

# Technical note:

## Caesar's Camp, Aldershot

### Ecological Method Statement (EMS) for soil sampling

## 1 Introduction

Wood Group UK Ltd (hereafter referred to as Wood) has been commissioned by National Grid to provide ecological consultancy services in relation to the extraction of soil samples from Caesar's Camp, Aldershot (approximate central grid reference: SU 840 505) (the 'Site').

An ecological walkover carried out by Wood in 2021 identified the potential for several protected species to be present on the Site, including reptiles and breeding birds. Furthermore, the Site is located within the Thames Basin Heath Special Protection Area (SPA) which is designated for supporting breeding bird populations of European importance comprising heathland specialist species including woodlark, nightjar and Dartford warbler. In order to comply with legislation relating to these species this Ecological Method Statement (EMS) has been developed, with reference to legislation and/or best practice guidance (**Table 1**).

The extraction of soil samples is scheduled to be carried out from 13 September 2021 for one week, the samples will be stored in bags to be collected the week after.

**It should be noted that any operative or contractor working within the Site as described in this EMS who does not adhere to precautions set out in the following sections may be contravening legislation relating to protected species, designated sites and/or invasive plants and therefore risks facing prosecution.**

Table 1.1 Best practice guidance on relevant species at Caesar's Camp, Aldershot.

Species	Relevant legislation and best practice guidance
Thames Basin Heaths Special Protection Area (SPA)	<i>Wildlife and Countryside Act 1981</i> (as amended) <i>The Conservation of Habitats Regulations 2017</i>
Badger	Protection of Badgers Act, 1992 Cresswell P, Harris S & Jefferies DJ (1990). <i>The History, Distribution, Status and Habitat Requirements of the Badger in Britain</i> . Nature Conservancy Council, Peterborough.
Other mammals	<i>Wild Mammals (Protection) Act 1996</i>
Breeding birds	Section 1 of the <i>Wildlife and Countryside Act 1981</i> (as amended) and Schedule 1 of the Act
Amphibians and reptiles	GCN - Schedule 5 of the <i>Wildlife and Countryside Act 1981</i> (as amended) and Schedule 2 of the <i>Conservation of Habitats and Species Regulations 2017</i> English Nature (2001). <i>Great Crested Newt Mitigation Guidelines</i> . English Nature, Peterborough.

Species	Relevant legislation and best practice guidance
	Reptiles - Schedule 5 of the <i>Wildlife and Countryside Act 1981</i> (as amended) Froglife (1999). <i>Froglife Advice Sheet 10 Reptile Survey</i> . Froglife, Suffolk.
Invasive species	Schedule 9 of the <i>Wildlife and Countryside Act 1981</i> .

## 2. Roles and Responsibilities

It is the responsibility of the Site owner Ministry of Defence (MOD), the Principal Contractor (Wood), and any sub-contractors to carry out the works in a manner which will not contravene the legislation (See **Appendix A**), or the measures described within the EMS. It is their joint responsibility that the soil sampling is conducted in accordance with the timings and methods of ecological mitigation detailed in this EMS unless prior written agreement from the Project Ecologist is obtained. The roles and responsibilities for implementing, monitoring and updating the EMS where required are described in **Table 2.1**. Contact information for the Project Manager and the Project Ecologist/ECoW will be displayed on Site.

Table 2.1

Role	Responsibilities	Contact Details
<b>Wood Project Manager</b>	Overall responsibility for ensuring conformance with the EMS. Incident investigation Organising environmental surveys	
<b>Wood Lead Engineer</b>	Site inspection Monitoring of works Overseeing and monitoring all environmental management plans Liaison with third parties and licensing authorities Discharging consent conditions	
<b>Principal Contractor Wood</b>	Incident investigation Monitoring of contractor compliance with plans and procedures Site inspection	
<b>Wood Project Ecologist</b>	Overseeing and monitoring the implementation of the EMS	
<b>Wood Ecological Clerk of Works (ECoW)</b>	Supervising and monitoring the implantation of the EMS onsite Undertake inspections, surveys and monitoring as set out in the EMS Provide the initial briefing (Toolbox Talk) to contractors and operatives on site Liaise with the Wood GI Project Manager (and/or other Competent Person onsite) with advisory actions and responsibilities as appropriate	
<b>Competent Person</b>	Ensuring that the measures detailed in the EMS are implemented in full Undertake general inspections of working areas should the Project Ecologist determines that specific	

Role	Responsibilities	Contact Details
	ecological supervision is not required for certain aspects of works Liaise with Project Ecologist or the ECoW as required	

The ECoW will oversee and quality control the implementation of the ecological tasks undertaken and advise where necessary to apply measures as described in the EMS.

