

Desk Study for Land North of Keens Lane, Guildford

Worplesdon Parish Council

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| Author | Isobel Girvan BSc (Hons) MCIEEM - Principal Ecologist | Date | 08/05/2018 |
| Reviewer | Lorraine Parish MSc BSc (Hons) MCIEEM - Senior Ecologist | Date | 08/05/2018 |
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1. Introduction

- 1.1. Surrey Wildlife Trust (SWT) Ecology Service was commissioned on 23rd April 2018 by Worplesdon Parish Council to undertake a desk study of land north of Keens Lane, Guildford (central grid reference: SU977524). This report outlines the results of the desk study.
- 1.2. It is our understanding that the site is allocated for approximately 150 homes (C3) including some self-build and custom house building plots and a care home (C2) with approximately 60 beds (Guildford Borough Submission Local Plan: Strategy and Site, December 2017¹).

2. Methodology

- 2.1. Surrey Wildlife Trust Ecology Services commissioned a data search for the land north of Keens Lane, Guildford which was undertaken by Surrey Biodiversity Information Centre (SBIC). The data search included details of statutory and non-statutory designated sites within 2km, and records of protected species and species of conservation concern within 1km.

3. Results

- 3.1. Key results arising from the desktop study are summarised below. The full results of the data search undertaken by the Surrey Biodiversity Information Centre (SBIC 2018) are presented in Figure 1, with maps presented in Figure 2.
- 3.2. Legislation and policy relating to the data search is presented in Figure 3 (and as part of the data search in Figure 1).

Statutory and non-statutory designated sites

- 3.3. The statutory and non-statutory designated sites located within 2km are presented Table 1 (with further information presented in Figure 1).

Thames Basin Heaths SPA (Whitmoor Common) / Whitmoor Common SSSI

- 3.4. The boundary of the Thames Basin Heath SPA is located approximately 288m north-east of the boundary of land north of Keens Lane, Guildford. It is understood that part of the site is located within 400m of the Thames Basin Heath SPA, and part is located within the zone of influence, i.e. within 400m to 5km of the Thames Basin Heath SPA.
- 3.5. The Thames Basin Heath Special Protection Area Delivery Framework (the 'Delivery Framework') sets out the Thames Basin Heaths Joint Strategic Partnership Board's (JSPB) recommendations on measures to enable the delivery of dwellings within the vicinity of the SPA – without having a significant effect on the SPA as a whole (JSPB 2009). The Delivery Framework document focuses on avoiding the impact of recreation and urbanisation on the SPA habitat and interest features.

¹ <http://www.guildford.gov.uk/newlocalplan/CHttpHandler.ashx?id=26746&p=0>

- 3.6. The Delivery Framework includes key principles that set out the overarching context for the recommendations within the Delivery Framework. This includes the following guidance:

All net new residential development - when considered either alone or in combination with other plans and projects - is likely to have a significant effect on the SPA and should therefore provide or contribute to the provision of avoidance measures. Developments can provide - or make a contribution to the provision of - measures to ensure that they have no likely significant effect on the SPA. In doing so, residential development will not have to undergo an appropriate assessment...The option remains for developers to undertake a Habitats Regulations screening assessment and where necessary a full appropriate assessment to demonstrate that a proposal will not adversely affect the integrity of the SPA...A three prong approach to avoiding likely significant effect on the SPA is appropriate..., however this framework focuses on the two prongs of SANG (Suitable Alternative Natural Greenspace) and access management, which the JSPB currently considers are the most appropriate avoidance measures.

- 3.7. The Delivery Framework then sets out the JSPB's recommended approach to the provision of avoidance measures. This includes the following guidance in relation to location:

'Within 400m of the SPA (measured as the crow flies from the SPA perimeter to the point of access on the curtilage of the dwellings) the impact of net new residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect on the SPA. There should therefore be a presumption against development within this zone – an Appropriate Assessment will be needed to demonstrate that any development will not have an adverse effect on the SPA and/or the acceptability of any avoidance measures provided..'

'The avoidance measures recommended in the Delivery Framework should be applied within a 'Zone of Influence' - defined as the area from 400m from the perimeter of the SPA (measured as the crow flies to nearest part of the curtilage of the dwelling) to 5km from the perimeter of the SPA, (measured as the crow flies from the primary point of access to the curtilage of the dwelling)....In exceptional circumstances it may be appropriate for local authorities to modify the extent of this zone to take account of physical obstructions to cat, or human movement or access...'

- 3.8. The Delivery Framework includes measures recommended by the Board to avoid any likely significant effect of development on the SPA. This guidance includes the following:

'The suite of avoidance measures should be provided in order that it can function in perpetuity...'

In relation to Suitable Alternative Natural Greenspace (SANG) the guidance states that:

...The provision of alternative recreational land to attract new residents away from the SPA is a key part of the three pronged approach set out above...'

