



PRELIMINARY ECOLOGICAL APPRAISAL REPORT

North Heath, Carmelstead Close RH16 3AT

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1. EXECUTIVE SUMMARY

This report provides a Preliminary Ecological Appraisal assessing the site's ecological value and anticipated impacts of the proposals.

The proposed development includes demolishing the existing conservatory, constructing a single storey rear extension, and replacing the existing summer house.

The site itself comprises a large residential property with associated parking and garden space.

The report is broadly considered valid for 18 months, after which time an update may be required.

The table below outlines the key findings and recommendations. See report for further details.

Species/Habitat	Further Surveys/ Assessment Required	Precautionary Measures Only	No further Surveys	Summary of Findings and Recommendations
Designated Sites				Due to the small scale of the proposals, no impact on designated sites is anticipated.
Habitats				The proposed work is within the 15 m buffer of an ancient woodland to the north of the site. However, the proposed extension will not result in increase in hardstanding is anticipated as the footprint will be on the existing conservatory and paving areas. The new summer house is located where the existing summer house is, however on a slightly larger footprint. Tree protection measures should be followed in line with arboricultural guidance to ensure no detrimental impact onto the woodland occurs as a result.
Bats (Roosting)				The proposed works is not due to impact any suitable roosting habitat, as such no further surveys are required.
Bats (Activity)				A wildlife friendly lighting scheme should be implemented which avoids increased light spill within the site, and particularly the border of the woodland, to the north of the site, where bats are most likely to forage
Reptiles				No suitable habitat within the site.
Great Crested Newts				No suitable habitat within the site.
Badgers				No evidence of badgers was present within the site, no further surveys required.

Species/Habitat	Further Surveys/ Assessment Required	Precautionary Measures Only	No further Surveys	Summary of Findings and Recommendations
Hazel Dormice				No suitable habitat for dormice within the site, as such no further surveys required.
Otters				No suitable habitat within the site.
Water vole				No suitable habitat within the site.
White-Clawed Crayfish				No suitable habitat within the site.
Nesting Birds				The site includes trees, hedges and shrubs suitable for nesting birds (see report for details).
Hedgehogs				Habitats within the site are considered suitable for hedgehogs (see report for details).
Invasive Non- Native Plant Species (INNPS)				Cherry laurel is present within the site. If removal is required, it should be disposed of responsibly to avoid its spread.

2. INTRODUCTION

Project Background

This report has been instructed by Mr Stuart.

The proposed development includes the demolition of the existing conservatory and construction of a single storey rear extension and replacement of the existing summer house.

This report has been completed with reference to the following plans and proposals:

Where changes to the below plans are inconsequential to biodiversity within the development, updates to this report may not be required.

- North Heath, Proposed Drawings, FAB Architects. Dated October 2024 (ref 205-101-P1)

Overall Site Description

The site itself comprises a large residential property with associated parking and garden space. The wider landscape is dominated by suburban residential development with a pocket of ancient woodland immediately north of the site.

The central grid reference for the site is TQ 34187 23263.

Survey Objectives

The Preliminary Ecological Appraisal aims to assess the ecological value and potential impacts of the proposed development on biodiversity. The provide information to support the ecological assessment the following have been undertaken:

- UK Habitat Survey to map habitats within the site
- Preliminary Roost Assessment to assess the sites potential to support roosting bats
- Great Crested Newt Habitat Suitability Assessment (HSI) to assess suitability of ponds for Great Crested Newts in the local area.
- Assessment of the site to support other protected species and habitats.

Limitations

The site survey was undertaken in February when some plant species may not be evident. Where necessary, further botanical surveys or precautionary measures have been recommended within the report.

All areas of the site were fully accessed.

This report is broadly considered valid for 18 months, after which time an updated survey may be required. Due to the mobile nature of flora and fauna, use of the site may change in shorter timescales. Precautionary measures or further recommendations are detailed within this report where required.

3. LOCAL PLANNING POLICY

Mid Sussex District Plan 2014-2031 (Adopted 2018)

Policy DP37: Trees, Woodland and Hedgerows

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- Incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
- Prevents damage to root systems and takes account of expected future growth; and
- Where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
- Has appropriate protection measures throughout the development process; and
- Takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
- Does not sever ecological corridors created by these assets

Proposals for works to trees will be considered taking into account:

- The condition and health of the trees; and

- The contribution of the trees to the character and visual amenity of the local area; and
- The amenity and nature conservation value of the trees; and • the extent and impact of the works; and
- Any replanting proposals.

