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Proposal: P/2023/0747

Location: Old Hall, Overton Road, Penley, Wrexham, LL13 0LS

Document title: Reasonable Avoidance Measures

Date: 15/03/2024

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1 BACKGROUND

Full planning consent has been granted for the erection of an agricultural building at Old Hall, Penley. Numerous wildlife ponds have been created and managed at Old Hall, all with amphibian hibernacula, in order to maintain and improve the favourable conservation status of GCN within their natural range.

Pond 1, 2 & 3 are all known to support breeding great crested newt and a range of other amphibians. For this reason, a HSI score was not calculated. All three of these ponds are roughly the same size at 500m². They are bound by rough grassland and tall vegetation.

The proposals will result in the construction of an open-sided agricultural building on part crushed stone hardstanding. A steel frame will be erected using pad foundations and there will be no overall loss of land.

A small area (approximately 30m²) of rough grassland encroaching onto the existing hardstanding will need to be cleared to accommodate the new building. The loss is of little concern in terms of habitats.

An ecological assessment of the proposals was carried out in October 2023 and recommended that works proceed following an unlicensed method statement given that;

1. There will be no overall loss of land within the vicinity of GCN breeding ponds, only very small areas where the steel frame is positioned,
2. The area currently does not provide brumation opportunities and would not be selected for over-wintering due to the presence of standing water on the ground,
3. Any/all ground work will be completed during winter months when GCN are below ground/hedgerow bases and not active,
4. Pond 2 adjacent to the site will be left undisturbed by the proposals and all surrounding scrub and rough grassland will be protected during work,
5. An amphibian hibernaculum will be installed adjacent to Pond 1 once all works are completed.

Condition 4 of the planning consent states that:

4. 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:

- Build upon the principles outlined in the submitted ecological report;



- Details and associated plans concerning GCN reasonable avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work);
- Measures to be taken to prevent or reduce accidental capture or killing of GCN including installation of permanent amphibian fencing into the boundary fence line;
- Measures to control any Invasive Non-Native Species (INNS) and diseases (e.g. Chytrid) on site; and to prevent INNS and diseases being introduced to the site for the duration of the construction and operational phases of the scheme;
- All works to be carried out under the appropriate licence issued by NRW under the provisions of Regulation 55 (2) of the Conservation of Habitats and Species Regulations 2017 (as amended).
- The Reasonable Avoidance Measures scheme shall be carried out in accordance with the details as may be approved.

The planning application will follow a **non-licensed** method statement, provided below.

2 MITIGATION

2.1 Amphibian exclusion and avoidance

Induction of contractors

- A toolbox talk will be given to all site personnel in order to make them aware of the possible presence of GCN, how to identify this species and the avoidance measures to be used on site.
- A paper copy of the avoidance measures will be retained on site together with the contact details of the GCN licensed ecologist.

One-way fencing

- One-way fencing will be installed around the proposed development site boundary at least 30 days before works begin on site. The fencing will be installed as an avoidance measure.
- Any vegetation to be disturbed on site will be cut to, and maintained at, a height of 10cm before March (in any given year) in order to reduce the number of potential resting/feeding opportunities on site.
- Any stored materials will be removed from site during the GCN active season. This will aim to remove any materials which could act as a refuge for GCN.
- One-way fencing will be installed at a 45° angle to the ground, the fence making contact with the ground on the development side.
- A bespoke newt gate will be installed at the gate between the yard and site within the fence line to allow machinery to access the site whilst preventing GCN from gaining access to the site. The gate will consist of a heavy plastic flap secured to the base of a



timber structure. The plastic flap will sit flush with the concrete ground and will be weighed down with sandbags overnight. The gate will be closed every evening after works have finished.

- The fence line will be marked on the ground using spray paint and all vegetation will be maintained at 10cm height or less in the lead-up to fencing.
- A licenced ecologist will carry out a finger-tip search of the fence line on the day it is installed to ensure that there are no GCN present on site.
- If GCN are found at any point during the search, works will not continue until a European Protected Species Development Licence is obtained from NRW.

Timing

- One-way fencing can be installed between March and September *or* until night time temperatures are consistently below 5°C.
- After the one-way fencing has been in place for 30 days, works on site can commence.
- All works will take place during daylight hours when GCN are unlikely to be moving around the area.

Maintenance

- The fencing will be inspected on a daily basis (every 24 hours) and appropriate repairs undertaken immediately.

