Great Crested Newt Impact Assessment & Reasonable Avoidance Measures

Land at

Cob Kiln Lane

Urmston

M41 9LB

For

EBR Designs Ltd

Gritstone Ecology

www.gritstone.org | info@gritstone.org | 07958314 857

Contents

1. Introduction

1.1. Purpose of the report

The report is written by Stewart Bradshaw for EBR Designs Ltd. Stewart carried out a Great Crested Newt Impact Assessment at Land off Cob Kiln Lane, Urmston, on 15th April 2021.

The survey was carried out to to assess the site for its potential to be used by great crested newts, and to design reasonable avoidance measures for the project.

The report will be used to provide supporting information for a planning application, at the property in response to comments from Trafford Borough Council.

1.2. Survey aims

The aim of the survey was to gather baseline ecological data for the site, assess the suitability of the habitat for use by great crested newts, and assess the need for further survey, or mitigation.

The report provides baseline data on amphibian habitats on site, and aims to assess the potential for direct or indirect impacts resulting from the works.

1.3. Surveyor details

Stewart is an experienced field ecologist with 10 years of experience in ecological consultancy. Stewart holds a level 4 (FISC) field identification skills certificate with the Botanical Society for Britain and Ireland (BSBI), which certifies him as competent to undertake phase 1 habitat surveys and national vegetation classification surveys.

Stewart holds protected species survey licences for great crested newts & bats, and has experience of surveys and mitigation works for birds, badgers, otters, water vole and reptiles.

1.4. Proposed development

The development proposals are for the erection of children's nursery with associated parking and landscaping works and stable blocks following the demolition of the existing buildings.

1.5. Site context

The application site is on the southern edge of Urmston adjacent to open farmland along The Mersey Corridor. Habitat to the north is dominated by housing and busy well-lit roads. Habitat to the south consists of open farmland, trees, hedgerows and watercourses.

The site is on Cob Kiln Lane, Urmston, M41 9LB, GR SJ 87747 74294, approximately 500m southeast of Urmston Town Centre.

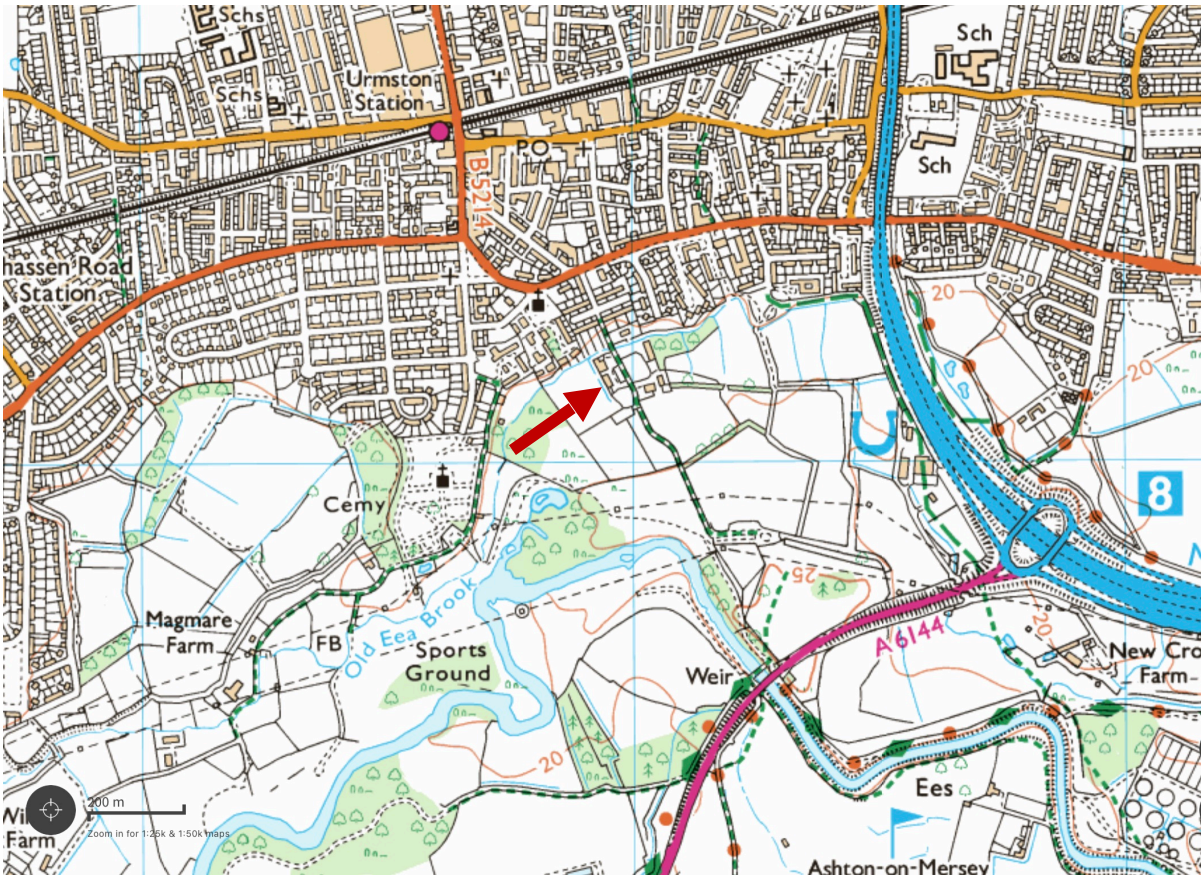
The site includes a detached steel framed agricultural building, and a series of wooden stable blocks, and steel storage containers, paddocks, and areas of compacted stone hard landscaping.

