

# BERNWOOD ECOLOGY

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## Adstock Fields Farm Calf Barn Adstock Buckinghamshire



## Non-Licensed Method Statement for Great Crested Newts

Jo Nicholson

29<sup>th</sup> August 2023

Nicholson-AFFCB-23.001 (Issue 1)



Proud to be:



Hensmans Farm, Nearton End, Swanbourne, Buckinghamshire, MK17 0SL

## Limitations

Ecological assessments can be used to draw conclusions as to the likely presence or absence of species (animals and plants), population size, use of the site by animals Any ecological survey is a snapshot in time and should not be regarded as definitive nor complete.

The preparation of mitigation strategies, consultation exercise and submission of any licence applications cannot be relied upon until approved (licensed) in writing by the Statutory Nature Conservation Organisation. Allowance must be made for both programme and financial change to projects as a result of application failure, amendment, or refusal.

Every professional effort and due diligence have been applied to provide an accurate ecological assessment of the site at the time of the preparation of this report, but no liability can be assumed for omissions, or subsequent changes to design and development. Additional works should be anticipated as surveys and proposals for the site progress.

No responsibility will be accepted for any use of or reliance on the contents of this report by any third party. No responsibility will be accepted for changes or alterations made to this report following submission to Bernwood Ecology's client.

Bernwood Ecology, its employees and associates reserve the right to report on any incidents or actions [deliberate or reckless] that result in a breach of licence conditions or are in contravention of existing legislation.

## Quality Assurance

Version 1. 29<sup>th</sup> August 2023.

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## 1. Introduction and Objectives

- 1.1 Bernwood Ecology were instructed by Jo Nicholson to complete a Non-Licensed Method Statement (NLMS) for the conversion of part of a series of calf barns at Adstock Fields Farm, Adstock, Buckinghamshire, MK18 2JE (SP 75094 30743).
- 1.2 The aim of the NLMS is to provide advice to reduce the risk of harm to Great crested newts *Triturus cristatus* before, during and after site clearance and construction activities on site.

## 2. Legal Protection

- 2.1 The finding of this report represents the professional opinion of qualified ecologists and does not constitute professional legal advice. The client may wish to seek professional legal interpretation of the relevant wildlife legislation cited in this report.
- 2.2 The following information is a simplified summary of the legislation and the full text of the Wildlife & Countryside Act 1981 (as amended) (WCA 1981), the Conservation of Habitats and Species Regulations 2017 (2017 Regulations) and other legislation together with current published guidelines should be consulted.

### European Protected Species

- 2.3 The 2017 Regulations will be amended due to the departure of the UK from the EU on 31<sup>st</sup> January 2020 after which the provisions in The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 will apply (see <https://www.legislation.gov.uk/ukxi/2019/579/contents/made>). Existing protection for habitats and species including standards and assessment procedures will remain as they have been prior to the UK leaving the EU.
- 2.4 The 2017 Regulations and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 should be read together until further clarification or changes are made available by the UK Government or legal case law.
- 2.5 All European Protected Species (EPS; great crested newts, bats, otter, white clawed crayfish, hazel dormice, etc.) are protected under the 2017 Regulations and the WCA 1981. It is an offence under section 41 of the 2017 Regulations to:
  - deliberately capture, injure or kill any wild animal of a EPS;
  - deliberately disturb a EPS (including in particular any disturbance which is likely to impair their ability to survive, breed or reproduce, rear or nurture their young; or to hibernate or migrate; or which affects significantly the local distribution or abundance of the species);
  - deliberately take or destroy the eggs of a EPS;
  - damage or destroy a breeding site or resting place of a EPS; or,

- possess, control, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal of a EPS, or any part of, or anything derived from a EPS.
- 2.6 Section 9(4) (b) and (c) of the WCA 1981 makes it an offence to:
- intentionally or recklessly disturb a EPS while it is occupying a structure or place which it uses for shelter or protection; or,
  - intentionally or recklessly obstruct access to any structure or place which any EPS uses for shelter or protection.
- 2.7 In order for otherwise illegal acts to proceed lawfully, an appropriate licence must be sought under the 2017 Regulations and WCA 1981. Licences for the purpose of development are currently determined by Natural England and must include an appropriate mitigation and monitoring scheme to secure the “favourable conservation status” of the species in the local area.

