



Report Type: Ecological Appraisal

Client Name: Mr and Mrs Percival

**Site Address: Queensbridge House
Overton
Wrexham
LL13 0LE**

Report Reference: PEA 21-12 391.1

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**Author: Chloe Sheil MZool (Conservation)
chloe@greenscape.pm 07593 549868**





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Author:	C. Sheil MZool (Conservation) Junior Consultant		1 st February 2022
Reviewed by:	L. Maggs BSc(hons) Lead Consultant		1 st February 2022

Greenscape Environmental Ltd.
Registered Office: Long Acres, Lyth Bank, Shrewsbury, Shropshire, SY3 0BW
Company Reg number: 5364283

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The report should be read in its entirety.

Questions arising from the survey report should be directed to the author of the report who will be pleased to clarify any technical issues raised.

Whilst the surveyors make every reasonable effort, Greenscape Environmental Ltd cannot guarantee that all protected species have been identified and survey results are definitive. Many species are cryptic and transitional in habit.

Reports are considered valid for one year for planning purposes, after which time further survey information may be required.

Greenscape Environmental Ltd can provide advice and support for recommendations and planning conditions.

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1 Executive Summary

1.1 Purpose of the Report

Greenscape Environmental Ltd was commissioned by James Bennet on behalf of the client, Mr and Mrs Percival, to undertake a preliminary ecological appraisal of Queensbridge House to provide supporting information for a planning application for an extension and alteration of the garage.

The survey report has these principal aims:

- To provide an initial assessment of the ecological value of the site in local context.
- To provide details supporting further surveys that may be required.
- To identify potential ecological constraints relating to the development, and recommend measures to avoid, reduce or manage negative effects, and to provide a net ecological gain.

1.2 Methodology

The appraisal included a desktop study, reviews of other surveys previously conducted in the area by Greenscape Environmental, and a site visit undertaken at the site, OS grid reference SJ37324019 on 19th January 2022 by C Sheil.

1.3 Key Impacts and Mitigation Measures

The desktop study included a search for nearby designated sites and previously recorded protected species. It was considered that the site could provide potential habitat for bat, bird and newt species and these should be the main focus of the ecological appraisal.

The site comprises a garage and a small area of hardstanding.

The garage offers negligible roost potential for bats so no direct impact is expected. No further surveys are necessary. However external lighting may reduce dark corridors along the hedges and trees. A lighting plan is to be followed.

The garage offers potential bird nesting habitat, although no evidence was found. The alterations to the garage are to commence outside of the bird nesting season.

1.4 Conclusion

It is recommended that the biodiversity value of the site will be enhanced post-construction with the inclusion of bat and bird boxes. The method statements provided in section 6.3.2, 6.4.2 and 6.5.2 of this report will be followed, and work will be conducted at a suitable time of year to minimise potential impacts.

Table 1.1. Timing of Works

Action	Timing	Justification
Update phase 1 survey	After 12 months from report issue date	Ecological features can change and develop over time
Alterations to garage	September to February inclusive	To avoid nesting birds



2 Introduction

This report has been compiled by Chloe Sheil MZool (Conservation) who has 4 years' experience conducting ecological appraisals. It has been reviewed in line with Greenscape's Quality Management System.

For full details of surveyors and licences please see Appendix A.

2.1 Project Background

Greenscape Environmental Ltd was commissioned by James Bennet to conduct a survey to determine the presence of protected species and potential for the damage or destruction of habitats of value. This forms part of the planning application for extension and alteration of the garage at Queensbridge House.

2.2 Purpose of the Report

This report aims to:

- Identify the key ecological constraints to the proposed development.
- Inform planning to allow significant ecological effects to be minimised or avoided where possible.
- Allow any necessary mitigation or compensation measures to be developed following the mitigation hierarchy.
- Identify any additional surveys that may be required to inform the assessment.
- Identify the opportunities offered by a project to deliver ecological enhancement under NPPF Section 15.

2.3 Site Context and Location

The site is located in open countryside, south of Overton, OS grid reference SJ37324019. It is set in a rural environment surrounded by patches of woodland and open countryside. There is excellent connectivity to woodland corridors adjacent to the garage and surrounding countryside via tree lines and field margins. A larger patch of woodland runs from east to west, to the south of the property and there is a pond 25m to the north. The surrounds provide potential foraging, hibernating, and commuting opportunities for bats, nesting birds, badgers and amphibians.



3 Methodology

Broad methodologies for data collection and interpretation were informed by guidance outlined in CIEEM (2017) – Guidelines for Preliminary Ecological Appraisals. Full details can be found in Appendix B.

3.1 Desk Study

The desk study provides contextual information such as the site's proximity to designated areas and known records of protected or notable species.

3.2 Field Survey

3.2.1 Date and Survey Conditions

Table 3.1. Survey conditions

Date	Time Start	Equipment Used	Weather
19/01/22	10:00	Camera and strong torch	Sunny, no rain, damp underfoot
Comments	One surveyor used: C Sheil		

3.2.2 Habitats

The level of survey is aimed to identify field signs of, or habitats with the potential to support protected species and therefore assist in the determination of site value.

3.3 Species Survey

Features on site were assessed for potential for bat roosts, foraging and commuting. These were conducted in accordance with Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd Edition, BCT, Collins (ed.) (2016).

Features on site were assessed for potential for nesting birds.

The assessment of aquatic habitat for great crested newts is based on the Habitat Suitability Index. The terrestrial habitats at the application site were surveyed and assessed with respect to suitability and potential value for great crested newts.

