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Precautionary Method Statement

(Great Crested Newt)

Project: Land at Tan Yr Onnen, School Lane, Bronington

On behalf of: Mr Roger Jones

Date: July 2014

N.B. The contents of this report contains information regarding protected species of a sensitive nature.

This document must remain strictly confidential, any reproduction of material must have prior permission from the author.

Report reference.

Author	D. Williams
2 nd Read	W. Macken
Proofed	W. Macken
Proof Date	24/07/2014

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Section 1

Introduction

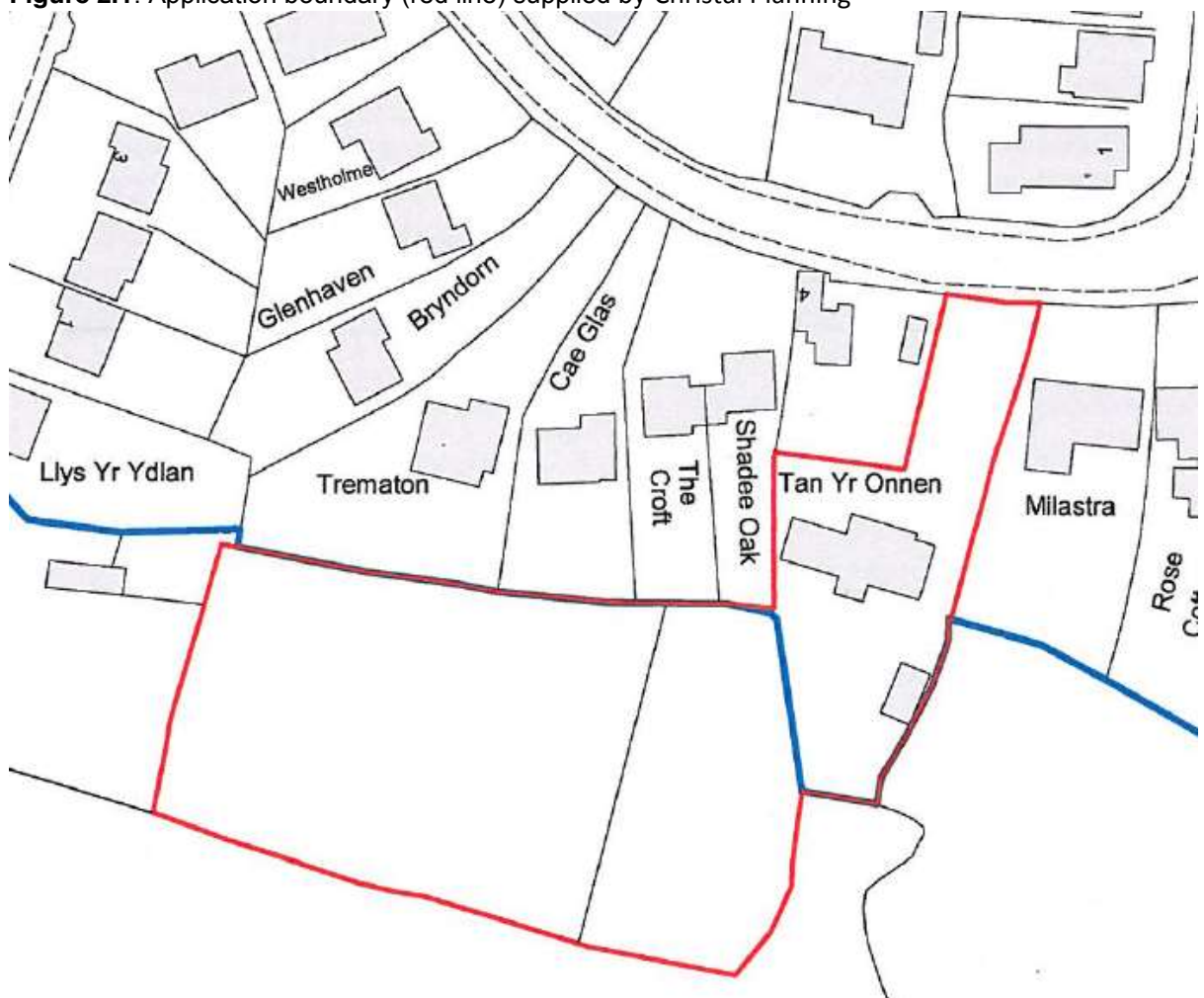
- 1.1 Pearce Environment Ltd were instructed by Christal Planning “agent” on behalf of Mr Roger Jones “applicant” to produce a precautionary method statement in relation to great crested newts (*Triturus cristatus*). This document has been produced following comments received from Natural Resource Wales (NRW) on 30th June 2014 identifying the potential for the proposal to affect great crested newts.
- 1.2 Following a site visit undertaken by Pearce Environment on the 11th of July 2014, a review of the illustrative site layout (**Appendix 1**) and supporting documents it is understood that an outline planning application is sought to erect 5 dwelling within two small paddocks which fall within the curtilage of Tan Yr Onnen, School Lane, Bronington. The site is centred on approximate Ordnance Survey Grid Reference (OSGR) SJ 485 394.
- 1.3 Correspondence between Matt Ellis (NRW) and Matthew Phillips of Wrexham County Borough Council (WCBC) (reproduced in **Appendix 2**) identifies that there is no objection in principle to the proposal. However, further information has been requested to demonstrate that the proposal will not be detrimental to the favourable conservation status of great crested newts, given that there are known records of this species in a pond to the east. The information requested in respect to great crested newts includes:
 - Reasonable Avoidance Measures (RAMs)
 - Habitat mitigation and compensation proposal.
- 1.4 NRW have raised no further comments regarding the potential for the proposal to effect other protected/notable species or statutory sites. Following the RAMs detailed in **Section 3**, no significant impacts upon great crested newts are considered likely to arise. **Section 4** details recommendations which have been given to provide enhancements to the ecological resources on site with specific reference to great crested newts.

