

Great Crested Newt Survey Report

***Land Bounded by Shires Lane and
Low Lane, Embsay***

Chatsworth Settlement Trustees

June 2015

access**Ecology**

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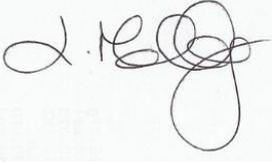
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A INTRODUCTION

1. This report presents the results of investigations and surveys of waterbodies within 500m of the land bounded by Shires Lane and Low Lane, Embsay, North Yorkshire (Grid reference: SE 01303 53640) undertaken in May 2015.
2. The land bounded by Shires Lane and Low Lane (the site) was subject of a Preliminary Ecological Assessment by Access Ecology Ltd in November 2014 (Access Ecology Ltd, 2014) who identified that an off-site pond (Waterbody 1), located approximately 150m south east of the site boundary on adjacent farmland, offered Average suitability to support breeding great crested newts (GCN) *Triturus cristatus*. It was also noted that two other waterbodies were present within 500m, both of which are in a working quarry approximately 400m south west of the site. Furthermore, suitable habitat for terrestrial GCN was identified on the site in the form of drystone walls, pasture and the base of a mature tree. Suitable connective habitat between the waterbodies and suitable terrestrial habitat on the site was identified in the form of a hedgerows, grasslands and drystone walls. As a result, further survey in the form of GCN presence/absence survey was recommended **as per paragraphs 136 to 141 in the Preliminary Ecological Assessment Report** (Access Ecology Ltd, 2014).
3. Four survey visits to accessible waterbodies were undertaken to determine the presence/absence of GCN. The survey work was undertaken by Louisa Molloy (Ecologist; Grad CIEEM; GCN Licence Number 2015-8232-CLS-CLS), Sam Barnes (Assistant Ecologist; GCN Licence Number 2015-11367-CLS-CLS), assisted by Lewis Horsham. The survey visits were carried out on the 7th/8th May 2015; 16th/17th May 2015; 19th/20th May 2015 and 27th/28th May 2015.
4. This report presents an assessment of potential ecological constraints to development, based on the results of the survey. Preliminary recommendations for possible mitigation measures or potential nature conservation enhancements are also provided.

A.1 Background to the Survey

5. Access Ecology Ltd was initially commissioned in November 2014 by Cliff Caruthers of O'Neill Associates on behalf of Chatsworth Settlement Trustees, to undertake a Preliminary Ecological Assessment of the land bounded by Shires Lane and Low Lane, Embsay, North Yorkshire (see Appendix A Figure 1). Following the recommendations of the initial survey report (Access Ecology Ltd, 2014) GCN presence/absence surveys were commissioned in May 2015.

A.2 Waterbody Description Summary

6. Waterbody 1 is a pond located in a pasture field approximately 150m to the south east of the site and is surrounded by improved grassland used for grazing a dairy herd.

7. Two further waterbodies were identified within 500m of the site and are located within a working quarry approximately 400m to the south west of the site.

B CONTEXT

8. The following context text has been provided to Access Ecology Ltd by Chatsworth Settlement Trustees (CST, 2015).

B.1 The applicant

9. The Chatsworth Settlement Trustees (CST) is a business which owns and manages land on behalf of the Cavendish Family. It derives income from rents and admission charges to some of its assets (e.g. Chatsworth House, Bolton Priory). It owns the application site and other parcels of land in Craven, and indeed gifted land to Embsay Cricket Club in both 1983 and 1992.
10. CST therefore takes a responsible approach to architectural/environmental conservation and community development, but also has to be able to fund such activities accordingly.

