

Ecology Report – Phase I Habitat
Survey and Protected Species
Assessment.
Land off Roughbirchworth Lane, Oxspring, South
Yorkshire.

Landscape Architects ■ Urban Designers ■ Ecologists ■ Horticulturists

CONTENTS

Page

1 Introduction	3
2 Site Description	3
3 Baseline Information.....	4
3.1 Methodology.....	4
3.2 Nature Conservation Designated Sites	4
3.3 Existing Records	4
3.4 Site Survey	6
3.5 Biodiversity Action Plan	6
3.6 Natural Area Profile.....	7
4 Implications / Recommendations.....	8
4.1 Nature Conservation Designated Sites	8
4.2 Habitats	8
4.3 Protected Species	8
4.4 Notable Species	11
5 Summary	13
6 Figures	15
7 Appendices.....	16
7.1 Appendix 01: Legislation Notes: Protected Species.....	17
7.2 Appendix 02: Designated sites – NHS locations – provided by SBRC	18

Report Verification:	
Report compiled by:	Oliver Moore GradCIEEM
Position:	Ecologist
Signature:	
Report checked by:	Katie Lawrence MCIEEM
Position:	Principal Ecologist
Signature:	

I Introduction

Smeeden Foreman Limited has been commissioned by Yorkshire Land to undertake an ecological review of a proposed development site off Roughburchworth Lane in Oxspring, South Yorkshire (grid reference SE 27176 02086).

This report will include the following information gathered by desk study and a phase I habitat survey:

- Proximity to statutory and non-statutory designated sites;
- Proximity to existing records for protected species; and,
- Site habitat appraisal and potential to support protected species.

A review of the above information will be made to identify any features or sites of ecological interest which may be affected by the development proposals. Where potential impacts or protected species are identified the need for mitigation measures and specific species surveys will be discussed and recommendations for potential environmental enhancements will be made.

The report has been commissioned to form part of the planning submission to develop the site to residential housing.

2 Site Description

The site lies on the northern edge of the village of Oxspring, which lies approximately 7km south west of Barnsley, South Yorkshire. Oxspring is a small residential village surrounded by open countryside.

Figure 01: Aerial view / site location.



The proposed development site is approximately 6,000m² and is composed of species-poor semi-improved neutral grassland and a line of young and semi-mature trees. It is bound to the north by the River Don; to the west by a dry stone wall beyond which lies some mature/semi-mature broad leaf trees and a playground; to the south by a stone wall beyond which lies Roughburchworth Lane; to the east by a fence beyond which lies a strip of tall herb vegetation and Bower Hill road.

3 Baseline Information

3.1 Methodology

The ecological interest of the site and its surroundings has been investigated by a combination of the following.

- Desk study of existing sources of information including:
 - The UK Biodiversity Action Plan;
 - The Barnsley Biodiversity Action Plan;
 - Magic map, a government website for nature conservation information; and,
 - Aerial photographs.
- Existing protected species records and statutory / non-statutory designated sites information within 2km of the development site was obtained from the Sheffield Biological Records Centre (SBRC).
- Field survey of the site and immediate surroundings which was undertaken on 13th March 2014.

3.2 Nature Conservation Designated Sites

3.2.1 Statutory Designations

There are no international, national or local statutorily designated sites such as Ramsar Sites, Special Protection Areas (SPA), Special Areas for Conservation (SAC), Site of Special Scientific Interest (SSSI), National or Local Nature Reserves, within 2km of the proposed development site.

3.2.2 Non-Statutory Designations

There are two non-statutorily designated Natural Heritage Sites (NHS) sites within 2km of the development site. Black Moor Common (Code: 627) which lies approximately 1.25km to the south-east, and Royd, Vicar, Lindley and Coates Great Woods (Code: 626) 1.5km to the north. A map of these sites are provided in **Appendix 02**.

Non statutory designated sites are areas identified by the relevant local authority as being important for their flora and fauna. They are of county wide importance and are afforded protection through local planning policy. This designation is equivalent to the national Sites of Importance for Nature Conservation (SINC's) designated by local authorities to enable consideration of their ecological interest within the planning system. The designation can be operated in different ways such that the status and name given to such sites can vary from one area to another.

