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Our Ref: RP/1804/16.1

Your Ref:

21<sup>st</sup> November 2016

**Re: Great Crested Newt Assessment;  
– Proposed development at Bache Farm,  
New Radnor, Presteigne, Powys LD8 2TG.**

## **1. Introduction**

It is understood that, briefly, there is a proposal to construct a poultry building (approximately 0.06 hectares (600m<sup>2</sup>) in size) within an existing free-range poultry complex at Bache Farm.

Two locations are proposed for the location of the new poultry building:

- 'Site A' at approximate National Grid Reference (NGR) 322520, 262805.
- 'Site B' at approximate NGR 322435, 262820.

Site A and Site B are situated within ranging areas of an existing two (mobile) buildings poultry enterprise.

There is one mapped and known pond ('The Pond') within 500m of Site A and Site B.

The Pond is a large-sized field drainage pond at approximate NGR 322610, 262805; approximately 40m east of Site A and approximately 110m southeast of Site B. The Pond is stocked with Brown Trout (*Salmo trutta*) and used for (informal, non-commercial) recreational fishing.

On 25<sup>th</sup> May 2016 and 14<sup>th</sup> November 2016 a Great Crested Newt Assessment was carried out.

The Pond was assessed for its suitability to be used by Great crested newts for breeding purposes.

An assessment was made of the likely impact of the proposed development on Great crested newts.

A photographic record of the Great Crested Newt Assessment is provided towards the end of this letter report.

## **2. Legislation**

The Great crested newt (*Triturus cristatus*) is protected under the Wildlife & Countryside Act 1981(as amended) and the Conservation of Habitats and Species Regulations 2010.

Under this legislation, it is illegal to:

- intentionally kill, injure, or capture Great crested newts or their young; (this includes the eggs of Great crested newts);
- intentionally or recklessly damage, destroy or obstruct access to areas used by Great crested newts for shelter or protection (which is taken to include water-bodies used by the newts);
- intentionally or recklessly disturb Great crested newts while they are occupying a structure or place which is used by them for shelter or protection.

A European Protected Species Licence from Natural Resources Wales may be required for development works affecting Great crested newts.

## **3. Historical records of Great crested newt**

A data search was commissioned from the Biodiversity Information Service for Powys & Brecon Beacons National Park for records of Great crested newt) within 1km radius of Site A.

On 8<sup>th</sup> November 2016 the Biodiversity Information Service for Powys & Brecon Beacons National Park confirmed that there is no record of Great crested newt within 1km of Site A.

## **4. Habitat of Site A and Site B**

Site A and Site B are within two separate range areas of the exiting poultry enterprise and consist of improved grassland. The grassland is grazed by Sheep and (during the summer months) is routinely 'topped'.

## **5. The Pond**

### **5.1 Habitat between The Pond and Site A and Site B**

Briefly, the habitat between The Pond and Site A and Site B consists of a small area of broadleaved woodland (surrounding The Pond), an intact species poor field boundary hedge and improved grassland within range areas of the existing poultry enterprise.

### **5.2 Habitat Suitability Index**

The likelihood of Great crested newts using The Pond for breeding purposes was assessed using the Habitat Suitability Index (HSI) using the National Amphibian and Reptile Recording Scheme HSI calculation method.

The HSI for Great crested newts is a measure of habitat suitability, but is not a substitute for formal Great crested newt surveys.

In general, ponds/waterbodies with high HSI scores are more likely to support Great crested newts than those with low scores.

The HSI Score for The Pond was calculated as follows:

HSI variable	Comment	Score
SI1 - Location	-	0.50
SI2 - Pond area	≈ 885m <sup>2</sup>	0.98
SI3 - Pond drying	Informed value: 'never dries'	0.90
SI4 - Water quality	'Poor'	0.33
SI4 - Shade	Informed value	0.60
SI6 - Fowl	Informed value: 'minor'	0.67
SI7 - Fish	Informed value: 'present'	0.01
SI8 - Nearby ponds	-	0.65
SI9 - Terrestrial habitat	'Poor'	0.33
SI10 - Macrophytes	Informed value	0.60
<b>HSI</b>		<b>0.39</b>

The HSI score of The Pond is 0.39.

The Pond provides 'poor' habitat for Great crested newts to use for breeding purposes.

