



Precautionary Working Method Statement

Land to the Rear of 39-45 Whitley Wood Lane, Reading

Alex Omirou

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1 Introduction

Background

- 1.1 Elton Ecology was commissioned by Alex Omirou in August 2021 to conduct a Preliminary Ecological Appraisal of Land to the rear of 39-45 Whitely Wood Lane, Reading.
- 1.2 The PEA Report recommended:

“4.13 To prevent the killing and injury of reptiles and amphibians during the development, it is recommended that vegetation clearance at the site is carried out under a Precautionary Working Method Statement under the supervision of an ecologist, to include staged and directional vegetation removal encouraging the safe displacement of reptiles into retained habitats in the wider area.”
- 1.3 The present report comprises the recommended Precautionary Working Method Statement (PWMS).

Site description

- 1.1 The site is approximately 0.06ha in size and is located to the rear of 39-45 Whitely Wood Lane, Reading, RG2 8PN (Central OS grid reference: SU 71887 69491).
- 1.2 The site is mostly composed of areas of grassland and scrub throughout, with areas of discarded building materials in the central area. The site can be accessed via Byworth Close to the southeast.

Development Proposals

- 1.1 The development proposals include the construction of two detached residential buildings alongside a parking area.

Planning Policy and Legislation

- 1.2 A summary of biodiversity planning policies and wildlife legislation relevant to the site is provided in Appendix 2: Planning Policy and Legislation Summary. The relevant planning policy and legislation includes:
 - National Planning Policy Framework 2021;
 - Government Circular ODPM 06/05 Biodiversity and Geological Conservation;
 - The Conservation of Habitats and Species Regulations (2017) (As Amended);
 - Wildlife and Countryside Act 1981 (As Amended);
 - Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and Species of Principal Importance;

Report Purpose and Scope

- 1.3 With reference to the development proposals and applicable planning policy & legislation afforded to amphibians (including great crested newts) and reptiles, the scope of the present report is to:
 - Identify measures to as far as practicably possible reduce the risk of disturbing, killing or injuring reptiles during works at the site.
 - Identify the locations and timings of such measures.

Great Crested Newt Ecology Overview

- 1.4 Adult great crested newts migrate from their winter hibernation sites to breeding ponds in the spring, between February and April dependant on temperature and rainfall. Over spring and summer adults will breed within ponds and move onto land to forage or disperse. Adults will typically leave breeding ponds to move to terrestrial habitats between late May and early July. Most newts will have left ponds by August but may persist until October and have been recorded in ponds into winter. However, great crested newts spend the majority of their life cycle on land.
- 1.5 On land GCN forage for food, disperse, and/or rest. Foraging for invertebrate prey occurs in terrestrial habitats such as woodland, rough grasslands and hedgerows, with foraging and dispersal over land occurring mostly at night.
- 1.6 In dry summer or cold winter conditions, GCN are typically in refuge sites such as crevices, tree stumps, and mammal holes below ground or above ground in leaf litter, woodlands, rubble piles, or log piles. GCN become less active through autumn as night-time temperatures drop to 5°C or below, with most GCN in dormancy by the end of November. GCN will stay dormant in below or above ground hibernacula from November until temperatures consistently become more suitable, typically emerging from over wintering hibernacula sites by late February and then dispersing to breeding ponds. The core hibernation period for GCN is November to mid-February, inclusive.

Reptile Ecology Overview

- 1.7 Six species of reptile occur in the UK:
 - Sand lizard *Lacerta agilis*
 - Viviparous/common lizard *Zootoca (Lacerta) vivipara*
 - Slow-worm *Anguis fragilis*
 - Smooth snake *Coronella austriaca*
 - Grass snake *Natrix helvetica*
 - Adder *Vipera berus*
- 1.8 Of the six species, the site is within the geographical range for and offers suitable habitat for three common species of reptile:
 - Viviparous/common lizard *Zootoca (Lacerta) vivipara*
 - Slow-worm *Anguis fragilis*
 - Grass snake *Natrix helvetica*

Common lizard & Slow worm

- 1.9 Common lizard and slow worm are distributed throughout England. They occur in a wide variety of habitats including most types of rough grassland, heathland, woodland, hedgerows, allotments, residential gardens, brownfield sites, scrub, railway and canal embankments. Common lizards generally require varying habitat structure with adequate cover, sunny basking locations, and hibernation sites. Slow worms will tolerate more homogenous habitats and are primarily fossorial spending most of their lives under ground, under objects, or in leaf litter. Both slow worms and common lizards feed on invertebrate prey.
- 1.10 Common lizards and slow worms are mostly active during the day and can be active from February to November each year.

