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REPTILE MITIGATION STRATEGY REPORT

UNIT 4, BAGLAN INDUSTRIAL PARK

CJ CONSTRUCTION (WALES) LTD

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DISCLAIMER

This document has been prepared by Wildwood Ecology Limited for CJ Construction (Wales) Ltd solely as a Reptile Mitigation Strategy Report. Wildwood Ecology Limited accepts no responsibility or liability for any use that is made of this document other than by the Client for the purposes for which it was originally commissioned and prepared.

The evidence which we have prepared and provided is true, and has been prepared and provided in accordance with the guidance of The Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

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1 INTRODUCTION

- 1.1 Wildwood Ecology was commissioned by CJ Construction (Wales) Ltd (the client) to produce a Reptile Mitigation Strategy for Unit 4, Baglan Industrial Park, Park Aberavon Road, Abervon, Port Talbot, SA12 (the site) centred at grid reference SS 75250 90719.
- 1.2 The purpose of the report is for the discharge of planning conditions of Unit 4, Baglan Industrial Park. The site is subject of a planning application for a rear and side extension to provide additional storage (use class B8) and associated works. The planning application reference is P2018/0173.
- 1.3 Neath Port Talbot County Borough Council have granted approval of full planning permission subject to conditions. This report is in relation to condition number 10.

(10) Prior to any works on site, a working method statement for protecting reptiles shall be submitted to and agreed with the Planning Authority. The strategy will be implemented as agreed.

Reason Reptiles are protected species. Wildlife and Countryside Act 1981 (as amended).

- 1.4 Based on the site's location and the presence of reptiles known in the local area a reptile mitigation strategy has been requested, to address how the development would impact any reptiles that may be encountered on site during the implementation of the development.

Site description

- 1.5 The aerial image of the site (Figure 1) shows the site to consist of the existing Sonalyst Warehouse with a tarmac parking area to the north west of the unit and an area of shrubland to the south west. There are sections of hedgerow and indigenous trees onsite.
- 1.6 The site is part of an existing industrial park and is bounded by other industrial units to the north and west with unused land to the rear of the building.

