



JM ECOLOGY

**MR A SMITH
LAND OFF WOOD ROAD
NAILSTONE
LEICESTERSHIRE**

**GREAT CRESTED NEWT
PRECAUTIONARY METHOD OF WORKS**

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1. Background Information

Principal Author

- 1.1 This document has been prepared by Joe McLaughlin BSc (hons) MCIEEM. Joe has over 10 years' experience in survey and site assessment for Great Crested Newt (GCN) and mitigation. Joe is registered to use a level 2 Natural England personal GCN licence (2015-16947-CLS-CLS) and acts as the named ecologist/accredited agent on numerous Natural England mitigation licences for European Protected Species.

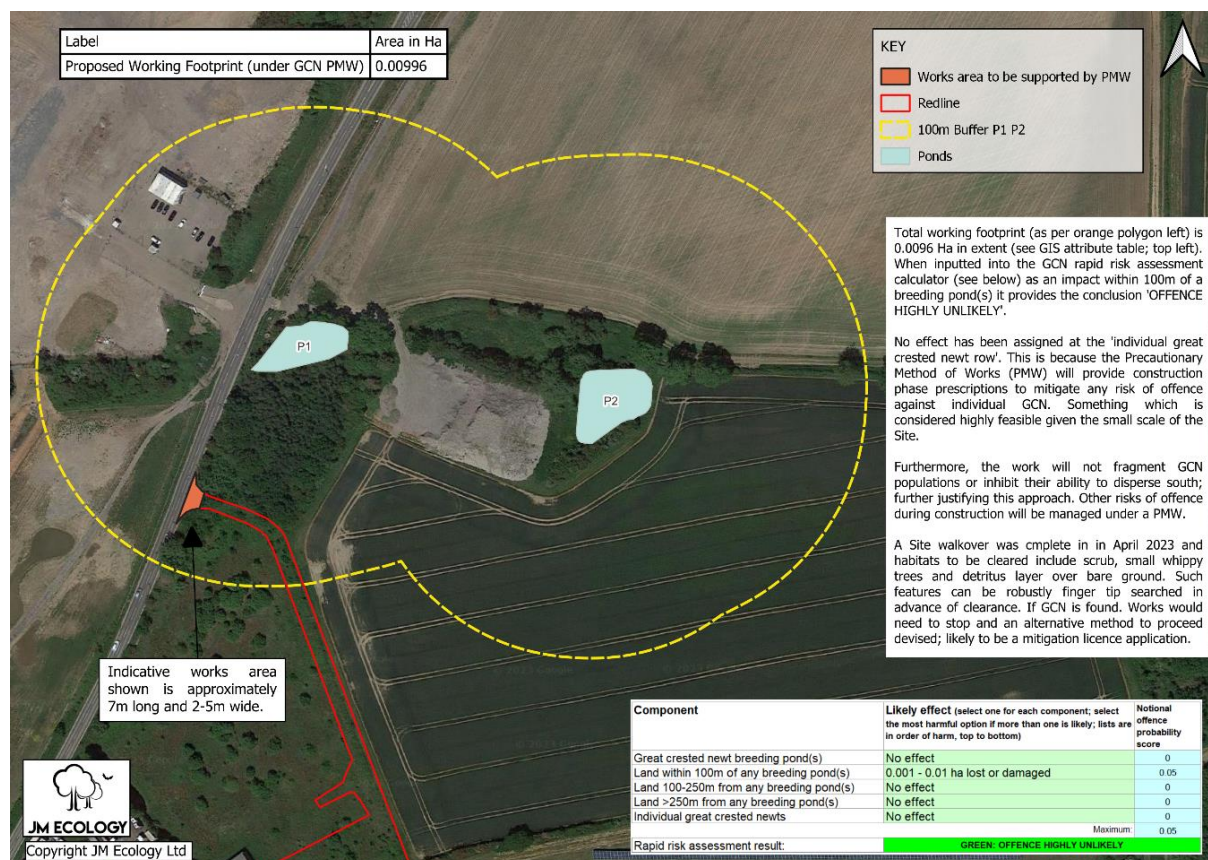
Introduction and Rationale

- 1.2 JM Ecology Ltd were instructed by Mr A Smith to produce this GCN Precautionary Method of Works (PMW) in support of the proposal to create a bell mouth junction along Wood Road, Nailstone. Such works are proposed to make a formal start to development in relation to an approved planning permission received from Hinkley and Bosworth Borough Council (Planning Reference:20/00020/FUL) and avoid the permission lapsing.
- 1.3 The existing permission is for change of use of part of the land for the siting of storage container units (Use Class B8), and a machinery and maintenance building, vehicular access, screen wall and screen planting. The bell mouth proposed for creation will form the main vehicular access off Wood Road towards the Site.
- 1.4 The PMW follows a recent Site walkover by JM Ecology (April, 2023) and a package of ecological works complete by Middlemarch Environmental between 2016- 2020 including a Great Crested Newt (GCN) Mitigation Strategy. This mitigation strategy identified the presence of a 'Small' sized population of GCN within two ponds located to the north of the Site (see Figure 1.1). This approved strategy only considered these waterbodies, and concluded that a European Protected Species (EPS) Mitigation licence would be required to legitimise the development.
- 1.5 This PMW has been produced with consideration for the Middlemarch report and is based around its approved findings. It is not sufficient to inform mitigation for GCN for the wider development however.

Legal Justification for Approach

- 1.6 Whilst the historic GCN Mitigation Strategy concluded that a licence is required to legitimise development, the current proposal includes a significantly smaller area of impact. As such the requirement for an EPS licence was reviewed and following consultation with the Natural England GCN Rapid Risk Assessment Calculator the risk of wildlife offences from the proposal were considered 'highly unlikely'. This however relies on mitigation being implemented to protect individual GCN and risk of wildlife offences being reduced; such measures are considered easily achieved, given the small scale of the scheme and are set out within this document.
- 1.7 Areas of impact by the proposal covered by the PMW are shown below in Figure 1.1 as well as justification and the data/result from the Natural England Rapid Risk Assessment Calculator.

Figure 1-1: GCN PMW Justification



- 1.8 During the recent Site walkover by JM Ecology no badger setts were identified within 30m, and none of the trees/scrub had bat roosting potential. The scrub and trees had nesting bird potential and as such mitigation to manage this risk are provided later in this document.
