

Bob Leatham: Tel: 01204 844545 / 07505 172 087
email: bob@pennineecological.co.uk

Patrick Leatham: Tel: 07545 385 898
email: patrick@pennineecological.co.uk

Ian Ryding: Tel 01772 600441 / 07707 039 254
email: ian@pennineecological.co.uk

Stuart Macpherson: Tel: 07883 438 666
email: stuart@pennineecolical.co.uk

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37 Newington Drive
Bury
Greater Manchester
BL8 2NE

30th May 2022

For the attention of: Rachel Baldwin (Principal, RAL Architects)

Re: Great Crested Newt Reasonable Avoidance Measures for 37 Newington Drive, Bury, BL8 2NE.

1. Introduction

PENNINE Ecological were commissioned by Rachel Baldwin of RAL Architects to undertake a daytime assessment of the above residential property for its potential to support great crested newts. The survey was required as there are proposals to extend on the rear of the property (maximum dimensions 4.5m by 4.5m) (Figure 1). The proposals will not impact on land outside of the red line boundary shown in Figure 1.

The objective of this Reasonable Avoidance Measures (RAMs) report is to address any potential ecological constraints that may arise during the construction of the extension due its close proximity of Barracks Lodge Site of Biological Importance (SBI), within which, a great crested newt (GCN) population is known to exist.

The production of a RAMs report was prompted following a discussion between Rachel Baldwin and the Greater Manchester Ecology Unit (GMEU) ecologist David Dutton, the latter of whom recommended measures would need to be in place prior to construction.

Photographs of the property are included at the end of this report.

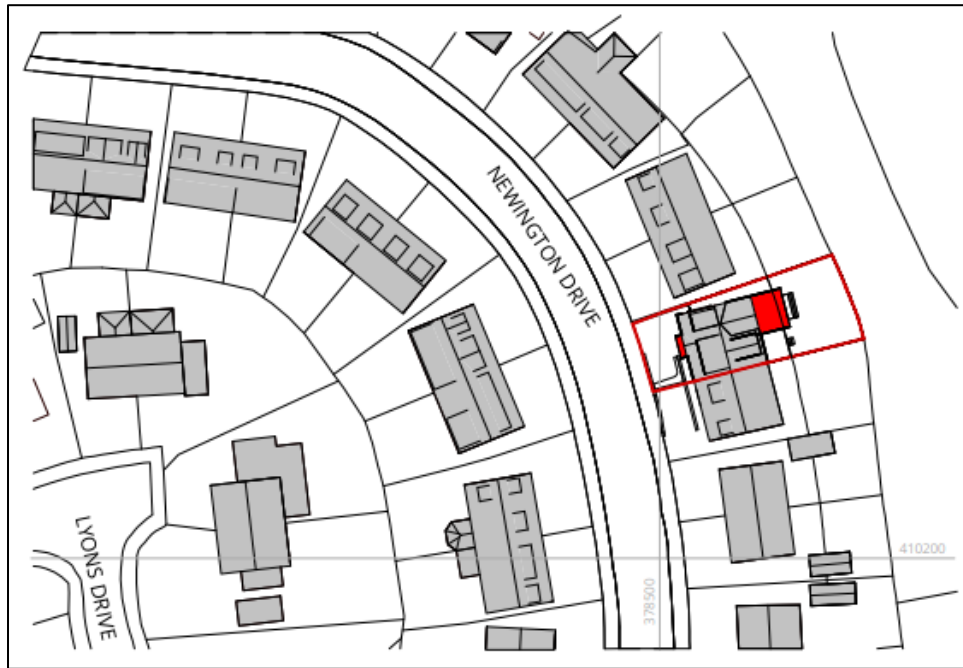


Figure 1: 37 Newington Drive, Bury. The site boundary is marked by the red line and the proposed extension in red.

2. Reasonable Avoidance Measures

To help assess the level of potential impact on GCN the Rapid Risk Assessment Table from Natural England's GCN Method Statement Template (WML-A14-2) was employed. It should be noted that the 'likely effect' inputted into the table is that **without** any precautionary working measures applied. In addition, the table doesn't differentiate between good or poor-quality habitats and therefore assumes that the habitats affected are suitable for GCN habitation.

The results are presented below in Table 1.

Table 1: Rapid Risk Assessment Table for GCN

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)	0.001 - 0.01 ha lost or damaged	0.05
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
Maximum:		0.05
Rapid risk assessment result:		GREEN: OFFENCE HIGHLY UNLIKELY

Natural England guidance in relation to "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, plans should be examined 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 following list outlines the principle issues in respect of impacting GCN if no Risk Avoidance Measures were applied.

- Permanent loss of habitat.
- Potential low risk of disturbing individual terrestrial GCN.
- Potential of individual GCN seeking refuge in stored waste building materials.
- Potential for small numbers of individual GCN being within the red line boundary.

