

Construction Environmental Management Plan

Survey site: 35 Robin Hood Lane, Winnersh, Wokingham, Berkshire RG41 5ND

Client: Steve Bowie

Date: 27/03/2025

Project:

This report is prepared to inform a planning application with **Wokingham Borough Council**. The proposal is described as: *Demolition of the existing dwelling and replacement dwellings.*

Planning Application Reference Number: 222974

The survey results and recommendations contained within this report are valid for 18 months. An updated site visit may be required if the report is to be used any longer than 18 months after completion.

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Guidelines

This assessment has been designed to meet:

- British Standard 42020 (2013) 'Biodiversity – Code of Practice for Planning and Development'.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a preliminary ecological appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

In consequence of the scale and intensity of the proposed development, this plan-led report is considered adequate and proportionate. It communicates all relevant information necessary to determine a planning application or support the recommendations for further surveys.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Ltd. was commissioned by Steve Bowie to produce a Construction Environmental Management Plan (CEMP) for the proposed development at 35 Robin Hood Lane, Winnersh, Wokingham, Berkshire RG41 5ND (hereafter referred to as the site).

The site has previously been subject to the following ecological and arboricultural surveys and reports:

- Arboricultural Survey and Impact Assessment (Arbtech, May 2022)
- Preliminary Ecological Appraisal (Arbtech, April 2022)
- Bat Emergence Survey (Arbtech, May 2022)

1.2 Project Description

The planning application pertaining to the site (Wokingham Borough Council ref: 222974) describes the proposed development as: Demolition of the existing dwelling and replacement dwellings (hereafter referred to as “the proposed development”). A proposed development plan is provided in **Appendix 1**.

1.3 Site Location

The site is located at National Grid Reference SU78267098 and comprises an area of approximately 0.1ha. The site is characterised by a single dwelling, hardstanding, species-poor native hedgerow and semi-improved grassland with trees and introduced shrub and trees. The site is enclosed by residential development in all directions with Hinchley Wood Primary School and grounds ~0.12km east. The wider landscape is comprised of urban habitats within Wokingham, Berkshire. The landscape is dominated by dense residential areas and urban green spaces, and the site is located centrally within the suburban village of Winnersh. There are small, scattered woodland copses and tree lines around the area, which could be used by wildlife for shelter, foraging and commuting. A site location plan is provided in **Appendix 2**.

1.4 Scope of This Report

Following the submission of planning application 222974, planning permission was conditionally granted. The decision notice details pre-commencement planning conditions that relate to ecology. Specifically, Planning Condition 9 states:

“No development (including demolition and site clearance) shall take place until a Construction Environmental Management Plan (CEMP Biodiversity) to control the effects of the demolition and construction work on biodiversity and protected species has been submitted to and approved in writing by the Local Planning Authority. The CEMP Biodiversity shall include measures for:

- Practical measures to avoid or reduce impacts during construction*
- The location and timing of sensitive works to avoid harm to biodiversity features.*
- The times during construction when specialist ecologists need to be present on site to oversee works.*

Construction activity shall be carried out in accordance with the approved CEMP Biodiversity.

Reason: This condition will ensure that protected species and species of principal importance are not adversely affected by the proposals in line with wildlife legislation, NPPF and local policies CP3 and CP7.”

2.0 Ecological Baseline Conditions Relevant to This Report

The baseline ecological conditions of relevance to this report were determined as a result of the previous ecological assessments undertaken at the site including the Preliminary Ecological Appraisal (Arbtech, April 2022).

2.1 Value to Protected and/ or Notable Species and Anticipated Impacts

The site is characterised by a single dwelling, hardstanding, species-poor native hedgerow and semi-improved grassland with trees and introduced shrub and trees.

Given the type and extent of habitats recorded and the assessed connectivity between the site and the wider landscape, the site was assessed to provide opportunities for the following protected and/ or notable species:

- Reptiles
- Bats;
- Common species of nesting birds;
- Badger
- Hedgehog

The site is not considered suitable to support any other protected and/ notable species.

Reptiles

Habitats recorded on site were considered suitable to provide refuge, foraging, and commuting opportunities for reptiles. A vegetation pile was present on the western boundary which could support reptiles, such as slow worm and there is good connectivity to nearby residential gardens which could support common species of reptiles. Precautionary working methods are considered necessary to ensure no reptiles are harmed during construction activity.

