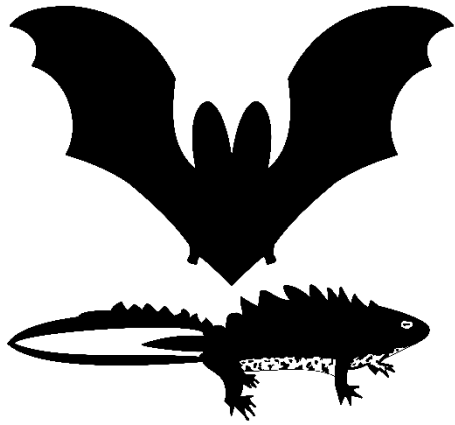




AEWC^{Ltd}

Animal Ecology & Wildlife Consultants

Protected Species Walkover, Bat and Barn Owl Assessment

Land at Oaklands Barn

**Oaklands Barn
Coltstaple Lane
Horsham
Sussex
RH13 9BB**

Emily Partridge

**22-143
November 2022**

Contents

Summary	2
1. Introduction	3
2. Background	3
3. Methods	6
4. Constraints/Limitations	8
5. Results	9
6. Conclusions & Recommendations	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 and building subject to survey 4

Figure 3: Showing the existing and proposed plans. 5



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Survey Date	27 th October 2022

Summary

- AEWCLtd were commissioned by Alasdair Russell to undertake a protected species walkover, bat and barn owl assessment at Land at Oaklands Barn, Coltstaple Lane, Horsham, Sussex, RH13 9BB at grid reference TQ 17008 27909 to help inform the proposed development of the site.
- This report details the results of the survey, which was carried out on the 27th October 2022 by Emily Partridge, Natural England licensed bat ecologist, 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 0.18ha in size and comprises an existing barn with surrounding hardstanding which had been colonised by shallow rooting grasses.
- The proposed development plan involves demolition of the existing barn and subsequent construction of two detached dwellings. This will involve the removal of the existing farm building as well as areas of hardstanding and shallow rooted grassland. The majority of the habitat area on site will be affected by these proposals.
- The ancient woodland adjacent to the site is an HPI and therefore must be protected throughout the proposed development. **Removal of the existing hardstanding can be carried out using machinery, however no digging below the level of the existing hardstanding can take place or materials be stored within 15m of this habitat. A tree protection zone with hoarding or a heras fence must be installed and retained throughout the proposed development.**
- [REDACTED]
- [REDACTED]
- Evidence of bird activity was recorded within the farm building and so **a check for nesting birds must be conducted prior to demolition of the building. No vegetation can be cleared whilst a nest is occupied, regardless of species.**
- **Any areas of suitable vegetation should be gradually cut down and maintained as a short sward to discourage movement of reptiles into the site. Rubble piles and compost heaps should be dismantled carefully (by hand if possible).**
- Lighting can have notable negative impacts on commuting bats, that are known to be present locally. **Lighting onto the boundary vegetation, particularly the southern boundary and ancient woodland, should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time. Additional work lighting which may be required must be positioned to ensure that it shines onto the area of works with minimal spread into the wider area.**

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 Alasdair Russell to undertake a protected species walkover, bat and barn owl assessment at Land at Oaklands Barn, Coltstaple Lane, Horsham, Sussex, RH13 9BB to help inform the proposed development of the site.
- 1.2 No surveys are known to have been carried out on site previously. Initial assessment was therefore required to ascertain whether bats, barn owls or other protected species are present at the site and represent a constraint to the proposed development.
- 1.3 This survey comprised a bat assessment plus ecological walkover survey for all protected wildlife and species of conservation importance, including habitats, and was carried out by Emily Partridge, a Natural England licensed bat ecologist on the 27th October 2022.
- 1.4 The bat surveys and report writing were carried out in accordance with Bat Surveys: Good Practice Guidelines (Bat Conservation Trust, 2016).
- 1.5 The purpose of this report is to detail the results of the bat assessment, barn owl assessment and walkover survey, 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, outlines recommendations in relation to protected species and the proposed development of the site and identifies recommendations for further surveys that may be necessary.

2. Background

- 2.1 The proposed development site is located at Land at Oaklands Barn, Coltstaple Lane, Horsham, Sussex, RH13 9BB at central grid reference TQ 17008 27909. See Figure 1.
- 2.2 The site is located in a rural area within the southern outskirts of the town of Horsham. The site is immediately surrounded by Lovers Lane to the west, Oaklands Farm gardens to the north and east and ancient and semi-natural woodland to the south. The wider landscape largely comprises agricultural farmland and woodland with areas of residential and commercial development. The A24 lies approximately 600m west of the site. See Figure 1.
- 2.3 The site is approximately 0.18ha and comprises an existing barn with surrounding hardstanding which had been colonised by shallow rooting grasses.



