

Updated Layout, Reasonable Avoidance Measures with
Respect to Great Crested Newts and
Biosecurity Risk Assessment at
Land off High St/Ruabon Rd,
Johnstown, Wrexham,
LL14 2AD
Grid Ref. SJ 3011 4598

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Legislation Relating to Great Crested Newts

The GCN is protected under the Conservation of Habitats and Species Regulations 2017 (as amended), known as the 'Habitats Regulations', because it has declined throughout Europe in recent decades.

Under the Habitats Regulations, it is an offence if you:

1. Deliberately capture, injure or kill any wild animal of an EPS,
2. Deliberately disturb wild animals of any such species,
3. Deliberately take or destroy the eggs of such an animal, or
4. Damage or destroy a breeding site or resting place of such an animal

Disturbance is defined as that which is likely:

1. to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
2. to affect significantly the local distribution or abundance of the species to which they belong.

Defra and the Welsh Government will publish a joint guidance document on the interpretation of the offences relating to disturbance, and to damage and destruction of breeding sites and resting places.

There are other offences relating to possession, transport and sale.

Under the Wildlife and Countryside Act 1981(as amended) (W&CA) it is illegal to:-

1. Intentionally or recklessly disturb any great crested newt while it is occupying a structure or place which it uses for shelter or protection
2. Intentionally or recklessly obstructs access to any structure or place used by a great crested newts for shelter or protection
3. Sell, offer or expose for sale any great crested newt

It is, however, legal for you to tend a disabled GCN with the intention of releasing it, or to kill a GCN that cannot recover, as long as the injury was not a result of your unlawful act.

Natural Resources Wales (NRW) issues licences under the Habitats Regulations to allow you to work within the law. You might need a licence to undertake pond management, scrub clearance or a development, for example.

Reasonable Avoidance Measures with Regard to Great Crested Newts

It is a criminal offence to harm a great crested newt.

Great crested newts spend most of their time on land, returning to still water only to breed once they are mature at about 3-4 years of age.

They may travel more than kilometre from their breeding pond.

They move about mostly at night, and by day creep underground or beneath shelter such as stones or logs.

They hibernate during the winter, which is generally from the beginning of November until late March, depending on the weather. Hibernation is underground in burrows made by other small animals or beneath substantial cover such as large stones or piles of logs.

As described in the EcIA, the site will be enclosed by temporary newt fencing for the duration of the work due to the close proximity of the nearby Johnstown Newt Sites. This will avoid harm to any GCN and address the spread of any diseases such as the chytrid fungus. Plastic flaps fixed to the proposed Heras fencing and entrance gate may be suitable if done correctly. This will need to be checked by an ecologist to ensure it is fit for purpose. The fence will remain in place for the duration of the groundworks and major civil engineering work.

1. Vegetation removal will be done carefully, starting from the centre and working outwards so any animals have a chance to escape. Thereafter vegetation should be kept as short as possible.
2. An inspection of the area to be affected will be undertaken by a suitably licensed GCN worker.
3. If any potential refuges such as piles of rubble or logs need to be moved before work starts, care must be taken when moving them. This will be done by hand.
4. A tool box talk will be given to all contractors before work starts, including identification, legislation and ecological importance of GCN.
5. If any trenches cannot be filled the same day they will need a ramp of earth at the ends of the trenches, to the full depth of each trench, so that newts can climb out. It is not sufficient to leave a piece of wood against the sides, which would allow small mammals to escape, but not newts, which are not good climbers. The trenches must be inspected carefully before infilling, and any animals carefully removed and released into the surrounding hedgerows (but see below).
6. Building materials will be stored clear of the ground (say, on pallets) so as to avoid crushing any animals which might seek refuge under them, when the materials are lifted. Any such storage must be on the drive or other hard surface, and not on vegetation or other soft surface.
7. Bulk materials will be used on the same day as delivery where possible to reduce the likelihood of GCN taking shelter underneath.
8. Any open pipework will be capped overnight. All open trenches and pipework will be inspected at the start of each working day to ensure no animal is trapped.
9. Any excavated material which is not replaced on the same day must either be removed from the site or stored on a hard surface and covered with an impermeable membrane, such as a plastic sheet or tarpaulin, and the edges of the sheet secured so that no amphibians can gain access.
10. If any great crested newt is discovered in the area of the work, then work in that area must stop and a licensed great crested newt worker contacted immediately for advice.
11. A copy of these measures will be displayed on site for the duration of the work.

