Biodiversity Scoping Report

Land at Low Kells, Whitehaven CA28 9AX

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Report 0526/4

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EXECUTIVE SUMMARY

The local planning authority have requested an Ecological Assessment for the proposed construction of a new detached residence on land at Low Kells, Whitehaven.

This report describes the existing habitats on site (using UK Habitats classification criteria) and provides an assessment of their condition, as well as any habitat losses as a direct consequence of the proposed development. An assessment is also made of the likelihood of the proposed development impacting on any protected or notable species, and whether any dedicated species surveys would be required to determine this.

A desktop search for statutory protected sites and priority habitats was undertaken. There are no such sites within the red line boundary, and no impacts are foreseen on any protected sites or priority habitats. There is one statutory site near to the proposed development – St Bees SSSI (150m west). There is no need for the LPA to consult with Natural England about these plans, assuming this is classed as a householder application.

The project is a self-build development, and as such is exempt from the BNG legislation.

The site is a former allotment, with remains of fruit trees, raised beds, cloches and other structures. This is classed as urban habitat, and has no habitat condition assessment. The site has been disused for a while, and vegetation was cleared earlier this spring to provide access. The ground is now open, with significant piles of debris and cut vegetation.

A slow worm was found on site during the scoping survey, under debris at the western end near the adjacent track (this forms a valuable habitat corridor along the edge of the urban area of Kells). An extensive search of the site was carried out, and no other slow worms (or other animals) were found. Potential was noted for hedgehogs (priority species) and nesting birds (protected when nesting).

The site is small, and does not provide good hibernation habitat for slow worms. It cannot support a breeding population of reptiles, but is likely to be used by transient animals (particularly at the western end – the eastern end has more compacted soil and less suitable habitat). As slow worm have been found on the site, a further reptile survey is not considered necessary as it is unlikely to provide any further information. Slow worms are protected against injury/ killing and so a detailed method statement is included in the report (section 5.2). This includes a careful pre-works clearance (by hand) of all debris from the site.

Other avoidance measures are included to minimise risks for hedgehogs and nesting birds.

As the project is exempt from BNG, several compensation/ enhancement measures are detailed in the report – including provision of suitable connected habitat at the western end of the garden (to maintain the habitat corridor), planting of at least 3 trees (such as fruit trees) or robust shrubs, suggestions of wildlife friendly planting ideas, and provision of artificial nesting sites for birds.

Contents

1. INTRODUCTION

1.1 The purpose of this report

The aim of this report is to make an assessment of the baseline ecological conditions present on land at Low Kells, Whitehaven. An assessment will also be made as to whether it is likely that any protected species may be present on site and potentially impacted by the proposed work, and whether any additional species surveys are required to fully assess the likelihood of any impacts.

The scope of the proposed project will also be assessed with regard to the BNG regulations (as described below), and whether there is a requirement for a BNG calculation to be made.

This report follows technical guidelines provided by CIEEM (Chartered Institute of Ecology and Environmental Management) and the habitat was classified following UK Habitat Classification guidance (see Appendices for full references).

The report has been written by the author on the front page, and does not contain any AI generated content.

1.2 Biodiversity Net Gain

Following the Environment Bill 2021, a demonstrable net gain in biodiversity is required for most new developments (with some specific exceptions). This is mandatory for most projects from 12th February 2024, and for small sites from 2nd April 2024. As part of the assessment the current biodiversity value of the landholding is calculated, and compared with the likely biodiversity value of the land after the development after taking account of enhancement measures prescribed by the ecologist. The aim is for a minimum of a 10% gain in biodiversity value of the land after completion of the development.

The standard means of calculating Biodiversity Net Gain (BNG) is using the Statutory DEFRA Matrix. Some projects are exempt from the requirement to carry out a BNG assessment as they have limited ecological impacts, are self-build projects or are householder applications.

1.3 Proposed works

It is proposed that the land is cleared and a residential property is built on the land. This is a self-build project. The proposed property will be a detached residence with 4 bedrooms and inbuilt garage.

As this is a self-build project it is exempt from BNG assessment, but biodiversity enhancements will be included in the recommendations.

1.4 Location

The property is located on the edge of the residential area of Whitehaven, adjacent to another new build property on the same road (grid reference NX965 168).

Figure 1 overleaf shows the location map, and figure 2 shows the location in context with surrounding habitat features and landscape.

