



**AOC Resins, Haverhill**

**Preliminary Ecological Appraisal  
Report**

**On Behalf of**

**C3 Technical Solutions**

**Version 2 | April 2026**



*View of the Site from the northern boundary.*

### Document Control

Version	Date	Produced by	Reviewed by	Notes
Version 1	19/03/2026	Bethany Donoghue BSc (Hons) Assistant Ecologist	Sara Curtis MSc, Principal Ecologist; MCIEEM	
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*This report does not purport to provide legal advice. This report provides baseline ecological conditions for the aforementioned site. The baseline information and recommendations within are considered relevant for a period of no more than 12 months from the date of the Site visit. Following which time Site conditions may need to be reassessed and recommendations for further survey and /or mitigation updated.*

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*No Artificial Intelligence (AI) was used in the production of this document.*

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### Ecological Risk Assessment



The following Ecological Risk Assessment provides an infographic summary of the Preliminary Ecological Appraisal of AOC Resins, Pipirell Way, Haverhill. This includes the requirements, including further surveys or mitigation, necessary to comply with relevant legislation and policy. Enhancement measures are also provided in line with the National Planning Policy Framework<sup>1</sup>. An assessment of potential impacts has been made based on the proposals for the Site, which include the demolition of a building onsite and the construction of a fire water lagoon. A plan of proposals is provided in **Appendix 1: 64363 - 901 - P1 - Proposed Site Block Plan**.

This Eco RA is not intended as a substitute for reading the full report as set out in the preceding pages.

Risk Code Key		
	<b>High Risk</b>	Ecological issue(s) requiring further survey work and/or mitigation prior to determination.
	<b>Moderate Risk</b>	Ecological issue(s) requiring mitigation without requiring further survey.
	<b>Low Risk</b>	No significant ecological issues identified. No further action required.

Risk Code	Factor	Comments and Actions Required	Timings
	Bat	<p><b>Requirements:</b> To compensate for the potential roosting lost in the building (B3) that was demolished, two pole mounted bat boxes should be installed around the Site.</p> <p>Any lighting schemes to be installed during and post-construction must be designed to prevent unnecessary light spill onto the vegetation and any bat boxes installed as part of the development.</p> <p>If proposals are to change and impact the trees with <i>FAR Suitability</i> onsite, further assessment is required in the form of an aerial inspection or GLTA of the trees onsite.</p> <p><b>Enhancements:</b> If the plans are to include landscaped areas, then the proposals should incorporate night scented plants or those species beneficial to bats.</p>	<p>Design stage</p> <p>Pre and during construction</p> <p>Design stage</p>
	Habitats	<p><b>Requirements:</b> See separate Biodiversity Net Gain assessment report for habitat requirements to deliver a 10% net gain.</p> <p>Root and tree/hedgerow protection measures (in line with the British Standard for trees in relation to construction BS 5837:2012) must be installed in the pre-construction phase and maintained throughout the construction phase.</p> <p>If the proposals change so that the scrub / scattered trees are to be removed, then compensation for these habitats will be required.</p> <p><b>Enhancements:</b> Add native bulb planting to the retained vegetated areas.</p>	<p>Design stage</p> <p>Pre- and during construction</p> <p>Pre-construction</p>

Risk Code	Factor	Comments and Actions Required	Timings
		Management of the retained habitats, such as the scrub and scattered trees.	Design stage
	Birds	<p><b>Requirements:</b> Demolition of B1 should be undertaken outside of the nesting bird season (the nesting bird season is considered to run from March to September, inclusive, but does vary depending on weather).</p> <p>If this is not possible and clearance is undertaken during the during nesting season, then it should only be undertaken within 24-48 hours of a nesting bird check undertaken by a suitably experienced ecologist. Should nests be encountered then clearance around the nest will be paused and a reasonable buffer installed until young have fledged the nest and the nest is abandoned.</p> <p><b>Enhancements:</b> Provision of two starling nest boxes, mounted on different trees retained on the southern boundary of the Site. The bird boxes should have predator proof fronts to prevent parakeet entering.</p>	<p>Pre-construction, (1) Oct – Feb; or (2) Mar – Sept</p> <p>Design stage</p>
	Priority & Notable Species (Fauna and Flora)	<p><b>Requirements:</b> Any small mammal disturbed during construction should be allowed to flee of their own volition or relocated to the Site boundary.</p> <p>Any excavations or holes to be covered or fenced off overnight, or roughened planks placed inside to create a means of escape.</p> <p>When the fire water lagoon is constructed, it needs to incorporate a means of escape for small mammals. This could be a graduated slope or large rocks incorporated around the edge of the lagoon. The proposals should aim to avoid a high sided design.</p> <p><b>Enhancements:</b> A hedgehog house could be installed in a quiet area of the Site, such as in the scrub on the eastern boundary.</p>	<p>Pre and during construction</p> <p>Design stage</p> <p>Design stage</p>
	Great Crested Newt	<p><b>Requirements:</b> The proposed fire water lagoon needs to incorporate a means of escape for great crested newt. This could be a graduated slope or large rocks incorporated around the edge of the lagoon. The proposals should aim to avoid a high sided design.</p>	Design stage
	Reptiles	<p><b>Requirements:</b> The brush pile on the northeastern boundary should be retained and/or moved to an undisturbed location in the eastern area of the Site.</p>	Construction phase
	Invasive Species	<p><b>Requirements:</b> The buddleia should be removed as per best practice guidance for said species.</p> <p>No further requirements however, landscape planting should avoid the inclusion of any species listed on Schedule 9 of the Wildlife and Countryside Act (as amended) 1981.</p> <p>Any bird boxes installed as part of the development should have predator proof fronts to prevent parakeet entering.</p>	<p>Construction phase</p> <p>Design stage</p>
	Badger	<p><b>Requirements:</b> Any excavations or holes made during the construction phase should be covered or fenced off overnight, or if not possible then roughened planks should be placed inside to provide a means of escape.</p>	Pre and during construction

Risk Code	Factor	Comments and Actions Required	Timings
		The proposed fire water lagoon needs to incorporate a means of escape for badger. This could be a graduated slope or large rocks incorporated around the edge of the lagoon. The proposals should aim to avoid a high sided design.	Design stage
	Statutory and Non-Statutory Designated Sites	Discussed but no further action required.	
	Hazel Dormice White-Clawed Crayfish Water Vole Otter	No action required.	

# 1 Introduction

## 1.1 Background

Practical Ecology Ltd were commissioned by C3 Technical Solutions to undertake a Preliminary Ecological Appraisal (PEA) of AOC Resins Piperell Way, Haverhill, herein referred to as the ‘Site’.