Bats

No trees were identified as having potential to support roosting bats. The building was not identified as having any bat roosts present during previous surveys. As such, the proposals are not considered to result in the loss of any bat roosts.

Habitats recorded on site were assessed to provide limited foraging and commuting opportunities for bats, therefore the proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats.

Common Species of Nesting birds

Given the type and extent of habitats recorded, the site was not considered suitable to support a protected and/ or notable assemblage of breeding birds. However, habitats on site including the shrubs and scattered trees were considered suitable to support common nesting bird species.

The 2 individual trees and 2 groups of trees are proposed to be removed to facilitate the proposed development. Site clearance works therefore has potential to destroy an active bird nest if present.

Badger

No evidence of badger activity was present on site, however active setts could be present within nearby suitable habitat. Precautionary working methods are considered necessary to ensure no badgers are harmed during construction activity.

Hedgehog

The garden areas provide suitable nesting and foraging habitat. Evidence of hedgehog activity including droppings and foraging signs was present in the western garden area. Precautionary working methods are considered necessary to ensure no badgers are harmed during construction activity.

2.2 Scope for Mitigation and Enhancement

Habitats on site are assessed to provide opportunities for foraging and commuting reptiles, bats, badgers, nesting birds, and hedgehogs. Although the site is not assessed to represent a significant resource for these species / faunal groups in the context of the wider landscape, there is suitable connectivity to the site for these species and their future presence during construction activity cannot be discounted. It is therefore assessed that mitigation and enhancement appropriate to the scale of the development targeting these species groups will prevent any significant impacts occurring during construction whilst providing viable ecological enhancement post-development.

3.0 Construction Environmental Management Plan

3.1. Mitigation

Mitigation prescriptions to reduce adverse impacts to ecological receptors identified through the previous ecological assessment are detailed in Table 1 below.

Table 1: Mitigation

Mitigation	Specification
Persons Responsible and Lines of Communication	Overview: In order to ensure ecological mitigation and enhancement prescriptions are effectively applied during development works, it is required to ensure persons responsible, and lines of communication are clearly set out and maintained throughout the proposed development. Mitigation: A Development Biodiversity Champion will be selected for the construction phase. The Biodiversity Champion will be someone with significant influence during construction, such as the contract or project manager. The Development Biodiversity Champion will be responsible for ensuring all actions outlined in this CEMP are implemented. Any queries with regards to the mitigation and enhancement prescriptions will be addressed to the project ecologist and communication will be retained between the Development Biodiversity Champion and project ecologist throughout the construction phase to ensure the mitigation is applied and impacts to ecological receptors are effectively minimised. The project ecologist's contact details are located on the title page of this report. It is recommended that the Biodiversity Champion informs the project ecologist of the commencement of construction works and provides updates where necessary.
Legal Responsibility	It is expected that compliance with this CEMP will be legally enforced through a planning condition or Section (s) 106 agreement. As part of this legal agreement, within this CEMP will need to be retained and appropriately managed for the entire 30-year term to meet legislative objectives outlined in the Environment Act (2021). Should any future development at the site be proposed that will impact

	habitats that deliver the required gain as part of the planning condition/s106 agreement, this will need to be considered and suitably compensated for in accordance with any future plans.
Ecological Clerk of Works	All works detailed below will be supervised by a suitably qualified ecologist acting as an Ecological Clerk of Works (ECoW). The ECoW will work alongside the Biodiversity Champion and all other site contractors to ensure that the mitigation and enhancement measures detailed below are implemented correctly and that any reptiles displaced during the works are removed and relocated unharmed. The primary aim of the ECoW will be to ensure a suitable receptor site is created prior to site clearance works and to supervise the sensitive removal of all habitats of value to reptiles within the development area. Once the ECoW confirms this has been achieved, the development can continue in the absence of the ECoW, whereby contact between the Development Biodiversity Champion and project ecologist can be maintained to resolve any ecological issues that may arise during works.
Nesting bird check	Overview: Areas of hedge and scattered trees are proposed to be removed to facilitate the proposed development; this site clearance could destroy an active bird nest if present. Mitigation: The removal of hedges and trees will be undertaken outside the core breeding bird season, which is typically between March and August inclusive. If this timeframe cannot be avoided, a close inspection of the vegetation will be undertaken by a suitably qualified ecologist no more than 24 hours prior to the commencement of work. All active nests will need to be retained until the young have fledged.
Protection of Reptiles During Construction	Overview: No suitable reptile habitat will be cleared during the proposed development. However, there is a low risk of reptiles being present on the western site boundary therefore site clearance has the potential to cause death or injury to reptiles, if present. Mitigation is therefore considered necessary to ensure the risk of harm is reduced to an acceptable low level during construction.

