

July 2024

The Aylesham Centre, Peckham

Preliminary Ecological Appraisal

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PRELIMINARY ECOLOGICAL APPRAISAL

Aylesham Centre, Peckham

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1. Executive Summary

Purpose	Assystem, formerly Schofield Lothian, was commissioned by Trium Environmental Consulting LLP (Trium), on behalf of Berkeley Homes (Capital) PLC, to undertake a Preliminary Ecological Appraisal (PEA) of land at Aylesham Centre, Peckham, to evaluate the existing ecological value of the site and to identify any ecological constraints to the Proposed Development.
Introduction	A PEA, consisting of a field survey and desk study, was undertaken on 24th February 2022. The field survey had a 2-year period of validity; therefore, an update survey was completed on 30th January 2024 to ensure the conditions reported in the PEA remain valid. As part of the update to the PEA, the desk study has been updated, using publicly available resources and local records obtained from Greenspace Information for Greater London (GiGL), and a walkover survey of the Site was completed to review habitat classification on Site. As part of the update, the habitats present were mapped according to the UK Habitat Classification methodology. The PEA report was completed in consideration of the Chartered Institute of Ecology and Environmental Management (CIEEM) Preliminary Ecological Appraisal (2017) guidelines, the UKHab Classification User Manual (UKHab Version 2.0, 2023) and British Standard 42020 (2013) 'Biodiversity – Code of Practice for Planning and Development'. The Site is located within the London Borough of Southwark, in the centre of Peckham. The Site borders Rye Lane, Hanover Park and McKerrell Road. The surrounding area is largely comprised of commercial and residential uses, as well as Peckham bus station and depot to the north. There are no national statutory designated sites within 5 km of the Site.
Key Findings	Habitat – The Site contains primarily built structures operating as retail units, as well as areas of hard-standing, forming pavements as well as a large car park. Scattered young and semi-mature trees are also present. The habitats on Site are of low ecological value. Birds – opportunities for nesting birds were present throughout the Site, Bats – the buildings were considered to hold negligible potential for roosting bats, with negligible potential for commuting/ foraging bats given the highly urban context of the area.
Recommendations	Nesting Birds – The scattered trees and scrub on Site offer some potential for nesting birds. Additionally, pigeons were observed within the Aylesham Centre. It is therefore recommended that any removal of trees or scrub on Site and building demolition, take place outside of the nesting bird season (March – September). Alternatively, an ecologist should undertake a site walkover to confirm the absence of breeding birds. Exclusion measures should be put in place to remove the likelihood of nesting pigeons being present within the Aylesham Centre Other Mammals – It is possible that common wild mammals such as foxes (<i>Vulpes vulpes</i>) may venture onto the Site during the refurbishment and construction of the proposed project. Measures such as covering all deep holes and trenches overnight, planked escape routes from excavations, and storing liquids safely will reduce the risk of harm to wild mammals, which are protected by the Wild Mammals (Protection) Act 1996 from unnecessary suffering by certain measures.
Conclusion	Based on the findings of the PEA, the Site has low ecological value. The Proposed Development provides exciting opportunities for potential biodiversity enhancement, such as the installation of green roofs and enhancement the local environment by increasing tree and scrub habitats.

2. Purpose of the Document

2.1.1 The purpose of this document is to provide information regarding any protected and /or notable habitats and species that occur or have the potential to occur on or near the Proposed Development(s) and identification of the potential impacts of the works.

2.1.2 This assessment has been designed to meet:

- Chartered Institute of Ecology and Environmental Management 'Guidelines for Preliminary Ecological Appraisal' (2017)¹; and
- British Standard 42020 (2013) 'Biodiversity – Code of Practice for Planning and Development'².

2.1.3 The objectives are to:

- Identify any designated sites for nature conservation and habitats on, near and/or adjacent to the site;
- Identify any notable and/or protected plant or animal species of nature conservation value, which may occur on or near the site;
- Identify the presence of any invasive plant species on or adjacent to the site;
- Provide a habitat map with target notes of ecological features as identified above;
- Undertake a preliminary assessment of the potential impacts on any ecological receptors of conservation value identified on, near or adjacent to the site; and
- Recommend further surveys, mitigation, and enhancement measures as appropriate.

2.2 Validity of Data

2.2.1 The findings of this study are valid for a period of 24 months from the survey on the 30th January 2024. If works have not commenced within two years of this date, then an updated Site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on Site, and to inform a review of the conclusions and recommendations made.

¹ CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

² BSI (2013) British Standard 42020:2013 Biodiversity – Code of Practice for Planning and Development. British Standards Institute, London.

3. Introduction

3.1 Background Information

- 3.1.1 Assystem, formerly Schofield Lothian, was appointed by Trium Environmental Consulting LLP (hereby known as Trium) on behalf of Berkeley Holmes (Capital) PLC (the Applicant) to carry out an extended Phase 1 habitat survey of land at Aylesham Centre Peckham, London, in order to inform a Preliminary Ecological Appraisal (PEA).
- 3.1.2 The original field survey undertaken in February 2022 had a 2-year period of validity. Therefore, an update survey was completed on 30th January 2024 to ensure the conditions reported in the PEA remain valid. As part of the update to the PEA, the desk study has been updated, using publicly available resources and local records obtained from Greenspace Information for Greater London (GiGL), and a walkover survey of the Site was completed to review the habitat classification. As part of the update, the habitats present were mapped according to the UK Habitat Classification methodology.
- 3.1.3 By undertaking an investigation of the habitats and species present, this report will provide the Applicant with a greater understanding of the ecological value of the area. It identifies any potential risks, obligations and restrictions that may be necessary to guarantee compliance with wildlife legislation.

3.2 Site Description

- 3.2.1 The Site borders Rye Lane, Hanover Park and Mckerrell Road. The surrounding area is largely comprised of commercial and residential uses, as well as Peckham bus station and depot adjacent north (see Figure 1).
- 3.2.2 The Site area is approximately 2.8 hectares (ha) and is currently occupied by a Morrisons supermarket and petrol station, which are connected to the Aylesham Centre. The Aylesham Centre is a wider retail space that exists within the site boundary. It offers retail space that faces onto Rye Lane. The main façade of the built structure is a brickwork building with a glass roof over the atrium of the building.