3.4 Constraints of the Survey

All areas were accessible for this survey. It was conducted at a sub-optimal time of year for the assessment of bats and nesting birds, but this was not considered a constraint because evidence of them can be seen year-round.

The internal search revealed that the buildings had not been subjected to any form of specific cleaning and was in a natural redundant state.

The HSI assessment is based on ponds as they would be during the aquatic phase of a great crested newt, between March and the end of September. Some of the factors involved in the assessment cannot be accurately determined outside of this time period; such as macrophyte cover and water quality assessments. These values are given an educated guess based on the appearance of the pond in conjunction with any local knowledge.





4.1.2 Nearby European Protected Species Licences

Although the site is in Wales, areas of England lie within the 2km boundary so a search for protected species licences was conducted.

No EPS licences class licence returns or survey results were found within 2km.

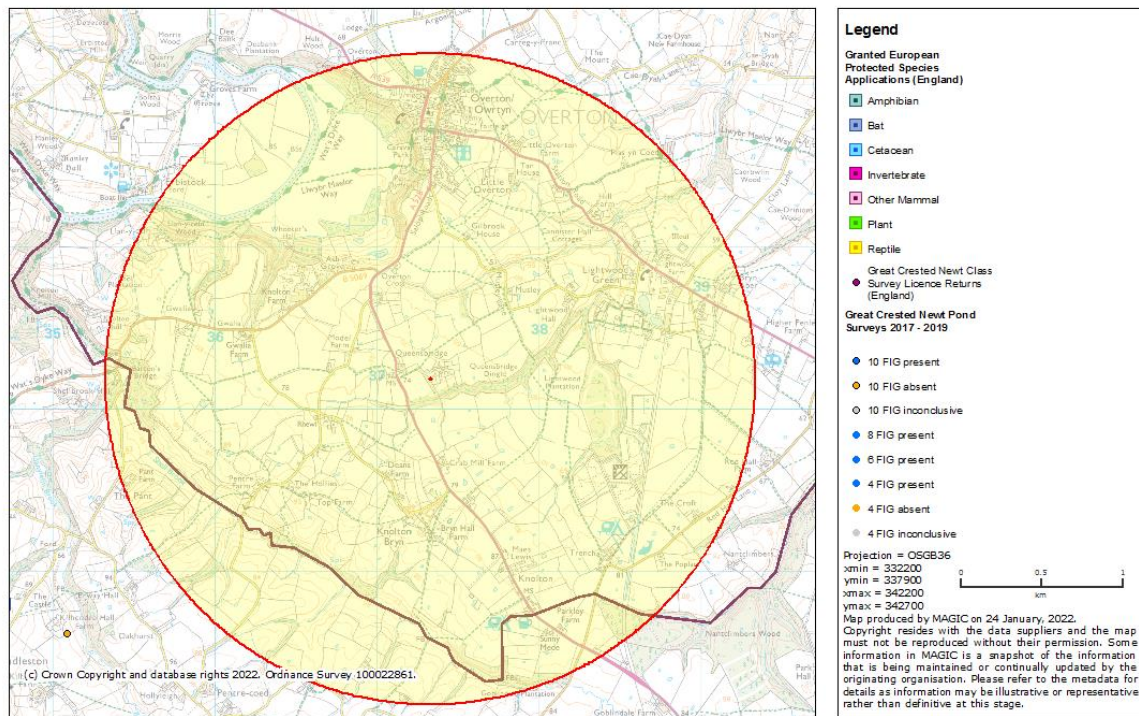
MAGiC**Queensbridge House**

Figure 4.2. Identifying any previous EPS licences near site, a 2km buffer is shown



4.2 Habitats on Site

The site comprises a garage (J3.6) and an area of hardstanding (J4) covered in waste materials and emergent vegetation.

The garage is built of breeze block, white brick and timber cladding. The roof is built of corrugated metal sheeting and Perspex sheeting.



Figure 4.3. Site as viewed from northwest with area of hardstanding in red

An internal inspection of the garage revealed that the roof is not lined and is supported by timber trusses with no central ridge beam.

