

Southampton to London Pipeline Project

Volume 6

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Appendix 7.17: Protected and Controlled Species
Legislation Compliance Report

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Southampton to London Pipeline Project

Esso Petroleum Company, Limited

Appendix 7.17: Protected and Controlled Species Legislation Compliance Report

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1 Introduction

1.1 Overview

- 1.1.1 Esso Petroleum Company, Limited (Esso) is making an application for development consent to replace 90km (56 miles) of its existing 105km (65 miles) aviation fuel pipeline that runs from the Fawley Refinery near Southampton, to the Esso West London Terminal storage facility in Hounslow.
- 1.1.2 In the absence of avoidance or good practice measures, there is potential for activities associated with the construction phase of the project to result in offences with respect to legally protected or controlled species. It is not considered likely that operation of the pipeline would contravene relevant legislation with respect to protected or controlled species.
- 1.1.3 This report provides a summary of the protected and controlled species known to be present near the project and reviews the relevant regulatory requirements. It also sets out the steps (proposed approach) that would be taken during installation of the pipeline to meet these requirements.
- 1.1.4 This document has been produced to support the application for development consent and the accompanying Environmental Statement under the Planning Act 2008.

2 Methodology

- 2.1.1 The presence or potential presence of protected or controlled species has been established through desk study and field surveys, as described in Chapter 7 Biodiversity.
- 2.1.2 Full details of the baseline are provided in the following reports and appendices of the Environmental Statement:
- Appendix 7.1 Habitats and Botany Factual Report;
 - Appendix 7.4 Invasive Non-Native Plant Species Factual Report;
 - Appendix 7.5 Aquatic Ecology Factual Report;
 - Appendix 7.6 Badger Factual Report;
 - Appendix 7.7 Bat Factual Report;
 - Appendix 7.8 Bird Factual Report;
 - Appendix 7.9 Dormouse Factual Report;
 - Appendix 7.10 Great Crested Newt Factual Report;
 - Appendix 7.11 Reptile Factual Report; and
 - Appendix 7.12 Riparian Mammal Factual Report.
- 2.1.3 All potential impact pathways were identified, as described in Chapter 7 Biodiversity.



- 2.1.4 The project design is the result of a process of iterative design development that was introduced at project inception. Where design measures have been incorporated into the project to avoid or reduce impacts, they are termed 'embedded' measures. Embedded measures are described in Chapter 4 Design Evolution.
- 2.1.5 The project has committed to various good practice measures to avoid or reduce ecological impacts and to meet relevant regulatory requirements. Good practice measures are set out in the Register of Environmental Actions and Commitments (REAC) in Chapter 16 Environmental Management and Mitigation, and are secured through Development Consent Order (DCO) requirements such as the Code of Construction Practice (CoCP) in Appendix 16.1. The full list of the project commitments can be found in the REAC in Chapter 16.
- 2.1.6 This report / appendix contains a number of project commitments to reduce impacts on the environment. These are indicated by a reference number like this: (G20).
- 2.1.7 The legislation under which relevant species are protected or controlled has been reviewed to identify whether there is potential for the project to result in offences, taking into account the good practice measures.

3 Legal Context

3.1 Relevant Legislation and Offences

- 3.1.1 Offences considered in this report are only those that could occur as a result of the project. Offences relating to cruelty, possession, transport, sale and certain methods for capturing/taking and killing have not been considered, as such activities would not arise as a result of the proposals.
- 3.1.2 Legislation of relevance to this document comprises:
- Conservation of Habitats and Species Regulations 2017;
 - Wildlife and Countryside Act 1981 (as amended);
 - Protection of Badgers Act 1992;
 - The Eel (England and Wales) Regulations 2009;
 - Salmon and Freshwater Fisheries Act 1975; and
 - Environmental Protection Act 1990.
- 3.1.3 The Hedgerows Regulations 1997 do not directly apply as any development consent granted would provide the relevant permission to remove hedgerows captured by the Regulations. This would mean that any hedgerow removal would be considered to be permitted work under Regulation 6(1)(h) of the Hedgerows Regulations. Baseline information describing those hedgerows captured by the Hedgerows Regulations for ecological reasons is provided in Appendix 7.2 Hedgerow Factual Report. A schedule of all hedgerows captured by the Regulations has also been produced as part of the Draft DCO (**application document 3.1**).



- 3.1.4 All wild plants are protected from unauthorised removal under Section 13(1) of the Wildlife and Countryside Act 1981 (as amended). As vegetation clearance for the project would be a lawful operation authorised by the development consent, these offences would not apply.
- 3.1.5 The Environmental Protection Act 1990 applies as it provides restrictions relating to the disposal of waste containing controlled species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), such as Japanese knotweed (*Fallopia japonica*).
- 3.1.6 The sections below set out the relevant legislation and the potential for offences that could occur as a result of the project's construction activities.

3.2 Licences

- 3.2.1 Natural England (NE) can grant licences for activities affecting certain protected species.
- 3.2.2 If an offence to a European Protected Species (EPS) is considered likely under the Conservation of Habitats and Species Regulations 2017, then it may be permitted via an EPS licence. NE can issue such licences under Regulation 55 if the following three tests can be met:
- the 'Purpose' test: the purpose of the work meets one of those listed in Regulation 55(2);
 - the 'No Satisfactory Alternative' test: the legislation requires NE to be satisfied that there is "no satisfactory alternative" to the activity proposed (Regulation 55(9)(a)); and
 - the 'Favourable Conservation Status (FCS)' test: that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (Regulation 55(9)(b)).
- 3.2.3 With respect to the Purpose test, the purpose of the project activities requiring a licence relate to '*preserving public health or public safety or other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment*'.
- 3.2.4 With respect to the No Satisfactory Alternative test, the preferred route selection process and various iterations of the project's design are discussed in Chapter 4 Design Evolution. Chapter 5 Consultation and Scoping describes the statutory consultation process that was undertaken when determining the project's preferred route.
- 3.2.5 Information with respect to the FCS test is provided in the relevant species sections of this report and/or the respective draft licence applications provided in Appendices 7.14, 7.15 and 7.16.
- 3.2.6 For species protected under the Wildlife and Countryside Act 1981 (as amended), there are limited provisions for derogation licences for the purposes of development projects, e.g. water vole (*Arvicola terrestris*).



- 3.2.7 Otherwise, offences under the Wildlife and Countryside Act 1981 (as amended) are permissible using the legal defences set out in the Act.
- 3.2.8 Offences under the Protection of Badgers Act 1992 may also be permitted through the granting of a licence from NE.

4 Relevant Species

4.1.1 The baseline data collection has recorded evidence of the following taxa for which the legislation listed in Section 3 applies:

- protected species:
 - badger (*Meles meles*);
 - bats;
 - birds;
 - dormouse (*Muscardinus avellanarius*);
 - fish;
 - great crested newt (GCN) (*Triturus cristatus*);
 - reptiles;
 - otter (*Lutra lutra*); and
 - water vole;
- controlled species:
 - Japanese knotweed;
 - Himalayan balsam (*Impatiens glandulifera*);
 - shallon (*Gaultheria shallon*);
 - cotoneaster (*Cotoneaster simonsii*);
 - wall cotoneaster (*Cotoneaster horizontalis*);
 - montbretia (*Crocasmia x crocosmiiflora*);
 - New Zealand pigmyweed (*Crassula helmsii*); and
 - rhododendron (*Rhododendron ponticum*).

5 Badger

5.1 Relevant Legislation

5.1.1 The Protection of Badgers Act 1992.

5.2 Baseline Information

5.2.1 Multiple records of badgers were returned by biological record centres within the study area. Field surveys also confirmed the presence of several badger setts within the Order Limits plus a 30m buffer.



5.2.2 Full baseline information is provided in Appendix 7.6 Badger Factual Report.

5.3 Relevant Provisions

5.3.1 Field survey information suggests that active badger setts may be affected in numerous locations along the route (within and outside the Order Limits).