FIGURE 1: SHOWING THE SITE LOCATION



FIGURE 2: AERIAL VIEW OF THE SITE SHOWING THE SITE BOUNDARY AND BUILDING SUBJECT TO SURVEY

- 2.4 The proposed development plan involves the demolition of the existing barn and construction of two detached dwellings. This will involve the removal of the existing farm building as well as areas of hardstanding and shallow rooted grassland. The majority of the habitat area on site will be affected by these proposals.

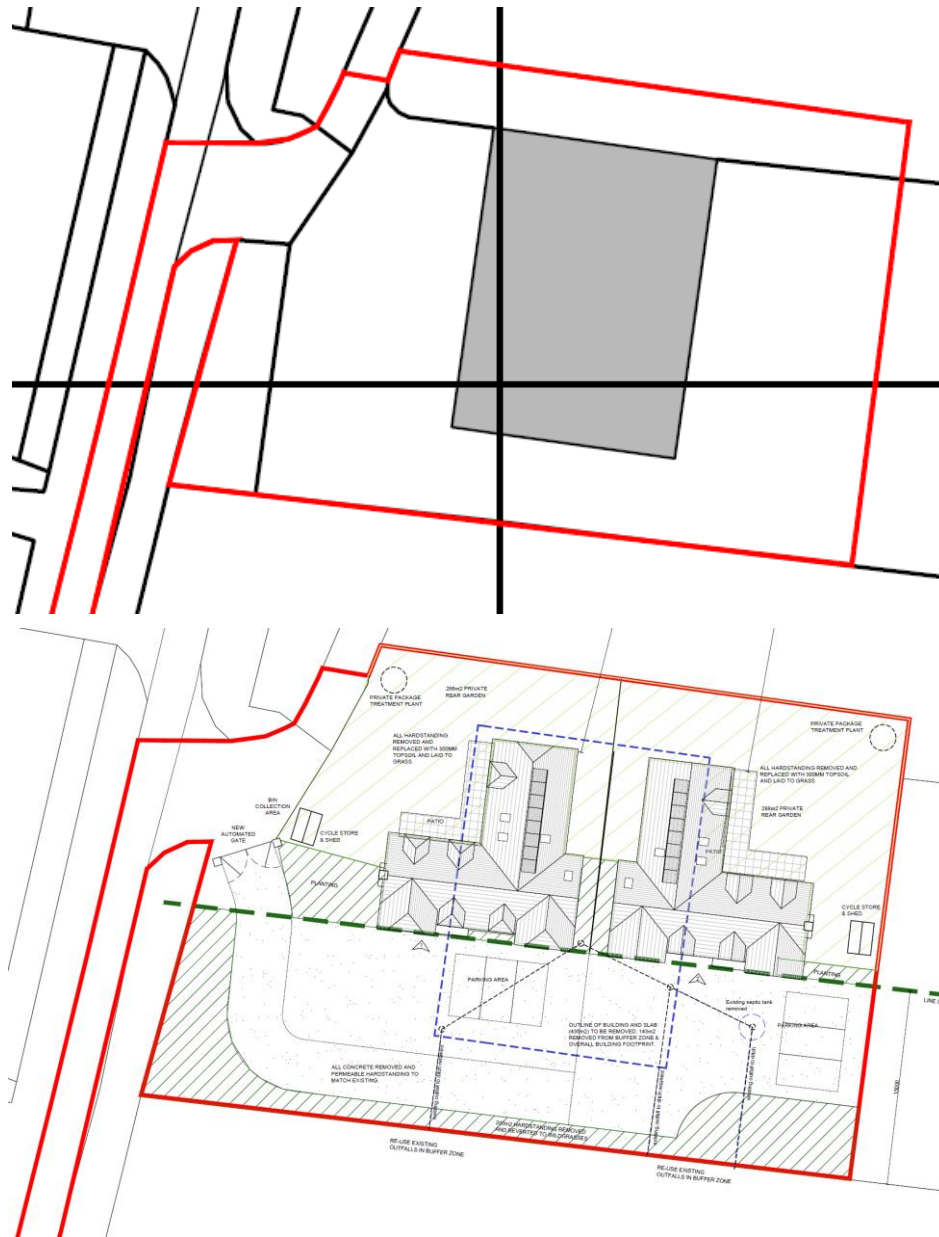


FIGURE 3: SHOWING THE EXISTING AND PROPOSED PLANS.

Legislation

- 2.5 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.
- 2.6 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.
- 2.7 Any disturbance of a bat occupying a roost can lead to prosecution. Disturbance can be caused by noise, vibration and artificial lighting. Penalties for breaking the law can include fines of £5,000 per bat, imprisonment and the seizure of equipment.
- 2.8 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*.

