

AEWC Ltd

Animal Ecology & Wildlife Consultants

Protected Species Walkover Survey

Dragons Green Shepherds Huts

**Rose Cottage
Bakers Lane
Dragons Green
Shipleigh
Horsham
RH13 8GF**

Natalie Arscott & Lexie Hobbs

**25-083
November 2025**

**AEWC Ltd Birch Walk, Lower Street, Fittleworth, West Sussex, RH20 1JE
Tel:08452 505585, info@aecw.co.uk , www.aecw.co.uk**

Registered in England and Wales No. 06527840

Contents

Summary	2
1. Introduction.....	3
2. Background	3
3. Methods.....	5
4. Constraints/Limitations	7
5. Results and Evaluation.....	7
6. Conclusions & Recommendations.....	10
7. Biodiversity Net Gain Exemption Statement.....	12
Appendix 1 – Survey Timetable.....	14
Appendix 2 – Legal Protection.....	15
References	19
Figure 1: Showing the site location.....	4
Figure 2: Aerial view of the site showing the site boundary	4
Figure 3: Proposed plans	5
Figure 4: Waterbodies within 500m	9
Figure 5: Rapid Risk Assessment.....	11

Author	Lexie Hobbs
Authorised by	Natalie Arscott
Report and version number	25-083-PSWA-V2
Survey Date	05/11/2025

Summary

- AEWCLtd were commissioned by Jennifer Winter to undertake a protected species walkover survey at Rose Cottage, Bakers Lane, Dragons Green, Shipley, Horsham, RH13 8GF at grid reference TQ 13889 23581 to help inform the proposed development of the site.
- This report details the results of the survey, which was carried out on the 5th November 2025 by qualified ecologists Natalie Arscott and Lexie Hobbs, to assess the site for the potential presence of any protected species or species of conservation concern and identify habitats of conservation importance.
- The site is approximately 0.043ha in size and consists of poor-quality modified grassland with scattered trees and a small area of hardstanding in the west of the site. The site forms part of a residential plot.
- The habitats identified onsite are common and widespread. The grassland, which will be impacted by the proposed development, holds low ecological value. Scattered oak trees have higher ecological value, however these are to be retained. There is deciduous woodland priority habitat adjacent to the north of the site.
- **No further surveys are required, unless plans change to include removal of any trees.**
- **Recommendations to avoid ecological impacts are detailed in Section 6 of this report. These include, but are not limited to, minimising and controlling lighting, following good building practice to prevent entrapment, protection of the adjacent woodland, and use of above-ground surfacing only.**

This report has been prepared by AEWCLtd, with all reasonable skill, care and diligence within the terms of the Contract with the client. We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above. This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

The information and data which has been prepared and provided is true and has been prepared and provided in accordance with the 'Guidelines for Preliminary Ecological Appraisal' and 'Code of Professional Conduct' issued by the Chartered Institute of Ecology and Environmental Management (CIEEM). We confirm that the opinions expressed are our true and professional bona fide opinions.

1. Introduction

- 1.1 AEWCLtd were commissioned by Jennifer Winter to undertake a protected species walkover survey at Rose Cottage, Bakers Lane, Dragons Green to help inform the proposed development of the site.
- 1.2 This survey comprised an ecological walkover survey for all protected wildlife and species of conservation importance, including habitats, and was carried out by qualified ecologists Natalie Arscott and Lexie Hobbs on the 5th November 2025.
- 1.3 The purpose of this report is to give an assessment as to the presence or potential presence of any protected species, ecological issues and impacts that would be generated by the proposed developments and identify recommendations or further surveys that may be necessary.

2. Background

- 2.1 The proposed development site is located at Rose Cottage, Bakers Lane, Dragons Green, Shipley, Horsham, RH13 8GF at central grid reference TQ 13889 23581.
- 2.2 The site is located in a rural part of West Sussex, on the western edge of the hamlet of Dragons Green, 500m north of the A272. The surrounding landscape predominantly comprises tree and hedge-lined agricultural fields that connect to deciduous woodland blocks with some residential properties scattered throughout. See Figure 1.
- 2.3 The site is approximately 0.043ha and is part of a residential plot adjacent to deciduous woodland. The site largely comprises low-quality modified grassland with scattered trees and a small area of hardstanding in the west of the site. See Figure 2.
- 2.4 The proposed development plan is for the two shepherd's huts, one of which houses a sauna, to be used as a holiday let. This will involve the addition of eight 0.25m² blocks beneath the wheels, a short gravel path from the driveway to the shepherd's huts, a hot tub, and a new post and rail fence around the site boundary. This will involve the removal of small areas of grassland. The development will include the planting of a native hedgerow in front of the fencing. The majority of the habitat area on site is unlikely to be negatively affected by these proposals. See Figure 3.
- 2.5 The shepherds huts had been recently delivered at the time of the survey, for storage on the site. They were towed onto the site and can be towed off the site. They are not operational and are on temporary foundations in the form of paving slabs.

