

Hopkins Ecology

**Site: Heigham Park: Norwich Parks
Tennis Expansion Project**

**Work Item: Verification (2021) of the
Ecology Phase 1 and
Protected Species
Assessment**

Client: Norwich City Council

Author: Dr GW Hopkins CEnv MCIEEM

Date: 13 August 2021

Hopkins Ecology Ltd, St George's Works, 51 Colegate, Norwich NR3 1DD

T: 01603 435598 M: 07481 477103 E: graham@hopkinsecology.co.uk W: www.hopkinsecology.co.uk

CONTENTS

SUMMARY	1
1. INTRODUCTION	3
Background	3
Site Context and Status	3
Legislation and Planning Policy	3
2. METHODS	4
Personnel	4
Data Collection and Analysis	4
Evaluation	4
3. DESCRIPTIONS	6
Designated Sites	6
4. EVALUATION AND PROTECTED SPECIES SCOPING	8
Habitats	8
Plants	8
Bats	8
Other Species of Conservation Concern	9
5. DISCUSSION	11
Impacts	11
Recommendations for Additional Surveys	12
Mitigation	12
Conclusions	12
APPENDIX 1: FIGURES	13
APPENDIX 2: PHOTOGRAPHS	16
APPENDIX 3: LEGISLATION SUMMARY	20

SUMMARY

In 2017 and 2018, Hopkins Ecology Ltd were appointed to prepare an assessment of the ecological impacts of proposal to install three all-weather courts at Heigham Park. This current document updates the earlier assessment, with new surveys in 2021.

An initial assessment was undertaken in March 2017. An inspection for evidence of bats and an assessment of the site's potential suitability for bats was carried out on 11 June 2018 by an experienced ecologist with substantial bat experience. The inspection included all trees and buildings within close proximity to the courts.

The site is within Heigham Park which is included on the Register of Parks and Gardens of Special Historic Interest and contains mature trees and ornamental planting. Surrounding land use is predominantly residential. There are no designated sites within 1km. The nearest County Wildlife Site is Earlham Cemetery CWS, which is 450m to the north.

In 2018, the site consists of a block of amenity grassland (sports turf) of ~0.47ha in area with negligible wildlife value. It is surrounded by a yew hedge of varying height. There is a wooden pavilion on the western edge. The area immediately outside the courts includes a number of mature trees, predominantly beech, as well as mature ornamental planting. **In 2021 the grass had evidently been left uncut for a few months. The sward was ~30cm in height, with flowering stems above this. The key features of the sward are that it is derived from a recently abandoned sport's turf and its composition is broadly as described in 2017 and 2018, but with many additional species now noted as they have grown without mowing. A few species that are not tolerant of mowing have also colonised from adjacent areas.**

Along the centre line, a length of netting had been removed and the ground beneath was a bare earth with occasional 'weedy' species. Present here were three plants of common cudweed, which is of some note as it is typically an arable species.

The baseline for the site is otherwise unchanged from 2018. The bats known within 500m are common and soprano pipistrelles and noctule, with no records for the more light intolerant species. Of the trees in close proximity only one has a potential roost feature and this is considered to be of low suitability and at most used opportunistically by individual bats. The likely level of light trespass is not considered sufficiently to result in any disturbance of this feature or justify additional surveys. The project site itself is not considered likely to be used by commuting bats, with any such bats using areas away from the existing enclosed area and shielded from light trespass. The pavilion is not suitable for roosting bats, **not least as its roof has been destroyed by a fire.**

Other species of conservation concern locally are likely to be widespread species, but with the site lacking cover for such species to be present other than as transitory individuals. The project lighting is unlikely to affect local insects, such as moths, given that the wider location is urban and already with many artificial lights.

The survey in advance of the hedgerow breach was undertaken on the morning of 20 June 2021. No nesting birds were found (or evidence of active nesting), and the species otherwise recorded during the survey were wren, blackbird, dunnock, woodpigeon, and overflying magpie and carrion crow. These species are common urban species, although it is recognised that the dunnock is a priority species on the basis of national declines while remaining widespread, and it is indeed a common species in Norwich. The wider scheme will have a very minor impact on the value of the Site for birds, and a negligible impact on species of hedgerows and shrubs, such as the dunnock.

