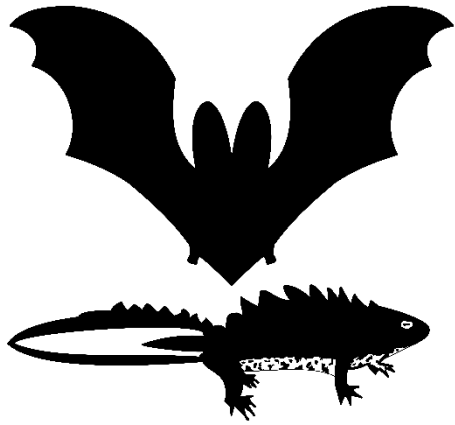




AEWC^{Ltd}

Animal Ecology & Wildlife Consultants

Protected Species Walkover Survey

Maple Farm

**Marches Road
Warnham
Horsham
RH12 3SL**

Brigitte de Coriolis

**23-221
March 2024**

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Summary

- AEWCLtd were commissioned by Batchellor Monkhouse on behalf of their client to undertake a protected species walkover survey at Maple Farm, Marches Road, Warnham, Horsham, RH12 3SL at grid reference TQ 15049 35478 to help inform the proposed development of the site.
- This report details the results of the survey, which was carried out on 28th February 2024 by Brigitte de Coriolis, qualified ecologist, to assess the site for the potential presence of any protected species or species of conservation concern and identify habitats of conservation importance.
- The site is approximately 0.15ha and largely comprises a shared tarmac access drive and an area of bare ground and stone with a temporary structure and a small laurel hedge along the western boundary of the main body of the site.
- The proposed development plan involves the removal of the temporary marquee for replacement with a permanent agricultural barn on a similar but slightly larger footprint. There are no current proposals to install any additional lighting or to impact any trees or other vegetation outside of the red line boundary as part of the proposals. The majority of the habitat area on site is unlikely to be negatively affected by these proposals.
- The temporary structure on site holds no suitability for bats or nesting birds and no further surveys are required for its removal. The site largely lacks any vegetative cover or other habitat features with any suitability for foraging or refuge for protected species and no further surveys are therefore required for the proposed development.
- The tree line adjacent to the eastern site boundary holds potential for nesting birds and foraging and commuting bats, with a low number of features potentially suitable for roosting bats noted in trees along the access drive portion of the site. In addition, the tree line and associated understorey and ditch hold potential for SPI such as hedgehog and amphibian species. The tree line must be protected during the works.
- **Should any trees adjacent to the main body of the site require pruning to facilitate the erection of the barn, this must be undertaken outside the bird nesting period (March to August inclusive) or following a negative nesting bird survey by a suitably qualified ecologist.**
- **Should any lighting be proposed in future, this should be designed in accordance with the Institute of Lighting Professionals Guidance note 8: ‘Bats and Artificial lighting in the UK’ which can be downloaded for free from the ILP website.**

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

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

1. Introduction

- 1.1 AEWCLtd were commissioned by Batchellor Monkhouse on behalf of their client to undertake a protected species walkover survey at Maple Farm, Marches Road, Warnham, Horsham, RH12 3SL to help inform the proposed development of the site.
- 1.2 This survey comprised an ecological walkover survey for all protected wildlife and species of conservation importance, including habitats, and was carried out by a qualified ecologist, Brigitte de Coriolis on 28th February 2024.
- 1.3 The purpose of this report is to give an assessment as to the presence or potential presence of any protected species, ecological issues and impacts that would be generated by the proposed development and identify recommendations or further surveys that may be necessary.

2. Background

- 2.1 The proposed development site is located at Maple Farm, Marches Road, Warnham, Horsham, RH12 3SL at grid reference TQ 15049 35478.
- 2.2 The site is located in a rural location to the north-west of the town of Horsham in West Sussex and is immediately surrounded by the livery yard and grazing pastures bound by mature tree lines. The wider landscape comprises a mosaic of pasture and arable fields and areas of deciduous and ancient woodland, well connected by tree and hedge lines and interspersed with infrequent residential and agricultural properties. See Figure 1.
- 2.3 The site is approximately 0.15ha and largely comprises a shared tarmac access drive and an area of bare ground and stone with a temporary structure and a small laurel hedge along the western boundary of the main body of the site. See Figure 2.

