

**Minutes of the Northmoor Parish Council Meeting
Held on Tuesday 3 September 2024 at 7:00pm in the Village Hall**

Attendees

Cllr Juliet Druce Chair
Cllr Lindsey Brangwin
Cllr James Florey
Cllr Stacey Reed
Cllr Henry Spilberg

Mr Chris Isaac Clerk

WODC Cllr Steve Cosier

5 members of the public

1. **Apologies for absence.** To receive apologies for absence.
OCC Cllr Dan Levy & WODC Cllr Charlie Maynard,

2. **Requests for Dispensations, Declarations of interest, gifts and hospitality.** To receive any requests for Dispensations, Declarations of Interest from Councillors relating to items on the Agenda.
Nothing was declared

3. **Public Participation.** To receive questions from members of the public relating to items on the Agenda.
Lysette Nicholls gave an update on the Bablock Hythe bank revetment grant, her report is included at the end of these minutes.

4. **Minutes.** To agree the minutes of the meeting held on 6 Aug 24 previously circulated.
It was **RESOLVED** that the minutes be accepted as a true record and were signed by the Chair.

5. **Reports.** To receive reports for information only from Councillors and Clerk.

a. WODC Cllr Steve Cosier presented his report to the meeting, a copy of which is included at the end of these minutes.

b. The Chair informed the meeting that the Produce Show, Fete and Dog Show was held on Saturday 31 August. It was a success and well supported, although numbers were down from previous years.

c. Cllr Brangwin informed the meeting that she has completed the application for Dan Levy's grant money and FCC now have all the extra information they requested and so that should take a further 2 weeks to process.

d. The Clerk reported the following points:

i. Website and Email. The Parish Council website and emails have now moved over to the new www.northmoor-pc.gov.uk domain. The old website and email are now closed down and the accounts closed. Parish Online now manage the old Northmoor.org.uk domain but they won't invoice the PC until November when the old package was due to be renewed. The old domain and email address have been redirected to the new domain/emails to maintain old links. Having all of the domains, website and emails with one provider simplifies payments and avoids conflicts.

ii. SSEN Resilience Grant. The Village Hall Trustees decided not to apply for the Solar Panel batteries grant through the Low Carbon Technology (LCT) section and the application for a generator grant through the Community-led physical and environmental resilience (Resilience) section couldn't be completed in time as there were not enough competitive quotes and a Technical Specification was also required. This did expose that there wasn't a full appreciation of the current system or the actual requirement, but the experience has put us in a good position to gather the correct information and quotes for the next round in 2025.

It was suggested that the Clerk requested a 2 week extension to the application deadline to enable the other quotes and Technical Specification to be prepared.

iii. VAT Reclaim. The initial paper claim of £286.56 for FY 20/21 was received on 7 Aug, and the electronic claim for of £1,015.81 for FYs 21/22 to 23/24 was received on 28 Aug.

iv. Road Closures. The proposed works by Thames Water to connect Northmoor Park is now due 30 Sep to 2 Oct.

v. Bank Mandate. The remaining Councillors should also be on the mandate and one should be nominated as Internal Financial Controller as per the Internal Auditor's recommendation.

vi. Playpark RoSPA Inspection. The Clerk had been asked to request the inspection of 4 items, namely (1) Wooden Horse & Carriage, (2) Wooden Multiplay equipment with wooden fort, rickety bridge, slide, small climbing wall, (3) Wooden Tractor & Trailer and (4) Toddler swings - 1 bay, 2 seats

However, Playsafety Ltd inspected (and invoiced for) 8 items, namely: (1) Horse & Carriage, (2) Multiplay – with Slide, (3) Play Tractor, (4) Swing Junior – 1 Bay 2 Seat, (5) Swing – Mixed 1 Bay 1 junior 1 Toddler, (6) Rocker Seesaw, (7) Slide and (8) Table Tennis Table.

This cost £108 rather than the £78 originally quoted.

The Clerk will pay the invoice but also request an explanation of why the additional items were inspected when they hadn't been requested.

vii. Outcome of the Proposed Speed Limit change Consultation. OCC's Delegated Decisions by Cabinet Member for Transport Management meeting will be held at 10am on Thu 5 Sep 24. Item 36 on the Agenda is the change of speed limits in Northmoor as proposed in the consultation is annotated as recommended to be approved (the 40mph limit areas to reduce to 30mph and the 30mph limit areas to change to 20mph, with no other changes).

6. **Policy Review** – to review the following policies

a. Financial Regulations. The Council considered the Financial Regulations and **RESOLVED** to agree to adopt them.

b. Internal Financial Controls Policy. The Council considered the Internal Financial Controls Policy and **RESOLVED** to agree to adopt it.

7. **Finance:** To consider the following items:

a. To consider the following payments:

The Council **RESOLVED** to approve the following invoices for payment which Cllr Brangwin would authorise online.

i. £108.00 to Playsafety Limited for the Playpark RoSPA Inspection.

ii. £435 and £145 to Scott Gillam for July and August grass cutting.

8. **Planning Applications.** To consider all recent Applications received from West Oxfordshire District Council detailed below and any other Planning Applications submitted between the circulation of this Agenda and the meeting:

a. **APPLICATION NO: 24/01954/HHD** (Town and Country Planning Act)
APPLICATION NO: 24/01955/LBC (Listed Building and Conservation Areas)
PROPOSAL: Internal and external alterations to replace existing rear conservatory (including reroofing of utility/WC), refurbishment of rear dormers, replacement windows and front entrance door, adaptations to secondary staircase, and alterations to create bedroom and bathroom.

The Council considered the application and **RESOLVED** to respond that there were no objections to the proposal.

b. **APPLICATION NO: 24/01965/HHD** (Town and Country Planning Act)
APPLICATION NO: 24/01966/LBC (Listed Building and Conservation Areas)
PROPOSAL: Internal repair works including Installation of Oak beam to prop existing Lintel and joists.

The Council considered the application and **RESOLVED** to respond that there were no objections to the proposal.

9. **Village map.** To consider the proposal for a local area map to be displayed in the parish. A resident suggested that it may be a good idea to have a map or maps showing various walks around the parish be mounted on boards at various points in the Parish. There may be grants available from WODC and/or the Lottery. It was agreed to investigate options and associated costs and present back to the Parish Council for their consideration.

10. **Correspondence.** To note correspondence received not otherwise on the agenda where decisions are not required.

a. Community Infrastructure Levy consultation (2 Aug – 27 Sep). The Clerk reminded the Councillors that a response was required by 27 Sep 24.

11. **Items for information or next Agenda only.** All items for the next agenda to be submitted to the Clerk by Mon 23 Sep 24.

12. **Date of Next Meeting.** To confirm the date of the next meeting.
The Council **RESOLVED** to agree that the next meeting of the Parish Council would take place in the Northmoor Village Hall on Tue 1 Oct 24 commencing at 7:00pm

13. There being no further business the meeting closed at 9:10pm.

Signed.....Date.....

WODC Councillor Report Steve Cosier Sep 24

Monthly Report September 2024: District Councillor Steve Cosier

Overview and Scrutiny committee

Proposed reforms to the NPPF and other changes to the planning system.