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required.

The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

Policy DP38: Biodiversity

Biodiversity will be protected and enhanced by ensuring development:

Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and

Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and

Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and

Promotes the restoration, management and expansion of priority habitats in the District; and

Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

4. SURVEY METHODOLOGY

Desk Study

MAGIC, DEFRA's online map application was used to search for statutory designation sites within 10 km of the site, the presence of any habitats of principal importance within proximity to the site, such as ancient woodland and for records of European Protected Species.

Biological records were obtained from Sussex Biodiversity Record Centre (SxBRC) for a 2 km radius from the proposed site. The records obtained include details of non-statutory sites designated sites, and historical records of protected and notable species.

UK Habitat Survey and Site Walkover

The survey was undertaken on 20th February 2025 by Brooke Waites an experienced Principal Ecologist and Full Member of the Chartered Institute for Ecology and Environmental Management (CIEEM).

The vegetation and habitat types within the site were noted during the survey in accordance with the categories specified for a UK Habitat Survey¹. The site survey followed methodology for an ecological assessment detailed in CIEEM's guidance for Preliminary Ecological Appraisals.²

The site survey included an assessment of:

- Evidence of protected and notable species presence within or adjacent to the site
- Suitability of habitats within the site to support protected and notable species
- Inspection for invasive species within the site
- Assessment of the site's ecological connectivity
- Presence of Habitats of Principal Importance

¹ UKHab Ltd. (2023). UK Habitat Classification Version 2.0 (at <https://ukhab.org>)

² CIEEM (2017). Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

Preliminary Roost Assessment (PRA)

The PRA was undertaken by Brooke Waites, MCIEEM, an experienced Principal Ecologist, following best practice guidelines issued by the Bat Conservation Trust³. The surveyor holds a Natural England licence to disturb bats whilst surveying (Licence number: 2019-39448-CLS-CLS).

All accessible parts of buildings and trees due to be impacted were systematically inspected to look for bats or signs of use by bats from ground level and where required, with use of a ladder. This was with the aid of a high-powered torch, binoculars and an endoscope.

Evidence searched for included:

- Individual bats
- Bat Droppings
- Urine staining
- Oil staining
- Feeding remains

³ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition) The Bat Conservation Trust, London

5. DESIGNATED SITES FOR NATURE CONSERVATION

MAGIC, DEFRA's online map application was used to search for statutory designation sites within 2 km of the site and an local records centre search was undertaken to identify non-statutory designated sites within 2 km of the site.

Statutory Designed Sites

A total of 3 statutory designated sites were identified within 2 km of the site. All three sites are local nature reserves (LNR's).

The closet designated sites, or those where an impact is considered likely, are detailed below.

Ashenground and Bolnore Woods LNR

Ashenground and Bolnore Woods is located 1.4 km west. The site is a 14.4-hectare Local Nature Reserve in Haywards Heath in West Sussex. The woods comprise oak, beech and field maple, together with old coppice hornbeam, ash and hazel.

Non-statutory Designated Sites.

A total of 5 non-statutory designated sites were identified within 2 km of the site. These comprised 3 Local Wildlife Sites (LWS) and 2 Designated Road Verges (DRV).

The closet designated sites, or those where an impact is considered likely are detailed below.

Scarse Valley LWS

Located approximately 1.2 km north of the site, Scrase Valley LNR includes a mosaic of habitats within an urban context which are readily accessible to the public. Notable habitats present include wet woodland, ancient drier woodland, and seasonally inundated rush pasture. The site also forms a Local Nature Reserve.

6. HISTORICAL RECORDS SEARCH

The table below summarises records of key protected species considered to be most sensitive to impact from the proposed development. Other species records were returned within a 2 km radius of the site, which are considered unlikely to be impacted by the proposed development and are therefore not summarised below. Records of Otter (*Lutra lutra*) and Badger (*Meles meles*) are not shown below as they are not provided by Sussex Biological Records Centre.