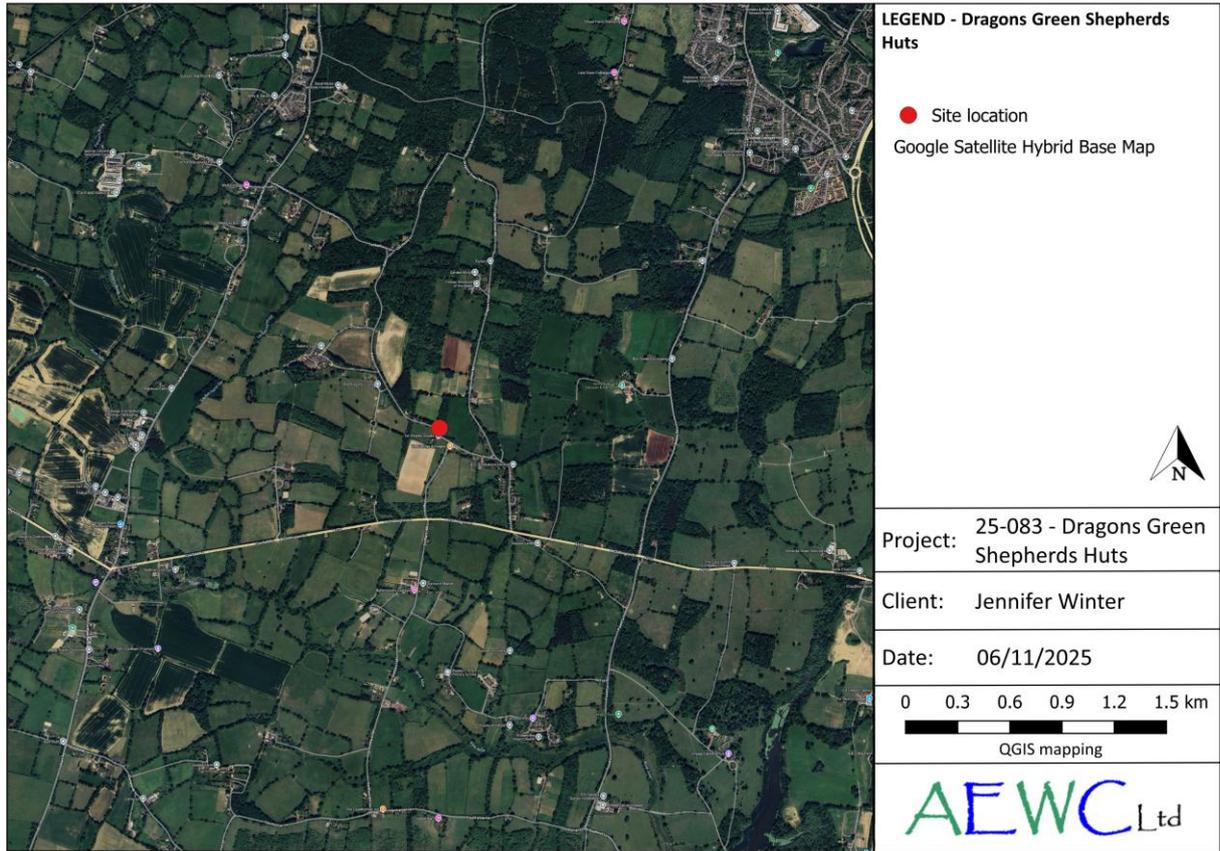


FIGURE 1: SHOWING THE SITE LOCATION

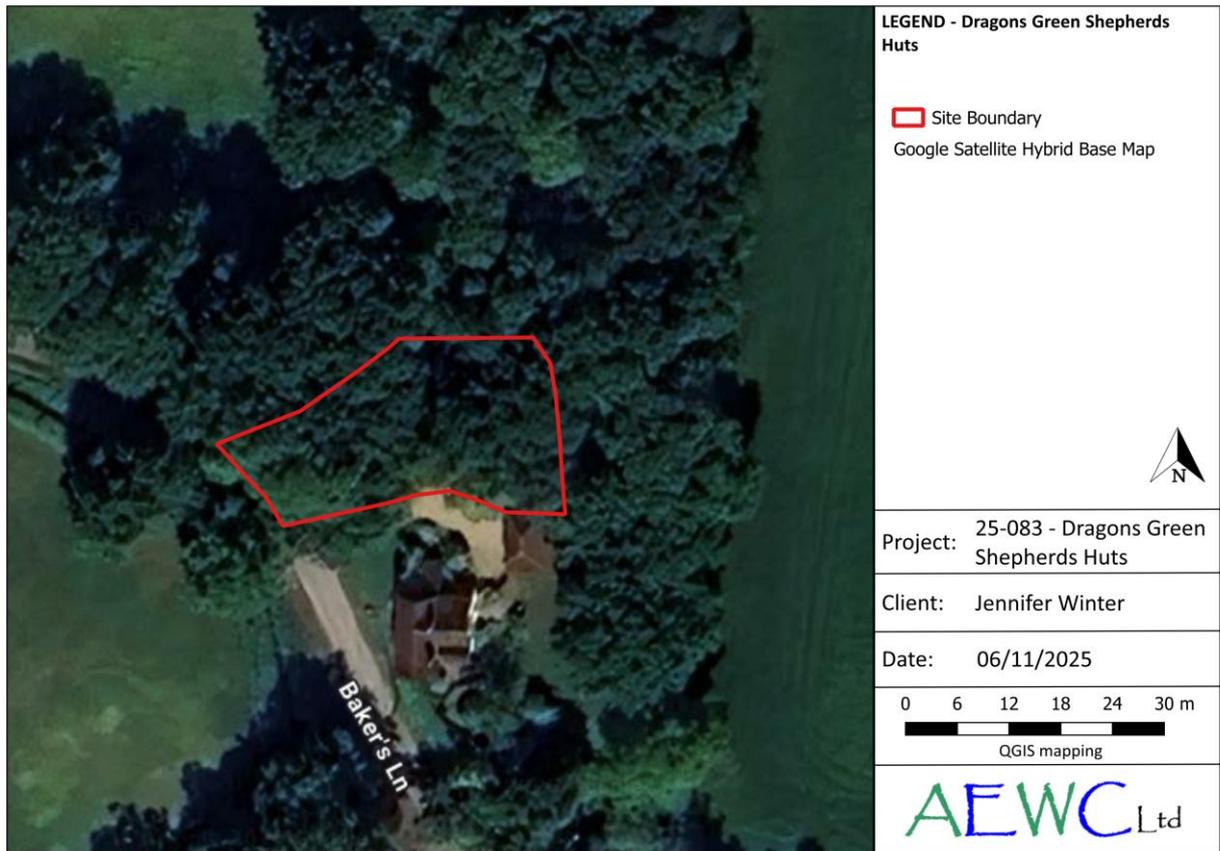


FIGURE 2: AERIAL VIEW OF THE SITE SHOWING THE SITE BOUNDARY

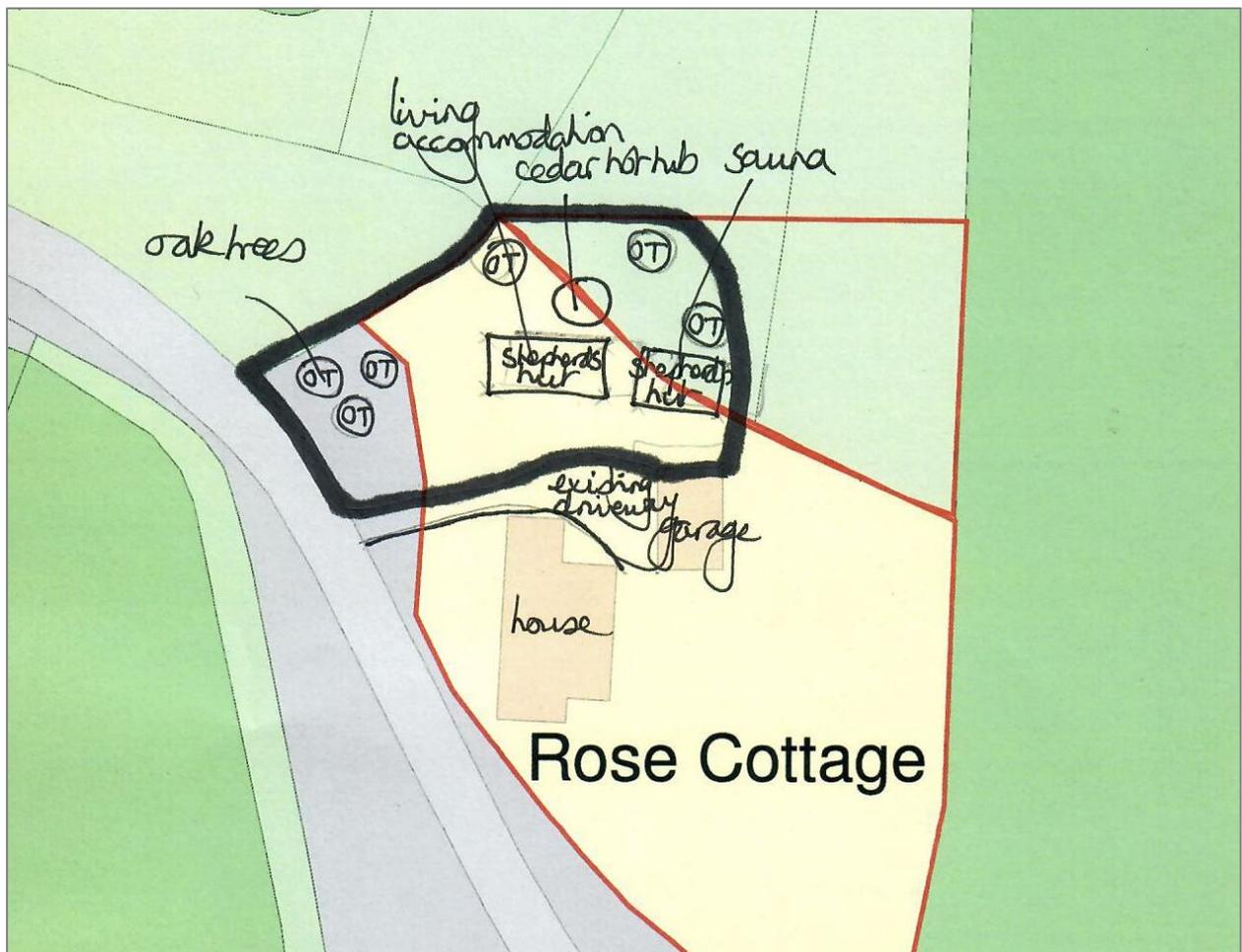


FIGURE 3: PROPOSED PLANS

3. Methods

- 3.1 A daytime ecological walkover assessment was carried out on the 5th November 2025 to evaluate the site for its potential to support protected species in addition to other species of conservation importance that could be relevant in respect of planning policies.
- 3.2 An assessment was made of habitat suitability in and around the site for those protected species that occur in the region. Obvious signs and incidental sightings of protected species are noted when encountered, but walkover surveys do not usually confirm species presence or absence.
- 3.3 Taking into consideration the geographical region and habitat type, species that could be encountered are:



- bats;
- breeding birds;
- great crested newt;
- hazel dormice;
- reptiles;
- other mammals; and
- other Species of Principal Importance (SPI) (e.g. hedgehog, stag beetle etc).

3.4 In addition, observations of any invasive species, important plant communities, plant species of note, Habitats of Principal Importance (HPI) or other valuable ecological features will be recorded and detailed.

3.5 Details of the initial survey method for each species are given below.

█ [REDACTED]

