

April 2022

Preliminary Ecological Appraisal Survey Report

Site address: The Foreman's Centre, Headcorn, Ashford, Kent

Prepared on behalf of: Town Centre Parking (Headcorn) Ltd

Document ref:	FEL/6793	Survey date	21 st April 2022
Planning ref:	<i>Unknown</i>	Survey type	Preliminary Ecological Assessment
Grid ref	TQ 831440	Surveyor	R Ferrett

Validity of Report

This report should be read in full and detailed guidance given in this report must be followed to avoid breaching legislation regarding protected species and Habitats. This report is valid for two years from the date of the survey visit. Should works be delayed to later than one year after the survey then a further update survey of the site would be required as habitats change over time, along with their potential to support protected species.

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1 – OVERVIEW

Site address	The Foreman's Centre, Headcorn, Ashford, Kent TN27 9NE
On behalf of	Town Centre Parking (Headcorn) Ltd
Survey date	April 2022
Proposals	5 residential properties with associated parking and private amenity space.
Planning reference	n/a
Baseline Information	Site Location Plan provided (BDB Design), Ecological Mitigation Strategy - (CLM, 2017), Proposed building and site plans and Elevations (Milton Studio)
Ecology surveyor/s	Richard Ferrett – BSc (Hons) Ecologist Liam Mattingly – BSc (Hons) Assistant Ecologist

Quick Results Summary

The survey identified the following concerns regarding protected species. *Please note these are further analysed and evaluated in sections 4 and 5 of this report.*

Species of concern	Impact Level	Recommendations
Nesting birds	<i>Moderate</i>	Any removal works to trees/vegetation should be done outside nesting bird season (Mar-Aug inclusive). Where not viable, an ecological clerk of works will need to be present to check for nesting activity prior to undergoing works.
Bat Activity	<i>Low</i>	The site has negligible roosting and foraging opportunities. Local records indicate a commuting bat population and a lighting strategy which takes commuting activity into consideration is necessary.
Great Crested Newt	<i>Negligible</i>	As a precautionary approach, amphibian mitigation has been recommended. Any habitat scheduled for removal within 5m of the northern and western boundary must be accompanied by an Ecological Clerk of Works to conduct a destructive search.

2 – INTRODUCTION

Background

A Preliminary Ecological Appraisal has completed by Fellgrove in response to a planning application at an area of land south of The Forman Centre, Tallow Court off High Street, Headcorn. The purpose of this survey was to identify potential for protected habitats and species present in relation to development and to provide a baseline assessment of current site conditions regarding any ecological issues which may arise as a result of the development proposals.

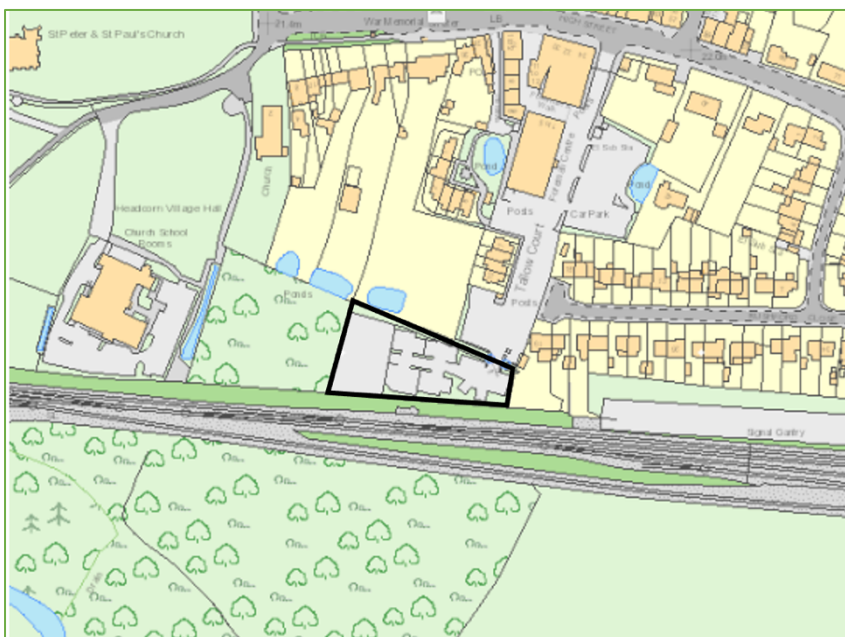
Context

With particular consideration for nationally protected species, this report outlines the methods the results of the Preliminary Ecological Appraisal (PEA) in accordance with CIEEM and UK Habitat Guidelines. It provides recommendations made for further survey work, mitigation, and enhancement where necessary. The site location and immediate surrounding area were easily accessible and surveyed in fair weather conditions during April 2022.

