

Land North of Bluebell Park, Emms Lane, Brooks Green, Horsham

Preliminary Ecological Appraisal

Report for Daniel Wenman



Land North of Bluebell Park, Emms Lane, Brooks Green, Horsham

Preliminary Ecological Appraisal

EHM Ltd

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Control Sheet

Project Information			
Client	Daniel Wenman		
Assessment	Preliminary Ecological Appraisal		
Site	Land North of Bluebell Park, Emms Lane, Brooks Green, Horsham		
File reference	EHMbluebellpark		
Survey Dates	18 th February 2026: PEA		
Document History			
Author	Adam Cheeseman	EHM Ltd	09/03/2026
Reviewer	Lauren Scudder	EHM Ltd	11/03/2026
Issued	Adam Cheeseman	EHM Ltd	12/03/2026
Life Span of Report	This report and survey data remains valid for 12 months from date of issue, following standing advice from CIEEM ¹ . 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.		

¹ Chartered Institute of Ecology and Environmental Management (2019) *Guidance Note: On the lifespan of ecological reports and surveys*. CIEEM: Winchester.

Non-Technical Summary	
Purpose of Report	To provide an updated assessment of the site reporting on the current conditions of the habitats present and their potential to support protected and notable species. To advise on further survey work and mitigation or avoidance measures likely to be required, as well as opportunities to deliver ecological enhancements.
Assessment Methods	A UK Habitat Classification Survey and Protected Species Risk Assessment were conducted on the 18th February 2026. The results of the field survey were supported by a desk study, which included a data search for records of protected sites, habitats and species within a 2-kilometre radius of the application site and 5km radius for bats provided by the Sussex Biodiversity Record Centre on the 25th February 2026 and a review of relevant online resources.
Ecological Constraints	None given for the reason for the change in planning permission
Further Surveys and Assessments	None deemed necessary
Mitigation Measures	None deemed necessary
Ecological Enhancement Opportunities	To erect 3 no. each of 2FN Schwegler bat boxes and 1B bird boxes as described.

1 Introduction

EHM Ltd has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) at land north of Bluebell Park, Emms Lane, Brooks Green, Horsham, West Sussex, which is hereafter referred to as the 'site'. This report will provide an assessment of the site reporting on the current conditions of the habitats present and their potential to support protected and notable species.

1.1 Project outline

At the time of the site visit and report write-up, EHM Ltd understands that this PEA is to inform the LPA in respect of a proposed change to the planning permission status for the site from 11 months per year holiday let use to whole year residential use.

1.2 Site Description

The site is a northern extension to the existing Bluebell Park. The area covered by this PEA is roughly rectangular in shape, covering an area of approximately 1.65ha. It is comprised of a circular roadway around which are located a number of occupied and vacant static home concrete-based plots around which is turfed grassland. Around the periphery of the site are remnants of oak woodland which along the north, east and southern edges is little more than a belt of oak trees with varying amounts of ground flora. Along the western boundary the woodland is more extensive and retains a lot of a typical woodland structure. The site is accessed off Emms Lane and then through the original area of Bluebell Park. The immediate surrounds to the site are the existing Bluebell Park site to the south, Emms Lane and an adjacent field to the west, another plot of land being developed to the north and Trout Lane to the east. The site is located in Emms Lane just north of the village of Brooks Green. The local landscape is best described as rural in nature, set amongst large areas of hedge-lined fields and woodland.

There appears to be potential for good wildlife connectivity through the area by way of the areas of remnant woodland found around the four sides of the site.

The site (as shown on figure 1) is in Emms Lane, Brooks Green, Horsham, West Sussex.
OS Grid Ref: TQ 1307 2567

1.3 Aims of PEAs

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.

