



Leigh Ecology Ltd

Protected Species and Habitat Surveys

Proposed Farmworkers Dwelling,
Lower Parks Farm,
Parkside,
Rossett,
Wrexham,
LL12 0BN.

Extended Phase One Report

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Appendix 1 – Phase 1 Habitat plan and Key

1 Executive summary

- 1.1 Leigh Ecology Ltd was commissioned to undertake an Extended Phase 1 survey of a parcel of land located at Lower Parks Farm, Rossett, Wrexham.
- 1.2 The site predominantly comprises grassland habitats, chiefly improved grassland.
- 1.3 The proposed development will see a small keyworkers dwelling development built on site, accompanied by associated infrastructure.
- 1.4 No areas of key ecological interest were recorded within the development site.
- 1.5 No notable ponds occur within 250m from the proposed site; however, a single reservoir occurs on the opposite side of the farm complex. The reservoir offers poor habitat for amphibians.
- 1.6 Although proposals don't state any specific vegetation clearance, **any potential vegetation clearance should be undertaken outside of the bird-nesting season, March – August.**
- 1.7 It is unlikely that the proposal will have any impacts on the nature conservation receptors on site or the wider environment.

2 Introduction

Background

- 2.1 Leigh Ecology Ltd was commissioned by Mr. and Mrs. Tomlinson to undertake an extended Phase one survey on a parcel of land off Parkside Road, Rossett, Wrexham; refer to the redline boundary shown on **Figure 1** below.
- 2.2 Sites of biodiversity conservation value, habitats and species in UK and Local Biodiversity Action Plans (BAPS) and protected species are material considerations in the planning process (Department for Communities and Local Government. 2012).
- 2.3 The study is documented in this report and includes the following:
1. Preliminary ecological baseline for the site;
 2. Protected mammals' assessment of the site;
 3. Potential ecological constraints to the development of the site; and
 4. Further ecological work necessary for a planning submission.
- 2.4 All Work was undertaken in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Practice.

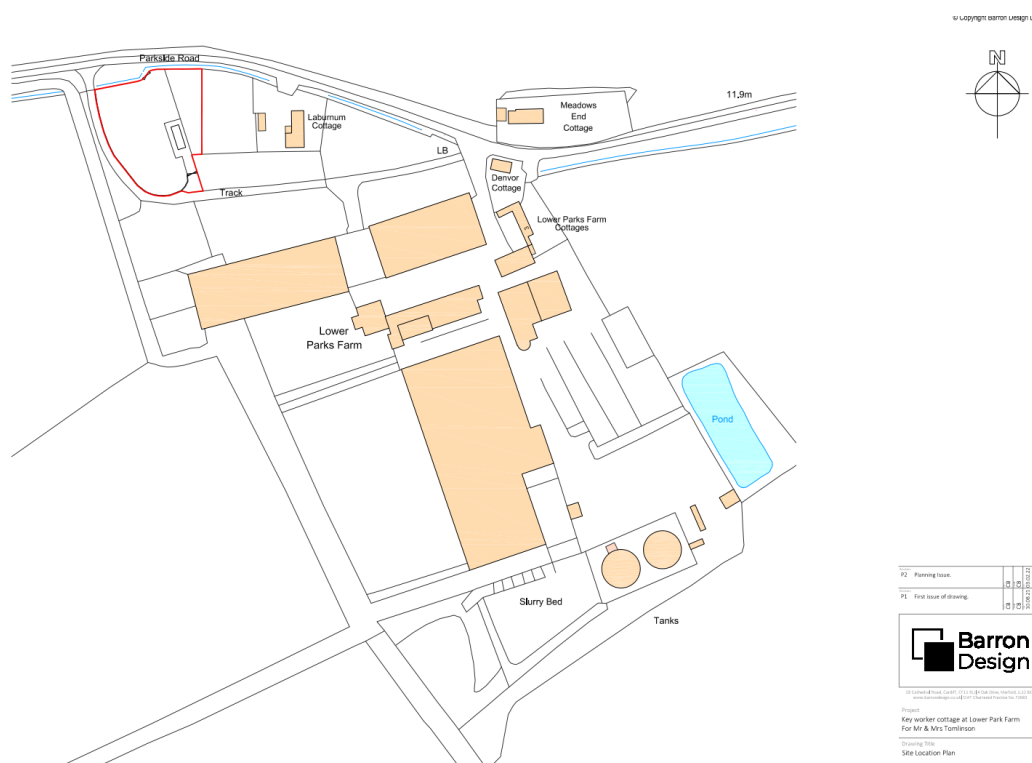


Figure 1 The site location and extent.

