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Moreton Farm
Gyfelia
Wrexham
LL13 0YH



Planning Ref P/2015/0024 - SLURRY LAGOON & ASSOCIATED WORK

PLANNING CONDITIONS AND INFORMATION REQUIRED

Ref Para 4 sections a-e

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.

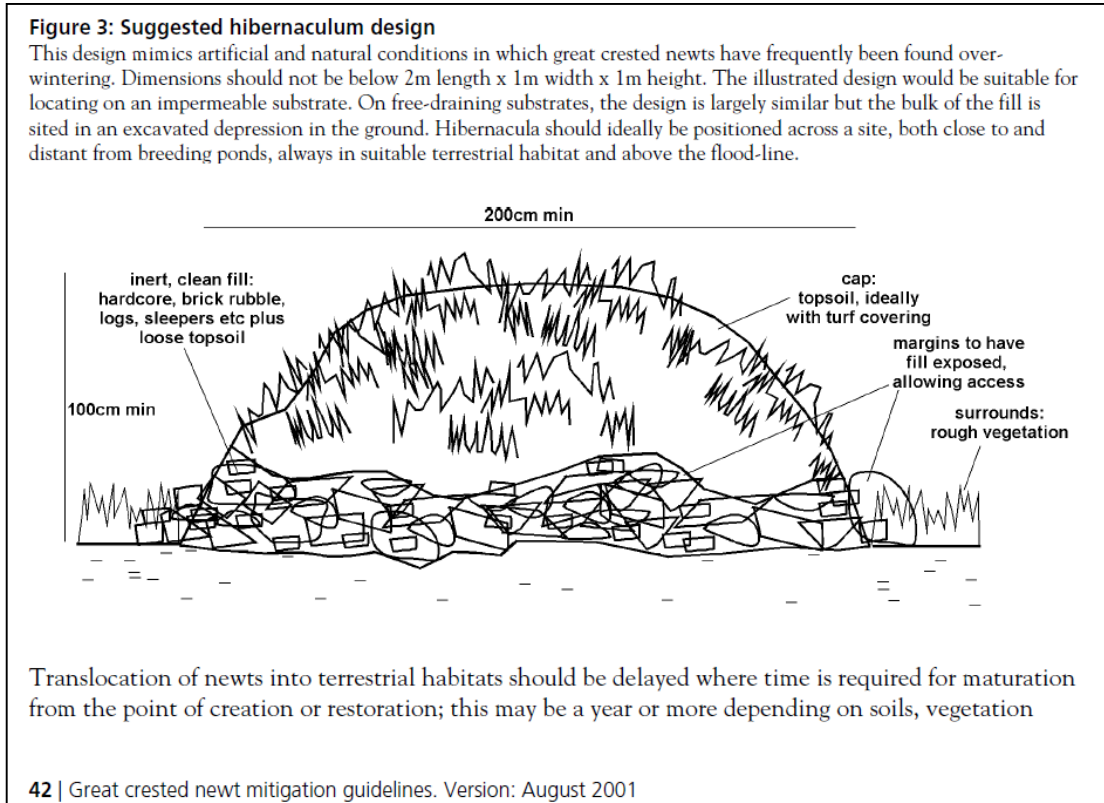
1. A copy of this method statement must be kept on site until the development is completed.
2. It will be shown to contractors so that they understand the potential to find newts and the potential offence that may be committed. A copy should be handed out to all site operatives.
3. The ECW will provide 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

Will Phillips – P&L AgriConsulting Ltd
17.3.2015