

*C.B.E. Consulting*

GCN Proposed Protection Methods  
Land adjacent to Limestone Road  
Burniston  
Yorkshire

Survey by  
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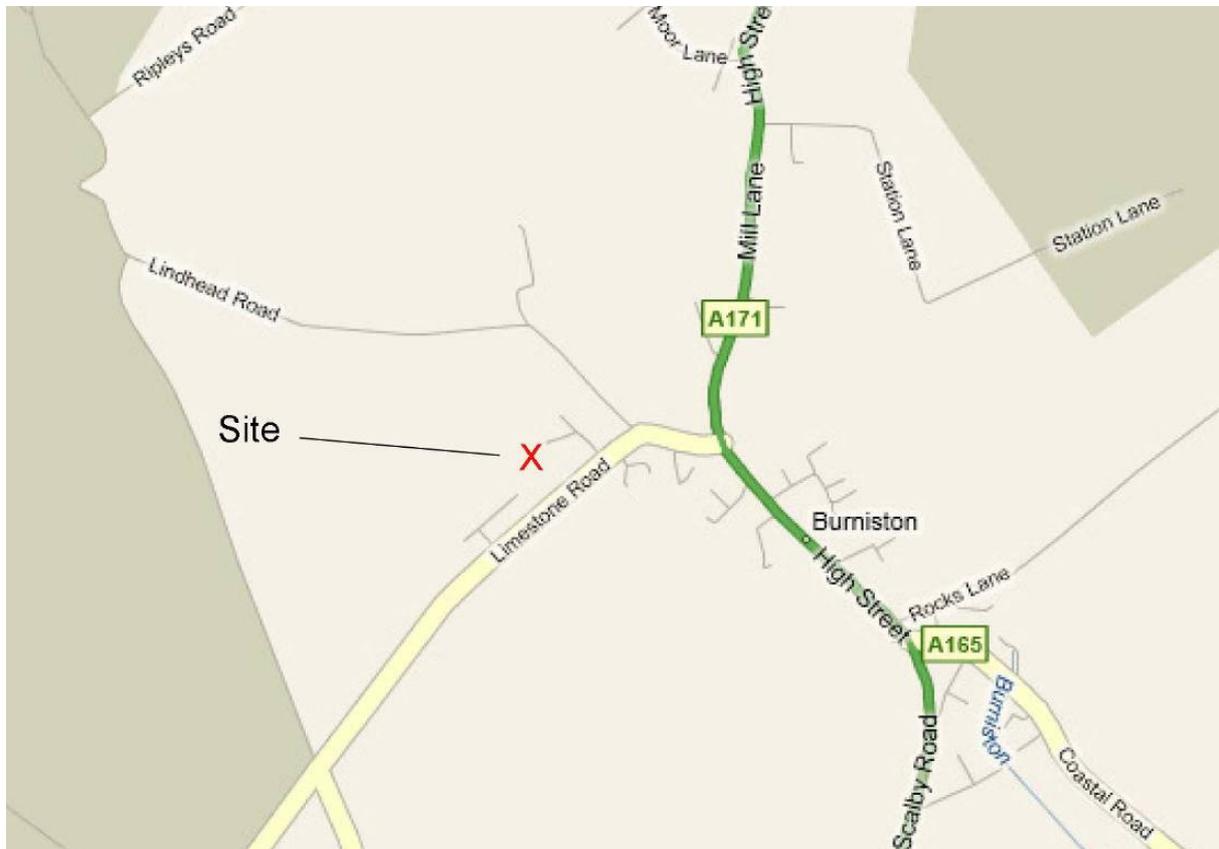
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## 1.1 Site description and Location

The site surveyed comprises an 'L' shaped area of gently sloping grazing land presently occupied by a small herd of sheep on the northern outskirts of Burniston at NGR TA004 932. The field is separated into two parts by an overgrown hedge and fencing. At the south end of the field, adjacent to Limestone Road, are a house that is empty and a number of stables.



## 1.2 Background

CBE Consulting was commissioned to complete an ecological appraisal of the site and an Extended Phase 1 Habitat Survey report reference P552 /1113-02 dated 25 November 2012 was prepared for the site and subsequently updated with new site inspections in 2013, 2016 and 2017.

