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GREAT CRESTED NEWT METHOD STATEMENT

At

F Lloyd (Penley) Ltd – Extension X

Bridge Road

Wrexham Industrial Estate

Wrexham

LL13 9SQ

NGR: SJ 37679 48617

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1 INTRODUCTION

1.1 Author and qualifications

This report is written and compiled by Ysobella Cox BSc MBiol, Graduate Ecologist for United Environmental Services Ltd (UES).

The report has been verified by Mark Halliwell MBiol, UES Senior Ecologist. Mark is licensed by Natural England to disturb, take and handle great crested newts under licence number 2021-53200-CLS-CLS (CL08) and is registered as an accredited agent under the licence of Toby Hart, BSc MCIEEM PIEMA, UES Managing Director. Toby is licensed by Natural Resources Wales to disturb, take and handle great crested newts under licence number S086784/1.

1.2 Proposed development and previous survey information

A planning application has been submitted to Wrexham County Borough Council which is currently pending decision (reference: P/2023/0388). The application is for:

“Erection of warehouse extension and loading bay canopy”.

The proposed development boundary of Extension X has an area of approximately 1.17ha and is located at F Lloyd (Penley) Ltd. in Wrexham Industrial Estate. A preliminary ecological survey was conducted by UES on 26th May 2022. The development boundary for Extension X is mainly restricted to existing areas of sealed hardstanding, warehouse units and amenity grassland which are of negligible suitability to support GCN. However, there is a spoil mound located along the southeastern boundary of the site which is suitable sheltering habitat for amphibians. Based on aerial imagery and a previous walkover survey conducted by UES, this spoil mound was deposited between July 2021 and May 2022.

There are no mapped ponds within 250m of the site, but there are six ponds within 500m (see Appendix 1 – Pond Plan). In addition, there are records of great crested newt associated with unmapped ponds within a mitigation site that is adjacent to the northeastern site boundary of Extension X. This adjacent mitigation site is being monitored by the Amphibian and Reptile Conservation (ARC) Trust and there are over a dozen record points reporting summaries of GCN survey data that were returned as part of a records search undertaken through COFNOD in April 2023. The record search data suggests that a medium population of GCN is present within the mitigation area, although it is not clear from the records search to what extent this population is spread throughout the mitigation area.

The following rapid risk assessment tool has been developed by Natural England in order to establish whether it is necessary to apply for a licence. The below assumes that all ponds within the area are GCN breeding ponds. It has also been assumed that each record point returned through the COFNOD data search represents a breeding pond. Whilst the application boundary area is approximately 1.17ha, the below is based on habitat that has potential to support great crested newt, and therefore excludes existing warehouse buildings and hardstanding roads. This area has been calculated as 0.47ha. The below risk assessment does not take into account any mitigation measures that might be implemented to protect amphibians.

Component		
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	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.1 – 0.5 ha lost or damaged	0.5
Land 100-250m from any breeding pond(s)	0.1 – 0.5 ha lost or damaged	0.1
Land >250m from any breeding pond(s)	0.1 – 0.5 ha lost or damaged	0
Individual great crested newts	Killing or injuring newts	0.8
Maximum:		0.8
Rapid risk assessment result:		RED: OFFENCE HIGHLY LIKELY

"Red: offence highly likely" indicates that the development activities are of such a type, scale and location that an offence is highly likely. In this case, you should attempt to re-design the development location, layout, timing, methods or duration in order to avoid impacts (see **Non-licensed avoidance measures tool**), and re-run the risk assessment. You may also wish to run a site-specific risk assessment to check that this is a valid conclusion. If you cannot avoid the offences, then a licence should be applied for.

The key components of the risk assessment contributing to the result of 'Red: offence highly likely' are the size of the development area, the proximity of the working area from the nearest GCN breeding ponds, and the potential to directly harm great crested newts. The potential to harm great crested newts has been considered due to the spoil mound, which is located adjacent to the known GCN mitigation area, that provides suitable terrestrial and sheltering habitat for GCN.

