

Berewood, Phase 8, Havant

Ecological Mitigation Strategy

Prepared in Respect of
Condition 6(ii)f of Outline Planning Consent
APP/10/00828

November 2024

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1 Introduction

1.1 Background

1.1.1 Outline planning consent was granted by Havant Borough Council in March 2013 (ref. APP/10/00828) for the erection of a residential redevelopment scheme comprising approximately 187 dwellings car and garage spaces, associated landscaping and open space at Berewood, Phase 8, Havant, herein referred to as 'the site'.

1.1.2 The planning consent is subject to a number of conditions including Condition 6(ii)f which requires the preparation of an Ecological Mitigation Strategy (EMS) and states:

'No development hereby permitted shall commence in a reserved matters area until plans and particulars specifying the detailed proposals for all of the following aspects of the same [herein called 'the reserved matters' and the 'other matters'] have been submitted to and approved in writing by the Local Planning Authority for that reserved matters application. Thereafter the development hereby approved shall be carried out in accordance with the approved details: . . .

f. Details of ecological mitigation measures (informed by up – to – date ecological surveys and assessment, the details of which shall be submitted to and approved by the Local Planning Authority) required for each reserved matters application, including both ecological works directly related to that reserved matters area and any works associated with that development area but outside of the boundary of that area. Ecological mitigation measures should be in accordance with measures set out within the approved Environmental Statement.'

1.2 Purpose of the Report

1.2.1 Aspect Ecology has been commissioned by Bloor Homes Southern to prepare an Ecological Mitigation Strategy (EMS) to detail how the development works will be managed in accordance with the requirements of the above condition, so as to minimise the risk of harm to biodiversity and to comply with relevant protected species legislation. The EMS has been informed by an ecological walkover carried out by Aspect Ecology in September 2024. This involved a walkover of the site in order to check on current habitat conditions and to identify any changes from the previous situation as reported in the Ecological Appraisal (LC Ecological Services, October 2022) submitted at outline stage. In addition, during the walkover the current potential for the site to support any protected species was re-assessed, with a specific survey carried out to check for the presence of any Badger setts.

2 Risk Assessment of Potentially Damaging Construction Activities

2.1 2024 Update Survey Findings

2.1.1 The 2024 ecology walkover survey determined that the site remains largely as described within the 2022 Ecological Appraisal. The site remains dominated by semi-improved grassland with earth mounds present in the north-east of the site, areas of disturbed ground colonised by ephemeral / short perennial vegetation and a species-rich native hedgerow at the eastern site boundary. The only change recorded during the 2024 survey was the presence of a patch of scrub and two large areas of tall ruderal in the south of the site.

2.1.2 With respect to protected species, no additional constraints were identified beyond the area of scrub in the south of the site, which has potential to supporting nesting birds during the relevant season (March to August). The semi-improved grassland and eastern boundary hedgerow also continue to provide potential for nesting birds. No evidence of any Badger setts was recorded. The site continues to offer foraging and commuting habitat for low numbers of bats. Reptiles were previously found to be absent from the site but are present in the wider area and the site is suitable for reptiles, therefore reptiles continue to be assessed as potentially present. Great Crested Newts were previously assessed to be likely absent on-site; no change to this assessment results from the recent walkover survey. Hazel Dormice are known to be present within woodlands across the wider Berewood development site, however the site itself is now rather isolated from the woodlands due to ongoing development. The only feature with potential to support Dormice is the eastern boundary hedgerow.

2.2 Risks

2.2.1 There is the risk of construction activities adversely impacting on-site/adjacent habitats and protected species through the following activities:

- Damage to retained hedgerow and associated trees through compaction of roots as a result of tracking of plant or storage of plant/materials and/or direct contact;
- Disruption of nocturnal fauna (e.g. bats) commuting and foraging activity through increased on-site lighting during construction;
- Trapping, killing or injury of Badgers, Hedgehogs and other small mammals during construction;
- Killing or injury of Dormouse during removal of hedgerow section to create pedestrian connection;
- Trapping, killing or injury of herptiles during construction; and
- Destruction of bird nests during vegetation clearance.