The land surrounding the site is part of a well-established residential suburb on the northern fringe of Burniston, near Scarborough. Immediately to the south, east and west of the site are residential houses and gardens. To the north-west is an open agricultural arable field currently in production. To the north is a large open garden with an ornamental duck pond of approximately 200m<sup>2</sup> associated with a residential house. This is close to a small drainage channel which crosses through the arable land from the south west.

Overall the site was considered to be of low ecological value but within the Extended Phase 1 Habitat Survey a pond was noted as being present within a residential garden to the north of the site.

*“There are no water or wetland features on the site to support amphibians that may use the site for foraging but there is a pond in land to the north beyond the conifer hedge. This is an ornamental pond of approximately 200m<sup>2</sup> with a small island feature and supports a large colony of domesticated ducks. The presence of the ducks and lack of any significant aquatic*

vegetation within this pond makes it unlikely that this water feature supports a significant population of Great Crested Newt (*Triturus cristatus*) and there are no records of this species in the vicinity of the site. A Habitat Suitability Index assessment scores this pond at 0.54 HSI which is 'below average'.

Whilst no evidence of GCN have been found within the site, following a flood event within the field during 2016 resulting from a blockage in the outfall near the sub-station on the site boundary near The Limes, the subsequent repair works to the electricity sub-station did encounter three GCN sheltering within some plastic on the sub-station adjacent to the southern boundary of the site being considered for development. It is therefore assumed that whilst the pond has a 'below average' HSI score, since this is the only significant pond or water body within 500m of the site not isolated by significant barriers and, since the entire site being considered for future development lies within 500m of this pond, some precautionary working methods may need to be utilised in the event that permission for development is permitted.

### 1.3 Development Proposals

At the present time the site is being promoted to the Local Planning Authority as a site suitable for residential development and it is understood an outline planning application will be submitted to this end. ***Only a conceptual development plan has been prepared at this stage which is likely to be subject to significant amendment and alteration so specific mitigation methods proposed at this stage will need to be reviewed in the context of any detailed development proposals that may be prepared in the future.***

### 1.4 Legislation

Great crested newts are legally protected under both UK and European law as discussed below:

The species is given full protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This Act makes it an offence to:

- intentionally or recklessly disturb great crested newts whilst they are occupying any structure or place which they use for shelter or protection;
- intentionally or recklessly obstruct access to any structure or place which great crested newts use for shelter or protection; and to
- sell, offer or expose for sale or have in possession or transport with the purpose of sale any live or dead great crested newts, or any part of or anything derived from great crested newts.

The species is also given full protection under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended), which is the UK's transposition of the EU Habitats Directive 1994. The Regulations make it an offence to:

- deliberately capture, injure or kill any great crested newts;
- deliberately disturb great crested newts such as would affect their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate, to migrate, or to significantly affect their local distribution or abundance;
- be in possession or control of, to transport, to sell or exchange or to offer for sale or exchange any live or dead, any part of or anything derived from great crested newts.

## 2. Rationale of Method Statement

If approval is given to utilise some or all of the site area for the purposes of residential development, any construction works will take place within 500m of a potential population of Great Crested Newts within the pond in the garden to the north of the site boundary.

There was previously no record of this species within 500m of the site area and the pond has a 'below average' HSI score. However a small percentage of such ponds can support Great Crested Newts and until it is proved otherwise either by DNA testing or population surveys (both of which will require the permission of the Landowner), it should be assumed that there may be

a small population of GCN within this pond. ***It is recommended that, if the adjacent landowner approves, the pond in the garden to the north should be DNA tested for the presence of GCN in a suitable season prior to any approved development work commencing. If a negative result is obtained it may not be necessary to employ the precautionary measures recommended within this report.***

There are a number of facts that diminish the probability of great crested newts utilising the area of land being considered for development and therefore also minimising the likelihood of an offence occurring.

