



URBAN EDGE
ENVIRONMENTAL
CONSULTING

NATURAL PROGRESSION

Mount Avenue, Caterham, Surrey

Hazel Dormouse Survey

April 2025

Mount Avenue, Caterham, Surrey

Hazel Dormouse Survey

Client:	Sigma Homes Ltd	
Report No.:	UE0540_MountAve_Dormouse_1_250407	
Author: Zoë Benefer BSc (Hons) MSc Qualifying member of CIEEM	Proofed: Rosie Marston BSc (Hons) MSc MCIEEM	Approved: Nick Pincombe BA(Hons) MSc CEnv MIEMA MCIEEM
Revision No.:	Status/Comment:	Date:
0	First issue to client	17 December 2024
1	Amended client details	07 April 2025
Urban Edge Environmental Consulting Ltd is a Registered Practice of the Chartered Institute of Ecology and Environmental Management. The information, advice and opinions provided in this report are true and were prepared and provided in accordance with CIEEM's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.		



Contents

0	Executive Summary	i
0.1	Introduction	i
0.2	Results	i
0.3	Evaluation	i
0.4	Conclusion	i
1	Introduction	1
1.1	Purpose of this Report	1
1.2	Objectives and Approach of the Study	1
1.3	Survey Area	1
1.4	Proposed Construction Activities	2
2	Survey Methodology	5
2.1	Desk Study	5
2.2	Habitat Suitability	5
2.3	Nest Tube Survey	6
2.4	Evaluation Criteria	7
2.5	Limitations	7
2.6	Personnel	7
3	Results	8
3.1	Desk Study	8
3.2	Designated Sites	8
3.3	Landscape Features	8
3.4	Field Survey Overview	8
3.5	Nest Tube Survey	9
4	Evaluation	10
4.1	Presence or Absence of Hazel Dormouse	10
4.2	Population Assessment	10
4.3	Impact Assessment	10

5	Recommendations and Conclusions	11
5.1	Introduction	11
	References and Bibliography	12
	Appendix I: Habitat Plan	A
	Appendix II: Hazel Dormouse Survey Plan	C
	Appendix III: Trees and Shrubs of Value to Dormice	E
	Appendix IV: Legislation and Planning Context	G
	Legislation	G
	Planning context	H
	Appendix V: Summary of Other Species Results	K
	Appendix VI: Legal and Technical Limitations	L

List of Tables and Figures

<i>Table 2.1: Suitability of habitat for hazel dormouse - adapted from Bright et al (2006)</i>	5
<i>Table 2.2: Index of detection probability for hazel dormouse - taken from Bright et al (2006)</i>	6
<i>Table 2.3: Hazel dormouse survey dates and weather conditions</i>	6
<i>Table 3.1: Hazel dormouse mitigation licences within 2km of the site boundary</i>	8
<i>Figure 1.1: Survey area</i>	3
<i>Figure 1.2: Proposed site layout</i>	4

Abbreviations

CHS	Conservation of Habitats and Species Regulations 2017 (as amended)
EA	Environment Act 2021
MAGIC	Multi-Agency Geographic Information for the Countryside
NERC	Natural Environment and Rural Communities Act 2006
PEA	Preliminary Ecological Appraisal
WCA	Wildlife and Countryside Act 1981 (as amended)

0 Executive Summary

0.1 Introduction

- 0.1.1 A survey for hazel dormouse was undertaken for the site of a proposed residential development at Mount Avenue, Caterham, Surrey. The survey was undertaken to identify and evaluate the potential impacts of development on hazel dormouse and make recommendations accordingly.

0.2 Results

- 0.2.1 The site contained 0.124ha of scrub, 0.2ha of deciduous woodland and 284m of hedgerow habitat and these were assessed as providing moderate suitability for hazel dormouse.
- 0.2.2 The nest tube survey recorded no hazel dormouse nests during the survey period, and hazel dormouse was confirmed as being likely absent on site. Five mouse nests were recorded within the survey area.

0.3 Evaluation

- 0.3.1 The survey area is considered to be of Negligible Importance for its hazel dormouse population.
- 0.3.2 The dense scrub at the eastern boundary is likely to be removed along with limited additional removal of hedgerow for access along the northern and southern boundary. Woodland habitats are due to be retained and protected during construction. Hazel dormouse was not recorded within the survey area. It is considered that the removal of habitat is unlikely to result in the killing, injury or disturbance to hazel dormouse and as such these works would be lawful under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended) insofar as they relate to hazel dormouse.