5.3.2 A review of the potential for the project to result in offences with respect to badgers is detailed in Table 5.1.

Table 5.1: Relevant Legislation and Potential for Committing an Offence with Respect to Badgers

Protection of Badgers Act 1992	Potential Offence (in Absence of Good Practice Measures)
To wilfully kill, injure or take, or attempt to kill, injure or take a badger (s1(1)).	Possibly – if badgers are present in setts directly affected by construction works
To disturb a badger when it is occupying a badger sett (s3(e)).	Possibly – if badgers are present in setts within the vicinity of construction activities
To obstruct access to, or any entrance of, a badger sett (s3(c)).	Yes – setts located within the Order Limits
To damage a badger sett or any part of it or to destroy a badger sett (s3(a)(b)).	Yes – setts located within the Order Limits

5.4 Proposed Approach

5.4.1 A draft badger licence application is provided in Appendix 7.13 Draft Badger Licence Application. It describes the measures that would be undertaken with respect to badgers, as per the baseline conditions recorded.

5.4.2 Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented (G33). The proposed approach would be updated accordingly to reflect the results of any such surveys but is expected to remain consistent with the measures described in Appendix 7.13 and therefore, be in accordance with relevant good practice guidance.

5.4.3 Given the current baseline conditions, it is considered extremely unlikely that an impact would arise that could not be avoided or reduced using good practice measures, and so NE is considered likely to grant a licence. In the unlikely event that changes to the baseline conditions would result in impacts to a main sett that cannot be avoided within the Order Limits (and thus NE would not likely grant a licence), installation of the pipeline could be achieved through the use of trenchless installation techniques at a depth sufficient to avoid impacts to the sett (on level ground, badger tunnels are typically no deeper than approximately 1m (Roper, 2010) and horizontal directional drilling can be undertaken much deeper than this). As such, there are considered to be no realistic scenarios under which NE would be unlikely to grant a licence should the project receive development consent.

5.5 Conclusion

5.5.1 The potential for offences with respect to badgers have been identified. These would be avoided by implementing the measures described in Appendix 7.13. If



development consent is granted, it is considered likely that NE would issue a licence permitting interference to relevant badger setts.

6 Bats

6.1 Relevant Legislation

6.1.1 The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

6.2 Baseline Information

6.2.1 The desk study identified multiple records of bats within the study area. During ground-based roost assessments and climbing inspections, three bat roosts in trees within 10m of the Order Limits were recorded. Also within 10m of the Order Limits, 121 trees were classified as having high potential for bat roosts and 335 trees were classified as having moderate potential for bat roosts. As such, there may be additional roosts within this area.

6.2.2 Further baseline information is provided in Appendix 7.7 Bat Factual Report.

6.3 Relevant Provisions

6.3.1 The pipeline route is 97km long and the Order Limits support hundreds of trees. The requirement to fell trees during the pipeline's installation would be unavoidable. However, it is not yet known which individual trees would be directly affected by installation activities. This would not be confirmed until the detailed design has been undertaken, following the granting of any development consent.

6.3.2 A review of the potential for the project to result in offences with respect to bats is detailed in Table 6.1.

Table 6.1: Relevant Legislation and Potential for Committing an Offence with Respect to Bats

Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Possibly – if roosting bats are present at the time of tree felling works.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(i). For the purposes of Reg 43(1)(b), 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.	-	Possibly – if roosting bats are present within the vicinity of construction works.
To deliberately disturb wild animals of an EPS (Reg 41(1)(b)). Reg 43(2)(a)(ii). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to impair their ability, in	-	Possibly – if roosting bats are present within the vicinity of construction works.



Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
the case of animals of a hibernating or migratory species, to hibernate or migrate.		
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(b). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	No – although construction activity could increase noise and vibration this would be over a short-duration only and is considered unlikely to be sufficient to generate a significant response at the population level.
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d)).	Intentionally or recklessly damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	Possibly – if roosting bats are present at the time of tree felling works.
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	Possibly – if roosting bats are present at the time of potentially disturbing activities e.g. tree works, lighting.
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	No – the obstruction of access points to tree roosts is not likely to arise due to project activities.

6.4 Proposed Approach

Iterative Design Development and Embedded Measures

- 6.4.1 Good practice measures can be found within the REAC and secured through DCO requirements such as the CoCP. The full list of the project commitments can be found in Chapter 16 Environmental Management and Mitigation.
- 6.4.2 The following measures are embedded into the design of the project and have relevance to bats:
- Commitment to only utilise a 10m width when crossing through boundaries between fields where these include hedgerows, trees or watercourses (O1).
- 6.4.3 Where possible, the alignment of the Order Limits and Limits of Deviation (the area within which the pipeline could be installed) have been selected to reduce the loss of trees with bat roost potential and maximise the distance between construction areas and trees. Examples of embedded measures to avoid or reduce potential impacts to bats comprise:



- Godwin's Plantation (Section A). Move Order Limits west to avoid Godwin's Platanon to avoid Site of Importance for Nature Conservation, Priority Habitat and trees that have bat potential (D16).
- Brockwood School (D15). Move Order Limits.
- Oak Park, Crondall (Section C). Working width reduced to 15m to reduce impacts on woodland blocks within the golf course, some with bat roost potential and connection to Ancient Woodland. This over a distance of 305m. (Grid ref: SU8038548477 to SU8053248738) (NW7).
- Bourley and Long Valley Site of Special Scientific Interest (SSSI) (Section D). Working width reduced to limit impacts on trees and potential bat roosts within Bourley and Long Valley SSSI. This consists of two areas with a combined distance of 293m. (Grid refs: SU8240152247 to SU8244952310, and SU8307353223 to SU8320053396) (NW11, NW13).
- Queen Elizabeth Park (Section E). Working width reduced to 15m to reduce impacts on Queen Elizabeth Park, an area of high amenity, visual screening and landscape value within an urban area. Two trees with bat roost potential are also present in this location. The approximate distance would be 472m. (Grid ref: SU8654456032 to SU8694956192) (NW17).
- Frith Hill (Section E). Narrow working techniques at Frith Hill to reduce impacts on mature trees, potential bat roosts and an historic embankment. The approximate distance would be 2.2km (Grid ref: SU8905558008 to SU9094458779) (NW20).
- Adjacent to the Maultway (Section F). Working width reduced to limit impacts on mature screening trees along Maultway and also reduce impacts to Colony Bog and Bagshot Heath SSSI and potential bat roosts. The approximate distance would be 3.8km. (Grid ref: SU9097658802 to SU9252061386 (NW21).
- Northeast of Chobham Common (Section F). Working width reduced to reduce impacts on large pine trees within Monk's Walk SNCI which provide significant screening for the Longcross Estate. Potential bat roosts also present. The approximate distance would be 190m. (Grid ref: SU9903564666 to SU9913964823) (NW25).

6.4.4 Three tree roosts were identified by the 2018 field surveys. The first (tree ID: 4450_00215) is outside the Order Limits and so would not be directly impacted. The second (tree ref: 1970_64_00885) is at a boundary crossing within the Order Limits but outside the Limits of Deviation and so is highly likely to be retained. The third (tree ID:4120_110) is within the Order Limits but in a woodland that would be avoided through the use of trenchless installation techniques (crossing reference TC012).

Good Practice Measures

6.4.5 Table 6.2 outlines the good practice measures of relevance to bats. Good practice measures can be found within REAC and secured through DCO requirements such as the CoCP. The full list of the project commitments can be found in Chapter 16



Environmental Management and Mitigation. Reference codes refer to those provided in the REAC.

