

Ashfolds, Plot 1, RH12 4QX

Preliminary Ecological Appraisal



Ashfolds, Plot 1 – Phase 1

Preliminary Ecological Appraisal

EHM Ltd

Lauren@ehmltd.com

Contents

Executive Summary	5
1.Introduction	6
1.1 Project outline	6
1.2 Site Description	6
1.3 Aims of PEA	6
2.Methods	7
2.1 Site Visit	7
2.2 Protected Species	7
2.3 Desktop Study	9
2.4 Limitations	9
2.5 Relevant Legislation and Planning Policies	9
3.Results	10
3.1 Habitats	10
3.2 Species Desktop Results	12
<i>Desktop Records</i>	12
3.3 Species Site Assessment	14
█ <i>Commuting/ Foraging Habitat Assessment</i>	15
<i>Building</i> █ <i>Assessment</i>	15
█ <i>Roost Tree Assessment</i>	16
█	
<i>Dormouse Assessment</i>	16
<i>Other Mammals Assessment</i>	17

<i>Reptile Assessment</i>	17
<i>Amphibian Assessment</i>	17
<i>Bird Assessment</i>	18
<i>Plant Assessment</i>	18
<i>Invertebrate Assessment</i>	18
3.4 Summary	19
3.5 Protected Areas.....	20
<i>Statutory Protected Areas</i>	20
<i>Priority Habitats</i>	21
4.Discussion	21
4.1 Effects on Designated Sites	21
4.2 Effects on Priority Habitats	22
4.3 Effects on Habitats on Site	22
4.4 Effects on Protected and Notable Species	22
	22
	
<i>Other Mammals</i>	24
<i>Dormouse</i>	25
<i>Reptiles</i>	25
<i>Amphibians</i>	25
<i>Birds</i>	26
<i>Invertebrates</i>	26
4.5 General Ecological Protection Measures	26
4.6 Ecological Enhancements.....	27

<i>Planting</i>	<i>27</i>
<i>Additional Features</i>	<i>27</i>
<i>Further protection and enhancement plans</i>	<i>28</i>
5. Impact Assessment.....	28
5.1 Methodology	29
<i>Zone of Influence</i>	<i>29</i>
<i>Features Considered.....</i>	<i>29</i>
<i>Features on Site.....</i>	<i>29</i>
5.2 Impact Assessment & Mitigation	30
6.Conclusion	32
7.APPENDIX	33
7.1 Appendix 1: Habitat Map	33
7.2 Appendix 2: Photos	34
7.3 Appendix 3: Legislation	36
UK BAP & notable species	39

Job	PEA: Ashfolds Plot 1, RH12 4QX		
Report title	Preliminary Ecological Appraisal		
Version	Final		
File reference	PEA – Ashfolds Plot 1		
Author	Lauren Scudder, BSc (Hons), Cert Ecol	EHM Ltd	10/06/2025
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 Rusper, 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 550m². It comprises of a driveway, grassland, scattered trees, a hedgerow and a car barn/studio garage. The site is located in a small community (Rusper) which contains similar sized properties (to the proposed). The local landscape is best described as semi-rural in nature, with agricultural fields and pockets of woodland dominating the land to the west and south of the site, and residential areas immediately to the northeast and within the wider surroundings (within 5km). The centre of Horsham, the closest town, is approximately 6km south of the site.

Species	Sites potential to support
roosts- buildings.	Moderate
- mature trees	Moderate
/ commuting areas	Moderate
Dormice	Negligible
Riparian Mammals	Negligible
Other Mammals	Low
Reptiles	Negligible
Common Amphibians	Negligible
Great Crested Newts	Negligible
Breeding birds	High
Plants	Negligible
Invertebrates	Low

Recommendation	Action
Conduct of existing building	Conduct two presence/absence surveys of the existing building prior to planning permission, between May and August. Further recommendations may be required.
Retention of wider habitats	Protect and retain wider habitats such as scattered trees and hedgerow 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	Compile a sensitive lighting plan to avoid illuminating foraging and commuting habitat – woodland, hedgerow, scrub and scattered trees, through construction and post construction. This can be a condition of planning.
Remove vegetation in stages	Follow the vegetation clearance method statement in stages for all habitats on site to reduce the risk of impacting protected/notable species.
Implement biodiversity enhancements	Follow recommendations for planting, bird, and hedgehog boxes, log piles and compost heaps etc.,
Adequate pollution control	Habitats on site should be adequately protected to ensure no polluted runoff enters on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded containers with appropriate spill kits and emergency procedures in place. Establish exclusion zones before construction.
Follow mitigation measures	Follow all mitigation measures laid out in sections 4 and 5.

