

# Construction Ecological Management Plan

Hempland Primary School

A Report To: ISG Ltd  
Report Number: RT-MME-160543-03  
Date: July 2023



## Quality Assurance

Date	Version	Author	Checked and Approved by
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## Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of Practice for Planning and Development”. The information which we have prepared is true and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

## Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

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# 1. Introduction

## 1.1 Project Background

ISG Ltd has commissioned Middlemarch to produce a Construction Ecological Management Plan (CEcMP) associated with a proposed development at Hempland Primary School in York.

Middlemarch has previously carried out the following surveys/assessments at the site:

- Preliminary Ecological Appraisal (Report RT-MME-156485-02),
- Preliminary Arboricultural Assessment (Report RT-MME-158201-01),
- Biodiversity Metric Assessment (Report RT-MME-160543-01); and,
- Bat Surveys (Report RT-MME-160543-02 Rev A).

The overall aim of the CEMP is to minimise the potential impact of the construction phase of the development on the existing ecology of the site, and ensure works proceed in accordance with current wildlife legislation. It is designed specifically for implementation during the construction phase of the proposed development. This report contains the following information:

- Chapter 2: Ecological Baseline and Assessment of Impacts
- Chapter 3: General Control of Works
- Chapter 4: Avoidance and Mitigation
- Chapter 5: Drawings.

## 1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Location	Hempland Primary School, Whitby Avenue, York
National Grid Reference	SE 62579 52945
Site Area (ha)	2.17
Topography	Flat
Land Cover (on site)	At the time of the Preliminary Ecological Appraisal, the site was dominated by school buildings in the northern half of the site, with a large amenity grassland playing field to the south. An area of plantation broadleaved woodland was present along the southern site boundary. Scattered trees, a short section of hedgerow, and patches of dense scrub were noted along the site boundaries and around the perimeter of the school building. Hardstanding access tracks and car parking areas were also present, mostly to the north of the site.
Land Cover (site surrounds)	The site is bordered by Whitby Avenue to the north, Tang Hall Beck along the southern border, and a park to the west, with residential properties to the north and east. The wider landscape is dominated by residential development, with agricultural fields beyond the residential area to the west.

**Table 1.1: Summary of Site and Surroundings**

### 1.3 Summary of Proposals

It is understood that proposed development will comprise the demolition of the existing school building and the construction of a new school, with associated hard and soft landscaping. The existing woodland and the hedgerow along the north-western site boundary will be retained, while some scattered trees and a hedgerow along one of the buildings will be removed to facilitate the development. Documentation made available by the client is listed in Table 1.2.

Document / Drawing Number	Author
0628-pli-zz-zz-M2-I-0100 Landscape Layout	Plincke
BRP-1062-pli-zz-xx-D-L-1971 Site Plan	Plincke

**Table 1.2: Documentation Provided by Client**

## 2. Assessment of Impacts

### 2.1 Overview of Construction Activities and Impact Pathways

The following activities are likely to be required during the works:

- Use of site by construction vehicles;
- Use of site by personnel;
- Use of machinery;
- Vegetation clearance and groundworks;
- Use of lighting for work compounds; and,
- Storage of materials on site.

In the absence of mitigation, these activities have the potential to adversely affect ecological features via the following impact pathways:

- Direct loss or damage to habitats scheduled for retention, in the event that areas outside the construction zone are accessed by vehicles, machinery, or people;
- Increased noise and/or visual disturbance from vehicles, people, machinery, and lighting;
- Air, ground, and water pollution on and adjacent to the site due to emissions from vehicles and machinery;
- Release of dust from machinery and stored materials; and
- Killing, injury, or disturbance to fauna during vegetation clearance and groundworks.

### 2.2 Summary of Potential Impacts in the Absence of Mitigation

Table 2.1 details the key ecological features identified during baseline surveys (refer to Section 1.1) and assesses the potential for adverse impacts in the absence of mitigation or control measures. Legislation relevant to the ecological features identified is provided in Appendix 1.

Ecological Feature	Source to inform baseline	Potential for Impacts?	Description/Justification
<b>Statutory Nature Conservation Sites</b>			
St. Nicholas Fields LNR	PEA (Report RT-MME-156485-02, 2021)	No	Due to the built-up nature of the intervening habitats between the proposed works and the LNR, and the lack of ecological connectivity, direct and indirect impacts on this site are considered unlikely.
<b>Habitats</b>			
Woodland, hedgerow, and scattered trees to be retained	PEA (Report RT-MME-156485-02, 2021)	Yes	The broadleaved plantation woodland to the south, the hedgerow along the north-eastern boundary, and several scattered trees will be retained. Retained trees/hedgerow could be subject to habitat loss or damage due to encroachment of construction vehicles and machinery outside of the works footprint and into Root Protection Areas.