Section 2 Site Context

Site Description

- 2.1 The site is located on the southern edge of the village of Bronington currently accessed via a private driveway which services the dwelling Tan Yr Onnen. The site is bound to the north by the residential development associated with School Lane. To the east, south and west the site meets further pasture and amenity grassland. The location of the site and extent of the application boundary (red line) is depicted in **Figure 3.1** below

Figure 2.1: Application boundary (red line) supplied by Christal Planning



- 2.2 The site comprises two paddocks, during the site visit it was noted the eastern field is intensively mown with a vegetable plot located to the north. The western field consists of semi-improved periodically grazed grassland whilst the north eastern extent of the application area falls within the curtilage of the property Tan Yr Onnen. This property will remain unaltered as part of the proposal. The southern, eastern and western perimeter of the site is defined by broadleaved hedgerows with occasional standards of ash (**Appendix 3**).

Great crested newts

Background

- 2.3 Records of great crested newt have been identified within a pond to the east of the site by NRW. A desk based assessment using OS maps and online mapping resources identified that there are four separate water bodies within 250m radius of the sites boundaries.
- 2.4 An assessment of the terrestrial habitat was undertaken during site visit undertaken on the 11th of July 2014 by Douglas Williams an experience ecologist, in clear and dry conditions. The habitat on site is considered to provide few places of refuge suitable for great crested newts given the current management of the grassland, limited opportunities do exists within the boundary vegetation.

Legislation

- 2.5 Great crested newts are a European Protected Species (EPS); receiving legislative protection in the UK via the Habitat Regulations 2010 which transposes the EU Habitats Directive. The species is also a Priority Species and subject to action via the UK BAP.

Evaluation

- 2.6 The likelihood of an offence occurring during the construction process is considered to be low, given the quality and status of terrestrial habitat on site. NRW have requested information regarding RAMs and habitat mitigation to ensure the favourable conservation status of the species is retained in the local vicinity.

Section 3

Method Statement (Great Crested Newt & Amphibians)

Sensitive Habitats

- 3.1 Following the review of comment from NRW it is understood that records of great crested newt exist within a pond located to the east of the application area. A site visit identified that the body of the site provided limited terrestrial habitat for the species and both paddocks are cyclically topped/grazed. The boundary vegetation includes a mix of native broad leaved species which provide some connectivity to water bodies in the local vicinity.

Impacts of the Works

- 3.2 It is understood that the majority of the surface vegetation will be removed during the construction process to facilitate construction of the residential units/access route.

