

**LAND AT BROOKLANDS WAY
LEEK
STAFFORDSHIRE**

Extended Phase 1 Habitat Survey

2nd September 2014



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CONTENTS

1.0 INTRODUCTION

2.0 METHODOLOGY

3.0 RESULTS

4.0 CONCLUSIONS AND RECOMMENDATIONS

1.0 INTRODUCTION

1.1 Background

Ecotrack Ltd has been commissioned by Simon Hepden of Leekbrook Developments Limited c/o 3 The Stables, Newby Hall, Skelton, North Yorkshire HG4 5AE, to undertake an extended Phase 1 Habitat survey of a proposed development site situated off Brooklands Way, near Leek, Staffordshire. The site was previously subject to outline planning permission which has now expired.

1.2 Site Context

The site is located approximately 2.5km south of the town of Leek in Staffordshire at National Grid Reference SJ994537. The site is approximately 7.7 hectares and is bordered predominantly by farmland pasture to the north and east along with Jackfield Plantation to the north-east; farmland and Twinney Wood to the south; and industrial buildings to the west.

1.3 Purpose of this report

This report details the approach to and the results of an extended Phase 1 habitat survey undertaken of the site and highlights any potential constraints in relation to future development of the site. The report also details the further species surveys that may be required.

2.0 METHODOLOGY

2.1 Desk Study

The desk study involved collating and reviewing information relating to statutory and non-statutory nature conservation sites situated within 2km of the site, and details of species that are afforded legal protection or are of notable nature conservation value previously recorded within 2km of the site.

The sources consulted and the data obtained are summarised below:

- Staffordshire Ecological Record was contacted to obtain details of non-statutory sites of nature conservation value and details of any flora and/or fauna of notable nature conservation value previously recorded within 1km of the site;
- The government environmental information partnership project MAGIC (www.magic.gov.uk) was used to identify statutorily designated sites of nature conservation value within 2km of the site;
- Details of the Staffordshire Biodiversity Action Plans were obtained from: <http://www.sbap.org.uk/>.

2.2 Extended Phase 1 Habitat Survey

A Phase 1 Habitat Survey (JNCC 2010¹) of the site was undertaken on 22nd April 2013 and a walkover survey was undertaken to verify the conditions on the site were unchanged on 25th August 2014 by an Ecotrack ecologist (and a full member of CIEEM). This survey method involves mapping habitats on and adjacent to the site at an appropriate scale using standard colour codes and acronyms and according to standard habitat definitions (JNCC, 2010). Numbered 'Target Notes' were added to the map to record the location of, and describe, notable (in terms of nature conservation) features of the site.

The survey method was extended to include an assessment of the potential of the habitats on/near the site to support legally protected species and Biodiversity Action Plan (BAP) species. The location and nature of any signs of protected and/or BAP species observed during the surveys were also recorded in target notes.

¹ JNCC (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*, revised reprint 2003, reprinted 2007 and 2010. ISBN 0 86139 636 7.

2.3 Limitations

There were no limitations to the survey.

3.0 RESULTS

3.1 Desk Study

3.1.1 Statutory Sites

There is one statutorily designated site of nature conservation interest; Coombes Valley Site of Special Scientific Interest (SSSI). Coombes Valley SSSI is located just over 1km to the south-east of the site. The Coombes Valley SSSI is designated for the steep sided valley created by the Combes Brook, a tributary of the River Churnet. The citation states that the valley comprises 'variably structured, ancient broadleaved woodland and both acidic and neutral grasslands. It supports outstanding assemblages of woodland breeding birds, beetles *Coleoptera* and moths and butterflies *Lepidoptera*'.

3.1.2 Non-Statutory Sites

There are twenty non-statutory nature conservation sites within 2km of the site. A list of these sites and their designation as provided by Staffordshire Ecological Record is detailed in Table 1 below. The map supplied by Staffordshire Ecological Record to show the location of the sites is at Appendix A.