Table 6.2: Good Practice Measures of Relevance to Bats

Reference	Good Practice Measures
G3	A suitably qualified and experienced Environmental Manager would be appointed for the duration of the construction phase. A qualified and experienced Environmental Clerk of Works (ECoW) would be available during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the Construction Environmental Management Plan (CEMP). The ECoW would be supported as necessary by appropriate specialists.
G33	Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented.
G40	Where sensitive features are to be retained within or immediately adjacent to the Order Limits, an appropriate buffer zone would be created where this extends within the Order Limits. The buffers would be established using appropriate fencing and signage. A suitable methodologies would be produced so that construction works are undertaken in a manner that reduces the risk of damage or disturbance to the sensitive feature.
G41	The ECoW would monitor that the works proceed in accordance with relevant environmental DCO requirements and adhere to the required mitigation measures. The ECoW would also be involved with any targeted additional mitigation strategies that may be required.
G43	The contractor would comply with relevant protected species legislation with regards to bats. Appropriate licences would be obtained where necessary from NE for all works affecting protected species as identified by the Environmental Statement through pre-construction surveys. All applicable works would be undertaken in accordance with the relevant mitigation requirements and conditions set out in those licences.
G45	Lighting would be of the lowest luminosity necessary for safe delivery of each task. It would be designed, positioned and directed to reduce the intrusion into adjacent properties and habitats.
G46	Relevant guidance on mitigating the impact of artificial lighting on bats would be applied where practicable. This includes good practice measures that would: <ul style="list-style-type: none"> • limit illumination of confirmed bat roosts, or trees with moderate or high potential to support bat roosts; and • limit times that the lights are on and consider factors such as height of lighting columns and use of light sources with minimal ultraviolet.
G56	Alternative roost structures (bat boxes) would be provided (with landowner consent) on retained trees within the Order Limits. Three boxes would be provided for all trees with moderate bat roost potential to be felled. Five boxes would be provided for all trees with high bat roost potential to be felled.
G65	Working widths would be reduced in specific locations where trees or hedges are present. Where notable trees would be retained within or immediately adjacent to the Order Limits, the trees and their root protection areas would be protected where they extend within the Order Limits and are at risk. This would be by means of fencing or other measures.
G87	Vegetation clearance, retention, protection and replanting/reinstatement drawings would be produced prior to the construction phase. The contractor(s) would implement these plans including agreed mitigation where practicable.
G88	Where possible, reinstatement of vegetation would generally be using the same or similar species to that removed (subject to restrictions for planting over and around pipeline easements).
G92	A three-year aftercare period would be established for all mitigation planting and reinstatement.



Reference	Good Practice Measures
G172	Ecological considerations would be included in the induction talks for all relevant site personnel. Species-specific or location-specific toolbox talks would also be provided, as required.
G174	Buildings, structures and trees within the Order Limits, confirmed to have high or moderate potential to support bats, that do not require removal, would be retained and protected with an appropriate buffer zone. Those that require removal and have high or moderate potential for bat roosts would be surveyed prior to their removal and either removed, or removed under licence from NE if roosts are confirmed to be present.

6.4.6 The Order Limits are typically 30m wide and it is possible to reduce the working width within this area for short distances to avoid constraints, as evidenced by the embedded measures described. Furthermore, there is a degree of flexibility with respect to where the pipeline can be positioned within the Limits of Deviation. As such, there is a high degree of confidence that most bat roosts within the Order Limits could be retained and avoided (e.g. G40), once confirmed as present.

Potential Requirements of an EPS Licence

6.4.7 The following paragraphs outline the likely measures that would be implemented in accordance with the provisions of Regulation 55(9)(b), the FCS test.

6.4.8 As outlined in Table 6.2, pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented (G33). For bats, this would mean that all trees with moderate or high potential to support roosts that require felling or surgery would be surveyed. Surveys would be undertaken in accordance with relevant good practice survey standards (e.g. Collins (2016)), or as otherwise agreed with NE.

6.4.9 If roosts are encountered and avoidance measures are not practicable (taking into account the type of roost, species present and engineering constraints at that location), an EPS licence may be required. If granted, this would permit the named ecologist to implement or supervise all works detailed in the licence's method statement.

6.4.10 The licence method statement would outline how the proposed work would be undertaken to avoid or reduce impacts to bats and their roosts. Outline measures that are likely to be required by an EPS licence are detailed in the paragraphs below. All required measures would be secured by an EPS licence.

6.4.11 Where necessary, appropriate precautionary tree felling techniques (e.g. soft felling, careful cutting and lowering of limbs) would be adopted to reduce the risk of harm to bats. This would include scheduling tree works to be undertaken at a time of year that would be least damaging or disturbing to the species and roost concerned, i.e. avoiding periods when bats may be breeding or hibernating, or when dependent pups are present). This would be secured by an EPS licence, as required. The trees requiring these measures would be identified by the ECoW.

6.4.12 Prior to felling and if safe access is possible, aerial inspections would be undertaken by tree-climbing ecologists to check that bats are absent.



- 6.4.13 If applicable, a method for the capture and exclusion of bats from the roost(s) prior to their felling would be agreed to avoid killing and injuring bats during tree works. This would include details relating to how bats would be excluded from a roost prior to its destruction (i.e. felling of tree). Methods would follow relevant good practice (e.g. Mitchell-Jones, 2004). There would be a contingency plan for dealing with injured bats and/or those found unexpectedly during the works. This would involve taking the bat to the nearest bat carer, vet or wildlife hospital.
- 6.4.14 Where a confirmed bat roost is unavoidably lost, replacement bat boxes would be installed on retained trees within the Order Limits. The number and design of bat boxes to be installed would depend on the type of roost and species present. However, boxes would typically be made from woodcrete for durability. Bat boxes would be installed in advance of felling so that they are available for use by bats prior to the loss of the natural roost.
- 6.4.15 A review of the Order Limits has been undertaken to confirm that there are sufficient trees outside the Limits of Deviation on which replacement boxes could be installed (and taking account of the embedded measure to reduce the working width to 10m at boundary crossings). Specific areas have been included within the Order Limits close to all locations where there is a theoretical possibility that all mature trees could be removed, as shown in Figure 7.5. These areas encompass woodland or mature trees, so that there is a very high degree of confidence that there would be sufficient local retained trees within the Order Limits on which to deliver this measure.
- 6.4.16 Where practicable and appropriate (i.e. taking account the species and type of roost), confirmed roost features in trees to be felled would be 'resurrected' into retained trees within the Order Limits by arboricultural contractors. This would be secured by an EPS licence, as required.
- 6.4.17 Given implementation of the measures outlined above, it is considered extremely unlikely that an impact would arise that would compromise the FCS of the species concerned. In the unlikely event that impacts to a high value roost cannot be avoided and appropriate good measures cannot be adopted (and thus NE would not likely grant a licence), installation of the pipeline could be achieved through the use of trenchless techniques that would avoid the roost.
- 6.4.18 As such, there is considered to be no realistic scenario under which the project's impacts would undermine the FCS of a bat species. NE is therefore considered likely to grant a licence, if required.

6.5 Conclusion

- 6.5.1 The potential for offences with respect to bats have been identified. Where appropriate and based on the results of pre-construction surveys, all offences would be avoided by implementing the relevant measures outlined above. If development consent is granted, it is considered likely that NE would issue an EPS licence based on a detailed and impact-specific method statement, as required.



7 Nesting Birds

7.1 Relevant Legislation

7.1.1 The Wildlife and Countryside Act 1981 (as amended).

7.2 Baseline Information

7.2.1 The results of the bird desk study can be found in Appendix 7.8 Bird Factual Report

7.3 Relevant Provisions

7.3.1 During the breeding bird season, construction activity has the potential to impact nesting birds.

7.3.2 A review of the potential for the project to result in offences with respect to nesting birds is detailed in Table 7.1.

Table 7.1: Relevant Legislation and Potential for Committing an Offence with Respect to Nesting Birds

Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To intentionally kill, injure or take any wild bird (s1(1)(a)).	Yes – during vegetation clearance, topsoil stripping or tree felling.
To intentionally or recklessly disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird (s1(5)(a)(b)).	Possibly – a number of Schedule 1 species have been recorded near the Order Limits, and these may be disturbed if present at the time of installation activities.
To take or destroy an egg of any wild bird (s1(1)(c)).	Yes – during vegetation clearance, topsoil stripping or tree felling.
To intentionally take, damage or destroy the nest of a wild bird included in Schedule ZA1 (s1(1)(aa)).	No – the species listed on this schedule (golden eagle (<i>Aquila chrysaetos</i>), osprey (<i>Pandion haliaetus</i>) and white-tailed eagle (<i>Haliaeetus albicilla</i>)) have not been recorded by the desk study, and their typical breeding ranges do not overlap with the geographical region within which the Order Limits are located.
To intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built (s1(1)(b)).	Yes – during vegetation clearance, topsoil stripping or tree felling.

7.4 Proposed Approach

7.4.1 Table 7.2 outlines the good practice measures of relevance to nesting birds. Good practice measures can be found within the REAC and secured through DCO requirements such as the CoCP. The full list of the project commitments can be found in Chapter 16 Environmental Management and Mitigation.



