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Formby Business Centre, 42 Duke Street, Formby, Merseyside, L37 4AT

Tel: 01704 875781 Mobile: 07719 108429

Email address: stan@tyrer-ecologicalconsultants.co.uk
kylee@tyrer-ecologicalconsultants.co.uk

Land south of dismantled railway, Main Road, Old Rhosrobin, Wrexham

Great Crested Newt Mitigation

Prepared for:

Mr & Mrs H Jones
D S Holmes Builders Ltd
Meadows View
Rhosddu Industrial Estate
Wrexham
LL11 4YL

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1.0 Background

- 1.1 DS Holmes have submitted an Outline Planning Application to develop 1.92 hectares at the land south of the dismantled railway line Main Road, Wrexham, (National Grid Reference SJ3255052750) hereon after referred to the application site, which includes the provision of 50 residential dwellings and open amenity space. The application boundary is shown in the Red Line boundary with land in the same ownership shown in blue. (Figure 1)

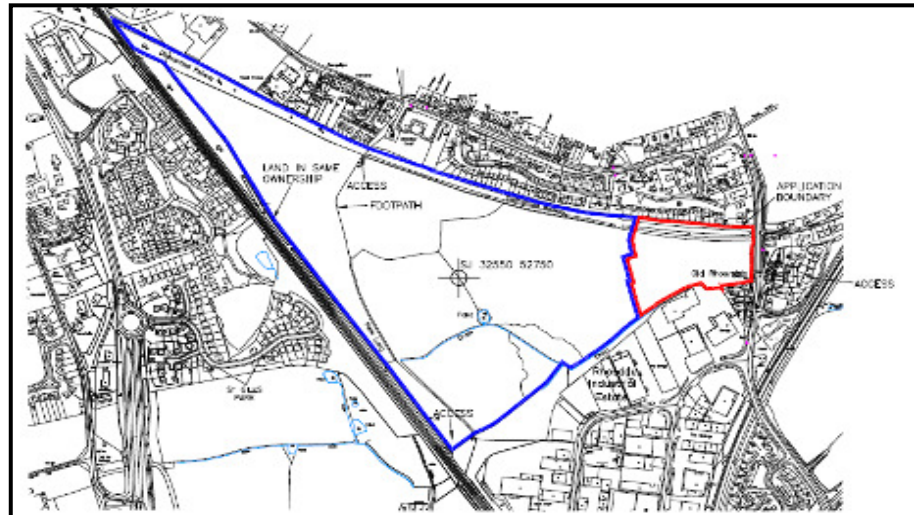


Figure 1

- 1.2 As part of a non related development application to the north east; the application site and adjacent land has been subjected to detailed presence/absence Great crested newts (GCN) surveys during 2014 (Cheshire Ecology Ltd). The surveys resulted in confirmed presence of GCN at two ponds i.e. 1 & 2 (Figure 2) that lie outside of the application boundaries but within the land that is under the same ownership of the applicant. Survey results indicated Low and Medium sized GCN populations.



Figure 2

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- 1.3 A previous Outline Planning Application for a 1ha development (reference P/2014/0515) was refused by Wrexham Borough Council for a number of reasons one of which related to GCN see below.

5. Insufficient information has been submitted to demonstrate that the development will not have a detrimental impact upon the favourable conservation status of Great Crested Newts. Accordingly the development does not accord with policy EC6 of the Wrexham Unitary Development Plan.

In addition Natural Resources Wales (NRW) also made comments (letter dated 27th August 2014) relative to the same species which mentioned:-

Great crested newts are considered likely to be present, therefore we advise development proceeds, under a licence issued by the NRW, who is the appropriate authority responsible for issuing licences under Regulation 53 (2) (e) of the above Regulations. This licence can only be issued for the purposes of: "preserving public health or public safety or other imperative reasons of:-

Overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment."

Furthermore, the licence can only be issued by NRW on condition that there is: "no satisfactory alternative" and that

"the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

The proposal has the potential to cause disturbance to individuals and/or cause damage or destruction to their breeding sites or resting place. Additional ecological information is known from the area. This includes surveillance carried out by other parties and modelling work carried out for NRW and Wrexham County Borough Council. Great crested newts are considered likely to be present, therefore we advise development proceeds, under a licence issued by the NRW, who is the appropriate authority responsible for issuing licences under Regulation 53 (2) (e) of the above Regulations.