3.7 **Bats** – The site was assessed for bat roosting potential and the surrounding area was assessed for the suitability of the habitat to support bats. Any buildings were examined and assessed for evidence of bats, such as rub marks, staining or droppings or for features that have good potential to be used by bats, such as loft voids, raised tiles, hanging tiles, gaps in soffits and lead flashing cracks, crevices and mortise joints. Trees were assessed for their potential to be used by bats such as woodpecker holes, splits, cracks and crevices or loose bark plates which can be used as roost features by bats. Such features are noted and examined by using equipment such as a high-powered torch and binoculars, in order to determine their suitability for bats.

3.8 **Breeding Birds** - habitats were assessed for their suitability for nesting birds. This would centre on birds that favour hedgerows, areas of longer grassland, scrub, trees as well as buildings.

3.9 **Great Crested Newt** - initial surveys centre on identifying suitable habitat within the site. If breeding ponds are present within the locality, then great crested newts (*Triturus cristatus*) could potentially be using the terrestrial habitat on the site. Maps are used to identify any ponds (that are not isolated by unsuitable habitat or physical barriers) within 500 metres of the site. A Habitat Suitability Index (HSI) is used to quantifiably assess whether a pond is suitable, this is undertaken for any onsite ponds during the walkover survey.

3.10 **Hazel Dormice** – scrub and areas of dense vegetation are assessed for their suitability for foraging and nesting hazel dormice (*Muscardinus avellanarius*). Favoured berry and nut bearing species such as hawthorn, hazel and bramble were looked for