

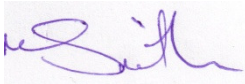
Conifers Care Home

Brandy Cottage, Rhosllanerchrugog

**Great Crested Newt
Reasonable Avoidance Method Statement**

Produced by  Wildbanks
Conservation

www.wildbanksconservation.com

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1.0 INTRODUCTION

- 1.1 Mr Amjad Tahir commissioned Wildbanks Conservation to prepare a Reasonable Avoidance Method Statement for Great Crested Newts (*Triturus cristatus*) in regards to extension works planned for sections of the Conifers Care Home. Planning consent should be given under the condition all works are undertaken in conjunction with this great crested newt method statement.
- 1.2 The method statement provided within this report identifies measures of protection and compensation, alongside short and long term management to prevent any unlawful actions to be undertaken with regards to to great crested newts.
- 1.3 The application site comprised a large single-story detached residential care home with a concrete tiled roof. Surrounding habitats consist of mature gardens laid to lawn, with large shrubs and trees to west. Wider habitat includes the village of Johnstown and pastoral farmland and woodland to the south. The SSSI Stryt Las a'r Hafod, and the SAC of Johnstown Newt sites which are some 50-100m to the north.
- 1.4 This report outlines a great crested newt method statement providing appropriate recommendations for undertaking work alongside several mitigation measures to protect GCN from actions associated with the development and enhance the site for great crested newts.
- 1.5 Great Crested Newts are protected under Schedule 5 of the Wildlife and Countryside Act (1981) as amended and Schedule 2 of the Conservation (Natural Habitats etc) Regulations 1994 (Regulation 38). Because of their rarity they are also protected under Annexes IIa and IVa of the Habitats and Species Directive and under the Berne Convention.

Langton *et alia* (2001) make the point that:

“The wording in the 1981 Act and 1994 Regulations is slightly different.” “Taken together, the Act and the Regulations (following the CROW Act 2000) make it illegal to:

- *Intentionally or deliberately capture or kill, or intentionally injure great crested newts.*
- *Deliberately disturb great crested newts or intentionally or recklessly * disturb them in a place used for shelter or protection.*
- *Damage or destroy a breeding site or resting place.*

- *Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection.*
- *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.*

*Reckless offences were added by the Countryside and Rights of Way Act 2000, which applies only to England and Wales”.

2.0 RATIONALE

- 2.1 The Conifers Care Home is situated within Johnstown and adjacent to the SSSI Stryt Las a'r Hafod, and the SAC of Johnstown Newt sites, some 100m to the north. These sites are known to have established populations of GCN.
- 2.2 The area where the proposed new extensions are to be constructed have been categorised as 'low' to 'sub-optimal' terrestrial habitat for GCN due to it being dominated by mown amenity grassland. However they do have some areas that provide good refuge opportunities in the form of loose vegetation and cracks within the walls surrounding the patio (Plates 1-6, A1), although GCN would have to cross areas of mown lawn to get to these. Wider areas of the site do have habitats and features likely to be used by GCN in the form of herbaceous/shrub borders covered in bark chip and mature hedging which can provide ideal refuge areas for individuals in their terrestrial stage and for hibernation over the winter months. Therefor it is considered possible GCN individuals could be using the site. The construction of the new extensions is likely to have a low impact on the overall local GCN population. No aquatic surveys have taken place on ponds within 500m of the development site. It is known that GCN are within the immediate area. It is difficult to assess the impact of the development and the provision of mitigation needed and therefore a precautionary approach should be adopted throughout the build. To prevent any unlawful activity and to ensure compliance with local and national statutory planning policies, species protection and best practice, all works must adhere to a detailed method statement and adequate mitigation that will not only replace lost habitat, but create and enhance habitat for the species, benefiting the population of GCN within the wider area.
- 2.3 Overall, the development site is considered to provide 'low' quality terrestrial habitat for great crested newts. No works (prior to or proposed) will impact on any ponds themselves or their marginal habitats. However, even partial loss of terrestrial habitats can impact on populations, especially where this occurs close to the breeding pond, therefore compensation for these habitats need to be addressed. Provided that the habitat within the proposed development area prior to works remains as it is and development works adhere to the subsequent Method Statement, and that good terrestrial habitat around any ponds surrounding the site are unaffected and suitable mitigation is created for great crested newts, a licence from Natural Resources Wales (NRW) will not be required.

- 2.4 The Method Statement below provides a number of measures that would have to be followed in order to minimise the impact on the population of Great Crested Newts potentially present adjacent to or within the development site.

3 PRECAUTIONARY METHOD STATEMENT

- 3.1 In cases where a licence is considered to be not required, Natural England urges that '...reasonable precautions be taken to avoid affecting European Protected Species during works' (Natural England, undated). The following activities should therefore be undertaken and the contents of this document made available to contractors carrying out the works.

