

Summer Lodge, Copyhold Lane, Cuckfield, Haywards Heath, RH17 5EB.



Preliminary Ecological Assessment

JW Biodiversity Management
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Executive Summary

JW Biodiversity Management has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) of a residential property located near Haywards Heath in Sussex. This report will provide an assessment of the sites potential to support protected and notable species and potential impacts from development.

Site Description

The site consists of a residential site with a large garden area located south of Cuckfield town in Sussex. The main house within the site was a 1950s prefabricated building with wooden shingles covering all elevations and the roof, with what appeared to be ACM guttering and downpipes. Two outbuildings were located northeast - both appeared to be former garages, although the southern building was significantly larger than the northmost. The had evidently been unoccupied for some time with the buildings and garden areas showing evidence of disuse. The site was dominated by grassland and woodland habitats with scattered trees and hedgerows. The site is located within a community of similar sized properties located either side of Copyhold Lane.

The site is located in a rural area with the local landscape being dominated by areas of agricultural land and woodland.

The site is with the Mid Sussex District Council Planning Authority and the High Weald National Character Area (NCA). The site (as shown on figure 1) is in Hayward Heath, Sussex; TQ 3023 9561.

Protected and Notable Species

Following the site visit and desktop assessment the site was assessed for its potential to support protected and notable species. The table below summarises the sites potential to support these species.

Species	Sites potential to support
Non-native invasive species	High
Invertebrates	Moderate
Amphibians	GCN- low Common amphibians- Low
Reptiles	Moderate
Birds	Moderate
Bat commuting and foraging	Moderate
Bat roosts buildings	B1- Moderate B2 – Low B3- Low
Bat roost trees	Larger trees- PRF-1
Hazel dormouse (<i>Muscardinus avellanarius</i>)	Negligible
Badgers (<i>Meles meles</i>)	Low
Other mammals	Moderate

Recommendations

A PEA has been conducted by a competent ecologist and recommendations have been made to ensure the projects achieves a net gain. This is in line with local and national planning policies. Recommendations have also been made in relation to protected and notable species.

Recommendation	Action	Justification
Protection of breeding birds*	Carry out building demolition outside of breeding bird season or under supervision of ecologist following a breeding bird survey	The buildings are likely providing several opportunities for breeding birds.
Bat surveys of buildings*	Conduct required bat surveys of buildings. Usually required before planning. Completed May & June 2025.	This will help identify if bat roosts are present.
Appropriate lighting for bats*	Avoid illuminating bat foraging and commuting habitat- woodland/ scattered trees. During and post development.	This will help limit disturbance to bat species in the longer term.
Soft fell trees*	Fell trees in sections lowering to the ground. Leave cut material on site.	This will ensure species are not harmed.
Follow Badger protection measures*.	Follow badger protection measures during construction.	This will ensure badgers are not harmed during construction.
Clear vegetation in stages*.	Clear any vegetation in stages.	This will allow animals to leave area safely.
Protection of trees.	Ensure root and crown protection of trees during construction.	This will protect trees during construction.
Adequate pollution control	Habitats on site should be adequately protected to ensure no polluted runoff in on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded contains with appropriate spill kits and emergency procedures in place.	This will protect habitats on site and those in the nearby landscape.
Inclusion of bird and bat boxes in the development/ landscaping	Place boxes in suitable locations within the landscaping.	This would benefit local bird and bat populations on the site and within the local area.
Create log and brush piles.	Create log and brush piles on site.	This will benefit several species.
Appropriate enhancements	Enhance retained habitats and include native tree planting.	This will provide a benefit for local wildlife.

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1. Introduction

JW Biodiversity Management has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) of a residential property located near Haywards Heath in Sussex. This report will provide an assessment of the sites potential to support protected and notable species and potential impacts from development.

1.1 Development outline

JW Biodiversity Management Ltd understands that the project will involve the demolition of the existing house and erection of a new dwelling.

1.2 Site Description

The site consists of a residential site with a large garden area located south of Cuckfield town in Sussex. The main house within the site was a 1950s prefabricated building with wooden shingles covering all elevations and the roof, with what appeared to be ACM guttering and downpipes. Two outbuildings were located northeast - both appeared to be former garages, although the southern building was significantly larger than the northmost. The had evidently been unoccupied for some time with the buildings and garden areas showing evidence of disuse. The site was dominated by grassland and woodland habitats with scattered trees and hedgerows. The site is located within a community of similar sized properties located either side of Copyhold Lane.

The site is located in a rural area with the local landscape being dominated by areas of agricultural land and woodland.

The site is with the Mid Sussex District Council Planning Authority and the High Weald National Character Area (NCA). The site (as shown on figure 1) is in Hayward Heath, Sussex; TQ 3023 9561.

1.3 Aims of Report

The aim of this PEA is to:

- Identify the likely ecological constraints associated with a project;
- Identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- Identify the opportunities offered by a project to deliver ecological enhancement.

1.4 Limitations

The contents of this report are based on a single site visit and a search of the local records bureau. Though the survey and interpretations of the data were carried out by a competent ecologist there may be things that have been overlooked or missed.

The area measurements are based on plans provided by third parties.

1.5 Relevant Legislation and Planning Policies

Relevant legislation implications for this site include;

- The Conservation of Habitats and Species Regulations 2010 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- The Countryside and Rights of Way Act 2000;
- The Natural Environment and Rural Communities Act (NERC Act) 2006;
- Environment Act (2021)

Planning policies, both local and national, may affect any proposed development. Relevant planning policies to this development include;

- National Planning Policy Framework (NPPF)
- Mid Sussex District Plan. 2014- 2031
 - DP37: Trees, Woodland and Hedgerows
 - DP38: Biodiversity

