Berwick Bank

Technical Appendix 7.4 – Great Crested Newt Species Protection Plan

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Contents

Document Information 2

Contents 3

1. Introduction 4

1.1 Overview 4

1.2 Site Description 4

2. Legislation and Guidance 4

2.1 Legislation 4

2.2 Good Practice Ecological Guidance 5

3. Assessment of Potential Impacts 5

4. Mitigation Strategy 5

4.1 Overview 5

4.2 Timing of Works 5

4.3 Toolbox Talks 6

4.4 Temporary Newt Fencing 6

4.5 What to do if Great Crested Newts are Encountered During Works. 7

5. References 8

Figures 9

Figure 7.4.1 – Newt Fencing Plan 9

1. Introduction

1.1 Overview

ITPEnergised was appointed by SSE Renewables to produce a great crested newt (*Triturus cristatus*) Species Protection Plan for the onshore component of the proposed Berwick Bank offshore windfarm development at Torness, southeast of Dunbar, East Lothian (hereafter referred to as the 'Site'). The site has central Ordnance Grid Reference: NT 74632 73282.

During the ecology surveys carried out in 2021, a pond was confirmed to contain great crested newts. The pond is situated c. 315 m south-west of the planning application boundary (the Site) but is approximately 450 m from the footprint of works (ITPEnergised, 2022). The location of the pond and a 500m buffer are shown on Figure 7.4.1.

As great crested newt can migrate up to 500 m from their breeding pond, NatureScot were consulted to determine further survey, mitigation and/or licensing requirements. In their response dated 06.05.2022, NatureScot advised that as great crested newts are unlikely to be present within the footprint of the works, a licence and further survey would not be required. However, they advised that a Species Protection Plan (SPP) should be produced, detailing measures to prevent great crested newts moving into the works area (e.g. newt fencing) as well as a contingency plan in the unlikely event that great crested newts are encountered during works.

1.2 Site Description

The Site is approximately 599.6 hectares (ha) in size and extends from north-west of Skateraw Harbour to Bilsdean in the south. The A1 trunk road and the East Coast Main Line (ECML) railway pass through the Site from the north-west to the south-east. The Site largely comprises agricultural land with a mixture of arable and grazed fields. Braidwood Burn and Ogle Burn run through the western reaches of the Site, Thornton Burn and Branxton Burn runs through the centre of the Site, Dry Burn runs through the north of the Site and Bilsdean Burn runs through the south of the Site. These watercourses are commonly associated with corridors of scrub and mixed woodland habitat. The Site also encompasses a number of small hamlets and farm steadings. Larger settlements include Crowhill, Branxton and Lawfield to the south of the A1 and Skateraw and Thorntonloch to the north. The Site includes an area of coastline at the landfall location to the north of Torness Point.

2. Legislation and Guidance

2.1 Legislation

2.1.1 Great crested newt

Great crested newts are a European Protected Species (EPS), protected under the Conservation (Natural Habitats, &c.) Regulations 1994. As such, in Scotland it is an offence to deliberately or recklessly:

- Capture, injure or kill a great crested newt;
- Harass a great crested newt or group of great crested newts;
- Disturb a great crested newt in a structure or place it uses for shelter or protection;
- Disturb a great crested newt while it is rearing or otherwise caring for its young;
- Obstruct access to a structure or place great crested newt use for shelter or protection, or otherwise deny the animal use of that place;
- Disturb a great crested newt in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species;

- Disturb a great crested newt in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;
- Disturb a great crested newt while it is migrating or hibernating; and
- Take or destroy the eggs of a great crested newt.

It is also an offence of strict liability to:

- Damage or destroy a breeding site or resting place of such an animal (whether deliberately or recklessly). These sites and places are protected even when the animal isn't present. For example, great crested newt ponds are protected all of the time as long as it can be shown that the newts use the ponds some of the time; and
- Keep, transport, sell or exchange, or offer for sale or exchange any wild great crested newt (or any part or derivative of one) obtained after 10 June 1994.

