

## Kent Catchment Flood Risk Management Scheme

### Protecting our local wildlife

The aim of the Kendal & Upper Kent Catchment Flood Risk Management Scheme is to not only protect people and properties from flooding, but to create a lasting benefit for the community and the local environment. We plan to enhance the river corridor throughout the extent of the scheme and manage links with other projects helping to increase habitat and biodiversity. As with any other construction project, there will be some impacts, however we have undertaken extensive environmental surveys and assessments and will continue to do so, to understand those risks and ensure they can be managed. This will not only identify mitigation measures to lessen the impacts, but will result in an improved environment for wildlife, the community, and visitors to the area.



#### How is wildlife protected in England?

The key piece of legislation that offers protection to animals in England is The Wildlife and Countryside Act (as amended) 1981.

#### Are birds protected?

Yes, all wild birds are protected under the Act and it is an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built. It is also an offence to take or destroy its eggs. In addition some birds that are listed as Schedule 1 birds such as kingfishers, barn owls and goldeneyes are afforded greater protection from disturbance under the Act.

#### What other animals are protected?

Otters, bats and great crested newts and many other species are also protected. Under the Act is an offence to kill, injure or disturb these animals or to damage/destroy their breeding or resting places or obstruct access to these places.

#### Are other animals that live around Kendal protected?

Yes, badgers and their setts are also protected under the Protection of badgers Act 1992. Under this Act it is an offence to kill, injure or disturb badgers, to intentionally or recklessly damage or destroy their setts or to obstruct access to their setts.

#### What legislation is in place to regulate our activities?

There are a number of pieces of legislation applicable to large infrastructure projects like Flood Risk Management Schemes. These include; The Wildlife and Countryside Act (as amended) 1981, Town and Country Planning Act 1990 (as amended), Hedgerow Regulations (1997), The Conservation of Habitats and Species Regulations (as amended) 2017, Countryside and Rights of Way Acts 2000, Salmon and Freshwater Fisheries Act 1975, Water Resources Act 1991, Protection of Badgers Act 1992, Wild 'Birds Directive' 79/409/EEC.

#### Who enforces these Acts?

The Police. Cumbria Constabulary have a Wildlife and Environmental Crime Officer who investigates wildlife crimes.

#### What are we doing to ensure that wildlife is not disturbed during the construction of the Kendal Scheme?

At the planning stage, we fully assessed the potential impact the construction of the scheme may have on the local environment, particularly around the possibility of environmental harm or disturbance. These assessments informed our decisions on the timing and locations of our works. We have, and continue to carry out a number of ecological surveys, both desk and field based, to identify the presence of any protected animals and their locations. This ensures the local environmental factors are fully assessed before we begin construction works and actively monitored on site during construction activity.

Bird surveys are undertaken during Spring and Summer which is during the UK's bird breeding season. These surveys are supplemented by desk study exercises to obtain records of legally protected and noteworthy bird species up to 2km from the scheme, and to identify sites designated for birds. These surveys have been used to inform the scheme design to either relocate, or remove proposed works that have the potential to cause environmental harm. Where we can't remove the risk completely, the relevant protection measures and approach to be adopted are included in a 'precautionary working method' through best-practice mitigation, and factored into specific risk assessments and method statements for the works being undertaken.

Prior to entry onto any land, our Ecological Clerk of Works together with the Contractor, review proposed access routes and work locations that are identified to be within, or adjacent to ecologically sensitive areas. This may lead to further relocation to allow a buffer distance away from watercourses (10m) or identified bird nesting sites (5m).

If works are taking place within the nesting bird season, the Environmental Clerk of Works carries out further breeding bird checks 24 to 48 hours prior to any works beginning. This check is also carried out when we are moving between work areas within land identified as ecologically sensitive from the desk and field based surveys.

During construction, we continually monitor the situation and make any necessary adjustments to ensure environmental compliance through the life of the project. This may include temporarily stopping the works until we have undertaken further scoping surveys and checks for European Protected Species and putting additional protection measures in place in line with agreed best practice guidelines.