

Witcher Wildlife Ltd.
Wildlife Consultants.



BRADSHAW QUARRY, PENISTONE.
MITIGATION STRATEGY.

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TABLE OF CONTENTS.

Page Number

1. INTRODUCTION.	3
------------------	---

2. SURVEY METHODOLOGY.	4
------------------------	---

3. SURVEY RESULTS.	5
--------------------	---

4. EVALUATION OF FINDINGS.	12
----------------------------	----

5. MITIGATION STRATEGY.	14
-------------------------	----

Appendix I. BADGER INFORMATION.	17
---------------------------------	----

Appendix II.	
--------------	--

GREAT CRESTED NEWT INFORMATION.	19
---------------------------------	----

Appendix III. NESTING BIRD INFORMATION.	21
---	----

Appendix IV. BADGER SETT PLAN.	22
--------------------------------	----

Appendix V. POND PLAN.	23
------------------------	----

Appendix VI. TAF DIAGRAM.	24
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1. INTRODUCTION.

1.1. The planning permission at Bradshaw Quarry is running out therefore there are plans to submit an application to extend the planning permission to allow the capping of the site.

1.2. Derek A Whitcher Ltd were commissioned to carry out a protected fauna and great crested newt survey during 2008 to identify any issues that may affect future works on the site and to draw these together into a mitigation strategy.

1.3. An initial protected fauna survey of the site was carried out on the 6th May 2008 followed by six great crested newt surveys carried out between 6th May and 3rd June 2008. This report outlines the findings of the surveys.

1.4. Appendices I to III of this report provide additional information on specific species and are designed to assist the reader to understand the contents of this report.

2. SURVEY METHODOLOGY.

The survey area was thoroughly searched for evidence of badger (*Meles meles*) activity by looking for the following signs:-

- * Badger setts.
- * Badger latrines or dung pits.
- * Badger snuffle holes and evidence of foraging.
- * Badger paths.
- * Badger prints in areas of soft mud.
- * Badger hairs caught on fencing.

All watercourses within the survey area were thoroughly searched for evidence of water vole (*Arvicola terrestris*) activity by looking for the following signs:-

- * Water vole burrows.
- * Water vole faeces and latrines.
- * Water vole feeding stations.
- * Water vole runs.
- * Water vole prints in areas of soft mud.
- * Water vole lawns.
- * Predator field signs.

All watercourses within the survey area were thoroughly searched for evidence of otter (*Lutra lutra*) activity by looking for the following signs:-

- * Otter prints in soft mud.
- * Otter spraints.
- * Otter Holts.

All mature trees and derelict buildings were checked for potential bat roosting sites by looking for the following signs:-

- * Holes, cracks or crevices.
- * Bat Droppings.

The survey area was searched for the presence of great crested newt (*Triturus cristatus*) breeding ponds within 500m of the site.

3. SURVEY RESULTS.

3.1. The Surveyed Area.

3.1.1. The surveyed area was Bradshaw Quarry in Penistone and the area immediately surrounding the site. The photograph below shows the survey area although the photo does not show the current state of the site.



3.1.2. The site comprises a large area that has been used as a landfill site for years. There is very little vegetation on the majority of the site although the eastern end is predominantly rough grassland and ponds.

3.1.3. The land surrounding the site is predominantly grazing fields on all sides.

3.2. Desktop Data Search.

3.2.1. A desktop data search for existing records of protected species or designated sites within 500m of the site was carried out using the National Biodiversity Gateway and Magic websites.

3.2.2. There are existing records of numerous protected species and designated sites in the surrounding area to the site but nothing identified within 500m.

3.3. Summary of the Protected Fauna Survey Results.

3.3.1. Six badger setts were identified within the site. A brief description of each is below. The plan in Appendix IV of this report shows the locations of the setts.

3.3.1.1. Sett A, Map Reference SE 21365-01057.

A single entrance badger sett located in a small bank on the southern edge of the site. The sett displays a small spoil heap with a badger hair identified within the spoil.

3.3.1.2. Sett B, Map Reference SE 21378-01126.

A single entrance badger sett located in a bank adjacent to a pond in the northeast corner of the site. The sett displays a small spoil heap with a badger hair identified in the spoil.

