

REASONABLE AVOIDANCE MEASURES (RAMS) METHOD STATEMENT

THE RAMSHORN ESTATE, RAMSHORN
ROAD, OAKAMOOD, ST10 3BZ

for

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CONTROL SHEET

Amos Group Ltd

The Ramshorn Estate, Ramshorn Road, Oakamoor, ST10 3BZ

Reasonable Avoidance Measures (RAMS) Method Statement

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1. INTRODUCTION

COPIES OF THIS DOCUMENT AND ALL ASSOCIATED ECOLOGICAL REPORTS RELEVANT TO SITE WORKS AND RELEVANT PLANNING CONDITIONS WILL BE KEPT IN THE SITE OFFICE, PRINTED, BOUND AND PLACED IN A CLEARLY LABELLED FOLDER, SO THEY ARE AVAILABLE TO REFER TO AT ANY TIME.

1.1 Scheme Background

Focus Environmental Consultants has been commissioned by Amos Group Ltd ('the Client'), to produce a Reasonable Avoidance Measures (RAMS) Method Statement to discharge Condition 7 of the Decision Notice (planning ref: SMD/2025/0278) for The Ramshorn Estate, Ramshorn Road, Oakamoor, ST10 3BZ ('the Site').

Condition 7:

'No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in full accordance with, and observation of, the approved CEMP, ensuring that all steps and measures detailed in the approved CEMP are implemented and carried out. The CEMP must include:

- *Risk assessments of potentially damaging construction activities.*
- *Reasonable Avoidance Measures (RAMs) for amphibians, birds, bats, badgers and hedgehogs.*
- *Identification of biodiversity protection zones.*
- *Practical measures during construction to avoid or reduce impacts during construction (may be provided by method statements).*
- *The location and timing of sensitive works to avoid harm to biodiversity.*
- *The times during construction works when specialist ecologists need to be present on site to oversee works.*
- *Responsible persons and lines of communication.*
- *The role and responsibilities of an ecological clerk of works or similar competent person.*
- *Use of protective fences, exclusion barriers and warning signs.*

The CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with approved details, unless otherwise agreed in writing with the LPA.'

A copy of this RAMS will be kept onsite and will be available to all employees, sub-contractors and self-employed persons. It will be the responsibility of the Site Manager to ensure that pertinent information, and particularly agreed rules and procedures, are relayed to employees / workforce prior to commencement of the works.

1.2 Objectives

The objectives of this RAMS Method Statement are:

- to produce a concise working document, including species-specific method statements, to ensure future development of the Site is carried out in full compliance with wildlife law and recognised best practice and all reasonable precautions have and will be undertaken to avoid killing or injuring or wildlife during the development.
- to provide a RAMS method statement for amphibians, birds, bats, badgers and hedgehogs for the development to allow the discharge of Condition 7 of the planning permission.
- To be read in conjunction with the Construction Environmental Management Plan (CEMP), which will also be submitted to allow the discharge of Condition 7 of the planning permission.

1.3 Site Description & Location

The Site is 0.06ha in size and is centred on Ordnance Survey grid reference SK 0732 4554. The Site was surveyed by an ecological consultant from Focus Environmental Consultants on 12 July 2024. Please refer to the Preliminary Ecological Appraisal with Preliminary Roost Assessment for further details (Focus Environmental Consultants, 2024b).

The Site comprises an existing access track and an area of compacted gravel / hardcore (artificial unvegetated substrate / developed land; sealed surface), which currently houses a skip. There were a few miscellaneous items stored onsite (e.g.

wooden boards & stone pile). The Site boundaries are formed of the woodland (predominately deciduous) which dominates the wider area within the landownership of the Client, and ornamental shrub planting bordering the access track.

It is understood that the development proposals are for construction of a utility / shop building with a service yard and vehicular access.

2. CONSTRUCTION METHOD STATEMENT

The following prescriptions will be undertaken during the construction phase to ensure best practice is carried out during the development to reduce impacts on resident wildlife and retained habitats. Please refer to the individual sections below for prescriptions regarding specific species. A Mitigation, Compensation & Enhancement Plan can be found within Annex 7.1.

2.1 Site Personnel

Focus Environmental Consultants has been appointed as the Ecological Clerk of Works to oversee and monitor the ecological aspects of the development during all construction phases. Contact information is provided in Annex 7.2.

