

LHB Ecology

Preliminary Ecological Appraisal

Site: 101 Pickwick Road, Corsham,
Wiltshire SN13 2DA

Client: Cliffe Property Investments Ltd.

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Report Date and Version: 17/12/25 Final

Limitations

This report has been prepared exclusively for the use of the above-named client or their agents. Site assessment and reports have been carried out for the client in accordance with written agreement and with the diligence and skills that are typical of an ecological consultant.

The conclusions and subsequent recommendations contained in this report are partly based upon information provided by third parties. Information obtained from third parties has not been independently verified by LHB Ecology.

Any third-party usage of the report will require prior written agreement from LHB Ecology.

Any assessments made are based upon current site condition with the assumption that the site will continue to be used for the current purpose without significant change prior to any development. Findings and recommendations within this report are based on the professional opinion of qualified and experienced ecological consultants and do not constitute professional legal advice.

Guidelines

This assessment has been designed to meet:

- Bat Conservation Trust (2023): Bat Surveys for Professional Ecologists — Good Practice Guidelines, 4th edition; and
- British Standard 42020 (2013) 'Biodiversity – Code of Practice for Planning and Development'.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

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1.0 Executive Summary

1.1 Summary

- 1.1.1 LHB Ecology undertook an extended Phase 1 habitat survey (JNCC, 2010) to inform a Preliminary Ecological Appraisal (PEA) at 101 Pickwick Road, Corsham, Wiltshire SN13 2DA (hereinafter referred to as 'the site') on 17 November 2025. This survey was completed to assess the habitats on site, to establish an ecological baseline and to determine whether ecological receptors such as protected species were likely to be present.
- 1.1.2 The site consists of a petrol station with two buildings, areas of ornamental planting and scattered trees. Residential development and associated infrastructure surround the site and there are scattered trees and urban greenspaces within the vicinity of the site.
- 1.1.3 The development proposals are described as follows:
- 'Demolition of existing petrol filling station shop and car wash and construction of replacement retail building, together with relocation of vac and air facilities, introduction of EV charging points and replacement of underground fuel storage tanks, pipework, forecourt drainage, interceptor, utilities infrastructure and associated works'.*
- 1.1.4 Existing trees will be protected in line with BS5837:2012 throughout development (refer to Engley Trees Arboricultural report).
- 1.1.5 Nesting birds could be present within trees and shrubs. It is recommended that construction works are undertaken outside the nesting bird season (i.e. September – February inclusive). If this timeframe cannot be avoided, a nesting bird check will need to be completed and any active nests retained until the young have fledged.
- 1.1.6 No impacts on bat roosts or foraging/commuting habitat are anticipated. Proposed lighting should not exceed the existing light levels at the site in order to avoid any impacts on bat activity.
- 1.1.7 Working methods will need to consider the presence of hedgehogs and badgers. Taking a best practice approach, any deep excavations should be covered overnight during works. Shallow excavations should have a scaffold board or equivalent placed in them overnight to allow any hedgehogs to escape, should they fall in.

Full details are provided in Table 5.1: Ecological constraints, conclusions and recommendations

2.0 Introduction and Context

2.1 Background

- 2.1.1 LHB Ecology undertook an extended Phase 1 habitat survey (JNCC, 2010) to inform a Preliminary Ecological Appraisal (PEA) at 101 Pickwick Road, Corsham, Wiltshire SN13 2DA (hereinafter referred to as 'the site') on 17 November 2025. This survey was completed to assess the habitats on site, to establish an ecological baseline and to determine whether ecological receptors such as protected species were likely to be present.
- 2.1.2 All land within the red line boundary was surveyed. The survey area consisted of the land that will be impacted by the proposed development including an expected zone of influence.
- 2.1.3 No previous ecological surveys have been undertaken at the site, to the author's knowledge.
- 2.1.4 This report details the findings of the site survey and desk-based assessment.

2.2 Project Description

- 2.2.1 The development proposals are described as follows:

'Demolition of existing petrol filling station shop and car wash and construction of replacement retail building, together with relocation of vac and air facilities, introduction of EV charging points and replacement of underground fuel storage tanks, pipework, forecourt drainage, interceptor, utilities infrastructure and associated works'.

