

Wildlife site resource map and species information for neighbourhood planning – Stoke Fleming



March 2017

Guidance notes:

1-Introduction

Any development, from a loft conversion to a housing estate has the potential to affect wildlife. By wildlife we mean the whole range of plants and animals found in Devon (also referred to as biodiversity). Sites that are important for their geology can also be affected.

With a Neighbourhood Plan, communities are able to establish general planning policies for the development and use of land in a neighbourhood. They will be able to say, for example, where new homes and offices should be built, and what they should look like. Neighbourhood Plans should take into account local need, housing targets identified by the local authority and the mitigation hierarchy. This is important, as where the local authority says that an area needs to grow, then communities can use neighbourhood planning to influence the type, design, location and mix of new development. They cannot however use neighbourhood planning to block the building of new homes and businesses.

The information below is provided to assist you in designing a neighbourhood plan, however the information DBRC holds on biodiversity can be enhanced by additional survey or species recording within the area and you may want to consider how more information could be gathered by the community. For further information on how to record biodiversity where you live, go to <http://www.dbrc.org.uk>

2.1 Sites important for wildlife

There are several designations that cover sites of wildlife and geological value in Devon. These include sites with international and national statutory designation and local non-statutory designation and are shown on your map. **The best practice approach is to avoid locating development on designated sites as they have already been recognised for their high biodiversity value.**

Designated sites generally contain **semi-natural habitats**; these are areas which are not highly modified for example; rough grassland, woodland, traditional orchards, scrub, hedges, marshes and ponds, heathland, coastal habitats and old quarries and mine sites. Semi-natural habitats provide food and shelter for plants and animals, so tend to be richer in species than other areas. Some areas of semi-natural habitat are designated as **Habitats of Principle Importance** which are recognised nationally as being important for wildlife. However, many areas of semi-natural habitat lie outside designated areas and are not classed as habitats of principle importance. These areas are nonetheless important for the plant and animal species they contain and as a link between other areas important for wildlife. Ideally **development will be sited to avoid areas of semi-natural habitat.**

Site Designations in Stoke Fleming

Non-Statutory Sites:

County Wildlife Sites (CWS): these are sites of county importance for wildlife, designated on the basis of the habitat or the known presence of particular species. This is not a statutory designation like SSSIs, and does not have any legal status. The National Planning Policy framework (NPPF) requires local authorities to identify and map locally designated sites of biodiversity importance (such as County Wildlife Sites) as part of the Local Plan process and to draw up criteria based policies against which proposals for development affecting them will be judged. CWS recognition does not demand any particular actions on the part of the Landowner and does not give the public rights of access. However, it may increase eligibility for land management grants.

Ancient Woodland Inventory (AWI): Ancient Woodland is a term applied to woodlands which have existed from at least Medieval times to the present day without ever having been cleared for uses other than wood or timber production. A convenient date used to separate ancient and secondary woodland is about the year 1600. In special circumstances semi-natural woods of post-1600 but pre-1900 origin are also included. The Devon Ancient Woodland Inventory was prepared in 1986 by the Nature Conservancy Council. There are two types of ancient woodland, both of which should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy framework (NPPF):

- **Ancient semi-natural woodland (ASNW):** where the stands are composed predominantly of trees and shrubs native to the site that do not obviously originate from planting. The stands may have been managed by coppicing or pollarding in the past, or the tree and shrub layer may have grown up by natural regeneration.
- **Plantations on ancient woodland sites (or PAWS, also known as ancient replanted woodland):** areas of ancient woodland where the former native tree cover has been felled and replaced by planted stock, most commonly of a species not native to the site. These will include conifers such as Norway spruce or Corsican pine, but also broadleaves such as sycamore or sweet chestnut.

Other Sites:

Other Sites of Wildlife Interest (OSWI): these are sites of significant wildlife interest within a local context that have been surveyed but do not reach the criteria for County Wildlife Sites. They are not covered by NPPF, but may be included in Local Plans. OSWIs used to be called Local Wildlife Sites (LWS). They are not present in all Districts; there are no OSWIs in Torridge, for example.

