

LEGACY

• Habitat Management Limited •

Legacy Habitat Times

The Newsletter of Legacy Habitat Management

Issue 5 Autumn 2009

Welcome

Welcome to the fifth issue of Legacy Habitat Times. Another busy summer of Newt Fencing has come to an end and we are now well under way with badger mitigation projects and invasive species control. Something special this issue: we've teamed up with DLA Piper to bring you an important article on ecology and the law. We also showcase our new Cut and Collect Machine.

As always we very much welcome your comments regarding Legacy Habitat Times, so why not send us an e-mail? The address is: info@legacy-habitat.co.uk



Fly Agaric (*Amanita muscaria*) Fungus
Photo: Martyn Werner (September 2009)

Badger Sett Exclusion Works

Wormington To Sapperton Pipeline Project

As a local place name in the area suggests (Brockhampton, 'brock' being an old-English term for badger), The Cotswolds is an area known for its badger population as well as being an Area of Outstanding Natural Beauty.

Laing O'Rourke are currently heading up a project to make groundwork preparations for a high-pressure gas pipeline running through this area from Wormington in the North of the region to Sapperton, some 22 miles to the South. As part of this project, an environmental assessment of the area found 10 major badger setts along the proposed pipeline spread.

Legacy Habitat Management were commissioned to work under licence and guidance from AECOM ecologists to close these setts. Sett closure was carried out installing Caudon Steel Badger Gates over active sett entrances and a ground covering of steel badger proof mesh over the sett area to prevent digging; pegging down the mesh with steel pegs to firmly secure it in place. Vegetation clearance was carried out where necessary. The badger gates are installed with the 'lock-down bar' in the one-way position so that resident badgers could leave the sett freely but not re-enter.

Most of the 10 setts were located in isolated rural areas where access had to be made using low ground impact vehicles to transport materials to and from site. This was done by transporting materials around the region using our Unimog and trailer, unloading at each location and using the Caterpillar 277B Skidsteer Loader to take materials to site. Using this method, we succeeded in closing all of the setts, comprising a total of 36 sett entrances in 4 days.





Grass cutting for Great Crested Newt Mitigation
Photos: Martyn Werner

Grass Cutting for GCN Mitigation

Part of a larger project of Great Crested Newt mitigation and badger exclusion works at Cottam Ash Disposal Site at Cottam Power Station in Nottinghamshire.

With current ash disposal Area 2 reaching capacity, it has become necessary for disposal of Pulverised Fuel Ash operations to be moved in to Area 3 of the Cottam Ash Disposal Site at North & South Lagoons. Part of the original planning agreement in November 2006 for ash disposal set out conditions that prior to each phase of ash disposal, ecological surveys should identify that no species as identified as protected by the Wildlife and Countryside Act 1981 (as amended) are present. If such species are present prior to ash disposal operations, then appropriate mitigation works should be employed to ensure that these species are protected.

An amphibian survey by Jacobs in June 2009 in preparation for movement of operations into Area 3 resulted in the discovery of Great Crested Newts in ponds within the area and a population of breeding GCN's in ponds on North Lagoon.

With progression into Area 3 now halted, a 2 stage approach to manage the GCN habitat mitigation was approved. Initially, a short term plan was drawn up so that ash disposal could continue for the next 12 months and power station operations are not compromised.

This interim measure involved using surface vegetation removal methods to displace the GCN population eastwards and away from the proposed tipping area. Before mechanised vegetation removal, hand tools and hand-held strimmers were used to remove all vegetation from the outer edges of the area, stock piles and any other raised areas that would be inaccessible to machine. The area was then divided into three parallel strips of equal width. These strips were cut, using our new 'Cut and Collect' grass cutting machine, to gradually reduce the vegetation height from approx 1000mm-600mm, down to 25mm. This grading of vegetation height is used to encourage the migration of GCN away from the cut area, to more suitable habitat.

Due to the sensitive nature of the site, the Cut and Collect Machine was mounted on to a lightweight tractor and a route chosen with the fewest sharp turns to minimise disturbance of the surface soils. The Cut and Collect Machine was emptied at designated points when full and a tracked bobcat skidsteer with front mounted grab was used to collect these piles, load on to a tractor and trailer and remove to a designated area. Manual hand raking of the whole area ensured that all cut material was collected and removed from site.