0.4 Conclusion

- 0.4.1 In light of the lack of dormouse evidence given the survey effort, dormice are considered to be absent from the site. Therefore, no mitigation or compensation for this species is required. Enhancement recommendations for the site include improving woodland understorey density and diversity through selective thinning and planting of native species. Additional planting will be used to improve hedgerow diversity.

1 Introduction

1.1 Purpose of this Report

- 0.1.1 A Preliminary Ecological Appraisal (PEA) was carried out in June 2023 for the site of a proposed residential development at Mount Avenue, Caterham, Surrey (Grid Reference: TQ 32112 55025). It was recommended that further surveys should be carried out for hazel dormouse *Muscardinus avellanarius* due to the presence of suitable habitats.

1.2 Objectives and Approach of the Study

- 1.2.1 The study was commissioned to fulfil the following objectives:
- ▶ To determine the presence or likely absence of hazel dormouse, and if present record their distribution within the survey area;
 - ▶ To provide sufficient data to inform a mitigation licence application for hazel dormouse, if required;
 - ▶ To identify and evaluate the potential impacts of development on hazel dormouse; and
 - ▶ To outline the measures required for avoiding and mitigating negative impacts to hazel dormouse and make recommendations for ecological enhancement.
- 1.2.2 To meet these objectives the survey approach involved:
- ▶ A desk study including:
 - a review of hazel dormouse records from the local area (1km radius from the centre of the Proposed Development site);
 - an assessment of the surrounding habitats for their likely importance for dormice;
 - the presence of any protected areas cited for their dormice populations; and
 - the location and status of any nearby historic or extant dormouse mitigation licences within a 2km radius of the site.
 - ▶ A nest tube survey of suitable on-site habitats.

1.3 Survey Area

- 1.3.1 The Application Site boundary is expected to be the same as the survey area boundary.
- 1.3.2 The survey area lies to the west of Caterham, Surrey within the Tandridge District. The survey area comprises c.1.49ha of undeveloped land, currently comprising of a large improved grassland field (horse paddock), with scrub, hedgerows/line of trees, deciduous woodland and hardstanding.

- 1.3.3 The survey area is bounded to the north by Mount Avenue and residential properties, to the east and west by residential properties and to the south by Birchwood Lane. The extent of the Application Site and survey area are outlined on Figure 1.1.
- 1.3.4 The wider landscape is characterised by arable land and pasture with a network of hedgerow and drainage ditches, and numerous deciduous woodland blocks including Ancient Semi-Natural Woodland (ASNW), the closest of which sits c.10m southwest of the survey site area.

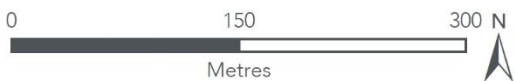
1.4 Proposed Construction Activities

- 1.4.1 Planning consent is being sought for a residential development. The proposals would include the construction of an as yet undetermined number of dwellings, together with parking, access, landscaping and associated facilities. A feasibility site plan is provided at Figure 1.2.
- 1.4.2 The soft landscaping proposals comprise less intensively managed vegetation along the survey area boundaries and pre-existing woodland and hedgerow habitat. The tree belt along the eastern boundary will be retained. Some removal of hedgerow will be undertaken to create access from the northern and southern boundaries.

 Survey area

Survey area

Figure 1.1: Survey area



© Crown copyright and database rights 2023
Ordnance Survey 0100031673

Scale (at A4): 1:5,000 Created by: MT

Date: Apr 2023 **Reviewed by:** NP

Drawing number:

UE0540ECO-MountAvenue_SiteLocation_230405





Figure 1.2: Proposed site layout

2 Survey Methodology

2.1 Desk Study

- 2.1.1 Surrey Biological Information Centre (SBIC) was consulted for records of hazel dormouse within a 1km search radius. The desk-study data search was carried out as part of the Preliminary Ecological Appraisal (UEEC, 2023).
- 2.1.2 Additionally, the Multi-Agency Geographic Information for the Countryside (MAGIC) website was consulted for granted mitigation licenses for hazel dormouse within a 2km radius, and for citations of any protected areas which are notified for their hazel dormouse populations.
- 2.1.3 The MAGIC website was also used to seek information on the presence of ancient woodland and other important features such as woodland, tree lines, hedgerows and the surrounding landscape uses.

