



**REASONABLE AVOIDANCE MEASURES FOR GREAT CRESTED NEWTS
MITIGATION METHOD STATEMENT FOR THE EXTENSION OF A BELOW
GROUND SLURRY AND DIRTY WATER LAGOON, BURTON LODGE FARM**

Submitted to:

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Submitted by:

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1 INTRODUCTION

1.1 Terms of reference

- 1.1.1 Amec Earth and Environmental was commissioned by Mr and Mrs Wildbore in June 2010 to produce a Mitigation Method Statement for great crested newts in respect of proposals to extend a below-ground slurry and dirty water lagoon at Burton Lodge Farm, Rossett near Wrexham.
- 1.1.2 The Method Statement was requested as a condition of the planning consent granted by Wrexham County Borough Council, in response to consultation from the Countryside Council for Wales. In the absence of the requirement for any surveys for great crested newts, given the small scale of the proposals it was advised by CCW that precautionary Reasonable Avoidance Measures (RAM's) should be implemented to protect great crested newts and other amphibians that may potentially be impacted.

1.2 Objective

- 1.2.1 The objective in producing this Method Statement was to design Reasonable Avoidance Measures (RAMs) to ensure that the proposed development has no adverse impact on great crested newts – or other amphibians – in the short or long term.

2 LEGISLATIVE AND PLANNING POLICY CONTEXT

2.1 National Planning Policy and Legislation

2.1.1 Guidance on nature conservation planning policy is provided in the National Assembly for Wales Planning Division Technical Advice Note 5 (TAN 5 Nature Conservation and Planning: 1996). This is concerned both with the protection of statutorily designated sites and nature conservation in the wider countryside

2.1.2 TAN 5 paragraph. 28 states:

“Statutory sites and non-statutory sites, together with features which provide wildlife corridors, links or stepping stones from one habitat to another, all contribute to the network necessary to ensure the maintenance of the current range and diversity of our flora, fauna, geological and landform features and the survival of important species. Sensitive landscaping and planting, the creation, maintenance and management of landscape features important to wildlife, and the skilled adaptation of derelict areas can provide extended habitats”.

2.1.3 This paragraph recognises that careful planning can be used to reconcile nature conservation and development.

2.1.4 Planning Policy Wales (March 2002), to which local authorities must have regard when preparing Unitary Development Plans, sets out policies for the conservation of biodiversity. Planning Policy Wales identifies protected species as “a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.”

2.2 Legislation and biodiversity policy affecting great crested newts

2.2.1 Great crested newts and their habitats receive full protection under Section 9 of the Wildlife and Countryside Act 1981 (as amended). They are also listed on Annexes II and IV of the EC Habitats Directive (Council Directive 92/43/EEC), which is implemented in the UK by The Conservation of Habitats and Species Regulations 2010.

2.2.2 The great crested newt is included on Schedule 2 of the Habitats Regulations, which lists ‘European protected species of animals’ (Regulation 38). This makes it an offence intentionally to kill, injure, take or sell great crested newts or to damage, destroy or obstruct access to any structure or place used for shelter or protection. It is also an offence to disturb great crested newts while they are occupying any such place of shelter.

2.2.3 As great crested newts may use a variety of terrestrial and aquatic habitats for shelter throughout the year, this legislation effectively gives protection

both to the animals themselves and to their habitat. Activities that could damage or destroy either the terrestrial or the aquatic habitat of great crested newts, or prevent or impede their use of certain parts of their habitat (for example, the isolation of breeding ponds from their foraging or hibernation habitat, thus obstructing access) are therefore prohibited. Both pieces of legislation apply to all life stages of the species, including eggs, larvae, juveniles and adults.

- 2.2.4 The great crested newt is a priority species in the UK Biodiversity Action Plan, which includes objectives and targets to protect, restore and create newt habitats.

3 SITE ASSESSMENT

3.1 Consultation

3.1.1 Consultation was limited to a desk-based consultation and data collation exercise to check for records of great crested newts in the area. The following organisations, individuals and websites were consulted:

- Countryside Council for Wales (CCW)
- National Biodiversity Network (NBN).

