



Title	Proposed Housing Development at the Former Gittins Yard, Gutter Hill, Johnstown, Wrexham - Great Crested Newt Reasonable Avoidance Measures Method Statement
Client	Wrexham County Borough Council
Date of Method Statement	20th October 2011
Author	Tom Knight

1 Introduction

Method Statement

- 1.1 Marches Ecology was commissioned by Wrexham County Borough Council (WCBC) to produce a Reasonable Avoidance Measures (RAMs) Method Statement to avoid potential impacts on Great Crested Newts (*Triturus cristatus*) due to a proposed housing development at the former Gittins Yard site, Gutter Hill, Johnstown, Wrexham (OS Grid Ref. SJ 298 464). A planning application (Planning Ref. P/2011/0645) has been submitted for outline permission. Subsequent to this application further information has been requested by the planning department including submission of a suitable scheme of non-licensed RAMs due to the possible presence of Great Crested Newts. This Method Statement has therefore been produced in support of the planning application.
- 1.2 This document assesses the habitat both within the proposed development site and immediately surrounding area for its potential value to Great Crested Newts. The proposed non-licensed Reasonable Avoidance Measures (RAMs) scheme is outlined which is to be implemented prior to and during the construction period. The RAMs will ensure as far as is reasonably possible that impacts on Great Crested Newts are minimised/ avoided.

Project Background

- 1.3 The proposed development consists of five affordable dwellings of three-bedroom houses and ten affordable dwellings of two-bedroom apartments. A short access road (to 5 m wide) onto the site would be constructed with an associated visibility splay and turning area. 1.5 private car parking spaces per plot would also be provided. Further information is presented in the Design and Access Statement submitted with the planning application.
- 1.4 The design layout of the proposed development is illustrated on a WCBC plan entitled '*Location Plan, Existing and Site Layout*' (Dwg. no. SK01, dated June 2011). This plan

also shows a 10m-wide 'wildlife corridor' on the eastern side of the site. This wildlife corridor is to be provided in compensation for the loss of habitat due to the proposed development.

- 1.5 As the application is only for outline permission no detail with regard construction methods, duration, *etc*, is currently available.

2 Habitat Assessment

Introduction

- 2.1 A habitat survey was completed at the site on 19th October 2010 by Tom Knight of Marches Ecology. The results of this survey were provided in a separate report (Marches Ecology 2010¹). The survey focussed on land within the proposed development site and immediately adjacent land where access was provided.

Site Description

- 2.2 The site (see photos below) can broadly be divided into three vegetation types: species-rich neutral grassland, rough grassland and scrub. However these communities are represented across the site in a sometimes intimate mosaic whereby elements of each community grades into the others. A fourth vegetation type could perhaps be identified; ruderal vegetation, but this was largely represented by small fragments on the edges of the other communities. It should also be noted that much of the site is dominated by various types of hard-standing; some of this has become vegetated while other areas remain largely bare.



Grassland near site entrance.

¹ Marches Ecology (2010). *Proposed Housing Development at Gittins Yard, Johnstown, Wrexham - Ecology Survey*. Unpublished report for WCBC.



- 2.3 The site is directly bordered to the south by Gutter Hill (the B5426 road), and on the opposite side of this road, Stryt Las Park which includes areas of hard-standing and amenity grassland as well as some tall herbs/ rank grassland/ scrub and scattered trees. To the southeast the site borders residential housing while to the north/ northeast there is an area of tall herb vegetation and scrub. The Fire Station, various commercial premises and further residential housing are located to the west.

Status of Great Crested Newts in the Area

Waterbodies within 500 m of the Site

- 2.4 From previous work completed in this area by Marches Ecology and records supplied by the Countryside Council for Wales (CCW) it is known that there are at least three waterbodies within 500 m of the proposed development site. The closest of these is within Stryt Las Park; approximately 228 m to the south of the site at its closest point (Approximate Grid Ref. 329900, 346075). The main waterbody within Stryt Las Park is located 315 m to the south of the site (329933, 345896). Both of these waterbodies are known to have supported breeding (sub-) populations of Great Crested Newts.
- 2.5 Data previously supplied by CCW and Wrexham Countryside Service indicates that the Great Crested Newt meta-population in this area has been assessed as at least medium and often large (as defined in English Nature 2001). However the population at this site is currently not achieving the favourable conservation status as defined in the Core Management Plan². Low numbers of Great Crested Newts have been recorded during monitoring visits in recent years (particularly at Stryt Las Park). The Core Management Plan indicates that the condition of the Great Crested Newt population can be assessed as 'unfavourable, declining' based on 2007 data.