#### Wild Birds

- 2.8 Wild birds are protected under the WCA 1981. The basic principle of the Act is that all wild birds, their nests and eggs are protected by law and some rarer species are afforded special protection. Wild birds are defined as those resident in or visitors to Great Britain, in a wild state (does not include poultry or game bird). Section 1(1) of the WCA 1981 states that it is an offence to intentionally or recklessly:
- kill, injure or take any wild bird;
  - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
  - take or destroy an egg of any wild bird.
- 2.9 Section 1(2) of the WCA 1981 states that it is an offence to possess or control any live or dead wild bird or any part of or anything derived from a wild bird or an egg or part of an egg of a wild bird.
- 2.10 It is an offence under section 1 (5) of the WCA 1981 to intentionally or recklessly:
- disturb any wild bird included in schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or,
  - disturb dependent young of such a bird.

### 3. Planning

- 3.1 The local planning authority has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications.

- 3.2 The National Planning Policy Framework (NPPF) revised in 2019 requires the planning system and policies to balance economic, social and environmental factors of sustainable development. The environmental component of the NPPF states that any planning application must: *“contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”*. Chapter 15 (Conserving and Protecting the Natural Environment) includes the methods by which this is to be achieved, including:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value;
  - recognising the intrinsic character and beauty of the countryside; and,
  - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 3.3 Planning permission should be refused if: significant harm from a development cannot be adequately avoided, adequately mitigated, or as a last resort compensated for. The presumption in favour of development does not apply where development requiring appropriate assessment under the Habitats Directive is being considered, planned or determined. Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscape and nature conservation. Please see updated Planning Practice Guidance <https://www.gov.uk/government/speeches/local-planning>.
- 3.4 Section 99 of ODPM Circular 06/2005 states: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted.'
- 3.5 Local authorities have a duty to consider the three derogation 'tests' of the Habitats Directive: no satisfactory alternative, imperative reasons of overriding public interest

(including those of a social or economic nature or beneficial consequences for the environment) and that the favourable conservation status of the species will be maintained. If any of these requirements are not met, the local authority should refuse planning permission regardless of any commitment to obtain a Natural England licence.

#### 4. The Site

- 4.1 The site is located at Adstock Fields Farm, Adstock, Buckinghamshire, MK18 2JE (SP 75094 30743) (Appendix 1).
- 4.2 The site is approximately 0.922ha including site access and is surrounded by arable farmland, with the small village of Adstock to the south-west.
- 4.3 The proposals are for conversion of a section of a series of calf barns into a visitors' centre. No extensions to the building are proposed as part of the application.

#### 5. The Purpose

- 5.1 In order to limit the potential for committing an offence with respect to Great crested newts, this NLMS is to be implemented prior to any enabling works and continue until construction activities have ceased.

#### 6. Ecological Surveys

- 6.1 A Preliminary Ecological Assessment (PEA) survey was undertaken by Bernwood Ecology in January 2023. (See Bernwood Ecology's *Preliminary Ecological Assessment Report*, 2023). Although habitats within the site boundary were noted as having limited suitability for the support of Great crested newts within their terrestrial life phase, the survey identified two ponds within 250m of the site and recommendations were made for these ponds to be tested for the presence of Great crested newt DNA.
- 6.2 An egg search of Pond 1 found Great crested newt eggs within vegetation in the pond and an eDNA test was not required to confirm their presence. An eDNA test was conducted on Pond 2, which returned a confident positive result. (Table 1, Appendices 3 & 4).

Table 1. Summary of pond eDNA and egg search survey effort.

Pond ID	Distance From Site	Surveyed?	eDNA Result	Egg Search
1	50m	Yes	-	Positive
2	140m	Yes	Positive	-



## 7. Method Statement

### Timing and Duration

- 7.1 The site clearance and construction activities are to be timed to be started while amphibians are at their most active: between mid-March and end of November outside of the risk of frost (night-time temperatures regularly above 5°C).
- 7.2 Works will be completed during daylight hours only, which is unlikely to conflict with amphibian movement which occurs mostly at night.

### Onsite Habitat Reduction

- 7.3 Any vegetation on site is to be maintained as a short sward in the weeks leading up to the working activities. Should vegetation be tall, it is to be reduced carefully over successive cuts to reduce the vegetation height gradually and encourage any individual Great crested newts that may be on site to move out of the area and into adjacent retained habitats. The initial cut should reduce the vegetation height by 50%, with a follow-up grass cut one week later to 30-50mm. A minimum of one night must pass prior to any the second cut taking place to allow animals to disperse.

