



**LAND OFF HILL TOP,
BROWN EDGE, STAFFORDSHIRE**

PRELIMINARY ECOLOGICAL APPRAISAL

**Prepared for
Mr David Watkins**

October 2014

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MR DAVID WATKINS

Prepared by

APEX ECOLOGY LIMITED

**Synchro House
512 Etruria Road
Newcastle-under-Lyme
Staffordshire
ST5 0SY**

**01782 346494
enquiries@apexecology.com**

**Report produced by
Helen Ball, MSc, CEnv, MCIEEM**

**Report checked by
Max Robinson, BSc, MCIEEM**

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CONTENTS

1. INTRODUCTION

2. SURVEY METHODOLOGY

- 2.1 Search of Existing Ecological Records
- 2.3 Survey Methodology
- 2.10 Constraints

3. FINDINGS & INTERPRETATION

- 3.1 Review of Existing Ecological Survey
- 3.11 Survey Findings
- 3.16 Assessment of Site and Use by Protected Species

4. RECOMMENDATIONS

5. REFERENCES

PLATES

- I Looking east across northern part of site
- II Southern part of site
- III Marshy grassland along eastern fringe of site
- IV Dilapidate chicken coop

FIGURE

- 1 Layout of Site and Location of Habitats

APPENDIX

- I Legislation Relating to Protected Species Discussed in the Report

1. INTRODUCTION

- 1.1 This report has been prepared by Apex Ecology Ltd for Mr David Watkins. It presents the results of a preliminary ecological appraisal carried out on land located off Hill Top in Brown Edge, Staffordshire during September 2014.
- 1.2 An application is due to be submitted to Staffordshire Moorlands District Council for the development of four residential plots on site. The proposals are shown on the drawing *Site Plan as Proposed* (drawing reference DD-DW-03, dated 12/08/14).
- 1.3 The land surveyed (hereafter referred to as 'the site') consists of a roughly L-shaped field used for pasture. It is located on the northern edge of the village of Brown Edge, approximately 6.75km northeast of the centre of Stoke-on-Trent. The site lies off the minor road, Hill Top, and is located in a largely rural area bordered by agricultural land to the north and scattered housing to the south and east. The approximate OS grid reference for the site is SJ906545.
- 1.4 The report describes the methods used for the survey and any constraints encountered, along with the results of the survey, including a description of the site and habitats present, their potential to be used by protected species and any evidence of protected species found. The findings are then assessed in light of the proposals and recommendations for further survey or action are given where appropriate.
- 1.5 The legislation relating to the protected species discussed in this report is given in Appendix I.

2. METHODOLOGY

Search of Existing Ecological Records

- 2.1 The local record centre, Staffordshire Ecological Records, was contacted for existing records of protected and notable species, as well as statutorily protected and local designated sites for nature conservation within 2km of the site.
- 2.2 The results of a record search can help to set a site into the context of its surroundings, as well as provide valuable information on the known presence of protected species in the local area.

Survey Methodology

- 2.3 The survey was undertaken on the 25th September 2014 by Helen Ball who has 14 years of experience working in the ecology sector.
- 2.4 The survey was based on *Guidelines for Preliminary Ecological Appraisal* (CIEEM Technical Guidance Series, April 2013) and follows the methods set out in *The Handbook for Phase 1 Habitat Survey* (Nature Conservancy Council (JNCC, 2004), although where relevant, mosaics of habitats were mapped in finer detail and modified habitat classifications have been used where these better describe the habitats present.
- 2.5 The surveyor walked slowly through the habitats, or around the edges of the habitats classifying, describing and mapping their extent. Instead of numbered target notes, descriptions of site features are included within the survey findings and habitats have been numbered according to their type e.g. grassland G1, G2, G3 etc or denoted by use of a name where relevant.
- 2.6 A list of plant species were produced for each of the habitats and, where these could be divided into ecologically distinct or discrete compartments (such as individual woodlands) lists were compiled separately for each numbered habitat compartment. Where habitat compartments were similar in quality, a single plant list was compiled. The distribution and abundance of plant species in each habitat or habitat compartment were recorded and classified using the DAFOR scale¹.
- 2.7 Where relevant, a note was made about important and pertinent features, such as the suitability of a feature for a protected or notable species (e.g. Biodiversity Action Plan Priority species) or presence of a notable tree or invasive plant species². The locations of significant stands of invasive plant species were mapped indicatively. Notes were made on any other apparent ecological issues

¹ DAFOR relates to the occurrence of each species on site i.e. D = dominant; A = abundant; F = frequent; O = occasional; and R = rare

² A number of non-native invasive plant species are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Due to difficulties in identifying some of these plants to species, especially during the winter months, the survey cannot be taken as a comprehensive assessment for the presence of these species.

observed incidentally as part of the survey. A record of any faunal species encountered incidentally was also taken.