3.3.1.3. Sett C, Map Reference SE 21286-01236.

A two entrance badger sett located in a hollow along the northern edge of the site adjacent to a vehicle access track. The sett displays small spoil heaps but appears to lead into old mine workings underneath the site. Badger prints were identified in abundance within the sett entrances and in adjacent mud.

3.3.1.4. Sett D, Map Reference SE 21147-01280.

A three entrance badger sett located in a bank adjacent to a pond in a field to the northwest of the site. The sett displays worn entrances with an abundance

of prints within the entrances. The sett appears to lead into old mine workings due to a large collapse adjacent to one of the entrances.

3.3.1.5. Sett E, Map Reference SE 21215-01240.

A single entrance badger sett located in the edge of a fenced off area to the northwest of the site. The sett displays a very small spoil heap and appears to lead down into old mine workings. There are numerous well-worn paths leading under the fence adjacent to the sett.

3.3.1.6. Sett F, Map Reference SE 21291-01201.

A single entrance badger sett located in a bank adjacent to a small pond on the northern edge of the site, the sett lies adjacent a vehicle access track. The sett displays a small spoil heap but appears to lead into old mine workings.

3.3.2. Badger prints and paths were identified in numerous areas around the site with a latrine area identified adjacent to the southwest corner of the site, in a neighbouring field.

3.3.3. No watercourses that would provide a suitable habitat for water voles or others were identified within surveyed area.

3.3.4. No water vole field signs were identified within the banks of any of the ponds identified within the site.

3.3.5. No mature trees or derelict buildings that would provide suitable bat roosting sites were identified within the surveyed area.

3.3.6. Eight ponds were identified within the site during this survey along with a large wetland area to the east of the site. No other ponds were identified within 500m of the site on a map of the area.

3.3.7. The ponds were all assessed as suitable great crested newt habitats although with an abundance of marginal vegetation and very few water fowl identified on the ponds.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008.	Fine, 12°C.	Steven.	N/A	7 fm palmate.	Nil
12 th to 13 th May 2008.	Fine, 11°C.	Steven & James.	3m & 3fm palmate in 20 traps.	N/A	N/A
18 th May 2008.	Fine, 7°C.	Steven.	N/A	7m palmate.	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	If palmate in 20 traps.	N/A	N/A
1 st June 2008.	Drizzle 12°C.	Steven.	N/A	2m palmate and 1 frog.	Nil
3 rd June 2008.	Fine 11°C.	Steven.	N/A	1m palmate.	Nil

3.4.3. Pond 1.

3.4.2. The tables below outline the findings from each survey, where m = male, f = female, gcn = great crested newt, pal = palmate newt and s = smooth newt.

3.4.1. Six great crested newt surveys were carried out using the techniques of bottle trapping and torch searching. The plan in Appendix V shows the location of the ponds that were surveyed.

3.4. Summary of the Great Crested Newt Survey Results.

3.3.9. One nest was identified in a tree within a small gully along the southern boundary of the site. The nest appeared to be in use at this time although the species of bird using the nest was not identified.

3.3.8. Lapwings and swallows were identified flying over the fields to the west of the site. Lapwings are ground nesting birds and therefore the site may provide a suitable nesting site for these.

3.3.8. There is very little vegetation on the site although what vegetation there is and the vegetation surrounding the site will provide a suitable nesting site for various species of bird.

3.4.4. Pond 2.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008.	Fine, 12°C.	Steven.	N/A	1m & 1fm	Nil
12 th to 13 th May 2008.	Fine, 11°C.	Steven & James.	1 fm gc, 1m & 2 fm	N/A	N/A
18 th May 2008.	Fine, 7°C.	Steven.	N/A	1fm	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	Nothing in 20 traps.	N/A	N/A
1 st June 2008.	Drizzle 12°C.	Steven.	N/A	1 frog.	Nil
3 rd June 2008.	Fine 11°C.	Steven.	N/A	Nothing.	Nil

3.4.5. Pond 3.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008.	Fine, 12°C.	Steven.	N/A	2 fm	Nil
12 th to 13 th May 2008.	Fine, 11°C.	Steven & James.	1m palmate in 20 traps.	N/A	N/A
18 th May 2008.	Fine, 7°C.	Steven.	N/A	1m palmate and tadpoles.	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	Nothing in 20 traps.	N/A	N/A
1 st June 2008.	Drizzle 12°C.	Steven.	N/A	3m & 1fm	Nil
3 rd June 2008.	Fine 11°C.	Steven.	N/A	1m & 2fm	Nil

