



Preliminary Ecological Appraisal

***Description:** An assessment of the ecological features present, or potentially present, within the site and its surrounding area.*

Site: Caylers Farm, Nuthampsted, Royston, Herts, SG8 8NA.

Client: James Barker.

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Acknowledgements

Not applicable for this report.

Industry Guidelines and Standards

This report has been prepared with reference to:

- CIEEM, *Guidelines for Preliminary Ecological Appraisal*, 2nd edition;
- CIEEM, *Guidelines for Ecological Impact Assessment in the UK and Ireland*, current version;
- CIEEM, *Guidelines for Ecological Report Writing*;
- CIEEM, *Guidelines for Accessing and Using Biodiversity Data in the UK*, current version;
- British Standard BS 42020:2013, *Biodiversity — Code of Practice for Planning and Development*;
- UKHab Ltd, *UK Habitat Classification Version 2.01*.
- Bat Conservation Trust, *Bat Surveys for Professional Ecologists: Good Practice Guidelines*, 4th edition;
- the National Planning Policy Framework, December 2024, as amended February 2025; and
- relevant current Natural England standing advice and statutory BNG guidance.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation, and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary, and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate. The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary. (BS 42020, 2013)

Executive Summary

Ecology Essex Limited was commissioned to undertake a Preliminary Ecological Appraisal of land at Caylers Farm, Nuthampsted, Royston, Hertfordshire, SG8 8NA. The assessment informs proposals for one self-build dwelling with associated access, hardstanding, drainage, services and landscaping.

The survey area comprised modified grassland and an existing sealed farm access. The habitats within the development footprint are common, intensively managed and of no more than site-level ecological importance. No priority habitat or irreplaceable habitat was identified within the application boundary.

No buildings or trees requiring removal were identified within the development footprint. The adjacent agricultural building was assessed from accessible ground-level locations as having negligible suitability for roosting bats, subject to confirmation that it will remain unaffected by the development.

Two ponds were identified within 500 m of the application boundary, the closest being approximately 160 m south of the proposed dwelling. The development footprint comprises short, intensively managed modified grassland, while the existing access is sealed. Taking account of the habitats affected, pond distances, available connectivity, absence of recent records and the site's location within a green district-level licensing risk zone, the likelihood of the proposed development affecting great crested newts is assessed as negligible. No further survey is recommended, subject to the precautionary construction measures set out in this report.

The site provides negligible nesting habitat within the direct footprint, although vegetation adjoining the access and development plot could support nesting birds. Reasonable avoidance measures are therefore required for any vegetation clearance.

The site has low suitability for foraging and commuting bats. A sensitive external-lighting strategy is required to avoid unnecessary illumination of retained field boundaries, trees, hedgerows and the wider rural landscape.

No evidence of badger, reptiles, dormouse, otter or water vole was recorded, and no further species-specific survey is currently recommended, subject to the development remaining within the assessed footprint and the implementation of the precautionary measures specified in this report.

Subject to the implementation of the avoidance, mitigation and enhancement measures set out in this report, no significant adverse ecological effects are anticipated from the proposed development.

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1 Introduction and Context

1.1 Background

Ecology Essex Limited was instructed to undertake a Preliminary Ecological Appraisal (PEA) at Caylers Farm, Nuthampsted, Royston, Herts, SG8 8NA (hereafter referred to as “the site”). The survey was required to inform a planning application for a self-build dwelling and associated landscaping (hereafter referred to as “the proposed development”). The assessment has been undertaken with reference to drawing 532-02, Plans and Elevations as Proposed, dated 3 June 2026. The proposed development comprises the construction of one two-storey self-build dwelling, together with associated access, parking, hardstanding, drainage, services and landscaping.

The application boundary includes the proposed dwelling plot and the existing access route extending west from Park Farm Lane. The ecological survey area comprised the full application boundary and accessible habitats immediately adjoining it where these could reasonably be affected by the development.

Should the red-line boundary, development footprint, access arrangements, drainage strategy, external lighting scheme or landscaping proposals change, the conclusions of this report must be reviewed by a suitably qualified ecologist.

A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development.

No previous ecology reports have been produced for this site by Ecology Essex Limited, or to the authors knowledge, any other consultancy.

The proposal comprises one self-build dwelling on a site measuring approximately 0.1ha. On the basis that the development consists exclusively of qualifying self-build or custom housebuilding, comprises no more than nine dwellings and occurs on a site no larger than 0.5 ha, the applicant considers that the development qualifies for the self-build and custom-build exemption from the statutory biodiversity gain condition. The applicant should provide the required BNG exemption statement with the planning application and confirm that the development satisfies the statutory definition of self-build or custom housebuilding.