2.2 Habitat Suitability

- 2.2.1 Habitats within the survey area have been attributed a perceived level of suitability with reference to Table 2.1. This was dependent on several factors, including diversity of food, shelter and nest resources, and arboreal connectivity between suitable on and off-site habitat. These factors were deemed to increase or decrease the probability of dormice being present.

Table 2.1: Suitability of habitat for hazel dormouse - adapted from Bright et al (2006)

Suitability	Factors Affecting Suitability
Low	Low species diversity Low structural diversity Limited or no connectivity to high-value habitats Seasonally waterlogged 300m above sea level
Moderate	Limited areas of suitable habitat Moderate species diversity Moderate structural diversity Sub-optimal habitats with limited connectivity to high-value habitats
High	High diversity of species High structural diversity Good connectivity Small areas adjacent to high-value habitats

2.3 Nest Tube Survey

- 2.3.1 A nest tube survey for hazel dormouse was carried out, based on standard industry guidelines (Bright et al., 2006) and Natural England's standing advice¹ for dormouse.
- 2.3.2 Nest tube surveys utilise nest tubes deployed at c.15-20m intervals in suitable habitat within and (where access allows) bordering the survey area. Each tube is checked for dormice or their nests during the survey. The survey is required to achieve a minimum score of 20 against the index of detection probability outlined in Table 2.2.

Table 2.2: Index of detection probability for hazel dormouse - taken from Bright et al (2006)

Month	Index of Probability
April	1
May	4
June	2
July	2
August	5
September	7
October	2
November	2

- 2.3.3 The index is based on a deployment of 50 nest tubes as standard. Where a survey deploys nest tubes in lesser or greater numbers the weighting score may be amended accordingly, because this will affect the detectability of dormice. The present survey used 50 nest tubes, installed within scrub, hedgerow and woodland habitat on 28 April 2023 with redeployment on 27 March 2024. Nest tube checks were carried out monthly between May and June 2023 and May and September 2024 thereby achieving a total score of 26 (4+2 +4+2+2+5+7) and giving a good degree of confidence in the survey findings.
- 2.3.4 Nest tubes were positioned in areas of suitable habitat within and adjacent to the survey area, as shown on the plan at Appendix II. The location of each nest tube was marked with survey tape to ensure that all tubes could be re-located during subsequent survey visits. The location of occupied tubes containing hazel dormice, or their nests, was recorded using GPS coordinates, together with the number of individuals and sex, weight and maturity data. Weather conditions were noted during each survey (air temperature, wind speed, precipitation and cloud cover) and are reported in Table 2.3.

Table 2.3: Hazel dormouse survey dates and weather conditions

Date	Weather conditions
30 May 2023	16-17°C, 10% cloud cover, moderate breeze (Beaufort 3), no precipitation
29 June 2023	17-18°C, 100% cloud cover, light breeze (Beaufort 2), no precipitation

1 Natural England (2015): Hazel or common dormice: surveys and mitigation for development projects. Accessed online at: <https://www.gov.uk/guidance/hazel-or-common-dormice-surveys-and-mitigation-for-development-projects>

Date	Weather conditions
15 May 2024	16°C, 30% cloud cover, light air (Beaufort 1), no precipitation
12 June 2024	14°C, 40% cloud cover, no wind (Beaufort 0), no precipitation
3 July 2024	18°C, 70% cloud cover, light breeze (Beaufort 2), light rain
6 August 2024	21°C, 80% cloud cover, light breeze (Beaufort 2), no precipitation
4 September 2024	19-20°C, 80% cloud cover, moderate breeze (Beaufort 3), no precipitation

2.4 Evaluation Criteria

- 2.4.1 Population size is very difficult to evaluate as dormice live at low densities, even in the best habitats. In spring there are typically only 4 to 10 adults per hectare in optimal habitats (Bright et al., 2006). Results from the National Dormouse Monitoring Programme suggest an average of between 1.75 and 2.5 adults per hectare based on 83 sites in various habitats, with the lowest densities in the north of England (1993 to 2000 inclusive; Bright & Sanderson, pers. Comm., cited in Bright et al., 2006). Across the country, including sub-optimal habitats, the average population density is estimated to be around 2.2 adults per hectare (Bright et al., 2006).