B.2 Site Context

11. The application site is located on the south side of the settlement of Embsay at the junction of Shires Lane and Low Lane which, respectively, form the north and east boundary of the site. To the west the site has a boundary with a sports field defined by a dry stone wall.
12. To the south are open fields and some 250 metres further to the south is the Embsay Steam Railway line and the Skipton Rock Quarry which is prominent in views from the site. The western half of the south boundary is defined by a stone wall and tree belt. The eastern half of the south boundary is undefined.
13. The site is relatively flat with a slight gradient rising from south west to north east. There is a distinguishing mound on the east boundary. Green Bottom Beck runs across the site by way of a culvert from the north eastern corner to the southern boundary, and is known to cause localised flooding/drainage issues.
14. There are no significant off-site constraints. There is sufficient infrastructure capacity in the vicinity to support the application proposals.

B.3 Design Process

15. Liaison with Craven District Council (CDC) and North Yorkshire County Council (NYCC) has been integral to the design of the proposal and the submission of supporting information.
16. Pre-application meetings were held with CDC's planning officer on 23rd February 2015 and with affordable housing officers on the 9th April 2015. These meetings established no fundamental objections to the principle of development provided that a well-designed

scheme with an acceptable component of affordable housing was prepared and localised traffic, flooding, ecological, arboricultural and landscape issues were assessed.

17. CDC stressed the importance of: good design (i.e. the need for the proposal to retain a rural character to fit with the surrounding area); the acceptability of a proposal with two points of access; and the need for improved pedestrian access to the village centre. These views were confirmed in subsequent telephone conversations and a letter from CDC dated 6th March 2015 providing its pre-application advice.
18. As such, CST revised its preliminary design proposal and decided against submitting a planning application until it had addressed all of CDC's points and could present a development proposal which takes a sympathetic approach to the predominantly rural character of the area for example by reinstatement of the beck across the site.
19. Pre-application discussions were also held with NYCC as the local highways authority. These established no fundamental objections to the principle of development but did identify a need to provide sufficient visibility splays for traffic leaving the site. This requirement has been built into the scheme design.

B.4 Development Proposal

20. This is an outline planning application for residential development in which all matters are reserved other than the principle of development and the proposed access. The indicative layout for the site is for a scheme of 39 dwellings served off two separate access points. Each access serves a cluster of 18-20 dwellings.
21. The existing dry stone walls along Shires Lane and Low Lane are retained except where it is necessary to create the two access points. Between and around the new junctions on Shires Lane the wall will have to be moved back from the highway edge to create the visibility splays required for highway safety. The existing access at the east end of the Shire Lane frontage will be closed and infilled with a drystone wall.
22. The scheme design responds positively to the advice put forward by the Council by adopting an organic layout that controls the dominance of the car and creates clusters of development with stepped frontages; varied rooflines; and variety and interest in private spaces.
23. It should be noted that the layout shown is one way of addressing these comments and requirements. There will undoubtedly be other ways of doing so, which may be developed as the reserved matters proposals for the site are drawn up.
24. The application proposes that the problematic culvert relating to Green Bottom Beck is opened up and reinstated as a swale to help alleviate localised flooding incidents upstream of the site.

25. CST may seek to work up detailed designs and develop the site itself (with a view to retaining or selling it), or it may offer it for sale for others to work up detailed designs and build out the site.

B.5 Planning Policy

26. Planning legislation requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. However, little weight can be attached to the saved policies of the Craven District Local Plan (CDLP) 1999, since the National Planning Policy Framework (NPPF) 2012 limits the weight to be attached to the policies of out-of-date Local Plans such as the CDLP and provides for NPPF policy to apply in such circumstances.

27. Moreover, the NPPF provides for planning permission for residential development in areas where a Council is failing to meet its 5 year housing supply. This issue is addressed in more detail in the Planning Statement submitted with this application.

28. The Craven Draft Local Plan identifies the site as suitable for housing development because it is well-related to existing services and recreational opportunities and has no flood risk or known highway safety issues.

29. The Planning Statement demonstrates how the proposal accords with the NPPF and emerging Local Plan policy, and will help address the district's housing supply shortage. It will also have no adverse impact on the area or buildings. As such, it comprises sustainable development and should be granted planning permission accordingly.

