

Reasonable Avoidance Measures
with Respect to Great Crested Newts
and Net Biodiversity Benefits
at Tan House Farm,
Station Road,
Overton on Dee,
Wrexham, LL13 0LJ

Report completed 31st October 2022

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Introduction

The proposed works (construction of a manège) will take place within 100m of one pond and within 500m of several others, some of which may be suitable for use by great crested newts (GCN). The area of ground to be lost or disturbed is approximately 800m². There is not considered to be any threat to the conservation status of GCN. The risk of harm to individual GCN may be reduced to an acceptable level if reasonable avoidance measures are taken as described on page 4.

Biodiversity enhancements are proposed as described on page 5.

Susan Worsfold BSc (Hons) ACIEEM is an experienced wildlife surveyor, licensed bat and great crested newt worker and voluntary bat roost visitor. Registration number CLS0895 2015-12555-CLS-CLS (CL15 Bat Roost Visitor Level 1) and registration number CLS 0895 2015-12556-CLS-CLS (CL18 Bat Survey Level 2) (Natural England) and S089569-1 (Natural Resources Wales);
Great crested newt licence registration number 2016-19947-CLS-CLS (NE) and S089570-1 (NRW)

Legislation Regarding Great Crested Newts

Wales is home to six amphibian species. They need fresh water in which to lay their eggs or spawn and enough suitable habitat nearby to spend the rest of their year. They have declined in recent decades as ponds have disappeared or become polluted or acidified. Pond restoration and creation (even in gardens) is a great help to amphibian conservation.

All amphibian species spend a large part of their year foraging on dry land, and they need sheltered places to hibernate. Hedgerows and other areas of semi-natural habitat are vital for their survival.

UK legislation:

The most common species are protected from sale under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). They are:

Common frog, *Rana temporaria*

Common toad, *Bufo bufo*

Palmate newt, *Triturus helveticus*

Smooth / common newt, *Triturus vulgaris*

The legislation protects them from being sold or offered for sale to protect them from exploitation in the pet trade or laboratory use.

European legislation:

Our rarest amphibians are protected under the Conservation of Habitats and Species Regulations 2017 (known as 'the Habitats Regulations'). The Habitats Regulations lists the following amphibian European Protected Species (EPS):

Great crested (or warty) newt, *Triturus cristatus*

Natterjack toad, *Bufo calamita*

Under the Habitats Regulations, it is an offence if you:

deliberately capture, injure or kill any wild animal of an EPS,

deliberately disturb wild animals of any such species,

deliberately take or destroy the eggs of such an animal, or

damage or destroy a breeding site or resting place of such an animal

Disturbance is defined as that which is likely to impair the ability to survive, breed, reproduce, or nurture young, or to hibernate or migrate.

There are other offences relating to possession, transport and sale. See 'Possession and Sale of Protected Species' for more information.

The great crested newt and natterjack toad also receive protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) from the following:

- disturbing whilst occupying a place of shelter or protection,
- obstructing access to a place of shelter or protection,
- sale / offering for sale

Licensing for activities involving European Protected Species:

In certain circumstances Natural Resources Wales may issue licences for activities involving European protected species, that would otherwise be offences.

Reasonable Avoidance Measures with Regard to Great Crested Newts (GCN)

It is a criminal offence to harm a great crested newt.

Great crested newts spend most of their time on land, returning to still water only to breed once they are mature at about 3-4 years of age. They may travel more than kilometre from their breeding pond.

They move about mostly at night, and by day creep underground or beneath shelter such as stones or logs. They hibernate during the winter, which is generally from the beginning of November until late March, depending on the weather. Hibernation is underground in burrows made by other small animals or beneath substantial cover such as large stones or piles of logs.

