



Report Type: Reasonable Avoidance Measures

Client Name: RGM Construction Ltd

Site Address: Land adjacent to
School Lane
Bronington
SY13 3HN

Report Reference: 23-09 217.2MS

Date of Issue: January 2024

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Report Details	
Classification	Method Statement
Status	Final
Reference	23-09 217.2MS

Version History	
Report Reference	Date of Revision
23-09 217.2MS	January 2024

	Name	Date
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The report should be read in its entirety

Questions arising from the survey report should be directed to the author of the report who will be pleased to clarify any technical issues raised.

Whilst the surveyors make every reasonable effort, Greenscape Environmental Ltd cannot guarantee that all protected species have been identified and survey results are definitive. Many species are cryptic and transitional in habit.

Reports are considered valid for one year for planning purposes, after which time further survey information may be required.

Greenscape Environmental Ltd can provide advice and support for recommendations and planning conditions.



Table of Contents

1 EXECUTIVE SUMMARY.....	1
1.1 Purpose of the Report	1
1.2 Methodology	1
1.3 Key Impacts and Mitigation Measures.....	1
1.4 Conclusion	1
2 INTRODUCTION	3
2.1 Project Background.....	3
2.2 Purpose of the Report	3
2.3 Site Context and Location	3
3 REASONABLE AVOIDANCE MEASURES	4
3.1 Impacts.....	4
3.2 Mitigation and Enhancements.....	5
APPENDIX A – SURVEYOR DETAILS	11
APPENDIX B – POLICY.....	12
APPENDIX C – BIBLIOGRAPHY.....	15

Table of Figures

Figure 3.1. Showing position of newt fencing and receptor area	5
Figure 3.2. Newt fencing layout	7

Table of Tables

Table 1.1. Timing of Works.....	2
Table A.1. Details of surveyors' experience and licences held.....	11



1 Executive Summary

1.1 Purpose of the Report

Greenscape Environmental Ltd was commissioned by RGM Construction Ltd to provide a Method Statement detailing:

- how the known population of great crested newts in the area is to be maintained at favourable conservation status.

1.2 Methodology

The appraisal of the site included a site visit undertaken at the site, OS grid reference SJ48793948 on 2nd October 2023 by P Marshall. For details and observations see report reference 23-09 217.1R.

1.3 Key Impacts and Mitigation Measures

There are no designated areas within a zone of influence for this site. Typical bat species and great crested newts have been recorded and it was considered prior to the site visit that these should be the main focus of the ecological appraisal. Dormice and other protected species such as otters were scoped out at the desktop survey.

The site comprises approximately 320m², of hard standing and disturbed ground adjacent to a recently constructed bungalow. It is considered to be of low ecological value. The plot has fences on three boundaries which are of negligible value.

There are no specific features on site which would provide for foraging, commuting or roosting bats. And there are no features to be disturbed which would support nesting birds.

No evidence of badger activity was seen within 30m of the site.

There are no ponds within 250m, although there are known to be great crested newts in the area. The terrestrial habitat on site is of low value for newts, with no hibernacula. A method statement outlining reasonable avoidance measures will be recommended.

No invasive non-native plant species were observed.

An offence is considered highly unlikely. Further surveys are not considered necessary.

1.4 Conclusion

The method statements provided in 6 of this report will be followed to provide the scenario whereby individual newts are protected. The mitigation strategy should result in the favourable conservation status of newts in the area being maintained as they will not be able to cross the land during the construction process.

**Table 1.1. Timing of Works**

Action	Timing	Justification
Update phase 1 survey	After 1.5 years from survey issue data	Ecological features can change and develop over time
Pre-commencement work-erection of newt fencing		
Construction work to follow reasonable avoidance measures for newts	Newt fencing to be erected between February and October	To create the scenario whereby individual newts are protected.



2 Introduction

This report has been compiled by Peta Marshall BSc (hons) MA who has over 15 years' experience conducting ecological appraisals.

For full details of surveyors and licences please see Appendix A.

2.1 Project Background

Greenscape Environmental Ltd was commissioned by RGM Construction to conduct a survey to determine the presence of protected species and potential for the damage or destruction of habitats of value. This forms part of the planning application for a dwelling on a small plot adjacent to Church View, School Lane, Bronington. The plot was found to be of low ecological value for newts. Natural Resources Wales requested further detail for the method statement.