B.6 Benefits

30. The Planning Statement submitted with the application identifies the main benefits of the development proposal as:

- Provision of a mix of residential dwellings that will widen the choice of housing in the locality and help to meet the Council's housing requirement
- provision of affordable housing for local residents
- provision of affordable housing for local residents
- provision of affordable housing for local residents
- Supporting the viability of local services and community facilities
- Ecological benefits arising from the re-instatement of the beck and retention of the trees on the south-western corner of the site.

C LEGISLATION

31. This legal information is a summary and intended for general guidance only. It is recommended that the original documentation is referred to for detailed and definitive information. Web addresses are located in the References and Bibliography section of this report.

Habitat Regulations

32. The Conservation of Habitats and Species Regulations 2010 transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is absent at the time).

Wildlife & Countryside Act 1981

33. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CRoW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006 (which also places a duty on authorities to have due regard for biodiversity and nature conservation) consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.

National Planning Policy Framework

34. The NPPF outlines government planning policies and how they should be applied within local authorities. The framework places an emphasis on sustainable development, encouraging the re-use of land that has previously been developed over using land that has a higher environmental value and by minimising impacts on biodiversity. The NPPF states that developments should aim to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.

Biodiversity Action Plans

35. The original objective of the UK Biodiversity Action Plan (UKBAP) was to fulfil the requirements of the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. A list of national priority species and habitats has been produced with specific action plans defining the measures consider necessary to ensure their conservation. Regional and local BAPs have also been developed for species/habitats of nature conservation importance both regionally and locally.

Local Structure Plans

36. County, District and Local Councils have Structure Plans and other policy documents that include targets and policies which aim to maintain and enhance biodiversity through the planning system.

D METHODOLOGY

D.1 Great Crested Newts

D.1.1 Presence/Absence Survey

37. The survey methodology involved four visits to the site to establish the presence/absence of GCN. Accessible waterbodies within 500m of the site boundary were surveyed between the 7th and 28th May 2015 by Louisa Molloy (Ecologist; Grad CIEEM; GCN Licence Number 2015-8232-CLS-CLS), Sam Barnes (Assistant Ecologist; GCN Licence Number 2015-11367-CLS-CLS), assisted by Lewis Horsham and Kate Barnes.

38. The survey visits were carried out on the 7th/8th May 2015; 16th/17th May 2015; 19th/20th May 2015 and 27th/28th May 2015 (see Table 1 below), which falls within the survey window recommended in the Great Crested Newt Mitigation Guidelines (Foster, 2001) for a presence/absence survey.

Table 1: Survey Dates and Personnel

Visit	Date	Surveyor 1	Surveyor 2
1	7 th and 8 th May 2015	Louisa Molloy (licensed)	Lewis Horsham (unlicensed)
2	16 th and 17 th May 2015	Louisa Molloy (licensed)	Lewis Horsham (unlicensed)
3	19 th and 20 th May 2015	Louisa Molloy (licensed)	Lewis Horsham (unlicensed)
4	27 th and 28 th May 2015	Sam Barnes (licensed)	Kate Barnes (unlicensed)

39. Prevailing weather conditions were checked before each survey. Surveys were not undertaken when evening temperature was predicted to be below 5°C, when there were strong winds or when heavy rainfall was predicted, as these weather conditions could significantly reduce the activity of newts or visibility through the surface of the water being disturbed during torchlight searches.

40. The following three methodologies were used during each visit to the site:

- Bottle trapping – Bottle traps made from 2 litre plastic bottles were placed in accessible waterbodies containing water at a density of one trapper per 2m of accessible shoreline. Traps are set at dusk and are removed early the following

morning. Any GCN or other species that are trapped in the bottles overnight are recorded then returned to the waterbody.

