



Five Fords Thermal Hydrolysis Plant

Great Crested Newt Low Risk / Risk Avoidance
Method Statement

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March 2016

Dwr Cymru

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Ty Awen
Spooner Close
Celtic Springs Business Park
NP10 8FZ
United Kingdom

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Contents

Chapter	Title	Page
1	Introduction	1
1.1	Background _____	1
1.2	Purpose and Structure of the method statement _____	1
2	Legislative Background	2
2.1.1	The Conservation of Habitats and Species Regulations (2010) _____	2
2.1.2	Wildlife and Countryside Act (1981, as amended) _____	2
3	Risk Assessment and Avoidance Measures	4
3.1	Site suitability for great crested newts _____	4
3.2	Potential terrestrial habitat and use of the site by great crested newts _____	4
4	Working Methodology	5
4.1	Proposed risk assessment _____	5
4.2	Generic risk avoidance measures _____	5
4.3	Justification of approach _____	6
5	Summary	7
5.1	Summary _____	7
5.2	Procedure to follow in case great crested newts are found present _____	7
	Appendices	9
	Appendix A. Proposed Works Map _____	10

1 Introduction

1.1 Background

Dŵr Cymru Welsh Water Limited (DCWW) has commissioned Mott MacDonald Bentley (MMB) to design and build a Thermal Hydrolysis Plant at the Five Fords Wastewater Treatment Works, Wrexham. To facilitate the design and planning of this plant a preliminary ecological appraisal of the site has been undertaken. The site lies to the south east of Wrexham between Wrexham Industrial Estate and the town of Marchwiel.

As part of the initial feasibility for the development of the site, a Preliminary Ecological Appraisal was conducted for the site and surrounding area. The appraisal identified the potential for great crested newts (GCN) to be present within the development boundary and surrounding areas. The presence of GCNs were confirmed through survey work, however a Derogation Licence for this section of the works was not deemed necessary as the impacts for the work to the Thermal Hydrolysis Plant were deemed minimal. It is proposed in the following sections.

1.2 Purpose and Structure of the method statement

This method statement applies to the works that have been proposed to be undertaken within the works detailed in Appendix A for the site.

The aim of the method statement is to provide the contractor with a clear methodology for working with the area to prevent the contravention of GCN legislation (described in Section 2) the objectives of which are detailed below:

- To set out a clear risk assessment in respect of the works being undertaken at the site;
- To present a set of clear procedures to be followed by DCWW contractors at all times when working within the site to ensure that current wildlife legislation is not contravened;
- To ensure that DCWW contractors can undertake work efficiently and that delays that may arise from working within the low risk area are minimised or avoided.

2 Legislative Background

2.1.1 The Conservation of Habitats and Species Regulations (2010)

The Conservation of Habitats and Species Regulations (2010, as amended) provide for the protection of species in need of conservation action across Europe (referred to as European Protected Species (EPS)). GCN are listed on the species list of the regulations as an EPS.

The Conservation of Habitats and Species Regulations are generally referred to as the Habitats Regulations.

The Habitats Regulations transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (EC Habitats Directive) into national law in England and Wales.

The Habitat Regulations lists a number of offences that may be committed against GCN (see Table 2.1).

Table 2.1: Offences to European Protected Species

Section of Regulations	Offence
Part 3, 41 (1) a	Deliberate capture, injury or killing of great crested newts.
Part 3, 41 (1) b	Deliberate disturbance of great crested newts, in particular any disturbance, which is likely to (a) impair their ability to (i) survive, breed or reproduce or to rear or nurture their young; or (ii) in the case of hibernating or migratory species, to hibernate or migrate or (b) affect significantly the local distribution or abundance of that species to impair their ability: (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate.
Part 3, 41 (1) c	Deliberate taking or destruction of eggs of great crested newts.
Part 3, 41 (1) d	Damage or destruction of a breeding site or resting place of great crested newts.
Part 3, 41 (3)	Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead great crested newts, or any part of, or anything derived from great crested newts.

These actions (killing/injury excluded) can be made lawful through the granting of derogation licences ('EPS licence') by the appropriate Statutory Nature Conservation Organisations (SNCOs) and Natural Resources Wales. Licences may be granted under Regulation 53, Part 2 (e) only after evidence is provided that there is a need for the proposals, that there are no satisfactory alternatives to the development, and that the development will have no detrimental effect on the wild population of the species concerned.

2.1.2 Wildlife and Countryside Act (1981, as amended)

The Wildlife and Countryside Act 1981 (as amended), sometimes referred to as the WCA, provides for the protection of species in need of conservation action or other protection. GCN are listed on Schedule 5, Section 9 (4) b and c and (5).

