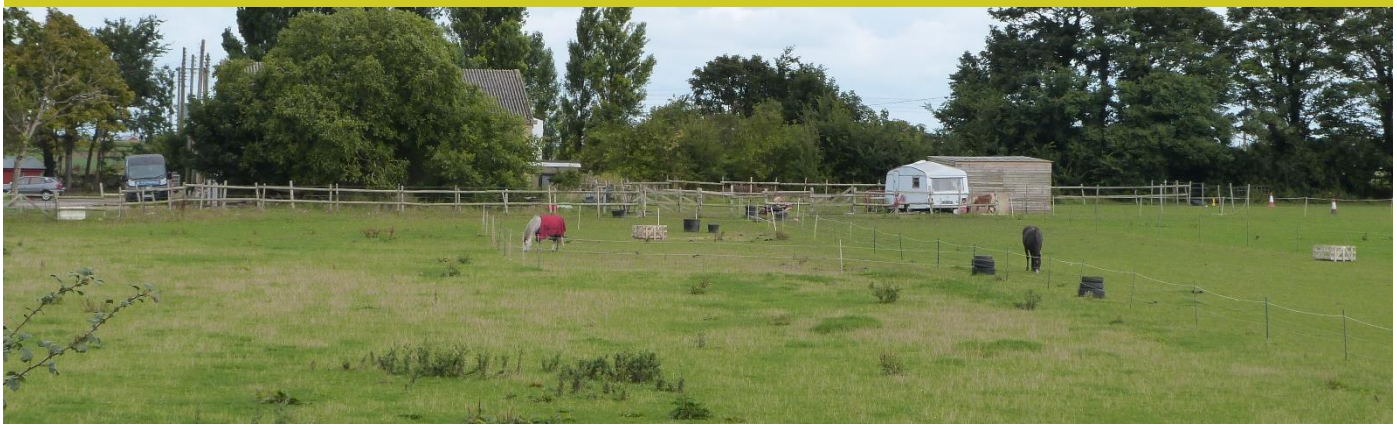
native ecology

promoting biodiversity integration



Preliminary Ecological Appraisal and Phase 1 Habitat Survey

Client: BDB Design

Site: Land at Haine road, Manston, Ramsgate, Kent.

Ref no: 0028_R01

Status: Planning

Date: 24th September 2015

Native Ecology, Unit 93, Waterham Business Park, Highstreet Road, Waterham, Faversham, Kent ME13 9EJ

0028_R001 Preliminary Ecological Appraisal

Land at Haine Road, Ramsgate, kent

CONTENTS

1. EXECUTIVE SUMMARY

S.1 A Preliminary Ecological Appraisal was undertaken within land at Haine Road, Manston, Ramsgate, Kent on 4th September 2015.

S.2 The development proposals include the construction of 103no. residential dwellings with associated access and open space.

S.3 The site comprises horse-grazed paddocks of limited ecological value, with boundary shrubs, scrub and small areas of unmanaged semi-improved grassland. A single bungalow and associated small outbuilding lie to the south-east of the site.

S.4 **Natura 2000 sites:** The development lies within 6km of the Thanet Coast and Sandwich Bay SPA/Ramsar and the Sandwich Bay and Thanet Coast SACs. Given the distance between the survey area and these sites (1.9km and 3.4km (for Thanet Coats SAC)), direct impacts to the qualifying features are unlikely. However, indirect impacts, such as increased recreational pressure, cannot be ruled out at this stage. **A Screening Assessment is recommended** to include the site alone and in-combination with any other projects or plans within the 6km of these sites.

S.5 **Bats:** The bungalow and outbuilding have potential to support roosting bats. Therefore, further survey work is recommended. General recommendations are also made with regards to mitigating any impact to bats as a result of increased lighting.

S.6 **Badgers:** Although no signs of badger were found, this species may occasionally forage within the site. Recommendations are given to avoid harm to individual badgers during construction works.

S.8 **Reptiles:** The tall ruderal and rough semi-improved grassland has potential to support reptiles, particularly common lizard and slow worm. Therefore, further survey work is recommended.

S.9 **Nesting birds:** The buildings and shrubs/scrub present on site may be used by nesting birds during the breeding season. Therefore recommendations are outlined to avoid/reduce impact to nesting birds.

2. INTRODUCTION

2.1 This report details a Preliminary Ecological Appraisal in respect of residential development proposals within land at Haine Road, Ramsgate, Kent.

Survey site and location

2.2 The survey area lies within Manston, approximately 2km north-west of the centre of Ramsgate and 2.8km from the Harbour.

2.3 The north of the site is bounded by Spratling Street Farm and Spratling Lane, beyond which lies residential housing and farmland. The A256 forms the eastern boundary, beyond which lies an industrial estate. The southern and western boundaries lie adjacent to the Manston golf centre.

2.4 The survey area extends to approximately 4.0ha.

Proposed development

2.5 The development proposals include the construction of 103no. residential dwellings with associated access and open space.