A Competent Person will be appointed by the Project Manager who will be responsible for ensuring that the measures detailed in the EMS are fully implemented. The role of the Competent Person/s will be to carry out general inspections of the working areas should the Project Ecologist/ECoW determine that ecological supervision is not required for an aspect of work.

The Project Ecologist and/or ECoW maintain the right to stop works in the event of;

- A serious non-compliance event occurs which may result in the contravention of legislation pertaining to protected or invasive species;
- Unexpected damage or disturbance to habitats/species; and
- The discovery of previously unidentified ecological constraints.

### 3. General Measures

General mitigation measures that need to be implemented during the works, at any time of year, are set out below.

- The Project Manager will appoint a site operative as the Competent person who will be responsible for ensuring that the measures detailed in the EMS are fully applied. The Competent Person(s) will undertake general inspections of working areas should the Wood Project Ecologist or the ECoW determine that specific ecological supervision is not required for a given aspect of the works.
- Where the Wood Project Ecologist has explicitly agreed that the risk to ecological receptors is low, works may proceed without direct ecological supervision provided that the requirements of this EMS are adhered to at all times.
- The Competent Person site operative will be identified to take responsibility for the day-to-day implementation of the avoidance/mitigation measures contained in this EMS, and to liaise with the Project Ecologist/ECoWs as required.
- The Project Ecologist or ECoW will deliver toolbox talks (TBT) in the first instance to any new contractors starting work on the site, to ensure all contractors are aware of the issues. Following the start of works and subject to agreement with the Project Ecologist, responsibility for the delivery of toolbox talks may also be delegated to the Competent Person. Contractors will be asked to sign a statement confirming that they have received and understood the toolbox talk. An ecological toolbox talk poster which could be used during the briefing and includes a summary of legislation, photo IDs of relevant species for the site and contact details of the Wood Project Ecologist and ECoW can be found in **Appendix B**. The Project manager/engineer must maintain a record of this briefing and a register is provided in **Appendix** □
- A brief walkover check for protected species must be completed by the Competent Person(s) / ECoW prior to any excavation works in previously undisturbed areas.

- **Under no circumstances should the habitats outside the agreed works area be disturbed or impacted by the works. Works outside the agreed areas may require additional survey or mitigation and potentially discussions with Natural England due to the location of the working area within a statutory designated site.**
- Retained trees (T3) and their root protection zones, should be safeguarded in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* unless subject to specific measures (see below).
- Appropriate best-practice pollution prevention and run-off control measures should be employed. Guidance documents (BS5930) detailing current industry best-practice for managing site-derived pollutants, should be followed for all works unless additional measures and/or more appropriate approaches are identified by the contractors.
- Materials or spoil should be stored on hardstanding or on a previously identified bare earth area. If this not possible then materials must be appropriately protected to prevent species accessing them. This could include, depending on the material:
  - ▶ Storage on pallets;
  - ▶ Storage in bags / other containers;
  - ▶ Temporary enclosure of small material piles etc. with plywood fencing or similar; or
  - ▶ Temporary compaction of spoil mounds so cracks and crevices do not provide suitable refugia for reptiles and amphibians.
- Site staff and contractors should be aware that protected species may be found sheltering amongst refugia such as spoil or brash piles.
- No works should take place after sunset, unless essential, and if temporary site lighting is to be used, it should be directed away from adjacent natural habitats and should not spill on to these.
- Any obvious mammal trails through the site should be identified and remain clear of obstruction.
- All operatives will remain vigilant throughout the works and if amphibians, reptiles or nesting birds or legally controlled (e.g. Japanese knotweed) species are observed within the Site boundary or the surrounding habitats, work should stop immediately and the Project Ecologist/ECow notified. The Project Ecologist will provide advice on how best to progress with the works. Although these measures are necessary specifically in relation to protected species, contractors should treat any animals with similar due care and attention.
- The Competent Person can carefully remove any other species (e.g. smooth newt, common toad, reptiles, hedgehog) to similar habitat that is away from working areas, if they are found. This should only be done if the Competent Person is able to confidently identify the species present.
- In order for this document to remain valid, the works must be carried out in line with the programme and scope of work detailed within this document (**Section 1**) and it is therefore imperative that the timetable is adhered to in order to avoid causing a potential contravention of the legislation. If changes to the programme and scope of work are required at any stage of construction, this Method Statement would need to be reassessed in consultation with the Project Ecologist prior to the works taking place.