Table 1 – Non-Statutory Designated Sites within 2km of the site

Site Name	Status	Year	Description
Ballington Wood	Local Wildlife Site (SBI)	1999	Ballington Wood is cited in the woodland inventory as ancient semi-natural woodland. This is relevant to some sections of the wood however, some areas, predominantly the northern section, has been replanted with coniferous and mixed stands.
Birchall Meadow	Biodiversity Alert Site	2009	Approximately one hectare of species-rich semi-improved neutral grassland. There is a small area of bare ground situated along the entire eastern border with another small area along the north-east border of the site.
Caldon Canal (south of Hollinhay Wood)	Local Wildlife Site (SBI)	1998	Diverse canal towpath and canal with some emergent vegetation between SJ 962 537 and 974 543.
Cheddleton Heath	Local Wildlife Site (SBI)	1999	Mixed moorland with developing scrub.
Cheddleton Heath (dismantled)	Local Wildlife Site (SBI)	2007	Part of a dismantled mineral railway line with an ephemeral plant community typifying well-drained, skeletal soils. The current assemblage appears to be transitional with much of the pioneer, annual species being gradually

railway)			superceded by perennial species
Coombes & Churnet Valleys	RSPB Reserve	1998	(no citation)
Coombes Valley	SWT Nature Reserve, SSSI (in part)	na	This site supports a diverse range of flora and fauna. In particular, the site supports a good range and high density of woodland bird species, a number of which are notable.
Ferny Hill	Local Wildlife Site (SBI)	1998	Lowland heath, with an area of cattle grazed pasture.
Ladydale	Local Wildlife Site (SBI)	2008	An area of poor semi-improved grassland with a large proportion of semi-improved neutral grassland. The Lady o' th' Dale Well runs through the north and northwestern woodland area, and flows along the entire southern border of the site.
Ladydale Wood Pasture	Local Wildlife Site (SBI)	2000	A hillside of semi-improved neutral grassland rising towards the north-east, with a scattering of broad-leaved trees. The southern and eastern areas of the site contain marshy grassland, and there are several marshy areas further up the hillside.
Leek Brook Meadow	Biodiversity Alert Site	2009	A hay meadow. The field varies in quality and towards the bottom of the field it becomes more diverse. The sward here is transformed to a more open and short sward where a broader range of species can be found.
Lowe Hill	Retained BAS	1999	A steep, east facing bank with two gullies running down to a plain where the water slows and creates areas of marshy grassland before leaching into a small stream.
Padwick	Biodiversity Alert Site	2006	This approximately 0.5ha site is made up of acid grassland and dry acidic heath. The areas of acidic grassland are concentrated around scattered rocky outcrops which are situated in the south-eastern corner of the field.
Revedge Farm (north of)	Local Wildlife Site (SBI)	2000	Two pastures with extensive areas of marshy grassland and acidic flushes. There is a narrow tree-lined stream on their north-eastern edges. The fields are sloping and are bounded by a mix of dry stone walls and fences.
Ringehay Grassland	Retained Grade 1 SBI	1999	Semi-improved pasture that still retains a good species diversity.
Rod Wood	SWT Nature Reserve	na	(No description provided)
Soils Wood	Local Wildlife Site (SBI)	2000	An area of birch woodland, with an occasional large old specimen, although most are mature or nearing maturity. The understorey is rather scattered and consists mainly of rowan and holly. On the woodland edge there is a small area of acid grassland.
The Ridge	Local Wildlife Site (SBI)	2007	A mixed deciduous predominantly birch woodland with a small stream running through, whilst sycamore is frequent, especially along the edges of the wood. Oak is a recurrent component too and is particularly evident at the northern end of the wood.
Twinney Wood and Grassland	Local Wildlife Site (SBI)	2009	The site consists of a range of habitats which include species-rich semi-improved grassland, marshy grassland, acid grassland, the semi-natural broadleaved woodland to the south and two small streams which pass

			through the site.
Upper Fernyhill Farm (south-east of)	Local Wildlife Site (SBI)	2006	A number of wet flushes and ponds with areas of marshy grassland adjacent to a stream within a scattered scrub mosaic. The remainder supports semi-improved grassland with acidic grassland along a small sloping section of the southern field.

