



A14 Roundabout, Graven Hill

Precautionary Method of Working in Relation to Great Crested Newts

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This document has been prepared and checked in accordance with
Waterman Group's IMS (BS EN ISO 9001: 2015, BS EN ISO 14001: 2015 and BS EN ISO 45001:2018)

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Comments

Comments



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1. Introduction

Waterman Infrastructure & Environment have been commissioned by Graven Hill Village Development Company Limited (GHVDC) to produce a Precautionary Method of Working (PMW) in relation to great crested newts, to enable development for an area of land along the A41, to the south east of Bicester, Oxfordshire (hereafter referred to as the 'Site'). The Site partially falls within a wider area of land known as Land Transfer Area 2 (LTA2) of the Graven Hill Village Development which has outline planning permission for mixed use redevelopment of a former Ministry of Defence Site (ref. 19/00937/OUT) (hereafter referred to as the 'Wider Development').

A full planning application for the Site is being submitted for the proposed development of a new roundabout junction to facilitate access to/from the Wider Development, Wretchwick Green and the existing A41.

This PMW sets out methods to be employed by the contractor to minimise and avoid any adverse impacts to great crested newts and to reduce the risk of offences being committed under wildlife legislation in habitats not included within the forthcoming Natural England development licence at the Wider Development.

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2. Background, Legislation and Guidance for Great Crested Newts

The desk study data provided 165 records of great crested newts (GCN) within 2km of the Wider Development. Ponds found within 500m of the Site to the North and East of the A41 historically support populations of GCN. The terrestrial habitat within the proposed works areas provides suitable habitat for foraging, dispersing and sheltering GCN. Previous surveys on ponds located within the Wider Development to the south and west of the A41 also support GCN; Smooth newts, common frogs and common toads have also been observed in and around these ponds.

GCN breed in water bodies such as ponds and ditches during spring and early summer. Adult newts generally leave the breeding ponds from late May onwards and return between February and March.

While on land GCN require refuge from extremes of weather and opportunities to forage on a range of invertebrate prey. Suitable terrestrial habitats include areas of woodland, scrub and rough (especially tussocky) grassland.

Adults and immature newts hibernate in the winter in places that afford protection from frost and flooding, such as underground crevices, beneath tree and hedge roots, in mammal burrows, rubble piles, old walls, or under deadwood. Hibernation may last from October to February (inclusive).

GCN are protected under Regulation 41 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 in respect of:

- a) deliberate capturing, injuring or killing of an animal;
- b) deliberate disturbance of animals*;
- c) deliberate taking or destroying the eggs of such an animal;
- d) damaging or destroying a breeding site or resting place of such an animal;

Deliberate disturbance of animals includes in particular any disturbance which is likely-

- a) to impair their ability-
 - i) to survive, to breed, or reproduce, or to rear or nurture their young; or
 - ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or
- b) to affect significantly the local distribution or abundance of the species to which they belong

GCN are also protected under the Wildlife and Countryside Act 1981 (as amended) in respect of:

- a) intentionally or recklessly –
 - i) disturbing any such animal while it is occupying a structure or place which it uses for shelter or protection; or
 - ii) obstructing access to any structure or place which any such animal uses for shelter or protection.

Operations that are reasonably likely to result in an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 can be undertaken under a licence issued by Natural England. Natural England's view is that "if the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence under regulation 41 [of the Habitats and Species Regulations] then no licence is required" (Natural England, 2009¹). However, in these circumstances Natural England

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urge that reasonable precautions need to be taken to avoid negative effects on European protected species and to reduce the risk of the work proposed causing offences under the Wildlife and Countryside Act 1981 (as amended).

This document draws on the latest guidance provided by the Statutory Nature Conservation Organisation (Natural England) to provide ecological advice for minimising and reducing the risk of causing legal offences in relation to great crested newts, a European protected species.

This PMW sets out the methodology for undertaking the proposed works for the A41 roundabout in relation to GCN and the justification for why an offence is considered reasonably unlikely. In following the PMW there will be no anticipated impacts on the favourable conservation status of great crested newts in their natural range as a result of the works.

It should be noted that the majority of the works area to the south of the A41 will be covered by a Natural England European protected Species licence for GCN and a translocation of amphibians in this area will be carried out during the summer months of 2021. This method statement refers only to habitats on the north and east of the A41 with the primary habitat in this location being semi-improved grassland.