Timing of Works

- 3.2 Features suitable for hibernating newts exist within the development site and due to the location of the site adjacent to the SSSI Stryt Las a'r Hafod, and the SAC of Johnstown Newt sites it is possible that at any time of the year newts may be encountered. Therefore it is recommended that when activities that would disturb the ground where features exist that could be utilised by GCN take place, a licenced GCN ecologist is present to oversee the works and collect any individuals that may be encountered. These individuals would be transferred to a new hibernaculum created within the 'bottom car park' shrub borders. Significant times to avoid are the spring migration when GCN are returning to ponds for breeding (March to May) and after the primary dispersal period is over (June - July).

Toolbox talk

- 3.3 All site operatives should receive a briefing by a NRW licensed ecologist. The briefing would include details of the legal protection of Great Crested Newts, the precautionary methods of working (outlined in this document), tips on identification of Great Crested Newts and procedures to follow should the species be discovered during works.

Hand Searching and Supervision of Substrate Strip

- 3.4 Utilisation of the working area by contractors should not be permitted until the area has been thoroughly hand searched by an experienced surveyor holding a NRW survey licence (or an accredited agent working under licence). And / OR all potential resting places are removed from the site prior to works commencing. During the hand searching, any debris (e.g. wood and rubbish) would be lifted and removed from the working area and any areas of denser vegetation {i.e. tussocks) would be parted to search for newts. Hand searching would be timed for immediately prior (i.e. within 24 hours) to the onset of works. This is largely because it is difficult to find animals, and therefore areas that may have been searched and declared clear may still have individuals present in inaccessible ground crevices, and will likely result in mortality.

Working methods

- 3.5 Only light machinery or hand tools to be used for the initial stripping and excavation operation.
- 3.6 Ideally the method employed for excavation works would be dig and backfill on the same day to avoid any trenches exposed overnight. If this is not possible, hand searching of the excavated area would be carried out prior to filling.
- 3.7 No arisings from excavations will be stored within the development site as this may provide resting opportunities for GCN. Any soil removed from the development site will be stored in its final resting position or stored off the ground or within skips.

Storage of materials and vehicle movements

- 3.8 All material storage will be within the development site and be raised off the ground by 100mm so as not to create resting places for newts. All vehicle movements will be restricted to within the development site and the access tracks and areas of hardstanding.

Procedure if Great Crested Newts are found

- 3.9 If a Great Crested Newt is found at any time during construction, all works would cease immediately. If not present on site, a licenced ecologist would be contacted to make an assessment of the situation, remove the individual and to determine whether a licence would be required before work proceeds. If considered necessary, further guidance would be sought from Natural Resources Wales.

4 MITIGATION

- 4.1 Mitigation measures are put in place to 'offset the damage caused by the development' e.g in the form of habitat creation and subsequent establishment of the population. These measures aim to ensure that there will be no detriment to the conservation status of great crested newts following the above development. The level of mitigation required depends on the size of the population and the potential impact. In the case of the above development, population size is unknown and the 'footprint' of the buildings is classified as 'low impact' for the species. However, a significant effort is required to provide compensatory habitat and to benefit the future population, ensuring long term species security.

Surrounding Ponds

- 4.2 It is important to retain any ponds close to the development area for great crested newts. Vegetation around the ponds should be extensive and completely surround the pond to provide cover. These areas should not be disturbed, and natural aquatic vegetation left to grow and colonise. As the nearby pond is not to be effected by the development, no further works regarding pond management or further surveys are required in relation to this.

Terrestrial Habitat Creation

- 4.3 As the habitat on site is classified as 'low to sub optimal' for the species (plates 1-6, A1), it is not thought a significant impact to the population will be undertaken by the construction of the building. However, the National Planning Policy Framework recommends the local planning policy should contribute to

and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains on biodiversity where possible. This can be done by creating log piles covered with soil for hibernation and refuge sites. These should be located in sheltered areas (such as adjacent to hedgerows) to prevent them becoming too dry or prone to winter flooding. Suggested hibernaculum design is shown in Figure 1 below.



Figure 1. Example of GCN refuge site/hibernaculum

- 4.4 One hibernaculum will be positioned in the ‘bottom car park’ within the shrubs. The hibernaculum will be 2m long x 1m wide x 0.75m high. It will be covered in soil and consist of logs and rubble. It will be allowed to vegetate over naturally and will remain in place in perpetuity. A NRW licenced ecologist will oversee the creation of the hibernaculum.

Landscaping and planting

- 4.5 The landscaping surrounding the new extensions should be planned with GCN and other wildlife in mind. Herbaceous borders with low growing shrubs should be encouraged as well as plants with flowering periods that cover the whole year.

