

**GREAT CRESTED NEWTS; REASONABLE
AVOIDANCE MEASURES METHOD
STATEMENT**

PENLEY MILL, LION LANE,
PENLEY, WREXHAM, LL13 0LY

Groundwork and Leisure Services Ltd
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Produced by



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This report has been prepared by Wildbanks Conservation Ltd on behalf of Groundwork and Leisure Services Ltd in connection with the proposed habitat creation area at Penley Mill, Lion Lane and takes into account their particular instructions and requirements. It is not intended for, and should not be relied on, by any third party and no responsibility is undertaken to any third party.

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1 PURPOSE OF THIS METHOD STATEMENT

1.1 Introduction

1.1.1 This Method Statement is prepared on behalf of Groundwork and Leisure Services Ltd in relation to the proposed construction of a new lake, wetland and wildflower meadow and associated potential effects on great crested newts *Triturus cristatus* at Penley Mill, Lion Lane, Penley, Wrexham.

1.1.2 This section provides a brief overview of the likely current status of great crested newts on and around the proposed site and purpose of the document. Section 2 provides a Method Statement for the implementation of the Reasonable Avoidance Measures considered necessary in order to comply with relevant legislation and conservation objectives. Section 3 presents enhancement measures proposed so that the development provides a net gain for biodiversity.

1.2 Legislation

1.2.1 Great crested newts (GCN) are European Protected Species (EPS) and they and their habitat are fully protected under the Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitat Regulations') which transposes the Habitats Directive in UK law. The UK is no longer a member of Europe but since the Habitats Directives are embedded into UK statute, The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 was published and still applies in England and Wales). The combined legislation makes it illegal to:

- intentionally or deliberately capture, kill or injure a great crested newt;
- intentionally or recklessly damage, destroy or obstruct access to any place used for shelter and protection including resting and breeding places, whether occupied or not;
- deliberately, intentionally or recklessly disturb a great crested newt when in a place of shelter;
- possess a great crested newt, or any part of it, unless acquired lawfully;
- sell, barter, exchange or transport or offer for sale great crested newts or parts of them.

1.2.2 Anyone carrying out activities which may affect EPS must consider the presence of EPS, their breeding sites and resting places. Best practice guidance is available from Natural Resources Wales and Natural England, which advises on assessing for the presence of EPS, and the possible impact of operations (including strategies for avoiding committing offences). If an offence cannot be avoided, then a derogation licence should be sought from Natural Resources Wales.

1.2.3 In addition to legislation, there are national and local planning policies pertaining to the protection of biodiversity. Planning Policy Wales Edition 10 makes provision for Biodiversity and Ecological Networks, supported by The Environment (Wales) Act 2016 which introduced an enhanced biodiversity and resilience of ecosystems duty on Local Authorities to consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;

- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

1.2.4 Technical Advice Note (TAN) 5: Nature Conservation and Planning (September 2009) provides the national planning framework for the consideration of protected species, including GCNs in the planning process.

1.2.5 Under the NERC Act, local authorities (and other public bodies) have a duty to conserve biodiversity the local authority must take the protection of the priority habitat into consideration when it is making a planning decision.

1.3 Overview of Current Status

1.3.1 This section provides a brief overview of the current status of the terrestrial habitat within the application site and likelihood of GCN being present within the site and wider zone of influence.

1.3.2 **Terrestrial Habitat:** the habitats on-site comprise semi-improved neutral grassland which is grazed occasionally or mown. Field boundaries are formed by mature tree lines and overgrown hedgerows with trees. Terrestrial habitats within the Site were considered suitable for amphibians due to the vegetative cover, although this is usually short so can leave any amphibians that may cross the land open to predation. More favourable terrestrial habitat which provides excellent cover is restricted to tree lines and hedgerows around the edge of the site as these features provide corridors for dispersal, foraging and shelter. It is possible that GCN will be found hibernating in tree roots and other boundary features, if GCN are present in the local area.

1.3.3 **Aquatic Habitat:** No ponds are present within the Site. There are three ponds that could be accessed within 250m of the site and a Habitat Suitability Index (HSI) assessment was conducted on each of these:

- **Pond 1:** 25m north of the site; a small 'garden' pond c. 250m², surrounded by amenity grassland associated with a residential property. Typha around margins and dense submerged vegetation throughout, limited open water due to dense vegetation. HSI result: Excellent.
- **Pond 2:** 330m east of the site; a large pond c. 1100m² within agricultural fields. HSI result: Average.
- **Pond 3:** 310m east of the site; a small pond c. 800m² within agricultural fields. HSI result: Average.

