

Our ref: 3194 / JSE

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2 December 2009

Dear Mr Phillips

Re: Former Gatewen Colliery, Gatewen Road, New Broughton, Wrexham. Submission of Reserved Matters pursuant to outline planning permission No. P/2007/0700.

Further to your letter dated 20 October 2009, comments from CCW provided in their communication of 15 October 2009 and subsequent discussions with Matthew Ellis (CCW), the following is a summary of the proposed great crested newt *Triturus cristatus* mitigation strategy in response to these comments. It should be noted that a full amended great crested newt mitigation strategy document is in preparation and will be issued shortly following further consultation with CCW.

As recently discussed with Matt Ellis (CCW) it is considered that the population of great crested newts currently utilising pond W2 at the northern end of the site is likely to be a relic population currently not at a favourable conservation status due to the sub-optimal nature of on-site habitats (terrestrial and aquatic). Alternatively, the population may comprise small numbers of newts which are part of a wider meta-population that have migrated from ponds outside the site.

Mitigation proposals will aim to prevent accidental disturbance, injury or killing of great crested newts, increase available habitats to newts and provide connectivity to the wider landscape to promote dispersal / migration and genetic exchange. These measures are considered sufficient to both maintain a viable newt population and restore the species to a favourable conservation status at the local level. Mitigation will therefore comprise:

Short Term Proposals

- Translocation / exclusion of newts under WAG licence from areas affected by construction works into reserve areas to prevent accidental disturbance, killing or injury of great crested newts during construction operations.

Long Term Proposals

- Provision of mitigation / compensation areas with optimal GCN terrestrial and aquatic habitats including over-wintering habitat. There will be an overall nett increase in optimal habitats within the site, providing sufficient habitats to support a larger population than is currently present;
- Provision of long term mitigation measures to prevent accidental disturbance, killing or injury of great crested newts post construction operations;

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- Monitoring the population in the long term to determine whether the population is maintaining itself as a viable component of its natural habitat;
- Provision of linear features within the site to increase the natural range of the species at a local level and allow dispersal to the wider landscape;
- Long term security of mitigation / compensation through the provision of a detailed management plan

Short Term Proposals

Licensed Works (Figure 1)

Newts are considered to be restricted to suitable habitats in the northern part of the application site. Therefore works beyond 400 m from the existing pond (through suitable habitats as opposed to radially outwards from the pond) will be undertaken without the need for obtaining a WAG licence. Works affecting suitable habitats within 400 m from the existing pond will only be undertaken once newts have been translocated from these areas under WAG licence. The large areas of colliery spoil within 400 m of the existing pond will not be included in the trapping / translocation exercise due to the highly unsuitable nature of this non-vegetated habitat.

The licence will also include installation of exclusion fencing around the working areas within 400 m of the existing pond for the duration of development works to ensure that newts are not accidentally injured / killed during construction operations. Newts will be trapped out from working areas (apart from the colliery spoil area) using standard amphibian fencing and pitfall traps and translocated into an on-site receptor area.

Works affecting pond W2 will also be undertaken under licence. A replacement pond will be created in an area trapped-out of GCN adjacent to pond W2 prior to works affecting W2. This pond shall be designed specifically to provide optimal breeding habitat for GCN.

Long Term Proposals

Mitigation and Compensation Areas (Figure 2)

Habitat enhancement will be undertaken on land immediately adjacent the proposed cycletrack at the northern end of the site. This will create an area of optimal newt terrestrial habitat that will:

- Compensate for the loss of sub-optimal semi-improved grassland in the west of the site, and
- Provide a receptor area for newts translocated under licence.

Enhancement will include a cutting regime that will create tussocky grassland and discourage any natural increase in the extent of scrub and also the creation of numerous hibernacula.

Woodland along the eastern boundary will be retained to provide a linear corridor along the length of the site for use by newts. An informal footpath will be created along the length of the woodland, adjacent to the development with a buffer created between the footpath and the woodland edge to provide a further linear route comprising optimal newt habitat. Further habitat enhancement, comprising the creation of tussocky grassland with occasional scrub, hedgerow sections and hibernacular, will be undertaken at the southern extent of the woodland. This will provide optimal connective habitats between the newt pond and the SSSI (Gatewen Marsh SSSI) to the south east of the site and beyond.

