



Leigh Ecology Ltd

Protected Species and Habitat Surveys

Land off Queens Road
Brymbo,
Wrexham.

On behalf of Martin Wilson.

Extended Phase One Report

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The advice contained in this report is based on the information available and/or collected during the period of study. We cannot completely eliminate the possibility of important ecological features being found through further investigation and/or by survey at different times of the year or in different years.

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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 on a small parcel of mixed land, off Queens road, Brymbo.
- 1.2 The site comprises predominantly mixed land, with several ribbons of tall ruderal, hard standing and scrub habitat.
- 1.3 Development plans provided include the construction of three dwellings on site. This is facilitated by the removal of features on site.
- 1.4 The site is sloped in areas, with a woodland area covering the entire northern section of the site.
- 1.5 The trees on site offer negligible bat roost potential; the bordering hedgerows that feature along borders offer ideal bird nesting habitat; several black bird and dunnock were noted during the visit.
- 1.6 Patches of Japanese Knotweed were noted throughout southern areas of the site.
- 1.7 No notable ponds occur within 250m from the proposed site.
- 1.8 Proposal plans include the full removal of large sections of vegetation on site; any potential vegetation clearance should be undertaken outside of the bird-nesting season, March – August.
- 1.9 It is recommended that an overall Ecological Mitigation Strategy, including the landscape design and avoidance measures on protected species, be prepared for the proposed development of the site. This would ensure that potential impacts are minimised and that enhancements are provided, as deemed appropriate.

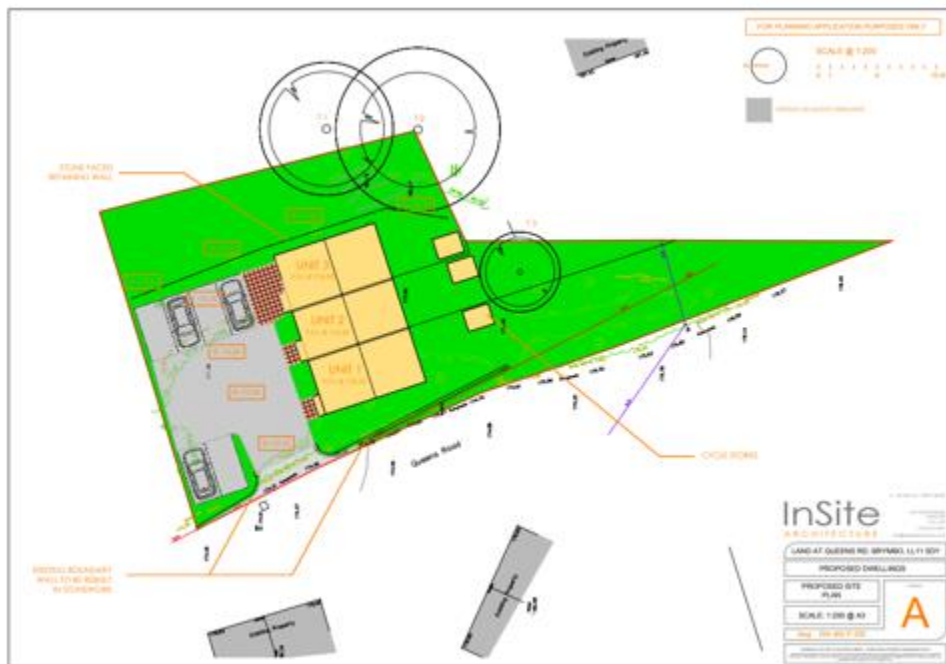
2 Introduction

Background

- 2.1 Leigh Ecology Ltd was commissioned by Martin Wilson to undertake an extended Phase one survey on a parcel of land off Queens Road, Brymbo. Refer to red line boundary found below (Figure 1).
- 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; Site Location.



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
- 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 the 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)

GCNs 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, 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 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 *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 their young. The Act makes it an offence to intentionally or recklessly kill, injure or take any wild bird, 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 3RD May 2022 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**. Target notes were used to identify specific features of ecological interest.
- 3.3 Water bodies within 250m of the site were also identified from Ordnance Survey (OS) maps and through aerial photography.