- 2.8 The ecological value of the habitats was assessed at the county, local (parish) and site levels and the statutes of each species of plant recorded were checked against Hawksford (2011), with any rare or uncommon species highlighted. A valuation of potential impacts on ecosystem services was not undertaken as such means of assessment is in its infancy and a meaningful and pragmatic approach to assessment has not yet been developed.
- 2.9 Preliminary Ecological Appraisals provide a means to evaluate ecological features and scope for notable species or habitats. By doing so, the baseline ecological conditions and valuable, or potentially valuable, parts of a site can be identified at an early stage, enabling potential constraints to the proposals to be highlighted and recommendations for design options to be made that avoid effects on important ecological features or ecologically sensitive areas (CIEEM, 2012). Preliminary Ecological Appraisals also identify whether further, targeted surveys, such as for protected species are necessary.

Constraints

- 2.10 Preliminary Ecological Appraisals are not intended to provide comprehensive assessment of use of a site by protected or notable species and follow-up surveys targeted at specific species and groups of species may be necessary to fully assess a site and evaluate impacts.

3. SURVEY FINDINGS & INTERPRETATION

Review of Existing Ecological Records

- 3.1 Staffordshire Ecological Records provided information on statutorily protected and locally designated sites, as well as protected and notable species, such as Priority Biodiversity Action Plan species that have been previously recorded in the local area.
- 3.2 There is one statutorily designated site, a Local Nature Reserve, and a number of locally designated sites in the search area, as detailed in the table below. Some of these are also ancient semi-natural woodlands.

Site Name	Site Type	Location and Distance from site (approximate)
Marshes Hill Common	Local Nature Reserve and Local Wildlife Site (LWS)	40m to the northwest on opposite side of Hill Top lane.
Greenway Bank	LWS	1km northwest
Dallows Wood	Site of Biological Importance (SBI)	1.4km west
Rushywood Wood	SBI	1.4km west
Stonehouse Drumble	LWS	550m southwest
Tinster Wood	LWS	1.6km southeast
Dalehouse Wood	LWS	1.4km northeast
Westfield Wood	SBI	1.5km southeast
Holehouse Farm	SBI	1.1km east
Holly Wood	LWS	1.6km northeast

- 3.3 Marshes Hill LNR and LWS lies in close proximity to the site, although on the opposite side of Hill Top. The other sites are all situated some distance from the proposed development site.
- 3.4 Bats have been recorded on 61 occasions, with five species known to be present: common pipistrelle *Pipistrellus*, soprano pipistrelle *P. pygmaeus*, noctule *Nyctalus noctula*, Daubenton's *Myotis daubentonii* and brown long-eared *Plecotus auritus* (some of the records have not been identified to species). The majority of the records have been made at Greenway Bank Country Park (including a number of records made by the author of this report). The closest records include a common pipistrelle breeding roost 240m to the southwest and a roost 430m to the west. There are also a cluster of records of this species from the village of Brown Edge to the south. The soprano pipistrelles have all been recorded from Greenway Bank Country Park, with all the brown long-eared records coming from Greenway Bank and Knypersley. The closest noctule record was made on the adjacent Marshes Hill Common 460m to the northwest. The other records are of bats recorded in flight and of sick/injured bats found grounded. Despite the number of records, it is very likely that bats are under-recorded given the type and quality of habitats present in the local area