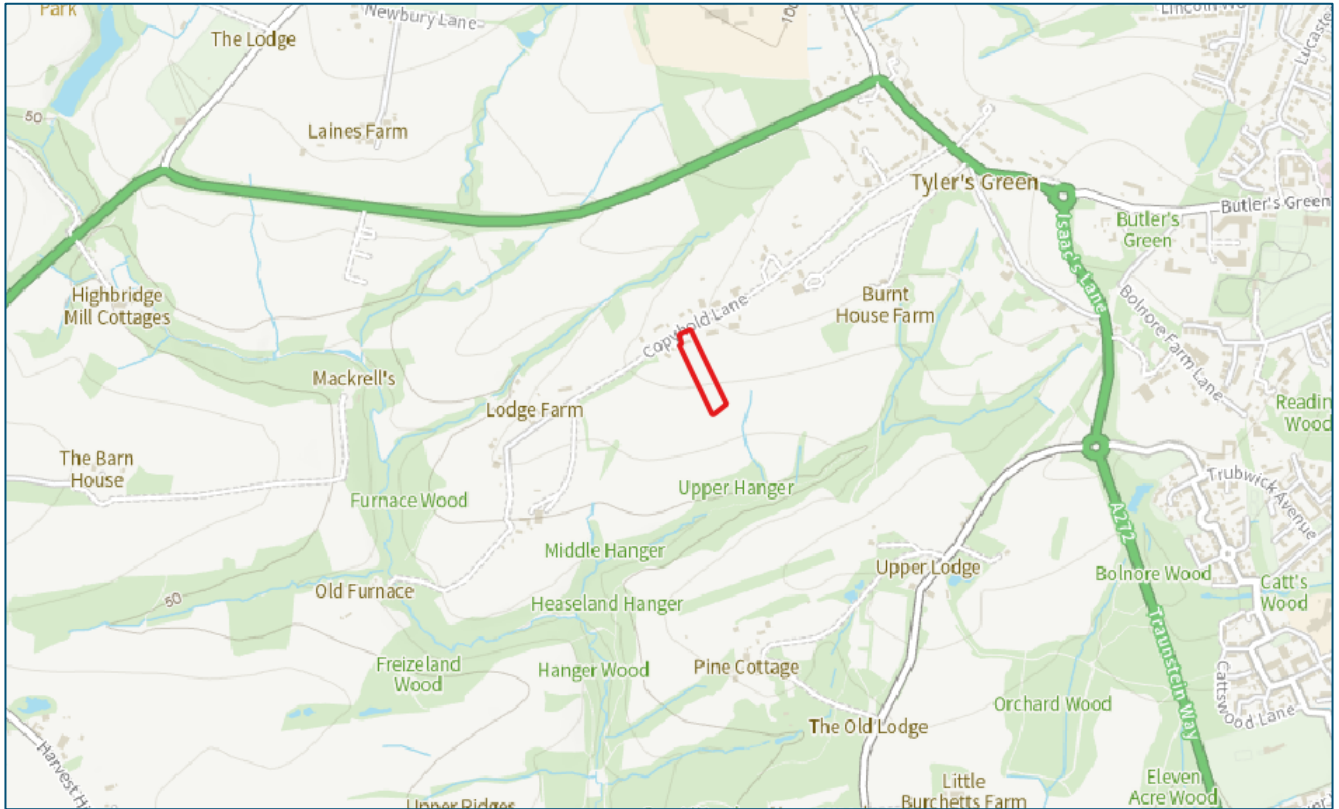


Figure 1: Approx. Assessment area and local context.

2. Methods

2.1 Site Visit

JW Biodiversity management undertook a PEA site visit on the 06th of May 2025. This was to carry out a walk over of the site, determining the basic habitats present and their current condition. The potential for these habitats to support protected and notable species was also recorded. The site visit was carried out by an experienced ecologist who can appropriately identify habitats and assess their quality and suitability to support species.

The methodology followed that of an Extended Phase 1 Habitat Survey following the methodology of JNCC (1993) as modified by IEA (1995). The Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are likely to be ecologically important.

2.2 Protected Species

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

2.2.1 Badgers

Evidence of badger activity on site was assessed by searching for:

- Presence of setts, indicated by suitably sized holes or burrows with evidence of badgers such as badger hair and footprints
- Evidence of well runs supported by secondary evidence such as foraging signs or footprints; and
- Presence of badger latrines

2.2.2 Bats

The site was assessed for its potential to support:

- Roosting bats; and
- Foraging and commuting bats.

Features which could indicate a potential bat roost include:

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

The methodology for assessing bat roost potential followed that recommended by the Bat Conservation Trust¹.

2.2.3 Breeding Birds

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

2.2.4 Dormice

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

2.2.5 Aquatic Mammals

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

2.2.6 Reptiles

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

2.2.7 Amphibians

Any aquatic habitat was assessed for its potential to support amphibian species, including Great Crested Newts. Any ponds on site were assessed, using the Habitat Suitability Index, for its potential to support Great Crested Newts. Terrestrial habitat was also assessed for its ability to support amphibians.

2.2.8 Other species

The site was assessed for its potential to support other notable species.

2.3 Desktop Study

Magic.gov.uk was also reviewed for additional relevant protected species and habitat information. Information of protected species and habitats within 1 km of the site was obtained from the Sussex Biological Records centre (SxBRC).

¹ Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).

3. Results

3.1 Habitat Assessment

The location and extent of the habitats are shown in appendix 1. TN refers to a target note (see figure 3). CIEEM guidance recommends that the value or potential value of an ecological resource or feature should be determined within a defined geographical context. It recommends the following frame of reference.

- International;
- UK;
- National (i.e. England/Northern Ireland/Scotland/Wales);
- Regional;
- County (or Metropolitan - e.g. in London);
- District (or Unitary Authority, City, or Borough);
- Local or Parish; and
- Site
- Within zone of influence only (which might be the project site or a larger area).

The habitats will be assessed based on these criteria.

The current habitat layout is shown on figure 2. The table below describes the habitats present and their value within a geographical context.

Habitat	Geographical context	Habitat Description	Photo reference	Size (m ²)
Developed land; sealed surface	Site	Three buildings were located on site. B1: main house - A two level 1950s prefab structure with wooden shingles on all elevations and a complex pitched roof with wooden shingles. B2: south garage - A large tongue on groove wooden garage with a pitched wooden shingle roof. B3: north garage - A small tongue in groove wooden garage with a pitched woodchip roof. The buildings have potential to support protected and notable species.	1-5	188
Unvegetated garden	Zone of influence	A small area of hardstanding was located along the north boundary at the entrance to the site - here there was a small area of tarmac which turned into gravel. The gravel area had become overgrown with short vegetation and was mostly covered at B1.	6	82
Individual Trees and Woodland	Local	The site contained numerous individual trees scattered across the site, some of which were in small clusters along the boundaries. Many of the trees were young, although several semi-mature and mature trees were also present. Tree species seen included; large-leaved lime (<i>Tilia platyphyllos</i>), oak (<i>Quercus robur</i>), silver birch (<i>Betula pendula</i>), aspen (<i>Populus tremula</i>), bay laurel (<i>Laurus nobilis</i>), cypress (<i>Cupressus spp.</i>), apple (<i>Malus pumila</i>), <i>Magnolia spp.</i>, fig (<i>Ficus spp.</i>). To the south of the site was a woodland area dominated by Norway maple (<i>Acer platanoides</i>) and silver birch. This area lacked understorey vegetation and had several patches of bare ground. Species found included; Norway maple, silver birch, rough bluegrass (<i>Poa trivialis</i>), wood millet (<i>Milium effusum</i>), germander speedwell (<i>Veronica chamaedrys</i>), cleavers (<i>Galium aparine</i>), english bluebell (<i>Hyacinthoides non-scripta</i>), wood fern (<i>Dryopteris carthusiana</i>), drooping sedge (<i>Carex pendula</i>), nettle (<i>Urtica dioica</i>), bramble (<i>Rubus fruticosus</i>). The trees and woodland habitats on site provide suitable habitats for protected and notable species. They are also part of a wider network of woodland across the local landscape.	6-7	1586 (woodland)
Scrub	Site	Small pockets of bramble dominated scrub were located along the western boundary of the site. Species found included ivy (<i>Hedera helix</i>), bramble, bitter dock (<i>Rumex obtusifolius</i>), cleavers (<i>Galium aparine</i>), nettle (<i>Urtica dioica</i>), herb Robert (<i>Geranium robertianum</i>). The scrub provides some opportunities for small mammals.	-	1087
Introduced shrub	Zone of Influence	Several ornamental plants were seen across the site, however a small brick raised area located southwest of B1 (TN1) appeared to once have been an ornamental area, although this was overgrown at the time of the survey.	-	36

