CHERRY TREE
ECOLOGY LTD

Willowbed Hall, Chickerell, DT3 4AJ

Ecological Impact Assessment

Prepared on behalf of

Chickerell Town Council

Final Report

06 March 2025

Willowbed Hall, Chickerell, DT3 4AJ

Ecological Impact Assessment

Report Release Sheet

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Provided no significant changes are made to the proposals or on the site (e.g. significant changes to management practices or habitats present) subsequent to the report's issue; this report can be considered valid for 18 months from the date of issue.

As part of membership to our professional body (CIEEM) and EPS licence reporting we are required to provide our biological results to applicable biological record centres. As such, it is our intention to supply biological data collected as part of this assessment, where recorded, to the relevant BRC. If the project is sensitive in nature, we may be able to delay submitting the records until the project enters the public domain, however, this must be discussed with Cherry Tree Ecology Ltd and agreed in writing.

Willowbed Hall, Chickerell, DT3 4AJ

Ecological Impact Assessment

SUMMARY

- Cherry Tree Ecology Ltd. was commissioned by Chickerell Town Council to conduct an Ecological Impact Assessment at Willowbed Hall, Chickerell, DT3 4AJ.
- The current proposals include the extension of the existing hall with new access and landscaping.
- The site comprises building and sealed surface hardstanding, bramble, blackthorn and mixed scrub, modified grassland and individual urban trees.
- The development of the site is likely to trigger the following biophysical changes that may give rise to significant impacts: vegetation clearance, lighting, dust, acoustic and vibration disturbance, and ground water pollution. This will have a Zone of Influence (ZoI) mainly confined to the site itself and immediately adjacent land.
- The important ecological features or those brought forward due to legal protection, considered in detail within this assessment are: the assemblage of birds, the assemblage of bats both foraging and commuting, badgers and common reptiles and hedgehogs.
- Actions have been given for reptiles, badgers, nesting birds and hedgehog mitigation, as well as measures to reduce light spill impacts of foraging and commuting bats.
- The development of the site presents an opportunity to deliver biodiversity enhancements, such as nesting provision for birds and bees and roosting opportunities for bats.
- Biodiversity Net Gain metrics have been undertaken for this site. See the separate BNG report.

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1. INTRODUCTION

Background to the study

1.1 Cherry Tree Ecology Ltd. was commissioned by Chickerell Town Council to conduct an Ecological Impact Assessment at Willowbed Hall, Chickerell, DT3 4AJ (Grid Reference: SY 6634 8120).

1.2 The current proposals include the extension of the existing hall building, with new access and landscaping.

1.3 Daniel Alder Ecology and Conservation undertook an Ecological Appraisal of the site and land directly south of the site in March 2024, along with a phase 1 bat survey. This noted that the buildings were considered unsuitable for use by bats.

Site description

1.4 The site comprises building and sealed surface hardstanding; areas of bramble, blackthorn and mixed scrub, modified grassland and individual urban trees.

1.5 The site is located in the centre of Chickerell, Weymouth, and is set within a residential area. The Hall has a playing field green space attached to the south of the car parking area and playground. The north of the site is scrub, with the southern boundaries being tree lines. Immediately to the west is a school playing field and there is a greenspace and hedgerow to the east.

1.6 The wider landscape features farmland with hedgerow networks and pond/wetland habitats to the south. The surrounding and wider landscapes are considered to provide good foraging opportunities and commuting corridors for wildlife, however immediately surrounding the site is all residential with no real connected green corridors.

Aims and scope of this report

1.7 This report summarises the relevant policy and legislation framework, baseline ecology within the zone of interest, assesses any potential impacts and proposes impact avoidance and mitigation measures, as well as assessing any residual effects.

Relevant Planning Policy and Legislation

1.8 As well as considering relevant nature conservation legislation, the mitigation, compensation and enhancement measures recommended within this report seek to address national and local planning policy requirements and support national and local biodiversity objectives under the Dorset Biodiversity Strategy, as required by the Natural Environment and Rural Communities (NERC) Act 2006.

1.9 The legislation, planning policy and guidance referred to in this report is set out in Appendix 4. In summary, due regard has been paid to the following:

- The Environment Act 2021;
- The Conservation of Habitats and Species Regulations 2017 (as amended);
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
- The Countryside and Rights of Way (CROW) Act 2000;
- The Natural Environment and Rural Communities (NERC) Act 2006;
- The Protection of Badgers Act 1992;
- Hedgerow Regulations 1997;
- Wild Mammals (Protection) Act 1996;
- The National Planning Policy Framework (NPPF) (2024); and
- West Dorset District Council and Weymouth & Portland Borough Council adopted Local Plan (2015).

Consultation Regarding Ecology

1.10 There has been no consultation regarding ecology for the project.

2. METHODOLOGY

Methodology for Ecological Assessment

2.1 This Ecological Impact Assessment (EcIA) was undertaken in line with guidance in the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment in the UK (2024, Version 1.3.).

2.2 The process prescribed by CIEEM's EcIA Guidelines, including an explanation of the key terminology that is used, is described below. In summary, the guidelines advocate the following step-wise approach to EcIA:

- Prediction of the activities associated with a proposed scheme that are likely to generate biophysical changes which may lead to significant effects (either positive or negative) upon ecological features of importance;
- Identification of the likely Zone of Influence of those activities;
- Scoping to select the ecological features (habitats, species, ecosystems and their functions/processes) that are likely to fall within the predicted Zone of Influence and be affected by the activities;
- Evaluation of ecological features likely to be affected (both negatively and positively) to determine their level of importance and likely sensitivity;
- Identification of likely impacts (positive and negative) on important ecological features, together with an assessment of the geographic scale at which they are likely to be significant;
- Refinement of the proposed scheme to incorporate impact avoidance and mitigation for negative effects on important ecological features, and enhancements to deliver net gains in biodiversity;
- An assessment of the significance of residual effects and the need for compensation; and
- Advice on conformance with applicable nature conservation related legislation and policy.

Method of Ecological Valuation

2.3 The evaluation method uses the following geographical scale of importance:

- International and European;
- National;
- Regional;
- Metropolitan/ County;
- Local; and
- Site (included to quantify sites of lesser ecological value).

2.4 Determining the importance of ecological features makes use of any national and local government and specialist organisation identified sites, habitats and species that provide the key focus for biodiversity conservation in the UK, supported by policy and legislation. The determination of importance may also be based on expert judgement taking into consideration

various characteristics such as rarity, naturalness, diversity, functionality, fragility and typicalness.

2.5 Important ecological features of Local or greater importance are carried forward to the assessment of likely significant effects stage. Other features of lower (i.e. Site) importance may also be carried forward, particularly where there may be legislative requirements pertaining to these features not necessarily associated with their ecological importance.

2.6 Each feature is also looked at to determine their current conservation status (species and habitats) or the degree to which they are exhibiting 'integrity' (designated sites or ecosystems). This takes into account the effect of natural and man-made trends, including those known to be likely to come into effect in the near future. Conservation status or integrity is described using the approach used by Natural England to describe the status of Sites of Special Scientific Interest (SSSIs):

- Favourable, improving;
- Favourable, stable;
- Favourable, declining;
- Unfavourable, improving;
- Unfavourable, stable; and
- Unfavourable, declining.

Assessing the Likely Significance of Effects on Important Ecological Features

2.7 The effects of activities associated with a proposed scheme and their resultant biophysical changes on important ecological features are described in terms of their magnitude, extent, timing and frequency, duration and reversibility.

2.8 Effects of activities are considered significant if they cause a change in the conservation status of the important ecological feature (CIEEM, 2024). Changes that improve the conservation status are termed positive, whilst those that reduce it are negative. Otherwise, if there is no change in conservation status the effects are termed not significant/insignificant.

2.9 For guidance as to whether an effect is likely to result in a negative effect on the integrity or conservation status of an important ecological feature, reference has been made to the conservation objectives for that feature where they are available, for example, in habitat and species action plans. Otherwise, professional judgement has been made, based on available information.

2.10 The significance of likely significant effects and of residual effects is then stated in terms of the geographic scale of reference which takes account of the importance of ecological receptors, and the significance of potential effects upon them.

2.11 If a negative effect remains significant following the application of mitigation measures, then compensation is applied if this is possible.

Geographical Scope

2.12 The study area encompassed the Zone of Influence of the Project. The Zone of Influence is defined as "… the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities" (CIEEM, 2024).

2.13 The Zone of Influence of the Project encompasses different areas in respect of each important ecological feature depending on its location and sensitivity, and the spatial extent of the relevant biophysical change (e.g. light, noise, habitat loss).

2.14 In order to predict the potential Zone of Influence, the spatial and temporal extent of biophysical changes likely to be generated by the Project with the potential to lead to effects upon important ecological features were predicted and are shown in Table 1.

2.15 However, the majority of the activities and resultant biophysical changes listed in Table 1 are unlikely to have an effect beyond the Site and the immediate surrounding area. The exceptions to this include birds and bats due to their highly mobile nature, potentially up to 5-7km for birds and usually 6km for bats (based on barbastelle bats, Bat Conservation Trust Core Sustenance Zones, 2023), and activities such as uncontrolled discharges of pollutants, changes to ground and surface water drainage, air pollution which can be catchment wide.

