Construction Ecological Management Plan

St Ives Pumping Station, St Ives, Cambridgeshire

A Report To: Galliford Try Ltd
Report Number: RT-MME-184987-02
Date: October 2026



Middlemarch Environmental Ltd, Triumph House, Birmingham Road, Allesley, Coventry, CV5 9AZ
www.middlemarch.eco
Tel: 01676 525880

Quality Assurance

Date	Version	Author	Checked By	Approved By
27/10/2026	Final	Caitlin Nightingale ACIEEM MSc BSc (Hons) (Ecological Consultant)	Laura Tindle MSc BSc (Hons) (Senior Ecological Consultant)	Sarah Howe MCIEEM BSc (Hons) (Principal Ecological Consultant)

Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

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1. Introduction

1.1 Project Background

In May 2026, Galliford Try Ltd commissioned Middlemarch to produce a Construction Ecological Management Plan (CEcMP) associated with a proposed development at St Ives Pumping Station, St Ives, Cambridgeshire.

Middlemarch has also been commissioned to undertake a Preliminary Ecological Appraisal (RT-MME-184987-01).

The overall aim of the CEMP is to minimise the potential impact of the construction phase of the development on the existing ecology of the site, and ensure works proceed in accordance with current wildlife legislation. It is designed specifically for implementation during the construction phase of the proposed development. This report contains the following information:

- Chapter 2: Assessment of Impacts
- Chapter 3: General Control of Works
- Chapter 4: Avoidance and Mitigation
- Chapter 5: Drawings.

1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Location	London Road, St Ives, Cambridgeshire
National Grid Reference	TL 30561 69780
Site Area (ha)	0.05
Topography	Flat
Land Cover (on site)	The site is dominated by grassland. The remaining land comprises a hardstanding area providing access. The wider ownership boundary is also dominated by this same grassland with two small buildings present in the centre. Boundary hedgerows surround the wider ownership site.
Land Cover (site surrounds)	The wider landscape is dominated by arable farmland. The urban fringes of St Ives are located to the north and a large lake is present to the west of the site.

Table 1.1: Summary of Site and Surroundings

1.3 Summary of Proposals

It is understood that the proposed works are associated with modernising the existing pumping station with the creation of new kiosks, pumps and facilities.

2. Assessment of Impacts

2.1 Overview of Construction Activities and Impact Pathways

The following activities are likely to be required during the works:

- Use of site by construction vehicles;
- Use of site by personnel;
- Use of machinery;
- Vegetation clearance and groundworks;
- Use of lighting for work compounds; and,
- Storage of materials on site.

In the absence of mitigation, these activities have the potential to adversely affect ecological features via the following impact pathways:

- Direct loss or damage to habitats scheduled for retention, in the event that areas outside the construction zone are accessed by vehicles, machinery or people;
- Increased noise and/or visual disturbance from vehicles, people, machinery and lighting;
- Air, ground and water pollution on and adjacent to the site due to emissions from vehicles and machinery;
- Release of dust from machinery and stored materials; and
- Killing, injury or disturbance to fauna during vegetation clearance and groundworks.

2.2 Summary of Potential Impacts in the Absence of Mitigation

Table 2.1 details the key ecological features identified during baseline surveys (refer to Section 1.1) and assesses the potential for adverse impacts in the absence of mitigation or control measures. Legislation relevant to the ecological features identified is provided in Appendix 1.

Ecological Feature	Source to inform baseline	Potential for Impacts?	Description/Justification
European Statutory Sites			
Portholme SAC	PEA (Report RT-MME-184987-01, 2026)	No	This SAC is located 6.37 km west and comprises lowland meadow and alluvial flood meadow. The site falls outside the "Zone of Influence" for this designated site. Pressures on this SAC include recreational and water management, particularly flooding and nutrient input. The proposals for the site are non-residential, temporary and small in scale and are considered unlikely to impact this conservation site.
UK Statutory Sites			
Hemingford Grey Meadow SSSI	PEA (Report RT-MME-184987-01, 2026)	No	This SSSI is located 1.4 km southwest of the site. The site falls within the Impact Risk Zone for this SSSI although proposed works do not match any of the risks associated with this designated site. Given the scale and type of proposals, and the distance and lack of connectivity between the SSSI and the site, no adverse impacts are anticipated.