- 3.9. The statutory nature conservation agencies have a duty under the Wildlife and Countryside Act 1981, as amended, to notify any area of land which in their opinion is 'of special interest by reason of any of its flora, fauna, or geological or physiographical features'. Such areas are known as Sites of Special Scientific Interest (SSSIs).
- 3.10. Natural England's Impact Risk Zones for SSSI define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The IRZs also cover the interest features and sensitivities of European sites, which are underpinned by the SSSI designation.
- 3.11. The reasons for notification of the Whitmoor Common SSSI are outlined in Table 1 (below).

Protected species and Species of Principal Importance

4. A summary of the Protected Species and Species of Principal Importance / Conservation Concern located within 1km of the site are presented in Table 2 (below) and a summary of the relevant legislation provided in Figure 3.

Table 1: Statutory and non-statutory designated sites²

| Site name | Reason for designation ¹ | Distance from allocated site (km) |
|--|---|-----------------------------------|
| Statutory designated sites: | | |
| Thames Basin Heaths SPA / Whitmoor Common SSSI | Thames Basin Heath SPA: Blocks of extensive yet fragmented lowland heathland, supporting significant populations of three specialist ground-nesting birds including - Nightjar, Woodlark & Dartford warbler. Whitmoor Common is an extensive area of London Basin heathland characteristic of the soils of the Bagshot and Bracklesham beds. The site contains a range of heathland habitats, as well as areas of woodland, grassland and both standing and running water. A mosaic of wet heath and acidic grassland dominated the open areas. The site is the location of a rare spider, a scarce beetle, and two plants which occur only rarely in Surrey. It supports many characteristic heathland birds. | 288m |
| Whitmoor and Rickford Commons LNR | The Whitmoor and Rickford Commons LNR was designated 2003 and covers 189.2 ha. | 288m |
| Non-statutory designated sites: | | |
| Chitty's Common SNCI | Secondary broadleaved wet and dry woodland, grassland, scrub and ponds. This site supports a good breeding population of Great Crested Newt (<i>Triturus cristatus</i>). | Within 1km |
| Stringers Common SNCI | Open access site supporting broad-leaved semi-natural Oak-Birch woodland and Willow scrub, with remnant patches of wet acid grassland and heath. Recommended by Surrey Bird Club as a good site for two RSPB "Amber" Listed birds. | Within 1km |

² The grid references for each site are presented in the data search provided by SBIC (Figure 1).

| | | |
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| Broadstreet Common and Backside Common SNCI | Public access site supporting significant areas of unimproved acidic and mesotrophic grassland, as well as semi-improved grassland, broad-leaved semi-natural woodland, scrub, ponds and a stream. | Within 1km |
| Ellis's Field and Marne's Field SNCI (Field at Rye Farm and Marne's Field) | The site is selected for its unimproved and semi-improved grassland habitat with a long history of positive management. The site's position is important with Rickford Common Site of Nature Conservation Importance immediately to the west and Whitmoor Common Site of Special Scientific Interest to the south. | Within 2km |
| Slyfield Meadow and Riverside Park SNCI | The site comprises a mosaic of dry grassland, fen, swamp, wet meadows, open water, scrub and ancient semi-natural woodland. Of particular significance is one of the largest expanses of fen swamp in Surrey which supports a number of county scarce plants and has considerable bird and invertebrate interest. | Within 2km. |
| Merrist Wood House Meadow SNCI | Unimproved mesotrophic grassland. | Within 2km |
| Merrist Wood SNCI | Broadleaved semi-natural, mixed and coniferous plantation woodland, part ancient. | Within 2km |
| Littlefield Common SNCI | Public access site supporting relict wet and dry heath, as well as locally significant Alder wood. There are a several protected amphibians. | Within 2km |
| Rickford Common SNCI | Public access site supporting relict wet and dry heath, as well as locally significant Alder wood. There are a several protected amphibians. | Within 2km |
| Worplesdon Village Green SNCI | Selected for the presence of Chamomile (<i>Chamaemelum nobile</i>), a vulnerable Surrey species. | Within 2km |
| Jacobs Well Village Ponds SNCI | Selected for supporting 'good' populations of all three species of native newt; Palmate Newt (<i>Triturus helveticus</i>), Smooth Newt (<i>Triturus vulgaris</i>) and Great Crested Newt. The surrounding terrestrial habitat includes scrub and rank grassland surrounding ponds and a drain running along the southern boundary. | Within 2km |

| | | |
|-----------------------|--|------------|
| Poor Jack's Wood SNCI | The site principally comprises coniferous woodland on former heathland with remnant heathland species along the edges of open rides and in cleared areas. Selected as important site for heathland birds, including Nightjar (<i>Caprimulgus europaeus</i>), & conifer woodland supporting heathland species | Within 2km |
|-----------------------|--|------------|

Table 2: Protected Species and Species of Principal Important / Conservation Concern