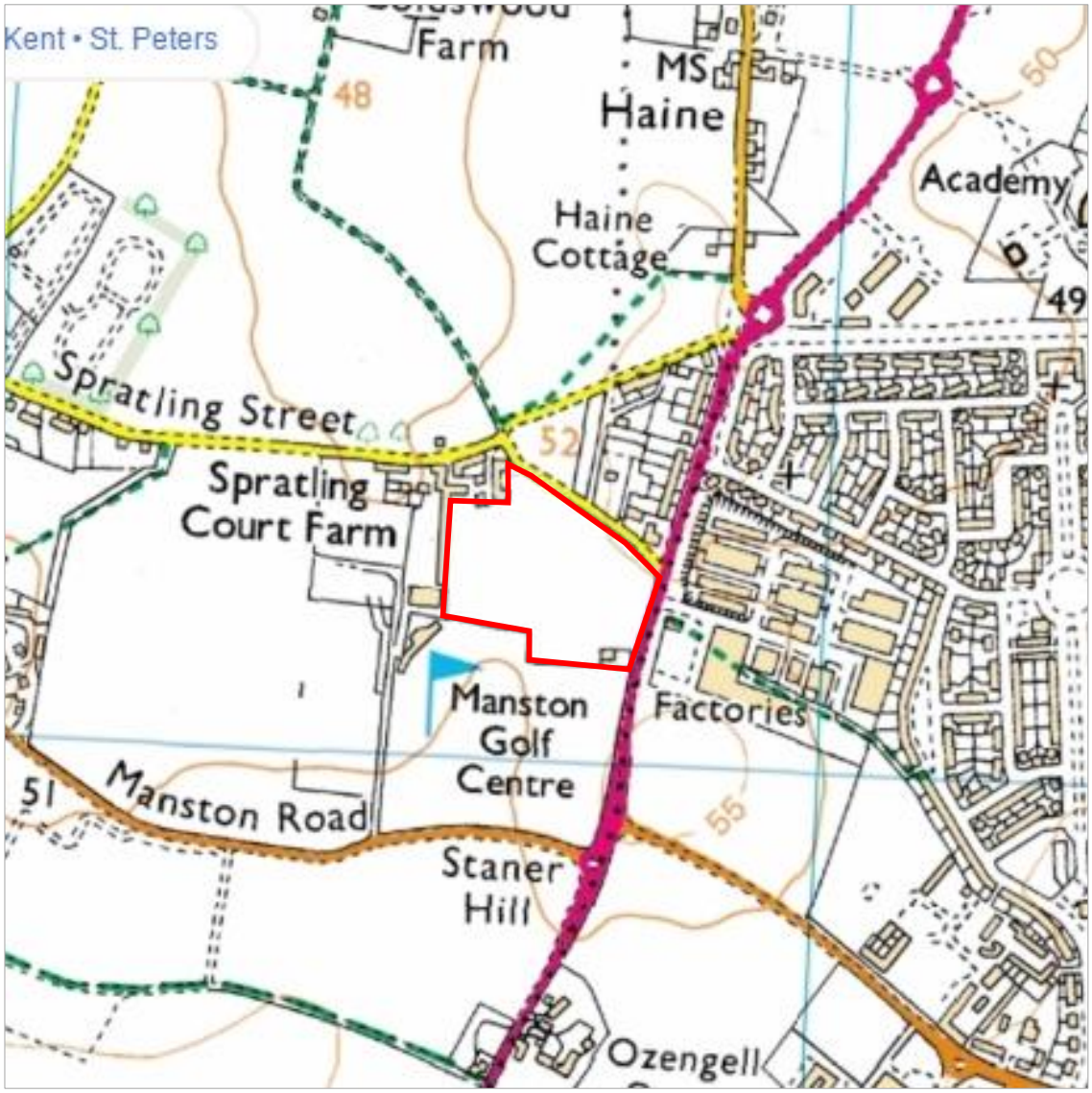
Purpose of report

2.5 This report outlines the results of a Preliminary Ecological Appraisal and Phase 1 Habitat Survey undertaken within the site. The objectives of the report are to:

- Describe the baseline ecological conditions present within the site.
- Map the current habitat types present within the site.
- Identify any key ecological constraints to the proposed development both with regards to protected species and sites.
- Inform the design and layout proposals to allow significant ecological effects to be avoided or minimised wherever possible.
- Identify any further ecological surveys required in order to assess the possible impact on protected and/or important species.

- Allow potential mitigation or compensation measures to be considered as early as possible.
- To identify any potential ecological enhancements within the scope of development proposals.

3. SITE LOCATION



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Grid reference centred on: TQ 356 662

4. SURVEY DETAILS AND METHODOLOGY

Preliminary ecological appraisal

4.1 During the survey the habitats and species identified within the site were recorded. An assessment was also made as to the presence or potential presence of protected, important or Nationally Rare species.

4.2 Protected species and habitats considered include those listed under the schedules of the Conservation of Habitats and Species (Amendment) Regulations 2010 and of the Wildlife and Countryside Act 1981.

4.3 An assessment was made as to the likely presence of Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and birds on the red and amber lists of birds of conservation concern.

4.4 Potential impacts to designated sites, including Natura 2000 sites and SSSIs have been considered. In addition, an assessment has been made as to the possible impacts of the proposed development on nature conservation interests, in accordance with information relevant to the National Planning Policy

Phase 1 Habitat Survey

4.5 The Phase 1 habitat survey undertaken within the site comprised the classification of habitats and features as outlined within the Handbook for Phase 1 habitat survey (JNCC 2010). Each habitat type/feature identified within the site is allocated a unique colour code and accurately mapped according to its location and coverage. Target notes are also included to provide additional detail where required, for example to highlight specific habitat features or to further describe the specific features/species of a habitat on site.