2.2 Site Materials & Working Hours

To avoid any unnecessary disturbances to nocturnal wildlife (e.g. night-lighting, loud noises or vibrations from the use of heavy machinery), construction activities will be restricted to the normal working day (i.e. 7am – 6pm). Working outside this time frame should only occur in exceptional circumstances and when no other option is available.

If required, any artificial lighting of the Site at night will be minimal and low-level to minimise light spillage on the surrounding habitat. Lighting will specifically be directed away from all boundary edges, as recommended by the Bat Conservation Trust & Institute of Lighting Professionals (2023).

T4 contained Potential Roost Features (PRFs) for bats. As such, Heras fencing will be erected around T4 to prevent any accidental damage. This will be known as a Biodiversity Protection Zone.

The storage of materials / machinery within the Site will only be permitted in areas of bare ground (e.g. cleared areas / hardstanding).

Contractors using tall and / or wide loads during Site operations should be extra vigilant to prevent coming into contact with trees within / adjacent to / over-hanging the Site.

2.3 Monitoring

Monitoring will be undertaken by the appointed Ecological Clerk of Works and to ensure compliance with the RAMs Method Statement. Timing of visits will be as the Ecological Clerk of Works sees fit and may change in frequency depending on the stage of the construction works. These inspections / monitoring visits will be recorded, and a formal letter-style report produced.

The Ecological Clerk of Works maintain regular contact (via telephone / email) with the Construction Manager / client throughout the construction works. Any breaches of the RAMs method statement will be brought to the attention of the Construction Manager / client and remedial action will be implemented.

2.4 Record Keeping

Details of all work completed under this RAMs method statement, together with relevant maps and photographs to be retained and appended to this document.

3. BATS

3.1 Background Information

Please refer to the Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus Environmental Consultants, 2024b) for the evaluation of bats at the Site. A summary can be found below.

The Site contains no built structures or trees. However, an early-mature / mature oak tree was noted within the woodland immediately bordering the Site, which contained PRFs, which could be exploited by roosting bats.

Survey effort to date has identified the following:

- T4 has been identified as 'PRF'.
- The habitats within the proposed development Site itself offer 'negligible' suitability for foraging and commuting bats due to the dominance of artificial unvegetated unsealed surface.
- The surrounding habitats (woodland, waterbodies and mature trees) offer 'high' suitability for roosting, foraging and commuting bats.

3.2 Mitigation Strategy

3.2.1 Trees

T4 has been identified as supporting PRFs for bats. Although the tree is located offsite, it will be fully retained within the detailed development proposals. Potential indirect impacts on roosting bats may arise through disturbance associated with both the construction and operational phases, particularly from artificial lighting and general Site activity.

To safeguard this feature, Heras fencing will be installed to establish a 5m Biodiversity Protection Zone around T4 for the duration of the construction works. No pruning, crown lifting or other arboricultural works will be undertaken to the tree. All plant and vehicles will operate with due care and will maintain an appropriate distance to avoid contact with the tree or any overhanging vegetation. Please refer to Section 7.1 for the exact location of T4 and the Biodiversity Protection Zone.

3.2.2 Night lighting

No exterior light shall be attached to the building or anywhere else on the application Site, during either the construction or operational phase of the development unless it accords with the details of a 'sensitive nocturnal lighting strategy' that has been submitted to and approved in writing by the Local Planning Authority.

If lighting is required, the following elements should be considered within the sensitive nocturnal lighting strategy:

- No illumination of the Site boundaries is permitted to prevent disturbance to bats and other nocturnal wildlife.
- No illumination of T4 offsite.
- No additional lighting, other than downward facing lighting above or beside each external door (and below eaves height) with a corrected colour temperature not exceeding 2700K and brightness under 500 lumens.

3.3 Compensation & Enhancement Measures

In line with Government policy, the development will aim to deliver on ecological enhancement. The following enhancement measures are to be installed/ implemented within the Site. A Mitigation, Compensation & Enhancement Plan can be found within Annex 7.1.

