



Ecological Appraisal Report:
Land off Neath Valley Way,
Resolven,
Neath Port Talbot,
SA11 4LD

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Summary

I & G Ecological Consulting were commissioned to undertake an ecological appraisal of an area of land approximately 0.8 hectares in size, located off Neath Valley Way, Resolven in Neath Port Talbot County Borough Council.

The land within the site boundary consists predominantly of marshy grassland, with a ponded area and two small areas of amenity planting.

No signs of European protected species or Invasive Non-Native Species (INNS) were observed.

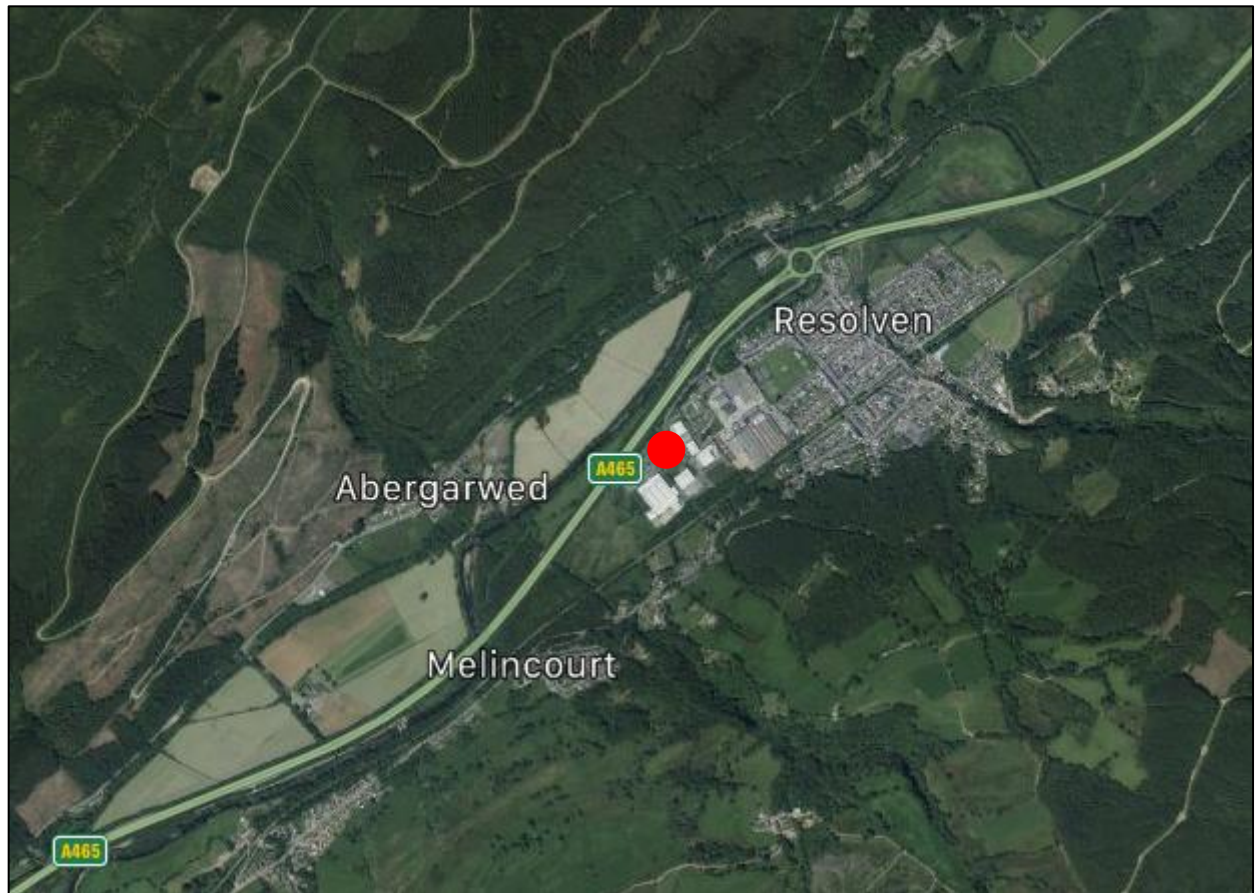


Figure 1. Location of site: SN 82325 02449

In terms of the application site, the grassland is of Low Local interest.