Unconfirmed Wildlife Sites (UWS): these are sites identified as having possible interest but not fully surveyed. Some of these sites will be areas of significant wildlife interest. The UWS dataset may also contain **Proposed County Wildlife Sites (pCWS):** these are usually sites that have been surveyed but are awaiting consideration from the CWS Designation Panel, or sites that have been surveyed at an unfavorable time of year and are awaiting a re-survey.

What about the white areas?

The areas shown white on the map may still have wildlife value, as explained in section 2.2 below. Your map gives an indication of where the most sensitive wildlife areas are located, however, when looking at the white areas you should still consider features such as hedgerow and streams, as they provide important corridors or habitats for wildlife.

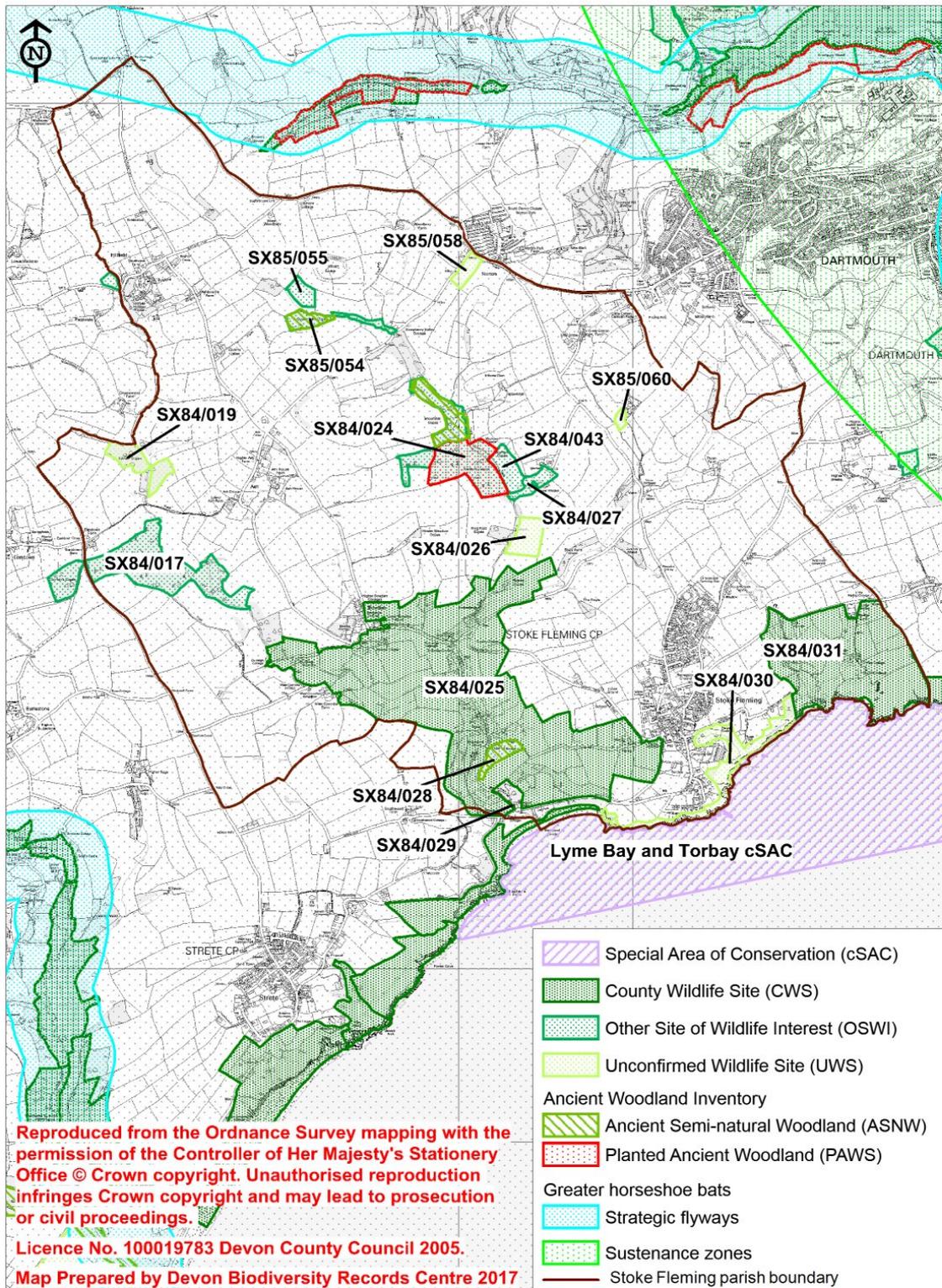
How you can use your local knowledge to add to the map?

