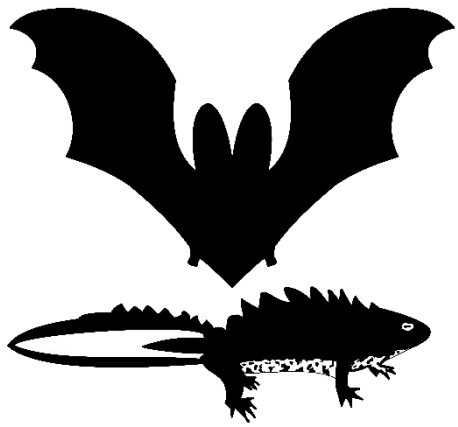




AEWC Ltd

Animal Ecology & Wildlife Consultants

Protected Species Walkover Survey

Merrion Farm

**Bines Green
Partridge Green
West Sussex
RH13 8EH**

Natalie Arscott & Lexie Hobbs

**25-085
November 2025**

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Summary

- AEWCLtd were commissioned by Batcheller Monkhouse on behalf of their client to undertake a protected species walkover survey at Merrion Farm, Bines Green, West Sussex, RH13 8EH at grid reference TQ 18778 16691 to help inform the proposed development of the site.
- This report details the results of the survey, which was carried out on the 5th of November 2025 by qualified ecologist Natalie Arscott and assisted by Lexie Hobbs, to assess the site for the potential presence of any protected species or species of conservation concern and identify habitats of conservation importance.
- The whole site including the access track is approximately 0.37ha, with the main development area being approximately 0.05ha. The main development area is within a farmyard and comprises bare ground, areas of ruderal vegetation, an unsealed hardstanding track, a verge of modified grassland, and a square of concrete supporting a silo. The full red line boundary encompasses a hardstanding access track that leads from the development area to the B2135 to the north.
- The proposal is for a new milking barn measuring 24m x 12m.
- The habitats on-site are common and widespread, and of low ecological value with limited potential to support protected species.
- **No further surveys have been recommended.**
- **Recommendations to avoid ecological impacts are detailed in Section 6 of this report. These include, but are not limited to, minimising and controlling lighting, following a precautionary approach to clearance to protect reptiles from harm, and controlling invasive plant species.**

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 AEWC Ltd were commissioned by Batcheller Monkhouse on behalf of their client to undertake a protected species walkover survey at Merrion Farm, Bines Green, West Sussex 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 qualified ecologists Natalie Arscott and Lexie Hobbs on the 5th of November 2025.
- 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 developments and identify recommendations or further surveys that may be necessary.

2. Background

- 2.1 The proposed development site is located at Merrion Farm, Bines Green, Partridge Green, West Sussex, RH13 8EH at central grid reference TQ 18778 16691.
- 2.2 The site is located in a rural part of West Sussex, south of the village of Partridge Green. The surrounding landscape largely comprises tree and hedge-lined agricultural land with some scattered residential properties and woodlands blocks in the wider landscape. See Figure 1.
- 2.3 The whole site including the access track is approximately 0.37ha, with the main development area being approximately 0.05ha. The main development area is within a farmyard and comprises bare ground, areas of ruderal vegetation, an unsealed hardstanding track, a verge of modified grassland, and a square of concrete supporting a silo. The full red line boundary encompasses a hardstanding access track that leads from the development area to the B2135 to the north. See Figures 2 and 3.
- 2.4 The proposed development plan involves the construction of a new milking barn measuring 24m x 12m. This will involve the removal of areas of bare ground and ruderal vegetation. See Figure 4.



FIGURE 1: SHOWING THE SITE LOCATION



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



FIGURE 3: AERIAL VIEW OF THE SITE SHOWING THE DEVELOPMENT AREA



FIGURE 4: PROPOSED PLANS

3. Methods

- 3.1 A daytime ecological walkover assessment was carried out on the 5th of November 2025 to evaluate the site for its potential to support protected species in addition to other species of conservation importance that could be relevant in respect of planning policies.
- 3.2 An assessment was made of habitat suitability in and around the site for those protected species that occur in the region. Obvious signs and incidental sightings of protected species are noted when encountered, but walkover surveys do not usually confirm species presence or absence.
- 3.3 Taking into consideration the geographical region and habitat type, species that could be encountered are:
- [REDACTED]
 - 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.

[REDACTED]

- 3.7 **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. 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.
- 3.8 **Breeding Birds** - habitats were assessed for their suitability for nesting birds. This would centre on birds that favour hedgerows, areas of longer grassland, scrub, trees as well as buildings.

