
Legacy BESS – Utilities Connection

on behalf of Axis PED

Great Crested Newt Reasonable Avoidance Measures



Report Verification and Declaration of Compliance

This report has been prepared with reference to best practice guidelines for Ecological Impact Assessment in the UK and Ireland, as defined by CIEEM (2018) and is provided in accordance with the provisions of British Standard 42020:2013 Biodiversity: Code of practice for planning and development.

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CONTENTS

1. INTRODUCTION4

1.1 Introduction.....4

1.2 Site Overview.....4

1.3 Proposed Works.....5

1.4 Legislation.....5

1.5 Data Sources5

2 GREAT CRESTED NEWT BASELINE AND IMPACT ASSESSMENT5

2.1 Baseline5

2.2 Impact Assessment6

APPENDICES

Appendix 1: Amphibian Reasonable Avoidance Measures

1. INTRODUCTION

1.1 Introduction

1.1.1 Avian Ecology Ltd. (AEL) was commissioned by Axis PED to produce Reasonable Avoidance Measures (RAMs) for great crested newts (GCN) in relation to a consented utilities connection ('the Consented Development') (planning application reference: P/2023/0409) on land at Legacy National Grid Substation, Rhostyllen, Wrexham (the 'Site') as shown on drawing 2658-02-022. The utilities will serve a consented battery storage facility to the north of the substation (approved under planning application reference P/2023/0175).

1.1.2 The purpose of this document is to describe the presence of GCN within the Site and to outline RAMs to be implemented throughout the construction of the Consented Development to safeguard the species and ensure legislative compliance.

1.1.3 This document is also considered to provide sufficient information to discharge Condition 3 of the consented planning permission, which states:

"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.

1.2 Site Overview

1.2.1 The utilities are located partially within the Legacy National Grid Substation operational area, and partially along the substation access route.

1.2.2 In the wider area, the consented battery storage development is located to the north of the Site with areas of woodland and grassland located along the substation access route.

- 1.2.3 Two ponds are present to the east of the Site, one within an area of mixed grassland and scrub and another within an area of woodland.

1.3 Proposed Works

- 1.3.1 The works associated with the Consented Development involve the laying of services within a mechanically excavated trench as illustrated on the approved Planning Drawing 2658-03-021.
- 1.3.2 Trenches will be backfilled with the original excavated material with the existing surface material reinstated once utilities are laid. This will ensure there is no risk of amphibian entrapment during operation of the Consented Development.

1.4 Legislation

- 1.4.1 GCN and their habitats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). The Act and Regulations make it an offence to:
- Kill, injure or take a great crested newt;
 - Damage, destroy or obstruct access to any place that a great crested newt uses for shelter or protection; and
 - intentionally or recklessly disturb a great crested newt while it is occupying a structure or place that it uses for shelter or protection.

1.5 Data Sources

- 1.5.1 This report has been compiled using information gathered in support of the Legacy Battery Storage Facility (as consented under planning application reference: P/2023/0175), assisted by a review of Ordnance Survey (OS) mapping and publicly available aerial imagery.
- 1.5.2 The following pre-existing ecological reports were consulted:
- Legacy Battery Storage Facility Ecological Assessment Report (Avian Ecology, 2021)
 - Legacy Battery Storage Facility Summary of Changes Note (Avian Ecology, 2023)
 - Legacy Battery Storage Facility Full Great Crested Newt Mitigation Strategy (Avian Ecology, 2023)
 - Legacy Battery Storage Facility Great Crested Newt Licence Method Statement (Avian Ecology 2023)

2 GREAT CRESTED NEWT BASELINE AND IMPACT ASSESSMENT

2.1 Baseline

- 2.1.1 A review of Ordnance Survey mapping and publicly available aerial imagery indicates two ponds present within 250m of the Site, verified by ecological surveys.

- 2.1.2 One pond is located approximately 10m east of the Site within an area of woodland, with a second pond located approximately 50m east of the Site within an area of scrub and grassland. Information gathered in support of the Legacy Battery Storage Facility applications identified presence of great crested newt within both ponds.
- 2.1.3 The Site itself provides negligible suitable habitat for GCN, with hardstanding offering no suitable habitat for foraging or refuge. Habitats in proximity to the site including scrub, woodland and grassland offer suitable terrestrial habitat for foraging and refuge.

