



Ecological Appraisal Report:

Land at Water Street, Gwaun-Cae-Gurwen,
Neath Port Talbot

Updated December 2021

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Summary

I & G Ecological Consulting were commissioned to undertake an updated ecological appraisal of an area of land approximately 0.3 hectare in size, in the northern end of the village of Gwaun-Cae-Gurwen, Neath Port Talbot (see Fig. 1).

The land within the site boundary consists of two distinct areas, concrete platform of former school building, and grassland (possibly former playing field) with trees and scrub. Much of the vegetation has been scraped into bunds, with regeneration limited to small patches of grass and ephemeral species. The Bamboo stand on the eastern boundary remains, as does the hedgerow forming a partial western boundary.

In terms of the application site (see Fig. 2), the former vegetation is now limited in value. However the native hedgerow, boundary trees and any remaining scrub constitute habitat for bird nesting.

No signs of European protected species were encountered on the site, however non-native invasive species were noted.

1. INTRODUCTION

- 1.1.1 I & G Ecological Consulting were commissioned to undertake an ecological appraisal of an area of land off Water street, Gwaun-Cae-Gurwen, in the administrative area of Neath Port Talbot. The site is the former Primary School and is approximately 0.3 hectare in size. This survey and report are to update a previous survey (I&G Ecological Consulting Ltd April 2019), to support a planning application for a proposed housing development.
- 1.1.2 This report presents the findings of both a desk study and a site appraisal undertaken in February 2019. 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.

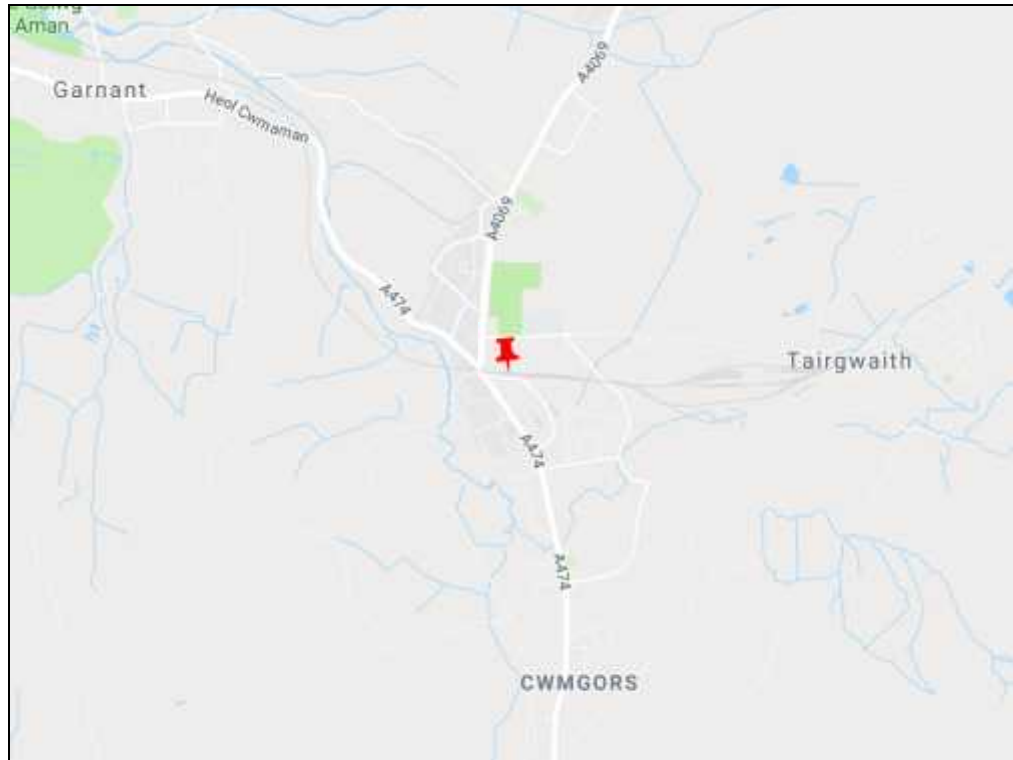


Figure 1: Location Map (from Google maps ®)