Destructive search

- The proposed development site will be inspected by a licenced ecologist no more than 24 hours before works are due to begin on site.

Mid-construction

- The one-way fence will remain in-situ until the building works have been completed. It will be maintained for the life of the development to ensure that they are as newt-proof as reasonably possible. They will then be removed under supervision to allow free movement of GCN to/from the wider site.
- All work will follow an approved bio-security protocol (Appendix 1).

Site compound

- The site compound will be situated on an area of existing hard-standing within the adjacent yard to avoid creating GCN resting places beneath stored materials etc.
- All site materials will be stored on pallets or other raised objects to avoid creating resting places/refuges for GCN.
- Any toxic or poisonous materials will be safely stored within a locked container.

Special precautions



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- All excavated materials/waste will be stored in skips or similar and not on the ground where it could be used as a refuge/resting area by amphibians. Alternatively, all waste will be removed from site daily.
- All stored building materials that might be used as temporary resting places by amphibians will be stored off the ground on pallets or similar.

Post-construction

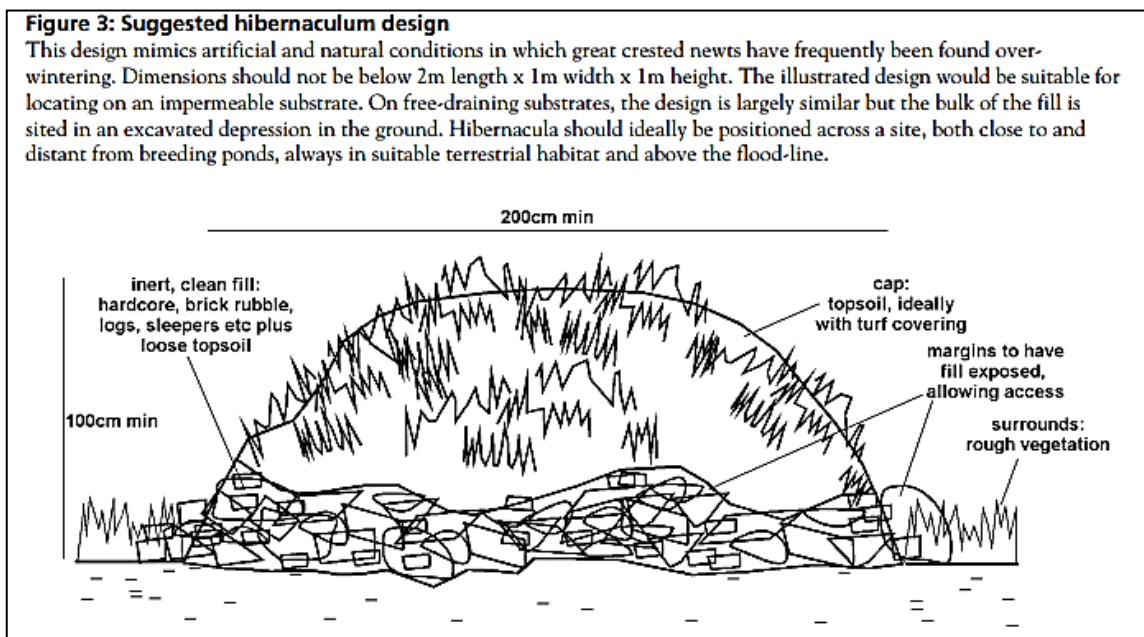
- In this instance, it is not appropriate to install permanent amphibian fencing as this could require a EPS Development Licence as it is an offence to “obstruct access to a place of shelter or protection”. GCN may move around the site or indeed across it to reach suitable habitat and permanent fencing would remove the amount of terrestrial habitat available in the immediate environs.

If GCN are found at any point during the development or activities outlined above, works must stop and an appropriately qualified ecologist should be contacted for advice, as well as Natural Resources Wales.

3 HABITAT ENHANCEMENT & CREATION

Habitat Creation

One large hibernaculum will be created next to Pond 1. This will be based on the suggested hibernaculum design within the GCN Mitigation Guidelines and will remain a permanent feature for use by GCN and other amphibians. The base of the hibernacula will be constructed using hard-core, brick rubble, logs, rough timber and loose topsoil. There should be sufficient ground-level gaps between the materials to allow newts to enter in several locations. The hibernacula will be built up in layers and overlaid with topsoil and a final layer of turf.