² Countryside Council for Wales (2008). *Core Management Plan including Conservation Objectives for Johnstown Newt Sites Special Area of Conservation (CCW)*. Available online: <http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/special-sites-project/halkyn-to-mynydd-sac-list/johnstown-newt-sites-sac.aspx>

- 2.6 The two waterbodies detailed above are included within the Johnstown Newt Sites Special Area of Conservation (SAC)/ Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). Further information regarding this protected site is provided below.
- 2.7 A third waterbody is located 300 m to the north/ northwest of the proposed development site (329783, 346720) adjacent to Pool Road in Ponciau. This waterbody is believed to be utilised for angling and as such is considered unlikely to support Great Crested Newts.

Stryt Las a'r Hafod SSSI/ Johnstown Newt Sites SAC

- 2.8 The closest part of Johnstown Newt Sites Special Area of Conservation (SAC)/ Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) is on the opposite side of Gutter Hill from the site; no more than 10 m away. Johnstown Newt Sites SAC extends to 69.61 hectares. No *Annex I* habitats are given as a primary reason for selection of the site as an SAC or as a qualifying feature. Great Crested Newt is the *Annex II* species that is the primary reason for selection of the site as an SAC. No *Annex II* species are given as a qualifying feature. The following description is reproduced from the SAC citation:

'This site lies near to Wrexham in north-east Wales and is composed of two post-industrial sites where coal and clay have been extracted. The population of Great Crested Newts Triturus cristatus is one of the largest known in Great Britain and has been the focus of much conservation management over the last few years. Breeding sites are provided in part by a mining subsidence pool, and natural water-filled hollows on clay, whilst other ponds have been created as part of nature conservation management. Terrestrial habitat varies from marshy grassland, grazed farmland and swamp through to scrub and broad-leaved woodland. Good populations of the widespread amphibian species are also present'.

- 2.9 Stryt Las a'r Hafod SSSI extends to 69.4 hectares and the boundary largely corresponds with the SAC. The citation states that *'the water bodies at Stryt Las and Hafod support one of the largest known breeding populations of the Great Crested Newt in Britain'*. It also notes the presence of 'significant populations' of the four common amphibian species.

Summary Evaluation

- 2.10 There is no aquatic habitat (suitable for Great Crested Newts) within the proposed development site. The terrestrial habitat (grassland and scrub) throughout most of the site is of high potential value for Great Crested Newts. The hard-standing and various piles of rubble, concrete blocks and other materials around the site provide potential refugia/ hibernacula. Stryt Las Park supports a breeding population of this species although it is currently in unfavourable condition. The site is isolated from Stryt Las Park by Gutter Hill which is a fairly busy road. However Great Crested Newts are known to cross many of the roads surrounding Stryt Las Park. While the site may provide potential terrestrial habitat including refugia/ hibernacula for Great Crested Newts it is unlikely to be of value as a dispersal route. Other than two small gaps in the northern boundary wall (the largest being a pedestrian gateway) the site is bounded on

three sides by brick walls and or stone-block retaining walls. These features are likely to present significant barriers to the movement of this species.

- 2.11 There is one known waterbody within 250 m of the proposed development site within Stryt Las Park to the south. Stryt Las Park also includes extensive areas of terrestrial habitat. Great Crested Newts commonly move between ponds that are within 250 m of each other, and have been recorded travelling over 1 km (English Nature 2001). As there are no known waterbodies to the north of the site (within 250 m) there is no apparent reason why Great Crested Newts from Stryt Las Park would access the site. However the possibility that individuals may disperse across some part of the proposed development site cannot be ruled out.
- 2.12 There is the potential for disturbance or killing of animals during any work at this site although the risk accorded by the proposed development is considered to be fairly low at the present time. Should the Great Crested Newt population supported by Stryt Las Park increase in the future (prior to construction) then this risk may need to be re-evaluated as would the appropriateness of non-licensed RAMs at this site.
- 2.13 As such this RAMs Method Statement details a precautionary approach to avoid any impacts on [individual] Great Crested Newts. Subject to appropriate implementation of this RAMs scheme no impacts due to the proposed development on the local Great Crested Newt population are envisaged.