3.3 Existing Records

Existing biological record data was provided by SBRC, the local biological records centre for the Barnsley area. The records supplied were extensive, providing the grid reference and date of over 500 different species within 2km of the site (**Appendix 03**). The following records have been selected either for their level of protection or where the records are relevant to the proposals site, being species for which suitable habitat is considered to be present on, or within close proximity to, the proposals site.

3.3.1 Protected Species

Records held for protected species are listed in **Table 01** below.

Table 01: Records for Protected Species within 2km

Species	Grid ref.	Date	Notes
Badger	SE289027	11/01/1998	1175m NE (latrines)
	SE273006	24/02/2013	1500m S (dead)
	SE274006	24/02/2013	1475m S (latrines)

	SE280006	24/02/2013	1675m SE (latrines)
	SE282005	24/02/2013	1850m SE (latrines)
	SE259031	08/09/2010	1400m NE (field signs)
	SE277018	03/12/1989	575m SE (latrines)
	SE278037	03/04/1983	1575 N (tracks)
	SE2801	23/03/1983	1350 SE (dead)
Bats	SE278006	17/09/1987	1550 SE (Noctule)
	SE281008	24/02/1996	1500m SE (Brown Long-eared)
	SE2702	09/07/2008	145m S
	SE2601	18/08/2004	1550 SE
	SE282012	13/08/2007	1350 SE
	SE278006	17/09/1987	1550 SE (Whiskered)
	SE278006	17/09/1987	1550m SE (Leisler's)
	SE272021	08/08/1991	Within the site (Pipistrelle)
	SE268021	06/07/2000	200m SW (Pipistrelle)
	SE277017	27/09/2012	615 SE (Pipistrelle)
	SE276020	27/09/2012	390 E (Pipistrelle)
	SE278006	20/09/1987	1550 SW (Noctule)
GCN	SE273024	31/05/1995	325m NE in garden pond
Water Vole	SE2602	1988	1.66km south-west
	SE267016	1997	1km south (2 in pond)
	SE267016	1997	1km south (2 in pond)
Mink (voracious predator of Water Vole)	SE 27 02	2012	250m south-west (1 caught)
	SE273021	2005	60m east, River Don (tracks)
	SE2701	1998	1.8km south (8 caught)
White - Clawed Crayfish	SE 277 017	27/10/2012	620m south-east in River Don
Signal Crayfish (outcompete and spread disease to WCCF)	SE 277 017	27/10/2012	620m south-east in River Don

3.3.2 Priority Species

SBRC holds one record (2012) for a Lesser Redpoll (UKBAP) and two (2005, 2011) for bullhead (BBAP) within or adjacent to the site, and multiple records for other priority species outside but within 2km of the site (refer to **Table 02** below).

Table 02: Records for priority species within 2km

Common Name	UKBAP/BBAP
Brown Hare	UKBAP
Linnet	UKBAP
Dunnock	UKBAP
Eurasian Tree Sparrow	UKBAP/BBAP
Grey Partridge	UKBAP/BBAP
Hedgehog	UKBAP

House Sparrow	UKBAP
Kestrel	BBAP
Lapwing	UKBAP/BBAP
Sky Lark	UKBAP/BBAP
Song Thrush	UKBAP
Spotted Flycatcher	UKBAP
Yellowhammer	UKBAP

3.4 Site Survey

A phase I habitat survey was undertaken in March 2014. Habitat types and key species were noted and are presented in the Phase I Habitat format based on the Joint Nature Conservation Committee methodology, 1993 (see **Figure 02**: Phase I Habitat Survey appended).

There were two main habitat types identified on site; species-poor semi-improved neutral grassland and bare ground habitat. There is also a line of trees present associated with the southern bank of the River Don, refer to **Table 03** below for photographs.

3.4.1 Semi-improved grassland

The dominant habitat within the site is species poor semi-improved neutral grassland (**Target Note 1**) which is currently flailed to a height of 0.1m and is characterised by constant and frequent cock's-foot and Yorkshire-fog, and locally frequent false oat-grass (*Arrhenatherum elatius*) and barren brome (*Bromus sterilis*). Other species present include locally frequent cleavers, common nettle, hogweed, broadleaved willowherb, common sorrell, lesser celandine (*Ranunculus ficaria*) and bramble, and occasional broad-leaved dock.

Target Note 2 is a dense line of young and semi-mature alder, sycamore and willow trees, which are present along the northern boundary of the site.