in particular. Additionally, the connectivity of this habitat and to suitable habitat beyond the site is also assessed. If hazel nuts are present a brief search for nuts that have been chewed by hazel dormouse (i.e. displaying the characteristic smooth round hole) was conducted.

3.11 **Reptiles** - the site was assessed for habitat suitable for reptiles, such as long grassland and areas of scrub, with particular attention paid to those features that provide suitable basking areas (e.g. south-facing slopes and walls), hibernation sites (e.g. banks, log piles and piles of rotting vegetation) and opportunities for foraging (e.g. rough grassland and scrub).

3.12 **Other Species of Principal Importance (SPI)** – the habitats present on site were assessed for the likelihood of presence for species of regional and national importance.

- 3.13 **Other Mammals** – any signs of occupancy by other mammals (e.g. rabbit warrens) are recorded.
- 3.14 **Invasive Species** - Any invasive plant or animal species identified during the site walkover are recorded.
- 3.15 **Plant Species of Note** – Any plant species of conservation concern found on the site are recorded.
- 3.16 **Habitats of Principal Importance** - Habitats of Principal Importance within or adjacent to the site (such as arable field margins, traditional orchards, ponds, rivers, wet woodlands, native hedgerows) are recorded.
- 3.17 **Other Valuable Ecological Features** - Other ecological features e.g. ancient woodland, veteran trees, bird feeding stations, habitat enhancements etc. within or adjacent to the site are recorded.