Table 7.2: Good Practice Measures of Relevance to Nesting Birds

Reference	Good Practice Measures
G3	A suitably qualified and experienced Environmental Manager would be appointed for the duration of the construction phase. A qualified and experienced ECoW would be available during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the CEMP. The ECoW would be supported by appropriate specialists.
G35	The assumption would be that vegetation with the potential to support bird nests would not be removed during the breeding bird season (March to August inclusive). If any works become necessary during the breeding bird season, works would be supervised by an Environmental Clerk of Works (ECoW). Appropriate protection measures would be put in place should active nests be found. These would include exclusion zones around active nests until chicks fledge or nests become inactive as determined by monitoring by the ECoW.
G38	Potentially disturbing construction works within the Thames Basin Heaths Special Protection Area would be undertaken between 1 October and 31 January unless otherwise agreed with NE.
G40	Where sensitive features are to be retained within or immediately adjacent to the Order Limits, an appropriate buffer zone would be created where this extends within the Order Limits. The buffers would be established using appropriate fencing and signage. Suitable methodologies would be produced so that construction works are undertaken in a manner that reduces the risk of damage or disturbance to the sensitive feature.
G41	The ECoW would monitor that the works proceed in accordance with relevant environmental DCO requirements and adhere to the required mitigation measures. The ECoW would also be involved with any targeted additional mitigation strategies that may be required.
G43	The contractor(s) would comply with relevant protected species legislation including with regards to badgers, bats, dormice, otters, water voles, sand lizards, great crested newts and Schedule 1 birds. Appropriate licences would be obtained where necessary from NE for all works affecting protected species as identified by the Environmental Statement and through pre-construction surveys. All applicable works would be undertaken in accordance with the relevant mitigation requirements and conditions set out in those licences.
G58	Barn owl boxes would be provided for barn owls as necessary. Two boxes per roost would be positioned a minimum of 40m away from the likely construction zone of disturbance.
G65	Working widths would be reduced in specific locations where trees or hedges are present. Where notable trees would be retained within or immediately adjacent to the Order Limits, the trees and their root protection areas (RPAs) would be protected where they extend within the Order Limits and are at risk. This would be by means of fencing or other measures.
G172	Ecological considerations would be included in the induction talks for all relevant site personnel. Species-specific or location-specific toolbox talks would also be provided, as required.
O1	Commitment to only use a 10m width when crossing through boundaries between fields where these include hedgerows, trees or watercourses.

7.5 Conclusion

7.5.1 The potential for offences with respect to nesting birds have been identified. The measures outlined would be sufficient to address the relevant regulatory requirements.

8 Dormice



8.1 Relevant Legislation

- 8.1.1 Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

8.2 Baseline Information

- 8.2.1 The desk study and field survey have confirmed the presence of dormice within the landscape through which the pipeline would be routed. The presence of dormice within the Order Limits is likely where suitable habitats occur.
- 8.2.2 Further baseline information is provided in Appendix 7.9 Dormouse Factual Report.

8.3 Relevant Provisions

- 8.3.1 Field survey information suggests that dormice or their habitat may be affected in numerous locations within the Order Limits.
- 8.3.2 A review of the potential for the project to result in offences with respect to dormice is detailed in Table 8.1.

Table 8.1: Relevant Legislation and Potential for Committing an Offence with Respect to Dormice

Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Yes – during removal of hedgerow, woodland and scrub habitat where dormouse presence is confirmed or likely.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(i). For the purposes of Reg 43(1)(b), 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.	-	Yes – during removal of hedgerow, woodland and scrub habitat where dormouse presence is confirmed or likely.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(ii). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.	-	Yes – during removal of hedgerow, woodland and scrub habitat where dormouse presence is confirmed or likely.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(b). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	Yes – during removal of hedgerow, woodland and scrub habitat where dormouse presence is confirmed or likely.



Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d)).	Intentionally or recklessly damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	Yes – during removal of hedgerow, woodland and scrub habitat where dormouse presence is confirmed or likely.
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	Yes – during removal of hedgerow, woodland and scrub habitat where dormouse presence is confirmed or likely.
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	Yes – during removal of hedgerow, woodland and scrub habitat where dormouse presence is confirmed or likely.

8.4 Proposed Approach

- 8.4.1 A draft dormouse EPS licence application is provided in Appendix 7.14. That document describes the measures that would be undertaken to meet relevant regulatory requirements with respect to dormice, as per the baseline conditions recorded.
- 8.4.2 Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented (G33). The licence application would be updated accordingly to reflect the results of any such surveys but would likely still be consistent with the measures described in Appendix 7.14 so as to be in accordance with relevant good practice guidance and to meet relevant regulatory requirements.
- 8.4.3 Given implementation of the measures detailed in Appendix 7.14, it is considered extremely unlikely that an impact would arise that would compromise the FCS of dormice. NE is therefore considered likely to grant a licence.

8.5 Conclusion

- 8.5.1 The potential for offences with respect to dormice have been identified. These would be avoided by implementing the measures described in the draft EPS licence method statement in Appendix 7.14. If development consent is granted, it is considered likely that NE would issue a licence.

9 Fish

9.1 Relevant Legislation

- 9.1.1 The Eel (England and Wales) Regulations 2009 and the Salmon and Freshwater Fisheries Act 1975.



9.2 Baseline Information

- 9.2.1 Fish data were provided by the Environment Agency for 24 historical monitoring points, covering 14 proposed crossing points including five (WCX006, WCX007, WCX012, WCX021 and WCX047) to be crossed by open cut methods.
- 9.2.2 Environmental DNA (eDNA) surveys were undertaken at selected watercourses where Environment Agency data were not available.
- 9.2.3 Species of conservation interest, including brown trout (*Salmo trutta*), bullhead (*Cottus gobio*) and European eel (*Anguilla anguilla*), were identified within various watercourses crossed by the project. A wide range of cyprinid species are also present across the study area.
- 9.2.4 A number of the minor watercourses are recognised to be of low value to fish, with fish being either totally absent from the site or habitats under considerable environmental stress so that they support small populations of tolerant fish species only.
- 9.2.5 Full details of the desk study can be found in Appendix 7.5 Aquatic Ecology Factual Report.

9.3 Relevant Provisions

- 9.3.1 A review of the potential for the project to result in offences with respect to fish is detailed in Table 9.1.

Table 9.1: Relevant Legislation and Potential for Committing an Offence with Respect to Fish

The Eels (England and Wales) Regulations 2009 (as Amended)	Salmon and Freshwater Fisheries Act 1975 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To construct, alter or maintain a dam or structure and failing to notify the Environment Agency first (Part 4 Reg 12(1)(2)(4)).	-	Yes – installation activities would temporarily obstruct watercourses
-	To cause or knowingly permit to flow, or put or knowingly permits to be put, into any waters containing fish or into any tributaries of waters containing fish, any liquid or solid matter to such an extent as to cause the waters to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish, shall be guilty of an offence (Part I Reg 4(1)).	Yes – installation activities would temporarily obstruct watercourses and could potentially result in the release of pollutants or sediment toxic to fish.

9.4 Proposed Approach

- 9.4.1 Table 9.2 outlines the good practice measures of relevance to fish. Good practice measures can be found within the REAC and are secured through DCO requirements such as the CoCP. The full list of the project commitments can be found in Chapter 16 Environmental Management and Mitigation.



