

**PRECAUTIONARY METHOD OF WORKING FOR LAND OFF WITHIES
PARK, MIDSOMER NORTON**

CLIENT: DAVID WILSON HOMES

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I INTRODUCTION

- I.1 This Precautionary Method of Working (PMW) has been prepared by Ecosulis on behalf of David Wilson Homes for land off Withies Park, Midsomer Norton, Somerset. The PMW is in accordance with the ecological considerations and recommendations set out within our extended Phase 1 habitat survey (report reference: DAVWIL-CAUCLO-2693), and is based on the results of the Phase 2 surveys (report reference: DAVWIL-CAUCLO-2728) and the Mitigation Strategy for the site (report reference: DAVWIL-CAUCLO-2728_MS).
- I.2 The development proposals (Planning Layout I3039/5002, Pad Design, July 2010); include the construction of 112 units of residential housing and associated car parking, access roads, paving, landscaping and drainage features. The proposals include the retention of existing boundary hedgerows and provision of at least a 10m wide buffer between the River Somer Site of Nature Conservation Importance (SNCI) and built development. Figure 1 shows the extent of the site boundary and the River Somer SNCI.
- I.3 The purpose of this PMW is to set out a practical working strategy to be implemented during the pre-construction and construction phases to ensure that features of ecological interest are not compromised.
- I.4 This PMW is aimed at all site contractors and workers that will be involved with the pre-construction and construction phases of the development process.

2 FEATURES OF ECOLOGICAL INTEREST

2.1 Features of Ecological Interest recorded on site include:

- River Somer Site of Nature Conservation Interest (SNCI) and in-channel species (fish)
- Hedgerows
- Bats
- Otters
- Nesting birds
- Common species of reptiles and amphibians

2.2 Further species that are given consideration within this document, but that have not been recorded on site, include:

- Badgers
- Dormice
- Other small mammals

2.3 The importance of these features and relevance on site is summarised in Table I overleaf. Figure I identifies the location of the development site and the extent of the SNCI.

Table 1: Summary Table of Ecological Features on Site

Ecological Feature of Interest	Legal/Policy Considerations	Relevance on Site
River Somer SNCI	Non-statutory local site designation of County Value. The Bath and North East Somerset Local Plan (2007) requires such sites to be considered in respect to planning applications. Species of fish are included within the UK BAP and can be a consideration during planning	The River Somer lies along the northern boundary of the site and is covered by the River Somer SNCI designation. The river is likely to support a moderate population of fish. Bullhead were recorded during a survey for white-clawed crayfish (no white clawed crayfish were recorded)
Hedgerows	Hedgerows defined as ecologically 'important' under the hedgerow regulations 1997 or species-rich as defined in the UK Biodiversity Action Plan (BAP) are a material consideration during planning	One hedgerow is considered important under the Hedgerow Regulations, six are considered to be UKBAP habitat and one species rich Local BAP habitat
Bats	All British species of bat and their place of shelter are protected under the Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 from deliberate capture, injury and killing, intentional or reckless disturbance, intentional or reckless obstruction of access to any structure or place which any such animal uses for shelter or protection, and deliberate damage or destruction of a breeding site or resting place. This includes trees and applies throughout the year whether bats are present or not at the time of survey or work being carried out Whilst the Bat Mitigation Guidelines state that 'foraging areas and commuting routes are not legally protected' it is considered best practice to protect these features and incorporate them into development. Furthermore, there have been recent arguments put forward to state that there is an existing basis for the protection of these features in	The trees on site, particularly along the river corridor, provide negligible to low suitability to support roosting bats The site offers foraging habitats for bats in the form of woodland, scrub and hedgerows, and commuting habitat in the form of the River Somer, woodland and hedgerows Low numbers of eight species of bat were recorded utilising the site for foraging and commuting