3.1.2 At the outset of the planning application Countryside Council for Wales (CCW) were consulted by Wrexham County Borough Council. A consultation response letter from Dr. D. Hatcher to Wrexham County Borough Council Planning Services (dated 14th May 2010) stated that they had no objection to the proposals, however recommended the implementation of appropriate mitigation proposals for amphibians, notably great crested newts, to ensure that any potentially occurring on the Site are safeguarded throughout the duration of the construction operations.

3.1.3 Informal consultation with Dr. Hatcher has been ongoing to obtain the input and advice of CCW, with regard to our proposals and to ensure they meet the satisfaction of the planning condition.

3.1.4 The National Biodiversity Network (NBN) revealed several historical records dating from 1992 of great crested newts in the broader area. None of these occur within 250m of the proposed development site. Two occur within 500m. See Table 1 below.

Table 1: Records of great crested newts (National Biodiversity Network)

3.1.5 Given the absence of any recent data to indicate the presence of a population of great crested newts within 250m of the proposed development site, along with the small scale of the proposals, no full survey for great crested newts was considered necessary by CCW to inform the mitigation scheme for this proposal. However, to inform this Method Statement, a visit to the site and surrounding area was undertaken by a licensed great crested newt ecologist (Licence No 20100673) on 4th June 2010 to assess the current conditions on the site with respect to suitability for great crested newts. This also afforded the opportunity to discuss the proposals with the developer and to inform the most appropriate approach.

3.2 Site Walkover

Proposed Development Site

3.2.1 The site walkover revealed that the footprint of the proposed development site (approximately 0.13ha in total) comprises an existing enclosed slurry lagoon, which is fed by two pipes collecting manure and dirty water from the

farmyard. It is currently for the most part dry, holding dried manure which has been heavily succeeded by terrestrial grasses and ruderal vegetation. There are some damper areas in the centre, again heavily vegetated, supporting more aquatic vegetation including a small stand of bulrush *Typha latifolia* and additional stands of bittersweet *Solanum dulcamara*. There are two small visible areas of standing surface water in the northeast and southwest corner of depth <5cm.

- 3.2.2 This lagoon is located in a semi-improved pasture field currently grazed by cattle, of which a small area directly adjacent to the west of the lagoon is to be lost. The sward height is approximately 10cm and provides little cover, except for the more tussocky, taller areas along the adjacent northern field boundary and around the margins of the existing lagoon. It provides only limited foraging potential for great crested newts.

Surrounding Area

- 3.2.3 Beyond the boundaries of the footprint the immediate surrounding land is primarily rough pasture, the boundaries of which are formed by hedgerows which could provide suitable cover and dispersal routes for great crested newts. The hedgerow which bounds the field to the north of the Site has a dry ditch running along part of it. Similar pasture fields are also found to the south of the Site and both pasture and arable fields lie to the east on the other side of Stringers Lane. Directly to the north of the existing slurry lagoon are the farmhouse and associated outbuildings and yard.
- 3.2.4 Approximately 30m to the northwest of the area subject to works is a large, overgrown earth and rubble mound, with additional smaller rubble piles surrounding it, which may provide opportunities for shelter in the surrounding area.
- 3.2.5 The nearest pond is located approximately 330m from the eastern boundary. There are a number of additional ponds to the northeast of the Site, the nearest lying approximately 400m away. These lie within close proximity to more optimal terrestrial habitat, being adjacent to a large area of woodland. They are also separated from the Site by Stringer's Brook, which lies 230m to the north.

Summary Site Evaluation

- 3.2.6 The site of the proposed development in its current condition is considered to represent the least suitable habitat for great crested newts when compared with the surrounding area. The waterbody on the Site itself does not offer suitable breeding habitat for great crested newts in its current state and would be considered to function more as extended terrestrial habitat in its largely dried up state. The terrestrial habitat offers a limited degree of foraging potential and negligible opportunities for shelter.

- 3.2.7 In contrast, the large rubble pile to the northwest of the Site (offsite), which is not to be impacted on, provides excellent shelter opportunities.
- 3.2.8 The woodland and surrounding fields to the northeast of the site, which lie in close proximity (within 250m) to a number of potential GCN breeding ponds, are considered to provide more optimal terrestrial habitat for foraging and shelter opportunities, in comparison to those habitats provided on the Site.