3 Ecological Protection Measures

3.1 In order to mitigate against the potential adverse effects detailed in Chapter 2, the following mitigation and safeguarding measures will be implemented at the site during site clearance and construction.

3.2 Responsible Persons

3.2.1 Prior to the commencement of works, in order to ensure mitigate against potential effects on protected species and/or habitats, the site manager will take responsibility, or appoint a person to be responsible for ensuring the following:

- Compliance with any legal consents / licences relating to nature conservation;
- Compliance with any planning conditions relating to nature conservation;
- Installation of physical protection measures during development works;
- Implementation of sensitive working practices during development works;
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during development works; and
- Provision of training and information about the importance of the 'Biodiversity Protection Zone' to all personnel on site.

3.3 Ecological Clerk of Works

3.3.1 Prior to the commencement of works the developer shall be responsible for appointing a suitably qualified and experienced Ecological Clerk of Works. The Ecological Clerk of Works will be responsible for ensuring the following:

- Pre-construction checks with regards to habitats and species, as required;
- Production and delivery of inductions, toolbox talks and communications to contractors, as required;
- Provision of ecological supervision, as required;
- Monitoring of construction activities for compliance in respect of biodiversity;
- Implementation of the agreed methodology for ecological works;
- Advising on/overseeing the construction of any mitigation features that are required as part of the project, including habitat creation and the installation of specific structures for species mitigation and enhancement, in accordance with those shown on Plan 6898/2; and
- Completion of relevant documentation on an ongoing basis.

3.4 Biodiversity Protection Zone

3.4.1 The only habitats of ecological value within the site that is to be retained and requires protection is the existing hedgerow and associated trees. A Biodiversity Protection Zone shall be set up around the hedgerow (see Plan 6898/CEMP1). The following measures are to be implemented in respect of the Biodiversity Protection Zone during construction.

3.4.2 **Protective Fencing.** The Biodiversity Protection Zone will be demarcated by protective fencing, such as Heras fencing, or similar in accordance with the Tree Protection Plan. The protective fencing shall be erected prior to any relevant site preparation or construction activities commencing. The fencing shall be labelled with appropriate signage detailing the importance of the Biodiversity Protection Zone and outlining that no works are to be undertaken within the Biodiversity Protection Zone without prior agreement with the advising ecologist.

3.4.3 The site manager or suitably appointed person will be responsible for inspecting the protective fencing on a daily basis on parts of the site where construction activities are taking place. If required, a checklist will be produced for the purposes of the inspections and will be maintained with other site data sheets for the duration of the project.

3.4.4 In instances where it is necessary for specific works to be undertaken within the Biodiversity Protection Zone, such as the erection of scaffolding, installation of services and other relevant ancillary operations, these activities will only be undertaken following prior approval by the Ecological Clerk of Works and arboricultural consultant, as necessary. Such works may require direct supervision by the Ecological Clerk of Works/arboriculturalist.

3.4.5 **Pollution Prevention (Air Quality).** In order to safeguard the Biodiversity Protection Zone the following dust control and abatement measures will be implemented during construction:

- Machinery, fuel and chemical storage and dust generating activities shall not be located close to Biodiversity Protection Zone;
- Should this not be possible then the Biodiversity Protection Zone shall be protected by the use of dust barriers/screens where practicable;
- Surfaces and dusty activities will be damped down as required by the use of agreed wet cleaning methods or mechanical road sweepers during periods of dry weather;
- All relevant loads entering and leaving the site will be covered;
- Stock piles of materials shall exist for the shortest possible period of time and be kept away from the Biodiversity Protection Zone; and
- Any fires will only be lit in secure compounds away from the Biodiversity Protection Zone (minimum 10m) and not allowed to remain lit during the night.