Figure 1: Location of proposed development (red line)

OS Map copied under licence (No. 100055725)

Figure 2: Showing surrounding habitat and landscape features around the land-holding

Imagery date 2025

2. SURVEY METHOD

2.1 Desktop study

Aerial imagery and maps were used to assess likely habitats in and around the property. The DEFRA Magic website (www.magic.gov.uk) was used to ascertain whether any priority habitats has been identified on, or adjacent to, the site. Natural England and JNCC websites were used to obtain boundaries of any statutorily designated sites in the area.

2.2 Walkover survey

The walkover survey was carried out by Tamsin Douglas MCIEEM (South Lakes Ecology) on April 30th 2026. Weather was warm, dry and sunny with light winds and air temperatures of 21°C.

Habitats within the survey area were classed into standard UK Habitats Classification categories (UKHab 2023). The Professional edition of the UKHab guidance was followed, and habitats classed to level 5 of the hierarchy were applicable. An assessment was also made of the condition of the habitats on site, following guidance described in the BNG Metric methodology.

Evidence of and potential for protected species was assessed on the site on 30th April 2026. In particular, the potential for the following species/ animal groups was assessed, with brief analysis made following relevant best practice guidance:-

- Birds (wintering and breeding)
- Reptiles
- Amphibians
- Bats (roosting and activity)
- Terrestrial mammals.

2.3 Survey constraints

There were no constraints on access. The weather (sunny and warm with light breeze) was suitable for carrying out botanical surveys and for seeing diurnal wildlife species.

The time of year was not ideal for assessing botanical quality of habitats, as many plants (notably grasses) have yet to come into flower, though many basal leaves were present.

The nesting bird season is still establishing, with many migrant birds not yet on territory. The potential for nesting birds, and other species (either nocturnal or more cryptic animals) was determined from the habitats present on site, surrounding habitats, local species distributions and the experience of the surveyor.

3. BASELINE ECOLOGICAL CONDITIONS

3.1 Desktop survey results

3.1.1 Protected and statutory sites search

There are no statutory protected sites on the site of the development. There are two protected sites nearby (to the west) – these are St Bees SSSI, and Solway Firth SPA (Special Protection Area). Both of these sites were designated primarily for their marine, coastal and inter-tidal habitats and species (especially breeding, wintering and migratory waterbirds and waders).

The land-holding is in the impact risk zone for these statutory sites. The nature of the proposed development and distance from the protected sites mean that there is no requirement for the LPA to consult with Natural England about this project (presuming this is classed as a householder application – if this is not the case then the LPA will need to consult with Natural England).

3.1.2 Notable habitats search

The Magic website indicated that there are no priority habitats mapped on the site of the development. There is 'Maritime Cliffs and Slopes' priority habitat 150m to the west of the proposed development on the upper shoreline, and deciduous woodland priority habitat 600m to the east. Between 1 and 2km from the land-holding there are 'saline lagoon' and 'ancient woodland' priority habitats.

None of these habitats are likely to be impacted by the proposals, as it has such a small sphere of influence.

3.2 Habitat survey results

The habitats were classified, following UKHab methodology (see methods section and appendices. Descriptions of the major habitats are given in section 3.2.2 below.

Photographs of the area of the proposed works are provided below, and at the end of the report.

3.2.1 Habitats recorded within survey area

- u1 Urban – allotment/ vegetated garden

3.2.2 Habitat descriptions

u1 – Allotment (urban)

The entire landholding is a former allotment, which has become overgrown with disuse/ lack of management. There are remnants of a duck paddling area and duck house, raised beds, cold frames, storage areas and fruit trees. Much of the vegetation has been recently cleared as the density of the vegetation made assessment of the area impossible. There is a small remaining patch of bramble, several densely planted fruit trees and some boundary scrub. The ground is now fairly bare with remnants of scrub and woody vegetation and a significant amount of allotment debris scattered throughout.

The boundary is fenced with a functional fence between the landholding and adjacent residence to the south, and a mixture of chainlink and wire fencing around the remainder of the plot.

There are no boundary hedgerows within the red line area.


Images 1 & 2. Looking east over the whole allotment, and over the orchard area at the eastern end


Images 3 & 4. The far western end of the allotment, and former duck house and paddling area (right hand image – no water visible as covered by debris).

There were several trees in the plot, which have been cleared to facilitate access (see image 2 above). These included fruit trees, some small conifers, a hazel, chestnut and two hawthorn. All were small trees/ scrub and will be lost as a result of the development.

There are some mature hawthorn shrubs alongside the property to the north (on the roadside verge) which may need to be trimmed back, but otherwise retained.

