



Client – Topwood Ltd

Site – New Baling Shed, Topwood

Reference – 20230059-PEA

Location – Abenbury Way, Wrexham

Central Grid Reference – SJ 37272 50169

Date – 11th July 2023

Preliminary Ecological Appraisal (PEA)

Author: Steven Whitcher, MCIEEM

Revision: 1

Table of Contents

1. Summary	2
2. Introduction	3
2.1. Purpose	3
2.2. Site Description and Location	3
2.3. Proposals.....	4
3. Methodology.....	5
3.1. Desk study.....	5
3.2. Field survey	5
3.3. Limitations/Constraints.....	5
4. Results and Interpretation	7
4.1. Designated Sites.....	7
4.2. Habitats	7
4.3. Fauna.....	8
4.4. Invasive Non-Native Plant Species.....	11
5. Recommendations	12
6. Conclusions	14
7. References	15
Appendix I. Habitat Map	16
Appendix II. Target Notes	17
Appendix III. Species Lists	19
Appendix IV. Development Plans.....	20
Appendix V: Planning Policy and Species Legislation Summary	21

Disclaimer

This report has been prepared by Switch Ecology Ltd for the sole use of the commissioning party. The report may not be relied upon by any other party without written agreement from Switch Ecology.

In line with Chartered Institute of Environmental and Ecological Management (CIEEM) recommendations the findings of this survey are deemed valid for 18 months from the date of the survey.

1. Summary

Purpose	Planning permission is being sought for the erection of a new baling shed at Topwood in Wrexham. A Preliminary Ecological Appraisal was commissioned to support the application for planning permission.
Results	The habitats on the site are man-made habitats that are regularly disturbed with no Habitats of Principal Importance present. The ecological receptors identified during the survey comprise: - Existing records of non-statutory designated sites in the surrounding area, - Existing records of great crested newts and other amphibians in the surrounding area, four ponds within 500m of the site and low value terrestrial habitat present on site, - Existing records of bats in the surrounding area and suitable foraging and commuting habitats in close proximity to the site, - Existing records of bird species in the surrounding area with suitable nesting and foraging habitats in close proximity to the site, - Existing records of hedgehogs in the area surrounding the site, - Existing records of reptiles in the area around the site and low value refugia on site.
Recommendations	- Implement precautionary working methods for amphibians and reptiles during the construction phase of the works, - Implement precautions to prevent badger, hedgehogs or other mammals becoming trapped during the works, - Implement a sensitive lighting scheme during the works with particular attention on light levels along the adjacent hedgerow, - Avoid clearing overhanging vegetation during the nesting season or survey in advance of clearance.
Conclusions	The habitats on site are man-made sealed surfaces that are regularly disturbed by the current works on site and provide minimal opportunities for fauna species. Therefore, if the works are carried out under precautionary working methods, where applicable, the impact on the biodiversity on site will be negligible.

2. Introduction

2.1. Purpose

2.1.1. Planning permission is being sought for the erection of a new baling shed at Topwood in Wrexham.

2.1.2. A Preliminary Ecological Appraisal (PEA) was commissioned to support the application for planning permission.

2.2. Site Description and Location

2.2.1. The site comprises an area of hard standing land associated with the existing Topwood factory, extending to 0.04 hectares (ha).

