



**Land South of Finches
Farm Water Tower
Finches Lane
Baydon
Marlborough
SN8 2JN**

**Preliminary Ecological
Appraisal**

Luscinia Ecology
On behalf of
Katherine Gordon-Quayle



Document Properties

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Contents

Chapter 1: Summary	1
Chapter 2: Introduction	2
Chapter 3: Method	4
Chapter 4: Results and Assessment	8
Chapter 5: Discussion	16
Appendix A: Survey Methods	i
Appendix B: UK Habitat Classification Plan	x
Appendix C: Legislation and Planning Policy	xi
Appendix D: Index of Scientific Names	xix



Chapter 1: Summary

- 1.1 This report will be submitted alongside a planning application for the “*proposed erection of a barn and construction of a turnout area, and ancillary works*” at Land South of Finches Farm Water Tower, Finches Lane, Baydon, Marlborough, SN8 2JN.
- 1.2 This report sets out a Preliminary Ecological Appraisal of the Proposed Development at the Site.
- 1.3 A data search and ecological surveys were completed to assess potential ecological impacts, inform the design of the development, and identify appropriate mitigation, compensation, and enhancement measures. Where required, these measures are suggested to be secured by planning conditions.
- 1.4 The Proposed Development avoids the loss of habitats of ecological importance as the Site is of negligible ecological importance. New landscaping and structural planting are proposed, this includes the provision of native tree planting within the grassland, adjacent to the new turnout and existing hedgerows. The overall impact on habitats from the Proposed Development will be at least neutral, with an overall increase in species diversity and habitat structure.
- 1.5 The ecological impacts, mitigation, and compensation associated with the Proposed Development is as follows:
 - The implementation of a Lighting Strategy as outlined within this report.
 - The implementation of precautionary measures at construction to protect badgers, bat flight-paths and foraging habitat, and hedgehogs.
- 1.6 The following enhancements will be provided within the Site:
 - Two HH7 Hogilo Hedgehog boxes will be provided along the base of the hedgerows. The houses should be located within cover, close to vegetation piles and out of the prevailing wind.
- 1.7 The Applicant is aware of, and has committed to, all the mitigation, compensation, and enhancement measures set out within this report.
- 1.8 Based on the results from the survey, context of the Site, and overall low ecological importance of the Site, this report is valid for a period of 18 months (i.e., the 05/09/27).



Chapter 2: Introduction

- 2.1 This report will be submitted alongside a planning application for a development scheme at Land South of Finches Farm Water Tower, Finches Lane, Baydon, Marlborough, SN8 2JN. This report sets out a Preliminary Ecological Appraisal of the Proposed Development at the Site.

Site Description

- 2.2 The Site consists of grassland used for equestrian use (referred to as ‘the Site’ throughout this report). The majority of the Site is modified grassland. The Site is approximately 0.29ha and is located at National Grid Reference: SU 28741 77837 (Figure 1).



Figure 1: Aerial image – Site boundary in red line

- 2.3 A stable block and barn, with equestrian outdoor training area are present within the wider ownership of the Applicant. Directly to the north is Baydon Water Tower, and the wider landscape comprises agricultural fields, loose residential properties and the M4 running adjacent to the Site to the east.

Proposed Development

- 2.4 This report will be submitted alongside a planning application for the “*proposed erection of a barn and construction of a turnout area, and ancillary works*” (referred to as the ‘Proposed Development’ throughout this report). Access will be via a pre-existing track, which leads to the Site from Finches Lane to the east. The Proposed



Development will result in the removal of the grassland within the Site and replacement with a barn and artificial unvegetated, unsealed surface comprising woodchip. **Figure 2** shows the Proposed Development.



Figure 2: The Proposed Development

Purpose of this report

2.5 The purpose of this Preliminary Ecological Appraisal (PEA) is to provide sufficient information for the Local Planning Authority to assess the ecological effects of the development. The objectives of the PEA are to:

- Describe the planning, legal, and landscape context of the Site.
- Identify and assess habitats and plant communities within the Site and determine the presence or likely absence of protected and notable species.
- Assess the actual and potential ecological effects of the Proposed Development on the ecological Features within the Site.
- Apply the mitigation hierarchy to:
 - Demonstrate how the design of the development has evolved to avoid and minimise ecological impacts; and
 - Identify appropriate mitigation, compensation, and enhancement measures for protected, priority, and notable habitats and species.
- Identify any requirements for further survey, mitigation, or monitoring of ecological receptors.



Chapter 3: Method

- 3.1 This report was written with regard to the CIEEM Guidelines on: Ecological Report Writing¹, Preliminary Ecological Appraisal², and Ecological Impact Assessment³, as well as the British Standard on the Biodiversity Code of Practice for Planning and Development Biodiversity⁴ and Writing Effective Ecological Reports⁵.

Zone of Influence

- 3.2 The ecological impacts / likely ecological impacts of the Proposed Development will be largely confined to the construction zone within the Site and would include the loss, degradation, and fragmentation of habitats, along with ecological impacts (e.g., killing and injury) on protected, priority and notable species, including the loss of ecological functions such as (commuting, hibernation, breeding opportunities). In addition, consideration has been given to the following potential impacts, which may spread beyond the Site:

- Disruption to species and habitats within receiving range of dust, light, noise and pollution during demolition, construction, and occupation of the Proposed Development.

- 3.3 The surveys of the Site and search buffers used within the data search are sufficient to capture the full extent of the Zone of Influence (Zoi) of the Proposed Development.

Data Search

- 3.4 A review of existing ecological knowledge of the Site and its surrounding area was undertaken on 25/02/2026. The data search included the following:

- Statutory designated sites of international importance with known strategic strategies known to overlap the Site.
- A 5km radius around the Site for statutory designated sites⁶.
- A 1km radius around the Site for granted European Protected Species Licences (EPSL), great crested newt class survey licence returns, and great crested newt pond surveys 2017 - 2019⁶.
- A 1km data search from Wiltshire and Swindon Biological Records Centre (WSBRC) and Thames Valley Environmental Records Centre (TVERC) for

¹ CIEEM (2015). *Guidelines on Ecological Report Writing*. Chartered Institute for Ecology and Environmental Management, Winchester.

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

³ CIEEM (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, and Coastal and Marine*. Chartered Institute for Ecology and Environmental Management, Winchester.

⁴ BSI (2013). BS 42020:2013: *Biodiversity: Code of Practice for Planning and Development*. British Standards Institution, Bristol.

⁵ Dean M. (2021). *Writing Effective Ecological Reports: A Guide to Principles and Practice*. Pelagic Publishing, Exeter.

⁶ Multi-Agency Geographic Information for the Countryside (MAGIC) maps For England and Wales. Available online at: <https://magic.defra.gov.uk/home.htm>



protected and notable species and non-statutory designated sites^{7, 8}. Data search was collected from two record centres due to the overlap of boundaries within the Site.

- An aerial 1km review the habitats within the local landscape, including the presence of ancient woodland and any Habitats of Principal Importance, along with their suitability to support protected and notable species using⁹.

Field Surveys

3.5 The following surveys were undertaken at the Site:

- Extended UK Habitat Classification Survey¹⁰
- Hedgerow Survey¹¹
- Badgers: Visual Survey¹²
- Bats: Preliminary Roost Assessment (PRA)¹³
- Incidental observations (All dates on Site)

3.6 The surveys were completed on 05/03/2026 by Lara Moore and Alfie Dickens. A detailed method for each of the surveys listed above is presented within **Appendix A**.

Contributor information

3.7 The surveys and assessments were designed and led by Lara Moore. The PEA was written by Lara Moore and Alfie Dickens. Technical review of this assessment was undertaken by Greg Nightingale. **Table 1** outlines the relevant experience of the assessment contributors.

