

Planning Ref P/2015/0022 - ERECTION OF AGRICULTURAL LIVESTOCK BUILDING (Phase 1)

PLANNING CONDITIONS AND INFORMATION REQUIRED

Ref Para 4 sections a-e *CONDITION 4*

BACKGROUND

All species of amphibians receive a measure of protection under legislation. The Wildlife and Countryside Act 1981 has been amended by the Countryside and Rights of Way Act (CroW) 2000. This applies to England and Wales only. The key relevant fact is:

• Section 9(4) is amended to create an additional offence of reckless damage to, destruction of, or obstruction of access to, any structure or place used for shelter or protection; and reckless disturbance while occupying such a structure or place.

This means that any application for planning permission has to offer mitigation to the planners to alleviate any potential damage (i.e. provide reasonable avoidance).

Great Crested Newts (GCN's) are protected under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal
- Deliberately disturb any such animal;
- Deliberately take or destroy eggs of any such wild animal;
- Damage or destroy a breeding site or resting place of such a wild animal;
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a EPS, or any part of, or anything derived from such a wild animal or plant.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 (currently £5,000 per offence) on the standard scale, or to both.

RISK ASSESSMENT

As the presence of newts and amphibians can never be totally ruled out it is recommended that work will follow a strict method statement outlining **reasonable avoidance measures**.

METHOD STATEMENT & AVOIDANCE MEASURES (ref 4 & 4.c)

The method statement below must be followed –it outlines the reasonable avoidance measures required to minimise the risk of damage to GCNs and their habitat. . Should a

Great Crested Newt be identified during the construction phase then work **WILL** stop immediately.

A consultant will be employed as the Ecological Clerk of Works (ECW) to oversee the work in areas sensitive to GCN on site. This person will need to be licensed and an experienced surveyor for GCN.

1. A copy of this method statement must be kept on site until the development is completed.
2. It will be shown to contractors so that they understand the potential to find newts and the potential offence that may be committed. A copy should be handed out to all site operatives.
3. The ECW will provide contractors with a **toolbox talk** for works on site where there is the potential to find GCN.
4. Contractors are advised **NOT** to handle newts at any time.
5. The works will be carried out between **April and the end of June** when amphibians are likely to be in the aquatic phase.
6. A fingertip search will be conducted in the development area prior to the development commencing.
7. All work will be conducted during daylight hours as newts are least likely to move during this time.
8. Any machinery will be stored / parked on hard standing.
9. Stored materials will be raised on pallets to reduce the potential they might act as a temporary resting place. (E.g. stored on pallets).
10. All waste will be placed straight into skips and trailers and removed to reduce the potential of creating refugia.
11. The holes for the frame (footings) will be dug and filled in on the day created or will be checked thoroughly the following morning. A ramp will be left to allow newts an easy exit.
12. Any trenches should be covered with boarding, if they have not been filled in during the working day. Escape ramps should be included. Trenches must be inspected prior to work commencing.
13. The areas to be concreted will be cleared carefully following a fingertip search for newts.
14. GCNs should **NOT** be handled or moved without express permission from the ECW.
15. If a newt is found then work **WILL** stop immediately and the ECW contacted for advice. The newt species will be identified and Natural Resources Wales contacted immediately if it is identified as a great crested newt.

