

**SIMPLY
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Chaigley Hall, Clitheroe

Protected Species Assessment

Simply Ecology Limited

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September 2015

For

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1.0 INTRODUCTION

1.1 Background Information

- 1.1.1 Simply Ecology Limited was commissioned in June 2015 to undertake a protected species risk assessment of land at Chaigley Hall, Chipping road, Chaigley, Clitheroe BB7 3LS (O/S Grid SD 68635 41428; hereafter referred to as the site). See Plan 1: The Site Location; Plan 2: Aerial view.

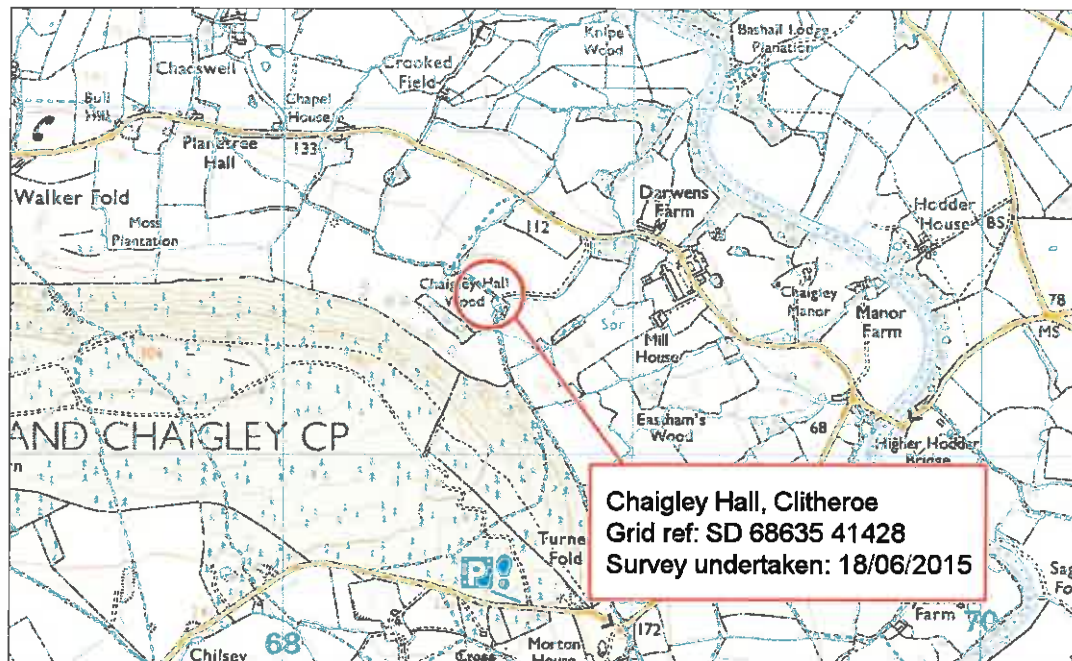
2.0 AIMS

2.0.1 The aims of this survey were to:

- Undertake a risk assessment of the site for the likely presence of protected species, particularly great crested newts (GCN) in the pond adjacent to and land surrounding Chaigley Hall (see Plan 1 & 2).
- Use eDNA sampling to identify whether great crested newts were present within any ponds within 500m of the site (See Plan 3).
- Provide an assessment of the likely importance of the site for great crested newts and newt conservation.
- Enable informed decisions to be made about site management in relation to protected species, particularly great crested newts and to ensure legislative compliance.

2.0.2 The works proposed at the site consist of development in the form of storage buildings adjacent to the existing residential dwelling.

2.0.3 To gain up-to-date information about any risk to wildlife and habitats, an ecological appraisal of the single pond near to the site was undertaken on 18th June 2015.