3.4.6 **Pollution Prevention (Water Quality/Surface Run-off).** Best management practice will be followed in accordance with the advice previously issued by the Environment Agency in their Pollution Prevention Guidelines (PPG) or relevant updated documents, which will essentially reduce potential pollution impacts to nil. The following key safeguards will be implemented at the site:

- During all construction works, good site management will ensure that pollution incidences are kept to a minimum. This will include checking all machinery for any oil-leaks and installing drip trays as required;

- Appropriate spillage kits or absorbent materials will be held on site and staff informed of what to do in an emergency. An up-to-date drainage plan should be maintained, hazards identified and a contingency plan drawn up, giving advice on what action to take and who to inform;
- Storage areas for chemicals, fuels, etc. will be sited well away from the Biodiversity Protection Zone (minimum 10m), and stored on an impervious base within an oil-tight bund with no drainage outlet;
- Where possible, and with prior agreement of the sewage undertaker, silty water should be disposed of to the foul sewer or via another suitable form of disposal, e.g. tanker off-site;
- Water washing of vehicles, particularly those carrying fresh concrete and cement, mixing plant, etc. will be carried out in a contained area as far from the Biodiversity Protection Zone as practicable (minimum 10m), to avoid contamination; and
- Refuelling of plant will take place in a designated area, on an impermeable surface, away from the Biodiversity Protection Zone (minimum 10m).

3.5 Faunal Protection Measures

3.5.1 The following measures will be implemented to safeguard any protected species should they be present on-site at the time of works.

3.5.2 **Reptiles and Amphibians - Vegetation Clearance.** The site is unlikely to support a resident population of reptiles or amphibians. However, some limited suitable foraging and sheltering habitat is present for these species groups which may potentially utilise the site on occasion. Precautionary safeguards will therefore be implemented during vegetation clearance works to safeguard any amphibians or reptiles that may be present at the time of works. Such measures are set out below:

- Prior to the commencement of vegetation clearance, a toolbox talk will be delivered by the Ecological Clerk of Works to all contractors assisting with relevant works.
- The toolbox talk will outline the legislation protecting reptiles, a brief methodology of works to be undertaken to safeguard herptiles and identification of common British amphibian and reptile species.
- Depending on the prevailing management at the time of works, e.g. whether the grassland has been maintained as a short sward through cutting or left unmanaged, the grassland within the development area will be cut during the active herptile season and during suitable weather conditions (approx. March to October and temperatures above 10°C with no rain).
- The grassland will be cut to a short height (~150mm) so as to encourage any reptiles and amphibians to disperse to suitable areas of nearby habitat. Prior to the cut a walkover by an ecologist will be completed to check for and rescue any herptiles. Strimming works of areas where grassland is tussocky, or may cover natural refugia habitat, will be supervised by the ecologist;
- Cutting/trimming works will be undertaken at a slow steady pace working in a southerly direction towards areas of suitable, retained habitat, allowing herptiles and other wildlife to relocate;

- All arisings will be completely removed from the working area to prevent potential areas of refugia from being used by herptiles moving across the development area;
- Any log piles or potential refuge for herptiles will be dismantled by hand under ecological supervision;
- In the unlikely event that GCN are encountered, relevant works will cease whilst the ECoW determines whether or not consultation with Natural England and the potential acquisition of a licence is necessary for works to resume.

3.5.3 Bats – Lighting. Light spill onto retained habitat during the construction phase of the development (in particular the Biodiversity Protection Zone) will be minimised in accordance with good practice guidance¹ to reduce potential impacts on light-sensitive bats (and other nocturnal fauna). This will be achieved through the implementation of a sensitively designed lighting strategy, with consideration given to the following key factors:

- **Light exclusion zone** – no lighting shall be used on the retained hedgerows or trees;
- **Variable Lighting Regimes** – VLRs will be employed, involving the switching off/dimming of lights during the night, when construction activity has ceased;
- **Light intensity** – the light intensity (i.e. lux levels) of lights that are required to be left on overnight (e.g. for security reasons) will be kept as low as possible to reduce the overall amount and spread of illumination. The type of light will also be considered, for example lights with high ultraviolet content (e.g. metal halide or mercury lights) will be avoided or fitted with UV filters; and
- **Directionality** – to avoid light spill lighting should be directed only to where it is needed. Particular attention should be paid to avoid the upward spread of light so as to minimise trespass and sky glow.

3.5.4 As an enhancement for bats, a number of bat boxes / roost features are to be included within the development (see Plan 6898/2).