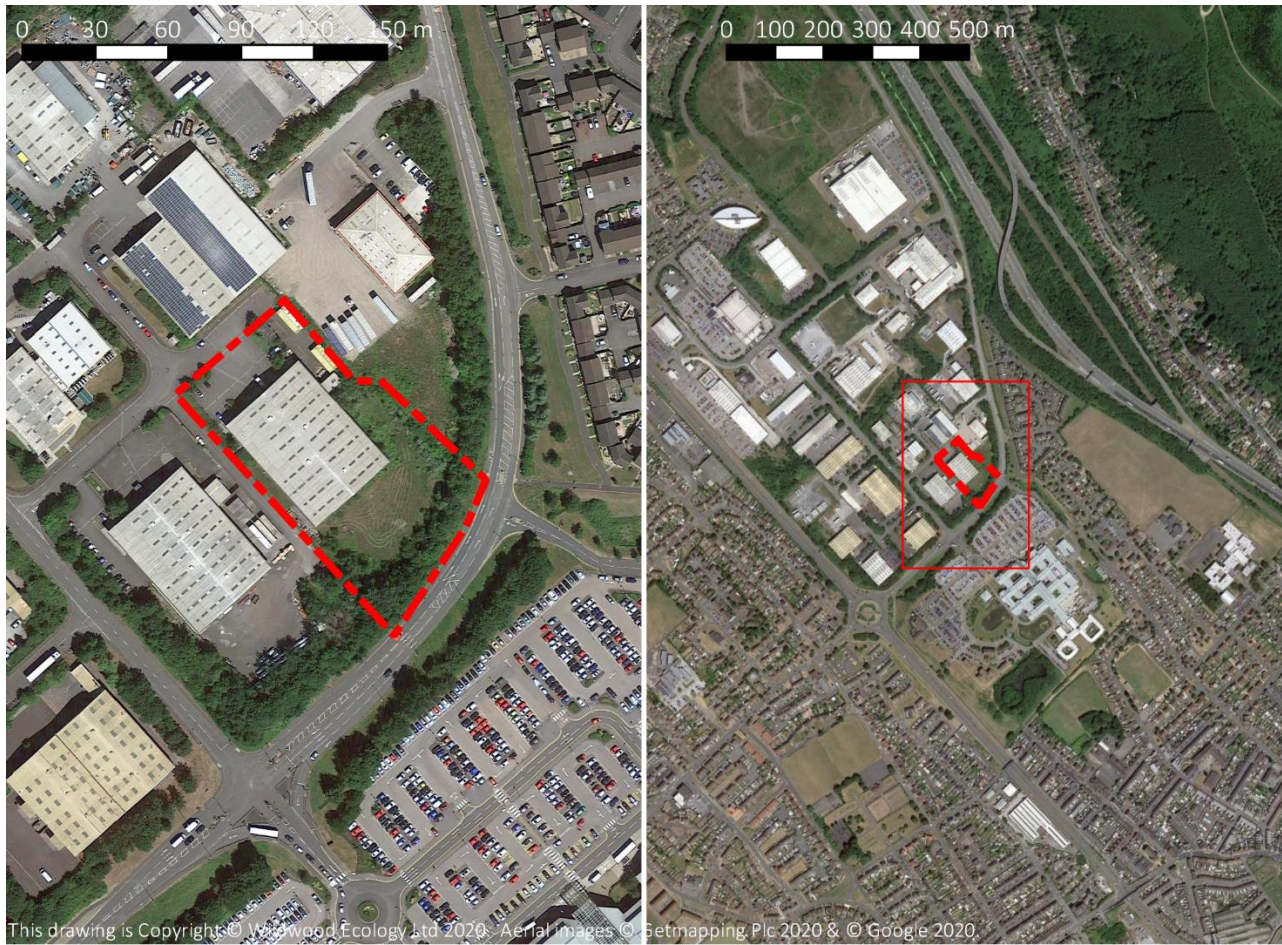


Figure 1 – Aerial image of the site (red line boundary) within the wider landscape. Image used under licence (©2020 Google).

2 IMPACT ASSESSMENT

- 2.1 No previous survey information was available for the site. Therefore, the presence/absence of reptiles, the species and populations on site cannot be confirmed.
- 2.2 The site is located within an industrial park, with a treeline and scrub along the south-eastern facing boundary, between the site and the Fford Baglan (road). To the immediate north of the site is a small adjoining parcel of similarly managed grassland which will be retained and is outside of the proposals.
- 2.3 Due to the site's location, suitable reptile habitat is fragmented and isolated from it (see Figure 2). The Fford Baglan acts as a barrier to reptile movement, with the carparks, units and roads within the industrial estate providing barriers to reptile dispersal across the site also.



Figure 2 – The site (red bounded area) includes an area of reptile suitable habitat (green shaded polygon). The blue lines indicate roads and hardstanding areas which are likely to act as barriers to reptile movement

- 2.4 There is no habitat connectivity between the site and other suitable reptile habitats in the wider landscape.
- 2.5 Currently the site has been cut to ground level, with vegetation chipped and most removed from the site. There are areas of bare ground, and waterlogged sections (though this is likely to be a result of the recent poor weather).
- 2.6 The works retain a small corridor of habitat suitable for reptiles along the tree line to the south east. This includes an embankment which will be regraded and seeded (see Figure 3).



- 2.7 Google Earth Imagery (dated 27/06/2018) shows some vehicle tracks within the area onsite with the photos taken onsite in 2017 (ArbTS_438.1_Sonalyt) suggesting that the site used to be of a tussocky grassland type. Earlier imagery (18/04/2015) shows the parcel to the north of the site (Figure 1 shows the two parcels to be of a similar nature) having been scrubbed over. Brash piles are noted within the ArbTS report images. These habitats and features are suitable to support reptiles throughout their lifecycle, with brash and wooded areas providing brumation (winter) areas, and the grassland providing insolation and hunting opportunities.
- 2.8 The isolation of the site diminishes the site's suitability as there is unlikely to be a genetically resilient large population present, however the presence of reptiles in the local area, and onsite features available, support the need for a method statement for works, to avoid killing and injuring reptiles

3 REPTILE METHOD STATEMENT

- 3.1 The provision of the following Reptile Mitigation Strategy (RMS) shall be incorporated within the proposed development to satisfy planning condition number 10.
- 3.2 This section of the Reptile Mitigation Strategy (RMS) outlines appropriate protective measures and mitigation for reptiles at risk of harm from activities associated with site clearance and construction. The aim of the method statement is to clear the habitats on site to be lost, that could harbour reptiles, and carry out the construction works using precautionary methods of working to avoid killing and injuring reptiles.