Species	Local Ecological Records Centre			MAGIC Data
	No. of records within 2 km	Closest record to site (km)	Most recent record	EPS Licences within 2 km
Adder (<i>Vipera berus</i>)	3	1.9 km west	1992	N/A
Bat species (<i>Chiroptera</i> sp.)	153 records comprising 6 species.	Brown long-eared recorded 0.3 km south	Common pipistrelle, Noctule, Soprano pipistrelle and brown long-eared bats - 2023	None
Common Lizard (<i>Zootoca vivipara</i>)	13	0.5 km south	2020	N/A
Grass Snake (<i>Natrix helvetica</i>)	37	0.45 km south	2023	N/A

Great Crested Newt (<i>Triturus cristatus</i>)	15	0.5 km south	2014	5 licences within 2 km, the closet of which is located 0.6 km south-east.
Hazel Dormouse (<i>Muscardinus avellanarius</i>)	51	0.9 km south-west	2021	6 licences within 2 km, the closet of which is located 1 km north-east.
Hedgehog (<i>Erinaceus europaeus</i>)	38	0.2 km south	2021	N/A
Slow-worm (<i>Anguis fragilis</i>)	29	0.07 km south	2023	N/A

7. UK HAB SURVEY RESULTS

The section below details the habitats present within the site. A detailed habitat plan can be found in Appendix A.

Buildings and Hardstanding

The site includes a large residential property with associated access and parking, and a small summer house in the rear garden.



Image 1: Existing patio and conservatory to the rear of the site.



Image 2: Site overview

Modified Grassland

The site is dominated by close mown grassland, which form a front and rear garden.



Image 3: Modified grassland to the rear of the site.

Introduced Shrub

Shrub borders are present along the boundaries of the rear and front garden. Species present include cherry laurel, Mexican orange and hydrangeas.

Trees and Hedges

The site includes a small number of trees and non-native hedges comprising of leylandii and cherry laurel. The majority of planting within the site is due to be retained within the proposed development, however the leylandii hedge to the west of the site is due to be removed. All trees have been individually assessed for their potential to support roosting bats (see below).



Image 4: Leylandii hedge and summer house within the site.

8. PROTECTED AND NOTABLE SPECIES RESULTS

The table below details the suitability of habitats within the site for protected and notable species. Species not detailed below are considered unlikely to be detrimentally impacted by the proposed development.

Species	Potential habitat on site
Bats	The conservatory and summer house due to be impacted have been assessed as negligible potential for roosting bats. Trees within the site have been individually assessed.
Reptiles	No suitable habitat for reptiles within the site.
Great Crested Newts	No suitable habitat for reptiles within the site.
Badgers	No evidence of badgers was noted within the site. The site itself is generally unsuitable for badgers due to the built-up nature and frequent human presence, however the woodland to the north provides suitable habitat.
Hazel Dormice	The hedges within the site are generally considered unsuitable as they comprise non-native cypress species and laurel. The woodland to the north provides suitable habitat, however this is not due to be impacted.
Otters	No suitable habitat for reptiles within the site.
Water vole	No suitable habitat for reptiles within the site.
White-Clawed Crayfish	No suitable habitat for reptiles within the site.
Nesting Birds	Hedges and trees within the site offer suitable nesting opportunities.
Hedgehogs	Undisturbed areas of the garden provide suitable habitat for hedgehogs.
Invasive Species	Cherry laurel is present within the site.

9. PRELIMINARY ROOST INSPECTION RESULTS

Buildings

The site consists of several buildings. Each building has been individually assessed for its bat roosting potential below.

Building B1

Building B1 is a large brick built residential property with clay roof tiles. To the rear of the building is a small conservatory with a glass roof and walls.

The proposed work is not due to impact the main structure, but will result in the demolition of the conservatory, which has negligible bat roosting potential.

As the proposed extension is single storey, it will not impact the roof structure of the main building.

Building B2

Building B2 is a small wooden summer house located within the garden of the site. No suitable roosting features or access points were noted. As such, the building has been assessed as having negligible bat roosting potential.

Trees

The site includes a small number of young trees within the rear garden. All trees were assessed as having Negligible bat roosting potential.

Commuting and Foraging Habitat

The site itself is considered to be of limited value for commuting and foraging bats. The site does not offer features likely to be used regularly by bats for feeding such as hedgerows or tree belts. The wider area is dominated by urban development. However it is likely bats are present in the wider area to some extent.

