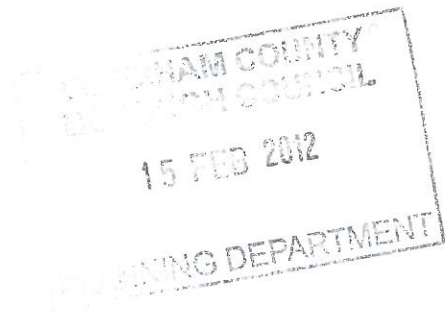


P / 20 12 / 01 12



Tomlinson's Dairies – Bird and Badger Survey Report 2011



Report prepared by:
ECUS Ltd.
Brook Holt
3 Blackburn Road
Sheffield
S61 2DW
0114 266 9292

June 2011

ECUS Ltd

Report to: **Client address**

Report Title: **Tomlinson's Dairies Bird and Badger Report**

Revision: **Draft / Final**

Issue Date: **June 2011**

Report Ref: **3260**

Originated By:



Mark Witherall
Senior Ecologist

Date: 17/06/2011

Reviewed By:



Stuart Silver
Senior Ecologist

Date: 20/06/2011

Approved By:



Holly Smith
Senior Ecologist

Date: 21/06/2011

Prepared by:
ECUS Ltd.
Brook Holt
3 Blackburn Road
Sheffield
S61 2DW
0114 2669292

The report and the site assessments carried out by ECUS on behalf of the client in accordance with the agreed terms of contract and/or written agreement form the agreed Services. The Services were performed by ECUS with the skill and care ordinarily exercised by a reasonable Environmental Consultant at the time the Services were performed. Further, and in particular, the Services were performed by ECUS taking into account the limits of the scope of works required by the client, the time scale involved and the resources, including financial and manpower resources, agreed between ECUS and the client.

Other than that expressly contained in the paragraph above, ECUS provides no other representation or warranty whether express or implied, in relation to the services.

This report is produced exclusively for the purposes of the client. ECUS is not aware of any interest of or reliance by any party other than the client in or on the services. Unless expressly provided in writing, ECUS does not authorise, consent or condone any party other than the client relying upon the services provided. Any reliance on the services or any part of the services by any party other than the client is made wholly at that party's own and sole risk and ECUS disclaims any liability to such parties.

This report is based on site conditions, regulatory or other legal provisions, technology or economic conditions at the time of the Service provision. These conditions can change with time and reliance on the findings of the Services under changing conditions should be reviewed.

ECUS accepts no responsibility for the accuracy of third party data used in this report.

Contents

1. INTRODUCTION	1
2. METHODOLOGY	2
2.1 BREEDING BIRD SURVEY	2
2.2 BADGER SURVEY	2
3. RESULTS	3
3.1 BREEDING BIRDS	3
3.2 BADGERS	4
4. ASSESSMENT AND MITIGATION	5
4.1 LEGISLATION	5
4.2 ASSESSMENT AND MITIGATION	5
5. REFERENCES	7
APPENDIX 1	8

Figure 1 – BIRD SURVEY FINDINGS

1. Introduction

- 1.1.1 Ecus Ltd were commissioned by Tomlinson's Dairies to undertake a breeding bird survey and badger survey in relation to the proposed development on land to the north of their site at Five Crosses Industrial Estate, Minera, near Wrexham (Figure 1).
- 1.1.2 This report contains the methods and results of the surveys and any recommendations for further work and or mitigation as appropriate.
- 1.1.3 The development as proposed includes the construction of a bottle store area on a portion of land adjacent to the main dairy building. This area was previously in agricultural use until recently and was used for occasional cattle grazing land. The land currently comprises neutral grassland with smaller areas of marshy grassland.

2. Methodology

2.1 Breeding Bird Survey

- 2.1.1 A single breeding bird survey was undertaken on the 27th May 2011 based on an abridged Common Bird Census (CBC) methodology (Marchant, 1983). A route around the fields and the field boundaries associated with the development was walked and all bird species were recorded using standard British Trust for Ornithology (BTO) species and activity codes. A single visit was considered sufficient to assess the number of species of birds on site and whether the proposed development would cause any impact on local breeding birds. The survey was undertaken at optimum time during suitable weather conditions.
- 2.1.2 The field area where the proposed bottle store is to be located was walked in a zig-zag pattern to ascertain if any ground nesting birds were using the site together with a walk around the wider field boundaries.