Habitat	Geographical context	Habitat Description	Photo reference	Size (m ²)
		Species found include: tutsan (<i>Hypericum androsaemum</i>), common lady fern (<i>Athyrium filix-femina</i>), bethlehem lungwort (<i>Pulmonaria saccharate</i>), tiger flower (<i>Tigridia pavonia</i>), montbretia (<i>Crocasmia crocosmiiiflora</i>), hydrangea spp., bamboo spp.		
Other Neutral Grassland	Site	Grassland dominated the site, the grassland had not been managed and therefore was long in most areas. The grassland was species rich, although several species seen were rare across the grassland. A small raised bund-like area located northwest of B1 was rich in flora, although several species had passed their flowering stage at the time of the survey. Species found include: sweet vernal grass (<i>Anthoxanthum odoratum</i>) (dominant), rough bluegrass (<i>Poa trivialis</i>), cocks foot (<i>Dactylus glomerata</i>), yorkshire fog (<i>Holcus lanatus</i>), rescue brome (<i>Bromus catharticus</i>), red fescue (<i>Festuca rubra</i>), wood melick (<i>Melica uniflora</i>), field woodrush (<i>Luzula campestris</i>), cow parsnip (<i>Heracleum sphondylium</i>), germander speedwell (<i>Veronica chamaedrys</i>), common primrose (<i>Primula acaulis</i>), bitter dock (<i>Rumex obtusifolius</i>), curled dock (<i>Rumex crispus</i>), bugle (<i>Ajuga reptans</i>), black bryony (<i>Dioscorea communis</i>), spring sowbread (<i>Cyclamen repandum</i>), wood anemone (<i>Anemone nemorosa</i>), cuckoo pint (<i>Arum maculatum</i>), cleavers (<i>Galium aparine</i>), fern bedstraw (<i>Galium uliginosum</i>), woodland figwort (<i>Scrophularia nodosa</i>), greater stitchwort (<i>Stellaria holostea</i>), foxglove (<i>Digitalis purpurea</i>), lesser periwinkle (<i>Vinca minor</i>), creeping jenny (<i>Lysimachia nummularia</i>), dandelion (<i>Traxicum officinale</i>), big trefoil (<i>Lotus pedunculatus</i>), english bluebell (<i>Hyacinthoides non-scripta</i>), yellow pimpernel (<i>Lysimachia nemorum</i>), white clover (<i>Trifolium repens</i>), herb robert (<i>Geranium robertianum</i>), musk mallow (<i>Malva moschata</i>), cuckoo flower (<i>Cardamine pratensis</i>), marsh thistle (<i>Cirsium palustre</i>), bramble, Red campion (<i>Silene dioica</i>), forget me not (<i>Myosotis sylvatica</i>), ragwort (<i>Jacobaea vulgaris</i>). The grassland has potential to support protected and notable species.	6-7	5204
Hedgerows	Site	Several short sections of hedge were seen, these were located along the north and east boundaries. The hedges were dense and unmanaged at the time of the survey and would provide suitable undisturbed habitat for several bird species. Species found include: rhododendron (<i>Rhododendron ponticum</i>), Franchets cotoneaster (<i>Cotoneaster franchetti</i>), holly (<i>Ilex aquifolium</i>), privet (<i>Ligustrum ovalifolium</i>), yew (<i>Taxus baccata</i>), hazel (<i>Corylus avellana</i>), scotch broom (<i>Cytisus scoparius</i>), bush vetch (<i>Vicia sepium</i>), stinking iris (<i>Iris foetidissima</i>), english bluebell, european honeysuckle (<i>Lonicera periclymenum</i>), hedge woundwort (<i>Stachys sylvatica</i>), garden privet (<i>Ligustrum ovafolium</i>).	-	

Table 1: Description and value of habitats on site.

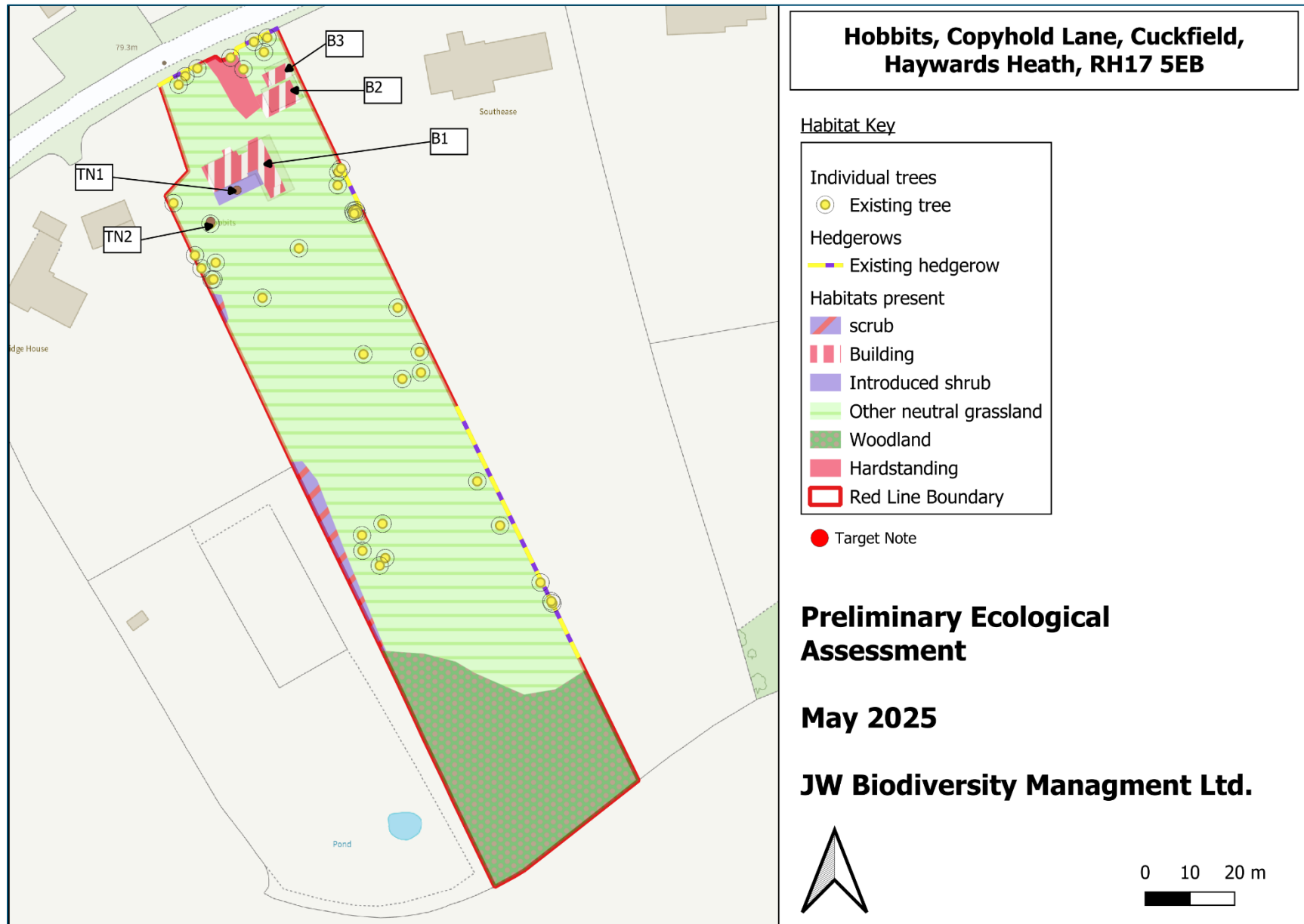


Figure 2: Current habitat layout.