2.5 Limitations

- 2.5.1 During the checks, up to four of the tubes were damaged as a result of being chewed by horses within the paddock. However, as there were 50 tubes installed, this only represented 8% of the total number of tubes and was therefore not thought to be a significant limitation to the results.
- 2.5.2 Data from dormouse surveys should be considered to be valid for a period of 12-18 months, unless there are any significant changes to the habitats within the site (CIEEM, 2019). Data used to support a mitigation licence application to Natural England is best taken from the most recent survey season; depending on the timing of the application, this may mean from the same or previous year.

2.6 Personnel

- 2.6.1 The assessment was undertaken by Dan Maude BSc(Hons) MRes Qualifying member of CIEEM a Senior Ecologist with four years of experience in ecological consultancy. Surveys were undertaken by Richard Emerson BSc(Hons) Qualifying member of CIEEM, an Assistant Ecologist with 3 years of commercial dormouse survey experience, and Ed Peters BSc(Hons) MSc Qualifying member of CIEEM, and Assistant Ecologist with one year of commercial dormouse survey experience.

3 Results

3.1 Desk Study

Statutory and non-statutory site designations

- 3.1.1 The data search returned two records of dormice between 2016 and 2018. The most recent of these is located c.700m north-west in 2018.
- 3.1.2 A total of four mitigation licences are known from within a 2km radius of the site. A summary of the results is presented in Table 3.1.

Table 3.1: Hazel dormouse mitigation licences within 2km of the site boundary

Licence Number	Distance & Orientation	Notes
EPSM2013-5442	994m North-East	Licence dated 26 February 2013 to 31 December 2018 allowing for the impact and destruction of a breeding site and the destruction of a resting place.
2014-942-EPS-MIT	994m North-East	License dated 22 May 2014 to 31 December 2019.
2014-942-EPS-MIT-1	994m North-East	Licence date 29 May 2014 to 28 December 2019.
2014-942-EPS-MIT-2	994m North-East	Licence dated 26 May 2015 to 31 December 2020.

3.2 Designated Sites

- 3.2.1 No sites designated for dormice are present within 2km of the site. There are no statutory or non-statutory designated sites within 2km that include dormice within their citation.

3.3 Landscape Features

- 3.3.1 There are several areas of deciduous woodland and ancient and semi-natural woodland present within 2km which have good connectivity to the site via hedgerows, scrub and tree lines. Such habitats are likely to provide important resources for dormice locally.

3.4 Field Survey Overview

- 3.4.1 The on-site habitats mainly comprised of low-diversity, heavily poached improved grassland (horse paddock) with areas of semi-natural broadleaved woodland which contained a diverse range of species including mature pedunculate oak, *Quercus robur*, semi-mature beech *Fagus sylvatica*, alder *Alnus* spp., wild cherry *Prunus avium* and willow *Salix* spp., with occasional saplings of holly *Ilex aquifolium* and elder *Sambucus nigra*.

- 3.4.2 Dense scrub containing bramble *Rubus fruticosus* was present at the northern and eastern boundaries of the survey area. Within the centre of the eastern boundary was a relatively large patch of dense blackthorn *Prunus spinosa* scrub. Scattered blackthorn scrub was also present as small, low patches along the western end of the southern boundary and the southern end of the eastern boundary.
- 3.4.3 Mixed semi-natural woodland also lined the western boundary, comprised mostly of young trees including wild cherry, holly and beech with some semi-mature silver birch *Betula pendula*. Minimal ground flora is present as a result of heavy poaching from the horses.
- 3.4.4 Scrub habitats were considered to be of moderate suitability for dormice, featuring a moderate diversity of food plants and providing nesting habitats, and were determined as having local importance. However, due to the lack of understorey density, woodland habitats were deemed to be less suitable for dormice.

3.5 Nest Tube Survey

- 3.5.1 The nest tube survey recorded no hazel dormouse nests during the survey period however six mouse nests (*Apodemus* sp.) were recorded. Five nests were found along the eastern boundary and one at the northern boundary. A summary of the survey results is displayed in Appendix V.



Unoccupied mouse sp. nest located within scrub at the centre of the eastern boundary during September 2024



Unoccupied Mouse sp. nest located within scrub at the eastern boundary during July 2024

4 Evaluation

4.1 Presence or Absence of Hazel Dormouse

- 4.1.1 The survey findings confirm that hazel dormouse are likely absent on site. No hazel dormouse nests were identified across the survey area.