Limitations

4.6 The site visit was undertaken at a time of year when some plant species are less conspicuous, having already flowered. However, during September the majority of botanical species are conspicuous and an assessment of habitat type and quality was possible.

4.7 The survey was focussed around/inside the boundaries of the site and therefore no external searches, for example for badger.

Table 1: Survey details

Site	Land at Haine Road, Ramsgate, Kent
Grid reference	TQ 356 662 (centre of site)
Survey date	4th September 2015
Surveyor details	Amy Wright MSc BSc CEcol MCIEEM
Time on site	13:00 – 14:30
Weather	17^{o}C, 90% cloud cover, light breeze, no rain.

5. DESK STUDY

Designated sites

Statutory sites of International Importance (Natura 2000 sites)

5.1 There is one Special Protection Area /Ramsar site within 6km of the site:

- Thanet Coast and Sandwich Bay, approximately 1.9km south of the site at its closest point.

5.2 There are two Special Areas of Conservation within 6km of the site, these are:

- Sandwich Bay, approximately 1.9km south of the site
- Thanet Coast, approximately 3.4km east of the site.

Statutory sites of National Importance

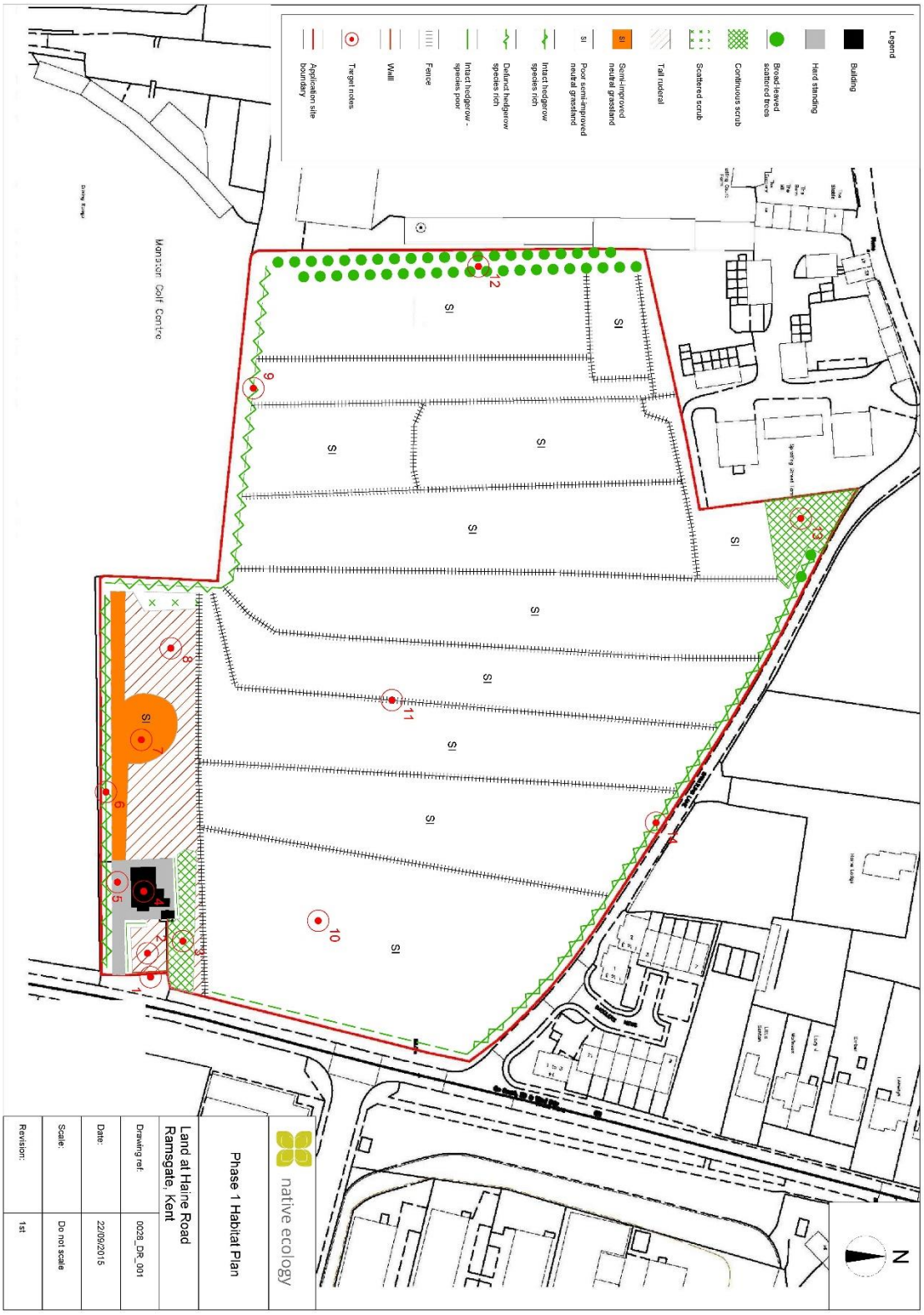
5.3 There are two Statutory sites of National importance for Nature Conservation within 2km of the site.