Ecological Feature of Interest	Legal/Policy Considerations	Relevance on Site
	accordance with The Conservation of Habitats and Species Regulations 2010, The Natural Environment and Rural Communities Act 2006, planning policy and international treaties	
Otters	Otter are protected under the Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010. Otters and their resting places are fully protected, it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb otters in their breeding or resting places	No evidence of otter was recorded within the section of River Somer adjacent to the site, but evidence was recorded immediately upstream of the site. The site provides suitable foraging and commuting habitat for otters
Nesting Birds	In Britain all wild birds are granted legal protection under the Wildlife and Countryside Act 1981 (as amended). This legislation protects birds, their eggs and nests while being built or whilst in use	Suitable nesting habitats are present on site in the form of scrub, woodland and trees
Reptiles	Common reptiles are protected under the Wildlife & Countryside Act 1981 (as amended), under which it is an offence to recklessly kill or injure a reptile	Slow worms are present on site (estimated exceptional population). Suitable foraging and refuge habitats are present in the form of hedgerows, trees and scrub
Amphibians	Great crested newt is protected under the Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 from deliberate capture, injury and killing, intentional or reckless disturbance, intentional or reckless obstruction of access to any structure or place which any such animal uses for shelter or protection, and deliberate damage or destruction of a	The site is unlikely to support great crested newt, however it is suitable to support common species of amphibian, such as common toad, within the scrub, tree roots, woodland and hedgerows

Ecological Feature of Interest	Legal/Policy Considerations	Relevance on Site
	breeding site or resting place. Common toad is a UK BAP species and is a material consideration in respect to planning issues	
Badgers	Protection is afforded to badgers and their setts under the Protection of Badgers Act 1992, under which it is illegal to wilfully kill, injure or take any badger, or attempt to do so and it is an offence to damage, destroy or obstruct access to any part of a badger sett	No setts were recorded on site however suitable foraging habitat is present in the form of scrub, woodland and hedgerows
Dormice	Dormice are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010	No evidence for the presence of dormice on site (and no records held within 2km), but suitable habitats exist in the form of scrub, woodland and hedgerows on site
Other small mammals	Hedgehogs have recently been included within the UK Biodiversity Action Plan (2007) and is a priority species of conservation concern. Other small mammals include mice, voles and shrews	Hedgehog sighted just outside the site boundary and suitable foraging and hibernation habitats are present on site for hedgehog and other small mammals in the form of deciduous woodland and scrub

3 POTENTIAL IMPACTS ON FEATURES OF ECOLOGICAL INTEREST

3.1 Table 2 identifies activities that may damage or disturb the Ecological Features of Interest during construction if these features are not considered and appropriate measures taken to protect them.

Table 2: Potentially Damaging Activities During Construction

Ecological Feature of Interest	Potentially Damaging Activities
River Somer SNCI	Temporary dust and water pollution during construction Human activity may cause disturbance to the river (10m wide buffer provided along the river between construction and the banks will protect from direct damage)
Hedgerows	Construction activities could damage the hedgerows on site through temporary dust and water pollution (run off) and by directly damaging above and below ground structures with machinery (5m wide buffer provided along retained hedgerows will protect from direct damage)
Bats	Removal of trees supporting suitable roosting opportunities may kill or injure any roosting bats or cause damage/destruction to any roosts that may be present (buffers provided along foraging and commuting habitats and directional lighting will protect from direct damage)
Otters	Construction noise and vibration from construction machinery and human activity could affect use of river corridor by foraging and commuting otter (10m wide buffer provided along the river between construction and the banks and directional lighting will protect from direct damage)
Nesting Birds	Insensitive timing of habitat clearance could result in killing birds and destroying the nests and eggs (if present) Noise and vibration from construction machinery and disturbance from human activity (buffers provided along the river between construction and the banks and the retained hedgerows to maintain nesting habitat)
Reptiles	Insensitive timing of habitat clearance could result in injury or killing of reptiles Noise and vibration from construction machinery and disturbance from human activity

Ecological Feature of Interest	Potentially Damaging Activities
	(habitat manipulation and destructive searches will protect from direct damage)
Amphibians	<p>Insensitive timing of habitat clearance could result in injury or killing of common amphibians, such as common toad (if present)</p> <p>Noise and vibration from construction machinery and disturbance from human activity</p> <p>(buffers provided along the river between construction and the banks and the retained hedgerows to maintain refuge and connectivity)</p>
Badgers	<p>Removal of vegetation will result in the direct loss of suitable foraging habitats</p> <p>Noise and vibration from construction machinery and disturbance from human activity after dark could disrupt badger behaviour</p> <p>Loss/severance of habitat connectivity due to open trenches, construction machinery, for example</p> <p>(buffers provided along the river between construction and the banks and the retained hedgerows to maintain connectivity)</p>
Dormice	<p>No evidence of dormice on site; therefore, low risk of harm to dormice during vegetation removal and disturbance from construction activities</p> <p>Potential killing/injury if vegetation removed during hibernation</p> <p>(buffers provided along the river between construction and the banks and the retained hedgerows to maintain refuge and connectivity)</p>
Other small mammals	<p>Insensitive timing of habitat clearance could result in injury or killing of hedgehogs</p> <p>Noise and vibration from construction machinery and disturbance from human activity</p> <p>(buffers provided along the river between construction and the banks and the retained hedgerows to maintain refuge and connectivity)</p>