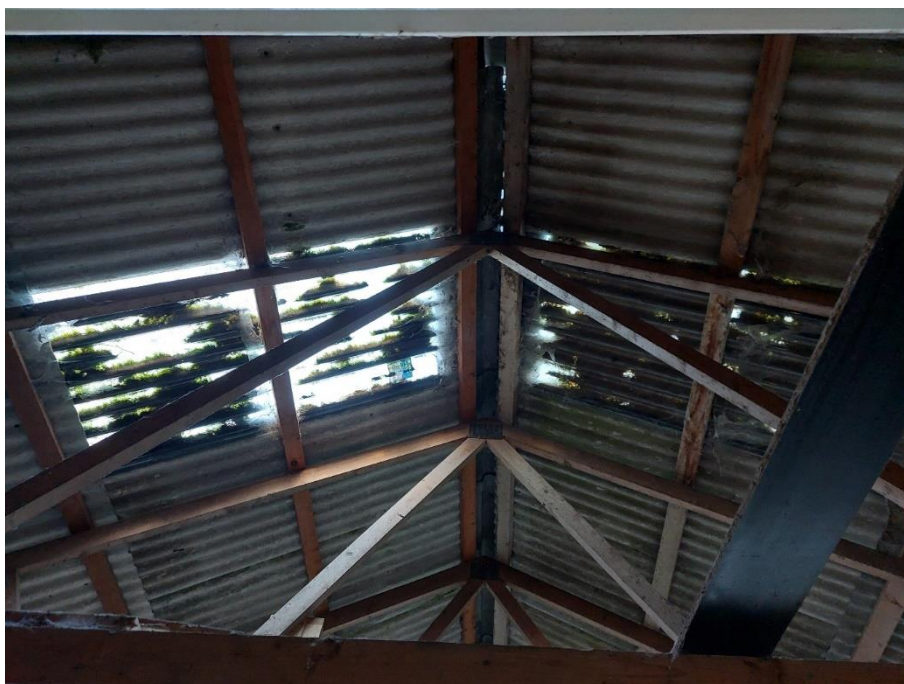


Figure 4.4. Roof space of garage



A lean-to lies on the western elevation and is built of timber and cement bonded fibreboard. The roof is supported by wooden beams and is not lined.



Figure 4.5. Entrance to lean-to

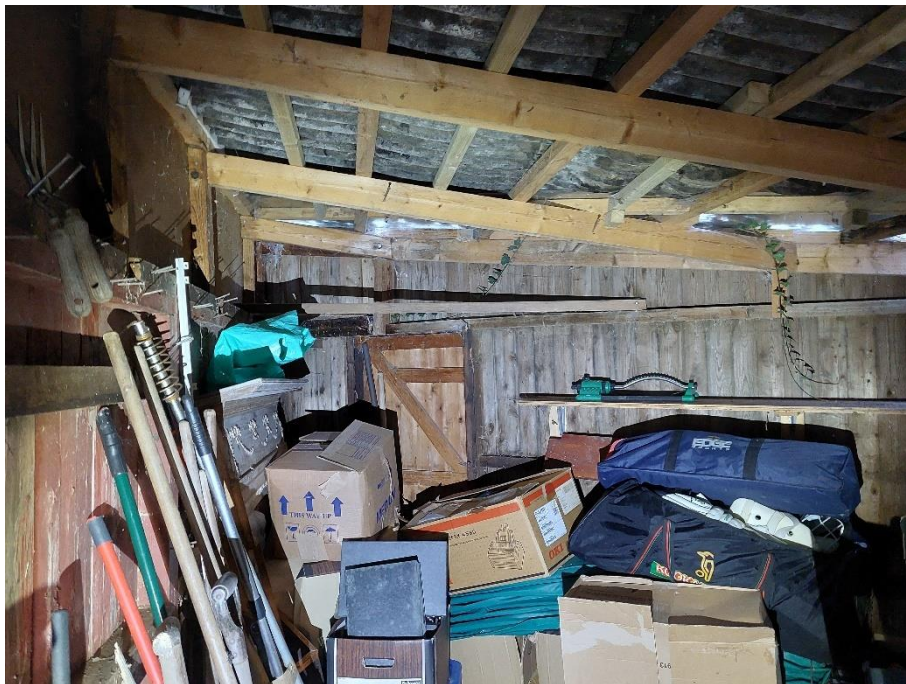


Figure 4.6. Internal view of lean-to



4.3 Bats

4.3.1 Records

Records of bats within 2km include natterer's bat (*Myotis nattereri*) in 2006, and brown long eared bat (*Plecotus auritus*) in 2008.

Bat species data was provided to the NBN Atlas by Mammal Records from License Returns, and NRW regional data under license OGL.

Work was undertaken by Greenscape Environmental in 2021 under license for bats at Knolton Farm, 1km northwest of the current development, where 14 common pipistrelles and 1 soprano pipistrelle were roosting (license S089088/1).

4.3.2 Field Observations

The building offers negligible roost potential as it is open to the elements and is not thermally stable. No evidence of bats or potential roost features were found.



Figure 4.7. Surface showing lack of evidence

4.4 Birds

4.4.1 Records

Records of birds within 2km include Swift (*Apus apus*), in 2020, tree sparrow (*Passer montanus*) in 2005, tawny owl (*Strix aluco*) in 2012, and little owl (*Athene noctua*) in 2000.

Bird species data was provided to the NBN Atlas by BTO partnership under license OGL, and Onwards swift nest boxes , UK, under license CC0.

4.4.2 Field Observations

The building offers potential nesting habitat for birds such wren, or swallows. No evidence was found.



4.5 Amphibians

4.5.1 Records

Records of amphibians within 2km include a historic record of common frog (*Rana temporaria*) from 1977, however no other records were found.

Amphibian species data was provided to the NBN Atlas by Reptiles and Amphibians dataset, under license CC-BY.

4.5.2 Field Observations

The site had few features for amphibians. The waste materials provide shelter but are constantly disturbed. The hardstanding and building offer negligible value habitat.

There were three ponds within 250m.