In principle, we consider that it can be demonstrated that the proposal will not be detrimental to the maintenance of the favourable conservation status of each of the newt populations at this locality. However, we consider the submitted scheme fails to include sufficient information to evidence this material issue. Consequently we consider that further information is required before the scheme can be subject to determination for approval. In terms of detail, we consider material issues need to consider decline of the species (and hence the population is not favourable) and habitat fragmentation. Therefore, in terms of detail, we advise that an overall appropriate scheme should include:

- a. Submission and implementation of an approved reasonable avoidance and mitigation scheme to the satisfaction of the LPA;*
- b. Submission and implementation of an appropriate compensation scheme;*
- c. Submission of long term site security scheme for the compensation area;*
- d. Submission of long term management, surveillance and wardening proposals;*
- e. Submission and implementation of an ecological compliance audit scheme to the satisfaction of the LPA; and*
- f. Submission and implementation of a long term management and surveillance scheme.*

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In respect of b, we advise consideration being given to modelling work commissioned by the local planning authority. Modelling can be used to inform the location of the compensation to ensure connectivity and overall functionality of the landscape for the species.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal sites. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any subsequent consent is subject to the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

2.0 Current & Future Land Use

- 2.1 Currently the site largely comprises of grazed pasture consisting of approximately 18 hectares; land take for development is 50 houses on 1.92 hectares. A 50 house restriction has been advised by the highways engineer as an acceptable number of houses off a 'T' junction, any more would require a roundabout and this would not be acceptable off the Main Road in this location.
- 2.2 Gated access is proposed to the field for agricultural access reasons; no further development is likely from the development access road. With regard to the possible development of the remainder of the site approx 14.5 hectares, access would be an issue and as such unlikely. The access off Main Road is the only realistic access available onto the application site, and this will only serve 50 dwellings.
- 2.3 Taking the above into consideration it is clear that there will be very limited loss of GCN terrestrial habitat and there will be no loss of breeding ponds as a result of development. Furthermore there is ample land available to provide mitigation and enhancement for GCN.

3.0 Consultation with NRW & Amphibian and Reptile Conservation (ARC)

- 3.1 Consultation with NRW species officer Mr M. Ellis has taken place on Monday 16th February 2015, from which the principle of mitigation was agreed and that no further presence/absence GCN surveys would be required at the application site.
- 3.2 In addition contact was made with ARC to establish the future maintenance/management and monitoring of mitigation proposals. From the discussions with ARC their response to the proposed mitigation was favourable and that they would also be willing to undertake future land transfer of the mitigation site along with maintenance/management and monitoring.

4.0 GCN Assessment & Impact

- 4.1 The land is as previously mentioned is dominated by semi improved pasture that is currently being used for sheep grazing and as such is not considered to be a high value GCN terrestrial habitat. The most productive features are the two ponds and rank vegetation at the base of hedgerow and dry land drain; all of which will provide foraging and commuting elements to the wider landscape.

The populations that have been located at the application site were not significant in terms of numbers but none the less contribute to the overall viability of GCN in the locality.

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- 4.2 Taking into consideration the fact that the proposed development will not result in the loss or damage of breeding ponds or the removal of high value terrestrial habitat and that mitigation and enhancement can be achieved the impact upon GCN is classified as low - negligible at a Local or County level.

- **Pre-development Impact:** Could occur by way of site clearance and provision of an access road, which could result in killing or harm to GCN
- **Mid-term impact:** Could occur if GCN are allowed to access the site during the construction
- **Long Term impact:** If not mitigated for would occur due to some loss of terrestrial habitat
- **Long-term impacts:** Habitat modification, in this case will be favourable
- **Long-term impacts: Fragmentation and isolation:** Is unlikely to occur as a result of the proposed development and mitigation
- **Post-development interference impacts:** Land transfer, management and monitoring will avoid these impacts.

5.0 Mitigation

- Without mitigation the proposed development would remove a proportion of terrestrial habitat although the value of the said habitat is low and small scale.
- Without mitigation and precautionary measures GCN, if present, could be harmed or killed and therefore impact would be high.
- Without mitigation the impact upon GCN at the application site is considered to be low-negligible
- The proposed mitigation takes into consideration the actual populations on the application site, its relationship with other mitigation sites relative to GCN populations, the terrestrial habitat and the habitat connectivity between other ponds and mitigation sites.