The WCA prohibits obstruction of access to any places used for shelter or protection, or disturbance of animals occupying such places.

It should be noted that the offences of disturbance of GCN whilst occupying places used for shelter/protection and obstruction of access to such places are additional offences to those described under the Habitat Regulations, and the protection afforded under both sets of legislation needs to be considered concurrently. For a definitive interpretation legal counsel should be sought.

3 Risk Assessment and Avoidance Measures

3.1 Site suitability for great crested newts

A number of previous ecological reports for the site were reviewed and a preliminary ecological appraisal was conducted including a site visit in December 2014. The information obtained from the previous reports highlighted that GCN have been confirmed present at Five Fords WwTW and the subsequent site visit identified the potential for GCN within 250m of the WwTW.

GCN presence / absence surveys were undertaken in 2015 at 16 suitable ponds located to the south of Five Fords WwTW. Eight ponds were confirmed to support GCN.

3.2 Potential terrestrial habitat and use of the site by great crested newts

An assessment was made on the value of the habitats within the proposed working areas within 250m of the breeding ponds to support GCN throughout the different stages of their lifecycle.

The proposed works are considered to have low terrestrial value for GCN with majority of the area being dominated by bare ground, hardstanding and arable fields considered suitable for dispersing GCN only. The closest pond confirmed to contain GCN in 2015 is located approximately 360m from the works area, with the closest pond that contained no GCN located 260m away.

4 Working Methodology

4.1 Proposed risk assessment

The ecology survey undertaken on the 10th of December 2014 by Mott MacDonald Limited identified the area where the works are to be located as comprised of hardstanding and bare ground. This area is situated approximately 260m north from the nearest pond. The proposed works area is separated by hardstanding habitat associated with the existing WwTW and arable fields. Due to the habitat within the proposed works area and the surrounding area, the location was considered to contain low terrestrial value for GCN. Following precautionary mitigation measures, it is considered that the proposed construction of the works can be undertaken under a low risk / risk avoidance method statement, rather than requiring a degradation licence from Natural Resources Wales.

4.2 Generic risk avoidance measures

Prior to the start of all works, a tool box talk will be provided to the contractors by a qualified ecologist. The briefing will raise awareness of the potential use of the site by GCN, their legislative protection, and will provide a mechanism for the understanding and reporting of any significant sightings.

The on-site ecologist will be present on site during the vegetation clearance and ground preparation works. Prior to the start of the works, a toolbox talk will be given to all operatives and all areas to be affected will be finger-tip searched by the on-site ecologist. In the rare event that any GCN are found during this finger-tip search, they will be allowed to move away of their own accord. No clearance works are to occur until areas have been confirmed clear of any GCN.

If GCN are found present within the working area and at any other stage during the works, it will be necessary to cease all activities until further advice is sought from the ecologist regarding the appropriate course of action to be taken. Natural Resources Wales may need to be contacted depending on the incidents circumstances, such as (but not limited to) higher than expected numbers of GCN found, or GCN are found in locations not previously envisaged.

After any areas of suitable terrestrial habitat are searched, if areas of grassland are longer than 0.1m then these areas will be reduced in height using hand held tools on a two-stage cut basis. Areas to be affected by the proposed works will be cut to 0.1m initially, hand searched by the on-site ecologist and then cut to ground level. All arisings from cut vegetation are to be removed using a rake or blower outside of the 20m works area.

Should cleared vegetation start to regrow before the start of construction works, then this will need to be maintained at ground level. Any further vegetation clearance required will be undertaken in line with the above detailed methodology.

Where areas of potential refugia / hibernacula are identified and cannot be avoided, these will be dismantled by hand by the on-site ecologist under suitable weather conditions. If any GCN are found all works will cease and further advice sought. The on-site ecologist will advise on a suitable area for which the hibernacula / refugia can be re-instated.

If any smooth (*Lissotriton vulgaris*) or palmate newts (*L. helveticus*), common frogs (*Rana temporaria*) or common toads (*Bufo bufo*) are found during the works they should be removed carefully by hand to areas away from the working area, such as hedgerows or scrub that will not be affected by the works.

No equipment will be stored in outside of the works area as identified by the site ecologist. This will reduce the risk of stored equipment being used as refugia by GCN. Should this be required it is recommended that these are situated within the designated works area.

All stored stone and subsoil materials that need to be stored overnight will be compacted down to render it unsuitable for GCN to use as a refuge or resting place.