2.2 Impact Assessment

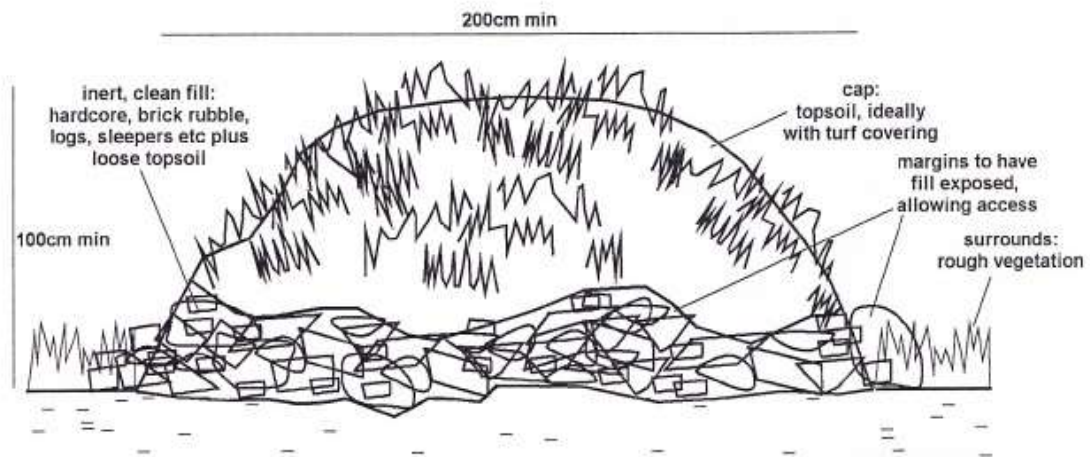
- 2.2.1 Due to lack of any suitable habitat for GCN within the Site, the potential for impacts is negligible. It is considered that the only potential impacts that could likely arise in the absence of mitigation measures, are associated with the entrapment of GCN within open trenches.
- 2.2.2 As the habitats within the Site do not provide suitable breeding habitat or resting/ sheltering places, the potential for legislative breaches arises solely from the potential for capture, injury, killing or disturbance of individual GCN and therefore works will be taken following RAMs.
- 2.2.3 RAMs to be followed throughout the duration of works are provided as **Appendix 1** and briefly include the following measures:
- Site staff to be briefed on the potential presence and identification of GCN;
 - Visual search of the area to be undertaken prior to any works to ensure GCN are not present;
 - Trenches not to be left open overnight, or where this cannot be avoided trenches are to be fitted with a means of escape;
 - A hand search for GCN will be undertaken prior to any backfilling of trenches;
 - Should a GCN be found within the works area it should be allowed to move away of its own inclination; and
 - Should a GCN be encountered during works a suitable qualified ecologist will be contacted to advise on next steps and any potential licencing implications;
- 2.2.4 Through the implementation of the above measures the Consented Development is considered unlikely to require a licence from Natural Resources Wales with the potential for the capture, injury, disturbance or killing of individual GCN considered to be negligible with no risk to GCN welfare or a legislative breach.

2.3 Habitat Enhancement

- 2.3.1 To enhance habitat for GCN an additional refugia will be created in proximity to ponds as shown on *Drawing 2658-02-023*. This will be additional to refugia proposed as part of the consented Battery Storage Development and associated European Protected Species Mitigation Licence. The

specification of hibernacula, extracted from the great Crested Newt Mitigation Handbook¹ is shown below.

2.3.2 **Diagram 1 Hibernacula design taken from the Great Crested Newt Mitigation Guidelines (English Nature 2001).**



¹ English Nature (2001) Great crested Newt Mitigation Guidelines.

Amphibian Reasonable Avoidance Measures (RAMS)

Method Statement Objectives

1. Great crested newt are known to be present in proximity to the Site and therefore development related activities within the Site may potentially affect amphibian species. As a result, safeguards must be implemented to protect these species and the Method Statement below details measures to be implemented to ensure these objectives are achieved.

Method Statement

2. This Method Statement should be followed for the duration works within the Site, which have the potential to result in the entrapment of amphibians.
3. The following measures will be adopted throughout the construction period of the consented development:
 - Site operatives will be informed by 'tool box' talk of the potential for protected species to occur on-site, identification and what to do in the event that animal is found.
 - Excavation works within the Site should only commence after a careful visual inspection undertaken by a suitably experienced ecologist has determined that no animals are present.
 - Where possible trenches should be backfilled or otherwise covered at the end of each day to prevent entrapment of animals.
 - Should any trenches and excavations be required to be left open overnight an escape route for animals that might enter the trench must be provided. Ramps should be no greater than 45 degrees in angle. Ideally, any holes should be covered.
 - All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling.
 - Any excavated material stored overnight should be searched prior to being used as infill.

If a suspected great crested newt is found, work must stop immediately and contact should be made with a licensed, qualified ecologist.