2.16 Therefore, the Zone of Influence, and the study area, is broadly considered to extend across the site or just beyond the site boundary in most cases and potentially up to or exceeding 5km.

Table 1: Activities Associated with Proposals Likely to Generate Ecological Effects

Activity	Potential Effect	Zone of Influence
Site Clearance and Construction Phase		
Access and travel on/off site	Noise / visual / lighting disturbance of vulnerable species	Site and immediate surrounds
Assembly and storage areas for machines and materials, construction compounds	Loss and fragmentation of habitats Noise / visual / lighting disturbance to vulnerable species	Site and immediate surrounds in most cases but potentially up to 6km for bats
Vegetation clearance, ground excavation and structural works, demolition and alteration operations	Loss and fragmentation of habitats Damage to vulnerable habitats Killing/ Injury of vulnerable species Noise / visual / lighting disturbance to vulnerable species	Site and immediate surrounds in most cases but potentially up to 6km for bats
Lighting of work area	Disturbance to vulnerable species	Site and immediate surrounds in most cases

Activity	Potential Effect	Zone of Influence
Site Clearance and Construction Phase		
		but potentially up to 6km for bats
Drainage	Change of surface or groundwater flows Change of water quality in ground and surface water Change in habitats fed by ground and surface water flows	Site and immediate surrounds
Environmental incidents and accidents	Pollution of aquatic habitats as a result of chemical and fuel spills	Site and immediate surrounds
Operational Phase		
Access and travel on/off site	Noise / visual / lighting disturbance to vulnerable species Direct harm to vulnerable species	Site and immediate surrounds
New lighting	Lighting disturbance to vulnerable species	Site and immediate surrounds in most case but potentially up to 6km for bats
Drainage	Change of surface or groundwater flows Change of water quality in ground and surface water Change in habitats fed by ground and surface water flows	Site and immediate surrounds, nutrient impacts on certain designated sites is catchment wide

Desk Study

2.17 The Multi-Agency Geographical Information for the Countryside (MAGIC) website was used to assess the presence of statutory designated sites within a 5km radius of the site. A request for data was made to Dorset Environmental Records Centre (DERC) for information they hold on protected and notable species records along with non-statutory designated sites within a 1km radius of the site.

Field Study

2.18 The survey employed techniques based on the UK Habitat Classification System. Botanical information was collected, focussing on the dominant and/or key indicator species for each habitat, to enable allocation of habitats to hierarchy levels 3 and/or 4, and where relevant to identify any priority habitats which are present on site. The conditions of the habitats on the site were assessed in line with the technical sheets supplied alongside DEFRA Statutory Metric /small sites metric. A map of the baseline habitats on site is provided in Appendix 1.

2.19 A detailed walkover survey was undertaken on 21st January 2025 by experienced ecologist Sophie Smith, directly searching for legally protected and invasive species of plant, and categorising any habitats of ecological value that were encountered. A general description of the vegetation was also noted, listing species encountered and scoring their abundance using the DAFOR scale:

- Dominant (D)
- Abundant (A)
- Frequent (F)
- Occasional (O)
- Rare (R)
- Local (L, used as a prefix to any of the above)

Protected Species Assessment

2.20 Habitats and features were assessed for their potential to support protected species. In many cases determining the presence, distribution and population size of protected species will require additional, specialist surveys.

Amphibians

2.21 Consideration was given to the presence of habitat potentially suitable for supporting amphibians including water bodies (ponds, ditches), woodland, scrub, rough grassland and features such as log piles that might provide hibernation areas. Where appropriate, effort to gather direct evidence of amphibians was undertaken using a preliminary search for eggs by examining vegetation within reach of the margins of water bodies, and for resting animals on land by looking under potential refuges such as stones, wood and rubbish near to water bodies.

2.22 Great crested newts are known to forage up to at least 500m from their breeding water bodies and suitable habitats that fall within 250m must be considered even in situations where the breeding site itself will not be affected.

Reptiles

2.23 Habitat considered potentially suitable for supporting reptiles was recorded. This includes areas providing basking and foraging areas, hibernation and breeding sites such as rough grassland and scrub, banks, burrows, rubble piles, compost heaps, hedge banks and water bodies.

Birds

2.24 Any birds seen whilst carrying out the survey were recorded and the type and quality of habitats available for birds was considered, including vegetation suitable for nesting and habitat with the potential to support valued species including breeding and wintering birds.

Bats

Buildings

2.25 Bats roost in a wide variety of sites within buildings, with many species roosting in cracks and crevices, within rubble stone or cavity walls, under slates and within timber beam joints where they are difficult to see. Bats often access buildings at key areas such as the gable end, soffits, barge-boards, ridge tiles, between double lintels or around window frames.

2.26 The presence of roosting bats can be spotted through signs such as accumulations of moth or butterfly wings or bat droppings and staining around potential entrance and exit points. The absence of these cannot, however, be treated as conclusive evidence that bats are not using the buildings.

2.27 An assessment was therefore also made of the potential of the buildings to support bats based on professional judgement and the scale presented in Table 2 below, adapted from the *Good Practice Guidelines* (Collins, 2023):

Table 2: Criteria for assessing bat roosting potential of structures

Suitability	Description
Confirmed Roost	Evidence of bat occupation found
High Roosting Potential	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts e.g. maternity or classic cool/stable hibernation site.
Moderate Roosting Potential	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status
Low Roosting Potential	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats.
Negligible Roosting Potential	No obvious features on site likely to be used by roosting bats, however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
None	No habitat features on site likely to be used by any roosting bats at any time of year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels)

2.28 A direct search for evidence of bats was therefore conducted on the 21st January 2025 by Sophie Smith (licensed bat worker), assisted by Alan Crane. This included viewing the external features of the buildings with close-focusing binoculars and a search for evidence of bats was

undertaken around the external buildings. The inside of the building was surveyed by Danny Alder and his notes and photographs reviewed.

2.29 The survey methodology was undertaken with the Bat Conservation Trust's Good Practice Guidelines (Collins, 2023) in mind.

Trees

2.30 Bats often roost in trees. Features such as old woodpecker holes, splits, cavities and rot holes, loose or flaking bark and ivy creepers will be exploited by bats to roost. Any trees present on site were therefore assessed for their potential to support roosting bats by searching for such features. The presence of roosting bats can be spotted through signs such as accumulations of moth or butterfly wings, staining, bat droppings, or bats themselves.

2.31 The absence of these cannot, however, be treated as conclusive evidence that bats are not present, and therefore an assessment was made of the potential of the trees to support bats based on the scale presented in Table 3 below, adapted from the *Survey Guidelines* (Collins, 2023). Further bat tree surveys, either ground level tree assessment or PRF aerial assessments may be required following the initial assessment.

Table 3: Criteria for assessing bat roosting potential of trees

Suitability	Description
None	Either no Potential Roosting Features (PRFs) in the tree, or highly unlikely to be any
FAR	Further assessment required to establish if PRFs are present in the tree
PRF	A tree with at least one PRF present

2.32 A direct search for evidence of bats was therefore conducted on 21st January 2025 by Sophie Smith (licensed bat worker).

2.33 A preliminary evaluation was also undertaken of the habitat on the site for the quality of potential commuting and foraging habitat for the local bat populations. Bats navigate using linear features in the landscape such as hedgerows and these can be important features for local roosts. The site itself may also provide important foraging habitat and support local bat roosts.

2.34 An assessment was therefore made of the potential of the habitat to offer suitable flight paths and foraging habitats based on the scale presented in Table 4 below, adapted from the Survey Guidelines (Collins, 2023):

Table 4: Criteria for assessing potential flight paths and foraging habitats

High	Continuous, high quality habitat that is well connected to the wider landscape and likely to be regularly used by bats for flight-paths, such as river valleys, streams, hedgerows, lines of trees and woodland edge. High quality habitat that is well connect to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree lined watercourses and grazed parkland. Site is connected to a known roost.
Moderate	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub, or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.

Low	Habitat that could be used by small numbers of bats as flight-paths, such as a gappy hedgerow or unvegetated stream, but isolated i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Negligible	No obvious habitat features on site likely to be used as flight paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
None	No habitat features on site likely to be used by any commuting or foraging bats at any time of year) i.e. no habitats that provide continuous lines of shade/protection for flight-lines, or generate/shelter insect populations available to foraging bats).

Badgers

2.35 Consideration was given to the presence of habitat potentially suitable for supporting badgers including woodland, scrub and grassland. Potential evidence of the presence of badgers was assessed including looking for earthworks that might be badger setts, signs such as dung pits, mammal pathways through ground vegetation and under fences and hairs on fences.

Dormouse

2.36 The habitat on the site was assessed for the potential to support dormice which are found in habitats such as woodlands, scrub and hedgerows with good connectivity and suitable food plants. Satellite images were used to assess the connectivity of any suitable habitat present on the site to other areas of woodland and hedgerow networks.

Constraints

2.37 The survey was undertaken in the winter, outside of the peak survey season for flora and fauna. Some flowering plants may not have been recorded; however, it is considered that despite this a robust assessment of the habitat could be made given the onsite habitats, the use of Danny Alder survey notes from March 2024 and mild weather of winter 2024/2025.