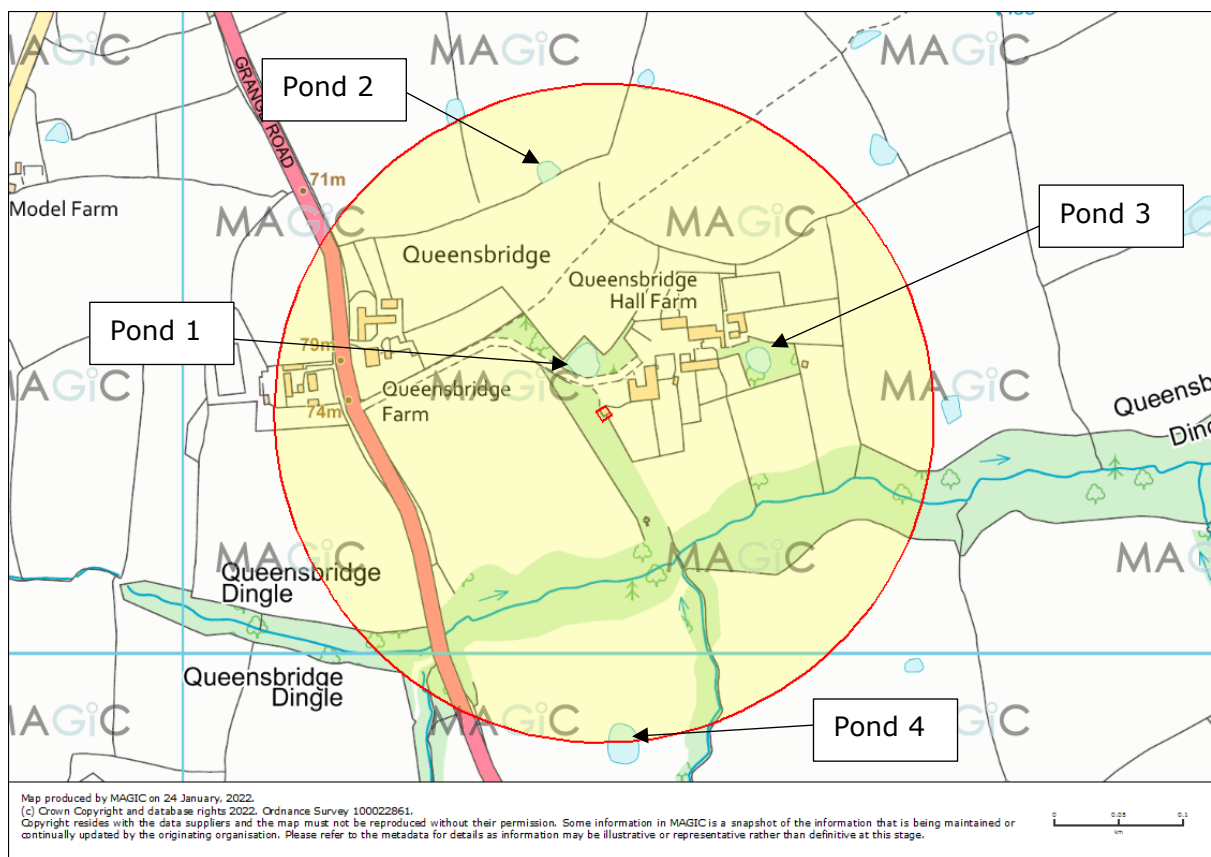


Figure 4.8. OS Map showing a 250m buffer around site, highlighting ponds



Pond 1

This was found to be dry.



Figure 4.9. Area where pond 1 used to be

Pond 2

This is on private land and could not be accessed.

Pond 3

This is on private land and could not be accessed.

Pond 4

This is on private land and could not be accessed.



5 Description of Proposed Development

The current plans are for the extension and alteration of the current garage building to the southwest of the house. The access will remain the same.