4.2 Population Assessment

- 4.2.1 Overall the site is considered to be of Negligible Importance for its hazel dormouse population.

4.3 Impact Assessment

- 4.3.1 The dense scrub at the eastern boundary is likely to be removed along with new pedestrian access gaps in H1 and a new vehicle access gap of c.10m within H2 (shown in Appendix I). Woodland habitats are due to be retained and protected during construction. Hazel dormouse was not recorded within this length of hedgerow or scrub during the survey, and it is considered unlikely that dormice would utilise these habitats at any time as a breeding or resting place. The Proposed Development is not expected to disrupt or sever important commuting / dispersal routes across the local landscape as the majority of the boundary habitats will remain intact and affected areas are isolated from the wider habitat by the woodland which has lower habitat suitability.
- 4.3.2 Overall it is considered that the removal of the hedgerow and scrub habitats is unlikely to result in the killing, injury or disturbance to hazel dormouse and as such these works would be lawful under the Wildlife and Countryside Act 1981 (as amended) (WCA) and Conservation of Habitats and Species Regulations 2017 (as amended) (CHS) insofar as they relate to hazel dormouse.

5 Recommendations and Conclusions

5.1 Introduction

- 5.1.1 Options for the development proposals should follow the established mitigation hierarchy as set out in Section 5.2 of BS42020:2013. This seeks, as a preference, to avoid impacts, then to mitigate unavoidable impacts and, as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures.
- 5.1.2 Enhancement recommendations include improving understorey density and diversity through selective thinning and planting of native species. Additional planting will be used to improve hedgerow diversity. The recommendations should be read alongside those contained in the PEA (UEEC, 2023).

Habitat Enhancements

- 5.1.3 The understorey of the onsite deciduous woodland will be enhanced by the planting of native fruiting shrubs and selection thinning to increase light penetration. The increase in canopy diversity will improve the suitability of habitat for a wide range of species and will increase the connectivity of on-site moderately suitable hedgerows with the wider landscape.
- 5.1.4 Hedgerows on the eastern and southern boundary will be enhanced through the planting of additional native vegetation. Fruit, seed, nut and nectar-bearing species will be used preferentially when selecting species for landscape planting, so that food sources are available throughout the year (e.g. hazel, hawthorn, blackthorn, rowan *Sorbus aucuparia* and honeysuckle *Lonicera periclymenum*). If an evergreen hedge is required for landscape screening, suitable native species include holly, yew *Taxus baccata*, although both can be rather slow growing, ivy *Hedera helix* and privet *Ligustrum vulgare*.
- 5.1.5 There are opportunities to create new native hedgerows and infill defunct hedgerows on site in order to favour biodiversity and enhance the level of connectivity between suitable habitats within the wider landscape. A good hedgerow should be species-rich, dense, and provide continuity of habitat along its length. Hedges should be cut in the winter and ideally only once every three years to keep them thick (Hedgelink, 2013).

References and Bibliography

Bright P., Morris P. and Mitchell-Jones T. (2006): *The Dormouse Conservation Handbook; Second Edition*. English Nature, Peterborough.

British Standards Institution (BSI) (2013). *Biodiversity. Code of practice for planning and development: 42020*. BSI, London.

CIEEM (2018): *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.3*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2019): *Advice Note on the Lifespan of Ecological Reports & Surveys*. Available online at: <https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/>

Hedgelink leaflet (2013) How to Manage your Hedges for Dormice.

People's Trust for Endangered Species (2023) *The State of Britain's Dormice 2023*.

UEEC (2023): *Mount Avenue, Caterham, Surrey PEA*

Appendix I: Habitat Plan

Mount Avenue, Caterham, Surrey

-  Survey area
-  Modified grassland
-  Blackthorn scrub
-  Bramble scrub
-  Developed land, sealed surface
-  Developed land, sealed surface; building
-  Lowland mixed deciduous woodland
-  Other woodland; mixed
-  Native Species Rich Hedgerow with trees
-  Line of Trees
-  Fence
-  Tree with PRF-M suitability to support roosting bats
-  Target note



© Crown copyright and database rights 2025
Ordnance Survey AC0000808122

Scale (at A4): 1:900 Created by: EM
Date: Apr 2025 Reviewed by: NP
Drawing number:
UE0540ECO-MountAvenue_Habitats_250327