- 3.5 There are no records of great crested newts *Triturus cristatus* within 2km of the site.
- 3.6 There are eight records of water voles *Arvicola amphibious* in the Greenway Bank Country Park area, the most recent dating from 2000. Otter has been recorded on a single occasion 2km to the southwest. Water voles have suffered a severe and protracted decline across much of the UK in recent years and may no longer be present in the local area or may be much less abundant. The site contains no suitable habitat for use by water vole or otter.
- 3.7 Grass snake *Natrix natrix* are known to occur in the local area having been recorded on 12 occasions from various locations, the closest being 430m to the west. Adder *Vipera berus* has been recorded once from a site 2km to the south in 2008 and slow worm *Anguis fragilis* from the adjacent grid square in 1984. Common lizards *Zootoca vivipara* have been recorded twice from Greenway Bank Country Park and Endon.
- 3.8 There are 16 records of white-clawed crayfish *Austropotamobius pallipes* from the area of Greenway Bank Country Park. Given the widespread decline in this species it may well no longer be present in the local area. There is no suitable habitat on site for this species.
- 3.9 Birds have been extensively recorded in the local area, with the vast majority of the records made at Greenway Bank Country Park. A small number of records are from the adjacent Marshes Hill Common. Species recorded include common kingfisher *Alcedo atthis*, grey wagtail *Motacilla cinerea*, house sparrow *Passer domesticus*, tree sparrow *P. montanus*, common starling *Sturnus vulgaris*, dunnoek *Prunella modularis*, green woodpecker *Picus viridis*, common bullfinch *Pyrrhula pyrrhula*, reed bunting *Emberiza schoeniclus*, common cuckoo *Cuculus canorus*, skylark *Alauda arvensis*, meadow pipit *Anthus pratensis*, common grasshopper warbler *Locustella naevia*, lesser redpoll *Carduelis cabaret*, spotted flycatcher *Muscicapa striata*, grey partridge *Perdix perdix* and the thrushes mistle thrush *Turdus viscivorus*, song thrush *T. philomelos*, redwing *T. iliacus* and fieldfare *T. pilaris*. Birds of prey frequenting the local area include barn owl *Tyto alba* and kestrel *Falco subbuteo*. A number of waders, waterfowl and gulls have been recorded from Greenway Bank. All these birds are 'red' or 'amber' listed species of conservation concern whose populations have declined significantly in recent years (Eaton *et. al*, 2009). Many of the species are birds that would be expected to occur in the area.
- 3.10 Badgers are known to occur in the local area and have been recorded on a number of occasions. Due to restrictions with use of the data, in particular making them public, reference to individual records cannot be made in this report. The search results have revealed that badgers are known to inhabit the local area, with badgers recorded from sites nearby, including dead individuals due to road traffic collisions on local roads.

Survey Findings

- 3.11 Descriptions of the habitats present are given below. Given the limited number of plant species recorded, these are included in the text below rather than in a separate table. The site is shown on Figure I and features of the site are depicted in Plates I-VI.
- 3.12 The site is approximately 70m by 90m in extent at the widest points. It consists of a small field used by sheep for grazing. The sward contains a very limited number of plant species and is poor semi-improved. Grasses dominate and few meadow herbs are present. Species present include crested dog's-tail *Cynosurus cristatus*, Yorkshire fog *Holcus lanatus*, common bent *Agrostis capillaris*, white clover *Trifolium repens*, meadow and creeping buttercups *Ranunculus repens* and *R. acris*, creeping thistle *Cirsium arvense* and occasionally Timothy *Phleum pratense* common sorrel *Rumex acetosa* and ribwort plantain *Plantago lanceolata*.
- 3.13 From the vegetation present it appears the soil may be damp and the ground may hold water at times. Tufted hair-grass *Deschampsia cespitosa* is frequent, with sharp-flowered rush *Juncus acutiflorus* occasional and there is a small patch of marshy grassland dominated by thick stands of soft rush *Juncus effusus* growing along the western edge of the site.
- 3.14 The site is largely bounded by post and wires fences. A cherry laurel *Prunus laurocerasus* hedge, a short length of holly *Ilex aquifolium* hedgerow and a dry-stone wall run along the northern edge of the site behind a fence. The remnants of a hedgerow are present along the eastern boundary. The shrubs are mature and tall here and are grazed and poached along the base. Species present include hawthorn *Crataegus monogyna*, goat willow *Salix caprea*, silver birch *Betula pendula* and elder *Sambucus nigra*.
- 3.15 A disused chicken coop is present in the northern part of the site. It consists of a low brick building with a corrugated sheet roof. It is in a dilapidated state with holes present in the roof. Small windows are present along the side walls, with an open doorway at the southern gable end. The interior is open and draughty. The area around the chicken coop is fenced. A large mound of tyres, stones, roof tiles and wooden pallets is present that has been colonised by common nettle *Urtica dioica* and bramble *Rubus fruticosus*. Young silver birch and grey willows *Salix cinerea* also grow here.