3.2 Species Desktop Results

A recent biological record bureau search from GIGL produced some records of protected and Species of Conservation Concern (SoCC) within 1 km of the site. Table one below summarises the key species groups and protected areas within these results. A full list of the species can be seen on request.

Protected species are those listed on EC Habitats Directive- Annexes II and IV, EC Bird Directive- Annex I, Conservation (Natural Habitats) Regulations 1994- Schedules 2 & 5, NERC 2006 Section 41, Wildlife and Countryside Act 1981 (as amended)-Schedules 1, 5 & 8, Protection of Badgers Act 1992. Notable species are categorised as being a: BAP priority National, Red list species (not least concern) and or Red status bird species, Red Data Book Species, NERC species. Legislation and BAP designation are explained in the appendix.

Sites and Habitats	Present/Absent	Details		
Statutory sites	Present	A local nature reserve is located within 1 km of the site.		
Non-Statutory sites or Local Wildlife Sites	Present	A local Wildlife Site is located within 1 km of the site.		
Ancient Woodland	Present	Several areas of ancient woodland are located within 1 km of the site.		
Priority Habitats	Present	The local landscape contains areas of priority habitat including deciduous woodland.		
Protected and Notable Species	Number of species	Number of records	Date of earliest record	Date of recent record
Amphibian Species	5	40	1989	2020
Reptile Species	2	10	2002	2020
Invertebrate species	11	22	1998	2024
Terrestrial Mammal Species (excl. Bats)	1	3	2013	2016
Bat Species	3	11	1985	2014
Bird species	34	175	1980	2022
Invasive Species	19	45	1981	2020

Table 2: Summary of protected areas and species information.

3.3.1 Other desktop results

Additionally, the Natural England resource; Magic map², was consulted for any granted protected species licences that may be in the area. The closest is a record of a Great Crested Newts licence located approximately 1.1 km to the north of the site.

² www.magic.gov.uk

3.2 Species Site Assessment

The following assessment takes into account the information from the desktop study as well an assessment of the habitats on site and their potential to support protected and notable species. The likelihood of species being found on site is defined as follows;

- High- Definite signs of species identified on site and habitat considered suitable.
- Medium/ moderate- habitat considered suitable but obvious signs not necessarily detected.
- Low- no obvious signs and habitat considered sub-optimal. Though species may be present.
- Negligible- highly unlikely that species is present

The table below summarises the sites potential to support protected and notable species. Potential impacts are discussed and need for additional surveys and mitigation highlighted if required.

Ecological Feature	Evaluation of Feature on site and desktop records.	Discussions	Relevant Legislation or Policy	Sites Potential to support	Next Steps
Statutory designated sites for nature conservation	A Local Nature Reserve (LNG) is located approximately 880m to the northeast of the site (figure 3). This is known as Blunts and Paiges Wood.	The statutory protected area is not located within proximity of the site and is separated from the site by urban areas. Impacts from construction are not considered likely.	Conservation of Habitats and Species Regulations 2017 (as amended); Wildlife and Countryside Act 1981 (as amended)	N/A	None.
Non-statutory designated sites for nature conservation	A Local Wildlife Site (LWS) is located within 300m to the south of the site (figure 4). This is known as Great Wood & Copyhold Hanger and consists mostly of a wooded gill valley which is ancient in origin, and several old, abandoned water meadows.	Indirect impacts are not considered likely as the LWS is not connected to the site via terrestrial habitats or hydrological features. Indirect impacts are possible through increase pollution during construction.	Mid Sussex Local Plan	N/A	Pollution control measures during construction.
Priority Habitats	Ancient woodland and habitats listed on the Priority Habitat Index are located within proximity of the site (figure 5). The closest area of priority woodland borders the site to the southwest. Ancient and priority woodland is located across the local landscape to the north and south of the site. The closest ancient woodland is located approximately 140m to the north of the site.	Natural England state that a 15m buffer zone should extend from the edge of the ancient woodland to the proposed development ³ . The development will not occur within 15m of any ancient woodland. Direct impacts to the priority habitats are not considered likely. The woodland on site will be largely retained and act as a buffer to the priority habitats. Indirect impacts will be managed during construction.	Natural Environment and Rural Communities (NERC) Act 2006 Section 41 Local Plan	N/A	Pollution control measures during construction.
Non-native invasive species	The desk study returned 45 records of invasive species within 1 km of the site. The closest of which was for Rhododendron and cherry laurel located approximately 230m to the south of the site.	Rhododendron, cherry laurel and cotoneaster was noted on site. Invasive species could be spread during construction.	Wildlife and Countryside Act 1981 Schedule 9; The Invasive Alien Species (Enforcement and Permitting) Order 2019	High	Measures should be in place to control Invasive species during construction.
Invertebrates	The desk study returned 22 records of notable invertebrate species within 1 km of the Site. The closest of which was for white admiral (<i>Limenitis camilla</i>) approximately 730m to the southwest of the site. The local records data also contained several records of other notable butterfly species.	The habitats on site have some potential to attract notable invertebrates. The trees and woodland provide suitable habitats for invertebrates. The proposed development will retain most habitats on site. There is a potential to provide enhancements.	Wildlife and Countryside Act 1981 Schedule 5; Conservation of Habitats and Species Regulations 2017;	Moderate	Further mitigation and enhancement may be required.

³ [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK](#)