3. BASELINE

Designated sites

3.1 There are four internationally important protected sites within the search area:

- Crookhill Brick Pit Special Area of Conservation (SAC) is located 385m south west;
- Chesil and the Fleet SAC is located 1.30km southwest; and
- Chesil Beach and The Fleet Special Protection Area (SPA) and Ramsar is located 1.32km southwest.

Crookhill Brick Pit SAC

3.2 Crookhill Brick Pit SAC is designated for supporting Annex II great crested newt (*Triturus cristatus*) in the disused brick pit ponds, including one pond which has been recorded to have the highest counts of the species in Dorset. The site also supports terrestrial habitats used by the species including grassland, scrub and quarry spoil.

3.3 Crookhill Brick Pit SSSI (Crookhill Brick Pit SAC) is in a favourable condition across 100% of its extent (NE, 2024). Therefore, the closest section of the Crookhill Brick Pit SAC internationally important site conservation status can be considered to be in favourable condition.

3.4 The impacts which may affect the SAC are biocenotic evolution and succession (*Dorset Council, 2021).*

3.5 Whilst there is a great crested newt population in the vicinity, and the SAC is located within 500m there is a complete lack of connectivity of habitat between the site and the ponds. There is more than 300m of houses and roads between the site and SAC with no terrestrial habitat connectivity. Crookhill Brick Pit SAC is considered outside of the zone of influence.

Chesil Beach and The Fleet SPA and Ramsar

3.6 Chesil Beach and The Fleet SPA is designated for breeding little tern, common tern, as well as overwintering ringed plover, wigeon, pochard, teal, pintail, mallard, shoveler, tufted duck, goldeneye, mute swan and brent geese.

3.7 Chesil Beach and The Fleet is a shingle storm beach of international geomorphologic importance, with a shallow lagoon subject to strong tidal and salinity gradients supporting saltmarsh and reedbeds. The area is internationally important for wintering ducks, geese, and swans and nationally important for breeding birds.

3.8 Chesil & The Fleet SSSI (the closest part of the Chesil & the Fleet SAC, SPA, Ramsar) is in a favourable condition across 38.10% of its extent, with 14.29% in an unfavourable, recovering, 9.52% unfavourable, declining, and 38.10% not recorded (NE, 2024). Therefore, the closest section of the Chesil Beach & the Fleet SPA and Ramsar internationally important sites conservation status can be considered to be favourable equally to not recorded.

3.9 The impacts which may affect the SPA and Ramsar are water pollution, changes in species distribution, sport, leisure and recreational activities, fishing commercial marine and estuarine, public access, disturbance and other human intrusion, introduction of invasive non-native

species, natural changes to site conditions, air pollution (atmospheric nitrogen deposition) and inappropriate coastal management (*Dorset Council, 2021).* Given the distance to the SPA and Ramsar and the potential impact pathways, Chesil Beach and The Fleet SPA and Ramsar are considered outside the zone of influence.

Chesil & The Fleet SAC

3.10 Chesil & The Fleet SAC is designated for its coastal lagoons, annual vegetation of drifts lines, perennial vegetation of stony banks and Mediterranean and thermo-Atlantic halophilous scrubs. The site also supports Atlantic salt meadows.

3.11 The impacts which may affect the SAC are fishing and harvesting of aquatic resources, sport, leisure and recreational activities, introduction of invasive non-native species, pollution to groundwater (point sources and diffuse sources) and changes in biotic conditions (*Dorset Council, 2021).* Given the distance to the SAC and the potential impact pathways, Chesil Beach and The Fleet SAC is considered outside the zone of influence.

Nationally important sites

3.12 There are six Nationally important Sites of Special Scientific Interest (SSSIs) within 5km of the site:

- Lorton SSSI is located 2.93km north-east;
- Lodmoor SSSI is located 3.33km north-east;
- Portland Harbour Shore SSSI is located 3.79km southeast;
- Radipole Lake SSSI is located 1.1km southeast;
- Crookhill Brick Pit SSSI is located 375m south-west; and
- Chesil and The Fleet SSSI is located 1.3 km west.

3.13 The closest is Crookhill Brick Pit SSSI, an internationally important site that supports great crested newt that lies 375m south west of the site.

3.14 The SSSIs are considered to be of sufficient distance from the site that no impacts are likely to occur as a result of the development proposals and are therefore considered to be outside of the zone of influence.

3.15 There are no National Nature Reserves (NNR) within 5km of the site.

County important sites

3.16 There is one Local Nature Reserve (LNR) within 1km of the site, Crookhill Brick Pit, Chickerell is located 392m south.

3.17 The LNR is also part of the SSSI and SAC site designations. Given the distance and lack of connectivity it is considered outside of the zone of influence.

Non-Statutory sites

3.18 There is one Site of Nature Conservation Interest (SNCI) within 1km of the site, Chickerell Water Lily Farm is located 412m south.

3.19 Given the distance and lack of connectivity it is considered outside of the zone of influence.

Dorset Explorer Ecological Networks

3.20 The Dorset Explorer website identified no 'Existing Ecological Network' or 'Higher Potential Ecological Network' opportunities on the site, or in the immediate vicinity (*Dorset Council, 2024*).

Habitats

3.21 Descriptions of the habitats recorded on site are given below, a map of the habitats is given as Appendix 1, with photographs in Appendix 2. There are no areas of NERC S41 Priority habitats shown on MAGIC within the zone of influence.

Strategic significance

3.22 There are no ecological network opportunity areas on site. The habitats on site are typical buildings, hard standing and scrub within an urban area. Whilst the blackthorn and bramble scrub offers some additional foraging and shelter for a range of animals, it is isolated by surrounding residential properties with no functional link to any Priority Habitat or ecological network area.

3.23 The site is not part of any designated site or listed on any local plan, neighbourhood plan or other policy document for ecology. It is considered to have low strategic significance (Area/compensation not in local strategy/ no local strategy).

UK Habitats

3.24 The following were recorded on the site, or immediately adjacent, and are described below:

- Developed land, artificial sealed surface;
- Urban trees;
- Modified grassland; and
- Blackthorn, mixed and bramble scrub.

Developed land

3.25 The buildings and hardstanding are classified as developed land, sealed surface.

3.26 These areas have a distinctiveness of very low and condition assessment is not required.

Urban trees

3.27 There were several trees within the site. The urban trees, their condition assessments, size and whether they are to be cleared for the development are provided in Table 5 below.

Table 5: Summary of trees

Tree Number (tree plan)	Species	Size	Condition	Cleared for development	Area (ha)
T1	Horse chestnut	Medium	Moderate	No	0.0163
T2	Horse chestnut	Small	Moderate	yes	0.0041
T3	Horse chestnut	Medium	Moderate	yes	0.0163
T4	Hazel	Multi stem- assessed as small for the largest stem	Moderate	Yes	0.0041
T5	Willow pollard	V. large	Moderate	No	0.0765
T6	Willow pollard	V. large	Moderate	No	0.0765

3.28 Urban trees are of "medium distinctiveness" and these are all in moderate condition (the two willows are mature, all automatically pass criterion B and over sail the vegetation beneath and several provide natural ecological niches for invertebrates).

Modified grassland

3.29 To the south of the Willowbed hall building surrounding the playground area, and along the road is short sward, modified grassland.

3.30 Species noted included dominant perennial rye-grass, frequent daisy, occasional clover, lesser celandine, smooth meadow-grass, cock's-foot grass, dandelion, creeping buttercup, with rare occurrences of ribwort plantain, dove's-foot crane's-bill, field speedwell and common nettle.

3.31 The grassland is cut short across the entire area, with physical damage more than 5%, bare ground more than 10% and an absence of invasive, non-native species. There were approximately 4 species per square metre.

3.32 The grassland – modified grassland is considered to be of low distinctiveness and is in poor condition.

Blackthorn scrub and Bramble scrub

3.33 The whole northern section of the site was patches of either dominant bramble scrub, or dominant blackthorn scrub. Other species noted were ivy and cow parsley in the bramble areas, and bramble, lords and ladies and ivy underneath with rare occurrences of elder and honeysuckle, in the blackthorn.

3.34 In the front southern edge of these areas is a strip of bramble, ivy and grass mosaic. Additional species in here were abundant ivy and bramble, frequent false oat-grass, occasional willowherb, lords and ladies, prickly lettuce, cyclamen, bristly oxtongue, and rare occurrences of cleavers, and dock.

3.35 The bramble scrub is considered to be of medium distinctiveness, and condition assessment is not required.

3.36 The blackthorn scrub is considered to be of medium distinctiveness, and condition assessment is moderate (fails on three native woody species, fails on no single species more than 75%).

Mixed scrub

3.37 At the front of the site is an areas of mixed scrub of dominant bramble and ivy with frequent buddleia, occasional old man's beard, bluebells, pendulous sedge, cleavers and lords and ladies.

3.38 The mixed scrub is considered to be of medium distinctiveness, and condition assessment is poor (fails on 80% native scrub, and three native woody species, fails on invasive species and age ranges).

Protected species

Plants

3.39 There are two records of bluebell, a WCA species, informed by DERC. There were bluebells within the mixed scrub at the front of the site. These may be native or given the other ornamental plants in this area may be Spanish/hybrid. Danny Alder noted Spanish bluebell during his walkover.

3.40 There are a number of records of Dorset Notable plants from the search area including common valerian, yellow vetchling, common rock-rose, wild strawberry, dwarf spurge, French oat-grass, English Stonecrop and tormentil. Given the habitat on site these species are not likely to be present.