⁷ Wiltshire and Swindon Biological Records Centre (WSBRC) and Thames Valley Environmental Records Centre (TVERC), received 25/02/2025.

⁸ Records dated before 2000 have been omitted from consideration, unless there were specific ecological reason to include a record before this period.

⁹ Google Earth. Available online at: <https://earth.google.com/web/>

¹⁰ UKHab Ltd (2023). *UK Habitat Classification Version 2.0*. UKHab Ltd, Stockport.

¹¹ The Hedgerow Regulations (1997)

¹² Harris, S., Cresswell, P. & Jefferies, D. (1989). *Surveying Badgers. An occasional publication by the Mammal Society. No. 9*. Mammal Society, London.

¹³ Collins, J. (2023). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition)*. The Bat Conservation Trust, London.



Contributor	Experience
Greg Nightingale BSc (Hons) MCIEEM	Greg is the Director of Luscinia Ecology (A CIEEM Registered Practice) with over 12 years of experience in ecology and environmental management in the private sector. Greg has worked extensively within the planning system, undertaking protected species surveys, habitat surveys and Ecological Impact Assessments as well as providing advice on habitat management and mitigation and enhancement design. He has a comprehensive understanding of environmental policy and the challenges the environment is facing, along with how these challenges are managed within the planning system. Through an understanding of good practice, planning policy, the ecology of protected habitats and species, and environmental impact pathways, Greg provides robust ecological advice that is cognisant of planning and legal requirements. He is experienced in the UK Habitat Classification system. He has designed, undertaken, and reported on numerous habitat and protected species surveys (including badger surveys, bat emergence/re-entry surveys, bat activity surveys, and hazel dormouse surveys), including bespoke survey design and the implementation of numerous protected species mitigation strategies. Greg is a full member of CIEEM. He holds a level two Bat Licence, a level one Great Crested Newt Licence, and a NPTC (CS38) Tree Climbing and Aerial Rescue qualification. In addition, he has been named on badger and bat mitigation licences and has completed courses in barn owls, botany, breeding birds, and hazel dormouse.
Lara Moore BSc (Hons) Qualifying member of CIEEM	Lara is a Consultant Ecologist at Luscinia Ecology, holding a degree in Environmental Science, which she obtained in 2021. She began her career in ecological consultancy in 2019 and has since completed three seasons of bat emergence and re-entry surveys. Lara is a Qualifying member of the Chartered Institute of Ecology and Environmental Management (CIEEM). She possesses both theoretical knowledge and practical experience across a range of protected species surveys, including those for bats, badgers, reptiles, breeding birds, and great crested newts. In addition, she has experience in producing technical reports and using UK Habitat classification systems.
Alfie Dickens BSc (Hons)	Alfie is a Consultant Ecologist with expertise in UK Habitat Classification, botanical surveys, and protected species work. He has delivered a wide range of species focused surveys, including for bats, otters, badgers, dormice, and great crested newts, among others. He has six years of experience in ecological data visualisation using GIS software, including QGIS and ArcGIS. Alfie has worked in both private consultancy and local government, most recently with Wiltshire Council's Ecology team, where he reviewed planning applications. His experience includes project management, client liaison, and ecological reporting across development and conservation contexts. He has completed additional training in botany, winter NVC, and freshwater invertebrates. He is actively developing his botanical skills towards FISC accreditation.

Table 1: Contributor experience



Assumptions, Clarifications, and Limitations

Assumptions

3.8 None.

Clarifications

3.9 None.

Limitations

3.10 Limitations associated with the survey work, data analysis, and reporting are set out within **Table 2**, along with an analysis of the effect of the limitation on the validity and robustness of the decision making within this report.

Limitation	Analysis of effect
The desk study does not produce a comprehensive list of plants and animals as this is limited by factors that influence their presence (e.g., activity and dormancy periods), along with varied recording effort across the landscape.	The species records of the desk study reflect survey effort and therefore the data returned from each request is variable across the UK. As a result, the data search data has not been used to rule out the presence of protected species and habitats within and adjacent to the Site.
Measurements within this report are approximate – The mapping of baseline habitats and Proposed Development plans has relied upon the georeferencing of plans provided by the client.	The mapping of baseline habitats and Proposed Development plans has relied upon the georeferencing of plans provided by the project team. The process of georeferencing and mapping of polygon habitats at a fine scale may result in minor deviations from actual and proposed measurements. This has been controlled for via the use of advanced digitising tools and given the scale of the proposals any deviations in spatial areas or point locations are sufficiently minor to be inconsequential and will be subsumed within precautionary rounding.
The survey was undertaken in winter, which is outside the optimum survey season for botanical surveys.	Although the survey was undertaken in winter, the evaluation and habitat descriptions (and hence the impacts and their significance), are considered to be accurate for the following reasons: - Given the type of vegetation and habitats present, the valuation of the intrinsic interest is considered unlikely to change. - Access was possible to all areas of the Site and the vegetation was clearly visible. - Data was available from a previous ecological survey at the Site. Overall, the effect on the evaluation and habitat descriptions (and hence the impacts and their significance) was considered negligible.

Table 2: Summary of limitations and their effect



Chapter 4: Results and Assessment

Data Search

The Local Landscape Context

- 4.1 The key green infrastructure within the local landscape includes areas of woodland and hedgerow networks. There is limited blue infrastructure in the area.

Statutory Designated Sites

- 4.2 Statutory designated sites are significant ecological receptors and include Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (of **International Importance**), and Special Scientific Interest (SSSIs; of **National Importance**).
- 4.3 Local Nature Reserves (LNRs) are notified under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended) by local authorities and are of **Local Importance**. They are intended for public appreciation and enjoyment of wildlife. The LNR designation does not afford special protection; however, LNRs are protected under legislation and planning policy.
- 4.4 The statutory designated sites returned by the desk study are shown in **Table 3**¹⁴. There was one SSSI returned by the data search which was designated for its earth heritage status and therefore been omitted from the results.

Site Name	Reason for designation	Distance and direction
Sites of International Importance		
River Lambourn SAC	This site is designated for Annex I habitats including chalk streams and its floristic characteristics. Annex II species connected with the site include bullhead <i>Cottus gobio</i> and brook lamprey <i>Lampetra planeri</i> .	4.15km east
Sites of National Importance		
Ashdown Park SSSI	The site is designated for the following interests: • Lichen assemblage • Bryophyte assemblage	4km north
White Shute SSSI	The site is designated for its lowland calcareous grassland and population of national scarce butterfly species.	4.1km east
Cleeve Hill SSSI	The site is designated for its lowland calcareous grassland.	4.6km east
Parkfarm Down SSSI	The site is designated for the following interests: • Lichen assemblage • Improved grassland	4.7 km north
Sites of Local Importance		
None		

¹⁴ Any SSSIs solely designated for their earth heritage or geological value are not shown within this table.



Table 3: Summary of statutory designated sites returned by the desk study

Non-Statutory Designated Sites

4.5 In Wiltshire and Berkshire, Local Wildlife Sites (LWSs) and Protected Road Verges (PRVs) are designated and are of **Local Importance**. No non-statutory designated sites were returned by the desk study as seen in **Table 4** below.