Ecological Clerk of Works:

A qualified ecologist will be present on site to act as an ecological clerk of works (EcOW) during the clearance of vegetation of value to reptiles. The EcOW will complete a toolbox talk to contractors immediately prior to vegetation clearance works to highlight the potential presence of reptiles and amphibians and to outline indicators of their presence. The ECoW will provide formal confirmation of compliance via email or the production of a File Note, confirming when works are able to proceed without supervision. Any reptiles found to be present on the site during the works will be safely removed and translocated from the site to the accepted reptile receptor destination.

Timing of Works:

Vegetation clearance works must take place outside of the typical hibernation period for reptiles and amphibians, which is typically between November and February. Reptiles and amphibians are mostly torpid during this timeframe and are thus most vulnerable to injury or death. Undertaking vegetation clearance works during their active period, typically between March and September, will allow individuals to disperse unperturbed to adjacent retained habitats.

Toolbox Talk:

The ECoW will provide a toolbox talk to contractors immediately prior to both on-site and any off-site clearance works to facilitate the development to highlight the potential presence of reptiles, outline indicators of their presence, and to inform of protocol if a reptile is found.

Protection of Retained Habitats:

Heras fencing will be erected around the working area to prevent encroachment into retained habitats where reptiles could be present.

Pre-commencement Inspection / Destructive Searches of Refugia:

	While no refugia were identified within the site previously, the ECoW will survey the development area to be impacted for any features suitable for refuge (such as rock piles, brash piles etc.); any suitable features will be carefully dismantled by hand and removed from the impacted area by the ECoW. <i>Pre-Development Vegetation Clearance:</i> Following the removal of any refugia by the ECoW, sensitive vegetation clearance can then be applied when removing the scrub habitats. Sensitive vegetation removal will comprise a phased cutting method in addition to cutting in systematic patterns. The phased cutting method will be undertaken in two stages; the first cut will remove all vegetation to approximately 150mm from ground level and the second cut will be to ground level/ bare ground. Reptiles are most likely to be present at or just below ground level; the phased technique allows any individuals present at this vegetation level to disperse. The systematic vegetation cutting must be applied to both cutting phases Once the vegetation has been removed to ground level, remaining scrub can then be sensitively removed. The scrub will retain subterranean root networks that provide refuge opportunities for reptiles. In order to sensitively remove the remaining scrub, the root balls will be removed in a phased approach, whereby hand tools (where possible) or small plant machinery will be used to pull the root ball approximately 30cm out of the ground during each pulling phase followed by a break for the ECoW to check for the presence of reptiles. This procedure will continue until the roots have been removed. Holes created will then be infilled and subject to trampling/ light rolling to prevent recolonisation. Once the sensitive vegetation clearance has been completed, this development area will be managed as bare ground or very short vegetation (<50mm) which is unsuitable to support reptiles for prolonged periods and is likely to prevent individuals from recolonising the development area prior to works. All vegetation arisings/ logs created from the cutting will be removed from the area; a proportion of the arisings and logs will be used to create new hibernacula within the translocation site. This will enhance the receptor site for reptiles whilst ensuring the cleared sections of the site remain unsuitable to support this species during construction.
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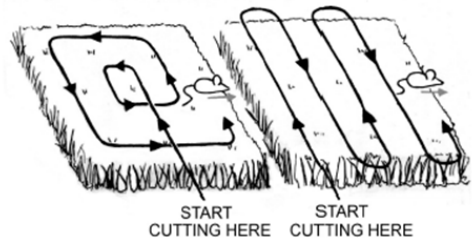


Figure 1: A schematic representation of vegetation cutting patterns as best to eliminate terrestrial opportunities for amphibians and reptiles.

Displacement of Reptiles:

Should any common reptiles be found during the works, these individuals will be carefully removed from the development area by the ECoW and placed within the translocation site located within Stokes Field.