The Overview and Scrutiny committee have scrutinised the Government's series of proposed changes to national planning policy. The new series includes several specific changes to the National Planning Policy Framework (NPPF) and several broader reforms relating to planning fees, local plan intervention and the thresholds used for determining applications under the Nationally Significant Infrastructure Project (NSIP) regime. The consultation finishes on 24 September 2024 and the Government has indicated that a new version of the NPPF will be published before the end of the year.

The consultation includes several changes which are intended to further encourage the re-use of previously developed (brownfield) land. In short, the NPPF is to be amended such that development involving brownfield land is to be generally regarded as acceptable in principle.

Please find attached the Planning Policy Manager, in consultation with the Executive Member for Planning, suggested draft consultation responses.

WODC Planning: Community Infrastructure Levy:

<https://yourvoice.westoxon.gov.uk/en-GB/projects/cil-dcs>

WODC administration are asking parishes and interested parties to put forward their opinions on CIL. CIL is intended to complement the current system of Section 106 planning obligations. WODC are currently preparing proposals to introduce CIL to the West Oxfordshire district. The money generated from CIL will be used alongside Section 106 is used to contribute to funding infrastructure to support development growth in West Oxfordshire.

The Community Infrastructure Levy is a planning charge, introduced by the Government through the Planning Act 2008 to provide a fair and transparent means for ensuring that development contributes to the cost of the infrastructure it will rely upon, such as schools and roads.

Taking account of updated viability evidence, the Council is now prepared a new CIL draft charging schedule which is the subject of an 8-week public consultation finishing on Friday 27 September 2024. Previous administrations have previously produced draft CIL charging schedules in 2014, 2015, 2017 and 2020 however these have not been through examination and have therefore not been formally adopted. The new alliance is going to introduce the CIL to benefit all communities.

Councillor Steve Cosier

Steve.cosier@westoxon.gov.uk

Lysette Nicholls Update on the Bablock Hythe Flood Revetment Grant

Having been successful in securing the grant for bank revetment work we are now pulling together the three quotes required. We have received two quotes and are awaiting the final quote before submitting to the LFA Officer.

The biodiversity has been conducted and no issues were found stopping us from going ahead.

We have spoken to the landowners. The farmer recently had a FRAP licence given enabling them to desilt and remove vegetation. The works were planned for the 1st September but haven't yet started due to the contractor being delayed.

Comments have been made that we are getting quotes for walls being built but this isn't the case, and we have already received quotes for willow and hessian style walls that allow vegetation and animals to flourish.

Several homes on the park have been identified as risk areas due to the bank erosion so it's important we work with all the relevant authorities to find a resolution that works for all parties.

We have spoken to the farmer because some of the contractors have said that we will require access through their land to do works if permitted by the EA and they have been receptive as long as any repairs to fencing is rectified afterwards and they look after the landscape.

We have since spoken with the LFA Officer who has since the meeting submitted a pre-application to the EA. It takes approximately 75 days to get a licence approved and can take longer but we hope that working in partnership with the LFA we will get a response within this time frame. If not, we will look at gaining support from the MP.

We will continue to update the Parish Council as we have updates.

(attached the method statement for the biodiversity and ecology methodology)

Lysette Nicholls & Stacey Reed

Technical note:

General Ecological Method Statement

Introduction

Purpose of this Method Statement

The purpose of this method statement (MS) is to define the risks to the following ecological receptors that have the potential to be within or adjacent to the working areas at the time of the works:

Statutory designated sites;

Non-statutory designated sites;

Habitats of Principle Importance (Natural Environment and Rural Communities (NERC) Act 2006);

Priority Species (Natural Environment and Rural Communities (NERC) Act 2006);

Ancient Woodland & Ancient/Veteran Trees (National Planning Policy Framework 2021);

Ecologically important hedgerows (Hedgerow Regulations 1997);

Breeding birds (The Wildlife and Countryside Act 1981 (as amended));

Bats (Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended));

Badgers (Protection of Badgers Act 1992);

Dormice (Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended));

Great crested newt (Schedule 5 of the Wildlife and Countryside Act 1981 (as amended));

Reptiles (Schedule 5 of the Wildlife and Countryside Act 1981 (as amended));

Otter (Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended));

Water vole (Schedule 5 of the Wildlife and Countryside Act 1981 (as amended));

Invasive species (The Wildlife and Countryside Act 1981 (as amended)); and

Plant species (Schedule 8 of the Wildlife and Countryside Act 1981 (as amended)).

A mitigation strategy that will negate or minimise the risk of any potential impacts on these species and contravention of the relevant legislation has been outlined within this MS. It is the responsibility of the developer and any contractors to carry out the works in a manner which will not contravene the legislation (see **Appendix A**), will not endanger protected species, and with due care to any other wildlife on site. Any variations from the MS may contravene legislation and therefore risk prosecution. Thus, it is their joint responsibility to ensure that no changes to the timings or methods outlined below, nor the already identified and delineated working areas on site, are made without prior agreement from a suitably qualified ecologist/Ecological Clerk of Works (ECoW).

This Ecological Method Statement has been produced to document the environmental measures that should be adopted to ensure potential effects on ecology receptors are avoided and/or minimised. All staff working on site must receive a Toolbox Talk from the ECoW prior to works.

A staff signature-sheet to confirm that personnel have received a briefing of this Method Statement is provided in **Appendix C**.

Ecological Supervision and Toolbox Talk

The Ecological Clerk of Works (ECoW) will oversee and quality-control the implementation of the ecological tasks undertaken and advise when and where it is appropriate to apply the measures described in this MS.

All site operatives will be briefed on the contents of this MS by a suitably qualified ECoW via a TBT (**Appendix B**); site operatives will then be required to sign the site register to confirm receipt and understanding of the TBT (**Appendix C**). This TBT will identify the species and constraints relevant to the location (as described in this MS), outlining the procedures and environmental measures to be followed in order to avoid breaches of legislation and/or adverse impacts on these species that could occur within or in the vicinity of the working area.

Where ecological supervision is not required, because the risk to ecological receptors is negligible, the general principals within this MS should be adhered to and a copy provided to the site operatives following the TBT.

General Mitigation

The following measures must be adhered to with regard to any works in order to minimise risk of impact on notable or protected species either already present, or with the potential to move into the area during the works.