1. Introduction

EHM Ltd has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) at a plot located in Rusper, West Sussex, RH12 4QX, 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 understand that the development will involve the extension and alteration of a car barn/studio garage into a residential barn.

1.2 Site Description

The site is roughly rectangular in shape, covering an area of approximately 550m². It comprises of a driveway, grassland, scattered trees, a hedgerow and a car barn/studio garage. The site is currently accessed through a driveway off Horsham Road.

The site is located in a small community (Rusper) which contains similar sized properties (to the proposed). The local landscape is best described as semi-rural in nature, with agricultural fields and pockets of woodland dominating the land to the west and south of the site, and residential areas immediately to the northeast and within the wider surroundings (within 5km). The local landscape has some good connectivity between habitats in the form of hedgerows, woodland edges and grassland. Although, main roads do separate habitats, some hedgerows are gappy from aerial images and most of the grassland is either kept short or is managed for agricultural purposes. The centre of Horsham, the closest town, is approximately 6km south of the site.

The site (as shown on figure 1) is in Rusper, West Sussex; TQ 19826 36643. 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 9th of April 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. Field survey conditions were as follows:

Date	Survey Type	Survey Timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
09/04/2025	Phase 1 Habitat	12:00	15:00	12	13	Dry	2

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]
[REDACTED]
- [REDACTED]

[REDACTED]

The site was assessed for its potential to support:

- Roosting [REDACTED]
- Foraging and commuting [REDACTED].

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 [REDACTED] roost potential followed that recommended by the [REDACTED] Conservation Trust¹.

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

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

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 assessed for its ability to support amphibians.

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 UK Habitat Classification. CIEEM guidance recommends that the value or potential value of an ecological resource or feature should be determined within a defined geographical context². It recommends the following frame of reference;

- International
- 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.

Buildings (J3.6)

The site contains a car barn/studio garage. The building is fairly newly constructed, and is an L-shaped, two-storey brick garage building with an L-shaped pitched roof covered with clay field tiles. The ground floor is used for car storage while the first floor is used for storage/a home office.

Two dormers were present on the west roof aspect and a half gable on the south elevation. Eaves were sealed with timber soffit boxes. The windows and doors present were uPVC throughout the first floor with timber doors on the ground floor to access the garage.

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

As will be discussed further on in the report, this building is considered to have a potential to support protected species and is considered as having a value at a site level.

Hardstanding (J5)

The site contains a driveway which comprises a tarmac surface. This driveway is present from the access point (off Horsham Road) and extends up to the existing building. The site also contains paths constructed from concrete square paving. These are considered to be of negligible ecological value and therefore is considered to have negligible potential to support protected and notable species. This driveway is not considered further.

Intact Species-Poor Hedgerow (J2.1.2)

A linear feature dominated by tall cherry laurel (*Prunus aurocerasus*) is present along some of the edge of the driveway. This feature includes a somewhat diverse ground flora with species such as English ivy (*Hedera helix*), wild garlic (*Allium ursinum*), garlic mustard (*Alliaria petiolata*), dog's mercury (*Mercurialis perennis*) and lords-and-ladies (*Arum maculatum*). Cherry laurel is listed on the Sussex Invasive Non-Native Species list, however, there is not currently a programme eradicating cherry laurel. Additionally, as this species is not currently spreading and there is an established ground layer, presence of this species is not mentioned further. This feature is considered to have a potential to support protected and notable species and is considered as having a value at a site level.

Mixed Parkland and Scattered Trees (A3.3)

A linear feature of mature field maple (*Acer campestre*) is also present along some of the edge of the driveway. Ivy was present along the trunks of the trees. There are also two mature conifers (*Cedrus sp.*) present at the beginning of the driveway (from the main road). Additionally, there are three further trees scattered elsewhere on site, species being crab apple (*Malus sylvestris*), medlar (*Mespilus germanica*) and yew (*Taxus baccata sp.*) These features are considered to have a potential to support protected and notable species and is considered as having a value at a site level.

Semi-Improved Neutral Grassland (B2.2)

The site contains grassland around the west and south of the existing building, which is characterised as semi-improved neutral grassland. The grassland is managed as a regularly mown lawn. Although frequently cut, the sward is naturally established rather than sown or laid, with evidence of a relatively low-intensity management regime over time. The species composition is typical of nutrient-enriched, neutral grassland under regular amenity use, and includes common daisy (*Bellis perennis*), annual meadow grass (*Poa annua*), perennial rye grass

(*Lolium perenne*), white clover (*Trifolium repens*) and dandelion (*Taraxacum officinale* sp.). The grassland has a sward height of approximately 4-5cm, is of limited botanical diversity and supports no indicators of unimproved or species-rich grassland. This grassland is considered to have a low potential to support protected and notable species and is considered as having value at a site level.