Table 2.1: Summary of Potential Impacts on Ecological Features from Proposed Works (continues)

Ecological Feature	Source to inform baseline	Potential for Impacts?	Description/Justification
Non-statutory Sites			
Marsh Lane Gravel Pits CWS	PEA (Report RT-MME-184987-01, 2026)	Yes	This CWS is located 130 m south of the site. Given its proximity, this designated site could potentially be impacted by noise and vibrations as well as dust. See control measures for these potential impacts in Chapter 3.
Low Road Meadows (West) CWS	PEA (Report RT-MME-184987-01, 2026)	No	This CWS is located 635 m southeast of the site. Given the scale and type of proposals, and the distance and lack of connectivity between the CWS and the site, no adverse impacts are anticipated.
Fenstanton Pits (West End Pits) CWS	PEA (Report RT-MME-184987-01, 2026)	No	This CWS is located 940 m south of the site. Given the scale and type of proposals, and the distance and lack of connectivity between the CWS and the site, no adverse impacts are anticipated.
Habitats			
Hedgerows	PEA (Report RT-MME-184987-01, 2026)	Yes	The wider ownership boundary contains boundary hedgerows which site outside the site and are all to be retained under the proposals. Retained hedgerows could be subject to habitat loss or damage due to encroachment of construction vehicles and machinery outside of works footprint and into Root Protection Areas.
Modified grassland	PEA (Report RT-MME-184987-01, 2026)	Yes	Unavoidable loss of modified grassland habitat to facilitate proposed development.
Species			
Birds	PEA (Report RT-MME-184987-01, 2026)	Yes	Minor loss of nesting and foraging habitat; killing or injury during vegetation clearance. Breach of wildlife legislation.
Terrestrial mammals (badger, brown hare and hedgehog)	PEA (Report RT-MME-184987-01, 2026)	Yes	Minor loss of foraging habitat; killing or injury during vegetation clearance and groundworks; fragmentation of habitat due to lighting; disturbance due to noise and vibration. Breach of wildlife legislation.
Herpetofauna (amphibians and reptiles)	PEA (Report RT-MME-184987-01, 2026)	Yes	Minor loss of terrestrial habitat; killing or injury during vegetation clearance and groundworks. Breach of wildlife legislation.
Other species (bats, dormouse, polecat, otter, pine marten, red squirrel, water vole and white-clawed crayfish)	PEA (Report RT-MME-184987-01, 2026)	No	Species/species groups scoped out due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings.

Table 2.1: Summary of Potential Impacts on Ecological Features from Proposed Works (continued)

Control measures to prevent and manage potentially adverse impacts on ecological features during the construction phase of the development are provided in Chapters 3 and 4.

3. General Control of Works

This section of the report provides information with respect to the methods that will be implemented during the construction phase, in order to ensure the protection of ecologically sensitive habitats within the site and to prevent significant adverse impacts on any protected/notable species present.

3.1 Ecological Management Team

The overall responsibility for ensuring construction works proceed in accordance with the CEcMP will lie with Galliford Try Ltd.

Galliford Try Ltd will appoint an Ecological Manager. The responsibilities of the Ecological Manager will include developing method statements and site protocols as required, providing guidance for the site team in dealing with environmental matters, and liaising with contractors/sub-contractors and any statutory or third party with an ecological interest in the scheme. The Ecological Manager will ensure that all site personnel are appropriately briefed on the ecological issues within the site. This will be undertaken through inclusion of ecological briefings within the 'toolbox' talks given to all staff as part of the site induction process.

A suitably qualified Ecological Clerk of Works will be appointed by Galliford Try Ltd to advise and oversee construction activities where appropriate and ensure the site team and sub-contractors comply with site protocols and control/mitigation measures. Any failings will be reported to the Project Manager immediately, who will be responsible for ensuring that remedial action is implemented.