- One tree-mounted bat box, suitable for woodland species in particular (*e.g.* Schwegler 2FN Bat Box and Convex Bat Box or similar), will be installed on a mature tree adjacent to the Site to provide new roosting opportunities for bats. Boxes will be placed a minimum of 4m above ground level to ensure they are out of the reach of potential predators (*e.g.* cats). They will be placed in areas where lighting will not disturb or discourage bats from roosting with a clear flight path to suitable foraging habitat. Bat boxes are low-maintenance structures that will not require significant attention once erected.
- Any new landscape planting within the Site will include a variety of plants, and shrubs. Planting should utilise a variety of native scented and flowering species

which will attract night-flying insects for bats. Together with retention of existing offsite trees, this will provide continued commuting and foraging opportunities for bats within the post-developed Site.

3.4 Timetable of Works

The bat box will be installed during the construction works and will be in position prior to the first use of the developed Site.

4. BIRDS

4.1 Background Information

The habitats within the proposed development Site offer negligible suitability for birds due to the lack of suitable vegetation. The habitat immediately offsite however (woodland, shrubs) offers suitable nesting and foraging habitat for a variety of bird species.

Please refer to the Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus Environmental Consultants, 2024b) for full details of bird species recorded at the Site.

4.2 Mitigation Strategy

The following method of work is designed to ensure the protection of nesting birds offsite.

- Where areas of potential bird nesting habitat (e.g. the offsite woodland and shrubs) require cutting back, clearance will be undertaken outside the bird nesting season (March – August, inclusive) wherever feasible.
- If avoiding the bird nesting season is not possible within the development constraints, areas of vegetation will be carefully checked by the Ecological Clerk of Works prior to removal. The Ecological Clerk of Works will be able to identify any nesting birds and advise of appropriate safe working distances to ensure compliance with wildlife legislation.
- Active nests must be left until young have fledged, as advised by the Ecological Clerk of Works. An appropriate buffer (e.g. 5m) will be retained around the nest and works within this area will not be permitted until the Ecological Clerk of Works has confirmed that nesting birds are no longer present.

4.3 Compensation & Enhancement Measures

In line with Government policy, the development will aim to deliver on ecological enhancement. The following compensation and enhancement measures are to be installed within the site boundaries. A Mitigation, Compensation & Enhancement Plan can be found within Annex 7.1.

- One traditional bird box such as the 1B Schwegler Nest Box (32mm entrance hole) or Vivara Pro Seville 32mm Woodstone Nest Box will be installed at the Site. These cavity bird boxes are particularly suitable for a variety of birds including the larger tit species, nuthatch, flycatchers and sparrows. The box can be sited on walls or trees and should be positioned at heights between 1.5 – 4m and out of direct sunlight (preferably north – east facing).

4.4 Timetable of Works

The bird box will be installed during the construction works and will be in position prior to the first use of the developed Site.

5. AMPHIBIANS

5.1 Background Information

Please refer to the great crested newt survey report (Focus Environmental Consultants, 2024a) for full details of the survey work completed at the Site.

Two waterbodies were present within 250m of the Site in 2024. As recommended within the Preliminary Ecological Appraisal with Preliminary Roost Assessment, two specialist presence / absence surveys for great crested newts using environmental DNA (eDNA) testing was carried out on Pond 1 and Pond 2 (in accordance with Natural England's approved method (Biggs *et al.*, 2014)) in 2024. The eDNA testing returned a positive result for both ponds, confirming the presence of great crested newts.

The habitats onsite were of negligible suitability for great crested newts, given the entire Site is artificial unvegetated unsealed surface. However, there are a number of miscellaneous items onsite (*e.g.* wooden boards & stone piles), which will be removed to facilitate the development.

5.2 Mitigation Strategy

The following method statement will be implemented to avoid the incidental killing or injuring of amphibians and ensure compliance with wildlife legislation (*e.g.* Wildlife and Countryside Act 1981, *etc.*):

Prior to construction and ground-clearance activities the following programme outlined below will be adhered to:

- Focus Environmental Consultants has been appointed the Ecological Clerk of Works to oversee the ecological mitigation work. All ecologists acting as the Ecological Clerk of Works on this project must be experienced in working with great crested newts and hold a Natural England survey licence (Level 1).
- To avoid the risk of encountering hibernating herpetofauna, offsite boundary ground-clearance works, and removal of onsite miscellaneous items will be

undertaken at times of the year when reptiles and amphibians are typically active (April – October, inclusive). This period can be extended if suitable weather conditions and daytime temperatures (minimum of 9°C) are present.

