

**CO-OP PETROL STATION, HIGH
STREET, COEDPOETH, WREXHAM**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Williams Southern Ltd

Report No: RT-MME-127752-02

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Williams Southern Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at the Co-op foodstore and petrol station on High Street in Coedpoeth, near Wrexham in Wales. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The ecological desk study revealed identified one European statutory conservation site, one UK statutory conservation site, eight Ancient Woodland Sites and five non-statutory sites within the search area. The site is not located within 10 km of a statutory site designated for bats. No adverse impacts are anticipated on these sites. The desk study also revealed a number of protected species records including, bats, birds, badger, butterflies, hedgehog, otter, plants and reptiles.

The walkover survey was undertaken on 23rd April 2018 by Charlotte Richardson BSc (Hons), MSc, (Ecological Consultant). The site was dominated by the Co-op foodstore and hardstanding petrol station forecourt, with associated car parking, whilst an adjacent residential property was included at the north-western corner of the site. Small areas of introduced shrubs and scattered trees were also present around the boundaries of the site, along with lengths of fencing and wall.

The key ecological features in relation to the proposed works are the presence of habitats requiring protection, and the potential presence of protected and notable species including bats, nesting birds and foraging terrestrial mammals.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1 Habitat Loss and Enhancement:** Biodiversity enhancement measures should be incorporated into the landscaping scheme of the proposed works where possible, to maximise the ecological value of the site.
- R2 Scattered Trees:** Reference should be made to the results of the Arboricultural Survey carried out on site and detailed in Report RT-MME-127752-01. Any retained trees close to the proposed works footprint should be protected in accordance with British Standard 5837: 2012. Protection should be installed prior to the commencement of any works on site.
- R3 Roosting Bats:** Reference should be made to the results of the preliminary bat roost assessment carried out on site and detailed in Report RT-MME-127752-03.
- R4 Nesting Birds:** Building demolition and disturbance or clearance of suitable bird nesting habitat should be undertaken outside the nesting bird season (March to September inclusive, with peak period March-August). If this is not possible then any buildings to be demolished or vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing.
- R5 Terrestrial Mammals:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R6 Wall Cotoneaster:** The works must not cause the wall cotoneaster present on site to spread in the wild. It should be removed with care during vegetation clearance.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In March 2018, Williams Southern Ltd commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at the site of a Co-op foodstore and petrol station on High Street in Coedpoeth, Wrexham. This assessment is required to inform a planning application associated with the demolition of the existing buildings and the construction of a new supermarket building in the north of the site, with a petrol forecourt and car parking provision to the south and east.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 23rd April 2018. In addition, Middlemarch Environmental Ltd has been commissioned to undertake a Pre-development Arboricultural Survey and Preliminary Bat Roost Assessment at this site, and the details of these surveys can be found in Reports RT-MME-127752-01 and -03, respectively.

1.2 SITE DESCRIPTION AND CONTEXT

The survey area was a flat, roughly "L" shaped parcel of land of approximately 0.16 ha in size, located within a predominantly residential area on High Street in Coedpoeth, to the west of Wrexham in Wales, at Ordnance Survey Grid Reference SJ 28089 51445.

The site was dominated by the Co-op foodstore and hardstanding petrol station forecourt, with associated car parking, whilst an adjacent residential property was included at the north-western corner of the site. Small areas of introduced shrubs and scattered trees were present around the boundaries of the site, along with lengths of fencing and wall.

The north-eastern boundary of the study area was delineated by High Street, beyond which was a residential area. To the south-east there was a row of residential properties, to the south-west it bordered the residential properties of Bryn-y-Wern, whilst to the north-west it bordered the residential houses and gardens of Smelt Road.

The surrounding area consists of mainly residential land-use; whilst the wider landscape is dominated by agricultural fields, with the River Clywedog in its wooded valley present just under 250 metres to the south-west.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Existing Site Plan (Drawing 6036(P)502)	Archer Architects
Proposed Site Plan (Drawing 6036(P)503)	Archer Architects

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural Resources Wales (NRW) – Protected Sites and Landscapes Map;
- Natural England - *MAG/C* website for statutory conservation sites;
- Cofnod – North Wales Environmental Information Service.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in Wales. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017)

The Habitats Regulations 2017 consolidate and update the Habitats Regulations 2010 (as amended). The Habitats Regulations 2017 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitats Regulations 2017, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level.

Species and Habitats of Material Consideration for Planning in Wales

In December 2011, the Welsh Government decided to bring together the Natural Environment Framework and Single Environment Body into a combined programme known collectively as 'Living Wales'. The Green Paper, Sustaining A Living Wales was launched on 30 January 2012. This outlines proposed changes to the governance and delivery of the management and regulation of the environment in Wales, based on the ecosystem approach, with a strong focus on sustainable land and marine management.

In 2012 the UK BAP was replaced by the UK Post-2010 Biodiversity Framework, however planning policy still refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in Wales, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 42 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

3.2 PLANNING POLICY WALES AND PRACTICE GUIDANCE

Planning Policy Wales contains the latest land use planning policy for Wales. Together with Technical Advice Note 5 (TAN 5), which provides guidance to Natural Conservation and Planning, they can be material to decisions on individual planning applications. Technical Advice Note 5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation in Wales. Key principles relating to biodiversity include:

- Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources.
- Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

3.3 LOCAL PLANNING POLICY

http://www.wrexham.gov.uk/english/planning_portal/plan_policy/planning_policy.htm

Unitary Development Plan (1996-2011)

The Unitary Development Plan was adopted on the 14th February 2005. It provides a framework for local decision making and the reconciliation of development and conservation interests in order that land use changes proceed coherently and with maximum community benefit. Its policies of relevance to ecology are:

Policy PS11 Biodiversity

Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the land will be protected and enhanced.