Three plants of common cudweed were noted along the central strip of bare ground in 2021. This is of some note in that the plant is declining nationally and considered to be of conservation concern. However, it is widespread in Norfolk, and in the urban part of Norwich the plant can be found as occasional individuals along road verges plus other areas with disrobed soils.

The assessment of impacts from 2018 is unchanged. Thus, the on-site habitats are of very low intrinsic value. A single tree close to the site has a potential roost feature, albeit one of low suitability, and it is considered that the likelihood of any roosting would at most be by singletons, opportunistically; the extent of light trespass is not thought likely to cause disturbance even if a roost is present. The impacts on other species are considered to likewise be negligible.

1. INTRODUCTION

BACKGROUND

- 1.1 **In 2017 and 2018, Hopkins Ecology Ltd were appointed to prepare an assessment of the ecological impacts of proposal to install three all-weather courts at Heigham Park. This current document updates the earlier assessment, with new surveys in 2021, with updates presented as updates in bold, underlined text to the original report.**
- 1.2 **Thus**, the grass tennis courts at Heigham Park, Norwich are proposed to be modified so that the ten existing grass courts are reduced in number to three all-weather courts with artificial lighting and new fencing. The area of the remaining courts will be used for recreational purposes, to be agreed with the local community. **In 2018**, a phase 1 survey and bat assessment have been requested to inform the changes. This report presents the ecological appraisal of the site, based on a habitat description, protected species scoping assessment and a tree and building inspection for bats.
- 1.3 The zone of the influence of the scheme and the subsequent survey areas are considered to be the courts and areas potentially exposed to elevated light levels during operation, considering other factors such as the use of the site by commuting bats passing through.
- 1.4 An earlier assessment was based on surveys in March 2017, but the work presented here is based on a re-survey of the ecology features in June 2018, **with the verification in 2021**. This report has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2013¹) and as detailed in British Standard 42020:2013 Biodiversity - Code of Practice for Biodiversity and Development.

SITE CONTEXT AND STATUS

- 1.5 The grass courts are located within Heigham Park, which is included on the Register of Parks and Gardens of Special Historic Interest and contains mature trees and ornamental planting. The park is set in a residential estate in the western part of Norwich.

LEGISLATION AND PLANNING POLICY

- 1.6 The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 3:
 - The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations);
 - The Wildlife and Countryside Act, 1981 (as amended); and
 - The Natural Environment and Rural Communities Act, 2006.
- 1.7 The National Planning Policy Framework (Department of Communities and Local Government, 2012², **now Ministry for Housing, Communities and Local Government, 2021**³) requires local authorities to avoid and minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity when making planning decisions.

¹ CIEEM (2013) *Guidelines for Preliminary Ecological Assessment*. Chartered Institute for Ecology and Environmental Management, Hampshire.

² Department of Communities and Local Government (2012) *National Planning Policy Framework for England*. DfCLG, London.

³ **Ministry for Housing, Communities and Local Government (2021) National Planning Policy Framework for England. MfHCLG, London.**

2. METHODS

PERSONNEL

- 2.1 The survey work was undertaken in **2017 and 2018** by Drs Graham Hopkins CEnv MCIEEM FRES and Dr Jit Thacker MCIEEM. The protected-species aspects were undertaken by Graham, who holds a full, level 2 Natural England survey licence for bats, and the habitat description by Jit. Both are experienced field entomologists, with PhDs in invertebrate ecology. **In 2021, only Graham undertook the verification. Reference is made to a bird survey with respect to works on the hedge during the breeding bird season, and that was undertaken by two very well respected professional ornithologists.**

