

Technical Note

Project:	Skirting and Whangs Beck Flood Risk Management Scheme		
Subject:	Whangs Beck Access Track Construction - Preliminary Ecological Appraisal Report (Short Format)		
Author:	Immy Hathaway		
Date:	3 February 2022	Project No.:	5166264
Distribution:	Chris Hall	Representing:	VBA

Document history

Revision	Status	Purpose description	Originated	Checked	Reviewed	Authorised	Date
C01	A1	First Issue	IH	DW	VH	MK	3 February 2022

Client signoff

Client	Environment Agency
Project	Skirting and Whangs Beck Flood Risk Management Scheme
Project No.	5166264
Client signature / date	

Notice

This document and its contents have been prepared and are intended solely as information for the Environment Agency and use in relation to construction of two access tracks to support the Whangs Beck scheme, part of the wider Skirting Beck and Whangs Beck Flood Risk Management Scheme (FRMS).

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The information which VBA has provided has been prepared by an environmental specialist in accordance with the Code of Professional Conduct of the Chartered Institute of Ecology and Environmental Management (CIEEM). VBA confirms that the opinions expressed are our true and professional opinions.

This document does not purport to provide legal advice.

This document has 15 pages.

1. Terms of Reference

VBA Joint Venture Limited (hereby referred to as 'VBA') were commissioned by The Environment Agency to undertake a preliminary ecological appraisal (PEA) in connection with the Whangs Beck area of the Skirting and Whangs Beck Flood Risk management Scheme (FRMS), comprising of an upper embankment and a lower embankment to create two connected flood storage areas at Whangs Beck, in Egremont, Cumbria. The Scheme also includes the abandonment of approximately 180 metres of the Whangs Beck overflow culvert, and provision of like-for-like replacement of existing culvert over small sections at Whangs upper.

Whangs Beck forms part of the Ehen-Calder river catchment, with the section of Whangs Beck affected by the FRMS located at Ordnance Survey National Grid Reference (OSNGR) NY 0013 1084.

The document comprises a Preliminary Ecological Appraisal (PEA) to support construction of two access tracks (hereby referred to as 'the Proposed Scheme'), which were not previously covered by the existing Skirting Beck and Whangs Beck FRMS Ecological Impact Assessment (EclA)¹ (document ref.: IMNW000818-VBA-XX-4ZZ-RP-EN-004). The two access tracks are illustrated in the Site Location Plan in Appendix A (hereafter collectively referred to as 'the Site').

The construction of the access tracks will involve installation of 'grasscrete'. It is understood that only limited vegetation clearance of amenity grassland will be required, as part provision of grasscrete access tracks will be on top of existing amenity grassland (see Section 3). Scheme design is provided in Appendix A.

Due to the small-scale and localised nature of the works within the Site, and due to availability of ecological information from the EclA¹, only limited ecological screening is considered to be necessary. Relevant protected species legislation is provided in Appendix B.

This technical note has been prepared using the existing design drawings to provide relevant ecological desk study information and identify any requirements for further survey and assessment of the Proposed Scheme, as well as any appropriate mitigation measures. A site walkover was completed on 8 November 2021.

2. Designated Sites

A desk study has been undertaken using the Multi-Agency Geographic Information for the Countryside (MAGIC) website² to identify any statutory designated sites for nature conservation within 2 km of the Site. Statutory designed sites for nature conservation include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR).

One statutory designated site for nature conservation was found within 2 km of the Site:

- **Clints Quarry SSSI** is located approximately 1.3 km north-east of the Site. Clints Quarry SSSI lies on a belt of carboniferous limestone which runs in a north-south direction between Egremont and Cockermouth. The quarry has been closed for over fifty years, and in that time a rich limestone flora of a type rare in Cumbria has developed on the site. Species-rich neutral and calcareous grasslands, along with woodland and shrub communities have also become established within the quarry.

In addition, a search for any SACs within 30 km of the Site for which bat species are qualifying feature was undertaken. No SACs which fit this description were found.

¹ VBA Joint Venture (2019) *Skirting and Whangs Beck FRMS Ecological Impact Assessment*. IMNW000818-VBA-XX-4ZZ-RP-EN-004.

² <https://magic.defra.gov.uk/MagicMap.aspx>

3. Habitats and Species

The desk study identified no ancient woodlands³, or veteran, ancient or notable trees⁴ within 500 m of the Site.

Habitats within and adjacent to the Site were assessed during a site walkover undertaken on 8 November 2021. Habitats within the Site comprise solely of existing hardstanding (via presence of existing road infrastructure) and amenity grassland, as shown in Photograph 1 below. Amenity grassland present is mown and managed as a local amenity park/field.

Habitats adjacent to the Site predominantly comprise a thin strip of broadleaved woodland to the west and further amenity grassland. The wider surrounding area within 500 m is dominated by residential and agricultural land, with some patches of broadleaved woodland, wood pasture and parkland.

Whangs Beck watercourse is located approximately 15 m east of the Site, and discharges to the River Ehen approximately 1.3 km downstream of the Site. There are no further watercourses within 500 m of the Site. There is one small waterbody within 500 m of the site, located approximately 40 m north of the Site. This waterbody is referred to as 'Pond 1' within the EclA for the Skirting and Whangs Beck FRMS¹. Although this pond may provide suitable breeding and foraging habitat for great crested newt (GCN), the waterbody has been found to be regularly dry, and is dependent on water flowing from Whangs Beck. The waterbody was considered unsuitable for supporting GCN as part of the EclA. No other waterbodies are present within 500 m of the Site.

Due to the proximity of the watercourse and waterbody to the Site, recommendations regarding general pollution prevention are given in Section 4 below.

Based on the habitats present and taking into consideration the results of the desk study, it is considered reasonably unlikely that protected and priority species would be present within the Site. However, due to the adjacent watercourse, and nearby waterbody and woodland habitats, there is some limited potential for commuting and foraging bats, badger, reptiles, amphibians (excluding GCN), red squirrel, otter, and other notable species (including hedgehog, common toad and polecat) to be present on the grassland at the Site. There is also potential for invasive non-native species (INNS) such as montbretia (which has previously been identified within Whangs Beck scheme) to be present within the Site, however no INNS were identified during the walkover survey, and habitat to be impacted is limited to amenity grassland. Recommendations for work within this Site have therefore been given in Section 4 as a precautionary measure.

