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BADGER SCOPING & ACTIVITY SURVEY

At

Plot 3a
Wrexham Industrial Estate
Bryn Lane
Wrexham
LL13 9UT

NGR: SJ 39340 50457

Prepared for:	Lea Valley Ltd.
Written by:	Harry Fox, UES Graduate Ecologist
Approved by:	Tom Kenwright, UES Senior Ecologist

Tom Kenwright

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UES reference:	UES03448/50

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EXECUTIVE SUMMARY

A Preliminary Ecological Appraisal (PEA) was undertaken of the site by UES in September 2021 (see report reference UES03448/01).

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During minor vegetation clearance works to facilitate access for subsequent ecological surveys,

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In order to discharge Condition 6 of approved planning permission (reference P/2023/0280), a badger walkover survey was conducted of the site by UES on the 12th July 2024. In addition

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No evidence of badger use of potential Setts 2 and 3 was observed and no evidence of badger activity was observed within the immediate vicinity of either of the potential setts. As such, it is considered that neither are in use as badger setts. Both were observed to be in use by rabbits and are considered to be rabbit warrens.

The proposed level of habitat retention, creation and enhancement including the retention of wildlife corridors at the site boundaries will ensure that connectivity to offsite habitats and sufficient foraging opportunities will remain available for badgers throughout the construction and operational phases of the development. Furthermore, the ecological compensation area within the southern and eastern section of the site will be enhanced to provide higher quality foraging opportunities through woodland planting, pond creation, conversion of agricultural grassland to both species-rich wildflower grassland and tussocky rough grassland and the creation of a small orchard area.

Therefore, the works must proceed under a badger mitigation licence issued by Natural Resources Wales. This licence must be in place prior to the start of any works within 30m of the sett that have the potential to cause disturbance or damage to the sett. As planning permission has been secured, the badger mitigation licence can be secured at any time, however NRW licences will only allow the sett exclusion and closure works to commence from July to November inclusive, to avoid disturbance to badgers during the breeding season.

The method statement provided in section 4.2 will be implemented during the closure of the badger sett. The further mitigation measures detailed in section 4.2 will also be implemented during the construction phase of the development, to protect badgers that may commute or forage across the site during the works.

The report should be read in conjunction with appendices 1 to 4, which provide visual representations of the survey results and statutory and planning context.

1 INTRODUCTION

1.1 Author, surveyors, qualifications and experience

This report is compiled and written by Harry Fox BSc MRes, UES Graduate Ecologist.

Other surveyors included:

- Josh Howard BSc, UES Graduate Field Ecologist
- Bethan Beeston BA, UES Field Ecologist

All surveyors have the knowledge, skills and experience identified within CIEEM's "Competencies for Species Survey: Badger" (2013), or were under the supervision of a surveyor with the required competencies.

This report has been reviewed and approved by Tom Kenwright BSc MSc ACIEEM, UES Senior Ecologist.

1.2 Proposed development

Planning permission (reference P/2023/0280) was granted by Wrexham Borough Council on the 5th July 2024. The granted permission is a hybrid planning permission for:

a) Outline permission (all matters reserved except for means of access) for erection of up to 3 warehouse and distribution units (use class b8); and

b) Full planning permission for demolition, means of access, earthworks, drainage, landscaping, ecology zone and relative ecological mitigation measures, and ancillary works.

1.3 Previous survey information

In order to inform the planning application, a Preliminary Ecological Appraisal (PEA) was undertaken of the site by UES in September 2021 (see report reference UES03448/01).

During minor vegetation clearance works to facilitate access for subsequent ecological surveys,
. Three of the burrows showed no signs of activity. This suspected sett was subsequently subject to a badger activity survey by UES in April 2022, including the use of infrared cameras to monitor levels of badger activity and to classify the type of sett. During the monitoring period,
occasion. No additional evidence of badger activity was recorded on site during the other numerous ecological surveys of the site. Given the level of badger use, the sett was assessed as an outlier sett in use on an occasional basis by a single or very low number of individuals.

During subsequent great crested newt (GCN) *Triturus cristatus* surveys of offsite ponds, a suspected main badger sett comprising at least 10 burrows was observed approximately 250m south of the site, within an area of offsite woodland. It was considered likely that the badger observed using the sett onsite was a transient individual originating from this main sett.

