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Planning Application Reference: P/2013/0545



Gladman Developments Ltd

Land at Former Site of Hafod Tileries, Hafod Road, and Bangor Road
Johnstown, Wrexham

**ECOLOGY STATEMENT OF COMMON GROUND BETWEEN GLADMAN
DEVELOPMENTS LTD. AND WREXHAM BOROUGH**

9th March 2016

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1.0 INTRODUCTION & SCOPE

- 1.1 This statement of common ground has been jointly prepared for Gladman Development Ltd by FPCR Environment & Design Ltd. and for Wrexham Borough Council by Emma Broad Wrexham Borough Council Ecologist. It deals with the ecology of the site generally and specifically in relation to its proximity to the Johnstown Newt Site Special Area of Conservation (SAC) / Stryt las A'r Hafod Site of Special Scientific Interest (SSSI). No objections have been raised with regard to biodiversity at the site.
- 1.2 In order to accurately assess the impacts of the development on the site and the adjacent SAC a suite of surveys to ascertain the presence / likely absence of protected or notable species and habitats were completed in 2012 – 2013. All surveys were completed according to current best practice guidelines and it is agreed that they are fit for purpose. A series of reports were submitted to Wrexham Borough for consideration in July 2013 as part of the planning application which comprised;
- An Ecological Appraisal, with the following reports included as appendices;
 - o Habitat Regulations Assessment
 - o Great Crested Newt Survey Report and Mitigation Strategy
 - o Bat Survey Report
 - o Breeding Bird Survey Report
 - o Reptile Survey Report
 - o Invertebrate report
 - A Management Plan outlining future management of the great crested newt *Triturus cristatus* reserve within the development was also prepared by FPCR and approved by Wrexham Borough.

2.0 AGREED COMMON GROUND FOR ECOLOGY/BIODIVERSITY INTEREST

Consultation Responses

- 2.1 It is agreed that Natural Resources Wales did not object to this planning application (CD4 Page 10) stating that:

NRW as the government's statutory advisor on wildlife and conservation, considers the proposal, when considered in combination with other plans or projects, is not likely to have a significant effect on the SAC.

This assessment takes into account submitted proposals designed to address direct and indirect impacts on the SAC. NRW request that the implementation of submitted proposals will need to be the subject of planning conditions and obligations.

- 2.2 With regards to great crested newts NRW further state that:

In our view the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the great crested newt population at this locality, provided any future planning permission is subject to the imposition of the following planning conditions:

- (i) Submission and implementation of an approved reasonable avoidance and mitigation scheme to the satisfaction of the LPA;*
- (ii) Submission and implementation of a bio-security risk assessment to the satisfaction of the LPA;*
- (iii) Submission and implementation of measures to prevent incidental capture/killing of amphibians on completion of the development; and*
- (iv) Submission and implementation of an ecological compliance audit scheme to the satisfaction of the LPA.*

- 2.3 It is agreed that Wrexham Borough Council reflected the view of Natural Resources Wales (CD4 Page 71) in their consultation response stating that:

The provision of the dedicated nature reserve and other methods of avoidance have the potential to prevent any direct impacts of the proposed development. However, many of the details are not provided, and further information is required via pre commencement conditions.

Long Term Ecology Management

As part of the reserved matters a long term ecological management plan and ecological method statement shall be submitted to and approved in writing by the LPA. This information shall demonstrate how existing features of ecological interest will be protected, how the development site shall be cleared of great crested newt, identify areas of compensation and demonstrate management in the long term and how this will be funded. The recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing before any part of the development commences on site.

A minimum of two weeks prior to commencement of development, written notice of the name and contact details of the ecological Clerk of Works shall be submitted in writing to the Local Planning Authority. A compliance audit shall be carried out by a qualified ecologist, independent of the appointed Clerk of Works, in accordance with details which have been submitted to and approved in writing by the LPA. A copy of the completed audit reports should be submitted to and approved in writing by the LPA after each phase of development, and a final report received prior to occupation of the 1st dwelling.

An Appropriate Assessment will be required under the Habitat Regulations.

Survey Information

- 2.4 It is agreed that the survey work submitted for the application was robust and fit for purpose.
- 2.5 A walkover survey of the site completed on 23rd February 2016 confirmed that no significant habitat changes have occurred since the original submission. The great crested newt population is surveyed on an annual basis as part of the on-going management of the SAC, survey results indicate that the population is still large. It is therefore agreed that the protected species data is sufficient to inform this statement of common ground.