3.5.5 Badgers, Hedgehogs and Other Wild Mammals – Construction Safeguards. In order to safeguard Badgers, Hedgehogs and any other wild mammals should they enter the site during construction works, the following safeguarding measures will be implemented:

- Any trenches or deep pits within the site that are to be left open overnight will be provided with a means of escape should a wild mammal enter. This could simply be in the form of a roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
- Any temporarily exposed open pipes will be blanked off at the end of each working day so as to prevent wild mammals gaining access as may happen when contractors are off-site;
- Any trenches/pits will be inspected each morning to ensure no wild mammals have become trapped overnight. Should a Badger become trapped in a trench it will likely attempt to dig itself into the side of the trench, forming a temporary sett. Should a trapped Badger be encountered a suitably qualified ecologist will be contacted immediately for further advice;

¹ Stone, E.L. (2013) 'Bats and lighting: Overview of current evidence and mitigation guidance.' Bat Conservation Trust, Institution of Lighting Professionals (2023). 'Guidance Note GN08/23: Bats and Artificial Lighting at Night.'

- The storage of topsoil or other 'soft' building materials in the site will be given careful consideration. Badgers will readily adopt such mounds as setts. So as to avoid the adoption of any mounds, these will be kept to a minimum and any essential mounds subject to daily inspections with consideration given to temporarily fencing any such mounds to exclude Badgers;
- The storage of any chemicals at the site will be contained in such a way that they cannot be accessed or knocked over by any roaming wild mammals;
- A watching brief will be maintained by contractors and/or the Ecological Clerk of Works where appropriate, for Hedgehog and other small mammals throughout any clearance works;
- Any piles of material already present on site, particularly vegetation/leaves, etc. and any areas of dense scrub or hedgerows, shall be dismantled/removed by hand and checked for Hedgehog prior to the use of any machinery/disposal;
- Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs occupying the pile. If this cannot be avoided, material should be stored within a container such as a skip to prevent animals from gaining access. Any material which has been stored on the ground overnight should be moved prior to burning to allow a thorough check for any animals which may have been occupying the pile;
- Fires will only be lit in secure compounds and not allowed to remain lit during the night;
- In the event that an injured Hedgehog is found, the animal should be wrapped carefully in a towel, the British Hedgehog Preservation Society (BHPS) phoned (01584 890 801) and the Hedgehog taken to a local vet or wildlife rescue centre immediately; and
- Unsecured food and litter will not be left within the working area overnight.

3.5.6 Dormouse – Precautionary Safeguards during Works. No vegetation clearance will be undertaken between June and early September when adult Dormice have dependent young. Supervised clearance will be conducted in either of the following two ways depending on the time of year works take place (active season or inactive season).

Active season (May or September/October)

- At this time of year Dormice are active and all young are independent. Clearance at this time of year can be carried out in a single stage with all vegetation and stumps removed at the same time.
- Prior to clearance the area of vegetation will be inspected by a licensed ecologist to record any Dormouse nests in the area.
- If no Dormice are recorded then clearance will take place with the use of hand tools in one direction towards the retained habitat.
- The noise of the machinery and contractors will cause any Dormice in the area to move out of the working area.
- Any stumps in the area can then be removed.

Inactive season (November to April)

- Clearance carried out between November and April will be carried out in a two stage clearance.
- Prior to clearance the area of vegetation will be inspected by a licensed ecologist to record any Dormouse nests in the area.
- Clearance of above ground vegetation will be carried out with hand tools with vegetation cleared to no lower than 10cm from the ground. The stumps will remain in place over the winter to avoid the risk of encountering any hibernating Dormice.
- No sections larger than 50sqm will be cleared in this manner to ensure that any Dormice emerging from hibernation are not isolated from suitable habitat.
- The stumps can then be removed in May once Dormice are active. The stumps will be inspected by a licensed ecologist prior to removal.

3.5.7 If Dormice are encountered during works Natural England will be contacted for further advice and this may result in a European Protected Species licence being obtained.