4 CONTINGENCY PRESCRIPTIONS

Below is a table of possible problems (and their solutions) which may be encountered during and after construction. All issues identified and actions stated will help to ensure the long-term favourable conservation status of the local population of GCN.

Table 4. Contingency measures. All contingency actions will be carried out under licence where necessary.	
Issue	Action to be taken
GCN found on site during construction.	Works in the area will be halted immediately and the project ecologist will be consulted. Any necessary EPS Development Licences will be sought.
Delay to construction works.	All amphibian fences will be maintained during delay as breaches may allow GCN to colonise the site.
Introduction of fish into ponds on site.	Pond will be drained during the winter months under guidance from NRW and any necessary EPS licences.
Introduction of invasive species onto site.	NRW will be informed and the most recent management of identified invasive species will be carried out.

5 REFERENCES

Department for Environment, Food and Rural Affairs (DEFRA) (2018) European Community Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC): Fourth Report by the United Kingdom Under Article 17 on Implementation of the Directive from January 2013 to December 2018. Conservation status assessment for the species: S1166 Great Crested Newt (*Triturus cristatus*) Defra

English Nature (2001) Great crested newt mitigation guidelines. Version: August 2001.

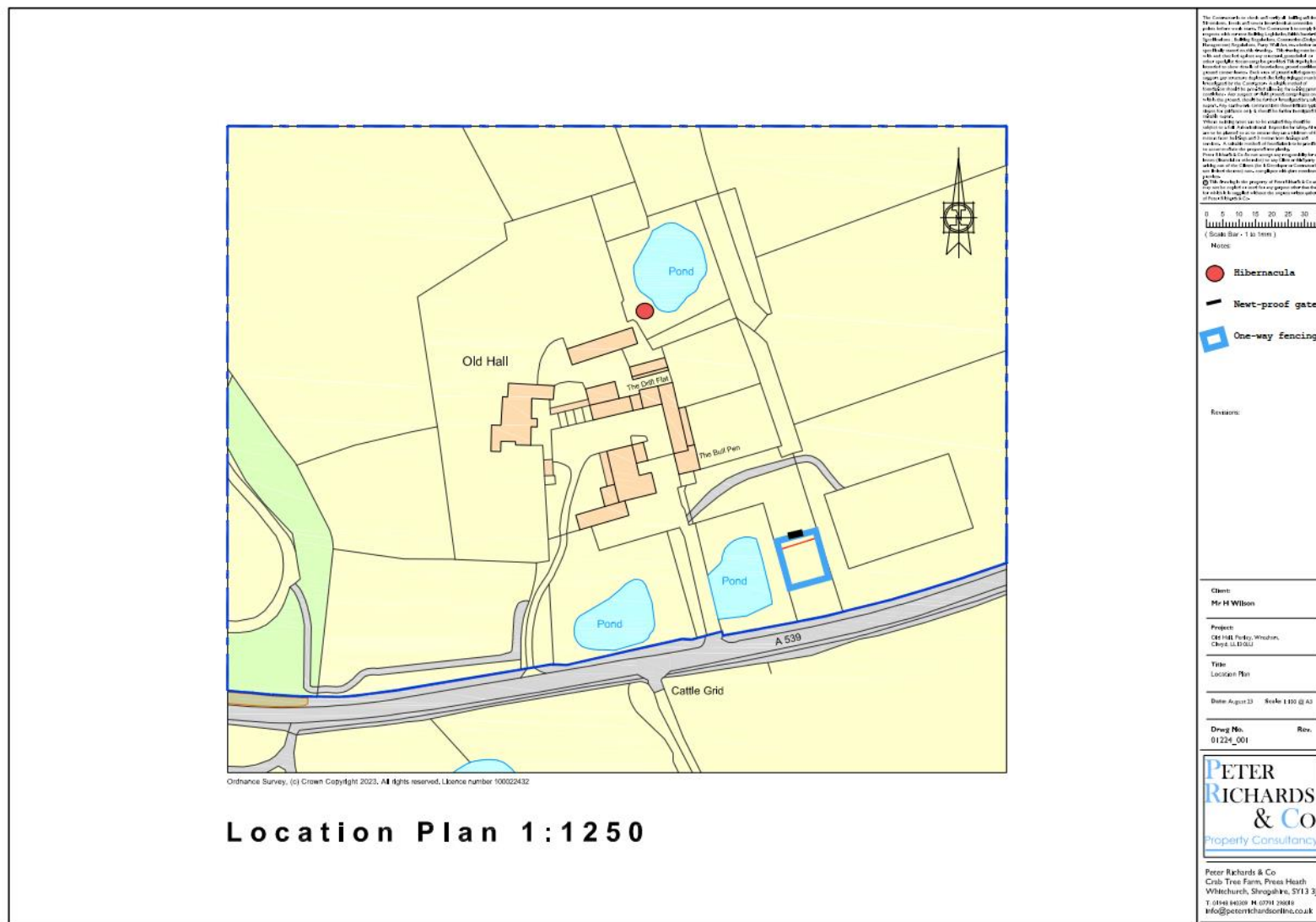
Gleed-Owen, C. (2007) Development of a National Amphibian and Reptile Recording Scheme (NARRS), Phase 2 – Historic, current and future conservation status of the great crested newt (*Triturus cristatus*) in northeast Wales. Final report for CCW: contract UC29-006 and RQ03-022. Countryside Council for Wales