1.3.4 Pond 1 would appear to be suitable for GCN, based upon the HSI and visual assessment. This does not mean it unequivocally supports GCN; according to ARG UK, *In general, ponds with high HSI scores are more likely to support great crested newts than those with low scores. However, the system is not sufficiently precise to conclude that any particular pond with a high score will support newts, or that any pond with a low score will not*

do so'. In the absence of specific species survey data, it can be reasonably assumed that GCN could be present within this pond.

- 1.3.5 Ponds 2 and 3 would appear to be less suitable than Pond 1; based upon the HSI assessment, it would be reasonable to assume that there is a 50/50 probability of GCN being present in these ponds. These ponds are a considerable distance from the application site; this does not necessarily mean GCN won't traverse the distance and utilise Pond 1, but there is a distinct lack of need for individuals to do this given the supply of suitable habitat closer to those ponds, see below for further habitat analysis.
- 1.3.6 **Habitat usage and movement on land:** GCN disperse over land to forage for food and move between ponds; distances covered during dispersal will depend on habitat quality and availability. It is acknowledged that most adult newts likely stay within around 250m of breeding ponds (English Nature, 2001; Langton et al., 2001). Newts are more likely to travel greater distances if there is high quality foraging and refuge habitat extending beyond this range. Habitats such as woodland in an intensive arable landscape are examples of such habitat (Langton et al., 2001) but favourable habitat also include scrub and rough (tussocky) grassland.
- 1.3.7 In the context of the Site (and from review of aerial images); the site provides moderate quality terrestrial habitat (semi-improved grassland) which is suitable for foraging GCN and GCN may well forage during the active month. However, due to it being grazed or mown, it is usually quite short and so doesn't provide significant cover for sheltering or hibernating. There are good habitat linkages between ponds throughout the landscape via hedgerows and tree belts and it is likely that these more substantial terrestrial habitats will be more likely used to extend dispersal rather than the shorter grassland within the Site. GCN being present within the site during winter is unlikely.

1.4 Proposed Activities

- 1.4.1 The following activities will be undertaken to construct the lake:
- Works will be undertaken during the winter and completed by March.
 - Protection fencing such as orange barrier fencing will be installed and maintained throughout the construction period to prevent damage to the boundary hedgerows.
 - Protective track mats will be used to cross over grassland.
 - Topsoil stripping (to a depth of 30cm).
 - Excavation of lake to approved depths
- 1.4.2 No ponds or other good quality habitat such as hedgerows will be directly affected by the proposed development and therefore the potential for harm to GCN is restricted to individual animals that may stray onto the area (although this is highly unlikely during the winter), and temporary disturbance to, and loss of, terrestrial habitat.

1.5 Appropriate Use of Reasonable Avoidance Measures

- 1.5.1 The Section 'When might I work without a licence?' on the NRW's website has been considered. The following is considered applicable to this development:

'There might be situations in which you could continue without a licence. If the work can be organised in such a way that there would be no offences committed (i.e. no damage or

destruction of a breeding site/resting place, no capturing, killing or injuring of individuals, no taking or destruction of eggs, and no disturbance), then there is no need for a licence'.

- 1.5.2 Given the development will be undertaken during the winter months when GCN are generally hibernating and that works will be restricted to short semi-improved grassland that does not provide significant shelter for hibernating GCN, it is considered that disturbance of individuals is highly unlikely. The grassland is extremely unlikely to provide over wintering habitat due to lack of shelter offering protection from ground frosts. Construction will be completed by March (generally accepted to be start of GCN migration).
- 1.5.3 Although the construction of the lake will result in the loss of terrestrial habitat, the wider proposals include the creation of a wildflower meadow which will provide a habitat which is far greater diversity than the existing, which will also be sympathetically managed for wildlife. The lake itself will also provide enhanced aquatic habitat for GCN and provide alternative breeding opportunities for GCN that may be in the nearby ponds. The new lake provides a good contribution towards the network of ponds preferred by GCN.
- 1.5.4 The proposed lake creation will not cause an obstruction to migration and there will remain a Continued Ecological Functionality.
- 1.5.5 Having assessed the proposed development activities and the factors affecting whether an offence is likely to be committed, Table 1, extracted from the Natural England's Licence Risk Assessment spreadsheet, provides suggestions for avoidance measures; the relevance of each measure and how they've been incorporated into the project design has been described below.