4. Constraints/Limitations

- 4.1 An initial site assessment such as this is only able to act as a snapshot to record any flora or fauna that is present at the time of the survey. It is therefore possible that some species may not have been present during the survey but may be evident at other times of the year. For this reason, habitats are assessed for their potential to support some species, even where no direct evidence (such as droppings) has been found.
- 4.2 In the days prior to the survey there had been spells of heavy rain meaning evidence of protected species could have been washed away.

5. Results and Evaluation

Habitat Summary and Evaluation

- 5.1 The site currently consists of short sward modified grassland with six scattered trees spanning across the northern section of the site. The trees consist of semi-mature oak (*Quercus robur*) trees with broad canopies, leaving the grassland beneath permanently shaded resulting in poor-quality grassland, with sparse ground coverage and low species richness. Whilst canopy cover is continuous across much of the site, the habitat has long since been managed as a garden with lawn-type grassland beneath and no woodland shrubs or ground flora, as such it is characterised as an area of grassland with scattered trees. There is a small area of hardstanding in the form of a parking space in the west of the site. The shepherds huts are located within the open grassland area between the scattered oak trees and the driveway to the south. There is lowland mixed deciduous woodland immediately adjacent to the north of the site.
- 5.2 All of the habitats are common and widespread. The modified grassland and hardstanding area are of low ecological value. The scattered oak trees have higher ecological value.



Photograph 1: Site from southeast corner.



Photograph 2: Site from southwest corner.



Photograph 3: Small area of hardstanding in the west of the site.



Photograph 4: Off-site deciduous woodland to the north.

[REDACTED]

Bats

- 5.4 There were no buildings on site that could be used for roosting. The scattered trees on site were not thoroughly individually assessed as part of this survey since they are not set to be impacted by the proposed works. Some trees were noted to have knot holes which could be suitable potential roosting features.
- 5.5 The deciduous woodland block immediately north of the site provides excellent foraging and roosting habitat for bats due capability to support a high invertebrate diversity and many of the trees being likely to have roosting features. Bats may also forage amongst the scattered trees onsite.

Breeding Birds

5.6 There is habitat suitable for breeding birds on the site within the scattered trees. No evidence of previous nesting was identified.

Great Crested Newts (GCN)

5.7 The site is considered to have limited potential to support terrestrial GCN. The grassland within the site is sparse and has a very short sward length and therefore is unlikely to offer sufficient vegetation cover for GCN to use. GCN may utilise adjacent semi-natural habitats.

5.8 There is no aquatic habitat on-site suitable for breeding GCN. There is a drainage ditch in front of Rose Cottage adjacent to the site, however this supported a very shallow level of water with no aquatic vegetation and is not considered suitable for GCN.

5.9 The Ordnance Survey map available via MAGIC was reviewed for ponds within the accepted dispersal distance of 500m that are not separated from the site by significant barriers to dispersal such as main roads. See Figure 4.

