

HAWKESWOOD ECOLOGY

Specialists in Ecological Survey and Assessment

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**PRELIMINARY ECOLOGICAL ASSESSMENT AND
PROTECTED SPECIES ASSESSMENT,
LAND AT UNIT 3, KENFIG INDUSTRIAL ESTATE
ON BEHALF OF
THE CHOCOLATE FACTORY**

October 2017

Ref: HE/33/2017

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SUMMARY

Hawkeswood Ecology carried out a Preliminary Ecological Assessment and Protected Species Assessment at The Chocolate Factory, Kenfig Industrial Estate. The client is applying for retrospective planning permission on land within the Site compound being used to dry timber before burning for heating.

The Site is wholly dominated by tarmac hard-standing and buildings. There are small areas of amenity grassland and bramble dominated scrub outside the south eastern and southern boundaries of the Site.

The buildings showed no features that could be considered to offer potential for roosting bats although there is potential for bats to forage over the Site as the drying units may increase the air temperatures locally and draw in invertebrate prey items.

No significant impacts were identified in relation to the nearby Kenfig Special Area of Conservation.

With regard to the recommendations made in this report there are no apparent ecological reasons that would prevent any proposed development of the Site going ahead.

1 INTRODUCTION

- 1.1 Hawkeswood Ecology was instructed to carry out a Preliminary Ecological Assessment and Protected Species Assessment of land at The Chocolate factory, Kenfig Industrial Estate, Neath Port Talbot, approximate central Grid Reference SS 80024 83081, on behalf of The Chocolate Factory. The Site is being used to pre-dry timber for use in wood burning boilers and this report is part of a retrospective planning application. The drying operation takes place in metal container units.
- 1.2 The Site is wholly dominated by hard-standing and is a former tarmac covered car park at the Site. The buildings are of a brick base and metal cladding superstructure type with a steel girder frame.
- 1.3 The objectives of the survey are:
 - To ascertain the habitats and species present within the Site;
 - To assess the ecological and nature conservation value of the Site;
 - To assess the potential value of buildings and Site for the presence of protected species;
 - To assess the potential ecological impacts of the works;
 - To provide recommendations to mitigate the works.
- 1.4 The Preliminary Ecological Assessment and Protected Species Assessment was carried out on 22nd October 2017.

2 SURVEYOR EXPERIENCE

- 2.1 The surveyor and report author is Eric Hawkeswood. Eric has many years experience of broad habitat and detailed botanical and species surveying. Eric has been an active member of the Brecknock Bat Group since 1999 and been involved in a number of long running surveys within the county. He is a Natural Resources Wales (NRW) licensed bat worker (no. 74244a:OTH:CSAB:2016) and has extensive experience of roost inspections and emergence work. He has been a professional in the nature conservation field for twenty eight years formerly working as Reserves Manager and Conservation Officer at Gwent Wildlife Trust and Woodland Manager for the Ruperra Conservation Trust. Eric has worked as an Ecological Consultant as joint proprietor of Hawkeswood Ecology since 2001.

3 METHODOLOGY AND CONSTRAINTS

Desktop Study

- 3.1 The desktop study concentrated on available records from the nearby Kenfig Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and surrounding areas.

Preliminary Ecological Assessment

- 3.2 The Preliminary Ecological Assessment (PEA) consisted of a walk-over survey of the proposed Site taking into account features within and adjacent to it. Habitats were categorised according to

the Phase 1 Habitat Survey guidelines (JNCC, 2010) and annotated onto a map (Figure 1). Photographs are given in Appendix 1.

Protected Species

- 3.3 The Site was assessed in relation to its potential to support protected species, particularly bats as there are buildings on Site. The principal aim of the inspection with regard to bats was to survey the main structures of the building for the presence of bats and their roost sites. An external examination was made of the design and structure of the buildings to assess the suitability for use by bats and for potential access points. Evidence such as bat droppings (faeces) or urine staining on windows, doors, walls or other surfaces was looked for.
- 3.4 The daytime inspection was carried out with the aid of close focusing binoculars, endoscope, night vision scopes, ladders and a 1,000,000 candlepower spot lamp.

Constraints

- 3.5 No constraints to the survey were noted.