Site Name	Reason for designation	Distance and direction
Lambourn Downs LWS	The area supports lowland calcareous grassland the steeper slopes, along with lowland mixed deciduous woodland, ancient woodland, and many chalk grassland butterfly species.	500m northeast
Baydon Hole LWS	The area supports broadleaved woodland plantation.	800m northeast
Thornslait Plantation LWS	The area supports woodland, scrub, grassland, and a medieval ditch. The grassland areas include rough grassland in the west of the wood and calcareous rough grassland with remnant chalk grassland in the south.	700m east

Table 4: Summary of non-statutory designated sites returned by the desk study

Protected and Notable Species

4.6 The results of the protected and notable species data search are incorporated into the relevant Protected and Notable Species sections, below. Records dated before 2000 have been omitted from consideration, unless there were specific ecological reason to include a record before this period.

Habitat Survey

4.7 An Extended UK Habitat Classification Plan was produced (**Appendix B**). The Site was comprised of the following habitats:

- **Grassland:** Modified grassland
- **Hedgerow:** Native hedgerow
- **Individual trees:** Rural tree

Grassland: Modified grassland

4.8 There was an area of modified grassland within the Site, approximately 0.21 ha (**Photograph 1**). The grassland mostly comprises annual meadowgrass *Poa annua*, broad-leaved dock *Rumex obtusifolius*, mouse-ear chickweed *Cerastium fontanum*, common nettle *Urtica dioica* and perennial ryegrass *Lolium perenne*. There were some areas of bare ground due to the horse grazing and trampling (**Photograph 2**). The **modified grassland** was of **Negligible Importance**.





Photograph 1: Modified grassland



Photograph 2: Modified grassland; bare ground

Hedgerow: Native hedgerow (off-Site)

- 4.9 Native hedgerows were present along the northern and southern boundaries of the field which contained the Site. The hedgerows were located off-Site. The northern boundary was approximately 100m in length and mostly comprised blackthorn, holly



and hazel. Lesser celandine *Ficaria verna* was recorded at the base of this hedgerow. To the south, the Site boundary consisted of a 150m long hedgerow, mostly comprising blackthorn, bramble *Rubus fruticosus* and elder. Both hedgerows were approximately 2-3m in height, intact and appeared to be managed. A post and wire fence is located immediately behind the hedgerows. The **native hedgerow** was of **Site Importance**.



Photograph 3: View of northern boundary hedgerow



Photograph 4: Southern boundary hedgerow



Individual trees: Rural tree (off-Site)

- 4.10 An individual rural tree was present on the southern boundary hedgerow and situated within the hedgerow and outside of the red line boundary. The tree was identified as an ash and was large in size. It was mature and had a balanced crown. There appeared to be no signs of cavities, cracks, loose bark or deadwood. The **rural tree** was of **Site Importance**.



Photograph 5: Ash tree

Protected and Notable Species

- 4.11 Based upon the nature, location, and characteristics of the Site and adjoining landscape, the suitability of the Site to support the following species/species groups is outlined below:

- Amphibians, including great crested newt
- Badgers
- Bats
- Birds
- Hazel Dormouse
- Hedgehog



- 4.12 If a species or species group is not listed above, then it has been scoped out of this assessment based upon the nature, location, and characteristics of the Site and adjoining landscape.

Amphibians

- 4.13 There were no granted great crested newt EPSLs within 1km of the Site. There were no positive great crested newt pond surveys (2017 – 2019) or great crested newt class survey licence returns within 1km of the Site.
- 4.14 A review of aerial photography and OS Mapping confirmed that there are no ponds, watercourses, or ditches within 250m of the Site. Therefore, there were no breeding opportunities for amphibians within or adjacent to the Site and the Site is not located within the commuting pathway between a network of ponds. The habitats within the Site are of low suitability for amphibians during their terrestrial phases. The likelihood of amphibians being present within the local landscape or within the Site is negligible.
- 4.15 The **amphibian interest** was of **Negligible Importance** and amphibians will not be discussed further within this report.

Badgers

- 4.16 [REDACTED]
- 4.17 There was no direct evidence of badgers (setts, hairs, prints, latrines, etc.) within the Site. The wider 30m adjacent to the Site was also searched. No evidence of badgers was found within these areas. There were no mammal paths leading into or from the Site. It is expected that badgers are present within the wider landscape, likely within the woodland to the east, and therefore badgers could enter the Site in the future. Given the Site is predominantly open grassland and trimmed hedgerows, it is considered unlikely that a badger sett would be established within the Site.
- 4.18 The **badger interest** was of **Site Importance**.

Bats

Data search

- 4.19 There were no granted EPSL for bats within 1km of the Site. WSBRC and TVERC returned no records of bats within 1km of the Site.

Ground Level Tree Assessment

- 4.20 There was one mature tree (the ash) adjacent to the Site. The ash tree had no visible potential roosting features (PRFs). The tree appeared to be in good health with no lifted bark or cavities or decay. The **tree** within the Site had **No (None) Suitability** to support a bat roost.



Flight-paths and Foraging Habitat

- 4.21 The Site supports a simple habitat structure formed of manmade habitats and/or poor-quality habitats, with limited connectivity. The key green infrastructure within the local landscape includes areas of woodland and hedgerow networks. There is limited blue infrastructure in the area. **The habitat within the Site was assessed to be of Low Suitability for bat flight paths and foraging habitat.**

Nesting birds

- 4.22 WSBRC and TVERC returned 19 records of birds. These records were concentrated in three main clusters: Lambourn Woodlands, the M4, and residential garden settings, which collectively support a variety of protected and notable species. Within the species records, three Schedule 1 species were identified: red kite *Milvus milvus* was recorded 1.0 km north-west (at SU2878), 1.0 km north-east (at SU2977), and 2.1 km south-east (at SU2976) from the Site.
- 4.23 The Site supported areas of modified grassland and hedgerow habitats. The modified grassland provided limited suitability for nesting birds as it was in constant use as a horse paddock. The hedgerows were suitable for nesting birds.
- 4.24 The **nesting bird interest** was of **Site Importance**.

Hazel dormouse

- 4.25 WSBRC and TVERC did not return records of hazel dormouse. The hedgerows on Site contain some good foraging plants for hazel dormouse. However, their managed structure and limited connectivity due to barrier roads. The **hazel dormouse interest** was of **Negligible Importance**. Hazel dormouse is no longer discussed within this report.

Hedgehog

- 4.26 WSBRC and TVERC did not return records of hedgehogs. It is expected that hedgehogs could be present within the local area and may occasionally enter the Site to commute, forage, and rest. The ground was considered to provide insufficient cover or features for hedgehogs to use to hibernate. The **hedgehog interest** was of **Site Importance**.



Results Conclusion

4.27 A summary of the results in presented in **Table 5**. Where further consideration is required, this is addressed and resolved in the following chapters of this report.

Ecological Feature	Importance / Suitability*	Further consideration required?
River Lambourn SAC	International	Yes
Ashdown Park SSSI	National	
White Shute SSSI		
Cleeve Hill SSSI		
Parkfarm Down SSSI		
Grassland: Modified grassland	Negligible	No
Hedgerow: Native hedgerow (off-ite)	Site	Yes
Individual trees: Rural tree (off-Site)		
Amphibians	Negligible	No
Badgers	Site	Yes
Bats: Roosts: Trees	No (None)*	No
Bats: Flightpaths and foraging habitat	Low*	
Birds	Site	Yes
Hazel dormouse	Negligible	No
Hedgehog	Site	Yes

Table 5: Summary of Results



Chapter 5: Discussion

- 5.1 This section of the report follows the mitigation hierarchy. The avoidance measures and the embedded mitigation are set out. Followed by additional mitigation measures to minimise impacts further and then compensation to address any remaining impacts. Lastly, ecological enhancements are provided.
- 5.2 The following discussion and assessment have been provided to ensure compliance with legislation and both local and national planning policy set out in **Appendix C**.
- 5.3 This report is valid provided the plans shown in **Figure 2** do not change.
- 5.4 All details set out in this Chapter are deliverable with the Proposed Development and have been approved by the Applicant.