Figure 2: Aerial view showing approximate site (from Apple maps®). Grid Reference: SN70152 11996

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

2.3 *Otters*

2.3.1 The surrounding habitat was assessed for its suitability to support otters. Where suitable, 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 any hedgerows/scrub 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 *Non-Native Invasive Species*

2.10.1 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 new data search was requested from the South East Wales Biodiversity Records Centre in respect of this updated PEA. Data are presented for the planning application site and surrounding area of up to 2km, based on the species information which was returned to I&G Ecology on 7th December 2021.

These 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. The closest record to the site centre is for Small Heath (*Coenonympha pamphilus*) at 111m.

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

3.1.3 Birds

The data search returned entries of birds which are categorised as priority species within 2km of the site. These include House Sparrow (*Passer domesticus*), Starling (*Sturnus vulgaris*), Dunnock (*Prunella modularis*) and Bullfinch (*Pyrrhula pyrrhula*).

3.1.4 Mammals

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

Bats (Common and Soprano Pipistrelle, unknown Chiroptera, Brown Long-eared and Daubenton's) the closest record being unknown Chiroptera at 178m from the site.

20 entries for Hedgehog (*Erinaceus europaeus*), closest recorded 207m from the site.

1 entry for Badger (*Meles meles*) at 1864m from the site.

1 entry for Otter (*Lutra lutra*) at 1605m from site.

3 entries for Harvest Mouse (*Micromys minutus*), closest at 1840m from site.

3.1.5 Invertebrates

The data search returned around 40 entries for invertebrates, all moths and butterflies.

There are several entries for Small Heath, closest being at 111m. A significant proportion of entries are for Marsh Fritillary (*Euphydryas aurinia*), the closest being at 606m.

3.1.6 Plants

The data search returned c.26 entries of plants, all but 1 being Bluebell (*Hyacinthoides non-scripta*) closest being 239m from site, 1 2005 entry for Penny Royal (*Mentha pulegium*) at 1926m from site.



3.1.7 Reptiles

The data search returned 12 records for reptiles within 2km of the site (but over 1km), 5 of these were for Slow worm (*Anguis fragilis*), the closest recorded at 1095m, and there are 2 entries for Grass Snake (*Natrix helvetica*) closest at 1252m, 4 for Common Lizard (*Zootoca vivipara*) closest at 1252m.

3.1.8 Amphibians

The data search returned 4 entries for Common Frog (*Rana temporaria*), the closest at 1273m, 3 for Common Toad (*Bufo bufo*) at 1756m and 3 entries for Palmate Newt (*Lissotriton helveticus*), closest at 1656m.

3.1.9 INNS

There are c. 73 entries for INNS, the closest being Japanese Knotweed (*Fallopia japonica*) at 54m from site centre, followed by Butterfly Bush (*Buddleja davidii*) at 111m and Snowberry (*Symphoricarpos albus*) at 116m.

3.1.10 Statutory Designated Sites

The data search showed that there is 1 Statutory Site such as SSSI or SAC within 2km of the centre grid reference.

3.1.11 **Site of Special Scientific Interest**

- Taigrwaith - Species-rich grassland (Traditional Hay Meadow and Fen Meadow)

3.1.12 **Site of Importance for Nature Conservation (SINC)**

The search area lies within the administrative area of Neath Port Talbot County Borough Council, who have identified a series of Sites of Importance for Nature Conservation (SINCs)/ Wildlife Sites. The following SINCs lie within the search buffer:

- Adj Taigrwaith SSSI
- Ancient Semi Natural Woodland
- Betony Field
- Derwydd Avenue
- GCG Common
- Npt Watercourses
- Tiroedd Comin Cwm Amman Uchaf

3.1.13 **Priority Areas**

There is 1 NRW priority Area (Heathland and Grassland) which covers much of the village of Gwaun Cae Gurwen, on both sides of the main road (including the Site).
13 NRW Priority Area (Ancient Semi Natural Woodland) surrounding the Site.



