



Report Type: Clearance of Environmental Conditions

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Site Address: School House
Cinders
Ruabon
Wrexham
LL14 6LH

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The report should be read in its entirety.

Questions arising from the survey report should be directed to the author of the report who will be pleased to clarify any technical issues raised.

Whilst the surveyors make every reasonable effort, Greenscape Environmental Ltd cannot guarantee that all protected species have been identified and survey results are definitive. Many species are cryptic and transitional in habit.

Reports are considered valid for one year for planning purposes, after which time further survey information may be required.

Greenscape Environmental Ltd can provide advice and support for recommendations and planning conditions.

The use of this report or survey data for any form of formal submission to an NGO or other authority implicitly implies acceptance of the terms and conditions.



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1 Executive Summary

1.1 Purpose of the Report

This report is prepared on behalf of the Wynnstay Estate as part of planning permission for the construction of a stables and menage at School House, Cinders. It is in response to conditions 8 and 9 of the planning decision notice from Wrexham County Borough Council; application number P/2021/0850.

1.2 Condition 8 states:

No development shall commence until a GCN Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include, but not necessarily be limited to:

- *the submission of details and plans concerning GCN reasonable avoidance and mitigation measures including fence construction and maintenance;*
- *details of timing, phasing and duration of construction activities and conservation measures;*
- *a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;*
- *persons responsible for implementing the works. The Method Statement shall be carried out in accordance with the approved details.*

Reason: To ensure that an approved GCN Method Statement is implemented, which protects GCN affected by the development in accordance with policy EC6 of the Wrexham Unitary Development Plan

1.3 Condition 9 states:

No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present to control, remove or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site in accordance with policy EC6 of the Wrexham Unitary Development Plan

1.4 Background

The planning application is for the construction of a stables and menage on land at School House, Cinders.

On 30th July 2021 a survey was conducted by C Sheil of Greenscape Environmental and two ponds were found within 250m which were not separated by a busy road. As newts have been recorded within 50m of the site in recent years eDNA surveys were conducted on 4th March 2022. The results for these both came back negative.



2 Legislation

All species of amphibians receive a measure of protection under legislation.

The Wildlife and Countryside Act 1981 has been amended by the Countryside and Rights of Way Act (CRoW) 2000. This applies to England and Wales only. The key relevant fact is:

- Section 9(4) is amended to create an additional offence of reckless damage to, destruction of, or obstruction of access to, any structure or place used for shelter or protection; and reckless disturbance while occupying such a structure or place.

Great Crested Newts

Great crested newts are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Deliberately take or destroy eggs of any such wild animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

Great crested newts are listed as a priority species on the UK BAP and Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Work can be conducted under derogation licence from Natural Resources Wales providing suitable compensation and mitigation is provided and the "three tests" can be met. These are:

- Regulation 55(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety" or other imperative reason of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Regulation 55(9)(a) States: the appropriate authority (Natural Resources Wales) shall not grant a licence unless they are satisfied "that there is no satisfactory alternative"
- Regulation 55(9)(b) states that the appropriate authority shall not grant a licence unless they are satisfied "that the action licensed will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in its natural range."