DATA COLLECTION AND ANALYSIS

- 2.2 An initial assessment was undertaken in March 2017, but there was a re-survey in June 2018 as described here. An inspection of all potential bat roosting features was undertaken by Dr Graham Hopkins on 9 June 2018, with careful examination of the trees from ground level and the outside and accessible inside areas of any nearby buildings. Standard guidance was followed with respect to the assessment of potential roost features⁴
- 2.3 The walkover survey also took place on 9 June 2018. The description of habitats follows standard guidance (JNCC, 2010⁵). The appraisal of the potential presence of protected species is based on the data search results in conjunction with assessment of the suitability of on-site habitats; the overall methodology follows recent guidance (CIEEM, 2013). A data search for biological records was commissioned from the Norfolk Biodiversity Information Service (NBIS) in March 2017 for the broader region of 'south-west Norwich' and then this was analysed for relevant data and specifically relevant protected species records from within 200-500m of the site.
- 2.4 An assessment of existing lighting regimes was based on a qualitative assessment, in terms of broad criteria such as the proximity of street lights, and then using quantitative assessment using a light meter (although this should be considered as indicative only rather than a robust lighting assessment). The light meter was a DVM1300 – Luxmeter and the survey was undertaken on the night of 09 March 2017, when there was a waxing moon (89%) with only a very light 'hazy' cloud cover but with stars visible. A verification of this lighting regime was undertaken on 11 June 2018, with a waning moon (8%).
- 2.5 **In 2021, the verification survey was on the early afternoon of 30 July 2021. The bird inspection was undertaken on 20 June 2021, between 05:15h and 08:15h.**

EVALUATION

- 2.6 Within the species scoping three groups of species of conservation concern are recognised (see also Appendix 3):
- Protected species, as listed within legislation and which receive protection from injury and whose habitats may also be protected (principally the Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act);

⁴ Collins, J. (2016) *Bat Surveys for Professional Ecologists*. Bat Conservation Trust, London.

⁵ JNCC (2010) *Handbook for Phase 1 Habitat Survey*. Joint Nature Conservation Committee, Peterborough.

- Species of Principal Importance as included on Section 41 of the Natural Environment and Rural Communities Act and recognised as priority species within the National Planning Policy Framework; and
- Species of conservation concern as recognised within reviews of species statuses but which are not specifically included within legislation or policy.

3. DESCRIPTIONS

DESIGNATED SITES

- 3.1 There are no designated sites for nature conservation within 1km of the site. The closest Site of Special Scientific Interest (SSSI) is Sweetbriar Road Meadows, which is 1.4km to the north. The only nearby site of ecological significance is Earlham Cemetery, a County Wildlife Site (CWS), i.e. the site is of importance at a county scale. The nearest boundary of the Earlham Cemetery is some 450m north of the site. **The local occurrence of designated sites is believed to be unchanged from 2021.**