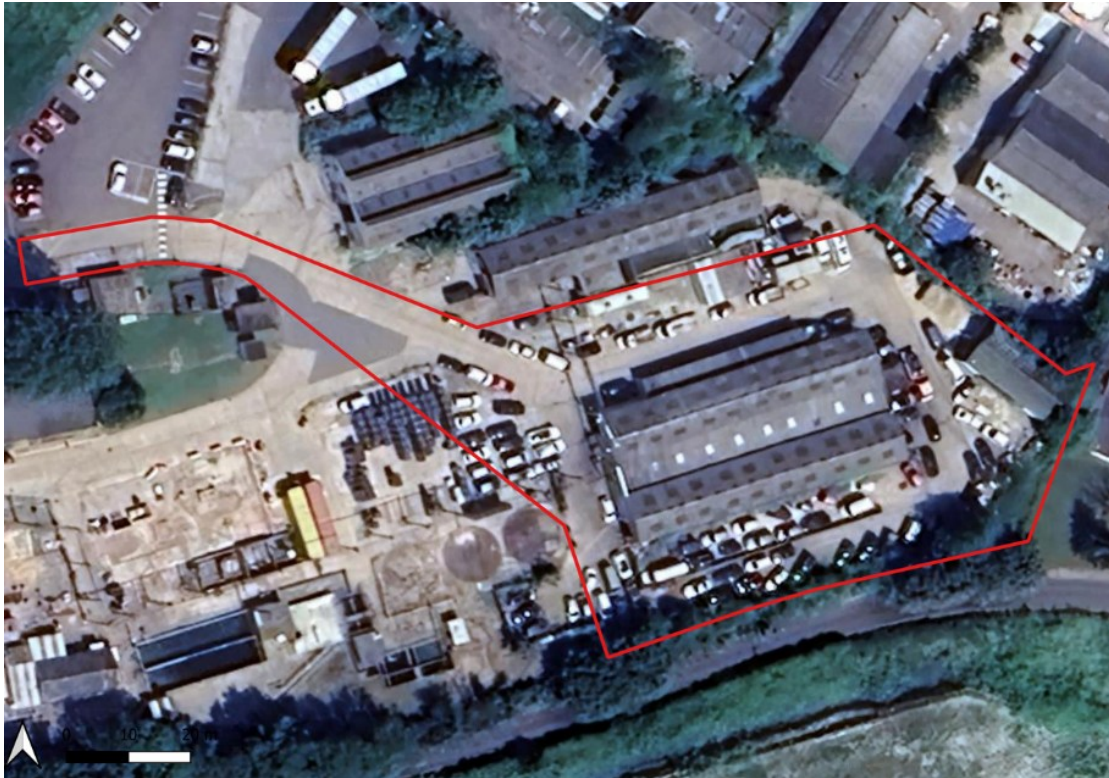
This report presents ecological information gathered during a desk study and an ecological walkover survey of the Site undertaken on 12<sup>th</sup> March 2026.

The purpose of this report is to provide baseline ecological information pertaining to the Site, alongside the rationale for required further surveys and mitigation as deemed appropriate to ensure compliance with legislation and policy, and recommend enhancement measures to achieve biodiversity net gain in line with the NPPF<sup>1</sup>.

Ecological baseline information for the Site is crucial to ensure potential effects of the development upon flora and fauna can be suitably managed. Furthermore, any constraints upon the proposed development of the Site, imposed by site ecology, can be assessed. Enhancement measures are presented which allow site biodiversity to be improved, whilst considering the legal requirements and best practice regarding protected species and/or habitats.

## 1.2 The Site

The Site is approximately 0.57 ha (central OS grid reference TL 67657 44426, postcode CB9 8PH) and is located in AOC Resins Piperell Way, Haverhill, c.24 km southeast of Cambridge. The Site comprises buildings, sealed surfaces, unsealed surfaces, scrub, modified grassland and scattered trees. Surrounding Site are building sites, housing, a woodland to the east and arable land to the south. A Site boundary (red line) is provided in **Figure 1** below.



**Figure 1: Site Boundary (Google Earth, 2026).**

### 1.3 Proposed Development

The proposals include the demolition of a building onsite and the construction of a fire water lagoon. A proposal plan has been included in **Appendix 1** (Drawing number: 64363 - 901 - P1 - Proposed Site Block Plan).

## 2 Methods of Assessment

### 2.1 Desk Study

A search for Statutory Sites of Nature Conservation Value and Priority Habitats<sup>2</sup> within 1 km of the Site was undertaken using the Multi Agency Geographical Information for the Countryside (MAGIC)<sup>3</sup>.

Ordnance Survey and OpenStreetMap maps and satellite imagery from online sources were consulted to identify the presence of any water bodies within 500 m of the Site. Natural England's Open Data Geoportal was used to view the great crested newt risk zones maps<sup>4</sup>. Historic OS maps and satellite imagery was also used to assess any changes to the onsite habitats.

Records of protected species, notable species, invasive species, and non-statutory sites from within 1 km of the Site were procured from Suffolk Biological Information Service<sup>5</sup> and Essex Field Club<sup>6</sup> as part of this desk-based study and are presented in this report where relevant. Both Local Environmental Records Centres (LERCs) were used as the Site 1 km buffer falls in both counties. Records provided by the record centre that are more than ten years old are only reported on if they are deemed to still be relevant.

The relevant Local Nature Recovery Strategy, Suffolk Local Nature Recovery Strategy<sup>7</sup>, was consulted to determine whether species and habitats identified (by both the desk study and the field survey) on and around the Site are subject to specific action plans. The list of UK Biodiversity Action Plan (UK BAP) species<sup>8</sup> was also consulted as this remains an important reference source, despite being succeeded by the UK Post-2010 Biodiversity Framework<sup>9</sup>.

The Local Planning Portal, West Suffolk Council<sup>10</sup>, was checked for any adjacent or relevant planning applications to the Site and for local planning policy requirements.

## 2.2 Preliminary Ecological Appraisal Site Survey

A Preliminary Ecological Appraisal survey of the Site was undertaken on 12<sup>th</sup> March 2026 by ecologist Katherine Sturman BSc (Hons), an Ecologist with over two years' experience in ecological consultancy and Bethany Donoghue BSc (Hons), an Assistant Ecologist with seven months' experience in ecological consultancy.

This survey assessed the value of onsite and adjacent habitats and their potential to support protected or notable species and habitats following the Guidelines for Preliminary Ecological Appraisal<sup>11</sup> published by the Chartered Institute for Ecological and Environmental Management (CIEEM).

### Habitats

Habitats were classified as per the criteria set out in the Handbook for The UK Habitat Classification<sup>12</sup> with the prescribed habitat primary and relevant secondary habitat codes included. Habitats were checked against the definitions for Priority Habitats. Priority Habitats are those which are identified as a Habitat of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006<sup>2</sup>.

### European Protected Species

Following the UK exit from the European Union (EU), species formerly protected under the Habitat Regulations are now considered to be protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>13</sup> and will continue to be referred to as European Protected Species (EPS). Further legislative details regarding protected species are included in Appendix 3.

#### *Great Crested Newt (Triturus cristatus)*

Great crested newt use both terrestrial and aquatic habitat within their lifecycle, with all habitat used being legally protected. The terrestrial and, if present, aquatic habitats onsite were assessed for their value and suitability for great crested newt. The proximity of ponds within 500 m and any habitat linking such ponds to the Site was also assessed as an important factor determining the likelihood of the species being present onsite. Any ponds present onsite or accessible during the survey were assessed using the Habitat Suitability Index (HSI) Assessment<sup>14</sup> where appropriate.

#### *Bats*

Any trees or buildings present onsite were assessed for their suitability for roosting bats using the protocol set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> ed)<sup>15</sup>. Where necessary this included the use of binoculars to allow for a ground level assessment to search for signs such as staining and/or droppings sometimes found around roost entrances. Internal inspections of buildings or loft voids were undertaken where possible, using ladders and crawling boards if appropriate. It is noted that a lack of evidence of roosting bats, such as presence of bats, droppings, or staining, does not correlate to a lack or presence or a lack of suitability.

Habitats were assessed for their suitability for foraging and commuting bats, as set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> ed)<sup>15</sup>.

#### *Hazel Dormice (Muscardinus avellanarius)*

The Hazel Dormouse Conservation Handbook (3<sup>rd</sup> Ed.)<sup>16</sup> provides a level of guidance on assessing a site where the status of hazel dormice is unknown. This assessment is made based upon historical records as well as the

habitat and plant species present on and adjacent to the Site. As hazel dormice have a large range, a lack of evidence does not correlate to a lack of presence.

#### *Otter (Lutra lutra) | White Clawed Crayfish (Austropotamobius pallipes)*

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. holts, spraints, foraging signs) was also recorded.

#### **Other Species**

Protected under the Wildlife and Countryside Act 1981 (as amended)<sup>17</sup> or further specific legislation, further detailed within Appendix 3.

