

PLANNING APPLICATION ASSESSMENT

WRENBURY WAY, CEFN MAWR, WREXHAM.

Site: Land off Wrenbury Way
Cefn Mawr
Wrexham

Clients: Anwyl Construction
Anwyl House
Clos Dewi Sant
St Davids Park
Ewloe
Flintshire
CH5 3DT

Job Ref.: 0978-Wrenbury Way Report-V1

1.0 INTRODUCTION

We have been instructed to undertake a planning assessment survey with regard to the proposed development of a partially pre developed site off Wrenbury Way, Cefn Mawr. The survey addresses the requirements as set out in the Welsh Assembly Government Technical Advice Note 5, 'Nature Conservation and Planning' to enable an assessment of impacts and mitigation to negate impact as a consideration, material to the determination of planning consent.

A survey was undertaken by a competent ecological surveyor and assistant to conform to the planning requirement on the 22 November 2018.

2.0 SUMMARY

- The site is a partially pre developed housing development site.
- The site is classed as a species poor brown field site.
- The site records activity for large mammal and small badger sett.
- No invasive none native species have been recorded within the development zone.

3.0 SITE

The site is rectangular in shape and is approximately 0.99 Ha in area. The site records historical evidence of mining, as does the local area. At the time of survey the site recorded a relatively recent partially housing development which included the reformation of the soils

within the development area and the construction of foundations and bases, together with the road and sewer infrastructure. The site is presently unmanaged, resulting in areas of willow and birch scrub, and hawthorn and bramble scrub across the site with areas of tussocky grassland. The site is generally flat to most of its area, with stock piled materials along the north eastern half of the site. The south western and part of the north western boundary falls steeply to the boundary fencing. The site boundaries are a mix of fencing, post and wire, palisade and security. The north eastern and south eastern boundaries are onto existing housing developments. The south western boundary is onto the water utilities site with the western corner of the site onto grazing pasture. The adjoining habitats are a mix of formal gardens, utilities site and grassland pasture with a mix of fence and hedgerow boundaries.



Fig 1: Aerial Photograph of the survey area

No designated sites are located within the development area or abut the development area. The Afon Dyfrdwy (River Dee) SSSI is located approximately 250 m to the south west of the site boundary; the land between the site boundary and the river bank records the Utilities Water Treatment works a linear corridor of woodland and pockets of managed and unmanaged grassland. The foul and surface water infrastructure is already in place as part of the original development proposals and therefore no impacts from the development are anticipated.

4.0 EXISTING DATA

Data search from the NBN Atlas and local records.

AMPHIBIAN: - No data is available for the immediate site. No records or water bodies suitable to support a breeding population for this species are recorded within 1km from the site boundaries.

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

Badger – *Meles meles* – no records for the area.

Bat *Chiroptera* - no roosts recorded within 1km.

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

Pipistrelle *Pipistrellus pipistrellus/pygmaeus*

Brown Long-eared *Plecotus auritus*

Lesser Horseshoe *Rhinolophus hipposideros*

Daubenton's *Myotis daubentonii*

Whiskered/Brandt's *Myotis mystacinus/brandtii*

Natterer's *Myotis nattereri*

Noctule *Nyctalus noctula*

Otter – *Lutra lutra* – records are available for the River Dee corridor for this species

Water Vole – *Arvicola amphibious/terrestris* – no records within 1km of the site

Hedgehog - *Erinaceus europaeus* – no records within 1km of the site

REPTILE: – no site records for this species, no records within 1km of the site

BIRD: – approximately 69 species are recorded locally with an estimated 20 species that could potentially nest within the habitats identified inside the development boundary.

Designated Sites – None identified within 250 m of the site. The site has no water bodies or linear corridors that directly connect to any locally recorded sites.

5.0 SURVEY AREAS

As outlined in Fig 1

6.0 LEGAL PROTECTION

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

6.1 GREAT CRESTED NEWT/BAT:

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

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

6.2 BIRDS:

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

6.3 MAMMALS:

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

7.0 LIMITATIONS

- 7.1 The walk over survey was undertaken on the 22 November 2018. The survey was undertaken outside of the growing season, potentially having an impact on the plant species recorded. It is considered however that the site has recently been reformed and not landscaped and that the variation in floral species other than that recorded is unlikely to vary greatly. None of the floral species recorded are considered to be of species of local or national importance.