Table 03: Photographs of habitats within the site and the adjacent River Don

	
Species-poor semi-improved grassland (TN1)	Line of trees (TN2)

3.5 Biodiversity Action Plan

3.5.1 National Biodiversity Action Plan

The UK Biodiversity Action Plan (UK BAP) identifies priority species and habitats which are those considered to be the most threatened and therefore most in need of conservation action. The lists were updated in 2007 to include 1150 species and 65 habitats.

The existing records for UKBAP priority species within 2km of the site include badger, bats (including one within the site), brown hare, great crested newt, hedgehog, water vole, white-clawed crayfish and thirteen bird species (refer to **Table 02** above).

There are three UKBAP priority habitats (taken from magic map and aerial photographs) recorded within 2km of the site. They are Ancient Woodland (100m NW), Deciduous Woodland (adjacent and south) and Rivers (adjacent). The woodland priority habitats are associated with the river corridor of the River Don and are present along the entire length of the river within 2km of the site. Additionally there are multiple instances between 1.2km and 2km to the north and north-east of the site.

3.5.2 Local Biodiversity Action Plan

The UKBAP contains all species and habitats present within the Barnsley Biodiversity Action Plan (BBAP) except for the following:

- Floodplain Grazing Marsh;
- Kestrel;
- Little Ringed Plover;
- Bullhead;
- Glow Worm; and,
- Bluebell.

Floodplain Grazing Marsh is not present within the site or within 2km from it. Existing records for BBAP priority species (excluding UKBAP) include bullhead (adjacent to the site), and Kestrel.

3.6 Natural Area Profile

Natural England (then English Nature) devised a scheme describing England in a series of Natural Areas based on the identification of their characteristic wildlife and natural features. It draws together physical attributes, wildlife, land use and culture to define a distinctive nature conservation character. The site lies within Area 24, Coal Measures.

Natural Area 24 Coal Measures is described as:

.....“dense populations centred on a number of towns and cities, that developed largely as a result of the underlying coal fields. These are deposits of shales and sandstones of late Carboniferous age (c. 320-295 million years old) which were deposited in equatorial swamps. Peat accumulated in these swamps and has subsequently been converted to coal. Associated shales yield rich and important fossil floras and the Coal Measures is an important area for Earth heritage features.”....

4 Implications / Recommendations

4.1 Nature Conservation Designated Sites

There are no statutory or non-statutory designated nature conservation sites within the development site.

There are no statutorily, but two non-statutorily designated sites within 2km of the site. Black Moor Common which lies approximately 1.25km to the south-east, and Royd, Vicar, Lindley and Coates Great Woods 1.5km to the north. Due to the size of the development site, distance from the designated sites, and lack of complimenting habitats, it is considered that neither site will be affected by the proposed development.

4.2 Habitats

The site predominantly consists of species-poor semi-improved grassland which is regularly flailed to a height of less than 0.1m. There is also a line of trees to the northern boundary in association with the adjacent River Don and areas of bare ground habitat to the west.

None of the habitats within the site are of significant interest in terms of the plant species composition or are characteristic of semi-natural habitats. The plant communities at the site are of widespread occurrence and are characteristic of the habitats present in the wider area and common nationally. No rare or locally uncommon plant species or invasive species as listed under the Wildlife and Countryside Act 1981 (as amended) were detected at the site.

The tree line is of local ecological value to wildlife and provides connectivity across the site.

Habitats adjacent to the site include two priority habitats, Deciduous Woodland and Rivers.

In order to protect habitats/features of ecological value present within the site and adjacent to it, the following is recommended;

- Retainment of the line of trees (**TN2**);
- Use of temporary protective demarcation fencing to protect retained areas/features including those immediately adjacent to the site. The fencing must be in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, extend outside the canopy of the retained trees, and remain in position until all plots have been developed; and,
- Use of directional lighting during construction, which is not allowed to shine outwards towards the boundaries of the site, especially towards the tree line adjacent to the River Don, which may be used as a commuting route by nocturnal species such as bats and badger.

In order that the proposed development provides enhancement to wildlife, in accordance within the stated aims of the National Planning Policy Framework (NPPF), it is recommended that features which will both enhance the wildlife value of the site and also be in keeping with the existing features of ecological value. Appropriate recommendations for the site are as follows;

- Planting where feasible of a native hedgerow or lines of shrubs; and,
- Incorporation of native species of trees and shrubs known to be a value to wildlife within landscape planting.

