

Ecology Technical Note



Kingdom Ecology

7 Speke Road, Woolton
Liverpool, L25 8QA



077 998 44249

enquiries@kingdomecology.com

www.kingdomecology.com

Company No 07524016

Report Ref.	KE24/305/01
Planning Ref.	P/2019/0835
Date	21 st March 2024
Author	Richard Roe MCIEEM CEnv

Land at Tupa, Penley Hall Drive, Penley, Wrexham

Planning Condition 7- Great Crested Newt RAMS

1. Introduction

Outline planning permission has been granted for 9 dwellings on land at Tupa, part of the former Polish hospital/WWII hospital site, located on Penley Hall Drive, Penley, Wrexham (Planning Reference P/2019/0835).

Great crested newt have been recorded within ponds adjacent to the site including within two ponds located approximately 100m to the north-east of the site boundary.

Planning condition 7 of the above permission states that:

No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

a. Details of a tool box talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project;

b. Details of an artificial amphibian hibernacula to be constructed adjacent to the site (Details of the design can be found in great crested newt mitigation guidelines - August 2001);

c. Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed

great crested newt handler) made of any potential great crested newt habitat (such as rubble piles or sheet materials that are on the site) on the site. Any amphibians found should be relocated to the artificial hibernacula;

d. Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery.

e. Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.

The development shall be carried out in strict accordance with the RAMs as are approved.

To address this planning condition, an appropriate Great Crested Newt Method Statement for the site has been devised (see below) by Richard Roe (BSc, MSc, MCIEEM, CEnv). Richard has over 20 years' experience as a professional ecologist and is a licensed great crested newt worker.

2. Status of Great Crested Newt and European Protected Species Licensing Implications

During the planning application, the presence of great crested newt was identified within ponds adjacent to the site including within two ponds located approximately 100m to the north-east of the site boundary.

Torch counts of ponds were carried out in 2019, with counts identifying a likely medium-sized population breeding within the nearby ponds. Given the proximity of the ponds to the development site, it was concluded that great crested newt are likely to also be present within the proposed development area.

The great crested newt receives full protection under the Wildlife and Countryside Act 1981 (as amended) and through their inclusion in Schedule II of the Habitats Regulations 2010. This legislation makes it an offence to:

- intentionally kill, injure or take a great crested newt;
- disturb a great crested newt;
- intentionally or recklessly damage, destroy, obstruct access to a breeding site or resting place of a great crested newt;

Consequently, any works to develop the site could result in a breach of this legislation and would therefore need to be undertaken under a European Protected Species Licence as issued by Natural Resources Wales (NRW).

As a requirement of the licence application process, it may be necessary to undertake update surveys of the nearby ponds during the peak great crested newt breeding season (March-June inclusive, with the majority of the surveys undertaken between mid-April and mid-May). The requirement and scope for any additional surveys would need to be first agreed with NRW.

As part of the planning application, a mitigation strategy was agreed with Matt Ellis, a Senior Species Adviser at NRW. This strategy can be found in full within section 10.2 of the '*Addendum Report - Extended Phase One Survey and Ecological Impact Assessment for land to the south of Tupa, Penley, Wrexham*' as produced by Tim Hodnett of EDC in July 2019).

In summary, this mitigation includes the requirement to provide terrestrial and aquatic great crested newt habitat adjacent to the site which will be retained and managed in perpetuity. In addition, the mitigation strategy will require that the proposed development area and mitigation area are fenced with temporary amphibian fencing and are trapped out for an appropriate number of days as specified within the European Protected Species Derogation License which will be acquired for the site.

Planning condition 9 of the associated decision notice requires the implementation of a species/habitat conservation plan. Details of habitat mitigation measures are included within the associated document which has been produced to discharge planning condition 9.

This document includes specific Reasonable Avoidance Measures which have been identified and must be implemented as part of Planning Condition 8 only. It is envisaged that these Reasonable Avoidance Measures would need to be followed during construction works. However, construction would not be able to commence until the European Protected Species derogation license has been obtained and the site trapped-out to move great crested newt from the proposed works areas. Detail on the specifications and extent of temporary amphibian fencing, pitfall traps, trapping duration and proposed trapping dates will be contained within the NRW European Protected Species Licence.

