

JS Bloor (Wilmslow) Ltd

FORMER GATEWEN COLLIERY, WREXHAM

**Reserved Matters Application
Pursuant to Outline Planning
Permission No. P/2007/0700**

**Ecology and Nature Conservation –
Great Crested Newt Framework &
Supplementary Information
In Response to CCW Comments**

February 2009

C O N T E N T S

1. INTRODUCTION
2. ECOLOGY AND NATURE CONSERVATION - GREAT CRESTED NEWT MITIGATION

1.0 INTRODUCTION

- 1.1 This document has been prepared in response to issues relating to nature and conservation with specific regard to great crested newts (GCN) for a proposed redevelopment of the Former Gatewen Colliery Site, Gatewen Road, New Broughton, Wrexham.
- 1.2 The proposed development site has been granted Outline Approval (Planning Permission No P/2007/0700) with conditions relating to ecology and nature conservation imposed. The subsequent Reserved Matters application was submitted to the planning Authority in September 2009 and has been allocated reference number P/2009/0735.
- 1.3 A communication from the Countryside Council for Wales (CCW), dated 17th December 2009, highlighted several issues concerning a revised Great Crested Newt Mitigation Strategy summary submitted in December 2009. Further information was requested in a subsequent meeting on 2nd February 2010 attended by Matthew Phillips (Wrexham County Borough Council (WCBC) Planning Officer), Zara Lomax (WCBC Ecologist), Matthew Ellis (CCW Regional Species Officer), FPCR Ecologists and representatives of the land owner (Fifers 11 and Trustees of the Hiremade Funded Unapproved Retirement Benefit Scheme) and applicant (JS Bloor (Wilmslow) Ltd).
- 1.4 This document provides specific responses to CCW's comments and provides a framework for the overall newt mitigation strategy. Great crested newts and their breeding and resting places are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This document demonstrates the developer's commitment to undertaking all responsibilities with respect to the above legislation in ensuring that any potential impacts on this European Protected Species are fully assessed and mitigated for and that the favourable conservation status of this species shall be maintained as a result of the proposals.
- 1.5 Specific issues / queries raised by CCW were:
- Provision of two replacement ponds for every pond lost that is utilised by great crested newts,
 - Provision of further details regarding trapping zones and appropriate avoidance measures,
 - Monitoring proposals should comprise annual monitoring to adequately inform aquatic and terrestrial habitat management,

- Provision of further details regarding long term site security,
- Provision of details regarding the independent audit of mitigation licence compliance,
- Provision of further details relating to bio-security and a bio-security risk assessment.

2.0 ECOLOGY AND NATURE CONSERVATION - GREAT CRESTED NEWT MITIGATION

2.1 The overall mitigation strategy in respect of great crested newts has been designed to ensure that there is no detrimental impact on the current conservation status of this species as a result of the proposed development. Furthermore, as the newt population present is very small, proposed habitat enhancements are designed to elevate the conservation status of the species to a favourable level.

2.2 With reference to specific issues raised by CCW and the planning office the following is provided.

Provision of replacement ponds

2.3 The latest development proposals require the storage of surface runoff within the existing pond utilised by great crested newts (W2). Prior to reaching W2 the water is to pass through gully pots, separators, a balancing pond and a gabion cascade. It is therefore considered that the water entering this pond will be of considerably higher quality than that which currently reaches the pond via surface runoff from the colliery spoil above. Whilst minimum works are proposed on this waterbody (two header walls to replace the currently-eroding ingress channel and outflow pipe), habitat enhancement proposed within the Welsh Assembly Government (WAG) Licence application will include works to greatly improve the habitat for newts (e.g. reduction of overshadowing).

2.4 During the meeting dated 2nd February 2010 CCW expressed an interest in the provision of an additional on-site pond. Whilst this could not be accommodated within the POS in the southern half of the site (restrictions from Welsh Water were noted) it is considered that a GCN-suitable pond within habitat adjacent to W2 could be provided. The provision of such a waterbody is not deemed necessary (following enhancements W2 will be considerably more suitable for GCN than is currently the case) however, it is considered that it would provide a welcome benefit to the currently low GCN population on site and assist in allowing favourable conservation status to be reached and subsequently maintained. It must also be noted that the proposed on-site balancing pond (whilst not forming part of the mitigation package) will provide additional habitat types suitable for use by GCN (as well as other wildlife).

