

BOW17.1593- Wilson Road, Water Vole Precautionary Working Method Statement V1

Introduction

This Precautionary Working Method Statement (PWMS) has been produced by Bowland Ecology Ltd for DJL Construction in relation to the proposed works at Wilson Road, Huyton, North Merseyside (Planning Ref: DN 25-00205-FUL).

The purpose of the PWMS is to provide a guidance document for all relevant personnel while planning and undertaking site works within 5 m of the top of bank of Logwood Mill Brook. The scope of the proposed site works is understood to comprise warehouse development and associated landscaping.

This PWMS relates to all works on site with specific requirements for works within 5 m of the top of bank of Logwood Mill Brook which borders the north-eastern boundary of the site. The survey identified no evidence of resident water vole (Document Ref: BOW17.1593_Wilson Road, Huyton_Water Vole Ecological Advice Note V2). Given the poor habitat quality, the presence of a resident population is considered highly unlikely. However, occasional dispersal through the watercourse cannot be entirely ruled out and therefore a precautionary approach is adopted. Populations of brown rat (*Rattus norvegicus*) were found to be utilising small mammal burrows, a range of Introduced Non-Native Species (INNS) were also noted.

This report addresses the following planning condition:

'Prior to the commencement of development hereby permitted a Precautionary Working Method Statement (PWMS) shall be submitted to and approved in writing by the Local Planning Authority. The PWMS shall include:-

- *A 5-metre works exclusion zone from the top of the bank at Logwood Mill Brook (fenced and demarcated);*
- *A pre-commencement check for water vole by an Ecological Clerk of Works (ECOW)*
- *Supervision of works within the 5-metre buffer zone by an ECOW.*

The development shall thereafter be carried out in accordance with the approved method statement.

Reason: To ensure adequate protection for water voles in Logwood Mill Brook which are a protected species and to ensure compliance with Policy CS8 in Knowsley Local Plan Core Strategy, adopted January 2016.'

Legislation

Full detail of all relevant legislation is provided within Appendix A. Water vole is afforded protection under Schedule 5 of the Wildlife and Countryside Act 1981. Under this legislation it is an offence to:

- Deliberately capture, injure or kill a water vole;
- Deliberately damage, destroy or block access to a place of shelter or protection
- Deliberately disturb a water vole in a place of shelter or protection; and
- Possess, sell, control or transport live or dead water voles, or parts of water voles.

Assessment of Risks and Working Methods

Table 1 below details the identified risks and proposed control measures.

Table 1: Risk assessment and control measures.

Work Activity	Receptor(s)	Risk(s)	Control Measure(s)
Works within 5m of the Logwood Mill Brook banktop	Water Vole	Disturbance/harm of water vole potentially including entrapment in open excavations	A 5-metre works exclusion zone from the top of the bank at Logwood Mill Brook will be demarcated and fenced. A pre-commencement check for water vole will be undertaken by an Ecological Clerk of Works (ECoW). The contractor is responsible for appointing a suitably qualified and experienced ECoW. All works within the 5-metre buffer zone will be supervised by an ECoW. Contractors to be made aware of the potential for water vole presence during the works, and posters in Appendix B to be clearly displayed in site cabins. The appointed ECoW will brief contractors on risk prior to works within the 5 m buffer zone. Ensure any open excavations are either covered or backfilled at night to prevent entrapment. Alternatively, holes or excavations will be fitted with earth ramps or wooden ramps at an angle of no steeper than approximately 30–45° to allow any trapped animals to escape. Open pipes will be capped or sealed at the end of each working day to prevent animals entering and becoming trapped. Where caps are not available, pipes should be stored vertically or raised off the ground. All excavations will be inspected at the start of each working day before works recommence to check for trapped animals. Where practicable, night working adjacent to the brook or illumination of the riparian corridor will be avoided during darkness. If a mammal, reptile or amphibian is found, let it disperse freely. However, if water vole is encountered at any point, works must cease and the project Ecologist must be consulted immediately for further advice.

