Stables at Holders, BN5 9HX

Preliminary Ecological Appraisal

Stables at Holders – Phase 1

Preliminary Ecological Appraisal

EHM Ltd

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Contents

Job	PEA: Stables at Holders, BN5 9HX		
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Author	Lauren Scudder, BSc (Hons), Cert Ecol	EHM LTD	03/02/2025
Life Span of Report	This report and survey data remains valid for 12 months from date of issue. The report, conclusions and recommendations are valid for current development plans only. Should these change, the report should be reviewed and, if necessary, further survey work and desk study review undertaken.		

Executive Summary

EHM Ltd has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) of a property located in Henfield, 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 rectangular in shape, covering an area of approximately 0.48ha. It comprises of fields which are currently used for grazing, stables and a hay barn. The site is located within a community of similar sized properties. The local landscape is largely rural in nature, with areas of woodland and grassland dominating the surrounding area. Agricultural land also dominates the local and surrounding landscape. Burgess Hill, a large town, is approximately 8km northeast of the site.

Species	Sites potential to support
Bat roosts- buildings.	Moderate
Bat roosts- mature trees	Negligible
Bat foraging/ commuting areas	Moderate
[redacted]	[redacted]
Dormice	Low
Small Mammals	Moderate
Reptiles	Low
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 during and post construction.
Protection of breeding birds	Carry out vegetation and building clearance outside of 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.
Bat survey of stables	Conduct two dusk surveys of the stables, prior to any works, between May and August. Further recommendations may be required.
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.

1. Introduction

EHM Ltd has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) at a property in Henfield, BN5 9HX, 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 conversion of the current stables into a two-storey residence, the conversion of a current hay barn into a car port and the construction of a driveway.

1.2 Site Description

The site is roughly rectangular in shape, covering an area of approximately 0.48ha. It comprises of fields which are currently used for grazing, stables and a hay barn. This is currently accessed through a driveway off Furners Lane.

The site is located within a community of similar sized properties. The local landscape is largely rural in nature, with areas of woodland and grassland dominating the surrounding area. Agricultural land also dominates the local and surrounding landscape. The large residential village Henfield is situated in the local area, west of the site. The local landscape has good connectivity between habitats for wildlife in the form of hedgerows, woodland edges and grassland edges, although roads do separate some habitats. Burgess Hill, a large town, is approximately 8km northeast of the site.

The site (as shown on figure 1) is in Henfield, West Sussex; TQ 22926 16094. 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 January 2025. 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.

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

Other species

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

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

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

Improved Grassland (B4)

The site contains grassland that is managed through year-round grazing by horses. Additionally, the field in which the hay barn is located, an annual cut is usually carried out. The sward is at a length of around 10cm on average, however the field in which the hay barn is located was much shorter, around 5cm on average. Dominant species within the sward includes perennial ryegrass *(Lolium perenne),* Yorkshire fog *(Locus lanatus),* cock's-foot *(Dactylis glomerata),* creeping buttercup *(Ranunculus repens)* and crested dog's tail *(Cynosurs cristatus).* It has a limited range of grasses and a few common forb species.

It is considered as having a potential to support protected species and is considered as having value at a site level.

Buildings (J3.6)

The site contains two buildings, the stables and a hay barn. The stables are formed of a concrete building with wooden cladding. It has a loft area accessed through a ladder in the storage room. The roof is a pitched tile roof, and some tiles appeared loose or broken. On either end of the barn is a one-storey area that is constructed of wood with a flat roof that is constructed of cement roof sheets. The hay barn is a one-storey wooden structure with a flat roof constructed of cement roof sheets.

The stables are considered as having a potential to support protected species and are considered as having value at a site level. The hay barn is not considered as having a potential to support protected species.

Fence (J2.4)

There is fencing east of the stables and throughout the fields to separate sections for grazing horses. It is approximately 1m high. The fencing 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
Improved Grassland	Site	Grassland used for grazing provides a potential to support protected and notable species.
Buildings	Site	There are two buildings on site, one of which provides 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 4,643 records of protected and notable species within 1km of the site, and 110 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 ([redacted]. 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	Henfield Common (LWS)		
Ancient Woodland	Present	Pockets of ancient woodland is present to the northwest, southwest and south of the site.		
Priority Habitats	Present	Priority Habitat Inventory – Traditional Orchard Priority Habitat Inventory – Deciduous Woodland		
Protected and Notable Species	**Number of Species recorded within 1km**	**Number of Records**	**Date of Oldest Record**	**Date of Latest Record**