The Ecological Clerk of Works will be responsible to the Ecological Manager and will approve all method statements, in addition to ensuring that any relevant site ecological protocols are appended and that these controls are adhered to.

The ecological management team for this project is summarised in Table 3.1.

Role	Persons Responsible
Project Manager / Site Manager	Galliford Try Ltd
Ecological Manager	Middlemarch
Ecological Clerk of Works	Middlemarch

Table 3.1: Ecological Management Team

3.2 Identification of Biodiversity Protection Zones

In order to categorise the site according to ecological risk and to identify areas where certain construction activities are prohibited or restricted, a traffic light system will be implemented. The site has been divided into Red, Amber and Green Zones, with Red Zones being those areas of highest biodiversity interest and of greatest risk from construction.

The areas of the site falling into each of the Biodiversity Protection Zones are detailed below and are shown on Drawing C184987-02-01 in Chapter 5.

Red Zones / Features

Red Zones are defined as the most ecologically sensitive parts of the development site, or the areas most vulnerable to ecological damage. The following features within the wider ownership boundary are included in this category:

- Hedgerows

Red Zones are the areas that will be retained and protected throughout the development, and works will be subject to ongoing monitoring by the Ecological Clerk of the Works. No works can be undertaken within the Red Zones without prior consent from the Ecological Manager. Measures that will be implemented to ensure that Red Zones are protected are summarised in Chapter 4.

Amber Zones / Features

Amber Zones are defined as areas of moderate to high ecological value that may be subject to direct or indirect impacts as a result of the proposed development. The following features on site and within the wider ownership boundary are included in this category:

- Modified grassland

Any works impacting upon Amber Zones will be subject to control measures (see Chapter 4) and will be undertaken under the supervision or guidance of the Ecological Clerk of Works. Once works within the Amber Zones have been completed, the Ecological Clerk of Works may downgrade these areas to Green Zones.

All works within Amber Zones will proceed with caution and will be subject to regular monitoring by the Ecological Clerk of Works. Specific mitigation and control proposals that will be implemented to minimise the ecological impact of work in Amber Zones are detailed in Chapter 4.

Green Zones / Features

Green Zones are areas identified as having low ecological interest where breaches of wildlife legislation are unlikely to occur. They are of low intrinsic value, and do not offer any key habitat for notable or protected species.

Works within Green Zones are permitted to proceed without supervision by the Ecological Clerk of Works, provided that ecological best practice is adhered to at all times. Should any ecological issues be identified, works will cease and the Ecological Clerk of Works will be contacted for advice.

3.3 Quality Control

Site Inductions / Toolbox Talks

All personnel on site will receive a site induction prior to commencing any work activities. The site induction will highlight key issues, operations, times of year and areas in relation to ecology. The induction will include:

- Awareness of the Biodiversity Protection Zones Map (see Drawing C184987-02-01 in Chapter 5);
- Site activity method statements;

- Reporting hierarchy; and,
- Permit system.

Ecological Permits

Ecological Permits will be required for working in Red or Amber Zones. These will be valid for specific time periods and will be renewed at least once a month.

Ecological Certificates

Once an activity has been completed or work in a designated area is finished, a certificate will be signed by the Ecological Manager to confirm it has been carried out to an acceptable standard.

Rectification Notices

Rectification notices will be issued by the Ecological Clerk of Works to the Site Manager or a representative of the site team for implementation of action required. These will be signed on completion by the site manager, or a representative of the site team and counter signed by the Ecological Manger or Clerk of Works.

Daily Record Sheets

The Ecological Clerk of Works will record activities and observations onto a record sheet during visits to the site.

Progress Report

The Ecological Manager will produce a monthly report based on the record sheets, highlighting any issues raised during the programme. The report will include copies of:

- Ecological Permits;
- Ecological Certificates; and,
- Rectification Notices.

Examples of permits, certificates and notices can be provided from Middlemarch upon request.

Revisions to Scheme

Should the need to amend any details of the scheme arise, such as the proposed methods of working or the extent of the works, the proposed changes will be approved in writing by the Ecological Clerk of Works prior to implementation, and also by the Local Planning Authority if required.