1. Vegetation will be kept below 10 cm to make the area less attractive to GCN and to enable them to be seen easily.
2. An inspection of the area to be affected and immediately surrounding area should be undertaken by a suitably licensed GCN worker immediately before work starts.
3. A tool box talk will be given to all contractors by a licensed GCN worker before work starts, including identification, legislation and ecological importance of GCN.
4. If any potential refuges such as piles of rubble or logs need to be moved before work starts, care must be taken when moving them. This should be done by hand.
5. If any trenches cannot be filled the same day they will need a ramp of earth at the ends of the trenches, to the full depth of each trench, so that newts can climb out. It is not sufficient to leave a piece of wood against the sides, which would allow small mammals to escape, but not newts, which are not good climbers. The trenches must be inspected carefully before infilling, and any animals carefully removed and released into the surrounding hedgerows (but see below).
6. Building materials should be stored clear of the ground (say, on pallets) so as to avoid crushing any animals which might seek refuge under them, when the materials are lifted. Any such storage will be on hard standing, and not on the grass.
7. Bulk materials should be used on the same day as delivery where possible to reduce the likelihood of GCN taking shelter underneath.
8. Any open pipework will be capped overnight. All open trenches and pipework will be inspected at the start of each working day to ensure no animal is trapped.
9. Any excavated material which is not replaced on the same day must either be removed from the site or stored on a hard surface and covered with an impermeable membrane, such as a plastic sheet or tarpaulin, and the edges of the sheet secured so that no amphibians can gain access.
10. If any great crested newt is discovered in the area of the work, then work in that area must stop and a licensed great crested newt worker contacted immediately for advice.
11. A copy of these measures should be displayed on site for the duration of the work.

Enhancements to Achieve Net Biodiversity Benefit

1. An artificial hibernaculum for GCN will be constructed near the nearest pond, to the south east of the proposed site. Suggested design given on page 9.
 2. An approximately 115 m length of hedgerow will be planted around the perimeter of the manège, comprising hawthorn, hazel and field maple. This will only be trimmed between the beginning of October and the end of February each year.
 3. A woodcrete crevice dwelling bat box will be fitted externally to one of the buildings at the south gable end as shown on page 11. Further information is given in the bat box information pack available at <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>.
 4. One woodcrete nest suitable for small birds to be fitted to a building at the north gable end, at least 3 m from the ground: e.g. house sparrow terrace - woodcrete nest box with 3 sub-divisions to support 3 nesting pairs. Entrance holes: 32mm diameter. Dimensions: H310 x W370 x D185mm.
 5. One artificial swallow nest to be fitted inside one of the farm buildings as shown on page 11. Dimensions of the nest should be - H110mm x W250mm x D140mm.
Swallows already nest in these buildings so there is a good chance of the nest being used.
- Bat and bird boxes are available from NHBS and Wildcare among others.
<https://www.nhbs.com/>
<https://www.wildcare.co.uk/>
6. The pond will continue to be maintained as a wildlife pond and no fish will be introduced. It currently appears suitable for use by amphibians and several plant species. Any necessary removal of sediment or invasive species will be done carefully during the winter when newts are not in the water, although frogs may be hibernating at the bottom of the pond.
 7. The two fields currently grazed by cattle continuously throughout the summer will be used in rotation by the horses. This will allow pollinators to grow and the fields will also be sown with seeds of native species to increase biodiversity.

Bibliography

English Nature (2001) *Great Crested Newt Mitigation Guidelines* Peterborough: English Nature

Freshwater Habitats Trust available at: <https://freshwaterhabitats.org.uk/projects/flagship/pond-management-info/>

Gent A.H, Gibson S.D (eds) (1998) *Herpetofauna Workers' Manual*. Peterborough: Joint Nature Conservation Committee

Google Maps available at: <https://maps.google.com/maps>

Great crested newts: surveys and mitigation for development projects available at: <https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects>