Amphibian Species	5	35	12/05/1995	04/05/2023
Reptile Species	3	27	29/05/1991	22/05/2023
Invertebrate Species	27	82	15/06/1998	30/08/2023
Terrestrial Mammal Species (excl. Bats)	4	15	27/04/1998	08/08/2018
Bat Species	7	59	13/07/1987	20/07/2023
Bird Species	98	847	10/01/1986	30/12/2023
Plant Species	36	96	1981	30/08/2023
Invasive Non-Native Species	**Number of Species records within 1km**	**Number of Records**	**Date of Oldest Record**	**Date of Latest Record**
Bird Species	5	53	14/02/1995	22/12/2023
Invertebrate Species	1	1	16/05/2017	16/05/2017
Terrestrial Mammal Species (excl. Bats)	1	4	14/09/1996	17/03/2008
Plant Species	17	49	23/04/2000	30/08/2023

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 7 species of bat found within 1km of the site. Local records include species of the common pipistrelle *(Pipistrellus pipistrellus),* soprano pipistrelle *(Pipistrellus pygmaeus)* and the serotine *(Eptesicus serotinus).* Magic Map was also consulted for any granted EPS licences within 1km of the site and one was found. It was granted in 2017 approximately 650m southwest of the site and permitted the destruction of a resting place.

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 lies within a rural context, being located on the outskirts of a village. Therefore, little light and sound pollution is expected within and adjacent to the site. There are numerous hedgerows, woodland edges and grassland edges within the local area and within close proximity to the site boundary. These features also link to the wider countryside of arable land, woodland, waterbodies and grassland. It is likely that bats commute across the site, and it is possible that they forage within the grassland. Also, hedgerows lie just beyond the site boundary, and therefore this may attract bats to the site.

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

Building Bat Roosts Assessment

As discussed, bats are predicted to be within the vicinity of the site and may use habitats on site for foraging and commuting. 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 their potential

[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

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

to support bat roosts, following Bat conservation trust guidelines[6], looking for potential ingress points through soffits, eaves, missing roof tiles/slates and brickwork and windows.

The stables contained one accessible roof space, which is accessible through the storage area of the stables. It contained wooden beams which supported the roof and a felt backing the external tiles. A complete inspection was not possible for safety reasons. Droppings, identified as bat and mouse droppings were seen and urine staining was found, presumed to have come from mouse/rat but this cannot be said with certainty. Gaps were also noted in the felt in the roof which could be utilised by bats. Externally, possible access points were noted through loose/broken tiles, as well as gaps in eaves. As only a very small part of the roof was inspected (essentially only from the opening to the roof area) it is possible that bat evidence was missed. The potential for the stables to support a bat roost is considered **moderate**.

The hay barn was constructed of wood with concrete roof sheets. It did not contain features or evidence of bats. It lacked the suitable structure likely to support bat roosts. This barn is considered as having a **negligible** potential to support bat roosts.

Bat Roost Tree Assessment

Any 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]. Trees are not present on site and therefore there is a **negligible** 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. The likelihood of dormouse being present is considered **low**.

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[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),* domestic dog *(Canis lupus subsp. Familiaris)* 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 grassland which can be suitable habitat for reptiles. However, the grassland on site is kept at a short sward length through continuous grazing and an annual cut. Considering this, the grassland on site is a sub-optimal habitat for reptiles. Many of the records come from the Local Wildlife Site Henfield Common, which is almost approximately 750m southwest of the site and separated from the site by roads/tracks. Therefore, the potential for reptiles being present is considered **low**.

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 11 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 800m southwest of the site at Henfield Common. There are no waterbodies within the site, however there is one small garden pond adjacent to the site, just west of the site boundary. From aerial imagery, there are three waterbodies within 250m of the site, which is generally considered to be within the typical migratory range of GCN from a waterbody[11]. The status of these waterbodies is not known. Main roads separate these waterbodies from the site (aside the one which is adjacent to the site). The waterbody adjacent to the site was a small (approximately 1m diameter) garden pond, which appeared to be for aesthetic purposes. At the time of the site visit, the pond appeared unmanaged, with leaf litter covering the entire water surface. It appeared unsuitable for GCN, however a full GCN habitat suitability index was not carried out at this time as it does not lie within the site, so this cannot

[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.

[11] Cresswell, W. & Whitworth, R., 2004. *An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt Triturus cristatus: English Nature Research Report 576.* Peterborough: English Nature.

be certain. Magic Map was also consulted for any granted EPS licences within 1km of the site and zero were returned.