3 GCN Method Statement

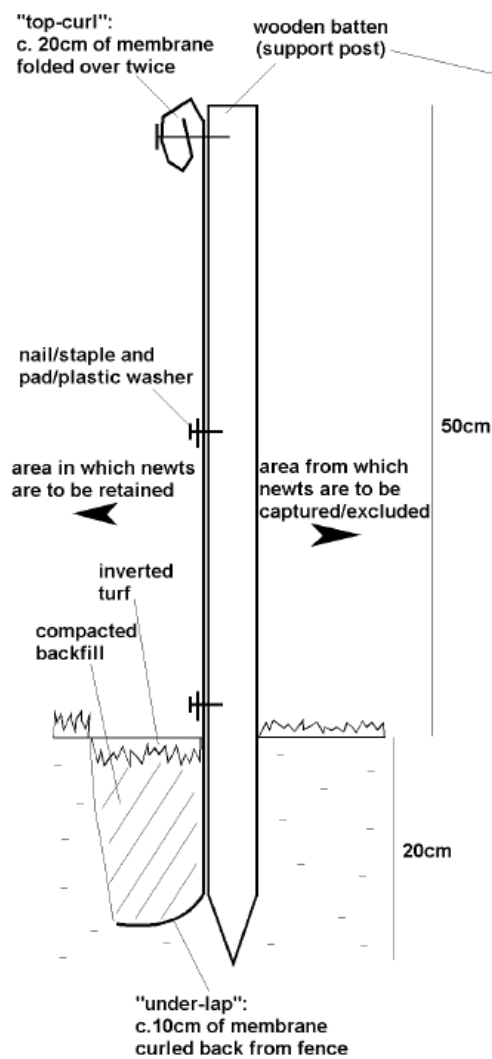
3.1 Reasonable Avoidance Measures

Pre-Construction

1. The site will be kept under its current management prior to construction. This will reduce the potential for newts to cross the land and reduce the potential for the terrestrial features to improve. All plants will be kept short (<10cm) to ensure there is no shelter for great crested newts on the site.

Site Setup

2. A consultant will be employed as an ecological clerk of works (ECoW) to oversee the work in areas sensitive to great crested newts on site. This person will need to be licensed and an experienced surveyor for great crested newts. The ECoW will provide contractors with a toolbox talk prior to work commencing. This will include information about the legal status of newts and responsibilities of the construction company to ensure no offence is committed. A document to assist with the identification of newts will be left on site.
3. The site will be checked thoroughly by the ECoW prior to construction commencing. This will confirm there are no newts present and that there are no potential places of shelter.
4. Soil and vegetation will be stripped prior to setting up the site compound to ensure the compound contains no vegetation which could potentially attract great crested newts.
5. All cabins and equipment will be located on firm compacted ground, preferably a stone or concrete base.
6. Contractors are advised not to handle newts at any time.
7. The ECoW will oversee the installation of newt fencing conducting a fingertip search along the line of the fence installation to ensure no newts will be harmed. The fencing will be installed surrounding all developable areas.
 - The newt fencing will be erected before any works start and will not cross through any hedgerows around the site. It will only cross through habitat of low terrestrial value.
 - The fencing will be installed during the day when newts are less mobile.
8. The following plans are from the great crested newt mitigation guidelines, showing how the amphibian fence is installed. They show the plastic material being buried up to 20cm deep. This will be sufficient to act as a barrier to newts and prevent access to the site.