1. INTRODUCTION

- 1.1.1 I & G Ecological Consulting were commissioned to undertake an ecological appraisal of an area of land approximately 0.8 hectares in size, located off Neath Valley Way, Resolven in Neath Port Talbot County Borough Council. The report is to inform an application for Planning Permission.
- 1.1.2 This report presents the findings of both a desk study and a site appraisal undertaken in February/March 2020. The report outlines the ecological constraints/opportunities associated with the site.
- 1.1.3 The survey was conducted during sub-optimal conditions as vegetation survey can be limited outside of the main flowering season for grassland and hedgerow habitats.

2. METHODOLOGY

- 2.1.1 Both a desk-based survey and an ecological site survey were undertaken to establish the ecological conditions on site.
- 2.1.2 A field botanical survey was carried out using survey methods that were based on standard Phase 1 Habitat survey techniques. The CIEEM Guidelines for Preliminary Ecological Appraisal were also followed and adhered to.

2.2 *Badgers*

- 2.2.1 The surrounding habitat was assessed for its suitability for badgers which includes the presence of setts, well-worn paths and runs, snagged hair, latrines, footprints and foraging. Any such incidental signs of badgers were recorded if they were encountered.

2.3 *Otters*

- 2.3.1 The surrounding habitat was assessed for its suitability to support otters. The area was searched for otter field signs such as spraint marking, slides, hovers or footprints.

2.4 *Dormouse*

- 2.4.1 The habitats on site, particularly the hedgerows were assessed for their suitability to support dormice.

2.5 *Birds*

- 2.5.1 The habitats on site were assessed for their suitability for breeding birds, including trees, scrub and grassland.

2.6 *Bats*

- 2.6.1 Habitats on site were assessed for their suitability to support bats, particularly any trees on site that could have bat roosting potential or opportunities.

2.7 *Reptiles*

- 2.7.1 The habitats on site were assessed for their suitability to support reptiles.

2.8 *Amphibians*

- 2.8.1 The habitats on site were assessed for their suitability to support amphibians.

2.9 *Water Voles*

- 2.9.1 The surrounding habitats on site were assessed for their suitability to support water voles.

2.10 *Marsh Fritillary*

The surrounding habitats on site were assessed for their suitability to support marsh fritillary butterfly and their food plant Devil's bit scabious *Succisa pratensis*.

2.11 *Non-Native Invasive Species*

- 2.11.1 Any pernicious weeds under Schedule 9, Section 14 of the Wildlife and Countryside Act 1981 (as amended) were also noted and mapped during the site survey. These species include Japanese Knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*).

3. RESULTS

3.1 Desk study

3.1.1 A data search was requested from the West Wales Biodiversity Information Centre for the planning application site and surrounding area of up to 2km. The species information was returned to I&G Ecology on 11th March 2021. A number of protected and notable species records were returned within 2km of the site centre.

The records will not be listed here, but the most significant, those which are considered to potentially be affected by development of the site, will be briefly summarised. However, the full data are available upon request to those nominated on the request form, as some data may be classified as sensitive.

3.1.2 The significant findings from the data search are summarised below: -

3.1.3 Birds

The data search returned 145 entries of birds which are categorised as priority species within 2km of the site. Local records include song thrush, red kite, hawfinch, dunnock and house sparrow.

3.1.4 Mammals

The data search returned 67 records of mammals within 2km of the site centre, most significantly these included:-

- 22 entries for bats including common pipistrelle, soprano pipistrelle, noctule, Myotis sp, brown long-eared and daubentons. No roosts are recorded in the vicinity.
- 28 entries for otter, though there appears to be a lot of duplication. These are mainly associated with the afon Neath, but there is a road casualty for the A465 300m to the north.
- 4 entries for badger, the nearest 800m away.
- A number of records for hedgehog, 9 within 1km

3.1.5 Invertebrates

The data search returned 1 record for small heath, and 43 records for moths.

3.1.6 Plants

There are 15 records for bluebell and 1 for cornflower within the search area.

3.1.7 Reptiles

The data search returned 2 records for grass snake and 1 for slow worm all beyond 800m.

3.1.8 Amphibians

The data search returned 9 records for amphibians, 8 records for common frog, the nearest 180m, and 1 for common toad.

3.1.9 Non-native Invasive species

The data search returned 149 records of INNS including Japanese knotweed and Himalayan balsam within 200m of the site.

3.1.10 Statutory Designated Sites

These are no statutory sites within the search buffer.