Embedded Mitigation and Avoidance

- 5.5 Using the design principles and layout within **Figure 2**, this section considers the embedded mitigation associated with the Proposed Development.
- 5.6 The Proposed Development creates an area for the horses to exercise within that will not be trampled into bare ground during the wetter winter months. This enables areas of grassland that would previously be trampled to recover and perennial vegetation further opportunities to flourish, therefore mitigating a loss in grassland floristic diversity and nectar production. The Proposed Development will not remove any trees or impact any green or blue infrastructure. The Proposed Development will not include the installation of any new external lighting.
- 5.7 The impacts are considered to be minor / negligible overall.

Effects of the Proposed Development

- 5.8 Using the design principles and layout within **Figure 2**, this section concerns an assessment of ecological effects resulting from the Proposed Development. In the absence of mitigation, the following ecological impacts have been identified:
 - The removal of an area of modified grassland.
 - The clearance of the Site and construction process potential to kill/injure badgers and hedgehogs.
 - A potential increase in light spill during construction.
 - Pollution during construction in the form of dust, noise, chemical, and litter.



Site Wide Mitigation

- 5.9 Care will be taken during clearance/groundworks to ensure wildlife is not harmed. In the event a protected species is found when an ecologist is not in attendance, works will stop, and an ecologist will be contacted.

Pollution prevention and control

- 5.10 The construction phase is likely to be limited given the small scale of the Proposed Development. The Proposed Development will implement standard and well-rehearsed pollution control measures throughout construction. Given the scope of the development, the following actions will be implemented during construction:

- Take measures to minimise and prevent erosion and run-off, including minimising adjacent land disturbance.
- Control dust through fine water sprays used to dampen down the Site.
- Screen the edge of the Construction Zone by placing a fine mesh screening close to any dust sources.
- Cover skips and trucks loaded with construction materials and continually damp down with low levels of water.
- Cover piles of building materials like cement, sand and other fine materials and powders, regularly inspect for spillages, and locate them where they will not be washed into waterways or drainage areas.
- Use non-toxic paints, solvents and other hazardous materials wherever possible.
- Segregate, tightly cover, and monitor toxic substances to prevent spills and possible site contamination.
- Cover up and protect all drains within and adjacent to the construction footprint.
- Collect, control, and avoid wastewater generated from construction activities, screen, discharge the clean water, and dispose of remaining sludge according to environmental regulations.
- No burning of materials.
- Reduce noise pollution through careful handling of materials; modern, quiet power tools, equipment and generators; and low impact technologies.

Lighting Strategy

- 5.11 Lighting during construction has the potential to disrupt / modify the behaviour of wildlife. A Sensitive Lighting Strategy will be implemented. This strategy will include consideration of the following principles:

- Lighting within the Site will be reduced as far as practicable.



- Luminaires will be positioned and directed away from ecological receptors (nearby hedgerows and trees)
- Column heights will be reduced as far as practicably possible to reduce light spill along with the consideration of low-level bollard lighting.
- White light will be avoided, and warm colours preferably used. Preferable colours are 3000°k to 2700°k (where feasible) with peak wavelengths greater than 550nm.
- 0% upward light output and no tilting of the light head.
- Motion sensors for security lighting.
- As a last resort, the incorporation of shields, baffles and cowls fitted to the luminaires.

Designated Sites

Statutory Designated Sites

- 5.12 The statutory sites are spatially isolated from the Proposed Development as to avoid impacts in relation to habitat loss, habitat fragmentation, habitat degradation, noise, light, dust, and pollution.
- 5.13 This is supported by the SSSI Impact Risk Zones¹⁵ that the Site lies within, which are not indicating that a development of this scale and nature in this area would result in likely impacts on internationally or nationally protected Sites.
- 5.14 Statutory designated sites are not discussed further within this report.

Non-statutory designated sites

- 5.15 There were no non-statutory designated sites within 5km of the Site. Non-statutory designated sites are not discussed further within this report.

Habitats

- 5.16 The Proposed Development avoids the loss of habitats of ecological importance as the Site is of negligible ecological importance. The removal of a small area of modified grassland is not considered significant.
- 5.17 The native hedgerows and rural tree off-Site and will not be impacted by the proposed development. The above sensitive lighting strategy will mitigate any impact during construction, and there will be no external lighting installed for the operation phase.
- 5.18 New tree planting is proposed, within the plans to achieve a 10% gain for BNG. The overall impact on habitats from the Proposed Development will be a minor positive.

¹⁵ The Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) are for local planning authorities (LPAs) to determine if a proposed development is likely to affect a terrestrial SSSI and when to consult Natural England.



Protected and Notable Species

Badgers

- 5.19 There is a low risk of badgers entering the Site during construction. To avoid impacts on badgers during construction, the following precautionary measures will be implemented:
- Any excavations (e.g., trenches / pits) will be covered when works are not taking place to ensure that they do not fill with water and to prevent wildlife, including badgers, from becoming trapped within the excavation.
 - If any excavations must be left open overnight, then they will be provided with a means of escape should a badger or any other wildlife enter. This could simply be in the form of a roughened plank of wood placed in the excavation as a ramp to the surface.
 - Any exposed pipes will be capped to prevent badgers gaining access during the night.
 - Any excavations and pipes will be inspected each morning to ensure no badgers have become trapped overnight. If a badger becomes trapped, then it is likely to attempt to dig itself into the side of the excavation and form a temporary sett. If trapped badger is encountered, the advice of an ecologist will be sought.
 - The storage of topsoil or other 'soft' building materials within the clearance/construction site will be given careful consideration. Badgers could readily adopt such mounds as setts. To avoid the adoption of any mounds by badgers, mounds will be kept to a minimum and any essential mounds subject to daily inspections.
 - The storage of any chemicals within the clearance/construction site will be securely stored so that they cannot be accessed or knocked over by any roaming badgers.
- 5.20 With the above mitigation, the risk of harm to badgers will be mitigated and the overall residual impact neutral.

Bats

Bats: Flight-paths and Foraging Habitat

- 5.21 The Site was assessed to be of Low Suitability in relation to bat flight-paths and foraging habitat.
- 5.22 The Proposed Development will not significantly alter the landscape or modify / sever habitats of high importance to bat flight-paths or foraging habitat. It is highly likely that the replacement of the existing modified grassland on the Site with hardstanding and a building will result in an undetectable change in the use of the Site by the local bat assemblage.



- 5.23 As set out above, a Sensitive Lighting Strategy will be implemented during construction. In addition, it is expected that any new light sources from the Proposed Development will be minor, low-level, similar to existing light sources, and will not significantly illuminate adjacent habitats.
- 5.24 In line with the limited predicted degree of risk and proportionality principle¹⁶, no bat activity surveys were undertaken. This was reasoned as follows:
- The Site and Proposed Development were small in scale with a limited ZOI.
 - The Site contained a simple habitat structure / connectivity (adjacent to suitable habitats only).
 - The Site itself supported habitats of Low Suitability.
 - Impacts (modification, fragmentation, and severance) on commuting and foraging habitats were avoided by embedded mitigation.
 - The Proposed Development will introduce new planting and increase vegetation cover over time.
- 5.25 With the above mitigation, there will be a negligible impact on bat flight-paths and foraging habitat, with the overall residual impact neutral.

Nesting birds

- 5.26 There will be no risk to nesting birds. No mitigation or compensation is required.