2.5 All works on W2 and within suitable habitat around W2 shall be undertaken under the WAG Protected Species Licence.

Trapping Zones and Avoidance Measures

- 2.6 All suitable newt habitat (where works are proposed) within 400m of the existing newt pond, distance measured through suitable habitats will be subject to a translocation exercise under a WAG licence. Due to the low numbers of animals present, it is considered unnecessary to trap-out areas extending beyond 400m of suitable habitat from the waterbody. The areas of colliery spoil will not be included in the translocation exercise as this is completely devoid of vegetation and offers no suitable habitat for newts. Exclusion fencing will also be installed around the perimeter of active working areas, again within 400m of the existing newt pond under the WAG licence, for the duration of construction activities.

Monitoring Proposals

- 2.7 Monitoring of the population will initially be undertaken to allow a population size class assessment to determine the effectiveness of the mitigation strategy. This will comprise surveys in years 1, 3 and 5 following completion of all translocation and habitat enhancement works. Surveys will involve six visits per year throughout the survey period using standard survey methodologies. In the long term (year 6 and beyond) and as discussed with CCW, monitoring will comprise a single annual visit / survey to determine management works for the subsequent 12 month period. This will include pond surveys to assess the status of the newt population, determination of any requirement to manage invasive species or other bio-security problems and a general assessment of the effectiveness / quality of the newt habitat areas to determine any additional management requirements.

Long Term Site Security

- 2.8 Those areas retained specifically as newt habitat will be transferred either to the local authority or a suitable organisation authorised by the local authority. A commitment will also be made through a Section 106 planning agreement for the long-term management of the newt specific habitat areas to be undertaken by a suitable organisation authorised by the local authority. This might involve an ecological management company, a Voluntary Conservation Organisation (VCO), a private management company with an appropriate steering group or a combination of these organisations. Funding of long-term management will be provided through resident's service charge, collected by a general site management company who will be responsible for other public areas within the development. The management of specific GCN mitigation habitats and non-GCN specific habitats (POS) shall be strictly separated in order to ensure that future management works are undertaken in strict accordance with current wildlife legislation. The applicant is in discussion with several VCO's as this would be the preferred

organisation. In the event a suitable VCO is not available, alternate management organisations will be considered and authorisation for their use sought from the local authority.

Compliance Audit

- 2.9 As agreed with CCW, and as a requirement of WAG licensing, performance indicators will be provided with the licence application which relate to key stages of licensed works. These performance indicators will then be utilised by an independent auditor, such as a 3rd party ecological consultant or VCO, to determine whether the licensed works have been undertaken in accordance with the submitted method statement.

Bio-Security

- 2.10 A full bio-security risk assessment will be included in the amended Great Crested Newt Mitigation Strategy (in production). This will include both potential construction and operational phase impacts and will incorporate risk analysis of potential fungal infection and invasive species and habitat degradation through human activity.
- 2.11 In conclusion, the proposed development has fully considered the presence of GCN and due regard has been given to current UK and European wildlife legislation. Development proposals have been amended to accommodate GCN and both retain and create substantial areas of habitat. Existing habitat is to be enhanced, where required, including a currently sub-optimal pond and connective corridors maintained/enhanced around the site area. Long term management and security of GCN habitats will be implemented through a framework set out in a Section 106 Planning Agreement with management prescriptions detailed in a habitat management plan. Ongoing input from annual site monitoring surveys will ensure the long term integrity of the habitats. Longevity of the funding for nature conservation, wardens and annual monitoring will be for the life of the development which in effect is perpetuity. Proposals will greatly increase the suitability of the site area for GCN and through the enhancement / provision of migration corridors will promote dispersal into the wider landscape and encourage exchange. These factors will help the population reach and maintain favourable conservation status.