

Hedgehog is a UK Priority Species for Conservation under the UK Biodiversity Action Plan and a National Species Action Plan has been produced for this species. The protection of UK BAP Priority Species is implemented through Local Planning Policy.

Great Crested Newt

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

The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and came into force in 1982. The principal aims of the Convention are to ensure conservation and protection of all wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to afford special protection to the most vulnerable or threatened species (including migratory species) (listed in Appendix 3). To this end the Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1000 wild animal species.

To implement the Bern Convention in Europe, the European Community adopted Council Directive 79/409/EEC on the Conservation of Wild Birds (the EC Birds Directive) in 1979, and Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the EC Habitats Directive) in 1992. Among other things the Directives provide for the establishment of a European network of protected areas (Natura 2000), to tackle the continuing losses of European biodiversity on land, at the coast and in the sea to human activities.

The Habitats Directive (1992)

The European Community Council Directive on the Conservation of Natural Habitats of Wild Fauna and Flora (92/43/EEC) aims to protect the European Union's biodiversity. It requires member states to provide strict protection for specified flora and fauna (ie European Protected Species) outside of designated sites.

The Conservation of Habitats and Species Regulations 2010

The Conservation of Habitats and Species Regulations 2010 formally transpose the requirements of the Habitats Directive into national law (replacing the Conservation (Natural Habitats &c) Regulations 1994). They build on existing nature conservation legislation for the protection of habitats and species by introducing requirements for assessing plans and projects affecting European designations and licensing certain activities affecting European Protected Species.

Licences are required for carrying out work that may disturb or injure Great Crested Newts or destroy breeding sites.

Wildlife and Countryside Act 1981

This act provides varying degrees of protection for the listed species of flora and fauna. Great Crested Newt is a Schedule 5 species and is fully protected under Section 9 of the Wildlife and Countryside Act (as amended) under which it is an offence to:

- Intentionally kill, injure or take a Great Crested Newt
- Deliberately capture or kill a Great Crested Newt
- Possess or control any live or dead specimen or anything derived from a Great Crested Newt
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a Great Crested Newt
- Deliberately, intentionally or recklessly disturb a Great Crested Newt while it is occupying a structure or place which it uses for that purpose
- Deliberately take or destroy the eggs of a Great Crested Newt

UK Biodiversity Action Plan Priority Species

Great Crested Newt is a UK Priority Species for Conservation under the UK Biodiversity Action Plan and a National Species Action Plan has been produced. The protection of UKBAP Priority Species such as Great Crested Newt is implemented through Local Planning Policy.

Reptiles (Adder, Grass Snake, Slow worm, Common Lizard)

Wildlife and Countryside Act 1981

This act provides varying degrees of protection for the listed species of flora and fauna. All UK native reptiles are protected under Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981 (as amended). Common lizard, Slow Worm, Grass snake and Adder receive partial protection under the Act. Only part of sub-section 9(1) and all of sub-section 9(5) apply; these prohibit the intentional killing and injuring and trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy).

Countryside and Rights of Way Act 2000

This act strengthens the existing provisions of the Wildlife and Countryside Act 1981 for the enforcement of wildlife legislation, including a new offence of "recklessly" killing or injuring the above-listed species.

Biodiversity Action Plan Priority Species

Common Lizard, Grass Snake, Adder and Slow Worm are listed on the UK Biodiversity Action Plan as they are priority species for conservation. The protection of UKBAP Priority Species is implemented through Local Planning Policy.

Common Toad

UK Biodiversity Action Plan Priority Species

Common Toad is a UK Priority Species for Conservation under the UK Biodiversity Action Plan and a National Species Action Plan has been produced for this species. The protection of UK BAP Priority Species is implemented through Local Planning Policy.

Stag Beetle

UK Biodiversity Action Plan Priority Species

Stag Beetle is a UK Priority Species for Conservation under the UK Biodiversity Action Plan and a National Species Action Plan has been produced for this species. The protection of UK BAP Priority Species is implemented through Local Planning Policy.

Plants

Wildlife and Countryside Act 1981

The Wildlife and Countryside Act (as amended) provides protection to a number of species of plant as listed in Schedule 8. Section 13 identifies measures for the protection of wild plants. It prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8. It also prohibits the sale, etc, or possession for the purpose of sale of any plants on Schedule 8 or parts or derivatives of Schedule 8 plants. It provides certain defences, e.g. provision to cover incidental actions that are an unavoidable result of an otherwise lawful activity.

