Land off Willow Street, Overton, Wrexham

Ecological Appraisal

2024

RACHEL HACKING ECOLOGY

Client	Grimster Planning
Project Title	Land off Willow Street, Overton, Wrexham
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Executive Summary

Development Details

The client is proposing residential development the site, hereafter referred to as the 'site'.

This report describes the ecological features of the site and its surroundings and assesses the potential impacts of the development on the ecological interest. Recommendations are provided so that the development is compliant with biodiversity policy and legislation.

Ecological Interest

The site has a negligible level of ecological interest. Ecological features of interest include widespread habitats including amenity-managed grassland, fruit trees and a Yew *Taxus baccata* hedgerow.

Outcomes

No further survey work is required. Measures to avoid risks to Badger *Meles meles* and nesting birds will be required during construction. Enhancement opportunities have been identified.

1. Introduction

1.1 Project Brief

1.1.1 Rachel Hacking Ecology Limited was commissioned in 2024 by Grimster Planning to carry out an ecological appraisal of land at Land off Willow Street, Overton, Wrexham. The site is located at O.S. grid reference: SJ 37100 41923 (see Figure 1).



Figure 1. Map showing the location of the site.

1.1.2 The proposed development site is a plot of land currently used as garden space that includes fruit trees and mature conifers.

Description of Development

1.1.3 The site will be the subject of a planning application for the construction of a new dwelling.

1.2 Scope of Work

1.2.1 The Client commissioned Rachel Hacking Ecology to carry out the following works:

- Desk-based study to obtain details of designated sites, protected and notable species within a specified search area.

- Record the extent, type, and condition of habitats within and next to the site.
- Search for signs of protected species and assessment of the potential of habitats and features to support protected and notable species.

1.3 Site Visit Information

Surveyor Details

1.3.1 Austin Rigby (Junior Ecologist) visited the site on 15th February 2024. Austin has experience completing similar surveys.

Weather

1.3.2 The weather at the time of the survey was clear with an average temperature of 9˚C.

2. Methods

2.1 Desk Study

2.1.1 The Magic website (Multi-Agency Geographical Information for the Countryside) was interrogated for the presence of Statutory Designated Sites (and European Protected Species licences) within a 2km radius of the site.

2.2 Field Survey

Extended Phase 1 Habitat Survey

2.2.1 In accordance with JNCC guidelines[1] the site was walked over and the habitats and features of ecological interest were mapped and described. Habitats and features of particular interest were target noted.

2.2.2 During the walkover habitat and features were assessed for their suitability to support protected and notable species in accordance with CIEEM guidelines[2]. Field signs of protected, notable, and invasive non-native species, if encountered, were mapped, and described.

2.3 Mitigation Hierarchy

2.3.1 Mitigation measures should be embedded within the masterplan design and planning application process. Measures during the construction phases should be included in a Construction Environmental Management Plan: Biodiversity (CEMP). This process from proposal to implementation needs to consider the 'mitigation hierarchy' of avoid, reduce, compensate, and enhance:

- Aim to avoid negative effects through the design process.
- Mitigate if negative effects cannot be avoided.
- Use compensation measures to offset residual impacts.
- Identify and implement opportunities to enhance biodiversity.

[1] JNCC (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Joint Nature Conservation Committee, Peterborough

[2] CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester.

3. Results

3.1 Survey Constraints

3.1.1 Field survey results are valid for a limited duration and no investigation can provide a complete description and characterisation of a site. The composition of habitats and species can change depending on environmental variables and the mobility of species, so the results of a study become less reliable over time. In some cases, surveys that are 3 years old may be acceptable for a project assuming that habitats have not significantly changed in the intervening period, but for protected species it is likely that survey data will need to be no more than 18 months old.

3.2 Designated Sites

3.2.1 The desk study provided information on the designated sites listed below in Table 2.

Table 2. Designated Sites

Name	Status	Location/distance	Interest
Afon Dyfrdwy (River Dee)	SSSI	470 m West	River with a variety of Flora and Fauna
River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid	SAC	470 m West	As above

3.3 Habitats

3.3.1 Habitats are described below and the habitats survey plan is contained in Appendix 2.

Amenity Grassland

3.3.2 The majority of the land on site consists of amenity-managed grassland that has been managed to create a species-poor, uniform sward (see Photograph 1).