- Sandwich Bay to Hacklinge Marshes Site of Species Scientific Interest (SSSI), approximately 1.9km south of the site.
- Sandwich and Pegwell Bay National Nature Reserve (NNR), approximately 1.9km south of the site.

Non-Statutory Sites

5.4 There are no Non –Statutory Sites of nature conservation interest within 1km of the site.

6. PHASE 1 HABITAT PLAN



7. TARGET NOTES

T.1 Brick wall entrance to bungalow with a hedge along the access including sweet chestnut (*Castanea sativa*), elder (*Sambucus nigra*), privet (*Ligustrum ovalifolium*), holly *(Ilex aquifolium*) and black bryony (*Dioscorea communis*).

T.2 Overgrown walled garden of the bungalow with tall ruderal species including creeping thistle (*Cirsium arvense*), ragwort (*Jacobaea vulgaris*) and nettle (*Urtica dioica*). A very small, overgrown and dry ornamental pond is also present.

T.3 Area of dense bramble (*Rubus* fruticosus) scrub adjacent to bungalow.

T.4 Bungalow within the site and associated, small brick outbuildings. The bungalow is a single-storey brick structure with a hipped clay tiled roof. This building is in a relatively poor state of repair, with slipped and missing tiles.

T.5 Hardstanding access to bungalow encroached by overgrown ornamental species including hydrangea (*Hydrangea macrophylla*) and elephants ear (*Bergenia cordifolia*) and ruderal species including bristly oxtonge and nipplewort (*Lapsana communis*).

T.6 Boundary hedge including hawthorn (*Crataegus monogyna*), privet willow (*Salix sp*.) and elder.

T.7 Semi-improved grassland around the margins of the garden areas and within the disturbed ruderal area. Species present include cock's foot grass (*Dactylis glomerata*), perennial rye grass (*Lolium perenne*), sow thistle (*Sonchus* oleraceus), broad-leaved plantain (*Plantago major*). bristly oxtongue (*Picris echioides*) and dandelion (*Taraxacum sp*.).

T.8 Are of tall ruderal vegetation dominated by creeping thistle.

T.9 Boundary hedge includes willow (*Salix sp*.), elm (*Ulmus minor*), walnut (*Juglans regia*) and ash (*Fraxinus excelsior*).

T10. Grazed horse paddocks with short poor semi-improved grassland. Species present include; perennial rye grass, daisy (*Bellis perennis*), birds-foot trefoil (*Lotus corniculatus*), white clover (*Trifolium repens*) and red clover (*Trifolium pratense*).

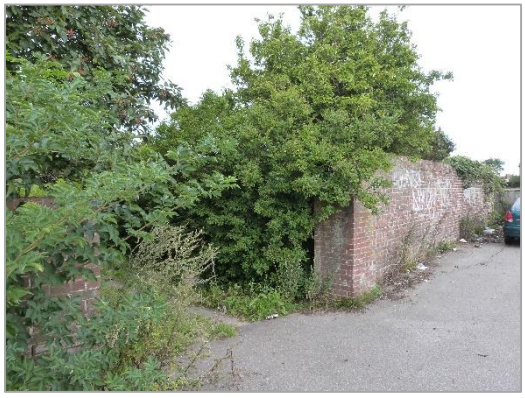
T.11 Fences demarcating the boundaries of each paddock comprise post and rail with electric fencing.

T.12 Mature boundary trees comprise walnut and ash.

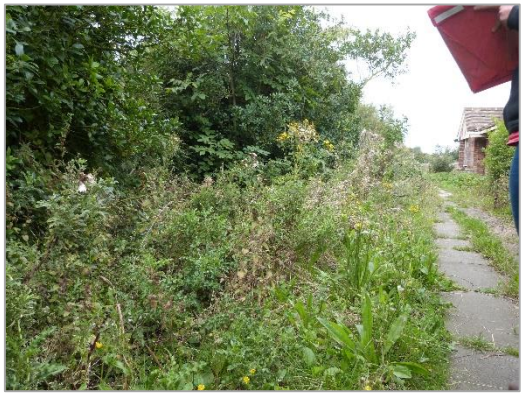
T13. Area of scrub featuring sycamore (*Acer pseudoplantanus*), hazel (*Corylus avellana*), and elder.

T14. Species rich boundary hedge including sycamore, hawthorn, privet, elder and holly.

8. PHOTOGRAPHS

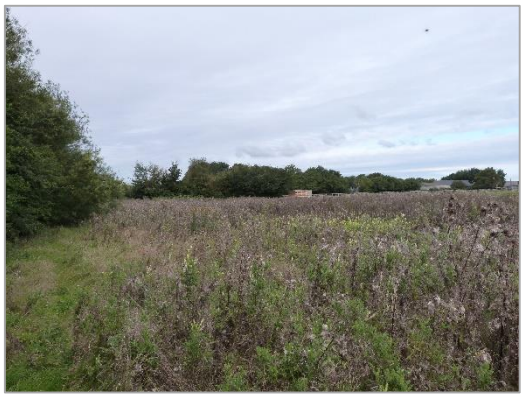


Photograph 1: View of eastern boundary, entrance to bungalow site.

