

PLANNING APPLICATION ASSESSMENT

FIELD ADJACENT TO BRYER, GARTH, WREXHAM.

Site: Field Adjacent to Bryer
Trevor Hall Road
Garth
Llangollen
LL20 7UP

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Job Ref.: 0987A – Field Adjacent to Bryer Report-V1

1.0 INTRODUCTION

We have been instructed to undertake a planning assessment survey with regard to the erection of stabling and associated parking on land adjacent to Bryer, Garth, Llangollen. The report will address the requirements as set out in Planning Policy Wales-Edition 1, 2021, Environment (Wales) Act 2016, (Section 6 Duty) and (Section 7) and the Welsh Assembly Government Technical Advice Note 5, 'Nature Conservation and Planning' and local development policy, to enable an assessment of impacts and mitigation to negate impact as a consideration, material to the determination of planning consent and active protected species and habitat legislation at the time of survey

The survey was undertaken by a competent ecological surveyor and assistant to conform to the planning requirement on the 6 April 2022

2.0 SUMMARY

- The site is classed as improved pasture, with temporary stored soils and rubbles from the Bryer refurbishment.
- The area is considered to be of low ecological value in its present condition. The abutting grassland is similarly categorised due to improvement.
- The existing western field boundary hedgerow, offers potential for nesting birds, small mammals and moderate floral value.
- No invasive non native species have been recorded within the development zone.

3.0 SITE

The site is located to the south of Garth village and north of the A539. The site is rectangular in shape, with an access track from the 'C' class road. The site consists of an approximate area of 0.1Ha in size and is located within an area of improved pasture alongside the eastern boundary of the property Bryer. The survey area has a single hedgerow along its western boundary with an existing field access. The area has been used during the refurbishment of the properties Bryer and Claremont for the storage of excess building rubbles and soils.

The adjacent habitats consist of improved grassland grazing pasture/horse paddock with a mix of hedgerow, post and wire fencing and 'clawdd' walling.

No designated sites are located within the development area or abut the development area.



Fig 1: Aerial Photograph of the survey area

4.0 EXISTING DATA

Surveys:

The adjacent plots of Bryer and Claremont where surveyed July 2019.

Data search:

AMPHIBIAN: - No data is available for the immediate site. No records or water bodies suitable to support a breeding population for this species are recorded within 500 m from the site boundaries.

MAMMAL: - No data was available at the time of survey for the immediate site for either, Badger, Bat, or Hedgehog. However, the following species are to be found within the locality:-

Badger – *Meles meles* – no records within 500 m of the site.

Hedgehog - *Erinaceus europaeus* – records within 356 m to the east of the site.

Bat *Chiroptera* – no records within 500m Of the site. Records are available for Daubenton’s along the Llangollen canal, nearest point 525m to the south of the site, with the canal running roughly east to west. Two flight records for Pipistrelle over 500 m to the north of the site.

The following species have been recorded locally and at a county level

Pipistrelle *Pipistrellus pipistrellus/pygmaeus*

Brown Long-eared *Plecotus auritus*

Lesser Horseshoe *Rhinolophus hipposideros*

Daubenton’s *Myotis daubentonii*

Whiskered/Brandt’s *Myotis mystacinus/brandtii*

Natterer’s *Myotis nattereri*

Noctule *Nyctalus noctula*

REPTILE: – no site records for this species, single record for grass snake 980 m to the south of the site.

BIRD: – approximately 82 species are recorded within 1km of the site with an estimated 7 species that could potentially nest within the habitats identified inside the development boundary.

Designated Sites – None identified within 500 m of the site. The site has no water bodies or linear corridors that directly connect to any locally recorded sites.

5.0 SURVEY AREAS

As outlined in Fig 1

6.0 LEGAL PROTECTION

Under the 1981 Wildlife & Countryside, and the 2000 Countryside Rights Of Way (CROW) Act, it is an offence to “intentionally” or “recklessly” kill, injure or take any legally protected species. In some cases, even the species' habitat and places of shelter are protected.