2.3 Site Context

- 2.3.1 The site is centred on National Grid Reference ST 8647 7058 and has an area of approximately 0.15 ha. The site consists of a petrol station with two buildings, areas of ornamental planting and scattered trees. Residential development and associated infrastructure surround the site and there are scattered trees and urban greenspaces within the vicinity of the site.
- 2.3.2 A review of the designated sites, aerial photographs, the MAGIC database and OS maps shows that the site is situated within the town of Corsham, in west Wiltshire. The local and immediate landscape consists of residential development with private gardens and urban greenspaces. Woodland and an orchard are located within 500 m of the site. The woodland provides habitat connectivity between other habitats in the wider landscape that are important for nature conservation.
- 2.3.3 A landscape map is provided in section 4.3 and shows the context of the site in the wider landscape.

2.4 Scope of the Report

- 2.4.1 This report evaluates the habitats at the site and their value to protected species. It also documents any evidence of protected species and identifies any constraints to the proposals. The report provides recommendations for further surveys and mitigation measures to comply with wildlife legislation.

2.4.2 The aim of the survey was to assess the types of habitats and the likelihood of protected species being present. This was achieved by:

- Carrying out a desk study using freely available resources such as Google Earth and the MAGIC online database.
- Identifying the survey site, site boundary and the zone of influence of the proposed development.
- Recording baseline information on the site and surrounding area through an extended Phase 1 habitat survey.
- Providing an outline of likely impacts on ecological receptors, based on the current development proposals.
- Providing recommendations for further surveys, such as protected species surveys, mitigation measures and ecological enhancements.

2.4.3 A Habitat Map of the site is presented in Appendix 1. The proposed plan is included in Appendix 2. A summary of relevant legislation can be found in Appendix 3.

3.0 Methodology

3.1 Desk study methodology

- 3.1.1 A biological records data search relating to the site and a surrounding 1 km radius (the study area) was not commissioned from the Local Records Centre. This was due to the small scale of the proposed development.
- 3.1.2 A review of aerial imagery from Google Earth, magic.defra.gov.uk data and OS Opendata 2023 has also been undertaken to inform the assessment. Information from these sources is referenced within the report, where necessary.

3.2 Extended Phase 1 habitat survey methodology

- 3.2.1 The survey was undertaken by Joe Slade BSc (Hons) MRSB, principal ecologist (Natural England protected species licence numbers: bats 2017-32515-CLS-CLS; great crested newt 2016-26549-CLS-CLS). The survey was undertaken in accordance with industry guidelines (JNCC, 2010) on 17 November 2025 during suitable weather conditions.
- 3.2.2 All areas of the survey site that were accessible were covered during the survey. Areas that were not accessible, either due to safety concerns or in cases where access was not provided to the surveyor were assessed based on what was observable. Any limitations that relate to a lack of access are addressed in 3.4 Limitations.
- 3.2.3 The survey looked at the vegetation present which was recorded and used to classify the habitats on site. The recorded habitats were mapped during the survey and were later digitised using GIS software to create a master map for inclusion within the PEA report. Target notes on maps provide supporting information which relates to any evidence of protected species, areas that were too small to map, habitat conditions and species composition.
- 3.2.4 The aim of the Phase 1 habitat survey is not to record all plant species present on site. A Phase 2 survey may be required in some cases to assess priority habitats.
- 3.2.5 The value and sensitivity of ecological features present on site were assessed based on the guidance given in Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017).
- 3.2.6 Where present, any sightings of invasive / non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981) were recorded including their extent.
- 3.2.7 Protected species and habitats that could be affected by the proposed development were assigned levels of importance for nature conservation. The following terms are used for each level of importance (in descending importance): international, national, regional, county, local and site level.