Grass snake

- 1.11 Grass snake are found across England at primarily lowland sites. This species is mostly associated with wetland sites but can be found in the range of terrestrial habitats also occupied by common lizard and slow worm. Grass snake are a more mobile species of reptile and do not require basking, foraging, egg laying and hibernacula areas to be within the same site. Grass snake prey includes amphibians, fish, and small mammals. Grass snake require humid and warm habitats such as compost heaps for egg laying.
- 1.12 Grass snake hibernate from October to March each year, emerging in spring. Grass snake breed within April to June, typically laying eggs in organic matter such as vegetation, brash piles or manure heaps within June or July. Young hatch from late August to September.

Reptile Hibernacula

- 1.13 Reptile hibernation typically occurs between late October to early March (inclusive), within hibernacula which offers a frost-free environment such as rubble piles, log piles, crevices in soil or rock, fissures around tree roots or buried materials, loose substrates, and dense vegetation.

○ Avoidance Measures

- 1.14 The following precautionary working methods represent reasonable avoidance measures to as far as practicably possible reduce the risk of disturbing, killing or injuring reptiles and amphibians during the clearance of vegetation and rubble piles at the site.
- 1.15 A suitably qualified ecologist would communicate the working methods to all site operatives prior to the start of works, via the Toolbox talk detailed in the following sections. The ecologist would remain on site to supervise key high-risk activities.
- 1.16 The contents of this document will be made available to all site operatives.

Responsibilities

- 1.17 It will be the responsibility of the Suitably Qualified Ecologist to explain the precautionary working methods to the relevant site operatives via the Toolbox Talk. It will then be the client's/ contractor's / operative's responsibility to ensure the measures detailed within this Precautionary Working Method Statement and Toolbox Talk are adhered to and supervised by the Suitably Qualified Ecologist as required.
- 1.18 Failure to follow the Precautionary Working Methods could result in an offence being committed.

Applicable On-Site Habitats

- 1.19 The habitats present on site which offer suitability for amphibians and reptiles, and to which this Precautionary Working Method Statement applies, are poor-semi improved grassland, scrub, tall herb, amenity grassland, hedgerow and brash/ rubble piles (Appendix 3: Phase 1 Habitat Plan), and any other dense vegetation or potential hibernacula which may have colonised or been created since the date of survey, such as brash piles or scrub.

Seasonal Timing of Works

- 1.20 To minimise potential impacts, the works to remove suitable amphibian and reptile hibernacula habitat should be timed to avoid periods of the year when reptiles and amphibians are most at risk. The works at site should be undertaken outside of the core hibernation period of November to February, inclusive. The works should not be undertaken during periods when overnight temperatures are consistently below 5°C.
- 1.21 Where possible, habitat clearance should be undertaken during suitable weather for reptile movement and within the active reptile season of March – September inclusive.

Toolbox Talk

- 1.22 Prior to works, all site operatives including contractor and sub-contractor staff will receive a toolbox talk from a suitably experienced ecologist, to include:
- The legal protection afforded to GCN and Reptiles
 - The precautionary methods of working (outline in the present document)
 - The identification of amphibians (including GCN) and reptiles
 - The procedure to follow should amphibians or reptiles be encountered during works
 - Completion of a signed record of attendance of the Toolbox Talk by all site contractors. The Toolbox Talk Attendance sheet is provided in Appendix 1.