- 3.9 **Great Crested Newt** - initial surveys centre on identifying suitable habitat within the site. If breeding ponds are present within the locality, then great crested newts (*Triturus cristatus*) could potentially be using the terrestrial habitat on the site. Maps are used to identify any ponds (that are not isolated by unsuitable habitat or physical barriers) within 500 metres of the site. A Habitat Suitability Index (HSI) is used to quantifiably assess whether a pond is suitable, this is undertaken for any onsite ponds during the walkover survey.
- 3.10 **Hazel Dormice** – scrub and areas of dense vegetation are assessed for their suitability for foraging and nesting hazel dormice (*Muscardinus avellanarius*). Favoured berry and nut bearing species such as hawthorn, hazel and bramble were looked for in particular. Additionally, the connectivity of this habitat and to suitable habitat beyond the site is also assessed. If hazel nuts are present a brief search for nuts that have been chewed by hazel dormouse (i.e. displaying the characteristic smooth round hole) was conducted.
- 3.11 **Otter** - initial surveys aim to assess the site for watercourses suitable for otters (*Lutra lutra*). If suitable watercourses are present on or adjacent to the site, evidence of otter is searched for. Signs of otter includes spraints, feeding remains and sightings are recorded if encountered during the survey.
- 3.12 **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).
- 3.13 **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.
- 3.14 **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.
- 3.15 **Other Mammals** – any signs of occupancy by other mammals (e.g. rabbit warrens) are recorded.
- 3.16 **Invasive Species** - Any invasive plant or animal species identified during the site walkover are recorded.
- 3.17 **Plant Species of Note** – Any plant species of conservation concern found on the site are recorded.
- 3.18 **Habitats of Principal Importance** - Habitats of Principal Importance within or adjacent to the site (such as arable field margins, traditional orchards, ponds, rivers, wet woodlands, native hedgerows) are recorded.

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

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 Spells of rain in the days prior to the survey may have washed away evidence.

5. Results and Evaluation

Habitat Summary and Evaluation

- 5.1 The main development area is predominantly made up of bare ground caused by regular use of farm machinery within the farmyard. In the southeast of the development area is a triangle of ruderal vegetation, which is fairly dense but low level, dominated by common nettle (*Urtica dioica*) with occasional common hogweed (*Heracleum sphondylium*), spear thistle (*Cirsium vulgare*), dock (*Rumex* sp.), and bristly oxtongue (*Helminthotheca echinoides*). There are bales of wrapped hay atop the ruderal vegetation and some discarded timber and other materials within the vegetation. In the west of the development area is an unsealed hardstanding track which has previously had some gravel surfacing. To the west of this is a grass verge, comprising species-poor modified grassland, with species including cock's-foot (*Dactylis glomerata*), false oat-grass (*Arrhenatherum elatius*), common nettle, dandelion (*Taraxacum* sp.), dock, white clover (*Trifolium repens*), creeping thistle (*Cirsium arvense*), and buddleia (*Buddleja davidii*). At the east of the main development area is a silo which sits atop concrete foundations.
- 5.2 The red line boundary encompasses the full length of the hardstanding access track leading to the main development area from the B2135, although no works are proposed to the track. The track is composed of concrete and compacted gravel and is bordered on both sides by off-site native hedgerows and trees.
- 5.3 The habitats on-site are common and widespread, and of low ecological value with limited potential to support protected species.



Photograph 1 – Main development area from the east.



Photograph 2 – Main development area from the west.



Photograph 3 – Triangle of ruderal vegetation in the southeast.



Photograph 4 – Unsealed hardstanding track in the west.



Photograph 5 – Grass verge at the western boundary.



Photograph 6 – Hardstanding access track connecting the development area to the main road.



Bats

- 5.5 There are no buildings, trees, or other suitable features that could offer potential for roosting bats on the site.
- 5.6 The main development area is of low suitability for commuting and foraging bats due to the general low level of vegetation cover and absence of any sheltered habitat. The native hedgerows with trees that border the access track provide good foraging and commuting habitat for bats due to their structure, connectivity to small woodland blocks in the surrounding area, and potential to support an abundance of invertebrates.

Breeding Birds

- 5.7 There is no habitat suitable for breeding birds within the site boundary, since there are no trees, dense shrubs, or buildings. The ruderal vegetation would not be suitable for ground nesting birds due to its small size, location adjacent to buildings, and regular disturbance. The off-site native hedgerows and trees adjacent to the access track would be suitable for nesting birds.