Schedule of Works & Sensitive Working Methodologies

- 3.3 The following method statement sets out a two stage approach to ensure impacts upon great crested newts/amphibians are avoided during the period of the proposed vegetation clearance:

Capture, Exclusion and translocation

- Erection of temporary exclusion fencing as specified in **Appendix 4** will be offset from the boundary hedgerow by a minimum of 1m.
- The fencing will fall in line with those protective barriers installed with respect to tree/hedgerow protection recommend within the arboricultural appraisal prepared by Shields Arboricultural Consultancy to accompanying this application.
- Prior to installation of temporary exclusion fencing a toolbox talk will be given by an appointed ECW (Ecological Clerk of Works); with respect to great crested newts and notable species present on site. A copy of species factsheets and method statement relating to great crested newts will be provided for display within the site office.
- A hand search of the proposed line of the fencing will be undertaken immediately prior to the area being strimmed, arising removed and fencing installed by an appointed ECW.

- Pitfall traps will be placed at 5m intervals to the exclusion fencing (within the site) to capture animals deflected by the fencing.
- Artificial refugia will be set out using a mix of roofing felt and corrugated onduline approximately 0.5m x 1m.
- Capture & translocation exercise will be undertaken once the fence line and pitfall traps are installed timed between March - October. Pitfall traps/refugia will be checked daily before 11am amphibians/animals will be transferred within 1 hour of capture to a designated receptor agreed with the ECW.
- Following a minimum of three successive day during which no amphibians have been found habitat vegetation clearance will commence.
- If at any point during this process great crested newts are discovered all works will halt and an appropriate licence will be sort after from NRW.

Removal of Vegetation

- To be undertaken after capture/exclusion/translocation exercise is complete, during the active reptile period i.e. between March and October inclusive under the supervision of an experienced ECW.
- A site walkover should be undertaken by a suitably qualified ecologist to determine any changes of the area of grassland to be removed. Following this a hand search of the area for great crested newts/amphibians prior to cutting will be undertaken where necessary;
- Thereafter a first cut of the vegetation (at a temp of 15^oc or above where possible) should be undertaken using hand-held machinery to reduce the vegetation height down to a minimum of 200mm, with clearance undertaken in a direction towards, retained habitat/receptor; and
- A second cut should be undertaken immediately thereafter with vegetation cut to ground level in a direction towards retained habitat/receptor.
- Any amphibians/animals discovered during the phase removal of vegetation will be translocated by an appropriately qualified ECW to the designated receptor site. In the event great crested newts are discovered all works will halt and appropriate licence will be sort after from NRW.
- All excavations will be filled on the same day as excavated, or checked by the suitably qualified ecologist immediately prior to backfilling. All spoil/rubbish will be removed from the site immediately to skips/waste refuge on hard standing.
- All material will be palletised and kept on areas of hardstanding/site compound.

- Following completion of the works the sensitive landscaping of all disturbed areas should be undertaken, including the suitable replacement planting of grassland, shrubs and trees incorporating native species.
- 3.4 Subject to the implementation of the sensitive working methodologies described above, in addition to those recommendations set out within **Section 3** of this report, no significant impacts upon protected and/or notable species potentially present on site are considered likely to arise.

