

28th January 2025

ECOLOGICAL MITIGATION STRATEGY LETTER STATEMENT

BERSHAM COLLIERY – PHASE 1

- 1.1.1. Collington Winter Environmental Ltd were commissioned by Bersham (Glenside) Ltd to undertake an Ecological Mitigation Strategy for the development at Bersham Colliery, Rhostyllen, Wrexham, LL14 4DR. This letter has been prepared to aid in discharging Condition 16 of a decision notice relating to the reclamation of colliery spoil together with associated works including the siting of temporary structures and the installation of rail freight sidings at Bersham bank Colliery tip. Consultation has been undertaken between Olivia Collington, Managing Director at Collington Winter Environmental Ltd, and Emma Broad, Ecology and Biodiversity Officer at Wrexham County Borough Council. The result of the consultation was to provide an Ecological Mitigation Strategy which details the provision of Ecological Supervision during works to Phase 1
- 1.1.2. The author of this letter is Caitlin O'Connor, Consultant Ecologist at Collington Winter and the report is being overseen by Olivia Collington BSc (Hons), MEnvSc, CEnv Director at Collington Winter Environmental Ltd. Olivia is highly experienced managing schemes and has produced many ecological reports to inform planning management plans.
- 1.1.3. This letter has been written to aid in discharging Condition 16 of the decision notice which states: *"Notwithstanding previous surveys, prior to the commencement of each phase of development, a comprehensive ecological survey shall be undertaken. The report of the survey, including details of any mitigation measures required, shall be submitted to and approved in writing by the Minerals Planning Authority before that phase of development is commenced. Any mitigation measures required shall be carried out as approved"*.
- 1.1.4. A Preliminary Ecological Appraisal (PEA) was completed by SEED Arboriculture in 2023 (Updated 2024; Ref: 1650-PEA-V1-B) which formed the comprehensive ecological assessment. The survey found Phase 1A of the development to comprise bare ground and self-set broadleaved woodland and scrub forming a small section of the disused Bersham Colliery. Please see Figure 1 for the Phase 1A site boundary.



Figure 1 – Phase 1A Site Boundary

- 1.1.5. The PEA found the site to provide value for a range of fauna species including amphibians, bats, birds, reptiles, invertebrates, and other terrestrial mammals. Mitigation measures have been outlined to protect other species which may be present in the wider site such as great crested newt, common amphibians, badgers, birds, and reptiles during all phases of extraction.
- 1.1.6. As the proposed working area for Phase 1A was deemed relatively small, reasonable avoidance measures are appropriate in place of further surveys, assuming low presence of all faunas. Please see Figure 2 for the proposed working area for Phase 1A.

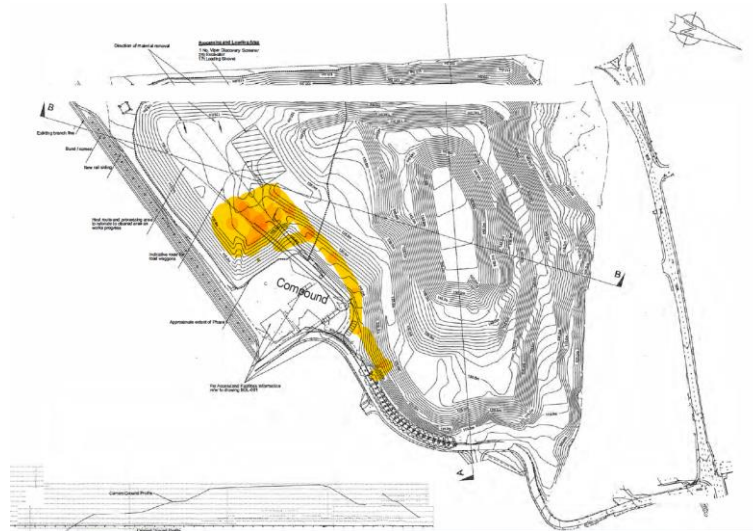


Figure 2 – Proposed Working Area for Phase 1A

MITIGATION MEASURES

- 1.1.7. All operations on site will be the overarching responsibility of the site manager. The project ecologist will consult with the site manager to ensure that all site staff are appropriately inducted to the site and are aware of their legal responsibilities regarding wildlife legislation. Updates, regarding ecology, between the project ecologist and site manager are to be completed every quarter year where applicable.
- 1.1.8. The project ecologist will ensure that the site manager is aware of all working methods relevant for each phase of works. It will be the site manager's responsibility to ensure all site contractors are aware and competent to undertake these works.
- 1.1.9. The Ecological Clerk of Works (ECoW) will supervise the following mitigation measures. All works will be recorded within a site diary which will be reviewed periodically by the project ecologist. Any issues will be reported immediately to the project ecologist, and where necessary works may be paused to explore alternative methods.