Development Proposal

The planning application is for the construction of five residential properties with two storeys associated parking and private amenity space. The existing hardstanding within the site are to be demolished for the new development.

Figure 1 - Site Location Plan



Site Description

The application site is south of The Forman Centre located at TQ 83390 4456. The site is predominantly brick paved hardstanding used for parking. There are some deciduous trees and some ornamental plants around the border of the site.

There is a dry ditch along the northern boundary and railway line to the south. To the west is an area of overspill carparking. There are residential gardens to the east.

Surveyor/s

The site surveyors were Richard Ferrett and Liam Mattingly. The author of this report was Richard Ferrett. Richard BSc (Hons), Ecologist currently holds survey licenses for Great Crested Newts and continues his ecological professional development. Liam Mattingly BSc (Hons) is currently working toward a protected species licence and continues his ecological professional development.

Important Ecological Features

The built-up carpark has some bordering ornamental plants (u1) and tree lines (W1g5) identified on site which could support be nesting birds during nesting bird season. See *Photographs 2,4,8, and 9*.

Purpose of Survey

Key considerations when surveying this site were to:

- identify significant ecological features present on site.
- identify potential for any ecological features to support protected species.
- to survey and assess both the proposed development site and surrounding local area.
- to include all relevant statutory and non-statutory designated sites as part of the survey.
- to provide an overview of ecological impacts on proposed development.

The results and data obtained from the field survey will be used to provide recommendations for further surveys where necessary and to detail enhancement / biodiversity measures to be taken where appropriate, following best practice timelines.

Baseline Site Information

Starnes previously completed The Foreman Centre, a mixed-use development at Headcorn. The commercial fronts the High St in the centre of Headcorn, adjacent the Sainsburys and Factory Shop. The residential element, Tallow Court is located to the rear and comprises of 11 units.

After completing the development, a 0.16-hectare site situated to the rear of the Foreman Centre was retained, which has previously been used as a car park, but is no longer in use.

Planning permission was obtained in 2017 for a 2-storey office building (ref: 17/502362/FULL) with a certificate of Lawful Development implemented. Herptile fencing was installed to satisfy ecological conditions (Red Key Concepts). Maidstone Borough Council have confirmed via pre-app likely support for this development.

3 – METHOD

Field Survey (PEA)

The Preliminary Ecological Appraisal followed the methodology outlined in the JNCC (2010) Handbook for Phase 1 Survey and the UK Habitats Classification System. A map showing habitat types and locations on site is included (see *Appendix A*). Where no evidence of a protected species was identified with no suitable habitats for them, then further surveying for that species can be ruled out.

The general likelihood of protected species being present ranges in a scale from extremely unlikely (negligible) to highly likely (confirmed). The judgement of the surveyor combined with knowledge of habitats present, signs and sightings of animals and evidence from records was used to give an estimated likelihood of presence (see *Appendix C – Likelihood of Species Presence Guidelines*).

The protected species most found commonly on potential development sites are bats, birds, reptiles, amphibians (including Great Crested Newts) and terrestrial mammals (badgers, dormice, water voles).

Desk Study

A desk data search of the site was made using freely available public databases. A search of the MAGIC website (www.magic.defra.gov.uk) was carried out to determine any statutory designated nature conservation sites within 2km of the site and any EPS Licences granted within the same search area.

The ordnance survey 1:25000 scale map for the area was also examined for evidence of water bodies within 250m of the site which might be potential great crested newt breeding sites. (See also *Figures 2 and 3*).

The MAGIC search results found records of one designated site within 2km (SSSI), eight Great Crested Newt protection license applications and areas of ancient and protected woodland.