4 POTENTIAL IMPACTS

4.1 Outline of Development Proposals

- 4.1.1 The proposed development will see the excavation and extension of the existing below-ground slurry and dirty water lagoon, to occupy an area twice the size of the current lagoon.
- 4.1.2 The footprint of the proposals will occupy an area of approximately 0.13 ha in total, encompassing the existing lagoon and the area of grassland immediately adjacent to the west.

4.2 Potential Impacts in the Absence of Mitigation

Aquatic Habitat

- 4.2.1 The proposed works will directly affect the existing lagoon on the Site, resulting in a larger lagoon. However, an assessment of this waterbody concluded that, as it currently holds very little standing water, supports little in the way of aquatic vegetation and given its sole use as a slurry pit it is not considered to provide suitable breeding habitat for great crested newts. Therefore although the proposed works will involve a small level of temporary disturbance to this 'aquatic' habitat, there will be no temporary or permanent loss of any breeding habitat as a result of the development.
- 4.2.2 Furthermore, the excavation works to extend this lagoon are proposed to be carried out in late summer/autumn which is outside of the breeding season for GCN, thus outside of the time of year when this species are likely to be found in aquatic habitats.

Terrestrial Habitat

- 4.2.3 The extension of the lagoon will be directly to the west, which will result in the permanent loss of this small area of grassland, comprising close cropped grazed pasture with occasional longer tussocky patches. It is considered to be low quality terrestrial habitat for great crested newts.
- 4.2.4 Although this habitat lies within the immediate vicinity of the existing waterbody, this waterbody is not considered to present suitable breeding habitat for great crested newts.
- 4.2.5 Although this area of terrestrial habitat may be suitable for great crested newts in terms of foraging, commuting and shelter, there is abundant higher quality habitat within the wider area, in particular the areas of woodland and rough pasture which lie to the northeast of Burton Lodge Farm. The majority of this habitat exists in closer proximity - within a 250m dispersal range, of the nearest potential GCN breeding ponds, than the small area of pasture (<0.1ha) on Site that will be lost to the works.

- 4.2.6 The loss of this habitat would therefore be considered to be a negligible negative impact.
- 4.2.7 Furthermore, under planning condition 3 of the development proposals, as stated by Wrexham County Borough Council, trees and shrubs will be planted on the Site within 6 months of the first use of the lagoon, which will enhance opportunities for foraging and shelter for great crested newts potentially using the Site. This would not only compensate for the loss of what is sub-optimal habitat, but would represent an enhancement leading to a minor positive impact at the level of the site.

Individual Great crested Newts

- 4.2.8 It is considered unlikely that great crested newts are present on the Site. The waterbody does not present suitable breeding habitat for great crested newts, as such the only, albeit very low potential lies within the areas of potential terrestrial habitat on site.
- 4.2.9 In the absence of mitigation, there is a small chance that individual great crested newts that may be present, could be injured or disturbed in the course of the excavation works. The likelihood of this is considered to be very low on account of the fact that cover for great crested newts within the development footprint is limited, with the exception of the taller, more tussocky areas of vegetation around the boundary and the margins of the existing lagoon.
- 4.2.10 It is possible that great crested newts could forage in and commute through the site at night but they are highly unlikely to be found there during the day when works will be taking place.
- 4.2.11 In spite of the likelihood of disturbance to individual newts by the development works being low, it is considered that a mitigation scheme is required. However, a licensed mitigation scheme that includes erection of temporary amphibian exclusion fencing (TAF) and a translocation program is not considered appropriate in this case. The numbers of newts likely to be encountered (if any) are so low that any potential negative impacts can be more appropriately avoided through Reasonable Avoidance Measures (RAMs), such as careful timing of works and ecologically sensitive working methods (detailed below).

5 REASONABLE AVOIDANCE MEASURES

5.1 Method Statement

- 5.1.1 This method statement covers site works to be undertaken in respect of the proposed development. Prior to commencement of these works a briefing on the purpose and content of this Method Statement will be given by the Project Ecologist to all contract staff undertaking the works. The Project Client will ensure that the Contractor Site Manager has read, understands and signed this Method Statement. A copy of the signed method statement will be held by the Contractor and the Project Ecologist.