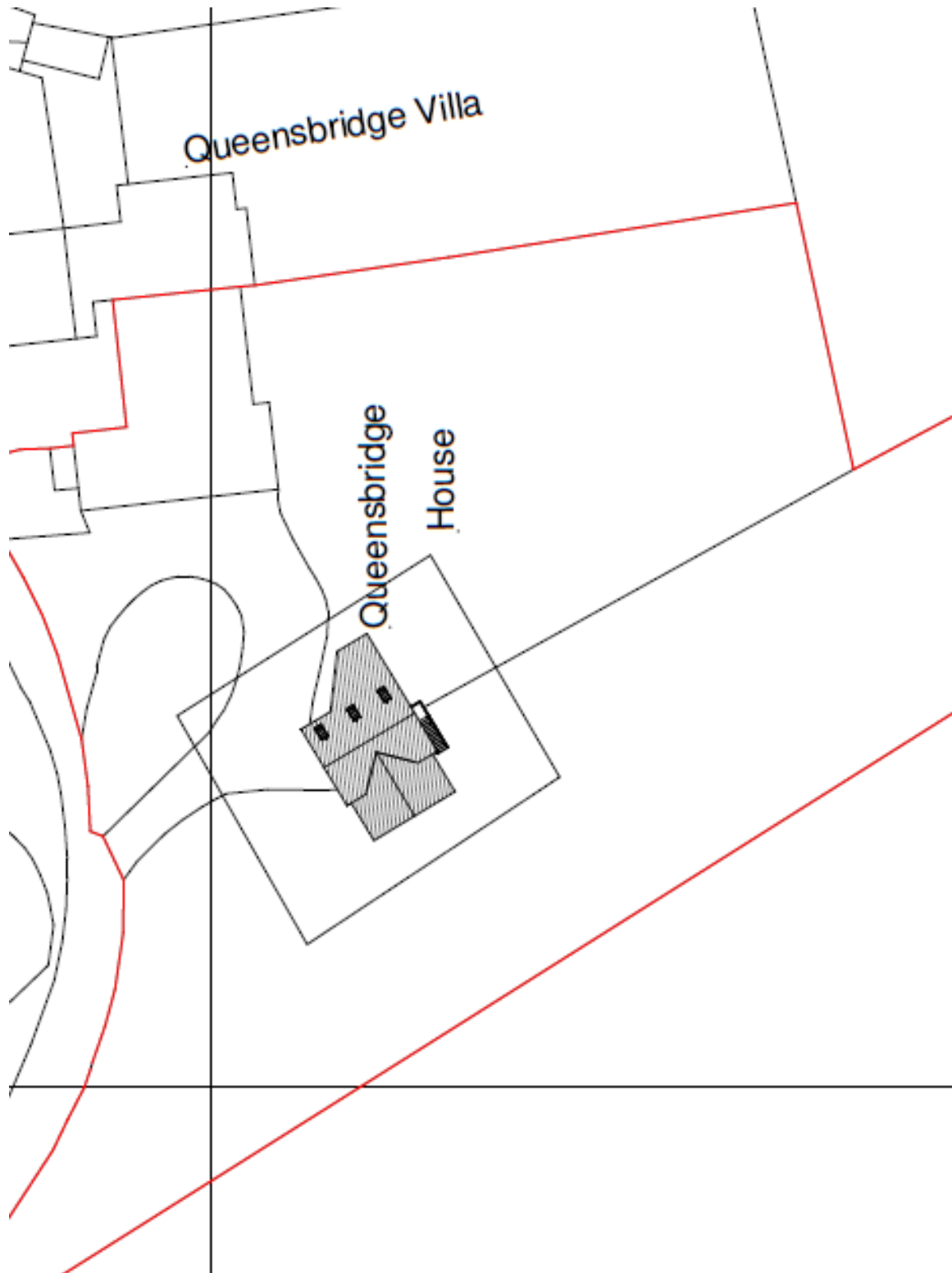


Figure 5.1. Proposed plans



6 Impacts, Enhancements and Mitigation

6.1 Nearby Features of Importance

Figure 4.1 shows that the site is not within 1km of any designated sites. No impact is expected.

6.2 Habitats on Site

6.2.1 Impacts

The development as proposed will result in the loss of potential bird nesting habitat only.

As the site is not comprised of any habitats of principal importance listed in Section 41 of the NERC Act (2006), mitigation will be delivered at a species level.

6.2.2 Mitigation and Enhancements

In order to obtain an ecological net gain for the site, the remaining green spaces and site boundaries will require enhancement for local wildlife.

6.3 Bats

6.3.1 Impacts

The building offers negligible roost potential for bats. However, vegetated boundaries which act as dark corridors lie adjacent to the site and external lighting may reduce these.

6.3.2 Mitigation

Work can be conducted immediately once planning permission has been granted. A lighting plan is to be followed to retain dark corridors.

Lighting

Lighting needs to be designed to have minimal impact on bats and their commuting and foraging areas. This results in the recommended use of downlights and the horizontal spread of lighting to be kept to a minimum.

Where it is not possible to reduce the horizontal spread of light, a 2700°K to 3000°K LED light bulb is recommended, which will provide a warm white light. This range has the least impact on bats and invertebrates.

1. A lighting scheme will be drawn up in line with ILP and BCT Guidance Note 08/18.
2. All newly proposed external lighting will be directed away from any vegetated boundary features to retain dark corridors for commuting bats.
3. There will be no direct illumination of any enhancement features erected for bats.
4. There will be no direct illumination of Pond 1.
5. All domestic lighting will be below 10 lux, orientated towards the ground and controlled by PIR (Passive Infra-red), set on a short timer.



Figure 6.1. Example external down light design

6.3.3 Enhancements

It is recommended that provision be made for roosting opportunities for bats with the erection of at least one woodcrete bat box suitable for day roosts on a nearby tree or on the garage post development. These will be erected at a height of 3-4 m and in a southerly, westerly or easterly facing direction.



Figure 6.2. Example woodcrete bat box: Schwegler 1FF & Beaumaris Bat Box Midi

It is recommended that permanent provision be made for roosting opportunities for bats with the inclusion of an integrated bat box in the garage. This will be erected at a height of 3-4 m and in a southerly, westerly or easterly facing direction.

Enclosed Bat Box (B and C)

- Designed specifically for the pipistrelle bat
- Available in all brick types
- Discrete home for bats
- Various sizes
- Several roosting zones are created inside the box
- Bats are contained within the bat box itself
- Maintenance free with entrance at the base
- Ideal for new build & conservation work



Bat Box B



Bat Box C

Eco Habitats for Bats	Sizes (mm)	Durability
Bat Box Type A	215 x 65	F2 S2 – Fully Frost Resistant
Bat Box Type B	215 x 215 or 215 x 290	F2 S2 – Fully Frost Resistant

Figure 6.3. Example integrated bat box

6.3.4 Monitoring

Failing boxes or enhancements will be replaced at the cost of the developer if deterioration or damage is noted within five years post-development.



6.4 Birds

6.4.1 Impacts

Work at this site will include alterations to the garage which could affect nesting birds if conducted during the nesting season.

6.4.2 Mitigation and Enhancements

1. Any building alterations will commence of the bird nesting season, which is March to August inclusive. If this is not possible, a suitably experienced ecologist will conduct a check within the 24 hours prior to work commencement to ensure no nesting birds will be affected.
2. Should a nesting bird be found, a 4m buffer will be left around the nest, and no further disturbance conducted until the young have fledged.
3. Once work has commenced on the building and it is confirmed that there are no nesting birds present, the building will be sealed to prevent birds gaining access during works and potentially causing further delay.
4. It is recommended that a range of woodcrete boxes are erected around the site to provide an enhancement for passerine birds, and a selection of the following would be appropriate.
 - a. Swallow cups should be installed on the exterior of the building at eaves height, ideally beneath a 1m overhang to shelter the cup.
 - b. House martin boxes should be erected on the eastern or northern walls as high as possible under the eaves
 - c. Integrated swift boxes should be placed as high as possible, preferably over 5m high, beneath an overhang or eaves.