#### *Birds*

Habitats on site were assessed for their potential to support nesting birds as well as important numbers of breeding and wintering birds.

#### *Reptiles*

Terrestrial habitats on site were assessed for their potential to support common reptile species, based on factors including vegetation structure and composition, and the availability of shelter and foraging resources. All UK reptiles are protected, with rare species (smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) also given EPS status.

#### *Water Vole (Arvicola amphibius)*

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. burrows, latrines, foraging signs) was also recorded.

#### *Badger (Meles meles)*

Habitats on site were assessed for their suitability for badger foraging and sett building. Any incidental evidence of the presence of badgers on site (e.g. setts, paths, prints, foraging signs, and latrines) was recorded.

#### *Priority Species*

Habitats on site were assessed for their suitability for Priority Species. Priority Species are those listed as of Principal Importance in England under Section 41 of the NERC Act 2006<sup>18</sup>, those listed as Local Priority Species, or those that feature on the relevant Local Biodiversity Action Plan. Any incidental evidence of the presence of these species on site was also recorded. The presence of rare or notable plant species, such as red data list species<sup>19</sup>, was also noted.

#### *Invasive Species*

A search was made for evidence of the presence of invasive plant species listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as they are subject to strict legal control.

## **2.3 Biodiversity Enhancements**

In accordance with policy set out in the National Planning Policy Framework (NPPF)<sup>1</sup> all new developments are required to deliver a net gain in biodiversity. Specifically, NPPF notes an environmental objective to protect and enhance the natural environment and to improve biodiversity (S2. p. 8c) and that all development should

be ‘...providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’ (S15. 187d).

This report therefore seeks to provide suitable Site-specific habitat and species enhancements which will provide the biodiversity net gain required as part of the NPPF.

In addition to this, under the Environment Act 2021<sup>20</sup> BNG is mandatory for major development as of 12<sup>th</sup> February 2024 and for small sites as of 2<sup>nd</sup> April 2024. The DEFRA Biodiversity Metric is used to calculate the change in biodiversity units for all development sites that will result in the loss or degradation of habitats and decrease the biodiversity value of a Site post-development. Unless exempt, a development must deliver a measurable 10% increase in biodiversity value through the enhancement or creation of habitats in association with development, as detailed in the local planning policy. As such, a separate Biodiversity Net Gain Assessment will be undertaken for this scheme.

## 2.4 Limitations to Survey

Due to the seasonal behaviour of animals and the seasonal growth patterns of plants, ecological surveys may be limited by the time of year in which they are undertaken. Some plant species are not readily identifiable in March having died back over winter and have yet to grow fully. Many animals in the UK have variable detectability throughout the year due to seasonal behaviour, including hibernation and migration. Therefore, this survey may not provide a complete list of the plants and animals present, or which may utilise the Site throughout the year.

The habitat (scattered trees) on the eastern and southern boundary was not assessed due to limited access due to the spoil piles. There was a building onsite which was recently demolished, therefore the suitability for species was not assessed.

As part of standard practice, a data search has been undertaken from the local biological record centre. This is not considered to be a complete list of species present and is better considered to be a list of species recorded, with many species known to be under recorded.

However, these limitations are not considered to have affected the accuracy of the assessment or the recommendations provided in this report and, where considered necessary, recommendations for further survey have been made to overcome these limitations.

This report presents conditions and recommendations for the Site based on the state of the Site during the survey visit. Any changes to the Site prior to development, including changes in the management of the Site habitats will therefore potentially invalidate this report and its recommendations.

### 3 Existing Conditions and Assessment of Effects

#### 3.1 Summary

The following sites, species or ecological features have the potential to be affected by the development, or their presence has been detected during the desk study or data search. As such, they are discussed further in this report and action points, mitigation and compensation measures are recommended as necessary:

- Habitats
- Statutory and Non-statutory Sites of Nature Conservation Value
- Great Crested Newt
- Bats
- Birds
- Reptiles
- Badger
- Priority & Notable Species (Fauna and Flora)
- Invasive Species

The following species are very unlikely to occur on the Site, in adjacent habitats either due to a lack of suitable habitat or as they have localised distributions in the UK. As such, the proposed development does not pose a threat to the following species, and they are not discussed further as no further survey or mitigation is considered necessary:

- White-Clawed Crayfish
- Hazel Dormouse
- Water Vole
- Otter

Site photos are included in **Appendix 3**. Refer to **Appendix 4** for details of the legislation and guidance relevant to each protected species.

### 3.2 Site Description and Habitats

#### Desk Study

The desk study returned the following records of parcels of notable habitats within 1 km of the Site and a B-Line<sup>21</sup>:

**Table 1: Notable Habitats within 1 km of the Site**

3.2.1	Habitat	Areas	Parcels	Closest to Site (m)
	Lowland calcareous grassland (Priority Habitat Inventory)	1	1	72
	Deciduous Woodland (Priority Habitat Inventory)	6	24	88
	Woodpasture and Parkland (BAP Priority Habitat)	1	1	430
	No main habitat but addition exists	3	12	690
	Good quality semi-improved grassland (Priority Habitat Inventory)	2	4	705
	Ancient woodland	1	1	867

The habitats listed in **Table 1** bear no similarity to those occurring within the Site, detailed below. The Site lies within a B-Lines are a series of ‘insect pathways’ running through countryside and towns, along which wildflower-rich habitats are being restored and created to provide stepping stones for invertebrates<sup>21</sup>.

The parcel of habitat mapped as ‘No main habitat but additional habitats exists’, has a secondary habitat being included as ‘Lowland Meadow’ and ‘Lowland Calcareous grassland’ on MAGIC.

#### 3.2.2 Field Survey

Habitats noted on the Site were assessed using the Handbook for The UK Habitat Classification<sup>22</sup> V2.0 (2023) and included developed land sealed surfaces, unsealed surfaces, buildings, walls / fences, blackthorn scrub, mixed scrub, modified grassland and scattered trees. Primary and secondary habitat codes are included for ease of reference. Refer to **Appendix 2** for a baseline habitat map.

#### Onsite Habitats

*Urban; Development site; Developed land – sealed surface, Artificial unvegetated - unsealed surface, Built linear features (u; 805; u1b, u1c, u1e)*

The majority of the Site comprises sealed concrete surfaces, which includes the access road into the Site. There is a large area of unvegetated, unsealed surface which are spoil piles in the centre of the Site. They consist of debris from the demolition of the building which was previously onsite. Self-seeded buddleia (*Buddleia sp.*) is present on the spoil piles. The eastern and southern boundary of the Site have a chain link fence and there are multiple stone walls within the Site. These habitats have negligible ecological importance.



**Figure 2: Spoil piles onsite.**

*Urban; Built-up areas and gardens; Developed land – sealed surface, Buildings (u; u1; u1b, u1b5)*

There are two buildings onsite. See **Figure 9** for a map with labelled buildings. A building (B1) is present in the eastern area of the Site. It is a single storey building which has part brick walls and part corrugated metal walls with corrugated metal roof, with two shutter doors at the front. It is used for storage however looks relatively unused. Another building (B2) is present on the northern boundary, which is an open fronted marquee, which is used for storage. The buildings have negligible ecological importance.



**Figure 3: B1 in the eastern area of the Site.**

*Heathland and shrub; blackthorn scrub (h; h3a)*

There is a section of blackthorn (*Prunus spinosa*) dominated scrub on the northeastern boundary. Ground flora comprises abundant perennial ryegrass (*Lolium perenne*) and ivy (*Hedera helix*), with frequent bristly oxtongue (*Helminthotheca echioides*) and Yorkshire fog (*Holcus lanatus*), occasional red dead nettle (*Lamium purpureum*), cleavers (*Galium aparine*) and ragwort (*Jacobaea vulgaris*). The rare species are germanium (*Geranium sp.*), hawkbit (*Leontodon sp.*), spring draba (*Draba verna*), butterfly bush, umbellifer (*Apiaceae sp.*),

speedwell (*Veronica sp.*), rose (*Rosa sp.*), spear thistle (*Cirsium vulgare*) and common dock (*Rumex acetosa*). There is a brash pile on the edge the scrub, amongst litter and debris along the habitat. The scrub is overgrown and does not appear to have had recent management. This habitat has negligible ecological importance.