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3. Precautionary Method of Working (PMW)

3.1 Briefing

The contents of this PMW will be explained to the contractor by an ecologist through a toolbox talk. It will then be the Contractor's responsibility to ensure the measures detailed below are undertaken during the works. The toolbox talk will be presented by an ecologist as a summary of the precautionary method of working to all staff working on the Site. A member of staff that will be present on Site for the duration of the works will be appointed as the Site's Ecological Representative who will be responsible for ensuring that the contents of this PMW are implemented.

3.1.1 Hand Searches

Work will not be permitted to start at the Site until hand searching of the working areas has been completed. This search process will be undertaken as follows:

Initial ground level search: This will include parting areas of low growing vegetation to look for great crested newts or any other amphibian/reptile and carefully checking underneath any potentially suitable refuges present in the working area (such as tree roots, stones, logs and any other debris).

Removal of potential refuges: Any piles of wood, logs, etc., will be dismantled by hand by a contractor, under direct supervision from the ecologist. Once checked all such potential refuges and any surface debris such as stones, dead wood or litter will be removed immediately from the working area to eliminate the potential for GCN or other amphibians / reptiles to occupy these features during works. However, wherever possible such potential refuges which are outside of the working area will be left in situ and undisturbed.

Vegetation clearance: Any vegetation requiring removal will be cut by the contractor, under supervision from the ecologist or Ecological Representative. A two-stage method will be carried out, a first initial cut will be carried out after a fingertip search to a sward length of approximately 10-15cm and arising taken away from Site. A second cut at least 1-2 hours after the first, to a height of less than 5cm can then take place and all debris / arising from the removal of vegetation and other litter present, will be immediately removed from the Site.

3.1.2 Storage of Materials and Plant

The storage of materials and plant in the works area overnight should be avoided where possible. Alternatively, these should be stored on those areas inhospitable for newts (e.g., on hard standing). If this is not possible, materials may be stored on pallets or raised plinths to minimise creating artificial refuge areas for amphibians / reptiles. Anything left on Site overnight should be carefully checked by hand for great crested newts or other amphibians / reptiles before being moved and if a GCN is found advice given in section 3.4 should be followed.

3.1.3 What to do if a great crested newt is found on site

Natural England guidance states that if a GCN is found within the works area despite the precautions that have been put in place, work should cease until it can be assessed whether the work can proceed without committing an offence. A licence from Natural England should be applied for if offences are unavoidable and the work should not be re-started until a licence is obtained.

Therefore, if a GCN is found within the working area, works will cease, and an ecologist will be contacted immediately for advice and to make an assessment of the situation in order to determine whether a licence will be required before work can continue. No further works will be undertaken at the Site until a

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decision on the most appropriate way to proceed has been made.

No GCN will be handled or moved from its resting place except under the advice of the ecologist or if the newt is in immediate danger. Any material under which a GCN is taking refuge will be replaced immediately with caution taken not to harm the GCN.

3.1.4 What to do if other amphibians are found on Site

Any other common amphibians (i.e common newts, palmate newts, common frogs and common toads) should be left to move away of their own accord where possible, see Appendix A for identification guide. If they do not move away from the footprint of the works, they can be carefully moved by hand, taking care to avoid injury and relocated in a suitable area (i.e., outside of the works area within habitat which provides suitable cover) within the immediate surrounds. In the unlikely event that a suspected natterjack toad is found on Site, An ecologists should be contacted and work should cease until it can be assessed whether the work can proceed without committing an offence. A licence from Natural England should be applied for if offences are unavoidable and the work should not be re-started until a licence is obtained.

An ecologist will brief personnel in appropriate handling techniques prior during the toolbox talks.

4. Proposed GCN Mitigation Works

The following mitigation works for the area of land to the south west of the A41 has been proposed and awaiting agreement with Natural England at the time of writing this method statement.

- GCN fencing installation – Proposed April 2021, this will comprise the following processes:
 - i) Proposed fence line to be searched and cleared of GCN in combination with strimming of any tall vegetation. (Refer to **Plate 1** for a photo of a typical GCN fence).
 - ii) Trench to be dug, approximately 20-30cm deep along the length of the fence line. (Refer to **Appendix B** for a detailed design of fencing and pitfall traps (Great Crested Newt Mitigation Guidelines, 2001);
 - iii) An 'under flap' and 'top-curl' as shown in the diagram should be included to prevent newts passing underneath and climbing over the fence.
 - iv) One way fencing will have a similar design but set at a 45° angle as shown on the diagram.
 - v) The backfill will be placed turf downwards in the trench (to suppress re-growth of grass) and will be compacted to eliminate any lumps and gaps. Backfill must not remain un-compacted overnight and all fence trenches must be filled the same day as they have been dug.
 - vi) Pitfall traps (white buckets) will be installed along the length of the fencing on one/both sides. Pitfall traps will be fitted flush to the fence, with their tops just below ground level. Pitfall traps will be placed between 5m and 10m apart along the entire fence length. (Refer to **Plate 1** for a typical pitfall trap).
 - vii) Pitfall traps will have suitable vegetation and mammal ladders to prevent predation.
 - viii) Refugia which consist of square pieces of bitumen roofing felt (approx. 0.5m²) will be placed along the fencing, between the pitfall traps and in a similar density.