Habitat within 50m of the site includes; housing and busy roads, mature countryside hedgerows, mature trees, grazed pastures, and watercourses. Habitat within 500m includes, open farmland, hedgerows, mature trees, blocks of woodland, and watercourses.

There are no ponds within 250m of the proposed development boundary. Old Eea Brook is adjacent the northern site boundary, and there is a drainage ditch adjacent the western site boundary. Habitats within the site boundary consist of compacted stone hardstanding, bare ground, and small areas of tall ruderal herbage.

The site provides poor quality aquatic & terrestrial habitat for amphibians.

1.6. Site location



1.6a – Cob Kiln Lane – site location.

1.6b – Cob Kiln Lane – Aerial photograph.

2. Methods

2.1. Survey timings

The survey was completed on 15th April 2021. Weather conditions during the survey were bright, warm, and dry, with a temperature of 13°C.

2.2. Desk study

The following resources were used to inform the desk study:

- Previous ecological reports for the site were used to gather site specific data.
- Online resources including local planning records, and the NBN database were used to gather data in the area in general.

2.3. Field survey

Terrestrial habitats within the site boundary and immediately adjacent to it were assessed for their suitability to be used by foraging & sheltering amphibians.

Old Eea Brook, and the drainage ditch adjacent the site, were assessed for their suitability for use by amphibians. This included an assessment of: water quality & flow rate, the availability of aquatic vegetation, and the quality of adjacent terrestrial habitat.

The proposals were assessed for the potential to harm amphibians or amphibian habitat using the Natural England rapid risk assessment tool. Work areas and access routes were also considered during the assessment.

2.4. Survey limitations

None. Old Eea Brook and the drainage ditch, and all terrestrial habitats were accessed during the survey visit.

The survey was carried out in April when amphibians, including great crested newts, are breeding, and egg folds and spawn are present in suitable breeding ponds.

3. Results

3.1. Old Eea Brook

3.1a – Looking west along Old Eea Brook.

Old Eea Brook is adjacent the northern site boundary. The brook was accessed and assessed along the site boundary, and approximately 50m west, and 50m east of the site.

At the time of the survey the brook was at a relatively low flow, with a water depth <30cm. Although clear, water quality is poor. There are no aquatic plants, and the watercourse takes input from overhanging trees, and litter and other waste from land use along its length.

Banks are steep, bank-side vegetation includes: bramble, nettle, willowherb, ivy, flag iris, hogweed, and bluebells. The watercourse is fully over shaded by trees and buildings. Water quality is poor with low invertebrate diversity. This is likely as a result of run off from adjacent fields, and input from trees on the pond banks.

The watercourse has no suitable egg laying vegetation and no emergent macrophytes were present at the time of survey.

No amphibians were seen during the survey, no great crested newt eggs were found during the egg search, no frog or toad spawn was present.

The watercourse will not be directly or indirectly affected by the work.

