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**Standard Road WTS**  
on behalf of Flintshire County Council  
Great Crested Newt Mitigation Strategy



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# 1 INTRODUCTION

## 1.1 Background

- 1.1.1 This Great Crested Newt (GCN) Mitigation Strategy has been prepared in relation to the proposed re-development of an operational facility on land off Globe Way, on behalf of Flintshire County Council. The proposed development will involve the demolition of an existing operational Waste Transfer Station (WTS) and its replacement with a larger facility within the same site.
- 1.1.2 Due to the confirmed presence of GCN within the wider area, and the Deeside and Buckley Newt Site SAC within less than 50m, construction of the proposed development (if consented) will require specific measures for the protection of this species during construction and for habitat management and enhancement thereafter. A European Protected Species Mitigation Licence from Natural Resources Wales (NRW) applies in relation to the adjacent Standard Landfill, which also encompasses the existing Waste Transfer Station. This licence provides for the trapping, capture and relocation of any GCN within a small area of vegetated land present within the WTS boundary will be undertaken separately to the proposed development as part of a wider initiative to reduce risks to individual animals crossing roads and entering the current operational facility.
- 1.1.3 With GCN captured and relocated under licence before any re-development consented works commence, all other works affecting hardstanding and buildings at the WTS will be undertaken following Reasonable Avoidance Measures (RAMs) which are described further in this document, which outlines the proposed strategy for the protection of GCN during construction, and for subsequent management and mitigation measures. Off-site mitigation and enhancement for GCN, is also to be implemented under the terms of the Standard Landfill and MRF Licence, and will also provide a wider benefit for other wildlife.
- 1.1.4 The strategy demonstrates how compliance with the Favourable Conservation Status (FCS) of GCN under the Conservation of Habitats and Species Regulations 2017 (as amended) will be met.

## 1.2 Legislation and Policy

- 1.2.1 GCN are European Protected Species (EPS) and they and their habitat are fully protected under the Wildlife & Countryside Act 1981 (as amended) and the Habitats and Species Regulations 2017 (as amended). The combined legislation makes it illegal to:
- intentionally or deliberately capture, kill or injure a great crested newt;
  - intentionally or recklessly damage, destroy or obstruct access to any place used for shelter and protection including resting and breeding places, whether occupied or not;
  - deliberately, intentionally or recklessly disturb a great crested newt when in a place of shelter;
  - possess a great crested newt, or any part of it, unless acquired lawfully;
  - sell, barter, exchange or transport or offer for sale great crested newts or parts of them.
- 1.2.2 Anyone carrying out activities which may affect EPS must consider the presence of EPS, their breeding sites and resting places.
- 1.2.3 Flintshire County Council Supplementary Planning Guidance 8a (2018) provides advice on developments potentially involving GCN or in close proximity to known GCN populations.

## 1.3 Baseline Information

- 1.3.1 Photographs of the Site are provided as **Appendix 1**. The Site primarily comprises hardstanding, roadway and buildings associated with ongoing operational activities. A narrow strip of young broadleaved woodland borders Globe Way, dominated by pedunculate oak *Quercus robur*, silver birch *Betula pendula* and goat willow *Salix caprea*. In addition, the woodland includes gorse *Ulex* sp. and dogwood (shrub) *Cornus* sp. The woodland had an understorey of bramble *Rubus fruticosus* agg., common nettle *Urtica dioica*, hedge bindweed *Calystegia sepium*, creeping thistle *Cirsium arvense* and cock's-foot *Dactylis glomerata*.
- 1.3.2 To the north of the main warehouse building is a strip of improved grassland dominated by perennial rye grass *Lolium perenne*, Yorkshire fog *Holcus lanatus* and cock's-foot. The only other vegetation within the Site is a small section of overgrown tall ruderals along the southern boundary including broad-leaved dock *Rumex obtusifolius* and common nettle.
- 1.3.3 There are no aquatic habitats on Site but a number of ponds are present in the surrounding area as shown on **Figure 1**. Survey data from ponds in the surrounding area within the Deeside and Buckley Newt Sites SAC (relating to the Standard and Etna landfill sites and dating from 1992 to 2019) has been provided by Amanda Davies at FCC, and provides a baseline of information to inform the proposed strategy (data reproduced as **Appendix 2**). The location of the SAC is shown on **Figure 2**. These data confirm a large population of GCN in SAC ponds to the north and north east of the Site with a network of ponds located between approximately 50m and 350m distant, and a small population in ponds west of the Site, the nearest of which lies approximately 120m distant.

