

Ecology Technical Note

Site Information

Site Name & Location	Plot 44	Grid Reference	SP 3671 9513
Client Name	Horiba MIRA Ltd.	Report Number	RT-MME-180750 Rev A
Site Area (ha)	1.18 ha	Topography	The site is flat with a large L-shaped bund which runs parallel to the north and eastern boundaries.

Background

Between 2013 and 2015, Diversity Environmental Consultants Ltd and EMEC Ecology carried out a suite of ecological surveys of the area then referred to as “Zone 1” (which included the development of an access road and adjacent Training Centre as well as Plot 44). Since this time, Middlemarch have completed a range of ecological assessments and other works within this part of the site spanning from 2016 to 2023. An updated walkover of the site was completed on the 1st August 2024 by Helen Griffin ACIEEM (Principal Ecological Consultant) to inform this review.

Horiba MIRA wish to complete the following development works at this location:

- Provision of 2 units (44a and 44b) with associated access, car parking and hard and soft landscaping.
- Extension of the existing access road to the north with lighting, signage, associated external works and services.

This technical note summarises key ecological considerations for the development based on the ecological survey work completed to date in order to discharge Conditions 26 and 27 of the MIRA Technology Park outline planning permission 14/00661/CONDIT.

Ecological Baseline and Potential Impacts

Nature Conservation Sites	Reference to MAGIC¹, identified one European Statutory Nature Conservation Site within a 10 km search radius. The site in question is Ensor's Pool Special Area of Conservation (SAC), located 5 km to the south. The site is separated from this Nature Conservation Site by urban and suburban development within and around Nuneaton, as well as several main transport routes including the A5 and A444. Given the scale of the proposals, intervening urban land and lack of hydrological connectivity, no impacts on Ensor's Pool are anticipated. No UK Statutory Sites were present within 2 km of the site, and although the site falls within a SSSI Impact Risk Zone, the proposals do not fall within the associated risk categories.
Habitats	The site contained an area of rough grassland with an L-shaped bund which ran parallel to the northern and eastern boundaries. Central areas of the grassland were growing to a height of c.20 cm and appeared to have been subject to intermittent management. To the north and east, the vegetation was unmanaged and dense, growing to c.0.5 – 0.6 m, primarily comprising coarse grasses, common umbellifers, stands of tall ruderal vegetation and encroaching bramble <i>Rubus fruticosus</i> scrub. The bunds were densely vegetated, though the colonising vegetation was somewhat thinner here with visible bare ground throughout.

¹ MAGIC, Available at: <https://magic.defra.gov.uk/MagicMap.aspx>

Protected and Notable Species
Amphibians including great crested newts

No aquatic habitat was present on site; however, a pond was located adjacent to the north-west with uninterrupted connectivity to the northern extents of the site via rough, tussocky grassland. Middlemarch have completed population monitoring at the adjacent pond (known as 'Pond P7') from 2016 to 2019 in association with the licence for the adjacent Training Centre, and then again from 2021 to 2024 as part of development taking place along the western edge of the wider site. Most recent data collected between 2021 and 2024, recorded peak counts of 24 no. in 2021, 2 no. in 2023 and 12 no. in 2024. At the time of writing, the population therefore currently falls within the 'medium' size class. The shorter-mown grassland on site provides only limited opportunities for amphibian species, though the bunds and longer grassland provides suitable amphibian terrestrial habitat.

Almost the entirety of Plot 44 has been part of an historic trapping exercise. Diversity Environmental Consultants Ltd undertook the initial trapping programme, which was completed between March and July 2015. Middlemarch then completed a small additional parcel to facilitate the completion of the Training Centre, the final elements of which were completed in 2017.

As part of the original trapping programme, semi-permanent perimeter fencing was installed and has been in-situ around the perimeter of the area since these works were completed (finalisation of habitat creation and removal of this fence is scheduled to run until 2025 as per the associated licence 2014-74-EPS-MIT-5). The condition of the fence has been monitored and repairs made to ensure it remained in good condition, with great crested newt excluded. The fencing was in reasonable condition at the time of the 2024 walkover, with minimal damage observed; however, adjacent vegetation was beginning to encroach over the top in several places.

