

Construction Environment Management Plan

Wendover Cricket Club

July 2023

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EXECUTIVE SUMMARY

- This Construction Environment Management Plan (CEMP) has been produced by Ethos Environmental Planning to discharge Condition 14 of the granted Full planning permission for the site at Wendover Cricket Club, Wendover (Planning Reference 21/04122/APP).
- The CEMP sets out details of the potential impacts of construction on the biodiversity interest of the site.
- Measures to avoid impacts on protected and notable species are detailed, including recommendations related to precautionary site clearance, timing of works and general good practice measures.
- A method statement for the protection of nocturnal mammals, birds, badgers and reptiles potentially present on site has been included.
- Roles and responsibilities of site personnel are detailed including the requirements of the Ecological Clerk of Works.
- If all recommendations within this CEMP are followed, the habitats and species present on the site will be protected from construction activities throughout the construction period.



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1 INTRODUCTION

This Construction Environment Management Plan (CEMP) has been produced by Ethos Environmental Planning (Ethos) for the development of Wendover Cricket Club, Wendover, known as 'Land to the Northwest of Tring Road' (Central Grid Reference SP 87504 08934) and hereafter referred to as the 'site'. This CEMP has been produced to discharge Condition 14 of the granted Full planning permission (Planning Reference 21/04122/APP), which is as follows:

Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation and biodiversity net gain of no less than 1.35 habitat units and 3.55 hedgerow units, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:

- a) *Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);*
- b) *Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;*
- c) *Details of both species composition and abundance where planting is to occur;*
- d) *Proposed management prescriptions for all habitats for a period of no less than 30 years;*
- e) *Assurances of achievability;*
- f) *Timetable of delivery for all habitats; and*
- g) *A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.*

1.0 Background

The baseline ecological conditions were determined by a Phase 1 Habitat Survey and targeted surveys for protected species which were carried out in 2021 by Lizard Landscape Design and Ecology to inform the planning application for the site. A summary of the baseline conditions can be found in Section 2.

This document contains details of measures to be implemented during construction in order to avoid and minimise impacts on protected and notable species present on the development site to comply with legislation. The CEMP is intended to cover the construction phase only and mitigation measures related directly to construction activities.

Implementation of all recommendations within the CEMP will be the responsibility of the Lead Contractor(s), with the support of a Suitably Qualified Ecologist (SQE) as and when required.

Section 6 provides further details regarding the responsible persons during the construction phase.

1.1 Aims and Objectives

The key aim of the CEMP is to ensure that the ecological interest and sensitive habitats on site are protected during the construction works. The objectives of the CEMP are as follows:

- Set out details of construction activities which have the potential to impact the biodiversity interest of the site;
- Set out measures to avoid and mitigate impacts on protected species from construction works;
- Provide details of the locations and timing of works to avoid impacts on protected and notable species;
- Provide details of the roles and responsibilities of the on-site Ecological Clerk of Works (ECoW), including the activities which will require ECoW supervision to mitigate impacts on protected species; and
- Provide details of other on-site personnel who are responsible for the implementation of the CEMP.

1.2 Site Location

The site, shown in Figure 1, is located at Land to the Northwest of Tring Road, Wendover (Central Grid Reference SP 87504 08934) and comprises 2.97 hectares of arable land with some scattered trees and an ornamental hedgerow along the south-eastern boundaries. The site is bordered by Tring Road to the south-east, arable land to the west and woodland to the north.