Removal of Debris and Storage of Building Materials:

Once the above mitigation prescriptions have been completed and the on-site and off-site areas have been suitably prepared for development, excavation and construction activity can commence in the absence of an ECoW. However, in order to prevent the creation of large debris piles resulting from development works that could in turn become suitable refuge hibernacula for reptiles, all debris will be stored over hardstanding or within a skip. Furthermore, the storage of building materials should also be located over hardstanding or stored on pallets to prevent providing temporary refuge value to reptiles within the development area.

Prevent Trapping Reptiles During Works:

Deep excavations will be required during construction activity. Deep excavations could trap individuals and cause injury or death. All excavations will therefore either be suitably sealed overnight, or a ramp will be installed to enable any trapped animals to escape such

	as a piece of rough timber that is long enough to reach the base of the excavation from ground level. Should any trapped animals be found, the Development Biodiversity Champion will contact the project ecologist for advice on how to proceed. <i>Chemical Storage and Disposal:</i> Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.
<i>Protection of badgers during construction</i>	<i>Overview:</i> Habitats with suitability to support badgers are proposed for removal (grassland). The clearance of these habitats has potential to cause death or injury to badgers, if present. Mitigation is therefore considered necessary to ensure the risk of harm is reduced to an acceptable low level during construction. <i>Ecological Clerk of Works:</i> A qualified ecologist will be present on site to act as an ecological clerk of works (EcOW) who will undertake a pre-commencement inspection will be undertaken to identify badger activity. The EcOW will undertake a toolbox talk with to contractors regarding the possible presence of badgers at the site. The ECoW will provide formal confirmation of compliance via email or the production of a File Note, confirming when works are able to proceed without supervision. In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist. <i>Toolbox Talk:</i> The ECoW will provide a toolbox talk to contractors immediately prior to both on-site and any off-site clearance works to facilitate the development to highlight the potential presence of badgers, outline indicators of their presence, and to inform of protocol if a badger or sett is found.

	Heras fencing: Heras fencing will be erected around the working area to prevent encroachment into retained habitats where badger setts could be present During development: Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use. Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.
Protection of hedgehogs during construction	Overview: Habitats with suitability to support hedgehogs are proposed for removal (garden habitats). The clearance of these habitats has potential to cause death or injury to hedgehogs, if present. Mitigation is therefore considered necessary to ensure the risk of harm is reduced to an acceptable low level during construction. Ecological Clerk of Works: A qualified ecologist will be present on site to act as an ecological clerk of works (EcOW) who will undertake a pre-commencement inspection will be undertaken to identify hedgehog activity. The EcOW will undertake a toolbox talk with to contractors regarding the possible presence of hedgehog at the site. The ECoW will provide formal confirmation of compliance via email or the production of a File Note, confirming when works are able to proceed without supervision. In the unlikely event that a badger sett is identified, works must cease and advise must be sought from a suitably qualified ecologist.

	<i>Toolbox Talk:</i> The ECoW will provide a toolbox talk to contractors immediately prior to both on-site and any off-site clearance works to facilitate the development to highlight the potential presence of badgers, outline indicators of their presence, and to inform of protocol if a hedgehog is found. <i>Heras fencing:</i> Heras fencing will be erected around the working area to prevent encroachment into retained habitats where badger setts could be present. <i>During development:</i> Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use. Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.
<i>Pollution prevention to prevent indirect impacts to retained and adjacent habitats</i>	Pollution resulting from increased levels of water runoff and airborne particles during construction works have potential to pollute habitats in the wider area such as the surrounding gardens and retained trees. To mitigate the potential for indirect impacts resulting from the construction phases of the development, works must be completed in accordance with statutory guidance relating to pollution prevention. Specifically, prescriptions detailed within Environment Agency Pollution Prevention Guidance note GPP6: Working at <i>Construction and Demolition Sites</i> (Environment Agency 2014) is of relevance to the project. Considering this guidance document, the below mitigation prescriptions are considered suitable to mitigate impacts of pollution to an acceptably low level. The Development Biodiversity Champion will be responsible for ensuring the below mitigation recommendations are undertaken successfully during the works.