3.4.6. Pond 4.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008.	Fine, 12°C.	Steven.	N/A	Nothing, murky water.	Nil
12 th to 13 th May 2008.	Fine, 11°C.	Steven & James.	Nothing in 20 traps.	N/A	N/A
18 th May 2008.	Fine, 7°C.	Steven.	N/A	1m & 1fm	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	Nothing in 20 traps.	N/A	N/A
1 st June 2008.	Drizzle 12°C.	Steven.	N/A	Tadpoles.	Nil
3 rd June 2008.	Fine 11°C.	Steven.	N/A	Tadpoles.	Nil

3.4.7. Pond 5.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008	Fine, 12°C.	Steven.	N/A	Tadpoles, murky water.	Nil
12 th to 13 th May 2008	Fine, 11°C.	Steven & James.	8m & 1fm palmate in 20 traps.	N/A	N/A
18 th May 2008	Fine, 7°C.	Steven.	N/A	2m palmate and tadpole.	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	Nothing in 20 traps.	N/A	N/A
1 st June 2008	Drizzle 12°C.	Steven.	N/A	Tadpoles.	Nil
3 rd June 2008	Fine 11°C.	Steven.	N/A	Tadpoles.	Nil

3.4.8. Pond 6.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008	Fine, 12°C.	Steven.	N/A	Tadpoles and small fish.	Nil
12 th to 13 th May 2008	Fine, 11°C.	Steven & James.	Sticklebacks & tadpoles in 20 traps.	N/A	N/A
18 th May 2008	Fine, 7°C.	Steven.	N/A	Tadpoles.	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	Nothing in 20 traps.	N/A	N/A
1 st June 2008	Drizzle 12°C.	Steven.	N/A	Tadpoles.	Nil
3 rd June 2008	Fine 11°C.	Steven.	N/A	Tadpoles.	Nil

3.4.9. Pond 7.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008	Fine, 12°C.	Steven.	N/A	Nothing, murky water.	Nil
12 th to 13 th May 2008	Fine, 11°C.	Steven & James.	1m & 1fm palmate in 20 traps.	N/A	N/A
18 th May 2008	Fine, 7°C.	Steven.	N/A	Nothing.	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	Nothing in 20 traps.	N/A	N/A
1 st June 2008	Drizzle 12°C.	Steven.	N/A	Nothing.	Nil
3 rd June 2008	Fine 11°C.	Steven.	N/A	Nothing.	Nil

3.4.10. Pond 8.

Survey/Date	Weather	Surveyors	Bottle traps	Torch	Egg Search
6 th May 2008.	Fine, 12°C.	Steven.	N/A	16 m & 10 fm palmate & 20+ unknown, poss palmate.	Nil
12 th to 13 th May 2008.	Fine, 11°C.	Steven & James.	30m & 5fm palmate in 40 traps.	N/A	N/A
18 th May 2008.	Fine, 7°C.	Steven.	N/A	3m & 1fm palmate.	Nil
28 th to 29 th May 2008	Fine 14°C	James & Steven.	Nothing in 20 traps.	N/A	N/A
1 st June 2008.	Drizzle 12°C.	Steven.	N/A	7m palmate.	Nil
3 rd June 2008.	Fine 11°C.	Steven.	N/A	6m & 1fm palmate.	Nil

4. EVALUATION OF FINDINGS.

4.1. Six badger setts were identified within or very close to the surveyed area, of these four appeared to lead into old mine workings underneath the northern side of the site. Setts A and B do not appear to lead into the mine workings.

4.2. All six badger setts appeared to be outlying setts that displayed a high level of badger activity although it is unknown the extent of the mine workings under the ground. If setts C, D, E and F are linked under the ground by the mine workings within the area then together the setts may be used as a main/breeding sett.

4.3. The territorial latrine identified on the southwest corner of the site shows that there is another clan of badgers to the south of the site.

4.4. No watercourses that would provide a suitable habitat for water voles or others were identified within the surveyed area.