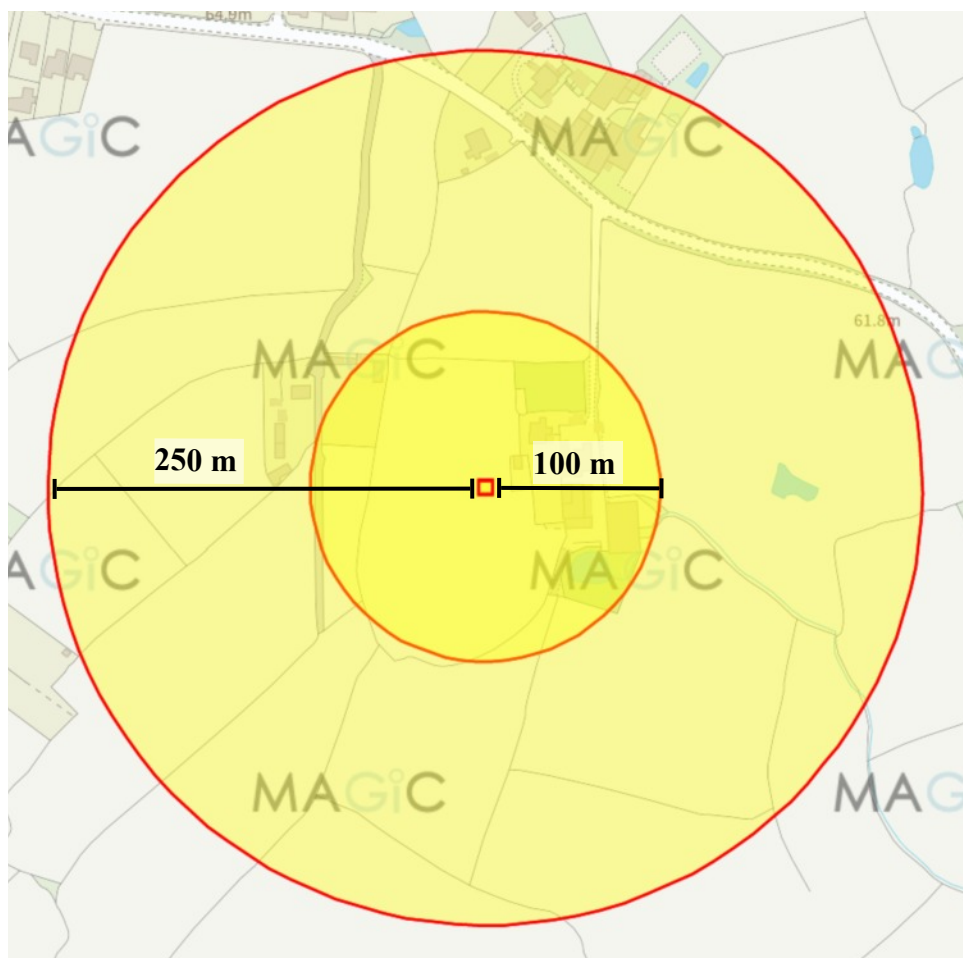
Langton, T., Beckett, C., Foster, J. (2001) *Great Crested Newt Conservation Handbook*. Halesworth: Froglife

Magic Maps available at: <http://magic.defra.gov.uk>

Natural Resources Wales available at: <https://naturalresources.wales/?lang=en>

Wales Biodiversity Partnership available at: <https://www.biodiversitywales.org.uk/Guides-to-help>

Zones of Influence



Aerial Photograph



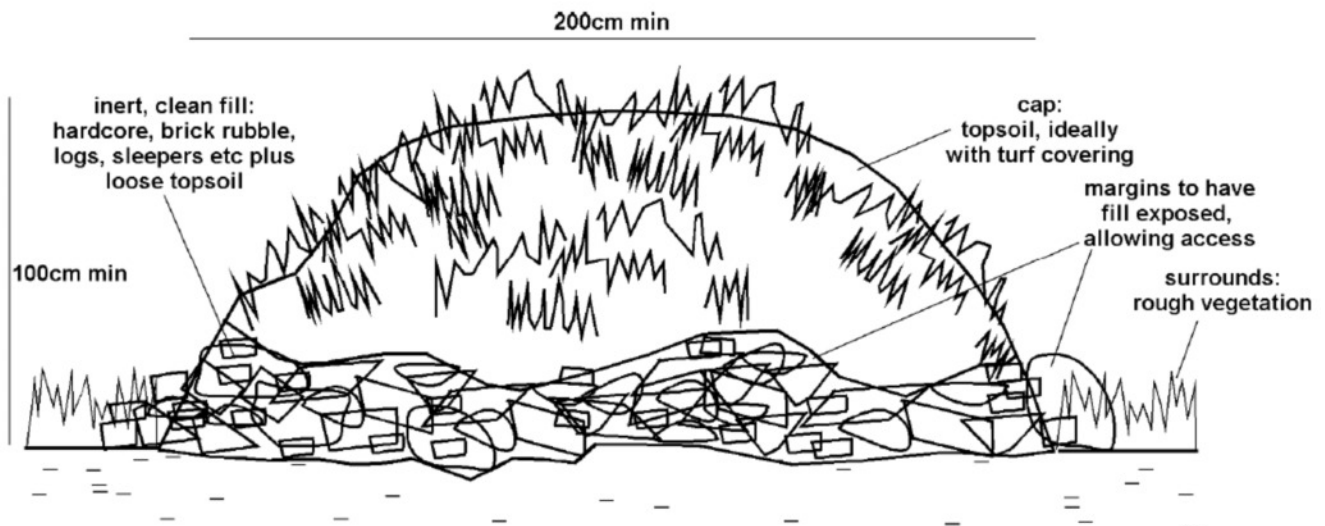
Photographs of the Site (taken by the owner)



Suggested Hibernaculum Design (*Natural England 2001*)

This design mimics artificial and natural conditions in which great crested newts have frequently been found overwintering.

