

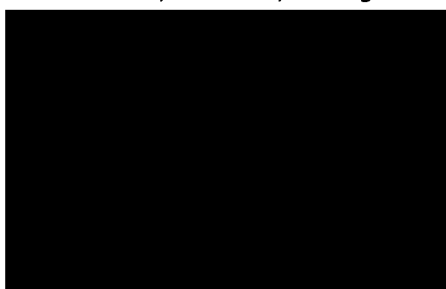


Cinders Lane, Yapton

**Great Crested Newt: Non-Licenced
Method Statement**

April 2017

The Pavilion, 1st Floor, Botleigh Grange Office Campus, Hedge End, Southampton, Hampshire, SO30 2AF





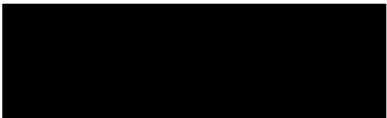
Document Control

Project: Cinders Lane, Yapton

Client: Sundial Planning

Job Number: A100671

File Origin: I:\Projects\Projects A100000 on\A100671 Cinders Lane Yapton\Reports\GCN Non-licenced Method Statement

Issue 1	July 2015	Final
Prepared by:		Ben Cooke Consultant Ecologist
Checked By:		Max Ward Consultant Ecologist
Verified By:		Phil Lomax Associate Ecologist

Issue 2
Prepared by:
Checked By:
Verified By:

WYG Environment Planning Transport Ltd. accept no responsibility or liability for the use which is made of this document other than by the Client for the purpose for which it was originally commissioned and prepared.



Contents Page

1.0	Introduction.....	1
1.1	Background	1
1.2	Proposed Development.....	2
2.0	Legislation	3
3.0	Evaluation	4
3.1	Natural England Risk Assessment.....	4
4.0	Recommended Avoidance Measures	6
4.1	Toolbox talk.....	6
4.2	Hand & Destructive Search	6
4.3	Working Methods.....	7
5.0	What to do if a Newt is Found?	8
6.0	References	9



1.0 Introduction

1.1 Background

WYG was commissioned to provide ecological advice for the pre-application stage for Cinders Lane, Yapton in respect to great crested newts. The production of a non-licensed Method Statement for the avoidance of effects on great crested newt was a recommendation of the extended Phase 1 habitat survey.

To support the planning application for the site, a suite of ecological surveys was completed including an extended Phase 1 habitat survey (WYG, 2016).

The data search for the extended Phase 1 habitat survey, returned nine post-2000 records of great crested newts (GCN) within the 2km data search area. As part of the extended Phase 1 habitat survey, a single ditch (Ditch 1) on-site was recommended to be assessed under the Habitat Suitability Index (HSI) for its value to support breeding great crested newts. However, the ditch was found to be dry at the time of the extended Phase 1 Habitat survey and during subsequent visits to the site during the GCN active season. The condition of the ditch meant that a HSI assessment was not undertaken for this waterbody as it was deemed unsuitable to great crested newts. This waterbody is described below as follows:

Ditch 1 runs along the western boundary of the site. During the extended Phase 1 habitat survey in December 2016, this ditch was walked. It was heavily overgrown by bramble scrub and the whole length of the ditch was found to be dry. There was no indication of the presence of aquatic vegetation within the on-site ditch.

Beyond the site boundary there is a single waterbody and eight ditches within 500m of the development site, these are described below:

Pond 1: The waterbody is shown on OS mapping approximately 350m north east of the site and was later identified from aerial photography as a swimming pool of a residential property along Brundell Road.

Ditch 2: Is a land drain to the east of the site, which runs parallel to the adjacent footpath and is shown on the Ordnance Survey map. The ditch was viewed during the extended Phase 1 habitat survey and it appeared to have been dry for some time. The drainage ditch lacked any aquatic vegetation and therefore is considered unsuitable to support great crested newts.



Ditch 3: A land drain within agricultural land approximately 270m to the east of the site. The waterbody was not accessible for survey therefore a HSI assessment was not conducted. It should be noted that although the waterbody could not be accessed at the time of survey all other drainage ditches assessed were found to be dry and considered unsuitable for great crested newt.

Ditch 4: A land drain within agricultural land approximately 200m to the south east of the site. The waterbody was assessed at its western extent from the adjacent public right of way. At the time of survey the waterbody was found to be dry therefore a HSI assessment was not conducted.

Ditch 5: A land drain within agricultural land approximately 20m to the south of the site. The waterbody was assessed at its eastern extent from the adjacent public right of way. At the time of survey the waterbody was found to be dry therefore a HSI assessment was not conducted.