3.41 No other protected or notable plant species were recorded on site during the walkover, or by Danny Alder in his walkover.

Invertebrates

3.42 There are a number of invertebrate records including NERC Act S41 Priority species of Lepidoptera dingy skipper, small heath, wall, ghost moth, lackey, dusky thorn, shaded broad-bar, mullein wave, blood-vein, garden tiger, white ermine, buff ermine, cinnabar, knot grass, dot moth, powdered quaker, hedge rustic, small square-spot, green-brindled crescent, dusky brocade, rosy rustic, large wainscot, mottled rustic, beaded chestnut, deep-brown dart, centre-barred sallow, and sallow.

3.43 The site may support some invertebrate species, given the quality of habitat and amount of available habitat across the site it is likely to support a low assemblage of site interest.

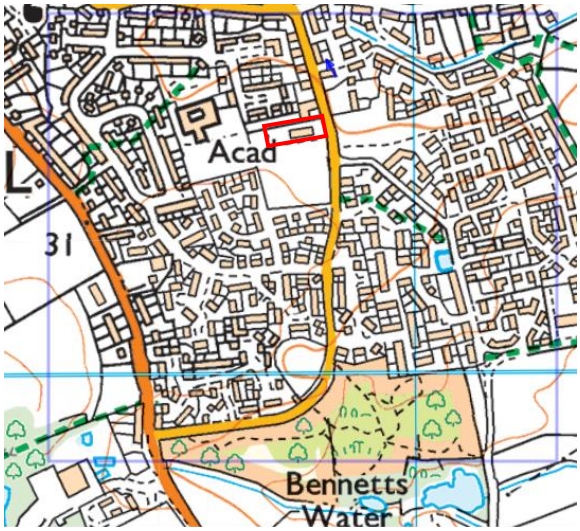
Amphibians

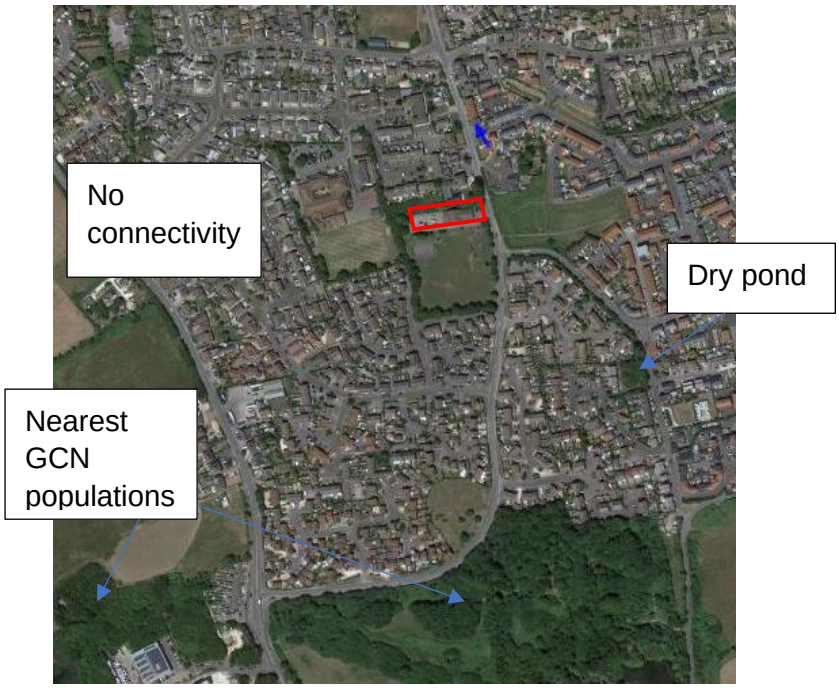
3.44 The site was assessed for its suitability to support great crested newts and other amphibians – the bramble and blackthorn scrub would provide limited suitable terrestrial habitat. The short sward of the grassland and hardstanding on site also offers no foraging opportunities or cover.

3.45 However, whilst the site is connected to the adjacent school greenspace, the two areas are surrounded by roads and housing with no connectivity to wider habitats.

3.46 DERC provided seven records of great crested newt (GCN), one from 2013 pond survey around 250 metres to the south east and six records from a 2014 pond survey 650 metres north where there is now a housing development. Three ponds within 1km of the site boundary have tested positive for great crested newt eDNA. The nearest of these is 363m south east of the site. MAGIC shows the nearest recorded EPS licence for GCN is located approximately 628m north east of the site.

3.47 There is one waterbody within 250m of the site, shown on aerial mapping websites, to the south east. This pond was inspected and found to be dry and scrubbed over.





3.48 Considering the lack of suitable breeding ponds within 250m of the site and the lack of terrestrial connectivity between the site and breeding ponds it is considered unlikely that GCN would be present on the site.

Reptiles

3.49 DERC provided 15 records of slow worm, four for grass snake, seven records of common lizard and one for adder for the search area.

3.50 As with amphibians above the scrub vegetation provides some suitable habitat for common reptiles.

3.51 It is considered possible that low populations of common reptiles will be present on site in the scrub vegetation. Any population on site would likely be of no more than site level importance.

Birds

3.52 There were a limited number of bird records for the 1km search area for swift (Birds of Conservation Concern red list), bullfinch, great egret, sparrowhawk and kestrel (BoCC Amber list).

3.53 The scrub vegetation, as well as the scattered trees on site offer some potential nesting and foraging opportunities for urban species of bird.

3.54 Given the type of development and the size of the site it is considered unnecessary to undertake further breeding bird surveys.

3.55 Overall, the bird assemblage is assessed as likely to be of site importance for nature conservation.

Bats

3.56 There no Natural England roost mitigation licenses present within the vicinity shown on MAGIC.

3.57 The data search provided records for common pipistrelle, pipistrelle species, brown long-eared and grey long-eared bats. The data search returned one record a common pipistrelle roost located 886m to the south east of the site and one record for a historic (1997) bat roost in a dwelling.

Buildings

3.58 The building was surveyed by Danny Alder Conservation and Ecology in March 2024 with a subsequent external survey undertaken by Cherry Tree Ecology Ltd in January 2025. Both surveys concluded the building was considered to have negligible potential for roosting bats.

Building – External

3.59 The following was noted:

- Detached single storey building with brick elevations.
- Concrete interlocking roof tiles, no gaps visible. Solar panels are present on some of the roof.
- Wooden fascia boards are present in good condition with no gaps noted.
- Cement fibre type soffits were noted, these are in good condition with no gaps present.

- There is a mixture of uPVC window frames and wooden window frames, no gaps were noted around any of the windows.
- Stone lintels are present over the doors. And stone windowsills were noted under the windows.
- Metal doors are present on the south and east elevations. A wooden door is present on the northern elevation.
- A metal grill with a gap in present on the western elevation. Behind the grill is a metal mesh. The gap was searched using a torch – no evidence of use by bats was found.

Building – Internal (western void)

3.60 The following was noted:

- The roof void is partially boarded and used for storage.
- Fibreglass insulation in good to moderate condition was present.
- The void is lined with bitumen type felt lining, this is in good condition with no tears noted.
- Wooden beams in a fink truss design were noted.
- No evidence of bats was noted.

3.61 The building is assessed with a negligible potential with no access points or roosting features. The report by Danny Alder also concluded that the building has negligible potential.

Trees

3.62 Two willow trees were considered to hold potential to support roosting bats. They both are hollow/have large cavities and multiple dead wood features, although one appears to have been set on fire in the past.

3.63 Under the current plans these trees are to be retained and therefore no further recommendations have been made. However, if plans are changed further surveys of these trees would be required. All other trees are considered to hold negligible potential to support roosting bats.

Foraging and commuting habitat

3.64 There are a couple of flood lights on the building and a couple of lights to the south associated with the play areas but otherwise the site is unlit. The site mostly comprises hardstanding/building, with modified short sward grassland to the south. However, the scrub and scattered trees would offer good foraging and commuting habitats.

3.65 There is connectivity to foraging habitat in the vicinity, with the school to the west and greenspace and hedgerows to the east. The site is likely to provide low/moderate quality foraging and commuting habitat for bats.

3.66 Overall, the bat assemblage is assessed as likely to be of at least local importance for nature conservation.

Badger

3.67 The data search provided two records for badger in the search area. No evidence of use by badgers was noted during the walkover survey. However, it is possible that possible that evidence of badgers is present under the bramble and blackthorn scrub. Further recommendations have been made with regards to badgers in Section 4.

3.68 Badger is a species that is highly mobile, abundant and widespread in most areas and would be of no more than Site importance.

Dormice

3.69 There is one granted Natural England mitigation licence for common dormice on MAGIC in the area that is around 690m northwest of the site. There were no records within the search area from DERC.

3.70 The bramble/blackthorn scrub along the northern site boundary could offer some limited suitable foraging and nesting habitat, however there is no longer connectivity to suitable habitat in the wider area and the amount of remaining habitat is not sufficient to support a dormouse population. It is considered highly unlikely that dormice could be present on site.

3.71 No further recommendations have been made for dormice mitigation.

Other mammals

3.72 There is some potential foraging habitat for hedgehog on site within the scrub and grassland. The DERC search returned 15 records of West European Hedgehog. The population of hedgehogs would be of site level importance. Two records of Otter were returned by the data search, considering the habitat on site it is considered unlikely that otters would be present.