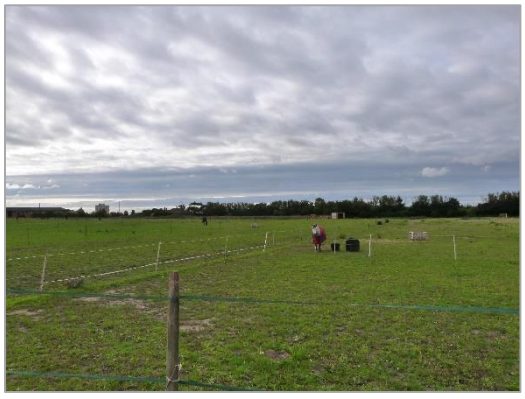


Photograph 2: View west within bungalow entrance

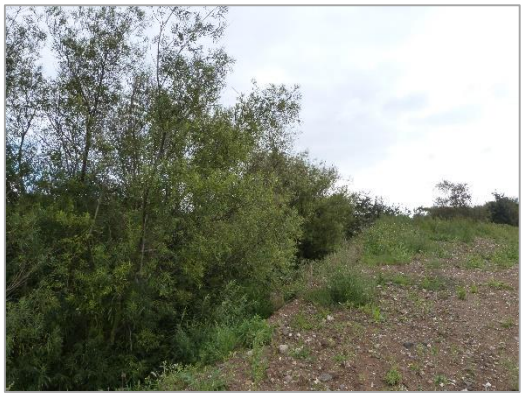
Photograph 3: Southern elevation of bungalow within the site.



Photograph 4: View west from bungalow showing tall ruderal vegetation.



Photograph 5: North of site with view to the south showing grazed paddocks



Photograph 6: SW corner of site, view from golf course boundary of hedgerow.

9. BASELINE ECOLOGICAL CONDITIONS

Habitats and botany

Buildings and structures

9.1 There is a single bungalow within the south-eastern corner of the site with an adjacent, small outbuilding.

9.2 The bungalow, constructed between 1950 – 1960, is brick built and approximately 13.5 x 11m. It has a hipped, clay tile roof, chimney to the east and dormer gables to the north and south. The roof is in a poor state of repair, with slipped and missing tiles, however the brickwork and features such as soffit boxes, appear in a sound state.

9.3 The small outbuilding lies adjacent to the east of the bungalow, approximately 5m x 3m. This is also a single-storey brick structure with a hipped, tiled roof.

Hardstanding

9.4 An area of hardstanding of pavement slabs provides access to and around the bungalow. This has become overgrown around the edges and between slabs with ruderal vegetation.

Semi-improved neutral grassland

9.5 The majority of the site comprises poor semi-improved neutral grassland, sub-divided by fences into paddocks. This area is heavily grazed by horses and therefore is maintained at a short sward. Species composition is dominated by perennial rye grass, other species present include; birds-foot trefoil, white and red clover.

9.6 A narrow strip and small patch of un-managed semi-improved grassland with a tall sward is present to the south of the site. Species found within this area include; cock's foot, creeping buttercup (*Ranunculus repens*), white clover, broad-leaved plantain, dandelion, sow thistle and bristly oxtongue.

Mature trees

9.7 Mature walnut trees line the western boundary of the site, with a further line of ash adjacent. A small number of mature sycamore lie within the hedge boundary to the north of the site.

Hedgerows and Shrubs

9.8 Shrub species form hedgerows around the boundaries of the site to the east, south and north. The hedgerow to the north is species rich, including hawthorn, privet, and elder. These shrub species are also present within the garden of the bungalow to the south-east.

Ornamental planting

9.9 Within the garden area associated with the bungalow there are areas of overgrown ornamental planting which include hydrangea and elephants ear.

Scrub

9.10 There is a small patch of bramble scrub adjacent to the north of the bungalow. In addition a small area associated with the hedgerow to the north comprises hawthorn, self-sown sycamore and hazel.

Tall ruderal

9.11 Tall ruderal vegetation is present in unmanaged areas around the bungalow. These areas are dominated by creeping thistle, but also include bramble and nettle.

Birds

9.12 During the site visit, a small number of birds were observed or heard, including starling (Red listed), black-headed gull (Amber listed), sparrow hawk, black-headed gull, and carrion crow.

Nesting potential

9.13 The majority of the site, comprising horse-grazed grassland holds negligible potential for nesting birds. However, the boundary shrub hedgerows offer nesting habitat for a number of common bird species including song thrush (red listed), dunnock (amber listed) and white throat.

9.14 A thorough internal inspection of the building for signs of nesting birds was not possible due to health and safety concerns. Externally, there are slipped and missing tiles and gaps in the boarded windows that may be used for access by nesting birds.

Roosting and foraging potential

9.15 The survey site lies over 1.9km from the SPAs/Ramsar sites outlined within Section 5, with frequent human disturbance due to the presence of horses and nearby stables, it is therefore unlikely to provide an appropriate high tide roost for wildfowl or wader species associated with these designated sites.

9.16 The hedgerows and bramble scrub are likely to provide foraging habitat for a number of species, including greenfinch, chaffinch, fieldfare and redwing. In addition, although limited in value, the horse paddocks may provide foraging opportunities for species such as green woodpecker and starling.

9.17 Overall, the habitats within the site are common and widespread and likely to be of low significance for nesting and foraging birds within the locality.