CROSS-SECTION

Figure 3.1. Amphibian fence installation plan

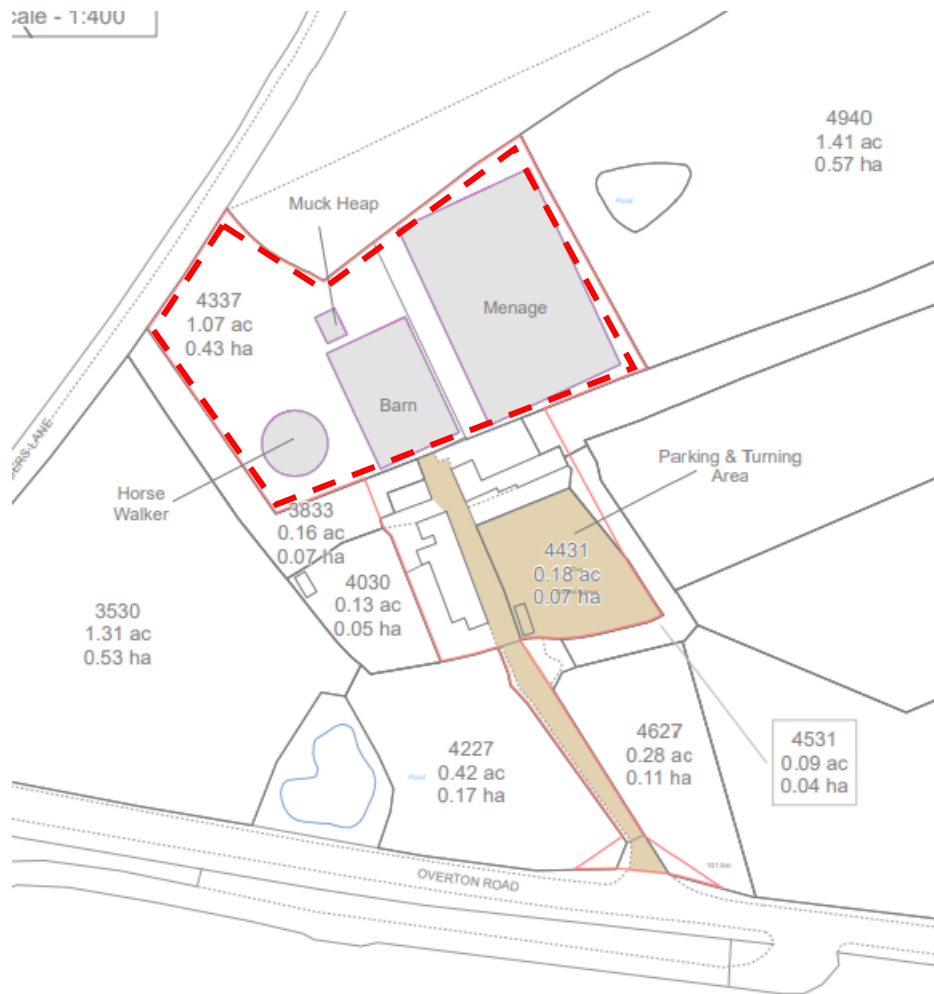


Figure 3.2. Location of newt fencing



9. A pair of RSJs will be dug into the ground at the site entrance to allow site access but still preventing newts reaching the site. The earth will be removed on the exterior to prevent any inadvertent ramps allowing newts access to the site

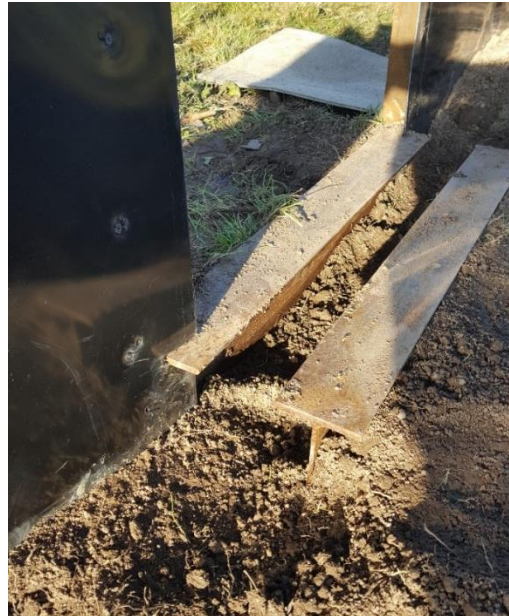


Figure 3.3. RSJ site entrance, with suitable excavations

10. The site foreman will be responsible for checking the integrity of the amphibian fencing, and any rips or holes patched as required throughout the course of the development.
11. The ECoW will conduct regular site visits to ensure compliance with the legislation and this Method Statement. A record of these visits will be made as part of the audit trail.
12. If a newt is found, then work will stop immediately and the ECoW contacted for advice. Great crested newts will not be handled or moved without express permission from Natural England as this would constitute an offence.

Construction Phase

13. The site foreman will be responsible for ensuring all contractors are aware of the potential to find newts, and that they are familiar with the appearance of newts. If in doubt the ECoW will be contacted.
14. Contractors are advised to avoid handling newts at any time.
15. Stored subsoil must not be tipped onto any tall vegetation. The location of the storage area will be checked by the ECoW before use.
16. Any plants around the site will be kept short (<10cm) to stop the development of an area of terrestrial habitat more suitable for newts.
17. All groundwork will be conducted during daylight hours as newts are least likely to move during this time.



18. Trenches will be dug and filled in on the day created or will be covered over with close-fitting boards at the end of each working day.
19. If it is not possible to cover the trench, a ramp will be placed from the edge of the trench to the base to allow newts and small mammals to escape.
20. Open or covered trenches will be checked the following morning. This is particularly important when newts are most active, between March and November.
21. If a newt is found, then work will stop immediately and the ecologist contacted for advice.
22. Any heavy machinery will be stored on an area of hardstanding to avoid refugia being created.
23. Stored material will be raised on pallets to reduce the potential they might act as a temporary resting place. This reduces the potential for damage or destruction of individual newts.
24. All waste will be placed straight into skips to reduce the potential of creating refugia.
25. Great crested newts will not be handled or moved without express permission from Natural Resources Wales as this would constitute an offence.

