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GREAT CRESTED NEWT METHOD STATEMENT

At

F Lloyd (Penley) Ltd – Extension I

Bridge Road

Wrexham Industrial Estate

Wrexham

LL13 9SQ

NGR: SJ 37614 48551

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1 INTRODUCTION

1.1 Author and qualifications

This report is written and compiled by Daniel Smith BSc MScRes, Ecologist for United Environmental Services Ltd (UES).

Daniel Smith BSc MScRes, UES Ecologist. Daniel is licensed by Natural Resources Wales (NRW) to disturb, take and handle great crested newts (GCN) *Triturus cristatus* under licence number S091929/1.

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

The applicant is currently in the pre-application consultation phase for the erection of a 1,149 sqm warehouse extension. The pre-application is under review by governing bodies such as Wrexham Borough Council and NRW who are consulting with concerns about potential protected species present on site. NRW have suggested that further information is required to demonstrate that the proposed works will not be to the detriment of European protected species, specifically great crested newt:

"We consider the submitted proposals will demonstrate that it is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts; we advise that the following further information should be provided with any planning application:

- a) Implementation of appropriate amphibian reasonable avoidance measures. We suggest that further details and associated plans concerning GCN avoidance and mitigation measures are provided including, but not limited to: fence design, specifications and locations; considerations of access issues (including PROW if applicable); monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements.*
- b) Submission of measures designed to prevent the accidental capture/killing of newts (amphibians) during operational (and decommissioning) phases of the scheme (ie post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features).*
- c) Details of timing, phasing and duration of construction activities and conservation measures.*
- d) Timetable for implementation demonstrating that works are aligned with the proposed development.*



- e) *Ecological Compliance Audit, including key performance indicators for each identified feature / factor. These should consider GCN and Biosecurity.*
- f) *Persons responsible for implementing the works.*
- g) *Post construction monitoring (if subsequently applicable); and*
- h) *Submission of a biosecurity risk assessment."*

The development site of Extension I has an area of approximately 1.4ha and is located at F Lloyd (Penley) Ltd. in Wrexham Industrial Estate. Ecological surveys were conducted on 26th May 2022 by Mark Halliwell. The development boundary for Extension I is entirely restricted to existing areas of sealed hardstanding and warehouse units which are of negligible suitability to support GCN.

There are two mapped ponds within 250m of the site and an additional five ponds within 500m (see Appendix 1 – Pond Plan). However, there are records of great crested newt not associated with unmapped ponds within a mitigation site that is adjacent to the eastern site boundary of Extension I. 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 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. No suitable terrestrial or aquatic habitats will be impacted, but the below risk assessment does not take into account any mitigation measures that might be implemented to protect amphibians.

Component	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	0.005
Individual great crested newts	Minor disturbance of newts	0.5
	Maximum:	0.5
Rapid risk assessment result:		AMBER: OFFENCE LIKELY

"Amber: offence likely" indicates that the development activities are of such a type, scale and location that an offence is likely. In this case, the best option is to redesign the development (location, layout, methods, duration or timing; see **Non-licensed avoidance measures tool**) so that the effects are minimised. You can do this and then re-run the risk assessment to test whether the result changes, or preferably run your own detailed site-specific assessment. Bear in mind that this generic risk assessment will over- or under-estimate some risks because it cannot take into account site-specific details, as mentioned in caveats above. In particular, the exact location of the development in relation to resting places, dispersal areas and barriers should be critically examined. Once you have amended the scheme you will need to decide if a licence is required; this should be done if on balance you believe an offence is reasonably likely.



The key components of the risk assessment contributing to the result of 'Amber: offence likely' are the size of the development area and the proximity of the working area from the nearest GCN breeding ponds.