In advance of works commencing (including site clearance and preparatory works) an ECoW will provide a toolbox talk (**Appendix B**) for the works and will ensure that all contractors have signed the site register (**Appendix C**), confirming their understanding of, and agreement with, this method statement. The ECoW will undertake a walkover (to an appropriate buffer around the proposed works) with site contractors at this time in order to identify any additional ecological constraints which may be present, and to micro-site locations of access and working areas where appropriate to avoid ecological habitats/features of interest;

The contractors must be fully aware of the site boundary, ensuring that all works are contained within the development footprint. Works should be restricted to the minimum possible footprint so as to avoid unnecessary disturbance of species/habitats. Unless agreed with the ECoW, under no circumstances should the surrounding habitats outside the working area be disturbed or impacted by the works;

Correct chainsaw protocol must be adhered to at all times by the vegetation crews who will be certified as chainsaw competent and with up-to-date training. It is expected that their method of working will incorporate all such best practice working methods (e.g., only cut into/ through objects you can clearly see in their entirety). Vegetation clearance crews must check with the ECoW if they cannot clearly see the full extent of what they are cutting into and through, to ensure that no suitable features for protected species are present;

No works should take place after sunset⁵ and no artificial lighting should be used as this poses a risk of disturbing species such as bats which use unlit corridors for moving through the landscape. No external security lighting should be left on in-situ overnight;

If any protected species are observed within the development site boundary or the surrounding habitats, work should stop immediately, and the ECoW notified. The ECoW will provide advice on how best to progress with the works. Although these measures are necessary specifically in relation to protected species, contractors should treat any animals with similar due care and attention;

Site staff and contractors should be aware that protected species such as GCN, reptiles and other protected/notable species may be found sheltering amongst refugia such as rubble, wood, chippings or rubbish. All such materials should be examined for presence before they are moved/discarded/destroyed off-site;

All machinery, materials and chemicals should be stored safely and securely to prevent foraging and commuting animals coming in to contact with these, and to prevent spillage of chemicals. They should be stored on hard standing surfaces where possible. If not possible, materials should be raised off the ground;

Fuel should be stored in appropriate capacity bunded tanks/bowsers, and drip trays used beneath equipment such as generators;

Chemicals in the form of herbicides, pesticides and fertilisers should be avoided wherever possible. Chemicals which cannot be avoided should be used in strict accordance with manufactures instructions, and appropriate spill kits should be provided, and site personnel appropriately trained to use these.

All stored materials (including arisings and spoil) created from works may be used as a refuge by GCN, reptiles and other protected/notable species. All such materials should be removed from site by the end of each working day. If it is not possible to remove materials from site, they should be elevated off the ground, for example using pallets (approximately 25cm above ground level) or stored within skips prior to their removal unless otherwise agreed by the on-site ECoW. Areas of loose spoil must be fully compacted, to ensure no cracks or crevices remain;

All vegetation clearance should be carried out in line with the additional working methods outlined below in **Section 3.1**;

Works should remain as far from all watercourses and waterbodies as is possible, with no works occurring within watercourses unless agreed in advance with the ECoW;

Appropriate best-practice pollution prevention and run-off control measures should be employed; the following guidance documents detail current industry best-practice for managing site-derived pollutants, which should be followed for all construction works unless additional measures and/or more appropriate approaches are identified by the contractors:

Guidance should be taken from the Department for Environment, Food and Rural Affairs and the Environment Agency on emerging Guidance for Pollution Prevention⁶ particularly advice on 'storing materials, products and waste' and 'construction, inspection and maintenance'. This guidance can be accessed at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

Venables R. et al. (2000) Environmental Handbook for Building and Civil Engineering Projects. 2nd Edition. Construction Industry Research and Information Association (CIRIA), London;

Masters-Williams H et al. (2001) Control of Water Pollution from Construction Sites; Guidance for Consultants and Contractors. CIRIA Technical Guidance C532. CIRIA, London; and

Kukadia V, Upton S & Hall D (2003) Control of dust from construction and demolition activities. Building Research Establishment / Dept. of Trade and Industry guidance. BRE, Watford.

Any obvious mammal trails through the site should remain clear of obstruction;

Any excavations should be back-filled by the end of each working day. If this is not possible, then a means of escape for any animals that may become entrapped should be placed in the open trenches (i.e., one side of the excavation at a 1 in 2 or shallower angle or with a ramp left in place) or the trenches should be covered at the end of the day;

Prior to any sections of the site being cleared/or excavated or any works that will cause disturbance to the ground, the area should be searched for reptiles and any other protected species. This should also be undertaken immediately prior to each "shift" of work on an area (e.g., after a lunch break and at the start of each day);

Once works are complete, habitats should be reinstated like-for-like unless otherwise agreed. The ECoW will advise on restoration;

All contractors using trackway for access must be made aware of potential presence of reptiles and GCN were highlighted within the ECR. Should a reptile or GCN be observed during works the ECoW must be notified immediately.

In the unlikely event that an animal is accidentally injured during site clearance, the works must stop immediately.

Site Clearance

The following measures must be adhered to before, during and after vegetation clearance. Where specific receptors are present additional and/or alternative measures must be implemented as described in **Section 4**.

It is recommended that all vegetation clearance be undertaken outside of the bird nesting season, September to February inclusive. Any vegetation clearance between March and August inclusive will require a pre-clearance assessment by an ECoW to determine whether nesting birds are present. Should nesting birds be present, additional mitigation measures would be required;

All site clearance (e.g., vegetation, rubble, logs etc.) will be carried out under suitable weather conditions as defined by the ECoW (approx. 3-5 days above 5°C overnight) unless otherwise agreed;

Prior to any site clearance, the ECoW will undertake a walkover with site contractors to identify any additional ecological constraints which may be present, and to micro-site locations of access and working areas where appropriate to avoid ecological habitats/features of interest;

The site must be clearly de-lined from the adjacent habitats and the contractors must be fully aware of the site boundary, ensuring that all works are contained within the development footprint. Under no circumstances should the surrounding habitats be disturbed or impacted by the works to prevent a contravention of the legislation. All vehicles/machines must be stored within the agreed work area;

The minimum amount of vegetation should be undertaken wherever possible and agreed with the ECoW, including relocating/redesigning of the site layout if possible;

Immediately prior to site clearance, hand searching (as required) of suitable habitats will be undertaken by the ECoW. Works should not commence unless confirmed by the ECoW that the site has either been subject to hand searching and/or the works are to be directly supervised by the ECoW;

If there is potential for hibernating animals (advised by the ECoW but generally features such as root bases, log or stone piles) the cut to ground level and/or uprooting should be delayed until the

animals are likely to be out of hibernation (March - May depending on species and weather conditions) or the feature should first be inspected by the ECoW;

Any vegetation that requires removal within the working area must first be cut to 15cm in height. In certain locations this initial cut may be conducted without supervision if agreed with the ECoW;

All cut vegetation should then immediately (before sunset on the same day) be cleared out of the working area (for example, blown or raked) and disposed of at a location (or stored outside of the working area) agreed by the ECoW and or chipped and spread thinly if agreed with the ECoW.;

Any branches/rubble/boulders etc. should be lifted (not dragged) off site immediately. Any branches must be lowered gently and not allowed to crash to the ground;

It is the client/contractor's responsibility to provide tools and equipment for the removal of all arisings/branches/rubble/boulders etc. and to carry out the removal;

After the first cut, hand searching (as required) of suitable habitats will again be undertaken by the ECoW;

A second cut to ground level (if required) must only be undertaken following agreement from and under supervision by the ECoW and in temperatures of over 5°C. If temperatures fall below 5°C, no clearance to ground should be undertaken. Cutting to ground must not be undertaken first thing in the morning as any remaining reptiles/amphibians if present will not have warmed up enough to move away. Ideally, cutting should be undertaken after ~11:00am and once the ECoW has agreed conditions are suitable;

Any features with the potential to be used as hibernacula by GCN or reptiles should only be dismantled or removed following at least five consecutive nights where minimum temperatures do not fall below 5C;

All cut vegetation should again be cleared out of the working area (as defined above);

Once cleared, the vegetation must be maintained at a height of no more than 15cm for the duration of the works. This will make the habitat less attractive to ecological receptors; and

Removal of mature trees or ecologically important hedgerows should be avoided and if this is not possible, they should first be assessed by an ECoW.