4.5. No water vole or other field signs were identified around any of the nine ponds on or near the site.

4.6. No mature trees or derelict buildings that may provide bat roosting sites were identified within the surveyed area.

4.7. Six great crested newt surveys were carried out of the eight ponds on site between 6th May and 3rd June 2008. Great crested newts were identified in one of the eight ponds on site with a maximum count of 1 great crested newt in pond 2 during the second survey. This represents a small population of great crested newts.

4.8. A medium population of palmate newts was identified in ponds 2 and 8 with a small population of palmate newts also identified in ponds 1, 3, 4, 5 and 7.

4.9. A number of frogs, toads and a large amount of tadpoles were identified in a number of the ponds around the site.

4.10. The main area of the site comprises bare earth that is regularly moved around by machinery and floods during periods of heavy rainfall. This area is assessed as providing a relatively low importance terrestrial habitat for the amphibians present on site.

4.11. There is very little vegetation on the site although what vegetation there is may provide a suitable nesting habitat.

4.12. One nest was identified within a tree located in a small gully on the southern boundary of the site.

4.13. Lapwings were identified over the fields to the west of the site, lapwings are ground nesting birds and therefore may nest anywhere within the surveyed area.

5. MITIGATION STRATEGY.

5.1. The following mitigation and compensation will be put in place to protect or enhance the ecological value of the site.

5.2. Badgers.

5.2.1. Prior to any capping works commencing on the site an artificial badger sett will be constructed within a grassland area on the northern edge of the site. The exact location and the design of the artificial badger sett will be agreed by the author of this mitigation strategy.

5.2.2. The artificial sett will be stock fenced and seeded to separate it from any farming carried out on the land following the reinstatement.

5.2.3. Upon receipt of planning permission a Natural England licence will be applied for to close down outlying badger setts A and B. If planning permission is issued within the badgers breeding season the licence will be applied for so that it is in place for 1st July to avoid the breeding season.

5.2.4. Upon receipt of the licence one-way badger exclusion gates will be fitted to all sett entrances. The one-way exclusion gates will remain in place for a period of 21 days after the last movement of badgers through the gates.

5.2.5. On completion of the 21 day exclusion period the gates will be removed by the licence holder and the sett tunnel system will be carefully excavated and destroyed.

5.3. Great Crested Newts.

5.3.1. This mitigation strategy will form part of an application for a Natural England licence to cover the works on the site. The purpose of the mitigation strategy will be to prevent inadvertent killing or injuring of newts during the capping of the site and to ensure the replacement of any lost habitat.

5.3.2. Upon receipt of the Natural England licence temporary amphibian fencing (TAF) will be erected around the boundary of the site. Due to the timescale of the works being in the region of 2 years rigid fencing will be used. The approximate route of the fencing will be as shown in Appendix VI of this mitigation strategy. Internal

drift fencing will also be erected where necessary to ensure all amphibians are trapped.

5.3.3. Low areas will be left within the fencing where the TAF crosses a badger path to allow the badgers continued access around the site. If any further areas of the TAF become damaged by badgers during the works they will be replaced with low sections to allow the badgers continued access.

5.3.4. An area approximately 50m x 25m will be set aside as replacement terrestrial habitat in the southwest corner of the site. This area will have TAF erected around it as shown in Appendix VI of this report.

5.3.5. All of the ponds on the site will remain outside the TAF and therefore unaffected by the capping works.

5.3.6. Pitfall traps will be placed at 10m intervals around the interior of the TAF with carpet squares placed at intervals between the pitfall traps.

5.3.7. The area within the amphibian fencing will be trapped for a period of at least 30 days with the traps being checked before 1am each morning. If five clear days of trapping with no great crested newts has been achieved during the last five days of the thirty day trapping period the pitfall traps will be removed. If five clear days have not been achieved trapping will continue on site until five clear days have been achieved, at this point the traps will be removed.

5.3.8. Any newts caught during the trapping will be released immediately outside the amphibian fencing under a carpet tile or other suitable temporary refugia.

5.3.9. Upon completion of the thirty days trapping the designated terrestrial habitat area will be capped with topsoil. Within this area two 5m x 10m newt hibernaculum will be constructed under supervision of the licence holder.

5.3.10. The hibernaculum will take the form of a 0.5m layer of clean rubble covered with a thin membrane and then topsoil to a height of 1m. The top soil covering will leave the rubble visible allowing newts access.

5.3.11. Also within the area a number of small 1m x 1m piles of rubble and logs will be placed to create suitable terrestrial habitats.