Ditch 6: A land drain within agricultural land approximately 300m to the south east of the site. The waterbody was assessed at its western extent adjacent to Bilsham Road and was found to be dry at the time of survey therefore a HSI assessment was not conducted.

Ditch 7: A land drain within agricultural land approximately 450m to the south of the site. The waterbody was assessed at its eastern extent from the adjacent public right of way. At the time of survey the waterbody was found to be dry therefore a HSI assessment was not conducted.

Ditch 8: An agricultural land drain located 510m to the west of the site separated from the site by Bilsham Road, considered to be a barrier to dispersal therefore a HSI assessment of the waterbody was not conducted.

Given that the ditches which were accessible to allow a HSI assessment to be undertaken were dry during and outside of the optimal great crested newt breeding season, they are considered unsuitable for great crested newts. As such, no water bodies suitable for amphibians exist on-site, however some suitable terrestrial habitat for newts is present on site; this comprises areas of dense scrub, piles of debris and tall ruderal vegetation on-site, which provide potentially suitable terrestrial habitat for this species.

1.2 Proposed Development

The masterplan proposes a development that will consist of 51 dwellings with associated landscaping and infrastructure (HP16098003).



2.0 Legislation

As a result of the development, habitats will be lost that may be used by great crested newts. If there is the potential for development impacts to result in potential contravention of the relevant legislation below, a European Protected Species Licence (EPSL) would be required from Natural England to enable the development to proceed lawfully. Therefore the Natural England Risk Assessment tool has been completed for the site and surrounding area and is shown in Table 2 (below). The result indicates that clearance of semi-improved grassland is unlikely to lead to an offence, and therefore a EPSL application to Natural England is not required to enable this development to proceed lawfully. Instead, this Method Statement has been prepared as a precautionary measure in the event that any great crested newts may be present on site as recommended BY Natural England guidance

The great crested newt is listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to:

- ✧ Intentionally or recklessly kill, injure or take a great crested newt;
- ✧ Possess or control any live or dead specimen or anything derived from a great crested newt;
- ✧ Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt;
- ✧ Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection.

The great crested newt is also listed on Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom. This enforces the existing offences as well as introducing three new offences:

- ✧ deliberately take or destroy the eggs of a great crested newt;
- ✧ damage or destroy a breeding site of a great crested newt; and
- ✧ transport, sell or exchange, or offer for sale or exchange, any live or dead great crested newt, or any part of, or anything derived from a great crested newt.

The legislation applies to all life stages of great crested newts.



3.0 Evaluation

3.1 Natural England Risk Assessment

The ditch on-site (Ditch 1) was dry and hence considered unsuitable to support great crested newts and the ditch immediately adjacent to the eastern boundary of the site (Ditch 2) was also found to be dry and hence considered unsuitable to support breeding great crested newts. A pond located 560m to the north of the site is confirmed to support breeding great crested newts. However, it is considered unlikely that a great crested newt would commute south from this waterbody, through the main residential settlement of Bentley to the development site as the habitat to the north and east of the site (from the review of aerial maps) appears to be more suitable as terrestrial habitat for great crested newt than that on site and Burndell Road to the north of the site is a major barrier to dispersal from the waterbody.

Natural England's rapid risk assessment tool was used to determine the likelihood of an offence occurring under the Conservation of Habitats and Species (Amended) Regulations 2010 and if a licence under regulation 53(2)(e) in respect of great crested newts would be required. The results of the rapid risk assessment tool, shown below, suggests that if the proposed development site was cleared in the absence of mitigation, then the proposed works are highly unlikely to cause an offence.

Table 2: Natural England Risk Assessment

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	1 - 5 ha lost or damaged	0.04
Individual great crested newts	No effect	0
Maximum:		0.04
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

The Natural England Risk Assessment Tool provides a result of 'Green: offence highly unlikely' which indicates that the development activities are of such a type, scale and location (loss of 1.1ha of field) that



it is highly unlikely any offence would be committed should the development proceed. Therefore, no EPSL licence would be required.