Crucially, the above metric does not take into account that the site is highly unsuitable to support GCN due to the entirety of the development boundary being composed of hardstanding and buildings. Other habitat that may provide sheltering and commuting habitat, such as species-poor semi-improved grassland and amenity grassland, will not be impacted by the proposed works. Therefore, the risk of direct impacts to GCN are considered extremely unlikely. Furthermore, mitigation measures will be implemented to ensure that indirect impacts to GCN are minimised throughout the entirety of the construction period and the operational phase of the development. This includes a toolbox talk and Ecological Clerk of Work (ECOW), installation of temporary fencing, and amphibian ladders.

The risk of GCN being present within the development boundary is inherently low, particularly given the presence of far superior habitat connected to breeding ponds that is present nearby. The mitigation measures that form this method statement, particularly the implementation of one-way fencing, will reduce the risk of impact to GCN to negligible levels such that the works can proceed without a European Protected Species Licence.

It should be noted that Extension I was referred to as Extension 2 in some previously submitted documents.

1.3 Report objectives and structure

This document has been prepared in response to consultation made by NRW.

NRW concluded that the development is not likely detrimental to the local GCN population but that a GCN method statement should be provided with the planning application.

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 – 4.



2 Mitigation Measures

2.1 General

The GCN protection procedures are designed to ensure that site personnel have a high level of understanding about GCN and the legislation which protects them and provide them with the necessary guidance and mechanism should any GCN be discovered during the development process.

The following points will form the structure of the method statement to safeguard any GCN in the highly unlikely event that they are present at the time of the development.

If GCN are identified at any point during site preparation or during the construction phase, the works will stop and a suitably licensed and experienced ecologist will review the requirement for further survey and mitigation work, including up to the requirement for a European Protected Species Licence.

2.2 Toolbox talk and ECoW

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 by a suitably licensed and experienced ecologist. The talk will include species identification, ecology and legal protection of UK amphibians. A site walkover will also be undertaken by an Ecological Clerk of Work, who will conduct a fingertip search of the development area and the proposed fence line to ensure that there are no suitable habitats for GCN.

2.3 Temporary amphibian fencing

As described previously, temporary one-way amphibian fencing will surround the redline boundary which will enable amphibians to leave the area and will not impede commuting individuals, in the extremely unlikely event that they are present within the site boundary (see Appendix 3 – Proposed Fence Plan). Critically, it will prevent amphibians from entering the working area that might otherwise commute across the site.

Prior to the start of works on site, the areas to be affected by the fencing installation will be subject to a fingertip search by a suitably licensed and experienced ecologist. Following the fingertip search, the fence will be installed at a 45-degree angle such that amphibians within the area can commute away from the working area without impediment. Wooden stakes will be driven into the ground angled away from the working area, and the perimeter fence will be installed on the underside of the stake with rough fencing material facing upwards. This reduces the likelihood of fauna re-entering the working area.

2.4 Timings

For hibernation, newts seek out a location that affords them protection from winter conditions and exploit natural opportunities within the landscape such as log piles, disused mammal burrows or cracks in the ground or artificial opportunities such as brick / rubble piles, rather than excavating their own sites. No suitable opportunities are present within the current site boundary.



It is recommended that one-way newt fencing is to be erected during the period when newts are most active so as to reduce the impact of disturbing hibernating or sheltering GCN that are underground. This period is considered to be between March and October, but may occur in months either side of this range when temperatures are consistently over 5°C. This will allow newts to leave at their own accord over the fencing and not being able to re-enter the site.

2.5 Site preparation

Prior to the start of works on site the work area should be prepared in order to minimise the risk of amphibian presence when the development works commence.

2.5.1 Removal of refugia

Amphibians seek shelter beneath refugia such as piles of rubble, logs and spoil both during the active season and during winter. In order to remove the risk of direct harm to sheltering amphibians any potential refugia should be removed from the work area under the supervision of a licensed GCN ecologist.