4 ECOLOGICAL PROTECTION MEASURES (PRE-CONSTRUCTION PHASE)

4.1 Prior to works commencing on site, the following Ecological Protection Measures will be implemented:

Table 3: Pre-construction Ecological Protection Measures

Stage	Works	Methods	Timing	Person responsible	Person required to carry out works	Completed (name, company and signature)
1	Species surveys/monitoring	Update surveys for target species will be undertaken to identify any changes to the current status on site; to inform of any additional considerations and amendments, as appropriate to this PMW. Surveys will include: A walkover of the site to check for signs of badgers; and an otter survey along the River Somer	April to October prior to works commencing	Developer	Suitably qualified Ecologist	
2	Appoint Ecological/Environmental Advisors	<p>An experienced Ecological Clerk of Works (ECofW) will be appointed to provide a supervisory role on site (external person)</p> <p>An Ecologist will be appointed to provide an advisory role (external person)</p> <p>An Environmental Champion will be appointed to be responsible for daily monitoring and conformance to environmental documents, such as this PMW (preferably a person from main site contractor team who will be present throughout the duration of the works)</p> <p>(An Arboriculturalist may also be required to advise on tree protection measures and to advise on tree safety issues should these arise)</p>	Prior to works	Main site contractor	Developer/main site contractor to appoint Environmental team	

Stage	Works	Methods	Timing	Person responsible	Person required to carry out works	Completed (name, company and signature)
		during the works)				
3	Identify exclusion zones	The site will be walked and exclusion zones established (refer to Figure 2 for the main areas to be fenced). These zones will include: Retained areas of the site, namely the buffers (hedgerows and river buffers); trees/woodland; other areas identified during the surveys (see 1 above); and any areas subject to a two-phase approach to vegetation clearance (sensitive areas, such as those adjacent to the river where soft development will occur; refer to Stage 8a/8b below)	Prior to works	Main site contractor	Appointed ECofW, Environmental Champion and Arboriculturalist	
4	Set up exclusion zones	Fencing and high visibility tape will be used to set up the exclusion zones as identified in 3. Above. This will be inspected by an ECofW	Prior to works	Main site contractor	Main site contractor	
5	Ecological Toolbox Talk	Talk to site operatives and contractors to explain protected species, responsibilities and required work methods (Appendix I provides a register for all site workers to sign stating they will adhere to this PMW and other environmental documents, as appropriate) ECofW to provide initial Talk, then	Prior to works	Main site contractor	ECofW and Environmental Champion	

Stage	Works	Methods	Timing	Person responsible	Person required to carry out works	Completed (name, company and signature)
		subsequent Talks to new site staff undertaken by Environmental Champion				
6	Pre-vegetation clearance inspections – nesting birds	Where vegetation clearance will be undertaken during the nesting bird season (generally from March to September), then the ECofW will carry out a check of the areas prior to removal If nesting birds recorded, see Stage 7 below. If no nesting birds recorded, see Stage 8 below	Immediately prior to vegetation clearance and during March through to September	Main site contractor	ECofW	
7	Marking out no-go zones for vegetation clearance	Following the inspection, should any areas be found to support nesting birds, then these areas and appropriate exclusion zones will be fenced with hi-vis fencing (or similar) to demarcate a no-go zone for machinery and site workers The ECofW will record these areas on a plan and walk the site with the Environmental Champion to show the locations and advise accordingly The ECofW will monitor the exclusions zones and advise when the exclusion no longer applies. Only once the area has been deemed clear (nests have been vacated) by the ECofW will works proceed in the area (see Stage 8 below)	Prior to vegetation clearance and during March through to September	Main site contractor	ECofW	
8	Vegetation removal	Vegetation removal will proceed within all	Following Stages	Main site contractor	Main site	