Receptor Specific Mitigation

Statutory Designated Sites

These measures should be followed at sites within or adjacent to statutory designated sites where impacts are anticipated;

No works should be undertaken within any designated sites until approval for the programme of works and associated working methods has been approved by Natural England (NE);

Once approval has been received from NE, the ECoW should adhere to the agreed working methods described in the Habitat Regulations Assessment screening and SSSI assent report;

Prior to any site works commencing, where required, the working area must be clearly delineated from the statutory site (using fencing/signposts/marker spray) and the contractors must be fully aware of the site boundary, ensuring that all works are contained within the development footprint. Unless agreed with the ECoW, under no circumstances should the surrounding habitats outside the de-lined area be disturbed or impacted by the works; and

All temporarily damaged habitats must be replaced on a like for like basis unless otherwise agreed, and advice from the ECoW should be sought with regards to restoration.

Non-statutory Designated Sites

These measures should be followed at sites within or adjacent to non-statutory designated sites where impacts are anticipated;

No works should be undertaken within any designated sites until approval for the programme of works and associated working methods has been approved by the ECoW;

The Local Planning Authority (LPA) and/or local Wildlife Trust will be consulted as required. Following any consultation undertaken, specific mitigation measures may be developed for non-statutory sites;

Prior to any site works commencing, where required, the working area must be clearly de-lined from the non-statutory site (using fencing/signposts/marker spray) and the contractors must be fully aware of the site boundary, ensuring that all works are contained within the development footprint. Unless agreed with the ECoW, under no circumstances should the surrounding habitats outside the de-lined area be disturbed or impacted by the works; and

All temporarily damaged habitats must be replaced on a like for like basis unless otherwise agreed, and advice from the ECoW should be sought with regards to restoration.

Habitats of Principle Importance (HPI)

These measures should be followed at sites within or adjacent HPI where impacts are anticipated;

No works should be undertaken within any HPI until approval for the programme of works and associated working methods has been approved by the ECoW;

Where the work area is located within the extent of the HPI, the minimal amount of vegetation clearance possible should be undertaken to allow the works to proceed safely. Following works all temporarily damaged HPI must be replaced on a like for like basis unless otherwise agreed, and advice from the ECoW should be sought with regards to restoration; and

Where the HPI is outside the work area, prior to any works commencing the working area must be clearly de-lined from the HPI (using fencing/signposts/marker spray) and the contractors must be fully aware of the work area boundary, ensuring that all works are contained within the development footprint. Unless agreed with the ECoW, under no circumstances should the surrounding habitats outside the de-lined work area be disturbed or impacted by the works.

Aquatic Fauna: Otter, Water Vole and Freshwater Fish

Otter

These working methods should be used at any site where there is suitable otter habitat within 200m;

Prior to any works commencing at locations with the potential to support otters, a pre-works check by an ECoW should be undertaken to assess the presence of any otter holts or field signs and the proximity to the works area;

If an otter holt is identified during the pre-works check, no work should be undertaken, or equipment or vehicles stored, within 30m of an otter holt, or within 200m of a natal holt. This buffer zone will ensure otters using a holt will not be disturbed or damaged as a result of the works;

Appropriate best-practice pollution prevention and run-off control measures should be employed to ensure there is no detrimental effect on the watercourse (see **Section 3**); and

If works are to occur within 30m of an otter holt, or within 200m of a natal holt, or directly impact upon any otter holts and it cannot be avoided, no work is to be carried out, and the ECoW is to be contacted who will advise how to proceed; a NE survey licence and/or a mitigation licence may be required.

Water Vole

These working methods should be used at any site where there is suitable water vole habitat within 10m;

Prior to any works commencing at locations with the potential to support water voles, a pre-works check by an ECoW should be undertaken to assess the presence of any water vole burrows or field signs and the proximity to the works area;

No work should be undertaken, or equipment or vehicles stored, within 10m of a watercourse. This buffer zone will ensure burrows are not compacted or damaged as a result of the works or equipment used;

Appropriate best-practice pollution prevention and run-off control measures should be employed to ensure there is no detrimental effect on the watercourse (see **Section 3**); and

If works are to occur within 10m of a water vole burrow, or directly impact upon any water vole burrows and it cannot be avoided, no work is to proceed, and the ECoW is to be contacted; a NE licence may be required.

Freshwater Fish

To ensure works do not cause any impact upon freshwater fish these working methods should be followed:

No work should be undertaken, or equipment or vehicles stored, within 10m of a watercourse without prior approval of the ECoW;

Appropriate best-practice pollution prevention and run-off control measures should be employed to ensure there is no detrimental effect on the watercourse (see **Section 3**); and

If works are to occur within 10m of a watercourse, or directly impact upon any watercourse directly and it cannot be avoided, no work is to proceed, and the ECoW is to be contacted; a NE and/or Environment Agency licence may be required.

Bats

These working measures for bats should be implemented at any site where tree felling, or reduction is required. All trees must be marked or delineated by the contractor and must then undergo a Preliminary Roost Inspection for Potential Roost Features (PRFs) prior to works by a suitably qualified and experienced ecologist. All works outlined below should be undertaken in accordance with the Bat Conservation Trust (BCT) Surveys: Best Practice guidance (2016).

Should the tree, or any section of tree directly or indirectly affected, be assessed as having **low bat roost potential** the works can proceed under the following working methods:

All works should be done under the supervision of a suitably qualified and experienced ECoW. The trees for supervised felling/pruning will be clearly marked as such;

A TBT will be undertaken with all vegetation clearance staff by the ECoW prior to felling any trees with low bat roost potential. Staff will be briefed by a bat licensed ECoW who will outline potential roosting features and the key signs that indicate the presence of a bat roost;

All trees should be inspected for signs of roosting bats from the ground by an ECoW prior to removal, and where possible, this should be followed by an aerial assessment by a qualified and bat licensed tree climber (or a qualified tree climber under supervision of a bat licensed ECoW) prior to felling;

Each limb or tree section containing a potential roost feature, or if left to fall would affect a potential roost feature, should be soft felled and lowered slowly and carefully to the ground by rope rather than dropped, to cover the low residual risk of harm to individual bats being present. These sections should be checked for evidence of roosting bats by the bat licensed ECoW prior to stacking/chipping;

As per the JNCC Bat Workers Manual, if cracks are kept open by stress, “care must be taken when cutting so that the crack does not close”, potentially crushing any bats within. In addition, “care must be taken not to cut directly into holes or directly above them”;

Should bats be found at any point during works, work will cease immediately and the bat licensed ECoW will advise on the most appropriate course of action. The advice given will depend on each individual situation and may involve leaving the bat to depart the roost of its own accord or removal of the bat by the bat licensed ECoW. NE may be contacted to determine if a licence is required;

All contractors and sub-contractors are explicitly forbidden from handling, harming or disturbing bats in any way; and

The works will take place during suitable weather conditions in accordance with the bat licensed ECoW's recommendations, and the BCT and NE guidance. Should conditions deteriorate during operations, such that bats may be prevented from flying safely, any bats found will be removed to safety by the bat licensed ECoW, kept in care and released at dusk when weather conditions are suitable.

