



EMERGENCY SERVICES NETWORK

General Species Protection Plan

November 2018

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1.0 Introduction

- 1.1 TEP were commissioned to undertake Desk Based Assessments (DBA) and Ecological Assessments of a number of proposed telecommunications masts at various sites across Great Britain. These sites have now been granted planning permission.
- 1.2 Construction of some of the mast sites is anticipated to commence over the winter period between the beginning of September 2018 and the end of February 2019 inclusive. The advice detailed in this Species Protection Plan (SPP) therefore considers the ecological implications of commencing works in this period and completing these works in a period of approximately 8 weeks.
- 1.3 The advice will remain relevant as long as works are completed by the end of February 2019. However, particular attention to the timings for individual species will need to be taken into consideration, as for some species the sensitive season (such as the breeding season or hibernating season) will occur within the period of beginning of September and the end of February inclusive:
- Amphibians (hibernation period between October to March inclusive);
 - Birds (nesting season usually between March to August inclusive);
 - Brown hare (breeding season February to September inclusive)
 - Mountain hare (breeding season February to September inclusive);
 - Hedgehog (hibernation period between October to March inclusive);
 - Reptiles (hibernation period between mid-October to March inclusive).
- 1.4 Further advice is provided in the individual SPP's below but advice from an ecologist should be sought if there is any doubt around the working methods, timings and seasonality.

2.0 Purpose

- 2.1 In order to ensure the biodiversity interest of a site and the surrounding area is protected, and to avoid committing an offence, a number of recommendations for pre-construction and construction-phase activities were made in the ecological assessment for each of the sites.
- 2.2 This SPP has been prepared to ensure protected species are not harmed during the development of a site, and that the favourable conservation status of any protected species populations present in the local area is maintained. This SPP details the necessary mitigation measures relating to protected species and should be appended to the sites Construction Environmental Management Plan (CEMP) which will cover wider environmental protection measures.
- 2.3 The following species could be encountered during the construction of a site and their protection is discussed further in this report:
- Birds;
 - Brown hare & Mountain hare;
 - Amphibians & Reptiles;
 - Hedgehog.
- 2.4 The following recommendations are not included in this SPP but have relevance to wildlife protection and should be part of the site's CEMP as discussed above:
- **Watercourse Protection** – Measures to prevent pollutants and runoff from site activities entering aquatic habitats of neighbouring watercourses. These measures will also ensure that indirect impacts on the local populations of riverine wildlife do not occur during construction.
 - **Tree and Woodland Protection** - All retained trees and woodland habitat, particularly the nearby ancient woodland, must be protected in line with 'BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations'.

3.0 Species Protection Plan

Birds

Habitat Suitability and Distribution

- 3.1 A number of the most sites contain vegetation such as grassland, scrub and woodland. These habitats amongst others that may be encountered have the potential to support a range of nesting birds throughout the UK.

Relevant Legislation

- 3.2 All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). Some species are also listed as a Schedule 1 bird species under this Act.
- 3.3 For any wild bird species, it is an offence to intentionally or recklessly:
- kill, injure or take a bird;
 - take, damage, destroy or interfere with a nest of any bird while it is in use or being built;
 - obstruct or prevent any bird from using its nest; and
 - take or destroy an egg of any bird.
- 3.4 For any wild bird species listed on Schedule 1, it's an offence to disturb:
- any bird while it is building a nest;
 - any bird while is in, on, or near a nest containing eggs or young;
 - any bird while lekking; and
 - the dependent young of any bird.

Potential Impacts

- 3.5 As the nesting bird season is from March to the end of August inclusive and works will commence on site over the winter period (September to February inclusive), there will be no implications in relation to nesting birds.
- 3.6 As some species can breed outside this period, in the unlikely event that contractors encounter any nests or birds that appear to indicate recent breeding behaviour, works must cease and advice from an ecologist must be sought.

Brown Hare & Mountain Hare

Habitat Suitability and Distribution

- 3.7 Where a mosaic of farmland habitats are present, usually comprising grassland, arable fields, hedgerows and woodlands, brown hare could be present. This species is considered to be naturalised and has a wide distribution throughout England, Scotland and Wales but is absent from northern Scotland and the Scottish islands.
- 3.8 Where a mosaic of rough grassland, heath, scrub and woodland is present in upland habitats, these habitats are suitable to support mountain hare, in areas of Scotland and the Peak District where mountain hare are known to naturally occur. Mountain hare are not present in Wales.