10. CONCLUSIONS AND RECOMMENDATIONS

Designated Sites

Given the small scale of the proposed works, which are limited to a single storey extension and construction of a summer house, no impact on designated sites is anticipated.

Habitats

The site itself comprises a residential garden with shrubbery and non-native hedges. An ancient woodland is present to the north of the site.

Habitats of Principal Importance

Ancient Woodland

The proposed development is located immediately south of an area of ancient woodland. As detailed within the local plan “development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary”.

However, the existing property and garden is located within this 15 m buffer. The proposals include a single-storey extension on the rear of the existing property. The extension is due to replace the existing conservatory and patio area. Additionally, a small summer house in the corner of the garden is due to be replaced in the same location, on a slightly larger footprint.

Due to the proposed placement and design of the extension, the house extension will not result in an increase of hardstanding within the 15 m buffer of the ancient woodland. Additionally, the increase in footprint of the summer house will be heading away from the ancient woodland. Therefore, it is not considered likely to have a detrimental impact on the woodland if arboricultural advice is followed.

Other Notable Habitats

Trees

The site includes a number of trees, particularly along the boundaries. The majority of trees are due to be retained.

It is recommended that trees are retained wherever possible. Where removal is required, replacement planting should be undertaken. Tree protection measures should be followed in line with arboricultural guidance.

Protected Species

Roosting Bats - Buildings

The summer house and conservatory within the site were assessed as having negligible potential for roosting bats due to the lack of suitable roosting features.

Therefore, the proposed development is not likely to have a detrimental impact on bat roosts. As such, no further surveys or mitigation is recommended.

Roosting Bats – Trees

All trees within the site have been assessed for their bat roosting potential and were found to be of negligible suitability. As such, no further surveys or mitigation is recommended.

Bats - Commuting and Foraging Habitat

Given the habitats present within the site itself and the wider landscape, it is considered likely bats utilise the site for foraging and commuting to some extent.

A wildlife friendly lighting scheme should be implemented to minimise light spill from the proposed development onto the ancient woodland to the north of the site, which provides potential bat roosting, foraging and commuting habitat. The following measures will be implemented:

- Use of unnecessary lighting will be avoided.
- The horizontal and vertical spread of artificial light will be minimised and take into account both primary and reflected light sources. Directional lighting can be achieved through the use of LED bulbs and by angle and orientation of beam. Use of a cowl, louvre or other light shield may also be implemented if required.
- Timers should be used to ensure that overall illumination is reduced during core night-time hours.
- Light intensity will be minimised and light sources selected should emit zero ultra-violet light wherever possible.

Reptiles

The site comprises hard standing, close mown grassland and small areas of shrubbery. As such, the site is considered to be unsuitable for reptiles. As such no further surveys or mitigation is recommended

Great Crested Newts

The site comprises hard standing, close mown grassland and small areas of shrubbery. As such, the site is considered to be unsuitable for great crested newts. Additionally, the closest pond is located over 200 m north of the site. As such, the proposed development which is limited in scale, is considered unlikely to impact great crested newts and no further surveys or mitigation is recommended.

Badgers

No evidence of badgers was present during the site walkover. Additionally, the site is generally considered unsuitable for badgers. The woodland to the north provides suitable habitat, however, no evidence of use by badgers was noted. Therefore, the proposed development is considered unlikely to impact these species. As such, no further surveys or mitigation is recommended

Hazel Dormice

Habitats within the site itself are generally considered suboptimal for Dormice. Small areas of leylandii and cherry laurel hedging is present, these hedges do not form any significant ecological corridors. The woodland to the north of the site provides suitable habitat, however no impact is anticipated. As such, the proposed development, which is limited in scale, is considered unlikely to impact dormice and no further surveys or mitigation is recommended.

Otters

No habitat suitable for otters is present within or adjacent to the site. The proposed development is considered unlikely to impact these species. As such, no further surveys or mitigation is recommended

Water Voles

No habitat suitable for Water Vole is present within or adjacent to the site. The proposed development is considered unlikely to impact these species. As such, no further surveys or mitigation is recommended.