Ecological Input

- 5.1.2 A licensed (GCN) ecologist will be appointed to provide ongoing advice throughout the course of the works, including, where appropriate, supervision of any works likely to result in disturbance of great crested newts. Under the 2007 amendments to the Habitats Regulations 'minor disturbance' is permissible without the need for a Regulation 44 licence; however, should any great crested newts be discovered within the working area – by the ecologist or by any of the site staff – at any stage during the lifetime of the works, all such works will cease immediately pending consultation with CCW and the application for a licence.
- 5.1.3 Immediately prior to the commencement of works, a licensed ecologist will inspect/hand-search the working area to ensure that no great crested newts are present or likely to be present. Where the vegetation is too dense to allow the ecologist an adequate view when searching for GCN, this will be reduced in height using hand tools to allow thorough inspection.
- 5.1.4 The topsoil will then be stripped from the works location/access route and spoil/arising deposition areas using an excavator and the subsoil excavated to the appropriate depth to form the lagoon. A watching brief will be implemented throughout the initial part of excavation works to ensure that any GCN potentially present are discovered and safeguarded from harm/further disturbance.
- 5.1.5 The ecologist will have the authority to stop works and inform CCW should any potential disturbance to great crested newts be assessed as being more than 'minor' (including, but not limited to, the case of discovery of great crested newts within the working area during the works). In this unlikely event, works would be postponed pending application to the Welsh Assembly Government (WAG) for a licence to disturb great crested newts (under the Habitat Regulations (44)).

Temporary Habitats

- 5.1.6 The site is currently unlikely to harbour great crested newts during the day; however, once excavation works start, there is the possibility that stored

materials and arisings from excavations could provide temporary habitats in which great crested newts might seek shelter during the day. Great crested newts could subsequently be disturbed when this material is redeployed.

- 5.1.7 To mitigate this, all arisings from excavations will be compacted immediately to eliminate cracks and crevices in which great crested newts could seek shelter
- 5.1.8 Should the provisions described in above prove unworkable for any reason and/or at any stage, the ecologist will thoroughly hand search any temporary habitats prior to redeployment of the materials that compose them.

Timing

- 5.1.9 Any potential disturbance to individual GCN should be avoided during the hibernation season (ca. November – February) due to the fact that such disturbance to torpid individuals can reduce survival.
- 5.1.10 Similarly any disturbance to their aquatic habitat should be avoided during the breeding season (ca. March – June)

Other Amphibians

- 5.1.11 In the course of the works to be carried out under the RAMs described herein, due care will be taken to ensure that no other amphibians are incidentally harmed or disturbed.
- 5.1.12 Although other amphibian species – such as smooth newts, common frogs and toads – potentially encountered in the course of the works do not benefit from the same level of protection as great crested newts, as a matter of best practice these will be translocated by the ecologist to suitable safe habitat off site

6 CONCLUSION

- 6.1.1 The need for the works in the manner proposed has been examined in the context of the potential risks to great crested newts and found to be justified, subject to suitable precautions being adopted by the site staff under the supervision of the Site Ecologist. This will be achieved through a combination of the following Reasonable Avoidance Measures:
- Careful timing of works.
 - Use of ecologically sensitive working practices.
 - Implementation of a watching brief, where appropriate, by a suitably licensed/accredited Site Ecologist.
 - Provision of an ecological tool-box talk for Site Manager and Contract Staff.
 - Commitment to immediate cessation of works should the works be assessed as likely to cause significant disturbance to great crested newts pending immediate consultation with CCW.
- 6.1.2 Subject to the observance of the above measures, it is considered that the risk of causing disturbance to great crested newts will be minimised to an acceptable level.

Mr and Mrs Wildbore
Great Crested Newt Reasonable Avoidance Measures
Rossett
July 2010



REASONABLE AVOIDANCE MEASURES FOR GREAT CRESTED NEWTS
METHOD STATEMENT FOR THE EXTENSION OF A SLURRY AND DIRTY
WATER LAGOON AT BURTON LODGE FARM, ROSSETT
Prepared July 2010

Please sign and date the form below to confirm that you have read and understand the conditions of the above Method Statement:

Project Manager:

Kevin Hume (Senior Consultant Ecologist AMEC E&E)

Site Ecologist:

Sara Hill (Ecologist AMEC E&E)

Developer

Site Contract Manager:
