Title	**Proposed Development at CCP Building Products Ltd, Llay Road, Llay, Wrexham – Great Crested Newt Reasonable Avoidance Measures Method Statement**
Client	**Material Evolution Ltd**
Date of Method Statement	**19th June 2024**
Author	**Tom Knight**

1 Introduction

Method Statement

1.1 Marches Ecology was commissioned by Material Evolution Ltd to produce a Reasonable Avoidance Measures (RAMs) Method Statement to minimise/ avoid any impacts on Great Crested Newts (*Triturus cristatus*) due to the proposed construction of a new manufacturing plant at the existing CCP Building Products site at Llay Road, Llay, Wrexham (Approximate OS Grid Ref. SJ 3265 5613).

1.2 A Preliminary Ecological Appraisal (PEA)[1] was submitted in support of the planning application (Planning ref. P/2024/0196). The PEA recommended that non-licensed RAMs should be implemented prior to and during the proposed construction work in accordance with a Method Statement. This RAMs Method Statement has been produced to guide this implementation.

1.3 This RAMs Method Statement has been produced so that it may be 'standalone'. A separate Toolbox Talk (TT) document and Biosecurity Risk Assessment and Method Statement (BRAMS) have also been produced. The TT document covers identification of newts and individual responsibilities and actions to be taken. The BRAMS covers biosecurity measures in relation to non-native species as well as diseases, *etc*, relevant to amphibians.

1.4 The RAMs detailed in this Method Statement should be considered indicative and will be adapted to suit the works as they progress. As such it should be noted that not all of the RAMs detailed may be required at all stages of the work.

1.5 The habitat within the work site is of negligible potential value for Great Crested Newts. However, some of the habitat/ features close to the site are of greater potential value and include a number of potential refugia. There are a large number of records for Great Crested Newts from within 500 m of the site. Although the risk to individual Great Crested Newts is considered to be negligible/ low it is possible that they could traverse the work site on occasion.

1.6 Non-licensed RAMs are often implemented at sites where the risk to individual Great Crested Newts/ their habitat has been assessed as low or negligible. The proposed non-licensed RAMs are outlined and further to appropriate implementation will ensure as far as is reasonably possible that impacts on Great Crested Newts are minimised/ avoided.

[1] Marches Ecology (2024). *Proposed Development at CCP Building Products Ltd, Llay Road, Llay, Wrexham – Preliminary Ecological Appraisal*. Produced on behalf of Material Evolution Ltd.

1.7 It should be noted that following the RAMs outlined in this Method Statement does not waive or derogate any of the offences under the *Habitat Regulations*[2] should an offence be committed. The aim of this Method Statement is to reduce the risk of an offence occurring to an 'acceptable' level by the implementation of reasonable steps.

1.8 The inherent risk (to the proposed works) with using such an approach would be that should a Great Crested Newt be found at any time during the works then they would need to immediately cease and are unlikely to be able to re-commence until a Natural Resources Wales (NRW) 'disturbance' licence had been obtained.

Project Background

1.9 The proposed development is to install a new manufacturing plant at the existing CCP site. This would mainly include a mixer and dosing system with two small silos contained within the existing building and three new larger silos outside the same building.

1.10 The construction phase is programmed to take approximately 12 months (between October 2023 and September 2024 inclusive). The project commenced with off-site assembly; with on-site assembly starting in May 2024. Commissioning is timetabled for late July into early September 2024.

[2] '*EU legislation which applied directly or indirectly to the UK before 11.00 pm on 31st December 2020 has been retained in UK law as a form of domestic legislation known as 'retained EU legislation'. This is set out in Sections 2 and 3 of the European Union (Withdrawal) Act 2018*' - https://www.legislation.gov.uk/

2 Great Crested Newt Legislation

Summary

- **The Great Crested Newt is protected under the relevant law. The legislation applies to all life stages, including eggs, larvae, juveniles and adults.**
- **It is illegal to handle, injure/ kill and or disturb any Great Crested Newt. It is also illegal to damage or destroy Great Crested Newt habitat.**
- **Breaking the law can lead to fines of up to £5000 per offence and prison sentences of up to six months.**

2.1 This sub-section provides a brief summary of key legislation relevant to Great Crested Newts and is current at 18th June 2024. It should not be considered a comprehensive review and is not meant to be so. It is provided here for information only and is not intended to replace specialised legal advice. It does not replace the text of the legislation but summarises the salient points.