As the perimeter fencing has remained in place it is not considered likely that significant numbers of great crested newts will have recolonised the main body of the site in the intervening period, though it is possible given the overhanging vegetation and suitable terrestrial opportunities offered within the bund, that a low number of individuals could be present. As such the previously trapped area would need to be subject to a direct/destructive search following habitat manipulation (a two-stage cut of the vegetation) supervised by a great crested newt licensed ecologist.

It should also be noted that a small proportion of the site – c.860 m² – located at the northern edge, falls outside the area which had previously been trapped (see Drawing C180750-Overlay). These areas of grassland provide suitable refuge opportunities for amphibians, including great crested newt, and lie within 20 m of the adjacent pond at the closest point. As the area has not previously been subject to an exclusion exercise, a great crested newt development licence will need to be obtained for this area. Further details are provided within the Outline Mitigation Strategy, provided within Appendix 1.

Badger and other terrestrial mammals

No evidence of badgers was identified on site during the updated walkover; however, badgers are known to be present within the wider site and the bunds provided suitable opportunities for sett construction. The grassland was also suitable for foraging, and it is possible that badgers may access site on occasion to forage or commute through. Although no evidence was noted at the time of survey, it will be necessary to remain vigilant and a precautionary recommendation for a pre-works walkover has been provided.

	The grassland is also considered suitable for hedgehog and brown hare, both of which are known to be present within the wider site. The construction phase of the development has the potential to result in the killing or injury of terrestrial mammals (including badgers) if excavations are left uncovered. A recommendation for implementation of appropriate safeguarding measures has been provided. <u>Birds</u> The grassland on site was deemed suitable for low-level and ground-nesting species. There was no tall vegetation which was considered suitable for aerial nesters. The bramble was too sparse to provide sufficient shelter; however, if left unmanaged may provide such opportunities in future. Vegetation clearance should be undertaken outside the nesting bird season. The nesting bird 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 should 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 should 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. <u>Reptiles</u> The habitats on site have some, albeit rather limited, suitability for more mobile species of reptile (grass snake <i>Natrix helvetica</i>). Grass snake are known to be present within northern extents of the wider MIRA landholding and it is possible that this species may pass through to utilise the opportunities on site. The risk of encountering a grass snake on site is considered low; however, precautionary working methods should be implemented to reduce this risk to negligible. Any measures implemented to ensure legislative compliance for great crested newts, will also by their nature protect reptile species and therefore a separate recommendation has not been made.
Recommendations	
The recommendations below are based on Middlemarch's current understanding of the project. If works are changed in any way these recommendations will need to be amended if appropriate.	
R1	Mitigation Strategy and Licence (northern parcel): Due to the presence of a medium population class of great crested newts in Pond P7 (located adjacent to the proposed development boundary), prior to any works commencing in previously un-trapped areas of the site, a Natural England great crested newt development licence will be required in order to complete clearance works of the small parcel of land to the north.
R2	Reasonable Avoidance Measures Strategy (main site): All other parts of Plot 44 can be completed under a RAMS designed for herpetofauna. In order to ensure that works proceed in compliance with wildlife legislation and planning policy, a Reasonable Avoidance Measures Strategy should be produced. This document should describe working methods, timings and should detail any ecological control measures that will be implemented e.g. vegetation management and ecological supervision. The scope of the method statement should be agreed with the local authority ecologist prior to any works commencing.