Table 1: Potential Avoidance Measures

Project element	Suggestions for avoidance measures	Relevance to the site
Location & layout	(a) Locate site as far as possible from potential breeding ponds and high quality terrestrial habitat.	The works will be restricted to short grazed/mown semi-improved grassland considered to be moderate terrestrial habitat for GCN. Hedgerows will not be affected. Nearest pond is 25m distance.
	(b) Locate in areas subject to high pre-existing fragmentation.	No high pre-existing fragmentation and there will be no fragmentation during or post construction.
	(c) Locate on hard, compacted ground with few fissures.	The Site comprises short grazed/mown semi-improved grassland which is devoid of long vegetative cover and does not support suitable fissures. The area cannot shelter or 'hide' GCN. Any animals crossing the site will be easily seen by predators.
	(d) Design layout so that any hard landscaping is as far as possible from ponds, with retained habitat and soft landscaping toward ponds.	No hard landscaping proposed, works are sufficiently distanced from ponds and the adjacent hedgerow (which will remain intact). The access to the work area will be formed by temporary track mats to protect grassland.

		These will be removed upon completion of the works.
Timing & duration	(a) Restricting works to the winter period (when newts are rarely active above ground) is sensible if the project would not harm hibernation habitat. Projects with temporary habitat disruption and reinstatement, such as some pipelines, could potentially be carried out without any licensable activity in this way.	Works will be restricted to winter months and will not harm hibernation habitat such as hedgerows. Temporary disruption of habitat will occur during daylight hours only and for a very short duration.
	(b) Keep duration of groundwork as short as possible.	Duration is short, anticipated to be no longer than 3-4 weeks to dig the lake and landscape the area
	(c) Undertake during the day, works that might only affect newts above ground.	Works will only be undertaken during the day.
Construction methods and special precautions	(a) Backfill trenches and other excavations before nightfall, or leave a ramp to allow newts to easily exit.	Trenches not required. Excavation will not be filled at night and therefore a rough sawn timber ramp will be provided at 5 points around the excavation. The surfaces of the excavation will be smoothed to prevent cracks and crevices forming that could be used by GCN.
	(b) Raise stored materials (that might act as temporary resting places) off the ground, e.g. on pallets.	This method will be used, if required.
	(c) For pipelines, use directional drilling to cross areas of core habitat and dispersal routes.	No pipelines proposed.
	(d) Avoid installing structures that act as barriers close to ponds, or include gaps at ground level where walls or fences are unavoidable.	The new lake will not form a barrier to amphibian dispersal. No walls or fences proposed.

1.5.6 Although the development and methods of construction have been designed to limit effects on GCN and their habitat, further Reasonable Avoidance Measures as described in Section 2 have been devised. These Reasonable Avoidance Measures ensure the works do not affect GCN or their habitats; the development (assuming consent), will proceed under these measures.

2 METHOD STATEMENT

2.1 Objectives of the RAMs Method Statement

2.1.1 The objectives of this Method Statement are to:

- Avoid committing an offence under the above legislation; and,
- Ensure that the favourable conservation status of the species concerned is maintained.

2.1.2 Any development related activities on the Site, such as vegetation clearance or excavations may potentially affect GCN. As a result, safeguards must be implemented to protect this species (and other amphibians) and the Method Statement below details measures to be implemented to ensure the above objectives are achieved. If these measures are followed, then both objectives will be achieved.