## Receptor specific measures

In addition to the general measures detailed in **Section 3**, specific mitigation and avoidance measures are required for this Site and are set out in the following sections.

### 3.1 Badger

The Site provides suitable habitat for sett creation and foraging for badgers in the form of grassland, woodland and heathland albeit no evidence of badger was identified on the day of the walk over. The following measures are to be implemented to minimise the risk of harm to badgers or damage/disturbance to their setts if present (in compliance with the *Protection of Badgers Act 1992*):

- A pre-works check by the ECoW should be undertaken of the proposed excavation areas as well as a 30m buffer to check for the presence of newly created setts or evidence of badger activity.
- The ECoW should provide a TBT to the contractors prior to any works. The TBT will highlight that badgers could be present (or are present if setts are identified during the pre-works walk over), the legal implications associated with the species and the measures that must be taken to ensure compliance with legislation.
- If setts are identified, the ECoW will mark out the following:
  - ▶ A 30m buffer area surrounding the sett, prior to works commencing; and
  - ▶ No excavation works should be undertaken within 30m of a sett entrance <sup>1, 2, 3</sup>.
- Any excavations required within this threshold distance may require a licence from Natural England. Works requiring a licence can typically only be undertaken during July-November inclusive, outside the badger breeding season.
- All personnel must remain vigilant and report to the Project Ecologist if, once works have commenced, any excavations of sufficient size to be created by badger are observed within 30m of the working area.

### 3.2 Reptiles and amphibians (including GCNs)

The habitat within the Site (heathland, scrub and grassland) provide suitable habitat for a number of different reptile and amphibian species. It is recommended that the excavation works and any vegetation that needs to be removed as part of the soil sampling are carried out following precautionary measures:

- Any vegetation to be cleared within suitable habitat for reptiles and amphibians will be cleared under the direct supervision of the ECoW, unless specifically agrees with the Project Ecologist/ECoW;
- The minimum amount of vegetation will be cleared in order to enable works to proceed safely in each location;

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<sup>1</sup> Natural England (2007). *Badgers and Development: A Guide to Best Practice and Licensing* (Interim Guidance Document).

<sup>2</sup> English Nature (1995). *Species Conservation Handbook: Badgers*. English Nature, Northminster House, Peterborough.

<sup>3</sup> English Nature (2002). *Badgers and development*. English Nature, Northminster House, Peterborough.

- **A two-stage cut will be implemented using hand tools** when removing vegetation under guidance and supervision of the ECoW;
- ▶ **All vegetation to be removed should be first be cut to a level of 20cm using hand tools;**
- ▶ At least one-day later, having allowed time for disturbed animals to move out of the area of reduced vegetation, but no more than five days later as animals may start to recolonise the undisturbed habitat, the ECoW will repeat the walkover;
- ▶ The ECoW will then directly supervise while the vegetation is taken as close to the ground as possible using hand tools such as loppers or strimmers;
- ▶ Following the vegetation removal to ground level, an excavator can extract the soil once the ECoW has deemed the area free of wildlife.
- Vegetation will be directionally cleared as advised by the ECoW, to encourage any animals which may be present within the working area to move into suitable adjacent habitat outside of the working area;
- All cut vegetation should immediately (before sunset on the same day) be carried from the working area and disposed of in a location agreed by the ECoW, or chipped and spread thinly away from the working areas (also agreed by the ECoW);
- Existing features such as refugia (e.g. rubble and logpiles) or hibernacula should ideally be avoided as advised by the ECoW. If this is not possible they should carefully be dismantled by hand under supervision by the ECoW;
- Once a working area has been prepared in line with this EMS, and the working area has been deemed de-risked from potential impacts to reptiles, amphibians and nesting birds, the proposed works can proceed without further direct supervision;
- Any reptile or amphibian (excluding great crested newt) found during these activities will be safely caught by the ECoW and relocated out of harm's way, released in suitable habitat beyond the working area;
- **Following initial assessment of the site, it has been determined that works can proceed under this EMS. In the unlikely event a great crested newt is found at any stage of the works, all works would have to stop immediately and be placed on hold until such a time that an EPS Mitigation Licence had been granted.**

