

Ecological Impact Assessment

Equestrian Yard, Balcombe

September 2024

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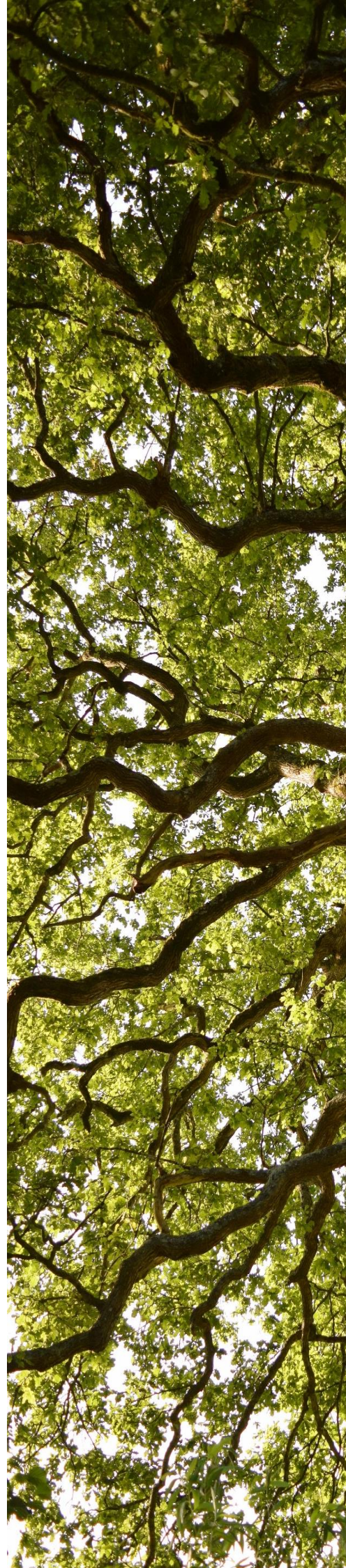
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Luke Wallace ACIEEM

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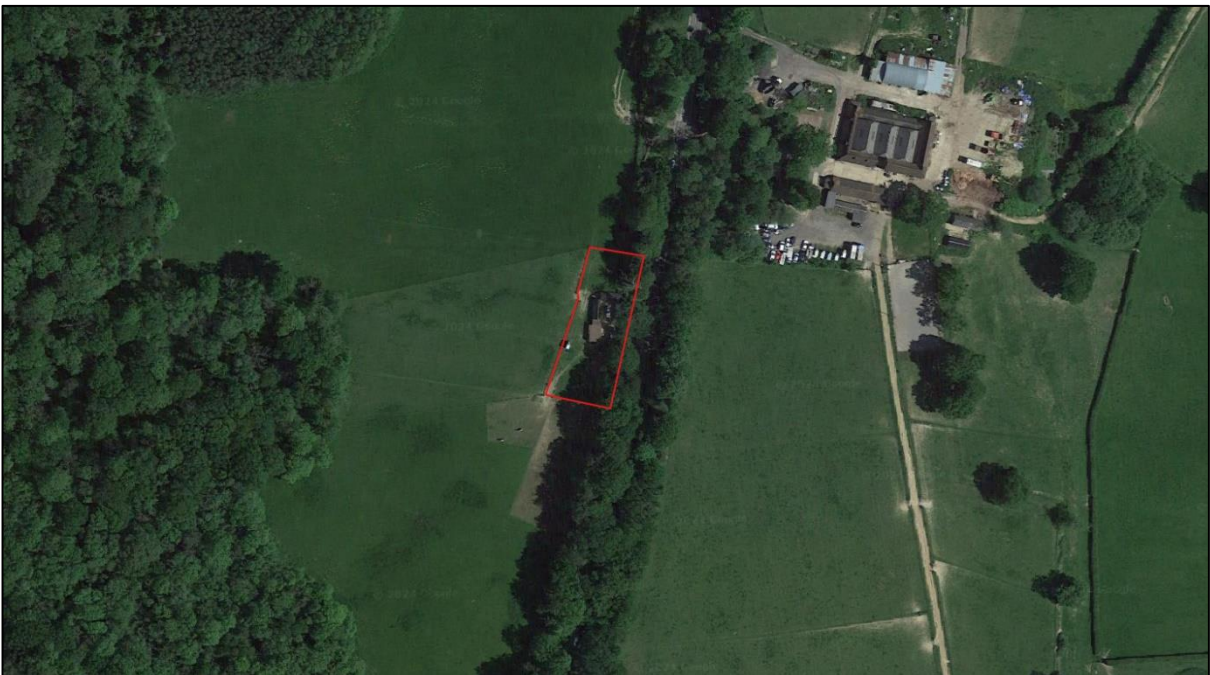