Hedgehog

- 5.27 There is the low risk that hedgehog may enter the Site during construction and be killed/injured.
- 5.28 The removal of these foraging opportunities is not expected to have any lasting effect on the hedgehog populations in the local area
- 5.29 The above measures in relation to badger will protect commuting and foraging hedgehogs.
- 5.30 Hedgehogs will continue to be able to access habitats within and adjacent to the Site to commute, forage, and rest.
- 5.31 With the above mitigation, the risk of harm to hedgehogs will be mitigated and the overall residual impact on hedgehogs will be neutral.

Assessment Conclusion

- 5.32 A summary of the assessment outcomes is presented in **Table 6**.

¹⁶ See sections 8.2.7, 2.2.2 and 2.2.5 of the Bat Survey Guidelines, reference 12.



Ecological Feature	Importance / Suitability*	Assessment outcome
River Lambourn SAC	International	No Impact / Impact Avoided
Ashdown Park SSSI	National	
White Shute SSSI		
Cleeve Hill SSSI		
Parkfarm Down SSSI		
Hedgerow: Native hedgerow (Off-Site)	Site	No Impact, off-site, no lighting to be installed / sensitive lighting strategy during construction
Individual trees: Rural tree		
Badgers		
Bats: Flightpaths and foraging habitat		Reasonable avoidance measures set out within this report
Birds		
Hedgehog		

Table 6: Summary of assessment outcomes

5.33 Based on the results from the survey, context of the Site, and overall low ecological importance of the Site, this report is valid for a period of 18 months (i.e., the 05/09/27). It is reasoned that there would be no material change on Site within this time period. This is reasoned in line with good practice guidelines¹⁷.

Enhancement

- 5.34 The National Planning Policy Framework encourages development to provide gains in biodiversity. The following ecological and biodiversity enhancements will be provided within the Site:
- Two HH7 Hogilo Hedgehog boxes will be provided along the base of the hedgerows. The houses should be located within cover, close to vegetation piles and out of the prevailing wind.

¹⁷ CIEEM (2019). Advice Note: *On the Lifespan of Ecological Reports and Surveys*. Chartered Institute for Ecology and Environmental Management, Winchester



Appendix A: Survey Methods

Extended UK Habitat Classification Survey

- A. 1 The Site was surveyed using the UK Habitat Classification Survey method. The method classified the Site into areas of similar botanical community types with a representative sample of those species present at the time of the survey being described. The vegetation present was clearly visible and allowed an accurate assessment to be made. Any subsequent visits to the Site were used as an opportunity to update the results and classifications of the UK Habitat Survey.
- A. 2 Grasslands within the Site were subject to quadrat surveys. Quadrat surveys included five 1m² quadrats with locations assigned using a Judgemental Stratified Survey Strategy¹⁸. The DAFOR scale was then used to assign the relative abundances of the species recorded within each of the quadrats. The DAFOR scale is as follows:
- D – Dominant (51 – 100%).
 - A – Abundance (31 – 50%).
 - F – Frequent (15 – 30).
 - O – Occasional (6 –15%).
 - R – Rare (1 – 5%).
- A. 3 The survey was 'extended' to look for evidence of protected and notable species of flora or fauna¹⁹ and to assess the suitability of the Site to support these flora or fauna. In the context of this report, rare, protected, and notable species of flora or fauna were those considered to meet any of the following criteria:
- Species protected by UK or European legislation.
 - UK Post 2010 UK Biodiversity Framework priority species or Local Biodiversity Action Plan (LBAP) species.
 - Nationally rare or nationally scarce species.
 - Species of Conservation Concern (e.g., JNCC Red List, RSPB/BTO Red or Amber Lists).
- A. 4 The Wildlife and Countryside Act (1981) as amended, makes it an offence to release or allow to escape into the wild any animal, plant, or micro-organism not ordinarily resident in the UK (as listed in Schedule 9 of the Act). Plant species listed in Schedule

¹⁸ Areas within the grassland were divided unequally into sub-areas based on visual cues at the Site and professional judgement, this allowed sub-areas of interest to be surveyed separately. Then sampling locations in the survey area were chosen at relatively equal distances but subjectively. This strategy avoids using a 'Random' strategy which may conflate the results of known sub-areas, thereby creating noise within the results, as well as avoiding a 'Systematic' survey which may conflate known sub-areas and/or miss sub-areas entirely.

¹⁹ Suitability was determined using respective good practice guidance for each species/species group.



9 were searched for during the survey. However, many invasive species can be cryptic and therefore this survey does not provide a guarantee that an invasive species is not present and shouldn't be relied upon to rule out absence of an invasive species²⁰.

- A. 5 An Extended UK Habitat Plan was produced (**Appendix B**), incorporating Target Notes (**TNs**) used to highlight features of ecological interest.

Hedgerow Survey

- A. 6 The Hedgerow Regulations (1997) contain detailed instructions of how hedgerows should be assessed (hereafter referred to as 'The Regulations'). The Regulations apply to:

"Any hedgerow that is growing in, or adjacent to, protected land, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys, if-

(a) It has a continuous length of, or exceeding, 20 metres: or

(b) It has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow".

- A. 7 Importantly, the Hedgerow Regulations give specific instructions on how to measure hedgerows and these are set out at Regulation 3:

"A hedgerow which meets (whether by intersection or junction) another hedgerow is to be treated as ending at the point of intersection or junction".

- A. 8 These measurement instructions must be followed exactly to ensure that the Regulations are applied correctly. The Regulations also make specific mention of gaps:

"For the purposes of ascertaining the length of any hedgerow -

(a) any gap resulting from a contravention of these Regulations; and

(b) any gap not exceeding 20 metres"

shall be treated as part of the hedgerow".

- A. 9 Once the length of a hedgerow has been determined, the importance of a hedgerow is assessed through the application of a number of criteria, which are referenced under Regulation 4. Regulation 4 sets out that:

"For the purposes of section 97 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is "important" if it, or the hedgerow of which it is a stretch, -

(a) Has existed for 30 years or more; and

²⁰ Invasive species can be cryptic and can rapidly spread from adjacent land. Luscinia Ecology cannot be held liable for invasive species found within the Site after the date of the UK Habitat Survey.



(b) Satisfies at least one of the criteria listed in part II of Schedule 1”.

- A. 10 The criteria listed in Part II of Schedule 1 are divided into two main sections, namely ‘Archaeology and History’ and ‘Wildlife and Landscape’. If a hedgerow meets any one of each of the criteria listed, it qualifies as important. The majority of these criteria are split into parts, with sub-criteria to be applied in turn to each hedgerow. With this survey being an ecological survey, the hedgerows within the Site have not been assessed against the Archaeological and Historical criteria.
- A. 11 Criteria by which the importance of a hedgerow is judged in ‘Wildlife and Landscape’ terms are set out at criteria 6 – 8 of Schedule 1 Part II of the Regulations. Criterion 6 refers to the presence of rare, notable or protected species within a hedgerow. Criterion 7 sets out the specific types, numbers and/or associated features that a hedgerow must contain for it to qualify as important.
- A. 12 Considering criterion 7 of The Regulations and relevant to the location of the Site, for a hedgerow within the Site to qualify as important, it must include one of the following:

(i) At least 7 woody species;

(ii) At least 6 woody species and be associated with at least three of the features specified below;

(iii) At least 6 woody species, including one of the following:

- *Black-poplar tree (Populus nigra spp betulifolia);*
- *Large-leaved lime (Tilia platyphyllos);*
- *Small-leaved-lime (Tilia cordata);*
- *Wild Service Tree (Sorbus torminalis).*

(iv) At least 5 woody species and be associated with at least four of the features specified below.