The development proposals are for a warehouse extension and loading bay canopy. An ecological compensation area has yet to be designated. However, the compensation area should be located within close proximity of the development boundary, and should seek to replicate the suitable GCN habitat that is being lost as part of the development proposals, both qualitatively and quantitatively.

As GCNs are known to be present within close proximity to the site, a European protected species (EPS) mitigation licence will need to be granted by Natural Resources Wales to allow the works to commence. This EPS licence can only be granted once planning permission has been secured and will need to be in place prior to the start of any works on site. Natural Resources Wales aim to process licence applications within 30 working days.

1.3 Report objectives and structure

This document sets out all of the necessary procedures and mitigation measures to avoid impacts on GCNs and other common amphibians during the works on site and to avoid any potential breaches of protected species legislation. This report should be read in conjunction with appendices 1 – 3.



2 IMPACT ASSESSMENT

2.1 Impacts without mitigation

There are no mapped ponds within 250m of the site, but there are six ponds within 500m. In addition, there is a mitigation site that is adjacent to the northeastern site boundary of Extension X which contains records of GCN. This adjacent mitigation site is being monitored by the Amphibian and Reptile Conservation (ARC) Trust and there are over a dozen record points reporting summaries of GCN survey data that were returned as part of a records search undertaken through COFNOD in April 2023. The survey data suggests that a medium population of GCN is present within the mitigation area, although it is not clear from the records search to what extent this population is spread throughout the mitigation area.

The development proposals are for a warehouse extension and loading bay canopy. No ponds will be removed as part of the proposed development. However, the site is in close proximity to a mitigation site and there is a spoil mound along the eastern boundary which provides sheltering opportunities for amphibians. The rest of the development boundary contains habitats of low (closely-cropped amenity grassland) or negligible (buildings and hardstanding) suitability to support great crested newts.

Without mitigation, the development could have the following impacts on GCNs and their associated habitats:

- Killing or direct harm
- Disturbance
- Loss of terrestrial habitat
- Loss of aquatic habitat, including breeding habitat

2.2 European Protect Species mitigation licence

Due to the anticipated impacts on GCNs without mitigation, works will need to proceed under the mitigation and compensation measures detailed in Sections 3 and 4 of this report. Works will not commence until an EPS mitigation licence has been obtained from Natural Resources Wales.

The information provided below will be used by Natural Resources Wales to determine whether the proposed activity affecting the European protected species meets the requirements of Regulations 55(2)(e), 55(9)(a) and 55(9)(b) within The Conservation of Habitats and Species Regulations 2017. These are known as the 'purpose', 'no satisfactory alternatives' and 'favourable conservation status' tests.

2.2.1 Consideration of Regulation 55(2)(e): The 'Purpose' Test

Regulation 55(2)(e) "in the interests of preserving public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

The development is proposed in part for reasons of overriding public interest and for socio-economic reasons. However, the proposed development will also indirectly benefit the local community, for example bringing work and custom to local tradesmen, shops and restaurants / cafes, both in the construction and operational phases of the development.



2.2.2 Consideration of Regulation 55(9)(a): The ‘No Satisfactory Alternative’ Test

Regulation 55(9)(a) “that there is no satisfactory alternative.”

With the exception of the spoil mound on site, which may provide suitable sheltering habitat for great crested newts, the development proposals will only impact poor quality habitat within an existing industrial estate. There are no other alternative designs that achieve the need of the development (extension of warehouse unit) whilst reducing the impact of the development on GCN. There are no other areas within the ownership boundary that are suitable to support an extension whilst still facilitating the ongoing activities of the active warehousing and logistics company.

2.2.3 Consideration of Regulation 55(9)(b): The ‘Favourable Conservation Status’ Test

Regulation 55(9)(b) “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

At present, a compensation/ receptor area has not been designated. Whilst the mitigation measures detailed in this document will ensure that GCN are safeguarded throughout the development, additional habitat creation and enhancement will need to be undertaken as part of the proposals. The compensation strategy should seek to recreate the suitable habitat that will be destroyed by the proposals both quantitatively (minimum of 0.47ha of suitable habitat is being lost) and qualitatively (it should seek to provide suitable terrestrial sheltering and foraging habitat).