1.0. SUMMARY

The site consists of a hardstanding courtyard with disused equine buildings, which is surrounded by maintained grassland. The proposed development seeks to convert and replace the existing buildings with a single residential dwelling within the existing hardstanding footprint. No direct impact on the site's vegetated area is expected to occur.

During the initial ecology survey, an inspection of the buildings identified potential for roosting bats to be present. However, further emergence surveys found no evidence of roosting bats. Given the lack of bat activity, combined with the lack of habitat features on-site and minimal disturbance from the proposed development, it is concluded that all other potential impacts to protected species can be avoided with precautionary mitigation measures. As such, no further surveys or information is considered necessary.

As the proposed development will only impact existing areas of hardstanding and buildings, the biodiversity net gain baseline score is zero. As such, the development is considered exempt from mandatory biodiversity net gain obligations. However, policy still applies regarding enhancements for biodiversity and so associated recommendations have been made.



Site location plan.



2.0. INTRODUCTION

- 2.1. Kent Sussex Ecology was commissioned to undertake an Ecological Impact Assessment (EclA) at 'Equestrian Yard, Nr. Kings Farmhouse, London Road, Balcombe, RH17 6QA'. The site is approximately centred around grid reference TQ31013168.
- 2.2. The site (redline boundary) is approximately 0.15 hectares in size and consists of a hardstanding courtyard, disused agricultural buildings (stables) and maintained grassland (paddock).
- 2.3. The proposed development is for the conversion and replacement of the existing buildings within the existing hardstanding footprint from agricultural use to a single residential dwelling, with associated curtilage.
- 2.4. The main objectives of the EclA were to:
 - Identify all relevant statutory and non-statutory designated sites and features of ecological significance within the site and its surroundings.
 - Assess the potential for the presence of protected species and species of principal conservation importance, important habitats, or other biodiversity features within the site and its surroundings.
 - Provide recommendations for, and undertake, further surveys as necessary.
 - Present the likely significance of ecological impacts from potential development.
 - Present any likely mitigation and compensation measures to be required in relation to the relevant legislation and policy.
- 2.5. The report will remain valid for 12 to 18 months in accordance with current CIEEM guidance.



3.0. METHODOLOGY

3.1. THE SURVEYORS AND OVERVIEW

- 3.1.1. A desktop study was carried out using DEFRA's website MAGIC map, NBN Atlas and other record data resources, for records of site designations, protected species and habitat information.
- 3.1.2. The site was subject to an initial survey in December 2023. The surveyor was Kate Baldock MCIEEM (Bat Level 2 Survey Licence 2015-12362-CLS-CLS; GCN Level 2 Class Licence 2015-17759-CLS-CLS and Dormouse Level 1 Class Licence 2016-22541-CLS-CLS), with over 18 years' experience working with bats. The site survey was carried out in alignment with current CIEEM guidance and JNCC phase one survey guidance. There were no limitations regarding access to all areas of the site.
- 3.1.3. For the scoping aspect of the survey, an internal inspection of the buildings included a systematic search of the structures to identify bat access points and roosting places by the presence of bats themselves, droppings, staining, urine splashes, odour and/or feeding remains. The external inspection of the structures included assessing the building's wall and roof construction, identifying potential access points and roosting features and a search for evidence of bats, such as live or dead specimens, squeaking noises, urine splashes, staining and/or bat droppings.
- 3.1.4. Close-focus binoculars, a high-powered torch, ladder and endoscope were used where required. The assessment was carried out in accordance with the 'Good Practice Guidelines' for bat surveys (Collins 2016). Any droppings collected during the internal assessment would be collected for DNA analysis if required. The overall suitability to support roosting bats at any time of year was classified by placing the building into one of four categories, as described in Collins (2023). Any signs of breeding birds were also noted.
- 3.1.5. Trees were subject to preliminary ground-level roost assessment (PGLRA) to identify any potential roost features (PRFs).