5.3.12. The area will then be seeded with wild grass seed and stock fenced and will remain outside the boundary of any farming carried out on the land following the capping.

5.3.13. The main capping works will then commence on the site with the TAF being maintained throughout the duration of the works.

5.3.14. Upon completion of the work to cap the site the TAF will be carefully removed.

Steven Witcher.
03.02.09.

Appendix I.

BADGER INFORMATION.

The following background information on the territorial behaviour, ecology and legal protection of badgers is provided to enable the reader to more clearly understand the contents of this report.

1. Territoriality.

Badgers live in social groups called clans and are territorial. Each clan territory can vary considerably in size, from 0.2 sq. km to 1.5 sq. km. The average number of badgers in a clan has been calculated to be six but this number can vary between two and twenty badgers. In areas with a significant badger population there will be contiguous clans and a well-defined boundary between clan territories will exist with the badgers scent marking their boundary with areas of dung pits, called latrines. In areas with relatively low badger populations there will be less competition for territory and the amount of territorial markings will be low or even non-existent.

Territorial boundaries can be defined using a technique called bait marking. Over a two-week period badgers are fed at their main setts with food containing coloured plastic pellets, a different colour at each main sett. The colour of pellet found in dung pits and territorial latrines shows what areas each clan of badgers is occupying.

2. Ecology.

Badgers are omnivorous but their preferred food source is worms and insects. Worms are most abundant in well-grazed pastureland while mixed woodland is a good source of insects and grubs. Badgers have a soft and supple nose with which they snuffle into the ground to find insects. When they do this they leave distinct round holes known as snuffle holes or grubblings. Badgers easily find worms on the surface of well-grazed pastureland and often leave no visible indications of this foraging.

The badger's most important sense is that of smell. They will use particular paths around their territory repeatedly, following a scent trail from previous use. As a result badger paths become well worn. These paths are important to the badgers and obstruction to these paths will interfere with the badger's movement around their territory.

Badgers mate at any time of year but delayed implantation controls the time of birth. Most cubs are born between January and March but they can be born at any time between December and June. An average of two to three badger cubs are born to each sow and will initially be totally dependent on their mother. Cubs do not appear above ground until during April or May when they are 8 – 10 weeks old and are not fully weaned until June of each year.

A badger sett is any structure or place, which displays signs of current or seasonal use by a badger. Within a badger clan territory there can be several badger setts, which are categorised in the following ways.

Main Sett. There will normally be one main sett in a territory. This will generally be the largest sett in the territory, typically with five or more entrances, will be permanently occupied throughout the year and used as the breeding sett.

Outlying Sett. These are the smallest setts with generally only one or two entrances. They are intermittently occupied and there can be any number in a territory.

Annex Sett. A sett of intermediate size, located close to the main sett and connected by well-defined paths. These are occupied for prolonged periods and may be used as a second breeding sett if there are two breeding sows in the clan.

Subsidiary Sett. A sett of intermediate size, similar to an annex sett but located at some distance from the main sett and not connected to the main sett by defined paths.

4. Legislation

Badgers and their setts are protected by the Protection of Badgers Act 1992. Under the Act it is illegal to:-

- Willfully kill, injure or take a badger or attempt to do so.
- Cruelly ill-treat a badger.
- Interfere with a sett by doing any of the following:-
 - (i) damaging a badger sett or any part of it
 - (ii) destroying a badger sett
 - (iii) obstructing access to a badger sett
 - (iv) causing a dog to enter a sett
 - (v) disturbing a badger while it is occupying a sett.

Penalties for offences under the Act are up to six months in prison and a fine of £5,000 for each offence.

Disturbance to a badger in a sett can be caused by working close to a sett.

Before any work goes ahead which will cause damage to setts or disturbance to badgers, a licence will be needed from Natural England in accordance with their guidelines. To obtain a licence an application must be made giving at least one month's notice. This application must include full justification for the work, the manner in which any work is to be carried out, full supporting information and a named person capable of carrying out specialised badger work, to supervise that licence. Natural England will normally only issue such licences for work to be carried out between the months of July and October inclusive, to avoid the breeding season, although exceptions may be possible if a sound justification can be made.

Appendix II.

BACKGROUND GREAT CRESTED NEWT INFORMATION.