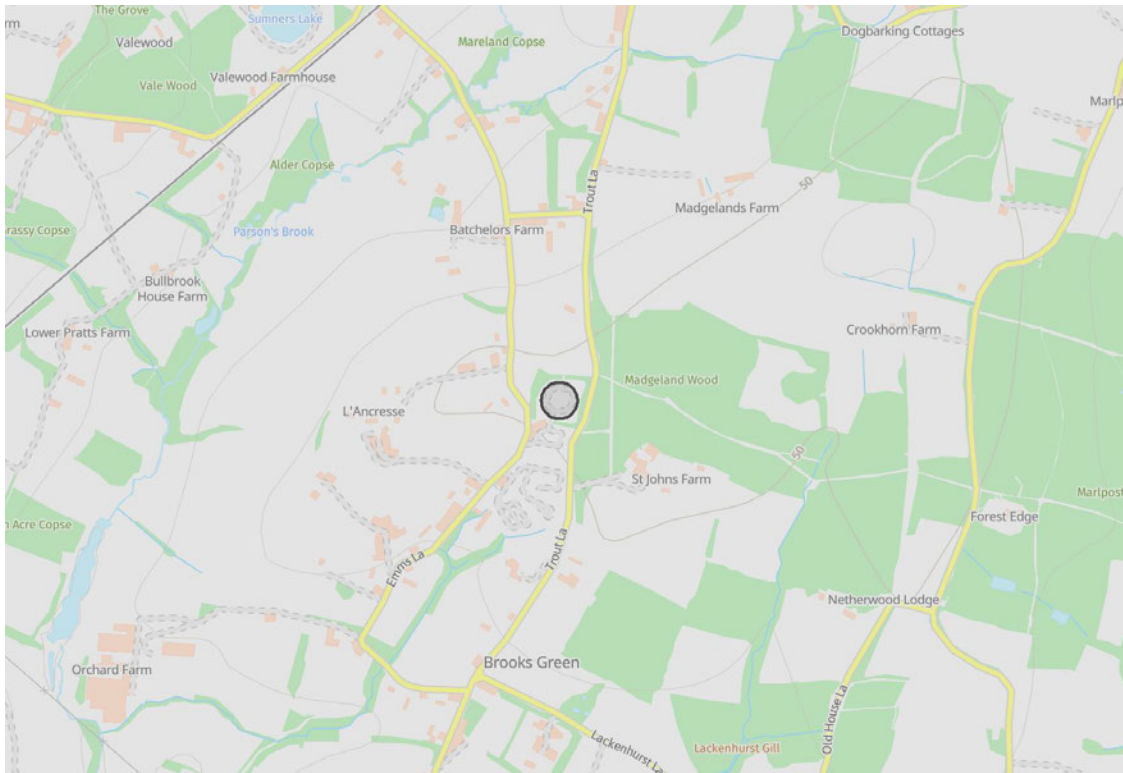


Figure 1: Location of the site. Map data from MagicMap².

² <https://magic.defra.gov.uk/>

2 Methodology

2.1 Site Visit

EHM Ltd undertook a site visit on the 18th of February 2026. 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		
18/02/2026	Phase 1 Habitat	11:10	14:00	-	-	Dry	3

Table 1: Field survey conditions.

Habitats within the survey area were classified using the UK Habitat Classification (UKHab) system (UKHab, 2020), a standardized framework for recording habitats across the UK. The UKHab system allows for consistent habitat identification using a hierarchical coding structure, with habitats typically recorded to Level 4 where possible to ensure adequate detail. The use of UKHab supports alignment with current best practice and facilitates integration with Biodiversity Net Gain (BNG) assessments.

2.2 Protected Species

The following evidence of protected species or habitats to support them was assessed.

[REDACTED]

[REDACTED]

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

Bats

The site was assessed for its potential to support:

- Roosting bats
- Foraging and commuting bats.

Features which could indicate a potential bat roost include:

- Holes and fissures in trees
- Gaps in buildings that could allow access to areas such as roof voids, e.g., holes in soffits, broken, loose, or missing tiles, damaged lead flashing, etc.