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|-------------------------------|----------------------|---------------------|-------------------------------|--------------------------------|-----|------|---|------------------|-------------------|
| Amphibians | | | | | | | | | |
| <i>Bufo bufo</i> | Common Toad | | Sch 5, Section 9 (5a) | | ✓ | | | Various wetlands | Common, declining |
| <i>Lissotriton helveticus</i> | Palmate Newt | | Sch 5, Section 9 (5a) | | | | | | |
| <i>Lissotriton vulgaris</i> | Smooth Newt | | Sch 5, Section 9 (5a) | | | | | | |
| <i>Rana temporaria</i> | European Common Frog | | Sch 5, Section 9 (5a) | | | | | | |
| <i>Triturus cristatus</i> | Great Crested Newt | Sch 2 | Sch 5, Section 9 (4b, 4c, 5a) | | ✓ | | | | Local, declining |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|-------------------------|---------------|---------------------|--------------------------|--------------------------------|-----|-------|---|---|------------------------------------|
| Reptiles | | | | | | | | | |
| <i>Anguis fragilis</i> | Slow Worm | | Sch 5, Section 9 (1, 5a) | | ✓ | | | Various | Common, possibly declining |
| <i>Natrix natrix</i> | Grass Snake | | Sch 5, Section 9 (1, 5a) | | ✓ | | | Various | Locally common |
| <i>Vipera berus</i> | Adder | | Sch 5, Section 9 (1, 5a) | | ✓ | | | Calcareous grassland, Heathland | Local, declining |
| <i>Zootoca vivipara</i> | Common Lizard | | Sch 5, Section 9 (1, 5a) | | ✓ | | | Various | Locally common, possibly declining |
| Birds | | | | | | | | | |
| <i>Alauda arvensis</i> | Skylark | | | | ✓ | Red | | Calcareous & Acid grassland, Arable field margins | Locally common, possibly declining |
| <i>Alcedo atthis</i> | Kingfisher | | Sch 1 (1) | | | Amber | | Rivers, Standing water | Local |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|------------------------------|--------------|---------------------|-----------|--------------------------------|-----|-------|---|---|--|
| <i>Caprimulgus europaeus</i> | Nightjar | | | | ✓ | Amber | | Heathland | Local, increasing |
| <i>Cuculus canorus</i> | Cuckoo | | | | ✓ | Red | | Various | Local, declining |
| <i>Emberiza citrinella</i> | Yellowhammer | | | | ✓ | Red | | Hedgerows, Arable field margins, Heathland | Local, declining |
| <i>Emberiza schoeniclus</i> | Reed Bunting | | | | ✓ | Amber | | | Local, possibly stable/recovering |
| <i>Falco tinnunculus</i> | Kestrel | | | | | Amber | | Various | Common resident, possibly declining |
| <i>Linaria cannabina</i> | Linnet | | | | | Red | | Heathland, Hedgerows, Arable field margins | Local, declining |
| <i>Lullula arborea</i> | Woodlark | | Sch 1 (1) | | ✓ | | | Heathland | Local, possibly recovering |
| <i>Milvus milvus</i> | Red Kite | | Sch 1 (1) | | | | | Mixed deciduous woodland | Re-introduced, increasing |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|-------------------------------|--------------------|---------------------|-----|--------------------------------|-----|-------|---|---|-------------------------------------|
| <i>Passer domesticus</i> | House Sparrow | | | | ✓ | Red | | Urban, Hedgerows | Common resident |
| <i>Phylloscopus trochilus</i> | Willow Warbler | | | | | Amber | | Heathland, Wet woodland | Local, declining |
| <i>Picus viridis</i> | Green Woodpecker | | | | | Amber | | | |
| <i>Prunella modularis</i> | Dunnock | | | | | Amber | | Various | Common resident |
| <i>Pyrrhula pyrrhula</i> | Eurasian Bullfinch | | | | | Amber | | | Local, possibly stable/recovering |
| <i>Scolopax rusticola</i> | Woodcock | | | | | Red | | Mixed deciduous/Wet woodland | Local breeder, declining |
| <i>Streptopelia turtur</i> | Turtle Dove | | | | ✓ | Red | | Wood-pasture & parkland, Hedgerows | Very rare, declining |
| <i>Strix aluco</i> | Tawny Owl | | | | | Amber | | Mixed deciduous woodland, Wood-pasture & parkland | Common resident, possibly declining |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|----------------------------|------------------|---------------------|-------------------------------|--------------------------------|-----|-------|---|--|-------------------------------------|
| <i>Sturnus vulgaris</i> | Starling | | | | | Red | | Urban | Common resident |
| <i>Sylvia undata</i> | Dartford Warbler | | Sch 1 (1) | | | Amber | | Heathland | Local resident, fluctuating |
| <i>Tringa tetanus</i> | Redshank | | | | | Amber | | Standing water | Very rare breeder, declining |
| <i>Turdus philomelos</i> | Song Thrush | | | | | Red | | Various | Common resident |
| <i>Turdus viscivorus</i> | Mistle Thrush | | | | | Red | | Mixed deciduous woodland, Wood-pasture & parkland | Common resident, possibly declining |
| Mammals | | | | | | | | | |
| <i>Arvicola amphibius</i> | Water Vole | | Sch 5, Section 9 (4a, b, c) | | ✓ | | | | |