- 1.9 Following a review of the Hinkley and Bosworth TPO register¹ none of the trees within the works area or in the immediately surrounding land are considered to be specially protected nor were any particularly notable and mature/veteran standards identified by the surveyors. The Site also appears to fall outside of the Nailstone Conservation Area²
- 1.10 No other at-risk receptors were identified during the walkover.

Report Scope

- 1.11 The document forms non-licensed precautionary working methods for GCN to facilitate the proposed archaeological works.

¹ <https://www.hinkley-bosworth.gov.uk/tpomap>

² Nailstone Conservation Area | Hinkley & Bosworth Borough Council ([hinkley-bosworth.gov.uk](https://www.hinkley-bosworth.gov.uk))

2. Relevant Legislation

GCN

- 2.1 GCN are fully protected within UK Law under The Wildlife and Countryside Act 1981 (as amended) through their inclusion in Schedule 5. Under the Act, they are protected from:
- Intentional or reckless killing, injury, taking;
 - Damage to or destruction of or, obstruction of access to any place of shelter, breeding or rest;
 - Disturbance of an animal occupying a structure or place;
 - Possession or control (live or dead animals);
 - Selling, bartering or exchange of these species, or parts of.
- 2.2 This law is reinforced by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. These Regulations also prohibit:
- The deliberate killing, injuring or taking of GCN;
 - The deliberate disturbance of GCN in such a way as to be significantly likely to affect:
 - their ability to survive, hibernate, migrate, breed, or rear their young; or
 - the local distribution or abundance of the species.
 - Damage or destruction of a breeding site or resting place;
 - The possession or transport of GCN, or any other part of.

3. Precautionary Working Methods

- 3.1 This document should be printed and located in a prominent place within the works area to allow all contractors the ability to review and read the contents as necessary.

Suitably Qualified Ecologist

- 3.2 A Suitably Qualified Ecologist (SQE) with adequate experience and a Natural England survey licence for GCN will be on-Site when required and readily available for the duration of the works. This individual will provide ad-hoc advice and instruction as necessary but will be principally responsible for the fulfilment of this PMW as set out below.
- 3.3 If at any point Site operatives are unsure about procedure or appropriate working methods this document and the SQE should be consulted immediately.

Timing of Works

- 3.4 It is understood works will be carried out in summer 2023; which is advantageous as GCN are more active and risk of disturbing hibernating individuals is avoided which would present an unacceptable risk of mortality.

Pre-Construction

Toolbox Talk

- 3.5 Prior to Works commencing a toolbox talk is required for all contractors from the SQE which will cover the contents of this document. Once the toolbox talk is complete all attendees will sign the register of attendance to confirm they have received and understand the toolbox talk, the contents of this document, and are committed to the mitigation measures outlined throughout; see Appendix 3 for register of attendance.
- 3.6 Where new attendees arrive at Site and the SQE is not present, it will be the Site Supervisors responsibility to induct staff and review the relevant content.