3.1.3 Records of Protected or Notable Species

There are a number of protected and notable species records within 2km of the site.

These are detailed in Table 2 below.

Table 2 – Protected and notable species records within 2km of the site

Scientific name	Common name	Most Recent Record	Designated legal/notable status
<i>Bufo bufo</i>	Common toad	1977	UK BAP
<i>Triturus cristatus</i>	Great crested newt	1977	EPS, W&CA, UK BAP, LBAP
<i>Acipiter gentilis</i>	Northern goshawk	2006	A1, S1
<i>Alcedo atthis</i>	Common kingfisher	2003	A1, S1, AL
<i>Anser anser</i>	Greylag goose	2005	AL
<i>Ciconia nigra</i>	Black stork	1985	A1
<i>Circus cyaneus</i>	Hen harrier	2009	A1, S1, RL
<i>Falco columbarius</i>	Merlin	2003	A1, S1, AL
<i>Falco subbuteo</i>	Hobby	2010	S1
<i>Fringilla montifringilla</i>	Brambling	2009	S1
<i>Milvus milvus</i>	Red kite	2010	A1, S1, AL
<i>Numenius phaeopus</i>	Whimbrel	2008	S1, RL
<i>Pandion haliaetus</i>	Osprey	2008	A1, S1, AL
<i>Tringa ochropus</i>	Green sandpiper	2007	S1, AL
<i>Turdus iliacus</i>	Redwing	2010	S1, RL
<i>Turdus pilaris</i>	Fieldfare	2005	S1, RL
<i>Tyto alba</i>	Barn owl	2012	S1, AL, LBAP
<i>Austropotamobius pallipes</i>	White clawed crayfish	1993	WCA, UK BAP, LBAP
<i>Hyacinthoides non scripta</i>	Bluebell	2006	WCA
<i>Myotis daubentonii</i>	Daubentons bat	2006	EPS, WCA

<i>Pipistrellus pipistrellus sens. lat.</i>	Common pipistrelle	2006	EPS, WCA, LBAP
<i>Plecotus auritus</i>	Brown long eared bat	2006	EPS, WCA, UK BAP
<i>Arvicola amphibius</i>	Water vole	1997	WCA, UK BAP, LBAP
<i>Meles meles</i>	Badger	2009	BA
<i>Aguis fragilis</i>	Slow-worm	1977	WCA, UK BAP
<i>Natrix natrix</i>	Grass snake	2006	WCA, UK BAP, LBAP
<i>Vipera berus</i>	Adder	1977	WCA, UK BAP
<i>Zootoca vivipara</i>	Common lizard	1977	WCA, UK BAP
	Various invertebrates		UK BAP, LBAP
	Various flowering plants		UK BAP, LBAP
<p>EPS: European Protected Species; W&CA: species listed on schedule 5, Section 9 (1), of the Wildlife and Countryside Act 1981 (as amended); S1 – Schedule 1 Wildlife and Countryside Act, A1 – Annex 1 EU Birds Directive; BA: Badger Act 1992; UK BAP: priority species listed on the UK Biodiversity Action Plan; LBAP: Species listed on the Staffordshire Moorlands Biodiversity Action Plan.</p> <p>, RL - Birds of Conservation Concern 'red list', AL - Birds of Conservation Concern 'amber list'.</p>			

3.2 Extended Phase 1 Habitat Survey

3.2.1 Habitats

A description of the habitats found within the site is provided below. The habitats are shown on Figure 1 and any areas of interest have been target noted (TN) which corresponds to the text in the paragraphs below.

Grassland

The site is comprised predominantly of sheep and cattle grazed semi-improved neutral grassland dominated by Yorkshire fog *Holcus lanatus* and abundant rush species, predominantly compact rush *Juncus conglomeratus* with occasional hard rush *Juncus inflexus* along with perennial rye grass *Lolium perenne*, crested dogs tail *Cynosurus cristatus*, tufted hair grass *Deschampsia cespitosa*, meadow foxtail *Alopecurus pratensis*, broad-leaved dock *Rumex obtusifolius*, creeping thistle *Cirsium arvense*, red clover *Trifolium pratense*, common sorrel *Rumex acetosa*, common knapweed *Centaurea nigra*, creeping buttercup *Ranunculus repens* and

daisy *Bellis perennis*. Field wood rush *Luzula campestris* was present in one small area to the east of the site on a bank at TN1.