Should the tree, or section of tree subject to works, be assessed as having **moderate or high bat roost potential** the following should be adhered to:

Prior to any works being undertaken, surveys should be undertaken to determine the presence or likely absence of a bat roost within the tree. This would comprise emergence/re-entry surveys undertaken at dusk and/or dawn (two survey visits for a moderate potential tree and three survey visits for a high potential tree) which can be undertaken between ~April and September inclusive, in suitable weather conditions as determined by suitably qualified ecologists. Prior to emergence surveys, if possible, an aerial tree assessment should be carried out, as described above;

Following survey work, if the tree/ feature is classed as ‘roost likely absent’ then it will be downgraded to low potential and the above working methods for low bat roost potential followed; and

Should the survey work record the presence of roosting bats within the tree or tree feature, a NE licence should be obtained prior to any works being undertaken.

Badgers

A pre-works check should be carried out in advance of the works to determine the presence/absence of badger on the site. If badger, or evidence of badger are identified during the pre-works check, or at any point during the site clearance or construction works, all works must

halt and the ECoW contacted to advise on next steps. Further survey, mitigation and/or licencing may be required.

If a licence is required from NE works are to follow specific measures described within the licence.

Where the site is located within ~30m of a badger sett and a mitigation licence is not deemed necessary the following methods are to be followed:

Prior to any works at each site, advice and approval from the ECoW should be obtained to ensure the planned works are not envisioned to cause disturbance to badgers;

Badger tunnels can extend to over 20m from the entrance holes and are located between ~20cm and several metres deep depending on soil and topography, therefore excavation work and heavy machinery should be kept well away from where it could result in damage to the sett or disturbance to any badger occupying the sett;

The sett area and a suitable buffer distance determined by the Project Ecologist is to be marked off to avoid interference, this should be done with rope, fencing or wire. Plastic tape can be very disturbing to badgers in windy weather and should be avoided;

Badger paths should be cleared of felled timber and any other materials or equipment before the end of each day;

Chemicals should not be used without prior agreement by the Project Ecologist;

Any security lighting used should be kept away from sett entrances;

Works should only be undertaken during daylight hours;

For locations where setts/sett entrances have been identified adjacent to access tracks, no stopping zones may be applied to a buffer of ~15m from the feature;

Disturbances, such as loud noises or vibrations with the potential to disturb badgers within the sett should be avoided where possible or limited to areas well away from the sett. Should this not be possible, work should stop and advice from the ECoW sought. Where use of noisy machinery cannot be avoided, it should be used before midday if possible. This allows badgers to settle down afterwards and minimises the risk of foraging activity being disrupted;

Trees and shrubs should be soft-felled away from the obvious direction of a sett and should not be uprooted but cut to ground level where necessary. Branches should be lowered to the ground gently and lifted, not dragged, away from the vicinity of the sett;

Entrances may require protection against materials falling in accidentally. Any methods used should not restrict airflow and must be removed before leaving the site at the end of the day; and

All work should be carried out as quickly and quietly as possible.

Breeding birds

Pre-works nesting bird checks or verification surveys may be required prior to commencement of works. This will be confirmed by the ECoW.

Should a bird nest be found, the Ecological Clerk of Works (ECoW) will review whether the nest is active and if site activities are likely to affect it and, if so, what mitigation options are available. Priority will be given to assessing and mitigating impacts to species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

An emergency procedure will be implemented by all site workers if breeding birds, or a nest is encountered. All work will immediately cease within 50m of the nest (if the species is known to be a non-Schedule 1 species), or the relevant maximum protection distance for key specially protected species (e.g., if the species is known to be listed on Schedule 1) until the ECoW can inspect the site and define if any mitigation is required.

For species not listed on Schedule 1, following the identification of an active nest, a protection zone will be set out by the ECoW to avoid damage or destruction to that nest. No works will be carried out within these zones whilst birds are using the nest or young are still dependent on the nest site.

Following identification of an active Schedule 1 bird nest site an appropriate protection zone will be instated based upon industry standard guidance (i.e., Ruddock and Whitfield, 2007). The protection zone will be established upon confirmation of nesting taking place in order to avoid any risk of disturbance to the nesting birds and any dependent young.

During the breeding season, where programme critical works must be carried out within the protection zones of key specially protected species, the ECoW will carry out a Protected Species Risk Assessment to assess whether disturbance can be avoided during the works. Considerations will include the ecology of the species involved, local topography, natural screening, type of works and existing levels of human activity, e.g., farming, forestry and habitation. The protection zone may then be reduced if it can be demonstrated and agreed by a specialist adviser and/or NE, as required, that works will not cause disturbance. Monitoring will be undertaken by the ECoW to ensure no disturbance is caused.

In all cases, construction teams will be advised of existing/new constraints together with mitigation options by the ECoW.

In the event of a nest being found the following procedure **MUST** be followed:

All works must stop immediately and if possible, a photo of the nest should be taken for reference;

If following assessment and consultation (if necessary) the nest is found to be active, mitigation measures will be determined and approved by the ECoW which may include some, or all, of the following mitigation, along with any additional mitigation as required to be determined on a case by case basis:

For non- schedule 1 species, demarcation of the active nest site to include a 5 – 10 metre protection zone (location dependant), within which no activity should take place until the young have fledged;

Where programme critical works must be carried out within the buffer zones of key specially protected species (e.g., Schedule 1 species), the ECoW will carry out a Protected Species Risk Assessment to assess whether disturbance can be avoided during the works. Considerations will include the species involved, local topography, natural screening, type of works and existing levels of human activity, e.g., farming, forestry and habitation. The protection zone may then be reduced if it can be demonstrated, and agreed by a specialist adviser and/or NE, as required, that works will not cause disturbance; and

Monitoring of the nest undertaken by the ECoW.

