



Great Crested Newt Mitigation Plan

Ty Y Maes Bowling Bank, Wrexham, LL13 9RT

Howard Mapp

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Contents

1.0 Introduction and Context..... 4

 1.1 Background 4

 1.2 Site location 5

 1.3 Project Description 5

2.0 Ecological mitigation and enhancement details 11

 2.1 Informative and EPSML statement 11

Appendix 1: Legislation and Planning Policy 14

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Ltd was commissioned by Howard Mapp to produce a great crested newt (*Triturus cristatus*) non-licensable mitigation and enhancement plan for the site of Ty Y Maes Bowling Bank, Wrexham, LL13 9RT.

No previous ecological report has been carried out at this by Arbtech or another consultancy. Site photos and site plan have been provided by the client to determine appropriate mitigation measures.

A consultation letter from Natural Resource Wales (NRW) regarding the planning application for this site advises the following:

“The high pond density landscape suggests likely presence of great crested newt (GCN). In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. However, we consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of a condition requiring the submission and implementation of Amphibian Method Statement.”

The great crested newt receives full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
 - Damage or destruction of a breeding site or resting place

- The GCN is also listed on Schedule 5 of the The Wildlife and Countryside Act (WCA) 1981 as amended, and they are additionally protected from:
 - Intentional or reckless disturbance (at any level)
 - Intentional or reckless obstruction of access to any place of shelter or protection
 - Selling, offering or exposing for sale, possession or transporting for purpose of sale.
 - Widespread native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder, grass snake, common lizard and slow-worm. It is prohibited to:
 - Intentionally or recklessly kill or injure these species.

1.2 Site location

The site is centred on National Grid Reference SJ 40885 49627 and has an area of approximately 0.1ha. The site consists of an area of heavily managed improved grassland and hard standing to the north of an existing agricultural building which will be retained. The site boundaries consist of hedgerows and trees which will be retained as part of the proposed works. The habitat surrounding the site largely consists of agricultural fields with hedgerow boundaries. There are six ponds within 500m of the site, with closest being approximately 210m south-east of the site.

1.3 Project Description

This report is prepared to discharge a condition of planning for a planning application with Wrexham County Borough Council. The proposed development is described as:

“Erection of agricultural building” (Planning Ref: P/2020/0802)

The purpose of this report is to discharge condition 4 of the planning decision noticed outlined below:

“4. No development, including site clearance, shall commence until a site wide Amphibian Method Statement for construction has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include:

- *Details of protective measures to be taken to minimise the impacts on Great Crested Newts (GCN).*
- *Actions to be taken in event previously unidentified GCN features are found.*
- *Details of measures to prevent or reduce incidental capture or killing of GCNs.*

The Method Statement shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Method Statement is implemented, which protects Great Crested Newts affected by the development.”