The habitat that will be lost is adjacent to a designated GCN mitigation site and a working warehousing company. A small area of suitable habitat will be lost on the fringe of this GCN mitigation site, and so there will be no fragmentation or isolation as a result of the proposed development. The movement of GCNs within the local area will not be detrimentally affected.



3 MITIGATION MEASURES

As GCNs are known to be present within close proximity to the site, an EPS mitigation licence will need to be granted by Natural Resources Wales to allow the works to commence. This EPS licence can only be granted once planning permission has been secured and will need to be in place prior to the start of any works onsite. Natural Resources Wales aim to process licence applications within 30 working days.

Fencing and pitfall traps

As part of a licence, the proposed working area will need to be surrounded by amphibian fencing prior to the start of any works on site and the fencing will be maintained throughout the development. This fencing is designed to reduce the likelihood of amphibians from entering the construction area during the development, particularly from the offsite adjacent GCN mitigation area.

In addition to the amphibian fencing that will run along the boundary of the site, temporary amphibian fencing will be required to remove any GCN from suitable habitat within the development boundary. This will primarily encapsulate the spoil mound within the development boundary and the immediate surrounding amenity grassland. Minimal vegetation clearance will be required to facilitate the fence installation, which will only be undertaken once the EPS has been granted and will be undertaken under the supervision of a licenced ecologist who will perform a pre-commencement fingertip search and a destructive search of any potential refugia. Pitfall traps will be installed at a rate of one per 5-10m along the interior of all perimeter fencing. In addition, carpet tile refugia will also be installed adjacent to pitfall traps to further increase the capture rate.

The pitfall traps will be open for a minimum of 30 night but trapping will occur until at least 5 consecutive days without capture of great crested newts have taken place. A trapping day will only be considered valid where temperatures and weather conditions are suitable for GCN trapping (i.e. above 5°C and without frost, but where daytime temperatures do not exceed 25°C). Trapping will only be undertaken when newts are active and will not be undertaken when newts are potentially hibernating and will be avoided during mid-November –mid-February inclusive. The traps will be checked daily by a suitably licensed and experienced ecologist.

A suitable receptor area has not yet been identified within the ownership boundary of the applicant, but it is possible that GCN may be released into the adjacent GCN mitigation area with permission from the landowner and as stipulated by a European Protected Species Licence.

Pre-commencement mitigation

Following the completion of the trapping and translocation period, but prior to any vehicle or plant access, or the commencement of any works on the site, a toolbox talk will be given to all staff and contractors. The talk will include species identification, ecology and legal protection of UK amphibians. Site staff and contractors will be instructed not to interfere or access the ecological compensation area or the retained habitats, unless with the permission of the site manager or ecologist, or to undertake habitat enhancement works as previously approved.

Additionally, a final destructive search of any features which could shelter GCNs, including the spoil mound along the southeastern boundary, will be undertaken by a suitably licenced ecologist to ensure that no amphibians are present within the fenced area. The spoil mound



will then be removed following the fingertip search under the supervision of a suitably licenced ecologist. If any amphibians are found at this time, they will be moved to the designated GCN receptor area.

The permanent amphibian fencing at the perimeter of the site will be left in place until the works on site are complete, and it will be checked daily by the site manager, with monthly checks by the project ecologist. If any amphibians are found within the construction area during the works, they will be moved to the GCN receptor site within the ecological compensation area.

Operational phase of the development

No operational impacts are envisaged since the development proposals are minimal in size and scale and will not impact the current and ongoing operations of within the ownership boundary.

No additional gully pots are to be installed under the current proposals. However, in order to reduce the impacts on GCN and other amphibians into the long-term future of the site, amphibian ladders will be retrofitted to existing gully pots on site. These will provide a means of escape for great crested newts and other amphibians that may access the site and become trapped. The exact location of the amphibians ladders are to be confirmed in an EPS mitigation licence application and will therefore be agreed with Natural Resources Wales.

The above measures will also ensure the protection of all common amphibian species using the site.