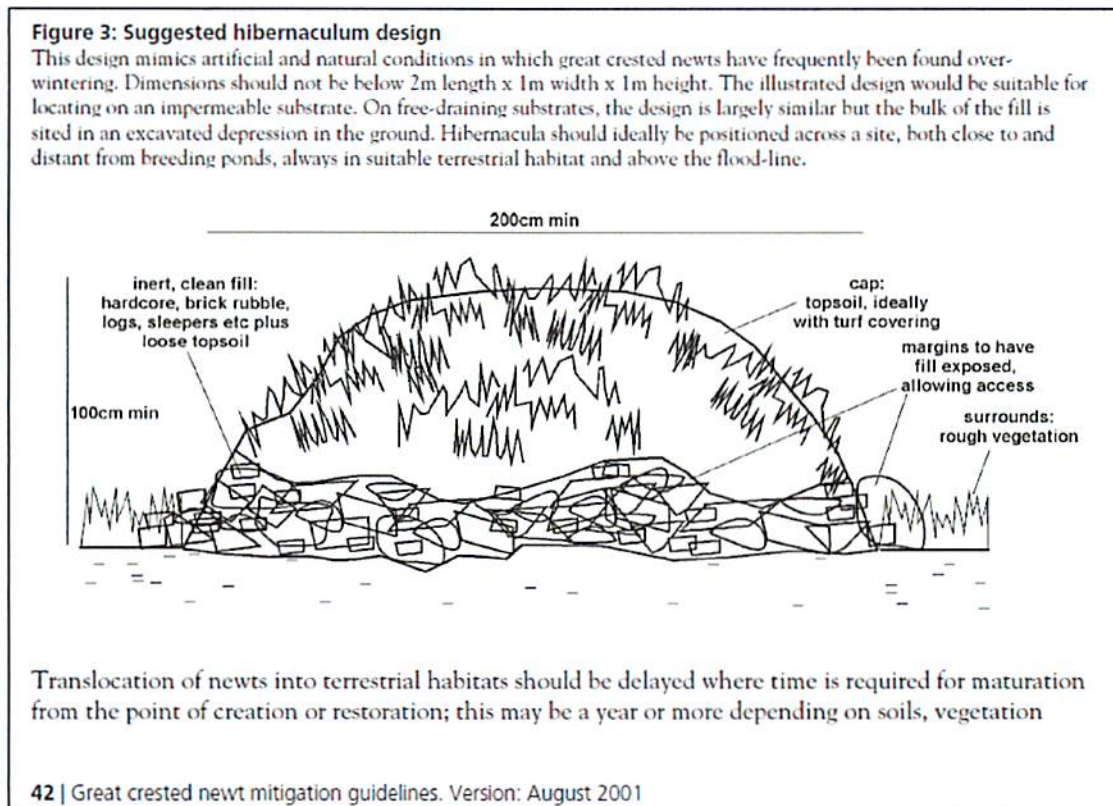
TOOLBOX TALK (ref 4.a)

All site operatives will receive briefing from the ECW with details of avoidance measures as above, their legal obligations to protect GCN's (and their habitat). Operatives should be vigilant at all times and be aware of their role and responsibilities in carrying out the Reasonable Avoidance Measures.

ARTIFICIAL AMPHIBIAN HIBERNACULA (ref 4.b)

An artificial amphibian hibernacula should be constructed adjacent to the site with the purpose of providing habitat if any GCNs are found on site

Details are shown in Figure 3 below from 'Great Crested Newt Mitigation Guidelines 2001'. Also consult with the ECW



STORAGE OF MATERIALS AND MATERIALS HANDLING ON SITE (ref 4.d)

1. Most materials will be used immediately on delivery or stored temporarily and used within one day (stone and concrete)
2. All concrete works will be using ready mix concrete and delivered in situ.
3. Materials to be stored on pallets or stored above ground include building steel work, roof sheets and purlins, rainwater goods - all items will be stored on a hard standing to allow for movement using a fork lift handler.
4. Cement will be delivered on pallets and stored in a building under cover.

TRENCHES (ref 4.e)

To confirm that –

Any trenches should be covered with boarding with edges sealed. To be inspected each morning prior to any work commencing. Before moving any amphibian found the ECW should be consulted to ensure the correct course of action is taken

Re CONDITIONS 5 – 7 and including proposed landscaping plans.

Objective - provide boundary fence which will protect existing trees and new hedges which form part of the boundary. Please see plan - page 4

FENCING

- 1 Erect sheep & cattle proof fencing. Fencing to protect existing hedge and oak tree to the north west of the proposed new building.
- 2 Specification - approx 60 m to be secured with straining posts at each end of the fence. 900mm high sheep netting to be secured below 2 strands of barbed wire at minimum 1100mm high. Intermediate timber posts to be at 4m centres.
- 3 Fence specified as above, but removed when project is completed -
Purpose - to protect tree root system from damage during construction.