Photograph 1. Habitat present within the Site.



³ <https://naturalengland-defra.opendata.arcgis.com/datasets/ancient-woodland-england>

⁴ <https://ati.woodlandtrust.org.uk>

4. Conclusions and Recommendations

In line with recommendations given in the Skirting Beck and Whangs Beck FRMS EclA¹, it is recommended that the following avoidance, mitigation and/ or compensation measures is implemented during the construction phase of the access tracks to comply with national and local planning policy, current legislation and good practice:

- General measures to avoid or alleviate negative impacts upon ecological receptors including following the Guidance for Pollution Prevention (GPPs)⁵; and the Construction Industry Research and Information Association (CIRIA) guidance on the control of water pollution from construction sites⁶;
- Any steep-sided open excavations associated with the Scheme will be covered or filled overnight to prevent otter and badger (and other nocturnal wildlife such as hedgehog) becoming trapped. If this is not possible then a sturdy ramp, such as a wide plank of wood, will be placed within the excavation overnight in such a way that it provides egress for any nocturnal wildlife that may enter the excavation;
- If any additional lighting is required then this will be wildlife friendly, directional lighting, avoiding any adjacent habitats including Whangs Beck and associated woodland. These habitats will not be illuminated during the hours of darkness; and
- Should any potential INNS (such as montbretia) be identified prior to or during construction, advice will be sought from a specialist contractor regarding the control and/or removal of INNS within the Site to prevent its spread during construction of the Scheme.

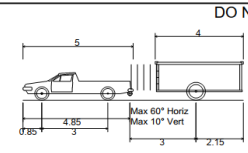
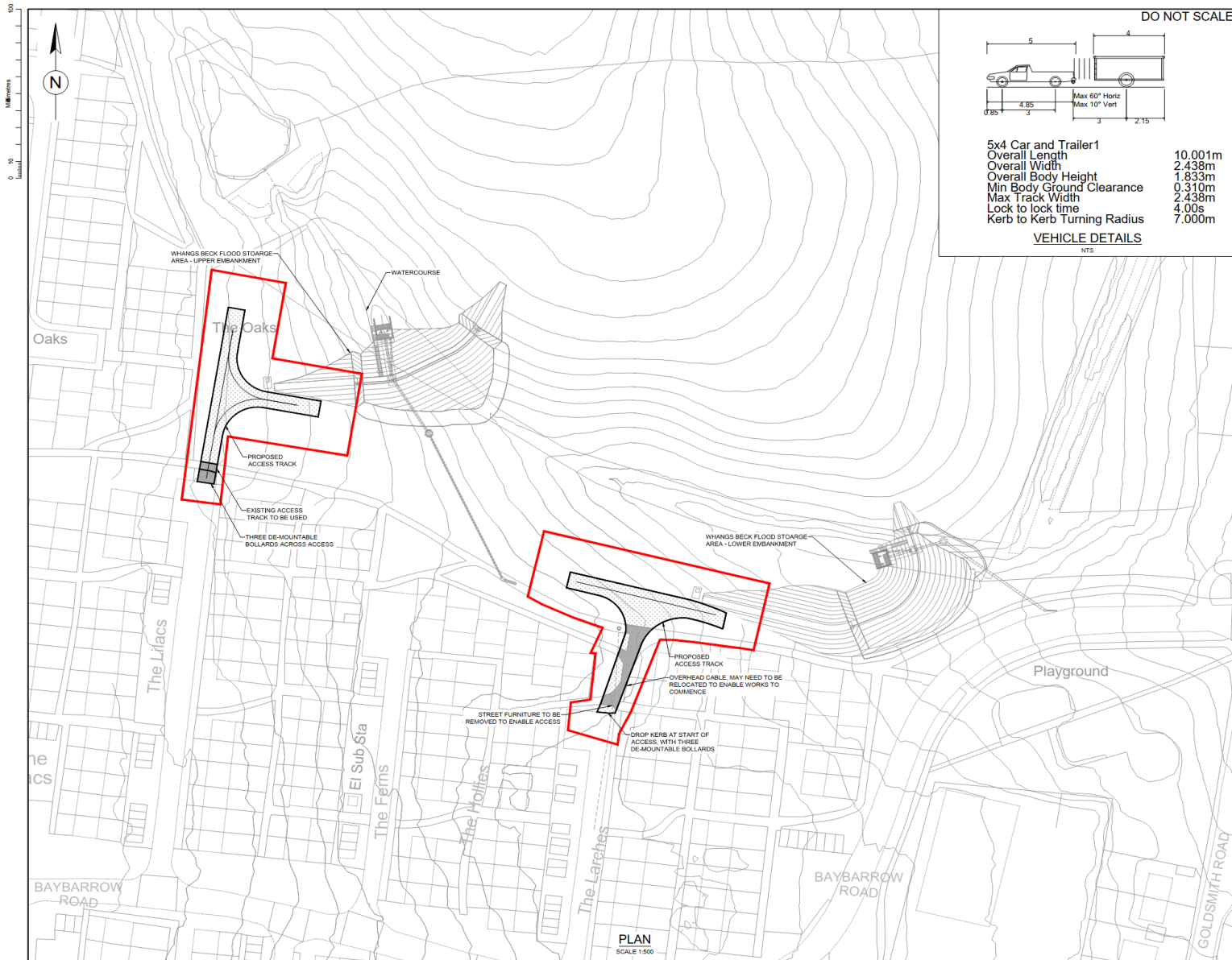
If the Proposed Scheme changes and the works are likely to impact adjacent habitats and/or require significant vegetation removal (i.e., removal of scrub or trees), an ecologist should be contacted to provide further advice regarding the potential ecological constraints. In addition, if any protected species or INNS are unexpectedly encountered on site, all works must cease, and an ecologist should be contacted to provide advice.

⁵ Guidance for Pollution Prevention (GPPs). GPPs provide environmental good practice guidance for the whole UK. Available: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pgps-and-replacement-series/guidance-for-pollutionprevention-gpps-full-list/>

⁶ The CIRIA documents are a series of publications developed by the Construction Industry Research and Information Association. Each document is targeted at a particular type of business or activity and covers environmental good practice to minimise pollution.