## 2 POTENTIAL IMPACTS AND LICENCE REQUIREMENTS

### 2.1 Impacts

- 2.1.1 GCN are less likely to be present in the areas of hardstanding and built development which form the majority of the operational Site, largely lack suitable foraging or shelter, and which are subject to regular and sustained human and vehicular disturbance. The likelihood of GCN presence is reduced still further by the installed amphibian exclusion fencing that extends around the Site's perimeter fence line, as shown in **Appendix 1: Photograph 6**. However, the proposed construction works will result in the loss of the vegetated verge along Globe Way and will also affect a narrow strip of amenity grassland adjacent to the access road along the northern boundary. These areas, although poorly connected to more favourable habitat, could potentially shelter GCN. There is no aquatic habitat within the Site.
- 2.1.2 GCNs disperse over land to forage for food and move between ponds; distances covered during dispersal will depend on habitat quality and availability. It is acknowledged that most adult newts likely stay within around 250m of their breeding ponds (English Nature, 2001; Langton *et al.*, 2001). Newts are more likely to travel greater distances if there is high quality foraging and refuge habitat extending beyond this range, particularly where habitats nearer to ponds are of lower quality (e.g. habitats with limited refugia and supporting fewer invertebrates (poor foraging habitat)).
- 2.1.3 In the context of the Site, the majority of the land is unsuitable for foraging with the exception of the vegetated verge alongside Globe Way which provides potential places of shelter and foraging opportunities. Stored material within the hardstanding area could potentially provide refuge opportunities (albeit suboptimal for GCN due to regular disturbance), should individual animals get past the perimeter amphibian exclusion fencing. With more favourable habitats close to ponds where GCN have been recorded, extended dispersal to land within the Site is considered less likely.
- 2.1.4 This vegetated verge area will be subject to a capture and exclusion exercise under the Standard Landfill and MRF Licence, separate to and in advance of the proposed development and GCN will be

prevented from re-entering the area with permanent amphibian exclusion fencing. The areas of hardstanding and buildings which offer extremely low potential to support GCN will be re-developed following precautionary RAMs.

- 2.1.5 Potential impacts will be restricted to disturbance to sheltering habitat resulting from demolition and site clearance works within the WTS (buildings and hardstanding but with some material piles providing limited opportunities for shelter). Amphibian exclusion fencing and a prior capture and relocated exercise within the vegetated verge area means that no impacts on the species will occur in this part of the Site.
- 2.1.6 Post-development impacts will be restricted to the drainage design (gully pots) which will be designed for safe movement of great crested newts. The operational Site will be surrounded by permanent amphibian exclusion fencing, thereby preventing the risk of individuals re-entering the operational site from adjacent land and avoiding incidental killing or injury.
- 2.1.7 The predicted impacts are considered to be highly localised and restricted to very low numbers of individuals due to the small scale and sub-optimal location of the works, and advance capture and exclusion under a separate licence. This is not considered likely to detrimentally affect the status of local populations of GCN at any geographic scale to have any discernible effect on the integrity of the SAC.

### **3 MITIGATION STRATEGY**

#### **3.1 Rationale and approach**

- 3.1.1 Taking into consideration the baseline conditions at the Site in combination with an understanding of GCN habitat preferences and likely dispersal behaviours, it is considered possible to protect individual GCN potentially present, ensure the Favourable Conservation Status of the local population and ensure no likely significant effects on the nearby SAC through an appropriate mitigation strategy enacted under RAMs on the assumption that areas of vegetation potentially having greater chance of supporting GCN will be cleared under a separate licence in advance of the proposed development.

#### **3.2 Reasonable Avoidance Measures (RAMs) under Licence**

- 3.2.1 GCN are unlikely to be present within the hardstanding/buildings that occupy most of the Site. The presence of more favourable terrestrial habitats off-Site that are closer to confirmed breeding ponds further reduces the likelihood of GCN dispersing into the Site (deterred also by the perimeter amphibian exclusion fencing). Works within the Site will be undertaken using RAMs, as follows:
- an ecology induction / tool box talk will be given to all site staff prior to works commencing on Site;
  - a licensed ecologist or their accredited agent will be present during all works considered to require advice and supervision (to include initial demolition site clearance, removal of stockpiled materials etc.);
  - initial site clearance of hardstanding areas /demolition preparation will be undertaken in the presence of a licensed ecologist or their accredited agent including hand/destructive searches/visual checks as necessary prior to the removal of features considered potentially suitable to provide refuge for GCN;
  - boundary amphibian exclusion fence will remain in situ and maintained in good condition for the duration of site clearance works until such time as the boundary fence requires removal, to be replaced with permanent GCN exclusion fencing;