2.1.3 It is proposed that development works will commence under Reasonable Avoidance Measures (RAMs). Where necessary, works will be overseen by an appointed NRW GCN licensed ecologist. Such works will be discussed with the appointed ecologist and agreed before commencing. The following measures will be implemented:

- An NRW GCN licenced ecologist will be appointed and be available, as and when required throughout the construction period.
- A toolbox talk on GCN will be given to site operatives prior to the commencement of development works on site. This will cover identification of GCN, habitat preferences, legislation, biosecurity measures to be implemented and also highlight areas of the Site to be avoided and works that must be conducted in the presence of the ecologist.
- A biosecurity risk assessment will be completed for the Site, and development works (including mitigation and enhancement measures) will proceed in strict compliance with the measures detailed within the risk assessment.
- Hedgerow protection fencing and temporary track mats will be the first protection measures to be installed. The fencing will be used to provide a barrier between development works and higher quality amphibian habitats bordering the Site. The temporary track mats will protect the grassland from permanent damage.
- Vegetation removal and topsoil stripping from working areas will be undertaken in the presence of the licenced ecologist. The areas to be cleared will first be hand-searched by the ecologist and assuming no evidence of GCN is found, careful clearance can commence using an excavator.
- Each morning, prior to the start of works, the appointed ecologist will undertake a walk-over of the site to check for GCN.
- Following the morning check by the ecologist, the site operatives will be responsible for checking their working areas for the rest of the day for presence of amphibians. If any GCN are discovered, works will stop immediately and the appointed ecologist contacted.
- On completion of each day, the excavation will be left open overnight so the ground will be lightly compacted to remove any potential places of shelter such as crack and crevices. A means of escape via rough sawn ramps in at least five locations around the excavation. The ramp will be suitable for use by amphibians and mammals such as badgers. As works will

occur in the winter months, GCN are not anticipated to be moving or regularly active and therefore GCN are not expected to enter the excavations or be crossing the site. The measures outlined in this bullet point are very precautionary and of course, benefit other wildlife too.

- Excavated materials will be stored in their final resting place and will be compacted and landscaped as works progress so that the new spoil piles do not increase the hibernation opportunities on site.
- Any excavated materials requiring storage are to be stored on pallets raised off the ground, or otherwise compacted/modified to prevent plant growth and cracks that could be exploited by GCN. Any materials stored on the ground are to be checked for GCN presence by the ecologist prior to re-use elsewhere on site.

2.1.4 If a GCN is discovered at any point, works must stop immediately, and the ecologist is to be contacted for further advice. The site personnel is to cover the GCN with a clean bucket to protect it from predation, until the appointed ecologist arrives to move the individual.

2.1.5 It is noted that the discovery of a GCN within the work area may require the work to stop until a licence from Natural Resources Wales can be obtained. The granting of this licence may first require the survey of nearby ponds, and more extensive mitigation. This may cause significant delays to re-commencement of works. It is further noted however, that a delay to the works would likely take the re-commencement of works into the more active GCN season, which in turn would possibly result in the potential for greater impacts on GCN.

2.1.6 **Site contractors, directors, owners, other personnel and their agents are reminded that many species and habitats are protected by law, and to kill, injure or harm such species and their habitats is a criminal offence. Custodial sentences and/or large financial penalties are expected if you break the law. Protected species and habitats commonly found on development sites include (but not limited to):**

- bats including their roosts in buildings and trees;
- birds including their nests;
- great crested newts including their areas of shelter such as hedgerows, ponds and natural and artificial habitats such as log and rubble piles; and
- badgers including their setts which can be damaged or destroyed up to 25m from the sett entrance.

3 PROPOSED ENHANCEMENT

3.1 Introduction

- 3.1.1 The proposed development, is not the normal planning application for built developments. This application involves the creation of a wildlife friendly lake and the wider proposals include the creation of woodland and wildflower meadows.
- 3.1.2 This section provides advice to the applicant for the enhancement of the proposed lake and also associated terrestrial habitat through the creation of a hibernacula. Some sections of the lake should be based upon the recommended pond creation, restoration and enhancement measures outlined in Froglife's Great Crested Newt Conservation Handbook (2001) and Section 8.3 of Natural England's Great Crested Newt Mitigation Guidelines (2001) whereby (where possible), the following criteria will be considered as per Table 2 overleaf. Figures 1, 2 and 3 show design and location of the enhancement.