Great Crested Newts (GCN)

- 5.8 The site is considered to have limited potential to support terrestrial GCN, restricted to the dense ruderal vegetation in the southeast of the site, within which discarded timber and materials could be used as refugia. This habitat is however sub-optimal since it only covers a small area and is fully surrounded by buildings and an expanse of bare ground. Most of the site is unsuitable for GCN due to insufficient vegetation cover.
- 5.9 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. Four ponds were found present to the south and west of the site (see Figure 5). These are listed below:
- Pond 1: 285m to the south
 - Pond 2: 350m to the south
 - Pond 3: 320m to the southwest
 - Pond 4: 480m to the west
- 5.10 Additionally, there is a water-bearing ditch 70m to the south of the site, however it was found to be choked with vegetation and very shallow despite the survey following spells of rain. As such, it is considered to have very low suitability for breeding GCN. The habitat connectivity from the ditch to the site is also very low being made up of a heavily trafficked area of hardstanding and buildings.

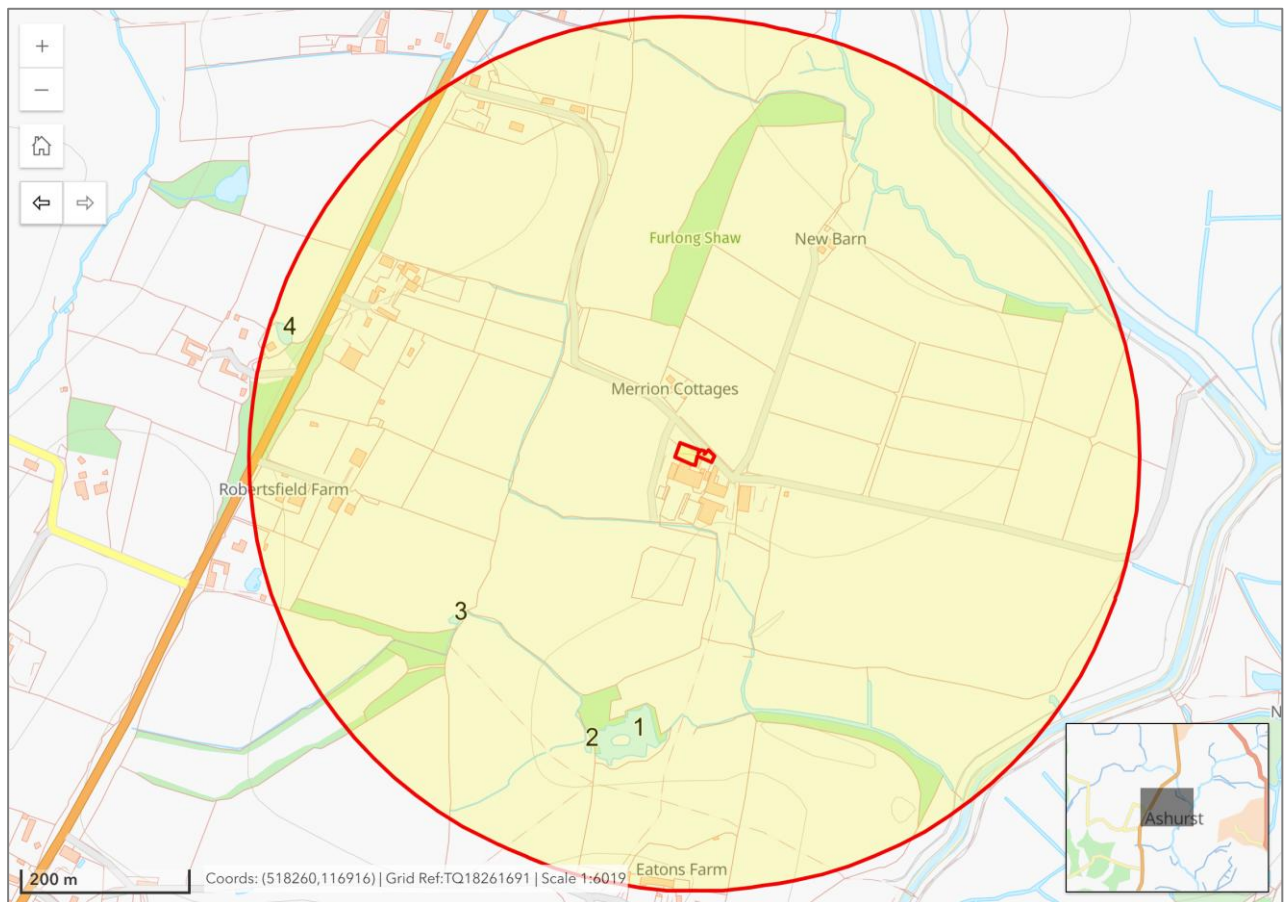


FIGURE 5: WATERBODIES WITHIN 500M

Hazel Dormice

- 5.11 There is no suitable habitat for hazel dormice within the site boundary. The native hedgerows adjacent to the access track have suitability for this species.

Otters

- 5.12 There is no suitable habitat on or within close proximity to the site for otters.