3.1.11 Non-statutory Sites

These are mapped in Fig. 10 and summarized below:

NPT watercourses

St David's graveyard (210m)

Neath canal (345m)

Sarn Helen (1466m)

Resolven minewater treatment units (1140m)

Rheola lowland grassland (1284m)

Resolven alluvial meadows (884m)

Resolven minewater treatment area omh (1514m)

Melincwrt Falls (507m)

3.1.12 NRW Priority Areas

There are number of Priority Areas of habitat within the search buffer (Fig. 10)

The site lies near a “B-Line”

3.1.13 CCW Phase 1 Survey

Information obtained from the Phase 1 Survey of Wales (CCW.1997), was also used to provide an indication of the broad habitat types previously recorded in the local area. The survey mapped the site as improved grassland, intact hedge and bare ground. It should be noted that whilst the CCW data-set is useful to indicate broad habitat types locally, it is not suitable for site specific assessment. The data set was gathered over a period of years (1979 – 1997) and habitats will have changed in the interim period depending on land use, management, development works etc.

3.2 **Site Appraisal**

3.2.1 On site survey

3.2.2 The site survey was undertaken on 26th February 2021 by a suitably qualified ecologist. Where possible, the habitats were cross-referenced to any important UK priority habitats or local habitats adopted by the Local Biodiversity Action Plan.

3.2.3 The land within the red line site boundary (see Fig. 2) comprises of marshy grassland, standing water and amenity planting.



Figure 2. Area surveyed (from Google maps)

The site, approximately 0.8 ha in extent, is located to the south-west of Resolven on an industrial park off Neath Valley Way. It is bordered by access roads, hard standing and light industrial units, with areas of amenity planting. The river Neath runs beyond the A465 (Fig 2).

Habitats recorded within red line boundary were as follows:-

3.3 Marshy grassland and ponded area

- 3.3.1 The majority of the site appears to have been levelled to sub-soil and sits at a lower elevation than the surrounding land. The site is wet with areas of ponding. It is dominated by moss, with sedges and rushes, including common sedge, common yellow sedge, pendulous sedge, hard rush, soft rush, sharp flowered and jointed rush (TN1; Fig.3). Herbs include marsh thistle, creeping buttercup, lady's smock, marsh ragwort and willowherb.

Fescues become locally dominant in the drier conditions on the edge banks, with dandelion, plantain, common knapweed and wild strawberry. The strip could be delineated as semi-improved grassland, but is narrow and small-scale.



Fig. 3

An area of open water lies to the north, surrounded by beds of reedmace, with duckweed (TN2; Fig.4).



Fig. 4

3.4 Amenity Planting

- 3.4.1 To the north west of the site alongside the access road is a mixed strip of amenity planting. This includes poplar, acers, larch, pines, willow and birch. The ground layer is poor, with Yorkshire fog, bramble and ivy (TN3; Fig. 5).



Fig. 5

- 3.4.2 To the southwestern boundary is another small area of amenity planting and self-set alder and willow. This has been partly coppiced. Bramble and ivy dominate the ground layer. (TN4; Fig. 6).



Fig. 6

3.5 Badgers

3.5.1 No evidence of badger was observed on site.

3.6 Bats

3.6.1 There are no features likely to provide opportunities for roosting bats (Fig. 11). The tree line and grassland will provide foraging opportunities.

3.7 Otters

3.7.1 The site is remote and disconnected from suitable riparian habitat.

3.8 Reptiles

3.8.1 The habitat is isolated and sub-optimal for reptiles, and refugia are absent. The marshy grassland and ponded areas would provide opportunistic feeding opportunities for grass snake, slow worm and viviparous lizard, but is unlikely to support a significant population.

3.9 Amphibians

3.9.1 The ponded areas provide suitable breeding habitat for amphibians, and frog spawn was evident at the time of the survey (Fig.7). The marshy grassland will support terrestrial phase amphibians but refugia are lacking.



Fig. 7

3.10 Hazel Dormouse

3.10.1 There is no habitat suitable for dormouse on the site.

3.11 Water Voles

3.11.1 While water vole will occupy this type of habitat, the scale and lack of connectivity negates their presence, and no field signs were observed during the survey.

3.12 Birds

3.12.1 The tree lines will provide forage and shelter/nesting opportunities for a range of species.

3.13 Marsh Fritillary

3.13.1 There is no suitable habitat to support marsh fritillary butterfly, with both purple moor-grass and devil's bit scabious absent.