Table 9.2: Good Practice Measures of Relevance to Fish

Reference	Good Practice Measures
O1	Commitment to only utilise a 10m width when crossing through boundaries between fields where these include hedgerows, trees or watercourses.
G3	A suitably qualified and experienced Environmental Manager would be appointed for the duration of the construction phase. A qualified and experienced ECoW would be available during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the CEMP. The ECoW would be supported by appropriate specialists.
G39	Appropriate buffer zones would be established within Order Limits adjacent to identified watercourses.
G41	The ECoW would monitor that the works proceed in accordance with relevant environmental DCO requirements and adhere to the required mitigation measures. The ECoW would also be involved with any targeted additional mitigation strategies that may be required.
G44	The project would be run in compliance with all relevant legislation, consents and permits.
G49	A fish rescue would be undertaken at any watercourse crossings that would require isolation and dewatering. To prevent fish being trapped injured or killed during dewatering. Fish would be returned to suitable habitat on the same waterbody unaffected by the works.
G121	All refuelling, oiling and greasing of construction plant and equipment, would take place above drip trays and also away from drains as far as is reasonably practicable. Vehicles and plant would not be left unattended during refuelling. Appropriate spill kits would be made easily accessible for these activities.
G122	For open cut watercourse crossings and installation of vehicle crossing points, mitigation measures would include to: <ul style="list-style-type: none"> • only use a 10m working width for open cut crossings of a main or ordinary watercourse whilst still ensuring safe working; • install a pollution boom downstream of the works; • use and maintain temporary lagoons, tanks, bunds, silt fences or silt screens as required; • have spill kits and straw bales readily available at all crossing points for downstream emergency use in the event of a pollution incident; • place all static plant such as pumps in appropriately sized spill trays; • prevent re-fuelling of any plant or vehicle within 15m of a watercourse; • inspect all plant prior to work adjacent to watercourses for leaks of fuel or hydraulic fluids; and • re-instate the riparian vegetation and natural bed of the watercourse using the material removed when appropriate on completion of the works and compact as necessary. If additional material is required, appropriately sized material of similar composition would be used.
G123	All works within or adjacent to watercourses would be carried out in accordance with the requirements of permits and licences agreed with either the Environment Agency or relevant Local Lead Flood Authority or in accordance with the provisions of the DCO.
G130	The CEMP would follow the principles set out in the Outline CEMP and would set out the water mitigation and management measures and where they would need to be used. These measures would include, but not be restricted to, the following: <ul style="list-style-type: none"> • details of when de-watering would be likely; • measures to segregate construction site runoff from natural catchment runoff; • details of measures to attenuate runoff rates before discharging at controlled rates to receiving watercourses; • design of any holding or settlement lagoons or other treatment system required prior to discharge to the environment; • details of mitigation measures for all work or compound areas located within flood risk areas;



Reference	Good Practice Measures
	<ul style="list-style-type: none"> • where construction activities would be located, preferably outside of the floodplain; and • details of any water abstraction and discharge points relating to the works.
G131	River bank and in-channel vegetation would be retained where not directly affected by installation works.
G132	The contractor(s) would ensure that the time the trench is open in the vicinity of certain features, would only be as long as necessary for the installation of the pipeline. The required dewatering of the trench would be undertaken only as and when necessary to enable safe working and preparation for pipe installation.
G171	Open cut crossings on five watercourses would be subject to constraints. The tributary of Cove Brook (WCX047) would be subject to constraints between March and May. The tributary of the River Hamble (WCX007), ditch leading to the tributary of the River Hamble (WCX006), Caker Stream (WCX012) and Ryebridge Stream (WCX021) would be subject to constraints between October to December and March to May. At all five locations, works undertaken in the channel or close to bank tops would be reduced/restricted during these sensitive periods.
G172	Ecological considerations would be included in the induction talks for all relevant site personnel. Species-specific or location-specific toolbox talks would also be provided, as required.

9.5 Conclusion

9.5.1 The potential for offences with respect to fish have been identified. The measures outlined would be sufficient to meet relevant regulatory requirements.

10 Great Crested Newt

10.1 Relevant Legislation

10.1.1 The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

10.2 Baseline Information

10.2.1 The desk study and field survey have confirmed the presence of GCN at various locations within 250m of the Order Limits.

10.2.2 Further baseline information is provided in Appendix 7.10 GCN Factual Report.

10.3 Relevant Provisions

10.3.1 Field survey information suggests that GCN or their habitat may be affected where the Order Limits are located within 250m of GCN ponds.

10.3.2 A review of the potential for the project to result in offences with respect to GCN is detailed in Table 10.1.



Table 10.1: Relevant Legislation and Potential for an Offence with Respect to GCN

Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Yes – during topsoil stripping, vegetation removal and machinery movements within 250m of GCN ponds.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(i). For the purposes of Reg 43(1)(b), 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.	-	No – GCN are not considered to be vulnerable to disturbance generated by pipeline installation activities.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(ii). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.	-	No – GCN are not considered to be vulnerable to disturbance generated by pipeline installation activities.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(b). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	No – GCN are not considered to be vulnerable to disturbance generated by pipeline installation activities.
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d)).	Intentionally or recklessly damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	Yes – during topsoil stripping, vegetation removal and machinery movements within 250m of GCN ponds.
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	Yes – during topsoil stripping, vegetation removal and machinery movements within 250m of GCN ponds.
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	Possibly – trench excavation might theoretically prevent GCN from accessing ponds, hibernacula or refugia, although the potential for an offence is extremely low given the likely short duration that any trench would be exposed and extremely localised area that would be affected.



10.4 Proposed Approach

- 10.4.1 A draft GCN EPS licence application is provided in Appendix 7.15. That document describes the measures that would be undertaken to meet the regulatory provisions with respect to GCN, as per the baseline conditions recorded in 2018.
- 10.4.2 Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented (G33). The licence application would be updated accordingly to reflect the results of any such surveys but would likely still be consistent with the measures described in Appendix 7.15.
- 10.4.3 Given implementation of the measures detailed in Appendix 7.15, it is considered extremely unlikely that an impact would arise that would compromise the FCS of GCN. NE is therefore considered likely to grant a licence.

10.5 Conclusion

- 10.5.1 The potential for offences with respect to GCN have been identified. These would be avoided by implementing the measures described in the draft EPS licence method statement in Appendix 7.15. If development consent is granted, it is considered likely that NE would issue a licence.

11 Rare Reptiles

11.1 Relevant Legislation

- 11.1.1 The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

11.2 Baseline Information

- 11.2.1 The desk study survey has confirmed the presence of sand lizard (*Lacerta agilis*) at Chobham Common SSSI/National Nature Reserve (NNR) and in Unit 5 (also known as Turf Hill) of Colony Bog and Bagshot Heath SSSI. These habitats were also identified and mapped during a site meeting with NE (Paul Edgar, Senior Environmental Specialist (Amphibians and Reptiles)) on 18 and 19 October 2018.
- 11.2.2 Further baseline information is provided in Appendix 7.11 Reptile Factual Report.

11.3 Relevant Provisions

- 11.3.1 Based on the position of the Order Limits and the habitats present within them, sand lizards may be affected at Chobham Common SSSI/NNR.
- 11.3.2 Although the Order Limits pass through Turf Hill, the habitats within the Order Limits at this location comprise conifer woodland plantation and so are unsuitable for sand lizards. As such, this species is considered likely to be absent from the Order Limits at Turf Hill and no potential for offences with respect to sand lizards is anticipated here.



11.3.3 A review of the potential for the project to result in offences with respect to sand lizards at Chobham Common SSSI/NNR is detailed in Table 11.1.

Table 11.1: Relevant Legislation and Potential for an Offence with Respect to Sand Lizard at Chobham Common SSSI/NNR

Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Yes – during vegetation removal, trench excavation and machinery movements
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(i). For the purposes of Reg 43(1)(b), 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.	-	Yes – during vegetation removal, trench excavation and machinery movements
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(ii). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.	-	Yes – during vegetation removal, trench excavation and machinery movements
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(b). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	Yes – during vegetation removal, trench excavation and machinery movements
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d)).	Intentionally or recklessly damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	Yes – during vegetation removal, trench excavation and machinery movements
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	Yes – during vegetation removal, trench excavation and machinery movements
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	Yes – during vegetation removal and machinery movements



11.4 Proposed Approach

- 11.4.1 A draft sand lizard EPS licence application is provided in Appendix 7.16. That document describes the measures that would be undertaken to meet relevant regulatory requirements with respect to sand lizards.
- 11.4.2 Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented (G33). The licence application would be updated accordingly to reflect the results of any such surveys but would likely still be consistent with the measures described in Appendix 7.16.
- 11.4.3 Given implementation of the measures detailed in Appendix 7.16, it is considered unlikely that an impact would arise that would compromise the FCS of sand lizard. As such, NE is considered likely to grant a licence.