3.2. EMERGENCE SURVEY METHODOLOGY

- 3.2.1. The bat emergence surveys were undertaken during the bat active season, during July and August 2024 (see Section 4.3. for further details). The surveys commenced 15 minutes before sunset and continued until 1 hour 30 minutes after sunset. Surveys were undertaken during appropriate weather conditions. The surveys for buildings identified as having confirmed bat roosts had three-week intervals between each of the three surveys, as per the formal guidance (4th Edition). Pre-dawn surveys were not undertaken, as it was considered that with the aid of IR cameras, an adequate assessment of all features of bat roosting potential could be undertaken during dusk emergence surveys.



- 3.2.2. The surveys were led by ecologist Kate Baldock MCIEEM (Level 2 bat survey licence 2015-12362-CLS-CLS, with 18 years of bat survey, mitigation and licensing experience), assisted by Luke Wallace ACIEEM, Dr. Jim Labisko and Lyndsay Wayman.
- 3.2.3. Both audio and visual recording equipment was used, and all surveyors had two-way radios for communication throughout the survey periods. Equipment used included EM Touch Pro, Elekon Batloggers (M and M2), Nightfox Red HD night vision goggles, Nightfox Whisker night vision binoculars and a Nikon camera. The sonograms were analysed and compared to identification parameters. Both direct viewing and motion analysis software were used to analyse the video footage.
- 3.2.4. Regarding limitations, it is not always possible to identify each bat pass to species level due to either non-echolocation, poor recordings of their echolocations or the similarities between the echolocations of bat species. The Myotis genus is difficult to separate to species level because of the plasticity of the calls and overlapping of call characteristics between the different species. Where species identification has not been possible, the genus of bat has been provided based on call parameters. Equally, there is no guarantee that motion detection software will identify every frame with movement regarding the camera footage. As such, much of the footage was checked manually.



4.0. BASELINE ECOLOGICAL CONDITIONS

4.1. DESIGNATED SITES

- 4.1.1. The site is situated within the High Weald 'National Landscape' but is not within, or adjacent to, any statutory designated site for nature. The nearest designated site for nature is the 'Worth Forest' of Special Scientific Interest (SSSI), located c.3500m from the site.

4.2. HABITATS

- 4.2.1. The central hardstanding area contains disused equestrian buildings (see existing habitat plan). The structures present within this area are listed in the table below, along with their suitability for roosting bats (detailed further in Section 4.3).

Structure	Bat Roost Suitability
B1 Static Caravan	None
B2 Timber Barn	Moderate
B3 Timber Stable	Moderate
B4 Hay Store	None
B5 Timber Stable	Moderate
B6 Static Trailer	None

- 4.2.2. The area of hardstanding is surrounded by maintained grassland, containing species such as Yorkshire Fog, Perennial Ryegrass, Creeping Buttercup, White Clover and Creeping Thistle. There are no trees within the site. However, a number of large mature trees, predominantly oaks, line the boundary with the B2036 (London Road). These trees were not inspected in detail.
- 4.2.3. The nearest non-statutory designated site for nature is an area of ancient woodland, 'Monks Forest', situated c.118m to the west of the site. This woodland is also classified as 'priority habitat', as listed under Section 41 of the NERC Act 2006.