Fence (J2.4)

Fencing is present along boundaries of the site. 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
Buildings	Site	One L-shaped, two-storey brick garage building with potential to support protected and notable species.
Hardstanding	Zone of influence	A driveway and paths with no ecological value.
Intact Species-Poor Hedgerow	Site	A hedgerow dominated by cherry laurel which has potential to support protected and notable species.
Mixed Parkland and Scattered Trees	Site	A short line of mature deciduous trees and two mature conifers which provide potential to support protected and notable species.
Semi-Improved Neutral Grassland	Site	Grassland managed as a regularly mown lawn which has a low 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 Record Centre (SxBRC) produced 1,820 records of protected and notable species within 1km of the site, and 80 records of invasive non-native species within 1km of the site. The table below summarises the key species groups and protected areas within these results. A full list of the species can be seen on request.

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

It should be noted that SxBRC does not hold comprehensive species data for all areas. Even where data are held, a lack of records for a species in a defined geographical area does not necessarily mean that the species does not occur there, the area may simply not have been surveyed. [REDACTED] and other records are also not included in SxBRC reports as they are confidential records.

Sites and Habitats	Present/Absent	Details	
Statutory Sites	Absent	None present.	
Non-Statutory Sites of Local Wildlife Sites	Present	Horsegills Wood (LWS)	
Ancient Woodland	Present	Pockets of ancient woodland are present to the northwest, east and southwest of the site.	
Priority Habitats	Present	Priority Habitat Inventory – Deciduous Woodland Priority Habitat Inventory – Ghyll Woodland	
Protected and Notable Species	Number of Species recorded within 1km/Tetrad	Number of Records	Date of Latest Record
Amphibian Species	3	5	08/06/2015
Reptile Species	0	0	-
Invertebrate Species	77	673	13/06/2023
Terrestrial Mammal Species (excl. [REDACTED])	1	17	07/06/2021
[REDACTED]	6	105	27/09/2023

Bird Species	32	188	08/10/2021
Plant Species	23	73	10/08/2021
Invasive Non-Native Species	Number of species recorded within 1km/Tetrad	Number of Records	Date of Latest Record
Amphibian Species	0	0	-
Reptile Species	0	0	-
Terrestrial Mammal Species (excl. [REDACTED])	1	26	19/02/2023
[REDACTED]	0	0	-
Bird Species	3	18	12/02/2023
Plant Species	11	33	10/11/2016
Invertebrate Species	1	3	30/07/2014

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 as 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.

Habitat Assessment

All [REDACTED] species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways³. [REDACTED] use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another⁴.

The information supplied by the SxBRC provided records of 6 species of [REDACTED] found within 1km of the site. Local records include species of the common pipistrelle (*Pipistrellus pipistrellus*), brown long-eared [REDACTED] (*Plecotus auritus*) and myotis [REDACTED] (*Myotis*).

Woodland parcels, agricultural and pasture fields bound by hedgerows and mature trees have been identified in the desk study. [REDACTED] could use these habitats to forage and commute across the local and wider landscape. The habitats within the site include a linear feature of vegetation which may provide commuting and foraging habitat. Although this feature is small in size, it provides connectivity within the local landscape.

Due to presence of suitable foraging and commuting habitats on site and in the local area, it is likely that [REDACTED] forage and commute across the site, at least partially. The presence of foraging/commuting habitat is considered **moderate**.

Building Roosts Assessment

Buildings are known to provide suitable roosting opportunities for a number of [REDACTED] species⁵. The site contains a two-storey car barn/studio garage which was subject to a [REDACTED] Walkover, following [REDACTED] Trust guidelines⁶, looking for potential ingress points.