Bats

Bat roost potential of buildings

9.18 The bungalow and adjacent building were considered for their potential to support roosting bats. An internal inspection of these buildings was not possible due to health and safety risks. However, a full external inspection was made.

9.19 The roof of the bungalow and the adjacent building have slipped and missing tiles that would allow bats access into the structures and potentially into crevice roost spaces. Since an internal inspection was not possible, it is not known whether the bungalow contains a loft space, which, if present, could provide potential for open roosting species, such as brown-long

Bat roost potential of trees

9.20 During the Preliminary Ecological Appraisal the mature trees within the site were assessed from ground level and graded according to their potential to support roosting bats. Trees were given a category according to that outlined by the Bat Conservation Trust (2012) (see Appendix 1).

9.21 No trees within the site qualify as Category 1* or 1 (High - good bat roost potential).

9.22 The walnut trees along the western boundary and the sycamore trees to the north of the site showed no obvious roosting opportunities for bats. However, given the size of these trees, it is possible that features with roost potential were not visible and therefore these tree assessed as Category 2 (limited bat roost potential).

9.23 All shrubs (for example hawthorn) within the site were assessed as Category 3 (no potential to support bats).

Foraging and commuting habitat

9.22 The majority of the site comprises open land and offers sub-optimal foraging or commuting habitat for bats.

9.23 The presence of animals within the site (horses) increases the likelihood that insect prey is available for foraging bats.

9.24 The boundary shrub hedgerow, particularly to the west and south, may provide commuting habitat for bats within the locality.

Dormice

9.25 Whilst there are plant species present within the site that might support dormice, such as hawthorn, bramble and sycamore, these habitats are isolated within the landscape, with no direct connection to woodland or further hedgerows.

9.26 Given that the habitat within the site is suboptimal and not connected to any further habitat within the surrounds, dormice are very unlikely to be found within or adjacent to the survey area.

Badgers

9.27 During the survey the habitat within the site was searched for signs of badger, including setts, latrines, snuffle holes and access points. No signs of badger were identified.

Great crested newts

9.28 According to the OS map, Magic map and Google Earth, there is a single pond within 250m of the survey area, which lies approximately 110m south-west of the site boundary within Manston Golf Centre. No other ponds were identified within 1km of the site boundary.

9.29 Although an HSI was not carried out for the pond within the golf course, further correspondence (pers.comm Manston Golf Centre 25.09.2015) confirmed the presence of fish within this pond.

9.30 The majority of the habitat within the site, comprising grazed paddocks, is suboptimal for great crested newts. However, the small areas of scrub, tall ruderal vegetation and hedgerows offer potential foraging and shelter for this species, if present within the surrounding area.

9.31 Due to the unsuitability of the pond to the south-east and the lack of any further ponds within 1km of the site, great crested newts are unlikely to be present.

Reptiles

9.32 Although patchy, the areas of tall ruderal vegetation and un-managed semi-improved grassland have potential to support reptiles, most likely slow-worm and viviparous lizard.

9.32 The habitat surrounding the site is sub-optimal for grass snake and adder, which are unlikely to be found within the site.

Invertebrates

9.34 The majority of the site, comprising poor semi-improved grassland offers limited potential for a varied invertebrate assemblage.

9.35 The mature boundary shrubs and scrub may provide habitat for more notable invertebrates, particularly saproxylic species such as stag beetle (*Lucanus cervus*). Flowering trees and shrubs, including the hawthorn and blackthorn are likely to provide foraging habitat for nectar seeking species.

9.36 Overall, although some opportunities for invertebrates exist within the site, the habitats are common and widespread and unlikely to support rare or protected invertebrate species.

Other protected species

9.37 No other protected species are likely to be present within the survey area as the habitat within and adjacent is not suitable, for example for otter, water vole and white-clawed crayfish.

10. ECOLOGICAL CONSTRAINTS AND OPPORTUNITIES

Designated sites

Statutory sites of International importance

10.1 Under the Conservation of Habitats and Species (Amendment) Regulations 2012, Appropriate Assessments are required to be carried out where a project has potential to result in significant adverse effects to a Natura 2000 site. The Appropriate Assessment focuses on the qualifying interests of the Natura 2000 site in question and considers impacts on the conservation objectives.

10.2 An Appropriate Assessment is required when a project:

- has potential to significantly affect the integrity of a Natura 2000 site either alone or in-combination with other plans or projects.
- is not directly connected to or necessary for the management of the site

10.3 Impact to Natura 2000 site can occur either directly, for example through pollution or disturbance/ damage during construction, or indirectly, for example as a result of increased visitor pressure within the site.

10.4 Development up to 6km of Natura 2000 access points can therefore result in significant adverse effects through indirect disturbance.

10.5 The survey area lies within 1.9km of the Thanet Coast to Sandwich Bay SPA/Ramsar site, 1.9km from Sandwich Bay SAC and 3.4km from Thanet Coast SAC.

10.6 The bird species cited as part of the SPA/Ramsar designations are unlikely to be found either roosting or nesting within the survey area due to the distance between the sites and the unsuitable habitat within the survey area. Direct impacts, such a noise and pollution, to the qualifying features of these sites, including the habitats associated with the SACs, are therefore unlikely.