4. Avoidance and Mitigation

4.1 Use of Protective Fencing/Barriers

Reasonable measures will be taken to avoid damage and degradation to boundary hedgerows. Where possible, all hedgerows will be surrounded by protective fencing in order to reduce the impacts of the onsite works. Protective fencing should be positioned along the site side of boundary hedgerows.

4.2 Site Compound and Storage of Materials

All areas to be used for site compounds / material storage will be agreed with the Ecological Clerk of Works and will be within habitats of negligible ecological value. No storage of materials will be permitted in close proximity to hedgerows.

4.3 Pollution Prevention

Environment Agency Pollution Prevention Guidelines were formerly withdrawn in December 2015, although do provide a useful framework for the design of working practices. Guidance on Pollution Prevention for Businesses is provided at https://www.gov.uk/guidance/pollution-prevention-for-businesses. These guidelines include details for the design of working practices to avoid pollution during construction and will be followed throughout the construction period.

No bulk storage of fuel and other liquids will be permitted on site. Fuels and other liquids which must be stored on site will be kept in bunded containers within habitats of negligible value. Spill kits will be available on site and procedures will be in place to deal with any incidents efficiently and quickly.

Refuelling of plant/machinery on site will be avoided. If refuelling is required, then it will be undertaken as far away from notable habitats as possible, over a drip tray.

Appropriate dust suppression measures will be put in place to reduce impacts to habitats and species outside of the works area. The 'Construction Dust Information Sheet' issued by the Health and Safety Executive (2020[1]) provides guidance on controlling construction dust and will be followed throughout the construction period.

4.4 Lighting

It is not anticipated that working at night would be necessary. However, if any security lighting or lighting at night is required, then it will be low level and directional, ensuring that there is no increase in illumination of key ecological features.

4.5 Noise and Vibration

Reasonable measures will be taken to avoid significant increases in noise and vibration during the construction phase of the development. Any construction works on site will be carried out in

[1] Health and Safety Executive (2020) *Construction Dust – Construction Information Sheet No 36 (Revision 3)*. March 2020.

accordance with British Standard 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites[2].

Engines of construction vehicles will be turned off when these vehicles are stationary to minimise noise and vibration disturbance.

4.6 Fire Prevention

During construction, fires will not be permitted on the site, and the workforce will be made aware of the risks of accidental fires on surrounding retained habitats.

4.7 Mitigation Measures for Notable Habitats

Retained hedgerows will be protected according to the measures outlined in Section 4.1. Where construction works require the loss, damage or management of hedgerows, then vegetation clearance will need to be undertaken in accordance with specific species mitigation strategies outlined in Section 4.8 below.

4.8 Mitigation Measures for Protected and Notable Species

Birds

In order to avoid any breach of legislation with regard to nesting birds in general, the following measures will be implemented:

- Vegetation management/clearance will be undertaken outside of the bird nesting season. The bird nesting season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible, then any vegetation to be removed or disturbed will be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting, any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- The hedgerows to be retained will be protected according to measures outlined in Section 4.1.
- Noise and vibration will be kept to a minimum, in line with the measures outlined in Section 4.5.

Terrestrial Mammals

Due to the mobile nature of mammals, appropriate safeguards should be adopted for the site to minimise the risk of harm to individuals that may intermittently use the site during the construction phase. The safeguards should include:

- Covering any excavations on site at night or fitting excavations with suitable mammal ramps in order to prevent mammals, from becoming trapped.
- Covering any open pipework, with an outside diameter of greater than 150 mm, at the end of each workday to prevent mammals entering/becoming trapped.