3. Methods

- 3.1 A daytime ecological walkover assessment was carried out on the 27th October 2022 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:
- [REDACTED]
 - 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.

- 3.6 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].
- 3.7 **Barn Owls and Breeding Birds** - The building was subject to a full external and internal inspection for evidence of use by barn owl, namely live/dead owls, pellets, droppings, feathers, nest debris, nestling fluff and eggs or eggshells.
- 3.8 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 newt (*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 mammals** – any signs of occupancy by other mammals (e.g. Rabbit warrens) are recorded.
- 3.13 **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.
- 3.14 **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) are recorded.

- 3.17 **Other valuable ecological features** - Other ecological features e.g. ancient woodland, veteran trees, bird feeding stations etc, habitat enhancements etc. within or adjacent to the site are recorded.

Daytime Bat Assessment

- 3.18 A detailed bat building inspection was undertaken on the 27th October 2022 by Emily Partridge, a Natural England licensed bat ecologist.
- 3.19 A systematic internal inspection of the building was conducted using a high-powered torch to illuminate all areas thought to be suitable for roosting bats. Additionally, an external search around the perimeter of the building was conducted and any possible access points i.e. gaps and crevices were noted and surveyed with a high-powered torch and ladder as appropriate.
- 3.20 The buildings suitability for bat roosting was assessed by examining structural features that may influence the suitability of a building to support roosting bats; these include the presence of a roof void, the presence of access points into the building (including gaps beneath barge boards, weatherboarding, soffits and fascias, gaps under lead flashing, gaps within masonry and under loose tiles, gaps between tenon and mortise joints), the complexity and size of any roof void and daytime light levels in the roof void.
- 3.21 The buildings suitability for roosting bats was also assessed by examining the surrounding habitat. Important habitat features surrounding the structure which may influence roost potential include whether the structure is in a semi-rural or parkland location, its proximity to a significant linear habitat features such as a watercourse, mature hedgerow, wooded lanes or an area of woodland.
- 3.22 All surfaces were also surveyed for signs of bat presence. Features of potential value to bats were surveyed not only for the presence of bats but also for signs that could indicate use by bats, such as:
- bat droppings that are dry and do not putrefy, but can crumble away to dust;
 - staining of access points used by bats to enter the structure; and
 - feeding remains such as moth and butterfly wings.
- 3.23 Taking account of these architectural, habitat features and signs of presence, the building(s) were then assigned a level of roost suitability based the criteria given in the Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (Collins, 2016) and professional judgement. The primary objective of this exercise was to identify the need for further detailed bat survey later in the year, or alternatively to obtain sufficient information that would dismiss the need for further assessment.

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 Bats are difficult to locate in large structures, with so many potential roosting areas, particularly in inaccessible areas such as large buildings, finding the exact roosting site can be difficult, especially male/single bat roosting sites. It should be noted that it is not always possible to identify bat presence by examining externally around buildings as poor weather conditions may have washed away droppings which were deposited on exposed surfaces.
- 4.3 Bats can have seasonal use of buildings and being so mobile may arrive and start using a site after it has been surveyed, or roost somewhere else during the period it was surveyed. For this reason, bats may potentially be present but remain undetected, particularly during daytime assessment.
- 4.4 A space is present between the farm building roof and the offices built within the building, the top of which is not viewable from the ground.

5. Results

[REDACTED]

Barn Owls and Breeding birds

- 5.2 There is some suitability for nesting barn owls and other birds within the building on site, however the barn doors close at night preventing fly in access for this species making the building largely unsuitable.
- 5.3 An area of bird droppings was recorded within the barn within one of the bathrooms. No nesting area was present above the droppings and it is therefore considered likely to be from ground roosting pigeons. A space is present between the farm building roof and the offices built internally where bird nests may be present; however this was not viewable at the time of survey.

Great Crested Newt (GCN)

- 5.4 The site is considered to have some potential to support terrestrial GCN, within the rubble piles and boundary scrub.
- 5.5 No ponds were recorded within the site boundary.
- 5.6 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. Three ponds were found occurring to the north and west of the site.

Hazel dormice

5.7 The site is considered to have negligible potential to support hazel dormice due to the lack of suitable habitat and edible plant species. The ancient woodland adjacent to the site however holds good potential for this species.

5.8 No hazel nuts were available to check for those that may have been chewed by hazel dormouse.

Reptiles

5.9 The boundary grassland and rubble piles on site provide some suitable foraging habitat for common reptiles such as slow-worms, common lizards and grass snakes. The scrub, woodland and grassland beyond the site provide further opportunities for these species.

