

Great Crested Newt Reasonable Avoidance Method Statement (RAMS)

**In relation to the permission granted on appeal for the erection of
15 no. dwellings, associated landscaping and car parking - Penley
(Appeal Decision APP/H6955/A/20/324974)**

February 2021

1 Background

In relation to the permission granted on appeal (Appeal Decision APP/H6955/A/20/3249747) for the erection of 15 no. dwellings, associated landscaping and car parking at land off Ellesmere Lane, Penley, Wrexham - NGR: SJ418396; condition 11 of the appeal decision states:

"No development shall commence until details of Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the local planning authority. The RAMs shall include:

- i) Details of a toolbox talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project.*
- ii) Details of an artificial amphibian hibernacula to be constructed adjacent to the site;*
- iii) Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) of any potential great crested newt habitat (such as rubble piles or sheet materials) on the site. Any amphibians found shall be relocated to the artificial hibernacula;*
- iv) Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery; and*
- v) Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.*

The development shall be carried out in accordance with the RAMs as approved.

Reason: To protect named species and habitats which would otherwise be damaged or lost in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan."

This report comprises the information required by this condition.

2 Required details

i) Details of a toolbox talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project

The great crested newt briefing that forms part of the reasonable avoidance method statement given in Appendix 1 includes notes on the identification and ecology of great crested newts.

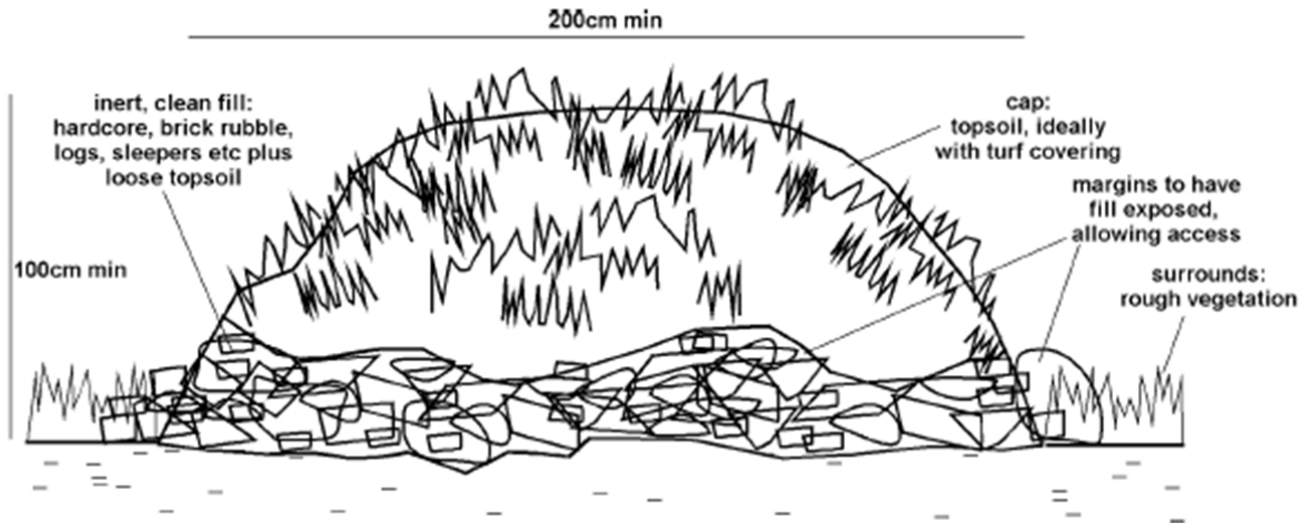
Appendix 1 will be delivered as a toolbox talk to construction staff employed on the project and two copies will be left on site, so that it can be made available to any subsequent construction staff employed on the project.

ii) Details of an artificial amphibian hibernacula to be constructed adjacent to the site

The artificial amphibian hibernaculum will be constructed broadly in keeping with the design in the great crested newt mitigation guidelines (<https://webarchive.nationalarchives.gov.uk/20140605121141/http://publications.naturalengland.org.uk/publication/810429?category=30014>, accessed February 2021) and reproduced in Drawing 1 below for ease of reference.

The location of the hibernaculum will be on or near the eastern boundary of the permitted site, given that the nearest ponds known to support great crested newts are east of this boundary.

Drawing 1 Hibernaculum design given in the great crested newt mitigation guidelines



iii) Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) of any potential great crested newt habitat (such as rubble piles or sheet materials) on the site. Any amphibians found shall be relocated to the artificial hibernacula

The artificial hibernaculum will be constructed prior to any walkover survey or destructive search. Subsequently, and in the amphibium active season only (March to mid-October inclusive), a walkover survey and a destructive search will be undertaken under the supervision of an ecologist with a current great crested newt survey licence. This will include searches of any potentially suitable places of rest or shelter for amphibians (including rubble piles or sheet materials).