4 – SURVEY RESULTS

Table 1 – Statutory and Non-Statutory Designated Sites

Designation	Name	Description
Site of Special Scientific Interest (SSSI)	<i>River Beult</i>	An SSSI is a conservation legal designation denoting a protected area in the United Kingdom. The River Beult is a tributary of the River Medway in Southeast England.
Local Wildlife Sites (LWS)	<i>River Sherray</i>	Areas of substantive nature conservation value with an important contribution to ecological networks in the local landscape. LWS' include woodland, grassland and wetland habitats and associated species of conservation importance.
Biodiversity Opportunity Area <i>Non-site-specific designation</i>		The aim of BOAs' is to establish a strategic framework for conserving and enhancing biodiversity at a landscape scale, making our wildlife more robust to changing climate and socio-economic pressures.
Local nature Partnerships <i>non-site-specific designation</i>		Bringing together local organisations, businesses and people who want to improve their local natural environment.
Countryside Management Partnerships <i>non-site-specific designation</i>		Helping to manage habitats and landscapes, and link communities to those areas.

Figure 2 – MAGIC Map – Statutory and Non-Statutory Sites (2km)

Source: www.magic.defra.gov.uk

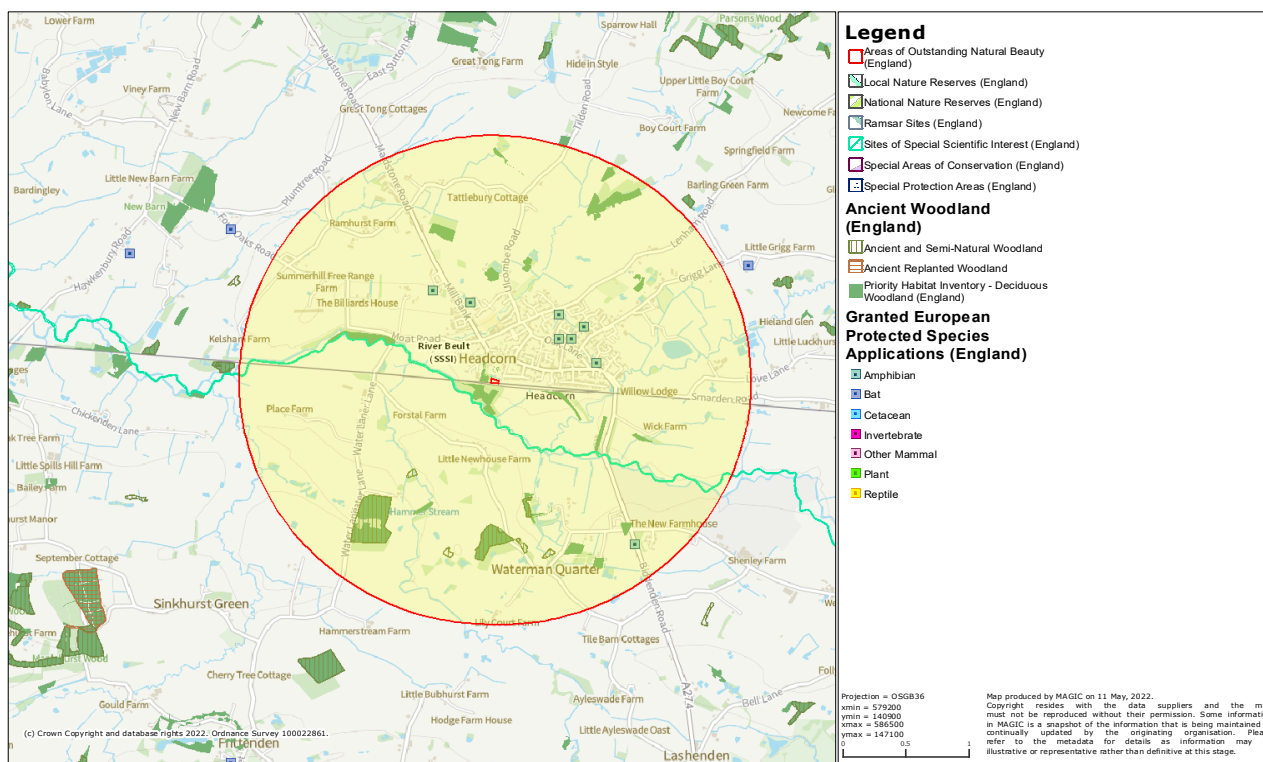
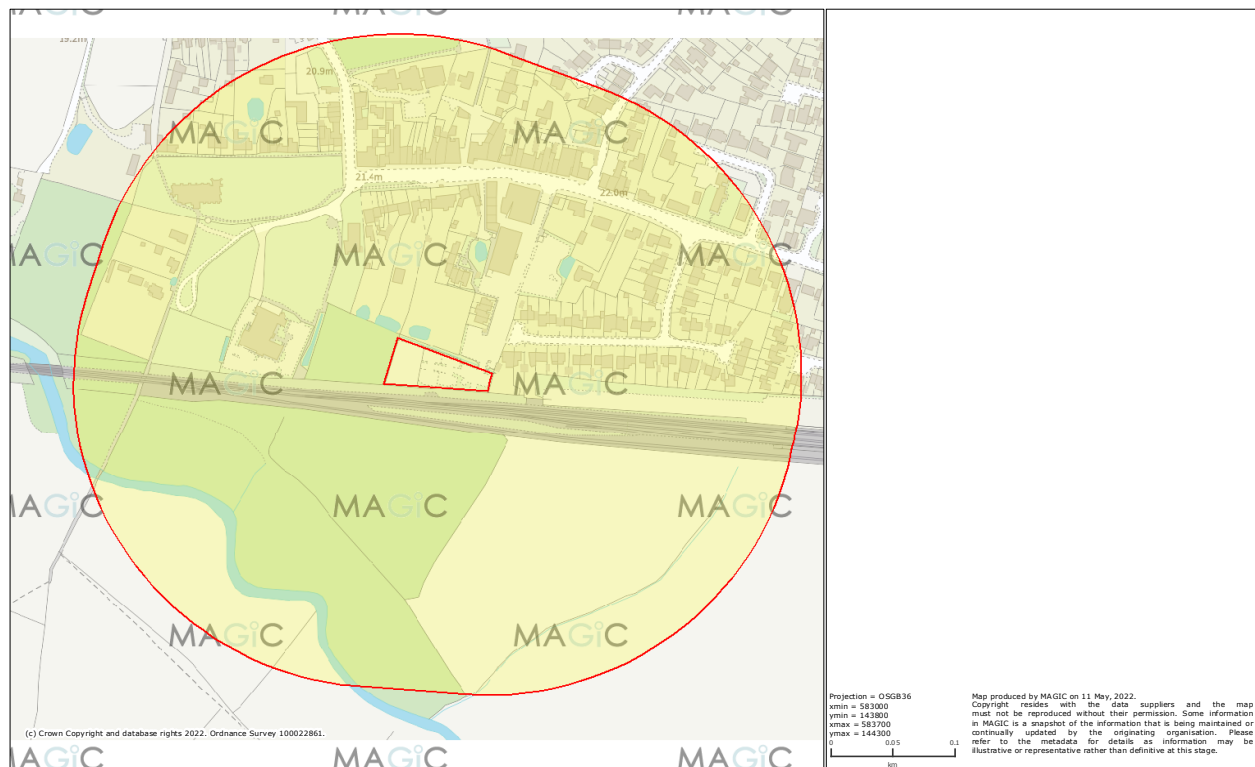