UK Biodiversity Action Plan Priority Species

Several species of plant found in the area are UK Priority Species for Conservation under the UK Biodiversity Action Plan, for which National Species Action Plans have been produced.

Hedgerow Woody Species

From Schedule 3 of Hedgerow Regulations 1997

Alder (<i>Alnus glutinosa</i>)	Hazel (<i>Corylus avellana</i>)
Apple, crab (<i>Malus sylvestris</i>)	Holly (<i>Ilex aquifolium</i>)
Ash (<i>Fraxinus excelsior</i>)	Hornbeam (<i>Carpinus betulus</i>)
Aspen (<i>Populus tremula</i>)	Juniper, common (<i>Juniperus communis</i>)
Beech (<i>Fagus sylvatica</i>)	Lime, large-leaved (<i>Tilia platyphyllos</i>)
Birch, downy (<i>Betula pubescens</i>)	Lime, small-leaved (<i>Tilia cordata</i>)
Birch, silver (<i>Betula pendula</i>)	Maple, field (<i>Acer campestre</i>)
Black-poplar (<i>Populus nigra sub-species betulifolia</i>)	Mezereum (<i>Daphne mezereum</i>)
Blackthorn (<i>Prunus spinosa</i>)	Oak, pedunculate (<i>Quercus robur</i>)
Box (<i>Buxus sempervirens</i>)	Oak, sessile (<i>Quercus petraea</i>)
Broom (<i>Cytisus scoparius</i>)	Osier (<i>Salix viminalis</i>)
Buckthorn (<i>Rhamnus cathartica</i>)	Pear, Plymouth (<i>Pyrus cordata</i>)
Buckthorn, alder (<i>Frangula alnus</i>)	Pear, wild (<i>Pyrus pyraster</i>)
Butcher's-broom (<i>Ruscus aculeatus</i>)	Poplar, grey (<i>Populus x canescens</i>)
Cherry, bird (<i>Prunus padus</i>)	Poplar, white (<i>Populus alba</i>)
Cherry, wild (<i>Prunus avium</i>)	Privet, wild (<i>Ligustrum vulgare</i>)
Cotoneaster, wild (<i>Cotoneaster integerrimus/ cambricus</i>)	Rose (<i>Rose species</i>)
Currant, downy (<i>Ribes spicatum</i>)	Rowan (<i>Sorbus aucuparia</i>)
Currant, mountain (<i>Ribes alpinum</i>)	Sea-buckthorn (<i>Hippophae rhamnoides</i>)
Dogwood (<i>Cornus sanguinea</i>)	Service-tree, wild (<i>Sorbus torminalis</i>)
Elder (<i>Sambucus nigra</i>)	Spindle (<i>Euonymus europaeus</i>)
Elm (<i>Ulmus species</i>)	Walnut (<i>Juglans regia</i>)
Gooseberry (<i>Ribes uva-crispa</i>)	Wayfaring-tree (<i>Viburnum lantana</i>)
Gorse (<i>Ulex europaeus</i>)	Whitebeam (<i>Sorbus species</i>)
Gorse, dwarf (<i>Ulex minor</i>)	Willow (<i>Salix species</i>)
Gorse, western (<i>Ulex gallii</i>)	Yew (<i>Taxus baccata</i>)
Guelder Rose (<i>Viburnum opulus</i>)	
Hawthorn (<i>Crataegus monyogyna</i>)	
Hawthorn, midland (<i>Crataegus laevigata</i>)	

Table 6.1 Guidance on the optimal timing for carrying out specialist ecological surveys and mitigation

This is not definitive and is intended to provide an indication only. The timing of surveys and animal activity will be dependent on factors such as weather conditions. Please consult the *species briefing sheets* for more detailed information, including species distribution.

KEY
Recommended survey time
No surveys
Mitigation conducted at these times
Mitigation works restricted

* Where survey techniques involve the capture, handling or disturbance of *protected species* then only licensed persons can undertake surveys; personal survey and monitoring licences are obtained from English Nature, Countryside Council for Wales, Environment and Heritage Service (NI) or Scottish Natural Heritage

** Where mitigation involves the killing, capture, injury and/or disturbance of *protected species* and/or the damage, destruction or obstruction of their *habitats*, a *development licence* must be obtained from the Department for Food and Rural Affairs (England), Scottish Executive's Environment and Rural Affairs Department, Welsh Assembly (Countryside Division) or the Environment and Heritage Service Northern Ireland. Licences will be granted only to persons who have proven competence in dealing with the species concerned. Development licence applications will take approximately 30 days to be processed by government departments. Where mitigation works need to be conducted under licence *before* works begin, licence applications will need to be submitted considerably earlier.