Great crested newt is also included on the Scottish Biodiversity List (SBL), where it is listed for avoidance of negative impacts (The Scottish Government, 2013).

2.2 Good Practice Ecological Guidance

Cognisance has been taken of the following best practice guidelines in relation to great crested newts:

- Gent T and Gibson S (2003). Herpetofauna Workers Manual. JNCC, Peterborough; and
- English Nature (2001). Great Crested Newt Mitigation Guidelines. Version: August 2001.

3. Assessment of Potential Impacts

A breeding pond has been identified within 315 m south-west of the planning application boundary and 450 m from the nearest works area. The Great Crested Newt Mitigation Guidelines (English Nature, 2001) state that destruction of suitable habitat over 250 m from a breeding pond is likely to have a Negligible to Low impact on the local great crested newt population. Though the impact on the local great crested newt population is likely to be Negligible, mitigation is proposed to minimise the chance of individual newts being killed or injured.

4. Mitigation Strategy

4.1 Overview

A mitigation strategy is to be adopted to minimise the chance of individual great crested newts being killed or injured as a result of the Proposed Development. The strategy is to include:

- Installation of temporary, one-way newt fencing to prevent newts moving into work areas that lie within 500 m of the confirmed breeding pond;
- Ecological Clerk of Works (ECoW) supervision as required; and
- Toolbox talks.

4.2 Timing of Works

Installation of the newt fencing is to be undertaken between late February and late September, to avoid the hibernation period when great crested newts are more vulnerable / unable to move to safety; and in advance of works commencing within 500 m of the breeding pond.

4.3 Toolbox Talks

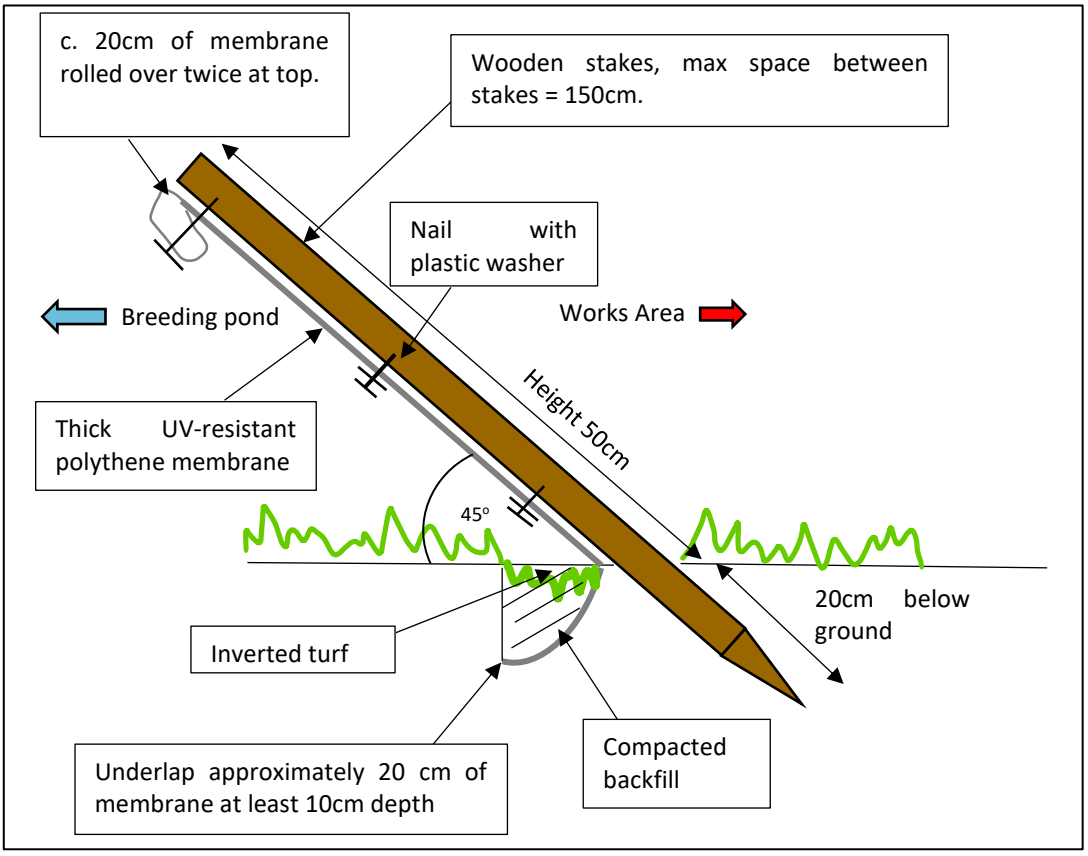
Prior to works commencing, the Site ECoW will provide toolbox talks to all site operatives involved in the works to ensure they understand the working methodologies, the legal implications with regards to great crested newts and what to do if great crested newts are encountered.