Natural England comments: *'Green: offence highly unlikely' indicates that the development activities are of such a type, scale and location that it is highly unlikely any offence would be committed should the development proceed. Therefore, no licence would be required. However, bearing in mind that this is a generic assessment, you should carefully examine your specific plans to ensure this is a sound conclusion, and take precautions (see Non-licensed avoidance measures tool) to avoid offences if appropriate. It is likely that any residual offences would have negligible impact on conservation status, and enforcement of such breaches is unlikely to be in the public interest'.*

The proposed development site is 1.7ha in size, with the nearest pond which is suitable for breeding great crested newts (and in this case with a confirmed population of great crested newts) 560m to the north of the site. The proposed development site does however support some suitable terrestrial habitat for great crested newts in the form of tall ruderal vegetation, semi-improved grassland and dense scrub. Albeit the Natural England Risk Assessment Tool suggests it is highly unlikely that any offence would be committed should the development proceed, a precautionary approach is recommended and therefore site clearance works will be completed under this non-licensed Method Statement.



4.0 Recommended Avoidance Measures

The following activities would be undertaken and the contents of this document would be made available to contractors.

4.1 Toolbox talk

All site operatives, including contractors, sub-contractors will receive a briefing by an ecologist holding a Natural England license for great crested newt. The briefing will include details of the legal protections of great crested newts, the precautionary methods of working (outlined in this document); pictures will be shown to make contractors/sub-contractors familiar with great crested newt characteristics, contractors will be made aware of the optimal newt habitat at the site and the procedures to follow in the event great crested newts are discovered during the works.

4.2 Hand & Destructive Search

No development works will be permitted at the site until suitable areas of the site have been strimmed to 6 inches and subsequently hand searched comprising a finger tip search this will focus on grassland tussocks, ruderal and scrub/hedgerow habitat by a surveyor holding a Natural England survey licence (or an accredited agent under such a licence).

All scrub/ hedgerow to be removed will be cut to a height of 15cms using a chainsaw, petrol trimmer or similar tools between October to February inclusive (see Note 1 below) and arisings should either be left in situ on site or woody material carefully removed and chipped and should not be burned.

NOTE 1 If it is not possible to undertake these initial clearance works outside of the nesting bird season which runs from March to August, then a suitably qualified ecologist will check the hedgerow or any other suitable vegetation for nesting birds prior to its removal. If nesting birds are confirmed, a minimum of a 5m buffer will be retained off the nest until all the young have fledged.

Subsequently a suitably qualified and licensed ecologist will supervise the stump and remaining vegetation removal to check for great crested newts. These operations must take place during the great crested newt active season which runs from March to October (weather permitting) and utilising the following methods:

In all areas of suitable terrestrial habitat for great crested newts to be removed including potential hibernacula (i.e. where the ground is uneven and/ or debris piles), and including proposed infilling of the



ditch along the western boundary or root ball of the hedgerows will be removed; a targeted top soil strip will be undertaken by a suitably qualified ecologist:

- ✧ Excavators should only work on scraped areas and not on undisturbed grass.
- ✧ Using a medium sized excavator (approx. 8 - 12 tonnes) with a toothed bucket carry out a gradual scrape of the top one to two inches (25 - 50mm) of top soil. Both the area from where the soil is removed from and the area where the scraped soil is moved to should be checked for great crested newts;
- ✧ Carry out deeper scrapes where necessary;
- ✧ All excavated material must be immediately removed from the site or used to backfill excavations.

4.3 Working Methods

- ✧ Access to the site will be from the existing access, via Cinders Lane i.e. using the existing hardstanding areas.
- ✧ Where possible, tracked vehicles of up to 8 -12 tonnes will be used on site.
- ✧ Works will only be undertaken on site during daylight hours.



5.0 What to do if a Newt is Found?

The following points will be followed by all staff throughout the duration of works in the event any great crested newt is found:

- ✧ Stop all work activities immediately.
- ✧ Do not attempt to handle the great crested newt.
- ✧ Contact the project ecologist/ make the Ecological Clerk of Works (ECoW) present on site aware.
- ✧ Await further instruction from the ecologist before proceeding with any further works.

If great crested newt has been discovered all works must stop. The ecologist will firstly contact the client and subsequently contact Natural England directly but a European Protected Species development licence will need to be obtained from Natural England before further works proceed. Please note if great crested newts are found on-site great crested newt population surveys will be required of all suitable waterbodies within 500m of the site boundary and is not separated from the site by major barriers to dispersal. It is imperative these procedures are followed immediately to avoid an offence occurring under the Wildlife and Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species (Amended) Regulations 2010.



6.0 References

Langton, T.E.S., Beckett, C.L. and Foster, J.P. (2001). Great Crested Newt Conservation Handbook. Froglife, Halesworth.

WYG (2017) Cinders Lane, Yapton: Preliminary Ecological Appraisal.