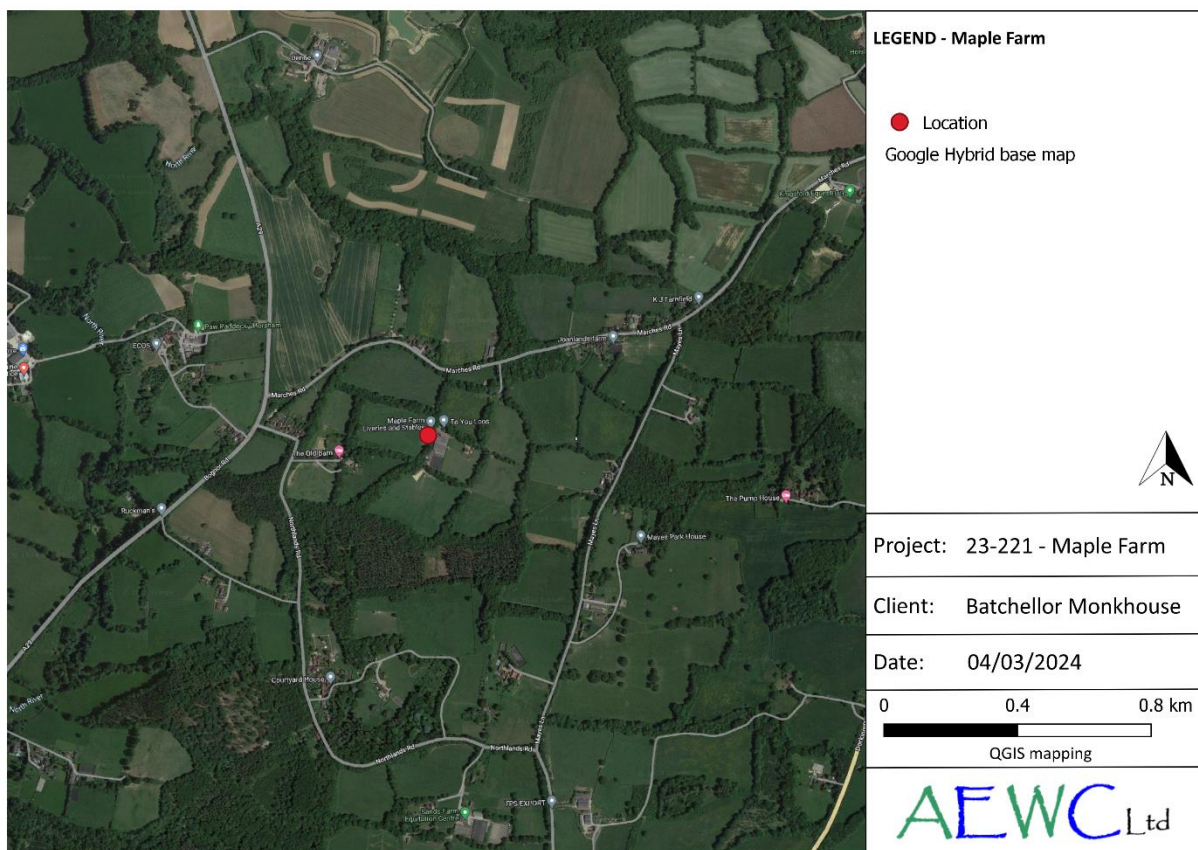


FIGURE 1: SHOWING THE SITE LOCATION

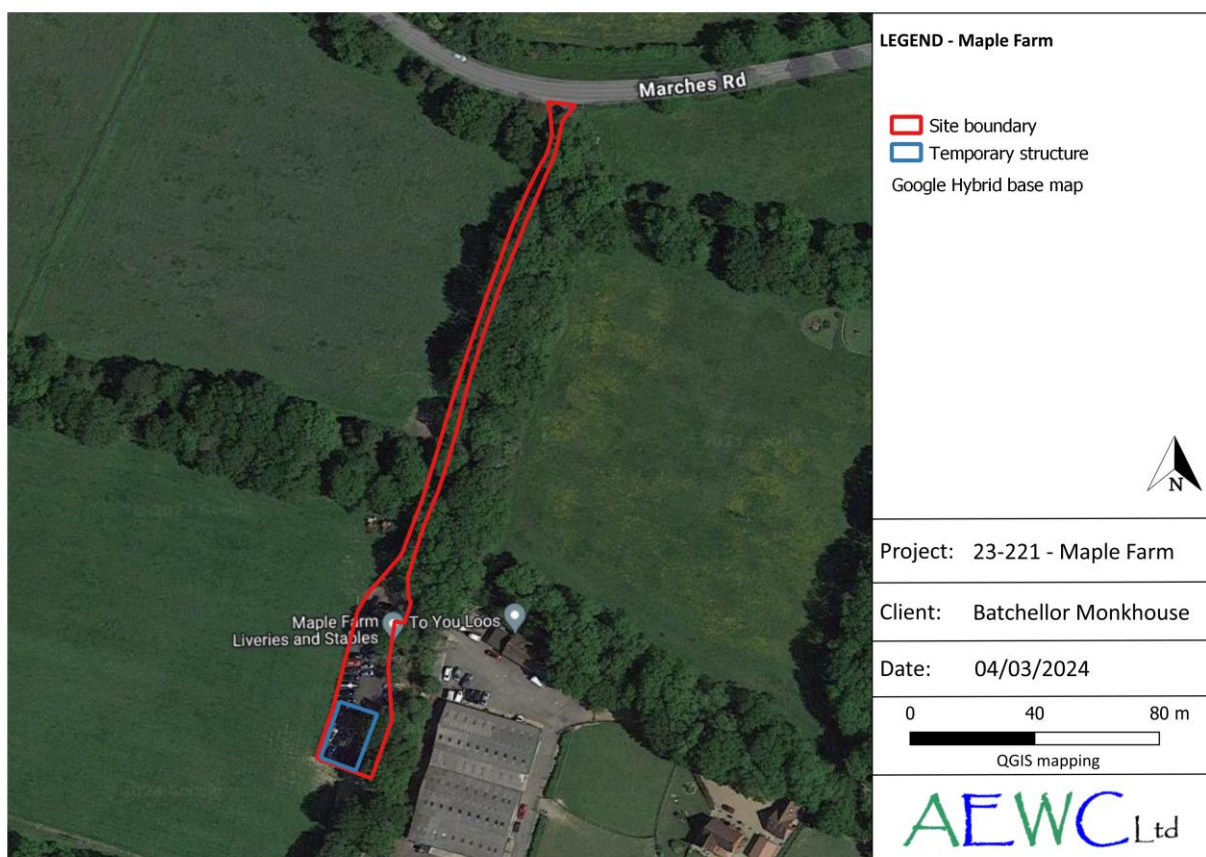


FIGURE 2: AERIAL VIEW OF THE SITE SHOWING THE SITE BOUNDARY

- 2.4 The proposed development plan involves the removal of the temporary marquee for replacement with a permanent agricultural barn on a similar but slightly larger footprint. The existing site is predominantly hardstanding or unvegetated, unsealed surface and will be retained as such. There are no current proposals to install any additional lighting or to impact any trees or other vegetation outside of the red line boundary as part of the proposals. The majority of the habitat area on site is unlikely to be negatively affected by these proposals.

3. Methods

- 3.1 A daytime ecological walkover assessment was carried out on 28th February 2024 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:
- badger;
 - barn owl;
 - bats;
 - breeding birds;
 - great crested newt;
 - hazel dormice;
 - otter;
 - reptiles;
 - water vole;
 - 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 **Badger** – an initial assessment was carried out to identify areas that might be used by badgers (*Meles meles*). Signs of badgers including setts, incidental foraging signs, runs, hairs and latrines are recorded if encountered during the survey. Where possible the area within 30m of the site is also searched for badger setts.
- 3.7 **Barn owl** – The buildings were subject to a full external and internal inspection for evidence of use by barn owl, namely live/dead owls, pellets, droppings, feathers, nest debris, nestling fluff and eggs or eggshells.

