

Title	Proposed New Stock Shed, Wynnstay Park, Rhosymadoc, Wrexham – Great Crested Newt Reasonable Avoidance Measures Method Statement
Client	Mr M. Davies
Date of Method Statement	2nd March 2011
Author	Tom Knight

1 Introduction

Method Statement

- 1.1 Marches Ecology was commissioned by Mr M. Davies to undertake a site visit at the location of a proposed new stock shed, Wynnstay Park, Rhosymadoc, Wrexham (OS Grid Ref. SJ 312 424). The site visit was required in order to assess the potential value of the habitat present for Great Crested Newts (*Triturus cristatus*) and subsequently to produce a Method Statement detailing Reasonable Avoidance Measures (RAMs) to be implemented prior to and during the construction period.
- 1.2 Further information was requested by Wrexham County Borough Council in a letter dated 18th February 2011. The letter makes particular reference to Reasonable Avoidance Measures including amphibian exclusion fencing and destructive searches. This Method Statement is to be submitted in support of the planning application (Ref. P/2011/0046). It has been discussed with Zara Lomax (Wrexham County Borough Council ecologist).
- 1.3 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. The RAMs will ensure as far as is reasonably possible that impacts on Great Crested Newts are minimised/ avoided.

Project Background

- 1.4 The proposed development is a stock shed that would measure 30.48 m by 11.989 m and 16.33 m high. The building footprint would therefore extend to 365.42 m². It will be located adjacent to two similar structures currently used to house stock and agricultural machinery. The building will be constructed using a steel frame with timber Yorkshire boarding to the walls. The lower half of the wall will be of cast concrete bolted to the steel uprights while one side will be open. The roof will be of fibre cement sheets.
- 1.5 The building footprint will be located on an existing area of hard-standing. This rough hard-standing will be made good with small diameter hardcore. The footings for the

steel frame will then be excavated. The footings will consist of poured concrete measuring an approximate surface area of 1m by 1m. A concrete plinth will then be formed across the building footprint above the footings. It is likely to take a day to pour the concrete to form the concrete plinth. The concrete will be delivered to the site in lorries. The entire construction is scheduled to take approximately 7-10 days.

- 1.6 The work will be completed using a JCB 3CX and a tele-handler with a basket for lifting the steel frame into place. There will be approximately four site personnel present at any one time. Access to the site will be via the existing drive-way and farm-yard.

2 Habitat Assessment

Introduction

- 2.1 The site visit was carried out on 25th February 2011 by Tom Knight of Marches Ecology. The weather was cloudy with a light breeze. The survey focussed on land within the proposed development footprint and immediately adjacent land where access was provided. Land within 250 m of the proposed development site was also viewed where possible to do so from roads/ rights-of-way.

Site Description

- 2.2 The footprint of the proposed development is located within an existing busy farm-yard environment (see photo below). The development footprint is entirely laid to existing hard-standing which is more-or-less devoid of vegetation. It is currently used for storing agricultural equipment and also a number of lambing pens. The surface is heavily disturbed and compacted both by the passage of livestock and of machinery. There are a number of bricks scattered across the hard-standing and there is a crevice beneath the concrete plinth of the adjacent building. Such crevices and debris provide potential refugia/ hibernacula for amphibians.



- 2.3 The proposed development is directly bordered to the northwest by the existing building. Adjacent to the yard (and outside the proposed development footprint) on all other sides there is a small area of sheep-grazed grassland. This grassland provides terrestrial habitat of potential value for Great Crested Newts although there is little cover. Beyond the grassland there are areas of woodland. To the south and east the woodland is quite open with little vegetative cover; the ground layer is grazed by sheep. Potential refugia/ hibernacula are largely limited to old tree stumps, brash piles and the nearby estate wall. To the north there is an area of woodland that is not grazed. As such the ground layer is largely characterised by dense *Rubus fruticosus* agg. (Bramble). This woodland provides habitat of high potential value to Great Crested Newts. To the northeast there is the garden associated with School Lodge; this contains a number of potential refugia.