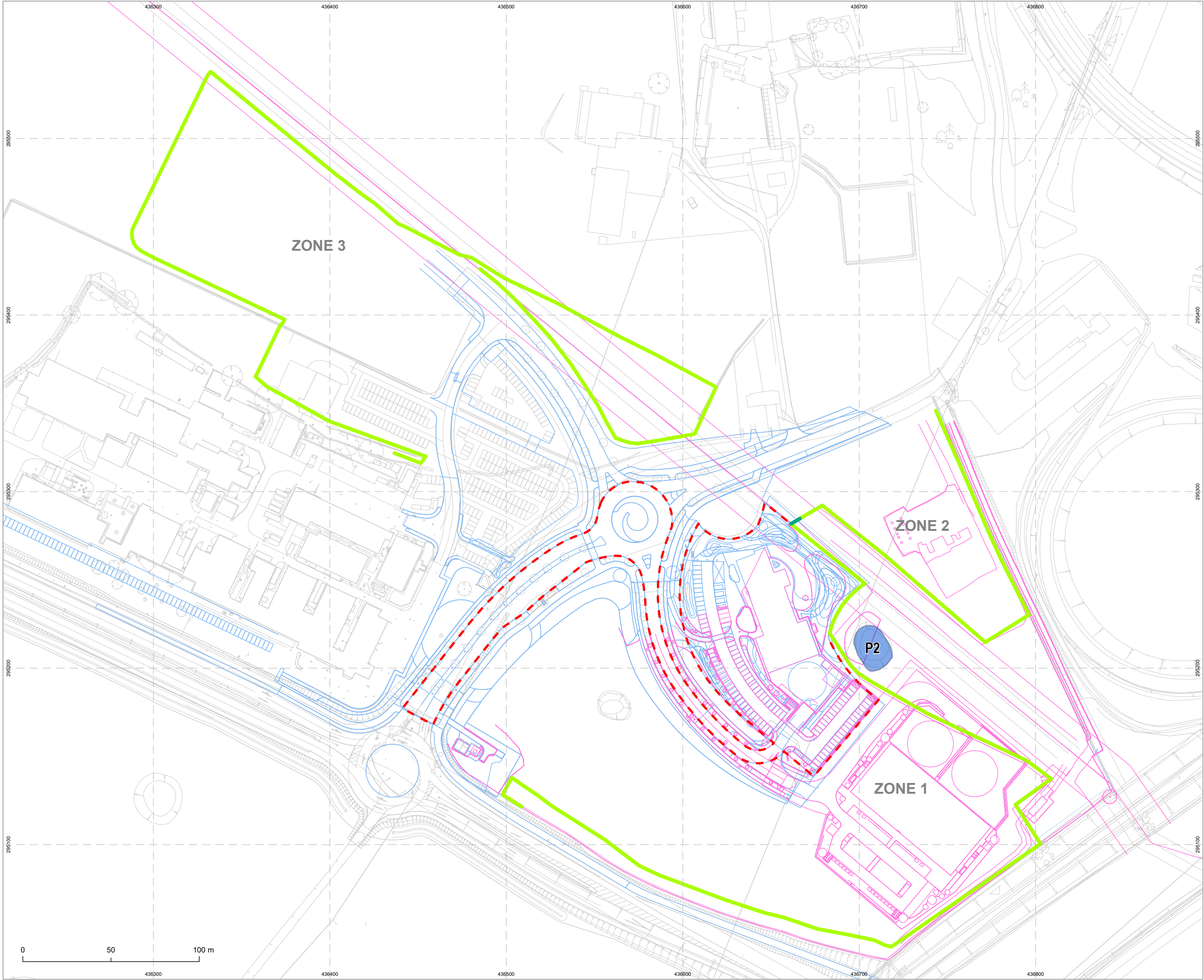
R3	Terrestrial mammals (including badger): - A pre-works walkover of the site should be completed prior to commencement of any works, in order to collect updated information regarding the status of badgers within the site. - Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
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Quality Assurance

Date	Version	Author	Checked & Approved By
19/09/2024	Final	Helen Griffin BSc (Hons) ACIEEM (Principal Ecological Consultant)	David Smith BSc (Hons) (Principal Ecological Consultant)
27/09/2024	Rev A	Helen Griffin BSc (Hons) ACIEEM (Principal Ecological Consultant) and James Calow MPhil CEnv MCIEEM MIEMA (Principal Biodiversity Consultant)	Dr James Hildreth CEnv MCIEEM (Executive Director)

Drawings

Drawing C180750-Overlay – Proposed GCN Licence Amendment from 2017. Showing location of existing semi-permanent perimeter fencing overlaid with proposals for Plot 44.