Legislation and Planning Policy

2.5 General

Articles of British wildlife and countryside legislation, policy guidance and both Local and National Biodiversity Action Plans (BAPs) are referred to throughout this report. Their context and application are explained in the relevant sections of this report. The relevant articles of legislation are:

- Planning Policy Wales (8th Ed. January 2016)
- Technical Advice Note 5 (TAN5) Nature Conservation and Planning 2009
- Local planning policies (Wrexham City Council).
- The Conservation of Habitats and Species Regulations 2017.
- The Wildlife and Countryside Act 1981 (as amended).
- EC Council Directive on the Conservation of Wild Birds 79/409/EEC.
- National Parks and Access to the Countryside Act 1949.
- The Protection of Badgers Act 1992.
- The Countryside and Rights of Way Act 2000.
- The Hedgerow Regulations 1997.
- The Natural Environment and Rural Communities Act 2006; and
- Local Biodiversity Action Plan for Wrexham.

Sites of biodiversity conservation value, habitats and species in UK and Local Biodiversity Action Plans (BAPS) and protected species are material considerations in the planning process Habitat Regulations 2017 and the Environment (Wales) Act 2016.

Under the National Planning Policy Framework 2018, the presence of any protected species is a material planning consideration. The Framework states that impacts arising from development proposals must be avoided where possible or adequately mitigated/compensated for and that opportunities for ecological enhancement should be sought.

2.6 Great Crested Newt (GCN)

GCN are fully protected under Schedule 2 of the Conservation of Species and Habitats Regulations (2010) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Combined, these acts make it an offence to:

- Kill, injure or take a great crested newt (or attempt to);
- Destroy any place where they live or breed;
- Damage any one of the above places (or any part of it);
- Obstruct access to these places;
- Disturb a great crested newt in any place it uses for shelter;
- Disturb the species such that it affects its ability to hibernate or migrate;
- Sell/exchange (or offer for sale/exchange) any part of a great crested newt, live or dead.

Offences can be deliberate, intentional or reckless and penalties for any of the above include fines of up to £5k and imprisonment of up to 6 months, per animal affected.

At the local level, the site falls within the area covered by the Wrexham Biodiversity Action Plan (WBAP), in which GCN are identified as a Priority Species. GCN are also listed in Section 41 of the NERC Act 2006 as Species of Principal Importance; national objectives and targets include the maintenance of the geographical range and viability of existing great crested newt populations to ensure that it remains in favourable conservation status.

Under the NPPF, the presence of a protected species such as GCN is a material planning consideration.

The Framework states that impacts on protected species arising from development proposals must be avoided where possible or adequately mitigated for and that opportunities for ecological enhancement should be sought.

2.7 Bats

All UK species of British bats are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations prohibit:

- Intentionally, recklessly or deliberately kill, injure or take a bat;
- The deliberate disturbance of any bat species in such a way as to be significantly likely to affect:
 - Their ability of to survive, hibernate, migrate, breed, or rear or nurture their young; or;
 - The local distribution or abundance of that species.

- Damage or destruction of a breeding site or resting place (roost);
- The possession or transport of bats or any other part of.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion in Schedule 5. Under the Act, they are protected from:

- Intentional or reckless disturbance (at any level);
- Obstruction of access to any place of shelter, breeding or rest;
- Selling, bartering or exchange of these species, or parts of.

Seven British bat species are listed as Species of Principal Importance (SPI) under the Natural Environment and Rural Communities (NERC) Act 2006. These are barbastelle *Barbastelle barbastellus*, Bechstein's Myotis *bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared *Plecotus auritus*, greater horseshoe *Rhinolophus ferrumequinum* and lesser horseshoe *Rhinolophus hipposideros*.

2.8 **Badger**

Badgers are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from baiting and deliberate harm or injury.

The act makes it an offence to:

- Willfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so;
- Intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access routes.

A sett is defined as “any structure or place that displays signs indicating current use by a badger”.

2.9 **Birds**

The Wildlife & Countryside Act 1981 (as amended) protects wild birds, their nests and young. The Act makes it an offence to intentionally or recklessly kill, injure or take any wild bird, or damage or destroy the nest whilst being built or in use, or the eggs of breeding birds. Species listed on Schedule 1 of the Act, including barn owl, are further protected to include the intentional or reckless disturbance of birds.

3 Methodology

- 3.1 A preliminary understanding of the ecological baseline of the development site (hereafter referred to as 'the site') was derived through desk study and site survey.