- Egg searching – Accessible emergent vegetation is searched for GCN eggs. Once eggs have been confirmed at a waterbody, the search is terminated to minimise disturbance.
- Torching – Accessible waterbodies containing water were searched by torchlight (using a 1 million candle power torch) after dusk. The perimeter was walked (where accessible) and all marginal vegetation and pond edges were searched for newts where visibility allowed.

D.2 Other Protected or Notable Species

41. Any field signs of other protected and notable species were noted by surveyors during the survey.

E RESULTS

E.1 Great Crested Newts

E.1.1 Presence/Absence Surveys

42. The four survey visits to Waterbody 1 (SE 01522 53548) have shown that GCN are absent from Waterbody 1.
43. A breeding population of palmate newts *Triturus helveticus* is present in the Waterbody 1 with 25 individuals (5m; 20f) trapped during Visit 1 on the 7th and 8th May 2015, with palmate newt eggs found on emergent vegetation during the 2nd Visit on the 16th and 17th May 2015. Numbers of palmate newts trapped during the 2nd, 3rd and 4th Visits were 2 (2f), 8 (2m; 6f), and 8 (5m; 3f) respectively.
44. A summary of the full survey results (including environmental data) is included in Table 2 below, whilst full survey results and waterbody ID plan are included as Appendix A, Figure 2.

E.1.2 Constraints

E.1.2.1 Access

45. Access Ecology Ltd attempted to gain access to survey two additional waterbodies approximately 400m south west of the site, within the working Skipton Rock Quarry. A phone call to the quarry on the 1st May 2015 and a subsequent email to the quarry Manager, Martin Dobson of Lafarge Tarmac (Appendix B), requesting access to the waterbodies did not receive a reply and as a result these waterbodies could not be included in the study.
46. With the exception of Waterbody 1, no other suitable waterbodies are present within 500m of the site boundary.

E.1.2.2 Environmental

47. Minimum temperatures recorded by a thermometer left out overnight during each visit recorded un-forecasted lows of -4.5°C; 4.5°C and 3.4°C during Visits 1, 3 and 4, respectively.
48. Waterbody 1 is extremely turbid which makes torching all but the edges difficult.

E.2 Other Protected and Notable Species

49. During all four visits to Waterbody 1 several common toad *Bufo bufo* and common frog *Rana temporaria* tadpoles were observed whilst torching and trapped in the bottles.

Table 2: Summary of Survey Results – Waterbody 1

Date	Weather	Maximum GCN Count	Other Species	Constraints
6 th and 7 th May 2015	Temp: Max. 13.5°C Min. -4.5°C; Wind: Beaufort 0 Calm; No Precipitation; Humidity Medium	0	25 Palmate newts (5m; 20f); moorhen, shelduck, dragonfly larvae; diving beetles, water boatmen; backswimmers	Water extremely turbid makes torching difficult.
16 th and 17 th May 2015	Temp: Max. 6.9°C Min. 5.1°C; Wind: Beaufort 1 Light Air No Precipitation; Humidity High	0	2 palmate newts (2f); palmate newt eggs on emergent vegetation; shelduck; toad and frog tadpoles; great diving beetle; water boatman; damsel and dragon fly larvae.	As above.
19 th and 20 th May 2015	Temp: Max. 8°C Min. 4.5°C; Wind: Beaufort 4 Moderate Breeze; No Precipitation; Humidity High	0	8 palmate newts (2m; 6f); other species same as Visits 1 and 2, no new observations.	As above
27 th and 28 th May 2015	Temp: Max.6.7°C Min. 3.4°C; Wind: Beaufort 4 Moderate Breeze; Light Drizzle; Humidity High	0	8 palmate newts (5m; 2f); other species same as Visits 1, 2 and 3, no new observations.	As above

F CONCLUSIONS AND RECOMMENDATIONS

50. These recommendations are made in relation to the outline application for a residential development of 39 houses on the land bounded by Shires Lane and Low Lane, Embsay.