Breeding habitat is not present on site and there is unsuitable terrestrial on site for GCN. Due to positive GCN records within the local area, it is considered a possibility that GCN are present on site, however, due to the lack of breeding habitat and unsuitable terrestrial habitat, the likelihood of GCN being present is considered **low**.

Additionally, the SxBRC record search returned records of other more common/mobile amphibian species. These included common toad *(Bufo bufo),* palmate newt *(Lissotrition helveticus),* smooth newt *(Lissotriton vulgaris)* and common frog *(Rana temporaria).* As discussed, aquatic habitat is present in the local area for these species, and though the terrestrial habitat on site is considered unsuitable, it is possible that amphibian species commute across or interact with the site. The likelihood of common amphibians being present is considered **low**.

Bird Assessment

The buildings and possibly grassland provide suitable nesting bird opportunities. Whilst inspecting the loft space of the stables, bird droppings were found which suggests that birds have used the loft space in the past. Evidence of a nest was not found, however, not all areas of the loft were accessible at time of inspection. The site's potential to support breeding birds is considered **high**. The site has potential to support some of these species such as house 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 improved grassland which is grazed year-round. 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 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.	Moderate	Several ingress points were noted on the exterior of the stables and an internal inspection was not possible. The hay barn lacked the suitable structure to support roosting bats.
Bat roosts- mature trees	Negligible	Trees are not present on site.
Bat foraging/ commuting areas	Moderate	Local records found on site and the habitats on site provide commuting and 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	Low	Local records found (large distance from the site). The site provides sub-optimal habitat for reptiles.
Common Amphibians	Low	Some aquatic habitat in the local area and local records found. Lack of optimal terrestrial habitat on site.
Great Crested Newts	Low	Some aquatic habitat in the local area and local records found. Lack of optimal terrestrial habitat on site.
Breeding birds	High	Some evidence of breeding birds found in the roof area of the stables.
Plants	Low	No plants encountered were of ecological significance.
Invertebrates	Moderate	Grassland provides foraging and nesting opportunities for invertebrate 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

Henfield Common, a Local Wildlife Site (LWS) is a non-statutory protected area within 1km of the site. Henfield Common covers 14.7ha of land and has been identified as a Local Wildlife Site due to its considerable ecological value. The site consists of neutral and acid grassland, species rich rush pasture, marshy grassland, reedbed and woodland.

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

Priority Habitats

Priority habitats are present within 1km of the site. Habitats listed on the Priority Habitat Inventory within proximity of the site include ancient woodland, deciduous woodland and traditional orchard. These habitats are not found on the site or directly bordering the site.

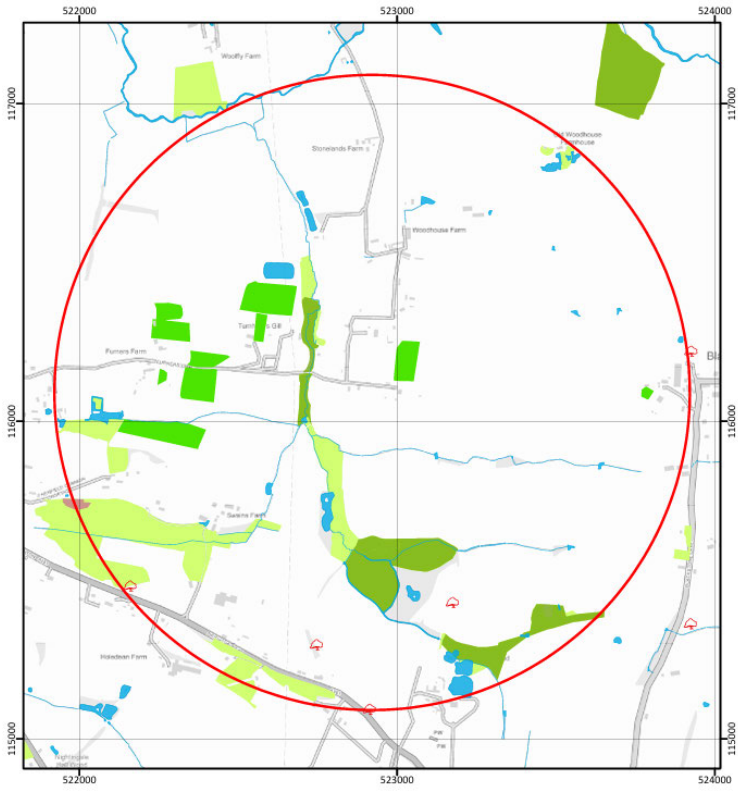

Figure 3: *Location of priority habitats (dark green = ancient woodland, light green = deciduous woodland, bright green = traditional orchard, tree = ancient or veteran tree, blue = open water) Data Source: SxBRC.*