Working Methods

- 1.23 Vehicles or machinery will be kept on hardstanding/ unsuitable habitat and must not encroach the grassland or rubble pile habitats, except during works and in accordance with the working methods. No waste materials will be left in suitable habitat.
- 1.24 Immediately prior to vegetation clearance or removal of rubble piles, the area of suitable habitat to be subject to works will be subject to a search by an ecologist for the presence of amphibians or reptiles. Work will not be permitted until a search has been completed. The search will include hand searching within and beneath suitable refuges such as grassland tussocks, brash piles and rubble. Works will then take place via use of hand tools only where possible.
- 1.25 Any hibernacula such as rubble or brash piles will be dismantled by hand and immediately removed from the working area.
- 1.26 Any grassland or vegetation removal down to bare earth at the site should be undertaken in a staged process as follows:
- Firstly, the vegetation is to be cut or strimmed to a height no less than 150mm and in a directional manner such as to displace reptiles into suitable adjacent retained habitats (where possible). It should be noted that not all species of reptile will be displaced in this way (e.g. slow worm).
 - All arisings will be gently raked and removed from the works area.
 - The remaining vegetation of 150mm height should then be subject to a repeated fingertip search for amphibians or reptiles.
 - Finally, the vegetation may be cleared to ground level once the absence of amphibians and reptiles has been established. If the presence of reptiles or amphibians can't be discounted at this stage, it may be necessary to carry out a second or third vegetation strim of intermediate height, such as 75mm or 30mm dependant on the density of vegetation present.
 - The vegetation can then be stripped to bare ground via use of a toothed bucket under the supervision of an ecologist.
 - The vegetation should then be maintained as unsuitable for amphibians and reptiles (bare ground or very short vegetation) to avoid re-colonisation.
- 1.27 The storage of materials and plant within suitable amphibian and reptile habitat will be avoided (i.e. utilise hard standing or bare ground for storage). Materials or plant left on site overnight should be checked for amphibians or reptiles prior to moving.

Procedure To Be Followed If Amphibians or Reptiles Are Encountered During Works

- 1.28 If GCN are encountered during works, all works must cease immediately, and the ecologist consulted. The animal(s) will be left undisturbed in their place of shelter, and the location restored to its original condition where possible, if the animal is in danger. In this scenario, a Natural England mitigation licence will likely be required to proceed with works lawfully.
- 1.29 If other common amphibians (e.g. smooth newt, common toad, and common frog), or common reptiles (e.g. grass snake, common lizard, and slow worm), are encountered during works these will be left to migrate to adjacent suitable habitat of their own accord or relocated by the ecologist to nearby areas of suitable habitat to be identified prior to works.

References

Elton Ecology, (2022) Preliminary Ecological Appraisal Report. *Land to the rear of 39-45 Whitely Wood Lane, Reading, RG2 8PN*. 31 August 2021.

| Appendix 1: Toolbox Talk Attendance Sheet

Record of attendance for toolbox Talk in relation to Precautionary Working Methods to be employed during works to prevent the killing and injury of reptiles and amphibians.

Name	Company	Role	Date	By signing I agree to comply with this PWMS and have received a briefing on its contents. Signature

| Appendix 2: Planning Policy and Legislation Summary

- 1.30 This appendix serves as a summary of relevant policy and legislation. It is not intended to supersede the policy or legislation documents to which it refers, and the relevant full documents should always be consulted prior to decision making. The following text does not constitute legal or planning advice.

National Planning Policy Framework 2021

- 1.31 Biodiversity is a material consideration under the National Planning Policy Framework (2021). Key text relevant to biodiversity from the NPPF is extracted below.

- 1.32 In Section 2 of the NPPF 'Achieving sustainable development', paragraph 8(c), the NPPF sets an environmental objective:

"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): [...]"

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

- 1.33 In Section 15 'Conserving and enhancing the natural environment', the NPPF states that:

"174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; [...]"

"175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

"179. To protect and enhance biodiversity and geodiversity, plans should: a) 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 (Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system); wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation

(Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them); and

b) 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.”

“180. When determining planning applications, local planning authorities should apply the following principles:

a) 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;

b) 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;

c) 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 (for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

“181. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites (Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site); and

c) 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.”

“182. 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.”