Whilst inspecting the exterior of the building, gaps were identified beneath field tiles on the roof, gaps were identified beneath the timber cladding on the east, south and west, gaps were identified between the soffit boxing and wall across the ground storey section and gaps were

⁶ Collins, J. (ed) (██████████) Surveys for professional Ecologists/; Good Practice Guidelines (3rd edn). The ██████████ Trust, London.

identified beneath the timber cladding on the dormers. No [REDACTED] bats was recorded during the inspection, however, several potential roost features that could not be fully inspected were identified. These potential roost features would provide access to the batten space, cavity walls and roof voids where [REDACTED] could roost throughout the active season. It is unlikely that a significant [REDACTED] roost has established given the building was only built around three years ago. Using criteria set out by the [REDACTED] Conservation Trust, this building has a **moderate** suitability for roosting [REDACTED]

[REDACTED] Roost Tree Assessment

The trees present on site were also assessed for any Potential Roost Features (PRFs). The [REDACTED] conservation trust provides information regarding features that may be present in trees that [REDACTED] could potentially use for roosting⁷. Several of the field maples had ivy growing up the trunks, providing PRFs for [REDACTED]. No direct evidence of bats was found, however, due to the ivy evidence would be difficult to identify. Considering these features, the trees provide a **moderate** [REDACTED] roost potential. However, the likelihood of [REDACTED] using these trees for roosting may be low due to proximity to the main house and to the driveway which is in use.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[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 habitat⁸. The site contains grassland, a line of mature trees and a small species-poor hedgerow, all of which are unsuitable to support hazel dormouse. Additionally, zero records of this species were returned from the data search. The likelihood of dormouse being present is considered **negligible**.

Riparian Mammals

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

The data search returned no records of otter or water vole within 1km of the site, however, otter records are not included in SxBRC reports due to their sensitivity. The site lacked the required habitats to support these species and the habitats within proximity to the site also lacked the required features. Therefore, the likelihood of riparian mammals being present on site is considered **negligible**.

Other Mammals Assessment

The data search returned records of European rabbit (*Oryctolagus cuniculus*) within 1km of the site. The site contained grassland and a hedgerow which may support foraging and commuting mammals including the European rabbit. Although, no evidence of these species was found and it should also be noted that the owners of the site have pets including cats and dogs, which are likely to lower the likelihood of mammals using the site. The likelihood of the presence of mammals is considered **low**.

Reptile Assessment

Reptiles prefer sites with a diversity of habitats containing a number of micro habitats that provide suitable foraging and refuge sites⁹. The data provided in the SxBRC contained no records of reptiles. This suggests a lack of reptiles in the local area or that reptiles are greatly under-recorded. The habitats on site include grassland, which is regularly mown and kept uniform, which is unsuitable for reptiles. The hedgerow/trees on site could potentially provide a small quantity of habitat, however, considering the immediate surroundings around these features is a main road and a tarmac driveway, these features are considered to also be unsuitable for reptiles. The potential for reptiles being present on site is considered **negligible**.

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. There were zero records of GCN in the local area in the provided SxBRC data. Waterbodies are not present within the site. From aerial imagery, there are two waterbodies within 500m of the site, however both lie outside of a 250m radius, which is generally considered to be within the typical migratory range of GCN from a waterbody¹⁰.

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

¹⁰ 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.

Main roads also separate these waterbodies from the site. 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 sub-optimal terrestrial habitat on site for GCN. Due to this, the likelihood of GCN being present is considered **negligible**.

Additionally, the SxBRC record search returned zero records of other more common/mobile amphibian species. As discussed, aquatic habitat is not present on site or in the local area for these species, and terrestrial habitat on site is considered sub-optimal. The likelihood of common amphibians being present is considered **negligible**.

Bird Assessment

The data search returned many records of bird species for which suitable nesting habitat is available within the site, which are designated under the Birds Directive Annex 1, Wildlife and Countryside Act Schedule 1, Birds of Conservation Concern Red Species or Priority Species, including: red kite, swift, cuckoo, skylark, house Martin, swallow, house sparrow and starling.

The mature trees and hedgerow within the site provide the highest opportunity for nesting birds. The likelihood of nesting birds being present is considered **high**.

Additionally, the site has some potential to support notable bird species. During the ecological site walkover, the following notable bird species were noted to be interacting in some way with the site: house sparrow and Eurasian skylark. Therefore, the likelihood of notable bird species being present on site is considered **high**.

Plant Assessment

The SxBRC data returned records of many protected plant species, largely associated with ancient woodland indicator species. Species within the local records include bluebell (*Hyacinthoides non-scripta*) and wild strawberry (*Fragaria vesca*). No species of ecological significance were encountered and therefore the likelihood of notable plant species being present on site is considered **negligible**.