| <i>Eptesicus serotinus</i> | Serotine | Sch 2 | Sch 5, Section 9 (4b, 4c, 5a) | | | | | Mixed deciduous woodland, Wood-pasture & parkland, Urban | Locally common |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|----------------------------------|--------------------|---------------------|-------------------------------|--------------------------------|-----|------|---|--------------|----------------------------|
| <i>Erinaceus europaeus</i> | European Hedgehog | | | | ✓ | | | | Locally common, declining |
| <i>Neomys fodiens</i> | Water Shrew | | Sch 6 | | | | | Wet woodland | Local |
| <i>Pipistrellus pipistrellus</i> | Common Pipistrelle | Sch 2 | Sch 5, Section 9 (4b, 4c, 5a) | | | | | | Common, increasing |
| <i>Plecotus auritus</i> | Brown Long-Eared | Sch 2 | Sch 5, Section 9 (4b, 4c, 5a) | | ✓ | | | Various | Common, possibly declining |
| Plants | | | | | | | | | |
| <i>Cyperus longus</i> | Galingale | | | | | | ✓ | | |
| <i>Gentiana pneumonanthe</i> | Marsh Gentian | | | | | | ✓ | | |
| <i>Hyacinthoides non-scripta</i> | Bluebell | | Sch 8 | | | | | | |
| <i>Mentha pulegium</i> | Pennyroyal | | Sch 8 | | ✓ | | | | |
| <i>Myosurus minimus</i> | Mousetail | | | | | | ✓ | | |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|---------------------------|--------------------|---------------------|-----|--------------------------------|-----|------|---|---|----------------------------|
| <i>Nymphoides peltata</i> | Fringed Water-Lily | | | | | | ✓ | | |
| <i>Rumex alpinus</i> | Monk's-Rhubarb | | | | | | ✓ | | |
| <i>Ruscus aculeatus</i> | Butcher'S Broom | | | | | | ✓ | | |
| <i>Viola canina</i> | Heath Dog-Violet | | | | | | ✓ | | |
| Invertebrates | | | | | | | | | |
| <i>Adscita statices</i> | The Forester | | | | ✓ | | | | |
| <i>Agrilus angustulus</i> | A Jewel Beetle | | | | | | ✓ | Mixed deciduous woodland, Wood pasture & parkland | Rare |
| <i>Agrilus viridis</i> | A Jewel Beetle | | | | | | ✓ | Heathland (wet), Wood pasture & parkland | Local, possibly increasing |
| <i>Araneus angulatus</i> | An Orb-Weaver | | | | | | ✓ | Mixed deciduous woodland | Local |
| <i>Argiope bruennichi</i> | Wasp Spider | | | | | | ✓ | Various | Locally common, increasing |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|-----------------------------------|--------------------------------|---------------------|-----|--------------------------------|-----|------|---|---|--------------------|
| <i>Auplopus carbonarius</i> | A Spider-Hunting Wasp | | | | | | ✓ | Mixed deciduous woodland, Wood pasture & parkland | Common, increasing |
| <i>Cheiracanthium pennyi</i> | A Sac Spider | | | | | | ✓ | Heathland | Local |
| <i>Chorisops nagatomii</i> | Bright Four-Spined Legionnaire | | | | | | ✓ | Various | Local |
| <i>Cryptocephalus bipunctatus</i> | A Pot Beetle | | | | | | ✓ | Heathland, Calcareous grassland | Local |
| <i>Diaperis bolete</i> | | | | | | | ✓ | | |
| <i>Eledona agricola</i> | A Darkling Beetle | | | | | | ✓ | Mixed deciduous woodland | Local, increasing |
| <i>Episinus truncatus</i> | A Comb-Footed Spider | | | | | | ✓ | Heathland | Local, declining |
| <i>Evarcha arcuata</i> | Gorilla Jumper | | | | | | ✓ | Heathland | Local |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|------------------------------|------------------------|---------------------|-----|--------------------------------|-----|------|---|---------------------------------|-------------------------------------|
| <i>Formica sanguinea</i> | Blood-Red Ant | | | | | | ✓ | Heathland, Acid grassland | Locally common |
| <i>Gomphus vulgatissimus</i> | | | | | | | ✓ | | |
| <i>Hagenella clathrata</i> | Window Winged Sedge | | | | ✓ | | | | Rare, declining |
| <i>Hylaeus cornutus</i> | Spined Yellow-Face Bee | | | | | | ✓ | Calcareous grassland, Various | Locally common, possibly increasing |
| <i>Hypsosinga sanguinea</i> | An Orb-Weaver | | | | | | ✓ | Heathland, Calcareous grassland | Local |
| <i>Lasius brunneus</i> | Brown Tree Ant | | | | | | ✓ | Wood pasture & parkland | Locally common |
| <i>Limenitis camilla</i> | White Admiral | | | | ✓ | | | Mixed deciduous woodland | Local, declining nationally |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|--------------------------------|-----------------------|---------------------|-----------------------|--------------------------------|-----|------|---|---|-------------------------------------|
| <i>Lucanus cervus</i> | Stag Beetle | | Sch 5, Section 9 (5a) | | ✓ | | | Various, Wood pasture & parkland | Locally common |
| <i>Metrioptera brachyptera</i> | Bog Bush-Cricket | | | | | | ✓ | Heathland (wet) | Local |
| <i>Nerienne furtiva</i> | A Money Spider | | | | | | ✓ | Heathland | Local |
| <i>Nomada baccata</i> | Bear-Clawed Nomad | | | | | | ✓ | Heathland, Acid grassland | Locally common, possibly increasing |
| <i>Oxyopes heterophthalmus</i> | Lynx Spider | | | | | | ✓ | Heathland | Local |
| <i>Plebejus argus</i> | Silver-Studded Blue | | Sch 5, Section 9 (5a) | | ✓ | | | Heathland | Local, declining |
| <i>Pyrochroa coccinea</i> | Black-Headed Cardinal | | | | | | ✓ | Mixed deciduous woodland, Wood pasture & parkland | Locally common, increasing |