All Works	Watercourse	Pollution events	All works to proceed in accordance with the measures described in Guidance for Pollution Prevention specifically GPP5: Works and maintenance in or near water (February 2018). Installation of silt fencing or choir matting where significant erosion is anticipated, to reduce surface run off and prevent sediment entering the brook. Avoid working in periods of heavy rainfall or wet weather. Vehicle refuelling in designated compounds/area at least 10 m from the brook. Any fuel will be stored in double bunded containers at least 10 m from the brook. Drip trays or plant nappies to be used when refuelling and left under stationary machinery. Oil spill kits to be kept on site and within all vehicles. All materials such as excavated topsoil must be stored in a bunded area away from the brook and protected from potential rainfall and runoff.
	Invasive Non-Native Species	Spread of INNS, specifically Himalayan balsam, Japanese knotweed and Cotoneaster	All personnel and contractors will follow the Check, Clean, Dry procedure promoted by the GB Non-Native Species Secretariat to prevent the spread of INNS (Appendix B); Contractors to be made aware of the potential for INNS to colonise the site at any time, and posters in Appendix C to be clearly displayed in site cabins. All machinery, pumps, tools and footwear used in or near the watercourse will be inspected and cleaned of mud, plant material and debris both before arriving on site and before leaving the site. Equipment used within the river will be drained and, where necessary, disinfected before being moved to other waterbodies. Any imported materials (e.g. stone or aggregate) will be sourced from reputable suppliers and inspected to ensure they are free from invasive plant material.

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Appendix A – Legal Information

This report provides guidance of potential offences as part of the impact assessment. This report does not provide detailed legal advice and for full details of potential offences against protected species the relevant acts should be consulted in their original forms i.e. The Wildlife and Countryside Act, 1981, as amended, The Countryside and Rights of Way Act 2000, The Natural Environment and Rural Communities Act, 2006 and The Conservation of Habitats and Species Regulations 2017.

Species	Legislation	Offences	Notes on licensing procedures and further advice
Species that are protected by European and national legislation			
Water vole	Wildlife and Countryside Act 1981 (as amended) ² S.9, S16	Intentionally kill, injure or take water voles; Intentionally or recklessly ¹ damage, destroy or obstruct access to any structure or place used for shelter or protection; Disturb a water vole in such a place.	No licence is required for survey in England, unless you are likely to commit an action that is otherwise illegal. There are currently no licensing purposes that explicitly cover development activities or activities associated with the improvement or maintenance of waterways. However when a proposed lawful activity has no opportunity to retain water voles within a development site and their translocation would result in a conservation benefit then a licence from NE may be obtained. <i>The Water Vole Conservation Handbook</i> (R. Strachan, T. Moorhouse & M. Gelling, Wildlife Conservation Research Unit (WildCRU), 3rd Edition 2011). https://www.gov.uk/water-voles-protection-surveys-and-licences Water voles and development licensing policy - NE Technical Information Note TIN042 2008

¹The term 'reckless' is defined by the case of Regina versus Caldwell 1982. The prosecution has to show that a person deliberately took an unacceptable risk, or failed to notice or consider an obvious risk. ²The Wildlife and Countryside Act (1981) has been updated by various amendments, including the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006. A full list of amendments can be found at <https://jncc.gov.uk/our-work/wildlife-countryside-act/>

Habitats & Species	Legislation	Guidance
Species and Habitats of Principal Importance for the Conservation of Biodiversity	Natural Environment & Rural Communities Act 2006 S.40 (which superseded S.74 of the Countryside & Rights of Way Act 2000).	S.40 of the NERC Act 2006 sets out the duty for public authorities to conserve biodiversity in England. Habitats and species of principal importance for the conservation of biodiversity in England (identified by the Secretary of State in consultation with NE) are referred to in S.41 of the NERC Act: http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx The list of habitats and species was updated in 2007 to ensure that it remained focussed on the correct priorities: https://jncc.gov.uk/our-work/uk-bap/ The criteria for selection included international threat, responsibility and importance, rate of decline/risk, importance of habitats for key species, and other important factors. Ecological impact assessments should include an assessment of the likely impacts to these habitats and species.