White-clawed Crayfish

No habitat suitable for White-clawed Crayfish present within or adjacent to the site. The proposed development is considered unlikely to impact these species. As such, no further surveys or mitigation is recommended.

Nesting Birds

The site includes areas of scrub, hedges and trees, all of which provide suitable nesting habitat for a range of bird species.

In order to avoid destruction of active birds nests, it is recommended that vegetation clearance and building demolition is undertaken outside of the nesting season (Typically February – August inclusive).

Works may be undertaken during the nesting season if pre-works check has been undertaken by an ecologist within 24 hours of the work and they can confirm no active nests are present.

Where birds' nests are present, they must be left in-situ and undisturbed until the young have fledged.

Other Species

Hedgehogs

Areas of dense shrubbery provide suitable habitat for hedgehogs.

In order to prevent harm to hedgehogs, vegetation should be cleared in a phased manor to allow individuals to move on. Once vegetation has been cleared to a height of 15-20 cm, it should be checked by staff to ensure no hedgehogs are present. Where hedgehogs are present, they should be relocated to suitable safe shelter nearby.

Log and brash piles which may be used by wintering hedgehogs should be left in-situ over winter to avoid disturbance of hibernating hedgehogs, when they are particularly vulnerable.

Invasive non-native Plant Species (INNPS)

Cherry laurel was recorded within the site (see Appendix A).

These plants are unlikely to cause problems in their current location within the site, but their spread should be avoided. If removal of these plants is required as part of the works, they should be disposed of responsibly to prevent their spread.

11. BIODIVERSITY ENHANCEMENT OPPORTUNITIES

Wherever possible, ecological enhancements should be designed into the proposed development and landscape design. The section below details possible ecological enhancements which should be considered within the scheme.

General Bird Boxes

The installation of bird boxes increases nesting opportunities for bird species within the site. These can be to be integrated into the new structure, or installed on mature trees within the site. Boxes should be installed over 2 m and avoid areas of disturbance and prevailing winds. Example models are shown below.



Schwegler 26 brick box nest



Woodstone Seville Nest Box 32 mm.

Sparrow Terraces

Sparrow terraces provide opportunities for multiple nests. They can be integrated into the structure or wall mounted. Boxes should ideally be installed between 2 and 5 m above ground, avoiding areas of interference and prevailing winds. The recommended model is shown below.



Vivara Pro WoodStone House Sparrow Nest Box

Hedgehogs

Hedgehogs are suffering a steep decline throughout the UK. The proposed landscaping is due to create habitat suitable for hedgehogs. To further enhance the site for hedgehogs, hedgehog domes can be placed within dense vegetation in the site, away from disturbance. The dome will provide a suitable shelter for breeding and hibernation. The recommended model is shown below.



Recommended Model: Schwegler Hedgehog Dome or similar.

Additional measures can also be included within the site to enhance it for hedgehogs. These include adding gaps or purpose-built hedgehog gates can be used to allow hedgehogs movement through gardens.

During the site clearance works, consideration should be given to chipping or composting vegetation for re-use on the new habitats on site, or creation of brash piles on the periphery of the site as a further aid to increasing.

Bats Boxes

To provide new opportunities for roosting bats within the site, bat boxes should be installed within the site. These can be integrated into the new structure or installed on mature trees within the site.

The boxes should be placed at least 3 m above the ground, away from dense vegetation and artificial light. Ideally boxes will be placed facing south or east. Recommended models are shown below.



Habitat Bat Box 001 - Custom Brick Facing

Wildlife Friendly Garden Planting

In order to enhance the sites suitability for bats and other wildlife, wildlife friendly planting within the site should be encouraged.

To maximise ecological value, species should be chosen with a range of flowering periods and aim to include night flowering plants to encourage night flying invertebrates. Recommended species include⁴:

- Red Campion (*Silene dioica*)
- Red Valerian (*Centranthus ruber*)
- Sweet Williams (*Dianthus barbatus*)
- Wood Forget-me-not (*Myosotis sylvatica*)
- Knapweed species (*Centaurea sp.*)
- Lavender (*Lavandula*)
- Night Scented Jasmine (*Cestrum nocturnum*)
- Dog Rose (*Rosa canina*)
- Honeysuckle (*Lonicera periclymenum*)

