



“Providing Common Sense Solutions for Sustainable Development”

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Springfields Caravan Site

Preliminary Ecological Appraisal (PEA) Report – September 2022



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EXECUTIVE SUMMARY

Site Description and Scope of Works

This report relates to the Springfield Caravan Site at Breach Lane, Tean, Staffordshire, ST10 4JL (**grid reference: SJ 99560 39953**). The work commissioned by Paul McCormack (Sapling Associates LTD) was to carry out a Preliminary Ecological Appraisal (PEA) of the site. To fulfil this brief, both a desk-based study and a site survey were carried out.

The initial site visit took place on the 28th of September 2022 by Mr. Paul Keeling BSc (Hons) MCIEEM (Senior Ecologist). Mr. Paul Keeling has more than ten years of experience in undertaking Preliminary Ecological Appraisals.

Please see 'Section 5 Discussion and Ecological Provisions' for details about the fauna and flora recorded at the site.

Potential Constraints and Ecological Provisions	Yes	No
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Badgers

Has the site been assessed for badgers?	☒	
Are badgers a potential constraint to the development?		☒

Ecological Provisions:

None

Bats

Has the site been assessed for bats?	☒	
Are roosting bats a potential constraint to the redevelopment?		☒
Are foraging/commuting bats a potential constraint to the development?		☒

Ecological Provisions:

Please see 'Section 5.1 – Discussion and Ecological Provisions' for further guidance measures.

Breeding birds (including barn owls)

Has the site been assessed for breeding birds (including barn owls)?	☒	
Are nesting birds (including barn owls) a potential constraint to the development?	☒	

Ecological Provisions:

Please see 'Section 5.1 – Discussion and Ecological Provisions' for further guidance measures.

Amphibians, including Great Crested Newts

Has the site been assessed for amphibians?	☒	
Are amphibians a potential constraint to the redevelopment?		☒

Ecological Provisions:

None

Reptiles

Has the site been assessed for reptiles?	☒	
Are reptiles a potential constraint to the development?		☒
<u>Ecological Provisions:</u> None		
Other fauna species –		
Has the site been assessed for other fauna species?	☒	
Are other protected species a potential constraint to the development?		☒
<u>Ecological Provisions:</u> None		
Non-native flora species		
Has the site been assessed for non-native flora species (Japanese Knotweed and Himalayan Balsam)?	☒	
Are non-native species present at the redevelopment site?		☒
<u>Ecological Provisions:</u> None		
Other features of nature conservation interest		
Does the application site support Habitats of Principal Importance or Local Biodiversity Action Plan (BAP) Priority Habitats?	☒	
If so, which?		
<u>Recommendations:</u> A species-rich hedgerow is present along the north boundary of the site. see 'Section 5.1 – Discussion and Ecological Provisions' for further guidance measures.		

1.1 INTRODUCTION

1.2 Background

- 1.2.1 This report relates to the **Springfields Caravan Site, Breach Lane, Tean, Staffordshire, ST10 4JL (grid reference: SJ 99560 39953)**. The work commissioned by Paul McCormack (Sapling Associates LTD), was to carry out a Preliminary Ecological Appraisal (PEA) of the site. To fulfil this brief, both a desk-based study and a site survey were carried out.
- 1.2.2 The initial site visit took place on the 28th of September 2022 by Mr. Paul Keeling BSc (Hons) MCIEEM (Senior Ecologist) and Ashley Milward (Assistant Ecologist). Mr. Paul Keeling has more than ten years of experience in undertaking Preliminary Ecological Appraisals.

Figure 1: An aerial map showing the location of the site (outlined in red) in relation to the surrounding area.



- 1.2.3 Animals frequently move around and change places they use for shelter. Therefore, this report is generally considered to be **valid for two years** from the date that the survey was carried out. This figure may be different for some species or habitats, but this should be confirmed by a professional ecologist. If you have ecological data that is considered 'out-of-date,' you may require an updated 'walkover survey' in certain circumstances.

1.3 Scope and Brief

- 1.3.1 The primary purpose of this assessment was to identify the habitats and flora species present on-site and any evidence of protected species usage and/or features of potential ecological interest.
- 1.3.2 This report outlines the survey methodologies undertaken and assesses the survey results so appropriate recommendations (including whether further surveys are required) can be devised.

1.4 Site Description

- 1.4.1 The site is a former caravan and camping site and is surrounded by farmland, residential units, commercial units, roads and trees.
- 1.4.2 Photographs of the site are presented in Appendix Two.

1.5 Proposed Works

- 1.5.1 Under the current proposals, new dwellings are to be built at the site (please see Appendix One for the site plan indicated by the red line boundary). The impact of these works on the on-site habitats and, subsequently, the effect on any local fauna will be discussed further in this report.

1.6 Biodiversity Legislation

1.6.1 The activities for the proposed works should comply with International, European and UK nature conservation legislation and with national and local biodiversity policies. The following legislation is relevant to this assessment:

- Conservation of Habitats and Species Regulations 2010 (as amended).
- Natural Environment and Rural Communities (NERC) Act 2006; and
- Protection of Badgers Act 1992;
- Wildlife and Countryside Act 1981 (as amended);

1.6.2 The key policy documents which influence ecology and nature conservation assessments are the:

- National Planning Policy Framework (NPPF);
- UK Biodiversity Action Plan (UKBAP).
- Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments

2.1 METHODOLOGY

2.2 Desktop Study (Ecological Data Search)

- 2.2.1 Staffordshire Ecological Record (SER) was commissioned to carry out an ecological data search of all protected species and sites recorded within a 2km radius of the site.
- 2.2.2 A desktop study of the area using online resources was undertaken independently to corroborate the current overview of the site and its importance in the landscape. Websites/applications used for this study include www.naturalengland.org.uk, www.ordnancesurvey.co.uk, and Google Earth. A search for other relevant nature conservation information was made using the Multi-Agency Geographic Information for the Countryside (MAGIC). MAGIC also features aerial imagery that can be studied for connecting habitats (or likewise, Google Maps can be viewed).