[2] British Standards Institution (2009) *BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites.*

- Remaining vigilant, and should any potential badger setts be identified, it will be necessary to contact a suitably experienced ecologist.
- Sensitive vegetation clearance: clearance of vegetation should be undertaken in a sensitive manner, to ensure any terrestrial mammals that may be present can disperse into suitable habitats off site.
- Timing of vegetation clearance: Piles of dense brash, leaf litter, hedge bases and so forth should be avoided when hedgehogs may be hibernating. This is weather dependent, but generally considered to extend between November and February. In order to avoid the nesting bird season, it may be that vegetation clearance will be undertaken when hedgehogs will be hibernating. A such, any vegetation to be removed will be checked by an experienced ecologist for potential refugia immediately prior to works commencing and vegetation will be cut to a minimum of 150 mm. If any hedgehogs are found, they should be moved to a suitable location outside of the works area.
- Terrestrial mammals are likely to use the grassland and hedgerow corridors on the site boundaries for foraging and commuting. Therefore, any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from these boundary features to maintain 'dark' areas and corridors.

Herpetofauna

- Vegetation (e.g. modified grassland) management/clearance will be undertaken in two phases, first to a height of 150 mm to encourage individuals to move out of the areas. This cut will be done in a directional manner, allowing species to remain in the longer sward and be pushed towards the site boundaries. The second cut, below 150 mm will be supervised by a suitability qualified ecologist. Vegetation clearance below 150 mm will be undertaken within the active season (March to October, inclusive).
- Any refugia or potential hibernacula will be dismantled by hand within the active season (March to October, inclusive) and under the supervision of a suitability qualified ecologist.

4.9 Timing Restrictions

Table 4.1 details a master timetable of works constrained by timing restrictions in order to minimise the ecological impact of the works within Amber Zones.

Protected Species	Time of Year											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Clearance of above ground vegetation above 150 mm												
Terrestrial mammals	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nesting birds	✓	✓	*	*	*	*	*	*	*	✓	✓	✓
Herpetofauna	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Clearance of vegetation below 150 mm / potential hibernacula and refuges												
Terrestrial mammals	x	x	✓	✓	✓	✓	✓	✓	✓	✓	x	x
Herpetofauna	x	x	✓	✓	✓	✓	✓	✓	✓	✓	x	x

Table 4.1: Master Timetable of Timing Restricted Work Activities (continues)

Key:
✓ Suitable time for activity to be undertaken (subject to approval from Ecological Clerk of Works)
* Possible time for activity to be undertaken. All vegetation clearance must proceed in accordance with methodologies detailed in Section 4.8.
x: No works permitted.