F.1 Great Crested Newts

F.1.1 Presence/Absence

51. The presence/absence survey of Waterbody 1 undertaken in May 2015 found that GCN are absent from this waterbody.

52. Two additional waterbodies were identified within 500m of the site boundary. Efforts to gain access to these waterbodies were made although permission to access them was not granted. However, given the distance and habitat connectivity between these waterbodies and Waterbody 1, it is considered likely that if GCN were present in the wider landscape (i.e. up to 500m from the site), they would have been found in Waterbody 1.

53. As a result of these findings it is considered that GCN do not offer a statutory constraint to the proposed development.

54. However, Waterbody 1 has been found to support a breeding population of palmate newts. Although Waterbody 1 is off-site and is unlikely to be directly affected by the proposed development, terrestrial palmate newts, which occupy the same terrestrial habitat features as terrestrial GCN, may be present within the development site and as a result, it is recommended that the following reasonable avoidance measures are adopted for the duration of the development:

- Any vegetation removal, re-siting or rebuilding of drystone walls, and/or ground clearance works should, where possible, avoid the newt hibernation period (September/October – April). If this is not possible, all site staff should be made aware that palmate newts, frogs and toads may be encountered and if found in hibernation they will be in torpor and may appear dead. In such circumstances the animal may either be left undisturbed or placed carefully next to the closest refugia to where they have been found and gently re-covered.
- Although unlikely, terrestrial GCN may still be found on site given that they can show up in unexpected places. All site staff should be made aware of this possibility, and if terrestrial GCN are encountered the animal will be left undisturbed and any covering carefully replaced before contacting a suitably licensed Ecologist to attend.
- All construction materials should be stored off-ground for the duration of the development to avoid creating artificial refugia for amphibians.

F.2 Survey Validity

55. The relevance of any ecological survey work degrades with time. Therefore, if the development works have not been completed within 1 year of the publication date of this report (June 2015) further surveys will be required to re-establish the ecological status of the site.

G REFERENCES

Access Ecology Ltd (2014) Preliminary Ecological Appraisal, Land Bounded By Shires Lane and Low Lane, Embsay Ref: 0745/01/SB – Revision 1. Published November 2014

Anon (1995) Guidelines for Baseline Ecological Assessment. Institute of Environmental Assessment. Chapman & Hall.

Anon (1995) The UK Biodiversity Action Plan. Joint Nature Conservation Committee, Peterborough.

CST (2015) Context Text Rev G – 4th June 2015.

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Hill, D., Fasham, M., Tucker, G., Shewry, M. & Shaw, P., (2005) Handbook of Biodiversity Methods, Survey, Evaluation and Monitoring, Cambridge: UK

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RSPB, NRA & RSNC. 1994. The new rivers and wildlife handbook. Eds. D. Ward, N.Holmes & P. José. RSPB, Bedfordfordshire.

UK legislation and policy web address:

Conservation of Habitats and Species Regulations 2010:

http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Habitats Directive:

www.europa.eu.int/eur-lex/en/lif/dat/1992/en_392L0043

Wildlife and Countryside Act 1981:

www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1981/cukpga_19810069_en_1

National Parks and Access to the Countryside Act 1949:

http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1949/cukpga_19490097_en_1

National Planning Policy Framework:

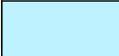
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

APPENDIX A



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 R1b Riverside Block Sheaf Bank Business Park Sheffield S2 3EN info@accessecology.co.uk	Legend	Project	Land bounded by Shires Lane and Low Lane, Embsay
	 Site location	Title	App. A - 1. Location Plan
		Client	Chatsworth Settlement Trustees
		Date	June 2015
	www.accessecology.co.uk	Ref	[0745]AppA1[SB]loc

Pond 1 – Visit 1 - 7th and 8th May 2015

	Bottle trapping			Torching			Netting			Highest count	Egg Present
	Male	Female	Juvenile	Male	Female	Unknown	Male	Female	Juvenile		
GCN											N
Smooth Newt											N
Palmate Newt	5	20								25	N
Common frog											
Common Toad											
Other											