3.3 Scope of Works

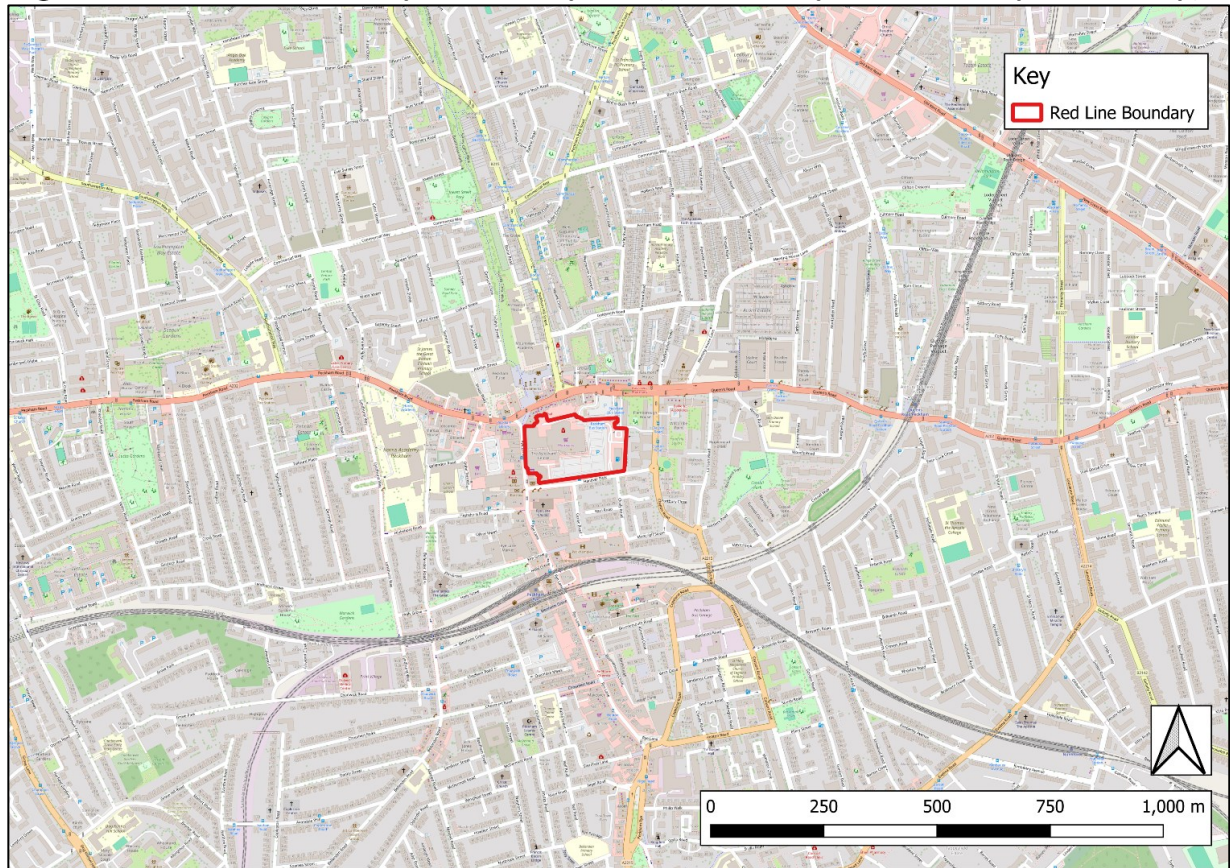
- 3.3.1 The following surveys were commissioned by the Applicant and form part of this PEA:
- Desktop study and ecological data search;
 - Extended Phase 1 habitat survey; and
 - Extended UK Habitat Classification survey (UKHab) (extended to include a protected species search).

3.4 Proposed Works

- 3.4.1 The Proposed Development Site is located Aylesham Centre, Hanover Park, London SE15 5EW ('the Site'). The total area of the Site is 2.7 hectares.

- 3.4.2 The Site is located within Peckham town centre within the administrative boundary of the London Borough of Southwark ('LBS'). Rye Lane bounds the Site to the west, Hanover Park to the south and Mckerrell Road to the east. Peckham Bus Station, fronting onto Peckham High Street, bounds the Site to the north.
- 3.4.3 The surrounding area is characterised by typical town centre uses, with a broad mix of convenience and comparison retailers; leisure and other commercial uses; and residential. Building heights within the surrounding area are mixed, ranging from three storeys along Rye Lane and Hanover Park to 20 storeys at the Clifton Estate. The existing buildings (on the Site) are not listed at either Statutory or Local level. The closest listed buildings are located at 58 Peckham High Street and Baptist Chapel, Rye Lane. Immediately north of the Site, is the former Jones and Higgins building and immediately to the south of the Site is 47-79 Rye Lane, both of which are locally listed. The western part of the Site (fronting onto Rye Lane) falls within the Rye Lane Peckham Conservation Area.
- 3.4.4 The wider surrounding area is undergoing a significant period of change, with a number of significant planning permissions approved in the last 10 years, including Peckham Place, 97 Peckham Road, Peckham Rye Station, Eagle Wharf and Sumner house and Flaxyard. In addition, a number of sites have been allocated for development within the Site's vicinity, including Blackpool Business Park and Copeland Industrial Estate.
- 3.4.5 The Proposed Development includes the demolition of existing buildings and phased redevelopment to provide a replacement supermarket and associated service yard and car parking (Use Class E(a)); flexible retail, leisure (including drinking establishment), and commercial accommodation (Use Class E/Sui Generis); dwellings (Use Class C3); landscaping; and associated works.
- 3.4.6 Figure 1 below shows the Site location and the surround environment.

Figure 1 Location of the Proposed Development (Contains map data from © OpenStreetMap)



3.5 Planning Policy

3.5.1 National, regional, and local planning policies help guide the proposed development. The following paragraphs identify relevant planning policies and discuss these in the context of the site.

National

- 3.5.2 Under the Natural Environment and Rural Communities (NERC) Act 2006, “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. To comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 3.5.3 National policy guidance is provided by National Planning Policy Framework (NPPF)³, which sets out the Government's planning policies for England and how they should be applied. The section on habitats and biodiversity notes in Paragraph 185 (b) that plans should “*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*”; and that in

³ Ministry of Housing, Communities and Local Government (2023) National Planning Policy Framework

determining planning applications, local planning authorities should follow certain principles, including the following in Paragraph 186:

- 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 (SSSI), 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 SSSIs;
- 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.

3.5.4 Further supporting information regarding the application of planning policy is provided in Planning Practice Guidance (PPG)⁴. The PPG identifies that information on biodiversity impacts and opportunities should inform all stages of development, with planning applications requiring an ecological survey where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate (Paragraph 18). The PPG also identifies that detailed species surveys should only be required by local planning authorities where clearly justified and proportionate to the nature and scale of development proposed and the likely impact, i.e. there is a reasonable likelihood of a protected species being present and affected by the development.

Metropolitan

- 3.5.5 The London Plan⁵ provides strategic planning direction at the Greater London scale, produced by the GLA and setting out a framework of economic, environmental transport and social policies for the development of London.
- 3.5.6 Policy G6 on Biodiversity and Access to Nature provides the principal policy for the protection and enhancement of biodiversity. The Policy identifies that '*development should manage impacts on biodiversity and aim to secure net biodiversity gain*' and that Sites of Importance for Nature Conservation (SINCs) should be protected or, where impacts are unavoidable, the benefits of the development clearly outweigh the impacts on biodiversity the mitigation hierarchy applied to minimise development impacts.
- 3.5.7 Policy G5 (Urban Greening) establishes the requirement for major development to incorporate urban greening as a fundamental element of site and building design and establishes the requirement for development to achieve a high level of urban greening, demonstrated through the Urban Greening Factor (UGF). Policy G1 (Green Infrastructure) requires development to integrate green infrastructure that connects with London's wider green infrastructure network and Policy G7 (Trees and Woodland) places an emphasis on the retention of existing trees of value where possible.