Appendix B – Contractor Information Sheets

Water Vole



Water vole may be present on site or in the area. Please read for information, legal responsibility and best practice in the consultancy industry.

Legal Information

Water Voles receives protection under Schedule 5 of the Wildlife and Countryside Act 1981, in practical terms this means it is an offence to;

- Deliberately capture, injure or kill a water vole;
- Deliberately damage, destroy or block access to a water vole place of shelter or protection;
- Deliberately disturb a water vole in a place of shelter or protection; and
- Possess, sell, control, or transport live or dead water voles, or parts of water voles.

Penalties on conviction: the maximum fine is unlimited, up to six months in prison, per offence and forfeiture of items used to commit the offence, e.g. vehicles, plant, machinery.

Under legislations of Schedule 16 of the Wildlife and Countryside Act 1981, disturbance licences can be obtained.

Found a water vole?

- If you find or suspect water vole on site or in your working area, you must **stop works immediately contact the project ecologist for further advice (Call 01200 446 777);**
- Contractors should avoid handling water vole. Only handle if the animal is in immediate danger, using gloved hands; and
- If handling is necessary to move water vole away from harm, it should be placed in a breathable box/safe place until the ecologist has been contacted.

Activities that can affect water vole

- Disturbance or destruction of watercourses, in particular bank side habitats; and
- Activities resulting in a change of water quality, for example chemical pollution or siltation.

Recognising water vole



- Well vegetated, grassy, 45° sloping banks are optimal bank-habitat;
- Slow flowing or stagnant, deep water is preferred; and
- Burrows are oval shaped, around 5-8cm wide along the bank faces and water edge.



- Water vole droppings are distinct, usually 8-10mm long and strongly resemble a large 'tic-tac' mint; and
- Droppings can be found in piles, individually, or most often in 'latrines' which is a regularly used location with trampled droppings.



- Another distinctive sign is neat piles of chewed lengths of vegetation left after feeding; and
- Sections are typically 8cm long and have 45° cuts to their ends.

Himalayan Balsam

Information, legal responsibility and practice in the consultancy industry



Legal Information

In England it is illegal to plant or provoke the spread of Himalayan balsam. If taken away from the site of origin, Himalayan Balsam and its associated materials, e.g. soil, become classed as Controlled Waste and must be disposed of at an authorised landfill site. New powers are given to environmental authorities to enter into control agreements with landowners, to ensure action is taken to control non-native invasive species on their land. Legislation governing the spread of Himalayan balsam in England includes:

- Wildlife and Countryside Act 1981 (as amended) Section 14, Schedule 9;
- Environmental Protection Act 1990 S33 & 44; and
- Infrastructure Act 2015 Sections 23 to 25.

Management

- Prior to commencement of works staff should be made aware of the presence and location of Himalayan balsam on site, including a 7 m buffer zone should be marked out with Hi-Viz fencing;
- If the plant is to be removed, it should be hand-pulled prior to the plant setting seed (around June), to prevent dispersal;
- Biosecurity measures implemented whilst on site to prevent cross contamination, adherence to the Check, Clean, Dry method following every working window; and
- Himalayan balsam is classed as controlled waste. As such, all arisings and potentially contaminated soil from the plant must be disposed of according to Government Guidance.

Impacts

Himalayan balsam is a non-native, rapidly colonising plant. It negatively impacts the growth and success of native plants and significantly alters soil structure. The species rapidly dominates an area, creating dense monoculture stands, commonly observed on riverbanks, but also within woodland and other habitats with damp ground.

Distribution - Widely found across lowland England and Wales. Scarier in Scotland.



Identifying key features



Young seedling



Reddish leaves



Single stem



Flower head/ seed pods



Flower head



Reddish stem



Short roots



Dense stand



Dead stand

Identifying Himalayan Balsam

- Himalayan balsam is a tall, annual plant. As a mature plant it can grow up to 3 m in height and is easily recognisable with pink/purple flowers, a fleshy stem, turning more pink/red in the summer and lanceolate shaped, long, green leaves tinged with pink forming dense strands, common along watercourses and other damp habitats.
- In late July/August the exploding seed pods appear. These pods, enable the plant to disperse seeds up to distance of 7 m from the mature plant, enabling the effective spread of the plant in the wild.

