



Pennant Walters Ltd

Mynydd Glyn Wind Farm

CEMP

Appendix D Method Statement – Generic PS



This report was prepared by WSP Environment & Infrastructure Solutions UK Limited (formerly known as Wood Environment & Infrastructure Solutions UK Limited), company registration number 02190074, which is carrying out these services as a subcontractor and/or agent to Wood Group UK Limited

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CEMP Appendix D: Generic Protected Species Method Statement

1. Introduction

1.1.1 A number of species receive protection under UK and European law. When carrying out works, generic measures will be put in place, as appropriate, to ensure compliance with legislation relating to the following species/ species groups, in the following circumstances:

- Nesting birds – within all areas of scrub, bracken, grassland, trees (all sizes, alive and dead) and crop fields;
- Badgers – within vegetated areas that might be used by badgers, but where no setts are known to occur closer than 30m to the works area;
- Otters – in proximity to all water courses and waterbodies, but where survey work has not confirmed the presence of an otter holt; and
- Species protected under the Environment (Wales) Act 2016, known as Section 7 “Priority Species”, such as hedgehog.

1.1.2 These measures will be adopted where they are required only as a precaution (i.e. survey work has identified the potential for the species to use the site, but not evidence of the species using the site), or where potential impacts on the relevant protected species are likely to be low. The project ecologist will determine when and where it is appropriate to apply this Method Statement.

Any operative who does not follow this Method Statement may be contravening legislation and therefore risks facing prosecution.

2. Relevant Legislation

2.1 Nesting birds

- 2.1.1 With the exception of certain game birds in certain circumstances, all wild birds, their nests and eggs are protected under the *Wildlife and Countryside Act 1981* (as amended). In summary, this makes it a criminal offence to damage or destroy a bird nest while it is in use or being built; and to take or destroy the egg of any wild bird. Some species, listed on Schedule 1 of the Act, receive additional protection. This makes it illegal to disturb the bird while it is nest building, or is at a nest containing eggs or young, and to disturb the dependent young of such a bird.

2.2 Badgers

- 2.2.1 Badgers are protected under the *Protection of Badgers Act 1992*. In summary, this makes it a criminal offence to kill, injure or take a badger, or attempt to do so; to damage, destroy or obstruct access to a badger sett; and to disturb a badger when it is occupying a sett.

2.3 Otters

- 2.3.1 Otters and their habitat are protected under the *Wildlife and Countryside Act 1981* (as amended) and the *Habitats Regulations 2017* (as amended). In summary, this makes it a criminal offence to capture, kill, injure, or take (handle) an otter; disturb an otter; and damage, destroy or obstruct access to any breeding site or resting place of an otter, or any structure or place that an otter uses for shelter or protection.

2.4 Section 7 (Priority species)

- 2.4.1 Species protected under the Environment (Wales) Act 2016, known as Section 7 “Priority Species”. This includes brown hare, polecat and hedgehog.

3. Toolbox Talk

- 3.1.1 As part of the site induction, all site operatives will be briefed to provide them with a basic overview of the life history, habitat requirements, identification and legal protection of granted to nesting birds, badgers and otters. The toolbox talk will also identify the habitats present on site that has the potential to be used by these species, and outline the environmental measures to be followed in order to avoid adverse impacts on the protected species that could occur within the working area.

4. Verification Surveys (Badgers and Otters)

- 4.1.1 There is potential for badgers/ otters to move into new areas or create new setts/ holts at any time. As a result, **two months prior to works** commencing on the site, update badger and otter surveys will be carried out. This will enable the ECoW to confirm that the measures set out in this Method Statement remain valid and appropriate for the proposed works, and identify any new badger setts or otter holts occurring within or adjacent to the site. If such is identified, it is likely that this Method Statement will no longer be considered sufficient, and a licence will be required from Natural Resources Wales (NRW) in order to carry out the works. A site-specific Method Statement would be required to accompany the licence application in this instance.

5. Preparation of Working Area (for Nesting Birds)

5.1.1 The core breeding season for birds in Wales runs from March through to July, however this varies between species and some will breed outside of this time period. The period of **February to August inclusive** can be used a reliable period to encompass the breeding seasons of most British bird species.

