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**Background Ecological Data Search;
An Area Near Flexford/Normandy,
Guildford, Surrey
Revised Ancient Woodland Inventory**



Annex B – Protected and Rare/Notable Species Statuses (as at July 2011)

The following summary of national legislation, international agreements and conservation statuses is designed purely as a basic guide to the statuses displayed within Surrey Biodiversity Information Centre's Enquiry Service reports to aid developers, consultants and members of the public to make informed decisions. It is imperative that full details of all relevant legislation and definitions be consulted for all species when reviewing the list and before any action is taken.

Protected Species

Birds Directive 1979 (EC Directive 79/409 on the Conservation of Wild Birds)

The 'Birds Directive' was adopted in response to the 1979 Bern Convention on the conservation of European habitats and species. The Directive provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. In England the provisions of the Birds Directive are implemented through the Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") which in turn consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994, and are supported by a wide range of other statutory and non-statutory activities including the UK Biodiversity Action Plan which involves action for a number of bird species and the habitats which support them. See <http://www.jncc.gov.uk/page-1373> for more information.

Annex I - Birds which are the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. Species include those in danger of extinction; species vulnerable to specific changes in their habitat; species considered rare because of small populations or restricted local distribution; other species requiring particular attention for reasons of the specific nature of their habitat.

Habitats and Species Directive 1992 (Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora)

The 'Habitats Directive' aims to protect the wild plants, animals and habitats that make up the diverse natural environment of the European Community. It requires Member States to introduce a range of measures for the protection of habitats and species listed in its Annexes. Currently implemented within the UK by The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") which in turn consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994. It provides for the protection of 'European protected species' by making it an offence to deliberately kill, capture, or disturb them, or to damage or destroy their breeding sites or resting places. See <http://www.jncc.gov.uk/page-1374> for more information.

Annex II - Non-priority - Endangered animal and plant species that are of Community interest (i.e. endangered, vulnerable, rare or endemic in the European Community) requiring the designation of special areas of conservation.

Annex II - Priority - Endangered animal and plant species requiring the designation of special areas of conservation (SAC) for which the European Community has a particular responsibility for conservation in view of the proportion of their natural range which falls within the territory of the Community.

Annex IV - Animal and plant species of Community interest (i.e. endangered, vulnerable, rare or endemic in the European Community) in need of strict protection. They are protected from killing, disturbance or the destruction of them or their habitat.

Annex V - Animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures.

Berne Convention 1979 (Convention on the Conservation of European Wildlife and Natural Habitats)

Designed to protect important population of listed species and their habitats. The Berne Convention places particular emphasis on migratory species and their breeding and resting sites.

Appendix 1 - Lists flora which are required to be specifically protected against deliberate picking, cutting, collecting, uprooting, possession, sale etc.

Appendix 2 - Lists strictly protected fauna. Listed fauna are required to be strictly protected against deliberate killing, capture, damage / destruction of breeding and nesting sites, disturbance, taking of eggs, trading (Including parts or derivatives), etc.

Appendix 3 - Listed in this Appendix are all animals not in Appendix 2 whose populations are required to be protected from exploitation (indiscriminate mass killing, trading and any means capable of causing local disappearance or serious disturbance to a species) and managed to keep them out of danger. The Appendix includes nearly all birds, and all other reptiles and amphibians and many other mammals.

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act (WACA) 1981 (as amended) is the principle mechanism for the legislative protection of wildlife in Britain. It is the means by which the Bern Convention and the Birds Directive and Habitats Directive are implemented in Britain. Protected birds, animals

and plants are listed in Schedules 1, 5 and 8 respectively of the Wildlife and Countryside Act. See <http://www.jncc.gov.uk/page-3614> for more information.

Schedule 1 Part 1 - Birds which are protected by special penalties at all times from being intentionally killed, injured, or taken and whose eggs, nests or dependent young are also protected from being disturbed.

Schedule 5 Section 9 Part 1 (killing/injuring) - Animals which are protected from being intentionally killed or injured.

Schedule 5 Section 9 Part 1 (taking) - Animals which are protected from being taken.

Schedule 5 Section 9 Part 4a - Animals which are protected from intentional damage to, destruction of, or obstruction of access to any structure or place used for shelter or protection.

Schedule 5 Section 9 Part 4b - Animals which are protected from intentional disturbance while occupying a structure or place used for shelter or protection.

Schedule 5 Section 9 Part 4c - Animals which are protected from their access to any structure or place which they use for shelter or protection being obstructed.

Schedule 8 - Plants and fungi which, subject to exceptions, are protected from: intentional picking, uprooting or destruction; selling, offering for sale, possessing or transporting for the purpose of sale; advertising for buying or selling.

Conservation of Habitats and Species Regulations 2010

The Conservation of Habitats and Species Regulations 2010 (the principal means by which the Habitats Directive is transposed in England) update the legislation and consolidate all the amendments which have been made to the Regulations since they were first made in 1994. Animals and plants that receive protection under The Conservation of Habitats and Species Regulations 2010 are commonly referred to as 'European Protected Species'.

