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**ECOLOGICAL ASSESSMENT FOR
LAND ADJACENT TO THE MERITOR GYM
LLAY, WREXHAM
NORTH WALES**

For JPS Joinery

20th August 2023

Summary

- A Preliminary Ecological Appraisal was carried out for an area of land located adjacent to the Meritor Gym, Rackery Lane, Llay, Wrexham, North Wales.
- The survey was required to assess the site in respect of a proposed planning application for an industrial unit.
- The land is located at the side of the gym on an area of hardstanding/crushed stone.
- At the time of the survey the site had already been cleared and the concrete pad/base-work installed.
- Based upon existing information and with the advanced stage of construction there do not appear to be any protected species issues.
- No further survey work is thought to be required based upon the existing level of information.
- An adequate mitigation plan will be required to compensate for the loss of habitat, there is no room on the site, an off-site compensation plan may be required.

1. Introduction

Background

An ecological survey was undertaken in August 2023 in respect of an area of land located adjacent to the Meritor Gym, Rackery Lane, Llay, Wrexham, North Wales. The brief was to carry out a walkover survey and assess the ecological value of the site. The current proposals are for the construction of an industrial unit with the associated access and infrastructure. Recommendations for mitigation, ecological enhancement and further surveys will be made as required.

Ecological context

The site is located adjacent to the gym building with an area of scrub/ruderal grassland at the side (different ownership) and hardstanding/car-parking in and around the building plot. At the rear there is a fence with the land on the far side apparently belonging to North Wales Police.

Personnel

The survey was carried out by David Bennett who has over 20 years experience of conservation work, ecological surveys and species licensing.

2. Methods

Background data search

A background data search was undertaken for designated sites and species records within 1 Km of the site (COFNOD North Wales Environmental Information Service).

Preliminary Ecological Appraisal

A Phase 1 habitat survey was carried out following standard methodology. This involved walking over the site classifying areas of land into a habitat type. Target notes were made (where required) in respect of any habitats or features of interest and any sightings of protected or rare species.

The suitability of the habitat for protected species (or other species of ecological interest) were also assessed at the same time. Those additional species (site dependent) can include bats, badgers, great crested newt, otters and water voles. This is generally undertaken by looking for field signs such as footprints, droppings, feeding remains, latrines, worn paths, vegetation structure, shelter availability, foraging resources etc.

Constraints

There were no constraints, all areas of the development site were accessible, the land to the rear on the far side of the fence was not accessed.

5. Results

General

The exact site size is unknown but the area where the building/parking will be constructed is no more than 1 acre.

Background data search

Data was obtained from COFNOD and there are several recent records for protected species for the development site. These include grass snake, great crested newt and common lizard, there are also other records away from the site within the surrounding area.

Relevant protected and notable species records are shown in the attached document provided by COFNOD.

Habitats

There is no habitat on the development site it has all been previously cleared, it is now compacted stone with a new concrete pad installed for the building.

There is scrub and ruderal grassland at the side with young willow and silver birch growth, a dead oak tree (presumably felled from the site), rosebay willowherb, bramble, nettles and other ruderal species.

Faunal species

Badgers

No areas of digging, sett entrances, outliers or latrines were found anywhere within or any adjacent land that could be accessed.

Bats

There are no buildings which could support roosting bats and no large or mature trees.

Great crested newts and amphibians

There are several recent records for GCN relating to the site and the surrounding area.

Reptiles

There are recent records for grass snake and common lizard both for the site but also the surrounding area.

Birds

There is no habitat within the development site because it has all been cleared, the only habitat is on the adjacent land which is apparently under a different ownership.

Hedgehogs

The COFNOD data shows hedgehog records in and around the local area so presence should be assumed.

6. Evaluation and Legislation

All of the plants recorded during this survey are widespread at both national and county scales. The list of plant species is not definitive and only represents those recorded while walking around the site.

The presence of a species protected under European or UK legislation is a material consideration when a planning authority is considering a development proposal which, if carried out would be likely to result in disturbance or harm to the species or its habitat. Section 74 (2) of the CroW Act 2000 (now updated by Section 41 of the Natural Environment and Rural Communities Act (NERC) 2006 requires the publication of lists of habitats and species that are of principal importance for the purpose of conserving biological diversity. The list is regularly changed and updated and many bat species appear on it. NERC consolidates the requirements of the CROW Act in placing duties upon government agencies, including local authorities, to ensure the conservation of Biodiversity.