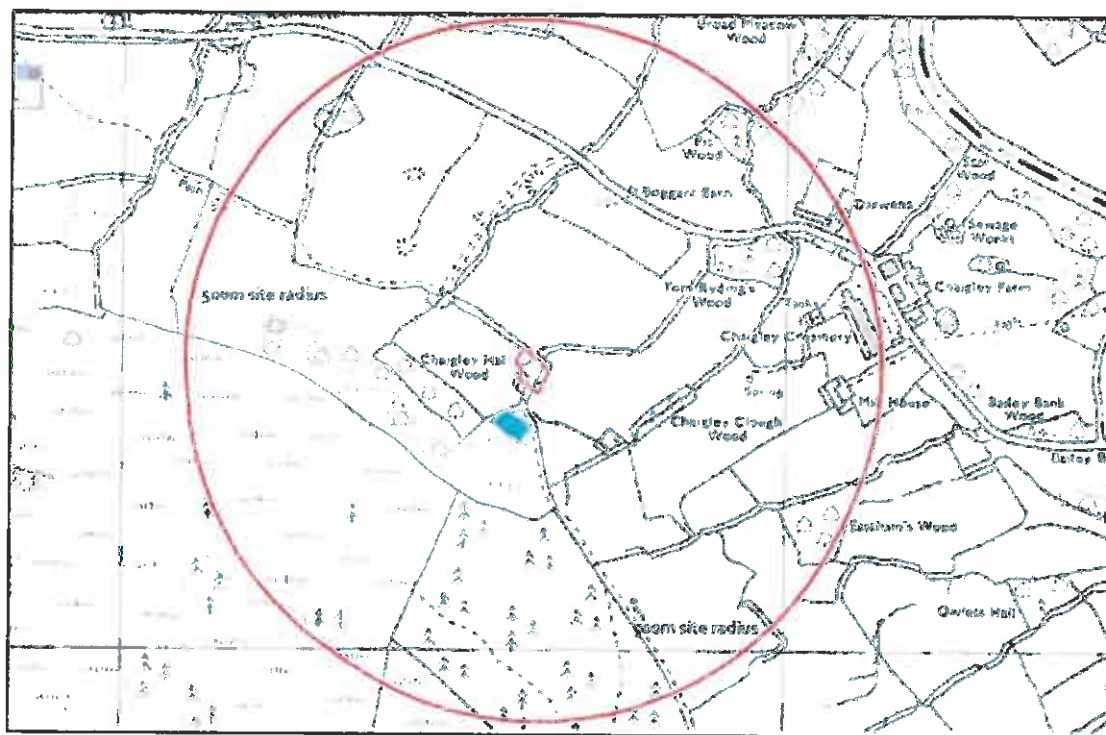


Plan 1: Site location

Chaigley Hall, Chaigley, Clitheroe



Plan 2: Site aerial view indicating development boundary area surveyed and pond location adjacent to development



Plan 3: Only 1 pond was located within 500m of the site.

3.0 SURVEY METHODOLOGY

3.1 Field Visit

- 3.1.1 A site visit was undertaken on 18th June 2015 to assess the single pond within 500m of the proposed development. This was carried out to determine the likelihood of great crested newt presence in the pond within 500 metres of the site. The site assessment comprised a daylight walkover and pond water sampling for subsequent laboratory analysis.

3.2 Field Sampling

- 3.2.1 As per the Natural England sampling protocol, a collection of 20 pond samples were collected from around the periphery of the pond and sent to FERA to test for presence within the pond via DNA testing.
- 3.2.2 Each of the 20 samples was evenly spaced out around the entire pond margin.
- Samples were taken without the surveyor entering the water.
 - 30ml samples were collected using a sterile ladle after first gently stirring the water column.
 - Each 30ml sample was poured into a large sterile bag and then the bag sealed and inverted to thoroughly mix.
 - 8ml sub-samples were then taken from the sample using a sterile syringe and pipetted into 6 separate phials, each containing 21.8ml of ethanol. The phials were then sealed and shaken.
 - All 6 phials were then packaged and send 'next-day' delivery to the FERA for DNA analysis using the quantitative Polymerase Chain Reaction method.
 - DNA analysis techniques were then applied to determine whether great crested newt DNA was present within the pond in order to determine presence or absence.

3.3 Personnel

- 3.3.1 The newt survey was carried out by Jason Reynolds MSc MCIEEM, who is Lead Ecologist with Simply Ecology Limited. Jason is an experienced ecologist who has been continuously employed in the field of nature conservation since 1995 (20 years' experience) and has a wealth of experience in both the statutory nature conservation agencies and private consultancy. During his career Jason has worked in Conservation Officer roles for the Joint Nature Conservation Committee, English Nature, Environment Agency, Cumbria Wildlife Trust and Durham Wildlife Trust prior to setting up Simply Ecology ecological consultancy, where he is the Lead Ecologist. Jason has over 10 years of experience as a bat surveyor and is a member of the Westmorland and Furness Bat Group. He has an MSc from The University of Aberdeen and his thesis investigated the relationship between habitat type and complexity and the foraging behaviour of *Pipistrelle* bats. He is also an experienced amphibian surveyor and member of Cumbria Amphibian and Reptile Group, who holds both Natural England great crested newt survey and development licences (Class Licence Number: CLS2015 6881).