The great crested newt population has suffered a major decline in Britain over the last century. Numerous ponds have been lost, unmanaged ponds have become silted up and over-shaded, development has destroyed ponds and associated terrestrial habitat and caused fragmentation of populations. The loss of grassland, scrub and woodland has resulted in fewer opportunities for foraging, dispersal and hibernation.

The UK Biodiversity Plan (BAP) contains a great crested newt Species Action Plan (SAP) aimed at maintaining its existing range and population status, as well as increasing the number of populations through re-colonisation.

The great crested newt is listed on Schedule 5 of the Wildlife and Countryside Act 1981, recently modified by the Countryside and Rights of Way Act 2000. The great crested newt is therefore subject to the provisions of Schedule 9, which make it an offence to:

- Intentionally kill, injure or take a great crested newt.
- Possess or control any live or dead specimen or anything derived from a great crested newt.
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt.
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place, which it uses for that purpose.

The great crested newt is also listed on Annex II and Annex IV of The Conservation (Natural Habitats &c) Regulations 1994. Regulation 39 makes it an offence to:

- Deliberately capture or kill a great crested newt
- Deliberately disturb a great crested newt.
- Deliberately take or destroy the eggs of a great crested newt.
- Damage or destroy a breeding site or resting place of a great crested newt.

The legislation applies to all life stages of great crested newts.

The maximum fine on conviction of offences under Section 9 and Regulation 39 currently stands at £5,000. The CroW Act 2000 amendment also allows for a custodial sentence of up to six months instead of, or in addition to, a fine. In addition, items, which may constitute evidence of the commission of an offence, may be seized and detained.

In order to understand the potential effects of development it is essential to understand a little of the great crested newt ecology.

Great crested newts breed in ponds and other water bodies. They can begin to migrate to their breeding ponds as early as the first frost-free days in late January with the majority reaching their breeding ponds by mid March. Timing will be influenced by a number of factors, mainly evening temperatures above 5°C and recent rain.

The peak egg-laying period is from mid-March to mid-May. The newts will lay their eggs individually, mainly on the leaves of submerged plants. The larva hatch after three weeks and then take another 2-3 months to complete larval development. Adult newts generally leave their breeding ponds from late May onwards.

Once the larvae have completed metamorphosis (the transition from aquatic larvae to land-adapted juveniles, called eft), they emerge from the pond. This emergence begins in late August and generally continues until late October. It takes 2-4 years to reach sexual maturity, during which time the newts will be land based.

Adults and immature newts spend the winter in places that afford protection from frost and flooding. This will generally be underground amongst tree roots, in mammal burrows, or under suitable refuges above ground like deadwood or rubble piles. Hibernation may last from October to February.

Whilst on land, outside the hibernation period, great crested newts will forage at night, taking a wide range of invertebrate prey.

From the above, it can be seen that great crested newts spend the majority of their time on land and only visit the ponds for breeding purposes. As a result, surveys need to be timed very carefully. Terrestrial surveys are very inaccurate and the only time that surveys can be truly thorough is in the narrow window of opportunity between March and September.

Great crested newts will travel large distances between ponds and terrestrial refuges. It is recommended that anywhere within 500m of a pond should be treated as potential great crested newt habitat and should be surveyed and evaluated.

An experienced surveyor must carry out the surveys and must be in possession of an appropriate Natural England great crested newt survey licence.

It is essential that great crested newt surveys are planned well in advance of any development and ideally before Planning Consent is sought. Surveys can only be carried out at the appropriate time of year and repeat surveys are essential. The guidelines suggest that between four and six surveys need to be carried out, three of these between mid-March and mid-June.

If great crested newts are to be affected by any development, a thorough assessment of the population is essential followed by the design of a comprehensive mitigation package. Only when this has been done can a licence application be submitted to Natural England for approval. It takes 30 working days for a licence application to be determined and the period of time that mitigation measures take can be measured in months. It is therefore essential to plan well in advance of development commencing.

Appendix III. NESTING BIRD INFORMATION.

It is necessary to understand a little about the legal protection offered to nesting birds in order to evaluate the findings of this report.

Part 1.-(1) Of the Wildlife and Countryside Act 1981 states that:-

If any person intentionally:-

- (a) kills, injures or takes any wild bird;
 - (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
 - (c) takes or destroys an egg of any wild bird,
- he shall be guilty of an offence.