Policy EC4 Hedgerows, Trees and Woodland

Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

Policy EC6 Biodiversity Conservation

Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

Wrexham Local Development Plan 2 (2013 to 2028)

Wrexham County Borough Council is preparing the Local Development Plan (LDP) which will replace the current adopted Unitary Development Plan. The LDP will be a long-term land use and development strategy focused on achieving sustainable development. It will guide development, set out policies that will be used to decide planning applications, and safeguard areas of land requirement protection or enhancement.

The deposit version of the Local Development Plan (2013 to 2028) is currently out for consultation. The policies within the plan of relevance to ecology are:

Policy SP6: Planning Obligations

Planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with relevant planning legislation. Examples of the types of obligations that could be sought as a result of new development could relate to the provision of some of the following but are not necessarily limited to these:

- Education provision / facilities;
- Active travel, public transport and highway improvements;
- Public Open Space and Green Infrastructure;
- Community facilities;
- Affordable Housing;
- Ecological mitigation;
- Preservation and enhancement of heritage assets

Any attempts to sub divide sites to avoid thresholds for planning obligations will not be supported.

Policy SP7: Green Wedge

The green wedge designations have been identified, through the Strategic Green Wedge Review (2016), only on those parts of the countryside that are considered to act as buffers between settlements to prevent settlement coalescence in areas under pressure for development.

Green Wedges are designated between the following settlements as shown on the proposals map:

- i. Rossett and Pulford
- ii. Rossett and Marford

- iii. Gresford and Wrexham
- iv. Wrexham and Wrexham Industrial Estate
- v. Bradley, Rhosrobin, Gwersyllt, Broughton, and Wrexham
- vi. Brymbo, Broughton, and Southsea
- vii. Wrexham, Bersham, and Rhostyllen
- viii. Coedpoeth, Minera, Bwlchgwyn
- ix. Rhostyllen and Johnstown
- x. Penycae, Rhosllanerchrugog, Ruabon
- xi. Ruabon and Plas Madoc
- xii. Acrefair, Trevor, Cefn Mawr, and Froncysyllte

Within the designated green wedge areas development will only be permitted which accords with national planning policy.

Policy SP15: Natural Environment

Development will only be supported where it protects conserves and enhances the natural environment including:

- Internationally protected Special Areas of Conservation, Special
- Protection Areas, and Ramsar Sites,
- Nationally protected Sites of Special Scientific Interest and National
- Nature Reserves;
- Protected Species and their habitat;
- The Clwydian Range and Dee Valley Area of Outstanding Natural
- Beauty including recognising the importance it has in contributing to
- the Outstanding Universal Value and setting of the Pontcysyllte
- Aqueduct and Canal World Heritage Site;
- Local Wildlife Sites including the strategic ecological network on
- Wrexham Industrial Estate and Regionally Important Geological Sites;
- Local Nature Reserves;
- Special Landscape Areas recognised for their outstanding local
- landscape character;
- natural landscape features such as trees, hedges and woodland and
- the green networks between them which contribute to the quality and
- diversity of the natural environment and play an important role in
- mitigating the impact of climate change;
- The quality of natural services including water, air and soils
- Developing and maintaining Green Infrastructure links; and
- Habitats and species of principal importance to Wales.

Policy SP20: Green Infrastructure

Wrexham's distinctive natural heritage provides a network of green and blue infrastructure. Protection, conservation and enhancement of natural heritage networks needs to be reconciled with the benefits of development. Development will be required to maintain or enhance the extent, quality and connectivity of the County Borough's multi-functional green infrastructure network, and, where appropriate:

- i. Create new interconnected areas of green infrastructure between the proposed site and the existing network,
- ii. Fill gaps in the existing network to improve connectivity,
- iii. Protect the features most valuable for both nature and people, and
- iv. In instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in March 2018 by Cofnod (North Wales Environmental Information Service) and the MAGIC search was completed by Middlemarch Environmental Ltd in April 2018. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
European Statutory Sites			
Berwyn a Mynyddoedd De Clwyd / Berwyn and South Clwyd Mountains	SAC	1.2 km to the south-west	A large upland site (27,132 ha), the largest area of blanket bog and European dry heath in Wales. It comprises three discrete sites, Berwyn SSSI, Llandegla Moor SSSI and Ruabon and Llantysilio Mountains and Minera SSSI. All of these sites are predominantly a mixture of dry heath and blanket bog vegetation with patches of transition mires and quaking bogs vegetation found as an intricate mosaic, usually on acidic rock types, and can together be described as upland moorland.
UK Statutory Sites			
Ruabon/Llantysilio Mountains and Minera	SSSI	1.2 km to the south-west	The site occupies a major upland block stretching north from the Dee Valley between Corwen and Ruabon for a distance of up to 9 km. It rises to an altitude of around 580 m. The site is notified firstly on biological grounds, for its heather moor, limestone and neutral grassland habitats and for its species interest comprising a range of upland breeding birds, rare and uncommon plants and the use of mines and caves by bats. The site is also notified on geological grounds as it contains three sites of special interest within its boundaries.
Non-statutory Sites			
The Smelt (W214)	Wildlife Site (unspecified)	180 m to the west	A complex area along the river Clywedog, with broad-leaved woodland, scrub, neutral grassland and some very small patches of calcareous grassland along the river banks. There is a species rich marshy grassland on a slope on the east side of the river in which common bent, hard rush, and imperforate St John's-wort are abundant.
Roseburn Fields (W212)	Wildlife Site (unspecified)	470 m to the north-west	Three fields of semi-improved neutral grassland. The field on the west side of the track is grazed by ponies and is dominated by crested dog's tail with abundant clover; glaucous sedge, hard rush and selfheal are frequent. The two hay fields on the east side of the track are dominated by Yorkshire fog, with abundant common bent, creeping bent and black knapweed. Ribwort plantain, meadow foxtail and sweet vernal grass are frequent.
New Brighton (W215)	Wildlife Site (unspecified)	650 m to the south-west	This large site includes a disused lead mine, dismantled railway and an old silica rock quarry, which is still partly in use. The quarry has been recolonised by a mosaic of birch scrub and heather, gorse and bracken. It is a good area for birds. Directly north of the quarry there is a steep north facing slope with rowan and bracken, and to the west there is a large mosaic of bracken, heather and rowan. Common spotted orchid occurs here. The semi-improved acid grassland is dominated by sheep's sorrel, yorkshire fog and heath bedstraw. The lead mines to the north have an old railway line with willow scrub and some semi-improved grassland. There are large spoil mounds recolonised by birch scrub and dry heath with yellow-wort, fairy flax, yellow rattle and common milkwort present.

Site Name	Designation	Proximity to Survey Area	Description
Plas Mostyn Mawr (W211)	Wildlife Site (unspecified)	680 m to the north	A moderately sloping field of semi-improved neutral grassland with gorse scrub and several marshy patches, although the top of the field has become improved. Common gorse, ribwort plantain and rough hawkbit are abundant. The marshy patches have lesser spearwort and glaucous sedge. Alder trees follow the river Gwenfro which flows through the bottom of this field. There are some small aspen trees in the south-east corner. Common centuary occurs and breeding linnets were recorded.
Afon Gwenfro (W213)	Wildlife Site (unspecified)	880 m to the north-east	A reclaimed coal site with grasslands and scrub. The grasslands are mainly dominated by kidney vetch, false oat grass and yorkshire fog, with frequent patches of scattered willow scrub. Common centuary, hare's-foot clover, squirreltail grass, silver hair-grass and yellow rattle also occur. There is also a small wetland dominated by sea club-rush. On top of the steep mound are some marshy hollows with much marsh horsetail, reedmace, Yorkshire fog and common spotted orchids. To the north there are semi-improved neutral grasslands either side of the river. They are species rich with black knapweed, common bent, yellow oat grass and common spotted orchid. Along the river there is an ash/alder wood which has an understorey of holly, elder and hazel. Species within the ground flora include tufted hair-grass, ramsons and yellow archangel. The strip of wood along the steep banks of the storm drain is dominated by sycamore with a ground flora of ramsons and dog's mercury.
Ancient Woodland Sites			
Woodland: 30647	ASNW	190 m to the south-west	No citation information was provided.
Woodland: 33424	ASNW	300 m to the south	No citation information was provided.
Woodland: 37175	RAW	400 m to the south	No citation information was provided.
Woodland: 33423	ASNW	600 m to the south	No citation information was provided.
Woodland: 30648	ASNW	815 m to the north-west	No citation information was provided.
Woodland: 37174	RAW	865 m to the south	No citation information was provided.
Woodland: 33425	ASNW	880 m to the north-east	No citation information was provided.
Woodland: 33428	ASNW	960 m to the north-east	No citation information was provided.
Key: ASNW: Ancient and Semi-Natural Woodland RAW: Restored Ancient Woodland SAC: Special Area of Conservation SSSI: Site of Special Scientific Interest.			

Table 4.1: Summary of Nature Conservation Sites

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Birds					
Redwing <i>Turdus iliacus</i>	1	1985	225 m west	-	WCA 1i
Brambling <i>Fringilla montfringilla</i>	1	2015	335 m north	-	WCA 1i
Peregrine falcon <i>Falco peregrinus</i>	1	2009	Within 1 km square in which site sits *	-	WCA 1i
Merlin <i>Falco columbarius</i>	1	2005	> 430 m south-south-west *	-	WCA 1i
Mammals (bats)					
Lesser horseshoe bat <i>Rhinolophus hipposideros</i>	18	2012	250 m south-east	✓	ECH 2, ECH 4, WCA 5, WCA 6, LBAP
Common pipistrelle <i>Pipistrellus pipistrellus</i>	2	2003	390 m east	✓	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera spp.</i>	1	1985	945 m south-south-east	#	#
Mammals (other)					
Hedgehog <i>Erinaceus europaeus</i>	7	2013	550 m south-east	✓	WCA 6
Otter <i>Lutra lutra</i>	1	2011	950 m south-south-east	✓	ECH 2, ECH 4, WCA 5, WCA 6, LBAP
Badger <i>Meles meles</i>	4	2011	†	-	WCA 6, PBA, LBAP
Reptiles					
Adder <i>Vipera berus</i>	2	1990	> 420 m south *	✓	WCA 5 S9(1) WCA 5 S9(5)
Common lizard <i>Zootoca vivipara</i>	11	2016	700 m south-west	✓	WCA 5 S9(1) WCA 5 S9(5)
Slow worm <i>Anguis fragilis</i>	75	2016	700 m south-west	✓	WCA 5 S9(1) WCA 5 S9(5)
Grass snake <i>Natrix natrix</i>	1	2009	1 km south-south-east	✓	WCA 5 S9(1) WCA 5 S9(5)
Key: *: 1km (4-figure) grid reference given only #: Dependent on species. †: Badger records are confidential and therefore proximity is not provided within the report. ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. PBA: Protection of Badgers Act 1992. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Species of Principal Importance: Species of Principal Importance for Nature Conservation in Wales. LBAP: Species listed on the Wrexham Biodiversity Action Plan. Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).					

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area

The desk study also identified a small number of other notable species within the search area. These included small heath *Coenonympha pamphilus*, grayling *Hipparchia semele* and dingy skipper *Erynnis tages* butterflies, as well as a number of other notable flowering plants, lichens and mosses.

In addition to the birds mentioned above, the desk study also identified records of other bird species, including:

- Six species listed on Section 42 of the NERC Act 2006: black grouse *Tetrao tetrix*, bullfinch *Pyrrhula pyrrhula*, dunnoek *Prunella modularis*, herring gull *Larus argentatus*, song thrush *Turdus philomelos* and starling *Sturnus vulgaris*.
- Six species with red status as birds of high conservation concern: kestrel *Falco tinnunculus*, lesser redpoll *Acanthis cabaret*, linnet *Linaria cannabina*, tree sparrow *Passer montanus*, willow warbler *Phylloscopus trochilus* and yellowhammer *Emberiza citrinella*.