- A tool-box talk will be provided by the Ecological Clerk of Works prior to any ground-works commencing. This talk will indicate an appropriate procedure for working within this area to minimise disturbance on the Site and the risk of inadvertently harming great crested newts. All contractors will be made aware of what a great crested newt looks like and what to do in the unlikely event that a great crested newt is found.
- The great crested newt site poster (see Annex 7.1) must be installed at the Site in a suitable and visible location (e.g. site office).
- The duration of the groundworks will be kept as short as possible and only undertaken during the daytime when great crested newts are unlikely to be active above ground.
- Where possible, hand tools will be used to minimise the level of disturbance (e.g. noise and access routes) that is associated with heavy machinery.
- Storage of materials will be kept to a minimum and must be on areas of hardstanding. Where materials must be stored, they will be restricted to inert objects located on hardstanding and stored on pallets to discourage amphibians from using them as shelter. Any materials will be stored in skips or similar containers rather than in piles on the ground.
- The use of vehicles / heavy machinery outside of the construction zone must be kept to areas of hardstanding / bare ground in order to minimise the risk of inadvertently killing or injuring great crested newts.

- The vegetation on or adjacent to the Site that needs cutting back or removing (*i.e.* boundary shrubs) will be cut to a height of approximately 150mm above ground-level at least seven days prior to any ground clearance works starting within the development footprint. The cut should be completed using handheld tools (*e.g.* strimmers) as the preferred option. This action will ensure the habitats within/adjacent to the development footprint are unsuitable for great crested newts and that they have time to vacate the area prior to removal of shrubs (if required).
- Immediately prior to removal of boundary shrubs (if required), the Ecological Clerk of Works will carry out a finger-tip search within the development footprint for vulnerable species (*i.e.* great crested newts). This will include turning over and removing any miscellaneous items, objects or debris within the area.
- Sensitive operations, such as boundary vegetation removal (if required) and removal of any miscellaneous items / objects / debris, will be directly supervised by (or carried out by) the Ecological Clerk of Works, who will also ensure that works are contained within the development footprint.
- Any trenches left overnight will be covered or provided with ramps to prevent vulnerable vertebrate fauna from becoming trapped.
- **NOTE: Should great crested newts be found during any part of the development, then work will cease immediately. The Ecological Clerk of Works will be consulted and will then liaise directly with Natural England to determine any licensing requirements necessary to complete the development.**

5.3 Compensation & Enhancement Measures

In line with Government policy, the development will aim to deliver on ecological enhancement. The following compensation and enhancement measures specifically for herpetofauna are to be installed within the Site boundaries. A Mitigation, Compensation & Enhancement Plan can be found within Annex 7.1.

- A total of one log and brash pile will be constructed at a discrete location within or adjacent to the Site boundary, preferably using material obtained during Site clearance (e.g. boundary shrub removal, boundary tree pruning). Habitat surrounding the habitat piles will be left un-cut to provide additional protection and new material will be added as required. Log and brash piles provide excellent places of shelter and protection for amphibians as well as supporting invertebrate prey items for them.

5.4 Timetable of Works

The mitigation strategy detailed above is to be fully adhered to throughout the construction period. The log and brash pile will be installed during the construction works and will be in position prior to the first use of the developed Site.

6. BADGERS & OTHER MAMMALS

6.1 Background Information

Please refer to the Preliminary Ecological Appraisal with Preliminary Roost Assessment report (Focus Environmental Consultants, 2024b) for an evaluation of badgers and other mammals onsite.

6.2 Mitigation Strategy

During development operations, the following precautionary actions will be implemented to prevent unintentional harm vulnerable mammal fauna that may commute across the Site:

- Any machinery used will be made safe or temporarily fenced off when not in use.
- Should any trenches and excavations be required, an escape route for animals that may enter the trench must be provided, especially if left overnight. Ramps should be no greater than of 45 degrees in angle. Any holes will be securely covered. This will ensure animals are not trapped during work.
- All excavations left open overnight or longer must be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Any temporarily-exposed open pipe systems or ducts will be capped at the end of each working day in such a way as to prevent wildlife gaining access.
- Contractors will avoid leaving mounds of earth (or similar materials) undisturbed for long periods of time as mammals, such as badgers, may be tempted to excavate new setts within it.

