



**JAMES BLAKE**  ASSOCIATES

# Precautionary Method Statement for Clearance

Regarding  
Proposed Infrastructure at Haverhill,  
Suffolk

on behalf of

**Persimmon Homes (Suffolk)**

**July 2022**

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## Executive Summary

Majority of the Infrastructure footprint is currently areas of tall ruderal vegetation (previously active arable fields) and previously cleared land as part of the individual phases. Tall ruderal provides some foraging habitat for reptiles and mammals, particularly badgers. Hedgerows dissect several areas are the proposed infrastructure footprint.

No reptiles were recorded during the surveys visits in 2019 (JBA, 2019). However, a single record of slow worm (*Anguis fragilis*) was recorded during works on site in 2009 (JBA, 2018).

Badger (*Meles meles*) evidence have been recorded on site during 2019, however no setts are present within 30m (JBA, 2019).

A small area of sulphur clover (*Trifolium ochroleucon*) is present within Phase 6 which has been translocated into Phase 3A.

The development proposals as a whole are for residential housing with associated parking, landscaping and access.

It was considered that by following this precautionary method statement for clearance works, the works can proceed with minimal risk of harm to potential reptiles and to the safe guarding of badgers, as well as all other ecology on site.

## 1 Introduction

### Background

- 1.1 James Blake Associates Ltd. (JBA) was commissioned by Persimmon Homes (Suffolk) to prepare a Precautionary Method Statement for Clearance in relation to the proposed infrastructure at Haverhill, Suffolk.
- 1.2 The method statement details precautionary methods for the reptiles and other animals which may be utilising the proposed clearance area; no reptiles or hazel dormouse (*Muscardinus avellanarius*) were recorded during the surveys in 2019 (JBA, 2019); however, a single record of slow worm was identified during works on site in 2009 (JBA, 2018) and historic records of dormouse are in the local area. It is therefore deemed appropriate to produce this method statement detailing reasonable avoidance measures and precautionary methods of working to ensure that any risk of harm to reptiles and mammals are minimised.
- 1.3 The development proposals are for residential housing with associated parking, landscaping and access.

### Site Location

- 1.4 The site is located to the west of Haverhill Road (A143), north of Ann Suckling Road, north of Haverhill town, Suffolk. Ordnance Survey National Grid reference: TL 66858 46951 (take from the centre of the site).

**Figure 1:** Site location © Crown Copyright and Database Rights 2020, Ordnance Survey 100059700.



## 2 Relevant Legislation

2.1 The Natural Environment and Rural Communities (NERC) Act 2006 required the Secretary of State to publish lists of habitats and species of principal importance (SPI) for the conservation of biodiversity in England and Wales, under Sections 41 and 42 of the Act, respectively. These lists are used to guide decision makers (such as planning authorities) in implementing their duty to have regard to the conservation of biodiversity when carrying out their normal functions (under Section 40 of the NERC Act).

### *Reptiles*

2.2 The smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) are fully protected under Schedule 5 of The Wildlife and Countryside Act (WCA) (1981), amended. As such they receive full protection under Section 9 of this Act. They also are protected under Regulations 41/42 of The Conservation of Habitats and Species Regulations 2010. Collectively these pieces of legislation means that it is an offence to;

- intentionally kill, injure, disturb or take any individual of these species;
- intentionally take or destroy the eggs of any individual of these species;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by any individual of these species;
- intentionally or recklessly disturb any individual of these species while it is occupying a structure which it uses for that purpose; and
- keep, transport, sell or exchange or offer for sale any individual of these species or anything derived from these species.

2.3 The likelihood of smooth snake or sand lizard being present is negligible.

2.4 The other native species of reptiles (common or viviparous lizard (*Zootoca vivipara*), adder (*Vipera berus*), grass snake (*Natrix helvetica*) and slow worm) are partially protected under Schedule 5 of the WCA (1981), as amended, under part of Section 9(1) and all of Sections 9(5). As such it is an offence to;

- intentionally kill or injure an individual of these species; and
- transport for sale or exchange or offer for sale or exchange a live or dead an individual or any part of an individual of these species.

2.5 The Conservation of Habitats and Species Regulations 2010 means is it not a defence to show that the killing, capture or disturbance of a species covered by the

Regulations or the destruction or damage of their breeding sites or resting places was the incidental and unavoidable result of a lawful activity.