	Licence required?	J	F	M	A	M	J	J	A	S	O	N	D
Habitats / vegetation	Surveys	Mosses and lichens. No other detailed plant surveys – Phase 1 surveys only (least suitable time)				Detailed habitat assessment surveys. Surveys for higher plants and ferns. Mosses and lichens in April, May and September only					Mosses and lichens. No other detailed plant surveys – Phase 1 surveys only (least suitable time)		
	Mitigation	Planting and translocation				No mitigation for majority of species					Planting and translocation		
Birds	Surveys	Winter birds		Breeding birds / migrant species		Breeding birds		Breeding birds / migrant species		Winter birds			
	Mitigation	Clearance works may be conducted at this time, but must stop immediately if any nesting birds are found		No clearance or construction works. Bird nesting season					Clearance works may be conducted at this time, but must stop immediately if any nesting birds are found				
Badgers	Surveys	All survey methods – best time is in spring and early autumn / winter											
	Mitigation	Building of artificial setts. No disturbance of existing setts					Stopping up or destruction of existing setts						
Bats	Surveys	Inspection of hibernation, tree and building roosts		No surveys		Activity surveys and inspection of building roosts. Emergence counts.		No surveys		Inspection of hibernation, tree and building roosts			
	Mitigation	Works on maternity roosts		Works on maternity roosts until mid-May. Works on hibernation roosts from mid-March		Works on hibernation roosts only		Hibernation roosts until November. Maternity roosts from mid-September		Works on maternity roosts only			

Applies in Northern Ireland only

¹ Applies in Northern Ireland only

Table 6.1 Guidance on the optimal timing for carrying out specialist ecological surveys and mitigation (continued)

		Licence required?	J	F	M	A	M	J	J	A	S	O	N	D			
Dormice	Surveys	*	Nut searches (sub-optimum time)		Nest searches (April sub-optimum time)		Cage traps and hair tube surveys to mid-October (optimum time September to December)							Nut searches and nest searches (optimum time)			
	Mitigation	**	No clearance works				Clearance works (sub-optimum time)	No clearance works				Clearance works to early October (optimum time)		No clearance works			
Otters	Surveys	*	Surveys for otters can potentially be conducted all year round, though vegetation cover and weather conditions may limit the times at which surveys can be carried out														
	Mitigation	**	Mitigation can potentially be conducted in any month, but is likely to be restricted where otters are found to be breeding														
Pine martens	Surveys	*	Surveys may be conducted all year round weather permitting														
	Mitigation	**	Works in areas of pine marten habitat and dens				Optimum time is spring and summer. Surveys for breeding dens from March to May.								Works in areas of pine marten habitat and dens		
Red squirrels	Surveys	*	Surveys may be conducted all year round weather permitting														
	Mitigation	**	Avoid all works in pine marten habitat										Optimum time is spring and summer. Surveys for breeding females from December to September.				
Water voles (n/a in NI)	Surveys	*	Reduced activity		Initial surveys possible		All survey methods can be used during this period, though vegetation cover and weather conditions may limit the times at which surveys can be carried out. (Optimum time: March to June)							Works should preferably be conducted at this time		Avoid all works in red squirrel habitat	
	Mitigation	N ²	Avoid all works in water vole habitat				Works in water vole habitat possible	Avoid all works in water vole habitat				Works in water vole habitat possible		Avoid all works in water vole habitat			
Sand lizards, smooth snakes (n/a in NI) and common lizards	Surveys	*	No surveys – reptiles in hibernation				Active surveys from March to June and in September / October. Surveys are limited by high temperatures during July and August. Peak survey months are April, May and September.								No surveys – reptiles in hibernation		
	Mitigation	**	Scrub clearance				Capture and translocation programmes can only be conducted whilst reptiles are active (March to June and September / October). Trapping is limited by high temperatures during July / August. Scrub clearance								Scrub clearance		

² The extent of legal protection of the water vole is currently under review; it has been proposed to fully protect water voles, as well as their habitats.