| Scientific name | Common name | Habitat Regulations | WCA | Protection of Badgers Act 1992 | SPI | BoCC | Red data list/ nationally scarce/ nationally rare | Relevant HPI | Status in Surrey |
|---------------------------------|------------------------|---------------------|-----|--------------------------------|-----|------|---|---------------------------------------|------------------|
| <i>Somatochlora metallica</i> | Brilliant Emerald | | | | | | ✓ | Rivers, Standing waters | Local, declining |
| <i>Synanthedon spheciformis</i> | White-Barred Clearwing | | | | | | ✓ | Heathland, Wet woodland | Local |
| <i>Thomisus onustus</i> | Heather Spider | | | | | | ✓ | Heathland | Local |
| <i>Xylota abiens</i> | A Hoverfly | | | | | | ✓ | Beech & Yew, Mixed deciduous woodland | Rare, declining |

Habitat Regulations³⁴, WCA⁵, SPI⁶, BoCC⁷, Red data/nationally scarce/nationally rare⁸, Status in Surrey⁹

³ Conservation of Habitats and Species Regulations 2017

⁴ Sch = Schedule

⁵ Wildlife and Countryside Act 1981, as amended

⁶ Species of Principle Importance

⁷ Birds of Conservation Concern

⁸ Species listed on the IUCN Red data list

⁹ As detailed in Waite (2017)