“185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

Government Circular ODPM 06/05 Biodiversity and Geological Conservation

- 1.34 The government circular provides administrative guidance on the application of statutory obligation and legislation relating to planning and nature conservation in England. It complements the National Planning Policy Framework. The document includes guidance on designated sites (international and national), habitats, and protected species.
- 1.35 Relating to protected species and the requirement for their consideration in planning applications, the government circular, in paragraph 98 details that:
- 1.36 *“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature [now Natural England] before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned.”*
- 1.37 Paragraph 99, relating to the requirement and timing of protected species survey and mitigation, the government circular states that:
- 1.38 *“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 the 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 the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a [Natural England] licence.”*

Government Standing Advice

A range of standing advice is available on the .Gov web pages under ‘Planning and Development’ from Natural England and Defra, entitled “Protected sites and species: detailed information”.

The Conservation of Habitats and Species Regulations (2017) (as amended)

- 1.39 The term ‘European Protected Species’ (EPS) is used to describe species listed on Schedule 2 of the The Conservation of Habitats and Species Regulations 2017 (as amended). Regarding these species, Regulation 43 of the Regulations make guilty of an offence a person who:
- *“Deliberately captures, injures or kills any wild animal of a European protected species;*
 - *Deliberately disturbs wild animals of any such species;*
 - *Deliberately takes or destroys the eggs of such an animal, or;*
 - *Damages or destroys a breeding site or resting place of such an animal [...]*”

- 1.40 Regulation 43 defines that the disturbance of animals includes any disturbance which is likely to:
- Impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young; or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - to affect significantly the local distribution or abundance of the species to which they belong.
- 1.41 A person guilty of an offence under Regulation 43 is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

Wildlife and Countryside Act 1981 (As Amended)

- 1.42 The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) lists species on Schedule 5 for which the Act make it an offence to:
- Intentionally kill, injure or take;
 - Recklessly or intentionally damage or destroy, or obstruct access to any structure or place which any wild animal included uses for shelter or protection;
 - Recklessly or intentionally disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.
- 1.43 Some species receive partial protection under the Act, which limits their protection under the Act to intentional killing or injury.
- 1.44 All wild nesting birds are protected under the Act, making it an offence to:
- Intentionally kill, injure or take any wild bird; and
 - Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
- 1.45 Some bird species are afforded special protection via their inclusion in Schedule 1 of the Act, which makes an offence to intentionally or recklessly disturb any schedule 1 bird building a nest or which is in, on or near a nest containing eggs or young; or to disturb dependent young of such a bird, or whilst such a bird 'leaks' (i.e. congregates for community courtship behaviour).
- 1.46 Schedule 9 of the Act makes it an offence to cause any plant listed to grown in the wild, unless all reasonable steps were taken to prevent an offence and due diligence was exercised.
- 1.47 The Act sets out provisions to protect Sites of Special Scientific Interest (SSSI).