Habitats

The ecological interest for the site has been removed, all scrub and trees have been removed and the area covered with compacted stone and concrete.

Invasive species

At the time of the survey no invasive plant species were observed anywhere in or around the site.

Badgers

Badgers are protected by the Protection of Badgers Act 1992. Under this Act it is illegal to destroy, damage or obstruct access to a sett or disturb a badger while it is using the sett. A sett is defined by the Act as any structure or place showing signs of current or recent occupation by a badger. Under the current interpretation of the Act a license is required for the following operations:

- a. Use of hand tools within 10 metres of a badger sett
- b. Use of light machinery within 20 metres of a badger sett
- c. Use of heavy machinery within 30 metres of a badger sett

Based upon the results of the site visit there do not appear to be any issues in respect of badgers or their setts at the present time. Because they are a mobile species the situation could change during the period of any extant planning permission.

Bats

Bats and their roosts are protected by the Wildlife and Countryside Act (as amended) and the Conservation (Natural Habitats & c) Regulations 1994. The Habitats Directive has recently been superseded by The Conservation of Habitats and Species Regulations 2010 which came into force on the 1st April 2010. This makes it unlawful to harm, disturb, or destroy either bats or their roosts. Any work which may potentially disturb a roost (whether bats are present or not) may require a license.

To summarise it is illegal not only to intentionally kill, injure or take any bat but also too recklessly or intentionally damage, destroy or obstruct access to any place that a bat uses for shelter or protection, or to disturb a bat while it is occupying such a place. A roost is protected whether or not bats are present at the time. The reason for this is that bats have a tendency to remain loyal to certain roost sites, often over a long period of time.

There are no known issues in respect of bats although an external lighting scheme should be agreed to ensure the area around the building remains as dark as possible.

Great crested newts

The great crested newt *Triturus cristatus* is listed on Schedule 5 of the Wildlife and Countryside Act (as amended), and is afforded full protection under the terms of Section 9. This makes it an offence if any person:

9(1) “... *intentionally kills, injures or takes* [a great crested newt]”;

9(2) “... *has in his possession or control any live or dead* [great crested newt] *or any part of, or anything derived from such an animal*”; 9(4) “... *intentionally or recklessly (a) damages or destroys, or obstructs access to, any structure or place which* [a great crested newt] *uses for shelter or protection; or (b) disturbs any such animal while it is occupying a structure or place which it uses for that purpose*”;

9(5) “... (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead [great crested newt], or any part of, or anything derived from, such an animal; or (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things”.

Great crested newts are also afforded additional protection through inclusion on Schedule 2 (“European protected species”) of **The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**, which transpose into British law the European Community’s **Habitats Directive (92/43/EEC)**. The Habitats Directive has recently been superseded by “**The Conservation of Habitats and Species Regulations 2010**”, this came into force on the 1st April 2010.

There would have been issues with GCN but now the site has been cleared with all ground works complete that seems unlikely.

Reptiles

All species of British reptile are protected against intentional killing, injury or sale under the Wildlife and Countryside Act 1981 (as amended). The Sand Lizard and the Smooth Snake are afforded a higher degree of protection under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 making it an offence to:

- Intentionally kill, take or injure these species of reptile.
- Damage, destroy or obstruct a place a these species use for breeding, resting, shelter or protection or to disturb these species in such a place.
- Possess or control these species alive or dead, or any part of them, or anything derived from them.
- Sell, offer for sale, advertise for sale or offer to these species, or a part of them or anything derived from them.
- Deliberately disturb or deliberately take or destroy the eggs of these species.

The distribution of Smooth Snakes and Sand Lizards is limited to heathland habitats in Surrey, Dorset, Hampshire and Sussex. The Sand Lizard is also known to occur on sand dune habitats in Merseyside and has recently been introduced to some areas of North Wales.

Licenses can be issued in order to allow activities that would constitute an offence under the legislation. Licenses can be issued for specific purposes including scientific study, photography, conservation management and development.