With the exception of great crested newt, any amphibians found will be relocated to the artificial hibernaculum. In the unlikely event that a great crested newt is discovered, the search shall stop and discussions take place with Natural Resources Wales as to if a mitigation licence is required to lawfully progress with the permitted development.

iv) Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery

The reasonable avoidance method statement given in Appendix 1 includes this requirement.

Appendix 1 will be delivered as a toolbox talk to construction staff employed on the project and two copies will be left on site, so that it can be made available to any subsequent construction staff employed on the project.

v) Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula

The reasonable avoidance method statement given in Appendix 1 includes this requirement.

Appendix 1 will be delivered as a toolbox talk to construction staff employed on the project and two copies will be left on site, so that it can be made available to any subsequent construction staff employed on the project.

Appendix 1 - Reasonable Avoidance Method Statement and great crested newt briefing

This Method Statement sets out a protocol (reasonable avoidance/precautionary measures) for ensuring that there is negligible risk of killing, injuring or disturbing a great crested newt, or of damaging or disturbing a resting or sheltering place used by a great crested newt, which might be present in the vicinity of the permitted works.

i) All on-site contractors will be briefed as to what a great crested newt looks like, where they are most likely to be found, an outline of the legislation and what to do if a great crested newt is observed (based on the briefing below).

ii) Pre-commencement, a consultant ecologist will undertake a fingertip and destructive search of all the work areas and access routes to ensure the likely absence of great crested newts from these areas.

iii) Steps should be taken to ensure that works will not harm or disturb individual great crested newts, or their places of rest or shelter. These steps are:

- the risk of newts (and other amphibians) being trapped in holes, ditches, trenches, depressions etc. dug as a result of the proposed works will be minimised by:
 - o backfilling all holes etc. every evening, or, if this is not feasible then:
 - providing earths ramps at regular intervals in any trench (etc.) every night to allow any trapped amphibians to escape; and/or:
 - placing a covering on any trench (etc.) that will effectively prevent any amphibian from falling in. Examples of such a cover would include plywood or metal (as appropriate) edged with foam rubber (or similar) that would 'fill' any gaps otherwise present due to ground unevenness, or a tarpaulin sheet (or similar) with the edges weighed down with soil (or similar);
 - undertaking a morning inspection to double check for the presence of any amphibians before works re-start. Other than great crested newt, any amphibians located in this way should be moved to the artificial hibernaculum.
- the creation of potential places that could be used for rest or shelter by great crested newt (and other amphibians) will be minimised by not laying plastic, bricks, wood, slabs, delivered bulk materials etc. flat on the ground, except where pre-agreed with the consultant ecologist (eg: as far as feasible from breeding ponds and on an area with no possible places of rest or shelter for newts) or, where feasible, these should be raised off the ground by at least 15cm (such as on railway sleepers or pallets).
- work that may affect amphibians will be carried out with due care and attention and all contractors will be asked to remain vigilant in order to spot any which may be uncovered.

iv) In the unlikely event that at any point a great crested newt is discovered on the site the following instructions will be followed:

- contact a consultant ecologist (eg: Rob Mileto on 01743 236096 or 07929 037409) who should advise on what to do next. If no consultant ecologist is immediately available, photograph the newt if possible or take detailed notes on colour, length, texture of the skin and if there is a white strip on the side of the tail. Then, gently cover the newt with handfuls of grass and move away.
- works in the area where you found the newt should stop - otherwise you may be causing an offence.

Great Crested Newt Briefing

This briefing should be regarded as a basic guide only - it is for each person to ensure they are fully conversant with the law as applied to great crested newts.

1) What a great crested newt looks like

An adult male looks like this (picture approx half life size). Adult males have rough dark (black) skin and are up to 15cm long (nearly the length of a typical hand). Note the white strip on the tail.



An adult female is similar (picture approx half life size). It is typically slightly bigger than males (note there is no white strip on the tail).



Immatures are small versions of the adults above and are about the length of an index finger.

Note that there are two other species of newt that might be found and which can look like a small version of a great crested newt (there is a smooth newt in the photo above). Therefore if any newt is found it is best to telephone as detailed below.

2) Where great crested newts are likely to be found

Although newts are often thought of as aquatic, only the adults use ponds and other areas of standing water for breeding between around March to June (much like frogs). For the rest of the year (and all year for juveniles) newts live on and under the ground. The most likely places to find them out of water are the same sorts of places you would find slugs and worms - dark damp places often under timber, rocks, slabs and other debris. They can also be found in drains.

3) The law that applies to great crested newt

With certain exceptions, it is an offence 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 great crested newt breeding site or resting place;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter by great crested newt.

4) What to do if you find, or think you have found, any newt

- do not handle the newt. If possible, cover it with some wet vegetation (eg: wet grass);
- ring the following numbers: 01743 236096 or 07929 037409 and speak with Robert Mileto and he will advise on what to do next. If Rob is not available, photograph the newt if possible or take detailed notes on colour, size etc.;
- works in the immediate area where you found the newt should stop - otherwise you may be causing an offence.