Figure 3: Magic Map (2km) – Waterbodies within 250m**Table 2 - Protected Species Records within 2km - Source: NBN Atlas 2022**

Species		Scientific name	Date	Notes
Herptile	Great Crested Newt	<i>Triturus cristatus</i>	2017	
	Slow-Worm	<i>Anguis fragilis</i>	2018	
Other mammals	Hedgehog	<i>Erinaceus europaeus</i>	2021	
	Eurasian Badger	<i>Meles meles</i>	2021	
Bats	Brown Long-eared Bat	<i>Plecotus auritus</i>	2019	
	Soprano Pipistrelle	<i>Pipistrellus pygmaeus</i>	2019	
	Noctule Bat	<i>Nyctalus noctule</i>	2007	
	Pipistrelle Bat	<i>Pipistrellus pipistrellus</i>	2019	
Wild birds	House Martin	<i>Delichon urbicum</i>	2011	
	Waxwing	<i>Bombus garrulus</i>	2012	
	Greenfinch	<i>Chloris chloris</i>	2015	
	Goldfinch	<i>Carduelis carduelis</i>	2017	
	Chaffinch	<i>Fringilla coelebs</i>	2017	
	Brambling	<i>Fringilla montifringilla</i>	2007	
	Reed Warbler	<i>Acrocephalus scirpaceus</i>	2008	
	House Sparrow	<i>Passer domesticus</i>	2019	
	Tree Sparrow	<i>Passer montanus</i>	2008	
	Sparrowhawk	<i>Accipiter nisus</i>	2017	