⁴ Ministry of Housing, Communities and Local Government (2019) Planning Practice Guidance – Natural Environment.

⁵ Greater London Authority (2021) The London Plan, The Spatial Development Strategy for Greater London, March 2021.

Local

3.5.8 Local planning policy, provided in the Southwark Plan⁶, identifies the requirement for enhancement of biodiversity in Policy P60, which states that:

3.5.9 *'Development must contribute to net gains for biodiversity through':*

- Enhancing the nature conservation value of Sites of Importance for Nature Conservation (SINCs), Local Nature Reserves (LNRs), designated ancient woodland, populations of protected species and priority habitats/species identified in the United Kingdom, London or identified and monitored in the latest adopted Southwark Nature Action Plan; and
- Protecting and avoiding damage to SINCs, LNRs, populations of protected species and priority habitats/species; and
- Including features such as green and brown roofs, green walls, soft landscaping, nest boxes, habitat restoration and expansion, improved green links and buffering of existing habitats.

3.5.10 *Any shortfall in net gains in biodiversity must be secured off site through planning obligations or as a financial contribution'.*

3.6 Quality Assurance

3.6.1 All lead Assystem ecologists are members of (at the appropriate level) the Chartered Institute of Ecology and Environmental Management (CIEEM) and follow their code of professional conduct when undertaking ecological work.

3.6.2 All staff members are committed to establishing and maintaining our certification to the international standards BS EN ISO 9001:2015, 14001:2015 and 45001:2018.

3.6.3 Assystem are a CIEEM Registered Practice, and as such champion high professional standards whilst delivering the best outcomes for biodiversity and supporting a thriving economy.

⁶ Southwark Council (2022) *The Southwark Plan 2019 – 2036*. Adopted 23 February 2022.

4. Methodology

4.1 Zone of Influence

- 4.1.1 The Zone of Influence (Zol) is the area over which the ecological features identified may be subject to significant effects because of the Proposed Development. These will vary between ecological receptors.

4.2 Study Area and Survey Area

- 4.2.1 The PEA considers the presence of potential receptors across two geographical areas, the study area and the survey area. The study area comprises an area of 1 km from the site boundary in which the presence of biodiversity features, including designated sites, notable habitats and records of protected species are identified to help consider potential impacts on features beyond the site boundary but also to provide context to the biodiversity potential for the site. Due to the site's location within a heavily urban area and lack of ecological connectivity to the site, 1 km was deemed an appropriate distance for the data search, however due to the more sensitive nature of nationally and internationally designated sites the study area for these has been extended, as discussed in Section 4.3, for identification of potential receptors.
- 4.2.2 The land incorporated within and immediately adjacent to the Site, as identified by the Red Line Boundary for planning, comprises the survey area and was subject to field survey as discussed in Section 4.4 to consider the presence of biodiversity features that could be impacted by development of the Site.

4.3 Desk Study

- 4.3.1 An ecological desk study was undertaken to determine the presence of any designated sites for nature conservation, habitats of conservation importance and protected and notable species that occur within 1 km of the site. Due to the site's location within a heavily urban area and lack of ecological connectivity to the site, 1 km was deemed an appropriate distance for the data search. Further data was obtained from Greenspace information for Greater London (GiGL) and the Multi-Agency Geographic Information for the Countryside (MAGIC) website.
- 4.3.2 Only records from within the last ten years and considered relevant to the site have been included in this report.

Table 1 Sources of Desk Study Records

Source	Information Requested
Greenspace Information for Greater London (GiGL)	Protected and priority species (1 km) Sites of local importance (1 km)
Multi-Agency Geographic Information for the Countryside	International statutory sites (5 km) National statutory sites (2 km), i.e. SSSIs Other statutory sites (2 km), i.e. NNR, LNR European Protected Species Development Licenses (1 km)

- 4.3.3 The search buffers listed in Table 1 are sufficient to cover the potential Zol of the Proposed Development. For protected and priority species, and sites of local importance, the impacts of the Proposed

Development were not expected to exceed 1 km, due to the urban setting of the site and lack of ecological connectivity.

- 4.3.4 For internationally designated sites the search buffer was extended to 5 km, with a search buffer of 2 km for nationally designated sites such as SSSIs and 2 km for other designated sites (e.g. National Nature Reserves (NNR) and Local Nature Reserves (LNR)).
- 4.3.5 Impact Risk Zones (IRZs) are a tool developed by Natural England to help assess the potential risks to nationally or internationally designated sites posed by development proposals. IRZs for this report were located using magic.defra.gov.uk, and reviewed against the Proposed Development proposals to understand if the Local Planning Authority would need pre-application advice from Natural England.

4.4 Field Survey

- 4.4.1 A field survey in the form of an 'extended' Phase 1 habitat survey was undertaken by Rorie Hather and Jessie Buller ACIEEM, on 24th February 2022. Jessie Buller ACIEEM is an ecologist of 6 years' experience who holds two protected species licenses. Rorie Hather is an ecologist with 4 years' experience with one protected species license.
- 4.4.2 All habitats within the survey area were identified and mapped in compliance with the 'Handbook for Phase 1 habitat survey: a technique for environmental audit'⁷.
- 4.4.3 An additional updated 'extended' UK Habitat Classification survey was undertaken on the 30th January 2024 by Molly Richardson an assistant ecologist with 5 years' experience and Poppy Anson, a graduate ecologist with over 6 months of experience, in line with current reporting methodologies.
- 4.4.4 All habitats within the survey area were identified and mapped in compliance with the UK Habitat Classification⁸. The UK Habitat Classification is hierarchical, with the professional edition used for the assessment and all habitats taken to Level 4 wherever possible.
- 4.4.5 All habitats within the field survey area have been attributed appropriate secondary codes, which are designed to provide additional information on the presence of features and management of the habitat. Essential secondary codes have been considered for the habitats present, and the additional secondary codes have been considered where relevant.
- 4.4.6 The dominant plant species were recorded and any protected, uncommon or invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were noted.
- 4.4.7 Consideration was given to the potential for the Site to support Priority Habitats and Priority Species, as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006).
- 4.4.8 The protected species and Priority Habitats considered relevant to the assessment, based on geographical region and the presence of suitable habitats within the site, were as follows:

⁷ JNCC (2010) Handbook for Phase 1 habitat survey – a technique for environmental audit

⁸ UK Hab Ltd (2023) UK Habitat Classification Version 2.0 (at <https://www.ukhab.org>)

- Bats: assessment of trees and buildings for their potential to support roosting bats;
- Nesting birds (including Schedule 1): assessment of habitat for their suitability for nesting birds; and,
- Invertebrates: assessment of the habitat suitability to support a notable population of invertebrates.