2.5.2 Vegetation management

The vegetation immediately surrounding the working areas are to be mown or otherwise managed to maintain a sward height of less than 100mm. The mown / cleared area will then be maintained with a short sward until the works on site have been completed. This is to deter amphibians from foraging or crossing the site area, and make any amphibians present easier to see.

2.5.3 Ground management

Areas of bare ground should be back bladed / compacted in order to create a smooth, compacted surface which offers no opportunities for sheltering amphibians. The area should then be maintained as bare ground.

2.6 Impact avoidance measures

The risk of disturbing or causing physical harm to newts can be mitigated against by:

- A pre-commencement walk-over survey and destructive search of any potential GCN habitats such as, rubble piles or sheet material on site is required by a suitably licensed GCN ecologist. Any amphibians found will be carefully relocated to the artificial hibernaculum by the ecologist.
- Materials will be stored on pallets off the ground in order to reduce the risk of amphibians sheltering underneath them.
- No excavations are to be left open overnight. If this is not feasible, a plank should be left within the excavation at a 45° angle to allow amphibians to escape. Any open excavations should be checked for amphibians in the morning prior to the start of works on site.
- No detailed drainage plan is available to UES at the time of writing. If new gully pots are required, they will be installed on site in front of recessed curbs such that



amphibians are less likely to become trapped. Alternatively, all new gully pots will be fitted with a means of escape such as an amphibian ladder.

2.7 Competent person

The contractor on site will appoint a competent person to liaise with United Environmental Services for the duration of the development works.

The competent person will be responsible for ensuring that GCNs and other species of amphibians are safeguarded throughout the development works on a day-to-day basis. The competent person will therefore:

- Be aware of the legislative protection of GCN
- Ensure that all contractors review and sign on to the toolbox talk, a copy of which will be kept on site
- Conduct or ensure daily site inspections occur to check the amphibian fencing is still intact
- If any suspected GCN are identified, the competent person should stop works on site and contact UES for advice.

2.8 Ongoing advice

UES will remain on-call throughout the development. If any newts are encountered, work on site is to stop immediately and UES are to be contacted. **UES can be reached on 01565 757788.**

2.9 Post construction monitoring

As the completed development site will be unsuitable to supported breeding or sheltering GCN, and GCN are not likely to be significantly impacted either directly or indirectly by the works, it is not considered necessary to conducting post construction monitoring.



3 CONCLUSION

GCNs are potentially present within the surrounding area of the proposed development at F Lloyd (Penley), Wrexham Industrial Estate, which includes the extension of their industrial site. However, the chance of GCN being present within the development site is highly unlikely.