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Plate 1: Typical GCN Fence and Pitfall Trap



- Great Crested Newt Trapping and Translocation Exercise- Proposed April to July 2021:
 - i) The trapping and translocation exercise will involve a NE licenced ecologist checking all traps and refugia **daily** (in the morning) and translocating any newts found into the designated receptor area for a 60-day period. If there are 5 consecutive days at the end of trapping period where no newts are captured this should indicate a sufficient effort has been expended and the translocation exercise can cease.

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APPENDICES

A. Identification Guide

Table 1: Identification Guide

Species	Photo	Description & Habitat
Great Crested Newt	 <p><i>Source: Daniel Winchester</i></p>	<p>ID: The great crested newt is the UK's largest newt and can measure up to 17 cm in length.</p> <p>Adults are easy to distinguish from other species. The skin of the adult has a granular appearance with a black or dark brown background colour overlaid by darker blotches or spots. The lower portion of the body has a covering of fine white spots giving it a "sugar coated" appearance. Both sexes have an orange/yellow belly with dark irregular spots.</p> <p>Habitat: Rank grass, log piles, rubble piles, stone walls, water bodies, woodland.</p>
Smooth Newt	 <p><i>Source: Daniel Winchester</i></p>	<p>ID: Adult smooth newts are smaller, generally up to 11cm in length and lack the granular appearance of great crested newts. Belly markings are generally lighter in colour, round and less in number.</p> <p>Habitat: Rank grass, log piles, rubble piles, stone walls, water bodies, woodland.</p>
Palmate Newt	 <p><i>Source: Daniel Winchester</i></p>	<p>ID: Adult palmate newts are the smallest newt species native to the UK, generally up to 9cm in length and lack the granular appearance of great crested newts.</p> <p>Out of water palmate and smooth newts can be difficult to tell apart. However, the throat of a palmate newt is translucent pink with few, if any dark spots on it. The smooth newt has a whitish throat with a number of spots.</p> <p>Habitat: Rank grass, log piles, rubble piles, stone walls, water bodies, woodland</p>

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Species	Photo	Description & Habitat
<p>Common Frog</p>	 <p><i>Source: Daniel Winchester</i></p>	<p>ID: Tailless amphibian with smooth skin. Dorsal surface and flanks, Very variable in colour, typically yellowish brown, brown but may be olive green coloured and some individuals have a reddish or yellow appearance. Variably spotted or striped.</p> <p>The most consistent markings are the dark patch behind the eye and the strong barring on the hind limbs. Length is up to 9cm</p> <p>Habitat: Rank grass, log piles, rubble piles, stone walls, water bodies, woodland</p>
<p>Common Toad</p>	 <p><i>Source: Daniel Winchester</i></p>	<p>ID: Tailless amphibian. Warty Skin. Distinct bulges on back of head, known as the parotoid glands.</p> <p>Dorsal surface and flanks, fairly uniform brown/greenish grey. May appear light sandy brown in warm weather</p> <p>Habitat: Rank grass, log piles, rubble piles, stone walls, water bodies, woodland.</p>
<p>Natterjack Toad</p>	 <p><i>Source: Daniel Winchester</i></p>	<p>ID: Tailless amphibian. Warty Skin. Distinct bulges on back of head, known as the parotoid glands.</p> <p>Dorsal Surface, characterised in Britain by a yellow stripe along the back. General colour green, brownish green or cream coloured.</p> <p>Habitat: Almost exclusively in sandy places, such as coastal dunes and lowland heaths. In Cumbria and Scotland populations are also thriving on upper salt marshes and upland moor. Shallow and/ or ephemeral water bodies are used for breeding.</p>

Appendices

B. Figures

Figure 1: Pond Locations in relation to the development



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Figure 2: Location of Receptor sites in relation to the development

