

Reasonable Avoidance Measures – Chestnut Way

RAMs for Badgers, Small Mammals, Reptiles, Amphibians – Chestnut Way			
Project	Chestnut Way, Littleborough	Project No.	-
RAMs No.	001	Person Conducting Assessment	John Broadbent
Supervisor	Jimmy Royle	Date	27/02/2023
Location	Land at Chestnut Way, Littleborough		
Notes:- 1. Control measures are to ensure that relevant risk promotes safe-working and is conducive to reducing the likelihood of risk occurring. 2. If the operations are likely to affect the public or the safe operation of a public transport system, the control measures must reduce the likelihood of significant harm to the level that existed before CRHL work commenced.			
Impact:			

Legislation

Badgers are an iconic wild mammal in Britain and relatively wide spread in England. Badgers and the setts they live in are fully protected in the UK by the Protection of Badgers Act 1992 and by Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2006 places a public duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Badgers are of material consideration when it comes to planning applications.

It is an offence to:

1. Wilfully kill, injure, take, possess or cruelly treat a badger or to attempt to do so
2. Intentionally or recklessly damage, destroy or obstruct access to a badger sett
3. Works must be kept to a predetermined distance where damage to a sett will not occur, this may be 30m in some situations

The Wildlife and Countryside Act 1981 (as amended), also protects great crested newts. As with badgers, it is an offence to intentionally capture, kill, or injure a great crested newt; intentionally or recklessly damage, destroy or obstruct access to any place used for shelter and protection including resting and breeding places (whether occupied or not); deliberately, intentionally or recklessly disturb a great crested newt when in place of shelter; possess a great crested newt or any part of it, unless acquired lawfully; sell, barter, exchange or transport or offer for sale great crested newts or parts of them.

As per the NERC Act 2006, the Government are required to produce a list of species and habitats considered by the Secretary of State to be of principal importance for conserving biodiversity in England. Table 1 shows the amphibian and reptile species that are listed under Section 41 of this list, those marked with a '*' are especially relevant to the land use planning sector.

Amphibian and Reptile Conservation Planning Advice Note (England)



Group	Species	Killing and injury	Disturbance, capture and habitat	Section 41 "priority species"
Widespread amphibians	Smooth newt			
	Palmate newt			
	Common frog			
	Common toad*			
Widespread reptiles	Viviparous (common) lizard*			
	Slow-worm*			
	Grass snake*			
	Adder*			
European Protected Species	Natterjack toad			
	Pool frog			
	Great crested newt*			
	Sand lizard			
	Smooth snake			

Table 1: Legal protection and Section 41 "priority species" status of amphibians and reptiles in England

Smooth snakes, sand lizards and pool frogs are designated and protected as European protected species (EPS). EPS are protected under The Conservation of Habitats and Species Regulations 2017. Common reptile species such as the common lizard slow worm, grass snake and adder are protected against killing, injury and sale.

As Verity Webster outlines; there is potential for hedgehogs, common toad within the nearby woodland and surrounding gardens and so there is every possibility that they may enter the site.



Measures for Protecting Badgers, Small Mammals, Reptiles and Amphibians during Construction Works

The following working practices will be implemented:

- All site staff will be informed about the potential presence of these protected species and what they need to look out for during construction works in the form of a 'toolbox talk'
- All site staff will be informed of the relevant legislation and penalties associated with the protected species.
- Should any habitats of the protected species be discovered, within the demise of the site, signs and physical barriers will be erected to make staff aware of these 'exclusion zones'. There would also be temporary, secure reptile fencing to prevent reptiles moving into harmful areas.
- If there is no reasonable habitat close by, translocation will be considered, but only as a last resort. As per Verity Webster's recommendation: if hedgehogs or common toads are discovered during construction works, they can be picked up (with gloves on) and moved to an area with suitable cover outside the works site i.e. the nearby woodland.
- Excavations and trenches left overnight will either be covered, or have an escape route, so as to enable badgers and other small animals to climb out.
- Vegetation will be cleared prior to March which is when amphibians and reptiles are active – this should mitigate inadvertent displacement of 'active' habitats. Moreover, removal of debris and / or soil / rubble mounds will be undertaken with care, whilst checking for wildlife.
- Construction materials will be stored on pallets and / or hard-standing areas where possible. This should minimise the risk of any of the named animals using the materials on site as shelter.
- Where possible, construction works will be kept to within daylight hours.