Invertebrate Assessment

The SxBRC data returned records of many protected and notable invertebrate species, including brown hairstreak (*Thecla betulae*), grey dagger (*Acronicta psi*) and cinnabar (*Tyria jacobaeae*). The hedgerow and mature trees provide some nesting and foraging opportunities for invertebrates. The grassland is unlikely to support a range of invertebrates. The likelihood of protected and notable invertebrate species being present 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
█ roosts-buildings.	Moderate	A two-storey car barn/studio garage where multiple potential ingress points were found.
█ roosts-mature trees	Moderate	A few of the trees had ivy growing on them providing PRFs but no evidence of active roosting was found.
█ foraging/commuting areas	Moderate	The site contains a linear feature of mature trees, and a range of commuting/foraging habitat has been identified in the local area.
█	█	█
Dormice	Negligible	No records from the area. Unsuitable habitat.
Riparian Mammals	Negligible	No records from the local area. Unsuitable habitat on site.
Other Mammals	Low	Sub-optimal habitat on site. Suitable habitat is present in the local area.
Reptiles	Negligible	The grassland is unsuitable for habitats and the hedgerow/mature trees are surrounded by main roads and tarmac which severs this habitat.
Common Amphibians	Negligible	No aquatic habitat on site, sub-optimal terrestrial habitat on site and lack of local records.
Great Crested Newts	Negligible	No aquatic habitat on site, sub-optimal terrestrial habitat on site and lack of local records.

Priority Habitats

There are areas of priority habitat within 1km of the site. Habitats listed on the Priority Habitat Inventory within proximity of the site include deciduous woodland, ancient woodland and ghyll woodland. Priority habitats are not found on or adjacent to the site.



Figure 3: Location of priority habitats (dark green = deciduous woodland, brown lines = ancient woodland, and blue outline = ghyll woodland) Data Source: Magic Map.

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

The proposed development is of small scale and localised nature and is not expected to result in significant landscape or ecological fragmentation. Given the distance (approximately 300m) between the site and the Local Wildlife Site, along with separations caused by main roads and the small-scale nature of the proposed development, it is considered unlikely that will be any adverse direct impacts upon the non-statutory protected area.

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.

All parcels of priority habitat are considered to be at a sufficient distance from the red-line site boundary and are separated by main roads. Considering this and the small-scale nature of the proposed development, no adverse impacts are expected upon these habitats.

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 involve the extension and conversion of the existing building on site, and new fencing is expected to section of the site. This will directly impact the building which has a potential to support protected and notable species, and the grassland which has a low potential to support protected and notable species. The three scattered trees outside of the linear feature may require removal however at time of writing the report this was unknown. To ensure the development proceeds lawfully, mitigation measures and recommendations laid out in section 5 below must be followed.

It is recommended that as much green spaces and habitats for wildlife are retained on site as possible. The habitats across the wider site are not expected to be directly impacted by the development. Recommendations below are made with respect to protected and notable species as well as habitat enhancements.

4.4 Effects on Protected and Notable Species

Due to the presence of suitable roosting features being identified within the existing car barn/garage studio, the potential presence of roosting [REDACTED] cannot be ruled out and are considered to pose a potential constraint to the proposed development. **Therefore, phase 2 surveys will be required to determine the presence or likely absence of [REDACTED] in this building prior to determination of the planning application.**

As the trees and hedgerow on site are not expected to be impacted by the development, at this time, no further surveys are required. However, if these features are to be impacted/altered, further assessment may be required.

The site is considered as having moderate potential to support [REDACTED] foraging and commuting [REDACTED]. These features will be retained which will ensure the retention of the commuting and foraging habitat. This is predominantly the mature trees and hedgerow.

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 [REDACTED] 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 [REDACTED] Trust and ILP should be followed¹¹
- Limit work to daylight hours
- Limit noise disturbance and other forms of pollution such as dust
- Maintain the wider habitats on site
- Lighting should also be considered post-development with any external lighting positioned so as not to illuminate potential foraging or commuting habitats.

Additional recommendations may be made following the completion of phase 2 [REDACTED] surveys. Additional enhancements for roosting, commuting and foraging [REDACTED] could be incorporated into the final development, particularly within any retained habitats or green spaces.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

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

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

Riparian Mammals

Within the site, riparian mammals are considered unlikely due to a lack of suitable habitats. Therefore, these are not considered to be a constraint to the proposed development and no recommendations for further surveys, avoidance or mitigation measures are required.

Other Mammals

Although there is a low likelihood of other mammals being present on site due to little suitable habitat and the presence of pets on site, precautions to protect these species should be followed. Retaining the hedgerow and mature trees on site (EHM understands both are to be retained) will help to retain potential habitats for these species as well as providing connectivity to the local landscape. Any vegetation clearance should be cleared systematically by hand and cut down to ground level in stages (described below). This will allow any mammals present to leave the work area safely. 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. All cuttings to be removed from work area. The site can be completely cleared and worked upon as necessary.