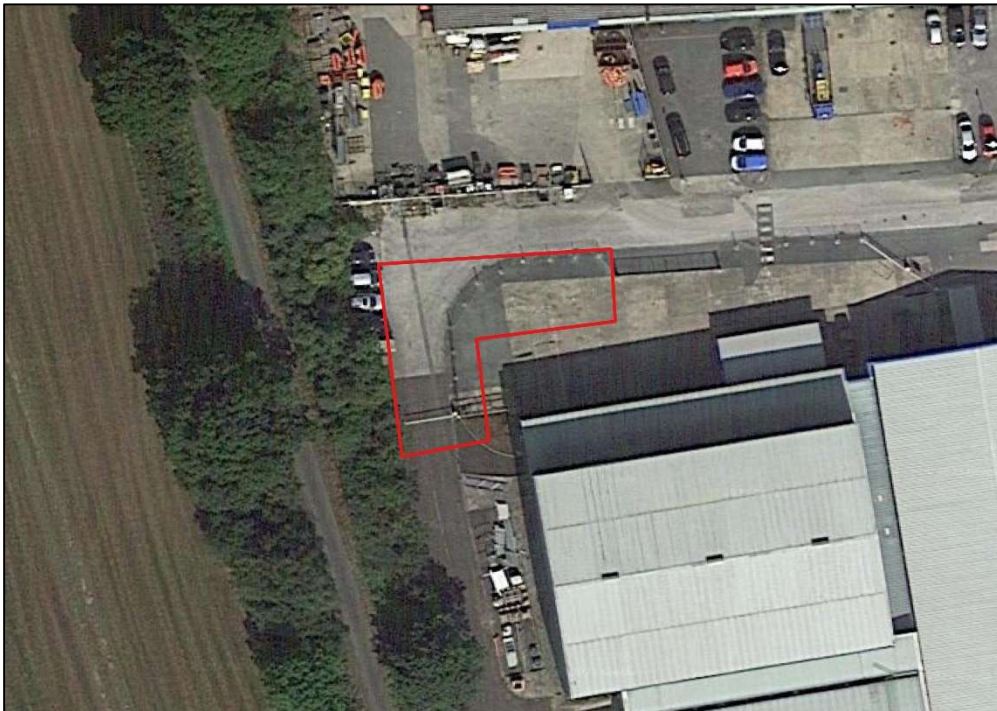


Figure 1: Showing the extent of the surveyed area.

2.2.2. The area comprises an area of concrete used as storage, access and parking for the existing Topwood factory.



Figure 2: Looking southeast across the site.



Figure 3: Looking west across the site.

2.2.3. The land immediately surrounding the site comprises the existing Topwood factory, including access and parking areas, to the south and east, an adjacent industrial property to the north and a hedgerow along a public highway, Erilas Lane, to the west.

2.2.4. The wider surrounding area comprises Wrexham Industrial Estate, a large industrial estate, to the north, east and south with open countryside, comprising arable fields and areas of woodland, to the west.



Figure 4: Showing the site in context with the wider surrounding area.

2.3. Proposals

2.3.1. The proposals are to erect a new baling shed on the site to cope with the expanding requirements of the company.

2.3.2. There are no detailed plans showing the design of the new building and therefore no plans have been included in Appendix IV of this report.

3. Methodology

3.1. Desk Study

3.1.1. A desk study was carried out in order to identify existing records of protected or notable species or habitats within 1km of the survey area.

3.1.2. Records of locally designated sites and existing records of protected species were requested from Cofnod.

3.1.3. The MAGIC website was searched for records of statutory or non-statutory sites within 2km of the survey area.

3.1.4. The area within 500m of the site was searched for waterbodies using publicly accessible mapping including Ordnance Survey, Google Earth and the MAGIC website.

3.2. Field Study

3.2.1. A field survey of the site was undertaken on by Steven Whitcher (MCIEEM) on the 11th July 2023. The Preliminary Ecological Appraisal (PEA) was carried out in accordance with the industry standard and mapped using UKHab Classifications (2018).

3.2.2. The weather at the time of the survey was showery with the light breeze (BWS-1) and a temperature of 18°C.

3.2.3. During the survey all habitats were noted, including dominant species, mapped and notable ecological features were target noted.

3.2.4. The survey also looked for evidence of protected or notable fauna species or invasive non-native plant species and followed specific survey guidelines, where applicable, including:

- 🌿 Checking all buildings, trees and structures for bat roosting potential in line with the Bat Conservation Trust Good Practice Guidelines, 3rd edition (Collins 2016), BTHK Bat Roosts in Trees (BTHK 2018) and BRHK Bat Roosts in Rock (BRHK 2021).
- 🌿 Assessing all accessible ponds within 500m of the surveyed area using the Habitat Suitability Index (HSI) assessment criteria (Oldham et al. 2000).
- 🌿 Assessing the habitats on site for their suitability to support protected or notable species, including but not limited to, badgers (Harris et al 1989), water voles (Strachan et al 2011), otters (Channin, 2003), crayfish, nesting birds (BBS,BTO), reptiles (Froglife 1999), hedgehogs and hazel dormice.

3.3. Limitations/Constraints

3.3.1. This survey was carried out to CIEEM methodologies and therefore provides an overview of the habitats present on the site with dominant, notable or indicator species within those habitats noted. As such the species lists included are intended to be sufficient to confidently assess habitat condition but are not intended to provide an exhaustive list of all species present.