C180750-XX-2024-OVERLAY

Legend

- Site boundary
- Existing GCN exclusion fence to be retained until development complete (anticipated 2025)
- Fence to be rei-installed April 2018
- Proposed Site Layout (Plot 44)
- Proposed Landscaping Layout (works complete)

Project
Proposed Training Centre, MIRA
Drawing
Proposed GCN Licence Amendment - Revised Fenceline (OVERLAY)

Client
Horiba MIRA

Drawing Number
C180750-XX-2024-OVERLAY

Revision
00

Scale @ A3
1:2,000

Date
September 2024

Approved By
JC

Drawn By
RP



Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ
T:01676 525880
E:admin@middlemarch-environmental.com

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Appendix 1

Outline Mitigation Strategy for Great Crested Newts

Assessment of Impacts

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.

Summary of Potential Impacts in the Absence of Mitigation

Overview

The main body of the site at Plot 44 comprises an area of grassland, the majority of which appears to have been subject to ongoing management. A large L-shaped bund is present in the north of the site, around which the grassland vegetation is coarser and more tussocky, with locally encroaching bramble scrub. This part of the site has been subject to a trapping and translocation exercise in accordance with a great crested newt development licence (reference 2014-74-EPS-MIT-5), the perimeter fencing for which remains in-situ. For the purposes of clarity, this part of the site will hereby be referred to as the 'Main Site'.

To the north of the Main Site, a small section of the proposed development footprint (860 m²) extends beyond the previously trapped area. This area of the site – hereby referred to as the 'Northern Parcel' – contains a dense grassland sward which has connectivity to Pond P7.

Short term impacts

Pond P7 is situated adjacent to the proposed development site boundary. This pond is due to be retained with no direct impacts anticipated. However, in the absence of mitigation, there is the potential for this pond to be impacted by pollution and dust deposition.

A small area of suitable core and intermediate terrestrial habitat for the medium population of great crested newts breeding in Pond P7 will be lost to accommodate the Northern Parcel. In the absence of mitigation, this could also lead to the killing or injury of great crested newts, which would be in breach of relevant legislation (provided in Appendix 2).

Long-Term Impacts

The proposed scheme will not result in the loss of any great crested newt breeding sites; however, development of the Northern Parcel will result in a small additional loss of terrestrial resource. Given the scale of additional land required, it is not anticipated that any long-term impacts would occur as a result of this slight expansion of the proposed development footprint.

Foraging Habitat

Development of the Northern Parcel will lead to the loss of suitable foraging habitat for great crested newts; however, suitable grassland, scrub and brash are present in the area surrounding the pond, with connectivity to the disused railway line and suitable foraging habitat located further afield. It is not considered that development of the Northern Parcel would constitute a significant loss in foraging habitat.

Additionally, the retention of boundary vegetation around the site peripheries and creation of wildflower and wet grassland areas, will, in the long-term, provide suitable terrestrial opportunities for great crested newts. Immediately adjacent to the eastern site boundary, and within a 250 m radius of Pond P7, is an adjacent disused railway cutting supporting secondary woodland and scrub. It is proposed that 1,750 m² of this habitat will be used for habitat enhancement and managed by MIRA, through thinning and coppicing to enhance the habitat for great crested newts. The flatter areas of the former track bed are more ruderal in nature and will also be enhanced through occasional cutting to provide foraging habitat for amphibians. The proposed area is presented in Figure 1 below.



Figure 1: Proposed Habitat / Linear Park Extension for Plot 44 Development

Fragmentation

In terms of potential fragmentation and isolation of great crested newt habitats and populations, it is considered that any adverse effects as a result of the proposed development will be minimal. The site lies immediately to the south of an area previously identified as a 'Linear Park', providing a commuting and foraging resource for great crested newts through the MIRA site, and further afield into the wider landscape.