Furthermore, to ensure the development proceeds lawfully, the following actions are recommended:

- If any rabbit or fox burrows are found within the immediate area of the development, they should not be tracked over by machinery. If any are to be impacted by the development, they should be dug out with hand tools to prevent unlawful methods of killing, such as those laid out in the Wild Mammals (Protection) Act, 1996.
- All personnel working on the development should remain vigilant for the presence of small mammals such as hedgehogs around any vegetation, debris or stored materials. If found, a reasonable action would be to move an individual to a safe location either within retained habitat on site or off site.
- During the construction phase of the development, any 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.

Dormouse

The site is considered as having a negligible potential to support dormouse due to lack of suitable habitat or any local population. Therefore, they are not considered to be a constraint to the proposed development and no recommendations for further surveys, avoidance or mitigation measures are required.

Reptiles

The site is considered as having a negligible potential to support reptiles due to lack of suitable habitat and local records and the potential suitable habitat (hedgerow/trees) being severed by main roads and tarmac. Therefore, they are not considered to be a constraint to the proposed development and no recommendations for further surveys, avoidance or mitigation measures are required.

In the unlikely event that 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 negligible potential to support amphibians due to lack of suitable aquatic habitat and local records and sub-optimal terrestrial habitat. Therefore, they are not considered to be a constraint to the proposed development and no recommendations for further surveys, avoidance or mitigation measures are required.

Birds

Due to the presence of suitable nesting features being identified within the site, there is potential for nesting birds and therefore birds are considered to pose a potential constraint to the proposed development. **Therefore, recommendations for mitigation and avoidance measures must be followed.**

To ensure breeding birds are not impacted by any project works, any vegetation or buildings that require removal should be removed outside of the breeding bird season, this typically runs from 1st March to 1st September. If removal is required during the nesting bird season the area should be subjected to a bird breeding 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

The site has a moderate potential to support protected and notable invertebrates. As the development will not be impacting the line of trees and hedgerow which provide the largest potential to support these species, invertebrates are not considered to be a constraint to the proposed development and no recommendations for further surveys, mitigation or avoidance measures are required. However, opportunities for enhancement are provided in section 4.6 to promote biodiversity within the proposed development.

Plants

Due to the nature of the site and that no significant species were encountered during the site walkover, plants are not considered to be a constraint to the proposed development and no recommendations for further surveys, mitigation or avoidance measures are required. Opportunities for enhancement are provided in section 4.6 to promote biodiversity within the proposed development.

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 trees 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

Any native tree and flower plantings should ideally be used to replace or provide additional habitats. The hedgerows and any trees on site should be retained where possible.

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

Additional Features

To enhance the local [REDACTED] population and provide roosting opportunities within the site an artificial roost site should be incorporated into the development. This could be an integrated [REDACTED] box, such as the Ibstock enclosed [REDACTED] box (B and C)¹² which is easily installed into the interior of a building. Or a non-integrated [REDACTED] box, such as the Schwegler 1WQ [REDACTED] hibernation box¹³ or the [REDACTED], which can be mounted on a pole, on the southern side of a building or on a tree.

To enhance the local bird population and provide nesting opportunities within the site an artificial nest site should be incorporated into the development. This could be an integrated bird

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

box, such as the Ibstock sparrow box¹⁵ which is easily installed into the interior of a building. Or a non-integrated bird box, such as the Woodstone Barcelona - Vivara Pro open nest box¹⁶, which can be installed onto retained or planted trees.

It is also recommended that log piles could be made near areas of retained hedgerow 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. These provide areas of shelter for hedgehogs within the site, helping support any local population.

Additionally, to allow hedgehogs to travel between homeowner's private gardens and prevent habitat severance, hedgehog access fencing is recommended. This can be created by creating a 13cm X 13cm hole at the base of the fencing¹⁷ or by installing Hedgehog Gravel Board¹⁸. To ensure these important wildlife corridors are not blocked, small signs can be placed or painted above the hole. It is understood by EHM that the current owner intends on installing hedgehog access in the fences to be built.

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.