Assessment of Site and Potential for Protected Species

- 3.16 The site supports a limited number of plant species and the habitats present are low in ecological value in terms of botanical interest containing a mix of common and widespread species. There are no remnants of the heathland flora present on site that once covered extensively the agricultural land surrounding the neighbouring Marshes Hill Common.
- 3.17 The bordering hedgerows hold limited ecological value as they are made up of non-native species or are defunct and contain large gaps. Along with the shrubs

and young trees, they will provide shelter and foraging for birds and some invertebrates, as well as nesting opportunities for birds.

- 3.18 Bird activity was noted whilst on site. Incidental recordings included blackbird, chaffinch, wren, robin, blue tit and linnet; carrion crow and rook were seen flying over the site.
- 3.19 The chicken coop offers negligible opportunities for bats to use for roosting and the trees on site are young and unlikely to contain features suitable for use by bats for roosting. Three disused bird nests (possibly those of blackbird) were found inside the chicken coop. Bats will likely use the site for foraging, although it is unlikely the site provides a significant foraging resource for bats inhabiting the local area.
- 3.20 No ponds are shown lying within 250m of the site on the OS Explorer 258 map of the area and great crested newts are not known to occur in the local area, with no records highlighted within 2km by the record search. Further consideration of great crested newts in relation to the proposals is therefore not considered necessary given the likely lack of impacts on this species.
- 3.21 No signs of badgers were found incidentally during the survey and the site contains little dense vegetation that could conceal badger setts.
- 3.22 The site contains no suitable habitats for use by water voles, otter or white-clawed crayfish.
- 3.23 There are records of reptiles from the local area, although some date back several years. Given the nature of the habitats present, predominately grassland with few small scale habitat mosaics, limited tussock development and other areas where reptiles could bask and seek shelter, it is unlikely reptiles use the site. The exception is that grass snakes may make use of damp areas of the site (amphibians are a key prey item). Grass snakes are mobile animals that can travel large distances and therefore use of the site by this species may be transient. It is unlikely the site supports significant populations of any species of reptile.

4. RECOMMENDATIONS

- 4.1 The proposals are shown on the drawing *Site Plan as Proposed* (drawing reference DD-DW-03, dated 12/08/14). These are for four residential plots that would be located in the southern part of the site, with most of the field remaining unaffected.
- 4.2 The habitats on site are of low ecological value in terms of the plant species they support and no further consideration or protection of them as part of the proposals would be necessary.
- 4.3 Marshes Hill Common LNR supports heathland, with drainage ditches present that have a diverse wetland flora. Although the proposed development site lies in close proximity to Marshes Hill Common, the proposals would not directly impact upon this important LNR site. The LNR lies on the opposite side of the minor roads of Hill Top and Back Lane from the proposed development site. There is a small watercourse just off-site north of the entrance of Hill Top and consideration of potential hydrological and water quality related impacts on the LNR may be prudent.
- 4.4 Removal of the chicken coop and the clearance of any habitat (such as hedgerow, shrubs, trees or dense vegetation) that could be used by birds for nesting would need to take account of the presence of nesting birds. The presence of nesting birds can be avoided as a constraint to the proposals by timing such works to avoid the bird nesting season. Should the works need to be carried out during the bird nesting season then a watching brief would need to be carried out during works to check for the presence of nesting birds. The findings of the watching brief would be used to ascertain the best method to proceed to avoid impacting upon nesting birds. The bird nesting season is generally deemed to run from March to July/August inclusive, although some species can commence nesting earlier or later in the season.
- 4.5 To provide enhanced nesting opportunities for birds associated with the development, nest boxes (such as those commercially available from Schwegler) could be installed on the new buildings. These would need to be installed at the tops of walls close to the eaves and should not be installed facing due south. Deflector birds can be fitted easily below to collect any droppings or nest material. Suitable boxes would include open-fronted and hole-opening boxes, with a target species including house sparrow and common starling.

5. REFERENCES

CIEEM. (2013). *Guidelines for Preliminary Ecological Appraisal*. CIEEM. April 2013.

Eaton MA, Brown AF, Noble DG, Musgrove AJ, Hearn R, Aebischer NJ, Gibbons DW, Evans A and Gregory RD (2009) *Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man*. British Birds 102, pp296–341.