Figure 1 Site location



Legend
□ Site Boundary

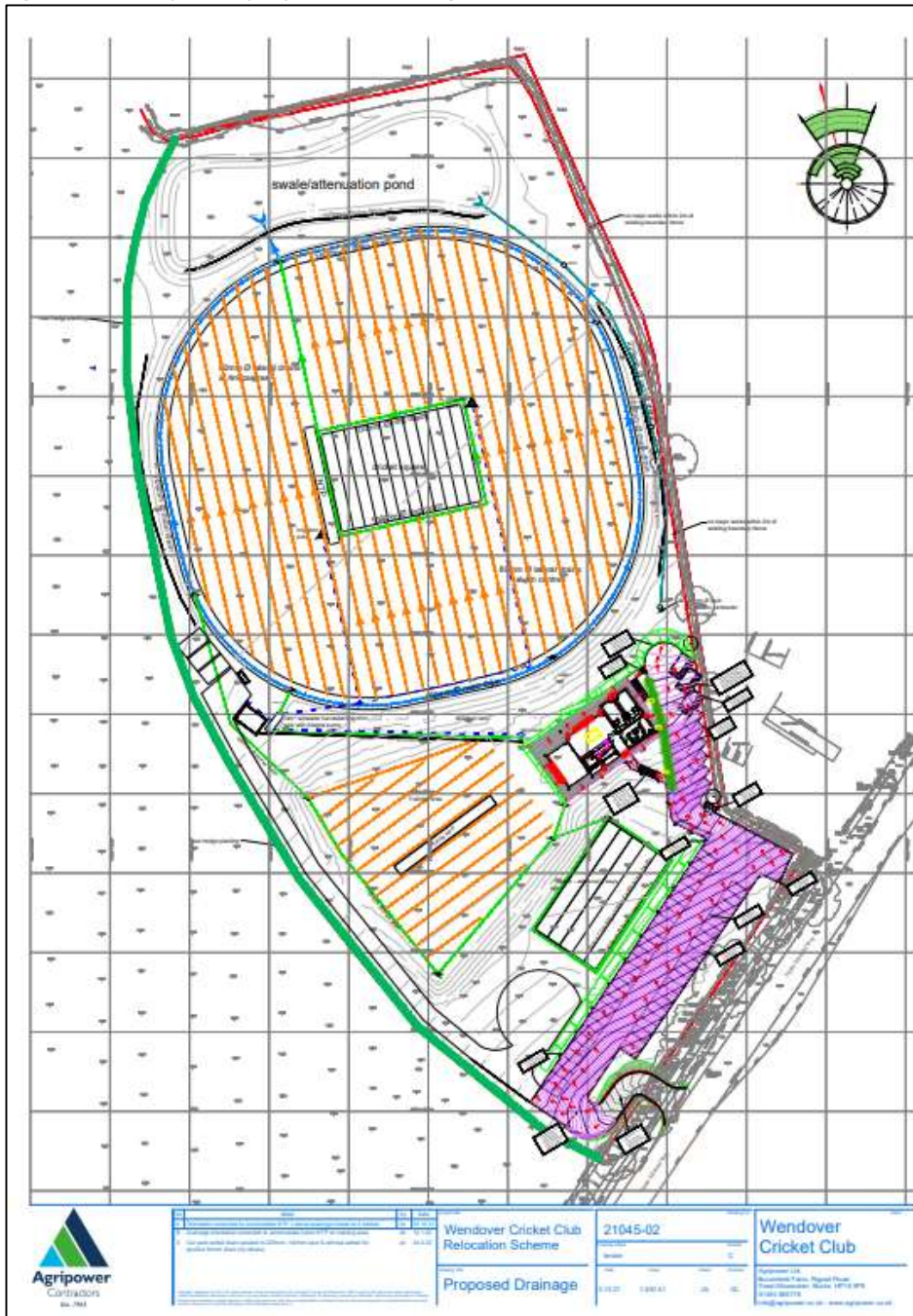
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Date: 23/02/2023

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Environmental Planning

1.3 Development Proposals

Development proposals include relandscaping of the site for conversion to a cricket ground with associated clubhouse, access, parking, drainage and ecological mitigation. Development proposals are shown in Figure 2.