- a) the site contains no water features or significant wetland areas (although due to a breakdown in the drainage scheme the northern part of the site did flood severely in 2016 before repairs to the drainage system were made) and is primarily open and exposed grazing land with limited cover of low ecological value to great crested newts.
- b) The pond is within adjacent land 25m outside the site boundary and has a drainage channel extending to the south west away from the site being considered for development. This is the most obvious commuting route for any GCN.
- c) The primary habitat features will be the boundary hedgerows along the northern and western perimeters and these are likely to be retained to maintain screening during any development on the site.
- d) Any development proposals prepared could provide a buffer zone of 25m from the boundary closest to the pond within which no disturbance to terrestrial habitat takes place which will provide a zone of 50m from the pond.

An aerial photograph showing the location of the pond, the boundary of the proposed area (yellow line) and a 50m circular zone (blue circle) around the southern edge of the pond is provided below.



## Figure 2: Aerial Photograph

Due to the size and context of the land marked for development, it is possible to use the Natural England Risk Assessment tool to establish whether the proposed works are likely to result in an offence with respect to great crested newts. The results of this risk assessment suggested that an offence is considered unlikely as there is no direct risk to the pond and any GCN within this. Disturbance of land used by GCN for commuting and foraging is minimal as the most obvious commuting route from the adjacent pond is the drainage channel to the south west and the 'sinks' area to the north. Potential impact on GCN can be mitigated by the provision of a buffer zone of 50m around the pond within which no construction work will take place. This may require revision of the proposed development plan. Working methods can be employed to further reduce risk to GCN.

**Table 1: The results of the Natural England Rapid Risk Assessment:**

Component	Likely effect / impact from development	Likely impact
Effect on breeding ponds	Destruction Isolation from fragmentation Partial destruction or modification Temporary disturbance Post-development interference	None None None None None
Effect on other ponds newts use	Destruction Isolation from fragmentation Partial destruction or modification Temporary disturbance Post-development interference	None None None None None
Effect on terrestrial habitat <50m from breeding pond	Destruction Isolation by fragmentation Partial destruction Modified management Temporary disturbance Post development interference Temporary destruction and reinstatement	No No No No Low Low No
Effect on terrestrial habitat 50 - 250m from breeding pond	Destruction Isolation by fragmentation Partial destruction Modified management Temporary disturbance Post development interference Temporary destruction and reinstatement	Yes - moderate None n/a Yes - moderate n/a Yes - moderate n/a
Effect on terrestrial habitat >250m from breeding pond	Destruction Isolation by fragmentation Partial destruction Modified management Temporary disturbance Post development interference Temporary destruction and reinstatement	Yes - moderate None n/a Yes - moderate n/a Yes - moderate n/a

Despite the limited value of the site for great crested newts which in itself limits the potential impact on the species, there does however remain the possibility that individual GCN could be present on the site at the time of works as it is within the 500m zone of influence of the pond in which GCN are potentially present.

There is land of potentially greater value to GCN for commuting and foraging purposes to the west and south west of the pond which is outside of the proposed development area. However, whilst it should be possible to provide a buffer zone of at least 50m around the pond which can be protected from any construction disturbance and sympathetically landscaped, it is

recommended that additional measures should be put in place to safeguard against the accidental killing / injury of individual great crested newts whilst works occur within the zone of influence.

This document is intended to provide the Precautionary Method of Works to demonstrate works can safely proceed without risk of harm to great crested newt. It will establish:

- Suitable times of works;
- Method of site clearance; and
- Appropriate areas for works supervision.

With this working method in place, it is likely that development could (if permitted) be undertaken on the site without the need to obtain a Natural England European Protected Species Licence or carry out further survey for the site, as the measures detailed will remove / minimise risk of newts being present on site during works activities. ***However, once a detailed development scheme is prepared, this method statement will need to be reviewed to confirm the assessed impacts and methods are still applicable.***

This method will not utilise Temporary Amphibian Fencing (TAF) as this would act as a barrier to newt dispersal and is therefore itself a licensable activity. The works will be timed to make use of times of the year when amphibians are extremely unlikely to be present and complete the works for when amphibians become mobile and may begin to utilise this area for terrestrial purposes.

If permission for development is obtained, the following method of works must be read and signed off by all site operatives and will encompass some supervised works and must be available to all site staff within communal welfare units. Deviation from this runs a greater risk of potential killing / injury to newt and may therefore result in a breach of wildlife legislation.

The primary impact of the below method statement will be to influence any proposed development proposals for the site and influence any project build programme.