Particular attention should be given to CIRIA C532 (Control of water pollution from construction sites, 2001). The CIRIA publications also make reference to environmental legal obligations and are available from: http://www.ciria.org/CIRIA/Resources/Resource_overview/Resources/Resources_overview.aspx?hkey=a80608d2-a045-4d72-8bb9-5ecf23f8d761

Appendix A. Scheme Design



5x4 Car and Trailer
 Overall Length 10.001m
 Overall Width 2.438m
 Overall Body Height 1.833m
 Min Body Ground Clearance 0.310m
 Max Track Width 2.438m
 Lock to lock time 4.00s
 Kerb to kerb Turning Radius 7.000m

VEHICLE DETAILS
 NTS

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the hazards normally associated with the types of work detailed on this drawing, note the following:

- CONSTRUCTION
 - MAINTENANCE/CLEANING
 - DECOMMISSIONING/DEMOLITION
- It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement

- NOTES
1. ALL DIMENSIONS ARE IN mm UNLESS OTHERWISE STATED.
 2. ALL LEVELS ARE IN m AOD UNLESS OTHERWISE STATED.
 3. ALL LEVELS SHALL BE CONFIRMED ON SITE.
 4. ALL DETAILS SHOWN ON THIS DRAWING (INCLUDING LEVELS AND DIMENSIONS) ARE OUTLINE ONLY AND MAY BE SUBJECT TO CHANGE AS THE DESIGN DEVELOPS.
 5. ASSUME THAT ALL WORKING AREAS WILL REQUIRE TOPSOIL STRIP PRIOR TO CONSTRUCTION WORKS.

KEY

	TARMAC SURFACE FOOTWAY
	GRASSCRETE
	RED LINE BOUNDARY



P01	11/1/20	FIRST ISSUE	GB	DSS	DSS
P02	12/1/20	FIRST ISSUE	CH	DSS	MWH
C01	08/12/20	UPDATED WITH CONTRACTOR COMMENTS	ST	DSS	SBI
P04	16/03/22	FOR INFORMATION	SN	CH	SBI

Rev.	Date	Description	By	Check	Auth

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Environment Agency

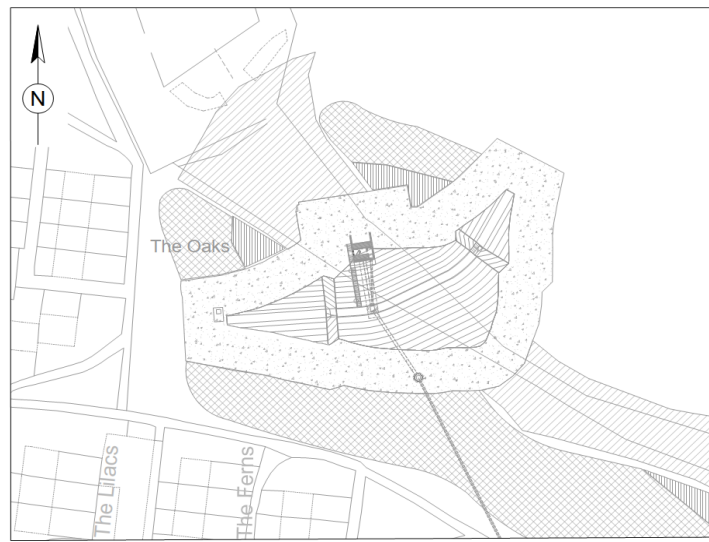
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Drawing Title: **WHANGS BECK RESERVOIRS NEW ACCESS TRACKS GENERAL ARRANGEMENT**

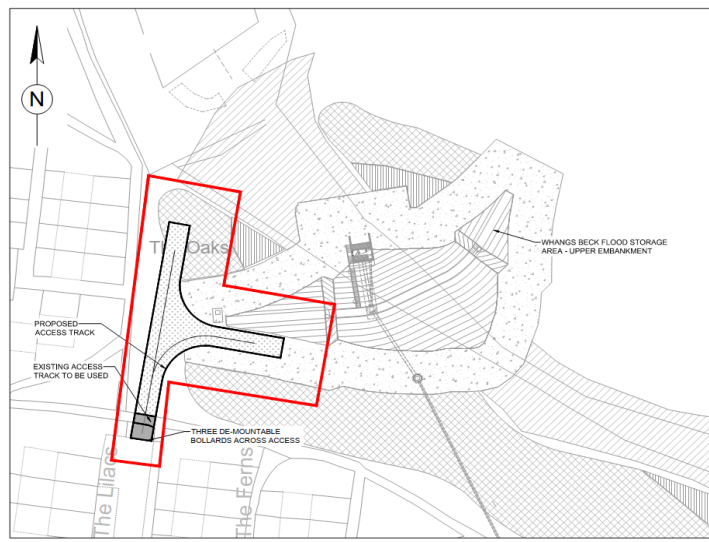
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Original Date	SN	CH	SB	---	---
A1	06/03/22	09/03/22	16/03/22	---	---

Drawing Number: **IMNW000818-VBA-HA-3T3-DR-C-0001** P04

0 10 20 30 40 50
Meters



WHANGS UPPER BLOCK PLAN AS EXISTING
SCALE 1:500



WHANGS UPPER BLOCK PLAN AS PROPOSED
SCALE 1:500

DO NOT SCALE

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

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- KEY**
- TARMAC SURFACE FOOTWAY
 - GRASSCRETE
 - TREE
 - TREE CANOPY
 - EXISTING VEGETATION TO BE RETAINED AND PROTECTED
 - PROPOSED AGRICULTURAL GRASS REINSTATEMENT MIX - HAY MEADOW RE1
 - PROPOSED DRY WOODLAND MIX 3
 - RED LINE BOUNDARY