3.2 Site Appraisal

3.2.1 On site survey

- 3.2.2 The site survey was undertaken on 1st December 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. 3) formerly comprised of Willow and other scrub over Neutral Grassland, with large areas of bare ground (hard standing) and a native hedge boundary to the west. Much of the vegetation has been scraped and left as mounds and the ground has limited grassland regeneration.



Figure 3. Area surveyed coloured red (from Apple maps)



3.2.4 Habitats recorded within red line boundary were as follows: -

3.3 Neutral Grassland

3.3.1 The remnant and regenerated areas of grassland were species-poor and only supported a small number of species: Creeping Buttercup, Broad-leaved Dock, Dandelion, Willowherbs and Yorkshire Fog. Some of the tufts of Pendulous Sedge were still present. See Fig. 4



Figure 4. Early colonisation of scraped ground, piles of brash

3.4 Scrub/Introduced Shrub

3.4.1 The Bamboo, previously noted in the earlier survey is still present along the eastern boundary. (See Fig. 5). However, the Snowberry and Raspberry/Loganberry appear to have been removed by the scrape.



Figure 5. Dense stand of Bamboo



- 3.4.2 The southern part of the site is mostly hard-standing, but scrub is developing around the bases of old walls and footings, as well as establishing amongst piles of rubble. The dominant species is *Buddleia davidii*, but the larger specimens have mostly been cut back/removed and left as brash on the hard standing.

3.5 Boundary hedges and trees

- 3.5.1 There is a short native hedge forming the western boundary of the vegetated part of the site. This has been maintained and supports a mix of Ash, Holly, Hawthorn and Sycamore. (See Fig. 6). The northern boundary is a mixed hedge containing Box, Hawthorn and Garden Privet (see Fig. 7). It is poor quality; very gappy and of low species diversity.
- 3.5.2 A number of mature trees are still present forming the northern boundary, and include Willow, Laurel, Leylandii and Hazel.



Figure 6. Short section of hedge along western boundary



Figure 7. Mixed hedging forming part of the northern boundary



3.6 Bare ground and Man-made structures

- 3.6.1 The southern section of the site predominantly consists of hard standing; the base of the former school buildings. Much of this part of the site has little or no vegetation, save for some scrub around the perimeter of the former yard area and the edges of the platforms. In between the bases of the buildings, are two rectangular areas which appear to be supporting dense patches of Pendulous Sedge, but this has been strimmed to the ground and possibly sprayed with herbicide (See Fig. 8).
- 3.6.2 Some areas of the yard now support Ephemeral/Short Perennial vegetation. Notably, there are two piles of spoil in the east of this area, which support a good number of species including Prickly Sow Thistle, Trefoil and Vetch spp., Cranesbill and Self-heal. (See Fig. 9)
- 3.6.3 The former yard area has boundary walls made of stone. These are generally in a reasonable state of repair, however where mortar has become unsound, Buddleia has established and weakened the structure in places.



Figure 8. Concrete base of former school buildings, with strimmed vegetation in foreground



Figure 9. Piles of spoil, colonised by Ephemeral/Short Perennial vegetation

3.7 Buildings and other significant features

- 3.7.1 A basement type building is still present on site (south-western most corner,) which is stone built, with boarded up doorways/louvres. See Fig. 10.



Figure 10. Former basement building



- 3.7.2 There are a number of piles of debris, rubble, rubbish and brash on site. Such features may support small mammal, birds, reptiles, and amphibians. See Fig. 11.



Figure 11. Piles of brick and other debris

3.7 Badgers

- 3.7.1 No evidence of Badger activity was found within the grassland or hedgerows/boundary vegetation and access into the site for foraging is somewhat restricted due to the fences and stone walls around much of the perimeter. There is no suitable foraging habitat present. However, grassland and woodland habitats are present less than 50m away.