The existing newt pond will be lost through development works. As such, a new pond will be created immediately adjacent the existing pond to provide suitable aquatic breeding habitats for great crested newts. Although the existing pond was not considered to be used for breeding purposes, the replacement pond will provide shallow-sloping sides and native marginal and aquatic planting (and artificial egg laying substrate during year 1) making it highly suitable for use as a breeding pond thereby enhancing the habitat suitability for this species within the site.

Long Term Mitigation

To prevent the accidental injury or killing of newts in the long term the surface water drainage scheme will include newt-friendly features. This will comprise offset gully pots and adjacent dropped kerbs. In the unlikely event that any newts find their way onto the development roads this will allow them to by-pass drains safely.

Population Monitoring

Monitoring will initially be undertaken in years 1, 3 and 5 to allow population size class assessments which will assist in determining development related impacts on the population. These surveys will comprise 6 visits per annum using 3 survey methods (combinations of egg searching, sweep netting, bottle trapping and torching) on each visit.

Following the initial 5 year population monitoring period and as suggested by CCW, monitoring will then be undertaken on an annual basis to inform ongoing habitat management works. This second phase of monitoring works will comprise one or two visits per year and will include pond surveys to provide an approximate assessment of the population size class and an assessment of habitats in and around the pond to inform the management works for the following 12 months. This monitoring and management will be undertaken in perpetuity in conjunction with the site management company in consultation with CCW or its nominated agents. All surveys or habitat maintenance will be undertaken, where appropriate, by suitably licensed and experienced individuals to ensure full statutory compliance.

Linear Features (Figure 2)

With the exception of field compartments immediately adjacent the western site boundary, there are currently limited areas providing suitable habitats to support great crested newts on land to the west of the site as it is dominated by the built environment. As such, habitats to the north, east and south / south-east of the site are likely to provide much greater resources for the species. It is therefore considered that provision of dispersal routes in these directions would be of far greater value to the local newt population. It is considered that the retention of the northern and eastern boundary woodland and associated habitat enhancements will provide substantial linear corridors to allow newts to traverse the site in a north-south direction and to disperse to habitats to the north, east and south-east of the site.

Current proposals do not make provision for newts to be actively encouraged to utilise the areas of new development post-construction. To provide routes through the development areas would be likely to bring newts into direct conflict with residents. Newts are currently unable to cross large areas of the site due to unsuitable habitats and a lack of connectivity. Furthermore, due to the restricted width of the developable area it is not considered practicable to provide green corridors through the middle of the development.

Long Term Security of Mitigation and Compensation

This will be achieved through ongoing management and maintenance secured through a planning agreement and managed by a resident-funded management company and with ongoing consultation with CCW or its nominated agent. In the long term adoption of mitigation / compensation areas by the local council will be sought. In this event the management of these habitats will still be undertaken by the management company under review of CCW or its nominated agent.

No Satisfactory Alternative

As discussed above it is considered likely that the current population is a relict population having been adversely affected by previous site workings (i.e. loss of large areas of terrestrial habitat) and a decreasing habitat suitability in the form of its existing pond. Doing nothing/delaying the proposals is not considered to be a satisfactory alternative as it is considered that the population

would continue to decline. Whilst the area of the site to be developed is relatively large, the majority of it is taking place on habitat currently considered highly unsuitable for GCN (coal spoil). The relatively small area of grassland to be lost is more than 100 m from the pond and will be separated by areas of highly GCN-suitable habitat. It is therefore considered that there are no satisfactory alternatives to the proposals.

I trust you will find the above satisfactory but if you have any queries or comments please do not hesitate to contact me.