- A. 13 The associated features of the hedgerow, as referred to above, are:

(a) A bank or wall that supports the hedgerow along at least one half of its length;

(b) Gaps which in aggregate do not exceed 10% of the length of the hedgerow;

(c) Where the length of the hedgerow does not exceed 50 metres, at least one standard tree;

(d) Where the length of the hedgerow exceeds 50 metres but does not exceed 100 metres, at least 2 standard trees;

(e) Where the length of the hedgerow exceeds 100 metres, such number of standard trees (within any part of its length) as would when averaged over its total length amount to at least one for each 50 metres;



- (f) *At least 3 woodland species (as listed on Schedule 2 of the Regulations) within one metre, in any direction, of the outermost edges of the hedgerow;*
- (g) *A ditch along at least one half of the length of the hedgerow;*
- (h) *Connections scoring 4 points or more in accordance with the following paragraph below;*
- (i) *A parallel hedge within 15 metres of the hedgerow.*

- A. 14 Regarding point h) above, a connection with another hedgerow scores one point and a connection with a pond or a woodland in which the majority of trees are broadleaved trees scores two points; and a hedgerow is connected with something not only if it meets it but also if it has a point within 10 metres of it and would meet it if the line of the hedgerow continued.
- A. 15 Criterion 8 sets out that when a hedgerow is located adjacent to a public right of way, bridleway or footpath, four woody species and two associated features are required for it to qualify as important.
- A. 16 The woody species referred to above are set out on Schedule 3 of the Regulations²¹.

Badgers

Visual survey

- A. 17 The Site was systematically surveyed for evidence of badgers, in the form of:
- Setts: comprising either single isolated holes or a series of holes, which may be link to each other underground.
 - Faeces: badgers deposit faeces in characteristic excavated pits, concentrations of which (latrine sites) are typically found at home range boundaries, field boundaries and around setts.
 - Paths: worn paths used by badger, often linked to setts or foraging grounds.
 - Scratching posts: typically at the base of tree trunks.

²¹ Species: alder *Alnus glutinosa*, apple, crab *Malus sylvestris*, ash *Fraxinus excelsior* aspen *Populus tremula*, beech *Fagus sylvatica*, birch, downy *Betula pubescens*, birch, silver *Betula pendula*, black-poplar *Populus nigra* sub-species *betulifolia*, blackthorn *Prunus spinosa*, box *Buxus sempervirens*, broom *Cytisus scoparius*, buckthorn *Rhamnus cathartica*, buckthorn, alder *Frangula alnus*, butcher's-broom *Ruscus aculeatus*, cherry, bird *Prunus padus*, cherry, wild *Prunus avium*, cotoneaster, wild *Cotoneaster integerrimus*, currant, downy *Ribes spicatum*, currant, mountain *Ribes alpinum*, dogwood *Cornus sanguinea*, elder *Sambucus nigra*, elm *Ulmus species*, gooseberry *Ribes uva-crispa*, gorse *Ulex europaeus*, gorse, dwarf *Ulex minor*, gorse, western *Ulex gallii*, guelder rose *Viburnum opulus*, hawthorn *Crataegus monogyna*, hawthorn, midland *Crataegus laevigata*, hazel *Corylus avellana*, holly *Ilex aquifolium*, hornbeam *Carpinus betulus*, juniper, common *Juniperus communis*, lime, large-leaved *Tilia platyphyllos*, lime, small-leaved *Tilia cordata*, maple, field *Acer campestre*, mezereon *Daphne mezereum*, oak, pedunculate *Quercus robur*, oak, sessile *Quercus petraea*, osier *Salix viminalis*, pear, Plymouth *Pyrus cordata*, pear, wild *Pyrus pyraeaster*, poplar, grey *Populus x canescens*, poplar, white *Populus alba*, privet, wild *Ligustrum vulgare*, rose *Rosa species*, rowan *Sorbus aucuparia* sea-buckthorn *Hippophae rhamnoides* service-tree, wild *Sorbus torminalis*, spindle *Euonymus europaeus*, spurge-laurel *Daphne laureola*, walnut *Juglans regia*, wayfaring-tree *Viburnum lantana*, whitebeam *Sorbus species*, willow *Salix species*, and yew *Taxus baccata*.



- Snuffle holes: scrapes where badgers have searched for food.
- Day nests: bundles of grass and other vegetation where badgers may sleep above ground.
- Hairs: usually found outside setts or caught under fencing.

Bats

Ground Level Tree Assessment

- A. 18 The trees within the Site were subject to a Ground Level Assessment (GLTA) following good practice guidelines. This is an external and internal inspection survey, the purpose of which is to search for bats/evidence of bats and assess the likelihood of bats being present and the need for further survey and/or mitigation.
- A. 19 The features suitable to support bat roosts (Potential Roost Features; PRFs) were searched for on the trees with reference to the Bat Tree Habitat Key²². These features are as follows:
- Longitudinal splits
 - Crevices
 - Rot-hollows
 - Transverse cracks
 - Loose bark
 - Ivy
- A. 20 The following equipment was used for the Ground Level Assessment:
- Binoculars (Pentax Papilio II 6.5 x 21 Close focusing)
 - Powerful torch to illuminate dark features from the ground
 - A ladder
 - Camera to record evidence
- A. 21 The assessment of the suitability of the trees within the Site was assessed against Table 4.2 of the Bat Survey Guidelines (**Table 7**).

Suitability	Description
None	Either no PRFs in the tree or highly unlikely to be any
FAR	Further assessment required to establish if PRFs are present in the tree

²² Andrews H. (2018). *Bat Roosts in Trees - A Guide to Identification and Assessment for Tree-care and Ecology professionals: Bat Tree Habitat Key*. Pelagic Publishing, Exeter.



Suitability	Description
PRF	A tree with at least one PRF.

Table 7: Guidelines for assessing the suitability of trees on proposed development sites for bats, to be applied using professional judgement

- A. 22 Where possible, trees with PRFs were subject to detailed assessment and the PRFs were categorised against Table 6.2 of the Bat Survey Guidelines (**Table 8**).

Suitability	Description
PRF-I	PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.
PRF-M	PRF is suitable for multiple bats and may therefore be used by a maternity colony.

Table 8: Guidelines for categorising the potential suitability of PRFs on a proposed development site for bats, to be applied using professional judgement.

Flight-path and Foraging Habitat Assessment

- A. 23 The assessment of the suitability of the bat flight-paths and foraging habitat of the Site was determined using Table 4.1 of the Bat Survey Guidelines. A redacted version of the table is set out in **Table 9** below.

Potential suitability	Description of flight-path and foraging habitats
None	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e., no habitats that provide continuous lines of shade/protection for flight-paths or generate/shelter insect populations available to foraging bats).
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.
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.
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.



Potential suitability	Description of flight-path and foraging habitats
High	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected 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 close to and connected to known roosts.

Table 9: Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement – redacted.



Brown hare

- A. 24 A visual survey for brown hare was undertaken. This included views across the Site during the survey to see if brown hare were flushed and a field sign survey for evidence of forms, resting places, footprints, and droppings.