3.8 Bats

- 3.8.1 There is a single building on the site which may have features likely to support bat roosts. It is partially subterranean, with solid stone walls and metal doors/louvres which have been boarded up. The hedgerow boundaries may provide flight lines and foraging opportunities for generalist species such as pipistrelle. N.B. The building was not accessed during this survey. A separate bat survey has been undertaken on this building.

3.9 Otters

- 3.9.1 No evidence of Otter activity was noted on site and there are no suitable habitats on or immediately adjacent to the site. However, the watercourse at Cwm Garnant is approximately 60m away, at the bottom of a very steep wooded valley.

3.10 Reptiles

- 3.10.1 The site still has a mosaic of habitats including areas of bare ground, with regenerating vegetation and some scrub cover (restricted to periphery of northern section). However, it is considered unlikely to be able to support a population of reptiles due to reduced prey availability (the vegetated spoil heaps will provide some prey but they are somewhat exposed, with little safe cover for foraging) Therefore, the site is considered to be unsuitable for supporting a breeding population of reptiles. However, there are features such as debris piles which may act as hibernation sites for animals inhabiting surrounding gardens.

3.11 Amphibians

- 3.11.1 No ponds or large areas of open water were present within the site, and therefore the habitat present was considered unsuitable to support a breeding population of amphibians however, there are features which may harbour terrestrial phase amphibians.

3.12 Hazel Dormouse

- 3.12.1 The trees, scrub and hedgerows were assessed for their suitability to support Dormice. Whilst there were plants species utilised by Dormice (Hazel, Honeysuckle, Bramble) these were low in frequency, also the arboreal connectivity of the site to larger areas of woodland is limited to just one point (NW corner). It is felt, therefore, that the site is unlikely to be suitable for Dormouse. There were no Dormouse records returned from the data search.

3.13 Water Voles

- 3.13.1 No suitable Water Vole habitat, such as ditches, streams, ponds or other suitable wetland habitats were present on site. Therefore, the habitat present was considered to be unsuitable to support Water Voles.

3.14 Birds

- 3.14.1 No birds were observed during the survey (weather conditions were poor). It is considered that the remaining peripheral trees, shrubs and hedgerows will provide nesting and foraging opportunities, however the remainder of the site is of limited habitat value for birds.

3.15 Invasive non-native species

- 3.15.1 There are a number of notable non-native species still evident on site currently. These are: Cotoneaster, Rhododendron (*Rhododendron ponticum*), Laurel sp., Bamboo, Box-leaved Honeysuckle (*Lonicera nitida*).
- 3.15.2 A number of these species are listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales therefore; it is an offence to plant or otherwise cause to grow these species in the wild.

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).

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.



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 Assessments on the Habitats & Species Identified During the Survey

4.3. Regenerating Vegetation (Semi-improved Neutral Grassland/Ephemeral/Short Perennial)

- 4.3.1 It is predicted that the remaining/regenerating vegetation is likely to only be slightly more species-rich than is evident at the time of survey and is limited in extent. It will provide limited forage for animals (especially invertebrates) and birds. With this in mind, the habitat value has been assessed as: **Negligible**

4.4 Hedgerows & boundary trees

- 4.4.1 The hedgerows/boundary features were considered to have some ecological interest; whilst not species-rich and somewhat defunct, will provide opportunities for local wildlife. The hedges are short in length and do not directly connect to other good quality native hedgerow. Overall, the hedgerows' value was assessed as: **Negligible**.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 The combination of desk and field surveys undertaken at the proposed development site identified that the majority of the area within the planning site boundary has **Negligible** ecological value.