HABITATS

- 3.2 **In 2018** the grass courts consist of amenity grassland (sports turf) of negligible biodiversity value. The grass is well-mown, with typical sports turf grass species such as rye grass *Lolium perenne*, fescues *Festuca* sp. and meadow grasses *Poa* sp. There is a very limited herb component including daisy *Bellis perennis* and dandelion *Taraxacum vulgare* agg.
- 3.3 **In 2021 the grass had evidently been left uncut for a few months. The sward was ~30cm in height, with flowering stems above this. The key features of the sward are:**
- **The sward is derived from a recently abandoned sport's turf and its composition is broadly as described in 2018, but with many additional species now noted as they have grown without mowing. A few species that are not tolerant of mowing have also colonised from adjacent areas.**
 - **The sward was dominated by rye grass, fescue probably *Festuca rubra* and common bent *Agrostis capillaris*, with ragwort *Jacobaea vulgaris* and cat's ear *Hypochaeris radicata*.**
 - **Other species recorded in 2021 were: Canadian fleabane *Conyza canadensis*, daisy, creeping thistle *Cirsium vulgare*, mouse ear *Cerastium fontanum*, yarrow *Achillea millefolium*, foxglove *Digitalis purpurea*, Yorkshire fog *Holcus lanatus*, seedlings of Norway maple *Acer platanoides*, tree of heaven *Rhus* species or similar, horse chestnut probably *Aesculus carnea*, white clover *Trifolium repens*, musk thistle *Carduus nutans*, red clover *Trifolium pratense*, self-heal *Prunella vulgaris*, smooth sow thistle *Sonchus asper*, chickweed *Stellaria media*, herb bennet *Geum urbanum*, sterile brome *Anisantha sterilis*, dandelion, wheat *Triticum* species, and cocksfoot *Dactylis glomerata*.**
- 3.4 **Along the centre line, a length of netting had been removed and the ground beneath was bare earth with occasional 'weedy' species, mainly comprising Yorkshire fog, common plantain *Plantago major*, shepherd's purse *Capsella bursa-pastoris*, pineapple weed *Matricaria discoidea*, and cat's ear. Also present were three plants of common cudweed *Filago vulgaris*, which is of some note as an arable species (see Section 4: Evaluation).**
- 3.5 **As described in 2018**, the courts are surrounded by a dense yew *Taxus baccata* hedge ranging from 2m to 2.5m tall and 1m wide. **In 2021, this continues to be trimmed but now also includes some straggly hedge bindweed *Calystegia sepium*, elder saplings *Sambucus nigra* and overtopping *Wisteria*. Along the base are a few plants of broad buckler-fern *Dryopteris dilatata* and foxglove.**

3.6 **As described in 2018**, the western boundary beyond the hedge consists of a row of large mature beech trees, up to 1m diameter at breast height (d.b.h.) perhaps dating from the park's inception (i.e. c. 90 years old), beyond which are residential properties and gardens. The northern boundary abuts directly on a metalled road and pavement, along which are a row of trees, the largest of which are horse chestnuts to 70 cm d.b.h. To the east is more amenity grassland (a bowling green), ornamental planting (a herbaceous perennial bed lined by narrow strips of amenity grassland) and a mature shrubbery including several trees, one of which is a mature sycamore discussed below. To the south, there are further areas of amenity grassland, mature trees including larches *Larix* sp., the standing bole of a dead silver birch *Betula pendula*, mature gardens and a probably recently-established pond in which were a number of breeding frogs *Rana temporaria* at the time of the walkover visit. **In 2021 this area was unchanged.**

BUILDINGS

3.7 **In 2018**, adjacent to the tennis courts was a low, thatched 'pavilion' (described further under Protected Species Scoping: Bats). **This has since been substantially damaged by a fire⁶.**

⁶ <https://www.edp24.co.uk/news/fire-breaks-out-heigham-park-norwich-1475996>

4. EVALUATION AND PROTECTED SPECIES SCOPING

HABITATS

- 4.1 The site is not designated for its nature conservation value and the habitat on the tennis courts is typical of garden and urban areas; it has **very low** intrinsic value (whereas previously when it was a short sard it was assessed as being of negligible ecological value). The surrounding park is of more significance but will not be directly affected by the changes to the tennis courts.

PLANTS

- 4.2 **Three plants of common cudweed were noted along the central strip of bare ground. This is of some note in that the plant is declining nationally and considered to be of conservation concern (Cheffings and Farrell, 2005⁷). However, it is widespread in Norfolk and often found on development sites following the cessation of intensive arable farming (G.W. Hopkins pers sobs). It is described in the *Flora of Norfolk* (Beckett and Bull, 1999⁸) as “particularly common on some set-aside fields on dry soils where it can be almost the dominant plant in early summer”. In the urban part of Norwich, the plant can be found as occasional individuals along road verges plus other areas with disrobed soils.**
- 4.3 **The presence of common cudweed is not of particular note and its significance is very low.**