4.4 Temporary Newt Fencing

4.4.1 Design and installation

Temporary newt fencing is to be installed between the footprint of works and the breeding pond to prevent newts moving into the works area. The recommended specification and design of the fence is shown in Diagram 1 below. To allow newts to leave but not enter the works area, the fencing is to be angled as shown.

Diagram 1 – Example of one-way newt fence design (based on fencing design in the Great Crested Newt Mitigation Guidelines (English Nature (now Natural England), 2001)).



The following measures must be taken:

- The fence must be installed by a suitably qualified fencing contractor, experienced in newt fence installation;
- The installation, including clearance of the fenceline route, will be supervised by the ECoW;
- Where the route of the fenceline passes thorough suitable great crested newt habitat, phased strimming of the vegetation and a finger-tip search will be required in advance of works to ensure no great crested newt are present;
- The fence must be dug into a trench, with an underlap that is backfilled and compacted to prevent newts going under the fence;
- Fence trenches must be backfilled the same day;

- The membrane must be rolled/folder over at the top to prevent newts climbing up and over the fence into the works area; and
- The membrane must be taut avoiding wrinkles and folds which newts may use to climb up.

4.4.2 Route

The route of the fenceline is shown on Figure 7.4.1. The route will need to be ground-truthed by the ECoW and micro-sited to avoid suitable terrestrial habitat wherever possible.

4.4.3 Maintenance

The fencing will be checked every two weeks by the ECoW for the duration of the construction phase of the Proposed Development to ensure it remains intact and functioning.

4.4.4 Removal

On completion of the construction phase the fencing will be removed under the supervision of the ECoW.

4.5 What to do if Great Crested Newts are Encountered During Works.

If great crested newts are encountered during works then the following measures must be taken:

- All works within 30 m of the newt must cease and the ECoW must be contacted;
- The ECoW must hold a NatureScot great crested newt licence or be a Named Agent on such a licence;
- The ECoW must collect the newt and release it in a sheltered location close to suitable refugia habitat; and
- NatureScot must be consulted to determine licensing and any additional mitigation requirements.

5. References

English Nature (2001). Great Crested Newt Mitigation Guidelines. Version: August 2001. English Nature (now Natural England).