Each of these potential effects can be adequately addressed to remove the risk to GCN, which will maintain the population at a favourable level (if present) without recourse to a European Protected Species Licence (EPSL). This is in line with current advice (see below) provided by Natural England (WML-A14-2 Version April 2020) where very low/negligible impacts are predicted:

“In recent years there has been a trend towards increasingly precautionary applications, resulting from a risk-averse approach to mitigation. Whilst considering potential risks to great crested newts is laudable, many recent mitigation schemes were designed for developments that actually had very little or no effect on the newt population. In part this is because it can be difficult to assess whether newts will be affected by certain activities, especially when they take place at some distance from breeding ponds. Newts tend to be present at increasingly low density the further one looks from ponds, and the task of detecting and capturing them becomes more problematic. Further from ponds, there is a corresponding reduction in the scale of impact on populations. Given that great crested newts can disperse over 1km from breeding ponds, the potential for offences may seem vast, yet the probability of an offence outside the core breeding and resting area is often rather small, and even if an offence takes place, the effect on the population may be negligible.

Natural England is concerned about the trend for increasingly risk-averse mitigation for several reasons. Primarily, there is no legal need, and little benefit to great crested newt conservation, in undertaking mitigation where there are no offences through development. Even where there technically is an offence, such as the destruction of a small, distant area of resting place habitat, or even killing low numbers of newts, it is arguable that impacts beyond the core area often have little or no tangible impact on the viability of populations. Mitigation in such circumstances is of questionable value in conservation terms. There are, however, substantial costs: developers delay projects and spend large sums on mitigation. Sometimes the mitigation project itself has environmental costs, especially when it entails substantial lengths of newt fencing. In some cases, long newt fences are employed with no justification. Natural England wishes to see newt fencing used more appropriately, i.e., only where there is a reasonable risk of capturing, containing and/or excluding newts.

Natural England recognises that the two key factors leading consultants to adopt this risk-averse approach are: (a) uncertainty over the presence of newts and whether there will be an offence in areas distant from ponds; (b) undertaking mitigation under licence "just in case", so that there is no perceived risk of litigation for their client. Natural England wishes to see mitigation planning shift away from such a highly risk-averse starting point. The domestic legislation protecting great crested newts arises largely from the Habitats Directive, which has a central aim to restore scheduled species to a favourable conservation status. A more proportionate approach to mitigation, addressing tangible impacts on populations whilst giving lower priority to negligible effects, is consistent with the aims of the Directive. The recent loss of the "incidental result" defence from the legislation may create a tension with this approach, but it is hoped that the guidance here will assist”.

Taking the guidance offered by NE to inform the approach to management of GCN during the proposed development, a RAMs method statement has been formulated to reasonably remove the risk to GCN whilst maintaining the population at a favourable level.

The following outlines the RAMs that will ensure that GCN or its habitat are not adversely affected during the proposed development.

Method: Ecological Clerk of Works and 'Toolbox Talk'

Rationale and Prescriptions:

- Prior to construction, a 'Toolbox Talk' will be provided by a great crested newt licensed ecologist to those involved in the construction of the extension making all aware of the potential presence of great crest newt(s) and their legal status as a UK and European Protected Species (great crested newt are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations (2017).

Method: Dismantling of garden structures and hand searching

Rationale and Prescriptions:

- The stone steps/patio at the rear of the property, are within the footprint of the proposed extension and were deemed to provide suitable terrestrial GCN habitat.
- In suitable weather conditions, carefully by hand, the stone steps/patio must be dismantled under the close supervision of a licensed great crested newt ecologist.
- Supervision will continue until there are no hidden voids in which great crested newt could inhabit.

Method: Storage of building materials (including waste materials)

Rationale and Prescriptions:

- Great crested may utilise stored building materials as part of their terrestrial habitat.
- All building materials must be stored at the front of the property where it is highly unlikely GCN will inhabit due to sub-optimal habitat i.e., hard standing driveway and road. Materials will be stored on pallets or in bags.
- All waste materials e.g., from the dismantling of the stone steps/patio must be immediately removed and not stored at the rear of the property overnight so not to allow GCN to use the materials as part of their terrestrial habitat.

Method: Excavations

- If left overnight any holes / excavations etc. must be securely covered as such not to allow GCN or other amphibians to fall into them and not be able to escape.
- If it is not possible to securely cover any holes / excavations etc. then amphibian 'escape route' ramps must be implemented that would allow egress from such features e.g., a wooden board placed at approximately 45° from the base of the trench to the garden lawn.
- Before infilling excavations, checks for GCN and other amphibians must be made.

Method: Procedures in the event of amphibians being found during the development.

Rationale and Prescriptions:

- If GCN are found during the development, work must stop, and the ecologist called for advice on how the development can proceed without offence.
- In the unlikely event a significant population of GCN be found during the works then a EPSL will be required from Natural England before the works can proceed.
- Any other amphibian species found during the development will be removed from the site and placed in suitable habitat.

Yours faithfully,

Stuart Macpherson, Ecological Consultant, BSc. (Hons.) MSc, ACIEEM

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Site Photographs: 21st May 2022



Photograph 1: Rear of the property looking north eastwards.



Photograph 2: Rear of the property with stone steps/patio.



Photograph 3: Stone steps/patio to be dismantled under the close supervision of licensed great crested newt ecologist.



Photograph 4: North eastern boundary of the property looking northwards towards Barracks Lodge SBI.