Summary of Ecological Features within the Zone of Influence

3.73 Table 6 below provides a list of the ecological features identified within the ZoI of the proposed development that have been valued at the Local level or above, with a description of the likely conservation status of each.

Table 6: Summary of Ecological Features Carried Forward for Impact Assessment

Ecological Feature	Evaluation	Value	Important Ecological Feature?
Designated sites			
Chesil & The Fleet SAC/ SPA/Ramsar (Chesil & The Fleet SSSI)	Favourable/Not Recorded	International (National for SSSI components)	No
Crookhill Brick Pit SAC/ SSSI/ LNR	Favourable, Considered to be outside of the zone of influence principally due to the distance from site.	International (National for SSSI components, County for LNR components)	No
Other SSSIs	Considered to be outside of the zone of influence principally due to the distance from site.	National	No
SNCI	Considered to be outside of the zone of influence principally due to the distance from site.	County	No
Species			
Badger	Foraging habitat	Site	No (brought forward due to legal consequences, potential effects to be considered despite conservation importance)
Reptiles	Suitable habitat for common species on boundaries and within the scrub	Site	No (brought forward due to legal consequences, potential effects to be considered despite conservation importance)
Bird assemblage	Foraging and nesting habitat for common garden birds	Site	No (brought forward due to legal consequences, potential effects to be considered despite conservation importance)
Bat assemblage	Foraging and commuting habitat	Local	Yes
Hedgehogs	Suitable foraging habitat	Site	No (Hedgehog are Priority species)

4. IMPACTS, MITIGATION AND COMPENSATION

4.1 This section identifies and characterises potential impacts of the development on each Important Ecological Feature identified in the preceding section. Measures to avoid and mitigate for these impacts are described, which includes any measures already incorporated into the scheme design. An assessment is made of the significance of any residual effects after mitigation measures have been accounted for.

Protected species

Badgers

Impacts

4.2 Badgers are more active and therefore susceptible to injury during low light levels or at dawn or dusk and may be indirectly harmed by falling into/becoming trapped in exposed excavations during construction. Whilst this is considered unlikely to occur, if it did, it would be a legal offence and contravene planning policy and best practice.

4.3 No active badger setts have been seen within 30m of the working area. However, there is dense scrub on the site, which could be covering a hole.

4.4 The vegetation clearance and construction work therefore have the potential to cause disturbance/ kill or injure badgers or damage badger setts. A significant permanent negative effect at the site level is possible.

Mitigation

4.5 During construction, there will be overnight covering of all excavations or installation of a ramp to allow animals to exit any trenchs.

4.6 During vegetation clearance a watching brief will be maintained to ensure that no active badger holes are present in close proximity to the works. If active holes are found then a suitably qualified ecologist will advise whether a Natural England licence and sett closure at the correct time of year (July to November) may be needed, depending on the proximity of the development.

4.7 No residual impacts on badgers are anticipated following implementation of this mitigation.

Reptiles

Impacts

4.8 There is some potential for common reptiles to be present within the site. The groundworks during site preparation have the potential to kill and/or injure individual reptiles that may be occupying the areas of suitable habitat at the time of works. The risk of harming reptiles is highest during the hibernation period of November to March inclusive.

4.9 Given that slow worms are more sedentary and less likely to move away from works, this would be a permanent negative impact at a site level. The clearance could result in an offence under the provisions of the Wildlife and Countryside Act 1981 (as amended), and consequently will need to be avoided and mitigated.

Mitigation

4.10 The following measures are recommended during any necessary site clearance:

- The vegetation clearance will only be undertaken when the weather is sufficiently warm for reptile activity to occur between March and October, this is typically when night time temperatures are 8°C or greater;
- Vegetation clearance will be undertaken directionally towards the boundaries. The clearance will result in the vegetation being cut to a height of <5cm over two stages, the first cut to 10cm and the second cut at least a day later to ground level.
- Immediately remove arisings from any vegetation clearance;
- Carefully dismantle any log, stone or rubbish piles uncovered by site clearance between March and October in temperatures above 10°C when reptiles are active;
- Stop works and contact a suitably qualified ecologist if reptiles are encountered during works.

4.11 Applying appropriate mitigation to enable reptiles to be safely moved out of the working area, preventing killing or injury will ensure that there will be no legal consequences.

Nesting birds

Impacts

4.12 The removal of the scrub habitat and trees has the potential to kill or cause injury to nesting birds. A significant permanent negative effect at the site level is possible.

Mitigation

4.13 Any scrub habitat removal should be conducted outside of the nesting bird season to avoid disturbing the birds (the nesting season is considered to run between 1st March and 31st August).

4.14 Where this is not possible a suitably experienced person should check potential nesting habitat immediately prior to clearance. Where nesting birds are encountered works must be postponed until the nestlings have fledged.

4.15 No residual negative impacts are anticipated from loss of nesting habitat on the bird assemblage at a site level given the proposed mitigation.

Bat assemblage

Impacts

4.16 Construction activity, noise and lighting would have the potential to disturb commuting and foraging bats and may result in abandonment of roosts or core foraging areas within and adjacent to the Site.

4.17 The significant negative effect of disturbance during the construction phase are likely to be short-term in localised areas, and the bulk of any disturbance from construction work could be expected to take place mainly during daylight hours even in the absence of controls, when bats would not be foraging or commuting.

4.18 A short-term negative effect is not likely to constitute a significant effect to the populations of bats at the site level, as populations of the majority of species present within the ZoI are favourable and stable and are likely to recolonise the parts of the Site affected by disturbance during construction after the disturbance levels have dropped. However, a temporary significant negative impact at the site level is possible.

4.19 Pipistrelle species and serotine recorded in the area are all identified as species for which the impacts of lighting are considered to be Low for foraging and commuting activity based on the information provided in Bats and Lighting, overview of current evidence and mitigation (Stone, 2013). These species are also known to take advantage of the concentration of insects around white street lights as a source of prey (BCT and ILP, 2018).

4.20 However, long-eared species are species for which the impacts of lighting are considered to be high for foraging and commuting bats, have been recorded in the vicinity. Should light intolerant species be foraging on site then operational light spill impacts could occur.

4.21 Therefore, disturbance from operational lighting from the new extension are a possible significant permanent negative effect at the site level.

Mitigation

4.22 Prior to the beginning of the construction phase, methods of construction will be reviewed to avoid impacts to foraging and commuting bats, including restricting working hours to daylight and if this is not possible and construction lighting is required this will be targeted and focused inwards away from retained or adjacent vegetation.

4.23 Provided lighting restrictions are adhered to no disturbance impacts to commuting and foraging bats during the construction period are anticipated.

4.24 All lighting installed as part of the development will be in line lighting to be installed as part of the works will be in line with Guidance Note 08/23 Bats and Artificial Lighting at night. The following will be required:

- LED lighting will be used and light levels will be kept as low as possible. Metal halide, fluorescent sources will not be used.
- Lighting will be directed to where it is required and away from the boundaries.
- Only luminaires with no light output above 90 degrees and/or an upward light ratio of 0% and with good optical control will be used, luminaires will always be mounted on the horizontal, i.e. no upward tilt.
- Any external security lighting will be set on motion-sensors and short (1min) timers.
- Internal lighting within the new rooms will be recessed where installed in proximity to windows to reduce glare and light spill.
- Light sources will emit minimal ultra-violet light, peak higher than 550nm and be of a warm white spectrum (ideally <2700 Kelvin).
- The use of bollard or low-level downward directional luminaires is strongly discouraged.

4.25 Providing the Lighting Strategy is adhered to, there will be an insignificant effect on the bat assemblage from lighting during the operational phase.

Hedgehog

Impacts

4.26 The clearance of vegetation has the potential to cause the loss of some of the existing foraging opportunities, as well as killing or injury to individuals present. A significant permanent negative effect at the site level is possible.

Mitigation

4.27 The mitigation proposed above for vegetation clearance should prevent impacts to hedgehogs. No clearance will be undertaken during the winter hibernation period and staged clearance would allow animals to move safely out of the works area.

4.28 No residual impacts on hedgehog from killing or injury are anticipated following implementation of this mitigation.

5. ASSESSMENT OF POST-MITIGATION IMPACTS

5.1 The Table below sets out an assessment of post-mitigation impacts in respect of the ecological impacts following the application of avoidance and mitigation measures described above; the need for compensation measures is identified.