Status of Great Crested Newts in the Area

- 2.4 An initial review of the OS map 1:25, 000 scale indicates that there may be nine waterbodies (other than ditches and streams) within approximately 500 m of the proposed development site. Two of these waterbodies are located within approximately 250 m. One of the two ponds located within 250 m was visited during the site visit (Pond 1) and viewed from an adjacent road. The second waterbody within 250 m (Pond 2) appears to be a circular ornamental installation at Wynnstay Hall; no access was provided. Pond 1 is approximately 135 m to the northeast (OS Grid Ref. SJ 314 425) of the proposed development site. Pond 2 is approximately 225 m to the west (SJ 310 425).
- 2.5 Pond 1 measures approximately 40 m by 10 m and is surrounded by scattered trees/ shrubs and stands of tall herbs. Approximately half of the pond appears to be dominated by *Typha latifolia* (Bulrush) with *Carex cf. pseudocyperus* (Cyperus Sedge). There are scattered stands of *Typha latifolia* (Bulrush) in the other half. The water surface is subject to approximately 25% shade. While this waterbody could not be viewed in detail from the adjacent road it is likely to provide potential habitat for Great Crested Newts of good quality.
- 2.6 Of the remaining seven waterbodies believed to be between 250-500 m of the proposed development five were viewed during the site visit. A pond located at SJ 309 422 is approximately 325 m southwest of the site. At SJ 315 428 there are two depressions located approximately 400 m to the northeast; both were dry at the time of the survey visit and are likely to be so throughout much of the year. The pond at SJ 313 428 is approximately 322 m to the north and that at SJ 316 420 is approximately 490 m to the southeast.
- 2.7 All five ponds that were viewed and are located within 250-500 m of the proposed development site are considered to provide poor or very poor quality potential aquatic habitat for Great Crested Newts. This is due to various factors (or a combination of them) including livestock access, eutrophication, heavy shading, use by wildfowl, lack of marginal/ aquatic vegetation, poor management, etc.

- 2.8 The NBN Gateway¹ apparently provides records for Great Crested Newt from 'The Lake' and the circular pond (Pond 2 referred to above) within the grounds of Wynnstay Hall. There are three records from 'Lindis Ferne Cottage', Wynnstay Hall dated 1992. There are also a small number of records further to the east of the minor road located to the east of the proposed development site.

Summary Evaluation

- 2.9 The terrestrial habitat within the footprint of the proposed development is unlikely to be of any particular value for (foraging/ dispersing) Great Crested Newts. Refugia/ hibernacula are also likely to be limited to perhaps some of the crevices beneath the foundations of the adjacent building, or larger pieces of rubble/ other stored material on the area of hard-standing, although these are heavily disturbed. The various items around the farm-yard and surrounding land (pile of tyres, hay bales, piles of bricks *etc*) as well as the foundations of the buildings may provide refugia/ hibernacula.
- 2.10 The areas of grassland and woodland located on all sides of the proposed development site (but outside it) provide terrestrial habitat of comparatively higher value. There are believed to be two waterbodies within 250 m of the proposed development site. Pond 2 is approximately 225 m away; there is a past Great Crested Newt record from this location although it is not known whether it is from the waterbody. Pond 1 is 135 m away and appears to provide potential aquatic habitat of good quality for Great Crested Newts. However it is located on the opposite side of a fairly busy minor road and the estate wall from the proposed development. The estate wall is approximately 2 m high. While there are small gaps in the wall at the access drive by School Lodge and at a small section in disrepair near the proposed development site this wall is likely to represent a significant barrier to the movement of Great Crested Newts.
- 2.11 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). Due to the presence of several waterbodies that may be used by Great Crested Newts nearby it is possible that individuals may disperse across some part of the proposed development site or may be found in crevices beneath the existing building/ beneath rubble. There is the potential for disturbance or killing of animals during any works at this site although the risk accorded by the proposed work is considered to be fairly low.
- 2.12 In proposing an appropriate RAMs scheme the use of fencing to exclude Great Crested Newts has been fully reviewed. On this occasion it has been deemed unnecessary/ impractical for the following reasons:
- The habitat within the development footprint is unlikely to be of particular value for Great Crested Newts. It is also highly disturbed and compacted;
 - There are only two known waterbodies within 250 m of the proposed development site. One of these is on the opposite side of the estate wall. The waterbodies

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<http://data.nbn.org.uk/gridSquares/10kmSquareSpeciesData.jsp?parentSq=SJ34&allDs=1&desig=0&spGrpKey=53&engOrd=0&src=1&homePageX=163&homePageY=258&spKey=137023&map=1&mapService=tenKmSelectorGBv4>

between 250-500 m away that were visited provide very poor/ poor quality potential habitat;

- The construction period is short;
- It is proposed to undertake the construction at a time of year when most newts will be present in their breeding ponds (April/ May); and
- Due to the nature of the substrate (brick/ concrete rubble) it is considered impractical to install newt exclusion fencing. Furthermore it is likely that a substantial amount of damage/ disturbance would result during such an operation.