**Table 2.1: Summary of Potential Impacts on Ecological Features from Proposed Works (Cont.)**

Ecological Feature	Source to inform baseline	Potential for Impacts?	Description/Justification
<b>Habitats (Cont.)</b>			
Building	PEA (Report RT-MME-156485-02, 2021)	Yes	The existing building will be demolished to facilitate the works.
Other habitats (dense scrub, shrubs, grassland, and hedgerow to be removed)	PEA (Report RT-MME-156485-02, 2021)	Yes	Unavoidable loss of scrub, introduced shrubs, amenity grassland, and hedgerow habitats to facilitate the proposed development. Compensation and enhancement will be provided through the creation of new habitats. See Report RT-MME-160543-01 (Biodiversity Metric Assessment) for further details.
<b>Species</b>			
Bats	Bat Surveys (Report RT-MME-160543-02, 2022 & 2023)	Yes	Minor loss of suitable foraging and commuting habitat; fragmentation of habitat due to lighting; disturbance due to noise and vibration in proximity to roosts. Breach of wildlife legislation (the Main School Building contains individual bat roosts used by common pipistrelle and soprano pipistrelle).
Terrestrial mammals (including hedgehog)	PEA (Report RT-MME-156485-02, 2021)	Yes	Minor loss of foraging habitat; killing or injury during vegetation clearance and groundworks; fragmentation of habitat due to lighting; disturbance due to noise and vibration. Breach of wildlife legislation.
Birds	PEA (Report RT-MME-156485-02, 2021)	Yes	Minor loss of nesting and foraging habitat; killing or injury during vegetation clearance. Breach of wildlife legislation.
Other species (badger, herpetofauna, otter, water vole, and white-clawed crayfish)	PEA (Report RT-MME-156485-02, 2021)	No	Species/species groups scoped out due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings.

**Table 2.1 (Cont.): Summary of Potential Impacts on Ecological Features from Proposed Works**

Control measures to prevent and manage potentially adverse impacts on ecological features during the construction phase of the development are provided in Chapters 3 and 4.

## 3. General Control of Works

This section of the report provides information with respect to the methods that will be implemented during the construction phase, in order to ensure the protection of ecologically sensitive habitats within the site and to prevent significant adverse impacts on any protected/notable species present.

### 3.1 Ecological Management Team

The overall responsibility for ensuring construction works proceed in accordance with the CEcMP will lie with ISG Ltd.

ISG Ltd will appoint an Ecological Manager. The responsibilities of the Ecological Manager will include developing method statements and site protocols as required, providing guidance for the site team in dealing with environmental matters, and liaising with contractors/sub-contractors and any statutory or third party with an ecological interest in the scheme. The Ecological Manager will ensure that all site personnel are appropriately briefed on the ecological issues within the site. This will be undertaken through inclusion of ecological briefings within the ‘toolbox’ talks given to all staff as part of the site induction process.

A suitably qualified Ecological Clerk of Works will be appointed by ISG Ltd to advise and oversee construction activities where appropriate and ensure the site team and sub-contractors comply with site protocols and control/mitigation measures. Any failings will be reported to the Project Manager immediately, who will be responsible for ensuring that remedial action is implemented.

The Ecological Clerk of Works will be responsible to the Ecological Manager and will approve all method statements, in addition to ensuring that any relevant site ecological protocols are appended and that these controls are adhered to.

The ecological management team for this project is summarised in Table 3.1.

Role	Persons Responsible
Project Manager / Site Manager	ISG Ltd
Ecological Manager	Middlemarch or other appointed by ISG
Ecological Clerk of Works	Middlemarch or other appointed by ISG

**Table 3.1: Ecological Management Team**

### 3.2 Identification of Biodiversity Protection Zones

In order to categorise the site according to ecological risk and to identify areas where certain construction activities are prohibited or restricted, a traffic light system will be implemented. The site has been divided into Red, Amber and Green Zones, with Red Zones being those areas of highest biodiversity interest and of greatest risk from construction.

The areas of the site falling into each of the Biodiversity Protection Zones are detailed below and are shown on Drawing C160543-03-01 in Chapter 5.



### Red Zones / Features

Red Zones are defined as the most ecologically sensitive parts of the development site, or the areas most vulnerable to ecological damage. The following features on site are included in this category:

- Broadleaved plantation woodland;
- Retained hedgerow; and,
- Retained scattered trees.

Red Zones are the areas that will be retained and protected throughout the development, and works will be subject to ongoing monitoring by the Ecological Clerk of the Works. No works can be undertaken within the Red Zones without prior consent from the Ecological Manager. Measures that will be implemented to ensure that Red Zones are protected are summarised in Chapter 4.

### Amber Zones / Features

Amber Zones are defined as areas of moderate to high ecological value that may be subject to direct or indirect impacts as a result of the proposed development. The following features on site are included in this category:

- Building to be demolished;
- Dense scrub;
- Hedgerow; and,
- Scattered trees.