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Himalayan balsam <i>Impatiens glandulifera</i>	8	2016	235 m south-west	WCA9
Harlequin ladybird <i>Harmonia axyridis</i>	1	2014	380 m east-north-east	INNS
Hybrid monkeyflower <i>Mimulus guttatus</i> x <i>luteus</i> = <i>M. x robertsii</i>	1	2011	> 430 m south-south-west *	INNS
Monkeyflower <i>Mimulus guttatus</i>	1	2011	> 430 m south-south-west *	INNS
Japanese knotweed <i>Fallopia japonica</i>	4	2014	1 km south-west	WCA9
Key WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals. INNS: Invasive Non-Native Species				

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C127752-02-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 23rd April 2018 by Charlotte Richardson BSc (Hons), MSc, (Ecological Consultant). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	12
Cloud (%)	60
Wind (Beaufort)	F2
Precipitation	Dry

Table 5.1: Weather Conditions during Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

The survey was subject to no constraints.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Boundary Features (fences and walls);
- Buildings and Structures;
- Hardstanding;
- Introduced Shrubs; and
- Scattered Trees.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Boundary Features

The site was partially bounded by a mixture of fencing and walls, whilst they also formed the boundary between the property at the north-western corner of the site and the rest of the site.

Buildings and Structures

Building B1 was the Co-op foodstore and petrol station building and comprised a single storey building of mixed construction with a two-storey office section to the rear. This building was also subject to a Preliminary Bat Roost Assessment, which identified the building as having negligible bat roost potential. A full description of the building can be found within the associated report (RT-MME-127752-03).

The petrol forecourt canopy (Target Note 1) was a structure of corrugated metal construction up to 3.5 metres high which was intact with fitted light units below. The structure was well-sealed, with no potential roost features present and was concluded to hold negligible bat roost potential.

Building B2 (Afallon), which was located in the north-western corner of the site, was a two-storey residential property with intact wooden doors and a mixture of uPVC and wooden windows. The building was subject to a Preliminary Bat Roost Assessment, which identified the building as having high potential to support roosting bats. A full description of the building can be found within the associated report (RT-MME-127752-03). A small garden area comprising a patio and some pendulous sedge *Carex pendula* was present to the south of the building.

Finally, steel containers with negligible bat roost potential were present to the west of the petrol station building, on the western boundary of the site.

Hardstanding

The majority of the site was dominated by hardstanding comprising the concrete forecourt and parking areas. As these areas were subject to constant use, no vegetation had become established.

In contrast, the driveway of the residential property in the north of the site (building B1) had been colonised by moss, dandelion *Taraxacum officinale* agg. and groundsel *Senecio vulgaris*.

Introduced Shrubs

Areas of planted shrubs were present around the edges of the parking area for the petrol station and around boundaries of the residential property to the north. These comprised a range of species including palms, daffodil *Narcissus pseudonarcissus* subsp. *pseudonarcissus*, ornamental rhododendron *Rhododendron* sp., escallonia *Escallonia macrantha*, pendulous sedge, cherry laurel *Prunus laurocerasus*, cotoneaster *Cotoneaster* sp., barberry *Berberis vulgaris*, rosebay willowherb *Chamerion angustifolium* and silk-tassel *Garrya elliptica*, with dandelion and bare ground present in the understorey.

To the north-west of the forecourt the introduced shrubs were interspersed with immature ash *Fraxinus excelsior* and bramble *Rubus fruticosus* scrub.

Wall cotoneaster *Cotoneaster horizontalis* was also recorded along the fence in the northern corner of the store parking area.

Scattered Trees

A small number of young, mostly non-native scattered trees were present just outside the western boundary of the site, behind the Co-op building. Further details of the trees can be found in the Arboricultural Report which was completed for the site (Report RT-MME-127752-01).

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

House sparrows *Passer domesticus* were recorded to be nesting on the front of the residential building in the north of the survey area.

5.5 INVASIVE PLANT SPECIES

A small amount of wall cotoneaster was recorded in the northern corner of the store parking area.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

The proposed works involve the demolition of the buildings currently present on site and the construction of a new supermarket building in the north of the site, with the petrol forecourt located in the east of the site and car parking to the south-west and north-west of the forecourt. A small amount of landscaping will also take place to the rear of the new foodstore and along the boundary where the current scattered trees are present.

The proposed works will lead to the loss of the majority of the habitats currently present on site.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified one European statutory site within 5 km of the survey area, one UK statutory site and eight Ancient Woodland Sites within 2 km and five non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

European Statutory Sites

Berwyn and South Clwyd Mountains SAC is situated 1.2 km to the south-west of the survey area and is designated for its blanket bog and dry heath vegetation. As well as the large intervening distance, there is no direct connectivity between the site and the survey area and the land in between includes built-up areas, roads and agricultural land. As such, and as the works are small-scale and limited in extent, it is considered highly unlikely that the citation features of the site would be adversely impacted by the proposed works and it is therefore not a notable consideration. The works would therefore not contravene local planning policy relating to such sites (*Policy EC6 Biodiversity Conservation* in the Wrexham Unitary Development Plan.)

UK Statutory Sites

Ruabon/Llantysilio Mountains and Minera SSSI is situated 1.2 km to the south-west of the survey area and is designated for its heather moor, grassland habitats and notable species including upland breeding birds, rare plants and bats. As well as the large intervening distance, there is no direct connectivity between the site and the survey area and the land in between includes built-up areas, roads and agricultural land. As such, and as the works are small-scale and limited in extent, it is considered highly unlikely that the citation features of the site would be adversely impacted by the proposed works and it is therefore not a notable consideration. The works would therefore not contravene local planning policy relating to such sites (*Policy EC6 Biodiversity Conservation* in the Wrexham Unitary Development Plan.)

Non-Statutory Sites

The Smelt Wildlife Site is located along the River Clywedog approximately 180 m to the west of the survey area at its closest point and comprises a range of riverside habitats. Despite its relatively close proximity, there is no direct connectivity between the site and the survey area and it is separated from the survey area by part of the built-up area of Coedpoeth. As such, and as the works are small-scale and limited in extent, it is considered highly unlikely that the citation features of the site would be adversely impacted by the proposed works and it is therefore not a notable consideration. The works would therefore not contravene local planning policy relating to such sites (*Policy EC6 Biodiversity Conservation* in the Wrexham Unitary Development Plan.)

The remaining sites are all located over 450 metres away from the survey area, will not be directly impacted by the proposed works, have limited connectivity to the survey area and, as well as the intervening distances, are separated from it by barriers including built up areas, roads, railways and agricultural land. As a result, it is considered highly unlikely that the citation features of these sites will be adversely impacted by the proposed works and they are therefore not notable considerations. The works would therefore not contravene local planning policy relating to such sites (*Policy EC6 Biodiversity Conservation* in the Wrexham Unitary Development Plan.)

Ancient Woodland

All of the Ancient Woodland Sites present within the search area are located at least 190 metres away from the survey area, will not be directly impacted by the proposed works and are separated from the survey area by part of the built-up area of Coedpoeth, roads and agricultural land. As such, and as the works are small-scale and limited in extent, it is considered highly unlikely that the woodlands would be adversely impacted

by the proposed works and they are therefore not notable considerations. The works would therefore not contravene local planning policy relating to such sites (*Policy EC4 Hedgerows, Trees and Woodland* in the Wrexham Unitary Development Plan.)

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance for Conservation of Biological Diversity in Wales and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Scattered Trees

The scattered trees just outside the site boundary are not a Habitat of Principal Importance or a Local BAP habitat and were mostly young, non-native specimens, which could easily be replaced. However, as they are located in close proximity to the proposed works footprint, any retained trees should be adequately protected for the duration of the works. A recommendation in relation to this is therefore made in Section 7.2 below.

Introduced Shrubs

Although much of this habitat will be lost to the proposed works, it is not a Habitat of Principal Importance or a Local BAP habitat, it is comprised of common and ornamental species, it has low species diversity and it can easily be replaced. It is therefore not a notable consideration with respect to the proposed works.

Boundary Features, Buildings and Structures, Hardstanding

These habitats have negligible inherent ecological value and are therefore not notable considerations. Their potential to support protected and notable species is considered further in Section 6.4 below.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Scattered Trees	-	-	Accidental damage to trees and root systems

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Badger and Terrestrial Mammals

The desk study identified seven badger records within the search area however no evidence of badger was recorded on site during the field survey and the site offered negligible foraging habitat. Badgers are therefore not a notable consideration with respect to the proposed works.

The desk study also identified records of hedgehog within the search area and it is possible that hedgehogs and other urban mammals could enter the site from time to time. If this was the case they would be at risk of entrapment within any excavations required as part of the proposed works and a recommendation to prevent this is therefore made in Section 7.3 below.

Bats

Twenty-one records of common pipistrelle, lesser horseshoe and unidentified bats were identified within the search area through the desk study. The buildings on site were subject to a preliminary bat roost

assessment (PRA), with the results detailed in report RT-MME-127752-03. This identified that the residential property in the north of the site has high bat roost potential and further survey work will be required. Thus the recommendations laid out in the PRA should be followed and a recommendation in relation to this is made in Section 7.3 below.

Birds

A large number of bird records were identified within the search area through the desk study, including a number of protected and notable species. In addition, house sparrows were noted to be nesting on the front of the residential property, whilst the introduced shrubs have potential to support nesting birds. As the buildings and shrubs will be directly impacted by the proposed works, nesting birds are a notable consideration and a recommendation is therefore made in Section 7.3 below.

Invertebrates

The desk study identified a number of butterfly records within the search area however the habitats present on site hold very limited value to invertebrates and are considered unlikely to support any notable species or communities. They are therefore not a notable consideration with respect to the proposed works.

Otter

The desk study identified a single otter record from the River Clyweddog within the search area however no evidence of otter, or any suitable habitat, was recorded on site during the field survey and otters are therefore not a notable consideration.

Plants

A number of notable plant species were identified within the 1 km search area through the desk study however no protected or notable species were recorded on site during the field survey. Plants are therefore not a notable consideration with respect to the proposed works.

Invasive plant species are considered in Section 6.5 below.

Reptiles

The desk study identified nearly one hundred reptile within the search area however no evidence of reptiles, or any suitable habitat, was recorded on site during the field survey. Reptiles are therefore not a notable consideration with respect to the proposed works.

Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: dormouse, great crested newt, water vole and white-clawed crayfish.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	*	Potential injury / loss of roosts within residential building.
Birds	*	Loss of nests and nesting habitat
Other Terrestrial Mammals	*	Risk of entrapment within excavations
Key: * Species dependent		

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

Records of Himalayan balsam, hybrid monkeyflower, monkeyflower and Japanese knotweed were identified within the search area through the desk study whilst wall cotoneaster was recorded on site during the field survey. Wall cotoneaster is therefore a notable consideration and a recommendation is made in Section 7.4 below.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd.'s current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as referenced in the Guidelines for Ecological Impact Assessment (Institute of Ecology and Environmental Management), should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

No adverse impacts are anticipated on the local nature conservation sites and so no recommendations are made.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

- R1 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 5 of Planning Policy Wales (Conserving and Improving Natural Heritage and the Coast) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of the proposed works where possible, to maximise the ecological value of the site. This could involve, for example, the planting of native seed/fruit bearing species which will be of value to wildlife within the boundary landscaping features and the erection of bat and bird boxes on the new building.
- R2 Scattered Trees:** Reference should be made to the results of the Arboricultural Survey carried out on site and detailed in Report RT-MME-127752-01. Furthermore, any retained trees close to the proposed works footprint should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed prior to the commencement of any works on site.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy (Wrexham Unitary Development Plan Policy PS11: Biodiversity), the following recommendations are made:

- R3 Roosting Bats:** Reference should be made to the results of the Preliminary Bat Roost Assessment carried out on site and detailed in Report RT-MME-127752-03.
- R4 Nesting Birds:** Building demolition and disturbance or clearance of suitable bird nesting habitat should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any buildings to be demolished or vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting, any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.