The semi-natural habitat information on your map is derived from a range of sources including aerial photographs, for this reason it is worth you **checking this information** on the ground as there may be patches of semi-natural habitat that have been missed.

You may have people in the Parish who can add information to the map. For example, surveys of road verges or hedges may highlight particular stretches that are very important for wildlife due to their function of linking areas of semi-natural habitats, their structure, age or the animal and plant species they contain.

This data search has been undertaken using data held by DBRC at the time of the enquiry. Please be aware that a lack of species records does not necessarily mean that a species is absent from an area, just that it has not been recorded. Detailed species information and surveys will be required by developers when they are drawing up individual planning proposals. More detailed species information would be available from the Devon Biodiversity Records Centre (DBRC) on a site specific basis at that time. For more information go to <http://www.dbrc.org.uk/data-search-2/>

**Statutory and non-statutory sites and GHB flyways
within Stoke Fleming parish (March 2017)**



**Statutory & non-statutory sites within the Parish of Stoke Fleming
(March 2017)**

Statutory sites within Stoke Fleming parish

There are no statutory sites within Stoke Fleming parish.

The Lyme Bay to Torbay candidate SAC is just outside the parish boundary to the south. The SAC is a mosaic of two areas containing extremely diverse reef habitats, comprising many geological and topographical forms, and nationally important sea caves. A SAC is a Special Area of Conservation. These are notified by Natural England because they contain species and/or habitats of European importance (listed in the Habitats Directive 1994), and are part of a network of conservation sites set up through Europe known as the Natura 2000 series. On land, almost all candidate SACs are, or will be notified as SSSIs. Natural England needs to be consulted before any operations likely to damage the special interest are undertaken. SAC is a statutory designation with legal implications.

Non-statutory sites within Stoke Fleming parish

File Code	Site Name	Grid Reference	Area (ha)	Description	Status
SX84/023	Landcombe Cove and Blackpool Sands	SX852476	12.5	Coastal grassland, scrub, bracken & shingle.	CWS
SX84/025	Blackpool Brook	SX852485	127.8	Mixed farmland with bird interest. Supports several areas of unimproved species-rich grassland, scrub, bracken, woodland & semi-improved grassland.	CWS
SX84/029	Blackpool Valley Road	SX853479	0	Roadside verge/bank with notable plant interest	CWS
SX84/031	Redlap	SX872487	44.5	Mixed farmland & coastal habitats	CWS
	Quarry Lake Copse	sx841507	1.9	Ancient & Semi-Natural Woodland	ASNW
	North Hill Wood	sx850498	9.4	Ancient Replanted Woodland	PAWS
	MillHill Copse	sx852482	2.1	Ancient & Semi-Natural Woodland	ASNW
	North Hill Wood	sx849502	4.6	Ancient & Semi-Natural Woodland	ASNW

Other Sites within Stoke Fleming parish

File Code	Site Name	Grid Reference	Area (ha)	Description	Status
SX84/017	Stancombe Wood	SX833494	16.8	Mixed woodland	OSWI
SX84/024	North Hill Wood	SX849499	16.2	Mixed woodland partly on an ancient woodland site	OSWI
SX84/027	Lower Worden	SX855498	1.9	Semi-improved neutral grassland	OSWI
SX84/028	Mill Hill Copse	SX852482	2.1	Ancient semi-natural woodland	OSWI
SX84/043	Worden Field	SX852499	3	Unimproved neutral grassland & scrub	OSWI
SX85/054	Quarry Lake Copse	SX841507	1.9	Ancient semi-natural woodland & semi-improved neutral grassland	OSWI
SX85/055	Quarry Lake Fields	SX841509	2.7	Semi-improved & marshy grassland	OSWI
SX84/019	Uddern Copses	SX831499 & SX833498	4.2	Mixed woodland	UWS
SX84/026	Frogwell Hill Meadow	SX854495	3.5	Unimproved neutral grassland	UWS
SX84/030	Leonards Cove	SX858498 to SX868484	11.1	Coastal grassland & scrub	UWS
SX85/058	Norton	SX851511	1.6	Semi-improved neutral grassland	UWS
SX85/060	Wheatland	SX859502	0.6	Semi-improved neutral grassland	UWS