Amphibians

- 1.1.10. It is recommended that the following Reasonable Avoidance Measures (RAMs) must be adhered to in order to minimise the risk of injuring or killing amphibians on site.
- 1.1.11. The following RAMs are to be undertaken under the supervision of a licenced great crested newt ecologist. Pre-commencement works are as follows:
- All site contractors are to be inducted through a Toolbox Talk (please see appendices) hosted by a suitably qualified ecologist on the presence of great crested newts and their legal protection. All contractors are to sign the Toolbox Talk and agree to the proposed RAMs;
 - A designated working area will be maintained to minimise total working area, which will be marked out by the ecologist (where necessary). A fence and/or sign will be situated to mark the working areas to ensure no contractors and vehicles do not enter areas which have not been checked for

great crested newts.

- Any vegetation on site to be cleared should first be trimmed to approximately 15 cm and left overnight, allowing any animals the chance to naturally disperse from site. A fingertip search of any vegetated areas should then be undertaken to check for the presence of great crested newts.
- Once the ecologist has declared all areas of potential for great crested newts have been checked, the proposed works can continue unsupervised.
- Storage of materials is to be in line with site operations procedures but must not be left in piles on site that would allow amphibians to colonise. Storage of materials is recommended on areas of hard standing or tarmac and not on vegetation.
- All working areas are to be maintained as bareground or hardstanding throughout the construction phase.
- All open pits and pipes are to be covered during the night, with a check for presence of amphibians conducted prior to covering.
- If excavations are exposed and/or created, a slope will be positioned within the excavation to allow amphibians and mammals to escape should they fall in.
- Under no circumstances should site contractors attempt to handle great crested newt.
- Ecologist to undertake a site visit upon completion of works to confirm that the works have been undertaken using the above risk avoidance measures and that habitats have been restored.
- In the unlikely chance, a great crested newt is located during the PWM's, all works must cease immediately, and Natural Resources Wales contacted for advice. No great crested newt is to be handled and the refugia is to be placed back to provide suitable cover.

1.1.12. The recommended RAMs will also protect common amphibian species such as common toad and common frog. Any common amphibians located moved carefully, by hand, to outside of the impacted area.

1.1.13. If hand searching areas is not deemed feasible due to the scale or terrain, GCN Detection Dogs can be utilised to ensure the species are absent prior to works proceeding.

Reptiles

1.1.14. It is recommended that the following RAMs are implemented:

- An experienced Ecological Clerk of Works (ECoW) shall be appointed to ensure RAM's are enforced.
- A copy of this method statement must be kept on site (we suggest having a laminated copy in the site office/ compound);.
- A walkover of the area should be undertaken by the ECoW to determine any change in status of the habitats/structures on site prior to the initiation of any works.
- A toolbox talk by the appointed ECoW will be given to the site manager and all contractors working on site with respect to the surrounding habitats and potential for protected/notable species. A copy of species factsheets relating to reptiles and breeding birds will be provided for display within the site office.
- Suitable vegetation is to be trimmed under ECoW to approximately 15cm in a northern to southern direction. It is to be checked by the ECoW following trimming to identify individuals. If discovered, they will be removed from the working area and covered. Once the areas are deemed reptile free, they are to be trimmed to ground level and maintained at this length for the remaining works.
- Any excavations will be backfilled on the same day as excavation or checked by the ECoW immediately prior to backfilling. This also considers avoiding temporary water bodies which may be attractive to amphibians. If it is not possible to backfill on the same day, a ramp, will be provided in all excavations or alternatively, all excavations should be well-covered with plywood.
- No piles of loose construction materials are to be created during works – all material will be kept on hardstanding, stored on pallets, removed immediately from the site or checked by an ECoW prior to being removed.
- In the event reptiles are discovered, works will halt immediately and the ECoW will be contacted for advice. Contractors are not to handle reptiles unless informed to do so by the ECoW.
- The precautionary destructive search work will be undertaken during the summer at a time of year when reptiles are active. The ecologist will be present during the trimming works. Any reptiles found during the destructive search will be relocated to the retained grassland to the south of the site.

Breeding Birds

1.1.15. Nesting birds are anticipated to utilise the woodland and scrub habitats.

1.1.16. Any vegetation removal (including grassland) should be undertaken outside of the breeding bird season (March to August, inclusive). If this is not possible, a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to removal. If nesting activity is observed, the nest(s) should be left in situ until the young have fledged. A suitable buffer will be maintained and determined by the ecologist.

Bats

1.1.17. The habitats on site have been assessed as having 'High' value for foraging and commuting bats due to a mosaic of unmanaged habitats attracting invertebrate prey and suitable linear commuting features connecting the site to valuable habitats in the wider area.