4.3. PROTECTED SPECIES

- 4.3.1. The initial bat scoping survey results showed that three structures on-site (B2, B3 and B5) have 'moderate' potential to support roosting bats. In alignment with the formal guidance from the Bat Conservation Trust, the structures were subject to at least two bat emergence surveys. A final third survey would be required if bats are observed emerging. Results of the bat emergence survey are detailed in the section below.
- 4.3.2. The potential presence of other protected species was scoped out of this report, and no further surveys were recommended. This is detailed in Section 4.5 of the report.



4.4. THE BAT EMERGENCE SURVEYS

4.4.1. Below is a detailed description of the buildings subject to bat emergence surveys (see habitat map for the building layout and illustration within the appendices to see surveyor locations).

Building	Description	Bat Suitability
B2 Timber Barn	Single-storey barn with a pitched corrugated metal roof. Walls are a mixture of breeze block and wooden weatherboarding, which are lined internally with boarding. The roof is lined with breathable membrane. The eastern section was in recent use as the site kitchen, and the western section is a former stable/animal pen. Potential bat access is available via the eaves, and the open windows and doors. Features of bat potential include warped weatherboarding on the western gable end, and gaps between the external weatherboarding and internal lining. No evidence of bats was found.	Moderate suitability for crevice-dwelling bats in the active season and low suitability in the hibernation season. The interior of the building is too light and exposed to be suitable for void dwelling species such as long eared bats.
B3 Timber Stable	Single-storey barn with a pitched corrugated asbestos roof. Walls are a mixture of breeze block and wooden weatherboarding, which are lined internally with boarding. The roof is unlined. Potential bat access into the building is available via the stable doors on the eastern elevation. Features of bat potential include warped/rotten weatherboarding on the western elevation, the northern and southern gable ends, and gaps between the external weatherboarding and internal lining. No evidence of bats was found.	Moderate suitability for crevice-dwelling bats in the active season and low suitability in the hibernation season. The interior of the building is too light and exposed to be suitable for void dwelling species such as long eared bats.
B5 Timber Stable	A double stable of more modern construction than B2. The walls are clad with wooden weatherboarding and are lined with boards internally. It has a sloping corrugated metal roof, which is lined with part breathable membrane and part boarding. Features of bat potential include damaged weatherboarding on the southern gable end and in gaps between the external weatherboarding and internal lining. No evidence of bats was found.	Moderate suitability for crevice dwelling bats in the active season and low suitability in the hibernation season. The interior of the building is too light and exposed to be suitable for void dwelling species such as long eared bats.



4.4.2. Emergence survey date, times and weather conditions:

Date	Sunset	Start	End	Weather	Temperature
23 rd July 2024	20:59	20:44	22:29	90% cloud Light breeze, dry	23°C to 21°C
13 th August 2024	20:23	20:08	21:53	20% cloud, light breeze, dry	24°C to 21°C

