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**ECOLOGICAL ASSESSMENT FOR
LAND AT TIR CLWYD INDUSTRIAL ESTATE
KINMEL BAY, CONWY
NORTH WALES**

For Plumbworkz

12th July 2018

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Summary

- A Preliminary Ecological Appraisal was carried out on an area of land at Tir Clwyd Industrial Park on the 5th July 2018.
- The survey was required to assess the site in respect of a proposed planning application for the construction of an industrial unit.
- The site lies within an established industrial site although many of the allocated plots remain undeveloped.
- The area of habitat covered by the proposed array location is relatively common (within sites of this nature).
- No further survey works are thought to be required at the present time.
- Short eared owls are known to feed in and around this area during the winter months.
- Otter and water vole have been found within the vicinity of the industrial park.
- Mitigation measures should include a level of tree/shrub planting in and around the general perimeter of the site should be included to increase the diversity of the area. Bird boxes can be used to try and replicate the nesting habitat that will be lost.

1. Introduction

Background

An ecological survey was undertaken in July 2018 in respect of an area of land located at the Tir Clwyd Industrial Estate, Kinmel Bay, Conwy, 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 a single industrial unit with the associated access and infrastructure. Recommendations for mitigation, ecological enhancement and further surveys will be made as required.

Ecological context

The site is located within an established industrial park near the edge of open countryside. Several of the allocated plots throughout the estate remain undeveloped with a natural growth of scrub and rank grassland.

This plot is a level area of land which appears to have been partially excavated to a slightly lower level in the past (maybe a metre below). It is surrounded by what appears to be planted areas of young trees and shrubs although there is some natural regeneration. The main internal area of the site is rank neutral grassland with patches of light scrub. This development only affects the northern section of the site with the southern part within a different ownership.

Personnel

The survey was carried out by David Bennett who has over 20 years experience of conservation work, ecological surveys and species licensing.

2. Methods

Background data search

A background data search was undertaken for designated sites and species records within 1 Km of the site (COFNOD North Wales Environmental Information Service).

Preliminary Ecological Appraisal

A Phase 1 habitat survey was carried out following standard methodology. This involved walking over the site classifying areas of land into a habitat type. Target notes were made (where required) in respect of any habitats or features of interest and any sightings of protected or rare species.

The suitability of the habitat for protected species (or other species of ecological interest) were also assessed at the same time. Those additional species (site dependent) can include bats, badgers, great crested newt, otters and water voles.

This is generally undertaken by looking for field signs such as footprints, droppings, feeding remains, latrines, worn paths, vegetation structure, shelter availability, foraging resources etc.

Constraints

There were no constraints at this site, full access was provided, and the open nature of the land enables all sections to be viewed (apart from a few small areas of dense bramble).

5. Results

General

The exact site size is unknown but the area where the building will be constructed (just over half of the site) is probably no more than 1 hectare. The site is predominately rank grassland with a young tree/shrub boundary. It is bordered by the access road on two sides. There are no ponds or waterbodies on or directly adjacent to the site although the compacted ground may support puddled water following periods of heavy rain. The River Gele runs near the southern end of the site.

Background data search

Data was obtained from COFNOD. There are no known statutory sites within a 1 Km radius from the centre of the site.

Relevant protected and notable species records are shown in the attached document provided by COFNOD.

The data shows a variety of field records for water vole and also otter within a 500m radius of the site. An otter spraint was recorded 146 metres south-west of the site on the far side of the access road and water voles have been recorded in the River Gele at the south end of the site approximately 187 metres away (from the centre of the site).

Habitats

Rank neutral grassland with light scrub

The whole area can be described as semi-improved neutral grassland with light scrub. Typical species include perennial rye grass *Lolium perenne*, false oat grass *Arrhenathrum elatius*, Timothy *Phleum pratense*, annual meadow grass *Poa annua*, common bent *Agrostis capillaris*, Yorkshire fog *Holcus lanatus*, white clover *Trifolium repens*, broad leaved dock *Rumex obtusifolius*, common chickweed *Stellaria media*, daisy *Bellis perennis*, dandelion *Taraxacum officinale* and spear thistle *Cirsium vulgare*. Other species include teasel *Dipsacus fullonum*, willowherb *Epilobium* species and hogweed *Heracleum sphondylium*.

Young trees and shrubs

The site is surrounded by a tree/shrub edge, species include hazel, *Coryllus avellana*, ash *Fraxinus excelsior*, willow *Salix caprea*, crack willow *Salix fragilis*, blackthorn *Prunus spinosa*, sycamore *Acer pseudoplatanus*, poplar *Populus sp*, bird cherry *prunus padus*, dog rose *Rosa canina*, mountain ash *Sorbus aucuparia*, elder *Sambucus nigra*, turkey oak *Quercus cerris* and rhododendrum *Rhododendrum ponticum*.

Faunal species

Badgers

No areas of digging, sett entrances, outliers or latrines were found anywhere within the proposed development area that could be accessed (or within around 30 metres). There are some animal runs within the site, these may relate to fox, badger or in places dog walkers.