2.6 All native reptiles species are Natural Environment and Rural Communities (NERC) Priority Species.

#### *Badger*

2.7 Badgers and their setts are protected under the Wild Mammals (Protection) Act (1996) and under the Protection of Badgers Act (1992). It is an offence to intentionally or recklessly:

- Damage a badger sett or any part of it;
- Destroy a badger sett;
- Obstruct access to, or any entrance of a badger sett; and
- Disturb a badger whilst it is occupying a badger sett.

2.8 Activities affecting badgers or their setts, which would otherwise be illegal, can be carried out under licence where there is suitable justification and the problem cannot be resolved by alternative means.

#### *Hedgehog*

2.9 Hedgehogs are listed on Schedule 6 of WCA which makes it illegal to kill or capture wild hedgehog, with certain methods listed. The hedgehog is also a species of principle importance under Section 41 of NERC.

2.10 All the wild mammals protected under the Wild Mammals (Protection) Act 1996. Offences relate to any act which results in the intent to inflict unnecessary suffering. Mercy killings and killing in a swift and humane way in the course of a lawful activity are not offences under the Act.

#### *Nesting Birds*

2.11 All wild birds while actively nesting are afforded legal protection under the WCA. Special protection is also afforded to birds listed on Schedule 1 of the WCA which makes it an offence to disturb these species at nest or the dependent young.

2.12 Combined legislation means that all birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, to:

- Intentionally kill, injure or take any wild bird;

- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy the egg of any wild bird;
- Have in one's possession or control any wild bird (dead or alive), part of a wild bird or egg of a wild bird;
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building or is in, on or near a nest with eggs or young; or disturb the dependent young of such a bird; and
- Have in one's possession or control any birds of a species listed on Schedule 4 of the Act unless registered in accordance with the Secretary of State's regulations.

#### *Sulphur clover*

2.13 Although there is no specific legislation for sulphur clover (*Trifolium ochroleucon*), it is a nationally scarce plant. Sulphur clover grows in meadows, roadside verges, grasslands, woodland margins; these habitats are threatened by the conversion of old meadows to arable farming. Poor management, such as lack of grass cutting, encroachment of scrub, eutrophication from run-off and roadside development schemes have also contributed to declines. It is mostly found in East Anglia, predominantly in Norfolk and Suffolk.

#### *Hazel Dormouse*

2.14 The hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2017. The Habitats Regulations implement The Habitats Directive 1992 into English Law. It protects the dormouse against:

- Deliberate capture, injury or killing;
- Deliberate disturbance; and
- Damage or destruction of a breeding site or resting place.

2.15 Disturbance is defined as that 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.

2.16 The dormouse is also fully protected under the WCA. Dormouse is listed on Schedule 5 of the WCA, and therefore subject to the provisions of Section 9, it is an offence to:

- Intentionally kill, injure or take a dormouse;
- Possess or control any live or dead specimen or anything derived from a dormouse (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a dormouse; and
- Intentionally or recklessly disturb a dormouse while it is occupying a structure or place which it uses for that purpose.

#### *Water Vole*

2.17 Water voles are listed as SPI for the conservation of biodiversity in England and Wales, under Sections 41 and 42 of the NERC Act 2006, respectively.

2.18 The UK Biodiversity Action Plan (BAP) was published in 1994, and included water voles as a 'Priority Species'. The UK BAP has now been succeeded by the UK Post-2010 Biodiversity Framework (July 2012) and biodiversity conservation work is now generally focussed on the individual countries and their SPI for the conservation of biodiversity. Water voles are therefore considered a national priority for conservation in England, Scotland and Wales. They are also identified as regional or local priorities for conservation in BAPs produced at relevant geographical levels.

2.19 Water voles are also included as a priority species for conservation in BAPs produced by water companies and government departments, such as Highways England.

2.20 In England and Wales water voles are listed on Schedule 5 of the Wildlife and Countryside Act 1981, receiving full protection since 2008. The Wildlife and Countryside Act 1981, together with amending legislation, lists the following offences;

- Intentionally killing, taking or injuring a water vole (Section 9(1));

- Possessing or controlling any live or dead water vole, any part or derivative (Section 9(2));
- Intentionally or recklessly damaging or destroying a water vole's place of shelter or protection (Section 9(4)(a));
- Intentionally or recklessly disturbing a water vole whilst it is occupying a structure or place which it uses for shelter or protection (Section 9(4)(b)); and
- Selling, offering for sale, or possessing or transporting for the purposes of sale, any live or dead water vole, or any part or derivative, or advertising any of these for buying or selling (Section 9(5)).