BATS

Local Bat Assemblage

- 4.4 Not least due to the Big Norfolk Bat Survey⁹ there are good data within the NBIS search on the occurrence of bats in south-west Norwich. No roosts are reported from within 500m of the site (although some are undoubtedly present). In the vicinity of the site (up to c. 500m) the records of bats are predominantly soprano pipistrelles with fewer records of common pipistrelles (both are widespread species tolerant of urban conditions) and also noctule (which are probably overflying rather than locally resident). Species typically considered to be particularly sensitive to artificial lighting were recorded, such as *Myotis* or brown long-eared. **This almost certainly continues to be a valid description of the local bat assemblage in 2021.**

Trees

- 4.5 As shown on Appendix 1: Figure 2, **in 2018** there are a number of trees around the north, west and south periphery of the tennis court area:
- The majority are rated as being of low potential suitability for roosting bats, based on their large sizes but without potential roost features being visible. The trees not rated as low potential suitability are considered to have negligible suitability.
 - One tree, a sycamore (referenced on Figure 2 as T1), has a number of potential roost features:

⁷ Cheffings, C.M. and Farrell, L. (2005) *Species Status No. 7 The Vascular Plant Red Data List for Great Britain*. Available from:

http://archive.jncc.gov.uk/pdf/pub05_speciesstatusvpredlist3_web.pdf

⁸ Beckett, M. and Bull, A. (1999) *A Flora of Norfolk*. Privately published.

⁹ <http://www.batsurvey.org/>

- A long vertical split in a moribund upward facing branch approximately 2m in length starting at roughly 2m. The cavities associated with the split do not appear extensive as viewed. It is considered that this is a 'low suitability feature'.
- Smaller knot holes, from tree works and natural shedding of limbs, with these also considered to be 'low suitability features'.

4.6 The sycamore with low bat roost potential continues to have low bat roost potential.

Buildings

4.7 As described in 2018, the low pavilion has a ridge at approximately 3m with hipped-type ends and a thatch roof, with this being old and covered in chicken wire. The thatch meets a sloping fascia and the chicken wire is nailed tightly against this along the whole perimeter except for part of the south-east corner where it has lifted a little. Throughout, the thatch appears to meet the top of the fascia tightly without a gap. All other timber joints appear tight and without gaps or other openings potentially allowing bats access for roosting in the structure. **Following the 2019 fire, the roof structure has been almost entirely destroyed and the remainder of the structure.**

4.8 In 2018, this building was considered to have negligible potential suitability for roosting bats, **and it continues to have negligible roost suitability in 2021.**

Lighting

4.9 The Heigham Park site is generally dark with readings <0.1 lux throughout, except in the areas not screened from the street lights by the yew hedge (these areas are >30m east of the tennis courts locations). Along the pavement next to the public highway the lighting peaked at approximately 15lux directly beneath the street lights with the lowest readings between the lighting columns being approximately 4lux. **There do not appear to be any factors that would alter this assessment and it is considered to remain valid in 2021.**

OTHER SPECIES OF CONSERVATION CONCERN

4.10 Within the vicinity (c. 500m) of the site the only species of conservation concern are widespread species that have undergone declines, such as song thrush, hedgehogs, and a number of moth species. **In 2018**, the existing amenity sward **was appraised as being used by species such as** song thrushes and hedgehogs, and peripheral scrub vegetation and trees may be used as larval plants by a number of moths. The project site did not have ground level cover or vegetation that is likely to be used for shelter by hedgehogs or other ground-dwelling animals such as amphibians. **In 2021, since the sward is unmown it may be used to a greater extent by common species and some widespread but declining species.** Nesting birds are likely in dense shrubs vegetation and the yew hedge, **but none were found during the 2021 survey in advance of the hedge breach.**

4.11 The survey in advance of the hedgerow breach was undertaken on the morning of 20 June 2021. No nesting birds were found (or evidence of active nesting), and the species otherwise recorded during the survey were:

- **A wren entering the hedge and briefly singing.**
- **Blackbird - a male and female foraging along the base of the hedge/pavement along 'The Avenues' (north side).**
- **Dunnock - an assumed pair were several times observed foraging along the base of the hedge in the western 20m of the buffer zone on 'The Avenues' (north side) of the hedge, and occasionally entering it. But these birds (as the Blackbirds)**

were consuming food themselves and not collecting/carrying food off to feed young.