3.4 Timing and constraints

- 3.4.1 DNA testing can only be carried out at specific times of the year. The ideal sampling period is during the late Spring and early Summer (from 15th April until 1st July), as numbers of great crested newts increase within breeding ponds. The sample was taken on 18th June 2015, therefore this falls within the acceptable sample collection time period.

The weather was fine on the day of testing, and full access was possible so no constraints were encountered.

- 3.4.2 To conclude, there were no constraints to collecting the pond samples. Overall, although no full night time amphibian survey was undertaken, it is considered that a robust conclusion about the likelihood of presence/absence of great crested newts and the likely risk to any newts from the proposed development could be achieved.

4.0 SURVEY RESULTS

- 4.0.1 In order to assess possible impacts, in line with Natural England guidelines, a search for all waterbodies within 500m of the development site was undertaken in order to identify possible great crested newt breeding ponds.
- 4.0.2 A single pond was found within the search area. This was located in close proximity to the south of the site. The pond falls within 46m of the site development boundary (See Plan 4).



Plan 4: Pond distance to development boundary.

- 4.0.3 Although the pond is isolated within the landscape and on a hillside, both of which factors suggest poor likelihood of GCN being present, the majority of the terrestrial habitat around the pond was composed of rough grassland and marsh which was considered potentially suitable for GCN (See Plan 4 & Plate 1). This was a good-sized pond (844m²) without shading, both which could confer great crested newt potential. However, the pond had been dug within the last 15 years, so this reduces potential for GCN presence slightly. The survey found that the water quality to be reasonably clear with steep sided banks but there were only few aquatic plants which might be used for egg laying. There was a great deal of open water and with limited aquatic plant cover in which newts might seek shelter. Soft rush (*Juncus effusus*) comprised the main plant in terms of pond vegetation, with only a narrow band of this plant around the pond margins (See Plate 2).



Plate 1: Area surrounding the pond indicated rough grassland and marshy habitat.



Plate 2: The pond margins had few suitable egg-laying plants but shading was minimal.

- 4.0.4 Following the physical assessment of the pond, which found it to be potentially suitable for GCN, the most important result of all were the eDNA results. The FERA laboratory analysis found that no presence of GCN could be traced (See Plate 3). **Therefore it is concluded that there is no reasonably foreseeable likelihood that great crested newts are present in the pond adjacent Chaigley Hall.**



DNA ANALYSIS REPORT
Commercial in Confidence
Results:

Customer Reference	Fera Sample Ref.	GCN Detection	GCN Score	Inhibition	Degradation
Chaigley	S15-050014	Negative	0	No	No

The results indicate that eDNA for great crested newts was not detected in any of the three samples submitted. Analysis was conducted in the presence of the following controls: 1) Extraction blank, 2) appropriate positive and negative PCR controls for each of the TaqMan assays (GCN, Inhibition, and Degradation). All controls performed as expected.

This test procedure was developed using research funded by the Department of Environment, Food and Rural Affairs, and was performed under the conditions of licensing arrangements with Applied Biosystems and patent rights owned by F. Hoffmann-La Roche Ltd.

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Plate 3: None of the pond samples had any traceable evidence of great crested newts.

4.1 Protected Species Risk Assessment

- 4.1.1 The field visit established that potential for great crested newts within 500m radius of the site was minimal as only one pond was present. The pond was isolated within the landscape in its hillside location. This makes potential newt dispersal and colonisation rather limited. Within the pond there was also relatively poor aquatic habitat as there was restricted aquatic vegetation suitable for newt egg laying and shelter.
- 4.1.2 The area within the development footprint did not constitute good terrestrial habitat for great crested newts due to the absence of a breeding population of his species in the local area, this was because the eDNA pond water testing found no evidence of great crested newts being present in the pond. Subsequently, due to the weight of evidence in relation to this site, is considered that there will be no impacts upon any great crested newts as a result of this development.
- 4.1.3 In addition, the area did not have potential for other protected species as the area is subject to regular use and disturbance. The area was currently being used for storage of vehicles and equipment (See Plates 4 & 5).