Site survey

- 3.2 An Ecological Assessment was undertaken on 29th April 2023 following Joint Nature Conservation Committee (JNCC) methodology (2010). This identified the habitat types on the site and the presence/absence of protected/notable species¹. The results of the survey are detailed on a Phase 1 Habitat plan; refer to **Appendix 1**.
- 3.3 Water bodies within 250m of the site were also identified from Ordnance Survey (OS) maps and through aerial photography and examined.

Bat Surveys

Trees Inspection

- 3.4 As tree roosts are extremely difficult to locate, it is prudent to note all potential roost entrances, cracks, cavities, woodpecker holes, fissures, in order to undertake emergence surveys should there be an impact on the trees.

Bird Surveys

- 3.5 Habitats that may contain bird nests were checked for current and historic nests and breeding activity. Bird activity occurring on site was also noted.

Protected Mammal Surveys

- 3.6 The site hedgerows and linear features were checked for feeding signs, prints, trails, droppings, holes etc. for species including badger *Meles meles*.

¹ Notable species are those which hold a specific conservation status e.g., Biodiversity Action Plan Priority Species, IUCN Red Data Species etc. Some notable species may also be legally protected.

4 Results

Site survey

Habitats within the survey area

- 4.1 The location of the habitats within the survey area are shown in **Appendix 1** and Photographs within the text. Habitat descriptions are provided below; plant species are referred to using their English names.
- 4.2 The following paragraphs describe the habitats within the proposed site, providing a basic description of the most dominant habitats occurring.
- 4.3 The target site is a parcel of predominantly improved grassland, which was formerly used for small-scale grazing. Species include Perennial Ryegrass, Red Fescue, Smooth Stalked Meadow grass. A metal fence separates this semi-improved grassland patch from the amenity grassland habitat found on site.
- 4.4 The site is bounded mainly by post and wire fence; however, the northern boundary is a native species hedgerow.
- 4.5 The approximate site grid reference is **SJ 382552**
- 4.6 The proposed site will see a single keyworker dwelling infrastructure built within the boundary.



Photograph 1: A view across the parcel of land proposed for the development.



Photograph 2: A view of the hedge that serves as the boundary of the site and Parkside road.



Photograph 3: A further view of the site from the hedge that forms the northern boundary.

Site Boundaries

- 4.7 A native hedgerow is found along the northern border of the site. The southern and eastern borders and the western boundary comprise a post and wire fence.

Surrounding habitats

- 4.8 The site is set within an agricultural environment; most field parcels are utilised as dairy farming or growing hay for winter feed.

Protected and notable species

Invertebrates

- 4.9 No notable invertebrate species were recorded.
- 4.10 It is possible that some of the commoner moth and butterfly species may frequent the site within small parcels of ruderal vegetation and scrub.

Amphibians

- 4.11 Great crested newts are protected by Schedule 2 of the Convention of Habitats and Species Regulations (2010) and Schedule 5 of the Wildlife and Countryside Act (1981, as amended), which provide protection to both the individuals and the areas they use for rest, shelter or breeding. Great crested newts are also a UK BAP priority species.
- 4.12 The desktop study and site survey identified a single waterbody within 250m of the proposal site, this was a slurry bed part of the farm operations.

Reptiles

- 4.13 A small debris pile is found within the southern border of the site. The pile offers potential habitat for reptile species, but the site is thought to be cut off from any possible reptile migration.

Birds

- 4.14 The site provides suitable nesting and foraging habitat (e.g., dense hedgerows for a range of bird species, including UK BAP species such as dunnoek, song thrush, starling and house sparrow.

Bats

- 4.15 The site contains no trees or other bat roost habitat. It is possible that bats may use the hedgerow for commuting or foraging.

Badgers

- 4.16 No signs or recordings of badger were noted within the site or 30m buffer zone.

Other mammals

- 4.17 The proposed site provides suitable habitat for hedgehog *Erinaceus europaeus* and for other mammal species such as grey squirrel *Sciurus carolinensis*, fox *Vulpes vulpes*, rabbit *Lepus curpaeums* and small mammals such as voles and mice.

5 Constraints and Recommendations

- 5.1 The proposed development (within the red line site boundary as shown in *Figure 1*) will consist of a single dwelling development, as well as the associated infrastructure.
- 5.2 Construction and post construction impacts are therefore possible upon both the habitats and species within and immediately adjacent to the site. Ecological constraints and recommendations with regard to any development of the site are discussed below.