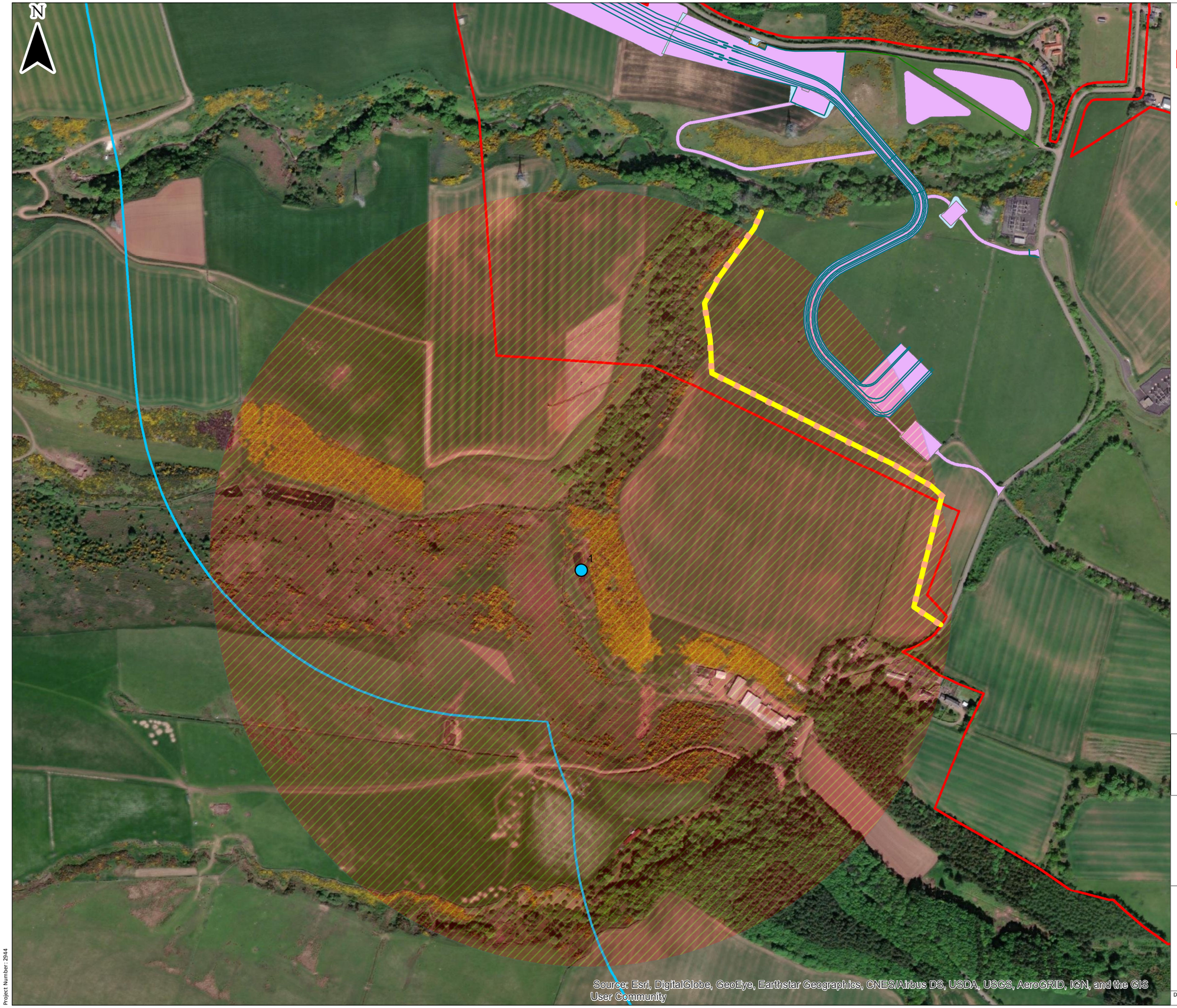
Gent, A. H., & Gibson, S.D., eds. (2003). Herpetofauna Workers' Manual. Joint Nature Conservation committee (JNCC), Available at: http://jncc.defra.gov.uk/page-3325

ITPE (2022). Berwick Bank EIA, Volume 4, Appendix 7.1 Preliminary Ecological Appraisal. ITPEnergised, Edinburgh.

The Scottish Government (2020). The Scottish Biodiversity List. Available at: https://www.nature.scot/doc/scottish-biodiversity-list (accessed August 2022).

Figures

Figure 7.4.1 – Newt Fencing Plan



Key:

- Site Boundary

Infrastructure

- Permanent
- Temporary
- Great crested newt breeding pond
- 500 m buffer of pond
- Temporary newt fencing

0 60 120 180 240 Meters

Scale 1:5,000 @ A3

Berwick Bank
Technical Appendix 7.4
Great Crested Newt Species Protection Plan

Figure 7.4.1
Newt Fencing Plan

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