5.2 Habitats on site

- 5.2.1 In terms of the site's ecological potential, the hedgerows and trees are currently the most ecologically valuable habitat on site. Native hedges should be augmented with native tree saplings to close canopy gaps, and then managed appropriately for wildlife. Suitable Root Protection Zones must be marked and protected before start of construction.
- 5.2.2 Nectar provision currently provided by the ephemeral/short perennial growth which has regenerated on the spoil heaps can be mitigated for by way of native and pollinator friendly planting.

5.3 Protected species

5.3.1 Birds

The trees/shrubs in the northern part of the site, together with hedges and the building, all constitute bird habitat. 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.

5.3.2 Reptiles & Amphibians

The site is considered suitable for harbouring terrestrial phase amphibians and hibernating reptiles. Therefore, it is felt that a **Reptile & Amphibian Mitigation Strategy** would be required to minimise impacts during site preparation and development. This should include details of methods such as habitat manipulation/hand clearance and hibernaculum creation/habitat retention.

5.3.3 Bats

The only remaining building on site has had a recent **bat survey (I&G Ecological Consulting Ltd)** which returned a negative result for presence/suitability.

5.4 Non-Native Invasive Plants (Schedule 9)

5.4.1 There are several non-native invasive plants on site, all of which require eradication, in advance of site preparation. A suitable Treatment Strategy should be agreed with the Planning Authority as part of any Planning Application.

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

5.5.1 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.

5.5.2 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.

5.5.3 In order to *enhance* the site for biodiversity, additional and/or superior planting can provide improved habitat; it is recommended that the planting and aftercare of new native hedges and majority native shrub planting is in accordance with the Landscape Management Plan & Soft Landscape proposals (DP Landscape Architecture Nov. 2021) provided to support this application. Additionally, the existing native hedge should be interplanted (gapped up) with native trees and managed appropriately for wildlife.

5.5.4 New buildings will include artificial habitats such as bat bricks/boxes, bird boxes/bricks or Swift/Swallow cups as appropriate; the details of which should be agreed with the LA ecologist. Additionally, access gaps will be created in all garden boundaries and dividing walls/fences to allow free movement of small mammals such as Hedgehogs.

- 5.5.5 All non-native Invasive species will be removed from site following agreed methodology, to limit such species spreading to the wild.

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 [Countrywide 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.

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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.

Advice in this report is based on the judgement of I&G Ecological Consulting and the interpretation of data gathered during the course of their survey on the property named in this document.

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9. Representative Species List

Semi-improved Neutral Grassland

Species	Frequency
Broad-leaved Dock – <i>Rumex obtusifolius</i>	O
Cock's-foot - <i>Dactylus glomerata</i>	A
Creeping Buttercup - <i>Ranunculus repens</i>	F
Common nettle - <i>Urtica dioica</i>	F
Dandelion - <i>Taracum agg.</i>	O
Pendulous sedge - <i>Carex pendula</i>	R
Willowherb spp. - <i>Epilobium</i> spp.	A
Yorkshire Fog - <i>Holcus lanatus</i>	O

Ephemeral/short perennial

Species	Frequency
Autumn Hawkbit – <i>Leontodon autumnalis</i>	O
Barren Strawberry – <i>Potentilla sterilis</i>	F
Broad-leaved Dock – <i>Rumex obtusifolius</i>	O
Common Fleabane – <i>Pulicaria dysenterica</i>	O
Common Knapweed - <i>Centaurea nigra</i>	R
Common Ragwort – <i>Senecio jacobaea</i>	O
Creeping Buttercup - <i>Ranunculus repens</i>	F
Dove's-foot Crane's-bill – <i>Geranium molle</i>	F
Hemp Agrimony – <i>Eupatorium cannabinum</i>	O
Prickly Sow Thistle – <i>Sonchus oleraceus</i>	F
Red Clover – <i>Trifolium pratense</i>	F
Ribwort Plantain – <i>Plantago lanceolata</i>	O
Selfheal – <i>Prunella vulgaris</i>	O
Trefoil sp. – <i>Trifolium</i> sp.	F
Vetch sp. – <i>Vicia</i> sp.	F
White Clover – <i>Trifolium repens</i>	F
Willowherb spp. - <i>Epilobium</i> spp.	O