Any works impacting upon Amber Zones will be subject to control measures (see Chapter 4) and will be undertaken under the supervision or guidance of the Ecological Clerk of Works. Once works within the Amber Zones have been completed, the Ecological Clerk of Works may downgrade these areas to Green Zones.

All works within Amber Zones will proceed with caution and will be subject to regular monitoring by the Ecological Clerk of Works. Specific mitigation and control proposals that will be implemented to minimise the ecological impact of work in Amber Zones are detailed in Chapter 4.

### Green Zones / Features

Green Zones are areas identified as having low ecological interest where breaches of wildlife legislation are unlikely to occur. They are of low intrinsic value, and do not offer any key habitat for notable or protected species.

Works within Green Zones are permitted to proceed without supervision by the Ecological Clerk of Works, provided that ecological best practice is adhered to at all times. Should any ecological issues be identified, works will cease and the Ecological Clerk of Works will be contacted for advice.

## 3.3 Quality Control

### Site Inductions / Toolbox Talks

All personnel on site will receive a site induction prior to commencing any work activities. The site induction will highlight key issues, operations, times of year and areas in relation to ecology. The induction will include:

- Awareness of the Biodiversity Protection Zones Map (see Drawing C160543-03-01 in Chapter 5);
- Site activity method statements;
- Reporting hierarchy; and,
- Permit system.

### Ecological Permits

Ecological Permits will be required for working in Red or Amber Zones. These will be valid for specific time periods and will be renewed at least once a month.

### Ecological Certificates

Once an activity has been completed or work in a designated area is finished, a certificate will be signed by the Ecological Manager to confirm it has been carried out to an acceptable standard.

### Rectification Notices

Rectification notices will be issued by the Ecological Clerk of Works to the Site Manager or a representative of the site team for implementation of action required. These will be signed on completion by the site manager, or a representative of the site team and counter signed by the Ecological Manager or Clerk of Works.

### Daily Record Sheets

The Ecological Clerk of Works will record activities and observations onto a record sheet during visits to the site.

### Progress Report

The Ecological Manager will produce a monthly report based on the record sheets, highlighting any issues raised during the programme. The report will include copies of:

- Ecological Permits;
- Ecological Certificates; and,
- Rectification Notices.

Examples of permits, certificates and notices can be provided from Middlemarch upon request.

### Revisions to Scheme

Should the need to amend any details of the scheme arise, such as the proposed methods of working or the extent of the works, the proposed changes will be approved in writing by the Ecological Clerk of Works prior to implementation, and also by the Local Planning Authority if required.

## 4. Avoidance and Mitigation

### 4.1 Use of Protective Fencing/Barriers

To prevent accidental incursion into the Red Zones and adjacent watercourse, a suitable barrier should be erected to prevent the work force or machinery from entering these areas. This barrier should be clearly marked and all staff on site will be made aware during the site induction process.

### 4.2 Site Compound and Storage of Materials

All areas to be used for site compounds / material storage will be agreed with the Ecological Clerk of Works and will be within habitats of negligible ecological value. No storage of materials will be permitted in close proximity to the broadleaved plantation woodland.

### 4.3 Pollution Prevention

Environment Agency Pollution Prevention Guidelines were formerly withdrawn in December 2015, although do provide a useful framework for the design of working practices. Guidance on Pollution Prevention for Businesses is provided at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>. These guidelines include details for the design of working practices to avoid pollution during construction and will be followed throughout the construction period.

No bulk storage of fuel and other liquids will be permitted on site. Fuels and other liquids which must be stored on site will be kept in bunded containers within habitats of negligible value. Spill kits will be available on site and procedures will be in place to deal with any incidents efficiently and quickly.

Refuelling of plant/machinery on site will be avoided. If refuelling is required, then it will be undertaken as far away from notable habitats as possible, over a drip tray.

Appropriate dust suppression measures will be put in place to reduce impacts to habitats and species outside of the works area. The 'Construction Dust Information Sheet' issued by the Health and Safety Executive (2020<sup>1</sup>) provides guidance on controlling construction dust and will be followed throughout the construction period.

### 4.4 Lighting

It is not anticipated that working at night would be necessary. However, if any security lighting or lighting at night is required, then it will be low level and directional, ensuring that there is no increase in illumination of key ecological features, such as the woodland, hedgerow, and adjacent watercourse.

### 4.5 Noise and Vibration

Reasonable measures will be taken to avoid significant increases in noise and vibration during the construction phase of the development. Any construction works on site will be carried out in

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<sup>1</sup> Health and Safety Executive (2020) *Construction Dust – Construction Information Sheet No 36 (Revision 3)*. March 2020.

accordance with British Standard 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites<sup>2</sup>.