2.2 Species information

There is a whole range of animal and plant species in Devon that are protected under national and/or international species protection legislation. Designated sites and other areas of semi-natural habitat are particularly rich in protected species but protected species are also often found outside designated sites. There are many other species which have no legal protection and **a best practice approach would be to aim to enhance wildlife generally** as part of a development, not just protected species.

The protected species groups that are particularly relevant to development in Devon are:

Bats - are present across the county and have international protection. They feed on insects so are more likely to be found where there is **semi-natural habitat**. Bats also use linear features such as **hedges** and **streams** as navigation routes to travel to and from feeding areas and summer and winter roost sites. A whole range of **buildings and structures** can be used for breeding roosts and hibernation roosts. Bats are affected indirectly by **lighting associated with new developments** and some will desert roosts and foraging areas when there is light pollution.

Greater Horseshoe Bat Consultation Zones:

There is a strategic flyway within Stoke Fleming parish.

Strategic Flyways: these make up a key network of flight path zones connecting the component roosts of the South Hams SAC. The strategic flyways have been made 500 metres wide to provide a combination of alternative suitable routes. Flyways subject to a pinch point scenario are particularly susceptible to development pressure.

Sustenance Zone: these are key feeding and foraging zones. They consist of a 4km radius circle centred on each of the component roosts of the South Hams SAC (with the exception of Berry Head, on a peninsula which has a sustenance area of a circular sector approximately equal in area to a 4km radius circle). Existing urban non-vegetated areas should not be considered as key foraging areas.

For more information please refer to the Natural England Report 'South Hams SAC – Greater Horseshoe Bat Consultation Zone Planning Guidance'. This can be downloaded from the Natural England website: <http://publications.naturalengland.org.uk/publication/142010>

Badgers - have national protection. They are found across the county in many habitats, they are often affected by developments. A licence is required if badgers are likely to be disturbed as part of a development.

Birds - have differing levels of protection depending on the species. They must not be disturbed during the nesting season from early spring through the summer. New developments can include enhancements for birds such as nesting sites and appropriate planting schemes. In winter birds can congregate in large numbers on agricultural grassland that has no designation and little semi-natural habitat.

Cirl Bunting Zones:

There may be Cirl Bunting breeding territories within your search area, please contact Helene Jessop at RSPB for further information on (01392) 432691.

There are barn owl records within your search area. Many of these records come from the Barn Owl Trust, and only have a four-figure grid reference. To get more detailed information on the location, and to find out more information on these records (e.g. if they are records of breeding barn owls) please contact the Barn Owl Trust on (01364) 653026 or e-mail info@barnowltrust.org.uk

Amphibians and Reptiles - some amphibians and all reptiles have some protection. They are generally associated with semi-natural habitats and gardens. Hibernation sites are important in the winter months.

Invertebrates - rare and protected insects and other invertebrates are generally associated with designated sites and semi-natural habitats.

Flowering plants, fungi, lichens, liverworts, mosses and stoneworts - Many species in these groups are protected but these are generally associated with designated sites and semi-natural habitats so impacts can often be avoided by careful site selection.

Invasive species

Non-native invasive species such as **Japanese Knotweed**, **Giant Hogweed** and **Himalayan Balsam** may be present and are likely to have a cost implication for developers since they may need to be removed from a site. Removal of invasive species could be carried out as an enhancement for biodiversity either on or off-site.