Hedgerows (and other boundary trees)

Species	Frequency
Ash - <i>Fraxinus excelsior</i>	F
Hawthorn - <i>Crataegus monogyna</i>	F
Hazel - <i>Corylus avellana</i>	O
Holly - <i>Ilex aquifolium</i>	O
Ivy - <i>Hedera helix</i>	O
Leylandii	O
Sycamore - <i>Acer pseudoplatanus</i>	R
Willow spp. - <i>Salix</i> spp.	R



Scrub (including introduced Shrub)

Species	Frequency
Bamboo - <i>Bambuseae</i>	F
Bramble – <i>Rubus fruticosus</i> agg.	O
Buddleia - <i>Buddleia davidii</i>	F
Cotoneaster - <i>Cotoneaster</i> sp.	R
Laurel – <i>Prunus Laurocerasus</i>	O
Rhododendron – <i>Rhododendron ponticum</i>	O

10. SEWBreC Data Search

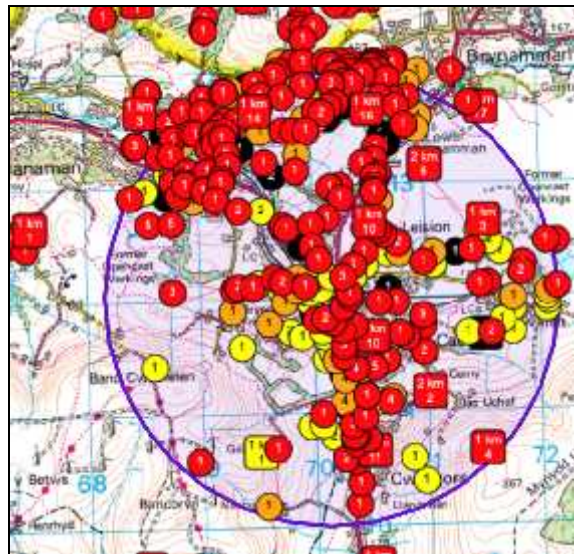


Figure 12. SEWBreC Priority Species Data Search 7th December 2021