Stage	Works	Methods	Timing	Person responsible	Person required to carry out works	Completed (name, company and signature)
		<p>areas where no restrictions apply (as advised by the ECofW) including above and below-ground structures. This work will be supervised by the ECofW and hand and destructive searches carried out, where appropriate (i.e. where works occur in or near sensitive zones, such as the buffers)</p> <p>In areas where a two-phase approach has been advised, refer to Stage 8a below</p>	6 or 7 above and between March and October		contractor	
8a	Vegetation removal (two phase approach as identified in Stage 3) – Phase 1	Where recommended (as identified by the ECofW during vegetation inspections) vegetation will follow a phased approach within sensitive areas with all above-ground structures removed during the winter months to a height of 450mm	Between November and February	Main site contractor	Main site contractor	
8b	Vegetation removal (two phase approach as identified in Stage 3) – Phase 2	Remaining vegetation clearance in sensitive areas will be undertaken during the summer months with remaining above-ground vegetation and below-ground structures removed. This clearance will be preceded by hand searches by the ECofW and then supervised by the ECofW	March to October	Main site contractor	Main site contractor and ECofW	

5 ECOLOGICAL PROTECTION MEASURES (CONSTRUCTION PHASE)

Table 4: Construction Phase Ecological Protection Measures

Works	Methods	Timing and Frequency	Person responsible	Person required to carry out the works
Monitoring/site inspections	<p>Protection fencing will be inspected weekly and repairs made as necessary</p> <p>The site and protected buffers will be walked weekly and any signs of protected species reported to the ECofW</p>	Throughout Construction/ Weekly	Main site contractor	Environmental Champion
Pollution incidents	<p>Measures will be taken throughout the works to avoid pollution incidents, which may indirectly affect both aquatic and terrestrial habitats. Pollution prevention and control strategies will be adhered to at all times</p> <p>Any accidental damage to the adjacent habitats or fuel spillages within close proximity to the site and/or adjacent habitats, in particular the River Somer, will be reported to the Environmental Champion and the ECofW</p>	Throughout Construction/ one-off event	Main site contractor	Main site contractor

Works	Methods	Timing and Frequency	Person responsible	Person required to carry out the works
Excavation of trenches	Trenches will be covered at the end of each working day, or trenches will include a means of escape for any animal falling in (shallower trenches only). The appointed Environmental Champion will carry out checks at the end of each working day to ensure provision is made for escape for animals	Throughout construction/daily as appropriate	Main site contractor	Environmental Champion
Machinery	Noisy construction works will cease one hour before sunset	Throughout construction/daily	Main site contractor	Environmental Champion
Storage of materials	Storage areas will be located away from the sensitive areas (buffers and river)	Throughout construction	Main site contractor	Environmental Champion

Works	Methods	Timing and Frequency	Person responsible	Person required to carry out the works
Vegetation management	During construction, any open ground will be managed to ensure that any vegetation growth remains short in order to reduce its suitability as refuge habitat for reptiles and small mammals	Throughout Construction	Main site contractor	Environmental Champion
Tree safety issues	Should any trees become a safety concern, then the appointed Arboriculturalist and Ecologist will be contacted immediately to advise further with respect to the future of the tree and any consideration (such as bats) that need to be given	Throughout construction	Main site contractor	Main site contractor (Arboriculturalist and Ecologist to advise and carry out any necessary works)
Consideration to wildlife	Staff will remain vigilant throughout works. Should any reptile, amphibian and mammal species be encountered during the works, advise will be sought immediately from the appointed Ecologist	Throughout construction	All site staff	All site staff

Table 5: Sensitive Seasons for Wildlife

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Nesting birds			Nesting season									
Reptiles, common amphibians and small mammals	Hibernating		Active							Hibernating		

5.1 Note: The timings of the nesting bird season and hibernation periods are indicative only (subject to local climatic conditions)

6 CONTACTS



	Company	Main contact	Email/Phone
Developer	David Wilson Homes	David Archer	0117 9530059
Main site contractor			
Ecologist			
Ecological Clerk of Works			
Environmental Champion (main site contractor)			
Arboriculturalist			