The methodology for assessing bat roost potential followed that recommended by the Bat Conservation Trust³.

Breeding birds

The site was assessed for its potential to support nesting and breeding birds, considering factors including sufficient habitat cover and food sources.

Hazel Dormice

The site was surveyed for suitable dormouse habitat, such as the presence of a well-connected understorey broadleaf habitat, and suitable food sources such as hazel, oak and other nut-bearing trees, fruiting trees and shrubs, flowers and invertebrates. Where hazel nut shells were found, these were inspected for evidence of dormouse feeding.

Aquatic mammals

Aquatic habitats were assessed for their potential to support aquatic mammals such as Otter or water vole. Signs including footprints, droppings and evidence of feeding were searched for.

Reptiles

The site was assessed for its potential to support reptile populations. Suitable habitat for reptiles includes long grass, scrub, woodland and hedgerow borders and wood/rubble piles that act as hibernacula.

Amphibians

Any aquatic habitat was assessed for its potential to support amphibian species, including Great Crested Newts. 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.

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

2.3 Desktop Study

In conjunction with the site visit a report was compiled of relevant ecological records within 2km of the site, 5km for bats. 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 2km radius of the site, 5km for bats. The Multi-Agency Geographical Information for the Countryside (MAGIC) map was also reviewed for additional relevant protected species and habitat information.

2.4 Limitations

Records of priority and legally protected species supplied by the local records centre are limited by the availability of records submitted to the local records centre and so may not account for all species potentially present within the site or locally. This limitation has been addressed through undertaking a Protected Species Risk Assessment of the habitats found within the site, which took account of the general geographical distributions of priority and protected species when assessing the suitability of the habitats present.

The contents of the site visit are limited by a single visit at a suboptimal time of year. Every effort has been made to find and record species, including non-native plant species, within the site. Despite best efforts, recording of every species cannot be guaranteed.

This ecological survey is limited by factors which can affect the presence of flora and fauna, including the season in which the survey is carried out, behaviour and migration patterns. This limitation has been addressed by taking a precautionary approach to the assessment, with recommendations provided for further survey work and/or mitigation measures where appropriate.

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)

3 Baseline Ecological Conditions

3.1 Designated Sites

Statutory and Non-Statutory Designated Sites

Details regarding the Statutory Designated Sites within the desk study area, along with the reasons for their designation and location in relation to the development site are provided in the table below. Locations are taken from the closest point of the site to the designated site.

Site Name	Designation	Reasons for Designation	Location in Relation to the Site
N/A	-	-	-

Table 2: Statutory Designated Sites within the desk study area.

Details regarding the Non-Statutory Designated Sites within the desk study, along with the reasons for their designation and location in relation to the development site are provided in the table below. Locations are taken from the closest point of the site to the priority habitat parcel.

Site Name	Designation	Reasons for Designation	Location in Relation to the Site
N/A	-	-	-

Table 3: Non-Statutory Designated Sites within the desk study area.

Priority Habitats within the Site

The only priority habitat on site is the areas of remnant, potentially ancient, deciduous woodland located around the periphery of the site, but most abundant along the western boundary.

As there is no change or further development planned for this site the presence of a priority habitat should not be considered as a constraint in the proposed change of planning permission.

Priority Habitats within the Desk Study Area

The data returned from SxBRC shows that within 2km of the site are situated the following priority habitats across multiple locations: Ancient Woodland, Deciduous Woodland, and Traditional Orchard. Details of the nearest site for each habitat type are provided in the table below.

Site Name	Habitat Type	Location in relation to the site
Madgeland Wood (part of)	Ancient & Semi-natural Woodland	150m South South-east
Madgeland Wood (part of)	(Ancient Woodland replanted)	(6m East)
Madgeland Farm	Traditional Orchard	537 East North-east
Madgeland Wood (part of)	Deciduous Woodland (not Ancient)	160m North North-east

Table 4: Priority habitats within the desk study area.