Relevant Legislation

- 3.9 Brown hare and mountain hare are protected in the closed season under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take a brown or mountain hare:
- in its closed season;
 - without a legal right to do so (i.e. poaching) – includes rabbit also.
- 3.10 It is also an offence to possess or control, sell or offer for sale, or transport for the purpose of sale any living or dead hare (or rabbit), or any derivative of such an animal, which has been killed without a legal right to do so.
- 3.11 The Wildlife and Natural Environment (Scotland) Act 2011 introduced closed seasons for the killing or taking of brown hares to be between the 1st February to 30th September inclusive. For mountain hares it is said to be between the 1st March and 31st July inclusive. In England and Wales, the brown hare and mountain hare closed season is between 1st April and ending with 30th August on moorland or unenclosed non-arable land.
- 3.12 Brown hare and mountain hare is also listed as a species of principal importance under the Natural Environment and Rural Communities Act 2006 (NERC) and the Scottish Biodiversity List of Nature Conservation (Scotland) Act 2004. However only brown hare is listed as a species of principal importance under Section 7 of the Environment (Wales) Act 2016.
- 3.13 The mountain hare is also a species of ‘Community interest’ listed on Annex V of the Habitats Directive.

Potential Impacts

- 3.14 Brown hare and mountain hare breed between February and September inclusive. They don’t live as colonies in vast burrow systems, instead they live out in the open and create “forms”, a series of individual shallow scrapes in vegetation or earth.

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- 3.15 This makes leverets (young) particularly vulnerable to construction activities as they are left alone in forms during the day and are often reluctant to move from their places of refuge.
- 3.16 As construction of the site will necessitate the removal of vegetation and clearance of topsoil using machinery, there is a small risk of encountering leverets and adult hares, which could result in the killing or injury of individuals.
- 3.17 There is also the potential for hares to be killed through becoming trapped in any excavations, piping or containers associated with the construction activities.

Reasonable Avoidance Measures (RAMS)

- 3.18 Direct mortality of hares during the construction phase can be avoided through implementation of best practice measure, including some of the following actions:
- A contractor will need to walk the working area to flush any potential hares out of the site prior to any vegetation clearance works.
 - If vegetation clearance is undertaken between February and September inclusive there is a risk that leverets could be encountered. A contractor will check for leverets immediately ahead of site clearance and if any are found works must cease and advice from an ecologist must be sought.
 - Excavations will be boarded or fenced at the end of each day to prevent hares becoming trapped. Where closing excavations is not possible, ramps would be provided to allow any trapped animals to escape;
 - Access into and out of the working area will be along agreed routes only to prevent encroachment of machinery into the wider habitats. Vegetation along these routes will be cut short where applicable to reduce its suitability to shelter hares.
 - If any forms are confirmed along this route they will either be avoided or filled in to prevent re-use and reduce the risk of collisions with construction vehicles. Machinery and vehicles will not be permitted to move outside the agreed access routes and working area.
- 3.19 In the unlikely event that contractors encounter any brown or mountain hare during the construction of the site, works must cease and advice from an ecologist must be sought.

Amphibians & Reptiles

Habitat Suitability and Distribution

- 3.20 Where a mosaic of habitats are present within a landscape that contains waterbodies and slow flowing watercourses, amphibians could be present. Amphibians use a range of habitats for breeding, sheltering, hibernating, foraging and commuting. There are seven species of amphibians that have a wide distribution throughout England, Scotland and Wales:
- Great crested newt;
 - Natterjack toad;
 - Pool frog;
 - Common frog;
 - Common toad;
 - Palmate newt; and
 - Smooth newt.
- 3.21 Where a mosaic of habitat is available including both open areas for warmth, and more vegetated areas for shelter, reptiles could be present. Reptiles require a variety of habitats to complete their lifecycles. This includes breeding, nesting, sheltering, hibernating, basking, foraging and commuting habitat. In England and Wales there are eight species of reptile:
- Marine turtles;
 - Smooth snake;
 - Sand lizard;
 - Adder;
 - Grass snake;
 - Barred grass snake;
 - Slow worm; and
 - Common lizard;
- 3.22 In Scotland only the adder, slow worm and common lizard are native, but the sand lizard was introduced to the Inner Hebrides.

Relevant Legislation

- 3.23 Great crested newts, natterjack toads, pool frogs, smooth snake, sand lizard and marine turtles are all European Protected Species (EPS). They have full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- 3.24 No European protected reptiles naturally occur in Scotland but they have a wide distribution throughout England and Wales.
- 3.25 All other amphibian and reptile species are given limited protection under the Wildlife and Countryside Act 1981 (as amended). These include common frog, common toad, palmate newt, smooth newt, adder, common lizard and slow worm.