## 6. Rapid Risk Assessment

Assuming:

- that Great crested newts use The Pond for breeding purposes; and,
- the development of Site A or Site B was carried out in the absence of Great crested newt specific mitigation measures

the Natural England 'rapid risk assessment' tool (contained in Form 'WML-A14-2.xls')<sup>(1)</sup> was used to qualify the likelihood of a criminal offence against Great crested newts being committed.

### 6.1 Site A

Assuming The Pond is used by Great crested newts for breeding purposes:

The Natural England 'rapid risk assessment' tool shows the potential affect of developing the whole of Site A (i.e. approximately 0.06 hectares) on Great crested newts is:

'Amber: Offence Likely'.

Notional offence probability score 0.3.

### 6.2 Site B

Assuming The Pond is used by Great crested newts for breeding purposes:

The Natural England 'rapid risk assessment' tool shows the potential affect of developing the whole of Site B (i.e. approximately 0.06 hectares) on Great crested newts is:

'Green: Offence Highly Unlikely'.

Notional offence probability score 0.01.

## **7. Conclusion**

There is no record of Great crested newt within 1km of Site A (or Site B).

Site A and Site B provide poor terrestrial habitat for Great crested newts to use for foraging, rest and/or shelter.

The HSI score for The Pond determined that it provides 'poor' habitat for Great crested newt to use for breeding purposes. It is not considered likely that The Pond would be (successfully) used by Great crested newt for breeding purposes.

### **7.1 Development of Site A**

The Natural England 'rapid risk assessment' tool indicates that should The Pond be used by Great crested newt for breeding purposes; it is possible that the development of Site A may cause the killing or injury of Great crested newt.

However, the result of the 'rapid risk assessment' tool is not able to take into account that:

- the physical area of Site A to be lost or damaged by the proposed development is approximately 0.06 hectares.
- the suitability of the habitat on Site A is unfavourable for Great crested newts to use for foraging, resting and/or sheltering purposes.
- mitigation measures may be adopted to assuage the negative impact the development may have on Great crested newt.

It is considered that, should the proposed development of Site A receive Planning Permission, Risk Avoidance Measures (RAMs) for Great crested newts should be adhered to.

Irrespective of whether Great crested newts successfully use The Pond for breeding purposes or not, considering the scale and nature of the proposed development; Risk Avoidance Measures are considered proportionate mitigation.

A set of RAMs for Great crested newts, suitable for the proposed development, are detailed at the end of this letter report.

Adoption of RAMs will negate any potential impact of the development on Great crested newts and other wildlife, including small mammals.

### **7.2 Development of Site B**

The Natural England 'rapid risk assessment' tool indicates that should The Pond be used by Great crested newt for breeding purposes; it is possible that the development of Site B is unlikely to cause the killing or injury of Great crested newt.

Therefore, should the proposed development of Site B receive Planning Permission, it is not considered that Great crested newt impose a constraint on the development.

### **7.3 Further survey**

It is not considered likely that The Pond would be (successfully) used by Great crested newt for breeding purposes. Furthermore, Risk Avoidance Measures may be used to assuage any (perceived) negative impact that the development (of Site A) may have on Great crested newt.

Therefore:

- it is not considered necessary for a Great Crested Newt Presence/Absence Survey to be carried out on The Pond.
- it is not considered necessary for a European Protected Species Licence in respect of Great crested newts to be applied for and authorised by a Natural Resources Wales in order for the proposed development Site A or Site B to proceed lawfully.

Dr. R. M. Jones

Natural Resources Wales Great Crested Newt Licensed surveyor 2016-19615-CLS-CLS.

References:

- (1) Natural England (2015). European Protected Species Method Statement document. Form WML-A14-2.xls.
- (2) Langton, T.E.S., Beckett, C.L. and Foster, J.P. (2001). Great crested newt Conservation Handbook. Froglife, Halesworth.

### **Photograph – The Pond**

Looking west from east:



**Photograph – Site A**

Looking northeast from southwest:



**Photograph – Site A**

Looking northwest from southeast:



## Risk Avoidance Measures (RAMs) for Great Crested Newts

- Adoption of the above Risk Avoidance Measures (RAMs) is *precautionary*, but may avoid the killing or injury of amphibians, mammals and general wildlife that may traverse the development site or be attracted to it during the construction phase. (E.g. animals may seek refuge or shelter within spoil heaps or building materials).

### Timing

1. Great crested newts are active on land from approximately mid-February to mid-November.
2. Ideally, the excavation of trenches should take place between mid-November and mid-February inclusive. By doing so, the risk of Great crested newts falling into excavations or using spoil heaps or building materials for shelter is negligible.