3 Legislation

- 3.1 This sub-section provides a brief summary of key relevant legislation. 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.
- 3.2 Great Crested Newts are listed on *Schedule 5* of the *Wildlife and Countryside Act 1981*, as amended, and receive full protection under *Section 9*. The 1981 Act was amended by the *Countryside and Rights of Way Act 2000* (CRoW Act) which further extends the protection. It is also listed on *Annexes II and IV* of the European Union Directive on Natural Habitats and Wild Fauna and Flora (*Council Directive 92/43/EEC*), which is implemented in the UK by *The Conservation of Habitats and Species Regulations 2010*. It is included on *Schedule 2* of the Habitats Regulations which gives it full protection under *Regulation 40(1)*. The Great Crested Newt is therefore a so-called European Protected Species. The legislation applies to all life stages of the Great Crested Newt, including eggs, larvae, juveniles and adults.
- 3.3 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.

- 3.4 *Section 74(2) of the CRow Act 2000 (now under Section 42 of the Natural Environment and Rural Communities Act 2006) requires the National Assembly for Wales to prepare and publish a list of species and habitats that it considers to be of principal importance for the conservation of biological diversity in Wales. The Great Crested Newt is included on this list. Section 74 also places a duty on the National Assembly for Wales to have regard, in exercising all its functions, to conserve biological diversity in accordance with the United Nations Convention on Biodiversity.*
- 3.5 The Great Crested Newt is a priority species in the UK Biodiversity Action Plan (UK Biodiversity Steering Group 1995, 1998a & b), which includes objectives and targets to protect and restore newt habitats and to create new sites through habitat management and re-creation. There is also a SAP for Great Crested Newts in Wrexham (Wrexham County Borough, 2003). The Wrexham BAP is a supplementary planning guidance document.

4 Great Crested Newt Identification

- 4.1 This sub-section of the document is provided for reference in the event that any amphibians are found on site during the work. It will be discussed with all site personnel prior to the start of work. Identification of any newts that may be found is likely to require the confirmation of a suitably qualified ecologist.
- 4.2 Great Crested Newts are the largest of the three British species of newt; adult males can reach 15 cm in length, with females slightly larger at 18 cm. The upper surface and flanks are dark brown or black and distinctly warty, with a row of white/silver dots present along the side of the head and body. Males develop a characteristic jagged dorsal crest (which has a marked break where the tail joins the body) during the breeding season (although this lies flat when newts are on dry land). The belly is dark orange or yellow with a distinct pattern of black blotches. The throat is whitish and thickly spotted with brown/black.



Male Great Crested Newt on land (above) and female (below).



- 4.3 The Great Crested Newt may be confused with the Smooth Newt (*Lissotriton vulgaris*), although adults of this species are generally smaller (at 10-11 cm). In addition, although the male Smooth Newt develops a dorsal crest, this is unbroken from head to tail and is also undulating, as opposed to jagged. The male has brown/olive green or tan skin with black spots and the female a light brown colouration with darker spots or speckles. The belly of both the male and female is creamy yellow or orange, and the throat slightly lighter, both with dark spots or speckles.



Male Smooth Newts on land.

- 4.4 The third species of British Newt is the Palmate Newt (*Lissotriton helveticus*). It is slightly smaller than the Smooth Newt at 7-11 cm in length, although is superficially similar to the Smooth Newt. The two species can be difficult to distinguish, particularly females. The male Palmate Newt has a much less developed dorsal crest (which is also straight edged as opposed to undulating) than a male Smooth Newt. The male Palmate has a 4-7 mm tail filament and black frills / well developed webbing on the hind feet. Typically, the throat of males and females is pure white/pinkish and very rarely spotted (in contrast to Smooth Newts).