3.14 Non-native Invasive Species

3.14.1 No INNS were observed within or adjacent to the site.

4. ECOLOGICAL ASSESSMENTS

4.1.1 The following values have been provided to assess the importance of an ecological feature value within a geographical context, as recommended within the CIEEM Guidelines for Ecological Impact Assessment (2016) and the CIEEM Guidelines for Ecological Report Writing (Dec.2015). See Table 1 below:

4.1.2 Table 1: Ecological Value Assessments

Importance	Examples of features
International & European	European designated or proposed sites such as Ramsar Sites, Special Protection Areas, Special Areas of Conservation, World Heritage sites or Biosphere Reserves; or otherwise meeting criteria for European or International designation. Sites supporting populations of European important species. Species listed within the Annex's of The Conservation of Habitats & Species Regulations 2010
National	Nationally designated sites such as Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), areas of key habitats and species within the UK Biodiversity Action Plan. Sites supporting viable breeding populations of Red Data Book (RDB) species (excluding scarce species), or supplying critical elements of their habitat requirements. Species listed within the schedules of the Wildlife & Countryside Act 1981.
Regional	Sites containing viable areas of threatened habitats and species listed in a regional Biodiversity Action Plan, sites exceeding Site of Importance for Nature Conservation (SINC) criteria. Sites supporting viable populations of Nationally Scarce species or those included in the Regional Biodiversity Action Plan on account of their rarity, or supplying critical elements of their habitat requirements.
High Local	Sites meeting the criteria for a county, vice county or metropolitan area designation (such as SINC), which may include amenity and educational criteria in urban areas. Ancient semi-natural woodland. Designated Local Nature Reserves. Sites containing

	viable areas of any key habitat type or species identified in the Local Biodiversity Action Plan (LBAP). Sites supporting viable breeding populations of species known to be county/metropolitan rarities e.g. featuring in county 'red data book' or LBAP, or supplying critical elements of their habitat requirements.
Moderate Local	Undesignated sites or features considered appreciably to enrich the habitat resource within the context of the Borough or District, or included in the Borough or District LBAP. Amenity and educational functions will be recognised in urban areas. Sites with viable breeding populations of species listed as rare in the District or Borough LBAP or supplying critical elements of their habitat requirements.
Low Local	Undesignated sites or features considered appreciably enriching the habitat resource within the context of the Parish or neighbourhood.
Negligible	Low-grade and widespread habitats.

4.1.3 Table 2: Impact level Criteria

Severe	Permanent impacts
Major	Loss of feature and/or quality and integrity of feature; severe damage to key characteristics, features or elements.
Moderate	Loss of feature, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements.
Minor	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements
Negligible	Very minor loss or detrimental alteration to one or more characteristics, features or elements
Neutral	No impacts

4.2 Priority Habitats and Species

4.2.1 UK BAP priority habitats and species were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). As a result of devolution, conservation action is now focused at a country-level rather than a UK-level, and the UK BAP was succeeded by the UK Post-2010 Biodiversity Framework in July 2012. The UK list of priority species, however, remains an important reference source and has been used to help draw up statutory lists of priority species and habitats in the four countries of the UK.

4.2.2 The Environment Wales Act (2016) (EWA) Section 6 places a duty on public authorities to 'seek to maintain and enhance biodiversity' and 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. Section 7 lists both Priority Species and Habitats of Principle Importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

- 4.2.3 The Neath Port Talbot Biodiversity Duty Plan aims to maintain and enhance biodiversity which covers a range of selected habitats and species which reflect both national and local priorities; develop effective local partnerships; monitor progress in achieving local biodiversity targets.

4.3 Assessments on the Habitats & Species Identified During the Survey

4.4. Habitats

4.4.1 Marshy Grassland

It appears that the marshy grassland has arisen as a result of topsoil removal in anticipation of development. The vegetation on site also appears to be managed through cutting. The grassland will provide a local biodiversity resource for amphibians, insects and birds, but the habitat is low grade, and easily replicated. The value of the grassland within the development parcel has been assessed as: **Low local**. Loss of this habitat in its current condition, without mitigation, is considered to be **Minor**.

4.4.2 Amenity planting

The amenity planting is a mixture of native and non-native species. Both areas are unconnected to similar habitat in the wider area. They will provide habitat cover and a food source for a range of birds, mammals, reptiles, amphibians and invertebrate species. Overall, the value of the amenity planting was assessed as: **Negligible**. Loss or damage to this habitat would be **Negligible**, without mitigation.

4.5 Species

- 4.5.1 The field survey identified on-site habitats as having the potential to support the following species which are also listed under UK BAP: Breeding Birds, Bats, Reptiles and Amphibians.