3.2.3 Habitat condition assessments

No condition assessments are required for urban habitats (u1).

3.2.4 Surrounding habitat

Immediately south of the property is a residential property with garden. To the immediate west is a track with dense bramble scrub and tall grassland, with a small arable field before the cliff habitat on the coast. To the immediate north and east are residential areas. The unmanaged track at the western end of the property provides a habitat link between rough grassland habitat to the north, and similar habitat to the south around the former colliery site.

3.3 Protected species scoping assessment

3.3.1 Birds

Nesting birds are likely within scrub and remaining trees on the site, and also in adjacent dense scrub and hawthorn bushes, particularly along the track to the west.

House sparrows were heard calling from the hawthorn bushes on the roadside to the north, and are likely to nest in nearby structures. Wren and blackbird were both heard calling – both of which could nest in the scrubby habitat in the immediate area.

The property is unlikely to support other nesting bird species (other than garden species), and is not suitable for any breeding or wintering coastal birds

3.3.2 Reptiles

The habitat on site is not especially suitable for reptiles in its' current state, though may have provided some limited shelter for them when it was overgrown. There is debris at the western end which is suitable for sheltering slow worm. Surrounding habitat to the west is broadly suitable for them – with the bramble edged track providing a habitat link to more extensive open and lightly managed areas. The unvegetated habitat now present on site is unlikely to support any other reptile species.

One immature slow worm was found at the western end of the site under a piece of corrugate sheeting (see below). No others were found despite and extensive search of the property.

Image 5. Slow worm amongst debris under corrugate sheet at western end of the allotment.

They are unlikely to use much of the remainder of the site, particularly the upper section where the soil is more compacted – but may be encountered under material and debris at the western end in small numbers.

3.3.3 Amphibians

There is a small paddling area (presumably for ducks), which is not visible as it is covered by so much debris (see image 4 above). There were no indications of use by any amphibians, and no amphibians seen under refugia in the allotment. There are no other waterbodies mapped in the immediate area (within 500m) – though there may be nearby garden ponds.

The habitat on site is not suitable for hibernating amphibians, but has limited value for foraging/ dispersing individuals – especially with the proximity of the nearby habitat corridor to the west.

The closest record of great crested newts on the MAGIC mapping app is 3.5km south-east. There were no closer records found, or any licence returns within this distance.

3.3.4 Bats

There are no suitable features on site for roosting bats. They are very likely to forage over the site in suitable conditions, but the site is unlikely to be of key importance due to its size and lack of features of interest.

3.3.5 Terrestrial mammals

No signs of terrestrial mammals were seen. The site is small and surrounded by housing, though has the habitat corridor to the west. It is unlikely to be used by larger mammals (such as badger), but could be used by hedgehogs. Habitat on site (before it was cleared) would have been suitable for foraging and resting hedgehogs.

Hedgehogs are recorded in the 2km square in which the property is located – with a recent (post-2000) record in the Cumbria Mammal Atlas. There are also recent records for red squirrel in this area – but the habitats in and around the site are not suitable for this species as there are no mature trees or wooded habitat corridors. There are no records for badger, otter or pine martin in this 2km square.

3.3.6 Other species

The site does not have any significant potential to support other notable animal groups- such as invertebrates.

4. Summary of Ecological Concerns

4.1 Habitats and Biodiversity net gain

4.1.1 Priority habitats and protected sites

The project is highly unlikely to impact on any nearby priority habitats or protected sites – it is very limited in extent and has a small sphere of influence.

4.1.2 BNG

The project is exempt from BNG regulations as it is a self-build project. Following best practice guidance some enhancement measures are detailed below to encourage wildlife gains from the project.

4.2 Species

4.2.1 Birds

The project has limited potential to impact on widespread garden species (such as wren, robin or blackbird) which could use some of the scrub or structure on site to nest. Birds can start nest building from March, with nests active between then and early August. Active nests need to be left undisturbed – so it would be prudent to remove/ clear any areas over the autumn and winter prior to the spring nesting season to avoid any potential delays.

4.2.2 Reptiles

Slow worm have been identified on the site, and it is not especially suitable for any other reptile species. There is no good hibernation habitat on site, and the eastern half of the site has very limited suitability. The area is likely to be used between March and October (inclusive) in suitable weather conditions by transient animals using the habitat corridor to the west. Slow worm are protected under the 1981 Wildlife and Countryside Act (as amended) – which means that there need to be measures in place to ensure none of these reptiles get killed or injured during works.