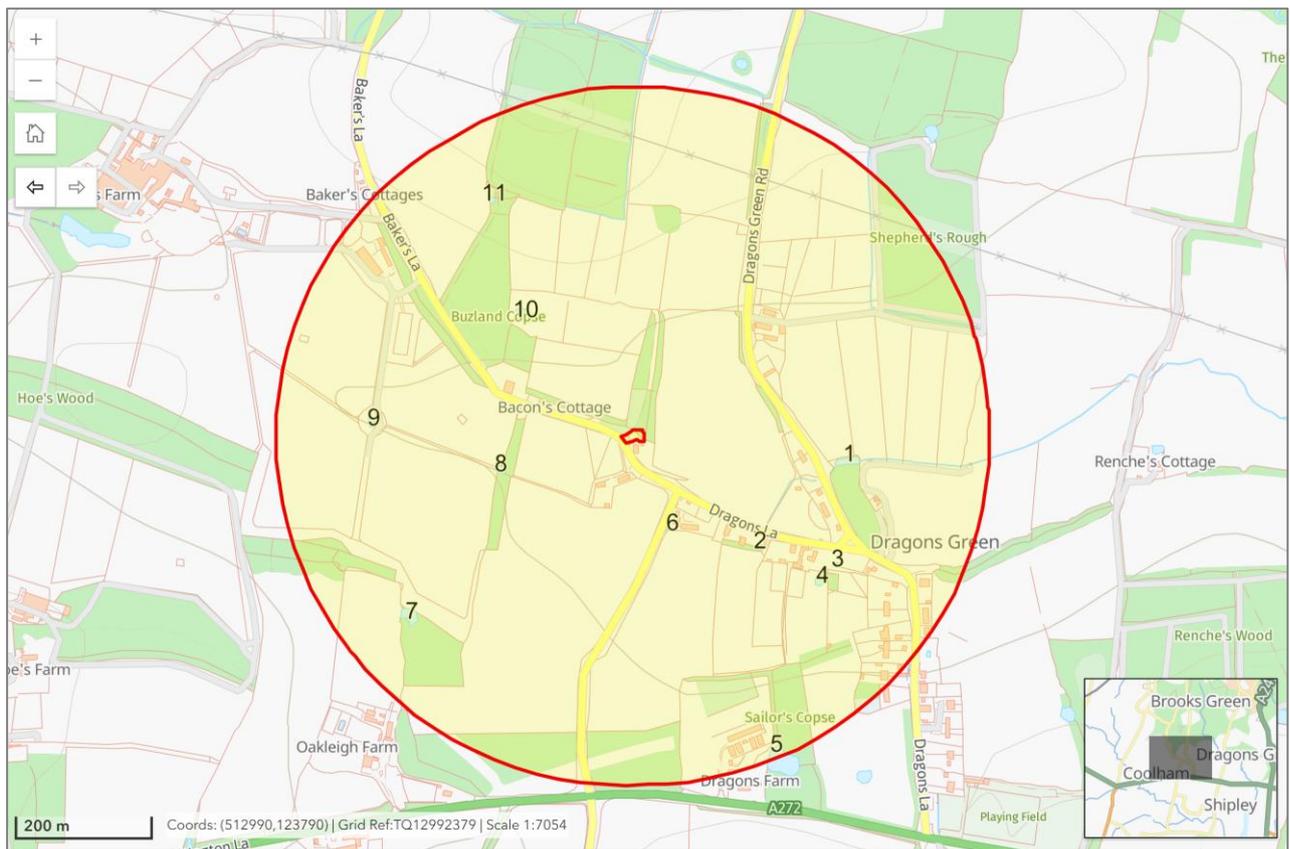


FIGURE 4: WATERBODIES WITHIN 500M

5.10 Eleven ponds were found occurring in all directions. These are listed below:

- Pond 1: 280m to the east
- Pond 2: 220m to the southeast
- Pond 3: 320m to the southeast
- Pond 4: 320m to the southeast
- Pond 5: 480m to the southeast
- Pond 6: 130m to the southeast

- Pond 7: 410m to the southwest
- Pond 8: 175m to the west
- Pond 9: 360m to the west
- Pond 10: 220m to the northwest
- Pond 11: 390m to the northwest

5.11 An additional artificial pond not shown on MAGIC has been identified within the garden of Rose Cottage to the south. This is 3.5m x 7m with sheer sides, which would not allow GCN to walk in and out of the pond. The pond is densely stocked with fish, including koi carp, which would prevent it from being suitable for GCN to breed.

Hazel Dormice

5.12 Despite there being some trees with continuous canopy cover on the site, these present as scattered trees rather than woodland and there are no shrubs providing sheltered habitat beneath. There is some possibility of hazel dormice commuting across or foraging within the canopies of the on-site trees, however there is no suitable habitat for nesting or hibernating. The adjacent woodland offers better suitability for this species.

Reptiles

5.13 The site did not contain any areas of rough grassland, scrub or other suitable features for reptiles. The grassland on-site is very sparse and maintained as a short sward which would not offer sufficient cover for reptiles. Reptiles may be present in adjacent semi-natural habitats.

Other Species of Principal Importance

5.14 Hedgehogs could commute across the site, however the habitat is sub-optimal for foraging and there are no opportunities for sheltering.

Other Mammals

5.15 No evidence of other mammals was recorded within the site

Invasive Species

5.16 No invasive species of note were identified.

Plant Species of Note

5.17 No plant species of note were identified.

Habitats of Principal Importance

5.18 The deciduous woodland adjacent to the north of the site is priority habitat and considered a HPI.

6. Conclusions & Recommendations

6.1 In line with Natural England's Standing Advice, where further survey for protected species is recommended these should be conducted prior to submitting a planning application and appropriate mitigation measures be incorporated into the development design.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Bats

- 6.4 The trees on-site could have suitability for roosting bats but have not been individually assessed since they will not be impacted. **Should plans change to include impacts to the trees, a ground-level tree assessment will be required in the first instance to determine whether there is any suitability for roosting bats and whether further surveys or mitigation are required.**

- 6.5 **Lighting can have notable negative impacts on commuting bats, that are known to be present locally. There is potential for lighting during and post-development to cause indirect disturbance. Lighting should be avoided or kept to the minimum necessary, and preferably downlit and on a motion sensor to reduce lighting time. The adjacent woodland must not be directly illuminated.**

Breeding Birds

- 6.6 The trees on site are not set to be impacted by the development proposals. **If plans change and involve the removal of trees or pruning of the canopies, this should be undertaken outside the breeding bird period from March to August. Should any vegetation clearance be scheduled to take place between the beginning of March and the end of August, this must be immediately preceded by a survey to check for nesting birds.** No vegetation can be cleared whilst a nest is occupied, regardless of species.