Other Mammals

5.10 No evidence of other mammals was recorded within the site.

Other Species of Principal Importance

5.11 There is potential for the site to support SPI such as house sparrow within the building.

Invasive species

5.12 No invasive species of note were identified.

Plant species of note

5.13 No plant species of note were identified.

Habitats of Principal Importance

5.14 Ancient woodland bounds the site to the south.



Photograph 1: Grassland within the east of the site.



Photograph 2: Rubble piles within the east of the site.



Photograph 3: The southern boundary.



Photograph 4: bird droppings within the farm building.

Daytime Bat Assessment

- 5.15 The building subject to survey is a metal framed, breezeblock farm building with corrugated asbestos roof. The building is bright internally due to transparent panels in the roof. No evidence of bats was recorded internally, and no suitable roosting opportunities were identified.
- 5.16 Externally the building is largely tight fitting. Some gaps were recorded at the eaves, however these are shallow and lead directly into the building where no crevice space is present. No potential bat roosting features were identified, and the building is considered to be of negligible potential for roosting bats.



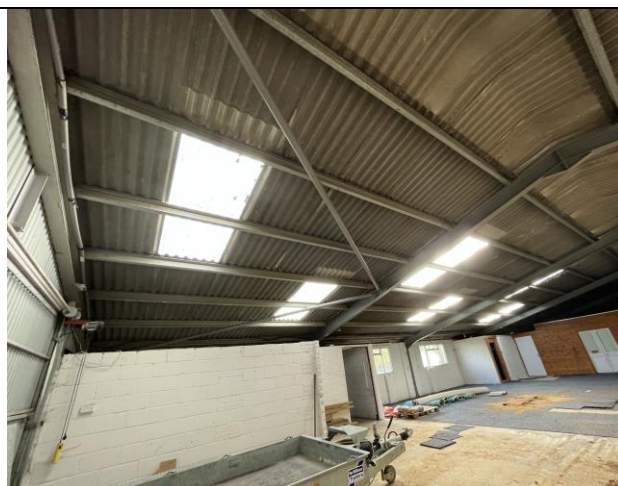
Photograph 5: The west elevation of the farm building.



Photograph 6: The north and east elevations of the farm building.



Photograph 7: The farm building internal with void above the offices.



Photograph 8: The roof structure within the farm building.

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]

- 6.3 [REDACTED]

Barn Owls Breeding birds

- 6.4 No evidence of barn owls was identified during the survey and the building is considered largely unsuitable due to a lack of fly in access at night. No further surveys for this species are therefore considered necessary.
- 6.5 Evidence of bird activity was recorded within the farm building and so a check for nesting birds must be conducted prior to demolition of the building. No vegetation can be cleared, or buildings demolished, where bird nests are present whilst a nest is occupied, regardless of species.

Great Crested Newt (GCN)

- 6.6 The site is considered unlikely to be used by GCN and therefore no further surveys for this species are required.

Hazel dormice

- 6.7 The site is considered unlikely to be used by hazel dormouse and therefore no further surveys for this species are required.

Reptiles

- 6.8 The site provides a small amount of habitat for reptiles such as within the grassland and rubble piles, however the areas are very small and more suitable habitat is present in the surrounding woodland and grassland.
- 6.9 Any areas of suitable vegetation should be gradually cut down and maintained as a short sward to discourage movement of reptiles into the site. Rubble piles and compost heaps should be dismantled carefully (by hand if possible).

Invasive species

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

Habitats of Principal Importance

- 6.11 The ancient woodland adjacent to the site is an HPI and therefore must be protected throughout the proposed development. Removal of the existing hardstanding can be carried out using machinery, however no digging below the level of the existing hardstanding can take place or materials be stored within 15m of this habitat.
- 6.12 A tree protection zone with hoarding or a heras fence must be installed and retained throughout the proposed development. The new dwellings are to be built 15m from the ancient woodland boundary with works within the 15m buffer consisting of replacement of existing hardstanding and planting of grassland, it is considered that these works can be carried out without significant negative impact on the ancient woodland due to the presence of existing hard standing, which is not showing signs of tree root damage, having likely led to deeper root growth within this area.

Bats

- 6.13 Initial observations consider the local area suitable for bats due to roosting and foraging opportunities within the local woodland, farmland and buildings in the surrounding area.
- 6.14 The daytime assessment identified negligible potential within the building on site and therefore no further surveys are required.
- 6.15 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 in these areas. Lighting onto the boundary vegetation, particularly the southern boundary and ancient woodland, should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time.
- 6.16 Additional work lighting which may be required must be positioned to ensure that it shines onto the area of works with minimal spread into the wider area.

Appendix 1 – Survey timetable

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

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.

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