#### *Great Crested Newts*

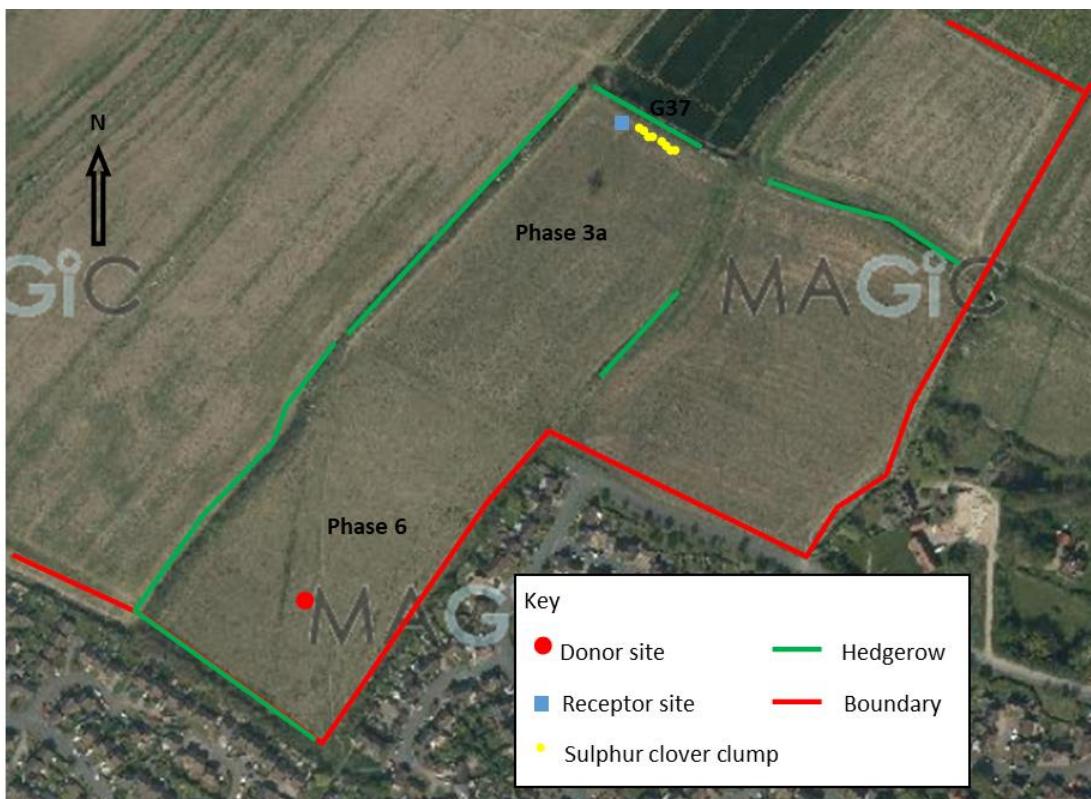
2.21 Great crested newt (*Triturus cristatus*) (GCN) are classed as a 'European Protected Species' (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations, 2019), and also a priority species under Section 41 of The NERC Act (2006) which is a consideration under the National Planning Policy Framework (NPPF) 2021, placing responsibility on Local Planning Authorities to aim to conserve and enhance biodiversity and to encourage biodiversity in and around developments.

2.22 GCN are afforded full legal protection under Schedule 5 of the WCA. GCN are also listed under Schedule 5 of the Habitats Regulations.