In addition to the sporadic use of the outlier sett by a single or low number of badgers, it was considered that the site is likely used on an occasional basis for foraging and commuting purposes.

1.4 Survey objectives

This document has been prepared in order to discharge Conditions 6 of the approved planning permission P/2023/0280. Condition 6 reads as follows:

"No development shall take place until details of a full pre-site clearance Badger check, undertaken by a suitably qualified ecologist, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a full mitigation plan if deemed necessary by the ecologist. The development shall be carried out in strict accordance with the approved details."

In order to discharge the condition, UES were commissioned to conduct site surveys which include the following activities:

- Inspection of the proposed development site (including a 30m buffer where accessible) for field signs of badger
- To assess the suitability of the site for use by badgers
- Confirm the presence or absence of badgers through monitoring the potential badger setts
- Assess the level of activity and usage of the potential setts by badgers

Development works and associated site-wide vegetation clearance works have not commenced and are not due to commence until in mid-2025, following the completion of the ongoing GCN trapping and translocation programme. Whilst the condition requires a badger survey prior to full pre-site clearance, it was considered necessary to undertake the survey in advance of GCN fence installation and associated vegetation clearance. This was to ensure that these works would not adversely impact upon the known or any additional badger setts.

1.5 Structure of the report

This report sets out the methodology, results, recommendations and compensation measures in relation to a specific badger survey. Recommendations are in line with statutory legislation and planning policy objectives.

The report should be read in conjunction with appendices 1 to 4, which provide visual representations of the survey results and statutory and planning context.

2 METHODOLOGY

2.1 Badger walkover survey

A badger walkover survey was conducted of the site by Josh Howard on 12th July 2024. The entire proposed working area and a 30m buffer zone (where accessible) was searched in order to find and record any field signs of badger use. Signs of badger use searched for and recorded where present included:

- Badger setts - main, annexe, subsidiary and outlier
- Bedding at sett entrances (such as grass or leaves)
- Dung pits - small, excavated pits in which droppings are deposited
- Latrines – collections of dung pits
- "Snuffle holes" - small scrapes that badgers have excavated whilst foraging for food
- Badger hairs around sett entrances or caught on fences or vegetation
- Conspicuous badger paths - channels through vegetation that are well used leading to or from setts
- Scratch marks on trees (predominantly in the vicinity of sett entrances)
- Day nests - patches of grass or other vegetation where badgers may have spent time above ground
- Footprints

If found, activity levels at setts were gauged using the following criteria:

- Number of well used holes (with one or more of the features: well-worn entrance; freshly excavated soil; bedding material)
- Number of partially used holes (leaves or twigs in entrance and/or mosses and other plants growing in or around entrance)
- Number of disused holes (partially or completely blocked, with considerable amount of excavation required for reoccupation)

2.2 Badger activity survey

The badger activity survey involved the installation of motion-triggered, night vision camera traps outside each of the three potential setts. Cameras were positioned appropriately, in order to give the best coverage of these areas and all potentially active burrows.

Cameras were set to record between sunset and sunrise for 21 consecutive nights (12th August – 2nd September 2024). Batteries and memory cards were replaced weekly throughout this period, during which signs of activity (fresh bedding, footprints, hairs etc) were searched for within the immediate of all entrance burrows.

Activity levels were then gauged using the information gathered. Setts were classified using the definitions shown in the following table:

2.3 Survey limitations

There are considered to be no significant limitations to the badger surveys or the conclusions and recommendations of this report.

3 RESULTS

3.1 Habitat assessment

The development site measures approximately 20.9ha and was formerly used for industrial and agricultural purposes, prior to being left unmanaged for several years. The site contains large semi-improved species-rich grassland fields interspersed with ponds, small stands of woodland, hedgerows and scattered trees. Large areas of the site have succeeded into dense scrub and areas of bare ground and ephemeral / short perennial are present on previously developed land within the south-eastern section of the site. The south-western section of the site contains an area of amenity grassland and a large hardstanding compound used to store vehicles. A shallow stream runs along the northern site boundary and wet ditches are present along the western and part of the eastern site boundaries.

