

Miners Road RPP Facility – GCN Mitigation Strategy

Introduction

The proposed Reserve Power Plant (RPP) Facility on the south side of Miners Road, Llay Industrial Estate comprises a 0.52 ha brownfield site which in recent years has been used for the temporary storage of vehicles, shipping containers and stockpiled materials.

No ponds are present within the Site, but there are known Great Crested Newt (GCN) populations to the north (Police Site) and south (Former Llay Colliery). The Miners Road Site has the potential to act as a stepping stone between these two breeding populations, providing terrestrial habitat for foraging and migrating GCN.

The Site currently comprises the following habitats/land uses:

- An area of compacted hardcore and gravel in the north of the Site (0.17 ha). This is unfissured and contains no potential places of shelter for GCN. However, the topography allows shallow ephemeral puddles to form during wet weather and these may provide temporary refuges for GCN, for example during migration periods. A number of old vehicles and shipping containers are currently stored around the perimeter of the hard standing area. These have limited scope for GCN to shelter beneath them.
- Several rubble piles of varying sizes, including a large area in the south of the Site (0.05 ha) and a smaller discrete pile in the north west. Parts of the larger rubble pile are long established and the rubble is partially covered in mosses and vegetation growth. These areas have a high potential to support sheltering/hibernating GCN.
- The remainder of the Site, including the northern and western boundaries and the area to the south of the hardstanding, comprises a mix of short grass, ephemeral vegetation and scrub (0.29 ha). These areas could be used by GCN for foraging and/or migration.

A site meeting was held with NRW on 1.2.18 to discuss a potential mitigation and compensation scheme for the Site with respect to GCN. Following further internal discussion, the scheme outlined in this document is proposed.

Potential impacts on GCN

The Site has no potential to support breeding GCN as no ponds are present. The compacted hardstanding area has very limited potential to provide habitat for GCN, apart from on an ad hoc basis during wet periods, on migration etc. GCN could use the longer established rubble piles, particularly the large pile in the south west corner, for shelter and hibernation and the areas of grassland and scrub may be used for foraging purposes. No GCN have been found during terrestrial searches, but there is a risk that GCN could be present at the time of development or could enter the Site during construction or operation. The following potential impacts on GCN have been identified:

- Killing, injury or disturbance to GCN during construction.
- Damage or destruction of resting places when the Site is cleared for construction.
- Incidental killing, injury or capture during operational phases.

A mitigation/compensation scheme is therefore proposed in order to minimise the potential impacts on GCN and to satisfy the Habitats Directive derogation purpose (“imperative reasons of overriding public interest”) and two tests (“no satisfactory alternative”) and (“favourable conservation status”).

The mitigation scheme needs to ensure that the potential impacts on GCN are minimised through the implementation of the mitigation hierarchy (avoid, mitigate or compensate), but at the same time it should be proportionate to the identified level of impact and the quality of the affected habitats. In this instance, the Site is a previously developed brownfield site with a large proportion of the area to be developed being compacted gravel; the potential GCN interest has only developed at the site margins as a result of the stockpiling of materials and the lack of recent active vegetation management.

We propose that the mitigation scheme should therefore focus on avoiding disturbing the longest established rubble piles, as far as possible, together with providing an area of compensation land designed to maintain links between the northern and southern populations and avoid any fragmentation effects. A GCN licence would also be obtained to facilitate the exclusion and relocation of any GCN present within the development footprint during construction.

Outline of proposed mitigation/compensation scheme

It is proposed that the scheme should comprise the following key elements, as shown on the accompanying plan:

1. Site design/layout designed to minimise the impacts on GCN habitat.
2. Provision of a peripheral compensation area (~0.1 ha), incorporating part of the larger rubble pile and areas of scrub and grassland.
3. Retention of the remainder of the large rubble pile and partial retention of ephemeral vegetation/grassland outside of the fenced compound.
4. Implementation of a licensed mitigation scheme to capture and translocate any GCN within the development footprint.

Site design/layout

The selected layout concentrates the footprint of the facility on the existing hardstanding, the area used for equipment storage and the ephemeral/short grass habitats in order to minimise the impacts on places of shelter potentially used by GCN.

Other design features which will avoid or minimise impacts on GCN include the following:

- Avoiding the use of gullypots.
- The Site will be permeable to GCN once construction is complete (open site design with gravel; all fences will be permeable to GCN).
- The Site will not contain any structures which could kill, injure or capture GCN.

- There will be no need for permanent exclusion fencing.

Compensation area

The ~0.1 ha compensation area will be located outside a 1.8m high wooden post and mesh fence in two linked strips along the western and southern boundaries. The location of the compensation area is designed to maintain connectivity between the northern and southern GCN populations and to avoid fragmentation impacts.

Part of the existing large rubble pile will be within the compensation area, and the remainder comprises existing scrub and ephemeral/short grass vegetation.

The compensation area will be encouraged to develop scrub and dense vegetation naturally in order to provide enhanced habitat/shelter for GCN. The smaller rubble piles that lie within the development footprint will be relocated into the compensation area under the provisions of a derogation licence.

Retained habitats

The remainder of the large rubble pile will be retained outside the proposed 2.4m high Paladin security fence. Part of the existing ephemeral/short grass vegetation will also be retained outside the security fence. These areas will be left undisturbed to provide continued terrestrial habitat and resting places for GCN.

Licensed mitigation scheme

It is envisaged that targeted GCN surveys will not be required to inform the GCN licence application given that no ponds will be impacted and existing survey data are available for the off-site populations to the north and south.

The licensed scheme will include the following key elements:

- Confirmation of mitigation and compensation provisions, as outlined above, including retention of the large rubble pile.
- Details of a trapping and translocation scheme to capture and move any GCN present within the construction footprint. This will include:
 - Exclusion fencing.
 - Pitfall traps/refugia.
 - Minimum of 30 days trapping period in suitable weather conditions.
 - Details of where captured animals will be released (i.e. into retained habitats).
 - Relocation into the compensation area of smaller rubble piles within the construction footprint.
- Long term provisions for management and security of retained and compensation habitats, including:

- Management proposals, to include measures to maintain and enhance the structure of the habitats within the compensation area throughout the life of the development (25 years).
 - Monitoring of retained and compensation terrestrial habitats.
 - Aquatic habitat monitoring is not proposed, as all breeding ponds are off-site and not affected by the proposals.
- Biosecurity risk assessment, to include:
 - Appropriate measures to control any INNS found on site (NB none have been recorded to date); and
 - Measures or actions to prevent any INNS being introduced to/becoming established on the site during construction or operation of the scheme.
- Ecological compliance audit. This will identify Key Performance Indicators (KPIs) that will be used for the purposes of assessing and evidencing compliance with the agreed mitigation and compensation scheme.