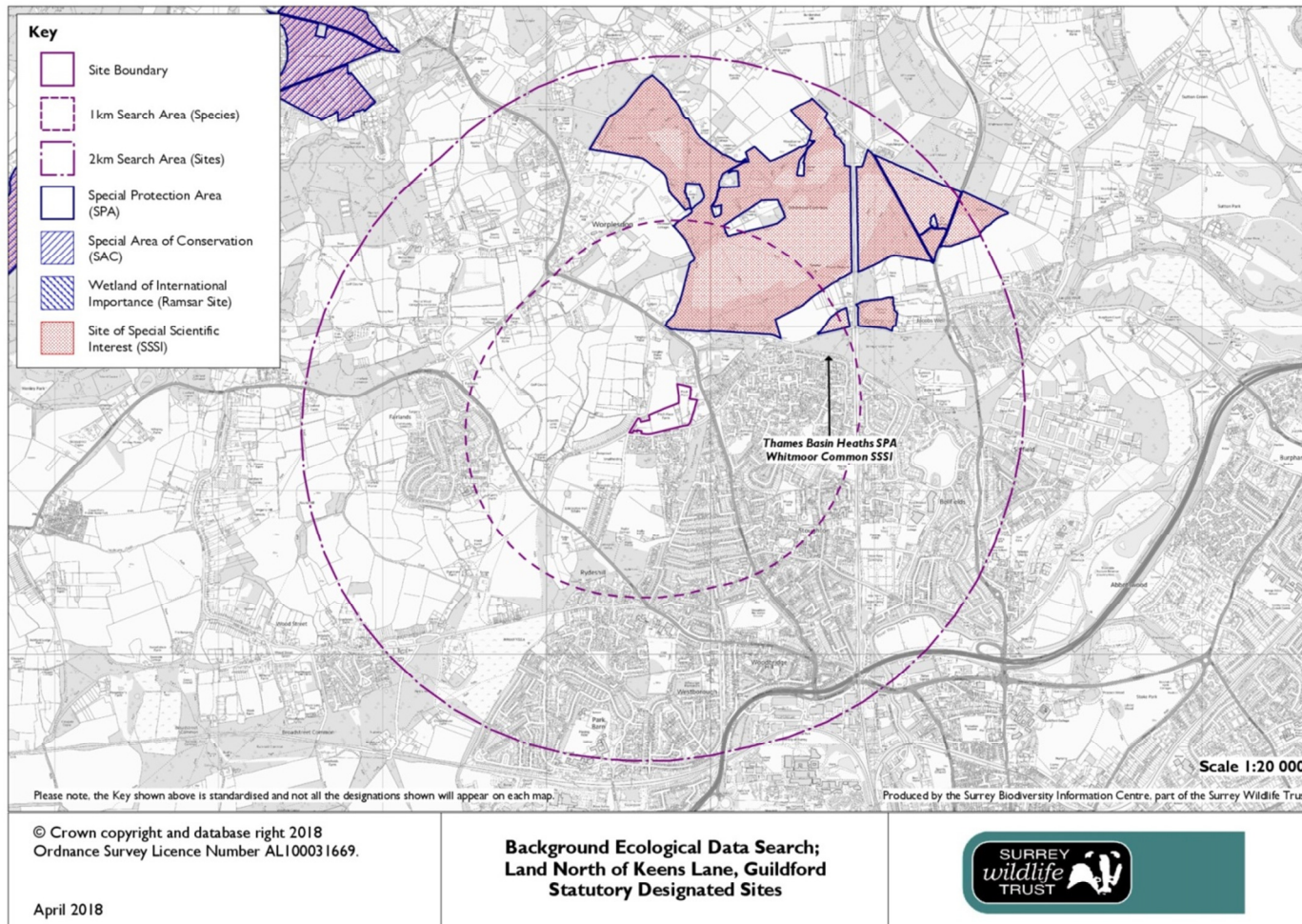
5. References

- 5.1. Surrey Biodiversity Information Centre (SBIC). 2018. *Background Ecological Data Search; Land North of Keens Lane, Guildford, Surrey*. SBIC: Pirbright.
- 5.2. Thames Basin Heaths Joint Strategic Partnership (2009) *Thames Basin Heaths Special Protection Area Delivery Framework*. South East England Regional Assembly (SEERA Ltd.): Guildford.