The habitats on site provide moderate-high quality foraging and commuting habitat for badgers and the areas of dense scrub and woodland on site provide sheltered sett building opportunities.

3.2 Badger scoping survey

Both potential setts had a single entrance burrow considered to be of characteristic size and shape to indicate potential badge use (Photographs 3, 4 and 5). No evidence of badger activity was found within the immediate vicinity of either of the potential setts.

Numerous small sections of mammal paths were observed across the entire site (Photographs 6, 7 and 8). No definitive evidence of badger activity was found to be associated with these paths and numerous other mammal species are known to use the site that could have crated the paths, including foxes and roe deer *Capreolus capreolus*. These paths are too small and numerous to map on the attached site plan at Appendix 1.

Individual badger latrines were observed at SJ 39340 50538, and SJ 39435 50424. Both were old, with no recent signs of use. These are mapped on the site plan at Appendix 1.

Appendix 1. Fox, roe deer, and rabbit prints were also observed across the site.

Badger scats not associated with a latrine or dung pit were identified in three locations, as mapped on the site plan at Appendix 1 Photograph 11).

Known / potential badger setts and all field signs observed during the badger scoping survey are shown on the site plan at Appendix 1.

3.3 Badger activity survey

Three infrared cameras were deployed at each of the known / potential setts for a continuous 21-day period. During this monitoring period, on the 24th August 2024. (less than 5 minutes) . No other badger activity was recorded on any of the badger cameras installed on site.

The findings of the activity survey of Sett 1 are consistent with the findings of the 2022 activity survey.

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No evidence of badger use of potential Setts 2 and 3 was observed and no evidence of badger activity has been observed within the immediate vicinity of either of the potential setts. As such, it is considered that neither are in use as badger setts. Both were observed to be in use by rabbits and are considered to be rabbit warrens.

Other wildlife recorded by the cameras included, wood mouse *Apodemus sylvaticus*, brown rat *Rattus norvegicus* and short-tailed field vole *Microtus agrestis* in addition to numerous passerine bird species.

4 EVALUATION AND RECOMMENDATIONS

4.1 Evaluation of results

The habitats on site provide moderate-high quality foraging and commuting habitat for badgers and the areas of dense scrub and woodland on site provide sheltered sett building opportunities.

The presence of numerous mammal tracks throughout site boundary indicates frequent use by mammals, and many are consistent with

rabbits and small rodents.

4.2 Mitigation and compensation

- The sett will be visited at intervals of three days to inspect the gates to ensure that they open and closes freely,

- Badger activity at the one-way badger gates will be monitored using infra-red motion triggered cameras to ensure that no badgers enter the sett. The gates will also be monitored by placing small sticks in front of and behind the gates, and smoothing the soil or sand in front of the gate in order to detect badger footprints. Sticks will not obstruct access or prevent closure of the gates if disturbed.

- at least 21 days it will be sensitively excavated under ecological supervision, taking care to ensure that all chambers and tunnels are explored. Once this has been achieved, the ground will be levelled and heavy gauge chain-link netting (galvanised and 2.5mm gauge) or similar material will be pegged down over the former sett area to prevent badgers from attempting to re-excavate the sett. If entry or excavates an alternative entrance burrow during the 21-day monitoring period or prior to the destructive works, this procedure will be repeated until 21 days of successful badger exclusion are achieved.

Construction phase

The following measures will be implemented during the construction phase of the development to ensure the potential of harm to badgers using the site for commuting or foraging purposes is reduced to the lowest practicable level:

- Contractors working on site will be briefed as to the potential presence of badgers on the site, and their individual and collective responsibilities under legislation. An ecologist will remain on call for the duration of the works. There will be no works on site during the hours of darkness. This is in order to minimise the potential for disturbance of badgers when they are above ground.

- Any site lighting will be directed away from the wildlife corridors along the site boundaries, the retained habitat to the south of site, and the ecological compensation area.

- The site manager will carry out a site walkover each week to check the site for new evidence of badger setts or digging. If new evidence is found, ecological advice is to be sought immediately.

