AEWC Ltd

Animal Ecology & Wildlife Consultants

Protected Species Walkover Survey

and

Bat Assessment

West Wantley Farm

Fryern Rd
Storrington
West Sussex
RH20 4BJ

Ivana Murphy

24-194
April 2025

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Summary

- AEWC Ltd were commissioned by Mr & Mrs Doe to undertake a protected species walkover survey and bat assessment at West Wantley Farm, Fryern Rd, Storrington RH20 4BJ at grid reference TQ 08793 15508 to help inform the proposed development of the site.

- This report details the results of the survey, which was carried out on the 7th April 2025 by qualified ecologists Ivana Murphy and Paul Thrift, 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 0.17ha in size and incudes a single-storey residential building with an adjoining garage. It is accessed via a gravel track of artificial unsealed surface, a parking area of hardstanding is present to the southeast of the building, bordered to the south by ruderal and scrub vegetation and an individual large oak tree, and modified grassland borders the north and west sides of the existing dwelling. The habitats on site are common, widespread, and considered to be of low ecological value.

- The proposed development plan involves the demolition of the existing building on site and construction of a new residential building.

- The building was considered to have negligible potential to support roosting bats and, as such, there are no known constraints regarding these species and the proposed development.

- **No further surveys are required.**

- **Recommendations to avoid ecological impacts include the implementation of a Precautionary Working Method Statement during site clearance to minimise risk to great crested newts and reptiles, maintenance of vegetation as a short sward prior to works to discourage reptiles, minimisation and sensitive design of external lighting to avoid disturbance to commuting bats, and adherence to good building practices such as covering trenches at night to safeguard [redacted] hedgehogs.**

This report has been prepared by AEWC Limited, 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 AEWC Ltd were commissioned by Mr & Mrs Doe to undertake a protected species walkover survey and bat assessment at West Wantley Farm, Fryern Rd, Storrington, RH20 4BJ 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 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 an ecological walkover survey for all protected wildlife and species of conservation importance, including habitats, and was carried out on the 7th April 2025 by Natural England licensed bat ecologist Ivana Murphy, and assisted by qualified ecologist Paul Thrift.

1.4 The purpose of this report is to give an assessment as to the presence or potential presence of any protected species, ecological issues and impacts that would be generated by the proposed developments and identify recommendations or further surveys that may be necessary.

1.5 As the development qualifies for the self-build exemption, a Biodiversity Net Gain assessment is not required

2. Background

2.1 The proposed development site is located at West Wantley Farm, Fryern Rd, Storrington, RH20 4BJ at central grid reference TQ 08793 15508.

2.2 The site is located approximately 1.2 km north of Storrington and lies within the South Downs National Park. The A283, the nearest major road, is situated about 1.3km to the south. The surrounding landscape is predominantly rural, with some residential development to the north and south. It comprises a mix of grazed pasture, arable farmland, connecting hedgerows, and woodland blocks. See Figure 1.

2.3 The site is approximately 0.17ha in size and incudes a single-storey residential building with an adjoining garage. It is accessed via a gravel track of artificial unsealed surface, a parking area of hardstanding is present to the southeast of the building, bordered to the south by ruderal and scrub vegetation and an individual large oak tree, and modified grassland boarders the north and west sides of the existing dwelling. See Figure 2.

2.4 The proposed development plan involves the demolition of the existing building on site and construction of a new residential building and creation of associated gardens. The majority of the habitat area on site is unlikely to be negatively affected by these proposals.



FIGURE 1: SHOWING THE SITE LOCATION



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



FIGURE 3: PROPOSED PLANS

Bat 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 7th April 2025 to evaluate the site for its potential to support protected species in addition to other species of conservation importance that could be relevant in respect of planning policies.

3.2 An assessment was made of habitat suitability in and around the site for those protected species that occur in the region. Obvious signs and incidental sightings of protected species are noted when encountered, but walkover surveys do not usually confirm species presence or absence.

3.3 Taking into consideration the geographical region and habitat type, species that could be encountered are:

- [redacted]
- barn owl;
- 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]

3.7 **Barn Owl** – The buildings were subject to a full external and internal inspection for evidence of use by barn owl (*Tyto alba*), namely live/dead owls, pellets, droppings, feathers, nest debris, nestling fluff, and eggs or eggshells.