3.3 Protected and notable species

- 3.3.1 Evidence of protected species and species of nature conservation importance was recorded if present at the time of the survey. Additionally, habitats on site were assessed for their suitability to support protected species. The findings of the desk study and the condition of the habitats on site were used along with the field survey findings to determine the presence or likely absence of protected species on site.
- 3.3.2 In accordance with the Bat Conservation Trust's best practice guidelines (Collins, 2023), the suitability of habitat features on site to support roosting bats, such as trees and buildings, was categorised as negligible, low, moderate or high. The bat suitability assessment was based on the number and type of roosting features and surrounding landscape character.

3.4 Limitations – evaluation of the methodology

- 3.4.1 The survey and subsequent evaluation of the site is preliminary and does not form a complete characterisation of the site in terms of protected and notable habitats and species. This survey provides a preliminary view of the likelihood of protected habitats and species being present and is not a replacement for detailed vegetation or protected species surveys (where necessary).
- 3.4.2 There were no limitations.

4.0 Results and Evaluation

4.1 Desk Study Results

4.1.1 A summary of desk study results is provided below.

4.1.2 The desk study methodology as outlined in 3.1 has been carried out, and any relevant findings regarding sites, habitats or species are outlined below. The findings of the desk study are incorporated into 5.0 Ecological constraints, Conclusions and Recommendations section of this report.

4.2 Designated sites

4.2.1 The MAGIC database search revealed that Corsham Railway Cutting Site of Special Scientific Interest (SSSI) is situated approximately 1 km to the south of the site.

European sites

Bath and Bradford on Avon Bats Special Area of Conservation is a European designated site and is located approximately 2.3 km to the southwest of the site.

4.3 Landscape

4.3.1 The MAGIC database search indicated the presence of priority habitats present within 1 km of the site. The closest of these habitats consists of traditional orchard located approximately 215 m to the southwest of the site, and deciduous woodland priority habitat is located ~330 m to the northwest of the site.

4.3.2 There is limited habitat connectivity between the site and priority habitats in the form of residential gardens with scattered trees which connect to woodland.

4.3.3 Figure 1 (below) is the reviewed aerial imagery for the site showing the surrounding landscape and the context of the site within the landscape.



4.4 European Protected Species Licencing

The MAGIC database search revealed two granted European protected species mitigation licences (EPSML) site within a 1 km radius of the development site. Table 4.4 (below) provides the details of the granted EPSMLs.

Table 4.4: Granted EPSMLs within a 1 km radius of the site

Granted EPSML reference	Distance from site	Species listed	Licenced activity
2019-39497-EPS-MIT (28/02/2019)	700m to the west	Great crested newt	Destruction of a resting place.
2019-39497-EPS-MIT (28/02/2019)	800m to the east	Common pipistrelle	Destruction of a resting place.

4.5 Survey Results

4.5.1 The weather conditions recorded at the time of the survey are shown in Table 4.5.

Table 4.5: Weather conditions during the survey.

Survey Date: 17/11/25

Temperature	12°C
Relative Humidity	70%
Cloud Cover	20%
Wind	2 mph
Precipitation	None

4.5.2 Phase 1 habitat survey**4.5.3 Habitats**

The site habitats and supporting photographs are provided below along with their descriptions.

Amenity grassland

A small area (~25m²) of grass is located adjacent to the northern boundary. The grass has been left to grow to ~ 20 cm tall and consists of perennial ryegrass *Lolium perenne*, wall barley *Hordeum murinum*, daisy *Bellis perennis* and dandelion *Taraxacum officinale* agg.

**Introduced shrubs**

Boundary soft landscaping including small-leaved cotoneaster, mahonia and firethorn.



Scattered trees

Several small birch *Betula pendula* are located along the site boundary. Patches of sparse ivy are present on the stems of the trees.



Hard standing

Concrete hard standing used by vehicles and customers.



Silver birch trees on the northern boundary (pictured opposite).



View of the eastern site boundary, facing east (pictured opposite)



4.5.1 Building B1 exterior

B1 is a detached single-storey building of brick construction. It has a pitched and hipped roof clad in composite roof tiles which are in very good condition with no raised or missing tiles that bats could roost in. There are timber soffits around the eaves of the building which are in good condition with no gaps that bats could roost in or use to enter the building. The masonry around the building appears to be in good condition with no gaps or damaged areas in which bats could roost. The doors and windows are UPVC and metal framed and no gaps were noted around the sides which bats could roost in.