The next phase of this interim stage, to be completed early November, is to erect 1500m of Caudon Semi-permanent Newt Fencing around existing stockpiles to prevent any GCN in these piles from re-entering the area cleared of vegetation. Caudon Semi-permanent Newt Fencing will also be erected along north, east & south boundaries of the stripped area with works access to be granted in the south-west corner only.

A proposal for a long-term GCN mitigation strategy for the remainder of the life of ash disposal operations at Cottam Ash Disposal Site will be finalised following further surveying work scheduled for Spring 2010.

Carcroft Landfill Site

Legacy proves that quality fencing stands the test of time!

It's always interesting to go back to an old job and see how it's standing up to the test of time and an opportunity that doesn't present itself that often.

At Carcroft Landfill site run by Veolia near Doncaster we installed a permanent exclusion fence ahead of the soil stripping and excavations necessary to create the landfill cells.

This was back in 2005 so it's had plenty of time in the ground to be a fair indicator of how our installation methods are holding up.

Although part of the fence needed moving to allow the anchor trench to be dug for the cell liner, the fence has stood the test of time remarkably well despite high potential for damage from vandalism or exposure to site traffic.

The 400m of fence was moved under a watching brief (Ecology UK) and a small number of GCN's were discovered in some unlikely places as well as a grass snake during hand search.

We pulled the panels out with a sheet lifter after removing the fixings and scratching the backfill out with a small excavator once a fingertip search had been made to look for any amphibians and reptiles. We were then able to reinstall the panels along the new alignment.

Whilst we've always had confidence in the quality of our permanent panels, it is always great to see the reality on the ground. Despite being lifted out of heavily compacted shale soils, and after five seasons of UV exposure, all the panels were reused, and look set to keep on providing a robust and effective barrier to new movement.

Visit

legacy-habitat.blogspot.com

for further news

Legacy Habitat Management:

Committed to CSCS

All Legacy Habitat Management contracting staff now hold Construction Site Operative CSCS certification. CSCS (Construction Skills Certification Scheme) sets out to improve quality in the construction industry and provide safer working environments.

Many construction and industrial sites UK-wide now recognise that CSCS card holders are competent in their job role and have demonstrated a basic level of site skills and health & safety knowledge. In many cases, it is now a requirement for all personnel to hold a valid CSCS card to gain access to certain sites.

All candidates were required to attend a training course and pass the construction health and safety test. All of our contracting staff passed with flying colours and now hold CSCS cards valid until Dec 2013.

committed to

CSCS

Recently our contracting staff have also become CCNSG safety passport card holders, through a similar process of training course and test. This safety passport also demonstrates a basic knowledge of site health and safety and alongside appropriate site inductions enables the card holder to work more safely and with lower risk to themselves and others.



CCNSG

Work on a recent site, also required that our staff undertook a drugs and alcohol test in accordance with the requirements of Network Rail Drug and Alcohol Standard (NR/L1/OHS/051). I am pleased to say that all of our staff passed, although some members did struggle to hold in their samples until the doctor was ready to see them, there was a fair bit of jiggling about to be witnessed in the waiting room beforehand.

LEGACY

• Habitat Management Limited •

Case Study: Ecology and The Law

2009 has been an interesting year in the world of nature conservation and wildlife protection law!

There has been an important judgement given by the High Court in relation to a case called *Woolley v Cheshire East Council*. It is a case which puts the spotlight on developments which will have impacts on European Protected Species such as great crested newts, bats, dormice or otters. The case has looked carefully at the questions the Local Planning Authority must ask itself when considering applications which may have detrimental impacts on these animals or their habitats. The case has confirmed that the Local Planning Authority must address itself to three crucial questions. These questions are in fact the tests which Natural England, the licensing authority, will also have to apply after planning permission has been granted when it comes to consider whether to grant a European Protected Species licence to allow the development to proceed. These tests are to consider whether the development proposal can be said to be necessary for imperative reasons of overriding public interest; whether there are any satisfactory alternatives to the development; and whether adequate mitigation is being offered so as to ensure that the "favourable conservation status" of the species can be maintained.