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

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

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

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

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

3.13 **Other Mammals** – any signs of occupancy by other mammals (e.g. rabbit warrens) are recorded.

3.14 **Invasive Species** - Any invasive plant or animal species identified during the site walkover are recorded.

3.15 **Plant Species of Note** – Any plant species of conservation concern found on the site are recorded.

3.16 **Habitats of Principal Importance** - Habitats of Principal Importance within or adjacent to the site (such as arable field margins, traditional orchards, ponds, rivers, wet woodlands, native hedgerows) are recorded.

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

Daytime Bat Assessment

3.18 A detailed bat building inspection was undertaken on the 7th April 2025 by Ivana Murphy, a Natural England licensed bat ecologist, and assisted by Paul Thrift, a qualified 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 building's 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 facias, 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 building's 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, 2023) 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 The survey was carried out in April outside of the primary active season for bats, therefore any external evidence of presence which may have been present during the active season may have been destroyed by weathering.

5. Results and Evaluation

Habitat Summary and Evaluation

5.1 The site comprises a single-storey residential building with an adjoining garage, situated within a plot comprising modified grassland, ruderal vegetation, scrub, and an individual tree. The majority of the site comprises developed land; unsealed surface. The south end of the site contains a large oak tree surrounded by ruderal vegetation and scrub. The majority of habitats on site are common, widespread, and considered to be of low ecological value. The oak tree and scrub habitat hold higher ecological value, however are not proposed to be impacted by the proposed development.



Photograph 1: Parking area and vegetation and tree at south boundary



Photograph 2: Grassland at north of site

[redacted]

Barn Owls

5.3 The buildings have no access for barn owls or suitable perching or nesting features, and are therefore considered to hold negligible potential for this species.

Breeding Birds

5.4 There is habitat suitable for breeding birds within the oak tree and scrub at the southern boundary.

5.5 The building on-site lacked suitable roosting features for breeding birds.

Great Crested Newts (GCN)

5.6 The site is considered to have low potential to support terrestrial GCN. The modified grassland and ruderal vegetation lack sufficient vegetation cover for GCN, however the denser scrub at the southern boundary would provide sheltered habitat for GCN. The remainder of the site is unvegetated.

5.7 No ponds were recorded within the site boundary. The site therefore has no suitability for breeding GCN.

5.8 The Ordnance Survey map available via MAGIC was reviewed for ponds within the accepted dispersal distance of 500 m that are not separated from the site by significant barriers to dispersal, such as main roads. Nine ponds were identified in all directions, with the closest located 36 m to the south (see Figure 3). The two nearest ponds are situated within private residential properties, and access to survey them for suitability was not possible.