Part 1.-(5) of the Act states that:-

If any person intentionally:-

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on, or near a nest containing eggs or young; or
- (b) disturbs young of such a bird,

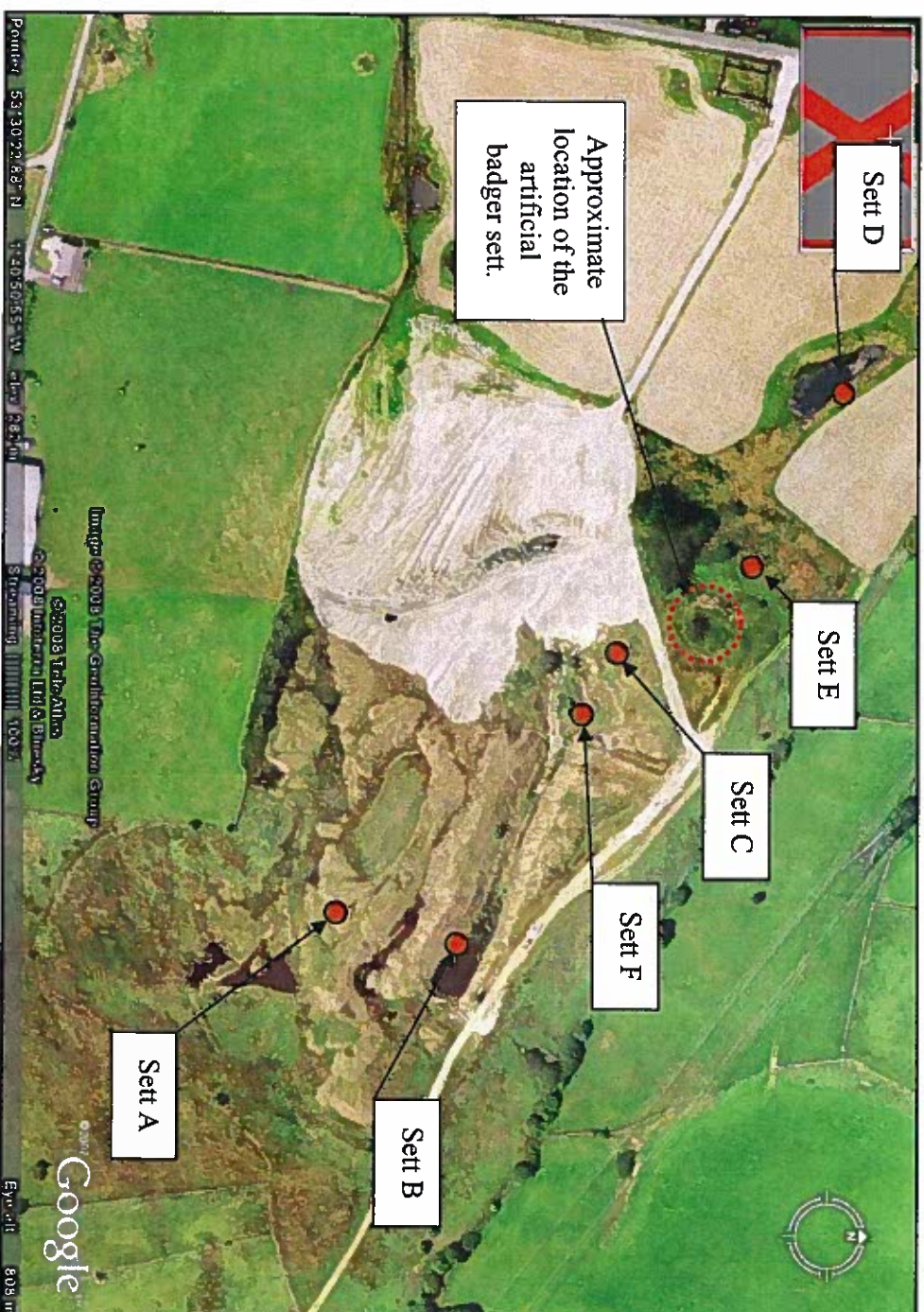
he shall be guilty of an offence and liable to a special penalty.

The Countryside and Rights of Way Act 2000 amends the above by inserting after “intentionally” the words “or recklessly”.