2.2 Purpose of the Report

The purpose of this report is to provide more detail of proposed newt mitigation strategy.

2.3 Site Context and Location

The site is located to the north of Bronington, OS grid reference SJ48793948. It is set in a mainly rural environment with open fields to the north, and housing to the west, south and east.

The site offers negligible features suitable for the terrestrial phase for newts and other amphibians. There are no known ponds within 250m, although garden ponds cannot be ruled out to the south of the site. The houses to the south have brick walls along the boundaries which would provide a barrier to significant passage of amphibians.



3 Reasonable avoidance measures

3.1 Impacts

Potential impacts were ascertained in conjunction with chapter 6 of the Mitigation Guidelines (English Nature, 2001).

There are no ponds within 250m and the site has negligible value for amphibians such as great crested newts, however, as great crested newts have been recorded in the area of Bronington, a method statement outlining reasonable avoidance measures is considered to be proportionate. This will create the scenario where risk to individual newts is negated. NRW have indicated they require exclusion fencing to be erected and this has been incorporated into the method outlined in the initial report.

Pre-and mid-development impacts

Although the site has limited potential for amphibians, including GCN, there is a small risk that soil crevices or holes could be used for shelter or hibernation. Site clearance could harm amphibians if suitable precautions are not taken.

During constructions amphibians may disperse across the site and therefore there is a risk of accidentally trapping newts in excavations. There is also risk that stored items can act as refuges or shelters for amphibians and this may result in amphibians being harmed when materials are moved.

The mitigation strategy should result in the favourable conservation status of newts in the area being maintained as they will not be able to cross the land during the construction process.

Post-development Interference Impacts

Post-development there is unlikely to be any negative impact with local populations of newts. Fragmentation of local populations of newts is considered highly unlikely as this development is not likely to stop migration of newts between ponds. The habitat to the south is road and paths with gully pots, with houses surrounded by walls.



3.2 Mitigation and Enhancements

Appropriate mitigation for amphibians has been designed in line chapters 7 and 8 of the Mitigation Guidelines.

Working Method Statement

The aim of the working method statement is to eliminate as far as possible, the risk of killing, injuring or disturbing amphibians, particularly great crested newts.

Pre-Construction

1. The site will be kept under management prior to construction. This will reduce the potential for newts to cross the land and reduce the potential for the terrestrial features to improve. All plants will be kept short (<10cm) to ensure there is no shelter for great crested newts on the site.

Site Setup

2. A consultant will be employed as the ECoW to oversee the work in areas sensitive to great crested newts on site. This person will need to be licensed and an experienced surveyor for great crested newts.
3. Exclusion fencing will be erected on the eastern, northern, western and southern aspect of the development area. This will reduce the potential for newts to access from the adjacent garden, field to the north of open land to the west.