- 3.8 **Bats** – The site was assessed for bat roosting potential and the surrounding area was assessed for the suitability of the habitat to support bats. Any buildings were examined and assessed for evidence of bats, such as rub marks, staining or droppings or for features that have good potential to be used by bats, such as loft voids, raised tiles, hanging tiles, gaps in soffits and lead flashing cracks, crevices and mortise joints.
- 3.9 Trees were assessed for their potential to be used by bats such as woodpecker holes, splits, cracks and crevices or loose bark plates which can be used as roost features by bats. Such features are noted and examined by using equipment such as a high-powered torch and binoculars, in order to determine their suitability for bats.
- 3.10 **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.
- 3.11 **Great Crested Newt** - initial surveys centre on identifying suitable habitat within the site. If breeding ponds are present within the locality, then great crested newt (*Triturus cristatus*) could potentially be using the terrestrial habitat on the site. Maps are used to identify any ponds (that are not isolated by unsuitable habitat or physical barriers) within 500 metres of the site. A Habitat Suitability Index (HSI) is used to quantifiably assess whether a pond is suitable, this is undertaken for any onsite ponds during the walkover survey.
- 3.12 **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.
- 3.13 **Otter** - initial surveys aim to assess the site for watercourses suitable for otters (*Lutra lutra*). If suitable watercourses are present on site, evidence of otter is searched for. Signs of otter includes spraints, feeding remains and sightings are recorded if encountered during the survey.
- 3.14 **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).
- 3.15 **Water vole** - initial survey aims to assess the site for watercourses that may be suitable for water voles (*Arvicola amphibious*). If suitable watercourses are present on site, evidence of water voles is searched for. Signs of water voles includes faeces, latrines, feeding stations, burrows, footprints, runs or pathways and sightings which are recorded if encountered during the survey.
- 3.16 **Other mammals** – any signs of occupancy by other mammals (e.g. Rabbit warrens) are recorded.

- 3.17 **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.
- 3.18 **Invasive species** - Any invasive plant or animal species identified during the site walkover are recorded.
- 3.19 **Plant species of note** – Any plant species of conservation concern found on the site are recorded.
- 3.20 **Habitats of Principal Importance** - Habitats of Principal Importance within or adjacent to the site (such as arable field margins, traditional orchards, ponds, rivers, wet woodlands) are recorded.
- 3.21 **Other valuable ecological features** - Other ecological features e.g. ancient woodland, veteran trees, bird feeding stations etc, habitat enhancements etc. within or adjacent to the site are recorded.

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 The survey was carried out in February outside of the main active season for bats, therefore any external evidence of the presence of bats from during the active season may have been destroyed by adverse weather.

5. Results

Badger

- 5.1 No badger setts were identified present on site and the substrate on site is considered unsuitable for sett building. No evidence of badger activity such as latrines, tracks, guard hairs or snuffle holes were observed on or directly adjacent to the site, which would suggest that the site is otherwise used for foraging, with the substrate and lack of vegetative cover or other habitat features significantly limiting the foraging potential on site. No badger setts are present within the livery yard or grazing pasture areas within 30m of the site boundary.

Barn owl

- 5.2 Structures: The structure on site is a temporary marquee used for storage of predominantly Celotex panelling and fibreglass insulation. There is no fly-in access for barn owls into the interior of the structure, and whilst the panelling does create numerous flat areas, these are regularly moved and disturbed and are therefore not considered suitable for nesting.

- 5.3 No trees are present on site. The tree line adjacent to the eastern boundary holds suitability for barn owls to perch or temporarily roost, however no areas suitable for nesting were identified.