Ecological Feature	Evaluation of Feature on site and desktop records.	Discussions	Relevant Legislation or Policy	Sites Potential to support	Next Steps
			NERC Act 2006 Section 41		
Amphibians	The desk study returned 40 records of amphibians within 1 km of the Site, the closest of which was for common frog (<i>Rana temporaria</i>), smooth newt (<i>Lissotriton vulgaris</i>) and great crested newts (<i>Triturus cristatus</i>) approximately 370 m northeast of the Site. There were three records of great crested newt within 1 km of the Site. The most recent record, 2020, located approximately 980m to the north. The MAGIC map shows several records and granted licences of GCN within the local area, the closest record (from surveys licence returns) was approximately 560m to the southeast and a granted protected species licence 1.1 km to the north of the site. The European protected species Great Crested Newt require both suitable aquatic habitats for breeding and terrestrial habitats to forage and shelter during the active season and hibernate over winter⁴.	The site does not contain any suitable aquatic habitats. Looking at the habitats map (figure 5) this shows a pond located in the neighbouring property to the west and several other waterbodies within 500m of the site. The terrestrial habitats on site provide foraging and refuge opportunities for GCN as well as common amphibians. The overgrown planter (TN1) and small brush pile (TN2) provide opportunities for amphibians to seek refuge. The grassland provides foraging opportunities, and the scrub, trees and hedgerows provide suitable habitats. The development has potential to terrestrial habitat used by common amphibians. Though due to the nature if the development this is likely to be limited.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41	GCN- low Common amphibians- Low	Further mitigation is required.
Reptiles	The desk study returned 10 records of reptiles within 1 km of the Site, the closest of which was for common lizard (<i>Zootoca vivipara</i>), approximately 215m northeast of the Site. Reptiles prefer sites with a diversity of habitats containing a number of micro habitats that provide suitable foraging and refuge sites⁵.	The habitats on site have some potential to support reptiles. The grassland provides basking and forging opportunities. The brush pile (TN2) and scrub provide opportunities for reptiles to seek refuge. The site may not be large enough to support a population of reptiles but is located next wider suitable habitats. The development has potential to impact areas used by reptiles though is unlikely to have significant impacts to any population that may be present.	Wildlife and Countryside Act 1981 Section 1; NERC Act 2006 Section 41;	Moderate	Further mitigation is required.
Birds	The desk study returned 34 records of notable bird species within 1 km of the Site.	The site has potential to support notable bird species. The woodland on site is part of a wider woodland where notable species have been recorded.	Conservation of Habitats and Species Regulations 2017;	Moderate	Further mitigation is required.

⁴ Great crested newt mitigation guidelines. August 2001. English Nature.

⁵ Edgar, P., Foster, J. and Baker, J. (2010). Reptile Habitat Management Handbook. Amphibian and reptile Conservation, Bournemouth

Ecological Feature	Evaluation of Feature on site and desktop records.	Discussions	Relevant Legislation or Policy	Sites Potential to support	Next Steps
		Suitable nesting bird habitat was noted on site. The development could impact active bird nests. Enhancements should be added to provide habitat for notable bird species.	Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41		
Bat commuting and foraging	The desk study returned 11 records of bats within 1 km of the Site, the closest of which was for Brown Long-eared Bat (<i>Plecotus auritus</i>) approximately 475m to the west of the site. All bat species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways ⁶ . Bats use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another ⁷ .	The woodland, trees and hedgerows provide suitable commuting and foraging habitat on site. There is good connectivity across the local landscape to areas where bats have been recorded. Potential impacts during construction should be considered, particularly from lighting. Inclusion of enhancement for foraging bats should be included in the design.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41	Moderate	Further mitigation is required
Bat roosts Buildings	Buildings are known to provide suitable roosting opportunities for a number of bat species ⁸ . An external inspection of the buildings on site was carried out to assess their potential to support bat roosts, following Bat conservation trust guidelines ⁹ . The table in appendix 2 summarises the guidelines for assessing the potential suitability of structures. This table is taken from the Bat Conservation Trust good practice guidelines 2023 ¹⁰ .	The buildings were assessed for their potential to support a bat roost. An external and internal inspection was undertaken where practicable. <u>B1- Main House</u> This was a 1950s prefabricated building. A two level complex structure with several pitched roof areas and wooden shingles on the roof and all elevations standing on a brick base. The building was in a derelict condition with broken windows (boarded to inhibit entrance) and what appeared to be ACM guttering and downpipes. The roof appeared warped in places and was covered in substantial moss growth. Internal access was not possible at the time of the site visit. The external areas of the building contained		B1- Moderate B2 – Low B3- Low	Further survey and/or mitigation is required.

⁶ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/foraging-habitats>

⁷ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/commuting-habitats>

⁸ Bats and Buildings. Bats and the Build Environment Series. Bat Conservation Trust. January 2012.

⁹ Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).

¹⁰ Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).

Ecological Feature	Evaluation of Feature on site and desktop records.	Discussions	Relevant Legislation or Policy	Sites Potential to support	Next Steps
		several features with the potential to support a bat roost: • Gaps at the base of the tongue in groove porch, north elevation. • Loose and missing ridge tiles all along both east and west roofs. • Boarded windows and doors on all sides. • Loose and missing shingles on all sides. • Gaps in soffits north, south, east and the west elevation of the east section of the building. • Shingles on all elevations and the roofs The building contained several small features that have potential to support individual or small numbers of roosting bats. Update Bat Emergence Surveys were conducted in May and June 2025¹¹. This identified 2x common pipistrelle day roosts and 2 x brown long eared bat day roost. <u>B2- South Garage</u> A large wooden tongue in groove building with a pitched roof - the east half was lined with roofing felt while the west half was lined with wooden shingles. The main body of the building was in good condition, however the roof was in need of renovation. Internal access was not gained at time of site visit. The exterior of the building contained features that could support individual bats. <u>B3- North garage</u> A small wooden tongue in groove building with a pitched chipboard roof. The roof had no lining and as			

¹¹ Summer Lodge, Copyhold Lane, Cuckfield, Haywards Heath, RH17 5EB. Bat Emergence Surveys. RP-BM230525-2. JW Biodiversity management Ltd. 07/07/2025

Ecological Feature	Evaluation of Feature on site and desktop records.	Discussions	Relevant Legislation or Policy	Sites Potential to support	Next Steps
		such the chipboard was rotted in places and had a visible gap along the roof ridge. The walls of the building appeared to be in good condition, however the entire structure was not stable. Internal access was not gained at time of site visit. The exterior of the building contained features that could support individual bats.			
Bat roost trees	The table in appendix 3 summarises the guidelines for assessing the potential suitability of trees. The trees on site were assessed against this criterion. This table is taken from the Bat Conservation Trust good practice guidelines 2023 ¹² .	Several trees within the site were found to have Potential Roosting Features. The closest was a silver birch located approximately 15-20m from the closet corner of B1 - a cluster of trees along the east boundary. None of the features were considered large enough to support multiple roosting bats.		Larger trees-PRF-1	Further mitigation required.
Hazel dormouse (<i>Muscardinus avellanarius</i>)	There are no records of dormouse within 1 km of the site. Across its range prefer the successional stage of woody vegetation; this is the new growth that arises after woodland management such as coppicing, ride widening, thinning or glade creation, they may also occur in scrubby habitat¹³.	The habitats of the site are mostly open and sparse, and the hedges are not continuous, with several large gaps between, while the woodland to the south lacks the desired understorey vegetation. No evidence of dormouse was seen during the site assessment.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41	Negligible	None.
Badgers (<i>Meles meles</i>)	Ideal badger habitat is a mixture of woodland and open country, they live in a network of underground burrows and tunnels know as a sett¹⁴. The site is located within a landscape that contains suitable badger habitat There are no records of badger within 1 km of the site in the local records data.	No sets or direct evidence of badgers was seen on site. Mammal tracks, possibly badger, were seen along the northeast boundary. The wider landscape is likely to support badgers and they may be present on site. There is a potential for badgers to be harmed during construction. Retention of the wider garden habitats will help ensure habitats are retained for badgers.	Protection of Badgers Act 1992	Low	Further mitigation is required.

¹² Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).