5.2 February - August inclusive

- working areas, including access routes, will be clearly marked out in advance of works commencing. Works will then be restricted to the delineated areas, with any requirement to extend beyond those marked areas subject to further mitigation measures in line with this Method Statement;
- clearance or disturbance of any habitat suitable for nesting birds during the period February to August will be immediately preceded by an inspection by an experienced ecologist to identify evidence of bird breeding activity (taken as the commencement of nest building through to fledging); and
- if such is found, the vegetation that contains the nest, and a suitable buffer around it, will be left undisturbed until the young birds have fledged. The size of the buffer will depend on the species and the situation, therefore this will be assessed and determined by the ecologist on-site.

5.3 September to January inclusive

5.3.1 Works within potential bird nesting habitat outside of the core bird breeding season, i.e. between **September and January**, will proceed unsupervised by an ECoW. All operatives will however remain vigilant and if any evidence of nesting bird activity is observed, works will cease in that area until further advice can be sought from the ECoW.

5.4 Schedule 1 bird species

5.4.1 If during any survey works or pre-vegetation clearance inspection, the ECoW identifies a Schedule 1 bird species nesting within or in close proximity to the works area, additional measures will be required. Schedule 1 species receive a greater level of legal protection against disturbance of nesting birds and any dependent young at or near to the nest site. In such a case the ecologist will provide additional guidance specific to the working practices and the species encountered. This may include:

- a construction works programme would identify all known Schedule 1 nests and avoid, amend or reduce works during sensitive periods i.e. breeding season;
- a disturbance buffer around each nest site would be determined, specific to the species encountered and its expected tolerance to the given works;
- should vegetation clearance or construction works be unavoidable within a proposed buffer and disturbance to nesting Schedule 1 species considered likely, it may be necessary to obtain a derogation licence to proceed. In this instance, phased removal of vegetation would be required prior to this period;

- pre-construction surveys would be required in order to establish the presence of nesting Schedule 1 species and monitoring of the nest site would be undertaken during the construction period by an ornithological clerk of works;
- as a precaution, the following mitigation/ reduction measures would also include the adoption of the following sensitive working practices:
 - ▶ consideration would be given, where applicable, to the installation of temporary visual screening (Heras fencing with plywood hoarding or such like), at a height of 3m around each construction working area, helping to limit noise and light spill and visible disturbance from human presence.
 - ▶ measures to restrict any unnecessary noise (e.g. vehicle horns, loud reversing alarms, unnecessary engine revving etc.) during the construction period would be considered if works are during the sensitive period.
 - ▶ speed limits would be enforced by all site vehicles along access tracks/ haul roads.
 - ▶ any construction site lighting should be appropriately positioned; and
 - ▶ no night working.
- if disturbance was considered likely, work within the buffer zone would be suspended and would resume only once the ornithological clerk of works is satisfied that the young have fledged and are no longer dependent on the nest site.

6. General working practices

- the working area will be delineated to prevent activities encroaching onto habitat or features that have not been cleared in line with this, or any other appropriate Method Statement;
- all cleared vegetation will be removed from the working area at the end of each day and destroyed, or stored in an appropriate holding facility (e.g. a covered skip) to prevent birds attempting to nest amongst such material, unless an alternative arrangement is agreed with the ECoW;
- once the site has been prepared in line with the Ecological Method Statement, the working areas will be deemed free of nesting bird habitat, and the proposed works can proceed without further supervision. In order to ensure that the area remains free of nesting birds, it will be necessary to maintain the working area as bare soil until construction works are complete to discourage any animals from moving back in;
- all steep-sided excavations larger than 0.3 x 0.3m will be covered at night, or an escape ramp provided to avoid badgers, otters or other notable species (such as hedgehog, polecat and brown hare) falling in and becoming trapped;
- a maximum speed limit of 10mph on-site will be enforced on site, and operatives will be warned of the presence of badgers and otters and other priority species in order to reduce the risk of death or injury through vehicle collision;
- vehicles will not be driven over potential nesting bird habitat that has not been declared 'clear' by the ECoW; and
- contact details for the ECoW will be displayed on-site. All operatives will remain vigilant throughout the works, and report any suspected nesting bird, badger or otter activity within the Site to the ECoW.