Table 2: Pond Enhancement Delivery

Recommended Attribute	Ability to deliver
Surface area between 100 and 300m ²	The proposed lake has a large surface area than that recommended but there is an opportunity to create pocket/s within the lake to provide an optimum surface area for GCN
Variable depth	The lake is graded to allow a deeper central pool with medium depth shelves and shallow margins. The deepest central part will be maintained at a depth of 3m, with shelving all round and shallow margins between 10-30cm depth. See Figure 1.
Occasional drying out	This is expected on the medium and shallow margins during summer.
Substantial cover of submerged and marginal vegetation	The lake will be planted up with locally sourced native pond species as per Figure 1.
Open areas	Plants will only be planted in the margins and shelves to allow the deeper areas to be open and free from vegetation. Ongoing management will be required to prevent overgrowth of submerged and emergent vegetation. See Table 3.
Good populations of invertebrates and other amphibians	Invertebrate assemblages will colonise over time, providing the lake is free from run-off and pollution and is planted with appropriate vegetation and received sufficient light to promote good water quality.
Pond in clusters	The lake is approx. 25m from Pond 1 and 300m from Ponds 2 and 3.
Absence of shading on south side	This can be achieved.
Absence of fish	The introduction of fish will not occur.
Absence or low density of waterfowl	Waterfowl will be discouraged in the long term
Creation of hibernacula	A 2mx1mx1m hibernacula to be constructed on the north side of the pond as per Figure 2: suggested hibernacula design in Natural England's Great Crested Newt Mitigation Guidelines.

Figure 1: Pond Design and suggested pond plants (taken from Great Crested Newt Conservation Handbook)

Typical aquatic plant species at great crested newt ponds

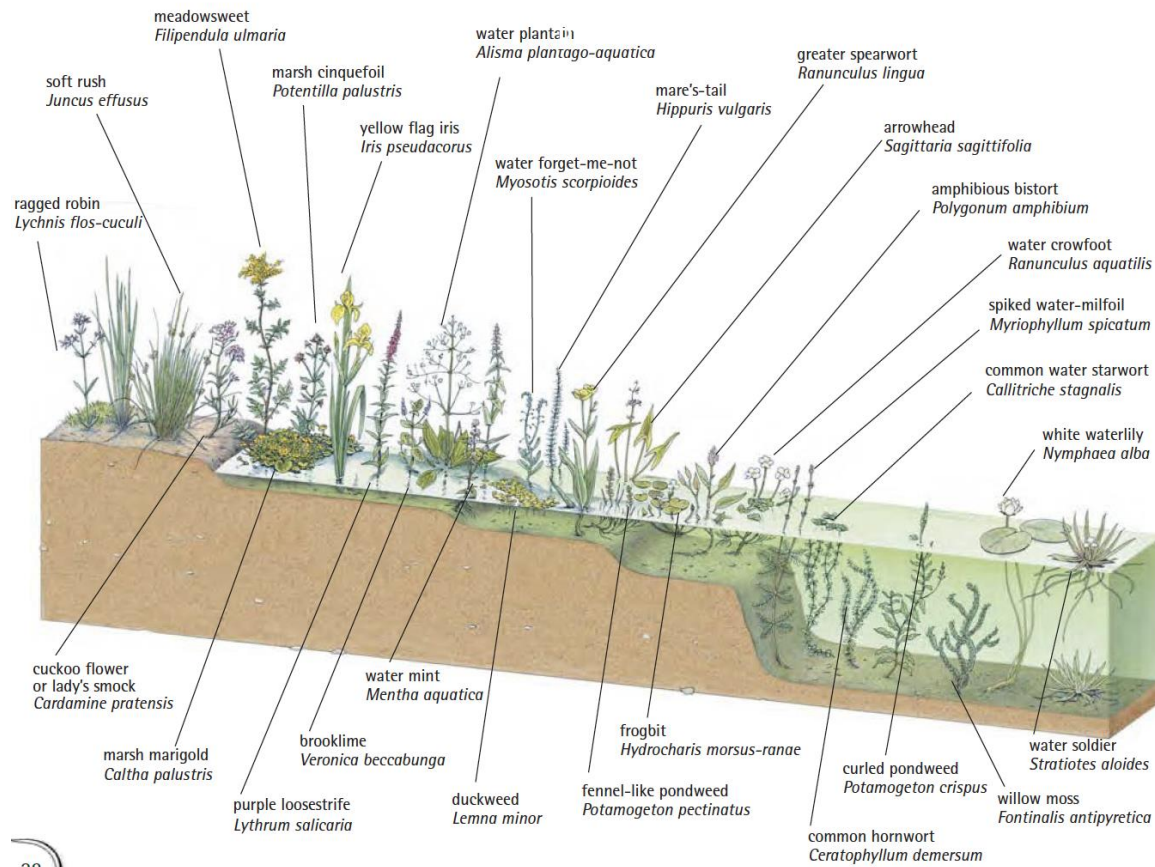


Figure 2: Hibernaculum Design (taken from NE's GCN Mitigation Guidelines)

Figure 3: Suggested hibernaculum design

This design mimics artificial and natural conditions in which great crested newts have frequently been found over-wintering. 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. Hibernacula should ideally be positioned across a site, both close to and distant from breeding ponds, always in suitable terrestrial habitat and above the flood-line.