Engines of construction vehicles will be turned off when these vehicles are stationary to minimise noise and vibration disturbance.

## 4.6 Fire Prevention

During construction, fires will not be permitted on the site and the work force will be made aware of the risks of accidental fires on surrounding retained habitats.

## 4.7 Mitigation Measures for Notable Habitats

Any retained trees, hedgerows, and woodland in close proximity to the works area should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works.

## 4.8 Mitigation Measures for Protected and Notable Species

### Bats

#### Roosting bats

Following the completion of the survey work undertaken on site to date, it can be confirmed that the Main School Building contains bat roosts used by common pipistrelle and soprano pipistrelle. Therefore, no unlicensed works can be undertaken. Prior to any works commencing which are likely to result in a breach of the legislation, a development licence must be obtained from Natural England. A specific method statement will be compiled to deal with the risks to bats and submitted as part of the licence application. It is anticipated that this will include the following measures:

- Prior to demolition, two bat boxes will be installed on retained trees in the north west of the site as direct mitigation for the roost loss;
- Roost area to be dismantled by hand under the supervision of a suitably licenced ecologist. Timings to be determined by programme and any restrictions indicated within the Natural England Development licence;
- Any bats found during roost destruction to be relocated to the bat boxes;
- Four new bat boxes will be installed on the new building to provide enhanced roosting opportunities post-works.

#### Foraging and commuting bats

In order to reduce the impact of the works on foraging and commuting bats, the following mitigation measures will be implemented:

- The woodland, trees, and hedgerow scheduled for retention will be protected according to measures outlined in Section 4.7.

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<sup>2</sup> British Standards Institution (2009) *BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites*.

- Construction phase lighting, noise, and vibration will be kept to a minimum, in line with the measures outlined in Sections 4.4 and 4.5.

### Birds

In order to avoid any breach of legislation with regard to nesting birds in general, the following measures will be implemented:

- Vegetation management/clearance and building demolition and refurbishment will be undertaken outside of the bird nesting season. The bird nesting season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible, then any vegetation to be removed or disturbed or buildings to be demolished or refurbished will be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting, any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- The woodland, trees, and hedgerow to be retained will be protected according to measures outlined in Section 4.7.
- Noise and vibration will be kept to a minimum, in line with the measures outlined in Section 4.5.

### Terrestrial mammals (including hedgehog)

In order to reduce the impact of the development on foraging and commuting mammals, the following construction phase mitigation measures will be implemented:

- Any excavations which are left overnight will be covered or be fitted with ramps to prevent any harm to any terrestrial mammals which may pass through the site.
- Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent terrestrial mammals entering/becoming trapped.
- Pollution prevention measures will be implemented as outlined in Section 4.3.
- Construction phase lighting, noise, and vibration will be kept to a minimum, in line with the measures outlined in Sections 4.4 and 4.5.

## 4.9 Timing Restrictions

Table 4.1 details a master timetable of works constrained by timing restrictions in order to minimise the ecological impact of the works within Amber Zones.

Protected Species	Time of Year											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<i>Building demolition</i>												
Bats	Timing dependent on Natural England Licence											
Nesting birds	✓	✓	*	*	*	*	*	*	*	✓	✓	✓
<i>Vegetation clearance</i>												
Nesting birds	✓	✓	*	*	*	*	*	*	*	✓	✓	✓

Other species	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Key:</b> ✓ Suitable time for activity to be undertaken (subject to approval from Ecological Clerk of Works) * Possible time for activity to be undertaken. All vegetation clearance must proceed in accordance with methodologies detailed in Section 4.8.												

**Table 4.1: Master Timetable of Timing Restricted Work Activities**

## 4.11 Contingency Measures

Should any unexpected events occur, e.g. the discovery of unexpected species on site, work will cease and the Ecological Manager / Clerk of Works will be contacted to determine the most appropriate way to proceed.

## 5. Drawings

Drawing C160543-03-01 – Biodiversity Protection Zones



**Legend**

- - - Site boundary
- Red zone
- Amber zone
- Green zone
- Phase 1 habitats**
- x Scattered scrub
- Scattered tree
- ==== Fence
- Species-poor intact hedgerow
- A Amenity grassland
- / / / Broad-leaved plantation woodland
- Building
- x x x Dense scrub
- Hardstanding
- x x x Introduced shrub
- Other habitat: vegetable garden

Project		Hempland Primary School	
Drawing		Biodiversity Protection Zones	
Client		ISG Ltd	
Drawing Number	C160543-03-01	Revision	00
Scale @ A3	1:900	Date	July 2023
Approved By	MV	Drawn By	KB

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C160543-03-01



# Appendix 1

## Summary of Relevant Wildlife Legislation

### Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

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

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly\** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly\** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

\*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

### Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

### Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.