Dormouse

These working methods should be followed in areas where habitat is suitable for dormice as deemed by the ECoW;

The ECoW will provide a TBT to the contractors prior to any works. The talk will highlight that dormice may be present on the site, outline the legal implications associated with the species and the measures that must be taken to ensure compliance with the legislation. The TBT will be repeated as necessary throughout the development programme for any new staff or for a relevant change in risk or circumstances;

Following the TBT, the ECoW will undertake an assessment of the risk of dormice being present in scrub/hedgerow/woodland vegetation higher than 30cm above the ground. If there are any dense areas that have potential to conceal a hibernating dormouse these will be hand searched;

Once the higher-level vegetation has been checked and confirmed as clear of dormice, an initial cut of this vegetation to a height **no lower than 30cm above ground level** will be completed using hand tools. Cut vegetation will be removed from the working area along drag lines that had been hand searched for hibernating dormice in advance. The cut vegetation will then be chipped or stacked outside the working area in a location previously hand searched for hibernating dormice, or it will be removed from site (depending on the location and landowner requirements). Where possible (e.g., in woodland and scrub areas), a proportion of the brash will be retained around the outside edges of the working area to provide temporary habitat for dormice;

Following the initial cut, any root bases, log piles, dense bramble or other suitable hibernation habitat that needs to be removed to enable works will be hand searched by an ecologist prior to removal or stump grinding. If a feature cannot be fully searched, it will be partly dismantled, cut or removed and a further hand search will be undertaken until the ecologist was confident that a hibernating dormouse was not present;

In the event that a dormouse is found, and it cannot be retained in-situ, the dormouse will be transferred (by a NE licensed ecologist and are an accredited agent acting under a project specific mitigation licence), along with plenty of damp vegetation, to a secure and appropriate hibernation location (e.g., tree stump, roots etc.) within the closest appropriate section of optimal habitat. The dormouse will be covered with brash and cut vegetation to ensure protection from sunlight and predators. If any animal found is aroused from hibernation when disturbed, it will be taken into captivity (by a captive breeding licence holder) during the remainder of the hibernation period and returned to the site early the following summer;

Vegetation clearance will preferentially be completed between November and February;

Where features cannot clearly be seen, the following should be considered;

Hand/torch search of feature. If possible, the ECoW can use an endoscope to inspect for presence of dormouse/ potential for dormouse to be present. If it is thought that the feature may also have potential to support roosting bats, then the ECoW must speak to a bat licensed team member to discuss prior to using the endoscope; and

Hand pruning using non-powered hand tools were deemed necessary by the ECoW.

The vegetation clearance crew will have a leaf blower available to assist the clearance of leaf litter where needed, so that features with potential to support dormouse can be gently cleared and viewed.

Great Crested Newts and Reptiles

In areas within suitable connected habitat to ponds that support populations of GCN (presence to be assumed if unknown) vegetation is to be cleared using the same principles as the two-phase cut methodology as detailed in **Section 3.1** (one cut in winter, the second cut to be undertaken between March-September, unless otherwise agreed with the ECoW):

The ECoW will provide a TBT to the contractors prior to any works. The talk will highlight that GCN are potentially present within the immediate local area, the legal implications associated with the species and the measures that must be taken to ensure compliance with the legislation. The TBT will be repeated as necessary throughout the development programme;

Vegetation clearance to be supervised by a suitably qualified and experienced ECoW;

The ECoW will hand search suitable habitats immediately prior to the initial cut to ~15cm;

The ECoW will undertake another hand search of the working area immediately prior to the vegetation being cut to ground;

All cut materials to be removed from the working area;

All vegetation at these working areas is to be maintained at ground level throughout the period of the works;

Should any hibernacula be identified within the working areas and/or along access routes, these should be left in-situ until the GCN/reptile active season (March – September), at which point they can be hand searched and dismantled by the ECoW; and where potential hibernacula fall within the footprint of access routes, access should be micro-sited to avoid disturbance of the hibernacula during the winter hibernation season. If this is not possible, works should stop.

If a GCN is found at any stage of the works, the works must stop immediately, and the ECoW (provided they hold a NE license and are an accredited agent acting under a project specific mitigation licence) will relocate the GCN to nearby suitable terrestrial habitat located within a suitable distance of the closest GCN pond;

It should be borne in mind that on rare occasions, animals may occupy sites and habitats not typical of their normal behaviours and the ECoW needs to be alert for potential for protected species out with the “normal” temporal or spatial parameters; and

Habitats will be reinstated like-for-like under the guidance of the ECoW following the works.

Species of Principle Importance

In order to minimise the impact of the works on other protected and notable species the following mitigation should be followed:

No works should be undertaken within any habitat that supports the protected or notable species until approval for the programme of works and associated working methods has been approved by the ECoW;

Where the work area is located within the extent of the HPI, the minimal amount of vegetation clearance possible should be undertaken to allow the works to proceed safely. Following works all temporarily damaged HPIs must be replaced on a like for like basis unless otherwise agreed, and advice from the ECoW should be sought with regards to restoration; and

Where the HPI is outside the work area, prior to any works commencing the working area must be clearly de-lined from the HPI (using fencing/signposts/marker spray) and the contractors must

be fully aware of the work area boundary, ensuring that all works are contained within the development footprint. Unless agreed with the ECoW, under no circumstances should the surrounding habitats outside the de-lineated work area be disturbed or impacted by the works.

Invasive Species

Himalayan Balsam

The following working methods should be applied when removing Himalayan Balsam or if this species is present on site:

A ~7m buffer zone should be implemented around the Himalayan Balsam and clearly demarcated on the ground (i.e. with stakes and barrier tape or Heras fencing), to define the area as a 'no go' zone to site personnel and vehicles. This should remain in place until access into this area for vegetation clearance is required;

The above buffer zone should be checked regularly by the ECoW;

Any vegetation clearance or topsoil disturbance within the buffer zone, should be completed under the supervision of an ECoW. The vegetation should be removed in a controlled manner (without causing spread of soil or vegetation) and immediately left in situ (within an area where Himalayan Balsam is already present) to compost;

Hand pulling vegetation is the recommended way to clear small areas of vegetation, this reduces the chances of spreading. Plants should be pulled from the base, as balsam can easily snap off above the root stock, causing vigorous re-growth. Where larger areas of balsam require clearance a brush cutter may be used by a suitably qualified operative provided the vegetation can be cut below the first growth node to ensure no regrowth occurs;

If in flower, prior to seed development (~June to October inclusive), the tops of the plant (including all flowers) should be carefully bagged and tied with cable ties, to prevent the spread of seed. Flowers should be checked by an ECoW to determine if seeds are present before this is undertaken;

Pulled plant material should be spread evenly (rather than leaving in piles) to aid composting and stems should be snapped/trampled, to prevent the plant from re-establishing itself;

Should there be a risk of material spreading (i.e. wind-blown or washed away), pulled plant material should be covered (i.e. with tarpaulin/geotextile). An ECoW would need to check that the plant material is suitably decomposed before the tarpaulin is removed;

No vegetation clearance should be undertaken when the plant is in seed (~June to October inclusive). Seed pods can disperse up to ~6m when disturbed. The ECoW should regularly monitor the site during the flowering stage to ensure that any vegetation clearance can be undertaken prior to the seeding stage;

During vegetation clearance, biosecurity measures will need to be implemented (i.e. disinfecting boots, larger plant, vehicles / machinery);

Prior to leaving any affected site, all vehicles/equipment should be cleaned. The outside of vehicles should be washed using a high-pressure washer or hand pump sprayer / mobile pressure washer (carried within a vehicle) and stiff-haired brush, with particular attention paid to tyre treads and wheel arches. The mobile hand pump sprayer/pressure washer should be laid on a Visqueen layer during transportation and washed following its use and prior to putting back into the vehicle. Any equipment that may have been in contact with Himalayan balsam should also be washed.