Assessing Importance

- A. 25 The assessment of the importance of sites, habitats and species are made in line with CIEEM good practice guidelines. These guidelines provide consistency in the approach to evaluating the importance of the ecological features within a site and the effects or impacts the Proposed Development will have on them.
- A. 26 Firstly, the Site's habitats and species are assessed using a framework which assigns a level of geographical importance to ecological features. This framework incorporates a wide range of legislation and governmental guidance in assessing each feature's importance.
- A. 27 Next, the effects/likely effects of the Proposed Development are predicted, considering different stages and activities within the development process. These effects/likely effects are then assessed for their significance, based upon the importance of the Site, habitat or species being assessed. The assessment of the significance of an effect/likely effect is considered before and after the proposed mitigation to give an overall indication of significance.
- A. 28 The importance of specific ecological receptors (sites, habitats, or species) is assigned according to their level of importance using the following terms:
- International
 - National
 - Regional
 - County
 - Local
 - Site
 - Negligible

Assessing Ecological Significance

- A. 29 The following factors are considered when assessing the significance of ecological impacts and effects: extent, magnitude, duration, reversibility, timing and frequency and cumulative effects.
- A. 30 An effect is considered significant if it either supports or undermines biodiversity conservation objectives for 'important ecological features' or for biodiversity in general.



Conservation objectives may be specific (e.g., for a designated site) or broad (e.g., national/local nature conservation policy) or more wide-ranging (enhancement of biodiversity). Effects can be considered significant at a wide range of scales from international to local. Non-significant effects (referred to as 'negligible') are those changes which do not cause an effect (adverse or positive) on the conservation objectives for 'important ecological features' or for biodiversity in general.

- A. 31 Significant ecological effects are qualified with reference to an appropriate geographic scale. However, the scale of significance of an effect may not be the same as the geographic context in which the feature is considered important.
- A. 32 In determining if an effect is ecologically significant, the following is considered:
- For designated sites, the effect of the Proposed Development on the conservation objectives of the designated site and the conservation status of species or habitats for which the Site is designated is assessed.
 - For ecosystems, the effect of the Proposed Development on ecosystem structure and function is assessed.
 - For habitats and species, the effect of the Proposed Development on the conservation status is assessed as well as the effects of impacts on individual habitats and species.



Appendix B: UK Habitat Classification Plan



Appendix C: Legislation and Planning Policy

- C. 1 The following local policy, national planning policy and legislation relating to nature conservation and biodiversity status, are considered of relevance to the current proposal.

Planning and Biodiversity

- C. 2 Local Authorities have a requirement to consider biodiversity conservation issues when determining planning applications. The adopted local plan is the West Berkshire Local Plan Review 2023-2041 (adopted 10 June 2025). The emerging local plan is the West Berkshire Minerals and Waste Local Plan 2022-2037 (currently in use alongside the LPR) and various emerging Neighbourhood Development Plans such as the Lambourn NDP.
- C. 3 Chapter 15, Conserving and Enhancing the Natural Environment of the National Planning Policy Framework (NPPF)²³ includes the following:

“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

²³ MHCLG (2025). National Planning Policy Framework. February 2025. Ministry of Housing, Communities and Local Government, London.



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.

...

Habitats and biodiversity

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.”

Legislation and biodiversity

C. 4 Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended). These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

C. 5 Other relevant legislation and policy documents that have been consulted include:

- Protection of Badgers Act (1992)
- The Countryside and Rights of Way Act 2000
- The Hedgerow Regulations 1997
- Biodiversity Action Plans, both UK-wide (UKBAP), Local plans (LBAPs) and similar nature partnership plans.

Wildlife & Countryside Act 1981 (as amended)

C. 6 The Wildlife & Countryside Act 1981 (as amended; WCA) is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act outlines the protection of wildlife.

C. 7 Most offences are now covered under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended), but some ‘intentional’ acts are still covered under the WCA, such as obstructing access to a bat roost.



- C. 8 The provisions relating to animals in the WCA only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.
- C. 9 There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonably avoided, or actions within the living areas of a dwelling house.
- C. 10 Certain prohibited actions under the WCA may be undertaken under licence by the proper authority. For example, scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence.

Natural Environment and Rural Communities (NERC) Act

- C. 11 The UK Post-2010 Biodiversity Framework, which supersedes UK Biodiversity Action Plan (UK BAP) priority habitats and species, provides the 'broad enabling structure for action across the UK', which in England is interpreted into Biodiversity 2020: A strategy for England's wildlife and ecosystem services; however, some authorities do still refer to BAPs. Protecting habitats and species listed on Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006 is an outcome of this strategy. The lists of priority habitats and species in England required under S41 were published by Natural England in May 2014. These measures are given due acknowledgement where relevant.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended)

- C. 12 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended; The Regulations), which are the principal means by which the EC Habitats Directive is transposed in England and Wales update the legislation and consolidate all the many amendments which have been made since they were first made in 1994.
- C. 13 The Regulations provide for the:
- Protection of European Protected Species (EPS; animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain), including: bats, hazel dormice, great crested newts, otters, sand lizard, and smooth snake.
 - Designation and protection of domestic and European Sites (e.g., Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protected Areas (SPA).
 - Adaptation of planning controls for the protection of such sites and species.
- C. 14 Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function (e.g., when determining a planning application).



- C. 15 There is no defence that an act was the incidental and unavoidable result of a lawful activity.
- C. 16 It is possible for actions which would otherwise be an offence under The Regulations to be undertaken under licence issued by the proper authority. For example, where an EPS has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Species Protection

- C. 17 The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

Amphibians

- C. 18 Common frog, common toad, common newt, and palmate newt receive protection under the Wildlife and Countryside Act 1981 (as amended), making it illegal to sell or trade them.
- C. 19 The great crested newt and Natterjack toad are EPS and fully protected under The Regulations, making it an offence to:
- Deliberately capture, injure, kill, or disturb either species.
 - Intentionally or recklessly obstruct access to any structure/place used for shelter or protection.
 - Damage or destroy a breeding site or resting place.

Badger

- C. 20 Badgers are protected in the UK under the Protection of Badgers Act 1992. Under the act it is an offence to:
- Wilfully kill, injure, take, possess, or cruelly ill-treat a Badger, or attempt to do so
 - To intentionally or recklessly interfere with a sett (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).
- C. 21 The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain; it is not intended to prevent properly authorised development.

Bats

- C. 22 All British bats are classed as EPS and therefore receive protection under The Regulations, making it an offence to:
- Deliberately kill, injure, or capture a bat.



- Deliberately disturb bats.
- Damage or destroy a breeding site or resting place of a bat.

C. 23 In addition, all British bats are also listed under Schedule 5 of the WCA, which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection.
- Disturb any bat while occupying a structure or place which it uses for that purpose.

C. 24 If proposed development work is likely to destroy or disturb bats or their roosts, then a licence will need to be obtained from Natural England, which would be subject to appropriate measures to safeguard bats.

Birds

C. 25 In the UK, the provisions of the Birds Directive are implemented through the WCA and The Regulations. All wild birds, their nests and eggs are protected, and it is an offence to:

- Kill, injure, or take any wild bird.
- Take, damage, or destroy the nest of any such bird whilst it is in use or being built.
- Take or destroying an egg of any such wild bird.

C. 26 The law covers all species of wild birds including common, pest or opportunistic species. Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.

Brown hare

C. 27 Brown hare is listed on Schedule 5A of the WCA and it is an offence to intentionally or recklessly kill, injure or take Brown hare during their 'close season' (which is 1st February - 30th September), and sale and possession is an offence for any of these animals taken unlawfully.

Hazel dormouse

C. 28 The hazel dormouse is classed as a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence inter alia to:

- Deliberately capture, injure, or kill hazel dormice
- Deliberately disturb hazel dormice
- Damage or destroy a breeding site or resting place of a dormouse



C. 29 In addition, hazel dormouse is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which a hazel dormouse uses for shelter or protection; or
- Disturb a hazel dormouse while occupying a structure or place which it uses for that shelter or protection.

Hedgehog

C. 30 Hedgehog are protected under sections of the schedule 6 of the Wildlife and Countryside Act 1981 (as amended) making it an offence to:

- It illegal to kill or capture hedgehogs unless they are suffering or need to be rehabilitated then released back into the wild.