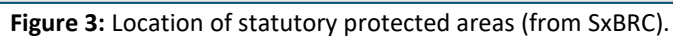
¹³ <https://ptes.org/get-informed/facts-figures/hazel-common-dormouse-muscardinus-avellanarius/>

¹⁴ [Badger \(Meles meles\) - British Mammals - Woodland Trust](#)

Ecological Feature	Evaluation of Feature on site and desktop records.	Discussions	Relevant Legislation or Policy	Sites Potential to support	Next Steps
Other mammals	Records of hedgehog (<i>Erinaceus europaeus</i>) were within the local records data. Hedgehogs (<i>Erinaceus europaeus</i>) prefer habitats such as woodland edges and hedges as well as suburban areas ¹⁵ .	The woodland scrub and bramble provide suitable habitats for small mammals such as hedgehogs. Small mammals and their habitats have potential to be impacted during construction.	NERC Act 2006 Section 41	Moderate	Further mitigation is required.

Table 3: Protected sites, habitats and species details.

¹⁵ http://www.mammal.org.uk/sites/default/files/factsheets/hedgehog_complete_0.pdf



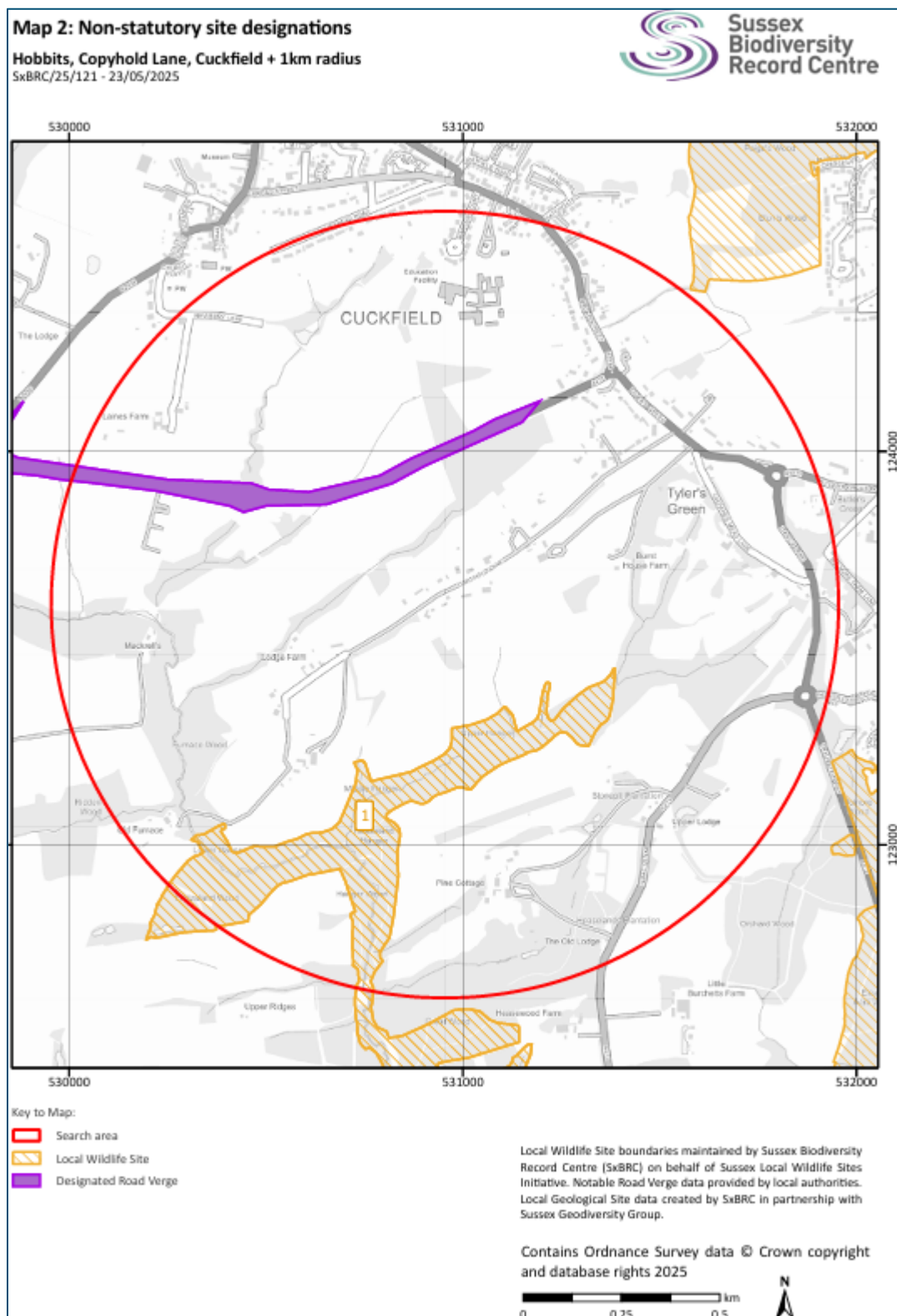


Figure 4: Location of non-statutory protected areas

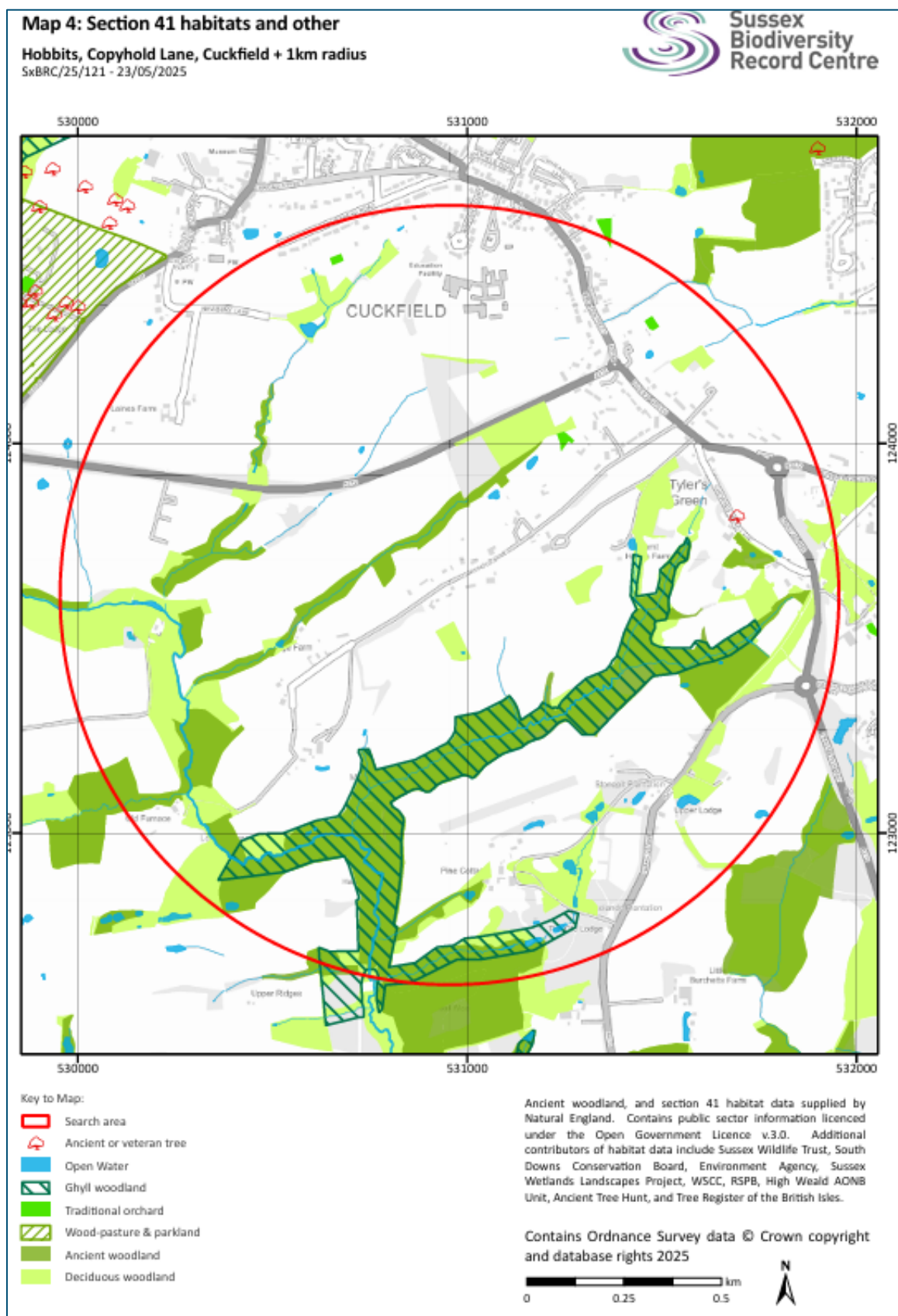


Figure 5: Location of ancient woodland and 15m buffer (from SxBRC).

4. Discussion & Recommendations

The table below outlines the recommended next steps in respect of relevant survey, mitigation or enhancements identified for sites and species associated with the Proposed Development. The table below includes optimal survey periods, constraints that need to be considered in the survey programme and related best practice guidance.

The timing of ecological surveys is critical to project planning, as many species surveys are seasonally constrained. Early engagement with these survey requirements can help avoid delays in the planning process and ensure that appropriate mitigation measures can be developed where necessary. Similarly, mitigation measures may have certain constraints associated with them and should be factored into construction plans at the earliest stages to reduce potential delays.

JW Biodiversity understands that the development will largely impact the existing house and will likely require some removal of grassland and ornamental habitats.

Ecological Receptor	Mitigation/ Further Survey	Enhancements
Designated Sites for Nature Conservation and priority habitats.	To avoid impacts to designated sites and priority habitats adequate pollution control measures are recommended. This should include: - Establish biodiversity exclusion zone around construction site. All construction personnel and materials will be excluded from this area. This will help protect retained woodland on site and priority woodland to the southwest. - Suppression and monitoring of dust where relevant. - Control sources of aquatic pollution, particularly from entering local water courses or ground water. - All proposed work must strictly be in accordance with all relevant Pollution Prevention Guidelines (PPG) published by the Environment Agency which may include but is not limited to PPG1 (general), PPG5 (works in, near, or liable to affect watercourses) and PPG6 (work at construction & demolition sites). Contingency plans should be drawn up to address chemical spillage, collision, etc. - Appropriate root and crown protection for retained trees.	The woodland could be enhanced with additional understorey planting.
Invasive species	The existing non-native species should be controlled before construction begins or at least controlled to reduce spread.	Plant native tree species.
Invertebrates	The majority of habitats will be retained some ornamental vegetation and grassland may be removed. There is an opportunity to plant a variety of plants in the proposed development to provide a benefit for invertebrates. The inclusion of trees will help to benefit invertebrates such as stag beetles. Creation of brush or log piles would also provide a benefit.	Plant a variety of plants and trees. Retain trees and woodland. Create log/ brush piles.
Habitats on site/ Biodiversity Net Gain	The majority of the existing habitats are likely to be retained. Biodiversity Net Gain became mandatory in February 2024. Some developments are exempt from BNG¹⁶, it is likely that this project is exempt under the Self-build and custom build applications. This should be confirmed with the project team that the development meets the exemption requirements.	Retention and/ or enhancement of existing habitats.