### 3.3 Nesting birds

There is the potential for nesting birds to be present within the habitats on Site, however with the excavation works being carried out in mid-September the likelihood of nesting birds being present is considered low. The following measures have been included as a precaution in case further vegetation is to be removed as part of the soil sampling works:

- A physical check for nests in the vegetation and bare earth will be carried out on the areas to be excavated;
- If no active nests are identified hand tools (Strimmer/lopers) will be used to cut the vegetation to a minimum height of 20cm (to avoid harm to other animals that may be on the ground);
- The ECoW will supervise the initial cut and stand so that they are at a safe distance from the contractor but able to see the vegetation being cut;

- Periodically (every 2-3m) or if the ECoW suspects a nest is present the ECoW will stop the contractor and carry out another check of the vegetation;
- Once the ECoW has deemed an area free of nesting birds, clearance can continue.

### 3.4 Other important and/or notable species

The habitats on-site may support other important and/or notable species including species of moth, butterfly and plants. Works can proceed with the adoption of the general mitigation measures in this EMS.

Issued by



Approved by



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## Appendix A

# Summary of Relevant Legislation

### Badger

Badgers and their setts are legally protected under the Protection of Badgers Act 1992. This makes it an offence to:

- Wilfully kill, injure, take or attempt to kill a badger;
- Interfere with a badger sett by damaging a sett or any part thereof;
- Destroying a sett; and
- Obstructing access to a set or disturbing a badger while occupying a sett.

The 1992 Act defines a badger sett as: "any structure or place which displays signs indicating current use by a badger"

### Great Crested Newt

The great crested newt is listed in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is afforded protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence, *inter alia*, to:

- Deliberately capture, injure or kill any such newt;
- Deliberately disturb any such newt, in particular in such a way as to be likely to:
  - ▶ Impair their ability to survive, breed or reproduce, or rear or nurture their young;
  - ▶ Impair their ability to hibernate or migrate;
  - ▶ Affect significantly the local distribution or abundance of that species.
- Deliberately take or destroy the eggs of such a newt;
- Damage or destroy a breeding site or resting place of any such newt;
- Intentionally or recklessly disturb any such newt while it is occupying a structure or place that it uses for shelter or protection; or
- Intentionally or recklessly obstruct access to any place that any such newt uses for shelter or protection.

This relates to both the aquatic and terrestrial habitat they occupy. The legislation applies to all life stages of this species.

### Reptiles

The four widespread<sup>4</sup> species of reptile that are native to Britain, namely common or viviparous lizard (*Zootoca (Lacerta) vivipara*), slow worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*)

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<sup>4</sup> The other native species of British reptile (sand lizard and smooth snake) receive a higher level of protection in England and Wales under the *Conservation of Habitats and Species Regulations 2010* and the *Wildlife and Countryside Act 1981* (as amended). However, the distribution of these species is restricted to only a very few sites. All marine turtles (*Cheloniidae* and *Dermochelyidae*) are also protected.



(*Naturix helvetica*)), are listed in Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and are afforded limited protection under Section 9 of this Act. This makes it an offence, *inter alia*, to:

- intentionally kill or injure any of these species.

## Birds

With certain exceptions<sup>5</sup>, all wild birds, their nests and eggs are protected by section 1 of the *Wildlife and Countryside Act 1981* (as amended). Therefore, it is an offence, *inter alia*, to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; or
- intentionally take or destroy the egg of any wild bird.