Materials Storage and water run-off:

The Development Biodiversity Champion will ensure that:

- Pollution risks are identified pre-construction.
- Pollutants are prevented from entering drains where possible.
- No stockpiles are created on exposed ground areas and ensure that all materials and chemicals are stored securely and safely on site in accordance with current Control of Substances Hazardous to Health (COSHH) regulations (HSE 2002).
- Stockpiles are located within the development area only and on level ground to prevent any accidental run-off.
- Contaminated materials, chemicals, and other hazardous substances must be stored on an impermeable surface, in a bunded area, within the development area only as per current containment system guidelines (CIRIA 2014).
- All chemicals and hazardous substances must be stored away from areas where there is heightened risk of damage from impact or collision such as areas of intense vehicle and pedestrian movement.
- All chemicals and hazardous substances must be labelled, and their containers effectively sealed when not in use. Such container must be inspected regularly and fit for purpose.
- Any damaged or old containers must be replaced in line with the duty of care requirements. Note such containers may be considered hazardous waste and their disposal must be undertaken appropriately.
- Staff are trained in use of spill kits and emergency procedures.
- If any pollutant enters a drain, immediately stop the pollution with a physical block, stop the activity causing the pollution, then notify the Environment Agency for surface water drains or the local sewerage provider for foul water drains. If there's a spill, accident, or emergency, try and prevent pollutants entering the drains.
- Report all pollution incidents to site management and the Environment Agency.

	• Ensure there is always a designated 'responsible person' on site. • Lock storage facilities when not in use. <i>Airborne particle suppression:</i> The Development Biodiversity Champion will ensure that: • Effective water suppression is used during demolition and construction operations. Handheld sprays are more effective than hoses attached to equipment as the water can be directed to where it is needed. In addition, high volume water suppression systems, manually controlled, can produce fine water droplets that effectively bring the dust particles to the ground. • Bag and remove any biological debris or damp down such material before demolition. • Carry out regular site inspections to monitor compliance. • Ensure all vehicles switch off engines when stationary. • Avoid the use of petrol- or diesel-powered generators and use mains electricity or battery power where possible. • Only use cutting, grinding, or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction. • Ensure an adequate water supply on the site for effective dust/ particulate matter suppression/ mitigation, using non-potable water where possible and appropriate. • Use enclosed shuts and conveyors and covered skips.
<i>Tree protection</i>	Tree root protection areas will be identified based on the existing tree inventory. A buffer from retained trees will be established and protected throughout the duration of construction activity. No trenches or ground works will be completed within the specified buffer of any retained trees on site. Trees will be appropriately protected in accordance with BS 5837:2012 - "Trees in relation to design, demolition and construction – Recommendations". As such, it is recommended that the trees are separated from construction works by

protective fencing throughout the duration of the construction phase of the development. A fencing specification is included within **Figure 2** below. Appropriate signage is to be included on the fencing in order to ensure that fences are not moved after establishing, as shown in **Figure 3**.