1.2 Site Context

The proposed development is located at approximate National Grid Reference TL 41596 34919 and occupies an area of approximately 0.1 ha. The site is accessed via an existing single-track farm access extending west from Park Farm Lane and comprises a small area of modified grassland situated adjacent to, and contiguous with, a larger arable field.

The surrounding landscape is predominantly agricultural in character, consisting of extensive intensively managed arable farmland interspersed with occasional hedgerows, mature trees and small woodland blocks. These linear and wooded features contribute to the wider ecological network by providing habitat continuity and potential commuting, foraging and dispersal opportunities for a range of protected and notable species.

The immediate landscape is largely rural, with agricultural land extending in all directions and relatively limited built development. Areas of semi-natural habitat within the local landscape are principally restricted to woodland copses, hedgerows and field margins.

Notable woodland features include Scales Park to the south and Ash Grove to the north, both of which contribute to the local habitat mosaic and ecological connectivity.

A desk study incorporating a review of recent aerial imagery, Ordnance Survey mapping and publicly available environmental datasets (including MAGIC) indicates that the site is located within a predominantly agricultural landscape where semi-natural habitats are largely confined to field boundaries and woodland features. Although the site itself is of limited extent and is primarily composed of modified grassland, habitats within the surrounding landscape have the potential to support a range of common and protected fauna, including commuting and foraging bats, breeding birds and terrestrial mammals.

A site location plan is provided in Appendix 2.

1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2 Methodology

2.1 Desk Study

A biological records search was obtained from Herts Environmental Records Centre (HERC) on 21st June 2026 for statutory and non-statutory designated sites, protected and notable species and invasive non-native species within 2 km of the site. Records were reviewed with regard to their age, spatial precision, habitat context and relevance to the proposed development.

MAGIC and Natural England datasets were reviewed on 25th June 2026 for:

- statutory designated sites;
- SSSI Impact Risk Zones;
- priority habitats;
- ancient woodland;
- granted European protected species licences;
- great crested newt district-level licensing risk zones; and
- other relevant environmental constraints.

Ordnance Survey mapping and aerial imagery dated 25th June 2026 were reviewed to identify waterbodies within 500 m and to assess habitat connectivity. A wider search of 10 km was undertaken for internationally designated sites.

The desk-study radius is not intended to represent an ecological zone of influence for every receptor. The potential zone of influence was considered separately for each ecological feature in relation to the nature and scale of the proposed development.

2.2 Field Survey

A Preliminary Ecological Appraisal survey of the Site was undertaken on the 15th June 2026, by Lewis Smith BSc (Hons) (NE Bat Class Licence: WML-CL17 & Accredited Agent, NE Bat Class Licence: WML-CL18) who has over 6 years' experience in consultant ecology. This survey assessed the value of onsite and adjacent habitats and their potential to support protected or notable species and habitats following the Guidelines for Preliminary Ecological Appraisal published by the Chartered Institute for Ecological and Environmental Management (CIEEM).

Preliminary Ecological Appraisal

An extended UKHab survey was undertaken in accordance with the UK Habitat Classification, Version 2.01. Habitats were mapped to the appropriate minimum mapping unit, with target notes used to record features below the mapping threshold, habitat condition, species composition, structure and management. Botanical species lists were compiled with reference to the **DAFOR** scale,

(**D** = Dominant; **A** = Abundant, **F** = Frequent, **O** = Occasional, **R** = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

European Protected Species

Following the UK exit from the European Union (EU), species formerly protected under the Habitat Regulations are now considered to be protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and will continue to be referred to as European Protected Species (EPS). Further legislative details regarding protected species are included in Appendix 4.

Great Crested Newt (*Triturus cristatus*)

Great crested newts use aquatic and terrestrial habitats during their lifecycle. The species is strictly protected, including protection from deliberate capture, killing and disturbance, and protection of its breeding sites and resting places. The assessment therefore considered ponds within 500 m, the suitability of terrestrial habitat and the connectivity between ponds and the proposed development. Any ponds present onsite or accessible during the survey were assessed using the Habitat Suitability Index (HSI) Assessment where appropriate.

Bats

Any trees or buildings present onsite were assessed for their suitability for roosting bats using the protocol set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th ed). Where necessary this included the use of binoculars to allow for a ground level assessment to search for signs such as staining and/or droppings sometimes found around roost entrances.

The absence of bats or field evidence during a single inspection does not, in isolation, demonstrate that bats are absent. Roost suitability was therefore assessed from the type, number, condition and location of potential roost features, together with any evidence recorded during the inspection. Habitats were assessed for their suitability for foraging and commuting bats, as set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th ed).

Hazel Dormice (*Muscardinus avellanarius*)

The Dormouse Conservation Handbook (2nd Ed.) provides a level of guidance on assessing a site where the status of hazel dormice is unknown. This assessment is made based upon historical records as well as the habitat and plant species present on and adjacent to the Site. As hazel dormice have a large range, a lack of evidence does not correlate to a lack of presence.