10.7 Any impacts to these Natura 2000 sites would therefore be indirect or as a result of in-combination effects.

Further Assessment

10.8 In order to assess whether the development proposals for land at Haine Road are likely to result in significant adverse effects to the Natura 2000 sites in question, and thus whether a full Appropriate Assessment is required, it is recommended that a Screening Assessment is undertaken.

10.9 This Screening stage can be re-assessed as plans are developed and to take into account any appropriate mitigation measures.

Statutory sites of National Importance

10.10 The survey area lies within 1.9km from Sandwich Bay to Hacklinge Marshes SSSI and Sandwich and Pegwell Bay NNR. Therefore it is unlikely that direct impacts from pollution and noise as a result of development will impact upon these areas. Since these sites correspond in area and also interest features with the SPA and SAC designations, any indirect impacts will be considered during the Screening Assessment described above.

Botany

10.11 The botanical composition of the survey area is common within the locality and no protected or notable botanical species are expected, therefore no further survey work is recommended.

Birds

10.12 Bird species associated with the adjacent Designated Sites are discussed above (Para 10.1 – 10.9).

10.13 Common bird species may nest within the buildings and boundary shrubs and scrub and therefore, mitigation is therefore recommended to avoid impact to nesting birds.

Mitigation

- Boundary shrub hedgerows are retained where possible.
- The demolition of buildings, removal of any shrubs and scrub are undertaken outside of the bird breeding season, ideally between September to February.

- If this is not possible, the site should be checked for the presence of nesting birds by an experienced ecologist prior to the start of works.
- If nesting/nest-building birds are found no works should commence/continue that are likely to disturb the nest until the young have fully fledged.

Bats

10.14 The building within the site has potential to support roosting bats, therefore further survey work is recommended.

Further survey work

- An emergence and re-entry survey of the bungalow and adjacent building for roosting bats is recommended.
- The survey should comprise 3 dusk emergence and/ or pre-dawn surveys between May and September (optimum May – August).

10.15 If bats are found to be roosting within the buildings on site a European Protected Species Mitigation Licence is likely to be required. This will detail the proposals for protection of individual bats and mitigation/compensation for the roost as a means of maintaining the favourable conservation status of this species within the local area.

10.16 In addition to any specific recommendations as a result of further survey work, mitigation is also recommended to avoid disturbance to commuting and foraging bats within the locality.

Mitigation

- Post-development lighting avoids illumination of boundary vegetation where possible.
- Where lighting is required, those that emit low levels of UV light are used. LED lighting is more directional than sodium lighting features. If the use of LED lighting is not possible, then High Pressure Sodium lighting features are recommended.
- Fixtures do not allow upwards leakage of light.

Dormice

10.17 The habitat on site is very unlikely to support dormice and therefore no further survey work or mitigation is recommended.

Badger

10.18 No signs of badger were encountered during the survey. However, to avoid harm to individual badger that may occasionally forage within the site, mitigation measures are recommended.

Mitigation

- All holes and excavations are covered over each night to prevent badgers from being trapped or injured.
- If this is not possible, a structure/plank is placed into the hole to enable badgers and other wildlife to escape.

Reptiles

10.19 There are patches of habitat suitable for reptiles within the site. Therefore, further survey work is recommended.

Further survey work

- A reptile presence / likely absence is undertaken at a suitable time of year (April-June and September). This should comprise 7 survey visits using artificial cover objects (ACOs).
- To inform appropriate mitigation/compensation measures, if reptiles are found to be present, further survey visits may be required to assess the population size class.

Great crested newts

10.20 The single pond identified within 1km of the survey area is unsuitable for great crested newts, containing fish. Great crested newts are therefore unlikely to be found within the survey area and therefore no further survey work or mitigation is recommended.

Invertebrates

10.21 The development proposals are unlikely to impact rare or protected invertebrate species and therefore no further survey work or mitigation is recommended.

11. ECOLOGICAL ENHANCEMENTS

11.1 In order to enhance the habitats within the site post-development, it is recommended that ecological features are included within the landscape proposals for the site as follows:

- The shrub hedgerow boundaries are retained and enhanced with native species, particularly flowering and berry producing plants such as guilder rose, dogwood, dog rose and honeysuckle.
- A species rich margin of grassland is created and maintained around the base of hedgerows.
- Planting plans include herbs and seed mixes of value to invertebrates, including species that flower in the early and late seasons.

11.2 Following the results of further survey work, species specific habitat retention, enhancement and creation measures may also be required/recommended.

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13. APPENDIX 1 – BAT ROOST POTENTIAL IN TREES

Table 2.0 Category of trees within the site according to bat roost potential (BCT 2012).

Category	Description of category	Required action if impacted (directly or indirectly) by development proposals
Category 1*	Trees within multiple highly suitable features capable of supporting larger roosts.	Further survey work required to ascertain whether roosting bats are present
Category 1	Trees with definite bat potential, supporting fewer suitable features than Category 1* trees or with potential for use by single bats only.	Further survey work likely to be required to ascertain whether roosting bats are present.
Category 2	Trees with no obvious potential, although the tree is of a size and age that elevated surveys may result in cracks and crevices being found; or the tree supports some features which may have limited potential to support bats.	No further survey work required. Trees felled under Reasonable Avoidance Measures (RAMS)
Category 3	Trees with no potential to support bats.	No survey work or mitigation for bats required.