Ecological Feature	Conservation importance	Unmitigated impact	Likely significance prior to mitigation	Proposed mitigation	Significance of post-mitigation impact	Compensation required?
Construction Phase						
Reptiles	Site	Habitat loss, killing / injury	Significant negative effect within the site level	Implementation of mitigation- timing and working best practice for vegetation clearance	Not significant	No
Badgers	Site	Habitat loss, killing / injury	Significant negative effect within the site level	Working best practice for vegetation clearance	Not significant	No
Nesting birds	Site	Habitat loss, killing / injury	Significant negative effect within the site level	Implementation of mitigation- timing and working best practice for vegetation clearance	Not significant	No
Bats	Local	Disturbance	Significant negative effect within the Site level	Avoidance of lighting shining on sensitive areas during construction	Not significant	No
Hedgehog	Site	Habitat loss, killing / injury	Significant negative effect within the Site level	Implementation of mitigation- timing and working best practice for vegetation clearance	Not significant	No
Operational Phase						

Ecological Feature	Conservation importance	Unmitigated impact	Likely significance prior to mitigation	Proposed mitigation	Significance of post-mitigation impact	Compensation required?
Bats	Local	Disturbance (lighting)	Significant negative effect within the site level	Development of an appropriate Lighting Strategy to minimise impact of direct and ambient lighting on important features for bats will avoid such effects.	Not significant	No

6. COMPENSATION & BIODIVERSITY NET GAIN

6.1 No residual effects have been identified and therefore no further compensation is offered.

6.2 Under the Environment Act 2021, all planning permissions granted in England will have to deliver at least 10% Biodiversity Net Gain (BNG) to be maintained for a period of at least 30 years. The concept seeks measurable improvements for biodiversity by creating or enhancing habitats in association with development.

6.3 Mandatory BNG came into force on 12th February 2024 for all developments except exemptions and small sites came in 2nd April 2024 (residential 1-9 units on a site less than one hectare, or number of dwellings is unknown, and the site is less than 0.5 hectare; or for non-residential for floor space less than 1000m^2 or site less than one hectare).

6.4 Exceptions include developments of less than 25m^2 habitat or 5m for linear habitats (hedgerows and watercourses), householder applications and small scale self build (less than 9 units on a site no bigger than 0.5 ha).

6.5 This site falls into the Mandatory BNG requirements, therefore BNG metrics have been undertaken. The results are given in the separate BNG report.

7. ENHANCEMENTS

7.1 In line with both local and national planning policy, the opportunity has been taken to design habitat enhancements into the proposed development. These enhancements, described below, will also be of benefit to the Section 41 species (and local BAP species) known to be present within the ZoI.

- The provision of nest boxes for bird species on the walls of the new extension will provide permanent nesting for species in decline. The building is not of a suitable height for swift nest boxes and therefore house sparrow provision will be made.
- House sparrows are colonial species and therefore the bricks/boxes will be fitted in groups with a minimum of three within proximity to each other to form colonies.
- The plans include a group of three integrated sparrow boxes on the extension. Designs can be chosen that can be brick faced or rendered over with just the entrance hole visible. They will be installed on either the north or east elevations at the eaves, away from windows and doors.
- Provision of a bat integrated box/brick within the new building provides new roosting opportunities for the local bat populations. The box/brick will be fitted on south or west facing walls, as close to the eaves as possible. Bat bricks/boxes should not be fitted above or immediately adjacent to windows. These bat boxes are self contained with only a small entrance slot visible on the external wall and can be rendered over or stone/brick faced.
- Installation of bee bricks within the walls of the new extension. Provision of bee bricks can provide excellent alternative habitat for solitary non-stinging bees. Two bee bricks will be incorporated within the design. These bricks will be erected 1 metre above ground level within the stonework.

8. REFERENCES

Bat Conservation Trust and Institution of Lighting Professionals (2023) *Guidance Note 08/23 Bats and Artificial Lighting at night.*

CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester

CIEEM (2024) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*. Version 1.3. Chartered Institute of Ecology and Environmental Management, Winchester.

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

DEFRA (2024) Statutory Biodiversity Metric Condition Assessments

Department for Communities and Local Government (2005), *Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.*

Dorset Council (2020) Interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar

Dorset Council (2021) *Dorset Council Local Plan Habitat Regulations Assessment: Screening Report.*

Dorset Local Nature Partnership (2021) Dorset's Ecological Network

Ministry of Housing, Communities and Local Government (2024), *National Planning Policy Framework.*

Multi-Agency Geographical Information for the Countryside (MAGIC) Website

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

West Dorset District Council and Weymouth & Portland Borough Council *(2015) adopted Local Plan*

Appendix 1

UK Habitats baseline map 2024

CHERRY TREE ECOLOGY LTD

- Red Line Boundary
- Existing Very Large Urban Tree
- Existing Medium Urban Tree
- Existing Small Urban Tree
- Blackthorn scrub
- Bramble scrub
- Developed land; sealed surface (Building & harstanding)
- Mixed scrub
- Modified grassland

Project:Willowbed Hall

Title: UK Habitats baseline map

Date:29/01/25

0 5 10 m

Appendix 2
Photographs 2025

Photograph 1: Southern and western elevation of building, with hardstanding car park

Photograph 2: Mixed Scrub vegetation and individual trees

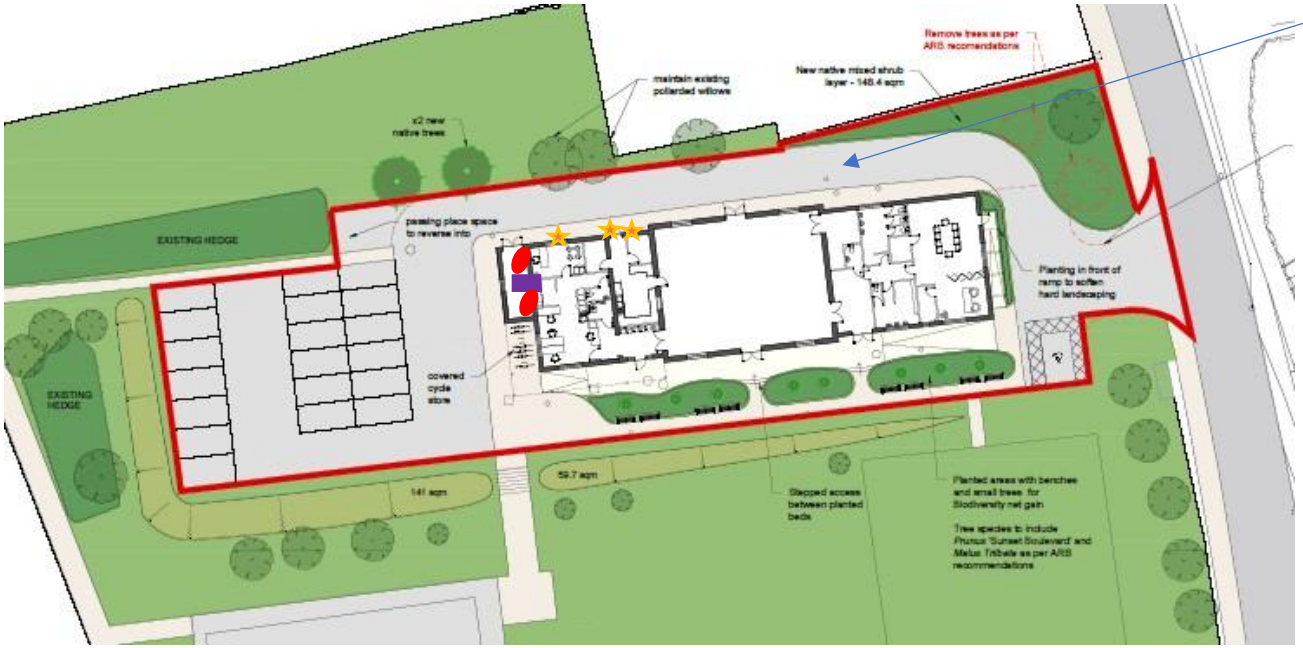
Photograph 3: Bramble/ blackthorn scrub along northern boundary

Photograph 4: Internal western void. (photo from Danny Alder)

Photograph 5: Car park area where new extension is proposed

Appendix 3

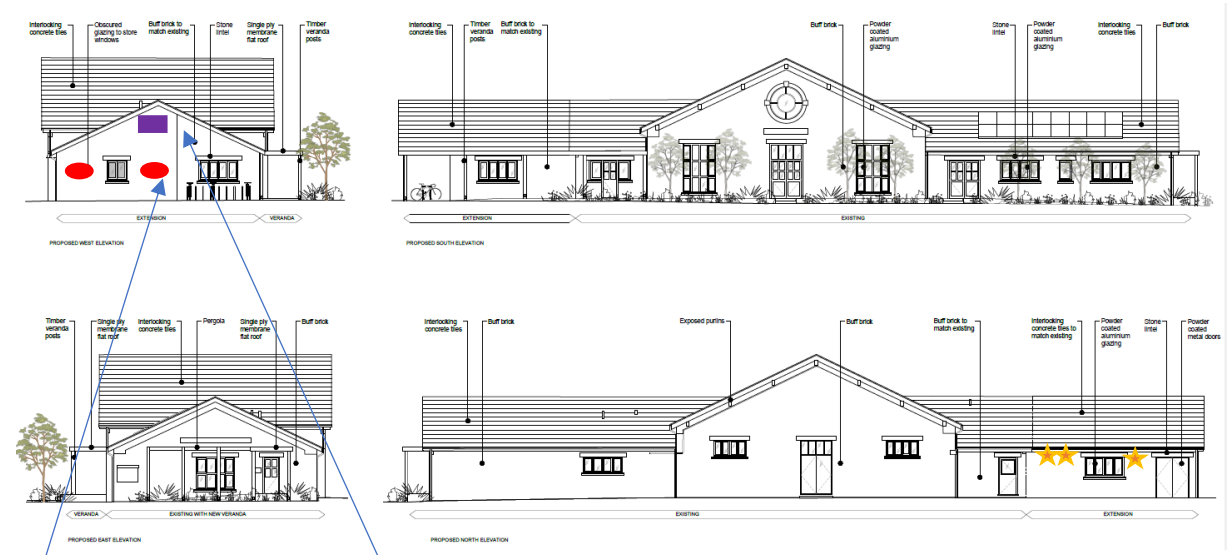
Mitigation and enhancements



CMS to be implemented during construction. Vegetation clearance at the correct time of year for nesting birds, common reptiles and hedgehogs

Key: Indicative locations

- ★ Integrated sparrow box/brick (in group of three)
- ▬ Integrated Bat box
- ⬭ Bee Bricks x 2



Bee bricks

Integrated Bat box

Integrated sparrow boxes- brick facing

Appendix 4

Relevant Nature Conservation Legislation and Policy

This Appendix is intended to provide an overview of the main features of legislation and policy relating to nature conservation in England and the implications for development.