It is not considered necessary to carry out a specific reptile survey, as they have already been proven to be present on part of the site, and a survey is unlikely to provide any additional information as the site is not large enough to support a breeding population.

4.2.3 Amphibians

There is a small pool on site, but this is not suitable for breeding amphibians due to its current condition, and there are no other ponds identified in the local area (within 500m). There is potential for terrestrial amphibians to take shelter on the site, especially under debris. There are no nearby records of great crested newt, so these are very unlikely to be encountered – but the more widespread newt species, common frog and common toad could be present when active (between February and November, inclusive).

4.2.4 Bats

There is no roosting habitat on site, and very limited foraging habitat – so there are no foreseen impacts on this group of mammals from this project.

4.2.5 Terrestrial mammals

The site is not suitable for larger mammals such as badger or otter (and there are no local records). Hedgehog could be present on site at any time of year (resting, feeding or hibernating) – especially in thicker vegetation and under debris. They could also be present in

adjacent scrub habitat. They are a priority species, so measures to ensure no negative impacts on hedgehogs are required for this project.

5. Avoidance, mitigation and compensation

5.1 Habitats

Adjacent corridor habitat

There are no notable habitats on site, but the track to the immediate west of the property provides a valuable wildlife corridor. The presence of this habitat makes it more likely that species of interest could be encountered on the property (see below). The development will sever this route on the eastern side of the track, which can have impacts for less mobile animals (or those less able to pass through open habitat, such as slow worm). As such, it is recommended that any boundary fencing is permeable to small animals (see hedgehog corridor below), and there is suitable vegetation at the western end of the garden to provide cover for species dispersing along this habitat corridor. This does not need to be native species – but shrubs and perennial vegetation that will provide shelter throughout the year would be ideal. If the garden is to have a compost heap – this would also be the ideal place for it (these are often used by slow worm as the decomposing vegetation provides warmth – and can be used as a nursery area when the young slow worms are born).

5.2 Species

Reptiles (notably slow worm)

As discussed above – slow worm have been observed on the property, and there is potential for them to use the western end for shelter under the debris. The plot does not provide good hibernation habitat (though it is possible the pile of chipped vegetation could be used if left over-winter), and is unlikely to support a significant number of reptiles due to the nature of the habitat on site. Use of the site is likely to be by transient animals, dispersing and foraging along the track on the western end of the garden. These animals are protected, so a robust working method is required to ensure that no animals are injured by the development. The main risk to these reptiles is injury during the site clearance.

The following methods should be followed:

1. Before any groundworks are undertaken, all debris should be lifted and removed by hand, and disposed of/ removed from site (ie in a skip). Any slow worm found should be carefully lifted (not by the tail) and released into adjacent habitat alongside the track away from the development (as should any other wildlife found such as toads or small newts). Slow worms are not venomous, and do not bite – they are legless lizards and feed mostly on slugs and small invertebrates, so there is no risk in picking them up to move them.

2. The pile of chipped material should be removed from site (a machine can be used as long as the other site debris has already been cleared – so there is no risk of crushing any reptiles).

3. Once the land is cleared of debris, there is little to attract the reptiles onto the property, so works can commence.

4. The bulk of construction is at the eastern end of the site, away from the habitat corridor. All materials delivered and stored on site should be placed on bearers

(preferably at the eastern end of site) to reduce the risk of slow worm taking shelter underneath them (they prefer tight crevices and cracks to open areas).

5. Any trenches/ holes should be covered when not being actively used (including overnight), and should be checked for any trapped animals (including amphibians and hedgehogs) before infilling.

6. Some sheltered habitat should be created for slow worms at the western end of the garden to maintain the habitat corridor along the track (see 5.1 above).

Hedgehog

No evidence of hedgehogs was found, but they are likely to be active in the local area, and the habitat corridor again provides suitable links from nearby areas – so they may use the plot on occasion. As a priority species, there should be measures in place to ensure no negative impacts on them and, where possible, include measures to improve the local habitat for them.

The main risk to hedgehogs within the plot is injury when the site is cleared. The cautionary approach for the slow worms (detailed above), should also ensure no impacts on hedgehogs – with any present carefully moved off site (using gloves). It is unlikely that hedgehogs would hibernate on the property in its current condition, but it would be better to carry out the site clearance before November when the weather cools and hedgehogs search for a place to over-winter. Any hedgehogs disturbed over winter would need to be cared for by an appropriate wildlife hospital/ facility.

The following cautionary measures should be followed:

1. Cautious site clearance, as described above. Dense vegetation (such as bramble) checked before strimming or clearing. All to be carried out before the end of October.