Figure 1: Existing site plan



Figure 2: Proposed site plan

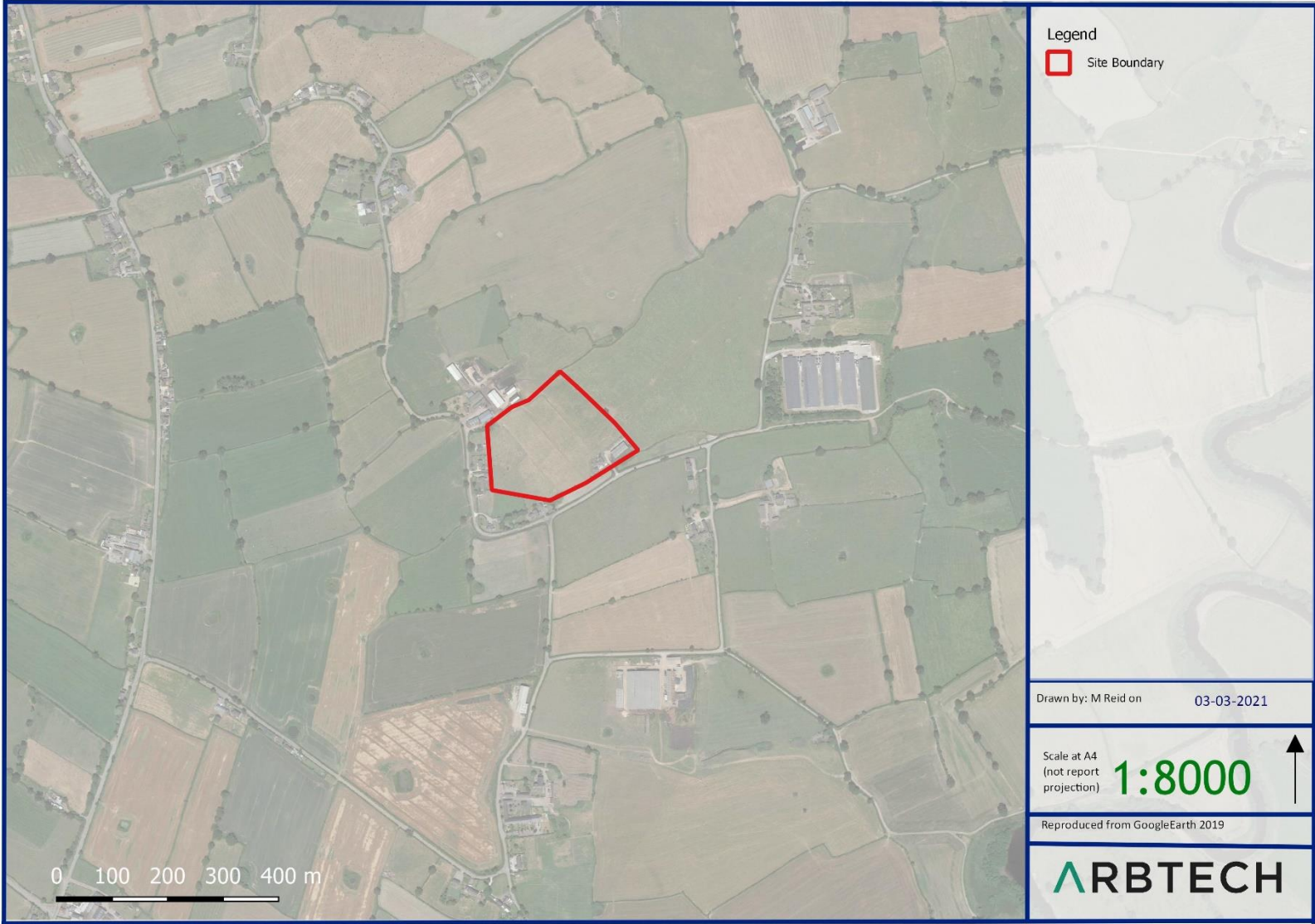


Figure 3: Local area map

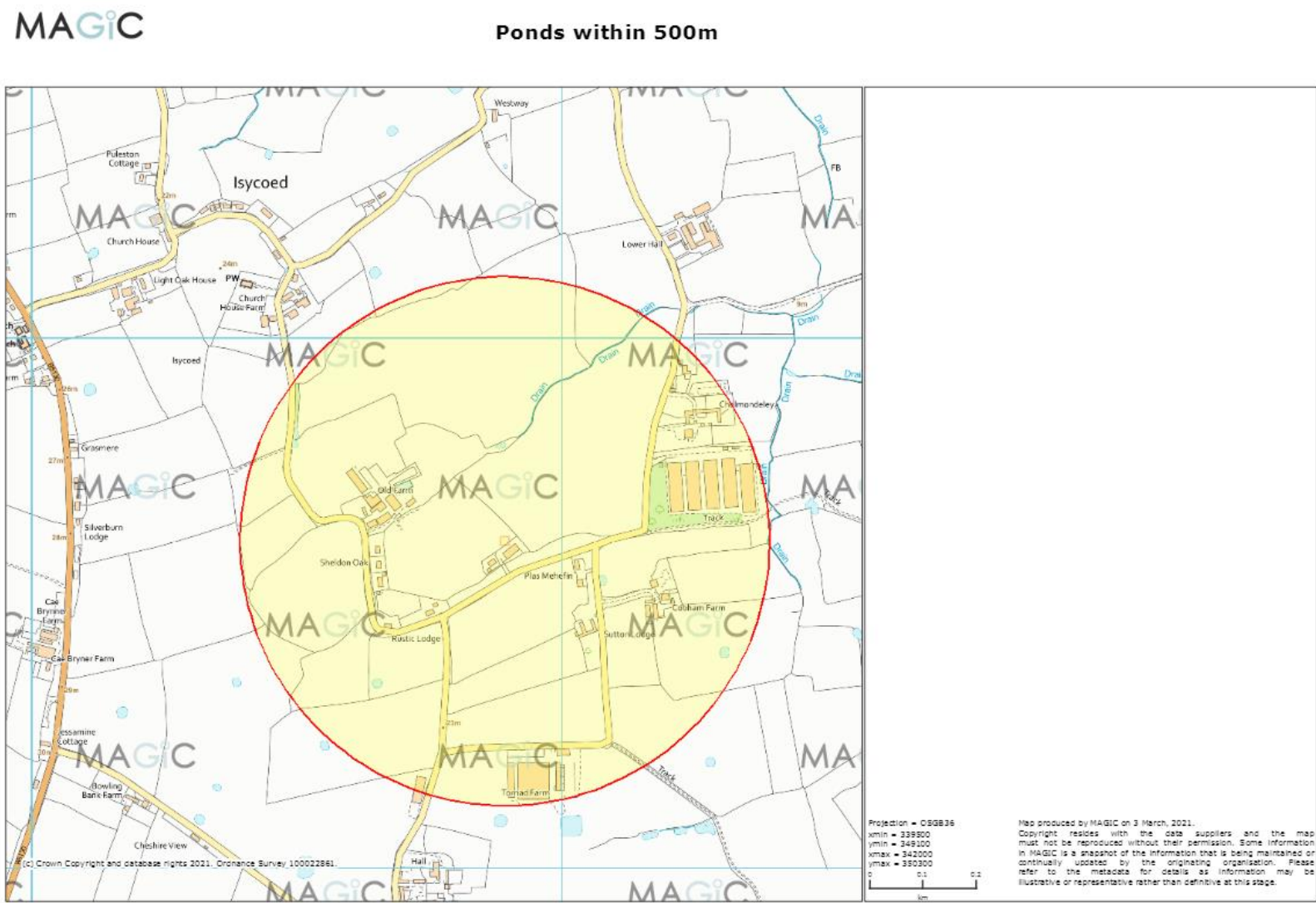


Figure 4: Ponds within 500m of the site



Figures 5 - 8: Site photos provided by the client

2.0 Ecological mitigation and enhancement details

2.1 Informative and EPSML statement

The following Tables 1 details the mitigation of the site for common amphibians and Great Crested Newts. The mitigation will include habitat manipulation to prevent the accidental harm to common amphibians and Great Crested Newts whilst the development works occur.

A European protected species mitigation licence (EPSML) is not necessary as this plan aims to remove all risk of injury/disturbance/habitat degradation for great crested newts (the only European protected species considered in this report) and avoid any breach of legislation which would need such a license.