Reptiles

- 5.13 The site is considered to have limited potential to support common reptiles such as slow worms, common lizards, and grass snakes, restricted to the dense ruderal vegetation in the southeast of the site, within which discarded timber and materials could be used as refugia. This habitat is however sub-optimal since it only covers a small area and is fully surrounded by buildings and an expanse of bare ground. Most of the site is unsuitable for reptiles due to insufficient vegetation cover.

Water Voles

- 5.14 Negligible potential habitat for water voles was present due to an absence of any suitable habitat on or within close proximity to the site.

Other Species of Principal Importance

- 5.15 Hedgehogs (*Erinaceus europaeus*) could commute across and forage within the site, with adjacent hedgerows offering suitable sheltered habitat. Common toad (*Bufo bufo*) could use dense ruderal vegetation within the site and shelter beneath refugia features.

Other Mammals

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

Invasive Species

- 5.17 Young buddleia bushes were identified on the grass verge at the western boundary. Whilst not listed on Schedule 9 of the Wildlife and Countryside Act, this species has invasive tendencies.

Plant Species of Note

- 5.18 No plant species of note were identified.

Habitats of Principal Importance

- 5.19 There are no HPI within the site boundary, however the native hedgerows adjacent to the access track are priority habitat.

6. Conclusions & Recommendations

- 6.1 In line with Natural England's Standing Advice, where further survey for protected species is recommended these should be conducted prior to submitting a planning application and appropriate mitigation measures be incorporated into the development design.

[REDACTED]

Bats

- 6.3 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. **New external lighting should be avoided or kept to the minimum necessary, and preferably downlit and on a motion sensor to reduce lighting time. The native hedgerows bordering the access track must not be directly illuminated.**

Breeding Birds

- 6.4 No suitable habitat for nesting birds is expected to be impacted. However, should any hedgerow cutting be required adjacent to the access track, this should be undertaken outside the breeding bird period from March to August. Should any hedgerow clearance be scheduled to take place between the beginning of March and the end of August, this must be immediately preceded by a survey to check for nesting birds. No vegetation can be cleared whilst a nest is occupied, regardless of species.

Great Crested Newts (GCN)

- 6.5 The site has very limited suitability for GCN, restricted to an area of ruderal vegetation only, which is moderately isolated. The area of vegetation clearance

required for the proposed development will be very small, and the closest ponds are located over 250m from the site, with the drainage ditch in closer proximity to the south considered likely to be unsuitable for breeding. A Rapid Risk Assessment carried out based on the size of the development area and the location of the nearest ponds shows that in the absence of mitigation, an offence is highly unlikely. See Figure 6.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.001
Individual great crested newts	No effect	0
Maximum:		0.001
Rapid risk assessment result:		GREEN: OFFENCE HIGHLY UNLIKELY

FIGURE 6: RAPID RISK ASSESSMENT OF THE SITE

- 6.6 Based on the low suitability of the site, the small area of clearance, and the results of the Rapid Risk Assessment, the likelihood of GCN being impacted is considered to be negligible and therefore no further surveys or mitigation are required.

Hazel Dormice

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

Otters

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

Reptiles

- 6.9 The site has some suitability for common reptiles; however, the only suitable vegetated habitat covers a very small area and is isolated, making it sub-optimal. Based on the proposed plans which include only a small amount of clearance, it is considered highly unlikely that reptiles will be impacted, and therefore no further surveys are required.
- 6.10 **To prevent harm to reptiles, any potential refugia features such as discarded timber or other materials must be removed by hand. The vegetation within the proposed working area must be strimmed down carefully and directionally prior to ground-level clearance, to enable any reptiles present to move out of the way.** In the unlikely event of reptiles being encountered, if they do not move on their own accord they should be relocated to dense vegetation nearby, such as just beyond the northern boundary of the development area.

Water Voles

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

Other Species of Principal Importance

- 6.12 Since no habitat suitable for sheltering is to be cleared, no impacts on west European hedgehog are likely. Good building practice such as covering trenches at night as recommended for [REDACTED] will protect hedgehogs from entrapment. Common toads will be protected through measures recommended for reptiles above.

Other Mammals

- 6.13 **Should any mammal burrows be identified, site clearance work should be undertaken carefully (by hand if necessary) to avoid crushing small mammals within their burrows.**

Invasive Species

- 6.14 **Care must be taken to prevent the further spread of buddleia. Ideally efforts should be made to remove these from the site.**

Habitats of Principal Importance

- 6.15 **The native hedgerow habitat adjacent to the site is an HPI and therefore should be retained and protected from damage.** Any unavoidable losses will require appropriate compensation.

Appendix 1 – Survey Timetable

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

Appendix 2 – Legal Protection

General

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

Badger

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

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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