2.3 Field Survey

- 2.3.1 A Preliminary Ecological Appraisal (also known as an Extended Habitat Survey) was carried out using the method outlined in the JNCC Handbook for *Phase 1 Habitat Survey: a technique for environmental audit (2010)*. This method broadly maps and describes the habitats and features present on the site. The presence or potential presence of protected species is also noted during the survey, along with any other features of interest.
- 2.3.2 As the JNCC handbook aids with the classification of natural habitats, some of the classification codes and colours have been modified slightly to make them relevant to this project.
- 2.3.3 Habitat surveys can be carried out all year round, but the optimal time period is between the months of April and September. These surveys were undertaken in **September 2022**, within the optimal time period for flora surveys. Therefore, Evolution Ecology Ltd feels confident that this survey report accurately represents the site's suitability for the presence/absence of protected flora and fauna species.

2.4 Nomenclature

For this report, the common English name only for fauna and flora species is given in the text. However, scientific names may be used if no English name is available.

3.1 DESKTOP STUDY RESULTS

3.2 Statutory Sites

- 3.2.1 The information received from the local records office confirmed that there are no known **statutory sites** (e.g., SSSI, SPA, SAC, LNR, or Ramsar) present within the 2km data search.

3.3 Non-Statutory Sites

- 3.3.1 The desktop study has revealed four **non-statutory sites** that are located within a 2km radius of the site. These are in the form of biodiversity alert sites and local wildlife sites. However, none of these sites lies within the site's red line boundary.

Please see 'Appendix Three - Desktop study data' for the location of the habitats/sites.

3.4 Ancient, Ancient Semi-natural, and Ancient Replanted Woodland

- 3.4.1 According to the information obtained from the local records office, there is one Ancient & Semi-natural Woodland site located within the 2km search radius (Huntley Wood).

Please see 'Appendix Three - Desktop study data' for the location of the habitats/sites.

3.5 Protected Species

- 3.5.1 There are records of protected species within a 2km radius of the site, and some of these are listed below (see Appendix three for further details):

<u>Common Name</u>	<u>Latin Binomial</u>	<u>Category</u>
Red Kite	<i>Milvus milvus</i>	Bird
European Water Vole	<i>Arvicola amphibius</i>	Mammal
Brown long-eared bat	<i>Plecotus auritus</i>	Mammal
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	Mammal
Barn Owl	<i>Tyto alba</i>	Bird
Kingfisher	<i>Alcedo atthis</i>	Bird
Great crested newt	<i>Triturus cristatus</i>	Amphibian
Badger	<i>Meles meles</i>	Mammal

3.5.2 The desktop study data also shows a number of species that are listed as a priority in the UK. These are known as BAP species, some of which can be seen below.

<u>Common Name</u>	<u>Latin Binomial</u>
Lapwing	<i>Vanellus vanellus</i>
Starling	<i>Sturnus vulgaris</i>
Common pipistrelle	<i>Pipistrellus pipistrellus</i>
European Water Vole	<i>Arvicola amphibius</i>
Song thrush	<i>Turdus philomelos</i>
Brown Long-Eared	<i>Plecotus auritus</i>
Hedgehog	<i>Erinaceus europaeus</i>
Great crested newt	<i>Triturus cristatus</i>

3.5.3 Bats Recorded in the Area

Seven British bat species are currently given UK BAP (2007) Priority Species Status (table A). Of these, four UK BAP species were recorded within a 2km radius of the proposed application area (highlighted in grey):

Table A: UK BAP (2007) Priority bat species status

UK BAP	Common name	Species	County records within 2km
☒	Brown long-eared bat	<i>Plecotus auritus</i>	☒
☒	Barbastelle bat	<i>Barbastella barbastellus</i>	☐
☒	Bechstein's bat	<i>Myotis bechsteinii</i>	☐
☒	Noctule	<i>Nyctalus noctula</i>	☒
☒	Greater horseshoe bat	<i>Rhinolophus ferrumequinum</i>	☐
☒	Lesser horseshoe bat	<i>Rhinolophus hipposideros</i>	☐
☒	Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	☒
☒	Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	☒

4.1 PRELIMINARY ECOLOGICAL APPRAISAL SURVEY

4.2 Introduction

4.2.1 The habitat map (and the relevant habitat codes and target notes) associated with this Preliminary Ecological Appraisal can be observed in Appendix Four.

4.3 Habitats

4.3.1 The following habitats were recorded within the areas of interest during the Preliminary Ecological Appraisal:

- Amenity Grassland (J1.2),
- Tall Ruderal (C3.1),
- Building (Caravans/Outbuildings, J3.6),
- Scattered Trees (A3),
- Hedgerow (Species Poor, J.2.2),
- Hedgerow (Species Rich J.2.1)

4.3.2 Amenity Grassland (J1.2)

The majority of the site is amenity grassland (caravan/camping site), which is comprised of

- ❖ Creeping thistle
- ❖ Buttercup,
- ❖ Dandelion
- ❖ Yorkshire fog grass
- ❖ Cocksfoot grass
- ❖ Docks
- ❖ Nettles

4.3.3 Tall Ruderal (C3.1)

The 'Tall Ruderal Habitat' is present in a small plot at the east boundary of the site. The Tall Ruderal is comprised of

- ❖ Nettle
- ❖ Blackthorn
- ❖ Black currant
- ❖ Pink rose yarrow
- ❖ Docks
- ❖ Cocks foot grass
- ❖ Hogweed
- ❖ Teasel
- ❖ Creeping thistle
- ❖ Elderberry

4.3.4 Building (Caravans/Outbuildings, J3.6)

On the west side of the site is a static caravan and timber outbuildings (toilet/shower blocks).