2. Provision of sheltered habitat at the western end of the garden after work completed (see 5.1 above).

3. Provision of access gaps at the north and south boundaries of the garden at the western end – to maintain the wildlife corridor along the track. These gaps in any wall or fence do not need to be large (roughly the size of a CD case is ideal), and should be at ground level. Plenty of guidance and extra information of hedgehog-friendly ideas on https://www.hedgehogstreet.org/

Breeding birds

Birds can be actively nesting any time between March and August, and these nests cannot be disturbed. As there are some potential nest areas on site, it is strongly recommended that the site is cleared of vegetation this autumn (from August onwards) to ensure no delays to construction in spring.

Compensation/ enhancement

The allotment would have provided some sheltered habitat for wildlife prior to its clearance – though the density of the vegetation would have limited its value. The new garden should include some wildlife-friendly planting, including at least 3 trees to compensate for the loss of the small trees on site. These can be native scrub species, or fruit trees.

General planters and flower beds are great for insects. Use perennial plants, shrubs or bulbs where possible, and have a range of flowering periods to ensure flowers are available between March and October when most insects are active. Spring flowering heathers are great for bumblebee queens just emerging from hibernation – and provide all year vegetation. Other good species for wildlife include: Lavender, Rosemary, Hebe shrubs, Hypericum (Hidcote variety), Geraniums, Knapweed, Echium, Dahlia (single bloom varieties only), small flowering cherry shrubs, Verbena, Pulmonaria, Borage, Valerian, and bulbs such as bluebell, crocus, daffodil & alliums.

The orientation of the proposed new property would provide ideal opportunities for providing nesting sites for birds. Sparrow nesting boxes, or boxes for small birds such as blue tit can be installed on the northern gable. Boxes should be erected heights above 2m (and in places unlikely to be accessed by predators such as cats). Given the exposed coastal location, longer lasting boxes are recommended, rather than wooden boxes. Woodcrete/ woodstone style ones are long lasting (though are heavier to initially erect), and easy to access to clean. There is a good range on https://www.birdfood.co.uk/nest-boxes/woodstone or https://www.nhbs.com/equipment .

6. REFERENCES

Bat Conservation Trust (2023) *Bat Surveys - Good Practice Guidelines* 4th edition. Bat Conservation Trust, London

Beebee T. (2013) *Amphibians and Reptiles* Pelagic Publishing

Butcher B., Carey P., Edmonds R., Norton L. and Treweek J. (2023) The UK Habitat Classification User Manual version 2.01 www.ukhab.org

Cumbria Biodiversity Data Centre https://www.cbdc.org.uk/data-services/cumbria-biodiversity-evidence-base/cbeb-interactive-map/

DEFRA BNG Metric – current version at https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides

DEFRA (2007) *Hedgerow Survey Handbook*

Gent A.H & Gibson S.D. *eds* (2003) *Herpetofauna Workers Manual* JNCC

Harris S. & Yalden D.W. (eds.) (2008) *The Handbook of British Mammals*, third edition Blackwell Scientific Publications, Oxford

Halliday G. (1997) *A Flora of Cumbria* University of Lancaster

Institute of Ecology and Environmental Management, Professional Guidance Series (CIEEM www.cieem.net) [Members only]

Mitchell-Jones, A.J. (2004) *Bat Mitigation Guidelines* English Nature, Peterborough

Mitchell-Jones, A.J. & McLeish A.P. (2004) *The Bat Workers' Manual* 3rd Edition. JNCC, Peterborough.

NCC (1990) *Handbook for Phase 1 Habitat Survey* JNCC Peterborough

Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000). *Evaluating the suitability of habitat for the Great Crested Newt* (Triturus cristatus). Herpetological Journal 10 (4), 143-155

Preston C.D., Pearman D.A. & Dines T.D. (2002) *New Atlas of the British and Irish Flora* Oxford University Press

Stace C.(2010) *New Flora of the British Isles* 3rd edition Cambridge University Press

Stott, M. *et al* (2002) *The Breeding Birds of Cumbria: a tetrad atlas 1997-2001*. Cumbria Bird Club

www.magic.gov.uk (Information on priority habitats, species and protected sites)

www.jncc.defra.gov.uk (Information on legal framework, BAP species and habitats)

Natural England Species Information Note SIN006 (2011) *Otter- European Protected Species* www.publications.naturalengland.org.uk

APPENDICES

Appendix 1.