The development of the Northern Parcel represents a slight reduction in the Linear Park at this location; however, a broad band of habitat will remain which will ensure the Park will continue to function. The presence of wider areas of terrestrial habitat will ensure that connectivity will be maintained in perpetuity, during the works and afterwards.

Hibernation Sites

The Northern Parcel does not provide hibernation habitat and therefore no loss of such sites is anticipated.

Avoidance and Mitigation

Outline Mitigation Measures for Great Crested Newts

Great Crested Newt Licence Application (Northern Parcel)

Due to the presence of the medium population of great crested newts in Pond P7, prior to any works commencing to the Northern Parcel, a Natural England great crested newt development licence will be required.

Natural England great crested newt development licences can only be applied for once outline planning permission (with reserved matters relating to wildlife or habitat issues resolved) or full planning permission has been granted, and where any conditions related to ecology have been discharged.

1) Supervised Habitat Manipulation and Soil Strip (Main Site)

During October 2024, phased vegetation clearance and targeted strip of the main site will be carried out under the supervision of an experienced ecologist.

The first phase will comprise strimming/cutting of vegetation, to reduce the potential attractiveness of these habitats for use by amphibians. All strimming/cutting works must be completed under supervision of a suitably qualified and experienced ecologist. Strimming/cutting should be undertaken during the active season (which extends from April to October inclusive), in warm weather ($> 9^{\circ}\text{C}$ when amphibians are active and able to be displaced). Immediately after completion of the strimming, all arisings must be collected and removed from the site with checks of these arisings by the supervising ecologist.

Following the habitat manipulation works, a targeted deconstruction of any suitable habitat features (e.g. within the bunds) will be completed under the supervision of a suitably qualified and experienced ecologist and in suitable weather conditions ($> 9^{\circ}\text{C}$). As this area has already been subject to exclusion works, the risk of encountering individuals is deemed low. If any individuals are identified, the supervising ecologist will advise on the best course of action.

Any common amphibians or grass snake which are found during the process will be translocated into an approved receptor area. A separate receptor area will be identified to relocate any grass snake to limit potential impacts of predation.

2) Capture and Exclusion (Northern Parcel)

Following granting of the licence, herpetofauna exclusion fencing will be installed around the Northern Parcel, to the specification detailed in the Great Crested Newt Mitigation Guidelines (English Nature, 2001) under supervision of a licensed ecologist. The area is sufficiently small that drift fencing will not be used. Refugia, consisting of carpet 'tiles' approximately 500 mm x 500 mm, and pitfall traps, consisting of plastic buckets, will be installed along the fence lines to English Nature (2001) specification. These will be alternately placed every 5 m along all fence lines. Vegetation, a mammal ladder and a piece of polystyrene will be put into each pitfall trap to provide cover for great crested newts and escape for mammals and a raft to prevent mammals from drowning.

It is acknowledged that the standard trapping period for a medium population is 60 days; however, given the scale of the area to be trapped (860 m²), it is proposed that this standard methodology would not be proportionate to the scale of impact. It is therefore proposed that a reduced trapping period is utilised, followed by a stringent deconstructive search of the area. It is

considered this will provide a sufficiently robust method to ensure no harm to individuals will take place. This is considered possible due to the small size of the area.

It is therefore proposed that the refugia and pitfall traps will be checked once a day for great crested newts for 25 days (with 5 consecutive clear days) during the active season and in suitable weather conditions (> 9°C). The active season is weather dependent but is generally accepted to extend between March and October inclusive. It is currently proposed that this exercise commences in spring 2025, as soon as temperatures are suitable.

Any great crested newts discovered during the trapping period will be moved to the receptor site located adjacent to the nearby Pond P7. This area will not be impacted by the works and therefore will be used as the receptor area for great crested newts to ensure they are relocated to a safe area and can disperse safely to the wider landscape.