On 21 August 2007 an amendment to the Habitats Regulations 1994 came into force which removed many of the legal defences surrounding these species, including acts which were the incidental result of a lawful operation and could not have been reasonably avoided (commonly known as the 'incidental result defence'). It is no longer a reasonable defence to show that the killing, capture or disturbance of a European

Protected Species, or the destruction or damage to their breeding sites or resting places, was the incidental or unavoidable result of an otherwise lawful activity.

Best practice guidance are available from Natural England to minimise the risks of committing an offence under the Regulations. Licences are also available from Natural England to allow persons to carry out activities that would otherwise be prohibited, without committing an offence in circumstances where best practice guidance either cannot be followed or is not applicable. See <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx> for more information.

Schedule 2 – European protected species of animals. It is an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2.

Schedule 5 – European protected species of plants. It is an offence (subject to exceptions) to pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5.

Rare / Notable Species

IUCN Red List

The World Conservation Union (IUCN) has been assessing the conservation status of species, subspecies, varieties and even selected subpopulations on a global scale in order to highlight taxa threatened with extinction, and therefore promote their conservation. The IUCN Red List, previously known as the Red Data Book (RDB), uses a set of criteria relevant to all species and all regions of the world to evaluate the extinction risk of thousands of species and subspecies. The IUCN Red List is recognized as the most authoritative guide to the status of biological diversity. See <http://www.iucnredlist.org/> for more information.

IUCN 2001

The IUCN Red List categories and criteria have undergone an extensive review in recent years. The revised categories and criteria (version 3.1) were adopted in 2000 and all new assessments and reassessments of taxa follow this revised system. Taxa using this classification currently consist only of subsets of higher and lower plants.

Extinct - Taxa where there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys (over a time frame appropriate to the taxon's life cycles and life form) in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual.

Extinct In The Wild - Taxa known only to survive in cultivation, in captivity or as a naturalised population (or populations) well outside the past range. A taxon is presumed Extinct in the Wild when exhaustive surveys (over a time frame appropriate to its life cycles and life form) in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual.

Critically Endangered - Taxa where the best available evidence indicates that it meets any of the IUCN criteria for Critically Endangered, and it is therefore considered to be facing an extremely high risk of extinction in the wild (see http://www.iucnredlist.org/info/categories_criteria2001 for a full explanation).

Endangered - Taxa where the best available evidence indicates that it meets any of the IUCN criteria for Endangered, and it is therefore considered to be facing a very high risk of extinction in the wild (see http://www.iucnredlist.org/info/categories_criteria2001 for a full explanation).

Vulnerable - Taxa where the best available evidence indicates that it meets any of the IUCN criteria for Vulnerable, and it is therefore considered to be facing a high risk of extinction in the wild (see http://www.iucnredlist.org/info/categories_criteria2001 for a full explanation).

Taxa categorised as either 'Critically Endangered', 'Endangered' or 'Vulnerable' are described as 'Threatened'.

Near Threatened - Taxa where it has been evaluated against the criteria but does not qualify for Critically Endangered, Endangered or Vulnerable now, but is close to qualifying for or is likely to qualify for a threatened category in the near future.

Data Deficient - Taxa where there is inadequate information to make a direct, or indirect, assessment of its risk of extinction based on its distribution and/or population status. Data Deficient is therefore not a category of threat, but it may be appropriate to give them the same degree of attention as threatened taxa, at least until their status can be assessed.

IUCN 1994

Assessments from 1996-2000 that have not been converted over to the revised system use the 1994 categories and criteria (version 2.3). Taxa using this classification currently only consist of a subset of Diptera (True Flies).

See IUCN 2001 for descriptions of the following categories:

- Extinct (EX)
- Extinct In The Wild (EW)
- Critically Endangered (CR)
- Endangered (EN)
- Vulnerable (VU)
- Data Deficient (DD)

Taxa categorised as either 'Critically Endangered', 'Endangered' or 'Vulnerable' are described as 'Threatened'.

Conservation Dependent - Taxa which are the focus of a continuing taxon-specific or habitat-specific conservation programme targeted towards the taxon in question, the cessation of which would result in the taxon qualifying for one of the threatened categories above within a period of five years.

Near Threatened - Taxa which do not qualify for Lower Risk (conservation dependent), but which are close to qualifying for Vulnerable. In Britain, this category includes species which occur in 15 or fewer hectads but do not qualify as Critically Endangered, Endangered or Vulnerable.

Taxa categorised as 'Conservation Dependent' or 'Near Threatened', i.e. do not satisfy the criteria for any of the threatened categories, are known as 'Lower Risk'.

IUCN Pre 1994

Superseded by new IUCN categories in 1994, but still applicable to lists that have not been reviewed since 1994. Taxa using this classification currently consist largely of invertebrates including many Coleoptera (Beetles), Trichoptera (Caddis Flies), Hymenoptera (Bees, Ants, Wasps and Sawflies), Hemiptera (True Bugs), Araneae (Spiders) and Mollusca (Molluscs).