Otter (*Lutra lutra*) | **White Clawed Crayfish** (*Austropotamobius pallipes*)

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. holts, spraints, foraging signs) was also recorded.

Other Species

Protected under the Wildlife and Countryside Act 1981 or further specific legislation, further detailed within Appendix 4.

Birds

Habitats on site were assessed for their potential to support nesting birds as well as important numbers of breeding and wintering birds.

Reptiles

Terrestrial habitats on site were assessed for their potential to support common reptile species, based on factors including vegetation structure and composition, and the availability of shelter and foraging resources.

All UK reptiles are protected, with rare species smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) also given EPS status.

***Water Vole* (*Arvicola amphibius*)**

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. burrows, latrines, foraging signs) was also recorded.

***Badger* (*Meles meles*)**

Habitats on site were assessed for their suitability for badger foraging and sett building. Any incidental evidence of the presence of badgers on site (e.g. setts, paths, prints, foraging signs, and latrines) was recorded.

Priority Species

Habitats on site were assessed for their suitability for Priority Species. Priority Species are those listed as of Principal Importance in England under Section 41 of the NERC Act 2006, those listed as Local Priority Species, or those that feature on the relevant Local Biodiversity Action Plan. Any incidental evidence of the presence of these species on site was also recorded.

Invasive Species

A search was made for evidence of the presence of invasive plant species listed in Schedule 9 of the Wildlife and Countryside Act 1981 as they are subject to strict legal control.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records. Building(s) were inspected from ground level; a full assessment could not be made of areas out of view from ground level. Only buildings affected directly by the proposed development were subject to internal surveys.

As part of standard practice, a data search has been undertaken from the local biological record centre. This is not considered to be a complete list of species present and is better considered to be a list of species recorded, with many species known to be under recorded. These limitations are produced in accordance with BS 42020; Clause 6.7.

This report does not purport to provide legal advice. This report represents ecological conditions recorded during the survey on 15 June 2026. Ecological conditions and species use can change over time. The need for update survey or review should therefore be determined with reference to the nature of the proposed works, any changes in habitat management or site condition, and the time elapsed before commencement.

The conclusions should be reviewed if:

- planning submission or commencement is materially delayed;
- the development design or application boundary changes;
- vegetation is removed or management changes;
- new buildings, trees, drainage features or external-lighting effects are introduced; or
- evidence of protected or notable species is subsequently identified.

Where development has not commenced within approximately 18 months, an ecologist should review the report and confirm whether an updated survey is required.

3 Results and Evaluation

3.1 Desk Study Results

A summary of desk study results is provided below. The data search contains confidential information that is not suitable for public release and has been analysed and summarised for presentation in this report. Full records data can be provided upon request.

3.1.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 1 below. The site lies within the impact risk zone for the Fowlmere Watercress Beds Site of Special Scientific Interest (SSSI). The proposed development type is not listed as a possible high risk with regard to this designation.

Impact Risk Zones (IRZ) are used by local authorities (LPA) to assess whether developments are likely to impact statutory sites, including internationally designated sites, as well as Sites of Special Scientific Interest (SSSIs).

An extended search was made to include a 10km radius for all sites with Special Protection Areas (SPAs), Special Areas of Conservations (SACs) and RAMSAR designations. No sites with these designations were identified.

Table 1: Statutory designated sites within 2km radius of the site

<i>Designated site name</i>	<i>Distance from site (approx.)</i>	<i>Reasons for notification from Natural England and LRC Name and United Nations Educational, Scientific and Cultural Organisation (UNESCO)</i>
None.		

3.1.2 Landscape

A review of recent aerial photography (Google Earth), Ordnance Survey mapping and publicly available environmental datasets, including the MAGIC database (magic.gov.uk), has been undertaken to characterise the surrounding landscape and assess its potential ecological value.

The proposed development is located at approximate National Grid Reference TL 41596 34919 and occupies an area of approximately 0.1 ha. The site is accessed via an existing single-track farm access extending west from Park Farm Lane and comprises a small area of modified grassland situated adjacent to, and contiguous with, a larger intensively managed arable field.

The surrounding landscape is predominantly agricultural in character and is dominated by extensive areas of arable farmland, interspersed with occasional hedgerows, mature trees, woodland copses and field boundary vegetation. Although the site itself contains limited semi-natural habitat, the surrounding landscape provides a mosaic of habitats capable of supporting a range of common and protected species.