PD1	15/03/22	FOR INFORMATION	SN	CH	SB
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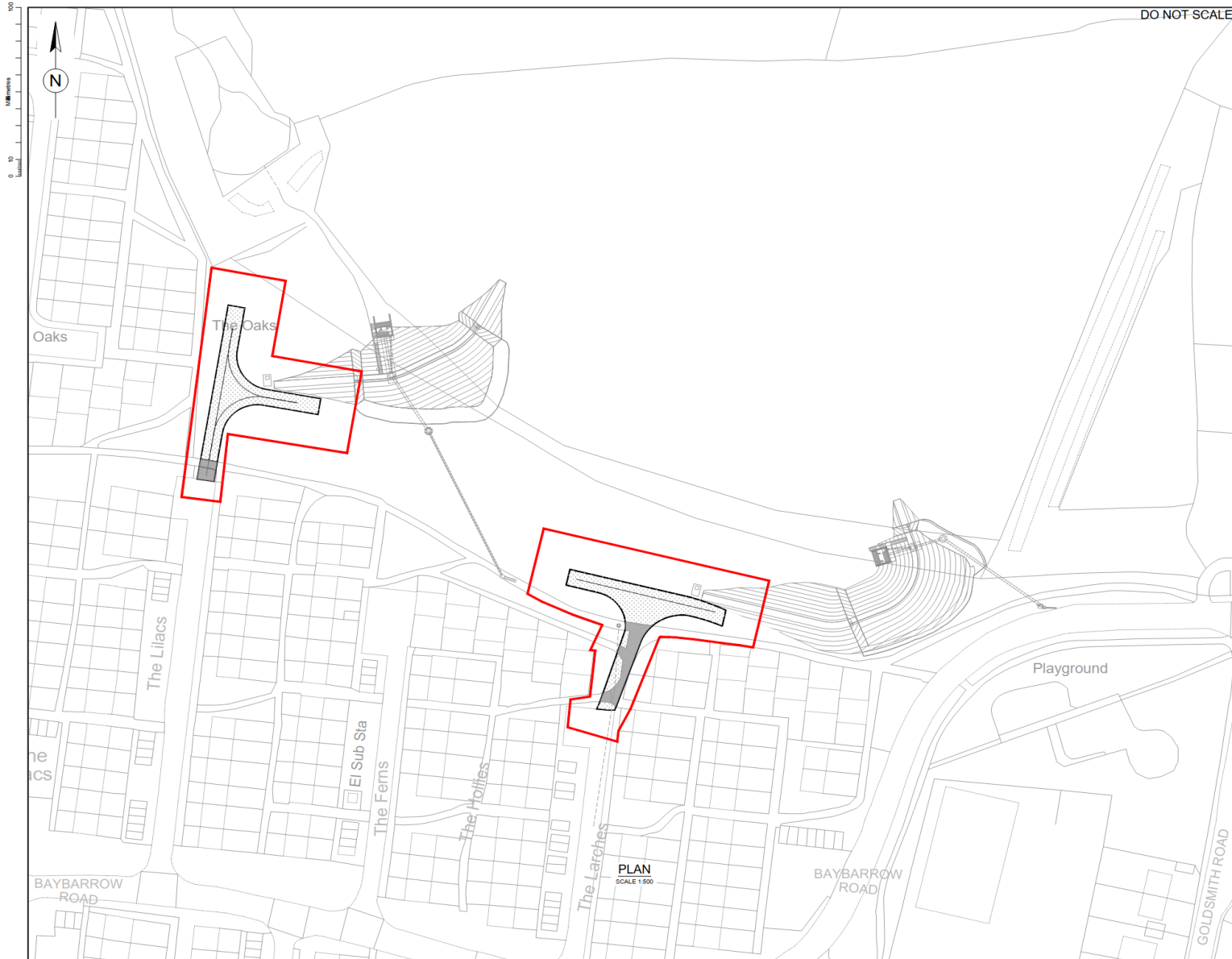
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Project No: **SKIRTING AND WHANGS BECK FRMS 5166264**

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NEW ACCESS TRACKS
WHANGS BECK UPPER
EXISTING AND PROPOSED PLANS**

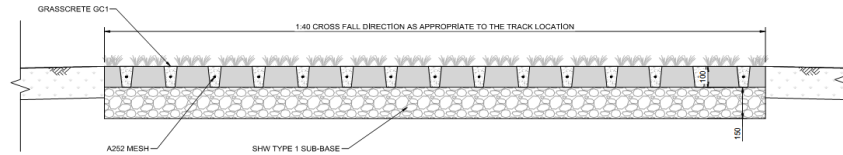
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Drawing Number: IMNW000818-VBA-HA-3T3-DR-C-0002 P01

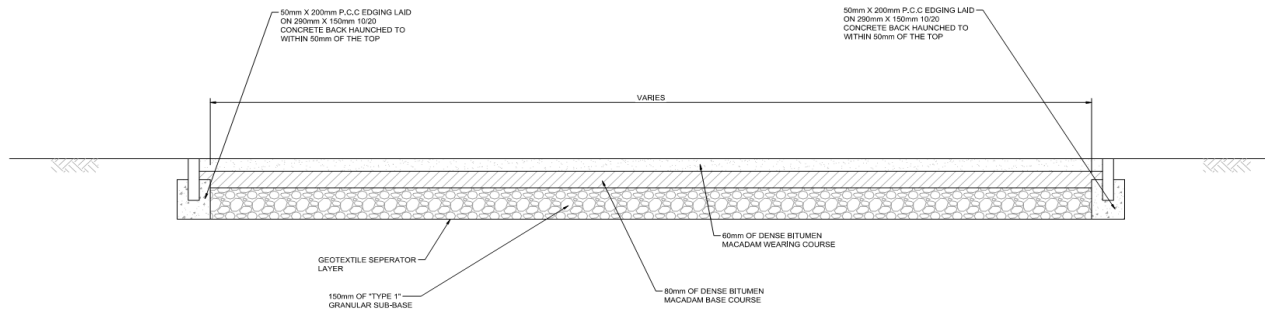


SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION					
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CONSTRUCTION					
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DECOMMISSIONING/DEMOLITION					
It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement					
KEY					
—		RED LINE BOUNDARY			
 Scale 1:500					
Rev.	Date	Description	By	Check	Approved
P01	16/03/22	FOR INFORMATION	SN	CH	SB
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Drawing Title WHANGS BECK RESERVOIRS NEW ACCESS TRACKS RED LINE BOUNDARY					
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Drawing Number	IMNW000818-VBA-HA-3T3-DR-C-0003				Project
					P01

0 10 20 30 40 50 60 70 80 90 100
Millimetres



GRASSCRETE TRACK
SCALE 1:10



TARMAC SURFACE FOR FOOTPATHS ALSO REQUIRING OCCASIONAL VEHICULAR ACCESS
SCALE 1:10

DO NOT SCALE

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

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CONSTRUCTION

MAINTENANCE/CLEANING

DECOMMISSIONING/DEMOLITION

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P01	17/03/22	FOR INFORMATION	SN	CH	SB
Rev.	Date	Description	By	Check	Issue