¹⁵ [Sparrow & Starling Box - EcoHabitats](#)

¹⁶ [WoodStone® Barcelona Open Nest Box \(Green\) | CJ Wildlife](#)

¹⁷ [Link your garden with a hedgehog highway](#)

¹⁸ [Hedgehog Concrete Gravel Board - EcoHabitats](#)

5.1 Methodology

The approach to this assessment accords with guidance presented within the CIEEM Guidelines for Ecological Impact Assessment (EclA) in the UK and Ireland (CIEEM 2018). In essence, an EclA 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:

- Hedgerow
- Grassland
- Scattered Trees

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

- 
- Nesting Birds
- 
- Small Mammals
- 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
Hedgerow	Site	Loss of habitat. Damage during construction.	Retain hedgerow. Establish adequate root and crown protection during construction and exclusion zones.
Grassland	Site	Loss of habitat. Damage during construction.	Retain grassland where possible. Establish exclusion zones as to not damage areas of retained grassland during construction. Do not store construction materials/anything on grassland. Grassland can be enhanced through appropriate management – an annual cut and collect rather than regular mowing.
Scattered Trees	Site	Loss of habitat. Damage during construction.	Mature, healthy trees to be retained where possible. Establish adequate root and crown protection during construction and exclusion zones. Replace lost trees with native plantings.
Commuting/ [REDACTED]	Local	Loss of commuting and foraging habitats.	Retain habitats on site such as scattered trees, scrub and hedgerow. Suitable native plantings to provide replacement and additional commuting and foraging habitat for [REDACTED] Sensitive lighting scheme during development and as part of the proposed development.
[REDACTED]	Local	Harm during construction. Loss of roosting habitat.	Conduct surveys of existing building to confirm presence/absence of roosting [REDACTED] Natural England license may be required. Enhance retained areas with artificial [REDACTED] boxes. Additional mitigation may be required following phase 2 surveys.
Nesting Birds	Local	Loss of habitats/nests.	Remove any vegetation and buildings outside of nesting bird season.

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.

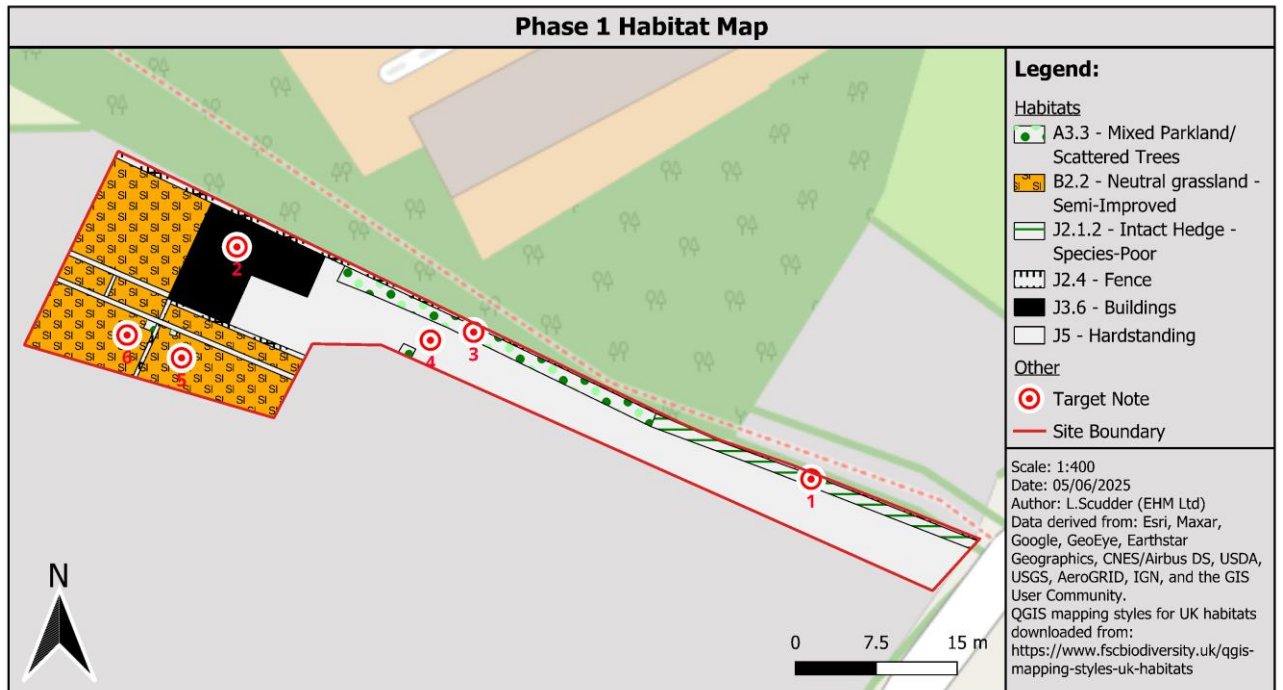
Recommendation	Action	Justification
█ survey of existing building*	Conduct two presence/absence surveys of the existing building prior to planning permission, between May and August. Further recommendations may be required.	This will provide information on the presence/absence of █ roosts.
Retention of wider habitats*	Protect and retain wider habitats such as scattered trees and hedgerow during and post construction.	This will ensure that important habitat is protected. It will also provide a means of escape and protection for any wildlife.
Protection of breeding birds*	Carry out vegetation 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 █	Compile a sensitive lighting plan to avoid illuminating █ 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 █ species long term.
Remove vegetation in stages*	Follow the vegetation clearance method statement in stages for all habitats on site to reduce the risk of impacting protected/notable species.	This will allow small mammals, reptiles, amphibians and invertebrates, if present, to leave the area safely.
Implement biodiversity enhancements	Follow recommendations for planting, bird, █ and hedgehog boxes, log piles and compost heaps etc.,	This will provide a greater longer-term benefit for wildlife.
Adequate pollution control	Habitats on site should be adequately protected to ensure no polluted runoff enters on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded containers with appropriate spill kits and emergency procedures in place. Establish exclusion zones before construction.	This will protect habitats on site and those in the local area.
Follow mitigation measures*	Follow all mitigation measures laid out in sections 4 and 5.	This will protect habitats and wildlife and ensure the development proceeds lawfully.