5.9 MAGIC shows the nearest great crested newt licence return to be over 2.5km from the site.

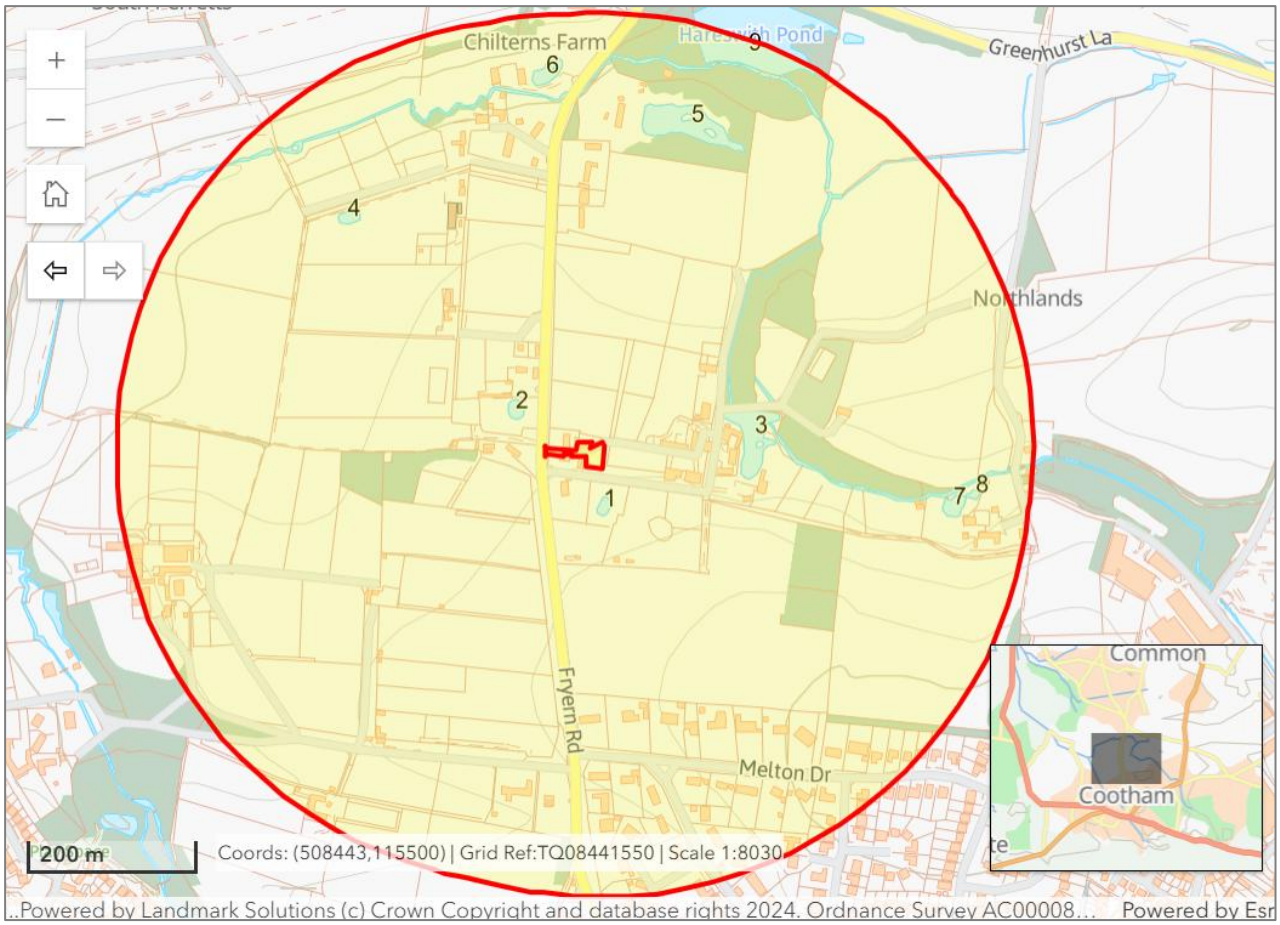


FIGURE 4: SHOWING WATERBODIES WITHIN 500M OF THE SITE

Hazel Dormice

5.10 The site is considered to have negligible potential to support hazel dormice due to the lack of any suitable habitat for this species.

Reptiles

5.11 The site is considered to have limited potential to support common reptiles such as slow worms, common lizards and grass snakes. The modified grassland at the north of site is highly unlikely to be used by reptiles due to the sparse vegetation cover and lack of structural variation. The scrub at the south boundary provides suitable sheltered habitat for common reptiles to forage and commute.

Other Species of Principal Importance

5.12 The site overall has low suitability for most SPI due to the low level of vegetation cover, however, West European hedgehogs (*Erinaceus europaeus*) could commute across the site and use the scrub at the south boundary for shelter.

Other Mammals

5.13 No evidence of other mammals was recorded within the site

Invasive Species

5.14 No invasive species of note were identified.

Plant Species of Note

5.15 No plant species of note were identified.

Habitats of Principal Importance

5.16 No HPI were identified within or adjacent to the site.

Daytime Bat Assessment

5.17 The building is a single-storey timber structure with a flat roof supporting corrugated metal sheets and externally clad with timber weatherboarding. The west section of the building is internally converted and used for residential purposes, whilst the eastern section is an open plan garage, with corrugated metal sheet doors on the east elevation.

5.18 The residential part of the building includes wooden soffits on the south and west elevations. The soffits were noted to be in poor condition, with multiple areas of rotting and broken timber indicating water ingress and weathering. The timber weatherboarding was also noted to be in poor condition, with numerous areas of broken cladding exposing the boards behind. Upon inspection the gaps were identified to be too large to provide suitable crevice roosting features of bats. No gaps were found to lead to any further spaces which could provide potential roosting space. Smaller gaps were covered with thick cobwebbing and filled with debris, indicating that they had not been disturbed in some time, if ever. Undamaged sections of timber weatherboarding were tightly fitting and did not provide crevice features.