4.3 Protected Species

Existing records data and/or site survey have noted the potential for the following protected species within the search area or on site, upon which the potential affects of the proposed development are discussed below (see **Appendix 01** for relevant legislation).

4.3.1 Badger

Whilst no badgers or signs of badger were detected within the site during the survey, there are records of badger within the local area and suitable habitat adjacent to the site suitable for foraging and sheltering badger.

Therefore a precautionary badger survey is recommended just prior to commencement of works, up to a distance of 30m from the site boundary, to identify the presence of setts within the vicinity of the site. If setts are identified, a licence from Natural England may be required, with appropriate mitigation and working methods.

Furthermore during the construction phase of the development the following measures should be taken to prevent accidental harm or injury to any badger which may come onto site; capping any open pipe ends, and covering open trenches or providing a means of access via sloping ends or planking.

4.3.2 Bats

There are no buildings within the site or any evidence of bats detected at the site. However there are records for bats within the site and the local area, and there are semi-mature trees along the boundaries of the site that are adjacent to the River Don that have potential to support roosting bats. It is understood that these trees are to be retained within development proposals.

If these trees were to be affected by the proposed development then further survey would be recommended, to determine presence or not of roosting bats. This would require a climb and inspect survey to check for signs of bat use prior to works (no timing restrictions are applicable to this type of survey). In the event of bat roosts being found a licence from Natural England may be required, with appropriate mitigation and working methods.

The trees and shrubs along the site margins, the woodland edges and the River Don adjacent to the site, provide favourable habitats for use by foraging and commuting bats, including Pipsitrelle species, Brown Long-eared bats, and possibly Myotis species including Whiskered/Brandts bats, but no large open water bodies present or within the site, which would make the site more attractive to large numbers and a greater diversity of bat species.

For the protection of bats, it is recommended that any lighting during construction and within the development is appropriately designed to avoid illuminating the boundaries of the site that may act as nocturnal foraging habitat or a wildlife corridor.

In order to enhance the site for bats, it is recommended that the development incorporates the installation of two commercially available bat boxes within trees adjacent to the River Don, at locations deemed suitable by an ecologist. Suitable bat boxes are available from NHBS Ecology (www.nhbs.com), IBStock or Bioquip (www.bioquip.net)) and are presented at **Insert I** below.



Insert I: IFF Schwegler Bat Box.

4.3.3 Great Crested Newt

There are records for GCN in the local area and terrestrial habitat within the site is suitable for foraging GCN, with sheltering and hibernating habitat present adjacent to the site. However the nearest breeding habitat (pond) is at the location of the GCN records, 345m north-east of the site. The Natural England Rapid Risk Assessment was used to determine the potential affect of the development on breeding GCN if still present at the pond in question, refer to **Table 04**.

Due to the size of the development site and its distance from the pond, this resulted in 'Green: Offence Highly Unlikely'. Subsequently it is reasonable to conclude that development at the site will not have an influence on populations of breeding GCN in the local area. No further survey is considered necessary.

Table 04: Natural England Rapid Risk Assessment of

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	0.5 - 1 ha lost or damaged	0.03
Individual great crested newts	No effect	0
Maximum:		0.03
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

4.3.4 Otter, Water Vole and White-Clawed Crayfish

There are no records of otter in the local area, but the River Don provides habitat suitable for otter immediately adjacent to the site. As such presence of otter at the site can not reasonably be discounted.

There are records of water vole within the local area, the closest and the most recent being at 1km south from 1997, and adjacent to the site, the River Don provides suitable habitat for water vole. However there are records of american mink a voracious predator of water voles at 60m east of the site on the River Don from 2012. Therefore presence of water vole is unlikely, though it can not be discounted.

It is recommended that an otter and water vole survey is carried out on the River Don, adjacent to the site and 500m up and down stream where access allows. This should be conducted when water vole is most active (April to October inclusive).

4.3.5 White-clawed Crayfish

There are records of native White-clawed Crayfish (WCCF) and American Signal Crayfish (invasive) on the River Don 620m downstream (south-east) from 2012. American Signal Crayfish are associated with declines in White-clawed Crayfish, attributed to them carrying and spreading crayfish plague and by aggressively outcompeting their smaller counterparts. This makes it less likely that WCCF are still present in the local area.