Hawksford, J.E., Hopkins, I.J., Cadman, D., Hill, R.N., Lawley, S.D., Leak, A., Radford, E., Reynolds, J.R., Steward, D. and Waller, R. (2011). *The Flora of Staffordshire*. Staffordshire Wildlife Trust.

JNCC. (1990). *Handbook for Phase 1 Habitat Survey - a technique for environmental audit*. JNCC, Peterborough.

PLATES



Photograph 1. Looking east across northern part of site



Photograph 2. Southern part of site



Photograph 3. Marshy grassland along eastern fringe of site



Photograph 4. Dilapidated chicken coop

NOTE - DO NOT SCALE FROM DRAWING



EXISTING SITE PLAN - 1:200

Fig 1 Layout of site and location of habitats.
for illustrative purposes only



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CLIENT

MR DAVID WATKINS

PROJECT

Proposed semi-detached dwellings to land at Hill Top, Brown Edge, Staffs. ST6 8TY.

TITLE

Site Plan as Existing

SCALE DRAWN

1:200 @ A2 AG

DRG NO. _____ DATE _____

DD-DW-01 01 / 08 / 14

REV.	DESCRIPTION	DATE
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APPENDIX I - LEGISLATION RELATING TO PROTECTED SPECIES DISCUSSED IN THE REPORT

The information below is intended only as guidance to the legislation relating to these species and relates solely to England. It is recommended that the legislative documents be referred to for the full legal wording.

Badgers

Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal for any person to kill, injure or take a badger. It is also an offence to destroy, damage or obstruct a badger sett, or to disturb animals whilst within a sett. Any operation likely to affect badgers by direct disturbance to the animals or damage, destruction or obstruction of their setts is required under the Act to be licensed by the appropriate authority. In the case of proposals for developments requiring planning permission, Natural England is the statutory licensing authority.

The Protection of Badgers Act 1992 defines a sett as 'any structure or place, which displays signs indicating current use by a badger.' This is applied to the tunnels and chambers of the sett, and the areas immediately outside the entrances, or to other structures used by badgers for shelter and refuge, such as crevices amongst rocks and boulders; spaces under garden sheds, raised buildings or other structures; and above-ground 'nests' or 'couches' – often tucked under a hedge or bush, but sometimes amongst hay bales in farm buildings. (See *Guidance on 'Current Use' in the Definition of a Badger Sett*, Natural England, June 2009).

Bats

There are seventeen different species of bat in the UK; some are very rare whilst others are widespread. However, because the populations of most species have declined in past decades, all British bats have been protected by law.

Bats are protected in England under European Legislation via the Conservation (Natural Habitats and Wild Flora and Fauna (92/43/EEC)) or 'The Habitats Directive'. The Directive is transposed into UK law via the Conservation of Habitats and Species Regulations 2010 (Statutory Instrument 2010/0490 known as the Habitats Regulations), which came into force on the 1st April 2010. The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 (Statutory Instrument 1994/2716) and amendments. Due to their inclusion on Schedule 2 of the Habitats Regulations, bats are considered 'European Protected Species'.

In summary, this legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb a bat;
- damage or destroy a breeding site or resting place of any bat;
- possess a bat (alive or dead) or any part of a bat.

Disturbance of bats includes in particular any disturbance which is likely:

(a) to impair their ability:

- (i) to survive, to breed or reproduce, or to rear or nurture their young; or
- (ii) to hibernate or migrate; or

(b) to affect the local distribution or abundance of the species to which they belong.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended), which has also been amended by the Countryside and Rights of Way (CROW) Act, 2000.

In summary, this legislation makes it an offence to:

- intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection;
- intentionally or recklessly obstruct access to any structure or place which any bat uses for shelter or protection.

In addition, under UK's Biodiversity Action Plans seven British bat species are listed as 'Priority Species'. These include barbastelle *Barbastella barbastellus*, Bechstein's *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared *Plecotus auritus*, greater horseshoe *Rhinolophus ferrumequinum* and lesser horseshoe *Rhinolophus hipposideros*.

Birds

All wild birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended). It is, therefore, an offence (subject to certain exceptions) to:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- take or destroy the egg of any wild bird.

In addition to the above, in accordance to amendments of the Wildlife and Countryside Act by the Countryside and Rights of Way Act 2000, it is an offence to:

- intentionally or recklessly disturb any species listed on Schedule 1 of the Wildlife and Countryside Act whilst building a nest, or whilst it is on, in or near a nest containing eggs or young; and
- disturb the dependant young of a Schedule 1 bird.