14. SUMMARY OF RELEVANT PLANNING POLICY AND LEGISLATION

European Protected Species

14.1 Species protected under the Habitats and Species Directive 992/43/EC) enacted through the Conservation of Habitats and Species Regulations 2010 (SI 2010/490) are also known as European Protected Species. In the context of this report, this relates to **bats, dormice and great crested newts**.

14.2 European Protected Species relate to those listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended) and are afforded the highest level of protection. These species are also protected under the Wildlife and Countryside Act 1981. Taken together this level of protection makes it an offence to:

- deliberately capture, injure or kill any wild animal of a European protected species,
- deliberately disturb wild animals of any such species
- deliberately take or destroy the eggs of such an animal
- damage or destroy a breeding site or resting place of such an animal

14.3 Disturbance of animals includes in particular any disturbance which is likely:

- to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
- in the case of animals of a hibernating or migratory species, impair their ability to hibernate or migrate
- to affect significantly the local distribution or abundance of the species to which they belong

14.4 The legislation requires that any derogation be dealt with by licencing through an appropriate licencing body (Natural England in England). In determining whether a licence can be granted the licencing body must apply the requirements of Regulation 53, and in particular, the three tests:

- Regulation 53(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 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".
- Regulation 53(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."

Plants

14.5 A number of plant species are protected under Schedule 8 of the Wildlife and Countryside Act 1981. This Schedule lists plant species that are protected under Section 13, which protects from picking and sale of plants or parts of plants listed in Schedule 8.

Birds

14.6 All nesting birds are protected under the Wildlife and Countryside Act 1981. With certain exceptions, it is an offence to:

- Kill, injure or take wild birds;
- Take, damage or destroy the nest of wild birds while in use or being built;
- Take or destroy the eggs of wild birds;
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Birds of Conservation Concern

14.7 After reviewing the status of all bird species in the UK, the leading non-governmental bird conservation organisations agreed priorities for bird conservation. This lead to the publication of a list of Birds of Conservation Concern. Bird species are either listed as red, amber or green, depending on their status and conservation objectives. Birds listed as red require urgent, effective conservation action.

Badgers

14.8 Badgers are protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to:

- Wilfully kill, injure or take a badger (or attempt to do so).
- Cruelly ill-treat a badger.
- Dig for a badger.
- Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it.
- Cause a dog to enter a badger sett.
- Disturb a badger when it is occupying a sett.

Common reptiles

14.9 All common and widespread reptiles, which include viviparous lizard, slow worm, grass snake and adder are protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Intentionally or recklessly kill or injure reptiles
- Sell, offer for sale, possess or transport for the purpose of sale or publish advertisement to buy or sell any reptile.

Invertebrates

14.10 A small number of invertebrates are protected under the Conservation of Habitats and Species Regulations 2010, relating to the designation of SACs, including white-clawed crayfish and Desmoulin's whorl snail.

14.11 A number of invertebrate species also protected under the Wildlife and Countryside Act, such as the heath fritillary and fairy shrimp. Species listed under Schedule 5 are protected from one, some or all of the following:

- Intentional killing, injuring, taking
- Possession or control (live or dead animal, part or derivative)
- Damage to, destruction of, obstruction of access to any structure or place used by a scheduled animal for shelter or protection

- Disturbance of animal occupying such a structure or place
- Offering for sale, possessing or transporting for the purpose of sale (live or dead animal, part or derivative)
- Advertising for buying or selling live or dead animal, part or derivative

Statutory Protected Sites

14.12 Special Protection Areas and Special Areas of Conservation are protected under the Conservation of Habitats and Species Regulations 2010 (as amended).

14.13 Sites of special scientific interest (SSSIs) are protected under the Wildlife and Countryside Act 1981. Natural England is responsible for notifying SSSIs, ensuring they are managed appropriately and assessing and monitoring their condition.

14.14 National Nature reserves are created to protect important wildlife habitats, while also providing a resource for scientific research and recreation. Declared under the National Parks and Access to the Countryside and the Wildlife and Countryside Act 1981

Non-Statutory Protected Sites

Ancient Woodland

14.15 Land with continuous woodland cover since at least 1600AD. Ancient woods are recognised in UK planning policy, but do not have statutory protection.

Local Wildlife Site

14.16 Local Sites are sites of local importance for nature conservation but are not legally protected.

Natural Environment and Rural Communities (NERC) Act 2006

14.17 Following consultation with Natural England, the Secretary of State identified species and habitats considered to be of principal importance for the conservation of biological diversity in England. These species and habitats are listed under Section 41 of the Act . The list is to be kept under review and revisions are made as necessary as part of the progress reports on the Biodiversity Strategy for England.

14.18 Following the Biological Diversity in Japan, 2012, a new initiative in England, 'Biodiversity 2020', replaced the former UK Biodiversity Action Plan Species aiming to reinforce the protection of Section 41 habitats and species.

The National Planning Policy Framework

14.19 The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. Within this document, Chapter 11 is titled Conserving and enhancing the natural environment.

14.20 Of particular relevance within this chapter are the following statements:

'That the planning system should contribute to and enhance the natural and local environment by:

- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'*

'Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'

'Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have 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.'

'Opportunities to incorporate biodiversity in and around developments should be encouraged.'