Notable woodland features within the local landscape include Scales Park to the south and Ash Grove to the north. In addition, scattered tree lines, hedgerows and woodland edges are present throughout the wider area, forming linear habitat features that contribute to ecological connectivity. These features are likely to provide opportunities for commuting, foraging and dispersal by a variety of wildlife, including bats, breeding birds and terrestrial mammals, whilst also offering shelter and refuge within an otherwise intensively managed agricultural landscape.

Overall, the site is situated within a predominantly rural landscape where ecological value is principally associated with the network of semi-natural habitats surrounding the site, rather than the modified grassland within the application boundary itself.

3.1.3 Notable Habitats

Notable habitats within 2km are listed in Table 2.

Table 2: Notable habitats within 2km of the site

Habitat	Closest distance from site (approx.)
Deciduous woodland (Priority)	500 metres north
Good quality semi improved grassland (Non-Priority)	700 metres north
Traditional orchards (Priority)	1400 metres southwest
Woodpasture and parkland (Priority)	1700 metres northwest

3.1.4 Bats

No species of bat was noted within the 2km data search occurring within last 10 years:

A search of the magic.gov.uk database for granted European Protected Species Licences (EPSLs) within a 2km radius of the site has been completed. Displaced bats from licensed sites <2km away from the survey site will find alternative habitat either within the mitigation measures implemented as part of the licence or will relocate to other known roosts sites near the licensed site. EPSL records for bats identified within the 2km search area are shown in table 3 below.

Table 3: Granted EPSLs for bats within 2km of the site.

EPSL reference	Approx. distance from site	Bat species affected	Licence start date:	Licence end date:	Impacts allowed by licence
None.					

3.1.5 Great Crested Newts

The desk study returned no records of great crested newt within 2 km of the Site within the last ten years. Data records show them present in the wider area. Two ponds, P1 and P2, were identified within 500 m of the application boundary. P1 is located approximately 160m south of the proposed dwelling, while P2 is approximately 430m north.

The absence of recent records and the location of the site within a green district-level licensing risk zone reduce, but do not eliminate, the likelihood of great crested newts being present.

3.1.6 Birds

The records search returned 91 bird records, including species associated with the agricultural and rural landscape surrounding the site. Seven records related to species listed on Schedule 1 of the Wildlife and Countryside Act 1981, as amended, and 50 records related to Birds of Conservation Concern.

Given the small extent and limited structural diversity of habitats within the development footprint, the site is not considered likely to support a notable bird assemblage. However, adjacent hedgerows, trees, agricultural buildings and field margins may support a wider range of breeding and foraging birds.

The data search included notable species listed in Table 4, below.

Table 4: Notable Birds within the Data Search.

Scientific Name	Common Name	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
<i>Apus apus</i>	Swift		Red		
<i>Sturnus vulgaris</i>	Starling		Amber		
<i>Chloris chloris</i>	Greenfinch		Red		

3.1.7 Reptiles

No records of common reptile species were returned within 2 km during the preceding ten years.

3.1.8 Badgers

No badger records were returned within 2 km during the preceding ten years. The absence of records does not demonstrate absence from the wider landscape.

3.1.9 Hazel Dormouse

One hazel dormouse record was returned by the records search. Its relevance is considered further in Section 3.2.7.

3.1.9 Otter & Water vole

No records of otter or water vole were returned within 2 km during the preceding ten years.

3.1.9 Priority & Notable Species

No hedgehog records were returned within 2 km during the preceding ten years. The absence of records does not demonstrate absence, particularly for under-recorded species.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 5.

Table 5: Weather conditions during the survey

Date: 15/06/2026	
Temperature	14°C
Humidity	41%
Cloud Cover	30%
Wind	5mph
Rain	None

3.2.1 Bats

Roosting Habitat

Buildings – Negligible Suitability

Trees – Negligible Suitability

No buildings or trees are located within the proposed dwelling footprint. An agricultural building immediately east of the application site was subject to an external ground-level assessment from accessible locations. No potential roost features were identified on the visible elevations and the building was assessed as having negligible suitability for roosting bats. The building is understood to be retained and unaffected by the proposals.

Foraging and Commuting

Foraging – Low Suitability

Commuting – Low Suitability

The modified grassland and sealed access provide limited foraging value. Greater value is associated with hedgerows, tree lines and woodland within the wider agricultural landscape.

The site is therefore assessed as having low suitability for foraging and commuting bats, principally due to its rural setting and connectivity with surrounding habitat features rather than the intrinsic value of the development footprint. There is connectivity available locally, through these linear features connecting the site to the wider areas of arable fields and woodland copses. It is reasonable to infer that impacts on bat populations at the local level are unlikely given the scale of development and location of the proposed development from the nearest habitat feature.

External lighting should be restricted to the minimum required for safety and security. Luminaires should be downward-directed, baffled and controlled by timers or motion sensors. Light spill onto retained vegetation and the surrounding countryside should be avoided. A warm-spectrum source should be used, with the final specification designed in accordance with current bat and lighting guidance.