8.0 METHODOLOGIES

8.1 GREAT CRESTED NEWT:

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

8.2 BADGER:

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

8.3 BATS:

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

8.4 WATER VOLE:

A walkover survey to identify any potential water bodies, search for field signs (paths, latrines, foraging) indicating the presence of this species

8.5 BIRDS:

An assessment of habitat suitability for nesting sites.

8.6 REPTILE:

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

8.6 FLORA:

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

9.0 RESULTS

9.1 GREAT CRESTED NEWT:

The site and the adjoining areas do not record any waterbodies suitable to support breeding populations for this species. The nearest records are for Acrefair to the north of the site, which is separated by housing developments.

9.2 BADGER:

The site recorded large mammal tracks running across the site from the rear of the existing housing towards the western corner and south western boundary. The vegetation within the western corner and along the south western boundary of the site is formed by primarily

bramble scrub. Within this scrub 3 large mammal holes were identified, from the shape, lack of food debris and odour it is suggested that this is a Badger Sett. Only 3 holes could be identified at the time of survey due to the dense scrub growth. The level of field signs identified across the site would suggest that this is a main sett and not an auxiliary sett at this stage. It is considered however that the sett is relatively new and has been opened up post the land formations in association with the previous development

9.3 *BATS:*

The site records no building or trees suitable to form roost sites for this species. No local records are available for this species in the adjoining developments at the time of survey. The site however does offer suitable foraging along the boundary tree line to the south west and northwest of the site and beyond.

9.4 *WATERVOLE:*

No suitable waterbodies within or adjacent to the site suitable to support this species.

9.5 *BIRDS:*

There are potential nesting sites for many species within the boundary scrub/hedgerows that form the site boundaries. The data search recorded approximately 62 species within 1km of the site. Of the 62 species recorded approximately 20 species could potentially use the site for nesting. At the time of survey, little evidence of seasonal nests was recorded and the survey only recorded flyover for Carrion Crow.

9.6 *REPTILE:*

No local records are available for the site or adjacent sites at the time of survey, it is considered that the site has a low potential for use by this species

9.7 *HABITATS:*

The site does not record any mature tree stock within the site (see tree report), the trees that are recorded are area self-seeded willow birch scrub, post development formation and are of limited merit.

A 2.2 Scattered Scrub

The scrub is dominated by, Birch and Willow, with some self-set, Hawthorn. The scattered scrub is located along the north eastern area of the site, with pockets of scrub within the rank tussocky grassland across the site.

J 1.3 Ephemeral/short perennial.

Fifty percent of the site is dominated by regenerated growth over the re-profiled soils. The soils are thin which has resulted in varied sward lengths and cover. It is suggested that the seed base was that of the original grassland topsoil's. The mixes recorded are common species Yorkshire Fog, Fescue, Plantain, Doc, Knapweed, Clover, Yarrow, Ragwort, etc. Some areas record Rosebay Willowherb.

10.0 RECOMMENDATIONS

10.1 GREAT CRESTED NEWT:

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

10.2 BADGER:

The site at the time of survey recorded a Badger sett. It is considered that the sett is young historically and probably has been formed post development works. The sett does lie within the proposed footprint of the development works and would be greatly impacted by the development proposals. The latest development proposals have taken this into consideration with the view to translocating the badgers to into a newly created sett within the western corner of the site. This will entail the closing down of the original sett under license and forming a new artificial sett. The proposed location is within 100 m's of the original sett and within areas recording activity by this species.

The mammal tracks run across the site to the rear gardens along the north eastern boundary. The development proposals are to form a twin hedge badger corridor from the new sett along the north western boundary and along the north eastern boundary to retain this connectivity. Similarly access along the south western boundary will be maintained for this species.

The wildlife corridor and the artificial sett will be formed during the western and north eastern profile works, during this period the original sett will be protected by fencing and the scrub retained in this area. These areas will also be planted out to add extra cover to the sett. Temporary screen fencing will also be erected around these areas during the remaining construction periods.