B1 – exterior, southern and western elevations (pictured opposite).



B1 – exterior, southern elevation (pictured opposite).



B1 – exterior, northern and western elevations (pictured opposite).



B1 – exterior, northern and eastern (pictured opposite).



B1 – exterior, close-up of roof (pictured opposite).



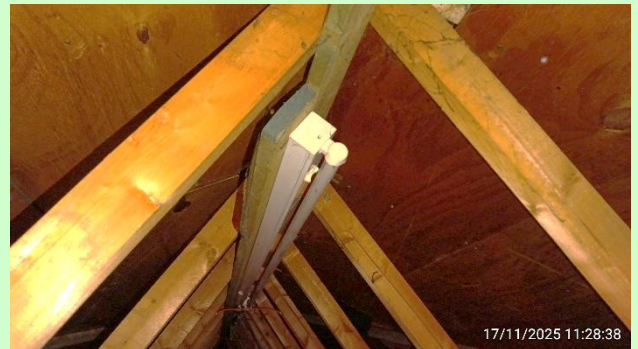
4.5.1 Building B1 interior

The roof structure is built from modern timber beams including the ridge beam which provides suitable roosting perches for void dwelling bats such as brown long-eared bats. The roof is lined with timber sarking which is in good condition. No gaps were noted that bats could use to enter the building. Floor to ceiling cobwebs were present which indicates an absence of internal flying activity from void dwelling bats.

B1 – interior (pictured opposite).



B1 – interior (pictured opposite).



4.5.1 Building B2 exterior

B2 is a detached carwash building of brick construction. It has a pitched and hipped roof clad in composite roof tiles. The roof tiles are generally in good condition with one area of damaged tiles on the west-facing hip. The damaged tiles were not sufficiently raised to create gaps that were large enough (>10 mm) for bats to roost behind the roof tiles. Timber soffits and fascias are located around the eaves of the building which are in good condition with no gaps that bats could roost in. The masonry around the building appears to be in good condition with no gaps or cracks that bats could roost in. The windows are UPVC framed and appear to be in good condition with no gaps around the sides of the frames.

B1 – exterior, southern and western elevations (pictured opposite).



B1 – exterior, southern elevation (pictured opposite).



B1 – exterior, northern and western elevations (pictured opposite).



B1 – exterior, northern and eastern (pictured opposite).



B1 – exterior, close-up of roof (pictured opposite).



B2 – Interior

No loft spaces are present within the roof of B2.

B3 – Exterior

B3 is a large metal and concrete canopy that covers the majority of the site. No gaps or damaged sections were noted on the building that bats could roost in.

B3 – exterior, western elevation (pictured opposite).



B3 – canopy underside (pictured opposite).



B3 – exterior, northern elevation (pictured opposite).



4.5.2 Evidence of protected or notable species

No evidence of protected species activity was present during the survey. Cotoneaster is present within areas of soft landscaping and is an invasive, non-native species.

5.0 Ecological constraints, conclusions and recommendations

- 5.1.1 Table 5.1 below details the identified ecological constraints based on the proposed development. Recommendations are provided such as further survey work and mitigation measures to address any likely impacts.
- 5.1.2 The findings of the survey are valid for a period of two years from the date the survey was completed. After two years the site may need to be resurveyed to determine whether there have been any significant changes and to inform the planning process.

Table 5.1: Ecological constraints, conclusions and recommendations

Ecological receptor	Ecological constraints and conclusions	Recommendations
Designated sites		
Bath and Bradford on Avon Bats (SAC) is a European designated site and is located approximately 2.3 km to the southwest of the site.	The site is located within the core habitat zone for greater horseshoe bats. Impacts on bat roosting, foraging and commuting habitat must be considered to determine whether developments pose a likely significant effect on the SAC. The proposed development will replace the existing petrol station. As the buildings and trees on-site were assessed to have negligible suitability to support bat roosts, no impacts on bat roosts are anticipated. Given the urban nature of the site and the immediate surroundings, with a high level of artificial lighting from signage, street lighting and vehicle lights, the site is considered to be unsuitable for foraging and	No further ecological surveys are recommended. Proposed lighting should not exceed the existing light levels at the site in order to avoid any impacts on bat activity.