Figure 1: SBIC Data Search

Refer to attached document

Figure 2: Data Search Maps



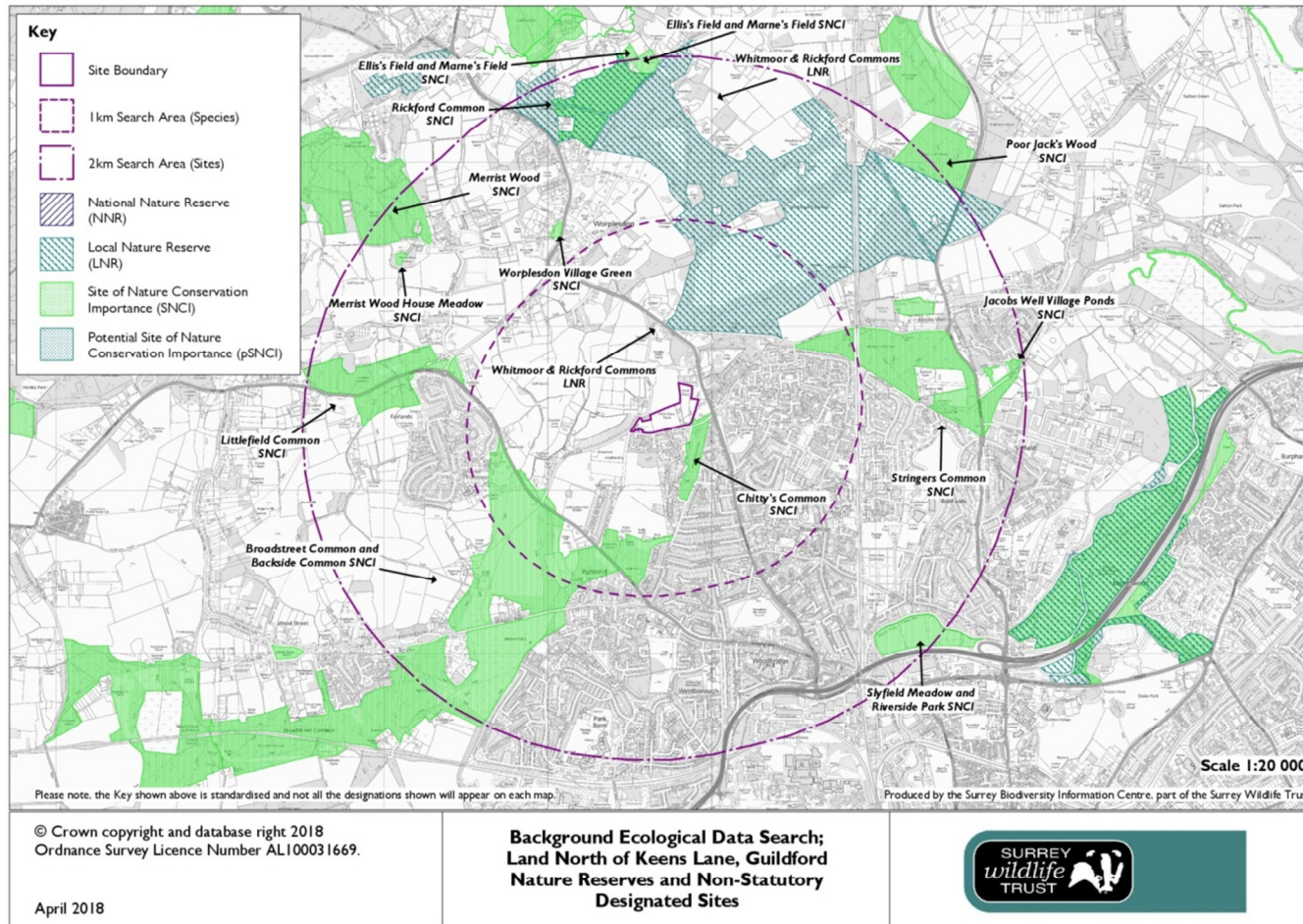


Figure 3: Legislation and Planning Policy

EU Directives

Habitats Directive (92/43/EEC)

Required protection of natural habitats, wild flora and fauna through the designation of Special Areas of Conservation (SAC) (Natura 2000 site) which support habitats listed on Annex I and species listed on Annex II of the Directive. Special protection measures are afforded to species listed on Annex IV, V and VI (European Protected Species). Introduces the precautionary principal which (with some exception) permits projects only if no adverse effect on site integrity is ascertained. Transposed into English law via the Conservation of Habitats and Species Regulations 2017.

Wild Birds Directive (79/409/EEC)

Aims to maintain ornithological and habitat diversity through the creation of Special Protection Area (SPA) (Natura 2000 site) which aim to maintain ornithological and habitat diversity through the entire European range. Provides a framework for the conservation, management and human interaction with wild birds in Europe and includes measures to prevent the introduction of non-native species. Special protection measures are afforded to species listed on Annex I. Transposed into English law via the Conservation of Habitats and Species Regulations 2017.

English Legislation

Conservation of Habitats and Species Regulations 2017

Provides for the protection of Natura 2000 sites (Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites), European Protected Species and habitats. European Protected Species are protected from deliberate capture, injury or killing; deliberate disturbance of a European Protected Species, such that it impairs their ability to breed, reproduce or rear their young, hibernate or migrate or significantly affect their local distribution or abundance; deliberately take or destroy effect; damage or destroy a breeding site or resting place; keep, transport, sell or exchange any live, dead or part of a European Protected Species.

European Protected Species include, but are not limited to:

- Great Crested Newt
- Natterjack Toad
- Otter
- Smooth Snake
- Sand Lizard
- All bat species
- Hazel Dormouse

Wildlife and Countryside Act 1981, as amended

Key piece of legislation consolidating existing wildlife legislation to incorporate the requirements of the Bern Convention and Birds Directive. It includes additional protection measures for species listed under the Conservation of Habitats and Species Regulations 2017; and includes a list of species protected under the Act. It also provides for the designation and protection of Sites of Special Scientific Interest (SSSI).

Development which would adversely affect a SSSI is not acceptable except only in special cases, where the importance of a development outweighs the impact on the SSSI when planning conditions or obligations would be used to mitigate the impact. Developments likely to impact on a SSSI will likely require an Environmental Impact Assessment.

The Impact Risk Zones (IRZs) dataset is a GIS tool which details zones around each SSSI according to the particular sensitivities of the features for which it is notified and specifies the types of development that have the potential to have adverse impacts. Natural England uses the IRZs to make an initial assessment of the likely risk of impacts on SSSIs and to quickly determine which consultations are unlikely to pose risks and which require more detailed consideration. LPAs have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI.

Further information on specific legislation relating to species protected under the Wildlife and Countryside Act 1981, as amended, is detailed below, under Protection of Protected Species and Habitats.

Countryside and Right of Way Act 2000

Amends and strengthens the Wildlife and Countryside Act 1981, as amended. It also details habitats and species for which conservation measures should be promoted.

Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act 2006 places a duty on local authorities to have regard to the conservation of biodiversity in England whilst carrying out their normal functions. Section 41 comprises a list of Habitats of Principal Importance (HPI) and Species of Principal Importance (SPI) which should be considered. This includes 56 Habitats of Principal Importance, divided into 10 broad categories. Hedgerows are included within Boundary and Linear Features category.

Hedgerows Regulations 1997

Under the Hedgerows Regulations 1997 it is an offence to intentionally or recklessly remove, or cause or permits another person to remove, a hedgerow. Important hedgerows are defined in Section 4 of the Regulations. This includes hedgerows that have existed for over 30 years or satisfies at least one criterion listed in Part II of Schedule 1.

Wild Mammals (Protection) Act 1996

Under this act wild mammals are protected from the intentional unnecessary suffering by crushing and asphyxiation.