⁴ Bat Conservation Trust (2015) Encouraging Bats: A Guide for bat-friendly gardening and living

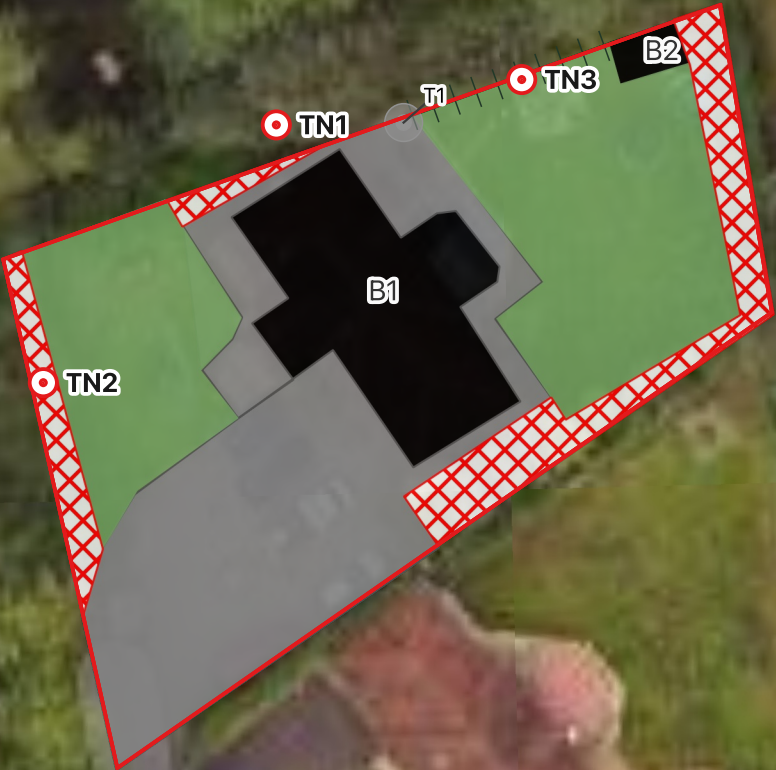
12. APPENDICES

Appendix A – Habitat Plan

Appendix B – Legislation

Appendix A – Site Plan

TN No.	Comments
TN1	Bamboo in woodland
TN2	Cherry Laurel
TN3	Leylandi hedge



Legend

Red Line Boundary

Modified grassland

Introduced shrub

Buildings

Developed land; sealed surfaces

Non-native and ornamental hedgerow

Trees

Negligible Bat Roosting Potential



Site name:

North Heath, Haywards Heath

Plan title:

Habitat Plan

Date: 14/03/2025

Appendix B – Legislation

Wildlife Legislation

Bats

All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Section 9 of the Wildlife and Countryside Act 1981. As a result It is an offence to:

- intentionally to kill, injure or handle a bat.
- to possess a bat (whether live or dead).
- disturb a roosting bat without a licence.
- sell or offer a bat for sale without a licence.
- damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Reptiles

Smooth snakes and sand lizards are European protected species (EPS) are protected under The Conservation of Habitats and Species Regulations 2017.

It is an offence to:

- deliberately kill, injure, disturb or capture them
- deliberately take or destroy their eggs
- damage or destroy their breeding sites and resting places
- possess, control or transport them (alive or dead)

For smooth snakes and sand lizards, it is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

- disturb them while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection

Other native reptiles are protected under the Wildlife and Countryside Act 1981. It is an offence to kill or injure:

- Adders
- Grass snakes

- Common or viviparous lizards
- Slow worms

All native reptiles are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006).

Great Crested Newts (GCN)

GCN are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017. It is an offence to:

- deliberately kill, injure, disturb or capture them
- deliberately take or destroy their eggs
- damage or destroy their breeding sites and resting places - even if GCN are not present
- possess, control or transport them (alive or dead)

It is also an offence under the Wildlife and Countryside Act 1981 (as amended) to intentionally or recklessly:

- disturb GCN while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection

GCN are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006).

Badgers

Badgers and their setts are protected under the Protection of Badgers Act 1992 which makes it an offence to kill, injure or possess a badger; interfere with, damage or destroy a badger sett including obstructing access to a badger sett; cruelly treat or harm a badger; or disturb a badger in a sett.