- 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 Favourable Conservation Status of the local Great Crested Newt population are envisaged.

3 Legislation

- 3.1 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*. 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.
- 3.2 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.
- 3.3 *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.

- 3.4 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 RAMs Method Statement

Preparatory

- 5.1 This RAMs Method Statement will be discussed in detail with all site personnel/ on-site contractors before any works 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 and the procedure that should be followed if a Great Crested Newt is discovered during work.
- 5.2 Before any works 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. This Method Statement must be strictly adhered to by all site personnel/ contractors involved with the proposed work.
- 5.3 The ecologist overseeing this project is Tom Knight (Marches Ecology) who can be reached on 07928 212545. In the event that the ecologist cannot be contacted, please contact Max Ellson on 07950 220188.

Working Protocol

- 5.4 A suitably licensed² ecologist will undertake a hand-/ destructive search prior to the initiation of any work at the start of the construction period. This will focus on the footprint of the proposed building as well as any immediately adjacent areas that may be used for storage of materials, vehicles or machinery. The intention would be to remove as many items that could provide refugia from the working area. The edge of the concrete foundation of the existing building would also be searched as far as is reasonably possible. 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. The receptor site is likely to be in an area of nearby woodland under dense vegetation. 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.
- 5.5 Following this initial hand-/ destructive search it is likely that further hand-searches will be required ahead of excavation of the footings. The holes will be excavated for the footings and subsequently the concrete would be poured in the same day so that no open excavations are left overnight. On completion of the footings preparation work will be required to form the concrete plinth. A hand-search will also be required ahead of this work and prior to pouring of the concrete for the plinth. As stated previously it is envisaged that the pouring of the concrete for the plinth would be completed in one day.
- 5.6 The ecologist will subsequently supervise any stage of the work that could potentially impact features that could be used by Great Crested Newts (although no further hand-searches are envisaged at this time). This would include removal of any features/ piles of debris in contact with the ground.
- 5.7 At times when there is less/ no risk to Great Crested Newts (e.g. later stages of construction) 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.
- 5.8 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 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).

² The ecologist should hold a current Countryside Council for Wales 'survey/ disturbance' licence.

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

- All work will be completed at a time of year (April/ May) when most newts will be present at their breeding pond thus minimising the risk that they may be present on the site;
- All work will be undertaken from areas of existing hard-standing/ compacted earth wherever possible. No machinery or other materials will be stored on any grass or other vegetation over night;
- Prior to leaving the site at the end of each day, all tools and other materials will be stored securely off-site;
- 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. It is not currently envisaged that any holes will be left overnight; and
- Machinery and vehicles will be located on hard-standing overnight.

6 References

- English Nature (2001). *Great Crested Newt Mitigation Guidelines – Version: August 2001*. English Nature, Peterborough.
- HMSO (1981). *The Wildlife and Countryside Act 1981*. HMSO, London.
- HMSO (2000). *The Countryside and Rights of Way Act 2000*. HMSO, London.
- HMSO (2006). *The Natural Environment and Rural Communities Act 2006*. HMSO, London.
- HMSO (2010). *The Conservation of Habitats and Species Regulations 2010*. HMSO, London.
<http://www.biodiversitywales.org.uk/admin/upload/docs/english/Section%2042%20Priority%20List.doc>
- UK Biodiversity Steering Group (1995). *Biodiversity: The UK Steering Group Report Volume 2: Action Plans*. HMSO, London.
- UK Biodiversity Steering Group (1998a). *UK Biodiversity Group Tranche 2 Action Plans Vol I Vertebrates and Vascular Plants*. English Nature.
- UK Biodiversity Steering Group (1998b). *UK Biodiversity Group Tranche 2 Action Plans: Volume II – Terrestrial and Freshwater Habitats*. English Nature.
- Wrexham County Borough (2003). *Wrexham Biodiversity Action Plan (Edition 2 – September 2003)*. The Planning Department, WCBC.

7 Signatories

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

Print	Signed	Company	Date
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