Toolbox talk

- 3.3 Immediately prior to the vegetation clearance works commencing, the on-site operatives will be given a toolbox talk setting out basic reptile ecology, the legal protection of reptiles within the UK, and what actions should be taken in the unlikely event of reptiles being found within the work area.

Vegetation management

- 3.4 There is very limited vegetation onsite and so the sward heights will be retained at this level going forward. This will deter reptiles away from the active development areas of the site and encourage them to remain in offsite areas, if they are present. Vegetation will be removed from the south of the site and progressing in a northerly direction (towards the offsite remaining habitat).
- 3.5 Cuts will be made regularly to ground level to ensure that there is no recolonisation of vegetation.
- 3.6 No cuttings or chippings will be left on site, with those currently onsite removed. The site will be retained in this state until the main phase of development commences.
- 3.7 Cuts will be completed by operators using either small scale machinery or hand-held tools, in order for good vigilance for any animals, to be maintained.
- 3.8 If reptiles are observed, then works must stop and advice sought from a suitability qualified ecologist (Wildwood Ecology may be contacted at any time - 02920 022 320).

Exclusion fencing

- 3.9 Exclusion fencing is not deemed to be appropriate at this site due to the sites location in a relatively isolated position and the current vegetation levels onsite.

Working methods

- 3.10 Any trenches left overnight will be covered or provided with ramps to prevent animals from becoming trapped.
- 3.11 Any building materials such a brick, stone etc. will be stored on pallets to discourage any reptiles (or other animals) from using them as shelter.
- 3.12 Construction materials and or chemicals will be stored in a way that prevents animals from gaining access or using them to rest in (for example, pipe ends will be capped or covered).

Enhancement

- 3.13 Enhancements measures could be provided onsite, in the area of retained embankment. These will be carried out post-construction.

- 3.14 It is unlikely that the area will be viable for reptiles, however log/brash habitat piles will be constructed on the embankment. This will provide opportunities for a range of species including nesting birds, invertebrates and if present, reptiles.
- 3.15** The seeding of the embankment is advised to be a native wildflower and grass mix such as the Emorsgate EH1 or similar, able to cope with some shading but also providing an aesthetically pleasing wildflower area in summer. Management of this area will be dependent on the seed mix used, though such mixes are able to thrive without management cuts. If cuts are required, they will be done by hand to 150mm only in late summer when flowers have set seed, and only after the seed has become established. Arisings will be gathered and left onsite within the habitat pile areas.

4 CONCLUSIONS

4.1 See Table 1 for an outline of the timetable of works included in the reptile method statement.

Table 1 – Timetable of works

Date	Activity	Details
Prior to vegetation clearance	Toolbox talk	Toolbox talk to on-site operatives, what actions should be taken in the unlikely event of reptiles being found within the work area.
Prior to start of construction	Vegetation management	Maintain vegetation across the proposed development site to ground level.
On completion of all vegetation clearance	Main development commences	-
Post-works	Enhancement measures	Creation of log/brash pile, seeding of embankment and ongoing management (cuts once established in late summer only).

Overall conclusion

- 4.2 Providing that the method statement strategy outlined within this report is successfully implemented, there is very unlikely to be any killing or injury of reptile species as a result of the proposed works.
- 4.3 This document provides sufficient information and detail in order to assist in the discharge of the above planning condition.

5 REFERENCES

- Edgar, P., Foster, J., Baker, J. (2010) *Reptile Habitat Management Handbook*. Bournemouth: Amphibian and Reptile Conservation.
- Froglife (1999) *Reptiles survey: An introduction to planning, conducting, and interpreting surveys for snake and lizard conservation*. Froglife Advice Sheet 10. Froglife, Halesworth.
- Gent, T., Gibson, S. (2003) *Herpetofauna Workers' Manual*. Peterborough: Joint Nature Conservation Committee.
- Natural England (2011) *Technical Information Note TIN102, Reptile mitigation guidelines (withdrawn)*.
- Reading, C.J., (1996) *Evaluation of Reptile Survey Methodologies*. English Nature Research Report No. 200. English Nature, Peterborough.
- Sewell et al. (2013) *Survey protocols for British herpetofauna; Version 1.0*. Amphibian and reptile conservation; Durrell Institute of Conservation and Ecology (DICE); University of Kent; University of Sussex.