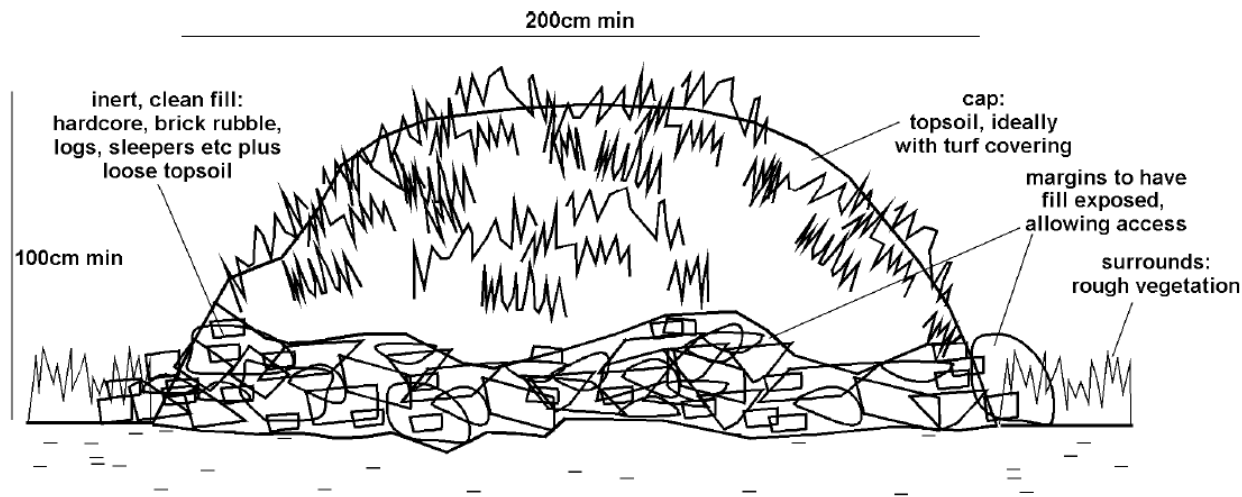


Table 3: Ongoing management

Management Objective	Timing
Dig out excessive vegetation growth	Autumn
Desilt pond	Autumn/winter
Remove encroaching trees/scrub on south and eastern sides	Autumn/winter
Re-profile pond (if required)	Autumn/winter

4 CONCLUSIONS AND RECOMMENDATIONS

4.1.1 The Site has been subject to assessment in 2021, it is concluded that the proposed development is highly unlikely to result in effects on great crested newts or other amphibians.

4.1.2 The following recommendations are made:

- **Recommendation:** the above RAMs Method Statement is implemented at the outset of the proposed construction work.

Reason: to avoid impacts on great crested newts and other amphibians.

- **Recommendation:** good site management is implemented in line with the Considerate Constructors Scheme, Code of Considerate Practice, where applicable.

Reason: to avoid localised effects on adjacent habitats that could be used by great crested newts.

- **Recommendation:** If a GCN is found during the course of construction, work must stop immediately, a clean bucket or other protective covering placed over the animal (allowing a small gap to allow the animal to escape, but detract from susceptibility to predators), and the retained ecologist contacted for advice. A derogation licence from Natural Resources Wales may be required before works can continue.

Reason: to avoid killing or injury of great crested newts.

- **Recommendation:** the enhancement measures provided in Section 5 are to be implemented in full.

Reason: to provide a much improved aquatic provision for GCN.

4.1.3 If the above recommendations are implemented, the development would not result in negative effects on biodiversity and would actually provide a positive gain in comparison to the current aquatic and terrestrial provision for GCN and other amphibians in the local area.

5 REFERENCES

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PHOTOGRAPHS

Photographs of the Site

Plate A: Site



Plate B: Site



Plate C: Site



Plate D: Site



Plate E: Aerial view of Site



Plate F: Pond 1