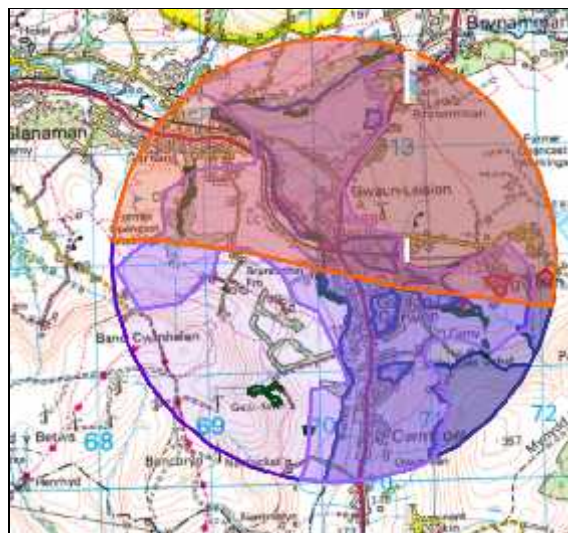
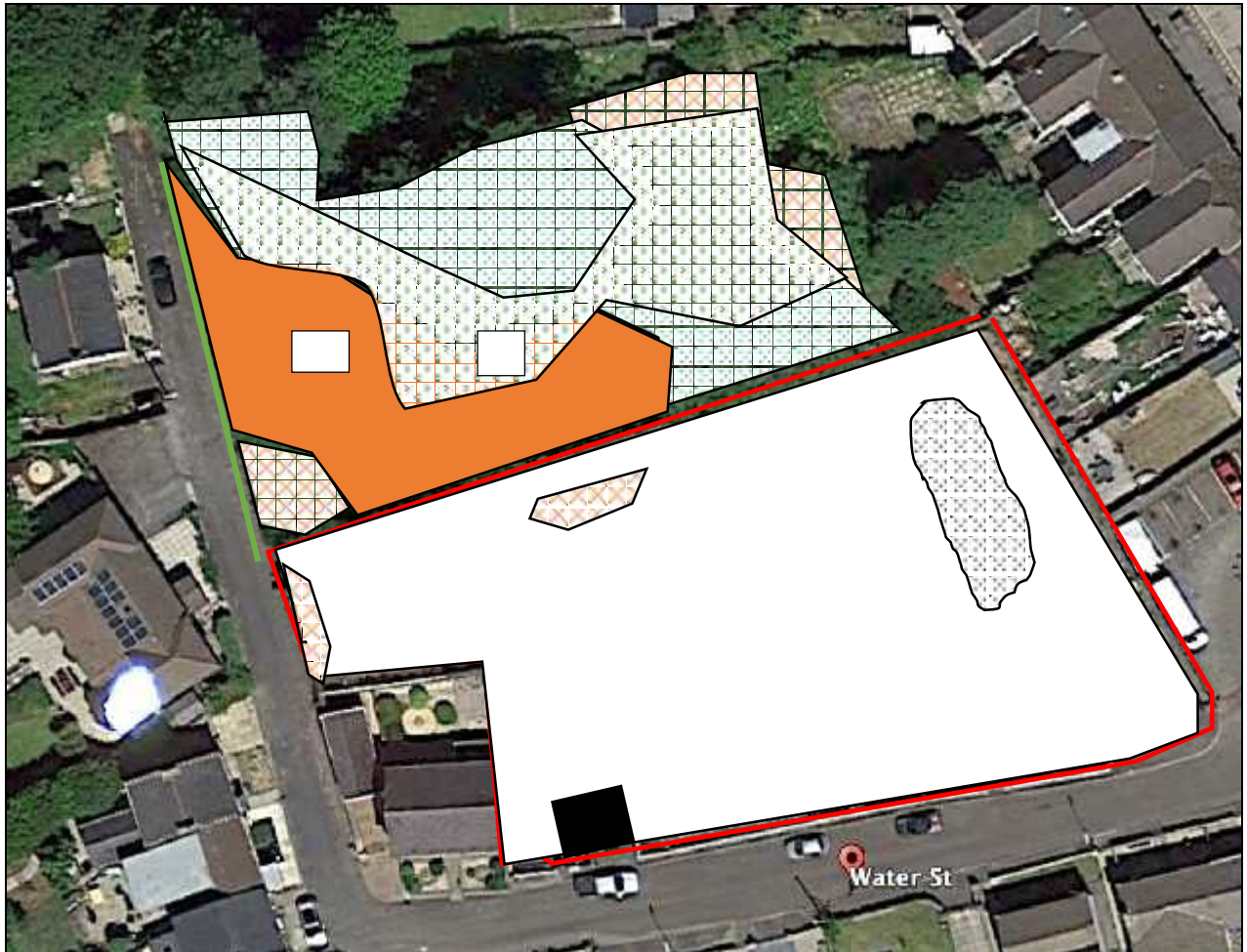


Figure 13. SEWBreC Protected Sites Data Search 7th December 2021



11. Phase 1 Plan

The northern, more vegetated portion of the site has been cleared and brash piles left. For ease of reference, the former Phase 1 Plan has been retained, with the additional Ephemeral/Short Perennial habitat mapped in the eastern part of the former yard.



Key:

Colour	Code	Description
	A3.3	Scattered trees. mixed
	J1.4	Introduced shrub
	B2.2	Semi-improved grassland
	J3.6	Buildings
F	A4	Recently felled woodland/trees
	A2.2	Scattered scrub
	J1.3	Ephemeral/S.Per
	J5	Other habitat - hard standing
	J2.1.2	Intact native spp. poor hedge
	J2.5	Wall