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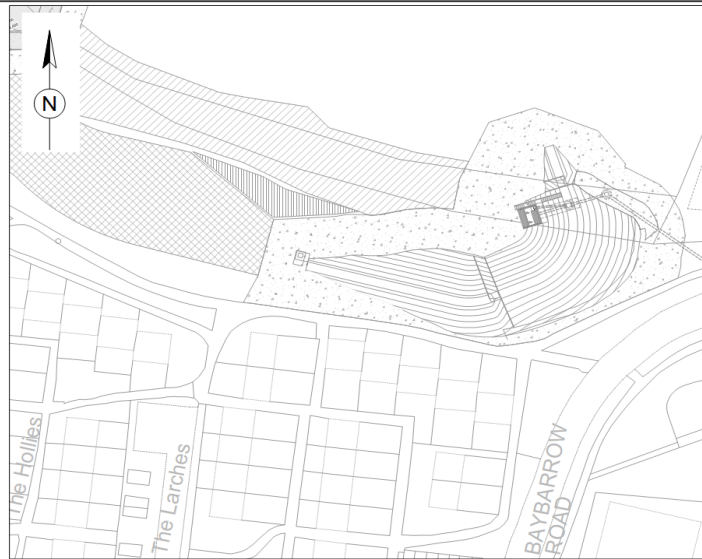
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SKIRTING AND WHANGS BECK FRMS 5166264

Drawn Title
WHANGS BECK RESERVOIRS NEW ACCESS TRACKS CROSS SECTIONS

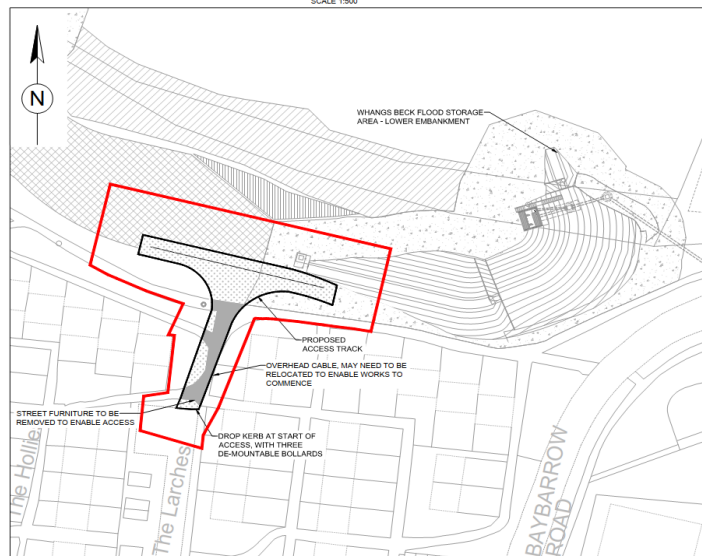
DATE	Drawn	Checked	Revised	Authorised
AS SHOWN	SN	CH	SB	---
Original Date	Date	Date	Date	Date
A1	17/03/22	17/03/22	17/03/22	---

Drawing Number: **IMNW000818-VBA-HA-3T3-DR-C-0004** Revision: **P01**

0 10 20 30 40 50 60 70 80 90 100
Meters



WHANGS LOWER BLOCK PLAN AS EXISTING
SCALE 1:500



WHANGS LOWER BLOCK PLAN AS PROPOSED
SCALE 1:500

DO NOT SCALE

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

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MAINTENANCE/CLEANING

DECOMMISSIONING/DEMOLITION

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	TARMAC SURFACE FOOTWAY
	GRASSCRETE
	TREE
	TREE CANOPY
	EXISTING VEGETATION TO BE RETAINED AND PROTECTED
	PROPOSED AGRICULTURAL GRASS RENSTATEMENT MIX - HAY MEADOW RE1
	PROPOSED DRY WOODLAND MIX 3
	RED LINE BOUNDARY



Rev	Date	Description	By	Chk'd	App'd
P01	10/03/22	FOR INFORMATION	SN	CH	SB

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Project Title
**SKIRTING AND WHANGS BECK FRMS
5166264**

Drawing Title
**WHANGS BECK RESERVOIR
NEW ACCESS TRACKS
WHANGS BECK LOWER
EXISTING AND PROPOSED PLANS**

Issue	Drawn	Checked	Reviewed	Authorised
AS SHOWN	SN	CH	SB	—
Original Date	Date	Date	Date	Date
AS	08/03/22	09/03/22	16/03/22	—
Drawing Number	IMNW000818-VBA-HA-3T3-DR-C-0005			Revision
				P01

0 10 20 30 40 50 60 70 80 90 100
MILLIMETRES

PLANT SCHEDULES:

RE3 River floodplain/water meadow (approx. 410m²)
Mx RE3 by Germinall Seeds or similar

Common Name	Botanical Name	% Mix	Sowing Rate
AULBURN HAWKBIT	(Leontodon autumnalis)	0.30%	
COMMON KNAPWEED	(Centaurea nigra)	2.30%	
COMMON MOUSE-EAR	(Cerastium fontanum)	0.10%	
CREeping BENT	(Agrostis stolonifera)	2.50%	
CREeping BUTTERCUP	(Ranunculus repens)	2.00%	
CREeping DOGSTAR	(Cynodon Dactylon)	20.00%	
WATER MARSHCUD	(Cladonia pulvinata)	0.20%	
MEADOW FESCUE	(Festuca pratensis)	10.00%	
MEADOW SWEET	(Filipendula ulmaria)	1.00%	
OSRE DANDY	(Leucanthemum vulgare)	3.50%	
RAGGED ROBIN	(Lychnis flos-cuculi)	0.30%	
RED CLOVER	(Trifolium pratense)	1.00%	
REWEGET PLAINAIN	(Plantago lanceolata)	4.00%	5g/m²
ROUGH HAWKBIT	(Leontodon hispidus)	2.00%	
ROUGH PLAINAIN	(Plantago lanceolata)	3.00%	
ROUGH HAWKBIT	(Leontodon hispidus)	0.10%	
ROUGH STALKED MEADOW GRASS	(Poa trivialis)	10.00%	
SELF HEAL	(Prunella vulgaris)	2.50%	
SURFING CREeping RED FESCUE	(Festuca rubra florida)	25.00%	
SWEET VERNAL GRASS	(Anthoxanthum odoratum)	2.50%	
TRIPS	(Phleum bertolonii)	5.00%	
WHITE CLOVER	(Trifolium repens)	2.50%	
YELLOW RATTLE	(Rhinanthus minor)	0.60%	
YORKSHIRE FOG	(Malva kamata)	5.00%	