**Note:** *Currently no vegetation on site.*

- 7.4 Any grubbing up or levelling of the site, or other works that require the ground to be broken, are to be undertaken under the supervision of an ecologist experienced in survey, handling and identification of Great crested newts and who has previously undertaken destructive searches. A toothed digger bucket is required to further reduce the risk of harm and injury to animals. Turf and topsoil are to either be removed from the site immediately, stored on an area of cleared ground and compacted to reduce the potential for amphibians to colonise the spoil or re-levelled.
- 7.5 Only once the site ecologist is satisfied that the site offers negligible opportunities for Great crested newts to be present, can the site progress onto the construction phase.

### Pre-Enabling/Construction Activities

- 7.6 All site workers are to be briefed on the potential presence of Great crested newts in the area prior to any ground being broken. The pre-start briefing must detail the legal protection afforded to Great crested newts, the surveys undertaken in the area and the areas of higher habitat quality where the species may be encountered. The details of the unexpected finds protocol (see below; paragraph 7.11) is also to be detailed. All site workers in attendance of the pre-start briefing are to sign the briefing to acknowledge their understanding and compliance (Appendix 5).

- 7.7 The pre start briefing is to be included in the site induction process and kept displayed on site at all times.

#### Precautions During Construction

- 7.8 All trenches and excavations are to be infilled before site closure at the end of each day ideally. Where this is not possible, excavations are to be covered, or created with sloped edges to ensure any inadvertently trapped animals can escape unaided and unharmed. A check of excavations each morning on the working days is required prior to any backfilling taking place.
- 7.9 Any rubble or debris created during construction is to either be removed immediately offsite or stored on pallets off the ground to prevent the likelihood of amphibians seeking shelter underneath.
- 7.10 No fires are to be lit on site at any time.
- 7.11 All litter is to be stored in suitable covered bins or taken home to reduce the likelihood of litter being distributed into the local area by the weather.

#### Unexpected Finds Protocol

- 7.12 Great crested newts may be found at any point during the works, in which case works must cease, the project manager and ecologist must be informed, and the procedure for finding Great crested newts on site followed (below). This may result in delays and increased costs. Project delays may be incurred while any necessary discussions are undertaken with Natural England. A European Protected Species License (EPSL) may be required prior to recommencing works.
- 7.13 If amphibians are found, the protocol is to be followed as below.
- In the presence of an appropriately experienced ecologist:
    - (1) The amphibians will be captured by the ecologist.
    - (2) The identification of the species (and ideally sex and age class) confirmed and recorded, together with its location on site. If the amphibian has been harmed/killed, this must also be recorded.
    - (3) All amphibians (and any other captured wildlife where relevant) are to be relocated to off-site areas of suitable habitat.
  - In the absence of an appropriately experienced ecologist:
    - (1) Works must cease, the site ecologist is to be called immediately and consulted on how to proceed. Phone number for the site ecologist is below:

Chris Damant

Tel: 07817 131 683

## 8. References and Further Reading

Amphibian and Reptile Groups of the UK (2010). ARG UK Advice Note 5: Great Crested Newt Habitat Suitability Index Assessment. [online] [www.arguk.org/advice-and-guidance/view-category](http://www.arguk.org/advice-and-guidance/view-category).

Biggs, J., Ewald, N., Valentini, A., Gaboriaud, C., Griffiths, R.A., Foster, J., Wilkinson, J., Arnett, A., Williams, P. and Dunn, F. (2014). Analytical and methodological development for improved surveillance of the Great Crested Newt. Defra Project WC1067. Freshwater Habitats Trust: Oxford. [online] <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=Non e&ProjectID=18650&FromSearch=Y&Publisher=1&SearchText=wc1067&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

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English Nature (2001). Great crested newt mitigation guidelines.

Gent, T. And Gibson, S. (2003). Herpetofauna Workers' Manual. JNCC, Peterborough.  
Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn). The Bat Conservation Trust, London.