4.6 Ecosystem Resilience

- 4.6.1 Area loss can cause populations of organisms to decline due to a decrease in habitat size. The area to be developed consists of: Marshy grassland and Amenity planting . If the site is cleared without any mitigation for development the impact is expected to be **Low**.

5. CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER SURVEY

- 5.1 The combination of desk and field surveys undertaken at the proposed development site identified that the habitats present are of low local value, but will support a range of species. They provide nesting opportunities for birds, cover for mammals, reptiles, amphibians and invertebrates and flight lines for bats.

5.2 Marshy grassland and ponded area

- 5.2.1 Loss of the marshy grassland and ponded area can be partially offset by the development of a wetland to deal with surface water run-off from the site. This would maintain amphibian breeding opportunities. Hibernaculum should be created utilising material on site to provide hibernation opportunities for both amphibians and reptiles. The retention of an area of marshy grassland around the retention pond would also maximise the site's interest for invertebrates. Siting of the wetland should provide linkage to adjacent natural habitats

5.3 Amenity planting

- 5.3.1 The habitat value of the amenity planting along the north-west boundary could be enhanced by selective thinning, and underplanting with native berry and nut bearing species such as hazel, guelder rose and buckthorn. Tying this area in with a wetland to manage surface water run-off would maximise habitat value.

5.4 Birds

- 5.4.1 All nesting birds are protected under Section 1 of the Wildlife and Countryside Act of 1981. Therefore, vegetation clearance should be planned outside the nesting bird season.

5.5 Reptiles & Amphibians

- 5.5.1 The creation of a wetland to manage surface water run-off with linkage to a shrubby understory would maintain habitat interest for amphibians. Any clearance works should be timed to allow for amphibians to complete their aquatic life stage. The site is unlikely to support a significant reptile population, and a staged approach to vegetation clearance during their active period would protect any reptiles and amphibians that might be present.

5.6 Invasive Non-native species

- 5.6.1 Materials brought into the site should be clean and free from INNS.

5.7 Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

- 5.7.1 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) applicable to Local Authorities. This duty filters through to all those participating in the Planning process.
- 5.7.2 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.
- 5.7.3 Loss of habitat should be mitigated for and enhancement delivered by suitable new planting, detailed in the landscape scheme and approved by the LA ecologist. Any new

planting should be with trees and shrubs of local provenance and should seek to replicate the species mix present in the existing hedgerow. Landscaping should include berry bearing species such as guelder rose, rowan and purging/alder buckthorn, which will also attract brimstone butterfly.

- 5.7.4 The site lies near a B-line. Opportunities should be explored to create wildflower areas to encourage pollinators. These areas should be linked to any surface water storage and amenity planting where possible.
- 5.7.5 New dwellings should include artificial habitats such as bat bricks/boxes, bird boxes/bricks or Swift/Swallow cups; the details of which should be agreed with the LA ecologist.

6. LEGISLATION

6.1 Otters and the Law.

- 6.1.1 The otter is a European Protected Species (EPS). It is against the law to damage or destroy an otter breeding site or resting place, or deliberately to capture, kill, injure or disturb an otter.
- 6.1.2 Otters are fully protected by the following pieces of legislation:
- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects otters, making it **an offence to:-**
 - *Intentionally or deliberately capture, injure or kill an Otter.*
 - *Damage or destroy a breeding or resting place of an Otter, or intentionally or recklessly damage or destroy any structure or place used for shelter or protection*
 - *Intentionally or recklessly disturb an Otter in a place used for shelter or protection, or deliberately disturb Otters in such a way as to be likely significantly to affect (i) the ability of any significant group of Otters to survive, breed, rear or nurture their young, or (ii) the local distribution or abundance.*
 - *Intentionally or recklessly obstruct access to a place used for shelter or protection.*
 - *Possess an Otter (alive or dead), or any part of an Otter*
 - Schedule 5 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000) fully protects otters, making it **an offence to:-**
 - *Intentionally or recklessly disturb any otter while it is occupying a structure or place which it uses for shelter or protection*
 - *Intentionally or recklessly obstructs access to any structure or place used by an otter for shelter or protection*
 - *Sell, offer or expose for sale any otter*

6.1.3 For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;

- i. granting the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
- ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.
- iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.1.4 Otters are also protected by;

- Natural Environment and Rural Communities Act 2006 and now the Environment (Wales) Act 2016.
- Annex II Habitats Directive (protection through Special Areas of Conservation)
- UK Biodiversity Action Plan Priority Species and Species of Principal Importance in Wales