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. Most of the habitats are located in excess of 0.15km from the site boundary and are separated by roads. One area of traditional orchard is present approximately 35m northeast from the northeast

corner of the site boundary. Considering that the habitat and the site is separated by a road and the nature of the proposed development, it is unlikely that the development will result in any adverse direct impacts upon the priority habitat.

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

4.3 Effects on Habitats on Site

EHM understands that the proposed development will include the conversion of the current stables into a two-storey dwelling and the conversion of the current hay barn into a car port. The proposed development will also include the construction of a driveway. This will involve the removal of approximately 330m^2 of grassland. It is recommended that as much of the current habitats on site are retained and/or enhanced 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 foraging and commuting bats. This is predominately the grassland and its edges. The grassland forming linear features will be retained which will ensure the retention of most of the commuting and foraging habitat. Proposed enhancements will benefit bat species.

The site is also considered as having moderate potential to support roosting bats. As a moderate potential has been identified, in line with current guidance[12], two separate dusk emergence survey visits are recommended before any works are carried out. These should be carried out between May and September, with at least one of the surveys occurring between May and August. Further recommendations may be given upon completion of further surveys.

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[13]
- Limit work to daylight hours
- Limit noise disturbance and other forms of pollution such as dust

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Collins, J. (ed.) (2023) Bat surveys for professional ecologists: Good practice guidelines (4th edition). The Bat Conservation Trust, London.

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

- 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.

[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 grassland on site as possible 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 low 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 the sward length being kept short. The field that will be directly impacted is annually cut at well as being grazed year-round. However, the wider side (southern field) is only grazed, and the sward length is slightly higher. This field has a possibility to be used as commuting or basking habitat. Connectivity will be retained across the wider landscape through the retained grassland.

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.

If a newt is found on site, then works should stop immediately and an ecologist contacted. Works should only then proceed dependent on the findings and subsequent recommendations from the ecologist.

Birds

There is a high level of potential for birds to be nesting on the site. The grassland and the stables provide the best habitats for nesting. To ensure breeding birds are not impacted by any project works, trees, scrub, buildings 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 (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 understood by EHM that the development will include the planting of a native hedgerow along the western border of the site. This will provide additional habitats, wildlife corridors and foraging opportunities for a wide range of species.

Any further native tree and flower planting could also be implemented to provide additional habitats.

Any areas of green roofs or green walls where 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/sites could be incorporated into the development. The bat box/boxes 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 are 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:

- Grassland

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

- Bats
- Nesting Birds
- [redacted]
- 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
Grassland	Site	Loss of habitat. Damage during construction.	Retain wider grassland areas. Establish exclusion zones as to not damage areas of retained grassland during construction. Include native planting within development. Do not store construction materials/anything on grassland to be retained. Grassland can be enhanced through appropriate management, e.g., less frequent cuts.
Commuting/ foraging Bats	Local	Loss of commuting and foraging habitats.	Retain habitats on site such as scattered trees, shrubs and scrub. Suitable native plantings to provide replacement and additional commuting and forging habitat for bats, i.e., hedgerows. Sensitive lighting scheme during development and as part of the proposed development.
Roosting bats	Local	Loss of habitats/roost sites. Harm during construction.	Conduct further surveys before any work commences. Follow any recommendations from the further surveys. Place artificial roost sites on site.
Nesting birds	Local	Loss of habitats/nests. Harm during construction.	Remove any vegetation/building structures outside of nesting bird season. Inclusion of artificial nest sites within re-landscaping/new development. Including native planting in the development.

Feature	Scale of Importance	Potential Impact	Suggested Mitigation/ Compensation
[redacted]	[redacted]	[redacted]	[redacted]
Dormice	Local	Loss of habitats. Harm during construction.	Retain scrub and hedgerows where possible. Follow method statement for clearing vegetation. If a suspected dormouse is discovered, work must cease, and a qualified ecologist must be contacted.
Small Mammals	Local	Loss of habitats. Harm during construction.	Retain scrub, grassland and trees where possible. Follow method statement for clearing vegetation. 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. Include additional native planting within the development. Enhance retained areas with hedgehog boxes.
Reptiles	Local	Loss of habitats. Harm during construction.	Follow method statement for clearing vegetation. This can be done under ecological supervision, although not required. Retain scrub, grassland and trees where possible. 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.