Bats

- 5.4 Structures: The structure on site is a temporary marquee with a metal frame and heavy-duty plastic covering which is in daily use for storage of materials. Whilst gaps around the doorways at the northern end would permit internal access for bats, the fabric and structure of the marquee lacks any suitable roost provision for bats. In addition, the structure is subject to high levels of daily disturbance with high internal light levels when the main door is open.
- 5.5 The tree line adjacent to the eastern site boundary provides good foraging and commuting habitat for bats as part of a grid of mature tree lines connecting areas of ancient semi-natural woodland to the south and north-east of the site.
- 5.6 The trees alongside the main body of the site lacked any suitable roosting features for bats. A low number of small knot and rot holes were noted within the portion of the tree line alongside the shared access drive.

Breeding birds

- 5.7 There is no habitat suitable for breeding birds on the site. The temporary structure on site lacks any suitable features for nesting birds. The cherry laurel hedge along the western boundary of the main body of the site comprises young and well-spaced plants that have not sufficiently matured to support nesting birds. The tree line adjacent to the eastern site boundary holds some potential to support nesting birds, although no nests were noted at the time of survey.

Great Crested Newt (GCN)

- 5.8 The site is considered to have negligible potential to support terrestrial GCN due to a lack of vegetative cover for foraging or any features suitable for refuge or hibernation.
- 5.36 No ponds were recorded within the site boundary. The Ordnance Survey map available via MAGIC was reviewed for ponds within the accepted dispersal distance of 500m that are not separated from the site by significant barriers to dispersal such as main roads. Two ponds were found occurring to the west and south.
- 5.37 MAGIC was additionally reviewed for granted EPS licences for GCN and GCN records through class licence returns and 2017-2019 pond surveys within 2km of the site. No GCN records or granted EPS licences were found.