3.5.8 **Nesting Birds – Vegetation Clearance.** Any clearance of suitable bird nesting habitat such as trees and scrub shall ideally be undertaken outside of the bird nesting season (i.e. outside March to August inclusive). If this is not practicable, any potential nesting habitat to be removed will first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off with a suitable buffer and protected until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of any vegetation clearance. As an enhancement for birds, a number of bird boxes / nesting features are to be included within the development (see Plan 6898/2).

4 Timing of Works

4.1 The table below highlights the months that specific precautionary safeguards/mitigation works can be undertaken.

Mitigation Measures	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Habitat management and destructive search for herptiles			*							*		
Clearance of hedgerow section to be timed to avoid sensitive Dormouse window and to be single or two-stage process depending on time of year (per Chapter 3).	x	x	x	x							x	x
Vegetation clearance without ecological supervision (to protect nesting birds)			!	!	!	!	!	!				

Key:

-  Optimal time for works
- * Weather / temperature dependent (ambient temperature >10°C)
- x No stump grinding (to safeguard hibernating dormice)
- ! Nesting bird survey required prior to vegetation clearance (no more than 3 days in advance)

5 Conclusions

- 5.1 The Ecological Mitigation Strategy (EMS) has been produced to assist with the discharge of Condition 6(ii)f of the outline planning consent (ref: APP/10/00828) for Berewood, Phase 8, Havant.
- 5.2 This document provides information on how the development works will be managed, so as to minimise the risk of harm to biodiversity and to comply with the relevant protected species legislation. In addition, details of proposed ecological enhancements are provided.
- 5.3 It is concluded that subject to the implementation of the measures detailed above, Condition(ii)f can be safely discharged.

Plan 6898/EMS1:

Biodiversity Protection Zone



- Key:
-  Site Boundary
 -  Biodiversity Protection Zone
 -  Tree Protection Fencing

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Berewood, Phase 8, Havant

Biodiversity Protection Zones

6898/EMS1

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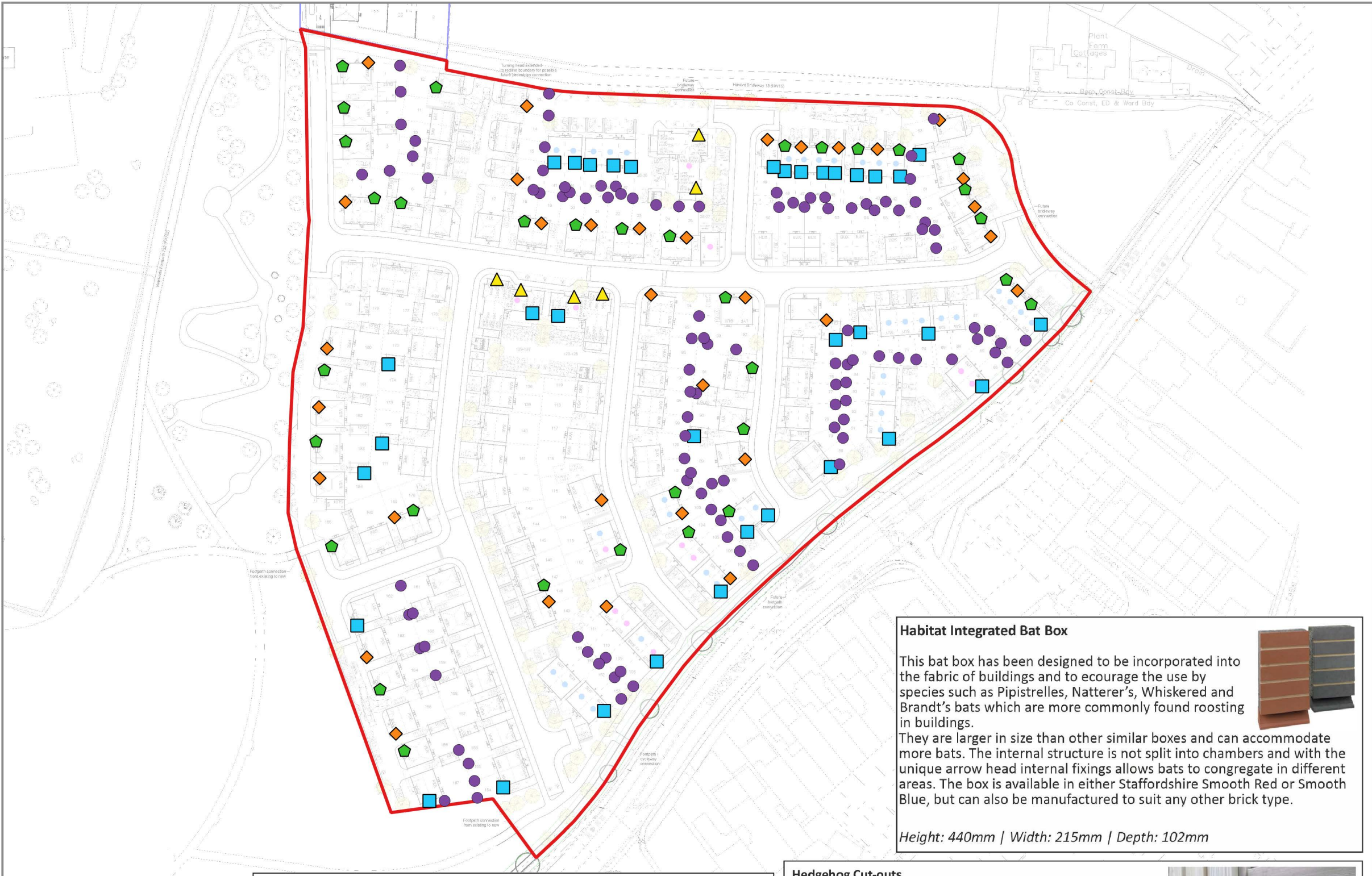
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Plan 6898/EMS2:

Ecological Enhancements



- Key:
- Site Boundary
 - Habitat integrated bat box
 - Habitat sparrow terrace
 - Hedgehog Cut-out
 - Integrated starling box
 - Swift Brick box

Habitat Integrated Bat Box

This bat box has been designed to be incorporated into the fabric of buildings and to encourage the use by species such as Pipistrelles, Natterer's, Whiskered and Brandt's bats which are more commonly found roosting in buildings.

They are larger in size than other similar boxes and can accommodate more bats. The internal structure is not split into chambers and with the unique arrow head internal fixings allows bats to congregate in different areas. The box is available in either Staffordshire Smooth Red or Smooth Blue, but can also be manufactured to suit any other brick type.



Height: 440mm | Width: 215mm | Depth: 102mm

Swift Box - Smooth Brick

The Swift Box is a large, solid box made of insulating concrete with an internal nesting space, which can be incorporated into the fabric of a building as it is built or renovated. The box is designed to be both unobtrusive and aesthetically pleasing.



Dimensions 328 mm wide x 150 mm high x 200 mm deep

Hedgehog Cut-outs

Gaps will be provided to allow free movement of hedgehogs and other small mammals between gardens post-development. Gaps can take the form of a dropped area of ground under fencing, or of a specific cut-out in the gavel board. Specific Hedgehog-friendly gavel boards can be purchased from a number of suppliers.

Dimensions:
Minimum cut-out size: 150mm x 150mm



Starling Box - Smooth Brick

The Starling Box is a large, solid box made of insulating concrete with an internal nesting space which can be incorporated into the fabric of a building as it is built or renovated. It is supplied unpointed so it can be matched as closely as possible to the building.



Dimensions 215 mm wide x 215 mm high x 150 mm deep

Habitat Terraced Sparrow Nest Box

The Habitat Terraced Sparrow Box is a solid box made of insulating concrete which provides an internal roost space, and can be seamlessly integrated into the fabric of a building as it is built or renovated. The access hole is specifically design to accommodate sparrows.

Dimensions: 215(h) x 440(l) x 150(d) mm. Weight 2.8kg



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Berewood, Phase 8, Havant

Ecological Enhancements

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Appendix 6898/1:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett[#] (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CROW) Act for England and Wales 2000.** The CROW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017 (as amended).** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

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