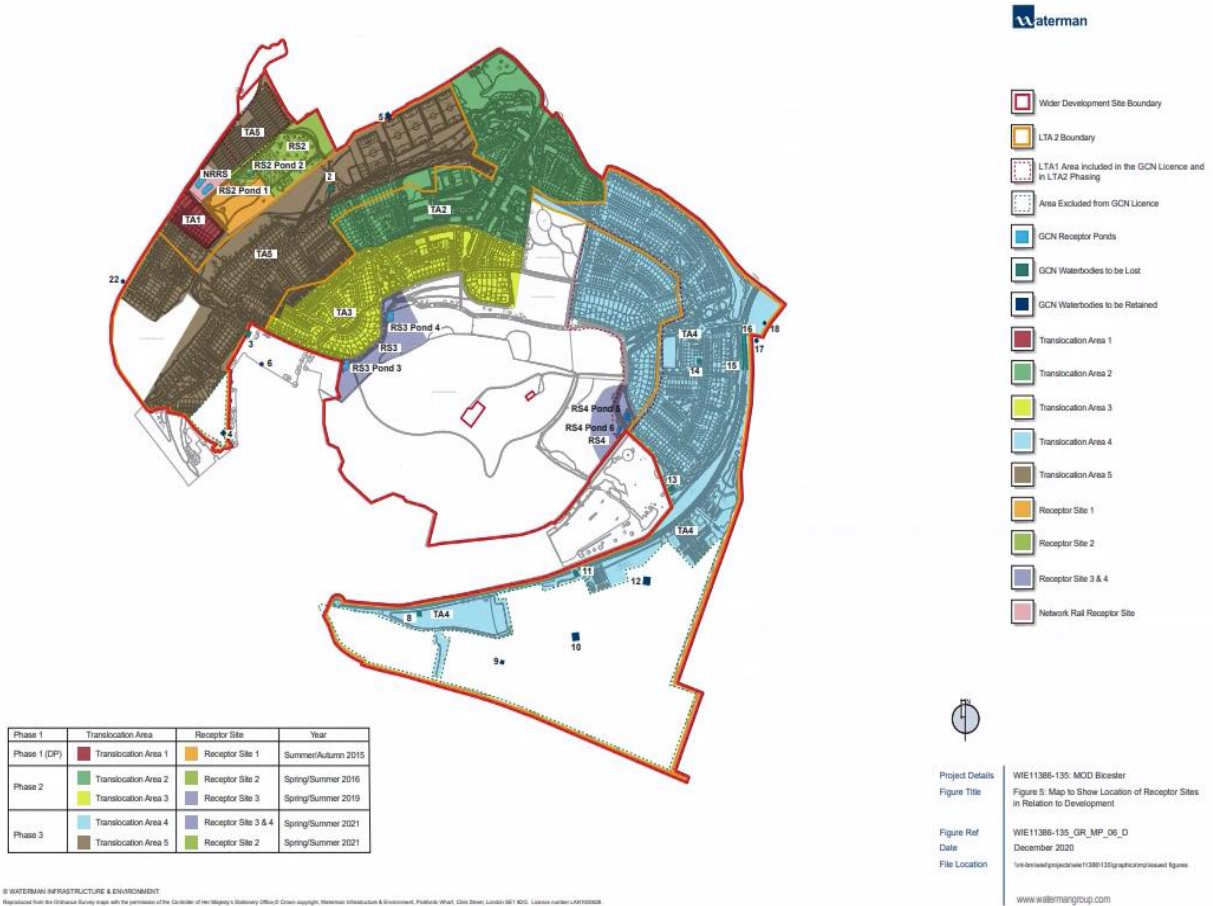
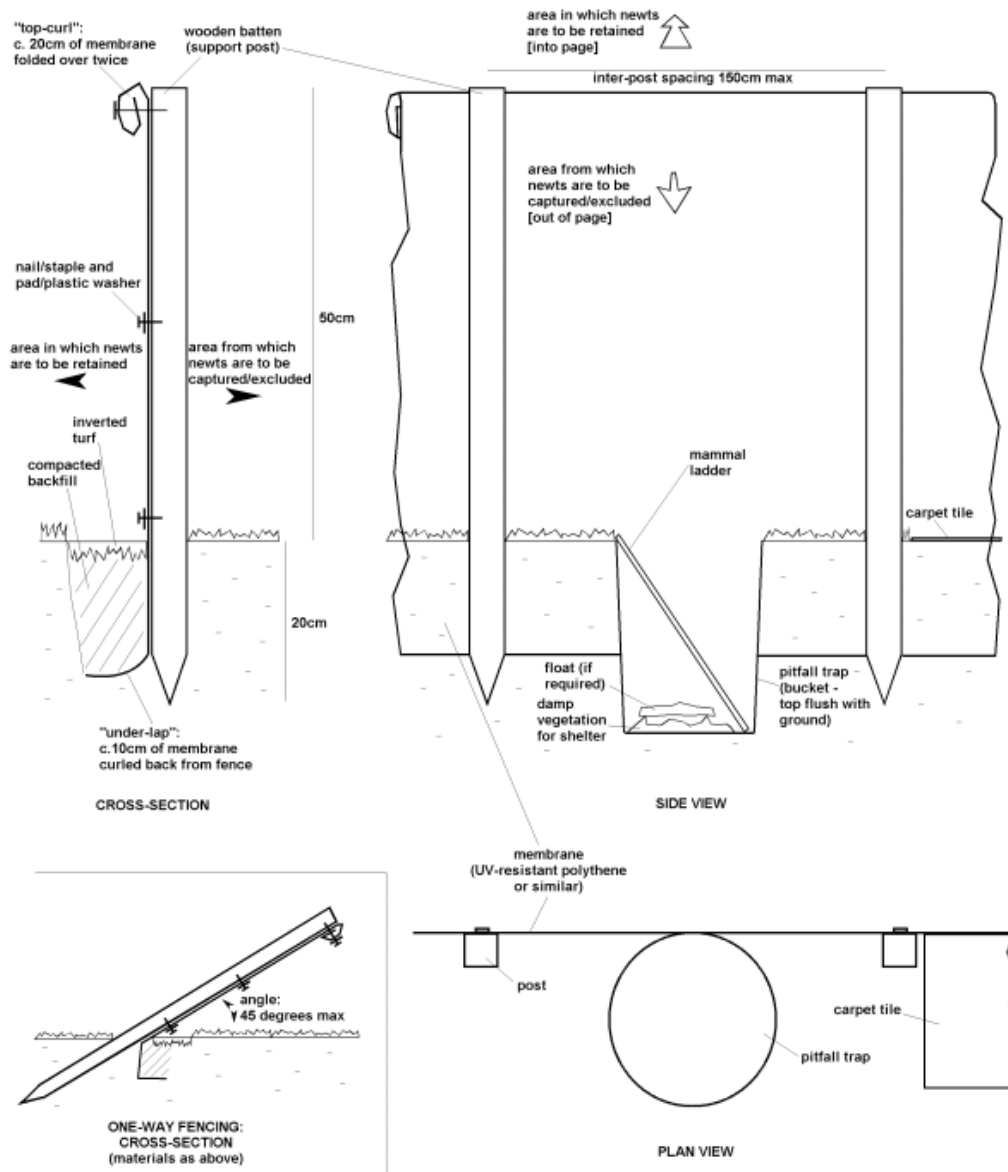
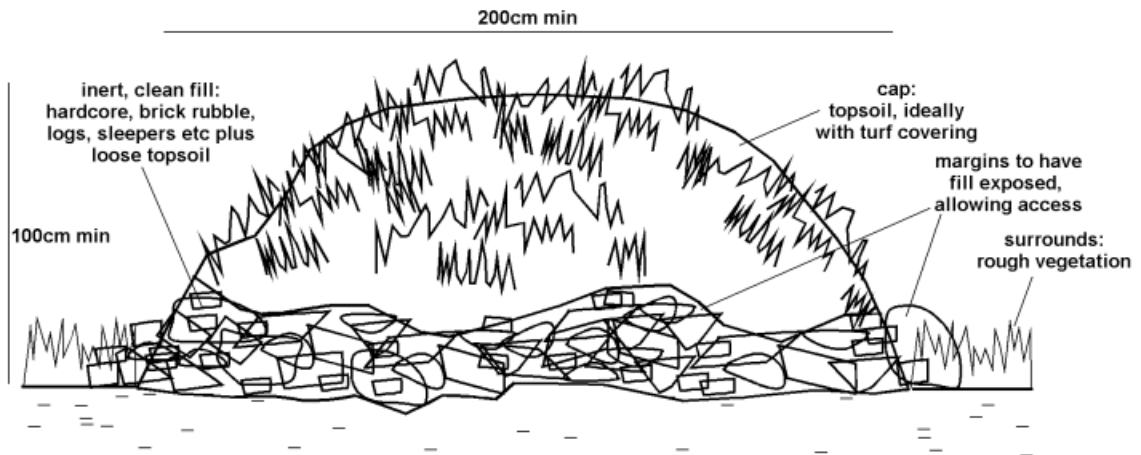


Figure 3: Fence and Pitfall Trap Design



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Figure 4: Suggested Hibernaculum Design



Appendices

UK and Ireland Office Locations