Shelduck and Moorhen observed in pond but not much emergent vegetation for nesting. Swallows foraging over water at dusk and 2 bats observed foraging over it when torching. Pond is in an intensively managed pasture - pasture goes right up to edges. Some good water quality indicators found e.g. dragonfly larvae, diving beetles, water boatman and back swimmers

Pond 1 – Visit 2 – 16th and 17th May 2015

	Bottle trapping			Torching			Netting			Highest count	Egg Present
	Male	Female	Juvenile	Male	Female	Unknown	Male	Female	Juvenile		
GCN											N
Smooth Newt											N
Palmate Newt		2								2	Y
Common frog											
Common Toad											
Other											
Lots of toad and frog tadpoles. Great diving beetle, water boatman, damsel and dragon fly larvae.											

Pond 1 – Visit 3 – 19th and 20th May 2015

	Bottle trapping			Torching			Netting			Highest count	Egg Present
	Male	Female	Juvenile	Male	Female	Unknown	Male	Female	Juvenile		
GCN											N
Smooth Newt											N
Palmate Newt	2	6								8	Y
Common frog											
Common Toad											
Other											

Same as visits 1 and 2 - no new observations.

Pond 1 – Visit 4 – 27th and 28th May 2015

	Bottle trapping			Torching			Netting			Highest count	Egg Present
	Male	Female	Juvenile	Male	Female	Unknown	Male	Female	Juvenile		
GCN										0	N
Smooth Newt										0	N
Palmate Newt	5	3								8	Y
Common frog											
Common Toad											
Other											
Dragonfly Larvae, Diving Beetle											

APPENDIX B

Louisa Molloy

From: Louisa Molloy
Sent: 01 May 2015 13:27
To: martin.dobson@lafargetarmac.com
Subject: Request for Access to Skipton Rock Quarry to Undertake Ecological Surveys on Some Waterbodies
Attachments: Quarry Waterbodies.pdf
Importance: High

Hello Martin,

I have been given your email address by your colleague at Skipton Rock Quarry to contact you regarding gaining access to conduct ecological surveys on some of the waterbodies at Skipton Rock Quarry.

We are an Ecological Consultancy and have been appointed by the Chatsworth Estate at Bolton Abbey to undertake surveys for great crested newts on some waterbodies on their land. As part of this study, we ideally need to survey all waterbodies within 500m of the land, which takes in two waterbodies within the boundary of Skipton Rock Quarry that I have highlighted on the attached plan.

We would need access to these waterbodies on at least 4 (possibly 6) occasions between now and mid-June and each visit would involve myself and a colleague setting up survey equipment in the pond just before dusk, returning at dark to survey the ponds with high powered torches (if suitable), and then returning early the following morning (around 7am) to retrieve our survey equipment. This will be repeated on each occasion.

The lady I spoke to at Skipton Rock who referred me to you advised that we would probably have to conduct the surveys during the week when the site was open. Although, if it's ok with you I'm more than happy to do this at the weekends if that is any easier for you. We've surveyed in and around active quarries before so understand they can be hazardous places and so we always conduct a thorough risk assessment prior to beginning work and always work in pairs and obviously adhere to site rules.

I was hoping to begin the surveys this weekend as we've only just been appointed for the works and have a very limited timeframe in which to undertake them. However, I appreciate that this is very short notice and if access is a possibility, I would be very grateful to speak with you at your earliest convenience to discuss how best to organise this. You can either email me, or my mobile number is 07923 334190.

Kind regards,

Louisa

Louisa Molloy B.Sc. Grad CIEEM
Ecologist

tel: 0114 258 7819
mob: 07923 334190
web: www.accessecology.co.uk

The logo for Access Ecology, featuring the word "access" in a lowercase, sans-serif font and "Ecology" in a larger, bold, uppercase, sans-serif font, both in a light beige color against a dark brown background. A small white triangle points upwards from the bottom center of the logo.

Access Ecology Ltd

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