Pre-Construction

- 3.7 Before works start the works area should be entirely defined by the contractors and SQE. This process will help ensure no accidental encroachment occurs and limit risk of unnecessary impacts.
- 3.8 The SQE should complete a nesting bird check on all vegetation proposed for removal that birds could reasonably nest in within or immediately adjacent to the works area. If a nest is found works will need to be delayed until all chicks have fledged and the nest is considered inactive. During
- 3.9 Before construction progresses and after a nesting bird check (which does not find nesting birds) all habitats forming the working footprint should be mown/ trimmed down to 300mm to make sub-optimal for GCN and left overnight to allow natural dispersal of fauna. No ground should be broken and only hand tools should be used for this component of the works. Any

brush piles should be removed from the works Site immediately after being trimmed/pruned to avoid risk of GCN or other fauna moving into these features overnight.

- 3.10 The following day any rubble piles, leaf litter or root networks will need to be fingertip searched and destroyed by hand, by the SQE/Site operatives prior to works commencing.
- 3.11 Immediately prior to the start of construction or interventions the working footprint will be inspected a final time looking for potential refuge features. Any found will need to be destructively searched by the SQE in advance of works starting. If GCN are found at this stage works will be stopped and an appropriate strategy to proceed will be devised by the SQE.

Mid-Construction

- 3.12 Following the SQE's pre-construction checks, initial de-veg and fingertip searches, topsoil/roots/ should be stripped in temperatures above 5°C, by slow moving small plant or hand tools which scrapes away earth material, taking care not to impact any land beyond the working footprint.
- 3.13 Any waste or extracted earth requiring removal from Site should be removed on the same day it is gathered/extracted.
- 3.14 Ideally any open excavations should be in-filled at the end of each working day to avoid fauna becoming trapped. Where this is not possible a wood plank or sloped side should be installed in the excavation to allow fauna to escape or alternatively the excavation should be covered at the end of each working day.
- 3.15 Chemicals should be stored safely. Pollution prevention practices should be extended to include prevention of run-off from Site construction activities to avoid the risk of contaminating adjacent habitats including ponds.
- 3.16 Tracked machinery/plant must stay within the works area to avoid unnecessary impacts. If this is not possible it must be discussed with the SQE. Failure to do this could result in an increased likelihood of wildlife offences occurring.
- 3.17 No rubble/brush/log piles should be created in the works area unless first agreed with the SQE who is likely to need to conduct fingertip/destructive searches prior to such features then being cleared or removed.
- 3.18 No gully pots for drainage should be installed within the bell mouth junction as these risk mortality to small fauna including GCN. Alternative strategies should be devised or wildlife friendly gully pots should be utilised.

Post-Works

- 3.19 The SQE will check the complete work to ensure no risks to GCN will occur once operational; Site operatives will need to commit to any remediation if necessary.
- 3.20 A GCN Mitigation licence is needed to legitimise the wider development once it is progressed. This will likely require update surveys on ponds within 250-500m.

Emergency Procedure

- 3.21 If in the extremely unlikely event any amphibian is found, works should stop immediately and the SQE should be contacted for further advice. If a GCN has been uncovered, the area should be re-dressed delicately ensuring the animal is not exposed or crushed and is allowed to freely disperse until the SQE can attend.
- 3.22 GCN should not be handled without a licence or formal training as this injure the animal/ result in wildlife offences occurring.

4. References

- English Nature. 2001. Great Crested Newt Mitigation Guidelines
- Langton T, Beckett C and Foster J (2001). Great Crested Newt Conservation Handbook. Froglife, Suffolk.
- Legislation.gov.uk for: Wildlife and Countryside Act 1981 (amended) & Conservation of Habitats and Species Regulations 2019. Accessed November 2022.
- Middlemarch Environmental, 2020. Land off Wood Road, Great Crested Newt Mitigation Strategy
- Natural England, 2020. Template for Method Statement to support application for licence under Regulation 55(2)(e) of The Conservation of Habitats and Species Regulations 2017 (as amended) in respect of great crested newts *Triturus cristatus*. Form WML-A14-2 (Version April 2020)

Appendices

APPENDIX 1: Toolbox Talk Register of Attendance

- 4.1** Table below provides a register of attendance following completion of the toolbox talk with the SQE. If you have received and understand the brief and are willing to commit to working practices, please sign below. If however, you have any further questions in advance of signing please speak to the SQE.

Land off Wood Road, Nailstone Access Road Junction PMW 2023

[illegible]