Field Survey

The following habitat types were identified on site:

Table 3 – Onsite Habitat Assessment

Habitat Type	Description	Ecological features	Impact level
Grassland			
n/a	n/a	n/a – not present	n/a
Vegetation			
R1e	Dry ditch along the northern boundary. Also see Photographs 21 and 22.	Foraging potential for birds	Low
Buildings			
n/a	n/a	n/a – not present	n/a
Trees			
W1g5	Line of standing trees along the borders of the site. See photographs 2,4,8 and 9.	Nesting potential for birds	Low
Land			
U1	The built-up carpark has some ornamental plants around its borders. See photograph 9.	Nesting potential for birds	Low
U1b	Developed land which is currently a sealed surface carpark. See photographs 1 to 20.	n/a - not present	Negligible

Table 4– Protected Species Survey Results Evaluation

Protected species or features	Potential presence (Negligible, Low, Medium, High)	Suitability of Habitat	Evidence of presence on site or data suggesting likely presence
Badger / Badger Setts	Negligible	No suitable habitat within the proposed site.	None found.
Bats / Bat Roosts	Low	Bats have been recorded within the local area; The site has negligible roosting and foraging but because of the local bat population a lighting strategy that takes bat commuting activity is necessary.	The site has negligible potential for bats. Many local records of bats are present.
Breeding Birds	Moderate	There are trees and some ornamental shrub on the border of the site, this is of moderate concern for nesting birds if any clearance work is planned during nesting season. The presence of an Ecow is recommended during any clearance of vegetation during the nesting bird season.	Nesting potential within onsite ornamental shrub and standing trees.
Dormice	Negligible	No suitable habitat within the proposed site.	None found.
Great crested newts	Low	No suitable habitat that is planned to be removed within the site. There is a dry ditch that isn't planned for removal which will be suitable terrestrial habitat for GCN. There are also nine ponds within 250 m of the proposed site. As a precautionary approach, The presence of an Ecow is recommended during any clearance of vegetation along the ditch.	Local GCN records and 8 license applications within 2km of the site.
Reptiles	Negligible	No suitable habitat within the proposed site.	There are local records of Slow worm within the last twenty years.
Other mammals or wildlife	Negligible	There is no suitable habitat for hedgehog within the proposed site.	There are local records of hedgehog.
Invasive Species	None	Although there are ornamental plants there was no evidence of Japanese knotweed or giant hogweed found or seen on site.	

5 – RECOMMENDATIONS

Badger

The survey found no field signs of badger. The site contains no suitable foraging habitat for badgers due to hardstanding and lack of suitable sett opportunities and badger potential is considered negligible.

No Further recommendations.

Bats

The survey found no field signs of bats or potential roost features. Bats have been recorded within the local area and therefore bat commuting activity must be considered with a lighting strategy.

A bat sensitive lighting strategy is recommended.

Birds

The survey found one old nest during the survey and active birds within the site.

The trees and some ornamental shrub on the border of the site provide nesting potential, this is of moderate concern for nesting birds if any clearance work is planned during nesting season and these areas should first be inspected by an ecologist.

Any clearance completed during March – September inclusive will need an Ecow present.

Dormouse

The survey found no field signs of Dormouse no records of dormice in the last twenty years and the proposed build site itself and immediately adjacent habitats have low to negligible foraging and nest making potential.

No Further recommendations

Amphibians

The survey found no field signs of Amphibians. However, there are records of Great Crested Newt in the last twenty years and eight great crested newt license applications within 2km of the site. The current proposed build site itself does not present any suitable habitat as it is a car park.

Any habitat that is scheduled for removal within 5m of the northern and western boundary must be accompanied with an Ecological Clerk of Works to conduct a destructive search.

This will reduce the possibility of any reptiles or amphibians being impacted by the development. If at any point great crested newt are encountered on site, any works in progress must stop and a Protected Species licence application be prepared and submitted to Natural England.

Amphibian mitigation strategy is recommended.

Reptiles

There are local records of Slow worm within the last twenty years. There is no suitable habitat within the proposed site because of this no further surveys have been recommended.