Plates 4 & 5: The proposed area of development showed no protected species potential due to high levels of disturbance.

5.0 CONCLUSIONS AND RECOMMENDATIONS

- 5.0.1 A single pond was surveyed and an area of hardstanding assessed in terms of their suitability to support protected species at the site. Using eDNA techniques no trace of great crested newts could be found within the single pond near to the site. In addition, there was no potential within the proposed development footprint for any other protected species to be impacted.
- 5.0.2 **Given the detailed consideration of the site, the nature of the development proposals and the findings of the risk assessment it is concluded there is no reasonably foreseeable likelihood that great crested newts will be present within the development site or its immediate surroundings.**
- 5.0.3 The client is advised that all works can go ahead without further input from the Appointed Ecologist and that no Conservation of Habitats and Species Regulations derogation Licence will be necessary.

6.0 REFERENCES

ENGLISH NATURE (2001) Great Crested Newt Mitigation Guidelines (August 2001 version). English Nature, Peterborough.

FROGLIFE (2001) Great Crested Newt Conservation Handbook. Published by Froglife, Mansion House, Halesworth, Suffolk.

ANNEX A: STATUTORY AND PLANNING CONTEXT

A.1 Great Crested Newts

- A.1.1 Great crested newts (*Triturus cristatus*), and all places they use for shelter are afforded full protection by the *Wildlife and Countryside Act 1981* (as amended) (Section 9, Schedule 5). In addition to the above protection, great crested newts are also protected under European legislation that is implemented in England via The Conservation of Habitats & Species Regulations 2010 (Regulation 41).
- A.1.2 If both national and international legislation are taken together, the legislative protection afforded to the species makes it an offence to:
- Intentionally/deliberately kill, disturb, injure or capture a great crested newt.
 - Intentionally or recklessly damage, destroy or obstruct access to any breeding site or place used for shelter or protection by a great crested newt.
 - Possess or control any live or dead specimen or anything derived from a great crested newt.
 - Deliberately take or destroy the eggs of a great crested newt.
- A.1.3 If an activity is likely to result in any of the above offences, derogation from the legal protection can be issued in the form of a European Protected Species licence issued by Natural England. Licences for development purposes are issued under The Conservation of Habitats and Species Regulations 2010 and only allow what is permitted within the terms and conditions of the licence.

A.2 Other Amphibians

- A.2.1 Apart from the great crested newt, the other British amphibians likely to be encountered at this site (common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris* and palmate newt *Lissotriton helveticus*) are protected under Section 9(5) of the *Wildlife and Countryside Act 1981*. This prohibits their sale, barter, exchange, transportation for sale and advertising for commercial purchase.
- A.2.2 These other amphibian species are generally common and widespread in England. However, local authorities may take into account situations where noteworthy populations of these species occur. For example, if a pond supports all five species of British amphibians in high numbers it may be afforded local protection via the planning process via its designation as a County Wildlife Site.

A.3 Planning Considerations

- A.3.1 When considering each planning application, the presence of protected species, such as those listed above, is a material consideration which must be fully considered by the Local Authority when granting planning permission. If a license from Natural England is required, then prior to issuing any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Therefore, in reaching the planning decision the local planning authority will need to have regard to the requirements of the Conservation of habitats and Species Regulations 2010. The three licensing tests given in the Regulations must be considered. In summary, these are that:
1. The development is required for the purpose of:
 - preserving public health or public safety,

- for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
 - for preventing serious damage to property.
2. There is no satisfactory alternative.
 3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.
- A.3.2 All necessary information would need to be provided to the planning authority as part of the planning application in order to address the above tests.
- A.3.3 The Natural Environment and Communities Act (NERC Act) 2006 extended the biodiversity duty set out in the Countryside and Rights of Way (CROW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. The Duty is set out in Section 40 of the Act, and states that:
- "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*
- A.2.4 The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies. Section 41 (S41) of this Act (the 'England Biodiversity List') also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. This list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40(1) of the Act.
- A.2.5 Also, Local Authorities must follow the National Planning Policy Framework (NPPF) which provides guidance on the interpretation of the law in relation to wildlife issues and development. For each development proposal considered by the Local Planning Authority the NPPF states that the authority must aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.