



# GCN Method Statement



Meadowland, Horseshoe Lane, Wootton by Woodstock

On behalf of Andrew Firth

December 2023

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## 1 Introduction

### 1.1 Background

1.1.1 Ecology by Design Ltd was commissioned by Andrew Firth to produce a Precautionary Method Statement for the erection of solar panels on a ground mounted system at Meadowland, Horseshoe Lane, Wootton, Woodstock OX20 1DR (approximate central grid reference SP 44030 19708).

1.1.2 West Oxfordshire District Council (WODC) Biodiversity Officer made the following comment regarding the planning application:

1.1.3 *“An ecological report has not been submitted with the planning application. Upon assessing the site using the council’s mapping system, there are records for badgers and hedgehogs in the wider landscape and the site falls within a Red/Amber zone for Great Crested Newts (GCN) and is within 250m of three ponds. After taking into consideration the scale of the development and the state of the closely mown grassland on site, it is felt that these species are unlikely to be a constraint. Nevertheless, this has not been ascertained through survey effort, and therefore WODC’s Precautionary Method of Working and the precautionary working method statement condition for GCN is recommended.”*

### 1.2 Planning Application

1.2.1 West Oxfordshire District Council has approved the planning application (Ref: 23/02266/HHD) for the proposed erection of solar panels on ground mount system at the site. The relevant conditions to the planning notice include:

#### 1.2.2 **Condition 5**

The development shall be completed in accordance with West Oxfordshire District Council’s Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

REASON: To protect Badgers and Hedgehogs in accordance with the Wildlife and Countryside Act 1981 (as amended), The Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.



1.2.3 This is directly addressed by the Precautionary method of working for reptiles, common toads, hedgehogs, badgers and nesting birds, produced on behalf of West Oxfordshire District Council, Cotswold District Council and Forest of Dean District Council (see Appendix 1).

1.2.4 **Condition 6**

No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that Great Crested Newts are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

1.2.5 **Informatives**

If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

1.3 **Site Description**

1.3.1 The site situated south-east of Wootton village and north of Woodstock in West Oxfordshire. It comprises maintained grassland, hedgerows and scattered trees. The site is in close proximity of arable fields, hedgerows, scattered trees and residential buildings.

## 1.4 Aims of Report

1.4.1 This report is a Precautionary Working Method Statement (PWMS) and will detail the precautionary working methods to ensure that the risk of injury or killing of great crested newts is mitigated during works.

## 1.5 Personnel

1.5.1 The report was prepared by Assistant Ecologist Ross Hellier BSc (Hons) and the project was led by Ecology by Design Ltd Senior Ecologist Jo Sykes BSc (Hons) ACIEEM, who has six years' experience in ecological consultancy and is experienced at conducting habitat and protected species assessments. Jo holds a Great Crested Newt licence issued by Natural England (Licence number: 2022-10502-CL08-GCN).

1.5.2 Report review and project supervision was provided by Principal Ecologist Karen Lunan, BSc (Hons), MSc, MCIEEM who has 18 years' experience in ecological consultancy.

## 2 Method Statement

2.1.1 A copy of this Precautionary Working Method Statement will always be kept on site and available for inspection. The following measures must be adhered to avoid, reduce and mitigate potential ecological impacts resulting from the proposals.

2.1.2 The 'Precautionary method of working for reptiles, common toads, hedgehogs, badgers and nesting birds' produced by West Oxfordshire District Council should be read in association with this method statement, this further details precautionary measures and discusses in greater detail the actions to take if hedgehogs and badgers are discovered on site. A copy of this is attached in the appendices of this report.

### 2.2 Purpose and Objectives of the Works

2.2.1 The proposals include the erection of solar panels on ground mount systems. An approximate area of 88m<sup>2</sup> is to be covered by the proposed solar panelling. The proposals are understood to include minimal changes to the existing hedgerows and trees on site.

### 2.3 Great Crested Newts

#### **Habitat Retention**

2.3.1 The existing habitats within the site will largely be retained under the proposals, the design of the solar panels on ground mount systems is such that minimal disturbance to the ground below is required. Therefore, the habitats are less impacted by their installation, however the nature of their design results in the area directly beneath the panel, being exposed to considerably less sunlight which will affect the vegetation growth.

2.3.2 The existing vegetation on the northern boundary of the site will be retained and managed at a height of no less than 2.5 metres, with any dead plant(s) being replaced in the next planting season with the same or similar species.

#### **Trench Works**

2.3.3 Where trenches or pits are required, these will be covered overnight or sawn timber planks installed as ramps, to prevent great crested newt from falling into the trench/pit and becoming trapped. Should a great crested newt be encountered whilst not under supervision, all works will cease and a suitably qualified ecologist be contacted immediately for further advice.