### 3 Mitigation

#### *Summary of Mitigation Strategy*

- 3.1 The habitats on site to be potentially lost that could harbour reptiles and small mammals (such as hedgehog (*Erinaceus europaeus*)) and areas of tall ruderal vegetation and hedgerows in association with the infrastructure footprint. The aim of the method statement on site is to clear these areas (if required) and carry out the construction works using precautionary methods of working to avoid harm to any animals present and moving any found out of harm's way.
- 3.2 The areas of potential habitat are somewhat connected to other suitable areas in the wider landscape and is not deemed 'important' for the local reptile, dormouse, badger, hedgehog (or other small mammal) populations. However, retained areas of vegetation, as well as newly created areas of green infrastructure could provide suitable habitat for reptiles. No post-development monitoring is deemed necessary, with respect to these species.
- 3.3 Boundary hedges and vegetation where they are to be retained will be fenced before clearance works commence according to BS5827:2012. Trees in relation to design, demolition and construction, and the fencing will remain in place throughout the clearance and construction period. There should be no incursion into the land protected within the fencing and no tipping of refuse or disposal of spoil or other waste materials etc.
- 3.4 A small area of sulphur clover was located towards the centre of Phase 6 which will be translocated to a retained hedgerow at the boundary of Phase 3A (see Figure 2), which has similar conditions e.g. aspect, slope, soil drainage, soil nutrient status and hydrology. The relatively short distance between the donor and receptor area should help in the execution of translocation. Although not specifically related to the infrastructure footprint, the translocation area is in close proximity and therefore details are provided for safeguarding.

**Figure 2:** Donor and receptor sites

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#### *Sulphur clover translocation method statement*

- 3.5 The translocation involved the removal of the turf with sulphur clover in it and an area of roughly 1m surrounding the plants. The dispersal of seed in this species is very local with this species and despite disturbance any viable seedbank will likely be relatively shallow and be housed predominantly in the top few centimetres of soil surrounding the mature plants.
- 3.6 Translocation work was carried out in early spring (April-May) before the plant flowers, but during a period when it can be differentiated from other clover species on site by its hairy stalks and grey-green trifoliate leaflets. The turf in a 1m area around the plants was removed to a minimum depth of 150mm, placed on a suitable vehicle for transportation e.g., flatbed trolley and taken to the receptor site.
- 3.7 To prevent accidental eradication during the translocation works, all plants found during the site visit in late February had been clearly delineated with canes and red and white tape; which was also cordoned off with suitable fencing and remain undisturbed.
- 3.8 An Ecological Clerk of Works (ECoW) was present to supervise all elements of the translocation.

- 3.9 Preparation of the reception site occurred in advance of the translocation, with the turf removed from the areas for translocation within the receptor site and replaced with the turf from the donor site. There is no need to rotovate the soil in the receptor site and no organic matter needs to be added. However, moisture should be retained where possible and the soil should be watered if it is dry. The ECoW should advise if this is necessary.
- 3.10 Vehicle tracking over prepared soil on the receptor site should be avoided as this can lead to excessive compaction.
- 3.11 Post-translocation monitoring should be carried out by an appropriately skilled ecological consultant with knowledge of the species (hereafter referred to as the 'Ecologist').
- 3.12 Management will be carried out by the appointed landscape management contractor following guidance from the Ecologist.
- 3.13 In the first season after translocation, establishment of the plant within the receptor site should be monitored by the Ecologist, using a walkover of the receptor area at least twice following translocation. The initial positions of translocated plants should be recorded during the translocation. Two further surveys will be required in June/July and August after translocation when flowering is at its peak and once the seed heads are produced to see if the translocated plants have prospered and gone to seed.
- 3.14 The surveys should be completed by an ecologist to locate and accurately map the plants. The distinctive flower heads and grey-green leaflets will aid identification between mid-June and mid-July, but during August the survey should concentrate on the orangey-brown seed heads and grey-green leaflets.
- 3.15 Subsequently the receptor site should ideally be visited at least once, but preferably three times a season for the next four years. The three visits would preferably be between mid-April and mid-May when plants are just beginning their spring growth, then again mid-June to mid-July when flowers are most visible, and finally between mid-July and mid-August when they will have produced seed heads. If three visits are not possible, then a single visit during mid-June and mid-July should at least confirm the continued presence and number of mature plants. All plants should be counted and carefully mapped, and their maturity recorded (young plant; mature flowering

plant; plant in seed) following the translocation to see whether they survive and prosper.

- 3.16 The seed could also be collected each season and then sown late winter/early spring over the whole receptor site or retained and used to populate any future areas of wildflower meadow on the site.
- 3.17 The receptor site should be cut twice a year for the optimum effect, as cutting twice a year results in improved flowering for sulphur clover, though not necessarily more plants. The first cut should be in April and the second in September/October. The first cut in April helps the sulphur clover to compete more effectively against competing species by reducing their height. The second cut in the autumn allows the plants to set seed. All cuttings should be removed from the receptor site to reduce nutrients in the soil, as sulphur clover thrives in nutrient-poor soils.