**Figure 4: Blackthorn scrub and brash pile.**

*Heathland and shrub; Mixed scrub (h; h3h)*

There is a patch of mixed scrub on the southeastern boundary. The scrub is dominated by bramble (*Rubus fruticosus*) and blackthorn with abundant perennial ryegrass and ivy., frequent bristly oxtongue, cleavers and common nettle (*Urtica dioica*), and occasional spear thistle, umbellifer sp., ragwort, moss (*Bryophyta sp.*), yarrow (*Achillea millefolium*), meadow grass (*Poa sp.*), dog rose (*Rosa canina*) and red dead nettle. This habitat shows no signs of recent management and there is debris within the scrub. The terrain of this habitat is sloped. This habitat has negligible ecological importance.



**Figure 5: Mixed scrub and debris.**

*Grassland; Modified grassland (g; g4)*

There is a small patch of modified grassland next to B1 in the eastern area of the Site. The grassland is dominant in perennial ryegrass with occasional bristly oxtongue, spear thistle and cleavers. There is a lot of debris in this area and no evidence of recent management. There is a varied sward height, with some bare ground. This habitat has negligible ecological importance.



**Figure 6: Modified grassland next to B1.**

*Urban; Scattered trees, Hedgerow (u; 32, h2)*

There are trees in the blackthorn scrub, mixed scrub and along the southern boundary. The trees were not fully identified and assessed due to them being heavily covered in ivy or restrictions to access them, such as the spoil piles, metal railing or mesh fencing. An Arboricultural Impact Assessment<sup>23</sup> was undertaken and noted 4 trees in the blackthorn scrub, adjacent to the eastern Site boundary. There is a semi mature field maple (*Acer* sp.) (T001), semi mature sycamore (*Acer* sp.) (T002), semi mature cherry (*Prunus* sp.) (T003) and a young sycamore (T004). There is a small area of unmanaged trees running alongside the existing building to the east (G003), mainly offsite in the scrub, consisting of a mix of species, including young cherry and field maple. An area of semi mature mixed tree species is present in the southeastern corner of the Site (G002), including sycamore, cherry species and field maple. An area of mixed tree species is present along the southern boundary (G001), comprising semi mature field maple and cherry species. An unmanaged sporadic hedgerow (H001) is present adjacent to the southern boundary offsite comprising cherry species. The trees and hedgerow have up to local ecological importance. See **Figure 9** for a map with labelled trees and hedgerow.



**Figure 7: Scattered trees along southern boundary.**

### Surrounding Habitats

Surrounding the Site were:

- *Built-up areas and gardens, developed land – sealed surface, Industrial building (u1, u1b, 817)*. The Site is surrounded by industrial sites to the east and west and there are houses and gardens to the north. There are access roads and a carpark to the west of the Site.
- *Broadleaf and mixed woodland (w1)*. There is a deciduous woodland to the east of the Site
- *Cropland (c)*. There are fields to the south of the Site.

#### 3.2.3

#### Assessment of Effects

B1 in the east of the Site is to be removed and B2 on the northern boundary is likely to be removed to facilitate the development. The modified grassland next to the building in the east is likely to be removed and/or damaged. These habitats are common and ubiquitous or have no ecological value in their own right. The scrub and trees are to be retained as part of the development. It is therefore considered that there is unlikely to be a loss of biodiversity onsite.

#### 3.2.4

#### Requirements

See separate Biodiversity Net Gain assessment report for habitat requirements to deliver a 10% net gain.

#### Pre-Construction/ Construction Stage

#### 3.2.5

- Root and tree/hedgerow protection measures (in line with the British Standard for trees in relation to construction BS 5837:2012) must be installed in the pre-construction phase and maintained throughout the construction phase.
- If the proposals change so that the scrub / scattered trees are to be removed, then compensation for these habitats will be required.

#### Biodiversity Enhancements

#### Design Stage

- Add native bulb planting to the retained vegetated areas. Species could include wild daffodil (*Narcissus pseudonarcissus*), blue bell (*Hyacinthoides non-scripta*) or snowdrop (*Galanthus nivalis*).
- Management of the retained habitats, such as the scrub and scattered trees, to prevent bramble overtaking and to maintain the habitats.

### 3.3 Statutory and Non-statutory Sites of Nature Conservation Value

#### Desk Study

The desk study returned one record for statutory and two records for non-statutory sites within 1 km of the Site. The Site lies in an Impact Risk Zone (IRZ), which are used by local planning authorities (LPA) to assess whether developments are likely to impact statutory sites, including internationally designated sites<sup>24</sup> as well as Sites of Special Scientific Interest (SSSIs). Information regarding the relevant Statutory Site, is noted in **Table 2**.

**Table 2: Statutory and Non-statutory Site Descriptions**

Name	Designation	Distance	Direction	Notable Features
<b>Statutory Sites</b>				
Haverhill Railway Walks	Local Nature Reserve (LNR)	190 m	NW	With much of its length now covered with scrub and larger trees, the railway provides a valuable wildlife corridor. It offers food and shelter to a wide range of birds, animals, insects and plants.
<b>Non-statutory Sites</b>				
Greatley wood	Essex Local Wildlife Site (LOWS)	850 m	SE	No information provided from the local records centre.
Bumpstead Road Grassland	Roadside Nature Reserve (RNR)	230 m	NE	Site is now no longer accessible and appears to have been lost to development and successional habitats.
<b>IRZ – Statutory Sites</b>				
Over and Lawn Woods	Sites of Special Scientific Interest (SSSI)	4.95 km	NW	This woodland is of ancient origin and as such holds well developed plant and animal communities, many of the species represented being confined to such ancient woodlands which are restricted to lowland England where their extent has declined in recent years. Other associations represented are wet ash-maple, together with more restricted areas of hazel-pedunculate oak and wet ash-wych elm.  The dominant tree species are pedunculate oak ( <i>Quercus robur</i> ) and ash ( <i>Fraxinus excelsior</i> ) standards together with ash, hazel ( <i>Coryllus avellana</i> ) and field maple ( <i>Acer campestre</i> ) as coppice. Shrubs include spindle ( <i>Euonymus europaeus</i> ), guelder rose

Name	Designation	Distance	Direction	Notable Features
				<p>(<i>Viburnum opulus</i>) and wayfaringtree (<i>V. lantana</i>.) Honeysuckle (<i>Lonicera periclymenum</i>) is also frequently found.</p> <p>Of additional note is the presence of a number of locally rare species such as wood sorrel (<i>Oxalis acetosella</i>), woodruff (<i>Galium odoratum</i>), yellow pimpernel (<i>Lysimachia nemorum</i>) and the moss (<i>Fissidens exilis</i>). The wood also supports the nationally restricted oxlip (<i>Primula elatior</i>).</p>
Trundley and Wadgell's Wood / Great Thurlow Woods	SSSI	5.25 km	NE	<p>Trundley and Wadgell's Woods contain a substantial area of ancient, semi-natural woodland as well as several later additions.</p> <p>The areas of ancient woodland not modified by replanting consist mainly of the Ash, Maple (<i>Acer campestre</i>) type with Hazel also abundant. Old standard trees, mostly Pedunculate Oak, are found throughout.</p>
Langley Wood	SSSI	6.8 km	SW	<p>Langley Wood is a woodland of ancient origin holding stands of the ash-maple (<i>Fraxinus excelsior</i> – <i>Acer sp.</i>) woodland type together with areas of hornbeam (<i>Carpinus betulus</i>). Such woodland types are restricted to lowland England and have suffered a rapid decline since the first half of this century. In a Cambridgeshire context, Langley Wood is notable for its size and relatively unmodified state and for the presence of hornbeam at the edge of its geographical range.</p> <p>The woodland rides are of species-rich neutral grassland holding plants typical of such ancient habitats which include wood sedge (<i>Carex sylvatica</i>), wild strawberry (<i>Fragaria vesca</i>) and red bartsia (<i>Odontites vernus</i>).</p>

3.3.2

### Assessment of Effects

3.3.3

The Site bares minimal similarities to the statutory and non-statutory sites listed in **Table 2**. Given the lack of similarity and the distance that separates them from Site, no impacts are anticipated. The Site lies within an IRZ however does not meet the criteria for consultation with Natural England.