- Any small mammals (e.g. hedgehogs) encountered during the works will be carefully transferred by hand from the work area to a safe location in similar habitat within the immediate vicinity.

7. ANNEXES

7.1 Plans and Posters

7.2 Contact Information

7.3 References & Bibliography

7.4 Legislation & Best Practice

7.1 Plans and Posters

7.1.1 Mitigation, Compensation & Enhancement Plan

7.1.2 Great Crested Newt Identification Poster

7.1.1 Mitigation, Compensation & Enhancement Plan



Key

- Red Line Boundary
- Biodiversity Protection Zone
- x1 Log & Brash Pile
- x1 Bird Box
- x1 Tree-mounted Bat Box
- Tree with bat roosting potential
- Target Notes
- Developed land; sealed surface

Target Notes:

1 - Skip

2 - Miscellaneous items (including wooden boards and stone pile)

Final locations of the compensation and enhancement features will be decided by the Ecological Clerk of Works.

Client: Amos Group Ltd
Site: The Ramshorn Estate, Ramshorn Road, Oakamoor, ST10 3BZ
Title: Mitigation, Compensation & Enhancement Plan
Contract: 2230
Date: March 2026

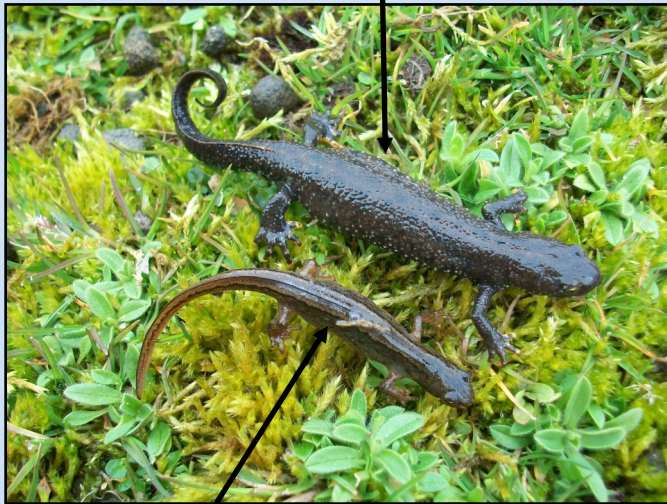
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Great Crested Newts

(Annex to Construction Environmental Management Plan)

Identification:

Great Crested Newt (female)



Smooth Newt (female)

Key features of great crested newts:

- Black / dark brown, warty skin.
- Males - crest along the back and tail (however, this is not easily visible when on land) and a white flash along the tail
- Belly is bright orange / yellow with irregular black patches / spots
- White spotting along the head and body
- Largest of the three native UK newts, growing up to 16cm in length (smooth newts <10cm; palmate newt <9cm)



Great crested newts are a European Protected Species.

If you find a great crested newt on site during the development, stop all works immediately and call Focus Environmental Consultants on **01905 780 700** to advise on the next steps.

7.2 Contact Information

7.2.1 Ecological Clerk of Works

Name: Focus Environmental Consultants

Contact: Abby Franks (Senior Ecologist)

Contact No: 01905 780700

Address: Unit 2, Ball Mill Top Business Park, Worcester, WR2 6PD

7.2.2 Natural England

In the unlikely event that any protected species are identified during the works, works must cease immediately, and consultation held with the Ecological Clerk of Works. Where necessary, the Ecological Clerk of Works will liaise with Natural England to agree and implement any licensing requirements before proceeding.

Contact No: 0300 060 3900

Copies of this document and all associated ecological reports relevant to site works, relevant planning conditions and associated protected species licences will be kept in the site office, printed, bound and placed in a clearly labelled folder, so they are available to refer to at any time. The location of these documents will be made clear during the ‘toolbox talk’ prior to the commencement of any works onsite.

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7.4 Legislation & Best Practice

7.4.1 The Environment Act 2021

The Environment Act 2021 is a far-reaching Act of parliament, which received Royal Assent on 9th November 2021. It is described by the Chartered Institute of Ecology and Environmental Management as 'world leading' legislation and has the primary focus of providing targets, plans and policies for improving the natural environment. In implementing the Act, the Secretary of State is required to set long-term targets for a number of priority areas including: air quality, water, biodiversity, resource efficiency and waste reduction. Schedule 14 of the Act establishes a mandatory requirement for all developments to secure a 10% net gain in biodiversity, with a few exceptions such as 'permitted development' and marine and intertidal developments. Schedule 14 of the Act details the required amendment of the Town and Country Planning Act 1990 (inserting a new s.90A and Schedule 7A) with respect to 'normal' development. Schedule 15 describes amendments to the Planning Act 2008 with respect to Nationally Significant Infrastructure Projects, inserting a new s.99 and Schedule 2A.