Legislation Relating to Biosecurity Risk Assessments

Wildlife and Countryside Act 1981 (as amended)

Section 14: Introduction of new species etc.

(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—

(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or

(b) is included in Part I[F1, IA or IB] of Schedule 9, he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.

(3) Subject to subsection (4), it shall be a defence to a charge of committing an offence under subsection (1) or (2) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

Legislation Relating to Invasive Non Native Species

The Invasive Alien Species (Enforcement and Permitting) Order 2019 available at:
<https://www.legislation.gov.uk/ukxi/2019/527/contents/made>

Biosecurity Risk Assessment

Chytridiomycosis is an infectious fungal disease affecting amphibians. It can be spread via soil and water and has been identified at the nearby Johnstown Newt Sites. It is important that movement of potentially contaminated soil between sites is restricted, therefore control measures must be implemented as below.

Existing presence of species:

- No schedule 9 invasive non native species (INNS) were identified on site.
- However, the invasive non-native species (INNS) of New Zealand pygmyweed, curly waterweed, Japanese knotweed and white stonecrop have all been recorded within 500 m.
- The potential for accidental spread as a consequence of personnel and machinery entering site and import of materials such as soil and vegetation is considered to be low as machinery and contractors are generally dedicated to one site for the duration of the work and labour force will have an induction regarding housekeeping and hygiene before work starts.
- Any imported aggregates will be checked and screened and sourced from builders merchants. Any imported top soil will be from a nearby site which has already been assessed and no INNS were found to be present.

Control measures:

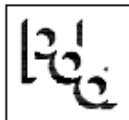
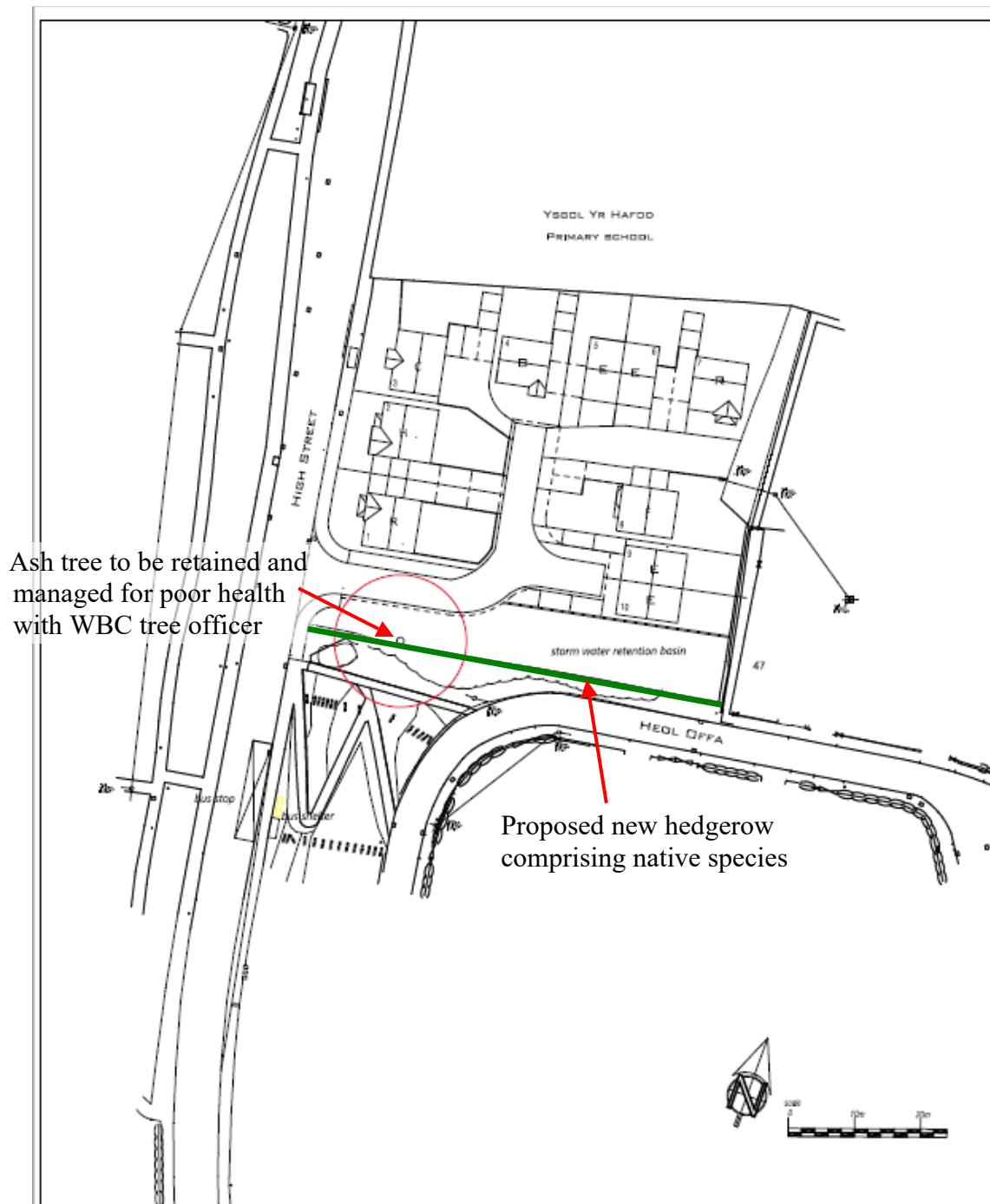
- Decontaminate workwear by brushing clothing and boots before leaving the site, leaving debris at the location where picked up.
- Soil and mud from other sites will be removed either at the other site, or before arriving on site (ie using a garage jet wash or similar off site)