4.4.3. **23rd July 2024**

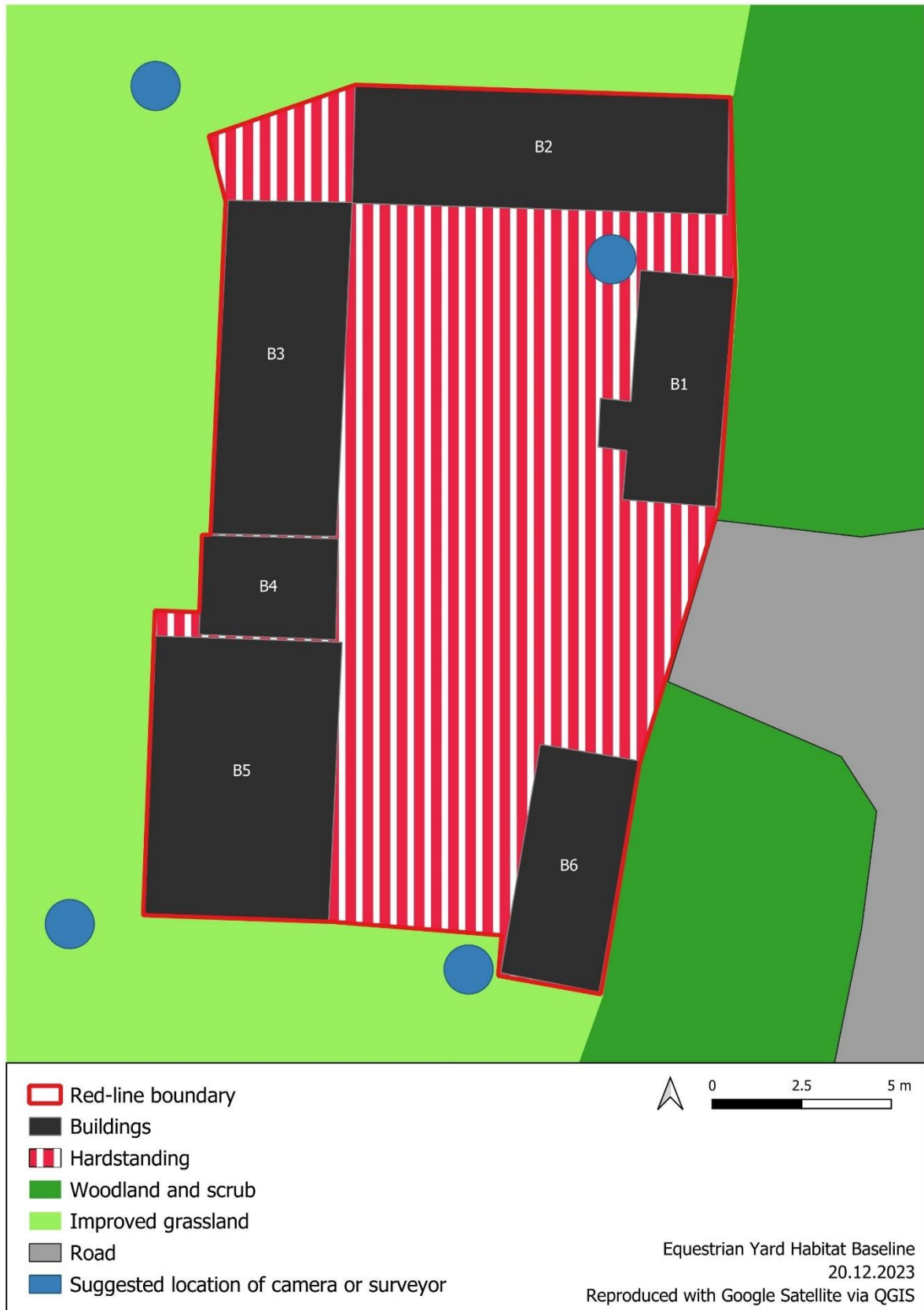
No bats were seen emerging from the buildings during the survey (both during the survey or captured on the infrared camera footage). The first bat recorded was a foraging noctule at 21:12. A low level of foraging activity was recorded, dominated by common pipistrelle, with occasional soprano pipistrelle, noctule, brown long eared bat, serotine and an unidentified myotis species, indicative of individual bats.

4.4.4. **13th August 2024**

No bats were seen emerging from the buildings during the survey (both during the survey or captured on the InfraRed camera footage). The first bat recorded was a foraging noctule at common pipistrelle at 21:02. Consistent foraging/commuting activity was recorded, dominated by common pipistrelle, but with noctule, brown long eared bat and an unidentified myotis species, indicative of individual bats.