5.19 The internal garage space is uninsulated, with exposed roofing and timber framing. Large gaps within the structure result in high levels of light ingress, resulting in bright daylight conditions. Thick cobwebbing was noted along roof timbers along the walls. The garage is regularly accessed and is used as a workshop and for storage. No crevice features were identified within the garage.

5.20 No evidence of bat presence or potential roosting features were identified during the survey.

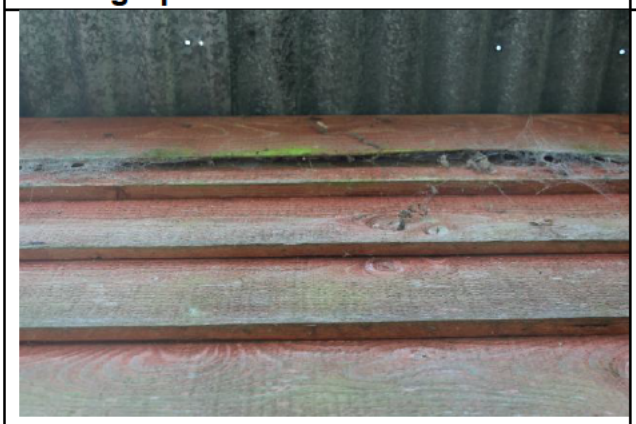
5.21 The oak tree was not surveyed for bat potential as it is not proposed to be impacted by the current development plans.



Photograph 3: East elevation



Photograph 4: North elevation



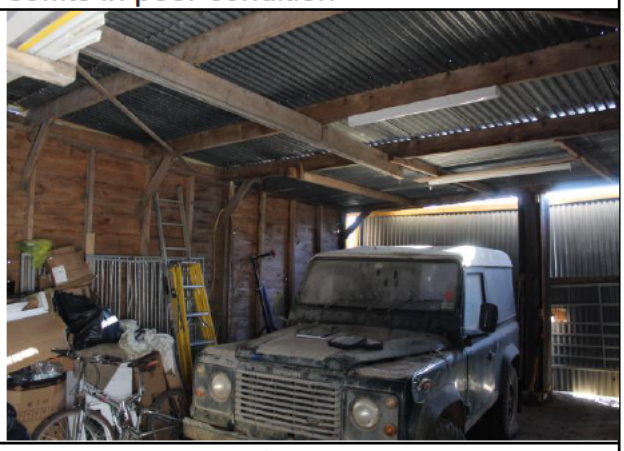
Photograph 5: Cobwebbing in gaps between the weatherboarding



Photograph 6: Weathered and damp soffits in poor condition



Photograph 7: Hole in soffit



Photograph 8: Internal garage

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]

Barn Owls

6.3 The survey did not identify any suitable features for, or evidence of, barn owls on the site and therefore no further action is required.

Breeding Birds

6.4 **Shrub or tree removal must be undertaken outside the breeding bird period from March to August. Should any vegetation clearance be scheduled to take place between the beginning of March and the end of August, this must be immediately preceded by a survey to check for nesting birds.** No vegetation can be cleared whilst a nest is occupied, regardless of species.

Great Crested Newts (GCN)

6.5 The site does not contain any aquatic habitat and offers only limited suitable terrestrial habitat for GCN within the denser areas of scrub on the south boundary, which will not be impacted under the current development plans. The vegetation within the proposed working area is considered highly unlikely to support GCN, and therefore the risk of impacts on this species are very low. It is not considered necessary for further surveys to be undertaken. However, given the close proximity of ponds to the site, **it is recommended that a Precautionary Working Method Statement is produced and followed for clearance works of the grassland and ruderal vegetation adjacent to the scrub, to minimise risk to any GCN that could potentially be present. This should include but not be limited to**:

- Provision of a toolbox talk by a suitably licenced ecologist prior to the start of works.
- Potential refuge features such as log piles to be removed by hand under direct supervision of a licenced ecologist.
- Any vegetation removal must be done sensitively and checked for GCN immediately beforehand by an ecologist.