6.2 **Bats and the Law**

6.2.1 Bats are protected by the following pieces of legislation:

- Schedule 5 and 6 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000)
- The Environmental Damage (Prevention & Remediation) Regulations 2009 – A protected species and its habitat is protected under this legislation as well as others.
- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects all bats and their roosts, making it **an offence to deliberately kill, injure or capture** (take) bats; *to deliberately disturb bats; damage or destroy bat roosts or resting places* (this is considered an “Absolute Offence” as damage and destruction may detrimentally effect the Continuous Ecological Functionality of that roost / resting place); possess or transport a bat or any part of a bat; sell (or offer for sale) or exchange bats or parts of bats.
- For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;
 - i. the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
 - ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-

economic nature or will have a benefit of primary importance to the environment.

- iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.2.2 Bats are also protected by;

- Appendix III of the Bern Convention
- Appendix II of the Bonn Convention (including the Convention's Agreement on the conservation of Bats in Europe)
- Natural Environment and Rural Communities Act 2006 and now the Environment (Wales) Act 2016.
- All bats are listed in Annex IV of the EC Habitats Directive and the British species listed in Schedule 2 of the Habitats Regulations 1994 (as amended) and are therefore designated as *European Protected Species*. These *protected* species are afforded enhanced protection and more stringent licensing provisions than those protected by the Wildlife and Countryside Act (WACA) alone.

6.3 The Hazel Dormouse and the Law

6.3.1 The hazel dormouse is a European Protected Species (EPS). It is against the law to damage or destroy a dormouse breeding site or resting place (summer or hibernation nest), or deliberately to capture, kill, injure or disturb a dormouse.

6.3.2 Dormice are fully protected by the following pieces of legislation:

- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects dormice, making it **an offence to:-**
 - *Intentionally or deliberately capture, injure or kill a dormouse.*
 - *Damage or destroy a breeding or resting place of a dormouse, or intentionally or recklessly damage or destroy any structure or place used for shelter or protection*
 - *Intentionally or recklessly disturb a dormouse in a place used for shelter or protection, or deliberately disturb dormouse in such a way as to be likely significantly to affect (i) the ability to survive, breed, rear or nurture their young, and includes in the case of animals of a hibernating or migratory species, to hibernate or migrate or (ii) the local distribution or abundance.*
 - *Intentionally or recklessly obstruct access to a place used for shelter or protection.*
 - *Possess a dormouse (alive or dead), or any part of a dormouse*
- Schedule 5 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000) fully protects dormice, making it **an offence to:-**

- *Intentionally or recklessly disturb any dormouse while it is occupying a structure or place which it uses for shelter or protection*
- *Intentionally or recklessly obstructs access to any structure or place used by a dormouse for shelter or protection*
- *Sell, offer or expose for sale any dormouse*

6.3.3 For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;

- i. granting the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
- ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.
- iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.3.4 Dormice are also protected by;

- Natural Environment and Rural Communities Act 2006 (England) and the Environment (Wales) Act 2016.
- Annex II Habitats Directive (protection through Special Areas of Conservation)
- UK Biodiversity Action Plan Priority Species and Species of Principal Importance in Wales

6.4 Reptiles and the Law

6.4.1 All of the UK native reptiles are protected by law. The common species of reptiles found in this locality are common lizard, slow-worm, adder and grass snake. It is illegal to intentionally kill or injure these species under Section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).

6.4.2 All native UK reptiles are considered of 'principle importance' under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

6.4.3 Under the National Planning Policy Framework (NPPF April 2012), the presence of any Protected Species (which includes all reptiles species) are a material planning consideration. The ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System, provide additional advice and support the NPPF.

6.5 Amphibians and the Law

- 6.5.1 All of the UK native amphibians are protected by law. The common species of amphibians in this locality are common frog, common toad, smooth newt and palmate newt. It is illegal to intentionally kill or injure these species under Section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).
- 6.5.2 The common toad is considered of 'principle importance' under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- 6.5.3 Under the National Planning Policy Framework (NPPF April 2012), the presence of any Protected Species (which includes the Common Toad) are a material planning consideration. The ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System, provide additional advice and support the NPPF.