2.2 The UK exited the EU on 31st January 2020 followed by a transition period until the end of that year during which EU legislation and policy was followed[3]. '*EU legislation which applied directly or indirectly to the UK before 11.00 pm on 31st December 2020 has been retained in UK law as a form of domestic legislation known as 'retained EU legislation*'. This is set out in *Sections 2* and *3* of the *European Union (Withdrawal) Act 2018*'[4].

2.3 Great Crested Newts are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended)[5], and receive full protection under *Section 9*. The 1981 Act was amended by the *Countryside and Rights of Way Act 2000*[6] which further extends the protection. They are also listed as European Protected Species on *Schedule 2* of *The Conservation of Habitats and Species Regulations 2017*[7] which gives it full protection under *Regulation 42(1)*. The legislation applies to all life stages of the Great Crested Newt, including eggs, larvae, juveniles and adults.

2.4 Under the above legislation it is an offence to intentionally or recklessly:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;
- damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.

2.5 The Great Crested Newt is included on *Section 7* of the *Environment Act 2016*[8].

[3] https://cieem.net/referencing-environmental-eu-legislation-post-brexit/

[4] https://www.legislation.gov.uk/eu-legislation-and-uk-law#:~:text=The%20UK%20is%20no%20longer,on%20legislation.gov.uk

[5] HMSO (1981). *The Wildlife and Countryside Act 1981*. HMSO, London.

[6] HMSO (2000). *The Countryside and Rights of Way Act 2000*. HMSO, London.

[7] HMSO (2017). *The Conservation of Habitats and Species Regulations 2017*. HMSO, London.

[8] HMSO (2016). *The Environment Act (Wales) 2016*. HMSO, London.

3 Great Crested Newt Ecology

3.1 This sub-section of the document is provided as a brief introduction to the ecology of Great Crested Newts. It is not a substitute for detailed knowledge and experience of working with the species.

3.2 Great Crested Newts live both in water (aquatic habitat) and on land (terrestrial habitat). Aquatic habitat is required for breeding and feeding. Terrestrial habitat is required for foraging (for food) and for hibernation during the winter. They can be present in their breeding waterbody between spring and autumn but individuals often spend less time than that in aquatic habitat. The remainder of the year is spent on land. Some adults will migrate back to their breeding waterbody as early as late January but most move later, in March. Adult newts generally leave the waterbody from late May onwards.

3.3 Adult females lay eggs individually on submerged plants and can lay 200 eggs in a season. Larvae hatch after about three weeks and take another two to three months to complete their development. While some juveniles leave the waterbody (usually from August onwards) in this first year (and hibernate on land) some will over-winter in the waterbody.

3.4 Great Crested Newts hibernate during the winter often underground amongst tree roots, in mammal burrows, down the side of walls/ house foundations, in cellars, and beneath piles of stones/ logs, *etc*. Hibernation may last from October to February. While on land and outside the hibernation period, Great Crested Newts require refuge from extremes of weather. During the day they will rest in dense vegetation, under refuges (logs, *etc*), or underground. They will emerge from these refuges at night to forage and or migrate.

The photo below shows a typical pile of stored material at the site beneath which a Great Crested Newt might seek refuge.



4 Method Statement – Implementation of RAMs

Preparatory

4.1 This RAMs Method Statement will be discussed in detail with all personnel/ contractors involved with the proposed activity before any works are carried out. This will take the form of a toolbox talk to be presented by the ecologist and will incorporate advice with regard to the identification features of Great Crested Newts and the procedure that should be followed if a Great Crested Newt is discovered during any works. This information will be incorporated into all subsequent site inductions for new personnel/ contractors.

4.2 Before any works commence a copy of this method statement will be issued to all site personnel/ contractors and a signed copy will be retained by the ecologist. The contact details of the ecologist responsible for implementing this RAMs Method Statement will be provided to all site personnel before the start of work. This method statement must be strictly adhered to by all site personnel/ contractors involved with the proposed works.