4.5. OTHER PROTECTED SPECIES

- 4.5.1. There are no ponds within 250m of the site, and only two waterbodies within 500m. The habitat within the yard is considered unsuitable for Great Crested Newt (GCN) and, as the grassland around the yard will not be impacted, it is concluded that no further information is needed regarding GCN. For the same reason, no further survey or mitigation has been recommended for reptiles.
- 4.5.2. During the survey, several active Swallow nests were noted in the northern timber barn (building B2).
- 4.5.3. It is possible that protected terrestrial species (primarily badgers) could commute and forage through the area.
- 4.5.4. The woodland habitat running north-south along the B2026 (London Road) verge on the site's eastern boundary contains suitable habitat for dormice, given the connectivity to extensive woodland in the wider landscape. The limited scrub within the site along the eastern boundary does have potential for dormice.





5.0. CONCLUSION AND RECOMMENDATIONS

5.1. DESIGNATED SITES

- 5.1.1. Schedule 4(w) of the Town and Country Planning (Development Management Procedure) Order 2015 states that Natural England must be consulted on “Development in or likely to affect a Site of Special Scientific Interest”.
- 5.1.2. Paragraph 180 of the National Planning Policy Framework (NPPF) 2023 states that “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”.
- 5.1.3. Regarding the European designation (SPA and SAC), Article 6(3) of the Habitats Directive 2017, states that “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”.
- 5.1.4. As the site is not situated within, or close to, a statutory designated site for nature, it is concluded that the proposed development will not trigger a consultation regarding impacts on statutory designated sites. Therefore, no further information is required.

5.2. HABITATS

- 5.2.1. There are certain habitat types listed as habitats of principle importance, or ‘priority habitats’, under the NERC Act 2006 that, in accordance with Section 41 of the Act, are capable of being a “...material consideration in the... ..making of planning decisions” (Paragraph 84, Government Circular (ODPM 06/2005)).
- 5.2.2. There is no priority or otherwise notable habitat on-site. The majority of the yard consists of hardstanding and buildings, while the surrounding grassland is considered to be of low ecological value. The only habitat feature of note is the roadside tree and scrub boundary.
- 5.2.3. The development should seek to incorporate a sensitive lighting design and native species planting only to help maintain the area’s biodiversity value and the ecological integrity of the surrounding countryside.



- 5.2.4. It is concluded that the development will not be subject to mandatory biodiversity net gain (BNG) legislation as the baseline score will be zero (or almost zero). This is because only the 'sealed surface' (hardstanding) will be impacted, with the surrounding vegetation remaining unimpacted. Therefore, as an uplift of 10% from a starting score of zero cannot be obtained, the development is exempt from BNG legislation in accordance with the advice given from the Planning Advisory Service.

5.3. PROTECTED SPECIES

- 5.3.1. Paragraph 99 of the ODPM 06/2005 states that "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". As such, the potential impact to protected species from the proposed development is discussed below.

5.4. BATS

- 5.4.1. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 make it an offence to deliberately or recklessly capture, injure or kill any species of bat. It is also an offence to deliberately or recklessly disturb bats, as well as to damage or destroy their breeding site or resting place.
- 5.4.2. As detailed above, no evidence of roosting bats was observed during the further surveys and, generally, bat activity was low. Therefore, the measures below will need to be taken in order to facilitate the development in a legally-compliant and appropriate manner.
- 5.4.3. No specific mitigation with regards to bats is necessary. However, if any bats and/or evidence of bats are found during the proposed development, work must stop and be made safe. An ecologist should be contacted for the most appropriate course of action, which may require a European Protected Species Mitigation Licence from Natural England.
- 5.4.4. The external lighting of the development should be carefully designed to limit impacts on bat activity. Examples of sensitive lighting design are detailed below.
- No illumination throughout the entire night.
 - Only luminaires with 0% upward light ratio should be used and fitted on the horizontal to avoid excessive up-lighting, back lighting and light spill;
 - Lamps of greater than 2000 lumens (150 W) must not be used;
 - Light emitting diodes (LED) should be used, as these typically feature no UV component and are less attractive to invertebrates and less disturbing to bats;
 - A warm white spectrum (ideally under 2700 Kelvin) should be used in order to reduce blue light component, therefore reducing the number of invertebrates attracted to the lights;
 - Internal luminaires can be recessed where installed in proximity to windows to reduce glare and light spill;
 - Movement sensors or timers must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on;



- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed;
- Where habitat needs to be unlit (e.g. important foraging and commuting corridors/roost sites), illuminance should be below 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane;
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats;
- Column heights should be carefully considered to minimise light spill, and;
- The use of specialist bollard or low-level downward directional luminaires to retain darkness above can be considered, although this has certain drawbacks and should only be used as directed by a lighting professional.

5.5. BREEDING BIRDS

- 5.5.1. Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built.
- 5.5.2. As such, any work to vegetation that may provide suitable nesting habitat for birds (primarily hedgerows) should be undertaken outside of the breeding bird season (March to August, inclusive). If vegetation needs to be removed during the breeding bird season, it is recommended that an experienced ecologist inspect the vegetation prior to works commencing. If nesting birds are found to be present, work cannot take place until the young are fully fledged.
- 5.5.3. Of note, the northern building contained at least three active Swallow nests. The conversion of this building will prohibit these birds from nesting in the future, once they return from migration. While challenging to incorporate, it is suggested that an attempt is made to re-establish Swallow nesting habitat elsewhere on the site or within land under the same ownership.

5.6. OTHER PROTECTED SPECIES

- 5.6.1. To prevent adverse impacts on badgers and other terrestrial species that may commute through the site during the construction phase, all trenches and excavations will be covered overnight, and/or escape routes provided to prevent badgers (and other terrestrial fauna) from being harmed or becoming trapped.
- 5.6.2. If any work is required to the roadside vegetation, this can be undertaken following a non-licensed method statement to avoid potential impacts to dormice. If more intrusive works are required, especially to the roadside vegetation, such as for access/sightlines, a dormouse survey and/or more detailed mitigation will be required.



APPENDIX A: PHOTOGRAPHS AND IMAGES



B1: A static caravan with negligible suitability for roosting bats.



South eastern elevation of B2.



Northern elevation of B2.



Warped weatherboarding at the western end of B2, with potential for crevice dwelling bats.



Open access into western section of B2.



Interior of the western section of B2. The walls are lined, with potential crevice features between the lining and the exterior weatherboarding.



Swallow nest in B2



Northern gable end of B3 (right) and western gable end of B2 (left) with warped and rotten timber, creating potential crevice roosting features.



Western elevation and southern gable end of B3 with warped and rotten timber, creating potential crevice roosting features.



Interior of B3. The roof is unlined. The western wall and southern gable end are boarded, creating potential crevice features accessed by the warped/rotten external weatherboarding.



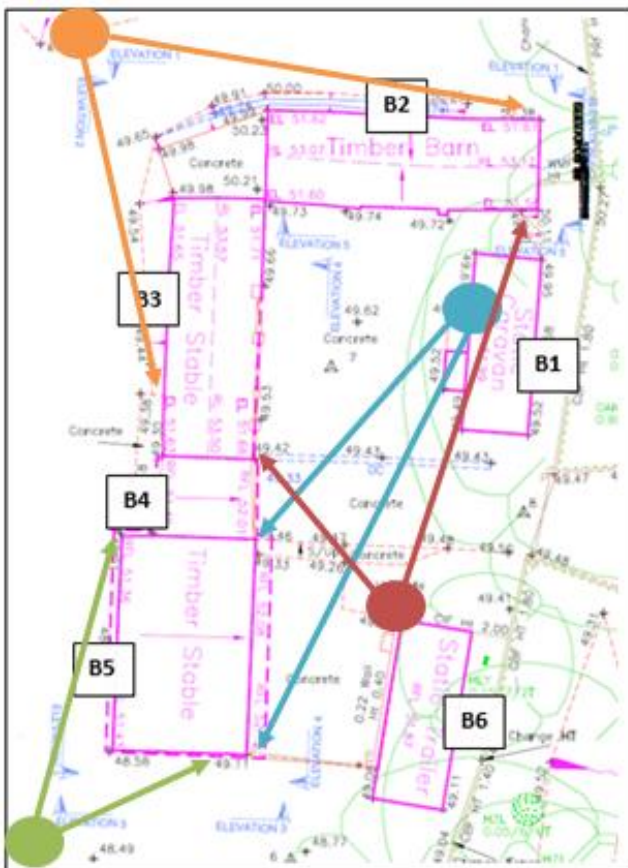
Eastern elevation of B6.