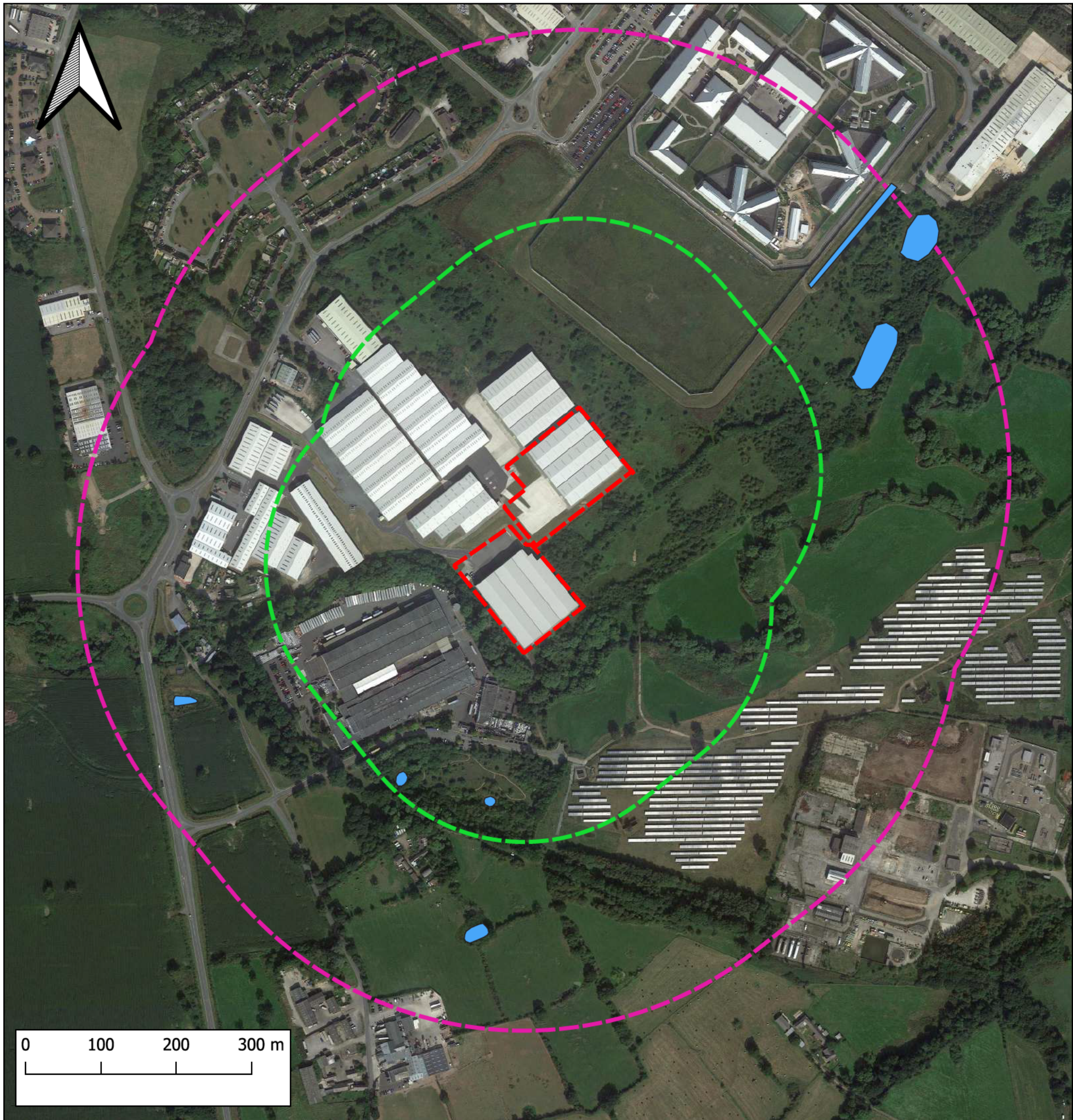
The measures detailed in this document will help to reduce the risk of harm to GCNs and other amphibians to negligible levels. They ensure that site staff have the knowledge and processes required to avoid reaches of legislation during the works.

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



APPENDICES

Appendix 1 – Pond plan



Pond Plan

Site: F Lloyd (Penley) Ltd,
Wrexham
NGR: SJ 37614 48551
Author: Kathryn James
Date: 28/03/23



KEY:

- Site boundary
- Ponds
- 500m buffer
- 250m buffer

THIS PLAN IS BASED UPON MAP DATA © 2022 GOOGLE IMAGERY © 2022
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Appendix 2 – Aerial photographs