An area of wet ground is present adjacent to the stream that runs along the northern boundary of the site. This area is dominated by floating sweet grass *Glyceria fluitans* with common clubrush *Schoenoplectus lacustris* occurring rarely (TN2). Some areas are dominated entirely by compact rush and are consequently mapped as marshy grassland. Patches of marshy grassland occur throughout the site.

Woodland/Trees

Small areas of broad-leaved semi-natural woodland are present in the east of the site, the woodlands are target noted individually. There is an immature alder *Alnus glutinosa* stand at TN3 in the north east of the site adjacent to the stream surrounded by bramble *Rubus fruticosus* agg. scrub. A stand of silver birch *Betula pendula* and alder with hawthorn, holly *Ilex aquifolium* and bramble scrub beneath is located in the south east of the site at TN4.

There are a number of individual trees mainly located around the periphery of the site and along the banks of the stream, these include alder, silver birch, ash *Fraxinus excelsior* and common beech *Fagus sylvatica*. There is one semi-mature pendunculate oak *Quercus robur* tree located within the centre of the site.

There are a small number of very mature individual trees within the site and these may be classed as 'veteran²' trees. These trees include an ash in the western extension of the site and a horse chestnut *Aesculus hippocastanum*, pendunculate oak and ash trees predominantly in the south east of the site.

Hedgerow

A single mature hedgerow/ tree line is present along the eastern boundary of the site adjacent to a dry ditch. Species present include silver birch, holly, alder and pendunculate oak with bramble scrub beneath.

² A veteran tree can be defined as: 'a tree that is of interest biologically, culturally or aesthetically because of its age, size or condition' (Natural England <http://publications.naturalengland.org.uk/publication/75035?category=551045>).

Scrub

There are some large areas of dense bramble scrub and areas of scattered scrub throughout the site. A large area of dense bramble scrub is located along the eastern edge of the site adjacent to a shaded wet ditch. Areas of scattered scrub are present at the periphery of the site and are shown on Figure 1.

Tall ruderal

There are small areas of tall ruderal vegetation within the site. These areas are dominated by broad-leaved dock, common nettle *Urtica dioica* and thistle spp.

Watercourse

An unnamed stream runs along the northern boundary of site and is approximately 3 m wide, with clear shallow fast flowing water over a cobble and boulder base. The banks are variable in height from vertical to approximately 20 degrees with evidence of cattle poaching in part. The watercourse is predominantly heavily shaded by the bankside trees and there is very little marginal vegetation. The banks are predominantly lined with mature broad-leaved trees, semi-improved neutral grassland or bramble scrub. The invasive plant species Himalayan balsam *Impatiens glandulifera* is present along part of the banks of the stream.

Waterbodies/ Ditches

A wet ditch is present along the eastern boundary of the site (TN5). The ditch is approximately 1.5 m high with 2 m wide banks and shaded by the adjacent hedgerow. Very little water is present within the ditch.

There is a small linear depression which runs along Twinney Wood to the south and collects into a small waterbody (TN6). The waterbody is approximately 1.5m wide x 8m long and 0.5m deep, with clear water and some emergent vegetation, predominantly floating sweet grass. Frog spawn was present in the waterbody in April 2013.

3.2.2 Species

Legislation in relation to protected species is provided at Appendix B.

Badger *Meles meles*

A number of badger paths were found within the north western corner of the site and a badger latrine and snuffle holes (TN7) were found just outside the north western boundary of the site during the survey in April 2013. No badger setts were found within or adjacent to the site. The evidence of badger activity within the site suggests that a badger sett is located within close proximity to the site and the site forms part of at least one badger territory.

Bats

There are a number of mature trees within the site that have the potential to support roosting bats. Such features that could support roosting bats include cracks, fissures and rot holes. No direct evidence of bats was found during the survey.