- Where possible any open excavations will be filled in before the site is closed in the evenings. If this is not possible and excavations are to be left open overnight, then either the edge of the excavation will be cut at a 45-degree angle to allow animals to exit unaided or a plank will be left in the holes as a means of escape.

- Excavations will be checked prior to infilling in order to ensure that no animals are present. If animals are present then the site manager will be informed and a suitably experienced ecologist will be called for advice.

- Chemicals and materials which have the potential to harm wildlife such as fuels, concrete mix, solvents, nails, reels of wire etc, will be stored in a way which removes any risk of badgers (or other wildlife) coming into contact with them.

- Barbed wire or other similar materials will not be used on the site.

- Any temporary exposed pipe systems will be capped so that badgers are prevented from gaining access during non-operational hours. In the unlikely event that further badgers setts are identified during the construction phase of the development, they will also be subject to monitoring and closed (where necessary) under licence and according to the same methodology detailed above.

In the unlikely event that further badgers setts are identified during the construction phase of the development, they will also be subject to monitoring and closed (where necessary) under licence and according to the same methodology detailed above.

Habitat retention and creation

The proposed level of habitat retention, creation and enhancement including the retention of wildlife corridors at the site boundaries will ensure that connectivity to offsite habitats and sufficient foraging opportunities will remain available for badgers throughout the construction and operational phases of the development. Furthermore, the ecological compensation area within the southern and eastern section of the site will be enhanced to provide higher quality foraging opportunities through woodland planting, pond creation, conversion of agricultural grassland to both species-rich wildflower grassland and tussocky rough grassland and the creation of a small orchard area.

5 CONCLUSION

The habitats at Plot 3a provide moderate-high quality foraging and commuting habitat for badgers and the areas of dense scrub and woodland on site provide sheltered sett building opportunities.

No evidence of badger use of potential Setts 2 and 3 was observed and no evidence of badger activity was observed within the immediate vicinity of either of the potential setts. As such, it is considered that neither are in use as badger setts. Both were observed to be in use by rabbits and are considered to be rabbit warrens.

however NRW licences will only allow the sett exclusion and closure works to commence from July to November inclusive,

The method statement provided in section 4.2 will be implemented during the closure of the . The further mitigation measures detailed in section 4.2 will also be implemented during the construction phase of the development,

