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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 AT WRIGHTS GARAGE

PENYCAE

WREXHAM, NORTH WALES

For Mr Mike Wright

9th January 2015

David Bennett MSc MCIEEM

1. Introduction

An Ecological survey was undertaken in December 2014 in respect of an area of land located at the former Wrights Garage site, Hall Street, Pen y Cae, North Wales, LL14 2RU. 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 development. Recommendations for mitigation, ecological enhancement and further surveys will be made as required.

2. Site Description

The site is located within the village with residential housing to the front and sides. The main garage building dominates the top of the site by the road with a small adjacent toilet block. The land at the rear falls away quite steeply to areas of scrub and semi-improved rank grassland with the river as the boundary. There is a section of conifer woodland on the eastern edge with other areas of broadleaved woodland which are out of the application area.

The 1:25:000 Ordnance Survey map for the site does not reveal the presence of any ponds or areas of standing water. The lower part of the site is at the same level as the river and it appears to form a natural floodplain for the valley.

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

The area proposed for development does not appear to have any statutory designations. The nearest County Wildlife Sites are over 500 metres from the boundary of the site.

The COFNOD data search has a wide variety of records for the area within a 100 metre range from the centre of the site. The records have been attached to this report.

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 several species and habitats may apply.

The UKBAP priority species which may potentially use the survey area are:

- Mammals – Bats, otter, hedgehog, polecat.
- Birds – Song thrush, sky lark etc.
- Amphibians – Common toad.
- Reptiles – Grass snake, slow-worm

5. Survey Results

The following habitats were recorded on/directly adjacent to the site.

Habitat types

1. Buildings
2. Scrub
3. Woodland
4. Rank neutral grassland
5. River

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 Buildings

The site supports the original garage building along with the toilet block. The results of the survey for these buildings have been included in a separate bat and bird report.

5.2 Scrub

The land below the site and also on the bank leading down supports extensive areas of dense scrub. Dominant species include bramble *Rubus agg*, wild raspberry *Rubus idaeus*, European gorse *Ulex europeus*, rosebay willowherb *Chaemerion angustifolium*. The site is ungrazed so there is also some noticeable tree regeneration to include ash *Fraxinus excelsior* and willow *Salix sp*.

There is a large section of Japanese knotweed in the north-east corner within the application site (by the river). There are also other large stands of this species on the far side of the river at the western end. It is highly likely that this species will become far more dominant across the floodplain and along the edge of river as time goes on.

Under Section 14 (2) of the Wildlife and Countryside Act (1981) it is illegal to spread the invasive non-native plants Japanese Knotweed (*Fallopia japonica*), Himalayan Balsam (*Impatiens glandulifera*) and Giant Hogweed (*Heracleum mantegazzianum*). At present no requirement exists to eradicate these plants from sites where they are already established.

5.3 Woodland

Although not within the application boundary there is a small block of conifer woodland along the eastern boundary. It runs down from the rear of the houses and is contained mainly within a steep bank. The trees are not particularly old and there has been some wind-throw. There is evidence of minor tipping from gardens and also shelters/tree houses etc.

5.4 Rank neutral grassland

The majority of the grassland is on the level section facing the river in between the blocks of scrub. There is a much smaller area at the top of the site between the garage and the adjacent house on the far side (Woodside). This is more typical of less improved neutral grassland with stands of common knapweed *Centaurea nigra*. The other areas of neutral grassland are less species rich and are dominated by hogweed *Heracleum sphondylium* and rosebay willowherb.

5.5 River

The river is not within the application site but it does lie adjacent to the northern boundary of the site. The natural floodplain of the river is the lower meadow area with scrub.

5.6. Faunal species

Badgers

No evidence of badgers *Meles meles* was found during the survey and it appears that they are not present within the development area (or adjacent land within 30 metres). No badger runs could be seen or latrines and no signs of feeding were noted (snuffle holes or similar). It is however very likely that badgers forage through the area and they could be present within the areas of adjacent woodland.

Bats

The buildings were surveyed for bats and the results are shown within the separate report. No evidence was found and due to the construction and state of the building (storm damage) any presence is unlikely.

The area proposed for development will form part of a wider foraging habitat for certain species of bat. The scrub and surrounding habitats are likely to be very attractive feeding areas for bats. There are records of various bat species within the wider area, mainly from buildings.

Great crested newts and amphibians

There are no ponds or areas of standing water within the area of land proposed for development. The lower areas of meadow, scrub and adjacent sections of woodland are all likely to support frogs and toads.

Reptiles

There was no evidence of reptiles which could be seen during the walk-over survey although at this time of year they would not be expected. The habitat is varied and it is certainly possible that grass snakes could be found in and around the flood plain meadow areas, slow-worms may be present on the drier banks where there are piles of brash and old brick/stone.

Otters

No visible evidence of otters was seen such as feeding remains, lie-ups areas or holts. There are however wooded areas around the site and also further down the valley. There is a recent record (3/2011) for an otter spraint by a bridge very close to the site so they are clearly using the river system.

Water voles

The river appears to be quite fast flowing and therefore probably not really suitable for water-voles. There was no visible evidence (such as bank holes) that could be seen while walking along the accessible sections of the site.

Birds

Birds will use the areas of scrub/trees for nesting and also for general shelter during bad weather. The varied nature of the site will no doubt support a good range of bird species, the COFNOD data supports this.

Hedgehogs

The site supports a wide variety of habitats including piles of vegetation, timber etc, all of which are likely to provide shelter for hedgehog. The COFNOD search shows that they are present in the 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

As discussed, 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 will no doubt forage through the area if they are present in adjacent habitats away from the flood plain.