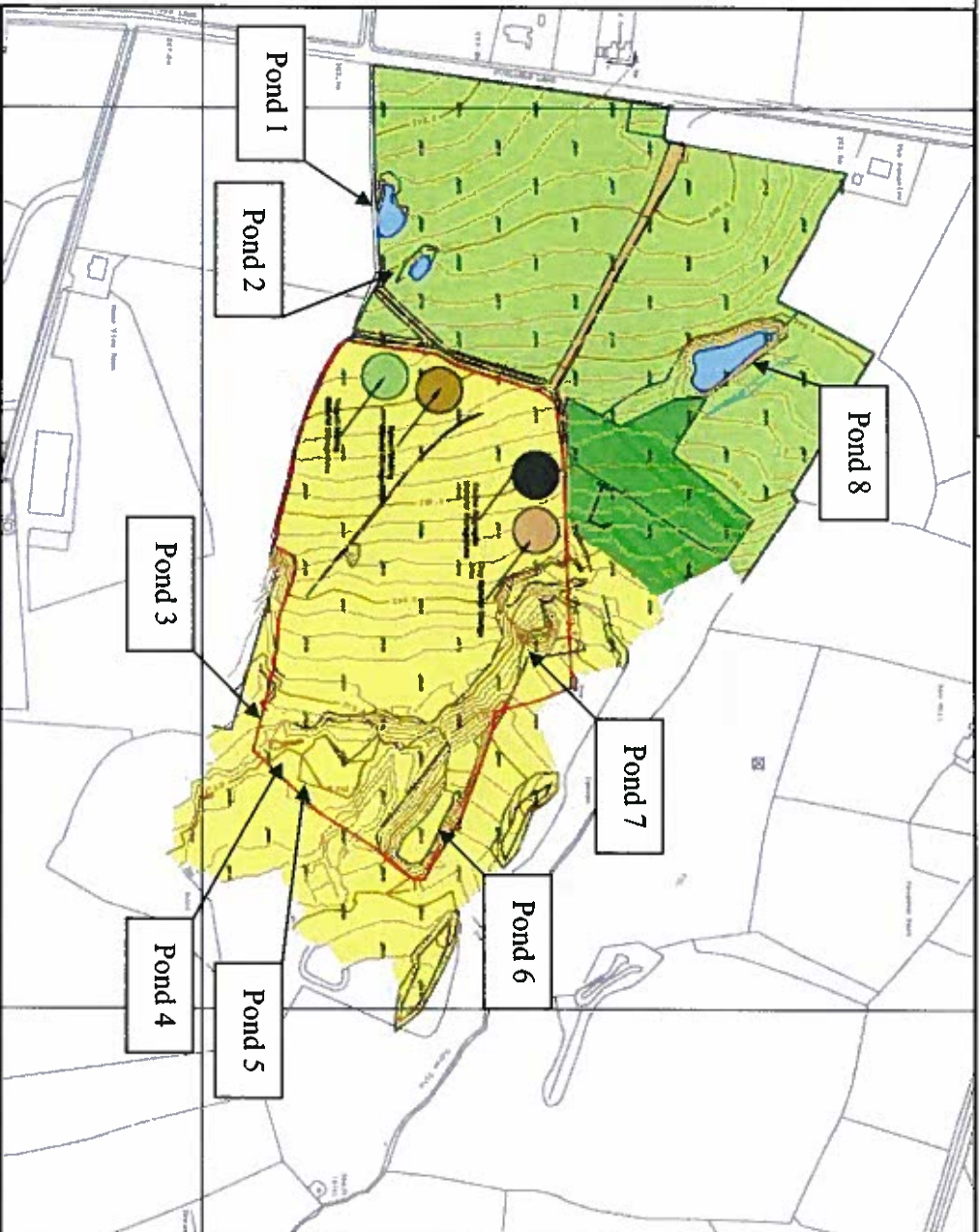
The nesting season will vary according to the weather each year but generally commences in March, peaks during May and June and continues until September. It is also worth remembering that some birds nest in trees and scrub but others are ground nesting.

The best way to avoid this issue is to plan for vegetation clearance to be carried out outside the bird-nesting season.

Appendix IV. BADGER SETT PLAN.



Appendix V. POND PLAN.



Appendix VI. TAF DIAGRAM.