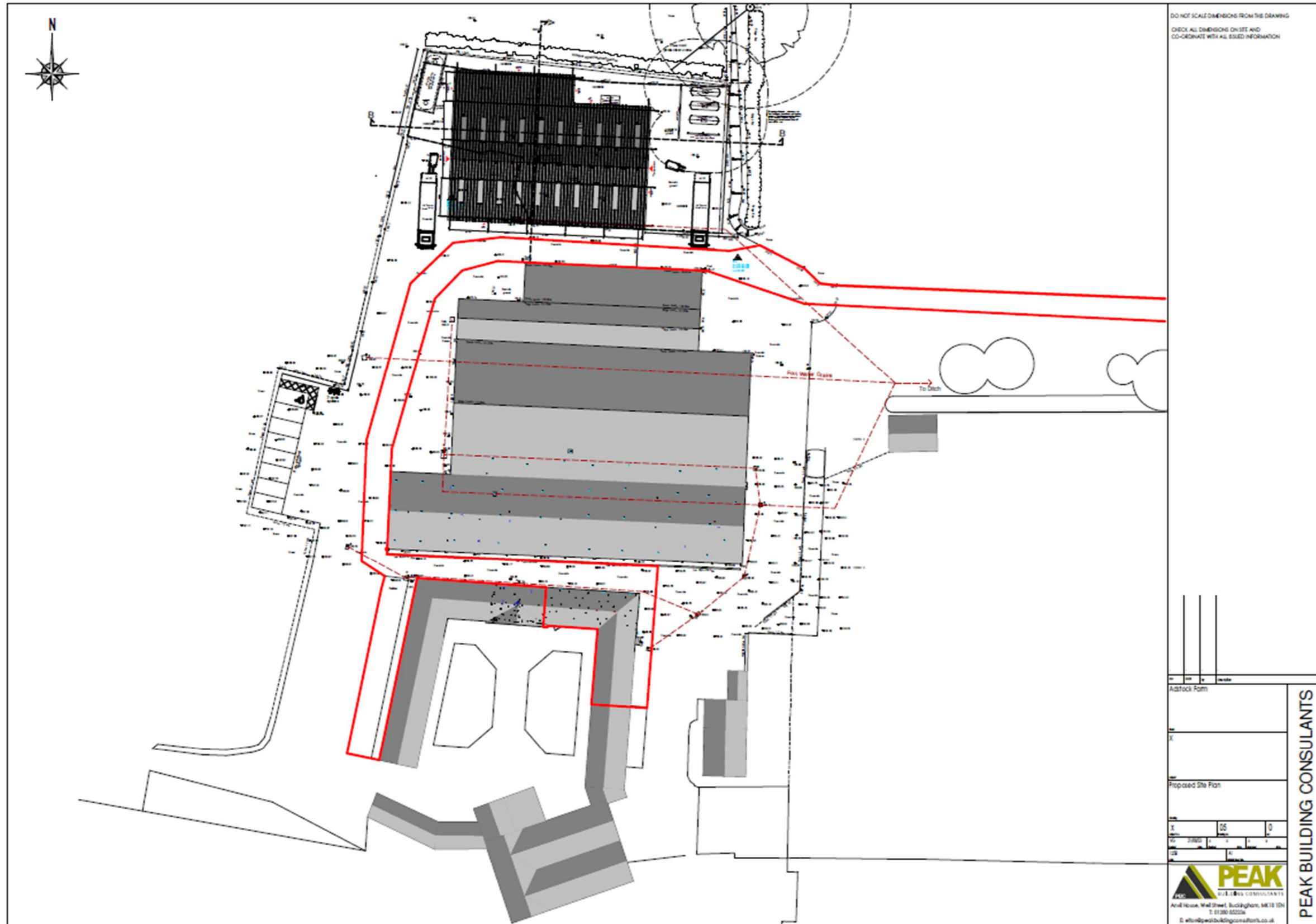
Natural England (2016). Protected Species and Site: How to review planning proposals. [online] <https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>

