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# Precautionary Method of Working (Ecology)

Bantam House, Church Lane, White Roding, Dunmow, Essex, CM6 1RJ.

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**Project:** Bantam House, Church Lane, White Roding, Dunmow, Essex, CM6 1RJ.

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## **DISCLAIMER**

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## **1.0 Executive summary**

1.1 This Precautionary Method of Working (Ecology) document outlines the precautionary working practices for protected species on sites with a low risk of the species being present and when the local planning authority (LPA) considers the preventive measures applicable.<sup>1</sup>

1.2 Should any protected species be discovered during construction or other works on site which will likely 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 outcomes will only proceed following their advice.

## **2.0 Introduction**

### **Purpose of the report**

2.1 This Precautionary Method of Working (Ecology) sets out a practical working strategy to be implemented during the pre-construction and construction phases of the development. It ensures that features of ecological interest, including notable habitats and protected/notable species, are not compromised within the working area or the influencing distance of the working site.

2.2 The “working area” is defined as ‘any area where there will be a requirement for temporary or permanent works to facilitate the construction of the development.’ This includes areas required for access, temporary construction, temporary storage areas and site facilities.

2.3 The Precautionary Method of Working does not include any landscape design, management or biodiversity enhancement measures.

2.4 The Precautionary Method of Working (Ecology) should be included as ecological input to inform the Contractors’ Environmental Management Plan (CEMP) and ensure the following recommendations are implemented.

### **Baseline Site Location and General Description**

2.5 The site is Bantam House, Church Lane, White Roding, Dunmow, Essex, CM6 1RJ.

### **Development Proposal**

2.6 The proposal is a replacement dwelling.

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<sup>1</sup> This is not a legal document and does not include information on wildlife protection and legislation.

## **Ecological constraints**

2.7 The Protected Species Assessment Report suggested that Natural England has not designated the site as a habitat for its importance for nature conservation at the national, regional or county level. In addition, the likelihood of protected species is negligible, and no additional surveys are needed. However, a precautionary approach is for the following:

- Great crested newts.

## **Purpose and Objective**

2.8 This Precautionary Method of Working (Ecology) has considered the scope and localised nature of the proposed works. It assesses how those works could affect protected species within the works' Ecological Zone of Influence (EZOI). Reasonable and practical measures are provided, which are considered proportionate to the scale of the development and the potential with which protected species are likely to be present.

2.9 The Precautionary Method of Working (Ecology) sets out the relevant advice to ensure that appropriate and reasonable effort is made to avoid harm to wildlife and prevent breaches in legislation that protect wildlife species.

2.10 This document and its implementation will inform the local authority when considering the planning application.

## **Qualifications and Competence of the Ecologist**

2.11 The Ecologist has over 25 years of conservation experience. Founder of a new conservation charity and previously worked as Head of Conservation for a Wildlife Trust, Director of Studies for the Field Studies Council and Course Director and Lecturer for the University of Essex and Cambridge.

2.12 The Ecologist has been nationally recognised by respected organisations and awarded various fellowships for his *outstanding or significant contribution* to these disciplines, including conservation and biodiversity for landscape-scale conservation projects.

2.13 Currently on the external advisory board for the University of Essex and representing the Chartered Institute of Ecology and Environmental Management at the University of Southampton, judging national ecological projects and as an ecological expert for the Southwood Foundation.

### **3.0 Precautionary Method of Working (Ecology)**

3.1 Great crested newts are European Protected Species subject to the Conservation of Habitats and Species Regulations 2010 (as amended). Natural England's view is that *"If the consultant ecologist, based on 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 or 45, then no licence is required"* (Natural England, 2013).

3.2 A range of factors are considered when assessing whether works can proceed without a licence, including the nature of the proposals, the suitability of habitats within the site to support protected species, evidence of such species, and proximity of existing known populations. In cases where a licence is not required, Natural England (Natural England, 2013) urges reasonable precautions to avoid affecting European Protected Species during work and that an audit trail on the decision-making process.

3.3 Following Natural England's advice, this Precautionary Method of Working (Ecology) sets out reasonable precautions. It reduces the risk of causing offences to these species under the Wildlife and Countryside Act 1981 (as amended). The Precautionary Method of Working (Ecology) provides an audit trail to justify why an offence is considered reasonably unlikely.

#### **Great Crested Newts**

3.4 It is considered unlikely that if great crested newts use the ponds within 500m of the proposed development site, they would routinely use the proposed development site as it offers negligible suitability. Therefore, a precautionary approach is adopted, assuming there is a low risk that great crested newts could be present within the site.

3.5 The site was assessed as suboptimal for great crested newts, and areas of vegetation clearance were considered unlikely to form part of any great crested newt population's core habitat.

3.6 Due to the scale of the works, it is considered reasonably unlikely that the works will result in the deliberate capture, injury or killing of great crested newts. It is considered reasonably unlikely that the vegetation clearance will result in deliberate disturbance to great crested newts in such a way as to be likely to impair their ability to survive, breed, reproduce, rear or nurture their young, hibernate, or affect the local distribution or abundance of great

crested newts significantly. In addition, it is reasonably unlikely that the vegetation clearance will damage or destroy their resting places.