Figure 2 Development proposals (Drawing number 21045-02/revision C)



1.4 Structure of the Report

The following sections are included within this report:

- Baseline ecological conditions on site
- Construction mitigation measures
- Mitigation and working method statements for protected and notable species
- Location and timing of works to avoid harm to ecological features
- Responsible persons and lines of communication

2 BASELINE ECOLOGICAL CONDITIONS

2.1 Ecological Survey Results

A Phase 1 Habitat survey and targeted surveys for protected species were undertaken by Lizard Landscape Design and Ecology during the 2021 survey season. Full survey results are detailed within 'Ecological Assessment, Wendover Cricket Club, Planning Issue' (Lizard Landscape Design and Ecology, July 2021) and summarised below:

- Habitats present on site were assessed to have generally low botanical value and to not be of particular importance for nature conservation.
- The adjacent woodland to the north of the site is considered to be of Local importance for nature conservation.
- No evidence of badger was identified on site and the habitats are not considered to be of significant importance for them. However, a small number of records were located within 2km and, as such, it is considered possible that they may occasionally commute across the site.
- The site was assessed as unsuitable for amphibians and riparian mammals due to a lack of suitable habitat.
- The site supports habitats of low value for reptiles with areas which provide some basking opportunities.
- The construction footprint of the site does not support suitable habitat for hazel dormouse. The boundary vegetation is of low value for hazel dormouse.
- The habitats on site are of negligible-low value for birds. The adjacent woodland to the north provides nesting opportunities for birds.
- The site provides low potential for foraging/commuting bats. No roosting opportunities for bats are present on site.

3 CONSTRUCTION MITIGATION MEASURES

3.1 Risk Assessment and Mitigation Measures

A summary of the key construction mitigation measures has been provided in Table 1.

Table 1 Key construction mitigation measures

Ecological Feature	Risk Assessment of Potential Impacts	Mitigation
Retained boundary hedgerows/trees	<p>Damage to roots from construction activities such as vehicles driving over roots or machinery/equipment being stored on roots</p> <p>Damage to retained hedgerows/trees from polluting activities such as exposure to dust and hazardous waste</p>	<p>Before construction:</p> <ul style="list-style-type: none"> Root protection zones along the northern and eastern boundaries and identified by the arboricultural report to be protected using tree protection fencing. The fencing will be marked as ‘tree protection fencing’ and contractors will be made aware of its presence. <p>During Construction:</p> <ul style="list-style-type: none"> Any damage to the tree protection fencing will be reported to the site manager, who will organise for it to be repaired. The fencing will be inspected every two weeks throughout the construction period by the site manager or designated persons. Good working practices will be adopted by all site contractors to prevent damage to the retained habitats from pollution events. These measures are included in Section 3.2.
Badger	Injury or mortality of badgers using the site to commute	<p>(Full details and method statement in Section 4.1)</p> <p>During construction:</p> <ul style="list-style-type: none"> Trenches and excavations over 1m deep to be covered at night, include an escape ramp or be gently sloped to prevent animals from becoming trapped. Sensitive construction lighting to avoid lighting up retained areas of habitat and to be sensitive to large-moving objects only.
Bats	Disturbance to foraging and commuting bats from construction lighting	<p>(Full details and method statement in Section 4.1)</p> <p>During construction:</p> <ul style="list-style-type: none"> No lighting required during construction will face onto the retained hedgerows. Implementation of a 5 metre buffer zone along the northern boundary will minimise impacts on any bats utilising the adjacent woodland to the north during the construction phase.
Breeding birds	Accidental damage / disturbance / destruction of nests on site during site clearance	<p>(Full details and method statement in Section 4.2)</p> <p>During construction / site clearance:</p> <ul style="list-style-type: none"> Clearance of suitable nesting habitat outside of the breeding bird season (March to September inclusive).

