

Protected species and habitats

Construction work (such as demolition, site clearance and dewatering) potentially affects plants and wildlife detrimentally in the following ways:

- Removal and fragmentation of habitats.
- Disturbance of aquatic wildlife and water quality.
- Disturbance to wildlife from noise and vibration.
- Damage to trees and hedgerows.
- Changes in lighting conditions.



Great crested newt

What the law says

Several hundred species of birds, wild creatures, insects and plants are protected under the Wildlife and Countryside Act 1981 (as amended) and the Wildlife (Amendment) (Northern Ireland) Order 1985, for example:

- Bats
- Otters
- Great crested newts
- Dormice
- Red squirrels
- All types of nesting birds and their eggs
- The Protection of Badgers Act 1992 protects badgers from deliberate harm, injury or baiting.

Failure to comply with the legislation can lead to six months' imprisonment and an unlimited fine.

Before any work starts on site

- A qualified ecologist must carry out a preliminary ecological appraisal (also known as a phase 1 habitat survey) to identify wildlife features and ecologically important areas, and designate them as protected areas before work commences.
- Contractual and client documentation must be reviewed, and all sensitive areas that will require protection and management be identified, along with any necessary mitigation measures or key constraints for the project.
- Liaisons with statutory bodies and local groups must be arranged to explain any mitigation measures to be used, and contact must be made with the local authority to ensure that any trees or hedgerows identified for removal are discussed, and their removal is avoided where possible.
- Where there is a need, licences and consents must be obtained from the relevant regulatory body to move protected species or disrupt their habitats (such as bats, badgers, newts or lizards), and specific biosecurity plans must be worked up and implemented if non-native invasive species have been identified.
- Vegetation removal, site clearance, demolition works, and other construction works must be scheduled to avoid hibernation, breeding and nesting periods. Protected areas and other areas containing wildlife must be suitably protected from construction work (for example, fenced off with signage in place to restrict access), and trees and hedgerows must be suitably protected to avoid damage from the works.

When work has started on site

- At site inductions and toolbox talks, site personnel must be made aware of any protected, sensitive or no-go areas, and these must be identified on maps, with the consequences of damage to these areas explained.
- Treatment companies and operatives must hold the appropriate qualifications and certificates of competency for herbicide use, or operate under the control of a certificate holder.
- Regular checks must be made on the condition of fencing around any designated protected areas, and for compliance against method statements and the construction environmental management plan.
- Any chemical containers or materials contaminated with herbicides must be disposed of at a waste treatment facility that meets the Hazardous Waste (England and Wales) Regulations 2005, and/or the Scottish Environment Protection Agency, in accordance with the duty of care. Soils contaminated with invasive plants or roots must be removed to an appropriately authorised landfill site.

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