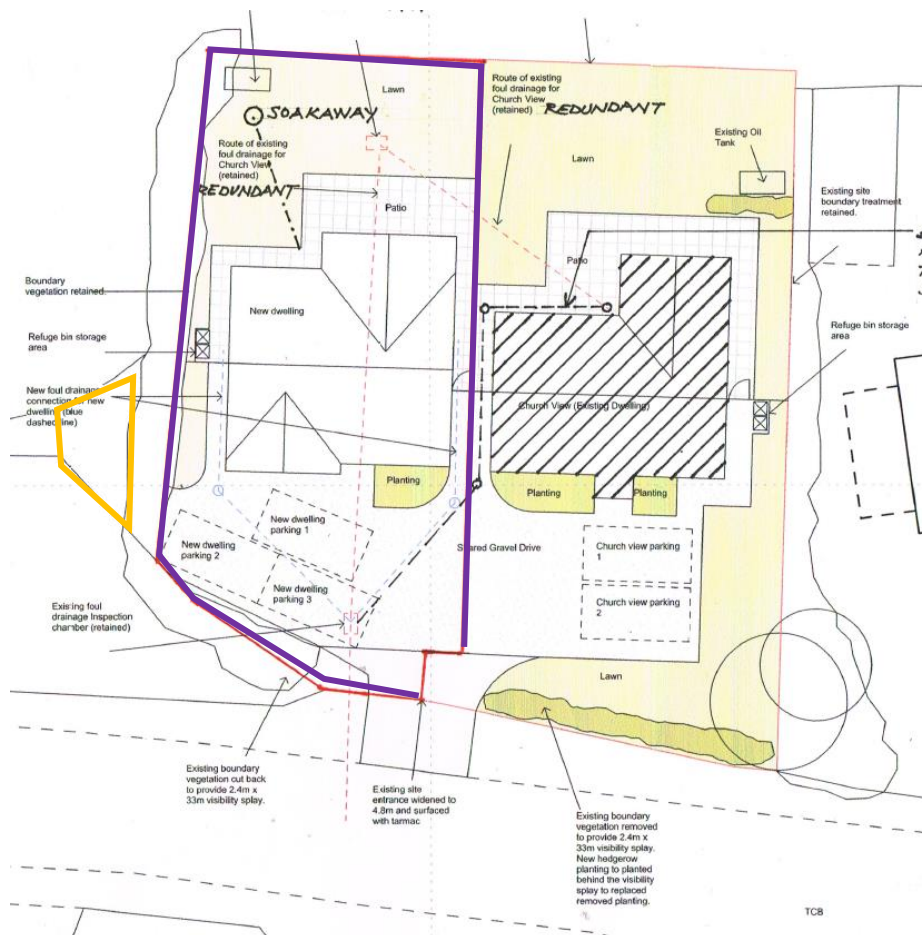


Figure 3.1. Showing position of newt fencing and receptor area



4. The consultant will check the proposed fence line and ensure clearance of vegetation taking care to avoid damage to any resting amphibians.
5. Backfill will be undertaken the same day and not left uncompacted.
6. Human access across the shared gravel drive will be maintained.
7. The fencing will reasonably result in the avoidance of newts being able to cross the land during construction process.
8. The fencing will be erected between February and October when newts are most active and the likelihood of capturing newts in the pitfall traps most likely to be successful.
9. The fencing will be one way, set up so newts cannot enter the development area.
10. The newt fencing will follow the design in the Great Crested Newt Mitigation Guidelines, figure 4, page 50.