Other notable Species

- 4.6 See Ecological Appraisal Report July 2018 for recommendations

5.0 REFERENCES

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A1. Site Photographs

Plate 1. Eastern aspect of development site. Showing patio wall and eastern gable end due to be extended



Plate 2. Eastern gable end with poor opportunities for GCN



Plate 3. The southern aspect of the development site, showing the patio wall and trees with shrubs and loose vegetation providing respite habitat for GCN



Plate 4. View of eastern gable end of the care home



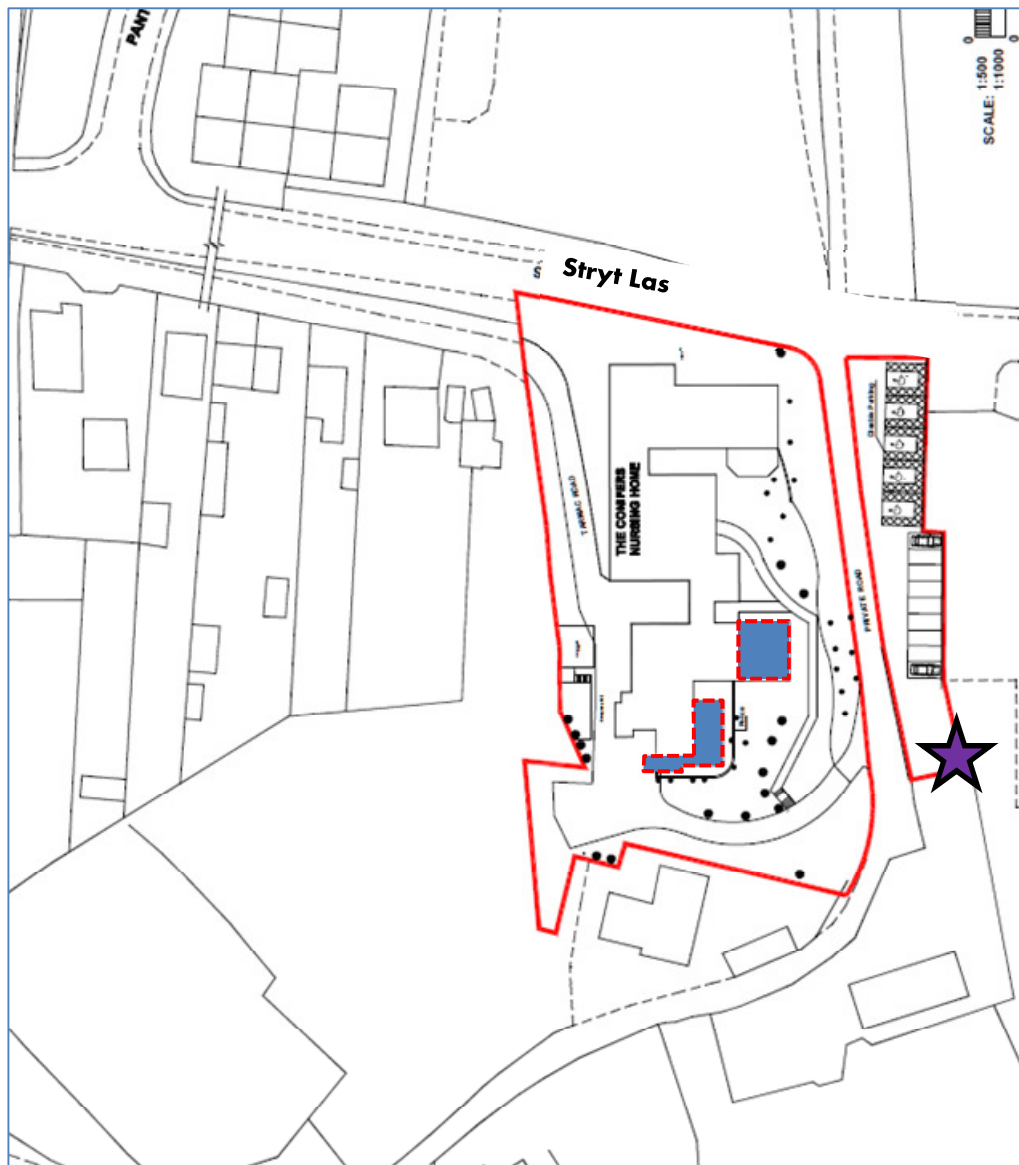
Plate 5: Example of loose vegetation along the patio wall creating refuge habitat for GCN



Plate 6. Cracks within patio wall providing respite habitat for GCN



Figure 2. Development Site location



Location of Hibernacular



Location of extensions