4 DESK TOP STUDY FINDINGS

- 4.1 The Kenfig SAC and SSSI are cited primarily for the dune habitats and the presence of fen orchid and petalwort; Kenfig pond also forms part of the SAC citation.
- 4.2 The Site and the nearby Eglwys Nunydd reservoir approximately 1 kilometre to the north are known for passage birds during migration. The Site lies approximately 3 kilometres from Margam Park which is known for its bat populations.

5 FIELD SURVEY FINDINGS

Preliminary Ecological Assessment

- 5.1 The Site sits on the southern boundary of the Kenfig Industrial Estate approximately 320 metres north of the Kenfig SAC and National Nature Reserve at its closest approach. It is separated from the SAC by a railway line, rough farmland and a dismantled railway.
- 5.2 The Site consists wholly of hard standing and buildings with no natural or semi-natural habitats. Areas of amenity grassland and bramble scrub lie outside the southern and south eastern boundaries of the Site which are bounded by a road. To the north is an area of amenity grassland and the remainder of the Chocolate Factory Site and the Industrial Estate. (See Figure 1, Phase 1 Habitat Map).
- 5.3 The bramble scrub to the south had few species present with common nettle and creeping thistle present. Field scabious was present with one plant found which may indicate the neutral to base rich status of the soils in this area.

Protected Species

- 5.4 The buildings are modern industrial units dating to around the 1970's or 80's. A brick built flat roofed structure (Building 1) housed generators (see Figure 1 and Photographs). This had cavity walls but the flat roof was very well sealed preventing bat access. The walls also continued to form a curtain wall in which a bonded area held tanks.
- 5.5 Building 1 adjoined the part-brick part-metal clad steel girder unit (building 2) where the timber was chipped and prepared for the boilers. There was no loft space. This structure had lower brick infilled sections with a metal cladding on the upper parts. The roof was metal clad with insulation. There was no suitable access for bats to access the building interior for roosting purposes.
- 5.6 There is no suitable habitat on Site for protected species.

6. DISCUSSION AND IMPACT ASSESSMENT

Preliminary Ecological Assessment

- 6.1 The Site consists wholly of a tarmac surface which predates the current use; the containers have been situated on the existing tarmac surface. The drying of timber does result in some potential air and drainage run off issues. Hawkeswood Ecology understands these issues have been addressed in separate specialist reports.
- 6.2 The current use of the Site is not expected to have an adverse impact on the condition of the Kenfig SAC and SSSI as long as any drainage issues, if shown that there are any, are appropriately addressed. Should foul waters enter the SAC/SSSI it could result in a significant pollution incident. As the Site was already operative prior to the current development for drying timber, it is assumed that any drainage issues should be already resolved. The Site is separated from the SAC and SSSI by a railway embankment and does not obviously share any drainage with it so there should be low potential for any incident to occur.

Protected Species

- 6.3 The development has not resulted in the loss of the existing buildings and grounds. The buildings do not show any potential to support roosting bats, although it is likely that bats may overfly the Site to forage. The presence of the drying units may increase this use as the air temperature will be warmer than the surrounding areas attracting insects to the Site.
- 6.4 The Site is not considered suitable for other protected species although there is a limited possibility that house sparrows may use the open timber preparation unit for breeding. If so, this is not affected by the development. The bare ground may offer a suitable sunning location for reptiles, but they would be limited to the Site boundaries. Far better habitat adjoins the Site to the north and as such, reptiles are not expected to be present.
- 6.5 Given the limited value of the Site for protected species and much superior habitats nearby it is considered the development will have **no impact** on protected species and no impact on the Favourable Conservation Status of bats in the locality.

Summary

- 6.6 There are no habitats or species of note on Site but there is potential for bats to forage across the area.

7 RELEVANT LEGISLATION AND POLICIES

Birds

- 7.1 Part I of the Wildlife and Countryside Act 1981 (as amended) makes it an offence (with certain limited exceptions and in the absence of a licence) intentionally to kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst being built or in use, or to take or destroy its eggs. Consequently, even common birds such as blackbirds or robins, and their nests and eggs are protected in this way. Any works involving removal or other management of trees or shrubs must be undertaken outside the breeding bird season (March- August).
- 7.2 Further, section 1(5) of Part 1 of the W&C Act states any person intentionally disturbing any wild bird included in Schedule 1 whilst it is building a nest or is in or near a nest containing eggs or young or disturbs the young of such a bird is committing an offence and liable to a special penalty.
- 7.3 Amendments to The Conservation of Habitats and Species Regulations 2010 made in 2012 have effectively strengthened the protection of wild birds and their habitats. The amendment is “To help preserve, maintain and re-establish habitats for wild birds.”
- 7.4 Under the amended Regulations, Local Planning Authorities (as well as national statutory conservation bodies such as Natural Resources Wales) are required to protect and create bird habitat.