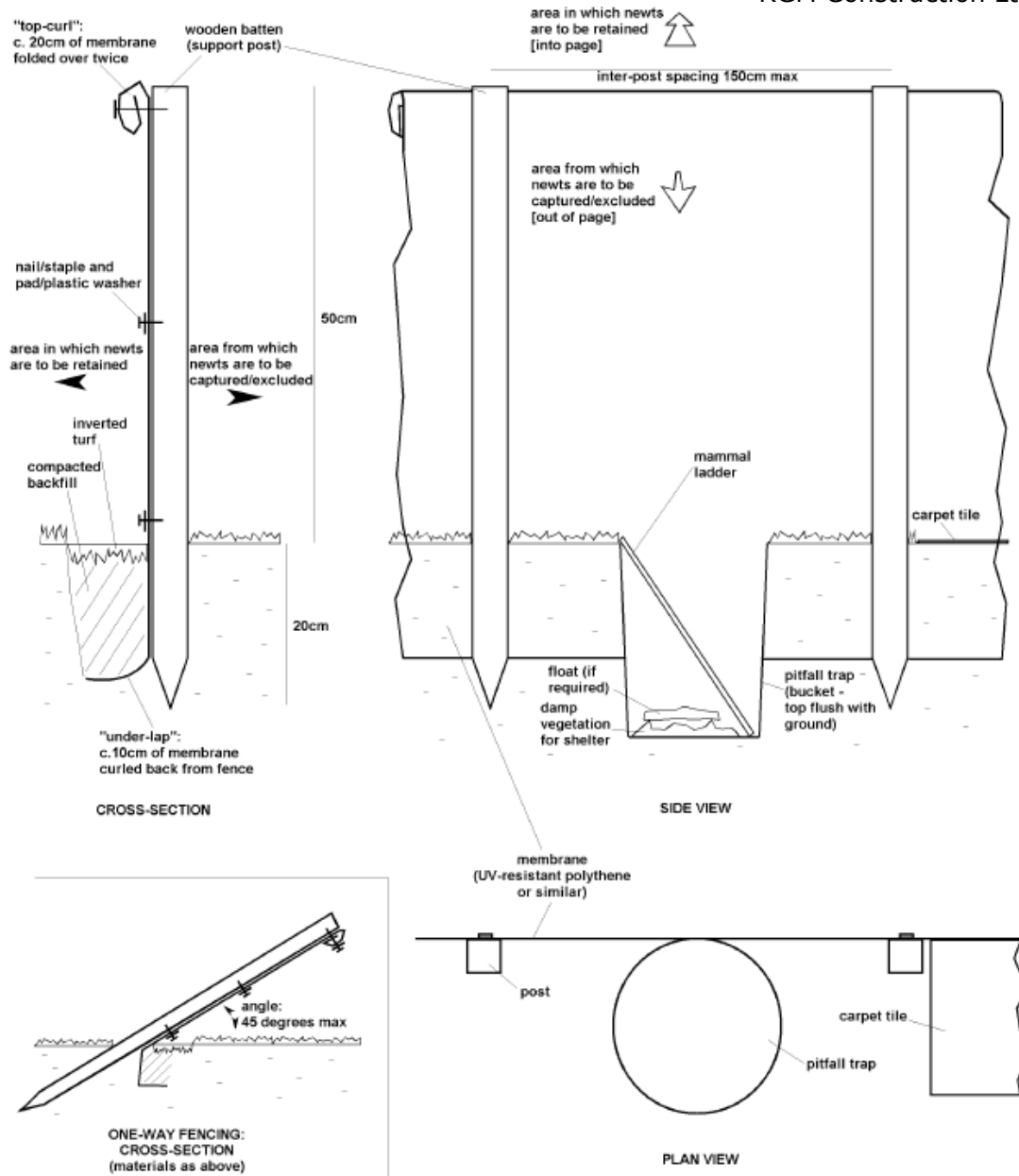


Figure 3.2. Newt fencing layout

11. Pitfall traps will be placed at 10m intervals along the interior of the exclusion fence and will be checked by the licensed consultant on a daily basis before 11am for newts. Refugia mats will be placed between these.
12. A total of 30 days/nights is deemed an acceptable length of time to ensure the terrestrial land is clear of newts in this area as the land is of low ecological value to newts. As long as there have been 5 nights of suitable weather conditions, newt free at the end of this period then the development can proceed.
13. Permission has been granted that any newts found can be placed in the gently wooded area to the west of the site. A hibernaculum will be constructed using fallen wood for security in this area. There is no limitation to access for newt from this site to ponds to the north of the village. This receptor site has not been surveyed



for newts, as it is terrestrial habitat and over 250m from the nearest pond, but does have habitat of higher value to newts than the development area.

14. Any newts found in the pitfall traps will be placed immediately into the receptor area.
15. The consultant will keep a record of captures, and site visits.
16. The ECoW will provide contractors with a toolbox talk prior to work commencing. This will include information about the legal status of newts and responsibilities of the construction company to ensure an offence is not committed. A document to assist with the identification of newts will be left on site.
17. Contractors will be advised not to handle newts at any time.
18. The site will be subject to a final check by the Consultant prior to construction commencing. This will confirm there are no newts present and that there are no potential places of shelter.
19. Vegetation will be stripped prior to setting up a site compound to ensure the compound contains no vegetation which could potentially attract great crested newts.
20. All cabins and equipment will be located on firm compacted ground, preferably the gravel drive.

Construction Phase

1. The site foreman will be responsible for ensuring all contractors are aware of the potential to find newts, and that they are familiar with the appearance of newts. If in doubt the consultant will be contacted.
2. The fencing will remain in place for the duration of the development and then removed by the licensed consultant once work have been completed. A check for newts adjacent to the plastic fencing will be made at this time.
3. The consultant will conduct monthly checks on the fencing to ensure it remains in good condition and adequate for purpose.
4. If any damage to the fence is recorded, then it will immediately be repaired.
5. Stored subsoil must not be tipped onto any tall vegetation or onto the fencing. The location of the storage area will be checked by the ECoW immediately before use.
6. Any plants around the site will be kept short during the construction phase to stop the development of an area of terrestrial habitat more suitable for newts.
7. Removal of any unwanted plants will be conducted between mid-February and May when there is least opportunity for newts to be hibernating in the roots. The ECoW will be on site when this occurs.
8. Trenches (including soakaway) will be dug and filled in on the day created or will be covered over with close-fitting boards at the end of each working day, a ramp will be placed from the edge of the trench to the base to allow amphibians and small mammals to escape.