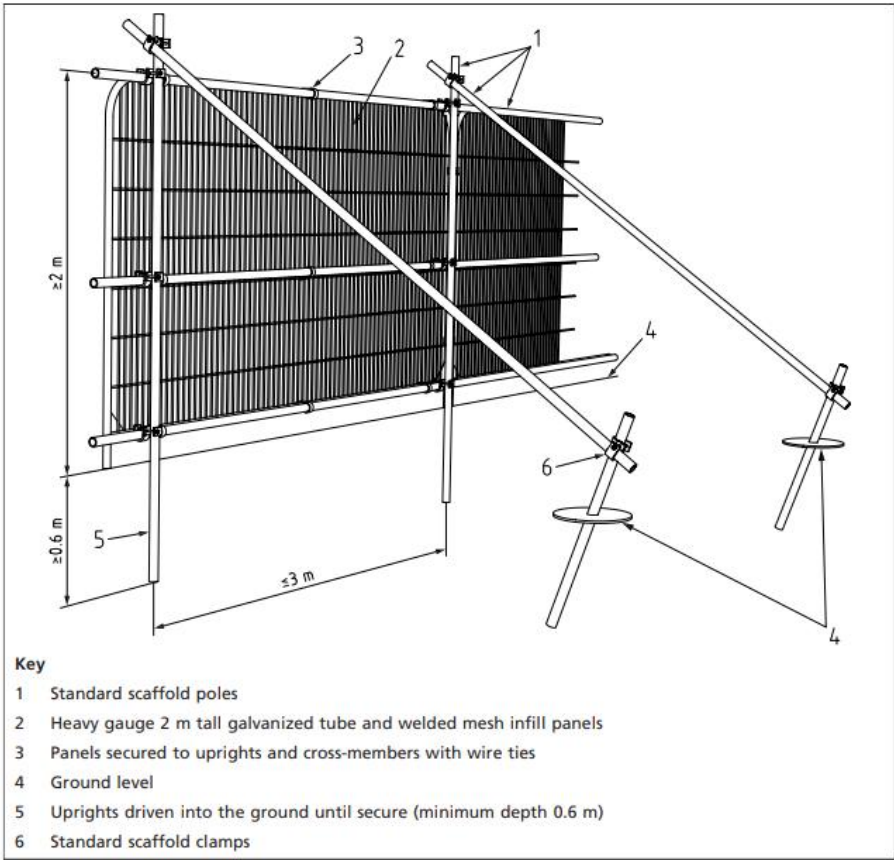


Figure 2: Default protective barrier specification (British Standards Institute 2012).

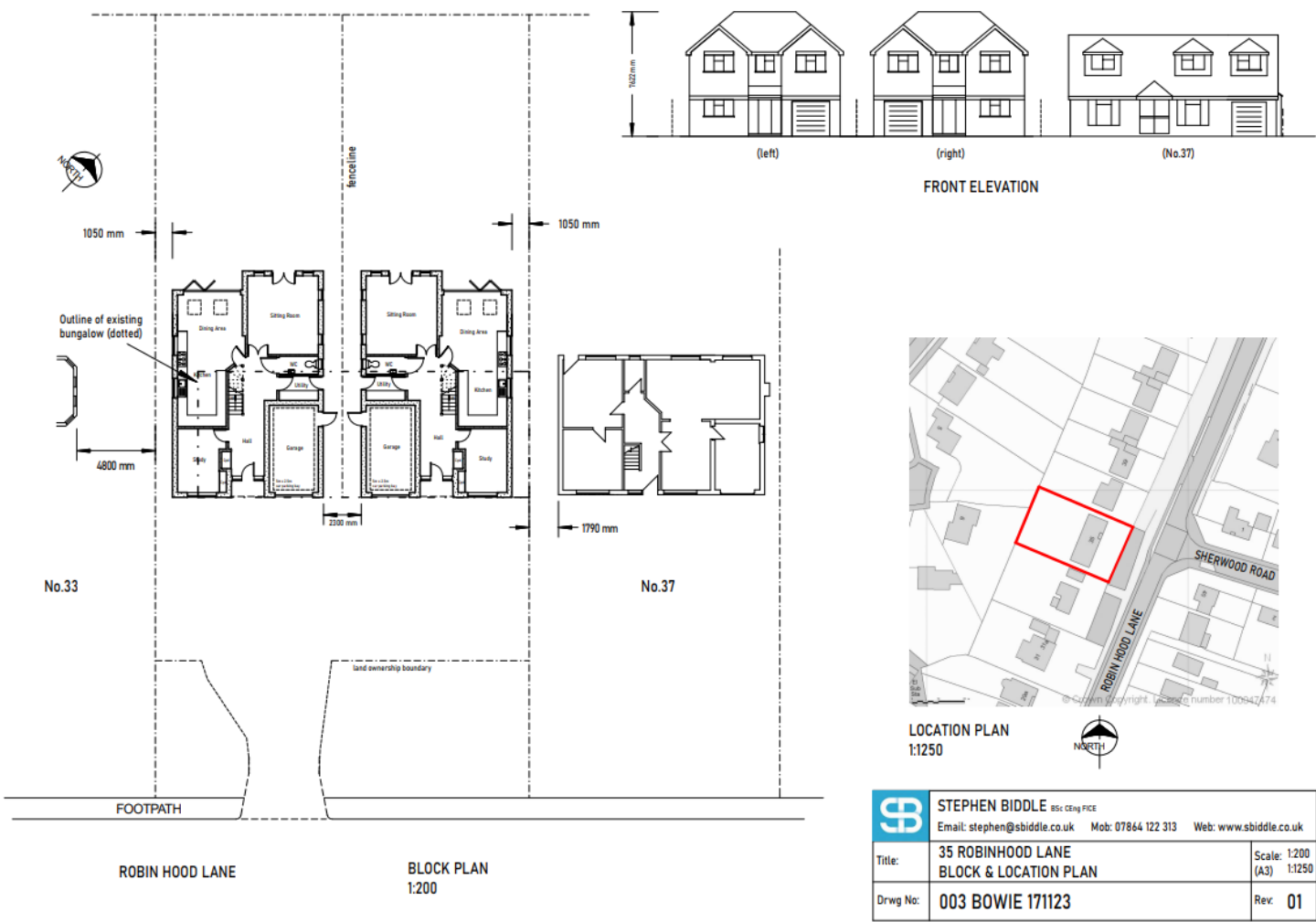


Figure 3: Default protective barrier specification (British Standards Institute 2012).