3.4.1

### Requirements

No further requirements.

## 3.4 Great Crested Newt

### Desk Study

The desk study returned no records of great crested newt within 1 km of the Site.

The search conducted with MAGIC revealed no great crested newt European Protected Species licences within

1 km of the Site.

The Site is located within a *green risk zone*. The risk zones for district level licensing have been produced by Natural England (NE) using data modelling and based on great crested newt populations collected data to show areas where great crested newt are likely to be present and assess the effect of a proposed development in the area. There are three risk zones under defined by NE in which *green risk zones* have fewer areas with great crested newt.

A total of two ponds were identified within 500 m of the proposed development. **Figure 8** shows the pond locations in relation to the Site, with the 500 m search area highlighted and the ponds numbered by distance from the Site. Details of each pond are provided in **Table 3**, overleaf.



**Figure 8: Ponds within 500 m of the Proposed Development.**

**Field Survey**

The majority of the Site has negligible suitability for great crested newt. However, the scrub and modified grassland on the eastern and southern boundary provides low suitability habitat for commuting and foraging great crested newt. There are brash piles/ debris that provide refuge habitat. The Site is isolated from suitable habitat, such as the foraging and commuting habitat in the woodland to the east by urban development including busy roads and industrial buildings and hardstanding.

**Table 3: Pond Details**

Pond #	Distance (m)	Direction	Visited	HSI Score	Dispersal Barriers to the Site
1	303	S	No	N/A	Distance, urban development.

2	310	S	No	N/A	Distance, urban development.
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**Assessment of Effects**

Research from English Nature (now Natural England) has shown great crested newt to primarily remain within 100 m of breeding ponds and are rarely present outside 250 m from a breeding pond without suitable connecting habitat and reduced habitat within 250 m of a pond<sup>25</sup>. Therefore, it is considered unlikely that, if great crested newt were present in Pond 1 or Pond 2, they would not be present onsite due to distance and unsuitable connecting habitat between them and the Site. Due to the majority of the Site having unsuitable habitat for great crested newt, the lack of records and ponds within 250 m, it is considered unlikely that great crested newt would be present onsite.

**Requirements**

The proposed fire water lagoon has a low risk of attracting great crested newt onto the Site post-development. Therefore, when the fire water lagoon is constructed, it needs to incorporate a means of escape for great crested newt, and other amphibians. This could be a graduated slope or large rocks incorporated around the edge of the lagoon. The proposals should aim to avoid a high sided design.

**3.5 Bats**

**Desk Study**

The following species of bat were noted within the 1 km data search occurring within last 10 years:

- Daubenton’s bat (*Myotis daubentonii*)
- Natterer’s bat (*Myotis nattereri*)
- Pipistrelle species (*Pipistrellus sp.*)
- Common pipistrelle (*Pipistrellus pipistrellus*)
- Soprano pipistrelle (*Pipistrellus pygmaeus*)

No records of roosts or granted mitigation licences pertaining to the Site were returned.

**Field Survey**

**Roosting Habitat**

*Buildings*

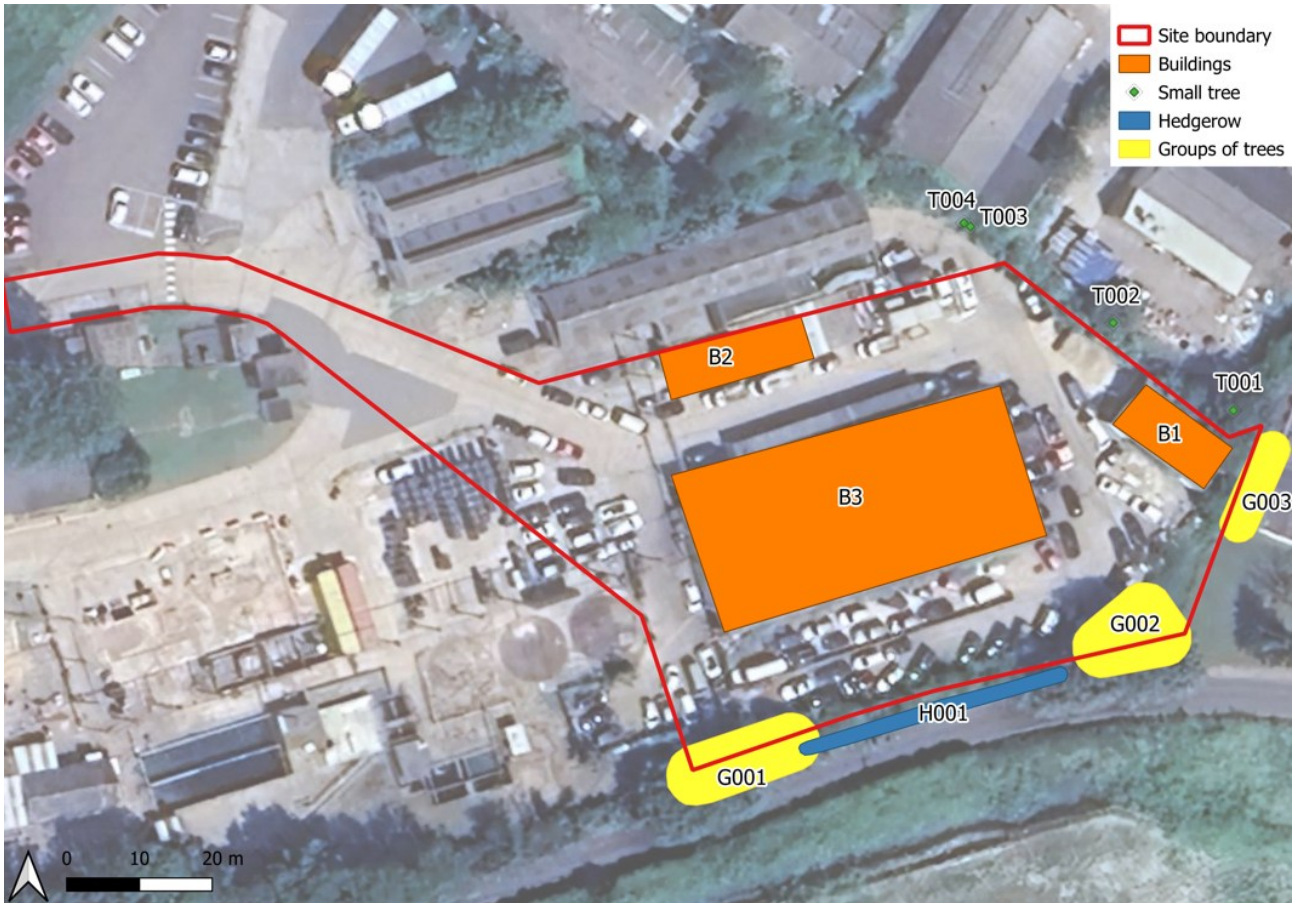


Figure 9: Map with labelled buildings, trees and hedgerow.