- 5.1 The following procedures and mitigation at sections are designed to allow the Local Planning Authority in association with their ecological adviser to determine an Outline Planning Application where a European Protected Species has been identified and will be affected by the work for which the Outline Planning Application seeks consent. It allows for a 1:1 replacement and is proportionate and adequate relative to the species and numbers concerned. Equally so it broadly concurs with the principle of the Great Crested newt "Master Plan" that has been produced by Wrexham Borough Council.

It should be noted that if a Reserved Matters application is subsequently submitted then additional information will be required e.g. a detailed method statement which will follow the Welsh Assembly Licence format or/and Reasonable Avoidance Measures.

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In addition an ecological compliance audit scheme may be required which will reference the *NRW/ Snowdonia National Park Authority (draft) document 'Provisional Ecological Compliance Audit Guidance Note' (Waring & Ellis 2012)* It should be noted that it may only be possible to develop a provisional list of 'Key Performance Indicators'. *Options for GCNs in Wrexham: Comparative impact modelling to inform planning (D.H. Fletcher & J.W. Wilkinson)* will also be referenced.

NB: Notwithstanding that Outline Planning Consent is granted it does not absolve the applicant, site owner, developer or any other party involved with the work from ensuring that an application is made for a Welsh Assembly Development licence to legally undertake work that will affect GCN or their habitat. If work is undertaken without a licence and GCN or their habitat is/are affected then a breach of current wildlife legislation will occur for which penalties are high.

- 5.2 Mitigation will comprise of two new ponds/ associated hibernacula and new areas of native scrub, with the remaining grassland being allowed to naturally succeed to rough grassland. It has been sited to connect to the railway corridor to the west, on the opposite side of which are located existing/proposed newt mitigation sites and additional ponds. (See Figure 3) All existing ponds and section of dry land drain to be retained and included within mitigation site. The new hedgerow planting will eventually provide a natural habitat feature; however permanent fencing around the mitigation site will be implemented to prevent livestock encroachment.

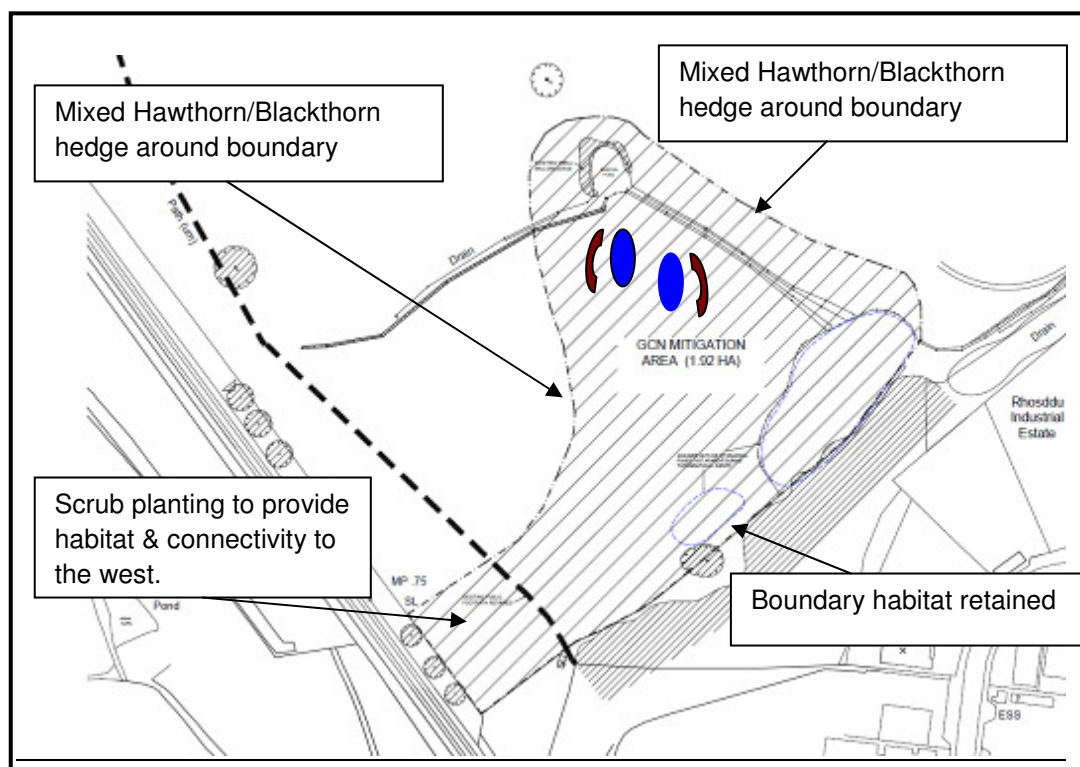
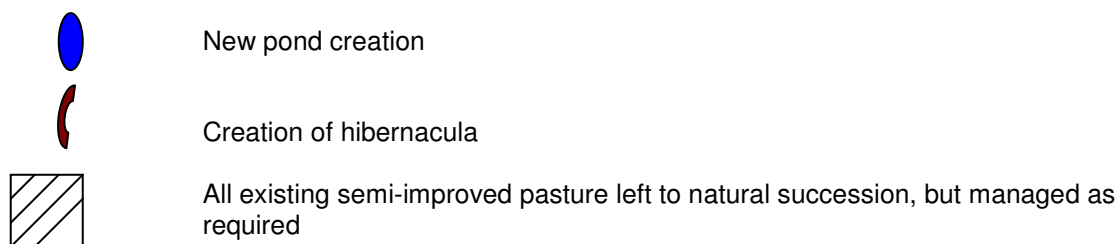