The measurement of baseline and post-development biodiversity figures involves the use of the most up to date version of the state-sponsored 'biodiversity metric'. A 'small sites' metric is available for sites of up to 0.5ha in size supporting 1 - 9 residential units or for other forms of development, with a floorspace of less than 5000m² and in both cases without priority habitats being present (with the exception of hedgerows and arable field margins). The mandatory 10% biodiversity net gain requirement described by the Act will not be mandatory until November 2023, although may still be required by local plan policy in the intervening period. Other matters covered by the Environment Act are the creation of a Biodiversity Gain Site Register, the provision of Biodiversity Credits, the establishment of the Office for Environmental Protection (OEP) and the establishment of Local Nature Recovery Strategies. The Act further strengthens the biodiversity duty enshrined within s.40 of the Natural Environment and Rural Communities Act 2006, requiring not only the conservation of biodiversity but also its 'enhancement'.

7.4.2 The Conservation of Habitats and Species Regulations 2017 (as amended) & The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

<https://www.legislation.gov.uk/ukxi/2019/579/contents/made>

These regulations, referred hereafter as "the Habitats Regulations", represent the primary method by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the "Habitats Directive") is transposed for England and Wales and their territorial seas. The Habitats Directive, in conjunction with the Birds Directive (Council Directive 2009/147/EEC) forms the basis for implementation of Europe's nature conservation policy through both habitat and species level protection. The Habitats Directive requires the designation of strictly protected European sites known as Special Areas of Conservation (SACs). Together with the Special Protection Areas (SPAs) established by the Birds Directive, these collectively form the Natura 2000 Network of protected sites

(‘National Site Network’ in the UK). The Habitats Directive also requires the strict protection of animals and plants of Community Interest listed under Annex IV. Habitat types requiring strict protection as SACs are listed under Annex I. The conservation of animals and plants listed under Annex II requires the designation of SACs.

The Habitats Regulations require that public bodies must exercise their nature conservation responsibilities to ensure compliance with the Habitats Directive. These regulations also require the conservation of natural habitats and habitats of species through the selection, designation and notification of marine and terrestrial ‘European Sites’. The habitats and species of European Importance are listed under Annexes I and II of the Habitats Directive. The regulations also contain provision for the appropriate management of these European Sites including the control of damaging operations, special nature conservation orders and restoration orders, for example. The Habitats Regulations afford strict protection to European Protected Species of animals under Schedule 2 and plants under Schedule 5. Offences (subject to certain exceptions) include the deliberate capture, killing, disturbance or trade in these animals. Similarly, plants listed under Schedule 5 are protected (subject to exceptions) from picking, collection, cutting, destruction or trade.

7.4.3 The Wildlife and Countryside Act 1981 (as amended)

While the Habitats Regulations provide the basis for nature conservation policy in Europe, the Wildlife and Countryside Act 1981 (as amended) (WCA) is still a major mechanism for the legislative protection of wildlife and countryside/national parks in the UK. The WCA, and its various amendments, draw on from pre-existing legislation and support the Habitats Regulations in implementing the Bern Convention (1979) and Directive 2009/147/EC on the conservation of wild birds. Schedules within the WCA provide a list of protected species and habitats, in addition to prohibited actions. Further details are provided below for specific species relevant to the report. The WCA also contains measures for controlling invasive non-native species and amendments to a number of laws, including in relation to public rights of way.

7.4.4 The Countryside and Rights of Way (CROW) Act 2000

The CROW Act amends existing WCA legislation in accordance with the 1992 Convention on Biological Diversity (Rio Earth Summit). The Act applies to England and Wales only and encompasses public access, rights of way, nature conservation and Areas of Outstanding Natural Beauty (AONBs). Schedule 9 of the Act provides increased powers for the protection and management of SSSIs while Schedule 12 strengthens the legal protection for protected species via arrestable offences and heavier penalties.