3.2.2 Great Crested Newts

On-site Terrestrial habitat – Negligible Suitability

On-site Connectivity – Negligible Suitability

Two ponds, P1 and P2, were identified within 500 m of the application boundary. P1 is located approximately 160m south of the proposed dwelling, while P2 is approximately 430m north.

The proposed dwelling footprint comprises short, intensively managed modified grassland with limited sheltering and foraging opportunities for amphibians. The existing sealed access provides negligible terrestrial habitat.

The absence of recent records and the location of the site within a green district-level licensing risk zone reduce, but do not eliminate, the likelihood of great crested newts being present.

Based on the small area of affected grassland, its low structural diversity, the distance and connectivity to the ponds, and the nature of the proposed works, the likelihood of the development affecting great crested newts is assessed as negligible. Accordingly, no further survey is recommended before determination. During construction, excavations should be covered overnight or provided with a means of escape, stored materials should be raised above ground or checked before movement, and any amphibian encountered should be allowed to move away from danger. If a great crested newt is discovered, works must stop and advice must be obtained from a suitably licensed ecologist.

3.2.3 Birds

On-site nesting habitat – Negligible Suitability

On-site foraging habitat – Low Suitability

The field survey noted the following species on the Site, seen in Table 6:

Table 6: Birds recorded onsite.

Scientific Name	Common Name	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
None.					

The Site walkover was carried out at ground level so any nests out of view cannot be accounted for. The modified grassland and sealed access provide negligible nesting habitat. Vegetation adjacent to the application boundary, including hedgerows, trees and marginal vegetation, may provide nesting opportunities for common and widespread birds. No active nests were recorded during the survey; however, the survey represents a single visit and does not demonstrate absence throughout the breeding season.

Vegetation removal should preferably be undertaken outside the main nesting period, generally March to August inclusive. Where this is not practicable, affected vegetation must be inspected by a suitably experienced ecologist no more than 24–48 hours before clearance. If an active nest is found, an appropriate exclusion zone must be maintained until the young have fledged and the nest is no longer in use.

3.2.4 Reptiles

On-site refuge – Negligible Suitability

On-site foraging and commuting habitat – Negligible Suitability

The modified grassland is short, uniformly managed and lacks the structural diversity, tussock formation, scrub interface and substantial refuges generally associated with suitable reptile habitat. The sealed access is unsuitable. The development footprint is therefore assessed as having negligible suitability for reptiles. No further survey is recommended.

3.2.5 Priority & Notable Species

Adjacent areas of trees and hedgerow, provide suitable foraging, commuting and refuge for a range of small mammals such as hedgehogs. Common invertebrate assemblages could also use the hedgerow areas available locally to site.

3.2.6 Badgers

On-site sett building opportunities – Negligible Suitability

On-site foraging and commuting habitat – Low Suitability

No badger setts or field signs were recorded within the application boundary or within accessible land up to approximately 30 m from the proposed works. The modified grassland may provide limited incidental foraging habitat, and the access route may be crossed by badgers moving through the wider agricultural landscape. No habitat of particular importance for badgers was identified within the development footprint. No further survey is required at this stage. As badgers may establish new setts, a precautionary pre-construction check should be undertaken if works have not commenced within 12 months of the survey or if evidence of badger activity is subsequently identified. Excavations should be covered overnight or provided with a suitable escape ramp, and chemicals and fuels must be securely stored.

3.2.7 Hazel Dormouse

On-site nest building opportunities – Negligible Suitability

On-site foraging and commuting habitat – Negligible Suitability

One hazel dormouse record was returned by the desk study. No continuous woodland, species-rich hedgerow or structurally diverse scrub is present within the development footprint. The proposed works will not remove or sever habitat considered suitable for dormouse. Given the habitats affected and the absence of direct or indirect effects on potentially suitable woody vegetation, dormouse is not considered to represent a constraint to the proposed development, and no further survey is recommended.

3.2.8 Otter and Water Vole

On-site habitat opportunities – Negligible Suitability

On-site commuting habitat – Negligible Suitability

No watercourses, ditches or waterbodies suitable for use by otter or water vole occur within the development footprint. No direct effects on aquatic habitat are anticipated. Subject to the implementation of the pollution-prevention measures in Section 4, no material indirect effects on off-site aquatic habitats are expected. Otter and water vole are therefore not considered to represent constraints to the proposed development.

3.2.9 Habitats and Flora

Habitats noted on the Site were assessed using the Handbook for The UK Habitat Classification and secondary (where applicable) habitat codes are included for ease of reference.

The following habitats are present within and adjacent to the site:

- Modified grassland (g4)
- Artificial unvegetated, unsealed surface (u1c)

A description and photograph of each habitat is provided in Table 7.