6.1 GREAT CRESTED NEWT/BAT:

Both British and European laws protect the species and its habitat. In Britain it is protected under Section 9 (Schedule 5) of the Wildlife & Countryside Act 1981 (as amended), and by The European Union's “Habitats Directive” (Council Directive 92/43/EEC (a) on the Conservation Of Natural Habitats and of Wild Fauna and Flora. The Habitats Directive is implemented in Britain by the Conservation Regulations 1994. Under this legal protection (and with the minor amendments of the CROW Act 2000 in England & Wales), to be superseded by the introduction of “The Conservation of Habitats and Species Regulations 2010” which came into force on the 1 April 2010, it is an offence to:

- Intentionally or deliberately capture, kill or injure.
- Intentionally or recklessly disturb them in a place used for shelter or protection.
- Damage or destroy a breeding site or resting place.
- Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection.
- Possess an animal, or any part of it, unless acquired legally.
- Sell, barter, exchange or transport or offer for sale or parts of them.

6.2 *BIRDS:*

All British birds, their nests and eggs are protected in law. It is an offence under Part 1 of The Wildlife & Countryside Act 1981 *as amended* (and with the minor amendments of the CROW Act 2000 in England & Wales) to intentionally or recklessly kill or injure any wild bird or to take, damage, or destroy any nest or egg of any wild bird. However, Schedule 1 of the Act provides an additional tier of protection so that rare species (e.g. barn owl) are specially protected by increased penalties and cannot be intentionally or recklessly disturbed when nesting.

6.3 *MAMMALS:*

All of the British species of bat are protected under the W&C Act 1981 (as amended). This protection is also extended to the otter (*Lutra lutra*), and the water vole (*Arvicola terrestris*). The badger (*Meles meles*) is protected under the Protection of Badgers Act 1992. Included in the Act it is an offence to damage any part of a sett or destroy it; obstruct access to any entrance of a sett; or to disturb a badger when it is in its sett.

7.0 **LIMITATIONS**

7.1 None recorded access gained to all areas.

8.0 **METHODOLOGIES**

8.1 *GREAT CRESTED NEWT:*

A walkover survey to identify any potential breeding pools and refugia sites within the survey area, followed up by a desktop survey to identify any local records for this species within 500m of the site.

8.2 *BADGER:*

Search for field signs (paths, latrines, foraging) indicating the presence of this species and if discovered an extended search up to 30m beyond the survey boundary for the presence of a sett(s).

8.3 *BATS:*

Walkover and internal survey to identify any potential roost sites, evidence of use or foraging habitats within the survey area.

8.4 *BIRDS:*

An assessment of habitat suitability for nesting sites.

8.5 *REPTILE:*

A walkover survey to identify any potential refugia sites within the survey area, followed up by a desktop survey to identify any local records for this species within 500m of the site.

8.6 *FLORA:*

Walkover survey to record floral species and classify the habitats in accordance with the JNCC Phase 1 Habitat Survey methodologies

9.0 **RESULTS**

9.1 *GREAT CRESTED NEWT:*

The site and the adjoining areas within 1 km do not record any identified breeding populations for this species.

9.2 *BADGER:*

The site or the adjacent areas did not record any evidence of use by this species; no records are available for this species within 50 m of the boundaries.

9.3 *BATS:*

No buildings or semi to mature tree stock is recorded within the survey area. The habitats recorded offer low potential for foraging bats due to the area being classified as species poor.

9.4 *BIRDS:*

There is a potential for nesting birds within the boundary scrub/hedgerows that form the western boundary of the survey area. The data search recorded approximately 82 species within 1km of the site. Of the 82 species recorded approximately 7 species could potentially use the boundary hedgerow for nesting. At the time of survey, little evidence of seasonal nests was recorded.

9.6 *REPTILE:*

No local records are available for the site or adjacent sites at the time of survey, it is considered however that the drystone/clawdd walling along the access track has some potential as refugia for slow worm.

9.7 *HABITATS:*

The site is classified as being species poor grazing pasture, with areas of stored rubble and soils. The western boundary is formed by a mix of privet, hawthorn hedging etc.

10.0 RECOMMENDATIONS

10.1 GREAT CRESTED NEWT:

All local records are in excess of 1000m of the survey area. It is considered that the site has a very low potential for use by this species.

10.2 BADGER:

All local records are in excess of 500m of the survey area. It is considered that the site has a very low potential for use by this species.