There are records of Bullhead (BBAP) adjacent to the site from 2011. This species use similar habitat as refuges as WCCF, and there presence is an indicator of suitable conditions for WCCF.

It is therefore considered that presence of WCCF is unlikely but cannot reasonably be discounted.

Works which are applicable to the site and the proposed development, and are considered to be likely to adversely affect WCCF are, bank re-profiling, construction of outfalls, pipeline crossings, surfacing the bed (around outfalls), removal of bankside trees and drainage of the construction site (Peay 2000). A crayfish survey would be required at the site if any of these works are proposed.

The following recommendations in regard to WCCF have been made;

- Works that may affect WCCF are not proposed at the site. If they are proposed then further survey is recommended.
- All works, procedures and precautions should be in line with Pollution Prevention Guidelines, particularly PPG5 and PPG6, published by the Environment Agency.
- Sediment fencing should be installed to minimise influx into the River Don.

4.3.6 Birds

The trees within the site provides suitable habitat for breeding birds. All wild birds are protected under the *Wildlife and Countryside Act 1981 (as amended)* whilst they are breeding. Therefore it is recommended that any trees or other suitable breeding bird habitat which are to be removed as part of the proposals, are only removed outside the bird breeding season (March to August inclusive).

If any vegetation is scheduled for removal in the bird breeding season it is advised that advice from an ecologist is sought. It may be necessary to carry out a walkover survey to demonstrate satisfactorily that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared.

If nesting birds are detected the Ecologist will issue guidance in relation to the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.

4.4 Notable Species

4.4.1 Brown Hare

There are records of brown hare within the local area. The site is not considered favourable for brown hare owing to its small size and proximity to residential housing and roads. Furthermore there is an abundance of suitable habitat within the local and wider countryside area. It is not considered that the proposed development will have an adverse affect on brown hare.

4.4.2 Hedgehog

There are records for hedgehog a UKBAP priority species within the local area, and habitats within and around the site suitable for foraging and sheltering. Presence of hedgehog at the site cannot be discounted.

In order to maintain connectivity across the site for hedgehog, it is recommended that small gaps (0.2m) are left under sections of fencing/walls within the development to allow passage of hedgehog across the site.

4.4.3 Birds

There is a record of Lesser Redpoll (UKBAP) within the site and records of a further eleven priority species within 2km of the site (refer to **Section 3.3**). Of these species it is considered that habitats within or immediately adjacent are suitable for Lesser Redpoll, House Sparrow, Linnet, Song Thrush, Tree Sparrow and Yellowhammer.

To enhance the site for these priority bird species and birds in general the following is recommended;

- Installation of two House Sparrow nesting terraces (**Insert 2** below) on houses/garages;
- Installation of three small bird boxes (**Insert 3** below) in trees; and,
- Inclusion of native tree and shrub planting.



Insert 2: ISP Schwegler Sparrow Terrace



Insert 3: IB Schwegler Nest Box

5 Summary

This report forms an ecological review of a proposed development of land off Roughbitchworth Lane in Oxspring, South Yorkshire (grid reference SE 27176 02086), commissioned to inform a potential planning submission for development of the land to residential housing. The report includes a desk study of existing records, a phase I habitat survey and an assessment of the site's potential to support protected species.

The site lies on the northern edge of the village of Oxspring, which lies approximately 7km south west of Barnsley, South Yorkshire. Oxspring is a small residential village surrounded by open countryside.

Habitats present at the site comprise species poor semi-improved neutral grassland, bare ground and a line of trees associated with the southern bank of the River Don.

There are no statutorily designated sites, but two non-statutorily (NHS) sites within the 2km search area of the site. However it is anticipated that they will be not be adversely affected by the proposals due to the distance of the site from the designated sites, lack of complimenting habitats and the scale and nature of the development.

None of the habitats within the site are of significant interest in terms of the plant species composition or are characteristic of semi-natural habitats, and are characteristic of the habitats present in the wider area and common nationally. No rare or locally uncommon plant species or invasive species as listed under the Wildlife and Countryside Act 1981 (as amended) were detected at the site.

The tree line is of local ecological value to wildlife and provide connectivity across the site.

Habitats adjacent to the site include two priority habitats: deciduous woodland and Rivers.