Habitats

- 5.3 The improved grassland will be lost prior to construction of the dwelling.
- 5.4 Plans for access involve utilising the existing gated openings and therefore, there will be no impact on the hedgerow.
- 5.5 There is the potential for some of the habitats on site to support protected species; this is discussed below.

Protected species

Reptiles

- 5.6 The proposal site offers very few features suitable for reptiles. The debris pile found within the semi-improved section is suitable, but the site is closed off from any potential routes for reptiles to gain access.

Amphibians

- 5.7 No water bodies are present on, or immediately adjacent to the site.
- 5.8 Furthermore, on site habitats are considered to be of low quality for protected amphibian species such as GCN, comprising predominantly short semi-improved grassland, due to the site being cut off from water bodies or potential features to entice amphibians.

Birds

- 5.9 Nesting birds are protected under The Wildlife and Countryside Act 1981 (and amendments) and it would be an offence to damage or destroy a nest or otherwise disturb a nesting bird.

5.10 Specific proposal plans for bordering hedgerows show that no removal is planned; however, **any work undertaken close to the hedgerow may cause a disturbance to nesting birds and therefore it is suggested this should be undertaken outside of the bird nesting season (March-August).**

5.11 Should this not be possible, a pre-works check by a qualified ecologist should be undertaken to ensure that nesting birds are absent.

5.12 Subsequent replacement of lost habitat should then be implemented, using similar species of tree and hedgerow to enhance the local bird population.

Bats

5.13 All bat roosts are fully protected under the Wildlife and Countryside Act 1981 (and amendments) and The Conservation of Habitats and Species Regulations 2010, which defines these animals as European Protected Species.

5.14 An offence would be committed if roosts, whether occupied or not, were destroyed, damaged or obstructed, or if bats themselves were harmed or disturbed.

5.15 The site provides little opportunity for roosting bats.

5.16 Foraging habitat could be provided by the hedgerows for bats as navigational flight lines, which could potentially hold some importance for colonies of roosting bats that may be near the site.

Badger

5.17 No signs of previous or active badger activity were noted on site.

Other mammals

5.18 Hedgehog and fox will likely frequent the site, but due to the suitable environment within the immediate surrounding area for these species, it is thought to be of little concern.

Summary

- 5.19 Based on the above information, it is recommended that the proposal plans can go ahead; the only constraint being that any works close to bordering hedgerow features should be undertaken outside the bird nesting season (March-August).
- 5.20 Where possible, hedges should be retained. Additional planting of native trees could be incorporated within the proposed site and along the southern and northern perimeter.

6 References

- ARG UK 2010. ARG UK Advice Note 5: Great crested newt Habitat Suitability Index. Amphibian and Reptile Groups of the United Kingdom.
- Botanical Society of the British Isles (BSBI) (2013). Online Atlas of the British and Irish Flora. Available at: http://www.brc.ac.uk/plantatlas/index.php?q=title_page
- Chartered Institute of Ecological and Environmental Management (2015). Guidelines for Ecological Report Writing.
- Cheffings, C.M. & Farrell, L. (Eds), Dines, T.D., Jones, R.A., Leach, S.J., McKean, D.R., Pearman, D.A., Preston, C.D., Rumsey, F.J., Taylor, I. 2005. The Vascular Plant Red Data List for Great Britain. Species Status 7: 1-116. Joint Nature Conservation Committee, Peterborough.
- Department for Communities and Local Government 2012. National Planning Policy Framework.
- Eaton MA, Brown AF, Noble DG, Musgrove AJ, Hearn R, Aebischer NJ, Gibbons DW, Evans A and Gregory RD (2009) Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man. British Birds 102, pp296-34
- HMSO 1981. Wildlife and Countryside Act 1981 (and amendments). (c.69), London: HMSO.
- HMSO 2010. Conservation of Habitats and Species Regulations, London, HMSO.
- Hundt, L. (2012). Bat Surveys: Good Practice Guidelines, 2nd edition. Bat Conservation Trust.
- Gilbert, O.J. & Anderson, P. 2000. Habitat Creation and Repair. Oxford University Press, New York.
- Joint Nature Conservation Committee 2010. Handbook for Phase 1 Habitat Survey – a technique for environmental audit. JNCC.
- Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. 2000. Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). Herpetological Journal 10(4), 143-155.
- Stace, C. A (1997). New Flora of the British Isles Second Edition. Cambridge University Press.
- UKBAP 2008. Priority Habitat Descriptions [Online]. Available at: <http://www.ukbap.org.uk/library/UKBAPPriorityHabitatDescriptionsfinalAllhabitat20081022.pdf>.

Appendix 1: Phase 1 Habitat Map