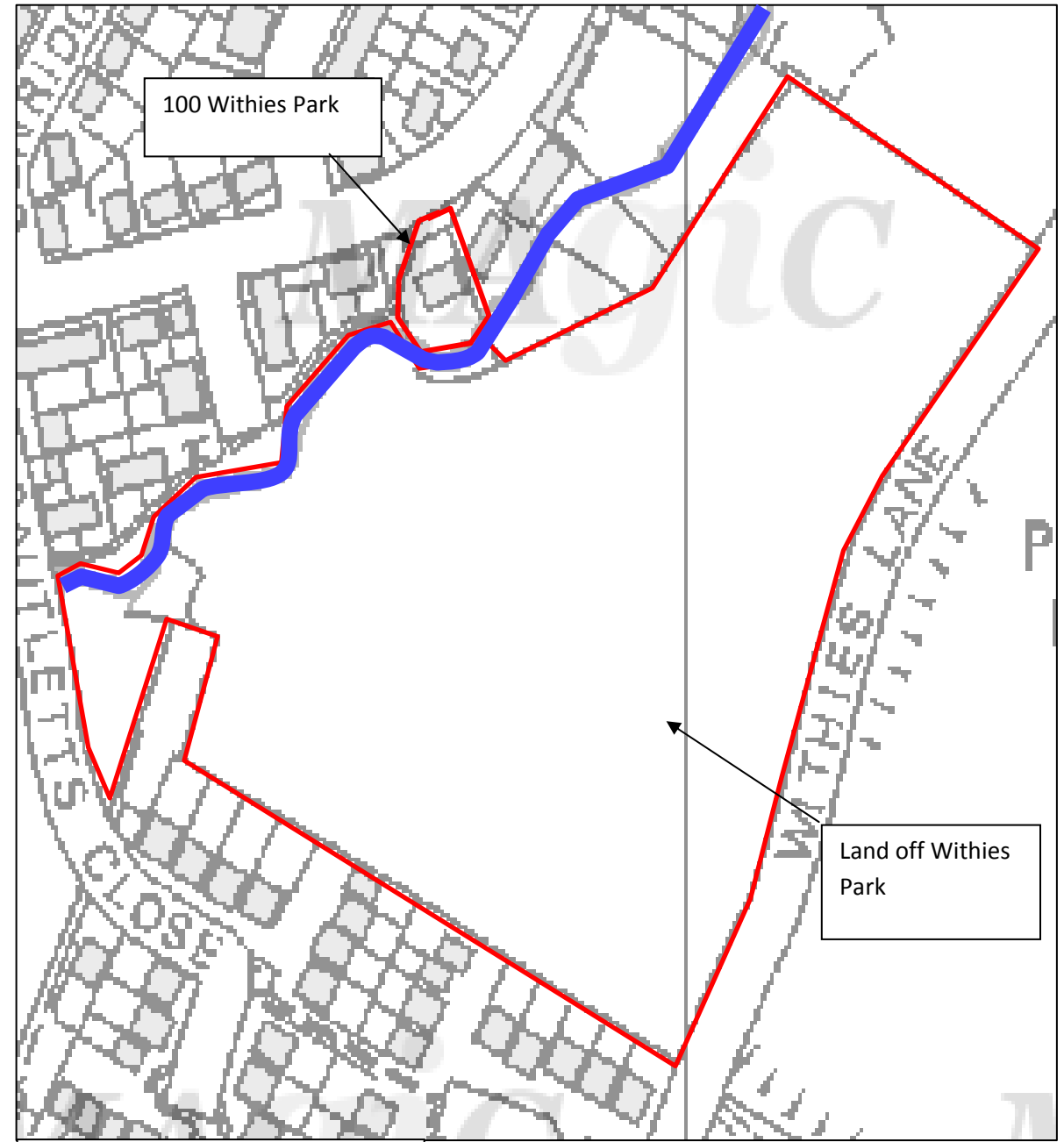


The Rickyard, Newton St Loe,
Bath BA2 9BT
Tel: 01225 874040 Fax: 01225 874554

Client	David Wilson Homes	
Project	Land off Withies Park	
Title	Site Location	
Date	Scale	Figure
August 2010	SCHEMATIC ONLY	I

Key

-  Site boundary (Land off Withies Park including 100 Withies Park)
-  River Somer SNCI