As there is no change or further development planned for this site the presence of a priority habitat should not be considered as a constraint in the proposed change of planning permission.

3.2 Other Habitats

Descriptions of the habitat types recorded within the site during the UK Habitat Classification Survey are provided in the table below. Photographs of the habitats are provided in Appendix 3.

Primary Habitat Type	Secondary Habitat Type	Description
u1b5: buildings	N/A	A number of static caravans / mobile homes are already present on some bases within the site while some others are currently vacant.
u1b: other developed land	N/A	A Tarmac road with parking bays runs around the circular grassed area entering the site from the south with an incomplete section exiting the site on its north edge. Concrete hard-standings are located around the outside of the road and act as bases for static homes.

u1c: artificial unvegetated - unsealed surface	N/A	An area of gravel surfaced car parking is located on the southern edge of the circular grassed area in the middle of the site.
u1d: suburban mosaic of developed and natural	846: flower bed	A small flower bed is located on the west side of the road as it enters the site from the south.
u1e: built linear features	N/A	Wooden fences bound the site along the western end of its southern edge and along the southern section of its western edge with Emms Lane. The western side of the woodland is separated from the adjacent property by a post and barbed wire fence.
g4: modified grassland	107: mown and collected	This accounts for much of the area of the site. All the grassed areas are regularly maintained to a lawn style.
w1g: other broad-leaved woodland	30: semi-natural woodland	The woodland block on the western side of the site is predominantly Oak/Ash with a good multi-storeyed structure of canopy, understorey, scrub and ground flora layers. This may be ancient in origin as indicator features are present including native Bluebells, Dog's Mercury, and Primroses.
	32: scattered trees	Along the northern, eastern and southern edges of the site are a number of mature oaks that have been retained as a boundary feature from historical woodland clearance.

Table 5: Habitats within the site.

The habitats on site are common throughout the local area and some have potential to support protected and notable species.

3.3 Protected Species 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. No protected species, or their signs, were seen during the site visit. None are considered likely to be affected solely through a change in planning permission from a holiday let site to a residential site.

Bats

All bat species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways⁴. Bats use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another⁵.

The information supplied by the SxBRC provided 637 records of 13 confirmed species from between 2001 and 2024 within 5km of the site.

The desk study identified woodland parcels, agricultural and fields bounded by mature trees and hedgerows that bats could use to forage and commute in the wider landscape. The woodland habitats within the site include ecological features and vegetation which could provide commuting and foraging habitat and provides connectivity within the local landscape.

The trees present on site were assessed for any Potential Roost Features (PRFs). The bat conservation trust provides information regarding features that may be present in trees that bats could potentially use for roosting⁶. Some of the retained oak trees exhibited a few of the features that have the potential to be used by bats. No direct evidence of bats was observed. None of the trees present are being removed.

The static homes on site are not deemed suitable for roosting bats. None of the trees are being removed.

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that bats, if they are present, will be affected by this.

[REDACTED]

⁴ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/foraging-habitats>

⁵ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/commuting-habitats>

⁶ http://www.bats.org.uk/pages/bat_roosts.html#TreeRoosts

Hazel Dormouse

The data search returned only one record of Hazel Dormouse (*Muscardinus avellanarius*) from 2007 within 2km of the site.

No evidence of activity, such as feeding remains or nests was identified within the 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 habitat⁷.

The site contained a block of woodland on the west side of the site that was considered suboptimal for this species as it was lacking in some structural features ideal for dormice. There also appears to be little or no population currently present within 2km. None of the habitat on site is to be removed.

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that Dormice, if they are present, will be affected by this.

Riparian Mammals

The site lacked the habitats required to support these species. No records were returned from the data search.

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that riparian mammals will be affected by this.

Other Mammals

A single Grey Squirrel (*Sciurus carolinensis*) was seen during the site visit. The only other species records within 2km returned were for Hedgehog (*Erinaceus europaeus*), last recorded in 2021 and Rabbit (*Oryctolagus cuniculus*).