Feature	Scale of Importance	Potential Impact	Suggested Mitigation/ Compensation
			Enhance retained areas with additional log piles and compost piles. If a suspected reptile is seen on site at any time, works must cease immediately, and a qualified ecologist must be contacted. Works may not resume until an appropriate mitigation strategy can be agreed and implemented.
Amphibians	Local	Loss of terrestrial habitats. Harm during construction.	Retain scrub, grassland and trees where possible. 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. Follow method statement for clearing vegetation. If a suspected newt is seen on site at any time, works must cease immediately, and a qualified ecologist must be contacted. Works may not resume until an appropriate mitigation strategy can be agreed and implemented.
Plants and Invertebrates	Local	Loss of habitats. Harm during construction.	Retain scrub, grassland and trees where possible. Include additional native planting within the development. 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.

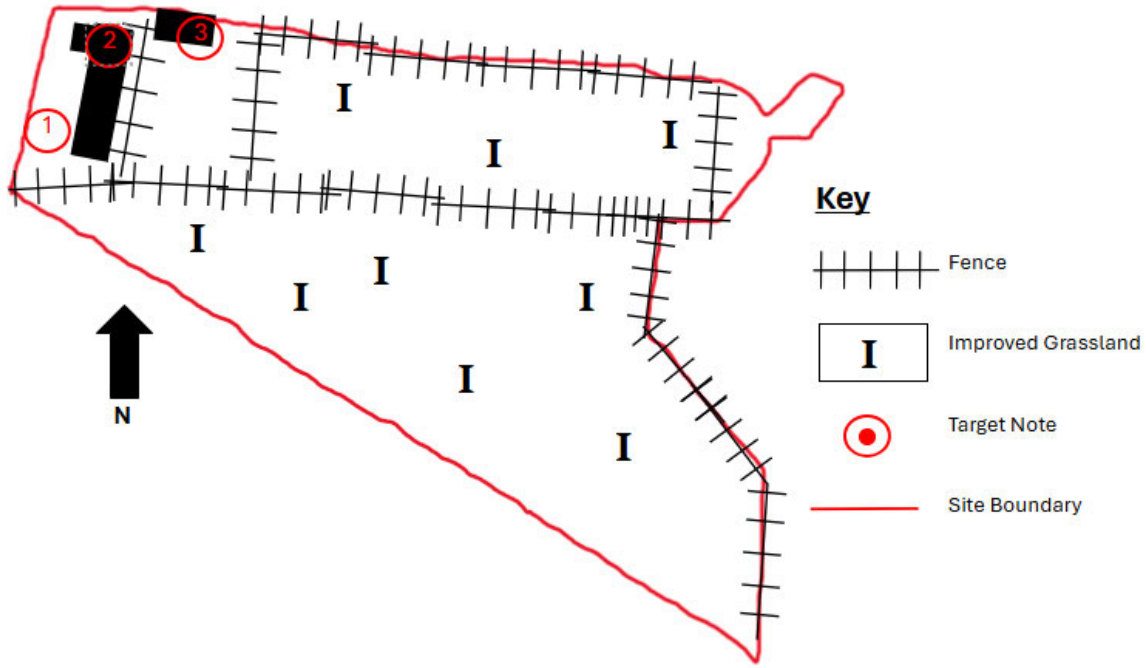
Recommendation	Action	Justification
Retention of wider habitats*	Protect and retain wider habitats such as grassland during and post construction.	This will ensure that important habitat is protected. It will also provide a means of escape and protection for any wildlife.
Protection of breeding birds*	Carry out vegetation and building 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.
Bat survey of stables*	Conduct two dusk surveys of the stables, prior to any works, between May and August. Further recommendations may be required.	This will provide information on the presence/absence of bat roosts.
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.

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	Hardstanding (cement) west of stables. Patches of moss have grown.
2	Stables with potential to support bat roosts in the roof. Evidence of use by birds was also seen.
3	Hay barn with lack of suitable structure to support protected species.

7.2 Appendix 2: Photos

Entrance to roof space

Hay barn

Flat roof areas of the stables

Stables

Grassland

Stables (left) and hay barn

Stable

Loose/Broken tiles

Loose/broken tiles

Loose/broken tiles

Potential ingress points

Potential ingress points

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.

[redacted]

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