5 Proposed Mitigation Measures

Exclusion Fencing

- 5.1 It is proposed to install temporary amphibian exclusion fencing along the site boundary adjacent to Gutter Hill only. This fencing will link with existing boundary walls which for the purpose of the avoidance measures are considered to provide a sufficient barrier. Should any of the boundary walls be removed during the construction phase they would need to be replaced with a similar barrier or a temporary stretch of amphibian exclusion fencing. The fencing will be installed in accordance with currently available guidance (*e.g.* English Nature 2001). An aco-trench will be installed within the fence-line to facilitate vehicle access into the proposed development site. Heras fencing will be erected between the site boundary and the amphibian exclusion fencing to afford some protection. Should a Great Crested Newt be located during fence installation or implementation of the RAMs (see below) then they would be moved out of the fenced area and relocated for welfare reasons only to a suitable receptor site (likely to be within Stryt Las Park subject to the landowner's permission).
- 5.2 Reasonable avoidance measures (as detailed below) will be implemented during fence installation. If a Great Crested Newt is found during the fence installation it will be moved (for reasons of welfare only) to an appropriate 'receptor site' outside the development site. All work will then be suspended and the Countryside Council for Wales consulted. It is possible that in this instance or if a Great Crested Newt is found at any other time during the work, a Welsh Assembly Government (WAG) 'development' licence may be required in order to lawfully proceed. Other amphibians that may be found during the implementation of the RAMs scheme would also be moved to the 'receptor' site.
- 5.3 Following installation of the exclusion fencing approximately 40 artificial refugia (*e.g.* carpet tiles) will be placed along the internal side of the fence and within the proposed development site. These will be checked for a minimum of ten days (dependant on capture rates) during suitable weather conditions. Suitable weather conditions require a night air temperature of $>5^{\circ}\text{C}$ ideally with recent rainfall. Any amphibians that may be present will subsequently be translocated from the site (using black plastic buckets) to suitable refugia within Stryt Las Park (subject to the landowner's permission). After the completion of the capture programme a final terrestrial hand-search will be instigated to ensure no amphibians are present before development can proceed.
- 5.4 Immediately prior to the start of this 'trapping period' all scrub and other dense vegetation should be removed from the site using hand-tools only. All arisings from this clearance work should be taken off the proposed development site. Scrub/ grass should be cut no lower than 10 cm above ground level. This work may need to be supervised by a suitably qualified ecologist.
- 5.5 The exclusion fencing will remain in place until all construction/ landscaping activities have been completed. The fence integrity should be maintained; any damage should be repaired within the day on which it occurred. The applicant/ construction personnel

will be responsible for checking the condition of the exclusion fencing on a weekly basis and ensuring that it is maintained in an appropriate condition.

RAMs Method Statement

Preparatory

- 5.6 This RAMs Method Statement will be discussed in detail with all site personnel/ on-site contractors before any works on the proposed development are carried out. This will take the form of a site meeting and will incorporate advice with regard to the identification features of Great Crested Newts, their legislative protection and the procedure that should be followed if a Great Crested Newt is discovered during work.
- 5.7 Before any works on the proposed development 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 work.

Working Protocol

- 5.8 A suitably licensed³ ecologist will undertake a hand-search of the proposed development site immediately before any work starts and after the 10 day 'trapping period'. This will include the entire area within the exclusion fencing concentrating on features that provide potential cover for Great Crested Newts. As stated above if a Great Crested Newt is found during this search it will be moved (for reasons of welfare only) to an appropriate 'receptor site' outside the development site. All work would then be suspended and the Countryside Council for Wales consulted. It is possible that in this instance a Welsh Assembly Government (WAG) 'development' licence may be required in order to lawfully proceed.
- 5.9 The ecologist will subsequently supervise any stage of the work that could potentially impact features that could be used by Great Crested Newts. This is likely to be limited to any small-scale works that may be required outside the amphibian exclusion fencing.
- 5.10 At times when there is less/ no risk to Great Crested Newts (e.g. work within the amphibian exclusion fencing) the ecologist will remain on stand-by (off-site) for the duration of the work; site contractors will be responsible for implementing a watching-brief. This will entail a brief visual search of the site each day prior to work being initiated. When stored materials are moved, particular attention will be paid to determine if any amphibians are located underneath.
- 5.11 Should a newt be found during the work 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 (*Rana temporaria*) or Common Toad (*Bufo bufo*) are found

³ The ecologist should hold a current Countryside Council for Wales 'survey/ disturbance' licence.

during work, and confidently identified, then on-site contractors can move it to an appropriate location, as outlined above (firstly making sure their hands are damp).