3.2 Mitigation

Restoration of Pond 1

Pond 1 was dry at the time of the PEA survey and on subsequent site visits. This can be restored in an ecologically beneficial way, with staging and planting that will provide an excellent enhancement both for great crested newts and land-based species that might use the pond as a foraging area.

- In order to retain water within the pond the grass within it is to be stripped and a liner is to be installed.
- The profile of the pond will be stepped down around the edges, allowing different habitats to develop within the same pond.

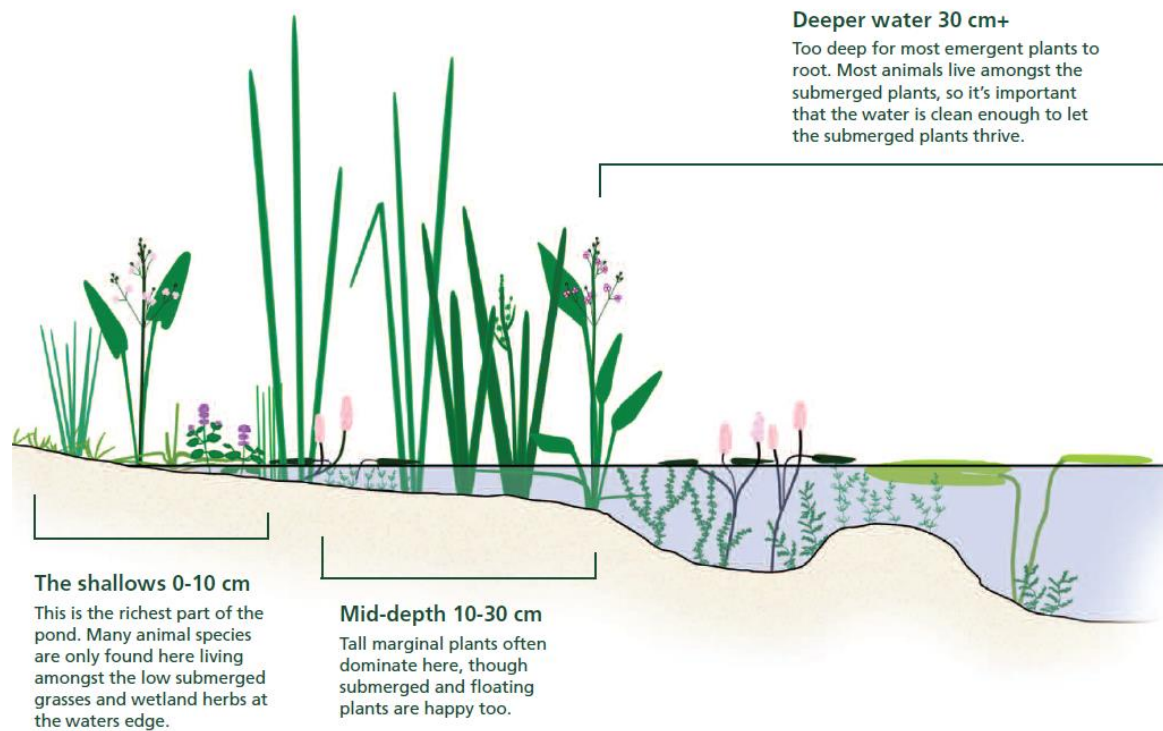


Figure 3.4. Pond Design (Taken from the Million Pond Project)

- The pond will be planted with locally sourced native species to begin with. These will be planted at a minimum of five plants per m².

Reed mace (*Typha angustifolia*) will be planted near the border of the pond. These are staple plants in any pond and will help with water filtration.

Water forget-me-not (*Myosotis scorpioides*) is a favoured plant species for amphibian species such as great crested newts to use as egg-laying substrate. Planting this will provide a relatively quick enhancement for the species in the area.

These plants will form a baseline biodiversity interest which will then be added to by natural colonisation of local native plants. Local plants often colonise new ponds within a short timescale.



