Extended Phase 1 Habitat Survey

At Land Adjacent to Hillside Farm,

Holt Road, Llan-y-Pwll, Borras, Wrexham

LL13 9SA

SJ 36635 51858

on 3rd March 2018 and 16th May 2018

Report completed on 20.5.18

Survey by:
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Summary

An extended phase 1 habitat survey of land adjacent to Hillside Farm, Holt Road, Llan-y-Pwll, Borras, Wrexham LL13 9SA was carried out on 3rd March 2018 by Susan Worsfold for Worsfold and Bowen of Springfields, Station Road, Llanymynech, Shropshire SY22 6ED.
The area investigated is shown in Annexes 1-2.
Evidence of protected species was searched for at the request of Balfours LLP, New Windsor House, Oxon Business Park, Shrewsbury, Shropshire SY3 5HJ.
Details of the survey methods and findings are included. The findings are supported by photographic evidence.

Plants
No important or endangered species of plants were found on the site.

Birds
There is not considered to be any impact on birds provided that no nests are constructed while work is taking place. However, in the interests of biodiversity enhancement, bird boxes should be included as described on page 6.

Great crested newts (GCN)
There may be an impact on individual GCN. Reasonable avoidance measures should be taken as given on page 7.

Bats
There is not considered to be any threat to individual bats or their conservation status. However, in the interests of biodiversity enhancement, bat boxes should be included on any new buildings as described on page 6.

Other protected species
There was no evidence of any other protected species on the site or within 30 m of the site.

Scope

An extended phase 1 habitat survey of land adjacent to Hillside Farm, Holt Road, Llan-y-Pwll, Borras, Wrexham LL13 9SA was carried out on 3rd March 2018 by Susan Worsfold for Worsfold and Bowen of Springfields, Station Road, Llanymynech, Shropshire SY22 6ED at the request of Balfours LLP, New Windsor House, Oxon Business Park, Shrewsbury, Shropshire SY3 5HJ.
Evidence of the presence of protected species was sought as defined in:

The Conservation of Habitats and Species Regulations 2017 and listed in:
- Schedule 2. European protected species of animals
- Schedule 5. European protected species of plants

The protection of Badgers Act 1992

Protected species which might be associated with such a site include bats, owls and other breeding birds. The area around the site might be used by badgers, dormice, amphibians and reptiles, and might contain protected plant species.

Procedures and equipment

The site and boundaries were examined to establish the presence of any important or endangered plants, and for evidence of use by protected species of animals. The variety of plant species was mapped according to the convention of Phase 1 habitat surveys as described by the JNCC (2010). Photographs were taken of all areas (Annex 4).
The pond was assesses for suitability for use by great crested newts (GCN).

Personnel
Susan Worsfold (SW) BSc Hons Grad CIEEM
Licensed bat worker and VBRV, registration number CLS0895 2015-12555-CLS-CLS (CL15 Bat Roost Visitor Level 1) and registration number CLS 0895 2015-12556-CLS-CLS (CL18 Bat Survey Level 2) (NE) and 72725:OTH:CSAB:2016 (NRW);
Licensed great crested newt worker, registration number 2015-8194-CLS-CLS (NE) and 72936:OTH:SA:2016 (NRW)

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Environment

Elevation	55 m
Nearest town & distance	Wrexham, 1 km west
Situation	Semi rural, pastoral
Nearby woodland	Several small areas of mixed woodland within 500 m
Nearby ponds	Two small ponds 500 m east and south east
Rivers etc	None within 500 m
Hedges	Good network of hedgerows surrounding site, several trees.
Nearest SSSI	Midland Meres & Mosses Phase 2 (Wales) (Ramsar and SSSI) 2 km north west

Findings

Description of the site and ditch and signs of use or potential for use by protected species

The site and surrounding area is currently in use as storage for building materials. The total area is approximately 0.2 ha.

The ground flora was dominated by grasses and was also colonised by nettle (*Urtica dioica*), spear thistle (*Cirsium vulgare*) and buttercup (*Ranunculus repens*) Also bramble (*Rubus fruticosa*), cleavers (*Galium aparine*), lesser celandine (*Ranunculus ficaria*), bluebells (*Hyacinthoides sp.*), red dead nettle (*Lamium purpureum*), mosses, cultivated daffodils (*Narcissus sp.*), dock (*Rumex sp.*), Speedwell (*Veronica sp.*), garlic mustard (*Alliaria petiolata*), groundsel (*Senecio vulgaris*), plantain (*Plantago sp.*), lords and ladies (*Arum maculatum*), foxglove (*Digitalis purpurea*) and hawkweed (*Hieracium sp.*)
Three beech trees (*Fagus sp.*) were present at the boundaries, they did not appear to have any potential for use by bats.

There was an apparent pond 50 m from the site, however this was almost completely dry by mid May.

Impact Assessment and Recommendations

Plants
No important or endangered species of plants were found on the site.

Birds
1. There should not be any impact on birds provided that hedges are not trimmed or removed between the beginning of April and the end of August, and that no nests are constructed while the work is taking place.
2. However, in the interests of biodiversity enhancement, it is recommended that a woodcrete nest suitable for small birds such as robin, blackbird, tit species and sparrow should be incorporated into any new buildings, and a woodcrete nest suitable for swallows. A swift brick is also recommended:
House Sparrow Terrace - Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings or incorporated into walls. Entrance holes: 32mm diameter. Dimensions: H310 x W370 x D185mm. Also suitable for tits, redstarts and spotted flycatchers. Place at least 2 m from the ground.
Swallow nest - H110mm x W250mm x D140mm. The nest should be placed inside an enclosed outbuilding or shed, porch or garage leaving a distance of at least 6cm between the top of the nest and the ceiling. There must be access for the birds through an open window or sky-light.
Swift brick - an entrance hole of 55cm x 33cm. and external box/brick dimensions: Height 18cm x width 26.5 x depth 22cm.
Other designs of nest boxes may also be suitable.
3. If birds should gain access to buildings and begin building nests before or during the work, then the work in that area will have to stop until the young have left the nests (see Annex 7).

Great Crested Newts (GCN)
4. There may be an impact on individual GCN due to the close proximity of the pond which temporarily holds a small amount of water and may be used by foraging or commuting GCN. Reasonable avoidance measures should be taken as given on page 7. Supervision of removal of the stored building materials and other rubble by a suitably qualified ecologist is recommended.

Bats
5. The proposed development should not affect bats as long as a lighting plan is designed in accordance with the Bat Conservation Trust guidelines:
http://www.bats.org.uk/pages/bats_and_lighting.html
6. It is recommended that a bat box is fitted externally or incorporated into any new buildings as biodiversity enhancement. Further information is given in the bat box information pack available at http://www.bats.org.uk/index.php
7. If bats are found at any stage of the development then work in that area must stop and a licensed bat worker contacted for advice.

Other protected species
No badger setts were seen on the site or within 30 m of the site.
No evidence of use by dormice was found on or near the site.
No evidence of use of the site or nearby environment by any other protected species was found.

Reasonable Avoidance Measures with Regard to Great Crested Newts

It is a criminal offence to harm a great crested newt.
Great crested newts spend most of their time on land, returning to still water only to breed once they are mature at about 3-4 years of age.
They may travel more than kilometre from their breeding pond.
They move about mostly at night, and by day creep underground or beneath shelter such as stones or logs.
They hibernate during the winter, which is generally from the beginning of November until late March, depending on the weather. Hibernation is underground in burrows made by other small animals or beneath substantial cover such as large stones or piles of logs.

1. The vegetation in all areas should be kept as short as possible.

2. If any trenches cannot be filled the same day they will need a ramp of earth made at the ends of the trenches, to the full depth of each trench, so that newts can climb out. It is not sufficient to leave a piece of wood against the sides, which would allow small mammals to escape, but not newts, which are not good climbers. The trenches must be inspected carefully before infilling, and any animals carefully removed and released into the surrounding hedgerows (but see para 8 below).

3. Building materials should be stored clear of the ground (say, on pallets) so as to avoid crushing any animals which might seek refuge under them, when the materials are lifted. Any such storage must be on a gravel drive or other hard surface, and not on a lawn or other soft surface.

4. If any potential refuges such as piles of rubble or logs need to be moved before work starts, care must be taken when moving them. This should be done by hand.

5. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

6. Any excavated material which is not replaced on the same day must either be removed from the site or stored on a hard surface and covered with an impermeable membrane, such as a plastic sheet or tarpaulin, and the edges of the sheet secured so that no amphibians can gain access.

7. If any great crested newt is discovered in the area of the work, then work in that area must stop and a licensed great crested newt worker contacted immediately for advice.

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English Nature (2001) *Great Crested Newt Mitigation Guidelines* Peterborough: English Nature

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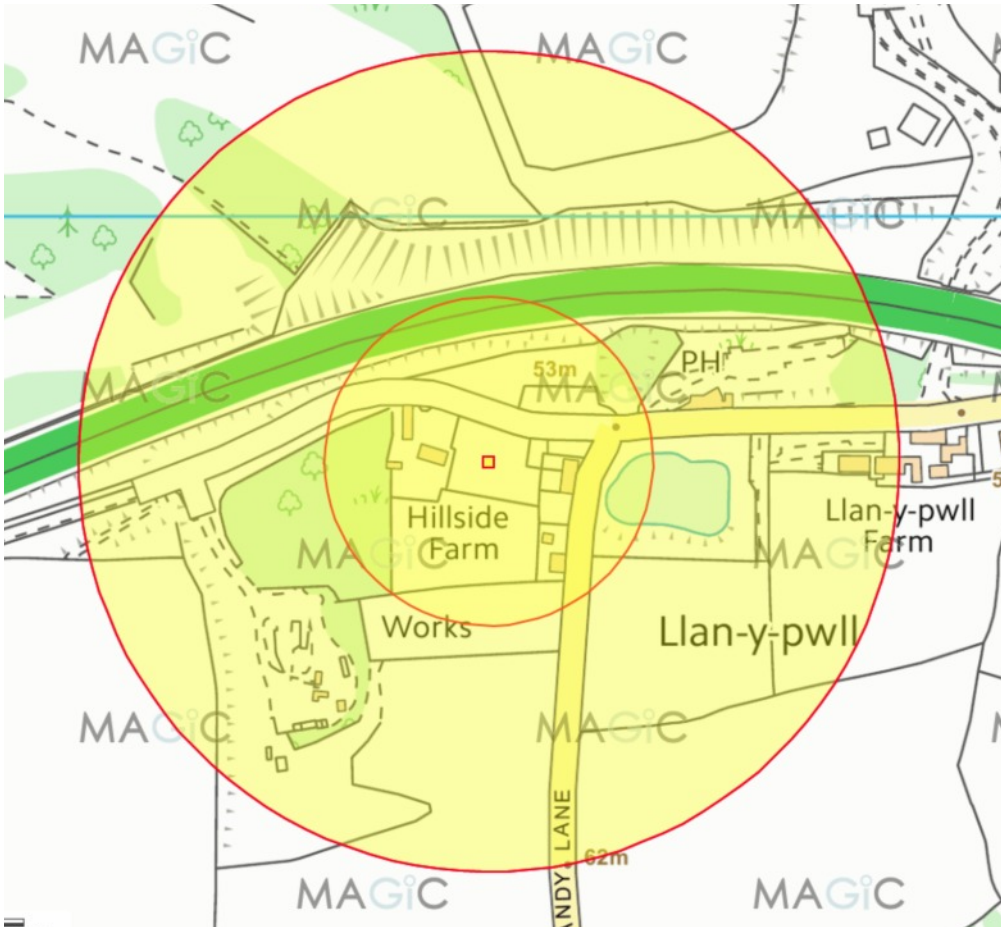
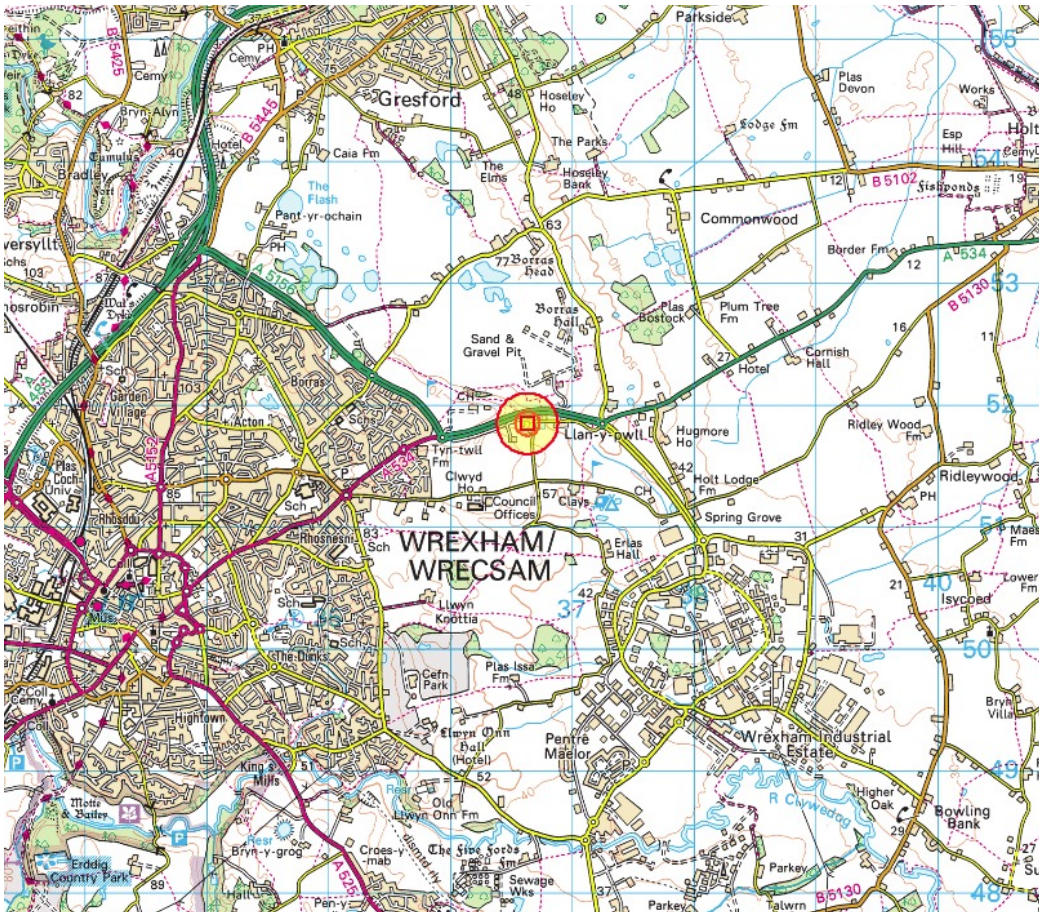
Annex 1.1: Location Map



Annex 1.2: Location Map



Annex 2: Aerial Photograph

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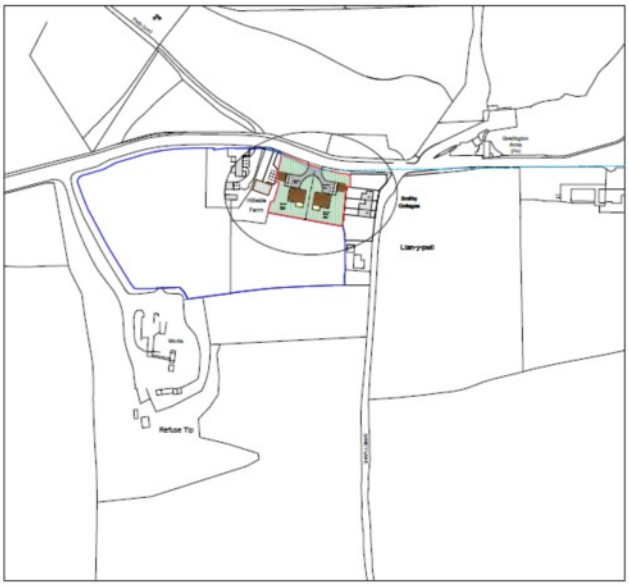
Annex 4: Site Plan

Site Plan 1:500



Location Plan 1:1250

N

Project:
Proposed Development on Land adj to Hillside Farm, Holt Road, Llan-Y-Pwll, Borras, Wrexham. LL13 9SA

Title: Planning: Site & Location Plan

Scale (@A3): 1:500 & 1:1250

Drawn By: S M Eltham

Date: Jan 2018

Drawing No: J135/002

Sheet: 1 of 1

blueprint architectural services

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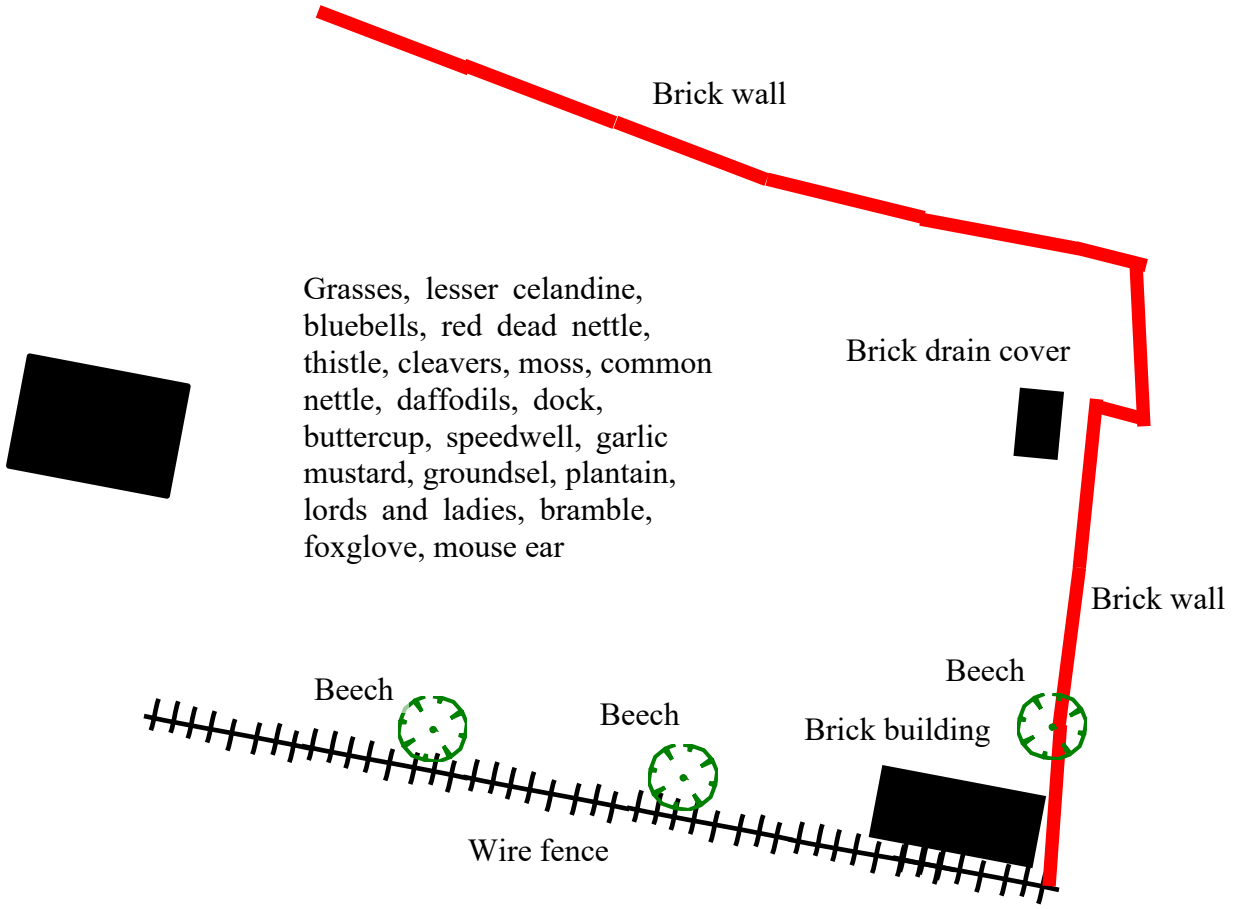
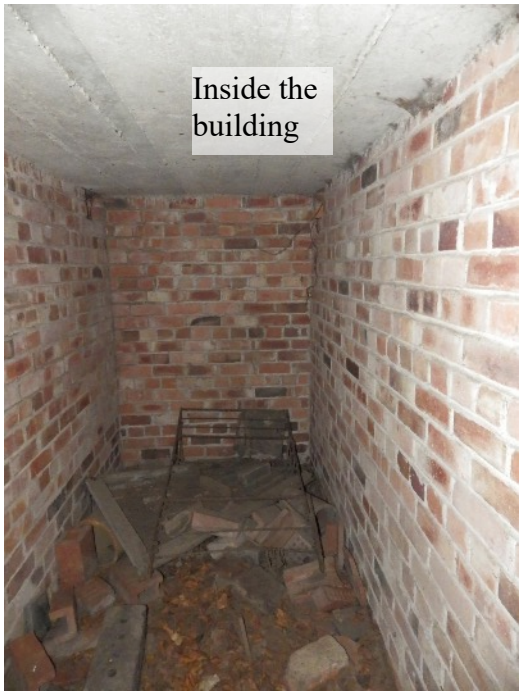
Annex 4: Survey Diagram