- excavations left open overnight will be covered or barriers fitted (as required for health and safety purposes) erected around the excavation to prevent animals falling in during non-operational hours. These should then be checked by an appointed site operative (trained by an ecologist) prior to the continuation of works or infilling;
- stripped topsoil/subsoil will be temporarily stockpiled in locations approved by the supervising ecologist. Stockpiles must be smoothed to remove surface crevices or voids that could potentially shelter amphibians; and,
- excavated material stored overnight should be searched prior to being used as infill or purposes.

3.2.2 All Site operatives will be informed by a 'tool box' talk prior to any works commencing, the tool box talk will include the possible presence of protected species within the RAMs working area, individual ecological responsibilities, site-specific requirements and avoidance measures being implemented, what to look out for during works and what to do should a GCN be found when an ecologist is not present. An informative leaflet will be available to all site operatives. All staff will sign the confirmation sheet to show they have received and understood the briefing information on protected species.

3.2.3 The grass verge adjacent to the access road along the northern boundary of the Site will be cut and checked by the licensed ecologist before vegetation is stripped for construction works; an initial cut (if required) will reduce the sward to a height of no less than 150mm, a second cut will then reduce the sward to ground level before being stripped to bare ground. This vegetation clearance can be undertaken during winter which avoids the main breeding season for birds. No features offering potential places of shelter or refuge will be disturbed during the winter hibernation period when amphibians are likely to be overwintering and are most vulnerable to disturbance.

3.2.4 The phased cut and exposure of bare ground will make the RAMs working area unfavourable as terrestrial habitat for amphibians.

3.2.5 The appointed ecologist will walk the proposed RAMs working area prior to any works commencing to identify areas that may provide shelter or refuge for amphibian species. Any such feature will be checked by an ecologist and only once the ecologist has carried out careful inspection and is satisfied no GCN would be disturbed can the feature be removed from Site.

### **3.3 Supervision, monitoring and biosecurity**

3.3.1 Site contractors will be required to comply with bio-security measures whilst undertaking works on site. Tools and vehicles have the potential to transfer pests and disease from site to site.

3.3.2 If any invasive plant species are discovered on Site (such as Himalayan balsam or Japanese knotweed), works at this location will cease and the project ecologist will be contacted immediately for specialist advice in order to prevent the accidental spread of such species. The potential presence of invasive non-native species will be addressed as part of the induction tool box talk delivered to all site based operatives immediately prior to the commencement of site works.

### **3.4 Mitigation**

3.4.1 Compensation and enhancement proposals relating to the removal of the vegetated verge areas will be provided as part of the Standard Landfill and MRF licence. Any net loss of terrestrial habitat will be justified in the EPSM licence application along with proposed mitigation and/or compensation measures. Off-site mitigation and enhancement measures will be in accordance with the existing Management Plan for the Standard Landfill mitigation area which includes a suite of measures agreed with NRW to deliver suitable habitat for GCN and help maintain the continued favourable conservation

status of the local GCN population. Habitat enhancement and favourable vegetation management practices will contribute to provide increased opportunities for GCN and other amphibian species within and around the SAC over the long term, providing favourable breeding, refuge and foraging habitat and strengthening habitat linkages.

### **3.5 Design features**

- 3.5.1 The design of the proposed WTS will include features to protect GCN, including off-set gully pots in the roadway, and maintenance of permanent amphibian exclusion fencing around the boundary fence of the facility.