2.2 Badger Survey

- 2.2.1 A site survey following recognised methodologies (Harris *et al.*, 1989) was undertaken on 27th May 2011. The methods of survey included searching for setts, potential badger trails, footprints, foraging marks and latrines as well as other badger evidence, such as scratching posts and hairs caught on fences, brambles etc. Any badger setts found were graded indicating status and current levels of usage based on Natural England (NE) guidance (NE 2009a; 2009b).

3. Results

3.1 Breeding Birds

- 3.1.1 Twelve species of birds considered likely to be breeding on, or near, the site were recorded during the survey visit and a further five species were recorded flying over the site.
- 3.1.2 The most recent (3rd) version of Birds of Conservation Concern (BoCC) published by Eaton *et al.*, in 2009, defines rare and threatened bird species on two lists (Red and Amber) describing the level of threat to each species of concern. "Red" is the highest conservation priority, with species needing urgent action due to either a historical decline in breeding population, severe (>50%) decline in breeding or non-breeding population, or severe decline in breeding range over 50 years or more. "Amber" is the next most critical group, with species qualifying for this status as a result of either recovery from red list criterion, being classed as rare breeders in the UK, moderate (>25%) decline in breeding or non-breeding population or moderate decline in breeding range over 25 years or more. These categories are followed by Green, indicating that the species are relatively unthreatened.
- 3.1.3 Of the twelve species considered likely to breed on, or near, the site boundary, four are included as Amber listed species. The remaining eight species are included on the Green list, which are considered as having relatively stable populations and are not considered to be of conservation concern. No Red listed species were recorded during the survey. A list and conservation status of bird species recorded on site is given in Table 1 with locations of birds are given in Figure 1.

The majority of birds were recorded in the mature hedgerow/treeline that bounds the site and the disused railway line to the north. No ground nesting birds were recorded in the field where the proposed bottle store is located.

Table 1: Species list and conservation status of all birds recorded on site.

Species	Scientific Name	Conservation Status (BoCC)	Notes
Blackbird	<i>Turdus merula</i>	Green	-
Blue Tit	<i>Cyanistes caeruleus</i>	Green	-
Bullfinch	<i>Pyrrhula pyrrhula</i>	Green	-
Chaffinch	<i>Fringilla coelebs</i>	Green	-
Chiffchaff	<i>Phylloscopus collybita</i>	Green	-
Dunnock	<i>Prunella modularis</i>	Green	-
Goldfinch	<i>Carduelis</i>	Green	-

be loss of a relatively small area of potential foraging/nesting habitat, it is not considered to represent a significant adverse impact on local birds outwith the immediate zone of effects. The development area is far enough away from the northern and eastern hedgerows so the construction phase of the development should not cause any significant disturbance to nesting birds.

- 4.2.2 The proposed landscape & mitigation plan includes planting of native woodland to the north of the site and re-seeding of the neutral grassland area surrounding the site to create wild flower grassland. These measures would compensate for any lost habitat and enhance the local habitat for breeding birds.

- 4.2.3 If breeding birds are discovered during any development works, work must stop in that area immediately and an ecologist contacted to monitor the nest. Work should not continue in that area until chicks have fledged and breeding has finished.

5. References

Eaton M.A., Brown A.F., Noble D.G., Musgrove A.J., Hearn R., Aebischer N.J., Gibbons D.W., Evans A. & Gregory R.D. (2009), Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man, *British Birds*, **102**: 296–341.

Harris, S., Cresswell, P. & Jefferies, D. (1989), *Surveying Badgers*, Mammal Society.

Marchant J.H. (1983), *BTO Common Bird Census Instructions*, BTO, Tring

Natural England (2009a), *Badgers and Development, A guide to best practice and licensing*, Natural England, Peterborough.

Natural England (2009b), *Guidance on 'Current Use' in the definition of a badger sett*. Natural England. Peterborough.