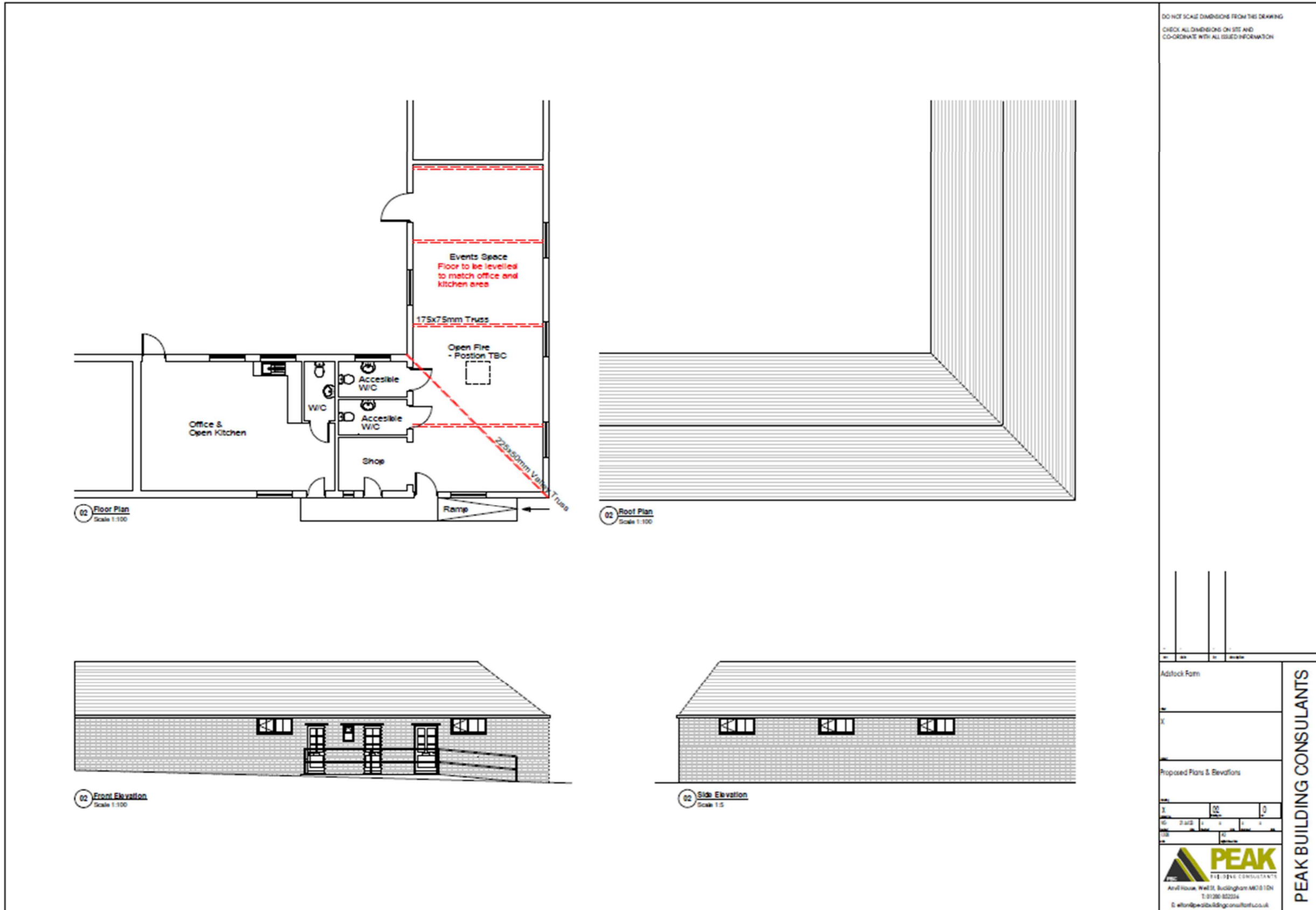
Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000). Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). Herpetological Journal 10 (4), 143-155.

Appendix 1. Site location in relation to existing landscape.



Appendix 2. Proposals.





Appendix 3. Pond location plan (excluding entire access to highlight working area).



Appendix 4. Great crested newt eDNA test results.



Folio No: E16658  
Report No: 1  
Purchase Order: Nicholson-AFF-23.002  
Client: BERNWOOD ECOLOGY  
Contact: Enquiries, Matt Davis

## TECHNICAL REPORT

### ANALYSIS OF ENVIRONMENTAL DNA IN POND WATER FOR THE DETECTION OF GREAT CRESTED NEWTS (*TRITURUS CRISTATUS*)

#### SUMMARY

When great crested newts (GCN), *Triturus cristatus*, inhabit a pond, they continuously release small amounts of their DNA into the environment. By collecting and analysing water samples, we can detect these small traces of environmental DNA (eDNA) to confirm GCN habitation or establish GCN absence.

#### RESULTS

Date sample received at Laboratory: 21/04/2023  
Date Reported: 02/05/2023  
Matters Affecting Results: None

Lab Sample No.	Site Name	O/S Reference	SIC	DC	IC	Result	Positive Replicates
0129	Adstock Fields Farm - pond	-	Pass	Pass	Pass	Positive	9

If you have any questions regarding results, please contact us: [ForensicEcology@surescreen.com](mailto:ForensicEcology@surescreen.com)

Reported by: Chris Troth

Approved by: Gabriela Danickova



Appendix 5. Pre-start briefing register.

Name	Company	Signature	Date

Appendix 6. Great crested newt identification.



Smooth newt (top), Great crested newt (bottom).

Great crested or "Warty Newt"



A large newt with textured dark brown/ black skin. During the breeding season, the male has a high jagged crest along its back and tail with a white stripe in the centre of each side of the tail. After the breeding season, the crest and white stripe are lost.

Smooth Newt



Smaller than Great crested newt and without the warty texture the skin. During the breeding season, the male smooth newt develops a high crest along its back to its tail and on the underside of its tail. The crest is undulating rather than jagged like the Great crested newt.