Table 6.1 Guidance on the optimal timing for carrying out specialist ecological surveys and mitigation (continued)

		Licence required?	J	F	M	A	M	J	J	A	S	O	N	D
Other reptiles	Surveys	N	No surveys – reptiles in hibernation	Activity surveys from March to June and in September / October. Surveys are limited by high temperatures during July and August. Peak survey months are April, May and September.									No surveys – reptiles in hibernation	
	Mitigation	N	Scrub clearance	Capture and translocation programmes can only be conducted whilst reptiles are active (March to June and September / October). Trapping is limited by high temperatures during July / August. Scrub clearance									Scrub clearance	
Great crested newts (n/a in NI)	Surveys	*	No surveys – newts in hibernation	Pond surveys for adults: mid-March to mid-June. Surveys must include visits undertaken between mid-April and mid-May. Egg surveys April to mid-June. Larvae surveys from mid-May. Terrestrial habitat surveys					Larvae surveys to mid-August. Terrestrial habitat surveys		Terrestrial habitat surveys		No surveys – newts in hibernation	
	Mitigation	**	No trapping of newts. Pond management only	Newt trapping programmes in ponds and on land					Newt trapping on land only					No trapping of newts. Pond management only
Natterjack toads	Surveys	*	No surveys – toads in hibernation	Surveys of breeding ponds for adults. Surveys for tadpoles from May onwards. Surveys for adults on land					Surveys for adults on land.		No surveys – toads in hibernation			
	Mitigation	**	Pond management works	Trapping of adults in ponds from April to July. Trapping of tadpoles from May to early September					Pond management works					
White-clawed crayfish	Surveys	*	Reduced activity	Surveys can be undertaken		Avoid surveys (females are releasing young)		Optimum time for surveys					Reduced activity	
	Mitigation	***	Avoid capture programmes (low activity levels may lead to animals being easily missed)	Exclusion of crayfish from construction areas		Avoid capture programmes		Exclusion of crayfish from construction areas					Avoid capture programmes (low activity levels may lead to animals being easily missed)	
Fish	Surveys	*	For coastal, river and stream-dwelling species, the timing of surveys will depend on the migration pattern of the species concerned. Where surveys require information on breeding, the timing of surveys will need to coincide with the breeding period, which may be summer or winter months, depending on the species.											
	Mitigation	**	Mitigation for particular fish species is required at all times of year. Mitigation for particular fish species may be timed so as to avoid the breeding season. This varies from species to species.											

*** Where mitigation involves the capture of white-clawed crayfish, a mitigation licence must be obtained from English Nature, Countryside Council for Wales, Environment and Heritage Service (NI) or Scottish Natural Heritage. Licences will be granted only to persons who have proven competence in dealing with the species concerned.

Habitat Protection

Where retained habitat is adjacent an area of development, what should you do?

- An exclusion zone should be put in place consisting of barriers separating construction activities from wildlife areas.
- No polluting materials should be used near rivers.
- Care should be taken to prevent the introduction or spread of invasive plants such as Japanese Knotweed or Giant Hogweed.
- 'Keep out wildlife exclusion zone' signs to be secured to barriers.



Trees and Hedgerows

- The contractor should follow the specific requirements of the Local Authority in relation to Tree Preservation Orders.
- Trees should be fenced off by no less than the width of the canopy spread until all development work is complete.
- Do not use a tree for external fixtures or fittings.
- Nothing should be stored against the trunks of trees.
- There should be no change in soil depth within 2m of the trunks, unless it has been approved by an arboriculturist.
- Site Compounds should be erected outside of the tree canopy.



Phased Clearance In Relation to Reptiles and Amphibians

- Any site clearance should be undertaken in a phased and controlled manner and under ecological supervision. This gives a chance to reptiles and amphibians to move out the way to somewhere safe before a site is cleared.
- All clearance work should be undertaken during April - August in order to coincide with the reptile and amphibian active seasonal period and should be undertaken within a temperature range of 16°C - 24°C.
- Strim grass to a height of 100mm and the cut material to be hand raked to the sides of the area. All strimming should commence in the centre of the site working outwards towards the periphery of the development footprint to where the habitat is to be retained.

Wildlife & Construction Best Practice Guidance



Protected Species

Birds and their Nests

- All species of wild bird in the UK are protected during the breeding season.
- They are protected against intentional killing, injuring or taking, damaging or destroying nests in use or being built, and taking or destroying eggs.
- Birds can nest in places, such as scrub, hedgerows, trees, in or on buildings, ledges, cliffs and on the ground, depending on the species. In the UK they typically build their nests and lay their eggs between March and the end of July.