In England and Wales a development license must be obtained from Natural England or the Welsh Government before undertaking any works that will affect Sand Lizards or Smooth Snakes or their habitat. A license is not required to carry out surveys or mitigation for other reptile species.

There is likely to have been issues relating to species of reptile but as the site has been cleared with all ground works complete this now seems to be unlikely.

Nesting birds

All breeding birds are protected under Section 1(1) and 1(2) of the Wildlife and Countryside Act 1981, as amended. This makes it an offence to damage, disturb, or obstruct access to nests during the bird breeding season (generally March to August).

All scrub and trees have been removed from the site so there does not appear to be any further issues.

Hedgehogs

Hedgehogs are protected by law under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), making it illegal to kill or capture them using certain methods.

It is likely that hedgehogs will be present within the adjacent land and surrounding habitat. As discussed, the site has been cleared and all groundworks are complete.

7. Recommendations

Habitats

An adequate mitigation plan will be required to compensate for the loss of habitat, there is no room on the site, an off-site compensation plan may be required.

Protected species

There are numerous records for protected species for the site and the surrounding habitat. Unfortunately, the site has been completely cleared and any damage has already been done.

Ecological enhancement

Current planning policy requires that development projects minimise ecological damage, they should also include ecological enhancement. At this stage it is not really possible to suggest any enhancement apart from bat/bird boxes because there is no room within the site boundary.

Biodiversity offsetting

In some cases biodiversity offsetting may be required as part of the consenting process. This is a last resort option that should only be used if there are impacts which cannot be avoided, mitigated or compensated for. In this case that may be the only available option.

8. Relevant literature

Institute for Ecology & Environmental Management (2012) *Guidelines for Ecological Appraisal* IEEM Winchester

Rose, F. (1989) *Grasses, Sedges and Ferns* Viking Press

Stace, C. (2005) *New Flora of the British Isles* Cambridge University Press, Cambridge

Appendix 1 – Species on adjacent land

Trees and shrubs	
Ash	<i>Fraxinus excelsior</i>
Blackthorn	<i>Prunus spinosa</i>
Bramble	<i>Rubus agg</i>
Dog Rose	<i>Rosa Canina</i>
Hawthorn	<i>Crataegus monogyna</i>
Sallow	<i>Salix cinerea</i>
Silber birch	<i>Betula pendula</i>
Sycamore	<i>Acer pseudoplatanus</i>
Willow	<i>Salix sp</i>

Herbs	
Annual meadow grass	<i>Poa annua</i>
Bramble	<i>Rubus agg</i>
Broad leaved plantain	<i>Plantago major</i>
Chickweed	<i>Stellaria media</i>
Cleavers	<i>Galium aparine</i>
Cocksfoot	<i>Dactylus glomerata</i>
Common bent	<i>Agrostis capillaris</i>
Common nettle	<i>Urtica dioica</i>
Creeping bent	<i>Agrostis stolonifera</i>
Creeping buttercup	<i>Ranunculus repens</i>
Creeping thistle	<i>Cirsium arvense</i>
Crested dogs tail	<i>Cynosaurus cristatus</i>
Curled dock	<i>Rumex crispus</i>
Daisy	<i>Bellis perennis</i>
Dandelion	<i>Taraxacum officinale</i>
Hogweed	<i>Hieracleum sphondylium</i>
Ivy	<i>Hedera helix</i>
Perennial rye grass	<i>Lolium perenne</i>
Ragwort	<i>Senecio jacobea</i>
Red fescue	<i>Festuca rubra</i>
Ribwort plantain	<i>Plantago lanceolata</i>
Rosebay willowherb	<i>Chaemerion angustifolium</i>
Silverweed	<i>Potentilla anserina</i>
Spear thistle	<i>Cirsium vulgare</i>
White clover	<i>Trifolium repens</i>
Yorkshire fog	<i>Holcus lanatus</i>