Johnstown Newt Site SAC / Stryt las A'r Hafod SSSI – Habitat Regulations Assessment

- 2.6 As outlined within the Ecological Appraisal, Johnstown Newt Site SAC / Stryt las A'r Hafod SSSI lies directly adjacent to the north western boundary of the site, with a small area falling within the site boundary. The SAC comprises two post-industrial sites where coal and clay have been extracted and supports one of the largest known populations of great crested newts in Great Britain. Breeding habitat is provided in part by a mining subsidence pool and natural water-filled hollows on clay, other ponds have been created as part of nature conservation management. Terrestrial habitat varies from marshy grassland, grazed farmland and swamp through to scrub and broad-leaved woodland. In addition to great crested newts, the site supports good populations of the remaining four widespread amphibian species, namely common frog *Rana temporaria*, common toad *Bufo bufo*, palmate newt *Lissotriton helveticus* and smooth newt *L. vulgaris*.
- 2.7 A number of potential impacts resulting from the proposed development were identified within the Habitat Regulations Assessment. This included
- Loss of suitable habitat for great crested newts within the application site;
 - Loss of habitat connectivity leading to isolation of populations of great crested newts from suitable habitats and from the wider meta-population;
 - Direct impacts on great crested newts within the application site during construction (killing or injury as a result of works);
 - Pollution during construction affecting aquatic habitats within the SAC;
 - Increased recreational pressure (in particular, fly-tipping, pollution and disturbance and damage to habitats through activities such as motorsports);
 - Introduction of fish;
 - Feeding of ducks causing increased numbers of waterfowl;
 - Incidental capture of great crested newts (i.e. in gully-pots and drains);
 - Predation of great crested newts by cats;
 - Spread of invasive weeds (in particular *Crassula helmsii*);
 - Introduction and inter-pond transfer of amphibian chytridiomycosis;
 - Changes to hydrology affecting aquatic habitats within the SAC;
 - Surface water run-off affecting aquatic habitats within the SAC.
- 2.8 It is agreed that the conclusions of the Habitat Regulations Assessment resulted in no significant effects upon the integrity of the Johnstown Newt Sites SAC (provided that adequate mitigation takes place) as a result of the development.

Great Crested Newt

- 2.9 It is agreed that a large population of great crested newts (peak count across the site of 313) was recorded on site during the presence / absence surveys and that given the habitats currently present and on-going management of the SAC mitigation designed for a large population of great

crested newts is still relevant to this site. The proposals will result in the loss of all waterbodies currently within the site boundary and 8.1ha of terrestrial habitat. It is agreed that a specifically designated great crested newt reserve including 0.84ha waterbodies and 5.7ha of terrestrial habitat comprising 3.3ha high quality habitat and 2.5ha low quality habitat is sufficient to ensure the favourable conservation status of great crested newts within the site. Furthermore, it is agreed that to ensure that great crested newts are protected from disturbance by residents, a 2m high palisade fence will enclose the reserve area. This will prevent any risk of impacts from increased recreational pressure, introduction of fish, invasive weeds and amphibian disease. It is agreed that the fence will be designed to prevent access to the reserve by cats, and will minimise the risk of cats entering the SAC from the development.

Bats

- 2.10 A series of daytime and nocturnal surveys were completed on the buildings and within suitable habitats on site. It is agreed that buildings B1, B2a – B2c B2 and B3 had negligible potential for supporting roosting bats and as a result no further nocturnal surveys were necessary. B2d was considered to have low/moderate potential for supporting roosting bats and as a result nocturnal surveys were completed. The two nocturnal surveys (one dusk and dawn within 24 hours, and one single dawn survey) did not record any bats emerging from or roosting within B2d.
- 2.11 Five transect surveys and five static detector surveys were completed between May and September 2012 in accordance with the Bat Conservation Trust Good Practice Guidelines (Hundt 2012) taking in suitable habitats such as hedgerows, woodland, scrub waterbodies and grassland. Five periods of static monitoring were also completed to complement the transect surveys. It is agreed that the results indicate that small numbers of bats in low densities frequent most areas of the site for foraging and/or commuting purposes.
- 2.12 It is agreed that none of the trees on site were suitable for supporting roosting bats.
- 2.13 It is agreed that the bat survey work is sufficient to gain adequate understanding of bat activity within the site, with just low numbers of common and widespread bat species recorded, especially in association with hedgerows and trees. It is agreed that the site is not a significant resource for the local bat population and development will not affect the population status of the local bat population.
- 2.14 It is agreed that the development will not contravene the legal considerations covering bats in the Conservation of Habitats & Species Regulations 2010 (as amended) or the Wildlife & Countryside Act 1981 (as amended), so long as measures to minimise light spill onto retained and new hedgerows and created open space are adhered to.