- Woodpigeon – one or two woodpigeons were observed, briefly foraging along the hedge line, but not entering the hedge (much of the hedge appears too dense for these relatively large birds to enter it).
- Additionally, a magpie and two carrion crows were recorded overflying low (as well as several more woodpigeons).

4.12 These birds are common urban species, although it is recognised that the dunnock is a priority species on the basis of national declines, but remains very common in Norwich.

4.13 As an additional comment on the baseline in 2021, the grass sward did not appear to have specialist features or resources of relevant to invertebrates such as ground-nesting bees or wasps. The increase in blossom would be a resource of value to a range of species of pollinator, but no more so than other areas of unmown grass or flower beds with suitable species. Plant species with associated specialist pollinators were not noted. Cinnabar moth caterpillars *Tyria jacobaeae* (Lepidoptera: Arctiidae) were not noted on the ragwort.

5. DISCUSSION

IMPACTS

Designated Sites

- 5.1 It is not considered that the changes to the tennis courts will impact any designated sites either directly or via indirect mechanisms. This assessment remains valid in 2021.

Habitats

- 5.2 The project site itself is of low ecological quality and the impact of the scheme on habitats is negligible. **This assessment remains valid in 2021.**

Bats

- 5.3 **As described below, the assessment of impacts from 2018 remains valid in 2021.** The project will not directly affect any trees or structures potentially used by roosting bats.
- 5.4 The existing location is general dark, without lights on the site itself or trespass from adjacent areas. Impacts from artificial lighting are assessed in terms of possible illumination of roosts and commuting (see also Appendix 1: Figure 3):
- Roosts:
 - The only potential roost features close to the site are on the moribund limbs of the sycamore located to the south-east (T1 on Appendix 1: Figure 2). The potential roosts features are considered to be of low suitability and any use by bats is likely to be by singletons opportunistically¹⁰. This tree is outside of the 1lux light overspill contour with overspill estimated as 0.2-0.4lux here; it is not thought that the level of lighting this tree will receive will be sufficient to result in disturbance of a roost even if present.
 - The other trees rated as having low potential suitability for bats by virtue of their size but without potential roost features being noted. These trees are mostly located outside of the 1lux contour but with some estimated to receive up to 1.4lux overspill. It is not considered that this level of overspill would result in a disturbance of any roosts, in the unlikely event of any being present.
 - The project is not in a location likely to be significant for any commuting bats, with peripheral hedges and other vegetation more likely to be used as linear features for any bats moving around the wider or flying to/from connecting Heigham Park and other locations.
- 5.5 The impacts of lighting are considered to be of negligible significance for bats and no further surveys are recommended in relation to bats. The project does not require European Protected Species Licensing.

Nesting Birds

- 5.6 An access breach is proposed in the yew hedge and there is a chance that this location may be used by nesting birds, although only by widespread species and with the location not being of particularly high potential value for nesting. **The breaches have now been made, and the remainder of the hedge is unchanged in terms of its potential value for nesting birds. The wider scheme will have a very minor impact on the value of the Site**

¹⁰ See Collins (loc cit) pp35, Table 4.1.

for birds, and a negligible impact on species of hedgerows and shrubs such as the dunnock.

Other Species

- 5.7 The project is not thought likely to affect the habitat of any of the species and lighting impacts are considered to be minor in the context of the other lighting in the general vicinity. The scheme will not affect the local conservation status of any species. **This assessment remains valid in 2021.**

RECOMMENDATIONS FOR ADDITIONAL SURVEYS

- 5.8 No emergence surveys for bats or surveys for other species groups are recommended.

MITIGATION

- 5.9 **The recommendation with respect to mitigation for nesting birds is not amended, but as described the relevant works have been completed with a watching brief. As described in 2018,** it is preferred that the works to breach the hedgerow are undertaken outside of the nesting bird period (March to August inclusive). The alternative is for a watching brief to determine the presence/absence of nesting birds within the breach locations and adjacent sections of hedge, however such a watching brief is difficult and can be inconclusive in such a dense hedge.