3. Method Statement of Reasonable Avoidance Measures (Toolbox talk and Newt Hibernacula)

Requirement (a)- Details of a tool box talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project

an appropriate Toolbox talk has been produced and is provided in the Appendix. The Toolbox Talk covers the legal status of great crested newt, identification, ecology and the methods of working. This Toolbox talk must be provided to all construction workers when attending site as part of the site induction process.

Requirement (b)- Details of an artificial amphibian hibernacula to be constructed adjacent to the site (Details of the design can be found in great crested newt mitigation guidelines - August 2001)

As part of mitigation measures agreed with NRW and as described within the previous ecology reports the site (*'Addendum Report - Extended Phase One Survey and Ecological Impact Assessment for land to the south of Tupa, Penley, Wrexham'* as produced by Tim Hodnett of EDC in July 2019), four great crested newt hibernacula are to be provided within the mitigation area located to the east of the development site.

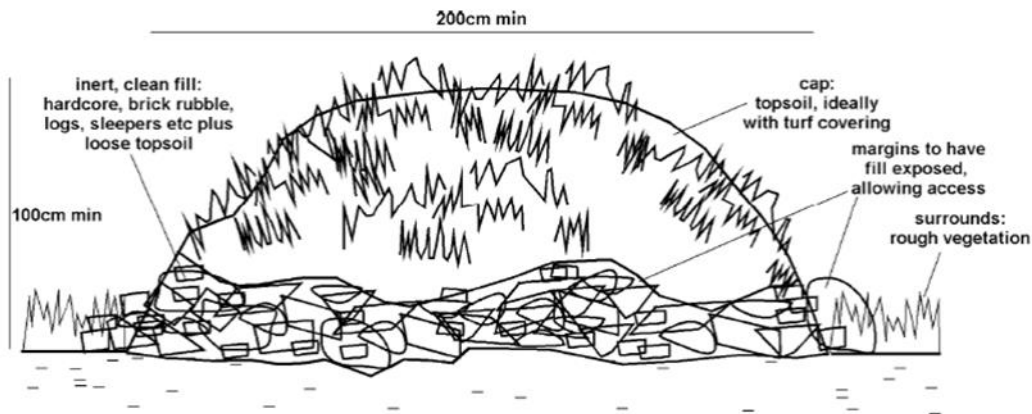
The design for each hibernaculum should be as follows. Each hibernacula will measure approximately 2 m length x 1 m width by 1 m in height. The hibernacula will be constructed within a shallow depression (approximately 400 mm in depth). The base layer of the hibernacula will comprise of clean fill comprising of brick rubble, logs, sleepers, hard-core etc with loose topsoil. The base layer will be left exposed at ground level and to a height of up approximately 200 mm above ground level, to allow amphibians to crawl into exposed crevices. This layer of fill will extend to approximately 600 mm in height. The top of the hibernacula will be capped with an approximate 300 mm of topsoil and capped with a layer of turf.

The hibernacula will be constructed in advance of site clearance within the proposed ecology mitigation area. The hibernacula will provide a receptor site for any amphibians encountered during site clearance works.

Design for the hibernaculum shown below (design taken from English Nature's Great Crested Newt Mitigation Guidelines - August 2001).