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**, which should be read together with the accompanying Target Notes (TNs); 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 scrub habitat, with large sections of hard standing ground and tall ruderal features.
- 4.4 The approximate site grid reference is SJ 297538.
- 4.5 The proposed site will see the addition of three dwellings and supporting Infrastructure on site, this will be accommodated by the removal of current vegetation and re-shaping of the site.



Photograph 1: A view of the southern section of the site towards the site boundary. Dense hedges are found across all boundaries, comprising predominantly bramble, common nettle and holly.



Photograph 2: A view toward the centre of the site. Sections of scrub habitat were identified throughout. Hedges had been cut back and trimmed considerably before the site visit.



Photograph 3: A view of the centre of the site. Previous clearance has left the proposal area predominantly bare ground.



Photograph 4: Several strands of Japanese Knotweed were noted in two sections of the site.



Photograph 5: Several piles of rubble were noted across the site.



Photograph 6: A view towards the southern boundary on site. Wooden fencing can be found along the southern boundary with holly, bramble and hawthorn bushes adjacent.



Photograph 7: The woodland area in the eastern section of the site. It is thought that this section is to be retained during development work.



Photograph 8: Further smaller strands of Japanese Knotweed on site.

Site Boundaries

- 4.6 Species rich hedgerows are found along the northern, eastern and southern borders of the site. These hedges contain holly, hawthorn and scrub species such as bramble and common nettle.

Surrounding habitats

- 4.7 The site is set within the village of Brymbo, set on the outskirts of Wrexham. Rural habitat is also found to the north of the site.

Protected and notable species

Invertebrates

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

Amphibians

- 4.10 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.
- 4.11 No ponds were identified within 150m of the site.

Reptiles

- 4.12 Several rubble piles were identified on site. Despite these findings, it is thought that the site itself is cut off from typical reptile habitat and suitable features.

Birds

- 4.13 The site provides suitable nesting and foraging habitat (e.g., dense hedgerows for a range of bird species, including UK BAP species such as Dunnock, song thrush, black bird and house sparrow.
- 4.14 Several dense hedges were found along the western border of the site, adjacent to Queens Road.

Bats

- 4.15 The trees found within the eastern woodland section offer no ideal entry points suitable for bat activity.

Badgers

- 4.16 No signs or recordings of badger were noted within the 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 2**) will consist of the addition of three dwellings and 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 Several mature hedges are found across the site, creating ideal bird nesting habitat. **Any hedges included within removal work should be removed outside of bird nesting season (March-August)**
- 5.4 Regarding removal work for the planned infrastructure, the development work will be undertaken on what is currently predominantly bare ground.
- 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 piles 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, as no water bodies are found nearby to site.

Birds

- 5.9 The potential of the site for bird species is regarded as important, due to the site's location to adjacent residential habitat, common garden species of bird will frequently visit.
- 5.10 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.
- 5.11 Specific proposal plans for bordering hedgerows have not yet been provided, but **if they include the removal of any scrub, hedgerow or amenity bushes, this should be undertaken outside of the bird nesting season (March-August).**
- 5.12 **Should this not be possible, a pre-works check by a qualified ecologist should be undertaken to ensure that nesting birds are absent.**
- 5.13 **Subsequent replacement of lost habitat should then be implemented, using similar species of tree and hedgerow to enhance the local bird population.**

Bats

- 5.14 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.
- 5.15 An offence would be committed if roosts, whether occupied or not, were destroyed, damaged or obstructed, or if bats themselves were harmed or disturbed.
- 5.16 The trees within the site provide little opportunity for roosting bats.
- 5.17 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

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

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Other mammals

- 5.19 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.

