



Land at Tudor Drive,
Penley, Wales LL13 0JN

Great Crested Newt Reasonable Avoidance Measures for Greenspace Architects Ltd

Report Reference:	SE0715/H/01/DH
Report Date:	16 th February 2015
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Version:	Final

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1.0 Introduction

- 1.1 The following Reasonable Avoidance Measures (RAMs) for great crested newt *Triturus cristatus* (GCN) are provided in support of a planning application for the residential development of a field off Tudor Drive, Penley, LL13 0JN. The proposals include the erection of seven detached houses, access off Tudor Drive and the provision and management of a dedicated GCN mitigation area.
- 1.2 GCNs are a European Protected Species, and protected in the UK under Schedule 5 of the Wildlife and Countryside Act 1981 and under Regulation 40 of the Habitats Regulations 2010.
- 1.3 There are no ponds within the site boundary and few potential refugia sites but the grassland within does provide foraging opportunities; a Preliminary Ecological Appraisal of the site by Solum Environmental in September 2014 identified several confirmed potential breeding sites 240-315 m distant to the southeast (beyond the Ellesmere Lane) and a further 9 potential breeding ponds 40-500 m to the north and west of the site.
- 1.4 Taking into account the small size (approx. 0.3 ha) and the specific conditions at this site, it has been agreed with the Local Authority Ecologist that the risk to GCN can be mitigated through the adoption of “non-licensed avoidance measures” or “reasonable avoidance measures” and, providing these are strictly adhered to, it will be possible to maintain the favourable conservation status (FCS) of GCN and thus negate the requirement for a development mitigation licence. The proposed method statement outlining these RAMs is supported by a management plan to ensure the continued efficacy of the proposed GCN mitigation.

2.0 Method Statement

2.1 Legislation

- 2.1.1 Great crested newt (GCN) and its habitat are fully protected under national (Wildlife & Countryside Act 1981 (as amended)) and European law (The Habitats and Species Regulations 2010) as a European Protected Species (EPS). The combined legislation makes it illegal to:
- *Intentionally or deliberately capture, kill or injure a great crested newt;*
 - *intentionally or recklessly damage, destroy or obstruct access to any place used for shelter and protection including resting and breeding places, whether occupied or not;*
 - *deliberately, intentionally or recklessly disturb a great crested newt when in a place of shelter;*
 - *possess a great crested newt, or any part of it, unless acquired lawfully; or*
 - *sell, barter, exchange or transport or offer for sale great crested newts or parts of them.*
- 2.1.2 Anyone carrying out activities which may affect EPS must consider the presence of EPS, their breeding sites and resting places. Good practice guidance is available from Natural Resources Wales (NRW), which advises on assessing for the presence of EPS, and the possible impact of operations (including strategies for avoiding committing offences). If an offence cannot be avoided, then a derogation licence should be sought from NRW.

2.2 Objectives

- 2.2.1 The objectives of this method statement are:
- To avoid committing an offence under the above legislation; and
 - ensure that favourable conservation status of GCN is maintained.
- 2.2.2 Any development related activities on the site, such as vegetation clearance or excavations in areas of suitable newt habitat may potentially affect this species. As a result, safeguards must be implemented to protect this species and the Method Statement below details measures to be implemented to ensure these objectives are achieved. If these measures are followed then both objectives will be achieved without the need for a derogation license from NRW.

2.3 Reasonable Avoidance Measures

- 2.3.1 In order to ensure that the method statement is adhered to a copy MUST be available on site at all times during the works.
- 2.3.2 As part of the site induction process, all staff working on site will be made aware of the potential presence of GCN on site and their status as a UK and European Protected Species in a tool-box talk provided by a Licensed GCN Ecologist.
- 2.3.3 Images of GCN are to be displayed in the site office so that all staff can be familiar with what these animals look like.

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- 2.3.4 If a GCN is identified it should **not** be moved or handled and all works on site should cease until advice from a Licensed GCN Ecologist is obtained – it is possible in such circumstances that development may need to be suspended until a development licence is obtained.
- 2.3.5 Prior to any development activity, temporary amphibian fencing (TAF) will be erected around the entire site boundary early in the GCN active season (approx. March) by an approved, experienced contractor – the TAF will be installed in a one-way position leaning out of the site along the western, eastern and northern boundaries – this will exclude GCN from entering the site but allow those within to scale the fence and leave as they migrate towards breeding ponds beyond the site's boundary.
- 2.3.6 The site will be divided into 2 compartments by an internal line of TAF to ensure that any GCNs are more effectively directed towards a one-way section of fence (Plan 1). Any areas of tall, rough grassland and scrub will be strimmed to a height of 150 mm under supervision of the GCN Licensed Ecologist and all arisings will be removed. The site will then be allowed to "self-clear" of GCN for 30 days with the fence subject to daily inspection and repair, as necessary, throughout this period and for the duration of the development work.
- 2.3.7 When the 'self-clearing period' is complete any suitable refugia sites will be inspected by a licensed GCN ecologist – those that are too large or extensive to examine by hand will be subject to a 'destructive search' using a 360° excavator under the supervision of a licensed GCN ecologist and assistant.
- 2.3.8 Where hedgerow removal is required, this will be supervised by a GCN Licensed Ecologist who will inspect the root ball for the presence of GCNs. Any GCN located during the processes outlined in paragraphs 2.3.7 and 2.3.8 above will be placed under suitable refugia adjacent to but outwith the site boundary.
- 2.3.9 If significant numbers of GCNs are identified during any of the above operations, development may need to be suspended until a development licence is obtained. This will be subject to discussion and agreement with NRW.

Plan 1: Proposed TAF