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Appendix 1: Proposed Development Plans



Appendix 2: Site Location Plan



North western boundary: Existing dilapidated fencing removed and replace with new timber close board fence 2000mm high & mixed native hedgerow. Provide hedgerow access holes

New bike sheds

Garden division: New timber close board fence 2000mm high. Provide Hedgerow access holes (150mm x 150mm) to the north-western end

Existing dilapidated fencing removed and replace with new timber close board fence 2000mm high

Existing bungalow demolished (indicated dashed)

Pedestrian timber gates to match fence: 1800mm high

Timber bin store enclosure.

Gravel surface over cellweb (cellular confinement system)

Permeable surface, laid in accordance with Highways specifications and details

Existing shed removed (indicated dashed)

Existing boundary hedge retained (H2 mixed species predominately privet)

Existing hedge retained where possible. New fencing to match existing: 1800mm high.

Timber bin store enclosure

Existing fence 1200mm high and boundary vegetation

New tree & shrub planting

Existing gravel

Existing hedgerow (H1) to be reduced & retained

NOTES

- Ground work within RPA of existing trees - Any required excavations within RPAs for the new planting and fewer posts shall be undertaken by hand using hand held tools only to minimise any root damage. All such works will be undertaken in full accordance with Section 7.2 of BS5837:2012. Any required root pruning will be undertaken by the Arboricultural Consultant (where each works are appropriate in accordance with the above Standard) and as detailed in Section 7.2.
- New Fencing:** All fence posts within RPAs shall be locally adjusted to avoid significant roots and undertaken by hand using hand held tools to minimise any root damage.
- Tree Survey & RPAs:** Refer to Arbreach Tree Survey & APS Report.
- Hard landscape details and surface drainage:** refer to Architects and Engineers details. For details on retaining structures, please refer to engineers / architects details.
- Levels:** proposed detailed levels to be provided by Engineers details.
- Surface finishes:** to be installed in accordance with the manufacturers instructions. All hard surfaces laid to falls.

TYPICAL HARD IMAGES

LEGEND

SOFT LANDSCAPE WORKS

- Existing grass & non protection area to be retained & protected refer to Arbreach APS report
- Existing vegetation to be retained & protected
- Existing tree and vegetation to be retained
- Proposed tree planting - refer drawing S31-LA-P-02
- Proposed new shrub planting - refer to drawing S31-LA-P-02
- Proposed mixed native hedgerow planting - refer to drawing S31-LA-P-02
- Proposed priority grass areas - Species rich lawn
- Existing grass verge retained - made good where necessary

HARD LANDSCAPE WORKS

- Proposed permeable block paving - Permacrete Block paving or Tarmac/Gravel/Concrete alternative
- Proposed paved date laid to fall and manufacturer's instructions
- Proposed gravel surface over Cellweb (cellular confinement system)
- Proposed 3 rows of granite setts
- Proposed timber close board fencing - 2000mm high horizontal boards with capping rail & gravel board
- Proposed timber pedestrian gates - 1800mm high
- Existing dwelling demolished

ECOLOGICAL ENHANCEMENTS - refer to Arbreach Biodiversity Report for detail and exact locations

- Provide Hedgerow access holes along proposed timber close board fences - 150mm x 150mm
- Species rich beam grass areas
- Planted native hedgerows
- Dead trees - see S31-LA-P-02
- Dead trees - see S31-LA-P-02
- Dead trees - see S31-LA-P-02

BRADFORD-SMITH

LANDSCAPE ARCHITECTURE

ST THOROLD ROAD PARKWAY SURVEY

TELEPHONE: 0118 384 1111

PROJECT: 35 ROBINHOOD LANE, WINNERSHAM, WOKINGHAM, RG41 1ND

Client: Mr & Mrs S Lewis

Consulting: Landscape General Arrangement Plan

Date: 10/08/2021

Scale: 1:500

Author: [Name]

Check: [Name]

Drawn: [Name]

Project Manager: [Name]

Site Manager: [Name]

Planning: [Name]

Construction Environmental Management Plan

LEGAL PROTECTION**National and European Legislation Afforded to Habitats*****International Statutory Designations***

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive the, Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe in order to conserve the 189 habitats and 788 species (non- bird) identified in Annexes I and II of the Directive (as amended).