Description of Wildlife Law and Legislation referred to in this document

National Planning Policy Framework & Biodiversity Net Gain
Current guidance recommends that planners ensure that all new developments:

- minimise impacts on biodiversity and protected sites
- safeguard wildlife-rich habitat and wider ecological networks
- promote conservation/ restoration and enhancement of priority habitats and ecological networks
- promote protection/ recovery of priority species

BNG
Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

Nesting birds
Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured. Under this legislation their nests and eggs are also protected from being damaged, destroyed or taken (this includes nests in the process of being built as well as those with eggs and/or chicks in).

Birds which are listed in Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are protected by special penalties at all times. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

Bats
Bats have declined in numbers dramatically across the UK and Western Europe in recent decades. Key factors linked to their decline are loss of roosting places due to building works and woodland destruction. Other factors implicated in their decline are changes in the countryside resulting in habitat loss and greater fragmentation of foraging habitats, and severing of commuting flightlines due to transport developments and hedgerow destruction.

As a consequence of these significant declines, bats and their roosts are protected under British and European law.

All bats are listed under Annexe IV of the EU Habitats Directive, and some under Annexe II. This law is transposed into English law into the Conservation of Habitats and Species Regulations (2010). Bats are also protected in the UK under the Wildlife and Countryside Act 1981 (as amended).

As a result of the above legislation it is an offence to;

- Deliberately capture, injure or kill a bat,
- Disturb a bat such that their survival, reproductive capacity, or the well being of the local population is affected
- Intentionally or recklessly disturb a roosting bat, or block access to its roost.

Reptiles
The four widespread species of reptile (common lizard, slow-worm, grass snake and adder) receive partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9(5). It is an offence to intentionally kill, injure, sell, or to advertise for sale, any of these species without an appropriate licence. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

Amphibians
The four widespread species of amphibian (common frog, common toad, smooth newt and palmate newt) receive partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9(5). It is an offence to sell or possess (dead or alive) these species. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

Great crested newts are a European Protected Species, and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence for anyone intentionally to kill, injure or disturb a great crested newt, to possess one (whether live or dead), or sell or offer for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by great crested newt for shelter.

Red Squirrel
Red squirrels have been declining in Britain for many decades, largely as a consequence of the introduction of grey squirrel. They currently receive full protection under the Wildlife and Countryside Act 1981 (as amended).

Red squirrels and their resting places are fully protected in Britain, it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places; it is also an offence to disturb them in their breeding or resting places.

Otter
Otter, their breeding sites and resting places are protected under Schedule 5 of the WIldlie and Countryside Act 1981 (as amended). They are also a European Protected Species - under the EC Habitats Directive, (transposed into domestic law through the Conservation (Natural Habitats &c) Regulations 1994 (as amended).

It is an offence to disturb, harm or kill an otter, or damage their breeding or resting places.

Badger
Badger is a protected species under the Protection of Badgers Act 1992 which makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so;

or to recklessly interfere with a sett. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

Guidance as to best working practices around badger setts have been developed, to minimise disturbance to these animals.

Biodiversity Action Plans – Species and Habitats

The UK Biodiversity Action Plan (UK BAP) was published 1994, in response to the Convention on Biological Diversity (CBD), which the UK signed up to in 1992 in Rio de Janeiro. National and Local action plans were developed for the most threatened species and habitats.

The plans, and species and habitats to which they related are reviewed and updated regularly. The current lists can be found on the JNCC website. These have now been succeeded by NERC Act 2006 (see below) but are still commonly used for guidance.

Natural Environment and Rural Communities (NERC) Act 2006

Section 41 of the NERC Act 2006 requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act. This purpose of this list is to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

56 habitats of principal importance are included on the S41 list. These are all the habitats in England that were identified as requiring action in the UK Biodiversity Action Plan (UK BAP) and continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework. There are 943 species of principal importance included on the S41 list. As above, these are the species found in England which were identified as requiring action under the UK BAP and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework.

Appendix 2. Photographs

Photo 1.
Looking north along the path/ track providing a habitat corridor along the edge of the urban area.

Photo 2.
Looking south along the habitat corridor. Slow worm found under metal sheet in foreground of photo.

Photo 3.
Large pile of shredded vegetation – small risk of use by hibernating slow worms, so should be removed as soon as site cleared – before end of October – to minimise risk of injuring a slow worm.

Photo 4.
Eastern section of plot – much less habitat suitability for reptiles, including slow worm.

Photo 5.
Northern boundary showing maturing hawthorns on the road edge – to be retained.