Ecological receptor	Ecological constraints and conclusions	Recommendations
	commuting bats, especially light-sensitive species. No impacts from increased lighting are anticipated based on the absence of suitable roosting habitat and commuting/foraging habitat within the vicinity of the site.	
Amenity grassland, hard standing, scattered trees, introduced shrubs	No priority habitats are located on-site or nearby. No impacts on priority habitats are anticipated. The habitats on-site are widespread and common habitats which are not important for nature conservation. The habitats are considered to have site-level importance. The proposals for the site indicate that there will be a loss of trees. These were assessed to be Category C trees (refer to Engley Trees Arboricultural report).	No further ecological surveys are recommended. Existing trees will be protected in line with BS5837:2012 throughout development (refer to Engley Trees Arboricultural report). New trees and native shrub planting are recommended to minimise losses to biodiversity on-site.
Protected Species		
Badger	No evidence of badger activity was present on site or nearby. Active badger setts could be present in nearby suitable habitat. The site has negligible habitat value to support badgers.	A precautionary working method will be implemented during construction to protect foraging badgers, including the following measures: Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.

Ecological receptor	Ecological constraints and conclusions	Recommendations
	<i>Badger protection: Badgers and their setts are protected under the Protection of Badgers Act 1992 ("the PBA 1992").</i>	Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.
Bats	Buildings B1 – B3 are in good condition with no external gaps, such as within the roof tiles or around the eaves, that bats could roost in or use to enter the building. B1 – B3 were assessed to have negligible habitat value to support roosting bats. The trees within the site are small and do not have roosting features that bats could use. All of the surveyed trees were found to have negligible habitat value to support roosting bats. The habitats on-site are not considered to be suitable for foraging bats considering the amount of light pollution and disturbance from human activity, including at night. No impacts from increased lighting are anticipated based on the absence of suitable roosting habitat and commuting/foraging habitat within the vicinity of the site.	No further surveys are recommended. Proposed lighting should not exceed the existing light levels at the site in order to avoid any impacts on bat activity.

Ecological receptor	Ecological constraints and conclusions	Recommendations
	<i>Bat protection: Bats are protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981 (as amended).</i>	
Birds	No active bird nests were present on site during the survey. Birds could nest within the trees and shrubs on-site. The site was assessed to have low habitat value for nesting birds. Active bird nests could be impacted by tree felling or predevelopment enabling works resulting in nest abandonment. <i>Bird protection: It is an offence to damage or destroy active nests under the WCA 1981.</i>	All in-use bird's nests and their contents are protected from damage or destruction, any building works should be undertaken outside the period 1st March to 31st August. If this time frame cannot be avoided, a close inspection of the vegetation on site should be undertaken immediately prior to works commencing. Work should not be carried out within 5 m of any in-use nest and with an Ecological Clerk of Works present. Standard planning conditions can be applied to ensure this.
Hazel dormouse	There is no suitable dormouse habitat present on site or nearby. This species is therefore scoped out from the assessment. <i>Hazel dormouse protection: Hazel dormouse is protected in the UK under the Wildlife and Countryside Act, 1981. It's a Priority Species under the UK Post-2010 Biodiversity Framework and is listed as a European Protected Species under Annex IV of the European Habitats Directive.</i>	No further surveys required.
Reptiles	The small area of grassland is isolated from suitable reptile habitat and is not considered to be suitable for reptiles. The site was assessed to have negligible habitat value for reptiles.	No further surveys. In the unlikely event that of a reptile being found, works must cease and advice must be sought from a suitably qualified ecologist.