4.4.9 The survey was 'extended' to also assess the potential of the Site to support protected and notable species, including bats. This involved an external inspection of the buildings to assess their potential to support roosting bats according to scale, in accordance with Bat Conservation Trust's Good Practice Guidelines⁹.

4.5 Assessment and Evaluation

4.5.1 This PEA has been produced in broad accordance with CIEEM's Guidelines for Preliminary Ecological Appraisal¹⁰ and Guidelines for Ecological Report Writing¹¹.

4.5.2 Where relevant and appropriate, the evaluation of ecological features and the potential ecological impacts of the proposals have followed CIEEM's Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine¹².

4.5.3 The level of value of specific ecological receptors is assigned using a geographic frame of reference, with international, national, regional, county (metropolitan), district, local and site only value in descending order.

4.5.4 A negligible value is assigned where the habitat offers minimal value to wildlife, or the presence of a particular species is detrimental to wider biodiversity (*i.e.* invasive species). Where best practice guidelines are unavailable or unclear, experienced ecologists have used their judgement to assess and categorise the suitability of habitats for protected and/or notable species, refer to Table 2.

Table 2 Scale of Constraints

Likelihood	Definition
High	An actual or potential constraint that is subject to relevant legal protection and is likely to be a material consideration in determining the planning application (e.g., statutory nature conservation designations and European/nationally protected species). Further survey likely to be required (as detailed in this report) to support a planning application.
Moderate	An actual or potential constraint that is covered by national or local planning policy and depending on the level of the potential impact because of the Proposed Development may be a material consideration

⁹ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

¹⁰ CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

¹¹ CIEEM (2017) Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

¹² CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

Likelihood	Definition
Low	in determining the planning application. Further survey may be required to support a planning application Unlikely to be a constraint to the Proposed Development or require further survey prior to submission of a planning application. Mitigation is likely to be covered under Construction Environmental Management Plan (CEMP) or Precautionary Working Method Statement (PWMS) (e.g., generic requirements for the management of nesting bird risks).

4.5.5 The need and scope for additional species surveys has been determined based on the suitability of the habitats for protected and/or notable species, the potential impacts of the Proposed Development and the nature of the legal protection afforded to the species likely to be present.

4.5.6 Value judgements are based on various characteristics that can be used to identify ecological resources or features likely to be important in terms of biodiversity. These include site designations (such as Sites of Special Scientific Interest), or for undesignated features the size, conservation status (locally, nationally or internationally), and the quality of the ecological resource. In terms of the latter, 'quality' can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats) or species populations or assemblages.

4.6 Limitations

4.6.1 Biological records can be received from a wide variety of sources and may or may not be comprehensive and accurate. However, if assessed in conjunction with a UK Habitat Classification Survey, they can contribute to a robust ecological assessment of a site.

4.6.2 The Site survey was undertaken in the winter season outside of the key botanical season (April – October), however given the habitats on Site are unlikely to support important floral species, it is not considered a constraint to the survey.

4.6.3 The desk study and field survey will not produce a comprehensive list of plants and animals as this will be limited by factors that influence their presence (e.g. activity and dormancy periods). An assessment can however be made of the habitats within the survey area, their nature conservation value, and potential to support protected or priority species.

4.6.4 Despite the limitations described, there are deemed to be no significant limitations to this PEA.

5. Results

5.1 Desk Study

Statutory Designated Sites

1.1.1 A desk-based search shows that there are no sites with European or National statutory designation within the 5 km of the site, and one Local Nature Reserves (LNRs) within 2 km. It is not within the Impact Risk Zone for any Sites of Special Scientific Interest.

- Nunhead Cemetery (LNR) is located 1.5 km to the south-east of the Site.

Non-Statutory Designated Sites

5.1.1 A desk-based search shows that there are nine Sites of Importance for Nature Conservation (SINCs). Table 3 shows the non-statutory designated sites within 1 km of the Site.

5.1.2 The Southwark Plan 2022 also identifies additional SINCs, the nearest of which is Surrey Canal Walk, located approximately 125 m to the north of the Site.

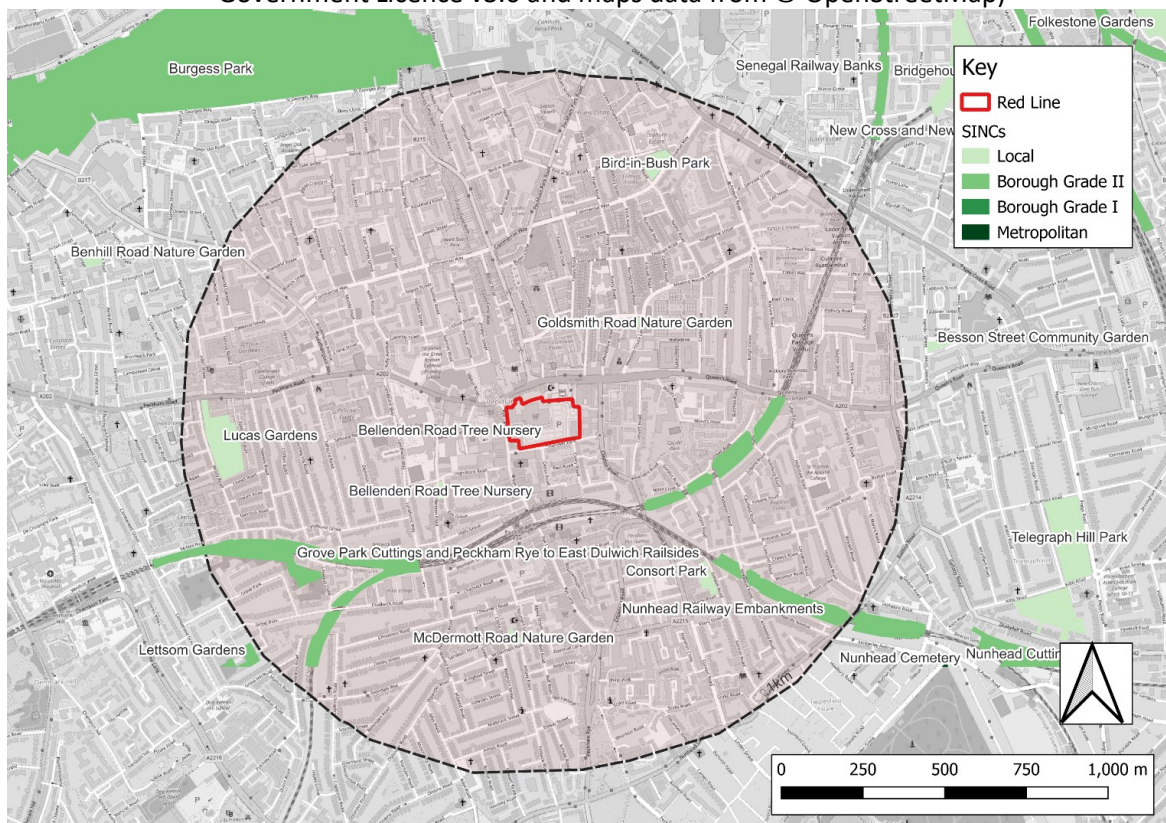
Table 3 Non-Statutory Designated Sites within the Study Area