Development control species* within Stoke Fleming parish

Common Name	Scientific Name	UK protection	International protection	Status	Taxon
a Bat	Chiroptera	WCA 5, 6	EC IVa; Bonn II		Bat
a Long-eared Bat	Plecotus	WCA 5, 6	EC IVa; Bern II; Bonn II		Bat
Barn Owl	Tyto alba	WCA 1, 9		DBAP	Bird
Black Redstart	Phoenicurus ochruros	WCA 1		Red	Bird
Brambling	Fringilla montifringilla	WCA 1			Bird
Brown Long-eared Bat	Plecotus auritus	WCA 5, 6; NERC 41	EC IVa; Bern II; Bonn II	UKBAP (P)	Bat
Cirl Bunting	Emberiza cirius	WCA 1; NERC 41		UKBAP (P); DBAP; Red	Bird
Common Pipistrelle	Pipistrellus pipistrellus	WCA 5, 6	EC IVa; Bern III, Bonn II		Bat
Eurasian Badger	Meles meles	WCA 6, BA	Bern III		Mammal
European Otter	Lutra lutra	WCA 5; NERC 41	EC IIa, IIIa; Bern II	UKBAP (P); DBAP	Mammal
Fieldfare	Turdus pilaris	WCA 1		Red	Bird
Grass Snake	Natrix natrix	WCA 5 (KIS); NERC 41	Bern III	UKBAP (P)	Reptile
Greater Horseshoe Bat	Rhinolophus ferrumequinum	WCA 5, 6; NERC 41	EC IIa, IVa; Bern II; Bonn II	UKBAP (P); DBAP	Bat
Japanese Knotweed	Fallopia japonica	WCA 9			Plant
Lesser Horseshoe Bat	Rhinolophus hipposideros	WCA 5, 6; NERC 41	EC IIa, IVa; Bern II; Bonn II	UKBAP (P)	Bat
Nathusius's Pipistrelle	Pipistrellus nathusii	WCA 5, 6	EC IVa; Bern II; Bonn II		Bat
Noctule Bat	Nyctalus noctula	WCA 5, 6; NERC 41	EC IVa; Bern II; Bonn II	UKBAP (P)	Bat
Redwing	Turdus iliacus	WCA 1		Red	Bird
Slow-worm	Anguis fragilis	WCA 5 (KIS); NERC 41	Bern III	UKBAP (P)	Reptile
Soprano Pipistrelle	Pipistrellus pygmaeus	WCA 5, 6; NERC 41	EC IVa; Bern III, Bonn II	UKBAP (P)	Bat
Western Barbastelle	Barbastella barbastellus	WCA 5, 6; NERC 41	EC IIa, IVa; Bern II; Bonn II	UKBAP (P)	Bat

Common Name	Scientific Name	UK protection	International protection	Status	Taxon
Whiskered Bat	Myotis mystacinus	WCA 5, 6	EC IVa; Bern II; Bonn II		Bat

***Developmental control species**

These are species that are considered most important by local authorities in the planning process.

They include certain species on the NERC Act (2006) Section 41, those that have European protection and those on the Wildlife and Countryside Act (1981) 1, 5, 5 (KIS), 8 and Japanese Knotweed.

Other legally protected and notable species within Stoke Fleming parish

Common Name	Scientific Name	UK protection	International protection	Status	Taxon
a Newt	Lissotriton	WCA 5 (S)	Bern III		Amphibian
Brown Hare	Lepus europaeus	NERC 41		UKBAP (P); DBAP	Mammal
Common Bullfinch	Pyrrhula pyrrhula	NERC 41		UKBAP (P); Amber	Bird
Common Frog	Rana temporaria	WCA 5 (S)	EC Va; Bern III		Amphibian
Common Toad	Bufo bufo	WCA 5 (S); NERC 41	Bern III	UKBAP (P)	Amphibian
Dunnock	Prunella modularis			Amber	Bird
Early Meadow-Grass	Poa infirma			NS; DN1	Plant
European Shag	Phalacrocorax aristotelis			Red	Bird
Four-leaved Allseed	Polycarpon tetraphyllum			NR	Plant
Four-Leaved All-Seed	Polycarpon tetraphyllum			NR	Plant
Great Green Bush Cricket	Tettigonia viridissima			DBAP	Invertebrate
Hairy Bird's-Foot-Trefoil	Lotus subbiflorus			NS; DN1	Plant
Harebell	Campanula rotundifolia			DN1	Plant
Harvest Mouse	Micromys minutus	NERC 41		UKBAP (P)	Mammal
Herring Gull	Larus argentatus			Red	Bird
Hottentot-fig	Carpobrotus edulis	WCA 9			Plant
House Martin	Delichon urbicum			Amber	Bird
House Sparrow	Passer domesticus	NERC 41		UKBAP (P); Red	Bird
Indian Balsam	Impatiens glandulifera	WCA 9			Plant