Ecological receptor	Ecological constraints and conclusions	Recommendations
	No suitable reptile habitat will be impacted by the proposed development and no impacts on reptiles are foreseen. <i>Reptile protection: Protected under the WCA 1981.</i>	
Amphibians	The grass and shrubs appear to be cut regularly and are not considered to be suitable for amphibians. No ponds or other suitable amphibian habitat is present on site. The MAGIC database search revealed that there are two small ponds located approximately 320m to the northeast of the site and 460m to the northwest of the site, respectively. There are also granted EPSML records for great crested newt located ~ 500 – 700m to the northwest of the site. Although the nearby ponds could be suitable for protected species of amphibians, including great crested newts, amphibians are highly unlikely to disperse towards the development site due to an absence of suitable habitat within the site or adjacent to the site. In addition, there are walls surrounding the site which provide a barrier to dispersing amphibians. The site was assessed to have negligible habitat value for amphibians. No suitable amphibian habitat will be impacted by the proposed development and no impacts on amphibians are foreseen.	No further surveys required. In the unlikely event of an amphibian being found, works must cease and advice must be sought from a suitably qualified ecologist.

Ecological receptor	Ecological constraints and conclusions	Recommendations
	<i>Amphibian protection: Smooth newt, palmate newt, common frog and common toad are included in Section 9(5) of the Wildlife and Countryside Act 1981 ("the WCA 1981"). Common toad is also a Priority Species under the Natural Environment and Rural Communities Act 2006 ("the NERC Act"). Great crested newts (GCN) are protected under WCA 1981 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 ("the Habitats Regulations") and are a European Protected Species (EPS). GCN is a Priority Species under the NERC Act.</i>	
Hedgehog	The grass on-site appears to be regularly managed and does not provide suitable habitat for hedgehogs. Hedgehogs could become trapped in excavations during the proposed development should they pass through the site. The site was assessed to have low habitat value to support hedgehogs. <i>Hedgehog protection: Protected under WCA 1981 (as amended).</i>	Working methods will need to consider the presence of hedgehogs. Taking a best practice approach, any deep excavations should be covered overnight during works. Shallow excavations should have a scaffold board or equivalent placed in them overnight to allow any hedgehogs to escape, should they fall in, and all chemicals should be stored securely.
Invertebrates	The habitats on-site are common and widespread. The site has little value for common invertebrate species.	No further surveys.
Invasive non-native species		

Ecological receptor	Ecological constraints and conclusions	Recommendations
Small-leaved cotoneaster	Small-leaved cotoneaster is a. invasive non-native plant species which is present within areas of soft landscaping. Without mitigation, this species could spread from the site to nearby habitats.	The cotoneaster should be controlled and eradicated by a specialist contractor. Waste from this species is considered controlled waste and must be appropriately disposed of.

6.0 Enhancements

6.1.1 The following enhancements have been designed to benefit protected species post-development. The following enhancements are suitable, achievable and are specific to the site:

- Installation of a bat box on a retained tree or similar bat roosting feature. Bat boxes should be made from woodcrete which is durable and has a long lifespan. Bat boxes must be installed high on the building, close to the eaves and away from artificial sources of light. Bat boxes on trees must be installed ~ 3 m high, facing south or southwest, with a clear flight path to the entrance.
- 2x swift nest boxes. Swift nest boxes are best positioned under the eaves or on walls facing north, northeast or north-west out of direct sunlight, five metres above the ground, with clear adjacent airspace so swifts can access them in a high-speed direct flight.
- New native tree and shrub planting.