3.3.2. There are extensive records of great crested newts throughout the Wrexham Industrial Estate. Therefore, a Habitat Suitability Index (HSI) assessment of the ponds within 500m of the site for their suitability to support the species was not deemed necessary or carried out during the survey.

4. Results and Interpretation

4.1. Designated Sites

4.1.1. Cofnod returned records of two non-statutory designated sites within the 1km search area, although no records specific to the surveyed area or the immediate surrounding area.

Table 1: Non-statutory sites within 2km

Site Name	Designation	Reason for Designation	Location
Cefn Park	Local Wildlife Site (LWS)	Habitats – Fen and semi-natural broadleaved woodland.	300m west
Wrexham Industrial Estate	LWS	Habitats – woodland and grassland	350m east

4.1.2. The proposed works will not have a direct impact on the designated sites and due to the nature of the development, which is additional space for the existing company occupying the site, the works will not have an indirect impact on the sites through changes in footfall or domestic pets.

4.1.3. There are no records of statutory designated sites within 2km of the site on the MAGIC website. The closest site comprises Afon Dyfrdwy Site of Special Scientific Interest (SSSI), which is located 4km to the east. Therefore, there will be no impact on statutory designated sites during the proposed works.

4.2. Habitats

4.2.1. The habitats present within the surveyed area are outlined below and shown on the plan in Appendix I of this report. Appendix III includes species lists for each habitat.

4.2.2. u1b Developed land; sealed surface (0.04ha)

4.2.2.1. The site comprises areas of tarmac and concrete associated with the existing Topwood Ltd factory, which is located adjacent. The area is currently used for parking and storage with no vegetation present.



Figure 5: Looking east across the surveyed area.



Figure 6: Looking south across the surveyed area.

4.2.2.2. The site displays no vegetation and is subject to continuous disturbance from vehicles accessing the Topwood factory and the adjacent industrial units. Therefore, the area was

assessed to have little or no ecological value and the impact of the proposed works on the biodiversity of the site will be negligible.

4.2.3. u1e Built linear feature (59m)

4.2.3.1. Security fencing is present across the area and along the western boundary of the site. The fencing comprises metal mesh fencing and security barriers.

4.2.3.2. The built linear features provide no opportunities for fauna species and were therefore assessed to have negligible ecological value.

4.3. Fauna

4.3.1. Amphibians

4.3.1.1. Cofnod returned abundant records of amphibians within the 1km search area, including records of great crested newt (*Triturus cristatus*), common frog (*Rana temporaria*), common toad (*Bufo bufo*), smooth newt (*Lissotriton vulgaris*) and palmate newt (*Lissotriton helveticus*), although no records specific to the surveyed area or the immediate surrounding area.

4.3.1.2. The closest records refer to the presence of all of the species in ponds 400m to the north and the presence of great crested newts in ponds 430m to the west. There are also records of great crested newts 600m to the south and southeast, within the Wrexham Industrial Estate.