4.3.5 Scattered Trees (A3)

- ❖ Cherry Tree
- ❖ Hawthorn
- ❖ Field Maple
- ❖ Beech
- ❖ Oak
- ❖ Rowan

4.3.6 Hedgerow (Species-poor, J.2.2)

The different species-poor hedgerows at the site are made up of the following plant species (not all in the same hedgerows).

- ❖ Laurel
- ❖ Privet
- ❖ Hazel
- ❖ Blackthorn
- ❖ Hawthorn

4.3.7 Hedgerow (Species-rich, J.2.1)

The species-rich hedgerow is located on the north boundary of the site and is made up of the following plant species.

- ❖ Hazel
- ❖ Hawthorn
- ❖ Blackthorn
- ❖ Dog Rose
- ❖ Silver birch
- ❖ Oak

4.4 Fauna Species

4.4.1 Amphibians

Amphibious species have been located within the 2km search radius. However, no records of amphibians were located on the site.

The site is deemed unsuitable for breeding amphibians due to the absence of suitable ecological features, such as ponds and marshlands not being located on the site.

4.4.2 Birds

The ecological data search revealed protected and rare bird species; none of these records lies on the site.

However, during the PEA assessment, birds were recorded perched in the south hedgerow and the north hedgerows.

The birds were tree sparrows and blackbirds.

Please see 'Section 5.1 Discussion and Ecological Provisions' for more information.

Mammals

4.4.3 Bats

Multiple bat species were revealed within the ecological data search. However, none were recorded at the site, and the site offers no bat roosting features.

4.4.4 Badgers

No evidence of badgers (setts, latrines, tracks) was identified within the boundary of the site, with no further action required.

4.4.5 Otter

No records of otters were identified within the 2km ecological data search, and the site offers no ecological features (rivers and streams) for otters. Therefore, no further action is required regarding otters.

4.4.6 Hedgehog

Hedgehogs have been recorded in the data search area; however, none have been recorded at the site. The caravan/camping site offers minimal sheltering and foraging opportunities (mainly amenity grassland).

Therefore, no further action is required regarding hedgehogs.

4.4.7 Reptiles

Reptiles have been recorded in the data search area; however, none have been recorded at the site. The caravan/camping site offers minimal sheltering and foraging opportunities (mainly amenity grassland).

Therefore, no further action is required regarding reptiles.

4.4.8 Invertebrates

Invertebrates have been recorded in the data search area; however, none have been recorded at the site. The caravan/camping site offers minimal sheltering and foraging opportunities (mainly amenity grassland).

Therefore, no further action is required regarding invertebrates.

5.0 DISCUSSION AND ECOLOGICAL PROVISIONS

The following outlines potential mitigation/compensation measures for the proposed development.

5.1 Site Habitats - Following on from the habitat survey at the site, I can confirm that most of the site consists of amenity grassland (caravan/camping site - low ecological value).

However, a species-rich hedgerow is present along the north boundary of the site, and the hedgerow located along the south boundary is used by nesting birds. Therefore, both hedgerows provide ecological value/features for birds, small mammals, and invertebrates.

Therefore, any future development works at the site will need to design the retention of these hedgerows.

Birds - Birds and their nests are protected under the 'Wildlife and Countryside Act 1981', making it illegal to kill, injure or destroy a bird, its chicks or nest.

5.3 Hedgehogs – Any future development of the site will ideally need to retain the north and south boundary hedgerows to create/maintain 'hedgehog wildlife corridors'.

Laws - Hedgehogs are protected under 'Schedule 6 of the Wildlife and Countryside Act 1981'. It is illegal to kill willfully, injure or capture a hedgehog.

They are also protected under the Wild Mammals Protection Act 1996, prohibiting cruelty and mistreatment, and they are listed as a Species of Principal Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006, Section 41.

5.4 Invertebrates – The north and south boundary hedgerows are suitable for foraging, breeding, and shelter habitat for invertebrates. Therefore, these hedgerows need to be retained.

5.5 Designated Sites- The designated sites revealed by the local records office do not lie within the boundary of the site. Therefore, no designated sites will be impacted by the works.

5.6 Trees – Please see the tree survey report produced by 'Tree Heritage' for further details about the trees at the site.

5.7 New Species Rich Hedgerow – A new 40 metres of hedgerow will be planted along the northeast boundary of the site. The hedgerow will comprise the following hedgerow species (please see Figure 3 below for the location of the new hedgerow).

- *Acer campestre* – **Field Maple**
- *Prunus spinosa* – **Blackthorn**
- *Crataegus* - **Hawthorn**
- *Corylus* - **Hazel**
- *Ilex europaeus* - **Holly**

Figure 2: A guide on planting a new hedgerow (5 plants per metre).