Recommendations concerning retainment, protection and enhancements of habitats at the site comprise the following;

- Retainment of the line of trees (**TN2**);
- Use of temporary protective demarcation fencing during construction to protect retained areas/features including those immediately adjacent to the site;
- Planting where feasible of a native hedgerow or lines of shrubs; and,
- Incorporation of native species of trees and shrubs known to be of value to wildlife within landscape planting.

No protected species or signs of protected species were detected during the survey but due to local records and presence of habitats within and adjacent to the site presence of badger, bats, breeding birds (inc. priority species), hedgehog (UKBAP), otter, water vole and white-clawed crayfish can not presently be discounted.

The following recommendations aim to protect during construction and provide suitable enhancements at the site for these species;

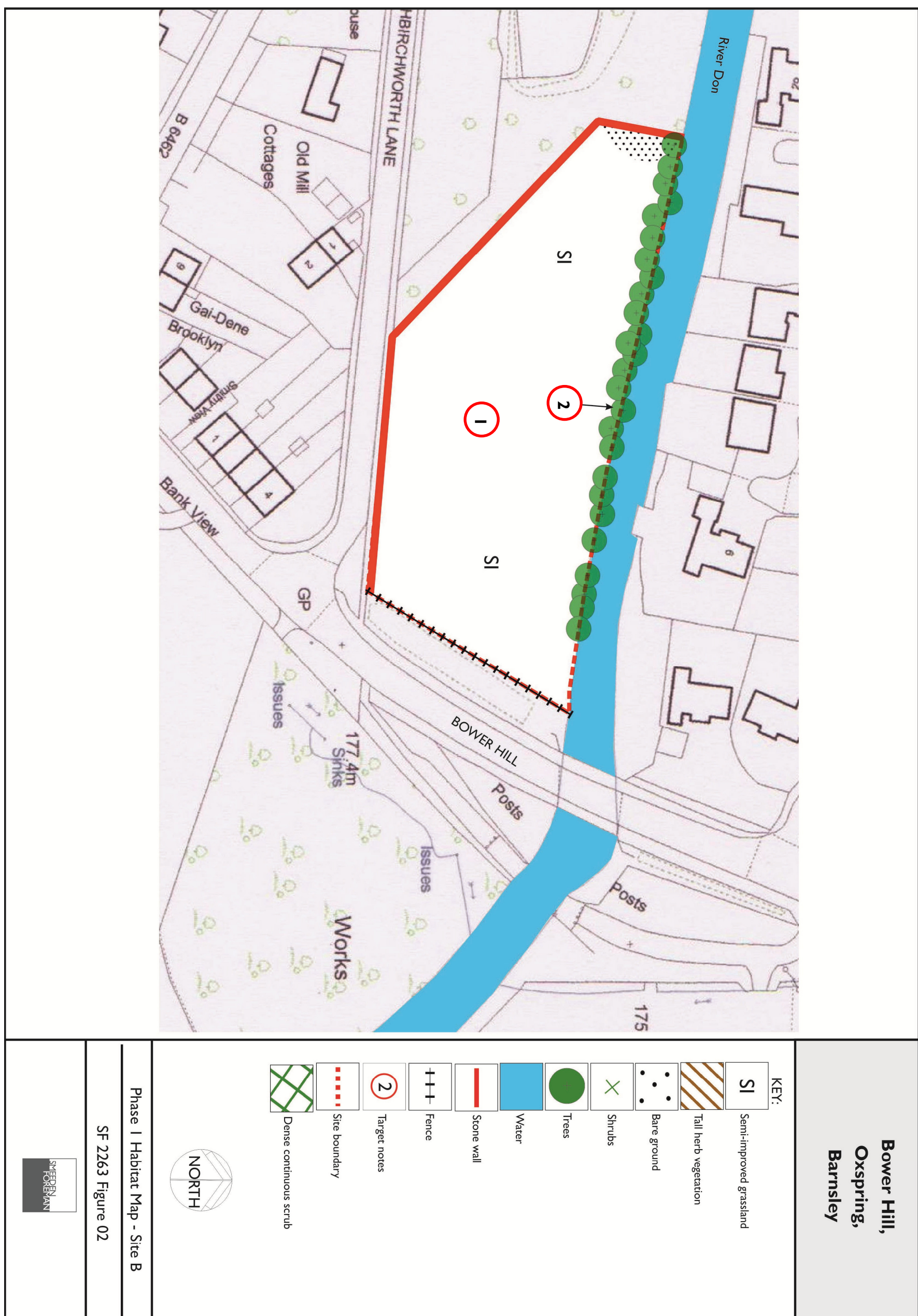
- A precautionary badger survey just prior to commencement of works and implementation of suitable measures to avoid harm to badger;
- Retainment of any mature trees within lines of trees associated with the site boundaries. If these trees were to be affected by the proposed development then further survey is required in the interest of roosting bats;
- That any lighting during construction and within the development is appropriately designed to avoid illuminating the boundaries of the site that may act as nocturnal foraging habitat or a wildlife corridor;
- The installation of commercially available bat boxes within trees adjacent to the River Don;