Site Name & Number	Principal Feature(s)	Distance and Direction from Site (meters)
Borough Importance		
SoBI09 Peckham Rye Park and Common	A large and popular open space, with many areas that are good for wildlife within the historic landscape	1000 S
SoBII02 Grove Park Cuttings and Peckham Rye to East Dulwich Railsides	These thickly-wooded railside form an important green corridor for wildlife.	320 SW
SoBII24 Nunhead Railway Embankments	Two steep, narrow railway embankments covered in dense woodland	1500 SE
Local Importance		
SoL 07 Lucas Gardens	A small and well-used park, right opposite the Town Hall.	940 W
SoL12 Goldsmith Road Nature Garden	A small nature garden, close to the centre of Peckham.	320 SW
SoL16 Bird-in-Bush Park	An imaginatively-landscaped small park with long grass, plenty of trees and shrubs, and an ecology area.	800 NE
SoL17 Consort Park	An interesting small park with scattered scrub of goat willow and buddleia.	715 SE

SoL21 Bellenden Road Tree Nursery	A tree nursery which also has some planted native trees and a pond	350 W
SoL26 McDermott Road Nature Garden	A garden, a wildflower meadow and a woodland area - the latter includes birch, ash and oak trees.	620 S

5.1.3 Figure 2 shows the 9 SINC's present within a 1 km radius of the Site.

Figure 2 Redline boundary SINC map (Contains public sector information licensed under the Open Government Licence v3.0 and maps data from © OpenStreetMap)

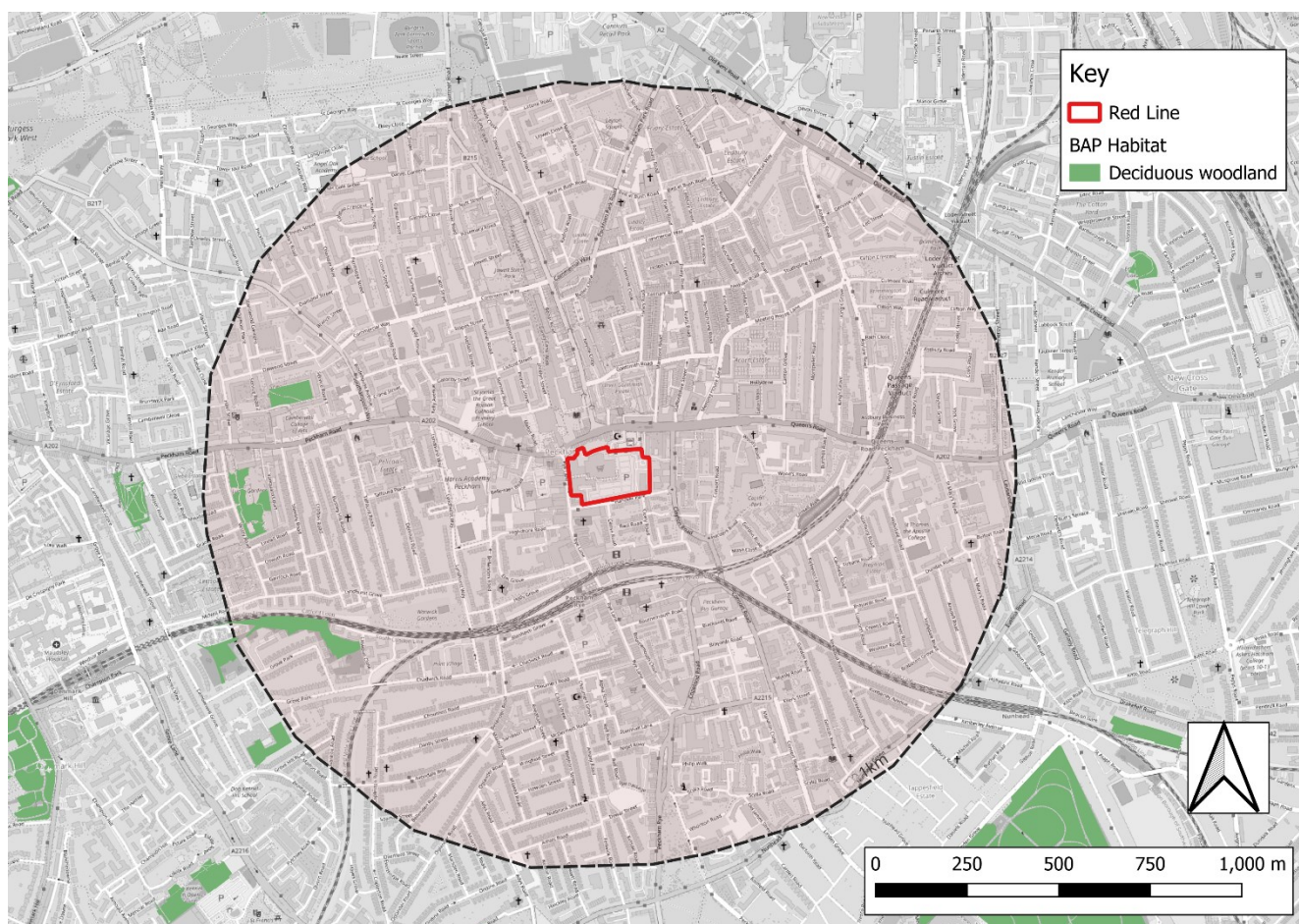


Priority Habitats

5.1.4 Priority habitats include those listed in Section 41 of the Natural Environment and Rural Communities Act (2006) habitats of principal importance as well as those listed in the London Biodiversity Action Plan (BAP)¹³. Deciduous woodland is the only priority habitat within 1 km of the Site. Figure 3 shows all the deciduous woodlands present within a 1 km radius of the Site.

¹³ Mayor of London (2021) The Spatial Development Strategy for Greater London.

Figure 3 Redline Boundary BAP map (contains public sector information licensed under the Open Government Licence v3.0. and maps data from © OpenStreetMap)



Protected and/or Notable Species Records

- 5.1.5 The MAGIC website showed that no records of previous applications for European Protected Species (EPS) development licences within 1 km of the survey area.
- 5.1.6 Records of protected and/or notable species have been obtained from the GiGL report, which are summarised in Table 4. Only those records considered potentially relevant to the Site, and habitats present or likely to be present, have been included.