Plant me Happy

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 E: paul@draycottnurseries.co.uk
 draycottnurseries.co.uk

DraycottNurseries
 PlantMeHappy
 Draycottnurseries3

Planting



- Plant in trenches large enough to take full spread of roots (20cm depth x 40cm width). Back fill with a previously prepared mixture of topsoil excavated from the pit, together with suitable compost and additional topsoil as required.
- Plant in a double staggered row approximately 30cm apart
- Set out plants evenly using the plan below as a guide.
- The base of the hedge should be mulched with a 50-75mm layer of composted bark to stop weed growth and retain moisture in the soil.
- Where necessary, protect plants from damage and grazing by using protective tubes or spiral guards.
- If using bare root stock, ideally plant in late autumn after mid-November, although planting anytime between October and March is possible, if the ground is not frozen.
- If planting at any other time use containerised stock and ensure good watering regime



Planting in a double staggered row

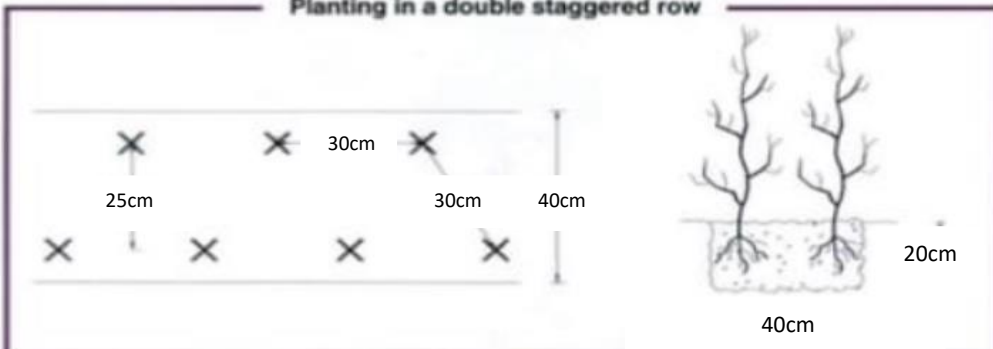
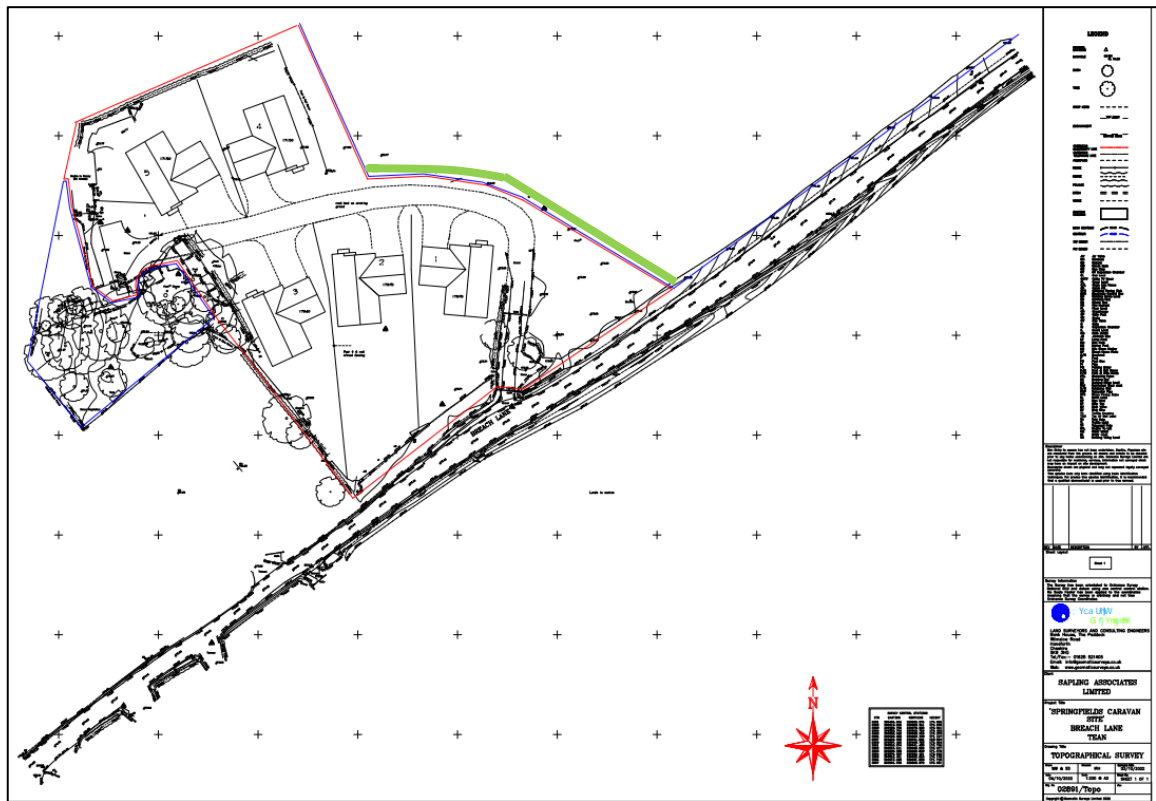


Figure 3: Location of the new species-rich hedgerow (green line) in relation to the proposed housing development



5.8 Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments - All the above ecological provisions outlined within this report work towards the Government's biodiversity net gain.

Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where development has an impact on biodiversity, it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that are being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

Defra has recently consulted on making biodiversity net gain a mandatory element of the English planning system. However, many developers are already designing net gain into their development projects, and national planning policy frameworks already encourage the net gain approach. Quite simply, a policy of no net loss has not worked, and we need to do something different if we are to make any progress towards reaching our biodiversity targets.

5.9 Landscape planting scheme – Any future development of the site should aim to provide foraging opportunities for birds, bats, small mammals and invertebrates.

A selection of aesthetically pleasing plants (a mixture of non-native and native), but wildlife-friendly, along with native plants that are already on the site and the surrounding area, have been selected and should be installed at the site. Please see the below list for the plants and shrubs.