11.5 Conclusion

- 11.5.1 The potential for offences with respect to sand lizard have been identified. These would be avoided by implementing the measures described in the draft EPS licence method statement in Appendix 7.16. If development consent is granted, it is considered likely that NE would issue a licence.

12 Common Reptiles

12.1 Relevant Legislation

- 12.1.1 The Wildlife and Countryside Act 1981 (as amended).

12.2 Baseline Information

- 12.2.1 The desk study and field surveys have confirmed the presence of common reptiles at a number of locations within, or immediately adjacent to, the Order Limits. The potential presence of common reptiles is also assumed at unsurveyed locations where the habitats are suitable for these animals.
- 12.2.2 Large populations of common reptiles are assumed present in suitable habitats within Bourley and Long Valley SSSI, Colony Bog and Bagshot Heath SSSI and Chobham Common SSSI/NNR. These habitats were identified and mapped during a site meeting with NE (Paul Edgar, Senior Environmental Specialist (Amphibians and Reptiles)) on 18 and 19 October 2018.
- 12.2.3 Further baseline information is provided in the Appendix 7.11 Reptile Factual Report.

12.3 Relevant Provisions

- 12.3.1 There is potential for an offence to arise at locations where reptile presence has been confirmed or where habitats are suitable for these animals.



12.3.2 A review of the potential for the project to result in offences with respect to common reptiles is detailed in Table 12.1.

Table 12.1: Relevant Legislation and Potential for Committing an Offence with Respect to Common Reptiles

Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Yes – during vegetation removal, trench excavation and machinery movements

12.4 Proposed Approach

12.4.1 Table 12.2 outlines the good practice measures of relevance to common reptiles. Good practice measures can be found within the REAC and secured through DCO requirements such as the CoCP.. The full list of the project commitments can be found in Chapter 16 Environmental Management and Mitigation.

12.4.2 The relevant measures would be applicable to all areas of habitat supporting known or potential common reptile populations (Appendix 7.11 Reptile Factual Report), excluding areas subject to an EPS licence for sand lizard, as detailed in Appendix 7.16. Additional areas of suitable reptile habitat would be identified by an ECoW, including any discrete features capable of supporting low populations of common reptiles (e.g. field margins, road verges).

Table 12.2: Good Practice Measures of Relevance to Reptiles

Reference	Good Practice Measures
G3	A suitably qualified and experienced Environmental Manager would be appointed for the duration of the construction phase. A qualified and experienced Ecological Clerk of Works (ECoW) would be available during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the CEMP. The ECoW would be supported as necessary by appropriate specialists.
G33	Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented.
G37	Habitat with the potential to support hibernating reptiles, amphibians, dormice and hedgehogs not to be removed between November and March without supervision by the ECoW, or unless previous mitigation has been implemented to exclude, remove, or encourage these animals from the works area (e.g. trapping and translocation of GCN; habitat manipulation for dormice and reptiles).
G41	The ECoW would monitor that the works proceed in accordance with relevant environmental DCO requirements and adhere to the required mitigation measures. The ECoW would also be involved with any targeted additional mitigation strategies that may be required.
G44	The project would be run in compliance with all relevant legislation, consents and permits.
G52	Adder and sand lizard hibernacula would be retained and protected during construction where practicable. If unavoidable, the removal of vegetation and groundworks at hibernacula would be timed to avoid the hibernation season.
G53	Replacement hibernacula and refugia would be provided within the Order Limits to mitigate habitat loss to reptiles and amphibians.
G57	Earth banks within SSSIs which are likely to be of importance for common reptiles should be avoided and protected, where practicable. If their removal is unavoidable during construction, the banks should be reinstated.



Reference	Good Practice Measures
G60	Where there would be a risk of animal entrapment, a means of escape would be installed into all excavations left open overnight.
G88	Where possible, reinstatement of vegetation would generally be using the same or similar species to that removed (subject to restrictions for planting over and around pipeline easements).
G172	Ecological considerations would be included in the induction talks for all relevant site personnel. Species-specific or location-specific toolbox talks would also be provided, as required.
G196	All habitats suitable for common reptiles would be subject to two-stage habitat manipulation between mid-March and mid-October. Firstly, vegetation would be cut to approximately 150mm (with the arisings removed) under the supervision of an ECoW and the site left for a minimum of two days to allow reptiles to move away from the area. Secondly, vegetation would be cleared down to ground level under the supervision of an ECoW. Vegetation clearance would be achieved using appropriate equipment based on the type of vegetation to be removed, the area affected, and the risk of killing or injuring reptiles. Construction works could commence immediately after completion of the second stage.
O1	A project commitment to only utilise a 10m width when crossing through boundaries between fields where these include hedgerows, trees or watercourses.

Habitat Manipulation to Avoid Killing/Injuring of Reptiles

- 12.4.3 Further information with respect to the proposed techniques to remove reptiles from the Order Limits is provided below. This elaborates on measure G196 described in Table 12.2.
- 12.4.4 The Order Limits are typically 30m wide (although would be further reduced within heathland SSSIs, as per commitments secured through the project's Habitats Regulations Assessment Report (**application document 6.5**)) and so relatively localised areas of habitat would be impacted by pipeline installation activities. Furthermore, impacts would be temporary and short term.
- 12.4.5 The installation of exclusion fencing can itself damage retained habitat. This was discussed, and agreed in principle with NE (Paul Edgar, Senior Environmental Specialist (Amphibians and Reptiles)) during a site meeting at the three SSSI heathland sites on 18 and 19 October 2018. As such, trapping and translocation using exclusion fencing and artificial cover objects is not proposed for common reptiles for this project.
- 12.4.6 Instead, habitat manipulation under the supervision of an ecologist prior to the start of construction works is proposed. This would encourage common reptile species to move away from the construction working width and prevent the killing or injury of individual animals.
- 12.4.7 Habitat manipulation involves altering an area of habitat to make it unsuitable for reptiles. This technique is only appropriate if the surrounding retained habitat is suitable for reptiles (Herpetofauna Groups of Britain and Ireland, 1998) and if there is sufficient carrying capacity within the adjacent habitat to support the additional animals. Reptiles would then disperse from the manipulated habitat into the surrounding retained habitat with minimal impacts to individuals and overall populations.



- 12.4.8 This technique is considered to be appropriate for the project as habitat loss at all locations would be temporary and short term (i.e. less than five years). Where possible, reinstatement of vegetation would generally be using the same or similar species to that removed (subject to restrictions for planting over and around pipeline easements) (G88) and there would be no net-loss of reptile habitat as a result of the project. Due to the narrow working width within the Order Limits (i.e. typically less than 30m wide), there are no identified instances where construction activity would remove all reptile habitat from a single location, and so there would always be areas of adjacent retained habitat for reptiles to disperse into.
- 12.4.9 Where no other protected species constraints exist, habitats suitable for common reptiles would be subject to two-stage habitat manipulation between mid-March and mid-October. However, due to alterations in weather patterns and temperatures from year to year, the restricted season may alter. It would be at the discretion of the ECoW, in consultation with NE where applicable, to decide the actual dates for restriction of works.
- 12.4.10 The timing of habitat manipulation would also take account of other protected species constraints. For example, potentially disturbing construction works within the Thames Basin Heaths SPA would be undertaken between 1 October and 31 January unless otherwise agreed with NE (G38) when the qualifying species of this site would not be breeding. The timing and methodology of habitat manipulation would also take account of the requirements of EPS licence method statements for dormice, GCN and sand lizard.
- 12.4.11 At locations where habitat manipulation would be undertaken during periods when reptiles are likely hibernating, potentially harmful installation activities would not commence until the reptile active season to allow time for hibernating animals to disperse. It would be at the discretion of the ECoW, in consultation with NE where applicable, to decide the actual installation activities that could commence under these circumstances.
- 12.4.12 The timing of habitat manipulation within each area would also be influenced by the proposed construction programme. For example, if construction activity is proposed during the reptile hibernation season, habitat manipulation would be undertaken in advance during the reptile active season (or the previous hibernation season) so that animals have time to disperse away from the working width.
- 12.4.13 Where there are no conflicts with approaches to legal compliance for other legally protected species, vegetation would initially be cut to approximately 150mm (with the arisings removed) under the supervision of an ECoW and the site left for a minimum of two days to allow reptiles to move away from the area. Following this, vegetation would be cleared down to ground level under the supervision of an ECoW. Vegetation clearance would be achieved using appropriate hand tools based on the type of vegetation to be removed, the area affected and the risk of killing or injuring reptiles. Construction works could begin immediately after completion of the second stage.