Bats

There are no buildings or features (such as large trees with features suitable for bats) within the proposed development area which can support roosting bats. It is likely that bats may forage in and around the general area due to the plant diversity and resulting invertebrate interest.

Great crested newts and amphibians

There are no ponds or areas of standing water within the site which could offer any potential for great crested newts. It is likely that the site may support common amphibians such as frogs.

Reptiles

There was no evidence of reptiles which could be seen during the walk-over survey. The habitat could support species such as common lizard and slow worm should they be present within the area. The COFNOD search has not revealed any records for reptiles.

Otter

No evidence of otters was found anywhere within the area proposed for the new building. The southern part of the site could perhaps be used by resting otter because that is directly next to the river. This development is restricted to the northern half of the site although it is an open site with free movement and otters will rest some distance from rivers and waterways.

Water voles

Water voles are known to be present in the river and ditch systems around the industrial estate. This development is at the northern end of the site which is well away from any bankside or wet areas which water voles may use.

Birds

Birds will use the trees/shrub areas around the perimeter and they will also use any small patches of scrub within the interior for nesting.

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.

Habitats

The area of land proposed for development is rank grassland with light scrub and a tree/shrub boundary. This type of site always provides a level of biodiversity interest because of the lack of grazing/cutting allowing flowers to develop and seed without interference. It does provide important nesting areas and shelter for birds, it has a good variety of plants for invertebrates and it will also support small mammals and in turn predator species such as owl and kestrel.

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. Because they are a mobile species the situation could change during the period of any extant planning permission. Badgers may forage through the area on an occasional basis.

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 may be used by bats 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.

There do not appear to be any field records available for reptiles and the wider area has been surveyed as part of other previous applications over a period of time. It therefore appears that the potential for reptile species to be present is low.

Otter

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 license 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.

There is some limited potential for otters to rest in the scrub/boundary vegetation although that is more likely to happen at the southern end of the site away from the main development area. However, no construction works should take place outside of daylight hours. Some temporary fencing may be required around the development area prior and during construction.

This can be detailed within a suitable Otter Reasonable Avoidance Scheme if deemed necessary. Any permanent security fencing should be slightly raised to permit free movement by otters, badgers and other species which may be in the area. Any lighting should be low luminance and on a short timer pointing towards the ground

Water voles

Water vole is fully protected under Section 9 of the Wildlife & Countryside Act 1981(as amended) through its inclusion in Schedule 5. The legal protection makes it an offence to:

- intentionally kill, injure or capture or take a water vole;
- possess or control (live or dead animal, part or derivative);
- deliberately (intentionally) or recklessly damage, destroy or obstruct access to a breeding site or any structure or place used for shelter or protection by a water vole;
- deliberately (intentionally) or recklessly disturb a water vole whilst occupying such as structure or place, and
- sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative).

Based upon the survey results and any available information there does not appear to be any issues with water vole.

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

7. Recommendations

Habitats

The ideal situation would be to retain a level of the established tree and shrub planting around the edges of the site. If this cannot be achieved, then replacement tree and shrub planting in and around the site perimeter should be undertaken. Native species should be used where possible, these should include hazel, ash, mountain ash, English oak, dogwood, hawthorn, holly, hazel, field maple and alder.

Protected species

There do not appear to be any significant issues involving protected species. It would be advisable to carry out the works under the remit of a suitable Otter Reasonable Avoidance Scheme.

Ecological enhancement

Current planning policy requires that development projects minimise ecological damage, they should also include ecological enhancement.

In this case, removal of all the perimeter trees and shrubs along with scrub removal will mean a loss of bird nesting habitat. To mitigate for this new planting should take place around the perimeter as detailed above.

In addition, a selection of bird nesting boxes should be installed onto the structure of the new building (if the site is cleared there is nowhere else to place them). This should include four Schwegler 1SP sparrow terrace nest boxes, eight open fronted nest boxes, eight standard nest boxes with a 32mm hole and a further eight boxes with a 25mm hole. The boxes should be positioned to face north or east and away from the prevailing wind in sheltered locations at a level high enough to avoid human interference.

Biodiversity offsetting

In some cases biodiversity offsetting may be required as part of the consenting process. This is a last resort option that should only be used if there are impacts which cannot be avoided, mitigated or compensated for. In this case some replacement planting with a range of new nesting features should be included within the site boundary.

8. Relevant literature

Institute for Ecology & Environmental Management (2012) *Guidelines for Ecological Appraisal* IEEM Winchester

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

Schofield, H.W & Mitchell Jones, A.J (2004) *The Bats of Britain & Ireland* The Vincent Wildlife Trust, Ledbury, England