- *Acer campestre* – **Field Maple**
- *Amelanchier lamarckii* – **Juneberry**
- *Perovskia atriplicifolia* – **Russian Sage**
- *Carpinus betulus* – **Common Hornbeam**
- *Sedum spectabile* - **Sedum Spectabile**
- *Achillea millefolium* – **Yarrow**
- *Astilbe* – **False Goats Beard**
- *Verbena rigida* - **Slender Vervain**
- *Hydrangea serrata* - **Mountain Hydrangea**
- *Pachysandra terminalis* - **Japanese Spurge**
- *Sarcococca hookeriana digyna* - **Sweet Box**
- *Bergenia* – **Pigsqueak**
- *Heuchera micrantha* - **Crevice Alumroot**
- *Cotoneaster franchetti* - **Cotoneaster shrubs**
- *Cornus* - **Dogwood**
- *Prunus spinosa* – **Blackthorn**
- *Crataegus* - **Hawthorn**
- *Fraxinus excelsior* - **Common Ash**
- *Quercus* - **Oak**
- *Corylus* - **Hazel**
- *Flex* - **Holly**
- *Rosa canina* - **Dog Rose**

5.10 Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments - All the above ecological provisions outlined within this report work towards the Government's biodiversity net gain.

Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where development has an impact on biodiversity, it encourages developers to provide an increase in appropriate natural habitats and ecological features over and above that are being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

Mitigation Hierarchy - The mitigation hierarchy is the cornerstone of achieving biodiversity net gain. Applying the mitigation hierarchy requires taking each stage in turn, focusing on all possibilities for resolving potential biodiversity impacts before moving on to the next stage.

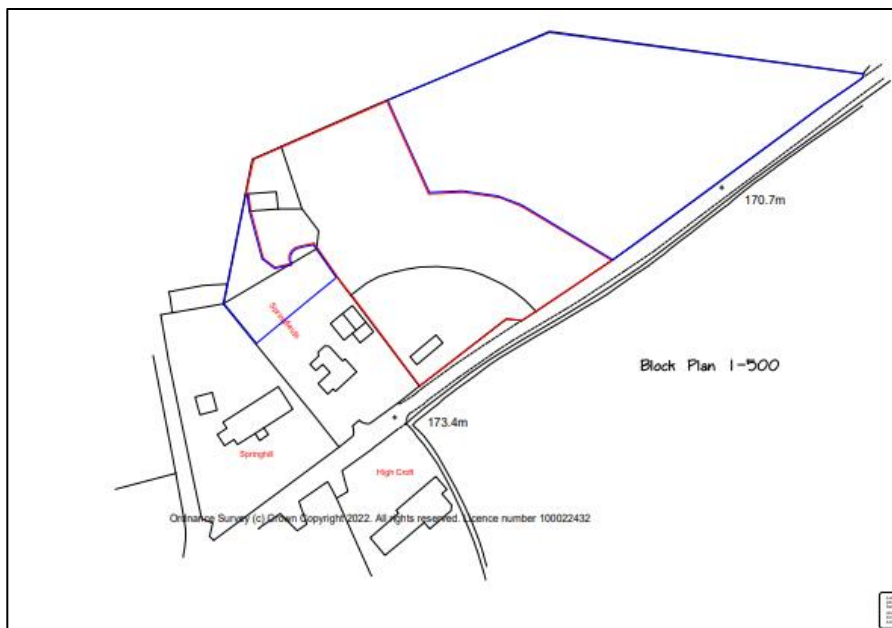
Applying the mitigation hierarchy		
Stage	In practice	
1. Avoidance	This first stage is to avoid harm to biodiversity, for example by locating to an alternative site. It is the most important stage and can ease the consent process, whereas missing this stage can lead to criticism, objections and refusal of permission for the development.	Achieving biodiversity gains or net gain at all stages of the mitigation hierarchy
2. Minimisation	If avoiding all adverse effects is not possible, action is taken to minimise these effects, such as those in the CIEEM EclA guidelines (CIEEM, 2018), which include timing works to avoid sensitive periods.	
3. Compensation	Addressing residual adverse effects is the final stage, only considered after all possibilities for avoiding and minimising the effects have been implemented. Compensation does not prevent the effects, rather it involves measures to make up for residual effects that cannot be prevented. Offsetting is a form of compensation that trades losses of biodiversity in one location with measurable gains in another; biodiversity offsets have a formal requirement for measurable outcomes. Offsetting losses of biodiversity with gains elsewhere can be within or outside of the development footprint.	

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Appendix One – Aerial Image and Site Plans

Aerial and ordinance survey maps showing the site and the surrounding area.



Appendix Two –

Photographic Records

Plate 1: A photograph showing the hedgerow with trees.



Plate 2: A photograph showing one of the species-poor hedgerows.



Plate 3: A photograph showing the species-poor hedgerow along the south boundary of the site.



Plate 4: A photograph of the tall ruderal habitat on the east side of the site.



Plate 5: A photograph showing the outbuildings at the site.



Plate 6: A photograph of the hedgerow and tall ruderal habitat located along the north boundary.



Plate 7: A photograph of the hedgerow located along the north boundary.