Appendix II: Hazel Dormouse Survey Plan

Mount Avenue, Caterham, Surrey

- Survey area
- Wood mouse nest
- Food store
- Mouse droppings
- Dormouse nest tubes



© Crown copyright and database rights 2024
Ordnance Survey AC0000808122

Scale (at A4): 1:1,000 Created by: MT
Date: Dec 2024 Reviewed by: NP
Drawing number:
UE0540ECO-MountAvenue



Appendix III: Trees and Shrubs of Value to Dormice

Species	Value
Hazel	Where present, this is the principal source of food (nuts) for fattening up prior to hibernation. Hazel also supports many insects, including caterpillars, which are potential dormouse food. Hazel forms a continuous understorey of sprawling poles, easy for arboreal activity and is a very valuable (but not essential) species for the dormouse.
Oak	An important source of insect food (including caterpillars). Dormice also eat oak flowers, but acorns are of little value.
Honeysuckle	The plant's finely shredded bark is the preferred nesting material used by dormice. Honeysuckle flowers also provide food at a time when few other things are available, with berries later. The climbing strands also offer convenient routes into the trees and provide dense shelter in which to nest.
Bramble	Its flowers and fruits are very important dormouse foods and tend to be available for a long period (especially where the site has slopes which vary the amounts of sunlight on the shrubs) and the thorns provide good protection for nests. Bramble often flowers late, when many other species are over and dormice also eat the berries and seeds in autumn. Dormice seem to thrive where blackberries are abundant, even in the absence of hazel. Bramble is best if scattered among hazels and trees.
Sycamore	A valuable source of insect food and pollen. A useful tree: dormice can survive in habitats with many sycamores. However, sycamores cast a dense shade which reduces the understorey. Thus sycamores should be kept few and scattered, perhaps coppiced to prevent seeding and to reduce the extent of shading.
Ash	Ripening seeds ('keys') are eaten whilst they are still on the tree, but ash supports few food insects. The canopy does not cast a dense shade, but generally ash woodlands are not good habitat.
Wayfaring tree	Fruits in late summer when little else may be available. Dormice eat the seeds and probably also the flowers.
Yew	The fruits are a favoured food and dormice will make special excursions to reach them, but the seeds are not eaten.
Hornbeam	Seeds are small and hard, but dormice eat them. The advantage is that they are too small to be attractive to squirrels, so they may form an alternative food where squirrels have taken most of the hazel nuts. Fruiting is erratic.
Broom	Flowers are eaten in early summer.
Sallow	Unripe seeds are eaten from the flowers in early summer. Sallow also supports many insects.

Species	Value
Birch	The catkins are over too early in the year to be much use to dormice, but they can eat the seeds. These are too small to attract squirrels and may provide support where squirrels compete for hazel nuts.
Sweet chestnut	Chestnuts are an excellent food source and dormice may also eat the flowers.
Blackthorn	Fruits (kernels) are eaten but the flowers come too early in the year. Dense blackthorn thickets tend to be avoided where alternative shrubs are available.
Hawthorn	Flowers are an important food in the spring. The fruits are eaten occasionally.
Conifers	Little is known about the use made of these trees by dormice, but they often support many aphids and caterpillars – potential dormouse food. The trees may also provide shelter from the wind and rain in exposed sites.
Other species such as cherry, crab apple, holly, ivy	Little is known about the value of these trees to dormice, but it is likely that they will eat the pollen (stamens) and perhaps fruits. Ivy is a useful source of food insects and its evergreen tangles among tree branches are often used for summer nesting sites.

Appendix IV: Legislation and Planning Context

Legislation

General

The main legislative instruments for ecological protection in England and Wales are: the Wildlife and Countryside Act 1981 (WCA; as amended); Countryside and Rights of Way Act 2000 (CRoW; as amended); Natural Environment and Rural Communities Act 2006 (NERC; as amended); the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations; as amended); and the Environment Act 2021.

WCA 1981 consolidated and amended pre-existing national wildlife legislation in order to implement the Bern Convention and the European Union Wild Birds Directive (Council Directive 2009/147/EC). It complements the Habitats Regulations, offering protection to a wider range of species than the latter. The Act also provided for the designation and protection of nationally important conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSI). Schedules of the act list protected species of flora and fauna, as well as invasive species, and detail the possible offences that apply to these species.