Dry Woodland Mix 3 (approx. 288m²)

Botanical Name	Common Name	% Mix	Spacing/centre in metres	Form/Habit	Age / Condition or Number of Times Transplanted	Overall Minimum Height in cm	Root Condition: #tagged/Root: #B-rootball	Planting groups	Number
TREES									
Acacia campestre	Field Maple	5%	2	Feathered - 3 brooks	2x	125-150	B	5-9	36
Betula pendula	Silver Birch	5%	2.5	Feathered	2x	175-200	B	5-9	23
Quercus robur	Common Oak	5%	2.5	Transplant - branched 3 brooks	2x	60-80	B	5-9	23
Sorbus aucuparia	Rowan	5%	2	Feathered - 3 brooks	2x	125-150	B	5-9	36
SHRUBS									
Corylus avellana	Hazel	50%	1.5	Transplant - branched 3 brooks	1+2	60-80	B	5-9	450
Crotaegus monogyna	Hawthorn	20%	1.5	Transplant - branched 3 brooks	1+1	60-80	B	5-25	260
Prunus spinosa	Blackthorn	20%	1.5	Transplant - branched 3 brooks	1+1	60-80	B	5-9	65
Sambucus nigra	Rose	5%	1.5	Transplant - branched 3 brooks	1+1	60-80	B	5-9	65

Red Woodland Mix 1 (approx. 332m²)

Botanical Name	Common Name	% Mix	Sowing/centre in metres	Form/Habit	Overall Minimum Height in cm	Root Condition: #tagged/Root: #B-rootball	Planting groups	Number	
TREES									
Alnus glutinosa	Alder	20%	2.5	Feathered	2x	175-200	B	5-9	13
Betula pendula	Silver Birch	5%	2	Feathered	2x	175-200	B	5-9	1
Salix pubescens	Downy Birch	25%	2	Transplant	1+1	125-150	B	5-9	3
SHRUBS									
Camus sargolosa	Common Dogwood	20%	1.5	Transplant	1+2	60-80	B	5-9	30
Corylus avellana	Hazel	20%	1.5	Transplant	1+1	60-80	B	5-9	30
Sorbus aucuparia	Common White Rowan	10%	2	Transplant	5/2	115-150	B	5-9	10
Sorbus aucuparia	Common White Rowan	10%	2	Transplant	5/2	115-150	B	5-9	10
Sambucus nigra	Rose	10%	1.5	Transplant	1+0	60-80	B	5-9	10

Wet Woodland Mix 2 (approx. 305m²)

Botanical Name	Common Name	Sowing Rate	Depth (mm)	Grades/Creepance (mm)	
TREES					
Alnus glutinosa non-spruce	Allder	17/m²	30-75mm	10mm	6+

Agicultural Grass Reinstatement Mix (approx. 425m²)
Mx RE1 (traditional hay meadow - KCC Certified) by Germinall Seeds or similar

Common Name	Botanical Name	% Mix	Sowing Rate
ACACIA	(Acacia senescens)	0.20%	
AULBURN HAWKBIT	(Leontodon autumnalis)	0.20%	
BUTTERCUP	(Ranunculus repens)	0.20%	
BUTTERCUP BENT	(Agrostis capillaris)	2.60%	
BUTTERCUP DOGSTAR	(Cynodon dactylon)	20.00%	
COMMON KNAPWEED	(Centaurea nigra)	2.30%	
CREeping BENT	(Agrostis stolonifera)	2.50%	
CREeping DOGSTAR	(Cynodon Dactylon)	20.00%	
DOGSTAR CAT GRASS	(Festuca ovina)	5.00%	
HAY FESCUE	(Festuca ovina)	1.00%	
MEADOW BUTTERCUP	(Ranunculus acris)	1.00%	
MEADOW FESCUE	(Festuca pratensis)	5.00%	
MEADOW SWEET	(Filipendula ulmaria)	1.00%	
OSRE DANDY	(Leucanthemum vulgare)	3.50%	5g/m²
REWEGET PLAINAIN	(Plantago lanceolata)	3.00%	
ROUGH HAWKBIT	(Leontodon hispidus)	1.00%	
ROUGH PLAINAIN	(Plantago lanceolata)	1.00%	
SWEET VERNAL GRASS	(Anthoxanthum odoratum)	2.50%	
TRIPS	(Phleum bertolonii)	5.00%	
WATER MARSHCUD	(Cladonia pulvinata)	0.20%	
WHITE CLOVER	(Trifolium repens)	2.50%	
YELLOW RATTLE	(Rhinanthus minor)	0.60%	

All Embankments and Slopes (approx. 261m²)
Mx A3 by Germinall Seeds or similar

Common Name	Botanical Name	% Mix	Sowing Rate
CORAL BROWN CREeping RED FESCUE	(Festuca rubra rubra)	30.00%	
BURCH CREeping PERIPHERAL FESCUE	(Lolium perenne)	30.00%	
PERIPHERAL TALL FESCUE	(Festuca arundinacea)	30.00%	
MARSHCREeping FESCUE	(Festuca ovina)	30.00%	
HIGHLAND BROWTOP BEIRGRASS	(Agrostis costalis)	5.00%	

DO NOT SCALE

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the hazards normally associated with the types of work detailed on this drawing, note the following:

CONSTRUCTION

NA

MAINTENANCE/CLEANING

NA

DECOMMISSIONING/DEMOLITION

NA

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement

Key:

- Existing Public Right of Way
- Extinguished Public Right of Way
- Proposed Attention Embankment

Working Area Extent

- Light offset from bottom of embankment
- Proposed Mock Roof Fence an offset from bottom of slope. To match and tie into existing fence on site
- Extended Red Line Boundary

Grass-crete

- Tarmac surface Footway
- Existing Vegetation to be Retained and Protected During Construction in Accordance with BS5837:2012

Proposed Dry Woodland Mix 3 (approx. 288m²)