4 COMPENSATION MEASURES

The majority of the site comprises hardstanding, a commercial building and amenity lawn which provide low-quality habitat for GCN. Due to the close proximity of the proposed development site to a mitigation area along the northeastern boundary and the presence of a spoil mound along the southeastern boundary, the proposed development may result in the loss of areas of suitable foraging, commuting and sheltering habitat for great crested newts.

The measures set out below detail how this loss will be compensated for so that GCNs are provided with long-term terrestrial habitat which fulfil their requirements.

4.1 Habitat creation

At present, a suitable receptor area and compensation site has not yet been identified. The compensation strategy should seek to recreate the suitable habitat that will be destroyed by the proposals both quantitatively (minimum of 0.47ha of suitable habitat is being lost) and qualitatively (it should seek to provide suitable terrestrial sheltering and foraging habitat). This is to provide a like-for-like replacement in terms of the quality and quantity of suitable habitat that will be impacted as part of the proposed development.

The compensation area will be subject to habitat creation and enhancement works, to target habitats suitable for GCN to provide long-term terrestrial habitat which fulfils their requirements. This may include the creation or planting of wildflower grassland and hedgerows, and/or the creation of amphibian hibernacula (see below) to provide high-quality terrestrial habitat for GCNs and other amphibians.

Full details of the proposed habitat creation and management will need to be detailed at a later date, which can be secured through a suitability worded planning condition. The habitat creation and compensation measures will also form part of the EPS mitigation licence application and will therefore be agreed with Natural Resources Wales.

This GCN method statement should be updated once a compensation area has been identified to detail the proposed habitat creation and enhancement works.

4.2 Hibernacula

In addition to creating suitable foraging habitat for GCNs, amphibian hibernacula will be created within the ecological compensation area.

They will be created by excavating pits in the ground (500mm depth, 2000mm length, and 1000mm width). Ideally, these pits will then be filled using materials already present on site, including brash, cut timber / logs and brick / rock hard-core, or the materials can be sourced from elsewhere if necessary. The pits will be piled up to a height of approximately 1000mm above ground level. Hibernacula will then be loosely capped with topsoil and turfed over, ensuring that access is still available through to the lower layers at the margins. These works will need to take place during the winter when amphibians are hibernating, or under ecological supervision.

The following diagram provides a visual representation of the hibernacula, with the only additional requirement to the diagram being that a pit is first excavated.

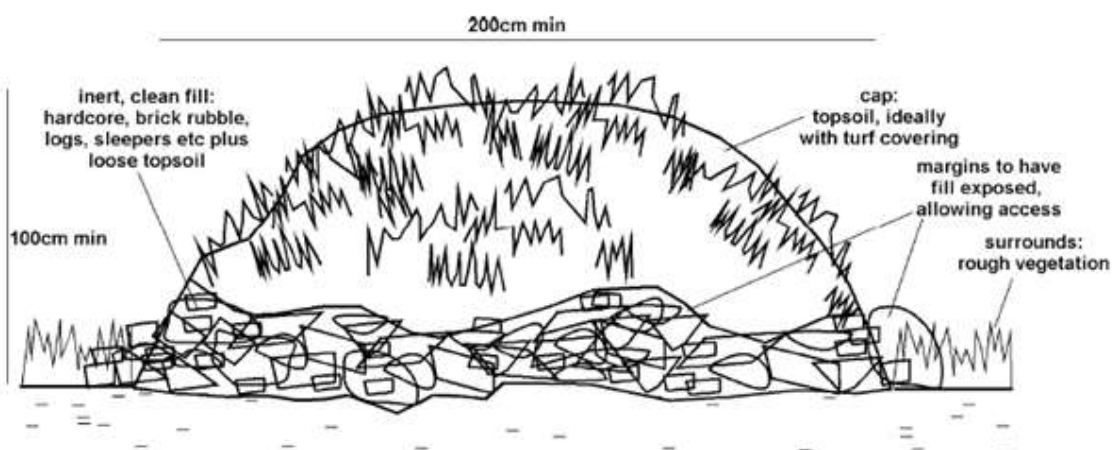


Figure 1 – Hibernacula design.



5 MONITORING AND MANAGEMENT

A detailed habitat creation and management plan is not yet available as a receptor/compensation site has not yet been agreed.