4.3 Should a Great Crested Newt be located during implementation of the RAMs then it would be moved away from the immediate work area by the ecologist and relocated for welfare reasons only to a suitable receptor site. All work would then be suspended until further notice and Natural Resources Wales (NRW) consulted. It is possible that in this instance or if a Great Crested Newt is found at any other time during the work, an NRW 'development' licence may be required in order to lawfully proceed. Work should not re-commence until the ecologist has provided such confirmation. Other amphibians that may be found during the implementation of the RAMs scheme would also be moved to the 'receptor' site. The vegetated bank towards the northeast end of the wider CCP site would be appropriate.

Working Protocol – Pre-construction

Timing/ Weather Conditions

4.4 Visual/ hand-searches should only be undertaken when the preceding and following night-time temperature does not fall below 5°C and the day-time temperature is warm.

Potential Refugia Within the Site

4.5 Potential refuges within the site (including stored materials, edges of hard-standing, *etc*) will be subject to a visual/ hand-search by the suitably licensed ecologist. The ecologist will check underneath them as far as is reasonably possible. All cleared materials should be immediately removed from the site or stored on hard-standing outside the work site.

Working Protocol – Construction Phase

Compliance Visits

4.6 The ecologist will undertake two compliance monitoring visits during the construction phase. These visits will focus on checking that the RAMs Method Statement is being implemented and identifying/ addressing, in conjunction with the Site Manager, any issues that may have arisen. A simple record of these visits will be maintained as a spreadsheet.

Visual/ Hand-search

4.7 As explained above any features of potential value for amphibians will be removed, if possible, at the pre-construction stage. Following presentation of the toolbox talk, the ecologist will undertake a final visual/ hand-search of the site if deemed necessary prior to the start of the construction works. It will focus on the footprint of the proposed work as well

as any immediately adjacent areas that may be used for storage of materials, vehicles or machinery.

Storage/ Removal

4.8 Creating and retaining piles of rubble or other similar materials on site should be avoided. Such features would provide potential refugia for Great Crested Newts. All such materials should be removed from the site on the same day or stored in a skip or similar until it can be removed.

4.9 When moving large/ heavy items (that have been on site overnight) they should be lifted vertically and not dragged along the ground. Once the item is lifted, and when safe to do so, site personnel should check beneath the stored item for amphibians. This will form part of the watching brief as further detailed below.

General

4.10 At times when there is less/ no risk to Great Crested Newts the ecologist will remain on stand-by (off-site) for the duration of the works; site contractors will be responsible for implementing a watching brief. This will entail a brief visual search of the site each day prior to any works being initiated. When stored materials/ machinery are moved, particular attention will be paid to determine if any amphibians are located underneath.

4.11 Should a newt be found during the work (and the ecologist is not present at the site) on-site contractors will halt all activity immediately, contact the ecologist and wait until the ecologist arrives to remove the newt to an appropriate location. If any newt is found during the work the ecologist should be called to confirm identification before any action is taken. If other amphibians such as Common Frog or Common Toad are found during work, and confidently identified, then on-site contractors can move it to an appropriate location (firstly making sure their hands are damp or they are wearing gloves). This could be the vegetated bank at the northeast end of the CCP site.

4.12 In addition to that outlined above, the following measures will be undertaken:

- The contractor's compound including all machinery, materials and other associated paraphernalia will be located on an area of hard-standing at all times;
- No machinery/ vehicles will access any vegetated area outside the work site to undertake work unless under supervision by the ecologist where necessary;
- Any spoil/ rubble or other loose material that may be stored on site overnight must be placed on plastic sheeting on top of a pallet (or similar) so that it is raised off the ground, or in a skip. Where this is not possible it must either be removed from site or be located on hard-standing where possible and be compacted;
- Should any holes/ excavations be left on site overnight a suitable ramp (*e.g.,* plank of wood) will be placed, with a slope of no more than 45°, so as to provide newts with a means of escape. The hole would be subject to a visual search (for amphibians) in the morning by site personnel;
- Machinery and vehicles will be located on hard-standing overnight. Any servicing or repair of machinery or vehicles will be carried out on areas of hard-standing. Refuelling of machinery or vehicles will also be carried out in accordance with the appropriate Environment Agency Guidance for Pollution Prevention and all other relevant pollution guidance.

4.13 The ecologist overseeing this project is Tom Knight (Marches Ecology) who can be reached on 07928 212545. In the event that Tom cannot be contacted, please contact Max Ellson on 07950 220188.

5 Signatories

I have read and understand the requirements of this method statement.

Print	Signed	Company	Date