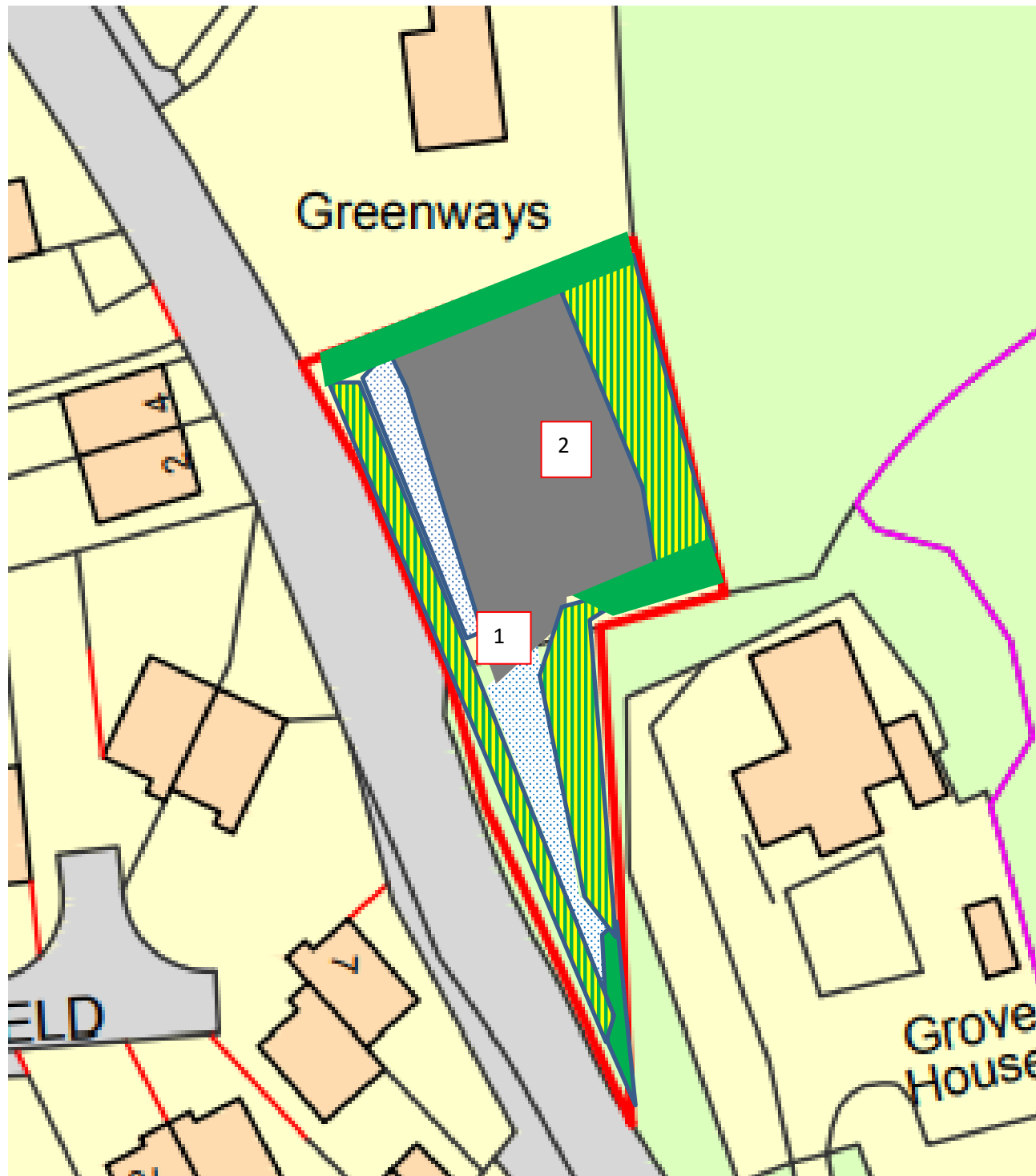
Summary

- 5.20 Based on the above information, **it is recommended that the proposal plans can go ahead; the only constraint being that any removal of bordering hedgerow, scrub or amenity features should be undertaken outside the bird nesting season (March-August)**
- 5.21 **Several stands of Japanese Knotweed. These parcels of Knotweed should be cleared and disposed of following the Environment Agency Wales guidance**

6 References

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**Appendix 1:
Phase 1 Habitat Map**



KEY-

Scrub



Bare ground



Broad-leaved woodland



Species rich hedgerow



Japanese Knotweed



