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Clwydian Ecology

Arosfa, Rhes y Cae, Holywell, Flintshire, CH8 8JG

T: 01352 780787 M: 07891 802 653 E:

ecology@clwydianecology.co.uk

www.clwydianecology.co.uk

**ECOLOGICAL ASSESSMENT FOR
LAND ADJACENT TO THE HOLY TRINITY CHURCH
GWERSYLLT, WREXHAM
NORTH WALES**

For The Church in Wales

30th March 2015

David Bennett MSc MCIEEM

1. Introduction

An Ecological survey was undertaken on the 25th March 2015 in respect of an area of land located adjacent to the Holy Trinity Church, Gwersyllt, Wrexham, North Wales. The brief was to carry out a walkover survey and assess the ecological value of the site. The current proposals for the land are for residential housing. Recommendations for mitigation, ecological enhancement and further surveys will be made as required.

2. Site Description

The site is located next to church yard/burial ground with the front section facing the main A541 Mold-Wrexham road. The majority of the site is covered with scrub, there are scattered trees and some established semi-mature oaks. Along the top edge facing the burial ground there has been a lot of vegetation/grass tipping. This appears to be long term grass cuttings from the churchyard along with branches, plants from graves etc. There is a large section of Japanese knotweed just below the churchyard.

The 1:25:000 Ordnance Survey map for the site does not reveal the presence of any ponds or areas of standing water for a distance of at least 500 metres and there are no streams, ditches or rivers.

3. Survey Methodology

An Ecological Survey was carried out following the standard methodology. This involved walking over the site classifying areas of land into a habitat type. Notes were made in respect of any habitats or features of interest and any sightings of protected or rare species. This included searching for evidence of badgers/other species and also inspecting any other features to establish their potential for roosting bats.

4. Consultations and Desk Study

Using the Natural Resource Wales interactive mapping facility there are no sites which receive Statutory protection within or adjacent to the site.

The Wrexham County Council (LBAP) lists habitats and species which are considered to be of National, Local and County importance. In respect of this site and based on current information Derelict/Industrial land and woodland may apply as local habitats. Hedgehogs are a UK BAP priority species and they have been recorded within the local area

The COFNOD data search will be attached to this report as a separate document. None of the records apply to the site or adjacent land although as discussed hedgehogs are found in the area.

5. Survey Results

The following habitats were recorded within the site boundary.

Habitat types

1. Woodland
2. Scrub

The site plan is shown in Appendix 1 while the list of plant species is given in Appendix 2. The habitat descriptions are provided below.

5.1 Woodland

The wooded area nearest to the burial ground supports several semi-mature oak trees. The scrub has not invaded this section because of the tree canopy. Ground species include male fern *Dryopteris filis-mas*, soft shield fern *Polystichum setiferum* and ivy *Hedera helix*.

There is another section of the site facing the road which supports a few scattered trees, some of these appear to have been planted while others may be self-sown.

5.2 Scrub

The majority of the site is covered with dense scrub. The dominant species is bramble *Rubus agg*, other species include rosebay willowherb *Chaemerion angustifolium*. There is one large area of Japanese knotweed *Fallopia japonica* backing onto the burial ground. There are some very small areas of rank grassland at the edges with common knapweed *Centaurea nigra* but most of the edges have old, decaying vegetation tipped on them.

5.3 Faunal species

Badgers

No evidence of a badger *Meles meles* sett (or outlier) was found during the survey and it appears that they are not present within the development area (or adjacent land within 30 metres). The burial ground forms the western boundary and the eastern boundary is the main road. Any presence is likely to occur in the burial ground but nothing was found even further back into the churchyard.

Bats

The site does not support any built structures which would offer any potential roost sites for bats. None of the trees appeared to support any features which could be used by bats such as splits, rot holes, cavities etc. Most of the trees are not really old enough to have developed any of these features.

The area proposed for development will form part of a wider foraging habitat for certain species of bat. It is likely that the church supports bats which may use this area of land as part of their foraging area.

Great crested newts and amphibians

There are no ponds or areas of standing water which could offer any potential for great crested newts. It is likely that the perimeter areas of the site (trees/scrub etc) will support common amphibians such as frogs.

Reptiles

There was no evidence of reptiles which could be seen during the walk-over survey although that would be expected at this time of year. There is some potential that the adjacent burial ground may support slow-worms if they are known to be present in the area.

Hedgehog

No hedgehogs were seen at the time of the survey. They are however mainly nocturnal and it would be almost impossible to see them during this type of survey. The level of scrub would provide excellent cover with feeding in the adjacent churchyard and gardens. Presence should therefore be assumed.

Birds

Birds were constructing nests at the time of the survey and there was a lot of general bird activity in the area. The whole site is important for birds for nesting, feeding and for general shelter within an urban area.

6. Evaluation and Legislation

All of the plants recorded during this survey are widespread at both national and county scales. The list of plant species is not definitive and only represents those recorded while walking around the site.