Extinct - Taxa which are no longer known to exist in the wild after repeated searches of their localities and other known likely places.

Endangered - Taxa in danger of extinction and whose survival is unlikely if the causal factors continue operating.

Vulnerable - Taxa believed likely to move into the Endangered category in the near future if the causal factors continue operating.

Nationally Rare - Taxa with small populations that are not at present Endangered or Vulnerable, but are at risk. In Britain this was interpreted as species which exist in fifteen or fewer 10km squares.

Indeterminate - Taxa not seen since 1970 but require further survey before they can be declared Extinct, Endangered, Vulnerable or Rare, but where there is not enough information to say which of these categories is appropriate.

Insufficiently known - Taxa that are suspected but not definitely known to belong to any of the above categories (i.e. Endangered, Vulnerable, Rare), because of the lack of information.

Threatened endemic - Taxa which are not known to occur naturally outside Britain. Taxa within this category may also be in any of the other RDB categories or not threatened at all.

Rare and scarce species (not based on IUCN criteria)

Taxa which do not fall within the IUCN Red List categories but which are still uncommon in Great Britain. See <http://www.jncc.gov.uk/page-3425> for more information.

Nationally Rare - Taxa occurring in 15 or fewer 10km squares in Britain.

Nationally Scarce - Taxa occurring in 16-100 10km squares in Britain.

Nationally Notable - Taxa thought to occur within the range of 16 to 100 10km squares or, for less-well recorded groups less than twenty vice-counties. Superseded by Nationally Scarce, but may still be in use for some taxonomic groups.

Nationally Notable A - Taxa estimated to occur within 16-30 10-kilometre squares of the National Grid system.

Nationally Notable B - Taxa estimated to occur within 31-100 10 kilometre squares of the National Grid system.

Birds of Conservation Concern 3

Every five years the leading governmental and non-governmental conservation organisations in the UK, chaired by the RSPB, review the population status of the birds that are regularly found here to keep track of changes in abundance and range. For a more complete explanation of this listing see Eaton M.A., Brown A.F., Noble D.G., Musgrove A.J., Hearn R., Aebischer N.J., Gibbons D.W., Evans A. and Gregory R.D. (2009); Birds of Conservation Concern 3: The Population Status of Birds in the United Kingdom, Channel Islands and the Isle of Man. *British Birds* 102: 296-341.

Red - High Conservation Concern. Red list species are those that meet any of the following criteria. A) Global Conservation Status. Species listed by BirdLife International as being Globally Threatened using IUCN criteria. B) Historical Decline. A severe decline in the UK between 1800 and 1995, without substantial recent recovery. C) Breeding Population Decline. Severe decline in the UK breeding population size, of more than 50%, over 25 years or the entire period used for assessments since the first BOCC review, starting in 1969 ("longer-term"). D) Non-breeding Population Decline. Severe decline in the UK non-breeding population size, of more than 50%, over 25 years or the longer-term. E) Breeding Range Decline. Severe decline in the UK range, of more than 50%, as measured by number of 10 km squares occupied by breeding birds, over 25 years or the longer-term.

Amber - Medium Conservation Concern. Species meet any of the following criteria, but none of the red list criteria, are amber listed: A) European Conservation status. Categorized as a Species of European Conservation Concern (SPEC 1, 2 or 3). B) Historical Decline – Recovery. Red listed for Historical Decline in a previous review but with substantial recent recovery (more than doubled in the last 25 years). C) Breeding Population Decline. As for red list criteria but with moderate decline (by more than 25% but less than 50%). D) Non-breeding Population Decline. As for red list criteria but with moderate decline (by more than 25% but less than 50%). E) Breeding Range Decline. As for red list criteria but with moderate decline (by more than 25% but less than 50%). F) UK breeding population of less than 300 pairs or non-breeding population of less than 900 individuals. G) Localisation. At least 50% of the UK breeding or non-breeding population found in 10 or fewer sites. H) International Importance. At least 20% of the European breeding or non-breeding population found in the UK.

Biodiversity Action Plans

The UK Biodiversity Action Plan (UK BAP) is the Government's response to the Rio Convention on Biological Diversity signed in 1992. It describes the UK's biological resources and commits a detailed plan for the protection of these resources. Action plans have been developed which set priorities for important wildlife species both nationally and locally within Surrey. The potential effects of any development on species listed as priorities in the UK BAP and by Local Biodiversity Partnerships are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions. See <http://www.ukbap.org.uk/> for more information.

UK BAP Priority Species - Revised June 2007, this list describes the priority species that require urgent conservation action under the UK BAP as a result of being either globally threatened or rapidly declining in the UK (by more than 25% in the last 25 years). This list is an important reference source and will be the focus for conservation action across the UK over the next decade. For more information see Biodiversity Reporting and Information Group (2007), Report on the Species and Habitat Review – Report to the UK Biodiversity Partnership.

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