APPENDIX I: IMAGES OF THE SITE (2020)



Figure 4 – View of the site, looking towards south-east, with existing building on right-hand side



Figure 5 – Fenceline – view to east



Figure 6 – View to north from eastern fenceline



Figure 7 – View to north-east from southern part of south

APPENDIX II: OTHER CONDITIONS

5.1 See below for further ecology related details highlighted in approval of full planning permission.

(18) Prior to the first beneficial use of the extension hereby permitted, an artificial nesting site for birds shall be erected on site to one of the following specifications, and retained as such thereafter;

*Nest Box Specifications for House Sparrow Terrace: Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings. Entrance holes: 32mm diameter
Dimensions: H310 x W370 x D185mm*

or

Swift Nest Box Specification: Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground. Dimensions: H150 x W340 x D150mm

Reason; In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012).

Informatives

(2) It is recommended that vegetation clearance/demolition should avoid the bird breeding season 1st March to 31st July inclusive in accordance with the Wildlife and Countryside Act 1981 (2). A note should be added to the planning permission, if granted, to this effect.

(3) Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. It is recommended that you seek the advice of a suitably qualified bat specialist in relation to the demolition of the plant room.

Full Plans Approved



Full Plans Approved



APPENDIX V: PLANNING POLICY AND LEGISLATION

The following local and national planning policy and both primary and European legislation relating to nature conservation and biodiversity status are considered of relevance to the current proposal.

Planning and biodiversity

Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies.

Planning Policy Wales (2018) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 10, December 2018) sets out the land use planning policies of the Welsh Government, integrating with the Environment (Wales) Act (2016). The advice contained within Planning Policy Wales (PPW) is supplemented for some subjects by Technical Advice Notes (TAN's).

TAN 5 (Welsh Government, 2009) specifically provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN provides advice for local planning authorities on the key principles of positive planning for nature conservation; nature conservation and Local Development Plans; nature conservation in development management procedures; development affecting protected internationally and nationally designated sites and habitats; and development affecting protected and priority habitats and species.

Under Section 2.4 within the TAN 5, 'when deciding planning applications that may affect nature conservation local planning authorities should':

- Pay particular attention to the principles of sustainable development, including respect for environmental limits, applying the precautionary principle, using scientific knowledge to aid decision making and taking account of the full range of costs and benefits in a long term perspective;
- Contribute to the protection and improvement of the environment, so as to improve the quality of life and protect local and global ecosystems, seeking to avoid irreversible harmful effects on the natural environment;
- Promote the conservation and enhancement of statutorily designated areas and undeveloped coast;
- Ensure that appropriate weight is attached to designated sites of international, national and local importance;
- Protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans;
- Ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation;
- Ensure that the range and population of protected species is sustained;
- Adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation; where there may be significant harmful effects local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered;

Legislation and biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017. These two

main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include – The Environment (Wales) Act 2016; The Countryside and Rights of Way Act 2000; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF).

There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

Environment (Wales) Act 2016

Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. The duty replaces the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty.

Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.

Section 7 replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.

The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and encourage others to take such steps.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife.

Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and *Rhododendron ponticum*) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonably avoided, or actions within the living areas of a dwelling house.

Licensing: certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g. bat surveys.

Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994.

These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- designation and protection of domestic and European Sites - e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e. when determining a planning application.

There is no defence that an act was the incidental and unavoidable result of a lawful activity.

Licensing: it is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Species protection

The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

Reptiles

Adders, slow worms, grass snakes and common lizards are protected against killing and injuring under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it illegal to intentionally kill or injure a common reptile. As a result, reptiles must be removed from areas of development and relocated onto suitable release sites before any site works can commence.

Smooth snakes and sand lizards are European Protected Species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This makes it illegal to carry out the following activities:

- Deliberately or recklessly disturb, capture or kill these animals;
- Deliberately or recklessly take or destroy eggs of these animals;
- Damage or destroy a breeding site or resting place of such a wild animal; or
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead animal, or any part of, or anything derived from such a wild animal.