3.7 As the works will not affect a breeding pond during the breeding season, they will not involve deliberate taking or destroying the eggs of great crested newts. Therefore, based on specialist knowledge and experience working with great crested newts, it is considered on balance that the vegetation clearance is reasonably unlikely to result in an offence under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and no protected species mitigation licence is required.

3.8 Similarly, it is considered reasonably unlikely that works will disturb a great crested newt in its shelter or obstruct access to such a place. Therefore, vegetation clearance is reasonably unlikely to result in an offence under the Wildlife & Countryside Act 1981 (as amended). However, to further ensure that such an offence is not committed, it is proposed to proceed under the Precautionary Method of Working (Ecology) detailed within this report.

## **4.0 Ecological Protection Measures**

### **Pre-construction**

#### **Land Management**

4.1 It is understood that the development will be delivered in a single phase and not last 12 months. Therefore, it is recommended that any ongoing grounds management care and building maintenance be continued until the point of the construction. Any site neglect will make the area attractive to wildlife and may invalidate the Precautionary Method of Working (Ecology).

#### **Appointment of Ecological Advisor**

4.2 A Project Ecologist (also acting Ecological Clerk of Works ECoW) is appointed to provide an advisory role when required.

#### **Ecological Toolbox Talks**

4.3 Toolbox talks will be provided to contractors by the ECoW. Toolbox talks will explain the potential presence of protected or notable species on site, implications to these species, required work methods and locations of any exclusion zones. Toolbox talks will be updated when any new ecological issues arise (including seasonal variations/restrictions) or changes to

working methods are required. The Project Ecologist will provide the initial toolbox talk before each phase of work.

## **Construction**

### **Great crested newts**

4.4 Great crested newts hibernate below ground during the winter months. Therefore, removing the portion of any stumps from November to March is inappropriate as this may disturb newts. The affected stumps cannot be removed entirely during this period.

4.5 The stumps should be removed in two stages:

- Shrub and woody vegetation is to be cut by hand to about 15 centimetres above ground level and removed from November to March; and,
- The remaining stumps and field layers will be removed following a detailed search from April to October.

4.6 The following action is to be followed if the vegetation cannot be cleared during the winter:

- Before clearance, the area affected will be subject to a detailed inspection conducted by an experienced ecologist. Then, shrubs and woody vegetation should be removed by hand to about 15 centimetres above ground level.
- The remaining stumps and field layers are to be removed following a detailed search. Any animals found will be removed from the affected area to a place of suitable natural habitat.
- Then, a final destructive search of the remaining habitat will be conducted under ecological supervision. Destructive searches typically involve carefully using a small excavator fitted with a narrow-toothed bucket. The machine will slowly strip the vegetation.
- Upon completion of the destructive search, the ecologist will notify the developer that the construction area is clear with negligible risk of harming protected species.

4.7 Deep trenches will be covered at the end of each working day or (in the case of shallower trenches only) will include a means of escape for any animal falling in. This will comprise wooden boards placed no steeper than a 45° angle. The appointed person will check



at the end of each working day to ensure that excavation is covered or that provision is made for animals to escape.

4.8 Storage areas will be located away from sensitive areas, mainly retained habitats. During construction, store materials off the ground to avoid creating standing water that may become attractive to amphibians.

## **5.0 General Precautionary Measures**

### **Harmful substances**

5.1 If any equipment or harmful substances (such as petrol) are on-site, these should be stored within a secure locked compound to prevent wildlife from potentially harming themselves.

### **Pollution Prevention**

5.2 Measures outlined within the Best Practice Pollution Prevention Guidelines will be followed to avoid pollution incidents which may indirectly affect terrestrial or aquatic habitats.

Measures will include, but are not limited to, the following:

- Arrive at the site with clean footwear;
- Ensure footwear is visually clean from soil and debris before leaving the site;
- Ensure vehicles are kept clean. Remove any accumulated mud before leaving the site using a stiff-haired brush. Cleaning should be carried out over a root barrier membrane or hard surface that can contain and collect any contaminated material that has been washed off the vehicle;
- Make use of facilities on-site to clean footwear and equipment;
- Keep vehicles to established tracks and park vehicles on hardstanding;
- Any works carried out by contractors should be accompanied by a Risk Assessment Method Statement (RAMS). The RAMS should detail appropriate biosecurity measures to be observed during the duration of the works and outline the scope of the works and any ongoing monitoring/works required.
- Where possible, water will be prevented from entering excavations.
- Standard dust prevention measures will be implemented.

### **Consideration to Wildlife**

5.3 Staff will remain vigilant throughout the work. Should any protected or notable animals be encountered during the works, advice will be sought immediately from the Project Ecologist or ECoW. If new solid fencing is installed, ensure gaps at the base of at least 15 cm and intervals of 10 metres to ensure hedgehogs and other wildlife can move freely between sites.

5.4 Nesting birds need consideration from March to August.

## **6.0 Roles and Responsibilities**

6.1 The developer and project ecologist will manage sensitive wildlife issues. All personnel have a duty of care concerning protected species and wildlife legislation.

6.2 A Construction Environment Management Plan (CEMP) will be produced concerning this strategy, recognised industry guidance and British Standards to avoid and mitigate potential adverse effects that may occur during construction phases.