No Further recommendations

Other protected species

The survey found no field signs of Hedgehog and there are local records, the proposed build site itself have negligible foraging potential.

No Further recommendations

Invasive Species

No important invasive species were found on site. As no important invasive species were found no precautions are required relating to these, however, should workers subsequently find species such as Japanese knotweed or giant hogweed on site works should stop within 7m of the area until further advice can be sought from an ecologist or specialist knotweed or invasive species control contractor.

Protected Sites

There were no protected or priority habitats within the proposed development area.

In the interest of the protection of retained habitats, The submitted Arboriculture report setting out the tree protection plans with details of the locations and specifications of protection fencing must be followed. This fencing will also serve as a barrier to protect retained habitats.

6 – ENHANCEMENTS

Recommendations for Biodiversity

Planning policy requires new developments to be enhanced for biodiversity. The existing proposals are considered to determine whether biodiversity enhancements are offered and whether they are adequate to meet the policy requirements. Again, national, regional, county and borough policies are considered. Achieving an increase in local wildlife can be cost effective and simple.

All new planting should be of native species of local provenance that will have a value as forage and cover for species using the site.

Planting associated with the proposed development should include native, flower rich species, including those that flower in the late and early seasons to benefit pollinators, such as bumblebees where appropriate.

7 – SUMMARY

The survey has achieved the initial objectives and meets the brief by providing an assessment of the broad habitat types and the potential for protected species plus explanation of methods used and further recommendation have been made.

There were no survey limitations, and the surveyor was given access to all required areas of the site. Further surveys and mitigation measures have been recommended where appropriate for protected wildlife. These surveys will help determine what species-specific mitigation measures are necessary. Basic habitat enhancement measures have also been suggested.

The proposed development area on land at The Foremans Centre, Headcorn, Ashford Kent is considered a low ecological impact proposal. The footprint of the building is within the brick pave hardstanding area.

However, there is low nesting bird potential within the trees and shrubs and if any works are planned as part of the development proposal, bird surveys will be necessary depending on whether the trees and scrubland are worked on during bird nesting season (March-August inclusive).

The survey highlighted potential for terrestrial newts within the areas just outside the building footprint. As a precautionary approach, amphibian mitigation has been recommended.