Bats

- 7.5 British bats are protected under the Wildlife and Countryside Act 1981. Schedule 5 of this act made it illegal to intentionally kill, injure or take any British bat. It is also an offence to intentionally damage or destroy their place of rest (the roost).
- 7.6 Further all bat species are protected under Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora (The Habitats Directive) as amended which requires the United Kingdom government to provide bats with strict protection. Lesser horseshoe bats are also protected under Annex II of the Habitat Regulations which requires the national government to identify Special Areas of Conservation to protect and enhance core populations of Annex II species.
- 7.7 The Habitats Directive is transcribed into England and Wales Law by The Conservation of Habitats and Species Regulations 2010 (as amended). This legislation states in Part 3, Protection of Species, paragraph 41(1) that a person who:
- (a) deliberately captures, injures or kills any wild animal of a European protected species,
 - (b) deliberately disturbs wild animals of any such species,
 - (c) deliberately takes or destroys the eggs of such an animal, or
 - (d) damages or destroys a breeding site or resting place of such an animal,

is committing an offence.

- 7.8 Further, with regard to disturbance of EPS, Paragraph 41(2) that disturbance is an act which is likely to:
- (a) to impair their ability—
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong.
- 7.9 In the case of a development involving the loss or modification of a building which may affect bats the above legislation must be considered and it may be necessary to apply to Natural Resources Wales for a European Protected Species Licence (EPSL).
- 7.10 The introduction of the Conservation of Habitats and Species Regulations 2010 (as amended), has removed the defence of killing or injuring a protected species during a lawful operation, thus even in an instance where planning permission is granted, the presence of bats must be considered and mitigated for prior to commencement of works. Under the above regulations, a WAG licence can only be given if three tests are satisfied:
- The action proposed is in the interest of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment;
 - That there is not a satisfactory alternative;
 - That the action proposed will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 7.11 Failure to satisfy the regulations and obtain an EPSL where required is likely to result in prosecution and can lead to severe fines of up to £5000 per bat and possible imprisonment.
- 7.12 Eight species of bat are listed under section 7 of the Environment Wales Act (2106). Section 7 of the Act provides a list of living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. This is a list of species considered at threat within Wales and in need of conservation management to maintain and enhance population numbers.
- 7.13 A duty is placed on the Local Authority by the Welsh Assembly Government to maintain and enhance populations of species listed in Section 7.

8 RECOMMENDATIONS

- 8.1 Bats and other nocturnal species are affected by artificial light and this can have an impact upon their foraging success. Consideration will therefore be given to the level of external lighting around the Site. Lighting will be located with consideration for bats and other nocturnal species, i.e. any lights will be pointed towards the ground and not to the surrounding areas, in particular the trees on the south western boundary.

- 8.2 Any recommendations made with regard to drainage should be followed to ensure that there is no impact upon the adjacent SAC.

9 CONCLUSIONS

- 9.1 The Site is dominated by hard standing and buildings, the development consist of container units converted for drying timber placed upon the existing surface along with some storage of timber.
- 9.2 No evidence was found of the Site being used by protected species and the buildings were not considered to support features suitable for bat roosting purposes. There is potential for bats to forage over the Site and this may be enhanced by the presence of warmer air over the drying units attracting invertebrate prey items.
- 9.3 Consideration to the use of security floodlighting should be given so as not to affect nocturnal animals in adjacent areas.
- 9.4 Consideration must be given to the findings of the separately commissioned air quality and drainage reports with regard to potential impacts on the SAC/SSSI.