12.5 Conclusion

12.5.1 The potential for offences with respect to common reptiles have been identified. The measures outlined would be sufficient to meet regulatory requirements.

13 Otter

13.1 Relevant Legislation

13.1.1 The Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017.

13.2 Baseline Information

13.2.1 The desk study identified otter records from three locations: the River Hamble, north of Botley; the River Wey, near Alton; and the River Blackwater, near Farnborough. Field surveys found evidence of otter at two crossing points on Cove Brook (WCX048b and WCX048c).

13.2.2 Twelve watercourses (WCX006, WCX007, WCX011, WCX012, WCX014a, WCX018, WCX020, WCX047, WCX051, WCX055, WCX093, and WCX111) are considered to have potential for use by otter, although no field evidence was recorded.

13.2.3 Further baseline information is provided in Appendix 7.12 Riparian Mammal Factual Report.

13.3 Relevant Provisions

13.3.1 There is potential for otters to occasionally use most watercourses crossed by the project for commuting or foraging. The baseline suggests that there is negligible risk that a breeding site or resting place is present within the Order Limits.

13.3.2 A review of the potential for the project to result in offences with respect to otter is detailed in Table 13.1.

Table 13.1: Relevant Legislation and Potential for an Offence with Respect to Otter

Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	No – no places of shelter (i.e. holts, couches) have been identified within which otters might be killed or injured. As otters are highly mobile, any animals present nearby would be highly likely to move away from the works areas.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(i). For the purposes of Reg 43(1)(b), disturbance of animals	-	No – no places of shelter (i.e. holts, couches) have been identified within which otters might be disturbed.



Conservation of Habitats and Species Regulations 2017	Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
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.		
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(a)(ii). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.	-	No – no places of shelter (i.e. holts, couches) have been identified within which otters might be disturbed.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). Reg 43(2)(b). For the purposes of Reg 43(1)(b), disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	No – no places of shelter (i.e. holts, couches) have been identified within which otters might be disturbed. As otters are highly mobile, any animals present nearby would be highly likely to move away from the works areas.
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d)).	Intentionally or recklessly damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	No – no breeding sites or resting places (i.e. holts, couches) have been identified.
-	To intentionally or recklessly disturb any wild animal listed on Schedule 5 while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	No – no structure or place used for shelter or protection (i.e. holts, couches) have been identified.
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	No – no structure or place used for shelter or protection (i.e. holts, couches) have been identified.

13.4 Proposed Approach

13.4.1 Table 13.2 outlines the good practice measures of relevance to otter. Good practice measures can be found within the REAC and secured through DCO requirements such as the CoCP.. The full list of the project commitments can be found in Chapter 16 Environmental Management and Mitigation.

Table 13.2: Good Practice Measures of Relevance to Otter

Reference	Good Practice Measures
O1	A project commitment to only utilise a 10m width when crossing through boundaries between fields where these include hedgerows, trees or watercourses.



Reference	Good Practice Measures
G3	A suitably qualified and experienced Environmental Manager would be appointed for the duration of the construction phase. A qualified and experienced ECoW would be available during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the CEMP. The ECoW would be supported as necessary by appropriate specialists.
G33	Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented.
G39	Appropriate buffer zones would be established within the Order Limits adjacent to identified watercourses.
G40	Where sensitive features are to be retained within or immediately adjacent to the Order Limits, an appropriate buffer zone would be created where this extends within the Order Limits. The buffers would be established using appropriate fencing and signage. Suitable methodologies would be produced so that construction works are undertaken in a manner that reduces the risk of damage or disturbance to the sensitive feature.
G43	The contractor(s) would comply with relevant protected species legislation including with regards to badgers, bats, dormice, otters, water voles, sand lizards, great crested newts and Schedule 1 birds. Appropriate licences would be obtained where necessary from NE for all works affecting protected species as identified by the Environmental Statement and through pre-construction surveys. All applicable works would be undertaken in accordance with the relevant mitigation requirements and conditions set out in those licences.
G122	For open cut watercourse crossings and installation of vehicle crossing points, mitigation measures would include to: <ul style="list-style-type: none"> • only use a 10m working width for open cut crossings of a main or ordinary watercourse whilst still ensuring safe working; • install a pollution boom downstream of the works; • use and maintain temporary lagoons, tanks, bunds, silt fences or silt screens as required; • have spill kits and straw bales readily available at all crossing points for downstream emergency use in the event of a pollution incident; • place all static plant such as pumps in appropriately sized spill trays; • prevent re-fuelling of any plant or vehicle within 15m of a watercourse; • inspect all plant prior to work adjacent to watercourses for leaks of fuel or hydraulic fluids; and • re-instate the riparian vegetation and natural bed of the watercourse using the material removed when appropriate on completion of the works and compact as necessary. If additional material is required, appropriately sized material of similar composition would be used.
G123	All works within or adjacent to watercourses would be carried out in accordance with the requirements of permits and licences agreed with either the Environment Agency or relevant Local Lead Flood Authority or in accordance with the provisions of the DCO.
G172	Ecological considerations would be included in the induction talks for all relevant site personnel. Species-specific or location-specific toolbox talks would also be provided, as required.

13.5 Conclusion

- 13.5.1 Although no holts or lying-up areas have been identified by the baseline surveys, otter are present in the wider area. There is considered to be a low risk that the legislation protecting otter would be contravened and the proposed approach would meet relevant regulatory requirements.



14 Water Vole

14.1 Relevant Legislation

14.1.1 The Wildlife and Countryside Act 1981 (as amended).

14.2 Baseline Information

14.2.1 The desk study identified a single record of water vole on a tributary of the River Hamble to the west of Bishop's Waltham, Hampshire in Section A. Water vole are considered absent from Surrey. No signs of water vole were recorded at any watercourse or water body impacted by the route.

14.2.2 Further baseline information is provided in Appendix 7.12 Riparian Mammal Factual Report.

14.3 Relevant Provisions

14.3.1 The baseline suggests that there is negligible risk that water vole is present within the Order Limits.

14.3.2 A review of the potential for the project to result in offences with respect to water vole is detailed in Table 14.1.

Table 14.1: Relevant Legislation and Potential for Committing an Offence with Respect to Water Vole

Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (in Absence of Good Practice Measures)
To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	No – water vole has not been recorded at watercourse crossings within the Order Limits.
To intentionally or recklessly damage or destroy any structure or place which any Schedule 5 animal uses for shelter or protection (s9(4)(a)).	No – water vole burrows have not been recorded at watercourse crossings within the Order Limits.
To intentionally or recklessly obstruct access to any structure or place which any Schedule 5 animal uses for shelter or protection (s9(4)(c)).	No – water vole burrows have not been recorded at watercourse crossings within the Order Limits.

14.4 Proposed Approach

14.4.1 Table 14.2 outlines the good practice measures of relevance to water vole. Good practice measures can be found within the REAC and secured through DCO requirements such as the CoCP.. The full list of the project commitments can be found in Chapter 16 Environmental Management and Mitigation.