Table 7: Description and photographs of habitats within and adjacent to the site

Habitat Type	Habitat description	Photograph															
Modified grassland	The habitat comprises an area of modified grassland (UKHab g4) forming a short, species-poor sward associated with the farmyard. The vegetation appears to be regularly cut or otherwise intensively managed, resulting in a uniform sward generally less than 100 mm in height. Floristic diversity is low, with the habitat dominated by common agricultural grasses and scattered ruderal species. Small patches of bare ground are present throughout, likely resulting from machinery movements and seasonal wear. The following species were identified on the site survey: <table> <tr> <th>Species</th><th>Scientific Name</th><th>DAFOR</th></tr> <tr> <td>Perennial rye-grass</td><td><i>Lolium perenne</i></td><td>Dominant (D)</td></tr> <tr> <td>Yorkshire fog</td><td><i>Holcus lanatus</i></td><td>Frequent (F)</td></tr> <tr> <td>Creeping bent</td><td><i>Agrostis stolonifera</i></td><td>Occasional (O)</td></tr> <tr> <td>Rough meadow-grass</td><td><i>Poa trivialis</i></td><td>Occasional (O)</td></tr> </table> Overall, the habitat exhibits characteristics typical of species-poor modified grassland associated with agricultural land. The intensive management regime and lack of structural diversity limit its botanical interest and ecological value. The habitat is therefore considered to be of Low ecological importance, although it may provide limited foraging opportunities for common invertebrates and birds and incidental habitat for widespread mammal species within the wider agricultural landscape. It is assessed as being of site-level ecological importance only.	Species	Scientific Name	DAFOR	Perennial rye-grass	<i>Lolium perenne</i>	Dominant (D)	Yorkshire fog	<i>Holcus lanatus</i>	Frequent (F)	Creeping bent	<i>Agrostis stolonifera</i>	Occasional (O)	Rough meadow-grass	<i>Poa trivialis</i>	Occasional (O)	
Species	Scientific Name	DAFOR															
Perennial rye-grass	<i>Lolium perenne</i>	Dominant (D)															
Yorkshire fog	<i>Holcus lanatus</i>	Frequent (F)															
Creeping bent	<i>Agrostis stolonifera</i>	Occasional (O)															
Rough meadow-grass	<i>Poa trivialis</i>	Occasional (O)															

Artificial unvegetated, unsealed surface	The habitat comprises an extensive area of artificial unvegetated surface (UKHabs U1C) associated with the farm access and operational yard. The surface is predominantly constructed of weathered concrete, with evidence of cracking and localised surface deterioration resulting from prolonged agricultural use. The sealed surface provides access from the public highway to the agricultural buildings and adjoining farmland. The habitat is largely devoid of vegetation, although isolated ruderal species are present along the margins where accumulated soil has allowed limited colonisation. The habitat exhibits negligible structural diversity and provides very limited opportunities for flora and fauna. The concrete surface offers negligible value for foraging, nesting or sheltering wildlife, although the vegetated margins may provide limited foraging habitat for common invertebrates and incidental commuting habitat for small mammals. The cracks within the concrete are superficial and do not provide suitable habitat for protected species.	
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4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e. the area covered by the desk study and field survey), and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

4.2 Evaluation

Taking the desk study and field survey results into account, Table 8 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development.

Table 8: Evaluation of the site and any ecological constraints

Ref	Summary of Survey Findings	Foreseen Impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>	Biodiversity Enhancements
Designated sites	The site does not sit within any statutory or non-statutory designated sites. The site lies within the impact risk zone for the Fowlmere Watercress Beds Site of Special Scientific Interest (SSSI).	No direct impacts to any designated sites will occur as a result of the proposed development.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.	None.
Habitats and flora	No notable or priority habitats were identified within the application boundary. Four habitats are present within 2km of the site, with deciduous woodland located the closest.	The development will result in the permanent loss of modified grassland beneath the dwelling, hardstanding and associated infrastructure. Further areas may be temporarily disturbed during construction or converted to private garden and landscaping. The existing sealed access is expected to be retained. Modified grassland within the site is common, species-poor and of site-level ecological importance. Its loss would therefore constitute a minor adverse effect at the site level and would not be significant at a local geographic scale. The effect can be reduced through minimisation of the working footprint and compensated through native and wildlife-supporting landscaping.	None.	Landscaping should prioritise native and wildlife-beneficial species appropriate to the local landscape