Table 1: Mitigation, Capital Works and Possible Enhancements in Year 1

Work	Specification
Persons responsible	The landowner is responsible for the following actions to take place.
Actions in the event GCN are found on site	If any great crested newts are found on site during the development, all works will stop, and an ecologist contacted to agree a way forward. A European Protected Species Mitigation Licence (EPSML) may be required before works can proceed.
Pre-development vegetation clearance	Pre-development vegetation clearance As the proposed work areas of the site are currently mostly short grass or hard standing, it is very unlikely that any amphibians are using them. However, the vegetation should be kept at ground level and not allowed to grow, to discourage newts from using the area of the development. This strategy will remove the need for any licensable activity. Cutting will be undertaken in systematic patterns towards off site habitat to the east to prevent 'islands' of vegetation that may trap animals within. (see figure 6 below) These mowing actions should be undertaken outside of the hibernation period for herptiles, in the active season of April-July in warm, sunny weather to enable any animals present to quickly move away. If GCN are found, all works should stop and a licence applied for, which may need to be supported by further survey work. The mowing height should be 5cm high for a first cut, then a rest period of 24 hours, and then cleared to ground level. Cuttings will be collected as soon as each section has been cleared, this will be done by hand and the cuttings will be shredded or burnt.

After the habitat manipulation of the construction, they will then be kept clear of vegetation until completion of works.

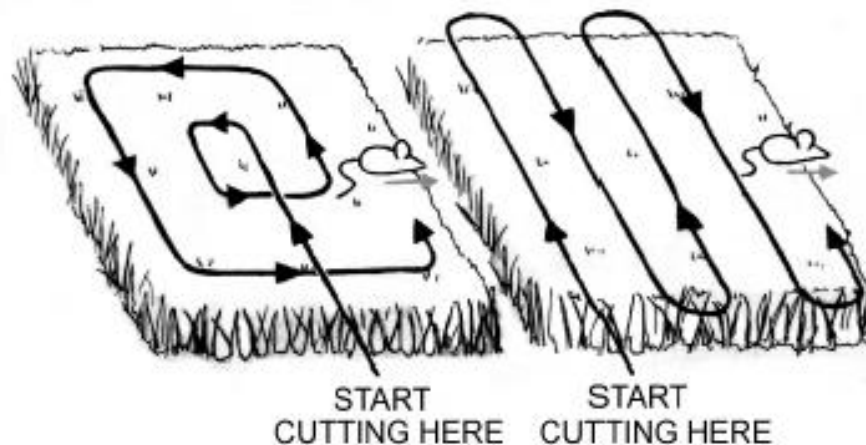


Figure 6: Examples of mowing patterns to be used

Construction methods and special precautions

The following precautions will be adhered to during the construction works:

- Backfill trenches and other excavations before nightfall or leave a ramp to allow newts to easily exit.
- Raise stored materials (that might act as temporary resting places) off the ground, e.g. on pallets and avoid storing within the core construction areas.
- Keep duration of groundworks as short as possible.
- Rubble created during the development will be safely disposed of in a skip. If no skip is available the rubble will be stored on pallets off the ground until it can be removed from site, to prevent common amphibians and GCN from using the rubble piles for hibernation
- Undertake during the day works that might only affect newts above ground, such as hard standing removal, building demolition etc.

3.0 Bibliography

- Google Earth (2020)
- HMSO: Wildlife and Countryside Act 1981 (as amended) <http://jncc.defra.gov.uk/page-1377>
- HMSO: The Conservation of Habitats and Species Regulations (2010) <http://www.legislation.gov.uk/uksi/2010/490/contents/made>
- Magic database (2021) <http://www.magic.gov.uk/MagicMap.aspx>
- Planning Policy Wales (2021) <https://gov.wales/planning-policy-wales>
- Tom Langton, Catherine Beckett and Jim Foster (2001). Great Crested Newt Conservation Handbook. Froglife. Suffolk. http://www.froglife.org/wp-content/uploads/2013/06/GCN-Conservation-Handbook_compressed.pdf

Appendix 1: Legislation and Planning Policy

LEGAL PROTECTION

Herpetofauna (Amphibians and reptiles)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

Effects on development works:

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.