6 REFERENCES

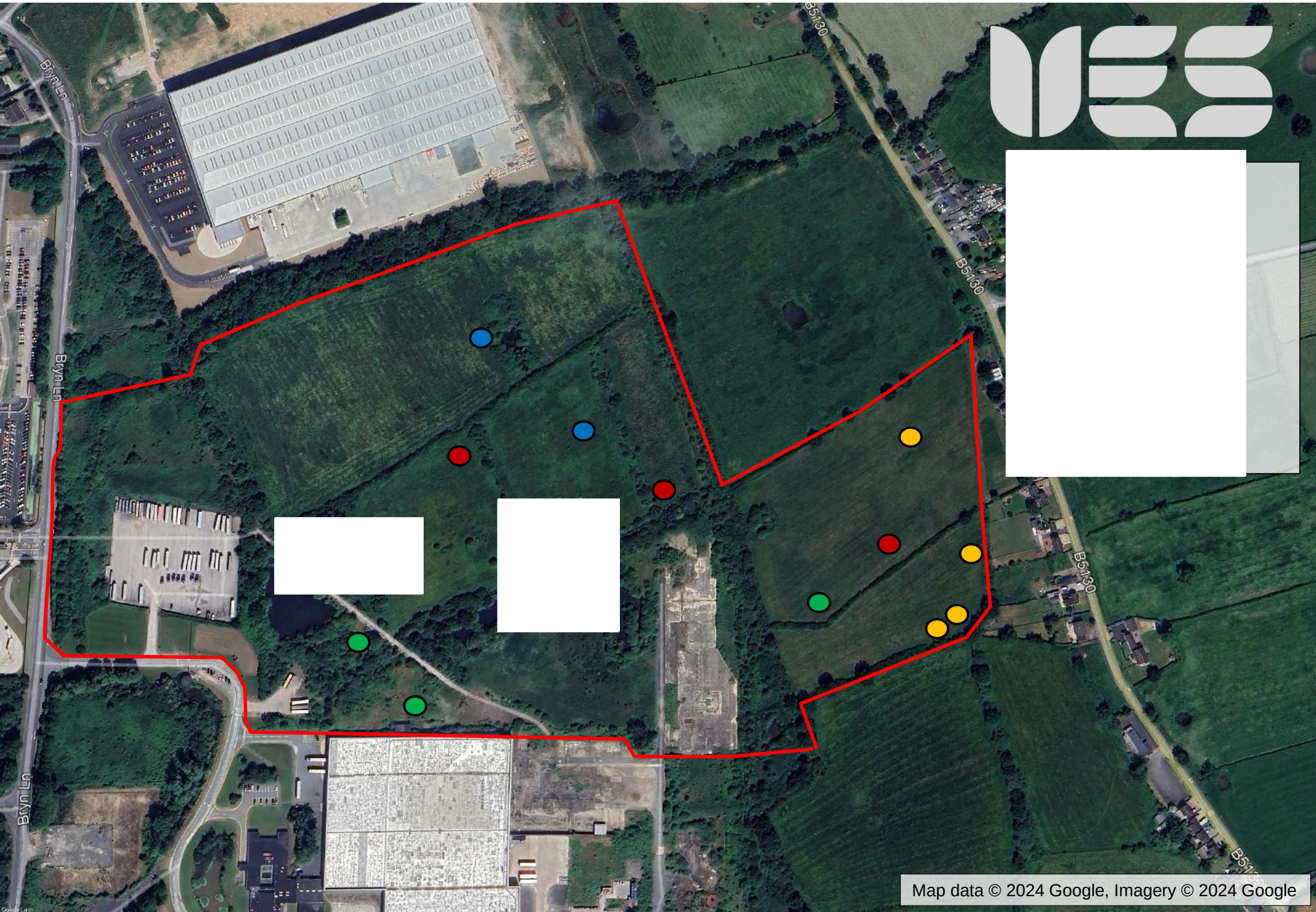
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Natural England (2011). *Badgers and Development: A Guide to Best Practice and Licensing,* IN75 Version 12/11.

Welsh Government (2024). *Planning Policy Wales Edition 12.*

APPENDICES

Appendix 1 – Site plan


Bryn Ln
B5130
Map data © 2024 Google, Imagery © 2024 Google

Appendix 2 – Aerial photographs


Plot 3A, Wrexham
Close aerial photograph
Site boundary
Map data © 2024 Google, Imagery © 2024 Google


Plot 3A, Wrexham
Wide aerial photograph
Site location
Map data © 2024 Google, Imagery © 2024 Google

Appendix 3 – Photographs



Photograph 1 – Example of the grasslands on site.



Photograph 2 – Example of the dense scrub and tall ruderal vegetation present across the site.



Photograph 6 – An example of mammal paths present across the site.



Photograph 7 – Example of mammal paths present across the site.



Photograph 8 – Mammal path leading into base of hawthorn hedge.

Appendix 4 – Statutory and planning context

STATUTORY AND PLANNING CONTEXT

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Badgers

European badgers *Meles meles* and their habitat are protected under The Protection of Badgers Act 1992 and are also included on Schedule 6 of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention. The legislation affords badgers protection against deliberate harm or injury making it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger (or attempt to do so)
- To interfere with a sett by damaging or destroying it
- To obstruct access to, or entrance of, a badger sett
- To disturb a badger whilst it is occupying a sett

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Works that disturb badgers whilst they are occupying a sett are illegal without a licence. Disturbance can occur even without direct interference or damage to the sett in question. In general, the following activities are likely to require a licence:

- Use of heavy machinery or significant earth moving within 30m of a sett
- Use of lighter machinery (usually any wheeled vehicles) within 20m of a sett
- Any digging, chain saw use or scrub clearance within 10m of a sett

Planning Policy

National planning guidance is issued in the form of Planning Policy Wales (PPW - 2024). The most relevant sections are included in Chapter 6: Distinctive and Natural Places. This chapter details the policies on issues such as the protection of trees, woodlands, species, and designated sites. The document is free and available to view online