### **3. Method statement**

The aim of the proposed mitigation strategy set out in this method statement is to minimise the risk to negligible levels that the pre-construction, construction and operational works would cause harm to this protected species. This will be done by timing activities to periods when great crested newts are highly unlikely to be present within the works footprint.

This method statement is specifically related to the initial site clearance, foundation excavations and landscaping works within the site. Ideally any such clearance and construction / landscaping activity should take place during late autumn or winter when GCN are most unlikely to be present or active across the site.

#### **3.1 Site Training and Supervised Works**

All site operatives, including contractor and subcontractor staff, are required to receive a Tool-box talk delivered by a licensed ecologist or in their absence a suitably qualified accredited agent. This briefing will include details of the legal protection received by great crested newt, the precautionary methods of working, identification of newt species and the appropriate procedure should any species be discovered during works.

#### **3.2 Areas of Works**

The development works and this method statement will only affect the current grazing land being considered for future development. It will not impact the boundary hedgerows along the northern and western boundaries of the site which offer potential refuge sites / commuting routes from the pond. Protection measures such as Heras fencing will be implemented to prevent accidental transgression of plant or spoil into these areas.

#### **3.3 Timing & Method of Works**

The site has been used for grazing (albeit with a temporary flood in 2016) and will continue as such post 2017 until such time as approval is given for development and this is due to commence. The ongoing cropping and cutting of the grassland will have rendered the field as poor terrestrial habitat for GCN with limited cover and foraging potential. In maintaining an area of low habitat suitability such as this, the presence of great crested newt is considered to be low. Furthermore, the use of the field for grazing will remove the need for significant vegetation clearance across the area being considered for development. All boundary hedgerow habitats are to be retained within this area.

The programme below has primarily considered development / landscaping works which may be implemented within the site. This must be built into any build programme which may be subsequently approved for this site as follows:

- The 50m buffer zone around the pond should be identified and fenced to ensure there is no accidental trafficking into this area immediately prior to any vegetation clearance or construction work commencing.
- Prior to any construction work taking place the entire site will be inspected by a suitably licensed ecologist looking for any signs of GCN. In particular, any potential areas of refugia will be dismantled by hand and searched for GCN. If any are found this will be immediately reported to the County Ecologist and Natural England and no work commence until further appropriate measures are agreed and put in place.
- Signs will be hung on the exclusion fence identifying it as an ecologically sensitive area detailing risks and implications of breaching the fence line.
- Regular weekly checks must be undertaken by the site foreman and documented with additional spot checks by the site ecologist which will take place monthly during March – July and then also in September and November whilst construction work is ongoing. These checks will assess the entire site area and search for areas where GCN may be sheltering or become trapped. Any GCN presence will be immediately reported to the County Ecologist and Natural England.
- Any boundary landscaping works within the buffer area that may be proposed should commence within the winter period when amphibians will be in hibernation off site and with habitats such as hedgerows. Ground temperatures must be below 5 degrees C and it is anticipated that such works could be undertaken from November of the year when approved development is to commence. Any landscaping works should then be completed within a 4 month period with aim for completion before the beginning of March. At the end of this period, as amphibians become mobile following winter hibernation, any movements of amphibians is likely to be towards the pond for breeding and so likely presence on the site is considered to be negligible.
- The use of closed board fencing which is flush to the ground is not permitted within the site area as part of any development as this may act to cause a dispersal barrier.
- The development of plots within 250m of the pond should take place in a fashion and timeframe that reduces the potential of harm to GCN. The excavation / infilling of foundations and the installation of underground utilities, hard surfaces should take place during the winter period when GCN are not active. Any trenches / excavations must not be left open over-night within the 250m zone and ideally these should be backfilled each working day. This method will only require the major structural works to be completed within this time period. Works such as the internal wiring / plumbing etc. can be completed at any time period.

The likely presence of newts traversing the site during the night time cannot be entirely ruled out, however the risk of such an occurrence during the day is considered extremely unlikely. As a precaution no night time works will be permitted within the 250m zone closest to the pond for the duration of the works. In the extremely unlikely event of newts being present during the day further site precautions are identified below.