3) Supervised Habitat Manipulation and Soil Strip (Northern Parcel)

Upon completion of the trapping period, the same procedure of supervised strip for the Main Site will be implemented for the Northern Parcel, alongside the partial removal of the dividing fence to open up the Northern Parcel to the Main Site. The exclusion fencing should only be removed under supervision of an experienced Ecological Clerk of Work, during the season when amphibians and reptiles are active (weather dependant, but generally between March and October).

General Construction Phase Measures

Implementation of the following additional measures will ensure that there are no impacts on great crested newts (and common amphibians) during the construction period of the proposed development:

- Staff awareness.
 - All contractors should be made aware of the potential presence of great crested newts on site during the initial site induction and regular toolbox talks.
 - Amphibians like to hide under refuges such as those discussed above. Staff should simply demonstrate awareness when working and moving materials. Should an animal other than a great crested newt 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. It is important to note that all native amphibians are harmless and the best option if encountered is simply to leave the animal alone or, if it may come to harm, move it to a suitable location within habitat on the closest boundary of the site.
- Monitoring and maintenance of exclusion fencing.
 - The herpetofauna fencing is to be maintained by the client during the site's development works. The exclusion fencing should only be removed under supervision of an experienced Ecological Clerk of Work, during the season when amphibians and reptiles are active (weather dependant, but generally between March and October). The external boundary fencing will only be removed on completion of the development. The internal fences can be removed once the vegetation has been managed and/or cleared.

As a matter of general good ecological practice, an understanding of amphibians and the undertaking of sympathetic working practices will reduce the likelihood of an encounter with and harm to amphibians.

Timing Restrictions

Table 1 details timing restrictions in order to minimise the impact of the works on great crested newts.

Works proposed	Time of Year											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Clearance of vegetation to 150 mm	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Clearance of vegetation below 150 mm / ground works / clearance of potential hibernacula and refuges	x	x	✓	✓	✓	✓	✓	✓	✓	✓	x	x
Key: ✓ Suitable time for activity to be undertaken, temperature permitting (subject to approval from Ecological Clerk of Works, and of approval of the development licence for the Northern Parcel) x: No works permitted.												

Table 1: Timing Restricted Work Activities

Use of Protective Fencing/Barriers

The areas of habitat scheduled for retention to the peripheries of the site – particularly along the adjacent disused railway corridor and Linear Park – will be protected throughout the works by the installation of protective fencing. This fencing should ensure the integrity of the Root Protection Area of trees and should meet the requirements of British Standard 5837: 2012 "Trees in relation to design, demolition and construction – recommendations" (where relevant).

All fencing and barriers should be installed section by section prior to the commencement of works in that section, and under the supervision of an ecologist where required. The fencing will be temporary, but sufficiently robust to prevent accidental incursions into the protected areas.

Precautions for Open Excavations

If any excavations are required to be left open overnight, ramps will be left within them to allow fauna to easily exit. Open excavations will be inspected at start of each day to ensure fauna have not become trapped.

Site Compound and Storage of Materials

All areas to be used for site compounds / material storage will be agreed with an ecologist prior to commencement and will be cited within habitats of negligible ecological value. No storage of materials will be permitted in proximity to Pond P7 or within the Linear Park.

Amphibians will utilise stacked materials such as wood, stone, boards or metal sheets as refuges. Active work areas should be kept tidy and materials should be stored off the ground – for example on pallets where possible.

Should it be necessary to store materials such as topsoil on site, then these will be stored in raised skips, trailers or containers on raised pallets.

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 (2020²) provides guidance on controlling construction dust and will be followed throughout the construction period.

Lighting

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 (e.g. the adjacent disused railway corridor and Linear Park).

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 accordance with British Standard 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites³.

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

Contingency Measures

Should any unexpected events occur, work will cease and a suitable experienced and qualified ecologist will be contacted to determine the most appropriate way to proceed.

² Health and Safety Executive (2020) *Construction Dust – Construction Information Sheet No 36 (Revision 3)*. March 2020.