The presence of a species protected under European or UK legislation is a material consideration when a planning authority is considering a development proposal which, if carried out would be likely to result in disturbance or harm to the species or its habitat. Section 74 (2) of the CroW Act 2000 (now updated by Section 41 of the Natural Environment and Rural Communities Act (NERC) 2006 requires the publication of lists of habitats and species that are of principal importance for the purpose of conserving biological diversity. The list is regularly changed and updated and many bat species appear on it. NERC consolidates the requirements of the CROW Act in placing duties upon government agencies, including local authorities, to ensure the conservation of Biodiversity.

Badgers

Badgers are protected by the Protection of Badgers Act 1992. Under this Act it is illegal to destroy, damage or obstruct access to a sett or disturb a badger while it is using the sett. A sett is defined by the Act as any structure or place showing signs of current or recent occupation by a badger. Under the current interpretation of the Act a license is required for the following operations:

- a. Use of hand tools within 10 metres of a badger sett
- b. Use of light machinery within 20 metres of a badger sett
- c. Use of heavy machinery within 30 metres of a badger sett

There are no known issues in respect of badgers or their setts at the present time. Being a mobile species the situation could change during the period of any extant planning permission. Badgers may forage through the area so hard boundaries such as stone/brick walls around properties should be avoided where possible.

Bats

Bats and their roosts are protected by the Wildlife and Countryside Act (as amended) and the Conservation (Natural Habitats & c) Regulations 1994. The Habitats Directive has recently been superseded by The Conservation of Habitats and Species Regulations 2010 which came into force on the 1st April 2010. This makes it unlawful to harm, disturb, or destroy either bats or their roosts. Any work which may potentially disturb a roost (whether bats are present or not) may require a license.

To summarise it is illegal not only to intentionally kill, injure or take any bat but also too recklessly or intentionally damage, destroy or obstruct access to any place that a bat uses for shelter or protection, or to disturb a bat while it is occupying such a place. A roost is protected whether or not bats are present at the time. The reason for this is that bats have a tendency to remain loyal to certain roost sites, often over a long period of time.

There do not appear to be specific issues in respect of bats although the area will be used for foraging.

Great crested newts

The great crested newt *Triturus cristatus* is listed on Schedule 5 of the Wildlife and Countryside Act (as amended), and is afforded full protection under the terms of Section 9. This makes it an offence if any person:

9(1) “... *intentionally kills, injures or takes* [a great crested newt]”;

9(2) “... *has in his possession or control any live or dead* [great crested newt] *or any part of, or anything derived from such an animal*”; 9(4) “... *intentionally or recklessly (a) damages or destroys, or obstructs access to, any structure or place which* [a great crested newt] *uses for shelter or protection; or (b) disturbs any such animal while it is occupying a structure or place which it uses for that purpose*”;

9(5) “... (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead [great crested newt], or any part of, or anything derived from, such an animal; or (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things”.

Great crested newts are also afforded additional protection through inclusion on Schedule 2 (“European protected species”) of **The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**, which transpose into British law the European Community’s **Habitats Directive (92/43/EEC)**. The Habitats Directive has recently been superseded by “**The Conservation of Habitats and Species Regulations 2010**”, this came into force on the 1st April 2010.

Considering the information currently available there does not appear to be any issues in respect of great crested newts.

Reptiles

All species of British reptile are protected against intentional killing, injury or sale under the Wildlife and Countryside Act 1981 (as amended). The Sand Lizard and the Smooth Snake are afforded a higher degree of protection under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 making it an offence to:

- Intentionally kill, take or injure these species of reptile.
- Damage, destroy or obstruct a place a these species use for breeding, resting, shelter or protection or to disturb these species in such a place.
- Possess or control these species alive or dead, or any part of them, or anything derived from them.

- Sell, offer for sale, advertise for sale or offer to these species, or a part of them or anything derived from them.
- Deliberately disturb or deliberately take or destroy the eggs of these species.

The distribution of Smooth Snakes and Sand Lizards is limited to heathland habitats in Surrey, Dorset, Hampshire and Sussex. The Sand Lizard is also known to occur on sand dune habitats in Merseyside and has recently been introduced to some areas of North Wales.

Licenses can be issued in order to allow activities that would constitute an offence under the legislation. Licenses can be issued for specific purposes including scientific study, photography, conservation management and development.

In England and Wales a development license must be obtained from Natural England or the Welsh Government before undertaking any works that will affect Sand Lizards or Smooth Snakes or their habitat. A license is not required to carry out surveys or mitigation for other reptile species.

The COFNOD biodiversity data search does not show any records for slow-worm. This does not mean that reptiles, particularly slow-worms are not present in and around the general area, particularly within the grounds of the church. If slow-worms are present then the extensive piles of vegetation tipping along the edge of the site (built up over a long period of time) would be an attractive habitat.