Natural Environment and Rural Communities Act 2006

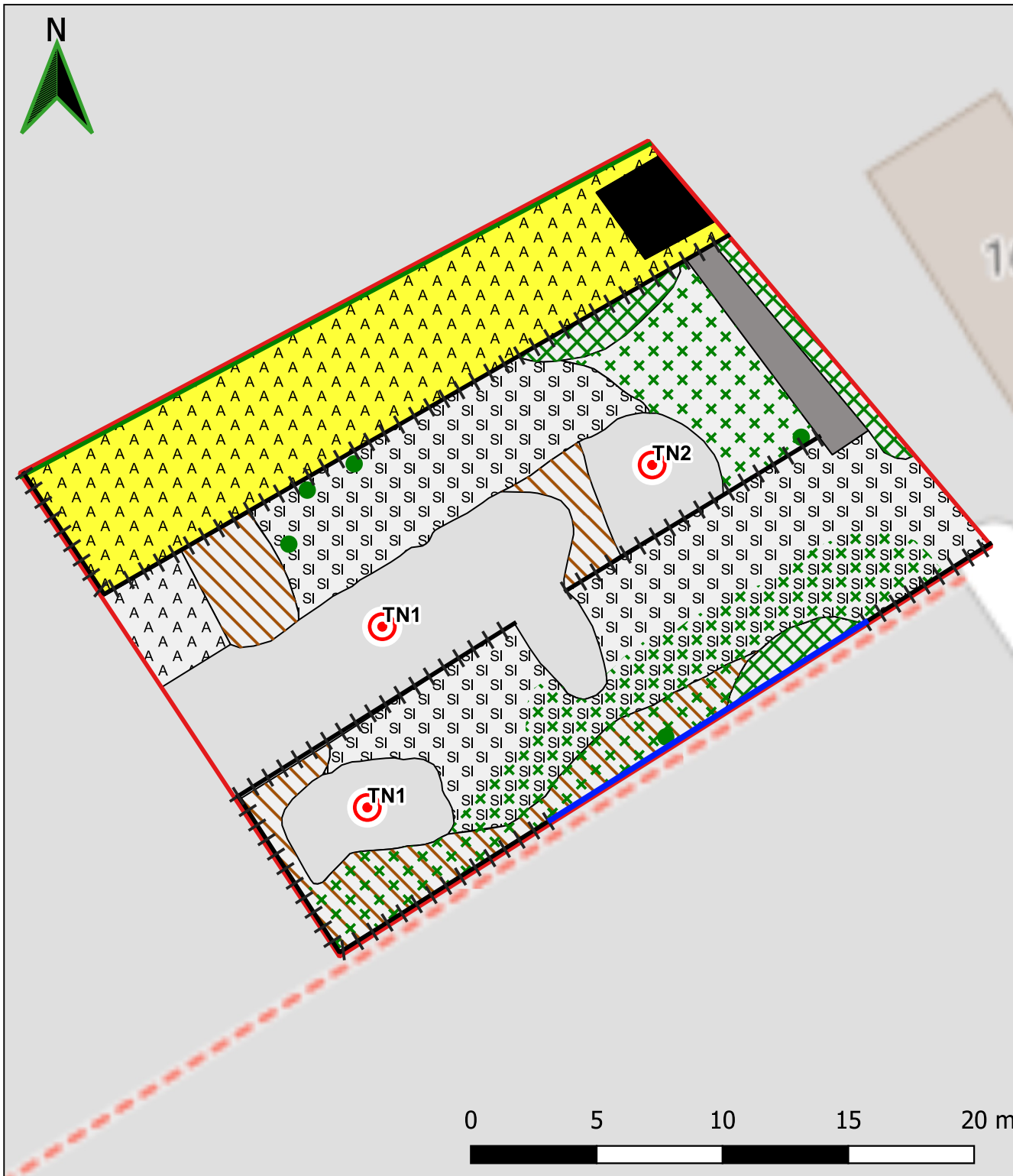
- 1.48 Section 40 of the Act places a legal duty on public authorities (including planning authorities) to have regard to biodiversity conservation in their normal functions (including planning applications).
- 1.49 Under Section 41 of the Act, lists of Habitats of Principal Importance (HPI) and Species of Principal Importance (SPI), of principal importance for the purpose of conserving

biodiversity, are produced which serve to guide public authorities in carrying out their functions with consideration for biodiversity conservation.

Wild Mammals (Protection) Act 1996 (as amended)

- 1.50 The Act protects wild mammals against certain cruel acts, including intentional crushing, downing or asphyxiation.

| Appendix 3: Phase 1 Habitat Plan



Legend

- Site Boundary
- A2.1 - Scrub - dense/continuous
- A2.2 - Scrub - scattered
- B6 - Poor semi-improved grassland
- C3.1 - Other tall herb and fern - ruderal
- J1.1 - Cultivated/disturbed land - arable
- J1.2 - Cultivated/disturbed land - amenity grassland
- J3.6 - Buildings
- J5 - Hardstanding
- J2.1 - Hedgerow
- J2.4 - Fence
- J2.5 - Wall
- ⊙ Phase 1 Target Notes
- Phase 1 Trees

Project:

39-45 Whitely Wood Lane, Reading

Drawing:

Appendix 3: Phase 1 Habitat Plan

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