#### **Vegetation Clearance**

2.3.4 If vegetation clearance is required for the proposed works, then suitable precautions must be implemented. The works must take place outside of the hibernation period (between March and

October inclusive). The clearance of any tall vegetation will be undertaken using a strimmer or brush cutter, all cuttings must be removed the same day. The cutting must be completed in a phased manner – cutting vegetation to a maximum height of 30mm, clearing no more than 1/3 of the area or cutting the vegetation over a period of three consecutive days to a height of no less than 150mm on the first day, 75mm on the second day and 30mm on the third day and final cut. Once all vegetation is removed, it will be maintained at a height of 30mm by either regular mowing or strimming to support the prevention of reptiles and amphibians returning.

#### **Log Piles and Rubble Piles**

- 2.3.5 If any log, rubble or woodchip piles require dismantling this will be completed outside of the hibernation period (between March and October inclusive) when newts are active. Should a great crested newt be encountered whilst not under supervision, all works will cease and a suitably qualified ecologist be contacted immediately for further advice.

#### **Storage of Materials (Oil, Chemical, Concrete, Cement, etc.)**

- 2.3.6 Any building materials will be stored on pallets to avoid direct contact with the ground and discourage reptiles and amphibians utilising them as temporary shelter.
- 2.3.7 All oils, chemicals, concrete, etc must be stored within appropriate, labelled containers on an impermeable surface. COSHH materials will be stored within lockable containers and any liquid fuel used will be kept to a minimum. If a concrete/ cement mixer is required for the works, a drip tray will be used to minimise unnecessary spillage.
- 2.3.8 All materials will be stored in a safe manner, with access limited to site contractors only. The site manager will be responsible for the safe storage of materials on-site.

#### **General Best Practice**

- 2.3.9 A best practice policy will be implemented at all times during the works and will include the following measures:
- Any waste produced will be contained within the site and removed at frequent intervals. If the waste has potential to be spread by wind or is liable to cause litter this will be stored in enclosed containers.
  - Access roads should use existing roads and tracks to keep habitat disturbance to a minimum.
  - The contractor will regularly inspect working areas to ensure compliance with this document.



## 2.4 Responsible Persons and Lines of Communication

2.4.1 The principal contractor for the site should be made aware of and acknowledge the contents of this report.

2.4.2 Any ecological enquiries should be addressed to:

- Ecology by Design, Hampden House, Chalgrove, OX44 7RW.
- Telephone: 01865 893345.

### 3 Relevant Legislation and Policy

#### 3.1 Great Crested Newts

3.1.1 Great crested newts are protected by UK legislation (the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) respectively) making it an offence to:

- capture, kill, disturb or injure a great crested newt deliberately
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places (deliberately or by not taking enough care)
- possess, sell, control or transport live or dead newts, or parts of them
- take great crested newt eggs

#### 3.2 The National Planning Policy Framework

3.2.1 The National Planning Policy Framework (DLUHC,2023) sets out in section 15 that to protect and enhance biodiversity and geodiversity, plans should:

- identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

3.2.2 When determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

3.2.3 The following should be given the same protection as habitats sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

3.2.4 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

### 3.3 Local Planning Policy

3.3.1 West Oxfordshire District Council – West Oxfordshire Local Plan 2031 (adopted September 2018) states in section 8. Environmental and heritage assets: Policy EH3: Biodiversity and geodiversity that

3.3.2 The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by:

- giving sites and species of international nature conservation importance and nationally important sites of special scientific interest the highest level of protection from any development that will have an adverse impact;
- requiring a Habitats Regulations Assessment to be undertaken of any development proposal that is likely to have a significant adverse effect, either alone or in combination, on the Oxford Meadows SAC, particularly in relation to air quality and nitrogen oxide emissions and deposition;
- protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network;

- avoiding loss, deterioration or harm to locally important wildlife and geological sites and sites supporting irreplaceable habitats (including ancient woodland, Plantations on Ancient Woodland Sites and aged or veteran trees), UK priority habitats and priority species, except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured;
- ensuring development works towards achieving the aims and objectives of the Conservation Target Areas (CTAs) and Nature Improvement Areas (NIAs);
- promoting the conservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs and NIAs;
- taking all opportunities to enhance the biodiversity of the site or the locality, especially where this will help deliver networks of biodiversity and green infrastructure and UK priority habitats and species targets and meet the aims of CTAs;
- ensuring that all applications that might adversely affect biodiversity are accompanied by adequate ecological survey information in accordance with BS 42020:2013 unless alternative approaches are agreed as being appropriate with the District Council's ecologist;
- all major and minor applications demonstrating a net gain in biodiversity where possible. For major applications this should be demonstrated in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator (BIAC) based on that described in the DEFRA Biodiversity Offsetting guidance or a suitably amended version. For minor applications a BIAC will not usually be required but might be requested at the Council's discretion;

3.3.3 all development incorporating biodiversity enhancement features. All developments will be expected to provide towards the provision of necessary enhancements in areas of biodiversity importance.