- R5 Terrestrial Mammals:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

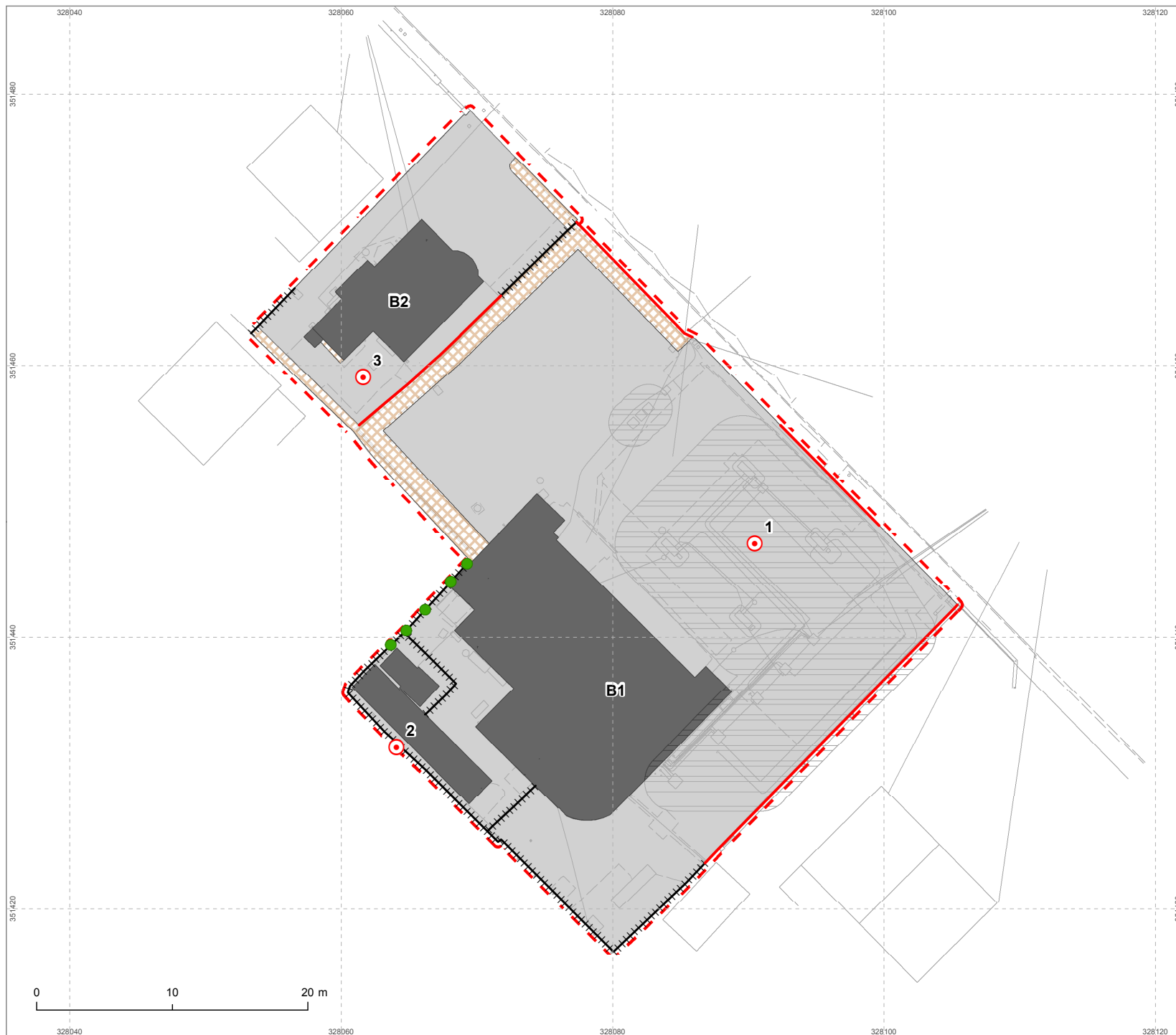
7.4 INVASIVE PLANT SPECIES

The following recommendation is made regarding invasive plant species:

- R6 Wall Cotoneaster:** The works must not cause the wall cotoneaster present on site to spread in the wild. It must therefore be removed with care during vegetation clearance.

8. DRAWINGS

Drawing C127752-02-01 – Phase 1 Habitat Map



C127752-02-01

Legend

- Site boundary
- Scattered tree
- Fence
- Wall
- Building
- Hardstanding
- Introduced shrub
- Target note:
 1. Covered petrol station forecourt
 2. Steel containers
 3. Garden area - Patio and Pendulous sedge

Project		High Street, Coedpoeth	
Drawing		Phase 1 Habitat Map	
Client		Williams Southern Limited	
Drawing Number	C127752-02-01	Revision	00
Scale @ A4	1:400	Date	April 2018
Approved By	ER	Drawn By	GP
 MIDDLEMARCH ENVIRONMENTAL Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ T:01676 525880 F:01676 521400 E:admin@middlemarch-environmental.com			
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9. PHOTOGRAPHS