Table 4 Protected and Notable Species Records from GiGL

Species	Number of records	Date of most recent record	Distance of nearest record (m) from Site
Birds			
Swift (<i>Apus apus</i>)	32	15/07/2020	960 S
Grey Wagtail (<i>Motacilla cinerea</i>)	2	15/01/2017	1002 S
House Sparrow (<i>Passer domesticus</i>)	46	09/06/2014	435 N
Tawny Owl (<i>Strix aluco</i>)	2	12/01/2016	545 SW

Species	Number of records	Date of most recent record	Distance of nearest record (m) from Site
Starling (<i>Sturnus vulgaris</i>)	9	22/10/2019	1060 NW
Redwing (<i>Turdus iliacus</i>)	17	23/12/2017	747 S
Invertebrates			
Common Darter (<i>Sympetrum striolatum</i>)	1	28/09/2014	588 SW
Stag Beetle (<i>Lucanus cervus</i>)	126	18/07/2020	692 NW
Cramp-Ball Fungus Weevil (<i>Platyrhinus resinosus</i>)	1	-/12/2012	588 SW
Mammals (bats)			
Serotine (<i>Eptesicus serotinus</i>)	1	09/06/2015	841 W
Common Pipistrelle (<i>Pipistrellus pipistrellus</i>)	19	01/09/2020	322 SW
Soprano Pipistrelle (<i>Pipistrellus pygmaeus</i>)	11	24/07/2020	468 E
Leisler's bat (<i>Nyctalus leisleri</i>)	6	13/09/2017	767 E
Noctule (<i>Nyctalus noctula</i>)	4	04/09/2014	730 S
Mammals (excl. bats)			
West European Hedgehog (<i>Erinaceus europaeus</i>)	13	2015	937 SW
Amphibians			
Common Toad (<i>Bufo bufo</i>)	7	07/04/2018	614 W

5.2 Habitat Survey

5.2.1 The results of the habitat survey are presented below, with the weather conditions at the time of the survey presented in Table 5. The frequency and distribution of habitat types is displayed within a UKHab Survey Map (Appendix A). This map illustrates the location and extent of the different habitat types recorded within the survey area at the Proposed Development Site.

Table 5 Weather Conditions During Survey

Parameter	Survey 1 (Preliminary Ecological Appraisal)	Updated UKHabs Survey
Date(s)	24/02/2022	30/01/2024
Start Time and Finish Time	1 pm to 4 pm	10 am to 12 pm
Temperature (°C)	7	11
Cloud Cover (%)	80	85
Wind (Beaufort Scale)	3	3
Precipitation	Showers	None

5.3 Habitats

Buildings and Hardstanding

- 5.3.1 The Site is dominated by buildings and hard-standing. Aylesham shopping centre is formed of a large continuous brickwork building that offers retail space. A glass roof is present on the atrium of the building, with Morrisons shopping centre adjoining the main building. A large car park is present within the east of the Site, as well as a re-fuelling station.
- 5.3.2 Most built structures appear to be well-sealed with flush joints offering limited space for roosting bats or nesting birds. However, pigeons were noted within the Aylesham Centre walkways, as well as a large amount of bird droppings. No changes to the building or hardstand were noted during the updated habitat survey. This habitat is of low ecological value.

Scrub

- 5.3.3 There are some ornamental shrubs and scrub planted around the Site. These mainly consist of cotoneaster and laurel (*Prunus laurocerasus*). They primarily form linear features near boundaries and are sparse within the Site. No changes to the scrub were noted during the updated habitat survey. This habitat is of negligible ecological value.

Trees

- 5.3.4 Scattered trees can be found around the Site, such as sycamore (*Acer pseudoplatanus*), cherry (*Prunus* sp.) and ash (*Fraxinus excelsior*). The trees are of mixed maturity, and some have potential to support nesting birds. The trees have limited connectivity due to the nearby urban environment. The tree line present adjacent to Hanover Park are relatively mature and offer the best opportunity for nesting birds/roosting bats.
- 5.3.5 This habitat has a low ecological value.

6. Potential Impacts

6.1 Designated Sites & Priority Habitats

- 6.1.1 Given the scale of the Proposed Development, and the lack of likely impacts beyond the Site boundary (in line with a Construction Environmental Management Plan), nearby designated sites / priority habitats are sufficiently well separated so that no impacts on their designated features are anticipated because of the works.

6.2 Habitats

- 6.2.1 The ecological importance of the terrestrial habitats present within the Site is low, the impact is considered to be minimal. The minimal ecological disturbance would be contained on the Site only and will not impact the ecological habitats surrounding the Site.

6.3 Protected / Notable Species

6.3.1 The following section considers the likely impact of the proposals on protected or notable species. This is based on those species for which potentially suitable habitat occurs within or adjacent to the Proposed Development Site. Please refer to Table 2 for the definitions of the scale of constraints.

Bats

- 6.3.2 No evidence of bats was recorded during the external assessments of the buildings or trees at Aylesham Centre, Peckham. On the whole, the buildings were well sealed and offered very limited roosting opportunities. The buildings and structures, when considering the surrounding area and high levels of disturbance from humans and lighting, did not support any suitable roosting features, and are defined as having a negligible potential to support roosting bats in accordance with the BCT criteria. While there were some cracks within mortar of the brickwork, it is thought the features are too shallow to offer a real opportunity for roosting bats.
- 6.3.3 The Site may offer limited commuting and foraging opportunities for bats. However, the highly urban context of the Site, high levels of disturbance from lighting as well as sparse vegetation on Site allows for negligible opportunities for commuting and foraging bats.

Nesting birds

- 6.3.4 No sightings of black redstarts (*Phoenicurus ochruros*) have been recorded within 1 km of the Site in the last ten years. The Site provides a negligible potential for nesting black redstart and/or peregrine falcon (*Falco peregrinus*). Black redstart requires areas of sparse wasteland vegetation and stony ground for feeding and tall and complex structures with ledges and crevices for nesting, which are currently absent on the Site. Existing levels of disturbance on the Site and in the surrounding area would also likely discourage black redstart from nesting on the Site, even if suitable habitat was present.
- 6.3.5 A wide range of passerine bird species were recorded in the desk study. The habitats could support local assemblages of birds which might use the buildings and vegetation to nest within. Removal of vegetation and building refurbishment in the nesting bird season could impact active nests and cause a legal offence. Loss of the trees, ornamental planting and buildings would have the potential to result in the loss of nesting bird habitat. However, this loss will be offset through the planting of further shrubs and trees as incorporated within the Proposed Development.
- 6.3.6 The survey was conducted outside of breeding bird season; however, groups of starlings and pigeons were both noted on Site during the Phase 1 habitat walkover and during the updated site visit. The impact of the Proposed Development is considered to be low on nesting birds, and of a site scale, due to the limited habitats in the surrounding area.

Invertebrates

- 6.3.7 The Site includes very limited habitat for invertebrates. A minimal number of invertebrates have been recorded within 1 km of the Site within the last 10 years which suggests the impact of the Proposed Development on invertebrates is negligible.

Other mammals

- 6.3.8 The Site provides some suitable habitat for common mammals, such as red fox (*Vulpes vulpes*) including the car park which red foxes could use as a place of refuge. Common wild mammals, such as red fox, may venture onto the Site during the demolition and construction of the Proposed Development and there is a possibility that they may be killed or injured. Appropriate prevention measures will be incorporated.
- 6.3.9 A record of west European hedgehog (*Erinaceus europaeus*) was noted in the desk study. The Site does not offer suitable habitats for hedgehogs. The building refurbishment and construction works are considered unlikely to impact hedgehog populations and have therefore not been considered further within this assessment.
- 6.3.10 The impact on other mammals is considered to be low.