Ecological Feature	Risk Assessment of Potential Impacts	Mitigation
		<ul style="list-style-type: none"> Any vegetation clearance to be undertaken during the breeding bird season will be subject to a pre-works check by a suitably qualified ecologist (SQE). Any active nests will be protected by a minimum 5 metre buffer zone until the chicks have fledged and an SQE has confirmed that works can proceed.
Reptiles	Injury or mortality of reptiles potentially present on site, particularly during vegetation clearance	<p>(Full details and method statement in Section 4.3)</p> <p>Before construction / during site clearance:</p> <ul style="list-style-type: none"> Implementation of a 2 metre buffer zone along the eastern boundary comprising retained habitat suitable for reptiles. Vegetation subject to two-stage clearance using hand tools under supervision of an SQE. Vegetation clearance will utilise habitat manipulation to encourage reptiles to move to the east of the site, where suitable habitat will remain undisturbed. Fingertip search will be carried out prior to the final cut. Any reptiles found during the search will be moved to the buffer zone along the eastern boundary. <p>During construction:</p> <ul style="list-style-type: none"> Good working practices will be adopted by all site contractors to prevent the construction area from providing potential refuge to reptiles. These measures are included in Section 3.2
Hazel dormouse	Disturbance to foraging / commuting hazel dormouse via damage of habitat during construction	<p>Before construction:</p> <ul style="list-style-type: none"> Installation of tree protection fencing adjacent to the boundary hedgerow/trees to maintain a buffer zone and prevent damage to suitable hazel dormouse habitat.

3.2 General Good Practise Mitigation Measures

The following section details general good practise measures which will be adopted during the construction process. It will be the responsibility of the site manager to ensure that all staff are inducted and made aware of these recommendations.

3.2.1 Dust generation

Generation of dust will be mitigated by wetting down and/or the use of screening if appropriate. This will avoid dust deposition on sensitive habitats such as the adjacent woodland to the north and the boundary hedgerow/trees.

3.2.2 Excavations and trenches

All excavations and trenches will either be covered at night or include an escape ramp to prevent nocturnal species such as badger from becoming trapped. This could be in the form of a roughened plank of wood. The trenches/pits will be inspected each morning to ensure no badgers or other species have been trapped.

3.2.3 Open pipework

Open pipework larger than 150mm outside diameter will be blanked off at the end of each working day to avoid nocturnal mammals such as badger entering the pipes and potentially becoming trapped or injured.

3.2.4 Contractor materials and hazardous waste

All chemicals and hazardous materials and waste will be stored in-line with best practice guidelines, ensuring they are secure and cannot be accessed by roaming animals. No materials will be stored within the root protection/buffer zones or the habitat creation zone which is described further in Section 3.3.

3.2.5 Sympathetic working practices:

- Avoid creating potential refuges. Reptiles will use stacked materials such as wood, stone, boards or metal sheets as refugia. Keep the site tidy and store materials off the ground, for example on pallets where possible;
- Store materials away from areas of retained vegetation which are considered suitable for reptiles (e.g. hedgerows);
- Should it be necessary to store materials such as topsoil on site then the stockpile should be smoothed to prevent access by faunal species into potential cavities; and
- Staff should simply demonstrate awareness when working and moving materials. Should an animal be found, it should be gently moved, for example in a clean bucket, to a suitable location within habitat well away from the working area.

3.3 Exclusion Zones

Buffer zones comprising 2m of retained vegetation along the eastern boundary and 5m along the northern boundary will be established via erection of tree protection fencing. This will protect the retained habitat from damage and soil compaction during construction activities and no construction materials will be stored in this zone. Root protection zones will also be established along the southern boundary in line with the tree protection plan (Encon Associates, 2021). Any tree removal works required within these zones will be carried out using the precautionary methods outlined in the arboricultural report.

No construction materials should be stored within the northern section of the site where the proposed attenuation pond will be located, and vehicular use within this area should be kept to a minimum during construction. This area is proposed for habitat creation and, as such,

should be protected from unnecessary soil compaction during construction. The buffer zones and habitat creation area are shown in Figure 3.