Hazel Dormice

6.6 The site is considered to be unsuitable for hazel dormouse and therefore no further surveys or mitigation for this species are required.

Reptiles

6.7 The main working area is unsuitable for reptiles due to lack of vegetation cover and short sward grassland, however the site provides a small amount of potentially suitable habitat, within the denser areas of boundary scrub. This habitat is not proposed to be impacted under the current development proposals. As none of the habitat suitable for reptiles is expected to be directly affected, the risk to reptiles and the overall potential impacts are considered very low. Therefore, it is not considered necessary for further surveys to be undertaken.

6.8 However, since the site contains some suitable reptile habitat, a reptile method statement will be required for the site, detailing the precautionary approach to site clearance that must be adopted and followed, this will include but not be limited to the following measures:

- Vegetation must be gradually cut down prior to site clearance.
- During the active season (March to September) the site can then be cleared; the top 10cms or so of topsoil must be removed by a toothed excavator under the supervision on an ecologist.
- Log piles, rubble piles and compost heaps should be dismantled carefully (by hand if possible).
- Any animals caught should be relocated to a safe area of suitable habitat beyond the development boundary.

6.9 The proposed working area should be maintained as a short sward in the interim before development commences, to prevent the habitat from becoming more suitable for reptiles.

Other Species of Principal Importance

6.10 The west European hedgehog is an SPI, therefore it is recommended that if close board fencing is to be fitted it should be raised above ground level to allow hedgehogs to pass underneath, some habitat areas should also be left un-landscaped to provide shelter and foraging opportunities. **Good building practice recommended [redacted] above will ensure that any hedgehogs traversing through the site are not trapped during the works.** Additional habitat for hedgehogs could be provided through relaxation of mowing and seeding with an appropriate wildflower meadow mix in some areas of the site.

Other Mammals

6.11 Site clearance work should be undertaken carefully (by hand if necessary) to avoid crushing small mammals within their burrows.

Invasive Species

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

Plant Species of Note

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

Habitats of Principal Importance

6.14 No HPI habitat was recorded within or adjacent to the site and therefore no further action is required.

Bats

6.15 Initial observations consider the local area suitable for bats. Woodland and pasture in close proximity to the site with a network of connective tree and hedge lines provides excellent foraging and commuting habitat for a range of bat species. Buildings and trees within the local area additionally offer potential roosting opportunities.

6.16 The building was considered to have negligible potential to support roosting bats due to a lack of any suitable roosting features. As such, there are no known constraints regarding these species and the proposed development.

6.17 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 of the buildings and surrounding boundary features should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time.**

6.18 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.

6 Procedure to follow in the event a bat is found on site at unsupervised times.

6.10 Bats are present within the vicinity of the site and may be found at any location on, in or around the buildings. Bats are protected species, and these procedures must be followed to avoid committing an offence.

6.11 If a bat is found at any location around the site DO NOT TOUCH unless necessary for the safety of the bat.

6.12 If the bat was uncovered in a roosting location carefully replace covering ensuring the bat is not crushed or harmed. If this is not possible cover the animal with a loose covering.

6.13 Stop all work at that area and the immediate vicinity. Work may continue at other areas around the site.

6.14 Call the AEWC Ltd bat licensed project ecologist Ivana Murphy 07492057720, call the office on 08452 505585, or licensed ecologists Brigitte de Coriolis 07545130203 or Daniel Whitby 07764813002.

Appendix 1 – Survey Timetable

Species	Survey	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
[redacted]	[redacted]												
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.

Barn Owl

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

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

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

Bats

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

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

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

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

Breeding Birds

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

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

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

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

Amphibians

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

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

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

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

Hazel dormouse

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

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

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

Otter

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

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

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

Reptiles

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

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

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

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

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

Water vole

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

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

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

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

Species and Habitats of Principal Importance
Section 41 of the *Natural Environment and Rural Communities (NERC) (2006)* requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list has 56 Habitats of Principal Importance and 943 species of principal importance listed and has been drawn up in consultation with Natural England.
The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under *Section 40* of the *Natural Environment and Rural Communities Act 2006*, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

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

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

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

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