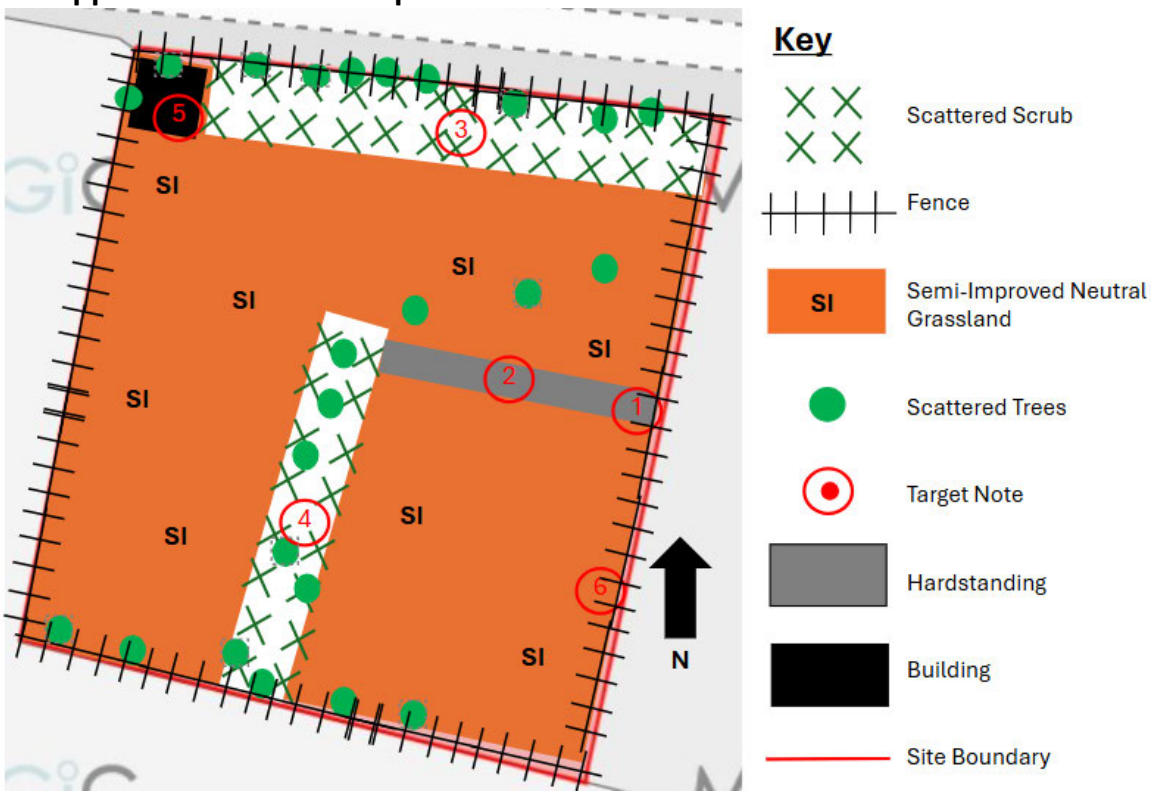
| Recommendation | Action | Justification |
|---|---|---|
| Retention of wider habitats* | Protect and retain wider habitats such as grassland and hedgerow during and post construction. | This will ensure that important habitat is protected. It will also provide a means of escape and protection for any wildlife. |
| Protection of breeding birds* | Carry out vegetation clearance outside of bird breeding season or under ecological supervision of an ecologist following a breeding bird survey. | The vegetation provides opportunities for breeding birds. |
| Appropriate lighting for bats* | Compile a sensitive lighting plan to avoid illuminating bat foraging and commuting habitat – woodland, hedgerow, scrub and scattered trees, through construction and post construction. This can be a condition of planning. | This will help limit disturbance to bat species long term. |
| Remove vegetation in stages* | Follow the vegetation clearance method statement in stages for all habitats on site to reduce the risk of impacting protected/notable species. | This will allow small mammals, reptiles, amphibians and invertebrates, if present, to leave the area safely. |
| Implement biodiversity enhancements | Follow recommendations for planting, bird, bat and hedgehog boxes, log piles and compost heaps etc., | This will provide a greater longer-term benefit for wildlife. |
| Adequate pollution control | Habitats on site should be adequately protected to ensure no polluted runoff enters on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded containers with appropriate spill kits and emergency procedures in place. Establish exclusion zones before construction. | This will protect habitats on site and those in the local area. |
| Follow recommendations from the arboricultural survey | Follow all recommendations from the arboriculturist to ensure the protection of retained trees and to remove any necessary trees. | This will ensure that retained trees are protected during the construction process. |

***Table 5:*** *Summary of recommendations.*

*Indicates recommendation to avoid impact to legally protected species.

# 7. APPENDIX

## 7.1 Appendix 1: Habitat Map




| Target Note | Details |
|---|---|
| 1 | The current access point to the site. |
| 2 | Hardstanding footpath. |
| 3 | Scattered scrub dominated by bramble and hawthorn. A portion of this, approximately where the target note is, will be removed to create access to the road. |
| 4 | Scattered scrub dominated by dog rose, bramble and hawthorn. |
| 5 | Small wooden shed with a felt roof. |
| 6 | There are species climbing up the fence. These are ivy, hawthorn, Mexican orange, holly and bramble. They are not dominant enough to be mapped. |

## 7.2 Appendix 2: Photos

View from the southeast corner

View looking north from the middle scrub

Northern boundary scrub and trees

Middle section scrub

Looking south from the northwest corner

Small wooden shed/outbuilding

View from the southwest corner

## 7.3 Appendix 3: 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 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 UKBAP 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.

In addition to the national priorities and targets, action is also being taken at local level. The Essex Biodiversity Project is responsible for implementing the Essex Biodiversity Action Plan, which has 28 priority species and 15 priority habitats currently listed. For more information see www.essexbiodiversity.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 founding 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