Reptiles

- 2.15 Reptile surveys were completed between May and August 2012. Although suitable habitats for supporting reptiles were present on site, no reptiles were recorded during the presence/absence surveys. The absence of any observations of reptiles does not preclude their possible presence, but it is highly unlikely that any effects on reptiles would be significant. It is agreed that site clearance should be completed with due care to avoid accidental killing or injury of reptiles that could be present. This will ensure that contravention of the Wildlife & Countryside Act 1981 (as amended) that protects the species from intentional or reckless killing and injury does not occur.

- 2.16 It has been agreed that measures to carefully remove suitable habitat would reduce risk to reptiles during clearance operations and that proposed great crested newt reserve and open space provision within the development would allow the site to continue to provide for the species.

Breeding Birds

- 2.17 Following submission of the detailed findings of the breeding bird survey report it is common ground that the site supports an assemblage of common and widespread notable bird species, some of which may breed within the site or immediate vicinity.
- 2.18 It is concluded that that site does not provide a significant resource for any rare or highly specialised species and the development will provide at least the same if not higher value habitats for a similar assemblage of birds. It is agreed that the breeding bird assemblage is not of consideration beyond the proposed safeguarding measures and proposed provision of open space and residential gardens.

Invertebrates

- 2.19 Invertebrate surveys identified seven notable species occurring within the site. It is agreed that habitats such as the rubble piles and an earth bund will be retained and additional grassland habitats included within the great crested newt reserve area to provide suitable habitats for notable invertebrates on site.

Habitats and Flora

- 2.20 The mosaic of semi-natural and secondary habitats present within the site, including local BAP habitats and important hedgerows, is likely to be of significant nature conservation value within a local context.
- 2.21 A large proportion of the site, approximately 48% (8ha), is dominated by buildings, hard-standing and disturbed/ bare ground, which are of negligible ecological value, although some areas of disturbed/ bare ground are of value to invertebrates.
- 2.22 Development proposals have sought to retain habitats of nature conservation value where possible, however some habitats of local value including a number of water bodies and areas of broad-leaved woodland, species poor semi-improved grassland, neutral semi-improved grassland and dense scrub would be lost from the site's western and eastern extents. It is agreed that in order to ensure that biodiversity is maintained and enhanced and species associated with the site can be maintained at a favourable conservation status, habitat loss will be compensated for through the creation of a series of new water bodies and new terrestrial habitats including grassland and scrub and through appropriate management of the retained habitats to maximise their nature conservation value.

3.0 CONCLUSION RELATING TO THE LEGAL CONSIDERATIONS IN RELATION TO PROTECTED SITES AND SPECIES

- 3.1 From the submitted information it is agreed that the presence of great crested newts is a statutory ecological constraint to the proposals and a licence from Natural Resources Wales is required for this species. It is agreed that the final details of the proposed mitigation and management will be

submitted with any reserved matters application and that the submission of further details can be secured through implementation of suitably worded planning conditions and obligations. Following granting of the license from Natural Resources Wales it is agreed that offences under the Conservation of Habitats & Species Regulations 2010 (as amended) can be avoided.

- 3.2 It is agreed that following the implementation of mitigation measures there will be no significant effect on the Johnstown Newt SAC.
- 3.3 From the submitted information it is agreed that, subject to appropriate safeguarding conditions, the presence of bats is not a statutory ecological constraint to the proposals and a licence from Natural Resources Wales is not required for this species. It is also agreed that no further consideration to offences under the Conservation of Habitats & Species Regulation 2010 (as amended) or the Wildlife & Countryside Act 1981 (as amended) is required for this application.
- 3.4 From the submitted information it is agreed that the presence of reptiles is not a statutory ecological constraint to the proposals. It is also agreed that no further consideration to offences under the Wildlife & Countryside Act 1981 (as amended) is required for this application.
- 3.5 From the submitted information it is agreed that breeding birds are not a statutory ecological constraint to the proposals. It is agreed that no further consideration to offences under the Wildlife & Countryside Act 1981 (as amended) is required for this application.
- 3.6 From the submitted information it is agreed that invertebrates are not a statutory ecological constraint to the proposals. It is agreed that no further consideration to offences under the Wildlife & Countryside Act 1981 (as amended) is required for this application.

 Kate Hollins. FPCR Environment & Design Ltd. Date:	 Emma Broad, Wrexham Borough Council Date:
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