Similarly, site operatives may have picked up seeds on their boots and a boot washing station should be made available. When washing boots or machinery ensure that the spray direction is back into the contaminated area, therefore carrying any material back into the contaminated area and away from non-contaminated areas.

Cotoneaster

The following working methods should be applied where the presence of *Cotoneaster* sp. has been identified:

Where cotoneaster is found within or close to working areas the infestation should be demarcated and access restricted or avoided if possible;

If felling or cutting is required cut material should be chipped on site. If the arisings need to be removed the material must be disposed of at a licensed landfill as controlled waste;

Prior to leaving any affected site, all vehicles/equipment should be cleaned. The outside of vehicles should be washed using a high-pressure washer or hand pump sprayer / mobile pressure washer (carried within a vehicle) and stiff-haired brush, with particular attention paid to tyre treads and wheel arches. The mobile hand pump sprayer/pressure washer should be laid on a Visqueen layer during transportation and washed following its use and prior to putting back into the vehicle. Any equipment that may have been in contact with Himalayan balsam should also be washed. Similarly, site operatives may have picked up seeds on their boots and a boot washing station should be made available. When washing boots or machinery ensure that the spray direction is back into the contaminated area, therefore carrying any material back into the contaminated area and away from non-contaminated areas.

Japanese Knotweed

The following working methods should be applied when working on sites if Japanese knotweed has been identified:

A ~7m buffer zone should also be implemented around the location and clearly demarcated on the ground (i.e. with stakes and barrier tape or heras fencing), to define the area as a 'no go' zone to site personnel and vehicles. This should remain in place until access into this area for vegetation clearance is required;

Where cutting is required all cutting to be undertaken with hand tools such as scythes or billhooks to ensure a clean cut. Each stem to be cut individually. Strimmer's/brush cutters or flails **MUST NOT** be used under any circumstances due to the risk of vegetative fragments spreading the infestation. All cut material to be left in situ preferably on a bed of terram/root proof membrane or in a dumpy bag and allowed to dry out thoroughly. The resulting material can be left on site after the completion of works. If the cut material needs to be removed from site all arisings must be disposed of as controlled waste under the Environmental Protection Act 1990;

All vehicle operatives should remain vigilant within Japanese knotweed infested areas, and should remain on metal tracked routes or identified access routes at all times;

Prior to leaving the infested area, all vehicles / equipment should be cleaned, as per above. This includes any equipment that may be in contact with knotweed as well as any machinery / vehicles / trackway that have entered the area. Similarly, site operatives may have picked up plant material on their boots. Therefore, a wheel / boot washing station should be made available;

All material dislodged during the above process must be treated as Japanese knotweed waste. Washing should take place over a root barrier membrane layer and material should not

contaminate drains, ditches or watercourses. Siting of the washing area to be designated by the site ECoW; and

Weekly checks should be made for any Japanese knotweed re-growth. Should the plant be observed to be encroaching the working area or access, advice should be sought immediately from a suitably experienced ECoW.

Giant Hogweed

If giant hogweed is recorded within the working area a 7m buffer zone should be demarcated around the location and the ECoW contacted immediately.

Residual Impacts

Consideration has been given to the key potential effects of the works on the receptors listed within **Section 4** through consideration of the potential offences that could be committed under applicable wildlife legislation.

Conclusion

The impacts of the planned clearance works after implementing the measures described above are

considered to be negligible. It is therefore considered unlikely that any offence would occur as a result of the works under the Habitats Regulations or Wildlife and Countryside Act 1981 (as amended) providing the non-licensable avoidance measures detailed in **Sections 3 and 4**.

As detailed previously, this method statement is based upon the interpretation of wildlife legislation. For a definitive interpretation of the legislation and to ensure full protection from the potential offences that may be incurred, it is recommended that independent legal advice is sought.

Issued by

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Jack Wheeler

Appendix A

Legislation

Statutory Designated Sites

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, known as the Habitats Directive, was adopted in 1992. The Conservation (Natural Habitats, &c.) Regulations 1994 transposed the Habitats Directive into UK national law, covering the designation and protection of European sites and the protection of European protected species. The *Conservation of Habitats and Species Regulations 2017* (as amended) consolidate all the various amendments made to the 1994 Regulations in respect of England and Wales.

Within the UK sites that are nationally important for plants, animals or geological or physiographical features are protected by law as Sites of Special Scientific Interest (SSSIs) and Marine Nature Reserves (MNRs). This system provides the underpinning statutory protection for all sites, including those which are also of international importance.

Non-statutory Designated Sites

There are numerous areas of high biodiversity value that receive no legal (statutory) protection.

Habitats and Species of Principal Importance

The *Natural Environment and Rural Communities (NERC) Act (2006)*, Section 40(1) imposes a duty to conserve biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

Section 41 (S41) of the *Natural Environment and Rural Communities (NERC Act 2006)* requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The list (including 56 habitats and 943 species) has been drawn up in consultation with NE and draws upon the UK BAP List of Priority Species and Habitats.

Otters

European otters are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and Schedule 2 of the *Conservation of Habitats and Species Regulations 2017* (as amended). They are afforded full protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence, *inter alia*, to:

Deliberately capture, injure or kill any such animal;

Deliberately disturb any such animal, in particular in such a way as to be likely to:

Impair their ability to survive, breed or reproduce, or rear or nurture their young;

Impair their ability to hibernate or migrate;

Affect significantly the local distribution or abundance of that species;

Damage or destroy a breeding site or resting place of any such animal;

Intentionally or recklessly disturb any of these animals while it is occupying a structure or place that it uses for shelter or protection; or

Intentionally or recklessly obstruct access to any place that any of these animals uses or shelter or protection.

Water Voles

Water voles are protected under the *Wildlife and Countryside Act 1981* (as amended). This makes it a criminal offence to:

Intentionally kill, injure, or take (handle) a water vole;

Intentionally or recklessly disturb water voles while they are using such a structure or place; or

Intentionally or recklessly damage or destroy or obstruct access to any structure or place which water voles use for shelter or protection.

Bats

All British bat species are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and Schedule 2 of the *Conservation of Habitats and Species Regulations 2017* (as amended). They are afforded full protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence, *inter alia*, to:

Deliberately capture, injure or kill a bat;

Deliberately disturb a bat (this applies anywhere, not just at its roost), in particular in such a way as to be likely to:

Impair their ability to survive, breed or reproduce, or rear or nurture their young;

Impair their ability to hibernate or migrate; and

Affect significantly the local distribution or abundance of that bat species;

Damage or destroy a breeding site or resting place of any bat;

Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection; or

Intentionally or recklessly obstruct access to any place that a bat uses for shelter or protection (this is taken to mean all bat roosts whether bats are present or not).

In addition, five British bat species are listed on Annex II of the Habitats Directive. These are:

Greater horseshoe bat (*Rhinolophus ferrumequinum*);

Lesser horseshoe bat (*Rhinolophus hipposideros*);

Bechstein's bat (*Myotis bechsteinii*);

Barbastelle (*Barbastella barbastellus*); and

Greater mouse-eared bat (*Myotis myotis*).