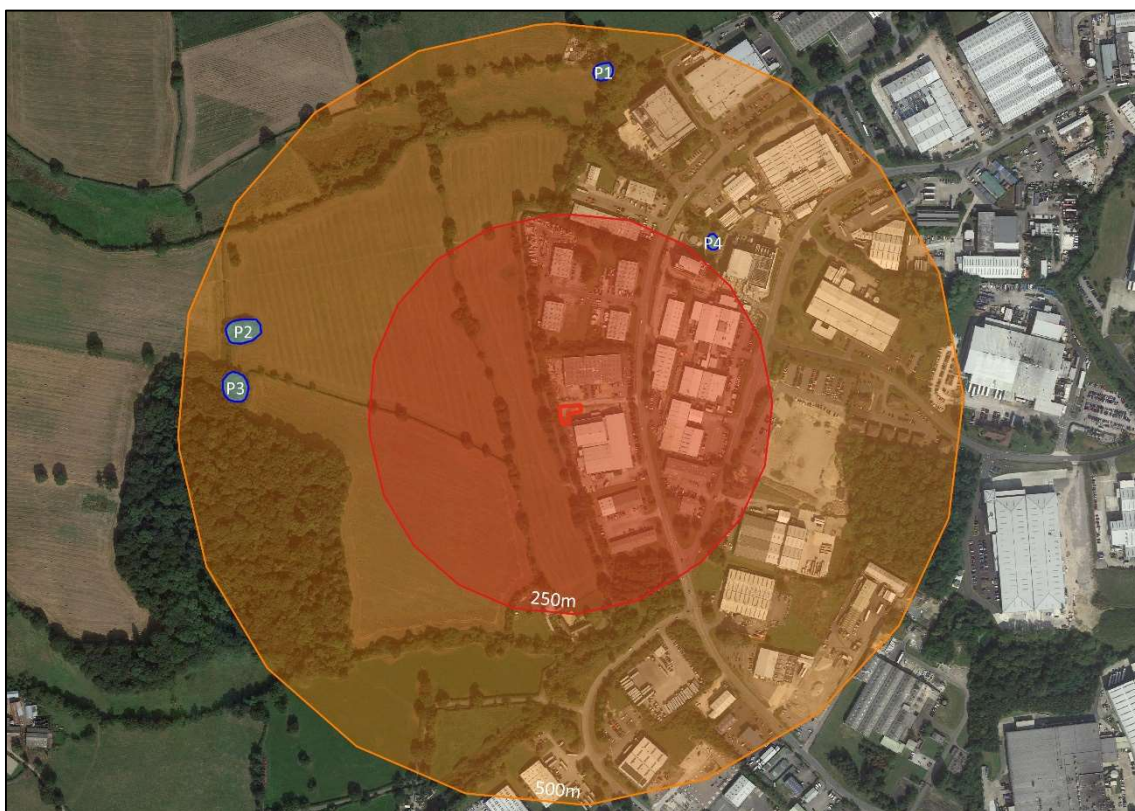


Figure 7: Showing 250m and 500m buffers around the site and the location of the ponds.

4.3.1.3. Four ponds were identified within 500m of the site whilst on site or on maps of the area. Due to the existing records of great crested newts associated with the majority of the

ponds a Habitat Suitability Index (HSI) assessment wasn't deemed necessary or carried out as part of the survey.

4.3.1.4. Ponds P1, P2 and P3 appear to be the ponds associated with the existing records of great crested newts in the area surrounding the site. The ponds all lie outside the core sustenance zone for great crested newts, which is 250m, with the closest pond being pond P4, located 280m to the northeast, and the other ponds located at least 400m from the site.

4.3.1.5. The site provides a very low value terrestrial habitat for amphibian species with the only refugia present being occasional piles of materials stored along the edges of the area (T1). No terrestrial amphibians were identified during the survey.



Figure 8: Stored materials along the site boundary.



Figure 9: Further stored materials on site.

4.3.1.6. The proposed works are confined to the existing hard standing areas with minimal excavation required. Therefore, if suitable precautionary working methods are implemented during the proposed works the impact on great crested newts and other amphibians will be negligible.

4.3.2. Badgers

4.3.2.1. Cofnod returned occasional records of badgers (*Meles meles*) within the 1km search area, although no records specific to the surveyed area or immediate surrounding area. The closest records are over 450m from the site.

4.3.2.2. No badger setts or other badger field signs were identified within the surveyed area and the site provides little or no value to the species. Therefore, if suitable precautionary working methods are implemented to prevent badgers becoming trapped during the construction phase of the development the impact on the species will be negligible.

4.3.3. Bats

4.3.3.1. Cofnod returned abundant records of bat species within the 1km search area, although no records specific to the surveyed area or immediate surrounding area. The closest records are historic records (1999) of whiskered bat (*Myotis mystacinus*) 200m to the north with the closest non historic records field records of common pipistrelle (*Pipistrellus pipistrellus*) 225m to the northeast.

4.3.3.2. No buildings or trees that would provide suitable roosting opportunities for bats were identified within the surveyed area.

4.3.3.3. Occasional mature trees are present in the hedgerow adjacent to the western boundary of the site (T2) although no trees are located adjacent to the proposed location of the building. Therefore, there will be no impact on roosting bats during the proposed works.

4.3.3.4. The habitat around the site was assessed to provide a moderate value foraging and commuting habitat for bats, predominantly due to the presence of the hedgerow and trees along Erlas Lane, to the west.

4.3.3.5. The proposed works will not cause the loss or fragmentation of suitable foraging and commuting habitats and the areas in and around the site are likely to already be subjected to relatively high levels of lighting due to the industrial nature of the site. Therefore, if a sensitive lighting scheme is implemented during the proposed works, with no increase in lighting onto the hedgerow along Erlas Lane, the impact on foraging and commuting bats is likely to be negligible.