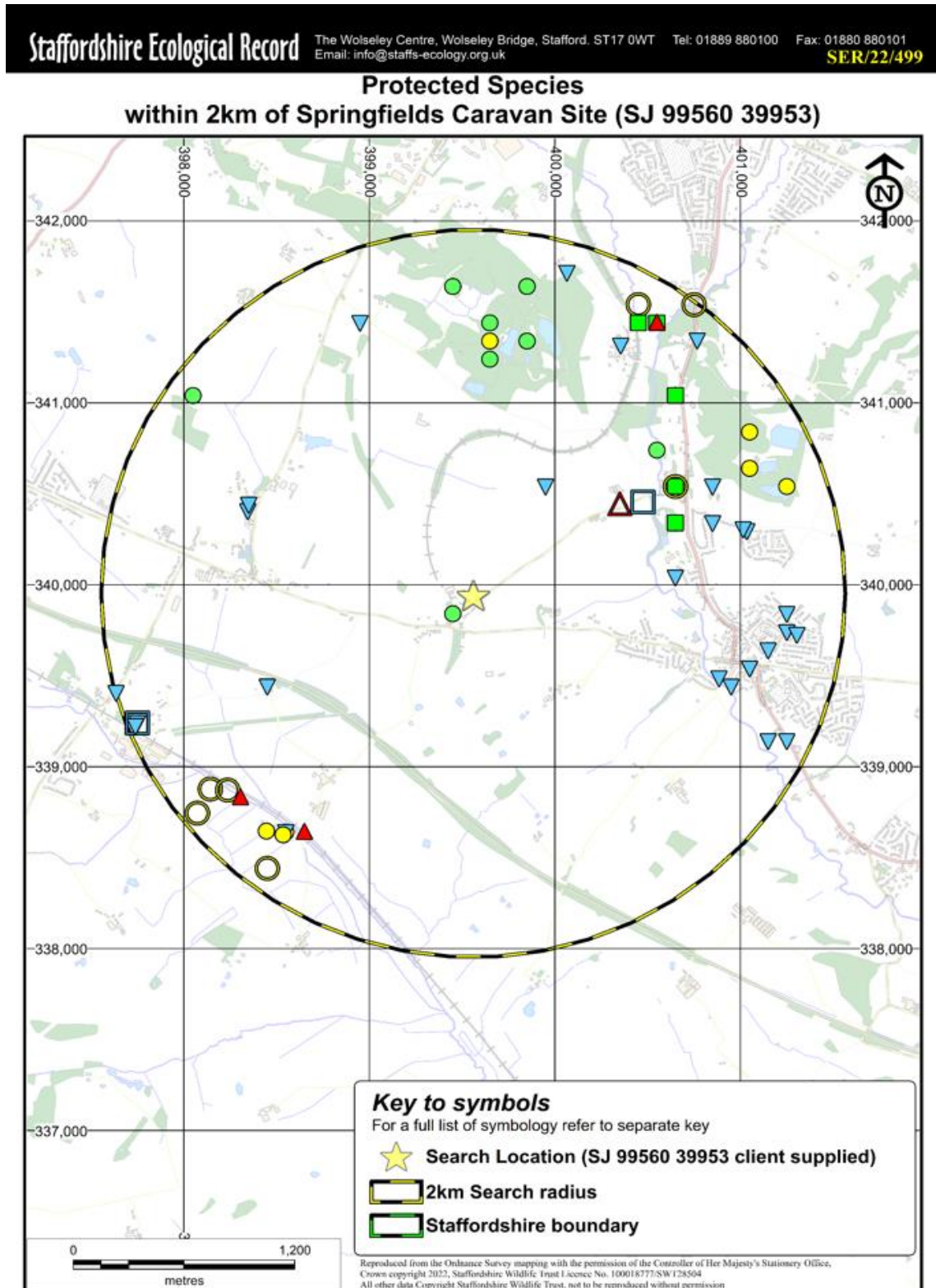


Plate 8: A photograph of the caravan/camping site.