**Land at: F Lloyd (Penley) Ltd,
Wrexham – Extension X and I**

Survey overview aerial photograph

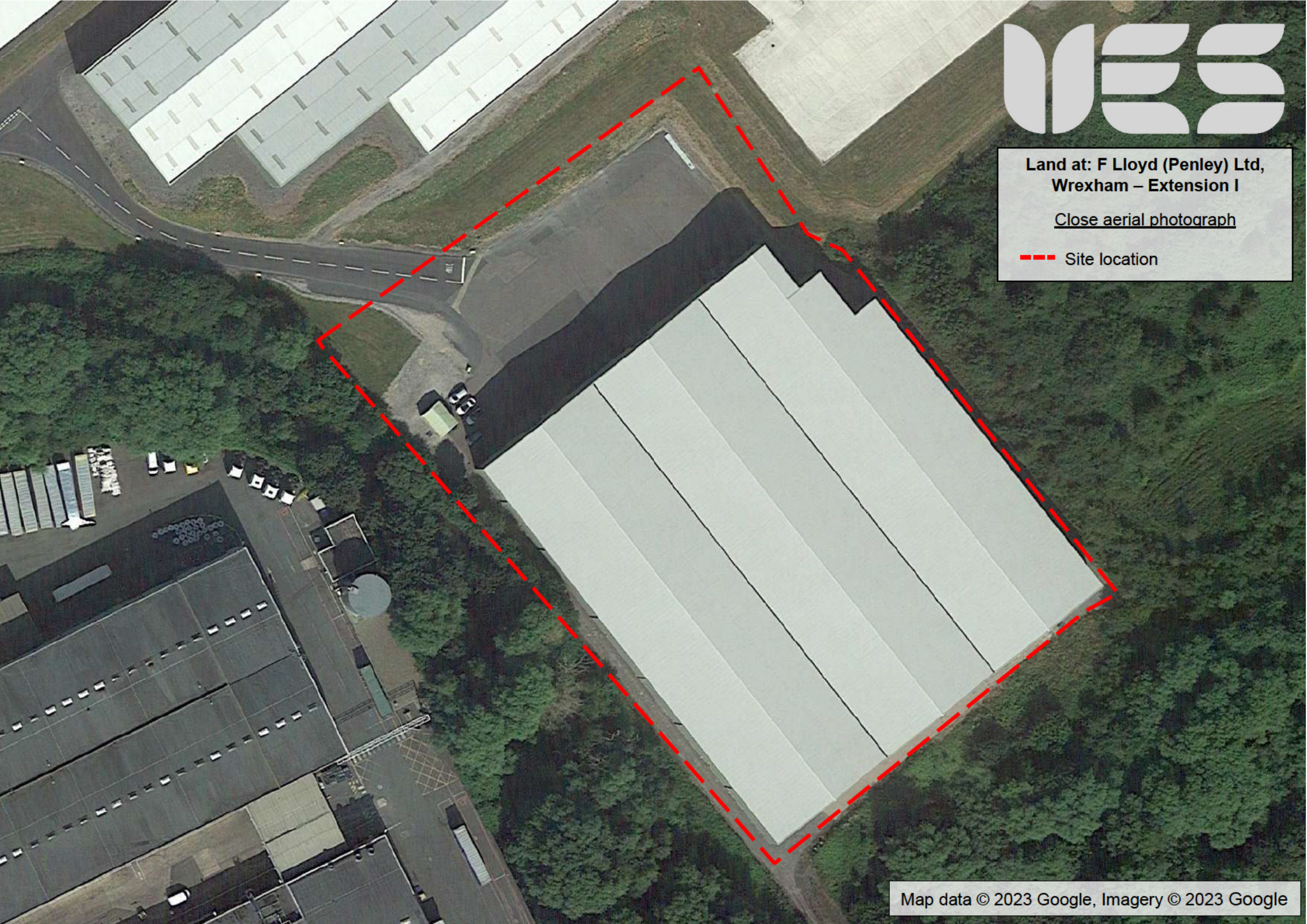
- Survey boundary
- Extension X site boundary
- - - Extension I site boundary



**Land at: F Lloyd (Penley) Ltd,
Wrexham – Extension I**

Close aerial photograph

--- Site location





Land at: F Lloyd (Penley) Ltd,
Wrexham – Extension X and I

Wide aerial photograph

 Site location



Appendix 3 – Proposed Fence Plan



**Land at: F Lloyd (Penley) Ltd,
Wrexham – Extension I**

Proposed Fence Plan

-  Site boundary
-  Proposed one-way
amphibian fencing (angled
away from interior of site)



Appendix 4 – 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