The retaining walls around plots 20, 21 and along to the edge of plot 22 will be formed as part of the mitigation works. The main sett will then be cleared of surface vegetation, fenced out and closed down. Following theses initial works the remaining development areas will be completed under the cover of the license to disturb badgers.

During the construction phase the following recommendations are therefore advised:-

- a) A badger license is to be applied for to cover all development that may impact on the existing and newly formed sett
- b) Any open trench way needs to be protected to its perimeter by drift fencing to all sides of the excavation to restrict access to any excavation which is open overnight where feasible.
- c) All excavations are to be back filled where feasible overnight.
- d) Any excavations left open should have at least one ramped approach, to enable any large mammal's access to prevent them becoming trapped within the trenches.
- e) Any open, previously installed pipe work above 150 mm in diameter is to be blocked over night during the construction phase; this is to prevent any large mammal taking refuge in the system.

- f) Pre commencement badger check survey is to be undertaken to establish any variants to the survey and mitigated for accordingly.

10.3 *BAT:*

No transect surveys have been undertaken across the site as random surveys of this nature can produce false negatives as bat activity varies considerably during the active seasons, which have been greatly extended by the impacts of global warming.

The general area has records to support most recorded species within the UK bar a few habitat specific species, of which none of these habitats are recorded within the site boundaries. It is therefore likely that the site at some time during the season will be foraged or transected by migratory individual bats, predominantly along the boundary cover for the smaller bat species.

None of trees recorded on site or within the site boundaries had a potential for roosting bats. The majority of the recorded stock was Juvenile/Semi-mature Sycamore offering little potential for use by bats due to life stage and minimal recorded defects.

The south western and north western boundaries offer some potential for commuting bats, it is therefore recommended that any street lighting adjacent to this corridor has a low ultra violet signature or is directional away from the corridor. The lighting is not to be placed at the abutments with the connecting hedgerows but placed in board along the road ways to reduce light pollution over the hedgerows, where L.A. highway lighting approvals allow.

Security lighting is likely to be fitted by the householders to the rear plots; this is to be discouraged where feasible to reduce the light pollution over the boundary trees and hedgerows. Any Management works to the boundaries should at all times retain a minimum height of 1.8m, this is to provide a shading effect on the outboard sides of the hedgerows providing a darker corridor for migrating and foraging bats.

Conservation gain can be considered by the introduction of bat bricks in some of the housing units, and positioned so as to give roost potential on north, east, south and western elevations. The bat bricks should not be positioned above windows or doorways, and not adjacent to bedrooms.

10.4 *BIRDS:*

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

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

Planting over the new sett and along the south western boundary should include shrub beds to provide cover and additional nesting sites for birds, and flower borders to provide foraging opportunities for insects. The planting of a few specimens of Crab Apple should also be considered in the landscaping scheme.

Open grassland is also important for ground feeding birds like Blackbird

10.5 REPTILE:

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

10.6 HABITATS:

None of the habitats or floral species recorded on site are considered to be of local or national importance. The dominant feature is the grassland which is comprised of common species.

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

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

Any ash within the existing boundaries on site should be monitored for Ash Die Back, and consideration for replacement and replanting with alternative species as part of the development scheme.

The biodiversity species Hedgehog are at threat, therefore careful design of the garden boundaries is to be considered to allow passage from area to area for this species. If enclosed fencing is to be used, then Hedgehog friendly gravel boards are to be used, this will allow access for locally threatened biodiversity species like Hedgehog which are impacted heavily by closed gardens.

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

11.0 CONCLUSION

The site did record the protected species Badger, however there is scope within the design to retain this species within a newly formed artificial sett along with retained and formed access corridors around and a within the development to the existing foraging grounds.

It is therefore the surveyor's opinion that the proposed development proposals are considered to have a no long term impacts, but with a good landscaping scheme showing increased species diversity the site would offer beneficial improvement, the development therefore, will have no long term impact on the favorable conservation status of locally recorded protected species, or their ecological functionality if the works are carried out in accordance with the recommendations given within this report

Tim Hodnett
February 2019

12.0 APPENDICES

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12.1 APPENDIX 1: Site Photographs



Photo 1 –Looking northwest



Photo 2 – Looking south west