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that mammals will be affected by this.

⁷ <https://ptes.org/get-informed/facts-figures/hazel-common-dormouse-muscardinus-avellanarius/>

Reptiles

The data search returned 4 records of Slow-worms (*Anguis fragilis*), most recently in 2012, and 7 records of Grass Snake (*Natrix Helvetica*), most recently in 2017 within 2km of the site.

The site generally contains little in the way of interest for reptiles beyond the possible exception of the woodland on the west side away from the static homes.

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that reptiles will be affected by this.

Amphibians

The data search returned 1 record in 2012 of Common Toad (*Bufo bufo*), 10 records of Common Frog (*Rana temporaria*) most recently in 2024, 15 records of Palmate Newt (*Lissotriton helveticus*) most recently in 2010, 7 records of Smooth Newt (*Lissotriton vulgaris*) most recently in 2009, and 18 records of Great Crested Newt (*Triturus cristatus*) (2006-2024) within 2km of the site.

There are no water bodies present on site, though there are a number of ponds and other water bodies within the 2km search radius. Some terrestrial habitat potential exists within the woodland on the western side. The site also lies outside of a 250m radius, which is generally considered to be the typical migratory range of GCN, from a known GCN survey waterbody⁸. Magic Map was also consulted for any granted EPS licences within 2km of the site and zero were returned. There was one pond survey for GCN carried out between 2027-19 nearly 2km south south-west of the site.

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that amphibians will be affected by this.

Birds

The data search returned records for 119 species, including 69 protected under the Wildlife and Countryside Act 1981, the NERC Act Section 41, or listed as Red or Amber species within 2km of the site. The site contained man-made structures and mature woodland and trees, which could provide suitable nesting opportunities for breeding birds. No active nests were seen due to the time of year of the site visit.

⁸ 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.

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that birds will be affected by this.

Plants

The data search returned 22 variously designated species within 2km of the site. Of these, only the native Bluebell (*Hyacinthoides non-scriptus*), Wildlife and Countryside Act 1981 Sch. 8, was present on site. Predominantly within the woodland on the west side where it forms a carpet, it was also found scattered amongst the retained oaks along the north, east, and south edges to the site.

The timing of the site visit was not highly conducive for locating herbaceous species. However, as the grassland on site is regularly maintained to a formal standard it is unlikely that any notable species, if they ever did manage to take hold, would survive or likely be noticeable.

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that plants will be affected by this.

Invertebrates

The data search returned 717 records of 62 protected or notable invertebrate species within 2km of the site. The vast majority of these were for NERC Act s41 / UKBAP moths.

No invertebrate species were noted during the site visit due to the time of year and weather conditions. The boundary habitats on site provide a range of breeding and feeding areas for invertebrates, particularly the woodland on the west side, but there was no evidence of protected invertebrates being present. The predominantly oak woodland present may hold Purple Emperor butterfly (Wildlife and Countryside Act 1981 Sch. 5).

As this PEA is only to provide evidence towards a change of current use planning permission for the site, it is considered negligible that invertebrates will be affected by this.

3.4 Invasive Non-Native Flora and Fauna

Invasive Non-Native Flora

The data search returned 40 records of 12 species of scheduled and non-scheduled invasive non-native higher plant species within 2km of the site. None of these species were seen on site.

Invasive non-native plant species are not considered a potential constraint to the proposed change in planning permission.

Invasive Non-Native Fauna

The data search returned 90 records of 6 species of scheduled and non-scheduled invasive non-native fauna species. Canada Goose (*Branta canadensis*) and Grey Squirrel (*Sciurus carolinensis*) accounted for 71 of these records.

A grey squirrel was encountered during the site visit. However, as there is no formal effort to control population numbers, no further recommendations are provided.

Due to their likely absence or no ongoing conservation efforts to control now naturalised species, invasive non-native fauna species are not considered a potential constraint to the proposed change in planning permission and no further surveys, avoidance or mitigation measures are recommended.