	<i>carduelis</i>		
Greenfinch	<i>Carduelis chloris</i>	Green	-
House Martin	<i>Delichon urbicum</i>	Amber	Flyover
Jackdaw	<i>Corvus monedula</i>	Green	Flyover
Magpie	<i>Pica pica</i>	Green	Flyover
Robin	<i>Erithacus rubecula</i>	Green	
Swallow	<i>Hirundo rustica</i>	Amber	Flyover
Common Whitethroat	<i>Sylvia communis</i>	Amber	
Willow Warbler	<i>Phylloscopus trochilus</i>	Amber	
Woodpigeon	<i>Columba palumbus</i>	Green	Flyover
Wren	<i>Troglodytes troglodytes</i>	Green	

3.2 Badgers

3.2.1 No evidence of badgers was recorded during the survey.

4. Assessment and Mitigation

4.1 Legislation

4.1.1 **Birds:** The Wildlife and Countryside Act 1981 (as amended) makes it a legal offence to:

- Intentionally kill, injure, or take any wild bird;
- Damage, destroy or take the nest of any wild bird;
- Take or destroy the egg/s of any wild bird
- Intentionally or recklessly disturb any species listed on Schedule 1 of the act (e.g. Barn Owl) whilst on, or building a nest; in or near a nest with eggs;
- Disturb the dependant young of a Schedule 1 bird.

4.1.2 **Badgers:** Badgers are protected under The Protection of Badgers Act 1992. Under the act it is a legal offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger or attempt to do so;
- Intentionally or recklessly interfere with a sett, or any entrance to a sett;
- Obstruct access to, or any entrance of a badger sett;
- Disturb a badger when it is occupying a sett.

4.1.3 In addition, Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In addition to fulfilling statutory obligations to protected species, this includes further duties such as protecting and enhancing biodiversity on the Local Authority estate.

4.2 Assessment and Mitigation

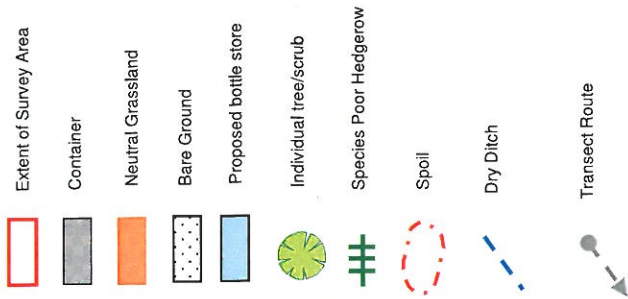
Breeding Birds

No evidence of ground nesting birds was recorded within, or near, the development area during the survey. Although there would be loss of a relatively small area of potential foraging/nesting habitat, it is not considered to represent a significant adverse impact on local birds outwith the immediate zone of effects. No impact on ground nesting birds is anticipated by the proposed development.

4.2.1 Birds recorded likely to be breeding in the hedgerows on, or bordering, the site are mainly common species and are not considered likely to be impacted directly by the proposed development. Although there would

Appendix 1

SPECIES	CODE	NOTES
Blackbird	B.	
Bluetit	BT	
Bullfinch	BF	
Chaffinch	CH	
Chiffchaff	CC	
Duncock	D.	
Goldfinch	GO	
Greenfinch	GR	
House martin	HM	Flyover
Jackdaw	JD	Flyover
Magpie	MG	Flyover
Robin	R.	
Swallow	SL	Flyover
Whitethroat	WH	
Willow warbler	WW	
Wood pigeon	WP	
Wren	WR	
KEY		
♂	Male	
♀	Female	
⊗	Singing	
X	Calling	
X	Alarm calling	
X →	Direction of flight	
WEATHER		
Dry with sunny spells		
Cloud	40%	
Wind	0-1	



ENVIRONMENTAL CONSULTANTS
Brook Holt
3 Blackburn Road
Sheffield, S61 2DW
Tel : (0114) 2669292
www.ecusltd.co.uk

Breeding Bird Survey of Land
Adjacent to Tomlinson's Dairy

Figure 1:
Survey Findings

Survey Date:
27th May 2011

Scale:
Not to Scale

ECUS Ref:
SS.2858.Fig2