Section 4

Habitat Mitigation Proposal

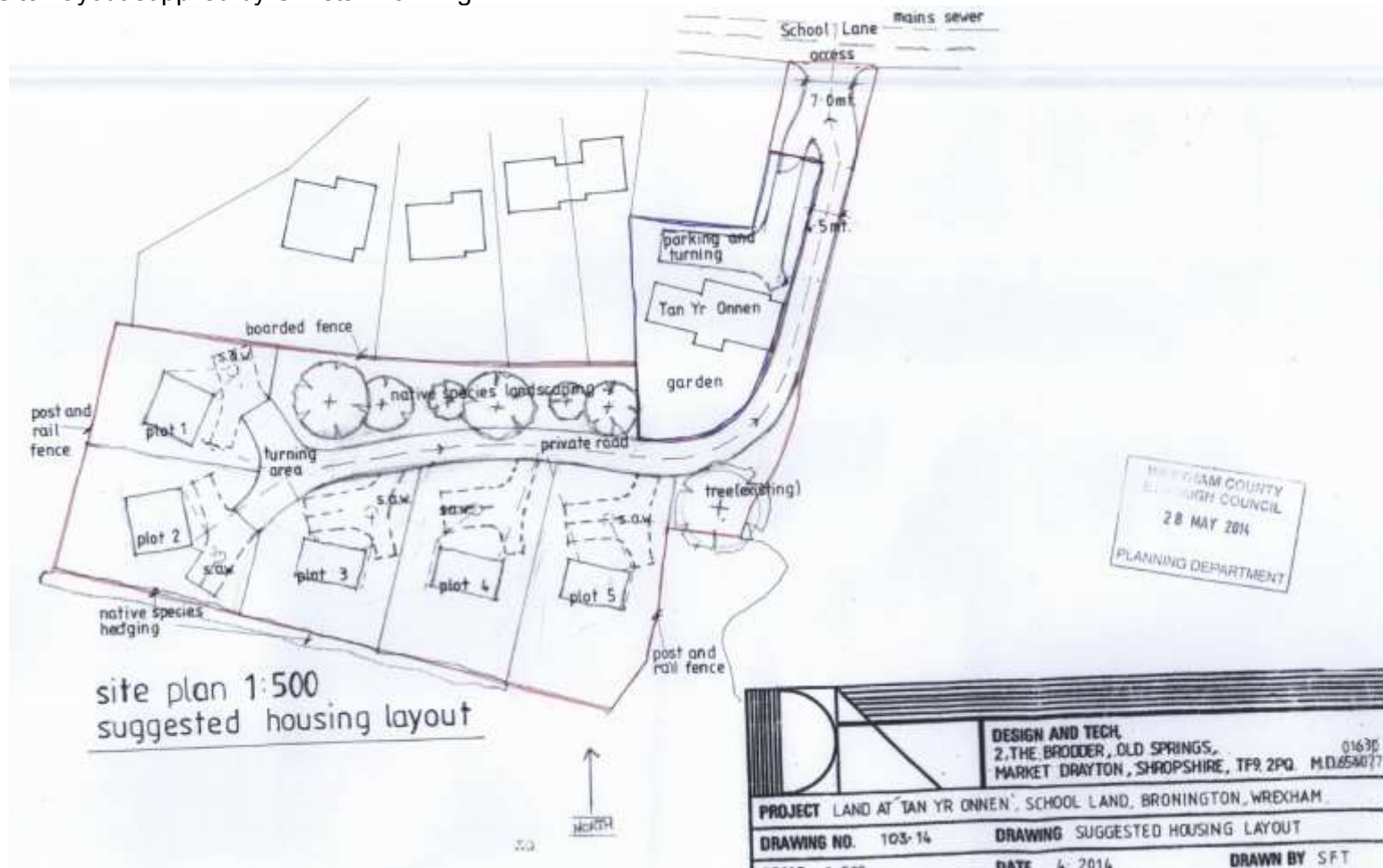
Summary of the Site's Ecological Significance

- 4.1 An assessment of the illustrative site layout provided by Christal Planning (**Appendix 1**) identified that the existing private driveway from School Lane will be used to service the construction of up to 5 residential units.
- 4.2 The current body of the site is predominately intensively mown/grazed pasture, the terrestrial habitat is considered to be of low value for great crested newts. An area of new planting and landscaping to the north of the proposed access route has the potential to provide further opportunities for great crested newts.
- 4.3 It is recommended that a pond is incorporated into this amenity area in order to provide aquatic habitat currently absent from site. The pond should include a diverse planting scheme of aquatic flora and marginal vegetation to promote opportunities for egg laying. Given the space available, the surface area of the pond should be approximately 36m² to ensure adequate provisions are made for suitable terrestrial habitat and new tree planting.
- 4.4 Terrestrial opportunities will be incorporated into the design by including an earth embankment, a minimum of 2m in length and 1m in height comprising a base of hard-core, brick, rubble and logs covered with topsoil and a turf covering. Log piles and rough grassland will surround the embankment which will be located to the north of the proposed pond within the designated amenity area. The embankment will be constructed in accordance with current guidelines¹ reproduced in **Appendix 5**.
- 4.5 The inclusion of new native hedgerow planting along the eastern and northern boundaries in addition to the perimeter of the 5 housing plots will ensure connectivity to this habitat whilst denoting the boundary of the site and plots themselves.
- 4.6 Subject to the implementation of those recommendations set out within **Section 3** and protection measures detailed in **Section 4** of this report, no significant impacts upon protected and/or notable species potentially present on site are considered likely to arise.
- 4.7 The findings of this document are valid for up to one year from the date of issue, Pearce Environment Ltd retain the right to publish and submit those species records obtained during all ecological studies to the local recording centre.
- 4.8 Should the development proposals be altered significantly, such that changes to the working area and/or duration of the works arise, then a re-assessment of the likely impacts arising from a suitably experienced ecologist will be required.