The habitats within the site along with the bordering woodland habitat provide optimal foraging habitat for bats.

Great Crested Newts *Triturus cristatus*

There is one waterbody within the site and approximately three waterbodies within 500m of the site which may be suitable to support GCN. The waterbody within the site is suitable to support great crested newts and there is suitable terrestrial habitat for newts within the site. Frogspawn was found during the survey in April 2013 demonstrating that the waterbody is suitable for breeding amphibians. Records for GCN occur within 2km of the site.

Reptiles

The site has the suitability to support reptiles predominantly at the edges of the site. Habitats within the site suitable to support reptiles include the damp grassland, tall ruderal vegetation and scrub. The constant disturbance by grazing sheep or cattle is thought likely to reduce the sites suitability to support reptiles. Records of all the common species of reptile exist within 2km of the site although some of the records are now dated.

White-Clawed Crayfish *Austropotamobius pallipes*

The stream that is present along the northern boundary of the site contains features suitable to support white-clawed crayfish. Large cobbles and small boulders are present within the stream and may be used by white-clawed crayfish. There are records for white-clawed crayfish within 2 km of the site.

Otter *Lutra lutra*

It is considered unlikely that the stream along the northern boundary of the site is used by otter given the lack of obvious connectivity to larger watercourses. However the stream does offer suitable holt creation opportunities and otter territory ranges can be over vast distances (~40km). No evidence of otter was found during the survey in April 2013 and there are no records of otter occurring within 2 km of the site.

Water Vole *Arvicola amphibius*

The stream that is present along the northern boundary of the site is considered sub-optimal for water vole. The water is shallow and the banks are vertical in part and cattle poached in other areas, with minimal marginal and bank side vegetation, making it less suitable foraging and burrowing habitat for water vole. Records provided for water vole are almost 2 km from the site and it is considered unlikely that water vole used the stream.

Barn Owl *Tyto alba*

The site contains suitable habitat for foraging barn owl and some of the very mature trees may contain cavities suitable to support nesting barn owl. The grassland within the site contains good foraging habitat for barn owl.

Breeding Birds

The site is suitable to support a range of nesting and foraging farmland bird species. All trees, scrub and grassland within the site is suitable to support breeding birds.

4.0 DISCUSSION AND CONCLUSIONS

The site is comprised predominantly of semi-improved neutral and marshy grassland mosaic which is currently used as cattle grazed pasture. The site contains a number of features of nature conservation interest such as a stream along its northern boundary, a wet ditch along its eastern boundary, a wet depression collecting in a shallow waterbody along the southern boundary; a number of mature individual trees, small areas of broad-leaved semi-natural woodland and dense and scattered scrub. The site is bordered by woodland which provides connectivity for species utilising the site for foraging and or commuting.

The site has previously been designated a county wildlife site Twinney Wood and Grassland Site of Biological Interest (SBI), and over recent years the results of the survey indicate that the quality of the grassland has degraded. It is possible that the grassland part of the previously designated SBI would no longer qualify as a county wildlife site, but is still likely to be of local nature conservation value. More detailed botanical surveys would ensure that the true value of the grassland is established. These surveys are detailed in the recommendations section.

The site has the potential to support a number of protected and notable species such as badgers, bats, great crested newts, white-clawed crayfish, reptiles, barn owl and breeding birds. Further more detailed species specific surveys are required in order to determine the impact of the development upon these species in accordance with planning policy guidelines and legislation. Most of these species surveys are subject to seasonal constraints and these have been described in the recommendations section.

The watercourse within the site is considered unlikely to support otter or water vole. Furthermore, no records of otter were provided by Staffordshire Ecological Record and one water vole record was provided but this record is situated almost 2km from the site. It is not thought likely that otter and water vole would be impacted by the development. However as these species are mobile in nature and could colonise the stream in the future, if there is a delay between the survey and commencement of development of more than 12 months, a preconstruction check for these species should be undertaken in order to ensure absence.