The CROW Act 2000 amended and strengthened existing wildlife legislation detailed in the WCA. It placed a duty on government departments & the National Assembly for Wales to have regard for biodiversity, provided increased powers for the protection and maintenance of SSSI, and created a right of access to parts of the countryside. The Act contained lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The NERC Act 2006 consolidated and replaced aspects of earlier legislation. Section 40 of the Act places a duty upon all local authorities and public bodies in England and Wales to have regard to the purpose of conserving biodiversity in exercising all of their functions, including by restoring or enhancing habitats and species populations. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity (otherwise known as Priority Habitats/species as listed in the now superseded UK Biodiversity Action Plan). These lists supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

The Habitats Regulations 2017 are the principal means by the European Union Habitats Directive (Council Directive 92/43/EEC) was transposed into English and Welsh law, and place a duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria in Europe are designated as Sites of Community Importance by the European Commission, and subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. Since the UK's departure from the European Union the European Commission no longer has a role in designating SACs in the UK. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish a single stage designation process, where the appropriate authority is the decision maker. The selection and designation of SACs is based on the criteria set out in Annex III of the Habitats Directive insofar as it applies to the UK, and having regard to the advice of the appropriate nature conservation body.

The 2019 Amendment Regulations have created a new national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes existing SACs, existing Special

Protection Areas (SPA) originally designated as a result of Council Directive 2009/147/EC on the Conservation of Wild Birds, and any new SACs and SPAs designated under the 2019 Regulations. SACs and SPAs in the UK therefore no longer form part of the EU's Natura 2000 ecological network.

The Habitats Regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively (European Protected Species (EPS)). Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade in these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations. Under the Habitats Regulations disturbance includes any activity which is likely to: impair the ability of a EPS to survive, breed, reproduce, or rear/nurture its young; impair the ability of a EPS to migrate or hibernate; or significantly affect the local distribution or abundance of the species.

The Environment Act 2021, among other things: established an Office for Environmental Protection; introduced a mandatory requirement for all new development requiring planning permission to achieve a net gain for biodiversity of at least 10% (although implementation of this is transitional); amended the NERC Act duty to conserve biodiversity by explicitly adding a duty to enhance; and requires local authorities to produce local nature recovery strategies.

Hazel dormouse (*Muscardinus avellanarius*)

Dormouse is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*:

- ▶ Intentionally kill, injure or take a dormouse.
- ▶ Possess or control a live or dead dormouse, any part of, or anything derived from a dormouse.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a dormouse uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a dormouse while it is occupying a structure or place that it uses for shelter or protection.

Planning context

National Planning Policy Framework (Section 15: Conserving and enhancing the natural environment)

The National Planning Policy Framework (NPPF), published in 2024, outlines the Government's commitment to the conservation of wildlife and natural features. It is concerned with:

- ▶ Protecting and enhancing valued landscapes, sites of biodiversity or geological conservation value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- ▶ Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- ▶ Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- ▶ Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current & future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- ▶ Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development

should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- ▶ Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The NPPF requires that local plans should “distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”.

To protect and enhance biodiversity and geodiversity, the NPPF states that planning policies should:

- ▶ Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- ▶ Promote the conservation, restoration and enhancement of Priority Habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

When determining planning applications, local planning authorities should aim to protect and enhance biodiversity by applying the following principles:

- ▶ 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;
- ▶ 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 scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- ▶ 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
- ▶ development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The following wildlife sites should be given the same protection as habitats sites:

- ▶ potential Special Protection Areas and possible Special Areas of Conservation;
- ▶ listed or proposed Ramsar sites; and
- ▶ sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. The policies within the NPPF (and additional guidance contained within Circular 06/2005) are a material planning consideration.

UK/Local Biodiversity Action Plan Designations and Birds of Conservation Concern and Red Data Book Listings

Note that BAP designations and status as RSPB Birds of Conservation Concern or Red Data Book species does not offer any further legal protection, but planning authorities are required to prevent these species from being adversely affected by development in accordance with National Planning Policy and the CROW and NERC Acts. The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contained a list of Priority Habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status.