*Building 1 - Negligible Suitability<sup>15</sup>*

*External description*

Building (B1) in the eastern area of the Site, which is likely used for storage or previously used for storage is a single storey building which has part brick walls and part corrugated metal walls with corrugated metal roof. There are two shutter metal doors at the front of the building. The brick sections of the walls are capped with metal. There are multiple cracks in the brickwork, but these gaps are likely too small to provide access for a bat. The building is in a relatively poor state of repair and shows signs of disuse.

*Internal description.*

There are many cobwebs and dry leaves inside, suggesting the building is not regularly in use. No loft voids are present. The ridge of the roof has occasional holes, which permits access internally. There are multiple gaps in the brickwork, creating *Low Suitability<sup>15</sup>* potential roosting features (PRFs), however many of these are cobwebbed and are too low for optimal bat roosting height. The holes are also relatively shallow and superficial, only measuring about one brick length.

There is likely to be temperature fluctuations due to the material of the building, which lowers the suitability for roosting bats. The metal itself is an unsuitable material for bats to grip, further reducing the suitability.

There was no evidence of bat roosting activity. Therefore, B1 was assessed as having *Negligible Suitability<sup>15</sup>* for roosting bats.



**Figure 10: B1.**

#### *Building 2 – Negligible Suitability<sup>15</sup>*

Building 2 is on the northern boundary. It is an open fronted marquee, which is used for storage. It is made of polyvinyl chloride (PVC). There is no roosting suitability for bats due to the material and lack of crevices or gaps. There is likely to be temperature fluctuations, making it more unsuitable. Therefore, B2 was assessed as having *Negligible Suitability<sup>15</sup>* for roosting bats.

#### *Building 3 – Unknown Suitability*

There was a building (B3) removed onsite after June 2023, which was not assessed for bat suitability prior to demolition. Therefore, the suitability for roosting bats is not known.

#### *Trees*

A ground level assessment of the trees onsite and immediately adjacent were not undertaken due to dense ivy cover on the trees and restricted access due to fencing, metal barriers and spoil piles. The sycamore in the blackthorn scrub (T004)<sup>23</sup> was assessed as having *NONE Suitability<sup>15</sup>* for roosting bats due to the age and size of the tree. The remaining trees (T002, T003, T004, G001, G002, G003)<sup>23</sup> and trees in the hedgerow (H001)<sup>23</sup> were assessed as having *FAR Suitability<sup>15</sup>* for roosting bats (further assessment required to established if PRFs are present in the tree), due to the size, age and intricacy of the trees, therefore PRFs could be present but were not visible.

#### **Foraging and Commuting**

The Site has foraging and commuting habitat in the form of the scrub on the northeastern and southeastern boundary and scattered trees on the southern boundary. The Site is surrounded by urban development to all aspects however there is a woodland c.90 m east of the Site which provides suitable commuting and foraging habitat. The Site itself has minimal lighting, in the form of occasional outdoor lights, but it is surrounded by industrial developments which are lit up with safety lighting and street lighting.

#### *Assessment of Effects*

B1 and B2 have *Negligible Suitability<sup>15</sup>* for roosting bats, as such no impacts on roosting bats are anticipated as a result of the demolition of B1 and anticipated removal of B2. However, as B3 was removed previously without inspection, it may have had suitability for roosting bats. Therefore, roosting habitat may have been removed and compensation is therefore required.

No foraging / commuting habitat is being removed, therefore, there are no direct impacts anticipated on foraging / commuting bats. However, additional lighting may impact foraging and commuting bats as increased lighting onsite may spill onto the scrub / trees which provide foraging / commuting habitat.

Currently, the proposals are not directly impacting any of the trees onsite or adjacent to the Site. However, if the proposals change, any arboricultural works have the risk to cause injury or death of bats and damage or destruction of bat roosts, as well as causing a potential loss of roosting, foraging and commuting habitat. Therefore, if any trees identified as *FAR Suitability*<sup>15</sup> are to be removed or any arboricultural works are proposed, further surveys, appropriate compensation and mitigation may be required to the trees assessed.

## Requirements

### Design Stage

3.5.4 To compensate for the potential roosting opportunities lost within building B3 and the building(s) to be demolished, two pole mounted bat boxes should be installed around the Site. These should be installed in a quiet, unlit area of the Site, such as the western boundary, be south or southeast facing, should be 3-5 m high and installed as per the manufacturers' instructions.

Any lighting schemes to be installed during and post-construction must be designed to prevent unnecessary light spill onto the vegetation and any bat boxes installed as part of the development. Significant effects on bats have been recorded from as low as 3.6 lux<sup>26</sup>. The following guidance<sup>27,28</sup> must be followed:

- Minimise light spill by eliminating any bare bulbs and upward pointing light fixtures. The spread of light must be kept near to or below the horizontal plane, by using as steep a downward angle as possible and/or shield hood. Flat, cut-off lanterns are best.
- Luminaires must feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats<sup>29</sup>.
- A warm white spectrum (ideally <2700 Kelvin) must be adopted to reduce blue light component.
- All luminaires must lack UV elements when manufactured. Metal halide, fluorescent sources must not be used.
- Limiting the height of lighting columns to eight metres and increase the spacing of lighting columns<sup>30</sup> will reduce the spill of light into unwanted areas such as the aforementioned habitats.
- Artificial lighting proposals must not directly illuminate boundary habitats, trees, or bat box locations.

Construction phase lighting needs to be as directional as possible for the task in hand, avoid putting lighting units close to retained habitats and hording to minimise light spill.

3.5.5 With these lighting measures implemented, it is considered that any potential adverse effects from lighting upon bats will be minimised.

If proposals are to change and impact the trees with *FAR Suitability*<sup>15</sup> onsite, further assessment is required in the form of an aerial inspection or GLTA of the trees onsite. This is to assess trees for any PFRs not detected during the survey and to determine the presence of roosting bats in trees with PRFs onsite.

## Biodiversity Enhancements

The following are considered to be suitable enhancements for bats:

- If the plans are to include landscaped areas, then the proposals should incorporate night scented

plants or those species beneficial to bats, such as night-scented stock (*Matthiola bicornis*) or honeysuckle (*Lonicera periclymenum*).

### 3.6 Birds

#### Desk Study

Records of species returned by the data search included a range of species typical of the landscape surrounding the Site and included notable<sup>31</sup> species listed in **Table 4**, below.

**Table 4: Notable Birds within Data Search**

Species		Protection			
Scientific Name	Common Name	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
<i>Apus apus</i>	Swift		Red		✓
<i>Chloris chloris</i>	Greenfinch		Red	✓	
<i>Columba oenas</i>	Stock dove		Amber		
<i>Columba palumbus</i>	Woodpigeon		Amber		
<i>Corvus frugilegus</i>	Rook		Amber	✓	
<i>Curruca communis</i>	Common whitethroat		Amber		
<i>Delichon urbicum</i>	House martin		Red		
<i>Passer domesticus</i>	House sparrow	✓	Red		✓
<i>Prunella modularis</i>	Dunnock		Amber	✓	✓
<i>Sturnus vulgaris</i>	Starling		Red	✓	✓
<i>Troglodytes troglodytes</i>	Wren		Amber		

#### 3.6.2 Field Survey

The field survey noted the following species on the Site, seen in **Table 5**:

**Table 5: Birds Recorded Onsite**

Species			Protection			
Scientific Name	Common Name	Breeding?	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
<i>Columba palumbus</i>	Woodpigeon	Possible		Amber		

The Site offers suitable foraging, commuting and nesting habitat for birds in the form of the building, scrub and scattered trees on the eastern and southern boundary.

Woodpigeon were noted onsite. Two historic bird nests were observed in the B1 onsite, with two potential active nests however these may have been vegetation debris.