Any clearance of the site will have to be carried out in a careful manner. All areas of scrub will need to be cut and cleared by hand (trimmer etc) prior to the start of any major groundworks.

Hedgehogs

The COFNOD data shows that hedgehogs have been recorded in the area and they are a UK BAP Priority Species.

Any clearance of the site will have to be carried out in a careful manner to ensure that any hedgehogs present remain unharmed. All areas of scrub will need to be cut and cleared by hand (trimmer etc) prior to the start of any major ground-works.

Nesting birds

All breeding birds are protected under Section 1(1) and 1(2) of the Wildlife and Countryside Act 1981, as amended. This makes it an offence to damage, disturb, or obstruct access to nests during the bird breeding season (generally March to August).

Birds will use the scrub and trees for nesting so any planned removal for access or otherwise will have to be undertaken between October and February inclusive (to avoid the nesting season).

Japanese knotweed

This is an invasive species and there are specific legal requirements regarding its control and treatment. These would include prevention of spread onto adjacent land, moving contaminated soil from one place to another, moving cuttings etc.

A specialist contractor should be contacted regarding the best way to deal with the issue. This may include repeated chemical treatment over a period of time, cutting, deep excavation or retention within its current location.

7. Impact assessment, Mitigation and Enhancement Recommendations

At the present time the proposal is for residential housing.

- Based on current information it would appear that any direct impact upon existing plant populations will be minor.
- Development of the site would mean the loss of potential foraging area for bats and other species such as birds.
- The Japanese Knotweed will require specialist attention prior to any scrub removal or other site works which includes any ground investigation works.
- There may be some potential for slow-worms. There are no available records for this species but this does not mean they are not present. Careful site clearance will be necessary as detailed above.
- The same applies to hedgehogs, careful site clearance will be required as detailed above.
- If possible the site design should include retention of the oak trees which are now an established feature of the site.
- The development of the site will have some localized impact upon birds due to the loss of habitat within an urban area. Any proposed development should incorporate features to attract birds within the overall design. These should include nest boxes and features built into the houses such as eaves access.

- All nesting birds are protected by the Wildlife and Countryside Act (as amended) and no work should take place (particularly clearance of vegetation/trees) which may affect nesting birds between March and September inclusive.

8. References

Rose, F. (1989) *Grasses, Sedges and Ferns* Viking Press

Stace, C. (2005) *New Flora of the British Isles* Cambridge University Press, Cambridge.

Appendix 1 – Species list

Trees and shrubs	
Ash	<i>Fraxinus excelsiour</i>
Blackthorn	<i>Prunus spinosa</i>
Bramble	<i>Rubus agg.</i>
Cherry	<i>Prunus sp</i>
Dog Rose	<i>Rosa Canina</i>
Elder	<i>Sambucus nigra</i>
English oak	<i>Quercus robur</i>
Hawthorn	<i>Crataegus monogyna</i>
Holly	<i>Ilex aquifolium</i>
Oak	<i>Quercus robur</i>
Sycamore	<i>Acer pseudoplatanus</i>
Willow	<i>Salix sp</i>

Herbs	
Annual meadow grass	<i>Poa annua</i>
Bluebell	<i>Hyacinthoides non-scripta</i>
Broad leaved dock	<i>Rumex obtusifolius</i>
Cleavers	<i>Galium aparine</i>
Cocksfoot	<i>Dactylus glomerata</i>
Common bent	<i>Agrostis capillaris</i>
Common chickweed	<i>Stellaria media</i>
Common knapweed	<i>Centaurea nigra</i>
Common nettle	<i>Urtica dioica</i>
Common sorrel	<i>Rumex acetosa</i>
Creeping buttercup	<i>Ranunculus repens</i>
Creeping thistle	<i>Cirsium arvense</i>
Curled dock	<i>Rumex crispus</i>
Daisy	<i>Bellis perennis</i>
Dandelion	<i>Taraxacum officinale</i>
Garlic mustard	<i>Alliaria petiolata</i>
Ground elder	<i>Aegopodium podagraria</i>
Hairy bittercress	<i>Cardamine hirsuta</i>
Hogweed	<i>Heracleum sphondylium</i>
Ivy	<i>Hedera helix</i>
Japanese knotweed	<i>Fallopia japonica</i>
Male fern	<i>Dryopteris filix mas</i>
Ragwort	<i>Senecio jacobea</i>
Red clover	<i>Trifolium pratense</i>
Red fescue	<i>Festuca rubra</i>
Ribwort plantain	<i>Plantago lanceolata</i>
Rough meadow grass	<i>Poa trivialis</i>

Soft shield fern	<i>Polystichum setiferum</i>
Sweet vernal grass	<i>Anthoxanthum odoratum</i>
White clover	<i>Trifolium repens</i>
White dead nettle	<i>Lamium album</i>
Yarrow	<i>Achillea millefolium</i>
Yorkshire fog	<i>Holcus lanatus</i>