Useful Guides

GB non-native species secretariat

<http://www.nonnativespecies.org/home/index.cfm>

Prevent harmful weeds and invasive non-native plants spreading

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

Property Care Association

<http://www.property-care.org/homeowners/invasive-weed-control/>



Japanese Knotweed

Information, legal responsibility and practice in the consultancy industry

Legal Information

It is illegal to plant or provoke the spread of Japanese knotweed. If taken away from the site of origin, the plant and its associated materials, e.g., soil, are classed as controlled waste and must be disposed of at an authorised landfill site. New powers are given to environmental authorities to enter into control agreements and orders with landowners, to ensure action is taken to control non-native invasive species on their land.

Legislation governing the spread of Japanese knotweed includes:

- Wildlife and Countryside Act 1981 (as amended) Section 14;
- Environmental Protection Act 1990 S33 & 44; and
- Infrastructure Act 2015 Sections 23 to 25.
- Natural Environment (Scotland) Act 2011

CONTROLLED
WASTE
AREA

Impacts

Japanese knotweed is a non-native species that when established forms dense stands, commonly found in riparian habitats and other areas where the ground has become disturbed. The dense, monoculture stands reduce biodiversity and dominate the landscape, outcompeting native species. The plant can also grow through tarmac and concrete causing damage to buildings and roads.



Key ID features



Management

- Prior to commencement of any works on site staff should be made aware of the presence and location of Japanese knotweed on site including a 7m buffer zone should be marked out with Hi-Viz fencing;
- The use of mechanical plant over-infected areas should be kept to a minimum, and biosecurity measures should be implemented whilst on site to prevent cross contamination. This includes the cleaning of footwear and machinery, prior to, and on completion of each working window to ensure that the plant is not taken off or spread around the site;
- The plant can be managed several ways;
 - Spraying with approved herbicides, over a three year period to ensure rhizomes become dormant;
 - Burying and/or burning, further guidance should be sought beforehand from the EA and LPA.
- Japanese knotweed is classed as controlled waste. As such, all arisings and potentially contaminated soil from the plant must be disposed of in an appropriate manner to ensure that the waste does not cause pollution of the environment.

Identification

There are three main species of Japanese knotweed; Japanese knotweed (*Fallopia japonica*) the most widespread species; giant knotweed (*Fallopia sachalinensis*); and a hybrid Knotweed (*Fallopia x bohemica*). Japanese knotweed is a herbaceous perennial that produces green/reddish shoots in early spring. The plant can reach to heights of 3 m before dying back in autumn. The stem, is green with red and/or purple specks and forms dense cane-like clumps. The plant's shoots and leaves, which can be up to 12 cm long, densely cover the ground and are arrow shaped.

Distribution

Japanese knotweed is widely distributed across most of lowland England and Wales but is more scarce in Scotland. Areas highlighted in dark green are hotspots.



Useful Guides

GB non-native species secretariat:
<http://www.nonativespecies.org/home/index.cfm>
Preventing Japanese knotweed from spreading
<https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>
Property Care Association
<http://www.property-care.org/homeowners/invasive-wood-control>

STOP THE SPREAD

Invasive plants and animals harm the environment and block waterways. They can be small and hard to spot so are easily spread on damp clothing and equipment.

Protect the environment you enjoy:

CHECK

Check your equipment, boat, and clothing after leaving the water for mud, aquatic animals or plant material. Remove anything you find and leave it at the site.

CLEAN

Clean everything thoroughly as soon as you can, paying attention to areas that are damp or hard to access. Use hot water if possible.

DRY

Dry everything for as long as you can before using elsewhere as some invasive plants and animals can survive for over two weeks in damp conditions.

Find out more about invasive plants and animals and how you can help to stop the spread at:
nonnativespecies.org/checkcleandry



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