¹ English Nature Great Crested Newt Mitigation Guidelines 2001

Appendix 1

Illustrative Site Layout supplied by Christal Planning



Appendix 2

Correspondence between NRW & WCBC



Ein cyf/Our ref: ME/SJ43/2017895
Eich cyf/Your ref: P/2014/0387
Ffynnon NRW-14-066890

Cyfoeth Naturiol Cymru/Natural Resources Wales
Ffordd Caer/Chester Road
Bwcle/Buckley
Sir Y Fflint/Flintshire
CH7 3AJ

Lawrence Isted
Head of Wellbeing and
Development
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Ebost/Email: matthew.ellis@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 653881

By Email to matthew.phillips@wrexham.gov.uk

For the attention of Matthew Phillips

30th June 2014

Annwyl Syr/Madam / Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 NOTIFICATION OF PLANNING APPLICATION

PLANNING APPLICATION REFERENCE NUMBER: P/2014/0387

PROPOSAL: Outline application to Erect 5 Dwellings Served off a Private Drive

LOCATION: Land at Tan yr Onnen School Lane, Bronington, Wrexham

Grid Reference: E 348474 N 339352

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 02 June 2014.

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

NRW has no objection in principle, but details about the proposal still need to be confirmed in writing before consent is issued.

In our opinion, the proposal has the potential to affect the following natural heritage and environmental interests:

Great crested newt

We wish to express the following further comments and observations:

1. Background Legislation

Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

2. Statutory Sites

The proposal will not affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

The proposed scheme will not affect the character or integrity of any statutory protected or nationally important landscapes.

3. Protected Species

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5. In this case, we believe that the great crested newt is likely to be present in the area of the proposal and, if so, may be affected by it. The species has previously been recorded in a ponds located to the east of the boundary of the application site. The proposal has the potential to cause disturbance to individuals and/or cause damage to destruction to their terrestrial resting places.

The great crested newt is protected under the provisions of Section 9 and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the EC Habitats and Species Directive (as implemented in Great Britain by the Conservation of Habitats and Species Regulations 2010 (as amended)).

If the great crested newt is recorded within the boundary of the application site, operations may only proceed after an appropriate licence has been issued by NRW and any conditions complied with. This licence can only be issued for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment. Furthermore, this specific licence can only be issued by NRW if it complies with the following criteria that there is no satisfactory alternative, and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

To assist the decision making process, we recommend that that the applicant is requested to supply further information in respect of amphibian avoidance, mitigation and compensation measures. Mitigation schemes are likely to include the implementation of Reasonable Avoidance Measures (RAMs), such as timing of operations and the exclusion of individuals from working areas, together with the retention or alternative provision of aquatic and terrestrial habitats.

In our view, the applicant has supplied insufficient information to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of the great crested newt population at this locality. If the LPA is minded to approve the proposal, we advise that any consent is subject to the imposition of the following planning conditions or obligations:

- a. The submission and implementation of a detailed amphibian "Reasonable Avoidance Measures Scheme" (RAMs) to the satisfaction of the LPA;
- b. The submission and implementation of habitat mitigation and compensation proposals to the satisfaction of the LPA;

Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats as defined in Article 10 of the Habitats Directive.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Standard Advice for Developers

We have attached NRW's standard advice for developers. We would welcome these being referenced within the provisions of any subsequent consent.

Conclusions

To conclude, we have no objection in principle to the proposal. However, we consider that further details still need to be confirmed in writing before any approval is given. NRW would object to issue of consent for this proposal in the meantime.

Please do not hesitate to contact me if you require further information or clarification on any of the above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Matt Ellis', written over a light blue horizontal line.

Matt Ellis
Senior Species Officer
North Wales

Encl.

