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ECOLOGICAL ASSESSMENT FOR

LAND AT NEW ROAD, BRYMBO

WREXHAM

NORTH WALES

For Mr Samuel Tilston

15th March 2015

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1. Introduction

An Ecological survey was undertaken in March 2015 in respect of an area of land located off New Road, Brymbo, 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 New Road in Brymbo, it forms part of the disused railway line. The majority of the site has recently been cleared and there are two very large piles of brash/trees/scrub. The edges of the site comprise young woodland with scrub, the remainder is now bare ground.

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 woodland will apply.

The COFNOD data search has been attached to this report as a separate document. There are no records which relate directly to the proposed development site or adjacent land.

5. Survey Results

The following habitats were recorded on the site.

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 areas at the sides and edges of the site (and beyond) comprise self-seeded growth which includes silver birch *Betula pendula*, ash *Fraxinus excelsior*, sycamore *Acer pseudoplatanus*, broom *Cytisus scoparius* and European gorse *Ulex europeus*. The majority of the trees are fairly young and they have probably developed since the closure of the line. Other species include harts tongue fern *Asplenium scolopendrium*, male fern *Dryopteris filis-mas* and ivy *Hedera helix*.

5.2 Scrub

There are some dense areas of scrub around the perimeter of the site, species include bracken *Pteridium aquilinum*, bramble *Rubus agg*, European gorse and broom.

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). Evidence of rabbit digging was found in various places but the holes are all quite small with droppings around the entrances. The site is suitable for badgers and they maybe present within the areas of woodland further south.

Bats

The site does not support any built structures which would offer any potential roost sites for bats. Some of the larger trees (generally out of the site) support a layer of ivy, this may cover features which could be used by bats such as holes, crevices, splits etc.

There are several dry-stone retaining walls overlooking the site on the eastern bank. These walls have lots of gaps and deep crevices and they do offer potential hibernation areas for bats. They do however appear to be either on the outer site boundary or out of the site. They do offer support to the bank sides which is presumably why they were built at the time the railway line was operational so they may need to be retained.

The area proposed for development will form part of a wider foraging habitat for certain species of bat. The disused railway line continues beyond the boundary of the site in both directions. There is a disused tunnel running somewhere just above the main track bed although apparently the entrance has been sealed for some time.

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. Disused and operational railway lines are often important for slow-worms and it is possible that the species exists in this area.

Birds

Birds will use the boundary scrub/trees/retaining walls for nesting and also for general shelter during bad weather.

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. Some of the trees within the perimeter areas may offer features suitable for bats. Any removal of trees with ivy may require further survey work although most of the clearance already appears to have been undertaken.

The retaining walls discussed above appear to be out of the site boundary or at least high enough up the bank to avoid being disturbed. If this is not the case and the walls require dismantling/excavation etc as part of the overall scheme then further work may be required.

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 search does not reveal any reptile records for the site and the nearest one was at SJ 2953 for a common lizard in 1998. However, this does not mean that reptiles, particularly slow-worms are not present in and around the general area. The main body of the site has already been cleared and the ground is generally bare. There are however the retaining walls just above the site, piles of brash, stone, old tin sheets and other materials, all of which could be used by reptiles if present.

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

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 badgers and perhaps other species. However this would appear to be minimal considering the range of habitats adjoining the site. It would be best to avoid hard boundaries such as stone/brick walls. The badger situation could change at any time so it is recommended that the site be re-inspected (for new setts etc) if the development does not proceed within 12 months.
- The site has been cleared but as discussed there is some potential for slow-worms and perhaps other reptiles. There are no available records for this species but this does not mean they are not present.
- If any larger trees above or below the site are due to be removed then it is advised that they are inspected (by a licensed bat ecologist) for bats on an individual basis prior to the works being undertaken.
- The development of the site should not significantly impact upon birds as long as the boundary trees/scrub areas are generally retained. As discussed 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>
Broom	<i>Cytisus scoparius</i>
Bramble	<i>Rubus agg.</i>
Dog Rose	<i>Rosa Canina</i>
European gorse	<i>Ulex europeus</i>
Hawthorn	<i>Crataegus monogyna</i>
Holly	<i>Ilex aquifolium</i>
Silver birch	<i>Betula pendula</i>
Sycamore	<i>Acer pseudoplatanus</i>
Willow	<i>Salix sp</i>

Herbs	
Annual meadow grass	<i>Poa annua</i>
Bracken	<i>Pteridium aquilinum</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 nettle	<i>Urtica dioica</i>
Common sorrel	<i>Rumex acetosa</i>
Creeping buttercup	<i>Ranunculus repens</i>
Creeping thistle	<i>Cirsium arvense</i>
Daisy	<i>Bellis perennis</i>
Dandelion	<i>Taraxacum officinale</i>
Harts tongue fern	<i>Asplenium scolopendrium</i>
Hogweed	<i>Heracleum sphondylium</i>
Ivy	<i>Hedera helix</i>
Hairy bittercress	<i>Cardamine hirsuta</i>
Male	<i>Dryopeteris filis mas</i>
Ragwort	<i>Senecio jacobea</i>
Red clover	<i>Trifolium paratense</i>
Red fescue	<i>Festuca rubra</i>
Rough meadow grass	<i>Poa trivialis</i>
Sweet vernal grass	<i>Anthoxanthum odoratum</i>
White clover	<i>Trifolium repens</i>
Yarrow	<i>Achillea millefolium</i>
Yorkshire fog	<i>Holcus lanatus</i>