#### 3.6.4 Assessment of Effects

The development will result in the loss of nesting habitat in the form of the building onsite and could see the damage or destruction of active nests if clearance is undertaken during the nesting season.

#### Requirements

Clearance of the building should be undertaken outside of the nesting bird season (the nesting bird season is considered to run from March to September, inclusive, however does vary depending on weather).

If this is not possible and clearance is undertaken during the during nesting season, then it should only be

undertaken within 24-48 hours of a nesting bird check undertaken by a suitably experienced ecologist. Should nests be encountered then clearance around the nest will be paused and a reasonable buffer installed until young have fledged the nest and the nest is abandoned, as confirmed by the ecologist.

Any bird boxes installed as part of the development should have predator proof fronts to prevent parakeet entering.

### Biodiversity Enhancements

The following enhancement is considered suitable:

- Provision of two starling nest boxes, mounted on different trees retained on the southern boundary of the Site. These should be 3-5m high and face north or east.

3.6.5

## 3.7 Reptiles

### Desk Study

The desk study returned three records for slow worm (*Anguis fragilis*) within the last 10 years. The nearest record was 857 m northeast and dated 2016. Three grass snake (*Natrix helvetica*) records were returned within the last 10 years with the nearest record being 250 m north and dated 2018. One record in the last 10 years for common lizard (*Zootoca vivipara*) was returned which was 928 m north and dated 2017.

3.7.1

### Field Survey

The majority of the Site has negligible suitability for reptiles due to the hardstanding. There is suitable commuting and foraging habitat in the form of the scrub on the northeastern and southeastern boundaries. There is suitable refuge habitat in the form of the brush piles / debris scattered throughout the Site.

3.7.2

### 3.7.3 Assessment of Effects

The development will not see the loss of suitable reptile habitat. Due to the majority of the Site comprises unsuitable habitat and it is isolated from suitable habitat; it is considered unlikely that reptiles are onsite.

3.7.4

### Requirements

The brush pile on the northeastern boundary should be retained, or carefully moved or replicated in a quieter, retained area of the Site, adjacent to retained habitat, such as in the eastern area.

3.8.1

## 3.8 Badger

### 3.8.2 Desk Study

The desk study returned three records for badger within 1 km of the Site. The closest record was 545 m southeast and dated 2005.

### Field Survey

No signs of badger or activity (sett/s, signs of digging, snuffle holes, latrines, or hairs) were found during the survey. The majority of the Site is surrounded by urban development or chain fencing, limiting the access into the Site. The majority of the Site comprises hardstanding which is unsuitable habitat for badger.

3.8.3

The Site is surrounded urban development which is unsuitable for badger, however there is a woodland and arable fields to the east and south of the Site respectively which could provide opportunities for badger to shelter and forage.

### Assessment of Effects

There are no signs of badger onsite, however if badger are present within the wider area, they could be transiently present onsite. If transiently present, there could be a risk of entrapment if any excavations or holes made during the construction phase are left uncovered overnight, and if the fire water lagoon does not have a means of escape.

#### Requirements

Any excavations or holes made during the construction phase should be covered or fenced off overnight, or if not possible then roughened planks should be placed inside to provide a means of escape. The proposed fire water lagoon needs to incorporate a means of escape for badger. This could be a graduated slope or large rocks incorporated around the edge of the lagoon. The proposals should aim to avoid a high sided design.

### 3.9 Priority & Notable Species

#### Desk Study

The desk study returned seventeen records for hedgehog (*Erinaceus europaeus*) within the last 10 years within 1 km of the Site, with the nearest record at 147 m east and dated 2019.

#### Field Survey

The Site provides limited foraging and commuting habitat for hedgehog in the form of the scrub and modified grassland on the eastern boundary. There is refuge habitat in the form of the scrub, log piles and debris onsite. The majority of the Site is hardstanding, which is unsuitable for hedgehog.

#### Assessment of Effects

None of the suitable habitat is to be removed as a result of the development. However, the fire water lagoon installed creates risk of entrapment / drowning, both during the works and after if there is not suitable means of escape.

#### Requirements

Any small mammal disturbed during construction should be allowed to flee of their own volition or relocated to the Site boundary.

Any excavations or holes to be covered or fenced off overnight, or roughened planks placed inside to create a means of escape.

When the fire water lagoon is constructed, it needs to incorporate a means of escape for small mammals. This could be a graduated slope or large rocks incorporated around the edge of the lagoon. The proposals should aim to avoid a high sided design.

#### Biodiversity Enhancements

A hedgehog house could be installed in a quiet area of the Site, such as in the scrub on the eastern boundary.

### 3.10 Invasive Species

#### Desk Study

The desk study returned five records for Japanese knotweed (*Reynoutria japonica syn. Fallopia japonica*), with the closest record being 443 m north and dated 2017, one record for Himalayan balsam (*Impatiens glandulifera*) with the closest recording being 88 m north and dated 2023 and six records for grey squirrel (*Sciurus carolinensis*) with the closest record being 150 m east and dated 2019. One record for monk parakeet (*Myiopsitta monachus*) was returned for 850 m northwest in 2010.

### Field Survey

Buddleia (*Buddleia sp.*) was noted onsite in various places, including the area which is to be cleared for the installation of the fire water lagoon.

### Assessment of Effects

3.10.2 Without mitigation the development could cause further spread of the butterfly bush into the wider landscape, which is listed as on Schedule 9 of the Wildlife and Countryside Act (as amended) 1981.

### Requirements

3.10.3 The buddleia should be removed and disposed of as per best practice guidance for said species.

3.10 No further requirements however, landscape planting should avoid the inclusion of any species listed on Schedule 9 of the Wildlife and Countryside Act (as amended) 1981.

Any bird boxes installed as part of the development should have predator proof fronts to prevent parakeet entering.

## 4 Biodiversity Enhancements Summary

As per the National Planning Policy Framework<sup>1</sup> all new developments are required to deliver a net gain in biodiversity. In order to achieve this, the mitigation measures described in the preceding sections as well as the biodiversity enhancements should be implemented.

A brief summary of the recommended biodiversity enhancements for the Site is detailed in **Table 6**, below. For more detail on these enhancements, including recommended specifications, please refer to the species-specific sections of this report. It is considered that these measures, undertaken in conjunction with the Requirements detailed within this report, will ensure that the development achieves a biodiversity net gain.

**Table 6: Summary of Additional Biodiversity Enhancement Measures**

Group or Habitat	Enhancement
<b>Habitats</b>	Add native bulb planting to the retained vegetated areas. Species could include wild daffodil ( <i>Narcissus pseudonarcissus</i> ), blue bell ( <i>Hyacinthoides non-scripta</i> ) or snowdrop ( <i>Galanthus nivalis</i> ).  Management of the retained habitats, such as the scrub and scattered trees, to prevent bramble overtaking and to maintain the habitats.
<b>Bats</b>	If the plans are to include landscaped areas, then the proposals should incorporate night scented plants or those species beneficial to bats, such as night-scented stock ( <i>Matthiola bicornis</i> ) or honeysuckle ( <i>Lonicera periclymenum</i> ).
<b>Birds</b>	Provision of two starling nest boxes, mounted on different trees retained on the southern boundary of the Site. These should be 3-5m high and face north or east.
<b>Priority or Notable Species</b>	A hedgehog house could be installed in a quiet area of the Site, such as in the scrub on the eastern boundary.

## 5 References

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- <sup>3</sup> <https://magic.defra.gov.uk/MagicMap.aspx>
- <sup>4</sup> <https://naturalengland-defra.opendata.arcgis.com/search?q=gcn>
- <sup>5</sup> <http://www.suffolkbis.org.uk/>
- <sup>6</sup> <https://www.essexfieldclub.org.uk/portal.php/p/Essex+species+data>
- <sup>7</sup> <https://www.suffolk.gov.uk/asset-library/suffolk-local-nature-recovery-strategy-20mb.pdf>
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- <sup>22</sup> UK Habitat Classification Working Group (2018) *UK Habitat Classification – Habitat Definitions V2.0*.
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### Appendix 2: Site Habitat Baseline Map.