7.0 Bibliography

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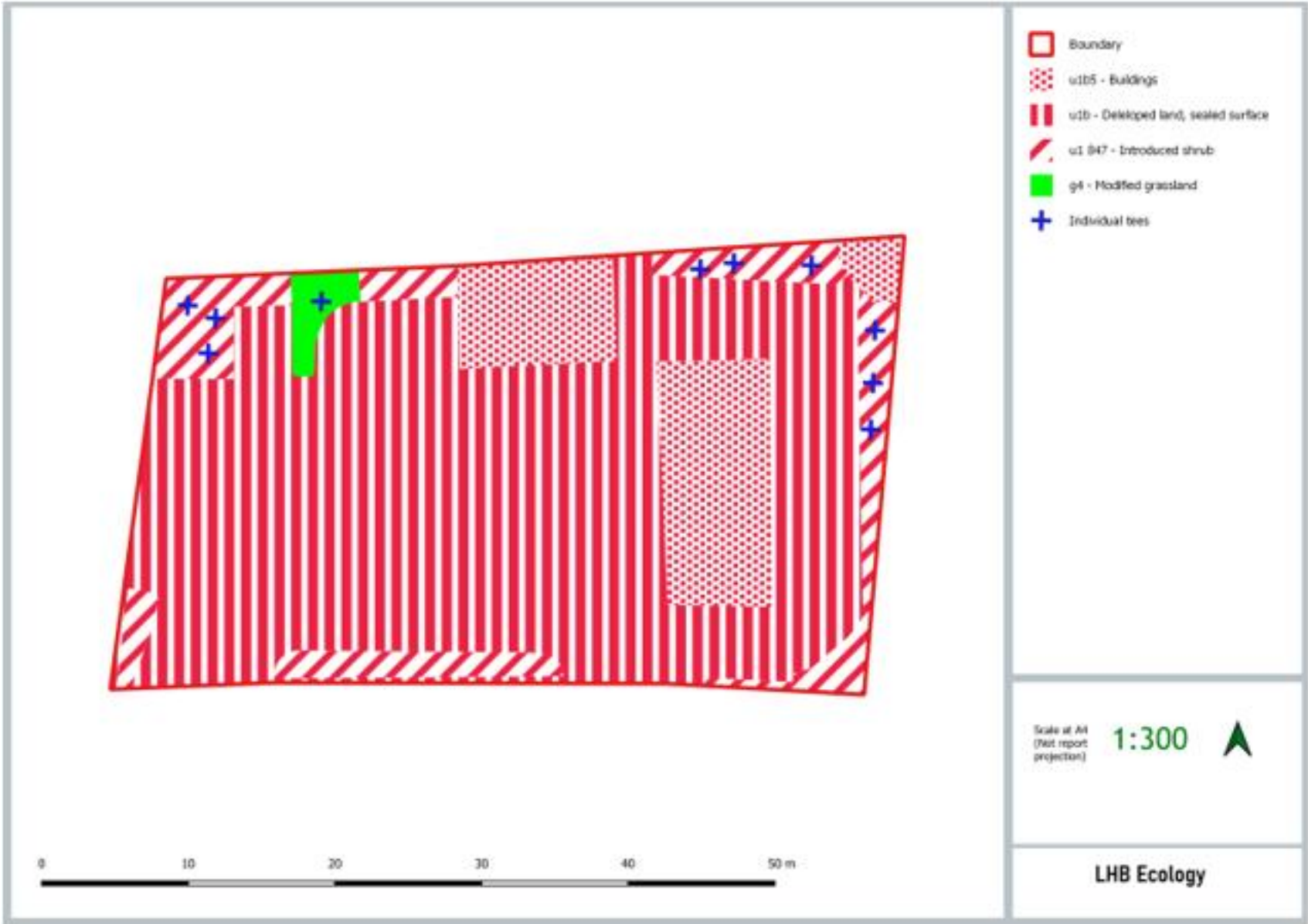
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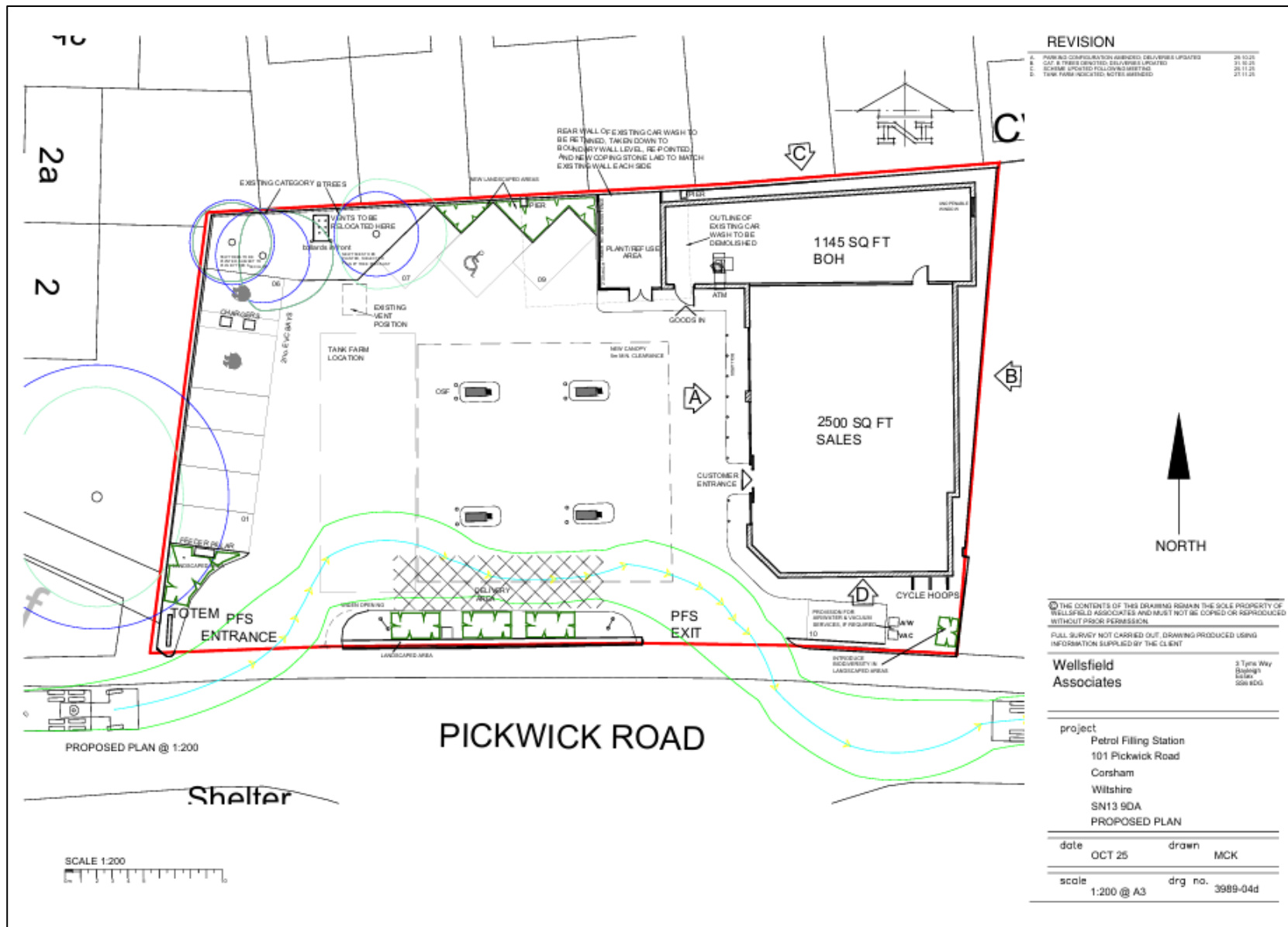
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Appendix 1 – Habitat Survey Map



Appendix 2 – Proposed plan



Appendix 3 – Legislation

Legal protection

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

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000) and Nature Conservation (Scotland) Act 2004.

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Significance for developments:

Works which are liable to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require a European protected species mitigation licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird

- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Significance for developments:

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Herpetofauna (Amphibians and reptiles)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

Deliberate killing, injuring or capturing of Schedule 2 species

Deliberate disturbance of species in such a way as:

to impair their ability to survive, breed, or reproduce, or to rear or nurture young;

to impair their ability to hibernate or migrate

to affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to intentionally or recklessly kill or injure these species.

Effects on development works

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Hazel dormouse

Hazel dormouse *Muscardinus avellanarius* is protected under Schedule 5 of the WCA 1981 against intentional killing or injuring, and under Schedule 2 of the Habitats Regulations, making them an EPS. It is an offence to damage, destroy or block access to their places of shelter or disturb them at their places of shelter. Hazel dormouse is also listed as a Priority Species under the NERC Act.

Significance for developments:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

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