Annex 5.1: Photographs of the Site

Annex 5.2: Photographs of the Site



Annex 5.3: Photographs of the Pond (16.5.18)

Annex 6: Legislation regarding great crested newts

Great Crested Newts are a European Protected Species (EPS). Their legal protection is now provided by the Conservation of Habitats and Species Regulations 2010 which replaces earlier legislation and which implement the EC Directive 92/43/EEC in the United Kingdom. They are listed on Schedule 2 of those regulations.

It is an offence, with certain exceptions, to:

- deliberately capture or kill any wild animal of a EPS;
- 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 EPS, 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 a fine not exceeding level 5 (currently £5,000 per offence) on the standard scale, or to both. (Each animal affected counts as a separate offence).

Annex 7: Birds and the Law

All birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, To:

a) intentionally kill, injure or take any wild bird

b) intentionally take, damage or destroy the nest of any wild bird while it is in use or being built

c) intentionally take or destroy the egg of any wild bird

d) have in one's possession or control any wild bird (dead or alive) or part of a wild bird which has been taken in contravention of the Wildlife and Countryside Act 1981 or the Protection of Birds Act 1954

e) have in one's possession or control an egg or part of an egg which has been taken in contravention of the Act

f) have in one's possession or control any birds of a species occurring on Schedule 4 of the Act unless registered and ringed in accordance with the Secretary of State's regulations.

g) intentionally (or recklessly, in England and Wales only) disturb any wild bird listed on Schedule 1 while it is nest building or is at (or near) a nest with eggs or young; or disturb the dependent young of such a bird.

Annex 8: Bats and the Law

Taken together, the Wildlife and Countryside Act 1981 (WCA) (as amended), the Countryside and Rights of Way

Taken together, the Wildlife and Countryside Act 1981 (WCA) (as amended), the Countryside and Rights of Way Act 2000 (CRoW), and the The Conservation of Habitats and Species Regulations 2017 make it illegal to:

- intentionally or deliberately kill, injure or capture (or take) bats;
- deliberately disturb bats (whether in a roost or not);
- recklessly disturb roosting bats or obstruct access to their roosts
- damage or destroy bat roosts;
- possess or transport a bat or any part of a bat, unless acquired legally;
- sell (or offer for sale) or exchange bats, or parts of bats.

The word 'roost' is not used in the legislation, but is used here for simplicity.
The actual wording in the legislation is 'any structure or place which any wild animal …uses for shelter or protection' (WCA) or 'breeding site or resting place' (Conservation of Habitats & Species Regulations).
Because bats tend to re-use the same roosts after periods of vacancy, legal opinion is that the roost is protected whether or not the bats are present at the time.

Enforcement

The police are the main enforcement body for wildlife offences, and in some cases local authorities may also take action.
Section 24(4) of the 1981 Act gives Natural England (or, in Wales, NRW (Natural Resources Wales) the function of providing advice or assistance to the police in respect of alleged offences.

Note: Fines may be imposed in relation to each offence committed, so operations involving many animals or repeated offences can potentially accrue large fines.
In addition, items which may constitute evidence of the commission of an offence may be seized and detained.
The CRoW Act 2000 also amends the Police and Criminal Evidence Act 1984 to render Section 9 offences 'arrestable', giving the police significant additional powers.

The use of a Natural Resources Wales licence in respect of bat species

A NRW licence is a licence which permits an action that is otherwise unlawful,
To ensure that no illegal activities are undertaken during the course of a development, it is recommended that a licence is applied for if, on the basis of survey information and specialist knowledge, it is considered that

- the site in question is demonstrably a breeding site or resting place for bats
- the proposed activity is reasonably likely to result in an offence

No licence is required if the proposed activity is unlikely to result in an offence.