10 BIBLIOGRAPHY

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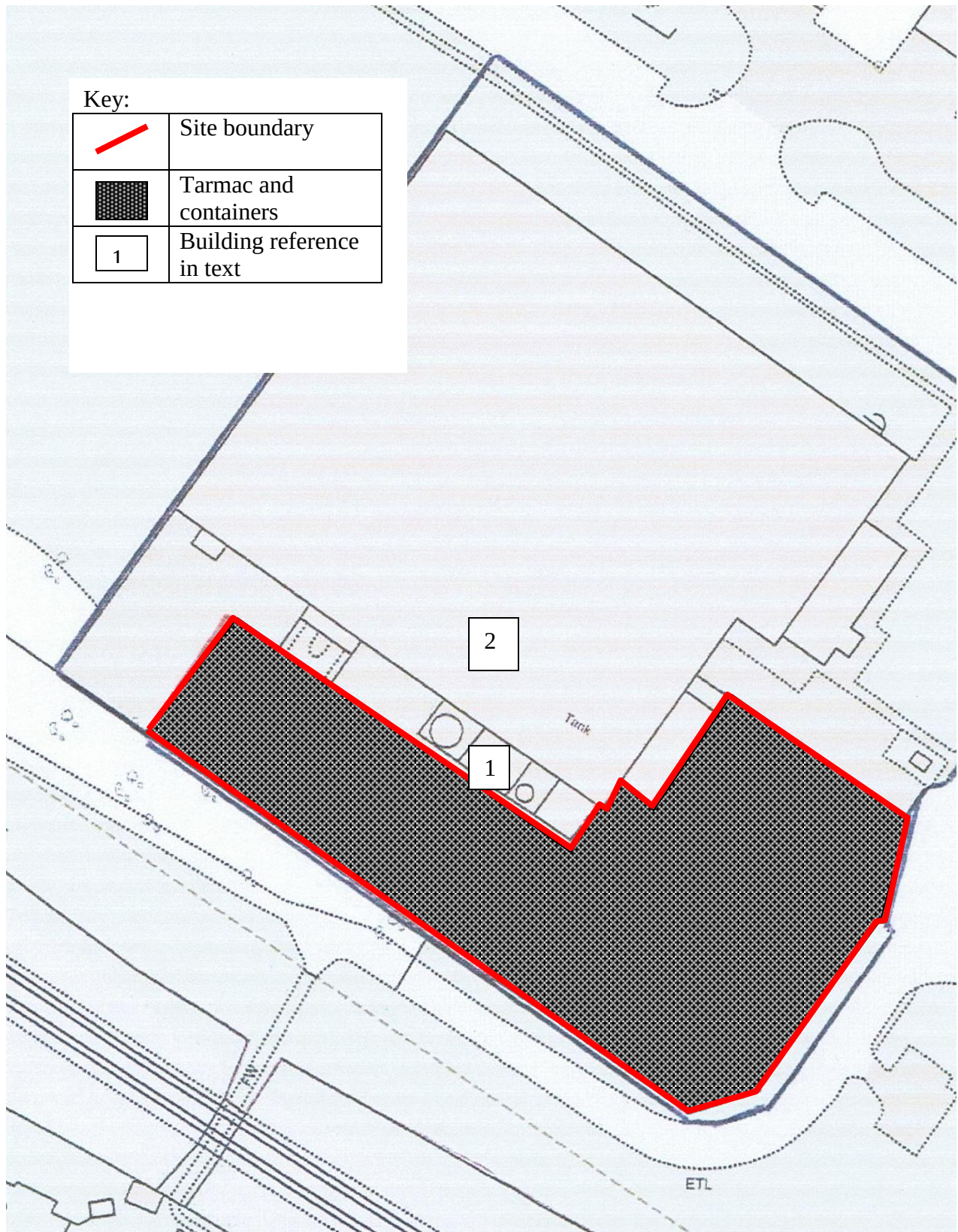
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**FIGURE 1:
PHASE 1 HABITAT MAP**

Preliminary Ecological Assessment and Protected Species Assessment,
The Chocolate Factory, Kenfig Industrial Estate
Hawkeswood Ecology – October 2017

Figure 1: Phase 1 Habitat



APPENDIX 1
PHOTOGRAPHS

Preliminary Ecological Assessment and Protected Species Assessment,
The Chocolate Factory, Kenfig Industrial Estate
Hawkeswood Ecology – October 2017



The site showing the converted containers



The Site with log piles to the left

Preliminary Ecological Assessment and Protected Species Assessment,
The Chocolate Factory, Kenfig Industrial Estate
Hawkeswood Ecology – October 2017



Across teh amenity grassland to the Site



The two buildings looking from the south

Preliminary Ecological Assessment and Protected Species Assessment,
The Chocolate Factory, Kenfig Industrial Estate
Hawkeswood Ecology – October 2017



The main unit



Interior of the main unit

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