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 no doubt be used by bats for foraging. None of the trees around the rear of the garage have any obvious features likely to be used by bats although some of them do have ivy cover. This does restrict the areas which can be viewed.

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.

Based upon existing information there do 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.

There is some potential for the site to support species of reptile to include grass snake and perhaps slow-worm. Any works to develop the site will potentially need to be carried out a suitable Reasonable Avoidance Scheme which will adopt suitable working practice as well as timing restrictions. Further survey work may also be required at the correct time of year to establish presence/absence, mitigation measures may also be required. The COFNOD search does not reveal any records but that does not mean they are not present.

Otters

The Eurasian Otter is protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981(as amended), being listed in Schedule 5 of the act. Under the legislation it is an offence to:

- Deliberately, capture, injure or kill an Otter;
- Damage, destroy or obstruct their breeding or resting places;
- Disturb otters in their breeding or resting places.

Offences under Section 9 carry a maximum penalty of a fine up to £5000, imprisonment for up to six months, or both, for each animal in respect of which an offence is committed. There is, however, provision within the legislation to kill, take, disturb or possess otters or to use prohibited methods to kill or take under a licence in certain defined circumstances, if the issue cannot be resolved by any alternative means. Licenses can be granted for a variety of purposes, including development.

Otters are known to frequent the area (COFNOD record 03/2011). There are a variety of habitats which could support otter on the fringe areas of the site to include woodland etc. Dependent upon the scale of any proposed development it may be necessary to undertake some further detailed otter surveys of the river corridor and adjacent habitats. Otters will often use wooded areas well away from the river system as temporary shelter or as part of a series of day holts/lie up areas.

Water voles

Water Voles and their habitats are afforded protection under Section 9 of the Wildlife & Countryside Act 1981 (as amended). Under the legislation it is an offence to:

- Intentionally kill, injure or take (capture) a water vole;
- Possess or control a live or dead water vole, or any part of a water vole or anything derived from a water vole;
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place which a water vole uses for shelter or protection
- Intentionally or recklessly disturb a water vole while it is occupying a structure or place which it uses for shelter or protection;
- Sell, offer or expose for sale, or have in one's possession or transport for the purpose of sale, any live or dead water voles, or any part of a water vole or anything derived from a water vole;
- Publish any advertisement, or cause any advertisement to be published, which is likely to be understood as conveying that a person buys or sells, or intends

- to buy or sell, any of the above things.

Offences under Section 9 carry a maximum penalty of a fine up to £5000, imprisonment for up to six months, or both, for each animal in respect of which an offence is committed. There is no provision under the Wildlife and Countryside Act 1981 for licences to be issued for the purpose of development.

Based upon existing information there does not appear to be any issues in respect of water voles.

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/trees etc 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 development.

- Based on current information it would appear that any direct impact upon existing plant populations will be minimal allow there would be some loss of scrub and grassland which would be regrettable.
- Development of the site may mean the loss of potential foraging area for badgers and perhaps other species to include otter.
- The level of scrub does affect the areas which can be accessed as part of the survey. It is recommended that any scrub clearance is initially undertaken by hand (brushcutter etc). Once this has been undertaken a walkover of the site should be carried out by an ecologist to check there are no issues which were previously hidden such as single badger setts etc.
- Any removal of larger trees will require further investigation in respect of the potential for bats.

- Further survey work may be required in respect of reptiles (presence/absence survey), otters and in addition a breeding bird survey is also recommended with the recommended number of visits for each species being undertaken.
- 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.
- A specialist contractor will need to be used to deal with any issues relating to the Japanese Knotweed.

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	
Alder	<i>Alnus glutinosa</i>
Apple	<i>Malus sp</i>
Ash	<i>Fraxinus excelsior</i>
Blackthorn	<i>Prunus spinosa</i>
Bramble	<i>Rubus agg.</i>
Dog Rose	<i>Rosa Canina</i>
Elder	<i>Sambucus nigra</i>
European gorse	<i>Ulex europeus</i>
Hawthorn	<i>Crataegus monogyna</i>
Holly	<i>Ilex aquifolium</i>
Rhododendron	<i>Rhododendron ponticum</i>
Oak	<i>Quercus robur</i>
Silver birch	<i>Betula pendula</i>
Sitka spruce	<i>Picea sitchensis</i>
Sycamore	<i>Acer pseudoplatanus</i>

Herbs	
Annual meadow grass	<i>Poa annua</i>
Birds foot trefoil	<i>Lotus corniculatus</i>
Broad leaved dock	<i>Rumex obtusifolius</i>
Broad leaved plantain	<i>Plantago major</i>
Chickweed	<i>Stellaria media</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>
Creeping bent	<i>Agrostis stolonifera</i>
Creeping buttercup	<i>Ranunculus repens</i>
Creeping thistle	<i>Cirsium arvense</i>
Daisy	<i>Bellis perennis</i>
Dandelion	<i>Taraxacum officinale</i>
False oat grass	<i>Arrhenatherum elatius</i>
Hogweed	<i>Heracleum sphondylium</i>
Ivy	<i>Hedera helix</i>
Japanese knotweed	<i>Fallopia japonica</i>
Perennial rye grass	<i>Lolium perenne</i>
Red clover	<i>Trifolium pratense</i>
Red fescue	<i>Festuca rubra</i>
Ribwort plantain	<i>Plantago lanceolata</i>

Rosebay willowherb	<i>Chaemerion angustifolium</i>
Rough meadow grass	<i>Poa trivialis</i>
Yarrow	<i>Achillea millefolium</i>
Yorkshire fog	<i>Holcus lanatus</i>

Appendix 2 – Site plan