Common Name	Scientific Name	UK protection	International protection	Status	Taxon
Jersey Tiger	<i>Euplagia quadripunctaria</i>			Nb	Invertebrate
Kestrel	<i>Falco tinnunculus</i>			Amber	Bird
Knotted Clover	<i>Trifolium striatum</i>			DN2	Plant
Linnet	<i>Linaria cannabina</i>			UKBAP (P); Red	Bird
Little-Robin	<i>Geranium purpureum</i>			NR; DN1	Plant
Meadow Pipit	<i>Anthus pratensis</i>			Amber	Bird
Montbretia	<i>Crocsmia x crocosmiiflora</i>	WCA 9			Plant
Pigmyweed	<i>Crassula aquatica</i>	WCA 8		vul	Plant
Primrose	<i>Primula vulgaris</i>			DBAP	Plant
Rhododendron	<i>Rhododendron ponticum</i>	WCA 9			Plant
Sea Spleenwort	<i>Asplenium marinum</i>			DN3	Plant
Sea Stork's-Bill	<i>Erodium maritimum</i>			DR	Plant
Sea-kale	<i>Crambe maritima</i>			DN1	Plant
Skylark	<i>Alauda arvensis</i>			UKBAP (P); Red	Bird
Starling	<i>Sturnus vulgaris</i>			Red	Bird
Swift	<i>Apus apus</i>			Amber	Bird
Tawny Owl	<i>Strix aluco</i>			Amber	Bird
Wall	<i>Lasiommata megera</i>	NERC 41		UKBAP (P)	Invertebrate
White Ramping-fumitory	<i>Fumaria capreolata</i>			DN3	Plant
Wild Cabbage	<i>Brassica oleracea</i>			NS	Plant
Willow Warbler	<i>Phylloscopus trochilus</i>			Amber	Bird
Yellow Horned Poppy	<i>Glaucium flavum</i>			DN1	Plant
Yellow Horned-poppy	<i>Glaucium flavum</i>			DN1	Plant
Yellow Vetchling	<i>Lathyrus aphaca</i>			NS; DN1; DR	Plant

NERC 41

NERC Act (2006) Section 41: Species listed under Section 41 of the Natural Environment and Rural Communities Act (2006). These are the species found in England which have been identified as requiring action under the UK BAP. All local authorities and other public authorities in England and Wales have a duty to promote and enhance biodiversity in all

of their functions.

- WCA 1** **Wildlife and Countryside Act (1981) Schedule 1:** birds which are protected by special penalties at all times.
- WCA 5** **Wildlife and Countryside Act (1981) Schedule 5:** species protected against killing, injury, disturbance and handling.
- WCA 5 (S)** **Wildlife and Countryside Act (1981) Schedule 5: (sale):** species protected against sale only.
- WCA 5 (KIS)** **Wildlife and Countryside Act (1981) Schedule 5: (killing & injury):** species protected against killing, injury and sale only.
- WCA 6** **Wildlife and Countryside Act (1981) Schedule 6:** animals (other than birds) which may not be killed or taken by certain methods
- WCA 8** **Wildlife and Countryside Act (1981) Schedule 8:** plants which are protected.
- WCA 9** **Wildlife and Countryside Act (1981) Schedule 9:** animals and plants for which release into the wild is prohibited.
- BA** **Protection of Badgers Act 1992:** badgers may not be deliberately killed, persecuted or trapped except under licence. Badger setts may not be damaged, destroyed or obstructed.
- Bern II** **Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) Appendix II:** Special protection for listed animal species and their habitats.
- Bern III** **Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) Appendix III:** Exploitation of listed animal species to be subject to regulation
- ECIIa, IIb** **EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats & Species Directive) Annex IIa and IIb:** Designation of protected areas for animal and plant species listed.
- ECIIIa, IIIb** **EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats & Species Directive) Annex IIIa and IIb:** Species used as criteria for designating Special Areas of Conservation (SACs).
- ECIVa, IVb** **EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats & Species Directive) Annex IVa:** Exploitation of listed animals and plants to be subject to management if necessary.
- ECVa, Vb** **EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats & Species Directive) Annex Va and Vb:** Exploitation of listed animals and plants to be subject to management if necessary.