- An otter and water vole survey is carried out on the River Don, adjacent to the site and 500m up and down stream where access allows;
- Works that may affect WCCF are not proposed at the site. If they are proposed then further survey is recommended;
- All such works, procedures and precautions should be in line with Pollution Prevention Guidelines, particularly PPG5 and PPG6, published by the Environment Agency;
- Sediment fencing should be installed to minimise influx into the River Don;
- Any trees or other suitable breeding bird habitat are only removed outside the bird breeding season (March to August inclusive);
- Small gaps (0.2m) are left under sections of fencing/walls within the development to allow passage of Hedgehog across the site;
- Installation of House Sparrow nesting terraces and small bird boxes; and,
- Inclusion of native tree and shrub planting known to be of value to wildlife.

The recommendations made in this report aim to address all the mandatory measures and ecological recommendations to be applied to ensure compliance with wildlife legislation, the National Planning Policy Framework (NPPF) and best practice.

The proposals will secure an opportunity to implement beneficial enhancement of the site for wildlife that will safeguard habitats for wildlife such as birds and bats, with the aim of providing a net gain in biodiversity in accordance with the principles of the NPPF.

6



7 Appendices

APPENDICES :

01 – Legislation Notes: Protected Species

02 – Designated sites – NHS locations – provided by SBRC

7.1 Appendix 01: Legislation Notes: Protected Species

Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992. Under this act it is illegal to: (1) wilfully kill, injure, take a badger or attempt to do so, (2) cruelly ill-treat a badger or (3) interfere with a sett, including disturbing a badger while occupying a sett.

Bats and otter

All British bats are afforded full protection under both UK and European legislation.

The Conservation (Natural Habitats & c.) Regulations 2007 transpose the Habitats Directive into UK law, making it an offence to-

- deliberately disturb a bat or otter
- deliberately kill or capture a bat or otter
- damage, destroy or obstruct access to a breeding site or resting place (note this applies to both deliberate and reckless actions).

The Wildlife and Countryside Act 1981 (as amended) (Schedule 5) made it an offence to

- intentionally kill, injure or take a bat or otter
- damage, destroy or obstruct a resting place *,
- disturb the species in a resting place *
- possess or control a bat, otter or any part thereof
- sell, offer for sale, possess or transport for sale any bat/otter or part thereof
- set traps for catching, killing or injuring bats or otters
- possess articles for the purposes of committing offences against bats and otters

[*= intentional and reckless offences covered]

Legal protection under the Habitats Directive applies to both the animals and their breeding sites and resting places. This means that bat roosts are fully protected, whether they are in use at the time or not. Where roosts or resting/breeding sites are identified, any works which may contravene the protection afforded to them require derogation from the provisions of the legislation in the form of a licence from Natural England.

Breeding birds

The Wildlife and Countryside Act 1981 gives protection to all bird's nests (whilst being built or in use) and eggs from intentional damage or destruction. Additional protection against disturbance on the nest or of dependant young is provided for birds included on Schedule 1.

Water vole (*Arvicola terrestris*)

Water voles and their habitats are given full protection under Section 9 of the Wildlife and Countryside Act 1981 (as amended). This makes it a legal offence to damage or destroy or obstruct access to any structure or place used by water voles for shelter or protection, or to disturb water voles while they are using such a place.

White-clawed Crayfish (*Austropotamobius pallipes*)

White-clawed crayfish are listed on Schedule 5 of the Wildlife & Countryside Act 1981, and receive protection under Sections 9(1) and 9(5). This makes it an offence to take, sell, transport for sale, advertise for the purpose of trading any live, dead, part, or derivative of this species.

7.2 Appendix 02: Designated sites – NHS locations – provided by SBRC