Photos

Site boundary – land on the right is under a different ownership



Advanced state of construction



Crushed stone parking area



Old scrub and cut timber to the side on adjoining land



Stored materials on the hard-standing



Cut material at the side on neighbouring land



Rear boundary, far side apparently belongs to North Wales Police



Development area with new concrete pad



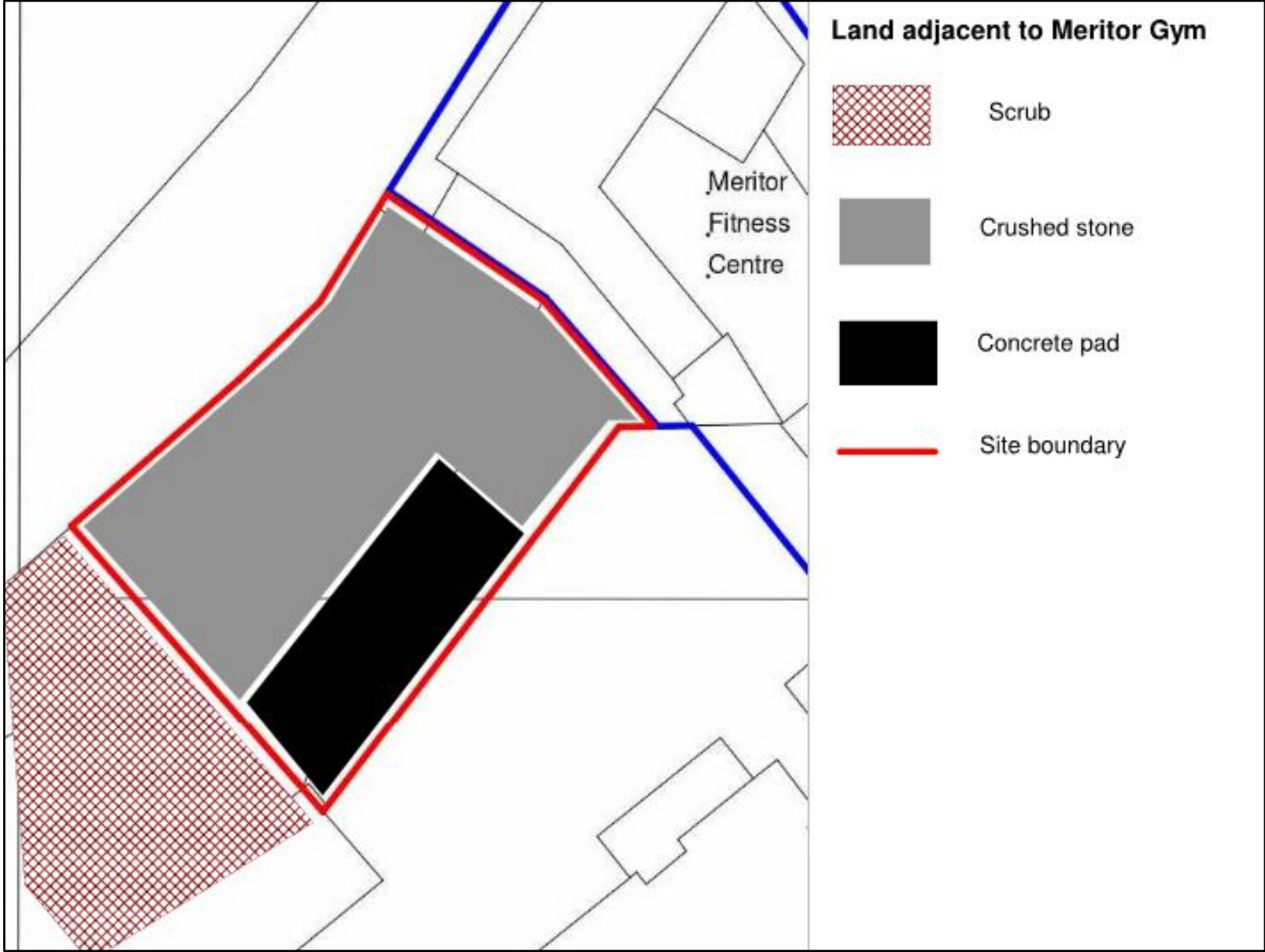
Concrete pad at the rear of the cars



Adjacent habitat under a different ownership



Appendix 2 – Site plan



E-mapper COFNOD plan – Public version