4 Constraints and Opportunities

4.1 Key Ecological Constraints

Based on the findings of the desk study and the site surveys, it is considered that there are no likely ecological constraints to the change in use planning permission.

4.2 Further Surveys

Considering the findings of the desk study, the site surveys, and the reason for the change in planning permission status it is considered un-necessary to carry out any additional surveys for this site.

4.3 Avoidance, Mitigation and Compensation Measures

As there is no proposed new development on this site for the purpose of the change in planning permission or change to any of the current habitats there is no need to recommend any such measures.

4.4 Ecological Enhancement Opportunities

In concurrence with the previous PEA for this site carried out by Mr. Mark Vivian in September 2019 there is little opportunity in the way of making ecological enhancements on site other than to state that it would be desirable to retain the woodland block and other tree features on site.

To benefit any local bat population and provide roosting opportunities within the site 3 no. bat boxes should be erected on the trees on the north and/or east sides of the site as these elevations will receive the most warmth when bats are most active throughout the summer. It is recommended that the 2FN Schwegler bat box be used.

To enhance any local bird population and provide nesting opportunities within the site 3 no. bird boxes on trees along the western side of the site. It is recommended that 1B Schwegler bird boxes be used. Bird boxes should be installed up to 3m high, sheltered from weather (including direct sunshine), not too close to other boxes and away from any bird feeders.

5 APPENDICES

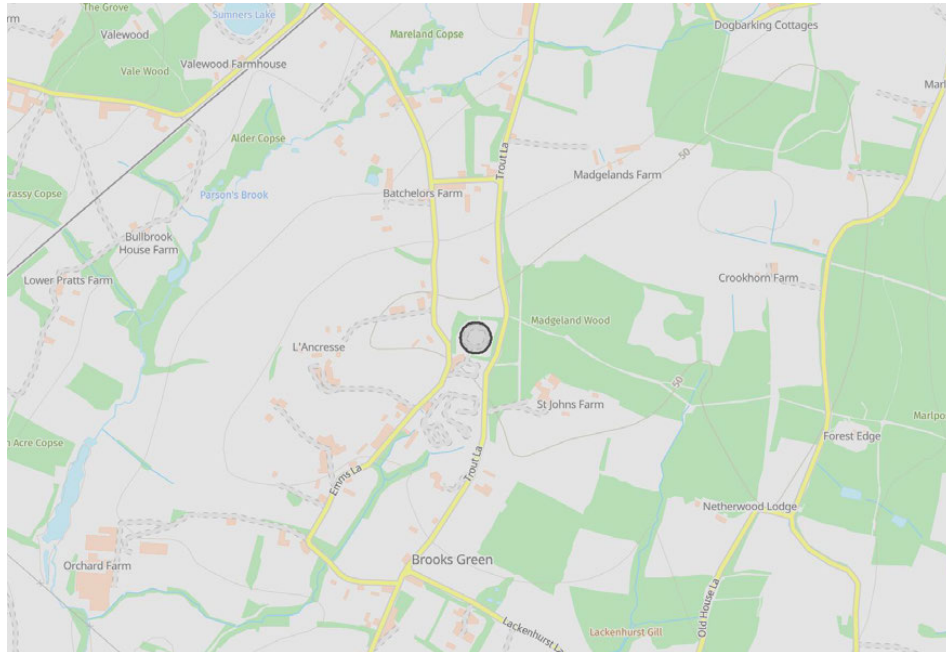
5.1 Appendix 1: UK Habitat Classification Survey Results