Figure 6.4. Bird boxes

6.4.3 Monitoring

Failing boxes or enhancements will be replaced at the cost of the developer if deterioration or damage is noted within five years post-development.



6.5 Amphibians

6.5.1 Impacts

The nearest pond to the site is Pond 3 as Pond 1 is dry. This is over 100m from the site but could not be accessed.

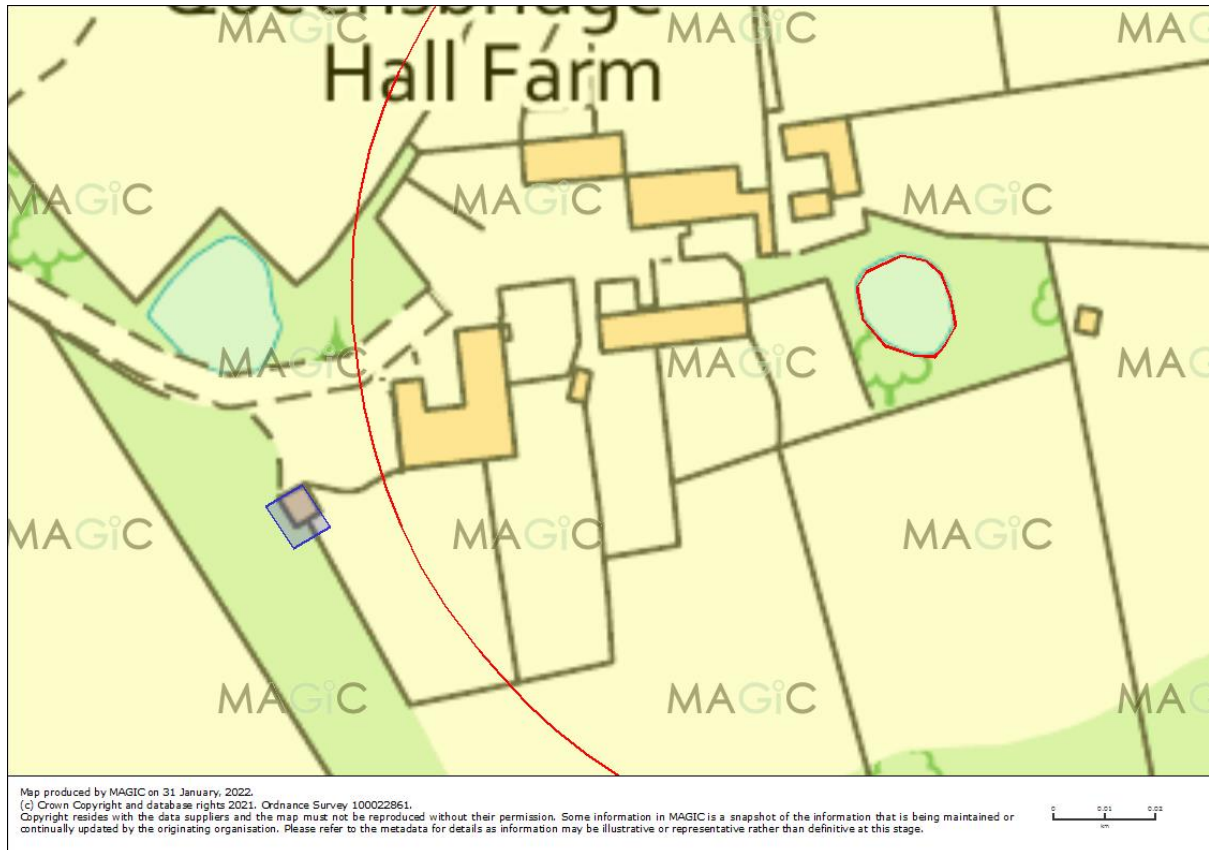


Figure 6.5. 100m buffer around Pond 1 with site in blue

The site is 0.01ha and is of no value to newts in their terrestrial phase. The impact from the development will be low as it is expected to include few groundworks. A low impact on newts is expected and the risk of committing an offense is highly unlikely.

6.5.2 Mitigation and Enhancements

The residential development would lead to a net loss of habitat. This has been taken into consideration at the planning stage and work will follow a strict method statement outlining reasonable precautions for securing the safety of individual newts. This will create a scenario by which the risk to individual newts is negated.



Working Method Statement

Pre-Construction

1. The site will be kept under management prior to construction. This will reduce the potential for newts to cross the land and reduce the potential for the terrestrial features to improve. All plants will be kept short (<10cm) to ensure there is no shelter for great crested newts on the site

Site Setup

2. Soil and vegetation will be stripped prior to setting up the site compound to ensure the compound contains no vegetation which could potentially attract great crested newts
3. All cabins and equipment will be located on firm compacted ground, preferably a stone or concrete base.
4. Contractors are advised not to handle newts at any time.