8 – REFERENCES

- Bat Conservation Trust (2016) Bat Survey Guidelines
- Bat Conservation Trust, Chartered Institute of Ecology and Environmental Management (2006).
- Bright, et al (2006) Dormouse conservation handbook. 2nd Edition. English Nature, United Kingdom
- Chartered Institute of Ecology and Environmental Management (2018) Guidelines for Impact Assessments in The UK and Ireland. United Kingdom
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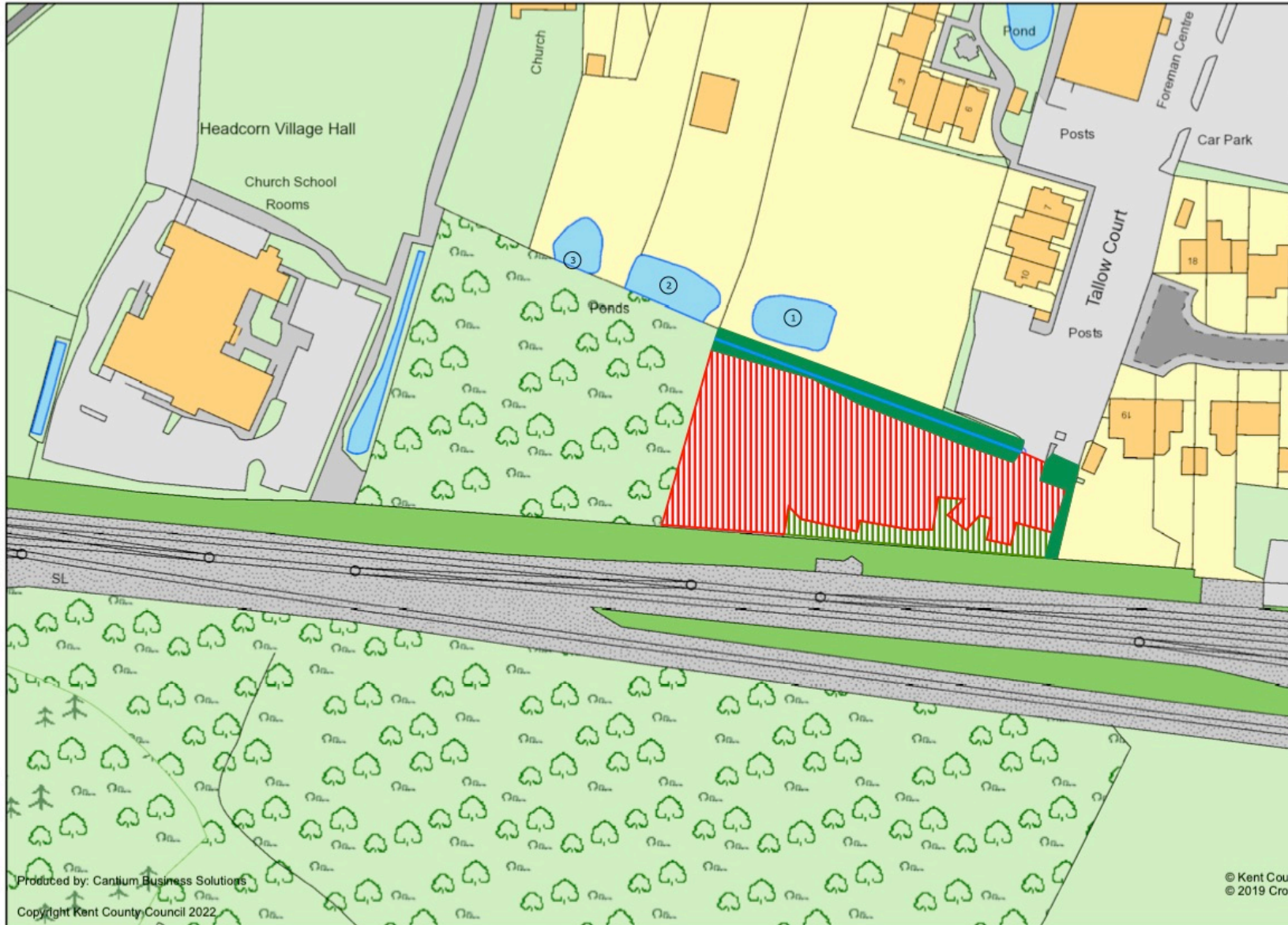
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- Kent Landscape Information System KLIS (2021) United Kingdom
- UK Biodiversity Action Plan <http://www.jncc.defra.gov.uk/>
- MAGIC Mapping www.defra.gov.uk - United Kingdom

9 – APPENDICES

(continued below)

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Status	Planning		
Project	The Foreman Centre, Headcorn		
Drawing title	PEA location plan		
Rev	Description	Date	
-	-	-	
-	-	-	
-	-	-	
Scale	Date	Drawing Number	Rev
NTS	06/06/22	6793_PEA	V01

- Site boundary ○
- Developed land / Sealed Surface - U1b ▨
- Row of Trees - Wag6 ●
- Ornamental plants - U1 ▨
- Dry Ditch - R1e ●
- Target Notes ①
- 1: Pond (1)
- 2: Pond (2)
- 3: Pond (3)

APPENDIX B	
Likelihood of Species Presence Guidelines	
Confirmed	<ul style="list-style-type: none"> Species directly observed on site Clear evidence of species presence observed (e.g., droppings, burrows, etc.)
High	<ul style="list-style-type: none"> Important structures or features of use for breeding or refuge present. For instance, ponds for newts, old trees for bats. Significant amount of high-quality foraging habitat present Site adjacent to surrounding areas of suitable habitat, or connected by linear features of use to commuting species (e.g., river) Site close to known offsite species populations
Medium	<ul style="list-style-type: none"> Some features suitable features / foraging habitat for breeding or refuge present. Site connected to suitable offsite areas of habitat
Low	<ul style="list-style-type: none"> Small amounts of low-quality areas for refuge or breeding Small areas suitable for foraging Site not connected to suitable offsite habitats or species not likely to enter site.
Negligible	<ul style="list-style-type: none"> No suitable habitat on site

APPENDIX C**Survey Photographs**

1



2



3



4



5



6



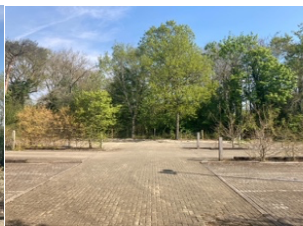
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12