Western elevation of B6.



Screenshot from one of the IR cameras during the emergence surveys.



Location of surveyors.



APPENDIX B: LEGISLATION AND POLICY

The Wildlife and Countryside Act (as amended) 1981

The Wildlife and Countryside Act 1981 (as amended) is the principal piece of UK legislation relating to the protection of wildlife. It consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.

The Act makes it an offence to:

Intentionally kill, injure, or take any wild bird or their eggs or nests (with exception to species listed in Schedule 2). Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young.

Intentionally kill, injure, or take, possess, or trade in any wild animal listed in Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places (subject to exceptions). The Act also prohibits certain methods of killing, injuring, or taking wild animals listed in Schedule 6.

Uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants (subject to exceptions).

Facilitate the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (the 'Habitat Regulations'), as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, establish the requirements for protecting sites that are internationally important for threatened habitats and species and thus the requirement for a 'Habitat Regulations Assessment' of plans or developments with potential to affect them.

The Habitat Regulations also establish the strict protection of some species (European Protected Species) and make it an offence to deliberately capture, kill or disturb certain wild animals, and to damage or destroy a breeding site or resting place of such an animal even if the animal is not present at the time.

The competent authority will have to adhere to the requirements of the Habitats Directive in the exercise of their functions. As such, they must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

Regulation 55(2)(e) states: a licence can be granted for the purposes of "*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*".

Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied "*that there is no satisfactory alternative*".

Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied "*that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*".



Natural Environment and Rural Communities Act 2006

Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).

National Planning Policy Framework 2023

The National Planning Policy Framework (NPPF) sets out the view of central government on how planners should balance nature conservation with development and helps ensure that government meets its biodiversity commitments with regard to the operation of the planning system.

Section 15 of the NPPF sets out key policy requirements regarding ecology and development.

Paragraph 174 of the NPPF: "Planning policies and decisions should contribute to and enhance the natural and local environment by... ..minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

The Protection of Badgers Act 1992

The legislation affording protection to badgers is primarily concerned with animal welfare and the need to protect badgers from activities such as baiting and deliberate harm. The Protection of Badgers Act 1992 makes it an offence to:

Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so;

To intentionally or recklessly interfere with a sett (this includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

As with The Wildlife and Countryside Act 1981 (as amended), there are several defences to prosecution in the legislation and the text should be consulted for details of these. Penalties for offences include fines up to £5,000, plus up to six months imprisonment for each illegal sett interference, or badger death or injury.

Hedgerows Regulations 1997

Important' hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Criteria specified in the regulations are employed to identify 'important' hedgerows for wildlife, landscape or historical reasons.

Office of the Deputy Prime Minister 06/2005

Paragraph 99 of the ODPM 06/2005 states that "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".



RELEVANT PUBLICATIONS

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

English Nature (2002). *Bats in roofs: a guide for surveyors*. English Nature, Peterborough, UK.

Gunnel, K., Murphy, B. & Williams, C. (2013). *Designing for Biodiversity: A technical guide for new and existing buildings*. RIBA, UK

Mitchell-Jones, A. J. (2004). *Bat Mitigation Guidelines*. English Nature, Peterborough, UK.

Reason, P.F. and Wray, S. (2023). *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats*. Chartered Institute of Ecology and Environmental Management, Ampfield.