1.1.18. Slow-flying species such as brown long-eared bat, which are known to be in the local area and on site, are sensitive to lighting and may be impacted by the proposed development, should no mitigation for lighting be considered.

1.1.19. Any proposed lighting/existing lighting should follow the guidance outlined in the Institute for Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and BCT's "Bats and Artificial Lighting at Night" (2023).

1.1.20. An External Lighting Scheme had not been produced on the writing of this report. As such, the following recommendations are to be considered within the scheme during its condition, to minimise impacts of lighting. The recommendations are as follows:

- Keep site lighting to minimum levels.
- Luminaries should lack UV elements and preferably LED lighting with a warm white light should be used over cool white light (ideally <2700Kelvin).
- Lighting should feature peak wavelengths greater than 550nm.
- Light placement should be downward facing to prevent excess horizontal or vertical light spill.
- The use of integrated fittings such as cowls, shields, louvres and hoods, that effectively contain light spill from unintended areas.
- Avoid illuminating habitats of value (i.e. pond, hedgerows and trees).
- Use of timed security lights should be set on motion-sensors and using short, 1-minute timers, to minimise light use.
- Column heights of lighting can be considered to minimise light spill.

1.1.21. Any trees to be removed must first be subject to a Ground Level Tree Assessment (GLTA) to check for potential for roosting bats. If suitability is found, further surveys may be required through a climbed inspection.

Badgers

1.1.22. No badger setts were identified during the survey; [REDACTED]
[REDACTED] The following Precautionary Working Methods (PWMs) will be adhered to during the construction phase to ensure that no badgers are impacted by the proposed development (Badger Trust, 2023):

- A pre-commencement of work badger survey should be conducted by a suitably qualified ecologist to ensure the current badger situation is known and that the recommendations are correct.
- All site personnel should be fully briefed concerning the method statement, the presence of badgers, the mitigation measures to be followed, the relevant legislation, the penalties imposed and who to contact should they need to.
- Trees and shrubs should be felled so that they fall away from the direction of a sett and outside exclusion zones.
- Ensure excavations or trenches left overnight are covered or have an escape route such as a shallow gradient at one or both ends.
- Ensure excavations or trenches are inspected each morning and evening to ensure no badgers have become trapped.

- Open pipework with a diameter of more than 120mm should be properly covered or capped at the end of the working day to prevent badgers from entering and becoming trapped.
- During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- The storage of topsoil or other “soft” building materials within the site should be given careful consideration. Badgers will readily adopt such mounds and dig setts which would then be afforded the same protection as established setts. To avoid the adoption of such mounds, they should be subject to daily inspections before work commences or alternative measures put in place, such as being fenced off for higher-risk areas.
- Litter, tools and potentially dangerous materials on site should be cleared at the end of the working day. Care should be taken that there are no sharp metal objects or pointed protrusions on the ground which could seriously injure a badger due to their poor eyesight.
- Ensure no dogs are brought to the work site.
- Security lighting should be kept to a minimum and away from setts to avoid disturbance to any badgers on site.
- Fires should be lit only in secure compounds away from areas of badger activity and should be fully extinguished at the end of the working day.
- Use of noisy plant or machinery should cease at least two hours before sunset and not commence until an hour after sunrise to avoid causing a disturbance to badgers or preventing access or egress to setts. If ceasing work two hours before sunset is not possible, a sensitive lighting strategy should be created to highlight dark zones to be maintained during works.
- Badger paths must not be blocked to ensure access to foraging areas is maintained.

Other Terrestrial Mammals

- 1.1.23. European Hedgehog are anticipated to be present within the site and are a Species of Principal Importance. During habitat management, any areas of dense vegetation should first be carefully hand searched to check for the species. If identified during management, should be relocated carefully by hand to a location away from the working area. If any injured either species are located, they should be taken to a local vet.
- 1.1.24. Brown hare may be present on site. The PWMs outlined for badger will protect brown hare. They are also likely to naturally disperse once works commence, reducing the likelihood of injuring or killing individuals because of development.

Non-Native Invasive Species

- 1.1.25. Japanese knotweed was identified just outside of the site boundary, making it likely that it is also present within the self-set woodland across the extent of the site. Any non-native invasive flora should be appropriately eradicated by a suitably qualified contractor.

CONCLUSION

- 1.1.26. The PEA (SEED, 2023) found the site to comprise predominantly self-set woodland and scrub habitats with bare ground footpaths. The site was found to have ecological value for a range of fauna species including amphibians, bats, birds, reptiles, invertebrates, and other terrestrial mammals.
- 1.1.27. Should the mitigation measures outlined above be adhered to, there is not anticipated to be any negative impact upon fauna through the extraction of Phase 1A.

Yours sincerely,

For and on behalf of Collington Winter Environmental Ltd.



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