Remedial actions:

- Cleaning station with Virkon or Virkon-S to be made available at site entrance for decontamination of work wear and vehicles/machinery.
- This is to be used before leaving site to prevent any potential transfer of INNS or disease causing micro-organisms elsewhere, especially to the nearby SSSI/SAC, Johnstown Newt Sites.

*However the risk of this is low, since no INNS were found on site at the time of the survey.

Updated Proposed Layout



Parry Davies Architects.

Chartered Architects.

PROJECT TITLE	LAND AT JOHNSTOWN	DATE	2021	DRAWN	WDS	REV	01
DRAWN TITLE	SITE LAYOUT PLAN C	DATE	19.09.21	DRAWN	WDS	REV	01
Barclays Buildings, High Street, St Asaph, LL17 0RF Tel: 01745 585517 Fax: 01745 582162 Email: FDPArchitects@aol.com							

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English Nature (2001) *Great Crested Newt Mitigation Guidelines* Peterborough: English Nature

Biosecurity Risk Assessment for Woodland Managers available at:
<https://naturalresources.wales/guidance-and-advice/business-sectors/forestry/tree-health-and-biosecurity/biosecurity-risk-assessment-for-woodland-managers/?lang=en>

Gent A.H, Gibson S.D (eds) (1998) *Herpetofauna Workers' Manual*. Peterborough: Joint Nature Conservation Committee

Google Maps available at: <https://maps.google.com/maps>

Great crested newts: surveys and mitigation for development projects available at:
<https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects>

The Invasive Alien Species (Enforcement and Permitting) Order 2019 available at:
<https://www.legislation.gov.uk/ukxi/2019/527/contents/made>

Langton, T., Beckett, C., Foster, J. (2001) *Great Crested Newt Conservation Handbook*. Halesworth: Froglife

Magic Maps available at: <http://magic.defra.gov.uk>

Natural Resources Wales available at: <https://naturalresources.wales/?lang=en>

Wildlife and Countryside Act 1981 available at: <https://www.legislation.gov.uk/ukpga/1981/69/section/14>

Susan Worsfold BSc (Hons) ACIEEM is an experienced wildlife surveyor, licensed bat and great crested newt worker and voluntary bat roost visitor. Registration number CLS0895 2015-12555-CLS-CLS (CL15 Bat Roost Visitor Level 1) and registration number CLS 0895 2015-12556-CLS-CLS (CL18 Bat Survey Level 2) (Natural England) and S089569-1 (Natural Resources Wales);
Great crested newt licence registration number 2016-19947-CLS-CLS (NE) and S089570-1 (NRW)