What if you find a bird nesting on site?

- All works in the area must stop until the birds have completed breeding.
- An exclusion zone around the nests area should be put up by an ecologist.
- **DO NOT** undertake scrub clearance during the bird-nesting season (March - end of July) if at all possible.
- **DO NOT** undertake scrub clearance during the bird-nesting season without an experienced ecological being present.

Reptiles

- Reptiles are protected, which makes it an offence to intentionally and recklessly kill, injure or take any species of reptile.

Where are they found?

- Grass snake, slow worm and common lizard are fairly widespread and may be found within dense vegetation on sites that are directly next to open areas of rubble / rocks and / or short grassland.
- Clearance works should be undertaken in a phased manner and supervised by an ecologist.

What to do if you find a reptile?

- **STOP!** If you think you have found a reptile on site, stop all works and consult an ecologist immediately.

Amphibians

- Amphibian species include the common toad, common frog, smooth (or common) newt and palmate newt, there is also the fully protected great crested newt.
- Common amphibians are protected, which makes it an offence to intentionally and recklessly kill, injure or take them. Great crested newts are further protected for disturbance and/or damaging or obstructing their nearest.

Where are they found?

- Amphibians can be found in or near ponds or other water bodies on development sites, including temporary pools. Most amphibians will hibernate on land during the winter months.

What should you do if you find an amphibian and are unsure of the identity?

- **STOP!** and consult an ecologist immediately.
- **STOP!** if you think you have found a great crested newt on site and consult an ecologist immediately.

Bats and their Roosts

- All bat species and their roosts are protected, it is an offence to intentionally kill, injure or take a bat. It is also an offence to intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if bats are not currently present).

Places you may find them?

- Holes, and cracks in trees, in roofs and walls of houses and buildings, under bridges, in underground caves or old railway tunnels. Every building and mature tree is a potential bat roost.

Things to look out for?

- Below bat roost entrances: Dark stains on walls, tree trunks or bat droppings on the ground.
- Bat droppings are dark brown or black and about half a centimetre long - they crumble when crushed.

What should you do if you think you have found a bat roost?

- **STOP!** all works in the area and contact an Ecologist immediately.



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Wildlife and Construction Best Practice Guidance



BIRDS AND THEIR NESTS

- All species of wild bird in the UK are protected during the breeding season.
- They are protected against intentional killing, injuring or taking, damaging or destroying nests in use or being built, and taking or destroying eggs.
- Birds can nest in places, such as scrub, hedgerows, trees, in or on buildings, ledges, cliffs and on the ground, depending on the species. In the UK they typically build their nests and lay their eggs between March and the end of July.
- What if you find a bird nesting on site?
- All works in the area must stop until the birds have completed breeding.
- An exclusion zone around the nest/s area should be put up by an ecologist.
- **DO NOT** undertake scrub clearance during the bird-nesting season (March – end of August) if at all possible.
- **DO NOT** undertake scrub clearance during the bird-nesting season without an experienced ecological being present.



HABITAT PROTECTION

- Where retained habitat is adjacent an area of development, what should you do?
- An exclusion zone should be put in place consisting of barriers separating construction activities from wildlife areas.
- No polluting materials should be used near rivers.
- 'Keep out wildlife exclusion zone' signs to be secured to barriers.



REPTILES AND AMPHIBIANS

- Reptiles and amphibians are protected, which makes it an offence to intentionally and recklessly kill, injure or take any species of reptile.
- Amphibians can be found in or near ponds or other water bodies on development sites, including temporary pools. Most amphibians will hibernate on land during the winter months.
- What should you do if you find an amphibian or reptile and are unsure of the identity?
- Reptiles and amphibians are fairly widespread and may be found within dense vegetation on sites that are directly next to open areas of rubble / rocks and / or short grassland.
- Clearance works should be undertaken in a phased manner and supervised by an ecologist.
- **STOP!** if you think you have found a reptile or amphibian on site, stop all works and consult an ecologist immediately.

TREES AND HEDGEROWS

- Trees should be fenced off by no less than the width of the canopy spread until all development work is complete.
- Do not use a tree for external fixtures or fittings.
- Nothing should be stored against the trunks of trees.
- There should be no change in soil depth within 2m of the trunks, unless it has been approved by an arboriculturist.
- Site Compounds should be erected outside of the tree canopy.



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