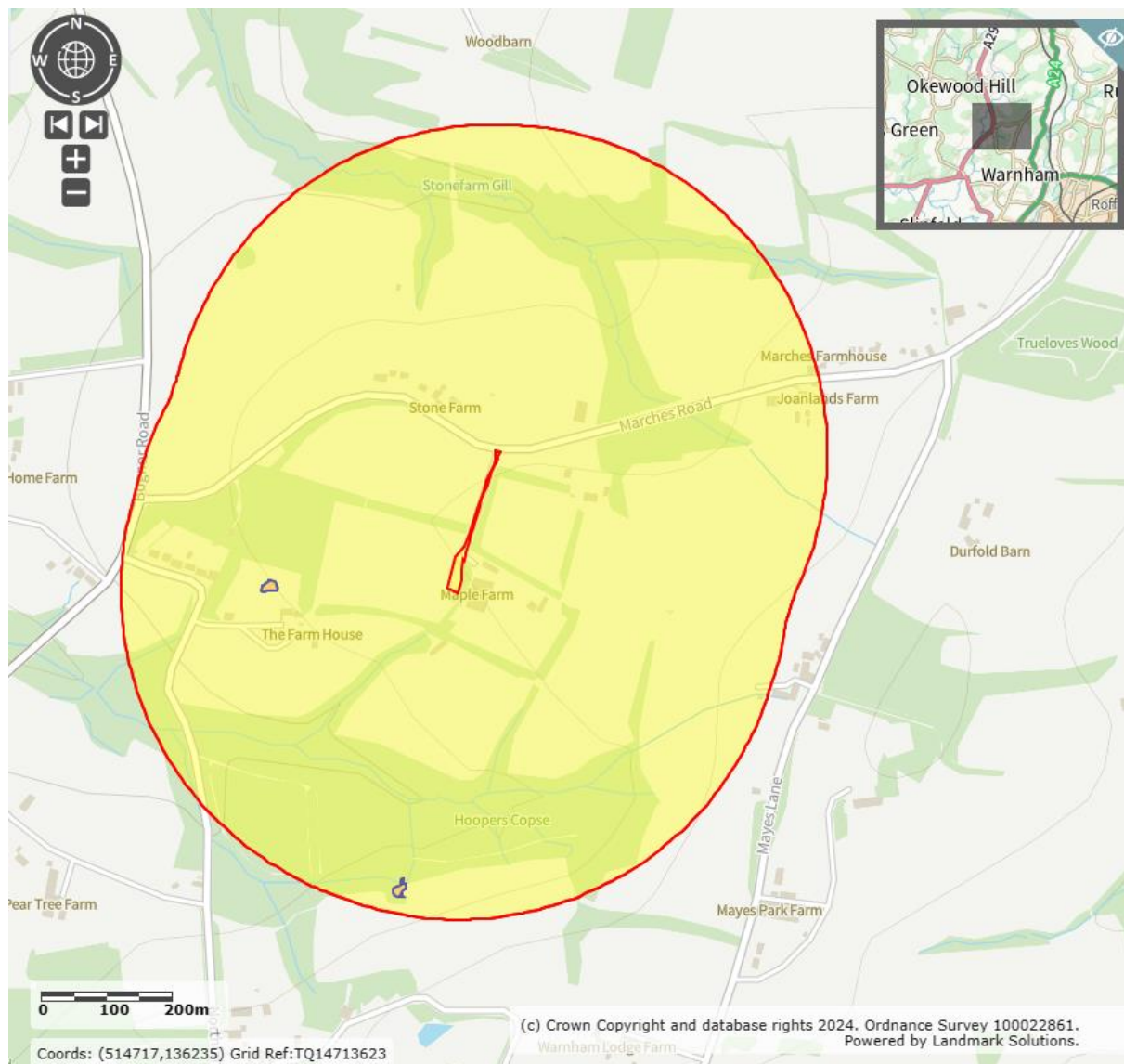


FIGURE 3: WATERBODIES WITHIN 500M OF THE SITE

Hazel dormice

- 5.9 The site itself is considered to have negligible potential to support hazel dormice due to the lack of suitable habitat, connectivity and edible plant species. The tree line adjacent to the eastern boundary is of oak and ash with understorey of hazel and sparse scrub, however the access drive and a separate gateway as well as the previous removal of several mature ash trees due to dieback created gaps in the tree line which render it unsuitable for dormice.
- 5.10 No hazel nuts were available to check for those that may have been chewed by hazel dormouse.

Otter

- 5.11 No evidence of otters (spraint, footprints or feeding signs) were noted during the walkover survey. There was little in the way of scrub habitat, fish or other features providing suitable habitat for otters.

Reptiles

- 5.12 The site did not contain any areas of grassland, scrub or suitable features suitable for reptiles.

Water vole

- 5.13 Negligible potential habitat for water voles was present on the site and, as such, no evidence was recorded. The shallow ditch just outside the eastern site boundary had encroaching scrub and was almost completely dry at the end of the wettest February on record, and the absence of hydrophilic vegetation indicates that there is no persistent water flow along this feature close to the site boundary.

Other Mammals

- 5.14 No evidence of other mammals was recorded within the site.

Other Species of Principal Importance

- 5.15 There is negligible potential for the site to support SPI. The structure on site is unsuitable for nesting house sparrow, and the lack of vegetative cover provides no suitable foraging or refuge habitat for SPI such as hedgehog or common toad, or deadwood habitat for stag beetle.
- 5.16 The livery buildings to the east provide some opportunities for house sparrow, the adjacent tree line and grazing pastures provide some suitability for mammal and amphibian SPI, and the ash stumps within the tree line are suitable for stag beetle and other saproxylic insects, therefore there is potential for these species to be present in the surrounding area.

Invasive species

- 5.17 Non-native invasive plants (but not listed on Schedule 9) were recorded: cherry laurel *Prunus laurocerasus*.

Plant species of note

- 5.18 No plant species of note were identified.

Habitats of Principal Importance

- 5.19 No HPI were identified within or adjacent to the site.

Other valuable ecological features

- 5.20 A mature tree line associated with a small ditch is present just outside the site, parallel with the eastern site boundary, which connects areas of ancient semi-natural woodland to the south and north-east of the site.