5.0 RECOMMENDATIONS

A number of additional species surveys are required to determine the impact of the proposed development on the habitats and species present in order to comply with planning policy guidelines and legislation. The surveys are detailed below.

Habitats

The site is designated as a county wildlife site, Twinney Wood and Grassland Site of Biological Interest (SBI). It is recommended that a detailed botanical survey would determine the value of the grassland in order for the designation to be re-assessed.

Species

Badger

Evidence of badger activity was found within the site, however no badger setts were found to be present within the site. As badgers are present within close proximity to the site and can excavate new setts at any time, it is recommended that a re-survey for badgers is undertaken prior to development.

Bats

Further surveys are recommended for bats in order to assess the level of bat activity across the site in order to comply with current guidelines (*Bat Survey Guidelines*. Hundt, 2012) and determine the impact of the proposed development on bats. In addition to activity surveys, dusk emergence and dawn re-entry surveys will be required to assess whether bats are roosting within any trees to be removed as part of the proposed development. Bat activity survey should be undertaken during the bats active period April to September inclusive. Surveys to determine the presence/absence of roosting bats within the trees should be undertaken between May and August.

Great Crested Newt

It is recommended that a great crested newt presence/absence survey is undertaken of all waterbodies within 500m of the site in order to comply with current guidelines. Great crested newts surveys need to be undertaken between mid-March and mid-June.

Reptiles

It is recommended that a reptile survey be undertaken of all suitable habitats within the site to determine presence/absence of reptiles. A reptile survey needs to be undertaken during the reptiles active period April/May and September.

White-Clawed crayfish

It is recommended that a white-clawed crayfish survey is undertaken of the stream along the northern boundary of the site to determine presence-absence of the species. Surveys should be undertaken between April and September.

Barn Owl

It is recommended that a barn owl presence absence survey be undertaken of all mature trees within the site with the suitability to support barn owl. Barn owls are protected from disturbance during the nesting season.

Nesting Birds

It is recommended that initial development works are undertaken outside of the usual bird breeding season (normally taken to be March – August inclusive). If such timescales cannot be accommodated, it is recommended that a check for the presence of active nests, and nesting birds should be undertaken by a suitably qualified ecologist prior to the commencement of works. Any active nests should be identified and protected subject to the relevant legal provisions until the nesting attempt is complete.

Ecological Enhancements

In accordance with the requirements of the NPPF and BSI 42020:2013 ecological enhancements should be proposed which will result in a net gain in biodiversity. Recommendations have not been made in this report due to the need for further protected species surveys and as development proposals have not yet been finalised.

6.0 REFERENCES

Botanical Society of the British Isles (2013) Online atlas of the British and Irish Flora
http://www.brc.ac.uk/plantatlas/index.php?q=title_page

British Standards Institute (2013) Biodiversity – Code of Practice for Planning and Development.