Any excavations will be covered over on the same day wherever possible. Some excavations may need to be left open overnight, however, given the habitat type affected (considered suitable for dispersal only) the risk of trapping GCN in the open excavations is considered very low to negligible.

As a preventive measure for any excavations, suitable mammal ladders will be left overnight to aid the dispersal of both newts and mammals. In the morning visual checks of these areas will be undertaken for the presence of any GCN or mammals. If any animal is found, the on-site ecologist will be contacted.

Please note that should additional works be required or changes in working methods be required at a later stage, the on-site ecologist must be contacted for advice in order to re-assess the risk to GCN and suitable measures be put in place to ensure legislative compliance.

4.3 Justification of approach

It is considered that a Natural Resources Wales Derogation Licence is not currently required for the proposed works for the following reasons:

- ☐ No breeding sites will be affected by the proposed works;
- ☐ No habitat within 50m of the breeding pond (considered core habitat) will be affected by the proposed works;
- ☐ No areas are to be affected within 250m of the breeding pond, nearest breeding pond is located 360m away.
- ☐ Habitat to be affected is considered to be sub-optimal for GCN and consist of bare ground, hardstanding and arable fields; and
- ☐ GCN resting sites as referred to by the legislation are not accurately classified. However, the legislation is interpreted as meaning that resting sites are places are likely to comprise of hibernation sites or other areas of (daytime) refuge used during the active period for GCN. It is considered that there is a limited potential to encounter GCN resting sites during the proposed works.

5 Summary

5.1 Summary

A tool box talk will be provided to all contractors working within the proposed works area by the on-site ecologist immediately prior to the start of works. The briefing will provide a background on the project, will describe the use of the area by GCN, the legislative protection afforded to GCN and will confirm procedures in place for the reporting of any GCN sightings.

All contractors will read and sign the tool box talk and agree to comply with the methods of working as detailed within this GCN low risk / risk avoidance method statement.

The on-site ecologist will be present on site during the vegetation clearance / ground preparation works. Prior to the start of works, all areas to be affected will be finger-tip searched by the on-site ecologist. In the rare event that any GCN are found, they will be allowed to move away of their own accord.

Where areas of potential refugia / hibernacula are identified and cannot be avoided these will be dismantled by hand by the on-site ecologist under suitable weather conditions. If any GCN are found all works will cease and further advice sought. The on-site ecologist will advise on a suitable area for which the hibernacula / refugia can be re-installed.

If any smooth or palmate newts, common frogs or common toads are found during the works they should be removed carefully by hand to areas away from the working area, such as hedgerows or scrub that will not be affected by the works.

No equipment will be stored within 250m of the breeding pond area. This will reduce the risk of stored equipment being used as refugia by GCN.

5.2 Procedure to follow in case great crested newts are found present

If at any point during the works any protected species or signs of protected species are identified the following **procedures must be followed**:

- ☐ **All works must immediately be stopped.**
- ☐ **Contact DCWW point of contact and the on-site ecologist straight away.** The on-site ecologist will advise accordingly.
- ☐ **Do not resume work until advised to do so by DCWW point of contact and the on-site ecologist.**