Haubrock, P.J. and Altrichter, J. (2016) Northern crested newt (*Triturus cristatus*) migration in a nature reserve: multiple incidents of breeding season displacements exceeding 1km. The Herpetological Bulletin, 138, pp.31-33.

Jehle, R. and Arntzen, J.W. (2000) Post-breeding migrations of newts (*Triturus cristatus* and *T. marmoratus*) with contrasting ecological requirements. Journal of Zoology, 251(3), pp.297



Figure 1. Fencing layout



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Appendix 1. Biosecurity Risk Assessment

Species	Potential Contamination Route	Likelihood of Risk	Operational Procedures/Actions required to minimise risks
Himalayan balsam	Introduction of species via construction machinery. Introduction of seeds via contaminated soil.	Low. Himalayan Balsam is not known to be present on site or in the locality. Low. There are no requirements to import soil.	Ensure owner and contractors know what Himalayan Balsam looks like. If any plants are identified these should be pulled up and left to dry before the seeds set (July/August).
Japanese knotweed	Introduction of species via construction machinery. Introduction of fragments via contaminated soil.	Low. Japanese knotweed is not known to be present on site or in the locality. Low. There are no requirements to import soil.	Ensure contractors know what Japanese knotweed looks like. If it is identified on site, refer to the Environment Agency's Japanese knotweed Code of Practice.
Invasive aquatic plants: Water fern, <i>Azolla filiculoides</i> Parrot's-feather, <i>Myriophyllum aquaticum</i> Floating pennywort, <i>Hydrocotyle ranunculoides</i> Australian swamp stonecrop <i>Crassula helmsii</i> Water hyacinth, <i>Eichornia crassipe</i> Water primrose, <i>Ludwigia peploides</i> , <i>Ludwigia uruguayensis</i> (= <i>L. grandiflora</i>)	Introduction of species via construction machinery and as propagules on boots, waders, bottle traps, nets etc.	Medium. Surveyors (and to a lesser extent, contractors) may well have previously been to sites where these species are present.	Avoid entering ponds whenever possible. Consider using survey techniques that constitute a lower bio-security risk (eg torching). Use bottle traps on a site-specific basis. Consider using nets and other equipment on a site-specific basis where non-native species have been recorded. Clean equipment, boots/waders and clothes after each survey. Where surveys entail surveys of two or more ponds, consider provision of duplicate equipment including boots/waders.



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Canadian waterweed, <i>Elodea canadensis</i> Curly waterweed. <i>Lagarosiphon major</i> Nuttall's waterweed, <i>Elodea nuttalli</i> Waterweeds (other Elodea), <i>Elodea spp</i> Least duckweed, <i>Lemna minuscula</i>			Based on degree of risk, consider surveying ponds supporting invasive species last or use a team to specifically survey ponds supporting non-native species.
Fish (all species)	Deliberate introduction.	Low: The owner has agreed to a strict policy of no fish introduction.	Continued agreement by the owner.
Chytrid fungus	Ecologists, aquatic survey equipment.	The Chytrid fungus has been identified in Powys. This fungus has affected amphibian globally and has caused the extinctions of species. The risk is low but serious.	Ecologists and other contractors to disinfect boots and equipment before entering site/ponds.
Tree diseases including Chalara, Phytophthora	Planting of infected trees.	Low	Ensure trees purchased from nurseries registered as disease-free.



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