Plants

- 6.3.11 None of the habitats recorded during the extended Phase 1 habitat survey and the updated site survey are of high botanical or habitat value and no native plant species of national importance were present.
- 6.3.12 Cotoneaster was recorded on Site, and some species of this plant are listed on Schedule 9 of the Wildlife & Countryside Act (1981 as amended), which makes it illegal to distribute or allow the spread of cotoneaster species into the wild. The impact of this invasive species is considered to be low.

Table 6 Ecological Features and Scale of Constraint

Ecological Feature	Scale of Constraint
Statutory Designated Sites	Negligible
Non-Statutory Designated Sites / Notable Habitats	Negligible
Bats	Negligible
Other mammals	Low. Take precautions to ensure any holes are covered to not endanger fox species.
Nesting birds	Low. Site is likely used for nesting by common and widespread bird species.
Plants – invasive species	Low.

7. Compensation & Recommendations

7.1 Nesting birds

- 7.1.1 All birds, their active nests and eggs are protected from harm under the WCA. This legislation makes it an offence to kill, injure or take any wild bird or to take, damage or destroy the nest of any wild bird while that nest is in use or being built. An offence could therefore occur during clearance and refurbishment work on the Site.
- 7.1.2 The buildings and vegetation could support nesting birds. To ensure legal compliance, clearance of habitat suitable for nesting birds (all vegetation and buildings) should be undertaken outside the nesting bird season (i.e. between October and February inclusive). However, should this not be practical, the following measures must be adhered to:
- Works must be undertaken in line with a Precautionary Working Method Statement (PWMS);
 - Prior to clearance, an ecologist should carry out a nesting bird inspection of areas to be cleared;
 - Should any active birds' nests be found, the work may not take place within an appropriate established buffer zone (usually 5 m), which should be left intact until it has been confirmed that the young have fledged, and the nest(s) is no longer in use.

7.2 Wild mammals

- 7.2.1 All wild mammals, including red fox, are protected by the Wild Mammals (Protection) Act 1996 which makes it an offence to intentionally cause any wild mammal unnecessary suffering by certain methods. Common wild mammals, such as red fox, may venture onto the Site during the refurbishment and construction of the Proposed Development.
- 7.2.2 To avoid an offence, measures should be employed during the construction phase, including the covering of all deep holes and trenches overnight and/or the provision of planked escape routes for any wildlife that may fall in. In addition, any liquids held on-Site should be stored in a secure lock-up. These measures should be implemented through a Construction Environmental Management Plans (CEMP). Hoarding around the perimeter of the Site should also minimise the likelihood of any wild mammals gaining access to the Site.

7.3 Plants – Invasives

- 7.3.1 Some species of cotoneaster are listed on Schedule 9 of the Wildlife and Countryside Act. When removing this plant, it must be chipped or burnt on Site or removed to a licenced landfill as controlled waste.

7.4 Landscape Management Plan

- 7.4.1 A Landscape Management Plan should be developed for the Site. The aim of the plan would be to facilitate the appropriate maintenance of landscaped areas and to provide replacement planting, as necessary. The plan would also outline proposed management measures to maintain the ecological value of any new habitats created, such as biodiverse roof(s) and areas of new planting.

8. Enhancements

- 8.1.1 Planning policy at the national and local level and strategic biodiversity partnerships encourage inclusion of ecological enhancements in development projects. Ecological enhancements can also contribute to green infrastructure and ecosystem services such as storm water attenuation and reducing the urban heat island effect. The following measures would be suitable for integration into the Proposed Development Site's design.

Native tree and scrub planting

- 8.1.2 It is recommended that trees on Site be retained and protected during construction where possible. It is recommended that native trees and scrub species are included within any landscaping to enhance the Site.
- 8.1.3 It is recommended wildlife planting should be integral to the soft landscape plans and should include native species and/or species of recognised wildlife value. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals and continue to accommodate those already utilising the Site. Where possible, larger shrubs should be under-planted to create greater structure and cover for wildlife. The use of block planting of single species should be avoided in favour of a higher diversity of plant types per square metre.

Good horticultural practice

- 8.1.4 Good horticultural practice should be utilised, including the use of peat-free composts, mulches and soil conditioners, native plants with local provenance and avoidance of the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Installation of Green Roofs

- 8.1.5 It is recommended that green roofs containing intensive planting are provided on the proposed buildings. To maximise biodiversity, this should comprise of the intensive planting of a range of native grasses and flowering plants. This would provide habitat for birds and invertebrates and would represent a valuable ecological enhancement. This should ideally only be accessible for maintenance purposes, to minimise disturbance to wildlife. If the roof terraces are to be open to the public, it is recommended that the intensive planting is kept off walking routes to avoid disturbance.
- 8.1.6 Other features could be installed on an intensive green roof terrace, to enhance its ecological value. A bird bath and bird feeders could be provided, to provide washing and feeding opportunities for birds. Stone or log piles would also provide shelter for a variety of invertebrates. An insect house could also be installed.

Provision of wildlife boxes

- 8.1.7 Bird boxes could be installed within the tree planting on the ground and on the roof amongst green roof terraces.
- 8.1.8 Insect houses and bee bricks can be installed both within the ground level intensive planting and on the intense green roof terraces.

- 8.1.9 Bird boxes should be installed on the refurbished buildings, to provide roosting habitat for bats and nesting habitat for birds, respectively. These could be installed onto or within the walls or on the roof of the buildings.
- 8.1.10 Bird boxes should be installed with different sized holes (including both 32 mm and 26 mm diameter) to cater for different species, including notable species that could occur on the Site. This should include nest boxes for house sparrow on the proposed buildings, such as the Schwegler 1SP Sparrow Terrace. A further suggestion is the Schwegler No 24 Brick Box and Schwegler 1B Bird Box, including both 32 mm and 26 mm diameter holes. These boxes should also be located adjacent to any landscaped areas, at least 3 m above the ground and facing southeast to north, to avoid direct sunlight and the heaviest rain.

9. Appendices / Annexes

Appendix A Habitat Survey Map



Appendix B Photographs of the Site

Photograph 1: Main entrance of Aylesham Centre on Rye Lane	Photograph 2: Main entrance of Aylesham Centre on Rye Lane
	
Photograph 3: Main entrance of Aylesham Centre on Rye Lane	Photograph 4: Glass atrium within Aylesham Centre
	

Photograph 5: Glass atrium within Aylesham Centre	Photograph 6: Glass atrium within Aylesham Centre. Pigeon visible
	
Photograph 7: Edge of Site boundary on Rye Lane	Photograph 8: Morrisons from bus garage
	
Photograph 9: Morrisons goods entrance	Photograph 10: Morrisons goods entrance



Photograph 11: Morrisons goods entrance



Photograph 12: Morrisons goods entrance boundary



Photograph 13: Morrisons goods entrance



Photograph 14: Morrisons goods entrance.