Planning policy

National Planning Policy Framework 2012

Details the Government's planning policies for England and how these should be applied, particularly to contribute to the Government's commitment to halt the decline of biodiversity. When assessing planning applications, local planning authorities should have regard to conserving and enhancing biodiversity by applying a number of principals, including avoiding impacts to biodiversity through appropriate site selection; mitigating residual impacts; encouraging the preservation and enhancement of biodiversity; preventing the development of protected sites, such as SSSIs; refusing permission where habitats that cannot be recreated, such as ancient woodland, would be lost and encouraging good design that limits light pollution.

ODPM Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System (2005)

The Government's Office of the Deputy Prime Minister (ODPM) Circular 06/05 (ODPM 2005) presents the legal requirement for planning authorities with regard to statutory designated sites. Planning approval should not be granted where impacts to statutory designated sites that are not connected to the site maintenance for nature conservation, or will have a significant effect on the site's conservation objectives and/or affect the site's integrity. Permission may be granted if the proposed development overrides public interest.

Biodiversity Opportunity Areas (BOAs)

In order to assist in delivering the government's Biodiversity 2020 strategy, the Surrey Nature Partnership has identified seven BOAs where improved habitat management, habitat restoration and recreation of Habitats of Principal Importance is the key focus to enhancing the connectivity of habitats for Species of Principal Importance to deliver biodiversity objectives at a landscape scale. The location of these is presented in the South East Biodiversity Strategy's website. The project promotes a collaborative approach across a number of regional and local organisations.

Developments within or adjacent to BOAs should be designed in consideration of the BOA objectives, which are provided at: <https://surreynaturepartnership.org.uk/our-work/>

The BOAs include: Thames Basin Heaths comprising Chobham Common North & Wentworth Heaths, Chobham South Heaths, Colony Bog, Bagshot Heath & Deepcut Heaths, Ash, Brookwood & Whitmoor Heaths, Woking Heaths.

Protection of protected species and habitats

Amphibians

Natterjack Toad, northern pool frog and Great Crested Newt are protected under the Conservation of Habitats and Species Regulations 2017. They are also afforded additional protection under the Wildlife and Countryside Act 1981, as amended. Natterjack Toad, Common Toad, Great Crested Newt and Northern Pool Frog are also Species of Principal Importance.

Reptiles

Smooth Snake and Sand Lizard are protected under the Conservation of Habitats and Species Regulations 2017. They are afforded additional protection under the Wildlife and Countryside Act 1981, as amended. Adder, Grass Snake, Common Lizard and Slow Worm are all protected from killing and injury under the Wildlife and Countryside Act 1981, as amended. All UK reptile species are Species of Principal Importance.

Birds

All wild birds are protected under the Wildlife and Countryside Act 1981, as amended. This includes damage and destruction of their nests whilst in use, or construction. Species listed under Schedule 1 of the Act are afforded protection from disturbance during the nesting season. Forty-nine bird species are Species of Principal Importance.

Badger

Badger is protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a Badger; to damage, destroy or block access to a Badger sett; or to disturb Badger in its sett. The Act also states the conditions for the protection of Badgers licence requirements.

All bat species are protected under the Conservation of Habitats and Species Regulations 2017, as detailed above. Bats are further protected under the Wildlife and Countryside Act 1981, as amended, making it an offence to deliberately or recklessly damage or destroy any structure or place which bat(s) use for shelter or protection, disturb bat(s) while occupying a structure or place which it uses for shelter or protection or obstruct access to any structure or place which they use for shelter or protection. Seven bat species are Species of Principal Importance, covered under Section 41 of the NERC Act 2006. These include Barbastelle, Bechstein's, Noctule, Soprano Pipistrelle, Brown Long-eared, Lesser Horseshoe, Greater Horseshoe.

Hazel Dormouse

Hazel Dormouse is protected under the Conservation of Habitats and Species Regulations 2017. It is afforded additional protection under the Wildlife and Countryside Act 1981, as amended, including obstruction to a place of shelter or rest. Hazel Dormouse is also a Species of Principal Importance.

Otter

Otter is protected under the Conservation of Habitats and Species Regulations 2017 and is afforded additional protection under the Wildlife and Countryside Act 1981, as amended. Otter is also a Species of Principal Importance.

Water Vole

Water Vole is fully protected from capture, killing or injury; damage, destroy or block access to a place of shelter; disturbance whilst in a place of shelter or possessing, selling any part of a Water Vole, dead or alive under the Wildlife and Countryside Act 1981, as amended. Water Vole is also a Species of Principal Importance.

Other mammals

Brown Hare, European Hedgehog and Harvest Mouse are Species of Principal Importance.

Non-native invasive plant species

Schedule 9 of the Wildlife and Countryside Act 1981, as amended is a list of non-native plant species for which Section 14 of the Act applies. It is an offence to plant, or otherwise cause to grow in the wild species listed under Schedule 9 of the act. These include, but are not limited to Himalayan Balsam, Wall Cotoneaster, Himalayan Cotoneaster, Variegated Yellow Archangel, Montbretia, Rhododendron, Japanese Knotweed and Giant Hogweed.