Amphibians	Two ponds were identified within 500 metres of the site. The Site falls under a green risk zone under the Natural England district level licensing scheme. The risk zones for district level licensing have been produced by Natural England using data modelling and based on great crested newt populations collected data to show areas where great crested newts are likely to be present and assess the effect of a proposed development in the area.	The likelihood of direct effects on great crested newts is assessed as negligible due to the small area and low suitability of affected terrestrial habitat, pond distances and limited connectivity. A residual risk remains that individual amphibians could enter the working area.	Excavations must be covered overnight or provided with an escape ramp. Stored materials should be raised above ground or checked before movement. If a great crested newt is encountered, works must stop and advice must be obtained from a suitably licensed ecologist.	None.
Reptiles	The habitats present on site provide negligible value for reptiles	No impacts are anticipated on reptiles as a result of the proposed development.	None.	None
Roosting bats	The site has negligible value for roosting bats due to lack of potential roosting features.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on bats in this location as a result of the proposed development.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	At least one integrated bat roosting unit should be installed at high level on an unlit elevation.
Foraging and commuting bats	There are limited habitats on the site which could be used by bats for foraging or dispersing from nearby roosts outside of the site.	The development will remove a small area of modified grassland of limited foraging value. No important linear habitat or higher-value boundary feature will be removed. New external lighting could reduce the suitability of adjacent habitat if poorly designed.	External lighting must be kept to the minimum required, downward-directed and controlled by timers or motion sensors. Light spill onto retained vegetation and the wider countryside must be avoided.	None.

Badger	No suitable sett building habitat is available on site, low value commuting and foraging habitat is available.	No impacts are anticipated on badgers as a result of the proposed development.	A pre-construction badger check must be undertaken if works have not commenced within 12 months of the survey or if evidence of badger activity is subsequently identified. Open excavations must be covered or provided with escape ramps.	None
Hazel dormouse	No suitable habitat is available on or adjacent to the site.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None	None
Hedgehog	Adjacent habitats could support local hedgehog populations.	No impacts are anticipated on hedgehogs as a result of the proposed development.	None	Any close-boarded fencing should incorporate ground-level gaps of approximately 130 mm by 130 mm to maintain permeability for hedgehogs
Otter	No suitable habitat is available on site.	No impacts are anticipated on otters as a result of the proposed development.	None	None
Water vole	No suitable habitat is available on site.	No impacts are anticipated on Water vole as a result of the proposed development.	None	None
Invertebrates	The site is considered unlikely to support significant assemblages of rare or notable invertebrates due to the common habitats on site restricting variety and density of micro habitats available.	No impacts are anticipated on invertebrates as a result of the proposed development.	None	None

Birds	The development footprint provides negligible nesting habitat, although adjacent trees, hedgerows and marginal vegetation may support common and widespread nesting birds.	No impacts are anticipated on bird species as a result of the proposed development.	Vegetation removal should preferably be undertaken outside the main nesting period, generally March to August inclusive. Where this is not practicable, affected vegetation must be inspected by a suitably experienced ecologist no more than 24–48 hours before clearance. If an active nest is identified, an appropriate exclusion zone must be maintained until the nest is no longer in use.	At least two integrated swift nesting bricks should be installed at high level on a suitable elevation with unobstructed flight access.
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General construction safeguards

The following measures should be incorporated into the construction method:

- the working area, compound, storage areas and access route must remain within the approved development footprint;
- retained vegetation must be protected from accidental damage, compaction, storage and vehicle movements;
- excavations must be covered overnight or include an escape ramp;
- pipework greater than approximately 150 mm diameter should be capped when unattended;
- stored materials should be kept above ground where practicable and checked before movement;
- any vegetation clearance must comply with the nesting-bird measures in this report;
- fuels, oils and chemicals must be stored in secure bunded areas away from drains and waterbodies;
- spill kits must be available on site;
- concrete washout and contaminated water must not be discharged to ground, drains or watercourses;
- trenches and service routes should avoid retained trees and woody vegetation;
- construction lighting must not illuminate surrounding hedgerows, trees or woodland; and
- if a protected species is discovered, works in the affected area must stop and ecological advice must be obtained.

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Appendix 1: Proposed Development Plan