KEY WILDLIFE LEGISLATION

ENVIRONMENT ACT 2021

The Environment Act 2021 received royal assent in November 2021 and introduces new environmental protection regimes. This includes the creation of the Office for Environmental Protection who will oversee the framework. The Act includes several measures which impact on the planning application process to provide measures to ensure developments result in a net gain in biodiversity.

The Act provides a timeframe of 2 years from receiving royal assent for the production of the required regulations to implement the mandatory requirement of 10% Biodiversity Net Gain (BNG) for new developments. This apples from the 12th February for major applications and 2nd April for small sites. In England, BNG is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (known as the "Habitats Regulations") was recently amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The Habitats Regulations provide for the designation of both Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in the UK. The Regulations also prohibit certain actions relating to European Protected Species (EPS), which include Hazel Dormouse *Muscardinus avellanarius*, Great Crested Newt *Triturus cristatus*, European Otter *Lutra lutra* and all native species of bat.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 is the principal mechanism for the legislative protection of wildlife in Great Britain. Certain species of bird, animal and plant (including all of the European Protected Species listed above) are afforded protection under Schedules 1, 5 and 8 of the Act. The Act also contains measures for the protection of the countryside, National Parks, Sites of Special Scientific Interest (SSSIs) and public rights of way as well as preventing the establishment of invasive non-native species that may be detrimental to native wildlife in Schedule 9.

Countryside & Rights of Way Act 2000

Many of the provisions of the Countryside and Rights of Way (CRoW) Act 2000 have been incorporated as amendments into the Wildlife and Countryside Act (1981) and some provisions have now been superseded by later legislation such as The Natural Environment and Rural Communities Act (2006).

The most relevant changes provided by the CRoW Act include the added protection given to SSSIs and other important sites for nature conservation. Importantly, under the Act it became a criminal offence to

"recklessly disturb" Schedule 1 nesting birds and species protected under Schedule 5 of the Wildlife and Countryside Act. It also enabled heavier penalties on conviction of wildlife offences.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities (NERC) Act 2006 was intended to raise the profile of biodiversity amongst all public authorities and to make biodiversity an integral part of policy and decision-making processes. The NERC Act also improved wildlife protection by amending the Wildlife and Countryside Act 1981.

Section 40 (S40) of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions. This includes giving consideration to the restoration and enhancement of species and habitats.

Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of Principal Importance for the conservation of biodiversity in England. This was published in 2007 and is commonly referred to as the "S41 list". Public authorities have a responsibility to give specific consideration to the S41 list when exercising their normal functions.

PLANNING POLICY & GUIDANCE

Listed below is the main planning policy and government guidance that relates to the conservation of nature and development at all levels of government.

National Level

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied in local-level policy and decision making. The National Planning Framework was re-issued in July 2018 and updated in February 2019, July 2021, September 2023 and December 2024. Key points relevant to the Natural Environment are given below.

> *8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*

These are the economic objective, the social objective, and the environmental objective; the full text of paragraph c) relating to this third objective reads as follows:

> *"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

187. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most

versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

188. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework65; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

190. When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development67 other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

192. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity68; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation69; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

193. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the

national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons70 and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

194. The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites71; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

195. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Local Level

West Dorset, Weymouth & Portland adopted Local Plan (2015)

ENV2. WILDLIFE AND HABITATS

i) Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.

ii) Development that is likely to have an adverse effect upon the integrity of the Poole Harbour and Dorset Heaths International designations will only be permitted where there is provision to avoid, or secure effective mitigation of, the potential adverse effects in accordance with the strategy in Table 2.2.

iii) Development that is likely to have an adverse effect upon nationally designated wildlife sites will not be permitted unless the benefits, in terms of other objectives, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.

iv) In other locations, including locally identified wildlife sites and water-bodies, where significant harm to nature conservation interests cannot be avoided, it should be mitigated. Where it cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity otherwise development will not be permitted. Features of nature conservation interest should be safeguarded by development.

v) Proposals that would result in the loss or deterioration of irreplaceable habitats, such as ancient woodlands and veteran trees, will be refused unless the need for and public benefits of the development clearly outweigh the loss.

vi) Proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. Development of major sites should take opportunities to help connect and improve the wider ecological networks.

vii) Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution. Development on sites supporting other protected species will only be permitted where adequate provision can be made for the retention of the species or their safe relocation

ENV3. GREEN INFRASTRUCTURE NETWORK

i) The councils will work together with local communities and other relevant partners to develop a green infrastructure strategy for the plan area.

ii) Development that would cause harm to the green infrastructure network or undermine the reasons for an area's inclusion within the network will not be permitted unless clearly outweighed by other considerations.

iii) Development proposals that promote geodiversity and biodiversity within this network of spaces and provide improved access and recreational use (where appropriate) should be supported.

BIODIVERSITY PLANS AND STRATEGIES

An overview of the key biodiversity plans and strategies in the UK, and their implications for development, are set out below.

National level

The UK Biodiversity Action Plan 2007 (UK BAP) has been superseded by the *UK Post-2010 Biodiversity Framework* and individual national biodiversity strategies. The UK framework sets out the overarching vision, strategic goals and priority activities for the UK. The Framework's overall vision is that "by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people." In England, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* is the national biodiversity strategy, which has the stated mission "(…)to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people."

Note some local plans and government guidance documents/circulars still refer to the UK BAP and 'UK BAP priority habitats and species'. These habitats and species are listed under Section 41 of the NERC Act, and **remain a material consideration in the planning process.** They are now described as 'Species/Habitats of Principal Importance', though they are also commonly referred to as 'Section 41 Species/Habitats' or simply 'Priority Species/Habitats'. Further guidance is given in the relevant sections below.

Local level

Despite the changes to national level biodiversity policy described above, county and district level BAPs still apply. The Dorset Biodiversity Strategy consists of targets for maintaining, restoring and creating priority habitats and protecting priority species.

Delivering Biodiversity Opportunities

Where practicable, opportunities should also be sought to achieve a **net gain** (i.e. enhancement) of biodiversity. Support for biodiversity enhancement is provided in the Public Authority 'Biodiversity Duty' under the NERC Act 2006 and in the key principles of the NPPF, as described above.

SITES DESIGNATED FOR THE CONSERVATION OF NATURE

Statutory Sites

Internationally Important Sites

Ramsar Sites, Special Areas of Conservation (SAC) and Special Protection Areas (SPA)

The Conservation of Habitats and Species Regulations 2017 (as amended) provide the primary legal basis for the protection of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in Great Britain. Ramsar sites are, as a matter of national planning policy, subject to the same strict protection. Any plan or project considered likely to affect a SAC, SPA or Ramsar site must be subject to an assessment.

Ramsar sites are wetlands of international importance. The majority of terrestrial Ramsar sites in England are also notified as SPAs and/or Sites of Special Scientific Interest (SSSIs).

SACs are sites which support internationally important habitats and/or species listed as being of Community. SPAs are sites which support internationally important numbers of bird species. Together, SACs and SPAs make up the National Site Network.

Any plan or project considered likely to affect a SAC, SPA or Ramsar site must be subject to a Habitats Regulations Assessment (HRA), as set out under Regulation 63 of the Habitats Regulations 2017(as amended).

The Local Authority (or other 'competent authority') carries out the HRA, but the onus is on the developer to provide the necessary information to inform this process.

Under the Habitats Regulation 2017(as amended), the competent authority must determine in the first instance whether a proposed development is likely to have a significant effect on the National Site Network site either alone or in combination with other plans and projects. The stage of the HRA is known as 'screening'.

If a likely significant effect cannot be screened out, then an 'Appropriate Assessment' must be undertaken to assess the implications against the site's conservation objectives.

Nationally Important Sites

Sites of Special Scientific Interest (SSSI)

The Wildlife and Countryside Act 1981 (as amended) and the CRoW Act 2000 provide the primary legal basis for the protection of Sites of Special Scientific Interest (SSSI). These sites have been designated to capture the best examples of England's flora, fauna, geological or physiographical diversity.

National Nature Reserve (NNR)

NNRs are declared under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981, as amended by Environmental Protection Act 1990. They are managed to conserve their habitats or to provide special opportunities for scientific study of the habitats communities and species represented within them. NNRs represent the very best parts of England's SSSIs. The majority of NNRs also have European nature conservation designation.