Great Crested Newts (GCN)

- 6.7 The site is considered to have very low suitability for terrestrial GCN, due to the sparse nature of the grassland with no sheltered habitats. Furthermore, a Rapid Risk Assessment carried out based on the size of the site and location of the nearest potentially suitable waterbodies shows that in the absence of mitigation, an offence is highly unlikely. See Figure 5. As such, no further surveys or mitigation are required.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.01
Land >250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.001
Individual great crested newts	No effect	0
	Maximum:	0.01
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

FIGURE 5: RAPID RISK ASSESSMENT

Hazel Dormice

- 6.8 There is potential for hazel dormice to commute and forage within the tree canopies, however these will not be impacted and there is no suitable habitat for nesting or hibernating. Therefore, no further surveys for this species are required.

Reptiles

- 6.9 It is considered highly unlikely that reptiles are present using the site, given the sparse grassland with no sheltered areas. The proposed development will also impact on a very small area of habitat only. Therefore, no further surveys are considered necessary.

Other Species of Principal Importance

- 6.10 Good building practice as recommended [REDACTED] will protect any commuting hedgehogs from becoming trapped. **It is recommended that new fencing includes suitable gaps for hedgehogs to pass through.**

Other Mammals

[REDACTED]

Invasive Species

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

Plant Species of Note

- 6.13 No plant species of note were recorded and therefore no further action is required.

Habitats of Principal Importance

- 6.14 The deciduous woodland habitat adjacent to the site is an HPI and therefore should be retained and protected. **Root Protection Areas must be adhered to and there must be no pollution, including light pollution, on the woodland. It is recommended that above-ground surfacing only is used within the site, to avoid impacts on the root zones of both the woodland trees and on-site trees.**

7. Biodiversity Net Gain Exemption Statement

- 7.1 It is considered that this proposed development is exempt from Biodiversity Net Gain (BNG) requirements under the 'de minimis' exemption. This exemption applies where a development does not impact a priority habitat and impacts (where impact is defined as decreasing the biodiversity value of a habitat) less than:
- 25 square metres of on-site habitat
 - 5 metres of on-site linear habitats such as hedgerow
- 7.2 There is no priority habitat on-site. There is priority habitat woodland adjacent, but this will not be impacted providing recommendations given above are followed. There is no linear habitat on-site.
- 7.3 The total area of habitat impacted will be 14.25 square metres. This will consist of the following elements:

- 8 x 0.25m² blocks under shepherds hut wheels (total 2m²)
- 4 x 0.0625m² blocks under shepherds hut step posts (total 0.25m²)
- 3m² of gravel surfacing to form pathway from drive
- 9m² of decking under the hot tub

- 7.4 It is noted that the shepherds huts themselves together cover an area of 35m². However, there will be no clearance or surfacing beneath the shepherds huts other than the blocks stating above. The huts are raised off the ground by almost 1m, allowing for sunlight ingress to the ground surface. The area where the shepherds huts will be located is already heavily shaded by the tree canopy cover above. As such, the ground flora already comprises shade tolerant species. It is considered that the shepherds huts would not increase shading significantly enough as to change the quality of the habitat beneath. The habitat beneath the shepherds hut is already a species-poor modified grassland in poor condition. This habitat would be expected to persist in the same condition post-development and therefore would not be included as a loss in any BNG assessment.
- 7.5 As such, the development is considered to qualify for the de minimis exemption since less than 25 square metres of habitat will be impacted, and no priority habitat or linear habitat will be impacted.

Appendix 1 – Survey Timetable

Species	Survey	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		Optimal	Optimal	Optimal	Optimal	Sub-optimal	Optimal						
Bats	Roost assessments	Optimal											
	Ground level tree assess	Optimal	Optimal	Optimal	Sub-optimal	Optimal	Optimal						
	Emergence and activity	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season	Outside survey season
	Hibernation	Optimal	Optimal	Optimal	Outside survey season	Optimal	Optimal						
	Trapping	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season	Outside survey season
Birds	Wintering	Optimal	Optimal	Outside survey season	Optimal	Optimal							
	Breeding	Outside survey season	Outside survey season	Optimal	Outside survey season	Outside survey season							
Great crested newt	HSI	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
	eDNA	Outside survey season	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Sub-optimal	Outside survey season				
	Presence/absence & popn	Outside survey season	Outside survey season	Outside survey season	Optimal	Optimal	Optimal	Sub-optimal	Outside survey season				
	Refugia	Outside survey season	Outside survey season	Outside survey season	Optimal								
Hazel dormouse	Tube	Outside survey season	Outside survey season	Outside survey season	Optimal								
	Nut search	Outside survey season	Optimal	Optimal	Optimal	Optimal							
Otter	Field signs	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Reptiles	Refugia & search	Outside survey season	Outside survey season	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Outside survey season	Optimal	Sub-optimal	Outside survey season	Outside survey season
Water vole	Field signs	Outside survey season	Outside survey season	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Outside survey season	Outside survey season
Invertebrates	Presence & communities	Outside survey season	Outside survey season	Outside survey season	Optimal								
Vegetation	Phase 1 habitat & NVC	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
	Optimal												
	Sub-optimal												
	Outside survey season												

Appendix 2 – Legal Protection

General

This section briefly describes the legal protection afforded to protected species. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation but summarises the salient points.