Full details of the proposed habitat management can be detailed within a LEMP, which can be secured through a suitability worded planning condition. The habitat creation, enhancement and management outlined in the LEMP will also form part of the EPS mitigation licence application and will therefore be agreed with NRW.

The responsibility for the initial habitat creation works lies with the landowner and the contractors appointed to carry out those works at the time of the development. They will be responsible for ensuring that the habitat creation works are carried out in accordance with the LEMP and GCN EPS mitigation licence issued by NRW.

An ecological monitoring review will be undertaken in the third year following initial habitat creation, to allow for a review of the ongoing management plan and to allow for remedial changes to the management plan to be implemented based on an informed assessment of the conditions on site. This ecological monitoring will involve a walkover and detailed botanical survey by a suitably experienced ecologist. Information recorded during the walkover survey will be submitted to the local records centre and can be provided to the LPA upon request.



6 CONCLUSION

GCNs are present within the surrounding area of the proposed development at F Lloyd (Penley) Ltd., Wrexham Industrial Estate. Based on the results of a records search undertaken through COFNOD in April 2023, the mitigation area to the northeast of the proposed development site supports at least a medium population of GCN. In addition, the spoil mound located along the southeastern boundary provides sheltering opportunities for GCN.

The measures detailed in this document will help to reduce the risk of harm to GCNs and other amphibians to negligible levels. They ensure that site staff have the knowledge and processes required to avoid breaches of legislation, and that suitable amphibian habitat is in place for the long-term future. No works will take place until an EPS mitigation licence is obtained from Natural Resources Wales.

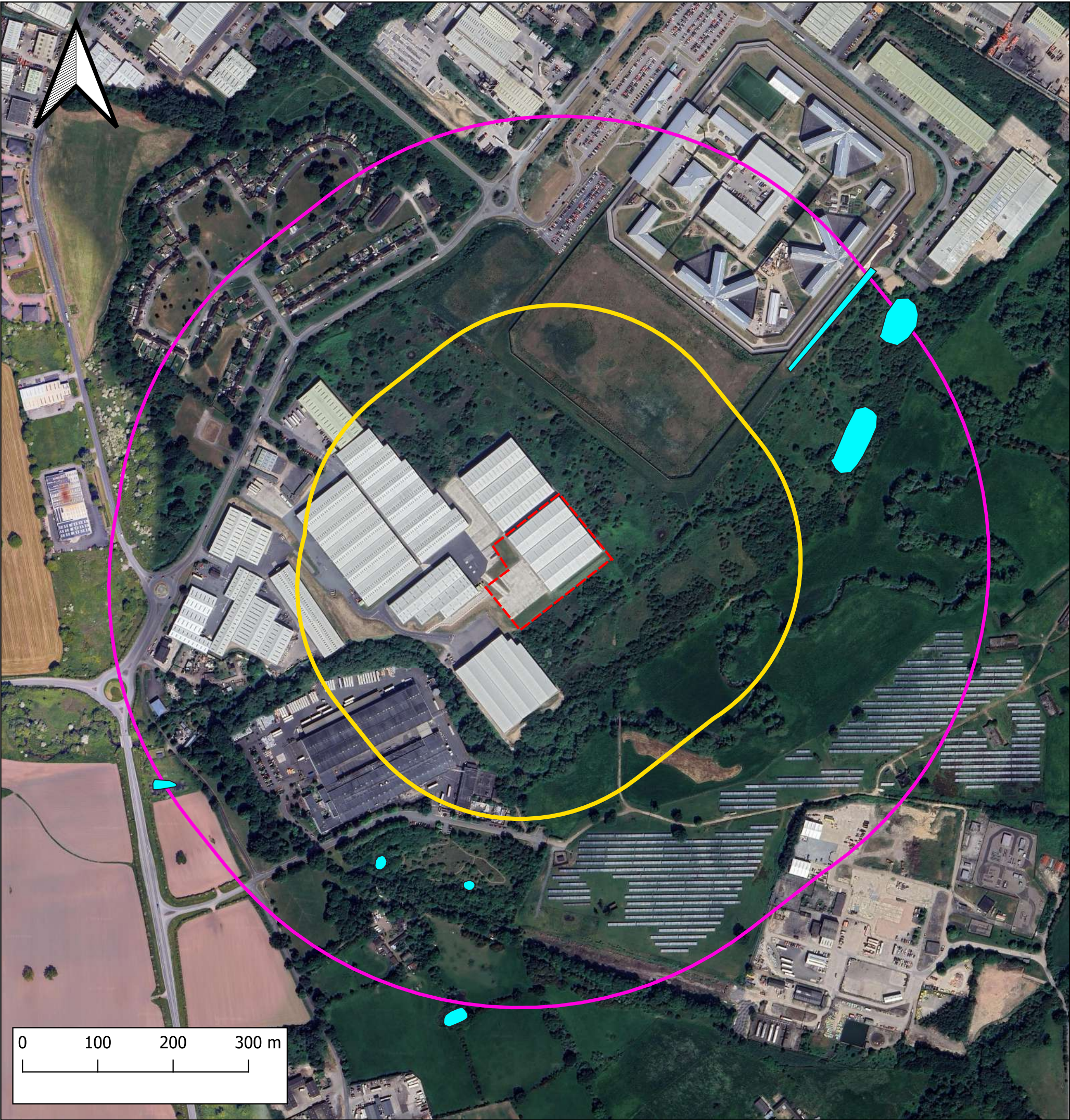
There will be no fragmentation, isolation or long-term impacts on amphibians in the local areas a result of the proposed development.