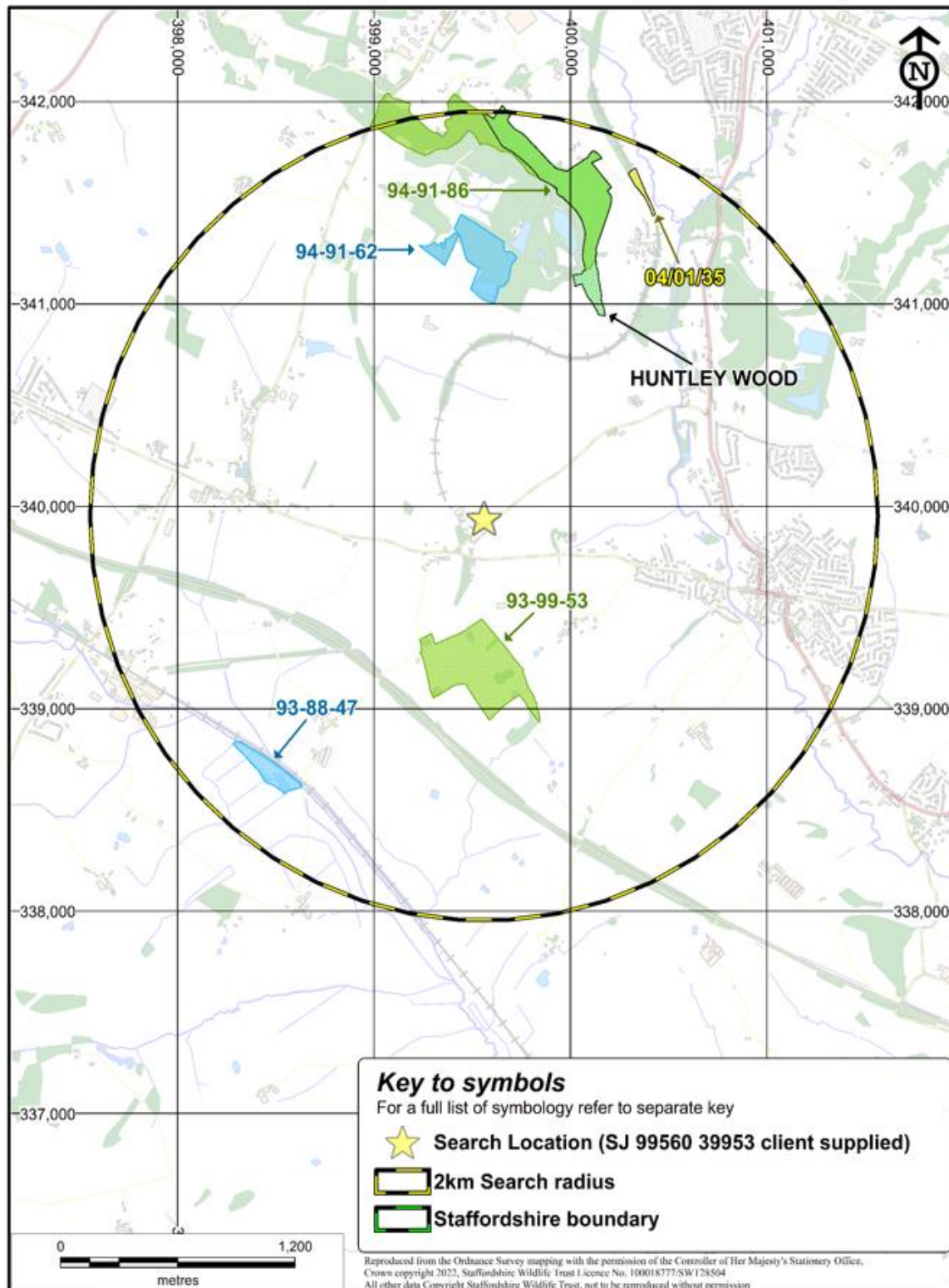


Appendix Three –

Desktop Study Data



Nature Conservation Sites within 2km of Springfields Caravan Site (SJ 99560 39953)



A legend to the map showing Nature Conservation Sites and Species

Introduction

These colours are used on the site alert mapping within the SWT GIS, but SER cannot guarantee the same colours are used in any other mapping system, particularly those based on ArcView.

Statutory Designations from Natural England's web-site

- | | |
|--|--|
|  National Nature Reserves | ★ NNR (boundary not available owing to OS restrictions) |
|  Sites of Special Scientific Interest | ★ SSSI (boundary not available owing to OS restrictions) |
|  Local Nature Reserves | ★ LNR (boundary not available owing to OS restrictions) |

Non-statutory Designations from the Staffordshire Grading System (1995 onwards)

-  Site of Biological Importance (ex Grade 1 SBI) equivalent to "Local Wildlife Site"
-  Biodiversity Alert Site (ex Grade 2 SBI)
-  Proposed/potential Site of Biological Importance

Geological Sites

-  Regionally Important Geological/geomorphological Site (= Local Geological Site)

Staffordshire Wildlife Trust Sites

-  SWT Nature Reserves

Other Nature Reserves

-  Royal Society for the Protection of Birds

Ancient Woodland Inventory

-  Ancient & Semi-natural Woodland
-  Ancient Replanted Woodland

Species Information

- | | |
|---|--|
|  Mammals excluding those listed below |  Amphibians and reptiles excluding those below |
|  Otter (<i>Lutra lutra</i>) |  Great Crested Newt (<i>Triturus cristatus</i>) |
|  Badger (<i>Meles meles</i>) - not normally supplied |  Native Crayfish (<i>Austropotamobius pallipes</i>) |
|  Water Vole (<i>Arvicola terrestris</i>) |  Flowering plants except those below |
|  All bat species |  Bluebell (<i>Hyacinthoides non-scripta</i>) |
|  All bird species |  Butterflies and Moths |
|  Any other protected species (precise to 100m) |  BAP Species Records (precise to 100m) |
|  All Protected Species Records (precise to 1km) |  BAP Species Records (precise to 1km) |

Notes:

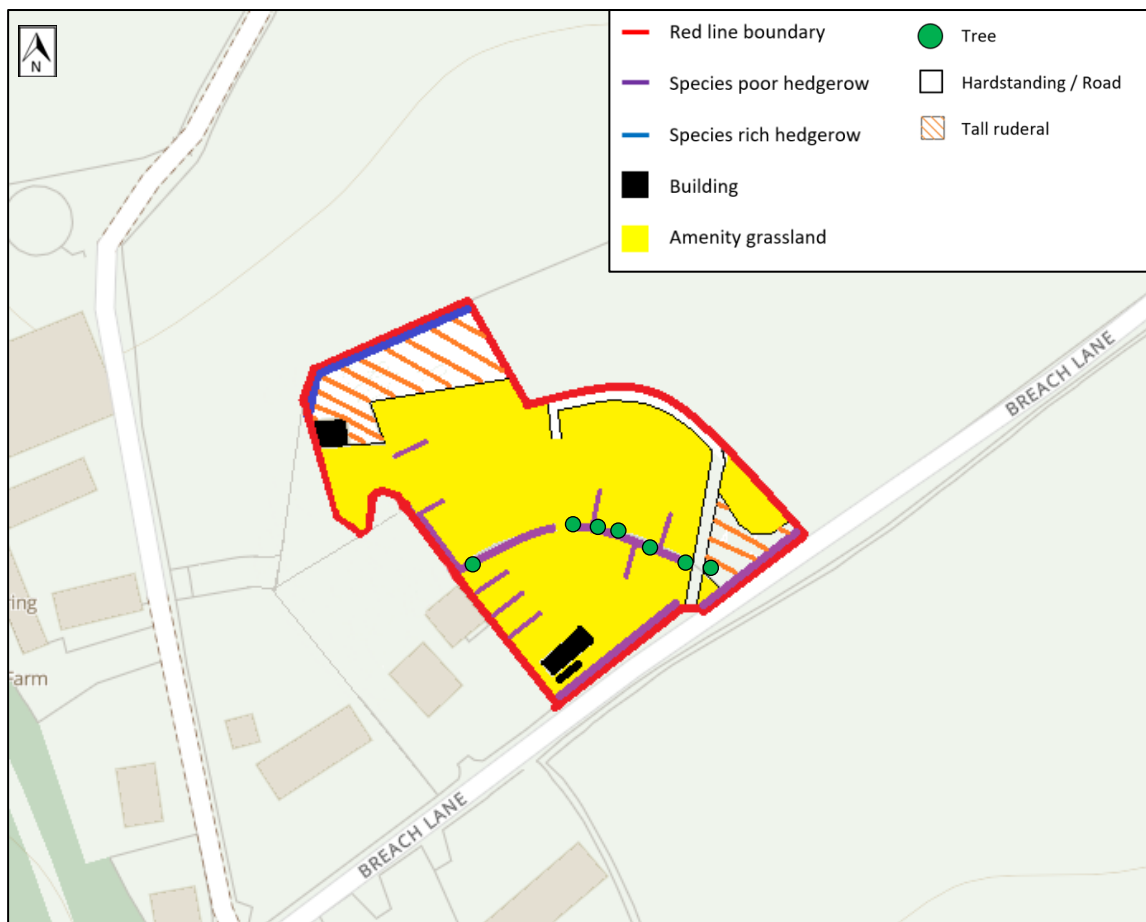
The Local Nature Reserve and other nature reserve boundaries can overlay the current grading when both layers are actively visible