Badgers

The *Protection of Badgers Act 1992* makes it an offence to:

Wilfully kill, injure or take a badger;

Attempt to kill, injure or take a badger; or

Cruelly ill-treat a badger.

It is also an offence to interfere with a badger set by:

Damaging a badger sett or any part of it;

Destroying a badger sett;

Obstructing access to, or any entrance of, a badger sett; or

Disturbing a badger when it is occupying a badger sett.

Intending to do any of those things or being reckless as to whether his actions would have any of those consequences.

Breeding Birds

With certain exceptions¹, all wild birds, their nests and eggs are protected by section 1 of the *Wildlife and Countryside Act 1981* (as amended). Therefore, it is an offence, *inter alia*, to:

Intentionally kill, injure or take any wild bird;

Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; or

Intentionally take or destroy the egg of any wild bird.

These offences do not apply to hunting of birds listed in Schedule 2 of the Act subject to various controls.

Bird species listed on Schedule 1 of the Act receive further protection, thus for these species it is also an offence to:

Intentionally or recklessly disturb any bird while it is nest building, or is at a nest containing eggs or young; or

Intentionally or recklessly disturb the dependent young of any such bird.

Dormouse

Dormice are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and Schedule 2 of the *Conservation of Habitats and Species Regulations 2017* (as amended). They are afforded full protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence, *inter alia*, to:

Deliberately capture, injure or kill any such animal;

Deliberately disturb any such animal, in particular in such a way as to be likely to:

Impair their ability to survive, breed or reproduce, or rear or nurture their young;

Impair their ability to hibernate or migrate;

Affect significantly the local distribution or abundance of that species;

¹ Some species, such as game birds, are exempt in certain circumstances.

Damage or destroy a breeding site or resting place of any such animal;

Intentionally or recklessly disturb any of these animals while it is occupying a structure or place that it uses for shelter or protection; or

Intentionally or recklessly obstruct access to any place that any of these animals use for shelter or protection.

Great Crested Newt

The great crested newt is listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and Schedule 2 of the *Conservation of Habitats and Species Regulations 2017* (as amended). It is afforded protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence, *inter alia*, to:

Deliberately capture, injure or kill any such newt;

Deliberately disturb any such newt, in particular in such a way as to be likely to:

Impair their ability to survive, breed or reproduce, or rear or nurture their young;

Impair their ability to hibernate or migrate; and

Affect significantly the local distribution or abundance of that species.

Deliberately take or destroy the eggs of such a newt;

Damage or destroy a breeding site or resting place of any such newt;

Intentionally or recklessly disturb any such newt while it is occupying a structure or place that it uses for shelter or protection; or

Intentionally or recklessly obstruct access to any place that any such newt uses for shelter or protection.

This relates to both the aquatic and terrestrial habitat they occupy. The legislation applies to all life stages of this species.

Reptiles

The four widespread² species of reptile that are native to Britain, namely common or viviparous lizard (*Zootoca (Lacerta) vivipara*), slow worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix helvetica*), are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and are afforded limited protection under Section 9 of this Act. This makes it an offence, *inter alia*, to:

Intentionally kill or injure any of these species.

All Wild Mammals (Including Rabbits and Foxes)

² The other native species of British reptile (sand lizard and smooth snake) receive a higher level of protection in England and Wales under the *Conservation of Habitats and Species Regulations 2017* (as amended) and the *Wildlife and Countryside Act 1981* (as amended). However, the distribution of these species is restricted to only a very few sites. All marine turtles (*Cheloniidae* and *Dermochelyidae*) are also protected.

Under the *Wild Mammals (Protection) Act 1996* it is an offence intentionally to cause unnecessary suffering to any wild mammal.

Appendix B

Ecological Toolbox Talk (TBT)

Legislation

A preliminary ecological appraisal of the Site has been carried out which identified the potential presence of a number of **legally protected species**. The **Ecological Method Statement** details the mitigation and working methods that should be adopted to avoid contravention of the legislation. If this is not followed, there is a risk you could break the law by doing actions such as:

- Deliberately capture, injure or kill;
- Damage or destroy a resting place or breeding site;
- Deliberately or recklessly disturb an individual while it's in a structure or place of shelter or protection;
- Block access to structures or places of shelter or protection; or
- Possess, sell, control or transport live or dead individuals.

Any of the following could happen if you're found guilty of any offence:

- You could get an unlimited fine; and
- You could be sent to prison for up to 6 months.

Species Identification



Otters

Otters are associated with water courses. It is rare to see these animals, but their holts and resting places are found in banks of ditches, streams and rivers and footprints can be easily seen.



Water Voles

Water voles are very unlikely to be seen at the site. Water voles are associated with water courses. It is rare to see these animals, but their burrows are found in banks of ditches, rivers and ponds.



Bats

On site habitats where bats may roost include buildings and trees. If works involve trees with cavities, then check with the on-site ecologist that these have been inspected.



Badgers

It is unlikely that the animals would be seen but signs of their presence include:

- Setts (D shaped burrow with a large spoil heap);
- Latrines or dung pits; and
- Snuffle holes and runs.



Nesting Birds

The bird nesting season extends from March to August inclusive, although in mild climate nesting may start in February.

Nesting occurs in a variety of habitats including agricultural fields (ground nesting birds), dense bramble scrub, buildings and other man-made structures and trees.



Dormouse

Hibernate on the ground in a nest of leaves and grass between the months of October to April.

Can be harmed by handling, disturbance, e.g. noise and light, habitat removal, clearing woodland and removing hedgerows and habitat fragmentation and isolation.



Great Crested Newts

Great crested newts are associated with water bodies but during the winter they live/hibernate in terrestrial habitat.

They can be harmed when maintaining or restoring ponds, woodland, scrub or rough grassland, moving debris such as log piles.

DO NOT leave materials in areas where it might be colonised by great crested newts. Any debris or materials should be moved with care or moved under direct supervision of a suitably qualified ecologist.



Reptiles (slow-worm, common lizard, grass snake and adder)

They may be found sheltering in vegetation, under debris such as logs, rocks or piles of rubble or waste items. They may also bask in the open on sunny days.

DO NOT leave materials in areas where it might be colonised by reptiles. Any debris or materials should be moved with care or moved under direct supervision of a suitably qualified ecologist.

Non-Native Invasive Species Identification

Some plant species are listed on Schedule 9 of the *wildlife and Countryside Act 1981*, which makes **it an offence to plant them in the wild or otherwise cause them to grow there.**

Japanese Knotweed



GBNNS
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Himalayan Balsam



Giant Hogweed



GBNNS
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Action

If any species, or signs characteristic of protected species in the vicinity of the works are apparent, OR IF IN ANY DOUBT, stop the works immediately and contact the ECoW (Jack Wheeler, 07720167719);

- **The species involved may then be identified and appropriate action such as further surveys or mitigation taken; and**
- **Do not attempt to move any species found unless instructed to do so by an ecologist.**