This document should be reviewed and updated once further details are known in relation to the location of a suitable receptor site, and the creation and management of compensatory habitat that will recreate those lost as part of the development proposals. These measures will also form part of the EPS mitigation licence application and will therefore be agreed with NRW.



APPENDICES

Appendix 1 – Pond plan



Pond Plan

Site: F Lloyd (Penley) Ltd,
Wrexham
NGR: SJ 37614 48551
Author: Kathryn James
Date: 04.04.24



KEY:

-  Ponds
-  Survey Boundary
-  250m Buffer
-  500m Buffer

THIS PLAN IS BASED UPON MAP DATA © 2024 GOOGLE IMAGERY © 2024
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Appendix 2 – Amphibian fencing plan



**F Lloyd (Penley) Ltd. , Wrexham
Industrial Estate**

Extension X

Appendix 2 – GCN Fence Plan

-  Development boundary
-  Proposed temporary GCN fencing
-  Proposed permanent GCN fencing

GCN to be trapped from area that currently provides suitable terrestrial habitat (primarily a spoil mound) and is adjacent to the offsite GCN mitigation area.

Temporary GCN fencing (blue dotted line) will be removed after the trapping period has been completed, whilst the permanent GCN fencing (solid yellow line) will remain in situ along the site boundary to act as a barrier to movement for GCN and dissuade them from re-entering the development boundary.



Appendix 3 – Statutory and planning context

STATUTORY AND PLANNING CONTEXT

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Habitats

Section 7 of the Environment Act (Wales) places a duty on Welsh Ministers to publish, review and revise lists of types of habitats and species in Wales which they consider are of key significance to sustain and improve biodiversity. The Welsh Ministers must also take all reasonable steps to maintain and enhance the habitats published in these lists, and encourage others to take such steps.

Amphibians

Great crested newts

Great crested newts (GCN) *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
 - their ability to survive, breed, reproduce, rear or nurture their young
 - their ability to hibernate or migrate
 - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 7 of the Environment (Wales) Act 2016.

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural Resources Wales (NRW) team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by NRW is required for the legal implementation of a mitigation scheme.

An NRW mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad *Bufo calamita* and pool frog *Pelophylax lessonae* are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

Natterjack and common toad are also listed under Section 7 of the Environment (Wales) Act 2016.

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

Planning Policy

National planning guidance is issued in the form of Planning Policy Wales (PPW - 2018). The most relevant sections are included in Chapter 6: Distinctive and Natural Places. This chapter details the policies on issues such as the protection of trees, woodlands, species, and designated sites. The document is free and available to view online