9. The Consultant will conduct site visits until groundworks have been completed or areas deemed unsuitable for newts.
10. If a newt is found, then work will stop immediately and the Consultant contacted for advice.
11. Any heavy machinery will be stored on an area of hardstanding/gravel to avoid refugia being created.
12. Stored material will be raised on pallets to reduce the potential they might act as a temporary resting place. This reduces the potential for damage or destruction of individual newts.
13. All waste will be placed straight into skips to reduce the potential of creating refugia.
14. Great crested newts will not be handled or moved without permission from Natural Resources Wales as this would constitute an offence. The consultant will be contacted should one be found on site.
15. It is recommended that regular site visits are carried out by the Consultant to ensure compliance with the legislation and the Method Statement. A record of these visits will be made as part of the audit trail.

Post construction

1. There should be no requirement for habitat suitable for the terrestrial phase for newts to be provided post construction as this site will provide only a small garden area.
2. No monitoring is required.



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Appendix A – Surveyor Details

Table A.1. Details of surveyors' experience and licences held

Name	Membership of associations/ experience	Licenses
Peta Marshall BSc(hons)MA	Principal Consultant MCIEEM PIEMA Peta has a degree in Applied Biology and has been working in commercial environmental assessment for over 10 years. She has 10+ years' experience surveying for protected species.	Holder of survey licenses for bats and newts in England and Wales. <u>Wales:</u> Bats – SO87133-1 GCN – SO87606-1



Appendix B - Policy

The following areas of policy and legislation are of relevance to ecology and provide context to the surveys conducted. Findings presented in this report are in line with the following:

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – as listed in:

- Schedule 2. European protected species of animals
- Schedule 5. European protected species of plants

The Wildlife and Countryside Act (1981) – as listed in:

- Schedule 1. Birds protected by special penalties at all times
- Schedule 5. Protected animals
- Schedule 8. Protected plants

Countryside and Rights of Way Act (2000)

Environment Act (2021) – Part 6 – Nature and Biodiversity

Natural Environment and Rural Communities (NERC) Act (2006)

Planning Policy Wales 2002, updated Dec 2018

Section 6.4 – Biodiversity and Ecological Networks

The Nature Recovery Plan for Wales – Setting the course for 2020 and beyond (2015)

Environment Act (Wales) (2016)

Section 7

Wrexham Unitary Development Plan – EC6 Biodiversity Conservation



Amphibians and Reptiles

All species of amphibians receive a measure of protection under legislation.

The Wildlife and Countryside Act 1981 has been amended by the Countryside and Rights of Way Act (CROW) 2000. This applies to England and Wales only. The key relevant fact is:

- Section 9(4) is amended to create an additional offence of reckless damage to, destruction of, or obstruction of access to, any structure or place used for shelter or protection; and reckless disturbance while occupying such a structure or place.

Great Crested Newts

All species of amphibians receive a measure of protection under legislation.

The Wildlife and Countryside Act 1981 has been amended by the Countryside and Rights of Way Act (CROW) 2000. This applies to England and Wales only. The key relevant fact is:

- Section 9(4) is amended to create an additional offence of reckless damage to, destruction of, or obstruction of access to, any structure or place used for shelter or protection; and reckless disturbance while occupying such a structure or place.

Great Crested Newts

Great crested newts are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Deliberately take or destroy eggs of any such wild animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

Great crested newts are listed as a priority species on the UK BAP and Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Work can be conducted under derogation licence from Natural Resources Wales providing suitable compensation and mitigation is provided and the "three tests" can be met. These are:

- Regulation 55(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety" or other imperative reason of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.



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- Regulation 55(9)(a) States: the appropriate authority (Natural Resources Wales / England) shall not grant a licence unless they are satisfied "that there is no satisfactory alternative"
- Regulation 55(9)(b) states that the appropriate authority shall not grant a licence unless they are satisfied "that the action licensed will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in its natural range."

The method statement in the EPS licence is a legally binding document which outlines the species, context of the colony, method of mitigating and compensating and ongoing habitat management for ensuring favourable conservation status.



Appendix C – Bibliography

ARG UK (2010). ARG UK Advice Note 5: Great Crested Newt Habitat Suitability Index. Amphibian and Reptile Groups of the United Kingdom.

English Nature (2001) *Great crested newt mitigation guidelines* - English Nature

Gent, T and Gibson, S (2003) *Herpetofauna Workers' Manual*