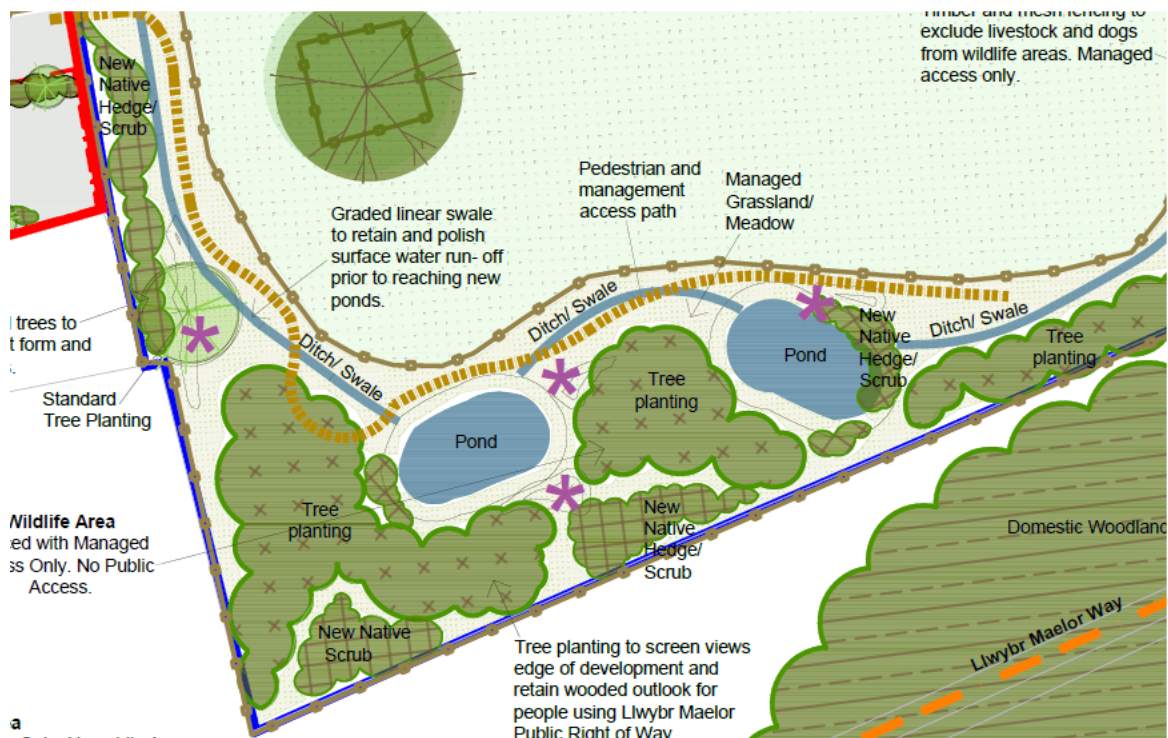
Figure 3: Suggested hibernaculum design

This design mimics artificial and natural conditions in which great crested newts have frequently been found over-wintering. Dimensions should not be below 2m length x 1m width x 1m height. The illustrated design would be suitable for locating on an impermeable substrate. On free-draining substrates, the design is largely similar but the bulk of the fill is sited in an excavated depression in the ground. Hibernacula should ideally be positioned across a site, both close to and distant from breeding ponds, always in suitable terrestrial habitat and above the flood-line.



Recommended locations for the hibernacula within the proposed ecology mitigation area are shown below as purple asterisk below.

Hibernacula Locations



4. Great Crested Newt Reasonable Avoidance Measures during Construction

Requirement (c). Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) made of any potential great crested newt habitat (such as rubble piles or sheet materials that are on the site) on the site. Any amphibians found should be relocated to the artificial hibernacula.

As described previously, the site will initially be cleared of great crested newt following methodologies as identified within the relevant European Protected Species Licence for the site.

Once the required trapping period has been completed, and prior to the start of site clearance, a walkover survey of the site will be undertaken by the named ecologist on the licence.

A hand search will first be carried out of any potential great crested newt refuges or suitable habitat features. Hand searches are ineffective on large expanses of habitat and are suited to searching of discrete habitat features, such as log piles, discarded sheeting/boarding, flag stones etc.

A destructive search will also be carried out of relevant features in association with the hand search. The hand search and destructive search would be carried out by the named ecologist and the EPS licence. The destructive search will involve the dismantling of suitable habitat features such as hedgerows, rubble piles et cetera with ongoing supervision by the licensed newt worker to check for animals whilst works progress.

The hand and destructive searches can be carried out throughout the active newt season, providing weather conditions are suitable (e.g. not during very hot, dry weather). The active season runs from mid-March to mid-October inclusive.

Requirements (d). Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery.

Where bulk materials are delivered to site, they will be used within the date of delivery. Otherwise, any construction materials would be stored on areas of hardstanding or would be raised off the ground on pallets (unless the area has been cleared of newts and temporary amphibian fencing prevents further access by amphibians).

Requirements (e). Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.

Any excavations will be backfilled or will be covered overnight with plyboard and the edges will be sealed with sand or soil. Where any trenches or excavations must be left open, they will be fitted with ramps or excavated to have battered sides so that any amphibians or other wildlife can escape.

All excavations will be inspected each morning for any amphibians. Where any newts or other amphibians are identified within trenches, the named ecologist on the licence will be contacted and any amphibians will be moved to the artificial hibernacula.

Excavations and working areas must be managed so as not to create temporary waterbodies which may attract newts onto site.

All exposed new pipework and drains should be capped at night so as to avoid trapping amphibians.

Scaffold footings should be placed on sand to prevent newts taking temporary refuge underneath the footings.