- 3.26 Under the Wildlife and Countryside Act 1981 (as amended), these species are protected against:
- intentional or reckless killing and injury.

3.27 The habitat of these species is not protected. However, in terms of development, disturbing or destroying reptile habitat during the course of development activities, while reptiles are present, is likely to lead to an offence under the Wildlife and Countryside Act 1981. It is therefore important to ensure the species are removed from any threat of injury or death created by development activities.

3.28 Each of the species discussed above is also listed as a species of principal importance under the Natural Environment and Rural Communities Act 2006 (NERC), the Scottish Biodiversity List of Nature Conservation (Scotland) Act 2004 (for those that naturally occur in Scotland) and under Section 7 of the Environment (Wales) Act 2016.

Potential Impacts

3.29 Each species of native amphibians and reptiles has specific habitat requirements but both species groups are vulnerable to the removal of vegetation and clearance of topsoil which could result in the killing or injury of individuals.

3.30 This RAMS is applicable for sites where it has been deemed that only potential foraging, commuting or basking habitat will be impacted by the proposals (such as grassland) and where the risk of encountering amphibians and reptiles in the winter season, while they are hibernating, is very low.

Reasonable Avoidance Measures (RAMS)

3.31 Direct mortality of amphibians and reptiles (herptiles) during the construction phase can be avoided through implementation of Best Practice measures, including some of the following actions:

3.32 A toolbox talk will be delivered to all contractors before clearance and commencement of construction activities. All staff on site should be made aware of the potential for presence of amphibians and reptiles on site and their status as UK protected species. The tool box talk will include identification of the amphibian and reptile species potentially present on site details of the legislative protection afforded to these species, details of this SPP and what to do in the eventuality that any amphibians and reptiles are found during the clearance works or construction phase.

3.33 A process of habitat degradation will then be carried out. Working areas in expanses of habitat suitable for herptiles will be subjected to a staged strimming regime to encourage herptiles to leave the working area and also dissuade herptile species from entering the site.

- Amphibian and reptile displacement would take place immediately before works commence on site.

- Working areas will firstly be cut to a height of 150mm (arising removed) across all herptile habitat to be affected by works. This will be done in a single direction only, to allow herptiles to move away from the works area into suitable retained habitats.
- The trimmed habitat should then be left, ideally for at least 24 hours, to allow herptiles to move into more favourable adjacent habitats. Following this period, further soil stripping and ground levelling works can then be undertaken.
- If any hibernating or sheltering habitat is encountered during the clearance works such as large rocks or boulders, tree roots and tree stumps, and these need to be removed, works must cease on site and advice from an ecologist must be sought.

3.34 Following completion of vegetation clearance, the vegetation in working areas will be retained short to prevent herptiles re-entering the area. Once topsoil stripping has been undertaken the site will no longer be suitable for use by herptiles.

3.35 Access into and out of the working area will be along agreed routes only. Machinery and vehicles will not be permitted to move outside the agreed access routes and working area.

3.36 In the unlikely event that contractors encounter any herptiles during the construction of the site, works must cease and advice from an ecologist must be sought.

Hedgehog

Habitat Suitability and Distribution

3.37 Hedgehogs are found across a wide range of habitats, apart from very wet areas and extensive pine forests. They are also considered to be scarce in upland habitats such as moorland and mountainsides.

Relevant Legislation

3.38 Hedgehogs are listed as a species of principal importance under the Natural Environment and Rural Communities Act 2006 (NERC), the Scottish Biodiversity List of Nature Conservation (Scotland) Act 2004 and under Section 7 of the Environment (Wales) Act 2016.

Potential Impacts

3.39 As construction of the site will necessitate the removal of vegetation and clearance of topsoil using machinery, there is a small risk of encountering hedgehogs, which could result in the killing or injury of individuals.

3.40 There is also the potential for hedgehogs to be killed through becoming trapped in any excavations, piping or containers associated with the construction activities.

Reasonable Avoidance Measures (RAMS)

- 3.41 Direct mortality of hedgehogs during the construction phase can be avoided through implementation of the best practice measures discussed above for mountain hare, amphibians and reptiles. No further avoidance measures will be necessary.
- 3.42 In the unlikely event that contractors encounter any hedgehogs during the construction of the site, works must cease and hedgehogs must be removed from danger and placed in a suitable location unaffected by the works. Advice from an ecologist should be sought on where to place them.



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