Photograph 1: Showing amenity grassland

Introduced Shrub

3.3.3 A small area of introduced shrub is present in the middle of the site, mostly consisting of Hazel *Corylus avellana* (see Photograph 2).



Photograph 2: Showing area of introduced shrub.

Native Hedgerow

3.3.4 Two Yew *Taxus baccata* hedgerows are present on the borders of the site. The hedgerows appear to be regularly pruned (see Photograph 3).



Photograph 3: Showing Yew hedge.

3.4 Species

Bats

3.4.1 There are a mixture of small fruit trees scattered around the site (see Photograph 4). These trees have no cavities large enough to be utilised by bats.



Photograph 4: Showing small trees

3.4.2 There are a number of larger trees can be seen in Figure 2 and Table 1. The trees would require further survey if they are to be affected by the development.



Figure 2: Showing trees requiring further consideration before removal

Table 1: Describing trees with bat potential.

Tree	Description	Image	Further Survey
T01, T02, T03	These trees form part of an area of overgrown vegetation facing the main road. The dense foliage of Ivy, shrubs and trees provides potential habitat for bats and birds to utilise sporadically.		A pre-commencement check would be required before any vegetation clearance occurs.

Table 1: Describing trees with bat potential.

Tree	Description	Image	Further Survey
T04	This is a very large tree with many cavities providing potential roost features.		An aerial roost assessment would be required before any pruning or felling can be considered.
T05, T06	These trees are very close together and the dense foliage obscures some view of the trunk.		A pre-commencement check would be required before any pruning or felling can be considered.

Badgers

3.4.3 [redacted]



Photograph 5: [redacted]



Photograph 6: [redacted]

4. Assessment

4.1 Development Context

4.1.1 The following assessment assumes that all habitats on site will be lost.

4.2 Impacts on Designated Sites

4.2.1 A tributary of Afon Dyfrdwy/River Dee is located 175m southwest of the site. The stream is downhill from the site providing a potential impact pathway for surface water run-off during the construction phase.

4.3 Impacts on Habitats

4.3.1 All habitats located within the site boundaries are common locally and throughout the UK. The loss of these habitats is significant at the site level only and can be readily mitigated by the provision of landscaping within the proposed development.

4.4 Impacts on Species

Bats

4.4.1 A bat roost may be any structure a bat uses for breeding, resting, shelter or protection. It is important to note that since bats tend to re-use the same roost sites, current legal opinion is that a bat roost is protected whether or not the bats are present at the time.

4.4.2 T01, T02, T03, T05 or T06 are trees with potential to be utilised sporadically by small numbers of crevice dwelling bats.

4.4.3 T04 is a mature tree with many cavities that appear suitable for use by roosting bats.

Badger

4.4.4 [redacted]

4.4.5 [redacted]

Birds

4.4.6 Habitat clearance and demolition has the potential to impact nesting birds, should these be present.

5. Recommendations

5.1 Further Surveys

Bats

5.1.1 If T01, T02, T03, T05 or T06 are to be affected, a pre-commencement check would be required before any vegetation clearance occurs.

5.1.2 If T04 is to be affected, an aerial roost assessment would be required before any pruning or felling can be considered. The aerial roost assessment is required to determine the suitability of the cavities in the tree as potential roost features.

5.2 Mitigation and Enhancement Measures

5.2.1 Protection of ecological features (designated site, habitats and species) during the construction phase will be described in a Construction Environmental Management Plan (CEMP). Mitigation measures to protect, maintain and enhance ecological features during the operational phase of development will be described in a Biodiversity Management Plan (BMP). Management Plans will contain Operational Aims and Objectives, Rationale for management, Prescriptions and schedules detailing the timing and responsibility for delivering the prescriptions. It is anticipated that the CEMP and BMP will be provided as a planning condition in advance of the commencement of the proposed development.

Habitat

5.2.2 Due to the presence of an impact pathway to the southwest of the site, a CEMP will be required to prevent any risk of light, dust or runoff from the site affecting the habitat or the stream that feeds into Afon Dyfrdwy (River Dee).

Badgers

5.2.3 [redacted]

Nesting Birds

5.2.4 Impacts on nesting birds should be avoided by carrying out site clearance and similar operations outside of the bird breeding season (March- August). Construction activities that might directly impact upon breeding birds should hence be limited to the September-February period. If vegetation has to be cleared during the bird breeding season checks immediately before clearance by a suitably

qualified ecologist will be required. If nesting activity is detected work in that area will need to stop until the ecologist considers that nesting activity is finished.