CONCLUSIONS

- 5.10 **The assessment of impacts from 2018 is unchanged. Thus,** the on-site habitats are of very low intrinsic value. A single tree close to the site has a potential roost feature, albeit one of low suitability, and it is considered that the likelihood of any roosting would at most be by singletons, opportunistically; the extent of light trespass is not thought likely to cause disturbance even if a roost is present. The impacts on other species are considered to likewise be negligible.

APPENDIX 1: FIGURES

Figure 1. Designated sites locally (from NBIS).

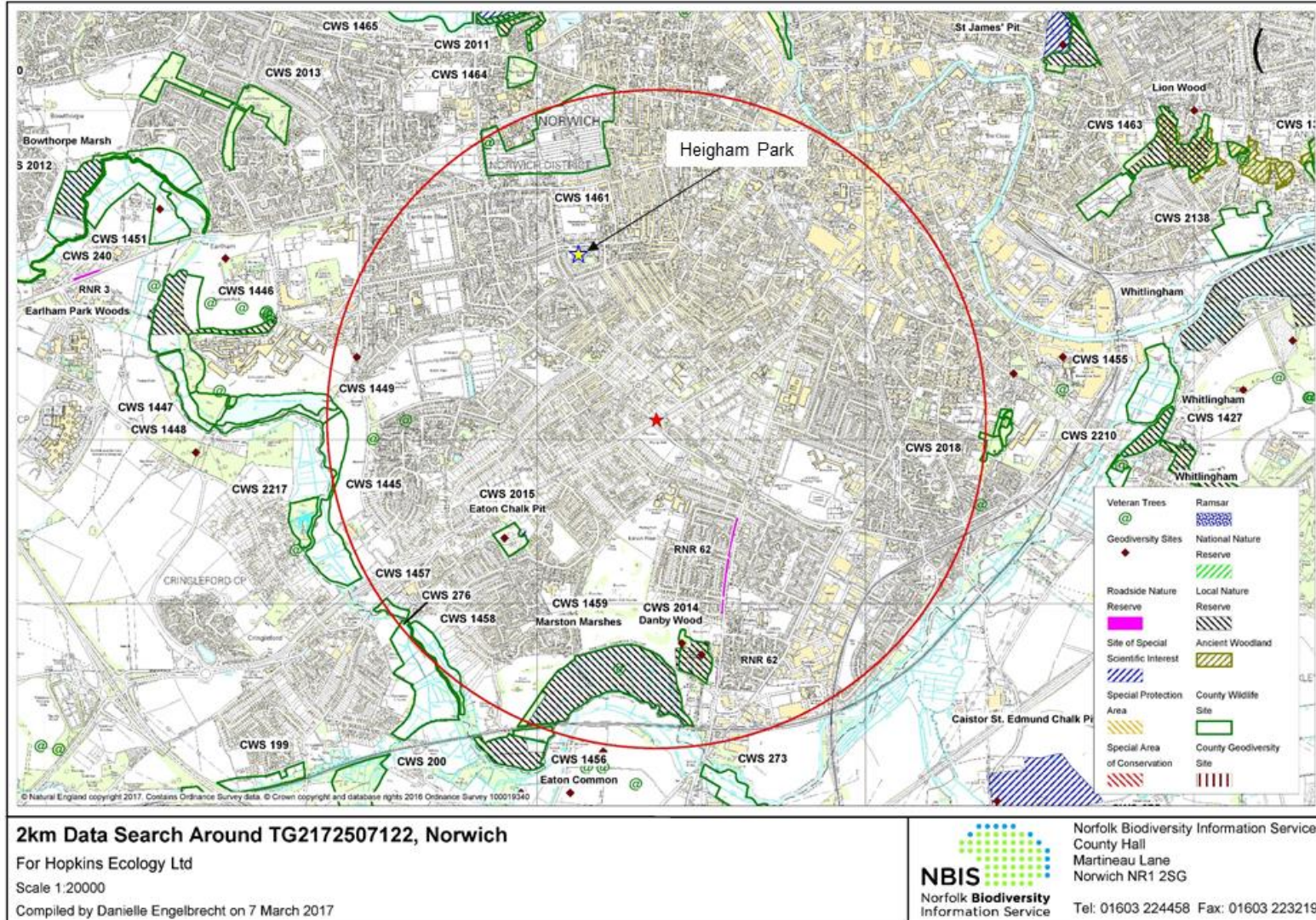


Figure 2. Phase 1 habitat plan. Trees not marked as being of low potential suitability for bats are of negligible potential suitability.



APPENDIX 2: PHOTOGRAPHS

Figures are re-numbered from the 2018 assessment.



Figure 4.
Grass courts showing low diversity amenity grassland, **2018.**



Figure 5.
Grass courts showing the unmown sward, 2021.



Figure 6.
Common
cudweed in
the bare
soil, 2021.



Figure 7.
Grass courts
showing yew
hedge **2018.**



Figure 8.
The tree with bat roost potential (T1, see Figure 2). This is rated as having a low suitability 2018.



Figure 9.
The 'pavilion' with a thatch roof (March 2017).



Figure 10.
The understorey of the trees west of the yew hedge, along west boundary **2018.**

APPENDIX 3: LEGISLATION SUMMARY

Table 1. Non-technical account of relevant legislation and policies.

Species	Legislation	Offence	Licensing
Bats: European protected species	Conservation of Habitats and Species Regulations 2017 (as amended) Reg 41	Deliberately capture, injure or kill a bat; deliberate disturbance of bats; or damage or destroy a breeding site or resting place used by a bat. [The protection of bat roosts is considered to apply regardless of whether bats are present.]	A Natural England (NE) licence in respect of development is required.
Bats: National protection	Wildlife and Countryside Act 1981 (as amended) S.9	Intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb a bat in such a place.	Licence from NE is required for surveys (scientific purposes) that would involve disturbance of bats or entering a known or suspected roost site.