First Point of Contact

DCWW

Chris Bolton

Project Lead

Phone: 02920 467807

Mott MacDonald

Jason Brown

Site Ecologist

Phone: 02920468994

Mott MacDonald

Joanne Bates

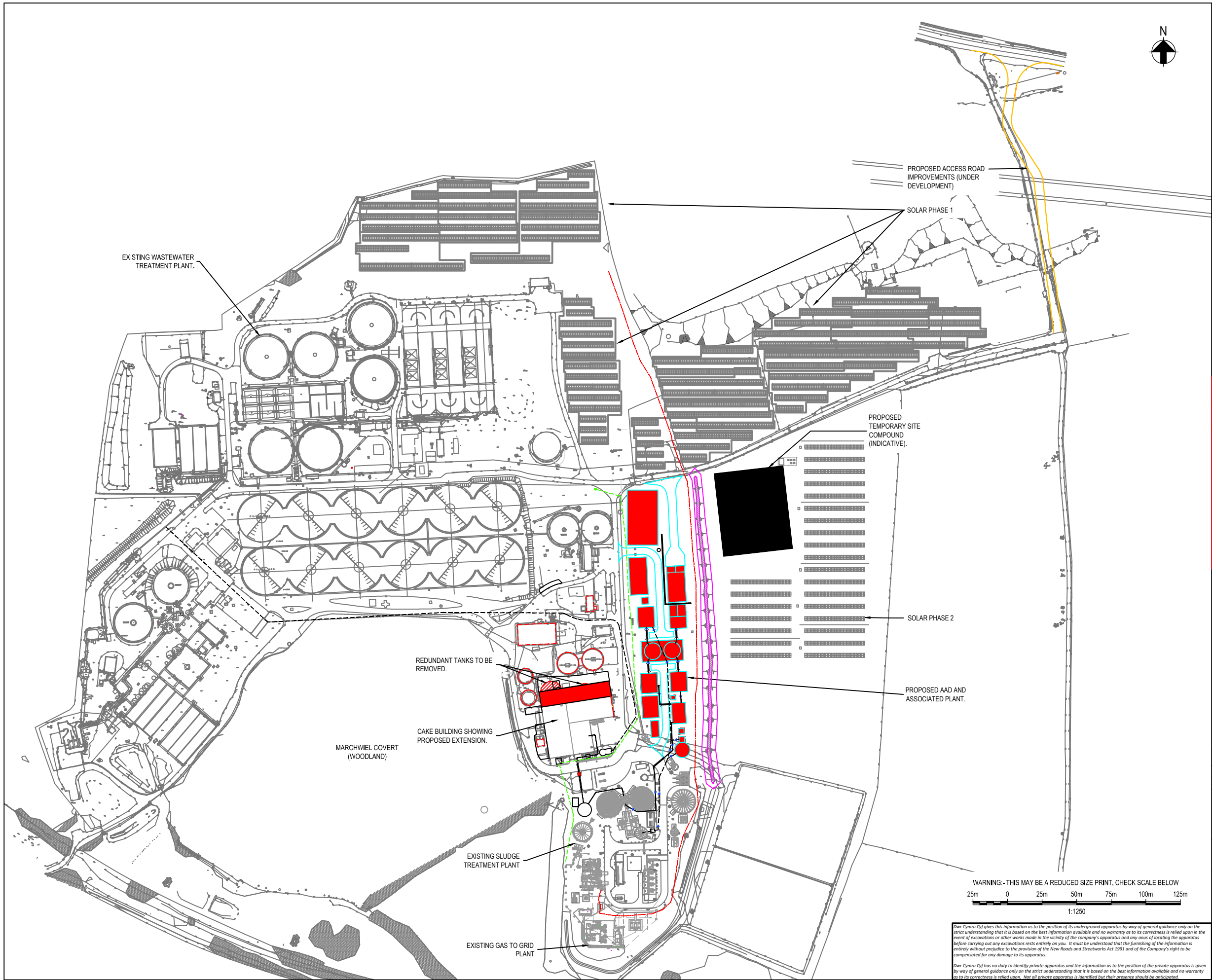
Principal Ecologist

Phone: 02920467802

Appendices

Appendix A. Proposed Works Map	10
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Appendix A. Proposed Works Map



Notes

1. ALL PROPOSED SIZES TO BE CONFIRMED DURING DESIGN.

2. ONLY SIGNIFICANT PIPES AND SERVICES ARE SHOWN. THE REMAINDER HAVE BEEN OMITTED FOR CLARITY.

3. INFORMATION FOR THE SOLAR PROJECTS SUPPLIED BY DCWW AT CONSTRUCTION STAGE.

KEY:

- PROPOSED DEVELOPMENT AS PART OF ADVANCED ANAEROBIC DIGESTION (AAD) PROJECT.

- PROPOSED BURIED SERVICES

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING:

CONSTRUCTION

MAINTENANCE / CLEANING / OPERATION

DECOMMISSIONING / DEMOLITION

REFER TO THE DESIGN RISK REGISTER FOR FURTHER DETAILS. IT IS ASSUMED THAT ALL THE WORKS ON THIS DRAWING WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WHO HAS CARRIED OUT A COMPREHENSIVE RISK ASSESSMENT.

P02

02.03.16

AB

SITE COMPOUND LOCATION ADDED.

CB

DB

02.03.16

P01

25.02.16

AB

FIRST ISSUE

CB

DB

25.02.16

Rev.

Date.

Drawn

Description

Chkd.

Appd.

Date.

Capital Delivery Alliance

Cynghair Cyflawni Cyfalaf

Ty Arian, Spooner Close, Coed Kenfig, Newport, NP10 8FZ

Project Name

FIVE FORDS WWTW AAD SCHEME

Drawing Title

PROPOSED SITE LAYOUT

Suitability

INFORMATION

S2

Originator

AB

Designer

CB

Date

25.02.16

Internal Project Number

329011 NN26

Scale

1:1250

Rev.

P02

Drawing Number

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