- All woodland areas to be unobscured in view
- Agicultural Grass Reinstatement (Mx RE1) Grass areas to be protected until established. Sowing guards to be installed to protect plants. For planting specification see Plant Schedule

Proposed Wet Woodland Mix 1 (approx. 332m²)

- To be unobscured in view (approx. 100m²)
- Grass areas to be protected until established. Sowing guards to be installed to protect plants. For planting specification see Plant Schedule

Proposed Agicultural Grass Reinstatement Mix - Hay Meadow RE1 (by Germinall or similar)

- For planting specification see Plant Schedule
- Area to be protected until established

Proposed Embankments and Slopes Mx A3 (by Germinall or similar)

- For planting specification see Plant Schedule
- Area to be protected until established

P01	16/03/22	FOR INFORMATION	SN	CH	SB
Rev.	Date	Description	By	CHKD	APPR

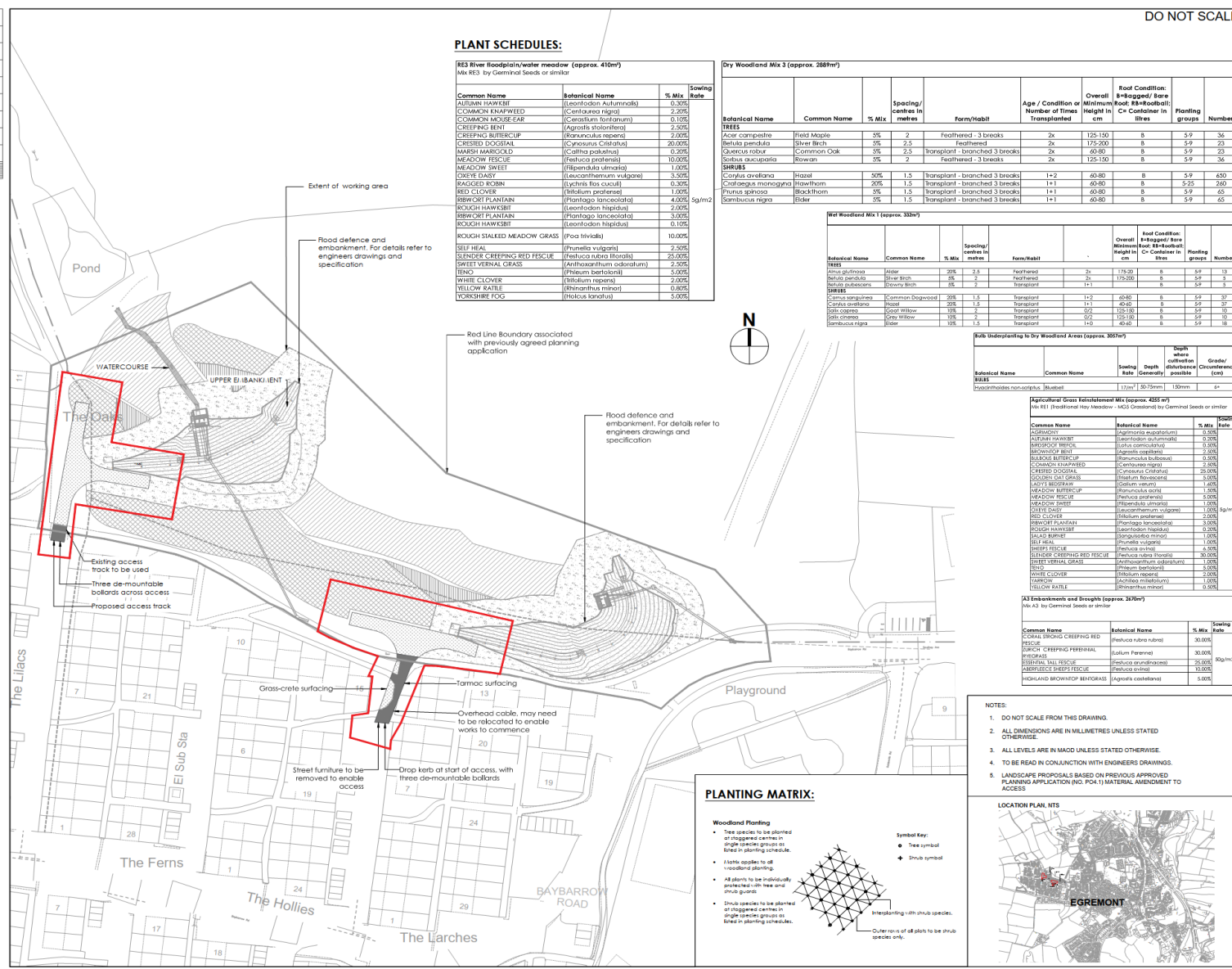
FOR REVIEW / COMMENT

Design Status	Submittal	Authority
	S3	

SKIRTING AND WHANGS BECK FRMS 5166264

SKIRTING AND WHANGS BECK FRMS WHANGS BECK ACCESS TRACK LANDSCAPE MASTERPLAN

Issue	Drawn	SN	Checked	Reviewed	Authorised
Original	1	08/03/22	08/03/22	16/03/22	---



PLANTING MATRIX:

Woodland Planting

- Tree species to be planted at staggered centres in single species groups as listed in planting schedule.
- Shrub species to be planted at staggered centres in single species groups as listed in planting schedules.

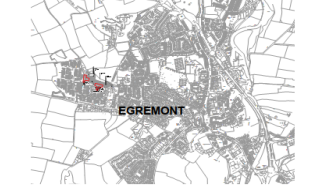
Symbol Key:

- Tree symbol
- ◆ Shrub symbol

Interplanting with shrub species.

Over rows of all plants to be shrub species only.