Primary Habitat Type	Secondary Habitat Type	Description
u1b5: buildings	N/A	A number of static caravans / mobile homes are already present on some bases within the site while some others are currently vacant.
u1b: other developed land	N/A	A Tarmac road with parking bays runs around the circular grassed area entering the site from the south with an incomplete section exiting the site on its north edge. Concrete hard-standings are located around the outside of the road and act as bases for static homes.
u1c: artificial unvegetated - unsealed surface	N/A	An area of gravel surfaced car parking is located on the southern edge of the circular grassed area in the middle of the site.
u1d: suburban mosaic of developed and natural	846: flower bed	A small flower bed is located on the west side of the road as it enters the site from the south.
u1e: built linear features	N/A	Wooden fences bound the site along the western end of its southern edge and along the southern section of its western edge with Emms Lane. The western side of the woodland is separated from the adjacent property by a post and barbed wire fence.
g4: modified grassland	107: mown and collected	This accounts for much of the area of the site. All the grassed areas are regularly maintained to a lawn style.
w1g: other broad-leaved woodland	30: semi-natural woodland	The woodland block on the western side of the site is predominantly Oak/Ash with a good multi-storeyed structure of canopy, understorey,

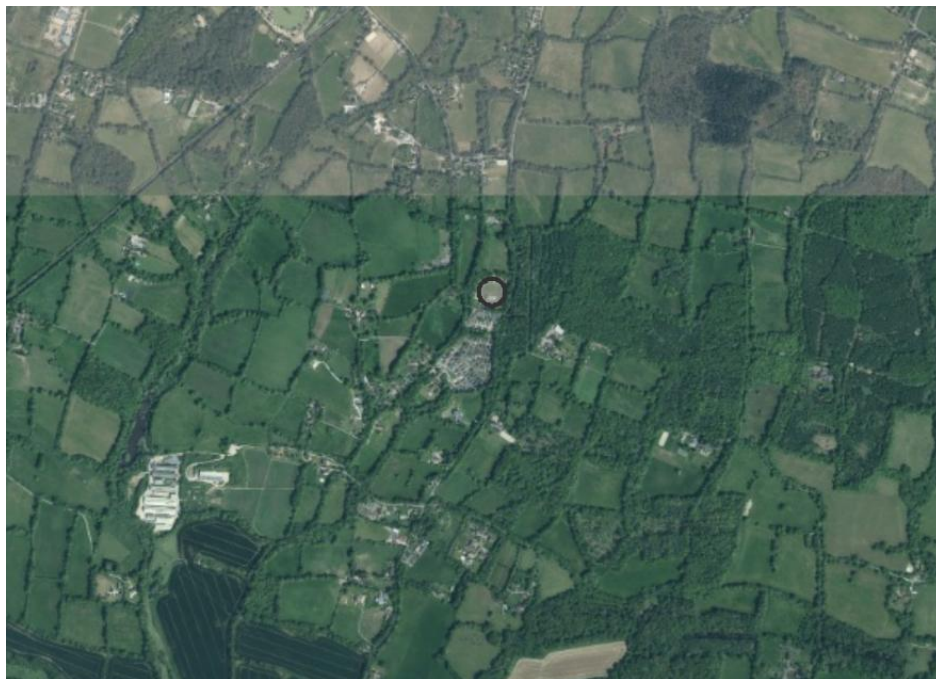
		scrub and ground flora layers. This may be ancient in origin as indicator features are present including native Bluebells, Dog's Mercury, and Primroses.
	32: scattered trees	Along the northern, eastern and southern edges of the site are a number of mature oaks that have been retained as a boundary feature from historical woodland clearance.

5.2 Appendix 2

Site Location



Aerial view (Magic)



Aerial view (Magic)

5.3 Appendix 3: Photos



Static homes



Oak/Ash woodland block on west side



Bluebell carpet in wood on west side of site



Oak/Ash woodland block on west side



Retained trees along northern edge of site



One of the oaks showing bat roost potential



Retained oaks along east side of site



Retained oaks along southern side of site



Entrance into the site from the south



Central area of site. Looking east

5.4 Appendix 4: 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.

[REDACTED]

International and European Obligations

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

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

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

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

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

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

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

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

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

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>