3.2. The drainage ditch

3.2a – The drainage ditch.

The drainage ditch is approximately 100m long and 1m wide, and is adjacent the western site boundary. The ditch was accessed and assessed along its length.

At the time of the survey the majority of the ditch was dry with only a series of small stagnant pools remaining. Water depth in the pools was <10cm, water quality is poor.

There are no aquatic plants present, and the ditch takes input from overhanging trees, and litter and other waste from surrounding land.

Banks are steep, bankside vegetation includes: doc, dandelion, bramble, nettle, willowherb, and hogweed. The ditch is partially over shaded by trees and adjacent buildings. Water quality is poor with low invertebrate diversity. This is likely as a result of run off from adjacent fields, and input from trees on the banks.

The pools in the ditch have no suitable egg laying vegetation and no emergent macrophytes were present at the time of survey.

No amphibians were seen during the survey, no great crested newt eggs were found during the egg search, no frog or toad spawn was present.

The drainage ditch will not be directly or indirectly affected by the work.

3.3. Terrestrial habitats

3.2a – Terrestrial habitats.

The site is predominantly compacted stone hardstanding, with areas of bare ground, amenity grassland, and tall ruderal.

The majority of the site provides poor terrestrial habitat for amphibians. This is as bare and compacted ground offers no shelter, and as there are no hedgerows or other linkages across the site which could encourage the movement of amphibians.

Hedgerows and trees on the site boundaries, areas of tall ruderal, and piles of spoil may offer some limited foraging opportunities and shelter for amphibians.

4. Impact assessment

4.1. Aquatic habitats

No aquatic habitats will be directly or indirectly affected by the proposed works. Contractors, equipment, materials, and vehicles, will be kept within the work site, away from the ponds.

4.2. Terrestrial habitats

The boundary hedgerows and trees surrounding the site are the only habitat features with the potential to be used by amphibians. Under the current proposals these features will be retained.

The majority of habitat which will be lost to the development is compacted stone hardstanding, or amenity grassland, this is a habitat type which is largely unsuitable for amphibians, as it does not provide suitable shelter, or foraging habitat, for amphibians.

Without mitigation, the demolition of buildings, clearance of the site, and construction of the nursery will not impact high quality amphibian habitat, and the completed development will not impact negatively on the movement of amphibians locally.

No aquatic habitats will be directly or indirectly affected by the proposed works. Contractors, equipment, materials, and vehicles, will be kept within the work site, away from the watercourses.

The landscaping plan provided by Barnes Walker includes hedgerow and tree planting around the site boundaries. These measures will provide shelter for amphibians, and other species of wildlife, and improve linkages around the site boundary.

5. Evaluation and recommendations

No ponds or aquatic habitats will be directly or indirectly affected by the proposed works at Cob Kiln Lane.

Old Eea Brook and the drainage ditch adjacent the site have no vegetation which could be used by great crested newts for egg laying, and no eggs, spawn, or other indications of use by breeding amphibians were found during the assessment. No amphibians were noted during the assessment.

There are no records of great crested newts locally and it is unlikely that great crested newts are present in local terrestrial habitat.

The proposed works are unlikely to impact individual great crested newts, or great crested newt habitat.

However, as a precaution, reasonable avoidance measures below could be followed to ensure that risks to GCN and other amphibians are minimised.

6. Reasonable avoidance measures (RAMS)

Reasonable avoidance measures (RAMS) will be used to ensure that amphibians are not impacted by the works, and to ensure that no GCN are present, within the work area. The measures below will be used.

The risk of disturbing or causing physical harm to newts can be mitigated by:

- Any areas of retained grassland will be maintained to a short sward, to reduce the likelihood of use by amphibians.
- Any potential hibernacula will be cleared from the site prior to the start of work, under the supervision of a suitably qualified ecologist, to deter amphibians from using the site to shelter or forage.
- All contractors will be given a ‘toolbox talk’ and be informed of their individual and collective responsibilities with regards to the potential presence of protected species on site.
- Retained hedgerows and trees on the site boundaries will be protected throughout the construction works. Vehicle movements close to the hedgerows will be kept to a minimum.
- The removal of any trees, shrubs, or other areas with the potential to be used by sheltering amphibians will be completed under the supervision of a suitably qualified

ecologist. These areas will be inspected prior to removal to ensure no amphibians, or other species are present.