Figure 3 Exclusion/buffer and habitat creation zones



4 WORKING METHOD STATEMENTS FOR PROTECTED SPECIES

4.1 Nocturnal Mammals

In order to avoid impacts on badgers and bats potentially present on site, the following precautions will be undertaken:

- Excavations and trenches over 1m deep will be covered at night, include an escape ramp or be gently sloped to prevent nocturnal mammals from becoming trapped.
- Sensitive construction lighting will be employed to avoid lighting up retained areas of habitat, namely the boundary hedgerow/trees, and to be sensitive to large-moving objects only.
- Necessary security lighting will be directed away from the boundary hedgerows/trees to limit light spill and will be switched on for a limited period of time to provide dark periods. This will allow bats to continue utilising the boundary features for commuting and foraging purposes and badger to continue commuting across the site.

4.2 Bird Method Statement

In order to avoid impacts on birds potentially present on site, the following precautions will be undertaken:

- Any hedgerow or tree management/removal should be undertaken outside the breeding bird season (March to September inclusive) or following a precautionary nesting bird survey by a Suitably Qualified Ecologist (SQE) to ensure compliance with legal obligations.
- If hedgerow or tree management/removal occurs during the breeding bird season, then the vegetation will be subject to a pre-works check by a SQE to check all potential nesting areas for birds.
- If active bird nests are identified during the pre-works check, a buffer zone should be set up by the SQE around the nest until all young birds have fledged and left the area.

4.3 Reptile Method Statement

In order to avoid impacts on reptiles potentially present on site, the following precautions will be undertaken:

- Prior to works commencing, a toolbox talk will be given to all contractors by the SQE performing the role of the Ecological Clerk of Works (ECOW). The toolbox talk will include key features for identification of UK reptile species and instructions regarding sympathetic working practices.
- Any areas of suitable reptile habitat requiring removal, namely the vegetation within the field margins, will be subject to a two-stage directional cut from west to east. This habitat manipulation will encourage any reptiles present to disperse into the suitable adjacent habitat to the east.

- The first cut will be carried out during the reptile active season (March – October inclusive) and will reduce the vegetation to a height of no less than 150mm.
- Following a 24 hour period, a second cut will be carried out to reduce the vegetation to a height of less than 50mm.
- A fingertip search will be carried out prior to the second cut to check the field margins for reptiles. Any reptiles found during the search will be moved to the buffer zone along the eastern boundary.

5 RESPONSIBLE PERSONS AND LINES OF COMMUNICATION

5.1 Ecological Clerk of Works

An ECoW will be appointed by the Lead Contractor to oversee matters concerning protected species during the site clearance works and the construction period (as necessary). The ECoW will be suitably qualified and will give on-going support as and when required. The contact details of the supervising ecologist will be left on site.

5.2 Toolbox Talk

The Lead Contractor, and other supervisors as deemed appropriate, will be given a toolbox talk by the appointed ECoW.

This will comprise:

- The legal protection afforded to protected species;
- The precautionary methods of working (outlined in this document);
- Photographs will be shown to make contractors/sub-contractors familiar with the characteristics of different faunal species;
- Contractors will be made aware of the sensitive habitats on site; and
- The procedures to follow in the event that any protected species are discovered during the works.

It will be the responsibility of the Lead Contractor to ensure that all site operatives, including sub-contractors are informed of the CEMP, the ECoW contact details, and will receive a briefing on the CEMP as and when appropriate. Site inductions will contain details on the ecologically sensitive areas present on site.

Works that require the presence of an ECoW will be preceded by a toolbox talk relevant to that activity, which will be given by the ECoW to all operatives directly involved with that activity. This includes the measures laid out within the bird and reptile method statements (Sections 4.2 and 4.3).

5.3 CEMP Summary

Table 2 presents a summary of the construction mitigation measures, species at risk, responsibilities and timing of year the works are to be undertaken.