- Bonn II** **Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) Appendix II:** Range states encouraged to conclude international agreements to benefit species listed.
- UKBAP(P)** **UK Priority Species (Short and Middle Lists - UK Biodiversity steering Group Report 1995)** i.e. species that are globally threatened and rapidly declining in the UK (by more than 50% in the last 25 years). Has a Species Action Plan.
- DBAP** **Devon Biodiversity Action Plan species:** these have been identified as species of key conservation concern in Devon.
- NR** **Nationally Rare:** 1-15 10km squares in Atlas of British Flora 1962.
- NS** **Nationally Scarce:** 15-100 10km squares in Atlas of British Flora 1962.
- Devon Notable Species:** Selected species recorded from over 50 2km squares in the Atlas of Devon Flora 1984 (R.B. Ivimey-Cook, Department of Biological Sciences, The University of Exeter).
- DN1** **Devon Notable¹:** 1-25 2 km squares in Atlas of Devon Flora 1984.
- DN2** **Devon Notable²:** 26-50 2 km squares in Atlas of Devon Flora 1984.
- DN3** **Devon Notable³:** Selected species recorded from over 50 2 km squares in Atlas of Devon Flora 1984.
- DR** **Devon Rarity:** native species recorded from 3 or fewer localities within Devon.
- Nb** **Nationally Notable B:** known from 100 or fewer 10km squares. Taken from the Invertebrate Site Register.
- Red List** Bird species of high conservation concern, such as those whose population or range is rapidly declining, recently or historically, and those of global conservation concern.
- Amber List** Bird species of medium conservation concern, such as those whose population is in moderate decline, rare breeders, internationally important and localised species and those of unfavourable conservation status in Europe.

As well as incidental records and records from consultants, our data search includes data from: the Botanical Society for the British Isles (BSBI); British Dragonfly society; Butterfly Conservation; Cetacean recording network; Devon Bird Watching and Preservation Society (only 2001, 2006 records at moment), Devon Mammal Group; Devon Reptile and Amphibian Group; Devon Moth group; Devon Wildlife Trust nature reserves; Environment Agency (fish and invertebrate records); Natural England (bat records); Seasearch and the MNCR database; Seawatch foundation. Please note we do not hold information for the Devon Bat Group (<http://www.dbg.me.uk/>) or Devon Invertebrate Forum. For more information on the species records we hold. See our website <http://www.dbr.org.uk/species-datasets/>.

DBRC have provided this report in PDF format and are unable to provide it in GIS or other formats.

3. Key principles to protect wildlife and geology in Neighbourhood Plans- These can be written into Development Policies in your plan

- Avoid both **statutory** and **non-statutory designated** sites
- Avoid non-designated areas which contain large or linked areas of **semi-natural habitat**
- Consider the potential **protected species implications** of sites before finalising plans-it is far better to scope these at the outset to prevent costly delays later
- Where sites contain patches of **semi-natural habitat** make sure these can be **retained and ideally linked** together as part of the intended end land use.
- Ensure there is potential to retain, restore and re-create **habitat linkages such as hedges** as part of developments
- Look for **enhancement** opportunities to **create, expand, buffer and link semi-natural habitats** on-site
- Consider the potential for **creating new semi-natural habitat off-site** if opportunities on-site are limited, this is known as 'biodiversity offsetting'. It may be possible to pool contributions from several developments.

An ecological consultant can help to interpret data from DBRC and give recommendations for your neighbourhood plan. You can find an Ecological consultant here: www.cieem.net/members-directory/search .

The information within this report is provided for use within the preparation of a Neighbourhood Plan, The information contained within can be used for this sole purpose and should not be copied, republished or passed on to third parties without DBRC's consent