Construction Phase

5. The site foreman will be responsible for ensuring all contractors are aware of the potential to find newts, and that they are familiar with the appearance of newts. If in doubt the ecologist will be contacted.
6. Contractors are advised to avoid handling newts at any time.
7. Stored subsoil must not be tipped onto any tall vegetation.
8. All groundwork will be conducted during daylight hours as newts are least likely to move during this time.
9. Trenches will be dug and filled in on the day created or will be covered over with close-fitting boards at the end of each working day.
10. If it is not possible to cover the trench, a ramp will be placed from the edge of the trench to the base to allow newts and small mammals to escape.
11. Open or covered trenches will be checked the following morning. This is particularly important when newts are most active, between March and November.
12. If a newt is found, then work will stop immediately and the ecologist contacted for advice.
13. Any heavy machinery will be stored on an area of hardstanding to avoid refugia being created.
14. Stored material will be raised on pallets to reduce the potential they might act as a temporary resting place. This reduces the potential for damage or destruction of individual newts.
15. All waste will be placed straight into skips to reduce the potential of creating refugia.
16. Great crested newts will not be handled or moved without express permission from Natural Resources Wales as this would constitute an offence.



7 Concluding Remarks

The survey has focussed on the potential habitats or protected species to be damaged or destroyed as part of this development.

The garage offers negligible roost potential for bats so no direct impact is expected. No further surveys are necessary. However external lighting may reduce dark corridors along the hedges and trees. A lighting plan is to be followed. It is recommended that the site is enhanced with bat boxes.

The garage offers potential bird nesting habitat, although no evidence was found. The alterations to the garage are to commence outside of the bird nesting season. It is recommended that the site is enhanced with bird boxes.

The site is of no value to newts in their terrestrial phase and the nearest pond is over 100m. A low impact on newts is expected and an offense is highly unlikely to be committed. No further surveys are required but a method statement will be followed.

The development can proceed without the loss of habitat of significant value, and without the loss of the favourable conservation status of any protected species. As there is no evidence of protected species within and around the development site, there is no requirement to address the three tests under Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The method statements provided in sections 6.3.2, 6.4.2 and 6.5.2 of this report will be followed and works will be done at a suitable time of year. Other than those listed above, there are no ecological constraints to the development as currently proposed.



Appendix A – Surveyor Details

Table A.1. Details of surveyors' experience and licences held

Name	Membership of associations/ experience	Licenses
Logan Maggs BSc(hons)	Lead Consultant Logan has a degree in Conservation and Land Management. He has over 10 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales. <u>England:</u> Bats - 2016-24901-CLS-CLS GCN - 2017-29218-CLS-CLS <u>Wales:</u> Bats – S086874/1 Newts - 79665:OTH:SA:2018
Ben Jones BSc(hons) MSc	Lead Consultant Ben has a degree in Marine and Freshwater biology and a Master's degree in "Managing the Environment". He has 6 years' experience conducting environmental appraisals and phase 2 surveys for bats and newts in England and Wales.	Holder of survey licenses for bats and newts in England and Wales. <u>England:</u> Bats - 2017-29112-CLS-CLS GCN - 2016-25209-CLS-CLS <u>Wales:</u> Bats – S088669-2 GCN – S087992-1
Chloe Sheil MZool (Conservation)	Chloe has a master's degree in Zoology with Conservation from Bangor University. She has 3 years' experience assisting with surveys.	Listed as an accredited agent on Ben Jones' NRW bat licence – S088669-2
Rebecca Wilson BSc(hons) MSc PhD	Rebecca has a PhD in bioenergy crop cultivation and has been assisting with ecological surveys since 2021	



Appendix B – Methodology

Desk Study

Table B.1. Data sources

Organisation/Resource	Information Assessed
Freely available online species datasets (NBN Atlas)	Protected/UK BAP Species records (2km)
MAGIC website	International statutory designations (1km) • Special Protection areas (SPA) • Special Areas of Conservation (SAC) • RAMSAR sites National statutory designations (1km) • Sites of Special Scientific Interest (SSSI) • National Nature Reserves (NNR) EPS Licenses for protected species (2km)

As the development is a small-scale householder application a full data search is not required, a search was conducted on NBN for commercially available records.

A search on Multi Agency Geographic Information for the Countryside (Magic Maps) determined nearby designated areas. The map is presented in Section 4.1.

A review of other surveys and licenced work conducted in the area by Greenscape Environmental was also conducted.

Field Survey

An assessment of habitats was conducted broadly following the JNCC Handbook for Phase 1 Surveys 2010.

The level of survey is aimed to identify field signs of or habitats with the potential to support protected species and therefore assist in the determination for detailed phase 2 surveys.

Determination of Ecological Value is based on the general criteria provided by IEEM (IEEM 2006).

Table B.2. Criteria of ecological values

Ecological Value	Description and Examples
High	Habitats or features that have high importance for nature conservation, such as statutory designated nature conservation sites of international or national importance or sites maintaining viable populations of species of international or national importance (e.g. Red Data Book species; European protected species).
Medium	Sites designated at a county or district level, e.g. Local Wildlife Site (LWS), ancient woodland site, ecologically 'important' hedgerows or ecological features that are notable within the context of a region, county or district (e.g. a viable area of a Priority Habitat on the county BAP or a site that supports a viable population of a county BAP species).
Low	Sites of nature conservation value within the context of a parish or neighbourhood, low-grade common habitats, such as arable fields and improved grasslands and sites supporting common, widespread species.



Species Surveys

Bats

Methodology used is in accordance with recommendations by BCT, Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition, Collins (2016).