6.6 Birds and the Law

- 6.6.1 All species of bird are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). Protection was extended by the Countryside and Rights of Way (CROW) Act 2000. Under the above legislation it is an offence to intentionally:
- kill, injure or take any wild bird;
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - take or destroy an egg of any wild bird.
- 6.6.2 Certain species are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and receive protection under Sections 1(4) and 1(5). The protection was extended by the Countryside and Rights of Way (CROW) Act 2000. There are special penalties where the offences listed above are committed for any Schedule 1 species and it is also an offence to intentionally or recklessly:
- disturb any such bird when it is building its nest or while it is in or near a nest containing dependant young; or
 - disturb the dependant young of any such bird.

6.7 Badgers and the Law

- 6.7.1 The protection of Badgers Act 1992 makes it illegal to kill, injure or take a badger, or interfere with a sett. In addition, they are listed on Schedule 6 of the Wildlife & Countryside Act 1981, which prohibits certain methods of killing and capture.

6.8 Water Voles and the Law

6.8.1 Water voles are listed under Schedule 5 of the Wildlife & Countryside Act 1981, receiving full protection since 2008. The Wildlife & Countryside Act 1981 (as amended), lists the following offences:-

- Intentionally kill, injure or take water voles (Section 9 (1)).
- Possess or control live or dead water voles or derivatives (Section 9 (2)).
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection (Section 9 (4) (a & c)).
- Intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose (Section 9 (4) (b)).
- Sell water voles or offer or expose for sale or transport for sale (Section 9 (5)).
- Publish or cause to be published any advertisement which conveys the buying or selling of water voles (Section 9 (5)).

6.9 Environment Act (Wales) 2016

6.9.1 This act has replaced 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. It came into force in May 2016.

6.9.2 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'. Under Section 6 public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.

6.9.3 Section 7 of the Act places a duty on public authorities to take steps to maintain and enhance biodiversity. This section replaces the duty in section 42 of the NERC Act 2006. The Section 7 Priority Species under this act is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The Section 7 Priority Habitats is a list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

7. REFERENCES

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8. I&G Ecological Consulting Legal Disclaimer

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We confirm that in preparing this Report we have exercised reasonable skill and care, taking into account the project objectives, the agreed scope of the work and prevailing site conditions.

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9. Representative Species List

	Target note						
	TN1	TN3	TN4				
Fescue Red fescue <i>Festuca rubra</i>	O						
Holcus Yorkshire fog <i>H. lanatus</i>	O	A					
Reedmace <i>Typha latifolia</i>	O						
Common sedge <i>Carex nigra</i>	A						
Common yellow sedge <i>Carex demissa</i>	O						
Pendulous sedge <i>Carex pendula</i>	R						
Hard rush <i>J. inflexus</i>	A						
Jointed rush <i>J. articulatus</i>	O						
Sharp flowered rush <i>J. acutiflorus</i>	O						
Soft rush <i>Juncus effusus</i>	O						
Toad rush <i>J. bufonius</i>	O						
Creeping buttercup <i>Ranunculus repens</i>	F						
Cuckoo flower <i>Cardamine pratensis</i>	F						
Dandelion <i>Taraxacum officinale</i>	R						
Curled dock <i>Rumex crispus</i>	O						
Ivy <i>Hedera helix</i>		A	A				
Common knapweed <i>Centaurea nigra</i>	R						
Lady's mantle <i>Alchemilla sp.</i>	O						
Ribwort Plantain <i>Plantago lanceolata</i>	O						
Marsh ragwort <i>Jacobaea aquatica</i>	F						
Common sorrel <i>Rumex acetosa</i>	O						
Wild strawberry <i>Fragaria vesca</i>	O		O				
Marsh thistle <i>Cirsium palustre</i>	O						
Hoary willowherb <i>Epilobium parviflorum</i>	F						
Marsh violet <i>Viola palustris</i>	O						
Acer sp.		O					

Alder <i>Alnus glutinosa</i>		O	D				
Silver birch <i>Betula pendula</i>		F	O				
Blackthorn <i>Prunus spinose</i>		F					
Bramble <i>Rubus fruticosus agg</i>	R	O	A				
Cottoneaster <i>sp</i>		O					
Hazel <i>Corylus avellana</i>		O	O				
Larch <i>Larix decidua</i>		O					
Poplar <i>Populus sp.</i>		F					
Grey willow <i>Salix cinerea</i>		O	A				
Lodgepole pine <i>Pinus contorta</i>		O					
Corsican pine <i>Pinus nigra</i>		O					
Heart shaped spear moss <i>Calliergon cordifolium</i>	A						
Pointed spear moss <i>Calliergonella cuspidata</i>	A						
Springy turf moss <i>Rhytidiadelphus squarrosus</i>	F	F					
Common haircap <i>Polytrichum commune</i>	O						
Common Tamarisk moss <i>Thuidium tamariscinum</i>		R	R				
Duckweed <i>Lemna sp.</i>	O						