Photograph 15: Morrisons goods entrance	Photograph 16: Morrisons goods entrance and cracks within mortar
	
Photograph 17: Re-fueling station	Photograph 18: Re-fueling station
	
Photograph 19: View from the square facing south.	Photograph 20: The east façade of the building



Photograph 21: Tunnel facing the west of the Site.



Photograph 22: Holly tree (Ilex) to the south of the Site.



Photograph 23: Trees present in north of the Site.



Photograph 24: Trees present in south-east of the Site.



Photograph 25: Tree present within car park

Photograph 26: Trees adjacent to Hanver Park



Photograph 27: Roof of the Aylesham Centre/Morrisons.	Photograph 28: Roof of the Aylesham Centre
	

Appendix C Relevant Legislation

The Environment Act 2021

The focus of the Act is the “...provision for targets, plans and policies for improving the natural environment...” and its requirements are structured around a number of broad themes (noting this is not a comprehensive summary of the provisions):

Nature and biodiversity – Part 6 of the Act importantly makes provision for “*biodiversity gain in planning*” which will apply to applications under the Town & Countryside Act and the Planning Act. In addition, the responsibilities on Government or public bodies have changed, including through:

- strengthening the existing biodiversity duty;
- requiring biodiversity reports;
- setting up local nature recovery strategy areas;
- providing for national habitat mapping; and
- establishing species conservation and protect site strategies.

Section 98 and 99 introduce biodiversity gain requirements that make changes to the Town & Country Planning Act and The Planning Act. The commencement of these changes and whether secondary legislation will be required to enact them will have to be subject to legal interpretation and advice.

Conservation covenants– Part 7 of the Act makes provisions for conservation covenants which essentially support the “*biodiversity gain in planning*” concept by providing a mechanism through which any gains can be secured and managed. These come into force at the point that the Secretary of State “*by regulations appoints*”.

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European Protected Species', and the adaptation of planning and other controls for the protection of European Sites.

Under the Regulations, competent authorities (i.e. government departments and public bodies) have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I and II of the Habitats Directive respectively) to the European Commission. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs) classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites form a network termed Natura 2000, now referred to as 'National Site Network'. The Regulations enable the country agencies to enter into management agreements on land within or adjacent to a European site, in order to secure its conservation.

The Regulations also provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. When considering potentially damaging operations, the precautionary principle applies i.e. consent cannot be given unless it is ascertained that there will be no adverse effect on the integrity of the site.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a few purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild populations of the species concerned.

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Conservation of Habitats and Species Regulations 2017 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the Act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species. All relevant species-specific legislation is detailed later in this Appendix.

Schedule 1 – Part 1 relates to birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest. Schedule 1 – Part 2 relates to birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high-water mark), but which may be killed or taken outside this period.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation. Legislation detailed in the Wildlife and Countryside Act 1981 (as amended) places a duty on government departments and the National Assembly for Wales to have regard for biodiversity and provides increased powers for the protection and maintenance of SSSIs. The Act also contains 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 Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

UK Biodiversity Action Plan

The United Kingdom Biodiversity Action Plan (UK BAP), 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 UK BAP contained a list of priority habitats and species of conservation concern in the UK and outlined biodiversity initiatives designed to enhance their conservation status. Lists of Broad and Local habitats were also included. The priority habitats and species correlated with those listed on Section 41 and 42 of the NERC Act.

The UK BAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These were complementary to the UK BAP, however, were targeted towards species of conservation concern characteristic of each area. In addition, several local authorities and large organisations have produced their own BAPs.

Species and Habitats of Material Consideration for Planning in England – UK Post-2010 Biodiversity Framework

In 2011, the government published the 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' to replace the previous England Biodiversity Strategy. In 2012 the UK BAP was replaced by the UK Post-2010 Biodiversity Framework.

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process, but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environment and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

The 'UK Post-2010 Biodiversity Framework', published in July 2012 succeeds the UK BAP and 'Conserving Biodiversity – the UK Approach'. The framework was produced by JNCC and Defra to set a broad enabling structure for action across the UK. Its purpose was to:

- Set out a shared vision and priorities for UK-scale activities, in a framework jointly owned by the four countries, and to which their own strategies will contribute.
- Identify priority work at a UK level which will be needed to help deliver the Aichi Targets and the EU Biodiversity Strategy.
- Facilitate the aggregation and collation of information on activity and outcomes across all countries of the UK, where the four countries agree this will bring benefits compared to individual country work.
- Streamline governance arrangements for UK-scale activity.

Natural Environment White Paper – ‘The Natural Choice: securing the value of nature’ 2011

The principal aims of Natural Environment White Paper, published in June 2011, are to preserve and improve the natural environment, and build a connection between people and nature as well as introducing policies that will help ‘move progressively from net biodiversity loss to net gain’ through reforms such as ‘biodiversity offsets’.

The ‘Biodiversity 2020: A strategy for England’s wildlife and ecosystem services’ strategy builds on this, offering a more comprehensive approach to stop biodiversity loss such as emphasis on preserving and maintaining important habitats, priority habitats and connections between areas with special status such as SSSIs.

Birds of Conservation Concern 5: the Red List for Birds

The latest review of Birds of Conservation Concern 5: the Red List for Birds was published in December 2021.

Commonly referred to as the UK Red List for birds, this is the fifth review of the status of birds in the UK, Channel Islands and Isle of Man, and updates the last assessment in 2015. Using standardised criteria, 245 species with breeding, passage or wintering populations in the UK were assessed by experts from a range of bird NGOs and assigned to the Red, Amber or Green lists of conservation concern.

Protection of Badgers Act 1992

Under the Protection of Badgers Act 1992, it is an offence to disturb a badger in its sett or damage, destroy or obstruct access to a badger sett. If the proposed work will involve works coming within 30 m of an active badger sett Natural England’s standing advice will need to be consulted and a mitigation plan drawn up. After which a licence will need to be applied for from Natural England to undertake any works. It should be noted that badgers cannot be captured and moved purely for development purposes.

Invasive Species (Enforcement and Permitting) Order 2019

This Order allows for the enforcement of Regulation (EU) No. 1143/2014 on the prevention and management of the introduction and spread of invasive alien species in England and Wales, including the relevant licences, permits and rules for keeping invasive alien species.

An enforcement regime is introduced, including criminal offences, licencing, and permitting provisions for Regulation (EU) No. 1143/2014 on the prevention and management of the introduction and spread of invasive alien species ("The IAS Regulation").

The IAS Regulation lists species of concern which cannot be imported, kept, bred/grown, transported, sold, used, allowed to reproduce, or released into the environment. There are currently 49 species listed, which can be found in the Annex of Regulation (EU) No. 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014. The regulator is Natural England for England, offshore marine areas, and in relation to imports and exports.