Dimensions should not be below 2m length x 1m width x 1m height. The illustrated design would be suitable for locating on an impermeable substrate. On free-draining substrates, the design is largely similar but the bulk of the fill is sited in an excavated depression in the ground.



Proposed Plan Showing Position of Bat and Bird Boxes

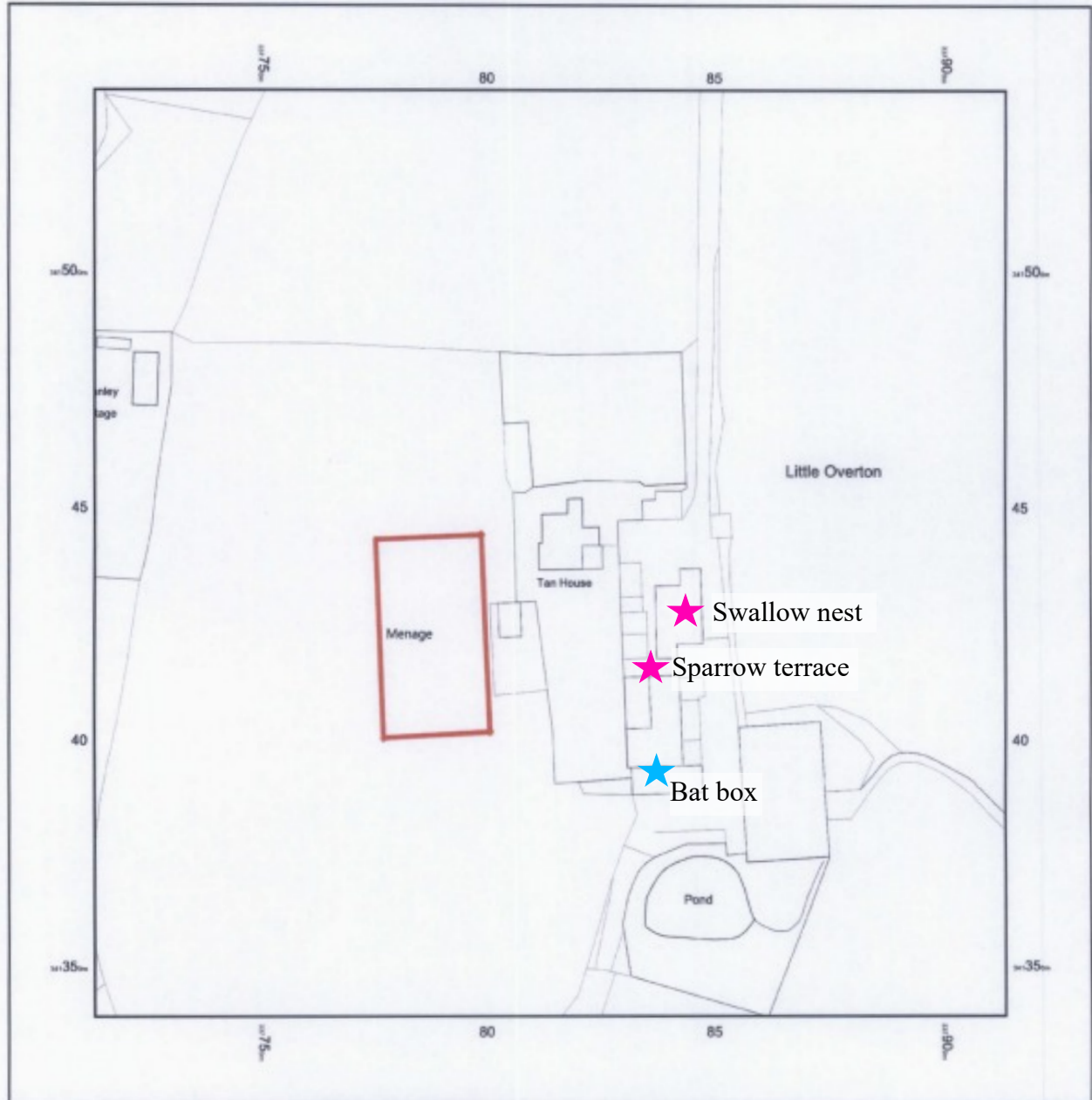
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0m 1cm = 12.5m 62.5m
Scale 1:1250

