



Precautionary Method Statement for Clearance

Regarding
Phase 6, Haverhill,
Suffolk

on behalf of

Persimmon Homes (Suffolk)

February 2022
Revision A and B – August 2022

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34-52 Out Westgate, Bury St. Edmunds, Suffolk IP33 3PA
tel: **01284 335797** email: jamesblake@jba-landmarc.com

Chairman: James Blake BA (Hons) Dip LA (Hons) CMLI


Company Secretary: Louise Blake BSc PGCE

Directors: Elzbieta Zebrowska MSc Eng LArch MScEnvSc CMLI

Associate Directors: Vivienne Jackson : Marie Lowe CIMA Cert BA : Paulina Blasiak MSc EngLA CMLI
Abby Stallwood BSc (Hons) PG Dip LM CMLI

www.jba-landmarc.com

Registration no. 08169866 VAT no. 512412791

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		SR	JBA	JBA	February 2022
A	To include dormouse information	SR		JBA	August 2022
B	To include GCN information	SR		JBA	August 2022
Job Number: JBA 18/351		 JAMES BLAKE A S S O C I A T E S			
		Title: Precautionary Method Statement for Clearance regarding Phase 6, Haverhill, Suffolk			

Disclaimer

James Blake Associates Ltd have made every effort to meet the client's brief. However, no survey ensures complete and absolute assessment of the changeable natural environment. The findings in this report were based on evidence from thorough survey: It is important to remember that evidence can be limited, hard to detect or concealed by site use and disturbance. When it is stated that no evidence was found or was evident at that point in time, it does not mean that species are not present or could not be present at a later date: The survey was required because habitats are suitable for a given protected species, and such species could colonise areas following completion of the survey.

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CONTENTS

EXECUTIVE SUMMARY	5
1 INTRODUCTION	6
2 RELEVANT LEGISLATION.....	6
3 MITIGATION.....	10
4 CONCLUSION.....	12
5 REFERENCES	13

Executive Summary

Phase 6 is currently an unmanaged area of mixed plantation scrubland with tall ruderal vegetation (previously active arable fields), providing good quality foraging habitat for reptiles and mammals, particularly badgers. Hedgerows and scrub border the majority of the site boundaries, particularly the eastern boundary.

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).

The development proposals 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.

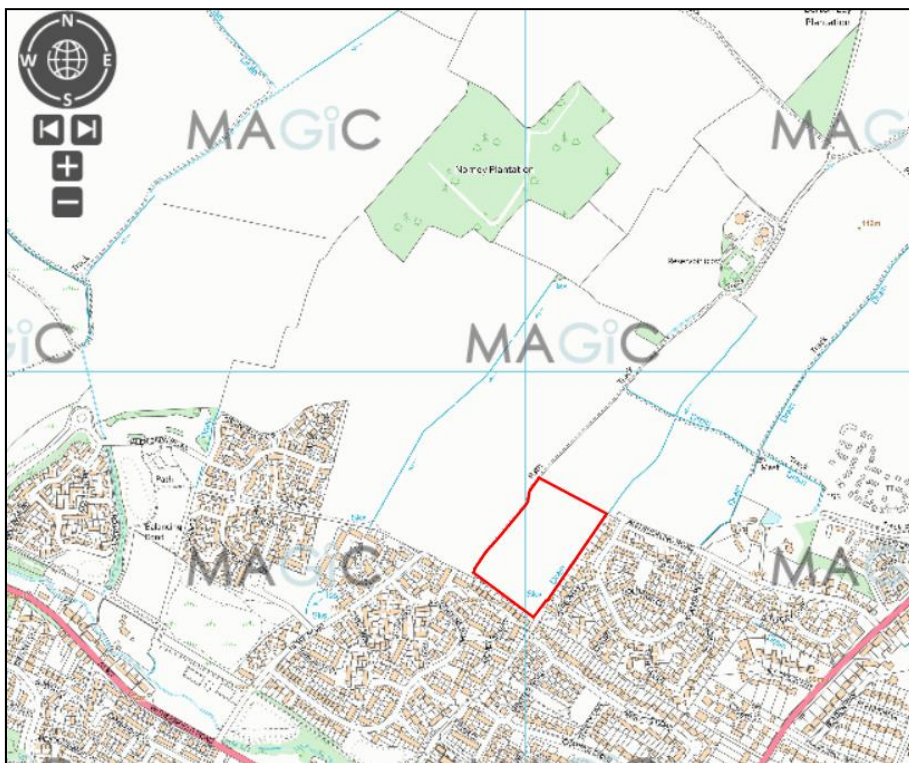
1 Introduction

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 development site at Phase 6, 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 were recorded during the surveys between 5th April and 22nd May 2019 (JBA, 2019); however, a single record of slow worm was identified during works on site in 2009 (JBA, 2018) and 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 Description

- 1.4 The site is located to the west of Haverhill Road (A143), adjacent to Ann Suckling Road, north of Haverhill town, Suffolk. Ordnance Survey National Grid reference: TL 67036 46680 (take from the centre of Phase 6).
- 1.5 The site itself is currently unmanaged mixed plantation scrubland with tall ruderal vegetation (previously active arable fields). Hedgerows and scrub border the majority of the site boundaries, particularly the eastern boundary. A wet ditch borders the eastern boundary and a well-worn footpaths have been made by dog-walkers around all boundaries of the site. See Figure 1 for site location.

Figure 1: Site location

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2 Relevant Legislation

Reptiles

2.1 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.

- 2.2 The likelihood of smooth snake or sand lizard being present is negligible.
- 2.3 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.
- 2.4 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.
- 2.5 All native reptiles species are Natural Environment and Rural Communities (NERC) Priority Species.

Badger

- 2.6 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.
- 2.7 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

- 2.8 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.
- 2.9 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

2.10 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.

2.11 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.

Hazel Dormouse

2.12 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.

2.13 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.

2.14 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.

Great Crested Newts

2.15 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.

2.16 GCN are afforded full legal protection under Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended) (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, hedgerows and scrub on the boundary of Phase 6. 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 well connected to other suitable areas in the wider landscape and is not deemed 'important' for the local reptile, 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.
- 3.3 Boundary hedges and vegetation which 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.

Habitat Clearance

- 3.4 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 3.8 below).
- 3.5 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. 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.
- 3.6 If birds are found to be nesting, then no works should be undertaken within at least 10m of the nest until chicks have fledged.

- 3.7 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.
- 3.8 All vegetation clearance works will be undertaken when common reptiles and amphibians (including GCN) 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.
- 3.9 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 Ecological Clerk of Works (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.
- 3.10 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.
- 3.11 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.
- 3.12 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.

- 3.13 If any GCN are located then works must stop immediately and licence from Natural England obtained before works can commence. District Level Licence Scheme is now available in Suffolk and therefore it is advised a licence is obtained via this method if GCN are found.

Care and Vigilance During Works

- 3.14 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.
- 3.15 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.
- 3.16 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.
- 3.17 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.
- 3.18 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 Phase 6.
- 4.2 An ECoW will be present during works and clearance will be undertaken in a two-stage approach.

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