Hedgerows

Connectivity around the site can be improved by planted new hedgerows along boundaries. Plants to use for the new hedges will include locally sourced native species. These will be planted in accordance with BS3936 (part 1, 1992, Nursery Stock, Specifications for trees and shrubs). Planting will occur between November and April depending on the timing of the development.

Table 3.1. New hedge planting scheme

Common Name	Latin Name
Hawthorn	<i>Crataegus monogyna</i>
Blackthorn	<i>Prunus spinosa</i>
Hazel	<i>Corylus avellana</i>
Holly	<i>Ilex aquifolium</i>
Wild Service Tree	<i>Sorbus torminalis</i>
English Oak	<i>Quercus robur</i>
Wild Cherry	<i>Prunus avium</i>
Dog rose	<i>Rosa canina</i>
Dogwood	<i>Cornus sanguinea</i>
Elder	<i>Sambuca nigra</i>

Scrub

An existing area of scrub lies on the northeast boundary near pond 2. This can be extended to provide a larger area of high value in close proximity to this pond. Scrub can also be planted near pond 3 as this is where newts have been recorded in the past. The scrub needs to contain a variety of woody species with no one species being dominant. The following could be planted within the scrub.

Table 3.2. Species to be planted within scrub

Common Name	Latin Name
Blackthorn	<i>Prunus spinosa</i>
Hawthorn	<i>Crataegus monogyna</i>
Buckthorn	<i>Rhamnus cathartica</i>
Hazel	<i>Corylus avellana</i>
Elder	<i>Sambuca nigra</i>
Dogwood	<i>Cornus sanguinea</i>

Planting Schedule

The planting season for the scrub and hedgerows will be in the first available period, between 1st October and 31st March. Note that this is subject to weather conditions, and plants should not be set during adverse conditions such as frost, drought or flooding.

The use of herbicide and pesticides should be avoided to retain the value of the hedges and scrub to wildlife.

Newly planted trees are to be thoroughly watered as soon as they are planted then repeatedly within the first few weeks and in drier conditions during the first year when necessary.



Stakes are to be put in place to support the trees for the first 1-2 years or until the roots of the tree have grown enough to anchor it to the ground. The ties of the stakes should be checked every six months to ensure that they are not damaging the tree bark as it grows.

Tree Protection

As the fields around the site are used for pasture the newly planted hedgerows and scrub are to be fenced from to prevent damage.

Wild animals such as rabbits and hare can cause damage to young trees. Tree guards are required to protect the trees. Rabbit fencing (wire mesh) should be fixed around the base of the tree er. Grasses and other plants within the guards will be managed by hand, particularly whilst the trees are young and being established and if there is evidence of swamping.

Tree guards will be routinely monitored and maintained and replaced when the trees outgrow them or if they become damaged.