4.3.4. Birds

4.3.4.1. Cofnod returned abundant records of bird species within the 1km search area, although no records specific to the surveyed area or the immediate surrounding area. The closest records refer to the presence of pied wagtail (*Motacilla alba*) on the Wrexham Industrial Estate, 225m to the northeast.

4.3.4.2. The site provides no optimal nesting opportunities for birds due to the lack of suitable vegetation and regular disturbance. There is a low potential for some species of bird to utilise the materials stored on the site for nesting, although no nest structures or other nesting activity was identified.

4.3.4.3. The hedgerow and trees that run adjacent to the western boundary of the site provide opportunities for several species of bird for foraging and nesting, although no nest structures were visible.

4.3.4.4. If the proposed construction of the building is carried out with care and considers the potential for birds to be present in the adjacent hedgerow during the nesting season, which extends from March to September, the impact on nesting birds will be negligible.

4.3.5. Crayfish

4.3.5.1. Cofnod did not return any records of crayfish species within the 1km search area and there are no habitats suitable to support the species on or immediately surrounding the site. Therefore, there will be no impact on crayfish species during the proposed works.

4.3.6. Hedgehogs

4.3.6.1. Cofnod returned three records of hedgehog (*Erinaceus europaeus*) within the 1km search area with the closest record located on the Wrexham Industrial Estate, 150m to the northeast.

4.3.6.2. The site provides no suitable foraging habitat and limited shelter for hedgehogs and no hedgehog field signs were identified during this survey. Therefore, if suitable precautionary measures are implemented to prevent hedgehogs becoming trapped during the construction phase of the development the impact on the species will be negligible.

4.3.7. Invertebrates

4.3.7.1. Cofnod returned abundant records of invertebrate species within the 1km search area, although no records specific to the surveyed area or the immediate surrounding area. The closest records refer to the presence of dingy skipper (*Erynnis tages*) on the Wrexham Industrial Estate 300m to the south.

4.3.7.2. The site provides no opportunities for invertebrate species due to the lack of vegetation. Therefore, there will be no impact invertebrate communities during the proposed works.

4.3.8. Otters

4.3.8.1. Cofnod returned two records of otter (*Lutra lutra*) within the 1km search area. The records refer to the presence of the species along Redwither Brook 980m to the southeast.

4.3.8.2. There are no habitats suitable for otters on or around the surveyed area and therefore there will be no impact on the species during the proposed works.

4.3.9. Reptiles

4.3.9.1. Cofnod returned occasional records of reptile species within the 1km search area, including grass snake (*Natrix helvetica*), common lizard (*Zootoca vivipara*), adder (*Vipera berus*) and slow-worm (*Anguis fragilis*), although no records specific to the surveyed area or the immediate surrounding area. The closest records refer to the presence of grass snake along Redwither Brook 980m to the southeast.

4.3.9.2. The site provides a low value habitat for reptiles with the only potential refugia provided by the piled materials on the site (T2). No reptiles were identified during the survey.

4.3.9.3. The proposed works are confined to the existing hard standing areas with minimal excavation required. Therefore, if suitable precautionary working methods are implemented during the proposed works the impact on reptiles will be negligible.

4.3.10. Water Voles

4.3.10.1. Cofnod did not return any records of water vole (*Arvicola amphibius*) within the 1km search area and there are no habitats suitable for the species on or around the surveyed area. Therefore, there will be no impact on water voles during the proposed works.

4.4. Invasive Non-Native Plant Species

4.4.1. No invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 were identified within the surveyed area. Therefore, there is no risk of plant species being spread during the proposed works.

5. Recommendations

5.1. Designated Sites

5.1.1. The proposed works will have no impact on any statutory or non-statutory designated sites. Therefore, there are no recommendations relating to designated sites.

5.2. Habitats

5.2.1. The habitats on the site have little or no ecological value with the proposed works assessed to have negligible impact on the biodiversity on site. Therefore, there are no recommendations relating to the habitats on site.

5.3. Fauna

5.3.1. Amphibians and reptiles

5.3.1.1. It is recommended that precautionary working methods are implemented during the construction phase of the development to reduce the likely impact on amphibians and reptiles.

5.3.1.2. The precautionary measures should include the following, as a minimum:

- 🌿 All personnel working on the site should be briefed on the potential presence of amphibians and reptiles on the site, how to identify the species and what to do if animals are encountered,
- 🌿 Materials currently present on site should be moved with care and the area inspected for amphibians and reptiles,
- 🌿 Where possible materials should be stored on pallets or batons to prevent animals from seeking refuge underneath.