LOCATION PLAN NTS



Appendix B. Legislation

Species	Legislation	Offences	Licensing procedures and guidance
Bats <i>European protected species</i>	Conservation of Habitats and Species Regulations 2017 (as amended) Reg 43	Deliberately ⁷ capture, injure or kill a bat; deliberate disturbance ⁸ of bats; or damage or destroy a breeding site or resting place used by a bat. [The protection of bat roosts is considered to apply regardless of whether bats are present.]	A Natural England (NE) licence in respect of development is required. Guidance documents: <i>NE Standing Advice for protected species 2013</i> <i>European Protected Species: Mitigation Licensing- How to get a licence</i> (NE 2013) <i>Bat Mitigation Guidelines</i> (English Nature 2004) <i>Bat Workers Manual</i> (JNCC 2004)
	Wildlife and Countryside Act 1981 (as amended) S.9	Intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb ⁹ a bat in such a place.	Licence from NE is required for surveys (scientific purposes) that would involve disturbance of bats or entering a known or suspected roost site.
Badger	Protection of Badgers Act 1992	Wilfully kill, injure or take a badger; or intentionally or recklessly damage, destroy or obstruct access to a badger sett or disturb a badger in its sett. [It is not illegal to carry out disturbance activities in the vicinity of setts that are not occupied.]	Where required, licences for development activities involving disturbance or sett interference or closure are issued by Natural England (NE). Licences for activities involving watercourse maintenance, drainage works or flood defences are issued under a separate process. Licences are normally not granted from December to June inclusive because cubs may be present within setts. Guidance documents:

⁷ Deliberate capture or killing is taken to include “accepting the possibility” of such capture or killing

⁸ Deliberate disturbance of animals includes in particular any disturbance which is likely a) to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong.

⁹ Lower levels of disturbance not covered by the Conservation of Habitats and Species Regulations 2017 remain an offence under the Wildlife and Countryside Act 1981 although a defence is available where such actions are the incidental result of a lawful activity that could not reasonably be avoided.

			<p><i>NE Standing Advice for protected species 2013</i></p> <p><i>Badgers & Development (NE 2007)</i></p>
<p>Otter</p> <p><i>European protected species</i></p>	<p>Conservation of Habitats and Species Regulations 2017 (as amended) Reg 43</p>	<p>Deliberately capture, injure or kill an otter; deliberate disturbance of otters; or damage or destroy a breeding site or resting place used by an otter.</p>	<p>Licences issued for development by Natural England. Guidance documents: <i>NE Standing Advice for protected species 2022 European Protected Species: Mitigation Licensing- How to get a licence (NE 2013)</i></p>
	<p>Wildlife and Countryside Act 1981 (as amended) S.9</p>	<p>Intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb an otter in such a place.</p>	<p>No licence is required for survey in England. However, a licence would be required if the survey methodology involved disturbance.</p>
<p>Red squirrel</p>	<p>Wildlife and Countryside Act 1981 (as amended) S.9</p>	<p>Intentionally kill, injure or take red squirrels; intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection or disturb a red squirrel in such a place.</p>	<p>The legislation does not permit licences to be issued in relation to development of land. There is, however, provision within the legislation to carry out otherwise unlawful activities to red squirrel under a licence in certain defined circumstances. Licences are available for conservation, for example. Natural England do not provide guidance for problems with red squirrels and licensing, but they can be contacted for specific advice. The Forestry Commission provides several guidance notes on forestry related operations:</p> <p>FCS Guidance Note 31: Forest operations and wildlife protection: November 2006 Management guidelines for Red squirrel reserves in northern England, Operations Note 10a 1st June 2008 Special guidance for woodland creation in red squirrel focal areas, GWC red squirrel special guidance, G&R FCW, 14 February 2011</p>
<p>Great crested newt</p> <p><i>European protected species</i></p>	<p>Conservation of Habitats and Species Regulations 2017 (as amended) Reg 43</p>	<p>Deliberately capture, injure or kill a great crested newt; deliberate disturbance of a great crested newt; deliberately take or destroy its eggs; or damage or destroy a breeding site or resting place used by a great crested newt.</p>	<p>Licences issued for development by Natural England.</p> <p>Guidance documents:</p> <p><i>NE Standing Advice for protected species 2013</i></p> <p><i>European Protected Species: Mitigation Licensing- How to get a licence (NE 2013)</i></p> <p><i>Great Crested Newt Mitigation Guidelines (English Nature 2001)</i></p>

	Wildlife and Countryside Act 1981 (as amended) S.9	Intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb a great crested newt in such a place.	Licences issued for science (survey), education and conservation by Natural England.
Adder Common lizard Grass snake Slow worm	Wildlife and Countryside Act 1981 (as amended) S.9(1) and S.9(5)	Intentionally kill or injure any common reptile species.	<p>No licence is required.</p> <p>However, an assessment for the potential of a site to support reptiles should be undertaken prior to any development works which have potential to affect these animals.</p> <p>Guidance documents: <i>NE Standing Advice for protected species 2013</i></p>
Rabbits, foxes and other wild mammals	Wild Mammals (Protection) Act 1996	Intentionally inflict unnecessary suffering to any wild mammal.	<p>Natural England provides guidance in relation to rabbits, foxes (which are also protected under the Wildlife and Countryside Act 1981 from live baits and decoys) and other wild mammals, on their website.</p> <p>Lawful and humane pest control of these species is permitted.</p>
Plants Invasive species e.g. Japanese knotweed, hybrid knotweed, giant knotweed, giant hogweed, rhododendron, Himalayan balsam	Wildlife and Countryside Act 1981 (as amended) S.14	It is illegal to plant or otherwise cause these species to grow in the wild.	<p>Any contaminated soil or plant material is classified as controlled waste and should be disposed of in a suitably licensed landfill site, accompanied by appropriate Waste Transfer documentation, and must comply with section 34 of the Environmental Protection Act 1990.</p> <p>Guidance documents:</p> <p>The Knotweed Code of Practice (Environment Agency, 2013 version 3)</p> <p>Managing Invasive Non-native Plants (Environment Agency 2010)</p> <p>Guidance on Section 14 of the Wildlife and Countryside Act, 1981 (Defra 2010)</p>

Site Designation	Legislation	Protection	Guidance
Site of Special Scientific Interest (SSSI)	Wildlife and Countryside Act 1981 (as amended)	<p>It is an offence to carry out or permit to be carried out any potentially damaging operation.</p> <p>SSSIs are given protection through policies in the Local Development Plan.</p>	<p>Owners, occupiers, public bodies and statutory undertakers must give notice and obtain the appropriate consent under S.28 before undertaking operations likely to damage a SSSI.</p> <p>S.28G places a duty on all public bodies to further the conservation and enhancement of SSSIs.</p> <p>Guidance documents:</p> <p>The <i>National Planning Policy Framework</i> (Department for Communities and Local Government, February 2019), with particular reference to Policy 15, and the joint Circular.</p> <p><i>Sites of Special Scientific Interest: England's special wildlife and geological sites</i> (Natural England, 2008)</p>