SPAs are classified under Article 2 of the EC Birds Directive both for rare bird species (as listed on Annex I) and for important migratory species.

SACs and SPAs up to 12 nautical miles (nm) from the coast are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2010 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994. In Scotland, the requirements of Habitats Directive are implemented through a combination of the 1994 and the 2010 (reserved matters) Regulations. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a means for designating and protecting SACs in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres” however they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority.

Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species**The Habitats Directive**

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests': the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;

- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
-

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agency's to define what would constitute a licensable activity. It is not possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Herpetofauna (Amphibians and reptiles)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

Effects on development works:

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

Effects on development works:

If development works are liable to affect habitats known to support water voles, the relevant countryside agency must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid

times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency (e.g. Natural England) for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

An EPSM Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

Works which are liable to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Dormice

Dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White clawed crayfish

The white clawed crayfish *Austropotamobius pallipes* receives partial protection under Schedule 5 of the WCA in respect of Sections 9(1) and 9(5). This makes it an offence to:

- Intentionally take (capture) white-clawed crayfish.

Effects on development works:

The relevant countryside agency will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

Effects on development works:

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

Effects on development works:

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site however it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any land owner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

Local Planning Policy

Wokingham Borough Council Core Strategy 2011

The Wokingham Borough Council Core Strategy is the key document outlining the long-term spatial vision for district and applies to the location of the site. The Core Strategy includes policies which relate to biodiversity and nature conservation which are relevant to this report. Such policies are detailed below:

Policy CP7: Biodiversity states:

“Sites designated as of importance for nature conservation at an international or national level will be conserved and enhanced and inappropriate development will be resisted. The degree of protection given will be appropriate to the status of the site in terms of its international or national importance.

Development:

A) Which may harm county designated sites (Local Wildlife Sites in Berkshire), whether directly or indirectly, or

B) Which may harm habitats or, species of principle importance in England for nature conservation, veteran trees or features of the landscape that are of major importance for wild flora and fauna (including wildlife and river corridors), whether directly or indirectly, or

C) That compromises the implementation of the national, regional, county and local biodiversity action plans

will be only permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the nature conservation importance, that no alternative site that would result in less or no harm is available which will meet the need, and:

i) Mitigation measures can be put in place to prevent damaging impacts;

or

ii) Appropriate compensation measures to offset the scale and kind of losses are provided.”

Wokingham Borough Council Biodiversity Action Plan 2012-2024

“This new Wokingham Borough Biodiversity Action Plan (BAP) covers the period 2012-2024 and aims to build on the achievements of the previous Biodiversity Action Plan for the Borough (2003-2012). It combines those BAP targets identified in the 2008 progress report as requiring continued work, with newly identified targets, in one structured delivery framework. The overall aims of the Wokingham Borough BAP are to:

- Raise awareness of the issues impacting on local biodiversity*
- Outline targets and actions which will enhance biodiversity in the Borough*
- Encourage and support community engagement, enabling local action to deliver targets*
- Encourage management practices sympathetic to wildlife, promoting “good practice” and providing guidance*
- Ensure policies are in place for the protection, management and enhancement of the local wildlife resource.”*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by Natural England will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored. The legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost (Garland & Markham, 2008).

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law.

Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below);
- That there is no satisfactory alternative;
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

1. include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. scientific and educational purposes,
3. ringing or marking
4. conserving wild animals

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.

Version control			
Status	Issue	Name	Date
Draft	0.1	Rebecca Gane BSc (Hons), Graduate Ecologist	27/03/2025
Proof	0.2	Mel Reid BSc (Hons) MRes AMRSB, Principal Ecologist	01/04/2025
Final	1.0	Rebecca Gane BSc (Hons), Graduate Ecologist	01/04/2025