Photograph 1: Facing south down the access drive from Marches Road



Photograph 2: Facing south along central portion of access drive



Photograph 3: Main body of the site



Photograph 4: Temporary structure



Photograph 5: Interior of the temporary structure



Photograph 6: Young laurel hedge along the western boundary of the main body of the site

	
Photograph 7: Tree line outside the eastern site boundary with gaps from previously felled ash with dieback	Photograph 8: Small potential roost feature within tree outside the eastern boundary close to the northern end of the site

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.

Badger

- 6.2 The survey did not identify any evidence of badgers on the site, and it is considered unlikely that there is a sett present within 30m. No further surveys for badgers are considered necessary.
- 6.3 As badgers could potentially be present in the wider area, good building practice should be followed to prevent animals from becoming trapped, such as covering trenches at night or providing a ramp to allow animals to escape.

Barn owl

- 6.4 The survey did not identify any evidence of barn owls on the site. The structure is considered to hold negligible potential for this species and no further surveys are therefore considered necessary.

Bats

- 6.5 No trees are present on site. Trees off site adjacent to the main body of the site where the new barn will be erected were found to have negligible potential for bats, therefore no further surveys for bats will be required if any of the trees require pruning to facilitate the works.
- 6.6 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 particularly along the tree line adjacent to the eastern site boundary. Additional external lighting should be avoided or kept to the minimum necessary, and preferably on a motion sensor to reduce lighting time.

- 6.7 There is no new lighting proposed as part of the works. **Should any lighting be proposed in future, this should be designed in accordance with the Institute of Lighting Professionals Guidance note 8: 'Bats and Artificial lighting in the UK' which can be downloaded for free from the ILP website.**
- 6.8 The temporary structure on site has negligible potential for bats therefore no further surveys are required for the removal of this structure.

Breeding birds

- 6.9 Should any pruning of trees outside the eastern boundary of the main body of the site be required to facilitate erection of the new barn, this 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 Newt (GCN)

- 6.10 Due to the lack of suitable habitat on site and distance to the nearest ponds, the site is considered unlikely to be used by GCN and therefore no further surveys or mitigation for this species is required.

Hazel dormice

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

Otter

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

Reptiles

- 6.13 It is considered unlikely that reptiles are present using the site, and no further surveys are considered necessary.

Water vole

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

Other Mammals

- 6.15 Good building practice will protect any other mammals that may traverse the site.

Other Species of Principal Importance

- 6.16 Good building practice recommended for badgers above will ensure that any hedgehogs or other SPI traversing through the site are not trapped during the works.
- 6.17 Whilst the site holds negligible potential for SPI, the site and/or surrounding areas within the ownership boundary of Maple Farm could be enhanced for SPI. Additional habitat for hedgehogs could be provided through relaxation of mowing and seeding with an appropriate wildflower meadow mix in some areas of the farm.
- 6.18 Sparrow terraces could either be incorporated within or mounted onto the walls of the replacement dwelling to enhance nesting availability for this species post-

development. Deadwood within the farm should ideally be left in situ or stacked in discreet corners of the farm to provide foraging and refuge potential for hedgehogs and amphibians and habitat for saproxylic insects.

Invasive species

- 6.19 Whilst cherry laurel is not a Schedule 9 plant, care must be taken to prevent the further spread of this species along the tree line and into surrounding areas of woodland. Ideally efforts should be made to remove these from the site.

Habitats of Principal Importance

- 6.20 No HPI habitat was recorded within the site.

Other valuable ecological features

- 6.21 The tree line outside the eastern site boundary should be protected in line with British Standard BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Appendix 1 – Survey timetable

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

Appendix 2 – Legal protection

General

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

Badger

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

Barn Owl

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

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

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

Bats

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

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

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

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

Breeding Birds

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

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

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

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

Amphibians

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

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

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

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

Hazel dormouse

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

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

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

Otter

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

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

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

Reptiles

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

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

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

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

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

Water vole

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

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

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

Other Mammals

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

Species and Habitats of Principal Importance

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

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

Invasive species

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

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

Ancient woodland

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

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

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