HEDGE PLANTING

Aim

Hedge to be linked in with existing hedge as appropriate and as shown on the plan – aim to create (asap), a stock proof hedge and also act as partial screening for new building and boundary protection.

Plant – Predominantly ‘Quickthorne’ / ‘Hawthorn’ (*Crataegus monogyna*)

- 70% *Crataegus Monogyna* Quickthorn / Hawthorne
- 10% *Acer Campestre* Field Maple (hedge and or trees)
- 10% *Viburnum Opulus* or *Viburnum Lantana* (Guelder Rose)
- 10% *Corylus avellana* (Hazel)

Stock 60-80cm preferably locally produced.

PLANTING

1. Clear strip from the proposed hedge planting site, using a Glyphosate based systemic herbicide – strictly in accordance with manufacturer’s instructions. Allow the ground to recover from any chemical treatment before planting.
2. Plant the hedging transplants and pit plant the container grown stock in pits larger than the root ball, having first gently teased out any roots from the root ball of any container grown stock.
3. Plant in a staggered double row with 15ins (38cm) between rows and 18ins (45cm) between plants. Use spiral guards and so allow low lateral growth to develop.
4. Planting is to be carried out during the planting season November to March – ideally in November,

ESTABLISHMENT

1. First spring after planting trim all lateral branches back by 50%. Prune damaged diseased or dead wood immediately after first leaf break. Follow with a light trim every second or third year, allowing the hedge to increase in size each time.
2. Replace dead, dying or damaged stock with as soon as practicable in the first planting season following failure.
3. In the spring and after severe frosts and winds firm in around the base of each plant and ensure that tree stakes and ties and shelters are secure.
4. Check regularly that the guards are sound and secure, and replace as necessary.
5. Maintain a 1 metre wide strip in a weed free condition for at least three years, to reduce competition from grass and weeds for moisture and nutrients.

Fencing

To protect the newly planted hedge from grazing animals, therefore a timber post fence combined with min 900mm sheep (or pig) netting with two strands of barbed wire above netting to min 1100mm , erected at least a metre away from the closest row of plants is recommended. The fence materials and style should meet with British Standard 1722: part 2: 2000.

SUMMARY		
Landscaping proposal		
Aim		
To create short term screen with faster growing plants		
Medium term hedge plants to establish height		
Landscaping Proposals		
length of hedge/ tree belt m		55
Width of hedge/ belt m		2.5
Estimated Area m2		137.5
Planting Rows no		2
Plant spacing m		0.35
Planting Density plants per m2		2.3
No of Plants needed		314
Planting Options		
Plants/ Shrubs to be mixed at random		
Planted as Whips at circa 150-175mm height		
Ground to be cultivated to 300mm		
Belts to be maintained for minimum of three years		
Plants to be weeded and watered as required		
Plants to be protected from pests and suitably fenced		
All dead and diseased trees to be replaced		
Hedge to include	%	Plant Nos
Crataegus Monogyna Quickthorn / Hawthorne	70	220
Acer Campestre Field Maple (hedge and or trees)	10	31
Viburnum Opulus or Viburnum Lantana (Guelder Rose)	10	31
Corylus avellana Hazel	10	31
Total	100	314

GROUND PROTECTION MEASURES

No activity of any sort will take place within 15m of existing or proposed trees and hedges. No materials or machinery shall be stored or mixed within 25m of trees or hedges and no cleaning of material or machinery shall take place on any permeable surface. A risk assessment will be done under CDM regulations. The risk assessment will identify areas where ground protection is required with specific advice regarding and or handling washing cement based materials, fuel and oil and any other materials in connection with building operations.

Will Phillips – P&L AgriConsulting Ltd
14.4.2015

- A Fencing to protect existing hedge and tree spec approx 60 m to be secured with straining posts at each end of the fence. 900mm high sheep netting to be secured below 2 strands of barbed wire at 1.2m high. Intermediate timber posts to be at 4m centres
- B Fence specified as above but removed when project is completed] Purpose to protect tree root system from damage during construction

PROPOSED
CUBICLE
BUILDING (2)

PROPOSED
CUBICLE
BUILDING (1)

- C Hedge - Hedge planted with protective fencing as per A. See also planting specification details