Plate 9.1: Petrol Station Forecourt and Canopy



Plate 9.2: Store Frontage



Plate 9.3: Southern Side of Store



Plate 9.4: Southern Boundary



Plate 9.5: South Western Side of Store



Plate 9.6: Shrubs and Trees to North West of Store



Plate 9.6: Front Garden of House



Plate 9.7: Rear Garden of House

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

European Statutory Sites within 5 km Radius

Site Check Report. Report generated on Wed Apr 18 2018

You selected the location: Centroid Grid Ref: SJ280514

The following features have been found in your search area:

Special Areas of Conservation (Wales)

Name

Berwyn a Mynyddoedd De Clwyd / Berwyn and South Clwyd Mountains

Reference

UK0012926

Marine

n

Date Notified

13/12/2004

Cartesian Area (Ha)

27127.535088

Ramsar Sites (Wales) - points

No Features found

Ramsar Sites (Wales)

No Features found

Special Areas of Conservation (Wales) - points

No Features found

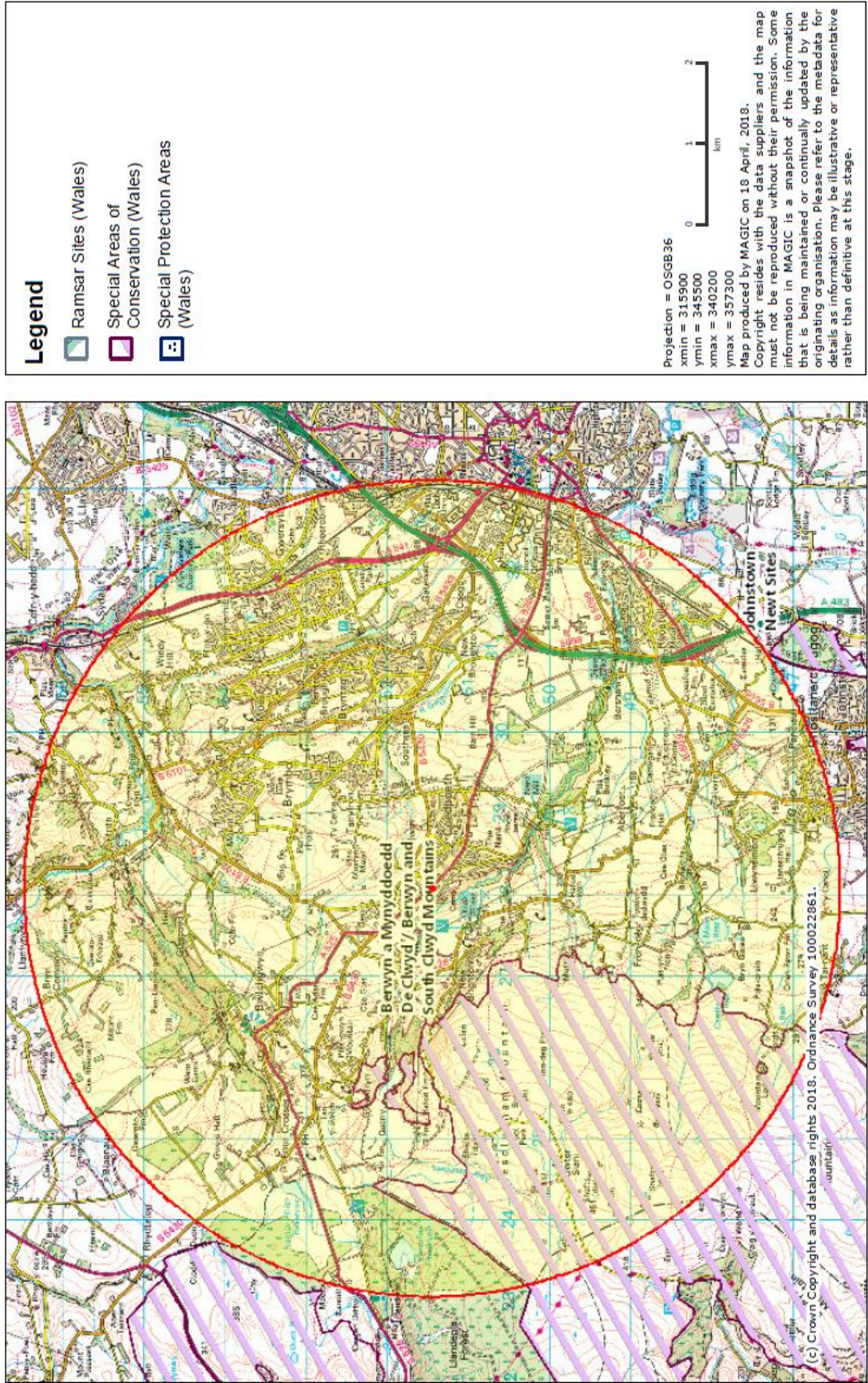
Special Protection Areas (Wales) - points

No Features found

Special Protection Areas (Wales)

No Features found

MAGiC European Statutory Sites within 5 km Radius



UK Statutory Sites within 2 km Radius

Site Check Report. Report generated on Wed Apr 18 2018

You selected the location: Centroid Grid Ref: SJ280514

The following features have been found in your search area:

Sites of Special Scientific Interest (Wales)

Name

RUABON/LLANTYSILIO MOUNTAINS AND MINERA

SSSI Code

31WJE

First Notified

01/01/1955

Last Notified

28/02/1991

Confirmation Date

21/11/1991

Eastings

316508

Northings

347379

Cartesian Area (Ha)