Badger

Badgers are protected under the *Protection of Badgers Act 1992*. Under this legislation it is an offence to kill or injure a badger, to damage, destroy or block access to a badger sett, or to disturb badger in its sett. The Act also states the conditions for the protection of badger's licence requirements.

Barn Owl

Barn owls are listed on *Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)* which makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- take, damage or destroy the nest while that nest is in use or being built;
- take or destroy the egg;
- disturb them while they are in, on, or near a nest containing eggs or young, or to disturb their dependent young;
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

The penalty for an offence involving a barn owl, its nest, or egg, includes a fine of up to £5,000, or up to six months imprisonment, or both, per bird, nest or egg.

Bats

All species of bats are listed on *Schedule 5 of the Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

A roost is defined as 'any structure or place which a bat uses for shelter or protection'. As bats tend to reuse the same roosts, legal opinion is that a roost is protected whether or not bats are present.

Furthermore, seven bat species (barbastelle, bechstein's, noctule, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe) are also Species of Principal Importance in England under *Section 41 of the Natural Environment and Rural Communities Act 2006*.

Breeding Birds

All species of wild bird are protected under Section 1 of the *Wildlife and Countryside Act 1981 (as amended)*. Protection was extended by the *Countryside and Rights of Way (CROW) Act 2000*. Under the above legislation, it is an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.

Certain species are listed on *Schedule 1* of the *Wildlife and Countryside Act 1981 (as amended)* and receive protection under *Sections 1(4) and 1(5)*. There are special penalties where the offences listed above are committed for any *Schedule 1* species and it is also an offence to intentionally or recklessly:

- disturb any such bird when it is building its nest or while it is in or near a nest containing dependant young; or
- disturb the dependant young of any such bird.

Amphibians

Natterjack toad, northern pool frog and great crested newt are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Palmate newts and smooth newts are also afforded protection against sale only under *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*.

Natterjack toad, common toad, great crested newt and northern pool frog are also Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Hazel dormouse

Hazel dormouse is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)* which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Hazel dormouse is also a Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Otter

Otter is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

Otter is also a Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Reptiles

Common lizard (*Lacerta vivipara*), grass snake (*Natrix helvetica*), slow worm (*Anguis fragilis*), and adder (*Vipera berus*) are listed under *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, in respect of *Section 9(5)* and part of *Section 9(1)*. This protection was extended by the *Countryside and Rights of Way (CROW) Act 2000*. Under the legislation, it is an offence to:

- intentionally or deliberately kill or injure any individual of these species; or
- sell or attempt to sell any part of these species either alive or dead.

Smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. They are also protected under the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. In combination, this makes it an offence to:

- intentionally kill, injure or take (capture etc.);
- possess;
- intentionally or recklessly damage, destroy, obstruct access to any structure or place used by a scheduled animal for shelter or protection, or disturb any animal occupying such a structure or place; and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative) or advertise for buying or selling such things.

All UK reptile species are Species of Principal Importance in England under *Section 41* of the *Natural Environment and Rural Communities Act 2006*.

Water vole

Water vole (*Arvicola amphibious*) is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981 (as amended)*, which affords them protection under *Section 9*, as amended. This makes it an offence to:

- capture, kill or injure;
- damage, destroy or block access to a place of shelter;
- disturb whilst in a place of shelter or possessing, and

- sell any part of a water vole, dead or alive.

Other Mammals

All mammals receive some protection under the *Wild Mammals (Protection) Act 1996*, which makes it an offence to crush or asphyxiate an animal (e.g. within its burrow).

Species and Habitats of Principal Importance

Section 41 of the Natural Environment and Rural Communities (NERC) (2006) requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list has 56 Habitats of Principal Importance and 943 species of principal importance listed and has been drawn up in consultation with Natural England.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under *Section 40 of the Natural Environment and Rural Communities Act 2006*, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Invasive species

It is an offence to plant, or otherwise cause to grow in the wild non-native plant species listed under *Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)*, for which *Section 14* of the Act applies. These include, but are not limited to:

- Himalayan balsam
- Cotoneaster sp.
- Japanese knotweed
- Giant hogweed.

Ancient woodland

The National Planning Policy Framework (2012) states that ‘*Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*’. In addition, Natural England’s standing advice for ancient woodland states that *an appropriate buffer zone of semi-natural habitat [be in place] between the development and the ancient woodland (depending on the scale and impact of development), a minimum buffer should be at least 15 metres to avoid root damage and at least 50m for pollution or trampling*”.

Ancient woodlands, and ancient and veteran trees, may also be protected by Tree Preservation Orders.

References

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

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

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

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

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

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

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

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

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

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

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

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

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

Barn Owl Trust (2012) *Barn Owl Conservation Handbook*, Pelagic publishing, Exeter