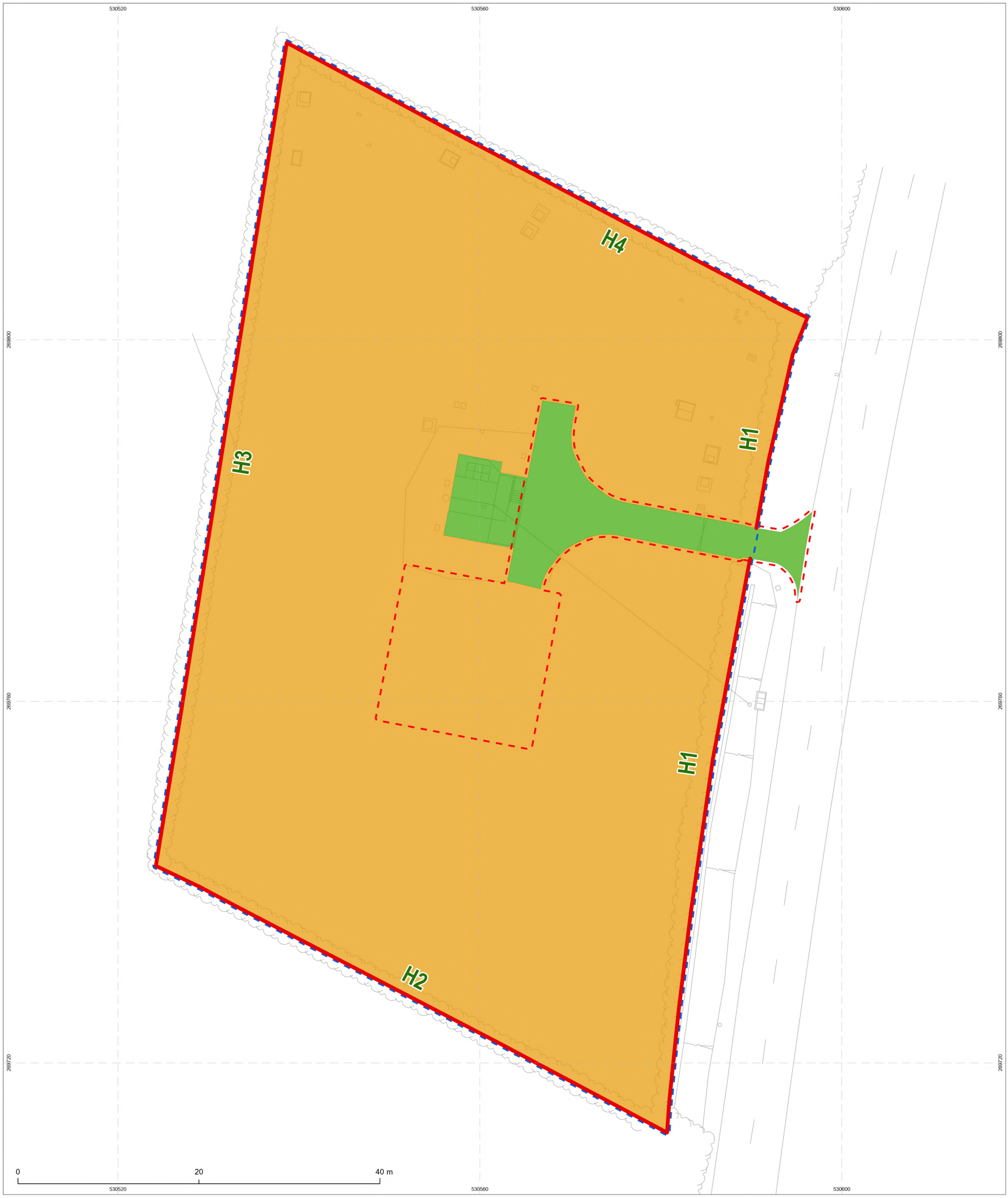
Table 4.1: Master Timetable of Timing Restricted Work Activities (continued)

4.10 Contingency Measures

Should any unexpected events occur, e.g. the discovery of unexpected species on site, work will cease and the Ecological Manager / Clerk of Works will be contacted to determine the most appropriate way to proceed.

5. Drawings

Drawing C184987-02-01 – Biodiversity Protection Zones



Legend

- Site boundary
- Wider ownership boundary
- Red zone
- Amber zone
- Green zone

N

Project	St Ives Pumping Station, Cambridgeshire
Drawing	Biodiversity Protection Zones
Client	South Staffs Water
Drawing Number	C184987-02-01
Revision	00
Scale @ A3	1:400
Date	October 2026
Approved By	CN
Drawn By	HH/VG

MIDDLEMARCH
Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ
T:01676 525880
E:admin@middlemarch-environmental.com

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C184987-02-01

Appendix 1

Summary of Relevant Wildlife Legislation

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- 'Any structure or place that displays signs indicating current use by a badger'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Great crested newt

Great crested newts (GCN) and the places they use for shelter or protection receive legal protection under the Conservation of Habitats and Species Regulations 2017, (Habitats regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that GCN, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to intentionally kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to intentionally or recklessly* damage or destroy, or obstruct access to, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to intentionally or recklessly* disturb any protected species while it is occupying a structure or place which it uses for shelter or protection.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

The reader should refer to the original legislation for the definitive interpretation.

GCN are listed a Species of Principal Importance for Nature Conservation in England which means they are a material consideration in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* – benefit from the greatest protection.

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix helvetica* are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing or injuring.

Sand lizard and smooth snake are protected under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that it is illegal to kill, injure, capture, handle or disturb these animals. Places they use for breeding, resting, shelter and protection are also protected from being damaged or destroyed. In addition, it is illegal to obstruct these animals from using such areas.

All native reptile species are listed as Species of Principal Importance for Nature Conservation in England and as such are material considerations in the planning process.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

The reader should refer to the original legislation for the definitive interpretation.