Locations for Mitigation

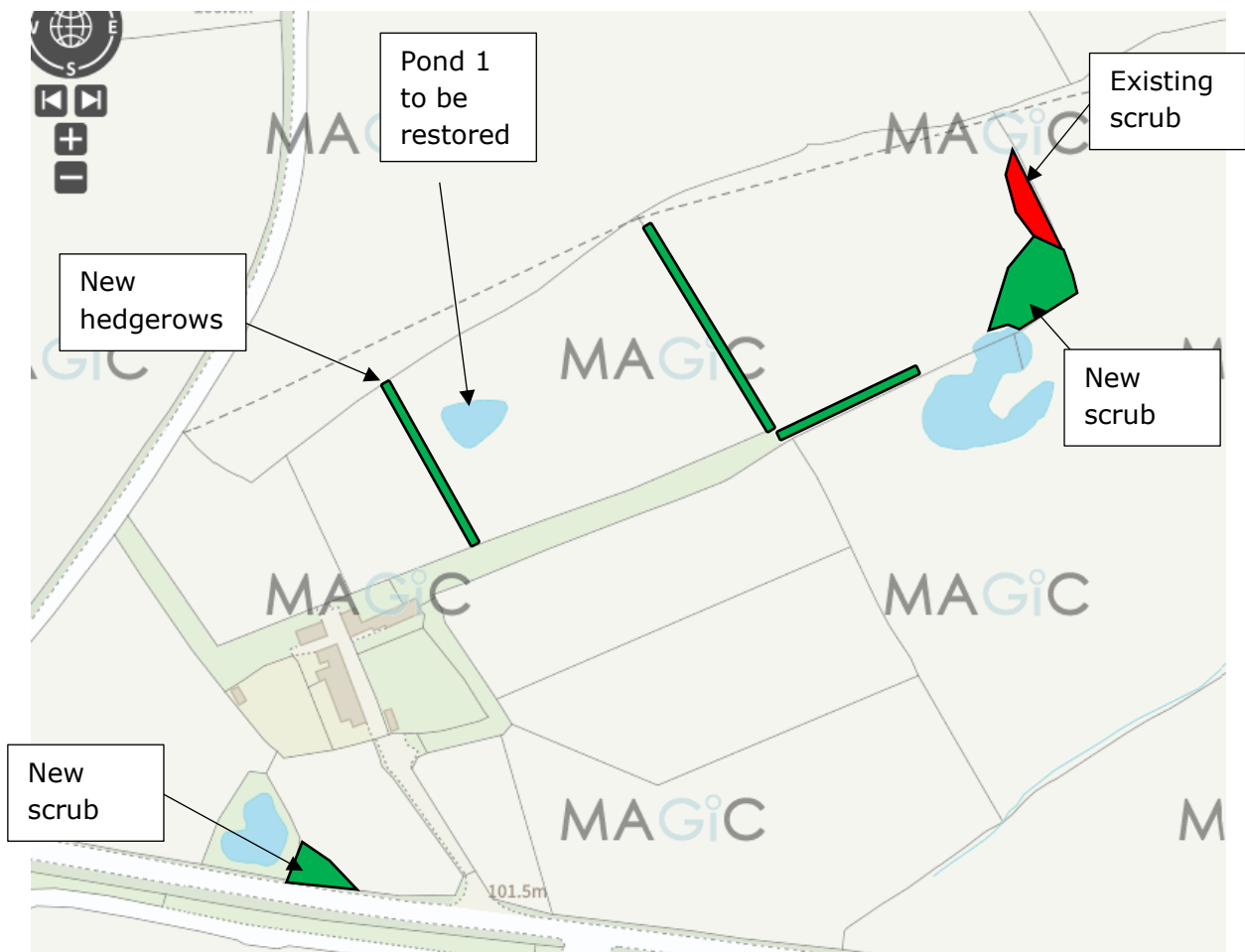


Figure 3.5. Proposed locations of enhancements



3.3 Timing of Works

Table 3.3. Timing of works

Action	Timing	Justification
Install newt fencing	Before any development commences	To ensure an amphibian proof barrier is in place throughout work which will prevent any amphibians entering site during development
Remove newt fencing	Once all work has completed	
Plant new hedgerows and scrub	October to March inclusive	This gives the roots time to develop



4 Biosecurity Measures

The site and its surrounds was found not to contain any invasive species of flora listed within schedule 9 of the Wildlife and Countryside Act 1981, so the development and movement around the site is unlikely to cause the spread of such species.

In order to prevent the spread of any pathogens between sites, the development site will be protected with mandatory disinfectant mats on all site entrances, and all tools will be thoroughly cleaned before being used on site.

During the toolbox talk for GCN, the ECoW ensuring contractors have a sound understanding of the importance of biosecurity. The biosecurity measures will be installed before any other work takes place on the site, to ensure protection from biological contamination throughout all stages of development.



Appendix A Surveyor Details

Table A.1. Details of surveyors' experience and licences held

Name	Membership of associations/ experience	Licenses
Chloe Sheil MZool (Conservation)	Junior Consultant Chloe has a master's degree in Zoology with Conservation from Bangor University. She has 4 years' experience assisting with surveys.	Holder of survey licence for newts in England; GCN: 2022-10485-CL08-GCN Listed as an accredited agent on Ben Jones' licence: NRW bat licence – S088669-2 NRW newt licence – S087992-2
Ben Jones BSc(hons) MSc	Senior Consultant Ben has a degree in Marine and Freshwater biology and a Master's degree in "Managing the Environment". He has 7 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales. <u>England:</u> Bats - 2017-29112-CLS-CLS GCN - 2016-25209-CLS-CLS <u>Wales:</u> Bats – S088669-2 GCN – S091242-1