Table 2 Summary of construction mitigation measures to avoid impacts on biodiversity

Objective	Mitigation Measure	Responsibility	Timing of Works
Identification of 'Root Protection Zones' and protection of	Appropriately fence root protection zone areas as detailed on	Project Arboriculturist	Any time of year

Objective	Mitigation Measure	Responsibility	Timing of Works
retained hedgerows/trees	the Tree Protection Plan		
Avoidance of accidentally trapping animals in open excavations / trenches	All excavations and trenches will either be covered at night or include an escape ramp	Site Manager to instruct contractors to cover excavations at night / include ramps	During all site clearance and construction works
Identification of the presence of breeding birds on site	Pre-works check of vegetation requiring removal during the nesting season (March – September)	Site Manager to instruct an ECoW Site Manager to make all contractors aware of the need to contact an Ecologist if an active bird nest is found in areas to be cleared	March to September inclusive
Protect reptiles from impacts of construction	Reptile method statement will be followed (Section 4.3)	Lead Contractor to appoint ECoW and brief contractors ECoW to advise location of fencing and undertake pre-works checks prior to second cut Vegetation clearance contractors to clear habitat sensitively as detailed in the method statement	March to October inclusive
Minimise light spill from construction works	Restrict working hours to daylight hours Turn off any unnecessary site lighting Use measures such as timers, motion sensors, low-level /directional lighting	Lead Contractor Site Manager Lighting specification, position and mitigation measures to be undertaken with advice from ECoW if lighting is needed after dusk in the autumn and winter months	During all site clearance and construction works
Minimise impacts of construction on retained on and offsite habitat	Follow the general good working practice mitigation measures (Section 3.2) Implementation of exclusion/buffer zones (Section 3.3)	Site Manager to ensure all site personal are inducted and made aware of these requirements and to ensure that all measures are being adhered to	During all site clearance and construction works

APPENDIX 1 PROTECTED SPECIES LEGISLATION

A.1 Bats

All British bats are fully protected under Section 9 Schedule 5 of the Wildlife and Countryside Act 1981 and amendments. Agreement, and are fully protected under The Conservation of Habitats and Species Regulations 2017. In addition, they are protected under the Berne Convention; they are given migratory species protection within the Bonn Convention.

Regulation 43 (1) of The Conservation of Habitats and Species Regulation 2017 makes it an offence to:

- deliberately capture, injure or kill any species of bat;
- deliberately disturb any species of bat;
- damage or destroy a breeding site or resting place of any species of bat.

It is an offence to disturb any bat roosting site, whether the bats are there or not. Under Regulations 43 (2) disturbance 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 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.

Presence of bats does not necessarily mean that development cannot go ahead, but that with suitable, approved mitigation, exemptions can be granted from the protection afforded to bats under regulation 43 by means of a licence. Natural England (NE) is the appropriate authority for determining licence applications for works associated with developments affecting bats, including demolition of their roost sites. In cases where licences are required, certain conditions have to be met to satisfy Natural England. Before the Statutory Nature Conservation Organisation (SNCO), in this case NE, can issue a licence to permit otherwise prohibited acts three tests have to be satisfied under the requirement of Regulation 55. These are:

1. Imperative Reasons of Overriding Public Interest [Reg 55(2)(e)];
2. No Satisfactory Alternative [Reg 55(9)(a)];
3. Maintenance of Favourable Conservation Status [Reg 55(9)(b)].

In order to meet the tests, SNCO usually expects the planning position to be fully resolved as this is necessary to satisfy tests 1 and 2. Full planning permission, if applicable, will need to have been granted and any conditions relating to bats fully discharged. ahead of any licence application to the SNCO. The LPA have a legal duty under The Conservation of Habitats and Species Regulations 2017, to assess whether the application is likely to meet the Three Tests and therefore the requirements for Natural England licensing, prior to determination of an application The Licence application process may take two months before a licence is issued. Planning Permission and granting of a bat licence are separate legal functions. Therefore receiving planning permission from the Local Authority is no guarantee that the SNCO will issue a derogation licence.