³ British Standards Institution (2009) *BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites*.

Compensation and Enhancement

Landscape Design and Habitat Creation

The majority of Plot 44 will be developed and there is little scope of further habitat creation on site. However, the site has connectivity with the disused railway cutting to the east, which offers opportunities for dispersal into the wider landscape.

The land identified (Figure 1) will be specifically brought forward for habitat creation and management to support a wide range of biodiversity, including as terrestrial habitat for great crested newts.

The aim of the habitat enhancement will be to encourage an ecologically beneficial understorey to provide great crested newts with better connectivity across the site and provide more suitable foraging and refuge habitat. Trees shall be selectively thinned to remove poor or weak specimens, allow room for growth and avoid 'overcrowding'. Care shall be taken to avoid overthinning, so creating obvious 'gaps' in the woodland habitat.

The understorey shall be managed as coppice, in compartments of approximately equal size, ensuring that each compartment does not span the full width of the woodland embankment area in order to retain a continuous corridor. Brambles shall be cut back to a suitable degree so as not to suppress self-seeded native trees and shrubs and to prevent them becoming dominant within the understorey.

The former track bed of the railway will be strimmed every two years during July to mid-September to prevent scrub encroachment and succession of the habitat. This will provide a habitat mosaic for great crested newt of herbaceous, scrub and woodland vegetation.

Deadwood and arisings from coppice and thinning works will be used to create refugia for great crested newt within the woodland area by stacking in log piles and hibernacula as per Figure 2, below.

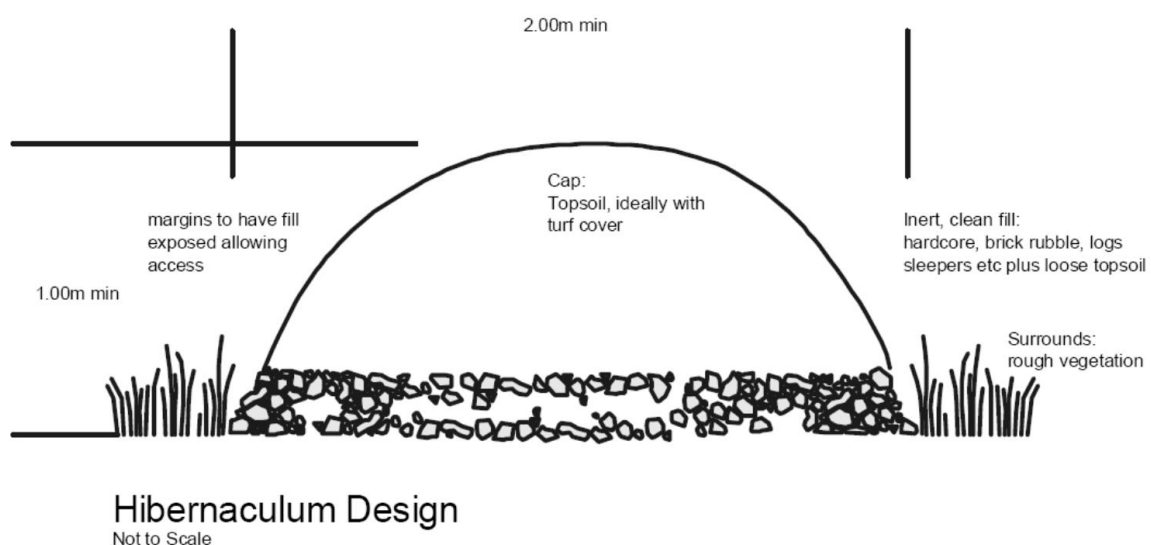


Figure 2: Diagram of Ideal Hibernaculum Design

Appendix 2

Relevant Legislation

Great crested newts (GCN) and the places they use for shelter or protection 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 GCN, 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 GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN 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 GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

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.

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

GCN are listed a Species of Principal Importance for Nature Conservation in England which means they are a material consideration in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.