- Vehicle movements, materials deliveries, and storage of materials will be restricted to areas of existing compacted ground, or hardstanding.
- Materials that are to be used for construction will be delivered and used on the same day. Where this cannot be achieved materials will be stored off the ground on palettes or sleepers. To ensure that artificial refugia, which could be used by sheltering amphibians, are not created. The materials will then be inspected prior to use.
- All holes and scrapes created during construction will be filled on the same day, so that 'pitfall' traps are not created. If it is not possible to backfill holes, then a bare compacted area of soil will be left, to enable an easy inspection on the following day.
- All work will be undertaken in as short as duration as possible.
- If any protected species are found on site during construction, work will stop, and an ecologist will be contacted immediately.

The risk of damage or destruction of aquatic habitat will be mitigated by:

- Contractors working on the site will be briefed on the location of watercourses, and instructed to keep themselves, vehicles, and materials away. To ensure that there are no un-intended impacts.

7. Conclusion

The site is set in a semi-rural location, with residential dwellings to the north, and farmland, mature hedgerows & trees, watercourses & field ditches to the south. The majority of the area affected by the proposed works is compacted stone hardstanding, or amenity grassland, which presents poor quality amphibian habitat.

Impacts on great crested newts are unlikely, as there are no suitable breeding ponds locally, and as a result of the lack of suitable features on site.

If required, the reasonable avoidance measures set out in section 6 will ensure the protection of individual amphibians and amphibian habitat locally.

The proposed works includes the demolition of buildings on site, construction of the nursery and landscaping. There will be no loss of aquatic habitats and no loss of good quality terrestrial amphibian habitat as a result of the works.

The proposed landscaping work for the site will likely provide an improvement in the quality of habitat available locally for amphibians, and other species of wildlife including bats and nesting birds.

The absence of suitable breeding ponds locally, small development footprint, layout of the development, its distance & lack of direct connectivity to other ponds, and the poor quality of the habitat affected (for foraging amphibians) imply that the works can be carried out without the need for further survey or licensing works.

8. Required actions

If required, reasonable avoidance measures will be used to ensure that individual amphibians and their habitat are protected during the works.

9. Appendix 1 - Statutory and planning information

Great crested newts

Great crested newts (GCN) Triturus cristatus and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
- their ability to survive, breed, reproduce, rear or nurture their young
- their ability to hibernate or migrate
- their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 41 of the NERC Act (see bats section for further details).

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural England team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by Natural England is required for the legal implementation of a mitigation scheme.

A Natural England mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog Rana temporaria, common toad Bufo bufo, smooth newt Triturus vulgaris and palmate newt Triturus helveticus are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above-named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad Bufo calamita and pool frog Pelophylax lessonae are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

Natterjack toad, common toad and pool frog are also listed under Section 41 of the NERC Act (see bats section for further details).

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

National Planning Guidance is issued in the form of the National Planning Policy Framework 2012 (NPPF). The most relevant section is 11. Conserving and enhancing the natural environment.

Key relevant principles stated in 11. Conserving and enhancing the natural environment are;

- The planning system should contribute to and enhance the natural and local environment by:
- Protecting and enhancing valued landscapes, geological conservation interests and soils
- Recognising the wider benefits of ecosystem services
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments to halt the overall decline in biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures

117 To minimise impacts on biodiversity and geodiversity, planning policies should:

- Plan for biodiversity at a landscape-scale across local authority boundaries
- Identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation

- Promote the preservation, restoration and re-creating of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- Opportunities to incorporate biodiversity in and around developments should be encouraged

10. Appendix 2 – Photographs

1 – The site is predominantly compacted stone hardstanding.

2 – The menage.

3 – Looking west along Old Eea Brook on the northern site boundary.

4 – Looking east along Old Eea Brook from west of the site boundary.

5 – Water quality in Old Eea Brook is poor with no suitable aquatic vegetation.

6 – The drainage ditch to the west of the site is mainly dry.

7 – Water quality in the ditch is poor with no suitable aquatic vegetation.

8 – The majority of the ditch is dry or drying.

9 – The ditch takes drainage and runoff from the site.

10 – Piles of spoil and other materials will be checked prior to clearance.