10.3 BAT:

The site records no mature tree stock or buildings that could offer roost potential, similarly the habitats are recorded as being species poor offering limited foraging potential for bats. The proposed size of the development is likely to have no impact on this species locally therefore no further recommendations are being offered other than the need to control lighting spill onto the adjoining habitats. Any proposed lighting should be so designed and positioned to be inward facing into the development area. The lighting used should be of a type that emits a low ultraviolet signature and be shaded so as to reduce light pollution to the general area.

10.4 BIRDS:

The linear hedgerow boundary within the survey area has the highest potential for use by nesting birds. It is therefore recommended that any scrub clearance or hedge works are undertaken outside of the nesting season. If works are undertaken within this period then it is recommended that advice from a suitably qualified ecologist must first be sought and check surveys undertaken.

It is recommended that the hedgerow boundaries are managed and retained on site and enhanced where required. In positions where it is feasible, hedges of native species should be planted and any standard trees planted should be selected to provide foraging opportunities for insects (blossom) and birds (berries), and year-round cover and nesting sites for birds.

As a general note, all wild birds, their nests and their eggs are protected by the Wildlife & Countryside Act 1981. It is an offence (with certain exceptions), to intentionally kill, injure or take any wild bird (this includes chicks); to take, damage or destroy any wild bird's nest while it is use or being built; and to take or destroy the egg of any wild bird. The definition of a wild bird is 'any bird of a kind which is resident in or a visitor to Great Britain in a wild state'.

Generally, the guidance given within the UK with regards to the nesting season is set from March 1st to 31st July each year. Due to climatic change this advise is now seriously out of date. Nesting birds are now recorded as early as January through to late September and in some cases outside of this period. Owls, Doves, Pigeon, regularly nest outside of this period. Brood no's have also seen an increase, in the case of Swallow, Sparrow, 4 broods per year is now quite common.

As a general rule any tree, shrub, plant that retains leaves (evergreen) offers cover for nest sites should be removed with care. A large percentage of British birds are ground nesting and choose to nest within, bramble, nettle, tall ruderal plants etc. these areas provide important nest sites and should also be cleared with care.

If works are to be undertaken within these periods, then secondary check surveys should be undertaken immediately prior to undertaking the works, i.e. within 24 hrs. to ensure no nests have been built since the survey. Potential nesting areas, deemed clear of activity should be protected to prevent access during the construction phase by birds, where feasible, the use of netting is to be condoned as many species can be inadvertently trapped.

10.5 REPTILE:

Although no records are available locally for reptile, it is considered that the area could be potentially under surveyed. The survey did record some stored materials within the field and some boundaries local to the site are 'Clawdd' embankments, all offer a small potential for refugia for the likes of slow worm. It is therefore advised that any works to these areas should be undertaken with care and any individuals uncovered should be moved from harms way to a suitable alternative refugia site within the development area.

10.6 HABITATS:

None of the habitats or floral species recorded on site are considered to be of local or national importance.

The feature of merit is the hedgerow boundary; it is therefore recommended that these are thinned and inter planted with a more diverse species mix to include berry producing stock.

Root protection zones should be included for any boundary hedgerows as part of the development process. The boundary corridors are also considered to offer wildlife corridors, refuge, nest sites and foraging for multiple species. Any re-profiling of the site should be done so as not to affect the hydrology to the retained features.

The biodiversity species Hedgehog are recorded locally and are a species that are at threat both locally and nationally, therefore careful design to the new boundaries is to be considered to allow passage from area to area for this species. If enclosed fencing/netting is to be used, then Hedgehog friendly access points are to be formed at ground level, this will allow access for locally threatened biodiversity species like Hedgehog which are impacted heavily by closed gardens/habitats.

Careful consideration to the landscape plan is to be undertaken, to ensure that no INNS (Invasive Non-Native Species) species are inadvertently introduced as part of the scheme.

11.0 CONCLUSION

No major impacts on species or habitats have been identified during the assessment process, It is therefore the surveyor's opinion that the proposed development proposals are considered to have no long term impacts, and if carried out in a wildlife friendly approach would offer beneficial improvement, the development therefore, will have no long term impact on the favorable conservation status of locally recorded protected species, or their ecological functionality if the works are carried out in accordance with the recommendations given within this report

12.0 APPENDICES

12.1 APPENDIX 1:



Photo 1 – Site Looking South



Photo 2 – Site looking North