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

- No machinery/ vehicles will access the area outside the exclusion fencing to undertake work associated with the proposed development unless under supervision by the ecologist where necessary (excepting delivery vehicles *etc*);
- Any work undertaken outside the exclusion fencing would be subject to the RAMs outlined above and supervised by the ecologist where necessary;
- Prior to leaving the site at the end of each day, all tools and other materials will be stored securely either off-site or located on hard-standing within the fenced area;
- Any spoil 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;
- Should any holes/ excavations be left on site overnight a suitable ramp (*e.g.* plank of wood) will be placed 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; and
- Machinery and vehicles will be located on hard-standing overnight.

6 Proposed Compensation Measures

Wildlife Corridor

- 6.1 It is proposed to provide a wildlife corridor aligned along the eastern side of the development site. Should Great Crested Newts access the site it is hoped that this corridor would provide a potential link between Stryt Las Park and a large area of suitable terrestrial habitat located to the north/ northeast. The wildlife corridor would adjoin areas of green space along the Gutter Hill frontage and in the northwest corner of the site. This link to the northwest corner is important as elsewhere the northern boundary is formed by stone retaining walls that are likely to present a significant barrier to the movement of amphibians. The wildlife corridor would also provide an area of positively managed terrestrial habitat.
- 6.2 Detailed management prescriptions for the wildlife corridor are provided in a separate Management Plan. It is not possible at this stage to identify management responsibility for this area as it is not known who would develop the site. As such a managing organisation along with appropriate funding mechanism should be identified at the detailed planning stage.

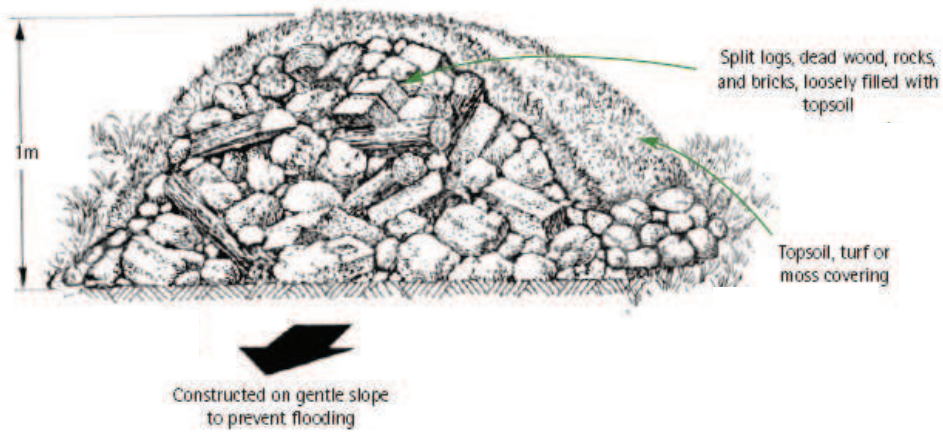
Hibernaculum

- 6.3 To further offset any potential impacts of the scheme on the local Great Crested Newt population it is proposed to construct a hibernaculum within the wildlife corridor. This work should be supervised by the ecologist.
- 6.4 As Great Crested Newts are known to spend a considerable proportion of their terrestrial phase either underground or just above ground under refuge sites, it is of great benefit to provide artificial sites, known as hibernacula (see photo below), which they can utilise. The hibernaculum would be created using material from the site wherever possible. A mixture of hardcore, brick rubble, logs, *etc*, and loose topsoil will be piled into a mound which will then be covered with a topsoil cap and, ideally, a turf covering. Dimensions should not be below 2 m length x 1 m width x 1m height. The lower margins of the mound should be exposed to facilitate access. The design can follow that provided in Langton, *et al.* (2001)⁴.

⁴ Langton, T, Beckett, C. & Foster J. (2001). *Great Crested Newt Conservation Handbook*. Froglife, Halesworth.



6.5 The following diagram is from page 31 of Langton *et al* (2001).



7 References

- Countryside Council for Wales (2008). *Core Management Plan including Conservation Objectives for Johnstown Newt Sites Special Area of Conservation (CCW)*. Available online: <http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/special-sites-project/halkyn-to-mynydd-sac-list/johnstown-newt-sites-sac.aspx>
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8 Signatories

I have read and understand the requirements of this Method Statement.

Print	Signed	Company	Date
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