## APPENDIX 1: PHOTOGRAPHS

	<p><b>Photograph 1:</b> main building within the Site</p>
	<p><b>Photograph 2:</b> view of rear of Site hardstanding area.</p>
	<p><b>Photograph 3:</b> vegetated bank along the western boundary viewed from Globe Way (winter) to be subject to separate GCN capture and relocation in advance of proposed development under Standard Landfill and MRF Licence</p>



**Photograph 4:** Vegetated verge viewed from Globe Way (summer)



**Photograph 5:** Understorey of the vegetated verge fronting Globe Way viewed from inside the site



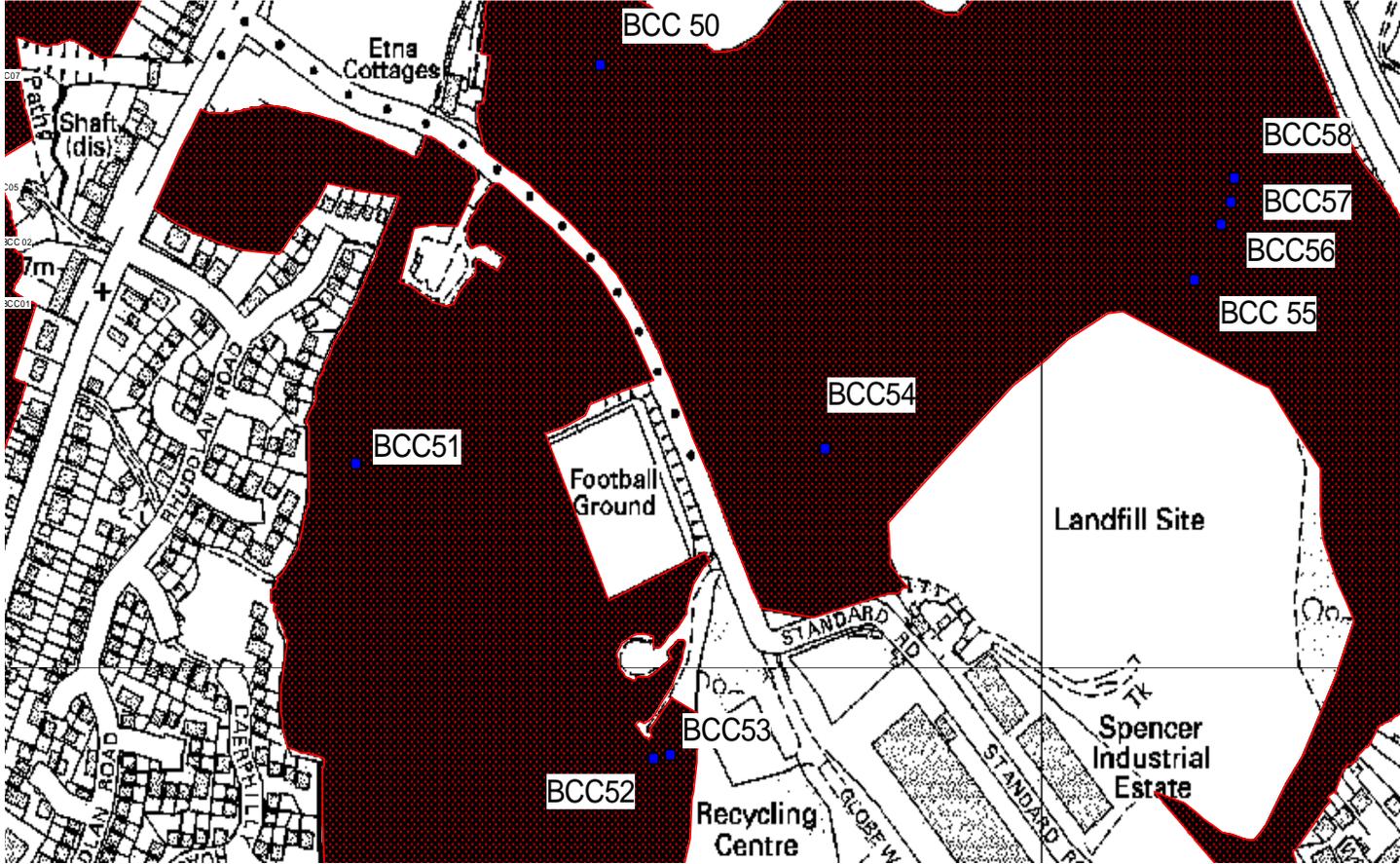
**Photograph 6:** Existing amphibian exclusion fence in place at base of perimeter fence of Site



**Photograph 7:** northern Site boundary access road, showing amenity grass verge and woodland within the adjacent SAC north

# APPENDIX 2: GCN DATA PROVIDED BY FLINTSHIRE COUNTY COUNCIL

GCN Background information: Standard and Etna landfills





**FIGURE 1: SITE AND POND LOCATION PLAN**



**FIGURE 2: STATUTORY DESIGNATED SITES**