Features on site were assessed for potential for bat roosts, foraging and commuting.

An external assessment of all structures on site was undertaken to determine potential roost features (PRF). The potential suitability of the structures assessed was assigned a rating of low to high in accordance with table 4.1 of Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition, Collins (2016).

An internal assessment of all structures was undertaken by a suitably licensed surveyor for evidence of roosting bats such as droppings, feeding remains and staining.

Daytime surveys were conducted with the aid of a strong torch and a pair of Pentax Papilio 8.5x21 close focus binoculars. Bat species may leave little evidence of their presence.

Evidence for the presence of bats includes:

- Holes, cracks and rot holes used as roosts, marked by streaks of urine and faeces.
- Smoothed, darkened edges where bats have rubbed and left natural body oils when entering and exiting a space.
- Faeces under a roof access point, a well-used feeding point or a resting spot.
- Feeding signs such as discarded insect wings under a feeding point.
- Lack of cobwebs around eaves, roof spaces, beams or ceilings where routes are kept clear by bats or presence of droppings in a cobweb.
- Presence of roosting or dead bats in or behind any object.

Birds

Searching for evidence of nesting birds, including barn owls, involved looking for:

- Presence of nests
- Collections of droppings and/or feathers
- Highly distinctive droppings or splats under roosting points.
- Presence of owl pellets/feathers
- Listening for bird song
- Recording bird activity

Amphibians and Reptiles

The assessment of aquatic habitat is based on the Habitat Suitability Index (HSI) and is applied according to guidance set out by the Oldham 2000, superseded by ARG in 2010, ARG UK Advice note 5. The HSI is a quantitative method of assessing the potential quality of a body of water in terms of its ability to sustain a population of great crested newts.

The terrestrial habitats at the application site were surveyed and assessed for their suitability and potential value for the support of GCN. The general topography, ground conditions and presence or absence of vegetation were recorded. A refugia search was conducted for amphibians and reptiles by looking under any logs, large stones and other debris.



Appendix C – Policy

The following areas of policy and legislation are of relevance to ecology and provide context to the surveys conducted. Findings presented in this report are in line with the following:

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – as listed in:

- Schedule 2. European protected species of animals
- Schedule 5. European protected species of plants

The Wildlife and Countryside Act (1981) – as listed in:

- Schedule 1. Birds protected by special penalties at all times
- Schedule 5. Protected animals
- Schedule 8. Protected plants

Countryside and Rights of Way Act (2000)

Environment Act (2021) – Part 6 – Nature and Biodiversity

Natural Environment and Rural Communities (NERC) Act (2006)

Planning Policy Wales 2002, updated Dec 2018

Section 6.4 – Biodiversity and Ecological Networks

The Nature Recovery Plan for Wales – Setting the course for 2020 and beyond (2015)

Environment Act (Wales) (2016)

Section 7

Wrexham Unitary Development Plan – EC6 Biodiversity Conservation



Bats

All bat species are protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine or to both.

Seven bat species are on the UK Biodiversity Action Plan and are listed as Species of Principal Importance under the provisions of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

To allow a development that might result in an offence, a derogation licence can be sought via the implementation of a European Protected Species Licence. This is provided by Natural Resources Wales

Birds

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), birds, their nests and young are all protected from damage, particularly during the breeding season. The Act allows for fines or prison sentences for every bird, egg or nest destroyed. It makes it an offence to:

- Intentionally kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird whilst it is in use or being built.
- Take damage or destroy the egg of any wild bird.
- To have in one's possession or control any wild bird, dead or alive or egg or any part of a wild bird or egg.

Some bird species are included in the UK and local BAPS and are recognised as species of principal importance for nature conservation in accordance with section 41 of the NERC Act 2006. Such species and their habitats receive protection through the provisions of the NPPF.

Amphibians and Reptiles

All species of amphibians receive a measure of protection under legislation.

The Wildlife and Countryside Act 1981 has been amended by the Countryside and Rights of Way Act (CROW) 2000. This applies to England and Wales only. The key relevant fact is:

- Section 9(4) is amended to create an additional offence of reckless damage to, destruction of, or obstruction of access to, any structure or place used for shelter or protection; and reckless disturbance while occupying such a structure or place.



Great Crested Newts

Great crested newts are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom. It is an offence, with certain exceptions, to:

- Deliberately capture or kill any wild animal of a European Protected Species.
- Deliberately disturb any such animal.
- Deliberately take or destroy eggs of any such wild animal.
- Damage or destroy a breeding site or resting place of such a wild animal.
- Keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part of, or anything derived from such a wild animal or plant.

Great crested newts are listed as a priority species on the UK BAP and Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (NPPF) states that to minimise impacts on biodiversity and geodiversity, *"planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations"*.

A person found guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Work can be conducted under derogation licence from Natural Resources Wales providing suitable compensation and mitigation is provided and the "three tests" can be met. These are:

- Regulation 55(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety" or other imperative reason of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Regulation 55(9)(a) States: the appropriate authority (Natural Resources Wales) shall not grant a licence unless they are satisfied "that there is no satisfactory alternative"
- Regulation 55(9)(b) states that the appropriate authority shall not grant a licence unless they are satisfied "that the action licensed will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in its natural range."

The method statement in the EPS licence is a legally binding document which outlines the species, context of the colony, method of mitigating and compensating and ongoing habitat management for ensuring favourable conservation status.



Appendix D – Bibliography

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