Amphibians & Reptiles	Though the site has potential to support the European protected species great crested newt further surveys are not recommended at this stage. The proposed development is likely to mostly impact areas of existing built environment. If the measures below are followed it is considered that further licencing for great crested newts will not be required. To avoid impacts to reptiles and amphibians during construction it is recommended that a suitable method statement for clearing vegetation be used. For example: - Move rubble/ log pile carefully from the construction area. - Ground vegetation will be cut down by hand in stages; - Stage 1- The vegetation will need to be reduced to a height 150-200mm using hand tools (e.g. strimmers). It is recommended that cutting works towards retained areas, where there is connectivity to wider habitats. - Stage 2- After a period of at least one day has passed a second vegetation cut should be undertaken to ground level. Again, it is recommended that this second-stage cutting works towards the eastern edge of the site. All cuttings to be removed from work area. The site can then be completely cleared and worked upon as necessary	Retain wider habitats on site. Include a variety of native planting in the development. Create log/ brush piles.

¹⁶ [Biodiversity net gain: exempt developments - GOV.UK](#)

Ecological Receptor	Mitigation/ Further Survey	Enhancements
	Wider habitats on site will be retained for reptiles and amphibians and there is a potential to enhance these habitats.	
Bats	B1 was assessed as having a moderate potential and B2 a low potential to support a bat roost. Following the BCT guidelines two emergent surveys are required for a building of moderate potential and one survey for a building with low potential. These are required to be conducted in suitable weather conditions between early May and the end of August. This should be carried out prior to submitting planning permission. An internal inspection should be undertaken of B1 at the time of the surveys. Update: Bat Emergence Surveys were conducted in May and June 2025¹⁷. This identified 2x common pipistrelle day roosts and 2 x brown long eared bat day roost. B2 and B3 will be retained therefore additional surveys are not recommended at this time. The site has potential to support commuting and foraging bats. The proposed development is unlikely to impact the majority of this habitat. Connectivity will be maintained across the site and wider landscape. The site borders areas of suitable habitat, the pollution control measures will help ensure there are no impacts to these habitats. A sensitive lighting scheme should be incorporated into the final design to protect existing habit habitats and any newly created habitats on the site. To protect potential roost or bat foraging/ commuting habitat in the area it will be important to: • Using Low-pressure sodium lamps instead of high- pressure sodium or mercury lamps; • Maintaining the brightness as low as possible; • Directing the lighting to where it is needed to avoid light spillage; and, • Minimising upward lighting to avoid light pollution. • Avoid illuminating the wider habitats on site, particularly any mature trees or hedgerows and the pond, at dusk or nighttime- Guidelines provided by the Bat Conservation trust and ILP should be followed¹⁸ If the larger trees require removal these should be soft felled, cut down in sections and lowered to the ground, leaving cut material on site for at least 24 hours.	Include native tree planting in the final design. It is also recommended that bat boxes be added to the site.
Nesting Birds	If vegetation clearance works are required during the main nesting bird season (March to August (inclusive)) then a nesting bird check should be undertaken. This should be undertaken no later than 48 hours before the work begins, ideally within 24 hours. If an active nest is discovered during the inspection, the ecologist will recommend establishing a safety perimeter around the nest. This perimeter must be maintained until the chicks have fledged.	Include native tree planting in the final design. Include bird boxes in the development.
Badgers	There is a potential for badgers to be in the area. To avoid impacts during construction suitable protection measures should be employed. Any uncovered pits or trenches should be secured overnight, or a ramp should be provided to allow any trapped animals, including badgers, to escape. Before work begins each day, any open pits or trenches should be inspected to ensure no badgers are trapped. If any badgers are found trapped, an ecologist experienced in trapping and handling badgers will need to be called upon to safely remove them.	Appropriate planting will benefit badgers.