#### **4. Procedure if great crested newts are found during works**

If great crested newt (or any other newt species if unable to be clearly identified) are found at any times during the proposed site works, all works must cease immediately. If not present on site, an ecologist must be contacted to make an assessment of the situation and to determine whether an EPS Licence will be required to allow the works to proceed lawfully. If considered necessary, guidance will be sought through consultation with Natural England.

Appendix A provides a fact sheet to supplement this method statement to be used within the site briefing and placed on staff notice boards within welfare units.



**Figure 3 Conceptual Development Plan**

## Appendix 1

### Site Factsheet: Great Crested Newt

This factsheet has been put together to provide a quick guide to identification of newt species within the UK. It is intended to form a reference for site workers where great crested newt might be present and discuss briefly their natural history, key identification characteristics and the roles and responsibilities of all parties should great crested newt be found on site.

#### Status

The great crested newt is endemic to the UK, it is an endangered species which has been adversely affected by habitat losses over the years. It is a specialist species that requires a network of small ponds within a short distance from one another separated by habitats such as grasslands and woodlands.

The great crested newt is fully protected under the Conservation of Habitats and Species Act (2010) and the Wildlife and Countryside Act (1981). Amongst others, this makes it an offence to:

- deliberately capture, injure or kill any great crested newts;
- intentionally or recklessly disturb great crested newts whilst they are occupying any structure or place which they use for shelter or protection;

#### Lifecycle

Great Crested Newts breed in ponds during the spring from March to June. After breeding they spend the rest of their year mostly on land in grasslands, hedgerows, woodland and scrub. They will use these areas to forage and use log, scrub & rubble piles etc. to hibernate.

Typically great crested newt are found within 500m of a breeding pond and will return on an annual basis to breed.

Typically great crested newt move at night time and so this species is rarely found during the day on land, unless witnessed during works to remove log piles for instance.

#### What should I do if I see a Great Crested Newt?

Typically site works should have been preceded by detailed ecological advice and presence of this species will have been identified and a suitable mitigation plan in place. This will often include use of Temporary Amphibian Fencing (TAF) to ensure that newts are removed from the works site.

If TAF is present on a site, site workers are to ensure at all times that the fence is not breached. Items must not be stored on/next to the fence, the fence should not be damaged and any minor damage cause should be 1) immediately repaired by means of fabric tape for example, 2) reported to the site Ecologist. Any instances where the fence is damaged and left as such overnight should seek further ecological advice.



Where site works are underway and a newt is found or suspected by workforce, works must stop in that area and an ecologist contacted. The ecologist must hold a Natural England Class licence for great crested newts. If works are being carried out under a site specific European Protected Species Licence or the newt is in danger if it is not moved, the ecologist may be able to move the newt from the works area. If this is not the case then they will be required to consult with Natural England with regards to the appropriate course of action.

Where amphibians are handled, site workers must wear gloves and follow good hygiene rules, including washing hands before eating and drinking.

Site workers must not:

- Handle any newt unless in an emergency
- Continue working in the area without consulting expert advice

## Identification

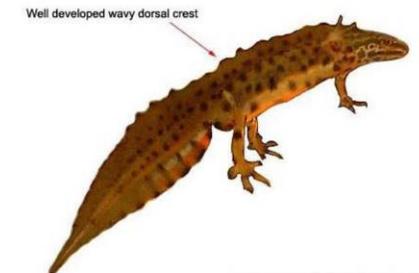
### Great Crested Newt (GCN)

- Adults typically 15-17cm long nose to tail, females are slightly larger.
- Rough texture, black / dark brown coloured skin with white spots.
- Bright orange belly with black spots.
- Striped orange and black toes.
- The males crest will lie flat when out of the water.
- The crest of a male newt is only normally identifiable in the water, on land this will not be pronounced. The male also has a white stripe along its tail.



### Smooth/Common Newt

- Smaller than GCN, typically 6.5cm to 11cm.
- Muddy colouring, not as dark.
- Skin is smooth in texture.
- Pale underbelly with orange band down the centre.
- Males also have crest which is not as jagged as a great crested newt and does not have a break in the crest between the body and the tail.



### Palmate Newt

- Similar size to smooth newt and very similar in appearance. Males do not have a notable crest although it may be possible to see a small whip like tail filament on the end of the tail.
- Males have webbed toes on the hind legs.