Prior to this case, a strict interpretation of the law indicated that a Local Planning Authority would have to consider these three tests. However, it is only this case which has clarified from the court's point of view that this is definitely the case. We are already seeing a need for developers to be far more clear on how they regard these three tests as being met in their planning applications. We are given advice to a number of our clients on the best way of drafting the arguments.

The other significant development in relation to European Protected Species is that Natural England has altered its procedures and application forms which have to be completed in order to apply for a European Protected Species licence. These are now far more onerous forms to complete. There are in particular many questions which Natural England now requires

answers which focus on the three licensing tests as described above. We are finding that increasing numbers of our clients are having their licence applications rejected, not because the mitigation offered is inadequate, but because Natural England is not satisfied that they are meeting the other two tests ie relating to alternatives and reasons of overriding public interest. We have been providing advice to a number of our developer clients on how to resolve these difficulties and have in all cases to date succeeded in allowing our clients to obtain such licenses.

Finally, the Environmental Damage Regulations entered into force in March this year. These implement the Environmental Liability Directive from the European Union. Under this new regime those carrying out operations on land which may need environmental consents such as for waste operations or PPC operations, could become exposed to significant costs arising from the requirement to remediate "environmental damage" (as defined) in the Regulations. The aim of this new regime is to focus in on the 300 or so pollution incidents per year which are regarded as being particularly significant and to require those who have caused the damage to not pay a fine but actually instead to carry out the work necessary to rectify the damage. "Environmental Damage" is defined in very strict ways. Contaminating land in a way so as to create harm to health is one aspect, polluting water in a significant way is another, and creating damage to biodiversity is the third and most novel aspect of the new regime. It is this latter aspect which we expect to have the greatest impact.

For any advice on these issues please contact Penny Simpson, Environmental Lawyer, at DLA Piper LLP.
T: 0114 283 3467; E: penny.simpson@dlapiper.com



Fencing Focus

www.wildlifefencing.co.uk

www.wildlifefencing.co.uk has continued to build on its success since our last 'Fencing Focus'. Sales figures are up and even in spite of the usual seasonal high we have observed substantial growth in our output compared to this time last year. Caudon Permanent Newt Fencing (4mm HDPE) has been flying out of the stock room in recent weeks!

NEW Tools and Equipment

We are constantly looking at ways in which we can improve the service that wildlifefencing offers to our customers. We have created a NEW 'Tools and Equipment' section on the site and we hope to expand this range throughout the coming year; offering quality fencing tools at competitive prices. Please keep checking this section of the site for new products.

NEW Geo-textile Temporary Newt Fencing System

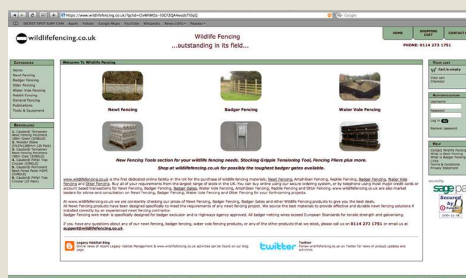
In response to customer demand we now offer a NEW 'Geo-textile' Temporary Newt Fencing System as an alternative to polythene. This is preferred for some installation purposes because it offers more resistance to tears and rips but is still at a price that compares favourably with other temporary newt fencing systems. Being permeable to water it can also be used for newt fencing ditch crossings - allowing the transfer of water without compromising the effectiveness of the amphibian barrier.

IMPROVED customer service

We are currently in the process of improving our customer record keeping by installing the latest retail software. This will speed up our response to your telephone enquiries and help us keep better track of orders, sales and stock levels.

IMPROVED product information

We are also working on improving our product information. Caudon has now been quietly establishing a name for itself as the leading brand in quality wildlife fencing products for some time now. We are currently upgrading our product specification sheets to provide a wealth of useful information about Caudon products as well as clear instructions on product use and advice on installation and applications.



www.wildlifefencing.co.uk
phone: 0114 273 1751

Newt Fencing
Badger Fencing
Otter Fencing
Water Vole Fencing