These offences do not apply to hunting of birds listed in Schedule 2 of the Act subject to various controls.

Bird species listed on Schedule 1 of the Act receive further protection, thus for these species it is also an offence to:

- intentionally or recklessly disturb any bird while it is nest building, or is at a nest containing eggs or young; or
- intentionally or recklessly disturb the dependent young of any such bird.

For golden eagle, white-tailed eagle and osprey, it is also an offence to:

- take, damage or destroy the nest of these species (this applies at any time, not only when the nest is in use or being built).

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<sup>5</sup> Some species, such as game birds, are exempt in certain circumstances.

## Appendix B

# Ecological Toolbox Talk

### Introduction

An ecological walkover of the Site was carried out in February 2021 and this identified the potential presence of a number of legally protected species. An Ecological Method Statement (EMS) has been prepared, which details the mitigation and working methods that should be adopted to avoid contravention of the legislation relating to breeding birds, amphibians, reptiles and badgers. This note is to be used by the Ecological Clerk of Works (ECoW) to brief the contractor's Project Manager and any site workers, prior to works commencing. The contractor Project Manager may use the note to brief workers, with the agreement of the Ecological Clerk of Works. All workers must sign the sheet in **Appendix C** of this note to state that they have received the briefing and agree to adhere to all the methods as set out in the EMS.

### Legislation

The survey undertaken on-site identified the potential presence of a number of **legally protected species**. This EMS details the mitigation and working methods that should be adopted to avoid contravention of the legislation. If this is not followed, there is a risk of breaking the law by actions such as:

- Deliberately capturing, injuring or killing an individual of a protected species;
- Damage or destroy a resting place or breeding site of a protected species;
- Deliberately or recklessly disturb an individual of a protected species while it's in a structure or place of shelter or protection;
- Blocking access to structures or places of shelter or protection; or
- Possessing, controlling or transporting live or dead individuals of a protected species.

Any of the following could happen if you're found guilty of any offence:

- You could be fined £5,000 per individual animal;
- You could be sent to prison for up to 6 months.

## Protected species identification



Nightjar nests can be extremely well camouflaged on the ground in amongst heather

Woodlark nest - usually on the ground under grass tussocks or heather



### Breeding Birds

The bird nesting season extends from March to August inclusive, although in mild climate nesting may start in February and extend to September. Nesting occurs in a variety of habitats including heathland, grassland (ground nesting birds), scrub, trees and man-made structures.

The Site is designated as a Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) known to provide habitat for breeding birds (all birds nests are protected under *Wildlife and Countryside Act 1981* (As Amended)), and species afforded additional protection under Schedule 1 of the Act which protects them against disturbance.



### Badgers

Signs of their presence include:

Setts (a D-shaped burrow with a large spoil heap), often in places such as woodland or hedge banks,

'Latrines' or dung pits, particularly around field edges and gateways



### **Great crested newts**

Great crested newts are associated with ponds but during the winter they hibernate in places such as logs, stumps, rubble or other debris in a variety of natural and manmade habitats

They can be harmed when works impact ponds, woodland, scrub, heathland or rough grassland or moving debris such as log piles.



### **Reptiles (slow-worm, common lizard, adder and grass snake)**

They may be found sheltering in vegetation, under debris such as logs, rocks or piles of rubble or waste items. They may also bask in the open on sunny days.

**DO NOT** leave materials in areas where it might be colonised by reptiles. Any debris or materials should be moved with care or moved under direct supervision of a suitably qualified ecologist.



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### Non-Native Invasive Species Identification

Some plant species are listed on Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended), which makes **it an offence to plant them in the wild or otherwise cause them to grow there.**

The following three species are commonly found, and staff should be vigilant for their presence:

#### Japanese Knotweed



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#### Himalayan Balsam



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#### Giant Hogweed



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### Action

If any species, or signs characteristic of protected species in the vicinity of the works are apparent, **OR IF IN ANY DOUBT**, stop the works immediately and contact either:

The Wood Project Manager

The Wood Project Ecologist

**The species involved may then be identified and appropriate action such as further surveys or mitigation taken;**

**Do not attempt to move any species found unless instructed to do so by the Project Ecologist/ ECoW.**