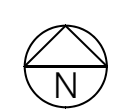
Yours sincerely

James Eales

Ecology Associate

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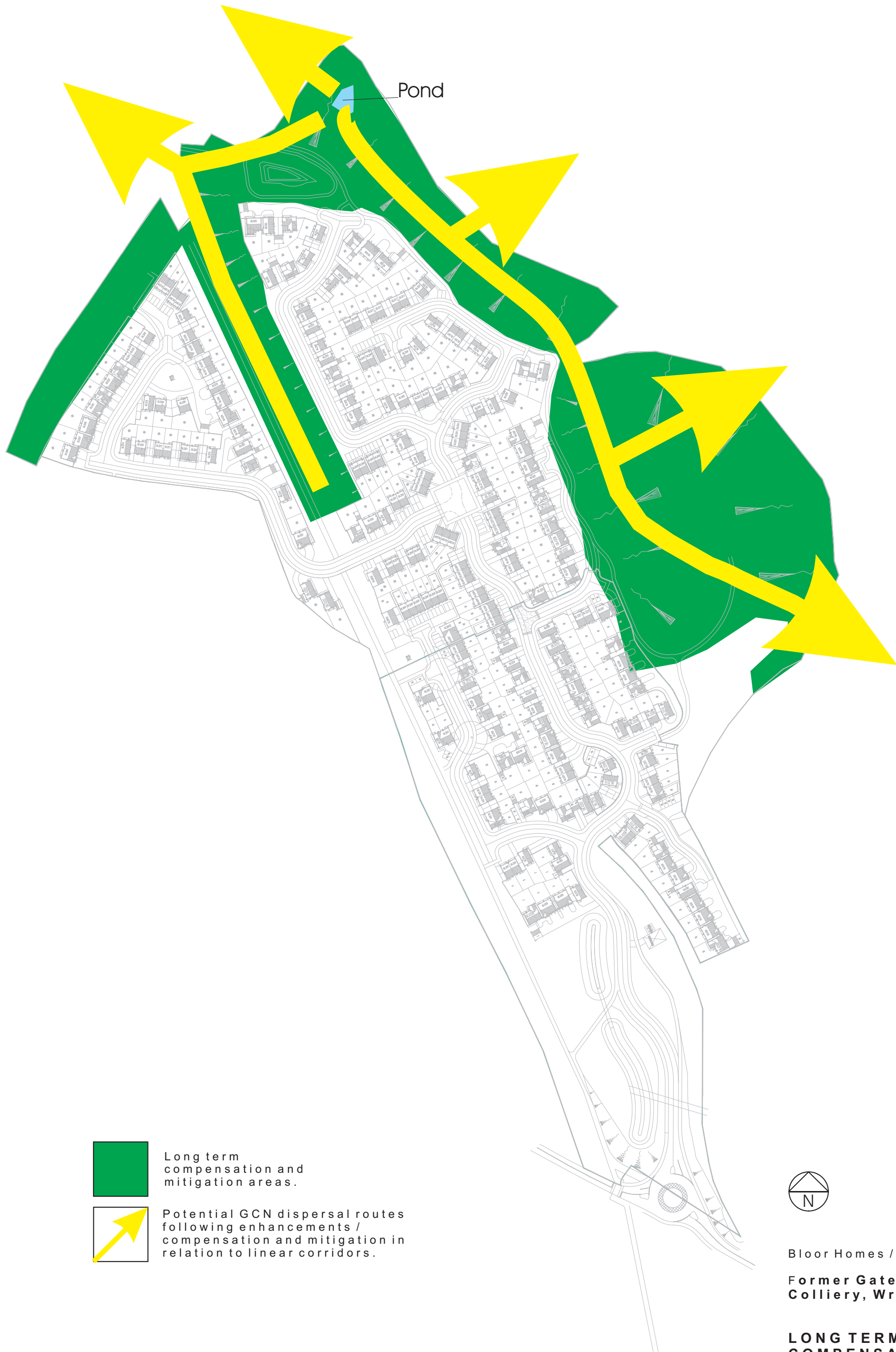
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LICENSED WORKS PLAN (indicative)

Figure 1

Not to scale @A3. December 2009



Long term
compensation and
mitigation areas.



Potential GCN dispersal routes
following enhancements /
compensation and mitigation in
relation to linear corridors.



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**LONG TERM
COMPENSATION /
MITIGATION AREAS
PLAN (indicative)**

Figure 2

Not to scale @A3. December 2009