Otters

C. 31 Otters are classed as EPS and therefore receive protection under The Regulations, making it an offence to:

- deliberately kill, injure, disturb or capture them
- damage or destroy their breeding sites and resting places (including when otters are not present)
- possess, control or transport them (or any part, alive or dead)
- sell, exchange or offer for sale or exchange

C. 32 It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

- disturb them while they occupy a structure or place used for shelter or protection
- obstruct access to a place used for shelter or protection
- possess or transport them (or any part alive or dead)
- sell, offer, or publish an advert to sell them

C. 33 If proposed development work is likely to destroy or disturb otters or their resting places, then a licence will need to be obtained from Natural England, which would be subject to appropriate measures to safeguard otters.



Reptiles

- C. 34 Adders, slow worms, grass snakes and common lizards are protected against killing and injuring under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it illegal to intentionally kill or injure a common reptile.
- C. 35 Smooth snakes and sand lizards are European Protected Species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). This makes it illegal to carry out the following activities:
- Deliberately or recklessly disturb, capture or kill these animals.
 - Deliberately or recklessly take or destroy eggs of these animals.
 - Damage or destroy a breeding site or resting place of such a wild animal.
 - Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead animal, or any part of, or anything derived from such a wild animal.

Water vole

- C. 36 Water voles are protected under Schedule 5 of the WCA 1981 (as amended) and it is therefore an offence to:
- Intentionally or recklessly capture, kill or injure water voles.
 - Intentionally or recklessly damage, destroy or block access to their places of shelter or protection (on purpose or by not taking enough care).
 - Intentionally or recklessly disturb them in a place of shelter or protection.
 - Possess, sell, control or transport live or dead water voles or parts of them (not water voles bred in captivity).

White clawed-crayfish

- C. 37 White clawed-crayfish are protected under Schedule 5 of the WCA 1981 (as amended) and it is therefore an offence to:
- Intentionally or recklessly capture white clawed crayfish.



Appendix D: Index of Scientific Names

D. 1 Where a species is referred to by common name only this report is referring to the species listed below.

Index of Scientific names	
Amphibians	
Common frog <i>Rana temporaria</i>	Natterjack toad <i>Epidalea calamita</i>
Common newt <i>Lissotriton vulgaris</i>	Pool frog <i>Pelophylax lessonae</i>
Common toad <i>Bufo bufo</i>	Palmate newt <i>Lissotriton helveticus</i>
Great crested newt <i>Triturus cristatus</i>	
Bats	
Alcathoe bat <i>Myotis alcathoe</i>	Lesser horseshoe bat <i>Rhinolophus hipposideros</i>
Barbastelle <i>Barbastella barbastellus</i>	Leisler's bat <i>Nyctalus leisleri</i>
Bechstein's bat <i>Myotis bechsteinii</i>	Nathusius' pipistrelle <i>Pipistrellus nathusii</i>
Brandt's bat <i>Myotis brandtii</i>	Natterer's bat <i>Myotis nattereri</i>
Brown long-eared bat <i>Plecotus auritus</i>	Noctule <i>Nyctalus noctula</i>
Common pipistrelle <i>Pipistrellus pipistrellus</i>	Serotine <i>Cnephaeus serotinus</i>
Daubenton's bat <i>Myotis daubentonii</i>	Soprano pipistrelle <i>Pipistrellus pygmaeus</i>
Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>	Whiskered bat <i>Myotis mystacinus</i>
Grey long-eared bat <i>Plecotus austriacus</i>	
Other Mammals	
Badger <i>Meles meles</i>	Otter <i>Lutra lutra</i>
Brown hare <i>Lepus lepus</i>	Polecat <i>Mustela putorius</i>
Fox <i>Vulpes vulpes</i>	Rabbit <i>Oryctolagus cuniculus</i>
Harvest mouse <i>Micromys minutus</i>	Water shrew <i>Neomys fodiens</i>
Hazel dormouse <i>Muscardinus avellanarius</i>	Water vole <i>Arvicola amphibius</i>
Hedgehog <i>Erinaceus europaeus</i>	Weasel <i>Mustela nivalis</i>
Reptiles	
Adder <i>Vipera berus</i>	Sand lizard <i>Lacerta agilis</i>
Common lizard <i>Zootoca vivipara</i>	Slow worm <i>Anguis fragilis</i>
Grass snake <i>Natrix helvetica</i>	Smooth snake <i>Coronella austriaca</i>
Trees, scrubs, and woody associates	
Alder <i>Alnus glutinosa</i>	Hawthorn <i>Crataegus monogyna</i>
Alder buckthorn <i>Frangula alnus</i>	Hazel <i>Corylus avellana</i>
Ash <i>Fraxinus excelsior</i>	Holly <i>Ilex aquifolium</i>
Aspen <i>Populus tremula</i>	Hornbeam <i>Carpinus betulus</i>
Beech <i>Fagus sylvatica</i>	Large-leaved lime <i>Tilia platyphyllos</i>
Bird Cherry <i>Prunus padus</i>	Mezereon <i>Daphne mezereum</i>
Black poplar <i>Populus nigra</i> subsp. <i>betulifolia</i>	Midland hawthorn <i>Crataegus laevigata</i>
Blackthorn <i>Prunus spinosa</i>	Mountain currant <i>Ribes alpinum</i>
Box <i>Buxus sempervirens</i>	Osier <i>Salix viminalis</i>
Broom <i>Cytisus scoparius</i>	Plymouth Pear <i>Pyrus cordata</i>
Buckthorn <i>Rhamnus cathartica</i>	Rowan <i>Sorbus aucuparia</i>
Butcher's broom <i>Ruscus aculeatus</i>	Sea buckthorn <i>Hippophae rhamnoides</i>
Common ivy <i>Hedra helix</i>	Silver Birch <i>Betula pendula</i>
Common Juniper <i>Juniperus communis</i>	Spindle <i>Euonymus europaeus</i>
Copper beech <i>Fagus sylvatica</i> f. <i>purpurea</i>	Spurge laurel <i>Daphne laureola</i>
Crab apple <i>Malus sylvestris</i>	Small-leaved lime <i>Tilia cordata</i>



Index of Scientific names	
Crack willow <i>Salix fragilis</i>	Sessile oak <i>Quercus petraea</i>
Dogwood <i>Cornus sanguinea</i>	Sycamore <i>Acer pseudoplatanus</i>
Downy Birch <i>Betula pubescens</i>	Walnut <i>Juglans regia</i>
Downy currant <i>Ribes spicatum</i>	Wayfaring tree <i>Viburnum lantana</i>
Dwarf gorse <i>Ulex minor</i>	Western Gorse <i>Ulex gallii</i>
Elder <i>Sambucus nigra</i>	Whitebeam <i>Sorbus aria</i>
English elm <i>Ulmus minor</i>	White willow <i>Salix alba</i>
English oak <i>Quercus robur</i>	White poplar <i>Populus alba</i>
Field maple <i>Acer campestre</i>	Wild cherry <i>Prunus avium</i>
Goat willow <i>Salix caprea</i>	Wild cotoneaster <i>Cotoneaster integerrimus</i>
Gooseberry <i>Ribes uva-crispa</i>	Wild pear <i>Pyrus pyraeaster</i>
Gorse <i>Ulex europaeus</i>	Wild privet <i>Ligustrum vulgare</i>
Grey poplar <i>Populus × canescens</i>	Wild service tree <i>Sorbus torminalis</i>
Guelder-rose <i>Viburnum opulus</i>	Yew <i>Taxus baccata</i>