### Appendix 3: Site Photographs



Photo 1: Access road into the Site.



Photo 2: B2.



Photo 3: View of the Site from eastern aspect.



Photo 4: Spoil piles.



Photo 5: Back of B2.



Photo 6: Hardstanding and blackthorn scrub.

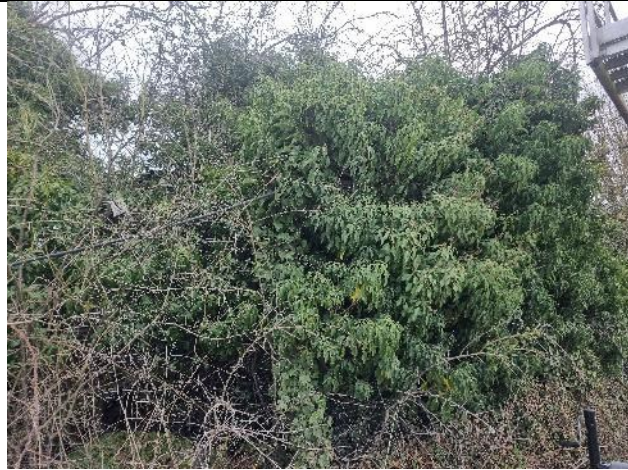


Photo 7: Ivy in the blackthorn scrub.



Photo 8: Debris next to blackthorn scrub.



Photo 9: Brush pile near blackthorn scrub.



Photo 10: B1.



Photo 11: Cracks in brickwork of B1.



Photo 12: Gaps in brickwork inside of B1.



Photo 13: Internal view of the roof of B1.



Photo 14: Gap internally in B1.



Photo 15: B1 inside.



Photo 16: Gaps in bricks in B1.



Photo 17: Bird nests in B1.



Photo 18: View from eastern boundary.

## Appendix 4: Legislation

The following sections outline the legislation protecting each species or group of species where appropriate which have been considered as part of the preceding report.

Important notes:

- Practical Ecology Ltd's reports do **not** purport legal advice.
- The outline of legislation provided is not comprehensive and the original texts of the relevant legislation must be referred to for a full list of offences.

### European Protected Species

#### Overview

The Bern Convention (The Convention on the Conservation of European Wildlife and Natural Habitats) was adopted in 1979. To implement the agreement, the European Community adopted the EC Habitats Directive.

The EC Habitats Directive has been written into UK law in the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). The Conservation of Habitats and Species Regulations 2017 (as amended) provides safeguards for European Protected Sites and Species (as listed in the Habitats Directive). This has recently been amended by the Conservation of Habitats and Species Regulations (amendments) (EU Exit) (2019) which continue the same provision for European protected species, licensing requirements and protected areas after the UK's exit from the European Union. In addition, the Countryside and Rights of Way Act 2000 strengthened the wildlife legislation in the UK. In relation to development, a person commits an offence regarding a species protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) if they:

- Deliberately capture, injure or kill an EPS;
- Deliberately or recklessly disturb wild animals of any such species in such a way as to be likely to significantly affect;
  - The ability of any significant group of animals to survive, breed or rear or nurture their young;
  - The local distribution or abundance of that species.
- Damages or destroys a breeding site or resting place (even if unintentional or when the animal is not present);
- Intentionally or recklessly obstructs access to a structure or place used for protection or shelter; and
- This applies regardless of the life stage (i.e. eggs, young, adult).

The following sections outline the offences that can be committed against each species or group of species which are protected by European law and tranches of UK law which strengthen that protection.

#### Great Crested Newt (*Triturus cristatus*)

Great crested Newt and their breeding sites (ponds) or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- intentionally or recklessly kill, injure or handle a great crested newt;
- to possess a great crested newt (whether live or dead);
- disturb a great crested newt – this includes in particular:
  - Any disturbance or obstruction which is likely to impair their ability to survive, breed or reproduce, or to rear or nurture their young; or
  - Any disturbance or obstruction that impairs their ability to hibernate or affecting their local distribution and abundance;
- sell or offer a great crested newt for sale without a licence.

It is also an offence to intentionally or recklessly damage, destroy or obstruct access to any place used by great crested Newt for shelter, whether they are present or not.

## Bats

All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- intentionally kill, injure or handle a bat;
- to possess a bat (whether live or dead);
- disturb a roosting bat; or
- sell or offer a bat for sale without a licence.

It is also an offence to intentionally or recklessly damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

A roost is defined as 'any structure or place which (a bat) uses for shelter or protection'. As bats tend to reuse the same roosts, legal opinion is that a roost is protected whether or not bats are present at the time of the survey.

## Otter (*Lutra lutra*)

Otters and their breeding sites (holts) or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure otters;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- possess, sell, control or transport live or dead otters, or parts of otters.

## Common dormouse (*Muscardinus avellanarius*)

Common dormice and their breeding sites or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure common dormice;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly disturb a common dormouse whilst in structure or place of shelter or protection;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- possess, sell, control or transport live or dead common dormice, or parts of common dormice.

## Other Species

### Badgers (*Meles meles*)

Badgers are fully protected in the UK by the Protection of Badgers Act, 1992 and by Schedule 6 of the Wildlife and Countryside Act 1981 as amended. The Protection of Badgers Act 1992 was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting. Under the Act, it is an offence *inter alia* to:

- Wilfully kill, injure or take a badger, or to attempt to do so;
- Cruelly ill-treat a badger; or
- Intentionally or recklessly interfere with a badger sett by;
  - damaging a sett or any part of one;
  - destroying a sett;
  - obstructing access to or any entrance of a sett;
  - causing a dog to enter a sett; or
  - disturbing a badger when it is occupying a sett.

The purpose of this legislation is to ensure that badgers are humanely treated.

### Water Vole (*Arvicola terrestris*)

Water vole and their breeding sites or resting places (burrows) are protected under Schedule 5 of the Wildlife and Countryside Act 1981. It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure water voles;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly disturb a water vole whilst in structure or place of shelter or protection;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- Possess, sell, control or transport live or dead water voles, or parts of water voles.

NB: In the case of water voles, a place of shelter or breeding or resting place is only likely to constitute an 'active' burrow.

### Reptiles

All six of the UK's reptile species are protected under the Wildlife and Countryside Act 1981 (as amended).

Of the more common reptiles, it is illegal to intentionally kill or injure common lizard (*Zootoca vivipara*), slow worm (*Anguis fragilis*), an adder (*Vipera berus*) and grass snake (*Natrix helvetica*).

### White-Clawed Crayfish (*Austropotomobius pallipes*)

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to:

- Take a white-clawed crayfish from the wild;
- Sell or offer the sale of a whole or any part of a white-clawed crayfish.

This applies to all life stages.

### Birds

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built;
- intentionally take or destroy the nest or eggs of any wild bird. [Special penalties are liable for these offences involving birds listed on **Schedule 1**].

Birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) have an additional level of protection. With regards to these species, it is an offence to deliberately or recklessly:

- disturb them whilst they are nesting, building a nest, in or near a nest that contains their young;
- disturb their dependent young.

### Invasive Species

Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act 1981 (as amended) prohibits the release of any animal species that are 'not ordinarily resident or is not a regular visitor to Great Britain in a wild state'. Therefore, under Section 14 it is an offence to allow the establishment of plant species listed on Schedule 9 Part 2 in the wild.

### Wild Mammals

Mammal species not of primary conservation concern do receive protection from unnecessary suffering through the Wild Mammals Protection Act (1996).