However, as a result of devolution, and new country-level and international drivers and requirements, much of the work previously carried out by the UK BAP is now focussed at a country-level rather than a UK-level, and the UK BAP was succeeded by the 'UK Post-2010 Biodiversity Framework' in July 2012. The UK lists of Priority Habitats and species nonetheless remain an important reference source and were used to draw up statutory lists of Priority Habitats and species in England, Northern Ireland, Scotland and Wales. The Priority Habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. Where they exist, Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Local Planning Policy

The following policies relating to wildlife and biodiversity are contained within the adopted Tandridge District Core Strategy (Tandridge District Council, 2008):

CSP 17 Biodiversity

Development proposals should protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan. The Council will seek to enhance biodiversity by supporting the work of the Downlands Countryside Management Project and by supporting Local Nature Reserves and Community Wildlife Areas.

CSP 20 Areas of Outstanding Natural Beauty

d) support suitable located sustainable development necessary to facilitate the environmental, economic and social well being of the AONBs and their communities;

Appendix V: Summary of Other Species Results

Date	Location	Tube Number	Findings
27 March 2024	Scrub in Hedgerow 3 on the eastern boundary	21	Nesting material
27 March 2024	Scrub in Hedgerow 2 on the North-East boundary	15	Abandoned old nest
27 March 2024	Hedgerow 1 on the southern boundary	29	Mouse food store
15 May 2024	Woodland in the North-west corner of the site	46	Droppings
15 May 2024	Scrub in the centre of the northern boundary	49	Old mouse nest
7 July 2024	Scrub on the eastern boundary of the site	17	Mouse nest
4 September 2024	Scrub on the centre of the eastern boundary	18	Wood mouse nest

Appendix VI: Legal and Technical Limitations

- This report has been prepared by Urban Edge Environmental Consulting Ltd (UEEC Ltd) with all reasonable skill, care and diligence within the terms of the contract made with the Client to undertake this work, and taking into account the information made available by the Client. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us.
- UEEC Ltd disclaims any responsibility to the Client and others in respect of any matters outside the scope of this contract. This report is confidential to the Client and is not to be disclosed to third parties. If disclosed to third parties, UEEC Ltd accepts no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any third party relies upon the contents of this report at their own risk and the report is not to be relied upon by any party, other than the Client without the prior and express written agreement of UEEC Ltd.
- The advice provided in this report does not constitute legal advice. As such, the services of lawyers may also be considered to be warranted.
- Unless otherwise stated in this report, the assessments made assume that the sites and facilities that have been considered in this report will continue to be used for their current planned purpose without significant change.
- All work carried out in preparing this report has utilised and is based upon UEEC Ltd's current professional knowledge and understanding of current relevant UK standards and codes, technology and legislation. Changes in this legislation and guidance may occur at any time in the future and may cause any conclusions to become inappropriate or incorrect. UEEC Ltd does not accept responsibility for advising the Client or other interested parties of the facts or implications of any such changes;
- Where this report presents or relies upon the findings of ecological field surveys (including habitat, botanical or protected/notable species surveys), its conclusions should not be relied upon for longer than a maximum period of two years from the date of the original field surveys. Ecological change (e.g. colonisation of a site by a protected species) can occur rapidly and this limitation is not intended to imply that a likely absence of, for instance, a protected species will persist for any period of time;
- This report has been prepared using factual information contained in maps and documents prepared by others. No responsibility can be accepted by UEEC Ltd for the accuracy of such information;
- Every effort has been made to accurately represent the location of mapped features, however, the precise locations of features should not be relied upon;
- Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out, weather conditions and other variables will influence the results of an ecological survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed). Every effort has been made to accurately note indicators of presence of protected, rare and notable species within and adjacent to the site but the possibility nonetheless exists for other species to be present which were not recorded or otherwise indicated by the survey;
- Any works undertaken as a consequence of the recommendations provided within this report should be subjected to the necessary health & safety checks and full risk assessments.

Urban Edge Environmental Consulting Ltd

Unit 5 | Westergate Business Centre | Brighton | BN2 4QN

T: 01273 68 67 66 | E: enquiries@ueec.co.uk

www.ueec.co.uk |  LinkedIn | 

© Urban Edge Environmental Consulting Ltd 2025



Urban Edge Environmental Consulting Ltd

Unit 5 | Westergate Business Centre | Brighton | BN2 4QN

T: 01273 68 67 66 | E: enquiries@ueec.co.uk

www.ueec.co.uk | 

© Urban Edge Environmental Consulting Ltd 2025



NATURAL PROGRESSION