Regionally & Locally Important Sites

Local Nature Reserves

Local Nature Reserves are declared by local authorities under the National Parks and Access to the Countryside Act 1949 as living green spaces in towns, cities, villages and countryside. They provide opportunities for research and education, or for simply enjoying and having contact with nature. LNRs are usually protected from development through local planning documents which may be supplemented by local by-laws.

Non-Statutory Sites

Local Wildlife Sites

Local authorities may designate non-statutory sites for their nature conservation value based on important, distinctive and threatened habitats and species within a national, regional and local context. These sites are not legally protected but are given some protection through the planning system. These sites may be declared as 'County Wildlife Sites', 'Sites of Importance for Nature Conservation' (SINCs), or 'Sites of Nature Conservation Importance' (SNCIs) in local and structure plans. Non-statutory sites are a material consideration when planning applications are being determined.

Nature Conservation in Areas Outside Designated Sites

Various other features exist outside designated sites that are important for the conservation of nature and which are a material consideration in the planning system.

Habitats of Principal Importance in England

Fifty-six habitat types have been identified as Habitats of Principal Importance in England for the conservation of biodiversity under Section 41 of the NERC Act 2006. The NPPF, Government Circular 06/05, good practice guidance and the NERC Act place a clear responsibility on planning authorities to further the conservation of these habitats. They can be a material consideration in planning decisions, and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent their net loss and to enhance them where possible. Additional guidance to developers is typically provided in local level planning policy.

SPECIES PROTECTION

Legally Protected Species

Mammals

All wild mammals are protected against cruelty under the Wild Mammals (Protection) Act 1996, which makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

The following species of mammal are protected further by law in England:

Bats

There are 18 species of bat in the UK, seven of which are Species of Principal Importance in England. All bats and bat roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Bats are also protected under the Habitat Regulations 2017 as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, where protection is retained under UK domestic legislation. It is an offence to:

- Intentionally or deliberately kill, injure or capture bats;
- Intentionally, deliberately or recklessly disturb bats in such a way as to be likely to significantly affect the ability of any significant group of bats to survive, breed, or rear or nurture their young or the local distribution of or abundance of a species of bat;
- Intentionally, or recklessly damage, destroy or obstruct any place used for shelter or protection (i.e. bat roosts) or intentionally or recklessly disturb a bat whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a bat; and
- Possess, sell or transport a bat, or anything derived from it.

Development proposals affecting bats or their roosts require a Protected Species licence from Natural England. It should be noted that a licence is enacted under the Habitat Regulations 2017 and will continue to apply in UK Law through the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019 and the European Union Withdrawal Act 2018 following the implementation of Brexit.

Dormouse

The Dormouse *Muscardinus avellanarius* is a Species of Principal Importance in England. It is legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is afforded significant further protection as a European Protected Species under the Habitats Regulations 2017 (as amended). Collectively, this legislation makes it an offence to:

- Intentionally or deliberately kill, injure or capture Dormice;
- Intentionally, deliberately or recklessly disturb Dormice in such a way as to be likely to significantly affect the ability of any significant group of Dormice to survive, breed, or rear or nurture their young or the local distribution of or abundance of the species;
- Intentionally or recklessly damage, destroy or obstruct access to places used by Dormice for shelter or protection (whether occupied or not) or intentionally or recklessly disturb a Dormouse whilst it is occupying such a place;

- Damage or destroy a breeding site or resting place of a Dormouse;
- Possess or transport a Dormouse (or any part thereof) unless under licence; and
- Sell or exchange Dormice.

Development proposals affecting the Dormouse require a European Protected Species licence from Natural England.

Badger

The Protection of Badgers Act 1992 offers considerable protection to both badgers and badger setts. This legislation was enacted to protect the Badger *Meles meles* against baiting and not as a means of species recovery for it is common in England. It is an offence to cruelly treat, kill or take Badgers, but it is also illegal to intentionally or recklessly damage or disturb a badger sett whilst it indicates signs of current use by a Badger.

Natural England has issued guidance to help developers and their proponents avoid sett disturbance and to identify setts that are in current use[1]. It is important to maintain adequate foraging territory in development proposals affecting badgers as the destruction or severance of large areas of foraging territory could also be taken to include habitat loss. Licences to disturb Badgers and their setts in respect of development may be issued by Natural England provided provisions are made to minimise disturbance.

Birds

49 species of bird are listed as Species of Principal Importance in England. All birds are protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence, with certain exceptions (e.g. game birds), to intentionally kill, injure or take any wild bird and to take, damage or destroy their nests or eggs.

Schedule 1 of the Wildlife and Countryside Act 1981 affords extra protection for a number of species and applies harsher penalties for offences. Any intentional or reckless disturbance of a Schedule 1 bird, whilst it is nesting or rearing dependant young, constitutes an offence.

Regulation 10 of the Habitat Regulations 2017 (as amended) required appropriate authorities and conservation bodies, in the exercise of their functions, to take steps to secure ' the preservations, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat..'

[1]Natural England (2009). Protection of Badgers Act 1992 (as amended) Interpretation of 'Disturbance' in relation to badgers occupying a sett. Available from: http://www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf
Natural England (2009). Guidance on 'Current Use' in the definition of a Badger Sett. Available from: http://www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf

Reptiles

All four of the widespread British species of reptile, including the Common Lizard *Lacerta vivipara*, Slow-Worm *Anguis fragilis*, Grass Snake *Natrix natrix* and Adder *Vipera berus,* are Species of Principal Importance in England. They are protected under Schedule 5 (Sections 9.1, 9.5a, 9.5b) of the Wildlife & Countryside Act 1981 (as amended) from intentional killing, injury and trade. The habitat of the four widespread reptiles is not legally protected; however the replacement of habitat lost through development may be required through the planning system. Mitigation for these species is not subject to licensing by Natural England but should nonetheless be planned to minimise disturbance.

The Smooth Snake *Coronella austriaca* and the Sand Lizard *Lacerta agilis* are the rarest reptile species in Britain. In addition to the protection that is afforded to the widespread species of reptile listed above, these species are protected further under Schedule 5 (Sections 9.4b and 9.4c) of the Wildlife and Countryside Act 1981 (as amended). They are also European Protected Species protected under the Habitat Regulations 2017 (as amended). This legislation makes it an offence to:

- Intentionally or deliberately kill, injure or capture Sand Lizards or Smooth Snakes;
- Intentionally, deliberately or recklessly disturb Sand Lizards or Smooth Snakes in such a way as to be likely to significantly affect the ability of any significant group of Sand Lizards or Smooth Snakes to survive, breed, or rear or nurture their young or the local distribution or abundance of either species;
- Intentionally or recklessly damage, destroy or obstruct any place used by Sand Lizards or Smooth Snakes for shelter or protection, or intentionally or recklessly disturb a Sand Lizard or Smooth Snake whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a Sand Lizard or Smooth Snake;
- Keep, sell, or exchange Sand Lizards or Smooth Snakes or their eggs; and
- Deliberately take or destroy their eggs

Development proposals affecting Smooth Snake or Sand Lizard require a European Protected Species licence from Natural England.

Great Crested Newt

The Great Crested Newt *Triturus cristatus* is a Species of Principal Importance in England. It is legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is afforded significant further protection as a European Protected Species under the Habitats Regulations 2017 (as amended). Collectively, this legislation makes it an offence to:

- Intentionally or deliberately kill, injure or capture Great Crested Newts;
- Intentionally, deliberately or recklessly disturb Great Crested Newts in such a way as to be likely to significantly affect the ability of any significant group of Newts to survive, breed, or rear or nurture their young or the local distribution of or abundance the species;

- Intentionally or recklessly damage, destroy or obstruct any place used by Great Crested Newts for shelter or protection, or intentionally or recklessly disturb a Great Crested Newt whilst it is occupying such a place;

- Damage or destroy a breeding site or resting place of a Great Crested Newt; and

- Possess, sell or transport a Great Crested Newt, or anything derived from it.

Development proposals affecting the Great Crested Newt require a European Protected Species licence from Natural England. Intentional or reckless behaviour leading to an offence being committed as detailed above may result in maximum penalties of:

    - Up to £5,000 fine per offence committed;

    - A custodial sentence of up to six months instead of, or in addition to, a fine; and/or

    - Items of equipment involved in committing the offence may be seized and detained.

In addition to the above penalties, it is likely that any European Protected Species mitigation Licence (EPSL) obtained for a site will be revoked whilst any wildlife offence is investigated. This will lead to immediate temporary and, depending on investigation outcomes, possible permanent restrictions on site works, as well as associated cost.

Species of Principal Importance in England

943 species have been identified as being of Principal Importance in England for the conservation of biodiversity under Section 41 (S41) of the NERC Act 2006. This list of species includes species found in England which have been identified as requiring action under the now superseded UK Biodiversity Action Plan 2007 (plus the Hen Harrier). While these species may not be legally protected, there is a clear responsibility on planning authorities to further their conservation. These species can be a material consideration in development control decisions and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent the net loss of these species and habitats and to enhance them where possible.

Invasive Non-Native Species

There are a number of species not ordinarily resident to the UK. Those which pose a significant threat to our ecology and economy are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). For an offence to be committed, a species must be released or allowed to escape into the wild. For example, if a plant listed on Schedule 9 is not adequately controlled by a land owner, once they are aware that it is present, and the species is allowed to spread into adjoining areas, then this could constitute an offence.