For example, barn owl is protected under Schedule 1 of the Wildlife and Countryside Act, protecting them from intentional or reckless disturbance during the breeding season (which is normally considered the time from when the female makes the first nest 'scrape' and lays the first egg until the time when the last dependent young stops returning to the nest (English Nature, 2002/3)).

Great Crested Newts

Great crested newts are protected in England and Wales under European Legislation via the Conservation (Natural Habitats and Wild Flora and Fauna (92/43/EEC)) or 'The Habitats Directive'. The Directive is transposed into UK law via the Conservation of Habitats and Species Regulations 2010 (Statutory Instrument 2010/0490 known as the Habitats Regulations), which came into force on the 1st April 2010. The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 (Statutory Instrument 1994/2716) and amendments. Due to their inclusion on Schedule 2 of the Habitats Regulations, bats are considered 'European Protected Species'.

In summary, this legislation makes it an offence to:

- deliberately capture, injure or kill a great crested newt;
- deliberately disturb a great crested newt;
- damage or destroy a breeding site or resting place of any great crested newt;
- possess a great crested newt (alive or dead) or any part of a great crested newt.

Disturbance of great crested newts includes in particular any disturbance which is likely:

(a) to impair their ability:

- (i) to survive, to breed or reproduce, or to rear or nurture their young; or
- (ii) to hibernate or migrate; or

(b) to affect the local distribution or abundance of the species to which they belong.

Great crested-newts are also protected under the Wildlife and Countryside Act 1981 (as amended), which has also been amended by the Countryside and Rights of Way (CROW) Act, 2000.

In summary, this legislation makes it an offence to:

- intentionally or recklessly disturb a great crested-newt while it is occupying a structure or place which it uses for shelter or protection;
- intentionally or recklessly obstruct access to any structure or place which any great crested-newt uses for shelter or protection.

In addition, the great crested newt is a Priority Species within the UK Biodiversity Action Plan with a Species Action Plan aimed at maintaining the existing range and population status, as well as increasing the number of populations through re-colonisation.

Otter

Otters are protected in England and Wales under European Legislation via the Conservation (Natural Habitats and Wild Flora and Fauna (92/43/EEC)) or 'The Habitats Directive'. The Directive is transposed into UK law via the Conservation of Habitats and Species Regulations 2010 (Statutory Instrument 2010/0490 known as the Habitats Regulations), which came into force on the 1st April 2010. The Conservation of Habitats

and Species Regulations 2010 (the “Habitats Regulations”) consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 (Statutory Instrument 1994/2716) and amendments. Due to their inclusion on Schedule 2 of the Habitats Regulations, bats are considered ‘European Protected Species’.

In summary, this legislation makes it an offence to:

- deliberately capture, injure or kill a otter;
- deliberately disturb a otter;
- damage or destroy a breeding site or resting place of any otter;
- possess a otter (alive or dead) or any part of a otter.

Disturbance of otters includes in particular any disturbance which is likely:

(a) to impair their ability:

(i) to survive, to breed or reproduce, or to rear or nurture their young; or

(b) to affect the local distribution or abundance of the species to which they belong.

Otters are also protected under the Wildlife and Countryside Act 1981 (as amended), which has also been amended by the Countryside and Rights of Way (CROW) Act, 2000.

In summary, this legislation makes it an offence to:

- intentionally or recklessly disturb a otter while it is occupying a structure or place which it uses for shelter or protection;
- intentionally or recklessly obstruct access to any structure or place which any otter uses for shelter or protection.

In addition, the otter is a Priority Species within the UK Biodiversity Action Plan with a Species Action Plan aimed at maintaining the existing range and population status, as well as increasing the number of populations through re-colonisation.

White-clawed Crayfish

White-clawed crayfish are listed on Schedule 5 of the Wildlife & Countryside Act 1981, but only receive protection under Sections 9(1) and 9(5). This makes it an offence to:

- kill injure or take white-clawed crayfish from the wild;
- offer for sale, transport for sale, advertise for the purpose of trading any live, dead, part, or derivative of, white-clawed crayfish.

Section 9 applies to all stages in their life cycle.

In addition, the white-clawed crayfish is a Priority Species within the UK Biodiversity Action Plan with a Species Action Plan aimed at maintaining the existing range and population status, as well as increasing the number of populations through re-colonisation.