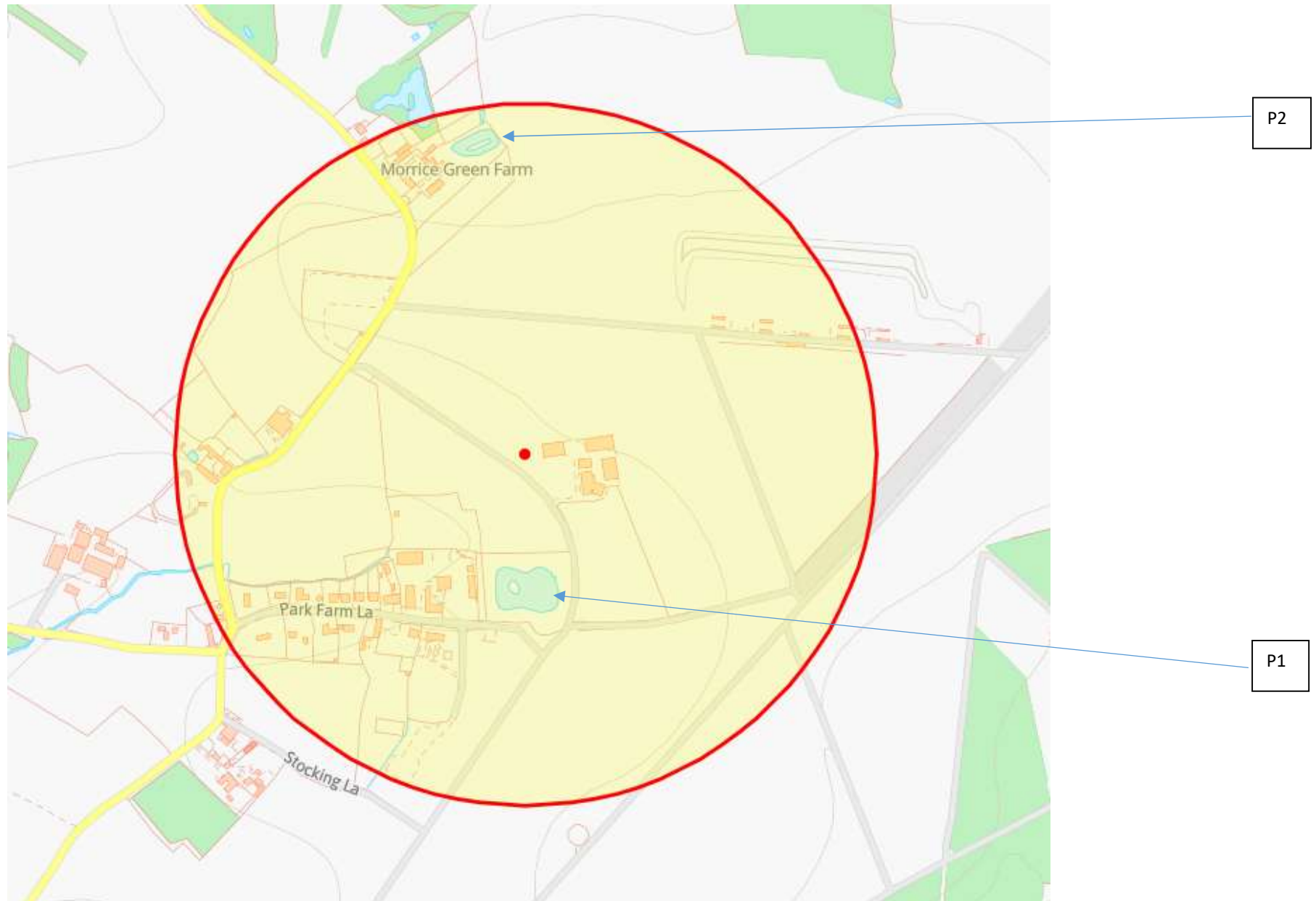
Appendix 2: Site Location Plan



Appendix 3: Habitat Survey Plan



Appendix 3a : Pond Locations



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger.
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof.
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof.
- Intentionally or recklessly disturb a badger when it is occupying a badger sett.
- Intentionally or recklessly cause a dog to enter a badger sett.
- Sell or offers for sale, possesses or has under his control, a live badger.

Effects on development works:

A development licence will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird.
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built.
- Intentionally take or destroy an egg of any wild bird.
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young.
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species.
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place.

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA, and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored. Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles.
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection.
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection.

Effects on development works:

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species.
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place.

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place.

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species.
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place.

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales (NB: Hazel Dormouse are entirely absent from Scotland)). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking.
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale.

It is also classified as Endangered in the IUCN Red List of Endangered Species. As a result of this and other relevant crayfish legislation such as the Prohibition of Keeping of Live Fish (Crayfish) Order 1996, a series of licences are needed for working with White-clawed and non-native crayfish. These are:

- A licence to handle crayfish (therefore survey work) in England.
- A licence for the keeping of crayfish in England and Wales with an exemption for Signal crayfish (England).
- People in the post-code areas listed with crayfish present prior to 1996 do not need to apply for consent for crayfish already established. It does not, however, allow any new stocking of non-native crayfish into waterbodies. Consent for trapping of non-native crayfish for control or consumption is most likely to be granted in Thames and Anglian regions in the areas with "go area" postcodes.
- Harvesting of crayfish is prohibited in much of England and in any part of Scotland and Wales.

Effects on development works:

The relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species.
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

Effects on development works:

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

Effects on development works:

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

Effects on development works:

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision.
- Policy 2; provides greater flexibility in the location of compensatory habitat.
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.