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

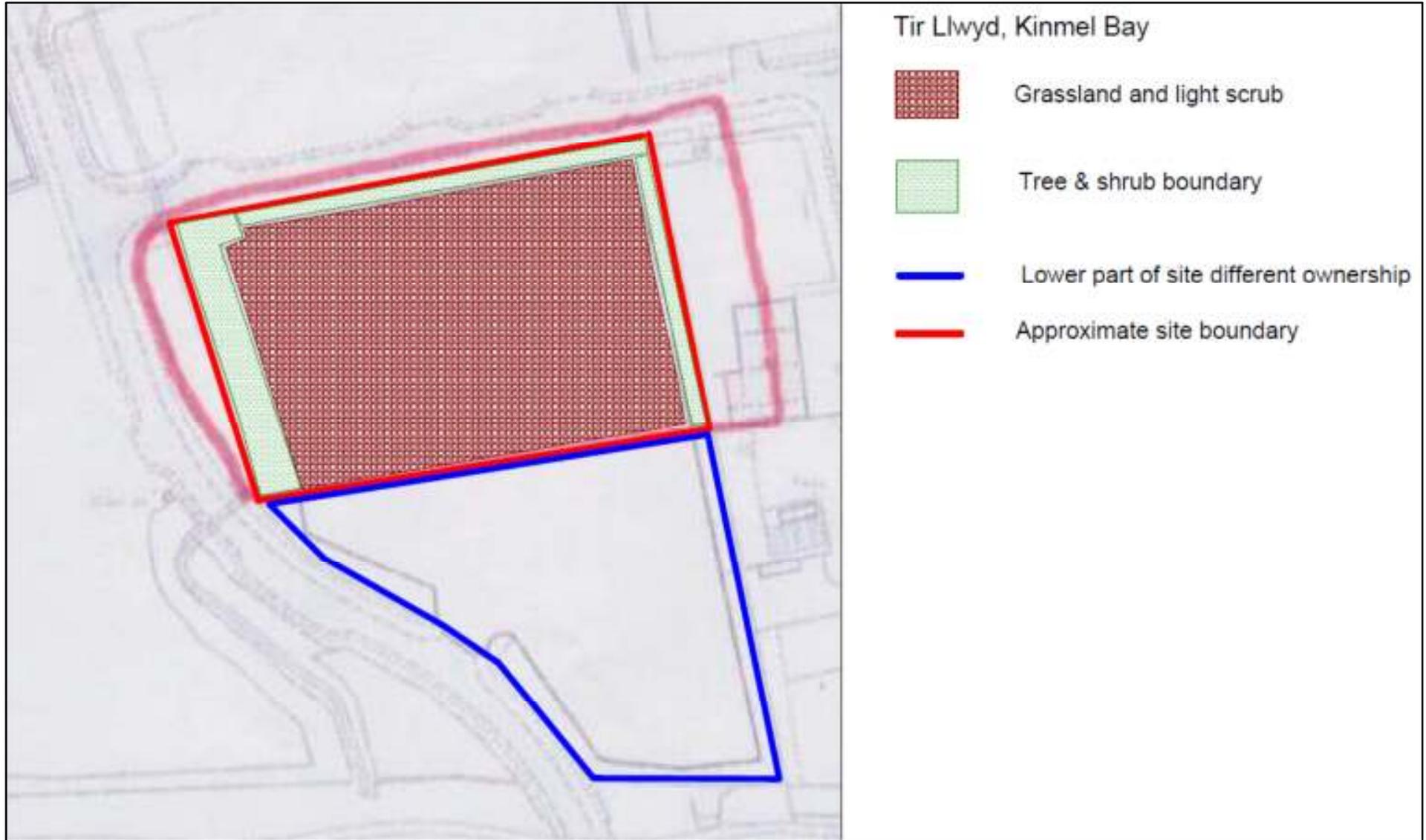
Appendix 1 – Species list

Trees and shrubs	
Ash	<i>Fraxinus excelsiour</i>
Bird cherry	<i>Prunus padus</i>
Blackthorn	<i>Prunus spinosa</i>
Bramble	<i>Rubus agg.</i>
Dog Rose	<i>Rosa Canina</i>
Elder	<i>Sambucus nigra</i>
Hawthorn	<i>Crataegus monogyna</i>
Hazel	
Mountain ash	<i>Sorbus aucoparia</i>
Poplar	<i>Populus sp</i>
Rhododendrum	<i>Rhododendrum ponticum</i>
Sycamore	<i>Acer pseudoplatanus</i>
Turkey oak	<i>Quercus cerris</i>
Willow	<i>Salix sp</i>

Herbs	
Annual meadow grass	<i>Poa annua</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 mouse-ear	<i>Cerastium fontanum</i>
Common nettle	<i>Urtica dioica</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>
False oat grass	<i>Coryllus avellana</i>
Hogweed	<i>Heracleum sphondylium</i>
Ivy	<i>Hedera helix</i>
Hairy bittercress	<i>Cardamine hirsuta</i>
Perrenial rye grass	<i>Lolium perenne</i>
Ragwort	<i>Senecio jacobea</i>
Rough meadow grass	<i>Poa trivialis</i>
Spear thistle	<i>Cirsium vulgare</i>
Sweet vernal grass	<i>Anthoxanthum odoratum</i>
Teasel	

Timothy	
White clover	<i>Trifolium repens</i>
Yarrow	<i>Achillea millefolium</i>
Yorkshire fog	<i>Holcus lanatus</i>

Appendix 2 – Site plan



E-mapper COFNOD plan – Public version