Birds	Wildlife and Countryside Act 1981 (as amended) S.1	Intentionally kill, injure or take any wild bird; intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. Intentionally or recklessly disturb a Schedule 1 species while it is building a nest or is in, on or near a nest containing eggs or young; intentionally or recklessly disturb dependent young of such a species [e.g. kingfisher].	No licences are available to disturb any birds in regard to development.
Great crested newt: European protected species	Conservation of Habitats and Species Regulations 2017 (as amended) Reg 41	Deliberately capture, injure or kill a great crested newt; deliberate disturbance of a great crested newt; deliberately take or destroy its eggs; or damage or destroy a breeding site or resting place used by a great crested newt.	Licences issued for development by Natural England.
Great crested newt: National protection	Wildlife and Countryside Act 1981 (as amended) S.9	Intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb it in such a place.	A licence is required from Natural England for surveying and handling.
Adder, common lizard, grass snake slow worm	Wildlife and Countryside Act 1981 S.9(1) and S.9(5)	Intentionally kill or injure any common reptile species.	No licence is required. However an assessment for the potential of a site to support reptiles should be undertaken.
Scientific Interest (SSSI)	Wildlife and Countryside Act 1981 (as amended)	To carry out or permit to be carried out any potentially damaging operation. SSSIs are given protection through policies in the Local Development Plan.	Owners, occupiers, public bodies and statutory undertakers must give notice and obtain the appropriate consent under S.28 before undertaking operations likely to damage a SSSI. All public bodies to further the conservation and enhancement of SSSIs.

Species	Legislation	Offence	Licensing
County Wildlife Sites	There is no statutory designation for local sites.	Local sites are given protection through policies in the Local Development Plan.	Development proposals that would potentially affect a local site would need to provide a detailed justification for the work, an assessment of likely impacts, together with proposals for mitigation and restoration of habitats lost or damaged.