4784.490178

National Nature Reserves (Wales) - points

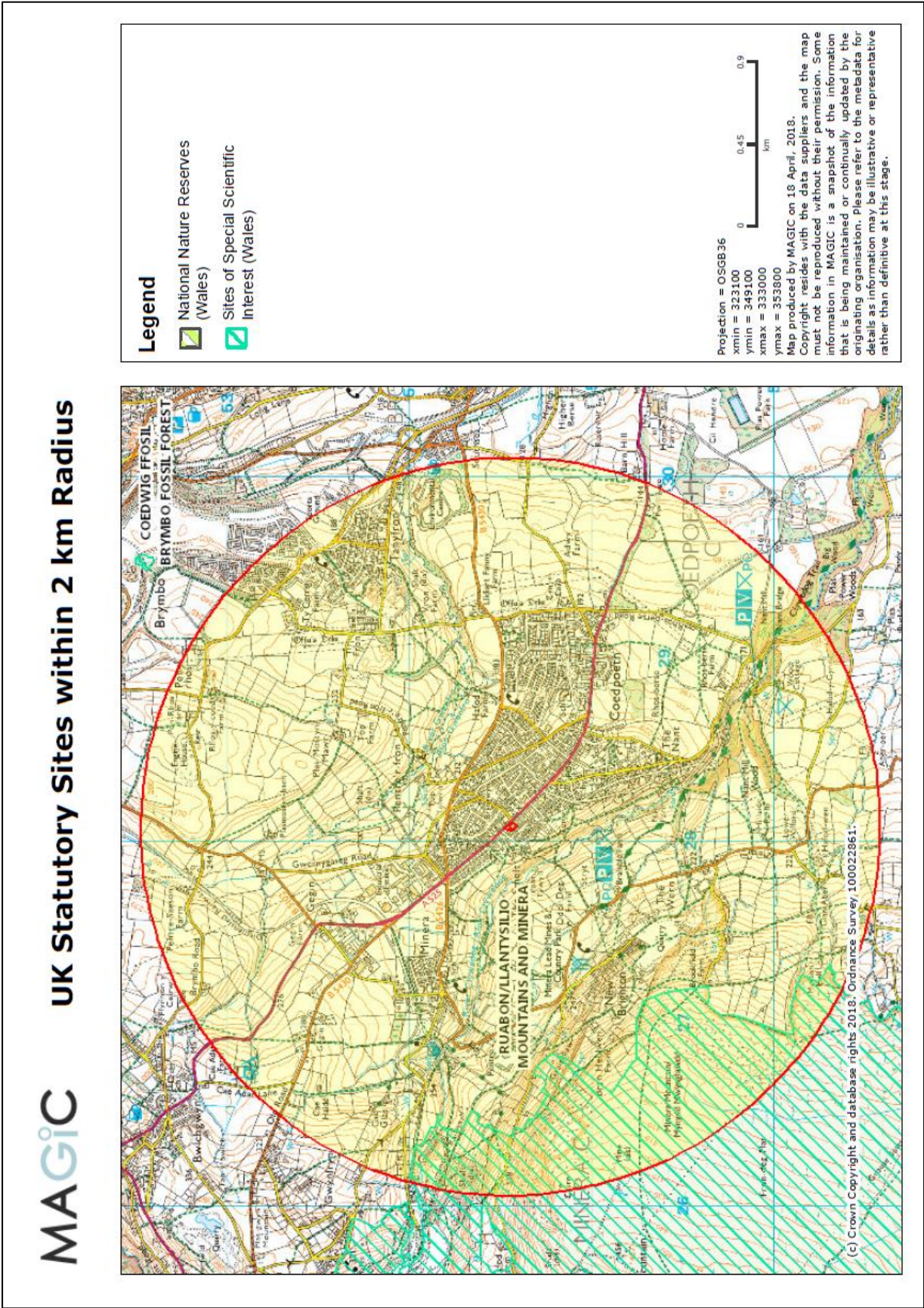
No Features found

National Nature Reserves (Wales)

No Features found

Sites of Special Scientific Interest (Wales) - points

No Features found



APPENDIX 2

Overview of Relevant Species Specific Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2010 (as amended), states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2010 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in Wales: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

The reader should refer to the original legislation for the definitive interpretation.

Nesting and Nest Building Birds

The Conservation of Habitats and Species Regulations 2010 (as amended) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Fifty one bird species are also Species of Principal Importance for Conservation of Biological Diversity in Wales, making them capable of being material considerations in the planning process.

SCHEDULE 1 BIRDS

Schedule 1 - Part I

Birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest.

Avocet
Bee-eater
Bittern
Bittern, little
Bluethroat
Brambling
Bunting, ciril
Bunting, Lapland
Bunting, snow
Buzzard, honey
Capercaillie (Scotland only)
Chough
Corncrake
Crake, spotted
Crossbills (all species)
Divers (all species)
Dotterel
Duck, long-tailed
Eagle, golden
Eagle, white-tailed
Falcon, gyr
Fieldfare
Firecrest
Garganey
Godwit, black-tailed
Goshawk
Grebe, black-necked
Grebe, Slavonian
Greenshank
Gull, little
Gull, Mediterranean
Harriers (all species)
Heron, purple
Hobby
Hoopoe
Kingfisher
Kite, red
Merlin
Oriole, golden
Osprey
Owl, barn
Owl, snowy
Peregrine
Petrel, Leach's
Phalarope, red-necked
Plover, Kentish
Plover, little ringed

Quail, common
Redstart, black
Redwing
Rosefinch, scarlet
Ruff
Sandpiper, green
Sandpiper, purple
Sandpiper, wood
Scaup
Scoter, common
Scoter, velvet
Serin
Shorelark
Shrike, red-backed
Spoonbill
Stilt, black-winged
Stint, Temminck's
Stone-curlew
Swan, Bewick's
Swan, whooper
Tern, black
Tern, little
Tern, roseate
Tit, bearded
Tit, crested
Treecreeper, short-toed
Warbler, Cetti's
Warbler, Dartford
Warbler, marsh
Warbler, Savi's
Whimbrel
Woodlark
Wryneck

Schedule 1 - Part II

Birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken outside this period.

Goldeneye

Pintail

Greylag goose (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)