#### *Habitat Clearance*

- 3.18 Ideally any vegetation clearance and disturbance should be undertaken outside of the nesting season. The nesting season is deemed to be from mid-March to mid-August, although these times can be temperature dependent. However, this timing may not be possible due to the considerations for reptiles (see 3.6 below).
- 3.19 If works cannot take place outside the nesting season then a nesting bird check must be carried out by a suitably experienced person, no more than 48 hours between the check and the removal. This check should also include a check for aerial dormouse nests, particularly in the months of April to October.
- 3.20 If the 'all clear' is given, then removal/works can commence. The survey lasts for no longer than 48 hours. If works are not completed in this time frame, then a re-survey will need to be carried out.
- 3.21 If birds are found to be nesting, then no works should be undertaken within at least 10m of the nest until chicks have fledged.
- 3.22 If evidence of dormouse nests are located then works must stop immediately and a European Protected Species (EPS) licence from Natural England obtained before works can commence. In order to obtain an EPS licence and satisfy requirements for planning approval, it has to be clearly demonstrated that any disturbance or damage will be adequately mitigated for. This normally requires that there should be no net loss in local dormouse conservation status (including factors such as population size,

viability and connectivity). If it is unavoidable that development will affect these factors, the mitigation should aim to maintain a population of equivalent status on or near the original site, and should address links to adjacent (indirectly affected) populations where present.

- 3.23 All vegetation clearance works will be undertaken when common reptiles are likely to be fully active (i.e. during March/April to October) to avoid any chance of disturbing reptiles during the sensitive hibernation period.
- 3.24 Clearance of tall, 'thin' vegetation would be undertaken using a strimmer or brush cutter in two parts; the first to be cut down to 20cm, then checked by an ECoW for the presence of any wildlife. The vegetation will then be cut to ground level under the supervision of an ECoW. The cuttings will be raked and removed the same day it is cut and under the supervision of an ECoW.
- 3.25 Thicker vegetation such as semi-mature trees and dense scrub would be undertaken using chainsaw or similar hand-held tool, and/or flailing-type machine (towed by tractor) at a controlled speed and cut in two parts as above; the first to be cut down to 20cm, then checked by an ECoW before cutting to ground level. The stumps will then be removed by hand or using a mini-digger equipped with a toothed bucket. The arisings will be raked and removed the same day it is cut and under the supervision of an ECoW.
- 3.26 Roots and any other spoil/rubble mounds will be removed/dismantled under the supervision of an ECoW during March/April to October when reptiles and other small mammals, such as hedgehogs, that may be using the mounds will be active and able to move away or be safely relocated to suitable safe habitat nearby.
- 3.27 Clearance will take place from the centre of the vegetation towards retained habitats, preferably at the site boundary; this is to allow any animals to disperse and move to adjacent habitats without getting trapped between works.

#### *Care and Vigilance During Works*

- 3.28 Any animals found will be allowed to move to adjacent habitats or relocated by a suitably qualified and experienced ecologist to an area of retained habitat on the perimeter of the site or as close to the site as possible.
- 3.29 Any reptiles found will be relocated by a suitably experienced ecologist to an area of retained habitat on the perimeter of the site or as close to the site as possible.

- 3.30 Any trenches/excavations left overnight will be covered or provided within ramps (or wildlife 'ladders') to prevent common reptiles and other animals (such as badger) being trapped.
- 3.31 Any building materials (such as bricks, stone etc.) that are to be stored on site will be stored on pallets to discourage reptiles from using them as shelter.
- 3.32 After clearance works have taken place, any new vegetation will then be kept closely mown (vegetation at or near ground-level) or kept as bare ground until landscaping works take place; to deter ground-nesting birds, such as skylark, from nesting in the spring. This will also deter any reptiles from using the area.

#### **4 Conclusion**

- 4.1 In conclusion, this method statement has been produced to ensure the safety of animals which may be using the site during clearance works in relation to the proposed infrastructure.
- 4.2 An ECoW will be present during works and clearance will be undertaken in a two-stage approach.

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