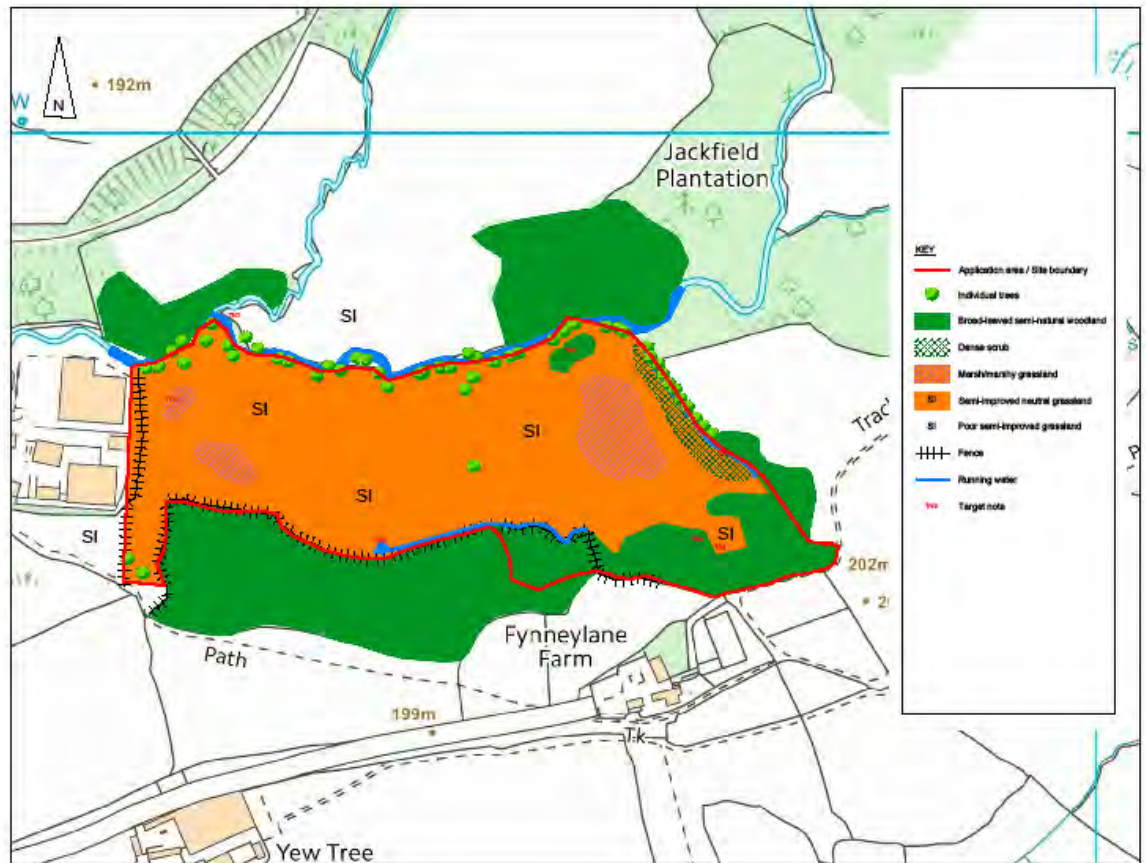
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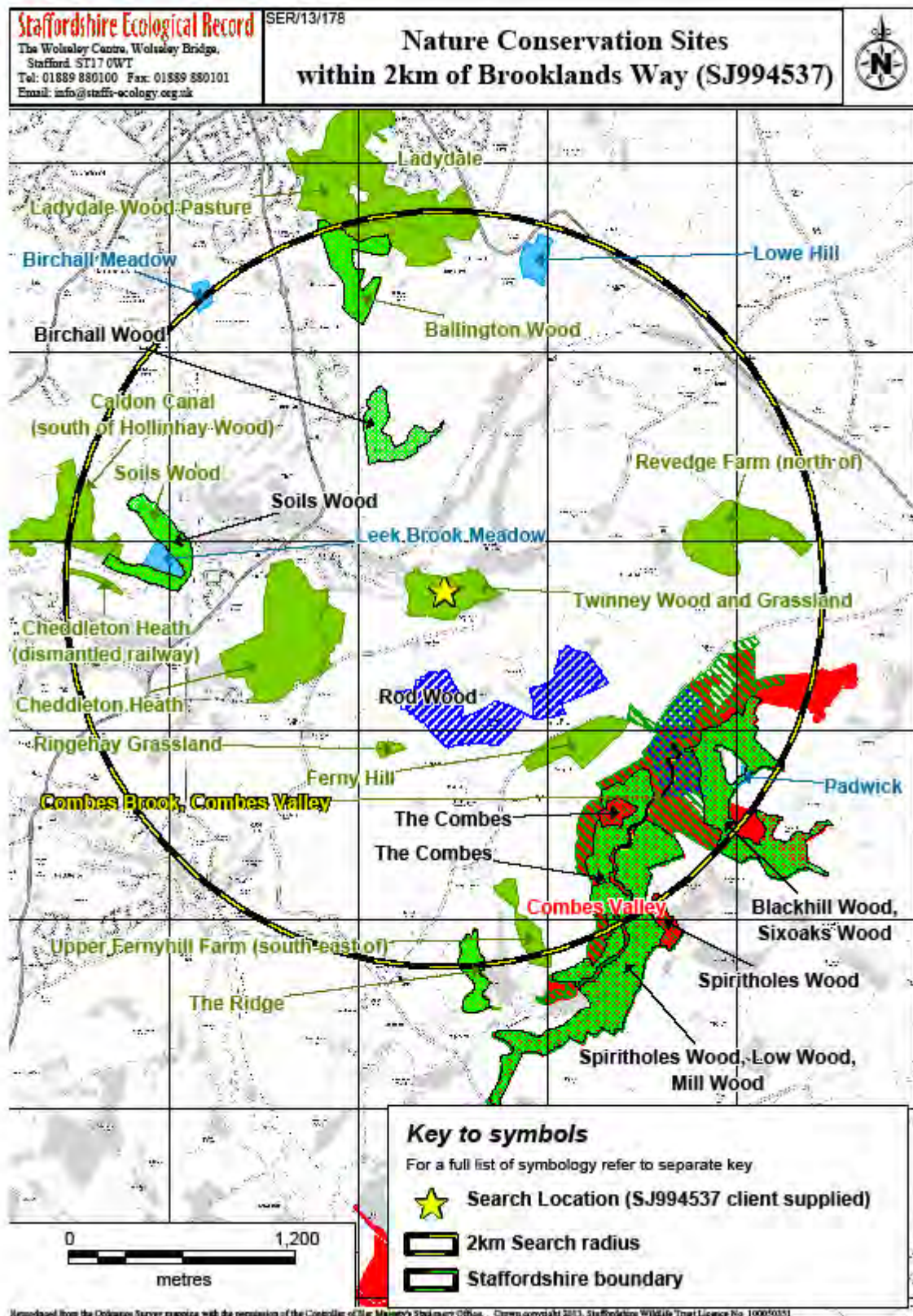
Joint Nature Conservation Committee, Handbook for Phase 1 habitat survey: A technique for environmental audit (2010), English Field Unit, Nature Conservancy Council.