5.3.1.3. In the event that common amphibian or reptile species are identified they should be carefully moved to suitable areas of terrestrial habitat outside the development footprint.

5.3.1.4. In the event that large numbers of common amphibians or reptiles (5+) or any great crested newts are encountered works on site should cease and further advice should be sought.

5.3.2. Badgers, hedgehogs and other mammals

5.3.2.1. To prevent animals becoming trapped during the works it is recommended that any excavations created have at least one sloped side to allow animals to escape.

5.3.2.2. Pipe ends should be blocked between shifts to prevent inquisitive animals seeking refuge in the pipes and becoming trapped.

5.3.3. Bats

5.3.3.1. It is recommended that a sensitive lighting scheme is implemented during the development, in line with Bat Conservation Trust and Institute of Lighting Professionals

Guidance (2018), with particular care taken to ensure that there is no change in light levels along the hedgerow that extends along the western boundary of the site.

5.3.4. Birds

5.3.4.1. If vegetation clearance is required to remove encroaching vegetation from the adjacent hedgerow during the works it is recommended that, where possible, this is carried out outside the nesting season, which extends from March to September each year.

5.3.4.2. Any vegetation clearance that proceeds during the nesting season must be immediately preceded by a thorough nesting bird survey, carried out by an experienced surveyor. Any nests identified must remain undisturbed until the young have fledged from the nest.

6. Conclusions

6.1. The habitats on site are man-made sealed surfaces that are regularly disturbed by the current works on site and provide minimal opportunities for fauna species. Therefore, if the works are carried out under precautionary working methods, where applicable, the impact on the biodiversity on site will be negligible.

7. References

Bright, P., Morris, P. & Mitchell-Jones, T. (2006). The Dormouse Conservation Handbook. 2nd edition. English Nature, Peterborough.

BTHK (2018). Bat Roosts in Trees – A Guide to Identification and Assessment for Tree-Care and Ecology Professionals. Exeter: Pelagic Publishing.

BRHK (2021). Bat Roosts in Rock – A Guide to Identification and Assessment for Climbers, Cavers & Ecology Professionals. Pelagic Publishing, Exeter.

Bat Conservation Trust and Institute of Lighting Professionals (2018) Guidance Note 08/18: Bats and artificial lighting in the UK. ILP, Rugby

CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2017) Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

Collins, J. (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines. 3rd edition. Bat Conservation Trust, London.

English Nature (2001). Great Crested Newt Mitigation Guidelines. English Nature, Peterborough.

Froglife (1999). Froglife Advice Sheet 10: reptile survey. Froglife, London.

JNCC (2010) Handbook for Phase 1 Habitat Survey – A Technique for Environmental Audit, JNCC, Peterborough.

Strachan, R., Moorhouse, T. and Gelling, M. (2011) Water Vole Conservation Handbook. Third Edition. Wildlife Conservation Research Unit, Oxford.

UK Habitat Classification Working Group (2018). UK Habitat Classification User Manual at <http://ecountability.co.uk/ukhabworkinggroup-ukhab>

Legislation and Policy.

Conservation of Habitats and Species Regulations 2017. Available at <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made> (Accessed 20th March 2023).

Countryside Rights of Way Act 2000. Available at <http://www.legislation.gov.uk/ukpga/2000/37/contents> (Accessed 20th March 2023).

The Habitats Directive. Available at http://www.ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm (Accessed 20th March 2023).

National Planning Policy Framework (2012). Available at <http://www.gov.uk/government/publications/national-planning-policy-framework--2> (Accessed 20th March 2023).

Natural Environment and Rural Communities (NERC) Act 2006. Available at <http://www.legislation.gov.uk/ukpga/2006/16/contents> (Accessed 20th March 2023).

The Wildlife and Countryside Act 1981. Available at <http://www.legislation.gov.uk/ukpga/1981/69> (Accessed 20th March 2023).

Appendix I: Habitat Map

Site - New Baling Shed, Topwood
Reference - 20230059-PEA

Habitats

 u1b Developed land; sealed surface

Linear Habitats

 u1e Built linear feature

0 7 14 m



Appendix II: Target Notes

Site - New Baling Shed, Topwood
Reference - 20230059-PEA

 Site boundary

 Target Notes

T1 - Stored materials

T2 - Hedgerow along site boundary



0 7 14 m



Appendix II: **Target Notes**

T1	Piled materials on site that provide areas of low value refugia for amphibians and reptiles.	
T2	The hedgerow and trees along the western boundary of the site.	