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	Hedgerow dominated by cherry laurel.
2	Building with potential roosting [REDACTED].
3	Mature trees forming a linear feature, dominated by field maple.
4	Single medlar tree.
5	Single yew sp. tree.
6	Single crab apple tree.

7.2 Appendix 2: Photos

	
Hedgerow dominated by cherry laurel.	Example of conifer tree on site.
	
Line of trees to the west of image.	Single tree on along edge of driveway.
	
Existing car barn/studio garage.	Example of potential ingress point.



Example of potential ingress point.



View of grassland around the building.

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 the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

WILDLIFE PROTECTION LEGISLATION IN ENGLAND

Legislation that protects wildlife in England exists at the European and national level.

European Law

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants, this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures.

National Law

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by

either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.

Protection of [REDACTED] Act the Protection of the [REDACTED] Act prohibits the killing, injuring or taking of [REDACTED] damage or interference with a [REDACTED] sett, unless licensed to do so by a statutory authority.

International and European Obligations

In the UK, species receiving protection under international legislation and agreements are protected through the Wildlife and Countryside Act, so are not shown separately in the BMERC notable species lists. For reference, the relevant categories are shown below.

Bern Convention on the Conservation of European Wildlife and Natural Habitats the Bern Convention aims to ensure the conservation of wild flora and fauna species and their habitats.

- Appendix 1 (strictly protected flora) - Plants for which contracting parties will prohibit deliberate picking, collecting, cutting or uprooting.
- Appendix 2 (strictly protected fauna) - Animals for which contracting parties will prohibit deliberate capture, possession, killing, damage to or destruction of breeding or resting sites, disturbance or destruction or taking of eggs. Appendix 3 (protected fauna) - Animals for which contracting parties will include closed seasons and regulate their sale, keeping for sale, and transport for sale or offering for sale of live and dead wild animals. (Not included in Notable Species List).

Bonn Convention on Migratory Species the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range.

- Appendix 1 (migratory species threatened with extinction) - Species for which contracting parties will strictly protect and endeavour to conserve or restore the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.
- Appendix 2 (migratory species that need or would benefit from international co-operation) - Species for which contracting parties will be encouraged to conclude global or regional agreements for the conservation and management of individual species or, more often, of a group of species. (Not included in Notable Species List).

The EC Council Directive on the Conservation of Wild Birds the Birds Directive provides a framework for the conservation and management of all wild birds in Europe. As well as designating important sites for birds as Special Protection Areas, birds are generally protected from deliberate killing or capture and destruction of or damage to their nests or eggs, and deliberate disturbance. Allowances are made for game birds.

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

Biodiversity, or biological diversity, is the whole variety of life on Earth. The Convention on Biological Diversity (CBD) came about as a result of the 1992 Earth Summit. As one of 168 countries to sign up to the CBD, the UK was required to develop a national strategy for the conservation of biodiversity; the UK Biodiversity Action Plan (UKBAP) was born.

The UKBAP is the result of contributions involving a wide range of people and organisations, enabling the identification of species and habitats that are listed as priorities for conservation action. A 2007 review of the UKBAP has resulted in 1149 species and 65 habitats being listed as conservation priorities. For more information see www.ukbap.org.uk.

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

The UK BAP

(From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary

of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

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

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Habitats of Principal Importance Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

Species of Principal Importance There are 943 species of principal importance included on the S41 list. These are the species founding England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

Relationship with the UK Biodiversity List of Species and Habitats the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

Relationship with the biodiversity duty under Section 40 of the NERC Act There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising

of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity. Importantly:

(a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.

(b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from:

<http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>