A.2 Badger

The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury. It also contains restrictions that apply more widely and it is important for developers to know how this may affect their work. All the following are criminal offences:

- to wilfully kill, injure, take, possess or cruelly ill-treat a badger;
- to attempt to do so; or
- to intentionally or recklessly interfere with a sett.

Sett interference includes damaging or destroying a sett, obstructing access to a sett, and disturbing a badger whilst it is occupying a sett. It is not illegal, and therefore a licence is not required, to carry out disturbing activities in the vicinity of a sett if no badger is disturbed and the sett is not damaged or obstructed.

Development should not be permitted unless it is possible to take steps to ensure the survival of the badgers in their existing range and at the same population status, with provision of adequate alternative habitats if setts and foraging areas are destroyed. Natural England will normally only issue a licence after detailed planning permission has been granted, where applicable, so that there is no conflict with the planning process.

Before the planning application is determined, the local planning authority should request a detailed ecological survey/report and developers should be prepared to provide the following information:

- The numbers and status of badger setts and foraging areas that are affected by the proposal;
- the impact that the proposal is likely to have on badgers and what can be done by way of mitigation;
- judgment on whether the impact is necessary or acceptable; and
- a recommendation on whether a licence will be required.

A badger survey usually requires assessment of the site and a 30-50m buffer area as tunnels can extend up to 20m from sett entrances. As badgers are not a European Protected species the Three Test do not need to be applied, however Planning Permission and badger licensing are separate legal functions. Thus receiving planning permission from the Local Authority is no guarantee that development operations will not breach the Protection of Badgers Act 1992. Similarly planning permission does not guarantee that a badger licence will be granted.

A.3 Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) and cannot be killed or taken, their nests and eggs taken, damaged or destroyed while their nest is in use or being built. It also prohibits or controls certain methods of killing or taking except under licence. Other activities that are prohibited include possession and sale. Activities such

as killing or taking birds (including relocating) which would otherwise be illegal can be carried out under licence where there is suitable justification and the issue cannot be resolved by alternative means.

Specially protected or Schedule 1 birds receive full protection under the Wildlife and Countryside Act 1981 (as amended). Part I birds are protected at all times, Part II during the close season only. In addition to the protection from killing or taking that all birds, their nests and eggs have under the Act, Schedule 1 birds and their young must not be disturbed at the nest.

A.4 Reptiles

All reptile species in Great Britain receive some legal protection from legislation in the Wildlife and Countryside Act 1981 (as amended), and the two rarest species are afforded additional protection by European law (The Conservation of Habitats and Species Regulations 2017). Both the Wildlife and Countryside Act 1981 and Habitat Regulations 1994 provide mechanisms to protect species, their habitats and sites occupied by the species.

The two European protected species, **Sand lizards** (*Lacerta agilis*) and **Smooth snakes** (*Coronella austriaca*), receive all elements of protection in Section 9 of the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017:

These pieces of legislation prohibits the following on any of the above species:

- Deliberately or intentionally killing and capturing (taking) or intentional injuring.
- Deliberately disturbing
- Deliberately taking or destroying eggs
- Damaging or destroying a breeding site or resting place or intentionally damaging a place used for shelter or protection.
- Intentionally obstructing access to a place used for shelter; and keeping, transporting, selling or exchanging; offering for sale or advertising.

Under Regulations 43 (2) (The Conservation of Habitats and Species Regulations 2017) disturbance 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 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.

Species that receive protection against intentional killing, injuring and sale only from Schedule 9 of the Wildlife and Countryside Act 1981 (as amended): **Slow-worm** (*Anguis fragilis*), **Common lizard** (*Lacerta vivipara*), **Adder** (*Vipera berus*) and **Grass snake** (*Natrix natrix*).

Both the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 apply to all life stages of the protected species: i.e. eggs and spawn, larvae, juveniles and adults are all protected.

APPENDIX 2 TREE PROTECTION PLAN

Figure 4 Tree protection plan (Encon Associates, 2021)