Appendix 1: Planning Policy & Legislation

National Policy

Biodiversity is a material consideration, and Planning Authorities (LPAs) have a requirement to consider biodiversity and protected species when determining planning applications. Planning Policy Wales ('PPW') (11th Edition, February 2021) is the national planning document for the Welsh Government. It is supplemented by Technical Advice Notes('TANs') and Circulars. TAN 5 provides national policy guidance for nature conservation and planning.

The Welsh Government's objectives as stated within PPW (paragraph 6.4.3) include:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

PPW also outlines the requirements of local planning authorities to assess the impact of any development proposals on nature conservation.

TAN 5 Nature Conservation and Planning states how planning authorities should comply with their duty to "...have a regard, so far as is consistent with the proper exercise of [their] functions, to the purpose of conserving biodiversity", as required by the Environment Act, 2016.The key principles of positive planning for nature conservation in TAN 5 are:

- Work to achieve nature conservation objectives through a partnership between LPAs, Natural Resources Wales ('NRW'), voluntary organisations, developers, landowners and other key stakeholders;
- Integrate nature conservation into all planning decisions looking for development to deliver social, economic and environmental objectives together over time;
- Ensure that the United Kingdom's ('UK') international and national obligations for site, species and habitat protection are fully met in all planning decisions;
- Look for development to provide net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally;

- Help to ensure that development does not damage, or restrict access to, or the study of, geological sites and features or impede the evolution of natural processes and systems especially on rivers and the coast;
- Forge and strengthen links between the town and country planning system and biodiversity action planning particularly through policies in local development plans and the preparation of supplementary planning guidance that adds value to Local Biodiversity Action Plans ('LBAP') by highlighting the ways in which the planning system can help to deliver the objectives of LBAPs in practical ways;

Legislation

The Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) includes the notification and confirmation of Sites of Special Scientific Interest (SSSIs). SSSIs can be notified for their floral, faunal, geological, or physiographical features. Protection against damaging operations and management of SSSIs is also included within the Act. Impact Risk Zones (IRZs) are zones around an SSSI account for the particular sensitivities of the features for which it is notified and identify development proposal which could have adverse impacts.

The Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) protects native animals, plants and habitats. Under the Act it is an offence to intentionally kill, injure or take any wild animal listed on Schedule 5 and it is an offence to interfere with places used for shelter or protection, or intentionally disturb animals occupying such places. The Act prohibits picking, uprooting or destroy any wild plant (or any attached seed or spore) listed in Schedule 8.

European Protected Species (EPS) such as bats are protected by the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) and the Conservation of Habitats and Species Regulations 2017. The Acts make it an offence to:

- Deliberately capture, injure or kill an EPS;
- Deliberately impair an EPS's ability to survive, breed, reproduce, rear or nurture young; to hibernate or migrate; or significantly affect the local distribution or abundance of the EPS.
- Possess or control live or dead EPS or any part of, or anything derived from a EPS;
- Damage or destroy a breeding site or resting place of an EPS;
- Intentionally or recklessly obstruct access to any place that is used for shelter or protection by an EPS;
- Intentionally or recklessly disturb a structure or place that it uses for shelter or protection that is occupied by an EPS.

All birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird or take, damage, or destroy its nest whilst in use or being built, or take or destroy its eggs. It is an offence to intentionally or recklessly disturb a species listed on Schedule 1 of the Act while they are nest building or at or near a nest with eggs or young, or to disturb the dependent young.

The Protection of Badgers Act 1992 makes it an offence to wilfully, or to attempt to kill, injure, take, possess or cruelly ill-treat a Badger, or intentionally or recklessly interfere with a sett. Interference of a sett includes disturbing badgers during occupation of a sett, or damaging or destroying a sett, or obstructing access to the sett.

Section 6 of the Environment (Wales) Act 2016 places a legal obligation on public bodies in Wales, whilst carrying out their functions, to 'maintain and enhance biodiversity'. Section 7 requires Welsh Ministers to publish and maintain lists of species and types of habitats in Wales that are of 'principal importance' for maintaining and enhancing biodiversity.

Appendix 2: Habitat map