Appendix 3

Illustrative Photographs

Image 1: Main body of the site



Image 2: Existing/proposed site access from School Lane

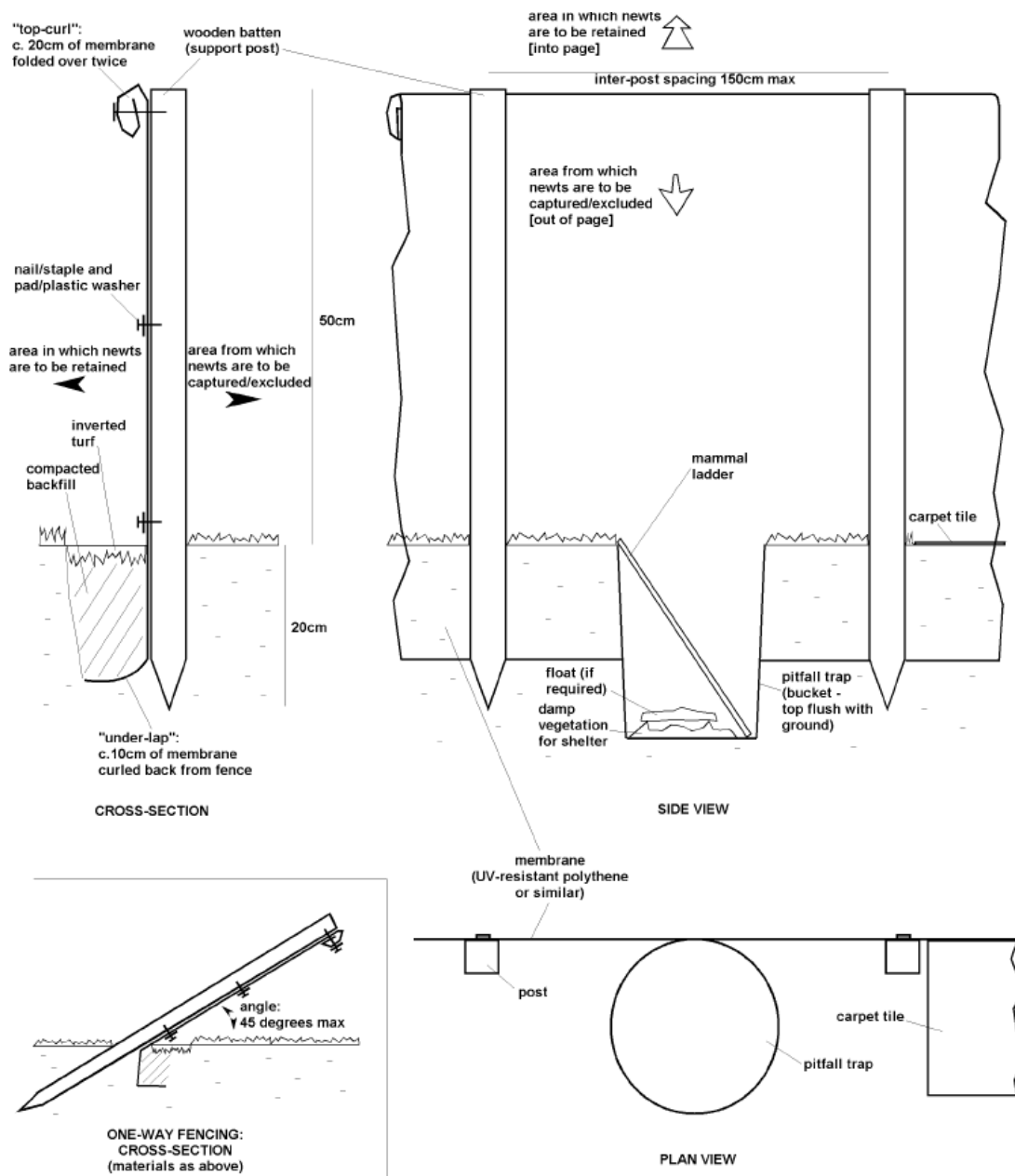


Image 3: Southern boundary vegetation



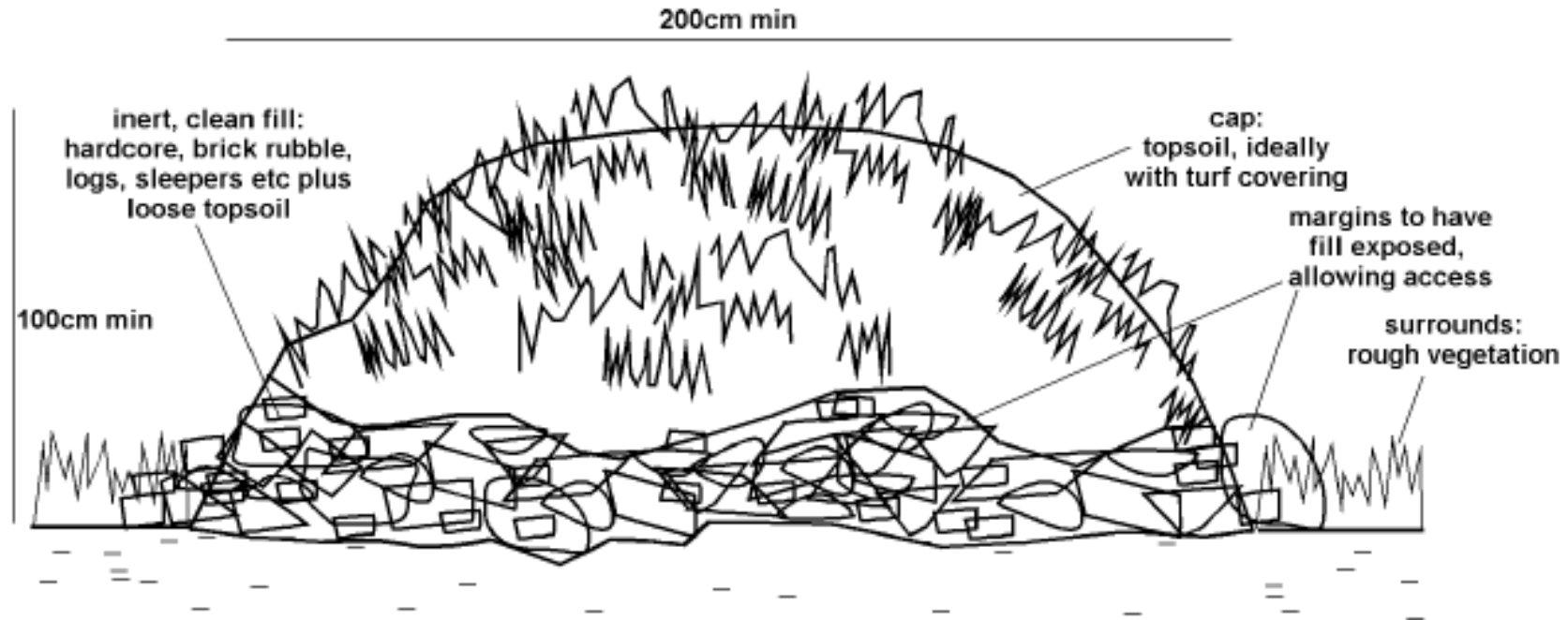
Appendix 4

Amphibian exclusion fencing reproduced from English Nature (now Natural England) great crested Newt mitigation guidelines 2001.



Appendix 5

Hibernacula design, reproduced from Figure 3 English Nature (Now Natural England) great crested Newt mitigation guidelines 2001.



quality Assurance

Pearce Environment Limited is an established, family run ecological consultancy, based in Shropshire providing common sense, expert ecological advice throughout the UK to our clients including: architects, developers, planning consultants, construction companies, agriculture, utility, road and rail contractors. we assist our clients with protected species/habitat surveying, licensing and mitigation, mostly for planning applications. We are CHAS and CONSTRUCTION LINE registered and LINKUP approved.

Tristam E Pearce - Managing Director

He holds a Natural England Great Crested Newt licenses (No:CLS001127 and 2014/SCI/0555) Countryside Council for Wales GCN licence (No: 32767:OTH:SA:2011) Natural England Barn Owl licence 20122567. Tristam has participated on the Otter Diet and Spraint Research at Bangor University in 2012 and has successfully completed "Barn Owl Ecology, Surveys and Signs" course and was one of the first to complete the higher level "Advanced Barn Owl Surveying and Mitigation" course both run by The Barn Owl Trust. He has completed three day "Bat Survey and Mitigation for Ecological Consultants" course run by the Bat Conservation Trust (BCT). Tristam's wealth of knowledge about badger and fox behavior has been built up over the past 20 years, working alongside his father and learning at first hand from the animals themselves as they recovered in the wildlife rehabilitation centre. Tristam is a FERA (Food and Environment Research Agency) trained badger trapping and lay vaccinator. Today as a company director he is actively involved in every aspect of protected species surveying, monitoring, conservation and mitigation. He has experience in surveying for badgers, bats, amphibians, reptiles, water voles, kingfishers, barn owls, birds of prey, otters, breeding birds, and freshwater white clawed crayfish. He has significant practical experience of sensitive planning issues. He routinely deals with every aspect of mitigation and project management. He has been issued with numerous licenses from English Nature, the Department of Environment Farming and Rural Affairs and the Countryside Council for Wales. Tristam is trained in confined space working and possesses his Personal Track Safety Certification. He is co-founder of Shropshire Wildlife Rescue.