13



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15



16



17



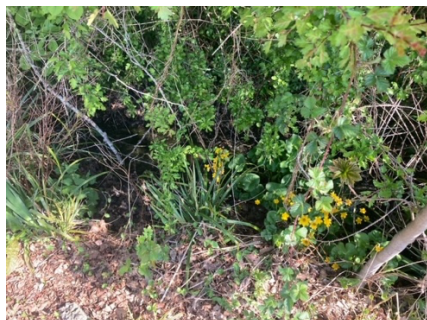
18



19



20



21: Dry ditch



22: Dry Ditch

APPENDIX D

Policy and Legislation (United Kingdom)

This section contains details of legislation and planning policy applicable in Britain only and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

The EC Habitats Directive is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain. Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

The Conservation of Habitats and Species Regulations 2010 (as amended) does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g., Foraging, breeding or dispersal purposes are also considered. The sand lizard, smooth snake, natterjack toad and great crested newt receive full protection under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. The pool frog is also afforded full protection under the same legislation. Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard, and slow worm, thus avoiding contravention of the Wildlife and Countryside Act 1981 (as amended).

Under The Wild Mammals (Protection) Act 1996 all wild mammals are protected against intentional acts of cruelty under the above legislation.

The Protection of Badgers Act 1992 consolidates the previous Badger Acts of 1973 and 1991. A Development License will be required from the relevant countryside agency (e.g., Natural England) for any development works liable to affect an active badger sett, or to disturb badgers whilst in the set.

Depending on the nature of the works and the specifics of the sett and its environs, badgers could be disturbed by work near the sett even if there is no direct interference or damage to the sett itself. The countryside agencies have issued guidelines on what constitutes a licensable activity. N.B. there is no provision in law for the capture of badgers for development purposes and therefore it is not possible to obtain a licence to translocate badgers from one area to another.

Bats and all species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. Bats are also currently protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5.

Dormice (*Muscardinus avellanarius*) are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. Dormice are also currently protected under the Wildlife and Countryside Act 1981 (as amended) through inclusion on Schedule 5.

Birds (all), with certain exceptions, their nests, and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). In Scotland only, intentionally, or recklessly obstruct or prevent any wild bird from using its nest. Certain species of bird, for example the barn owl, black redstart, hobby, bittern, and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). Those species of bird listed on Schedule 1 are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Wild Plants (with certain exceptions) are protected under the Wildlife and Countryside Act 1981 (as amended). This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them. Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010 (as amended).

Invasive Plant Species and certain species of plant, including Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera* are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Such species are generally non-natives whose establishment or spread in the wild may be

detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to plant or otherwise cause these species to grow in the wild. Although it is not an offence to have these plants on your land per se, it is an offence to cause these species to grow in the wild. Therefore, if they are present on site and development activities (for example movement of spoil, disposal of cut waste or vehicular movements) have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this happening prior to the commencement of works.

Under The Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' such as spear thistle *Cirsium vulgare*, creeping thistle *Cirsium arvense*, curled dock *Rumex crispus*, broad-leaved dock *Rumex obtusifolius*, and common ragwort *Senecio jacobaea*. It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

The National Planning Policy Framework (NPPF) (2019) describes the Government's planning policies for England and how these should be applied.

National Statutory Designated Areas and important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory Sites of Special Scientific Interest (SSSIs) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as National Nature Reserves which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (Natura 2000 network) and globally (such as Wetlands of International Importance). See subsequent sections for details of these designations. Improved provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

The Wildlife Countryside Act 1981 (as amended) also provides for the making of Limestone Pavement Orders, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of Marine Nature Reserves, for which byelaws must be made to protect them.

Regionally Important Geological and Geomorphological Sites (RIGS) are the most important places for geology and geomorphology outside land holding statutory designations such as SSSIs. Locally developed criteria are used to select these sites, according to their value for education, scientific study, historical significance, or aesthetic qualities. As with local Wildlife Sites, RIGS are a material consideration when planning applications are being determined.

The Hedgerow Regulations 1997 are intended to protect 'important' countryside hedgerows from destruction or damage. A hedgerow is considered important if (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys are covered by these regulations. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are not.

The National Planning Policy Framework replaced PPS9 and emphasizes the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration, and re-creation. The protection and recovery of priority species – presumably those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.