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Figure 1 – Extended Phase 1 Habitat Plan – Brooklands Way, Leek, Staffs



Appendix A – Non-Statutory Nature Conservation Sites



Appendix B – Legislation Summary

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following The Ramsar Convention. RAMSAR sites have the same level of protection as SSSIs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs are classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), the Birds Directive. They are they seek to protect the habitats of rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2012 implement the Birds Directive in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent typical European Union of habitats and (non-bird) species listed in Annexes I and II of the EC Habitats Directive. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2012 implement the Habitats Directive in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under The Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature

Designated Site/Habitat	Status
	conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under The Wildlife and Countryside Act 1981 (as amended).

Species	Legal Status
European Legislation	
Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2010 (and as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	<p>These animals and their breeding sites or resting places are protected under Regulation 39 of the Conservation of Habitats and Species Regulations 2010 (and as amended), which makes it illegal to:</p> <ul style="list-style-type: none"> • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb³ such an animal; and • Damage or destroy a breeding site or resting place of such an animal. <p>European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely:</p> <ul style="list-style-type: none"> • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a duty to 'have regard to the requirements of the EC Habitats Directive' i.e. LPA's must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.</p>

³ Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
Domestic (UK) Legislations	
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	<p>These animals receive full protection under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to certain exceptions) to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	<p>These animals receive partial protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which provide protection against intentional killing or injury of any such animal.</p>
Nesting Birds	<p>All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to exceptions) to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any wild bird; <p>Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.</p>
WCA Schedule 1 listed Birds	<p>Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (and as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to:</p> <ul style="list-style-type: none"> • Intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.
Badgers	<p>The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes:</p> <ul style="list-style-type: none"> • damaging or destroying an active sett; • obstructing access to a sett; and • disturbing a Badger while it is occupying a sett. <p>Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).</p>
Wild Mammals	<p>The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.</p>
Invasive Species	
WCA Schedule 9 listed animals	Certain species of plants and animals that do not naturally

Species	Legal Status
(Part 1) and plants (part 2)	<p>occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act prohibits the release of any animal species that are:</p> <p style="padding-left: 40px;">“not ordinarily resident in and is not a regular visitor to Great Britain in a wild state”</p>