10. Data Search

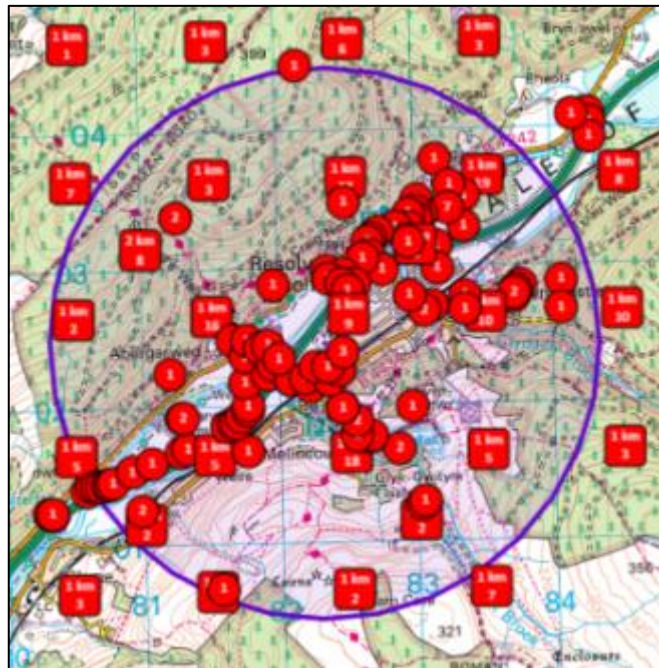


Fig. 9. Protected Species Data Search

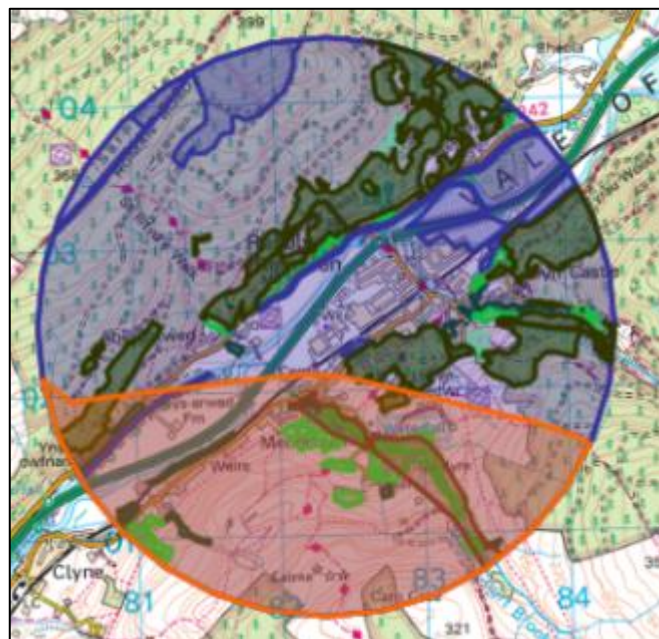


Fig. 10. Protected Sites Data Search

Site Type	Key	Number of sites	Category	Intersection Area	Percentage of search area	Display
Wildlife Site / SINC (Adopted)		8	Local - Non-statutory	13,373,318 m ²	107.02%	☒
Regionally Important Geodiversity Site		2	Local - Non-statutory	274,692 m ²	2.20%	☒
Wildlife Trust Reserve		1	Local - Non-statutory	51,596 m ²	0.41%	☒
Ancient Semi Natural Woodland		20	Priority Area	206,317 m ²	1.65%	☒
Restored Ancient Woodland Site		21	Priority Area	409,688 m ²	3.28%	☒
Plantation on Ancient Woodland Site		21	Priority Area	1,563,099 m ²	12.51%	☒
Ancient Woodland Site of Unknown Category		5	Priority Area	29,895 m ²	0.24%	☒
NRW Priority Area (Woodland - PAWS)		21	Priority Area	1,563,099 m ²	12.51%	☒
B-Lines		1	Local - Non-statutory	4,361,708 m ²	34.91%	☒

Fig. 11 Phase 1 Habitat Plan.



Phase 1 Habitat Code Key:

Colour	Code	Description
	B5	Marshy grassland
	A.3.2	Mixed plantation
	G1	Standing water