Member of:

- The Mammal Society
- Institute of Ecology and Environmental Management
- Shropshire Mammal Group
- Shropshire Badger Group (Life Member)
- Shropshire Amphibian and Reptile Group

George E Pearce - Director

George who has recently published a book on badgers, conservation and rehabilitation, enjoys the highest reputation as an expert in his field. He has studied badgers and their behavior for over 50 years and has worked closely with many animals on a daily basis. George Pearce became a professional consultant prior to the Protection of Badgers Act, 1992. He has been granted licenses by English Nature, The Ministry of Agriculture Fisheries and Food, Department of Environment Farming and Rural Affairs, The Welsh Office Agricultural Department and The Countryside Council for Wales. He is recognized as a badger and fox expert by Magistrates and Crown Courts and has appeared as an expert witness in numerous badger related court cases. He lectures on the lifestyle of the badger and fox to a wide range of audiences and speaks regularly at nationwide conferences. He has many years of hands on experience, gained when running an animal rehabilitation unit. The RSPCA and local vets have placed injured and convalescent animals and birds in his care and he has successfully returned to the wild, over 100 badgers and 60 foxes. He brings to his work a lifetime's interest in badgers and foxes and offers independent and unbiased advice to all clients. George is also a successful author with his first book published in 2010 on badgers. (Badger Behaviour, Conservation & Rehabilitation)

Will Macken BSc (Hons) Grad CIEEM (Lead Ecologist)

Will Macken is a licensed bat worker with many years experience in various ecology disciplines working both nationally and internationally, he is an active member of Mammal Society, Shropshire Bat Group, Shropshire Mammal Group, Shropshire Amphibian & Reptile Group and specialises in protected species mitigation work and protected species licence application work and ecological clerk of works. Licensed for bats and GCN by Natural England and CCW and SNH. Will is a trained tree climber and holds his Rope Access/Ariel rescue certification, allowing him to climb potential bat roost trees for inspection. He also holds chainsaw certification for forestry work.

Doug Williams MSc, BSc (Hons), RFS cert Arb (Ecologist and Arboriculturalist)

Doug is an experienced ecological and arboricultural consultant who holds protected species licenses for bats and great crested newts. Doug holds memberships with the Chartered Institute of Ecology and Environmental Management and Arboricultural Association he is also member of both the Shropshire Bat and Mammal Society. His specialisms lie in protected species surveys/mitigation, BS5837:2012 and ecological clerk of works. In addition to his consultancy work Doug is a trained arborist holding NPTC tree climbing/aerial rescue certificates, which enables him to carry aerial inspection for bat tree roosts. He also holds various machinery certifications including MEWP, NPTC Chainsaw and woodchopper certificates.

Charlotte Pearce – Ecologist

Charlotte holds a Natural England Great Crested Newt licence (No:CLS001127) and has experience in surveying for many species such as newts, bats, badgers, barn owl, reptiles. She has gained a good practical knowledge built up over her time as a surveyor and time spent with Shropshire Bat Group and Field Studies Council. Charlotte has a passion for wildlife and is co-founder of Shropshire Wildlife Rescue, she cares for native injured wildlife at the rehabilitation centre, such as badgers, foxes, injured and orphaned animals and has successfully released animals back in the wild.

Greg White (Field Worker)

Greg is working towards his Natural England great crested newt licence, with experience in various ecology disciplines, he is an active member of Shropshire Mammal Group, Shropshire Amphibian & Reptile Group and has experience in surveying for protected species. Also involved in protected species mitigation work and acting as an ecological clerk of works. He has been involved in badger, bat, reptile and newt surveys and badger and reptile mitigation. Greg has over 30 years forestry experience.

Richard Dryden (Field Worker)

Richard is working towards his Natural England great crested newt licence, with experience in various ecology disciplines, he is an active member of Amphibian & Reptile Group and has experience in surveying for protected species. Also involved in protected species mitigation work and acting as an ecological clerk of works. He has been involved in badger, bat, reptile and newt surveys and badger and reptile mitigation.