7.4.5 The Natural Environment and Rural Communities (NERC) Act 2006

The Natural Environment and Rural Communities Act imposes a *Biodiversity Duty* (S.40) on all public bodies to conserve biodiversity at both species and habitat levels (S40). “Every public authority must,

in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

S.41 of the Act requires the publication of a list of "*living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity.*" The list generated under S.41 of the Act contains a number of types of habitats and species of animal and plant that have the potential to be affected by development projects of a range of sizes and impacts.

S.47 of the Act establishes special protection for the nest sites of certain birds that are known to re-use their nests and creates an additional Schedule containing these birds, namely golden eagle, white-tailed eagle and osprey. It is an offence to take, damage or destroy the nest of these three birds at any time.

The Act also establishes Natural England as the independent body "to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development". 943 species and 56 habitats of principal importance are included on the S41 list as guidance for public bodies on decisions that affect biodiversity.

7.4.6 Bats

All British bats are "European Protected Species" (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting bats are prohibited under the legislation:

- deliberate capture, injury or killing of a bat;
- deliberate disturbance of a bat and in particular disturbance which is likely to impair their ability:
 - o to survive, to breed or reproduce, or to rear or nurture their young, or
 - o in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - o or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any bat or any part of a bat or anything derived from one.

Bats are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by bats for shelter and protection is also an offence under the Act.

7.4.7 Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992 (as amended). This makes it an offence to wilfully kill, injure or take a badger or interfere with a badger sett through damaging the

sett, destroying the sett, obstructing access to a sett, causing a dog to enter the sett or disturbing a badger occupying a sett.

7.4.8 Birds

All wild birds in the UK are afforded protection under the Wildlife and Countryside Act 1981 (as amended). This protection includes killing, injuring or taking wild birds as well as taking, damaging or destroying bird nests in use or being built, and taking or destroying eggs. Birds listed under Schedule 1 of the Act are afforded additional protection from disturbance during nesting and offences relating to these birds are subject to special penalties. The nest sites of birds listed under Schedule ZA1 of the act (golden eagle, white-tailed eagle and osprey) are afforded strict, year-round protection even when the nests are not in active use.

A small number of derogated bird species, principally members of the genus *Corvus* (crows), *Larus* (gulls) and *Columba* (pigeons), may be killed by authorised persons (landowner/occupier or otherwise authorised by the landowner or relevant conservation body or fisheries board) under a 'general licence'. The general licence is issued by Natural England (in the case of English usage). The general licence can only be exercised for reasons of preserving public health or public safety and cannot be lawfully used in the case of damage to property or nuisance.

7.4.9 Great Crested Newts

The great crested newt (*Triturus cristatus*) (Laurenti, 1758), is a "European Protected Species" (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting great crested newts are prohibited under the legislation:

- deliberate capture, injury or killing of a great crested newt;
- deliberate disturbance of a great crested newt and in particular disturbance which is likely to impair their ability:
 - o to survive, to breed or reproduce, or to rear or nurture their young, or
 - o in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - o or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any great crested newt, any part of a great crested newt or anything derived from one.

Great crested newts are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by great crested newts for shelter and protection is also an offence under the Act. This applies to both aquatic and terrestrial habitat.

8. QUALIFICATIONS & EXPERIENCE

Focus Environmental Consultants® has the expertise to provide sure-fire environmental solutions to a wide range of projects. The company ethos forges the highest standards of professional scientific practice with a best value approach for our clients. Our core area of expertise is in the production of specialist environmental reports and advice to support planning applications. Our comprehensive services include Preliminary Ecological Appraisals (PEA), Ecological Impact Assessment (EclA), Habitat Regulations Assessment (HRA) and fulfilling protected species surveys, licensing and mitigation requirements. Focus Environmental Consultants is a CIEEM Registered Practice, with all ecological staff being members of this professional body. Our flexible approach, range of skills and broad project experience from major infrastructure contracts to small private developments allows us to adapt to your individual requirements. As well as offering a full suite of ecological services, Focus Environmental Consultants can provide expert arboricultural advice and reports and is building an enviable reputation for innovative habitat creation and management solutions. Focus Environmental Consultants is situated in Worcestershire, providing a convenient and central UK location.

Full Q&E details of surveyors, authors and checkers are available on request.