## 4 References

DLUHC (2023). *National Planning Policy Framework*. Department for Levelling Up, Housing and Communities

West Oxfordshire District Council (2018). *West Oxfordshire Local Plan 2031*, adopted September 2018



## Appendix 1 - West Oxfordshire District Council – Precautionary Method of Working

See attached document overleaf

# Precautionary method of working for reptiles, common toads, hedgehogs, badgers and nesting birds

## Biodiversity Specification #1



This is a summary document to outline the precautionary working practices for protected species (reptiles, common toads, badgers, hedgehogs and nesting birds), on sites where there is a low risk of the species being present and when the local planning authority (LPA) considers the precautionary measures to be applicable. This is not a legal document and does not include all information on wildlife protection and legislation.

### The purpose of this document is to set out a method of working for sites where:

- Suitable features (such as rough grassland, hedgerows, trees, scrub and previously developed sites) for reptiles, common toads, badgers, hedgehogs and nesting birds are present, but are very limited in extent, and are likely to be affected by development, or;
- The risk of reptiles, common toads, hedgehogs, badger and nesting birds being present and affected by development proposals is unlikely but cannot be ruled out.
- Reptiles, common toads, hedgehogs, badgers and nesting birds can be found in a range of habitats. Where the LPA considers it appropriate, developers must adhere to the following specific requirements, depending on the suitability for particular species/ species groups.

### Precautionary measures:

1. The site owner/site manager will ensure that anyone (including sub-contractors) undertaking construction, demolition and landscaping (both creation and management), is made aware of the potential for the site to support protected species, where to expect them, their protected status and the procedure to follow in the unlikely event that protected species are discovered during works. Where applicable, this advice will be given through site inductions, tool box talks (such as CIRIA toolbox talks ) or similar. A copy of this Precautionary Method of Working will be kept on site and available for inspection at all times.
2. Should any protected species (i.e. common toads, reptiles, birds, hedgehogs and badger) be discovered during construction or other works on site, which are likely to be affected by the development, works will cease immediately. The owner/ site manager will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide. The Chartered Institute of Ecology and Environmental Management (CIEEM) provides further guidance and advice on finding a suitably qualified ecologist.



### In implementing the planning permission and related works, the following methods of working will be adopted:

3. Any vegetation clearance (i.e. removal of trees, scrub, hedgerows) or works to buildings shall not commence until a careful check for nesting birds has been completed, particularly during the main breeding season (months of March to August). If bird nests are found then works in the area must stop until the chicks have fledged the nest.
4. All clearance works (i.e. clearance of log piles, debris, rough grass etc.) will be undertaken when common reptiles and amphibians are likely to be fully active i.e. during the April to September period.
5. Clearance of dry stone walls, logs, brash, stones, rocks or piles of similar debris will be undertaken carefully and by hand.
6. Clearance of tall vegetation will be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day. Cutting will only be undertaken in a phased way which may either include:  
  
Cutting vegetation to a height of no less than 30mm, clearing no more than one third of the site in any one day or;

# Precautionary method of working for reptiles, common toads, hedgehogs, badgers and nesting birds

## Biodiversity Specification #1



Cutting vegetation over three consecutive days to a height of no less than 150mm at the first cut, 75mm at the second cut and 30mm at the third cut;

7. Following removal of tall vegetation, using the methods outlined in point 5, remaining vegetation will be maintained at a height of 30mm through regular mowing or strimming to discourage common reptiles and amphibians from returning.

8. Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works in point 5) above.

9. Any trenches left overnight will be covered or provided with ramps to prevent animals falling into the trenches and being trapped. Excavations left overnight should be checked prior to filling. Any open pipes left overnight will be covered.

10. Any building materials such as bricks, stone etc. will be stored on pallets to discourage reptiles from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on ground.



Further information about protected species and development including their ecological requirements, protection and the planning development system can be found at:

<https://www.gov.uk/government/organisations/natural-england>

For further information on the relevant protected species and legislation, please refer to the website links below:

<https://www.arc-trust.org/legislative-protection-for-the-uks-herpetofauna>

<https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wildlife-and-countryside-act/>

<https://www.mammal.org.uk/species-hub/full-species-hub/discover-mammals/species-hedgehog/>

<https://www.gov.uk/guidance/badgers-protection-surveys-and-licences>





Appendix 2 - Photographs



Great crested newt



Great crested newt



Smooth newt



Common toad



Common frog