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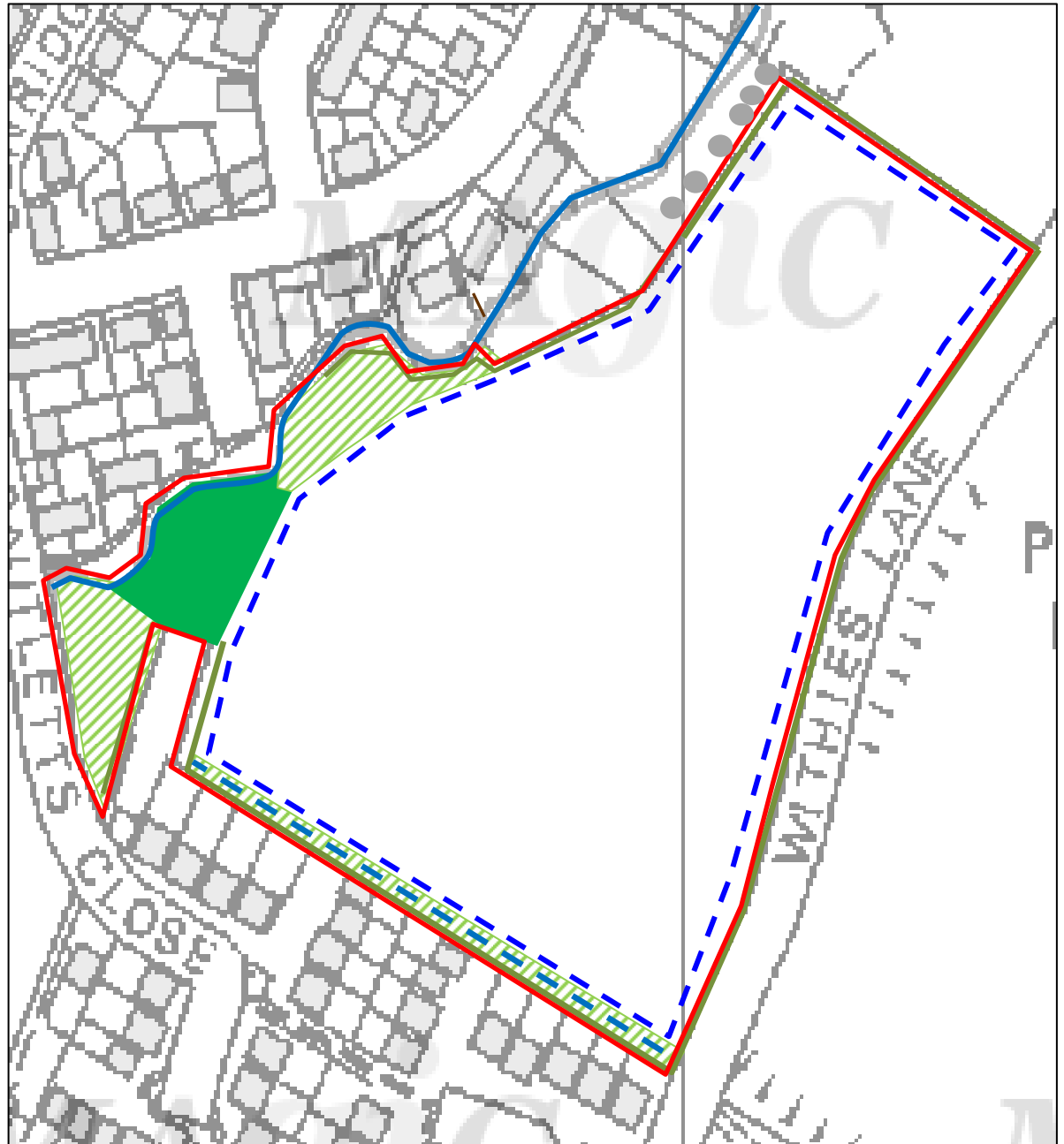


The Rickyard, Newton St Loe,
Bath BA2 9BT
Tel: 01225 874040 Fax: 01225 874554

Client	David Wilson Homes	
Project	Land off Withies Park	
Title	Locations of main exclusion areas	
Date	Scale	Figure
August 2010	SCHEMATIC ONLY	2

Key

-  Woodland
-  Tall herb and scrub
-  Hedgerow
-  River Somer
-  Ditch
-  Location of exclusion fencing
-  Site boundary



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