Appendix III: **Species Lists**

There is no vegetation present on the site and therefore there are no species lists required for the habitats present.

Appendix IV: **Development Plans**

There are no detailed development plans showing the design for the new baling shed.

Appendix V: Planning Policy and Species Legislation Summary

1. Planning Policy

1.1. The National Planning Policy Framework (NPPF, 2019) sets out the governments planning policies and how they should be applied. Section 15 of the policies refers to ‘Conserving and enhancement the natural environment’. This outlines how local authorities should deal with biodiversity when considering planning applications.

1.2. NPPF paragraph 175 States:

When determining planning applications, local planning authorities should apply the following principles;

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

2. Legislation Summary

Site	Legislation	
Locally Designated Sites	Locally designated sites are not covered by any statutory legislation but are protected by local development plans.	
Statutory Sites	Statutory sites are protected in different ways depending on the reason for the sites designated with sites being covered by legislation including the Wildlife and Countryside Act 1981 and the Habitats Directive.	
Species and Habitats of Principal Importance	Species and habitats of principal importance are covered by the Natural Environment & Rural Communities Act 2006.	
Species	Legislation	Offences include
Badgers	Protection of Badgers Act 1992	○ 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).
Bats	Conservation of Habitats and Species Regulations 2017 (as amended) Wildlife and Countryside Act 1981	○ Deliberately kill, injure or capture a bat; ○ Deliberately disturb bats; ○ Damage or destroy a breeding site or resting place of a bat. ○ Obstruct access to any structure or place which any bat uses for shelter or protection; or ○ Disturb any bat while occupying a structure or place which it uses for that purpose.

Birds	Wildlife and Countryside Act 1981	○ Intentionally kill, injure, or take any wild bird; ○ Intentionally take, damage or destroy a nest of any such bird whilst it is in use or being built; or ○ Intentionally take or destroy an egg of any such bird.
Crayfish	Wildlife and Countryside Act 1981	○ Obstruct access to any structure or place which a crayfish uses for shelter or protection; or ○ Disturb a crayfish while occupying a place which it uses for that purpose.
Great Crested Newts	Conservation of Habitats and Species Regulations 2017 (as amended) Wildlife and Countryside Act 1981	○ Intentionally or deliberately capture, injure, kill, or disturb the species; ○ Intentionally or recklessly damage, destroy or disturb a GCN in a place of shelter or protection, or obstruct access to such a place; or ○ Damage or destroy a breeding site or resting place.
Hazel Dormice	Conservation of Habitats and Species Regulations 2017 (as amended) Wildlife and Countryside Act 1981	○ Deliberately capture, injure or kill a dormouse; ○ Deliberately disturb dormice; ○ Damage or destroy a breeding site or resting place of a dormouse ○ Obstruct access to any structure or place which a dormouse uses for shelter or protection; or ○ Disturb a dormouse while occupying a structure or place which it uses for shelter or protection
Otters	Conservation of Habitats and Species Regulations 2017 (as amended) Wildlife and Countryside Act 1981	○ Deliberately capture, injure or kill any wild otter; ○ Deliberately disturb wild otters; ○ Damage or destroy a breeding site or resting place of an otters. ○ Disturb an otters while it is occupying a structure or place which it uses for shelter or protection; or ○ Obstruct access to such a place.
Red Squirrels	Wildlife and Countryside Act 1981	○ Kill, injure or take a red squirrel; ○ Damage, destroy or obstruct access to any structure or place which a red squirrel uses for shelter or protection; or ○ Disturb a red squirrel while it is occupying a structure or place which is used for that purpose.
Reptiles (non EPS)	Wildlife and Countryside Act 1981	○ Intentionally kill or injure a reptile.
Water Voles	Wildlife and Countryside Act 1981 Natural Environment & Rural Communities (NERC) Act 2006	○ Intentionally capture, kill or injure water voles; ○ Intentionally or recklessly damage, destroy or block access to their places of shelter or protection; or ○ Disturb water voles while occupying a place of shelter used for that purpose.

Local authorities therefore have a duty to consider protected species as a material consideration when assessing planning applications. The ODPM Government Circular 06/2005 states: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*