Hazel Dormice

Hazel dormice are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017.

It is an offence to:

- deliberately kill, injure, disturb or capture them
- damage or destroy their breeding sites and resting places

- possess, control, transport (alive or dead)

It is also an offence under the Wildlife and Countryside Act 1981 (as amended) to intentionally or recklessly:

- disturb hazel dormice while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection

Otters

Otters are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017.

It is an offence to:

- deliberately kill, injure, disturb or capture them
- damage or destroy their breeding sites and resting places - even if otters are not present
- possess, control or transport them (alive or dead)

It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

- disturb otters while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection

Water Vole

Water voles are protected under the Wildlife and Countryside Act 1981. It is an offence to intentionally:

- kill, injure or take them
- possess or control them (alive or dead)

It is also an offence to intentionally or recklessly:

- damage or destroy a structure or place used for shelter or protection
- disturb them in a place used for shelter or protection
- obstruct access to a place used for shelter or protection

White-clawed Crayfish

Water voles are protected under the Wildlife and Countryside Act 1981. It is an offence to intentionally take them.

They are also fully protected under Annex II and V of the European Habitats Directive (1992), requiring the designation of Special Areas of Conservation (SAC) for their protection and prohibiting the taking or disturbance of the species in the wild. The European Bern Convention lists white-clawed crayfish in Appendix III as a protected species.

Birds

The Wildlife and Countryside Act 1981 (as amended) states that all wild birds are protected and usually cannot be killed or taken except under licence. As a result, you must not:

- intentionally kill, injure or take any wild bird
- intentionally damage, destroy or take the nest of any wild bird while it is in use or being built - nests of golden eagles, white tailed eagles and ospreys are protected all year round
- intentionally destroy an egg of any wild bird
- intentionally or recklessly disturb certain wild birds or their dependent young while they are at or near to an active nest site
- kill or take huntable birds during the close season for that species

Specially protected birds - often referred to as 'Schedule 1' birds - receive enhanced protection under the Wildlife and Countryside Act 1981 (as amended). The birds listed in Schedule 1 are further divided. Part I birds are fully protected at all times, whereas Part II birds are protected only during the close season.

All birds, their nests and their eggs are protected under the Wildlife and Countryside Act 1981 from being killed or taken, but Schedule 1 birds and their dependent young are also protected from disturbance at or near the nest.

Mammals

The Wild Mammals (Protection) Act 1996 prevents certain cruel acts against mammal species such as crushing, drowning, burning and other offences.

Invertebrates

Three UK invertebrate species are protected under The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – large blue butterfly, fisher's estuarine moth, little ramshorn whirlpool snail. It is an offence for anyone to deliberately disturb, capture, injure or kill them. It is also an offence to

damage or destroy their breeding or resting places, to disturb or obstruct access to any place used by them for shelter. It is also an offence to possess, or sell these species.

Approximately 400 further invertebrate species are listed as 'Species of Principle Importance' under Section 41 of the NERC Act (see below).

Invasive Species

The purpose of section 14 of the Wildlife and Countryside Act 1981 Act (as amended) is to prevent the release into the wild of certain plants and animals which may cause ecological, environmental, or socio-economic harm.

To achieve this section 14 prohibits the introduction into the wild of any animal of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state, or any species of animal or plant listed in Schedule 9 of the Act.

Schedule 9 lists non-native species that are already established in the wild, which continue to pose a conservation threat to native biodiversity and habitats, so that further releases should be regulated.

The Hedgerows Regulations

The Hedgerows Regulations 1997 were introduced to protect hedgerows of importance from destruction. The Regulations define a hedgerow as, 'a row of bushes forming a hedge with the trees growing in it'. The law however does not clarify the difference between a line of trees and a hedgerow.

The Regulations apply to any hedgerow growing in, or adjacent to, any common land, protected land, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys, if:

- it has a continuous length of, or exceeding, 20 metres; or
- it has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow.

These Regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house.

Planning Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

Planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Natural Environment and Rural Communities Act (NERC Act)

The NERC Act was created to make provision in connection with wildlife, sites of special scientific interest, National Parks and the Broads; to amend the law relating to rights of way; to make provision as to the Inland Waterways Amenity Advisory Council; to provide for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes.

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.