¹⁷ Summer Lodge, Copyhold Lane, Cuckfield, Haywards Heath, RH17 5EB. Bat Emergence Surveys. RP-BM230525-2. JW Biodiversity management Ltd.
07/07/2025 ¹⁸ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

Ecological Receptor	Mitigation/ Further Survey	Enhancements
Hedgehogs	To prevent harm to hedgehogs' potential hibernation sites and refuges, such as piles of vegetation and deadwood, should be removed from the development area outside of winter months. During construction, any open excavations should be covered overnight, or a ramp should be provided to enable trapped animals to escape.	Instal hedgehog highway holes in fence lines to allow access for hedgehogs.

Table 4: Recommendations regarding protected species and habitats.

5.Summary

A Biodiversity Net Gain assessment has been conducted by a competent ecologist and recommendations have been made to ensure the project achieves a net gain. This is in line with local and national planning policies. Recommendations have also been made in relation to protected and notable species.

Recommendation	Action	Justification
Protection of breeding birds*	Carry out building demolition outside of breeding bird season or under supervision of ecologist following a breeding bird survey	The buildings are likely providing several opportunities for breeding birds.
Bat surveys of buildings*	Conduct required bat surveys of buildings. Usually required before planning. Completed May and June 2025.	This will help identify if bat roosts are present.
Appropriate lighting for bats*	Avoid illuminating bat foraging and commuting habitat- woodland/ scattered trees. During and post development.	This will help limit disturbance to bat species in the longer term.
Soft fell trees*	Fell trees in sections lowering to the ground. Leave cut material on site.	This will ensure species are not harmed.
Follow Badger protection measures*.	Follow badger protection measures during construction.	This will ensure badgers are not harmed during construction.
Clear vegetation in stages*.	Clear any vegetation in stages.	This will allow animals to leave area safely.
Protection of trees.	Ensure root and crown protection of trees during construction.	This will protect trees during construction.
Adequate pollution control	Habitats on site should be adequately protected to ensure no polluted runoff in on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded contains with appropriate spill kits and emergency procedures in place.	This will protect habitats on site and those in the nearby landscape.
Inclusion of bird and bat boxes in the development/ landscaping	Place boxes in suitable locations within the landscaping.	This would benefit local bird and bat populations on the site and within the local area.
Create log and brush piles.	Create log and brush piles on site.	This will benefit several species.
Appropriate enhancements	Enhance retained habitats and include native tree planting.	This will provide a benefit for local wildlife.

Table 9: Summary of recommendations

6. Appendix

6.1 Appendix 1: Photos

No.	Feature	Photo
1	Exterior of B1 (north)	
2	Exterior of B1 (south).	

3	Exterior roof of B1	 A photograph showing the exterior roof of a building. The roof is covered in dark, weathered shingles. There are three dormer windows with white frames and multiple panes. A brick chimney is visible on the right side of the roof. The building's exterior walls are made of dark, weathered wood siding. Some green foliage is visible at the base of the building.
4	Exterior of B2	 A photograph showing the exterior of a small, weathered wooden building. The building has a gabled roof covered in moss or algae. The walls are made of horizontal wooden planks. There are two large, dark wooden doors with metal hinges and a small window with a wooden shutter. The building is surrounded by tall grass and trees in the background.

5	Exterior of B3	 A photograph showing the exterior of a wooden shed, identified as B3. The shed has a steep, thatched roof and is constructed from horizontal wooden planks. It is situated in a grassy area with trees and foliage in the background. A stack of bricks or stones is visible near the base of the shed.
6	Showing grass and trees to northwest	 A photograph showing a grassy field with trees in the background. A small wooden building, possibly a shed or barn, is visible on the left side of the frame. The sky is overcast.

7	Showing grassland extending south along site. With trees.	 A photograph showing a lush green grassy field in the foreground. In the middle ground, there are several trees, including a large, full-canopied tree with bright green leaves on the left and a taller, thinner tree on the right. The background is filled with more trees and a sky with heavy, grey clouds.
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8	Mammal tracks to northeast of the site.	 A photograph showing a grassy field with a path leading towards a wooden building and trees. The field is covered in tall, green grass. A narrow, light-colored path or clearing runs through the grass from the foreground towards the background. In the background, there is a two-story wooden building with a gabled roof and several windows. To the right of the main building, there is a smaller, lower structure, possibly a shed or a small barn, also made of wood. The area is surrounded by trees and shrubs, suggesting a rural or wooded setting. The sky is overcast.
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6.2 Appendix 2: Bat roost potential of buildings from Bat Conservation Trust

Potential suitability	Description	
	Roosting habitats in structures	Potential flight-paths and foraging habitats
None	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines, or generate/shelter insect populations available to foraging bats).
Negligible ^a	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ^b and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats ^c).	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ^b and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ^b and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.
a Negligible is defined as 'so small or unimportant as to be not worth considering, insignificant'. This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute). b For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance. c Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten <i>et al.</i>, 2016 and Jansen <i>et al.</i>, 2022). Common pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.		

6.3 Appendix 3: Bat Roost Potential of Trees

Suitability	Description
PRF-I	PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.
PRF-M	PRF is suitable for multiple bats and may therefore be used by a maternity colony.

6.4 Appendix 4: Legislation

Protected species have protection under national legislation such as the Wildlife and Countryside Act 1981 and European legislation such as the Habitats Directive.

Please note the following:

- (1) If there is no record of a particular protected species, this does not signify that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

WILDLIFE PROTECTION LEGISLATION IN ENGLAND

Legislation that protects wildlife in England exists at the European and national level.

European Law

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants,

this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures

National Law

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.

Protection of Badgers Act the Protection of the Badgers Act prohibits the killing, injuring or taking of badgers and damage or interference with a badger sett, unless licensed to do so by a statutory authority.

International and European Obligations

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

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

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

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

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

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

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

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

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

In addition to the national priorities and targets, action is also being taken at local level. The Essex Biodiversity Project is responsible for implementing the Essex Biodiversity Action Plan, which has 28 priority species and 15 priority habitats currently listed. For more information see www.essexbiodiversity.org.uk.

The UK BAP

(From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

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

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Habitats of Principal Importance Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

Species of Principal Importance There are 943 species of principal importance included on the S41 list. These are the species founding England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

Relationship with the UK Biodiversity List of Species and Habitats the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

Relationship with the biodiversity duty under Section 40 of the NERC Act There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity. Importantly:

- (a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.
- (b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from: <http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>