Table 14.2: Good Practice Measures of Relevance to Water Vole

Reference	Good Practice Measures
O1	A project commitment to only utilise a 10m width when crossing through boundaries between fields where these include hedgerows, trees or watercourses.
G3	A suitably qualified and experienced Environmental Manager would be appointed for the duration of the construction phase. A qualified and experienced ECoW would be available



Reference	Good Practice Measures
	during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the CEMP. The ECoW would be supported as necessary by appropriate specialists.
G33	Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented.
G39	Appropriate buffer zones would be established within the Order Limits adjacent to identified watercourses.
G40	Where sensitive features are to be retained within or immediately adjacent to the Order Limits, an appropriate buffer zone would be created where this extends within the Order Limits. The buffers would be established using appropriate fencing and signage. A suitable location-specific method statement would be produced so that construction works are undertaken in a manner that reduces the risk of damage or disturbance to the sensitive feature.
G43	The contractor(s) would comply with relevant protected species legislation including with regards to badgers, bats, dormice, otters, water voles, sand lizards, great crested newts and Schedule 1 birds. Appropriate licences would be obtained where necessary from NE for all works affecting protected species as identified by the Environmental Statement and through pre-construction surveys. All applicable works would be undertaken in accordance with the relevant mitigation requirements and conditions set out in those licences.
G87	Vegetation clearance, retention, protection and replanting/reinstatement plans drawings would be produced prior to the construction phase. The contractor(s) would implement these plans including agreed mitigation where practicable.
G88	Where possible, reinstatement of vegetation would generally be using the same or similar species to that removed (subject to restrictions for planting over and around pipeline easements).
G122	<p>For open cut watercourse crossings and installation of vehicle crossing points, mitigation measures would include to:</p> <ul style="list-style-type: none"> • only use a 10m working width for open cut crossings of a main or ordinary watercourse whilst still ensuring safe working; • install a pollution boom downstream of the works; • use and maintain temporary lagoons, tanks, bunds, silt fences or silt screens as required; • have spill kits and straw bales readily available at all crossing points for downstream emergency use in the event of a pollution incident; • place all static plant such as pumps in appropriately sized spill trays; • prevent re-fuelling of any plant or vehicle within 15m of a watercourse; • inspect all plant prior to work adjacent to watercourses for leaks of fuel or hydraulic fluids; and • re-instate the riparian vegetation and natural bed of the watercourse using the material removed when appropriate on completion of the works and compact as necessary. If additional material is required, appropriately sized material of similar composition would be used.
G123	All works within or adjacent to watercourses would be carried out in accordance with the requirements of permits and licences agreed with either the Environment Agency or relevant Local Lead Flood Authority or in accordance with the provisions of the DCO.
G197	<p>Where there is evidence of water voles from pre-construction surveys, a class licence would be applied for where necessary, and the following methods would typically be implemented:</p> <ul style="list-style-type: none"> • all burrows in the working area would be identified and marked; • vegetation from within the working width (up to 5m either side of the trench) would be removed using a strimmer until only bare earth remains. The strimmed area would extend to the top of the bank and a further 2m beyond; • all arisings from the strimmed area would be raked off and removed; • the burrow entrances would be checked to ensure they have not become blocked;



Reference	Good Practice Measures
	<ul style="list-style-type: none"> • the strimmed area would be monitored on a daily basis during the works for field signs for water voles. Where field signs are recorded the need to repeat or extend the strimming would be reviewed; • a destructive search would be carried out five days following strimming and if no evidence of water vole is recorded following a re-survey; and • the area would be maintained as unsuitable for water voles as the works are carried out. It may be necessary to de-water the working area, if practicable and environmentally acceptable, prior to the destructive search.

14.4.2 Likely water vole absence has been confirmed at all locations although pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented (G33).

14.4.3 If water vole presence is confirmed at any location, the project would seek to avoid and retain burrows and suitable habitat within, or immediately adjacent to, the Order Limits. This could be achieved through measures G39 and G40, or by realigning the pipeline within the Limits of Deviation.

14.4.4 Where avoidance of water vole habitat cannot be achieved, the method of displacement would be implemented under a class licence as per G197.

14.4.5 Displacement is recommended under the following circumstances (Dean *et al.*, 2016):

- where there is a working area with a maximum length of 50m (for watercourses this equates to 50m on each bank);
- displacement works are conducted between 15 February and 31 March inclusive (for sites in the southeast of England), when animals are predisposed to move as they begin to establish breeding territories; and
- where there is sufficient available habitat for water voles to move into.

14.4.6 This technique is considered appropriate for the project as the construction working area would be reduced to a 10m width at watercourse crossings (O1, G122) and so meets the recommendation of Dean *et al* (2016). Given the localised working area at watercourse crossings, it would be extremely likely that there would be sufficient adjacent habitat for water vole to be displaced into, should they be present. As construction phase is anticipated to take approximately two years, there would be sufficient time in the project's programme to undertake any required good practice measures at an appropriate time.

14.5 Conclusion

14.5.1 The likely absence of water vole has been confirmed from all watercourses. There is considered to be a low risk that the legislation protecting water vole would be contravened, and the proposed strategy provides measures to manage the risks throughout the installation phase of the project.



15 Controlled Plant Species

15.1 Relevant Legislation

15.1.1 The Wildlife and Countryside Act 1981 (as amended) and the Environmental Protection Act 1990.

15.2 Baseline Information

15.2.1 A desk study and field survey identified numerous controlled plant species within the Order Limits. High risk areas have been identified.

15.2.2 Further baseline information is provided in Appendix 7.4 Invasive Non-Native Plant Species Factual Report.

15.3 Relevant Provisions

15.3.1 There is potential for an offence to arise in locations where controlled plant species presence has been confirmed or in high risk areas identified.

15.3.2 A review of the potential for the project to result in offences with respect to controlled species of plant is detailed in Table 15.1.

Table 15.1: Relevant Legislation and Potential for an Offence with Respect to Controlled Plant Species

Wildlife and Countryside Act 1981 (as Amended)	Environmental Protection Act 1990	Potential Offence (in Absence of Good Practice Measures)
To plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 (s14 (2)).	-	Yes – during topsoil stripping, excavation, soil handling, vegetation removal or tracking of machinery in areas supporting controlled species.
-	Section 33 (1)(a) and (1)(b). These create offences with respect to depositing, treating, keeping or disposing of controlled waste without a permit. Section 33 (1)(c) makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment. (a) To deposit controlled waste or extractive waste, or knowingly cause or knowingly permit controlled waste or extractive waste to be deposited in or on any land unless an environmental permit authorising the deposit is in force and the deposit is in accordance with the licence (b) submit controlled waste, or knowingly cause or knowingly permit controlled waste to be submitted, to any listed operation (other than an operation within Subsection (1)(a)) that -	Yes – during disposal of vegetation or contaminated spoil containing controlled plant species following site clearance activities.



Wildlife and Countryside Act 1981 (as Amended)	Environmental Protection Act 1990	Potential Offence (in Absence of Good Practice Measures)
	(i) is carried out in or on any land, or by means of any mobile plant, and (ii) is not carried out under and in accordance with an environmental permit. (c) treat, keep or dispose of controlled waste or extractive waste in a manner likely to cause pollution of the environment or harm to human health.	

15.4 Proposed Approach

15.4.1 Table 15.2 outlines the good practice measures of relevance to controlled plant species. Good practice measures can be found within the REAC and secured through DCO requirements such as the CoCP.. The full list of the project commitments can be found in Chapter 16 Environmental Management and Mitigation.

Table 15.2: Good Practice Measures of Relevance to Controlled Plant Species

Reference	Good Practice Measures
G1	A Construction Environmental Management Plan (CEMP) would be produced in line with the Outline CEMP. It would explain how the activities of sub-contractor(s) comply with its requirements and include subsidiary plans such as the management of waste and soils.
G3	A suitably qualified and experienced Environmental Manager would be appointed for the duration of the construction phase. A qualified and experienced ECoW would be available during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the CEMP. The ECoW would be supported as necessary by appropriate specialists.
G33	Pre-construction surveys would be completed if existing baseline survey data need to be updated or supplemented.
G41	The ECoW would monitor that the works proceed in accordance with relevant environmental DCO requirements and adhere to the required mitigation measures. The ECoW would also be involved with any targeted additional mitigation strategies that may be required.
G42	A suitable methodology would be produced to set out how identifiable areas with the potential presence of Schedule 9 plant species or other invasive species would be demarcated, and how any affected soils would be appropriately managed throughout the works.
G44	The project would be run in compliance with all relevant legislation, consents and permits.
G77	A Site Waste Management Plan (SWMP) would be developed prior to construction. The contractor(s) would maintain and monitor the SWMP throughout the construction period and oversee that any sub-contractor(s) adhere to the SWMP.
G172	Ecological considerations would be included in the induction talks for all relevant site personnel. Species-specific or location-specific toolbox talks would also be provided, as required.

15.5 Conclusion

15.5.1 The potential for offences with respect to controlled plant species have been identified. The measures outlined would be sufficient to meet relevant regulatory requirements.



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