Where there are multiple species records for the same grid reference the dot for one species may obscure the dots for other species - all species records will be displayed in the accompanying spreadsheet

Not all the above categories may be present on the accompanying map

Appendix Four –

Habitat Map



Appendix Five –

Biodiversity Legislation and Policy

The framework of legislation and policy which underpins nature conservation in England. This is a material consideration in the planning process in England.

Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010 as amended)

The Habitats Regulations 2010 consolidate and update the Conservation Regulations 1994 and all its various amendments. The Habitats Regulations 2010 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2010 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2010 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Wildlife and Countryside Act (WCA) 1981 (As amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Conservation (Natural Habitats. & c.) Regulations 1994 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs.

The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Biodiversity Action Plan

The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, is a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contains a list of priority habitats and species of conservation concern in the UK, and outlines biodiversity initiatives designed to enhance their conservation status. Lists of Broad and Local habitats are also included. The priority habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP requires that conservation of biodiversity is addressed at a County level through the production of Local BAPs. These are complementary to the UKBAP, however are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. UKBAP and Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Planning Policy (England) and National Planning Policy Framework

In early 2012, the National Planning Policy Framework (NPPF) replaced much previous planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 11, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and, where possible, provide net gains in biodiversity. Opportunities to incorporate biodiversity gains into a development should be encouraged.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

SPECIES SPECIFIC LEGISLATION

This section contains a summary of legislation with relation to the species present or potentially present in the survey area. The reader should refer to the original legislation for definitive interpretation.

Nesting and Nest Building Birds

Nesting and nest-building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended). Some species (listed in Schedule 1 of the WCA) are protected by special penalties.

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

'Reckless' offences with regard to the disturbance of nesting wild birds included in Schedule 1 of the Wildlife and Countryside Act were added by the Countryside and Rights of Way Act 2000.

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. These lists include a number of bird species.

The reader is referred to the original legislation for the definitive interpretation.

Badger

The main legislation protecting badgers in England and Wales is the Protection of Badgers Act 1992 (the 1992 Act). Under the 1992 Act it is an offence to:

- wilfully kill, injure, take or attempt to kill, injure or take a badger;
- possess a dead badger or any part of a badger;
- cruelly ill-treat a badger;
- use badger tongs in the course of killing, taking or attempting to kill a badger;
- dig for a badger;
- sell or offer for sale or control any live badger;
- mark, tag or ring a badger; and
- interfere with a badger sett by:
 - damaging a sett or any part thereof;
 - destroying a sett;
 - obstructing access to a sett;
 - causing a dog to enter a sett; and
 - disturbing a badger while occupying a sett.

The 1992 Act defines a badger sett as: "any structure or place which displays signs indicating current use by a badger".

LIMITING CONDITIONS/DISCLAIMERS (Unless stated otherwise)

The Service

1.1 Evolution Ecology Ltd agrees to supply Ecological consulting services of a preliminary nature or a more thorough service as advised or as commissioned.

2. Fees

2.1 The client(s) will settle the agreed fee in full, within 30 days of receiving the invoice. Reports will remain the property of Evolution Ecology Ltd until full payment has been received. No liability is accepted for the contents of a report that is not paid in full. Any queries should be notified to Evolution Ecology Ltd within 7 days of the invoice date.

2.2 If the client(s) fails to pay within the time specified in 2.1 then Evolution Ecology Ltd shall charge the client(s) interest on the outstanding fee, both before and after any judgment, at the rate of 4% per annum above the HSBC Bank base rate, until payment is made in full (A part of a month being treated as a full month for the purposes of calculating interest).

2.3 In the event that it is necessary to recover any outstanding fees from the client(s), the client(s) will fully reimburse any costs and expenses incurred during the recovery period, including court costs. Evolution Ecology Ltd reserves the right to make a charge for every letter sent and telephone/fax call made, in connection with the recovery.

3. The Report

3.1 If any part of the report is lost or altered without the written consent of Evolution Ecology Ltd, then the entire report becomes invalid.

3.2 The general format of reports is a certified product and cannot be shown, copied or distributed to third parties without the permission of Evolution Ecology Ltd. No liability is accepted for the contents of the report, other than to that of the client(s).

3.3 The report will purport not to express any opinion or comment as to the condition or structural integrity of any building and no reliance should be made on any such comments.

4. Insurance Cover

4.1 All work carried out by Evolution Ecology Ltd is covered by a £1,000,000 professional indemnity insurance.

5. Quality of Craftsmanship

5.1 When appointing an Ecologist, please use only suitably qualified and experienced companies (The Local Authority and the Institute of Ecology and Environmental Management may be able to provide a select list of such companies).

5.2 Evolution Ecology Ltd will not accept liability for any works undertaken by any other companies, or contractors.