### Site worker induction

3. All personnel working on the development shall be made aware of the potential for Great crested newts to be present in the vicinity of the development site and the requirement for RAMs to be adhered to.
4. All site personnel will be informed:  
Should Great crested newts, or a suspicion of their presence, be found, work must cease immediately and a Suitably Qualified Ecologist and/or Natural Resources Wales (Telephone 0300 065 3000) be contacted.

### Building material storage

5. It is recommended that any materials stored on the development site during the construction phase are done so on pallets and at as great a distance as possible from hedges and trees.  
This will:
  - a) minimise the likelihood of Great crested newts, that may reside or traverse along hedges, from using building materials as a place for rest or shelter.
  - b) ensure the protection of the root systems of any hedges and trees to be retained.
6. Where suitable, construction materials should be stored on pallets (or other structures such as 'skips') to keep them off the ground and potentially prevent Great crested newts and other wildlife from resting underneath them.
7. Pallets and other stored materials should not be kept on bare ground and in the same place for more than 3-4 weeks to prevent them from creating potentially suitable resting places for Great crested newts and other wildlife.
8. If possible building materials should be stored within (a) secure (solid-floored) compound(s) (such as a yard area) or placed in a modern-type agricultural building within the Bache Farm yard and building complex.
9. Where appropriate, the areas immediately surrounding (the) building material storage area(s) should be kept clear of debris and/or vegetation, and (where appropriate) grassland sward height should be kept to a minimum.

### Grass/vegetation clearance

10. Should the sward height of grass (or other vegetation) on the development site be above 100mm at the time that development work is to commence; action will be required to negate any likelihood of Great crested newts being present on the development site:
  - a) Immediately prior to development works commencing: the development site will be walked and inspected for the presence of Great crested newts;
  - b) Should Great crested newts be found, it may be necessary for the proposed development-work schedule to be reassessed and Natural Resources Wales be consulted;
  - c) Should no Great crested newts be found, central areas of the development site will need to be cut/strimmed to a height of no less than 100mm:
    - Cutting/strimming should start in the middle of the development site and work progressively towards the boundaries of the development site;
    - A 'buffer' area of vegetation approximately 2m in width will remain inside the boundaries of the development site for no less than 4 days;
    - All cut vegetation from the central area of the development site will need to be removed from the development site by hand; and,
    - After no less than four days, the 'buffer' may be cut/strimmed and the resulting vegetation removed from the development site by hand.
11. Where appropriate, the grassland habitat on the development site should be kept to a minimum sward height (ideally less than 50mm) for the duration of the development.

### Excavations

12. Excavated footings, post-holes, pipe trenches etc. will need to be filled on the same day as they are opened.
13. Should the time between excavation and filling of foundations or trenches need to be extended, due to unforeseen circumstances, it will be necessary to prevent any chance of Great crested newts, or other wildlife, becoming trapped in excavations.

This may be achieved by:

- a) Covers:

Covering the excavations with ply-board sheeting or similar, ensuring a good seal between the bottom edge of the board and firm ground substrate.
  - b) Ramps:

Should it not be possible to cover all excavations, wooden boards (or similar) will be placed extending from the bottom of excavations to the surrounding surface. Should amphibians or small mammals become trapped in excavations, these 'ramps' may potentially allow amphibians and small mammals a method of escaping on their own accord.
14. Prior to works re-commencing excavations should be inspected for the presence of Great crested newts or other wildlife.



Arisings and/or waste materials

15. Ideally, excavated soil (and any other arisings) should be removed from the development site on the same day as their creation.
16. (Soil) arisings that are to remain on the development site, perhaps for landscaping for example, will either need to be placed in (a) secure (solid-floored) compound(s) (such as a yard area) or placed in a modern-type agricultural building within the Bache Farm yard and building complex. Should the latter be required, soils will need to be compacted and dressed to the required finished level on the same day (or as soon after as possible) as they were excavated.
17. Waste materials, such as builders rubble, generated within the development process should be stored within purpose-made refuge containers (such as 'skips') and or (a) secure (solid-floored) compound(s).
18. Where appropriate, the areas immediately surrounding the storage areas of (soil) arisings and/or waste materials should be kept clear of debris and/or vegetation, and (where appropriate) grassland sward height should be kept to a minimum.