Figure 3

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Mitigation Key



6.0 Management & Monitoring

- 6.1 The land at which the mitigation is proposed will, in perpetuity, be transferred to a Wildlife Trust such as Amphibian and Reptile Conservation (ARC) who have indicated that they would be willing to accept the transfer and be secured by Section 106 Agreement or similar. In order to fund the management and monitoring it is anticipated, subject to agreement, that proportion of ground rent or similar is allocated to the chosen Wildlife Trust. As ARC are or will be managing other nearby GCN mitigation sites it will be, in a logistical context, more viable and productive.

7.0 Additional Enhancement

- 7.1 Whilst not part of the mitigation per se additional enhancement can be achieved by the creation of favourable GCN habitat along the east side of the railway line and in doing so will provide connectivity to the north of the application site and to the extending landscape.

8.0 Biosecurity

- 8.1 Subject to Planning Consent being granted a Biosecurity scheme will be produced prior to any work commencing at the site.

9.0 Conclusions

- 9.1 From the information that has previously been gathered in the locality it is clear that extensive and recent GCN surveys have been conducted, and as a result it was agreed at the NRW meeting that relative to the proposed application site no further GCN surveys were required; furthermore the principle of the mitigation was also agreed.
- 9.2 The design and location of the proposed mitigation not only provides an opportunity to enhance and protect GCN on the application site but also retains the land in which existing ponds and ditches lie. Connectivity to the west of the site, where other mitigation is or has been implemented, will ensure that population movement/expansion can occur and that the *“favourable conservation of the species concerned can be maintained”*. (FCS)**** A Section106 proposal for land set aside for mitigation can secure its long term protection along with management/monitoring of the mitigation site that has, in principle, been agreed with ARC. Therefore if the mitigation as shown in section 5.0 is implemented then there is no reason to believe that the FCS of the species concerned cannot be maintained at its current Local or County level.

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- 9.3 In context with the comments of NRW contained within their letter dated 27th August 2014, it is considered that the GCN assessment, impact appraisal and mitigation provides a sufficient level of information for an Outline Planning Application and also addresses “Reason 5” of the previous Outline Application refusal.

***** Conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations referred to in Article 2 of the Habitats & Species Directive 2010. (As amended) The conservation status will be taken as 'favourable' when: - population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats.*

References:

NRW/ Snowdonia National Park Authority (draft) document 'Provisional Ecological Compliance Audit Guidance Note' (Waring & Ellis 2012)

Options for GCNs in Wrexham: Comparative impact modelling to inform planning (D.H. Fletcher & J.W. Wilkinson)

GCN surveys 2014 (Cheshire Ecology Ltd)

Habitats & Species Directive 2010 (As amended)